

Crown Forestry Rental Trust

Taihape Inquiry District: Technical Research Programme

Sub-district block study – southern aspect

CFRT 2359

By

T.J. Hearn

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Table of contents

The author	9
Introduction	10
The investigation: procedure	11
The investigation: methodology	11
The structure of this report	12
Spellings and abbreviations	12
 Chapter 1: The Taihape Inquiry District	
1.1. Introduction	15
1.2. Existing literature	15
1.3. Iwi interests	17
1.4. The advent of the pastoralists	19
1.5. The investigation of titles	24
1.6. The alienation of lands owned by Maori: the legal framework	25
1.6.1. The Native Lands Acts 1862, 1865, and 1873	25
1.6.2. The Immigration and Public Works Act 1870	28
1.6.3. The Government Native Land Purchases Act 1877 and the Native Land Amendment Act 1877	29
1.7. Crown land purchasing in the southern North Island	31
1.7.1. Crown land purchasing in the Manawatu-Rangitikei- Turakina region to c.1870	32
1.7.2. Crown land purchasing in the Whanganui region c.1870 to c.1885	33
1.7.3. Crown land purchasing in the Taihape Inquiry District (southern portion)	37
1.8. Private land purchasing after 1870	38
1.9. Conclusions	39
 Chapter 2: Otamakapua	
2.1. Introduction	42
2.2. Otamakapua 1: two title investigations – June 1870 and May-June 1880	43
2.3. Early Crown efforts to acquire Otamakapua and an exchange of letters	45
2.4. The manoeuvring intensifies	51
2.5. Private ‘speculators’ eye Otamakapua 2	56
2.6. Otamakapua 2: the pre-hearing manoeuvring	58
2.7. Otamakapua 2: title investigation, September-October 1879	63
2.8. Naming the grantees	66
2.9. Ngati Apa seeks a re-hearing	68
2.10. Walter Buller and his fees	71
2.11. Securing signatures	75
2.12. Ngati Apa petitions Parliament	89
2.13. The partitioning of Otamakapua 2	93
2.14. Utiku Potaka’s claim for ‘surplus land’	109
2.15. Otamakapua 2A, 2B, and 2C	112
2.16. The partitioning of Otamakapua 1	113

2.17. Otamakapua in 1891 and 1907	116
2.18. Crown purchases in Otamakapua 1	117
2.18.1. Otamakapua 1H	118
2.18.1.1. Otamakapua 1H1	118
2.18.1.2. Otamakapua 1H2	119
2.18.1.3. Otamakapua 1H3	120
2.18.1.4. Otamakapua 1H4	120
2.18.1.5. Otamakapua 1H5	120
2.18.1.6. Otamakapua 1H6	121
2.18.2. Otamakapua 1J	121
2.18.2.1. Otamakapua 1J1A	122
2.18.2.2. Otamakapua 1J1B	122
2.18.2.3. Otamakapua 1J1C	122
2.18.2.4. Otamakapua 1J1D	123
2.18.2.5. Otamakapua 1J2	123
2.18.3. Otamakapua 1N	124
2.18.4. Otamakapua 1H	125
2.19. Private purchases in Otamakapua 1	127
2.19.1 Otamakapua 1A or ‘McGregor’s block’	127
2.19.2. Otamakapua 1D	130
2.19.3. Otamakapua 1E	130
2.19.4. Otamakapua 1F	130
2.19.4.1. Otamakapua 1F1	131
2.19.4.2. Otamakapua 1F2	131
2.19.5. Otamakapua 1K	131
2.19.6. Otamakapua 1M	134
2.19.7. Otamakapua 1N	134
2.20. Otamakapua blocks ‘europeanised’ or declared to be ‘general’ land	134
2.21. Otamakapua blocks still in Maori ownership	135
2.22. Summary	136

Chapter 3: Paraekaretu

3.1. Introduction	139
3.2. The ‘Upper Turakina Rangitikei block,’ 1869	139
3.3. Title investigation, 1871	141
3.4. The Crown acquires Paraekaretu	143
3.5. The Ngati Apa reserves	145
3.6. Aperahama testifies	146
3.7. Summary	147

Chapter 4: Otairi

4.1. Introduction	150
4.2. Early Crown interest in Otairi	150
4.3. Title investigation	154
4.4. Setting aside reserves	158
4.5. The Crown abandons the purchase of Otairi	160
4.6. The award to the Crown	162
4.7. The partitioning of Otairi, 1881-1882	164
4.8. Apportioning survey costs	165

4.9. Otairi 3 and 4	167
4.10. Private sales, 1881-1882	168
4.11. Otairi after 1882	171
4.12. The partitioning of Otairi 1C and 1D	172
4.12.1. Otairi 1C	173
4.12.2. Ohingaiti	173
4.12.3. Pouwhakarua	174
4.12.4. Koraenui	180
4.13. Summary	181

Chapter 5: Taraketi

5.1. Introduction	184
5.2. Title investigation	184
5.3. Partitioning Taraketi 1897-1909 and pre-1910 alienations	185
5.4. The Native Land Commission 1907	190
5.5. Taraketi 1	191
5.6. Taraketi 2	194
5.7. Declaring land to be general land	197
5.8. Summary	198

Chapter 6: Mangaoira Ruahine

6.1. Introduction	201
6.2. Title investigation	201
6.3. Crown purchase	202
6.4. Summary	203

Chapter 7: Rangatira

7.1. Introduction	206
7.2. Crown interest in Rangatira	206
7.3. Title investigation	209
7.4. The Rangatira judgment	219
7.5. Subdividing Rangatira	220
7.6. Post-title sales	224
7.7. Summary	224

Chapter 8: Ohaumoko

8.1. Introduction	227
8.2. Title investigation	227
8.3. The Trust Commissioner investigates	227
8.4. Ohaumoko passes into private ownership	230
8.5. Summary	231

Chapter 9: Otumore

9.1. Introduction	234
9.2. Title investigation	234

9.3. The 1907 petition	237
9.4. Partition and an alleged shortage of area	238
9.5. The Crown acquires Otumore	239
9.6. Summary	242
Chapter 10: Waitapu	
10.1. Introduction	245
10.2. Re-surveying the boundary	246
10.3. Manoeuvring for position: Waitapu and Otamakapua	247
10.4. The Crown acquires Waitapu	249
10.5. Kawana Hunia presses his claim	253
10.6. Summary	255
Chapter 11: Crown purchasing in the southern Taihape Inquiry District: an assessment	
11.1. Introduction	257
11.2. The Native Land Court and title investigations	258
11.3. Pre-title advances	259
11.3.1. Criticising the practice	260
11.4. Negotiating purchases	264
11.5. Enlisting assistance	265
11.6. Excluding competitors	266
11.7. On the matter of price	269
11.8. Proving ownership: the costs	274
11.9. Limiting owners	275
11.10. Obtaining redress	276
11.11. Ensuring a ‘sufficiency of land’	277
11.12. Crown purchasing under the Native Land Act 1909	282
11.13. Conclusions	282
Index to supporting Documents	284
Bibliography	287

List of tables

Chapter 1: The Taihape Inquiry District

Table 1.1. Titles of blocks, southern section, Taihape Inquiry District	24
Table 1.2. Crown land purchases in Wellington Province, 1839-1876	32
Table 1.3. The Crown's land purchases in the Taihape Inquiry District, southern portion, by block and area purchased, 1872 to 2000	38

Chapter 2: Otamakapua

Table 2.1. Otamakapua 2: proposed allocation of land and state of purchase, April 1884	103
Table 2.2. Hapu, acres, and monies: Otamakapua 2, 1884	105
Table 2.3. The partitioning of Otamakapua 1, 1894 and 1895	115
Table 2.4. The disposition of lands owned by Maori in Otamakapua, 1908	117
Table 2.5. The Crown's acquisitions in Otamakapua 1, 1910 to 1915	118
Table 2.6. The partition of Otamakapua 1H, 1911	119
Table 2.7. Portions of Otamakapua still in Maori ownership, November 1929, according to the Department of Native Affairs	126
Table 2.8. The partition and subsequent history of Otamakapua 1A	130
Table 2.9. Otamakapua blocks declared to be general land	135
Table 2.10. Otamakapua blocks remaining in Maori ownership	135

Chapter 4: Otairi

Table 4.1. Advances made by the Crown in respect of Otairi up to May 1880	153
Table 4.2. The partitioning of Otairi, 1881-1882	165
Table 4.3. The apportionment of survey costs of Otairi 1	166
Table 4.4. Survey liens registered against Otairi as prepared by the Chief Surveyor, Auckland, December 1882	166
Table 4.5. The disposition of lands owned by Maori in Otairi, 1908	172
Table 4.6. The subdivision of Otairi 1C and 1D, 23 August 1884	172
Table 4.7. The partitioning of Otairi Part 1D or Ohingaiti	174
Table 4.8. The partitioning of Otairi Part 1D or Pouwhakarua	175

Chapter 5: Taraketi

Table 5.1. The 1907 lease of Taraketi	187
Table 5.2. The disposition of lands owned by Maori, Taraketi, 1908	190
Table 5.3. Taraketi 1: partitions and status, 1907 to present day	191
Table 5.4. The sale of Taraketi 1E1B, 1929	193
Table 5.5. Taraketi 2: partitions and status, 1907 to present day	194
Table 5.6. Taraketi blocks 'europeanised' or declared to be general land	197

Chapter 7: Rangatira

Table 7.1. Owners proposed and approved for Hapopo, 1882	223
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Chapter 9: Otumore

Table 9.1. Otumore partition: original, apportioned, and compiled areas	240
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Chapter 11: Crown purchasing in the southern Taihape Inquiry District: an assessment

Table 11.1 Native Land Court: title investigation costs, where known	275
Table 11.2. Reserves and lands held as inalienable, 1886	279

List of maps

Figure 1	Taihape Inquiry District	14
Figure 2	Otamakapua: Major land transactions by 2010	41
Figure 3	Paraekaretu: Major land transactions by 2010	138
Figure 4	Otairo: Major land transactions by 2010	149
Figure 5	Taraketi: Major land transactions by 2010	183
Figure 6	Mangoira: Major land transactions by 2010	200
Figure 7	Ranagtira: Major land transactions by 2010	205
Figure 8	Ohaumoko: Major land transactions by 2010	226
Figure 9	Otumore: Major land transactions by 2010	233
Figure 10	Waitapu: Major land transactions by 2010	244

The author

Dr Terry Hearn prepared this report for Dinda Consultants Limited. Research assistance was provided by Suzanne Woodley (Wellington).

Suzanne has a Bachelor of Arts with Honours in History from Victoria University of Wellington. She was formerly a research officer at the Waitangi Tribunal and has worked as a project manager and senior archivist at the National Archives (formerly Public Record Office), London. Since May 2005 she has provided research consultancy services to various bodies within the Treaty claims sector.

Terry Hearn is an historical researcher and report writer. He holds a Master of Arts (1 Hons) in Geography and a PhD from the University of Otago. From 1990 to 1995 he was Head of the Distance Teaching Unit, University of Otago, and from 1996 to 2000 the Historian of British Immigration in the Ministry for Culture and Heritage. Since 2001 he has contributed to eight major technical research programmes dealing with claims lodged under the Treaty of Waitangi.

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All remaining inconsistencies and errors of omission and commission are claimed by the author as his own.

Introduction

The terms of reference for this report required the investigator ‘to provide an analytical history’ of the master blocks in the ‘southern aspect’ of the Taihape Inquiry District. The blocks are listed as:

- Mangaoira
- Otairi
- Otamakapua
- Otumore
- Taraketi
- Waitapu
- Parae Karetu
- Rangatira
- Ohaumoko

For each block the investigator was directed to ‘detail and analyse the effects of Crown policy, practice, and legislation concerning Maori-owned land from 1840 to [the] present. This would include but not be limited to:

- Pre-1865 Crown or private leases and purchases;
- Native Land Court title investigations, hearings;
- Native/Maori Land Court partitions and alienations;
- Protests or appeals by tangata whenua;
- Crown and private leasing and purchasing post-1865;
- Maori Land Board (1909-c1930) acquisitions;
- Consolidation, aggregation, amalgamation, and other title activity;
- Public works acquisitions
- Conservancy and resource-based acquisitions;

- Land gifted by Maori within the Inquiry District;
- Any other major events, partitions, and alienations;
- Any issues specific to individual blocks.

The investigation: procedure

The investigation of which this report is the product proceeded through several steps. The *first* was to review all the *Statements of Claim* to establish the land related matters of primary concern to claimants. The *second* step involved accumulating and analysing all the relevant published statistical data. The *third* step comprised a survey of the relevant newspapers in an effort to establish both Maori and Pakeha opinions on and approaches to block-related issues of moment, and to supplement the *Minute Books* of the Native Land Court, a task greatly simplified by *PapersPast*. The *fourth* step was to survey the secondary literature, both regional and national. The *last* and major step was to examine the archival record in both Archives New Zealand and the Alexander Turnbull Library.

The investigation: methodology

The primary method employed in this investigation is that of source criticism or critical textual analysis in which multiple primary sources are consulted and compared in order to arrive at an understanding of a past event or series of events. Prime importance is attached to the use of primary source materials, the assumption being that they are more likely to depict accurately the nature and course of events, always taking into account who created the materials and the reasons they were created. Prime importance is also attached to the comparison of primary materials, the assumption being that the stronger the measure of agreement amongst them the more accurate their depiction of events is likely to be. In practice, this report relies upon the careful and comparative use of (a) the proceedings of the Native Land Court as recorded in its *Minute Books*; (b) the files created by the Crown, themselves containing materials of diverse provenance; (c) private correspondence and related records; (d) reports published in contemporary newspapers; and (e) secondary materials.

The structure of this report

This report consists of an introductory chapter that sets out some of the background to and examines some of the issues and themes that shaped the history of the blocks. Crown land purchasing in the southern section of the Taihape Inquiry District formed part of a larger Crown drive initiated in 1871 to acquire land in the Whanganui and wider Taihape Inquiry Districts. The following nine chapters examine in turn each of the nine blocks that the southern section of the Taihape Inquiry District embraced. These chapters are arranged according to the sequence in which the blocks were first brought before the Native Land Court. The greatly varying history of these blocks means that the chapters vary considerably in length. A final chapter seeks to draw together and to offer a general assessment of the evidence relating to Crown purchasing in the Taihape Inquiry District.

Spellings and abbreviations

The spelling of Maori proper and place names varies considerably throughout the sources employed in this inquiry. Where possible these were checked, but it is acknowledged that errors and inconsistencies may remain.

The following abbreviations are employed:

JHR: Appendices, Journals of the House of Representatives

AJLC: Appendices, Journals of the Legislative Council

NZPD: New Zealand Parliamentary Debates

Chapter 1

The Taihape Inquiry District

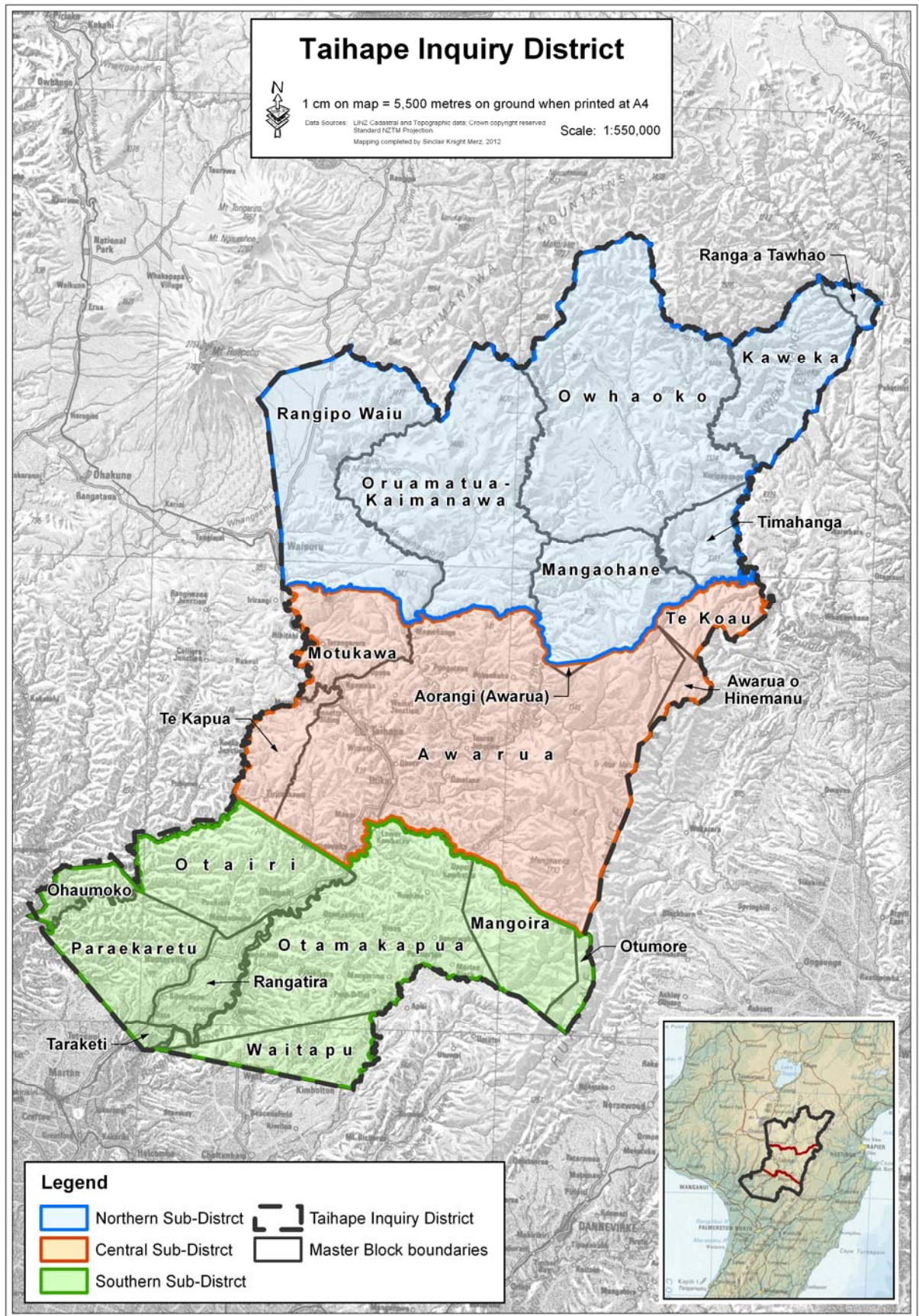


Figure 1: Taihape Inquiry District

1.1. Introduction

1.1. Chapter 1 constitutes an introduction to the ten chapters that follow. It offers a brief review of the existing literature, outlines briefly iwi interests in the region so far as they have been described, and describes the arrival of pastoralists and the first steps in the commodification of land held under customary tenure. It then considers briefly the course of Maori land law over the period of major importance and interest, namely 1862 to 1885, outlines the course of title investigation, and describes the course and scale of Crown and private land purchasing. On the basis thus established, each of the following chapters offers an account of one of the nine blocks that make up the southern section of the Taihape Inquiry District.

1.2. Existing literature

2.1. None of the regional or district histories of the Rangitikei district offers any useful discussion of the transfer of land from Maori into settler ownership. In his *Early Rangitikei*, Wilson makes little more than brief (and undocumented) reference to the alienation of some of the southern Taihape blocks.

2.2. The reports prepared for Treaty settlement purposes either offer general accounts of the Wellington region or deal largely with Ngati Apa interests. Among the former are the surveys by Jane Luiten and Robyn Anderson and Keith Pickens.¹ With the exception of the Rangitikei-Manawatu purchases, Luiten dealt with the Crown's acquisitions prior to the advent of the Native Land Court.² The report deals with the Rangitikei-Turakina purchase of 1849 and Featherston's acquisitions of the 1860s, but otherwise deals minimally with the upper Rangitikei.

2.3. In 1999 Fiona Small prepared a report entitled the *Ngati Apa blocks west of Rangitikei-Manawatu*. She recorded that following the Native Land Court awards

¹ Robyn Anderson and Keith Pickens, *Wellington district: Port Nicholson, Hutt Valley, Porirua, Rangitikei, and Manawatu*. Wellington, 1996.

² Jane Luiten, *Whanganui ki Porirua*. Wellington, 1992.

made in December 1871, June 1880, and August 1882, Ngati Apa were awarded interests in Paraekaretu, Otairi 3, and Rangatira, but not in Otamakapua. She also suggested that the apparent failure of Ngati Apa to share with Ngati Hauiti the proceeds from the sale of Paraekaretu engendered a breakdown of relationships between the two iwi and an enduring rivalry over the ownership of other blocks. Further, she suggested that at times members of Ngati Apa would claim land under Ngati Hauiti ancestral links: Aperahama Tipae was the principal Ngati Apa negotiator for Paraekaretu and Rangatira, but with respect to Otairi and Otamakapua chose to identify with his Ngati Hauiti whakapapa. Crown purchase agents, she concluded, exploited such divisions as well as any differences within iwi over sales to the Crown. Finally, Small recorded that the Crown endeavoured to acquire Paraekaretu, Otairi, and Rangatira by awarding advances to putative owners in advance of title investigations and determinations, a procedure which succeeded in the case of Paraekaretu, partially succeeded in the case of Otairi, but which failed in the case of Rangatira. Private purchasers also made advances to potential grantees, notably during the period of Booth's suspension as Crown land purchase officer in 1878.³

2.4. Also in 1999, Peter McBurney prepared a report on four Ngati Apa blocks, among them, Ohaumoko. He dealt with the location of the block, the investigation of title, its lease, the dispute over the survey of the block, and its partition and sale.⁴ Finally, Paula Berghan, in 2003, prepared a brief narrative for Waitapu.⁵

2.5. In a report prepared for Ngati Apa, O'Malley listed Ngati Apa land interests as Paraekaretu (including Paraekaretu sections 126, 127, and 130), Rangatira, and Ohaumoko. His source was Small. He noted that Ngati Apa's land interests were calculated on the basis of awards made by the Native Land Court although the iwi claimed customary interests in a significantly larger area, claims which were not recognised by the Native Land Court.⁶ Prominent among such claims were the Otamakapua and Rangatira blocks.

³ Fiona Small, *Ngati Apa blocks west of Rangitikei-Manawatu*. Wellington, 1999, pp.4-5.

⁴ Peter McBurney, *Ngati Apa blocks additional to the Ngati Apa reserve blocks*. Wellington, 1999, pp.9-40.

⁵ Paula Berghan, *Block research narratives for Aorangi & Waitapu 1873-1930*. Wellington, 2003.

⁶ Vince O'Malley, 'A marriage of the land?' *Ngati Apa and the Crown, 1840-2001: an historical overview*. Wellington, 2005.

1.3. Iwi interests

3.1. A comprehensive analysis of iwi interests in the Taihape Inquiry District is being undertaken as part of the Taihape Inquiry District technical research programme. Among other things, that inquiry will seek to establish the origins of the iwi and hapu of the district, whakapapa, and patterns of land occupation and resource use. This section therefore does no more than note briefly such information as is available as a background, however imperfect and incomplete, to the keen and occasionally bitter contest for ownership of land which emerged following the advent, during the late 1860s, of Pakeha and Crown interest in the district.

3.2. Diana Morrow set out to reconstruct iwi interests in the Manawatu over the period from c.1820 to c.1910. She focused on certain aspects of inter-iwi and iwi-Crown relationships with a view to establishing ‘the identity and relationship of hapu/iwi groups, their settlement and land use patterns, and matters of land alienation, as well as Native Land Court findings re hapu/iwi interests in the region.’ Part I of the report offers detailed accounts of the Aorangi/Oroua, Manawatu-Kukutauaki, Otamakapua, Mangoira Ruahine, and Otumore blocks, while Part II investigates specific questions relating to the Te Awahou, Te Ahuaturanga, Rangitikei-Manawatu, Himatangi, and Waitapu blocks. The report also touched upon the alienation of at least some of the blocks involved, including sales to both the Crown and private individuals.

3.3. Rather more is known of Ngati Apa’s interests in the Taihape Inquiry District. Huwyler (of Ngati Apa) noted that, in respect of the district he named as ‘Central Rangitikei,’ Ngati Apa claimed all or part of the lands named as Rangatira, Rangatira Hapopo, Otairi, Tapui, Taraketi, Paraekaretu, and Tapuaeharuru, and that such claims to manawhenua centred on the Rangitikei River. The northern section of the takiwa, he noted, was visited seasonally for food gathering purposes, while towards the southern reaches of both Rangatira and Otamakapua and the Taraketi block extending down the Rangitikei River to the Takahanga Pounamu block was a general area of permanent and semi-permanent occupation, the former being maintained by Ngati

Tupataua and Ngati Tupua.⁷ Huwyler described Ngati Rangiwhaiao, whose active members during the 19th century included Aperahama Tipae, Heremaia Te Hauparoa, and Hori Te Rangiao, as the hapu for Paraekaretu and Rangatira. Ngati Tupataua was ‘a significant hapu that occupied the southern section of the Central Rangitikei rohe,’ its members including Matiaha, Utiku Marumaru, and Kiriona Te Piki.⁸ Ngati Koko claimed Taraketi through ancestry and occupation, while Aperahama Tipae named the hapu as having interests in Paraekaretu.⁹

3.3. Huwyler acknowledged that the interests of Ngati Rangiwhaiao and Ngati Koko, especially those of the latter, were strongly contested and indeed both hapu ‘were said to have been linked to Ngati Hauiti.’ He went on to record that:

Ngati Apa and the people of Mokai Patea, in particular Ngati Hauiti, endured long periods of conflict stemming from the times of Hauiti and Pukeko. One motive for this fighting was the assertion of Manawhenua of the Central Rangitikei takiwa. The northern extent of this takiwa claimed by Ngati Apa was subject to counter claim by the people of Ngati Hauiti. This issue was compounded by ongoing feuds fuelled by the requirement to seek retribution for past losses and perceived insults. It appears that neither side fully dominated the other so both sides maintained an interest in the area. Fighting between these groups continued until a concerted effort was made to bring peace. To achieve this Ruta Kau from Ngati Te Upokoiro and Ngati Hauiti was married to Kawana Hunia Te Hakeke. To symbolise the significance of this marriage, Hunia’s father Te Hakeke gifted Ruta Kau and her family land at Te Houhou which subsequently became the Taraketi block.¹⁰

3.4. Ngati Apa, according to Huwyler, abandoned kainga and cultivations on the middle and northern sections of the takiwa upon conversion to Christianity. Ngati Hauiti, on the other hand, remained on Taraketi thereby creating:

... the impression that inland of Taraketi is Ngati Hauiti land ... In subsequent Land Court cases, this lead [sic] to Ngati Hauiti making successful claims to other portions of the takiwa other than what they were gifted including Rangatira and the portion of Otamakapua lying south of the Mangamako Stream. Furthermore it allowed Ngati Pikiahu and Ngati Waewae to enter the takiwa.¹¹

⁷ Grant Huwyler, *Ngati Apa manawhenua report*, p.40. Huwyler drew the bulk of his evidence from the *Minute Books* of the Native Land Court.

⁸ Grant Huwyler, *Ngati Apa manawhenua report*, p.41.

⁹ Grant Huwyler, *Ngati Apa manawhenua report*, p.44.

¹⁰ Grant Huwyler, *Ngati Apa manawhenua report*, pp.45-46.

¹¹ Grant Huwyler, *Ngati Apa manawhenua report*, p.48.

The two latter were hapu of Ngati Tuwharetoa and occupied Te Reureu, an area gifted by Ngati Apa and an arrangement sealed by the marriage of Te Tokoroa o Maui to a daughter of Panapa of Ngati Apa.

3.5. Morrow noted that the considerable degree of multiple iwi/hapu affiliation in the Manawatu region led one Native Land Court judge to note that such a ‘wide family circle’ made ascertaining land interests particularly fraught. The complexity was no less in the Taihape Inquiry District where Ngati Hauiti, Ngati Apa, Ngati te Upokoiri, Whanganui and others jostled and competed for legal ownership of the land.

1.4. The advent of the pastoralists

4.1. Among the first Pakeha land seekers in the Rangitikei district were the pastoralists. Patterson recorded that, locked out of the New Zealand Company’s Port Nicholson settlement, from 1844 pastoralists and their stock began moving into the Wairarapa and up the west coast from Porirua, each negotiating lease terms with Maori. Within the short space of 15 years, he recorded, ‘isolated pastoral cantonments were the characteristic units of settlement in the southern North Island out-districts, ie. the lands beyond the first settlement, and the subsidiary settlement at Wanganui.’¹² Total sheep grazed in the southern North Island rose from about 5,000 to over 1.2 million in the period from 1843 to 1876.

4.2. Patterson divided the period from 1840 to 1855 into three sub-periods: the first extended from 1840 to 1844, the second from 1844 to 1850, and the third from 1850 to 1855. During the second period, otherwise termed the ‘Illegal leaseholds sub-phase,’ pastoralists and their stock moved slowly up the west coast to reach Lake Horowhenua by 1846 before pushing northwards and leasing land from Maori. The requirement of the Native Land Purchase Ordinance 1847 that any purchase or lease of lands owned by Maori required the express permission of the Colonial Government was ignored, pastoralists and Maori reaching their own leasing arrangements.

¹² B.R. Patterson, ‘Laagers in the wilderness: the origins of pastoralism in the southern North Island districts, 1840-1855,’ *Stout Centre Review* April 1991, p.3.

4.3. The withdrawal of the New Zealand Company in 1850 allowed the Colonial Government an opportunity to regulate pastoralism. The Crown Lands Amendment and Extension Ordinance 1851 contained a set of ‘Rules and regulations for the issue of pasture and timber licences for the occupation of the waste lands of the Crown outside hundreds.’ The Crown’s efforts to acquire large blocks of land also allowed it to control the pastoralists. Within a few weeks of promulgation, illegal occupiers, including 17 from the Rangitikei district, lodged 53 applications for pastoral licences. Patterson noted that the 1851 Ordinance was a holding measure, no serious attempt being made to define run boundaries and acreages. Amended regulations were issued in 1855 and the Rangitikei district was set out in seven runs of between 1,800 and 20,000 acres.

4.4. Full details of the pastoral runs established in the southern section of the Taihape Inquiry District are difficult to establish. An 1856 return prepared for the Wellington provincial Government listed eight sheep owners for the ‘Wanganui, Turakina, and Rangitikei’ districts. Among them were Charles Cameron of Turakina and W.J Swainson of Rangitikei.¹³ In 1863, in a *Return of Europeans occupying Native land in the Northern Island of New Zealand*, RM Walter Buller reported, with respect to the Manawatu district, that ‘It is a well known fact that almost the whole of the native land lying between the Manawatu and Rangitikei Rivers is in the occupation of European stockowners, who hold it under lease from the native owners; but to get at the particulars asked for ... is simply impracticable.’¹⁴ Buller did prepare some details for an amended return of *Persons occupying Native land* published in 1864, but the information offered remained sketchy. Thus Thomas Cook in 1861 leased 20,000 acres ‘From the sea-beach midway between the Manawatu and Rangitikei Rivers to the Oroua River.’ the owners were drawn from Ngati Apa and Ngati Raukawa. William Swainson, John Jordan, and Joseph Jordan in 1861 leased 9,000 acres ‘On Oroua plains, five miles from the S. bank of the Rangitikei River.’ This run was taken up originally by Donald and Duncan Fraser.¹⁵

¹³ Wellington Provincial Council, *Votes and Proceedings, Session IV, 1856*, Council Paper.

¹⁴ AJHR 1863, E16, p.15.

¹⁵ Donald Fraser was born in Coron, Argyle on Loch Linne in 1835. He arrived in Wellington in 1840, purchased land in the Rangitikei-Manawatu block about 1850, and from 1852 lived at Pukehou. He died in 1917 at the age of 82. See *Wanganui Chronicle* 6 August 1917.

4.5. In 1863 John W. Marshall leased 500 acres from ‘Utiku, Ngatiapa; the representatives of Moroati, Ngatiapa.’ The land was located on the ‘N. Bank of the river Rangitikei ...’¹⁶ Stirling noted that in January 1865 ‘Potaka’ arranged for a lease of Otamakapua lands to George Rees by which ‘o te hapu Ngatiteao – Ngati Hinemanu’ agreed to allow Rees to occupy the land from 1866 to 1887.¹⁷ In June 1865 the same (it is presumed) George Cornelius Rees of Rangitikei wrote to Donald McLean enclosing a copy of an agreement reached with ‘an old chief named Potaka’ for ‘a tract of land on the eastern bank of the Rangitikei [River] about midway between this (Major Marshall’s) and the clear country of Patea,’ the area estimated at between 40,000 and 60,000 acres. Rees went on to note that:

All the principal natives over this way, who have a claim on the said land, are agreeable that I should rent it of [*sic*] them but it seems that Renata Kawepo ... has the pre-eminence and is not willing that the land should be entered upon by any European – I imagine from distrust.¹⁸

Rees asked McLean to intervene with Kawepo on his behalf. Whether he did so and with what outcome are not known, although it does not appear that Rees took up the land which a sketch map showed as bounded by the Rangitikei River, the Oroua River, and the Kawhatau Stream.¹⁹

4.6. In 1869 S.M. Curl and William Marshall secured 21-year leases over a portion of Otamakapua, the former paying £100 and the latter £15 per annum.²⁰ Dr Samuel Matthias Curl had settled at Greatford in 1862 and was the sole medical practitioner in the Rangitikei district until 1872. In March 1880, as the Crown endeavoured to

¹⁶ See AJHR 1864, E10.

¹⁷ Bruce Stirling and Evald Subasic, *Taihape: Rangitikei ki Rangipo Inquiry District: technical research scoping report*. Wellington, 2010, p.49. They note that a copy of the agreement can be found in Alexander Turnbull Library MS-Papers-0032-0689a.

¹⁸ George Cornelius Rees to Donald McLean 6 June 1865, in Alexander Turnbull Library, Inwards Letters – MS-Papers-0032-0523.

¹⁹ George Cornelius Rees was a licensed interpreter of Whanganui. Whether he was a son of Dr George Rees, who arrived in New Zealand as surgeon on the *Lord William Bentinck* in 1841, purchased land in the New Zealand Company’s scheme, settled in Whanganui in 1841, and who was present at the conclusion of the sale and purchase of the Rangitikei-Turakina block in May 1849) has still to be established. Dr Rees died in 1858. See M.J.G. Smart and A.P. Bates, *The Wanganui story*. Whanganui [1973].

²⁰ See Utiku Potaka, Omaha to Native Minister 26 August 1880, in Archives New Zealand, Wellington MA 13 97 58a. *Supporting Documents*, Volume

complete the purchase of Otamakapua, Curl asked that he be allowed to remain in possession of his run after the Crown had completed its purchase. The request was rejected.²¹ In 1884 Curl claimed to have respected a request from Buller and Booth not to interfere with the Crown's efforts to acquire Otamakapua despite the leases having been drawn up in such a way that Utiku Potaka and his people were 'bound to keep me in possession ... until the expiration of my leases.' He claimed that Buller and Booth had promised that his interests would be protected upon sale provided he did not obstruct purchase and follow the example of Major Marshall and Mr Hammond 'when they made Utiku and his people cut out about 20,000 acres and make it into a reserve.' His efforts to acquire a renewal of his leases again failed.²²

4.7. In 1884 Curl, whose address was still given as Greatford, continued to run 1,500 sheep on Otamakapua.²³ In evidence presented to the 1884 Select Committee appointed 'to consider and report on the best route for the North Island trunk railway,' Wellington's Chief Surveyor and Acting Commissioner of Crown Lands listed Mangamoko (6,498 acres) and Takapurau (2,454 acres) as Maori lands leased to Europeans, namely, the Hammond, Marshall, and Curl runs.²⁴ In May 1884 Utiku complained that he had not received any rents for four years for the leases over those portions of the block known as Kiwitea, Te Wharau, and Haiotaenga, a loss which he insisted was not for want of effort on his part in assisting the Crown to acquire the block.²⁵ The following year, in 1885, Curl complained to Native Minister Ballance that he had sustained a loss of £6,000 in respect of his Kiwitea lease and £5,000 in respect of his Kawatau lease.²⁶

²¹ S.M. Curl to Premier 4 March 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285. Curl was appointed medical officer for 'Rangitikei' in April 1862, a position he still held – through the Native Department - in 1864. See AJHR 1863, E10 and 1864, E7. He also developed an interest in botany and agronomy, addressing the Wellington Philosophical Society, in 1877, on the subject of grasses.

²² S.M. Curl, Greatford, Rangitikei to John Ballance 26 September 1884, in Archives New Zealand, Wellington MA 13 97 58a. *Supporting Documents*, Volume 1, pp.230ff.

²³ See AJHR 1882, H19 and subsequent annual sheep returns.

²⁴ AJHR 1884, Session 2, I6, p.10. For a description of some of the lands involved see p.23.

²⁵ Utiku Potaka, Whanganui to Native Minister 22 May 1884, in Archives New Zealand, Wellington MA 13 97 58a. *Supporting Documents*, Volume 1, pp.230ff.

²⁶ S.M. Curl to Native Minister 20 February 1885, in Archives New Zealand, Wellington MA 13 97 58a. In 1887 Curl abandoned his wife, eloped to Sydney with his housekeeper, changed his name to Alan Carroll, and died in Sydney in 1911. See Paul Melody, *The beach highway: the road to Rangitikei from 1849-1875*. Marton, 2004, pp.128-130.

4.8. Major John William Marshall arrived in New Zealand in 1846 with the 65th Regiment. After the first Taranaki War he retired and settled at Tutu Totara in 1861, taking up the land in partnership with his father-in-law, naturalist William Swainson. F. Basil Marshall records Swainson as having taken up land in 1850 using compensation scrip from the New Zealand Company, and as arriving at Tutu Totara in 1862. When Swainson's second wife died in 1868, he unsuccessfully tried to sell the land, whereupon Marshall first rented and later purchased the land.²⁷ An entry in the *Encyclopaedia of New Zealand* records that Marshall and Swainson took up a considerable area of pastoral land in the Rangitikei, 'but it yielded little return during his lifetime ...' Swainson died in 1855.²⁸ In 1868 Marshall's son, John Marshall, settled on a new 3,700-acre family property called Te Hekenga, near Ohingaiti.²⁹

4.9. Matthew and Richard Hammond were New Zealand Company assisted migrants and early arrivals in Wellington, settling initially on 'Porirua Road' and running a cartage business before leasing Sir Charles Clifford's Tixall Farm.³⁰ Encouraged to move into the Rangitikei by William Fox, they reached Tutaenui in the summer of 1852-1853 in search of land. They purchased from the Crown an 833-acre block, selling it in 1856: it was named Sedgcombe by its new owner, William Galpin.³¹ The Hammonds acquired the 2,475-acre York Farm (originally Motuweka) from William Dorset, its southern boundary being the 3,568-acre 'Westoe' owned by Sir William Fox. In 1866, the Hammond Bros dissolved their partnership, Richard taking over York Farm and Matthew acquiring Killeymoon near Bulls.³² York Farm was subdivided and auctioned following Richard Hammond's death in 1888.³³

²⁷ John Marshall was born in Yarmouth in 1814, purchased a commission and joined the 65th Regiment, and served in the West Indies, Canada, and Australia before arriving in New Zealand, selling his commission in 1862, and retiring to Tutu Totara. His son, John Willoughby Marshall, born in Wellington in 1851, worked on Tutu Totara and later Te Hekenga, a block on the Rangitikei River near Ohingaiti. Another son, William Swainson Marshall, also took part in the development of both properties. See Paul Melody, *The beach highway: the road to Rangitikei from 1849-1875*. Marton, 2004, p.70.

²⁸ K.C. 'Swainson, William, 1789-1855,' in A.H. McLintock, editor, *Encyclopaedia of New Zealand*. Volume 3. Wellington, 1966, p.334.

²⁹ See *Cyclopaedia of New Zealand*. Volume 1, p.1309; J.G. Wilson, *Early Rangitikei*. Christchurch, 1914, p.98; Louis E. Ward, *Early Wellington*. Auckland, 1928; and Paul Melody, *The beach highway: the road to Rangitikei from 1849-1875*. Marton, 2004, pp.70-73.

³⁰ These notes are taken from Vera Hunt, *Hammond family history*. Whanganui, 1998. See also M. Haywood, *Rata, in the heart of the Rangitikei*. [Hamilton][2003].

³¹ See Jeanette Galpin, *Tutaenui: garden of the Rangitikei*. Marton, c.1993.

³² Richard Hammond died in 1888. See *Feilding Star* 2 August 1888.

³³ See F. Basil Marshall, *Early settlers in the Porewa Valley*. [Rotorua, 1974].

4.10. It was Richard Hammond, son of Matthew and Sarah, who in 1892 moved to Ohingaiti and acquired a large area of land part of which his cousins William and Herbert Hammond had earlier leased from Maori. Ewen McGregor then leased the large natural clearing from which Ohingaiti derived its name and transformed it into a sheep and cattle station. According to Vera Hunt, William Hammond, son of Richard and Amelia, ‘had many leases from the Maoris at different times running from Onepuhi up the Rangitikei River as far as land surrounding Taupo.’ One of the main runs, she recorded, was Mangamaka at Kawhatua, land later owned by Ewen McGregor.³⁴

1.5. The investigation of titles

5.1. The arrival of pastoralists and other land seekers in the lower reaches of the Taihape Inquiry District and the desire of the Crown to acquire large blocks conferred a monetary value on the lands owned by Maori and generated pressures among iwi and hapu to claim and establish ownership. What was known as the ‘Upper Turakina Rangitikei’ block was brought before the Native Land Court in 1869. That application did not proceed and the block, also known as ‘Greater Paraekaretu,’ was subsequently divided into Paraekaretu, Taraketi, and Rangatira. Table 1.1 sets out some details relating to title investigation. It should be noted that in the case of Waitapu no title was ever awarded: the land was sold to the Crown in 1879. By August 1882, all eight blocks had passed through the Native Land Court.

Table 1.1: Title of blocks, southern section, Taihape Inquiry District

Blocks	Title awarded	Acres
Paraekaretu	8 December 1871	46975
Taraketi	1 February 1877	3075
Otumore	16 August 1877	5152 ¹
Mangaoira Ruahine	16 August 1877	35660

³⁴ Vera Hunt, *Hammond family history*. Whanganui, 1998, p.215.

Ohaumoko	24 February 1879	11598
Otamakapua	20 October 1879	134005
Otairi		
Otairi 1	24 June 1880	46663
Otairi 2	24 June 1880	8078
Otairi 3	24 June 1880	3772
Otairi 4	24 June 1880	500
Rangatira	2 August 1882	19500
Waitapu	-	29484

¹ Subsequently amended to 7000 acres.

1.6. The alienation of lands owned by Maori: the legal framework

6.1. It will be useful, before turning to a consideration of the course and scale of Crown and private purchasing in the Taihape Inquiry District, to set out briefly the legal framework within which such transfer took place.

1.6.1. The Native Lands Acts 1862, 1865, and 1873

6.2. The Native Lands Act 1862 established the requirement that Maori ownership of land had to be defined prior to sale or leasing, while under that Act the Crown waived the right of pre-emption it had exercised since 1846. Further, that Act provided for the granting of titles to individuals, limited the number of persons to whom titles could be issued, allowed grantees to dispose of their interests, imposed survey costs on owners as a prerequisite for the issue of titles, and provided for the subdivision and partitioning of owners' interests. Those provisions were carried forward into subsequent legislation. In 1864 the Native Lands Act 1862 was made applicable to New Zealand as a whole.

6.3. The Native Land Act 1865 set out to secure three objectives: first, to provide for 'the ascertainment' of customary owners; second, to secure 'the extinction of proprietary customs and ... the conversion of such modes of ownership into titles derived from the Crown;' and third, to regulate the 'the descent of such lands when the title thereto is converted ...' The overriding goal was to determine and extinguish

Maori title through the issue of ‘paper titles’ which could then be acquired by settlers. The Act also provided that with respect to blocks of fewer than 5,000 acres no certificate of title could ‘be made in favor [*sic*] of a tribe by name.’ Further, just ten persons could be named on any title although the actual number of owners might number many hundreds. In practice, many ‘trustees’ acted and the Native Land Court treated such named persons as absolute owners. In response to Maori objections, section 17 of the Native Land Act 1867, while still providing for the issue of certificates of title to just ten persons, required that the names of all owners of any block were to be registered in the Native Land Court and endorsed on the back of the certificate.

6.4. In the face of continuing criticism, in 1870 the general government appointed Sir William Martin to investigate and offer proposals for amendments. Martin recorded that Maori had two major grievances: the first related to certificates and Crown grants, principally that they were so framed as ‘to sacrifice the rights of other persons equally interested in the land but not named in the instrument. They assert that in many cases that power has been actually exercised, to the great loss of persons who had no means of protecting themselves.’ Martin concluded that the complaint over certificates and Crown grants was ‘just and well founded,’ while the so-called ‘ten-owner rule’ had only been only partially rectified by section 17 of the Native Lands Act 1867. The second grievance related to the fact that the interests of the ten persons named were, ‘however diverse and unequal,’ not defined.³⁵ Maori expressed other concerns, among them, the power of individuals to sell interests. Martin proposed that, both retrospectively and prospectively, certificates or Crown grants should show the names of all owners and that all dealings in undivided interests should be prohibited. He also recommended, in response to complaints over Native Land Court costs, that a scale of fees should be established, ‘accompanied by a proper taxation of costs.’³⁶

6.5. Martin’s main recommendations were not implemented and, in fact, the Native Land Act 1873 furthered the directions charted by the Native Land Act 1865 by eliminating any remaining possibility that titles might be issued to named tribes and

³⁵ AJHR 1871, A2, p.3.

³⁶ AJHR 1871, A2, p.4.

firmly establishing the principle of individual ownership. On the other hand, it did abolish the ten-owner rule by stipulating that the names of all owners were to be entered on ‘memorials [rather than certificates] of ownership’ and their shares defined. The Act contained other important changes, among them section 49 which allowed owners to agree to an outright sale of land at any time. Further, whereas by section 50 of the Native Lands Act 1865 the initiative for partitioning lay with the owners of the lands concerned, by section 107 of the Native Land Act 1873 – which dealt with inchoate agreements for sale and purchase – the Native Land Court could initiate an investigation of title to and interests in any block, and was empowered to:

... make such orders, either for the completion of the agreement upon such terms and conditions as the Court shall think fit, or for the apportionment of the land between the parties interested therein in such manner as the Court shall think equitable, or for the repayment by the Natives who shall be found to have received such money ...or it may by such order declare that such land or any part thereof has been duly ceded to Her Majesty ...

6.6. Subsequent amendments of section 107 empowered the Native Minister to apply to the Native Land Court to have Crown interests defined and the land concerned vested in the Crown.³⁷ What the Native Land Act 1873 failed to do was to respond to concerns raised by Maori over the Crown’s alleged willingness to engage in secret dealings, to deal with reputed rather than established owners, and to enter into purchase negotiations prior to title determination.

1.6.2. The Immigration and Public Works Act 1870

6.7. Bearing very directly on the alienation of land owned by Maori in the Taihape Inquiry District was the so-called ‘Vogel plan’ initiated in 1869. Formulated in the wake of the land wars of the 1860s and the recession that followed the South Island gold rushes and the sharp decline in wool prices, the plan was intended to stimulate

³⁷ See section 6 of the Native Land Act Amendment Act 1877.

Pakeha immigration, expand land settlement, encourage economic growth, and enhance settler security in the North Island. Its statutory basis was the Immigration and Public Works Act 1870, section 34 of which authorised the Crown to acquire 'any land' in the North Island while section 35 allocated £200,000 for the purpose. The other key piece of legislation was the Immigration and Public Works Loan Act 1870 which authorised the government to raise £4 million for immigration and public works purposes. Section 42 of the Immigration and Public Works Act Amendment Act 1871 provided for the acquisition of lands owned by Maori 'for the purpose of mining for gold for the establishment of special settlements or for the purposes of railway construction.' That section also provided that:

... it shall be lawful for the Governor to enter into arrangements for such purpose previous to the land passing through the Native Land Court but it shall be necessary that subsequent to such arrangements the land shall be passed through the Native Land Court and a certificate of title of the person entering into such arrangement with the Governor obtained and on such certificate being obtained the arrangements entered into shall be as binding on both parties as if made after the order of the Court. It shall be lawful for the Governor whenever he shall have determined to enter into negotiations for the purchase of such land to insert a notice in the *New Zealand Gazette* that it is his intention to enter into such negotiations and after such notice is inserted it shall not be lawful for any one to purchase or acquire from the Native owners any right title or interest or contract for the purchase or acquisition from the Native owners of any right title or interest in the land specified in such notice unless the notice be cancelled by the Governor provided that no such notice shall have longer operation than for the period of two years.

6.8. Section 3 of the Immigration and Public Works Act 1873 allocated a further £500,000 for Maori land purchase (including £150,000 in the Wellington Province and £50,000 in the Taranaki Province). Concurrently, the government revived and reorganised Land Purchase Branch and appointed land purchase agents to operate throughout the North Island. As Native Minister for the period from 1869 to December 1876, Donald McLean assumed overall control and direction of the Maori land-purchasing programme.³⁸ The land purchase provisions of the Immigration and Public Works Acts thus marked the re-entry of the Crown into the purchasing of lands owned by Maori, a major reversal of policy justified on a range of grounds, among

³⁸ McLean was Native and Defence Minister in the Fox Ministry (1869-1870) and Native Minister in the Waterhouse (1872-1873), Fox (1873), Vogel (1873-1875) Pollen (1875-1876), Vogel (1876), and Atkinson Ministries of 1876 and 1876-1877.

them that the Crown needed to create a public estate; to secure for the state the appreciation in land values which it was expected would follow the construction of roads and railways; to ensure the spread of closer settlement, the assumption being that left to the private market, 'a few adventurous speculators' would lock the land against such settlement;' to extend the Crown's territorial reach; and to improve the colony's internal security.³⁹

6.9. Further, it was Vogel (Premier and Colonial Treasurer) who noted that 'we must take land as security for the railways we are constructing;' and that 'we propose that a portion of the proceeds of lands purchased from the Natives, or a portion of the lands themselves, shall be devoted entirely to railway purposes.'⁴⁰ In short, lands owned by Maori were to be purchased in order to allow the government through their leasing or re-sale to service the capital debts that the immigration and public works programme would generate. During the debate on the Public Works and Immigration Bill 1873, McLean insisted that 'There could not possibly be any safer or more satisfactory method of acquiring Native lands than by making the Government responsible for the results of its acquisition, and for the security of tenure of those settled upon it ... If the North Island was to be made suitable for settlement, if they were to have colonization upon a systematic plan, inevitably the Crown alone must be responsible for the acquisitions made.'⁴¹

1.6.3. The Government Native Land Purchases Act 1877 and the Native Land Act Amendment Act 1877

6.10. In fact, during the 1870s government policy in respect of lands owned by Maori oscillated: at one moment the free traders held sway over government policy, at another the 'Crown pre-empters.' In 1877 newly appointed Native Minister John Sheehan (Grey Ministry, 1877-1879), insisted that the results of the purchasing programme introduced in 1870 had produced 'the least possible result with the largest amount of money.' Accordingly, he announced, the new ministry would complete McLean's purchasing programme and then 'retire from the field as land purchasers on

³⁹ NZPD 14, 1873, pp.138 and 1242. Belich termed the last 'swamping.' See James Belich, *Making peoples: a history of the New Zealanders from Polynesian settlement to the end of the nineteenth century*. Auckland, 1996, pp.249-257.

⁴⁰ NZPD 14, 1873, p.138.

⁴¹ NZPD 15, 1873, p.1243.

a large scale,' and so leave 'private persons to be the chief operators in the purchase of Native land.'⁴² Among the reasons cited were the large sums required and the growing competition from private purchasers.⁴³ Proposals were one thing, action was quite another. Further changes in the law relating to lands owned by Maori did follow, but they were intended to enable the Crown to protect its investment in land purchases in the form of pre-title payments and to strengthen its position as purchaser against private competitors. In particular, section 2 of the Government Native Land Purchases Act 1877 provided that:

Where any money has been paid by or on behalf of Her Majesty the Queen for the purchase or acquisition of any Native lands in the North Island, or any estate or interest therein, or where any negotiations have been entered into for any such purchase or negotiation, whether the same lands have or have not been passed through the Native Land Court, then and in all such cases, and after the publication of a notification respecting such lands ... it shall not be lawful for any other person to purchase or acquire from the Native owners any right, title, estate, or interest in any such land or any part thereof, or in any manner to contract for any such purchase or acquisition.

6.11. Section 3 provided, in part, that by a similar notification Her Majesty could notify that negotiations had been relinquished or had ceased to have any interest, in which case the land concerned ceased to be subject to the Act. In effect, a notification issued under the Act was without term. The Crown thus had at its disposal three key purchasing tools, namely, the right to negotiate for the purchase of lands before title had been determined and relative interests defined, the right to acquire individual interests, and the power to exclude private competition.

6.12. The other important measure passed in 1877 was the Native Land Act Amendment Act 1877. Section 6 provided that the Native Land Court could enforce any agreement which the Government had made with Maori and that 'The Native Minister may at any time cause application to be made to the Native Land Court to ascertain and determine what interest has been acquired by or on behalf of Her said Majesty ...' The Crown thus had the power to bring blocks before the Native Land Court for determination of title.

⁴² See NZPD 27, 1877, p.230-240.

⁴³ NZPD 27, 1877, p.236.

1.7. Crown land purchasing in the southern North Island

7.1. As noted, the desire on the part of the Crown to acquire land was the major driver of the title investigations, and as will become apparent the Crown was the single largest purchaser of land within the southern blocks of the Taihape Inquiry District.⁴⁴ Such purchasing formed part of a larger effort on the part of the Crown to acquire large blocks throughout Wellington province.

7.2. A useful survey of Crown land purchasing in the southern North Island between 1840 and 1876 is offered by Watson and Patterson.⁴⁵ The authors employed information from 404 land transactions ranging in size from less than one to 275,000 acres to identify four major purchasing ‘surges.’ The first covered the years from 1839 to 1842 and included attempts by the New Zealand Company to acquire land from Maori by direct purchase; the second embraced the years from the late 1840s to about 1860 and included Crown efforts to acquire land to meet the commitments entered into by the New Zealand Company and to make land available to pastoralists; the third occurred during the mid 1860s; and the last embraced the early years of the 1870s. In terms of the number of transactions, purchasing was at its most pronounced between 1853 and 1860 when acquisition was conducted by general government’s Land Purchase Department. During the 1860s responsibility for purchasing was assumed by the Wellington Provincial Government and although the number of transactions fell, some very large purchases were completed. The number of transactions rose again during the 1870s. Table 1.2 (drawn directly from Patterson) sets out the geographical distribution of the Crown’s purchases over the years from 1839 to 1876.

⁴⁴ The following paragraph is drawn from T.J. Hearn, *Porirua ki Manawatu Inquiry District: a technical research scoping report*. Wellington, 2010, pp.58-60.

⁴⁵ M.K. Watson and B.R. Patterson, ‘The white man’s right:’ alienation of Maori lands in the southern North Island districts, 1840 – 1876, Victoria University of Wellington, Department of Geography Working Paper 3, 1985; and Brad Patterson, ‘The white man’s right:’ alienation of Maori lands in the southern North Island districts, 1840-1876, in Jack McConchie, David Winchester, and Richard Willis, editors, *Dynamic Wellington: a contemporary synthesis and explanation of Wellington*. Wellington, 2000, pp.155-178.

Table 1.2: Crown land purchases in Wellington Province 1839-1876

Region	Acres acquired	Expenditure: £	Price per acre: pence
Wairarapa	3428000	74117	5.2
Wellington	260000	14753	13.6
Whanganui	283000	14131	12.0
Rangitikei	287000	15049	12.6
Manawatu	636000	36800	13.9
Totals	4894000	154850	7.6

Source: B.R. Patterson, 'The white man's right:' alienation of Maori lands in the southern North Island districts, 1840-1876, in Jack McConchie, David Winchester, and Richard Willis, editors, *Dynamic Wellington: a contemporary synthesis and explanation of Wellington*. Wellington, 2000, p.163.

1.7.1. Crown land purchasing in the Manawatu-Rangitikei-Turakina region to c1870

7.3. The Crown's first major purchase in the general Manawatu-Rangitikei-Turakina district, negotiated with Ngati Apa, was the 225,000-acre Rangitikei-Turakina purchase of 1849. That block was bounded on its northeastern side by what would become the Paraekaretu and Taraketi blocks.⁴⁶ In 1864 the Crown finally completed the purchase of the 250,000-acre Te Ahuaturanga Block from Rangitane, Ngati Kauwhata, and Ngati Tumokai. The block was bounded on its northern side by the Otamakapua and Mangaoira Ruahine blocks. Finally, in 1867 the Crown acquired the 220,000-acres Rangitikei-Manawatu block: along its northern boundary lay the Otamakapua block. There is an extensive literature dealing with these purchases, more especially the bitterly contested Rangitikei-Manawatu acquisition.

1.7.2. Crown land purchasing in the Whanganui region c1870 to c.1885

7.4. Of more immediate relevance to the history of the blocks in the southern section of the Taihape Inquiry District was the Crown purchasing conducted largely from

⁴⁶ For accounts of the Rangitikei-Turakina purchase see David Armstrong, 'A sure and certain possession:' the 1849 Rangitikei-Turakina transaction and its aftermath. Wellington, 2004; and Ray Fargher, *The best man who ever served the Crown? A life of Donald McLean*. Wellington, 2007, pp.74-78.

Whanganui during the 1870s and 1880s. Crown purchasing in the Whanganui region following the 80,750-acre Whanganui purchase in 1848, the 24,400-acre Waitotara purchase of 1849, and the 40,000-acre purchase of Whangaehu in 1863, was delayed until the 1870s and the implementation of the so-called 'Vogel plan' for the development of the colony. As noted above, the purchase of land from Maori was a key element of that plan. Over the period from 1870 to 1876, such purchasing was directed by Native Minister Donald McLean. His major objective was clear enough, namely, to tie up in purchase negotiations as much Maori land as possible irrespective of whether it had passed through the Native Land Court. Whanganui, in particular, became the centre of an extensive Crown land-purchasing effort: as at the end of September 1879 the Native Land Purchase Department had 34 staff, including six in Whanganui and among whom were Te Keepa and Mete Kingi te Rangi Paetahi.⁴⁷ The operation was led and managed by land purchase officer James Booth and his activities extended into the blocks located along the northern and southern banks of the Rangitikei River.

7.5. The first purchase completed by the Crown in the southern section of the Taihape Inquiry District was the 46,975-acre Paraekaretu for which it paid £9,135 or just under 3.9 decimal shillings per acre. The purchase was completed on 16th March 1872. By the end of June 1875, the Crown had completed the purchase in Wellington Province of 429,703 acres for a total cost of £45,116 and was negotiating for the purchase of a further 1.202 million acres and the lease of 307,835 acres. On the total area involved payments amounting to £25,360 had been made.⁴⁸ Native Minister McLean also noted that the government had endeavoured to acquire land in large blocks.⁴⁹

7.6. During the second half of the 1870s, several attempts were made to rein in Crown purchasing, most notably in 1874 when the Native Office's Under Secretary instructed land purchase officers to bring all incomplete negotiations for a purchase

⁴⁷ AJLC Session II, 1879, No.6, p.26. Mete Kingi Te Rangi Paetahi, was of Nga Poutama and Ngati Tumango of Te Ati Haunui-a-Paparangi and had ties to Ngati Apa. His biographer recorded that he was in favour of land sales provided Maori retained sufficient for their welfare. See Steven Oliver, 'Te Rangi Paetahi, Mete Kingi ?-1883,' *New Zealand dictionary of biography. Te Ara encyclopaedia of New Zealand*.

⁴⁸ AJHR 1875, G6, p.6.

⁴⁹ AJHR 1875, G6, p.8.

before embarking on any new acquisitions.⁵⁰ Again, in May 1877 the government decided to bring all purchase negotiations to a close: accordingly Booth drew up a list of blocks in respect of which he recommended negotiations to purchase should be abandoned and repayment of advances sought.⁵¹ The first list included 23 blocks totalling 305,871 acres: among them were the 30,000-acre Mangaoira and the 147,000-acre Otamakapua. With respect to the latter, Booth noted that ‘The late Sir Donald McLean was in treaty, on behalf of the Government, with Renata Kawepo for this land. I am not aware whether an acreage price was fixed.’⁵² The second list included 26 blocks with an aggregate area of 194,876 acres (not including three for which acreages were not given): among them was Otairi, Booth recording that ‘This block is ... connected with Murimotu, and it will be so long before it can be dealt with, I propose to accept refund of advances [of £50].’⁵³ On 2nd August 1877 he was instructed to withdraw from purchase and recover advances.⁵⁴

7.7. Within a year - despite the earlier criticism of McLean’s Maori land purchase programme - the Grey Government reversed its decision over Maori land purchases, a decision which exposed the battle between the proponents of ‘free trade’ and Crown purchase. Stone described the about-face as a key factor in its subsequent defeat.⁵⁵ While then it might have been expected that the area of land owned by Maori under negotiation for purchase by the Crown might have declined, in fact it increased sharply, from a national total of 2.646 million acres in 1876-1877 to 5.144 million acres in 1878-1879, although declining thereafter to reach 1.310 million acres in 1882-1883. The sharp increase followed the passage of the Government Native Land Purchases Act 1877 section 2 of which empowered it to issue ‘notifications’ over blocks on which it had made advance payments.⁵⁶ During the first six months of 1880 notifications were issued in respect of ten blocks in the Whanganui district, among

⁵⁰ AJHR 1875 G7, p.7.

⁵¹ See AJHR 1877, G3, pp.17-22.

⁵² AJHR 1877, G8, p.20.

⁵³ AJHR 1877, G8, p.22.

⁵⁴ R.J. Gill to Land Purchase Officer, Whanganui 2 August 1877, in Archives New Zealand, Wellington Le 1 1878/144 (Alt.No.70).

⁵⁵ NZPD 26, 1877, pp.513-514 and 29, 1878, p.228. See R.C.J. Stone, ‘The Maori lands question and the fall of the Grey Government, 1879,’ *New Zealand journal of history* 1, 1, April 1967, pp. 51-74.

⁵⁶ Termed ‘Notification of the payment of money on and entry into negotiations for the purchase of Native lands in the North Island.’ A notice withdrawing any block was termed ‘Notification of relinquishment by Her Majesty of negotiations for the purchase of certain Native lands in the North Island.’

them the 100,000-acre Otairi block, the 147,000-acre Otamakapua, and the 35,660-acre Mangaoira-Ruahine, all in February 1878.⁵⁷ Many more notifications followed, the government's extensive use of section 2 of the Government Native Land Purchases Act 1877 reflecting in good measure the growing interest of private purchasers and their apparent willingness to make advances ahead of title investigations. Indeed, Booth blamed the high price eventually paid for Otamakapua on the activities of 'speculators.'⁵⁸

7.8. During October and November 1879 the Legislative Council subjected the Crown's Maori land purchasing programme to searching scrutiny. After taking considerable evidence, the committee concluded that it had:

... become impressed with the conviction that the present system of acquiring Native lands is attended with such serious disadvantages that that it is expedient it should cease absolutely. They are of opinion that the Land Purchase Department should be abolished, and that the Government, while continuing to exercise a control over the sale of Native lands, should henceforth do so for the benefit of the Natives, and not at all with the view of deriving any profit from such sales.⁵⁹

7.9. In 1880, the face of growing criticism of its purchasing methods, hints of armed resistance (especially over what was regarded as the 'secret dealing' with respect to the Taumatamahoe and Raoraomouku blocks in the Whanganui district), Te Keepa's efforts to establish his trust, and active opposition to surveying involving in particular Murimotu and Rangipo-Waiiau, Native Minister John Bryce offered some fierce criticism of the efforts of the defeated Grey Ministry, singling out its allegedly indiscriminate payment of pre-title advances.⁶⁰ He was especially critical of land purchasing on the 'West Coast,' noting that 'Great pressure was put upon the Wanganui agent of the Government to acquire a public estate ... He had, of course, to go largely into the system of advances, and he made advances upon the land which are certain to result in loss to the colony.'⁶¹

⁵⁷ AJHR 1878, C5, p.3. See also *New Zealand Gazette* 7 and 14 February 1878.

⁵⁸ See Booth's report in Archives New Zealand, Wellington MA-MLP 1 1879/193.

⁵⁹ AJLC Session II, 1879, No.6, p.ii.

⁶⁰ NZPD 35, 1880, pp.267 and 269.

⁶¹ NZPD 35, 1880, p.273.

7.10. The Hall Government (1879-1882) did introduce various measures intended to reform the administration of Maori lands, but few were enacted. Stone, indeed, claimed that the 1880s measures were ‘a sham’ intended to allow the government to discredit the former Grey Ministry’s land purchase officers, to provide ‘a plausible justification’ for evoking notifications issued under the Government Native Land Purchase Act 1877, and to force an end to Crown purchasing.⁶² In the event, the government made something of a virtue out of necessity, its financial difficulties which followed the recession of 1879 compelling it to reduce its efforts to acquire land in the Whanganui Inquiry District (and elsewhere). The large-scale purchasing of lands owned by Maori initiated by Vogel and McLean under the Immigration and Public Works Act 1870 came to an end. Renewed purchasing awaited the advent of the Liberal Government in 1890.

7.11. The major policy swings of the 1870s and early 1880s had a direct bearing on the Crown’s purchasing activities in the southern portion of the Taihape Inquiry District. In May 1881 Booth prepared a lengthy return setting out ‘the state of land purchases in the Whanganui District’ (with the exception of the Murimotu lease). He prepared a detailed schedule in which he dealt with the blocks under negotiation for purchase. With respect to Otamakapua he noted that £4,962 had been advanced against the purchase price and suggested that ‘It is valuable from the fact that it joins on to Manchester Block, and roads are formed on the adjoining Kiwitea Block.’ He went on:

I do not advise that this Block be given up. The majority of the grantees have signed a deed of sale of the land to the Crown, but owing to a dispute about the division of the purchase money, the minority 29 in number refused to sign. Application has therefore been made to the Land Court to ascertain the interests of the vendors. This will be done at the next sitting of the Court at Rangitikei.⁶³

Under Secretary Gill noted that ‘nothing can be done ... till Court subdivides the land, while Native Minister Rolleston noted ‘For settlement by the N.L. Court.’⁶⁴

⁶² R.C.J. Stone. ‘The Maori lands question and the fall of the Grey Government, 1879,’ *New Zealand journal of history* 1, 1, April 1967, pp.71-72.

⁶³ Archives New Zealand, Wellington MA-MLP 1 1881/285.

⁶⁴ Archives New Zealand, Wellington MA-MLP 1 1881/285.

7.12. With respect to Otairi, Booth recorded £6,839 had been paid over as advances, and that:

The late Native Minister Mr Bryce agreed to give up this block and accept a refund of the advances which have been made from time to time for the reason that the Natives wished to reserve about 12,000 acres out of the block. Negotiations [*sic*] as to paying back the advances and survey charges are now going on and the money will probably be tendered in a week or two.⁶⁵

Gill proposed that the Native Land Court should be asked to determine the Crown's interest in Otairi, a proposal that Rolleston endorsed.⁶⁶

1.7.3. Crown land purchasing in the Taihape Inquiry District (southern portion)

7.13. Table 1.3 summarises the Crown's land purchases in the southern portion of the Taihape Inquiry District. Of the 344,462 acres in the nine blocks the Crown acquired 241,724 acres or 70.2 percent of the total.

7.14. That purchasing fell into two main phases, the first embracing the years from 1871 to 1885, and the second the years from 1901 to 1915 (with the exception of Otumore which the Crown acquired in 1962). The first phase was characterised by the acquisition of large blocks as the Crown sought to promote Pakeha settlement northwards into the districts lying beyond the Rangitikei-Turakina and Rangitikei-Manawatu purchases. A second and much smaller land purchasing operation was conducted during the period from 1908 to 1915.

⁶⁵ Archives New Zealand, Wellington MA-MLP 1 1881/285.

⁶⁶ Archives New Zealand, Wellington MA-MLP 1 1881/285.

Table 1.3. The Crown's land purchases in the Taihape Inquiry District, southern portion, by block and area purchased, 1872 to 2000

Blocks	Total acres	Acres purchased
Mangaoira	35660	35660
Ohaumoko	11598	-
Otairi	59013	18466
Otamakapua	134005	107267
Otumore	5152	5152
Paraekaretu	46975	45695
Rangatira	19500	-
Taraketi	3075	-
Waitapu	29484	29484
Totals	344462	241724

1.8. Private land purchasing after 1870

8.1. The resumption of large-scale land purchasing by the Crown after 1870 and its extensive use of the power of notification did not mean the end of private purchasing. Under the Native Lands Act 1862, and especially following its application to the entire colony from December 1864, large areas, clothed with titles, were sold to settlers.

8.2. Nevertheless private sales/purchases in the southern section of the Taihape Inquiry District were few. According to an 1883 return, only three private purchases had been completed in the 'Wanganui & Patea' districts, that is, of lands that had passed through the Native Land Court. They were John Duncan's purchase of Otairi 2B of 3,938 acres: completed in December 1881 he paid £1,361 or 7s 2.25d per acre. Duncan also acquired Otairi 1B of 12,560 acres: completed in May 1882, he paid £4,012 or 1s 4.75d per acre. In November 1882, Thomas Taylor Watt and Henry Churton completed their purchase of Otairi 1E of 9,175 acres: they paid £3,300 or 6s 4.75d per acre.⁶⁷ Missing from that list was the sale and purchase in 1880 of Otairi 3 of 3,772 acres. The bulk of private purchasing took place over the period from 1880

⁶⁷ AJHR 1883, G6.

to 1887, the same period during which – with the exception of Otamakapua 2 – the Crown reduced its Maori land acquisition programme.

1.9. Conclusions

9.1. The conclusion of the Crown's major land purchasing programme in the Manawatu and its desire to push the frontier of settlement further into the interior of the North Island, the arrival of Pakeha land seekers and pastoralists, and the prospect of road and rail communication combined during the 1870s to impart a commercial value to lands once utilised largely for subsistence purposes. Clothing papatupu lands with tradeable titles was an essential part of the Pakeha colonisation project. At the same time commodification of land intensified in some cases long established rivalries over the possession and ownership of land and thus the right to sell. Those rivalries and tensions would play out during the 1870s and 1880s as the Crown in particular sought to continue its established practice of acquiring large blocks for subdivision into and settlement as owner-operated farms.

9.2. The following nine chapters examine the history of each block, that is, to the extent that the surviving written record will allow. It will become apparent that the Crown followed a fairly standard approach to purchasing land. The key elements of that approach are singled out for extended discussion in the last chapter.

Chapter 2

Otamakapua

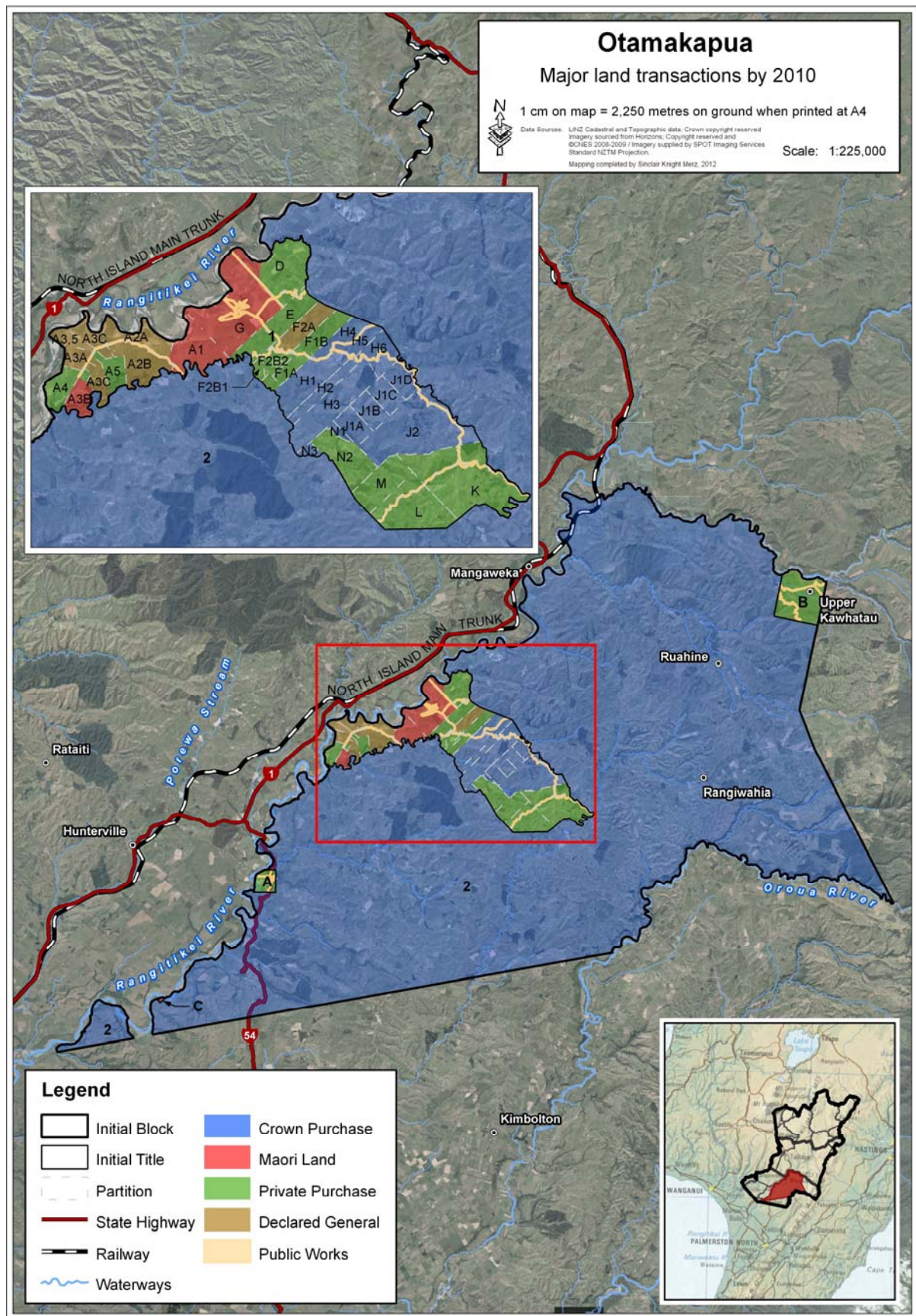


Figure 2: Otamakapua: Major land transactions by 2010

2.1. Introduction

1.1. The northern boundary of the Rangitikei-Manawatu purchase divided it from Otamakapua, at least until the discovery of the survey error that led to the creation of Waitapu. On the northwest Otamakapua is bounded by the Otairi, Rangatira, and Taraketi blocks, the latter two originally forming part of the 'Upper Turakina Rangitikei' block. Stirling recorded that the block initially had an area of some 147,000 acres, subsequently reduced to 104,521 acres after the deduction of the 29,484-acre Waitapu, a 2,115-acre overlap with Mangaoira Ruahine, the 8,952-acre reserve in Otamakapua 1, and a survey error of 2,253 acres.⁶⁸

1.2. Several historians have dealt with Otamakapua, although not Small in her investigation of 'Ngatiapa blocks' west of Rangitikei-Manawatu.⁶⁹ Morrow examined the alienation of the block, although she was chiefly concerned to identify iwi interests. As such, she concluded that the evidence presented to the Native Land Court offers valuable insights into the complex whakapapa links and the social and political interrelationships among the various iwi and hapu involved.⁷⁰ O'Malley considered the block briefly from Ngati Apa's perspective, noting that the iwi employed the Crown's recognition of its rights to Waitapu in an effort to secure a re-hearing of Otamakapua from which it had been entirely excluded despite the iwi's insistence that Waitapu and Otamakapua were inextricably linked. The iwi was unsuccessful, O'Malley noting that 'It probably did not help their cause that the Judge who had excluded them from the title in the first place was party to the decision on their appeal.'⁷¹

1.3. The ownership of Otamakapua and the right to sell the block were matters keenly contested over a period of some 15 years. Chapter 2 offers a detailed account of the

⁶⁸ Bruce Stirling and Evald Subasic, *Taihape: Rangitikei ki Rangipo Inquiry District. Technical research scoping report*. Wellington, 2010, pp.57.

