

**Porirua ki Manawatū Inquiry District**

**DRAFT**

**The purchase of Ōtaki Māori land and the  
development of the Ōtaki township  
1840s-2023**

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**A report prepared for the Porirua ki Manawatū inquiry  
(Wai 2200) and commissioned by the  
Crown Forestry Rental Trust**

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## **Chapter 1. Introduction**

### **1.1 The Author**

My name is Suzanne Woodley. I am a historian and live in Wellington. I have a Bachelor of Arts from Canterbury University and a Bachelor of Arts with Honours in History from Victoria University of Wellington.

In the 1990s, I worked as a research officer at the then Waitangi Tribunal Division where I wrote twelve research reports and the very first general report on Native Townships. This formed part of the Tribunal's Rangahaua Whanui National Themes series. In 2005, following several years working as a project manager and senior archivist at The National Archives, London, I returned to researching treaty claims. This included writing research reports and providing research advice and analysis to historians contracted to the Crown Forestry Rental Trust and Waitangi Tribunal Unit. Recently authored reports include the Rating and Landlocked blocks report for the Taihape Inquiry (2015), the Mangakahia Land Issues report for Te Paparahi o Te Raki Inquiry (2016), the Local Government Issues report for the Porirua ki Manawatū Inquiry (2017) and the Local Government and Māori Land Rating Issues Report for the North Eastern Bay of Plenty Inquiry (2022).

From 2017 to 2021 I worked as a Principal Research Analyst in the Waitangi Tribunal Unit's Research Services team. While in this role I wrote the casebook review for the Military Veterans Kaupapa inquiry and the Housing on Māori land chapter for the Housing Policy and Services Kaupapa inquiry pre-casebook research discussion paper. I also oversaw and contributed to the block narratives project for the North-Eastern Bay of Plenty inquiry.

## 1.2 Project Brief

This report was commissioned by the Crown Forestry Rental Trust as a gap filling project for the technical research programme of the Waitangi Tribunal's Porirua ki Manawatū inquiry (Wai 2200). The project brief scope is re-produced below:

The Contractor will produce:

- (a) an alienation history and analysis of Ōtaki and surrounding blocks. This will include data and an analysis of the alienation of Ōtaki township lands; and
- (b) A history of the development of Ōtaki township.

The Contractor will analyse existing alienation data in the Block Research Narratives produced for the Wai 2200 inquiry to identify patterns across the 66 blocks and Pukehou and the alienation data collected for Ōtaki township lands and in existing technical reports. This will provide insight into the extent to which alienations occurred at particular times or whether they were Crown or private purchases, public works takings, or involved local authorities or the Māori Trustee. It will also show which legislation was used and the process by which land was alienated.

The Contractor will undertake a comprehensive assessment of the land alienation which follows the blocks from full Māori ownership and control through alienation or transfer to the Māori Land Board, Māori Trustee or other agencies on behalf of those Māori owners and which land blocks remain with those organisations, and which blocks were fully alienated as a result. The assessment should show how many blocks and owners were impacted by these transfers and alienations, but also the amount of land lost, and where possible, which hapū of Ōtaki were affected by those alienations.

The Contractor should use best endeavours to calculate the amount of land alienated under each process and by which agency, and land remaining in Māori ownership today. The Contractor will produce a study on the development of Ōtaki township. This would include hapū aspirations for self-determination, the desire to establish a township for the hapū and the importance of religion and the establishment of the different churches in the town. Hapū housing and settlements such as those at Pukekaraka are within scope. The Contractor will

address the use of a parish housing development model which established a large number of small blocks in the immediate vicinity of the church, the reasons why this was done and how that approach worked (or failed to work) for Ōtaki Māori in their land management, use and ownership and why. The Contractor will need to consult technical reports and claimant briefs of evidence already filed on record and seek direction from claimants and counsel as to particular issues arising in the development of Ōtaki township for further research.

Surrounding blocks are the following 66 blocks identified by Walghan Partners and described as the Ōtaki sub-district: Ahitangutu, Awahohonu, Awamate (Te), Awaroa (Te) Hakuai, Hanganōaiho, Harakeke, Haruātai, Harurunui/Hararunui, Hurihangataitoko, Kaiawakura, Kahikatea (Te), Kahukura, Kaingaraki, Kareti (Te), Katihiku, Kiharoa, Kurukohatu, Makirikiri, Makuratawhiti, Mangahanene, Mangapiharau, Mangapouri, Maringiawai, Manuao, Matitikura, Moutere, Moutere Hanganōaiho, Moutere Tahuna, Ngatoko, Ngawhakarangirangi, Nuinumaroro, Pahianui, Paremata, Piritaha, Pukeatua-Waitohu, Pukekaraka, Pukerarauhe, Puna (Te), Rahui (Te), Rahui Te Ngae, Rekerere, Roto (Te), Rotowhakahokiriri, Tahuna (Te), Takapu Takapu-o-Toiroa, Tauatemiromiro, Taumanuka, Tawaroa, Titikura, Titokitoki, Topaatekaahu/Topatekāhu, Totaranui, Tuahiwi, Turangarahui, Tururutanga, Tutangatakino, Waiariki, Wakapua, Waerenga, Waitohu, Waitohu Wakapua, Whakahoki Atapango/Whatahokiatapango, Whakapawaewae, Whakarangirangi.

### **1.3 Background**

This report is predominantly an alienation history of three key areas: the Ōtaki township sections; the Pukehou block; and the area surrounding the Ōtaki township sections excluding the areas held by the Church Missionary Society. This surrounding area is described by Walghan Partners in their block narratives and for the purposes of this report as the Ōtaki sub-district. A fourth component to the report is the development of the Ōtaki township.

The Ōtaki township sections are those quarter-acre sections laid out by Ngāti Raukawa for Ngāti Raukawa in conjunction with Governor Grey and Bishop Hadfield in the 1840s. There were originally about 162 Ōtaki township sections comprising approximately 40 acres. They are located in the area surrounding Raukawa Marae on Mill Road between the Waerenga block to the south (from what is now called Iti Street) the Haruatai Stream and Makuratawhiti and

Haruatai blocks to the east and north-east, and the western side of Te Rauparaha Street. The northern most sections were located within the Makirikiri block with the Pukekaraka, Waitohu and Titokitoki blocks to the east of the river. In 2023, just ten sections, of which four comprise the Raukawa Marae, remain Māori land. This area comprises about two acres or 0.8116 hectares.<sup>1</sup>

The Ōtaki sub-district is described by Walghan Partners as a ‘small enclave between the giant blocks south of Horowhenua ... located on the western coast extending from what is now the Ōtaki Beach village, down to the mouth and estuary of the Ōtaki River’. It is made up of ‘dozens of variously sized blocks, with most tending towards being very small in area’. More specifically, the area comprises 66 blocks or 340 parent blocks. Following partitioning this increased to 444 blocks of which ‘almost half of the sections created were one acre or less in area and almost 80% were less than five acres’. The size of these blocks ranged from 460 acres (Awahohonu), 414 acres (Turangarahui) and 412 acres (Taumanuka) to as small as two acres (such as the Ngatoko block). In total, the sub-district comprised about 3,574 ¼ acres.<sup>2</sup> Approximately 385 acres or 155.8349 hectares (ten per cent of the original area) remains Māori land in 2023.<sup>3</sup>

The Pukehou block is a long strip of land located just north of the Ōtaki sub-district that extends from the sea on the west coast to the Tararua ranges in the east. The sixteen parent blocks that made up the Pukehou block when title was investigated by the Native Land Court in the 1870s and 1880s comprised 27,013 acres in total. Approximately 470 acres or 189.1161 hectares remains Māori land in 2023 (about 2 per cent of the original area).<sup>4</sup>

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<sup>1</sup> *Māori Land Online*, accessed March 2023.

<sup>2</sup> Walghan Partners, Block Research Narratives Volume 1: Part 1 – Summary Analysis: A: Title and Alienation; B: Occupation and Utilisation, November 2018, a report commissioned by the Crown Forestry Rental Trust for the Porirua ki Manawatū inquiry, (Wai 2200, #A212), pp. 245, 247, 249.

<sup>3</sup> This is based on a compilation of Otaki sub-district land by the author in chapter 6 using *Maori Land Online*. Note that this is different to that calculated by Walghan Partners (161.5 acres) as the Katihiku X1, X2 & X3 block (an amalgamation of blocks) which comprises 92.554 ha. (228.7 acres) does not appear to have been included in their total. Walghan Partners, (Wai 2200, #A212), p. 250 and Walghan Partners, ‘Block Research Narratives Vol. III: Part II: B ‘Block Data Ngakaroro to Wi’, a report commissioned by the Crown Forestry Rental Trust for the Porirua ki Manawatū inquiry, November 2018, Wai 2200, #A212 (b)), p. 237.

<sup>4</sup> Walghan Partners, ‘Block Research Narratives Vol. II: Part II: 1 Block Data Ahitangata to Muhunoa’, a report commissioned by the Crown Forestry Rental Trust for the Porirua ki Manawatū inquiry, November 2018, (Wai 2200, #A212(a)), p. 210; *Māori Land Online*, accessed March 2023.

## **1.4 Report Structure and Key Issues**

This report discusses the alienation of Māori land in Ōtaki and the surrounding area. More specifically, the area of study is the Ōtaki township sections, the area around the Ōtaki township (known for this inquiry as the Ōtaki sub-district) and the Pukehou block located to the north and east of the sub-district. The report focuses on the various methods by which Māori land was purchased in these three areas from the late 1860s until 2023. It examines the relevant legislation, the Crown policy under which both Crown and private purchasing took place and how such purchasing worked in practice. It discusses the extent to which this land was subject to forms of alienation such as Public Works takings, vestings in the Māori Trustee under section 438 of the Māori Affairs Act 1953 and section 109 of the Rating Act 1925 for compulsory sale and the process by which the status of Māori land was changed to general land, predominantly under the Māori Affairs Amendment Act 1967.

While the three areas of land under study are distinct areas, the alienation of the Ōtaki township sections, the Ōtaki sub-district and the Pukehou block follow similar patterns. For this reason, the report is structured chronologically with each chapter focusing on a period of time, its associated legislation, policy and practice. Any variations to these patterns are identified and highlighted. For instance, Crown purchasing in the nineteenth century occurred in respect to the Pukehou blocks only whereas the vesting of land in the Ikaroa Māori Land Board in 1929 and 1931 affected the township sections and sub-district but not the Pukehou block.

The first chapter discusses Crown purchases in the nineteenth century focusing specifically on the Pukehou blocks purchased by the Crown between 1875 and 1885. The second chapter discusses private purchases in the nineteenth century using a range of examples from the key areas to demonstrate purchasing means, method and policy. This is followed by chapter 3 which discusses purchasing (mostly by private purchasers) from 1900 to 1949. This is a key period of alienation particularly in the first two decades. The fourth chapter covers the vesting in 1929 and 1931 of almost all the remaining township sections and a significant portion of the sub-district in the Ikaroa Māori Land Board to administer due to the non-payment of rates in 1929-1931. The chapter focuses on the alienation of this land up until the early 1960s by which time the remaining land had been re-vested in its owners. The penultimate chapter discusses purchasing activity from 1953 until 1996 (when the last known purchase took place) in all three areas. Included in this chapter is a discussion of the not inconsiderable amount of land, also in

all three areas, that was Europeanised under the Māori Affairs Amendment Act 1967. Each chapter includes an examination of the relevant legislation and policy for that period, provides tables showing the land alienated, and gives examples of how this legislation and policy was used in practice.

The final chapter covers the development of the township from its establishment in the 1840s up until the present day. Its focus is on the progression of the township from Ngāti Raukawa's original vision of a papakāinga for Ngāti Raukawa to the present day where only ten Ōtaki township sections remain in Māori ownership. It also examines, but to a lesser extent, Pukekaraka, located to the north of the town, where Māori lived at the papakāinga surrounding Tainui Marae and St Mary's Church.

### **1.5 Methodology and Sources**

Reports prepared for this inquiry have provided valuable context and information regarding the alienation of Māori land in the Ōtaki area between 1867 and 2018.

The block narratives compiled by Walghan Partners have served as the starting point for this report. These narratives set out when title to the Pukehou block and Ōtaki subdistrict were investigated and awarded by the Native Land Court as well as partitioning and alienation information such as when land was leased, if it was purchased privately or by the Crown. They also provide some information concerning land compulsorily taken under the Public Works Act or other legislation.

As the title and alienation details of the Ōtaki township sections and parts of the sub-district are not covered in the block narratives, details of these blocks have been researched from scratch using sources including Native Land Court minute books, Aotea and Ikaroa Māori Land Board minute books, Māori Land Court block order files, Deeds registers, certificates of title, Crown grants and memorial schedules, Native, Justice and Māori Affairs Department records held at Archives New Zealand and Aotea Māori Land Court alienation files held at the Whanganui Māori Land Court.

Reports already prepared for this inquiry have also been utilised. This includes Heather Bassett and Richard Kay's Public Works Issues report and Public Works taking database. The database provides a comprehensive list of Public Works takings for each block in the inquiry district and their report provides further details and context regarding key public works takings. This includes land in the Ōtaki area. Similarly, my own report prepared for this inquiry concerning local government issues has been utilised for details of rates related alienations. This includes that land in the Ōtaki Borough alienated during and following its administration by the Ikaroa Māori Land Board and Māori Trustee between 1929 and the 1960s; and that land within both the borough and the Horowhenua county that was compulsorily vested in the Māori Trustee for sale due to the non-payment of rates in the 1960s and 1970s.<sup>5</sup>

Robyn Anderson, Terrence Green and Louis Chase have provided relevant information in their overview report of nineteenth century land loss entitled 'Crown Action and Māori Response, Land and Politics, 1840-1900'. They cover title investigation, Crown purchases and private purchasing relevant to blocks within the Ōtaki area. This includes the investigation of title of the Ōtaki township block and an examination of the Crown purchase of Pukehou 1, 2 3, 4, 5A (part) and 5B between 1875 and 1881.<sup>6</sup>

Similarly, Paul Husband's report on reserves has been utilised particularly his examination of the Native Land Court and title restrictions. The report of Grant Young et al regarding twentieth century alienation legislation and relevant purchases has also been utilised.<sup>7</sup>

The alienation details of each of the blocks relevant to this report have been examined to identify alienation patterns and the extent to which these were concentrated in different time periods. Blocks identified for more detailed research have been selected for several reasons. These include claimant requests and availability of records. For instance, while a request was

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<sup>5</sup> Heather Bassett and Richard Kay 'Public Works Issues', a report commissioned by the Crown Forestry Rental Trust for the Porirua ki Manawatu Inquiry, November 2018 (Wai 2200, #A211); Suzanne Woodley 'Local Government Issues Report', a report prepared for the Porirua ki Manawatu inquiry and commissioned by the Crown Forestry Rental Trust, June 2017 (Wai 2200, #A193).

<sup>6</sup> Robyn Anderson, Terence Green and Louis Chase, 'Crown Action and Māori Response, Land and Politics', 1840-1900, a report commissioned by the Crown Forestry Rental Trust, 2018 (Wai 2200, #A201).

<sup>7</sup> Paul Husband, 'Māori Aspirations, Crown Response and Reserves 1840 to 2000', A Ngāti Raukawa Historical Issues Research Report for the Porirua ki Manawatu Inquiry commissioned by the Crown Forestry Rental Trust, 2018 (Wai 2200, #A213); Eljon Fitzgerald, Areti Metuamate, Kiri Parata, Tiratahi Taipana, Piripi Walker, Dr Grant Young, 'Ngāti Raukawa: Rangatiratanga and Kāwanatanga. Land Management and Land Loss from the 1890s to 2000', A Ngāti Raukawa historical Issues Research Report prepared for the Porirua ki Manawatu inquiry and commissioned by the Crown Forestry Rental Trust, June 2017 (Wai 2200, #A199).

made to the Māori Land Court for alienation files for one hundred different sub-district blocks and for all the Ōtaki township sections, only 59, of which 23 were Ōtaki township section files, were available for examination. It is therefore the blocks where an alienation file has been located that additional information on twentieth century purchases can be provided. In addition, to achieve a balanced view of land purchasing across the area under study, I identified blocks across the three areas for each time period though this was also dependant on the availability of records.

Claimants have requested that relevant hapū information be included in the report where possible. Where this has been located in Native and Māori Land Court minute books or other inquiry reports this has been included. For earlier purchases, a search of the Ōtaki Pā memorial schedule has been made. Ōtaki Pā was awarded to ‘all of Raukawa’ in April 1876 and comprises 346 names that are listed according to hapū in the relevant Native Land Court minutes. Anderson, Green and Chase have transcribed these names and their associated hapū and these are listed in the appendix to their report.<sup>8</sup>

## **1.6 Acknowledgements**

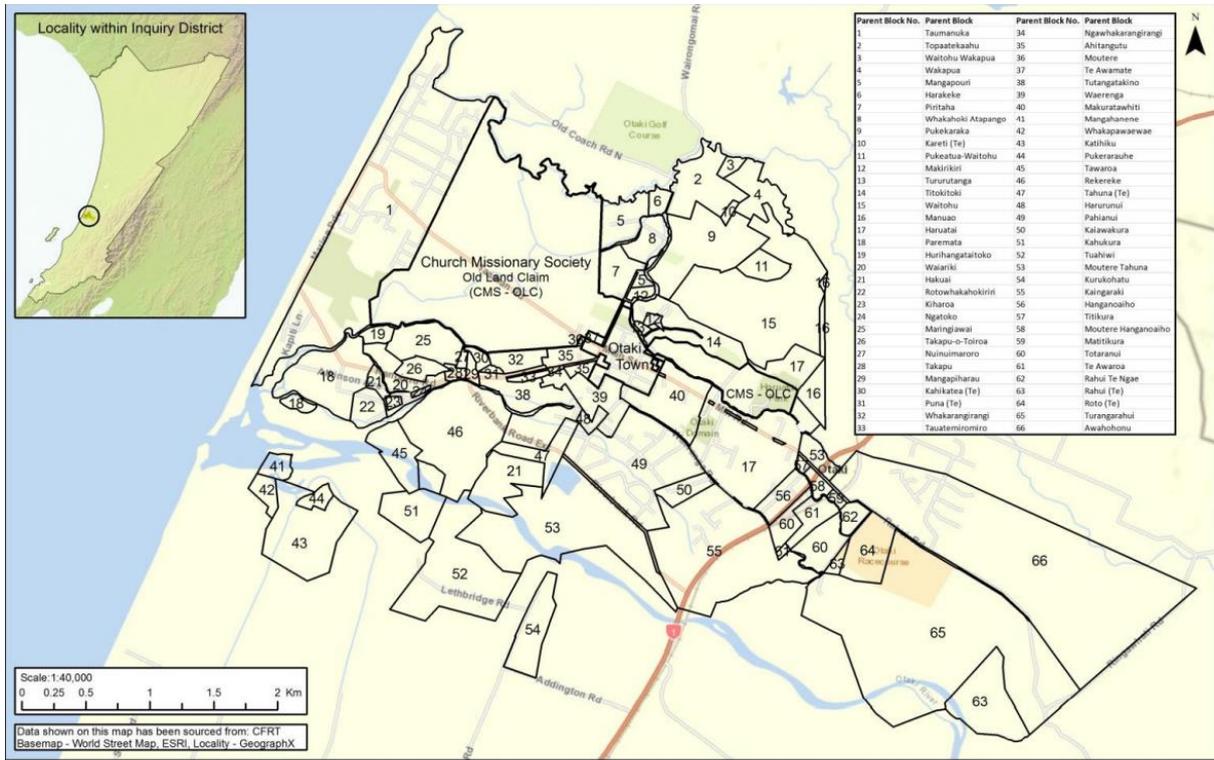
I am very grateful for the assistance of staff of the Aotea Māori Land Court at Whanganui particularly Bronwyn Te Wekepiri who provided access to the alienation files held by the Court. I am also grateful to staff at Archives New Zealand (Wellington), National Library and Alexander Turnbull Library for their assistance with relevant records.

Thank you also to claimants for their feedback and information provided; Anita Miles of the Crown Forestry Rental Trust for her ongoing and valuable support; and to Sam Grimwood for data compilation.

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<sup>8</sup> Otaki Minute Book 3, 27 April 1876, pp. 75-86; Anderson, Green and Chase (Wai 2200, #A201), pp. 824-833.

# Ōtaki sub-district



Porirua ki Manawatu Inquiry District: Ōtaki Sub-district

Cartography by Geospatial Solutions Ltd. Map Number CFRT PKM - 085 Map projection: New Zealand Transverse Mercator Date: 22/08/2017

Source: Walghan Partners, Porirua ki Manawātū Inquiry District: Block Research Narratives Vol. I: Part I – Summary Analysis (Wai 2200, #A212), p. 246.

## Chapter 2: Crown purchases, 1875-1881

### 2.1 Introduction

While there was no Crown purchasing from Māori of sections within the Ōtaki township and the Ōtaki sub-district in the nineteenth century, purchasing by the Crown of land within the larger Pukehou block, which was estimated to comprise almost 27,0123 acres was extensive.<sup>9</sup> Nine of the 16 parent Pukehou blocks totalling 17,296 acres were purchased by the Crown between February 1875 and October 1881. This corresponds with the period where the Crown purchased other large areas of Ngāti Raukawa land in the inquiry district. A tenth purchase of the 100-acre Pukehou 5L block where money was advanced for the land in 1872, was finalised in 1885.

The purchases within the Pukehou block are listed in the following table:

**Pukehou block Crown purchases, 1875-1885**

Block name	Area (acres)	Area (roods)	Area (perches)	Title date and number of owners	Purchase date
Pukehou 1	2,123	0	0	18 May 1873 (10)	4 February 1875
Pukehou 2	2,086	0	0	19 May 1873 (10)	4 February 1875
Pukehou 3	2,050	0	0	19 May 1873 (10)	4 February 1875
Pukehou 4 (part)	926	0	0	22 May 1873 (10)	26 October 1881
Pukehou 5A (part)	3,400	0	0	2 May 1874 (51)	12 September 1878
Pukehou 5B	2,356	1	9	2 May 1874 (26)	16 February 1876
Pukehou 5C	2,314	0	39	2 May 1874 (26)	11 February 1876
Pukehou 5D	1,062	0	8	2 May 1874 (23)	28 May 1875
Pukehou 5E	978	2	18	2 May 1874 (3)	12 June 1875
Pukehou 5L6	100	0	0	2 May 1874 (5L: 6 owners); 29 June 1887 (5L6: 1)	28 May 1885
<b>Total</b>	<b>17,396</b>	<b>0</b>	<b>34</b>		

Source: Walghan Partners, (Wai 2200, #A212(b)), p. 202, 225; Anderson, Green and Chase, (Wai 2200, #A201), pp. 619-622; Order of Native Land Court, Pukehou 5L6, 8 May 1885, AECZ 18714 MA-MLP 1 22w 1887/227 From: Ropata Te Ao, Wellington Date: 6 July 1887 Subject: Desirous to sell 600 acres of Pukehou no. 5 L to the Government at £1 per acre [Written in Māori with translation], 1887 [Enclosed: 1883/261, 1883/56, 1883/48, 1880/539] (R23903992), Archives New Zealand, Wellington; Ōtaki Minute Book 2, 19 May 1873, pp. 183-185.

Two other areas of land within the Ōtaki sub-district purchased by the Crown in the nineteenth century were not direct purchases from Māori as they had been purchased privately prior to

<sup>9</sup> Walghan Partners, (Wai 2200, #A212(b)), p. 232. They explain that they arrived at this total though the examination of survey plans.

their transfer to the Crown. These were Ahitangutu 3 (1 acre 2 roods 29 perches) which was sold to the Crown on 18 March 1878 by John Anthony Knocks for £100 (he had purchased it from Tiemi Ranapiri on 16 March 1878 for £25); and part Waerenga 1 & 2 (1 acre 2 roods of the 8 acre 2 roods 31 perch total) which was sold by Frederic Bright to the Crown for £165 in 1894 (the initial purchase was in December 1874 between Hape Te Horohau and a Mr Schultze). These purchases are discussed further in the following chapter on private purchases.<sup>10</sup> The purchase of land by agencies such as the Wellington and Manawatu Railway Company and the Wanganui District Education Board are also discussed in the following chapter.

Availability of records has influenced the focus of this chapter. Records relating to the 1875 purchase of Pukehou 1, 2, 3, 5D and 5E and the 1876 purchase of Pukehou 5B and 5C have proved difficult to locate. Therefore the following discussion provides limited amount of information on these earlier purchases. However, as records relating to the purchase of Pukehou 5A (part) in 1878 and Pukehou 5L in 1885 have been located, the chapter focus is largely on these two purchases. As Anderson, Green and Chase have covered the purchase of Pukehou 4 in 1881 in their report, information on this purchase is summarised only.

The chapter begins with a discussion of the award of title to the Pukehou block by the Native Land Court, a general discussion around the early purchases of Pukehou 1, 2, 3, 5D and 5E followed by a more detailed discussion of the purchase of Pukehou 5A and Pukehou 5L6, and a summary of the Pukehou 4 purchase.

## **2.2 Native Land Court investigation of title to Pukehou block, 1873-1874**

The Native Land Court awarded title to the inland portion of the Pukehou block in May 1873. Anderson, Green and Chase have discussed the associated Court hearings and record that the Court ordered ‘equal longitudinal divisions for the three hapū concerned’. On 19 May, the northern part of the block, Pukehou 1, Pukehou 2 and Pukehou 3 were awarded to Ngāti Kapu. This was at the request of James Ransfield (Tiemi or Hemi Ranapiri). Each of the three blocks had ten owners with no restrictions on alienations registered on the title. Such restrictions could

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<sup>10</sup> Deeds of conveyance, Ahitangutu 3, 16 & 18 March 1878, ABWN 8102 396 WGN 333 Ahitangutu 3 – Otaki, 1878 (R23446632); Deed of conveyance, Waerenga 1 & 2 (part), 1894, ABWN 8102 WGN 751 344 Waerenga 1 & 2 - Otaki Township, 1894 ((R23475048), Archives New Zealand, Wellington.

at that time be imposed by the Court at its discretion though as Husbands observed it was often at the request of owners. Alienation restrictions were in respect to purchase, leasing for longer than 21 years and mortgage.<sup>11</sup>

The southern area, Pukehou 4, was awarded to Ngāti Pare and Ngāti Kauwhata several days later on 22 May 1873. Ten names were entered on the certificate of title though the Court recorded around 83 names of those persons found by the Court to be interested in the land. No mention was made in the Court minutes of any restriction on alienation with respect to the block.<sup>12</sup> The following year in April and May 1874, title to Pukehou 5 was investigated by the Court and partitioned into thirteen parts (A-M).<sup>13</sup>

Unlike the Pukehou blocks investigated in 1873 which were awarded to a maximum of ten owners as per the ten-owner rule prescribed by the Native Lands Act 1865, the Pukehou 5A-5M blocks were awarded to up to 51 owners. This was because these title awards came under the jurisdiction of the newly passed Native Land Court Act 1873 which required the Court to ‘list all owners in a “memorial of owners”’. This, as Anderson, Green and Chase discuss, meant that individuals were awarded an undivided interest in the block and not the physical interest itself. It also meant that Māori no longer had any ‘obligation to gain community consent’ to land sales and could have sell their interests which were then partitioned out.<sup>14</sup>

The Pukehou block was one of many Ngāti Raukawa blocks investigated by the Native Land Court in 1873 and 1874. Husbands notes that the area affected by Native Land Court title investigations at this time comprised 74 blocks of land and more than 221,000 acres. Just seven of the blocks where title was investigated during those two years contained a permanent restriction on alienation and the Pukehou blocks were not amongst the seven. He notes that

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<sup>11</sup> Otaki Minute Book 2, 19 May 1873, pp. 183-185; Anderson, Green and Chase, (Wai 2200, #A201), pp. 619-622; Waghan Partners, (Wai 2200, #A212 (a)), p. 201. Pukehou 1 was awarded to Eru Tahitangata, Tereturu, Akapita Tahitangata, Haikema, Te Raika, Te Hiwi, Ateara, Te Peira, Kipa Patama and Te Wiata; Pukehou 2 was awarded to Tiemi Ranapiri, Enoka Te Waro, Karanama Whakaheke, Riria Ranapiri, Tamati Ranapiri, Arihia Wehipeihana, Mohi Heremia, Tamihana Hotene, Raniera Rehua and Raweti Te Putu’ and Pukehou 3 was awarded to Ateara te Waha, Te Raiti Tonihi, Akapita Te Tewe, Hoani Te Matepu, Heremaia Ngato, Ngarati Te Tewe, Hohepina Parakipane, Naihi Pekeia, Tame Tima and Pene Te Hapupu.

<sup>12</sup> Otaki Minute Book 2, 22 May 1873, p. 200; Anderson, Green and Chase, (Wai 2200, #A201), pp. 619-622; Waghan Partners, (Wai 2200, #A212 (a)), p. 201. Pukehou 4 was awarded to Eruera Tahitangata, Hemi Ranapiri, Akapita Te Tewe, Kararama Te Whakaheke, Enoka Te Wano, Tamati Ranapiri, Ateara Te Waha, Ateara Tanehe, Mohi Heremia and Riria Tumi.

<sup>13</sup> Anderson, Green and Chase, (Wai 2200, #A201), pp. 619-622

<sup>14</sup> Anderson, Green and Chase, (Wai 2200, #A201), pp. 495, 532-533, 627.

‘with a total area of 5740 acres (2555 acres of which were within Ngāwhakangutu 1), the seven ‘inalienable’ blocks made up just 2.6 percent of the total area of Ngāti Raukawa land taken through the Native Land Court in 1873 and 1874’.<sup>15</sup>

Certainly restrictions were not supported by land purchase officials. In August 1874, James Booth complained that the Native Land Court, when it sat at Ōtaki and Foxton in the previous March, April and May, had ordered the issue of memorials of ownership under section 17 of the Native Land Act 1867 that made certain lands inalienable by sale. He said that as a district officer under the Act of 1873, he had informed the Court that each of the blocks were being acquired by the Crown and requested that an order without restriction be made. He said that he had hoped that his transactions would have been completed within a very short time of making the orders of the Court but as the lands were inalienable, he was unable to take further steps towards winding up his land purchase operations on the west coast. As a consequence, he said, ‘the settlement of the Country is retarded’.<sup>16</sup>

### **2.3 The purchase of Ngāti Raukawa lands by the Crown, 1874-1881**

Husbands records that between December 1874 and December 1881 the Crown purchased land in 50 blocks of Ngāti Raukawa-owned land. Thirty-one of these blocks were purchased in their entirety, with no provision for reserves. Most of the blocks purchased outright by the Crown were large. Twenty of the 31 were of more than 1000 acres. Ōhau 2 and Ngākaroro 2 both included more than 6000 acres, while five of the eight Pukehou subdivisions purchased by the Crown in their entirety were of 2000 acres or more’.<sup>17</sup>

As Husbands notes:

The Crown’s purchase of Raukawa land reached a final crescendo in 1881 when it acquired almost 40,000 acres from Manawatū Kukutauaki 2A, 2B, 2C, 2D and 2E (roughly between modern-day Tokomaru and Shannon). The same year the Crown also

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<sup>15</sup> Husbands, (Wai 2200, #A213), pp. 270-273.

<sup>16</sup> James Booth, Land Purchase Officer to Native Department, 10 August 1874, AECZ 18714 MA-MLP 1 1874/331 From: James Booth, Wellington Date: 10 August 1874 Subject: The native land court at Otaki and Foxton issued certificates of title inalienable whereas he wished them to be without restriction, 1874 (R23830094), Archives New Zealand, Wellington.

<sup>17</sup> Husbands, (Wai 2200, #A213), p. 280.

purchased almost 3000 acres from Ngākaroro 1A and more than 900 acres from Pukehou 4A.<sup>18</sup>

Anderson, Green and Chase argue that access to the benefits of settlement and the enhanced value of reserved lands were thought to be the ‘real inducement to Māori to sell to the Government’.<sup>19</sup>

The main official involved in the purchase of Pukehou blocks was government land purchase officer James Booth who was also a ‘Native Magistrate’ at Whanganui. He had been a ‘resident magistrates in the Upper Whanganui area from 1865, and the resident magistrate at Patea from 1867’. As Marr notes, he was appointed government land purchase officer for the Whanganui district in 1872 and was the ‘leading government land purchase officer’. Anderson, Green and Chase record that in mid-1873 he was ‘given responsibilities for land purchases along the west coast’ and Husbands notes that he was the land purchase officer ‘responsible for most of the Crown purchases of Raukawa land between 1874 and 1881’.<sup>20</sup>

Marr records that the appointment of Booth ‘reflected the common pattern of the time of very close links between land purchase duties and other government roles, including even judicial or semi-judicial roles in relation to Māori communities’. Further, that the ‘status and knowledge gained from these judicial and other official roles is likely to have substantially assisted with land purchasing’. She also highlights the close relationship between land purchase agents, the Native Land Court and other Court officials.<sup>21</sup>

### ***Advances and proclamation under the Immigration and Public Works Act Amendment Act 1871, December 1874***

The Crown used a variety of tools to facilitate its purchase of Māori land. One such tool was a proclamation under section 42 of the Immigration and Public Works Act Amendment Act

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<sup>18</sup> Husbands, (Wai 2200, #A213), p. 275.

<sup>19</sup> Anderson, Green & Chase, (Wai 2200, #A201), p. 163.

<sup>20</sup> Cathy Marr, ‘The Waimarino Purchase Report: the investigation, purchase and creation of reserves in the Waimarino block, and associated issues, a report commissioned by the Waitangi Tribunal, 2004 (Wai 898, #A50, Wai 1130, #A43), 53; Anderson, Green & Chase, (Wai 2200, #A201), p. 435; Husbands, (Wai 2200, #A213), p. 282.

<sup>21</sup> Marr, (Wai 898, #A50, Wai 1130, #A43), pp. 53-54.

1871. This notice, which was published in the *New Zealand Gazette*, prevented private purchasers from negotiating for the purchase of the land. Anderson, Green and Chase record that such a notice, published in December 1874, effectively ‘locked out’ private purchasers from negotiating for Raukawa lands including Pukehou 1, 2, 3, 4, 5B, 5C, 5D, 5E and 5L. This proclamation, they state, ‘made it illegal for any person to purchase or acquire any right, title, or interest, or contract for the purchase of such land’.<sup>22</sup>

Advances were another tool to facilitate the purchase of Māori land by the Crown. Several years prior to the proclamation, advances were made by the Crown in respect to Pukehou blocks. Government reports record that by 30 June 1874, £458.12.2 had been expended on the purchase of Pukehou 1, 2, 3, 4, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H, 5K, 5L and 5M by James Booth. This was despite the actual purchase price not being fixed meaning advances were made to owners prior to the finalisation of a purchase price.<sup>23</sup>

By the year to 30 June 1875, £600 pounds had been expended in purchase money in respect to Pukehou 1, 2, 3 and £177.10.0 for 5D and 5E (a total of £777.10.0). A purchase deed was signed on 4 February 1875 for Pukehou 1, 2, 3; on 28 May 1875 for Pukehou 5D and on 12 June 1875 for Pukehou 5E.<sup>24</sup>

Government officials reported in 1877 that the purchase of Pukehou 1, 2, 3 5B, 5C, 5D and 5E were completed during 1875 and 1876 and that the blocks comprised ‘hilly country, covered with light bush’. With the exception of the ‘farthest range of the Tararua eastward’ it was suitable for grazing with a large number of wild cattle located on the lower ranges and valley.<sup>25</sup>

#### **2.4 Crown purchase of Pukehou 5A, 1878-1880 (3400 acres)**

Further purchases within the block continued. The purchase of part of Pukehou 5A on 12 September 1878 was the third to last purchase by the Crown of land within the block. It

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<sup>22</sup> Anderson, Green & Chase, (Wai 2200, #A201), pp. 569-570.

<sup>23</sup> Statement showing area of lands purchased and leased (Transactions complete and incomplete) with expenditure thereon under the Immigration and Public Works Acts of 1870 and 1873, AJHR 1874, C4, p. 12.

<sup>24</sup> Statement relative to land purchases, North Island under Immigration and Public Works Acts of 1870 and 1873, AJHR, 1875, G6, pp. 15, 22.

<sup>25</sup> Report from Land Purchase Officers of land purchased from Natives, AJHR, 1877, G7, p. 18.

preceded the purchase of Pukehou 4 (as discussed by Anderson, Green and Chase) in 1881 and Pukehou 5L6 in 1885.

As noted above, unlike the Pukehou 1, 2 and 3 blocks, the number of owners of Pukehou 5A was not restricted to ten. On 2 May 1874, title to the 5,600-acre Pukehou 5A block was awarded by the Native Land Court to a total of 51 owners including Renao Te Wharepakaru, Kooro Te One, Himiona Te Oha, Hoeta Te Kahuhui, Tapa Te Whata, Karehana Tauranga, Takana Te Kawa, Himiona Tapa, Kereama Paoe and Hakaraia Whakaneke.<sup>26</sup>

Reference was made to the proposed purchase of what was described as the Ngāti Kauwhata-owned Pukehou 5A block in a government report on its purchasing activity in 1877. The report said that the block would connect with the other Pukehou blocks to the north and that the delay in finalising the purchase was due to a disagreement over price. It said that there was a 6 pence per acre difference between what the Crown was offering and what was wanted by the owners.<sup>27</sup>

The utilisation of newly enacted legislation ensured that the Crown continued to have the sole right of purchase. By early 1878, Pukehou 5A together with Pukehou 4 and Pukehou 5L blocks were among 24 blocks proclaimed under the Government Native Land Purchases Act 1877 in the Manawatū and Ōtaki districts. Advances of £83, £30.12.9 and £25 for Pukehou 4, Pukehou 5A and Pukehou 5L respectively had previously been made by the Crown. As Anderson, Green and Chase explain, this Act allowed the government to ‘proclaim lands as “under negotiation” and lock our private purchase competition’. As set out in the Act’s introduction, the purpose of the Act was to protect the interests of the Crown in the purchase of Māori lands (though nothing was explicitly set out that stated it would also protect the interests of Māori).<sup>28</sup>

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<sup>26</sup> Walghan Partners (Wai 2200, #A212(b)), pp. 201-202; ABWN 8910 11 1685 Certificate of Title - PUKEHOU NO 5 A at Pukehou in the District of Otaki in the Province of Wellington Owner/Owners: Renao Te Wharepakaru, Kooro Te One, Himiona Te Oha, Hoeta Te Kahuhui, Tapa Te Whata, Karehana Tauranga, Takana Te Kawa, Hamiona Tapa, Kereama Paoe and Hakaraia Whakaneke, 1874-1880 (R25286203), Archives New Zealand, Wellington.

<sup>27</sup> Report from Land Purchase Officers of land purchased from Natives, List of Completed Purchases in the Manawatu-Kukutauaki District, 28 June 1877 AJHR, 1877, G7, p. 18.

<sup>28</sup> Anderson, Green & Chase, (Wai 2200, #A201), pp. 573, 745. The Act also discontinued the practice of purchasing Maori land for the Crown on commission so that the services of agents employed in this capacity were to be discontinued.

At the same time, section 6 of the Native Land Act Amendment Act 1877 provided that the Crown could ‘bring blocks before the Native Land Court for determination of title (and the excision of the interests it had purchased).’<sup>29</sup>

Anderson, Green and Chase state with respect to the 24 blocks that were proclaimed in the inquiry district, that the Crown’s share was either ‘partitioned out, or in some cases, negotiations abandoned and the block re-opened to private purchase’. In the case of Pukehou 4 and Pukehou 5A, negotiations with the Crown resumed and in the case of Pukehou 5L, 100 acres was partitioned out to reflect an advance made in 1872.<sup>30</sup>

Little information has been located regarding the £83 advanced in respect of Pukehou 5A prior to 1878. Indeed, it was not until September 1878 before Native Land Purchase Officer James Booth reported on the proposed purchase of Pukehou 5A. He explained that he been at Awahuri for several days negotiating the purchase and that of the 51 grantees, one person who held a large interest in the 5,600 acre-block, Renao Te Wharepakaru, did not wish to sell. However, after ‘much disputing’ it had been agreed that 50 grantees would sell 3400 acres and that on the suggestion of Booth, Renao Te Wharepakaru, would only sell that part of his interests that came down to the proposed line of road or railway. This was so the government would own the land on one side of the road and Māori would own the land on the other side. There also remained an issue with the purchase price. Booth said that he had offered 2/- per acre but the sellers had refused to accept any less than 4/- per acre and that it was impossible to get the land for any less. He did not, however, feel justified in paying the higher price without special authority as it would raise the price of other similar uncompleted purchases in the district. He noted that (Alexander) McDonald, the ‘agent’ for Ngāti Raukawa was opposed to the sale but grantees generally were ‘determined to sell’ but only at 4/- per acre. (The relationship between Alexander McDonald and Ngāti Kauwhata and his influence and issues with his actions is discussed by Anderson, Green and Chase).<sup>31</sup>

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<sup>29</sup> Anderson, Green & Chase, (Wai 2200, #A201), p. 532.

<sup>30</sup> Anderson, Green & Chase, (Wai 2200, #A201), pp. 574-576; Return of Lands Proclaimed Under the Government Native Land Purchases Act 1877, 31 July 1878, AJHR 1878 C5, p. 3; Treasury voucher in respect to advance made on account of land situate at Otaki and Ohau, 19 July 1872, AECZ 18714 MA-MLP 1 22w 1887/227 From: Ropata Te Ao, Wellington Date: 6 July 1887 Subject: Desirous to sell 600 acres of Pukehou no. 5 L to the Government at £1 per acre [Written in Maori with translation], 1887 [Enclosed: 1883/261, 1883/56, 1883/48, 1880/539] (R23903992), Archives New Zealand, Wellington.

<sup>31</sup> James Booth to H.T Clark, September 1878, AECZ 18714 MA-MLP 1 6h 1880/37 From: James Booth, Wanganui Date: 8 January 1880 Subject: Forwards completed deed of "Pukehou No. 5A" - Requests that it be

In response, on 6 September 1878, Richard Gill, the Under Secretary of the Native Department responsible for Māori land purchases, authorised James Booth to close the purchase of Pukehou 5A for the price of 4/- per acre. He told Booth to take the necessary steps to have the part retained by Māori surveyed ‘at once’ so that there was ‘no further delay ... in completing the purchase’.<sup>32</sup>

A deed of purchase for Pukehou 5A (part) comprising 3400 acres was signed by Māori and the Crown on 12 September 1878 for £670.0.9. Several years later, on 21 October 1881, the area purchased by the Crown was formally partitioned out by the Native Land Court. James Booth produced the deed of purchase at the hearing noting that he was acting land purchase officer for the Crown and district officer for the district. He said he had bought the land personally from the owners on 12 September 1878. He said it was his duty to thoroughly explain to Māori the purchase transactions. He said it was ‘specially understood’ than eleven owners who did not receive any of the purchase money should have reserves cut out of the block for them. The reason why the eleven were not included in the deed was that Renao and others agreed that only two names should be entered on it. A list of the eleven non-sellers was handed into the Court by Macdonald. They were: Renao te Wharepakaru, Enereta Te Rangiotu, Te Ara Takana, Erana Tuporo, Hoeta te Kahuhui, Hepi Te Whero, Te Maui Turanga, Piripi Te Ari, Arapere Te Rangiotu, Heni Te Rangiotu and Erea Heni. Booth said that the people who signed the deed were aware at the time that the purchase was for 3400 acres.<sup>33</sup>

Also at Court was Renao te Wharepakaru. He said that he lived at Ōtaki and belonged to Ngāti Kauwhata. He said that he knew the piece under investigation and that the eastern part of the block had been sold to the Crown. He said that his hapū was all present at the meeting and the part reserved was for the eleven persons because they did not wish to sell their interest or take any of the money. He asked that the ‘certificate’ be awarded to those eleven people. He knew

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sent to Mr Marchant's office to have plan put on, [Enclosed N & D 1878/3170] 1880 (R23867904), Archives New Zealand, Wellington; Anderson, Green and Chase, pp. 435-437, 569

<sup>32</sup> James Booth to H.T Clark, September 1878, AECZ 18714 MA-MLP 1 6h 1880/37 From: James Booth, Wanganui Date: 8 January 1880 Subject: Forwards completed deed of "Pukehou No. 5A" - Requests that it be sent to Mr Marchant's office to have plan put on, [Enclosed N & D 1878/3170] 1880 (R23867904), Archives New Zealand, Wellington; Anderson, Green and Chase, (Wai 2200, #A201), p. 576.

<sup>33</sup> Otaki Minute Book 5, 21 October 1881, pp. 210-211; Anderson, Green and Chase, (Wai 2200, #A201), pp. 624-625.

the deed produced before the Court that conveyed 3400 to the Crown and that the remaining 2,200 acres was to be awarded to the eleven people ‘as a Reserve’.<sup>34</sup>

The Court ordered that Pukehou 5A be vested in the Crown and that the eleven named were the owners of Pukehou 5A1 (2199 acres 22 perches). The area purchased by the Crown was proclaimed ‘Waste Lands of the Crown’ on 17 November 1881.<sup>35</sup>

Husbands records that Pukehou 5A1 was one of only 19 areas reserved for Ngāti Raukawa from 31 blocks purchased by the Crown between December 1874 and December 1881. He notes that it was only in a ‘minority of occasions’ that land was left out of a Crown purchase.<sup>36</sup>

The reserve did not stay intact for long. In June 1887, the block was partitioned into three parts: Pukehou 5A1 North (1400 acres with 7 owners); Pukehou 5A1 South (660 acres with 4 owners), and Pukehou 5A1 North 2 (139 acres 22 perches). Parts of 5A1 North 2 and 5A1 South were leased for 21 years to William McLaren and Alexander Higgin Rolls in 1891 and 1894 respectively. Pukehou 5A1 North was purchased by Walter Joseph Reading in 1893, Pukehou 5A1 North 2 was partly purchased by Hakaraia Te Whena in 1895 (44 acres) with the full block purchased by the Wellington Manawatu Railway Company in 1896. The remainder of the block, Pukehou 5A1 South was purchased by the lessee Alexandra Higgin Rolls. Private purchasing is discussed in the following chapter.<sup>37</sup>

## **2.5 Meeting with Native Minister, 13 December 1878**

The purchase does not appear to have been as straightforward as the 1881 Court hearing suggests. While the purchase of Pukehou 5A was formally completed on 12 September 1878, several months later Ngāti Raukawa expressed concerns with the purchase process. The *Wanganui Chronicle* reported on a meeting held with Native Minister Sheehan who was ‘appointed when the Grey ministry came to office in 1877’ and an estimated 150 Māori at the Ōtaki school house on 13 December 1878. Among the complaints presented to the Minister

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<sup>34</sup> Otaki Minute Book 5, 21 October 1881, pp. 210-211; Anderson, Green and Chase, (Wai 2200, #A201), pp. 624-625.

<sup>35</sup> Otaki Minute Book 5, 21 October 1881, pp. 210-211; Anderson, Green and Chase, (Wai 2200, #A201), pp. 624-625.

<sup>36</sup> Husbands (Wai 2200, #A213), pp. 245, 283.

<sup>37</sup> Walghan Partners, (Wai 2200, #A212(b)), pp. 209, 217, 223.

related to the Pukehou block and the broader issue of government purchase tactics. While the article did not specify the exact Pukehou block, the timing, circumstances and number of owners discussed in the article suggests that the purchase of Pukehou 5A had prompted the complaint. Those at the meeting complained to Minister Sheehan that it was the government's custom to 'tie up' blocks of Māori land where just one of 50 owners had agreed to sell it, take their money for their share, and ignore the other 49 who did not wish to sell and objected to the sale. That 49 persons should be 'practically deprived of the use of the land, by the action of one or two' was described as a 'palpable injustice'. Those in attendance said that they were 'coerced in to selling by one of the owners accepting Government money for it, as after that the Government will not allow anyone to interfere with that block, neither can the owners lease it or derive any benefit from it'. Therefore they wanted their land surveyed and subdivided so that every person could deal with their own land as they saw fit. The *Whanganui Chronicle* reported that Mr Sheehan promised to consider the matter and visit the following month.<sup>38</sup>

No details of any subsequent meetings between Ngāti Raukawa and Sheehan in 1879 about the matter have been located though the purchase process was still a concern for Māori almost a year later. A Mr Halcombe (who appears to have been running for election for either a local body or parliament) was reported as addressing a large meeting of both European and Māori at Ōtaki in August 1879. He 'condemned' the system of paying small advances to individual Māori thereby 'crippling the majority of the owners by proclaiming the land under negotiation'. Halcombe reportedly 'received an almost unanimous vote of confidence and promise of support'.<sup>39</sup>

## **2.6 Crown purchase of Pukehou 4 (part), 1881**

As noted above, the purchase of the 1000-acre Pukehou 4 (part) block for £83 has been discussed by Anderson, Green and Chase. They record that the block was already leased when the Crown began negotiating for its purchase. The lessee was the nephew of Bishop Hadfield (William Simcox). In October 1881, Booth applied to the Native Land Court to partition out an area of 926 acres of Pukehou 4 which comprised almost 4078 acres 'to be awarded in favour of Eru Tahitangata in order to facilitate its sale to the Crown'. Although this was objected to

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<sup>38</sup> *Whanganui Chronicle*, 21 December 1878, p. 2. This is the only report located on this meeting. Anderson, pp. 572-573.

<sup>39</sup> *New Zealand Mail*, 30 August 1879, p. 21.

by others interested in the land, several days later Booth applied to the Court to have the land partitioned out for the Crown. Both said that all parties had agreed to this which was likely, according to Anderson Green and Chase ‘so that the debt to the Crown would be satisfied’. This refers to the advances discussed above. Subsequently other owners stated that they had not agreed to the partition. However, the purchase still stood.<sup>40</sup>

## **2.7 Crown purchase of Pukehou 5L6, 1872-1885**

The final purchase in the Pukehou block by the Crown (Pukehou 5L6) was finalised in 1885 but advances were made on the Pukehou 5L block as early as 1872 to one of the owners, Hoani Taipua of Ngāti Pare. This was prior to the formalisation of title which was awarded on 2 May 1874. The block, comprising 4118 acres 3 roods 8 perches, was awarded to Hema Te Ao, Ropata Te Ao, Hoani Taipua, Hauotaranaki, Pitiera Hoani Taipua, Anawanaki and Hori Te Waru.<sup>41</sup>

As noted above, Pukehou 5L was also included in the proclamation under section 42 of the Immigration and Public Works Act Amendment Act 1871 published in the *New Zealand Gazette* in December 1874 that prevented private purchasers from negotiating for the purchase of the land.<sup>42</sup> As well, it was included in the 24 blocks proclaimed in early 1878 under the Government Native Land Purchases Act 1877 in the Manawatū and Ōtaki districts. This also prevented private individuals from purchasing in the block. Despite this, there appears to have been interest in the block from private purchases as in August 1880, Trust Commissioner Major Charles Heaphy based at Whanganui asked Richard Gill of the Native Department whether Pukehou 5L was available for a private sale. Gill replied that the 4118-acre block was under purchase by the government and referred him to the gazette notice of 1878.<sup>43</sup>

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<sup>40</sup> Anderson, Green and Chase, (Wai 2200, #A201), pp. 624-625.

<sup>41</sup> Anderson, Green and Chase, pp. 622, 824; Walghan Partners (Wai 2200, #A212(b)), p. 201; ABWN 8910 Certificate of Title - PUKEHOU NO 5 L at Pukehou in the District of Otaki in the Province of Wellington Owner/Owners: Hema Te Ao, Ropata Te Ao, Hoani Taipua, Hauotaranaki, Pitiera Hoani Taipua, Anawarihi and Hori Te Waru, 1874-1880 (R25286208), Archives New Zealand, Wellington.

<sup>42</sup> Anderson, Green & Chase, (Wai 2200, #A201), pp. 569-570.

<sup>43</sup> C Heaphy, Trust Commissioner to Richard Gill, Native Department, 10 August 1880; Richard Gill, Native Department to Major Heaphy, 11 August 1880, AECZ 18714 MA-MLP 1 22w 1887/227 From: Ropata Te Ao, Wellington Date: 6 July 1887 Subject: Desirous to sell 600 acres of Pukehou no. 5 L to the Government at £1 per acre [Written in Maori with translation], 1887 [Enclosed: 1883/261, 1883/56, 1883/48, 1880/539] (R23903992), Archives New Zealand, Wellington.

Interest from private purchases in the block remained. In February 1883, clerk H. H Carr at Ōtaki wrote to P Sheridan, Under Secretary at the Native Department in Wellington. He asked if there was any lien or claim on Pukehou 5L. His reason for asking was that as clerk of the Court (presumably either the Native Land Court or Magistrates' Court), he had been asked on several occasions to witness the signatures of Māori to a memorandum of agreement connected with the sale of Pukehou 5L to the Reverend James McWilliam of Ōtaki (he worked at the mission and studied under Bishop Hadfield). He noted that on each occasion Mr Richard Booth had interpreted. He had heard privately that the government had advanced £100 to Hoani Taipua and that the other grantees had arranged for him to cut his share out and for them to deal with the remainder of the block. Mr Carr wanted to know if he was acting correctly by witnessing the signatures and asked for the under-secretary to treat his letter as private. Mr Carr was then advised that the block was under proclamation. As well, Richard Booth was asked to explain his involvement with the issue.<sup>44</sup>

Richard Booth then explained to Sheridan that Reverend McWilliam had approached him about purchasing land in the Pukehou 5L block. Reverend McWilliams said that he wished to buy a part of 'Cootes share' and that he had viewed the land with Mr Cootes. He had told Mr Cootes that the block was proclaimed by the government eight or nine years previously and that it may still be in force as he had not heard that it had been removed. He therefore advised McWilliams to have nothing to do with it which he promised to do. Later, McWilliams advised that Cootes had applied to the Native Land Court to partition out his interests and a separate title issued to him. Booth had also seen Cootes who said he had applied for a similar application with respect to Muhunua 1 (which had also been proclaimed). Once he received the separate title, he would be able to carry out the provisional agreements made but that it was entirely dependent on having his interests partitioned out. McWilliams said he was quite willing to wait and to take the risk of Cootes getting his title as it was similar to what Cootes had done in respect of Muhunua 1. He claimed too that the agreement had already been prepared and wanted Booth

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<sup>44</sup> H H Carr, Clerk of the Court, Otaki to P Sheridan, Native Department, Wellington, 1 February 1883; File note on cover sheet, 2 February 1882, AECZ 18714 MA-MLP 1 22w 1887/227 From: Ropata Te Ao, Wellington Date: 6 July 1887 Subject: Desirous to sell 600 acres of Pukehou no. 5 L to the Government at £1 per acre [Written in Maori with translation], 1887 [Enclosed: 1883/261, 1883/56, 1883/48, 1880/539] (R23903992), Archives New Zealand, Wellington; *Wanganui Herald*, 30 January 1907, p. 4; *Manawatu Standard*, 30 January 1907, p. 5.

to act as interpreter which he had agreed to do. Booth said that it was not his intention to commit an error or interfere with the government in any way.<sup>45</sup>

Later that year, Hoani Taipua (who was elected to the House of Representatives as the member for Western Māori in 1886 and at the time of writing was a Native Assessor) wrote to Native Minister Bryce about an advance he had received in respect of the Pukehou block. Indeed, there is a record of an advance to Hoani Taipua for land 'situate at Ōtaki and Ohau' of £25 dated 19 July 1872. It was recommended for payment by William Fitzherbert on 9 January 1873. Declaration that paid to Hoani Taipua by James Grindell.<sup>46</sup>

Hoani Taipua stated that there was an agreement that 100 acres would be given to the Crown in payment of the money advanced by the government in respect to the Pukehou block. He had spoken to Gill about the matter at Wellington and asked that a refund of the money be accepted but Gill would not agree. Instead, Gill wanted the land and would not consent to his request. After considerable discussion, Gill agreed that Hoani Taipua would give one hundred acres to the government in satisfaction of £50. Hoani Taipua also sought the advice of Native Minister Bryce about the matter.<sup>47</sup>

Gill advised the Native Minister that it was a 'fair arrangement' and would be dealt with at the next sitting of the Native Land Court at Ōtaki. Gill then noted that the Native Minister agreed and that the matter would be referred to the Native Land Court to make an order the next time it sat in the district. Indeed on 28 May 1885, the Court made an order that 100 acres of the block be awarded to the Crown in satisfaction of the payment of £50 paid on the land and of the amount of £31.9.2 paid on land known as Muhunua No 1. The land was declared Waste lands of the Crown and called Pukehou 5L6.<sup>48</sup>

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<sup>45</sup> Richard Booth, Otaki to Under Secretary, Native Department, 7 February 1883, AECZ 18714 MA-MLP 1 22w 1887/227 From: Ropata Te Ao, Wellington Date: 6 July 1887 Subject: Desirous to sell 600 acres of Pukehou no. 5 L to the Government at £1 per acre [Written in Maori with translation], 1887 [Enclosed: 1883/261, 1883/56, 1883/48, 1880/539] (R23903992), Archives New Zealand, Wellington.

<sup>46</sup> Treasury voucher in respect to advance made on account of land situate at Otaki and Ohau, 19 July 1872, AECZ 18714 MA-MLP 1 22w 1887/227 From: Ropata Te Ao, Wellington Date: 6 July 1887 Subject: Desirous to sell 600 acres of Pukehou no. 5 L to the Government at £1 per acre [Written in Maori with translation], 1887 [Enclosed: 1883/261, 1883/56, 1883/48, 1880/539] (R23903992), Archives New Zealand, Wellington.

<sup>47</sup> Anderson, Green and Chase (Wai 2200, #A201), pp. 742, 782, 824.

<sup>48</sup> Richard Gill memo, 29 May 1885 on MA-MLP 83/261 cover sheet; TW Lewis to official, 8 July 1887 on Native Department cover sheet; *New Zealand Gazette*, 8 September 1885, AECZ 18714 MA-MLP 1 22w 1887/227 From: Ropata Te Ao, Wellington Date: 6 July 1887 Subject: Desirous to sell 600 acres of Pukehou no. 5 L to the

Several years later, a request was made by Māori for the Crown to purchase some more land in the block. This was because they were in debt. In March 1887, H Eagan, on behalf of Ropata Te Ao who was the member of the house for Western Māori between 1893 and 1896, wrote to Lewis at the Native Department asking for a meeting with either Lewis or the Native Minister. He said that Ropata Te Ao and Hoani Taipua (member of the house for Western Māori from 1886 to 1893) were ‘in trouble’ having both been summoned (to the Magistrates’ Court) by Ōtaki and Wellington people to obtain payment of the late Puke Te Ao’s debts and for goods supplied for the feast at his tangi (Puke Te Ao, the brother of Ropata Te Ao was also known as Hema Te Ao, was of Ngāti Pare and the member for Western Māori in 1884). Mr Egan advised that Hoani Taipua’s case would be heard the following week at Ōtaki and Ropata Te Ao’s case in Wellington. (Nothing further has been located concerning these cases).<sup>49</sup>

Ropata, he said, wished to know if the government would advance them £400 to pay these debts and said that the money would be returned to the government when 1000 acres of Pukehou 5L was sold. Ropata claimed that when Lewis was in Ōtaki ‘about the Mill Road it was in a way settled that [he] .... would advance an amount’. Further, that if Lewis wished to purchase Pukehou 5L from them to let him know immediately. There is no response on the file containing this letter – simply a note to file it by Sheridan.<sup>50</sup>

It would appear that they were both still in debt as several months later, on 6 July 1887, Ropata Te Ao wrote to Native Minister Ballance and Mr Lewis at the Native Department that he wanted to sell 600 acres of Pukehou 5L to the Crown and that he did not wish to submit the matter to the Trust Commissioner (at that time all private sales had to be approved by a Trust Commission) but have the government purchase it from him. He asked for £1 per acre which was considerably more than what had been paid for Pukehou 5A (4/- per acre). However, Ropata Te Ao was advised that the government did not wish to purchase this land. Instead, he

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Government at £1 per acre [Written in Maori with translation], 1887 [Enclosed: 1883/261, 1883/56, 1883/48, 1880/539] (R23903992), Archives New Zealand, Wellington.

<sup>49</sup> H Eagan, Ōtaki to TW Lewis, Under Secretary, Native Department, 8 March 1887, AECZ 18714 MA-MLP 1 21ag 1887/76 From: H F Eagar, Otaki Date: 8 March 1887 Subject: Ropata te Ao wishes to borrow £400 to be repaid out of proceeds of sale of 1000 acres of Pukehou No. 5 L to pay debts of the late Puke te Ao, 1887 (R23903912), Archives New Zealand, Wellington; Anderson, Green and Chase (Wai 2200, #A201), pp. 616, 781.

<sup>50</sup> H Eagan, Ōtaki to TW Lewis, Under Secretary, Native Department, 8 March 1887; file note from Sheridan, 29 March 1887; AECZ 18714 MA-MLP 1 21ag 1887/76 From: H F Eagar, Otaki Date: 8 March 1887 Subject: Ropata te Ao wishes to borrow £400 to be repaid out of proceeds of sale of 1000 acres of Pukehou No. 5 L to pay debts of the late Puke te Ao, 1887 (R23903912), Archives New Zealand, Wellington.

was told to see the Commissioner and dispose of the land under the Native Land Act (presumably meaning that he should dispose of it privately).<sup>51</sup>

Private purchasing had already begun in Pukehou 5L with several purchases of not insignificant amounts being negotiated such as the 770 acres purchased by the Reverend James McWilliam (Pukehou 5L3A and Pukehou 5L4) in 1885. Anderson, Green and Chase note that Māori were ‘increasingly in debt’ at this time which together with advances and the lack of ‘obligation to gain community consent’ facilitated the sale of Māori land.<sup>52</sup>

#### **Pukehou Crown purchases in chronological order, 1875-1885**

<b>Block name</b>	<b>Area (acres)</b>	<b>Area(roods)</b>	<b>Area (perches)</b>	<b>Purchase date</b>	<b>Purchase price</b>
Pukehou 1	2,123	0	0	4 February 1875	£200
Pukehou 2	2,086	0	0	4 February 1875	£200
Pukehou 3	2,050	0	0	4 February 1875	£200
Pukehou 5D	1,062	0	8	28 May 1875	£87.10.0
Pukehou 5E	978.2.18	2	18	12 June 1875	£90
Pukehou 5C	2,314	0	39	11 February 1876	£200
Pukehou 5B	2,356	1	9	16 February 1876	£220
Pukehou 5A (part)	3,400	0	0	12 Sept 1878	£670.0.9 (4/-/acre)
Pukehou 4 (part)	926	0	0	26 October 1881	£359.5.0
				28 May 1885	£88.9.2 (up from £86.9.2 since 1885 return)
Pukehou 5L6	100	0	0		
<b>Total</b>	<b>17,396</b>	<b>0</b>	<b>34</b>		

Source: Walghan Partners, (Wai 2200, #A212(b)), p. 202, 225; ‘Lands purchased and leased from Natives in North Island under the Immigration and Public Works Act, 1870’, 1885, AJHR 1885, C7, p. 14; ‘Return of Native Land Purchases in the North Island since 1 April 1884’, 1887, AJHR 1888, G2, p. 2; Order of Native Land Court, Pukehou 5L6, 8 May 1885, AECZ 18714 MA-MLP 1 22w 1887/227 From: Ropata Te Ao, Wellington Date: 6 July 1887 Subject: Desirous to sell 600 acres of Pukehou no. 5 L to the Government at £1 per acre [Written in Māori with translation], 1887 [Enclosed: 1883/261, 1883/56, 1883/48, 1880/539] (R23903992), Archives New Zealand, Wellington.