⁶⁹ Fiona Small, *Ngatiapa blocks west of Rangitikei Manawatu*. Wellington, 1999.

⁷⁰ Diana Morrow, *Iwi interests in the Manawatu c.1820 – c.1910*. Wellington, 2002, pp.71-103.

⁷¹ Vince O'Malley, 'A marriage of the land?' *Ngati Apa and the Crown, 1840-2001: an historical overview*. Wellington, 2005, p.52. O'Malley quoted Diana Morrow, *Iwi interests in the Manawatu c.1820 – c.1910*. Wellington, 2002, p.87.

protracted, complex, and often bitter manoeuvring involved in the passage of block from Maori into Crown and settler possession and ownership.

2.2. Otamakapua 1: two title investigations - June 1870 and May-June 1880

2.1. Otamakapua was first brought before the Native Land Court by Arapata Potaka and six others in June 1870 at Bulls: the claim was based on ancestry and permanent and undisturbed occupation.⁷² The area was set down as 9,000 acres and comprised two blocks, namely, Takapurau and Mangamoko. The claimants' pa at Otara was located on the land while Utiku Potaka noted that there were many other pa sites belonging to the claimants' tupuna. Those two blocks would later be designated Otamakapua 1.

2.2. A tracing submitted by surveyor G.F. Swainson, who had been engaged by Arapata Potaka (who had accompanied Swainson and pointed out the boundaries) and Utiku Potaka, indicated that Mangomoko comprised some 6,600 acres and Takapurau some 2,400 acres. That two blocks had been surveyed reflected the initial wish of the applicants for two certificates of title.⁷³ The applicants initially appear not to have been fully agreed among themselves over those nominated as grantees. Once the matters in dispute had been settled, Utiku Potaka (who described himself as a member of Ngati Te Ao of Ngati Upokoiri), then indicated that 'he wished to apply to the Court to include both claims in one certificate of title as the land was one and belonged to the same people.'⁷⁴ Judge Thomas H. Smith thus issued, on 16th June 1869, an interlocutory order in favour of Arapata Potaka and six others for Otamakapua of 9,000 acres, a certificate of title to issue if a proper survey were conducted and a certified plan presented within six months.⁷⁵ The grantees were named as Arapata Tapui Potaka, Utiku Potaka, Ema Te Naihi, Rena Maikuku, Pirimona Te Uru, Te Retimana Te Rango, and Horima Paerau. No restrictions were

⁷² Native Land Court, *Whanganui Minute Book* 1B/81.

⁷³ Swainson conducted the survey between 5th February and 14th May 1869. See Native Land Court, *Whanganui Minute Book* 1B/90.

⁷⁴ Subsequently Utiku Potaka identified himself as Ngati Hauiti.

⁷⁵ Native Land Court, *Whanganui Minute Book* 1B/86-91.

placed on alienability. Costs were assessed at £4 11s, including £2 for the hearing, £1 for the certificate, and £1 for the Crown grant.

2.3. In September 1870 Otamakapua was back before the Court. Arapata Potaka and others indicated to the Court that they wished to include the awards already made into a ‘much larger block in one claim.’ During a brief hearing, Utiku Potaka indicated that all but £82 of the survey costs had been paid and that that sum would be paid once income from rents had accrued. Takapurau had been let to Major Marshall (for £100 per annum) and Mangamoko to Richard Hammond (also for £100 per annum).⁷⁶ The Court allowed Utiku to withdraw the claim. It also became apparent that those named in the original order were ‘not agreed among themselves as to arrangements.’⁷⁷ Towards the end of September 1870 Renata Tamakekukungi and nine others of ‘Nepia’ asked the Chief Judge of the Native Land Court to order a re-hearing of Otamakapua.⁷⁸ By way of an order dated 19th October 1870 the Executive Council, under the Native Lands Act 1865, the Native Lands Act 1867, and the Native Lands Act 1870 ordered that a re-hearing should take place before 30th September 1871. Subsequently the claim to Otamakapua 1 was withdrawn to allow Ngati Hauiti and Ngati Upokoiro to submit a claim for a much larger area. The latter, later designated Otamakapua 2, comprised 104,522 acres.

2.4. In November 1878 Utiku Potaka wrote to Chief Native Land Court Judge Fenton asking for a Crown Grant for Otamakapua 1. He claimed to have advised the Court at the time of the hearing in 1870 that he would leave the matter of the grant until such time as the whole block had been adjudicated upon but that certain difficulties (which he did not define) had arisen necessitating the present request.⁷⁹ An investigation revealed that in June 1870 an interlocutory order had been issued for six months, that a re-hearing had been ordered but that the claim had been withdrawn at Whanganui in 1871. Utiku Potaka’s request for a Crown Grant was thus declined on the grounds that the block had not passed through the Native Land Court. It appears that in fact a plan had been prepared and certified by surveyor Henry Jackson and that, on 10th

⁷⁶ Native Land Court, *Whanganui Minute Book* 1B/107-108.

⁷⁷ Native Land Court, *Whanganui Minute Book* 1A/108.

⁷⁸ Renata Tamakekukungi and others, Nepia to Chief Judge, Native Land Court 23 September 1870, in Maori Land Court records Oti 646, Otamakapua correspondence file.

⁷⁹ Utiku Potaka, Te Houhou to Chief Judge, Native Land Court 16 November 1878, in Maori Land Court records Oti 646, Otamakapua correspondence file.

November 1870, he informed the claimants that the plan would be forwarded to Auckland. A note on Potaka's letter, penned by Kensington and dated 9th December 1879, recorded that the plan had been sent to Marchant (Chief Surveyor, Wellington) on 16th December 1875 but had not been returned.⁸⁰ It is not clear whether Jackson did forward the plan as he had indicated, but it does seem that one had been completed within the period specified by the Court.

2.5. In the event, a new hearing for Otamakapua 1 opened on 13th May 1880 when the land was claimed by Utiku Potaka. There were no counter claimants, but the claimants numbered some 60 and hence Judge Charles Heaphy adjourned to allow the parties to reach an agreement over the names of the grantees. On 17th May 1880 Buller applied for two memorials of ownership for Otamakapua 1, one for Takapurau of 2,454 acres and the other for Mangamoko for 5,949 acres.⁸¹ On 19th May two orders were issued but cancelled a few days later, on 1st June 1880 when one order was issued for the 8,952 acres and the block was awarded to Ngati Hauiti (three grantees), Ngati Haukaha (two grantees), Ngati Hinemanu (five grantees), and Ngati Whitikaupeka (two owners).⁸²

2.3. Early Crown efforts to acquire Otamakapua and an exchange of letters

3.1. According to McLean, Renata Kawepo and another offered Otamakapua to the Crown during the parliamentary session of 1872-1873.⁸³ Certainly, in the latter part

⁸⁰ T. Richard Cash, Marton to Chief Clerk, Native Land Court 30 December 1878, in Maori Land Court records Oti 646, Otamakapua correspondence file.

⁸¹ Native Land Court, *Whanganui Minute Book* 2/319. For a biography of Buller, see, Ross Galbreath, *Walter Buller*. Wellington, 1989; and 'Buller, Walter Lawry,' *Te Ara – the encyclopaedia of New Zealand*. Following the publication in 1873 of *A history of the birds of New Zealand*, Buller returned to New Zealand in 1874 and began to practise as a barrister. Galbreath noted that 'so lucrative' was his practice that he retired in 1886. Subsequently Buller was drawn into Mauapoko's Horowhenua claims.

⁸² See Native Land Court, *Whanganui Minute Book* 2/326-327. The order for the issue of a memorial of ownership was published in the New Zealand Gazette 1882, p.1401 where the area of Otamakapua 1 was given as 9,952 acres.

⁸³ Native Minister to Under Secretary, Native Land Purchase Department 28 April 1875, in Archives New Zealand, Wellington ACIH 16046 MA 13 99i 58e. *Supporting Documents*, Volume 3, pp.8-50. Renata Tama-ki-Hikurangi Kawepo was of Ngati Upokoiri of Heretaunga and inland Patea, Ngati Honomokai and Ngati Mahuika, and he married Maora of Ngati Hinemanu. See Angela Ballara and Patrick Parsons, 'Kawepo, Renata Tama-ki-Hikurangi,' in *Te Ara – encyclopaedia of New Zealand*. Ballara noted that Renata Kawepo occupied the same position in regard to the land interests of his various iwi as did Te Heu Heu Tukino did with regard to Taupo lands and iwi, Topia Turoa with

of 1872 the Wellington Provincial Government engaged Alexander McDonald to negotiate the purchase of Otamakapua. McDonald made at least two journeys to Hawke's Bay, on both occasions – from 10th November to 6nd December and again from 22nd December to 7th January 1873 - with Utiku Potaka, described by Buller as 'a chief of the Ngatiteupokoiri Tribe.'⁸⁴ Expenses were to be met by the government, and hence Utiku Potaka lodged a claim for £52. Wellington's Superintendent declined to pay anything until the purchase of the block had been completed and hence, in July 1875, Buller applied on Potaka's behalf to the Under Secretary of the Native Land Purchase Department.⁸⁵ Native Minister McLean approved payment but again only after the purchase had been completed. Almost a year later, in June 1876, Buller again pressed for payment, noting that Utiku had done his 'very best to get the Otamakapua claim investigated at the last sitting of the Native Land Court at Rangitikei, with a view to its ultimate disposal to the Crown but owing to imperfections in the survey, the case was ordered to stand adjourned *sine die*.'⁸⁶ McLean adhered to his original decision. Three years later Buller applied again, but with the same result.

3.2. In April 1874, John Stevens (who described himself as 'general government agent' at Marton) was directed by Booth to begin negotiating with Renata Kawepo for the purchase of Otamakapua 2. In August 1874 Utiku Potaka indicated to James Booth a wish to sell Otamakapua. At the same time Ngati Apa was reported to have advised Renata Kawepo to accept 5s 6d per acre for the block. Indeed, Booth advised Colonel St John of the Native Land Purchase Department that Renata Kawepo and Utiku Potaka had advertised the block for sale at that price 'in the local papers.' In mid-August 1874 Stevens advised St John that a private company some months previously had offered 5s 6d per acre and was willing to renew its offer.⁸⁷ At that

respect to Moawhango, Rotoaira, Rangipo, Murimotu, upper Whanganui and Manganui-a-te-ao, and Te Rangihwinui with respect to Whanganui, upper Whanganui, and Manganui-a-te-ao. See Angela Ballara, *Tribal landscape overview, c.1800-c.1900 in the Taupo, Rotorua, Kaingaroa, and National Park Inquiry Districts*. Wellington, 2004, pp.149 and 155.

⁸⁴ (Sir) Walter Buller, ornithologist and lawyer who would play an important part in the land title investigations involving the blocks in the southern section of the Taihape Inquiry District.

⁸⁵ W.L. Buller, Wellington to Under Secretary, Native Land Purchase Department 6 July 1875, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

⁸⁶ W.L. Buller, Wellington to Under Secretary, Native Land Purchase Department 6 June 1876, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

⁸⁷ General Government Agent, Marton to Colonel St John, Native Land Purchase Department 14 August 1874, in Archives New Zealand, Wellington ACIH 16046 MA 13 99i 58e. *Supporting Documents*, Volume 3, pp.8-50.

early stage it appears that Renata Kawepo was proving difficult.⁸⁸ Indeed, efforts to acquire the block were suspended in the face of his opposition.

3.3. In April 1875 Native Minister McLean, anxious that negotiations to acquire the block should resume, wondered whether it was ‘safe’ to make advance payments given Renata Kawepo’s claim to the block.⁸⁹ That same month Kawepo approached McLean over selling the land, although McLean noted that

... as yet he is being pakeke and asks for an additional ten thousand. If he comes to terms I may have to make an advance of about one third of [the] total amount. The offer made by private persons of ten shillings and one pound are very perplexing. It is very difficult to make old chiefs understand that buying good & bad lands in a lump is very different from picking eyes out of the country in spots.⁹⁰

3.4. On the last day of April 1875, McLean reported, from Hastings, that he had arranged with Renata for purchase ‘at a small advance,’ and instructed Under Secretary Clarke to advise Booth not to make any payments ‘as I don’t intend to make any heavy advances until the land has passed the Court.’ McLean clearly expected purchase to prove difficult.⁹¹ Indeed, Renata rejected a first offer of £2,000.⁹² On 10th May 1875, McLean, writing from Napier, indicated to Under Secretary Clarke that:

There appears to be a hitch again with Renata about the Otamakapua block. I expect [*sic* – suspect?] some European influence at work. I agreed with him about a week ago to pay him the sum of two thousand pounds & sent him the money last week by Colonel McDowell but he declined to receive it unless I paid him a good deal more & asks for four thousand two hundred pounds. I do not know whether I should be safe in aiming such an advance before the court decides the title.⁹³

⁸⁸ Land Purchase Officer, Whanganui to Colonel St John, Native Land Purchase Department 16 August 1874, in Archives New Zealand, Wellington ACIH 16046 MA 13 99i 58e. *Supporting Documents*, Volume 3, pp.8-50.

⁸⁹ Native Minister to Under Secretary, Native Land Purchase Department 28 April 1875, in Archives New Zealand, Wellington ACIH 16046 MA 13 99i 58e. *Supporting Documents*, Volume 3, pp.8-50.

⁹⁰ Native Minister to Under Secretary, Native Land Purchase Department 30 April 1875, in Archives New Zealand, Wellington ACIH 16046 MA 13 99i 58e. *Supporting Documents*, Volume 3, pp.8-50.

⁹¹ Native Minister to Under Secretary, Native Department 30 April 1875, in Archives New Zealand, Wellington ACIH 16046 MA 13 99i 58e. *Supporting Documents*, Volume 3, pp.8-50.

⁹² McLean to H.T. Clarke 3 May 1875, in Archives New Zealand, Wellington MA 13 98 58c.

⁹³ Native Minister to Under Secretary, Native Department 10 May 1875, in Archives New Zealand, Wellington ACIH 16046 MA 13 99i 58e. *Supporting Documents*, Volume 3, pp.8-50.

3.5. In fact, Renata appears to have demanded two payments, one for £4,200 as an advance on the purchase price and the other of £2,000 ‘for services in negotiating sale of block of land to the Government 147,325 acres Oroua district, expenses paid for survey [of] the block and other incidental expenses.’ On 12th May 1875, Booth paid Renata Kawepo the sum of £3,200, as ‘First payment on account of purchase of block of land known as Otamakapua containing 147,325 acres. That same day, he was paid £1,000 ‘For services in negotiating sale of block of land to the government 147,325 acres Oroua district’ and £1,000 for the survey of the block ‘and other incidental expenses.’⁹⁴

3.6. The government’s next step was to have the block proclaimed under the Public Works and Immigration Act 1871. The proclamation was duly gazetted on 15th May 1875: although the boundaries of Otamakapua were given, the name of the block was not. Rather, the name Otamakapua was still being applied to the 8,952 acres the subject of the interlocutory order of 14th June 1870. A further proclamation was issued, in 1877, under section 3 of the Immigration and Public Works Amendment Act 1877.

3.7. If McLean had hoped that the payment to Renata Kawepo would remain confidential, he was soon disappointed. By July 1875 Kawana Hunia Te Hakeke was involved in the Otamakapua negotiations and had called a meeting involving Woon, Booth, and Major Kemp to discuss matters concerning the block. At the same time he indicated that he accepted that it was with Booth that he would negotiate the sale of the block.⁹⁵

3.8. Hunia Te Hakeke, described by Ballara as ‘a litigious land-claimer who often acted alone ...’ bitterly attacked McLean in a letter addressed to the editor of *Te Wananga*.⁹⁶ He claimed that McLean had deceived Maori over pre-title land purchases, that he had trampled on his own laws, that he had bought his land, and that he had ‘without reason given money to Renata Kawepo (for land) for which a Crown

⁹⁴ See Otamakapua Statement of Payments, in Archives New Zealand, Wellington MA 13/58b.

⁹⁵ Kawana Hunia Te Hakeke, Parewanui to Richard Woon 25 August 1875, in Archives New Zealand, Wellington ACIH 16046 MA13 99i 58e. *Supporting Documents*, Volume 3, pp.8-50.

⁹⁶ Angela Ballara, *Iwi: the dynamics of Maori tribal organisation, c.1769 to c.1945*. Wellington, 1998, p.289.

Grant has not been issued.’ The focus of his anger was Waitapu and Otamakapua and his plea to McLean was that he not allow himself to be misled by Renata Kawepo whom he described, in reference to the latter’s time as a captive of Ngapuhi, as a slave of Te Wera and Te Hapuku. He concluded by claiming that McLean was persisting ‘in doing all you can to make my tribe and myself as little as possible. I therefore will never consent that you should have my land for your money. And I shall be obstinate with you, because of your deceit to me.’⁹⁷

3.9. Renata Kawepo responded to this letter by reciting a long list of battles and victories, refuting claims of having been a slave, setting out his ancestral claim to Otamakapua and Kawatau, and concluding that ‘you will not be able to frustrate my work with Sir Donald M’Lean. This is a question: ‘Who is this man who moans so; what is the name of his grandfather, or of his father [?]’⁹⁸ That evoked a fierce response from Hunia Te Hakeke. In a letter dated 13th September 1875 he accused Renata Kawepo of acting deceitfully over Waitapu and Otamakapua, referring specifically to the payment of £2,000, and insisted that he would not secure ‘the greatest portion of the money ...’ He claimed that McLean had indicated that the block would be passed through the Native Land Court ‘so that all the rights of purchase or sale may be clear to the Government,’ at the same time suggesting that Renata Kawepo was afraid to attend knowing that he would lose. He went on:

... I am guarding the rights of my people, whom you have slandered, and you have wronged Aperahama Tipae and myself. We two can, and will now act for ourselves with Sir Donald McLean, and not let you meddle again, as you have done wrong.⁹⁹

3.10. Utiku Potaka Te Kahurangi, in a letter dated September 27th 1875 and writing from Pourewa, disputed the claims advanced by Aperahama Tipae, Kawana Hunia, and Renata Kawepo, and insisted that he had been born on Otamakapua ‘and it is on this I claim protection from my point of the law. Those lands are mine. And the words of those people in their letters are wrong. This land is mine, even from my ancestors, and I am still living on it.’¹⁰⁰

⁹⁷ *Te Wananga* 2, 18, 1875, p.194.

⁹⁸ *Te Wananga* 2, 18, 1875, pp.195-196.

⁹⁹ *Te Wananga* 2, 24, 1875, p.289.

¹⁰⁰ *Te Wananga* 2, 24, 1875, p.289.

3.11. The hui called in July 1875 by Kawana Hunia was held over six days at Whangaehu in the following September. Some 200 attendees engaged in what was described as a ‘very full discussion’ about Otamakapua, and in particular about Hunia Te Hakeke’s conduct. The *Wanganui Chronicle* reported that a decision was made to take the entire block, said to be of 140,000 acres, to the next local sitting of the Native Land Court. The desire was to secure an ‘authoritative decision’ on the tribal title before the terms of sale to the Crown were settled. Dr Buller would be engaged to represent the interests of Ngati Apa while ‘all further negotiations with the Government for the present will be left in the hands of the old chief Aperahama Tipae.’¹⁰¹

3.12. Utiku Potaka reported to the Under Secretary that he had also attended but that:

... nothing transpired. The korero about Otamakapua was not concluded, nor was the question of the Crown Grant for Waitapu and Umutoi decided owing to the random discussions of the Maori people ... I have ceased to listen to what the Maoris say, this matter will be brought before that the Native Land Court that is the law before which the people can prefer their own claim.¹⁰²

3.13. Following that hui, Aperahama Tipae, writing from Te Whakatarenui Committee House in Whangaehu on 9th October 1875 to Renata Kawepo and others, made it clear that Ngati Apa had been angered by Hunia Te Hakeke and that their dispute with Hunia did not concern Ngati Apa. ‘The Ngatiapa wish now to ignore Hunia in their work ...’¹⁰³

3.14. Ballara also referred to a letter signed by Aperahama Tipae and 11 other Ngati Apa chiefs on behalf of “all the Committee of Ngati Apa” ...’ in which they advised Kawepo that Hunia was persisting “in his demand to have control of the lands which the Ngatiapa gave into your charge,’ that Ngati Apa did not like what he was doing, did not approve of his curses, and had held an investigation into the matter.¹⁰⁴

¹⁰¹ *Wanganui Chronicle* 29 September and 6 and 7 October 1875.

¹⁰² Utiku Potaka, Marton to Under Secretary, Native Department 28 October 1875, in Archives New Zealand, Wellington ACIH 16046 MA 13 99i 58e. *Supporting Documents*, Volume 3, pp.8-50.

¹⁰³ *Te Wananga* 2, 27, 1875, p.336.

¹⁰⁴ Angela Ballara, *Iwi: the dynamics of Maori tribal organisation, c.1769 to c.1945*. Wellington, 1998, p.289.

Concurrently, McLean appears to have offered Renata Kawepo some reassurance, for towards the end of November 1875 the latter expressed his pleasure that McLean was 'bearing in mind our words concerning Otamakapua.'¹⁰⁵

2.4. The manoeuvring intensifies

4.1. In April 1876 Renata Kawepo forwarded a list of 114 owners of Otamakapua to the Native Land Purchase Department.¹⁰⁶ He also sought to have an investigation of the block's title conducted at Patea. On the other hand, Aperahama Tipae indicated that if Renata were to meet him at Whangaehu 'matters would be satisfactorily arranged ...'¹⁰⁷ It was becoming apparent in fact that neither Renata nor Tipae wished to see the Native Land Court investigate the title to the block: they sought to effect a sale to the Crown and so avoid the difficulties which a hearing might generate. Renata certainly urged Rangihīwinui not to allow the block to be taken through the Native Land Court.¹⁰⁸ Te Keepa duly objected to the Court hearing Otamakapua while insisting that if a hearing were to take place then the government should empower him to appear before the Court and 'prevent its taking these lands through.' He reminded Under Secretary Clarke that the Crown had made an advance to Renata and that the land therefore belonged to both Renata and the Crown.¹⁰⁹ In other words, ownership had already been established.

4.2. During April 1876 there was a flurry of activity as the contending claimants manoeuvred and sought to gain McLean's ear. The payment of £3,000 to Renata remained of concern to those who did not accept his claims to the ownership of Otamakapua. Wiari Turoa (Ngati Patutokotoko) and others challenged McLean over

¹⁰⁵ Renata Kawepo, Omaha to Native Minister 22 November 1875, in Archives New Zealand, Wellington ACIH 16046 MA 13 99i 58e. *Supporting Documents*, Volume 3, pp.8-50.

¹⁰⁶ See Under Secretary, Native Land Purchase Department to Chief Judge, Native Land Court 19 February 1876, in Archives New Zealand, Wellington MA 13 99 58d.

¹⁰⁷ Land Purchase Officer, Whanganui to Native Minister 28 February 1876, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹⁰⁸ Renata Kawepo and five others, Omaha to Te Keepa Rangihīwinui 27 March 1876, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff. In 1880 Te Keepa declared a large area of inland Whanganui off-limits to Pakeha purchasers and founded Kemp's Trust. See Anthony Dreaver, 'Te Rangihīwinui, Te Keepa,' *Te Ara – encyclopaedia of New Zealand*.

¹⁰⁹ Meiha Keepa Rangihīwinui to Under Secretary, Native Land Purchase Department 19 April 1876, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

that payment and demanded to know how much had been paid to Utiku Potaka. Wiari Turoa also made it clear that he was opposed to the Native Land Court sitting at Rangitikei: should that happen, he declared, he would ‘place persons upon the land to turn off anyone who may interfere with it ... if I am allowed to dispose of my land in my own way it will be well but to allow interlopers to sell it will never do.’¹¹⁰

4.3. In the face of the claims of both Renata Kawepo and Kawana Hunia, Utiku Potaka insisted that the Court alone could establish those who had a lawful claim to Otamakapua. ‘Is it right,’ he demanded to know of McLean and Clarke in April 1876, ‘that the Court should be stopped? Is it right that you should pay money to them for land which has not passed through the Court?’ He noted that Pirimona Te Naonao had visited Porewa Matau and ‘he will not agree.’ McLean was invited to keep his money.¹¹¹

4.4. That same month, Hoani Te Rangiotu (of Ngati Rangi-te-paia and Rangitane) complained to McLean of rumours suggesting that no investigation would be held but that Ngati Apa and Ngati te Upokoiri were planning to assemble at Napier ‘for the purpose of ... disposing of the land.’ He went on to add that:

I and my hapus have claims to that land and are waiting for the day upon which the Court will sit when we purpose to take the matter before it and there state the grounds upon which we claim and it will be for the Court to decide between the claims preferred by each respective tribe or hapu.¹¹²

4.5. A copy of Te Rangiotu’s letter was forwarded to Renata Kawepo. Unsurprisingly, towards the end of April 1876, the latter advised Native Minister McLean that ‘trouble is at hand re Otamakapua,’ and pressed for a cancellation of the survey. He was also clearly angered by Booth’s action in advancing monies (£1,000 he claimed) to Utiku Potaka. He added that ‘I alone am presenting it just now, though it’s only a

¹¹⁰ Wiari Turoa and others to Native Minister 12 April 1876, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹¹¹ Utiku Potaka, Porewa Matau to Native Minister and Under Secretary, Native Land Purchase Department 17 April 1876, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹¹² Hoani Te Rangiotu, Oroua Bridge to Native Minister 26 April 1876, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff. For a biography of Hoani Meihana Te Rangiotu, see Mason Durie, ‘Te Rangiotu, Hoani Meihana ?-1898,’ in *Dictionary of New Zealand Biography*.

“pupuri noaiho” of mine. When I accept money on this land and divide it among the tribes then only will it be clear, but not until then.¹¹³

4.6. Several months later, in August 1876 the skirmishing began afresh when Aperahama (and 20 others) announced his desire to visit Wellington and discuss Otamakapua and other blocks with both McLean and Kawepo.¹¹⁴ A few days later, on 21st August, Reupena Kewetone (Ngati Apa and Rangitane) and 34 men, and Ripeka Naia and 28 women, all of Turakina, set out for McLean the areas within Otamakapua in which they were interested and asked that no advance should be made to any member of Ngati Apa ‘lest it be wasted.’ They wanted the block brought before the Native Land Court, while also suggesting to McLean that the matter of sale should be discussed in the presence of the entire tribe.¹¹⁵

4.7. Concurrently, Utiku Potaka asked McLean and Clarke whether any advances had been made to Kawana Hunia and his people. Had any payment been made, he observed, ‘that will be wrong because ... that land must go through the Court first and then it would be right to deal with it ... those lands are mine, namely, Otamakapua, Otairi, Mangaia and other pieces of land near them.’¹¹⁶ He was informed that the government had declined to make any further advances on land, especially Otamakapua, until it had passed through the Native Land Court. He was also assured that Kawana Hunia had not received any advance.¹¹⁷

4.8. At the end of August 1876 Kawana Hunia Te Hakeke, still in Wellington but certain that his death was at hand and hence anxious to return to his home, suggested to McLean that they meet, noting that discussion was the ‘only means by which matters could so be arranged so as to enable Taitoko (Major Kemp) and I to see

¹¹³ Renata Kawepo, Omaha to Native Minister 25 April 1876, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹¹⁴ Aperahama Tipae to Native Minister 15 August 1876, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹¹⁵ Reupena Kewetone and Ripeka Naia and others, Turakina to Native Minister 21 August 1876, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹¹⁶ Utiku Potaka, Pourewa to Native Minister and Under Secretary, Native Land Purchase Department 21 August 1876, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹¹⁷ A summary of payments made in respect of Otamakapua covering the period from 1875 to 1880 indicates that no payments were made until January 1879 with the exception of £3,200 to Renata on 12th May 1875, and £20 to Pirimona Te Urukakahi on 4th March 1876. See Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

Renata and finally settle the points of disagreement.’¹¹⁸ He also sought a loan of £200 to cover the cost of travel to Napier: should the request be granted, he assured McLean, he would ‘cause the negotiations to be carried on in an easier and milder manner and thereby you will see clearly how matters are with regard to the purchase by you of Pareororangi and Otamakapua.’¹¹⁹ The request was rejected.

4.9. Utiku Potaka also pressed the Under Secretary, reminding him that McLean had agreed that Renata should be invited to Wellington to discuss matters relating to Otamakapua. That reminder suggested that the two men were now cooperating over matters relating to the block. Utiku was clearly growing exasperated over the delay in having the block brought before the Court.¹²⁰

4.10. So much seemed to be the case when dissension involving Ngati Apa emerged. Towards the end of April 1877, Wunu Te Ahuru advised the Under Secretary of the Native Land Purchase Department that Kawana Hunia, Watene Ranginui, and Hakaraia Te Rangipouri had crossed to Heretaunga to see Renata so that ‘they might participate in the process of Tamakekapua [sic] and Parororangi. These people are acting the part of a “porangi,” for they have no land there.’ He predicted that the three would shortly ask the Crown for an advance: any such request should be rejected, he added, ‘because the law relating to that land has already been set aside in consequence of your giving Renata a sum of three thousand pounds under the impression that he owned a portion of the block.’ Te Ahuru insisted that Aperahama Tipae had given the land to Kawepo ‘to dispose of for him, the money should therefore have paid to Aperahama,’ adding that ‘ten hapus ... have an interest in this land.’ Having made it clear that he did not trust Kawepo, he reminded Clarke that Paraekaretu was:

... discussed in the presence of you & Sir Donald McLean by those persons Kawana Hunia, Aperahama Tahunuiarangi, Turei and Taitoko. Aperahama Tipae requested you to pay them four hundred pounds on his behalf. None of this money however came to him, they appropriated it all for their own use in Wellington and wasted it in drink etc. I was annoyed with them on account of

¹¹⁸ Hunia to Hakeke, Wellington to Native Minister 29 August 1876, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹¹⁹ Hunia Te Hakeke, Wellington to Native Minister 29 August 1876, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹²⁰ Utiku Potaka, Pourewa to Under Secretary, Native Land Purchase Department 16 December 1876, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

this but my authority over these lands was not taken by them, they were unable to wrest it from me.¹²¹

4.11. He was assured that no further payments would be made in respect of Otamakapua until the Native Land Court had awarded the title. In fact, Kawana Hunia appears not to have sought an advance payment. While acknowledging that he and his two companions had reached ‘a decision’ over Otamakapua, the block had to be taken through the Court. What he did do was to state a price for the block, namely, 20s per acre. He also advised Clarke that the mana to deal with Waitapu had still to be settled ‘though it rests with Pera and Renata to say who the people are that have a claim to it.’¹²²

4.12. Clearly Kawepo and Hunia were still asserting full ownership of the block and still trying to negotiate a deal with the Crown in advance of its title investigation, and no doubt trying to deny or minimise whatever interests others might assert. Certainly Utiku Potaka took exception to the efforts by Kawepo and Hunia to establish a price for the block.¹²³

4.13. More than a year later, in August 1878, H.M. Paetahi advised Clarke that Renata Kawepo had informed his wife, Te Rina Mete, that the leases in force on Otamakapua were to be done away with and the land left unoccupied.¹²⁴ It became clear that a dispute had developed over the distribution of rental monies, the outcome being a request that the government or a magistrate accept and hold all monies until the title had been determined. Native Minister Sheehan decided that ‘under the peculiar circumstances and to prevent trouble’ he would not object to the monies being lodged in the hands of a magistrate, but as a private individual and not in his official capacity.¹²⁵ Sheehan was well advised to exercise caution: a few weeks later, in

¹²¹ Wunu te Ahuru, Whangaehu to Under Secretary, Native Land Purchase Department 23 April 1877, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹²² Kawana Hunia te Hakeke, Parewanui to Under Secretary, Native Land Purchase Department 16 May 1877, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹²³ Utiku Potaka, Pourewa to Under Secretary, Native Land Purchase Department 14 June 1877, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹²⁴ H.M. Paetahi, Wellington to Under Secretary, Native Land Purchase Department 16 August 1878, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹²⁵ Native Minister to John Marshall, Marton 5 November 1878, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

November 1878, Utiku was again urging Sheehan not to advance any monies against Otamakapua ahead of the Court's investigation, predicting that 'If this system of advancing money upon uninvestigated land continues disputes will result from it.'¹²⁶ Interestingly, he went on to add that 'The Ngatiapa are now occupying, cultivating, and building upon a piece of land called Rangatira. If the Court had acknowledged their claim to it, they would be right in doing so, at present they are wrong in occupying it.'¹²⁷

2.5. Private 'speculators' eye Otamakapua 2

5.1. Complicating matters over Otamakapua was the growing interest on the part of private purchasers, usually known to the Crown as 'speculators,' in the block. In August 1877 the *Wanganui Herald* reported that 'the powerful Auckland land ring, so well represented now in Wanganui' had directed its attention to Otamakapua. It went on to predict that unless the government speedily passed a measure to restrain speculation in Maori-owned lands, 'the necessity for such a Bill, as far as this coast is concerned, will be obviated by the fact that there will not be any native land to deal with.'¹²⁸

5.2. In fact, the Crown appears to have made only slow progress in its efforts to acquire Otamakapua 2. In part its efforts were complicated by Booth's suspension as Whanganui's land purchase officer. When John Sheehan took over as Native Minister he reminded his officers that private dealings in Maori land would not be tolerated. Notwithstanding, in May 1878 Booth was accused of having been party to two transactions in defiance of those instructions and was accordingly suspended. The two blocks in questions were in the Otaki district. To the *Wanganui Herald* the allegations were sufficient to attest to the 'state of utter demoralisation the Native Department must have fallen under the late administration ...'¹²⁹

¹²⁶ Utiku Potaka, Te Houhou to Native Minister 15 November 1878, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹²⁷ Utiku Potaka, Te Houhou to Native Minister 15 November 1878, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹²⁸ *Wanganui Herald* 20 August 1877.

¹²⁹ *Wanganui Herald* 9 May 1878.

5.3. Booth was exonerated of the charges brought against him. In August 1879 the *Feilding Chronicle* reported that the government would shortly complete the purchase of Otamakapua. The passage of the block through the Native Land Court was the last step in the purchase process.¹³⁰ Rumours circulated and claims were made that Booth's suspension had led to the trebling of the cost of Otamakapua or a 'loss' to the colony of £100,000.¹³¹ The *Rangitikei Advocate* claimed that Otamakapua could have been purchased for little over 2s 6d per acre 'had that officer been allowed to complete his negotiation, in place of being suspended on a charge which, it has been abundantly proved, had not a shadow of justification.' Booth's suspension, it was alleged, allowed speculators to interfere, compelling the Crown to pay 10s per acre.¹³²

5.4. The *Wanganui Herald* agreed. In an attack on the "'landsharks" who find their greatest friends in the present Opposition,' it quoted at length from Booth's own report to the effect that upon being instructed by the Native Minister to create 'a public estate' in the Whanganui district, private speculators set out to thwart him. Noting that he had been instructed not to make any advances on any 'new' blocks of land until the blocks had passed through the Native Land Court,' Booth claimed that speculators, willing to accept the risks involved, freely made advances on lands which had neither been surveyed nor brought before the Court. They also found support among 'disputed owners of land, interpreters, and a number of Native chiefs who were one and all retained by the speculators at regular salaries.' The government responded by relaxing the injunction on pre-title advances, the result being that private interests simply increased their offers and, or so it was claimed, drove Crown offers up accordingly.¹³³

¹³⁰ *Feilding Chronicle* 27 August 1879.

¹³¹ It was William Fox who claimed that the colony had lost many thousands of pounds as the result of Booth's suspension. Wirihihana Hunia challenged Fox's claim that he believed in dealing honestly with Maori, adding that 'In my opinion it would be more honorable [*sic*] to take our land and kill us all off and settle the matter at once, than to come here and preach the Gospel to us and teach us the value of everything, and then for a man that pretends to be a godly man and an honest man to find fault with another for spoiling the chance of him getting two shillings and sixpence what was worth ten shillings.' See *Wanganui Herald* 23 April 1880. It is also of interest to record that in 1887 J. Stevens, now a candidate for the Rangitikei electorate, claimed that the price paid for Otamakapua had risen from 7s 6d to 10s per acre. He implied that the Native Minister had been responsible for the increase, a claim hotly rejected by Bryce. The latter insisted that he merely completed an agreement into which the previous government had entered. Similarly he rejected suggestions that commissions were paid to land purchase agents employed by the government, citing the Government Native Land Purchase Act 1878 and especially section 6. See *Wanganui Chronicle* 17 September 1887.

¹³² *Rangitikei Advocate* (Marton), quoted in *Hawke's Bay Herald* (Napier) 11 July 1879.

¹³³ *Wanganui Herald* 22 September 1879.

2.6. Otamakapua 2: the pre-hearing manoeuvring

6.1. In March 1879 Booth complained to the Native Minister that a ‘Land Ring’ was endeavouring to interfere in what he described as ‘local operations’ in the Otamakapua and other proclaimed blocks in the hope that Parliament would amend the law so as to remove the restrictions on alienation. Booth proposed that Buller should be awarded ‘a general retainer [of 100 guineas] in all Govt land purchases’ in his district. In addition Buller would receive his fee of ten guineas per day ‘when so employed.’ Prompt action was essential, he added, since the ‘land ring’ itself was sparing no expense to secure Buller’s services.¹³⁴ Native Minister Sheehan approved although, he noted, ‘it must bind him to us in every matter arising out of land purchase negotiations on the coast unless otherwise permitted by Govt.’¹³⁵ The government was determined to prevent Buller from working both ends against the middle.

6.2. In July 1879 Kawana Hunia Te Hakeke advised Native Minister Sheehan that an agreement had been reached over the price for Otamakapua and Pakihikura and to leave aside the 27,000 acres, presumably Waitapu. Once the Crown had completed its ‘work’ with respect to the latter, he indicated, ‘then will my work be clear respecting Otamakapua.’¹³⁶ A few weeks later, in August 1879, the title investigation for Otamakapua was gazetted for Napier. Utiku Potaka pressed to have the case heard at Marton, but Chief Judge Maori Land Court advised Under Secretary T.W. Lewis that, having discussed the matter with the judge concerned, the latter had ‘exercised a wise discretion.’¹³⁷ Similarly Kawepo pressed to have the case heard in Napier.¹³⁸ On 2nd July 1879 he drew Fenton’s attention to Otamakapua, noting that McLean’s payment of £3,000 had been ‘a cause of discontent bordering sometimes upon violence.’ Nevertheless, he claimed, a settlement had been worked out and that it was ‘of great

¹³⁴ Land Purchase Officer, Whanganui to Native Minister 14 March 1879, in Archives New Zealand, Wellington MA-MLP 1 1880/501. *Supporting Documents*, Volume 3, pp.66-95.

¹³⁵ Native Minister to Land Purchase Officer, Whanganui 15 March 1879, in Archives New Zealand, Wellington MA-MLP 1 1880/501. *Supporting Documents*, Volume 3, pp.66-95.

¹³⁶ Kawana Hunia Te Hakeke, Parewanui to Native Minister 28 July 1879, in Archives New Zealand, Wellington ACIH 16046 MA 13 99i 58e. *Supporting Documents*, Volume 3, pp.8-50.

¹³⁷ Chief Judge, Native Land Court to Under Secretary, Native Land Purchase Department 26 April 1879, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹³⁸ W.L. Buller to Native Minister 12 June 1879, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

importance in the amicable settlement of the block' that the hearing should be held in Napier before 'the very much respected' Judge Young.¹³⁹ Native Minister Sheehan also pressed Fenton to have the hearing conducted at Napier. He was, he informed Fenton, anxious to complete the purchase and hence it was essential to hold the hearings in Napier, the home of the principal owners, namely, Renata Kawepo and his people. He indicated to Fenton that Booth had advised him that the people of the West Coast would raise few if any objections.¹⁴⁰

6.3. Booth was in error. Towards the end of that same month, July 1879, Wunu te Ahuru of Te Whakatakerenui wrote a long letter to the Chief Judge of the Native Land Court in which he objected to the Court conducting its Otamakapua hearings in Napier 'because Napier and Rangitikei are in different Provincial Districts.' Neither he nor Aperahama [Tipae], he informed Fenton, would travel to Napier and insisted that 'your word is wrong ... when you say that if persons do not attend the Court at Napier you will complete the proceedings, and no man may dispute your decision.' He went on:

Friend, don't say so. You are not the ancestor from whom I claim my land that you should say, with you is the disposal of my land. Listen to me. A tribe, Ngatikahuhunu [sic] lives at Napier; another tribe called Ngatiapa to whom this land belongs is at Rangitikei.

Friend Fenton, the reason the natives object to your direction is this, when one man owns land and you assign it to another who is landless. Listen, upon three occasions has Renata Kawepo [received] money for his people. Four thousand pounds of money from Otamakapua have been received by Renata and his party. That land was given to him by Aperahama to be sold. It was then disputed with us by that man, and four thousand pounds have been consumed. That was the reason I disputed with the people of my land this year. Because the flesh and the fat have been consumed and only the bones left for me. Renata took the four shillings and five pence, his children took the seven shillings and sixpence; the ten shillings, that money was mine.

If you consent to Napier the Court will be for Renata and the remainder of the money.

¹³⁹ Renata Kawepo [?] to Chief Judge, Native Land Court 2 July 1879, in Maori Land Court records Oti 646, Otamakapua correspondence file.

¹⁴⁰ Native Minister to Chief Judge, Native Land Court 8 July 1879, in Maori Land Court records, Oti 646, Otamakapua correspondence file.

Friend Fenton, this land will be disturbed: there will be nothing laid down for your money or the Governor's. My word to you is let the Court be tapu ... for this year. Give me my money I requested for the debt, ten thousand. If that money is not forthcoming in this year the court shall not sit. No man will attend that court of yours: but I will go with my tribe upon that land and survey it, that there may remain nothing for the money paid by you and the Government.¹⁴¹

6.4. To Kawepo's representations Utiku Potaka, Wiari Turoa, and Paramena Te Naonao also took strong exception, at the same time insisting that the matter of price, reportedly set at 10s per acre by Booth and Renata, could be settled once the Native Land Court had decided to whom the land belonged.¹⁴² Just four days later Kawana Hunia and ten other Ngati Apa rangatira advised Sheehan that what they termed 'the tale respecting Otamakapua is finished' and that the price had been set at 10s per acre, a price to which 'the two main tribes of Ngatiteupokoiri and Ngatiapa have given their consent.' He expressed approval of the decision to hold the hearing at Omahu and implored the Native Minister not to advance any monies on the block 'lest it be a cause of trouble and frustrate the proposed arrangements of the two tribes.'¹⁴³

6.5. In July 1879 Reupena Ngataieparino and 75 others of Turakina urged Native Minister Sheehan not to purchase Otamakapua from persons acting as individuals, adding that 'The whole of the two tribes Ngatiapa and Ngatikahungunu own that land and they certainly will not consent. The proper way is that the two tribes should consent, so that there may not be any evil in any land purchase made.'¹⁴⁴

6.6. Pressure mounted. To Utiku Potaka's objection to the decision to hold the sitting of the Court at Omahu, Wunu Te Ahuru added his voice. He claimed that:

From the commencement of the negotiations [*sic*] for the sale of this land it was written down by Sir D. McLean that Parororangi was the great name of that part of the country and it is registered under that name in the Survey

¹⁴¹ Wunu Ahuru, Te Whakatakerenui to Chief Judge, Native Land Court 28 July 1879, in Maori Land Court records Oti 646, Otamakapua correspondence file.

¹⁴² Utiku Potaka, Wiari Turoa, and Paramena Te Naonao, Whanganui to Native Minister 16 June 1879, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹⁴³ Kawana Hunia and others, Parewanui to Native Minister 20 June 1879, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹⁴⁴ Reupena and 75 others, Turakina to Native Minister ? July 1879, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

Office. ... The chiefs who told him were Aperahama Tipae, Hori te Rangiao, Paora Tungapito, Te Waitere Marumaru, and Te Waka Kaurariki ...¹⁴⁵

6.7. He went on:

Friend, that land was placed by Aperahama Tipae in Renata's hands for sale. When I saw the wrongdoing of that man, that he himself consumed three thousand pounds, and that his offspring had consumed five hundred and thirty seven pounds, that was the reason why I took back to myself the authority over my land. The flesh and the fat had been consumed by him; I have the bone and will pick out the marrow.¹⁴⁶

6.8. The 100 people living with him, Wunu Te Ahuru recorded, owned Otamakapua and they would 'go upon and mark off my land. There will be no resting-place for your money, it will remain suspended in the air.' He proposed that he should be paid 'the balance of the money due for my land ...' Should Sheehan oblige him, then 'that land will be properly determined in your favour [sold to the Crown].' Otherwise, he concluded, the Crown would never acquire the block.¹⁴⁷

6.9. Ngati Apa decided to maintain the pressure, Kawana Hunia and 12 others in August 1879 deputing Te Wirihana and Te Ranginui to deliver to Booth and Buller the names of seven members of Ngati Te Upokoiri and seven of Ngati Apa for insertion in the *Gazette* notice. Aperahama Tipae's name was crossed out of the Ngati Apa list.¹⁴⁸ Notices for publication in the *Gazette* were duly prepared. At the same time Kawapo and Hunia continued to try to employ Waitapu to pressure the government over Otamakapua. On 1st August 1879, Kawana Hunia again asked Native Minister Sheehan whether he had made:

... final arrangements about the twenty-seven thousand (? pounds) [acres?] of Waitapu, possession of which was given into my hand by Sir D. McLean, and I thereupon caused Pariroa to fall to Sir D. McLean. Do you complete

¹⁴⁵ Wunu te Ahuru, Te Wakatakerenui to Native Minister 21 July 1879, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹⁴⁶ Wunu te Ahuru, Te Wakatakerenui to Native Minister 21 July 1879, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff..

¹⁴⁷ Wunu te Ahuru, Te Wakatakerenui to Native Minister 21 July 1879, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff. It is not clear to what the £537 referred, although Wirihana Hunia was paid £500 on 7th January 1879.

¹⁴⁸ Kawana Hunia and others, Parewanui to Land Purchase Officer and W.L. Buller 1 August 1879, in Archives New Zealand, Wellington MA-MLP 1 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

arrangements about that place so that Otamakapua, the work of Renata and myself, may be clear, it being about to be sold to your Government.¹⁴⁹

6.10. That same month, Booth advised Gill that Utiku Potaka had accompanied him to Omaha and that ‘all differences between the two sections of the tribe [were] now at an end.’¹⁵⁰ Booth’s intention was to complete the purchase of Otamakapua as soon as the block had passed through the Native Land Court and indicated that he would require the sum of £73,000 by 5th September, the day the Native Land Court would sit at Hastings. It was, observed Gill, ‘a large sum of money to provide for.’¹⁵¹ In the event the Court’s sitting was delayed until 14th September, but Booth continued to agitate about the money. It was, he advised Native Minister Sheehan, a matter of the ‘greatest importance that we should settle the whole matter at once.’ If the money were forthcoming, he reported, he could get an order for the block made directly to the Crown.¹⁵² Booth appears to have been hoping that by such an arrangement he could head off any objections by parties whose claims might not be recognised by the Court.

6.11. Over the objections of Ngati Apa, the investigation of the title to Otamakapua 2 (the area of which was given as 104,522 acres) opened in Napier on 16th September 1879. The hearing was adjourned to Omaha where Renata was reported to have made ‘great preparations,’ while some 100 claimants had made the journey from Rangitikei.¹⁵³ According to the *Wanganui Chronicle*, their travel costs had been met by the Crown.¹⁵⁴ No record of any such payment was located and, in any case, the amount would have been deducted from the purchase price. The decision to hold a sitting of the Court at Omaha attracted some criticism as allowing Renata to dispense hospitality thereby ‘binding the fetters on the strangers.’¹⁵⁵ *Te Waka Maori o Niu*

¹⁴⁹ Kawana Hunia, Parewanui to Native Minister 1 August 1879, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹⁵⁰ Land Purchase Officer, Waipukurau to Under Secretary, Native Land Purchase Department 9 August 1879, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹⁵¹ Under Secretary, Native Land Purchase Department to Native Minister 9 August 1879, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹⁵² Land Purchase Officer to Native Minister 28? August 1879, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹⁵³ *Wanganui Chronicle* 17 September 1879.

¹⁵⁴ *Wanganui Chronicle* 29 September 1879.

¹⁵⁵ *Wanganui Chronicle* 29 September 1879.

Tirani, on the other hand, insisted that Omahu had been selected by common consent after Kawepo offered to host all other claimants.¹⁵⁶

6.12. The Omahu hearing was preceded by a lengthy hui during which it was agreed that just two representative owners, Renata Kawepo for Ngati Hauiti and Aperahama Tipae for Ngati Apa, would claim the block: that arrangement did not endure. In court, Buller presented the case for Ngati Hauiti which included Utiku Potaka for Ngati Hauiti, Retimana for Ngati Tama[kopiri], and Raita for Whiti[kaupeka]. Utiku noted that Ngati Te Upokoiro had also lived on Otamakapua. Aperahama Tipae claimed on behalf of the Ngati Hauiti hapu of Ngati Rangiwhaeo, a claim rejected by Utiku Potaka. Kawana Hunia and others claimed on behalf of Ngati Apa, and were represented by Andrew Duncan. Utiku Potaka rejected Ngati Apa's claim, but did admit a claim made by Hone Meihana on behalf of Ngati Tumokai.¹⁵⁷

2.7. Otamakapua 2: title investigation, September-October 1879

7.1. The Court, presided over by Judge Theophilus Heale, opened in Renata's schoolhouse in Omahu on 22nd September 1879. Buller appeared for the Crown, Andrew Duncan for the counter-claimants, while Booth attended as 'Land Purchase Commissioner.' Having successfully blocked proposed hearings at Bulls and at Marton, Kawepo had finally persuaded the government to hold the investigation in a centre many miles distant from the block itself and from most of those claiming ownership. *Te Waka Maori* recorded that Kawepo proposed, apparently to Ngati Apa and Ngati Te Upokoiri, that while he was prepared to 'fight the question' of ownership in the court:

... they should sink all tribal differences, dispense with a Court inquiry, and merely apply for a certificate of title in the joint names of himself as representing one section of the claimants, and Aperahama Tipae representing the other section. This offer was accepted by the Ngatiapa. The same evening, however, other counsels prevailed, and on the following morning the Ngatiapa intimated that unless more of their chiefs were admitted into the certificate of title they would decline the offer. Renata, annoyed at their want of confidence

¹⁵⁶ *Te Waka o Niu Tirani* 5 October 1879, pp.542-551.

¹⁵⁷ Native Land Court, *Napier Minute Book* 5/129ff.

in their own chief, declined to bind himself to any particular mode of dividing the money, and ultimately withdrew the offer altogether on the ground that it was an act of grace on his part, the right or title of the Ngatiapa being absolutely denied.¹⁵⁸

7.2. The gulf between Ngati Apa and Aperahama Tipae having been finally exposed, all parties repaired to the Court where Utiku Potaka named Ngati Hinemanu, Ngati Hauiti, Ngati Tama, Ngati Whiti, and Ngati Te Upokoiri as the owners, while subsequently admitting Ngati Tumokai somewhat to Hoani Meihana's surprise and despite the hapu's apparent strong links with Ngati Apa.¹⁵⁹ Aperahama Tipae claimed the entire block for Ngati Rangiwhaeo, a hapu of Ngati Apa, while Kawana Hunia, Hoani Meihana, and Matea Ranganui claimed on behalf of Ngati Apa. The Court spent the first three weeks of the hearing listening to evidence presented on behalf of both Ngati Apa and Ngati Rangiwhaeo. The former, through principally Kawana Hunia, Matene te Ranganui, and Ratana Ngahine claimed on the basis of conquest and occupation as well as through their ancestor Tonganui. Significantly, Hunia acknowledged that Ngati Apa did not live on the northern section of the block that he claimed through conquest, while other Ngati Apa witnesses declined to support his claim. It also became apparent that none of the witnesses called by Ngati Rangiwhaeo could demonstrate a detailed knowledge of the land.

7.3. On 1st October Buller opened the case for the claimants by systematically challenging and rejecting the evidence presented by the two counter claimants, Ngati Apa and Ngati Rangiwhaeo. Utiku Potaka demonstrated an intimate knowledge of the block, at the same time as he denied and rejected the claims advanced by Ngati Apa. He also noted that that iwi had never objected to his leasing Mangomoko to and accepting rents from Richard Hammond. Retimana te Rango of Ngati Tama recounted battles on the block between Ngati Apa and Ngati Hauiti. William Marshall, the lessee of Takapurau, denied any knowledge of the presence of Ngati Apa on that portion of the block, while also insisting that he had had no dealings with that iwi.¹⁶⁰

¹⁵⁸ The proceedings were set out in full in *Te Waka Maori* of 25th October 1879. See *Te Waka Maori* 1, 42, 25 October 1879, pp.541-552.

¹⁵⁹ Native Land Court, *Napier Minute Book* 5/140.

¹⁶⁰ Native Land Court, *Napier Minute Book* 5/233-234.

7.4. On 8th October 1879 Booth advised Gill that a ruling in respect of Otamakapua could be expected within two or three days and that the case was 'going in favour' of Renata Kawepo and Utiku Potaka and their hapu. The entire 106,636 acres would be acquired, no reserves would be made, the rate per acre was 10s, and the total price was £53,316.¹⁶¹ Given the monies he had in hand, plus the £3,200 already paid as an advance to Renata, Booth required about £40,000 and that sum, Native Minister Bryce indicated, would be paid within three months of the signing of the deed of sale and purchase.¹⁶²

7.5. On 9th October 1879, 17 days after it commenced hearing evidence, and just a day after the last of the evidence had been presented, the Native Land Court (Judge Heale) issued its judgement. It noted that the claim had been lodged by six hapu:

... which trace their descent from Hauiti who lived and was killed on this land ... An attempt has been made to set up a counter claim on behalf of a hapu called Ngatirangiwhaeo and especially by Aperahama Tipae, its principal chief. In the course of the investigation it has been shown that the claimants by their acts at various times so fully admitted extensive rights to Aperahama that the Court cannot doubt that he is largely interested in the land, but no proof whatsoever was brought of any rights of Ngatirangiwhio [*sic*] and it appears that Aperahama's right must be derived from another source ...

The only counter claimant is the Ngati Apa tribe which claims to have occupied and to have held by force of arms that portion of the block which lies south of the Mangamoko Stream. Their leading chief Kawana Hunia Hakeke did indeed make a claim to the north part by conquest but none of his witnesses supported him and that pretension needs no further remark.

It has been shown by the evidence on both sides that this southern piece was battle ground between the Ngatihauiti tribe & the Ngatiapa for many generations and that until the Ngatiapa who were generally the attacking party were on many occasions successful: and it is probable that after defeating their enemy they may have occasionally occupied & exercised rights of ownership over the land; that they have failed to show any permanent settlement on it; they had no considerable burial places on it; and their witnesses showed very

¹⁶¹ Land Purchase Officer to Native Minister 8 October 1879, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹⁶² John Bryce was a Scot who settled near Whanganui in 1853, was commissioned as lieutenant in the Kai-iwi Yeomanry Cavalry Volunteers, was embroiled in the Handley woolshed killings, entered Parliament and served as chairman of the Native Affairs Committee from 1876 to 1879 and as Minister of Native Affairs from 1879 to 1884 (except for a period in 1881 when his place was taken by William Rolleston), initiated repressive legislation aimed at Maori, and orchestrated the assault on Parihaka in 1881. See Hazel Riseborough, 'Bryce, John,' *Te Ara – encyclopaedia of New Zealand*.

slight acquaintance with it except the south west corner near the Waitapu Stream. Even if the two parties had been about equal in this warfare in former times it is certain that after the advent of Ngatitoa & Ngatiraukawa the balance must have been turned greatly in favour of the Ngatihauiti tribes who occupied their inland places without molestation while it is obvious that the Ngatiapa were very greatly weakened by the invasions. The Court therefore has no difficulty in finding that the six tribes named as descended from Hauiti remained the owners of the whole of the block and a judgement will be recorded in their favour but subject to the condition that Aperahama Tipae must be included amongst the successful claimants. If the majority of the claimants require it the investigation will now be extended to ascertain the amount of the share of each of these hapus. But if names can be selected by universal consent to represent them in the memorial of ownership this further investigation will be unnecessary.¹⁶³

7.6. The Court thus dismissed the counter-claim lodged by Aperahama Tipae for Ngati Rangiwhaeo for want of evidence, while also rejecting Ngati Apa's claim to the northern portion of the block on the grounds of conquest. On the other hand, the Court acknowledged that Ngati Apa and Ngati Hauiti had fought over the southern portion of Otamakapua but that the former had failed to occupy the land permanently. The ruling settled, according to the *Wanganui Chronicle*, 'a long vexed question.'¹⁶⁴

2.8. Naming the grantees

8.1. The successful claimants turned to deciding upon the names to be entered into the memorial of ownership. The hearing recommenced on 13th October when Judge T.E. Young replaced Judge Heale. Kawepo, anxious to complete the sale of the block to the Crown, opposed the entry of the name of every individual in the six hapu on the grounds that that would have greatly complicated the sales process. He thus secured agreement that Utiku Potaka's name should be entered in respect of Ngati Hauiti, Ngati Tama, and Ngati Whiti, Hoani Meihana would represent Ngati Tumokai, Renata Kawepo would represent the Tuterangi section of Ngati Hinemanu, and that Wirihana Hunia and Herewini Tawera would represent Ngati Upokoiro. Paki Pariahau of Ngati Hinemanu represented the other sections of Ngati Hinemanu, namely, Te Kea, Mateora, Te Hapu, and Te Whaoterangi. Initially no objections were raised but it

¹⁶³ Native Land Court, *Napier Minute Book* 5/239-240.

¹⁶⁴ *Wanganui Chronicle* 16 October 1879.

quickly became evident that owners generally had failed to understand the meaning of the term 'representative.' The protests were such that the Court re-opened the matter on 10th October and battle was enjoined.

8.2. On 16th October 1879 Booth reported to Native Minister Bryce that a good deal of 'hand fighting' had taken place all during the previous week but that everything had 'closed satisfactorily' with some 110 'representative names' being accepted by the Court for the memorial of ownership. The Court had then adjourned to allow the various hapu time to agree to 'a voluntary arrangement amongst themselves so as to avoid the necessity of any tribal partition.' There was, he continued, no difficulty over sale to the Crown:

... excepting this which is quite a new feature that they insist upon cash payment of the whole of the purchase money on the signing of the deed. The reason for making this request being that they are now all assembled here and that it would be impossible for them all to collect together again from distant parts of the country three months hence for the purpose of distributing the money.

8.3. A darker reason would soon emerge. In the meantime, Booth pressed for the remittance to Napier immediately of the balance of the purchase money lest the negotiations grind to a standstill. He noted that the owners had indicated that they would accept the £10,000 he had at hand and allow the Crown to take 20,000 acres, an offer he had promptly rejected. On the other hand, 'negotiations for the Waitapu Block, on the same terms as Otamakapua, has [*sic*] been entirely successful.' Only Kawana Hunia had not agreed, and he was 'setting up an inordinate claim himself.'¹⁶⁵ Native Minister Bryce was perturbed at the turn of events, reminding Booth that the government had undertaken to pay the balance of the purchase money within three months, the time limit set by the Native Land Act 1878 for the lodging of an application for a title re-hearing. The government was not prepared to consider alternative terms while, in Bryce's view, at least, Booth, Buller, and the owners could themselves settle upon the division of monies. As for Waitapu, Bryce adhered to his

¹⁶⁵ Land Purchase Officer to Native Minister 16 October 1879, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

original position that the block should be acquired before the final payment on Otamakapua was made.¹⁶⁶

8.4. On the 18th October, Utiku Potaka made it clear to the Court that the six hapu had not arrived at a final decision, observing that ‘When the six hapus come to an agreement I will ask the Court to settle it.’ At that juncture Buller decided to remind the Court that the Crown ‘had an absolute pre-emptive right under the Native Land Purchase Act 1878.’¹⁶⁷ The debate and wrangling continued and it was not until the 20th October 1879 that the Court was able to issue an order for a memorial of ownership that listed by hapu the names of the grantees.¹⁶⁸ The hearing cost £36, to which was added that of the memorial, an additional £2.

2.9. Ngati Apa seeks a re-hearing

9.1. At the conclusion of the hearing Booth at once offered the owners £10,000 of the purchase money, and the payment of the balance of £40,000 in three months. The owners agreed to allow the matter of payment to stand over, while Renata invited all iwi to assemble at Omaha in January 1880 with a view to completing the sale to the Crown.¹⁶⁹ Indications soon emerged that only the first phase of the battle over Otamakapua 2 had concluded. In October 1879 Urania Renata and five others, writing from Te Aute, pressed Chief Native Land Court Judge Fenton to ‘[re]open the investigation into Otamakapua within the next three months.’ They went on:

We have authority in these six tribes, in Hauiti, in Ngatiwhiti, in Ngatitama, in Te Upokoiri, in Ngatihinemanu, in Ngatitumokai. Those tribes received authority from the Court over Otamakapua. Judge Heale adjudged those tribes upon the land. When Judge Young affixed the owners['] names to the order for the Grant, our names were omitted by that bad man. We are real descendants of Hauiti, and therefore apply for a re-hearing.¹⁷⁰

¹⁶⁶ Native Minister to Land Purchase Officer 17 October 1879, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹⁶⁷ Native Land Court, *Napier Minute Book* 5/252.

¹⁶⁸ Native Land Court, *Napier Minute Book* 5/255-258.

¹⁶⁹ *Evening Post* (Wellington) 22 October 1879.

¹⁷⁰ Urania Potaka and others to Chief Judge, Native Land Court 22 October 1879, in Maori Land Court records Oti 646, Otamakapua correspondence file.

9.2. On 8th December 1879, Andrew Duncan lodged an application for a re-hearing on behalf of Kawana Hunia and others of Ngati Apa. That induced Wunu Te Ahuru to indicate to the Native Minister that Aperahama Tipae and he did not want a re-hearing but rather wished to receive the purchase monies while also objecting to what was termed the 9,000-acre reserve set apart for Utiku at Mangamako.¹⁷¹ Duncan offered evidence of what he termed a close relationship between Ngati Apa and Ngati Tumokai.¹⁷² The application for the re-hearing in fact set out 47 grounds, among them that by denying Ngati Tumokai rangatira Hoani Meihana and Hamuera Raikokoritia the opportunity to speak, the Court deprived Ngati Apa of vital evidence. The penultimate ground noted that the Court in its ruling had excluded Ngati Apa but included Aperahama also of Ngati Apa and who had claimed on the same grounds as Ngati Apa itself, and that ‘the Court could not properly admit him as owner without also admitting as owners the other members of his tribe...’¹⁷³

9.3. Judge Heale addressed a lengthy memorandum on the application to Native Minister in which he defended the selection of Omaha for the title investigation on the grounds that the dispute between the contending parties was ‘so violent that it was clear that at whichever of those places [Marton and Bulls] the Court sat the other party would interpose difficulty and interruption while Renata Kawepo would not have appeared at either.’ He noted that both claimants and counter-claimants had assembled in great number at Omaha. He went on to observe that for many generations the southern portions of the block had been a ‘battle ground’ between Ngati Apa (whom he labelled as ‘generally the attacking party’) and Ngati Hauiti, that the former had occasionally succeeded, and that while they had occupied the block from time to time had failed to establish permanent occupation. He went on:

It is certain that the straight line now forming the southern boundary of the Block never was an ancient Maori boundary – that in fact there never was a defined boundary between the different tribes, but the Court was satisfied ... that in the few years prior to 1840, after the advent of Ngatiraukawa the

¹⁷¹ Wunu Te Ahuru to Native Minister 31 November 1879, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

¹⁷² See Archives New Zealand, Wellington MA 13 58B.

¹⁷³ A copy of the application can be found in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

Ngatiapa had no settlement or recognise claim to the north of it and that Ngati Hauiti had.¹⁷⁴

9.4. In mid-December 1879 Hone Marumaru and 13 others took the matter up with the Native Minister, pressing for a re-hearing.¹⁷⁵ Kawana Hunia made it clear to Native Minister Bryce that in the absence of a re-hearing he and his people would occupy the block.¹⁷⁶

9.5. On the other hand, Hauwere te Raikokiritia and others of Parewanui opposed a re-hearing on the grounds that the applicants had no claim to the land.¹⁷⁷ That same month, Wunu te Ahuru and informed Native Minister Bryce that neither he nor Aperahama Tipae wanted a re-hearing but rather wished to receive the purchase monies. At the same time he insisted that ‘Ngatiwhiti, that is, Potaka and others, have no lands there,’ that Tipae and his hapu were the major claimants, and that Tipae and his hapu and the writer were the only persons who could sell the land. He warned Bryce that:

... the people connected with these land sales have spoken deceitfully, for on their land having been disposed of by previous purchases by the pakehas they have gone and acted deceitfully with respect to land belonging to others to obtain money – act very cautiously in respect to people who go thither to sell land, they have no land, the land is mine.

This is another word. Should those tribes go thither to speak to you about Otairi do not consent – Aperahama Tipae is the chief of that land with his hapu.

This word has reference to Rangatira. Should anyone belonging to those tribes go thither to speak to you about it, do not consent, they have no land. That land belongs to Aperahama Tipae his hapu and me.

9.6. He went on to describe land between Otairi and Rangatira which he named as;

¹⁷⁴ Memorandum by Judge Heale 22 December 1879, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

¹⁷⁵ Hone Marumaru and 13 others, Parewanui to Native Minister 15 December 1879, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

¹⁷⁶ Kawana Hunia, Wellington to Native Minister 23 December 1879, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

¹⁷⁷ Hauwera te Raekokiritea and others, Parewanui to Native Minister 14 January 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

Tikonga-mo-runga Pinui and Waiwhero it is a reserve within the Otairi and Rangatira Blocks. The money for Rangatira £2500 has been expended the money for Otairi £6000 has been expended, no advance has been taken (openly) on this land the advance taken is £200 and was taken secretly in Wellington by Kawana Hunia and the people; the people to whom the land belongs did not see it, that land belongs to Aperahama Tipae and his elder brother Hori Te Rangio ... This is an application to you to give me advance on that land ...¹⁷⁸

9.7. Acting on the advice of the Chief Judge of the Native Court, the Native Minister decided not to issue the necessary order.¹⁷⁹ Ngati Apa prepared to press its claims through Parliament (see below).

2.10. Walter Buller and his fees

10.1. A summary of all the payments made in respect of Otamakapua from 1874-1875 to 1880-1881 revealed a total expenditure of almost £9,017. Of that sum, £5,162 represented payments on account of purchase, that is, made to owners, and almost £3,855 represented 'incidental' expenses.' The latter included a payment of £2,000 to Renata Kawepo for services in negotiating the sale of the block, and two payments totalling £1,008 to W.L. Buller. Among the owners, Renata Kawepo received £3,200 (on 12th May 1875), Wirihana Hunia received £500, while Utiku Potaka received several payments aggregating £200 plus a payment of £200 made jointly to him and Renata Kawepo, and Aperahama Tipae was paid a total of £270.¹⁸⁰ Interestingly, the actual payment vouchers indicate that James Booth had travelled to Marton, Palmerston North, Napier, Waipukurau, and Kapua in his efforts to conclude the purchase of the block.

10.2. At least Kawepo was paid an advance before he was also paid for rendering 'assistance.' It should also be noted that advance payments were made several years

¹⁷⁸ Wunu Te Ahuru, Te Wakatakakerenui to Native Minister 5 January 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

¹⁷⁹ Under Secretary, Native Office to Chief Judge, Native Land Court 7 January 1880, in Maori Land Court records, Oti 646, Otamakapua correspondence file.

¹⁸⁰ Archives New Zealand, Wellington ACIH 16046 MA 13 99i 58e. *Supporting Documents*, Volume 3, pp.8-50.

later to Kawana Hunia, Utiku Potaka, and Aperahama Tipae, that is, only after the fact of the earlier payment to Kawepo had become more generally known.

10.3. The activities of lawyers associated with Maori land dealings and the fees they charged were regularly criticised, Walter Buller in particular attracting considerable attention. The committee appointed by the Legislative Council in 1879 to inquire in 'Native expenditure' took some interest in the fees that Buller received. Under Secretary Gill noted that between 15th March and November 1879 Buller had received £651, including the retainer of £105 and per diem fees of £546. In June 1880 Buller submitted a claim for £462 covering the period from 26th January and 26th March 1880 and 'in connection with the Otamakapua purchase.'

10.4. Native Minister John Bryce at once demanded a report.¹⁸¹ Gill acknowledged that Buller's services constituted 'a heavy charge against the department.'¹⁸² On 20th June 1880, Cabinet decided that Bryce should 'take steps to limit the application of this engagement to such cases as he may himself determine on.'¹⁸³ Buller was advised accordingly while Booth was informed that the Native Minister's prior consent was required before Buller was engaged.¹⁸⁴ Bryce was not finished with the matter, suggesting that the claim for £462 was 'not within the arrangement' made with Buller.¹⁸⁵ In an affidavit, Booth recorded that the fees of £462 had been incurred 'completing the deed of cession to Her Majesty the Queen of the Otamakapua Block of 104,521 acres,' and that the purchase could not have been effected without Buller's 'influence and assistance.'¹⁸⁶ Buller himself informed Bryce that during the period concerned he was 'travelling about at considerable personal expense, having in the performance of that service to make two trips to Wanganui, two trips to Napier, and a

¹⁸¹ Under Secretary, Native Land Purchase Department to Land Purchase Officer, Whanganui 15 June 1880, in Archives New Zealand, Wellington MA-MLP 1 1880/501. *Supporting Documents*, Volume 3, pp.66-95.

¹⁸² Under Secretary, Native Land Purchase Department to Native Minister 15 June 1880, in Archives New Zealand, Wellington MA-MLP 1 1880/501. *Supporting Documents*, Volume 3, pp.66-95.

¹⁸³ Native Minister to Under Secretary, Native Land Purchase Department 20 June 1880, in Archives New Zealand, Wellington MA-MLP 1 1880/501. *Supporting Documents*, Volume 3, pp.66-95.

¹⁸⁴ Under Secretary, Native Land Purchase Department to Land Purchase Officer, Whanganui 29 June 1880, in Archives New Zealand, Wellington MA-MLP 1 1880/501. *Supporting Documents*, Volume 3, pp.66-95.

¹⁸⁵ Native Minister to Under Secretary, Native Department 5 July 1880, in Archives New Zealand, Wellington MA-MLP 1 1880/501. *Supporting Documents*, Volume 3, pp.66-95.

¹⁸⁶ Copy of affidavit in Archives New Zealand, Wellington MA-MLP 1 1880/501. *Supporting Documents*, Volume 3, pp.66-95.

toilsome journey into the Taupo country in very bad weather – altogether more arduous work than conducting a case in the Native Land Court.’ He went on to insist that he had lodged no claim for several other journeys he had made to Napier in connection with the Otamakapua purchase ‘or for other services extending over a long period for which I shall have of course to arrange with my Native clients.’¹⁸⁷ With some reluctance, but in the light of Booth’s affidavit and in the face of a threat by Buller to take the matter to the Taxing Master of the Supreme Court, Buller’s claim was paid in full. Buller informed Gill that he happy to act for the Crown in any future cases brought before the Native Land Court and indeed that he would ‘always prefer to be acting for the Crown than in opposition to its interests.’¹⁸⁸

10.5. Buller acknowledged that his Native Land Court business was very lucrative and indeed recorded that by the end of 1882 he was earning between £6,000 and £8,000 a year. Galbreath noted that with his knowledge of Maori land law, his command of Te Reo, and his legal skills, ‘Buller was well placed to work the whole system to the advantage of his clients.’ He also noted that while Buller ostensibly acted for Maori clients, in many instance he also held retainers from those seeking to purchase the land in question. Further, Buller contrived on more than one occasion to act simultaneously for contending parties, a practice exposed by the 1886 investigations into the proceedings connected with the 164,000-acre Owahaoko block.¹⁸⁹ Bryce’s advice to Te Keepa that lawyers were as a staff ‘sharpened at both ends’ applied with particular force to Buller.¹⁹⁰

10.6. It is of interest to note here that in 1887 the *Wanganui Herald* claimed that Buller had received £1,092 for his services in connection with Otamakapua although he had done ‘nothing at all to acquire interests.’¹⁹¹

¹⁸⁷ Walter Buller, Wellington to Native Minister 23 July 1880, in Archives New Zealand, Wellington MA-MLP 1 1880/501. *Supporting Documents*, Volume 3, pp.66-95.

¹⁸⁸ Walter Buller, Wellington to Under Secretary, Native Land Purchase Department 26 July 1880, in Archives New Zealand, Wellington MA-MLP 1 1880/501. *Supporting Documents*, Volume 3, pp.66-95.

¹⁸⁹ R. Galbreath, *Walter Buller: the reluctant conservationist*. [Wellington] c.1989, pp.131-135. Galbreath’s source is Buller’s letterbooks held by Alexander Turnbull Library (qMS 1877-92 Buller letterbooks). For the Owahaoko investigation, see AJHR 1886, I8.

¹⁹⁰ Native Minister to Te Keepa 29 November 1880 in Archives New Zealand, Wellington NO 80/3921, cited in Robyn Anderson, *Whanganui iwi and the Crown 1865-1880*. Wellington, 2004, p.203.

¹⁹¹ *Wanganui Herald* 29 October 1887.

10.7. In February 1881 R.D. Maney of Hawke's Bay (and whose record of dealings in lands owned by Maori was suspect at best) claimed that he had entered into an agreement with McLean 'to proceed to the West Coast and purchase ... [Otamakapua] many of the owners being my clients.' In fact he appears to have been Renata Kawepo's agent or manager. Maney claimed that his agreement with McLean included a commission of 1d per acre, that he had 'spent a considerable sum in going backwards and forwards,' and that 'his section of the Natives agreed to the sale and received advances from Sir Donald McLean.' Finally he claimed not to have received any payment and requested reimbursement in terms of the original agreement.¹⁹² In fact, Maney, a sheep-farmer of Omahu, had received £300 in commission on 5th July 1875, that is, following the payment of £3,200 to Renata Kawepo.¹⁹³

10.8. In a lengthy memorandum prepared for the Native Minister early in August 1881, Gill suggested that, with respect to Otamakapua, the negotiations involving Maney 'could only have been preliminary as the Title to the land was not investigated till October 1879.' Having noted that Maney had not rendered any assistance since being paid his commission, Gill went on to suggest that 'The question is how far the promise made by the late Sir Donald McLean under the altered circumstances of the purchase of this land should be adhered to'¹⁹⁴ The Public Petitions Committee to which Maney's petition had been referred, recommended the payment of £500 in settlement of all Maney's Hawke's Bay related claims. The report of the Committee made no reference to his claim for further payment in respect of Otamakapua.¹⁹⁵

¹⁹² R.D. Maney, Wairoa to Native Minister 234 February 1881, in Archives New Zealand, Wellington MA-MLP 1 1881/373. *Supporting Documents*, Volume 3, pp.103-121.

¹⁹³ See Archives New Zealand, Wellington ACIH 16046 MA 13 99i 58e. *Supporting Documents*, Volume 3, pp.8-50.

¹⁹⁴ Under Secretary, Native Land Purchase Department to Native Minister 5 August 1881, in Archives New Zealand, Wellington MA-MLP 1 1881/373. *Supporting Documents*, Volume 3, pp.103-121.

¹⁹⁵ Copy in Archives New Zealand, Wellington MA-MLP 1 1881/373. *Supporting Documents*, Volume 3, pp.103-121.

2.11. Securing signatures

11.1. Aware that pressures were building for a re-hearing of title to Otamakapua 2, and conscious of the government's growing financial difficulties, Under Secretary Gill pressed Booth to conclude the purchase by the end of the financial year, that is, 31st March 1880.¹⁹⁶ On 20th February 1880, Booth advised the Native Minister that he had succeeded in getting all of Utiku Potaka's party to sign the Otamakapua deed and was endeavouring to secure the signatures of Hoani Meihana, Wirihana and others.¹⁹⁷ A few days later Buller joined an injured Booth in Whanganui. The next day they made their way to Marton where Utiku's people were expected to sign the deed and from there they proposed to travel to Bulls to meet Wirihana's people. Booth, he added, was travelling in considerable pain and, although 'most reluctant to give in,' was not in a fit state to make the journey to Omaha. Buller planned to go to Patea–Murimotu to get the deed signed by Paki's people.¹⁹⁸ He then advised Bryce on 25th February that:

... I will act in any way you think best – after receiving your telegram Booth feels anxious & uncomfortable – I feel sure there is no chance of his going on as he is already suffering from yesterday's short trip by train. It will take us two days longer to get signatures here [Marton] so there will be time for you to consider the position before instructing us further.¹⁹⁹

11.2. Four weeks later, on 18th March, Gill reported to the Native Minister that Buller was at Patea Murimotu securing signatures: once they had completed that task Booth would travel to Omaha to obtain the rest of the signatures and pay over the purchase monies of £48,000. Renata Kawepo had made it plain that he would sign only when he saw the money.²⁰⁰ At that juncture Te Keepa's actions over Murimotu posed difficulties: on 24th March 1880 Buller advised Gill that 'Ngatiwhiti & Ngatitama

¹⁹⁶ Under Secretary, Native Land Purchase Department to Land Purchase Officer, Whanganui 14 February 1880, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹⁹⁷ Land Purchase Officer, Whanganui to Native Minister 26 February 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

¹⁹⁸ W.L. Buller, Marton to Native Minister 25 February 1880, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

¹⁹⁹ W.L. Buller, Marton to Native Minister 25 February 1880, in Archives New Zealand, Wellington MA 13 99 58d. *Supporting Documents*, Volume 2, pp.286ff.

²⁰⁰ Under Secretary, Native Land Purchase Department to Native Minister 18 March 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

object to any part of the Otamakapua purchase money being paid over till they can come down to Omaha. They will not leave the district whilst Kemp remains.’ Kawepo had thus agreed to an indefinite postponement of the meeting at which the purchase monies were to have been distributed.²⁰¹ Indeed, on 12th April Buller advised Gill that there was ‘no chance of anything being done at present. Kemp’s difficulty has assumed a new complexion & and I do not think he will leave the district for some time.’ Indefinite postponement was thus unavoidable, a conclusion with which Renata agreed.²⁰² Towards the end of April, accompanied by Buller and R.T. Warren of Ohaoko Station, and in the face of efforts by Ngati Whiti to dissuade him, Kawepo travelled to the Murimotu in an effort to induce Kemp to ‘retire,’ in which case Otamakapua Maori would ‘come away and sign the deed.’²⁰³

11.3. Other difficulties threatened to delay the completion of the purchase. In May 1880, writing on behalf of Utiku Potaka and his whanau, Duncan asked that 2,000 acres in two parcels should be excised from Otamakapua and Crown grants issued accordingly. Payment of 10s per acre was proposed, with Utiku Potaka meeting survey costs. The application was made in the light of promised reserves having not been made. Before completing the sale of Otamakapua they sought an assurance that the reserves would be made.²⁰⁴ Booth, to whom Duncan’s letter was referred, offered some scathing criticism of the Whanganui solicitor, claiming that he had ‘fallen into very ridiculous mistake,’ and that he had ‘entirely misconceived the nature of Utiku Potaka’s communication and misunderstood altogether the question of reserves.’ Booth insisted that Utiku Potaka had been informed that the Native Minister ‘had made it a *sine qua non* that there should be no reserves in the block. The latter had

²⁰¹ W.L. Buller, Napier to Under Secretary, Native Land Purchase Department 24 March 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285. Early in March 1880 Te Keepa was informed by the Native Minister that ‘in consequence of his disobedience of orders and turbulent conduct,’ the Governor had been ‘pleased’ to dispense with his services as an assessor and land purchase officer. See Under Secretary, Native Office to R.W. Woon, Whanganui 8 March 1880, in Archives New Zealand, Wellington AEDK 18740 MA-WANG 1/3/11.

²⁰² Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 12 April 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²⁰³ Land Purchase Officer, Whanganui to P. Sheridan, Native Land Purchase Department 23 April 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285. For an account of that trip, see *Hawke’s Bay Herald* (Napier) 30 April 1880. Te Keepa was not present, while Teoti Pohe accused Kawepo of being ‘another government emissary,’ an accusation vehemently denied by Kawepo.

²⁰⁴ A. Duncan, Whanganui to Native Minister 5 May 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

apparently agreed, after some protracted suasion, on Booth's agreeing to reserve five acres around an old urupa at Maturahui.

11.4. Subsequently Utiku Potaka raised another matter, namely, a discrepancy between the area surveyed by Campion and the area sold to the Crown. Booth set the details out as follows:

Area shown in Campion's original map	147,325 acres
Deduct Waitapu Reserve	29,484
Deduct excluded block (Otamakapua 1)	8,952
Deduct Mangaoira overlap	2,115
Net area	106,774 acres
Area shown on deed of transfer	104,521 acres
Apparently unaccounted	2,253 acres

11.5. Booth concluded that the only reason for the apparent discrepancy was a mistake in the original survey. 'But that if there should prove to be a surplus it would belong to the vendors, who only conveyed to the Queen what was shown in the deed.' He then reported that Campion had acknowledged that there was 'an error in length of the south west boundary which was shown too long by 15 chains on Renata's map.'²⁰⁵

11.6. The government's patience began to wear thin. Early in June 1880 Booth reported that Renata Kawepo had asked for an advance on Otairi 2, but suggested that he be 'put off.' Kawepo was, he noted, 'very much in want of money just now & this fact is more likely to induce him to complete the Otamakapua sale than if he were in funds.'²⁰⁶ Kawepo pressed for payment on what he termed Whakauae but listed in Booth's books as Otairi 2. Booth endeavoured to deflect the demands on the grounds that no payments could be made in advance of an award of title. He also made it clear to Kawepo that he would insist that a deed 'shall be fully signed,' and that the purchase monies would be paid over 'only in the presence of the whole of the

²⁰⁵ Memorandum by Land Purchase Officer, Whanganui 12 July 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²⁰⁶ Land Purchase Officer, Whanganui to Under Secretary Native Land Purchase Department 4 June 1880, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

grantees.’²⁰⁷ By March 1880 Kawepo was deeply in debt. Judgements having been entered against him in the Napier District Court, he asked Buller to meet debts of £257, agreeing in return ‘to repay him out of the purchase money of the Otamakapua block when received.’²⁰⁸

11.7. Bryce refused to authorise any advance payment and, indeed, Booth was instructed not to make any more advances in respect of the Otamakapua purchase ‘till the purchase can be closed ...’²⁰⁹ The government was adamant that the final purchase monies would not be paid until all grantees had agreed to the sale of the block. The pressure appears to have had the desired effect, Renata Kawepo inviting all owners to assemble at Omaha on 12th August to complete the deed of transfer. Booth reported that Utiku Potaka and his people, together with Ngati Tumokai residing at Rangitikei and Manawatu had all signed as had those of Whanganui. The delay in securing the signatures of Hawke’s Bay Maori he attributed to ‘the troublesome attitude of Major Kemp at Murimotu.’²¹⁰

11.8. Ngati Apa made another effort to thwart the sale. In July 1880, Wunu Te Ahuru, advised Native Minister Bryce ‘not [to] give the money for Otamakapua to Mr Booth and Dr Buller, you are not acquainted with all the facts, that money should be charged upon other land.’ He went on to note that ‘the people of Heretaunga have retained Otamakapua as Native land the land of Hauiti; that reserve contains over nine

²⁰⁷ Land Purchase Officer, Whanganui to Native Minister 4 June 1880, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume

²⁰⁸ W.L. Buller papers, Alexander Turnbull Library qMS-1613. It is not necessary to dissect Renata Kawepo’s financial difficulties, but some of his debts arose out of the action he brought, in March 1879, against G.P. Donnelly and Joseph Price for conspiracy to extort, and Price’s action against Kawepo for damages of £2,000 for malicious prosecution. See *Hawke’s Bay Herald* (Napier) 17 March, 25 March, 26 March, 27 March, 28 March, 29 March, and 20 December 1879.

²⁰⁹ Under Secretary, Native Land Purchase Department to Native Minister 18 June 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²¹⁰ Land Purchase Officer, Whanganui and W.L. Buller to Under Secretary, Native Land Purchase Department 22 July 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285. A few months later, on 28 December 1880 the *Wanganui Herald* published an account of Kemp’s activities. Booth reported to the Under Secretary of the Native Land Purchase Department that ‘Kemp has for years past been like a spoilt child,’ that he possessed ‘an overweening conceit,’ that was angry over his dismissal from the ‘the Service,’ and that his ‘angry speeches’ over boundaries had been ignored. Booth went on to note that some Maori at least were beginning to doubt Kemp’s ability to carry out his promises to repudiate land sales and advance payments. He also referred to an attack on himself by the *Wanganui Herald*. See Land Purchase Agent, Whanganui to Under Secretary, Native Land Purchase Department 5 January 1881, in Archives New Zealand, Wellington MA-WANG 1/3/12. *Supporting Documents*, Volume 5, pp.44-63.

thousand acres, the title to the land is clear it belongs to me and my tribe the Ngatiapa and we inherit it from the ancestor Tonganui.' He went on:

... the money you are paying is for other hapus, for the hapus of Heretaunga, Taupo, Te Awarua and Murimotu, and they have no claim to any of this land ... The land for which this money [£49,000] is received is Otamakapua ... and not for the lands of Tonganui and his descendants. Mr Booth and Dr Buller are misappropriating the money of the Government by giving it to persons who have no claim to this land. Friend, retain these moneys there will be complications about this land and there will be no land against which to charge the money of the Government. The Ngatiapa are now going upon this land to live ... do you appoint another sitting of the Court so that this land may be dealt with in a satisfactory manner.²¹¹

11.9. A few days later, Gill recommended to Bryce that the balance of the purchase money (£47,298 10s out of £52,260 10s) should be remitted by telegram to Napier on the morning of the day scheduled for payment. In response, Bryce noted that:

I have been told and it seems not improbable that some of the principal owners do not mean to sign the deed, and that others have the strongest fears that the bulk of the money may be allowed to pass into the hands of Renata Kawepo. It is said also that some of the owners will insist on reserves being made. The greatest care must therefore be taken to see that the deed is complete before the money is paid, and that it passes into the hands of the persons entitled to receive. It is important also to remember that as the block will cost the Govt very much more than its value reserves cannot be allowed as they would be certain to detract from the average value of the whole block.²¹²

11.10. Gill advised Booth accordingly.²¹³ It was also clear that the amount of money involved caused some disquiet among officials of the Native Land Purchase Department. It is likely that that disquiet was intensified by Ngati Apa's renewed threat to occupy the block. Native Minister Bryce made it clear to Fox that a re-hearing was out of the question, but that 'I don't mean Renata to have his own way in [the] matter of payment.'²¹⁴ In all likelihood those same officials were unsettled by

²¹¹ Wunu Te Ahuru, Whangaehu to Native Minister 29 July 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²¹² Native Minister to Under Secretary, Native Land Purchase Department 2 August 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²¹³ Under Secretary, Native Land Purchase Department to Land Purchase Officer, Whanganui 2 August 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²¹⁴ Donald Fraser, Whanganui to William Fox, Wellington 28? August 1880; William Fox to Under Secretary, Native Land Purchase Department 29 August 1880; and Native Minister to Under Secretary,

Tareha te Moananui who, writing from Napier in August 1880, indicated to Bryce that payment for Otamakapua should be delayed and that the Rangitikei people should be advised to remain at home 'lest if they do come a serious dispute should take place between us. Renata', he added, 'is trying to impose upon us.'²¹⁵ For his part, Renata Kawepo pressured Booth to make the trip to Omaha ahead of the Rangitikei people 'to arrange preliminaries.'²¹⁶ Bryce approved. The death of Utiku Potaka's father delayed his departure until 13th August and hence the Omaha meeting was postponed to the 24th August 1880.

11.11. As Tareha te Moananui urged Bryce to delay the payment for Otamakapua, so too did S.R. Donnelly. The latter claimed that there was no chance of settling the purchase owing to 'the work of Renata and his advisers.'²¹⁷ Booth arrived in Omaha on 17th August, and reported that all the owners present were ready to sign, including Airini Tonore's mother (G.P. Donnelly's mother-in-law). Donnelly, he reported, was embroiled in a dispute with Renata Kawepo over a run. He also reported that he would return to Rangitikei 'Saturday next to make a last effort to bring Wirihana Hunia, his brother Warena, and a man named Waka over to Omaha,' noting that Donald Fraser was 'using every effort to prevent these people coming ...'²¹⁸

11.12. On 24th August, from Palmerston North, Booth advised Gill that he had succeeded in collecting all the Otamakapua grantees on 'this side,' and that they were about to depart by coach. He also noted that 21 had already left for Omaha.²¹⁹ It proved difficult to gather all grantees in Omaha. Te Keepa Tanga, one of the principal

Native Department 31 August 1880, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²¹⁵ Tareha te Moananui, Napier to Native Minister 3 August 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²¹⁶ Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 14 August 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²¹⁷ S. R. Donnelly, Napier to Native Minister 4 August 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²¹⁸ Land Purchase Officer, Hastings South to Under Secretary, Native Land Purchase Department 18 August 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285. On the Frasers, see Paul Melody, *The beach highway: the road to Rangitikei from 1849-1875*. Marton, 2004, p.109-111. It was noted above that Renata Kawepo and Donnelly engaged during 1879 and 1880 in a legal battle over claims of conspiracy to extort.

²¹⁹ Land Purchase Officer, Palmerston North to under Secretary, Land Purchase Department 24 August 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

claimants, could not attend the Omaha hui on account of illness, while some of co-grantees elected to remain with him at inland Patea. Booth let them know that he would carry the deed to them himself.²²⁰ Te Keepa Tanga's illness placed Booth in some difficulty, not least since those who had travelled from the west coast had done at considerable expense to themselves and were relying on the Otamakapua purchase monies to repay debts. Booth was still under strict instructions not to pay over any money until he had obtained all signatures.

11.13. Towards the end of August 1880 the purchase monies were returned to Treasury.²²¹

11.14. The hui finally opened at Omaha on the 27th August with Renata Kawepo and Utiku Potaka making clear their objection to anyone signing without 'absolute proof that the money is immediately forthcoming.' After some debate, an arrangement was arrived at under which, subject to the approval of the Native Minister, Booth (with G.A. Preece) would hand over to Renata Kawepo and Utiku Potaka a cheque (signed by Booth and Preece) for the unpaid balance.²²² The cheque would be 'made payable to our own order, taking from them an acknowledgement in writing of the conditions of [*sic*] which it was given ...' Such an arrangement, claimed Booth, would 'involve no risk whatever to govt and will satisfy Maori sentiment and enable me to complete the purchase which otherwise might be impossible in the present temper of the tribes.'²²³ Bryce refused to approve that proposal.²²⁴ To add to Booth's difficulties, Te Keepa Taanga remained too ill to travel while Te Paki discouraged him from taking the deed to him and those who had remained with him.

²²⁰ Land Purchase Officer to Under Secretary, Land Purchase Department 26 August 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²²¹ *Hawke's Bay Herald* (Napier) 31 August 1880.

²²² George Augustus Preece was a son of Church Missionary Society lay missionary James Preece. In 1864 he was appointed clerk and interpreter to RM Samuel Deighton at Wairoa. He served with the Wairoa Native Contingent in the 1868 and 1869 campaigns, and in 1876 was appointed Resident Magistrate for Opotiki, later serving in Napier and Christchurch.

²²³ Land Purchase Officer, Hastings South to Under Secretary, Native Land Purchase Department 27 August 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²²⁴ Native Minister to Under Secretary, Native Land Purchase Department 27 August 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

11.15. Clearly great distrust prevailed among the various parties involved. Indeed, from Pungarehu, Bryce intimated that he did not think Hunia and other West Coast owners were prepared to sign the deed, and reported that in ‘various quarters there is the greatest fear that [the] money should be placed in Renata’s hand.’²²⁵ The fear clearly was the purchase monies would not be divided equitably among all owners. Buller intervened and discussed the issue at length with Kawepo with the result that the latter, although ‘very sore about it,’ consented.²²⁶ No doubt weighing in Kawepo’s mind was the threat of other owners to return home and thereby bring the entire purchase proceedings to a premature close.

11.16. Further discussions among the hapu gathered continued over the distribution of the monies and while Booth was confident that ‘they would arrange matters amicably,’ he was less sanguine over Wirihana Hunia and his insistence that £500 advanced by Native Minister Sheehan should be a charge against the block as a whole rather than against that portion awarded to Ngati Apa.²²⁷ Buller claimed that that particular difficulty rose out of the payment made by former Native Minister Sheehan under what he termed ‘peculiar circumstances.’ He noted that Wirihana claimed that the payment had not been made on account of Otamakapua and if charged at all should be charged against all owners: that the latter were not prepared to accept. Buller went on to warn Gill that Donald Fraser had made it clear that he would ‘do everything in his power to frighten the Govt so as to prevent payment now & ultimately get a rehearing.’²²⁸

11.17. After further discussions, the position reached by 2nd September was, according to Booth, that four owners had declared that they would not sell and wished to reserve their positions. Their number included Retimana Te Rango who, Booth later claimed, was ‘entirely in the hands of Donnelly’ and whose niece was none other than Airini Donnelly, and who had repudiated an earlier agreement to sell. ‘I therefore

²²⁵ Native Minister to Under Secretary, Native Land Purchase Department 28 August 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²²⁶ Land Purchase Officer, Napier to Under Secretary, Native Land Purchase Department 30 August 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²²⁷ Land Purchase Officer to Under Secretary, Native Land Purchase Department 30 August 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²²⁸ W.L. Buller to Under Secretary, Native Land Purchase Department 30 August 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

spoke to him,' Booth recalled later, 'in such a manner before the tribe that he was very glad to sit down and hide out of sight. He did not again venture to repudiate.'²²⁹ A second group of some 25 or 26, comprising a section of Ngati Hinemanu, refused to sign until they saw the money, while a third group comprised those prepared to sell on the government's terms.²³⁰ Following a long debate on the evening of the 2nd, he continued, 'The four obstructionists were driven from their position & they will sign. The majority of grantees will sign today & the fourteen will sign when we can get the five from Patea [Te Keepa Ranga and those who had elected to remain with him].'²³¹

11.18. Booth's optimism notwithstanding, Herita Te Ranga informed Bryce that there was 'much difficulty in connection with Otamakapua.' While owners were still willing to sell provided the money were paid into the hands of their leaders, others had declined and were being 'intimidated by the officers of the government.' He proposed that the interests of those unwilling to sell should be partitioned out of the block.²³² It was clear that serious difficulties had emerged. Booth rejected the charge of intimidation, but now advised Gill that it could be some considerable time before the deed was completed. In the meantime, he added, over 100 people were waiting, having been for the past fortnight entertained entirely at the cost of Renata Kawepo. The latter, he added, was 'beginning to complain of this heavy tax on his hospitality' and hence proposed an advance of £200, such sum to be charged to the block.²³³ Bryce agreed. What Booth did acknowledge was that at least one indebted owner had been pressured by his Pakeha creditor to sell his interest in Otamakapua and repay the monies owed.²³⁴

²²⁹ Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 13 November 1880, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²³⁰ Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 13 November 1880, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-248.

²³¹ Land Purchase Officer, Hastings South to Under Secretary, Native Land Purchase Department 2 September 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²³² Herita Te Rango, Napier to Native Minister 2 September 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²³³ W.L. Buller and Land Purchase Officer, Hastings South to Under Secretary, Native Land Purchase Department 3 September 1880; and Land Purchase Officer, Napier to Under Secretary, Native Land Purchase Department, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²³⁴ See Land Purchase Officer, Napier to Under Secretary, Native Land Purchase Department 4 September 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

11.19. By 4th September Booth could report some progress, advising Gill that the opposition had practically ceased: of the 14 who had made clear their desire to see the money before signing, 11 had signed. He proposed taking the deed to Patea, that Hamlin should accompany him as an interpreter, and that Buller should also go on the usual terms. Bryce was not prepared to entertain the employment of Buller at ten guineas per day nor that of Hamlin at five. Further, he made it clear that he did not ‘wish undue pressure to be brought on the Maoris to sign the deed, the balance of the money is in my opinion worth the whole of the land and I will take very good care that it is not paid till the deed is complete.’²³⁵

11.20. The patience of those assembled at Omahu began to wear thin. On 15th September Booth reported that Kawepo was ‘inclined to dispute’ the amount he had been advanced by McLean, claiming that the sum had amounted to £2,000 rather than £3,200.²³⁶ A few days later, on 20th September Utiku Potaka proposed that those who had signed the deed should be paid and advised Bryce that if the matter were not settled he and his people would return to Rangitikei on the 28th.²³⁷ At the same time, some arrangement appears to have been come to over the £500 claimed by Wirihana Hunia, sufficient that he and his brother were prepared to sign the deed and to urge the Patea people to do likewise. By 25th September Booth could report that the inland Patea owners had still to arrive at Omahu, but that he had secured 27 new signatures including that of Renata Kawepo, while more would sign, including Airini Donnelly’s relatives although they wished ‘to see the money on the table before doing so.’

11.21. In line with his instructions, Booth claimed that he had refused to do so and hence suggested that negotiations could still break down. ‘It must be understood,’ he advised Gill, ‘that these people are all perfectly willing to sign but they have been so often cheated through their chiefs taking the whole of the money that they have come

²³⁵ Native Minister to Under Secretary, Native Land Purchase Department 5 September 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²³⁶ Land Purchase Officer, Hastings South to Under Secretary, Native Land Purchase Department 15 September 1880, in Archives New Zealand, Wellington MA 13 98 58c.

²³⁷ Utiku Potaka, Hastings South to Native Minister 20 September 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

to the determination above mentioned.’²³⁸ Three days later Booth reported that Ngati Hinemanu, in particular the sub-hapu Ngati Te Papake, still refused to sign until they had sighted the money and that Utiku Potaka had announced that he and his people would return home.²³⁹ The latter, who had made repeated efforts to induce Ngati Hinemanu to sign, was evidently ‘terribly disheartened’ since his three hapu (with the exception of four persons, two of whom had remained at Patea) had signed. A largely attended hui on 28th September, on the other hand, then led Booth to suggest that all opposition was at an end and that all would sign. Donnelly, he reported, had been ‘the cause of the opposition.’²⁴⁰

11.22. In fact, agreement among owners over the distribution of the purchase monies seemed as far off as ever. On the last day of September 1880 Booth advised Gill that discussions over the distribution of the purchase monies continued. Renata Kawepo and Utiku Potaka had proposed that they should be divided equally among the six hapu and that receivers should be nominated by each hapu with power to distribute the monies as thought proper. Ngati Hinemanu was opposed to such a course, insisting rather that the monies should be divided into equal shares of £500 and distributed among all owners. Utiku Potaka was evidently willing to accept that method, but insisted that any distribution must be among the whole of the recognised owners. Thus Utiku Potaka and ten others represented 159 owners the names of whom had been handed into the Native Land Court but not registered. Other hapu, he noted, had acted similarly, that is, they had handed into the Court a list of representative names and a list of all recognised owners. Ngati Hinemanu, he claimed, as a result of family rivalries, quarrels, and suspicion of Renata Kawepo, had put all

²³⁸ Land Purchase Officer, Hastings South to Under Secretary, Native Land Purchase Department 25 September 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²³⁹ Ngati Te Papake was led by Noa Te Hiango and included Airini Donnelly’s mother and other relatives. See Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 13 November 1880, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁴⁰ Land Purchase Officer, Hastings South to Under Secretary, Native Land Purchase Department 28th September 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

their owners (some 53) in and wished to divide the money in equal shares, a proceeding that Utiku Potaka regarded as absurd.²⁴¹

11.23. It was apparent that Donnelly and Napier lawyer A. Lascelles were still endeavouring ‘to burst the whole purchase up’ and to ensure that Booth never secured Otamakapua. Booth claimed that he was aware that ‘Donnelly has been very heavily tipped in various private transactions & no doubts his efforts are now pointing in this direction ...’ In an odd comment, Booth observed that he ‘would rather lose the chance of buying the block than be forced to bribe such a man as this.’²⁴² A few days later, on 1st October 1880, Booth reported that ‘everything was progressing satisfactorily,’ the opposition having been reduced to three or four ‘very active’ Pakeha.²⁴³ Over the next several days, intensive discussions, culminating in a major meeting on 5th October, centred on the division of the purchase monies. Booth reported that the ‘insatiable greed’ of one section of Ngati Hinemanu had threatened to break up the entire proceedings. In fact, the hapu now insisted on dividing their hapu into three and planned ‘to throw over two of the Court hapus in a proposed subdivision’ for which they claimed £26,000. He went on to note that:

The Ngatihauiti are without doubt the principal owners of the block. Utiku who is the head of the hapu admitted the Hinemanu because of their friendship for Renata. This hapu now want to separate Renata with a small section known as Tuterangi but it is thought that if the claim for subdivision of interests is brought into court Renata & the Tuterangi having now made common cause with Utiku the Hinemanu will be found to have a very small interest in the block.²⁴⁴

11.24. On 7th October Booth again reported at length to Gill. Ngati Hinemanu – and, Booth later added, ‘four or five other malcontents of other hapus’ - remained ‘obstinate’ although had ‘yielded as to the hapus’ while at the same time demanding for their 29 members £15,445, that is, its original proposal that the money should be

²⁴¹ Land Purchase Officer, Hastings South to Under Secretary, Native Land Purchase Department 28 September 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²⁴² Land Purchase Officer, Hastings South to Under Secretary, Native Land Purchase Department 30 September 1880, in Archives New Zealand, Wellington MA 13 98 58c. *Supporting Documents*, Volume 2, pp.149-285.

²⁴³ Land Purchase Officer, Hastings South to Under Secretary, Native Land Purchase Department 1 October 1880, in Archives New Zealand, Wellington MA 13 97 58b.

²⁴⁴ Land Purchase Officer, Hastings South to Under Secretary, Native Department 5 October 1880, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

divided into 92 shares. The latter, he declared, was ‘impossible as Ngatihauiti & other hapus put in only representative names & the Hinemanu put in every member.’ He had secured 62 signatures to the deed, including those of Renata Kawepo, Utiku Potaka, Wirihana Hunia, Herewini Tawerahamuera, Raikokiritia & all the principal men excepting the Ngatihinemanu & two of their sympathisers.’ The latter, he asserted, were under the influence of Pine te Ua who, in turn reported daily to Donnelly.²⁴⁵ The next day he reported that Ngati Hinemanu ‘refuse to yield to their exorbitant demands,’ with the result that the other hapu had prepared an application to the Court for an apportionment of interests in the block.²⁴⁶ Buller returned to Wellington, and with the meeting breaking up and thus certain that the negotiations would break down, Gill, with Bryce’s approval directed Booth to return to Whanganui via Wellington. Wirihana Hunia complained to Bryce that ‘The Ngatihinemanu are troubling,’ and urged him to pay those who had signed the deed.²⁴⁷

11.25. Noa Te Hianga (Ngati Hinemanu) made it clear to Bryce that until he saw the money he would not sign the deed. He was clearly upset at the insistence by Booth and Buller that he must first sign, a requirement set down by the ‘new government’ but which left him feeling ‘grieved.’²⁴⁸ In the face of requests that those who had signed the deed should be paid, the government stood firm.

11.26. While, then, most of the owners of Otamakapua appeared willing to sell the block to the Crown, the central obstacle remained the distribution of the purchase monies among the six hapu, specifically the claim by Ngati Hinemanu none of whom, according to Booth, had seen or knew anything about the block. Their names, he claimed, had been inserted in the memorial of ownership:

²⁴⁵ Land Purchase Officer, Hastings South to Under Secretary, Native Land Purchase Department 7 October 1880 and 13 November 1880, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁴⁶ Land Purchase Officer, Hastings South to Under Secretary, Native Land Purchase Department 8 October 1880, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁴⁷ Wirihana Hunia to Native Minister 14 October 1880, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148. See also *Hawkes Bay Herald* (Napier) 11 October 1880.

²⁴⁸ Noa Te Hiangi, Omaha to Native Minister 9 October 1880, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

... simply because they were Renata's tribe but for the reason that in various previous land transactions these people consider that they have not been fairly dealt with inasmuch as Renata had over and over again taken large sums of money on account of sales or leases, and had not given a fair proportion to his tribe. They are therefore now determined to not only receive the purchase money themselves but they insist on having a greater portion thereof than the rest of the grantees consider they are entitled to [sic].²⁴⁹

11.27. The crux of the matter lay in the refusal of the government to pay until a deed of sale and purchase had been signed, in the demand by Ngati Hinemanu for equal shares for those of its members who had been included in the 1879 title order (whereas many of the other names represented hapu), and in the refusal of the other five iwi to agree to Ngati Hinemanu's demands which would have given the iwi a very large share of the block and thus of the purchase monies.²⁵⁰ Bryce, it should be noted, took considerable satisfaction in his refusal to endorse Booth's earlier suggestion that the balance of the payment money should be paid by cheque to Renata and Utiku.²⁵¹

11.28. In October 1880 Buller wrote to the Chief Native Land Court Judge forwarding an application from Renata Kawepo and other rangatira for a subdivision of interests in Otamakapua 2. All the parties involved, he noted, were anxious to complete the sale to the Crown and to receive the purchase monies. He also proposed that the case should be heard at the same time as Rangatira.²⁵² The *Fielding Guardian* thus reported that the government was about to defer the purchase of Otamakapua or allow purchase negotiations to lapse. It claimed that a 'small hapu of one of the Napier tribes,' having been admitted as co-owners 'as a mere matter of form,' had demanded some £21,000 as its share of the purchase money before it would sign a deed of cession. That meant that the Native Land Court would be called upon to allocate shares.²⁵³

²⁴⁹ Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 13 November 1880, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁵⁰ James Booth to Under Secretary, Land Purchase Department 13 November 1880, in Archives New Zealand, Wellington MA 13 58B.

²⁵¹ Native Minister to Under Secretary, Native Land Purchase Department 17 December 1880, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁵² W.L. Buller, Omaha to Chief Judge, Native Land Court 7 October 1880, in Maori Land Court records, Oti 646, Otamakapua correspondence file.

²⁵³ *Fielding Guardian*, cited in *Manawatu Herald* (Palmerston North) 19 October 1880.

2.12. Ngati Apa petitions parliament

12.1. It was also during October 1880 that Ngati Apa held a hui at Parewanui to discuss matters relating to Otamakapua, Otairi, and Rangatira. William Fox had been invited to attend but failed to materialise. Kawana Hunia claimed that ‘the working of the Land Court was not clear to him, especially in the matter of Otamakapua, where the minor members of a family were admitted as claimants, while the principal ones were excluded.’ He insisted that:

The Mokai, who were admitted, were like the pocket handkerchief, while Ngatiapa who were excluded, were like the coat into the pocket of which Te Mokai could be put. If the Government would not grant a rehearing he would persist, and would go to that portion of Otamakapua, which he knew belonged to Ngatiapa, and hold possession of it.²⁵⁴

12.2. Utiku Marumaru complained that the government had ignored the request for a re-hearing, and claimed that Fox had advised the iwi that it was ‘not to persist for fear of trouble about Otamakapua.’ He went on to add that in 1872 Ngati Apa had paid £154 for a survey of Otamakapua, that the Native Land Court dismissed such payment as irrelevant, that Ngati Apa had fixed the sale price at 10s per acre, that Ngati Apa had agreed to the hearing being held at Omahu, finally that ‘It was understood between Ngatiapa and Ngati Te Upokoiri that those two tribes should share the land.’ The two tribes then ‘separated because they found that Renata Kawepo was of evil mind towards Ngatiapa.’ Ngatiapa, he announced, now intended to occupy Mangamoko. Ratana Ngahina claimed that in 1863, with the consent of Fox and Featherston, Ngati Apa had fixed a boundary pole at Waitapu and indicated that it would sell the land to the seaward but retain the inland portions. ‘Sir W. Fox,’ he added, ‘at that time saw that none of the Ngatihauiti were present. Ngatiapa alone were recognised.’ Thus ‘Ngatiapa were grieved about the decision of the Court as they had a right to be one with those who had been declared to be the owners of the Block.’

²⁵⁴ *Wanganui Herald* 4 October 1880.

12.3. Matene te Matuku supported the call to occupy the land for the survey of which Ngati Apa had paid; Matene te Ranginui insisted that the Native Land Court should have admitted during the Omaha hearings the evidence assembled by Ngati Apa; Ratara announced that if the government did not remove Ngati Hauiti, then Ngati Apa would; Reupena Ngarino insisted that the government rather than Ngati Hauiti was the enemy and that if a re-hearing were not granted he would simply occupy the land; while Hoanui Hakaraia informed the hui that he had written to Fox informing him that in the absence of a rehearing he would also occupy the land.²⁵⁵

12.4. In February 1881 the *Hawkes Bay Herald* reported that another attempt was to be made to pay over the monies and that the Native Minister had decided to compel the hapu to define their interests so that those who were objecting to signing the deed of sale could have their share of the block set aside for them.²⁵⁶ During March 1881 the government was pressed to pay those who had signed the deed of sale and purchase. Renata Kawepo in particular complained, insisting that he was being ‘worried by the Pakehas who are now threatening to put me in prison (for debt),’ and adding that ‘I will not forget to demand the interest from the Government for the two years that are past. There are three matters – the land, the money, and the interest. Meanwhile I and my five tribes are made to suffer by this mode of proceeding.’²⁵⁷ Paramena te Naonao demanded to know why the government was ‘oppressing the Maori race.’²⁵⁸ The government declined to accept any responsibility for the delays.

12.5. In June 1881 Hamuera te Raikokiritia of Ngati Tumokai pressed Native Minister Rolleston to authorise payment to the five hapu which had signed the deed of sale and purchase lest he ‘take my land out of this piece which is causing so much trouble.’²⁵⁹ Given that the Native Land Court was due to consider the subdivision of the block in July 1881, the government declined to accede to the request.

²⁵⁵ *Wanganui Herald* 4 October 1880.

²⁵⁶ *Hawke's Bay Herald* (Napier) 24 February 1881.

²⁵⁷ Renata Kawepo, Omaha to W.L. Buller 31 March 1881, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁵⁸ Paramena te Naonao, Omaha to W.L. Buller 31 March 1881, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁵⁹ Hamuera te Raikokiritia, Awahuri to Native Minister 8 June 1881, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

12.6. About the same time, June-July 1881, an anonymous letter entitled *Government treatment of Ngatiapa Tribe in the case of the Otamakapua block and Otairi block* arrived in the Native Land Purchase Department. The origin of the difficulty, the writer suggested, lay in Renata Kawepo's claim to a greater share of the purchase money than Ngati Apa considered him to be entitled. The writer cited a list of grievances, among them, that following Kawepo's decision to fight the matter out in the Native Land Court, the Court had decided to conduct its hearing in Omaha; that the Crown met the costs of counsel (Buller) for the claimants while 'Governor Hunia' had to fund his own expenses; that Buller, Judge Heale, Booth, and the Court interpreter had all been guests of Kawepo 'and were provided by him in royal style...'; that the death of Heale a few weeks after the case had concluded was the result of excessive drinking; that a surveyor's line had been employed as a tribal boundary; and that Hunia had been born on Otamakapua. With respect to Otairi, the writer claimed that the government had negotiated with three tribes and advanced money to each of them, that the government had engaged Buller to plead the claims of one tribe against those of the other two; that when those two tribes asked that lawyers be excluded they were informed that they could plead their own cases or hire counsel – which they did at a cost of some £400 each. He went on:

In both these cases Renata seems to have been the Government pet while Hunia was the victim and I certainly cannot understand why the Government should find and pay counsel for one tribe of Natives against another when the Government have nothing to gain by it but simply wasting the public money which in these two cases they certainly did pay Dr Barker over £1,000 and for what: - to make trouble when all parties concerned in a block of land agree to sell it and the price is fixed and there has been money advanced to all these parties ... Why should any Maori or tribe get favoured by the Government more than another?²⁶⁰

12.7. The letter was filed. Under Secretary Gill advised Native Minister Rolleston that although two meetings (the second being at Omaha in September 1880) of owners had been held and that Buller and Booth had been ready to pay over the purchase monies, 'jealousy in dividing the money ... prevented this being done...' For that reason the owners had applied to the Court for a partition order, the application due to

²⁶⁰ In Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

be heard in Whanganui on 15th July 1881. Gill could see no reason why the purchase could not be completed by the end of the year.

12.8. Following the refusal of the government to order a re-hearing, Kawana Hunia and 82 others presented a lengthy petition to Parliament.²⁶¹ The petitioners made a number of assertions, namely:

1. That their original application for a re-hearing had been refused without their having been offered an opportunity to adduce evidence in support;
2. That the Native Land Court had, 'contrary to ... [its] established practice,' considered the case in a district other than that in which the land concerned was located and thus many miles from where most of the claimants and counter-claimants resided;
3. That the timing of the publication of the notice of hearing in the *New Zealand Gazette* afforded them little opportunity of inspecting the maps of the block and otherwise making preparations for attending the Court and conducting their case;
4. That no 'specific notice' of the application for a title hearing was given by the applicants as required under section 35 of the Native Land Act 1873;
5. That old and infirm witnesses had been unable to travel to Napier and thus unable to appear in Court in support of Ngati Apa's claims;
6. That the Court rejected Ngati Apa's objections as set out in grounds 3, 4, and 5;
7. That the chief of Ngati Apa, Rawana Hunia, although he had travelled to Napier, had been too ill to attend the Court and that the Court had refused to

²⁶¹ Kawana Hunia Te Hakeke in fact presented a series of petitions to Parliament dealing with land matters. The first was in 1877 in which he set forth his claim to certain portions of the Rangitikei-Manawatu block. In 1880 Kawana Hunia and others complained that a decision of the Native Land Court sitting at Bulls in June 1880, to the effect that it would not permit lawyers to appear, disadvantaged Ngati Apa given that, with the aid of counsel, Ngati Hauiti had already presented their case. They claimed to have lost £500 in expenses as a result, and that while a re-hearing was granted such did not take place until two years later resulting in further loss (See AJHR 1880, I2, pp.20-21). The same petition was presented in 1882 and 1883. In 1883 the Native Affairs Committee reported that 'the matter was fully gone into [in 1880 and 1882],' and had no recommendation to make. In 1881 Kawana Hunia and 113 others, claiming that they owned some two million acres 'at Waitotara, Whanganui, Murimotu etc.' set down their objections to the Native Land Sales Bill, insisting that its provisions would prevent their selling their land to Pakeha (see AJHR 1881, I2, p.1).

adjourn the proceedings to allow him an opportunity of presenting his evidence;

8. That the Court refused to hear the evidence of Hamuera and Hoani Meihana; and
9. That although a portion of the block had been awarded to them, the Court's decision was 'wrong.'²⁶²

12.9. The Native Affairs Committee, in August 1881, decided:

That the lands referred to in the petition passed through the Court in October, 1879, after a most careful hearing before Judges Heale and Young, and a Native assessor, the petitioners having also the advantage of legal advice; that the ground claimed had not been in possession of the claimants since the introduction of Christianity amongst them. The Committee see no reason for disturbing the judgment of the Court, but would commend the matter to the consideration of the Government.²⁶³

12.10. Gill advised Rolleston that the Native Affairs Committee had not given a reason for its recommendation and the Native Minister simply noted 'I cannot interfere.'²⁶⁴

2.13. The partitioning of Otamakapua 2

13.1. On 15th July 1881, before Judges Brookfield and Williams, Utiku Potaka requested the removal of the 'Rangitikei District' cases, that is, Otamakapua and Rangatira, to Marton. The Court promised to consider the request.²⁶⁵

13.2. A few weeks later, in August 1881, Booth reported that there were two applications for the partition of Otamakapua: the first was over the names of Renata Kawepo, Utiku Potaka, Paramena te Naonao, and Herewini Tawera, while the second

²⁶² A copy of the petition can be found in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁶³ AJHR, 1881, I2, p.12.

²⁶⁴ Under Secretary, Native Office to Native Minister 17 August 1881, and note by Native Minister 20 August 1881, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁶⁵ Native Land Court, *Whanganui Minute Book* 3/97.

had been signed by Ani Paki, Tereni Taanga and 14 others and included some of those who had refused to sign the deed of sale.²⁶⁶ In November 1881 Renata Kawepo asked the Chief Native Land Court Judge to adjourn the Otamakapua hearing, noting that he was to conduct the Papanuni, Waipaoa, and Kukuriri cases at Wairoa.²⁶⁷ Towards the end of that month, Gill instructed Booth 'Please do not for the want of your giving your whole time and attention to ... [Otamakapua] allow it again to break down or be postponed.'²⁶⁸

13.3. When the Court opened, Utiku Potaka complained that 'three weeks had been spent in fruitless endeavours to arrive at a settlement of the questions at issue in regard to the distribution of the purchase money.'²⁶⁹ Booth agreed, claiming that there was no 'possible chance of settlement in view of the failure of the six weeks spent over in at Omahu, three weeks here [Marton], and other attempts.'²⁷⁰ Although plainly irritated, Judge Williams adjourned the Court to the following day, 14th December. A meeting the previous evening had again grappled with the issue but failed to reach any agreement, as did an early morning meeting on that day in 'Renata's Camp.' Renata Kawepo insisted that he had 'endeavoured to his utmost to arrange the matter, but, in spite of his utmost compliance, he had not been met in the same spirit, and there was no chance of any agreement.' Utiku Potaka made it clear that the three hapu which he represented were agreed over the matter of shares but that the other three hapu were not.²⁷¹

13.4. Through the remainder of December and into January 1882 discussions continued but failed to produce a result. On 1st February the Court adjourned the matter without fixing a further date. Early in February 1882, Renata Kawepo wrote, with respect to Otamakapua, to Chief Native Land Court Judge Fenton that:

²⁶⁶ Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 1 August 1881, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁶⁷ Renata Kawepo, Hastings South to Chief Judge, Native Land Court 14 November 1881, in Maori Land Court records, Oti 646, Otamakapua correspondence file.

²⁶⁸ Under Secretary, Native Land Purchase Department to Land Purchase Officer, Whanganui 26 November 1881, in Archives New Zealand, Wellington MA 13 97 58b.

²⁶⁹ Native Land Court, *Whanganui Minute Book* 5/31.

²⁷⁰ Native Land Court, *Whanganui Minute Book* 5/33.

²⁷¹ Native Land Court, *Whanganui Minute Book* 5/35.

Utiku Potaka and I are the principal persons in this proposal to subdivide it. During three sittings of the Court this has not been accomplished by reason of opposition of certain persons. Therefore I say let that block be heard again in order to cut out my share and Utiku's. And let the shares of those people who have been causing trouble also be cut out. So the adjudication of this land will be clear. But very great is my vexation over the delay caused by these troublesome people.²⁷²

13.5. In March 1882 the Court, sitting at Kennedy's, granted an application lodged by Utiku Potaka that the Otamakapua and Rangatira cases should be heard at Marton.²⁷³

The allocation of shares in the former thus came before the Native Land Court (Judge L. O'Brien), sitting at Marton, on 13th July 1882. Booth, now described as 'Resident Acting Interpreter,' appeared for the six hapu of Ngati Hauiti, while Alexander McDonald appeared for Aperahama Tipae. The former indicated that the hapu had agreed upon 34,202 acres for Ngati Hinemanu; 33,000 acres for Ngati Hauiti, Ngati Whiti, and Ngati Te Tama; 18,660 acres for Ngati Tumokai; and 18,660 acres for Ngati Upokoiro. The total acreage involved was 104,522 acres thus leaving nothing for Aperahama Tipae.

13.6. During preliminary discussions in Court the parties were advised to settle matters themselves, advice with which Renata Kawepo at least agreed. At the same time, he observed that:

I desire to have the money paid. I consider that it should have been paid over when I signed the Deed of Sale. I do not think that it is consistent with law or justice that when I have signed the money should not be paid over. I have never heard before of such a mode of doing business. I should have supposed that each man, as he signed his name would have had his money ... As things stand, and I have waited so long, I shall look for interest on my money.²⁷⁴

13.7. One option was to excise the interests of those who stood out from an agreement reached by the majority of owners, but again the Court urged Renata Kawepo, Utiku Potaka, and Aperahama Tipae, as 'plainly the three principal men,' to settle the matter on behalf of their respective hapu.

²⁷² Renata Kawepo, Napier to Chief Judge, Native Land Court 4 February 1882, in Maori Land Court records, Oti 646, Otamakapua correspondence file.

²⁷³ *Wanganui Herald* 16 March 1882.

²⁷⁴ Native Land Court, *Whanganui Minute Book* 6/285.

13.8. The hearing resumed on 29th July 1882 when the matter of Aperahama Tipae's interest was again to the fore.²⁷⁵ On 2nd August Hoani Meihana set out details of the 'final distribution:' Ngati Tumokai would receive 18,260 acres and thus £9,130; Ngati Te Upokoiri 18,460 acres and thus £9,230, Ngati Whiti and Ngati Tama 33,000 acres and thus £16,500; Ngati Hinemanu 33,602 acres and thus £16,801; and Aperahama 1,200 acres and thus £600.²⁷⁶ That gave a total of 104,542 acres and a total purchase price of £52,261. The *Wanganui Chronicle*, noting that £52,000 were to be distributed among the owners, predicted that 'Where the carcass is there will the eagles be gathered together.' And further, that if owners were unable themselves to agree upon distribution then they would 'go in[to the Court] fat and come out lean.'²⁷⁷ In the event, it was clear that no agreement had been reached and the Court decided that it could not refuse the application by Renata Kawepo and Utiku Potaka to withdraw the case.

13.9. Other factors also lay behind the decision to withdraw the application. According to the *Wanganui Chronicle*, the application followed the decision of the Court to eject Buller over the proceedings involving Rangatira. Buller made it clear that he would refuse to appear again before Judge O'Brien. Since Buller represented 'the principal natives' interested in Otamakapua, they applied to have the block withdrawn and the grounds that they would be disadvantaged.²⁷⁸ The *Chronicle's* account did not go unchallenged and it was claimed that Maori had withdrawn the block since they could not agree among themselves on the share to be awarded to Aperahama Tipae. Buller, it was suggested, had been ejected on the grounds that he had no *locus standi*.²⁷⁹

13.10. Booth reported to Gill that Otamakapua had been called on once the Court had closed the Rangatira case but withdrawn at the request of Renata Kawepo and some of the other claimants. During the Rangatira hearing, he reported, the six hapu to whom Otamakapua had been granted held several meetings to arrive at a subdivision of the block. Booth went on to record that:

²⁷⁵ Native Land Court, *Whanganui Minute Book* 7/24.

²⁷⁶ Native Land Court, *Whanganui Minute Book* 7/47.

²⁷⁷ *Wanganui Herald* 3 August 1882.

²⁷⁸ *Wanganui Chronicle* 7 August 1882.

²⁷⁹ *Wanganui Herald* 9 August 1882. See also 15 and 16 August 1882.

After a very great deal of talk, which lasted for weeks, an arrangement as to hapu interests was agreed to. Then came the question as to the amount of the personal interest of Aperahama Tipae to be deducted from all the six hapus. Three of the six hapus declined to subscribe, on the plea that, for the purpose of settling this matter out of Court, they had already sacrificed 3,000 acres of their first demand. As the other three hapu only set apart 1200 acres for Aperahama, and as Mr A McDonald who was acting for him demanded one half of the whole block, it was decided to take the case into Court.

13.11. In fact, the case did not proceed. Booth explained the reasons as follows:

In the Rangatira case [which closed on 2nd August] Dr Buller appeared for Ngatiapa and Mr Duncan for Ngatihauti. Judgement was given for both parties in equal interests. Dr Buller then gave notice that his clients, acting by his advice, would apply for a rehearing. The case then went on. A list of Ngatiapa names was then put in and order made. Mr Duncan asked for a day to put in Hauti list. Before doing so, Dr Buller put in written notice for application for rehearing. On the following day when list was read, Dr Buller got up to challenge some of the names, stating that he appeared for some Hauti clients whose names were not in the list. The Judge told him he could not object to the list before he had made good the claim of one or more of his clients to be admitted. The discussion took up the greater part of the day. When the Court reopened, Dr Buller read a list of about ten names which he was going to challenge. He was again stopped, and Judge O'Brien expressed his astonishment at the course adopted by Dr Buller. He reminded him that he had all through been conducting the case for Ngatiapa; that after more than two months' fighting he had got the order in favour of his own clients for a portion of the block; and that now he was trying to come over to the other side and split the party and cause further delay and trouble. He must therefore request him to withdraw altogether from the case. He would not allow him to give any advice or assistance in the case, and advised the Natives not to listen to him out of Court even. Dr Buller insisted that if he withdrew Mr Duncan should also withdraw. The Judge declined to tell Mr Duncan to do so, as he was still representing the parties he had been acting for all through the case. Mr Duncan then withdrew voluntarily. This *fracas* took place on Saturday last. On Tuesday Rangatira was finished, Natives conducting. When Otamakapua was called on yesterday [2nd August 1882], Renata Kawepo put in a document in Dr Buller's hand-writing formally withdrawing the claim. The application was signed by Renata, Utiku, and two or three others. Renata then stated that they, the applicants, thought it would be better to have the Otamakapua case heard before the Judge and the Assessor who first heard the case, and that, with respect to the interests of Aperahama Tipae, the Judge who heard all the evidence in the first case would be the most fit person to interpret his own meaning as to what that interest should be. The application to withdraw was very strongly opposed, but, as the persons who put in the written notice of withdrawal were in the gazetted list of claimants, the Judge said that, as

personal exception had been taken to his presiding by the applicants, he should accede to the request. The case was then withdrawn.²⁸⁰

13.12. Unsurprisingly perhaps, Bryce exploded. ‘How can this be so,’ he demanded to know. ‘Everyone knows that Mr Young, the Judge who tried the case in the first instance is dead. This is the most extraordinary thing ever heard of. Is the case put off till Mr Young can hear it, ie, till the resurrection?’²⁸¹

13.13. At that juncture Utiku Potaka and ten others drawn from Ngati Hauiti, Ngati Whiti, and Ngati Tama pressed Native Minister Bryce over the adjourned hearing, as did Aperahama Tipae and 11 others from Ngati Te Upokoiri and Ngati Tumokai. Wirihana Kawana raised the matter with Bryce, as did Hoani te Rangiotu. The latter claimed that:

We have suffered great loss during these years in having to attend sittings of the Court at Marton during all the years that investigation of the title to Otamakapua had been held, and the expenditure of money for lawyers on account of their deceptive practice. This is my word to you ...do you prohibit the lawyers to appear, but let the Maoris themselves conduct their own cases for the Maoris suffer much through the imposition of lawyers.²⁸²

13.14. Any hearings, he concluded, should be conducted at Marton, that is, near to where the hapu which owned the block resided, while he suggested that a new hearing should be held into the ownership of Otamakapua. He was simply advised to take the matter of court venue up with Chief Native Land Court Judge Fenton.

13.15. Native Minister Bryce had clearly had enough and hence approved a proposal by Gill that the Crown apply to the Native Land Court to establish the area to which it was entitled and to renew the proclamation over the block.²⁸³ When Hoani Te Rangitou asked that the government allow Ngati Tumokai their share of the land,

²⁸⁰ Archives New Zealand, Wellington MA-MLP 1 1885/8. *Supporting Documents*, Volume 3, pp.160-159.

²⁸¹ Native Minister’s notes on Native Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 3 August 1882, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁸² Hoani Te Rangiotu, Oroua Bridge to Native Minister 12 August 1882, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁸³ Under Secretary, Native Land Purchase Department to Native Minister 8 August 1882, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

namely, 18,660 acres, Gill indicated that if he and his fellow grantees applied to the Court for a partition, he [Gill] would do what he could to assist him.²⁸⁴

13.16. That same month, November 1882, six partition applications were lodged with the Native Land Court. Seven months later, in June 1883, the applications had still to be heard. Delays continued, grantees sought advances, and the government declined to accede until the Court had issued partition orders. Rumours circulated that the Crown proposed to cut out a portion of Otamakapua to meet the advances it had made. Utiku Potaka objected and pressed Native Minister Bryce to complete the whole purchase ‘in justice to the Maoris, because the land has now being under negotiation with the Government for four years, during which period my rents have not been paid to me.’²⁸⁵ The government stood firm and Utiku Potaka was reminded that the delays were ‘solely owing to the quarrels of the Native Grantees among themselves.’²⁸⁶ On 14th January 1884, Utiku Potaka informed Bryce that all the hapu had finally agreed on the sale of the land to the Crown, the division of the land, and the allocation of the purchase monies. Thus Ngati Hauiti would receive £10,000, Ngati Whiti and Ngati Tama £3,500 each, Ngati Upokoiro £9,000, and Ngati Hinemanu £19,000. Ngati Tumokai was omitted from that list but in the accompanying papers was allocated £6,000, while £1,000 was set apart for Aperahama Tipae. The balance of £260 10s was set apart to defray the expenses involved in securing signatures to the deed of purchase.²⁸⁷

13.17. In fact, the grantees could still not agree as to where the Native Land Court should sit to hear the applications. Hamuera Te Raikokiritia and others pressed for Marton or Palmerston North; Renata Kawepo and Utiku Potaka were believed to be pressing for Napier; while Aperahama Tipae favoured Marton.²⁸⁸ Early in January

²⁸⁴ Hoani Te Rangiotu, Oroua Bridge to Under Secretary, Native Land Purchase Department 15 November 1882, and Under Secretary, Native Land Purchase Department to Hoani Te Rangiotu 21 November 1882, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁸⁵ Utiku Potaka, Te Houhou to Native Minister 9 October 1883, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁸⁶ Under Secretary, Native Department to Utiku Potaka 22 October 1883, in Archives New Zealand, Wellington MA 13 97 58b.

²⁸⁷ Utiku Potaka to Native Minister 14 January 1884, in Archives New Zealand, Wellington MA 13 58B.

²⁸⁸ Raikokiritia and others, Palmerston North to Native Minister 27 October 1883 and 7 November 1883; and Aperahama Tipae, Whangaehu to Under Secretary, Native Land Purchase Department 10

1884, Kawepo pressed Bryce to have the hearing in Napier, informing the Native Minister that ‘You are aware that I am one of the principal persons concerned in the sale to the Government ... [that] I am growing old and find it difficult to travel about and ... that the principal owners of the land are here and also the people who have not signed.’²⁸⁹

13.18. On 11th January 1884 Utiku Potaka convened a hui at Te Houhou to discuss Otamakapua. According to the *Wanganui Herald*, Utiku Potaka indicated that he had seen Bryce in Wellington and that the Minister had made it clear that if the matters in dispute had not been settled by the end of April the Crown would take part of the block to satisfy the advances it had made. Pirimona te Urukaika and Wiari Turoa corroborated Utiku Potaka’s remarks and urged all those interested in the land to sign the certificate lest they follow the government’s proposed path and simply take their share of their land and deal with the Crown separately.²⁹⁰ The *Feilding Star* reported that all claimants were represented and that after lengthy discussion came to an agreement over the division of the purchase monies. Ngati Hauiti were to receive £10,000, Ngati Whiti and Ngati Tama £3,500 each, Ngati Upokoiro £9,000, Ngati Hinemanu £19,000, and Ngati Tumokai £6,000. A small sum of £260 10s was also set aside to recompense those who had secured the signatures to the deed.²⁹¹ Nevertheless, some doubt remained over the total sum available for distribution and the precise area of the block.²⁹²

13.19. The hui also decided that £1,000 should be set aside for Aperahama Tipae in lieu of the £10,000 he claimed.²⁹³ Ratana Ngahina, who claimed to have been authorised by Aperahama Tipae to act on his behalf with respect to Otamakapua 2,

November 1883, in Archives New Zealand, Wellington MA 13 98 57b. *Supporting Documents*, Volume 2, pp.3-148.

²⁸⁹ Renata Kawepo to Native Minister 7 January 1884, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁹⁰ *Wanganui Herald* 17 January 1884.

²⁹¹ Utiku Potaka and others, Te Houhou to Native Minister 14 January 1884, in Archives New Zealand, Wellington 14 January 1884, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁹² See Hoani Te Rangiotu, Oroua Bridge to Under Secretary, Native Land Purchase Department 14 January 1884, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁹³ *Rangitikei Advocate* (Marton), quoted in *Feilding Star* 15 January 1884. A similar report appeared in the *Wanganui Herald* 17 January 1884.

insisted that he had not been admitted to the discussions over the allocation of the purchase monies.²⁹⁴

13.20. Towards the end of January 1884, Utiku Potaka reported that grantees were still signing the deed of purchase and pressed the Native Minister ‘to settle definitely the purchase of Otamakapua during the month of February.’²⁹⁵ Reports circulated that Gill and Buller arrived in Marton on 4th February 1884 reportedly carrying the purchase monies, otherwise known as ‘the sugar,’ for Otamakapua.²⁹⁶ It was early April before the Under Secretary could report to Bryce that the purchase process was ‘slowly but surely drawing to a close,’ while suggesting that it could have been concluded earlier had it not been for the ‘European interferences.’ He also noted that the distrust entertained by many owners of their chiefs had lessened on their being assured that their signatures on receipts would be required before any money was paid. He went on to report that applications had been made for the division of the Otamakapua 2 among the hapu together with the area allocated to Aperahama Tipae under what he termed a ‘voluntary arrangement.’²⁹⁷

13.21. Several actions appeared to imperil the completion of the Crown’s purchase. Towards the end of March 1884 the Supreme Court issued an order to the effect that the estate or interest of Otene Toatoa (or Wirihana) stand charged with the payment of £362 7s 8d, the sum which Otene owed one H.T.H. Knight.²⁹⁸ Knight was a commission agent who was, on his own petition, adjudged bankrupt in 1888. He had earlier secured judgement against Otene for payment of the debt due. The lawyers acting for Knight pressed the Under Secretary of the Native Land Purchase Department not to pay Otene for his interest in Otamakapua until he had repaid

²⁹⁴ Ratana Ngahina, Bulls to Native Minister 18 January 1884, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁹⁵ Utiku Potaka, Te Houhou to Native Minister 25 January 1884, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁹⁶ *Manawatu Standard* 4 and 5 February 1884. In April 1884 it was reported that the Halcombe Association had taken up 5,000 acres of Otamakapua, 5,000 acres by the Marton Association, and 10,000 acres by the Whanganui Association. See *Manawatu Standard* 28 April 1884.

²⁹⁷ Under Secretary, Native Land Purchase Department to Native Minister 5 April 1884, in Archives New Zealand, Wellington MA 13 97 58b. *Supporting Documents*, Volume 2, pp.3-148.

²⁹⁸ A copy of the order can be found in Archives New Zealand MA 13 97 58a. *Supporting Documents*, Volume 1, pp.230ff.

Knight.²⁹⁹ The request occasioned some alarm, Bryce observing that Otene would not sign the deed of cession if he were not to receive payment. In April 1884 Thomas McDonnell and Willoughby Brassey sought to have Paramena te Naonao's interest in the block charged with the sum of £304 4s 2d.³⁰⁰ In fact, section 88 of the Native Land Act 1873 provided that no judgement of any court could affect an undivided share in land owned by Maori.

13.22. On the 27th March 1884 Otamakapua was back before the Native Land Court for a ruling on the area to be awarded to Aperahama Tipae. An application for an adjournment to Marton was refused, 'to the distress of those who applied,' reported the *Wanganui Herald*.³⁰¹ On the following day the hapu involved met to decide on the area (and hence amount) to be awarded to Aperahama Tipae. The latter now announced that 'he did not care to press his claim, or to raise any difficulty that might prevent the settlement of this much-vexed question, and so cause much disappointment to the many hapus assembled.'³⁰² Quite what accounted for that change of heart was not disclosed.

13.23. A hearing to consider the allocation of shares among the grantees of Otamakapua 2 was set down for Palmerston North, a decision which elicited strong criticism as being 'against justice and common sense.' Since most of those interested in the block resided in the Rangitikei, it was 'monstrous that hundreds of Natives should be put to the heavy expense of travelling all the way to Palmerston [North] when the business could be better done in Marton.'³⁰³

13.24. Table 2.1 sets out the position reached by April 1884. The file from which the data are drawn includes details of the acreage allotted to each owner. Ngati Hinemanu was divided into two sections, the first included Noa Te Hianga and 20 others to

²⁹⁹ Borlase & Barnicoat, Whanganui to Under Secretary, Native Land Purchase Department 7 April 1884, in Archives New Zealand, Wellington MA 13 97 58a. *Supporting Documents*, Volume 1, pp.230ff.

³⁰⁰ A copy of the Supreme Court order can be found in Archives New Zealand, Wellington MA 13 97 58a. *Supporting Documents*, Volume 1, pp.230ff.

³⁰¹ *Wanganui Herald* 28 March 1884.

³⁰² *Wanganui Herald* 29 March 1884.

³⁰³ *Manawatu Times* (Palmerston North) 1 March 1884.

whom 17,169 acres had been allocated, and the second Renata Kawepo and 27 others to whom 20,831 acres had been allocated.

Table 2.1: Otamakapua 2: proposed allocation of land and state of purchase, April 1884

Hapu	Proposed acres	Number of owners	Signed deed
Ngati Hauiti	20000	8 & successors	7 signed
Ngati Tama	7000	2	All
Ngati Whiti	7000	1	All
Ngati Tumokai	12000	7	All
Ngati Te Upokoiri	18000	24 & successors	20 signed
Ngati Hinemanu	38000	49 & successors	32 signed
Aperahama Tipae	2000		

Source: Archives New Zealand, Wellington MA 13 97 58b

13.25. Some 400 Maori assembled for the hearing which opened, in Palmerston North on 3rd April 1884, with Gill as head of the Native Land Purchase Department, and Captain Mair, as district officer for the West Coast Native District, appearing for the government. G.P. Donnelly, D. Fraser, and Buller were among the Pakeha who represented the various hapu involved. According to the *Manawatu Standard*, Buller was assisting Gill but it suggested that he had ‘a much more solemn duty to perform, viz. that of signing a receipt at the foot of each account for which he may receive payment ...’ Donnelly had retained Stevens ‘for the purpose of assisting in the very difficult task of dividing and apportioning the various sums of money to which the several families of the different hapus whom he represents shall be entitled.’³⁰⁴ During the proceedings Airini Tonore (Donnelly), Wikitoria Te Uamairangi of Ngati Hinemanu, Te Retimana Te Rango of Ngati Tama, Renata Kawepo, and Utiku Potaka of Ngati Hauiti presented food and gifts amounting in value to some £500 to Ngati

³⁰⁴ *Manawatu Standard* (Palmerston North) 2 April 1884.

Mokai, Rangitane, Ngati Apa, Ngati Murahi, and Muaupoko, all of whom had offered similar hospitality.³⁰⁵

13.26. On that first day, the 3rd April 1884, Kingi Topia asked the Court to sanction ‘certain arrangements’ to which owners had agreed over the distribution of the purchase monies. Aperahama Tipae, on the other hand, had not agreed and hence the Court adjourned the matter until Tuesday 8th April.³⁰⁶ On that day, a list, consented to by all ‘the principal persons,’ setting out the names of the hapu and the proposed distribution of acres and purchase monies was presented (Table 2.2) and an order sought accordingly.³⁰⁷ The Court indicated that provided there were no dissentients, an order would be made as requested. A long discussion followed and the Court adjourned to the following day when Utiku Potaka, noting that ‘Mr Gill was now going into accounts with the natives,’ requested a further adjournment. The Court was not disposed to accede, insisting that it was ready to define the Crown’s interest and that of any non-seller. Gill pressed the Court to agree, insisting that ‘a further adjournment was absolutely necessary. If a settlement could not be arrived at now,’ he added, ‘a further adjournment must be applied for. Such was the importance of this matter that he was acting under the direct instructions of the Government in taking the steps he had.’ The Court, on the other hand, described the request as ‘unreasonable in the extreme,’ insisting that that the matter had nothing to do with the Government and that the matter of the accounts should be settled without delay.³⁰⁸ In the event the Court was adjourned until Tuesday 15th April.³⁰⁹ The *Wanganui Herald* claimed that:

The owners’ wish that the sums named should be paid to the hapus, who will then agree amongst themselves as to the division, but the authorities won’t consent to this usual custom, and it may be that trouble will ensue, when the Court will have to individualise the title, or share, that each man or woman is entitled to, which will cause a delay of goodness knows how many months, and the battle of Armageddon will be fought once again at Palmerston [North] and not at Mount Carmel.³¹⁰

³⁰⁵ *Manawatu Standard* 2 April 1884. On 18 April 1884 the *Wanganui Herald* reported that victuals to the value of some £150 had been ‘invested in the previous day, the journal’s correspondent noting that ‘One cannot help feeling sorry for the natives to see them squandering their means in this way ...’ See *Wanganui Herald* 18 April 1884.

³⁰⁶ Native Land Court, *Whanganui Minute Book* 7/65-66.

³⁰⁷ See also Buller Papers, in Alexander Turnbull Library qMS-1613, and Copy Micros 0686-01.

³⁰⁸ Native Land Court, *Whanganui Minute Book* 7/70-71.

³⁰⁹ Native Land Court, *Whanganui Minute Book* 7/70-71.

³¹⁰ *Wanganui Herald* 18 April 1884.

13.27. On the 9th April Utiku Potaka requested an adjournment while Gill and the owners resolved matters relating to the accounts. Irritated, the Court claimed that it was ‘being made use of outside its proper functions.’ Having granted an order allocating acres and pounds, the Court was anxious to define the Crown’s interest and to deal with the interests of any non-sellers. Gill insisted that an adjournment was ‘absolutely necessary ... Such was the importance of this matter that he was acting under the direct instruction of the Government ...’ The Court agreed to adjourn the matter to the 15th April.³¹¹

Table 2.2: Hapu, acres, and monies: Otamakapua 2, 1884

Hapu	Acres	Share of purchase monies: £
Ngatihauiti	20000	10000
Ngatiwhiti	7000	3500
Ngatitama	7000	3500
Ngatitupokoiri	18000	9000
Ngatihinemanu	38000	19000
Ngatitumokai	12000	6000
Aperahama Tipae	2000	1000
Totals	104000	52000

Source: Native Land Court, *Whanganui Minute Book* 7/69

13.28. On that day, 15th April, Gill reported progress and another adjournment followed. On 17th April, Utiku Potaka asked for yet another adjournment. On the 19th April Hoani Mete informed the Court that Ngati Te Upokoiri had split into two groups of 12 over how the land be allocated within the hapu. He presented a list in which 12 persons were allocated 11,875.5 acres and 12 persons were allocated 14,975.5 acres: the grand total of 26,851 acres far exceeded the 18,000 acres allocated to the hapu.³¹²

13.29. On 18th April 1884, the *Wanganui Herald* reported that Buller had returned from Wellington where he had managed to arrange ‘a more just state of things between the natives and the Hon. John Bryce so far as the accounts go ... Dr Buller

³¹¹ Native Land Court, *Whanganui Minute Book* 7/71.

³¹² Native Land Court, *Whanganui Minute Book* 7/83.

has earned the thanks of the natives for his endeavours to obtain justice for them.’³¹³ A sum of just over £6,000 was to be deducted from the purchase price to cover advances. On the other hand, the government refused to pay to the six hapu their share of the purchase monies, insisting rather that the latter would be distributed among all the landowners.³¹⁴

13.30. On that day, 18th April 1884, Ema Retimana advised the Native Land Court that she claimed 4,000 acres, a claim which, after some discussion, resulted in the Court ruling that her share formed part of Ngati Hauiti’s 20,000 acres. On 19th April, Hoani Mete informed the Court that among Ngati Upokoiri 12 had agreed to the proposal for the distribution of the purchase monies but that 12 were opposed, one group claiming a larger share than the other. Thus, one group, headed by Herewini Tawae were allocated 11,875.5 acres, and a second group led by Wiremu Te Ota 14,975.5 acres. Although, he noted, ‘there ought to be 18,000 acres total we must insist on the second list.’ He proposed to conduct the case in respect of the first group, while Airini Donnelly would do so for the second group.³¹⁵ In the event the Court awarded Ngati Upokoiri 18,000 acres.³¹⁶

13.31. The award to Ngati te Upokoiri dismayed Herewini Tawera and others: they promptly made clear their dissatisfaction and sought a re-hearing on the grounds that:

1. It is not clear that the shares of five persons should be treated as one share
2. It is not right that the shares of people who have not lived on the land should be equal to those of the real possessors of the land & of the ancestors
3. It is not right that the shares of children under the age of 15 years who do not even know the situation of the land should be equal to the shares of the elders who have lived on the land by right of ancestry.³¹⁷

13.32. On the other hand, Renata Kawepo made clear his opposition to any re-hearing and the application was refused on 30th April 1884.

³¹³ *Wanganui Herald* 18 April 1884.

³¹⁴ *Wanganui Herald* 18 April 1884.

³¹⁵ Native Land Court, *Whanganui Minute Book* 7/82-83.

³¹⁶ Native Land Court, *Whanganui Minute Book* 7/94.

³¹⁷ Herewini Tawera and others to Judge and Assessor of the Native Land Court 22 April 1884, in telegram to Chief Judge, Native Land Court 23 April 1884, in Maori Land Court records Oti 646, Otamakapua correspondence file.

13.33. On that same day, 30th April 1884, the Court (Judges O'Brien and Mair) turned to the definition of relative interests in the 38,000 acres awarded to Ngati Hinemanu. It noted that the land was claimed under a variety of titles, namely, ancestry without occupation, mana of the chiefs as well as ancestry, ancestry and occupation, and aroha. The Court observed that:

It is the fashion nowadays to make little of the mana Rangatira: but the people know that this is not right. In the olden time it was often the mana of a great chief that enabled the people under him to live in safety from attack: and it was often owing to his skill, mana, and bravery that they were able to defeat their enemies in war.

The Court thinks then that the mana Rangatira should always be respected and considered with reference to ancestry. It is admitted by all that Hauiti is the Tupuna under whom all claim, and with the exception of a few who were admitted through aroha all the parties are descendants of Hauiti.

Regarding occupation: Except in the case of Te Keepa Tanga it is not very clear that there has been any permanent occupation, except perhaps a very long time ago ... The evidence on this point has not been satisfactory. Then again the Court has found it very difficult to ascertain what each man's share should be from a Maori point of view ... For all these reasons we have found it a very difficult matter to arrive at a fair conclusion.³¹⁸

13.34. The Court nevertheless did apportion the land among those entitled, while the two groups into which Ngati Hinemanu had split agreed to contribute 1,531 acres to Renata Kawepo 'to enable him to pay certain debts.' He thus received a total of 5,931 acres.³¹⁹

13.35. In May 1884 the *Hawke's Bay Herald* proclaimed the purchase of Otamakapua to be complete, many years after McLean had authorised the first payment. The Native Land Court's ruling, it reported, 'appears to have given very general satisfaction to the tribe ...'³²⁰ Gill at once commenced distributing monies. Ngati Hinemanu was the last iwi to agree: it received £19,000 of the total purchase price of

³¹⁸ Native Land Court, *Whanganui Minute Book* 7/129-131.

³¹⁹ Native Land Court, *Whanganui Minute Book* 7/130-131. It should be noted that MA 13 97 58a contains a list of the owners of Otamakapua – the number of each signature on the deed, the number of the attestation clause, the names of witnesses, the number of acres awarded, details of trustees for minors, amount paid, and deductions (including survey costs). The document is incomplete, the bottom sections having lost a portion, possibly as a result of the attention of rats.

³²⁰ *Hawke's Bay Herald* (Napier) 7 May 1884

£52,000.³²¹ He enlisted the assistance of Airini Donnelly, her husband, and Captain Mair: in April 1884 the latter three travelled to Omaha to secure the signatures of local owners, while Gill and Booth also made their way to the settlement the following month.³²²

13.36. On 11th June 1884 the Court (Judges O'Brien and Alexander Mackay), sitting in Whanganui, turned to the matter of the Crown's award. Gill conducted the case for the Crown. He presented a deed (No.613 dated 11th June 1884) conveying the whole of the land, that is, 104,521 acres, to the Crown and signed by every 'registered owner and trustees appointed in the case of minors ...' After proposing some minor adjustments, Gill asked the Court for an order for 103,061 acres. The Court issued an order accordingly.³²³ The purchase cost was given in 1884 as £50,143. In 1885 the total cost for 103,062 acres was subsequently set at £54,357 taking into account 'incidental' costs of £4,215.³²⁴ The Court also issued orders for certificates of title for Otamakapua 2A of 250 acres in the name of Ema Retimana; Otamakapua 2B of 1200 acres in the names of Turanga Karauria, Matenga Karauria, Pani Karauria, and Erina Karauria; and Otamakapua 2C, a burial reserve of 10 acres (Matuahu urupa) awarded to Utiku Potaka and others.³²⁵ In August 1884, two parcels of Otamakapua 2 aggregating 104,522 acres were declared Crown land. Otamakapua 2A, 2B, and 2C were excepted, reducing the area proclaimed to 103,062 acres.³²⁶

13.37. The purchase negotiations involving Otamakapua provoked the *Wanganui Herald* into offering a bitter denunciation of the government's conduct. It claimed that the negotiations constituted:

... a melancholy detail of shady transactions, in which Government figure largely. The present Government have tried in eely ways to wriggle out of the agreements entered into with the natives, if they could do so honestly, but failing to accomplish this they have tried other means, and it has been both degrading and humiliating to watch the efforts ... Was ever such swindling by the Government? The sums endeavoured to be clipped off the purchase

³²¹ *Hawke's Bay Herald* (Napier) 7 May 1884.

³²² *Daily Telegraph* (Napier) 3 April 1884. See also *Wanganui Herald* 3 April 1884 and *Manawatu Standard* 4 April 1884.

³²³ Native Land Court, *Whanganui Minute Book* 7/217.

³²⁴ See AJHR 1885, C7.

³²⁵ Native Land Court, *Whanganui Minute Book* 7/69.

³²⁶ *New Zealand Gazette*, 1884, p.1215.

money, for the land was over £9,000. This included a sum of £1,000 given by the late Sir Donald Mclean to Renata Kawepo as a reward for services rendered by this chief in negotiating and using his influence with other tribes to obtain their consent to the sale, but although this was proved on the face of the voucher, it was attempted with all the skill the [Native] Department is so justly celebrated for to charge this on to the block, and so on with various other charges amounting to over £2,000 that ought not to have been made.³²⁷

13.38. Such transactions had induced one rangatira to observe that ‘The laws of Moses were written on stone; the laws of Britain are written on steel; but the laws of New Zealand are written on india-rubber and can be made to expand or contract to suit the circumstances, and which seem now to be stretched to its utmost limit.’ The *Wanganui Herald* concluded by noting that £3,000 had been ‘knocked off’ the £9,000.³²⁸

13.39. The return *Lands purchased and leased from Natives in North Island* published in 1885 recorded the area purchased by the Crown as 103,062 acres, the purchase price as just under £49,793, ‘incidental’ costs of almost £4,163, and total costs as almost £53,956. Had the owners been paid 10s per acre for the 103,062 acres they would have received £51,531: the difference between the nominal and the actual price thus amounted to £1,738. As noted the Crown also incurred ‘incidental costs’ of £4,163: it thus appears that it recovered almost 42 percent of those costs. Those ‘incidental’ costs included a payment of £2,000 to Renata Kawepo, plus an additional £100 for ‘expenses,’ and fees of £1,008 to Buller. In short, the Maori owners of Otamakapua 2 appear to have met a sizeable proportion of the costs incurred by the Crown in the process of purchase. Whether that meant that the Crown generally pursued a full-cost recovery purchasing programme is not entirely clear: at the least the Otamakapua data suggest that it was disposed to recover as large a proportion as possible of the transactional costs involved in land purchase.

2.14. Utiku Potaka’s claim for ‘surplus’ land

³²⁷ *Wanganui Herald* 17 April 1884.

³²⁸ *Wanganui Herald* 17 April 1884.