Walghan Partners record that by 1887, all the Pukehou blocks purchased by the Crown during this period were owned by the Wellington-Manawatu Railway Company.<sup>53</sup> As Young et al note, by 1890 ‘large scale Crown purchasing’ in the Ngāti Raukawa rohe had ‘all but ended and the impact of the railway line on Māori landownership in the region had already been felt’.<sup>54</sup>

<sup>51</sup> Ropata Te Ao to Balance and Lewis, Native Department, 6 July 1887; TW Lewis to Mr Davies, 8 July 1887, Native Department cover sheet, AECZ 18714 MA-MLP 1 22w 1887/227 From: Ropata Te Ao, Wellington Date: 6 July 1887 Subject: Desirous to sell 600 acres of Pukehou no. 5 L to the Government at £1 per acre [Written in Maori with translation], 1887 [Enclosed: 1883/261, 1883/56, 1883/48, 1880/539] (R23903992), Archives New Zealand, Wellington.

<sup>52</sup> Walghan Partners, (Wai 2200, #A212(b)), p. 224; Anderson, Green and Chase (Wai 2200, #A201), p. 627.

<sup>53</sup> Walghan Partners, (Wai 2200, #A212(b)), p. 202.

<sup>54</sup> Young et al, (Wai 2200, #A199), p. 35.

## 2.8 Conclusion

The nine Pukehou blocks purchased by the Crown between 1875 and 1885 comprised 17,396 acres and represented 64 per cent of the 27,013-acre block. This was a significant proportion of the block. When title to this land was awarded by the Native Land Court, none of these blocks were restricted from alienation. Of the Pukehou blocks purchased by the Crown, seven of the purchases occurred within two years of their investigation of title by the Native Land Court. The other two occurred four years (Pukehou 5A) and eight years (Pukehou 4) after their investigation and award of title.

The Crown used a variety of tools to facilitate its purchase of Māori land. One such tool was a proclamation under section 42 of the Immigration and Public Works Act Amendment Act 1871. This notice, which was published in the *New Zealand Gazette*, prevented private purchasers from negotiating for the purchase of the land. As set out in the Act's introduction, the purpose of the Act was to protect the interests of the Crown in the purchase of Māori lands (though nothing was explicitly set out that stated it would also protect the interests of Māori).<sup>55</sup>

Other tools including purchasing from individuals and not the collective. Ngāti Raukawa complained about such purchase practices objecting to the government's custom of making a proclamation over land where just one of many owners had agreed to sell it, taking their money for their share, and ignoring the others who did not wish to sell and objected to the sale. They described the inability of those who did not want to sell to use their land because of the action of one or two owners as a 'palpable injustice'. They considered that they had been 'coerced' in to selling large blocks of land after even just one owner had accepted money from the government. Once that owner had accepted the money, the other owners were unable to lease or 'derive any benefit' from the land that had been proclaimed.<sup>56</sup>

Advances were also common practice and used for all the purchases of the Pukehou block. These were distributed even before a price had been agreed and before title was awarded by the Native Land Court. Advances were key to facilitating the purchase of Māori land even

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<sup>55</sup> Anderson, Green & Chase, (Wai 2200, #A201), pp. 573, 745. The Act also discontinued the practice of purchasing Maori land for the Crown on commission so that the services of agents employed in this capacity were to be discontinued.

<sup>56</sup> *Wanganui Chronicle*, 21 December 1878, p. 2. This is the only report located on this meeting. Anderson, pp. 572-573.

when Māori did not later want to sell. The purchase of the 100 acres of Pukehou 5L showed how advances essentially trapped Māori into selling. Hoani Taipua, who was a rangatira and later elected as a member of parliament was made to part with 100 acres of Pukehou 5L in 1885 because he had received a £50 advance in 1872. This was despite not wanting to sell the land with his request to re-pay the government instead denied.

Debt was also a key reason for the sale of Māori land with rangatira who were also members of parliament and unable to pay their debts, asking the Crown to purchase Pukehou land in 1887. However, as the Crown had completed its purchasing in the area it refused to assist encouraging them to sell privately. Debt remained an issue for Māori and as will be discussed in the next chapter, was also behind many of the private purchases in the nineteenth century.

## **Chapter 3: Nineteenth century private purchases, 1868-1899**

### **3.1 Introduction**

Following an intensive period of Crown purchasing in the 1870s, Pākehā settlers became the main purchasers of Māori land in the Pukehou block, the Ōtaki sub-district and the Ōtaki township sections. While there were relatively few private purchases in the 1860s and 1870s, the number greatly increased in the 1880s and 1890s. Indeed, the last decade of the nineteenth century saw such a vast number of private purchases in the three areas that by the turn of the century, most of the Pukehou block; half of the sub-district and 20 per cent of the township sections had been purchased.

Control of the system that governed the purchase of Māori land was in the hands of the Native Land Court who from 1865 investigated and awarded title to Māori land and ordered its partitioning and at various times, confirmed purchases. From 1870, a certificate of approval by a Trust Commissioners was required prior to either confirmation by the Court or the Governor. Trust Commissioners held this function until 1894 when the Native Land Court took over this process. In addition, the Governor was responsible for responding to applications for the removal of any restrictions on alienations that had been placed on titles when title had been investigated. He was dependant on the advice of the Native Land Court and Native Department officials when making these decisions.

Many of the Ōtaki sub-district blocks were small and the Ōtaki township sections a quarter acre in size. This period also saw increased partitioning of even the smallest of blocks including the township. With smaller numbers of owners with whom to negotiated, this made it easier to purchase. Similarly, partitioning occurred in the Pukehou block so that there were an increasingly large number of partitions with smaller numbers of owners for each.

This chapter begins with an overview of the legislation relating to the purchase of Māori land by private purchasers. This is followed by tables listing known private purchases in the Pukehou block, the Ōtaki sub-district and the Ōtaki township and a discussion concerning the extent of private purchasing over the three areas during this period. An examination of a selection of private purchases follows. This is largely chronological and organised according

to the legislation. There are four distinct periods: the period up until 1886; 1886 to 1888; 1888 to 1894; and 1894 to 1900. The chapter ends with a conclusion.

As the purchase of Māori land by the Wellington Manawatu Railway Company has been covered in the report for this inquiry by Anderson, Green and Chase, these purchases are not covered here in any detail. Also of note is that only limited records remain regarding many of these nineteenth century private purchases particularly those up until the early 1880s. However, the information that has been gathered on each purchase does build up a picture of the purchase process, the actions of the Crown and the circumstances of the owners.<sup>57</sup>

### **3.2 Legislative overview, 1862-1899**

Several reports have been utilised to provide the following overview of Māori land legislation for the period to 1900 relating to private purchasing. These include reports from both this inquiry and other inquiries by Cathy Marr (Te Rohe Potae), Terry Hearn (Te Rohe Potae: Raukawa (Waikato)), James Mitchell (Whanganui land), Paul Husbands (Porirua ki Manawatū) and Robyn Anderson, Terence Green and Louis Chase (Porirua ki Manawatū). As the introduction of the Native Land Court to the inquiry district and its investigation of title and partitioning process and its impact has been comprehensively covered by other reports prepared for this inquiry, this section is restricted to a discussion on matters relating specifically to private purchasing. However, it is important to note that the titling and partitioning process involved no provisions for communal title. As Anderson, Green and Chase point out, the Waitangi Tribunal has found that this undermined the capacity of Māori to ‘retain their tribal lands’. It was in this context that Pākehā settlers began to lease and purchase land from Māori.<sup>58</sup>

The following discussion focuses firstly on the legislation that provided for private purchasing; secondly the process by which the Crown oversaw private purchases including the introduction of trust commissioners in 1870, and thirdly the legislation that covered the registration and removal of restrictions on the alienation of Māori land.

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<sup>57</sup> Anderson, Green and Chase (Wai 2200, #A201), pp. 744-756.

<sup>58</sup> Terry Hearn, ‘Raukawa, land, and the Crown: a review and assessment of land purchasing in the Raukawa Rohe, 1865 to 1971’, a report commissioned by the Crown Forestry Rental Trust for Te Rohe Potae inquiry, August 2008 (Wai 898, #A12), p. 20; Husbands, p. 714; Anderson, Green & Chase, pp. 33, 277, 493-494.

### *Crown pre-emption and the beginning of private purchasing*

In 1862, the Crown's right of pre-emption (the exclusive right of the Crown to purchase Māori land) was removed and private purchasing permitted. While the Rangitikei Manawatu block was specifically excluded from the Native Lands Act 1862, the three areas this report is concerned with were not (this exclusion is discussed in more depth by Anderson, Green and Chase). The 1862 Act not only provided for the determination of ownership of Māori land by a Court presided by a European Magistrate (the Native Land Court) and the granting of certificates of title with the intention of assimilating 'as nearly as possible to the ownership of land according to British law', it provided that any individual person or persons named in a certificate of title could dispose of their interest by sale or lease to 'any person or persons whomsoever'.<sup>59</sup>

Up until 1883, purchases could proceed even without title being confirmed by the Native Land Court. The Native Land Laws Amendment Act 1883, operative from September 1883, 'made it a criminal offence to negotiate with Māori for the purchase, lease or transfer of Māori land until 40 days after title had been ascertained'. This was, as Marr states, to end the 'much-criticised system of negotiating sales of Māori land before title was investigated by the Court'.<sup>60</sup>

Section 33 of the Native Land Administration Act 1886 introduced when Balance was Native Minister, prohibited all private sales though 'transactions that had already begun could be completed'. Section 23 provided that any person (Māori or Pākehā) could apply to the Native Land Court to have any interests purchased partitioned out. The halt on private purchasing was short-lived and private purchasing allowed again two years later under the Native Land Court Act 1886 Amendment Act 1888. While this Act did not provide for private purchasers to partition out their interests in the Court, 'section 3 did provide for any deeds or memoranda of transfer to be registered in the court'. Partitioning provisions changed a year later when the

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<sup>59</sup> Terry Hearn, 'Raukawa, land, and the Crown: a review and assessment of land purchasing in the Raukawa Rohe, 1865 to 1971', a report commissioned by the Crown Forestry Rental Trust for Te Rohe Potae inquiry, August 2008 (Wai 898, #A12), p. 20; Husbands, p. 714; Anderson, Green & Chase, pp. 33, 277, 493, 494.

<sup>60</sup> Cathy Marr, 'The Waimarino Purchase Report: the investigation, purchase and creation of reserves in the Waimarino block, and associated issues', a report commissioned by the Waitangi Tribunal, 2004, (Wai 898, #A50), p. 119.

legislation provided for the partitioning out of interests ‘if the deed on which that claim was based was first certified by a trust commissioner’.<sup>61</sup>

In theory, Crown pre-emption was reinstated in 1894 under section 117 of the Native Land Court Act 1894 with some exceptions. Although private purchasing was prohibited, ‘provision was made for the completion of transactions negotiated in earlier years’. Indeed, it was this period that saw a significant increase in the number of private purchases in the area under study. From 1899, there was a supposed ‘absolute prohibition on land alienation by sale which remained in place until 1905’ so that in theory, even the Crown was unable to purchase Māori land during this period. The legislation changed in 1905, when the Crown was able to resume purchase activity though there is little to suggest it did so in the area under study for this report although there were several purchases from local authorities and Education Boards. Instead, private purchasing continued. From 1909, private purchasing was made easier under the Native Land Act 1909. Twentieth century legislation is discussed in the following chapter.<sup>62</sup>

### ***Oversight of private purchases: Trust Commissioners and the Native Land Court***

Initially it was the Governor who had a degree of oversight over private land purchasing albeit small. The Native Lands Act 1862 provided that applications could be made to the Governor for certificate of titles issued by the Native Land Court to Māori to be exchanged for a certificate or land instrument in favour of purchasers. Following the payment of land duty to the Registrar of Deeds or Registrar of Titles, the transfer or conveyance would be registered.

The Native Land Act 1865 also specified that if a deed was executed that acquired the interest of Māori owners contained in a certificate of title with no restrictions on alienation, the Governor could issue a Crown grant in favour of the purchaser.

The Native Lands Frauds Prevention Act 1870 was the first of a number of Acts introduced in the 1870s and 1880s that required all purchases and leases of Māori land to be ‘investigated and endorsed by a Crown-appointed Trust Commissioner’. The Act’s introduction stated that its purpose was to ‘prevent improvident dealings and frauds upon the alienation of land held by Natives’. It provided for the appointment by the Governor of a Trust Commissioner for any

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<sup>61</sup> Anderson, Green and Chase (Wai 2200, #A212(b)), p. 743.

<sup>62</sup> Anderson, Green and Chase (Wai 2200, #A212(b)), p. 744; Young et al, p. 35.

district (also to be proclaimed by the Governor) who was required to certify every alienation of Māori land. Without this certification, the alienation was not valid. The Trust Commissioner had to ensure that the alienation was not ‘contrary to equity and good conscience’ or to any trusts on the land and to ensure that the ‘consideration’ or payment for the land was not connected to any contract relating to the sale of alcohol, arms or ‘other warlike implements or stores or in any way of an illegal nature’. The Trust Commissioner also had to inquire into the nature of the alienation to ascertain as far as possible the circumstances of the alienation, whether it was valid and the parties understood its effect, that payment had been made and that ‘sufficient’ land was left for the support of the sellers. If the Trust Commissioner was satisfied, he was required to endorse the instrument of alienation such as a deed. This could not be registered in any Registry of Land or Deeds or received as evidence in any Court without the commissioner’s endorsement.

The Native Lands Frauds Prevention Act 1881 was similar to the 1870 Act and required the Trust Commissioner to inquire into the circumstances of every alienation of Māori land and ascertain whether the purchase was valid or invalid. An alienation was invalid if it was ‘contrary to equity and good conscience’; in contravention of any trusts the land was subject to; or the ‘consideration’ or purchase money was found to be either directly or indirectly connected to the sale of alcohol, arms or ‘any contractor promise relating to any such sale or gift’. The Trust Commissioner had also to be satisfied that those selling had ‘sufficient land left for their occupation and support’. No deed could be registered in the Deeds Registry Office of any Land Registry Office unless it had been investigated and a certificate given to that effect by a Trust Commissioner.

The first Wellington Regional Trust Commissioner who was responsible for the Ōtaki district was Charles Heaphy. He held this position from 1870 to 1879 and has been described as ‘taking his role very seriously and sometimes exceeded the letter of his powers in protecting Māori interests’. Mitchell notes that this was despite being ‘under-resourced’ Heaphy was just one of five commissioners appointed in New Zealand at this time.<sup>63</sup>

Anderson, Green and Chase record that the Native Land Laws Commission, 1891 revealed that ‘scrutiny of transactions by the trust commissioners was largely ineffective and counter-

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<sup>63</sup> Mitchell, pp. 150-151.

productive (decreasing Māori land values) while, after 1893, there was opportunity to paper over breaches of the many rules that were supposed to regulate transacting in Māori lands and have titles validated by the court'. They record that the effects of the system were 'roundly condemned by Ngāti Raukawa and, indeed, all tribal leadership.'<sup>64</sup>

In addition to trust commissioners, The Native Land Act 1873 had prescribed more involvement by the Native Land Court in the purchase process. If Māori wished to sell land held under what was then called a memorial of ownership, the Court was to inquire into the particulars of the transaction. Once 'satisfied of the justice and fairness' of the sale, that all the owners had agreed to the sale, that the payment of the whole amount of the costs and charges payable for the land for original surveys, maps and investigation of title or any other costs such as a partition, and also the payment of the whole amount of the purchase money agreed to, 'without any deduction whatever except for advances of money made to the Native owners by way of earnest money to bind the agreement for such sale' the Court could indorse the memorial of ownership to this effect that the transaction appeared to be '*bona fide*'.

In 1894, the functions of the trust commissioners were transferred to the Native Land Court under the Native Land Court Act 1894.<sup>65</sup> For the period to 1900, all purchases (which were limited to those where negotiations had begun in the preceding years) required confirmation by the Court before they were finalised.

### ***Restrictions on Alienation***

Legislation from 1865 provided that Māori land could be 'formally protected from subsequent sale or long-term lease'. A restriction on alienation usually meant that land could not be sold, leased for longer than 21 years or mortgaged without the consent, depending on the time-period, of the Governor or Native Land Court. All restrictions on alienations were automatically cancelled under the Native Land Act 1909.<sup>66</sup>

The Native Land Court had the power to impose such restrictions from 1865 under the Native Land Court Act 1865 but only with the consent of the Governor. Some of the Ōtaki sections

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<sup>64</sup> Anderson, Green and Chase (Wai 2200, #A201), pp. 757, 785.

<sup>65</sup> Anderson, Green and Chase, (Wai 2200, #A201), p. 742.

<sup>66</sup> Husbands (Wai 2200, #A213), pp. 323, 248.

and sub-district blocks had restrictions registered on their title under this legislation. Husbands notes that ‘generally, the Native Land Court at Ōtaki seems to have recommended that a piece of land be restricted only when asked to do so by the owner’s themselves’ though it did impose restrictions where land was held in trust for owners who were minors.<sup>67</sup>

The Native Land Court was also required to issue inalienable Crown grants under section 13 of the Native Land Act 1867 to land comprised in what were deemed ‘Native reserves’. This seems to have only applied to certain Pukehou blocks and again, could only be done with the consent of the Governor. Husbands records that the ‘majority of the restrictions on alienation placed on Ngāti Raukawa land taken through the Native Land Court were ordered under the Native Lands Acts 1865, 1866 and 1867’ and that ‘two thirds of these’ were in respect to Ōtaki sub-district land near the township and township sections.<sup>68</sup> He has provided a list of this land which is re-produced below. This has been supplemented by additional Ōtaki township sections located while researching this report and alienation information.

The table shows that all the land, apart from one section, was ultimately purchased with the bulk purchased by the end of the nineteenth century:

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<sup>67</sup> Husbands, (Wai 2200, #A213)), pp. 252-253.

<sup>68</sup> Anderson, Green & Chase, (Wai 2200, #A201), pp. 505-506| Husbands, (Wai 2200, #A213), pp. 252-253. 261-262.

**Māori land in Ōtaki sub-district and Ōtaki township restricted from alienation under the Native Land Acts 1865 & 1867, 1867-1870**

Block name	Date of order	Area (acres)	Area (roods)	Area (perches)	Owners	Alienation details
Ōtaki township section 185 aka Mangapouri	2 July 1867	0	0	32	Matarena Ngareti, Teira Ngapawa and Mere Ngapaua	Remains Māori land
Kiharoa 1	12 July 1867	2	3	7	Kiharoa Mahauariki	Purchased by 1894
Whakarangirangi [29N]	5 July 1867 & 27 June 1868	9	3	6	Hemi Kuti and Raita Kuti: held by grantees in trust for the benefit of Harota, Tare and Haana Kuti.	Partitioned and then purchased between 1918 and 1963
Te Rotowhakahokiriri	2 July 1867	16	0	0	Horomona Toremi, Kerekeha Haerewharara, Patihona Takaitemarama Haerewharara, Patihona Kakaitemarama	Purchased by 1894
Ōtaki township sections 89, 91, & 93	28 February 1868	0	2	18	Hoani Taipua, Kipa Te Mātia, Paranihia Whāwhā	2/3rds purchased in 1893 & 1894/ remaining 1/3 <sup>rd</sup> purchased circa 1905
Ōtaki township sections 155 & 170	29 February 1868	0	1	28	Te Rei Parewhanake	Section 155 Europeanised; section 170 purchased 1913
Te Waerenga 2A	29 February 1868	1	0	31	Hapeta Te Rangikatukua	Not located
Te Waerenga 2B	29 February 1868	0	2	39	Wereta Rarua	Purchased by 16 Jan 1880
Piritaha	23 April 1868	1	3	20	Pirihira Te Ahu, Alfred Te Ahu & Ruiha Te Ahu	Not located
Te Whakahokiatapango 2	3 March 1868	3	1	9	Haimona Ranapiri (minor)	Purchased by 1909
Takapu-o-Toiroa 1	3 March 1868	4	2	27	Kararaina Whawha	Purchased by 1901
Pahianui 3	26 March 1868	38	2	0	Paranihia Whāwhā, Kipa Te Whatanu	Partitions purchased in 1949, 1956 & 1960
Ōtaki township sections 53, 54 & 55	1868 (Crown G 4 Dec 1868)	0	3	11	Mere Hakaraia Kiharoa	Purchased by 1897
Ōtaki township section 44	27 April 1868	0	1	33	Mihi Peka Pareturere	Purchased in 1945
Ōtaki township sections 101, 103, 105 & 107	13 February 1869	0	3	18	Karanama Te Kapukai, Ahenata Tūmahue, Kareka Karanama, Taia Ruapuha, Hapi Te Hōtoke, Matiu Pūangitangi, Rāmari Rangikaraka and Wiriti	Section 101 purchased 1901; section 103 purchased 1899; section 105 purchased 1904; section 107 purchased 1894
Ōtaki township sections 102, 104 & 106	13 February 1869	0	2	16	Wiremu Hopihona, Ihikiera Te Wharewhiti, Tāmati Puhawaero, Nuna Te Hira	Section 102 purchased 1906; section 104 purchased 1911; section 106 Europeanised 1970

Ngawhakarangirangi	29 June 1870	1	0	10	Meri Kaumatua	Purchased in 1911 (part) and 1912 (remaining part)
Te Rekereke 2	1 July 1870	33	0	24	Matene Te Whiwhi	Purchased by 15 Dec 1885 though not registered on title until 1903.
Waiariki 2	4 July 1870	8	0	5	Kipa Te Whatanui, Riria Kipa, Turia Kipa, Mere Kipa, Paranihia Kipa	Purchased by 10 March 1893
<b>Total</b>		<b>125</b>	<b>0</b>	<b>14</b>		

Source: Husbands, pp. 251-252; Woodley for sections 44; 53, 54 & 55; 89, 91 & 93; Walghan p. 244; Ōtaki Minute Book 1B, 7 July 1867, pp. 27-35.

Note that it has not been possible to confirm all land subject to restrictions.

The Native Land Act 1873 required that all land investigated by the Court be inalienable. Husbands points out that this restriction was ‘accompanied by a huge loophole: although a piece of Māori land could not be sold without the unanimous support of all owners, it could be partitioned. This meant that those who intended to sell their interests in a piece of land could simply apply to the Court to have their share “cut out” from the block as a whole’. Once this was done, the partitioned area could be sold. As well, those partitioning the land could do so after they had sold their interests. ‘This [he states] enabled Crown land purchase officers and private buyers to purchase individually-owned interests in a piece of land and then apply to the Court to have these interests partitioned out and declared sold’. Pukehou 5A in 1878 and Pukehou 4 (part) in 1881 are both examples where the Crown purchased from individuals and not the ownership group as a whole. Their interests were partitioned out in favour of the Crown and are discussed in the previous chapter.<sup>69</sup>

From 1880, alienability restrictions were made at the discretion of the Native Land Court with the Native Land Court Act 1880 prescribing that the Court was required to inquire into whether land it was investigating should have restrictions on alienability placed on titles. Unlike the 1865 and 1867 Acts, this did not require the approval of the Governor. Subsequent legislation such as the Native Reserves Act 1882, allowed for those restrictions to be removed by the Native Land Court. The Native Land Court Amendment Act 1888 allowed the Court to do so after an inquiry by the Court on the application of the majority of owners. Husbands states that legislation from the 1890s such as the Native Land Purchases Act 1892 ‘made it even easier for restrictions on the alienation of Māori land to be lifted’. The Native Land Court Act 1894

<sup>69</sup> Husbands, (Wai 2200, #A213), pp. 249, 299.

allowed the removal of restrictions by the Governor on the recommendation of the Native Land Court ‘with the agreement of just one third of the owners’. In practice, this appeared to also allow purchases of land where the restrictions had been removed to proceed.<sup>70</sup>

Husbands records that ‘only a small part of Ngāti Raukawa’s land processed by the Native Land Court’ from 1865 was ‘permanently restricted from alienation under the 1865, 1866, and 1867 Native Lands Acts and the Native Land Court Act 1880’. He calculated that approximately 26 land blocks comprising 8,110 acres was permanently restricted under the Acts of the 1860s and 17 blocks of land comprising 1500 acres restricted from alienation under the Native Land Court Act 1880.

Included in the blocks restricted from alienation under the 1880 Act (until 1889) were several blocks within the sub-district and a number of township sections.<sup>71</sup> Husbands has also provided a list of this land which is re-produced below within additional alienation information. Other land with restrictions has also been added. These blocks are listed below:

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<sup>70</sup> Husbands, (Wai 2200, #A213), pp. 249-250, 264, 394

<sup>71</sup> Husbands, (Wai 2200, #A213) pp. 319-320.

**Māori land in Ōtaki sub-district and Ōtaki township restricted from alienation under the Native Land Court Act 1880, 1880-1889**

Block name	Date of order	Area (acres)	Area (roods)	Area (perches)	Owners	Alienation details
Ahitangutu 7	15 Sept 1881	1	0	19	Taniera Ranapiri, Ihaka Ranapiri, Te Hiwi Ranapiri & Rangiwhakairi Ranapiri	Purchased by 1911
Pukekaraka 5	19 Sept 1881	19	3	0	Te Raita Tonihi	19 acres purchased by Roman Church in 1890.
Ōtaki township section 131	5 June 1885	0	0	34	Kepihana Whiua Te Keho	Purchased in twentieth century
Ōtaki township section 133	5 June 1885	0	0	34.1	Rina Whiua Te Akau	Purchased in twentieth century
Ōtaki township sections 146, 148, 149 & 151	6 June 1885	0	3	16	Pirihia Hohepa	Purchased and/or Europeanised in 20 <sup>th</sup> century
Ōtaki township section 147	6 June 1885	0	0	24	Pirihia Hohepa & Maraea Puriti	Purchased in 20 <sup>th</sup> century
Ōtaki township section 134 & 135	6 June 1885	0	1	28	Erena Wanui	Partly purchased in 20 <sup>th</sup> century; 30.33 perches remains Māori land.
Ōtaki township section 150	6 June 1885	0	0	33.5	Putai T Raturua, Tame Kooti and Ngatima Te Raruroa	Purchased in 1960s
Makuratawhiti 2A	17 June 1885	1	1	27	Mere Ruiha Hakaraia	Part purchased in 1960
Makuratawhiti 2B	17 June 1885	1	1	28	Pirihira Hohepa, Maraea Puriti, Erena Wanui & others	Two thirds purchased by 1900 and the other third purchased in 1961
Ōtaki township sections 136, 137, 152 & 153 (Makuratawhiti 3)	19 June 1885	0	3	18	Wiremu Paki Hianga, Rota Wiremu Paki, Raniapaha Paki, Watana Wi Wiremu Paki, Raita Wiremu Paki (minors). Trustees were Wiremu Paki Hianga (sp?) & T Te Wira	Purchased in 20 <sup>th</sup> century
<b>Total</b>		<b>26</b>	<b>2</b>	<b>21.6</b>		

Source: Husbands, p. 265; Walghan Partners, p. 12, 234, Woodley, pp. for Ōtaki township info and addition of 131 & 133, 136, 137, 152 & 153. Ōtaki Minute Book 6, 5 June 1885, pp. 91-96, 6 June 1885, p. 97; 18 & 19 June 1885, pp. 144-150. Note that it has not been possible to confirm all land subject to restrictions.

As can be seen, this was a very small amount of land though it did involve 14 individual Ōtaki township sections. Not all investigations of title of Ōtaki township lands in June 1885 involved the registration of restrictions on the title, however. For instance, section 80 (which was purchased in 1891) and section 120 (which was not purchased until 1955).

The restrictions that were imposed seem to have provided some level of protection, at least in the nineteenth century, as only one block and two thirds of another block were purchased prior

to 1900. Neither were township sections. As well, not all land where restrictions were removed were necessarily sold. Despite the Governor agreeing to remove the restrictions from Ōtaki township sections 134 and 135 on 3 October 1894, the land was not sold at this time. The largest block with restrictions sold was Pukekaraka 5. Its restrictions were different to the others as the land was restricted from alienation except to the catholic church. Full details of the other pre-1900 purchase (Makuratawhiti 2B) has not been located though it was preceded by the partitioning of the block in June 1889 into three parts. Husbands points out that ‘once restricted blocks had been divided they could, and often were, sold’. This was certainly true for two of the partitions in this instance. The purchase of Pukekaraka 5 is discussed further below.<sup>72</sup>

### **3.3 Private purchasing overview, 1869-1899**

This section comprises tables that show the blocks that were privately purchased during the nineteenth century in the three areas beginning with the township sections, followed by the Ōtaki sub-district and then the Pukehou block. These tables include the area, purchaser and year of purchase and in the case of the Ōtaki township sections, the name of the original owner.

The following table shows that there were at least 40 private purchases of Ōtaki township sections involving 48 sections between 1876 and 1899. Seven purchasers were during the 1870s, three in the 1880s with the vast majority in the 1890s (30). This comprised over a quarter of the township sections. They are listed as follows:

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<sup>72</sup> Otaki Minute Book 21, 19 March 1894, p. 33; Native Land Court to Governor, 17 March 1894; *New Zealand Gazette*, 3 October 1894, ACGS 16211 J1 528ao 1894/1524 From: Governor, Wellington Date: 17 October 1894 Subject: Removing restrictions on section 134 and 135, Town of Hadfield, Otaki, Enclosed: NO1891/1652, 1894 (R24565574), Archives New Zealand, Wellington; Husbands, (Wai 2200, #A213), p. 263.

**Ōtaki township sections purchased between 1876 and 1899 (deed signed and confirmed by Court but not necessarily registered on certificate of title)**

<b>Ōtaki township section number</b>	<b>Area (acres)</b>	<b>Area (roods)</b>	<b>Area (perches)</b>	<b>Owner</b>	<b>Purchaser &amp; Price if known</b>	<b>Year</b>
Section 61	0	1	2	Tamihana Te Hoia	Langley	1876
Sections 182 & 190				Tiemi Ranapiri	Jane Martin	1877
Section 62				Matene Te Whiwhi	Langley	1877
Section 63				Matene Te Whiwhi	Langley	1877
Section 64				Matene Te Whiwhi	Langley	1877
Section 121	0	1	0	Manahi Paora Taurua	William Smith	1878 (confirmed in 1891)
Sections 86 & 88				Roera Hukiki	William Smith	1879
Section 84				Rina Pururu	Thomas King	1882
Section 43	0	1	3	Original owners were Kiharoa & Pineaha Mahauariki and Wirape Taharunga	Frederick Bright	By Jan 1886
Section 82				Pia te Urihe	Bell	1888
Section 81 part	0	0	23.4	Ngarahi Moike & others	Sarah Anne Miller	1890
Section 80	0	0	34	Mere Rooti	Charlotte Eliza Bills	1891
Sections 180, 181, 188 & 189 aka Piritaha 5	0	2	9	Hannah Bevan	Joseph Alexander McLeary	1891
Section 87	0	0	35	Rongowhitiao Te Puni & Whiripo Te Puni	FH Cockrell	1892
Section 81A part & 83	0	1	3	Piwiki Hape	Sarah Ann Miller (81A part) & McCulloch & others (83)	1893
Section 91	0	0	33	Cootes	Bills	1894
Section 89	0	0	33.3	Kipa Te Mata	Bills	1894
Section 107A	0	0	15	Mitarihana Kupiha (sp) & others	Charles Harry Williams	1894
Section 107B	0	0	15.7	Anihaera Reweti	Charles Harry Williams	1894
Section 111	0	0	34.7	Miriama Poutama	Frederick Bright	1894
Sections 39, 40, 41, 42, 47 & 48 (Kiharoa 2) Kiharoa 2 section 1	0	1	2	Te Otene Wirihana and Aputa Ihakara	Frederick Bright & family	Confirmed 1894; registered 1902
Sections 39, 40, 41, 42, 47 & 48 (Kiharoa 2) section 2	0	1	2	Eparaima Te Mahauariki	Frederick Bright & family	Confirmed 1895; registered 1903
Sections 39, 40, 41, 42, 47 & 48 (Kiharoa 2) section 6	0	1	2	Renata Te Whairiri and Papi Nikora	Frederick Bright & family	Confirmed 1895; registered 1902
Section 45A section 1	0	2	24	Aputa Ihakara	Frederick Bright & family	Confirmed 1894/1895; registered 1902
Section 45A section 4	0	2	24	Wairiwi Nikora & Papi Nikora	Frederick Bright & family	Confirmed 1895; registered 1902
Section 45A section 5	0	2	24	Eparaima Mahauariki	Frederick Bright & family	Confirmed 1895; registered 1903
Section 109	0	0	36	Natana Pipito	John Hughey	1895

Section 110	0	0	33.6	Natana Pipito	John Hughey	1895
Section 112	0	0	34.7	Natana Pipito	John Hughey	1895
Section 70	0	1	0	Hohaia te Pahau	Charles Bell	1895
Section 94	0	0	34.5	Not located (owner in 1869 was Pereamire (sp?) Te Ruapuia)	Harriet McClelland (lessee)	1895 (CT 1899)
Section 52A	0	0	33	Maaka Pukehi	Morris £50	1896
Part section 71 and section 78				Hura Te Ngahue	Frederick Bright (negotiated the purchase); Frederick Horton Bright (CT)	Confirmed 1896; registered 1901
Part section 71 and section 75				Hori Te Matuku	Frederick Bright (negotiated the purchase); Frederick Horton Bright (CT)	Confirmed 1896; registered 1909
Section 59	0	1	6	Ihaka Karipa	Simcox	1897
Section 60	0	0	31*	Ihaka Karipa	Simcox	1897
Sections 53, 54, 55	0	3	11	Mere Hakaraia Kiharoa	Herbert Freeman & Frederick Bills	By 1897
Section 51	0	1	4	Te Maahi Te Kakakura and Matarahira Te Umutapu	Thomas Morris	By 1899
Section 101	0	0	34	Tamihana Te Hira	James Alfred Chorley	By 1901 (when CT issued)
Section 103	0	0	34.4	Karepa Kapukai and Pango Akuhata	Byron Paul Brown	By 1899

Source: Deeds index, CTs ANZ, MAW1369; Ōtaki MBs; block order files.

\*estimated

The following table shows a total of 131 private purchases within the Ōtaki sub-district between 1868 and 1899 comprising just over 1665 acres which was approximately 47 per cent of the sub-district area. It shows that there was one purchase in the 1860s, eight purchases in the 1870s, an increasing number of purchases in the 1880s (35) and more than double that number of purchases in the 1890s (88). Of note is that a large number of the purchase dates are based on the date the purchase was registered on the relevant certificate of title which was often months or sometimes several years after the actual purchase took place. Therefore, these dates should be seen as approximate only:

**Ōtaki sub-district private purchases, 1869-1899**

<b>Ōtaki Sub-district block name</b>	<b>Area (acres)</b>	<b>Area (roods)</b>	<b>Area (perches)</b>	<b>Purchaser</b>	<b>Purchase Date (approximate)</b>
Tawaroa 1	27	0	0	John Schultze	13 April 1869
Pahianui 4	12	3	0	William Small	29 Jan 1874
Waerenga 1 & 2 (part)	1	2	0	Henry Shultze	1870 & 1874
Hakuai/Hakuwai 4	16	0	35	Charles George Hewson	10 Dec 1874
Waerenga 4	3	1	35	Charles George Hewson	10 Dec 1874
Waerenga 5	4	2	29	Charles George Hewson	10 Dec 1874
Ahitangutu 2	5	0	28	Charles George Hewson	8 Feb 1875
Turangarahui	81	0	0	James Cottell & Sydney Diamond	19 Nov 1875
Ahitangutu 6	0	1	4	Jane Martin	24 July 1877
Ahitangutu 3	1	2	29	John Anthony Knocks	16 March 1878
Hurihangataitoko 2	3	1	10	Charles George Hewson	4 Sep 1878
Waerenga 2B	0	2	39	Charles George Hewson	16 Jan 1880
Ahitangutu 16	2	2	35	William Jenkins	18 Oct 1881
Tutangatakino 5 (pt)*	29	0	18	Charles George Hewson	1 April 1882
Haruatai 8 or A	2	1	27	George Sparkman	1883
Tutangatakino 7	8	1	33	Charles George Hewson	1883
Ahitangutu 4	0	3	39	Education Board	14 Jul 1883
Kaingaraki 9	12	2	17	Margaret Mary Smith	1884
Kaingaraki 7	19	2	0	Frederick Bright	1885
Kaingaraki 8	4	1	0	Frederick Bright	1885
Kurukohatu B	9	1	19	James Gear	1885
Tuahiwi 2 (s.21)	51	1	25	William Henry Simcox	1885
Turangarahui 2A	30	1	0	James Gear	1885
Turangarahui 2B	302	3	0	James Gear	1885
Waerenga 7B	2	3	0	William Bell	1885
Pahianui 7	3	2	1	Archibald Paisley Stuart	23 Mar 1885
Mangahanene 2	4	0	17	William Udy	14 Aug 1885
Mangahanene 1	5	1	2	William Udy	13 Nov 1885
Rekereke 2	35	2	0	Frederick Bright	15 Dec 1885
Kaingaraki 10	9	1	18	Charles Izard	1886
Mangapouri 2	19	0	6	Frederick Horton Bright	1886
Paremata 15B	10	3	0	James Gear	1886
Rekereke 3 (aka s.17)	12	0	0	Frederick Horton Bright	4 Feb 1886
Harurunui 1	5	1	3	Magnus Neilson	1887
Makuratawhiti	1	0	1	George Bell	1887
Tuahiwi 1	40	2	0	William Henry Simcox	1887
Awahohonu A1 RR	0	2	0	Wellington Manawatu Railway Co Ltd	1 Jul 1887
Kaingaraki 4 & 5	23	1	0	Frederick Bright	1888
Kaingaraki 6	12	0	25	Frederick Bright	1888
Kaingaraki 3	42	0	0	Frederick Bright	1889
Haruatai	6	0	24	Richard Smith	1889
Pukekaraka 1	3	3	0	John Wilson	14 Feb 1889
Pukekaraka 3	1	2	0	John Wilson	14 Feb 1889
Hurihangataitoko 1	0	3	6	N.E Beamish	13 Jul 1889
Waerenga 7A1	1	3	14	Tom Wood	2 Aug 1889
Totaranui 11E (pt)	2	0	35	Morgan J.C Carkeek	11 Feb 1890
Totaranui 11A	1	2	35	Frank Barnett	30 Apr 1890
Totaranui 11C	2	1	0	Frederick Bright	16 Jul 1890
Pukekaraka 5	19	3	0	Roman Catholic Church	1891
Topa-a-te-kaahu	11	1	23	James Cropton	1891
Totaranui 11D1A (pt)	0	1	20	Morgan James Carkeek	28 Nov 1891
Haruatai 4	1	3	36	Patrick Nesdale	1892

Haruatai 5B	1	1	19	Alexander Bell	1892
Awahohonu A3 s.2	46	3	26	Edward Halcombe Brown	13 Apr 1892
Awahohonu A3 s.5	220	2	8	Edward Halcombe Brown	13 Apr 1892
Awahohonu A3 s.3C	8	3	3	William Stephen Thompson	23 Aug 1892
Awahohonu A3 s.3B	39	2	10	Edward Halcombe Brown	16 Sep 1892
Paremata 15A4	1	2	24	Edmond Tudor Atkinson	1 Dec 1892
Paremata 3A	2	1	0	Edmond Tudor Atkinson	7 Dec 1892
Paremata 3B	7	0	0	Edmond Tudor Atkinson	7 Dec 1892
Paremata 11 s.4A	14	0	10	Edmond Tudor Atkinson	7 Dec 1892
Paremata 15A7	1	2	24	Edmond Tudor Atkinson	7 Dec 1892
Haruatai 12C2	1	0	0	Abraham & Williams Ltd	1893
Pahianui 2A	1	0	0	Emily Susan McBeath	1893
Pahianui 1B	2	0	0	Richard Clement Kirk	1893
Te Rahui 2B	6	2	0	Adam, George, Alice & Branley Brightwell	1893
Makuratawhiti 1A1	0	3	19	George Bell	28 Feb 1893
Waiariki 2	8	0	10	Edmond Tudor Atkinson	10 Mar 1893
Paremata 11 s.2	4	0	0	Edmond Tudor Atkinson	16 March 1893
Paremata 11 s.3	5	0	0	Edmond Tudor Atkinson	16 March 1893
Waitohu 11D	17	1	25	William Stephen Thompson	11 April 1893
Totaranui 11F (RR)	2	0	10	Wellington Manawatu Railway Co Ltd	24 April 1893
Awahohonu A3 s.1	33	0	38	Edward Halcombe Brown	10 May 1893
Te Rahui 2A	52	0	0	James Gear & Isabella Ling	12 Sep 1893
Paremata 11 s.1	4	1	0	Edmond Tudor Atkinson	26 Sep 1893
Paremata 15A8	1	2	24	Edmond Tudor Atkinson	28 Sep 1893
Makuratawhiti 1D	0	3	4.3	Education Board	19 Dec 1893
Makuratawhiti 1F	1	3	39	Education Board	19 Dec 1893
Hakuai/Hakuwai 13 aka Wairiki	1	2	15	Edmond Tudor Atkinson	1894
Hakuai/Hakuwai 14 aka Wairiki	3	3	38	Edmond Tudor Atkinson	1894
Kiharoa 1	2	3	4	John Herbert Martin	1894
Paremata 12	15	3	0	Edmond Tudor Atkinson	1894
Te Rotowhakahokiriri	15	3	8	Not located	1894
Titokitoki 1B	2	3	17	Ōtaki Borough	1894
Titokitoki 2B	2	3	29	Ōtaki Borough	1894
Totaranui 4B2 (pt)	4	0	20	Morgan James Carkeek	1894
Waiariki 1B	1	0	0	Edmond Tudor Atkinson	1894
Waiariki 3	10	1	0	Edmond Tudor Atkinson	1894
Awahohonu A5	4	2	19	Edmond Tudor Atkinson	16 Jan 1894
Waiariki 1A	8	3	10	Edmond Tudor Atkinson	9 Apr 1894
Awahohonu A3 s.4C	19	3	5	John William Swainson	16 Jun 1894
Pahianui 10B	0	1	15	Frederick Bright	29 Jun 1894
Tutangatakinu 6 (pt)*	2	1	0	James Cootes	15 Apr 1876
Hanganoaiho 1 pt	15	2	30	Alfred Knock	22 Sep 1894
Pahianui 10A	2	3	38	Frederick Bright	1 Oct 1894
Haruatai 10A	2	2	0	Education Board	2 Nov 1894
Taumanuka 4A	8	1	31.5	Edmond Tudor Atkinson	2 Nov 1894
Taumanuka 5	13	2	0	Edmond Tudor Atkinson	2 Nov 1894
Paremata 11 s.4B	1	0	30	Edmond Tudor Atkinson	30 Mar 1895
Awahohonu A3 s.4 B1	19	0	38	Malcolm Balfour Elder	21 Apr 1895
Awaroa 12A	5	0	10	Wellington Manawatu Railway Co Ltd	15 Jul 1895
Tawaroa 3	4	2	28	Frederick Bright	2 Sep 1895

Takapu-o-Toiroa 3A	2	0	10	Charles L Hewson	24 Nov 1895
Takapu-o-Toiroa 3B	6	0	30	Charles L Hewson	24 Nov 1895
Awahohonu A2	1	0	33	Wellington Manawatu Railway Co Ltd	18 Jul 1895
Whakahokiatapango 5	5	1	4	Bridget O'Rourke	16 Apr 1896
Awahohonu A3 s.3 A	12	1	36	Herbert Hanson	29 Sep 1897
Haruatai 12A	1	0	22	Joseph Power	20 Jan 1898
Piritaha 1	0	2	24	George McBeath	1 Feb 1898
Piritaha 2 (pt)*	0	3	10	George McBeath	1 Feb 1898
Piritaha 8A	0	1	0	George McBeath	1 Feb 1898
Piritaha 8B	1	0	0	George McBeath	1 Feb 1898
Haruatai 6	2	1	9	Fredrick Horton Bright	6 Aug 1898
Takapu 3	1	0	31	Kate Death	8 Sep 1898
Whakahokiatapango D	0	2	10	Emily Susan McBeath	22 Oct 1898
Whakahokiatapango 1A	2	1	35	Emily Susan McBeath	22 Oct 1898
Whakahokiatapango 4A1	0	3	7	Emily Susan McBeath	22 Oct 1898
Whakahokiatapango 4B	0	1	0	Emily Susan McBeath	22 Oct 1898
Rahui Te Ngae 1	1	2	20	Edmond Tudor Atkinson	1 Nov 1898
Rahui Te Ngae 4	1	1	33.1	Edmond Tudor Atkinson	1 Nov 1898
Rahui Te Ngae 4A	0	1	38	Edmond Tudor Atkinson	1 Nov 1898
Rahui Te Ngae 6	0	3	35.8	Edmond Tudor Atkinson	1 Nov 1898
Rahui Te Ngae 7	0	3	35.4	Edmond Tudor Atkinson	1 Nov 1898
Rahui Te Ngae 5A	0	1	38	Edmond Tudor Atkinson	1 Nov 1898
Rahui Te Ngae 5B	0	1	37	Edmond Tudor Atkinson	1 Nov 1898
Piritaha 6	0	2	8	George McBeath	14 Nov 1898
Piritaha (58N)	1	3	20	William Hughes Field	11 Apr 1899
Te Tahuna 3	1	2	13	Frederick James Ryder	20 May 1899
Tutangatakino 8 (pt)*	9	2	27	Frederick James Ryder	20 May 1899
Haruatai 1	14	1	32	Edmond Tudor Atkinson	7 Jun 1899
Piritaha 4	1	3	8	George McBeath	27 Sep 1899
Haruatai 7	23	2	17	Edmond Tudor Atkinson	17 Nov 1899
<b>Total</b>	<b>1665</b>	<b>0</b>	<b>6.15</b>		

Source: Walghan Partners

\*denotes where only part of the block was purchased but the amount actually purchased was not specified so the total area of the block is recorded

The following table lists the 72 private purchases within the Pukehou block between 1876 and 1899 totalling approximately 9152 acres though some include purchases between Māori so the amount of land that had become European or general land was actually less than this figure. The bulk of the purchases were in the 1890s (41). They include the purchases by the Wellington Manawatu Railway Company. Together with the Crown purchases of 17,396 acres in the 1870s and 1880s, these purchases account for much of the 27,013 acre-Pukehou block. Indeed by 1900, only about 3000 acres of the block remained in Māori ownership<sup>73</sup>:

<sup>73</sup> This has been calculated by adding together the amount of land purchased and Europeanised in the Pukehou block in the twentieth century and the amount of Maori land in 2023 (2434 acres, 82.5 acres and 470 acres respectively).

**Pukehou blocks purchased privately (including the Wellington Manawatu Railway Company), 1876-1899**

<b>Pukehou block</b>	<b>Area (acres)</b>	<b>Area (roods)</b>	<b>Area (perches)</b>	<b>Purchaser</b>	<b>Date</b>
Pukehou 5H	5	0	0	Emanuel Peman/Manuel Pedro	7 May 1876/26 September 1882
Pukehou 5L (pt)	40	0	0	Hema Te Ao & others	5 May 1879
Pukehou 5F	138	0	0	Thomas Seymour/Fred Bright	28 July 1879/20 July 1880
Pukehou 4 (pt)	215	0	0	Ropata Ranapiri	2 July 1880
Pukehou 4H	667	0	0	Ropata Ranapiri	1 March 1883
Pukehou 5K (pt)	10	0	0	Hemi Kuti	31 December 1883
Pukehou 4E1	75	0	0	William Henry Simcox	4 July 1884
Pukehou 4H	181	2	0	William Henry Simcox	28 May 1885
Pukehou 4F1	35	0	0	William Henry Simcox & F. W Rutherford	17 July 1885
Pukehou 5L3A	400	0	0	James McWilliam	21 July 1885
Pukehou 5L4	370	0	5	James McWilliam	21 July 1885
Pukehou 5L5	429	0	29	James McWilliam	22 July 1885
Pukehou 4H19	14	0	0	James Atkins	15 December 1885
Pukehou 4H13	53	0	0	William Simcox & F.W Rutherford	9 February 1886
Pukehou 4H18	53	0	0	James Atkins	29 April 1886
Pukehou 4F2	83	2	32	Simcox & Rutherford	May 1886
Pukehou 4H2	17	2	26	W Simcox & F Rutherford	8 May 1886
Pukehou 4H3	17	2	27	W Simcox & F Rutherford	12 May 1886
Pukehou 4H8	69	0	0	W Simcox & F Rutherford	12 May 1886
Pukehou 5L5A (pt)	90	0	0	James Anderson	25 June 1886
Pukehou 4H7	40	0	0	W Simcox & F Rutherford	3 July 1886
Pukehou 5L5A	6	0	0	Hemi Kuti	3 July 1886
Pukehou 5L4A (pt)	35	0	0	Frederick Bright	28 July 1886
Pukehou 4H5	17	2	28	W Simcox & F Rutherford	25 September 1886
Pukehou 4H6	17	2	27	W Simcox & F Rutherford	25 September 1886
Pukehou 4H4	17	2	28	W Simcox & F Rutherford	23 November 1886
Pukehou 5L5A (pt)	108	2	15	Joseph Anderson	22 April 1887
Pukehou 4F3	13	0	0	W. M. Simcox & F. W [sic]	26 March 1888
Pukehou 4H16	53	0	0	James Atkins & J Staples	31 May 1888
Pukehou 5L4A (pt)	10	0	0	Hemi Kuti	6 October 1888
Pukehou 5K (pt)	7	3	39	Hemi Kuti	7 October 1888
Pukehou 4H17	53	0	0	James Atkins & J Staples	5 November 1888
Pukehou 4H12	53	0	0	William Henry Simcox	6 May 1889
Pukehou 4G9	11	1	34	Wellington Manawatu Railway	4 February 1890
Pukehou 4G10	3	3	0	Wellington Manawatu Railway	4 February 1890
Pukehou 5M	50	0	0	William Edward Collins	4 March 1890
Pukehou 5L4A	105	3	35	James McWilliam	10 May 1890
Pukehou 5L5A (pt)	12	3	15	James McWilliam	10 May 1890
Pukehou 4F2A	13	0	0	William Henry Simcox	13 September 1890
Pukehou 4G7	59	2	31	William Henry Simcox	13 September 1890
Pukehou 4H9	19	1	12	William Henry Simcox	31 December 1890
Pukehou 4H10	19	1	12	William Henry Simcox	2 January 1891
Pukehou 5L1 (pt)	368	0	37	Turnbull & Co	25 February 1891
Pukehou 5L2 (pt)	569	0	13	Turnbull & Co	25 February 1891
Pukehou 5L3	413	3	4	Turnbull & Co	25 February 1891
Pukehou 4F2C	13	0	0	William Henry Simcox	27 May 1891
Pukehou 4G8	17	0	0	William Henry Simcox	17 June 1891

Pukehou 4H8A	59	0	0	William Henry Simcox	3 July 1891
Pukehou 4G8E	17	1	30	William Henry Simcox	18 July 1891
Pukehou 4G14	1	2	32	Horowhenua County	3 February 1892
Pukehou 4G13	8	3	39	Horowhenua County	6 February 1892
Pukehou 4G1	36	1	6	William Henry Simcox	25 April 1892
Pukehou 5L1 (pt)	844	2	0	James Jamieson and others	8 May 1892
Pukehou 5G2A	3	2	37.6	Joseph Death	27 May 1892
Pukehou 5L3B (pt)	527	1	19	John Cork & N Reid	29 July 1892
Pukehou 5G2B	3	2	8.5	Joseph Death	26 August 1892
Pukehou 4H11	19	1	12	William Henry Simcox	30 August 1892
Pukehou 5L2 (pt)	571	0	30	Kate Death	1893
Pukehou 4G5	11	0	29	Walter Joseph Reading	10 June 1893
Pukehou 5A1 North	1400	0	0	Walter Joseph Reading	10 October 1893
Pukehou 4F2D	13	0	0	William Henry Simcox	9 May 1894
Pukehou 5K North 1	49	3	32	Wellington Manawatu Railway	18 July 1894
Pukehou 5K South 1	49	3	32	Wellington Manawatu Railway	18 July 1894
Pukehou 4H1	17	2	26	William Henry Simcox	19 October 1894
Pukehou 5A1 North 2 (pt)	44	0	0	Hakaraia Te Whenua	18 November 1895
Pukehou 5A1 North 2 (pt)	139	0	22	Wellington Manawatu Railway	16 January 1896
Pukehou 5G3	1	2	28	Wellington Manawatu Railway	16 January 1896
Pukehou 4B4B	not located			Francis Duncan Thompson	9 February 1896
Pukehou 4B4A2	9	1	24	Francis Duncan Thompson	14 May 1897
Pukehou 4B4A3	5	2	31	Francis Duncan Thompson	14 May 1897
Pukehou 4A1A & B	240	1	0	Francis Duncan Thompson	12 June 1896
Pukehou 5L (pt)	4	2	19	James McWilliam	2 September 1897
Pukehou 5M	50	0	0	Kate Death	8 December 1897
Pukehou 4H14	53	0	0	Robert William Bevan	17 August 1898
Pukehou 4H15	53	0	0	Robert William Bevan	17 August 1898
Pukehou 5L2 (pt)	215	2	33	Not located	1899
<b>Total (approx.)</b>	<b>9152</b>	<b>1</b>	<b>26.1</b>		

Source: Waghan Partners, (Wai 2200, #A212(b), pp. 200-230.

### 3.4 Private purchasing in the 1860s, 1870s and early 1880s

#### *Tawaroa 1, 1869 & Part Waerenga 1 & 2, 1874*

The first known private purchase of Māori land within the three areas where Māori title was extinguished was Tawaroa 1 located by the Ōtaki River comprising 27 acres 1 rood 5 perches. Title to Tawaroa 1 was awarded by the Native Land Court in April 1868 to Tame Hawea (Epiha Tame Hawea is recorded in the hapū names recorded for Ōtaki pa as being of Ngāti Huia though confirmation of whether this was the same person has not been located). The Court recommended no restriction on alienation. The block was purchased from Tame Hawea on 13

April 1869 by John F Schultze. A deed of purchase was signed but this has not been cited. The purchase by John Schultze was also one of the earliest purchases recorded in the wider inquiry district and the only one identified in the three areas from the 1860s.<sup>74</sup>

Mr Schultze was a storekeeper at Ōtaki and he did not retain this land for long. He advertised the freehold of Tawaroa 1 for sale in November 1871 (together with the leasehold of sections 90 and 92 in the Ōtaki township which had a further ten years to run.) The advertisement stated that it was being sold on the instructions of the mortgagee to sell by public auction suggesting that Mr Schultze was in financial difficulties. By 1875, the land was on the market again. On this occasion the advertisement said that J. H Wallace (James Howard Wallace, son of Mere Pipi Kutia, auctioneer and later the secretary of the Wellington Manawatu Railway Company) would be selling the land.<sup>75</sup>

Nothing further has been located as to the purchase process or price but there was no legal requirement at this time for such purchases to be vetted by government officials and as there was no restriction on alienation on the title which had been investigated and awarded to one owner, there was no impediment to selling the land. Without such a process, it does not appear that the Native Land Court was made aware or did not make itself aware of the purchase. Indeed, there was some confusion as to the status of the block over ninety years later. In December 1960, the Māori Land Court sought clarification as to whether Tawaroa 1 was Māori or European (general) land. Investigations found that the area was sold in 1869 and was therefore general land. Officials were also instructed to cancel a succession order issued on 7 April 1959 in respect of Tame Hawea's interests. This was probably due to most of the block being taken for soil conservation purposes in the 1950s (a proclamation dated 18 February 1955 conferred authority to the Crown to take the land) and, it seems, treated as Māori land. The Court even awarded compensation of £146 for the block.<sup>76</sup>

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<sup>74</sup> Walghan Partners (Wai 2200, #A212 (b)), pp. 360-361; Anderson, Green and Chase (Wai 2200, #A201), p. 529, 767-769; Otaki Minute Book 1D, 6 April 1868, pp. 531-533; Maori Land Court Record Sheet, 1950s; Resident Officer, Whanganui Maori Land Court to Palmerston North Officer, 7 December 1960, Tawaroa block order file, Oti 432/1 Aotea Maori Land Court Whanganui, (Maori Land Court Records: Document Bank Project, Vol. XXVII, pp. 83, 85, Wai 2200, #A70(f)).

<sup>75</sup> *Wellington Independent*, 21 November 1871, p. 3; *New Zealand Times*, 28 October 1875, p. 4; Poverty Bay Herald, 34 April 1882, p. 2; Amended statement of claim by Simon Austin and descendants of James Howard Wallace, 28 February 2019 (Wai 2031, #1.1.1(1)), p. 2.

<sup>76</sup> Maori Land Court Record Sheet, 1950s; Resident Officer, Whanganui Maori Land Court to Palmerston North Officer, 7 December 1960, Tawaroa block order file, Oti 432/1 Aotea Maori Land Court Whanganui, (Maori Land Court Records: Document Bank Project, Vol. XXVII, pp. 83, 85, Wai 2200, #A70(f)); *New Zealand*

Henry Schultze, a land agent based in Wellington who was quite likely a relative of John Schultze, was also involved in early purchasing in the area. He purchased part Waerenga 1 & 2 (1 acre 2 roods of the 8 acre 2 roods 31 perch area) in 1870 and 1874. The land was located next to the Ōtaki township sections. Waerenga 1 was purchased from Akapita Te Tewe and Perenara Te Tewe of Te Mateawa in May 1870. Waerenga 2, was acquired from Hape Te Horohau of Ngāti Kopiri and the purchase registered in December 1874. The purchase price for both sections has not been located nor any involvement by the Native Land Court with respect to Waerenga 2 as required under the 1873 Act (it is possible that this was not recorded in the Ōtaki Native Land Court minute books checked). The sections did not stay in his ownership for long either. Waerenga 1 was transferred by Henry Schultze to Frederick Bright in 1881. Part Waerenga 2 was firstly mortgaged by Henry Schultze to John Staples in 1876, re-conveyed to Henry Schultze in May 1878 and then also purchased by Frederick Bright in 1881. Both sections were sold by Frederic Bright to the Crown for £165 in 1894.<sup>77</sup>

Frederick Bright features a lot in the purchases of Ōtaki township land and the Ōtaki sub-district during the nineteenth century. Anderson, Green and Chase record that as one of James Gear's stock buyers, he followed the example of James Gear who was also a 'large-scale land purchaser'. They record that:

He lived for several years at Paekākāriki, where he kept an accommodation house, and at Pukerua where he worked a farm, before moving to Ōtaki in 1875. He ran a series of public hotels there (an ideal purchasing base) and began acquiring Māori land in the district for farming in 1885. He and his family continued to add small plots to their holdings over the next 40 years, building up an estate of some 1,000 acres.<sup>78</sup>

Anderson, Green and Chase record 30 purchases within the inquiry district by Bright of which about 18 were in the Ōtaki sub-district. The 18 also includes one Kiharoa 2 section which were made up of several Ōtaki township sections. Members of his family purchased the remaining

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*Gazette*, 24 February 1955, p. 274; Otaki Minute Book 66, 30 July 1957, p. 490; Otaki Minute Book 67, 7 April 1959, p. 250.

<sup>77</sup> Deed of conveyance between Frederick Bright and the Crown, Waerenga 1 & 2 (part), 1894, ABWN 8102 WGN 751 344 Waerenga 1 & 2 - Otaki Township, 1894 ((R23475048), Archives New Zealand, Wellington; *Wellington Independent*, 16 May 1874, p. 4. Anderson, Green and Chase also discuss the investigation of title to the Waerenga block on pages 504 and 505 of their report (Wai 2200, #A201).

<sup>78</sup> Anderson, Green and Chase (Wai 2200, #A201), pp. 766-767.

5 sections in the early 1900s. In addition, parts of section 45A comprising six sections and five other Ōtaki township sections were purchased by Bright in the nineteenth century (section 43 (prior to 1886), section 111 (in 1894) part section 71 and section 75 (1896) and part section 71 and section 78 (also in 1896). Frederick Bright was married to Mary Ann Bills (which is also a surname that features in purchases in the area). He died in 1900 and his son Frederick Horton Bright inherited and purchased other areas in the township. When he died in 1918, his wife Honora Bright inherited and/or purchased other land in the district.<sup>79</sup>

### ***Pukehou 5H, 1874***

One of the earliest private transactions within the Pukehou block referred to in the records located for this report was Pukehou 5H in 1874. Wi Parata gave evidence at the Native Land Court on 21 April 1874 with respect to Pukehou 5H. He submitted a plan of what was called ‘Waitohu’ or part Pukehou 5 which he said had been given by Hema Te Ao to Ropata Hurumutu (on partition called Pukehou 5F). The plan also showed five acres cut off for Emanuel Lemar called Pukehou 5H. At the same hearing, the names proposed by Wi Parata for Pukehou 5F were Mareka, Ropata Hurumutu and himself. While the Court ordered that a memorial of ownership with those names be made for Pukehou 5F comprising 138 acres it was not until May 1874 where the 5-acre portion called Pukehou 5H was awarded to Hema Te Ao (also known as Puke Te Ao of Ngāti Pare). The Court declared that it was ‘not proper’ for any restrictions on the alienability to be placed on the land. Walghan Partners record that Pukehou 5H was purchased in both May 1876 by Emanuel Peman for 5 shillings and then by Manuel Pedro in both 1882 and 1885 for £30. Few details have been located regarding Emanuel Lemar/Peman/Pedro and the arrangement made between he and Hema Te Ao though a seaman named Manuel and described as being of African descent and living with a Māori woman is listed on the return of non-Māori residents of Ōtaki in 1864 so may have been the same person.<sup>80</sup>

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<sup>79</sup> Ibid, *Wellington Independent*, 5 April 1864, p. 2; *Whanganui Chronicle*, 13 February 1900, p. 2.

<sup>80</sup> Otaki Minute Book 2, 21 April 1874, p. 435; Walghan Partners, p. 223; Certificate of title for Pukehou 5H, 2 May 1874; Chief Judge to Auckland Native Land Court, 27 April 1880, ABWN 8910 11 1678 Certificate of Title - PUKEHOU NO 5 H at Pukehou in the District of Otaki in the Province of Wellington Owner/Owners: Hema Te Ao, 1874-1880 (R25286196), Archives New Zealand, Wellington; Anderson, Green and Chase (Wai 2200, #A201), p. 828. They also discuss the investigation of title to Waerenga on pages 504 and 505 of their report.

### *Ōtaki township sections 61, 62, 63 and 64, 1876-1877*

One of the earliest purchases within the Ōtaki township was in 1876 when section 61 was sold by Tamehana/Tamihana Te Hoia (described in a newspaper article as a ‘Native policeman’ who farmed and lived at Manawatū) to William Langley. This section had been awarded by the Native Land Court to Tamehana Te Hoia, Manahi Te Humu and Hiriwanu Manahi in 1870. All three were recorded as being of Ngāti Huia in the Ōtaki Pā certificate of title. A deed of purchase was signed on 18 May 1876. In September 1877, Langley purchased the adjoining sections 62, 63 and part 64 from Matene Te Whiwhi (of Ngāti Huia and Ngāti Kikopiri and signatory to the Treaty of Waitangi) who had been awarded title to Ōtaki township sections 62, 63, 64, 65, 66, 67 and 68 (2 acres) in July 1867. Section 61 was located on the corner of Mill Road and Matene Street and sections 62 to 68 next door to section 61 on Matene Street. A deed of purchase was signed on 4 September 1877. Langley was a storekeeper who was declared bankrupt in early 1877. His bankruptcy was later annulled as a ‘deed of composition’ had been accepted by his creditors. The following year he opened an accommodation house on what appears to be these sections though they were advertised for sale soon after in July 1879. The sections were described as 1 ½ acres of freehold land at the ‘very heart of the township’ on a ‘valuable corner section in Ōtaki .... with a substantially built 11 roomed dwelling, ... detached kitchen, ... one 3-4 roomed cottage and a large 5 stabled stable built of iron’. There was also a ‘fine kitchen garden and orchard’. The advertisement said it offered a ‘splendid investment’. In 1881, ‘Langley’s accommodation house’ was sold to Frederick Bright for £360.<sup>81</sup>

As well as the Ōtaki sections, Te Matene Te Whiwhi sold the 35 ½ acre Te Rekereke 2 block (which had restrictions on alienation registered to the title awarded on 31 July 1871) where he was the sole owner to Frederick Bright around 1879. Similarly, the 19 ½ acre Kaingaraki 7 block was also purchased from Te Matene Te Whiwhi and others by Frederick Bright around the same time though exact details have not been located.<sup>82</sup> The legislation at the time

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<sup>81</sup> *Evening Post*, 3 June 1869, p. 2; *New Zealand Times*, 14 April 1877, p. 2; *New Zealand Times*, 27 February 1878, p. 3; *Manawatu Herald*, 15 October 1880, p. 3; AFIH 22394 80 part 1 27 Deeds Index - Fitzherbert, Otaki (Hadfield) - Folio 1 to Folio 475, c1844-c1969 (R20163358) & AFIH 22394 81 part 2 27 Deeds Index - Carnarvon, Otaki (Hadfield), Rangitikei Blocks - Folio 476 to Folio 938, c1844-c1969 (R20163359), Archives New Zealand, Wellington, online record available; W. H. Oliver. 'Te Whiwhi, Hēnare Mātene', Dictionary of New Zealand Biography, first published in 1990. Te Ara - the Encyclopedia of New Zealand, <https://teara.govt.nz/en/biographies/1t89/te-whiwhi-henare-matene> (accessed 1 February 2023); *Evening Post*, 28 July 1881, p. 2.