14.1. As the Native Land Court considered the definition of interests, Utiku Potaka raised the matter of what he termed ‘excess’ land in Otamakapua. He set out his calculations thus:

- The area of the block was, as depicted in the first plan, was 147,325 acres;
- Excluding Waitapu of 29,484 acres, that total fell to 117,841 acres;
- Excluding the area set apart as reserves in Otamakapua 1 (Mangamoko and Takapurau) of 8,952 acres the total fell to 108,889 acres;
- Excluding the area taken into Mangaoira because of the deviation of the survey line, that is, 2,115 acres, further reduced the total to 107,774 acres; and
- The Deed of Conveyance specified the area sold as 104,521 acres, leaving 2,253 acres that Utiku wanted for himself solely.³²⁹

14.2. Gill referred the matter to the Surveyor-General who claimed that the ‘2,253’ acres was ‘due simply to a gross blunder which showed the southern boundary line about 20 chains too long upon Mr Champion’s original plan. The Natives must be well aware of this circumstance, and their claim should be firmly resisted.’³³⁰

14.3. Four months later, in May 1885, Gill informed Utiku Potaka that ‘There is no land in Otamakapua 2 Block not disposed of.’³³¹ The latter persisted, but could make no headway and so tried another tack. In August 1885 he wrote to Ballance reminding him of his services to the Crown over a period of ten years in connection with its purchase of Otamakapua. In particular, he claimed that he had been largely responsible for persuading the people of the Rangitikei to accept that the title investigation should be conducted in Omaha. What he sought was payment for his services.³³² Ballance was advised that if the claim were met, ‘there will be no finality to any purchase, if one Chief receives a bonus after a sale is concluded others would

³²⁹ Utiku Potaka, Palmerston [North] to Judge O’Brien 21 April 1884, and Utiku Potaka, Te Houhou to Native Minister 9 January 1885, in Archives New Zealand, Wellington MA 13 97 58a. *Supporting Documents*, Volume 1, pp.230ff.

³³⁰ Surveyor General to Under Secretary, Native Department 28 January 1885, in Archives New Zealand, Wellington MA 13 97 58a. *Supporting Documents*, Volume 1, pp.230ff.

³³¹ Under Secretary, Native Land Purchase Department to Utiku Potaka 11 May 1885, in Archives New Zealand, Wellington MA 13 97 58a. *Supporting Documents*, Volume 1, pp.230ff.

³³² Utiku Potaka, Wellington to Native Minister 3 August 1885, in Archives New Zealand, Wellington MA 13 97 58a. *Supporting Documents*, Volume 1, pp.230ff.

soon prefer similar claims.’³³³ Ballance concurred and Utiku Potaka was informed accordingly.

14.4. Utiku Potaka then petitioned Parliament seeking a reserve of 1,000 acres adjacent to his Te Houhou residence in return for services rendered and in keeping with a promise made by McLean. In his petition he noted that he had begun to work for the Crown in 1862, that it had been with his sanction that the Crown had been able to acquire Ahuaturanga. He claimed further that the government had refused to listen to his claim to Puhangina. In 1869, at McLean’s request and in the company of Alexander Macdonald he made the journey to Heretaunga to confer with Renata Kawepo over selling Otamakapua to the Crown: although Renata Kawepo was ‘mild,’ no agreement to sell was reached on that occasion. Thereafter he continued to work towards a sale until, at the Native Land Court hearing in Omaha in 1879, ‘Renata joined me and we ousted the Ngatiapa tribe.’ Following the Court’s ruling, he claimed to have spent hundreds of pounds in an effort to secure the signatures of all owners to the deed of sale. Utiku Potaka claimed to have informed Booth that he did not seek payment but rather ‘a piece of land as a living for myself and my children.’ Booth declined to include any such provision in the Deed of Sale ‘lest others should see it and want reserves also,’ but suggested that he apply after the sale had been completed for ‘the fulfilment of what Sir Donald McLean promised formerly.’ Utiku then claimed that ‘Gill agreed privately to make a reserve of two thousand acres or more for Mrs Donnelly and her sisters and a reserve for Ema Retimana. He thus petitioned Parliament seeking 1,000 acres on the opposite side of his existing residence at Te Houhou.’³³⁴

14.5. The Native Affairs Committee, in July 1886, recommended that the government should conduct ‘a special inquiry, and if any promise of compensation has been made, let it be fairly met.’ Interestingly, the *Journal of the House of Representatives* recorded no more than that Utiku Potaka’s petition and the report of the Native

³³³ Under Secretary, Native Land Purchase Department to Native Minister 23 September 1885, in Archives New Zealand, Wellington MA 13 97 58a. *Supporting Documents*, Volume 1, pp.230ff.

³³⁴ A copy of the petition can be found in Archives New Zealand, Wellington MA 13 97 58a. *Supporting Documents*, Volume See also AJHR 1886, I2, p.24.

Affairs Committee should 'be referred to the Government.'³³⁵ Under Secretary Lewis advised Ballance that no further inquiry was required and that the papers should simply be filed, a judgement with which the Native Minister concurred.³³⁶ Utiku Potaka again raised the matter of the alleged 'surplus' of 2,253 acres and again it was 'explained' to him that the apparent excess was the result of a surveyor's error and that the area actually acquired was as recited by the Deed of Sale.

14.6. In April 1887 Utiku Potaka took his grievances up personally with Under Secretary Lewis in Wellington. He was informed that the government had no record of any promise having been given by McLean, that he had received more [£157] by way of payment than had been agreed originally, that the block had been proclaimed Crown land, and that the government could not now entertain his claim. The origin of the 'surplus' 2,235 acres was explained again. Utiku Potaka appears to have been satisfied with the explanations offered, but then intimated that the government should meet his expenses in taking his case to Wellington. Under Secretary Lewis suggested to Ballance that 'as he has undoubtedly been of great assistance to the Govt and as a chief who deserves every consideration of his position & services should be paid to him.' Ballance agreed to a payment of £25.

2.15. Otamakapua 2A, 2B, and 2C

15.1. It is convenient to record here the subsequent history of Otamakapua 2A, 2B, and 2C. The two former were both sold privately, 2A (250 acres) in April 1910 and 2B (1,200 acres) in April 1904. Otamakapua 2C of ten acres remains in Maori ownership.

15.2. Otamakapua 2A, also called Pakihikura Reserve, had a March 1906 government capital valuation of £3,245, all attributed to the owners although the block was under lease for 21 years to F.H. Vennell. The four owners of this block had mortgaged the

³³⁵ Copy of finding in Archives New Zealand Wellington MA 13 97 58a. *Supporting Documents*, Volume 1, pp.230ff. See also AJHR 1886, I2, p.24.

³³⁶ Under Secretary, Native Land Purchase Department to Native Minister 19 August 1886 and Native Minister's note thereon of 21 August 1886, in Archives New Zealand, Wellington MA 13 97 58a. *Supporting Documents*, Volume 1, pp.230ff.

land but appear to have been unable to meet their obligations for in July 1908 the mortgagees announced their intention to sell the land under section 9 of the Native Land Laws Amendment Act 1895.³³⁷ Section 9 provided that no sale could take place until three months' notice after publication of the intention to sell: after some debate between the solicitors involved, Watt & Cohen of Whanganui, and the Under Secretary of the Native Department, the proposed sale was postponed from its originally scheduled date of 28th July to 10th November 1908. The four owners collectively owed almost £2,008 plus interest on a large portion thereof at ten percent per annum. For sale were the undivided quarter shares of Raumaewa te Rango, Taiuru te Rango, Ngamoko te Rango, and Ngakaraihi te Rango. In the case of the first three, the mortgagee was Thomas Taylor Watt and in the last John Stevenson (but originally the New Zealand Loan and Mercantile Agency Company).³³⁸ The sale went ahead as planned and the block was vested in Thomas Taylor Watt in April 1910.³³⁹

15.3. In 1896 Wellington's Commissioner of Crown Lands urged the purchase of Otamakapua 2B.³⁴⁰ The 1,200-acre block was acquired privately in April 1904 by George P. Donnelly.

2.16. The partitioning of Otamakapua 1

16.1. In 1890, under the provisions of the Government Native Land Purchases Act 1877 and the Government Native Land Purchases Act Amendment Act 1878, the government issued a notification to the effect that it had relinquished negotiations to acquire Otamakapua 1 and Otamakapua 1A. Four years later, in August 1894 the Native Land Court (sitting at Marton) was asked to consider the allocation of shares

³³⁷ Watt & Cohen, Whanganui to Commissioner of Crown Lands, Wellington 8 July 1908, in Archives New Zealand, Wellington MA 1 1908/364. *Supporting Documents*, Volume 1, pp.100-111.

³³⁸ Archives New Zealand, Wellington MA 1 1908/364. *Supporting Documents*, Volume 1, pp.100-111.

³³⁹ It is worthwhile noting that Ngakaraihe te Rango had died in 1901, her share being awarded to Kehukehu Ngakaraihe Downs and Harry Downs as adopted children for whom their father was trustee. Relations of Ngakaraihe Te Rango objected but the objection was not upheld. Ngamoko te Rango, Taiuru te Rango, Moroati Taiuru, and Raumaewas te Rango thus petitioned Parliament with the object of having the monies payable to the adopted children impounded until their grievance had been investigated.

³⁴⁰ Commissioner of Crown Lands, Wellington 25 March 1896, in Archives New Zealand, Wellington MA-MLP 1 1896/99. Note that this file was not located by Archives New Zealand.

among the 13 owners of the 8,952-acre Otamakapua 1: of those 13 persons whose names appeared on the memorial of ownership dated 14th May 1880, by August 1894 seven had died.

16.2. Although the hearing commenced on 9th August 1894, it not until the 25th that Judge Mair issued his judgement. He recorded that:

The land is part of the great tract of country lying between the Rangitikei and Oroua Rivers, known as Otamakapua, and it appears to have been surveyed at the instance of Utiku Potaka who wished to reserve it from sale, especially for himself and other members of Ngatihauiti. There was no doubt that there were other members of the hapu entitled, but for some reason which has not been explained the numbers were kept sown to thirteen names. The early history of the land is very vague, but it is not necessary for the purpose of this investigation that we should go back beyond the year 1840. It would seem that at that time the only inhabitants of Otamakapua were a few members of Ngatihauiti who lived at Otara, Te Hekenga, and other places in Otamakapua No. 1. In 1842 the great Taupo chief Te Heuheu sent a hapu called Ngatipikiahua to occupy Otara. There are differences of opinion as to Te Heuheu's intentions, but the evidence in this and other cases points to the belief that unless forcibly resisted he would ultimately have laid claim not only to Otamakapua but to all the adjacent country. This has an important bearing upon the position of some of the parties now before the Court. With the single exception of Retimana Te Rango, all the parties are descended from Hauiti, the ancestor to whom the land belonged, so that their ancestral claims are beyond dispute. With reference to occupation it seems very doubtful whether any of the persons found to be owners lived continuously for any length of time on the block, and some of them probably never lived there at all, except as visitors, but it is evident that Potaka spent a great deal of time on the land and that he formed the rallying point there for his people. It does not appear that Potaka suspected the designs of Te Heuheu's people for he seems to have maintained very friendly relations with them, but Pirimona and Herewini held different views and they went to Otara and insisted on Pikiahu leaving the land and eventually they did so ...

When the land was before the Court in 1880, it appears to have been the intention at one stage of the proceedings to make the owners tenants in common in equal shares. Why that intention was manifested does not appear, but the order to that effect was cancelled and the question of relative interests was left open. At the present investigation the point has been raised, and some of the parties are prepared to accept equal shares as a simple solution of the difficulty. But from the first the Court has felt that this is not a case to be dealt with in such a simple manner. The claim of the different parties, whether by occupation, by *mana*, or by influence exercised, vary in so marked a degree that if there was case where the shares should be unequal, that case is the one now before the Court. We have endeavoured then to forget that such a proposal was made, or that there have been any attempts to compromise the

matter. Briefly we find that Potaka and his son Utiku were recognised as occupying the chief position in connection with this land; that Pirimona and Herewini rendered important services to the people by their action with regard to Ngatipikiahū, and that the claims of the other parties vary considerably in the matter of occupation, some of them having proved that they lived on the land and exercised right of ownership, while others it may be said that it is doubtful whether they have been to Otamakapua at all except as visitors, or have not rather abandoned the land altogether, and one of them has not even an ancestral claim. When Utiku said ...that some of his co-owners should only have fifty acres each and that he should have the bulk of the block, we do not think that he meant the Court to take him as speaking seriously. We know that he has always been regarded as a just man, and prefer to believe that he was vexed at being called upon to answer such a question, and so spoke recklessly. In estimating the interests of each of the parties, we have taken into consideration the questions of ancestry, *mana*, occupation, and services rendered for the common benefit of all concerned.³⁴¹

16.3. On the basis of occupation, the successors to Arapata and Utiku Potaka received large awards; Ema Retimana, Paramena Te Naonao, and others received moderate awards; and Retimana Te Rango and others received very small awards.³⁴² The court's awards were contested and in October 1895 the Whanganui Native Appellate Court (Judge Butler) made some adjustments to the lower Court's awards.³⁴³ The details of the partition are set out in Table 2.3.

Table 2.3: The partition of Otamakapua 1, 1894 and 1895

Partition 25.8.1894	Acres	Owners	Partition 16.10.1895	Acres	Owners	Acres on survey
1A	3350	11	1A	1725	1	1740
1B	1650	8	1B	400	1	403.5
1C	680	1	1C	400	1	403.5
1D	1150	1	1D	500	4	504.5
1E	350	1	1E	325	1	331.25
1F	350	1	1F	650	7	655.75
1G	1	2	1G	1	2	1
1H	1422	3	1H	1460	10	1462.75
1J			1J	1409	5	1413.25
1K			1K	900	3	909
1L			1L	500	1	504.5
1M			1M	300	1	302.5
1N			1N	400	1	403.5

³⁴¹ Native Land Court, *Whanganui Minute Book* 21/421.

³⁴² Native Land Court, *Whanganui Minute Book* 21/372-421.

³⁴³ Whanganui Native Appellate Court, *Minute Book* 4/39-98, 116-119, and 150-153.

Source: Native Land Court, *Whanganui Minute Book 21* and *Whanganui Appellate Court 4/150-153*. Details of the surveyed area are from Adam Heinz, *Taihape Inquiry District, land alienation database: block history and block chronology reports*. Wellington, 2012.

2.17. Otamakapua in 1891 and 1907

17.1. A summary of the status of lands owned by Maori was published in the *Appendices, Journals of the House of Representatives* in 1891.³⁴⁴ Among other things, it recorded that several ‘Otumakapua’ [*sic*] blocks had passed through the Native Land Court and been leased to Europeans. Among them were three blocks listed simply as being of 1,132 acres, 1,472 acres, and 152 acres, together with ‘Takapurau’ of 832 acres, the leases of which expired in 1900; a further block was listed as ‘Otumukapua’ of 2,742 acres; while the list also included Otamakapua of 8,952 acres, and Otamakapua of 250 acres (probably 2A). The summary also listed blocks which had passed through the Native Land Court and which had been retained by Maori for their own occupation: in the southern portion of the Taihape Inquiry District there was apparently just one such block, namely, ‘Tarakete’ of 2,120 acres. According to the same return all lands in the southern portion had passed through the Native Land Court.³⁴⁵

17.2. In 1906, 6,583 acres of Otamakapua land leased to Europeans were held to be unproductive. The Legislative Council report concerned formed an important part of the background to the appointment of the Native Land Commission (Sir Robert Stout and Apirana Ngata) of 1907.³⁴⁶

17.3. The Commission of 1907 dealt with Otamakapua. Table 2.4 sets out some details relating to the disposition of the block as recorded by the Commission. With respect to Otamakapua 1, it is apparent that the entire block was ‘under lease or negotiation to lease,’ as indeed were the remnants, following the Crown’s purchase in

³⁴⁴ AJHR 1891, Session II, G10.

³⁴⁵ Only four other blocks in this southern part of the Taihape Inquiry District were listed as having passed the Native Land Court and to have been leased to Europeans, namely a Rangatira block of 1,502 acres and Rangatira 4A of 50 acres, an Otairi block of 366 acres, and Ohingaiti of 3,000 acres.

³⁴⁶ See AJLC 1906, Session 2, No.5, p.24.

1884, of Otamakapua 2. With the exception of Otamakapua 1G, the Commission did not recommend the reservation for Maori of any land in Otamakapua.

Table 2.4: The disposition of lands owned by Maori in Otamakapua, 1908

Block	Owners	Acres
<i>Under lease or negotiation to lease</i>		
Otamakapua 1A	1	1740
Otamakapua 1B	1	403
Otamakapua 1C	1	403
Otamakapua 1D	4	504
Otamakapua 1E	1	331
Otamakapua 1F	7	655
Otamakapua 1H	10	1462
Otamakapua 1J1	4	565
Otamakapua 1J2	1	848
Otamakapua 1K	3	909
Otamakapua 1L	1	504
Otamakapua 1M	1	302
Otamakapua 1N	1	403
Otamakapua 2A	5	250
Otamakapua 2B	4	1200
Otamakapua 2C	6	10
<i>Lands recommended to be reserved for Maori</i>		
Otamakapua 1G	Urupa	1

Source: AJHR 1908, G1B

2.18. Crown purchases in Otamakapua 1

18.1. Over the period from 1911 to 1915 the Crown completed a number of purchases in Otamakapua 1. Table 2.5 sets out the details. The post-1914 purchases formed part of the government's plan to settle returning servicemen on the land as provided for by the Discharged Soldiers' Settlement Act 1915.

Table 2.5: The Crown's acquisitions in Otamakapua 1, 1910 to 1915

Otamakapua	Acres	New Zealand Gazette
1H3	494	1915, p.951
1H5	107	1915, p.370
1J1D	141	1911, p.3746
1J1C	141	1911, p.3746
1H2	165	1911, p.3746
1H6	179	1911, p.3746
1H3	494	1915, p.951
1J1B	141	1913, p.3577
1N1 & 3	66	1912, p.3294
1J2	848	1913, p.3573
1H4	143	1913, p.3574
1J1A	141	1914, p.3707
1H1	373	1915, p.731

Sources: AJHR 1911 G6A; 1912, G9; 1914, G9; and 1915, G9

2.18.1. Otamakapua 1H

18.2. Otamakapua 1H was partitioned in May 1911 into five blocks, namely, 1H1 of 370 acres with three owners; 1H2 of 164 acres with one owner; 1H3 of 489 acres and one owner; 1H4 of 149 acres and one owner; and 1H5 of 106 acres with three owners. Table 2.6 sets out some details.³⁴⁷ It will be noted that four of the blocks had sole owners. All six blocks were acquired by the Crown.

2.18.1.1. Otamakapua 1H1

18.3. Otamakapua 1H1 was a 373-acre block with a September 1911 government capital valuation of £2,398, all ascribed to the four owners. The latter offered to sell the land to the Crown at £7 per acre (clear of all deductions) or £2,613.³⁴⁸ The offer was accepted. One of the owners, C.B. Heatley of Waiupukurau, endeavoured to make sale contingent on the Crown granting him a small area of Crown land adjoining his property at Wallingford: the Native Department took the matter up with

³⁴⁷ The acreages given in Table 2.6 differ slightly from those offered by Heinz : his acreages are those established by survey.

³⁴⁸ E.R. Broughton, Wellington to Under Secretary, Native Department 23 March 1912, in Archives New Zealand, Wellington MA-MLP 1 1912/16. *Supporting Documents*, Volume 4, pp.248-279.

the Department of Lands and Survey. The Hawke's Bay Land Board agreed to give Heatley by way of exchange or to sell him 28.5 acres as part payment for his interest in Otamakapua 1H1. Heatley thus received £1,306 8s 4d for his share in the latter and paid the Crown £256 10s for the 28.5 acres. The purchase of Otamakapua 1H1 also required the trustees of Ruth Holden Wellwood's children to secure a succession order: they then agreed to sell the interest in the block in preference, it would seem, to the Crown partitioning out its share of the block. Otamakapua 1H1 was proclaimed Crown land in March 1915.³⁴⁹

Table 2.6: The partition of Otamakapua 1H, 1911

Block	Area: acres	Owners	Shares: acres
1H1	371 1 02	John Holden jnr	93 1 11
		Ruth Holden Wellwood	93 1 11
		Conrad Bryan Heatley	186 2 21
1H2	165 1 30	Puteruha Paki	
1H3	494 1 06	Whakahihi Paki	
1H4	143 1 01	Roka Tukotahi	
1H5	107 1 30	Tuihata Raurimu	35 3 10
		Kaheke Raurimu	35 3 10
		Hakihaki Raurimu	35 3 10
1H6	179 0 10	Te Huriwai Raurimu	

Source: Archives New Zealand, Wellington MA-MLP 1 1911/119

2.18.1.2. Otamakapua 1H2

18.4. Otamakapua 1H2 had an August 1911 government capital valuation of £990. As sole owner, Puteruha Paki, offered the block to the Crown and the purchase was completed in May 1911, Puteruha Paki receiving £900, the balance being attributed to the lessee. The lease had expired on 7th October 1914.³⁵⁰ The block was proclaimed Crown land in December 1911.³⁵¹

³⁴⁹ *New Zealand Gazette* 1915, p.165.

³⁵⁰ See Archives New Zealand, Wellington MA-MLP 1 1911/108. *Supporting Documents*, Volume 4, pp.181-186.

³⁵¹ *New Zealand Gazette* 1911, p.3746.

2.18.1.3. Otamakapua 1H3

18.5. In 1911 the owner of this block proposed selling it to two Maori, but the Aotea District Maori Land Board declined to confirm the alienation on the grounds that it was not in the interests of the owner, said to be of ‘weak ‘ intellect and unable to manage his affairs. And yet Otamakapua 1H3 of 494 acres was acquired by the Crown, just over 12 months later, in March 1912 for its October 1911 government capital valuation of £2,655, the owners receiving £2,293 and the lessee (Ewen McGregor) the balance of £362.³⁵² The block was proclaimed Crown land in March 1915.³⁵³

2.18.1.4. Otamakapua 1H4

18.6. The Crown in 1913 acquired this block of 143 acres, the owners receiving £825 of the October 1911 government capital valuation of £930. The balance went to the lessee, Ewen McGregor. The owner, Roka Tukotahi, sought £7 per acre but accepted the Crown’s offer of £6 ‘clear of all deductions.’ The block was declared Crown land in December 1913.³⁵⁴

2.18.1.5. Otamakapua 1H5

18.7. Otamakapua 1H5 of 107 acres was acquired by the Crown from its three owners in March 1912, the owners receiving £545, the balance of the September 1911 government capital valuation of £605 going to the lessee. The block was declared Crown land in March 1915.³⁵⁵

³⁵² Archives New Zealand, Wellington MA-MLP 1 1911/119.

³⁵³ *New Zealand Gazette* 1915, p.951.

³⁵⁴ *New Zealand Gazette* 1913, p.3574. See also Archives New Zealand, Wellington MA-MLP 1 1911/120. *Supporting Documents*, Volume 4, pp.231-236.

³⁵⁵ *New Zealand Gazette* 1915, p.730.

2.18.1.6. Otamakapua 1H6

18.8. Otamakapua 1H6 of 179 acres acquired by the Crown from its sole owner, Te Huriwai Raurimu, on 3 November 1911 for £1,001, the balance of the October 1911 government capital value of £1,134 representing the lessee's (Ewen McGregor) interests. The block was proclaimed Crown land in December 1911.³⁵⁶

2.18.2. Otamakapua 1J

18.9. In June 1895 the five owners of Otamakapua 1J (Rena Maikuku, Taiuru te Rango, Raumaewa te Rango, Ngakaraihe Downes, and Ngamoko te Rango) leased the 1,413-acre block to Ewen McGregor for 19 years. Melody described McGregor as 'an early developer' of the Ohingaiti district, and that he had acquired a large area of Maori leasehold land: by 1897 McGregor held 1,000 acres freehold plus 1,000 acres leasehold.³⁵⁷

18.10. In June 1899 the block was divided into 1J1 of 565 acres and awarded to the four children of Ema te Rango, namely, Raumaewa te Rango, Taiuru te Rango, Ngakaraihe Downes, and Ngamoko te Rango), while 1J2 of 848 acres was awarded to Rena Maikuku.³⁵⁸ Otamakapua 1J1 was further subdivided in July 1908 into Otamakapua 1J1A of 141 acres and awarded to Kehu Ngakaraihe Downs and Harry Downs; 1J1B of 141 acres and awarded to Taiuru te Rango; 1J1C of 141 acres and awarded to Raumaewa te Rango; and 1J1D of 141 acres and awarded to Ngamoko te Rango.³⁵⁹

³⁵⁶ *New Zealand Gazette* 1911, p.3746.

³⁵⁷ See Paul Melody, *The beach highway: the road to Rangitikei from 1849-1875*. Marton, 2004, pp.55-57.

³⁵⁸ Native Land Court, *Whanganui Minute Book* 41/94-95.

³⁵⁹ Native Land Court, *Whanganui Minute Book* 59/217.

2.18.2.1. Otamakapua 1J1A

18.11. This block was offered to the Crown in January 1914: given that the lease to Ewen McGregor was soon to expire the Crown accepted the offer.³⁶⁰ The Crown paid the government valuation for the block, that is, £564 of which the owners' share amounted to £526. It was declared Crown land on 8th October 1914.³⁶¹

2.18.2.2. Otamakapua 1J1B

18.12. In December 1910 Taiuru te Rango, the owner of the 141-acre Otamakapua 1J1B, offered the section to the Crown for £600: if the government were not prepared to pay that price he asked for the revocation of the order prohibiting private alienation.³⁶² Otamakapua 1J1B had a September 1911 government capital valuation of £705 of which £647 was attributed to the owners and £58 to the lessee, Ewen McGregor. Having acquired the adjacent land, the Crown was keen to acquire Otamakapua 1J1B and hence, early in 1912, offered Taiuru te Rango £650.³⁶³ The block was proclaimed Crown land in December 1913.³⁶⁴

2.18.2.3. Otamakapua 1J1C

18.13. In 1908 Raumaewa te Rango, the owner of the 141-acre Otamakapua 1J1C sought to sell the land to one Annie Macpherson of Whanganui, but then decided to raise a mortgage of £300 from the Government Advances to Settlers Office. In March 1909 Cabinet agreed to the mortgage and an order excepting the land from the

³⁶⁰ Under Secretary, Native Department to Marshall & Hutton, Whanganui 5 March 1914, in Archives New Zealand, Wellington MA-MLP 1 1911/113. *Supporting Documents*, Volume 4, pp.193-204.

³⁶¹ *New Zealand Gazette* 1914, p.3707.

³⁶² Taiuru te Rango and Pango Raumaewa, Wellington to Native Minister 21 December 1910, in Archives New Zealand, Wellington MA-MLP 1 1910/125. *Supporting Documents*, Volume 4, pp.3-67.

³⁶³ See Archives New Zealand, Wellington MA-MLP 1 1911/114. *Supporting Documents*, Volume 4, pp.205-211.

³⁶⁴ *New Zealand Gazette* 1913, p.3577.

operation of section 117 of the Native Land Court Act 1894 was issued in March 1909.³⁶⁵ The block was declared to be Crown land on 21 December 1911.³⁶⁶

2.18.2.4. Otamakapua 1J1D

18.14. In September 1910, Ngamoko Te Rango advised the Native Minister that he wished to sell to the Crown several blocks, among them, Otamakapua 1J1D and Pouwhakarua 1B Pt (79 acres). With respect to those two blocks he noted that ‘the Crown would have no difficulty in acquiring further area to the extent of 424 acres and 237 acres respectively.’ Although the two blocks had a combined government valuation of £1,703, he suggested that their value was £2,079.³⁶⁷ Otamakapua 1J1D had a capital value of £849 (11th July 1910): the Crown paid £747, that is, the capital value less the amount (£102) assessable to the lessee.³⁶⁸ Otamakapua 1J1D was declared Crown land on 21 December 1911.³⁶⁹

2.18.2.5. Otamakapua 1J2

18.15. Otamakapua 1J2 of 848 acres had a September 1911 government capital valuation of £5,174 of which £4,606 was attributed to the owners and the balance to the lessee, Ewen McGregor. The owners were members of the Tumango family, namely, Henare Tumango, Peeti Tumango, Mahuia Maikuku, Ngamako Kumeroa, and Merania Nepia. In 1912 all with the exception of Merania Nepia sold their shares to the Crown. Her demand for £20 per acre was interpreted as a refusal to sell.³⁷⁰ The excision of her interests was investigated and Merania Nepia was allocated her

³⁶⁵ Archives New Zealand, Wellington ACIH 16036 MA 1 1909/59. *Supporting Documents*, Volume 1, pp.112-124.

³⁶⁶ *New Zealand Gazette* 1911, p.3746.

³⁶⁷ Ngamoko Te Rango, Wellington to Native Minister 5 September 1910, in Archives New Zealand, Wellington MA-MLP 1 1910/125. *Supporting Documents*, Volume 4, pp.3-67.

³⁶⁸ The sale was effected through Wellington land agent Charles Parata, his fee being ten percent of the sale price. A dispute between Charles Parata and Ngamoko te Rango was settled in the Magistrate’s Court. See *New Zealand Times* 2 November 1910 in Archives New Zealand, Wellington MA-MLP 1 1910/125. *Supporting Documents*, Volume 4, pp.3-67.

³⁶⁹ *New Zealand Gazette* 1911, p.3746.

³⁷⁰ President, Aotea Maori Land Board to Under Secretary, Native Department 11 June 1912, in Archives New Zealand, Wellington MA-MLP 1 1911/115. *Supporting Documents*, Volume 4, pp.212-223.

interest in the eastern part of the block. In the event, she did sell, in 1913. The Crown paid £4,786 16s, £180 16s in advance of the valuation of the owners' share: Merania Nepia received a price in advance of that paid to her co-owners (£1,100 compared with £921 4s). The block was proclaimed Crown land in December 1913.³⁷¹

18.16. A matter of interest is that a requisition for a survey of the 1J partitions was made in error and liens imposed. The Crown had in fact set out to acquire the whole of Otamakapua 1J and had arranged purchase on the basis that surveys would be unnecessary. In this instance the liens were removed and not, as was the usual practice, deducted from the purchase price.³⁷²

2.18.3. Otamakapua 1N

18.17. In April 1912 Waikari Karaitiana, the sole proprietor of the 66-acre Otamakapua 1N1& 1N3, offered the land to the Crown at the same price the Crown had paid for the adjoining Otamakapua 1J and 1H, that is, £7 per acre. The Crown paid £297, that is, £4 10s per acre and the blocks were proclaimed Crown land in November 1912.³⁷³ The file does not disclose any evidence that the Crown sought a revised valuation.³⁷⁴

18.18. In March 1912, Ewen McGregor (whose lease expired on 6th October 1914) was directed to pay the rents due on those interests which the Crown had acquired to the Public Account – that is, in respect of 1H5 (107 1 30); 1H6 (179 acres); 1H3 (494 1 06); 1H2 (165 1 29); 1N 1 and 3 (66 acres); 1J2 (678 1 24); 1J1B (141 1 13); 1J1C (141 1 13); 1J1D (141 1 13); and 1H1 (93 1 0). It should also be noted that in 1915 W.S. Marshall still leased 1H and 1J: he still leased land that his father had first taken up in 1869.³⁷⁵

³⁷¹ *New Zealand Gazette* 1913, p.3573. See also Archives New Zealand, Wellington AAMA W3166 619/57 4/1015.

³⁷² See Under Secretary, Native Department to Under Secretary, Lands and Survey 19 February 1915, in Archives New Zealand, Wellington MA-MLP 1 1910/125. *Supporting Documents*, Volume 4, pp.3-67.

³⁷³ *New Zealand Gazette* 1912, p.3294.

³⁷⁴ See Archives New Zealand, Wellington MA-MLP 1 1912/19.

³⁷⁵ W.S. Marshall to Department of Lands and Survey 29 June 1915, in Archives New Zealand, Wellington AAMA W3166 619/57 4/1015. *Supporting Documents*, Volume 4, pp.314-336.

2.18.4. Otamakapua 1H

18.19. The Crown's last purchase in Otamakapua 1 was of 1H1 in 1915. Towards the end of October 1915 Wellington's Chief Surveyor was advised that the Crown had acquired almost 2,934 acres at a total cost of £17,261, including £16,072 on purchase. The District Surveyor went on to note that that sum represented £5 17 5 per acre (based on the 2,941 acres revealed by a new survey, and suggested the values were very reasonable and if anything were on the low side.³⁷⁶ The leasing of the block had offered no protection against its desire to acquire the land and to supplant the original owners as lessor.³⁷⁷ Towards the end of 1915, in the face of a refusal by the remaining owners to deal with the Crown, the Native Land Purchase Board terminated its efforts to acquire more of Otamakapua 1. By that stage it had acquired a compact block, formerly Otamakapua 1H and 1J, an area which it proceeded to subdivide into ten blocks and offer them for selection under the Discharged Soldiers' Settlement Act 1915.

18.20. Fourteen years later, the owners of the remaining portions of Otamakapua 1 intimated a desire to sell to the Crown at the government valuation.³⁷⁸ At that time, according to the Native Department, 15 partitions of the block remained in Maori ownership (Table 2.7). In fact of the 15 blocks, seven had been sold privately between 1897 and 1910, namely Otamakapua 1D of 505 acres to Matilda McGregor, wife of Ewen McGregor, in 1898; Otamakapua 1E of 331 acres of which eight acres were sold to Matilda McGregor in 1899 and the balance to Ewen McGregor in 1899; Otamakapua 1L of 505 acres to Henry G.E. Swainson in 1898; 1M of 303 acres to Elizabeth H. Marshall in 1897; 1N2 in September 1897; 2A in April 1910; and 2B in April 1904.

³⁷⁶ District Surveyor to Chief Surveyor, Wellington 28 October 1915, in Archives New Zealand, Wellington AAMAW3166 619/57 4/1015. *Supporting Documents*, Volume 4, pp.314-336. There is nothing in the file which would indicate that the Crown paid for the additional 6.5 acres.

³⁷⁷ McGregor remained in occupation in 1915, although J.C. Berry and 36 others, residents of Ohingaiti and district, petitioned the Wellington Land Board to offer the land to residents in lots of 200 to 300 acres. See Archives New Zealand, Wellington AAMA W3166 619/57 4/1015. Volume 4, pp.314-336.

³⁷⁸ Under Secretary, Lands and Survey to Under Secretary, Native Department 27 February 1929, in Archives New Zealand, Wellington MA-MLP 1 1910/125. *Supporting Documents*, Volume 4, pp.3-67.

Table 2.7: Portions of Otamakapua still in Maori ownership, November 1929, according to the Department of Native Affairs

Blocks	Acres	Blocks	Acres
1A	1740 0 00*	1G	1 0 00
1B	403 2 00	1L	504 2 00
1C	403 2 00	1M	302 2 20
1D	504 2 00	1N	403 2 00
1E	331 1 36	2A	250 0 00
1F1B	245 0 21	2B	1200 0 00
1F2A	211 0 16	2C	10 1 14
1F2B2	76 3 29		

* An area of 18 3 22 in this block was sold to Matilda McGregor in 1925 and was taken for a road by Proclamation 1680 to take effect after 26 April 1927, reducing the area to 1,721 0 18.

Source: Archives New Zealand, Wellington MA-MLP 1 1910/125

18.21. At that time, 1929, Otamakapua 1A was leased to Matilda McGregor, 1B and 1C to Ewen McGregor, 1F1B to E.T. Phillips, and 1F2A and 1F2B2 to R.J. Hammond.

18.22. The Crown decided that it wished to acquire all of 1A, together with three portions of 1B containing an aggregate of 178 acres. All were subject to leases. A special valuation for Otamakapua 1A, leased to Matilda McGregor (and who had sold her interest to various tenants) yielded a government capital valuation of £32,700 of which the lessor's interest amounted to £20,023. The government capital valuation of Otamakapua 1B Part, leased to Ewen McGregor), was given as £4,945 of which the lessor's interest constituted £3,032.³⁷⁹ On behalf of the Crown, the Native Land Purchase Board decided to acquire the land and to offer the owners the sum of £23,055, being the value of their interests as lessors. Of the four owners – Tamihau Utiku Potaka, Mekura Kumeroa, Haukoraki Potaka, and Esther Potaka (as trustee in terms of the will of Arapeta Potaka), the first two demanded £26 per acre, while the last two indicated that they would accept the Crown's offer.³⁸⁰ The Crown withdrew its offer in March 1931. There the matter rested until 1939 when the Sheep-Farming Industry Commission recommended that the Crown acquire the land 'with the object

³⁷⁹ Valuer General to Under Secretary, Native Department 6 November 1930, in Archives New Zealand, Wellington MA-MLP 1 1910/125. *Supporting Documents*, Volume 4, pp.3-67.

³⁸⁰ Esther Potaka had no power to sell or mortgage the land without the prior consent of the Maori Land Court.

of giving the sub-lessees a more secure type of tenure.’³⁸¹ It was made clear to the Commission that the owners expected their lands to return to them at the expiration of the leases (without compensation for improvements) in 1956.³⁸²

2.19. Private purchases in Otamakapua 1

2.19.1. Otamakapua 1A or ‘McGregor’s Block’

19.1. As already noted, Otamakapua 1A of 1,740 acres was awarded to Utiku Potaka solely in 1894. In 1906 he leased the block to Mrs Matilda McGregor (wife of Ewen McGregor) for 50 years from 20th June 1906 for an annual rental of £482 2 6 up to 1941 and thereafter at five percent of the unimproved value plus £1,940, being the value of the improvements at the time the lease commenced. The lease contained neither a right of renewal nor any right of compensation for improvements: on expiry in 1956 all the improvements were to revert to the owners. The assumption appears to have been that the land, in its ‘natural’ state would be used for grazing purposes.

19.2. Between 1915 and 1926, McGregor subdivided the block and granted sub-leases to 15 settlers, nine of whom were assisted financially under the Discharged Soldiers’ Settlement Act 1915 to the extent of £26,270, secured by mortgages over the subleases. The total rentals payable by the sub-lessees amounted to £480, just short of the £482 2 6 payable under the head lease. In effect, McGregor had no interest in the property. Disputes between McGregor and the sub-lessees over access, the refusal of the former to pay rents until the matter was settled, and concern that the lessors would move against McGregor for non-payment of the head lease rental induced the Crown to intervene to protect the advances it had made to the settlers. In the event, she transferred the head lease to the Crown without consideration other than being released from all liability under the head lease.

³⁸¹ Secretary, Sheep-Farming Industry Commission to Under Secretary, Native Department 17 August 1939, in Archives New Zealand, Wellington MA-MLP 1 1910/125. *Supporting Documents*, Volume 4, pp.3-67.

³⁸² Under Secretary, Native Department to Secretary, Sheep-Farming Industry Commission 22 August 1939, in Archives New Zealand, Wellington MA-MLP 1 1910/125. *Supporting Documents*, Volume 4, pp.3-67.

19.3. That transfer was completed in 1932 and the settlers were granted new leases based on revised valuations, while £14,076 was written off the liability incurred under the Discharged Soldiers' Settlement Act. At the same time, the total annual rental payable by the lessees was increased to £939. In 1941 the rentals under the head lease and the sub-leases were altered to £883 5s per annum for the head lease and £1,042 for the sub-leases. The sub-lessees remained concerned over the fact that on expiry in 1956 of both the head lease and the sub-leases they were not entitled to any compensation for improvements. That they had been aware of that fact when they took up their sub-leases was not apparently in dispute.

19.4. Section 6 of the Reserves and Other Lands Disposal Act 1933 set out to validate transactions involving McGregor block. It recorded that by way of a lease dated 22nd August 1906 Utiku Potaka leased the land to Matilda McGregor for 50 years. The lessee subdivided the land and granted subleases to several settlers. The Crown, acting under the Discharged Soldiers' Settlement Act 1915 assisted several settlers to acquire the sub-lessees' interests and to effect permanent improvements. The later subsequently defaulted and in order to protect its interests the Crown decided to acquire the head lease. That it did so, without consideration, by way of a transfer dated 8th April 1932 – and subsequently accepted the surrender of some of the sub-leases and determined others by re-entry – and granted fresh leases with rentals 'in accordance with present-day values ...' and also granted fresh leases over such subdivisions as had been untenanted at the time it acquired the head-lease. Section 6 validated the transfer of the head lease from McGregor, the surrender and termination of sub-leases, and the granting of fresh leases.

19.5. In 1937, at the Crown's request, a special valuation was undertaken, the result being that the unimproved value was set down as £20,410. Of that latter sum £18,506 was attributed to the owners and £1,904 to the lessees. The value of improvements was set down as £13,632 of which £6,226 was attributed to the owners and £7,406 to the lessees. That gave a government capital value of £34,042 and that the owners an interest of £14 5s per acre. In 1928 two of the owners had offered to dispose of their interests at £26 per acre and two at £16 10s acre, prices considered 'ridiculous.' The owners were aware that the improvements would revert to them upon expiry of the leases, but it was predicted that the sub-lessees would, in the final years of their

leases, 'take all they can off the farms and do the minimum of maintenance so that on the expiry date the improvements will without doubt be worth less than they are today.'

19.6. The propriety of such a course of action attracted no comment. Rather, the writer of a short report on the matter, and who appears to have been in the Department of Lands and Survey, claimed that it was 'in the interests of the owners, the Crown, and the sub-lessees that some arrangement be come to so that the lessees have some security of tenure. If the Crown could buy the owners' interest, the sub-lessees could be given permanent leases with adequate protection for their improvements.' The proposed solution was not too far removed from that of the 1929 King Country Maori Leaseholds Commission which proposed that the solution to a very similar set of circumstances was expropriation by the Crown. The writer went on to note that Otamakapua 1B and 1C (both leased to Ewen McGregor and sub-leased to tenants), and 1F1B (leased to S.J.H. Lowry) were in a position similar to that of 1A.³⁸³

19.7. Ewen McGregor leased a number of sections in the Ohingaiti district. McGregor was born at Matarawa in 1861, settled in the Paraekaretu district in 1883 where he acquired some 7,000 acres of land. He subsequently established a holding at Orangoongo and ran a large saw-milling operation.³⁸⁴

19.8. In August 1947 the Minister of Lands took the matter up with the Prime Minister. Nothing appears to have been achieved for more than a year later, in November 1948 the Under Secretary of Lands and Survey proposed that he and the Under Secretary of Maori Affairs engage in 'a frank discussion.'³⁸⁵ In the event, Maori Affairs advised Lands and Survey that while it would assist to settle the matter it was 'not one which is of direct concern to this Department,' an odd admission given its mission and responsibilities.³⁸⁶

³⁸³ Report in Archives New Zealand, Wellington MA-MLP 1 1910/125. *Supporting Documents*, Volume 4, pp.3-67.

³⁸⁴ See *The Encyclopaedia of New Zealand* [Wellington Provincial District]. Wellington, 1897.

³⁸⁵ Under Secretary, Lands and Survey to Under Secretary, Maori Affairs 16 November 1948, in Archives New Zealand, Wellington MA-MLP 1 1910/125. *Supporting Documents*, Volume 4, pp.3-67.

³⁸⁶ Assistant Under Secretary, Maori Affairs to Under Secretary, Lands and Survey 14 February 1949, in Archives New Zealand, Wellington MA-MLP 1 1910/125. *Supporting Documents*, Volume 3, pp.3-67.

19.9. Otamakapua 1A was partitioned in July 1954 as set out in Table 2.8 which also lists subsequent alienations. The number of owners is at partition.

Table 2.8: The partition and subsequent history of Otamakapua 1A

Blocks	Acres	Owners	Status
1A1 in July 1954	319	1	In Maori ownership
1A2 in July 1954	509	2	
1A2A in April 1958	277	1	Declared general land June 1971
1A2B in April 1958	282	1	Declared general land November 1970
1A3 in July 1954	560	6	
1A3,5 in November 1966	105	1	Declared general land June 1969
1A3A in November 1966	102	1	Declared general land August 1969
1A3B in November 1966	133	1	In Maori ownership
1A3C in November 1966	219	3	Declared general land August 1969
1A4 in July 1954	199	1	Private purchase April 1964
1A5 in July 1954	137	15	Private purchase April 1967

Source: Adam Heinz, *Taihape Inquiry District, land alienation database, block history and block chronology reports*. Wellington, 2012

2.19.2. Otamakapua 1D

19.10. This 505-acre block was sold privately in November 1898.

2.19.3. Otamakapua 1E

19.11. This 331-acre block was sold privately in April 1899.

2.19.4. Otamakapua 1F

19.12. In December 1909 the 656-acre Otamakapua 1F was partitioned into 1F1 of 328 acres and awarded to nine owners and 1F2 also of 328 acres and awarded to three owners. The Crown looked to acquire these two blocks: Otamakapua 1F1 had a September 1911 government capital valuation of £2,312 of which £2,100 was

attributed to the owners and the balance of £212 to the lessee, Ewen McGregor.³⁸⁷ Otamakapua 1F2 had a September government capital valuation of £2,922 of which £2,668 was attributed to the owners and £254 to the lessee, Ewen McGregor.³⁸⁸

2.19.4.1. Otamakapua 1F1

19.13. This block was partitioned in November 1914 into the 81-acre Otamakapua 1F1A: it was sold privately December 1926. The second block was Otamakapua 1F1B of 245 acres: it was also sold privately, in October 1947.

2.19.4.2. Otamakapua 1F2

19.14. Otamakapua 1F2 was partitioned, in March 1917, into 1F2A (211 acres) and 1F2B (101 acres). In August 1968 the former was declared to be general land. Otamakapua 1F2B, on the other hand, was further subdivided, in December 1921 into 1F2B1 (38 acres) and 1F2B2 (77 acres). Both were sold privately, the former in June 1925 and the latter in November 1931.

2.19.5. Otamakapua 1K

19.15. The owners of this 909-acre block in 1906, namely, Rawea Marumaru, Rangipo Mete Kingi, and Reupena Mete Kingi, with an eye to purchasing 1,100 acres at Brandon Hall more suited to their requirements, offered the block to the lessee, W.S. Marshall, the only person (in their view) ever likely to buy the land. The difficulty was that Marshall already owned more than 640 acres, and hence the three owners appealed to Native Minister Carroll for his assistance.³⁸⁹ Marshall had taken

³⁸⁷ See Archives New Zealand, Wellington MA-MLP 1 1911/111. *Supporting Documents*, Volume 4, pp.187-189.

³⁸⁸ See Archives New Zealand, Wellington MA-MLP 1 1911/112. *Supporting Documents*, Volume 4, pp.190-192.

³⁸⁹ Rawea Marumaru, Rangipo Mete Kingi, and Reupena Mete Kingi, Parewanui to Native Minister 8 May 1906, in Archives New Zealand, Wellington ACIH 16036 MA 1 1906/117. *Supporting Documents*, Volume 1, pp.11-17.

up a 20-year lease of the block in January 1895, the block having been partitioned as from 9th August 1894. The Crown briefly considered purchasing the block but decided not to do so given that the lease still had nine years to run.³⁹⁰

19.16. In April 1907 the three owners concluded an agreement under which Part Otamakapua 1K of 309 acres was sold to Kathleen Miles, wife of Marton solicitor J.H. Miles, subject to the removal of restrictions on alienability.³⁹¹ On the same day in April 1907, the three owners also concluded an agreement with J.H. Miles for the sale and purchase of Part Otamakapua 1K of 600 acres. The entire 909-acre block had a December 1906 government capital valuation of £5,052 all of which was allocated to the owners although the block was leased to and occupied by W.S. Marshall. Applications for the removal of restrictions on the blocks and consent to sale were lodged in April 1907. In each case the applications recorded that the sale price agreed was £4 per acre, somewhat less than the average government capital valuation of £5 11s 2d per acre for the entire block, the difference reflecting the unexpired portion of the lease. A valuation conducted by Hunterville valuer Thomas Taylor in early 1907 gave a freehold per acre value of £6.³⁹²

19.17. The matter came before the Aotea District Maori Land Board in May 1907. The evidence revealed that the three Maori owners had entered into a contract to purchase 760 acres of the Brandon Hall Estate (near Bulls) for £4,200.³⁹³ That contract required the payment of £2,000 in cash, the balance remaining on mortgage. The Board was inclined not to recommend the removal of restrictions, citing an inadequate price and its belief that the proposed transactions ‘do not appear to be in the interests of the Natives.’ When the hearing resumed on 25th June 1907 it was informed that the purchasers had agreed to £4 8s per acre. The Board thus decided:

³⁹⁰ See Archives New Zealand, Wellington ACIH 16036 MA 1 1906/117. *Supporting Documents*, Volume 1, pp.11-17.

³⁹¹ A copy of the agreement can be found in Archives New Zealand, Wellington ACIH 16036 MA 1 1907/379. *Supporting Documents*, Volume 1, pp.18-90.

³⁹² Report by Thomas Talor 18 February 1907, in Archives New Zealand, Wellington ACIH 16036 MA 1 1907/379. *Supporting Documents*, Volume 1, pp.18-90.

³⁹³ Brandon Hall Estate was founded by Wellington lawyer and Provincial Secretary Alfred de Bathe Brandon in 1851 with a purchase of 624 acres. The property was acquired by Henry Bunny in 1855 and, after several changes of ownership, by the Bewley family in 1864. By 1905 the property comprised 8,691 acres and in 1906 was subdivided into some 15 holdings and offered for sale.

... to issue recommendation for the sale of ... [Otamakapua 1K] subject to same being sold by public auction at an upset price (to be fixed) proportionally with balance of land so the whole (2 pieces) realise not less than £4,200. Also that this money be used for purchase of the Brandon Hall section. The Board also recommends that the latter section may be mortgaged for a sum not exceeding £1,200 to be obtained from a government lending department and that the interest payments be met by assignment of lessors' interests in Taraketi block. Any surplus of rentals from latter block in event of advance being got from G[overnment] A[dvances to] S[ettlers] to be paid to beneficiaries, but if obtained from Pub[lic] Trustee on short dated mortgage then surplus rents to be used in reduction of mortgage principal.³⁹⁴

19.18. In August 1907 the government agreed to except the block from the operation of section 117 of the Native Land Court Act 1894 and an Order in Council was published accordingly in the *New Zealand Gazette* in September 1907.³⁹⁵

19.19. The transactions involving Otamakapua 1K and the Brandon Hall Estate property constituted a form of exchange, Marton solicitors Fullerton-Smith and Miles having entered into a bond with the owner of Brandon Hall to the effect that if Rangipo Mete Paetahi, Rawea Utiku and Reupena Mete Kingi did not purchase a subdivision thereof, the firm would do so. Fullerton-Smith and Miles undertook to sell Otamakapua 1K, the arrangement being that John Miles would purchase the block provided the purchase money were devoted to the acquisition of the Brandon Hall property. Otamakapua 1K was thus sold by public auction on the 11th October 1907, the sole bidders being Miles and his wife. As part of the general arrangements, the three purchasers of the Brandon Hall property (763 acres, being Lot 12, DP 1755 Brandon Hall Estate) agreed to the appointment of Donald Fraser as trustee to hold the land on their behalf: the reason for such an arrangement was given as the fact that they were acquiring a European title without any restrictions.³⁹⁶ Any lease or mortgage of the land in fact still required the approval of the Aotea District Maori Land Board. In 1910 the three executed a Deed of Revocation of Trust, the Brandon

³⁹⁴ Extract from Aotea District Maori Land Board, *Minute Book*, copy in Archives New Zealand, Wellington ACIH 16036 MA 1 1907/379. *Supporting Documents*, Volume 1, pp.18-90. See also Archives New Zealand, Wellington MA-MLP 1 1911/40. *Supporting Documents*, Volume 4, pp.105-111.

³⁹⁵ *New Zealand Gazette* 1907, p.2760.

³⁹⁶ A copy of the deed by which Rangipo Mete Paetahi, Reupena Mete Kingi, and Rawea Taraua transferred the Brandon Hall property to Donald Fraser and the trusts upon which such transfer was founded can be found in Archives New Zealand, Wellington ACIH 16036 MA 1 1907/379. *Supporting Documents*, Volume 1, pp.18-90.

Hall property was returned to their control, and they purchased for £4,025 a 386-acre section of the 6,500-acre Raumai Estate (owned by the Keiller brothers).³⁹⁷

2.19.6. Otamakapua 1M

19.20. This 303-acre block was sold privately in September 1897.

2.19.7. Otamakapua 1N

19.21. In October 1895 Otamakapua 1N was divided into three lots: Lot 1 (31 acres) and Lot 3 (36 acres) were acquired by the Crown in July 1912, while Lot 2 of 338 acres was sold privately in September 1897.

2.20. Otamakapua blocks ‘europeanised’ or declared to be ‘general’ land

20.1. Section 208 of the Native Land Act 1909 provided with respect to ‘any Native freehold land ... owned in severalty and beneficially by a Native for a legal estate in fee-simple,’ such owner could apply to the Native Appellate Court for an order ‘that the land shall thereafter be held by him as European land, and thereupon the land shall cease to be Native land, and shall at all times thereafter and for all purposes be deemed to be European land accordingly.’ It was up to an owner to apply and it was up to Native Appellate Court to decide whether or not to issue an order.

20.2. The Maori Affairs Amendment Act 1967 rendered changes of status mandatory under certain circumstances. Sections 3 and 4 of the Act charged Maori Land Court Registrars, in respect of those blocks owned by not more than four owners, to establish whether any of the owners had died, whether the land was ‘suitable for effective use and occupation,’ and whether or not the land had been surveyed. Once satisfied that the owners remained alive, that the land was so suitable, and that a plan

³⁹⁷ See *Wairarapa Daily Times* (Masterton) 16 April 1910, and *Wanganui Chronicle* 23 April 1910.

had been prepared, section 6 empowered Registrars to issue declaration ‘that the status of the land to which the declaration relates shall cease to be that of Maori land.

20.3. Table 2.9 sets out the Otamakapua blocks declared to be general land. A change in the status of a block did not imply that such block moved out of Maori ownership.

Table 2.9: Otamakapua blocks declared to be general land

Blocks	Acres	Date
1A2A	277	June 1971
1A2B	282	November 1970
1A3, 5	105	June 1969
1A3A	102	August 1969
1A3C	219	August 1969
1F2A	211	August 1969

Source: Adam Heinz, *Taihape Inquiry District, land alienation database: block history and block chronology reports*. Wellington, 2012

2.21. Otamakapua blocks still in Maori ownership

21.1. Table 2.10 sets out the blocks that remain in Maori ownership. It does not include lands that had been ‘Europeanised.’

Table 2.10: Otamakapua blocks remaining in Maori ownership

Blocks	Acres
1A1	319
1A3B	134
1B Pt Lots 12, 14 to 20	670
1C Pt Lots 15, 17, 18, 20, 21, 24, 25, 27, 28, 29	594
1G	1
2C	10
Total	1728

Sources: Adam Heinz, *Taihape Inquiry District, land alienation database: block history and block chronology reports*. Wellington, 2012; and Maori Land Information

2.21. Summary

Area: 112,013 acres

Title awarded: 20th October 1879 (Otamakapua 2), and 1st June 1880 (Otamakapua 1)

Grantees: *Otamakapua 1* – 8,952 acres - Ngati Hauiti (3), Ngati Haukaha (2), Ngati Hinemanu (5), and Ngati Whitikaupeka (2); *Otamakapua 2* – 103,061 acres – Ngai Te Upokoiri (23), Ngati Hauiti (8), Ngati Hinemanu (51), Ngati Tamakopiri (2), Ngati Tumokai (7), and Ngati Whitikaupeka (1)

Crown purchases: 107,274 acres

Purchase price paid by Crown: £50,143 for 103,061 acres

Private purchases: 5,071 acres

Area ‘europeanised:’ 1,203 acres

Area declared Maori land: -

Area still in Maori ownership: 1,728 acres

Chapter 3

Paraekaretu

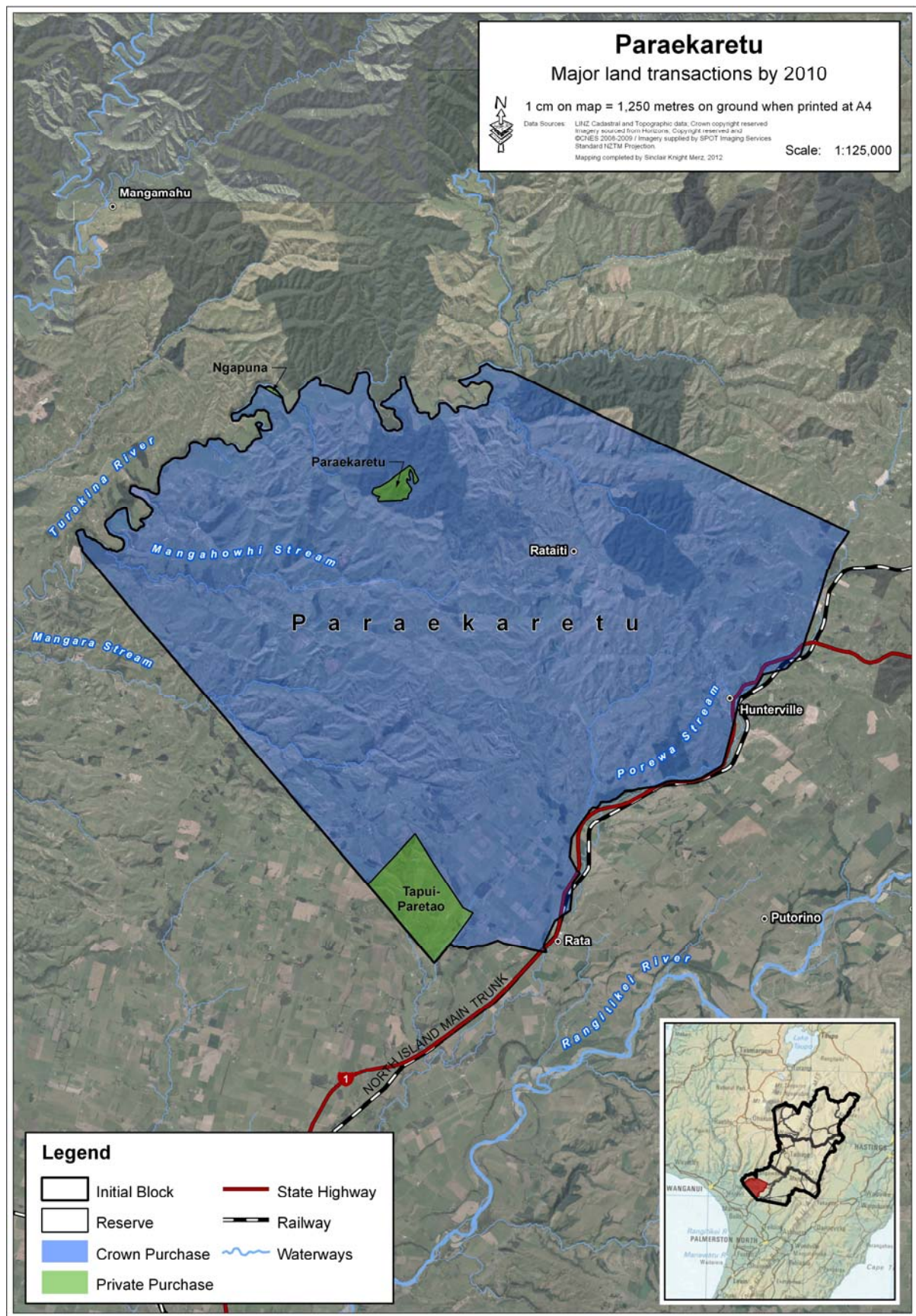


Figure 3: Paraekaretu: Major land transactions by 2010

3.1. Introduction

1.1. Originally the 46,975-acre Paraekaretu was part of a larger block that included both Rangatira and the smaller Taraketi and to have been designated the ‘Upper Turakina Rangitikei block’ by the Native Land Court in 1869.³⁹⁸ Unfortunately, the *Minute Books* of the Native Land Court offer comparatively little information about the block.

1.2. Even more seriously, Crown purchase records for Paraekaretu were destroyed by fire. The principal Maori land purchase file for the block commences in 1873 and the last entry in the relevant register is 1884/110 (which Archives New Zealand could not locate). A check of the Native Office register indicated that the last file in the sequence was NO 1885/2648, the implication being that the file was destroyed.

3.2. The ‘Upper Turakina Rangitikei block,’ 1869

2.1. Aperahama Tipae and Hapurona Pohikura lodged an application for the ‘Upper Turakina Rangitikei’ block in 1868 and a hearing was scheduled for January 1869. For some reason, the hearing was gazetted again on 3rd July 1869.

2.2. Evidence presented to the Native Land Court during the later Rangatira hearing indicated that several private purchasers had endeavoured to acquire ‘Greater Paraekaretu,’ among them Sir C. Wilson, Featherston, Charles Cameron and G.Y. Lethbridge.³⁹⁹ Such interest encouraged those who claimed the land to take it to the Native Land Court and led, according to Utiku Potaka, to an arrangement under which Tipae Aperahama was authorised to negotiate any sale on behalf of both Ngati Apa and Ngati Hauiti. Ngati Hauiti was to have received half of the proceeds.⁴⁰⁰ Those claims came under severe challenge during the title hearings. Tipae made

³⁹⁸ Native Land Court, *Whanganui Minute Book* 1C/253-256, 260-261a.

³⁹⁹ Native Land Court, *Whanganui Minute Book* 5/438-441.

⁴⁰⁰ Native Land Court, *Whanganui Minute Book* 6/155-156 and 195.

arrangements to sell the block to Charles Cameron and G.Y. Lethbridge for £20,000.⁴⁰¹

2.3. Cameron, who gave evidence at the 1882 investigation into Rangatira, indicated that he had been in the district since 1849. He affirmed that he and Lethbridge had dealt solely with Tipae for the purchase of ‘Greater Paraekaretu,’ that they had agreed to a price of £20,000, and that he had accompanied some 30 Ngati Apa on a trip up Turakina River to mark out the northern and eastern boundaries. In turn, Lethbridge accompanied a party of Ngati Apa and Ngati Hauti to define the southern boundary. Cameron understood the sale to cover the entire block, that is, that no reserves were to have been made.

2.4. According to the Native Land Court, Tipae was the sole claimant for the Upper Turakina Rangitikei block and on 19th August 1869 it issued an interlocutory order for the ‘Land between Turakina and Rangitikei’ amounting to some 90,000 acres in favour of Tipae and nine others. The court indicated that a final order would be issued once a proper survey had been conducted and a certified plan deposited produced within 18 months.⁴⁰² In fact, a final order was not issued, Cameron indicating that he and his partner did not accept the excision of the best part of the blocks, that is, Taraketi.⁴⁰³ Once the proposed sale to Cameron and Lethbridge had been abandoned, the owners divided the block into three parts, namely, Paraekaretu, Tapui, and Rangatira. They also decided, in 1870, that only Paraekaretu, that is, the area between the Turakina and Pourewa Rivers, would be offered for sale.

2.5. In July 1870 G.F. Swainson, writing from Tutu Totara, pressed the government to acquire the land. He noted that the negotiations taking place between Aperahama Tipae and Lethbridge and others for a large block of land had come to an end and that the interlocutory order had lapsed. Convinced that the government would eventually require the Turakina Valley, Swainson suggested that ‘the great obstacle was that the natives could not be induced to accept less than the sum offered to them already,

⁴⁰¹ Native Land Court, *Whanganui Minute Book* 5/397. George Lethbridge purchased land at Turakina in 1867. By 1897 he held some 3,300 acres of freehold land and leased some 7,000 acres from Maori, in addition to other lands. See Paul Melody, *The beach highway: the road to Rangitikei from 1849-1875*. Marton 2004, pp.197-198.

⁴⁰² Native Land Court, *Whanganui Minute Book* 1C/261.

⁴⁰³ Native Land Court, *Whanganui Minute Book* 5/439.

some £18,000 or £20,000, a sum which it would never pay the government to give for 115 or 120,000 acres of such rough country.’ The owners might be persuaded, he suggested, to negotiate for a third or a half of the ‘Turakina side ...’ Although no road construction - to Taupo – was presently contemplated, it would, he added, be better to secure the land now than to wait until such time road construction was proposed and the owners demanded ‘some exorbitant sum.’ Such a road would open the way to Patea, ‘the last district left to ... [Wellington Province] (after the 40-mile Bush) which will be worth while buying or settling on.’ The difficulty, he noted, was that Judge Smith had indicated that should Ngati Apa’s application lapse then the Court would consider Utiku Potaka’s claim for land ‘at the back of Marshalls ...’ That, he added, would be of no consequence if the western side only of the valley were the subject of negotiation.⁴⁰⁴

3.3. Title investigation, 1871

3.1. In November 1871 Kawana Hunia and Ngati Apa offered the Crown a block of 46,985 acres named Paraekaretu. The offer was referred to the Wellington Provincial Government which promptly decided that it was ‘very desirable that the purchase should be effected.’⁴⁰⁵ Two days later, on 24th November 1871, a deed of sale was signed, in Wellington, by Kawana Hunia Te Hakeke, Aperahama Tahunuiarangi, Pehina Karatau, and Te Keepa Rangihuriniui, that is, before the Native Land Court had investigated the block’s title.⁴⁰⁶ Hunia confirmed that each of the signatories received £100 as a first instalment on the purchase price. This first deed of sale was never registered.

3.2. Native Minister Donald McLean appears to have had second thoughts, for on 4th December 1871 he wrote to Major Kemp appointing him:

... a Commissioner for the purchase of a block of land called Parae Karetu, containing about 45,500 acres, and situated between the Rangitikei and Turakina Rivers. You will be good enough to take care that all the particulars of boundaries reserves &c, are clearly understood, so that no future

⁴⁰⁴ G.F. Swainson to William Fox 29 July 1870, in Alexander Turnbull Library MS-Papers-0032-0596.

⁴⁰⁵ Superintendent, Province of Wellington to Minister for Public Works 22 November 1871, in AJHR 1873, G8, p.35.

⁴⁰⁶ Native Land Court, *Whanganui Minute Book* 6/198.

misunderstanding may arise with reference to them; and also report fully the nature of the land, the extent and locality of the reserves, and any other information respecting it.⁴⁰⁷

3.3. The Native Land Court, sitting in Whanganui, conducted its investigation into the title to Paraekaretu during December 1871. The record is brief. Aperahama Tipae informed the Court that:

This land belongs to me and my hapu ... all these hapu also desire that the land be transferred and have come to the court to arrange a person for the Crown Grant and for him to be the transferee ... my request to the court is that I alone should be entered into the Crown Grant ... as land to be exchanged ... some of the hapu agree, others do not ... I am unsure, but if it transferred the money will come to me and can be transferred to the ten hapu.⁴⁰⁸

3.4. In a stratagem intended to facilitate sale to the Crown, the Court awarded the 46,975 acres to Tipae under the Native Land Acts of 1865 and 1867 but required that he execute a deed of trust declaring that he held the land in trust for the ten hapu. The latter were named as Ngati Tumoetere, Ngati Ratua, Ngati Moeawatea, Ngati Rangiwhaiao, Ngati Koko, Ngati Rangiwhakakiria, Ngati Hukanui, Ngati Horu, Ngati Rangitukehu, and Ngati Paenga.⁴⁰⁹ No restrictions were placed on alienability. The certificate of title listed Aperahama Tipae as the sole owner of Paraekaretu, with the ten hapu listed at the bottom of the document. The grant gained Crown approval on 10th October 1873.

3.4. The Crown acquires Paraekaretu

4.1. Negotiations over the sale of the block to the Crown accompanied the sitting of the Native Land Court. Thus, towards the end of December 1871, Edwin Woon (a 'licensed interpreter' of Whanganui) reported to McLean that 'We have not said anything yet as to what will be given for the whole block. I consider a lump sum of

⁴⁰⁷ Native Minister to Major Kemp 4 December 1871, in AJHR 1873, G8, p.35.

⁴⁰⁸ Native Land Court, *Whanganui Minute Book* 1D/450-451.

⁴⁰⁹ In a letter dated 27 January 1872, Aperahama Tipae listed the owners as Ngati Ratua, Ngati Paenga, Ngati Horu, Ngati Rangwakahiria, Ngati Koko, Ngati Hawo, Ngati Rangiwaiao, Rangitukehu, and Hukanui. See *Maori Land Court Records Volume 5*. Wellington 2008, p.239.

ten to eleven thousand pounds sterling ample for it.’⁴¹⁰ Concurrently D.H. Monro of Whanganui furnished a report on and plan of Paraekaretu.⁴¹¹

4.2. Early in January 1872, Kemp reported that he had met owners at Whangaehu only to confront complaints over the manner in which the purchase monies had been apportioned by Aperahama Tipae among the ten hapu. The Crown, insisted Te Rei Pirere, should pay the hapu directly. Kemp was largely unimpressed by the quality of the block, a view later expressed by the Whanganui’s *Evening Herald*.⁴¹² Towards the end of January, Woon advised the Under Secretary of the Native Office that ‘A special meeting of all persons interested is called for the 20th February, when the balance of the purchase money is promised to be paid.’⁴¹³ No report of that meeting was located, but a second deed was signed by Tipae and seven others in March 1872, the parties agreeing that ‘It would not be worthwhile going to the expense of registration of this [first] deed. It is covered by a subsequent and more complete conveyance.’⁴¹⁴ The second deed, dated 16th March 1872 represented ‘a full and final sale conveyance and surrender of Paraekaretu...’ The purchase price was £9,135. Two reserves aggregating 1,280 acres (including Tapui Paretao of 1,130 acres), were to be set apart for Ngati Apa. A further area was set apart for Ngati Hauiti, namely, Taraketi: the block was on a separate title but was defined by Utiku Potaka as a ‘reserve’ for the owners of Paraekaretu.

4.3. Despite the misgivings over the distribution of the purchase monies, a second instalment, of £1,500, was paid to Tipae who distributed the proceeds among ‘the hapus of Ngatiapa.’⁴¹⁵ According to Hunia a third instalment, this time of about £6,000, was paid to Tipae and, according to Watene te Ranginui, distributed ‘among the several hapus of Rangitikei, Turakina, & Whangaehu ... and other hapus

⁴¹⁰ Edwin Woon, Whanganui to Native Minister 30 December 1871, in AJHR 1873, G8, p.35.

⁴¹¹ The report and the plan appear to have been lodged with the Department of Public Works (PW 72/317).

⁴¹² Kepa te Rangihwinui to Native Minister 4 January 1872, in AJHR 1873, G8, p.36. See also *Evening Herald* (Whanganui) 8 December 187. The latter claimed that it was not convinced that the block ‘will prove either a valuable addition to our crown lands at present open for selection, or that it will find purchasers at anything like average rates ... From what we have learnt, this Parae Karetu block will not be suitable for the establishment of small holders. For a different view, see *Evening Post* (Wellington) 17 June 1872.

⁴¹³ Edwin Woon, Whanganui to Under Secretary, Native Office 30 January 1872, in AJHR 1873, G8, p.36.

⁴¹⁴ In Deed of Sale for Paraekaretu 16 March 1872. The number of the Deed was 677.

⁴¹⁵ Native Land Court, *Whanganui Minute Book* 5/450.

connected with him by different lines. The distribution was absolutely in his hands.’⁴¹⁶ Kingi Topia of Ngati Hauiti informed the Native Land Court that Tipae had made a present of £100 to Ngati Tama. The fate of the remaining £1,135 is unclear.

4.4. The Crown thus acquired 46,975 acres for £9,135. In July 1872 Booth forwarded to the Department of Public Works a *Report showing amount of land purchased for the General Government during the last six months; also showing land sale of which is now being negotiated by James Booth & Major Keepa*. The lands included Paraekaretu: the map recorded that the block had been purchased on the 16th March 1872 for 4s per acre from ‘Aperahama Tipae and others.’ A second block, of 1,150 acres and designated Tapui was described as ‘portion reserved out of Paraekaretu Block.’ Pehira Turei, Wirihana Puna, Hamiora, Utiku and others had not yet accepted an offer of 4s per acre, but ‘Acquisition of this Reserve will complete the Paraekaretu Block.’⁴¹⁷

4.5. The transaction came under the notice of the Trust Commissioner. Appointed under the Native Lands Frauds Prevention Act 1870 (and its successor, the Native Lands Frauds Prevention Act 1881), the Trust Commissioner was charged with preventing ‘frauds and abuses practised in connection with the alienation of land by Native proprietors.’⁴¹⁸ Trust Commissioner Charles Heaphy confirmed the transfer of the 45,695 acres to the Crown on 16th March 1872. He recorded that the conditions of sale were that Tipae sold ‘for the Ngatiapa tribe to the Queen,’ that ‘the consideration was wholly in cash,’ that ‘all vendors were satisfied with the consideration,’ and, finally, that all vendors had ‘sufficient land other than this for their maintenance.’⁴¹⁹

4.6. Ngati Hauiti received none of the purchase monies although Kawana Hunia’s wife, Ruta of Ngati Hauiti, claimed to have seen Hunia ‘gift’ the block to her father, Ngapopo.⁴²⁰ It should also be noted that Rekerā, the eldest daughter of Ruta and Hunia, subsequently married Utiku Potaka. For its part, Ngati Hauiti insisted that it

⁴¹⁶ Native Land Court, *Whanganui Minute Book* 5/403.

⁴¹⁷ See Archives New Zealand, Wellington MA-MLP 1 1873/108A.

⁴¹⁸ Ward described the trust commissioner system as ineffectual. Alan Ward, *An unsettled history: Treaty claims in New Zealand today*. Wellington, 1999, p.135. The system early came under criticism. See, for example, AJLC 1871, No.23, p.162.

⁴¹⁹ See Archives New Zealand, Wellington MA-W 2/1.

⁴²⁰ Native Land Court, *Whanganui Minute Book* 6/31.

had occupied the land long before Ngati Apa arrived in the area from Taupo.⁴²¹ Ngati Apa insisted that the only claim Ngati Hauiti had to the land was to the 3,075-acre Taraketi, that portion of the Upper Turakina Rangitikei block which it had reserved for it.⁴²² A rift thus developed between Ngati Hauiti and Ngati Apa, one which would emerge strongly in the proceedings involving other blocks in the region, notably Otamakapua and for which Ngati Hauiti would lodge separate claims.⁴²³

4.7. The Native title to Paraekaretu was declared, in March 1872, to have been extinguished. In 1873 Paraekaretu was handed over to the general government ‘as part security for the additional cost of making ... [the ‘Wanganui and Manawatu’] line a railway instead of a tramway ...’⁴²⁴ and in October 1874 the block was finally proclaimed Crown land.⁴²⁵

3.5. The Ngati Apa reserves

5.1. Three reserves were set aside for Ngati Apa and were designated Paraekaretu sections 126, 127, and 130: they had a combined area of 1,311 acres. The largest of the three, Tapui Paretao, contained 1,147 acres. In 1872 Booth reported that ‘the Tapui portion reserved out of Paraekaretu’ was being offered for sale at 4s per acre. He listed the owners as Pehina Turi, Wirinana Puna, Hamiora, Marumaru and others. The acquisition of the reserve, he noted, would ‘complete Paraekaretu Block.’⁴²⁶ In fact, the Crown did not purchase Tapui. In 1877 a certificate of title was issued in Tipae’s name for section 127 Paraekaretu, and the block was purchased by W.L. Buller for £1,884 10s or £1 8s 8d per acre in 1884. Similarly, Buller acquired the 150-acre Lake Reserve, otherwise section 126 Paraekaretu. Buller also acquired section 130 Paraekaretu, a transaction approved by Trust Commissioner Alexander MacKay on 30th August 1884. A further small area known as ‘Ngapuna Paraekaretu’ (some 11.5 acres) was brought before the Native Land Court in 1886 by Tahunuiarangi who identified with Ngati Waiau of Ngati Hauiti. He claimed that Ngapuna had been

⁴²¹ Native Land Court, *Whanganui Minute Book* 6/200.

⁴²² Native Land Court, *Whanganui Minute Book* 5/381.

⁴²³ Native Land Court, *Whanganui Minute Book* 6/160.

⁴²⁴ *Wellington Independent* 9 August 1873.

⁴²⁵ *New Zealand Gazette* 1874, p.692.

⁴²⁶ See Archives New Zealand MA-MLP 1 1873/108A.

excised from Paraekaretu at the time of sale to the Crown although it was not a reserve in the ‘legal sense.’⁴²⁷ A title investigation was conducted in March 1886 and the block (which appears to have part of section 130) was awarded to Tahunuiarangi, Ngamoko Rango, Hikaiao, Eruera Mahauhau, Anita Hinerau, and Horima Ratina. The block was purchased privately in October 1894.

3.6. Aperahama Tipae testifies

6.1. In July 1882 Aperahama Tipae offered some evidence on what Buller termed ‘the alleged “agreements” as to the sale of the Turakina Rangitikei Block.’ He insisted that a hui held at Parewanui had been called to discuss the proposed sale to Cameron and Lethbridge. It was, though, ‘hardly a “hui;” it was a meeting for the purposes of setting up a pole on Te Houhou, and the talk only referred to it.’ He acknowledged that Utiku Potaka and at least three others of Ngati Hauiti had attended and that the pole was ‘for the sale to Cameron & Lethbridge,’ but was adamant that neither the sale nor the distribution of purchase monies was ever discussed. Any claims to the contrary were ‘false.’ He was also asked about a meeting at Papapakatia: he had, he informed the Court, no assembly house at that place, and that all meetings about land sales, fighting, and religion were held in Wharekura at Parewanui. In any case, he maintained, no discussions had taken place with Utiku over land sale or purchase monies. Aperahama Tipae also denied that that Utiku Potaka and Paramena, at his invitation, had attended a later meeting at Te Aio ‘to receive payment of Lethbridge’s money.’ He also claimed that a subsequent meeting at Pourewa the discussions centred on the reservation of Taraketi, also known as Tawapera. At one stage the proceedings were interrupted when a member of the public was expelled for trying to prompt Tipae. When asked by the Court whether any Ngati Apa lived at Pourewa and, further, why the Pourewa meeting had not been held at Parewanui, Tipae did not answer. Finally, he denied that Paramena had ever uttered the words ‘This is my weapon [a taiaha] to break your heads with if you play false with me.’ Had he done

⁴²⁷ Native Land Court, *Whanganui Minute Book* 9/41.

so, Tipae asserted, ‘he would not be living now to tell of it.’⁴²⁸ At best, it seems, Aperahama Tipae’s recall of events was considerably less than complete.

3.7. Summary

Area: 46,975 acres

Title awarded: 8th December 1871

Grantee: Aperahama Tipae

Crown purchases: 45,695 acres

Purchase price paid by Crown: £9,135

Private purchases: 1,308.5 acres

Area ‘europeanised:’ –

Area declared Maori land: -

Area still in Maori ownership: -

⁴²⁸ Native Land Court, *Whanganui Minute Book* 6/307-314.

Chapter 4

Otairi

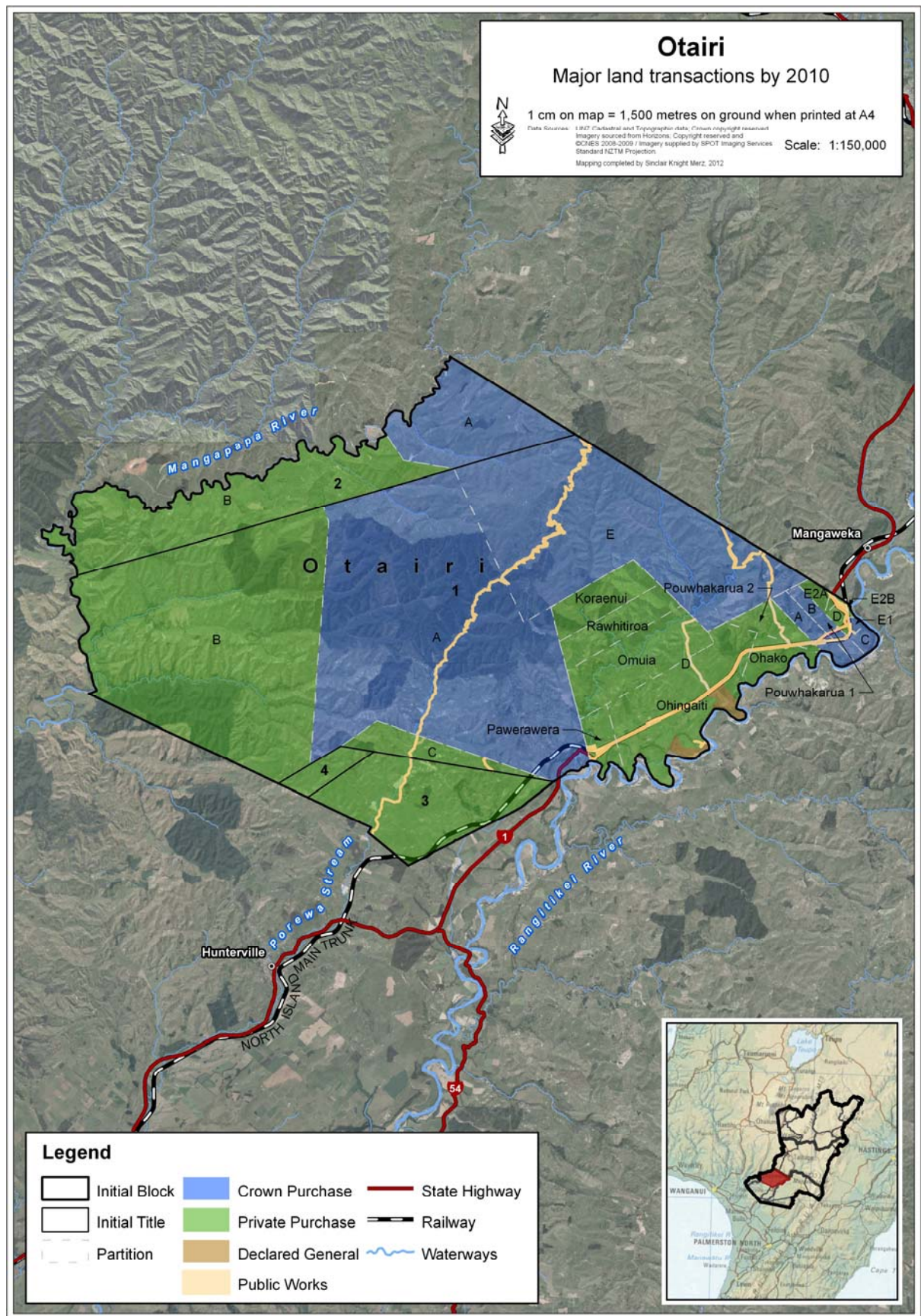


Figure 4: Otairi: Major land transactions by 2010

4.1. Introduction

1.1. Otairi lies between the Rangitikei and Mangapapa Rivers and is bounded on the north by Te Kapua and Awarua and on the south by Paraekaretu and Rangatira. Estimates of the area of the block varied widely but once divided into a number of separately named blocks, Otairi (although awarded in four parts) aggregated 59,103 acres.

4.2. Early Crown interest in Otairi

2.1. The Crown's interest in the block dates at least from 1874. In July 1875, James Booth reported that during the previous year he had completed arrangements to lease a block of some 300,000 acres in the Murimotu district and that several other blocks had been offered for sale. Among the latter was Otairi, a block lying between Rangitikei and Murimotu the acreage of which had still to be established.⁴²⁹

2.2. The first advances were made by Booth in 1874. In 1875 it was recorded that £50 had been advanced against the block the area of which was then given as 200,000 acres. No price had been fixed for the block.⁴³⁰ Progress was slow, for in 1877 the amount advanced still stood at £50.⁴³¹ In June of that year Booth recorded that 'This block ... is connected with Murimotu, and it will be so long before it can be dealt with, I propose to accept refund of advances.'⁴³²

2.3. He did not do so. In January 1878, Booth advised Gill that Aperahama Tipae, deputed to act on behalf of Ngati Apa and Whanganui with regard to the disposal of Otairi, had agreed to sell to the Crown although he had asked that 'for the present, the fact of his having taken an advance [of £50] be not allowed to transpire, as others who are inclined to deal with speculators might give him trouble.' He also reported that

⁴²⁹ AJHR 1875, C4A, p.2.

⁴³⁰ AJHR 1875, G6.

⁴³¹ AJHR 1877, C6.

⁴³² AJHR 1877, G7, p.22.

Topia Turoa had agreed to sell to the Crown.⁴³³ In February 1878 Otairi was 'notified' under the Government Native Land Purchases Act 1877: by that time the sum of £203 had been advanced against the block.⁴³⁴

2.4. During the months of November to 1877 to February 1878 the Native Department came under considerable pressure over the survey of Otairi. K. Pakina and others were keen for a survey to proceed, as indeed, was Aperahama Tipae. On the other hand, Utiku Potaka sought to have a halt called to the survey, while Kawana Hunia objected to any survey and announced that he had arranged to sell the block to one Mackay.⁴³⁵

2.5. The struggle between Ngati Hauiti and Ngati Apa for the control of and the right to alienate that group of neighbouring blocks which included Otairi, Rangatira, Taraketi, and Otamakapua was manifest. In January 1878 Booth reported that Aperahama Tipae was acting 'on behalf of the Ngati Apa and Wanganui tribes' and wished to sell the block to the Crown, but that Kawana Hunia of Ngati Apa was negotiating with James Mackay, the latter acting for a group of 'speculators.'⁴³⁶ In December 1878 Booth met with Tipae and Te Rangihwinui: two months later, in February 1879, and with the approval of the Native Minister, an advance of £3,000 was made to Tipae and 21 others.

2.6. Table 4.1 is based on data contained in the relevant Crown land purchase file. Up to May 1880 just under £6,916 had been advanced by the Crown: that sum included £3,000 each to Aperahama Tipae, described as 'Hauiti/Apa,' and to Utiku Potaka of Hauiti. The payments were made in February and March 1879 respectively. Smaller sums had been paid to Ngati Hinearo and Ngati Tumanunu. On 21st February 1879 and 5th March 1879 Ngati Hauiti, Ngati Tumanunu, and Ngati Hinearo signed two deeds of agreement to sell the block to the Crown and acknowledged the receipt of

⁴³³ Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 26 January 1878, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

⁴³⁴ AJHR 1878, C5, p.3.

⁴³⁵ These details were gleaned from the Native Department, Nominal indexes of correspondence.

⁴³⁶ Land Purchase Officer to Under Secretary, Native Land Purchase Officer 26 January 1878, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

£6,000 as an advance towards their ‘individual and collective’ interests, that is, 7s 6d per acre. The vendors also agreed to ‘have the said land passed through the Land Court with the least possible delay.’⁴³⁷ In December 1878, James Mackay – who had taken advantage of Booth’s suspension to establish a claim to the block - assigned to the Crown all his interest in Otairi and Te Kiekie as acquired from Kawana Hunia for the sum of £55, a clear indication that he had barely secured a toehold in the block.⁴³⁸ The sums advanced to Keremene Pakura and Ropata Rangitahua were on account of provisions for the survey party, the payment of £100 to Wirihana Hunia had been made at the direction of the Native Minister, while Booth recorded that the amount of £500 had been paid to ‘a section’ of Ngati Apa ‘who I concluded after inquiry were interested in the block, and who have since proved their claim.’⁴³⁹

2.7. It is of interest to record here that other private parties had designs on Otamakapua. Thus, in December 1878, in response to certain proposals presented by John Stevens, Booth prepared a lengthy memorandum for the Native Minister in which he dealt with a large number of blocks in the Whanganui district.⁴⁴⁰ Among them was ‘Otarā’ which he described as part of Otairi. He noted that:

In the event of Stevens coming to terms with the Govt as to his giving assistance in acquiring Native land, some such arrangement as the following might perhaps be adopted. The Native owners of Otara might be allowed to get a separate title for Otara from Court and after Govt negotiations have been completed Stevens might go with his private negotiations. This however is a very serious question and requires much thought and great care. 1st Otara is the very choicest portion of the Otairi Block, and 2nd unless the services to be rendered by Mr Stevens can be shown to be of the very utmost importance it will be establishing a dangerous precedent to allow any portion of a proclaimed Block to pass into private hands. It might fairly be argued that valuable reserves out of a large Block ought to be made inalienable.⁴⁴¹

⁴³⁷ See Archives New Zealand, Wellington MA-MLP 11896/80. Negotiations were also under way for Otairi 2 of 65,000 acres and Otairi 3 of 59,000 acres: these blocks were subsequently re-named and are not considered further in this inquiry.

⁴³⁸ See James Mackay 11 December 1878, in Archives New Zealand, Wellington MA-MLP 1 1896/80.

⁴³⁹ Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 6 July 1880, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

⁴⁴⁰ John Stevens arrived in the Rangitikei in 1854 with his grandfather, Duncan Fraser: the latter established Pukehou. He participated in the Dunstan gold rush of 1862. He played a central role in the Crown’s purchase of Waimarino. See *Evening Post* (Wellington) 18 June 1913.

⁴⁴¹ Land Purchase Officer, Whanganui to Native Minister 7December 1878, in Archives New Zealand, Wellington AEDK 18740 MA-WANG 1/3/9. *Supporting Documents*, Volume 5, pp.25-32.

Table 4.1: Advances made by the Crown in respect of Otairi up to May 1880

Date	Payee	Hapu	Amount: £	Allotted to
01.08.1874	Hone Tumango	Tumanunu & Hinearo	15 0 0	Otairi 2
30.09.1874	Hone Tumango & Reneti Tapa	Tumanunu & Hinearo	30 0 0	Otairi 2
06.10.1874	Reneti Tapa	Tumanunu & Hinearo	5 0 0	Otairi 2
25.01.1878	Aperahama Tipae	Hauti/Apa	50 0 0	Otairi 1
06.05.1878	Aperahama Tipae	Hauti/Apa	28 0 0	Otairi 1
? ? .1878	New Zealand SS Co		2 0 0	
11.12.1878	James Mackay		55 0 0	Otairi 3
16.01.1879	Kerenene Pakura	Hauti	25 0 0	Otairi 1
16.01.1879	Ropata Rangatahua	Hauti	5 0 0	Otairi 1
03.02.1879	Kerenene Pakura	Hauti	14 5 6	Otairi 1
21.02.1879	Aperahama Tipae	Hauti/Tumanunu & Hinearo	3000 0 0	Otairi 1
26.02.1879	Kerenene Pakura	Hauti	5 0 0	Otairi 1
15.03.1879	Wirihana Hunia	Hauti/Apa	100 0 0	Otairi 3
25.03.1879	Utiku Potaka & others	Hauti	3000 0 0	Otairi 1 & 2
03.04.1879	Kerenene Pakura	Hauti	25 10 0	Otairi 1
07.04.1879	J Capstick		40 12 0	
22.04.1879	Watene Ranginui & others	Apa	500 0 0	Otairi 3
? ? 1879	H.S. Palmerson		1 1 0	
	J. Booth		14 10 2	
Total			6915 18 8	

Source: Archives New Zealand, Wellington MA-MLP 1 1896/80

2.8. Towards the end of 1878 Whanganui solicitor Andrew Duncan forwarded an application for survey of a block called Tiriraukawa to Booth.⁴⁴² The latter promptly reminded Duncan that the block formed part of Otairi and that the block had been

⁴⁴² The Duncan family arrived in Wellington in 1840 and settled in Whanganui (Petre) in 1841. Andrew Duncan, son of Andrew Duncan and Margaret McAlpin, completed an apprenticeship in law and by the late 1860s was practising in Whanganui. His brother John Duncan married Catherine Hammond, daughter of Richard and Amelia Hammond of York Farm: the Hammonds had arrived in New Zealand in 1842. See Rusk Harris, *Otairi 1881-1981*. Palmerston North, 1986, pp.17-21. Vera Hunt recorded that Andrew Duncan profited from Native Land Court proceedings, charging 100 guineas a day for his services when he appeared. See Vera Hunt and John McChrystal, *The Duncan family. Owhiti Station: the story of a hill country station and pioneering polio hospital*. Auckland, 2011, p.39.

proclaimed: no private survey, he noted, could be entertained.⁴⁴³ A few months later, in May 1879, Charles Bull advised Booth that Ngati Apa was pressing him to pay the balance apparently owing on Te Kie Kie but, believing that the Crown had advanced monies on the land, had resisted.⁴⁴⁴ Booth again warned against any interference with the government's negotiations.

4.3. Title investigation

3.1. The survey of Otairi was completed by H. A. Field in October 1879. On 5th May 1880 the block was brought before the Judge Heaphy in the Native Land Court. Utiku Potaka appeared for five hapu, namely, Ngati Tamatereka, Ngati Hinetio, Ngati Ruanga, Ngati Hora, and Ngati Tehaukaha, while Walter Buller, as counsel for the Crown, represented the Ngati Hauiti claimants (and vendors). Aperahama Tipae chose to claim under his Ngati Hauiti whakapapa, a stance that the claimants unsuccessfully resisted.⁴⁴⁵ Among the several counter claimants, Ngati Apa was led by Kawana Hunia Te Hakeke and represented by McLean; Watene Te Ranginui claimed a large part of the block under his Ngati Hauiti whakapapa; Ratana Ngahine of Ngati Apa represented the interests of his wife Ereni who had both Ngati Apa and Ngati Hauiti ancestors; Nehanera Te Kahu claimed for Winiata Te Puhaki and others of Ngati Rangituhia; while two Whanganui hapu, namely, Ngati Hinearo and Ngati Tumanunu also claimed the block. The last two iwi were represented by John Duncan. There were five other counter-claimants whose cases were conducted by 'native agents.'

3.2. Progress was slow, in part the outcome of objections lodged by Kawana Hunia against Native Assessor Hori Ngatai. The latter was replaced but Hunia also opposed his successor and offered what was described as 'a series of the most insulting remarks on his parentage and birth ...' Rebuked by the Court, Hunia left, but reappeared the next day only to request an adjournment so that Ngati Apa might appoint legal counsel. 'Lawyers,' he observed, 'were guns and he was only a wooden

⁴⁴³ Land Purchase Officer, Whanganui to A. Duncan, Whanganui 4 December 1878, in Archives New Zealand, Wellington AEDK 18740 MA-WANG 1/3/9. *Supporting Documents*, Volume 5, pp.25-32.

⁴⁴⁴ Charles Bull, Bulls to Land Purchase Officer, 9 May 1879, in Archives New Zealand, Wellington AEDK 18740 MA-WANG 1/3/10. *Supporting Documents*, Volume 5, pp.33-35

⁴⁴⁵ Native Land Court, *Whanganui Minute Book* 2/378, 419 and 431.

spear in defending his rights against them.’ The Court allowed a brief adjournment but Hunia then indicated that he would face Buller and Duncan who were appearing for his opponents ‘without guns.’⁴⁴⁶

3.3. On 21st May 1880 the *Wanganui Herald* reported that ‘The natives on the whole are very orderly as yet, but there are signs of heavy weather in [*sic*] the horizon.’⁴⁴⁷ Some progress was made, the evidence of the Ngati Raukawa claimant in particular presenting what were described as ‘a series of unblushing statements to prove his claim to the entire block ...’ Challenged, his responses revealed considerable confusion over places of significance in the block but, the *Wanganui Herald* added, ‘the calm, unblushing effrontery and placid smile of innocence he assumed would have shamed Ananias and his better half, Sapphira, into taking a back seat.’⁴⁴⁸

3.4. A few days later the *Rangitikei Advocate* predicted that the Native Land Court at Marton would sit for at least another fortnight with ‘the Otairi-block difficulty seeming to be about as far from settled as ever ...’ while discussions over Rangatira had still to begin. Judge Heaphy, it reported, had ‘expressed his intention to go “right through” with the Otairi and Rangatira should he sit for a month.’⁴⁴⁹ Otairi was soon being described as ‘a milch cow for lawyers’ and certain to end in the demise of Major Heaphy. Some observers were singularly unimpressed with the manner in which the various lawyers approached the hearings. In June 1880, the *Wanganui Herald* suggested that:

Lawyers would ... be of assistance to the Court and to the Natives ... if they would but prepare their cases before appearing in Court, acquainting themselves with a few facts respecting the country they were about to discuss, names of streams, mountains, ancestral burial grounds, fighting pas, villages, and other celebrated places, ancestry, and so forth. But no, little, if any, preparation is made, and in a happy-go-lucky sort of way, but by no means any fault of the Court, the case opens ... the losing side in Otairi, unless all are winners, will ... have good cause to apply for a re-hearing ... It seems that counsel as a rule come into court unprepared and unacquainted with the subject that is really their brief, and learn there what their clients’ case is. The

⁴⁴⁶ *Wanganui Herald* 21 May 1880.

⁴⁴⁷ *Wanganui Herald* 21 May 1880.

⁴⁴⁸ *Wanganui Herald* 21 May 1880. Ananias and his wife Sapphira were members of the early Christian church in Jerusalem. Having sold all their worldly goods to support the church they then withheld a portion of the monies: upon lying to St Peter over the amount donated, they both fell dead.

⁴⁴⁹ *Rangitikei Advocate* (Marton) 27 May 1880, cited in *Wanganui Chronicle* 28 May 1880.

Court is declared open ...A wild and mad dash is then made into the question, and a string of names of persons, places, and fights, are confused together, ancestral boundaries, absurd relationships, lists of cousins, uncles, aunts, relation to claimants and counter-claimants, is paraded forth.⁴⁵⁰

3.5. The journal went on to suggest that hearings could drag on almost indefinitely and that costs would absorb the value of the land. Buller's announcement, when asked by the judge to confine his questioning to the matter of Otairi, that he had only raised a particular question so that he might build up evidence against his clients, that is, Ngati Hauiti, for use against them in the case of Rangatira, attracted pointed criticism. It was also recorded that claims made by Buller's clients during the Otamakapua hearing in Napier were 'cleverly discovered' by counsel for Ngati Apa: such comments were expected to constitute 'a bomb-shell in the camp of Dr Buller and his clients, the Ngatihauiti ...',⁴⁵¹

3.6. The Otairi hearing lasted some 40 days and constituted what the *Evening Post* described as 'a very severe contest.' Buller's closing address, it claimed, lasted nearly five hours.⁴⁵² If so then that address does not appear in the Native Land Court *Minute Book*. Judge Heaphy finally, on 24th June 1880 announced his ruling in which he:

- Rejected a claim by Hare Reweti that Ngati Raukawa had purchased the block in 1850;
- Decided that Wirihana Te Rangiau had failed to show why he should have any right to land outside the Ngati Apa boundary;
- Decided that Watene Te Ranginui had failed to demonstrate that he had any rights outside of Ngati Apa;
- Ruled that Winiata Te Puhaki and others of Ngati Rangituhia had failed to establish a claim;
- Decided that Ratana's wife, Ereni, should receive 500 acres in her own name and within the portion of the block awarded to Ngati Hauiti;
- Ruled that Ngati Hinearua, Ngati Tumanunu, and Ngati Tutapena, having 'proved an ancestral right and the exercise of subsequent acts of ownership

⁴⁵⁰ *Wanganui Herald* 17 June 1880.

⁴⁵¹ *Wanganui Herald* 17 June 1880.

⁴⁵² *Evening Post* (Wellington) 22 June 1880.

over various places scattered over the Otairi Block,' were entitled to land within Otairi;⁴⁵³

- Ruled that Ngati Apa should have the land to the east and south of a modified and extended line dividing, for what the Court termed 'land selling purposes,' the lands of Ngati Apa from those of Ngati Hauiti; and
- Ruled that the remainder of the block would be the property of the claimants, namely, Aperahama Tipae, Ropata Rangitahua, Keremene Pakura, Utiku Potaka, Paramena Te Naonao, Wiari Turoa, Retimana Ngarongo, and Raita Tuterangi as representing Ngati Hora, Ngati Ranga, Ngati Tamatereka, Ngati Hinetia, and Ngati Haukaha; and
- Indicated that an order would be made of such persons as the hapu nominated.⁴⁵⁴

3.7. Otairi was thus divided into four blocks. Eleven grantees of Ngati Tamatereka, Ngati Ranga, Ngati Hinetio, Ngati Haukaha, and Ngati Hora were awarded Otairi 1 of 46,531 acres; Ngati Tumanunu and Ngati Hinearō of Whanganui (seven grantees) were awarded Otairi 2 of 8,031 acres; Ngati Apa (15 grantees) were awarded Otairi 3 of 3,843 acres; and Otairi 4 of 500 acres was awarded to Eruia Ngahuia of Ngati Apa.⁴⁵⁵ 'As all the claimants and counter claimants are more or less winners,' observed the *Wanganui Herald*, 'they are on this point satisfied, but breathe hard between their teeth when they think of what it has, and will, cost them.'⁴⁵⁶

3.8. Buller was pleased with the outcome. In a telegram to Gill, he noted that:

Re: Otairi judgement delivered on Saturday, substantially in our favour about fifty thousand acres out of 58,900 awarded to Ngati Hauiti vendors. An award of about 7000 acres made to Harakaia's people most of whom are also committed to the sale having received money from Booth on account. Five hundred acres awarded to Ratana's wife and the balance to the Ngati Apa tribe as a whole. The list of names is being prepared to day & will be submitted to

⁴⁵³ Native Land Court, *Whanganui Minute Book* 2/444.

⁴⁵⁴ A copy of the judgment and lists of names can be found in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367. The proceedings relating to Otairi can be found in Native Land Court, *Whanganui Minute Book* 2/319-445, 455-456, and 475-477.

⁴⁵⁵ Native Land Court, *Whanganui Minute Book* 2/475-477.

⁴⁵⁶ *Wanganui Chronicle* 7 July 1880.

the Court tomorrow. We hope to limit the number of representative owners for simplicity of title.⁴⁵⁷

3.9. Limiting the number of owners was intended to facilitate sale to the Crown, although Ngati Tumanunu and Ngati Hinearo were unhappy over such efforts. Settling the names proved less than straightforward and it was not until the end of June 1880 that Booth could report that the Otairi case had finally concluded after ‘a most tedious sitting of nearly six weeks.’ At least he was satisfied that that the final result was exactly the same as he arrived at after his private inquiry two years earlier ‘and all persons to whom I made advances are found to be entitled.’⁴⁵⁸ Buller was also pleased that the Ngati Hauiti list had been limited to 11, sufficiently so that he pressed Gill for the immediate payment of his own fees of £462.⁴⁵⁹

3.10. Kawana Hunia decided to petition Parliament, lodging petitions in 1880, 1882, and 1883. He claimed that on 5th July 1880 the Native Land Court had ruled, just as Ngati Hauiti was about to complete its case and before Ngati Apa had begun to present its counter claim, that it would no longer allow lawyers to appear. That decision, he claimed, hindered Ngati Apa. Upon their withdrawal the Court closed the case leaving Ngati Apa having to deal with £500 in expenses. He also claimed that while a rehearing had been granted, to be held within three months, such did not take place for two years, resulting in further loss. A request for compensation was rejected on each occasion.⁴⁶⁰

4.4. Setting aside reserves

4.1. Early in July 1880 Ngati Hauiti indicated that they wished to reserve 11,000 acres from the proposed sale. Originally they had proposed 10,000 acres until they discovered that some of their recent clearings had been awarded to Ngati Apa and so

⁴⁵⁷ W.L. Buller, Bulls to Under Secretary, Native Land Purchase Department 11 June 1880, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

⁴⁵⁸ Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 26 June 1880, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

⁴⁵⁹ W.L. Buller, Bulls to Under Secretary, Native Land Purchase Department 26 June 1880, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

⁴⁶⁰ AJHR 1883, I2, p.29.

increased the area required to 11,000 acres. The *Rangitikei Advocate* insisted that ‘The demand is an unreasonable one, and we trust that the Government will not accede to it.’⁴⁶¹ Booth noted that the 11,000 acres did not constitute the best of the block.⁴⁶² Gill, on the other hand, claimed that the land sought did constitute ‘the best of the block.’ Native Minister Bryce was adamant. ‘We cannot allow the best of the block to be cut out in the manner proposed,’ he announced, in July 1880. ‘A very high price is being paid considering the character of the land and Govt cannot afford to allow the best to be picked out.’⁴⁶³

4.2. The Crown thus decided to defer consideration of the purchase until the outcome of the application for a re-hearing lodged by Whanganui was known. It was at the same time negotiating with Utiku Potaka and others for the purchase of the adjacent Otamakapua. Booth thus suggested to Gill that if the final purchase of Otairi were ‘adjourned,’ there would be a ‘greater chance of completing [the] Otamakapua purchase.’⁴⁶⁴ In short, the Crown clearly expected Ngati Hauiti to employ its position in Otamakapua to secure its wants in Otairi.

4.3. The reserves sought by Ngati Hauiti were not the only difficulty associated with Otairi. On Friday 1st October 1880, Ngati Apa gathered at Parewanui to discuss matters involving the Otairi, Otamakapua, and Rangatira blocks. Premier Fox, it was claimed, had agreed to attend and listen to their grievances, but he failed to materialise. The *Rangitikei Advocate* reported that among those attending were D. Fraser, J. Stevens, C.L. Maclean, and T.U. McKenzie.⁴⁶⁵ Kawana Hunia claimed that the working of the Native Land Court was not clear to him, especially in the case of Otamakapua where a minor claimant had been admitted but the major claimants had been omitted, something he attributed to ‘that stupid lawyer,’ Dr Buller.⁴⁶⁶ ‘The Mokai who were admitted,’ he suggested, ‘were like the pockethandkerchief, while

⁴⁶¹ *Rangitikei Advocate* (Marton) 7 September 1880.

⁴⁶² Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 8 July 1880, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

⁴⁶³ Native Minister to Under Secretary, Native Land Purchase Department 13 July 1880, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

⁴⁶⁴ Native Land Purchase Officer to Under Secretary, Native Land Purchase Department 12 July 1880, in Archives New Zealand, Wellington MA-MLP 1 1896/80.

⁴⁶⁵ *Rangitikei Advocate* (Marton) 5 October 1880.

⁴⁶⁶ *Rangitikei Advocate* (Marton) 5 October 1880.

Ngati Apa who were excluded, were like the coat into the pocket of which Tu Mokai could be put.’ If the government would not grant a re-hearing then he would take possession of that part of Otamakapua that belonged to Ngati Apa. As for Otairi, he reminded those present that Booth had paid a deposit of £500 to Ngati Apa.⁴⁶⁷ He went on to insist that the Court had also been wrong over Otairi and Rangatira. ‘Why had they not seen,’ he asked, ‘that there were only seven persons of Hauiti who were entitled to 40,000 acres to the exclusion of the rest?’ He complained, too, that the government had paid the legal costs ‘of the opposite side, but the Ngatiapas had to pay their own.’⁴⁶⁸ Ngati Apa subsequently petitioned Parliament over the matter.

4.5. The Crown abandons the purchase of Otairi

5.1. In December 1880, Ngati Hauiti, concerned at the delay in completing the sale of Otairi, offered to refund to the Crown the advances that it had received.⁴⁶⁹ It soon became clear that the Crown had decided that should it not be able to purchase the whole block at 7s 6d per acre then it would abandon the purchase. Should the grantees not be able to refund the advances, then payment for both the advances and the survey costs would be extracted in the form of land.⁴⁷⁰ It was also clear that the Crown wished to recover ‘incidental’ expenses, among them Buller’s fees for representing Ngati Hauiti during the title hearings.

5.2. Early in January 1881 Gill took the matter up with the Native Minister, noting that the owners wished to reserve 16,000 acres [*sic*] and that the advances totalled £7,479.⁴⁷¹ As a result, Booth was advised that:

... the matter has remained open for some time in consequence of reports that a large piece of the land fronting the Rangitikei River 11,000 acres should be cut out of the purchase and be retained by the Native owners. A further cause of delay was the division of the block by the Native Land Court.

⁴⁶⁷ *Wanganui Herald* 4 October 1880.

⁴⁶⁸ *Rangitikei Advocate* (Marton) 5 October 1880.

⁴⁶⁹ Utiku Potaka, Marton to Native Minister 25 December 1880, in Archives New Zealand, Wellington MA-MLP 1 1896/80.

⁴⁷⁰ Native Minister to Under Secretary, Native Land Purchase Department 19 January 1881, in Archives New Zealand, Wellington MA-MLP 1 1896/80.

⁴⁷¹ Under Secretary, Native Land Purchase Department to Native Minister 3 January 1881, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

The question of completing this purchase has been today decided and I am directed by the Hon. the Native Minister to inform you that if you can purchase the whole of the block 58,905 acres at the price you agreed to with the owners, namely, seven shillings and sixpence per acre, you are authorised to do so at once. If not able to do this you will then please take the first opportunity of recovering from the Natives the sums paid to them by way of advances on the purchase of the land.⁴⁷²

5.3. Towards the end of January 1881 Booth met Potaka and others in Marton: it was made clear to him that the owners had elected to refund the advances made in respect of Otairi.⁴⁷³ The total cost recorded against Otairi then stood at £7,479.⁴⁷⁴ A few weeks later, in March 1881, Booth advised Gill that as ‘the agents for the Native grantees have not been able to form a company to purchase the land in absence of title, [the] grantees are therefore unable to refund [the] amount of the advance.’⁴⁷⁵

5.4. In April 1881 Duncan again raised the matter of revocation.⁴⁷⁶ Again it was made clear that revocation depended upon the repayment of the total expenditure made in respect of the block, that is, £8,338 12 2, plus the cost of the sub-divisional surveys then under way. That sum included £939 13 8 for surveys, £526 13 for incidental expenses, and £6,872 5 6 for ‘consideration money.’⁴⁷⁷ The problem for the owners was that the bank with which they were dealing was unwilling to assist so long as a proclamation remained on the land. In effect, the owners were trapped between that refusal, on the one hand, and, on the other hand, the Crown’s determination not to revoke the notification so long as its expenditure on the block remained outstanding.

⁴⁷² Under Secretary, Native Land Purchase Department to Land Purchase Officer, Whanganui 19 January 1881, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.267-368. See also Archives New Zealand, Wellington MA-WANG 1/3/12.

⁴⁷³ Land Purchase Officer to Under Secretary, Native Land Purchase Department 27 January 1881, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

⁴⁷⁴ Under Secretary, Native Land Purchase Department to Native Minister 3 January 1881 and Under Secretary, Native Land Purchase Department to John Duncan 5 May 1881, in Archives New Zealand, Wellington MA-MLP 1 1896/80. It is worthwhile recording that AJHR 1880, C1 recorded the total as almost £6,915 and AJHR 1881, C6 as almost £7,407.

⁴⁷⁵ Native Land Purchase Officer to Under Secretary, Native Land Purchase Department 7 March 1881, in Archives New Zealand, Wellington MA-MLP 1 1896/80.

⁴⁷⁶ A. Duncan, Whanganui to Land Purchase Officer, Whanganui 26 April 1881, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

⁴⁷⁷ P. Sheridan, Native Land Purchase Department to A. Duncan, Whanganui 5 May 1881, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

5.5. In an effort to find a way out of the impasse, Duncan proposed that the owners transfer absolutely to the Crown a portion of the block sufficient to cover the whole of the Crown's claims; that once the transfer had been completed the proclamation should be revoked; and that in the event that the Crown decided not to acquire the land the owners would re-purchase at the price for which it was originally transferred. Duncan noted that the 8,031 acres awarded to Hakaria Korako and the 14,320 acres to Utiku Potaka and his hapu were included in the proposed cession, the total of 22,357 acres representing 7s 6d per acre (for a total of £8,381 12 6).⁴⁷⁸ The Under Secretary of the Native Land Purchase Department advised Native Minister Bryce that 'No proposal will be satisfactory to winding up this matter, either than by purchasing the whole Block 58,905 acres @ 7/6 per acre or the Native Land Court ascertaining what interest the Government have in the Block ...' Bryce directed that the matter should be referred to the Court.⁴⁷⁹

4.6. The award to the Crown

6.1. In November 1881 Booth advised Gill that he had made satisfactory arrangements with Ngati Hauiti and Whanganui for the portion of the block to be cut off for the Crown. Ngati Apa, on the other hand, insisted that the Crown fulfil its contract and purchase the whole of its interest, that is, 3,843 acres. The iwi also refused to admit liability for the £100 advanced to Wirihana Hunia as his name had not been included in the order issued by the Native Land Court.⁴⁸⁰ The Court (Judges L. O'Brien and E.M. Williams and Assessor Pomare Kingi), sitting in Marton on 23rd November 1881, awarded the Crown Otairi 1A of 14,694 acres (for which the Crown paid £5,474) and Otairi 2A of 2,900 acres (for which the Crown paid £1,553).⁴⁸¹ In both instances, according to Booth, 'The whole of the arrangements had been

⁴⁷⁸ A Duncan, Whanganui to Under Secretary, Native Land Purchase Department 1 June 1881, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

⁴⁷⁹ Under Secretary, Native Land Purchase Department to Native Minister, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367. It should be noted that early in 1879 the land purchase branch of the Native Office was constituted as a separate 'sub-department' with Richard Gill as Under Secretary.

⁴⁸⁰ Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department ? November 1881, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

⁴⁸¹ Native Land Court, *Whanganui Minute Book* 4/331-332 and 353-355.

satisfactorily concluded, and the boundaries ... had been fully agreed upon.’⁴⁸² The Court recorded, with respect to Otairi 1A, that Wiari Turoa ‘emphatically declared (with appropriate actions) that Ngatiapa & Whanganui might say what they liked, but that the Government “had got their paws on the Block.”’⁴⁸³ The purchase deeds for 1A of 14,694 acres and 2A of 4,140 acres (Nos 583 and 584 respectively) were completed on 23rd November 1881.⁴⁸⁴ The two blocks were declared Crown land on 30th March 1882.⁴⁸⁵

6.2. The Court’s papers included a summary of the Crown’s account in respect of Otairi, a summary that Duncan had signed on behalf of Ngati Hauiti. It showed the total costs as £5,473 16 1, a sum which included £4,652 5 6 as advances, £939 12 6 for the original survey, and £100 for the sub-divisional survey.⁴⁸⁶ The costs incurred in respect of Ngati Apa amounted to £591 10s plus the £100 advanced to Wirihana Hunia. The block concerned was Otairi 3. The iwi wanted the Crown to acquire the whole 3,843 acres, the Crown to meet £360 being costs incurred in having the block brought before the Native Land Court, while rejecting the £100 charge incurred in respect of Wirihana Hunia. Having stated their position, the iwi then announced that it was prepared to refund the Crown and meet survey costs of about £65.⁴⁸⁷

6.3. On 16th March 1882, Otairi 1 and 2 were back before the Native Land Court when Booth sought to establish why, given that the Crown’s claims had been satisfied, fresh claims had been gazetted. That action had been taken, he was informed, to allow those interested an opportunity to apply for new memorials of ownership for the balances of the blocks. The very next day Duncan, announcing that he ‘held a retainer ... from all the parties concerned,’ applied for those memorials. Orders for five were issued, for 1B of 12,200 acres, 1C of 870 acres, 1D of 10,000 acres, 1E of 9,125 acres, and 2B of 3,938 acres.⁴⁸⁸

⁴⁸² Native Land Court, *Whanganui Minute Book* 4/353.

⁴⁸³ Native Land Court, *Whanganui Minute Book* 4/354.

⁴⁸⁴ AJHR 1883, C3. See also AJHR 1885, C7.

⁴⁸⁵ *New Zealand Gazette* 1882, p.501. The purchase was recorded in AJHR 1882, C4.

⁴⁸⁶ Copy in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

⁴⁸⁷ Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 23 November 1881, in Archive New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

⁴⁸⁸ Native Land Court, *Whanganui Minute Book* 5/49-51.

6.4. On 25th May 1882 the Crown applied to the Native Land Court to cancel its November 1881 and March 1882 orders so that the boundaries of Otairi 1 could be recorded. Before the Court, on 25th May 1882, Booth indicated that Otairi 1A, supposedly of 14,600 acres, had been found to contain only 14,000 acres: accordingly he sought cancellation of the original order and for the issue of a fresh one bearing the correct boundaries. An order was thus issued for Otairi 1A of 14,600 acres, such order to date from 23rd November 1881. Thereupon Duncan moved that the several orders provisionally made by Judge Williamson on 17th March 1882 for the balances of Otairi 1 and Otairi 2 should be amended. Otairi 1B would have 12,443 acres (and 11 owners), Otairi 1C would have 870 acres (and 11 owners), Otairi 1D would have 9,449 acres (and 11 owners), Otairi 1E would have 9,125 acres (and 11 owners), and Otairi 2B would have 8,938 acres (and seven owners). The revised orders would date from 23rd November 1881. The Court agreed.⁴⁸⁹

4.7. The partitioning of Otairi, 1881-1882

7.1. During 1881 and 1882 Otairi was thus partitioned on three separate occasions. Table 7.2 sets out the details. The first partitioning, in November 1881, involved Otairi 1 and 2 and the awards to the Crown, Hauiti, and Whanganui. The second set of partitions, in March 1882, also involved the ‘residues’ of Otairi 1 and 2, while in May 1882 a final set of partition orders for the two blocks was issued. The re-partitioning involved some readjustment of areas as surveys were concluded.

⁴⁸⁹ Native Land Court, *Whanganui Minute Book* 6/331-333.

Table 4.2: The partitioning of Otairi, 1881-1882

Date of order	Block	Acres	Grantees	Number of owners
23.11.1881	1A	14600	Crown	
	1 residue	31931	Hauti	11
	2A	4140	Crown	
	2 residue	3891	Tumanunu & Hinearō	7
17.03.1882	1B	12200	Hauti	11
	1C	870	Hauti	11
	1D	10000	Hauti	11
	1E	9175	Hauti	11
	2B	3938	Tumanunu & Hinearō	7
25.05.1882	1A	14600	Crown	
	1 residue	31887	Hauti	11
	2A	4140	Crown	
	2B	3938	Tumanunu & Hinearō	7
	1B	12443	Hauti	11
	1C	870	Hauti	11
	1D	9449	Hauti	11
	1E	9125	Hauti	11

Source: Native Land Court, *Whanganui Minute Books* 5/49-51, 331-333.

4.8. Apportioning survey costs

8.1. The survey costs in respect of Otairi were set down as £736 5s, and that amount was registered as a lien against the block. Following the Native Land Court's desire to have the divisions of the original Otairi it had made in June 1880 defined on the ground, a further cost of £203 was incurred, bringing total survey costs to £1,039 12 6. That cost was apportioned as set out in Table 4.3.

Table 4.3: The apportionment of survey costs of Otairi 1

Block	Acres	Hapu/grantees	Number of grantees	Survey costs: £
1	46531	Ngati Hauiti	11	821 4 8
2	8031	Ngati Tumanunu and Ngati Hinearō	7	141 14 10
3	3843	Ngati Apa	15	67 16 6
4	500	Erina Ratana	1	8 16 6
Totals	58905		34	1039 12 6

Source: Archives New Zealand MA-MLP 1 1896/80

8.2. In December 1882 Under Secretary Gill prepared a summary of survey costs and payments as set out in Table 4.4.⁴⁹⁰

Table 4.4: Survey liens registered against Otairi as prepared by Chief Surveyor, Auckland, December 1882

Blocks	Acres	Liens: £	Amount actually paid: £
1A	14694 0 0	54 18 0)
1B	12560 0 0	47 13 0)
1C	866 2 0	3 17 0) 821 10 7 in land: Otairi 1A
1D	9367 2 0	34 19 0)
1E	9175 0 0	33 1 0)
2A	4140 0 0	38 0 0) 69 10 0 in land, Otairi 2A and 67 16 0 in cash
2B	3938 0 0	36 0 0)
1		736 5 0	
3		67 16 0	67 16 0 in cash, paid August 1882
4		8 16 6	8 16 6 in cash, paid August 1882
Totals		1061 5 6	1035 10 1

Source: Archives New Zealand, Wellington MA-MLP 1 1896/80

⁴⁹⁰ Under Secretary, Native Land Purchase Department to Surveyor General, Auckland 18 December 1882, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

4.9. Otairi 3 and 4

9.1. Once Otairi 1 had been settled the Crown turned its attention to Otairi 3 and 4, both blocks lying in the southern reaches of the larger Otairi block and both awarded to Ngati Apa (15 owners in the case of Otairi 3 and one in the case of Otairi 4). Booth recorded that by December 1881 the sum of almost £692 had been advanced in respect of Otairi 3, advances to Watene Ranginui and Wirihana Hunia absorbing £600 and a payment to Mackay a further £55.⁴⁹¹ Ngati Apa pressed the Crown to acquire the whole of its interest in Otairi 3 and to meet legal expenses of £360 incurred in the course of having the block passed through the Native Land Court. At the same time, noting that Wirihana Hunia was not a grantee in the block, it again rejected the £100 advance made to him as a charge against Otairi 3.

9.2. The Crown declined and Ngati Apa decided to refund the advances (with the exception of that to Hunia) and meet the survey costs: the sums of £704 (for Otairi 3) and just under £9 (for Otairi 4) respectively were paid over in August 1882 by Utiku Marumaru and Ratana Ngahina. When they discovered that the advance of £100 to Wirihana Hunia had been included in the £704 paid in respect of Otairi 3 they protested, reminding the government that Hunia's name was not on the certificate of title and that the land was 'in no way chargeable with advances made to him.'⁴⁹² Gill rejected the subsequent application for a refund, noting that had he known of any such claim he would have refused the £704. Bryce fully supported the position taken by Gill.⁴⁹³ Wirihana Hunia himself advised Native Minister Bryce that he had received the money on account of his 'mother's right and that of her hapu Ngatihauiti.'⁴⁹⁴

9.3. Watene te Ranginui and eight others of Ngati Apa petitioned Parliament: they claimed that in 1880 they had agreed to sell Otairi to the Crown for 7s 6d per acre and had received £500 on account. The Court, they added, awarded them Otairi 3 of 3,843

⁴⁹¹ Native Land Purchase Officer to Under Secretary, Native Land Purchase Department 20 November 1881, in Archives New Zealand, Wellington MA-MLP 1 1896/80.

⁴⁹² D. Fraser to Under Secretary, Native Land Purchase Department 22 August 1882, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

⁴⁹³ Note on file cover sheet by Under Secretary, Native Land Purchase Department 30 August 1882, and note by Native Minister 6 September 1882, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

⁴⁹⁴ Wirihana Hunia, Palmerston North to Native Minister 1 September 1882, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

acres. Since the government had been represented by counsel, they also engaged counsel at a cost of £360. The petitioners thus asked for a refund of that £360 or that they be permitted to return the advance of £500. The Native Affairs Committee recorded that the government had agreed to receive the £500 and had done so on 21st August 1882, adding that ‘The land will therefore be declared free.’⁴⁹⁵

9.4. In 1892 Erina Ngahina applied, in respect of Otairi 4 for the removal of the restrictions on alienability. The application was referred to the Native Land Court which, in August 1892, and acting under section 6 of the Native Land Court Act 1886 Amendment Act 1888 and section 17 of the Native Land Acts Amendment Act 1889, conducted an inquiry and as a result pronounced itself ‘satisfied that, apart from the said land, the owner thereof has other land or shares in other land ... belonging to her in her own right and sufficient for her maintenance and occupation.’⁴⁹⁶

9.5. In that same year, 1892, Ruihi Wumu and Heni Haimoana applied under section 13 of the Native Land Court Acts Amendment Act 1889 for an inquiry into the ownership of Otairi 4. They claimed that they had been unfairly left off the list of grantees when title issued in 1880. They were, they informed the Court, also descendants of Moro, a daughter of Pakoria of Ngati Hauiti, the same ancestor from whom Erina Ratana had derived her right. Judge Robert Ward noted that in the original hearing Ngahine Ratana had represented only his wife. He also noted that three others could have but did not claim title to Otairi 4, and concluded that the absence of the five persons from the list of grantees did not constitute an error or omission on the part of the Native Land Court within the meaning of section 13.

4.10. Private sales, 1881-1882

10.1. According to Ward, although the Otairi block had been notified under the Government Native Land Purchases Act 1877, ‘some 29,000 acres are thought to

⁴⁹⁵ AJHR 1882, I2, p.35.

⁴⁹⁶ See Archives New Zealand, Wellington ACIH 16036 MA 1 1892/1641. *Supporting Documents*, Volume 1, pp.3-10.

have been privately purchased from this block from 1880 to 1882 despite this proclamation.⁴⁹⁷

10.2. A number of large private sales was completed during the period from 1880 to 1883. In July 1880 D. Fraser acquired Otairi 3 of 3,772 acres for £1,774, that is 9s 4.75d per acre: the price was significantly below the property-tax valuation of £2,829.⁴⁹⁸ In December 1881 John Duncan acquired Otairi 2B of 3,938 acres for £1,361 10s or 7s per acre, although the block had a property tax valuation of £2,854. In May 1882 he acquired Otairi 1B of 12,560 acres for £4,012 or 6s 4.75d per acre, although the block had a property tax valuation of £9,332. In November 1882 T.T. Watt and H. Churton acquired Otairi 1E of 9,175 acres for £3,300 or 7s 2.5d per acre. The block had a property tax valuation of £3,421.⁴⁹⁹ Otairi 4 was sold, in October 1892, to one Robert Dalziell for £625.

10.3. Harris recorded that in the 1870s the leaders of Ngati Apa and Ngati Hauiti offered some 75,000 acres of densely forested hill country lying between the upper reaches of the Rangitikei and Turakina Rivers to the Crown. He claimed that the Fox Ministry evinced little interest and hence Maori turned to private buyers, appointing Piripi te Aokapurangi to be their agent. It was the latter who offered a substantial part of Otairi to brothers John and Andrew Duncan. The price agreed upon, according to Harris, 'was between £8,000 and £9,000,' partly in cash and partly in goods. William McAlpin Duncan, son of John, recorded in his diary that in 1881 they made their way to 'a pa' located on the Tutaenui Stream on the northern edge of Marton, and that after protracted discussion John Duncan announced that he would arrange for payment to be divided among the chiefs of the seven hapu involved. Andrew Duncan divided the three drays of goods (flour, sugar, tea, blankets, camp ovens, axes, knives, and other household goods) into seven heaps, each chief accepting his hapu's share

⁴⁹⁷ Alan Ward, *National overview, Volume 3*. Wellington, 1997, p.231.

⁴⁹⁸ AJHR 1885, G6, p.3. The area sold was defined as 3,772 acres rather than the original area of 3,843 acres. On 6th January 1885 the Native Land Court issued an order under section 75 of the Native Land Act 1873 declaring that Otairi 3 should be held as freehold by Donald Fraser from the date of the memorial of ownership, that is, 24th June 1880. See Archives New Zealand, Wellington ACGS 17314 JW2781/13 WLR 1885/2.

⁴⁹⁹ AJHR 1885, G6. It is worthwhile recording here that according to orders for the issue of memorials of ownership published in the *New Zealand Gazette* in 1882, the areas were given as 1B, 12,443 acres; 1C, 870 acres; 1D, 9,449 acres; 1E, 9,125 acres; and 2B, 3,938 acres. See *New Zealand Gazette* 1882, p.1472.

and signing the deed of sale with his mark. The cash was similarly ‘divided into seven parcels which were placed in split supplejacks set upright in the ground.’⁵⁰⁰

10.4. According to Harris, the Duncan brothers acquired two blocks, namely, Otairi 1B of 12,560 acres, and Otairi 1 of 9,640 acres, but then cites a third block, namely, Otairi 2B of 3,938 acres, a total of 26,138 acres. That does not accord with the official record cited above. Harris recorded the signatories to the sale of the 9,640-acre block as Utiku Potaka, Paramena te Naonao, Wiari Turoa, Keremene Pakiwa, Retimana te Rango, Ropata Rangitahua, Raita Tuterangi, Pirimona te Urukahika, Wi Wheko, Wiremu Ngatoa, and Aperahama Tipae. Those signing the deed relating to Otairi 2B were Hakaraia Korako, Piripi te Aokapurangi, Mere Ngareta, Aperahama Te Kura, Himaima Poti, Ihaia te Rata, Hone Tumango, Hariata Te Pura, and Rini te Rua. Although offering details for two blocks, Harris nevertheless concluded that ‘These three blocks were evidently all that as bought in the original purchase,’ but that John Duncan, in 1889, acquired a further 2,515 acres to the east of the original blocks from the Bank of New South Wales.⁵⁰¹ Harris also recorded that ‘The total price paid for the whole area of 26,318 acres [‘three blocks’] was £9,003 10s.’⁵⁰² That would equate to 6.84 decimal shillings per acre, or about the same price officially recorded for Otairi 1B and 2B.

10.5. Vera Hunt also dealt with the Otairi purchase. She, too, relied on William McAlpin’s diary for her account, but refers to just two blocks, ‘parts of a larger block named Otairi.’ On the other hand, she also gives the total acreage involved as 26,138 acres and the total price as just over £9,000. She included a copy of a deed: dated 24th November 1881 and signed by Utiku Potaka and others, it records the sale of 9,640 acres for the sum of £3,612.⁵⁰³

⁵⁰⁰ Rusk Harris, *Otairi 1881-1981*. Palmerston North, 1986. See pp.27-35.

⁵⁰¹ Rusk Harris, *Otairi 1881-1981*. Palmerston North, 1986, p.35.

⁵⁰² Rusk Harris, *Otairi 1881-1981*. Palmerston North, 1986, p.32.

⁵⁰³ See Vera Hunt and John McChrystal, *The Duncan family. Owhiti Station: the story of a hill country station and pioneering polio hospital*. Auckland, 2011, pp.27-29 and 37-45.

4.11. Otairi after 1882

11.1. The Native Land Commission appointed in 1907 investigated lands in Rangitikei County. In March 1908 it issued an ‘interim report’ that dealt with lands that were already under occupation, either by Europeans under lease from the Maoris or by the Maori owners themselves.⁵⁰⁴ For the whole of Rangitikei County the area under lease or negotiations to lease was set down as 47,651 acres and the area recommended for Maori occupation as 8,992 acres. Rangitikei County was also dealt with in a second report issued by the Commission in December 1908, that is, ‘the lands generally belonging to the Hawke’s Bay Natives.’ It noted that ‘The information with regard to Rangitikei County is in addition to that contained in our report dated the 12th March, 1908 ...’⁵⁰⁵ It also indicated that lands owned by Maori and leased or under negotiation to lease aggregated 152,090 acres while 31,588 acres remained ‘Not dealt with.’ None of the blocks considered in this second report lay within that part of the Taihape Inquiry District covered by this report.⁵⁰⁶

11.2. Table 4.5 is based on the Commission’s report. Although the blocks listed are described as being ‘leased or under negotiation to lease,’ in fact most of the blocks listed, including 1,764 acres of Ohingaiti, had been acquired by private interests or by the Crown prior to 1908.

⁵⁰⁴ AJHR 1908, G1B.

⁵⁰⁵ AJHR 1909, G1C, p.1.

⁵⁰⁶ The blocks considered included Awarua, Oruamatua-Kaimanawa, Motukawa, and Rangipo-Waiau.

Table 4.5: The disposition of lands owned by Maori in Otairi, 1908

Block	Owners	Acres
<i>Lands leased or under negotiation to lease</i>		
Koraenui	1	945
Ohako	3	490
Ohingaiti	4	3000
Omuia	6	1860
Pawerawera	2	427
Poukiore 1	1	78
Poukiore 2	4	78
Pouwhakarua 1A	6	382
Pouwhakarua 1B	4	316
Pouwhakarua 1C	1	123
Pouwhakarua 1D	1	90
Pouwhakarua 1E	10	226
Pouwhakarua 2	5	500
Rawhitiroa	1	945

Source: AJHR 1908, G1B

4.12. The partitioning of Otairi 1C and 1D

12.1. In August 1884 the owners of Otairi 1C and 1D applied for a partition of the two blocks. The details are set out in Table 4.6. Table 4.6 also indicates that of the ten subdivisions, all but three had been sold privately by September 1891. Omuia was acquired by Halcombe farmer Alexander Bell.

Table 4.6: The subdivision of Otairi 1C and 1D, 23 August 1884

Block	Acres	Owners	Alienations
Part 1C or Poukiore 1	788	1	Private sale 16.03.1887
Part 1C or Poukiore 2	79	1	Private sale 19.10.1897
Part 1D or Koraenui	945	1	Private sale 20.04.1885
Part 1D or Rawhitiroa	945	1	Private sale 19.04.1888
Part 1D or Omuia	1860	2	Private sale 17.09.1891
Part 1D or Ohako	490	3	Private sale 29.08.1887
Part 1D or Pawerawera	427	2	Private sale 30.08.1887
Part 1D or Ohingaiti	3000	3	
Part 1D or Pouwhakarua 1	1200	1	
Part 1D or Pouwhakarua 2	500	2	

Sources: Native Land Court, *Whanganui Minute Book* 7/329-330; and Adam Heinz, *Taihape Inquiry District: land alienation database, block history and block chronology reports*. Wellington, 2011

4.12.1. Otairi 1C

12.2. In August 1884 Otairi 1C was partitioned into Poukiore 1 (788 acres and awarded to Paranene Te Nona) and Poukiore 2 (79 acres and awarded to Retimana Te Rango). Wellington's Commissioner of Crown Lands, anxious that the lands might fall into 'private' hands, proposed that the Crown acquire them.⁵⁰⁷ Perhaps the fact that they were already in private hands eluded him or, perhaps he was suggesting that land owned by Maori was wither not considered to be 'private' land or was regarded as a lesser form of 'private' property. The Surveyor-General estimated the value of the land at from 21s to 30s per acre 'if combined with adjacent lands and cut into sections.' The Department of Native Land Purchases indicated that the Crown could not afford more than 12s per acre: the price demanded, concluded Gill, 'was beyond their value.'⁵⁰⁸ In fulfillment of the Commissioner's fears, both blocks were sold privately, Poukiore 1 in 1887, and Poukiore 2 in 1897.

12.2.2. Ohingaiti

12.3. On 23rd August 1884 the Native Land Court issued an order for a certificate of title for the 3,000-acre-acre Ohingaiti in favour of Utiku Potaka, Keremene Pakura, Ropata Rangitahua, and Wiremu Ngatoa. Table 4.7 sets out the partitioning and major transactions involving Ohingaiti. The block was partitioned in March 1890 and in April of that year three of the resulting subdivisions were sold privately, the aggregate area involved being almost 1,181 acres. Ohingaiti 5 and 6 (539 acres) were owned by Utiku Potaka but, by 1915 occupied by Papa Epiha Potaka under a family arrangement. Rora Potaka acquired the blocks in 1915 for £700 and held them in trust to allow Papa Potaka to occupy and use as a farm. On Rora Potaka's death, his trustees, Wirihana Winiata and Whanganui solicitor G.W. Currie, in 1919 leased the 375-acre Ohingaiti 6 to James Coleman: the lease was finally confirmed by the Aotea

⁵⁰⁷ Commissioner of Crown Lands, Wellington to Under Secretary, Lands and Survey 4 November 1884, in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

⁵⁰⁸ Note by Under Secretary, Native Land Purchases Department 23 February 1884 (*sic* – 1885?), in Archives New Zealand, Wellington MA-MLP 1 1896/80. *Supporting Documents*, Volume 3, pp.265-367.

Maori Land Board in July 1921. In 1941 Tairawhiti, Eilliam, Richard, Daisy, and Mina Potaka had secured the lease of both blocks.⁵⁰⁹ In 1946 Ohingaiti 6A2 was included in the Taihape Development Scheme.⁵¹⁰

Table 4.7: The partitioning of Otairi Part 1D or Ohingaiti

Blocks	Acres	Status	Date
20 March 1890			
Section 5	164	Declared general	10 June 1968
Section 6	382		
22 June 1944			
Section 6A1	58	Private sale	6 June 1961
Section 6A2	131	Declared general	10 June 1968
Section 6B	219	Private purchase	8 February 1968
Section 1	612	Private purchase	24 April 1890
Section 2	912	Private purchase	24 April 1890
Section 4	294	Private purchase	10 January 1891
Section 3		Private purchase	15 September 1895

Source: Adam Heinz, *Taihape Inquiry District: land alienation database, block history and block chronology reports*. Wellington, 1912

4.12.3. Pouwhakarua

12.4. In February 1900 the Government, acting under section 14 of the Native Land Court Act 1894 and with respect to Pouwhakarua 1, declared that the Native Land Court was authorised to exercise jurisdiction, specifically:

- to determine whether or not the said land or any part thereof was, on the investigation of title thereto, intended by the Native Land Court, or by the nominal owner or owners of such land, to be held by such nominal owner or owners in trust for Natives not named in the title, and
- to determine whether who are the Natives (if any) who are beneficially entitled to such land; and

⁵⁰⁹ See Archives New Zealand AEGX 19124 MLC-WGW 1645/194 3/5394. *Supporting Documents*, Volume 5, pp.229-246.

⁵¹⁰ *New Zealand Gazette* 1946, p.232.

- to order the inclusion of such Natives in the title, either together with or in lieu of the nominal owners or any of them, and for the purpose aforesaid
- to order the cancellation or amendment of any existing instruments of title, and the issue of such new Crown grants or other instruments of title as may be necessary, and generally
- to exercise in respect of the said land all the jurisdiction and powers conferred on the Native Land Court by subsection ten of section fourteen of the Native Land Court Act 1894.

12.5. In March 1900 the Native Land Court identified 18 owners and defined their respective interests, a decision confirmed by the Native Appellate Court in December 1900.

12.6. Table 4.8 sets out the partitioning and major transactions involving Pouwhakarua. In the case of this block, the Crown acquired 872 of the original 1,200 acres.

Table 4.8: The partitioning of Otairi Part 1D or Pouwhakarua

Blocks	Acres	Status	Date
23.08.1884			
Pouwhakarua 1	1200		
13.11 1901			
Pouwhakarua 1A	382	Crown purchase	13 November 1901
Pouwhakarua 1B	317	Crown purchase	27 March 1914
Pouwhakarua 1C	124	Crown purchase	13 November 1901
Pouwhakarua 1D	91	Private purchase	3 February 1914
Pouwhakarua 1E	227		
22.05.1924			
Pouwhakarua 1E1	49	Crown purchase	14 September 1911
Pouwhakarua 1E2	176		
21.08.1927			
Pouwhakarua 1E2A	126	Private purchase	15 December 1978
Pouwhakarua 1E2B	48	Taken	1 January 1978
23.08.1884			
Pouwhakarua 2	500	Private purchase	9 September 1896

Source: Adam Heinz, *Taihape Inquiry District: land alienation database, block history and block chronology reports*. Wellington, 2011

12.7. In 1912 the Native Department made a determined effort to complete the purchase of what it termed the ‘Wanganui blocks,’ that is, Whakaihuwaka C, Taumatamahoe 2B2B, Waimarino 5A4, and Pouwhakarua 1E. Following the visit of a land purchase officer to Taumarunui and down the Whanganui River, the Department acquired a number of ‘difficult interests,’ established the whereabouts of most of the missing owners still alive, and established those who had died and lodged applications for succession.⁵¹¹ In fact the Crown set out to acquire as much of Pouwhakarua as possible.

12.8. Pouwhakarua 1A had six owners on partition, namely, Rena Maikuku and her five children. In May 1911 the owners offered this block to the Crown, the sale also involving the New Zealand Loan and Mercantile Company which had advanced monies (£278 10s) to the owners. The purchase price was based on the May 1911 government capital valuation of £4,482: of that sum, £3,876 had been attributed to owners, and the balance to lessee. Both this block and Pouwhakarua 1D had been leased and the rents had been paid in advance: the Crown took care to see that it acquired its share of the rents from the date on which it had completed the purchase of the blocks. The government forwarded £278 10s to New Zealand Loan and Mercantile in September 1911. The block was proclaimed Crown land in December 1911.⁵¹²

12.9. The sale process generated some controversy, for in October 1913 Henare Tumanga and others, writing in connection with Pouwhakarua 1A and Otamakapua 1J2 (also sold to the Crown), complained to the Native Department’s Under Secretary that they had been rushed into the sale by one Neville Nicholson. The owners received £9 per acre for Pouwhakarua and £5 per acre for Otamakapua, but that Nicholson took £600 ‘for urging us to give our land away.’ They now claimed that the land was worth nearly double the price paid by the Crown and thus sought an

⁵¹¹ See Archives New Zealand, Wellington MA-MLP 1 1911/13. *Supporting Documents*, Volume 4, pp.68-72.

⁵¹² *New Zealand Gazette* 1911, p.3746.

additional payment of £1,000 for Pouwhakarua and £800 for Otamakapua.⁵¹³ The government rejected the demands for additional payments, insisted that the dealings involving Nicholson were for the former owners to resolve, and claimed that increased price paid to the last vendor of Otamakapua 1J2 reflected rising land values, on the one hand, and a decline in the lessee's share of the capital value.⁵¹⁴

12.10. Pouwhakarua 1B had four original owners and an October 1910 government capital valuation of £3,416 of which the owners' share was put at £2,992. In March 1911 three of the owners formally agreed to sell their interests to the Crown. The offer was promptly accepted, each receiving £748. By January 1914 the Crown had still to acquire the remaining interests: a special valuation yielded a government capital valuation of £3,817, a significant advance on the July 1910 valuation. Of the total, £3,641 was attributed to the owners. The sharp increase was attributed to rising land values and a decline in the value of the lessee's share as the lease approached expiry in 1916.⁵¹⁵ As a result the remaining two owners offered their shares to the Crown for £954 5s, that is, 25 percent of the government capital valuation of £3,817 rather than of £3,641. The block was finally proclaimed Crown land in March 1915, although the file consulted does not give the price paid for the remaining two interests (amounting to a quarter share). It is worthwhile recording that at least two of the owners were heavily indebted. Thus Ngamoko te Rango owed one Charles Parata £100, apparently his commission on the sale of Otamakapua 1J1D.⁵¹⁶ Further, the two successors of Ngakaraihe te Rango employed the monies received from the sale of his interests (£91) to meet their father's debts.

12.11. In May 1911 the sole owner of Pouwhakarua 1C, Merihera te Taipu, offered this block to the Crown for the government capital valuation. The latter, estimated in May 1911, was £1,756 of which £1,509 was attributed to the owner. The sale at that

⁵¹³ Henare Tumango and others, Whanganui to Under Secretary, Native Department 15 October 1913, in Archives New Zealand, Wellington MA-MLP 1 1911/44. *Supporting Documents*, Volume 3, pp.112-137.

⁵¹⁴ Under Secretary, Native Department to S.H. Manson, Whanganui 30 December 1913, in Archives New Zealand, Wellington MA-MLP 1 1911/44. *Supporting Documents*, Volume 3, pp.112-137.

⁵¹⁵ Under Secretary, Native Department to Marshall & Hutton, Whanganui 31 January 1914, in Archives New Zealand, Wellington MA-MLP 1 1911/24. *Supporting Documents*, Volume 4, pp.73-95.

⁵¹⁶ On this matter, see *Evening Post* (Wellington) 27 October 1910.

price was concluded on 14th June 1911.⁵¹⁷ The block was proclaimed Crown land in December 1911.⁵¹⁸

12.12. Pouwhakarua 1D had a May 1911 government capital valuation of £1,582 all attributed to the sole owner although block was under lease to John Woolston. The block was sold privately in February 1914.⁵¹⁹

12.13. Pouwhakarua 1E had ten owners upon partition in 1901. The Crown acquired 49 acres between 14th September 1911 and 8th July 1914 for £371, a price based on the May 1911 government capital valuation of £1585 (of which owners' share was £1,465 and the lessee's – John Woolston – was £120). The sale to the Crown appears to have been negotiated on Woolston's behalf by John Stevenson.⁵²⁰ In a letter to the Under Secretary of the Native Department in September 1911, Stevenson claimed to 'have been advancing some of them [the 'Natives'] pretty freely for buying wire and different things for their farms besides providing them with food.' The Native Department had apparently agreed to deduct the monies owed Stevenson from the proceeds of the sale.⁵²¹ The Aotea District Maori Land Board was also involved in facilitating sale to the Crown, at least to the extent of actively encouraging owners to sell their interests.

12.14. By August 1917 the Crown had acquired one quarter of the block, that is, one complete share from six owners. Whiti Matua, Arapera Potaka Pirere, and Wereta Rooru retained one share each.⁵²² An effort was made to locate the remaining

⁵¹⁷ See Archives New Zealand, Wellington MA-MLP 1 1911/33. *Supporting Documents*, Volume 4, pp.96-104.

⁵¹⁸ *New Zealand Gazette* 1911, p.3746.

⁵¹⁹ See Archives New Zealand, Wellington MA-MLP 1 1911/45. *Supporting Documents*, Volume 4, pp.138-141.

⁵²⁰ Of the New Zealand Loan and Mercantile Company, Whanganui. New Zealand Loan and Mercantile Agency was involved in a number of Pouwhakarua leases, among other things, accepting and distributing rents among the owners. It also advanced monies by way of mortgage to Maori landowners. The role, if any, played by the company in the transfer of land into settler ownership merits further investigation.

⁵²¹ John Stevenson, Whanganui to Under Secretary, Native Department 11 September 1911, in Archives New Zealand, Wellington MA-MLP 1 1911/45. *Supporting Documents*, Volume 4, pp.138-141.

⁵²² Under Secretary, Native Department to Registrar, Aotea District Maori Land Board 1 August 1917, in Archives New Zealand, Wellington MA-MLP 1 1911/45. *Supporting Documents*, Volume 4, pp.138-141.

owners.⁵²³ To assist, the Crown imposed an order prohibiting private alienation, extended from time to time. By that stage the block, the area of which was now given as 208 acres, had a government capital valuation (March 1917) of £2,960. Two of the remaining owners had in fact died, that is, Whiti Matua and Wereta Rooru.

12.15. In July 1919 the Department of Lands and Survey pressed the Native Department to complete the purchase of what it termed the ‘Wanganui blocks.’ New Plymouth’s Chief Surveyor was anxious that as many as possible of the outstanding shares were acquired so as ‘to permit of an application being lodged to cancel the partition orders, at present existing, and to permit of Crown purchases being consolidated.’⁵²⁴ In fact, by 1923 the Crown had acquired just 56.5 acres. The remaining owners declined to sell and hence the Crown decided not to renew the order prohibiting private alienation: by the expiry date of 30th August 1923 it would have been in force for six years.

12.16. The decision not to renew the order opened the way for private purchasers and hence in October 1923 C. Warrilow, the lessee under the Discharged Soldiers’ Act 1915 of the section adjoining Pouwhakarua 1E, sought to acquire part of the block. The Department of Lands and Survey thus proposed that the Crown have its interests partitioned out and indeed taken so that they included the area Warrilow wished to secure. The implications for the utilisation of the remainder of the block were not raised.⁵²⁵ Wellington’s Commissioner of Crown Lands thus selected an area of 53.25 acres on the northwest boundary of Warrilow’s land.⁵²⁶

⁵²³ Under Secretary, Native Department to Under Secretary, Lands and Survey 1 August 1917, in Archives New Zealand, Wellington MA-MLP 1 1911/45. *Supporting Documents*, Volume 4, pp.138-141.

⁵²⁴ Under Secretary, Lands and Survey to Under Secretary, Native Department 22 July 1919, in Archives New Zealand, Wellington MA-MLP 1 1911/45. *Supporting Documents*, Volume 4, pp.138-141.

⁵²⁵ Commissioner of Crown Lands, Wellington to Under Secretary, Lands and Survey 2 October 1923, in Archives New Zealand, Wellington MA-MLP 1 1911/45. *Supporting Documents*, Volume 4, pp.138-141.

⁵²⁶ Commissioner of Crown Lands, Wellington to Under Secretary, Lands and Survey 30 January 1924, in Archives New Zealand, Wellington MA-MLP 1 1911/45. *Supporting Documents*, Volume 4, pp.138-141.

12.17. Concurrently, the Department of Public Works decided to take a portion, 1.25 acres, to provide access to the Mangaweka Rifle Range.⁵²⁷ In September 1917 three portions of land were taken, namely, Pouwhakarua Pt 1D of 12 perches, Pouwhakarua Pt 1D (of 22 perches) and Pouwhakarua Pt 1E of 1 acre and 1 perch.⁵²⁸ No compensation was paid until the matter was brought before the Native Land Court in 1923. The land was valued in November 1923 at £35 and the Court awarded compensation of £25. That sum was paid to the Aotea District Maori Land Board for distribution to the owners, including £6 5s to the Crown as the owner of one of the four shares.⁵²⁹

12.18. In April 1924 Whanganui's Native Land Purchase Officer was again pressed to try to acquire the outstanding interests in the block, but in May of that year the Native Land Court partitioned the block into Pouwhakarua 1E1 of 49.25 acres and awarded it to the Crown, the area having been established on a valuation basis, while the 'non-sellers' were awarded Pouwhakarua 1E2 of 176.25 acres out of which the Crown also took one acre for a road. Compensation of £25 was paid to the remaining owners. Pouwhakarua 1E1 was proclaimed Crown land in September 1924.⁵³⁰

4.12.4. Koraenui

12.19. In December 1884 Wiari Turoa, the sole owner of Koraenui (945 acres) offered the block to the Crown for 40s per acre: the Crown offered him 5s per acre, an offer which was accepted. The block was subsequently declared to be Crown land.⁵³¹

12.20. These transactions were all examined by the Trust Commissioner as provided for under the Native Lands Frauds Prevention Act 1881 and the amending measure of 1888. All of the transactions listed were approved, the Trust Commissioner recording

⁵²⁷ Engineer-in-Chief and Under Secretary, Public Works 24 December 1923, in Archives New Zealand, Wellington MA-MLP 1 1911/45. *Supporting Documents*, Volume 4, pp.138-141.

⁵²⁸ *New Zealand Gazette* 8 November 1923.

⁵²⁹ See Archives New Zealand, Wellington W 1 601 23/220. *Supporting Documents*, Volume 5, pp.370ff.

⁵³⁰ *New Zealand Gazette* 1924, p.2097.

⁵³¹ *New Zealand Gazette* 1885, p.971.

that the Maori owners involved had sufficient other land for their occupation and support and that the transactions had been ‘executed with the formalities prescribed by law with respect to the execution of deeds by Natives.’⁵³²

4.13. Summary

Area: 59,013 acres

Title: 24th June 1880

Grantees: *Otairi 1* of 46,663 acres – Ngati Hauiti - Ngati Tamatereka (11);
Otairi 2 of 8,078 acres – Ngati Tumanunu (7); *Otairi 3* of 3,772 acres
– Ngati Apa (15); and *Otairi 4* of 500 acres – Ngati Apa (1)⁵³³

Crown purchases: 18,648 acres

Purchase price paid by Crown: £7,027

Private purchases: 38,290 acres

Area ‘europeanised:’ 293 acres

Area declared Maori land: -

Area still in Maori ownership: -

⁵³² Archives New Zealand, Wellington AEGV 19119 MLC W2218 25.

⁵³³ The orders for the issue of memorials of ownership was published in the *New Zealand Gazette* 1882, p.1401. The area of Otairi 1 was given as 46,531 acres. That of Otairi 2 as 8,031 acres, that of Otairi 3 as 3,843 acres, and that of Otairi 4 as 500 acres.

Chapter 5

Taraketi

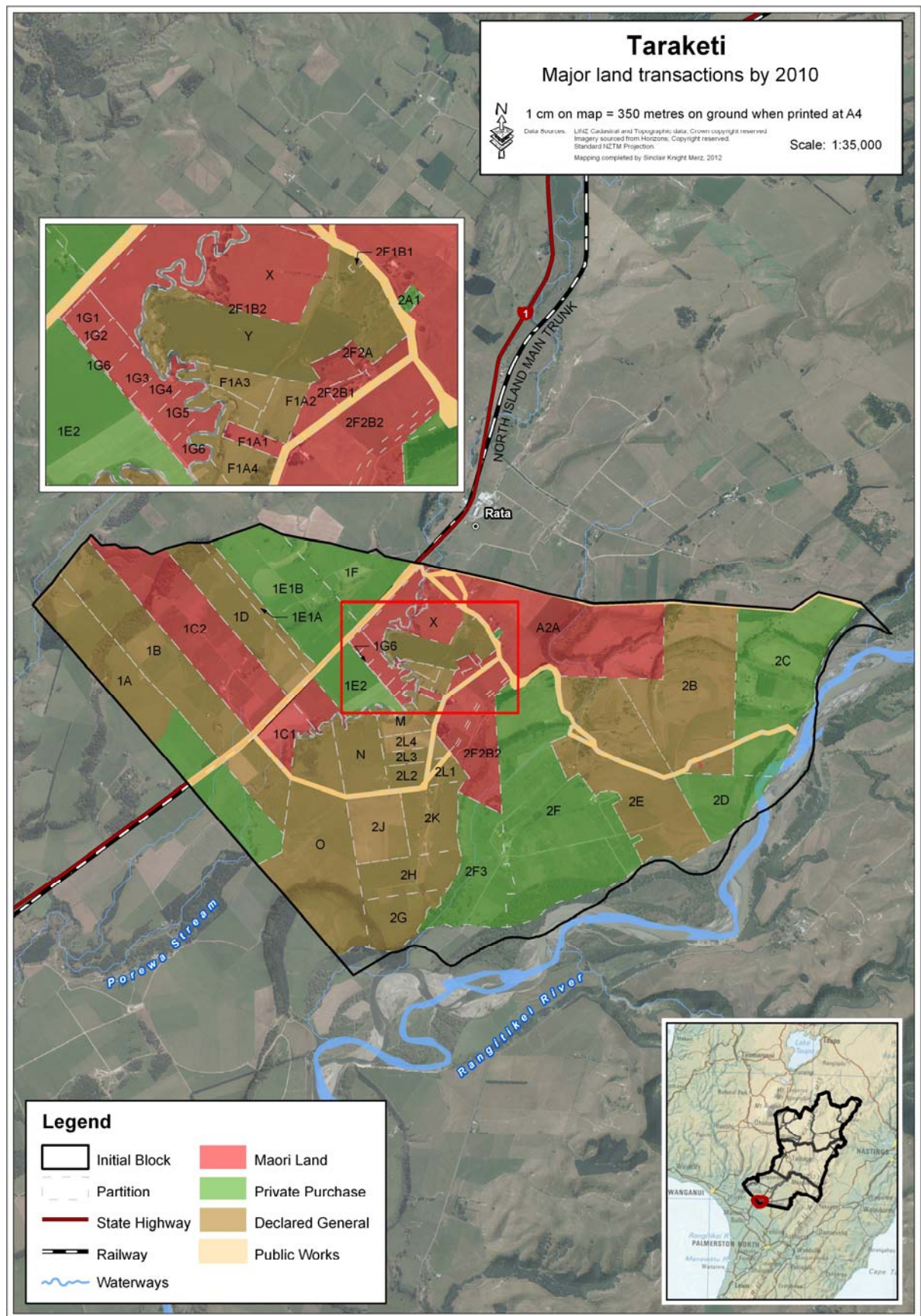


Figure 5: Taraketī: Major land transactions by 2010

5.1. Introduction

1.1. As noted in Chapter 2, the 3,075-acre Taraketi was originally part of what had been designated the 'Upper Turakina Rangitikei Block' and was subsequently set apart out of Paraekaretu as a 'reserve' for Ngati Hauiti.