<sup>82</sup> Walghan Partners, (Wai 2200, #A212(a)), p. 220-221, (Wai 2200, #A212(b)), p. 280;

prescribed that these purchases had to be certified by a Trust Commissioner and considered by the Native Land Court. The consent of the governor was also required to remove the restrictions on the alienation of Te Rekereke 2 block. The permission of the governor, however, was not sought at the time the purchase was negotiated and instead secured years after the purchase had been negotiated. On 18 February 1903, Heni Te Rei, who had been appointed successor to Matene Te Whiwhi on 10 February 1903, applied to the Governor to have the restrictions removed. She noted at the succession hearing that she had objected at the time of the sale but that Matene had ‘persisted and sold’. The application was then sent to the Native Land Court for inquiry. Judge Batham recommended the removal of the restrictions under the Native Land Court Act 1894 on 7 September 1903. His report stated that the Court was satisfied that the owner had other land or shares in other land (where title had been determined by the Court) belonging to her ‘sufficient for her own use and occupation’.<sup>83</sup>

Writing over ten months after the application was sent, the solicitor for Heni Te Rei asked that the matter be expedited. The solicitor also provided more details as to the background to the application. He explained that in 1879, Matene Te Whiwhi had executed a conveyance to Robert Ransfield (Ropata Ranapiri) and was paid for Rekereke 2. A Trust Commissioner certificate was issued presumably meaning the Trust Commissioner had not noticed the restrictions. Similarly, the restrictions were not noticed by the solicitor who prepared the conveyance (land transfer). On 15 December 1885, Mr Ransfield transferred Rekereke 2 to Frederick Bright. Again a Trust Commissioners certificate was given and the restrictions ‘overlooked’. According to the solicitor, Mr Bright held the land until his death in 1900 when his sons inherited the land. When they applied to have the land brought under the Land Transfer Act the restrictions were noticed and Matene Te Whiwhi’s ‘representative’ approached who recognised that ‘as a matter of bare justice’, Mr Bright’s sons were entitled to the title to the land.<sup>84</sup>

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<sup>83</sup> Application for removal of restrictions from Heni Te Rei, 18 February 1903; JG Bolton, Solicitor to Native Minister, 20 February 1903; Under Secretary, Native Department to Bolton, Solicitor, 23 February 1903; Correspondence between officials, 25 February 1923, Justice Department file cover sheet 1903/210; Native Land Court report, Rekereke 2, 7 September 1903, ACIH 16036 MA 1 137 5/13/178 Petition 25/1945 - Kipa Roera - Rekereke No. 2 Block, 1903 (R19525231), Archives New Zealand, Wellington; Wellington Minute Book 11, 7 September 1903, pp. 313-314.

<sup>84</sup> James Mitchell, ‘The Native Land Court and Maori Land Alienation patterns in the Whanganui District, 1865-1900, a report commissioned by the Waitangi Tribunal for the Whanganui inquiry, 2004 (Wai 903, #A58) p. 19.

On receipt of the Native Land Court report, the Under Secretary sought details of the valuation of the land from the Valuer General. The valuation report was for parts of both the Tawaroa and Rekereke blocks comprising 127 acres 3 roods 38 perches and dated October 1900. The capital value of the land was £1880 made up of £1150 unimproved value and £730 improvements. It also stated that the land was owned and occupied by Fred and Arthur Bright (the sons of Frederick Bright). Eventually, the block was sold by Heni Te Rei for £625 in July 1910 and the land vested in Fred and Arthur Bright.<sup>85</sup>

It is likely that the need to raise funds was a factor in these sales. Certainly, when Matene Te Whiwhi died there was evidence that he was not in a good financial position. Before his death in 1881, Matene Te Whiwhi signed a statement promising to re-pay the government £105 which had been advanced to him by Land Purchase Officer James Booth for land in the Ōtaki district once land at Taupo (Porirua) had been partitioned out by the Native Land Court. He did not want it charged against the 'Pahiko' block as he wanted to reserve it for the benefit of his daughter and her children (this probably referred to the 142-acre Pahiko Ngakaroro 6 block located between Kurukohatu D, Ngakaroro 3B and Ngakaroro 3D blocks which he was awarded with three others in May 1874). After his death in September 1881, the debt remained unpaid and the government sought to recover the money from Matene Te Whiwhi's estate. One of his executors, Reverend James McWilliam, advised officials that there were no funds available, that all the proceeds from the Taupo sale had been used to pay Matene Te Whiwhi's other debts and that the purchase money was insufficient to cover all his debts. He said that the only land still owned by the estate was one acre of land in the township of Ōtaki which brought in a rental of a little over £20 per annum and a share in Kapiti Island which made £40 per annum. He did not mention the Pahiko block. McWilliam stated that it was impossible to pay this sum and for his widow to have sufficient to live on even if it could be 'justly claimed' which he had 'great reason to doubt'. He stated that he had made inquiries about the sum with Māori in the area and could confirm that it was 'advanced to the whole tribe and that if Matene became responsible for the repayment 'he must have done so on the understanding that he was signing merely as the representative of his tribe'. He also said that other chiefs on the coast had told him that when the £105 was paid there was no mention that it had to be re-paid as the

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<sup>85</sup> Under Secretary, Native Department to Valuer General, 17 December 1903; Valuation Report, 21 December 1903; Registrar, Native Land Court to Under Secretary, Native Department, 28 July 1922, ACIH 16036 MA 1 137 5/13/178 Petition 25/1945 - Kipa Roera - Rekereke No. 2 Block, 1903 (R19525231), Archives New Zealand, Wellington.

money was ‘merely a bonus to give one of the leading chiefs for having used his influence with his tribe to induce them to sell their land to the government’. He said that other chiefs were paid in the same way at the same time and no demand has been made to them for a refund’. He also queried why, if the money was owed, Matene Te Whiwhi’s government salary was not stopped to repay the sum and why the government had sent money for funeral expenses which he claimed caused ‘most unnecessary drunkenness & debauchery’.<sup>86</sup>

It is not clear from the records viewed how this was resolved though the then Native Minister Bryce described Reverend McWilliams letter as ‘one of the most unreasonable’ he had ever seen and that he regretted that he ‘made himself out as a party to what is neither more nor less than repudiation [denial of the truth]’. Further, Bryce said that ‘such a lesson to the Māoris, so taught, is very much worse in its probable effects than the poverty he dreads for the relatives of the deceased chief the claim should be revisited’. Indeed, in January 1883, Reverend McWilliam was advised that the Native Minister had directed that the reasons why the money should not be paid set out in in Reverend McWilliams correspondence of October 1882 could not be entertained by the government.<sup>87</sup>

Debt and the need for Māori land owners to raise funds by selling their land is a constant theme in many of the private purchases examined for this report and is discussed further below.

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<sup>86</sup> Statement of Matene Te Whiwhi, 5 November 1880; James Booth to Gill, Under Secretary, Native Department, 5 November 1880; Note from Gill, 16 December 1880; Reverend James McWilliams to Gill, Under Secretary, Native Department, 23 March 1882 & 17 October 1882; Native Minister Bryce to Gill, 8 January 1883; Gill to Reverend McWilliams, AECZ 18714 MA-MLP 1 19f 1885/402 From: W L Buller, Wellington Date: 29 December 1885 Subject: There appears to be a misapprehension on the subject of his bill of costs for £5.11.4, 1885 Enclosed: 1885/368, 1882/394, 1881/102, 1882/73, 1880/789 (R23889070), Archives New Zealand, Wellington; W. H. Oliver. 'Te Whiwhi, Hēnare Mātene', Dictionary of New Zealand Biography, first published in 1990. Te Ara - the Encyclopedia of New Zealand, <https://teara.govt.nz/en/biographies/1t89/te-whiwhi-henare-matene> (accessed 1 February 2023).

<sup>87</sup> Statement of Matene Te Whiwhi, 5 November 1880; James Booth to Gill, Under Secretary, Native Department, 5 November 1880; Note from Gill, 16 December 1880; Reverend James McWilliams to Gill, Under Secretary, Native Department, 23 March 1882 & 17 October 1882; Native Minister Bryce to Gill, 8 January 1883; Gill to Reverend McWilliams, AECZ 18714 MA-MLP 1 19f 1885/402 From: W L Buller, Wellington Date: 29 December 1885 Subject: There appears to be a misapprehension on the subject of his bill of costs for £5.11.4, 1885 Enclosed: 1885/368, 1882/394, 1881/102, 1882/73, 1880/789 (R23889070), Archives New Zealand, Wellington; W. H. Oliver. 'Te Whiwhi, Hēnare Mātene', Dictionary of New Zealand Biography, first published in 1990. Te Ara - the Encyclopedia of New Zealand, <https://teara.govt.nz/en/biographies/1t89/te-whiwhi-henare-matene> (accessed 1 February 2023).

### *Section 121 Ōtaki township purchase, 1878-1891*

Another early purchase and one where the Native Land Court and/or other agencies were unaware of the purchase until years later was section 121 Ōtaki township. While a deed was signed for the purchase of section 121 Ōtaki township in 1878, it was not until 1891 that the various changes of ownership were made official and registered on the title. The arrangement made in 1891 showed some flexibility by the Native Land Court with the purchase process which resolved the flawed transaction in favour of the Pākehā purchaser. It is also another Ōtaki township section where once it had been purchased from Māori, ownership changed a number of times over a short period of time.

Section 121 Ōtaki township was awarded to Manahi Paora Taurua on 17 April 1876. He stated at the investigation of title hearing that he was of Ngāti Wehi Wehi. He told the Court that his father had been given the land by the chiefs of Ngāti Raukawa. No restriction on alienation was placed on the title at the investigation of title hearing.<sup>88</sup>

In November 1891, an inquiry was held in the Native Land Court in respect to an order published in the *New Zealand Gazette* of 30 October 1890 under the Native Land Frauds Prevention Act 1881 and amending Acts. A transfer was produced at Court by Manahi Paora and others to John Kebbell of 26 September 1891. The Court recorded that the land had previously been sold by Manahi Paora on 2 September 1878 to William Smith and the purchase approved by a Trust Commissioner. However, the conveyance (or deed of purchase) was not registered and instead a land transfer certificate (volume 42/277) executed in favour of Manahi Paora on 1 June 1880. In the meantime, William Smith, the original purchaser, had sold his interest to Henry Clark who had then sold the land to John Kebbell, The Court said that ‘with a view to simply [the] matter’, a fresh transfer had been executed by Manahi Paora in conjunction with the two former purchasers (Messrs Clark and Kebbell). Manahi Paora told the Court that he had sold the land to William Smith in 1878 and received the purchase money, that he had plenty of other land and that he had ‘no objection to the deed being passed’. No reference to the amount of the purchase money or the extent of Manahi Paora’s land holdings

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<sup>88</sup> Otaki Minute Book 3, 17 April 1876, pp. 18-24; Anderson, Green & Chase (Wai 2200, #A201), p. 829.

were recorded. The Court ordered that the deed be certified so that the owner of section 121 officially became John Kebbell.<sup>89</sup>

### *Ahitangutu 3, 1878*

Another purchase of land in the Ōtaki sub-district in the 1870s was Ahitangutu 3 (1 acre 2 roods 29 perches). This was purchased by John Anthony Knocks from Tiemi Ranapiri (also known as Hemi or James Ransfield) on 16 March 1878 for £25. Title to Ahitangutu 3 was awarded by the Native Land Court on 5 March 1874 to Tiemi Ranapiri. He stated that he belonged to Ngāti Kapu and Ngāti Tukorohe hapū of Ngāti Raukawa. He worked as a police constable at Ōtaki in the 1870s and was described as a ‘half-caste’. At the investigation of title hearing, he told the Court that the land was surveyed a year or so before and he had fenced it. He asked for title in his name only without restrictions on alienation. He was awarded title to a number of blocks some of which he retained and others he sold. At the same hearing he was awarded title to Ōtaki township sections 177, 178, 179, 186, 187 and Tutangatakino 4 which was also in the Ōtaki sub-district. He retained both these sections during the nineteenth century as well as Ōtaki township sections part 184, part 190, 191 and 192 (or Makirikiri 2). He had also been awarded title to Ōtaki township section 182 and 190 which he sold to Jane Martin prior to the Ahitangutu 3 purchase on 13 June 1877. He was also an owner of Pukehou 2 which was purchased by the Crown in 1873.<sup>90</sup>

Prior to this purchase, however, there was some controversy about a previous purchase arrangement made between Tiemi Ranapiri and Jane Cattell, also described as a ‘half-caste’, where Tiemi Ranapiri was alleged to have been paid £20 for the land. T.E Young of the Native Department reported to the Native Land Court in October 1874 on behalf of the Trust Commissioner Mr Buckley, that on the basis of the receipt and authority given to Mrs Cattell to uplift the Crown grant by Tiemi Ranapiri, he instructed Hart & Buckley (solicitors) to prepare a ‘proper transfer for execution’ which they had done. However, it appeared that Tiemi Ranapiri had sold the land to John Anthony Knocks, an interpreter and that in 1871, before the land was investigated by the Court, Tiemi Ranapiri had agreed to sell the land to Knocks’s

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<sup>89</sup> Otaki Minute Book 19, 21 November 1891, pp. 44-45.

<sup>90</sup> Walghan Partners (Wai 2200, A212(a), p. 11; Anderson, Green and Chase (Wai 2200, #A201), p. 615 footnote 2644; Otaki Minute Book 2, 4 & 5 March 1874, pp. 217-218, 223-224, 228; *Whanganui Chronicle*, 24 January 1874, p. 3.

father-in-law. He said that Ranapiri had taken advantage of James Booth's presence at Ōtaki the previous September and made an agreement with Knocks but this was not done in the presence of an authorised interpreter. He said that the situation was: 'Waimapihi again on a small scale' possibly referring to another situation where there was a dispute over whether a purchase had taken place. He concluded that the land was purchased by (James) Cattell (the father-in-law) for the widow of the late William Cattell of Ōtaki and Mr Cattell intended to 'take very means in his power to compel Ransfield to complete his bargain'. Young said he simply wished to 'place the facts on record ... in case of there being any action taken by the other side'. He added that Ranapiri had asked that his former authority with respect to the Crown grant be destroyed and a grant delivered to Knocks.<sup>91</sup>

In May 1875, Jane Cattell asked the Chief Judge of the Native Land Court at Auckland to intervene in the ongoing dispute between her and Tiemi Ranapiri with respect to the purchase of Ahitangutu 3. She claimed to have purchased the land on 26 June 1874 and paid Tiemi Ranapiri £20, which was the purchase price they had agreed to. She said that Tiemi Ranapiri gave her a receipt on payment of the money and also an authority to her father-in-law James Cattell to 'take out the Crown Grant' of the land in question. She enclosed copies of the documents, the receipt being signed by Tiemi Ranapiri and dated 26 June 1874. She said that her husband died on 19 June 1874 and that following his death she instructed her lawyer to prepare a deed of conveyance of the land to her. However, when she asked the owner Tiemi Ranapiri to sign the conveyance he refused to do so. She said that she had spent £28 on fencing and improving the land and owned no other property to support herself and her child. She also stated that Tiemi Ranapiri had destroyed her fence, her land and her property and therefore she had been advised to write to the Chief Judge and apply to have the Crown Grant issued in her name.<sup>92</sup>

In May 1875, T.E Young advised the Native Land Court that the letter from Jane Cattell was being forwarded to the Court along with his previous letter containing the Trust Commissioner's report. He asked the recipient of the letter to use his influence to see 'if

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<sup>91</sup> T.E Young, Trust Commissioner to Native Department, Wellington, 17 October 1874, Te Ahitangutu Correspondence file [no reference], Aotea Maori Land Court Whanganui, (Maori Land Court Records: Document Bank Project, Vol. I, pp. 2-3, Wai 2200, #A70(f)).

<sup>92</sup> Jane Cattell, Otaki to Chief Judge Maori Land Court, 17 May 1875; Receipt signed by Tiemi Ranapiri; Te Ahitangutu Correspondence file [no reference], Aotea Maori Land Court Whanganui, (Maori Land Court Records: Document Bank Project, Vol. I, pp. 2-3, Wai 2200, #A70(f)).

anything could be done by the Court to assist her'. The writer noted that Mrs Cattell was acting under legal advice in writing to the Chief Judge and that he had been asked to write the letter for her to sign which he did. He said that 'Bridson [presumably an official] will remember her as wife of the landlord of the hotel at Ōtaki'. He said too that the lawyer thought the reason both parties were 'half castes' was that she had a 'better chance than if she were a Pākehā'. He asked for a reply to be sent directly to him and for the recipient to assist 'this widow woman'.<sup>93</sup>

Nothing further has been located as to what happened in the period between the writing of these letters and the signing of a purchase deed in March 1878 between Tiemi Ranapiri and John Knocks. However, the Ahitangutu 3 deed of purchase provides some insight into the formal part of the purchase process. Tiemi Ranapiri's signature on the deed was witnessed by James Booth Resident Magistrate, and the contents said to be explained to him by a licensed interpreter of the Native Land Court, W.L Buller, solicitor of Wellington. The deed was also certified under the Native Lands Frauds Prevention Act 1870 by the Trust Commissioner for the Wellington District, Charles Heaphy. He wrote: 'with regard to the written instrument and the alienation thereby witnessed made the enquiries directed by the said Act and do certify that I am satisfied with the result of such enquiries'. This presumably meant that as per the requirements in the 1870 Act, he found the purchase not to be 'contrary to equity and good conscience' that the alienee understood the transaction, had been paid and had 'sufficient land' for his support. This certification was made a month after the deed was signed on 26 April 1878.<sup>94</sup>

However, this was not the end of the matter. Ahitangutu 3 was then sold to the Crown two days later on 18 March 1878 by John Anthony Knocks, settler, clerk of the bench and interpreter of Ōtaki for £100. This was four times as much as Tiemi Ranapiri had been paid. Unless there were other factors at play relating to the aforementioned transaction between Jane Cattell and Ranapiri, this suggests that the Trust Commissioner had not considered a fair price to be in his remit of responsibility. James Booth, government land purchase office signed the deed on behalf of the Crown and it was witnessed by W.H Buller, solicitor of Wellington. Given that both Booth and Buller had also witnessed the transfer of the land from Tiemi Ranapiri to

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<sup>93</sup> T.E Young to Native Land Court, 20 May 1875, Ahitangutu Correspondence file [no reference], Aotea Maori Land Court Whanganui, (Maori Land Court Records: Document Bank Project, Vol. I, pp. 2-3, Wai 2200, #A70(f)).

<sup>94</sup> Deeds of conveyance, Ahitangutu 3, 16 & 18 March 1878, ABWN 8102 396 WGN 333 Ahitangutu 3 – Otaki, 1878 (R23446632); Deed of conveyance, Waerenga 1 & 2 (part), 1894, ABWN 8102 WGN 751 344 Waeranga 1 & 2 - Otaki Township, 1894 ((R23475048), Archives New Zealand, Wellington.

Knocks two days before, it appears that the deal which saw the Māori owner Tiemi Ranapiri receive a quarter of what the Pākehā settler John Knocks did, was pre-arranged. Both these deeds are filed together amongst Crown purchase deeds so the purchase price appears to have been sanctioned by the government though instructions to Booth regarding the matter have not been located.<sup>95</sup>

### ***Charles Hewson purchases, 1874-1884***

As noted by Anderson, Green and Chase, private purchasing in the 1860s and 1870s was ‘concentrated in the hands of old residents ... included the publican Shultz[e], as well as the men who had married into the community’. One such ‘old resident’ was Charles George Hewson, doctor and ‘Native Medical Officer’ at Ōtaki. At least ten blocks within the Ōtaki sub-district were purchased by him. Anderson, Green and Chase record that he was appointed in 1856 following Governor Grey’s undertaking to provide medical services funded from the civil list for native purposes under his control. Dr Hewson was also appointed as Registrar of births, deaths and marriages and vaccination inspector for the district of Ōtaki in July 1876 and elected to the Ōtaki Highway Board in 1879 (or Manawatu County Council). He worked as a doctor to Māori at Ōtaki until his death in 1881. It is not clear whether he was replaced at this time.<sup>96</sup>

Land was initially provided to Dr Hewson by Māori to live on though title was not transferred to him. An 1863 government report on Pākehā settlers occupying Māori land recorded that Dr Hewson occupied ten acres at Ōtaki village and that he had lived there for the previous eight years (since his approval). The owners were recorded as ‘three representatives of Hukiki, Ngatiraukawa’ (Hukiki Te Ahukarama was the father of Roera Hukiki of the Hamua hapū). Dr Hewson stated that when he was in need of a residence, land was offered to him by Māori and that this was ‘accepted, with consent of local authorities.’<sup>97</sup>

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<sup>95</sup> Deeds of conveyance, Ahitangutu 3, 16 & 18 March 1878, ABWN 8102 396 WGN 333 Ahitangutu 3 – Otaki, 1878 (R23446632); Deed of conveyance, Waerenga 1 & 2 (part), 1894, ABWN 8102 WGN 751 344 Waeranga 1 & 2 - Otaki Township, 1894 ((R23475048), Archives New Zealand, Wellington; Wellington Independent, 8 December 1870, p. 3; *Evening Post*, 6 July 1877, p. 2.

<sup>96</sup> *Wanganui Chronicle*, 4 July 1876, p. 2; *Manawatu Times*, 19 April 1879, p. 2; Anderson, Green and Chase (Wai 2200, #A201), pp. 95, 159, 529; *Manawatu Herald*, 29 July 1881, p. 2.

<sup>97</sup> Return of Persons Occupying Native Lands, November 1863, AJHR, 1864, E10, pp. 7-16 quoted in Anderson, Green and Chase (Wai 2200, #A201), pp. 497-499. Anderson, Green and Chase (Wai 2200, #A201), pp. 659, 831.

The land where Dr Hewson lived was likely to have been Tutangatakino 7 comprising 8 acres 1 rood 33 perches located near the township next to the Waerenga block. The purchase of this block was reportedly negotiated in 1867 but title was not officially transferred to the Hewson estate until after his death in 1882. This purchase was finalised under the Special Powers and Contracts Act, 1882 showing again the Crown's willingness to assist Pākehā to secure title to Māori land. This Act granted 'certain special powers to the Governor to issue Crown Grants and to enable him to carry out certain contracts and promises.' The 26<sup>th</sup> schedule of the Act recorded that the late Dr Hewson, Medical Officer of Ōtaki wanted 'many years' previously to purchase land from Māori as a site for a residence but that because of the laws relating to Māori land at the time, private persons were unable to purchase from Māori. It was therefore arranged that the Superintendent of the Province of Wellington would purchase the land from Māori on behalf of the Crown and afterwards issue a Crown Grant to Dr Hewson. Therefore, on 23 September 1867, Tutangatakino 7 was conveyed to Dr Featherston, then Superintendent on behalf of the Crown for £182 which was paid by Dr Hewson. The Act provided the means for the agreement to be carried out with the governor given the authority to issue a Crown grant to the representatives of Dr Hewson and ante-vested from some date prior to his death. Nothing further has been located regarding the circumstances of the 1867 transaction.

As with other purchases discussed in this chapter, officials were not necessarily made aware of or held records concerning these arrangements. In 1926, records were sought by the Under Secretary of the Department of Lands and Survey from the Native Department about the matter particularly the conveyance to the Superintendent of the Province. The Native Department replied that the land referred to was likely to be Tutangatakino 7 acquired under the Special Powers and Contracts Act 1882 and that they held no papers on the subject.<sup>98</sup>

The purchase of the almost 8 ½ acres by the doctor was not the only land he acquired. From around 1874, Dr Hewson purchased another 72 or so acres making a total of about 80 acres in the Ōtaki sub-district. The following table sets out the purchases by Charles Hewson between 1874 and 1883:

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<sup>98</sup> Under Secretary, Department of Lands and Survey Wellington to Under Secretary Native Department Wellington, 18 November 1927; Under Secretary, Native Department to Under Secretary for Lands, 8 November 1928, ACIH 16036 MA 1 1465 1928/567 Received: 23rd November 1927 - From: Under-Secretary for Lands, Wellington - Subject: Tutangatakino No. 7 - Grant to Charles George Hewson under the Special Powers and Contracts Act 1882, 1927 (R22411377), Archives New Zealand, Wellington.

**Purchases within Ōtaki sub-district by Charles Hewson, 1874-1883**

Block name	Area acres	Area roods	Area perches	Purchase date (approx)	Original Owner/s
Hakuai/Hakuwai 4	16	0	35	10 Dec 1874	Tiemi Ranapiri and Riria Ranapiri
Waerenga 4	3	1	35	10 Dec 1874	Ranapiri & Rina Ranapiri
Waerenga 5	4	2	29	10 Dec 1874	Ranapiri & Rina Ranapiri
Ahitangutu 2	5	0	28	8 Feb 1875	Henare Warihi Hatete (£30)
Hurihangataitoko 2	3	1	10	4 Sep 1878	Ururoa Ripia
Waerenga 2B	0	2	39	16 Jan 1880	Wereta Rarua
Tutangatakino 4B	1	1	8	Partitioned 16 April 1913	Not located
Tutangatakino 5 (pt)*	29	0	18	1 April 1882	Roera Hukiki, Hone Kuiti, Henare, Kiniwhe, Tauhu, Rutu & Hori Roera
Tutangatakino 7	8	1	33	1867/1883	Title not investigated until 27 July 1894
Takapu o Toiroa 3A	2	0	10	By 1895	Pango Tuturu Kikirangi Akuhata
Takapu o Toira 3B	6	0	30	By 1895	Partitioned
<b>Total</b>	<b>79</b>	<b>1</b>	<b>27</b>		

Source: Walghan Partners; Anderson, Green and Chase, pp. 762-763.

When he died, it was reported that Dr Hewson owned a farm at Ōtaki containing about 110 acres. It is not clear from the record to what extent this farm was made up of the above sections. It was advertised for lease soon after his death.<sup>99</sup>

While these purchases were likely to have been negotiated directly with the owners, title to some of the land was also not finalised in favour of Dr Hewson until well after his death. Title to Takapu o Toiroa 3 was awarded to Karepa Te Kapukai, Karaname Te Kapukai, Akuhata Te Kapukai and Wireti Te Riunui by the Native Land Court on 15 April 1876 and a Crown grant issued on 22 July 1881. Karepa and Karaname Te Kapukai said at the hearing that they were of Ngāti Huia but no mention of Dr Hewson was made at the hearing. The block was then partitioned on 27 June 1887 into two parts: Takapu o Toiroa 3A (2 acres 10 perches) to Pango Tuturu Kikirangi Akuhata and Takapu o Toiroa. A certificate of title records that by 24 November 1895, Charles Hewson had purchased both partitions.<sup>100</sup>

<sup>99</sup> *Manawatu Herald*, 12 August 1881, p. 3.

<sup>100</sup> Walghan Partners, (Wai 2200, #A212(b)), p. 331; Otaki Minute Book 3, 15 April 1876, pp. 15-17.

While purchasing began to increase in the early 1880s, particularly in the Pukehou block and the Ōtaki sub-district from around 1885, minimal information has been located regarding purchases between 1880 and 1886. This is largely due to a fire destroying many of the Native Department files in 1952. What is known is that certification of deeds of purchase by the Trust Commissioners continued. For instance, the Reverent James McWilliams advised Mr Cootes (Hemi Kuti) in 1886 that the deed transferring part of Pukehou 5L (4 acres 2 roods 19 perches) by Hemi Kuti to him had ‘passed the trust commissioner’ and returned to him. Also, that he had paid all claims, including survey liens, against the block as far as he was aware. Confusion about this purchase was, however, apparent with co-owner Hori Te Waru asking in 1886 how many acres of Pukehou 4L remained in his ownership after the sale of the block to Reverend McWilliam. He was advised that he appeared to have sold all his interests in Pukehou 5L5 to Reverence McWilliam.<sup>101</sup>

### **3.5 Private purchases approved under the Native Land Administration Act 1886**

As stated above, the Native Land Administration Act 1886 prohibited the purchase of Māori land direct from settlers though purchases could be negotiated with a block committee of owners. Any purchasing or leasing begun prior to the passing of the Act could be completed provided the purchaser notify within three months of the Act coming into operation (1 January 1887) a commissioner appointed under the Act by the Governor and Chief Judge of the Native Land Court of the purchase (section 24). The Chief Judge was then required to inquire into the circumstances of the purchase and if satisfied that there had been a ‘*bona fide*’ transaction and that a fair value or rent paid, could certify to that effect and inform the commissioner. Once the certificate was granted, the purchaser was entitled to have their portion partitioned by the Court. Alternatively, the purchaser could inform the commissioner that they wished to purchase further interests in the block concerned (section 25).<sup>102</sup>

While nothing has been located regarding these block committee of owners, there were a number of purchases of land within the Ōtaki sub-district and Pukehou block begun prior to 1

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<sup>101</sup> James McWilliams to Mr Cootes/Hemi Kuti, 29 July 1886; Hori Te Waru to Bridson, Registrar, 5 July 1886; Bridson note on cover sheet, 21 July 1886, Pukehou 5L Correspondence file, Oti 394, document bank, volume 21, pp. 418, 420, 421,

<sup>102</sup> Anderson, Green and Chase, p. 743.

January 1887 that were considered by the commissioner and Chief Judge. These are discussed below:

### ***Rahui 1 and 2, 1887***

As required under section 24, on 27 January 1887, James Gear of Ōtaki notified the Commissioner of Native Land Administration in Wellington and Chief Judge of the Native Land Court based at Auckland that he had purchased seven shares in the Rahui No 1 and No 2 blocks situated at Ōtaki. There was no mention of owners or purchase price. It is likely that the Chief Judge declared the purchase ‘bona fide’ as the purchase of Rahui 2A to James Gear and Isabella Ling was recorded in a certificate of title dated 12 September 1893.<sup>103</sup>

### ***Pukehou 4F2 & 4H8, 1887***

On 21 March 1887, William Henry Simcox and Francis Rutherford who were described as sheep farmers of Ōtaki notified the commissioner and Chief Judge of the Native Land Court of several purchases and a lease of land in the Pukehou block that had been arranged prior to 1 January 1887. They claimed to have purchased one share and leased seven shares of the 83-acre Pukehou 4F2 block and purchased one share of the 69-acre Pukehou 4H8 block. On 13 April of the same year Chief Judge John Edwin Macdonald certified that Messrs Simcox and Rutherford had notified the commissioner within three months of the 1<sup>st</sup> day of January 1887 that they had purchased a share in Pukehou 4H8; that he had inquired into the circumstances of the purchase, that title to the land was not at the time for the purchase subject to any restriction and that he was satisfied that the transaction was *bona fide* and a fair value given for the purchase. Similarly, a certificate with the same statement was issued on 14 April 1887 in respect to Pukehou 4F2. Judge Macdonald also notified the commissioner that Messrs Simcox and Rutherford wished to purchase further shares in the block. Walghan Partners record that Pukehou 4F2A was purchased for £28 and Pukehou 4H8 purchased for £40. Simcox and Rutherford later purchased Pukehou 4F2C (1891) and Pukehou 4F2D (1894) for £26 and £39 respectively as well as other areas within the block.<sup>104</sup>

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<sup>103</sup> Notification of purchase under Native Land Administration Act 1886, AADS 18197 1 NLA 26 [From: James Gear, Otaki Received: Notice under section 24 for Rahui No.1 & 2], 1887 (R25694008), Archives New Zealand, Wellington. Online record available; Walghan Partners (Wai 2200, #A212(b), p. 261).

<sup>104</sup> Application by Simeon & Rutherford, 19 March 1887, AADS 18197 1 NLA 87/120 [From: Simeon Rutherford, Otaki Received: 22 March 1887 Subject: Placing the Pukehou No.4F Section 2 & Pukehou No.4H Section 8 under

*Pukehou 5A1, 1887 (2200 acres)*

On 20 April 1887, Chief Judge of the Native Land Court, John Edwin Macdonald, issued a certificate under section 24 of the Native Land Administration Act 1886 in respect of Pukehou 5A1 and its purchase by the Wellington Manawatu Railway Company. Judge Macdonald stated that the company had within three months after the 1<sup>st</sup> day of January 1887, notified a commissioner appointed under the Act and the Chief Judge of the Native Land Court that it had purchased the interests of some of the several owners of Pukehou 5A1 containing a total of 2200 acres. The Judge said that he had inquired into the circumstances of the alleged purchase, that title to the land was not, at the time of the alleged purchase subject to any restriction precluding the alleged purchase and that he was satisfied that the transaction was ‘*bona fide* and that a fair value was given on the alleged purchase’.<sup>105</sup>

On the same day notice was given by the company under section 25(b) of the Native Land Administration Act 1886 that having been given certification by the judge of the purchase that they wished to purchase the interests in Pukehou 5A1 not already acquired.<sup>106</sup>

The Trust Commissioner for Wellington (which covered the Ōtaki area), J.W.A Marchant reported in April 1887 that while he was unable to state at that time how much land had been alienated as a result of the Act, he thought that operations under the Act would be ‘advantageous’ to both Māori owners and European purchasers and lessees.<sup>107</sup>

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the Native Land Administration Act], 1887 (R25694090); Certificate from Chief Judge, 13 April 1887, AADS 18197 2 NLA 87/239 [From: Chief Judge, Native Land Court, Wellington Received: 13 April 1887 Subject: Certificate for Pukehou No.4H Section 8, William Henry Simcox and Francis Walter Rutherford], 1887 (R25694201); Certificate from Chief Judge, 14 April 1887, AADS 18197 2 NLA 87/259 [From: Chief Judge, Native Land Court, Wellington Received: 23 April 1887 Subject: Certificate for Pukehou No.4F Section 2, William Henry Simcox and Francis Walter Rutherford], 1887 (R25694220), Archives New Zealand, Wellington. Online records available; Walghan Partners,

<sup>105</sup> Judgement with respect to Pukehou 5A1 by Native Land Court under Native Land Administration Act 1886, 20 April 1887, AADS 18197 2 NLA 87/261 [From: Chief Judge, Native Land Court, Wellington Received: 23 April 1887 Subject: Certificate for Pukehou 5A No.1, to Wellington and Manawatu Railway Company Limited], 1887 (R25694222), Archives New Zealand, Wellington. Digital record available.

<sup>106</sup> Native Land Administration Act 1886 notice by purchaser under section 25(b), 20 April 1887, AADS 18197 2 NLA 87/261 [From: Chief Judge, Native Land Court, Wellington Received: 23 April 1887 Subject: Certificate for Pukehou 5A No.1, to Wellington and Manawatu Railway Company Limited], 1887 (R25694222), Archives New Zealand, Wellington. Digital record available.

<sup>107</sup> ‘Reports by Commissioners under the Native Land Administration Act, 1886’, AJHR, 1887, G8.

As noted above, the Act (sections 7-16) also provided for the creation of a committee of seven owners to deal with a block of land though owners could opt out of the committee process (section 16). Hemi Kuti (also known as James Cootes) advised the commissioner in January 1887 that he did not wish his land which included Pukehou 5K, Pukehou 5L, Whakarangirangi 1, 2, 3 and 4 and Makirikiri to come under the Act. It does not appear that the matter progressed further as the Commissioner could not find any applications with respect to the blocks.<sup>108</sup>

### **3.6 Private purchasing under the Native Land Court Act 1886 Amendment Act 1888 (section 4) (1888-1894)**

From 1888 until 1894, purchases of Māori land held under a memorial of ownership or certificate of title by private purchasers were to be lodged with a Native Land Court Registrar together with a deed endorsed by a Trust Commissioner's certificate. The Chief Judge was then required after 'due notice and by inquiry in open Court' to ascertain the 'bona fides of the transaction'. If found to be equitable and not to have contravened any existing legislations, the deed was to be forwarded to the Governor with a recommendation that a warrant for a land transfer certificate should be issued for the land in question.

#### ***Pukekaraka 1, 3 & 5, 1889-1891***

Three Pukekaraka blocks were purchased under this legislation. The Pukekaraka block is located on Convent Road and both the Tainui Marae and St Mary's Catholic Church are situated there. Anderson, Green and Chase record that in 1844, Father Jean Baptiste Comte was 'invited onto land at Pukekaraka by Tonihi and Ngati Kapumanawawhiti and Ngati Tukorehe whose territory extended north of Ōtaki to the forest lakes'. A church was built and a 'prosperous community' developed around the church. This included the building of a water mill that was situated not far from Rangiatea. In 1853, the Māori community at Pukekaraka were praised for their 'extensive cultivations and successful schooner trade with Wellington'. In 1878, the government's census recorded that 56 Māori lived at the Pukekaraka kainga.<sup>109</sup>

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<sup>108</sup> AADS 18197 1 NLA 87/27 [From: Hemi Kuti (James Cootes), Otaki Received: 25 January 1887 Subject: That Pukehou No.5K, 5L, Whakarangirangi No.1, No.2, No.3, No.4, Kapiti and Makirikiri be kept out of Native Land Administration Act], 1887 (R25694009), Online record available, Archives New Zealand, Wellington.

<sup>109</sup> Anderson, Green and Chase, (Wai 2200, #A201), pp. 31, 161; *Manawatu Herald*, 22 April 1879, p. 2.

Two of the sections were small and owned by one or two owners. Pukekaraka 1 comprising 3 acres 3 roods was awarded by the Native Land Court on 3 November 1879 to Tamati Tina and Karauria Te Tihi. On 11 February 1889, Karauria Te Tihi transferred his interests to Tamati Tina for £10. Three days later on 14 February 1889, Tamati Tina transferred all of Pukekaraka 1 to John Wilson for £30. Pukekaraka 3 comprising 1 acre 2 roods was also acquired by John Wilson. Pukekaraka 3 was awarded on 3 November 1879 to Tamati Tina and Mereopa Tina. Both owners transferred the land to John Wilson on 14 February 1889 to John Wilson for £70.<sup>110</sup> John Wilson did not appear to have been associated with the catholic church, was a carpenter and lived on Convent Road for the next thirty years.<sup>111</sup>

Some eight months later, Kirk, Atkinson solicitors of Wellington forwarded to the Registrar of the Native Land Court on 22 October 1889, the two deeds for Pukekaraka section 1 and section 3 together with certified copies for the purpose of having them enrolled on the memorial for hearing before the Chief Judge under section 4 of the 1888 Act (fees of 30/-were also forwarded).<sup>112</sup>

The Native Land Court was then advised by the Native Office in January 1890 that on the recommendation of the Chief Judge made under section 4 of the Native Land Court Act 1886 Amendment Act 1888, the Governor had directed that land transfer titles be issued to John Wilson of Ōtaki for the land known as Pukekaraka 1 and Pukekaraka 3. The deeds of conveyance were also forwarded to the Court.<sup>113</sup>

One of the largest partitions within the Pukekaraka block, Pukekaraka 5 comprising 19 acres 3 roods, was also purchased in 1890. At the investigation of title hearing into Pukekaraka 5 in 1881, the Court was told that there was a cemetery and a catholic church on this land. After the evidence was heard the Court stated that Te Raiti Tonihi, the daughter of Tonihi, was the owner of the block and that it would recommend that the land be vested in trustees for the benefit of

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<sup>110</sup> Correspondence and particulars of title, AEGV 19119 MLCW2218 26 Court Correspondence - Judge MacKay (Palmerston North) – Pukekaraka, no date (R18079273), Archives New Zealand, Wellington.

<sup>111</sup> *Otaki Mail*, 14 July 1924, p. 2.

<sup>112</sup> Kirk & Atkinson, Solicitors to Registrar, Native Land Court, 22 October 1889, AEGV 19119 MLCW2218 26 Court Correspondence - Judge MacKay (Palmerston North) – Pukekaraka, no date (R18079273), Archives New Zealand, Wellington; Kinsella, P., Mackle, I., Molloy, B.J., *Pukekaraka: celebrating the history of St Mary's Parish, Otaki, 1844-1994*, St Peter Chanel School. Otaki: the Parish, 1994, p. 3.

<sup>113</sup> Under Secretary, Native Department to Registrar, Native Land Court, Wellington, 2 January 1890, AEGV 19119 MLCW2218 26 Court Correspondence - Judge MacKay (Palmerston North) – Pukekaraka, no date (R18079273), Archives New Zealand, Wellington.

the Roman Catholic Mission and be made absolutely inalienable for any other purpose. The Court then ordered that Te Raiti Tonihi was the owner and that the land be inalienable except to the Catholic Mission.<sup>114</sup>

On 26 March 1890 a deed was signed transferring Pukekaraka 5 from Te Raiti Tonihi to the Right Reverend Francis Redwood and Hakaraia Rangikura ‘upon trust for the use and behoof [benefit] of the Roman Catholic Church in New Zealand’. It was certified by a Trust Commissioner on 28 April 1890. On 11 October 1890, Buckley, Stafford &, Treadwell, solicitors of Wellington, applied to the Chief Judge under section 4 of the Native Land Court Act 1886 Amendment Act 1888 as amended by section 19 of the Native Land Court Act 1886 Amendment Act 1889, with a view to obtaining a title under the Land Transfer Act for Pukekaraka 5. Judge Mackay held an inquiry in November 1890 but it was initially adjourned as he had difficulty reconciling the legislation with the desire to create a trust. He said that when he examined the transfer which said that the land was conveyed on trust, a question arose as to whether that class of deed came strictly within the section of the 1888 Act as the Land Transfer Act made no provision for protecting trusts. He said that the intention of the deed was that the persons named should hold the land as trustees only and that it was not contemplated that it would be transferred to anyone. He had also found a letter signed by eleven Māori and addressed to the Native Land Court asking the Court to appoint Teraiti Ronihi and Hakaria Rangikura in conjunction with Bishop Redwood as Trustees for Pukekaraka 5 ‘evidently showing that the intention was these persons should hold the land as Trustees only and that it was not contemplated possible at that time that it would be transferred to anyone’ (this letter has not been cited). He had also received a letter of 27 October 1890 signed by Piripi Te Rawarakia, one of the signatories to the other letter. Piripi Te Rawarakia asked that the Court adjourn the hearing so that he and others could be present as they objected to the transfer of the land made by Teraiti Tonihi [this letter is in reo Māori and is being translated]. Judge Mackay advised that he intended to refer the application to the Chief Judge for his opinion as to whether it could be dealt with under section 4 and asked the solicitors for their views of the subject.<sup>115</sup>

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<sup>114</sup> Otaki Minute Book 5, 16-17, 19 September 1881, pp. 30-54.

<sup>115</sup> Buckley, Stafford & Treadwell, solicitors, Wellington to Chief Judge, Native Land Court, Wellington 11 October 1890; Piripi te Rawaraki to Native Land Court, 27 October 1890 (in te reo Maori – to be translated); Judge Mackay, Greytown, to Messrs Buckley, Stafford & Treadwell, solicitors, Wellington, 7 November 1890; Judge Mackay to Chief Judge, Native Land Court, 14 November 1890, Pukekaraka No 4 & 5 correspondence file, O/362A, Whanganui Maori Land Court, Maori Land Court record: Document Bank Project, volume 22, pp. 173-196.

The solicitors responded that while recognising the difficulty Judge Mackay had in dealing with the matter under section 4, they did not think it was ‘insuperable’ (unsurmountable) as the Land Transfer Office would recognise a trust under section 122 of the Land Transfer Act. That is, if the trust referred to a public reserve, the trust would appear on the certificate. They had spoken to the Registrar (of the Land Transfer Office) who said that if he received a warrant to issue a certificate of title for this piece of land and the warrant was endorsed with the trust as per the Native Land Court order, that he would then issue a certificate of title.<sup>116</sup>

Judge Mackay appears to have agreed as on 14 November 1890, he advised the Chief Judge of the Native Land Court that as per section 19 of the Native Land Court Acts Amendment Act 1889, he had held an inquiry in open Court ‘in conformity’ with section 4 of the 1888 Act in respect to the deed signed on 26 March 1890 that conveyed Pukekaraka 5 from Te Raiti Tonihi to the Right Reverend Francis Redwood and Hakaraia Rangikuru ‘upon trust for the use and behoof [benefit] of the Roman Catholic Church in New Zealand’. He said that the transaction was ‘equitable and not in convention of any law in force at the time when the land deeds were executed’. He suggested that the Governor be recommended to direct that a warrant for a land transfer certified be awarded in favour of Francis Redwood, Roman Catholic Bishop of the Roman Catholic Diocese of Wellington and Hakaraia Rangikura of Ōtaki.<sup>117</sup>

The certificate of title for Pukekaraka 5 was issued on 3 March 1891 with the original registered owners listed as the Roman Catholic Archbishop of the Archdiocese of Wellington and Alexis Damian Hakaraia (Hakaraia Rangikura). It held the following restriction: ‘Inalienable and to be held in trust for the Roman Catholic Church in New Zealand as a burial ground and church site in perpetuity’. In 1966, a ‘transmission’ (presumably a transfer) of the land to the Roman Catholic Archbishop of the Archdiocese of Wellington was registered on the title. Details of this transaction have not been located.<sup>118</sup>

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<sup>116</sup> Buckley, Stafford & Treadwell, solicitors, Wellington to Judge Mackay, 14 November 1890, Pukekaraka No 4 & 5 correspondence file, O/362A, Whanganui Maori Land Court, Maori Land Court record: Document Bank Project, volume 22, pp. 173-196.

<sup>117</sup> Buckley, Stafford & Treadwell, solicitors, Wellington to Chief Judge, Native Land Court, Wellington 11 October 1890; Judge Mackay, Greytown, to Messrs Buckley, Stafford & Treadwell, solicitors, Wellington; Judge Mackay to Chief Judge, Native Land Court, 14 November 1890, Pukekaraka No 4 & 5 correspondence file, O/362A, Whanganui Maori Land Court, Maori Land Court record: Document Bank Project, volume 22, pp. 173-196.

<sup>118</sup> Pukekaraka 5 certificate of title, 1891. CTWN58/38, LINZ.

### *Ōtaki township sections 180, 188 and 189 (or Piritaha 5), 1891*

There were also further purchases made under the 1888 Act within the Ōtaki township. On 26 May 1892, the Chief Judge of the Native Land Court H Seth-Smith recommended that the Governor issue a land transfer certificate to reflect the purchase of sections 180, 188 and 189 of the Ōtaki township (also called Piritaha 5) comprising 2 roods 9 perches. A deed had been signed on 25 June 1891 between Joseph McLeary, described as a bushfeller of Ōtaki and Hannah Bevan, described as a ‘half-caste’ married to Thomas Bevan of Manakau (settler). As noted above, the permission of the Governor was required under section 4 of the Native Land Court Act 1886 Amendment Act 1888. The Chief Judge advised the Governor that a memorial of ownership for the land had been issued to Hannah Bevan on 8 November 1879 and that an enquiry had been held in open Court by Alexander Mackay, Judge of the Native Land Court assisted by an assessor. Judge Mackay reported that the transaction was ‘equitable and not in contravention of any law in force at the time when the said deed was executed’. No details of the price paid were provided.<sup>119</sup>

The advice was sent to the Governor via the Native Minister and title was then issued to Mr McLeary.<sup>120</sup>

In November 1911, Hannah Bevan took her husband Thomas Bevan to the Supreme Court to obtain a ‘decree of assignment over certain securities’. The Judge ordered that Thomas Bevan was to execute a declaration of trust stating that he held securities in his own name on behalf of Hannah Bevan and provide a list of all Hannah Bevan’s money received by him on her account and that an injunction be issued prohibiting Thomas Bevan from disposing any of the aforementioned securities without her consent.<sup>121</sup> Such a judgement suggests that much of the money that should have been paid to Hannah Bevan was taken by her husband and begs the question as to what extent Hannah Bevan and other Māori wives of Pākehā husbands were encouraged to sell their land by their Pākehā husbands.

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<sup>119</sup> Chief Judge Maori Land Court to Governor, 26 May 1892, ACIH 16036 849 MA 1 1892/1073 Received: 29th June 1892 - From: Governor, Wellington - Subject: Directs issue of Title to J A McLeary for Sections 180, 188 and 189, Piritaha [Includes: 92/963], 1892 (R22401896), Archives New Zealand, Wellington.

<sup>120</sup> Correspondence on Native Office cover sheet 1892/1073, ACIH 16036 849 MA 1 1892/1073 Received: 29th June 1892 - From: Governor, Wellington - Subject: Directs issue of Title to J A McLeary for Sections 180, 188 and 189, Piritaha [Includes: 92/963], 1892 (R22401896), Archives New Zealand, Wellington.

<sup>121</sup> *New Zealand Times*, 23 November 1911, p. 4.

### *Ōtaki township section 80, 1891*

Similarly, the purchase of Ōtaki township section 80 was confirmed under the Native Land Court Act 1886 Amendment Act 1888. A certificate of title for section 80, Ōtaki township comprising 34 perches was issued to Mere Rooti, who was described as being from the district and a 'halfcaste', on 11 June 1885 under the Native Land Court Act 1880. No details have been located as to whether Mere Rooti was also married to a Pākehā. No restrictions on alienation were registered on the title. A transfer or purchase is recorded on this certificate of title from Mere Rooti to Charlotte Eliza Bills, wife of Frederick William Bills for £35 dated 2 December 1891.<sup>122</sup>

On 30 March 1893, a Native Land Court official advised the Governor that an inquiry had been held in open Court by Judge Alexander Mackay and that it appeared from his report that the transaction was 'equitable and not in contravention of any law in force' at the time the transfer was executed. He therefore recommended that a warrant for a land transfer certificate be issued in respect to the land under section 4 of the 1888 Act.<sup>123</sup>

There was some discussion by Native Department officials about the purchase with a valuation of the land sought. No other examples of purchases where valuations were sought have been cited up until this time. It did not seem to matter that it had been requested as despite the valuation being £5 more than the purchase price (£40) there were no objections to the new title being issued by any of the officials and the Commissioner of Crown Lands was asked to prepare a title accordingly.<sup>124</sup>

### *Ōtaki township sections 85A & 85B, 1892-1910*

A purchase under the Act that was not as straightforward was of Ōtaki township sections 85A and 85B. It is an example of a purchase of land where title had been awarded in the absence of

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<sup>122</sup> Certificate of title, Section 80 Town of Otaki, 11 June 1885, ACIH 18593 MAW1369/84 Otaki District - Certificates of Title 305-356, no date (R11187946), Archives New Zealand, Wellington.

<sup>123</sup> Native Land Court, Otorohanga to Governor, 30 March 1893, ACGS 16211 J1 499d 1893/519 From: Chief Judge, Native Land Court, Wellington Date: 14 April 1893 Subject: Recommends issue of title for Section 80, Otaki, to C E Bills, 1893 (R24562872), Archives New Zealand, Wellington.

<sup>124</sup> Justice Department correspondence on cover sheet, 1893, ACGS 16211 J1 499d 1893/519 From: Chief Judge, Native Land Court, Wellington Date: 14 April 1893 Subject: Recommends issue of title for Section 80, Otaki, to C E Bills, 1893 (R24562872), Archives New Zealand, Wellington.

one of the owners who objected to the other owner's name being put on the title particularly as that other owner had gone on to sell his interests prompting a partition of the land.

Title to Ōtaki township section 85 was awarded on 2 February 1869 and a Crown grant issued in 1870 to Rangihoua Maihi Te Ngaru and Hape Te Horohau without restrictions on the alienation of the land. Hape Te Horohau gave evidence at this hearing that the land belonged to himself, Rangihoua Maihi Te Ngaru and Pahau Te Manuka who was his cousin but had died. He said that the land was allotted to them when the Ōtaki township was laid off and had not been disposed of to the government. Rangihoua Maihi Te Ngaru was not in attendance at the investigation of title hearing.<sup>125</sup>

In March 1892, the Native Land Court heard an application from Te Rangihoua Maihi Te Ngaru to partition section 85 Ōtaki township to reflect the purchase of part of the section by his co-owner, Hape Te Horohau. Hape Te Horohau was recorded in the Ōtaki Pa certificate of title as being of Ngāti Kopiri.

Henry George Webber gave evidence in Court at the partition hearing in March 1892 and stated that he had purchased the section several years before from Hape Te Horohau 'and another'. He said that the deed was held by Sir Walter Buller in Wellington and that he had paid Hape Te Horohau £10 which left a balance of £5. After Hape lost the money, he approached Webber for the balance. Webber then gave Hape a further £9 which meant that the section cost him £19. He said that while he understood that there were three owners (Hape, Pahau Te Manuka, and Maihi Te Rangihoua) he had paid all the money to Hape as Hape had told him he was the chief owner and would settle with the others.<sup>126</sup>

The applicant and co-owner Maihi Te Ngaru told the Court that when the town was first occupied the sections were apportioned by Ngāti Raukawa who allotted the sections to the several occupants. He said that section 85 was allocated to himself and his father who was also called Rangihoua Maihi Te Ngaru or Maihi Te Ngaru. He said his father lived on the land up to the year of the war at Waikato (after 1860) and that he had left sometime before that. Hape and Pahau Te Manuka, he said, had no 'take to the land' (hold over the land). He and his father

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<sup>125</sup> Otaki Minute Book 1G, 13 February 1869, pp. 146-147; Anderson, Green & Chase (Wai 2200 #A201), p. 828.

<sup>126</sup> Otaki Minute Book 19, 4 March 1892, pp. 238-241.

remained at Waikato up until the time of the Hauhau outbreak. Sometime after that, the Native Land Court was established and commenced work. He did not see any Panui relating to the intention of the Court to investigate ownership of section 85 as he was at Waikato at that time. He did not know that it had been investigated until Te Puke was appointed a Member of Parliament (presumably Te Puke Te Ao who was a member of parliament between 1884 and 1886 and also known as Hema Te Ao). A letter was sent to him at Waikato that found him at Cambridge. It referred to section 85 and mentioned the owners. In 1886, he went to Wellington to visit Te Puke at the Native Office and requested that Hape's share be struck out of the title as Maihi considered that he had no right to the land. He was then sent papers signed by a Mr Samuel stating that section 85 had been granted to Hape Te Horohau and Rangihoua Maihi Te Ngaru. He said that he did not know who authorised Hape to take the land before the Court and obtain a title for it and that Hape's statement that he owned section 85 in conjunction with him and Pahau Te Manuka was not correct. He said that Hape's kainga was at Te Rongoatai and he never occupied section 85. He said that after his father left for the Waikato, no one occupied the land individually, but that Ngāti Raukawa had their 'Runanga House' on part of it. He said that Hape's statement that section 85 was allocated to he, Pahau Te Manuka and Maihi Te Ngaru was not correct and that the sections were allotted by Ngāti Raukawa to separate individuals in most cases. He said that Ropata Te Ao was probably present when Hape took the land before the Court and may have opposed Hape's claim but he did not know for certain and that Te Puke was probably absent. It was not until he received a 'pukapuka' from the Native Department that he was advised about the award of title. He had also received a 'pukapuka' informing him that Hape had sold the land and that his share of the purchase money was £5. He asked instead to have the land subdivided because the section was granted to himself and Hape and he wanted their interests ascertained.<sup>127</sup>

The Court then presented a letter dated 18 March 1868 stating that Te Maihi Te Ngaru had consented to Hape Te Horohau and Te Pahau 'acting as custodians' of section 85 and authorising them to take the land to the Native Land Court and obtain a title in favour of Rangihoua Maihi Te Ngaru, Hape Te Horohau and Pahau Te Manuka. The letter was witnessed by G Swainson and 'bore the mark of Maihi Te Ngaru'. Maihi said he did not know anything of this arrangement and was 'disposed to discredit it. The Court 'pointed out that he could not question the arrangement and the best course to pursue would be to try and come to an amicable

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<sup>127</sup> Otaki Minute Book 19, 4 March 1892, pp. 238-241; Anderson, Green and Chase, pp. 615, 781.

settlement with Mr Webber who bought Hape's interest'. The Court minutes stated that this was agreed to.<sup>128</sup>

Later that day, Maihi Te Ngaru informed the Court that he had 'come to terms' with Webber about subdividing the section into two equal parts. It had been agreed, he said, that he would be awarded the southern portion and Hape Te Horohau, who had sold his interests to Mr Webber, the northern portion. The Court agreed to partition the land though each section was awarded separately to the Māori owners and not to Mr Webber: section 85A (16.5 roods) to Te Rangihoua Maihi Te Ngaru and section 85B (16.5 roods) to Hape te Horohau. Mr Webber, who was in Court, stated that although he had purchased Hape Te Horohau's interest, he did not object to the order being made in Hape's name as he was able to register his deed against the title.<sup>129</sup>

There is no reference to this transfer, however, on the certificate of title for section 85B with the Ikaroa Māori Land confirming a transfer between the successor of Hape Te Horohau (Hamiora Kaha) and Robert Jones Staveley of Ōtaki, a solicitor in August 1910 (the circumstances of this purchase are discussed more fully by Grant Young et al in their report though it is of note that Hamiora Kaha had been advanced money from Staveley to assist with the legal defence of his son who had 'got into difficulties' and the land was used as security.<sup>130</sup>

Mr Staveley also purchased section 85A around this time. In April 1909, title changes were registered on the certificate of title for section 85A which included the succession of Maihi Te Ngaru's interests to Te Rehuna Eruera Te Hauotu who had transferred his interests to Hakaraia te Whena who then transferred his interests also to solicitor Robert Jones Staveley. The land would therefore have become European or general land at this time.<sup>131</sup>

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<sup>128</sup> Otaki Minute Book 19, 4 March 1892, pp. 238-241.

<sup>129</sup> Otaki Minute Book 19, 4 March 1892, pp. 238-241, 244 & 8 March 1892, pp. 259-260. Webber died in 1940 and was described as a 'fine Maori linguist' *Gisborne Herald*, 9 July 1940, p. 5.

<sup>130</sup> WNPR5/210, provisional title historic view, section 85B, 1892- 1911, LINZ, Young et al, pp. 49-50; Ikaroa Maori Land Board minute book 2, 18 August 1910, pp. 89-90.

<sup>131</sup> WNPR5/78, provisional title historic view, section 85A, 1892-1909; WN190/103, historic certificate of title, Otaki 85A, LINZ, New Zealand.

### *Pahianui 1, 1892*

The Native Land Court also continued to partition out the interests purchased from single land-owners in communally owned blocks. The Pahianui 1 block located near Waerenga Road comprising 4 acres had been awarded by the Native Land Court to Hokipera Tuhu and Kawana Poria on 26 February 1868.<sup>132</sup>

In September 1892, a transfer dated 24 August 1892 from Herbert Pilcher to Richard Clement Kirk of Wellington that transferred Herbert Pilcher's interests in Pahianui 1 was produced at the Native Land Court. The Court ordered that a title be issued in favour of Richard Clement Kirk for the portion of Pahianui 1 comprising 2 acres more or less situated on the western side of the land allotted to Hokipera Tuhui by the Court on 24 August 1892.<sup>133</sup>

### *Pahianui 9, 1892-1902 (applications under section 4 of the 1888 Act)*

Land transactions during this period between Māori were also subject to similar legislative requirements as Pākehā which were becoming increasingly formulaic. One such purchase, which was between family members, was Pahianui 9 comprising 3 roods 13 perches. Several years later it was purchased by a Pākehā settler. It is also a purchase that claimants have asked to be investigated. Title was awarded to Hemi Warahi (James Howard Wallace who died on 1 March 1894) and Ria Piripa Rangiatāhua in October 1881 under the 1880 Act.<sup>134</sup>

In 1892, Taare Warahi (Charles Wallace) wrote to the Chief Judge of the Native Land Court asking for an inquiry to be made under section 4 of the Native Land Court Act 1886 Amendment Act 1888 and section 19 of the Native Land Court Act Amendment Act 1889 into the transfer to him of Pahianui 9 by Ria Manahi and Hemi Warahi so that a land transfer certificate could be issued. The transfer of the land dated 24 July 1889 was forwarded to the Court by the solicitors for Taare Warahi. It was established by officials that stamp duty was not payable when Māori were selling land to each other, and the application was set down for the next Ōtaki sitting. It appears that the deed was not to the satisfaction of the Court as a

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<sup>132</sup> Otaki Minute Book 20, 3 September 1892, p. 330; Walghan Partners, (Wai 200, #A212(b)), p. 174.

<sup>133</sup> Otaki Minute Book 20, 3 September 1892, p. 330.

<sup>134</sup> *New Zealand Times*, 2 March 1894, p. 2.

further request was made by solicitors Kirk & Atkinson for the application to be heard by the Chief Judge under section 4 in July 1893 with respect to the deed dated 28 July 1892.<sup>135</sup>

On 30 January 1894, the Court heard the application under section 4. Mr Atkinson appeared in support of the application. Nothing was said about the transaction. The Court directed that a report be made to the Chief Judge on production of the original transfer.<sup>136</sup>

In April 1894, Judge Mackay advised the Chief Judge that he had enquired under section 4 of the Native Land Court Act Amendment Act 1888 in respect of the deed transferring Pahianui 9 dated 24 July 1889 from Tiemi Warahi and Ria Manahi also known as Ria Piripi Rangiatahua to Taari Warahi. He reported that the transaction was 'equitable and not in contravention of any law in force at the time' when the deed was executed. He suggested that the Governor be recommended to direct that a warrant for a land transfer certificate be issued in favour of Taari Warahi, who was described as a 'half caste'. The Chief Judge then advised the Governor that an inquiry had been held by a Judge of the Native Land Court and from his report it appeared that the transaction was equitable and 'not in contravention of any law in force at the time when the said deed was executed'. He then recommended that a warrant for land transfer certificate be issued for Pahianui 9.<sup>137</sup>

Several years later, in January 1902, the Native Land Court heard an application to confer the transfer of Pahianui 9 under section 55 of the 1894 Act. The transfer of the land was from Taare Warahi to George McBeath for £125. Taare Warahi had been advanced £9 with £100 to be paid to the balance which was to be used to pay Dr Power £2, NJ Levien part payment £10 and Kirk and Wilson £4. This suggests that Taare Warahi was in need of funds to pay his debts.<sup>138</sup>

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<sup>135</sup> Taare Warahi to Chief Judge of the Native Land Court, 8 July 1892; Bell, Gully & Izard to Registrar, Native Land Court, 29 June 1892; Notes between officials, 30 June 1892; Kirk & Atkinson, Solicitors, Wellington to Registrar, Native Land Court, Wellington, AEGV 19119 MLCW2218 26 Court Correspondence - Judge MacKay (Palmerston North) – Pahianui, no date (R18079274), Archives New Zealand, Wellington.

<sup>136</sup> Wellington Minute Book 4, 30 January 1894, p. 266.

<sup>137</sup> A Mackay, Judge Native Land Court to Chief Judge Native Land Court, 28 April 1894; Chief Judge of the Native Land Court to Governor, 4 May 1894, AEGV 19119 MLCW2218 26 Court Correspondence - Judge MacKay (Palmerston North) – Pahianui, no date (R18079274), Archives New Zealand, Wellington.

<sup>138</sup> Otaki Minute Book 37, 14 January 1902, p. 343.

### *Ōtaki township sections 53, 54, and 55, 1893*

Debt was also a factor in the sale of Ōtaki township section 53, 54 and 55 in 1893. It was also another example of where alienation restrictions were removed which required a report from the Native Land Court. It was usually in these restriction removal hearings that an assessment was made as to whether the Court considered whether the vendors had sufficient other land for their report. However, these reports tended to be formulaic much like many of the preceding confirmations made by the Court.

In August 1892, Mere Hakaraia Kiharoa (also known as Mere Hori Te Maru) applied for the removal of restrictions on alienation in respect to the three sections under section 6 of the Native Land Court Act 1886 Amendment Act 1888 and section 17 of the Native Land Acts Amendment Act 1889. She had been awarded a Crown grant for Ōtaki township sections 53, 54 and 55 Ōtaki comprising 3 roods 11 perches in December 1868. A restriction on the alienation of the land was registered on the title. This meant that the land was ‘inalienable by sale lease or by mortgage for a longer period than 21 years without the consent of the Governor’. The application was heard by the Native Land Court on 13 March 1893 at Wellington before Judge Mackay and assessor Tamati Tautuhi. After the hearing, Judge Mackay reported to the Governor that the Court was satisfied that apart from the land in question, that the owner had ‘other land or shares in other land ... belonging to her in her own right and sufficient for her maintenance and occupation’. The Governor was also ‘respectively advised’ to sign the order in council removing the restrictions on alienation. This was duly done and the order in council signed on 23 May 1893. No details concerning why the owner required the removal of the restriction or the other land she owned was noted in the correspondence or recommendation to the governor.<sup>139</sup>

On 20 September 1894, what was described as a ‘Trust Commissioners Court’ was held before Judge A Mackay. A Mr Atkinson, solicitor was in attendance in respect to several deeds

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<sup>139</sup> ABWN 8910 11 1547 Certificate of Title - LOT NOS 53, 54 AND 55 OTAKI TOWN in the District of Otaki in the Province of Wellington Owner/Owners: Mere Hakaraia Kiharoa, Bounded by Te Rauparaha Street, Lots 56, 63, 62, 61, 1868 (R25286065); Application for removal of restrictions by Mere Hakaraia, 17 August 1892; Native Land Court order, 16 March 1893; Native Office Cover Sheet (NO 92/1471), 1892-1893; Report of Judge Mackay, 13 March 1893; Recommendation to Governor, 17 May 1893, Order in Council, 23 May 1893, ACGS 16211 J1 501aa 1893/760 [From: Governor Date: 17 May 1893 Subject: Removing restrictions on Lots 53. 54 and 55, Town of Hadfield], Enclosed NO 1892/1471 1893 (R24563123), Archives New Zealand, Wellington; *Otaki Mail*, 12 July 1929, p. 2.

previously submitted for certificate (approval from the trust commissioner). He said he was providing further information on them. The first deed was in respect to Ōtaki township sections 53, 54 and 55. Mr Atkinson said that the vendor had sold the sections for £375 to pay the debts of her husband (Hori Te Maru) who in turn had transferred a parcel of land on which their house stood to his wife for £300. The residue of the amount had been spent by Mere Kiharua buying some horses from her husband. A statement of expenditure and receipts was provided with the deed to the Court. This was considered insufficient as the application was then adjourned for the production of additional receipts for ‘certain items’. However, the Judge stated that the deed would be certified if all matters connected with it ‘proved satisfactory’.<sup>140</sup>

The certificate of title for sections 53, 54 and 55 issued on 9 June 1897 recorded that Herbert Freeman, coachbuilder of Ōtaki and Frederick William Bills, storekeeper of Ōtaki were the new owners. Part of the area was then purchased by Charlotte Eliza Bills (wife of Frederick Bills) and the other part purchased solely by Herbert Freeman.<sup>141</sup>

### ***Kiharua 1, 1892-1894***

Another section where restrictions on alienation had been registered on the title but was later purchased was Kiharua 1. It was also an example of a purchase where owners considered the land to be of no use to them. Title to Kiharua 1 comprising 2 acres 3 roods 4 perches located just north of the ‘old course’ of the Ōtaki River was investigated on 2 July 1867 by the Native Land Court and Crown granted on 17 February 1868 to Kiharua Mahauriki ‘his heirs and assigns for ever upon trust for the benefit of Mere Hakaraia Tuatete, Hakaraia Tuatete and Winia (or Inia) Te Tuatete provided that the said land hereby granted shall be inalienable by sale or mortgage or by lease for a longer period than twenty one years except with the consent of the Governor being previously obtained to every such sale, lease or mortgage’.<sup>142</sup>

In August 1891, Inia Hoani and others (the children of Kiharua Mahaurariki though they are not named) applied for the removal of the restrictions from Kiharua 1. The application was

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<sup>140</sup> Otaki Minute Book 24, 20 September 1894, pp. 64-65.

<sup>141</sup> Certificate of title for Otaki township sections 53, 54 and 55, 1897, CTWN87/137, LINZ.

<sup>142</sup> Certificate of Title and Order under Native Lands Act 1865, 2 July 1867, ABWN 8910 11 1542 Certificate of Title - KIHARUA NO 1 at Otaki in the District of Otaki in the Province of Wellington Owner/Owners: Kiharua Mahaurariki, Bounded by Kiharua No 4, Otaki River, Native lands, 1867 (R25286059), Archives New Zealand, Wellington.

referred to the Native Land Court to investigate. In March 1892, the Court heard the application. Mr Atkinson appeared for the applicants and informed the Court that Kiharoa 1 was held under Crown Grant issued in favour of Kiharoa Mahauariki in trust for his three children (the applicants). He told the Court that the grantee was dead and all the applicants were 'of age' meaning that they were over the age of 21. He said that the block only contained 2 acres 3 roods 7 perches and they wanted to sell it as it was of 'no use' to them. Inia Hoani was examined by the Court regarding the lands owned by him and others. He told the Court that the applicants owned a share with 19 others in Muhunua 1 comprising 975 acres; shares with 50 others in Taumanuka 2 comprising 52 acres 2 roods and the Turangarahui block comprising two acres (though according to Walghan Partners, this was purchased in 1885). He repeated that the land at Kiharoa was of no use to them and they were 'in no way dependant on it'. Hoani Taipua was also in Court and he stated that he considered the applicants had plenty of land independent of the section at Kiharoa. Here Hori also had an interest in land at Himitangi and they were also entitled to a large share in Muhunua 1. The Court ordered that a report be made to the Governor.<sup>143</sup>

The report to the Governor stated that an investigation had been made in open Court in March 1892 and that the Court was satisfied that, apart from the land being purchased, the owners had sufficient land for their 'maintenance and occupation'. The Governor signed the order in council and the removal of the restrictions gazetted.<sup>144</sup> By 1894, Kiharoa 1 was purchased by JH Martin.<sup>145</sup>

Just prior to the change in legislation which restricted the purchase of Māori land to the Crown only (but with some exceptions), nine deeds were submitted 'for certificate' (or approval) by the Trust Commissioner from the Ōtaki sub-district. Included among the transfers approved on 23 August 1894 were Kiharoa 2 section 2 (Aputa Ihakara to Frederick Bright (and discussed further below)); Kaingaraki 1B (Kiria Wirihana to Frederick Bright), Awahohonu 3 section 1

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<sup>143</sup> Application by Inia Hoani, August 1891, ACIH 16036 849 MA 1 1892/1074 Received: 29th June 1892 - From: Governor, Wellington - Subject: Signs Order in Council removing restrictions on Kiharoa No.1 Block [Includes: 92/741, 91/1974, 91/1898, 91/1756], 1891-1892 (R22401897), Archives New Zealand, Wellington; Otaki Minute Book 19, 26 March 1892, pp. 362-363; Walghan Partners (Wai 2200, #A212(b)), pp. 383-385.

<sup>144</sup> Judge Macaky to Governor, 26 March 1892; Native Office cover sheet, 29 June 1893, ACIH 16036 849 MA 1 1892/1074 Received: 29th June 1892 - From: Governor, Wellington - Subject: Signs Order in Council removing restrictions on Kiharoa No.1 Block [Includes: 92/741, 91/1974, 91/1898, 91/1756], 1891-1892 (R22401897), Archives New Zealand, Wellington.

<sup>145</sup> Walghan Partners, (Wai 2200, #A212(a)), p. 244.

(Mohi and Huhana Wharewhiti to E.J Atkinson), Taumanuka 5 (Piwiki Hape and others to Hakaraia te Whena), Hanganoaiho 1 (Kaurangi Maehe to A Knocks), Pukehou 5L (Hemi Kuti to Reverend J McMillan), Taumanuka 4A & 5 (Hakaraia te Whena to E.J Atkinson), Haruatai 5B (Pene Te Hapupu to Thomas Smith), and Pukehou 4G8 (Ani Kanara to M.H Simcox). Also approved was a mortgage over Ōtaki township sections 81, 81A, 130 and 132 and Makuratawhiti 1A (the mortgage was from Mere Ruiha Hakaraia to the Empire Loan and Discount Co). Little was recorded in the minutes apart from who the transfer was between and that the transfer was to be certified or approved by the Trust Commissioner. The mass approval and lack of information appears indicative of a system whose main concern was that the correct process had been followed. Certainly, there was no assessment of any accumulative effect on Māori of so many transfers.<sup>146</sup>

### **3.7 ‘Crown pre-emption’: private purchasing under the Native Land Court Act 1894 of land without restrictions on title, 1894-1902**

As noted above, Crown pre-emption was reinstated in 1894 under section 117 of the Native Land Court Act 1894 though the legislation had significant exemptions. Although private purchasing was theoretically prohibited, under section 121 nothing in the Act could render invalid any power of sale by mortgage, judgement or charging order ‘or prevent the completion of any existing contract for the sale, lease or purchase of land’. In addition, under section 118, any person who claimed to have purchased or leased the share or interest of any subdivision of land according to the law prior to the passing of the Act (23 October 1894), could within six months from that date, notify the Commissioner of Crown Lands and Chief Judge of the purchase. The Chief Judge was then required to inquire into the purchase and as with previous legislation, be satisfied that it was *bona fide* and that the purchaser had in fact negotiated for the purchase of the land. If satisfied, the Chief Judge was to issue a certificate to that effect and the purchaser was entitled to purchase further shares in the block provided it was within twelve months of the date of the certificate. The purchase then had to be confirmed under section 53 of the Act.

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<sup>146</sup> Otaki Minute Book 23, 7 August 1893, pp. 122-123; 23 August 1894, p. 222; Anderson, Green & Chase, p. 826.

Section 53 stated that the Court could confirm an alienation provided it was not: prohibited by law, 'contrary to equity and good conscience' or in contravention of any restriction on alienation, made in consideration or promise of the supply of alcohol, weapons or 'munitions of war'. Further that title had been ascertained, that the consideration (payment) had been paid, that the deed signed by each person alienating the land was endorsed with a plan and a statement in the Māori language certified by a licensed interpreter and that the signature of each owner was attested by the Commissioner of Crown Lands, the Native Lands Administration Officer, a Justice of the Peace, a Postmaster or a solicitor of the Supreme Court. The Judge was also to determine that apart from the land alienated, each person alienating land, 'other than a half-cast' had 'sufficient land for their support'. The Judge had to ensure that 'half caste's' (which also included descendants of those Māori with one Māori parent) had 'sufficient means of support derivable from land or otherwise'.

A further amendment under section 4 of the Native Land Laws Amendment Act 1895 provided that the Governor could make an exception on the advice and consent of the executive council, from the operation of section 117 of the Native Land Court Act 1894 so that leased land could be purchased by the lessee. This also included those who had been 'bona fide in occupation of and has made improvements on such land or had paid money to owners for lease or purchase prior to the passing of the Act'. All such alienations had to be confirmed by the Court in terms of section 53. Section 5 specified that no alienation could be confirmed by the Court in favour of a person who held more than a certain acreage. This was specified in the Land Act 1892: 640 acres of first-class land; or 2000 acres of second-class land; or five thousand acres of third-class land.

In practice this meant that purchasing in Ōtaki was not curtailed but stayed at a similar level to the preceding years of the 1890s. For instance, on a single day several months after the Act was introduced on 17 December 1894, the Court confirmed six deeds relating to land in the three areas of study (as well as others in the wider inquiry district and outside the inquiry district). These were likely those that had already been negotiated prior to the enactment of the 1894 Act though this was not spelt out. These included the lease of Awahohonu A3 section 4B from Hakaraia Te Whena to John William Swainson (the minutes recorded that the inquiry was satisfactory); the transfer of Pukehou 4G2 from Mere Te Wano to George Bevan (again the minutes recorded that the inquiry was satisfactory); the transfer of Awahohonu A3 section 4 from Hira Maehe to John William Swainson ('inquiry satisfactory'); the transfer of Ōtaki

township section 107B from Mitarihana Kupiha (sp) to Charles Henry Williams (the minutes recorded the deed as satisfactory but it was only to be confirmed after Raimari Matiu has notified her agreement); the transfer of Ōtaki township section 107A from Anihaera Reweti to Charles Henry Williams (the inquiry was again ‘satisfactory’); and the lease of Pukehou 4G3 (as owners had other land including at Pukehou 4F ordered that restrictions be varied and leased only for a period of 21 years). Several applications were also adjourned including the mortgage of Piritaha 1 (Ropata Ranapiri to Messrs Laery and Company Limited (adjourned as a participant was not satisfied as to the terms of mortgage); the transfer of Takapu 1 section 7 from Pariaha Menehira and another to John David (Menehira Ngarepo gave evidence as to payment of purchase money and that he owned plenty of other land. The deed was to be confirmed if evidence about Eru Te Hanga was satisfactory); Awahohonu A3 section 3A and part 3B (the deed was to be certified when the purchase money had been paid minus share to Public Trustee and Hame Ropata to himself).<sup>147</sup> While the Court ensured the purchase process had been undertaken ‘satisfactorily’ as it was required to do under the legislation there was little to suggest that it was doing anything more than making sure the legal requirements were met in order to ensure that the land concerned was sold, leased or mortgaged.

***Kiharoa 2, (Ōtaki sections 39, 40, 41, 42, 47 & 48), and Ōtaki township section 45A (sections 37, 38, 45 and 46 (also called Kiharoa 1)) 1894-1895***

Following the passing of the 1894 Act the Court confirmed deeds even when it was not entirely clear that there was an existing contract for purchase as was required under the Act.

The purchase of ten sections in the Ōtaki township by Frederick Bright between 1894 and 1902 occurred both before and after the change of legislation in 1894. Frederick Bright was able to use the exceptions in the 1894 Act to his advantage even though the intention of the Act was to restrict the purchase of Māori land.

The township sections that Frederick Bright wished to purchase were Kiharoa 2 and Ōtaki township section 45A. The blocks were contiguous to each other on Matene Street and both had been partitioned into six sections in 1894 which facilitated the purchase of individual sections piece by piece.

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<sup>147</sup> Ōtaki Minute Book 25, 17 December 1894, pp. 103-117.

Kiharoa 2 comprised Ōtaki township sections 39, 40, 41, 42, 47 and 48. Title to the L shaped Kiharoa 2 block of 1 acre 2 roods 14 perches was investigated by the Native Land Court on 13 July 1867 and awarded to Kiharoa Mahauariki, Pineaha Mahauariki, Hakopa Mahauariki, Otarete Mahauariki and Hiria Taipua. Pineaha and Hakopa Mahauariki are recorded as being of Ngāti Turanga and Hiria (Hoani) Taipua as being of Ngāti Pare in the Ōtaki Pa certificate of title. Unlike some of the other township sections investigated at this time, no restriction on alienation was placed on the title.<sup>148</sup>

In August 1894, Kiharoa 2 was partitioned into six sections comprising a little over one rood (¼ acre) each. Alfred Knocks, who was Māori, an interpreter and the son of interpreter John Anthony Knocks, appeared in Court on behalf of the applicant Aputa Ihakara. He informed the Court that the parties had consented to a scheme of subdivision. The Court ordered that a title be issued for sections 1 to 6 as follows:<sup>149</sup>

### ***Kiharoa 2***

- Section 1: Te Otene Wirihana and Aputa Ihakara (1 rood 2 perches)
- Section 2: Eparaima Te Mahauariki (1 rood 2 perches)
- Section 3: Pineaha Te Mahauariki (1 rood 2 perches)
- Section 4: Hakopa Mahauaraiki's successors (1 rood 4 perches)
- Section 5: Pitiera Taipua and Wiremu Hotene Taipua (1 rood 2 perches)
- Section 6: Renata Te Whairiri and Papi Nikora (1 rood 2 perches)<sup>150</sup>

The other land Frederick Bright was interested in was Ōtaki township section 45A. Title to Ōtaki township section 45A, which was made up of Ōtaki township sections 37, 38, 45 and 46 was investigated by the Native Land Court on 2 February 1869 and awarded to Kiharoa Mahauaraiki. It also had no restrictions on the title. The certificate of title was issued on 12

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<sup>148</sup> Certificate of title for Kiharoa 2, ABWN 8910 11 1543a Certificate of Title - KIHAROA NO 2 at Otaki in the District of Otaki in the Province of Wellington Owner/Owners: Kiharoa Mahauariki, Pineaha Mahauariki, Hakopa Mahauariki, Hiria Taipua and Atarete Mahauariki, Bounded by the Road from Wellington to Manawatu, Native land. 1867 (R25286061), Archives New Zealand, Wellington; Anderson, Green & Chase, p. 826.

<sup>149</sup> Otaki Minute Book 23, 7 August 1893, pp. 122-123; 23 August 1894, p. 222; Anderson, Green & Chase, p. 826; *Evening Post*, 10 August 1925, p. 8.

<sup>150</sup> Otaki Minute Book 26, 5 May 1895, pp. 97-98; Area of sections from Otaki Minute Book 23, 7 August 1894, p. 123.

February 1869. Ōtaki township section 45A (3 acres 3 roods 27 perches) was sometimes, in Native Land Court records, called Kiharoa 1. However, section 45A was located in a different place to the Kiharoa 1 discussed in the previous section (which was located on the river) and located right next to Kiharoa 2. For clarity it is referred to section 45A here. As with Kiharoa 2, Ōtaki township section 45A was partitioned into six parts in August 1894. These sections were all about ½ an acre in size. The applicant was also Aputa Ihakara. Also present at the partition hearing were Pitiera Taipua, Eparaima Mahauariki and Pape Nikora. Mr Knocks informed the Court that the parties had agreed to subdivide but could not decide on the selections. As a result, they drew lots for each of the sections as follows:<sup>151</sup>

### *Section 45A*

- Section 1: Aputa Ihakara (2 roods 24 perches)
- Section 2: Pineaha Mahauariki (2 roods 24 perches)
- Section 3: Hakopa's successors (5) (2 roods 24 perches)
- Section 4: Wairiwi Nikora & Papi Nikora (2 roods 24 perches)
- Section 5: Eparaima Mahauariki (2 roods 24 perches)
- Section 6: Wiremu Hotene Taipua & Toharoa(sp?) Parata (2 roods 27 perches)

Shortly following the partitioning of Kiharoa 2 in August 1894 and just prior to the enactment of the 1894 Act, the transfer of Kiharoa 2 part (section 1) by Frederick Bright from Aputa Ihakara and another was certified by the Trust Commissioner. This was on the same day (23 August 1894) that a number of other deeds were submitted 'for certificate' (or approval) at the same time (and discussed above). A certificate of title reflecting the purchase was not, however, issued until 1902.<sup>152</sup>

Eight or so months later, on 1 May 1895, when the new legislation had replaced trust commissioner certification with Native Land Court confirmation and largely curtailed private purchasing unless there was evidence that transactions had begun prior to the passing of the Act, the Native Land Court heard an application to confirm the purchase of Ōtaki section 45A

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<sup>151</sup> Otaki Minute Book 23, 7 August 1894, pp. 117-119; Otaki Minute Book 26, 5 May 1895, pp. 97-98.

<sup>152</sup> Otaki Minute Book 23, 7 August 1893, pp. 122-123; 23 August 1894, p. 222; Anderson, Green & Chase, p. 826.

section 5 from Eparaima Mahuariki to Frederick Bright. A Mr Ward was examined by the Court. He said that a deed had been executed by Eparaima Mahuariki in favour of Mr Bright for the land and the deed was in his possession. He would forward it on his return to Ōtaki. He did not know the amount of the purchase money but Mr Cook (Samuel Cook a licensed interpreter) would know as he negotiated the transaction.<sup>153</sup>

Heard on the same day was an application for the confirmation of the transfer of Kiharoa 2 section 2 which was also between Eparaima Mahuariki and Frederick Bright. Mr Ward gave similar evidence regarding the deed which he said would be forwarded to the Court on his return to Ōtaki.<sup>154</sup>

Eparaima Te Mahuariki told the Court that he had sold her interest in section 45A section 5 to Frederick Bright for £30 though £5 remained to be paid. He consented to the deed being confirmed. He said he had other land comprising 50 acres at Himatangi, three acres at Te Rahui, 4 acres at Shannon bought from the Manawatu Company and 36 acres at Tuwakatupua. Similarly, he stated that he had sold his interest in Kiharoa 2 section 2 to Frederick Bright for £20 but £5 of the purchase money remained unpaid. He also consented to both deeds being confirmed on balance of the purchase money being paid. The Court stated that it would confirm both deeds on the balance of the money being paid and that Mr Bright was to lodge the amount in Court.<sup>155</sup>

An application was also heard in respect to the confirmation of the transfer of Ōtaki section 45A section 4 from Papi Nikora to Frederick Bright. The Court asked Mr Ward about the deed who stated that it was in the Stamp Office and could be obtained and forwarded to the Court. Mr Bright informed the Court that all the purchase money had been paid both for this parcel and the one adjacent owned by Papi Nikora (Kiharoa 2 section 6) though he was unable to state the exact amount. The Court decided to postpone the application until 4 May to enable the vendor to come before the Court and the deed to be produced.<sup>156</sup>

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<sup>153</sup> Otaki Minute Book 26, 1 May 1895, pp. 45-46; *New Zealand Mail*, 18 January 1895, p. 16.

<sup>154</sup> Otaki Minute Book 26, 1 May 1895, p. 46.

<sup>155</sup> Otaki Minute Book 26, 1 May 1895, p. 46.

<sup>156</sup> Otaki Minute Book 26, 1 May 1895, p. 46.

Also on the same day, a confirmation of purchase application was heard in respect to another purchase by Mr Bright of Pahianui 10B comprising 1 rood 15 perches located just south of the township from Hori Te Mataku. Hori Te Mataku said that he had sold the land to Mr Bright for £20 which he had received and was ‘satisfied with the transaction’. He said he had shares in various large blocks which were listed. On his request, the deed was confirmed by the Court.<sup>157</sup>

Several days later, the purchases of various Kiharoa 2 and Ōtaki section 45A sections were again discussed in Court. Papi Nikora, the owner of Kiharoa 2 section 6 and Ōtaki 45A section 4 comprising 2 roods 24 perches, told the Court that he had sold his interests in this section and section 6 to Mr Bright. He believed that all the money had been paid for both sections. The amount paid was £20.5.0 in two instalments. He agreed to sell his interest in the sections at the rate of £40 per acre. He said that Whairiri Nikora had also sold his interest in both sections (Whairi owned the same land). Papki Nikora said that he owned other land including 15 ½ acres at Tuwakatupua, ½ an acre at Te Roto, 25 acres in the Owhaoko block (Taihape) and a share in Rerengaohau (described as ‘sandy land’.)<sup>158</sup>

Samuel Cook (the interpreter who had negotiated the purchase) was in Court and was cross examined. He told the Court that he was under the impression from what Papi Nikora told him that all the purchase money for section 4 had been paid but he had ‘no personal knowledge of them after’. The Court ordered that the deed be confirmed when the Court was satisfied that all the purchase money be paid.<sup>159</sup>

The Court then heard an application under section 118 of the 1894 Act from Frederick Bright. Section 118 provided for ‘*bona fide*’ transactions to be completed under certain restrictions which included that the person had been in negotiation for a purchase prior to the passing of the Act and should notify the Chief Judge or Commissioner of Crown Lands within six months of the passing of the Act (six months after 23 October 1894 was 23 April 1894). Mr Bright provided the Court a list of all the owners of Kiharoa 2 sections 1 to 6 though it is not clear from the minutes which sections the applications were in respect to though it was likely to have been those where deeds had not been signed.<sup>160</sup>

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<sup>157</sup> Otaki Minute Book 26, 1 May 1895, pp. 46-48.

<sup>158</sup> Otaki Minute Book 26, 4 May 1895, pp. 96-97.

<sup>159</sup> Otaki Minute Book 26, 4 May 1895, p. 97.

<sup>160</sup> Otaki Minute Book 26, 4 May 1895, p. 97.

Eparaima Te Mahauariki told the Court that the owners of Kiharoa 2 section 1 had sold their land to Mr Bright (this had been confirmed by the Trust Commissioner in 1894) and that she had sold her interest in section 2 to Mr Bright. As well, Pineaha Mahauariki, the owner of section 3 had agreed to sell but the 1894 Act had prevented the completion of the purchase. She said that the owners of section 4 were in Taupo and she had no knowledge of their having negotiated the sale of their interests 'nor yet whether the owners of section 5 have done so'. Papi Nikora told the Court that he had sold his interest in section 6 but Renata, his co-owner of section 6 had not sold his portion. The Court adjourned the application for further information and the production of the deeds by Mr Ward.<sup>161</sup>

Another application was made by Frederick Bright on the same day under section 118 of the 1894 Act in respect to Ōtaki township section 45A. As with the Kiharoa 2 application, Mr Bright also provided a list of owners of the six sections of Ōtaki township section 45A.<sup>162</sup>

When discussing Mr Brights application under section 118, Eparaima Te Mahauariki gave the Court similar information as she had done in respect to the Kiharoa 2. She said that the owner of Kiharoa 2 section 1 (Aputa Ihakara) had sold her interest to Frederick Bright. She stated that the owner of section 2 (Pineaha Mahauariki) had agreed to sell his interests but negotiations were interrupted due to the 1894 Act. She said that the present owners of section 3 lived at Taupo and that she had not heard of there being any purchase negotiations with them. She confirmed that she had sold her interest in section 5 to Frederick Bright. Both of the owners of section 6 were minors. Mr H Taipua wished to sell his interest but she was unable to say whether his trustee Pitiera Taipua had agreed to this. She said that Hira Parata had told her that he would sell Tohuroa's share. Papi Nikora also gave evidence stating that he had sold his interest in section 5 to Frederick Bright but Wawiri had not agreed to do so as far as he was aware. The Court again adjourned the application for further information as to the negotiations with the owners of sections 3 and 6 and also for the production of the deeds by Mr Ward.<sup>163</sup>

On 25 September 1895, an application under section 118 was heard in respect to Kiharoa 2 sections. It is clear from the evidence given by Knocks to the Court, that Bright was seeking to purchase the other sections and not just confirm the purchases negotiated prior to the 1894 Act.

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<sup>161</sup> Otaki Minute Book 26, 5 May 1895, pp. 97-98.

<sup>162</sup> Otaki Minute Book 23, 7 August 1894, pp. 117-119; Otaki Minute Book 26, 5 May 1895, pp. 97-98.

<sup>163</sup> Otaki Minute Book 26, 5 May 1895, pp. 97-98.

Knocks said he wrote to Pineaha Mahuaraiiki about the sale of his interest in Kiharoa 2 section 3 and he consented to sell. He said he also wrote to Pineaha about the interests of Hakopa's successors (Kiharoa 2 section 4) under the assumption that he was the duly appointed trustee.

Knocks also stated that Pitiera Taipua agreed to sell but wanted an 'exorbitant price' and consequently he did not purchase his share (half of section 5). With respect to Wiremu Hotene Taipua's interest in the same section, he was under the impression Pitiera Taipua spoke on behalf of his brother. He said that Renata Whairiri (half owner of section 6) agreed to sell but also wanted an 'excessive price'. Papi Nikora, his co-owner, had sold his interest and executed a deed in favour of Mr Bright. He did, however, have a letter from one of Hakopa's successors offering to sell section 4 and could produce the letter. Despite the sections being distinct partitions where purchasing does not appear to have commenced or where owners did not know of the proposed purchase or said that they did not wish to sell for the price offered, the Court then ordered that a certificate be issued. This gave Frederick Bright the right to purchase the remaining partitions and meant that he was able to continue to try to purchase separate but contiguous partitions even though the 1894 Act was meant to preclude private purchasing.<sup>164</sup>

An application under section 118 in respect of Ōtaki 45A sections was also heard. The Court firstly considered the transfer from Pitiera Taipua dated 13 October 1894 (which conveniently was dated just before the 1894 Act was enacted). This transferred Ōtaki section 45A section 6 from Pitiera Taipua to Frederick Bright. While a Mr Atkinson represented the applicant, Alfred Knocks gave evidence that he negotiated the purchase of the owners interests in the section but that the transfers and the deeds had 'gone astray'. He said that Aputa Tukumarū had sold her interest and the deed had been certified by the Court. He told the Court that he had written to Pineaha Mahuaraiiki about his own interest in the land and also regarding Hakopa's successors. He had received a reply from Piheaha to the effect that he would sell at same rate. He also stated that he would dispose of the interest of Hakopa's successors at the same time he sold his own. He couldn't remember the exact date but it was in August 1894 and he could produce the letter written on the subject. He also said that Papi Nikora sold his interest and executed a deed, that Whairiri Nikora who lived at Waipawa said he was willing to sell but wanted a higher price than had been paid to the others and this delayed the completion of matters. He noted that Eparaima Mahuaraiiki had sold his share. Hira Parata spoke to him about the sale of Tohuroa

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<sup>164</sup> Ōtaki Minute Book 29, 25 September 1895, pp. 21-22.

Parata's share from after the subdivisions was made. He too wanted a higher price than was paid the others but as he had no authority to give a higher price he did not complete the transaction. The Court ordered that a certificate be issued in favour of Frederick Bright to purchase the remaining shares. Therefore just as with Kiharoa 2, the six partitions of Ōtaki township section 45A were treated as a single block and not the partitions with single titles that had been ordered by the Court a year or so before.<sup>165</sup>

While further details of the purchases are still to be examined, the outcome of the Court's decision to allow Frederick Bright to continue his desire to own multiple sections in the Ōtaki township was the purchase of three sections of Kiharoa 2 and the purchase of three sections of Ōtaki 45A in the 1890s. The price paid appeared to be around £20 for the ¼ acre sections and £30 for the ½ acre sections. All six purchases were registered on the relevant certificate of title in either 1902 or 1903 and the land transferred to either Frederick Bright (who died in 1900) or his wife Mary Ann Bright. Four other purchases (two each in Kiharoa 2 and section 45A) were negotiated in the early 1900s. The two remaining sections were not purchased until 1913. These were the sections owned by Hakopa Mahuariki's successors. The purchase of Ōtaki township section 45 section 3 and Kiharoa 2 section 4 to Honora and Margaret Bright was confirmed by the Ikaroa Māori Land Board on 6 October 1913. Honora was the wife of Frederick Horton Bright (son of Frederick Bright) and Margaret was possibly their daughter. These are other purchases confirmed by the Board are discussed in the next chapter.

The purchase of the twelve sections are summarised in the following table:

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<sup>165</sup> Ōtaki Minute Book 29, 25 September 1895, pp. 22-24.

**Purchase details of Kiharoa 2 & Ōtaki township section 45A, 1894-1913**

<b>Name of block</b>	<b>Owner in 1894</b>	<b>Confirmation by Trust Commissioner; Court or Ikaroa Māori Land Board</b>	<b>Certificate of title reference &amp; date</b>
Kiharoa 2 section 1	Te Otene Wirihana & Aputa Ihakara	Confirmed by Trust Commissioner in August 1894 to Frederick Bright Transfer from Te Otene Wirihana and Aputa Ihakara to Frederick Bright registered on certificate of title in 1902.	22 Nov 1902 WN121/250
Kiharoa 2 section 2	Eparaima Te Mahauariki	Confirmed by NLC in May 1895 to Frederick Bright subject to confirmation of payment of purchase money. Transfer from Eparaima Te Mahauariki to Mary Ann Bright registered on certificate of title in 1903	23 Nov 1903 WN127/108
Kiharoa 2 section 3	Pineaha Te Mahauariki	Discussed at Court in Sept 1895. Interests of Pineaha Mahauariki succeeded to in March 1896. Purchase negotiated early 20 <sup>th</sup> century. Transfer to Marry Ann Bright registered on certificate of title in 1902	22 Nov 1902 WN 121/251 [CT not cited]
Kiharoa 2 section 4	Hakopa Mahauariki's successors	Discussed at Court in Sept 1895. Confirmed by Ikaroa Māori Land Board on 6 October 1913 to Honora & Margaret Bright	11 Oct 1913 WN220/210 [CT not cited]
Kiharoa 2 section 5	Pitiera Taipua & Wiremu Hotene Taipua	Discussed at Court in Sept 1895 – Pitiera wanted an 'exorbitant' price. Confirmed by Native Land Court in September 1903. Transfer to Mary Ann Bright registered on certificate of title in November 1902.	11 Nov 1902 WN151/134 [not cited]
Kiharoa 2 section 6	Renata Te Whairiri & Papi Nikora	Confirmed by Native Land Court in May 1895 subject to confirmation of payment of purchase money. Transfer from Renata Te Whairiri & Papi Nikora to Mary Ann Bright registered on certificate of title in 1902.	22 Nov 1902 WN121/252
Ōtaki 45A section 1	Aputa Ihakara	Purchased confirmed circa 1894/1895. Transfer from Aputa Kihakara to Frederick Bright registered on certificate of title in 1902; transferred to Mary Ann Bright & Frederick Horton Bright 1907.	1902; WN121/253
Ōtaki 45A section 2	Pineaha Mahauariki	Interests of Pineaha Mahauariki succeeded to in March 1896. Purchase negotiated early twentieth century. Purchase to Mary-Ann Bright registered 22 December 1902.	1902; WN121/254
Ōtaki 45A section 3	Hakopa Mahauariki's successors	Confirmed by Ikaroa Māori Land Board on 6 October 1913 to Honora & Margaret Bright.	1913 (CT n/a)
Ōtaki 45A section 4	Wairiwi Nikora & Papi Nikora	Confirmed by Native Land Court in May 1895 to Frederick Bright subject to confirmation of payment of purchase money. Transfer from Wairiwi and Papi Nikora to Mary Ann Bright registered on certificate of title in 1902.	1902; WN121/255
Ōtaki 45A section 5	Eparaima Mahauariki	Confirmed by Native Land Court in May 1895 to Frederick Bright subject to confirmation of payment of purchase money. Transfer from Eparaima Mahauariki to Mary Ann Bright registered on certificate of title in 1903.	1903; WN127/109
Ōtaki 45A section 6	Wiremu Hotene Taipua & Tohuroa Parata	Interests of Wiremu Hotene vested in Pitiera Hotene Taipua. Transfer of interests of Pitiera Taipua to Frederick Bright registered on title in 1902. Purchase of interests of Tohuroa Parata to Mary Ann Bright confirmed by NLC in September 1903. Transfer of interests of Tohuroa Parata to Mary Ann Bright registered on title in 1903.	1902 & 1903; WN121/256

Sources: Ōtaki Minute Books, Certificates of Title, Wellington Minute Book 11, 2 September 1903, pp. 290-291; Walghan Partners for Kiharoa 2.

### *Ōtaki township sections 71, 75 and 78, 1896*

Several other purchases of land in the Ōtaki township by Frederick Bright were confirmed by the Court (subject to certain conditions) in August 1896. These were confirmed almost two years after the passing of the 1894 Act and there is no mention in the minutes on what legislative authority the confirmations were made.

Ōtaki township sections 71, 73, 76 and 78 had initially been awarded together by the Native Land Court on 12 February 1869 to Aranga Ngahue, Akara Ngahue, Te Koeti Taraua and Hura Ngahue though a certificate of title was not issued as a survey was not completed within the prescribed time of six months. In April 1894, the land was partitioned into individual sections.<sup>166</sup>

The Court ordered that the transfer of Ōtaki township section 71 (part) and section 78 from Hura Te Ngahue to Frederick Bright be confirmed on payment of the balance of the purchase money. This was on the basis of Hura Te Ngahue's evidence that he had been paid all the purchase money except £7.10.0 and had 'plenty of other land'. He did not provide the total amount of the purchase money.<sup>167</sup>

The application to confirm the transfer of the other part of section 71 and section 75 from Hori Te Mataku to Frederick Bright was heard by the Native Land Court on the same day. Hura Te Ngahue told the Court that he was present when the sale by Hori Te Mataku was being negotiated and saw Mr Bright hand Hori a cheque but he could not state what the amount was. The vendor, he said, had other land. A receipt for £12.10.0 was cited which meant, the minutes recorded, that a further £10 was to be paid when deed was confirmed. Mr Atkinson stated that Hori had not yet returned from the East Cape but payment of the balance could be made on his return and the receipt furnished. The Court ordered that the deed be confirmed on receipt being furnished for £10.<sup>168</sup>

The certificate of title for section 71 records that the transfer of the interests from Hura Te Ngahue to Frederick Horton Bright (son of Frederick Bright) was registered on the title in 1901

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<sup>166</sup> Ōtaki Minute Book 21, 1894, p. 177; Anderson, Green and Chase (Wai 2200, #A201), p. 711.

<sup>167</sup> Ōtaki Minute Book 30, 6 August 1896, pp. 353-354.

<sup>168</sup> Ōtaki Minute Book 30, 6 August 1896, p. 353.

with the transfer of the remaining part of section 71 owned by Hori Te Matuku to Frederick Horton Bright registered in 1909. It is not clear why there was such a delay in the registration of the transfer on the title. The certificate of title for section 78 records that the transfer of the interests of Hura Te Ngahue to Frederick Horton Bright was registered on the title in 1901. Section 78 was then sold the following year to Charles Henry Williams.<sup>169</sup>

The certificate of title for Ōtaki township section 75 records a purchase by Frederick Horton Bright from Hoti Te Matuku dated 21 December 1909 which was registered on the title in 1913. Similarly, it is not clear from the records viewed why there was such a delay with the registration.<sup>170</sup>

No mention was made at these hearings as to whether these negotiations had begun prior to the passing of the 1894 Act.

### ***Ōtaki township section 52A or part section 52, 1896***

Frederick Bright's involvement in the purchase of Ōtaki township sections continued. This was despite no mention of an existing purchase contract in respect of Ōtaki township section 52A or that a deed had been signed prior to October 1894. In 1896, the purchase of Ōtaki township section 52A comprising 22 perches in 1896 from Maaka Pukehi to Morris was confirmed by the Court. Although the purchaser was not Frederick Bright the purchase money was to be largely used to pay off the debt of the owner to Frederick Bright.

Ōtaki township section 52A was originally part of one title comprising sections 50, 51 and 52 comprising 3 roods 11 perches awarded in September 1881 to Maaka Pukehi, Hera Tuhangahanga, Metapere Ropata, Te Maahia Te Kakakura, Hare Wiriki Te Kakakura and Natamahina Te Umutapu. The block was partitioned into three sections on 6 June 1894. On 11 February 1896, section 52 was partitioned into two parts on the application of Maaka Pukehi.<sup>171</sup>

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<sup>169</sup> Certificate of title Otaki township section 71 WN110/216; Certificate of title Otaki township section 78 WN110/217, LINZ; *New Zealand Times*, 14 December 1918, p. 3.

<sup>170</sup> Certificate of title Otaki township section 75 WN110/217 LINZ.

<sup>171</sup> Otaki Minute Book 21, 6 June 1894, pp. 213-214.

The confirmation of the transfer of Ōtaki township section 52A was heard by the Native Land Court on 8 August 1896. Mr Franklin, a lawyer, was present at Court. He asked the Court to hear the evidence of Maaka Pukehi in respect to the transaction and noted that he would afterwards have it ‘set down for hearing in the usual way’. Maaka Pukehi gave evidence at Court stating that he had sold the land to Morris for £50. He had been paid £14.2.6 and had authorised the payment of £30 of the purchase price to Mr Bright which left £5.17.6 to pay. He asked that the deed be confirmed on payment of £5.17.6 to himself and £30 to Mr Bright. The Court agreed to confirm the deed after 14 days of notice in the Native Land Court Panui and proof that the £30 had been paid to Mr Bright.<sup>172</sup>

A certificate of title for the land was issued to Morris on 7 April 1897.

### *Tutangatakinō part, 1896*

Confirmation of the transfer of Tutangatakinō 8 part from Kerei Roera to F.J Ryder was also heard by the Native Land Court on 8 August 1896. The owner’s desire to pay the Court fees he owed was a factor in the sale.

Tutangatakinō 8 was awarded to Henare, Kiniwehe, Kipa Roera and Tauehu Roera by the Native Land Court on 14 September 1894. The Ōtaki Pa memorial schedule lists the Roera whanau members as from the Hamua hapū. The block comprised 9 acres 2 roods 27 perches.<sup>173</sup>

Kerehi Roera gave evidence at the Court on 8 August 1896 that he had sold the land but he had not received all of the purchase money. He said that the price agreed on was £32. He had been paid £20 leaving £12 unpaid which he wanted paid so that he could pay Court fees. He had no objection to the deed being confirmed if the balance of the purchase price was paid. The Court ordered that the deed be confirmed when the balance of the purchase price was paid.<sup>174</sup>

The purchase was registered on the certificate of title for Tutangatakinō on 20 May 1899.<sup>175</sup>

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<sup>172</sup> Otaki Minute Book 30, 8 August 1896, pp. 362-363.

<sup>173</sup> Walghan Partners (Wai 2200, #A212(b)), p. 392.

<sup>174</sup> Otaki Minute Book 30, 8 August 1896, p. 363.

<sup>175</sup> Walghan Partners (Wai 2200, #A212(b)), p. 392; Anderson, Green and Chase (Wai 2200, #A201), p. 831.

### **3.8 ‘Crown pre-emption’: the removal of alienation restrictions under the Native Land Court Act, 1894, 1894-1902**

As noted above, there were exceptions to the provisions in the 1894 Act that prohibited private purchasing. One such exception was in respect to land subject to restrictions on title. Under the Native Land Court Act 1894, if Māori land was subject to a restriction on alienation, then this could be removed or varied by the Court with the consent of the owner or one-third of the total number of owners on the condition that proof was provided that every owner had ‘sufficient land’ for their support (section 52).

The process of purchasing the sections or blocks with a restriction on alienation required the consent of the Governor. Prior to consent being given, an investigation by the Native Land Court was required as well as the receipt of information regarding reasons for the removal, the purchaser, price and value of the land and the situation of the owners. Based on a government return of land of applications made under the Native Land Court Act 1894 to remove restrictions on alienations, there were about ten sections in the Ōtaki area where approval to the removal was granted. Most of the land was eventually sold.<sup>176</sup> These applications and subsequent purchase details are listed in the following table:

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<sup>176</sup> Applications respecting Native land since the passing of the Native Land Court Act, 1894, AJHR, G4, 1905.

## Applications in Ōtaki area granted under Native Land Court Act 1894 with restrictions on title, 1895-1900

Date of receipt of application	Applicant name	Block name	Area	Date application granted	Purchase details
26 June 1895	Waitarihana Rupuha	Section 107B Ōtaki township	15 perches	21 Jan 1896	Purchased by Williams 1896
26 June 1895	Eruera Rawiri Te Tahiwī	Section 107A Ōtaki township	15 perches	21 Jan 1896	Purchased by Williams 1896 for £25
25 Nov 1895	Te Rawharitua	Piritaha 58N	1 acre 3 roods 20 perches	27 June 1899	Purchased by WH Field 1899
16 July 1898	Karepa Kapukai and another	Section 103 Ōtaki township	1 rood	26 July 1898	Purchased by B.P Brown for £30; Deed confirmed by NLC 6 Aug 1898.
7 Sept 1898	Tamihana Te Hoia and another	Section 101 Ōtaki township	34 perches	14 Nov 1898	Purchased for £40 by James Alfred Chorley in 1901.
5 Oct 1898	Pirihia Hohepa	Sections 146, 147, 148 & 149 Ōtaki township	1 acre	15 June 1900	Partitioned & sold separately in the latter part of the twentieth century
23 March 1899	Ema Heni and other	Pukehou 5A section 1 south	660 acres	17 May 1900	Purchased by Alexanda Higgin Rolls, 1900.
4 Sept 1900	Haimona Ranapiri	Whakahokiatapango 2	3 acres 1 rood 29 perches	20 Feb 1902	Purchased by Byron Brown by 1909.
5 April 1904	Karepa Karanama	Section 105B Ōtaki township	25 perches	26 Dec 1904	Sections 105A & B purchased by T.A. King & confirmed by Aotea MLBd 1904 for £142
21 Oct 1904	Riria Hakaraia & Karepa Karanama	Section 105A Ōtaki township	19 perches	26 Dec 1904	Sections 105A & B purchased by T.A. King & confirmed by Aotea MLBd 1904 for £142

Source: Applications respecting Native land since the passing of the Native Land Court Act, 1894, AJHR, G4, 1905; Ōtaki Minute Book 36, 6 August 1898, p. 135; Aotea Māori Land Board Minute Book, 26 April 1904, p. 166; Walghan Partners (Wai 2200, #A212(b)), p. 469.

Because the records relating to these applications provide fuller information about the private purchasing process than for land not subject to such restrictions, it is these purchases and not those where there were no restrictions on title that are discussed in more detail below. They provide insight into the extent to which the purchasing process was controlled by the Crown; how legislation and government policy operated and its impacts, and the circumstances of those Māori who were selling.

### *Ōtaki township sections 107A and 107B, 1894*

The approval of the purchase of and removal of restrictions on alienation under the Native Land Court 1894 included sections 107A and 107B Ōtaki township. Both blocks were originally part of the Ōtaki sections 101, 103, 105 and 107 title which was investigated by the Native Land Court in February 1869. The land was Crown granted in December that year to eight owners: Karanama Te Kapukaiotu (who at the investigation of title hearing said he was of Ngāti Huia), Ahemata Tumahue, Karepa Karanama, Taia Rupuha, Hapi Te Hotoke, Matiu Putangitangi, Ramari Rangikarapa and Te Wiriti. The land was declared inalienable by sale, lease or mortgage for a period longer than 21 years by the Court except with the consent of the Governor. In 1891, the Court ordered separate titles for each section. Section 107 was also partitioned into two parts: Section 107A was awarded to Ramari Rangikorapa and 107B awarded to Taia Rupuha's successors and Matiu Putangitangi. This decision was made by the Court after a long discussion by the applicants as to who was entitled to each section.<sup>177</sup>

In December 1894, the Court considered the proposed transfer of Ōtaki section 107A (15 perches) from Mitarihana Rupuha and others to Charles Henry Williams and Ōtaki section 107B (15.7 perches) from Anihaera Reweti and others also to Charles Henry Williams. The Court noted that the purchase of 107A was 'satisfactory' though the deed would only be confirmed after Ramari Matiu had 'notified her concurrence'. The purchase of 107B was also considered 'satisfactory' though the deed needed to be confirmed.<sup>178</sup>

In May 1895, the Department of Justice (who were then administering matters pertaining to Māori including the purchase of Māori land) received an application from Ereura Rawiri Te Tahiwī to remove the restrictions on alienation on section 107A. This was required before the purchase could be confirmed. It was witnessed by W.R Franklin. The Native Land Court was asked to provide title information and noted that section 107A had been awarded to Ramari Rangikarapa but that he had died and his interests succeeded by Anihaera Reweti and Ereura Rawiri Te Tahiwī on 22 March 1894. As well, the department was advised that Mr Williams was the purchaser and that he had paid the owners £25 six or seven months previously and that Mr Franklin's charges were £23. Of the five owners, four had signed the application so that Mr

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<sup>177</sup> Otaki Minute Book 18, 5 November 1891, pp. 396-401; Otaki Minute Book 1G, 2 February 1869, pp. 151-

<sup>178</sup> Otaki Minute Book 25, 17 December 1894, p. 105.

Williams had been given fresh forms from the department to get them ‘properly signed’. Nothing further has been located regarding the £23 claimed to have been charged by Mr Franklin (who was a solicitor) which comprised most of the £25 payment.<sup>179</sup>

Similarly, on 29 June 1895, the department received an application for the removal of restrictions on section 107B from Witarihana Rupuha and M Rupuha. The department was advised that title was held by Witarihana Rupuha and two others and that the land’s original title had contained a restriction on alienation.<sup>180</sup>

Following an inquiry into the application on 31 October 1895, Judge Mackay recommended to the Governor that the restrictions be removed. This was forwarded, together with the deed of transfers by the Native Land Court to the Under Secretary for Justice who advised the Governor that the land comprised two small sections in the Ōtaki township that had been purchased by Mr Williams, a ‘young man starting in business as a saddler’ to which the Native Minister or Governor responded: ‘Restrictions to be removed’. There was no mention whether the owners had sufficient other lands (as required by the legislation) or the circumstances under which Ōtaki sections were allocated for Māori by Māori. The removal of restrictions was then gazetted under section 52 of the Native Land Court Act 1894 in January 1896.<sup>181</sup>

### ***Ōtaki township sections 101, 103 and 105, 1898-1901***

Sections 101, 103 and 105 were also originally part of the same title as Ōtaki sections 101, 103, 105 and 107 awarded in December 1869 and made inalienable by the Native Land Court. In 1898, Tamihana Te Hōia, who the Ōtaki Pā memorial schedule records as being of Ngāti Huia, and Ngapeka Taiawhio asked the Premier, Richard Seddon, for permission to remove the alienation restrictions on section 101. They said they wanted the restrictions removed to sell

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<sup>179</sup> Native Land Court to Under Secretary for Justice, 4 May 1895; Correspondence on cover sheet, 9 May 1895; application by Rawiri Te Tahiwī ACGS 16211 J 1 5511 1896/101 From: Governor Date: 10 January 1896 Subject: Removing restrictions on Lots 107A and 107B, Otaki, 1896, With 1895/683 & 1895/464 (R24567382), Archives New Zealand, Wellington.

<sup>180</sup> Native Land Court to Department of Justice, 2 July 1895, application by Witarihana Rupuha, 24 June 1895, ACGS 16211 J 1 5511 1896/101 From: Governor Date: 10 January 1896 Subject: Removing restrictions on Lots 107A and 107B, Otaki, 1896, With 1895/683 & 1895/464 (R24567382), Archives New Zealand, Wellington.

<sup>181</sup> Judge Mackay to Governor of New Zealand, 31 October 1895; Native Land Court to Justice Department, 9 November 1895; Official to Governor, 10 December 1895, *New Zealand Gazette*, 21 January 1896, ACGS 16211 J 1 5511 1896/101 From: Governor Date: 10 January 1896 Subject: Removing restrictions on Lots 107A and 107B, Otaki, 1896, With 1895/683 & 1895/464 (R24567382), Archives New Zealand, Wellington.

section 101, which was located on the corner of Mill Road and Matene Street, to W Tomsitt for the price of £40. They explained that the land was unused and that they would not benefit by holding onto it as their permanent kainga and cultivations were located at Poroutawhao (near Waitāreke). They said they had much other land remaining for their use and maintenance. A list of land held by the two applicants was provided. The land held by Tamihana Te Hoia included 500 acres of the Ngawhakahiamoe 1 block; 400 acres of another subdivision of Ngawhakahiamoe, 360 acres at Kahukura and 200 acres of a farm at Poroutawhao totalling 1460 acres. Ngapeka Taiawhio recorded that she held 50 acres at Ngawhakahiamoe, 15 acres of a farm at Poroutawhao and 10 acres at Katihiku, Ōtaki, totalling 85 acres. Mr Tomsitt also wrote to the Premier urging him to remove the restrictions so that he could begin to build a shop on the section immediately.<sup>182</sup>

Title information was requested which recorded that a partition order of 13 June 1887 for section 101 was awarded to Tamihana Te Hoia (as successor to Te Oti Kerei Te Hoia) and Kerehoma Paratawa who had died. Their successors were Whioi Kerehoma, Ngapeka Taiawhio and four minors. Whioi Kerehoma and Ngapeka Taiawhio were the trustees for the four minors. Nothing further was mentioned about Whioi Kerehoma in the application and their name was not included as an applicant or as someone for whom permission to remove the restrictions had been sought though as noted above only one third of the total number of owners were required to apply.

The application was then forwarded to the Native Land Court for 'usual enquiry and report'. Judge Mackay advised the Governor that the Court was satisfied that the owners had sufficient lands for their own use and occupation and recommended that the restrictions be removed. The Governor accepted the recommendation, and the removal of restrictions was gazetted on 14 November 1898.<sup>183</sup>

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<sup>182</sup> ACGS 16211 J 1 606b 1898/1361 From: Governor, Wellington Date: 8 November 1898 Subject: Removing restrictions on Section 101 town of Hadfield [Application of Tamihana Te Hoia and another enclosed], 1898 (R24590769), Archives New Zealand, Wellington.

<sup>183</sup> A Mackay to Governor, 15 October 1898; *New Zealand Gazette*, 14 November 1898, ACGS 16211 J 1 606b 1898/1361 From: Governor, Wellington Date: 8 November 1898 Subject: Removing restrictions on Section 101 town of Hadfield [Application of Tamihana Te Hoia and another enclosed], 1898 (R24590769), Archives New Zealand, Wellington.

The purchase of section 101 was registered on a certificate of title in 1901, though the name of the purchaser was James Alfred Chorley a builder of Ōtaki.<sup>184</sup>

Similarly, an application was made by owners of section 103 and section 105 for the removal of restrictions from the title. The applicants for section 103 were Karepa Kapukai and Pango Akuhata and the applicants for section 105 were Karepa Kapukai, Riria Hapi, Matirini Hape and Pirimanu Hapi.<sup>185</sup>

However, on this occasion, the solicitor for the applicants, W.R Franklin was advised by the Justice Department that he needed to provide a reason for the application to remove the restrictions and if there was any contract for the alienation, to forward a copy. Mr Franklin responded that the owners wished to sell the land to liquidate some long-standing debts but he was not aware of any legal agreements to sell. He also believed that all the owners had 'sufficient land elsewhere'. Officials advised the Native Minister that further information was necessary before restrictions could be removed (though they did not specify exactly what this was) so in the meantime considered that the application 'had better be refused'. The Native Minister agreed and Mr Franklin advised that the Native Minister was unable to agree to the removal of restrictions from the two sections.<sup>186</sup>

The applicants and/or the proposed purchaser, Byron Brown, must have then sought the assistance of the member of parliament for Ōtaki, Henry Field, as Native Minister Seddon advised him that an application to remove the restrictions was sent the previous year and was declined but if the circumstances had altered in any way, the matter would be re-considered. Byron Brown, whose letter-head described him as an auctioneer, commission agent, furniture manufacturer, timber merchant and direct importer of Ōtaki, then advised Henry Field that the

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<sup>184</sup> Certificate of title, LINZ.

<sup>185</sup> Applications with respect to sections 103 and section 105 Otaki township, ACGS 16211 J 1 599a1 1898/856 From: Governor, Wellington Date: 19 July 1898 Subject: Removing the restrictions on the alienation of section 103, Otaki, town of Hadfield, Enclosed: 1898/809, 1897/1165, 1896/941, 1894/392, 1898 (R24590388), Archives New Zealand, Wellington.

<sup>186</sup> Under Secretary, Justice Department to W.R Franklin, Solicitor, Otaki, 10 December 1896; W.R Franklin to Justice Department, 12 December 1896, Justice Department official to Native Minister, 4 June 1897; Under Secretary, Justice Department to W.R Franklin, Solicitor, Otaki, 17 June 1897; Native Minister Seddon to Henry Field, 4 October 1897; Byron Brown to Henry Field, 9 October 1897; Henry Field to Minister for Justice, 21 October 1897, ACGS 16211 J 1 599a1 1898/856 From: Governor, Wellington Date: 19 July 1898 Subject: Removing the restrictions on the alienation of section 103, Otaki, town of Hadfield, Enclosed: 1898/809, 1897/1165, 1896/941, 1894/392, 1898 (R24590388), Archives New Zealand, Wellington; Margaret Long. 'Brown, Byron Paul', Dictionary of New Zealand Biography, first published in 1998. Te Ara - the Encyclopedia of New Zealand, <https://teara.govt.nz/en/biographies/4b48/brown-byron-paul> (accessed 21 February 2023).

owners had agreed to accept £25 from him for one of the sections. Henry Field then wrote a letter to the Minister of Justice stating that the section in question (section 103) was a vacant lot in the township, had had not been used during the previous twenty years either as a building site or for cultivation, that the section was small and the price offered by Byron Brown was its full value. He forwarded Byron Brown's letter stating that he would pay £25.<sup>187</sup>

The Commissioner of Taxes was then asked by the Justice Department for a valuation of section 103. Despite the partitioning of the four township sections (101, 103, 105 and 107) in the early 1890s, the commissioner responded that the sections were all valued together at £150 with no improvements (or £37/10/- per section). The Under Secretary then explained this to Henry Field who said he would make further enquiry as to the valuation. In April 1898, Byron Brown asked the department what had become of the application and noted that he wished to build on the section as soon as possible. The Justice Department responded that the application was unlikely to be agreed to as the purchase price was less than its value and if the sections were of equal value the purchase price should be equivalent to the valuation with was £37/10/.

A revised handwritten valuation from an unknown source was received by the department dated 21 April 1898 for Ōtaki township sections 103, 103, 104, 108, 109, 110 and 112 of £235 for an area of 1 acre 2 roods 28 perches (about £33/10/- per section). Byron Brown then told the Under Secretary on 4 May that £25 was the full value of section 103 and that the purchase process would cost him £45. He said that section 107 in the same block was sold two years previously to C Williams for £25 and that it cost Williams £60 by the time he had secured its title. Similarly, section 111 was sold one year previously by Frederick Bright to C Moller and that cost of the land and the land transfer title was £45. He said that he would rather lose the expense he had incurred in getting the owner's signatures for section 103 than give £37.10.0 for the section. His argument must have worked as a week later, on 12 May, the Under

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<sup>187</sup> Under Secretary, Justice Department to W.R Franklin, Solicitor, Otaki, 10 December 1896; W.R Franklin to Justice Department, 12 December 1896, Justice Department official to Native Minister, 4 June 1897; Under Secretary, Justice Department to W.R Franklin, Solicitor, Otaki, 17 June 1897; Native Minister Seddon to Henry Field, 4 October 1897; Byron Brown to Henry Field, 9 October 1897; Henry Field to Minister for Justice, 21 October 1897, ACGS 16211 J 1 599al 1898/856 From: Governor, Wellington Date: 19 July 1898 Subject: Removing the restrictions on the alienation of section 103, Otaki, town of Hadfield, Enclosed: 1898/809, 1897/1165, 1896/941, 1894/392, 1898 (R24590388), Archives New Zealand, Wellington; Margaret Long. 'Brown, Byron Paul', Dictionary of New Zealand Biography, first published in 1998. Te Ara - the Encyclopedia of New Zealand, <https://teara.govt.nz/en/biographies/4b48/brown-byron-paul> (accessed 21 February 2023).

Secretary sent the application to the Chief Judge of the Native Land Court for inquiry and report.<sup>188</sup>

Based on an inquiry held on 9 July 1898 by Judge Mackay, the Judge recommended that restrictions be removed. The Governor obliged and the removal gazetted on 26 July 1898. The following month, the Native Land Court then confirmed the purchase of section 103 under section 55 of the 1894 Act from Karepa Kapukai and others to Byron Brown for £30. A certificate of title for section 103 was issued to Byron Paul Brown on 13 Jan 1899. He did not sell the land again until 1946. Meanwhile Mr Franklin, the solicitor for the owners heard about the purchase and wrote to the Minister of Justice asking why his application for removal of restrictions had been refused without giving any reason as to why, when a subsequent application had been approved. Mr Franklin was told that the Native Minister wished to inform him that the government 'does not feel called upon to give him any such explanation as he asks for'.<sup>189</sup>

On 15 July 1898, Byron Brown sent another letter to the Justice Department this time asking for the removal of restrictions on the neighbouring section 105 as he wished to purchase the land for £25 so that he could build an auction room and timber sheds. He asked that the Under Secretary push the application so that he could get the recommendation of the Judge as soon as possible. However, the Under Secretary responded that only one of the owners had signed the application form and someone had signed who was not an owner and that it was necessary for some of the other owners to sign the form. An application was not received until 1904 under

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<sup>188</sup>Under Secretary, Justice Department to Commissioner of Taxes, 22 October 1897, Commissioner of Taxes to Under Secretary, Justice Department, 25 October 1897, Note from Justice Department official, 19 November 1897; Byron Brown to F Waldegrave, Department of Justice, 19 April 1898; Under Secretary, Justice Department to Byron Brown, 21 April 1898; Byron Brown to Under Secretary, Department of Justice, 4 May 1898; Under Secretary, Department of Justice to Chief Judge of the Native Land Court, 12 May 1898, ACGS 16211 J 1 599a 1898/856 From: Governor, Wellington Date: 19 July 1898 Subject: Removing the restrictions on the alienation of section 103, Otaki, town of Hadfield, Enclosed: 1898/809, 1897/1165, 1896/941, 1894/392, 1898 (R24590388), Archives New Zealand, Wellington.

<sup>189</sup> Judge Mackay to Governor, Recommendation under the Native Land Court Act 1894, 9 July 1898; W.R Franklin, Solicitor to Minister of Justice, 12 August 1898; Under Secretary, Justice Department to W.R Franklin, 12 September 1898, ACGS 16211 J 1 599a 1898/856 From: Governor, Wellington Date: 19 July 1898 Subject: Removing the restrictions on the alienation of section 103, Otaki, town of Hadfield, Enclosed: 1898/809, 1897/1165, 1896/941, 1894/392, 1898 (R24590388), Archives New Zealand, Wellington; Otaki Minute Book 36, 6 August 1898, p. 135; Certificate of title WN97/14, 1899-1985.

the Māori Land Administration Act 1900 and the land purchased at this time (this is discussed further in the next chapter).<sup>190</sup>

Byron Brown was the son-in-law of Frederick Bright.

### ***Piritaha 58N, 1895-1899***

Another purchase involving land that was subject to alienation restrictions was Piritaha 58N comprising 1 acre 3 roods 20 perches. Piritaha 58N was awarded to Pirihihi Te Ahu, Alfred Te Ahu and Ruihi Te Ahu by the Native Land Court on 26 February 1868 and was declared inalienable by sale or by lease for a longer period than 21 years, or by mortgage, without the consent of the Governor'.<sup>191</sup>

In November 1895, Te Rawharitua sent in an application to have the restrictions removed from Piritaha 58N. The accompanying letter from his solicitors said that he was the owner of 2/3rds of the block and that the owner of the other third lived in Taranaki. The solicitors were then asked for more information regarding the title and evidence of succession orders. The solicitors explained that a succession order dated 23 June 1894 had been awarded in favour of Te Rawharitua in respect to the interests of Alfred Te Ahu and Pirihihi Te Ahu. On the same day a succession order in favour of Tamati Ngaru and Karawhia Te Tuhi both of Waitara in respect to the interest of Ririhi Te Ahu was awarded. This meant that Te Rawharitua owned 2/3rds of the block. They were unable to send the succession orders as a Mr Standish, solicitor at New Plymouth claimed a lien on them for £5 costs. They said that there was a 'very old and dilapidated building on the property' which was rented for £2 per year. Reverend McWilliam who lived next door had made an offer of £60 for the property and the owners wished to accept this as they were receiving 'poor interest'. The house also required repairs to make it habitable and the owners were 'without means to effect the repairs'.<sup>192</sup>

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<sup>190</sup> Judge Mackay to Governor, Recommendation under the Native Land Court Act 1894, 9 July 1898; Byron Brown to Under Secretary, Justice Department, 15 July 1898; Under Secretary, Justice Department to Byron Brown, 22 July 1898, ACGS 16211 J 1 599a 1898/856 From: Governor, Wellington Date: 19 July 1898 Subject: Removing the restrictions on the alienation of section 103, Otaki, town of Hadfield, Enclosed: 1898/809, 1897/1165, 1896/941, 1894/392, 1898 (R24590388), Archives New Zealand, Wellington.