5.2. Title investigation

2.1. Taraketi was brought before the Native Land Court (Judge Symonds) in Whanganui on 25th January 1877. The claimants were Utiku Potaka and others for Ngati Hauiti and Ngati Te Upokoiri. The block was at that time under lease, the rents being paid to Utiku Potaka. The counter-claimants included Nepia Taratoa of Ngati Raukawa and Hone Waitere of Ngati Apa.⁵³⁴ Not a great deal of progress was made on that first day, but in his evidence Utiku Potaka (describing himself as Ngati Hauiti of Ngati Upokoiri) dwelt upon the return of land to Ngati Apa – presumably Paraekaretu – but attributed the restoration of relationships with Ngati Apa not to the return of the land but to the marriage of a Ngati Hauiti chieftainess and Kawana Hunia. He made it clear that when Ngati Apa had fixed its boundary at Otara, Ngati Hauiti prepared to fight, but that Ngati Apa had declined to meet in battle. Nepia Wharatoa and the Whanganui people, he noted, mediated and agreement was reached and the boundary shifted to Te Houhou.

2.2. Utiku Potaka went on to note that:

I took that land [Taraketi] out of the hands of the Government. After that Aperahama Tipae and Kawana Hunia became on very friendly terms with the Chief of my tribe – and they had a free discussion about land which I had taken out of the hands of the Government. My chief requested that a large meeting be called at Patea. My tribes all assembled there and the Chief said that we should return the land that I had taken out of the hands of the Government. All the people consented. And after that meeting a boundary post was erected at Pikitura ... as a boundary against the Ngatiraukawa and after that the Paraekaretu block was sold. And then all the Ngatiapa assembled at my place at Pourewa. There were none of them absent. Aperahama and

⁵³⁴ *Wanganui Chronicle* 30 January 1877.

Kawana Hunia then spoke of this block Taraketi and they said it was to be left for our dead and also for us who are living.⁵³⁵

2.3. In short, Ngati Whiti relinquished a claim on Paraekaretu in return for Taraketi. Had he suspected that Ngati Apa would renege, Utiku Potaka observed, ‘I should never have consented to the sale of Paraekaretu to the Government.’⁵³⁶ He recorded that ‘There was no document because we did not anticipate that you [Ngati Apa] would tell lies about it afterwards.’ He went on to insist that ‘I have a right over all the land which was withheld from the sale to the Government through our ancestors.’ He dwelt upon the matter of boundaries and claimed that it had been understood ‘that the land on the seaward side of Te Houhou belonged to Ngatiapa and that inland of that belonged to us.’ Ngatiapa did not question the division and ‘everything was settled in a proper way about this land at a large meeting and Aperahama and Kawana Hunia spoke about it then.’ He also noted that his hapu had occupied the land continuously for 26 years, that the land had been leased to Pakeha, and that his claim was not based on his marriage to a daughter of Hunia.⁵³⁷

2.4. On 1st February, and after hearing evidence that Ngati Apa had agreed that Taraketi should be reserved for Ngati Te Upokoiri upon the latter having relinquished a claim to Paraekaretu, the Court awarded the block to Ngati Te Upokoiri (six owners), Ngati Hauiti (five owners), and Ngati Whitikaupeka (five owners). Court fees were set at £2, including £1 for the hearing and £1 for the memorial.⁵³⁸ An order for the title was issued on 1st February 1877.

5.3. Partitioning Taraketi 1897-1909 and pre-1910 alienations

3.1. Alone among the nine blocks in the southern section of the Taihape Inquiry District, Taraketi did not pass, either in full or in part, into Crown ownership. On the other hand, a number of blocks passed into private ownership, while others were ‘Europeanised.’

⁵³⁵ Native Land Court, *Whanganui Minute Book* 1F/137-138.

⁵³⁶ Native Land Court, *Whanganui Minute Book* 1F/139.

⁵³⁷ Native Land Court, *Whanganui Minute Book* 1F/139-142.

⁵³⁸ Native Land Court, *Whanganui Minute Book* 1F/153.

3.2. Dividing Taraketi between Ngati Hauiti and Ngati Whiti in a manner acceptable to both was made difficult by the scattered nature of the cultivations each maintained.⁵³⁹ Agreement was eventually secured and the first division took place in August 1894, into Taraketi 1 of 1,000 acres and Taraketi 2 of 2,022 acres. Three other partitions were also created, namely, Taraketi 3 4, and 5: the two former were not implemented, while the last was subject to river erosion. In November 1897 Taraketi 2 was further partitioned into 14 blocks with areas ranging from 18 to 595 acres. Taraketi 1 was partitioned in June 1906 into seven blocks ranging in size from 25 to 194 acres.

3.3. Taraketi 1 was leased from 1st April 1881 for 21 years to J.W. Marshall. The owners of the block were Utiku Potaka and others. A list of the owners of uncertain date included Wirihana Hunia. In December 1895 Hunia wrote to the Minister for Lands to inform him that he had interests in several blocks of land that would shortly come before the Native Land Court ‘for adjudication.’ What he wanted was ‘assistance’ so that he could prosecute his claims, that is, an advance of £500 on his 100 acres in Taraketi 1. The land, he claimed, was worth £7 10s per acre and was leased to Marshall’s trustees.⁵⁴⁰ The matter was referred to Cabinet which, that same month, agreed to an advance of £300 on condition that if that amount plus interest had not been repaid at the end of 12 months Hunia’s undivided interests would pass to the Crown without further consideration.⁵⁴¹ In May 1896 Hunia sought an additional £120 and was in fact granted £150.⁵⁴² According to a memorandum of agreement drawn up between Hunia and the Crown, the former agreed to sell his interest to the latter at a price to be fixed by the Surveyor-General, with the balance of the purchase price (that is, in addition to the £450 plus interest at five percent) to be paid on completion of the purchase in December 1896. Up to that time, Hunia retained the right to cancel the agreement for sale and purchase by repaying the £450 plus interest

⁵³⁹ Native Land Court, *Whanganui Minute Book* 21/358.

⁵⁴⁰ Wirihana Hunia, Wellington to Minister of Lands 2 December 1895, in Archives New Zealand, Wellington ACIH 16036 MA 1 1919/10. *Supporting Documents*, Volume 1, pp.166-208.

⁵⁴¹ A copy of the agreement into which Wirihana Hunia entered with the Crown on 16 June 1896 can be found in Maori Land Court Records

⁵⁴² Wirihana Hunia, Parewanui to Premier 21 May 1896, in Archives New Zealand, Wellington ACIH 16036 MA 1 1919/10.

at seven percent.⁵⁴³ The records examined did not disclose why the government made such an advance.

3.4. From 1896 Taraketi 1 was thus included in the annual return *Lands purchased and leased in North Island*, published in the *Appendices, Journals of the House of Representatives*. In 1896 total expenditure made by the Crown was given as £300, a sum which increased to £450 in 1897. That sum at least coincided with the advances made to Hunia.⁵⁴⁴

3.5. In 1901 the Department of Lands and Survey considered taking over the survey liens on Taraketi 2 subdivisions. The block was, reported the Chief Surveyor, ‘admirably adapted for settlement’ and were occupied, partly by owners and partly by settler lessees. The liens, he suggested, should be taken over if there were a risk of the owners’ interests being affected by power of sale.⁵⁴⁵ The matter was not pursued.

3.6. By way of a lease dated 9th January 1907, 712 acres of Taraketi 1 were leased to John Willoughby Marshall for 30 years at an annual rental of 311 17s. Table 5.1 sets out some of the details.⁵⁴⁶

Table 5.1: The 1907 lease of Taraketi

Owners	Blocks	Area	Annual rent: £
Rawea Utiku	1A	104. 2. 12	47. 1. 2
Rangipo Mete Kingi	1B	148. 3. 27	67. 0. 3
Reupena Mete Kingi	1C	164. 1. 27	73. 19. 9
Wirihana Hunia	1D	80. 0. 14	36. 0. 9
Rakera Potaka	1E	144. 3. 07	63. 3. 2
Rawea Eruera	1F	69. 2. 28	31. 7. 1
Totals		712. 1. 35	320. 12. 2

Source: Maori Land Court records Wh 337

⁵⁴³ A copy of this agreement can be found in Archives New Zealand, Wellington ACIH 16036 MA 1 1919/10. *Supporting Documents*, Volume 1, pp.166-208.

⁵⁴⁴ See AJHR 1902, G3; 1903, G3; 1904, G3; 1905, G3; 1906, G3; 1907, G3; 1908, G3.

⁵⁴⁵ Chief Surveyor to Surveyor General 11 July 1901, in Archives New Zealand, Wellington AAMA 619 W3150/15 20/79 Part 1. *Supporting Documents*, Volume 4, pp.337-344.

⁵⁴⁶ H.M. Downs also leased part of Taraketi 1F, that is, 18 acres, for 21 years from 1 September 1908. In 1919 Downs purchased Taraketi 1F Pt which included the 18 acres which he had under lease. See Archives New Zealand, Wellington AEGX 19124 MLC-WGW 1645/171 3/4466.

3.7. Twelve years later, in 1908, Hunia still owed the £450 and interest of £270. The Native Land Purchase Office advised Marshall that he should take a mortgage over Hunia's interest and reimburse the Crown: Marshall was prepared to repay the £450 but not the accumulated interest.⁵⁴⁷ Eight years later, in 1916 (by which time Wirihana Hunia had died), the matter had still not been settled. Indeed, Whanganui solicitors Marshall & Hutton claimed that the £450 had in fact been a gift made by the Crown in return for Hunia's assistance in obtaining the Horowhenua Block. 'We doubt,' they wrote, 'if the Department regard it as a bona fide debt, and we think Mr Sheridan [then a Native Land Purchase Officer] took the agreement in order to justify him [sic] making the advance to Wirihana.' The matter had arisen as the successor to 20 acres of Hunia's 100-acre interest wished to sell the land.⁵⁴⁸

3.8. Sheridan denied that the advance had been in any sense a gift, and rejected the claim that Hunia had assisted the Crown to acquire Horowhenua.⁵⁴⁹ The debt remained. In September 1918, Whanganui solicitors Treadwell, Gordon & Brodie again raised the matter on behalf of Kawana Hunia: specifically they wished to know why the Crown had never acted under the terms of the 1896 agreement.⁵⁵⁰ Sheridan then disclosed that what he now termed Wirihana Hunia's mortgage to the Crown had been negotiated by John Stevens MP, Seddon, and Carroll and that the government had 'declined to discuss the matter with lawyers at all.' He suggested that if questions were now being raised over the validity of the contract, the lawyers concerned should apply to Wellington's District Land Registrar to have the caveat lodged by the Crown on the title withdrawn.⁵⁵¹ In fact, they were advised that the Crown proposed to take no action until the amount owing had been paid.⁵⁵²

⁵⁴⁷ Native Land Purchase Officer to Marshall & Hutton, Whanganui 11 July 1908, in Archives New Zealand, Wellington ACIH 16036 MA 1 1919/10. *Supporting Documents*, Volume 1, pp.166-208.

⁵⁴⁸ Marshall & Hutton, Whanganui to Brown, Neave & Courtney, Wellington 18 January 1916, in Archives New Zealand, Wellington ACIH 17036 MA 1 1919/10. *Supporting Documents*, Volume 1, pp.166-208.

⁵⁴⁹ P. Sheridan to Under Secretary, Native Department 2 February 1916 and Under Secretary, Native Department to Brown, Neave & Courtney 3 February 1916, in Archives New Zealand, Wellington ACIH 16036 MA 1 1919/10. *Supporting Documents*, Volume 1, pp.166-208.

⁵⁵⁰ Treadwell, Gordon & Brodie, Whanganui to Under Secretary, Native Department 10 September 1918, in Archives New Zealand, Wellington ACIH 16036 MA 1 1919/10. *Supporting Documents*, Volume 1, pp.166-208.

⁵⁵¹ Memorandum by P. Sheridan 12 January 1919, in Archives New Zealand, Wellington ACIH 16036 MA 1 1919/10. *Supporting Documents*, Volume 1, pp.166-208.

⁵⁵² Under Secretary, Native Department to Treadwell, Gordon, & Brodie, Whanganui 3 February 1919, in Archives New Zealand, Wellington ACIH 16036 MA 1 1919/10. *Supporting Documents*, Volume 1, pp.166-208.

3.9. The Native Land Court's Registrar in Whanganui could not locate any reference in the correspondence files to a mortgage by Wirihana Hunia to the Crown and suggested to the Under Secretary that he search 'the old Maori Lands Administration records in Wellington.'⁵⁵³ Subsequently, Treadwell, Gordon & Brodie, in March 1919, offered the Crown £450 in full settlement lest they test the validity of the 1896 agreement.⁵⁵⁴ The Crown accepted the offer, forgoing its claim to the interest which stood at almost £500. In a memorandum to the Native Minister, the Under Secretary offered no explanation for the original advance to Wirihana or for his department's inaction over the succeeding 22 years.⁵⁵⁵ The caveat against Taraketi 1 was withdrawn.

3.10. Quite why the Cabinet agreed to make an advance to Wirihana Hunia in the first place is not at all clear. The fact that the Crown relinquished its claim to interest suggests that it was less than certain of its ground, and that it preferred to close the matter rather than allow or encourage the full disclosure which an investigation into the 1896 agreement would have entailed.

3.11. The only pre-1910 alienation of land within Taraketi 2 took place in June 1899 when, following the division of Taraketi 2F into two blocks each of 298 acres, Taraketi 2F Pt was purchased privately in June 1899 by Mrs J.M. Moorhouse and from 1st July 1899 leased by A.H. Ross for 21 years. Taraketi 2F Pt, also of 298 acres, in 1901, remained in the occupation of its owners. Oddly the Native Land Commission recorded that Taraketi 2F remained as one block and was occupied by the owners.

⁵⁵³ Registrar, Whanganui to Under Secretary, Native Department 16 January 1919, in Archives New Zealand, Wellington ACIH 16036 MA 1 1919/10. *Supporting Documents*, Volume 1, pp.166-208.

⁵⁵⁴ Treadwell, Gordon & Brodie, Whanganui to Under Secretary, Native Department 4 March 1919, in Archives New Zealand, Wellington ACIH 16036 MA 1 1919/10. *Supporting Documents*, Volume 1, pp.166-208.

⁵⁵⁵ Under Secretary, Native Department to Native Minister 10 March 1919, in Archives New Zealand, Wellington ACIH 16036 MA 1 1919/10. *Supporting Documents*, Volume 1, pp.166-208.

5.4. The Native Land Commission 1907

5.1. The Native Land Commission appointed in 1907 investigated Taraketi. Table 5.2 is based on the data it assembled. The Commission claimed to have investigated the position of 3,086 acres of which 1,816 acres were either leased or under negotiation to lease. It did not recommend the vesting of any land in the Aotea Maori Land Board for sale or lease, but it did recommend that 1,270 acres should be reserved for occupation by Maori. Section 54 Part II of the Native Land Settlement Act 1907 empowered the Governor in Council, acting on the recommendation of the Commission, to set apart land for occupation by Maori, while section 58 empowered Maori land boards to survey and subdivide such land and to offer it to Maori for lease. The Commission's recommendations relating to blocks in Taraketi were not acted upon, at least in the sense of formal setting apart. Formal setting apart would not, in any case, have protected the land concerned against possible Crown purchase.

Table 5.2: The disposition of lands owned by Maori, Taraketi, 1908

Blocks	Owners	Acres
<i>Lands leased or under negotiation to lease</i>		
Taraketi 1 (part)	12	700
Taraketi 2B	1	198
Taraketi 2C	2	198
Taraketi 2E	1	198
Taraketi 2G	1	50
Taraketi 2H	1	51
Taraketi 2J	1	51
Taraketi 2K	1	51
Taraketi 2L	1	52
Taraketi 2M	1	18
Taraketi 2N	1	51
Taraketi 2O	1	198
Total		1816
<i>Lands recommended to be reserved for Maori occupation</i>		
Taraketi 1 (part)	12	300
Taraketi 2A (Farm and kainga)	1	216
Taraketi 2D (Farm and kainga)	2	54
Taraketi 2F (Farm, owners occupying)	4	595
Taraketi 3	2	2
Taraketi 4 (Church reserve)	3	2

Taraketi 5 (Kainga)	5	101
Total		1270

Source: AJHR 1908, G1B

5.5. Taraketi 1

5.1. Table 5.3 summarises the history of Taraketi 1 following its subdivision in 1907. It does not include takings for public works purposes.

5.2. Several Taraketi owners endeavoured to develop their lands by applying for mortgage advances under section 6 of the Native Land Laws Amendment Act 1897. Section 6 provided that any Maori who owned land in severalty could borrow from lending departments of the state provided he or she secured the endorsement of the Native Land Court. The latter was to satisfy itself that applicants retained sufficient other lands for their maintenance. The approval of the Governor in Council was also necessary.

Table 5.3: Taraketi 1: partitions and status, 1907 to the present day

Blocks	Partition date	Acres	Alienations	Status
1A	15. 6. 1907	194. 0. 09		
1A Pt	7. 7. 1923	59. 1. 37	Priv. pur. 1923	
1A Pt Lot 2	11. 12. 1924	12. 0. 29	Priv. pur. 1924	
1A Pt Lot 1	22. 7. 1925	103. 1. 38		Dec. general 27. 6. 1968
1A Pt Lot 3	22. 7. 1925	16. 0. 25	Priv. pur. 1926	
1A Pt Lot 4	22. 7. 1925	4. 0. 6	Priv. pur. 1927	
1B	15. 6. 1907	193. 3. 27		Dec. general 1. 4. 1969
1C	15. 6. 1907	194. 0. 16		
1C1	30. 1. 1958	27. 2. 19		Dec. general 14. 6. 1968 ¹
1C2	30. 1. 1958	164. 1. 27		In Maori ownership
1C2 Pt	13. 5. 1986	0. 1. 0		
1D	15. 6. 1907	99. 3. 20		
1D Pt	20. 5. 1957	80. 0. 14		Dec. general 1.04.1969
1D Pt	20. 5. 1957	19. 3. 06		In Maori ownership
1E	15. 6. 1907	194. 0. 05		
1E1	18. 6. 1918	144. 3. 07		
1E1A	13. 5. 1929	25. 0. 00		Dec. general 1.04.1969
1E1B	13. 5. 1929	119. 3. 07	Priv. pur. 1929	
1E2	18. 6. 1918	49. 3. 38	Priv. pur. 1980	
1F	15. 6. 1907	99. 2. 00		
1F1 Pt	12. 9. 1927	29. 3. 12		Repartitioned

1F1 Pt	12. 9. 1927	69. 2. 28	Priv. pur. 1927	
1G	15. 6. 1907	24. 3. 20		
1G1	2. 8. 1919	3. 3. 18		In Maori ownership
1G2	2. 8. 1919	3. 3. 18		Dec. general 15.03.1971
1G3	2. 8. 1919	3. 3. 18		In Maori ownership
1G4	2. 8. 1919	3. 3. 18		
(1G4 ²)	2. 2. 1959	3. 3. 18		In Maori ownership
(2F1A1)	2. 2. 1959	2. 2. 00		In Maori ownership
1G5	2. 8. 1919	3. 3. 18		Dec. general 18.03. 1971
1G6	2. 8. 1919	3. 3. 18		In Maori ownership

¹ Declared Maori land 6 June 1995

² And 2F1A1, i.e combined partition

Source: Adam Heinz, *Taihape Inquiry District: land alienation database, block history and block chronology reports*. Wellington, 2012

5.3. In 1907 Reupena Mete Kingi, the sole owner of the 194-acre Taraketi 1C sought an advance of £495. The Native Department reminded his solicitors that a key consideration was whether the applicant owned land in severalty. ‘You will recognise,’ the Under Secretary of the Native Department advised Whanganui solicitors Barnicoat & Treadwell, ‘that there are serious objections to mortgages by natives being sanctioned in cases where it is proposed to expend the money borrowed on property owned in common by a number of Natives.’⁵⁵⁶ In this instance the applicant secured a certificate under section 6, Cabinet approved, and an Order in Council was duly issued. Rangipo Mete Kingi and Rawea Utiku similarly gained approvals, while Rakera Potaka gained approval to mortgage the 195-acre Taraketi 1E. In each case the owners proposed to devote the monies to the further development and stocking of their lands.

5.4. Taraketi 1E was partitioned in 1907. The 145-acre Taraketi 1E1 was leased to J.W. Marshall for 30 years from 1st January 1907. In August 1918 Warena Hunia gifted the land to Warena Hunia, Rawea Mete Kingi, and Maihi Rangipo Mete Kingi, a gift confirmed by the Aotea Maori Land Board on the 3rd September 1918. As of 18th March 1929 the block had a government capital valuation of £3,285 of which the owners’ share was £2,634. The block was partitioned in May 1929 into 1E1A of 25

⁵⁵⁶ Under Secretary, Native Department to Barnicoat & Treadwell, Whanganui 8 November 1907, in Archives New Zealand, Wellington ACIH 16036 MA 1 1909/719. *Supporting Documents*, Volume 1, pp.166-208.

acres and 1E1B of 120 acres. The latter was then sold to May Vater Marshall for £2,180.⁵⁵⁷ Maihi Rangipo Mete Kingi retained Taraketi 1E1A. A mortgage over the block held by the State Advances Office was re-paid out of the purchase monies. The details of the transaction are set out in Table 5.4. After deductions had been made for the balance of the mortgage owing and for succession duties totalling almost £93 and survey liens of £25, the net sum paid for the land was just over £1,476.⁵⁵⁸ It is of interest to record here that the Whanganui Hospital Board claimed £114 6s from Hakeke Hunia for ‘Maintenance in hospital’ at various times between October 1924 and November 1927.⁵⁵⁹ The Board eventually accepted £75 in full settlement.

5.5. In 1912 Rakera Potaka, the sole owner of Taraketi 1E2, leased the block to H.M. Downs for 42 years at an annual rental of £30 13s. In 1918 the lease of the 49-acre block was transferred by Kehu Ngakaraike Hartley to Downs. Rakera Potaka sold the block to Rangitikei Farm Produce Ltd in December 1980 for \$37,500.

Table 5.4: The sale of Taraketi 1E1B, 1929

	Shares	Amount: £	Share of mortgage: £
Ngawai Warena Hunia	19 shares – sold	342 2 10	13 6 9
Hakeke Warena Hunia	19 shares – sold	345 2 11	13 6 10
Tarawhiti Warena Hunia	19 shares – sold	345 2 11	47 13 7
Rangiatea Warena Hunia	19 shares – sold	345 2 11	13 6 10
Matai Warena Hunia	19 shares – sold	345 2 11	13 6 9
Hoeroa Marumaru	25 shares – sold	454 2 9	17 11 8
Maihi Rangipo Kingi	25 shares retained		17 10 4

Source: Archives New Zealand, Wellington AEGX 19124 MLC-WGW 1645/147 3/3437

⁵⁵⁷ In this instance one of vendors rejected a suggestion that the Aotea District Maori Land Board should retain the purchase monies with a view to acquiring another farm to be worked by members of her family. She made it clear that she was only prepared to sell her interest provided the Board retained her net share under section 92 of the Native Land Amendment Act 1913. See Ngawai Warena Hunia to President, Aotea District Maori Land Board 8 February 1929, in Archives New Zealand, Wellington AEGX 19124 MLC-WGW 1645/276 4/3437. *Supporting Documents*, Volume 5, pp.135-145.

⁵⁵⁸ See Archives New Zealand, Wellington AEGX 19124 MLC-WGW 1645/147 3/3437. *Supporting Documents*, Volume 5, pp.135-145.

⁵⁵⁹ Whanganui Hospital Board to Hakeke Hunia, Bulls 16 May 1929, in Archives New Zealand, Wellington AEGX 19124 MLC-WGW 1645/276 4/3437.

5.6. In 1927 May Vater Marshall purchased from Hoeroa Marumaru Taraketi 1F Pt of 70 acres for £1,236. It is of interest to record here that of that sum, £653 was paid to the Native Trustee being £500 in reduction of mortgage, with the balance being interest to the 15th August 1927; £250-300 to the Rangitikei County Council for rates; £150 to Matene Limited for cash advanced to meet rents; and £100 for rents due in respect of Takahangapounamu 4D, 4G, and 4B. The consideration of £1,236 was paid in full to the Aotea Maori Land Board under section 92 of the Native Land Amendment Act 1913.⁵⁶⁰

5.7. In February 1947, under sections 108 and 109 of the Rating Act 1925 the Native Trustee was appointed receiver for Taraketi 1G2, 1G3, 1G4, 1G5, and 1G6. The Maori Trustee was not discharged as receiver until 21st August 1970. Three of the five blocks remain in Maori ownership, the remaining two having been declared to be general land (and may remain in Maori ownership).

5.8. In May 1957 Taraketi 1D Part (81 acres), Taraketi 1B (45 acres), and Taraketi 1E1A (145 acres), and Paranuimata 5C (53 acres) were incorporated as the Proprietors of Taraketi.

5.6. Taraketi 2

6.1. Table 5.5 summarises the history of Taraketi 2 following its partition in 1907. Again, the table does not include takings for public purposes.

Table 5.5: Taraketi 2: partitions and status, 1907 to the present day

Blocks	Partition date	Acres	Alienations	Status
2A	24. 11. 1897	216. 1. 32		
2A1	21. 04. 1954	1. 0. 00.3		Dec. general 14. 06. 1968
2A2	21. 04. 1954	215. 1. 31.7		In Maori ownership
2B	24. 11. 1897	198. 1. 24		

⁵⁶⁰ Hoeroa Marmaru had interests in Takapangapounamu 4E (43 acres), Takapangapounamu 3 (eight acres), Takapangapounamu 4C2A (ten acres), and Te Haumi (five acres). See Archives New Zealand, Wellington AEGX 19124 MLC-WGW 1645/171 3/4466. *Supporting Documents*, Volume 5, pp.175-228.

2B2 Lot 2	25. 06. 1934	57. 3. 39		Dec. general 16.06.1968
2B2 Lot 1	25. 06. 1934	140. 0. 09		Dec. general 16.06.1968 ¹
2B2 Pt	04. 10. 1999	0. 1. 00		In Maori ownership
2C ¹	24. 11. 1897	198. 1. 24	Priv. pur. 1913	
2D	24. 11. 1897	54. 2. 00	Priv. pur. 1913	
2E	24. 11. 1897	198. 1. 24		
2E Pt	29. 08. 1910	186. 0. 00		Dec. general 14.06.1968
2E Pt	29. 08. 1910	12. 1. 24	Priv. pur. 1910	
2F	24. 11. 1897	595. 0. 32		
2F Pt	24. 06. 1899	298. 2. 16	Priv. pur. 1899	
2F1	14. 08. 1916	100. 0. 00		
2F1 Pt	7. 10. 1924	99. 3. 39.9		
2F1A	10. 02. 1931	25. 1. 31		
2F1A2	2. 02. 1959	5. 2. 00		Dec. general 14.06.1968
2F1A3	2. 02. 1959	5. 3. 35		Dec. general 27.06.1968
2F1A4	2. 02. 1959	11. 1. 36		Dec. general 14.06.1968
2F1B	10. 02. 1931	74. 1. 12		
2F1B1	24. 01. 1956	48. 1. 02		Dec. general 23.12.1968
2F1B2	24. 01. 1956	74. 1. 12		Repartitioned
2F2	14. 08. 1916	100. 0. 00		
2F2A	2. 11. 1955	1. 0. 00		In Maori ownership
2F2B	22. 11. 1955	88. 3. 03		
2F2B1	8. 04. 1963	2. 0. 00		In Maori ownership
2F2B2	8. 04. 1963	88. 3. 03		In Maori ownership ²
2F3	14. 08. 1916	100. 0. 00	Priv. pur. 1921	
2G	24. 11. 1897	49. 2. 16		Repartitioned
(2G	21. 08. 1947	49. 2. 16		Dec. general 14.06.1968
(2H	21. 08. 1947	51. 1. 22		Dec. general 14.06.1968
2H	24. 11. 1897	51. 1. 22		Repartitioned
2J	24. 11. 1897	51. 1. 22		Dec. general 27.06.1968
2K	24. 11. 1897	51. 1. 22		Repartitioned
2L	24. 11. 1897	51. 1. 22		
2L1	13. 08. 1924	12. 1. 15.5		Dec. general 14.06.1968
2L2	13. 08. 1924	12. 1. 15.4		Dec. general 14.06.1968
2L3	13. 08. 1924	12. 1. 15.5		Dec. general 14.06.1968
4	13. 08. 1924	12. 1. 16		Repartitioned
2M	24. 11. 1897	18. 0. 09		Repartitioned
2M, 2L4, 2K	21. 08. 1947	81. 3. 07		Dec. general 14.06.1968
2N	24.11. 1897	51. 1. 22		Dec. general 22.03.1973
2O	24.11. 1897	198. 2. 26		Dec. general 11.07.1968

¹ Upon the application of the owner, an order dated 5th October 1912 was issued declaring Taraketi 2C to be held as European land. The order was issued under Rule 174, Native Land Act 1909

² Declared general land 13.03.1969; declared Maori land 25.11.1982

Source: Adam Heinz, *Taihape Inquiry District, land alienation database, block history and block alienation reports*. Wellington, 2012

6.2. A good number of the partitions of Taraketi 2 were leased and/or sold or declared to be general land. Te Whareherehere te Awaroa sold the 198-acre Taraketi 2C to H.M. Downs in 1913 for £1,700 (compared with its March 1911 capital valuation of £1615. The vendor left £1,133 as a mortgage over the property for three years at seven percent per annum (reducible to five percent for prompt payment). Te Whareherehere was proposing to concentrate his labours upon his lands at Wairoa.⁵⁶¹ Tupakihi Potaka leased the 55-acre Taraketi 2D to James Coleman in June 1910 for £40 17 6 per annum for 15 years. In 1913 the block was sold to J.M. Hussey for £800 compared with its March 1908 government capital valuation of £682.⁵⁶²

6.3. In April 1898 Raumaewa te Rango applied for the removal of restrictions on alienation in respect of Taraketi 2F. The application was granted in July of the same year.⁵⁶³ In June 1899 the block was partitioned and 2F Pt was sold that same month. The balance of the block was divided into 2F1, 2F2, and 2F3, each of 100 acres. Taraketi 2F3 was leased by its owner Pango Raumaewa to John S. Hartley for 38 years at an annual rental of £10s per acre.⁵⁶⁴ Part Maori and the son-in-law of H.M. Downs, Hartley promptly sought to mortgage the block for £500. Cabinet approved under section 230 of the Native Land Act 1909. The block's January 1917 government capital valuation was set at £2,453 of which £1,530 was attributed to the owner. In 1921 the block was purchased by H.J.D. McManaway, the purchaser taking over the first mortgage of £1,500 and the vendor leaving the balance of the purchase money on second mortgage. The Aotea Maori Land Board declined to approve latter part of the arrangement on the grounds that it was not 'in the interests of the Native.' Indeed, the Board declared that it was 'quite contrary to the practice of Maori Land Boards to have anything to do with second mortgages ...'⁵⁶⁵ The sale was eventually approved: the sale price was set at £3,850 and the sale concluded without a second

⁵⁶¹ Archives New Zealand, Wellington AEGX 19124 MLC-WGW 1645/17 3/1912/103. *Supporting Documents*, Volume 5, pp.267-286.

⁵⁶² Archives New Zealand, Wellington AEGX 1924 MLC-WGW 1645/21 3/1912/321. *Supporting Documents*, Volume 5, pp.267-286.

⁵⁶³ AJHR 1904, G4.

⁵⁶⁴ Pango Raumaewa held other lands, namely, Taurewa 4 East B 300 acres), Oruamatua Kaimanawa (1700 acres), Awarua 1A (140 acres), Motukawa 2A3, Rangipo Waiu (125 ares), and Otumore (100 acres).

⁵⁶⁵ Deputy Registrar, Aotea Maori Land Board to J.M. Hussey, Whanganui 22 April 1921, in Archives New Zealand, Wellington AEGX 19124 MLC-WGW 1645/95 3/1921/318. *Supporting Documents*, Volume 5, pp.335-360.

mortgage. It is worthwhile noting the block's government valuation of 24th December 1920 was given as £3,008.

6.4. In 1914 Haku Potaka, the owner of the 51-acre Taraketi 2J, leased the block to Emanuel Pickford. Pickford was still the lessee when he died in 1937.⁵⁶⁶ Pickford (together with William Simons) was also the lessee of 190 acres of the 198-acre Taraketi 2O (Rawinia Potaka continued to occupy the remaining eight acres of the block): the lease ran for 21 years from 22nd April 1899.⁵⁶⁷

6.5. It is convenient to record here that by the time of his death in 1933 H.M. Downs owned Taraketi 2F1A (25 acres) and leased Taraketi 2A (51 acres), Taraketi 2L (47 acres), and Taraketi 1N (49 acres). Downs's widow and children continued farming the land as a dairy unit.

5.7. Declaring land to be general land

7.1. A large number of the blocks in both Taraketi 1 and Taraketi 2, following the passage of the Maori Affairs Amendment Act 1967, were declared to be general land. Table 5.6 sets out the details. Such declaration did not mean that the land concerned passed out of Maori ownership.

Table 5.6: Taraketi blocks 'europeanised' or declared to be general land

Blocks	Acres	Dates
2B1	140	14 June 1968
2B2	58	14 June 1968
2E	186	14 June 1968
2G & 2H	50	14 June 1968
2G & 2H	51	14 June 1968
2L2	12	14 June 1968
2M, 2L4 & 2K	81	14 June 1968
2L3	12	14 June 1968

⁵⁶⁶ Archives New Zealand, Wellington AEGX 19124 MLC-WGW 1645/30 3/1914/67. *Supporting Documents*, Volume 5, pp.309-317.

⁵⁶⁷ Archives New Zealand, Wellington AAMA W3150/15 20/79 Part 1. *Supporting Documents*, Volume 4, pp.337-344.

2F1A2	6	14 June 1968
2F1A4	11	14 June 1968
1C1	28	14 June 1968
2A1	1	14 June 1968
2L1	12	14 June 1968
2J	51	27 June 1968
2F1A3	6	27 June 1968
1A	103	27 June 1968
2O	198	11 July 1968
2F1B1	48	23 December 1968
Y	48	3 March 1969
2F2B2	89	13 March 1969
1B	194	1 April 1969
1D	80	1 April 1969
1E1A	25	1 April 1969
1G2	4	15 March 1971
1G5	4	18 March 1971
2F2	4	20 March 1971
2N	51	22 March 1973

Source: Adam Heinz, *Taihape Inquiry District, land alienation database, block history, and block chronology reports*. Wellington, 2012

5.8. Summary

Area: 3,075 acres

Title awarded: 1st February 1877

Grantees: Ngati Kahungunu – Ngai Te Upokoiri (5), Ngati Hauiti (4), and
Ngati Whitikaupeka (5);

Crown purchases: -

Purchase price paid by Crown: -

Private purchases: 983 acres

Area ‘europeanised:’ 1,504 acres

Area declared Maori land: 121 acres

Area still in Maori ownership: 593 acres

Chapter 6

Mangaoira Ruahine

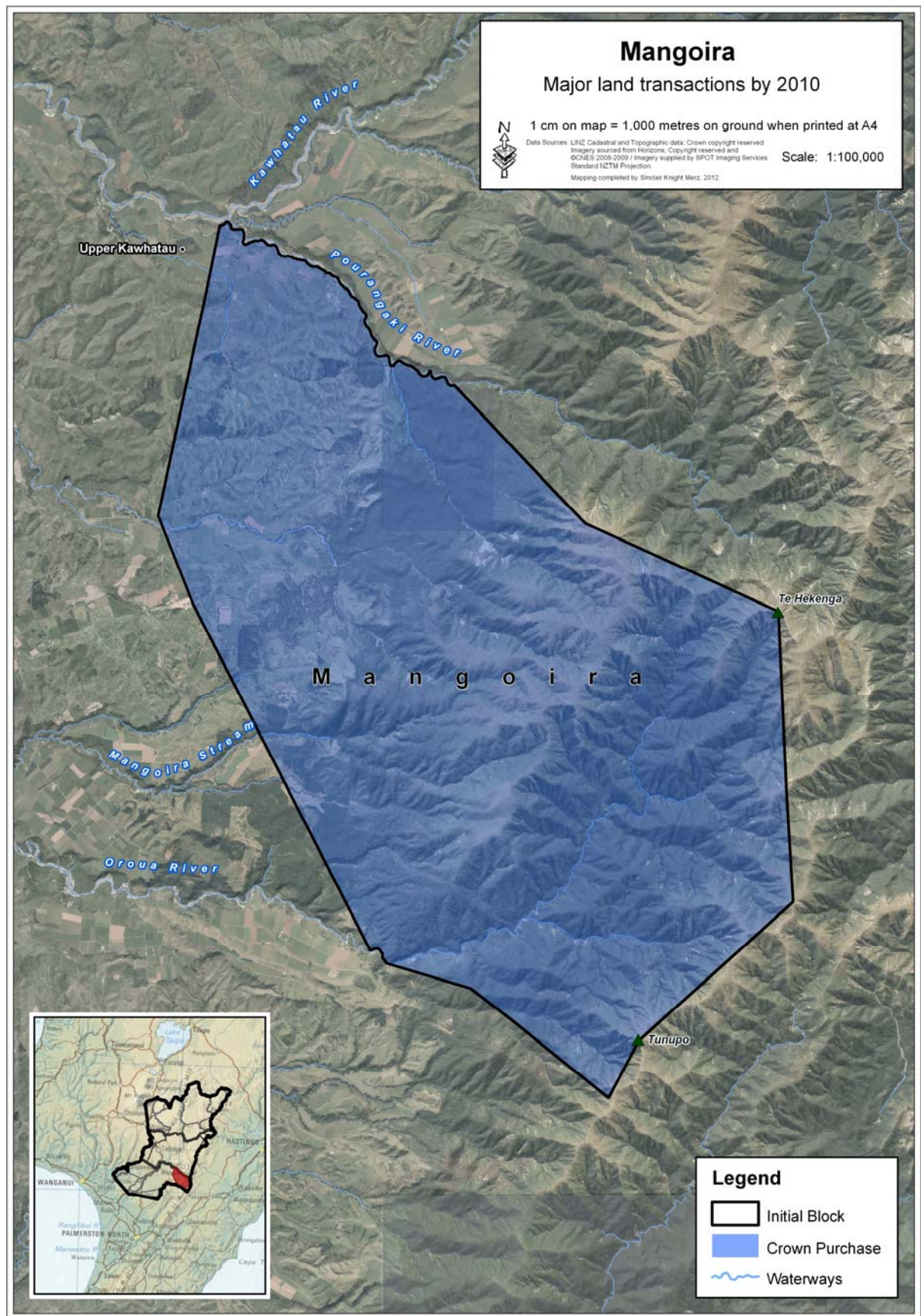


Figure 6: Mangaoira Ruahine: Major land transactions by 2010

6.1. Introduction

1.1. The name of this block has varied somewhat. When first brought before the Native Land Court in August 1877 the land involved was designated Mangaoira Ruahine and that is the term employed in this chapter.

1.2. No reference to Mangaoira Ruahine could be found in the Crown's Maori land purchase registers (1872-1875 and 1879-1908). In the Native Office registers for 1876-1878, a period for which there are no land purchase registers, several references to Mangaoira were located, but all the relevant files were destroyed by fire. The following account relies largely on the *Minute Books* of the Native Land Court.

6.2. Title investigation

2.1. Mangaoira Ruahine came before the Native Land Court at Marton on 14th August 1877 and was described as:

A block of land near the Ruahine Range in the Province of Wellington. Bounded on the south west by the boundary of the Otamakapua block from the junction of the Pourangaki and Karratau (?) [branches of the Rangitikei River] to Umutoi, near the Ruahine Range, bounded thence on the east by lines on the Ruahine Range to a point near the source of the Pourangaki bounded thence in the north by lines to the Pourangaki River to its junction with the Karratau.⁵⁶⁸

2.2. The claimant (and conductor) was Utiku Potaka: he based the claim on ancestral rights through Hauiti, in particular on the rights of the descendants of Tamateareka, Tarahe, Tukukoki and Ngahoa. He also insisted that Ngati Hauiti had maintained their occupation of the land against others, including Whanganui and Ngati Apa as well as other hapu of Ngati Kahungunu.⁵⁶⁹ Among the counter-claimants were Ngati Apa, Ngati Hinemanu, and Ngati Te Upokoiri.

⁵⁶⁸ Archives New Zealand, Wellington MLC-WANG, Application 76/822, Mangaoira Ruahine.

⁵⁶⁹ Native Land Court, *Whanganui Minute Book* 2/43-63.

2.3. The block was awarded in its entirety to Ngati Hauiti. The Court recorded that ‘The descendants of Hauiti have always been the owners and occupiers of this land.’⁵⁷⁰ Judge Heale went on to observe that:

It has been pretended that a division of the lands of Hauiti was made but whether this was so or not the Court is satisfied that the descendants of these females belonging to other tribes cannot have a right to claim upon these lands and that the proper owners of the Mangaoira Block are the descendants of Tamateareka and of Te Ngahoa, Te Kokoki, and Tarahe.⁵⁷¹

2.4. The Court thus directed the issue of a memorial of ownership to 13 members of Ngati Hauiti and it was issued on 16th August 1877. It awarded one quarter to Utiku Potaka and Rameha Potaka of Ngati Tamatereka, a quarter to Wi Wheko and Ema te Naihi of Ngahoa, a quarter to Renata Pirere and Hemi Papakiri of Tukoki, and the fourth quarter, under Tarahe, to Wiari Turoa, Ihaia Kaipipi, Wi Watarawi, Te Rina Mete, Wirihana Hunia, and Warena Hunia. Ngati Apa’s claims to Mangaoira appeared to have had little substance and indeed may have been lodged in an effort to strengthen the iwi’s claims to Otamakapua for which a title investigation was pending.⁵⁷² The Court levied fees of £4, including £3 for the hearing and £1 for the memorial.

6.3. Crown purchase

3.1. Prior to the Native Land Court hearing in 1877, the Crown had set out to acquire the block. By April 1874 it had advanced £1,269 of a total purchase price of £4,424. The block was thus proclaimed under the Government Native Land Purchases Act 1877 in February 1878.⁵⁷³ Purchase was completed soon after the Native Land Court title hearing: deed 370 was dated 26th September 1877, while the purchase price was recorded as £4,554 14 0, incidental costs as £485 10 1, and total costs as £5,040 4 3. On 1st October 1877 the *Evening Post* recorded that Booth was in Marton ‘the other

⁵⁷⁰ Native Land Court, *Whanganui Minute Book* 2/60.

⁵⁷¹ Native Land Court, *Whanganui Minute Book* 2/62.

⁵⁷² Morrow certainly thought so. See Diana Morrow, *Iwi interests in the Manawatu, c.1820-c.1910*. Wellington, 2002, p.69.

⁵⁷³ AJHR 1878, C5.

day' to pay the owners of Mangaoira.⁵⁷⁴ John Stevens played a role in the Crown's purchase of Mangaoira: in September 1877 he claimed a commission of 3d per acre, while in November of the same year Booth recommended the advance of another £500 on the block to pay Stevens.⁵⁷⁵

3.2. The block was proclaimed Crown lands in December 1878.⁵⁷⁶ The proclamation as Crown lands recorded the area of the block as 35,660 acres.

3.3. In 1900 some 28,800 acres of the Mangaoira and Ngamoko blocks were proclaimed a state forest park under New Zealand State Forests Act 1885.⁵⁷⁷ In 1908 a proposal was floated to withdraw 5,150 acres, part of 'Mangaoira State Forest Reserve,' and open the partly burnt over scrub land for settlement.⁵⁷⁸ In 1976 that area was included in the Ruahine State Forest Park.⁵⁷⁹

6.4. Summary

Area: 35,660 acres

Title awarded: 16th August 1877

Grantees: Ngati Hauiti – Ngati Tamarereka (2); Ngati Tarahe (7), Ngati Te Ngahoa (1); Ngati Tukokoki (3);

Crown purchase: 35,660 acres

Purchase price paid by Crown: £4,555

Private purchases: -

Area 'europeanised:' –

Area declared Maori land: -

Area still in Maori ownership: -

⁵⁷⁴ *Evening Post* (Wellington) 1 October 1877.

⁵⁷⁵ Native Department, *Nominal indexes for correspondence*, in Archives New Zealand, Wellington. According to AJHR 1879, Session 2, 1879, John Stevens awarded £222 17 6 as compensation in respect of claims to lands. The precise nature of Stevens's interest has still to be established.

⁵⁷⁶ See AJHR1879, Session 2, C4, and *New Zealand Gazette* 1878, pp.1793-1794.

⁵⁷⁷ *New Zealand Gazette* 1900, p.103.

⁵⁷⁸ See Archives New Zealand AEBE 18507 LE1/449 1908/214.

⁵⁷⁹ *New Zealand Gazette* 1976, p.69.

Chapter 7

Rangatira

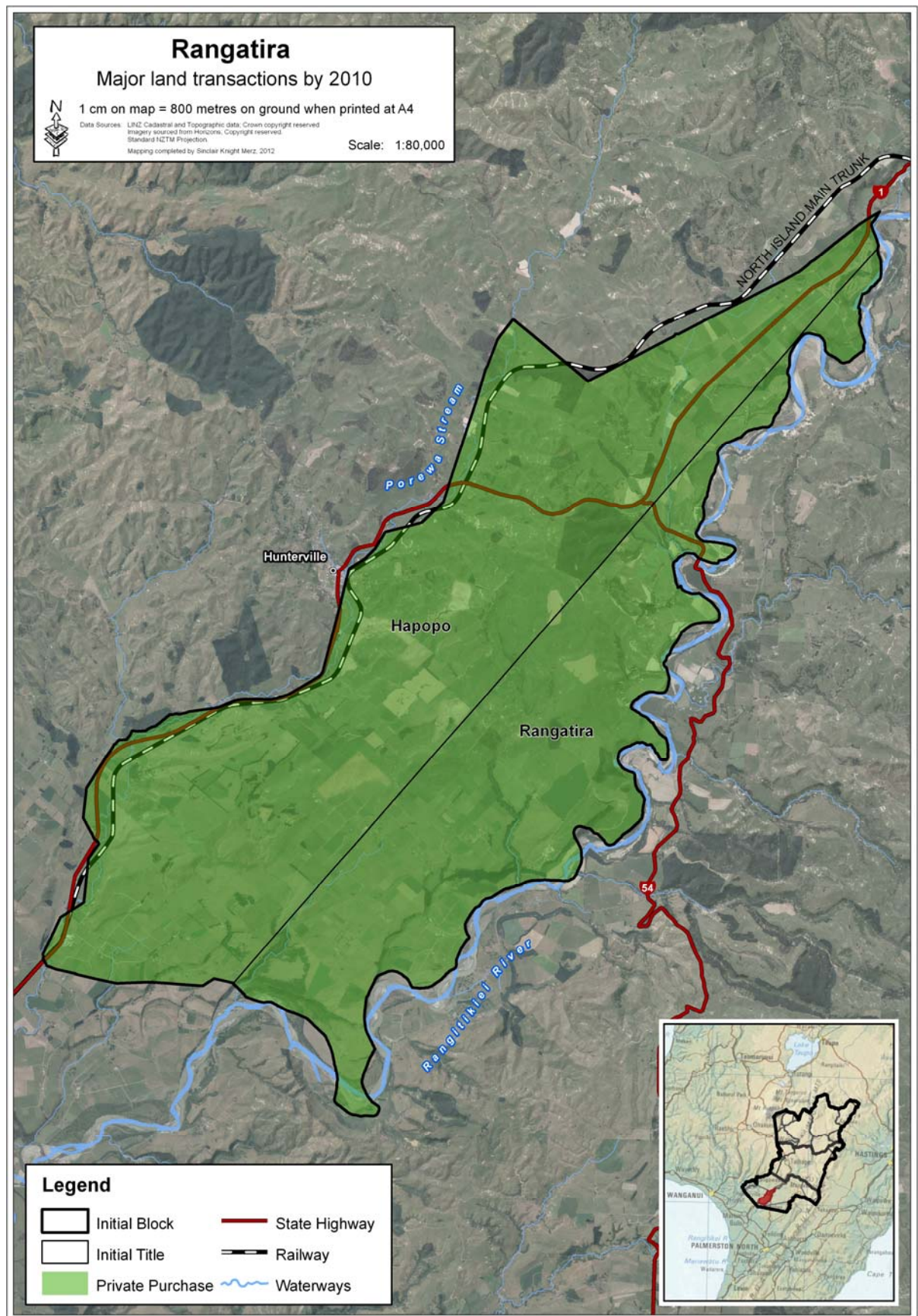


Figure 7: Rangatira: Major land transactions by 2010

7.1. Introduction

1.1. The 19,500-acre Rangatira block, originally part of the ‘Upper Turakina Rangitikei Block,’ lies between Paraekaretu to the west, Otairi to the north, and Waitapu and Otamakapua to the west. Both Ngati Apa and Ngati Hauiti claimed interests in the block.

7.2. Crown interest in Rangatira

2.1. In April 1878 Booth reported to Under Secretary Gill that some of the owners of Rangatira and Te Kiekie had ‘reconfirmed’ their wish to sell the blocks to the Crown and that Utiku Potaka and other Ngati Whiti had applied for a survey. At the same time he warned that speculators were interested in the land and that they had advanced monies, James MacKay to Kawana Hunia and Brissenden to an unnamed group. Booth went on to predict that there would be ‘a keen contest in Court between Ngatiapa and Ngatiwhiti.’ The government, he recorded, had not made any advances but that Utiku, who had resisted Brissenden’s overtures, indicated that he preferred to deal with the Crown and had asked for an advance. Ballance approved purchase and the payment of an advance of £100 to Utiku Potaka.⁵⁸⁰ Just three days later, Booth again advised Gill that the ownership of the block would ‘keenly contested between the Ngatiapa and Ngatiteupokoiri Tribes.’ He also reported that Aperahama Tipae, described as the principal Ngatiapa claimant,’ had thus far refused to accept any money from speculators’ and, once he had secured the title, would be willing to sell the block to the Crown.⁵⁸¹ Booth now advised against making advance payments to anyone other than Aperahama Tipae as he was generally acknowledged as the principal owner.

2.2. With respect to Te Kiekie, Booth explained that:

⁵⁸⁰ Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 27 April 1878 and note by Ballance, 30 April 1878, in Archives New Zealand, Wellington MA-MLP 1 1885/8. *Supporting Documents*, Volume 3, pp.125-159.

⁵⁸¹ Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 30 April 1878, in Archives New Zealand, Wellington MA-MLP 1 1885/8. *Supporting Documents*, Volume 3, pp.125-159.

The application for the survey of the Otairi Block included this land. When however the survey was commenced the Ngatiwhiti from Patea (Murimotu) came down to stop it and it was allowed to go on only on the condition that it was carried along the Paengaroa or tribal boundary. This was reported to Aperahama at the time and he did not object. The piece known as Kiekie ... was thus cut off from Otairi but now the Ngatiteupokoiri and Ngatiwhiti apply for survey of the portion cut off and offer it for sale to the Govt asking for a small advance on account. This Block can for Govt purposes be included in the Otairi survey as originally intended.⁵⁸²

2.3. The surveys of the blocks remained a source of potential difficulty. As noted, Te Kiekie was included in Aperahama Tipae's application for a survey of Otairi while he had accepted an advance in respect of Otairi. Any gazetting of Te Kiekie as a separate block could lead Tipae to suspect that the Crown was dealing with others and thus jeopardise its chances of securing the larger Rangatira. Booth reminded Gill that Tipae was regarded as the chief claimant to the latter and that the 'hapus interested are at present willing to leave all matters connected with survey and preliminary negotiations for sale of [the] block in his hands.'⁵⁸³ In order to reassure Tipae and to ensure that Te Kiekie was included in the sale of Otairi, on 6th May 1878 Booth advanced a further £28 'to cover the land within the boundaries as per application for survey including Te Kiekie.'⁵⁸⁴

2.4. The Crown was quite prepared to exploit the rivalry between Aperahama Tipae and Utiku Potaka and indeed between Tipae and Kawana Hunia to further its own ends. Thus in May 1878, Booth informed Gill that:

With regard to the Rangatira Block I said in my letter of the 30th [April] that 'I would not recommend any advance being made' to Utiku Potaka and others 'excepting through Aperahama Tipae.' I have carefully sounded Aperahama respecting this Block without of course letting him know that Utiku had said anything about it. But I find that he is averse to having it surveyed at present; he says 'let us get the Otairi through first.' I told him that Kawana Hunia was trying to eat up his land and it would be much better for him to place it under

⁵⁸² Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 30 April 1878, in Archives New Zealand, Wellington MA-MLP 1 1885/8. *Supporting Documents*, Volume 3, pp.125-159.

⁵⁸³ Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 4 May 1878, in Archives New Zealand, Wellington MA-MLP 1 1885/8. *Supporting Documents*, Volume 3, pp.125-159.

⁵⁸⁴ Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 6 May 1878, in Archives New Zealand, Wellington MA-MLP 1 1885/8. *Supporting Documents*, Volume 3, pp.125-159.

the protection of the Govt but he said ‘No, the money advanced to Hunia on account of that Block will be thrown away. The whole of the Ngatiapa Tribe is angry with Hunia for taking the Pakehas’ money and they determined at a meeting held a few weeks ago that Hunia should not survey it neither should anyone else at present, this is why I say let this matter stand over until we have disposed of Otairi.’⁵⁸⁵

2.5. On 5th May 1878 Utiku Potaka and others of Ngati Hauiti applied for an investigation into the title of Rangatira. Aperahama Tipae and others of Ngati Apa followed suit on 13th May 1878. On 29th July 1878 Utiku Potaka, Paramena te Naonao, Retimana te Rango, and Wiari Turoa of Ngati Hauiti and Ngati Whiti again applied and were once again followed, on 25th August 1878, by Aperahama Tipae and others of Ngati Apa.

2.6. By July 1878 Kawana Hunia was still smarting over the Native Land Court’s proceedings with respect to Taraketi, so much so that Native Minister Sheehan advised him ‘not to do anything that would cause me sorrow.’ It is likely that the difficulty was over Utiku Potaka’s claims to and the proposed survey of Rangatira. Indeed, Hunia held Sheehan responsible for ‘the thievish action’ on the part of Utiku and others in respect of Taraketi, and made it clear that:

Utiku has no portion here at Rangatira. This is my district, this is my land, and was carefully defined by my father ... My tribe Ngatiapa will continue to retain possession of Rangatira ... the survey, do not in any case allow it. This is a decided word.⁵⁸⁶

2.7. Again, in August 1878, Tipae warned that if an application lodged by Wiari Turoa (Ngati Hauiti) for a survey of Rangatira were granted, there would be ‘strife.’⁵⁸⁷ Tipae in fact lodged his own application for a survey that same month, the survey itself being carried out under the eye of an armed group from Ngati Apa. In response to protests from Ngati Hauiti, Booth advised the iwi to allow the survey to proceed while ensuring that they lodged a claim for the block before the Native Land

⁵⁸⁵ Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 4 and 6 May 1878, in Archives New Zealand, Wellington MA-MLP 1 1885/8. *Supporting Documents*, Volume 1, pp.125-159.

⁵⁸⁶ Kawana Hunia, Marton to Native Minister 16 July 1878, in Archives New Zealand, Wellington MA-MLP 1 1885/8. *Supporting Documents*, Volume 1, pp.125-159.

⁵⁸⁷ Aperahama Tipae, Whanganui to Under Secretary, Native Department 5 August 1878, in Archives New Zealand, Wellington MA-MLP 1 1885/8. *Supporting Documents*, Volume 3, pp.125-159.

Court.⁵⁸⁸ Booth was suspended in May 1878 pending an inquiry into some of his transactions involving lands owned by Maori.⁵⁸⁹ Private purchasers took advantage to press their own claims on the block. Donald Fraser advanced part of the survey cost, while, together with James Bull, he agreed to a price of 11s per acre. The lessee of the block, James Hammond, offered Ngati Hauiti 20s per acre.

2.8. Towards the end of February 1879, John Stevens advised Booth that if the Crown decided to purchase Rangatira he could arrange with private interests to ‘hand over to the Govt their interest or claim to the said land providing they were repaid the monies advanced by them to the Natives as also all other monies expended by them in respect of such purchase.’⁵⁹⁰ Booth subsequently advised the Native Minister that with respect to Rangatira that ‘we have not got anything on it,’ by which he appears to have meant that no advances had been made: in such case the block could not be proclaimed. He went on to note that he had commenced negotiations for purchase but was then suspended and negotiations came to a standstill. Ngati Apa, he added, had agreed to sell the land to the leaseholders (Fraser and Bull) for 11s per acre, while the counter claimants, Ngati Hauiti, had agreed to sell the same block to Hammond for 20s per acre. The Crown regarded the price the price as too high and had let matters stand.⁵⁹¹ Insisting that the block was worth acquiring, Booth thus proposed that the Crown repay actual advances and survey expenses incurred and offer 12s per acre once the title had been decided.⁵⁹²

2.9. Native Minister Bryce appears to have decided that no action should be taken, the curt instruction ‘File’ being written on the cover sheet. Nevertheless, on 4th April 1879, Booth suggested to Bryce that:

... the persons who are negotiating purchase of ‘Rangatira’ ask 15/- per acre from Govt and to have all expenses paid. Now I would propose that as the

⁵⁸⁸ Native Land Court, *Whanganui Minute Book* 2/458 and 6/150.

⁵⁸⁹ See *Hawke’s Bay Herald* 9 May 1878.

⁵⁹⁰ John Stevens, Bulls to Land Purchase Officer, Whanganui 24 February 1879, in Archives New Zealand, Wellington MA-MLP 1 1885/8. *Supporting Documents*, Volume 3, pp.125-159. It is of interest to note that Stevens was implicated in Booth’s alleged mis-dealings.

⁵⁹¹ Land Purchase Officer, Whanganui to Native Minister 15 March 1879, in Archives New Zealand, Wellington MA-MLP 1 1885/8. *Supporting Documents*, Volume 3, pp.125-159.

⁵⁹² Note on telegram, Under Secretary, Native Land Purchase Department to Native Minister 15 March 1879, in Archives New Zealand, Wellington MA-MLP 1 1885/8. *Supporting Documents*, Volume 3, pp.125-159.

agreement is to purchase from Ngati Apa for 11/- an acre Govt should agree to give 12/- an acre for all the land which awarded to the clients of these would-be purchasers – and also that all bona-fide advances be paid as part of the purchase money.⁵⁹³

7.3. Title investigation

3.1. On 8th July 1880 fresh applications for an investigation of the title to Rangatira were lodged by Watene te Ranginui and others of Ngati Apa and by Utiku Potaka and others of Ngati Hauiti.⁵⁹⁴ The first of two hearings into the ownership of Rangatira took place between 29th February 1879 and 8th July 1880.⁵⁹⁵ Two private parties were endeavouring to purchase the land: Donald Fraser was negotiating with Ngati Apa, and Richard Hammond with Ngati Hauiti. Buller appeared for Ngati Apa, the claimants, and A. Duncan for Ngati Hauiti, the primary counter claimants. Both claimed the entire block on the basis of ancestry and occupation. The *Wanganui Herald* suggested that:

The case promises to be amusing if not instructing, as Dr Buller will have to show that what he said in favour of his clients (Hauiti) in the Otairi case was somewhat the reverse of fact, and now he sees things in their proper and true light, viz., that the Ngatiapa's [*sic*] have been much injured, and he undertakes to prove now that they are the bona fide owners to Rangatira; but to beat to windward and gain a leg, it is necessary to bout ship very often, and in doing so to see that the running gear has not got foul.⁵⁹⁶

3.2. A further group of counter claimants was also of Ngati Hauiti: the claimants, members of Ngati Hinemanu and Ngati Tamatereka, were represented by Stevens and Gorton, but the 'real battle,' it was predicted, would be fought between Ngati Apa and Ngati Hauiti. The first concern, nevertheless, was that the Court would rise and convene at Patea on 7th July before the hearing had concluded. Many of the Maori attending had journeyed from Napier, Taupo, and Murimotu, but the Chief Judge

⁵⁹³ Land Purchase Officer, Whanganui to Native Minister 4 April 1879, in Archives New Zealand, Wellington MA-MLP 1 1885/8. *Supporting Documents*, Volume 3, pp.125-159.

⁵⁹⁴ See Archives New Zealand, Wellington AEDK 18747 MA-WANG W2140/13 Wh.267. *Supporting Documents*, Volume 3, pp.74-86.

⁵⁹⁵ The proceedings relating to Rangatira can be found in Native Land Court, *Whanganui Minute Book* 2/307-308 and 457-474; 3/1-17, 19-26, 28-29; 6/1-46, 48-148, 150-249, 251-265, 267-282, 289-314, 316-356, 358-365, 366, 368, and 371-378; and 7/1-23, 25-44, and 49.

⁵⁹⁶ *Wanganui Herald* 7 July 1880.

insisted that the Patea Court had to sit as scheduled. The *Wanganui Herald* insisted that ‘The Natives have been deceived and put to a great and useless expense.’⁵⁹⁷

3.3. Ngati Hauiti claimed that the sale of Rangatira had been planned, in 1866, along with the sale of Paraekaretu. Ngati Apa, insisted Utiku Potaka, were to sell the two blocks and share the proceeds equally with Ngati Hauiti.⁵⁹⁸ The two iwi presented conflicting evidence regarding marker poles placed on the block. Ngati Hauiti argued that they defined the boundary between its land and that belonging to Ngati Apa; the latter insisted that they had been placed to guard against further encroachment by Europeans. The case collapsed when, on 8th July 1880, Ngati Apa withdrew their application.⁵⁹⁹ Buller recorded that ‘After having occupied the Court for a whole month, the case collapsed in consequence of certain instructions received from the Chief Judge as to the mode in which it was to be conducted, with which the Claimants refused to comply.’⁶⁰⁰

3.4. In October 1881 Watene Te Ranginui of Ngati Apa lodged a fresh application in respect of Rangatira. The Court declined to set a date for a hearing and the matter was again raised in November 1881 when Kawana Hunia indicated that he favoured the Supreme Court settling the matter ‘especially in view of the opposition which Mr Booth appeared to be fermenting between Utiku Potaka & Renata Kawepo on the one side, and himself & Ngati Apa on the other.’⁶⁰¹ On 25th July 1882 an application was made for a re-hearing in respect of Rangatira.⁶⁰² What was described as an ‘exhaustive’ investigation was conducted, the *Whanganui Minute Books* containing several hundred pages of evidence.⁶⁰³ Twenty-six witnesses gave oral evidence, among them seven Pakeha, namely, Charles Cameron, Alexander Macdonald, W.J. Swainson, Thomas MacDonnell, G.C. Rees, William Hammond, and C.G. Evans.

⁵⁹⁷ *Wanganui Herald* 7 July 1880.

⁵⁹⁸ Native Land Court, *Whanganui Minute Book* 3/23-24.

⁵⁹⁹ Native Land Court, *Whanganui Minute Book* 3/29.

⁶⁰⁰ Native Land Court, *Whanganui Minute Book* 5/335.

⁶⁰¹ Native Land Court, *Whanganui Minute Book* 4/360. It is worth noting that in November 1881 Utiku Potaka brought Te Kiekie before the Native Land Court. The Court ruled that since the land involved was part of Otairi, it had already been adjudicated upon: there was thus no substantive claim before the Court under the name of Te Kiekie and hence his claim was dismissed. The Court also dismissed Aperahama Tipae’s claim for Te Kiekie ‘or for such part of it as is included in Rangatira.’⁶⁰¹ See Native Land Court, *Whanganui Minute Book* 4/344-345.

⁶⁰² *Wanganui Herald* 27 July 1882.

⁶⁰³ Native Land Court, *Whanganui Minute Books* 5/335-482, 6/1-378, and 7/1-49.

Evidence presented at the first hearing was taken into account, as were waiata and various documentary records.⁶⁰⁴ Among the latter was the result of the investigation into the 'Upper Turakina Rangitikei block.'

3.5. On this occasion Ngati Hauiti were the claimants (represented by Duncan) while Ngati Apa (represented by Buller) appeared as the counter-claimants. Hiratia Te Raro (Ngati Whiti) joined the Ngati Hauiti claim, while Wineti Pararihi (Ngati Tuwharetoa) sought to join with Ngati Apa only to withdraw.⁶⁰⁵ In his opening address Buller claimed that Rangatira formed part of the 'Ngatiapa Tribal Estate,' and that Ngati Apa claimed exclusive ownership. 'The Ngatiapa,' he informed the Court, 'were the dominant tribe in the district ... warlike, sturdy, fierce ... prepared against all comers.' Ngati Apa had not been displaced by Ngati Toa and Ngati Raukawa but remained 'absolutely owners and possessors of their estate.'⁶⁰⁶

3.6. Buller went on to define the issues as:

No 1: Is the Rangatira ... a part of the Ngatiapa Tribal Estate?

No 2: Have any of the Ngatihauiti people acquired rights within this block, and if so, what rights?

Or, in the event of a negative answer being returned to the first question then the issues would assume the following form, namely:

No.3: Is the Rangatira Block ... a part of the Ngati Hauiti Tribal Estate?

No.4: Have any of the Ngatiapa people acquired rights within this block, and if so, what rights?⁶⁰⁷

3.7. In an effort to anticipate Ngati Hauiti's case, Buller noted that:

Inasmuch as it is quite in accordance with Maori usage, that, while tribal title is in one tribe, yet other hapus should have acquired rights with the land in question. Such a case was thus disclosed in the Manawatu Rangitikei judgment ... which found that three hapus of N'Raukawa settled within the Ngatiapa tribal boundary, and in undisturbed possession of the lands they occupied.⁶⁰⁸

⁶⁰⁴ An abstract of the case is set out in Native Land Court, *Whanganui Minute Book 5*.

⁶⁰⁵ Native Land Court, *Whanganui Minute Book 5*/341 and 344.

⁶⁰⁶ Native Land Court, *Whanganui Minute Book 5*/345-346.

⁶⁰⁷ Native Land Court, *Whanganui Minute Book 5*/350.

⁶⁰⁸ Native Land Court, *Whanganui Minute Book 5*/350.

3.8. Duncan accepted the issues as Buller had defined them and the first of 26 witnesses was called. Large portions of the oral evidence centred on ancestral links, occupation, defence, and boundaries. A good part dealt with the ‘Upper Turakina Rangitikei Block’ and its survey and subdivision, the proposed sale to Cameron and Lethbridge, and the reservation of the land known as Taraketi. With respect to Taraketi, Ngati Apa claimed to have made the reserve for ‘the people who were occupying it [and who] had their fires burning there.’ Those people were described by Reupena Kewetone as ‘strangers’ or ‘guests.’⁶⁰⁹

3.9. In his evidence, Cameron informed the Court that he had arrived in the district in 1848, that in the matter of his leases [Aperahama] Tipae had acted as the recognised Chief & representative of ... [Ngati Apa],’ and that he had never heard Tipae called or referred to as Ngati Hauiti. Cameron also claimed to have assisted McLean in his negotiations for the Rangitikei Manawatu block. He dealt with the purchase he and G.Y. Lethbridge had attempted to conclude, with Ngati Apa exclusively, noting that the proposed price had been £20,000 and that the sale had collapsed on Hunia’s excision of the best part of the block.⁶¹⁰

3.10. Kawana Hunia agreed that he had excised Taraketi ‘because Te Hakeke had said that Ngatiapa was not to remove our grandchildren to Patea (inland) but to remain where his (Te Hakeke’s) fires had burned.’ Hunia claimed to have been accompanied by Utiku Potaka and Hoani Mete when he fixed the boundaries ‘and they, of course, did not interfere,’ that he gave the land to Ngatiapa, their grandchildren & near relatives, adding that ‘Utiku Potaka was not one of those to whom it was given.’ Hunia also dealt with the sale of Paraekaretu, noting that three instalments had been paid: the first was of £400 which he had distributed among those of Ngatiapa who had accompanied him to Wellington; a second of £1,500 which Aperahama had distributed among the hapu of Ngati Apa; and a third of £6,000 again distributed by Tipae among the hapu of Ngati Apa.⁶¹¹

⁶⁰⁹ Native Land Court, *Whanganui Minute Book 5*/ 378-379.

⁶¹⁰ Native Land Court, *Whanganui Minute Book 5*/439-441.

⁶¹¹ Native Land Court, *Whanganui Minute Book 5*/448 and 450.

3.11. Alexander MacDonald, who described himself as a licensed interpreter and a resident of Oroua since 1850, similarly testified that during the negotiations for the purchase of the Rangitikei Manawatu block, Ngati Apa was ‘unquestionably the dominant tribe of this district.’ He claimed never to have heard of Ngati Hauiti until the Omaha hearings into Otamakapua.⁶¹²

3.12. For Ngati Hauiti, Duncan opened his case on 21st June 1882 by arguing that Buller’s witnesses had failed to demonstrate the extent of Ngati Apa’s tribal estate and the status of Taraketī. Rather, he claimed, Ngati Hauiti had settled the district ‘before the Ngatiapa were ever heard of in these parts,’ that their subsequent arrival and settlement had been by “‘use” & permission only,’ that Te Rauparaha had driven out the main body of Ngati Apa on the occasion of the first invasion (1818-1820) only to be met by Ngati Hauiti as they ‘straggled back.’⁶¹³ He went on to claim that ‘No part of this land had ever been relinquished by Ngatihauiti – fights there had been between them & Ngatiapa – but they had never resulted in anything like conquest or seizure of land.’ He acknowledged that there had been alliance between the tribes, but went on to claim that:

The Ngatiapa were grasping and avaricious while Ngati Hauiti were desirous of holding their lands for their children, opposed all land sales – but acquiesced in the sale of the seaward lands, on condition of sharing in their proceeds. In this way Ngatiapa did all the negotiations – with the tacit consent of Ngati Hauiti and in the Rangitikei Manawatu sale the Ngatiapa tried to carry back the boundary to Umutoi, & were compelled to recede. In this sale the interest of Ngati Hauiti was acknowledged to the extent of £1,000.⁶¹⁴

3.13. Duncan dealt briefly with the negotiations with Cameron and Lethbridge, noting that Utiku Potaka had been proposing to sell the same land to Marsh and Cracroft Wilson for £5,000 but preferred the better offer which Ngati Apa had secured from Cameron and Lethbridge.⁶¹⁵ Ngati Apa, he declared, had agreed to share the proceeds

⁶¹² Native Land Court, *Whanganui Minute Book* 6/32.

⁶¹³ Native Land Court, *Whanganui Minute Book* 6/48.

⁶¹⁴ Native Land Court, *Whanganui Minute Book* 6/51.

⁶¹⁵ It seems likely that Cracroft Wilson was John Cracroft Wilson who arrived in Canterbury in 1854 and took up several runs, although his biographers make no reference to a possible Rangitikei interest. See Tessa Kristiansen, ‘Wilson, John Cracroft, *Dictionary of New Zealand biography – Te Ara encyclopaedia of New Zealand*.

with Ngati Hauiti.⁶¹⁶ With respect to the sale of Paraekaretu to the Crown, Duncan insisted, Ngatiapa reneged on an undertaking to share the proceeds. ‘On this breach of faith,’ he noted, ‘the Ngatihauiti broke off friendly relations with Ngatiapa and lodged their claims before the Court for Taraketi & for Rangatira.’ Ngati Apa, ‘strongly armed,’ then opposed Ngati Hauiti’s efforts to have the blocks surveyed. The tribe, he concluded, had never resided permanently on Rangatira nor derived any rent from it.⁶¹⁷

3.14. Utiku Potaka offered extensive and detailed testimony. He described the first effort to sell the 90,000-acre Upper Rangitikei Turakina block to Major Marshall for £5,000, noting that it was Aperahama Tipae who had insisted that the price was too low and who had announced that Lethbridge would give £24,000 for the land. Ngati Hauiti agreed to accept that offer provided that the land subsequently known as Taraketi were reserved. The negotiations were left to Aperahama Tipae because ‘he and we were sprung from a common ancestor – Hauiti.’ The proceeds were to be divided equally between Tipae and Ngati Hauiti, Paramena te Naonao, with his taiaha in hand, making it very clear to the former that ‘If you act deceitfully with me this is my weapon to split your heads with.’⁶¹⁸ That sale did not eventuate, but on the sale of Paraekaretu to the Crown, Utiku Potaka claimed, Ngati Apa did deceive Ngati Hauiti over the distribution of the proceeds. At that juncture, Ngati Hauiti lodged its own claims for Taraketi and Rangatira. Utiku Potaka acknowledged that Ngati Hauiti did decide to return Taraketi to Ngati Apa – defined as ‘Aperahama Tipae, Kawana Hunia & others’ - a ‘giving’ which had been ‘for the purpose of the sale to Lethbridge.’⁶¹⁹ In short, much of the evidence presented by Ngati Hauiti directly contradicted that offered by Ngati Apa. It is clear that the arrival of Pakeha land seekers and buyers, including the Crown, generated or exacerbated tensions between them over which lands were to be sold by whom and over the distribution of the purchase monies.

3.15. Evidence was also offered by G.C. Rees who had arrived in the Rangitikei district in 1852 to the effect that Utiku Potaka had given him to understand that it was he who had prevented Ngati Apa from selling further up the river than what was

⁶¹⁶ Native Land Court, *Whanganui Minute Book* 6/52.

⁶¹⁷ Native Land Court, *Whanganui Minute Book* 6/55.

⁶¹⁸ Native Land Court, *Whanganui Minute Book* 6/156. See also 6/157

⁶¹⁹ Native Land Court, *Whanganui Minute Book* 6/160.

described as ‘McLean’s line.’⁶²⁰ He also indicated that in his view Utiku Potaka had a much better knowledge of places up the Rangitikei River than others in a large party of Ngati Apa that had made its way up to Patea at the time of the negotiations with Cameron and Lethbridge.⁶²¹ Interestingly, he suggested that the term ‘Ngatihauiti’ was of recent origin, replacing ‘Ngatiwhiti’ since about 1865.⁶²²

3.16. William Hammond, a Rangitikei farmer, testified to having accompanied Utiku Potaka and others on hunting trips in the Rangatira block, to their having cultivations at various places on the block, and to not having seen any Ngati Apa on the block prior to 1878. It was about May 1878 that an armed party of some 40 Ngati Apa arrived on the block and erected several whare at Te Ngei, all in response to rumours that Utiku Potaka had sold the block.⁶²³ Hammond indicated that it was Utiku Potaka to whom he paid rent for grazing his cattle that had the run of the block.⁶²⁴ Hammond was able to demonstrate a knowledge of many places and place names on Rangatira.