<sup>191</sup> Walghan Partners (Wai 220, #A212(b)), p. 192.

<sup>192</sup> Te Rawharitua application 19 November 1895, Buckley, Stafford & Treadwell, solicitors to Native Minister, 19 November 1895; Buckley, Stafford & Treadwell, solicitors to Under Secretary for Justice, 20 December 1895, ACGS 16211 620 J 1 k 1899/746 From: Governor, Wellington Date: 23 June 1899 Subject: Removing restrictions

The Court was then asked to enquire and report on the application. The Court heard the application for removal for restrictions from Piritaha 58N comprising 1 acre 3 roods 2- perches on 6 March 1896. The application was adjourned pending perusal of the declaration regarding the other land held by the owners.<sup>193</sup>

In September 1896, a declaration was made by Francis Richmond of New Plymouth, solicitor in support of the application for the removal of restrictions by Te Raharitua of Bell Block. He advised that Te Raharitua owned half of a 75 acre section in Waitara that was ‘bush land suitable for occupation by natives. He also believed that the other half of the block, which was held by his mother, would be succeeded to by Te Rawharitua. He said that Te Raharitua lived at Kaipakopako near New Plymouth and that the land at Ōtaki was of no use to him.<sup>194</sup>

It was not until several years later that on 5 April 1899, the Judge Mackay recommended to the Governor that on the basis of his public inquiry into the application by Te Rawharitua held at Wellington on that day, that the restrictions be removed. However, this was not the end of the matter. A valuation of the land was requested by the Justice Department that gave the value of the block at £30 with no improvements. Reverend Mc William, however, who not only lived next door but was listed as the occupier, offered £60 for the land. The removal of the restrictions was gazetted on 27 June 1899 under section 52 of the Native Land Court Act 1894 and in accordance with the recommendation of the Native Land Court.<sup>195</sup>

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upon Piritaha No. 58 N [Application of Te Rawharitua enclosed], 1895-1899 (R24591533), Archives New Zealand, Wellington.

<sup>193</sup> Otaki Minute Book 30, 6 March 1896, p. 16; Under Secretary, Department of Justice to Chief Judge of the Native Land Court, 31 December 1895, ACGS 16211 620 J 1 k 1899/746 From: Governor, Wellington Date: 23 June 1899 Subject: Removing restrictions upon Piritaha No. 58 N [Application of Te Rawharitua enclosed], 1895-1899 (R24591533), Archives New Zealand, Wellington.

<sup>194</sup> F.W Richmond, solicitor, New Plymouth to Native Land Court, 14 September 1896, ACGS 16211 620 J 1 k 1899/746 From: Governor, Wellington Date: 23 June 1899 Subject: Removing restrictions upon Piritaha No. 58 N [Application of Te Rawharitua enclosed], 1895-1899 (R24591533), Archives New Zealand, Wellington.

<sup>195</sup> A Mackay, Judge to Governor, 5 April 1889, Valuation of Piritaha [58N], 5 October 1897, *New Zealand Gazette*, 27 June 1899, ACGS 16211 620 J 1 k 1899/746 From: Governor, Wellington Date: 23 June 1899 Subject: Removing restrictions upon Piritaha No. 58 N [Application of Te Rawharitua enclosed], 1895-1899 (R24591533), Archives New Zealand, Wellington.

### **3.9 Compulsory sales for non-payment of mortgage, 1900**

While it has not been possible to identify all the Māori land affected, land at Ōtaki was also compulsorily sold due to the non-payment of mortgages. Two such sales were Waerenga 7A and Pahianui 3 which at the time they were sold were owned by Kipa Te Whatanui. He was married to Heni Kipa, the great-granddaughter of Te Whatanui. Kipa Te Whatanui was also known by his father's surname Skipwith.<sup>196</sup>

#### ***Waerenga 7A and Pahianui 3, 1900***

In September 1898, notice was given to the Commissioner of Crown Lands in the *New Zealand Times* by the solicitors for the mortgagee, Kirk, Atkinson & Wilson, that it was the intention of the mortgagee, the Petone and Hutt Building and Investment Company, to sell Waerenga 7A (3 acres 2 roods 26 perches) together with a six bedroomed house built on the land and Pahianui 3 (19 acres 1 rood), under the powers of sale in mortgages and through the Registrar of the Supreme Court. Both blocks were described in the advertisement as 'Native land'. Also advertised for sale at the same time was the leasehold interests in Ōtaki sections 146, 148 and 149 (discussed above).<sup>197</sup>

The certificate of title for Waerenga 7A records that the land was transferred in 1886 from Winiata Pataka to Kipa Te Whatanu of Ōtaki who was described as a half-caste. The land was mortgaged to Arthur Barker which was discharged in 1889. It was then mortgaged to James Eastwood the same year and discharged by 1891. It was again mortgaged to the Petone and Hutt Building and Investment Company also in 1891. A caveat was put on the land by Kipa Te Whatanui and Hemi Kipa in April 1900. The caveat was presumably an attempt to stop the sale of the land. However, it did not work as a transfer from the Petone and Hutt Building and Investment Company under mortgage to Charles Theodore Pagiter(sp?) for part of the land was registered on the certificate of title on 12 March 1901 and a transfer from the company to John Stevens of the balance registered on the title in January 1906.<sup>198</sup>

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<sup>196</sup> Anderson, Green and Chase (Wai 2200, #A201), p. 682.

<sup>197</sup> *New Zealand Times*, 27 September 1898, p. 3.

<sup>198</sup> Certificate of title WN41/285, Waerenga 7A, 1885-1906.

In September 1900, the Petone and Hutt Building and Investment Company brought an action in the Supreme Court against Kipa Te Whatanui with respect to possession of the land. It was alleged that Kipa Te Whatanui had mortgaged the land to the Company but that he had defaulted on the payment of the principal and interest. Therefore, the land was sold by order of the Registrar of the Supreme Court, Wellington. However, Kipa Te Whatanui still retained possession of the land. He also denied the existence of the mortgage or of having received any money on the mortgage. He argued that as the land comprised his entire landholdings, the mortgage should not have been approved by the Native Land Court. Both parties were represented and after the evidence was heard, judgement was given in favour of the Company who was awarded costs of £400.<sup>199</sup>

Kipa Te Whatanui later petitioned the government on three separate occasions about the compulsory purchase. On each occasion he was told that the government was unable to do anything about the matter.<sup>200</sup>

### **3.10 Conclusion**

Early nineteenth century purchases were mostly between storekeepers and long-term Pākehā residents in the town. The process was without any checks and balances with not even the Native Land Court made aware of the purchase of Tawaroa 1 in 1874. Indeed, it was not until 1959, that the Court updated its records to reflect a purchase that was negotiated 90 years previously.

Other earlier purchases were by settlers who did not hold on to the land for long such as the aforementioned Tawaroa 1, which was sold two years later to another settler; part Waerenga 1 and 2 which was purchased in 1870 and 1874 and sold again in 1881 and Ōtaki township sections 62, 63 and part 64 which were purchased in 1877 and advertised for sale in 1879. Arrangements were also made at this time to sell or make land such as Pukehou 5H available to non-Māori such as Manuel who had lived in Ōtaki since circa 1861 and lived with a Māori woman.

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<sup>199</sup> *New Zealand Mail*, 13 September 1900, p. 20.

<sup>200</sup> ACIH 16036 MA 1 1912/3588 Received: 23rd October 1912. - From: Native Affairs Committee, Legislative Council. - Petition No. [Number] 6. Kipa te Whatanui. For cancellation of J.G. Stevens' title to Waerenga No. [Number] 7A. [Includes: 1901/799, 1908/427.], 1900-1912 (R22404584), Archives New Zealand, Wellington.

Some of the land sold may have been strategic sales by Māori. For instance, Dr Hewson who was doctor to Māori in Ōtaki from 1856 to 1881 was firstly given land to live on but increasingly wished to purchase it. Before he died in 1881, he purchased at least 80 acres of land in and around the township. As title to some of that land such as Tutangatakino 7 was never formalised, the Crown passed legislation after his death to ensure his estate received title to it. This showed its willingness to assist Pākehā to secure title to Māori land.

Prior to 1894, the process for approving applications for confirmation appeared formulaic and cursory. The Court essentially ensured that the purchase money had been paid, the deed had been signed and attested by an interpreter and the owner had advised the Court that they sold their land. Those whose fellow owners had sold their shares were also obliged to have their interests partitioned out.

Even though the 1894 Act professed to curtail the sale of Māori land, in practice, land purchasing in Ōtaki continued. The smaller lands of the sub-district and township with one or two owners were particularly vulnerable. It was also apparent that many of those selling were doing so because they were in debt. This was not a new situation. In 1880, Matene Te Whiwhi sold some of his township land to store-keeper Langley who built a hotel and then sold it on to Frederick Bright which could suggest that Te Matene was not being strategic as to who he sold to. He also sold land that his daughter did not wish him to sell. When he died in 1881, his estate had to sell other land to pay off his debts. However, this was insufficient to cover all of them particularly the advance the government had said it had made to him in the 1870s. This was the same rangatira who led Ngāti Raukawa, along with Te Rauparaha, to form the township at Ōtaki. Similarly, as discussed in the previous chapter, rangatira such as Ropata Te Ao and Hoani Taipua were also in debt by the 1880s and asked that the Crown purchase land at Pukehou to pay their debts and those of Ropata's brother, Hema Te Ao who had died. Both Hema Te Ao and Hoani Taipua were or had been members of parliament. That rangatira were in debt did not appear to concern government officials who advised Ropata Te Ao and Hoani Taipua to sell some of their land privately to pay off their debts. Indeed, selling land to pay off debts appeared to become increasingly common practice by this time.

Purchasing by some of the more prolific Pākehā purchasers of Māori land in the sub-district and township was allowed to continue. The purchases of Frederick Bright, for example,

followed a similar pattern particularly with township lands. For sections with more than one owner, he purchased the interests of one of the owners in a section and several years later went back to purchase the other. He and later his family in the twentieth century were also able to buy up multiple township sections as there was only restrictions on the amount of farmland any one person could buy. This could well have been an unintended consequence of the legislation that restricted the amount of land a person could buy but it did not appear to be a concern with neither the Court or Justice Department ever seeking to resolve the issue at that time.

Restrictions on alienations provided a varying level of protection to land in the Ōtaki district. Those restrictions ordered under the Native Lands Acts 1865, 1866 and 1867 numbered 19 including seven township sections and comprised 125 acres 14 perches. All this land, apart from one section, was purchased with the bulk purchased by the end of the nineteenth century. The restrictions that were imposed on the admittedly small number of blocks of land (11) comprising almost 27 acres under the Native Land Court Act 1880, between 1880-1889 seem to have provided some level of protection, at least in the nineteenth century. Only one block and two thirds of another block were purchased prior to 1900. Neither were township sections. Not all land where restrictions were removed were necessarily sold. Despite the Governor agreeing to remove the restrictions from Ōtaki township sections 134 and 135 on 3 October 1894, the land was not sold at this time. The largest block that was sold that had restrictions on the title was Pukekaraka 5. Its restrictions, however, were different to the others as the land was restricted from alienation except to the Catholic church. The transfer of this land to the Right Reverend Francis Redwood and Hakaraia Rangikura ‘upon trust for the use and behoof [benefit] of the Roman Catholic Church in New Zealand’ was not without controversy with some interested in the land objecting to the transfer and not the retention of the land by Māori.

However, on most occasions, applications to remove restrictions were approved and purchases went ahead. The system also allowed for the removal of restrictions years after a purchase had taken place. For instance, when the purchase of Rekereke 2 was negotiated in 1885, no one, including the trust commissioner noticed that there were restrictions on the title that this should have prevented such a sale. The purchase was not finalised (registered on the title) until 1910 (to the sons of the original purchaser) which was after the Native Land Act 1909 automatically removed all restrictions on alienation from Māori land.

The removal of restrictions and the purchase of the land concerned also continued after 1896 when the legislation was supposed to protect Māori land from sale. Instead, somewhat counter intuitively, the exception in the legislation allowed land where restrictions were removed to be sold. Indeed, the Justice Department did not want to recommend to the Governor the approval the removal of restrictions unless a purchase had been negotiated and could make an assessment as to the validity of the purchase.

Of benefit to Māori was an assessment as to value of the land concerned. The Court and Department were not legally obliged to obtain a formal valuation but they did begin to seek advice on values. A fair value was not something that was assured, however, with the Court agreeing to the purchase where the purchase price was £5 less than the valuation it had sought. For Byron Brown, who purchased one of the township sections (section 103), his argument that he had spent so much additional money with all the administrative costs that he did not wish to increase the purchase price to that of the government valuation was agreed to by the Justice Department and the purchase went ahead. It may have helped that he was being assisted with the purchase by the member of parliament Henry Field.

Other reasons why Māori sold land was that they had received little revenue from the land and in one case that they had no use for it. Other owners explained that the land concerned was unused and that they would not benefit by holding onto it as their permanent kainga and cultivations were located at Poroutawhao (near Waitārere). Many of the owners who were selling also lived away from Ōtaki and had other lands which were deemed ‘sufficient’ by the Court though how this was measured was not explicitly set out though it was an individual basis – there was never any measure of land remaining in particular areas such as the township lands.

One of the outcomes of the Native Land Court title system was that there was no collective title. This meant that Ngāti Raukawa was unable to ensure that lands in their rohe were kept in Māori ownership and not sold by those living away from Ōtaki and who in many cases, found it difficult to utilise the land and needed money.

## Chapter 4: Early twentieth century purchases, 1900-1949

### 4.1 Introduction

This chapter covers alienations of Ōtaki township sections, sub-district blocks and the Pukehou block during the period between 1900 to 1949. It begins with an overview of the legislation relating to the purchase of Māori land by both the Crown and private purchasers from 1900 until new key Māori land legislation in the form of the Māori Affairs Act 1953 was introduced. This is followed by tables listing known purchases in the Pukehou block, the Ōtaki sub-district and the Ōtaki township and a discussion concerning the extent of the purchase activity over the three areas during this period to 1949. Also included is a table showing the Public Works takings during this period. As these takings have been comprehensively covered by Bassett and Kaye, details are not replicated here.

An examination of a selection of purchases follows. This is largely chronological and organised according to the legislation in force at the time. The first section relates to alienations confirmed by the Native Land Court in the early 1900s. The next section covers purchases where applications for the removal of restrictions on alienations were considered by the Aotea Māori Land Council, which was established in 1902. This is followed by purchases approved by the council and the Ikaroa Māori Land Board from 1909. What is not covered in this chapter is the alienation by purchase of land that was vested in the Ikaroa Māori Land Board in 1929 and 1931 for non-payment of rates as this is discussed in a separate chapter. Land vested included most of the Ōtaki township sections left in Māori ownership and a large proportion of the remaining Ōtaki sub-district Māori land located within the Ōtaki borough. As most of the alienations during the period from 1929 relate to this land (and will be discussed in the next chapter) and there were fewer purchases in the Pukehou block between 1929 and 1953 than the preceding period, a smaller number of purchases are discussed for this period.

Instead, much of the focus of this chapter is on the first thirty years of the century as significant purchasing occurred in this period particularly in the Ōtaki township and sub-district. There were also purchases in the Pukehou block though these were of smaller areas than the larger scale purchasing of the nineteenth century. A particular focus is on the first decade as despite legislation aimed at reducing the amount of Māori land loss, a similar number of Ōtaki township sections and a similar amount of land in the Ōtaki sub-district blocks were purchased

between 1900 and 1909 as in the period from 1910 to 1920. This second decade followed the enactment of the Native Land Act 1909 which was aimed at making selling easier.

## **4.2 Legislative Overview**

This legislative overview is largely based on Donald Loveridge's research into Māori Land Boards from 1900 and Fitzgerald, Metuamata, Parata, Taipana, Walker and Young's research prepared for this inquiry on Māori land legislation from 1909.<sup>201</sup>

### ***Māori Lands Administration Act 1900, Māori Lands Administration Amendment Act 1901 and Māori Land Settlement Act 1905***

The aim of the Māori Lands Administration Act 1900 enacted on 20 October 1900 was to reduce the amount of Māori land loss and to prevent Māori from becoming landless. To facilitate this, the Act provided for the establishment of district Māori councils. These councils were to be made up of between five or more members including a president, two or three members appointed by the government at least one of whom was to be Māori and two or three members elected by Māori of the district. This meant that 'at least half, and probably a majority, of the members of any given council would thus be Māori'. One of the council's roles was to supervise a 'revised system of land alienation'. The other two roles were related to ascertaining ownership of Māori land and acting for Māori landowners in the 'administration of lands vested in or placed under the authority of the land councils'. It is the regulation of alienations that is of relevance for this report.<sup>202</sup>

Loveridge records that where permanent land alienations were concerned, the councils had a 'limited role' particularly with respect to purchases of land owned by one or two owners. These purchasers were dealt with under section 117 of the Native Land Court Act 1894 which required the approval of the Native Land Court and not the council. This is an area of purchasing that featured largely in respect to Ōtaki township sections and the sub-district

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<sup>201</sup> Donald Loveridge, *Maori Land Councils and Maori Land Boards: A Historical Overview, 1900 to 1952*, Waitangi Tribunal Rangahaua Whanui Series, December 1996; Fitzgerald, Metuamata, Parata, Taipana, Walker and Young (Wai 2200, #A199).

<sup>202</sup> Donald Loveridge, *Maori Land Councils and Maori Land Boards: A Historical Overview, 1900 to 1952*, Waitangi Tribunal Rangahaua Whanui Series, December 1996, pp. 21-22.

during this period. For land purchases where there were three or more owners, the consent of the Governor was required though such an alienation could only be considered valid if it conformed to section 25 of the 1900 Act. The council in these circumstances, played a role in assessing whether the purchase did so or not.<sup>203</sup>

As with previous legislation, the Act also provided for the removal by the Governor of restrictions on alienation and for the owners of that land to ‘have the same rights and privileges to alienate the land as a European possesses in respect to his land’ (section 24). However, no papakāinga, as identified by the council, could be sold. Prior to the establishment of the councils, this assessment was made by the Court but once the Aotea Māori Land Council was established in February 1902, this became the role of this council.<sup>204</sup>

The Māori Land Councils introduced under the Māori Land Administration Act 1900 were the forerunners to Māori Land Boards set up under the Māori Land Settlement Act 1905. However, there was less Māori representation on the boards than on the councils with just three board members, one of whom was to be Māori. The ‘President’ or chair was appointed by the Governor. In this inquiry district, the Aotea Māori Land Council, later Board was the relevant board between 1902 to 1909. From 1909, the Ikaroa Māori Land Board was given jurisdiction of the area. Māori Land Board’s operated until the 1950s though their role varied over time with, for instance, the Native Land Court taking over the confirmation of purchases from 1929. All remaining functions of the boards were replaced by the Māori Trustee in 1952.

The Māori Land Settlement Act 1905 allowed the Crown to purchase land with fewer restrictions. Section 20 stated that the Governor could acquire any land owned by Māori by purchase from the Māori owners or from a majority in value if there were more than ten owners. The Act also introduced such requirements as the purchase price having to be no less than its capital value and proof was required that the sellers had ‘land sufficient for their maintenance’. It was also made clear that it was the Native Land Court that ascertained ownership. Few Crown purchases within the three areas occurred at this time with the only Crown purchase located confirmed circa 1903. This was Ōtaki township section 100 which is located diagonally across

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<sup>203</sup> Donald Loveridge, *Maori Land Councils and Maori Land Boards: A Historical Overview, 1900 to 1952*, Waitangi Tribunal Rangahaua Whanui Series, December 1996, pp. 22-23.

<sup>204</sup> Donald Loveridge, *Maori Land Councils and Maori Land Boards: A Historical Overview, 1900 to 1952*, Waitangi Tribunal Rangahaua Whanui Series, December 1996, pp. 22-23.

from Raukawa Marae. Instead, all other Crown acquisitions in the decade up until 1909 were under the Public Works Acts (Titokitoki3, Titokitoki A and Waitohu 11B for example).<sup>205</sup>

The Act did not appear to alter the requirements with respect to private purchasing, so this continued in a similar vein to the preceding period.

The 1905 Act also provided for the Governor to vest land in the Board that the Native Minister considered unsuitable for occupation by Māori owners for administration. This does not seem to have been applied to the three areas this report is concerned with. The board could also render inalienable any portion of land for the use and occupation of Māori owners for papakāinga, burial grounds and other purposes. Owners could also apply to have their land leased.

Young et al point out that the reports and recommendations of the Native Land Commission of 1907 are ‘generally understood as an audit of Māori land ownership in a particular region at the start of the twentieth century’. However, as they note, the commission ‘did not sit on the west coast of the lower North Island and therefore did not make any recommendations relating to Ngāti Raukawa lands’. Not only did this mean that there was no assessment of the needs of Ngāti Raukawa, there was also no indication given to the government as to the extent of the land loss in the rohe including that around the township.<sup>206</sup>

### ***The Native Land Act 1909 and Native Land Amendment Act 1913***

The Native Land Act 1909 enabled all private purchasing of Māori land with fewer restrictions than previous legislation. Again, it was the Native Land Court and Ikaroa Māori Land Board that controlled the sale of Māori land with all alienations requiring the confirmation of the board. The make-up of the boards remained three members (a European President and two appointed members, one of whom had to be Māori).<sup>207</sup>

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<sup>205</sup> This is discussed fully by Heather Bassett and Richard Kay in the Public Works Issues report for this inquiry (Wai 2200, #A211), pp. 437-445. No details have been located about the Crown purchase of Otaki township section 100 apart from that it was registered on the title in 1903.

<sup>206</sup> Young et al (Wai 2200, #A199), p. 29.

<sup>207</sup> Loveridge, p. 80.

The 1909 Act also changed the ‘provisions governing the operation of the boards’. Young et al state that these changes were ‘designed to facilitate the alienation of the land remaining in Māori ownership ..... [and] intended to make it easier for owners to reach a decision to sell land’. However, the provisions contained ‘a number of checks to ensure that the transaction was not fraudulent, that no individuals would be impoverished as a result of the sale, and that any opposition from minority owners was properly recorded’.<sup>208</sup>

Young et al have set out the process for when land was owned by fewer than ten owners, noting that it could be sold as if it were European land except for the requirement that the board confirm the purchase within six months of signing a deed of purchase. They note that the board had to ‘ensure that the following conditions were met before it confirmed an alienation’:

- The transfer deed or purchase agreement complied with the requirements regarding interpreters and other matters which indicated the Māori vendors understood the effect of the transaction;
- The alienation was not contrary to ‘equity or good faith’ or the interests of the owners;
- The vendors would not become landless by the alienation;
- The price was adequate and would be paid; and
- No breach of trust or law was involved.<sup>209</sup>

The Act also introduced meeting of owner provisions for alienations of land owned by more than ten owners. Young et al explain that that board was responsible for calling a meeting on the application on the owners and had to ensure that ‘the proposed alienation could be undertaken lawfully and that it was in the interests of the owners and the public’. Crucially only five owners, regardless of how many owners there actually were, had to be present at the meeting or represented by proxy. Young et al explain that:

This constituted a quorum. The size of an owner’s shareholding in the block was not taken into account. However, voting was based on shareholdings. Thus, resolutions were passed where the number of shares held by owners present at the meeting in favour

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<sup>208</sup> Young et al (Wai 2200, #A199), pp. 35-36.

<sup>209</sup> Young et al (Wai 2200, #A199), pp. 36-37.

was greater than the number of shares held by owners present at the meeting against. Where an owner voted against a resolution, they ‘could sign a “memorial of dissent” in the presence of the representative of the land board, who would then make a written report to the land board and deposit “a statement under his hand of the proceedings of the meeting”’.

If the resolution was passed it was presented to the local Māori Land Board along with a report by the board’s representative at the meeting. Memorials of dissent were also submitted. The board then had to consider the ‘public interest’ and the ‘interest of the owners’ in deciding whether or not to confirm the resolution. A transaction could not be confirmed until the shares of any owners who might be rendered landless by the alienation were cut out. The board had a number of powers where land had to be partitioned due to dissenters or landlessness. Otherwise, in reaching a decision the board had to consider the factors noted above in relation to sales with fewer than ten owners. However, there were a number of exceptions. The board was not required to specifically investigate ‘whether the owners understood the transaction, or whether it was contrary to equity or good faith, or if a breach of trust might be involved’. Tom Bennion suggests this is ‘because those issues would be raised at the meeting of assembled owners, which was attended by a board representative who presumably would be aware of these issues’. Once it had confirmed a resolution the board itself became the agent who executed the transfer agreement on behalf of the owners. This authority could not be revoked.<sup>210</sup>

Significantly, the Native Land Act 1909 also ‘automatically removed any remaining restrictions on alienations’ though as has and will be further demonstrated, such restrictions had regularly been removed in the years preceding the 1909 Act.<sup>211</sup>

A Native Land Purchase Board was also established under the 1909 Act for Crown purchases though there were few Crown purchases in the area under study from 1909 apart from the Taumanuka block in the early 1930s.

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<sup>210</sup> Young et al (Wai 2200, #A199), pp. 37-38.

<sup>211</sup> Husbands (Wai 220, #A213), p. 323.

Young et al record that in 1913, the 1909 Act was ‘amended to remove “the area with the greatest potential to slow down land alienations, the system of checks operated by the Māori Land Boards and the land court once a decision to alienate had been made”. In practice, [Young et al state] it ended the division between the Native Land Court and the Māori Land Boards. The two agencies were previously independent in function and personnel but this ended in 1913’. The Native Land Amendment Act 1913 also provided for the establishment of new boards which comprised a judge and a registrar thereby making the judge of the Ikaroa district the same as the President of the Ikaroa Māori Land Board. Neither had to be Māori.<sup>212</sup>

The Native Land Amendment Act 1913 also provided that the board, if it considered that it was not in the interest of any Māori alienating their land, for their money to be payable to the board or to the Public Trustee. Section 92 also allowed the board or Public Trustee to invest the money on behalf of the Māori vendor. This was a provision used regularly by the Ikaroa Māori Land Board.

#### **4.3 Purchasing overview and tables, 1900-1949**

This section comprises tables showing purchases and Public Works takings in the period to 1949. It also includes a discussion of each table.

The following table sets out the 64 Ōtaki township transfers executed between 1900 and 1949. All were private purchasers apart from one Crown purchase in 1903. The bulk of the 64 purchases involving about 78 sections were executed by 1929 with just seven purchases executed between 1933 and 1949. Most of the sections purchased from 1929 were vested lands and these are discussed in the next chapter. The vested lands are marked with an asterisk. The table sets out the area, the owner or owners when the land was purchased, the purchaser and price, where known, and the year of the purchase:

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<sup>212</sup> Young et al (Wai 2200, #A199), p. 38.

## Ōtaki township sections purchases, 1900-1949

Ōtaki township section number & date of title if in the 1890s	Area (acres)	Area (roods)	Area (perches)	Owner/s at time of purchase	Purchaser & price where known	Year
Ōtaki 101 +	0	0	34	Tamihana Te Hira & Ngatepa Inia	James Alfred Chorley	By Aug 1901
Ōtaki 69 [9 Aug 1898]	0	0	33.5	Karaitiana Te Tupe	Charles Bell	By Sept 1901
Ōtaki 26, 27, 28, 29 & 30 /Te Awamate 26, 27, 28, 29, & 30	1	3	12	Original owners: Hoani Taipua & Hema Te Ao	Byron Brown (part) whose share was shortly after transferred to George McBeath; and George McBeath (part)	By 1902
Sections 39, 40, 41, 42, 47 & 48 (Kiharoa 2) Kiharoa 2 section 3	0	1	2	Pineaha Te Mahauariki	Family of Frederick Bright	Confirmed circa 1900; registered on CT in 1902
Section 45A section 2	0	2	24	Pineaha Te Mahauariki	Family of Frederick Bright	Confirmed circa 1900; registered on CT in 1902
Sections 39, 40, 41, 42, 47 & 48 (Kiharoa 2) Kiharoa 2 section 5	0	1	2	Pitiera Taipua and Wiremu Hotene Taipua	Family of Frederick Bright	Confirmed & registered on CT 1903
Section 45A section 6	0	2	24	Wiremu Hotene Taipua & Toharoa Parata	Family of Frederick Bright	Confirmed & registered on CT 1903
Ōtaki 113 & 115 [17 Nov 1891]	0	1	23.8	Tohuroa Hira Parata (minor)	Rachel Barrow (part); and Byron Brown & Albert Turner (other part) Section 115: £60	Part by 1902 & remainder by 1903
Ōtaki 72 [13 Nov 1891]	0	0	34.4	Brightwell whānau	R. J Staveley	1903
Ōtaki 56, 57, 58	1	0	0	Ihaka Karipa	William Simcox	1903
Ōtaki 79	0	1	0	Piwiki and others	J McWilliam	1903
Ōtaki 99	0	0	34.1	Hakaraia Te Whena	Edward Tudor Atkinson £25	1903
Ōtaki 100 [located diagonally across from Raukawa Marae]	0	0	34.5	Pitiera Taipua	Crown	By 1903
Ōtaki 25/ Te Awamate 25	0	1	18	Original owner: Moroati Kiharoa	George McBeath	By 1903
Ōtaki 73 [24 April 1894]	0	0	33.5	Hakaraia te Whena	George Herbert Harper	By 1903
Ōtaki 76 [24 April 1894]	0	0	34.4	Rakapa Epia	Charles Henry Williams £30	By 1903
Ōtaki 105A+	0	0	17	Karepa Karanama & Riria Hapi Hakaraia	Thomas King	1904
Ōtaki 105B+	0	0	17.5	Karepa Karanama & Riria Hapi Hakaraia	Thomas King	1904
Ōtaki 49 [1 Aug 1898]	0	1	3	Hihira and Matenga Morati (sp?)	Frederick Horton Bright	By 1904
Ōtaki 93 +	0	0	33.2	Tohuroa Parata	John Gwyneth Stevens (solicitor) soon transferred again. £50	By 1905

Ōtaki part 184, part 190, 191, 192 also part of Makirikiri 2	2	1	3	Tiemi Ranapiri	Thomas Walter Tymons	By 1905
Ōtaki 102 +	0	0	32	Wiremu Kiriwehi, Mohi Wharewhiti, Te Keepa Wharewhiti, Huhana Wharewhiti, Matire (sp) Inia	Eva Theresa Caroline Harper	1906
Ōtaki 74 [13 Nov 1891]	0	0	34.4	Heni Matene Ranapiri	Charles Bell	By 1908
Ōtaki 85A [8 March 1892]	0	0	16.5	Hakaraia te Whenua	Staverley	By 1909
Ōtaki 85B [8 March 1892]	0	0	16.5	Hamiora Kuka	Staverley	1910
Ōtaki 108 [1894]	0	0	32	Hariata Rongowhitiao, Manawanui Otene, Taongahuia Kiri	Charles Williams	1910
Ōtaki 156 [26 March 1909]	0	0	33	Hoani Hapeta	R.F Mann	1910
Ōtaki 157 [26 March 1909]	0	0	34.4	Hoani Hapeta	R.F Mann	1910
Ōtaki 96B [5 July 1910]	0	0	17	Tonga Huia	Charles Bell	1910
Ōtaki 96A [5 July 1910]	0	0	17.28	Uurukaihau Taipua	Charles Henry Williams	1911
Ōtaki 104 +	0	0	32	Aniki & others	Ellen Howell £104	1911
Ōtaki 128 [11 July 1911]	0	1	19.7	Te Rehu Wiremu Kooti, Rahera Hira & Wharerangi Winara	Catherine Robinson	1912
Ōtaki 152 [14 Feb 1912]	0	0	33	Not located	William McKegg	1912
Ōtaki 153 [14 Feb 1912]	0	0	34.4	Rota Waitoa Te Paki	William McKegg £120	1912
Ōtaki 162 (located next to Raukawa Marae on corner of Mill Road and Aotaki Street)	0	0	34.4	Hema Ropata Te Ao	William McKegg	1912
Ōtaki 129B	0	0	23.7	Ani Paihona & Hadfield Knocks	Catherine Robinson	1913
Ōtaki 75 [6 March 1915]	0	0	33.5	Hori Te Mataki	Frederick Horton Bright	By Jan 1913
Ōtaki 45A section 3	0	2	24	Kingi Hakopa, Rukawa Hakopa, Auita Hakopa, Mahauariki Te Waru and Maui Te Waru	Honora & Margaret Bright	1913
Kiharoa 2 section 4 (previously part of Ōtaki sections 39, 40, 41, 42, 47 & 48)	0	1	6	Kingi Hakopa, Rukawa Hakopa, Auita Hakopa, Mahauariki Te Waru and Maui Te Waru	Honora & Margaret Bright	1913
Ōtaki 126 & 127, part 124 & part 125	0	1	31.9	Hema Ropata Te Ao	Margaret Heap	1913
Ōtaki 170	0	0	33	Te Rei Parewhanake	Robert Jones Staveley	1913

Ōtaki 92B	0	0	37	Enid Trissa Wallace	Alfred Palmino Truda	1915
Ōtaki 92A	0	0	17	Lacey Uston, Bruce Wallace & Eric Vincent Wallace	Alfred Palmino Truda	1915
Ōtaki 77 [6 March 1915]	0	0	33.5	Te Matuku whānau (children of Hori Te Mataka)	Frederick Horton Bright £61	1916
Ōtaki 90A	0	0	17	Awarded to Irma Leah Wallace & Elsie Chorlton 28 March 1913 (Wallace whānau)	Bank of New Zealand	1918
Ōtaki 90B	0	0	17	Awarded to Amy Helen Taipua & Marion D'Ath on 28 March 1913 (Wallace whānau)	Bank of New Zealand	1918
Ōtaki 50	0	1	3	Maaka Pukehi	Arthur Edward Minton	1921
Ōtaki 118	0	1	29	Amy Taipua (previous owners Lacey Uston, Bruce Wallace & Eric Vincent Wallace)	Byron Paul Brown shortly followed by Robert James Crichton	1921
Ōtaki 119	0	1	29	Amy Taipua & Elsie Chorlton (Wallace whānau)	Byron Paul Brown shortly followed by Robert James Crichton	1921
Ōtaki 97 & 98				Te Kahurangi Taipua	Thomas Butler Bax	By 1922
Ōtaki 52B	0	0	22	Te Peehi Wi Parata.	Not located.	By 1922
Ōtaki C (previously part of Ōtaki sections part 64, 65, 66, 67 & 68)	0	1	34	Matene Te Rei, Pipi Te Rei, Wirihana Te Rei and Waari Te Rei	August Ernest Twist £455	1924
Ōtaki B (previously part of Ōtaki sections part 64, 65, 66, 67 & 68)	0	1	34	Te Wirihana Te Tuku Hurai, Rangihaeata Paramena, Te Amomate Rangihaeata, Te Wehioterangi Rangihaeata, Arapera Rangihaeata, Hori Tame Rangihaeata and Harota Rangihaeata	August Ernest Twist £71	1925
Ōtaki A2 (previously part of Ōtaki sections part 64, 65, 66, 67 & 68)	0	1	18.6	Pani Ngawati, Mere Ngati and Pipi Ngawati	August Ernest Twist	Circa 1925
Ōtaki 117	0	1	2.9	Elva Patricia Wallace and Enid Trissa Truda (nee Wallace)	Ellen Reynolds	1925
Ōtaki A1 (previously part of Ōtaki sections part 64, 65, 66, 67 & 68)	0	0	14.6	Heni Pita	August Ernest Twist	1929

Ōtaki 116	0	1	2.9	Amy Helen Taipua & Marion D'Ath (Wallace whānau)	Henry Thomas Elderton	26 November 1929
Ōtaki 131 & 133B	0	1	0	Transferred by Pene Kotene to Teoti Kotene (George Gordon) in 1913	Transferred from Registrar of Supreme Court exercising powers to mortgage to Grand Lodge of Druids of NZ	1933
Ōtaki 44 +	0	1	3	Pumipi Matenga Te Hiko, Ramari Paraone and Matenga Te Hiko Matenga	William McBeath & Eric Cook, £1250	1945
Ōtaki 131 & 133A	0	1	29		Gifted to George Thomas Gordon by his father. Appears to have been treated as European land. <sup>213</sup>	1945
Ōtaki 146 & 148*	0	1	27	Hawea Pirika Remana alias Hawea Hohepa and Rangiwahaia Pirika Remana alias Rangiwahaia Hohepa	Ōtaki Textiles Ltd, £700	1946
Ōtaki 123*	0	0	35.4	Not located	Daniel Cooksley £120	1949
Ōtaki 154*	0	0	33.5	Not located	Purchased by Crown for Māori housing purposes in 1949. Subject to Māori Housing Act 1935. Transferred to Sam & Piwiki Cook in 1956 (Māori land). Europeanised 1971. <sup>214</sup>	1949
Ōtaki 155*	0	0	35	Not located	Purchased by Crown for Māori housing purposes for £235 in 1949. Subject to Māori Housing Act 1935. Transferred to Rikihana Te Rei Carkeek in 1957 (Māori land). Europeanised 1970. <sup>215</sup>	1949
<b>Total</b>						

+ = restrictions on title (recorded up until 1909)

\*=vested in Ikaroa Māori Land Board in 1929 for non-payment of rates

Note: where purchase dates do not rely on certificates of title; dates are based on when deed signed and confirmed by Court/Council or Board but not necessarily registered on certificate of title.

Source: Certificates of title (LINZ), Aotea District Māori Land Council Minute Books 1-4, 1905-1909; Ikaroa Māori Land Board minute books 2-11, 1909-1933; Ōtaki minute books; Walghan Partners, (Wai 2200, #A212(a)) pp. 59-60; District Officer, Wellington Head Office, 1 August 1956, part 3 OBC rates; Woodley (Wai 2200, #A193), pp. 438-439; Alienation files; Block order files; MA & J files.

<sup>213</sup> Certificate of title WN5B/649, LINZ.

<sup>214</sup> Certificate of title WN571/272, LINZ.

<sup>215</sup> Certificate of title WN533/217, LINZ.

The following table shows the many purchases in the Ōtaki sub-district between 1900 and 1949. The total area purchased during this period was almost 1,033 acres. Purchasing in the early twentieth century was a continuation of the purchase activity that escalated in the sub-district in the 1890s when there were 88 purchases. Similarly, there were 69 purchases in the period from 1900 to 1909 (about 400 acres) and 79 in the period 1910 to 1919 (almost 342 acres). As with the township sections, purchasing began to decline in the third decade of the twentieth century when there were 44 purchases comprising approximately 226 acres. The number of purchases dropped further in the 1930s when there were 21 (54 acres) which mostly included the Crown purchase of various Taumanuka blocks which were vested in the Ikaroa Māori Land Board at the time. In the 1940s there were eight purchases comprising just over 13 acres.

Land vested in the Ikaroa Māori Land Board in 1929 or 1931 for non-payment of rates are marked with an asterisk. There were 13 purchases of land in the sub-district vested in the board between 1930 and 1949. This mostly comprised land in the Taumanuka block:

#### Ōtaki sub-district purchases, 1900-1949

Ōtaki Sub-district block name	Area (acres)	Area (roods)	Area (perches)	Purchaser	Purchase Date (approximate)
Harurunui 2	5	1	3	John Stephen Vella	1900
Waitohu 11A	3	2	0	William Jillett	1900
Ahitangutu 17	1	0	21	William Jenkins	9-Apr-00
Rahui Te Ngae 2	0	1	37.7	Edmond Tudor Atkinson	9-May-00
Rahui Te Ngae 3	0	1	37.7	Edmond Tudor Atkinson	9-May-00
Kurukohatu A	4	2	9	Archibald Hall	27-Jun-00
Makuratawhiti 2B2	0	1	6.5	Timothy O'Rourke	10-Jul-00
Makuratawhiti 2B3	0	1	6.5	Timothy O'Rourke	10-Jul-00
Piritaha 8C	1	0	3	George McBeath	20-Jul-00
Pahianui 2C & 2D1	3	1	9	George McBeath	29-Aug-00
Pahianui 2C & 2D2	0	2	25	George McBeath	29-Aug-00
Tutangatakino 8 (balance)	See other part			Frederick James Ryder	29-Aug-00
Pahianui 9	0	3	5	George McBeath £125	12-Sep-00
Awaroa 12B2	6	3	35	Morgan Carkeek	16-Dec-00
Waerenga 2C	1	2	25	Frederick James Ryder	31-Dec-00
Haruatai 5A	1	0	0	Fredrick Horton Bright	3-Mar-01
Te Kahikatea	2	0	35	George McBeath & Robert Lee	20-Aug-01
Tutangatakino 6A	See other part			George McBeath & Robert Lee	20-Aug-01
Taumanuka 1	171	0	14	Edmond Tudor Atkinson	26-Aug-01
Haruatai 14	2	0	14.1	Robert James Staveley	18-Oct-01
Takapu-o-Toiroa 1	4	2	27	Kate Death	28-Dec-01
Mangapouri 6	0	0	17	George McBeath	11-Feb-02
Te Rahui	4	3	0	Edmond Tudor Atkinson	12-Feb-02
Mangapouri 1 (pt)	6	3	2	Frederick Horton Bright	6-Aug-02
Kiharoa 2 s.5	0	1	3	Mary Ann Bright	11-Nov-02
Kiharoa 2 s.3	0	1	3	Mary Ann Bright	22-Nov-02

Makuratawhiti 9B	0	3	8	George McBeath	13-Dec-02
Makuratawhiti 9C	1	0	32	George McBeath	13-Dec-02
Awahohonu A3 s.4A1	8	0	0	John William Swainson	14-Jul-03
Te Awamate (Lot 25)	0	1	18	George McBeath	10-Jun-03
Mangapouri 1 (balance)	See other part			Frederick Horton Bright	1 March 1904
Haruatai 10B	8	1	35	Byron Paul Brown	30-Jan-04
Makirikiri 1	1	3	0	Thomas Walter Tymons	1905
Makirikiri 2	2	1	3	Thomas Walter Tymons	1905
Te Roto 2	19	3	20	Benjamin Ling	1905
Ahitangutu 5	1	2	2	Timothy O'Rourke	13-Jul-05
Mangapouri 5	1	1	30	Harawira Renata	13-Jul-05
Moutere Hanganoiho 2 (pt)	1	2	27	Heera Rauapiri	13-Jul-05
Moutere Hanganoiho 2 (pt)	See other part			Patrick Joseph Power	13 July 1905
Pahianui A 1	3	3	3	Frederick James Ryder	5 Oct 1905
Mangapouri 5	See other part			Thomas Devoy et al	6 Oct 1905
Tutangatakino 1 A	0	1	36.5	James Cootes	1906
Kahikatea	2	0	34	George McBeath	7-Sep-07
Haruatai 12D	2	3	11	Charles Kilsby	23-Sep-07
Kurukohatu C2	3	3	0	Archibald Hall	5-Dec-07
Kurukohatu C1B	3	2	12	Archibald Hall	10-Dec-07
Kurukohatu D3	11	3	8.7	Archibald Hall	17-Dec-07
Haruatai 12C1	4	2	22	Byron Paul Brown	1908
Makuratawhiti 1E1	1	1	25	The Education Board	1908
Hanganoiho 1C	0	1	35	Harry Transon	13-Mar-08
Waitohu 3 (pt)	7	1	0	Frederick Horton Bright	7-Jul-08
Kurukohatu C1A	1	3	7	Henry Brown	1909
Makuratawhiti 1 A2A	0	1	6	John Meads	1909
Waitohu 11C1	59	1	5	Byron Paul Brown	1909
Whakahokiatapango 2	3	1	22	Byron Paul Brown	1909
Piritaha 7	0	1	30	George McBeath	20-Jan-09
Makuratawhiti 8 A	2	0	0	Catherine Death	28-Jan-09
Wakapua 2A1 (pt)	12	3	12	Frederick Horton Bright	14-Apr-09
Kurukohatu D2 (pt)	0	3	0	Henry Brown	31-May-09
Waitohu 3 (pt)	See other part			Frederick Horton Bright	31-May-09
Titokitoki 3H1	1	1	25	Robert Jones Staveley	2-Jul-09
Ahitangutu 1 (pt)	1	3	20	Eric Joseph Cook	24-Dec-09
<b>Sub-total: 1900-1909</b>	<b>397</b>	<b>0</b>	<b>27.7</b>		
Pahianui 8	1	0	18	Byron Paul Brown	1 Feb 1910
Pahianui 1A2	1	1	38	Edmond Tudor Atkinson	18 Mar 1910
Haruatai 18A	3	3	29	William Martin Simcox	3 Nov 1910
Makuratawhiti 11C	0	2	30	Charles Bell	23 Dec 1910
Ngawhakarangirangi (pt)	0	2	28	Mary Anna Blakiston	1911
Titikura	2	0	0	George Robert Bell & Joe Retter	1911
Makuratawhiti 11B1	1	0	10.6	Thomas O'Rourke	9 Jan 1911
Haruatai 18B	3	2	1	Charles Bell	24 Feb 1911
Makuratawhiti 11A2	0	1	15.5	Robert Jones Staveley	12 Apr 1911
Haruatai 17A	1	0	0	Thomas O'Rourke	3 May 1911
Haruatai 17B	1	3	3	Charles Gooding	3 Jun 1911
Moutere Hanganoiho 1 (pt)	5	0	0	Joseph Death	29 Jul 1911
Ahitangutu 7	1	0	19	Robert James Stanley	11 Oct 1911
Ngawhakarangirangi	See other part			Frederick James Ryder	1912
Waerenga West	5	1	24	Frederick James Ryder	1912
Whakahokiatapango B	0	2	27	George McBeath	9 Jun 1912
Awaroa 12B1C	1	2	0	Morgan Carkeek	9 Aug 1912

Wakapua 2A1 (pt)	See other part			Frederick Horton Bright	23 Sep 1912
Kiharoa 2 s.1	0	1	3	Frederick Bright	22 Nov 1912
Kiharoa 2 s.6	0	1	3	Mary Ann Bright	22 Nov 1912
Haruatai 9A	0	3	10	Frederick & Arthur Bright	1913
Haruatai 9B	0	3	6	Frederick & Arthur Bright	1913
Haruatai 9C5	5	0	26	Charles Bell	1913
Makirikiri (s.34)	1	2	7	William McKegg	1913
Pahianui A2A	3	3	21	Susannah Brown	1913
Whakahokiatapango	2	1	30	George McBeath	1913
Haruatai 12B1	1	0	12	Robert Jones Staveley	22 Feb 1913
Tutangatakino 4B	1	1	8	Charles George Hewson	16 Apr 1913
Piritaha 2 (bal)	See other part			George McBeath	3 May 1913
Awahohonu A3 s.4B2	9	2	13	Herbert Freeman	29 May 1913
Haruatai 3B	7	1	11.8	Charles Kilsby	27 Aug 1913
Wakapua 1	5	0	32	George William Taylor	16 Sep 1913
Kiharoa 2 s.4	0	1	6	Honora & Margaret Bright	11 Oct 1913
Haruatai 9C2	0	1	1.5	Frederick & Arthur Bright	1914
Makuratawhiti 8B2A	2	2	0	Nellie Toupsett	1914
Titokitoki 3H2	4	2	0	Madeline McKegg	1914
Titokitoki 3H3	4	3	20	Madeline McKegg	1914
Hanganoiho 2	2	0	30	Charles Bell	26 Jan 1914
Makirikiri 3	1	1	7	William McKegg	27 Feb 1914
Haruatai 9C4	2	2	20	Frederick & Arthur Bright	5 Mar 1914
Awahohonu A3 s.4A2	28	1	19	Robert Freeman (pt)	8-Jun-14
Pukekaraka A	10	1	9	Martha Mary Taylor	19-Jun-14
Waitohu 1B2	4	3	0	George William Taylor	27-Jul-14
Waitohu 1B3	6	2	20	George William Taylor	27-Jul-14
Waitohu Wakapua	5	1	24	George McBeath	9-Aug-14
Haruatai 3C	0	1	35	Charles Kilsby	18-Dec-14
Haruatai 16A1	1	1	13	Charles Bell	22-Dec-14
Haruatai 16B	2	0	20	Charles Bell	22-Dec-14
Haruatai 16C	1	3	4	Charles Bell	22-Dec-14
Awaroa 12B1A	3	1	38	Morgan Carkeek	1915
Awaroa 12B1B	1	3	37	Morgan Carkeek	1915
Haruatai 9C3	0	1	1.5	Frederick & Arthur Bright	1915
Makuratawhiti 9A1	0	1	16.9	Robert Jones Staveley	1915
Pukekaraka B	12	1	18	George William Taylor	1915
Rekereke 1	41	0	0	Frederick Bright & Arthur Allen Bright	1915
Rekereke 4 (aka Rekereke s.18)	16	1	0	Frederick Horton Bright	1915
Taumanuka 4B2A	0	3	17.5	Ernest Hopkins	1915
Totaranui 11D1B (pt)	0	3	8	Morgan James Carkeek	1915
Whakahokiatapango A	0	2	3	George McBeath	4 Feb 1915
Waitohu 2	1	3	10.9	Frederick Horton Bright	7 Aug 1915
Piritaha 9C	2	1	28	George McBeath	28 Oct 1915
Totaranui 2 (pt)	5	3	10	Morgan James Carkeek	1916
Totaranui 3 (pt)	6	2	30	Morgan James Carkeek	1916
Totaranui 4A (pt)	3	3	34	Morgan James Carkeek	1916
Totaranui 4B (pt)	2	3	37	Morgan James Carkeek	1916
Piritaha 9A	0	2	3	Edmond Tudor Atkinson	17 Feb 1916
Piritaha 9 B (pt)	3	0	11	Edmond Tudor Atkinson	17 Feb 1916
Titokitoki 3F2	5	1	9	William McKegg	18 Aug 1916
Haruatai 5 s.6	1	3	16	Charles Bell	1917
Pahianui A2B	3	3	27	James Edmond Noble	16 Jan 1917
Motuere Tahuna 6	6	1	34.6	Reginald William Frederick Ryder	28 Feb 1917
Nuiniumaroro	1	3	32	George McBeath & Robert Lee	21 Mar 1917
Pahianui B4	3	3	15	Charles Rupert Stead	11 Aug 1917
Piritaha 3	1	3	19	William Hughes Field	1918
Waitohu 1B1 (pt)	4	1	10	George William Taylor	15 May 1918
Whakahokiatapango 1B	0	3	14	George McBeath	16 Oct 1918

Whakarangirangi 29N12	1	0	26	Bryon Paul Brown	20 Dec 1918
Whakarangirangi 29N13	1	0	26	Bryon Paul Brown	20 Dec 1918
Moutere Tahuna 4	53	0	20	Reginald William Frederick Ryder	1919
<b>Sub-total: 1910-1919</b>	<b>341</b>	<b>2</b>	<b>6.8</b>		
Moutere Tahuna 8B1	4	1	19	Charles Bell	5-Jun-20
Moutere Tahuna 9A (pt)	4	0	0	Reginald William Frederick Ryder	11-Aug-20
Whakarangirangi 29N4	1	0	32	Horace Nobel	11-Aug-20
Whakarangirangi 29N5	1	0	32	Bruce Nobel	2-Sep-20
Hakuai 1 sub 2	9	2	7	George Edmond Noble	27-Oct-20
Tauatemiromiro B	2	1	10	Frederick James Ryder	20-Oct-20
Moutere Tahuna 9A	See other part			Reginald William Frederick Ryder	28-Oct-20
Motuere Tahuna 2 (pt)	30	0	20	Reginald William Frederick Ryder	29-Nov-20
Taumanuka 3G1A	1	1	15	Robert Jones Mavoley	29-Nov-20
Taumanuka 3J	3	3	34	Ernest Hopkins	1921
Makuratawhiti 7	0	2	32	Frederick Davies	5-May-21
Te Kareti	2	3	8	Albert, Walter & Kenneth Taylor	2-Nov-21
Waitohu 1B1 (pt)				George William Taylor	26-May-21
Pahianui B3	3	3	15	James Edmond Noble	19-Dec-21
Taumanuka 3D2	4	0	28	Byron Paul Brown	1922
Pahianui B2	3	3	15	James Edward Noble	9-Jan-22
Makuratawhiti 1G	0	1	0	James Richard Bills	1923
Tauatemiromiro A	1	0	21	Frederick James Ryder	1923
Taumanuka 3G1B	1	2	33.6	Robert Jones Staveley	21-Mar-23
Taumanuka 3G1B1	0	2	33.6	Robert Jones Staveley	21-Mar-23
Waitohu 1B1 (pt)	See other part			George William Taylor	21-May-23
Taumanuka 3E1	5	2	7.2	Ernest Hopkins	1924
Taumanuka 3G1B2A	0	0	15	Clinton Greenwood Jones	1924
Taumanuka 3I1	6	1	32	Ernest Hopkins	1924
Tutangatakino 4A1	1	2	2.6	Robert Jones Staveley	1924
Moutere Tahuna 9B (pt)	26	2	0	Hone McMillan	23-Mar-23
Moutere Tahuna 1 & 3	40	0	31	Hone McMillan, K. Te Ahu	17-Nov-24
Haruatai 2B	1	2	15	Alfred Knocks	1925
Tahuna 1	15	0	12	Frederick James Ryder	1925
Tutangatakino 3 (pt)	3	3	11	Frederick James Ryder	1925
Tutangatakino 3 (balance)	See other part			Rolland Wallace Hill	1925
Tutangatakino 5 (balance)	See other part			Frederick James Ryder	1925
Titokitoki 3C3	3	2	37	Archibald Smith	19-May-25
Taumanuka 3H1A	1	0	28	Arthur Edward Menton	1926
Makuratawhiti 1B2D1	0	1	29	Ernest Frederick Upham & Maraea Bell	11-Sep-26
Makuratawhiti 1B2B	0	3	19	Ernest S Upham	18-Nov-26
Wakapua 2A2A	1	2	9	Walter, Frank H. & Raymond J. Taylor	22-Nov-26
Taumanuka 2A2	35	1	22	Albert Hastings Hill	1927
Taumanuka 3H1B	2	0	14.1	Edmond Tudor Atkinson	12-Mar-27
Moutere Tahuna 1 & 3	See other part			Reginald William Frederick Ryder	26-Nov-27
Haruatai 5 s.4	1	0	32.2	John Meads	1929
Ahitangutu 1 (balance)	See other part			Eric Joseph Cook	20-Aug-29
Paremata 15A6	1	2	24	Reginald F Ryder	21-Aug-29
Moutere Tahuna 8B1	4	1	19	Reginald William Frederick Ryder	26-Nov-29
<b>Sub-total: 1920-1929</b>	<b>226</b>	<b>0</b>	<b>15.3</b>		

Totaranui 11B4	0	0	31.1	Arthur Douglas Webster	28 Mar 1930
Totaranui 11D2 (pt)	2	0	35	Frederick & R. Mang	18 Jul 1930
Mangapouri 4 (pt)	1	3	6	Francis Melu & Francis Delach	1931
Mangapouri 4 (pt)	See other part			Ernest Irvine	1931
Taumanuka 2A1*	1	0	10	Crown	4 Jun 1931
Taumanuka 2B10*	1	0	0	Crown	4 Jun 1931
Taumanuka 2B11*	0	2	9	Crown	4 Jun 1931
Taumanuka 2B12*	1	0	0	Crown	4 Jun 1931
Taumanuka 2B13*	10	0	38	Crown	4 Jun 1931
Taumanuka 2B9A	0	1	39.9	Crown	4 Jun 1931
Taumanuka 2B9B	0	1	39.9	Crown	4 Jun 1931
Taumanuka 3A*	20	0	0	Crown	4 Jun 1931
Taumanuka 3B1*	7	0	30.5	Crown	4 Jun 1931
Taumanuka 3C1*	0	3	27	Crown	4 Jun 1931
Taumanuka 3D1*	3	2	30	Crown	4 Jun 1931
Waitohu 11C3 (pt)	Not given			Frank H. Walter & Raymond J. Taylor	28 Sep 1931
Pahianui 1A1B	0	0	39	Elizabeth A Bevan	1934
Ahitangutu 5A	0	2	20	Ada Fanny Cook	1935
Makuratawhiti 1C1	0	1	0	Ellen Howell	1937
Whakarangirangi 29N2	1	0	32	The Public Trustee	1939
Whakarangirangi 29N6	1	0	32	The Public Trustee	1939
<b>Sub-total: 1930-1939</b>	<b>54</b>	<b>1</b>	<b>19.4</b>		
Pahianui 1A1A	0	1	0	Ernest Francis Clark	1941
Waerenga 7A3	2	1	16	Charles Walters	1942
Makuratawhiti 1C2*	0	1	0	Norman Francis Walker	1947
Waerenga 8	1	2	24	O.J.G. D'Ath	1947
Whakarangirangi 29N3*	1	0	26	Dennis Andrew McLuckie	1947
Totaranui 11B2*	0	1	28	Neville Bell	30 Apr 1948
Moutere Tahuna 8A	4	1	20	Māori Trustee to Crown	14 Feb 1949
Pahianui 3A1B*	2	3	33	Kong Jock King	10 Oct 1949
<b>Sub-total: 1940-1949</b>	<b>13</b>	<b>1</b>	<b>27</b>		
<b>Overall TOTAL</b>	<b>1032</b>	<b>2</b>	<b>16.2</b>		

\*Land vested in the Ikaroa Māori Land Board in 1929 or 1931 for non-payment of rates.  
Source: Walghan Partners Block narratives; Certificates of title.

The following table sets out the Pukehou blocks purchased between 1900 and 1953. All were private purchasers and totalled around 1537 acres. These purchases follow a similar pattern to the Ōtaki township sections and Ōtaki sub-district with the bulk purchased in the first three decades (approximately 1491 acres) with just a small number of purchases in the 1930s and 1940s (just over 45 acres). The table also shows that most of the purchases were by the Simcox family who negotiated the purchase of 30 blocks during this period. However, it was for a lesser amount of land than the combined total of the other ten purchases which comprised about 571 acres. The ten purchases by other Pākehā comprised almost 920 acres with the largest portion purchased by Alexandra Rolls. He purchased the 660-acre Pukehou 5A1 south block in 1900. Also of note was that the number of purchases in the Pukehou block in the first decade of the twentieth century (seven) greatly increased in the next decade to 23. This likely reflects the change in legislation in 1909 which made it easier to purchase Māori land especially that land owned by more than ten owners:

**Pukehou block purchases, 1900-1949**

<b>Pukehou block</b>	<b>Area (acres)</b>	<b>Area (roods)</b>	<b>Area (perches)</b>	<b>Purchaser</b>	<b>Date</b>
Pukehou 4H8B	10	0	0	John Atkins	14-Nov-00
Pukehou 5A1 south	660	0	0	Alexanda Higgin Rolls	27-Nov-00
Pukehou 4G12	7	0	0	George Bevan	19-Mar-03
Pukehou 4F2E2B1	6	1	36	William Martin Simcox	1904
Pukehou 5L4A (pt)	4	2	35	Charles Bell	5-May-04
Pukehou 4C3	30	0	0	William Martin Simcox	23-Jul-05
Pukehou 4G4	11	0	35	William Henry Simcox	13-Dec-06
<b>Sub-total: 1900-1909</b>	<b>729</b>	<b>1</b>	<b>26</b>		
Pukehou 4C7A	60	0	0	Not located	1910
Pukehou 4F2E	6	1	9	William Henry Simcox	2 Dec 1910
Pukehou 4F2E2A	6	1	36	William Henry Simcox	2 Dec 1910
Pukehou 4C1	40	0	0	William Martin Simcox	14-Feb-11
Pukehou 4G8C	17	0	22.5	William Herbert Bennett	16-Mar-11
Pukehou 4F2E1	12	3	32	Not located	1912
Pukehou 5G1	55	2	2	Joseph Death	23-Jan-12
Pukehou 4C7E	20	0	0	William Martin Simcox	5-Jul-12
Pukehou 4C2	30	0	0	William Martin Simcox	30-Nov-12
Pukehou 4D1B (pt)	Included below			William Martin Simcox	15-Jun-13
Pukehou 4G6	11	1	5	Ethelynn Beatrice Simcox	8-Nov-13
Pukehou 4G11 (pt)	17	1	29	William Martin Simcox	28-Feb-14
Pukehou 4G11 (pt)	Included above			Ethelynn Beatrice Simcox	18-Mar-14
Pukehou 5G2C	2	0	38.5	Joseph Death	17-Jun-14
Pukehou 4G11A	56	1	12.1	William Martin Simcox	26-Jan-15
Pukehou 4G2D	14	1	3.5	William Martin Simcox	19-Oct-15
Pukehou 4D1E	4	2	17	William Martin Simcox	16-Dec-16
Pukehou 4D1A1	15	2	24	William Martin Simcox	18-Jul-17
Pukehou 4D1C1	44	3	10	Helen Kate Simcox	9-Apr-18
Pukehou 4D2C	18	2	21	Helen Kate Simcox	27-Sep-18
Pukehou 5L7	2	0	0	Horowhenua County Council	3-Mar-19
Pukehou 4D1B	80	2	26	Ethelynn Beatrice Simcox	24-Jul-19
Pukehou 4F4B2	15	2	20	Ethelynn Beatrice Simcox	31-Oct-19
<b>Sub-total: 1910-1919</b>	<b>531</b>	<b>3</b>	<b>27.6</b>		
Pukehou 4D2A (part) & 4D2B (part)	16	0	18.5	Ethelynn Beatrice Simcox	10 May 1920
Pukehou 5L1B	96	3	22	Wallace Michael D'Ath	5 Oct 1922
Pukehou 4G8D	17	0	24	Ethelynn Beatrice Simcox	28 May 1923
Pukehou 4F4B1	9	1	20	William Martin Simcox	1924
Pukehou 4D1D1	11	2	18	William Martin Simcox	1925
Pukehou 4G8A	22	3	11	Ethelynn Beatrice Simcox	12 Aug 1925
Pukehou 4D1A2A	9	1	36	Ethelynn Beatrice Simcox	5-May-26
Pukehou 4D1C2	13	1	2	Ethelynn Beatrice Simcox	5-Aug-26
Pukehou 4G8B	34	1	5	Ethelynn Beatrice Simcox	11-Dec-26
<b>Sub-total: 1920-1929</b>	<b>229</b>	<b>3</b>	<b>18</b>		
Pukehou 4G11B	11	0	10	Ethelynn Beatrice Simcox	1932
<b>Sub-total: 1930-1939</b>	<b>11</b>	<b>0</b>	<b>10</b>		
Pukehou 4D2A (part) & 4D2B (part)	10	3	32.5	William Martin Simcox	1945
Pukehou 4F2E2B2	18	2	30	H.C. Smith, J. D MacArthur & C. E. Smith	1948
<b>Sub-total: 1940-1949</b>	<b>34</b>	<b>2</b>	<b>25</b>		
<b>Overall total: 1900-1948</b>	<b>1536</b>	<b>3</b>	<b>26.2</b>		

Source: Walghan Partners (Wai 2200, #A212(b), pp. 200-232; Alienation file for Pukehou 4C4C2 & Pukehou 4D2B; Certificate of title Pukehou 4C4C2, WN20D/611, LINZ; Ōtaki Minute Book 62, 7 November 1944, pp. 232-233.

Land was also taken under the Public Works Act during this period. The following is compiled from the spreadsheet of Public Works takings prepared by Heather Bassett and Richard Kaye for this inquiry. Note that the Pukehou data will be added prior to the submission of the final report:

**Land in Ōtaki township and Ōtaki sub-district taken under the Public Works Act 1905, 1908 and 1928 between 1900 and 1973**

Block name	Area (acres)	Area (roods)	Area (perches)	Purpose	Year
Waitohu 11C2**	13	3	32	Hospital or Sanitorium	1906
Titokitoki 3	8	2	19.8	Hospital or Sanitorium	1906
Titokitoki A	1	0	26	Hospital or Sanitorium	1906
Waitohu 11B	6	3	34	Hospital or Sanitorium	1906
Totaranui 11D1	0	1	20.1	Railway	1910
Haruatai 15B	0	1	37	Road	1916
Totaranui 11B	0	1	0.7	Street	1928
Moutere Hanganoiho 1	0	0	3.75	Road	1929
bed of Haruatai Stream	0	0	0.09	Road	1929
Te Moutere Hanganoiho 1	0	1	5	Road	1936
Stream bed (Haruatai Stream)	0	0	2.9	Road	1936
Moutere 8B2	0	2	16	Road	1936
Te Moutere Hanganoiho 1	0	0	7	Road	1939
Hanganoiho 1E	0	0	8	Road	1939
bed of Haruatai Stream	0	0	2.5	Road	1939
Totaranui 1 Subdivisions 11B2 & 11B3	0	0	13.3	Road	1939
<b>Subtotal (approximate): 1906-1939</b>	<b>32</b>	<b>2</b>	<b>27.51</b>		
Ungranted land adjoining Cook Strait, Taumanuka 3F, Paremata 15A, 15B and 11, Subdivision 4A and 4B and Tawaroa No 1, Kahukura No 1, Part Ngakaroro 5E*, and parts ungranted land	90	2	30	Soil Conservation & River Control	1954
Ungranted land adjoining Tawaroa 1, Rekereke 18 and 5, Kahukura 1	10	0	11	Soil Conservation & River Control	1954
Part ungranted land adjoining Part Moutere Tahuna 2 and 4, and ungranted land	0	0	20	Soil Conservation & River Control	1954
Part Hakuwai 1 No 1	1	2	32	Soil Conservation & River Control	1955
Part Hakuwai 20	4	1	16.2	Soil Conservation & River Control	1955
Part Paremata 15A	0	3	30	Soil Conservation & River Control	1955
Part Kahukura 1	5	3	30	Soil Conservation & River Control	1955
Part Tuahiwi 3A	2	1	23	Soil Conservation & River Control	1955
Part Tuahiwi 2	8	0	29	Soil Conservation & River Control	1955
Part Moutere Tahuna 7B	0	0	0.6	Soil Conservation & River Control	1955
Part Moutere Tahuna 4A	3	1	19	Soil Conservation & River Control	1955
Part Lot 1 DP 6348 Part Moutere Tahuna 2**	19	2	38	Soil Conservation & River Control	1955
Part Taumanuka 3F	5	3	30	Soil Conservation & River Control	1955
Makuratawhiti North	0	3	31	Automatic Telephone Exchange	1957
Parts Hanganoiho No 1B Block	0	0	11	Street	1958
Section 110A Township of Ōtaki	0	0	.32	Street	1959

Part land on DP 3608 being Part Church Mission Grant	1	0	1.8	Street	1962
Part stream bed	0	0	3.7	Street	1962
Hanganoaiho 1B Block	0	1	37	Housing	1960
Ungranted Land Adjoining Kahukura No 1 Pukerarauhe 1, Katihiku 1B, Ngakaroro 3F1* and Parts Ngakaroro 3F, 5E*	25	2	23	Noxious Weeds	1961
Makuratawhiti 1B2D2 Borough of Ōtaki	0	1	28	Public School	1964
Part Makuratawhiti 6A2 being also Lot 1 DP 31581 Borough of Ōtaki	0	0	25.9	Māori Housing	1973
<b>Subtotal (approximate): 1955-1973</b>	<b>182</b>	<b>0</b>	<b>30.5</b>		
<b>Total (approximate): 1900-1973</b>	<b>214</b>	<b>3</b>	<b>18.01</b>		

\*located outside the Ōtaki sub-district

\*\*partly European land

Source: Heather Bassett and Richard Kaye, The Porirua ki Manawatu Public Works takings (excel spreadsheet), 30 November 2018 (Wai 2200, #A211 (b))

#### 4.4 Purchases confirmed by the Native Land Court, 1900-1909

As noted above, the number of purchases in the Ōtaki township and sub-district were similar in the first decade of the twentieth century to the decade preceding it and the one that followed. This was despite the government stating that it was its intention from 1894 to curtail the purchase of Māori land and from 1900 to 1905, to restrict it further. Many of these purchases that occurred during this period were those that only required the confirmation by the Native Land Court. Under section 55 of the Native Land Court Act 1894, which applied to land owned by one or two owners, a deed of transfer could not be registered on the certificate of title unless a confirmation order had been indorsed on it. In practice, the Court requirements for confirmation appeared to be a citing of the deed of purchase, ensuring the owners had been paid and making an assessment as to whether the sellers had sufficient other lands.

The Court also continued to inquire into the removal of restrictions on alienations and make recommendations to the Governor until early 1902. During these confirmation hearings and investigations by the Court, no assessment or even comment was made as to the cumulative total of land being acquired, particularly in the township, and how this impacted on the ability of Māori to live there on their own land. Similarly, no assessment was made as to the number of purchases by the same Pākehā individuals with no questions asked as to whether their purchases of township sections were speculative. The adequacy of the purchase money and the assessment of other lands was also often not clarified and the amount of information provided by the Court minimal. The impression from an examination of Court minutes from this time is

of a Court concerned with process for the individuals concerned (ensuring purchase money had been paid, the deed had been signed and the vendors had ‘sufficient land’) and under the legislation this was what it was obliged to do. The Court’s confirmation of so many purchases , however, was contrary to the rhetoric of the government at the time that purported to discourage the purchase of Māori land.

For example, in November 1900, the Court simply recorded that its inquiry into the two applications from Wiremu Kiriwehi to remove restrictions from Ōtaki township section 102 and Ōtaki 120 were ‘satisfactory’ and that the report to this effect would be made to the Governor. At the same hearing, the Court confirmed the transfer of Ōtaki township section 69 from Karaitiana Te Tupe to C Bell. Karaitiana Te Tupe was not in Court but a Mr Staveley, who was a solicitor and presumably representing the purchaser, provided the Court with proof of payment of purchase money (though it was not recorded how much) and a list of other lands held by the seller (Waikanae (50 acres) and Rewarewa (9 acres)). Similarly, confirmation of the purchase of Rekerere 5 by Hera Tuhangahanga to A Bright was made by the Court in 1900 with the inquiry deemed ‘satisfactory’. More information was provided with respect to the transfer of Ōtaki township section 101 from Tamihana Te Hoia and others to Alfred Chorley. The Court minutes recorded that Tamihana Te Hoia had been paid in full his £20 and Kerehoma Paretawa’s successors numbering four owners had been paid various amounts totalling around £13 which had been paid in April 1899. Interpreter Alfred Knocks, who was in Court, said that he saw the receipt witnessed by Mr Dansey but it had been mislaid. The Court ordered that the deed be confirmed on payment of the balance of the purchase money. ‘Other land’ (that held by the vendors) was considered ‘sufficient’. Confirmation of the purchase of the ten acre Pukehou 4H8B by Mereopa Teraika and another to John Atkins was, however, adjourned as the Court stated that it had not received the information required to deem the transaction satisfactory. It was, however, recorded that Mereopa Te Raika held other lands in Pukehou 4B4A1 comprising 41 acres, that he was not present at the hearing but all the purchase money had been paid. This application was later considered by the Aotea Council.<sup>216</sup>

The Court also recorded the transfer of Mangapouri 6 (17 perches) from Tame Ranapiri (Thomas Ransfield) to George McBeath, a butcher, for £8 in late 1900 but the order was not

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<sup>216</sup> Otaki Minute Book 41, November 1900, pp. 136-137, 140, 192’ Otaki Minute Book, 42, December 1900 p. 263, 271.

made until 1901 when the Court noted that an inquiry had previously been made under section 55 of the 1894 Act. Also in 1901, Court minutes simply noted that the transfer from Hema Ropata Te Ao to W.A. Mills of Ōtaki township section 162 was ordered and that the transfer of Tutangatakino from Hemi Kuti to George McBeath was adjourned as no deed had been lodged. The Court also confirmed the transfer of Ōtaki township section 146 and 148 from Hakaraia Te Whena to Pirihira Hohepa with no explanation as to price or process.<sup>217</sup>

In January 1902, the Court confirmed the transfer of Pahianui 9 comprising 3 roods 5 perches under section 55 from Taane Warahi also to George McBeath for £125. It was recorded that £9 had already been paid, that £100 was to be paid to the bank and that the remaining money was to be paid for what appears to be debts to Dr Power (£2), NJ Levien (£10) and Kirk and Wilson (£4). The Court ordered that receipts be supplied. Later in February, the Court confirmed the purchase of Ōtaki township section 115 from Tohuroa Parata to Rachel Barrow for £60. The minutes recorded that the Court was satisfied that he had sufficient other lands which included Himatangi and Waikanae. Nothing was mentioned regarding the vendor being a minor (this is recorded on the certificate of title). The transfer of Te Awamate 25 (or Ōtaki township section 25) from M Kiharoa and another to George McBeath was also ordered in February 1902 but nothing else was noted in the minutes about the purchase.<sup>218</sup>

More details of the purchase process were provided in July 1902 when the Court confirmed the transfer of Ōtaki township section 99 from Raheu Natanahui and Pitiera Taipua to Hakaraia Te Whena for £25 subject to declaration under section 5 (that the owners had 'sufficient' lands); proof of value and payment of purchase money. Similarly, the transfer of Ōtaki township section 85A from Te Rehua Eruera Te Hauatu to Hakarakaia Te Whena (16.5 perches) for £8 was confirmed subject to proof that purchase money was adequate, a declaration under section 5 and that consideration had been paid in full. Both of these sections were then purchased by Pākehā in 1903 and 1909 respectively (Edward Atkinson and Staverley).<sup>219</sup>

The purchase of Ōtaki township section 76 was also confirmed in 1902 by the Court. The minutes record that a Mr Harper appeared for both parties in the transfer of the section from

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<sup>217</sup> Otaki Minute Book 37, 19 December 1901, p. 290; 20 December 1901, p. 297, December 1901, p. 329.

<sup>218</sup> Otaki Minute Book 37, 14 January 1902, p. 337, Otaki Minute Book 43, 19 February 1902, p. 145; 24 February 1902, p. 154; Certificate of title WN64/272, LINZ.

<sup>219</sup> Wellington Minute Book 10, 24 July 1902, pp. 307.

Rakapa Epia to C.H Williams for £30. The Court noted that the ‘other lands’ held by the seller were ‘sufficient’ and confirmed the transfer subject to payment of the purchase money.<sup>220</sup>

In September 1903, the Court considered applications to confirm the purchase of Ōtaki township 45A section 6 and Kiharoa 2 section 5 by Mary Ann Bright the spouse of Frederick Bright who had died in 1900. As discussed in the previous chapter, both Ōtaki township section 45A and Kiharoa 2 had been partitioned into six parts in the 1890s with three sections within each block sold to Frederick Bright by 1900 and, following his death, the other three by members of the Bright family by 1913. That this was the continuation of the Bright families purchase of multiple sections in the Ōtaki township was not noted by the Court. It was instead recorded that Mrs Bright was applying for confirmation of the transfer of Ōtaki township section 45A section 6 from Tohuroa Parata for an undivided share in 2 roods 27 perches for £12 (the other share of the block had been purchased several years before). Mr Bolton who was representing Mrs Bright stated that the purchase was completed years before, but the deeds were lost. Therefore, another deed was produced dated 29 October 1902. Also presented to the Court was a declaration by the vendor regarding other lands and declaration by the purchaser. The latter most likely referred to the amount of land owned by Mrs Bright as there were restrictions on how much first, second and third-class land one person could own. As these multiple purchasers by the Bright family were small sections, and individual members of the family-owned different sections, then this restriction did not apply. Objections were called by the Court and as there were none, the order confirming the purchase was made. Similarly. Mr Bolton made an application in respect to a new transfer dated 11 November 1902 of Kiharoa 2 section 5 from Pitiera Taipua and Wiremu Hotene Taipua to the Court <sup>221</sup>

As well, the Court confirmed the transfer from Tamati Ranapiri to George Bevan of Pukehou 4G12 comprising 7 acres for £50. The particulars of the lands of Tamati Ranapiri, were according to the representative of the applicant, Mr Harper, correct. Shortly after an application was made by Mr Harper for confirmation of a mortgage of 2 May 1903 from George Bevan, who was described as a ‘half-caste’, to what would appear to be his legal firm George Herbert & Harper. Mr Bevan stated that he had executed the mortgage and received the money secured,

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<sup>220</sup> Wellington Minute Book 10, July 1902, pp. 359.

<sup>221</sup> Wellington Minute Book 11, 2 September 1903, pp. 290-291.

that he fully understood the meaning of the deed and had no objection to it being confirmed. Confirmation was granted subject to prior completion of preceding application.<sup>222</sup>

Other transfer applications confirmed that day were in respect to Ōtaki township section 74. Mr Harper applied for confirmation of a transfer dated 8 July 1903 from Piwiki Hape Te Horohau to Reverend James McWilliam for £22.10.0. It was recorded that the vendor was the sole owner who had acknowledged receipt of part of the purchase money (£5.10.0) and who had sufficient other lands according to the declaration. Also according to Mr Harper, the purchase price was fair and the section unimproved. Confirmation was granted subject to production of receipt for balance of purchase money and lodging of satisfactory declaration by purchaser as to his other lands.<sup>223</sup>

Mr Harper also applied for the confirmation of mortgage dated 11 March 1903 to Tohuroa Hira Parata from George H Harper (most likely the Mr Harper the solicitor who had appeared in Court) with respect to Ōtaki township section 113 (part) and section 115 (1 rood 10.7 perches) for £100. The sections were located next to each other on Mill Road. The Court stated that the declaration by the mortgagor as to other lands was sufficient and there were no objectors. Confirmation of the mortgage was granted subject to satisfactory evidence that all of the £100 had been paid to the mortgagor. Of note was that this mortgage was not registered on the certificate of title in April 1902 but that the transmission of the estate of Waikuharu Hira Parata to her father Tohuroa Hira Parata was, as well as the transfer of part of the block to Rachel Barrow. A further transfer of section 113 (part) and section 115 was registered on the title shortly after this Court sitting on 20 October 1903. The new owners were listed as Byron Paul Brown and Albert John Turner. Further details have not been located but the short period of time between the Court hearing where the mortgage to the solicitor was discussed, and its purchase suggests that the need for money was pressing. Of note is that according to ancestry websites Tohuroa Hira Parata was born in 1879 so was about 24 years old at this time and Waikuharu was born in 1902.<sup>224</sup>

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<sup>222</sup> Wellington Minute Book 11, 9 September 1903, p. 328.

<sup>223</sup> Wellington Minute Book 11, 9 September 1903, p. 329.

<sup>224</sup> Wellington Minute Book 11, 9 September 1903, p. 330; Certificate of title WN64/272, LINZ; <https://ancestors.familysearch.org/en/K2TD-4LF/tohuroa-hira-parata-1879-1951>; <https://ancestors.familysearch.org/en/M823-NT9/waikuharu-parata-1902-1956>.

The Court continued to confirm purchases in 1905. On this occasion more information on the purchase process was provided with respect to the purchase of Ōtaki township section 93 also from Tohuroa Hira Parata to John Stevens for £50. John Stevens, who was, as with the previous purchase, a solicitor, told the Court that he was the purchaser of the section which comprised 33.2 perches. In addition to the purchase money, he had paid all rates, survey liens and other charges himself which totalled £10. He noted that the land was owned by one person and therefore came under the provisions of the Māori Land Administration Act 1900. He told the Court that the value of the land for rating purposes was £50 and that the vendor had other land at Himitungi (150 acres), 20 acres at Ohau, 20 acres at Paekakariki and six acres at Waikanae. He said that the vendor had a 'good English education' and that payment had been made and a receipt dated 6 September issued in the presence of Kingi Tahiwī, who was a clerk at his office. In October 1905 the purchase was registered on the tile. By December 1905, another purchase from Stevens to Martha Vaughan was registered on the title. The circumstances of the preceding purchase and that this purchase was by a solicitor who several months later sold the land again, suggests that either the solicitor was engaged in land speculation or that Tohuroa Hira Parata was in financial difficulties and owed the solicitor money with the solicitor facilitating the payment of this debt.<sup>225</sup>

#### **4.5 Purchases confirmed and restrictions recommended for removal by the Aotea Māori Land Council and Māori Land Board, 1902 -1909**

From its establishment in February 1902, the Aotea Māori Land Council took over the task of confirming purchases, leases and mortgages where land was owned more than two owners. It also also responsible for making recommendations to the Governor in respect to the removal of restrictions on alienation. The removal of restrictions was not always supported by Māori. Indeed Tereturu Hamahona, a member of the Raukawa Māori Council, wrote to Native Minister James Carroll, 'begging' for the restrictions on lands belonging to Rawiri Enoka Tereturu, not to be removed as he would probably sell to a European. Similarly, he asked that restrictions not be removed from land owned by his wife Ramari Enoka Tereturu. After receiving an acknowledgement letter, Tereturu Hamahona wrote another letter to James Carroll reiterating his request for the restrictions not to be removed from Pukehou 4C2, 4D2, 4E2, 4G2, Topa a te Kaahu and Waitohu blocks totalling about 44 acres because they might be sold

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<sup>225</sup> Otaki Minute Book 46, 27 September 1905, p. 221.

to a European and that there was ‘not a livelihood owing to the smallness of the area’ (the blocks were between 15 acres and 1 acre in size). That seemed to be the end of the matter as far as the government was concerned as no further correspondence from the government was filed with these letters. The purchase and lease of some of these areas went ahead with, for example, Pukehou 4C2 purchased by William Simcox in 1912. It is possible that Tereturu Hamahona’s views were taken notice of by his relatives, however, as some of the other Pukehou blocks mentioned by him remain Māori land in 2023 (Pukehou 4D2A (part) (4.8031 ha.) and Pukehou 4G2B (6.772 ha.)) though this is only about 27 acres in total.<sup>226</sup>

The council held its first meeting in February 1902. The President of the Board was Judge William Mair, the official members Thomas Fisher (of the Native Department), Ru Reweti and Tarana Marumarū. Other members were Takarangi Metekingi, Te Aohau Nikitini and Waata Wiremu Hipango. The council was therefore predominantly made up of Māori at this time. Nothing was discussed at its first meeting because all the applications had already been dealt with by the Native Land Court. By 8 March, the council was considering an application to confer the transfer of Pukehou 4H8B (ten acres) from Meropa Te Raika to John Atkinson which had previously been considered by the Court in 1900. The application was adjourned.<sup>227</sup>

An application was also heard to consent to the lease of Pukehou 4E3A (37 acres 2 roods) and Pukehou 4E3B (also 37 acres 2 roods) to William Simcox, who it was said, owned all the land surrounding these blocks. Indeed, many of these early applications were in respect to the leasing of Pukehou blocks by William Simcox. The application was adjourned as the solicitor appearing on his behalf, Mr Upham of Bell Gully, was required by the council to provide evidence of the other lands held by the vendors for their support.<sup>228</sup>

A selection of applications heard by the council during the period to 1909 from the three areas are discussed below.

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<sup>226</sup> Tereturu Hamahona to James Carroll, 20 February 1905 and 17 April 1905 (English translation), ACGS 16211 J1 727ay 1905/328 From: Tereturu Hamahona, Otaki Date: 9 March 1905 Subject: Against removal of restrictions on Pukehou nos. 4F, 4E, 4D, 4J and 4C, 1905 (R24620176), Archives New Zealand, Wellington.

<sup>227</sup> Aotea Maori Land Board minute book 1, 20 February 1902, p. 2; 7 March 1902, p. 8, AAVN W3961 1 1 Aotea District Maori Land Council Minute Book, 20 February 1902 - 13 June 1905, 1902-1905 (R443902), Archives New Zealand, Wellington.

<sup>228</sup> Aotea Maori Land Board minute book 1, 10 March 1902, p. 10.

### *Part Maringiawai 1 (also known as Maringiawai 5), 1896-1905*

In April 1903, the Aotea Māori Land Council considered an application for a recommendation for the removal of restrictions and consent to sale of part Maringiawai 1 (2 acres 1 rood 14 perches) to Kate Death (or D'Ath) at £21.10.0 per acre.<sup>229</sup>

Initially there was some confusion as to the location of the block as titles were issued for two different land parcels called Maringiawai 1. The application from Kate Death concerned Maringiawai 1 (also called in some records, including in the Walghan block narratives, Maringiawai 5). Title was awarded under a memorial of ownership on 13 March 1878 and comprised 3 acres 3 roods 12 perches. As discussed in the previous chapter, all land awarded title between 1873 and 1880 had a restriction on alienation on its title. It was awarded to Enoka Te Wano and two owners (Enoka Te Wano was of Ngāti Kapu). At the time of the application there were more than two owners with the names of the owners in the 1890s being Enoka Te Wano, Tamara Te Putu, Ruta Enoka, Mere Enoka, Rawiri Enoka and Penetito Enoka. Enoka Te Wano was trustee for the last two named. The Maringiawai block was located north of the river next to the Church Missionary Society land, towards the beach near the Taumanuka block.<sup>230</sup>

An application to remove the restrictions from Maringiawai 1 was first made by Enoka Te Wano, Ruta Enoka, Rawiri Enoka and Mere Enoka in 1896. A further application was made as the first had not been attested by an interpreter. This application was signed by Enoka Te Wano 'in his own right' and as the trustee for Rawiri Enoka, Penetito Enoka and Pirihihi Maihi who were minors. When Enoka Te Wano responded to officials as to why he wanted the restrictions removed, he said that they wanted to sell the land as there was no road and it was situated in the middle of land belonging to other people. The Under Secretary then sought advice from various other officials including Judge Mackay as to whether this was correct. The Surveyor General was able to confirm that there was no legal road to the Maringiawai block.<sup>231</sup>

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<sup>229</sup> Aotea Maori Land Board minute book 1, August 1903, p. 111.

<sup>230</sup> Walghan Partners, (Wai 2200, #A212(a), pp. 395-397; Anderson, Green and Chase (Wai 2200, #A201), p. 828; ACGS 16211 J 1 578av 1897/1055 From: Enoka Te Wano and others, Otaki Date: 6 September 1897 Subject: For removal of restrictions upon Maringiawai 1 No 5 (3 acres 2 roods 2 perches) near Otaki, Enclosed 1896/170, 1897 (R24569728), Archives New Zealand, Wellington.

<sup>231</sup> Applications from Enoka Te Wano, 13 February 1896 and 30 August 1897, Enoka Te Wano and others to Under Secretary for Justice, 4 August 1896 (English translation), Notes between officials on letter, 1897, ACGS 16211 J 1 578av 1897/1055 From: Enoka Te Wano and others, Otaki Date: 6 September 1897 Subject: For

Enoka Te Wano wrote another letter to the Premier in April 1898 where he asked for the removal of restrictions from the block. He reiterated that he wished to sell the land as it was located in the middle of land sold to Europeans and there was no road for the owners to obtain access to that land. He noted too that assent had been given to the removal of restrictions on the land belonging to Te Rei, Pare Whanake and others situated in the same locality. Further information was then sought from Enoka as to who they intended to sell the land and at what price.<sup>232</sup>

A third letter from Enoka te Wano explained again that the reason for wishing to sell was that the owners were 'greatly inconvenience' by the lack of road and that it was situated in the middle of lands that had been sold to Europeans. He said that they proposed to sell the land to a Pākehā named D'Ath who wanted to purchase it but a price had not been arranged. He said that if he agreed with D'Ath as to a purchase price then he could have it. If they could not, then they would keep it.<sup>233</sup>

While officials investigated the title confusion that clarified that the land was called Maringiawai 1 and awarded on 13 March 1878, nothing else was done about the matter with the Under Secretary instructing that the papers be filed. This was likely because purchase details had not been provided with the Under Secretary normally requiring this before a report was prepared by the Court and the recommendation forwarded to the governor.<sup>234</sup>

Several years later, in February 1901, Kate Death applied for the removal of restrictions from the block. It stated that the dealing was 'bona fide commenced subsequent to the passing of the Native Land Court Act 1894' and that an agreement for sale was signed by the owner and

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removal of restrictions upon Maringiawai 1 No 5 (3 acres 2 roods 2 perches) near Otaki, Enclosed 1896/170, 1897 (R24569728), Archives New Zealand, Wellington

<sup>232</sup> Enoka Te Wano to Premier (English translation), 9 April 1898, Note on back of letter from officials, 18 August 1898, ACGS 16211 J 1 578av 1897/1055 From: Enoka Te Wano and others, Otaki Date: 6 September 1897 Subject: For removal of restrictions upon Maringiawai 1 No 5 (3 acres 2 roods 2 perches) near Otaki, Enclosed 1896/170, 1897 (R24569728), Archives New Zealand, Wellington.

<sup>233</sup> Enoka Te Wano to Premier (English translation), 20 August 1898, ACGS 16211 J 1 578av 1897/1055 From: Enoka Te Wano and others, Otaki Date: 6 September 1897 Subject: For removal of restrictions upon Maringiawai 1 No 5 (3 acres 2 roods 2 perches) near Otaki, Enclosed 1896/170, 1897 (R24569728), Archives New Zealand, Wellington.

<sup>234</sup> Notes by Under Secretary for Justice, 1898 on cover sheet, ACGS 16211 J 1 578av 1897/1055 From: Enoka Te Wano and others, Otaki Date: 6 September 1897 Subject: For removal of restrictions upon Maringiawai 1 No 5 (3 acres 2 roods 2 perches) near Otaki, Enclosed 1896/170, 1897 (R24569728), Archives New Zealand, Wellington.

money paid before the Act of 1900 came into force. As the Aotea Māori Land Council considered that the four owners had sufficient land for their support, it agreed to recommend this to the governor.<sup>235</sup>

As discussed in the legislative overview, the Governor, on the recommendation of the council could remove any restrictions on alienation and the Māori owners had the ‘same rights and privileges to alienate the land as a European possesses in respect of his land’ (section 24).

All of Maringiawai 1 containing 3 acres 2 rood 2 perches was valued in October 1903 at £70 with no improvements. There appeared to have been further delays with processing the application as in April 1904, the Aotea Māori Land Court considered a request from the Justice Department that the council re-open its decision made on 25 April 1903 concerning recommending the removal of restrictions and consent being given to sale to Kate Death of 2 acres 1 rood for £21/10/- per acre. The council decided to re-recommend the removal as requested.<sup>236</sup>

The Justice Department, however, required more information. The solicitor for the purchaser, George Harper responded on 19 June 1905 that Kate Death was buying the land for grazing purposes and that she, or her husband, Joseph Death senior of Ōtaki, owned ‘practically all’ the land adjoining the section. In addition, the land adjoining the northern boundary of Maringiawai was leased by Mr Death from the Church Mission Board and that this lease had 12 year to run. Indeed Joseph, John and Kate Death had acquired most of the 30-acre Maringiawai block by this time. He said that there was no access to Maringiawai by road and that the Māori owners would ‘receive benefit from this sale through being thereby enabled to dispose of land to which they have no access’. He said that they were ‘sufficiently provided’ with other lands and were satisfied as to the price. He noted that he had already satisfied the Aotea Council on all these issues.<sup>237</sup>

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<sup>235</sup> Aotea Maori Land Board minute book 1, August 1903, p. 111

<sup>236</sup> Aotea Maori Land Council Minute Book 1, 26 April 1904, p. 166.

<sup>237</sup> George Harper, solicitor to Under Secretary for Justice, 19 June 1905, ACIH 16036 909 MA 1 1907/24 Received: 14th January 1907. - From: Geo H. Harper, Otaki. - Subject: Maringiawai No. [Number] 1 - Ruta Euoka and others to Kate Death. Original Certificate in lieu of Papakainga Lost, wants duplicate to issue, 1905-1907 (R22401162), Archives New Zealand, Wellington; Walghan Partners, (Wai 2200, #A212(a)), p. 396.

He also advised that the land was not leased and that the purchase was negotiated on 20 May 1902. With respect to how the owners wished to spend the purchase money, he admitted that much of it had already been paid to the owners and they had subsequently drawn, 'at their own urgent request' more of the purchase money. He understood that the bulk, if not all of the money, had been used to pay tradesmen's accounts, for 'necessaries' and for medicine. One of the owners used the purchase money to pay a debt with respect to her stock. There was no acknowledgement that if the owners truly had sufficient lands for their support, that they would not have needed the money so desperately.<sup>238</sup>

The Under Secretary's advice to Cabinet said that there was no road access to the land, that the adjoining owner was the purchaser and the land was not leased, that there were several owners and he saw no objection. After Cabinet gave its approval in July 1905, the Under Secretary advised Harper that the government had agreed to the sale and asked that the deed of transfer be forwarded so that the governor's consent could be endorsed on it. Following further delays including officials neglecting to put the necessary removal of the restrictions papers before the governor, the governor signed the order removing the restrictions in August 1907. The certificate of title was registered on 21 September 1907.<sup>239</sup>

Walghan Partners record that the remaining part of what was by then called Maringiawai 5B was purchased on 29 July 1965 by William Bennett for £450. It is not clear why this part of the block was not included in the original purchase.<sup>240</sup>

While the examination by the council and the department of the purchase appeared more comprehensive, it was still approved and considered in the interests of the owners. At no time was the possibility of providing road access to the land at Maringiawai discussed in the records viewed relating to this purchase. This purchase was also part of a pattern of purchases where

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<sup>238</sup> George Harper, solicitor to Under Secretary for Justice, 19 June 1905, ACIH 16036 909 MA 1 1907/24 Received: 14th January 1907. - From: Geo H. Harper, Otaki. - Subject: Maringiawai No. [Number] 1 - Ruta Euoka and others to Kate Death. Original Certificate in lieu of Papakainga Lost, wants duplicate to issue, 1905-1907 (R22401162), Archives New Zealand, Wellington.

<sup>239</sup> Under Secretary for Justice comment on title sheet, 10 June 1905, Under Secretary for Justice to G.H Harper, 20 July 1905; Minister for Native Affairs to Governor, 2 May 1907; WH Bowler to Native Minister, 1 March 1907 ACIH 16036 909 MA 1 1907/24 Received: 14th January 1907. - From: Geo H. Harper, Otaki. - Subject: Maringiawai No. [Number] 1 - Ruta Euoka and others to Kate Death. Original Certificate in lieu of Papakainga Lost, wants duplicate to issue, 1905-1907 (R22401162), Archives New Zealand, Wellington.

<sup>240</sup> Walghan Partners, (Wai 2200, #A212(a)), p. 397.

Māori land became surrounded by land owned by Pākehā and where no road-lines or access were ordered by the Court as this land was partitioned out from the Māori owned land.

### *Ōtaki township section 105A and 105B, 1903-1904*

The first purchase of an Ōtaki township section to be considered by the council was in August 1903 with respect to Ōtaki township sections 105A and 105B comprising 38.2 perches in total. Section 105 had originally been awarded by the Native Land Court in 1869 with alienation restrictions on the title. Section 105 was partitioned in July 1902 into two parts: Ōtaki 105A (19 perches) and 105B (25 perches). Section 105A was awarded to Karepa Kararaima and Riria Hapi Hakaria and section 105B awarded to Hone Hapi, Pirimona Hapi and Makuini (sp?) Hapi.<sup>241</sup>

The application to the council was for a recommendation to remove the restrictions and consent to the sale to T.A. King at £2 per foot of frontage (about £142). At the hearing, the council asked for a valuation to be submitted and Mr Harper, solicitor for the applicant, advised the council that there were no improvements on the land. The council recommended to the Governor the removal of the restrictions and confirmation of the purchase subject to the purchase price being satisfactory. In April 1904, the council discussed the valuation that had been submitted noting that the county roll showed a valuation of £90 and that the purchase price was about £142. On this basis the council decided to make the recommendation as requested.<sup>242</sup>

Following the receipt of the council's recommendation and another valuation which showed the 34 perches valued at £132, Department of Justice officials sought further clarification from Mr Harper as to the price to be paid by Mr King, whether the land was leased and if so, to who, for what price, and why the owners wished to sell. Harper responded that the purchase was about £144 and that this was based on a value of £2 per foot frontage which was about 72 feet. The land was leased to Mr King for 21 years from 21 June 1903 for £2 per annum but that the owners had not applied to the council for consent to lease. He stated too that he understood that

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<sup>241</sup> Title search, Otaki section 105A and 105B, 1904, ACGS 16211 J1 724e 1905/6 [From: Governor Date: 26 December 1904 Subject: Removing restriction on Sections 105A and 105B, Otaki], Enclosed: 1904/1382, 1904/403, 1905 (R24619921), Archives New Zealand, Wellington.

<sup>242</sup> Aotea Maori Land Board minute book 1, August 1903, p. 110, 22 April 1904, p. 154; 26 April 1904, p. 166.

the principal reason for selling the land was that the owners were ‘deriving no benefit from the section’.<sup>243</sup>

The Under Secretary for the Justice Department then advised the Native Minister James Carroll that Mr King had met with him regarding the application. He said that Cabinet referred the matter to Carroll with power to act. While difficult to read (it is smudged and written on tissue paper) he appeared to state that he did not think there was any objection ‘except general objections to sales’. Carroll then asked him to take steps to remove the restrictions. The removal of restrictions was gazetted on 26 December 1904 and the sale went ahead.<sup>244</sup>

### ***Pukehou 4C1, 4C2 and 4C3, 1905-1912***

As noted above, the majority of the purchases involving the Pukehou block during this period involved the Simcox family. In this instance it was William Martin Simcox (1872-1956) who was the son of William Henry (1841-1923) and Frances Mary Simcox and married to Ethelwynne Beatrice Victoria Simcox who also purchased Pukehou lands in the 1920s. Frances Mary Simcox and Helen Kate Simcox also purchased land during this period. The latter was likely to be William and Ethelwynne’s daughter in law (though his has not been confirmed).<sup>245</sup> The strategy employed by the Simcox’s to permanently secure Māori land was firstly leasing the land. They then purchased the interests of one or two owners in a block and then at a later date, secured the interests of the remaining owner or owners. They also appeared to pay above the government valuation. An example of this was in respect to Pukehou 4C1 comprising 41 acres though the purchase was delayed for some time due to the suspicions of James Carroll that the Simcox’s were attempting to acquire a ‘large estate’.

Pukehou 4C1 also had restrictions on alienation on its title. In May 1905, an application was made to the council to remove the restrictions on alienation on the Pukehou 4C1 block so that

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<sup>243</sup> Valuation, Otaki township section 105, 1902; Under Secretary, Department of Justice to G.F Harper, 24 October 1904; George Harper, Solicitor and Licensed Interpreter, 5 November 1904, ACGS 16211 J1 724e 1905/6 [From: Governor Date: 26 December 1904 Subject: Removing restriction on Sections 105A and 105B, Otaki], Enclosed: 1904/1382, 1904/403, 1905 (R24619921), Archives New Zealand, Wellington.

<sup>244</sup> Under Secretary, Department of Justice to Native Minister James Carroll; James Carroll to Under Secretary, Department of Justice, 12 December 1904, *New Zealand Gazette*, 26 December 1904, ACGS 16211 J1 724e 1905/6 [From: Governor Date: 26 December 1904 Subject: Removing restriction on Sections 105A and 105B, Otaki], Enclosed: 1904/1382, 1904/403, 1905 (R24619921), Archives New Zealand, Wellington.

<sup>245</sup> The son of William Martin Simcox, S Simcox, married Helen K Whitehorn of Otaki, in December 1907, *Manawatu Standard*, 28 December 1907, p. 3.

the land could be sold to the lessee, William Simcox, for £180. The application was made under section 22 of the 1900 Act by two of the three owners. The application was for a 'certificate of a Judge' of the Native Land Court in the absence of a papakāinga certificate that stated that a Native Land Court Judge was satisfied after due inquiry that the Māori owner concerned had sufficient other lands for their maintenance and support or for the purposes of a papakāinga.<sup>246</sup>

As part of the process, a declaration was made by William Simcox that he was not the joint holder with any other person of any land anywhere in the county exceeding 2000 acres of freehold land inclusive of not more than 640 acres of first-class land. This was because there was a restriction on the amount of freehold land any one person could own. It did not restrict the amount of land any one family could own.<sup>247</sup>

In December 1905, the board considered the application for recommendation for removal of restrictions from Pukehou 4C1. The council recorded that title to the land was held under a partition order of 6 August 1889, that there were three owners but that the council was only dealing with the interests of two owners: Rawiri Heremia and Karauria Heremia who were entitled to 26 acres 2 roods 27 perches. The proposal was for the land be purchased for £4.10.0 per acre clear of all costs and expenses including costs associated with the partition. The council also considered whether the purchase price was fair noting that the valuation of the Wairongomai block showed the value of land of this type at £3 per acre and that the government valuation of Pukehou was lower (13/- per acre). The council observed that the land was already leased at 2/6 per acre and that this did not expire until 1915. The land owned by Rawiri and Karauria was discussed which included 44 ½ acres each at Whaiti Kurunui and other land at Carnarvon, Rimutauteka and at Waitara which was vested in the Public Trustee. They also owned 1/8<sup>th</sup> of an acre each at Ōtaki. The board agreed to recommend the exemption requested.<sup>248</sup>

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<sup>246</sup> Declaration by William Simcox, 1905, ACIH 16036 880 MA 1 1906/355 Received: 6th July 1906. - From: Bell, Gully, Bell and Myers, Wellington. - Subject: Wairongomai 9 D and Pukehou 4 G No. [Number] 2. Sale to F.M. Simcox. Pukehou 4C No. [Number] 1, pt [part] 4C Nos. [Numbers] 4 and 5 and Pukehou 4D No. [Number] 1 A. Sale to W.M. Simcox. For removal of restrictions. Recommended by Aotea Board, 1905-1909 (R22400493), Archives New Zealand, Wellington.

<sup>247</sup> Application to District Maori Land Council to recommend removal or variation of restrictions on Pukehou 4C1, 8 May 1905; Application under section 22 for a certificate of a Judge, 8 May 1905, ACIH 16036 880 MA 1 1906/355 Received: 6th July 1906. - From: Bell, Gully, Bell and Myers, Wellington. - Subject: Wairongomai 9 D and Pukehou 4 G No. [Number] 2. Sale to F.M. Simcox. Pukehou 4C No. [Number] 1, pt [part] 4C Nos. [Numbers] 4 and 5 and Pukehou 4D No. [Number] 1 A. Sale to W.M. Simcox. For removal of restrictions. Recommended by Aotea Board, 1905-1909 (R22400493), Archives New Zealand, Wellington.

<sup>248</sup> Aotea District Maori Land Board minute book 2, 17 December 1905, pp. 82-83.

In March 1906, the council's recommendation was sent to Native Minister James Carroll in respect of Pukehou 4C1 (part). At the same time, the council's recommendations were also sent to the Minister in respect to Pukehou 4C2; Pukehou 4C4 part (148 acres), Pukehou 4C5 part (232 acres) (a total of 60 acres was to be purchased from these two blocks); Pukehou 4D1A part (12 acres out of 34 acres 1 rood); and Waiorongomai 9D which were all to be sold to a member of the Simcox family. Valuations were checked by the Native Department. They also sought to clarify how much land William Henry Simcox's son William Martin and wife, Frances Mary Simcox owned. According to their solicitors, William Martin Simcox owned a total of 58 acres 3 roods 20 perches in Pukehou 4F2E, Pukehou 4F4B and Pukehou 4C3 (which was purchased by 1905 through the Native Land Court) and Frances Mary Simcox owned four sections at Ōtaki township (sections 56, 57, 58 and 59) totalling 1 acre 31 perches. As well, the solicitors were required to file a list of other lands owned by the vendors.<sup>249</sup>

In July 1906, the board recommended to the Governor that restrictions be removed to permit the sale of the remaining portion of Pukehou 4C1 comprising 13 acres 1 rood 13 perches to William Martin Simcox of Ōtaki for £4/10- per acre. This was presumably the interests of the third owner, Mohi Heremia though nothing was recorded about this at the hearing. The council noted that the declaration by Mr Simcox was attached to the file and a 'certificate in lieu of a papakāinga' was attached.<sup>250</sup>

It does not appear, however, that the permission of the Governor was given (or the required recommendation given by Cabinet) with respect to removing the restrictions from Pukehou 4C1 as William Henry Simcox wrote to James Carroll in August 1909 asking him to assist with finalising the purchase of all of Pukehou 4C as he had by that point only acquired Pukehou 4C3. He said that a Mr Upham had informed him that Carroll was 'under the impression from the number of applications, though small, that we are acquiring a large estate'. He said that he hoped his letter would remove this impression. His own estate, he said, did not exceed 640

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<sup>249</sup> Bell Gully Bell & Myers, Solicitors, Wellington to James Carroll, Native Minister, 3 March 1906 & 8 May 1906, Under Secretary, Native Department to Bell Gully Bell & Myers, 5 March 1906 & 27 July 1906, ACIH 16036 880 MA 1 1906/355 Received: 6th July 1906. - From: Bell, Gully, Bell and Myers, Wellington. - Subject: Waiorongomai 9 D and Pukehou 4 G No. [Number] 2. Sale to F.M. Simcox. Pukehou 4C No. [Number] 1, pt [part] 4C Nos. [Numbers] 4 and 5 and Pukehou 4D No. [Number] 1 A. Sale to W.M. Simcox. For removal of restrictions. Recommended by Aotea Board, 1905-1909 (R22400493), Archives New Zealand, Wellington; Walghan Partners (Wai 2200, #A213(b), p. 219.

<sup>250</sup> Aotea District Maori Land Board minutes, 17 July 1906, p. 195.

acres of first-class land and his wife owned 63 acres. His eldest son, Martin, aged 37 years, owned 78 acres. His second son aged 28 and third son aged 26 had no land of their own but were using part of his. In addition to the investigation of the Māori Council the 'late lamented Mr Hone Heke also made searching enquiries' into the applications by the owners and was 'quite satisfied as to their bona fides'. He said that he had lived in Ōtaki for 30 years and during that time had leased land from Māori and advanced hundreds of pounds to pay for food, clothing, tangi etc. but had never charged them interest for these advances or tried to acquire an acre of land from them they were not willing to sell. The Under Secretary responded on behalf of Carroll that his representations would receive consideration. However, there is no response from Carroll who may not have been convinced by Simcox's arguments.<sup>251</sup>

As noted above, the Native Land Court Act 1909 which was enacted on 24 December 1909, removed all restrictions on alienations from the title of Māori land. This meant that by October 1910, when the Ikaroa District Māori Land Board considered the application to confirm the purchase of Pukehou 4C1 it no longer had to make recommendations to the governor in respect to the removal of restrictions on alienations. When the application was first considered by the board, it asked for the previous papers from the Aotea council. When it was next considered it was further adjourned with suggestion that the applicant start 'de novo' (as if for the first time) under the new Act. It was again considered on 1 September 1911. By this time, the block had seven owners one of whom was a minor though this was not noted. A new transfer had been prepared dated 14 February 1911, but the application remained the same: the confirmation of the transfer of 40 acres of Pukehou 4C1 for £180. The minutes simply noted that the board had decided to confirm the new transfer in substitute of old one and that the vendors other lands was to be filed and it was later noted that this had been done. Nothing was said about Carroll's previous reluctance to confirm the transfer. Instead, the transfer was registered on the certificate of title in 1911.<sup>252</sup>

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<sup>251</sup> William Henry Simcox to James Carroll, 25 August 1909, ACIH 16036 880 MA 1 1906/355 Received: 6th July 1906. - From: Bell, Gully, Bell and Myers, Wellington. - Subject: Waiorongomai 9 D and Pukehou 4 G No. [Number] 2. Sale to F.M. Simcox. Pukehou 4C No. [Number] 1, pt [part] 4C Nos. [Numbers] 4 and 5 and Pukehou 4D No. [Number] 1 A. Sale to W.M. Simcox. For removal of restrictions. Recommended by Aotea Board, 1905-1909 (R22400493), Archives New Zealand, Wellington.

<sup>252</sup> Ikaroa District Maori Land Board minute book 2, 6 October 1910, p. 156; 8 December 1910, p. 193; Ikaroa District Maori Land Board minute book 3, 1 September 1911, p. 34; Walghan Partners, (Wai 2200, #A212(b), p. 219.

While details of the confirmation of the transfer to William Simcox of Pukehou 4C2 by the board has not been located, the transfer to him was registered on the certificate of title in 1912.<sup>253</sup>

Another Māori land process in respect to minors was at play with respect to this purchase. As one of the owners, Te Kohe Mohi Heremia, was a minor at the time of the purchase (he was 20 years old in 1913), his purchase money was held in trust by the Public Trustee. He received a total of £15 for his interests in the block. This was forwarded to the Public Trustee in January 1913. In 1914, an application was made in the Native Land Court for this money to be paid to a Mr Upham on behalf of Te Kohe Mohi Heremia. Interest of £1/8- had accrued but 3/- were deducted for commission. The balance of £15.17.8 was then forwarded to Mr Upham.<sup>254</sup>

In 2023, Pukehou 4C1 forms part of the Ōtaki golf course together with Pukehou 4C2 and 4C3. The land was transferred to the Ōtaki Golf Club in 1940.<sup>255</sup>

### ***Waitohu 11C and 11D, 1908-1909***

Just as in the nineteenth century, land in the sub-district was compulsorily sold due to owners defaulting on mortgage payments. The extent to which this happened is not known but land where this did occur included Waitohu 11C1 and Waitohu 11D which were located north of the township near Pukekaraka.

In September 1908, an advertisement in the *Dominion* recorded that auctioneers, Messrs J.H Bethune and Co had received instructions from the Registrar of the Supreme Court at Wellington to sell by public auction lands comprising 76 acres 2 roods 30 perches known as Waitohu 11D and an undivided 17/35<sup>th</sup> of a share of Waitohu 11C.<sup>256</sup>

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<sup>253</sup> Walghan Partners, (Wai 2200, #A212(b), p. 219.

<sup>254</sup> Bell Gully to Public Trustee, 14 January 1913; Native Land Court order for payment of money held in trust for minor, 28 October 1914; Statement of account, Pukehou 4C1, 1914, AECW 18683 MA-MT 1 98 1914/1557 Native Reserves - Regarding monies paid to Te Kohe Moki Heremia, minor, for shares in the sale of Pukehou 4C No. 1, 1914 (R22362888), archives New Zealand, Wellington.

<sup>255</sup> Certificate of title, Pukehou 4C1, 1940, WN483/178, LINZ.

<sup>256</sup> *Dominion Post*, 25 September 1908, p. 12.

Waitohu 11C was awarded to 16 owners on 18 July 1891 and comprised 122 acres. It was further partitioned into three parts on 22 June 1904. The land concerned, Waitohu 11C1, which comprised 59 acres 1 rood 5 perches was awarded to five owners: Aterea Te Waha, Anikanara Wanui, Arekatera Eria (Te Ra), Arihia Hiraka and Te Rei Tamihana. The Waitohu 11D block was also awarded by the Court on 18 July 1891 but to one owner, Piripi Te Ra. The block comprised 17 acres 1 rood 25 perches. Piripi Te Ra, Aterea Te Waha and Arekatera Eria Rawaraki were all recorded as being of Ngāti Kapu.<sup>257</sup>

Nothing has been located regarding the circumstances of the non-payment of mortgages or any involvement by the Court or board though it would appear that the compulsory sale was related to the financial issues of the mortgagee Hakaraia Te Whena (described as a half caste) who had purchased Waitohu 11C1 from the original Māori owners and Waitohu 11D from a Pākehā settler, Edward Tudor Atkinson. Hakaraia Te Whena had also bought sections in the Ōtaki township from Māori. The certificate of title does, however, some information as to the context. The interests of two of the owners, Arihia Hiraka and Te Rei Tamehana were purchased by Hakaraia te Whena by March 1897. Hakaraia Te Whena then sold these interests to Edward Tudor Atkinson (who also purchased much of the Taumanuka block). By 1903, the interests of a third owner, Aterea Te Waha had been purchased by Atkinson and the estate of Anikanara Wanui had been inherited by Arekatera Te Ra. Part of his shares were also purchased by Atkinson. The following year a transfer was registered of the remaining shares of Arekatera Te Ra to Atkinson who then sold all the land he had acquired to Hakaraia Te Whena. A mortgage was registered on the title for Hakaraia te Whena to Robert Hunter and James Dunn in 1904. Various caveats were then registered on the title in 1904 and 1906. By 1909, a transfer was registered on the title for Waitohu 11C1 that recorded the transfer of the land to Byron Paul Brown from Robert Hunter and James Dunn ‘in exercise of power to sale’.<sup>258</sup>

There is similar complexity to the Waitohu 11D certificate of title. By 1893, the block had been transferred by the sole owner Piripi Te Rata to William Thompson who then transferred the land to Edmond Atkinson by 1896. The land was then transferred to Hakaraia Te Whena circa 1903 who then mortgaged the land to Robert Hunter and James Dunn by 1904. Several caveats

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<sup>257</sup> Walghan Partners (Wai 2200, #A212(b), pp. 447-448; Anderson, Green and Chase (Wai 2200, #A201), p. 828.

<sup>258</sup> Certificate of title WN178/267, LINZ.

were also registered on the land in 1906. By 1909, the land had been transferred to Byron Paul Brown by Robert Hunter and James Dunn ‘in exercise of power of sale’.<sup>259</sup>

Hakaraia te Whena had, however, died in April 1908 so it appears likely that he and/or his successors had been unable to service the mortgage. An obituary said that he was a well-known storekeeper, ‘prominent member of the racing club’ and chief of Ngāti Wehi Wehi. He had subdivided land in Ōtaki, was the licensee of the Central Hotel which he had built and a family of 14 of whom ten were still living. His wife (whose first name was not given in the death notice) died shortly after in November 1908. The land had been advertised for sale in September of that year.<sup>260</sup>

#### **4.6 Applications considered by the Ikaroa Māori Land Board, 1909-1929**

As noted above, the Native Land Act 1909 reduced many of the restrictions on private purchasing which, depending on the number of owners, was either by direct purchase or by a meeting of owners if owned by more than ten people. Confirmation of the purchase was required by a district land board – in this case the Ikaroa District Māori Land Board who had taken over from the Aotea Board jurisdiction of the Ōtaki and wider Horowhenua and Manawatū area. From 1913, the board was made up of two members: the Māori Land Court Judge of the district and the Registrar of the district’s Māori Land Court. Few actual board records apart from minute books have been located so the following discussion is mostly based on these.

##### ***Pukehou 5L1B, mortgage and purchase, 1914-1922***

As well as applications to confirm purchases and leases, the board was required to consider applications to approve mortgages over Māori land. In 1914, the Ikaroa District Māori Land Board declined to recommend Māori attempts to secure finance from a private individual citing insufficient land to support the mortgage. In 1914, the owner of the 99-acre Pukehou 5L1B block awarded by partition to Wiremu Ōtene Te Umakaihau Taipua on 22 April 1913, applied to the board for permission to secure a mortgage over the land. The land was leased for 10

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<sup>259</sup> Certificate of title WN66/275, LINZ.

<sup>260</sup> *Evening Post*, 6 April 1908, p. 8; *Manawatu Times*, 8 April 1908, p. 4; *Wairarapa Daily Times*, 24 November 1908, p. 5.

years from 1 September 1924 at £140 per annum to Reginald Michael Burdett D'Ath. The valuation of the land as at 14 August 1913 was £2,772. The proposed mortgage was for £700 repayable in one sum on 1 September 1923. The interest rate was 8 per cent per annum reducible to 6 per cent per annum. The mortgagee was not a bank but a sheepfarmer, Ossian John George D'Ath of Ōtaki.

The loan was required to build a combined shop and dwelling house on Ōtaki township section 98 which was located on Mill Road and the removal of the owner's house from its position on sections 97 and 98 to a site on section 97 fronting Rangatira Street. It was estimated that this would cost a total of £400. If the applicant was unable to secure a tenant for the new shop and dwelling, it was proposed to purchase an acre of land in the Makuratawhiti 8 block and build there. It was noted that the mortgagor owed about £70 which he wished to pay out of the loan moneys. The board, however, stated that it did not view the mortgage favourably as they considered that the remaining lands held by Taipua (117 acres in total including Pukehou 5L1B) to be 'insufficient for his adequate maintenance'. They therefore made no recommendation. Cabinet also considered the matter and decided that no action would be taken.<sup>261</sup>

Pukehou 5L1B was purchased by William Michael D'Ath in 1922 for £4293. The board confirmed the purchase in September 1922 on the condition that the purchase money be paid to the board by 30 September 1922. Nothing was said about sufficiency of lands. The money was to be held by the board to pay off a mortgage to the Public Trustee of about £1200, to invest £2500 under section 92 of the 1913 Act and to build a house for the vendor on Māori land with the balance. Therefore, it was the board who had control over the proceeds of this land sale, and not the owner.<sup>262</sup>

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<sup>261</sup> Ikaroa District Maori Land Board report, 12 January 1914; Under Secretary, Native Department to President, Ikaroa District Maori Land Board, 28 January 1914; Under Secretary, Native Department to Native Minister, January 1914, on Native Department cover sheet, January 1914; ACIH 16036 1106 MA 1 1117 1914/68 Received: 12th January 1914. - From: President Ikaroa Maori Land Board, Wellington. - Subject: Pukehou 5L No. [Number] 1B. Proposed Mortgage Wiremu Otene Umakaihau Taipua to Ossian J.G. D'Ath. Board makes no recommendation, 1914 (R22405239), Archives New Zealand, Wellington.

<sup>262</sup> Ikaroa Maori Land Board Minute Book 10, 7 September 1922, p. 36.

Ōtaki township section 98, together with section 99 was also purchased in 1922 by Thomas Butler Bax following the succession of Te Umukaihau Taipua's interests to Te Kahurangi Taipua.<sup>263</sup>

Te Umukaihau Taipua was the son of Hoani Te Puna-i Rangiriri Taipua of Ngāti Pare who was the member of parliament for Western Māori from 1886 to 1893. It would appear too, that his successors were also obliged to sell land to raise finance.<sup>264</sup>

### ***Makuratawhiti 10A1, 1915 and Pukekaraka 2A, 1916***

Similarly, not all purchases were confirmed even when the person who wished to sell was under financial pressure and the purchaser was Māori. For instance, in October 1915, the Board refused to confirm the sale of Makuratawhiti 10A1 (2 roods 12 perches) from Maremare Hori Te Waru and Hoani Hapeta to Hera Tahunga Herangi. The owner, Maremare Hori Te Waru, told the Board that he held about 100 acres in Himitunga 2B for which he received 7/6 per acre. He also received £10 per year for rental of his Ōtaki section and £16 from the Ōtaki Racing Club. He was, however, in debt and could not pay debts of £47 including to the butcher. He had an adopted child and he sometimes worked. Hoani had a daughter but no place of his own. He was not at the hearing. The confirmation was refused as the Board considered the vendors 'landless'.<sup>265</sup>

Likewise, an application for confirmation of the purchase of Pukekaraka 2A by F.W Wilson from Tame Reone was considered by Board in January 1916 and refused. Tame Reone was awarded title to Pukekaraka 2 as an eleven-year-old in 1879 together with three other members of his whānau. The Board recorded that Tame was landless and 'evidently signed the transfer without any idea of price'.<sup>266</sup> Pukekaraka 2A remains Māori land in 2023.<sup>267</sup>

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<sup>263</sup> Certificate of title WN121/297, LINZ.

<sup>264</sup> Angela Ballara. 'Taipua Te Puna-i-rangiriri, Hoani', Dictionary of New Zealand Biography, first published in 1993. Te Ara - the Encyclopedia of New Zealand, <https://teara.govt.nz/en/biographies/2t3/taipua-te-puna-i-rangiriri-hoani> (accessed 19 March 2023).

<sup>265</sup> Ikaroa Maori Land Board Minute Book 5, 27 October 1915, p. 293.

<sup>266</sup> Ikaroa Maori Land Board Minute Book 5, 18 January 1916, p. 350.

<sup>267</sup> Ikaroa Maori Land Board Minute Book 5, 18 January 1916, p. 350; Walghan Partners (Wai 2200, #A212(b), pp. 234-236.

### *Pukehou 4D, 1916*

The Board also declined to confirm the transfer by Ramari Enoka and another to William Simcox in January 1916 of Pukehou 4D. Board minutes recorded that the land was under lease to Simcox which had 7 ½ years to run. The Board commented that it was ‘questionable’ if the vendors had ‘insufficient income from their numerous small interests to support them’ and that evidence was required. At the request of Mr Upham this was adjourned to Ōtaki to get the evidence of the vendors.<sup>268</sup>

### *Whakarangirangi 29 No 5, 1920*

In June 1920, the Board considered the transfer of Whakarangirangi 29 section 5 from William Cootes to Horace Noble. The area comprised 1 acre 32 perches and the purchase price was £120 which was equivalent to the government valuation. Mr Staveley told the Board that the vendor had ‘no other lands practically’, that he was hard worker and a fisherman who wanted to purchase a ‘fishing outfit’ and that there was a good opening for this in Ōtaki.<sup>269</sup>

Williams Cootes told the board that he had no other lands but that he followed various occupations. He worked in Africa, Australia and all-over New Zealand and had always supported himself as a coal miner, sailor and bush feller and received £18/fortnight for flax cutting. He had been away from Ōtaki for 20 years and that there was a good opening for fishermen at Ōtaki and was sure he would do well. He was married with two children, rented a house for 7/6 a week and had no difficulty getting work. He received £9 per week leasing the land. The board resolved that the transfer would be confirmed under section 91 of the Native Land Amendment Act 1913 as the land was considered ‘not material means of support’ meaning that the board did not consider Mr Cootes reliant on this section to support he and his family. This section of the Act allowed the board to confirm an application for an alienation where the land concerned was not considered a ‘material means of support’ and where the vendor was qualified to pursue a vocation, trade or profession, or ‘sufficiently provided with a means of livelihood’. The board also asked for receipts for the purchase money to be filed.<sup>270</sup>

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<sup>268</sup> Ikaroa Maori Land Board Minute Book 5, 18 January 1916, p. 353.

<sup>269</sup> Ikaroa Maori Land Board Minute Book 9, 17 June 1920, pp. 228-229.

<sup>270</sup> Ikaroa Maori Land Board Minute Book 9, 17 June 1920, pp. 228-229.

### *Ōtaki township section 50 purchase, 1921*

In the 1920s, the board also confirmed the purchase of several Ōtaki township sections. In 1921, Ōtaki township section 50 comprising one rood was purchased for £90. The owner was Maaka Pukehi and the purchaser was Arthur Edward Minton. The government valuation of 3 December 1920 was £83. A solicitor representing the purchaser, Mr Harper, told the Board that the vendor lived at Katihiku and that improvements on the land consisted of a fence only and that it was overgrown by weeds and thistles. Maaka Pukehi received no revenue from the land and appeared not to have the financial resources to develop the section as he said he was 'quite satisfied' with the purchase and that he wanted the money to look after himself. He said that he also had some land at Himatangi. The board confirmed the transfer with the proviso that receipts for purchase money be filed within one month.<sup>271</sup>

### *Pukehou purchases by Ethelwynne Simcox, 1919-1920*

Purchasing in the Pukehou block by the Simcox family continued. In the 1920s, Ethelwynne Beatrice Victoria Simcox, the wife of William Martin Simcox, was responsible for most of the purchases by the Simcox family in the Pukehou block. Sometimes the names of sisters, daughters or wives of men who had purchased large amounts of land were placed on the title as there was a restriction on the amount of land that could be owned by a single person. Given the large amounts of land the Simcox's owned, it seems reasonable to assume that by putting her name on the title, more land could be purchased for the Simcox family. Certainly, from the end of 1909 (after James Carroll declined to recommend the removal of restrictions on several Pukehou blocks to the Governor) there were few issues raised in the board minutes about the number of acquisitions during this period by Mrs Simcox.

The purchases were not necessarily of an entire block but of the interests of two or three owners. For instance, in December 1919, the board heard the application to confirm the transfer from Paramena Mohi Te Kootu, Paino Moiki and Tohipare Tonihi to Ethelwynne Beatrice Victoria Simcox of Pukehou 4G8D. The first two owners held 1/2th of a share and Tohipaire Tonihi owned 1/3<sup>rd</sup> of a share. The area purchased was 8 acres 2 roods 12 perches of the 17-acre 24 perch block and the purchase price was £212.10.0. The government valuation was recorded as

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<sup>271</sup> Ikaroa Maori Land Board Minute Book 9, 22 February 1921, p. 297.

£425 for the whole section. The land was leased to William Simcox for 21 years from 1 January 1912 at £16 per acre. The board was asked to confirm the purchase of the shares of the three owners but considered they had insufficient land for their maintenance and would need to rely on section 91 of the 1913 Act that allowed the board to confirm a purchase even when they considered owners to have insufficient land. The board noted that the area that was leased was 7 acres 24 perches and that the interests of the three owners was half of that. They would also shortly succeed to the interests of Romana Te Kootu which comprised about 5 ¾ acres.<sup>272</sup>

The owners were then required to give evidence to the board about the other lands they owned so that the board could decide whether section 91 applied. Paramena Mohi Te Kootu told the board that he was quite satisfied with the price as an acre of the block comprised a lake. He said he was milking on 58 acres elsewhere and intended to purchase that land at £26 per acre from a Mr Moore. He received an advance as a returned soldier and needed the money to help him along. He had never worked the land. He said that he had other lands than those set out but succession orders had not yet been made. He considered that he would do well with his milking venture and that the land was of no use to them.<sup>273</sup>

Paino Moiki stated too that he was satisfied with the price. He also noted that he would succeed to some interests of land in Thames, that his father had interests in Ohau and some land on the beach. He said he was a labourer, billiard marker and fisher. He had never lived on the land. The following day, Tohupare Tonihi told the board that he wanted £30 an acre (and not the government valuation of £25 per acre), that he had lands at Tauranga and that he would also succeed to his parents interests in these lands. This must have been considered sufficient as the board then confirmed the purchase under section 91 of the 1913 Act.<sup>274</sup>

In 1920, Ethelwynne Simcox purchased 34 acres 32 perches out of 79 acres 2 roods 32 perches of Pukehou 4D1B for £390 from Tamehana Whakaheke. The Ikaroa District Māori Land Board approved the purchase on 14 January 1920. Little was noted about the circumstances of the purchase in the minutes.<sup>275</sup> She also purchased Pukehou 4F4B2 (15 acres 2 roods 20 perches)

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<sup>272</sup> Ikaroa District Maori Land Board minute book 9, 2 December 1919, pp. 101-102.

<sup>273</sup> Ikaroa District Maori Land Board minute book 9, 2 December 1919, pp. 101-102.

<sup>274</sup> Ikaroa District Maori Land Board minute book 9, 2 December 1919, pp. 101-102.