3.17. On 18th July Buller offered a long closing address in which he claimed that much of the evidence presented had been irrelevant to the main issues. He reiterated his opening claim that Rangatira formed part of Ngati Apa’s tribal estate, conceded that ‘certain members of N’Hauiti did acquire certain rights’ but not by force, while claiming that such rights had been satisfied by the handing over of Taraketi to Ngati Hauiti. He dismissed the evidence relating to the arrival of Ngati Apa in the district as irrelevant: only the position as it had existed in 1840 had any bearing.⁶²⁵ He insisted that Ngati Apa’s title to the block ‘had been absolutely established by the judgement of Judge Smith in the “Upper Rangitikei Turakina” case in 1869’ although the judgement had failed upon Ngati Apa’s failure to have the survey completed within the prescribed time. Interestingly, he cited the latter failure as further evidence of the solidity of Ngati Apa’s ownership of the block. He dealt with matters of occupation, and with the withdrawal of Ngati Apa from the open country to more defensible positions during the time when the Rangitikei Valley was used as a ‘warpath’ by

⁶²⁰ Native Land Court, *Whanganui Minute Book* 6/278.

⁶²¹ Native Land Court, *Whanganui Minute Book* 6/281.

⁶²² Native Land Court, *Whanganui Minute Book* 6/282.

⁶²³ Native Land Court, *Whanganui Minute Book* 6/290.

⁶²⁴ Native Land Court, *Whanganui Minute Book* 6/291.

⁶²⁵ Native Land Court, *Whanganui Minute Book* 6/316-328.

tribes from the Waikato.⁶²⁶ He emphasised Judge Smith's award of the Upper Turakina Rangitikei block to ten hapu of Ngati Apa and the later award of Paraekaretu to Aperahama Tipae while deriding the 'theory of the "Compact"' and the division of the purchase monies advanced by the claimants.⁶²⁷

3.18. Buller also attacked the credibility of a number of witnesses, freely describing their testimony as 'unworthy of belief,' or variously as confused, indefinite, superficial, contradictory, and loose. Utiku Potaka, he asserted, was 'so much biased as to be untrustworthy; and too anxious to establish his own case to think at all of the obligations of truth and integrity.'⁶²⁸ Naturally, the evidence offered by Ngati Apa was comprehensive and accurate. Buller continued to place considerable emphasis on Judge Smith's earlier rulings in respect of the Upper Turakina Rangitikei and Paraekaretu blocks and Cameron's negotiations with Ngati Apa. As for the suggested division of the Paraekaretu purchase moneys, noting that Ngati Hauiti had made no attempt to assert what it considered to be its rights in the matter, Buller insisted that 'the present story was merely a modern fabrication to support the claim now set up, and to attempt to defeat the real rights of the Ngati Apa.'⁶²⁹

3.19. Duncan offered a similarly long closing address in which he argued essentially that 'nothing had been advanced to show that N'Apa have any shadow of possession of the land or claim to it beyond the occasional residence of a few scattered members of the tribe upon the river bank between the times of Haowhenua and of Kuititanga.'⁶³⁰ He conceded that Rangatira had lain unoccupied during the years from 1818 to 1839, that is, during the incursions of Ngati Maniapoto and other warrior tribes, but that evidence of witnesses who arrived about 1840 made it plain that occupation had resumed.⁶³¹ Ngati Apa, Duncan claimed, had never contested Ngati Hauiti's presence on the block until 1878. Ngati Apa had appeared just once, he asserted, namely, in 1868 when the sale to Cameron and Lethbridge was under negotiation and then to ask for Ngati Hauiti's concurrence. From 1849, he noted, there was 'ample and irrefutable evidence' given by Pakeha of the constant

⁶²⁶ Native Land Court, *Whanganui Minute Book* 6/317.

⁶²⁷ Native Land Court, *Whanganui Minute Book* 6/318.

⁶²⁸ Native Land Court, *Whanganui Minute Book* 6/320.

⁶²⁹ Native Land Court, *Whanganui Minute Book* 6/328.

⁶³⁰ Native Land Court, *Whanganui Minute Book* 6/329.

⁶³¹ Native Land Court, *Whanganui Minute Book* 6/331-332.

occupation of Rangatira by Ngati Hauiti to the exclusion of Ngati Apa, and cited the conclusion reached by the Court in respect of Otamakapua that any occupation by Ngati Apa was of ‘the most trivial character.’⁶³² He emphasised the importance of the meeting held at Pourewa at which the proposed sale to Cameron and Lethbridge was discussed and as result of which Utiku Potaka and Herewini were appointed to define the boundaries: such events, he argued, constituted a clear recognition by Ngati Apa of Ngati Hauiti’s interest in Rangatira. He reminded the Court that Ngati Hauiti had demanded that the boundary be moved to Rangataua, that the Crown had subsequently purchased Waitapu from Ngati Hauiti, and that the iwi had received part of the purchase money for the Rangitikei-Manawatu block.⁶³³

3.20. Duncan defended the credibility of his witnesses while attacking, naturally, the reliability, trustworthiness, and integrity of those who had appeared on behalf of Ngati Apa. Indeed, he suggested that some of the Ngati Apa witness had learned from their ‘exposure’ during the Omaha hearings into Otamakapua and made an effort to familiarise themselves with Rangatira in preparation for its title investigation.⁶³⁴ Nor, he insisted, had the importation of the evidence relating to Taraketi advanced Ngati Apa’s case. Ngati Apa, too, had breached the ‘compact’ reached over the sale of Paraekaretu and the division of the purchase monies.⁶³⁵ He poured scorn on Aperahama Tipae’s evidence as to ancestry, and noted that Kawana Hunia’s claim that Ngati Apa had been living on Rangatira in 1840 had been contradicted by others who had testified that the entire iwi had decamped to the Wairarapa.⁶³⁶ Ngati Hauiti, he concluded were the ancestral owners of Rangatira and had occupied the block before the arrival of Ngati Apa from Taupo. After a long period of conflict Ngati Hauiti had resumed its occupation of the land prior to the Battle of Kuititanga in October 1839. There the iwi had remained undisturbed until 1878.

3.21. In brief, Duncan claimed that Ngati Hauiti’s occupation of the land pre-dated that by Ngati Apa and that the iwi had leased part of it as cattle runs to a number of Pakeha, among them W.J. Swainson, R. Hammond, and Major Marshall.

⁶³² Native Land Court, *Whanganui Minute Book* 6/334.

⁶³³ Native Land Court, *Whanganui Minute Book* 6/337.

⁶³⁴ Native Land Court, *Whanganui Minute Book* 6/343.

⁶³⁵ Native Land Court, *Whanganui Minute Book* 6/345-346.

⁶³⁶ Native Land Court, *Whanganui Minute Book* 6/347.

7.4. The Rangatira judgment

4.1. The Native Land Court issued its ruling in respect of Rangatira on 21st July 1882. It declared that the manner in which a title or titles to the block were obtained originally, whether Ngati Apa, ‘as part of a great people,’ owned all the land down to the sea, and whether it was by an act of favour on the part of such people that Ngati Apa established itself in the district it now claimed as its tribal estate, were not matters into which it felt necessary to inquire. Nor was the Court disposed to inquire into whether Ngati Apa had by conquest, inter-marriage, or encroachment extended their influence and rights beyond the lands alleged to have been first assigned to them. The character of the evidence presented, it went on, was familiar to the Court, in effect asking it to disentangle ‘a web of contradictory statements – too many of them unfortunately false.’

4.2. In the case of Rangatira, the Court was able to rely on other evidence: beyond the ‘mere statements’ of the interested parties, it also had ‘their acts by which to judge of their own intentions, and their estimate of their respective rights.’ On such basis the Court felt able to conclude that Ngati Apa and Ngati Hauiti had established joint rights of ownership and that each had recognised such rights in the other. Each had equally exercised such rights and such exercise had been ‘equally admitted, acquiesced in, or recognised by the other.’ The Court declared that a meeting at Pourewa – a meeting disputed by some of Ngati Apa but admitted by others – had indeed been held to discuss the proposed sale to Cameron and Lethbridge. Having considered the mass of evidence, the Court was satisfied over one central matter, namely, that each party had recognised in the other certain rights. It thus awarded the block ‘in two equal interests to the claimants and their five hapu of Ngati Hauiti and to Aperahama Tipae and his hapu (Ngati Rangiwhaiao) and to the Ngati Apa tribe.’⁶³⁷

⁶³⁷ Native Land Court, *Whanganui Minute Book* 6/350-353.

7.5. Subdividing Rangatira

5.1. Buller immediately gave notice of an application for a re-hearing, citing three grounds: first, that the Court had not given any decision on the issues defined and accepted by counsel for the claimants and counter claimants; second, that the claimants had set up ‘a distinct affirmation case which was not disclosed in the cross-examination of the counter claimants and their witnesses,’ and that the Court had allowed him to call just one witness, namely, Aperahama Tipae, to rebut such evidence and ‘whose evidence, standing unsupported, has been discredited as being “tainted with suspicion;”’ and third, that there was ample evidence to refute the claims of an agreement between Ngati Apa and Ngati Hauiti over the division of the proceeds from the sale of the Upper Turakina Rangitikei block.’ He proposed, nevertheless, that the Court should discuss his proposed division of Rangatira, a suggestion to which Duncan agreed.⁶³⁸ It was also Duncan who indicated that he would apply for more than one title for the block and who proposed that the western portion of the block should be called ‘Hapopo.’⁶³⁹ On 25th July 1882 the Native Land Court thus embarked on what would prove to be another protracted process as lists of owners were presented and challenged. The one matter on which the contending parties agreed was sharing of the survey costs of £500.

5.2. Buller led off the proceedings by requesting the award of the eastern portion of the block to three individuals of Ngati Rangiawhaiao and Ngati Apa: the persons concerned had been selected by general consensus and approved by Aperahama Tipae.⁶⁴⁰ He then complicated proceedings by again announcing that Kawana Hunia, Aperahama Tipae and others of Ngati Apa, dissenting entirely from the Court’s ruling on Rangatira, would apply for a re-hearing, while Herewini Tawera and others of Ngati Upokoiri, dissatisfied with the exclusion of their names from Utiku Potaka’s proposed list of owners, indicated that they would follow suit.⁶⁴¹

5.3. On 27th July Duncan submitted a list of owners for the 12,000-acre Hapopo. A full list of owners had had been compiled by a committee comprising members of the

⁶³⁸ Native Land Court, *Whanganui Minute Book* 6/355.

⁶³⁹ Native Land Court, *Whanganui Minute Book* 6/361.

⁶⁴⁰ Native Land Court, *Whanganui Minute Book* 6/363.

⁶⁴¹ Native Land Court, *Whanganui Minute Book* 6/364.

five hapu whose task it was ‘to look after the interests of the rest.’⁶⁴² As others either challenged some of the nominees or sought to have their names included, a great deal of evidence relating to ancestry (usually termed ‘pedigrees’) and occupation followed. Indeed, the Court reminded the protagonists that it was necessary to show both ancestry and occupation. The latter was defined as ‘not a continuous occupation from the ancestor down, but one interrupted only by such an absence as shows at least some evidence that the land has not been abandoned – that there is an intention to return, carried out in a reasonable time.’ Further, any return ‘must be an actual return to and occupation – not a mere touching of the land.’⁶⁴³

5.4. On 29th July the Court, exasperated by Buller’s conduct, debarred lawyers from attending. The pace of the proceedings quickened. The Court ruled that since Taraketi had been awarded to Ngati Hauiti, especially on the grounds of actual occupation, ‘the claim of N’Upokoiri could not now possibly be entertained.’⁶⁴⁴ The Court approved the names as set out in Table 7.1.

5.5. Evidence was then taken on the matter of subdivision, Duncan proposing a line so as to divide the block into two more or less equal parts of more or less equal value. A division was agreed which left Ngati Apa with 7,500 acres and five hapu of Ngati Hauiti with 12,000 acres. Accordingly the Court ordered that two certificates of title should issue: the first for 7,500 acres to three members of Ngati Apa (Hamiota te Hunga, Rewiti Pokuru, and Utiku Marumaru), and the other for 12,000 acres to 27 members of the five hapu of Ngati Hauiti. The certificates would bear the date 25th July 1882, and would issue as soon as a correct survey had been made and a plan deposited in the Court.⁶⁴⁵ The five hapu in fact asked for separate certificates of title, but the Court declared that the applications for re-hearing debarred it from acceding, as they also debarred it from acting on the Crown’s claim for 1,500 acres at Te Kiekie.

5.6. The fees for Hapopo totalled £53 13s, a sum made up of the hearing costs of £49, two extra days at £2, a subpoena at 5s, witnesses at £1 8s, and certificate at £1. The

⁶⁴² Native Land Court, *Whanganui Minute Book* 7/6-7.

⁶⁴³ Native Land Court, *Whanganui Minute Book* 7/2.

⁶⁴⁴ Native Land Court, *Whanganui Minute Book* 7/17.

⁶⁴⁵ Native Land Court, *Whanganui Minute Book* 7/49-50.

fees for Rangatira totalled £48 8s, made up of £46 for the hearing, £1 8s for witnesses, and £1 for the certificate.⁶⁴⁶ The Court also ordered that Ngati Hauiti should pay one half of the survey costs of £500. The proceedings finally ended on 2nd August 1882.

5.7. The Crown continued to press its claim to Te Kiekie on which it claimed to have made advances totalling £81. Booth lodged a claim for 1,500 acres and informed the Native Land Court that he would submit a written description of the land ‘in respect of which Advances had been made.’⁶⁴⁷ That £81 represented the payment made to James MacKay for the interest the latter had purchased from Kawana Hunia. Although Te Kiekie featured in a return published in AJHR in 1883, the block slipped from sight, Gill noting that ‘Te Kiekie Block ... was surveyed as part of the Otairi Block.’⁶⁴⁸ It is of interest to note that in December 1884 Wiari Turoa applied for payment of the balance due on Te Kiekie and upon which Booth had made an advance payment of £10. He was reminded that the block had been surveyed as part of Otairi and that no block of that name had been surveyed or was being purchased. He was also informed that Booth had advanced £81 on Te Kiekie but since the block had been included in the Otairi and Rangatira blocks it should be repaid.⁶⁴⁹ Wiari Turoa disclaimed all knowledge of that payment and demanded that Gill disclose the names of the recipients.⁶⁵⁰ The recipients were Kawana Hunia (£55), Wiari himself, and Utiku Potaka. Asked Gill, ‘...what land is the government to have for this money?’⁶⁵¹ The question appears not to have been answered.

⁶⁴⁶ Native Land Court, *Whanganui Minute Book* 7/49-50. See also Archives New Zealand, Wellington AEDK 18747 MA-WANG W2140/1 Wh.20.

⁶⁴⁷ Native Land Court, *Whanganui Minute Book* 6/365.

⁶⁴⁸ AJHR 1883, C3. The sum of £669 was apparently outstanding on the purchase price. See Under Secretary, Native Land Purchase Department to Native Minister 30 December 1884, in Archives New Zealand, Wellington MA-MLP 1 1885/8.

⁶⁴⁹ Under Secretary, Native Land Purchase Department to Wiari Turoa 3 January 1885, in Archives New Zealand, Wellington MA-MLP 1 1885/8. *Supporting Documents*, Volume 3, pp.125-159.

⁶⁵⁰ Wiari Turoa, Kakariki to Under Secretary, Native Land Purchase Department 12 January 1885, in Archives New Zealand, Wellington MA-MLP 1 1885/8. *Supporting Documents*, Volume 3, pp.125-159.

⁶⁵¹ See draft of letter in Archives New Zealand, Wellington MA-MLP 1 1885/8. *Supporting Documents*, Volume 3, pp.125-159.

Table 7.1: Owners proposed and approved for Hapopo, 1882

Initial proposal: hapu	Initial proposal: names	Final: hapu	Final: names
Ngati Tamatereka	Utiku Potaka	Ngati Tamatereka	Utiku Potaka
	Hiraka te Raro		Hiraka te Raro
	Kingi Topia		Kingi Topia
	Horima Paerau		Horima Paerau
Ngati Hinetio	Keremene Pakura	Ngati Hinetio	Keremene Pokura
	Wiremu Ngatoa		Wiremu Ngatoa
	Hone Tumango		Hone Tumango
Ngati Hora	Ropata Rangitahua	Ngati Hora	Ropata Rangitahua
	Paekiri te Mihiara		Paekiri te Mihiara
	Ramiha Potaka		Ramiha Potaka
Ngati te Haukaha	Hoera te Rango	Ngati te Haukaha	Hoera te Rango
	Arapera Potaka		Arapera Potaka
	Rena Maikuku		Rena Maikuku
	Hemi Papakiri		Hemi Papakiri
			Raita Tuterangi
			Rewiti Matiti
			Retima te Rango
Ngati te Ruaanga	Noa te Hianga	Ngati te Ruaanga	Noa te Hianga
	Irimana te Ngahou		Irimana te Ngahou
	Wi Wheko		Wiremu Wheko
	Rora Potaka		Rora Potaka
			Wiari Turoa
			Tauria Broughton
			William Broughton
			Hamuera
			Raokokiritia
			Tapita Matina
			Hanapeka Matina

Source: Native Land Court, *Whanganui Minute Book* 6/371-372 and 49.

5.8. In November 1883 the *Manawatu Standard* reported that the division of the 19,500-acre Rangatira into two blocks had cost about £5,000 and taken five years and ‘three successive Courts.’ On the other hand, the total cost of investigating and allocating shares in Aorangi 2 was less than £50. ‘We thus learn that the Natives if left to their own counsel, without the interference of lawyers, and simply aided by the advice of agents they can trust, can manage their affairs cheaply, and to the satisfaction of those seeking to purchase.’⁶⁵²

⁶⁵² *Manawatu Standard* (Palmerston North) 30 November 1883.

7.6. Post-title sales

6.1. Both Rangatira and Hapopo were sold, in 1882 and 1883 respectively, to private purchasers. The 27 owners of Hapopo sold the 12,000 acres to W & T Hammond, R.E. Beckett, and A. Dick for £8,850 (14s 9d per acre), while the three owners of Rangatira sold the 7,500 acres to Donald Fraser, J. Bull, and C.J. Johnson for £5,362 10s (14s 3½d per acre). In each case the sale price was just below the property tax valuation.⁶⁵³

7.7. Summary

Area: 19,500 acres

Title awarded: 2nd August 1882

Grantees: Ngati Hauti (27) *Hapopo* of 12,000 acres; and Ngati Apa (3) -
Rangatira of 7,500 acres

Crown purchases: -

Purchase price paid by Crown: -

Private sales: Hapopo (2nd August 1882) and Rangatira (4th September 1883)

Area 'europeanised:' –

Area declared Maori land: -

Area still in Maori ownership: -

⁶⁵³ AJHR 1885, G6, pp.3 and 4.

Chapter 8

Ohaumoko

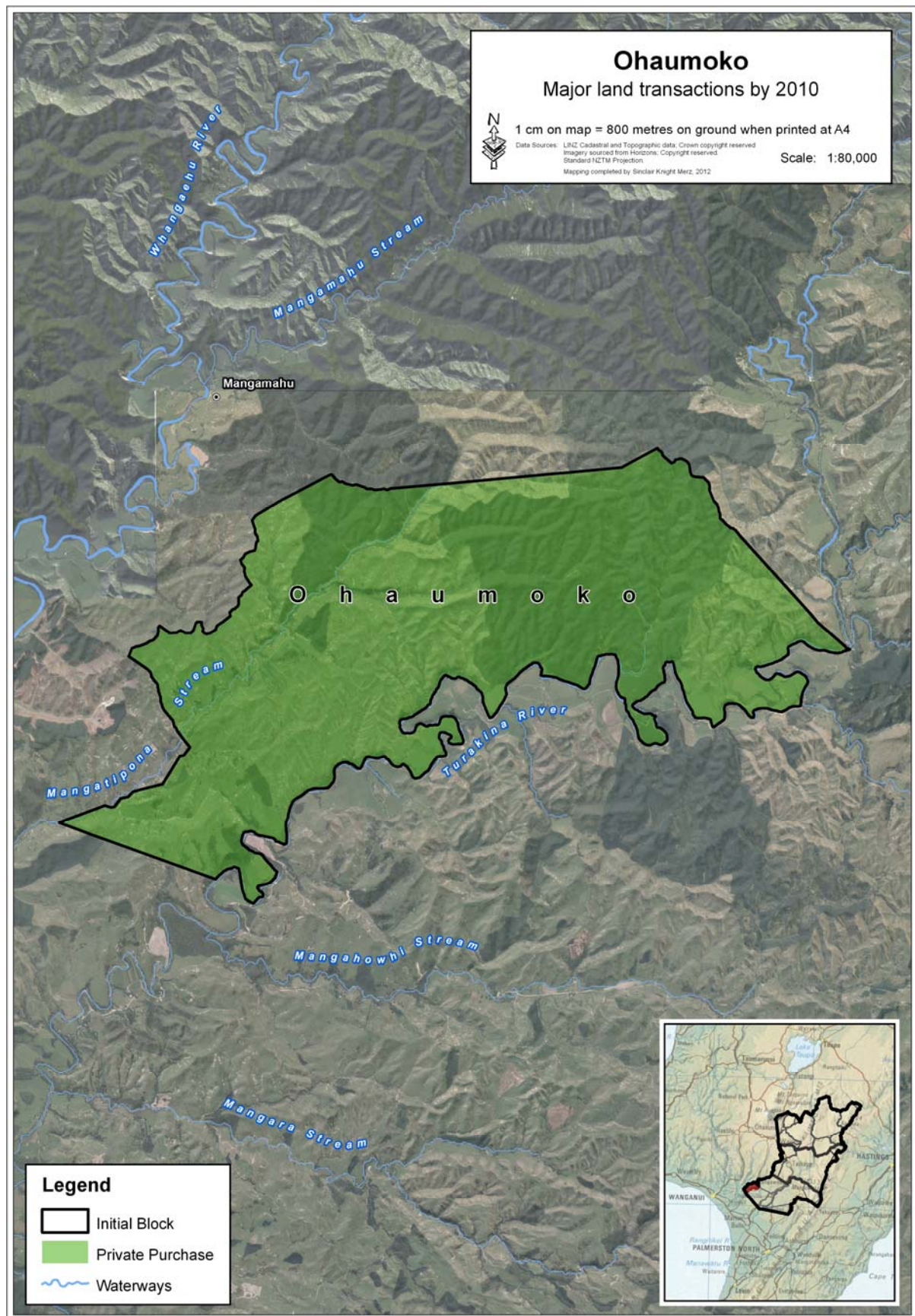


Figure 8: Ohaumoko: Major land transactions by 2010

8.1. Introduction

1.1. Ohaumoko lies between the Turakina and Whangaehu Rivers. Paraekaretu forms its south-eastern boundary.⁶⁵⁴ There is a dearth of documentation relating to this block beyond that dealing with the title investigation. The block early passed in its entirety into settler ownership.

8.2. Title investigation

2.1. In May 1878 Aperahama Tahunuiarangi, Te Hunga o te Rangi, and Nehanera Te Kahu lodged an application for an investigation of the title to Ohaumoko. The matter came before the Native Land Court in January 1879 when Ohaumoko was first considered in conjunction with Tokorangi and the area under consideration as 12,798 acres. Aperahama Tahunuiarangi and ten others (who included Aperahama Tipae) claimed the block.⁶⁵⁵ When the court resumed its investigation towards the end of February 1879 the block had been divided into Tokorangi and the 11,598-acre Ohaumoko. Once some disagreement over the line dividing the two blocks had been resolved, the Court awarded Ohaumoko to Nehanera Te Kahu (of Ngati Paenga) and 19 others.⁶⁵⁶ Fees of £2 were levied by the Court.

8.3. The Trust Commissioner investigates

3.1. Five months later, in July 1879, Trust Commissioner Heaphy was asked to approve a proposed lease of Ohaumoko from Hehanera Te Kahu and others to Edwin Torrens Brissenden for a period of 21 years from 29th July 1879 and at an annual rental of £81 10s. Brissenden had earlier been involved in transactions involving the Ngutuwera block in the Patetere district.⁶⁵⁷ There followed an extensive investigation into the terms of the lease, the Trust Commissioner taking statements from several

⁶⁵⁴ Some of the following material has been drawn from Peter McBurney's useful report *Ngati Apa blocks additional to the Ngati Apa reserve blocks*. Wellington, 1999, pp.9-40.

⁶⁵⁵ Native Land Court, *Whanganui Minute Book* 2/159.

⁶⁵⁶ Native Land Court, *Whanganui Minute Book* 2/296-297.

⁶⁵⁷ See H.H. Turton, *Maori deeds of land purchases in the North Island of New Zealand*. Volume 1, 1877.

individuals, among them Whanganui lawyer W.G. Hinde, Whanganui's Resident Magistrate R.W. Woon, and land agent John Stevens of Bulls, with respect to the character of the country involved and the sufficiency of the proposed rent.

3.2. Heaphy also sought the views of Thomas Downes who had surveyed the block and District Officer James Booth. It was the latter who suggested that the owners were not receiving 'a fair rent.' The facts were that an adjacent block had been leased for 6d per acre, that one W.W. Mitchell appears to have offered Brissenden £2,600 'for his interest in the Lease of Ohaumoko,' and that, as Heaphy noted (in January 1880), 'Contiguous land purchased at sale 6/- an acre by Gov[ernment].' Indeed, Heaphy rejected the proposed annual rental of £81 10s as too low and suggested that 3d or 4d per acre 'would be a fair, but by no means a high rental for the land.' Threepence or 4d per acre would have meant an annual rental of £150 to £200 per annum.⁶⁵⁸

3.3. Amid conflicting testimony Heaphy turned to Cameron and Simpson, the lessees of the neighbouring Omurihore block, 2,718 acres of which they leased for £200 per annum.⁶⁵⁹ 'We would consider,' they responded, that 'a fair rental for Mr Brissenden's block from £15 to £20 per thousand acres per year would be near the mark ...'⁶⁶⁰ Heaphy also sought the views of Kenneth McLean, the lessee of the adjacent Puriri Block, noting that 'It is no part of my duty to hinder a fair bargain between Natives and White men, but I have to see that prices are reasonable, and that the Natives for the sake of ready money do not sacrifice their children's interests.'⁶⁶¹ It was Findlay Mclean who responded with the claim that 2d per acre 'would be the outside rental for Ohaumoko in its present condition.'⁶⁶² Heaphy also established that survey costs in respect of Ohaumoko amounted to some £600 of which about £200 had been paid.

⁶⁵⁸ See Ohaumoko Alienation File, Aotea Maori Land Court Box 77.

⁶⁵⁹ Cameron and Simpson also appear to have held 1,000 acres of Okirae block at £120 per annum.

⁶⁶⁰ Cameron and Spencer to Trust Commissioner 19 February 1880, in Ohaumoko Alienation File, Aotea Maori Land Court, Box 77.

⁶⁶¹ Trust Commissioner to Kenneth McLean 12 February 1880, in Ohaumoko Alienation File, Aotea Maori Land Court, Box 77.

⁶⁶² Findlay McLean to Trust Commissioner 29 February 1880, in Ohaumoko Alienation File, Aotea Maori Land Court, Box 77.

3.4. Trust Commissioner Heaphy turned back to Downes. The latter assured Heaphy that:

... having personally been over these blocks [that is, Omurihore, Puriri, Okirae, and Ohaumoko]. I think – taking into consideration the large expense necessary to make a Bush lease (extensive as Ohaumoko) remunerative, and also comparing the various Blocks and the rentals paid – That the prices given by Messrs Cameron & Simpson, and Mr McLean, are more advantageous to them than the lease of Ohaumoko at £81 10/- would prove to Mr E.T. Brissenden.⁶⁶³

3.5. Heaphy thus approved the lease on the terms originally proposed, that is 11,598 acres for 21 years at £81 10s per annum.

3.6. The matter of the survey costs on Ohaumoko was considered by the Native Land Court on 28th July 1881. Downes, by then in serious financial difficulties, attested that he had been assisted in the survey by Nehanera Te Kahu and up to 15 others, and indicated that he had allocated £121 of the cost to Tokorangi and the balance of £232 to Ohaumoko. He also noted that ‘I understood [Brissenden] was acting for the Natives. I knew him generally as a Native agent, and therefore believed him authorized to pledge the Natives’ credit.’⁶⁶⁴ The Court ruled that Downes had not been authorised to carry out the survey, that there was no proof that his partnership with H.S. Palmerston had been dissolved, and that it was clear that Downes had looked to Brissenden for reimbursement. The Court ruled that Downe’s trustee could not press a claim for payment of the monies owed to Downes.⁶⁶⁵ In short, the Court found that Brissenden rather than the Maori owners had authorised the survey.

⁶⁶³ Thomas Downes to Trust Commissioner 3 March 1880, in Ohaumoko Alienation File, Aotea Maori Land Court, Box 77.

⁶⁶⁴ Native Land Court, *Whanganui Minute Book* 3/155.

⁶⁶⁵ Native Land Court, *Whanganui Minute Book* 3/158.

8.4. Ohaumoko passes into private ownership

4.1. Brissenden sold his leasehold interest in Ohaumoko to W.W. Mitchell and by 1885 the leasehold was in the hands of Joseph Abbott. The latter set about acquiring the freehold but encountered some opposition. In the Native Land Court in February 1886 Eruera Whakaahu and another sought to have their interests (1,200 acres) partitioned out of the block and the lease over their portion retired. According to a deed produced in court, on 14th July 1886, Eruera Whakahu had agreed to transfer his interest to Abbot for £120, with Abbott to meet all transfer and survey fees and to secure the agreement of the final owner, and with Abbott, immediately after survey, to re-convey the 1,200 acres to Eruera Whakaahu free of cost. The Bank of Australasia, which held a mortgage over the block, agreed to release and surrender to Eruera Whakaahu, again at no cost, its interest as mortgagee.⁶⁶⁶ A certificate of title (44/205) was issued to Eruera Whakaahu and the land was sold on 12th April 1887 to Bessie Graham Holden for £1,000.

4.2. A dispute appears to have developed between Aperahama Tahunuiarangi and his co-owners over the distribution of purchase/rental monies. A case was brought before the Supreme Court but it referred the matter to the Native Land Court.⁶⁶⁷ The Court thus defined relative interests in the Ohaumoko block during the currency of the memorandum of lease.⁶⁶⁸

4.3. A further 258 acres of Ohaumoko were transferred to Mere Ngareta, Mere Ngataapu, Tirepa Pokokoru, and Anihera Barns (certificate of title 61/195): the block was acquired by the partnership involving James Champion, Thomas Andrew Duncan, and William McAlpine Duncan. As a result the entire block finally passed out of Maori ownership.

⁶⁶⁶ Ohaumoko Block Order File, Whanganui 164.

⁶⁶⁷ *Wanganui Chronicle* 23 July 1887.

⁶⁶⁸ Native Land Court, *Whanganui Minute Book* 13/201-203.

8.5. Summary

Area: 11,598 acres

Title granted:

Grantees: Ngati Paenga (20)

Crown purchase: -

Purchase price paid by Crown: -

Private purchase: All

Area 'europeanised:' –

Area declared Maori land: -

Area still in Maori ownership: -

Chapter 9

Otumore

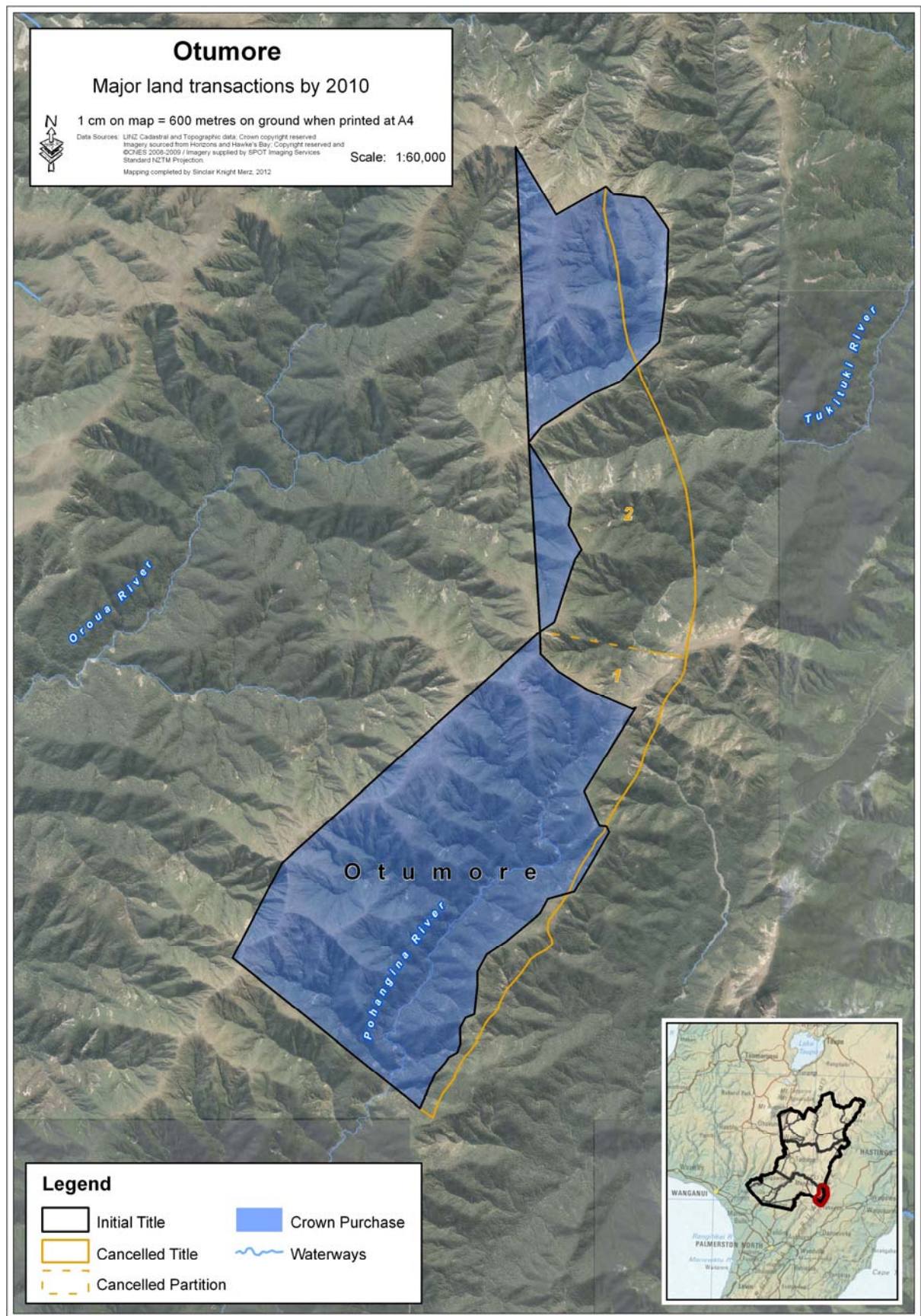


Figure 9: Ota: Major land transactions by 2010

9.1. Introduction

1.1. Located on the summit of the Ruahine Range and covering the upper watersheds of the Oroua and Pohangina Rivers, Otumore was thought originally to contain 7,000 acres. It was regarded by the Native Land Court as an eastern extension or part of the Mangaoira-Ruahine block. The title to this block was investigated on two occasions, first in 1877 and again in 1906: the available sources did not disclose the reasons for the second investigation. What they do disclose is that owners were not consulted or even advised before the Maori Land Court vested the land in the Maori Trustee for sale to the Forest Service. The Crown's consistent view of the block was that it comprised land of no use to the owners.

9.2. Title investigation

2.1. Otumore was before the Native Land Court on 14th August 1877: a title for 7,000 acres was dated 16th August 1877 while the block was partitioned into Otumore 1 of 4,000 acres and Otumore 2 of 3,000 acres.

2.2. In March 1898 Oteke Kuku Karaitiana (Hastings) informed Chief Native Land Purchase Officer Sheridan that Piripiri Maki wished to sell Otumore, presumably to the Crown.⁶⁶⁹ The offer was declined, but Piripiri Maki renewed it in August of the same year, noting that the block was owned exclusively by himself and one other.⁶⁷⁰ It was made clear that the Crown could not negotiate for the purchase of any lands owned before Maori until they had passed through the Native Land Court.

2.3. A new title investigation took place in 1906. The hearing took place in both Palmerston North and Marton where the claimants were Ngati Hauiti, Ngati Tumokai, and Rangitane. Ngati Hauiti claimed the block as part of Mangaoira and in fact

⁶⁶⁹ Oteke Kuku Karaitiana, Hastings to Chief Land Purchase Officer, Native Land Purchase Department 7 March 1898, in Archives New Zealand, Wellington MA-MLP 1 1902/77. *Supporting Documents*, Volume 3, pp.368ff.

⁶⁷⁰ Piripiri Maki, Te Aute to Minister for Lands 31 August 1898, in Archives New Zealand, Wellington MA-MLP 1 1902/77. *Supporting Documents*, Volume 3, pp.368ff.

recorded that it had been awarded to Potaka and 12 others of Ngati Hauiti in 1877.⁶⁷¹ For their part, Rangitane, led by Henare Apatari, claimed that Otumore had been included in their 1864 Te Ahuaturanga deed but mistakenly omitted from that sale by the subsequent survey. Since the Crown had not taken the land, Rangitane wished to have it returned. Ngati Tumokai claimed under ancestral right and occupation: the hapu had strong links with both Ngati Apa and Rangitane as well as with Ngati Hauiti.

2.4. The competing claims centred largely on the location of Umutoi. Rangitane claimed that this ‘well-known hill on the northern-most point of Te Ahuaturanga-Manawatu purchase’ was some eight miles further north than the position fixed by existing surveys.⁶⁷² The iwi claimed the land through occupation, ancestral links, conquest, and mana. Utiku Potaka and others rejected such claims although they differed over why the block had been excluded in the first place from Mangaoira-Ruahine, Utiku claiming that it had been so on his instructions, Wirihana Hunia attributing it to the inability of the surveyors to reach the summit on account of snow.⁶⁷³

2.5. The Court decided that Umutoi had been correctly located, a decision that undermined Rangitane’s claim. It also decided that the evidence that Otumore formed part of Mangaoira was ‘clear and conclusive’ and so awarded the block to those of Hauiti who owned and occupied it.⁶⁷⁴ Utiku Potaka proposed that his name alone should be entered as owner in order to facilitate sale: that was not a course of action which the Court was prepared to approve, noting that it could not accept possible sale ‘as a reason for keeping out such persons who had a right under the Judgement of the Court to share in this land.’⁶⁷⁵ As a result 12 separate lists with a total of 88 names were presented to the Court and claim and counter-claim followed which, as Morrow

⁶⁷¹ Native Land Court, *Otaki Minute Book* 47/108. In 1961 the Surveyor General claimed that block was first defined on a sketch plan (ML 1642) in August 1907. The plan showed Otumore 1 and Otumore 2 with a total area of 7,000 acres. See Surveyor General to Maori Land Court, Ikaraoa ? 1961, in Archives New Zealand, Wellington ABWN 6095 W5021/309 10/95/42 Part 1. *Supporting Documents*, Volume 4, pp.299-313.

⁶⁷² Native Land Court, *Otaki Minute Book* 47/125.

⁶⁷³ Native Land Court, *Otaki Minute Book* 47/108-114

⁶⁷⁴ Native Land Court, *Otaki Minute Book* 47/113-114.

⁶⁷⁵ Native Land Court, *Otaki Minute Book* 47/163.

observed, did much to reveal the close links arising out of inter-marriage among Ngati Tumokai, Ngati Hauiti, Rangitane, and Ngati Apa (through Ngati Tauira).⁶⁷⁶

2.6. On 24th February 1906 the Native Land Court issued its decision with respect to owners, but not before criticising as unhelpful the conduct of the kaiwhakahaeres, and especially the ‘Arch Intriguer,’ Wirihana Hunia. Judge Mair ruled that ‘there can be little doubt that the descendants of Hauiti or certain of them, who lived in the sheltered valleys to the westward of the Ruahine Range, held the land.’ The Court also ordered that the block be divided in Otumore 1 of 4,000 acres and Otumore 2 of 3,000 acres, whereupon Utiku Potaka submitted a list of 45 owners for each of the two blocks.⁶⁷⁷

2.7. Four appeals were promptly lodged against the Court’s January judgement. They were led by Wirihana Hunia who claimed that the Court had awarded almost one third of Otumore to persons who could not show occupation. The Native Appellate Court, in its judgement issued on 22nd June 1906, largely endorsed the Native Land Court’s award. Noting that Otumore was generally regarded as a residue of Mangaoira Ruahine and that the title had been awarded to 13 persons of Ngati Hauiti, the Court defined its task as that of determining ‘who were the persons whom the 13 owners were intended to represent and what are their relative interests.’ It could discern no reason to varying the lower court’s decision, decided that Wirihana Hunia had failed to convince it that his claim from Tumokai entitled him to a larger interest than that awarded, and declined to apply what one counsel described as the rule that heads of families were entitled to equal shares. Utiku Potaka was awarded costs of £15.⁶⁷⁸

⁶⁷⁶ Diana Morrow, *Iwi interests in the Manawatu c.1820-c.1910*. Wellington, 2002, p.114.

⁶⁷⁷ Native Land Court, *Otaki Minute Book* 47/192-195.

⁶⁷⁸ Native Land Court, *Wellington Minute Book* 7/290-291.

9.3. The 1907 petition

3.1. In 1907 Raumaewa te Rango and another presented a petition to the House of Representatives. The petitioners noted that owing to ‘pecuniary difficulties,’ they had been unable to attend the title hearing conducted in the Native Land Court in Palmerston North in January 1906. They had therefore had to ‘trust entirely to the honesty of those who were present to see that they were not denied their rights.’ They recorded that the Court had decided that Otumore formed part of Mangaoira and awarded it to the claimants. Utiku Potaka handed in lists of owners and, during a hearing held in Marton on 1st March 1906, declared that the block should be divided equally among the descendants of four ancestors, namely, Tamateareka, Te Ngahoa, Tukokiki, and Tarahe and thus 1,750 acres each. Utiku Potaka then offered a list of names under Tarahe which meant that they received 2,900 acres, that Te Tamateareka’s descendants received 2,300 acres, Te Tukokiki’s descendants received 875 acres, and 500 acres to the descendants of Te Ngahoa whose rights could not be traced. The remaining 500 acres had been allocated ‘out of love’ by Utiku to a group of 16 persons. The petitioners concluded that ‘much confusion prevailed’ in the preparation of the lists,’ that a ‘great number’ had been admitted ‘through the benevolence of Utiku Potaka,’ and finally that others, ‘although descendants of Hauiti as that gentleman was of Adam and Eve, having by constant intermarriage with other tribes, alienated themselves, were also included.’⁶⁷⁹

3.2. In his report on the petition, Chief Judge Jackson Palmer noted that the Native Land Court had awarded the 7,000 acres as follows:

- | | |
|----------------------------------|-------------|
| • Wiki te Ua and others | 1,600 acres |
| • Matenga Pekapeka and others | 100 acres |
| • Hemi te Rangitakoru and others | 200 acres |
| • Tapita & Hanapeka and others | 300 acres |
| • Sub-total | 2,200 acres |

⁶⁷⁹ A copy of the petition can be found in Archives New Zealand, Wellington ACIH 16036 MA 1 1907/631. *Supporting Documents*, Volume 1, pp.91-99.

- Residue of 4,800 acres awarded to Utiku Potaka, Hiraka te Rango, Rora Potaka, and Wirihana Hunia and the persons in their respective lists.

3.3. The names of the petitioners were included in the residue and the allocation of individual interests was as submitted by Utiku Potaka after consultation with all those concerned. Each family was allocated 100 shares with the exception of Merehira Taipu who had borne the expenses incurred in bringing the claim to court. The petitioners thus received 150 shares, or 250 if their brother's share were also included. The Chief Judge noted that the petitioners had not applied for relief, and that while four appeals had been lodged over the allocation of relative interests the Native Appellate Court had upheld the decision of the lower court. No further action appears to have been taken.

9.4. Partition and an alleged shortage of area

4.1. In 1907 Otumore 2 was partitioned into 2A, 2B, 2C, 2D1 and 2D2. In February 1918 the Native Land Court asked the Department of Lands and Survey to survey the 2D1 and 2D2, and in February 1922 to survey 1, 2A, 2B, 2C, and 2D. Instructions were issued in December 1922 and the survey itself revealed a discrepancy of some 2,000 acres between the area given in the title and that established by survey. The Surveyor General later attributed the reduction 'mainly to the inaccurate definition, on the original sketch plan, of the Ruahine Range which forms the eastern boundary.' In 1923 the original title for Otumore was cancelled and a new title, for 5,152 acres, issued.

4.2. The record regarding Otumore then fell silent, apart, that is, from an offer to the Crown of the interests of Iraia Pekapeka and others in the block.⁶⁸⁰ In 1926 Esther Potaka, wife of the late Arapeta Potaka and daughter-in-law of the late Utiku Potaka, approached the government seeking an area of 2,000 acres as compensation for the 2,000-acre shortfall in Otumore as revealed by survey. On the grounds that Utiku Potaka had given 'considerable areas to the Crown ... for reserves,' Whanganui MP

⁶⁸⁰ Archives New Zealand, Wellington MA-MLP 1 1912/80. Note that this file was not located by Archives New Zealand.

W.A. Veitch asked the Native Minister to give the request his 'sympathetic consideration.'⁶⁸¹ Mrs Potaka had a one fourth share in 300 acres of Otumore. The request was rejected on the grounds that although the area of the block had been reduced on survey, the boundaries had been defined accurately: since the owners had not lost any land outside the boundaries, none had any claim to more land.⁶⁸² Mrs Potaka took the matter up again in 1933, on this occasion with Prime Minister Coates: she claimed that the shortage of area arose out of the Crown's having taken 2,000 acres for settlement purposes.⁶⁸³ The claim was rejected.⁶⁸⁴

9.5. The Crown acquires Otumore

5.1. By 1962 Otumore had 186 owners. In 1962 the Chief Surveyor applied to the Maori Land Court under section 408 of the Maori Affairs Act 1953 for a charging order over the block to secure outstanding 1923 survey fees of £566 17 3 plus interest of £141 14 4. In fact, having been partitioned, Otumore as such no longer existed, the implication being that further surveys of the subdivisions were necessary to secure the values upon which an apportionment of the survey costs could be made. It appears that, in light of the large discrepancy between the area of the block as given in the title and the area as determined by survey, the partition boundaries were not included in the new plans (3683A and 3683B). The Surveyor-General's solution to the problem thus created was the compilation of a further plan to show the partitions. Table 9.1 sets out the areas of the original partitions and their apportioned and compiled areas.

⁶⁸¹ W.A. Veitch to Native Minister 8 February 1926, in Archives New Zealand, Wellington ACIH 16036 MA 1 1926/184. *Supporting Documents*, Volume 1, pp.222-229.

⁶⁸² Under Secretary, Native Affairs to Native Minister 25 June 1926, in Archives New Zealand, Wellington ACIH 16036 MA 1 1926/184. *Supporting Documents*, Volume 1, pp.222-229.

⁶⁸³ Ester Potaka, Utiku to Prime Minister 12 August 1933, in Archives New Zealand, Wellington ACIH 16036 MA 1 1926/184. *Supporting Documents*, Volume 1, pp.222-229.

⁶⁸⁴ Native Minister to Esther Potaka, Utiku 4 October 1933, in Archives New Zealand, Wellington ACIH 16036 MA 1 1926/184. *Supporting Documents*, Volume 1, pp.222-229.

Table 9.1: Otumore partitions: original, apportioned, and compiled areas

Subdivisions	Original partitions: acres	Apportioned area: acres	Compiled area: acres
1	4000 0 00	2944 0 24	2906 1 33
2A	1600 0 00	1177 2 25	1171 2 19
2B	100 0 00	73 2 17	85 3 27
2C	325 0 00	386 1 27	341 0 28
2D1	110 2 34	81 1 39	207 1 39
2D2	664 1 06	488 3 30	439 2 16
Totals	7000 0 00	5152 1 02	5152 1 02

Source: Archives New Zealand, Wellington ABWN 6095 W5021/309 10/95/42 Part 1

5.2. On 15th May 1962 the Maori Land Court issued an order vesting Otumore in the Maori Trustee. The latter was empowered to:

- (a) negotiate with and sell the land to the Forest Service at the highest price that could be agreed upon;
- (b) discharge all the expenses and charges incurred by the Maori Trustee;
- (c) negotiate a settlement with the Department of Lands and Survey in respect of all survey charges;
- (d) pay any balance of the purchase price to the Maori Education Foundation.⁶⁸⁵

5.3. In June 1962 the Director-General of Forests recommended the purchase of Otumore, provided the price were ‘cheap,’ that is, did not exceed £750. The land, he suggested, ‘can be of no possible use to the owners.’⁶⁸⁶ It was then claimed that a price of £750 (the amount of the survey lien and interest) would impart to the land ‘a false value’ in an area where the Forest Service was contemplating making other purchases. Wellington’s Commissioner of Crown Lands thus proposed that the Crown

⁶⁸⁵ Maori Land Court, *Otaki Minute Book* 69/284-285. A copy of the order can be found in Archives New Zealand, Wellington AAMK 869 W3074 78/d 5/9/203. *Supporting Documents*, Volume 4, pp.345-371.

⁶⁸⁶ Acting Director-General of Forests to Commissioner of Crown Lands, Wellington 26 June 1962, in Archives New Zealand, Wellington ABWN 6095 W5021/309 10/95/42 Part 1. *Supporting Documents*, Volume 4, pp.299-313.

should offer £425 for the block and that half of the total survey lien should be written off, noting that it was 'not unusual to write off the whole of survey liens as an incentive for the owners to sell in Crown/Maori dealings.'⁶⁸⁷ The sum of £425 had been arrived at in negotiations with the Maori Trustee. It should be noted that on account of what was regarded as the land's low value, a new valuation for the purpose of section 260 of the Maori Affairs Act 1953 was not sought: rather the 1959 government capital valuation of £395 was taken as the basis for estimating the price.

5.4. Accordingly, in October 1962 the Department of Lands and Survey approached the Department of Maori Affairs with a view to purchasing Otumore.⁶⁸⁸ The block was thus sold to the Crown for £425 while of the total lien £354 was remitted. The balance of £71 was credited to the Maori Education Foundation. In May 1963 Otumore was declared to be Crown land and was set apart as permanent state forest.⁶⁸⁹

5.5. That was not the end of the matter. Although the Maori Land Court did investigate the block's ownership it does not appear that owners, certainly all owners, were consulted before the order vesting the block in the Maori Trustee was issued. About 1973 the Ahuriri Tribal Executive, through its secretary, B. Batt, took up with the Department of Maori Affairs the vesting of land in the Maori Trustee. Specifically, and citing the case of Otumore in support, he pressed the Minister to ensure that the Trustee make 'far more thorough efforts to find owners or succeeding owners of land that may become subject to vesting orders.' It appears that while negotiating the sale of the block, some of the owners discovered that it had already been acquired by the Crown.⁶⁹⁰ The Executive was informed that the order for Otumore had been made under section 438 of the Maori Affairs Act 1953, but that that section had been amended by the Maori Affairs Amendment Act 1967. As a result, 'there is now a somewhat more specific requirement as to the type of

⁶⁸⁷ Commissioner of Crown Lands, Wellington to Director-General of Lands 21 September 1962, in Archives New Zealand, Wellington ABWN 6095 W5021/309 10/95/42 Part 1. *Supporting Documents*, Volume 4, pp.299-313.

⁶⁸⁸ Director-General, Lands and Survey to Secretary, Maori Affairs 4 October 1962, in Archives New Zealand, Wellington AAMK 869 W3074/78/d 5/9/203. *Supporting Documents*, Volume 4, pp.345-371.

⁶⁸⁹ *New Zealand Gazette* 1963, pp.681 and 1018. For copies of the *Gazette* notices, see Archives New Zealand, Wellington AANS 828 W5491/842 9/3/143. *Supporting Documents*, Volume 4, pp.290-298.

⁶⁹⁰ Secretary, Ahuriri Executive to Maori Affairs, ? 1973, in Archives New Zealand, Wellington AAMK 869 W3074 78d 5/9/203. *Supporting Documents*, Volume 4, pp.345-371.

notification to be given to the owners concerning any proposal to vest land in a trustee under the provisions of this section.’⁶⁹¹ The Department of Maori Affairs disclaimed any knowledge of any discussions involving the sale of the block during 1961 or 1962 as the Executive had claimed.

9.6. Summary

Area: 5,152 acres

Title awarded: 24th February 1906

Grantees: Ngati Hauiti (13)

Crown purchase: 5,152 acres

Purchase price paid: £425

Private purchase: -

Area ‘europeanised:’ –

Area declared Maori land: -

Area still in Maori ownership: -

⁶⁹¹ Minister of Maori Affairs to Secretary, Ahuriri Tribal Executive 12 February 1974, in Archives New Zealand, Wellington AAMK 869 W3074 78d 5/9/203. *Supporting Documents*, Volume 4, pp.345-371.

Chapter 10

Waitapu

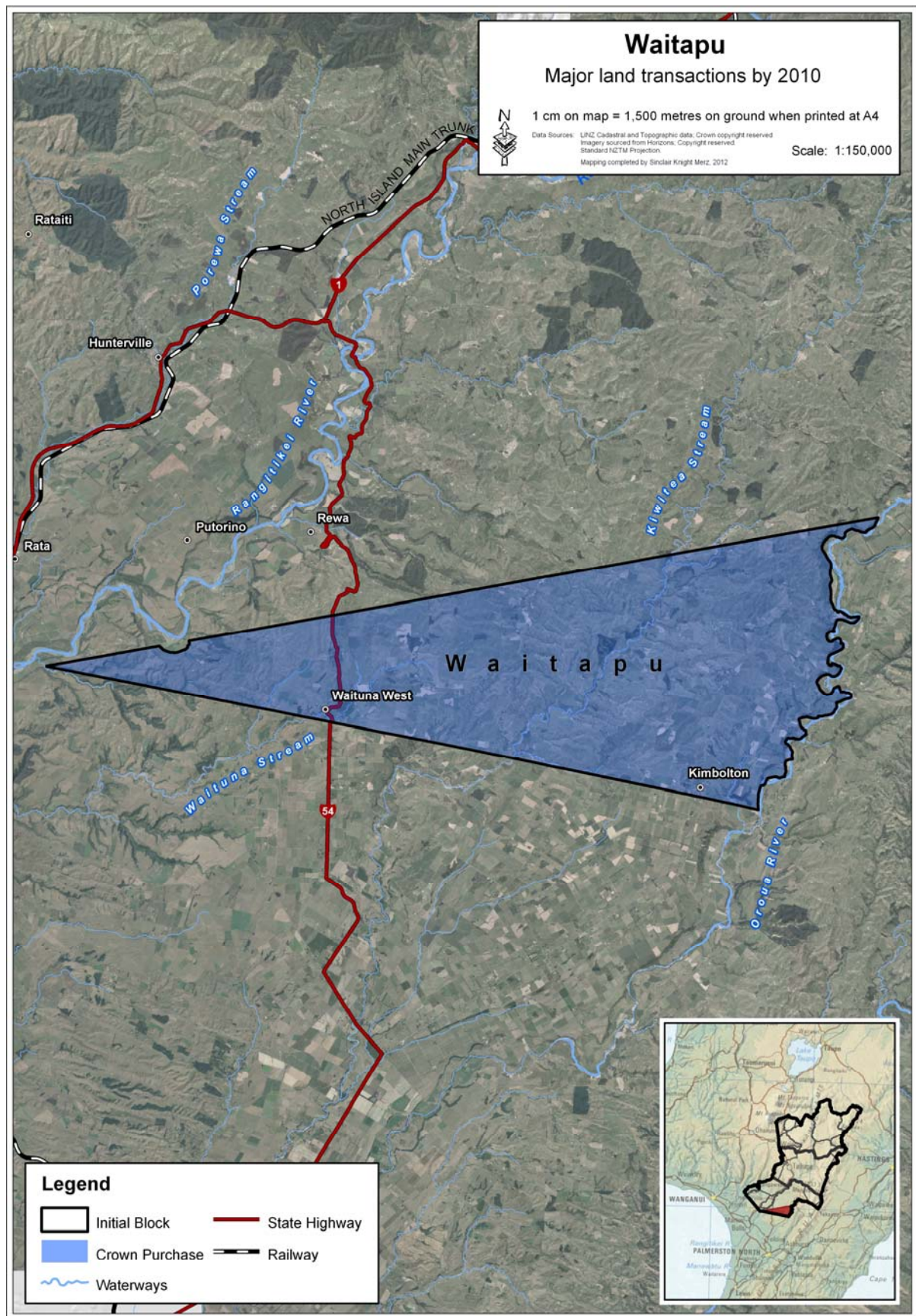


Figure 10: Waitapu: Major land transactions by 2010

10.1. Introduction

1.1. In his *Early Rangitikei*, J.G. Wilson claimed that Waitapu was the first purchase of land by the Crown north of the Rangitikei-Manawatu block. It was, he recorded, Kawana Hunia who ‘ingeniously discovered’ that the surveyors had erred, leaving a section of the Rangitikei-Manawatu for which the Crown had not paid. In order to secure the land, the Crown thus had to pay a further sum to Ngati Apa and Ngati Whiti[kaupeka].⁶⁹²

1.2. Waitapu has been touched upon in a number of reports. Gilling, following Wilson, recorded that it was Kawana Hunia who successfully claimed to have discovered that the boundary of Rangitikei-Manawatu ran from the Waitapu Stream to Parimanuka instead of to Umutoi as the surveyors had it. The result was the Waitapu block, laid off but not paid for in the original purchase and necessitating the payment of further recompense to Ngati Apa and Ngati Whiti.⁶⁹³ Morrow noted that Ngati Hauiti, Ngati Hinemanu, and Ngai Te Upokoiri were also involved.⁶⁹⁴ Berghan prepared a short history of Waitapu, but relied in part on Morrow’s earlier account.⁶⁹⁵ More recently O’Malley noted that that the purchase of Waitapu was not initiated prior to investigation of title, that in fact it never went before the Native Land Court, the assumption being that the Crown had already acquired the land as part of its purchase of the Rangitikei-Manawatu block.⁶⁹⁶

⁶⁹² J.G. Wilson, *Early Rangitikei*. Christchurch, 1914, p.243.

⁶⁹³ Bryan Gilling, ‘A land of fighting and trouble:’ the Rangitikei-Manawatu purchase. Wellington, 2000, p.246.

⁶⁹⁴ See Diana Morrow, *Iwi interests in the Manawatu c.1820 – c.1910*. Wellington, 2002; and Paula Berghan, *Block research narratives for Aorangi and Waitapu, 1873-1930*. 2003.

⁶⁹⁵ Paula Berghan, *Block research narratives for Aorangi & Waitapu, 1873-1930*. Wellington, 2003.

⁶⁹⁶ Vince O’Malley, ‘A marriage of the land?’ Ngati Apa and the Crown, 1840-2001: an historical overview. Wellington, 2005.

10.2. Re-surveying the boundary

2.1. Early in 1872, in a telegram to Wellington's Superintendent, William Fitzherbert, McLean made clear his desire to have the inland boundary of the Rangitikei-Manawatu block between Waitapu and the Oroua River defined. 'Nothing is fixed and neither party can deal with the land definitely until this is done ... A line from Waitapu to some point on Oroua all inland boundary necessary, as Natives will soon be prepared to sell land beyond boundary, but cannot do so till boundary question settled.'⁶⁹⁷ On 6th February, in a letter to Fitzherbert, he noted that:

The settlement of the inland boundary of the Rangitikei-Manawatu Block appeared to me to be of such imminent importance to the peaceable occupation of the district that I have spared no exertion or trouble in deciding on a boundary which would protect the interests of the Province [Wellington] and at the same time satisfy the Native claimants. After repeated and lengthy discussions with the Natives, most of whom were not parties to the original sale of the land, I proposed that a line should be drawn half-way between Umutoi and Pariroa, and thence to the Waitapu, which is the inland boundary of the purchase on the Rangitikei River.⁶⁹⁸

2.2. A new survey was conducted by John Knowles of Marton: in December 1872 he was still pressing the Crown for payment.⁶⁹⁹ The total cost was put at £61 19s. In January 1873, McLean advised the Under Secretary of Public Works that Knowles's claim was 'perfectly correct.' He went on to add that:

The claimants in the first instance agreed to pay this amount [£61 19s] to Mr Knowles but the line proposed by them would cut off a large portion of the block. After several interviews and discussions the principal claimants Renata, Noa, Utiku and others, agreed to an equitable adjustment of the boundary which secured the block of land the natives were cutting off, and I undertook to pay the surveyor's charges in addition to the amounts already paid for labour ...⁷⁰⁰

2.3. The outcome of the survey was the creation of a new 29,484-acre 'Waitapu Reserve' or 'Waitapu Block.'

⁶⁹⁷ D. McLean to W. Fitzherbert ? 1872, AJHR 1872, G40, p.13.

⁶⁹⁸ D. McLean to William Fitzherbert 6 February 1872, AJHR 1872, G40, p.14.

⁶⁹⁹ John Knowles, Marton to Public Works Department 12 November 1872, in Archives New Zealand, Wellington MA-MLP 1 1873/117. *Supporting Documents*, Volume 3, pp.57-61.

⁷⁰⁰ Native Minister to Under Secretary, Public Works 20 January 1873, in Archives New Zealand, Wellington MA-MLP 1 1873/117. *Supporting Documents*, Volume 3, pp.57-61.

10.3. Manoeuvring for position: Waitapu and Otamakapua

3.1. The record is then silent until March 1875 when Aperahama Tipae wrote to Native Minister McLean urging him to reject any offer to sell Waitapu and advising him against making any advances, observing that 'If you do so, and that secretly to any person, then your own laws will be condemning you.'⁷⁰¹ Clearly he was acutely suspicious that the lands he considered to be his would be sold without his knowledge. In October 1875 he composed a long letter to McLean in which he recorded that he was 'very anxious about my money ninety pounds, and my land also.' He went on:

Should you return me my land I will be satisfied; if it passes the Court I will agree to the sale of it. Should you not let me have it, I will not relinquish my hold upon this land Waitapu extending to Otamakapua and also my boundary line from Waitapu to Pariroa.

3.2. He added a long postscript:

This is another word respecting Dr Featherstone's purchase commencing at Rangitikei and extending as far as Manawatu, those are the lands upon which Mr Featherstone's money was charged and which lands belonged to Ngatiapa. I was not included in those lands nor did I receive any of the purchase money. It was for that reason I laid off the boundaries of my lands out of that block. Those are the lands upon which Dr Featherstone's paid the purchase money all of which you have paid over for the benefit of Ngatiraukawa. What reason had you for charging this money upon other and distinct blocks, whereas the money was paid on Whakaari which is a valuable block, and which (money) has all been paid to Ngatikauwhata. I have just heard that you have also given to Te Kooro a thousand acres⁷⁰²

3.3. In February 1877 Kawana Hunia Te Hakeke asked Under Secretary Clarke whether he and Buller had 'settle[d] about the Crown grant for Waitapu and Umutoi. He added that he would 'shortly go and settle with Renata Kawepo in order that the portion to be set apart for the moneys advanced by you and Sir Donald McLean may

⁷⁰¹ Aperahama Tipae, Whangaehu to Native Minister 15 March 1875, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷⁰² Aperahama Tipae, Whangaehu to Native Minister 5 October 1875, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

be defined.’⁷⁰³ A few weeks later, in early March 1877, Utiku Potaka took up the matter of Puhangina, Te Umutoi, and Waitapu with the government: in particular he requested that the names of Arapeta Potaka and Rawinia Potaka should be inserted into the Crown grant for the Waitapu reserve and the grant itself forwarded to him. He added that ‘... the persons whose names are inserted by Hunia should have their interest in his portion, that is at Waitapu between Rangitikei and Kiwitea, the portion between Kiwitea and Oroua belongs to me and my party.’ He concluded by observing that:

... let this be done at once in order that I may be clear how to act with respect to Otamakapua, however that we may all be clear how to discover some means for the settlement of Otamakapua. However our wish is to have the question of the title to Otamakapua thoroughly gone into.⁷⁰⁴

3.4. In May 1877 Hamera Ngapuru Te Raikokiritia of Parewanui announced that he wanted the block divided and two grants issued.⁷⁰⁵ Hamera subsequently indicated that he wanted no more than ten grantees named, five of Ngati Apa and five of Renata Kawepo’s hapu. He was informed that a grant for Waitapu would not issue until ‘the whole question has been decided according to law.’ Utiku Potaka was informed similarly.

3.5. The following month, June 1877, Utiku Potaka informed Clarke that he proposed visiting Wellington and wished to see him with respect to Waitapu, Puhangina, and Umutoi. He went on to add that:

I strongly object to the action taken by Kawana Hunia in the matter of the Waitapu Grant because he was the principal seller of the Rangitikei-Manawatu block in which this land Waitapu was included. On my representing the matter to Sir Donald McLean it was decided to cut the boundary line midway between Pariroa and the Umutoi but I wanted it taken from Waitapu top Pariroa, ultimately it was agreed to have it taking the line midway between Pariroa and Te Umutoi. No other member of the Ngatiapa discussed the question of this boundary with the late Sir Donald McLean, I did it alone. I

⁷⁰³ Hunia Te Hakeke, Parewanui to Under Secretary, Native Department 2 February 1877, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷⁰⁴ Utiku Potaka, Pourewa to Under Secretary, Native Office 8 March 1877, in Archives New Zealand, Wellington MA-pMLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷⁰⁵ Hamera Ngaouru Te Raikokiritia, Parewanui to Under Secretary, Native Land Purchase Department 21 May 1877, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

therefore consider that I am the proper person to deal with this Crown Grant & not Kawana Hunia who is acting deceitfully for he sold this land.⁷⁰⁶

10.4. The Crown acquires Waitapu

4.1. The record fall silent again until August 1879 when Kawana Hunia informed Native Minister Sheehan that:

Do you and Dr Buller make final arrangements about the Twenty seven thousand acres of Waitapu, possession of which was given into my hand by Sir D. McLean and I, thereupon, caused Pariroa to fall to Sir D. Mclean. Do you complete arrangements about that place, so that Renata and myself may be clear, it being about to be sold to your Government.⁷⁰⁷

4.2. In October 1879, Booth informed Native Minister Bryce that he required immediately the sum of £14,742 for the purchase of 29,484 acres at 10s per acre, being what he described as the southern portion of Otamakapua that McLean returned to Maori by McLean ‘when he altered the inland boundary of the Rangitikei-Manawatu ... block in 1872.’ According to Bryce, it was ‘highly desirable that this block should be acquired previous to the final payment on the Otamakapua block and the amount required will therefore be provided as soon as required.’⁷⁰⁸ Bryce subsequently reminded Booth that the purchase of Waitapu was ‘the key to the larger block [Otamakapua].’⁷⁰⁹

4.3. Booth appears to have considered asking the Native Land Court to consider Waitapu together with Otamakapua. Asked for his opinion Buller, as ‘Counsel for the Crown,’ was adamant that ‘the matter does not admit of one moment’s doubt,’ and went on to observe that:

⁷⁰⁶ Utiku Potaka, Pourewa to Under Secretary, Native Land Purchase Department 4 June 1877, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷⁰⁷ Kawana Hunia to Native Minister, August 1879, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷⁰⁸ James Booth, Land Purchase Officer, Wellington to Native Minister 10 October 1879, and note by Native Minister 10 October 1879, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷⁰⁹ Native Minister to James Booth 17 October 1879, in Archives New Zealand, Wellington MA 13 58d.

The Court has no jurisdiction whatsoever over this land & no amount of consent would have clothed it with a power unknown to the statute. The Waitapu Reserve is part of the Rangitikei-Manawatu Block over which the Native Title was extinguished by Gazette proclamation in 1869. It was one of the numerous reserves afterwards made by Sir Donald McLean to allay the discontent in the district & the machinery provided by the legislature for giving legal effect thereto was the Rangitikei-Manawatu Crown Grants Act 1873. Some doubt existed as to what particular natives were entitled to the land under McLean's promise & the issue of the Waitapu Grant was delayed in consequence. I proposed to the late Native Minister that a Royal Commission should issue to a Judge of the Native Land Court or some other person to ascertain and report who of the rival claimants were so entitled in order that the act might take effect. It seems to me however that the present is a very favourable opportunity for acquiring the estate for the Crown on the same terms as Otamakapua to which indeed it is the natural key. In the event of a purchase the govt should obtain a deed of release executed by both the contending parties. This would get rid of McLean's promise & the reserve could then be dealt with as ordinary waste lands of the Crown.⁷¹⁰

4.4. The preamble to the Rangitikei-Manawatu Crown Grants Act 1873 recorded that:

Whereas disputes have been for some time pending between the Government of the Colony and certain persons of the Aboriginal Native race who claimed to be proprietors of certain lands in the districts of Rangitikei and Manawatu in the Province of Wellington: And whereas certain of such disputes were some time since adjusted by Isaac Earl Featherston, and certain other of the said disputes were some time since adjusted by the Honorable [*sic*] Donald McLean, acting for the said Government, and it was agreed that certain lands in the said districts should be granted by the Crown to certain Natives in fee-simple, and that certain other lands should be reserved for the benefit of certain Natives ...

The Act empowered the Governor to fulfil and carry into effect the agreements specified and to compensate, where deemed appropriate, the Province of Wellington. In fact no evidence was located to show that Waitapu was ever designated a 'reserve' and it certainly does not rate any specific mention in the extensive claims for compensation which the Province of Wellington brought against the General Government.⁷¹¹

4.5. What the available file does indicate is that on 21st October 1879 Booth made a payment of £10 to Kawana Hunia on account of Waitapu, while towards the end of

⁷¹⁰ Walter Buller to Native Minister 13 October 1879, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷¹¹ On those claims, see AJHR 1870, A25; 1872, G40; and 1874, H18.

that month Booth reported that he had paid £7,371 to Renata Kawepo and ‘the Upokoiri portion of the persons to whom Sir Donald McLean gave the land.’ The balance, that is, a further £7,371, would be paid to Aperahama Tipae and Ngati Apa who were ‘very anxious to take over the money and sign [the] deed.’⁷¹² Booth was instructed to ensure that he secured Kawana Hunia’s consent and that payment extinguished all Maori claims to the block. Booth reported a few days later that Hunia had ‘committed himself by accepting £220 from the Upokoiri recipients of the first payment,’ but that he would not make any payment until Hunia had signed the deed.⁷¹³ The caution seemed justified when Buller advised Gill that he was quite sure that Hunia would not give his consent without a struggle and that ‘Some days will be spent in “korero.”’⁷¹⁴

4.6. It soon became clear that others besides Kawana Hunia were unhappy. Utiku Marumaru, dismayed by the payment made to Ngati te Upokoiri, informed the Native Minister that Ngati Apa owned Waitapu.⁷¹⁵ Hunia remained anxious to exclude Ngati Paueiri whom he termed ‘Utiku’s tribe.’⁷¹⁶ Hunia himself complained to Bryce over the payment made to Ngati Upokoiri and went on to insist that:

I argued the matter out with Sir D. McLean urging that half of it [Waitapu] be given back to me. Sir D. McLean consented ... whereupon Sir D. McLean asked me also to be liberal with respect to the half of Pariroa, that I should return it to the Government and I fully agreed, and we two settled the boundary ...

4.7. McLean, he went on, had never discussed Waitapu with Utiku Potaka, adding that he had been ‘the most prominent seller in the Manawatu Block by which it was fully given to Dr Featherston, and I have the token given by Dr Featherston still in my hand ... a gold ring that cost seven guineas and a Scotch kilt.’ Finally, he informed

⁷¹² Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 29 October 1879, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷¹³ Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 3 November 1879, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷¹⁴ Walter Buller to Under Secretary, Native Land Purchase Department 3 November 1879, in Archives New Zealand, Wellington MA-MLP 1 1886/344.

⁷¹⁵ Utiku Marumaru, Parewanui to Native Minister 28 October 1879, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷¹⁶ W.L. Buller to Under Secretary, Native Land Purchase Department 10 November 1879, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

Bryce, 'In respect to Otamakapua keep your money I and my people will live (occupy) on that land and I will apply for a rehearing.'⁷¹⁷

4.8. On 5th November 1879, Buller indicated to the Under Secretary that Booth wished to meet him at Whangaehu and that he should bring with him copies of all the official memoranda relating to Waitapu.⁷¹⁸ The latter included minutes of a meeting held 'at Rangitikei in 1870-1871 when Sir D. McLean agreed to give back the Waitapu Block.' On 9th November Buller urged the Department to forward all the papers to Booth ahead of the planned meeting on Waitapu.⁷¹⁹ Considerable difficulty was experienced in locating all the papers, but on 14th November those that had been located were forwarded to Booth.

4.9. On 21st November Buller reported that 'after a week's hard talking' the matter had been settled, that Kawana Hunia had signed the deed on the previous evening, and that on that day they had travelled out to Whangaehu to pay over the purchase money.⁷²⁰ Booth reported that Kawana Hunia and Aperahama Tipae, as representative chiefs of Ngati Apa, had signed the transfer deed, but added that Hunia, 'through his obstinacy & ... selfishness ... [had] given an immense deal of trouble,' adding that Hunia was 'five days at it before he would sign and he now wants to take £3,000 as his personal share and to put off the tribe with £500.'⁷²¹

4.10. It emerged that Hunia had signed the deed on the express understanding that the sale did not debar him from pressing his alleged claim against the government in respect of the monies paid over at Omahu to Utiku Potaka, Renata Kawepo, Hamuera Te Raikokiritea and others for their share of Waitapu. Booth agreed to assist Hunia to secure an investigation into his claims 'by competent authority,' a concession made to

⁷¹⁷ Kawana Hunia, Parewanui to Native Minister 29 October 1879, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷¹⁸ Walter Buller to T.W. Lewis 5 November 1879, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷¹⁹ Walter Buller to T.W. Lewis 7 November 1879, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷²⁰ Walter Buller to Under Secretary, Native Land Purchase Department 21 November 1879, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷²¹ Land Purchase Officer, Whanganui to Under Secretary, Native Land Purchase Department 22 November 1879, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

Hunia individually and not to Ngati Apa generally.⁷²² Booth forwarded the completed deeds of purchase for the 29,484-acre Waitapu to Wellington on 25th November 1879. Half of the total purchase price of £14,742 was paid to Kawana Hunia and others, and the other half to Utiku Potaka and others. In April 1880, Waitapu was declared to be Crown land.⁷²³

10.5. Kawana Hunia presses his claim

5.1. In December 1879 Kawana Hunia and Peti Te Aweawe met the Native Minister in Wellington where Hunia presented a list of grievances, including Waitapu and Otamakapua.⁷²⁴ With respect to the former he reiterated his claim that McLean had agreed that he should have a portion of the land at Waitapu and again pressed his demand for the return of 14,000 acres awarded to Utiku Potaka, Renata Kawepo and others. With respect to Otamakapua, Hunia claimed that he represented ‘his people,’ informed the Native Minister that they had applied for a re-hearing, and asked Bryce to approve of their application. Ngati Apa clearly sought to employ the Crown’s limited recognition of its rights in Waitapu to secure a re-hearing in respect of Otamakapua.⁷²⁵

5.2. In response, Bryce indicated, with respect to Waitapu, that:

The land had been originally included in the deed of cession for the Rangitikei Manawatu block and the line which was laid off which accompanied the deed of cession showed that it was so included. It was then urged upon Sir D. McLean that an alteration should be made not however, and this was a very important point, because it specially belonged to Kawana Hunia, but because the boundaries were not well known - but that other points better known

⁷²² Memorandum dated 20th November 1879 by Land Purchase Officer, Whanganui in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264. See also Land Purchase Officer, Whanganui to Under Secretary, Land Purchase Department 25 November 1879, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷²³ *New Zealand Gazette* 1880, p.451.

⁷²⁴ An 18 page summary of this meeting can be found in MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264. Only the discussions relating to the southern section of the Taihape Inquiry District are reported here.

⁷²⁵ Vince O’Malley, ‘A marriage of the land?’ *Ngati Apa and the Crown, 1840-2001: an historical overview*. Wellington, 2005, p.52, quoting Diana Morrow, *Iwi interests in the Manawatu c.1820. – c.1910*. Wellington, 2002, p.196.

should be indicated. When Mr Booth attempted to buy the land he was under the impression and advised him (Native Minister) to that effect that Kawana Hunia had not a very large claim in that block, and that, in fact, if his claim was recognised to the extent of one-half the money to be paid for it, it was recognised to a larger extent than the justice of his case warranted. He had not seen Dr Buller upon the subject, but Mr Booth informed him that the inquiries taken before the Court at Omaha went to establish the fact that Kawana Hunia's interest in that block was not a large interest.⁷²⁶

5.3. A year later, in December 1880, William Fox took Ngati Apa's complaint with respect to Waitapu up with the Native Minister. He noted that Kawana Hunia claimed an undefined 'personal and individual interest' in that part of the block sold to Renata Kawepo and others. What he now wanted was the inquiry that, he claimed, Booth had promised.⁷²⁷ In Bryce's view, the meeting he had held with Kawana Hunia in December 1879 constituted the inquiry promised.⁷²⁸ In February 1881, Hunia took the matter up with the new Native Minister, William Rolleston, but made no further progress. In April 1883 he advised the Department that both Waitapu and Otamakapua would be occupied, insisting that 'the trouble about that land will never cease ...'⁷²⁹ The threat was ignored.

5.4. In 1886 Kawana Hunia Te Hakeke's son, Wirihana Hunia, took the matter up on behalf of his late father. It was the latter, he insisted, who had pointed out that the inland boundary of the Rangitikei-Manawatu block (the sale of which, he claimed, Kawana Hunia had largely facilitated) had been wrongly described and that as a result the block included land that neither he nor Ngati Apa had intended to sell at the time of the Rangitikei-Manawatu transaction. Kawana Hunia, Major Kemp, and McLean had subsequently agreed to an adjustment of the inland boundary, the 29,484-acre block resulting being recognised as belonging to Ngati Apa. Kawana Hunia and Ngati Apa had agreed to sell the block to the Crown at the rate of 10s per acre only to find that half of the purchase money was paid to Utiku Potaka and Renata Kawepo, but

⁷²⁶ Summary in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264. In the course of the discussions, Bryce offered some interesting views on how he thought lands owned by Maori ought to be administered.

⁷²⁷ William Fox to Native Minister 15 December 1880, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷²⁸ Native Minister to William Fox 22 December 1880, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷²⁹ Kawana Hunia, Parewanui to T.W. Lewis, Native Land Purchase Department 3 April 1883, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

that he had agreed to the sale on the condition that his claim would be investigated. The discussions with Native Minister Bryce did not, in his view, fulfil the promise made.⁷³⁰

5.5. In 1886 Native Minister Ballance agreed that further inquiry should be made and Booth, now Gisborne's resident magistrate, was asked to furnish a full report. Booth offered little that was new but insisted that McLean had recognised Kawana Hunia, Utiku Potaka, and Renata Kawepo as co-owners. That such was the case, Booth claimed, was borne out the decision of the Native Land Court to award the adjacent Otamakapua block, 'of which Waitapu was originally a portion,' to Ngati Hauiti and Ngati Upokoiri.⁷³¹ Wirihana Hunia was informed accordingly and there the matter rested.

10.6. Summary

Area: 29,484 acres

Title awarded: -

Grantees: -

Crown purchase: 29,484 acres

Purchase price paid by Crown: £14,742

Private purchases: -

Area 'europeanised:' –

Area declared Maori land: -

Area still in Maori ownership: -

⁷³⁰ Wirihana Hunia, Wellington to Native Minister 24 June 1886, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

⁷³¹ Resident Magistrate, Gisborne to Under Secretary, Native Land Purchase Department 17 August 1886, in Archives New Zealand, Wellington MA-MLP 1 1886/344. *Supporting Documents*, Volume 3, pp.160-264.

Chapter 11

Crown purchasing in the southern Taihape Inquiry District: an assessment

11.1. Introduction

1.1. Given that the Crown emerged as the major purchaser of land in the southern section of the Taihape Inquiry District, one major question remains to be explored, namely, what do the block histories presented above say about the manner in which the Crown conducted its purchasing programme. Chapter 11 explores that question utilising the evidence presented together with some additional contextual evidence drawn from adjacent Whanganui Inquiry District where the Crown's land purchasing was also largely conducted by James Booth. The emphasis is on the Crown's purchasing programme of the 1870s and 1880s, although that conducted under the Native Land Act 1909 is discussed briefly.

1.2. By far the greater part of the Crown's purchasing in the southern blocks of the Taihape Inquiry District was conducted from about 1870 to about 1885, notwithstanding the fact that in 1864 the Crown had relinquished its pre-emptive right of purchase over land owned by Maori. Moreover, during that same period the Crown's role as purchaser came under severe political attack from the 'free-traders,' the fall of the Grey Government in 1879 representing in significant measure a political victory by those who wished to minimise the role of the Crown, at least with respect to the transfer of land out of Maori ownership. An analysis of the area of land under negotiation for purchase by the Crown shows a sharp increase between 1874 and 1879, the area aggregating just over 5.14 million acres in the latter year. Thereafter, the advent of the Hall Government and its growing financial difficulties saw that area contract sharply, rise modestly during the mid-1880s before declining and rising again to reach a pre-1910 peak of 468,000 acres in 1895-1896. The area actually acquired by the Crown traced a similar path, reaching 276,000 acres in 1879-1880 before declining to a mere 8,541 acres in 1890-1891. Whereas the Crown acquired a total of 4.04 million acres between 1874 and 1885, private purchasers acquired just over 1.1 million acres.⁷³²

⁷³² For details relating to the Crown, see D.M. Loveridge, *The development of Crown policy on the purchase of Maori lands, 1865-1910: a preliminary survey*. Wellington, 2004. For details of private purchases, see AJHR1885, G6, p.1.

1.3. That the Crown was the major purchaser was based on certain assumptions, among them, that it was a primary role of the state to shape and promote the development of a new society and economy; that the state should act as an active agent of economic development, investing in roads, ports, and railways; and that a major task was to effect the transfer of land collectively held for ‘subsistence’ purposes not merely into settler ownership but into small-farmer ownership. The ‘development plan’ formulated by the Fox Ministry of 1869-1872 (and called the ‘Vogel plan’) embodied those assumptions, together with the belief that large-scale land transfer would enhance internal security. These assumptions underlay the policies embodied in the Immigration and Public Works Act 1871 and would inform and direct the efforts of the Crown to acquire as much as possible of the blocks in the southern section of the Taihape Inquiry District and so complete the earlier major purchases effect in the Manawatu and complement the contemporaneous purchasing programme in the Whanganui region.

11.2. The Native Land Court and title investigations

2.1. Effecting the transfer of land out of Maori ownership first required that lands held under customary tenure should be clothed with a legally recognised (and tradeable title). That initially was the primary role of the Native Land Court. The first issue of interest is how lands were brought before the Court. Section XXI of the Native Lands Act 1865 empowered owners to apply for an investigation of title, and the evidence relating to the southern Taihape blocks indicates that in all cases the blocks were brought before the Court by those claiming ownership.

2.2. Before it is supposed that they did so freely, it should be borne in mind that section LXXXIII of the Native Lands Act 1865 provided that where the Crown and owners had entered into agreements for the sale and purchase of land the Crown itself could have the blocks concerned brought before the Native Land Court. Once ownership had been defined and titles granted the Crown could enforce such agreements. Further, section 6 of the Native Land Amendment Act 1877, allowed the Crown, where it had made pre-title advances, to have such advances in the form of land partitioned out of the blocks concerned. In effect, section 6 provided another

avenue whereby which the Crown could have papatupu lands brought before the Court.

2.3. The Crown's liberal use of pre-title advances in respect of the southern blocks effect meant that the real power to bring blocks before the Native Land Court lay with the Crown. The evidence relating to the southern blocks indicates that it chose not to exercise that power directly: whether it did so indirectly, through encouragement or coercion, is less clear. Only in the case of Otairi did its exasperation over the protracted process of acquisition lead it to propose acting under section 6 of the Native Land Amendment Act 1877, and hence the system of tamana and the manner in which it was utilised are matters of considerable moment.

11.3. Pre-title advances

3.1. The evidence presented above indicates quite clearly that in its efforts to acquire land in the southern reaches of the Taihape Inquiry District the Crown made substantial pre-title advances. It is worthwhile noting that section LXXV of the Native Lands Act 1865 provided that 'Every conveyance transfer gift contract or promise affecting or relating to any Native Land in respect of which a certificate of title shall not have been issued by the Court shall be absolutely void.' Section LXXVII empowered the Crown to make advances to Maori but explicitly for the purposes of survey. Nevertheless, section LXXXIII allowed the Crown to refer any agreement for sale and purchase reached between owners and 'officers duly authorized' to the Native Land Court and empowered the latter to investigate titles and to give effect to agreements reached. Section 42 of the Immigration and Public Works Act Amendment Act 1871, section 59 of the Native Land Act 1873, and section 2 of the Government Native Land Purchases Act 1877 all empowered the Crown to enter into negotiations for the sale and purchase of land prior to title investigation and/or envisaged such negotiations including payment. Thus section 59 of the Native land Act 1873 referred to 'advances of money made to the Native owners by way of

earnest money ...’⁷³³ For the Crown the practice represented, as former Native Minister John Sheehan acknowledged in 1879, a means of bringing papatupu land into the Native Land Court, of allowing it to issue notifications excluding private dealings and thus to effect a measure of control over prices, and of allowing it to circumvent collective opposition.⁷³⁴

3.2. Land purchase agent James Booth made liberal use of advance payments, Richard Woon in 1879 congratulating him for having ‘by advances made, secured the pre-emptive right of purchase by the Government over hundreds of thousands of acres of the interior.’⁷³⁵ Up to the end of March 1880 the Crown made advance payments on 26 blocks in the Whanganui Inquiry District that ranged in amount from £250 to £6,872, while the total amount advanced exceeded £35,000. Clearly the Crown had made a considerable investment in land purchase in the Whanganui Inquiry District. With respect to Otairi and Otamakapua, the evidence made it clear that very substantial sums were paid by way of pre-title advances to the supposed owners.

3.3. That same evidence also makes it clear that advance payments were made to just a few individuals, principally Renata Kawepo, Utiku Potaka, Aperahama Tipae, and Kawana Hunia. Of these rangatira, Renata Kawepo at least was not disposed to distribute the monies among his co-owners, a major reason for the protracted wrangling that developed over the distribution of purchase monies among the owners of Otamakapua 2.

11.3.1. Criticising the practice

3.4. The practice attracted considerable contemporary (and later) criticism. It was claimed that it encouraged individuals to act without the knowledge and consent of their co-owners and thus undermined social cohesion; that it committed iwi and/or hapu collectively to sale without the consent of all rights holders; that it generated

⁷³³ Earnest- or good-faith money was a deposit or advance paid to secure the purchase of real estate. It was also known as earnest penny, Arles penny, God’s penny, and Argentum Dei.

⁷³⁴ See Sheehan’s evidence given to the Native Expenditure Committee, 1879 in AJLC Session II, 1879, No.6.

⁷³⁵ AJHR 1879, G1, p.9.

uncertainty and anxiety on the part of those who did not receive payments over whether their claims to ownership would be recognised; that it allowed the Crown to negotiate prices without having to secure the consent of all rights holders; that where payments were made to rangatira the practice transformed them into agents of the Crown thereby seriously compromising their ability to defend and advance the interest of their collectivity; that pre-title advances could and did commit owners to selling before a rate per acre or the total consideration had been agreed; and that it established the basis for later disputes over titles, ownership, and the distribution of purchase monies.⁷³⁶

3.5. In 1875 land purchase officers were:

... reminded that all land transactions in behalf of the Government must be conducted as openly as possible and that in all cases the leading chiefs must be consulted, and they are strictly to avoid making payments to individuals who stealthily offer to part with their interests; such a course is decidedly objectionable as leading in some instances to natives receiving money without due inquiry as to their right to dispose of the land, thereby causing much discontent among the real owners and prejudicing the native mind against the action of Government officials.⁷³⁷

3.6. Such instructions notwithstanding, the evidence nevertheless suggests that pre-title payments were made in respect of some of the blocks in the southern section of the Taihape Inquiry District that appear to have been kept confidential or that were at least never disclosed. Just as it is clear that secret pre-title advances contributed significantly to the tension over land transactions that emerged in the Upper Whanganui region during the late 1870s and early 1880s, so they did in the Taihape Inquiry District. The payments made to Renata Kawepo in respect of Otamakapua were a case in point. The effect which subsequent disclosure could have on other claimants was plainly evident in Kawana Hunia's response and in the war of words that erupted in 1875 among Hunia, Kawepo, and Potaka. The demands made in 1876 by rival claimants that the Crown disclose details of the payments that had been made were further evidence of the distrust and discord which practice of tamana could and

⁷³⁶ See, for example, NZPD 22, 1876, pp.438-440. For a later assessment, see, for example, D.V. Williams, *Te Kooti tango whenua: the Native Land Court 1864-1909*. Wellington, 1999, p.149.

⁷³⁷ Native Minister to Land Purchase Officers, in Archives New Zealand MA-MLP 1 3/1, cited in Michael Macky, *Whanganui land and politics 1840-1865*. Wellington, 2006, p.72.

often did generate. Having not received advance payments left many Maori anxious that their claims to ownership would not be recognised and/or would cost them dearly to establish before the Native Land Court.

3.7. The evidence relating to Otamakapua indicates clearly that pre-title advances could be and in practice were made ahead of any agreement over the rate per acre to be paid for any block. In other words, the payment of pre-title advances to selected individuals in effect committed all owners to selling before the total consideration had been agreed to by all owners. In the case of Otamakapua, some claimants, Utiku Potaka foremost among them, understood the implications of pre-title payments: so much was apparent in his complaint that in effect they allowed the Crown to usurp the role of the Native Land Court which was to establish ownership. No doubt he was also aware that acceptance of payments by one individual committed all owners to their repayment, in cash or in land, should the Crown elect not to complete a purchase.

3.8. Native Minister Bryce (1879 to 1884, though not continuously) was a fierce critic of the system and in fact in November 1879 banned its use without special authority.⁷³⁸ Bryce subsequently offered some scathing criticism of land purchase agents, including Booth upon whom he claimed ‘Great pressure was put ... to acquire a public estate ...’ He accused agents of ‘scattering money among ... [Maori] like dirt ...’ although his concern was less for Maori than it was of protecting the Crown’s interests.⁷³⁹ Pre-title advances were essentially an unsecured liability. For the blocks in the southern section of the Taihape Inquiry District the decision to limit the practice came too late. Pre-title advances formed an essential part of the process by which the blocks were brought before the Native Land Court and by which the Crown acquired large portions of the lands involved.

3.9. Bryce’s decision to limit the use of pre-title advances was in part a response to the financial difficulties that the government confronted as the recession of 1879 deepened into depression. Indeed, in 1880-1881 the government reviewed its Maori

⁷³⁸ See Under Secretary, Native Land Purchase Department to Native Minister 11 November 1879, in Archives New Zealand, Wellington MA-MLP 1 1879/620.

⁷³⁹ NZPD 35, 1880, p.267.

land purchasing operations and decided to relinquish purchase negotiations and apply to the Native Land Court to have its interests in the blocks concerned defined, partitioned, and awarded to it.

3.10. It should be noted that from time to time Maori elected to try to repay pre-title advances, but it was for the Crown to decide whether or not accept any such offers. On the other hand, the Crown could elect to discontinue purchase negotiations and, rather than apply to have its interests partitioned out, demand repayment. The recovery of advance payments appears to have exercised Crown officials considerably. In 1879, responding to concerns over the scale of the Crown's pre-title commitments, former Native Minister John Sheehan, in his evidence to the Legislative Council's Native Expenditure Committee, sought to allay such anxiety by asserting that 'The Natives would be very glad to pay back the money and get their land: they could get a higher price. There is one thing quite certain, that every penny paid can be recovered.'⁷⁴⁰ While it might be thought that Sheehan was defending his record as Native Minister, the evidence from the Whanganui and Taihape Inquiry Districts (notably Otairi) is that his confidence was not misplaced.

3.11. Two other matters relating to pre-title advances merit brief consideration, namely, whether Native Minister McLean and his land purchase officers always identified the rightful owners and whether they dealt with all rightful owners or just those apparently more disposed to sell. Indeed, with respect to Otamakapua the evidence indicates that McLean was well aware that others besides Renata Kawepo had claims to Otamakapua and yet he chose to deal with the latter over the objections of other claimants. The evidence also indicates that Booth did not always identify the rightful owners: although he treated with Ngati Apa, in fact the Native Land Court subsequently rejected the iwi's claim to the block. It is at least possible that Mclean and Booth chose to deal principally with Kawepo given the latter's disposition to sell rather than with Ngati Apa or at least some members of who were prepared to consider selling to private purchasers. If so, Otamakapua was not an isolated case, for the evidence relating to Rangitatau in the Whanganui Inquiry District makes it clear that Booth chose to negotiate with and make advance payments to one group of

⁷⁴⁰ AJLC Session II, 1879, No. 6, p.5.

supposed owners and, apparently, to ignore the claims of those negotiating with private purchasers for the sale of the land. The evidence indicates that the latter were prepared to conclude far more favourable terms with the owners and it is clear, acting on instructions, that in dealing with another group of supposed owners Booth was attempting to disrupt those negotiations. It seems likely that he employed the same tactic in respect of Otamakapua.

11.4. Negotiating purchases

4.1. One of the interesting questions that arises is whether the award of pre-title advances preceded or followed formal purchase negotiations. In 1879 Booth set out his approach to land purchasing as follows:

Application to sell a block of land must be in writing giving the name of the block, estimated area, and boundaries of the block offered for sale, upon receiving the written offer, I called an open meeting of all native interests at which I read the written offer. The natives then discussed the ownership, if those that offer the land make good their claim I entered into treaty with them, on the other hand if the claim was not sustained the application was destroyed.⁷⁴¹

4.2. Although Booth referred to ‘entering into treaty,’ he did not specify whether that involved a pre-title advance. Former Native Minister Sheehan offered a little more detail when he claimed that:

Two or three representative men of a tribe will come to the Land Purchase Officer and state their desire to sell such a block of land. He, knowing their tribal rights, will probably estimate the number entitled to share in the purchase-money. There is a meeting and a discussion, and from that he ascertains generally the opinion of the tribe, and whether the representatives are authorised to sell. On that being ascertained, survey takes place, and very likely a payment on account of the purchase money itself is made.⁷⁴²

4.3. Having secured agreement, Booth would draw up agreements for sale and purchase and require those who received payments to sign those agreements. Such

⁷⁴¹ See Booth’s report of 5 July 1879, in Archives New Zealand, Wellington MA-MLP 1 1879/193.

⁷⁴² AJLC Session II, 1879, No.6. p.4.

agreements apparently specified the rate payable per acre (if not the total consideration) and those who signed agreed to sell their lands to the Crown once they had passed through the Native Land Court: upon the determination of title, such agreements took immediate and binding effect. All payments were made in cash in the presence of a reliable (almost invariably Pakeha) witness.

4.4. If Sheehan were correct, then advance payments were made during meetings of all owners. Payment of tamana in advance of such meetings would clearly raise some serious questions, among them, whether those proposing sale were acting with the consent of their co-owners or in furtherance of their own interests. That is a difficult question to answer with any degree of certainty. It is nevertheless of interest to note that the Native Land Court, with respect to Paraekaretu, deemed it necessary to require Aperahama Tipae to enter into a formal agreement under which he declared that he held the block in trust for the ten hapu deemed to be owners. Further, the protracted wrangling that took place over the ownership lists for Otamakapua 2 in part reflected the deep distrust among owners to which the ten-grantee system had given rise.

4.5. The accounts of the purchasing process offered by Booth and Sheehan imply that all owners were consulted during the purchase meetings that they described. This seems unlikely, not least given the highly contested proceedings in the Native Land Court which followed title investigations and which were devoted to establishing who precisely the owners were in any given block.

11.5. Enlisting assistance

5.1. There is a related matter that merits some discussion and it relates with particular force to Otamakapua, namely the disposition of the Crown, in its efforts to secure a particular block, to enlist the assistance of certain individuals. The evidence is quite clear that the Crown made payments, some substantial and some modest, over and above advances on purchase costs. In particular, it sought to secure the assistance of Rangatira: where such payments were accepted the capacity of the recipient to act in the interests of his co-owners may well have been seriously compromised. Joel, for

example, noted with reference to Waimarino, that the Crown made payments intended both to encourage the recipients to persuade or induce others to sell, and to recompense them for a range of other services which included assistance in identifying grantees and willing sellers, appointing trustees for minors among the owners, drawing up ownership lists, supporting the Crown's applications for partitions, and other services incidental to purchasing.⁷⁴³

5.2. Some of the annual returns in the *Appendices, Journals of the House of Representatives*, distinguish between the purchase monies and what were termed the 'incidental expenses.' The returns for the period from 1882 to 1886 indicate that such expenses were scarcely insignificant.⁷⁴⁴ In the case of Otamakapua, Renata Kawepo was paid £2,000 for assistance rendered: should be noted that that payment preceded another payment, this time of £3,200 on account of purchase monies.

11.6. Excluding competitors

6.1. One of the major issues to which Crown purchasing in the southern Taihape Inquiry District gave rise was the propensity of the Crown, despite having relinquished in 1864, its pre-emptive right of purchase, to try to exclude private competitors. Thus where the Crown entered into negotiations to purchase customary land from Maori then, under section 42 of the Immigration and Public Works Act 1871, no private party could seek to acquire such land. The Immigration and Public Works Act 1874 (section 2) extended the provisions of section 42 to cover land in respect of which the Crown was negotiating to lease with an option to purchase. Notifications issued under section 42 of the Immigration and Public Works Act 1871 had a currency of two years but could be re-issued.

6.2. As private competition for land intensified during the 1870s prices rose.⁷⁴⁵ Further, it was clear that at least some private purchasers were quite prepared to make advances on pre-title lands despite the risks involved. As one result, the owners of a

⁷⁴³ See A. Joel, *Waimarino purchase issue report part one: the Crown's conduct of the Waimarino purchase*. Wellington, 2006.

⁷⁴⁴ AJHR 1882, C4; 1883, C3; 1884, Session II, C2; 1885, C7, and 1886, C5.

⁷⁴⁵ See for example, McLean's comments in AJHR 1875, G6, p.2.

number of blocks in the Whanganui Inquiry District sought to repay the advances they had received from the Crown in the hope of having notifications revoked.⁷⁴⁶

6.3. By the end of June 1877 the Crown (nationally) had entered into negotiations to purchase from Maori almost 2.65 million acres of land. By that date it had spent almost £278,000 on completed negotiations, just over £193,000 on negotiations in progress, and just over £110,000 on ‘general expenses,’ a total of £581,000. It was that scale of commitment which induced Under Secretary Gill to remind Booth ‘that the Government were running short of money ...’ and that the £700,000 allocated by the government to Maori and purchase ‘was being expended very fast ...’⁷⁴⁷

6.4. At the same time, Whanganui’s resident magistrate Richard Woon, noting that several large blocks had been sold at prices higher than those offered by the Crown, predicted that ‘unless the law is altered vast tracts of land will pass into the hands of European capitalists and monopolists, whereby the settlement of the country will be greatly retarded.’⁷⁴⁸ In 1879 Booth recorded (in an apparent reference to Otamakapua) that some two years earlier it had become:

... absolutely necessary to meet this class of people on their own grounds and for that purpose the Hon the Native Minister directed that money payments should be made on lands the claimants to which should prove their claim in open meeting. This action made the speculators more energetic in acquiring native blocks, and they declared that they would advance their price on whatever the Government offered. It was now essentially important that to get these lands an increase of price would have to be given to the native owners and in cases where the lands were of a rich description and the position valuable more than the usual price would have to be given ... I had to raise the price to 7/6 acre and in a few instances to 10s an acre. That was owing to the high prices offered to the native owners by the speculators. This action of the Government in raising the price has to a great extent driven the speculators out of this district and so made the land purchasing not nearly so troublesome.⁷⁴⁹

6.5. The government moved both to protect the monies advanced and to try to control prices: thus the long title of the Government Native Land Purchases Act 1877 was (in

⁷⁴⁶ NZPD 27, 1877, P.514.

⁷⁴⁷ See Archives New Zealand, Wellington LE 1 1878/144 (Alt. No.70).

⁷⁴⁸ AJHR 1878, G1, p.13.

⁷⁴⁹ Archives New Zealand, Wellington MA-MLP 1 1879/195.

part) ‘An Act to make better provision for protecting the interests of Her Majesty the Queen in the Purchase of Native Lands ...’ Section 2 provided that:

Where any money has been paid by or on behalf of Her Majesty the Queen for the purchase or acquisition of any Native lands in the North island, or any estate or title therein, or where any negotiations have been entered into for any such purchase or negotiation, whether the same lands have or have not been passed through the Native Land Court, then and in all such cases, and after the publication of a notification respecting such lands ... it shall not be lawful for any other person to purchase or acquire from the Native owners any right, title, estate, or interest in any such land or any part thereof, or in any manner to contract for any such purchase or acquisition.

6.6. Section 3 of the Act empowered the Crown to issue and to revoke ‘notifications,’ while section 4 required district land registrars to lodge caveats on behalf of the Crown in respect of any lands so ‘notified.’ Section 3 did not specify the term of any notification. In effect, once issued, a notification issued in respect of any block of land, unless subsequently revoked, remained in force indefinitely. The Act remained in force until repealed by the Native Land Purchases Act 1892.

6.7. It is of interest to note that section 2 appears to relate only to blocks on which advances had *already been* made or in respect of which purchase negotiations *had already* commenced. Indeed, in 1889 the Crown Law Office indicated that the Act did ‘not extend to new matters not included within the preamble – the language used in sections two and three also seems to apply only to transactions in existence at, or before, the passing of the Act.’⁷⁵⁰ In the case of the southern Taihape blocks for which notifications had been issued, advance payments were made prior to notification.

6.8. The Crown made frequent use of its powers under section 2 of the Government Native Land Purchases Act 1877. During the period from January 1878 to July 1879 it issued notifications for 63 blocks within the Whanganui *region* aggregating in excess of 1.1 million acres and on which it paid as purchase money over £46,000. Further, the Crown purchased extensively within those ‘notified’ blocks. With respect to the southern Taihape Inquiry District, notifications were issued over Otamakapua, Otairi,

⁷⁵⁰ Crown Law Office to Under Secretary, Native Department 15 June 1889, in Archives New Zealand, Wellington MA-MLP 1 1890/193.

and Te Kiekie, the area involved being given as almost 165,000 acres and the amount paid by way of advances as £11,805.⁷⁵¹

6.9. While there are some indications of private dealings in blocks which had been notified under the Government Native Land Purchases Act 1877, the Crown's efforts to exclude or limit competition from private interests appear to have been largely successful. In the case of the blocks in the southern section of the Taihape Inquiry District, the evidence is clear that while owners may have wished to proceed, private purchasers were deterred by the notifications that had been issued.

6.10. As noted, by section 3 the Crown could also relinquish purchase negotiations: in such case the land concerned was no longer subject to the Act. In the case of Otairi, the Crown revoked its notification once it had secured repayment of advances.

6.11. Further, by section 6 of the Native Land Amendment Act 1877 the Crown could apply to the Native Land Court to have its interests in any block of land defined, the same section empowering the Court to grant order vesting the land in the Crown. In September 1881 the government published a list of the blocks involved: it included 15 in the Whanganui Inquiry District aggregating 152,127 acres.⁷⁵² Of that area the Crown secured 110,712 acres, a measure of the extent to which pre-title advances had been made, while 41,415 acres were released to their owners by the revocation of the notifications issued under the Government Native Land Purchases Act 1877. The list also included Otairi 1, 2, 3, and 4 (58,905 acres) in the southern section of the Taihape Inquiry District.

11.7. On the matter of price

7.1. The adequacy of the prices that the Crown paid for land acquired from Maori is difficult to assess, not least since land varies greatly in terms of quality, location, and

⁷⁵¹ The data are taken from *New Zealand Gazette* 1878, pp.1230-1232; 1879, pp.69-70, 253-254, 747-749, and 1027-1028; and AJHR 1880, C3, pp.15-17.

⁷⁵² *New Zealand Gazette* 1881, p.1160-1161.

accessibility, and since land values are constantly changing in response to changes in the wider economic environment. Further, the Crown appears to have enjoyed at least some success in minimising competition from private purchasers. At least three major questions arise: first, how in the absence of a freely functioning land market were prices set? Second, to what extent if any did the Crown's exclusion of private competitors affect prices? Third, where private purchasers were able to acquire land, how did the prices paid compare with those paid by the Crown?

7.2. The available evidence makes it clear that the Crown set an upper limit within which its land purchaser officers were expected to work and which they could exceed only with explicit authority.⁷⁵³ Thus, during the course of the 1878 inquiry into James Booth's land purchasing activities in the Whanganui region, Under Secretary of the Native Office, H.T. Clarke, affirmed that, acting on Donald McLean's instruction, it had been 'the custom of the Land Purchase Department to pay 5s for flat land, and 1/6 for mountainous country.' Booth, he added, had never been authorised to go beyond those limits. According to Clarke, the Government relied on the land purchase officers to set a price within those limits.⁷⁵⁴ Booth's own evidence indicated that prices were set on the basis of recommendations or suggestions made by surveyors and the Crown's land purchase officers, with upper limits fixed by the Surveyor General and the Native Minister. The Commission of Inquiry could thus refer to 'the generally understood instruction, viz. that the maximum price to be given for good land was five shillings per acre, and a sliding scale for inferior land ...'⁷⁵⁵

7.3. Quite how the Crown arrived at that 'scale' of prices is much less clear. In his evidence presented to the Native Expenditure Committee in 1879, former Native Minister John Sheehan claimed that one 'rule' considered by the government was 'in many instances, when in competition with Europeans, to estimate the price which they have been prepared to give.' Under the Immigration and Public Works Act 1871 and the Government Native Land Purchases Act 1877 the Crown had fairly effectively excluded private competition. Hence Sheehan acknowledged that 'generally speaking, the lands were negotiated for on the representations of the Native

⁷⁵³ See T.J. Hearn, '*Creating a public estate:*' *Crown land purchasing in the Whanganui Inquiry District 1865 to 2000*. Wellington, 2007. Some of the following material is drawn from that report.

⁷⁵⁴ See Archives New Zealand, Wellington AEBE 18507 LE1/147 1878/144.

⁷⁵⁵ Archives New Zealand, Wellington AEBE 18507 LE1/147 1878/144.

Land Purchase Officers of the district, on the reports of surveyors, and we have also been guided by the information of people who have been through the country.’⁷⁵⁶

7.4. Significantly, in response to a question posed by the committee’s chairman,’ Sheehan conceded that land purchase officers and surveyors, ‘cannot tell the actual commercial value.’ The same committee pressed the Wellington Province’s Chief Surveyor on the same matter. Marchant claimed to ‘know something of the value of land in this province,’ but conceded that he had never been a farmer, that he had never been employed as an arbitrator in the matter of land, and that he had only valued land for the Crown. Tellingly, Sheehan resisted suggestions that prices should be set on the basis of values set competent authorities.⁷⁵⁷

7.5. It seems reasonable to conclude that the prices offered by the Crown were established in a rather arbitrary fashion, that they were based less on the market value of the land concerned than on its wish to acquire such land at the lowest possible price for transmission into settler occupation and/or ownership on terms which would allow it to recoup its expenditure and sustain its investment in roads and railways. In the case of the blocks in the Taihape Inquiry District that the Crown sought to acquire,

7.6. With respect to the second question posed above, it was frequently asserted that the Crown’s use of its powers of proclamation or notification allowed it to set prices which were below market values. James Carroll, for example, was adamant that the evidence presented to the 1891 Native Land Laws Commission proved that ‘where the Government interposed with its pre-emptive right ... the Natives could not obtain a fair price for their land. The Government offered 3s an acre; at the same time private purchasers were in constant communication with the owners, and willing to pay them £1 an acre ...’⁷⁵⁸ The 1907 Native Land Commission was no less certain. It reported that during the period from 1881 to 1907 the Crown had acquired almost 1.273 million acres in the Whanganui district at a cost of £273,340 and that, once expenses had been deducted, the Maori owners had received an average of about 4s per acre. It

⁷⁵⁶ AJLC Session II 1879, No.6, p.3.

⁷⁵⁷ In his study, Gilling concluded that in the 1870s the value placed on lands owned by Maori was ‘largely a reflection of political interests and power.’ See Bryan Gilling, *Government valuers: Valuation New Zealand 1896-1996*. Wellington, c.1996, p.19.

⁷⁵⁸ See AJHR 1891, Session II, pp.xxviii-xxix.

concluded that the lands had been acquired for well below their value, an outcome it attributed to the Crown's monopoly purchasing powers.⁷⁵⁹ The Commission subsequently referred to the 'injustice' of the Crown's pre-1905 purchases and to the passage of 'a vast estate from the Maori owners for the purposes of general settlement in the Whanganui and Rohe Potae districts at a price which seems inadequate.'⁷⁶⁰

7.7. No systematic analysis of private purchasing in the Whanganui or Taihape districts has been conducted. A return published in 1883 did set out for a small number of blocks the prices paid by private purchasers for lands acquired since 1873. For the Whanganui and Patea districts it listed 14 blocks aggregating 83,245 acres for which the total sum of £21,856 had been paid or an average of 5s 3.25d per acre.⁷⁶¹ Fiona McCormack's report on private land purchasing in the Whanganui Inquiry District included a list of private purchases concluded over the period from 1868 to 1899. Of those purchases 13 were concluded between 1872 and 1882, the aggregate area was 19,279 acres, while the rate per acre ranged from 4.5s to 100s, with an average of 12.2s per acre.⁷⁶² Care should be taken not to read too much into such comparisons since it is not clear that like is being compared with like.

7.8. In the Taihape Inquiry District over the period from 1873 to 1885 private purchasers acquired five blocks: for Rangatira the rate per acre paid was 14.3s; for Hapopo 14.75s; for Otairi 1B 6.43s; for Otairi 1E 7.2s; and for Otairi 6.9s per acre. During the same period, the Crown paid 2.55s for Mangaoira-Ruahine; for Waitapu 10s per acre; for Otairi 1A and 2A 6.75s per acre; and for Otamakapua 2 an effective 9.6s per acre. Again, it is hazardous to generalise on the basis of such a small number of purchases, but the evidence is not inconsistent with that noted for the Whanganui Inquiry District. The average price paid by private purchasers was just over 20s per acre, that paid by the Crown was just over 4s per acre.

⁷⁵⁹ See AJHR 1907, G1A, pp.15-16.

⁷⁶⁰ AJHR 1907, G1C, p.8.

⁷⁶¹ See AJHR 1883, G6.

⁷⁶² Fiona McCormack, *Private purchasing in the Whanganui Inquiry District 1865-1900: preliminary findings on private sales & suggestions for future research*. Wellington, 2003.

7.9. In the case of Otamakapua, the evidence indicates that private purchasers were prepared to pay up to 20s per acre. Under the protection conferred by notification, the Crown paid 10s per acre. Evidence from the Whanganui Inquiry District suggests that notifications significantly reduced the need for the Crown to match prices offered by private competitors. To that extent, therefore, it can be argued that notifications did mean that owners secured less than ‘market’ value for their lands. The evidence needs to be treated with care, nevertheless, not least since land varies greatly in quality.

7.10. One other matter that merits some consideration is whether the prices paid, either by the Crown or by private purchasers represented ‘fair’ value. The question is more easily posed than answered, but there is some limited evidence available on the basis of which it is possible to compare prices paid by the Crown and by private purchasers with what the Property Tax Department considered to be ‘market value.’ A national land tax was created in 1878, and was levied on the unimproved value, and on all properties with an unimproved value above £500. The land tax came into force on 1st January 1879, but in fact was promptly repealed by the Property Assessment Act 1879 and the Property Tax Act 1879. The two latter measures introduced general taxation on all property worth more than £500. Gilling noted that ‘The basis of assessment now became “the sum [the property] might be expected to bring if offered at public auction for cash” – that is, its reasonable selling price. This new tax remained in force until 1891, when the Liberal Government introduced a new land and income tax.

7.11. Very limited data for Crown and private purchases in the southern section of the Taihape Inquiry District were presented in some of the block histories above. Whether or not property tax valuations represented market value is less important than the fact that, if it is assumed that all properties were valued according to a consistent and consistently applied set of criteria, they can be used to assess the relationship between Crown and private purchase prices. A preliminary assessment of that relationship between property tax valuations and Crown and private purchases prices in the Whanganui Inquiry District suggested that both sets of prices were generally lower than property tax valuations. It also indicated that the prices paid by the Crown were lower as a proportion of property tax valuations than prices paid by private purchasers. The very limited data available for the southern Taihape Inquiry District

reveal a similar pattern.

11.8: Proving ownership: the costs

8.1. A further matter of considerable interest is the cost Maori owners faced in having to prove ownership through the Native Land Court. Once a block had been brought within the ambit of the Native Land Court, owners were exposed to a range of costs, both direct in the form of court fees, survey costs (applications could not proceed without survey and surveys were usually expensive, depending on the size of blocks and the terrain they contained), lawyers' and agents' fees, witness fees, and travel and living expenses (which could be considerable during protracted hearings such as those for Otamakapua), and indirect in the form of opportunity costs (foregone harvests, for example). In the case of some of the blocks, indirect costs appear to have modest, but in others they were clearly very substantial, as Otamakapua and Rangatira clearly demonstrated.

8.2. Establishing the full range of costs is difficult. Section LXII of the Native Lands Act 1865 at least set out the fees which the Court could impose: they were set at £1 'on investigation of any claim or trial of any matter;' £1 'for every day occupied therein after the first;' £1 'by opponent or counter claimant;' £1 for 'examination of plan;' £1 for a testamentary order; £1 for a certificate of title; and £1 for a Crown grant. In the case of protracted hearings such as Otamakapua and Rangatira, even those costs mounted quickly (Table 11.1).

8.3. Survey costs were rarely modest and were met by owners. Section LXXVII of the Native Lands Act 1865 empowered the Governor to defray survey costs out of lands owned by Maori and 'to charge the same against any fund specially appropriated to Native purposes such costs to be repaid by the Native proprietors ...' Section LXXVII re-appeared as section 69 of the Native Land Act 1873, while section 73 provided that the Native Land Court could order payment of survey charges in the form of land. Full details of the survey costs incurred in respect of all of the blocks in the southern section of the Taihape Inquiry District have still to be established. The evidence presented above nevertheless indicates that they were usually very substantial.

8.4. Establishing the charges levied by lawyers is even more difficult, although the evidence relating to the fees charged by Buller make clear the financial burden which contested hearings imposed on claimants. Indeed, even the government found reason to complain over Buller's charges and endeavoured to limit its use of his services.

8.5. In short, where claimants to a block were able to reach agreement privately over ownership and simply called upon the Native Land Court to confirm such arrangement and order the issue of a certificate or memorial of ownership, costs were usually minor. On the other hand, where ownership was contested, proceedings were protracted, and lawyers were involved, they rose steeply.

Table 11.1: Native Land Court: title investigation costs, where known

Blocks	Court costs: £*
Mangaoira Ruahine	4 0 0
Ohaumoko	2 0 0
Otairi	
Otamakapua (1870)	4 11 0
Otamakapua 1 (1880)	
Takapurau	2 0 0
Mangamoko	2 0 0
Otamakapua 2	36 0 0
Otumore (1906)	3 0 0
Paraekaretu	4 5 0
Rangatira	48 8 0
Taraketi	2 0 0
Waitapu	-

* Hearing, witnesses, certificates/memorials

Source: Native Land Court, *Minute Books*

11.9. Limiting owners

9.1. A major challenge confronted by the Crown when endeavouring to purchase land from Maori was identifying, contacting and securing the signature of all owners. Its major response and one which perhaps reached its most perfect form in the Native

Land Act 1909 – was to try to expedite purchase by limiting the number of owners with which it had to deal. Thus section XXIII of the Native Lands Act 1865 provided for the issue of certificates of title to not more than ten persons in each instance. Whereas those ten persons were to act as trustees for all owners, in fact many chose to act as sole owners and to alienate the lands entrusted to them without reference to the wishes of their co-owners. Section 17 of the Native Lands Act 1867 amended section XXIII: while there were still not more than ten grantees, the names of all interested in any block were placed on the back of the certificate. The so-called ‘ten-owner’ rule remained in effect until 1873, when section 47 of the Native Land Act 1873 provided for the issue of ‘memorials of ownership’ and for the recording of the names of all owners.

9.2. At least two major questions arise: how were trustees nominated and appointed, and did trustees act on behalf of their co-owners? The evidence for the Whanganui Inquiry District indicates that trustees were selected by owners and confirmed in their appointment by the Native Land Court. The same observation holds true for the blocks in the southern section of the Taihape Inquiry District. Whether those trustees always acted in accordance with the wishes of all owners is less clear. In 1885 Chief Native Land Court Judge Fenton recorded that those who had drawn up the 1865 Act had been surprised by the scale of the abuses around the 10-owner titles. ‘Our confidence [in Maori] was misplaced.’⁷⁶³ No doubt many Maori had cause to regret the incompetence or naiveté of the Act’s framers. The real difficulty is that there was nothing in the law to prevent abuse and nothing in the law to remedy any abuses which took place.

11.10. Obtaining redress

10.1. The Native Lands Act 1865 provided that the Governor in Council could order a re-hearing, provided an application were lodged within six months of the original decision. That period was reduced to three months by the Native Lands Act 1869. On

⁷⁶³ AJHR 1885, I2B, p.40.

the other hand, there no provision was made for an appellate court. Practically the sole means of obtaining redress was to petition Parliament: petitions were usually referred to and considered by the Native Affairs Committee. The Committee's practice was to refer the matters raised to the Minister of Native Affairs and/or the Under Secretary of Native Affairs who might, in turn, refer the matter on to the Chief Judge of the Native Land Court. In turn, the latter would often consult the judge who presided over the original hearing the outcome of which had led to the petition. In effect the Native Land Court often heard appeals against its own judgements. The efforts of Ngati Apa to secure a new investigation in respect of Otamakapua illustrated perfectly the difficulties which dissatisfied claimants confronted.

11.11. Ensuring a 'sufficiency of land'

11.1. A consistent element of nineteenth and early twentieth century Crown policy was to ensure that Maori retained a 'sufficiency' of land for their 'maintenance.' Donald McLean, in 1873 offered a succinct statement of that policy when he informed Parliament that:

... the chief object of the Government should be to settle upon the natives themselves in the first instance, a certain sufficient quantity of land which would be a permanent home for them, on which they would feel safe and secure against subsequent changes or removal; land, in fact, to be held as an ancestral patrimony, accessible for occupation to the different hapus of the tribe; to give them places which they could not dispose of, and upon which they would settle down and live peaceably ...

11.2. Native land legislation thus included several 'protection mechanisms:' the setting aside of land as 'reserves,' the appointment of trust commissioners under the Native Lands Frauds Prevention Act 1870, the appointment of district officers, (under sections 21 to 32 of the Native Land Act 1873) charged with ensuring that Maori secured inalienable reserves, such reserves to be held 'in accordance with Native custom and usage,' and exempted from the operations of the Native Land Act, and, usually at the request of owners, the imposition of restrictions on alienation.

11.3. Agreements for the sale and purchase often included provisions relating to the

creation of reserves for vendors. Often owners asked for reserves or the Crown's purchase agents promised that they would be made. It is difficult to estimate the area 'set aside' as reserves, if only because such lands as 'non-sellers' chose to retain were usually not formally declared to be 'reserves.' Formal provisions for reserves were made by sections 21 to 32 of the Native Land Act 1873: they required a district officer to define tribal lands, to list hapu and whanau in a 'Local Reference Book,' and to secure a list of all existing reserves in his district. Section 24 stated that, unambiguously:

It shall also be the duty of every District Officer to select, with the concurrence of the Natives interested, and to set apart, a sufficient quality of land in as many blocks as he shall deem necessary for the benefit of the Natives of the district: Provided always that no land reserved for the support and maintenance of the Natives, as also for endowments for their benefit, shall be considered a sufficiency for such purposes, unless the reserves so made for these objects added together shall be equal to an aggregate amount of not less than fifty acres per head for every Native man, woman, and child, resident in the district ...

11.4. Little action was ever taken under those provisions of the Native Land Act 1873. In an effort to explain the fact that so little land had been so reserved, James Booth, as district officer for the Wellington and Wanganui districts, reported that:

With respect to amount [*sic*] of reserves between Waikanae and Manawatu, they are not, properly speaking, reserves under the Act of 1873, but in the majority of instances they were put through the Court with the intention, on the part of the Natives, and with my knowledge and consent, to reserve them from sale altogether. Unless therefore (which is rather doubtful), the Native owners can be induced to make these lands, so reserved, reserves under the Act, there is nothing to prevent them, on receiving their certificates of title, from disposing of this property to the highest bidder. In a few instances, where the reserves have been made out of blocks sold, such reserves will be under the Act, and so be made inalienable; but, in cases where the Government has no direct interest in way of advances or otherwise, the Natives are jealous of interference, and prefer to manage their property independently of Government aid, if possible.⁷⁶⁴

11.5. Booth's assessment gained some support from the Frauds Commissioner: during the presentation of his evidence to the 1878 Commission of Inquiry into Booth's land purchasing activities in the Whanganui district, Major Heaphy observed that:

⁷⁶⁴ AJLC 1877, No.19.

There are few things connected with Native matters that are more confusing than the term ‘Native reserve.’ It is applied so frequently so carelessly, and in so many different ways that it becomes very ambiguous. A native reserve, properly speaking is a reserve made under the Native Reserve Act of 1856 and 1862. These reserves are inalienable, either absolutely inalienable or inalienable without the consent of the Governor in Council.⁷⁶⁵

11.6. Heaphy went to describe several types of reserves, and noted that when blocks of land were sold the owners frequently retained lands which were ‘loosely marked’ on the plans as ‘native reserves’ when in fact they were simply unsold land. ‘They are clothed with no responsibility on the part of the Crown or any responsibility’ and were generally retained by the non-sellers ‘with a view to selling at a higher price at a future time when the land has become valuable through the Government making roads through the pieces sold. They are frequently written on the plan as “native reserves” while they are merely exceptions to the piece sold, and as such do not come under the charge of the Commissioner of Native Reserves or under the Native Reserves Acts ...’⁷⁶⁶

11.7. Booth’s explanation, and the evidence of Heaphy notwithstanding, section 24 of the Native Land Act 1873 was clearly prescriptive. There was nothing in section 24 which required the Crown to consult with or secure the agreement of Maori.

11.8. In 1886 a return published in the AJHR included details of reserves created ‘in accordance with the various Native Reserves Acts, or by special grants, or by awards of Commissioners, or by Compensation Courts, or by Acts of Parliament, or otherwise reserved ... also the acreage of land ... held by Maoris as inalienable, with the name and acreage of each separate block.’⁷⁶⁷ Table 11.2 sets out such details for the ‘Rangitikei locality,’ ‘Rangitikei-Manawatu locality,’ and Oroua and Rangitikei Counties.

Table 11.2: Reserves and lands held as inalienable, 1886

	Blocks:	Blocks:
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⁷⁶⁵ Archives New Zealand, Wellington AEBE 18507 LE1 1878/144 (Alt. No. 70).

⁷⁶⁶ Archives New Zealand, Wellington AEBE 18507 LE1 1878/144 (Alt. No. 70).

⁷⁶⁷ AJHR 1886, G15.

	number	acreage
Reserves made under the Native Reserves Act 1856	-	-
Reserves made under the Confiscated Lands Act 1867	-	-
Lands set apart under the Confiscated Lands Act 1867		
General return of Native reserves		
Rangitikei locality	11	2075
Rangitikei-Manawatu locality	70	23519
- Including Te Reureu (4510 acres) and Awahuri (4500 acres)		
Inalienable and other reserves made under the Government Native Land Purchase Act Amendment Act 1878 and the Volunteers and Others Land Act 1877	-	-
Lands granted to certain Maori in trust for themselves and others	-	-
Lands granted under other Acts of Parliament	-	-
Passed through the Native Land Court and held by Maori as inalienable		
Oroua County	8	1680
Rangitikei County	38	85842

Source: AJHR 1886, G15

11.9. In addition, the 10-acre Otamakapua 2C (in Manawatu County) was also listed as a reserve.

11.11. In 1900 a further return listed ‘all Native reserves’ in New Zealand. In the Rangitikei-Manawatu district a mere 27,033 acres were listed as reserves: ‘Reu Reu’ of 4,510 acres, ‘Awahuri’ of 4,500 acres, ‘Taureroa’ of 1,000 acres, ‘Puketotara’ of 1,600 and 1,078 acres, ‘Parewainui’ of 1,600 acres, and ‘Kawakawa’ of 1,035 acres were the largest. They aggregated 15,323 acres or almost 57 percent of the total area set aside as ‘reserves.’⁷⁶⁸

11.12. Section 28 of the Native Lands Act 1865 allowed the Native Land Court, acting either on its own initiative or in response to the request of owners, to recommend to the Governor that restrictions be imposed on the alienability of any block, although by section 36 of the Native Land Court Act 1880 the matter was one for the Court alone. Restrictions on alienability were apparently not intended to be permanent and in any case section 16 of the Native Land Laws Amendment Act 1883 provided for their removal while section 6 of the Native Land Act 1888 provided for

⁷⁶⁸ AJLC 1900, No.20.

removal on the application of a majority of owners. Section 6 of the Native Land Court Act 1886 Amendment Act 1888 provided for such annulment or variation on public inquiry by the Native Land Court: it also provided that the Court was required to satisfy itself that all owners agreed to removal and that they had ‘sufficient’ other land ‘for their maintenance and occupation.’ The requirement for all owners to agree was rendered unnecessary by section 3 of the Native Land Laws Amendment Act 1890, while section 14 of the Native Land Purchases Act 1892 empowered the Crown to remove restrictions in part or in whole for the purposes of sale to the Crown. Further, section 12 of the Native Land Purchase and Acquisition Act 1893 provided that the owners of a majority of shares could sell land to the Crown despite any restrictions on alienation, any such decision by a majority to be binding on all owners. Legislation between 1893 and 1909 introduced other changes to the law intended to make removal or variation of restrictions on alienation easier, while section 207 of the Native Land Act 1909 simply – and without any consultation with Maori – removed existing restrictions.

11.13. Of the lands classified in 1886 as having been ‘passed through the Native Land Court and held by Maori as inalienable,’ the only block in the southern section of the Taihape Inquiry District was given as the 46,975-acre Paraekaretu, although the return noted that it had been sold to the Crown. Quite why the block was included at all is a mystery. If Paraekaretu is deducted, together with Te Kapua of 11,000 acres, the total held as inalienable in Rangitikei County contracts to just 27,867 acres.

11.14. It should be noted that owners frequently applied for the removal of any restrictions on alienation that had been imposed on their lands. Often such applications were made with a view to sale or lease. Less commonly their removal was sought in order to allow owners to apply for advances from the Advances to Settlers Office: the Crown’s response was to remove restrictions if and when such advances were granted.

11.15. In short, restrictions against alienability do not appear to have prevented individual owners from selling their interests, while the Crown exempted itself from the application of such restrictions as might exist.

11.12. Crown purchasing under the Native Land Act 1909

12.1. The Crown acquired only a small area of land in the southern blocks under the Native Land Act 1909. Nevertheless, it employed the key provisions that allowed it to exclude private competitors through orders prohibiting private alienation, to acquire individual interests, and to limit the price to the government capital valuation. Of equal concern was the fact that in Otamakapua the Crown elected to purchase small-farm sized blocks from sole owners or very small groups of owners and to replace them with settlers, notably returned Pakeha soldiers. That process will merit closer examination in an analysis of the social and economic experience of Maori in the twentieth century. Having practically achieved its long sought goal of the individualisation of Maori land ownership, the Crown then set out to replace one set of owners (Maori) with another (Pakeha). Such replacement was by no means confined to the Otamakapua block but took place elsewhere, notably in the Heretaunga-Tamatea and Te Rohe Potae Inquiry Districts.

11.13. Conclusions

12.1. In the southern section of the Taihape Inquiry District Maori presently retain just over 1,973 acres (or just under 799 hectares), that is, less than one percent of the area they owned in 1840. Through its purchasing conducted during the 1870s and 1880s and again in the early twentieth century, the Crown was primarily responsible for the transfer of land out of Maori and into settler ownership. In effecting that transfer, the Crown employed a wide range of tactics intended establish and maintain its position as the chief purchaser and to allow it to control the pace, timing, and, as far as possible, the cost of purchase. Once the basis for subsistence and identity, and memory and attachment, land was rendered a transferable commodity and a source of production.

12.2. While the evidence presented in the block narratives indicates that with respect

to Paraekaretu, Otamakapua, and Otairi the owners, or more accurately, some of them, offered the lands to the Crown, nevertheless the Crown employed methods – notably pre-title advances, selective payments, and notifications – to draw all owners into the sale and purchase process and to exercise a large measure of control over the prices which the original owners received. The sources consulted for this investigation do not reveal any concern on the part of the Crown over the implications which its large-scale land purchasing programme posed either for Maori customary food-gathering practices, the protection of places of historical and cultural importance, or for the future material welfare of those who had once owned all the land in the southern blocks of the Taihape Inquiry District.

Index to supporting documents

Volume 1

ACIH 16036 MA 1 857 1892/1641	3
ACIH 16036 MA 1 870 1906/117	11
ACIH 16036 MA 1 920 1907/379	18
ACIH 16036 MA 1 931 1907/631	91
ACIH 16036 MA 1 950 1908/364	100
ACIH 16036 MA 1 967 1909/59	112
ACIH 16036 MA 1 992 1909/718	125
ACIH 16036 MA 1 992 1909/719	137
ACIH 16036 MA 1 992 1909/721	145
ACIH 16036 MA 1 1051 1911/259	151
ACIH 16036 MA 1 1075 1912/1455	154
ACIH 16036 MA 1 1075 1912/1456	158
ACIH 16036 MA 1 1075 1912/1457	162
ACIH 16036 MA 1 1195 1919/10	166
ACIH 16036 MA 1 1335 1925/135	209
ACIH 16036 MA 1 1386 1926/184	222
ACIH 16046 MA 13 97 58a	230

Volume 2

MA 13 97 58b	3
MA 13 98 58c	149
MA 13 99 58d	286

Volume 3

MA 13 99 58e	3
MA 13 99i 58e	8
MA-MLP 1 1873/82	51
MA-MLP 1 1873/117	57
MA-MLP 1 1879/620	62
MA-MLP 1 1880/501	66
MA-MLP 1 1881/6	96
MA-MLP 1 1881/373	103
MA-MLP 1 1884/9	122
MA-MLP 1 1885/8	125
MA-MLP 1 1886/344	160

MA-MLP 1 1896/80	265
MA-MLP 1 1902/77	368

Volume 4

MA-MLP 1 1910/125	3
MA-MLP 1 1911/13	68
MA-MLP 1 1911/24	73
MA-MLP 1 1911/33	96
MA-MLP 1 1911/40	105
MA-MLP 1 1911/44	112
MA-MLP 1 1911/45	138
MA-MLP 1 1911/46	142
MA-MLP 1 1911/108	181
MA-MLP 1 1911/111	187
MA-MLP 1 1911/112	190
MA-MLP 1 1911/113	193
MA-MLP 1 1911/114	205
MA-MLP 1 1911/115	212
MA-MLP 1 1911/119	224
MA-MLP 1 1911/120	231
MA-MLP 1 1911/121	237
MA-MLP 1 1912/14	241
MA-MLP 1 1912/16	248
MA-MLP 1 1912/19	280
MA-MLP 1 1913/77	286
AANS 828 W5491/842 9/3/143	290
ABWN 6095 W5021/309 10/95/42 Part 1	299
AAMA 619/57 4/1015	314
AAMA 619 W3150/15 20/79 Part 1	337
AAMK 869 W3074/78/d 5/9/203	345
ACGS 17314 JW 2781/13 WLR 1885/2	372
ACGS 17314 JW 2781/13 WLR 1887/17	374
ACGS 17314 JW 2781/2 1917/67	378

Volume 5

AEDK 18740 MA-WANG 1/1/2	3
AEDK 18740 MA-WANG 1/3/9	25
AEDK 18740 MA-WANG 1/3/10	33
AEDK 18740 MA-WANG 1/3/11	36
AEDK 18741 MA-WANG 1/3/12	44
AEDK 18747 MA-WANG W2140/1 Wh.20	64
AEDK 18747 MA-WANG W2140/13 Wh.267	74
AEGV 19119 MLC W2218 25	87
AEGX 19124 MLC-WGW 1645/276 4/3437	135

AEGX 19124 MLC-WGW 1645/1437 3/3437	146
AEGX 19124 MLC-WGW 1645/171 3/4466	175
AEGX 19124 MLC-WGW 1645/194 3/5394	229
AEGX 19124 MLC-WGW 1645/215 3/6039	247
AEGX 19124 MLC-WGW 1645/2 3/1906/104	261
AEGX 19124 MLC-WGW 1645/17 3/1912/103	267
AEGX 19124 MLC-WGW 1645/21 3/1912/321	287
AEGX 19124 MLC-WGW 3/1914/64	303
AEGX 19124 MLC-WGW 1645/30 3/1914/67	309
AEGX 19124 MLC-WGW 1645/75 3/1919/582	318
AEGX 19124 MLC-WGW 1645/95 3/1921/318	335
AEGX 19124 MLC-WGW 1645/19 3/1912/235	361
LE 1 234 1885/6	367
W1 601 23/220	370

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1870, A13: Notes of Native meetings held in Upper Wanganui
1870, A16: Reports from officers in Native districts
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1871, A2A: Working of the Native Land Acts
1871, F6B: Further reports from officers in Native districts
1872, F3A: Further reports from officers in Native districts
1873, G8: Reports from officers engaged in purchase of Native lands
1874, C4: Area of lands purchased and leased
1874, C4A: Lands purchased under the Immigration and Public Works Act 1870
1874, G2: Reports from officers in Native districts
1875, C3B: Return of names of Europeans from whom lands have been purchased
1875, C4A: Further reports from land purchase officers
1875, C6: Correspondence relating to the Murimotu block
1875, G1: Reports from officers in Native districts
1875, G6: Statement relative to land purchases, North Island
1875, G7: Native land purchase agents
1876, G1: Reports from officers in Native districts
1876, G5: Purchase of lands from Natives
1876, G10: Statement relative to land purchases
1877, C6: Lands purchased and leased from Natives in North Island
1877, C8: Return of lands purchased in North Island under the Immigration and Public Works Act
1877, C8A: Land purchases in the North Island
1877, G1: Reports from officers in Native districts
1877, G7: Purchase of lands from Natives
1877, I2: Reports of the Native Affairs Committee
1878, C5: Lands proclaimed under the Government Native Land Purchases Act 1877
1878, G1: Reports from officers in Native districts
1878, G4: Lands purchased and leased from Natives in North Island
1879, C4: Lands purchased and leased from Natives in the North Island
1879, G1: Reports from officers in Native districts
1879, Session II, C9: Purchase of Native lands in North Island
1880, C3: Lands purchased and leased or under negotiation in the North Island

1880, G4: Reports from officers in Native districts
 1880, I2: Reports of the Native Affairs Committee
 1881, C6: Lands purchased and leased from Natives in North Island
 1881, G8: Reports from officers in Native districts
 1881, I2: Reports of the Native Affairs Committee
 1882, G1: Reports from officers in Native districts
 1883, G6: Dealings with Native lands
 1883, G7B: Lands reserved exclusively for Natives
 1883, G7C: Native reserves in New Zealand
 1883, I2: Reports of the Native Affairs Committee
 1884, Session 2, G1: Reports from officers in Native districts
 1885, G6: Lands passed through Native Land Court and purchased by Europeans
 1886, G15: Land possessed by Maoris, North Island
 1888, G2: Native land purchases in the North Island
 1888, G2A: Lands purchased and leased from Natives in North Island
 1890, G4: Lands purchased and leased from Natives in North Island
 1891, Session 2, G10: Native lands in the Colony
 1892, G4: Lands purchased and leased from Natives in North Island
 1893, G4: Lands purchased and leased from Natives in North Island
 1895, G2: Lands purchased and leased from Natives in North Island
 1896, C3: Lands purchased and leased from Natives in North Island
 1897, Session 2, G3: Lands purchased and leased from Natives in North Island
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Partition: 22 November 1881- 4Wh/351-355, 357, 363

Partition Otairi 1, Otairi 2: 17 March 1882 - Wh5/49-51

Otairi 1A, 1B, 1C, 1D, 1E, and 2B: 25 May 1882 - Wh5/331-333

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27/-

ACIH 16036 MA1/540 27/1/246 Mina Potaka - Tairawhiti Potaka's Interest - Ohingaiti Section 5 Block - Aotea District Maori Land Board, 1949-1952

ACIH 16036 MA1/541 27/1/331 Potaka, Tapui Retimana and Bennett, Rora Hinekura - Aotea District Maori Land Board Loan - Taraketi 2M, 2L4 and 2K, 1950-1964

ACIH 16046 (MA 13): Department of Maori Affairs, Blocks of Land, Special Files

ACIH 16046 MA13/148/75a/765 72/468 Rangitikei-Manawatu - Special File Nos. 15, 82, 84, 85, 86, and 87 - Wellington Provincial Registered Files - Linseed oil map showing Rangitikei River and land at Manawatu [SEP No. 765], 1872

ACIH 16046 MA 13/97/58a Otamakapua Block - Correspondence in Maori and translated relating to Native Land and Supreme Court Judgements - Succession Orders - Petitions - Including Map, 1880-1890

ACIH 16046 MA13/97/58b Otamakapua Block - Correspondence in Maori and translated relating to Native Land Court Judgements - Succession Orders - Distribution of Money - Report on the Petition of the Native Affairs Committee, 1880-1884

ACIH 16046 MA13/98/58c Otamakapua Block - Correspondence in Maori and translated relating to Native Land Purchases - Application for rehearing for Otamakapua Block No. 2 - Treasury Vouchers, 1876-1880

ACIH 16046 MA13/99/58d Otamakapua Block - Correspondence in Maori and translated relating to Native Defence - Native Land Purchases - Treasury Vouchers - Including Copy of Te Waka Maori, 1879, 1876-1880

ACIH 16046 MA13/99/58e Otamakapua Block - Correspondence in Maori and translated relating to Meeting held at Whangaehu, 1875 - Treasury Vouchers - Distribution of Money - Native Office and Defence, 1875-1879

ACIH 16085 (MA 78): Royal Commission on Native Land and Native Land Tenure

ACIH 16085 MA78/12/20 Papers relating to the work of the Commission; correspondence, schedules, reports - Wanganui, Waimarino, Rangitikei, Waitotara, no date

ADSQ (F): New Zealand Forest Service

ADSQ 18174 F11/2/3 189 Copies of letters sent to under Secretary of Labour Re Mangaoira Forest (map enclosed), no date

AEBE (LE): Legislative Department

AEBE 18507 LE1/147 1878/144 Accounts and Papers - Schedule of Accounts and papers laid upon the table - Native Affairs, Booth, James, proceedings and evidence in the case of [incomplete], 1878

AEBE 18507 LE1/449 1908/214 Accounts and Papers - State Forests, proposal to withdraw land in Mangaoira Reserve, 1908

AEBE 18507 LE1/449 1908/254 Legislative Council - Schedule of Accounts and Papers laid upon the table - Proposals to disafforest certain lands, 5150 acres, part of Mangaoira State Forest Reserve, situated in Blocks 13 and 14 Ruahine Survey District and Blocks 1 and 2 Umotai [Umutoi] Survey District, Wellington land district, 1908

AEBE 18507 LE1/1114 1936/219 Accounts and Papers - Schedule of Accounts and Papers laid upon the table - During Session - Public Reserves, Domains and National Parks Act, 1928, notice of intention to issue an order in council changing the purpose of the reservation over part of Poukiore Domain, Wellington land district, 1936

AECW: Maori Trust Office

AECW 18699 MA-MT12/7/121 Sketch of Lower Taupo, Kaimanawa, and Rangitikei, showing route of the Whanganui Company's exploring party etc, G F Swainson, surveyor, 1 January 1870, 1870

AECW 18683 MA-MT1/73 1892/1503 Native Reserves - Regarding monies paid to Herewini Matetahuna for shares in the sale of Otamakapua Block, 1892

AECW 18683 MA-MT1/78 1898/2338 Native Reserves - Regarding monies paid to Te Uriwai and Roka Tukutahi for shares in the sale of Omuia Block, 1898

AECW 18683 MA-MT1/95 1913/1582 Native Reserves - Query regarding monies, if any, held at credit of Nepe Apirana for shares in the sale of Otamakapua No. 2, 1913

AECW 18683 MA-MT1/97 1914/1342 Native Reserves - Regarding monies paid to Tuihata Pirona for shares in the sale of Otamakapua 1H Subdivision 5, 1914

AECW 18683 MA-MT1/98 1914/1542 Native Reserves - Regarding payment of Survey Lien in respect of Taraketi 2 G, 1914

AEDK: Maori Affairs District Office, Wanganui

AEDK 18740 MA-WANG 1/1/1 Inwards Letters to Richard Watson Woon, 1870

AEDK 18740 MA-WANG 1/1/2 Inwards Letters to Richard Watson Woon, 1871

AEDK 18740 MA-WANG 1/1/3 Inwards Letters to Richard Watson Woon, 1872

AEDK 18740 MA-WANG 1/1/4 Inwards Letters to Richard Watson Woon, 1873

AEDK 18740 MA-WANG 1/2/5 Inwards Letters to Richard Watson Woon, 1874

AEDK 18740 MA-WANG 1/2/6 Inwards Letters to Richard Watson Woon, 1875

AEDK 18740 MA-WANG 1/2/7 Inwards Letters to Richard Watson Woon, 1876

AEDK 18740 MA-WANG 1/2/8 Inwards Letters to Richard Watson Woon, 1877

AEDK 18740 MA-WANG 1/3/9 Inwards Letters to Richard Watson Woon, 1878

AEDK 18740 MA-WANG 1/3/10 Inwards Letters to Richard Watson Woon, 1879

AEDK 18740 MA-WANG 1/3/11 Inwards Letters to Richard Watson Woon, 1880

AEDK 18740 MA-WANG 1/3/12 Inwards Letters to James Booth, 1881-1883

AEDK 18741 MA-WANGA 2/1/1 Outwards letterbook, 1871-1873

AEDK 18741 MA-WANG 2/2/2 Outwards letterbook, 1872-1880

AEDK 18743 MA-WANG 4/1/1 Schools, 1871-1880

AEDK 18747 MA-WANGW2140/1 Wh. 20 (1) Hapopo and (2) Rangatira - Two separate areas. All sold to Europeans - 2 August 1882 to 9 July 1964, 1882-1964

AEDK 18747 MA-WANGW2140/9 Wh. 170 Otairi - 18 January 1884 to 26 September 1891, 1884-1891

AEDK 18747 MA-WANGW2140/9 Wh. 172 Otamakapua - 16 February 1880 to 29 July 1912, 1880-1912

AEDK 18747 MA-WANGW2140/9 Wh. 172A Otamakapua - 11 October 1869 to 10 November 1915, 1869-1915

AEDK 18747 MA-WANGW2140/13 Wh. 267 Hapopo - 5 March 1878 to 3 November 1923, 1878-1923

AEDK 18747 MA-WANGW2140/20 Wh. 337 part 1 Taraketi - 6 February 1908 to 24 June 1949, 1908-1949

AEDK 18747 MA-WANGW2140/20 Wh. 337 part 2 Taraketi - 25 May 1950 to 11 May 1955, 1950-1955

AEDK 18747 MA-WANGW2140/20 Wh. 337A Taraketi - 18 December 1871 to 21 February 1916, 1871-1916

AEDK 18747 MA-WANGW2140/9 Wh. 164 Ohaumoko - 14 May 1878 to 17 July 1890, 1878-1890

AEDK 18747 MA-WANGW2140/57 Wh. 727 Hapopo Block Part Section 6 Deposited Plan 3305 [Use copy Micro 2171] - 20 December 1921 to 23 September 1925, 1921-1925

AEDK 18747 MA-WANGW2140/57 Wh. 728 Hapopo Part Section 6 [Use copy Micro 2171] - 23 September 1925 to 3 October 1925, 1925

AEGV: Maori Land Court

AEGV 19119 MLCW2218/25 Palmerston North District Alienations - Otairi ID TC, no date

AEGV 19119 MLCW2218/23 Cancelled Court Applications - Kiekie Reserve, no date

AEGX: Aotea Maori Land Court, Wanganui District

AEGX 19124 MLC-WGW1645/2 3/1906/104 Taraketi, 1A, Pt - 23 September 1905 - 20 August 1907, 1905-1907

AEGX 19124 MLC-WGW1645/17 3/1912/103 Taraketi, 2C - 25 March 1911 - 6 March 1917, 1911-1917

AEGX 19124 MLC-WGW1645/19 3/1912/235 Taraketi, 2C - 17 April 1912 - 19 September 1917, 1912-1917

AEGX 19124 MLC-WGW1645/21 3/1912/321 Taraketi, 2D - 9 June 1910 - 17 March 1913, 1910-1913

AEGX 19124 MLC-WGW1645/29 3/1914/64 Taraketi, 20 - 7 March 1914 - 26 June 1969, 1914-1969

AEGX 19124 MLC-WGW1645/30 3/1914/67 Taraketi, 2J - 12 March 1914 - 19 October 1917, 1914-1917

AEGX 19124 MLC-WGW1645/75 3/1919/582 Taraketi, 1E2 - 26 February 1912 - 24 July 1923, 1912-1923

AEGX 19124 MLC-WGW1645/147 3/3437 Taraketi, 1E 1B - 3 August 1918 - 16 August 1929, 1918-1929

AEGX 19124 MLC-WGW1645/171 3/4466 Taraketi, 2F1A & Reureu, 1, Section 35 - 8 January 1925 - 14 October 1957, 1925-1957

AEGX 19124 MLC-WGW1645/194 3/5394 Ohingaiti, 5 & 6 - 21 June 1915 - 14 February 1946, 1915-1946

AEGX 19124 MLC-WGW1645/215 3/6039 Taraketi, 2L1 - 18 November 1940 - 26 June 1969, 1940-1969

AEGX 19124 MLC-WGW1645/276 3/3437 Taraketi, 1E 1B - 8 February 1929 - 10 December 1929, 1929

AEGX 19124 MLC-WGW1645/285 4/5394 Ohingaiti, 5 and 6, no date

AEGX 19124 MLC-WGW1645/289 4/6039 Taraketi, 2L1, no date

AFIE 619: Department of Conservation, Wanganui Conservancy, Wellington Land District Registered files

AFIE 619/145 13/236 part 1 Ohingaiti Scenic Reserve, 1909-1987

AFIE 18842 W5683/62 LG 231 Part Otamakapua Number 2 adjoining Section 47, Block IV Ongo S.D. [Survey District], 1972-1988

AFHQ: Valuation Department, Wellington District Office

AFHQ 19340 V-WROLLS/46 2/127 Valuation rolls Wellington - Rangitikei County - Otairi Riding - Roll numbers 1-433, 1908-1914

AFHQ 19340 V-WROLLS/46 2/127 Valuation rolls Wellington - Rangitikei County - Otairi Riding - Roll numbers 1-298, 1914-1920

AFHQ 19340 V-WROLLS/46 2/127 Valuation rolls Wellington - Rangitikei County - Otairi Riding - Roll numbers 1-291, 1937-1950

AFHQ 19340 V-WROLLS/47 2/127 Valuation rolls Wellington - Rangitikei County - Otairi Riding - Roll numbers 1-263, 1950-1955

AFHQ 19340 V-WROLLS/46 2/127 part 1 Valuation rolls Wellington - Rangitikei County - Otairi Riding - Roll numbers 1-290, 1920-1957

AFHQ 19340 V-WROLLS/46 2/127 part 2 Valuation rolls Wellington - Rangitikei County - Otairi Riding - Roll numbers 291-316, 1920-1937

AFHQ 19340 V-WROLLS/48 2/132 Valuation rolls Wellington - Rangitikei County - Rangatira Riding - Roll numbers 1-263, 1908-1914

AFHQ 19340 V-WROLLS/49 2/132 Valuation rolls Wellington - Rangitikei County - Rangatira Riding - Roll numbers 1-242, 1914-1921

AFHQ 19340 V-WROLLS/49 2/132 Valuation rolls Wellington - Rangitikei County - Rangatira Riding - Roll numbers 1-250, 1921-1936

AFHQ 19340 V-WROLLS/49 2/132 Valuation rolls Wellington - Rangitikei County - Rangatira Riding - Roll numbers 1-238 1936-1950

AFHQ 19340 V-WROLLS/49 2/132 Valuation rolls Wellington - Rangitikei County - Rangatira Riding - Roll numbers 1-232, 1950-1955

AECZ 18714 (MA-MLP 1): Maori Land Purchase Department

MA-MLP 1 1873/4 James Booth (*not found by ANZ*)

MA-MLP 1 1873/82 Land at Rangitikei

MA-MLP 1 1873/90 James Booth, deposits for land

MA-MLP 1 1873/108A James Booth, 1872 report

MA-MLP 1 1873/117 Waitapu

MA-MLP 1 1874/331 James Booth, NLC decision re inalienability

MA-MLP 1 1879/514 James Booth, return of lands under purchase (*not found by ANZ*)

MA-MLP 1 1879/597 James Booth, Storekeeper orders on land purchase accounts

MA-MLP 1 1879/620 James Booth, Instructions to discontinue purchases on lands not investigation by NLC

MA-MLP 1 1880/247 Waitapu

MA-MLP 1 1880/313 James Booth, Surveys

MA-MLP 1 1880/501 Otamakapua

MA-MLP 1 1880/785 Chief Surveyor's tracing of Rangitikei

MA-MLP 1 1881/6 Otairi and Otamakapua

MA-MLP 1 1881/373 Otamakapua

MA-MLP 1 1883/158 Otairi

MA-MLP 1 1884/9 Otamakapua

MA-MLP 1 1884/110 Paraekaretu *(not found by ANZ; attached to NO 1885/2648 which has most likely been destroyed by fire)*

MA-MLP 1 1885/8 Rangatira

MA-MLP 1 1886/69 Otamakapua *(not found by ANZ; attached to NO 1887/1308 which has most likely been destroyed by fire)*

MA-MLP 1 1886/319 Utiku Potaka's claims *(not found by ANZ)*

MA-MLP 1 1886/344 Waitapu

MA-MLP 1 1890/128 Otamakapua *(not found by ANZ)*

MA-MLP 1 1890/212 Instructions to Butler re Whanganui District

MA-MLP 1 1896/80 Otairi

MA-MLP 1 1896/99 Otamakapua

MA-MLP 1 1897/125 Otamakapua

MA-MLP 1 1897/158 now MA 1 1919/10 Taraketi

MA-MLP 1 1902/77 Otumore

MA-MLP 1 1906/28 Rangatira

MA-MLP 1 1910/125 Otamakapua schedule of interests acquired by Crown and Otamakapua 1J 1P & 1J 1

MA-MLP 1 1910/152 Otamakapua 1H2 *(within 1911/108)*

MA-MLP 1 1911/40 Otamakapua 1F, 1H, 1J
MA-MLP 1 1911/108 Otamakapua 1H2
MA-MLP 1 1911/111 Otamakapua 1F1
MA-MLP 1 1911/112 Otamakapua 1F2
MA-MLP 1 1911/113 Otamakapua 1J 1A
MA-MLP 1 1911/114 Otamakapua 1J 1B
MA-MLP 1 1911/115 Otamakapua 1J2
MA-MLP 1 1911/119 Otamakapua 1H3
MA-MLP 1 1911/120 Otamakapua 1H4
MA-MLP 1 1911/121 Otamakapua 1H6
MA-MLP 1 1912/14 Otamakapua 1H5
MA-MLP 1 1912/16 Otamakapua 1H1
MA-MLP 1 1912/19 Otamakapua 1N secs. 1 & 3
MA-MLP 1 1912/58 Rangatira No 8A
MA-MLP 1 1912/80 Otumore (*not found* by ANZ)
MA-MLP 1 1913/77 Taraketi 2B

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BAAZ: Lands and Survey Office, Auckland

BAAZ 1108/13/d 428 Survey Files - Ohaumoko block, 1881-1883

BBOP: Maori Land Court, Auckland

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