<sup>275</sup> Ikaroa District Maori Land Board minute book 9, 18 November 1919, p. 73 and 14 January 1920; *Evening Post*, 24 April 1911, p. 9.

for £203.2.6 and Pukehou 4G5A (22 acres 3 roods 11 perches) which were both confirmed by the Ikaroa Māori Land Board In June 1920. The owner of Pukehou 474B2, Ruta Enoka, was previously thought by the board to be landless and a previous sale had not gone ahead. She said that she lived on her own at Pukeatua and wanted the money to maintain herself, her children and grandchildren. She said she received £4 per annum rental for the 15 ½ acres and that that she wanted to be able to pay for the funeral of her child and husband. The board said that the list of her other lands showed that the interests already owned by William Simcox had been in his possession for some years as there was no fence. The purchase was confirmed.<sup>276</sup>

A month later, in June 1920, Pukehou 4D2A(part) (2 acres 3 roods 35 perches out of 11 acres 3 roods 19 perches), Pukehou 4D2B (part) (7 acres 3 roods 37.5 perches out of 15 acres 3 roods 35 perches); Pukehou 4G8D (part) (4 acres 1 rood 6 perches out of 17 acres 24 perches) and Pukehou 4G8A (part) (5 acres 1 rood 29 perches out of 22 acres 3 roods 11 perches) were all purchased by Ethel Beatrice Victoria Simcox. The Ikaroa District Māori Land Board confirmed these purchases in June 1920.<sup>277</sup>

Ethelwynne Simcox also purchased Pukehou 4D1D from Rongomate Tiaki O'Brien in September 1922. Board minutes record that the government valuation was £8 per acre, the purchase price was £13 an acre and £40 had already been paid. The board stated that it would confirm the purchase if the balance was paid to the board by 31 October 1922. The board also ordered that the purchase money be held under section 92 of the 1913 Act which as noted above, meant that the board held the money on behalf of the vendor who was not allowed to deal with his money as he saw fit.<sup>278</sup>

It would appear that by the 1920s, the board was more inclined to approve purchases even when it was known that the owners had little land. The board increasingly used section 91 of the 1913 Act so that purchases could proceed despite the landless status of the vendors. Owners were also in need of the money for essentials such as paying for the funeral of family members. The Pukehou block had also become increasingly fragmented with the Simcox's owning or leasing large parts of it. This meant that owners such as Paramena Mohi Te Kootu who had been left with about four acres were more inclined to farm elsewhere and use the money to

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<sup>276</sup> Ikaroa District Maori Land Board minute book, 16 June 1920, p. 221.

<sup>277</sup> Ikaroa District Maori Land Board minute book 9, 16 June 1920, p. 222-223, 17 June 1920, pp. 226-227.

<sup>278</sup> Ikaroa District Maori Land Board minute book 10, 7 September 1922, p. 37.

fund their other farming pursuits. Other issues for owners included having access to their land. As will be discussed in the next section, much of the remaining Māori land in the Pukehou block was landlocked.

#### **4.7 Purchasing after 1929**

From 1930, the number of purchases in the Ōtaki township sections, sub-district and Pukehou blocks began to decline. This included land within the township and sub-district that had been vested in the Ikaroa Māori Land Board to be administered due to the non-payment of rates. This land comprised nearly all the Ōtaki township sections that remained in Māori ownership. The exceptions were the following eight sections one of which comprised a berm:

- Ōtaki township sections 131 & 133A (alienated by gift in 1945 to George Thomas Gordon);
- Ōtaki township section 44 (purchased by William McBeath & Eric Cook for £1250 in 1945);
- Ōtaki township sections 131 & 133B (compulsory sale due to non-payment of mortgage);
- Ōtaki township sections 134A & 135D (purchased by one of the owners in 1939 and then Europeanised in 1970);
- Ōtaki township section 147E (4.6 perches) (purchased by Sherbar Ltd in 1996);
- Ōtaki township section 147F (a berm);
- Ōtaki township section 168 (Raukawa Marae & Māori land in 2023); and
- Ōtaki township section 185 (or Manapouri) (Māori land in 2023).

The purchase of the vested lands including the Taumanuka block are discussed in the next chapter. The following is a discussion of purchases of non-vested lands between 1929 and 1953 including two of the aforementioned Ōtaki township sections in 1945 which included a gift by a father to a son for housing purposes. Details of the other Ōtaki township section alienated at this time due to the non-payment of the mortgage over the land have not been located. This section also includes a discussion of several purchases within the Pukehou block in the 1940s. With the exception of the gifting of the Ōtaki township section, all three purchases show the difficulties faced by Māori landowners retaining their land.

### *Ōtaki township section 44, 1945*

There were several purchases of non-vested Ōtaki township sections in 1945. Ōtaki township section 44 comprising 1 rood 3 perches was subject to a lease to J and F Robinson for 21 years from 2 May 1924 at £80 per annum. In October 1945, an application was considered by the Māori Land Court to confirm the transfer of Ōtaki township section 44, from Pumipi Matenga Te Hiko, Ramari Paraone and Matenga Te Hiko Matenga to William McBeth, butcher, and Eric Joseph Cook, cycle dealer, for £1250. Solicitor, Mr Atmore, was in Court representing the purchasers. He stated that the property was situated in the heart of the borough and all the buildings were very old and had been condemned. He said that it was ‘impossible for the Native owners to arrange finance to rebuild’, that the area was too small to partition and while the property was revenue producing this ‘could not possibly continue’. He said that it was in the ‘public interest that buildings of this kind in the Borough should be rebuilt but the natives are unable to comply’. The current lease expired on 2 May 1945 and they were receiving £80 per annum rent but it would be ‘quite impossible to make similar terms for any further period’ The owners, he said, were not dependent upon the rent for their maintenance. He said that all the buildings would have to be removed by the new owners and the purchase money represented the value of the land only.<sup>279</sup>

The Court commented that the circumstances of the purchase were unusual. The Court had inspected the property on several occasions and considered that the sale was ‘in the best interests’ of the owners and was also beneficial to the borough. The purchase was therefore confirmed subject to a valuation certificate being filed, the consideration to be equal to the capital value but not less than £1250, commission of £10 to be paid by the purchases and that the purchase money and commission to be paid to the Ikaroa District Māori Land Board within one month and held by the Board under section 281 of the Native Land Act 1931.<sup>280</sup>

### *Ōtaki township section 131 & 133A*

On the same day the Court heard an application to confirm the transfer and gift from father to son of Ōtaki township sections 131 and 133A to George Thomas Wi Gordon. He had built a

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<sup>279</sup> Ōtaki Minute Book 63, 4 October 1945, pp. 12-13.

<sup>280</sup> Ōtaki Minute Book 63, 4 October 1945, pp. 12-13.

house on the land himself and it was valued at £425. It was recorded that the rest of the family agreed to the gift. The transfer was confirmed by the Court.<sup>281</sup>

### ***Pukehou 4D2A (part) and 4D2B (part), 1945***

Between 1926 and 1954 there were just two purchases of land within the Pukehou block: part Pukehou 4D2A and part Pukehou 4D2B to William Simcox in 1945 and Pukehou 4F2E2B2 to members of the Smith family and MacArthur in 1948. The first purchase was of land owned by one owner and the other purchase involved a meeting of owners as there were more than ten owners of the block. All the blocks were landlocked.

The purchase of part Pukehou 4D2A (11 acres 3 roods 19 perches) and part Pukehou 4D2B (15 acres 3 roods 35 perches) in 1945 completed the purchase of all interest in both blocks. The interests of one of the owners, Mere Enoka, had been purchased in 1920 by Ethelwynn Simcox, the wife or sister of William Simcox, for £120.9.6. An attempt had been made to confirm the purchase of the interests of the other owner, Ruta Enoka, to Ethel Simcox in January 1920 but as no deed or supporting documents were submitted to the board and the board considered that Ruta Enoka was ‘probably landless’, the application was adjourned. When the application was heard again the board reported that Ruta Enoka had been barred from selling previously ‘on the grounds that she is landless’. However, as discussed above, this was reversed, and she was able to sell another Pukehou section (4F4B2). Her interests in Pukehou 4D2A (1/4 share) and Pukehou 4D2B (1/2 share), were also later purchased by William Simcox in 1945. The area of Pukehou 4D2A held by Ruta Enoka comprised approximately 3 acres and the area of Pukehou 4D2B comprised 7 acres 3 roods 37.5 perches.<sup>282</sup>

Requirements of the board included the completion of an application for confirmation of the purchase by Ruta Enoka, a declaration in support of application for confirmation by William Simcox, particulars of title and a schedule of other lands by Ruta Enoka. This was all sent to the board by a solicitor in August 1944.<sup>283</sup>

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<sup>281</sup> Otaki Minute Book 63, 4 October 1945, p. 13.

<sup>282</sup> Ikaroa District Maori Land Board minute book 9, 20 January 1920, pp. 115-116; 4 March 1920, p. 145.

<sup>283</sup> Pukehou 4D2B alienation file, 3/8967, Aotea Maori Land Court, Whanganui.

The particulars of title recorded that William Simcox was already had occupation of the land but had no tenure. The schedule of lands owned by the vendor, Ruta Enoka, recorded that she owned land in Pukehou 4G2C (3 ½ acres); Pukehou 4G2A (17 ½ acres); Pukehou 4C7D (15 acres which was owned by several people), Pukehou 4E3B1 and 4E3B2 (23 acres 1 rood 30 perches) and small interests in Topatakaahu, Pukekaraka and Pukeatua blocks. The declaration recorded that a deed of purchase was executed on 10 August 1944 for Pukehou 4D2B (details of the execution of the deed for Pukehou 4D2A have not been located).<sup>284</sup>

The Court hear the application to confirm the transfer of both Pukehou 4D2A (part) and Pukehou 4D2B (part) on 7 November 1944. The Court recorded that Ruta Enoka held a quarter share in Pukehou 4D2A, that the purchase price was £18 and the government valuation in 1939 was £15 for the whole block. The Court commented that the purchaser owned all the surrounding land and that the land had no access. The purchaser had been paying rent at 6/- per acre which meant that Ruta Enoka received just 18/- per year. The vendor was over 70 years old and wished to purchase another small section with the money. The Court confirmed the purchase subject to a new valuation certificate being filed and that the price was to be equal to the new valuation at least but not less than £18. The purchase money was to be paid to the Ikaroa District Māori Land Board and held under section 281. Commission for the board was 2 ½ per cent. With respect to Pukehou 4D2B, the Court noted that Ruta Enoka held ½ share in the block and that it adjoined Pukehou 4D2A. The purchase was confirmed subject to the same conditions though the purchase price was to be £48 or half share of the government valuation, whichever was the greater. When this was completed, a certificate of confirmation was signed on 27 February 1945.<sup>285</sup>

The valuation filed recorded that the full 11 acres 3 roods 19 perches of Pukehou 4D2A was valued at £15 (or £7/10/- for half) and the full 15 acres 3 roods 35 perches of the Pukehou 4D2B block was valued at £85 (or £42/10/ for half). Ruta Enoka received £66 in total which was more than the valuation.<sup>286</sup>

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<sup>284</sup> Particulars of title of owners, Pukehou 4D2B, 1944; Schedule of lands owned by Maori vendors; Declaration in support of application for confirmation; application for confirmation; Pukehou 4D2B alienation file, 3/8967, Aotea Maori Land Court, Whanganui.

<sup>285</sup> Ikaroa District Maori Land Board cover sheet, 1944-1945, Pukehou 4D2B alienation file, 3/8967, Aotea Maori Land Court, Whanganui; Otaki Minute Book 62, 7 November 1944, pp. 322-323.

<sup>286</sup> Registrar, Ikaroa District Maori Land Board to Messrs Harper, Atmore, & Thomson, Otaki, 25 January 1945, Pukehou 4D2B alienation file, 3/8967, Aotea Maori Land Court, Whanganui.

It is of note that an order was made under section 281 that stated that the Court was of the opinion that it was not in the interests of Ruta Enoka to be paid the purchase money directly. The order said that the purchase money had to be paid plus commission of 2 ½ per cent to the Ikaroa District Māori Land Board to be held by the Board under section 281 of the Native Land Act 1931. This meant that Ruta Enoka was not free to use the purchase money as she wished but had to apply to the board for the money or receive it in instalments as dictated by the board. The intention of the Court was likely to ensure that the money was used for the purchase of the smaller section to live on though no reason was given for the order at the confirmation hearing. Nothing has been located as to how or when the money was distributed to Ruta Enoka for her land.<sup>287</sup>

### ***Pukehou 4F2E2B2, 1947-1948***

The resolution to sell Pukehou 4F2E2B2 comprising 18 acres 2 roods 30 perches to Howard Smith, Joan MacArthur, Colin Smith and Maurice Smith for £265 was considered by a meeting of owners on 14 February 1947. The block had been partitioned on 7 August 1915 and awarded to nine owners (Hori Haimona, Wiremu Te Kingi, Katarina te Kingi, Te Paka Te Kingi, Wihau Te Raiha, Atareta Te Raiha, Parari Te Raiha and Hakaraia Rangikura). The other part of the block, Pukehou 4F2E2B1 was purchased from Anaru Tuhua by William M Simcox in 1904 and his interests defined when the block was partitioned.<sup>288</sup>

A letter advising the owners of the meeting of owners was dated 31 January 1947 which meant that two weeks-notice was given to the owners. The letter also advised that if they were unable to attend the meeting then they could vote for or against the proposed alienation by a proxy appointed by them in writing. That proxy needed to be a beneficial owner who needed to be present at the meeting. At the meeting seven owners were present representing 89 out of 360 of the shares (about 25 per cent). They unanimously agreed to sell the land at the new government valuation of £265 on the condition that the purchasers also pay £45 in back rent for the previous five years for use and occupation (this decision followed a discussion at the

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<sup>287</sup> Order in respect of Pukehou 4D2B, 7 November 1945, Pukehou 4D2B alienation file, 3/8967, Aotea Maori Land Court, Whanganui.

<sup>288</sup> Walghan Partners (Wai 2200, #A212(b), p. 211; Registrar, Ikaroa District Maori Land Board re Pukehou 4F2E2B2 meeting of owners, 31 January 1947, Pukehou 4F2E2B2 alienation file, 3/9032, Aotea Maori Land Court, Whanganui.

meeting about the previous occupation of the land by the Smith family). Also discussed was the survey charge owed to the Lands and Survey Department.<sup>289</sup>

After the meeting, the solicitors for the purchasers, asked that the requirement to file schedules of the other lands owned by the Māori owners be waived. He justified this request by stating that that the land was only 18 ½ acres in size, ‘entirely surrounded’ by land owned by the purchasers and not fenced. None of the owners, he said, had lived on the land or ‘taken any interest in it’. There were nine original owners and 16 successors meaning the share of each individual owner was very small. In response, the Registrar stated that the matter should be brought to the notice of the Court when the purchasers applied for confirmation. The purchasers appeared to doubt that enough owners could supply the information noting that at the outset they had written to all the owners whose addresses were known but only three replies were received with several letters returned unclaimed and no reply received from the others. Indeed the list of names and addresses of owners listed 25 owners of whom eight were noted as deceased with no successors appointed. About seven of the owners had addresses in Ōtaki. Another list of owners suggests that of the nine original owners, just two had successors appointed.<sup>290</sup>

Several months later the land was re-valued from £265 to £100. It was then discovered that one of the purchasers had incorrectly identified the land to the valuer which meant the valuer had valued an adjoining and more valuable block. Another report on the land, presumably from the valuer, said he inspected the Forest Lakes farm and noted that the original valuation was for 4F2C instead of 4F2E2B2, which he described as land locked, comprising sandhills with poor quality pasture. He stated too that even if the block had access it would be worth little as a separate unit as it would cost too much to fence and would be too small to be economic. It was also a less important block than the one it was mistaken for as it did not lie ‘in the heart of the “Forest Lakes” farm as it was thought to’ and that it would not matter even if the narrow strip lying to the south of 4F2E2B2 had to be abandoned as it comprised only a few acres of

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<sup>289</sup> Registrar, Ikaroa District Maori Land Board re Pukehou 4F2E2B2 meeting of owners, 31 January 1947; Minutes of meeting of assembled owners, 14 February 1947, Pukehou 4F2E2B2 alienation file, 3/9032, Aotea Maori Land Court, Whanganui.

<sup>290</sup> List of owners, Pukehou 4F2E2B2 circa 1948; Findlay, Hoggard, Cousins & Wright, Wellington, to Registrar, Native Land Court, Wellington 26 February 1947; Registrar, Native Land Court, Wellington to Messrs Findlay, Hoggard, Cousins & Wright, 7 March 1947, Pukehou 4F2E2B2 alienation file, 3/9032, Aotea Maori Land Court, Whanganui.

sandhills. He concluded that while he did not recommend that the proposed purchases ‘break faith’ with the Māori owners by withdrawing the offer, he could not advise them to pay any more than they had already agreed to pay.<sup>291</sup>

On 15 October 1947, the resolution to sell the land was confirmed by the Māori Land Court with the purchase money to be paid to the Ikaroa District Māori Land Board within two months with the board’s commission (not specified) to be paid by the owners. The transfer was executed on 2 November 1947. No mention was made of the need to submit a list of lands owned by the owners. Certainly, there was no such document on file.<sup>292</sup>

Prior to the distribution of the purchase money, the Lands and Survey Department was paid £21.17.11 which included £4.7.7 interest for survey costs. The interest for the period beyond five years was recommended for remission and approved by the Minister of Lands subject to the payment of the outstanding amount within six months. This was because the survey was likely to have been in respect to the partition ordered over thirty years previously in 1915.<sup>293</sup>

Several letters were also received from owners asking for the share of the purchase money. One person asked for an advance stating that they needed the money to travel to Rotorua to discuss a land issue there.<sup>294</sup>

The land, which was of poor quality, landlocked and uneconomic even to fence, let alone develop, was therefore sold by owners representing just 25 percent of the total shares. The purchase, given the economics and the lack of access was presented as the only viable option for the owners who were paid far in excess of the government valuation and in need of finance.

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<sup>291</sup> Valuer General to Registrar, Ikaroa Native Land Court, Wellington, 14 July 1947; Report on Pukehou 4F2E2B2, 12 June 1947; Pukehou 4F2E2B2 alienation file, 3/9032, Aotea Maori Land Court, Whanganui.

<sup>292</sup> Ikaroa District Maori Land Board cover sheet and minutes, 1946-1947, Pukehou 4F2E2B2 alienation file, 3/9032, Aotea Maori Land Court, Whanganui.

<sup>293</sup> Registrar, Ikaroa District Maori Land Board to Chief Surveyor, Lands & Survey Department, Wellington, 12 December 1947; Chief Surveyor, Lands & Survey to Registrar, Maori Land Court, Wellington, 15 December 1947; Registrar, Ikaroa District Maori Land Board to Chief Surveyor, Lands & Survey Department, 26 January 1948, Pukehou 4F2E2B2 alienation file, 3/9032, Aotea Maori Land Court, Whanganui.

<sup>294</sup> File note, 30 March 1948, Pukehou 4F2E2B2 alienation file, 3/9032, Aotea Maori Land Court, Whanganui.

## 4.8 Conclusion

Purchasing in the first thirty years of the twentieth century continued unabated. The Court continued to approve purchases where there were two or less owners until 1905 and inquire into the removal of restrictions on alienations and make recommendations to the Governor until early 1902. During these confirmation hearings and investigations by the Court, no assessment or even comment was made as to the cumulative total of land being acquired, particularly in the township, and how this impacted on the ability of Māori to live there on their own land. Similarly, no assessment was made as to the number of purchases by the same Pākehā individuals with no questions asked as to whether their purchases of township sections were speculative. The impression from an examination of Court minutes from this time is of a Court concerned with process and under the legislation this was what it was entitled to do. The Court's confirmation of so many purchases was also contrary to the rhetoric of the government at the time that purported to discourage the purchase of Māori land.

One of the first applications considered by the Aotea Māori Land Council when it took over assessing applications for the removal of restrictions was in respect to part Maringiawai 1. An application was sent to the council in 1903 though previous applications about the matter that had been sent since 1896 were not processed as the owners had not organised the purchase of the land at the same time. They had, however, emphasised that they were selling because they could not use the land as it was landlocked, located in the middle of European land with no road access. In 1903, the council agreed to recommend that the restrictions be lifted having decided that the owners had sufficient other lands for their support. However, the Justice Department, who was administering Māori land at that time, insisted on further information. The owners advised that they were selling the land to the owners of the surrounding land and that much of the purchase money had already been spent on basics such as medicine and to pay off debt. There was no acknowledgement that if the owners truly had sufficient lands for their support, that they would not have needed the money so desperately. As well, at no time between 1896 and 1903 was the provision of road access discussed by any of the officials involved and it would appear given their resolve to sell, that the owners considered it unlikely that such a road would ever be built.

Other land such as Ōtaki township 105A and 105B were also purchased at this time as the owners were 'deriving no benefit from the section'. They leased the land but only received £2

per annum. As well, Māori land was compulsorily sold in 1909 due to owners defaulting on their mortgage. Waitohu 11C and 11D was owned by Hakaria Te Whena (he had purchased the land from Māori) and the land was advertised for sale several months after he died. His wife also died a month after the advertisement and it appears likely that the family were unable to service the mortgage.<sup>295</sup>

There was a partial shift with respect to the confirmation of purchases following the introduction of the Native Land Act 1909 which removed all restrictions on alienation from Māori land. For instance, while the board was happy to confirm the alienations of various Pukehou and other blocks to William Simcox such as Pukehou 4C1 in 1905 and 1906, Native Minister James Carroll did not take the next step towards their removal which required a recommendation to the Governor. This prompted William Simcox to write to him claiming that he was not, in his own words, attempting to purchase a 'great estate'. He did, however, acknowledge that he had lent Māori 'hundreds of pounds to pay for food, clothing, tangi, etc.', that he had never charged interest on this money or tried to purchase land from Māori who were not willing to sell. This may have been so, but his statement reveals the real financial pressures that Māori were under with having to lend money for basics from a Pākehā landowner. It ignores too that they may have instead felt obligated to sell their land to pay off their debts. That they were lent money from someone who did not charge interest was a bonus, but the situation remained that the Simcox's had purchased large amounts of the Pukehou block and as they purchased land a small block at a time, (as opposed to the other Pākehā landowner in the block who purchased 600 acres in one go), they were vulnerable to accusations of trying to exploit Māori. The policy shift came in 1910 when the Ikaroa Māori Land Board asked the Simcox's to send in a new application for confirmation which was accompanied by a new transfer. The board confirmed the transfer which was registered on the title to the block in 1911. It appears that the board did not have the same instincts as James Carroll.

In 1915 and 1916 the board declined to confirm several purchases where it considered the seller had insufficient land or was considered 'landless'. This was despite owners wanting to sell so that they could pay debts for such necessities as food (Makuratawhiti 10A1). An application

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<sup>295</sup> Valuation, Otaki township section 105, 1902; Under Secretary, Department of Justice to G.F Harper, 24 October 1904; George Harper, Solicitor and Licensed Interpreter, 5 November 1904, ACGS 16211 J1 724e 1905/6 [From: Governor Date: 26 December 1904 Subject: Removing restriction on Sections 105A and 105B, Otaki], Enclosed: 1904/1382, 1904/403, 1905 (R24619921), Archives New Zealand, Wellington.

for confirmation of the purchase of Pukekaraka 2A by F.W Wilson from Tame Reone was also declined as the vendor was landless and appeared to have signed a transfer for less than the land was worth. In this way, the board did protect Māori interests. It did not help, however, when the Māori involved needed money to pay for food. That Māori were considered landless by 1916 raises the question as to how effective the Native Land Court, the Aotea District Māori Council, and the Ikaroa Māori Land Board had been in the past with assessing sufficiency of lands and whether the legislation was adequate. Clearly in these instances, their systems had failed these owners. 'Sufficiency' was also assessed in terms of individuals, not by location or the rohe of an iwi so that for instance, the amount of land being sold in the Ōtaki township during this period was never monitored or commented on.

By 1920, the board agreed to purchases even when the owners were considered landless. This shift in board practice was provided for in section 91 of the Native Land Amendment Act 1913 where the board could decide that an owner was not dependant on the land being sold to support themselves and their family and approve the purchase despite the landless status of the vendors. Māori continued to be in need of money for essentials such as for example, paying for the funeral of family members.

Land where owners had unsuccessfully applied for a mortgage in 1914 was sold in the 1920s. The application for a mortgage over Pukehou 5L1B was declined in 1914 because the board considered that the applicant did not sufficient other lands for his maintenance. However, when the land was sold in 1922 by successors, nothing was said about the sufficiency of lands. Instead, it was made clear that the purchase was to pay off debts and to build a house on other land. It is also an example where the board decided to administer the purchase money itself which meant in practice, the vendor having to ask the board every time he wanted money. The owner in 1914 was Te Umukaihau Taipua, the son of Hoani Te Puna-i Rangiriri Taipua of Ngāti Pare who was the member of parliament for Western Māori from 1886 to 1893. It would appear too, that his successors were obliged to sell land to raise finance and their money allocated by a Pākehā-run board.<sup>296</sup>

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<sup>296</sup> Angela Ballara. 'Taipua Te Puna-i-rangiriri, Hoani', Dictionary of New Zealand Biography, first published in 1993. Te Ara - the Encyclopedia of New Zealand, <https://teara.govt.nz/en/biographies/2t3/taipua-te-puna-i-rangiriri-hoani> (accessed 19 March 2023).

The Pukehou block had also become increasingly fragmented with Pākehā such as the Simcox family owning or leasing large parts of it. This meant that owners such as Paramena Mohi Te Kootu who had been left with about four acres of land were more inclined to farm elsewhere and use the purchase money to fund their other farming pursuits. Other issues for Māori owners of the Pukehou block included the quality of the remaining land and the lack of access. The use of meeting of owner provisions introduced under the Native Land Act 1909 were also used so that land could be sold by as few as five owners regardless of the number of owners of the block. The purchase of Pukehou 4F2E2B2 by the Smiths for instance, which was of poor quality, landlocked and uneconomic even to fence, let alone develop, was sold using this process by owners representing just 25 percent of the total shares. The purchase, given the economics and the lack of access was presented as the only viable option for the owners. The redeeming feature of this purchase was that the owners were paid far in excess of the government valuation (due to an error by the purchaser identifying the correct land for sale). Like many of the owners selling their land at this time, they were in need of finance with one owner unable to afford a trip to Rotorua where another land matter was pressing.

Purchasing in the township in 1945 demonstrated that it had become increasingly difficult for owners to afford to own land in the ‘heart’ of the borough. Owners of Ōtaki township section 44 sold their land as it was ‘impossible for ... [them] to arrange finance to rebuild’ so that the land could continue to be leased. They could also not afford to maintain existing buildings (which needed to be demolished). This purchase too was considered in the best interests of the owners. Indeed, purchases where owners had few options but to sell were often described as being ‘in the interests’ of the owners.

## Chapter 5: Land vested in the Ikaroa Māori Land Board, 1929-1960

### 5.1 Introduction

In 1929, 135 blocks comprising over 200 acres of Māori land in the Ōtaki borough was vested in the Ikaroa Māori Land Board under the Native Land Amendment and Native Land Claims Adjustment Act 1928 to administer due to the non-payment of rates. Four more blocks were added in 1931. The land was made up of both Ōtaki township sections and blocks within the Ōtaki sub-district. Most were small blocks of less than five acres and all the Ōtaki township sections were about ¼ acre in size. When district land boards were disestablished in 1952, the Māori Trustee took over the administration of these lands.<sup>297</sup>

The decision by the government to vest a large proportion of the remaining Māori land at Ōtaki in the Ikaroa Māori Land Board to administer arose after pressure from the Ōtaki Borough Council on Māori and the government for Māori who lived in the borough to pay rates. Rating in Ōtaki had been imposed firstly by the Horowhenua County Council, then the Ōtaki Town Board, and from 1921, the Ōtaki Borough Council. Rates had largely increased due to the borough's decision to fund a 'disastrous' sewerage and drainage scheme and Māori could either not afford to or chose not to pay the rates imposed on them by a council whose formation they had objected to and where they had minimal representation. Indeed between 1927 and 1943 there is no evidence that there were any Māori Ōtaki borough councillors. Māori fears that the formation of the borough council would increase the amount of rates levied were also realised. Rates were imposed on all land regardless of the quality of the land, whether the land was built on, occupied or services provided.<sup>298</sup>

By 1929, Māori comprised approximately 20 percent (about 300) of the 1500 inhabitants of Ōtaki borough. However, the value of their land in the borough comprised about 14 per cent of the total value of the borough (£23,519) compared to the value of European land in the borough (£147,173). This disparity in land wealth and other signs that many Māori simply

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<sup>297</sup> Woodley, (Wai 2200, #A193), pp. 355-359.

<sup>298</sup> Woodley, (Wai 2200, #A193), pp. 323-324. As quoted in Dreaver, pp. 225-226.

could not afford to pay the rates did not factor into the council's decision to pursue rates on Māori land and ultimately to facilitate its vesting in a Pākehā board to administer.<sup>299</sup>

As full details of the circumstances leading to the vesting have been discussed in my local government report for this inquiry they are not repeated here. The focus of this chapter is instead on the alienation of this land. While some alienation details of the vested land are utilised from this report, the Walghan Partners block narratives and Young et al's twentieth century report for the inquiry, additional research, particularly into the Ōtaki township sections has been completed to expand on this existing research. Sources includes certificates of title, alienation and block order files from the Aotea Māori Land Court, Māori Land Court minutes and the Department of Māori Affairs files relating to the vesting.<sup>300</sup>

The chapter begins with tables showing the land vested, when it was re-vested in owners, when and how it was alienated or became European or general land. For purchases, this includes brief details including the date, purchaser and price where known. Some ownership details are also provided where located. The table also shows where land was Europeanised, declared general land, taken under the Public Works Act or remains Māori land in 2023. The table is followed by an overview discussion of how the vested land was alienated and the identification of any alienation patterns. This discussion includes some specific examples of the purchase process up until the 1960s when most of the land had been re-vested in the owners. Europeanisation is covered in the following chapter as well as the alienation by purchase of both vested and non-vested lands from the 1960s.

## 5.2 Vesting overview

Nearly all the Ōtaki township sections that remained in Māori ownership in 1929 were vested in the Ikaroa Māori Land Board. The exceptions were eight sections one of which comprised a berm. While it has not been possible to calculate how much Māori land in the Ōtaki sub-district that was also located in the borough was vested, it does appear to have been a significant

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<sup>299</sup> Woodley, (Wai 2200, #A193), pp. 303, 326; Statement of Rates levied by Otaki Borough Council, 1928-1933; ACIH 16093 MA 86 2/3 Native Land Rates Committee, Papers produced during meetings, Archives New Zealand, Wellington.

<sup>300</sup> Woodley, (Wai 2200, #A193), pp. 338-361; Eljon Fitzgerald, Areti Metuamate, Kiri Parata, Tiratahi Taipana, Piripi Walker, Dr Grant Young, 'Ngati Raukawa: Rangatiratanga and Kawanatanga. Land Management and Land Loss from the 1890s to 2000', a report commissioned for the Porirua ki Manawatū inquiry by the Crown Forestry Rental Trust, June 2017; Walghan Partners, (Wai 2200, #A212, #A212(a) & #A212(b).

proportion. Indeed, as is noted in my local government report, ‘the blocks vested were valued at £18,895 which was 80 per cent of the value of all Māori land within the borough (£23,510)’.<sup>301</sup>

Of the land vested in the Board, 135 sections were vested in 1929 and then a further four in 1931 making a total of 139 sections comprising almost 208 acres (207 acre 3 roods 9.244 perches). The administration of the land while it was under the jurisdiction of the Ikaroa Māori Land Board, and then from 1952, the Māori Trustee, has been discussed in my local government report for this inquiry. This explains how the Board and Trustee’s main concern was for the land to earn enough money to pay the rates. In many instances, land was leased for the amount of the rates levied so that the land generated little income for the owners.

Soon after the land was vested, owners began asking the board for their land to be re-vested back so that they could have possession of their own land. Prior to re-vesting, rates had to be up-to-date and the application by the owners normally involved reassuring the board or trustee that the rates would continue to be paid. Applications were sometimes dealt with by the Court. On most occasions, an order in council was published in the *New Zealand Gazette* which authorised the re-vesting of the land in the owners. However, land was purchased while still vested which meant that the permission of the board or Māori Trustee was required.

The 139 blocks vested in the Ikaroa Māori Land Board were eventually dealt with as 165 blocks as some were subdivided, partitioned or parts of the blocks purchased separately. In addition, one of the larger blocks, Moutere 8B1 (4 acres 1 rood 19 perches) and located on Mill Road, was subdivided into 17 lots in 1949 and sold. These 17 blocks have not been included in the total of 165.

The following table lists the land that was vested in the Ikaroa Māori Land Board in 1929 and 1931. The blocks are in alphabetical order. The table provides details of the area of the block, the names of the owners when the land was first vested and/or when the land was purchased,

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<sup>301</sup> The eight Otaki township sections that were Maori land but not vested in 1929 were: Otaki township section 44 (purchased by William McBeath & Eric Cook for £1250 in 1945); Otaki township sections 131 & 133A (alienated by gift in 1945 to George Thomas Gordon); Otaki township sections 131 & 133B (compulsory sale due to non-payment of mortgage?); Otaki township sections 134A & 135D (purchased by one of the owners in 1939 and then Europeanised in 1970); Otaki township section 147E (4.6 perches) (purchased by Sherbar Ltd in 1996); Otaki township section 147F (a berm); Otaki township section 168 (Raukawa Marae & Maori land in 2023); and Otaki township section 185 (or Manapouri) (Maori land in 2023). Woodley (Wai 2200. #A193), p. 359.

the date the land was re-vested in the owners (if applicable as not all the land was re-vested) and any alienation details focussing on the means of alienation, the date and the price where known.

The table shows that most of the land vested in the Board is no longer Māori land with just 18 sections remaining Māori land in 2023. Three of these sections comprise the Raukawa Marae. The other sections were purchased by both the Crown and private purchasers; taken under the Public Works Act, Europeanised under the Māori Affairs Act 1967 or declared general land under other Māori land legislation. Alienation details of ten of the blocks have yet to be located:

**Māori land in Ōtaki borough vested in Ikaroa Māori Land Board in 1929 and 1931 for non-payment of rates under the Native Land Amendment and Native Land Claims Adjustment Act 1928**

Block name	Area (acres)	Area (roods)	Area (perches)	Owner identified by NLC circa 1927/1928 &/or at re-vesting	Date when vesting revoked (re-vested in owners)	Alienation details
Awahohonu A4	2	1	10	Matiu Te Hemara/ Makere Matiu (Mrs Walker)	21 July 1932	Purchased by Patrick Sullivan for £1950 in 1956. <sup>302</sup>
Hanganoaiho 1A	0	1	2	Metapere Ropata	Not located	Purchased by David Richardson in 1965.
Hanganoaiho 1B	0	2	8	Rahera Maeke	Not located	Purchased by Crown for state housing purposes in 1961. <sup>303</sup>
Hanganoaiho 1D	0	1	35	Karaitiana Maeke (d) Rehu Maeke & Kataraina Maeke	Not located	Purchased circa 1973 by Hawker & Son Ltd. <sup>304</sup>
Hanganoaiho 1E	0	1	35	Rehu Maeke/Pahianui Roach & 6 others	18 Nov 1954	Vested in Māori Trustee for compulsory sale for non-payment of rates in 1963 on application of Ōtaki Borough Council. Purchased circa 1966 by Ernest Fraser. <sup>305</sup>
Hanganoaiho 1 Part (acquired from a European and treated as European land)	1	0	9.8	Not located	1947	Part transferred by Ikaroa District Māori Land Board to Crown for the purposes of the Housing Act 1919 in 1946; remainder purchased by David Richardson in 1965. <sup>306</sup>
Haruatai A (mill-site)	0	0	27.5	Riripeti Ngaera (original owner as at 20 Nov 1916); later Mihi Taylor	n/a	Purchased from the Māori Trustee by owner Mihi Taylor & Newton Arthur Taylor in 1953 for £10

<sup>302</sup> MLC Awahohonu A4 alienation file, Aotea Maori Land Court, Whanganui.

<sup>303</sup> Certificate of title, WN970/26, LINZ.

<sup>304</sup> Certificate of title, WN11A/878, LINZ.

<sup>305</sup> Certificate of title, WN70/247 & WN6/100, LINZ.

<sup>306</sup> Certificate of title, WN367/105, LINZ.

						(government valuation). Europeanised in 1969. <sup>307</sup>
Haruatai B (mill-site)	0	2	2.5	Hori Kaponga, Rawiri Ruta or Tuahiwi & Horipuha Kareanui (original owners as at 20 Nov 1915); later Mihi Taylor	n/a	Purchased from the Māori Trustee by owner Mihi Taylor in 1954; Europeanised in 1969. Appeared to stay in Taylor whānau ownership until circa 1984. <sup>308</sup>
Haruatai 3A1	0	1	28	Nikora & Te Wiata whānau	Not located	Combined with Haruatai 3A2 and subdivided into six parts to be sold in 1954. Sale agreed to by Māori Trustee. <sup>309</sup>
Haruatai 3A2	2	2	12	Nikora & Te Wiata whānau	Not located	Combined with Haruatai 3A1 and subdivided into six parts to be sold in 1954. Sale agreed to by Māori Trustee.
Haruatai 5 section 1 (re-partitioned in 1953 together with Haruatai 5A, part 5B & 6 into Haruatai 19-25)	1	0	23	Taumaihi Wiremu (William Swanson)	12 Feb 1948	Haruatai 19: Awarded to Rawinia Higgott 6 July 1953; Haruatai 20: Awarded to Makarini Johnson 6 July 1953; Haruatai 21: Awarded to Hoani Rikihana 6 July 1953 Europeanisation to be confirmed
Haruatai 5 section 2	1	3	20	Not located	12 Nov 1956	No longer Māori land. Purchase details not located.
Haruatai 5 section 3	0	2	33.2	Pairoroku Rikihana	12 Feb 1948	Succession order vesting land in Rangawhenua Rikihana, Hoani Raniera Rikihana and Pari Takirau Rikihana in 1975. Unable to locate when the land became general land.
Haruatai 5 section 5	0	1	36	Not located	12 Nov 1956	Sold by Māori Trustee to Tarasio Bellina in 1961/
Haruatai 5A (re-partitioned in 1953 together with Haruatai 5 section 1, part 5B & 6 into Haruatai 19-25)	0	3	27.3	Not located	20 Dec 1951	Haruatai 22: Awarded to Hoani Rikihana 6 July 1953. Europeanised in 1970. <sup>310</sup> Haruatai 23 (36.31 perches): Awarded to Rangawhenua Rikihana 6 July 1953; Europeanised in 1970. <sup>311</sup>
Haruatai 5B part and Haruatai 6 (part) (re-partitioned in 1953 together with Haruatai 5 section 1 & 5A into Haruatai 19-25))	0	1	21.6	Not located	12 Nov 1956	Haruatai 24: Awarded to Rangawhenua Rikihana 6 July 1953. Europeanised in 1970. <sup>312</sup> Haruatai 25: Awarded to Taruke Taipari Rikihana 6 July 1953. Europeanised in 1968. <sup>313</sup>

<sup>307</sup> Certificate of title, WN598/283, LINZ; Part 3 MA 1/1/37; MLC alienation file.

<sup>308</sup> Certificate of title WN621/45, LINZ; MLC alienation file.

<sup>309</sup> District Officer, Wellington to District Officer, head Office, Department of Maori Affairs, 13 August 1954, 20/1/37 part 3

<sup>310</sup> Certificate of title WN683/63, LINZ. Otaki Minute Book 64, 6 July 1953, pp. 250-252A.

<sup>311</sup> Certificate of title WN810/44, LINZ. Otaki Minute Book 64, 6 July 1953, pp. 250-252A.

<sup>312</sup> Certificate of title WN810/45, LINZ. Otaki Minute Book 64, 6 July 1953, pp. 250-252A.

<sup>313</sup> Certificate of title WN206/34 & WN732/38; Otaki Minute Book 64, 6 July 1953, pp. 250-252A.

Haruatai 12B2A	2	0	24	Not located	15 Oct 1953	Māori land (only remaining Haruatai block)
Haruatai 12B2B	1	0	12	Not located	Not located	Purchased by Lillian Edhouse in 1959 with approval of Māori Trustee.
Haruatai 13A	4	1	12.5	Not located	1 March 1951	No longer Māori Land. Purchase details not located.
Haruatai 13B	2	3	5.1	Mohi Tawharu	20 Jan 1944	Purchased by Jessie W Edwards for £3395 in March 1952.
Haruatai 15B part*	0	2	38	Sam Hakraia; Manihira Royal & 6 members of Awheho whānau.	Not located	Partitioned in 1952; No info re Haruatai 15B1; Haruatai 15B2 & 15B3. <b>Europeanised.</b> (WP & part 4)).
Haruatai 16A2	2	1	15	Est. Mere Ruiha Hakaraia Tamati & Amiria (nominated owners)	n/a	Purchased by Roman Catholic Archdiocese by 1965.
Kaingaraki 1B part	3	1	3	not located		Purchased by the Crown for £605 in 1949 for Māori housing purposes. <sup>314</sup>
Makuratawhiti 1 (sections 171, 172, 173, 174 Ōtaki Township)	0	3	14.3	not located	9 Oct 1952 (174 only); 11 Feb 1960 sections 171, 172 & 173	Section 171: Vested in Māori Trustee for compulsory sale on application of Ōtaki Borough Council for non-payment of rates in 1967. Purchased by WH Inglis in 1969 for \$700. Section 172: Purchased by Ōtaki Fire Board in 1965. Section 173: <b>Europeanised in 1971.</b> Section 174: <b>Māori land</b>
Makuratawhiti 1A2B	0	1	5.5	George Te Puke Chase of Taupo	n/a	Purchased from Māori Trustee to Rahui Football & Sports Club Inc in 1954 for £390. Owner wanted to use purchase money to reduce his housing loan. <sup>315</sup>
Makuratawhiti 1B1	1	0	16	Araputa Mita Rikihana and others	12 Nov 1956	Purchased by Guy & Shui Wan Young in 1971 for \$3400.
Makuratawhiti 1B2A	0	3	19.3	Tiemi Rikihana	24 March 1932	<b>Māori land.</b>
Makuratawhiti 1B2C	0	3	18.8	not located	15 Feb 1940	1B2C1 was purchased by Jane Shaw in 1978; <b>1B2C2 is Māori land</b>
Makuratawhiti 1C2	0	0	39.5	Not located	Not located	Purchased by Norman Francis Walker in 1947.
Makuratawhiti 1E2	0	2	32	Whare Gilbert	Not located	Purchased from Māori Trustee by David J Kendrick in 1958.
Makuratawhiti 1F	0	2	25	Not located	Not located	Tenancy to John Bishop as at 1951. No further details located
Makuratawhiti 1H	1	1	27.2	Kimi Matenga Estate	15 Oct 1953	Vested in Māori Trustee on application of Ōtaki Borough Council in 1963 to be compulsorily sold. Purchased by H T Gavestone in 1964.

<sup>314</sup> District Native Land Court to Valuer General, 23 February 1949. MLC papers; part 3

<sup>315</sup> 20/1/37 part 3, 21 September 1954 image 4806

Makuratawhiti 2A part	0	2	13.4	Estate Mere Ruihi & others	21 July 1960	Makuratawhiti 2A2 & 2A3 <a href="#">Europeanised circa 1968-1972.</a>
Makuratawhiti 5A	0	0	31	not noted	n/a	Purchased from the Māori Trustee by an adjoining owner in 1959 for £225. <a href="#">Europeanised circa 1968-1972.</a>
Makuratawhiti 5B1	0	1	6.4	Maata Pikiwai (Mrs Walker)	15 Oct 1959	Purchased by Royden & Margaret Collis in 1961.
Makuratawhiti 5B2	0	1	6.4	Mohi Wharewhiti	15 Oct 1959	Vested in Māori Trustee in 1963 for non-payment of rates on application of Ōtaki Borough to be compulsorily sold. Purchased by M Mager in 1965.
Makuratawhiti 5C	0	2	13	Not located	n/a	Purchased by Winiata Brothers for £500 in 1955 from beneficial owners. Approved by Māori Trustee.
Makuratawhiti 6A	0	3	32.1	Riria Hohipuha 6A3: Patrick Stringer, Riria Luthell and Waipuru Stringer	2 April 1959 6A2 only; 6A1 & 6A3 1 October 1959	Makuratawhiti 6A1 & 6A3 vested in Māori Trustee for compulsory sale on application of Ōtaki Borough Council for non-payment of rates in 1963 & 1967 respectively; purchased in 1963 and 1970 by Thomas Adams respectively. 6A2 <a href="#">Europeanised circa 1968-1972</a>
Makuratawhiti 6B	0	3	32.3	Not located	9 Oct 1952	Purchased by Donald Edhouse in 1962.
Makuratawhiti 6C	1	0	27.3	Not located	6 October 1958	Vested in solicitor for Ōtaki Borough Council in 1970 for compulsory sale on application of OBC. Purchased by Guy & Shui Wan Young in 1971 for \$3600.
Makuratawhiti 8B1	1	1	8	Not located	15 Feb 1940	Purchased by Arthur Webster in 1952.
Makuratawhiti 8B2B part	2	2	0	Not located	12 Nov 1956	<a href="#">Makuratawhiti 8B2B1 and 8B2B2 are Māori land</a>
Makuratawhiti 8B3A	1	0	20.4	Not located		Purchased by Oriwia Te Aka Webster & another in 1951.
Makuratawhiti 8B3B	4	2	7.6	Not located		Purchased by Ernest & Wilfred Rollander in 1951.
Makuratawhiti 9A2	0	1	16.9	Anihaera Reweti	n/a	Purchased from Māori Trustee by Albert Bright in 1955.
Makuratawhiti 9A3	0	1	17	Wina Hohina	21 Sept 1950	<a href="#">Europeanised circa 1968-1972.</a>
Makuratawhiti 9A4	0	1	17	Riria Hopihana (wife of Epiha Hawea of Ōtaki)	12 Nov 1956	Purchased 1961 (details not located). <a href="#">Europeanised circa 1968-1972.</a>
Makuratawhiti 9A5	0	1	17	Emere Rawiri (Mrs Gilbert)	22 May 1958	Purchased by J Palmer in 1958 (relation of beneficial owner).
Makuratawhiti 9A6	0	2	34	Mohi Hekiera & Huhana Hekiera	12 Nov 1956	Purchased by Valmai Morrah in 1961.
Makuratawhiti 10A1	0	2	8.5	Not located	18 Feb 1932	Not located.
Makuratawhiti 10A2	0	2	8.5		Discussed 1958	Purchased by Arthur Smith in 1959.

Makuratawhiti 10B part	1	0	0			Purchased by Crown for Māori housing in 1950.
Makuratawhiti 11A1	0	1	15.5			Europeanised 1968; Purchased by Rangioru Goodyear in 1992.
Makuratawhiti 11B2	1	0	10.6			Purchased by Elsie Miller Scott in 1947.
Makuratawhiti North (located at back of Ōtaki 176 & 176A)	0	3	31	Not located	Not located	Taken under the Public Works Act for an automatic telephone exchange in 1957. <sup>316</sup>
Moutere 8B1 (on Mill Road)	4	1	19	Rangiatuta Pataka Winiata; Tungia Tungia	1 May 1947	Subdivided by owner into 17 parts in 1949; appear to have been purchased by both Māori and Europeans between 1949 & 1950. <sup>317</sup>
Moutere-Hanganoaiho 1 (DP 28990)	4	3	21.4	Hema te Ao	10 June 1948	Māori land
Moutere-Hanganoaiho 2B	0	1	31.1		12 Nov 1956	Not located
Ōtaki lot 17 DP 2015	1	0	5		4 Dec 1930	Not located
Ōtaki 106	0	0	32.5		Not located	Europeanised in 1970.
Ōtaki 110A and Ōtaki 114	0	1	23	Hema Ropata te Ao & others	15 Oct 1953	Ōtaki 110A Māori land; 114 no longer Māori land – details not located.
Ōtaki 120	0	0	37	Mohi Wharewhiti & others/Tamati Hawea & others	Not located	Purchased by Richard Fluerty from Māori Trustee (on behalf of owners) in 1955 for £350.
Ōtaki 122	0	0	37.9	Heneti Rawiri Rota Tahiwī & Whare Gilbert	30 Nov 1948	Europeanised in 1970.
Ōtaki 123	0	0	35.4	Heneti Rawiri Rota Tahiwī & Whare Gilbert	Not located	Purchased by Daniel Cooksley in 1949.
Ōtaki 124A and Ōtaki 125A	0	1	15.8		n/a	Purchased by Māori (unconfirmed whether an owner) 1953. Europeanised 1970.
Ōtaki 129A	0	0	23.7		12 Nov 1956	Māori land
Ōtaki 130 part and Ōtaki 132	0	1	23.8			Europeanised 1970.
Ōtaki 134B	0	0	7.9		4 Aug 1938	Europeanised 1971.
Ōtaki 135A, Ōtaki 135B and Ōtaki 135C	0	0	30.33		20 May 1937	Māori land
Ōtaki 134C	0	0	10.11		4 Aug 1938	Europeanised 1971.
Ōtaki 136	0	0	34		n/a	Purchased in 1956 by Māori housing applicant for £300 (Meremaihi Tara Toa); Europeanised 1971.
Ōtaki 137	0	0	37		n/a	Purchased by Māori (unconfirmed whether an owner) 1956; Europeanised 1971.

<sup>316</sup> Certificate of title WN572/178, LINZ

<sup>317</sup> Certificate of title WN227/219, LINZ.

Ōtaki 138 and Ōtaki 139	0	1	28.2		31 March 1960 (section 139 only)	Ōtaki 139 Māori land; 138 no longer Māori land (purchased by one of the owners in 1956 to use as a housing site for £350).
Ōtaki 140	0	0	33.7			Europeanised 1969.
Ōtaki 141*	0	0	34.5			Europeanised 1970.
Ōtaki 142	0	0	33.7		12 Nov 1956	Europeanised; status changed to Māori land in 1997.
Ōtaki 143	0	0	34.5		15 Oct 1959	Purchased in 1960 by J.H & W.A Williams for £500.
Ōtaki 144	0	0	33.7		n/a	Purchased by Māori (unconfirmed whether an owner) in 1953. Europeanised 1970.
Ōtaki 145	0	0	34.5			Succeeded to by an owner who was defined as European in 1958. Categorized as European land.
Ōtaki 146, Ōtaki 148, Ōtaki 149 and Ōtaki 151	0	3	16	Pirihia Hohepa (146, 148 & 151)	Ōtaki lot 149 & 151 1 May 1947	Sections 146 & 148 purchased by Ōtaki Textiles Ltd in 1946 for £700; Sections 149 and 151 Europeanised 1970.
Ōtaki 147	0	0	24	Pirihira Hohepa/Taingakuratu Davis	4 Dec 1930	Partitioned into six parts in 1955 for building of shops at instigation of Hema Hakaraia. 147A-147F. (64/276 & 65/357) 147A Purchased by Ōtaki BC in 1974 for \$8,500. 147B-147E purchased in 1996 by Sherbar Limited. 147F – berm.
Ōtaki 150	0	0	33.5	Ernest Francis Clark	25-Sep-58	Purchased by Campbell, Craig & Co for £1086.12.10 in 1962.
Ōtaki 154	0	0	33.7		Not located	Purchased by Crown for Māori housing purposes. Subject to Māori Housing Act 1935. Transferred to Sam & Piwiki Cook in 1956 (Māori land). Europeanised 1971. <sup>318</sup>
Ōtaki 155	0	0	35		Not located	Purchased by Crown for Māori housing purposes for £235 in 1949. Subject to Māori Housing Act 1935. Transferred to Rikihana Te Rei Carkeek in 1957 (Māori land). Europeanised 1970. <sup>319</sup>
Ōtaki 158	0	0	33	Original owners: Pirihira Tahurangi, Miriama Whitipatato, Maata Peni & Utiku Hapeta. 25 owners in 1956	n/a	Purchased by Cunningham Carrying Company Limited in 1956.

<sup>318</sup> Certificate of title WN571/272, LINZ.

<sup>319</sup> Certificate of title WN533/217, LINZ.

Ōtaki 159	0	0	34	Original owners: Oriwia Hapeta, Hoani Hapeta, Wiremu Hapeta, Naera Hapeta & Raiha Maaka. 27 owners in 1956	n/a	Purchased by Cunningham Carrying Company Limited in 1956.
Ōtaki 160	0	0	33	Nikora & Te Wiata whānau		Purchased in 1954 on approval of Māori Trustee for £300 to son of principal owner. <a href="#">Europeanised 1969</a> .
Ōtaki 161	0	0	34		12 Nov 1956	Purchased by an owner Whatumairangi Aperahama Tahiwi in 1962; ceased to be Māori land under section 433/1953 in 1968
Ōtaki 163 and Ōtaki 165	0	1	24		19 June 1958	Ōtaki 163: <a href="#">Europeansied in 1971</a> and then sold to Ōtaki Borough Council in 1974. Ōtaki 165: Declared general land in 2013. Owners in 2023 are Māori (the owners are two of the same owners since 1989)
Ōtaki 164 part	0	0	33	Hori Te Waru	9/25/1958; then excluded from revocation on 19 Feb 1959	Following succession & exchange orders there were 2 owners in 1970 when land was <a href="#">Europeanised</a> . Same owners on title in 2023 as 1970.
Ōtaki 166	0	0	33	Hori Te Waru	25-Sep-58	<a href="#">Māori land: Raukawa Marae</a>
Ōtaki 167	0	0	32.2	Heneti & Rawiri Tahiwi	Not located	<a href="#">Māori land: Raukawa Marae</a>
Ōtaki 169	0	0	32.2	Heneti & Rawiri Tahiwi	Not located	<a href="#">Māori land: Raukawa Marae</a>
Ōtaki 175, Ōtaki 176 and Ōtaki 176A	0	2	21.2	Nina Heta te Hemara and another	3 April 1957 - 176 only; 12 Feb 1959 175 & 176A only	Ōtaki 175 & 176A: Vested in Māori Trustee to be compulsorily sold for non- payment of rates in 1967 on application of Ōtaki Borough Council. Purchased by WH Inglis for \$700 in 1969. Ōtaki 176: <a href="#">Europeanised</a>
Ōtaki 178, Ōtaki 179, Ōtaki 186, Ōtaki 187, Ōtaki 177 part and Ōtaki 185 part	1	1	2.12	Eight owners: Keremihana, Kereama, Walker, Wiki, Winiata & Ranapiri whānau	12 Nov 1956	Vested in Māori Trustee for compulsory sale due to non- payment of rates on application of Ōtaki Borough Council in 1963. Purchased by JM Parker for £1825 in 1963.
Mangapouri Native Reserve	3	2	0		22 Nov 1956	<a href="#">Māori land - reservation - called Mangapouri Market Reserve</a>
New Ōtaki 17, New Ōtaki 18	0	1	36			Not located.
Pahianui B1	3	3	15	In 1951 leased to McBeath for 21 years.	Not located	Purchased from Māori Trustee by Lindsay McBeath 1956, <sup>320</sup>
Pahianui B5A	3	3	15		25-Sep-58	<a href="#">Māori Land</a>
Pahianui B5B	23	0	10	Hemi Kupa Hawea	25-Sep-58	Purchased by Brinaley Michael Ryder in 1968 for \$7,000.

<sup>320</sup> Certificate of title WN717/75, LINZ.

Pahianui 2B	0	3	24		25-Sep-58	Māori land
Pahianui 3A1	3	2	20	Partitioned 1948 into two parts.	15 Oct 1953	Pahianui 3A1A purchased by Mawhati Hoenga Cook in 1960. Pahianui 3A1B purchased Kong Jock King in 1949.
Paremata 15A5	1	2	24		12 Nov 1956	Purchased by BMA & OJG Ryder in 1969 for \$990.
Takapu B	0	1	20		12 Nov 1956	Old riverbed. Exempted from rates in 1953. Māori land.
Taumanuka 1A	8	1	24	Mohi Heremia Rawiri & others	12 Nov 1956	Sand dunes. Exempted from rates in 1953 though remained vested until 1956. Purchased by Bruce Knox & 5 other owners in 1959 from 32 owners. Māori Trustee agent for assembled owners. Partitioned in 1959 into three parts: 1A1: Europeanised 1A2: Purchased 1978 1A3: Declared European land by MLC in 1964. <sup>321</sup>
Taumanuka 2A1	1	0	10.7	Ohetene, Maata te Oiroa and others	n/a	Purchased by Crown in 1931
Taumanuka 2B9A	0	2	0	Tiemi Rikihana	n/a	Purchased by Crown in 1931
Taumanuka 2B9B	0	2	0	Pairoroku Rikihana	n/a	Purchased by Crown in 1931
Taumanuka 2B10	1	0	0	Hema te Ao	n/a	Purchased by Crown in 1931
Taumanuka 2B11	0	2	0	not noted	n/a	Purchased by Crown in 1931
Taumanuka 2B12	1	0	0	not noted	n/a	Purchased by Crown in 1931
Taumanuka 2B13	10	2	0	32 owners	n/a	Purchased by Crown in 1931
Taumanuka 3A	20	0	0	447 owners	n/a	Purchased by Crown in 1931
Taumanuka 3B1	7	0	30.5	Keepa Hekiera & others including Hema Te Ao	n/a	Purchased by Crown in 1931
Taumanuka 3C1	0	3	27		n/a	Purchased by Crown in 1931
Taumanuka 3D1	3	2	30	Neville Nicholson & others	n/a	Purchased by Crown in 1931
Taumanuka 3E2	0	0	39	Hara Eruera Te Whio	n/a	Purchased by Barbara Lipscombe from Māori Trustee in 1955. <sup>322</sup>
Taumanuka 3G1B2B	1	0	20.6	Not located	n/a	Purchased by Eric Cook in 1952 for £700.
Taumanuka 3I2	0	2	35.6	Paranihia Hawea & others	Not located	Purchased by Ian Carter in 1960.
Taumanuka 3J	3	3	34	Rawiri Rota Te Tahiwī	n/a	In 1951 tenancy to the OBC for amount of rates. Vested in MT under section 7 of MA Amendment Act 1952 in 1959. Purchased circa 1959. <sup>323</sup>

<sup>321</sup> Young et al (Wai 2200, #A199), pp. 387-388.

<sup>322</sup> Certificate of title WN116/45 and WN589/56.

<sup>323</sup> Certificate of title WN 854/92, LINZ. The purchaser's names and date of purchase are too difficult to decipher from certificate of title.

Titokitoki 2	2	0	4	Pirihira Hohepa	n/a	Purchased by Ōtaki BC in 1957 from Māori Trustee without reference to owners
Titokitoki 2A	2	0	5	Rangihautu Heretini Hema and others	n/a	Purchased by Ōtaki BC in 1957 from Māori Trustee without reference to owners
Titokitoki 3C5	3	2	37	Rehutai Hira Maeke & others	n/a	Purchased in 1957 by Māori who sold 1/5 <sup>th</sup> of an acre to a successor to an original owner for a housing site; <a href="#">later Europeanised.</a>
Titokitoki 3F1*	2	1	15			Purchased in 1963.
Totaranui 11B2	0	1	27.5	Hipora Te Whioi (deceased)	n/a	Purchased by Neville Bell in 1948.
Totaranui 11B3/X1B3	0	3	15.4	Totaranui 11B3A: Oriwia Te Aka Webster. Totaranui 11B3B: Not located	9 Nov 1939	Totaranui 11B3A purchased by WD & HO Wills (NZ) Ltd in 1950. <sup>324</sup> Totaranui 11B3B purchased by John Rountree in 1954 for £2300.
Totaranui 11B4	0	0	31.1	Inia Hoani Kiharoa	n/a	Purchased by Arthur Webster in 1930 for £1050.
Tutangatakino 4A2*	0	1	14	Not located	n/a	Riverbed covered with gorse. Purchased from Māori Trustee in 1965 & 1967 in three parts.
Whakarangirangi 29N1	1	0	32	George Cootes	14 August 1947	Vested in Māori Trustee for compulsory sale on application of Ōtaki Borough Council for non-payment of rates in 1963. Purchased by WA & J Storm in 1963 for £915.
Whakarangirangi 29N3	1	0	32	James Cootes	8 April 1937	Purchased by Denis McLuckie in 1947 for £150.
Whakarangirangi 29N7	1	0	0	Frank Cootes	9 July 1959	Purchased from Māori Trustee by Bernard Housiana in 1962.
Whakarangirangi 29N8	1	0	26	Charlotte Cootes	12 Dec 1940	<a href="#">Part (.0197) Māori land (road line) 8A &amp; 8B</a> Europeanised circa 1968-1972
Whakarangirangi 29N9	1	0	26	Leonard & Piki Cootes	25-Sep-58	Purchased from Māori Trustee by Bernard Housiana in 1961.
Whakarangirangi 29N10	1	0	26	David Cootes	n/a	Purchased from Māori Trustee by Dow Kwen Chung in 1955.
Whakarangirangi 29N11	1	3	31		23 June 1949	<a href="#">Europeanised circa 1968-1972.</a>
Whakarangirangi 29N12	1	0	26	Fred Cootes	23 June 1949	Not located
Whakarangirangi 29N13	1	0	26		23 June 1949	Not located
Whakarangirangi 29N14	1	0	26	Samuel Cootes	7 Aug 1958	Purchased by Hew Sun Young in 1971.
Whakarangirangi 29N15	1	0	26	Edward Cootes	7 Aug 1958	<a href="#">Europeanised circa 1968-1972</a>
<b>Total</b>						

\*vested in Ikaroa Māori Land Board in 1931 (the other blocks were vested in 1929).

Source: *New Zealand Gazette*, 1929 & 1931; Woodley (Wai 2200, #A193); Certificates of title, LINZ; ACIH 16036 MA1/411 20/1/37 part 1 Native - Ōtaki - Borough Council - Māori rates, 1927-1937 ACIH 16036

<sup>324</sup> Certificate of title WN 556/137 LINZ.

MA1/411 20/1/37 part 2 Native - Ōtaki - Borough Council - Māori rates, 1938-1950; ACIH 16036 MA1/411 20/1/37 part 3 Native - Ōtaki - Borough Council - Māori rates, 1951-1956; ACIH 16036 MA1/411 20/1/37 part 4 Native - Ōtaki - Borough Council - Māori rates, 1957-1959 ACIH 16036 MA1/411 20/1/37 part 5 Native - Ōtaki - Borough Council - Māori rates, 1959-1960; ABJZ W4644 869 Box 59 20/1/37 part 1 Rating – General – Ōtaki Borough Council – Māori Rates, 1961-1979 (R22155518); Māori Land Online, accessed March 2023; Walghan Partners (Wai 2200, #A203 (a) & (b)).

Note on sources: All re-vesting information is from the Department of Māori Affairs Ōtaki Borough Council files (MA 1 20/1/37 parts 1-6). Some alienation information for the sub-district has been taken from the Walghan Partners block narratives but where other sources have been used a footnote is provided. All Ōtaki township information is from research completed for this report and sources can be found in the Ōtaki township section spreadsheets.

### **5.3 Crown and private purchases in the 1930s and 1940s**

It did not take long before some of the vested land were sold to the Crown. Purchasing in the 1930s focussed almost solely on the Taumanuka blocks. The Taumanuka block is important to Ngāti Raukawa as it was where many lived before moving into the Ōtaki township. Eleven Taumanuka blocks comprising 46 acres 2 roods 16 perches were purchased by the Crown in 1931. While recognising that the board could in fact, because of the vesting, have sold the blocks without recourse to the owners, the board called a meeting to facilitate its purchase by the Crown. It is difficult to confirm that the meeting of owners which agreed to sell the land was representative as although there were 447 owners of one of the communally owned blocks (Taumanuka 3A) the meeting of owners was attended by an estimated 100 people. As well, there were people in attendance who were not owners. An owner of one vested block, Taumanuka 3J, did, however, succeed in preventing his block from being sold. The purchase money was used to fund the building of the Raukawa Marae. This purchase is discussed in full in my local government report for this inquiry.<sup>325</sup>

There was just one other purchase of the vested lands in the 1930s. This was the Totaranui 11B4 block which was purchased by Arthur Webster for £1050. Totaranui 11B4 was one of the four blocks vested in April 1930 so the purchase must have been in progress at the same time as the land was being vested.<sup>326</sup>

Between 1946 and 1949 there were seven purchases of vested lands: Makuratawhiti 11B2; Ōtaki township section 123; Ōtaki township sections 146 & 148, Pahianui 3A1B, Totaranui 11B2, Whakarangirangi 29N3. None had been re-vested in their owners so were still

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<sup>325</sup> Woodley (Wai 2200, #A193), p. 372.

<sup>326</sup> *New Zealand Gazette*, 3 April 1930, p. 984.

administered by the board. Even if the land had not been vested, all of these purchases were required under the 1931 Act to be confirmed by the board. It does appear that at this time, purchasing was undertaken with the knowledge of owners particularly if their ownership details had been kept up to date and there were only several owners.

One example is Ōtaki township sections 146 and 148. The adjoining sections were owned by two people: Hawea Pirika Remana (also known as Hawea Hohepa) and Rangiwhaia Pirika Remana (also known as Rangiwhaia Hohepa). They sold the land to the Ōtaki Textiles Limited Company for £700 in 1946. The new owners wished to use the land as a site for a factory. The purchase price appears to have been generous as the capital value of both sections was £175 in 1938 and £190 for section 146 in 1946. Section 146 had a dwelling on the land which was described as uninhabitable that was valued at £60. The solicitor for the purchaser told the Registrar of the board in his application for confirmation of the purchase that the owners had not received any revenue from the land for many years and that ‘substantial rates’ had been written off by the Ōtaki Borough Council. Deducted from the purchase price were outstanding debts including survey costs of £2.6.0, succession duty of £5.4.0, an order fee of 15/ and rates of £8.10.0. As noted above, the board often leased vested land for an amount that would just cover the rates and given the owners received little revenue despite the land being leased, this appears to be an example of this. Therefore, the financial situation of the owners and the pressure from rates were factors in the sale.<sup>327</sup>

The board, as it was also entitled to do under the 1931 Act, also decided that it would retain half the purchase money due to one of the owners to distribute for ‘reasonable requirements’. This meant that when Rangiwhaia Pirika Remana required £56.10.10 for furniture, a bicycle and furnishings her solicitor had to ask the board for the money. An additional request for £4.3.9 was also required two weeks later. The draper, for whom the money was for, was also told that he must not supply any goods to Māori ‘unless approval for the purchases’ had been given by the Registrar. Further letters requesting the owner’s money were sent by her solicitors in June 1947 for a window with the invoice attached. The Registrar then sent the money directly to the builder concerned. It was not until 1952 that the board decided that the whole balance

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<sup>327</sup> Harper, Atmore & Thomson to Registrar, Ikaroa Maori Land Board, 11 March 1946, 27 May 1946; 11 December 1946, 19 December 1936, 23 July 1949, Valuation certificate, section 146; Registrar, Ikaroa District Maori Land Board to Messrs Harper Atmore & Thomson, 5 July 1946; Registrar, Ikaroa District Maori Land Board to H.B Edhouse, Draper, Otaki, 17 February 1947; Note on file between officials, 1 September 1952, Otaki township sections 146 & 148 alienation file, 3/9015 Aotea Maori Land Court, Whanganui.

could be paid directly to Rangiwahaia who had undertaken to place it in as Post Office account and draw money as required. She was described by an official as ‘competent to handle [the funds] and [that] this will save her expense and us’. The disempowering practice of District Māori Land Board’s keeping Māori owners purchase money to distribute as it saw fit seems to have curtailed on the passing of the Māori Affairs Act 1953 though further research is required to confirm this.<sup>328</sup>

#### **5.4 Sub-divisions and sales, 1949-1954**

It was also in the late 1940s that one of the vested blocks, Moutere 8B1 comprising 4 acres 1 rood 19 perches, and located on Mill Road, was subdivided into 17 parts, a road and a drainage area for the council by its owner Tungia Tunia. When vested Moutere 8B1 was leased for five years from 1 October 1934 for £26.4.2 per annum but little else has been located as to how it was utilised during this period. In September 1946, the Native Trustee advised solicitors Harper, Atmore & Thomson, that it understood that the owner of the block wished to subdivide Moutere 8B1 which adjoined Moutere 8A and owned by the Native Trustee who was also contemplating subdividing the block. The Native Trustee suggested that it may be advantageous to investigate the matter further and that Mr Atmore meet with the Native Trustee about the matter. In the meantime, Tungia Tunia, who was the successor to the interests in the land of Rangiahuta Pataki Winiata, applied to the Native Land Court to revoke the order in council have his land re-vested in himself. The Court minutes record that ‘all necessary investigations’ had been made and the Native Trustee had approved the re-vesting. A recommendation to re-vest the land was made by the Court provided receipts for all outstanding rates were provided. After this was done, the land was formally re-vested. Little has been located regarding the subdivision and any subsequent involvement of the Native Trustee and board. However, all 17 lots were purchased by both Māori and Pākehā in 1949 and 1950 from the owner, Tungia Tunia.<sup>329</sup>

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<sup>328</sup> Harper, Atmore & Thomson to Registrar, Ikaroa Maori Land Board, 11 March 1946, 27 May 1946; 11 December 1946, 19 December 1936, 23 July 1949, Valuation certificate, section 146; Registrar, Ikaroa District Maori Land Board to Messrs Harper Atmore & Thomson, 5 July 1946; Registrar, Ikaroa District Maori Land Board to H.B Edhouse, Draper, Otaki, 17 February 1947; Note on file between officials, 1 September 1952, Otaki township sections 146 & 148 alienation file, 3/9015 Aotea Maori Land Court, Whanganui.

<sup>329</sup> Otaki vested lands, particulars of sections leased, circa 1934; Native Trustee to Messrs Harper, Atmore & Thomson, 4 September 1946; Wellington Minute Book 36, 28 November 1946, pp. 164-165; *New Zealand Gazette*, 1 May 1947, p. 515. AAMK 869 MA 1 20/1/37 part 2, Archives New Zealand, Wellington; Certificate of title WN227/219, LINZ. Further research is required as to whether some of this land was then treated as Māori land.

Other subdivisions of lands that were still vested took place in 1954. Haruatai 3A1 and 3A2, also located on Mill Road, were amalgamated, subdivided into six parts and then sold in 1954. The three-acre subdivision was completed in conjunction with the Māori Trustee (who had taken jurisdiction over from the board in 1952 and, under the legislation, had to approve it) and the owners, the Nikora and Te Wiata whānau. According to the district officer at the Department of Māori Affairs, the owners submitted a composite partition of the two blocks which had been agreed to at a meeting of owners and ‘supported by written consents of the majority of owners’ though the number of owners involved was not given. The value of the land was £1670 and the improvements minimal (£30) suggesting that the land was undeveloped. The six lots were valued at between £370 and £690 and totalled £2,980. The scheme was approved by the Ōtaki Borough Council and after the Māori Trustee gave his consent to the scheme the land was sold. It is not known to what extent Māori purchased these sections.<sup>330</sup>

## **5.5 Purchasing, 1950s**

There were a further 26 purchases of vested blocks in the 1950s as well as one block taken under the Public Works Act 1928. Makuratawhiti North, located at the back of Ōtaki township sections 176 and 176A comprising almost one acre, was taken in 1957 for an automatic telephone exchange. There were also several purchases by the Crown for Māori housing and state housing purposes with some of those sections becoming Māori land again before being Europeanised under the Māori Affairs Amendment Act 1967 in the late 1960s (discussed further in the next chapter).

An example of an Ōtaki township section that was sold while still vested in the Māori Trustee was Ōtaki township section 120 (37 perches). This section was purchased by Richard Fluerty for £355 in 1955. When the section was vested in the Ikaroa Māori Land Board in 1929, the land was, according to the Ōtaki Borough Council, owned and occupied by Mohi Wharewhiti and Ariki Hopihona. The Ōtaki Pa ownership schedule records that Ariki Hopihona Wharewhiti was of Ngāti Moewaka. Ariki Wiremu Hohpihona, aged 18, was one of the owners

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<sup>330</sup> District Officer, Wellington to Head Office, Department of Maori Affairs, 13 August 1954, ACIH 16036 MA1/411 20/1/37 part 3 Native - Otaki - Borough Council - Māori rates, 1951-1956, Archives New Zealand, Wellington.

awarded title in June 1885. Forty years later, rates of £1.15.10 and £1.16.11 were owed for the years ending 31 March 1925 and 31 March 1926. By the year ending 31 March 1928, the owners owed £10.5.0 in rates. When the Māori Trustee reported on the sections that remained vested in it in 1951, the trustee recorded that Ōtaki 120 was leased to G McKinley for £2 per annum. Given this low sum, section 120 was likely to be one of the vested sections that the Māori Trustee leased for an amount that only covered the rates with nothing paid to the owners. It was also unlikely to have been used for housing at this time and there is no mention of any house located on the land in the records viewed.<sup>331</sup>

While the land was not ever re-vested back in the owners, it is apparent that there was some discussion with a group of owners as to what should happen to the land. A signed note from six owners of 2 August 1954, asked the Māori Trustee to sell section 120 to Richard Fluerty. The owners were Tamati Hawea (1/7<sup>th</sup> of a share); Wiremu Wharewhiti (1/7<sup>th</sup> of a share); Hone Reweti (1/12<sup>th</sup> of a share); Mohi Wharewhiti (1/9<sup>th</sup> of a share), Ramari Ropata (1/42<sup>nd</sup> of a share) and Titihuia 1/42<sup>th</sup> of a share).<sup>332</sup>

Also involved with the purchase was Hema Hakaraia who acted for these owners. He was an Ōtaki Borough councillor for many years (1943 to 1971), a member of the Raukawa Tribal Executive and an advocate for improved housing for Māori. He also sometimes assisted owners with the utilisation of their land including their sale and in the case of another Ōtaki township section (147), subdivisions for shops. With respect to section 120, he was also to arrange succession applications to be lodged at the Court for the interests of deceased owners (eight out of the 24 owners). Initially, in April 1954, officials noted that when these were processed, a list of owners with addresses would be prepared and a meeting of owners called (meetings of owners were the process used when a block of land was owned by more than ten owners).<sup>333</sup>

However, by April 1955, no succession applications had been prepared and there was further discussion amongst the officials as to whether succession orders for the interests of the deceased owners was warranted. One official noted that he was reluctant to call a meeting of

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<sup>331</sup> 20/1/37 parts 1 & 3 spreadsheets' Anderson et al, p. 826; Otaki township section 120 certificate of title. Image 232 (MAW)

<sup>332</sup> Tamati Hawea and others statement, 2 August 1954, Otaki township section 120 alienation file 3/9538, Aotea Maori Land Court, Whanganui.

<sup>333</sup> Woodley, pp. 323-324, 392, 835; Otaki Minute Book 65, 1955, p. 357; Note for file, 16 April 1954; List of owners, section 120, 31 May 1952; Note from officials, 26 April 1955; Otaki township section 120 alienation file 3/9538, Aotea Maori Land Court, Whanganui.

owners without having made some attempt to appoint successors to the interests of the deceased owners given they held 41 out of the 72 of the shares in the blocks (over half). The matter was then discussed with Judge Jeune who approved calling the meeting of owners with the title position 'as is'. This meant that owners holding more than half of the interests were not given the opportunity to have their views represented at the meeting of owners. The ownership list also contained addresses of the 16 other owners. Only one lived in Ōtaki (who owned 1/504<sup>th</sup> share) with the majority living in Te Horo.<sup>334</sup>

The letter advising owners of the meeting of owners to was dated 30 August 1955 and the meeting of owners held two weeks later on 14 September at the Magistrates' Court at Ōtaki. Owners were advised that if they were unable to attend then they could appoint as proxy another owner or the wife or husband of another owner. The resolution in the case was to sell the land to R.H Fluerty for £350. The letter to the one owner who lived at Ōtaki does not appear to have been sent as it is still on the alienation file.<sup>335</sup>

Present at the meeting were four owners who owned a total of 19 out of 504 shares (not quite four per cent of the total shares). Under section 309 of the Māori Affairs Act 1953, the quorum for any meeting of owners set up was three owners so it did not matter how many shares were represented. At the meeting the resolution was carried unanimously by the four owners in attendance. One letter was sent in from two owners who lived at Palmerston North and Wairoa stating that they wished to sell though this was not recorded in the meeting as a proxy vote. Therefore the decision to sell was made by owners who represented just four per cent of the shares in the block.<sup>336</sup>

On 11 November 1955, the Māori Land Court confirmed the purchase. Several days later Richard Fluerty was advised of the purchase confirmation subject to the payment of £10 towards the Māori Trustees commission. Richard Fluerty's address for this letter was c/- Hema Hakaraia suggesting that Hema Hakaraia was known to the purchaser as well as the owners

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<sup>334</sup> Notes from officials, April 1955; Otaki township section 120 alienation file 3/9538, Aotea Maori Land Court, Whanganui.

<sup>335</sup> Deputy Registrar to owners of Otaki township section 120, 30 August 1955; Deputy Registrar to Miriama Wilson, Otaki township section 120 alienation file 3/9538, Aotea Maori Land Court, Whanganui.

<sup>336</sup> Mihi Wharewhiti to Maori Affairs Department, 12 September 1955, Statement of proceedings of meeting of assembled owners, 14 September 1955, Otaki township section 120 alienation file 3/9538, Aotea Maori Land Court, Whanganui.

who were selling. As the land was still vested in the Māori Trustee and he was the registered proprietor, the trustee executed the transfer.<sup>337</sup>

This purchase was part of a growing trend whereby the board approved purchases where few owners were present to make a decision regarding the future of their land with the board not prioritising updating ownership details. The vesting had meant that the owners had by this time received no benefit for their land since at least 1929 and lived elsewhere. Retention of the land by those owners who were consulted was not encouraged with its purchase actively facilitated by officials.

### **5.6 Re-vesting and purchasing, 1956-1960s**

In 1956, the Māori Trustee began to discuss re-vesting the remaining 67 sections back in the owners. This re-vesting process is discussed in my local government report and is not repeated in detail here. However, it was a long, drawn-out process that was still going on in 1965. The Ōtaki Borough Council were not pleased with the decision as they were no longer assured of the payment of rates but the Māori Trustee no longer wanted to act as rates collector.<sup>338</sup>

Much of the land that had been vested was sold in the late 1950s and 1960s with six purchases in 1958 and 1959 and a further 19 in the 1960s, six purchases in the 1970s and four in 1996. Of this land, some was sold while it was still vested in the Māori Trustee with its alienation encouraged and facilitated by the Māori Trustee and Department of Māori Affairs and Māori Land Court officials. Some was sold without recourse to owners and some was sold with owner involvement. The degree to which owners were involved in the alienation of their land varied often depending on the number of owners and extent to which the Māori Trustee had ownership details.

As well as deciding to ‘divest itself of the vested lands’, a request was made to the Māori Trustee by a District Officer in 1956 seeking permission to sell some of them without recourse to the owners. The land concerned was Titokitoki 2 and 2A. Officials advised the Māori Trustee

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<sup>337</sup> Otaki Minute Book 65, 11 November 1955, p. ; District Officer to R.H Fluerty, 15 November 1955; Particulars of charges payable, 12 March 1956; File note, 15 March 1956; District Officer to Messrs Harper & Atmore, 23 March 1956, Otaki township section 120 alienation file 3/9538, Aotea Maori Land Court, Whanganui; Certificate of title WN500/4, LINZ.

<sup>338</sup> Woodley, (Wai 2200, #A193). p. 393.

that it would not be easy to gain the consent of the 49 owners as many had died and their interests not succeeded to. They also thought it unlikely that anyone held more than 1/28<sup>th</sup> of a share. The land was also unsuitable to lease and required £200 to clear the blackberry. The Māori Trustee then agreed to bypass the succession process and agreed to the sale of the land to the Ōtaki Borough Council for £400 without reference to the owners. It is not known to what extent the Trustee was able to distribute the purchase money given that so many owners were unknown.<sup>339</sup>

Other sales took place where the interests of deceased owners had not been succeeded to such as Haruatai 16A2 which was purchased by the Catholic Church in 1959. The consent of owners representing 140.78 shares out of the 475 shares (about 30 per cent) was given to the sale of the land with the shares of those whose interests had not been succeeded to comprising 278 shares (59 per cent).<sup>340</sup>

Where there were multiple owners of small sections, the Māori Trustee also facilitated the purchase by one or two owners of all the shares in the block from the other owners. In addition, blocks such as Haruatai 5 section 1, Haruatai 5A Haruatai part 5B and Haruatai 6 were amalgamated and re-partitioned into seven sections and each section awarded to one owner. Most of the blocks in this category were subsequently Europeanised under the Māori Affairs Amendment Act 1967 and are discussed in the following chapter. Thirty-nine of the vested sections were declared European land under this legislation. As well, one section was declared general land in 1964 at the instigation of the Court who did not consider the owners to be Māori but European (this is discussed by Young et al); one section was declared general land in 1968 on the application of the owners and another section was declared general land in 2013. The status of one section that was Europeanised later changed to Māori land.

Several sections were purchased in the late 1940s and 1950s by the Crown for Māori housing purposes. Two sections that were purchased specifically for Māori housing later returned to their status as Māori land. However, these sections were also Europeanised in the late 1960s.

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<sup>339</sup> Woodley, (Wai 2200, #A193), pp. 402-403.

<sup>340</sup> Woodley, (Wai 2200, #A193), p. 405.

Also discussed in the next chapter are the blocks that were again vested by the Māori Land Court in the Māori Trustee for the non-payment of rates but this time, for it to be compulsorily sold. This was in the 1960s and affected mostly land that had been vested in the board in 1929 and had only recently been re-vested in owners. Eight of the sections were affected by these Court orders which were also instigated by the Ōtaki Borough Council.

## **5.7 Conclusion**

The decision to vest such a large proportion of Māori land in the board to administer, which was essentially a Pākehā Judge and the Registrar of the Court meant that Māori had largely lost autonomy over their land. The land affected was significant with almost all the Ōtaki township sections that remained in Māori ownership and a large proportion of the Ōtaki sub-district located in the borough. The vesting effectively took control away from Māori over using their land as they saw fit.

The Ikaora Māori Land Board did seek the views of some owners in relation to the first big sale of the vested lands in the Taumanuka block to the Crown for hospital purposes. However, the process put in place to decide on the sale was an ‘informal meeting’ where officials deemed that there had been sufficient support by owners. This makes it difficult to assess whether there was wide agreement or whether the commonly used refrain of the sale being ‘in the interests of the owners’ was actually valid.

Few other purchases were facilitated in the 1930s with the Ikaora Māori Land Board seemingly concentrating on leasing land to secure enough money to pay the rates which was the reason for the vesting in the first place.

Some owners succeeded in having their land re-vested. Some did this so that they could subdivide their land into lots or sections and gained financial reward from selling them on. Others did this while still vested so that individual sections could be awarded to single owners to use for housing purposes. The Crown also purchased some of the vested lands for housing purposes some of which was returned to Māori ownership only to be Europeanised along with most of the other sections that had been used for housing and owned by four people or less in the late 1960s and early 1970s. Thirty-nine of the vested sections were later affected by Europeanisation.

The number of purchases of both vested and re-vested lands gradually increased. The number of blocks affected were about seven in the 1940s and 26 in the 1950s. Many were facilitated or completed in conjunction with the Māori Trustee. Examples of purchasing during the 1940s and 1950s show that ownership details were not being kept up to date with successions not ordered. This was not a priority for the Māori Trustee who agreed to the purchase of two sections without reference to the owners and was party to purchases where large numbers of owners were not represented at meetings of owners as they had not succeeded to the interests of their deceased relatives. The issue of multiple ownership of these sections was dealt with by ignoring the interests of the many owners who had not succeeded to what had become very small interests in very small sections at Ōtaki. The administration of this land by the board and trustee certainly did not facilitate the succession process.

As well, other owners wanted to sell their land as administration by the board and Trustee had meant they had not received any revenue from their land and were left with land containing an uninhabitable house. Not only were rates a burden but retaining the land had become a burden for these owners. There is nothing to suggest that these owners were in a financial position to build a factory on this land as was intended by the purchasers. That they were being offered a price far in excess of the valuation of the land relieved some of their debts. One of the owners was also subject to the disempowering experience of having the purchase money administered by the board. This meant that she required permission to spend her own money from a Pākehā Judge and Court Registrar.

Just 18 of what was effectively 165 blocks or sections that were vested in the Ikaroa Māori Land Board in 1929 and 1931 remain Māori land in 2023 of which three sections comprise the Raukawa Marae.

## **Chapter 6: Māori land loss, 1953 to 2023**

### **6.1 Introduction**

By the early 1950s, a large proportion of the remaining Māori land in the Ōtaki township and Ōtaki sub-district located in the Ōtaki borough remained vested in the Māori Trustee who had taken over their administration from the Ikaroa Māori Land Board following the lands vesting for non-payment of rates in 1929. After the last of the land was re-vested in its owners in the early 1960s, much of this land and that land that had not been vested was either purchased under the Māori Affairs Act 1953 and its amendments or Europeanised under the Māori Affairs Amendment Act 1967. As well, land was, again, vested in the Māori Trustee for the non-payment of rates and compulsorily sold under section 109 of the Native Rating Act 1925 and section 438 of the Māori Affairs Act 1953. This was on the application of both the Ōtaki Borough Council and the Horowhenua County Council.

This chapter begins with tables showing the land alienated by purchase between 1950 and 2023. There are separate tables for Ōtaki township lands, the sub-district and the Pukehou block. The amount of land purchased gradually reduced reflecting the large amount of purchasing in the preceding years and the reduced amount of Māori land remaining. The purchase of Pukehou 4C4C2, which is the subject of a claim, is examined to highlight issues with the alienation of Māori land during this period.

This is followed by a discussion concerning land that was compulsorily vested in the Māori Trustee in the 1960s on the application of the Ōtaki Borough Council and Horowhenua County Council to be sold for non-payment of rates. Most of this land, which was located in the Ōtaki township and sub-district, had been vested in the board in 1929 due to the non-payment of rates and had only recently been re-vested back in the owners. As these compulsory purchases have been covered in my local government report, a summary is only provided here.

The chapter also includes a section on the Europeanisation of much of the remaining Māori land in the area particularly in the township and sub-district though this process did not bypass the Pukehou block. The Māori Affairs Amendment Act 1967 compulsorily changed the status of Māori land to European land where that Māori land was owned by four or less owners. This

sections also includes a discussion of sections that were treated as European land prior to the 1967 Act. Tables show the land affected.

The chapter concludes with tables showing the remaining Māori land in the three areas in 2023 and a conclusion.

## **6.2 Land alienation: tables and overview, 1950-2023**

The following table shows the Ōtaki township sections purchased, some of them compulsorily, between 1955 and 1996 (there were no further purchases after this time or in the early 1950s). A table showing the land in the township that was Europeanised in the late 1960s and early 1970s is located further below. Following these purchases and the Europeanisation process, just eleven sections of the township remained Māori land. With the status change of one section to general land in 2013, just ten sections remained Māori land in 2023.

There were six purchases of sections in 1950s and six in the 1960s of which three were compulsory sales under section 109 of the Rating Act 1925 made on the application of the Ōtaki Borough Council. In the 1970s there were two purchases of which one was a berm and four purchases of small areas of what had been one section in 1996. Details of the purchase of one section have not been located.

Of note is that the area of section 164 located next to the Raukawa Marae was purchased by the Ōtaki Racing Club in 1959 but was transferred to Rupene Morehu Teratui Waaka, Horiana Marama Joyce & Ngawini Meretene Kuiti and mortgaged to Te Runanga o Raukawa Inc in 1998. It remains general land but appears to be part of the wider Marae complex.<sup>341</sup>

The table shows the area of the sections concerned, the owners at the time of purchaser, the purchaser and price (where known) and the year of the purchase:

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<sup>341</sup> Certificate of title WN858/25, LINZ.

**Ōtaki township sections purchased, 1955-1996**

Ōtaki township section number & date of title if in the 1890s	Area (acres)	Area (roods)	Area (perches)	Owner/s at time of purchase	Purchaser & price (where known)	Year
Ōtaki 120*	0	0	37	24 owners including Hawea whanau	Richard Fluerty £350	1955
Ōtaki 158*	0	0	33	25 owners; meeting of owners & Māori Trustee	Cunningham Carrying Company Limited £350	1956
Ōtaki 159*	0	0	34	27 owners; meeting of owners & Māori Trustee	Cunningham Carrying Company Limited £350	1956
Ōtaki 138*	0	0	33.7	Purchased by one of the owners, Maraea/Maria Josephine Clarke to use as a housing site.	Maraea/Maria Josephine Clarke (does not appear to have been Europeanised but was treated as European land) £350	1957
Ōtaki 145*	0	0	34.5	Māori Trustee	1954: Henare Kima Tahiwī (described in CT as 'Māori within meaning of Land Act 1931') 1958: Succession order vesting land in Isabella Dunlop Tahiwī (recorded as European in CT)	1958
Ōtaki 164* part [located next to Raukawa Marae towards beach] now lot 1 DP20601	0	0	6.6	Whakarato Roera, Renata Roera, Ngahuia Roera and Miria Roera	Transferred to Ōtaki Māori Racing Club Inc 1959; transferred to Rupene Morehu Teratiu Waaka, Horiana Marama Joyce & Ngawini Meretene Kuiti & mortgaged to Te Runanga o Raukawa Inc 1998.	1959
Ōtaki 143*	0	0	34.5	Re-vested 1959. Kahurangi Hera Albert	J.H & W.A Williams £500	1960
Ōtaki 150*	0	0	33.5	Re-vested 1958; owners names not located	Campbell, Craig & Co £1086.12.10	1962
Ōtaki 177, part 178, 179, part 185, 186, 187*	1	1	2.12	Eight owners: Keremihana, Kereama, Walker, Wiki, Winiata & Ranapiri whanau	Vested in Māori Trustee for compulsory sale due to non-payment of rates in 1963. Purchased 1963 by J.M Parker. £1825	1963
Ōtaki 172 or part Makuratawhiti 1* [near Raukawa Marae on Mill Road]	0	0	34.7	Mason Johnson	Ōtaki Fire Board	1965
Ōtaki 171 or part Makuratawhiti 1* [next to Raukawa Marae on Raukawa Street towards SH1]	0	0	30	McGrath whanau (nine owners)	Vested in Māori Trustee for compulsory sale due to non-payment of rates in 1967. Purchased 1969 by WH Inglis. £350	1969
Ōtaki 175 & 176A* [located near Raukawa Marae next to each other on Raukawa Street]	0	1	27.2	Riria Hawea & Apera Heta & nine others	Vested in Māori Trustee for compulsory sale due to non-payment of rates in 1967. Purchased 1969 by MJ & JP Allen. \$1400/£700	1969

Ōtaki 147A* zoned commercial	0	0	34	Taingakuratu Davis	Ōtaki Borough Council \$8,500	1974
Ōtaki 174F [berm]	0	0	5	Berm along Aotaki Street and Mill Road at partition of 24 March 1955	Defined as a street as at 20 June 1978	1978
Ōtaki 114*	0	0	31.9	Not located	Not located: Purchased between 1958 & 1986 when land re-vested (1958) and Roussell, a solicitor, transferred land to Mr & Mrs Edhouses (1986)	Between 1958 & 1986
Ōtaki 147B*	0	0	4.6	Not located	Sherbar Ltd (involvement of Māori Trustee)	1996
Ōtaki 147C*	0	0	4.6	Not located	Sherbar Ltd (involvement of Māori Trustee)	1996
Ōtaki 147D*	0	0	4.6	Rangiwhaia Hohepa registered on title as at 22 Nov 1995	Sherbar Ltd (involvement of Māori Trustee)	1996
Ōtaki 147E*	0	0	4.6	Hema Whata Hakaraia registered on title as at 3 Jan 1996	Sherbar Ltd (involvement of Māori Trustee)	1996
<b>Total</b>						

Source: Certificates of title, Woodley (Wai 2200, #A193); AAMK MA 1 20/1/37, parts 1-6, Archives New Zealand, Wellington; Alienation files, Aotea Māori Land Court, Whanganui; Ōtaki and Wellington Māori Land Court Minute books.

There were substantial purchases in the Ōtaki sub-district in the period from 1950. Several of the purchases listed below include the Ōtaki Māori Racing Club land. In 2023, this encompasses Te Roto 1B, Te Roto 1A, part Te Roto 1A, 1D & 1E blocks, part Turangarahui 2A and 2B blocks, part Te Rahui block and lot 1 on deposited plan 3081. The land is leased to the Ōtaki Māori Racing Club and Levin Racing Club for 100 years from 1 April 1988. In 1924, Te Roto sections were transferred by Māori to Hema Ropata Te Ao, Rere Nikitini, Hoani Makimereni, Ruihi Wehipeihana and Kupa Hawea as trustees for the Ōtaki Māori Racing Club. The transfer was described as being from one set of trustees to another.<sup>342</sup> Claimants have asked that the purchase of this land be investigated further, and this will be completed in time for the final report.

Similarly, there were significant purchases in the Taumanuka block by the Crown in the 1950s. Details have so far not been located. Further investigation will be made and completed for the final report.

<sup>342</sup> Certificate of title, WN32A/383, LINZ; Cooper, Rapley & Rutherford to Registrar, Ikaroa District Maori Land Board, 21 July 1924, Te Roto 1C alienation file, 3/8616, Aotea Maori Land Court, Whanganui.

The following table lists the 98 purchases where purchasing details have been located. A further 17 purchases are likely to have also taken place (these blocks are no longer Māori land) but details have yet to be located making a total of approximately 115. Of these, 50 had been vested in the Ikaroa Māori Land Board in 1929 or 1931. These are marked with an asterisk. Also of note is the 18 blocks that were vested in the Māori Trustee due to non-payment of rates to be compulsorily sold on the application of both the Horowhenua County Council (12) and Ōtaki Borough Council (6). A public works taking is also recorded. The total area of the 115 blocks is approximately 348 acres:

#### Ōtaki sub-district blocks purchased 1950-1992

Block name	Area (acres)	Area (roods)	Area (perches)	Purchaser & other details where located	Year purchased
Moutere 8B1*	4	1	19	Subdivided by owner into 17 parts in 1949; appear to have been purchased by both Māori and Europeans between 1949 & 1950. <sup>343</sup>	1949-1950
Makuratawhiti 10B*	4	2	26	Purchased by Crown for Māori housing purposes	1950
Makuratawhiti 8B3A*	1	0	20.4	Purchased by Oriwia te Aka Webster	1951
Makuratawhiti 8B3B*	4	2	7.6	Purchased by E & W Rollander	1951
Moutere Tahuna 8B2 (part)	4	1	19	Purchased by Ōtaki Māori Racing Club	1951
Te Roto 1B	2	0	23.1	Purchased by Ōtaki Māori Racing Club	1951
Te Roto 1C	2	0	23.1	Purchased by Ōtaki Māori Racing Club	1951
Te Roto 1D	4	1	8.1	Purchased by Ōtaki Māori Racing Club	1951
Te Roto 1E	2	0	23.1	Purchased by Ōtaki Māori Racing Club	1951
Taumanuka 2B14	2	0	11	King George V Memorial Fund Board	1951
Taumanuka 3B2	16	2	7.8	King George V Memorial Fund Board	1951
Taumanuka 3C2	14	3	5	King George V Memorial Fund Board	1951
Taumanuka 3G2	2	3	28.1	King George V Memorial Fund Board	1951
Taumanuka 3H2	0	1	7.4	King George V Memorial Fund Board	1951
Taumanuka 4A	8	1	31.5	King George V Memorial Fund Board	1951
Taumanuka 4B1A	0	3	24.3	King George V Memorial Fund Board	1951
Taumanuka 4B1B	0	2	6.7	King George V Memorial Fund Board	1951
Taumanuka 3G1B2B	1	0	20.6	Eric Joseph Cook	1952
Haruatai 13B*	2	3	5.1	Purchased by Jessie W Edwards. £3395.	1952
Makuratawhiti 8B1*	1	1	8	Purchased by AD Webster	1952
Haruatai 3A1*	0	1	28	Combined with Haruatai 3A2 and subdivided into six parts to be sold in	1954

<sup>343</sup> Certificate of title WN227/219, LINZ.

				1954. Sale agreed to by Māori Trustee. <sup>344</sup>	
Haruatai 3A2*	2	2	12	Combined with Haruatai 3A1 and subdivided into six parts to be sold in 1954. Sale agreed to by Māori Trustee.	1954
Te Rahui Te Ngae 9A	1	1	5.7	Purchased by WH Lepper	1953
Makuratawhiti 1A2B*	0	1	5	Purchased by Rahui Football & Sports Club from Māori Trustee	1954
Makuratawhiti North*	0	3	331	Taken under the Public Works Act for an automatic telephone exchange in 1957. <sup>345</sup>	1954
Moutere Tahuna 8B2 (part)				Area noted for other part of block	1954
Totaranui 11B3/X1B3*	0	3	15.4	Totaranui 11B3A purchased by WD & HO Wills (NZ) Ltd in 1950. <sup>346</sup> Totaranui 11B3B purchased by John Rountree in 1954 for £2300.	1950 & 1954
Waitohu 11C3 (part)	48	3	11	Frank H Walter & Raymond J Taylor	1954
Taumanuka 3F	6	0	0	Ōtaki Borough	1955
Makuratawhiti 9A2*	0	1	16.9	Purchased from Māori Trustee by AV Bright	1955
Whakarangirangi 29N10*	1	0	26	Purchased from Māori Trustee by Dow Kwen Chung	1955
Taumanuka 3E2*	0	0	39	Purchased by Barbara Lipscombe from Māori Trustee in 1955. <sup>347</sup>	1955
Awahohonu A4*	2	1	10	Purchased by Patrick Sullivan for £1950	1956
Moutere-Hanganoiho 2B*	0	1	31.1	Not located	1956
Pahianui 3A2	1	0	0	Purchased by J.J. Stuart	1956
Pahianui A2C	3	3	22	Māori Trustee to Lindsay L McBeth	1956
Pahianui B1*	3	3	15	Purchased from Māori Trustee by Lindsay McBeath 1956. <sup>348</sup>	1956
Makuratawhiti 1E2*	0	2	32	Purchased from Māori Trustee by David J Kendrick	1958
Makuratawhiti 9A5*	0	1	17	Purchased by J Palmer	1958
Pahianui A3	3	1	11	Purchased by Borough of Ōtaki	1958
Titokitoki 2*	1	3	38	Purchased by Ōtaki Borough Council in 1957 from Māori Trustee without reference to owners	1958
Titokitoki 2A*	1	3	38	Purchased by Ōtaki Borough Council in 1957 from Māori Trustee without reference to owners	1958
Haruatai 12B2B*	1	0	12	Purchased by Lillian Edhouse with approval of Māori Trustee.	1959
Kahukura 1	22	2	39	Sold by Māori Trustee to William Tripe & Newell Izard.	1959
Kahukura 2	3	0	0	Sold by Māori Trustee to William Tripe & Newell Izard.	1959
Makuratawhiti 10A2*	0	2	8.5	Purchased by AG Smith	1959
Pukekaraka 31 (part)	1	2	16	Purchased in various parts between 1917 & 1959	1917-1959
Makuratawhiti 2A1	0	0	5	Purchased by Ōtaki Borough Council	1960
Pahianui 3A1A*	0	1	0	Purchased by Mawhati Hoena Cook	1960
Taumanuka 3I2*	0	2	35.6	Purchased by Ian Richard Carter	1960

<sup>344</sup> District Officer, Wellington to District Officer, head Office, Department of Maori Affairs, 13 August 1954, 20/1/37 part 3

<sup>345</sup> Certificate of title WN572/178, LINZ

<sup>346</sup> Certificate of title WN 556/137 LINZ.

<sup>347</sup> Certificate of title WN116/45 and WN589/56.

<sup>348</sup> Certificate of title WN717/75, LINZ.

Hanganoaiho 1B*	0	2	8	Purchased for housing purposes	1961
Haruatai 5 section 5*	0	1	36	Sold by Māori Trustee to Tarasio Bellina	1961
Makuratawhiti 5B1*	0	1	6	Purchased by R & M Collis	1961
Makuratawhiti 9A6*	0	2	33.5	Purchased by V Morrah	1961
Whakarangirangi 29N9*	1	0	26	Purchased from Māori Trustee by Bernard L Housiana	1961
Makuratawhiti 6B*	0	3	32.3	Purchased by DH Edhouse	1962
Tutangatakino 2	5	1	20	Not located	1962
Whakarangirangi 29N7*	1	0	0	Purchased from Māori Trustee by Bernard L Housiana	1962
Makuratawhiti 6A1*	0	1	0	Vested in Māori Trustee in 1963 for non-payment of rates to be compulsorily sold on application of Ōtaki Borough Council. Purchased by Europeans.	1963
Titokitoki 3F1	2	1	15	Not located	1963
Whakarangirangi 29N1*	1	0	32	Vested in Māori Trustee in 1963 for non-payment of rates to be compulsorily sold on application of Ōtaki Borough Council. Purchased by William & Jane Stom for £915	1963
Makuratawhiti 1H*	1	1	27.2	Vested in Māori Trustee for non-payment of rates to be compulsorily sold on application of Ōtaki Borough Council in 1963. Purchased by H T Gavestone.	1964
Ngatoko	1	1	34	Purchased by H.B Shepherd	1964
Waitohu 1A	1	2	13	Purchased by Walter Taylor	1964
Waitohu 1B1 (part)	4	1	10	Purchased by Walter Taylor	1964
Waitohu 1B2 (part)	4	3	0	Purchased by Walter Taylor	1964
Makuratawhiti 5B2*	0	1	6.4	Vested in Māori Trustee in 1963 for non-payment of rates on application of Ōtaki Borough be compulsorily sold. Purchased by M Mager in 1965.	1965
Hanganoaiho 1E*	0	1	35	Vested in Māori Trustee in 1963 for non-payment of rates on application of Ōtaki Borough to be compulsorily sold. Purchased by Ernest Fraser.	1965
Maringiawai 5B				Purchased remainder of block which in total comprised 3 acres 2 roods 2 perches.	1965
Tutangatakino 4A2*	0	1	1.4	Purchased in three parts from Māori Trustee on 1965 & 1967 (Jean Russell; Victor Charles Potter); area set aside for a public street	1965 & 1967
Haruatai 16A2*	2	1	15	Purchased by Roman Catholic Archdiocese	1965
Hanganoaiho 1A (part)*	0	1	2	Purchased by David Richardson	1965
Pahianui B5B*	23	0	10	Purchased by Brinaley Michael Ryder	1968
Paremata 15A1	1	3	30	Vested in Māori Trustee on application of the Horowhenua County Council for compulsory sale due to the non-payment of rates in 1963; purchased by Ryder brothers	1969
Paremata 15A2	1	3	30	Vested in Māori Trustee on application of the Horowhenua County Council for compulsory sale due to the non-payment of rates in 1963; purchased by Ryder brothers	1969
Paremata 15A3	1	0	0	Vested in Māori Trustee on application of the Horowhenua County Council for compulsory sale due to the non-payment of rates in 1963; purchased by Ryder brothers	1969
Paremata 15A5*	1	2	24	Purchased by BMA & OJG Ryder	1969

Paremata 15A9	8	0	0	Customary land; vested in Māori Trustee in 1963 to be sold. Purchased by Ryder in 1969	1969
Makuratawhiti 6A3*	0	1	10.7	Vested in Māori Trustee on application of Ōtaki Borough Council for compulsory sale due to the non-payment of rates. Purchased by Thomas Adams	1970
Whakarangirangi 29N14*	1	0	26	Purchased by Hew Sun Young	1971
Makuratawhiti 1B1*	1	0	16	Purchased by Guy & Shui Wan Young	1971
Makuratawhiti 6C*	1	0	27	Vested in Māori Trustee on application of the Ōtaki Borough Council for compulsory sale due to the non-payment of rates. Purchased by Guy & Shui Wan Young.	1971
Moutere Tahuna 5	1	1	3.2	Vested in Māori Trustee on the application of the Horowhenua County Council. Purchased by BA & OG Ryder	1972
Moutere Tahuna 7A	1	1	0	Vested in Māori Trustee on the application of the Horowhenua County Council. Purchased by BA & OG Ryder	1972
Moutere Tahuna 7B	1	1	0	Vested in Māori Trustee on the application of the Horowhenua County Council. Purchased by BA & OG Ryder	1973
Maringiawai 9	2	0	0	Purchased 1973 following section 438 application by Horowhenua County Council	1973
Hanganoaiho 1D*	0	1	35	Purchased by Hawker & Son Ltd. <sup>349</sup>	1973
Kurukohatu D1	2	2	13	Vested in JH Flowers (council rates collector) to be compulsorily sold. Purchased by neighbouring farmer SE Pritchard for \$1500.	1974
Haruatai 2A	6	1	5	Purchased by Newton Arthur Taylor	1975
Maringiawai 12	0.06			Title confirmed and purchased on same day in 1977; 282 m2	1977
Taumanuka 1A2	0	0	23	Not located	1978
Piritaha 9B	6	0	22	Vested in Māori Trustee for compulsory sale on application of Horowhenua County Council in 1971 and purchased by Young brothers	1979
Piritaha 9D	0	2	10	Vested in Māori Trustee for compulsory sale on application of Horowhenua County Council in 1971 and purchased by Young brothers	1979
Whakahokiatapango 4A2	0	3	7	Purchased by AF & C Young	1979
Kurukohatu D2 (part)				Purchased by Whata Kuaka Honetana Davis	1980
Wakapua 2A2B	1	2	9	Purchased by Joel E.S Winterburn	1985
Taumanuka 4B2B	2	1	34.8	Purchased by Colin Wallace	1987
Makuratawhiti 1B2C1*	0	1	0	Purchased by Crown for housing.	1992
Haruatai 5 section 2*	1	3	20	Not located	Pre 1990
Haruatai 5 section 3*	0	2	33.2	Not located	Pre 1990
Haruatai 9C1	1	2	22	Not located	Pre 1990
Haruatai 11A	0	1	29	Not located	Pre 1990
Haruatai 12A1	0	0	34.5	Not located	Pre 1990
Haruatai 12A2	0	0	32.7	Not located	Pre 1990
Haruatai 12A part	0	2	25.8	Not located	Pre 1990

<sup>349</sup> Certificate of title, WN11A/878, LINZ.

Haruatai 12E	3	0	11	Not located	Pre 1990
Haruatai 13A*	4	1	12.5	Not located	Pre 1990
Haruatai 15B1	0	1	20.9	Not located	Pre 1990
Kaiawakura	14	3	0	Not located	Pre 1990
Makuratawhiti 2B1	0	2	33	Not located	Pre 1990
Makuratawhiti 5C	0	2	13	Not located	Pre 1990
Makuratawhiti 10A1	0	2	8.5	Not located	Pre 1990
Taumanuka 3I3	0	2	35	Not located	Pre 1990
Waitohu 11C2	13	3	22	Not located	Pre 1990
Waitohu	7	1	0	Not located	Pre 1990
<b>Total</b>	<b>347</b>	<b>3</b>	<b>26.7</b>		

\*Vested in Ikaroa Māori Land Board in 1929 or 1931.

Source: Walghan Partners (Wai 2200, #A212(a) and (212(b))); Young et al (Wai 2200, #A199, pp. 387-388); Woodley (Wai 2200, #A193); Certificates of title.

NB. Further research will be completed on the alienation details of those blocks not covered by Walghan Partners and in other reports prior to the submission of the final report.

The following table shows the Pukehou blocks purchased between 1954 and 1978. This comprised almost 900 acres. While this was not as much land as the Crown and private purchasing era of the nineteenth and early twentieth centuries, it was almost twice as much as what remains Māori land in 2023 (470 acres approx.). These purchases therefore represented around two-thirds of the Pukehou block land that remained in Māori ownership in the early 1950s. Purchasers of this land included Māori (the land appears to have subsequently been treated as European land) and members of the Simcox family who, as discussed previously, first started purchasing land in the block in the nineteenth century.

**Pukehou blocks purchased 1950-1984**

<b>Pukehou block</b>	<b>Area (acres)</b>	<b>Area (roods)</b>	<b>Area (perches)</b>	<b>Purchaser &amp; price (where known)</b>	<b>Date</b>
Pukehou 4G3B3	28	3	29	Mihi Taylor	20 Apr 1954
Pukehou 4G3B1	21	1	28	Mihi Taylor	12 Nov 1954
Pukehou 4G3B2	14	2	38	Mihi Taylor	12 Nov 1954
Pukehou 4F4A	25	0	0	Māori Trustee to Colin, Maurice, Howard Smith & Joan D MacArthur	23 Jun 1955
Pukehou 4E2A	37	2	0	Māori Trustee to Harold Trewren Heathcote Simcox	5 Apr 1956
Pukehou 4E2B	37	2	0	Māori Trustee to Harold Trewren Heathcote Simcox	5 Apr 1956
Pukehou 4G9A	0	3	13	Mihi Taylor	29 Aug 1956
Pukehou 4C7C	60	0	0	Māori Trustee to Harold Trewren Heathcote Simcox	28 Oct 1958
<b>Sub-total: 1950-1959</b>	<b>225</b>	<b>3</b>	<b>28</b>		
Pukehou 4D1D2	46	1	34	George Ernest Haines	15 Nov 1960
Pukehou 4G2C	21	0	3.5	Raymond A Ashley	21 Jun 1962
Pukehou 4C7B	90	0	0	Harold Trewren Heathcote Simcox £2400	23 November 1962
Pukehou 4C7F	100	0	0	Alfred Joseph Fogden	6 Jul 1964
Pukehou 4C5	232	0	0	Edward W.J & J.U Sims et al	27 Jun 1966
Pukehou 4C4B	55	3	12	R. A Heron & G Warren	25 Jan 1968
Pukehou 4C4C2	21	0	23	Herbert John Wooton	2 Aug 1968 (purchase registered on CT in 1980)
Pukehou 4D1A2B	9	1	36	Wesley Ross Taylor	24 April 1969
<b>Sub-total: 1960-1969</b>	<b>575</b>	<b>3</b>	<b>28.5</b>		
Pukehou 4E3A	36	2	35	Māori Trustee to Robert Aldworth	2 Jun 1970
Pukehou 4C4A	58	1	4	Richard James Houisiaux	21-Nov 1978
<b>Sub-total: 1970-1984</b>	<b>94</b>	<b>3</b>	<b>39</b>		
<b>Total 1954-1984</b>	<b>896</b>	<b>3</b>	<b>15.5</b>		
<b>Overall total for twentieth century</b>	<b>2433</b>	<b>3</b>	<b>2.1</b>		

Source: Walghan Partners, (Wai 2200, #A212(b), pp. 200-232; Pukehou alienation files, Aotea Māori Land Court, Whanganui.

The following discussion relates to the purchase of Pukehou 4C4C2 in 1968. It is the subject of a claim. It demonstrates the challenges that Māori faced when attempting to retain their land in the late 1960s.

### 6.3 The purchase of Pukehou 4C4C2, 1966-1968

The purchase of Pukehou 4C4C2 in 1968 by H. J Wooton is the subject of a claim by Dee Winterburn on behalf of whanau of Waitohu Māori land owners (Wai 113A).<sup>350</sup>

This purchase was for the shares of two owners, Alice Louisa and Caroline Mends, who owned 1821.491 and 972.640 shares respectively out of a total of 5649 shares in the 35-acre 1 rood 19 perches block. The block had 26 owners in total one of whom was Rangi Winterburn who owned 110.036 out of 5659.00 shares. She was the niece of Alice and Caroline Mends. The land was occupied by J.E Winterburn, the husband of Rangi Winterburn (Mrs Winterburn).<sup>351</sup>

In October 1967, Mrs Winterburn applied to the Court to have her application to purchase the land confirmed. She advised the Court that a deed had been executed between herself and Alice and Caroline Mends on 5 July 1966 for £250 (\$500). She asked for a hearing as soon as possible as her aunts were in 'urgent need of the purchase money'. The delay between the execution of the deed and the application later proved problematic for Mrs Winterburn.<sup>352</sup>

On 9 November 1967, the application for confirmation of the transfer to Mrs Winterburn was heard by the Māori Land Court. The husband of Mrs Winterburn, Joel Ernest Solomon Winterburn, gave evidence. He told the Court that he occupied part of the block for grazing, that it was not properly fenced that he paid rates for the whole block and had done so for the previous 15-20 years. The other part of the block was open with other people's stock run on it. The vendors, he said, were his wife's aunts who lived in Auckland and previously had a dressmaking business. He noted that the purchase price was about 25 per cent over the government valuation and that a third of the land was tidal and flooded. He said that a third was swamp, a third 'dessert' and the other third 'not bad'. The purchase money had not yet been paid but he had sent the vendors £10 per year in the past for rent. Mr Roussell, solicitor for the applicant, said that both vendors were aged in their 80's and 'not fully able to manage

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<sup>350</sup> Statement of claim by Dee Winterburn on behalf of whanau of Waitohu Maori land owners (Wai 113A) (Wai 2200, #1.1.106(a)).

<sup>351</sup> Particulars of title, Pukehou 4C4C, 5 October 1957, Pukehou 4C4C Alienation file, 3/10123, Aotea Maori Land Court, Whanganui.

<sup>352</sup> Application for confirmation, Pukehou 4C4C, 5 October 1967; Harper, Atmore & Roussell, Barristers & Solicitors, Otaki to Registrar, Maori Land Court, Palmerston North, 6 October 1967; Application for exemption from requirement to furnish special valuation, 25 October 1967; Declaration in support of application for confirmation (where no other land held), 25 October 1967, Pukehou 4C4C Alienation file, 3/10123, Aotea Maori Land Court, Whanganui.

their affairs'. He suggested that the Māori Trustee be appointed trustee for them. Instead of confirming the transfer, the Court ordered under section 27(2) and section 213 the vesting of the interests of the vendors in the block in Rangī Winterburn subject to the payment of \$320 and \$180 respectively to the Māori Trustee. (Section 213 allowed the Court, at its discretion, to transfer interests in Māori land by a vesting order as a way to give effect to any arrangement or agreement made and where the recipient was Māori.) The Māori Trustee was also appointed trustee for both vendors in respect to the funds due to disability ('inability through age to manage affairs'). As the Court had ordered the vesting under section 213, the application for confirmation of the purchase was dismissed.<sup>353</sup>

In the meantime, H.J Wooton, who was not an owner of the block or Māori, had also executed a transfer for the land. He was advised by his solicitors, Mr Simpson of Morison, Taylor & Co in May 1967 that the memorandum of purchase of the shares in Pukehou 4C4C had been signed by Alice and Caroline Mends. However, there was 'some doubt' as to whether they were Pākehā or Māori and if it was the former then the consent of the Land Valuation Court was required or alternatively, he would have to declare that he owned no owner farmland. If the vendors were Māori, however, then confirmation of the Māori Land Court was required. As an aside, the solicitors advised Mr Wooton that Ida Kura Heather, a niece of the vendors and her children owned between them 442.109 shares compared with the 2794.131 shares owned by Alice and Caroline Mends. They were willing to sell the land for £50 and as they were Europeans, an approach to the Māori Land Court was unnecessary. This purchase would give him a total of more than half the block.<sup>354</sup>

Following the hearing where the Court had ordered the vesting of the interests of Alice and Caroline Mends in Mrs Winterburn, Mr Simpson advised the solicitors for Mrs Winterburn (Harper, Atmore & Roussell) that Mr Wooton had negotiated with Alice and Caroline Mends in December 1966 and on completion of the negotiations had signed a transfer in his favour on 23 April 1967. He was aware, however, of the previous application for confirmation of a purchase 'apparently based on a transfer signed by the owners in July 1966'. He said that he was just about to apply for confirmation of the purchase to Mr Wooton but was delayed as Alice and Caroline Mends 'could not prove that they were Europeans'. When he was informed

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<sup>353</sup> Otaki Minute Book 73, 9 November 1967, pp. 349-350.

<sup>354</sup> Morison, Taylor & Co to H.J Wooton, 16 May 1967, Pukehou 4C4C Alienation file, 3/10123, Aotea Maori Land Court, Whanganui.

of Mrs Winterburn's application he asked to be heard at the confirmation hearing but the hearing took place without him and the section 213 vesting order was made. The following day, he 'interviewed the Judge' about the matter and as a result had filed an application for rehearing. As another aside, the solicitors added that they had been in touch with Alice and Caroline Mends who confirmed that they wished to continue with the transaction with Mr Wooton.<sup>355</sup>

In December 1967, the Deputy Registrar of the Court advised the lawyers for Mrs Winterburn and Mr Wooton that Judge Smith had asked him to file an application to determine for the purpose of the rehearing application whether Alice and Caroline Mends were Māori or European. The application was heard on 4 July 1968 at Wellington (the venue was at the request of Mr Simpson). Mrs Winterburn, who gave her full name as Te Ra O Te Rangi Winterburn, gave evidence that the owners were her aunts, that their father was an European called George Mends and their mother was Ruiha Mends who she described as a 'full blooded Māori'. She told the Court that her mother, Haranui Wereta, was the full sister of Mends but was adopted by the Reweti's at Bulls. Mr Simpson claimed that he did not think that Haranui Wereta was a child of George Mends but that this did not affect the present application. The Court made an order that for the purpose of the proceedings, the vendors were Māori.<sup>356</sup>

On the same day, the Court heard the application for a rehearing of the application for confirmation of transfer from Alice and Caroline Mends to Mrs Winterburn. Mr Simpson appeared for both Mr Wooton and Alice and Caroline Mends. Mr Roussell appeared for Rangi Winterburn. At the hearing Mr Simpson claimed that the land had not been used for any worthwhile purpose for a good many years and that it was non-revenue producing. He said that he was instrumental in getting an adjoining owner to make an offer for the shares of Alice and Caroline Mends and for those held by another niece and her husband as they and Caroline and Alice Mends had indicated that they wished to sell their interests. He also said that they did not know whether they were Māori or European though knew they had 'some Māori blood'. This confusion, he said, was the reason for the delay in applying for the confirmation and it was only when the application was advertised that it was found that there was a competing

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<sup>355</sup> N.F Simpson, Morison, Taylor & Co, Wellington to Messrs Harper, Atmore & Roussell and Messrs Harper, Atmore & Roussell, Barristers & Solicitors, Otaki, 27 November 1967, Pukehou 4C4C Alienation file, 3/10123, Aotea Maori Land Court, Whanganui.

<sup>356</sup> Deputy Registrar, Maori Land Court to Morison, Taylor & Co, Wellington, 21 December 1967; Otaki Minute Book 74, 30 April 1968, p. 68; Wellington Minute Book 45, 4 July 1968, p. 74.

application. He was not advised of the date of the hearing and the Court made an order in his absence. He did, however, note that in 1964, he had received a letter stating that Mrs Winterburn wanted only the shares of Alice and Caroline (and not the shares of the other relatives) and claimed that the matter had lapsed as all the Mends family wanted to sell. He also stated that the next occasion that the matter was raised was in July 1966 when Alice and Caroline Mends were ‘persuaded to sign agreement to sell’. He had in the meantime clarified that they wished to sell to Mr Wooton who obtained a fresh valuation and advised that they would sell their shares for £300 (which was more than what Mrs Winterburn had offered).<sup>357</sup>

Mr Simpson claimed that as far as Alice and Caroline Mends were concerned, they had ‘abandoned [the] proposal to sell to Mrs Winterburn and wish[ed] the sale to Wooton to proceed to completion’. He argued that the ‘undue delay’ between the sisters and Mrs Winterburn signing the agreement and Mrs Winterburn applying for the confirmation was ‘every reason’ why Mrs Winterburn’s transactions should be considered ‘abandoned’. He said that Alice and Caroline Mends had not been given the opportunity to be heard, that they were ‘very old ladies who require advice in their business dealings’ and were not given the opportunity to receive advice. As well, Mr Wooton was prepared to purchase all the shares in the block. He said that it was initially proposed to call a meeting of owners but as they were the major owners their approval was needed prior to any meeting of owners was held. He concluded that ‘in view of their advanced years, it was deemed desirable to obtain their signatures without waiting for [a] meeting’.<sup>358</sup>

The Court then ordered a re-hearing stating that there had been an unintentional denial of natural justice as Alice and Caroline Mends and Mr Wooton had not had the opportunity to be heard.<sup>359</sup>

The Court re-heard the applications on 18 and 25 July 1968 (the application was adjourned on the 18<sup>th</sup> solely so that the Court could hear from Mr Wooton). Mrs Winterburn gave evidence at the hearing. She argued that:

- (a) preference should be given to a Māori as against a European,

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<sup>357</sup> Wellington Minute Book 45, 4 July 1968, pp. 74-77.

<sup>358</sup> Wellington Minute Book 45, 4 July 1968, pp. 74-77.

<sup>359</sup> Wellington Minute Book 45, 4 July 1968, pp. 74-77.

- (b) preference should be given to a farmer as against a non-farmer,
- (c) preference should be given to a relative as against a non-relative,
- (d) preference should be given to an occupier as against a non-occupier and
- (e) preference should be given to an owner as against a non-owner.

Mrs Winterburn also produced documents to support her application (both copies and originals are still in the Māori Land Court alienation file including the £10 rent cheque payable to Alice Mends from J.E. Winterburn discussed further below). This included the farm accounts for the land for the year ending 31 March 1968 and letters between Mrs Winterburn and Alice and Caroline Mends dating back to 1959 about their arrangement for her to purchase their shares. In 1963, Caroline and Alice Mends had advised Mrs Winterburn's solicitors that they agreed to sell the land provided she bought the shares of their late sister and brothers and advised Mrs Winterburn that the purchase price should be £250. Advice was also given to the Court that the Bank of New Zealand had agreed to advance Mrs Winterburn money to allow her to purchase these interests in Pukehou 4C4C. Another letter was produced signed by a registered nurse that she was present during a conversation between Alice and Caroline Mends and Mrs Winterburn in February or March 1966 where Alice and Caroline Mends said that they had 'promised to make a gift of a piece of land which they owned at Ōtaki' to Mrs Winterburn. She also stated that they appeared to 'fully understand the conversation and their intention to make the transfer' to Mrs Winterburn. A statement was made by a justice of the peace (J.A Sundberg) that he had witnessed the signatures of both Alice and Caroline Mends to a land transfer form in 1966 and that they were 'aware of the nature of the document which they signed'. A doctor also certified that they were 'not senile' the last time he saw them in September 1966.<sup>360</sup>

Also produced at the hearing was a letter from a representative for Alice and Caroline Mends, D.S Heathers (a Justice of the Peace and husband of an owner) to the solicitor of Mrs Winterburn of June 1967. This was two months after Mr Wooton had signed his purchase deed. The letter said that the sisters were in a rest home and among their effects he discovered a cheque from Mrs Winterburn for £10 and asked what this was for. He noted that he could ask

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<sup>360</sup> Otaki Minute Book 74, 18 July 1968, pp. 133-145; Caroline & Alice Mends to Te Rangi Winterburn, 3 August 1963 and 12 October 1963; G & A Mends to Harper, Atmore & Rousell, 27 January 1963; Manager, Bank of New Zealand to Messrs Harper, Atmore & Rousell, 3 July 1968; statement of Andrea Mary Adie, Registered Nurse, 12 July 1968, statement of J.E. Sundberg, JP, 13 July 1968; Statement of Dr F.C.M Shortt, 10 July 1968, , Pukehou 4C4C Alienation file, 3/10123, Aotea Maori Land Court, Whanganui.

Alice Mends ‘but her memory is such that this is now out of the question’.<sup>361</sup> This suggests that by the time Mr Wooton signed the deed, Alice Mends was suffering from memory issues.

In addition, Mrs Winterburn produced a letter from three other owners of the block offering to sell their shares to Mrs Winterburn as she was related to them and also a part owner. They said they would sell their interests provided they received a ‘fair and reasonable price’ and that they were not interested in selling this land to Mr Wooton.<sup>362</sup>

It was at this hearing that Mr Simpson acknowledged that he too was ‘out of time’ with the application for confirmation (the transfer from Wooton was dated 23 April 1967 and application for confirmation was filed with the Registrar on 27 November 1967). He argued that the reason for this was because of the need to establish whether Alice and Caroline Mends were European or Māori. He also argued that there was a delay when he found out about the transfer to Mrs Winterburn and that when it was established that this had been signed, Mr Heather, the vendors representative (who was married to one of the other owners who also wished to sell), claimed that although the sisters had signed it (which he knew nothing about) they had had ‘apparently assumed that the transaction with Mrs Winterburn had once again gone off’.<sup>363</sup>

Evidence was also heard from Mr Wooton who told the Court he was a company director in Wellington, owned a beach house at Ōtaki and that the beach house adjoined this land. He had been advised to contact Mr Simpson about who owned the adjoining land and it was Mr Simpson who pursued the matter. He also ‘assure[d] the Court that if the transfer was confirmed, he would take immediate steps to acquire the shares of all the other owners. He understood that if he was able to purchase the shares from Alice and Caroline Mends then the other owners would be prepared to sell. He was not aware that the Winterburn’s farmed the land and that they had interests in the block. He said that there would be ‘something wrong’ if he could not do better than what the present occupier was doing on the land and that he did not realise there was opposition to the purchase.’<sup>364</sup>

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<sup>361</sup> D.S.B Heather, JP, Auckland to Messrs Harper Atmore & Roussell, Otaki, 23 June 1967, Pukehou 4C4C Alienation file, 3/10123, Aotea Maori Land Court, Whanganui.

<sup>362</sup> Kuruhau Wereta, Pikihiua Winiata and Ngaroiwata Hawea to Te Rangi Winterburn, 28 June 1968, Pukehou 4C4C Alienation file, 3/10123, Aotea Maori Land Court, Whanganui.

<sup>363</sup> Otaki Minute Book 74, 25 July 1968, pp. 159-163.

<sup>364</sup> Otaki Minute Book 74, 25 July 1968, pp. 159-163.

Mr Rousell, for Mrs Winterburn, suggested to the Court that the only reason the sale to Mr Wooton was entered into was ‘because [the] vendors’ memory had gone and they had forgotten the other sale to Winterburn’. He said that he had submitted evidence that showed that the vendors were ‘incapable of giving instructions as to present wishes’ as well as ‘evidence of an obvious earlier intention that the Winterburns should have the land’ – either by purchase or by devise under will’ (inherited). Mr Rousell submitted that as Mr Simpson acted for both the vendors and Mr Wooton there was no reason for the Mends to prefer either sale as the purchase price was the same for each (\$600). He argued that the ‘opposition to the Winterburn sale is entirely from Mr Wooton’.<sup>365</sup>

Mr Simpson responded that there had been ‘no lack of good faith’ on the part of either the Mends’ or the Wootons and that the ‘relative merits of the respective purchasers are irrelevant’. He concluded that the interests of the vendors were paramount and claimed that they had said that they wanted the sale to Mr Wooton to be confirmed.<sup>366</sup>

On 2 August 1968, the application to confirm the purchase of Mr Wooton was confirmed by the Māori Land Court. In his decision, Judge Smith firstly set out what the Court thought was a ‘well known pronouncement as to the powers of the Māori Land Court’. This ‘pronouncement’, or his justification for his decision, said that the Court owed its existence to the statutes creating them and apart from being able to correct error and set aside judgements that had been obtained by fraud, the Court had ‘non powers save those given to them by the statute’.<sup>367</sup>

The Court rejected Mrs Winterburn’s arguments that preference should be given to Māori, a farmer, a relative an occupier and an owner (as opposed to a European, a non-farmer, a non-relative, a non-occupier and non-owner) and said that her arguments were ‘unsound’. The Court also said that the evidence that Mrs Winterburn and her husband would suffer hardship if the transfer was not confirmed was ‘quite irrelevant to the restricted enquiries which the Court is required and authorised to make by statute. Likewise, the decision said, it was of ‘no interest whatever to the Court that Wooton might do better to invest his money elsewhere’.<sup>368</sup>

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<sup>365</sup> Otaki Minute Book 74, 25 July 1968, pp. 159-163.

<sup>366</sup> Otaki Minute Book 74, 25 July 1968, pp. 159-163.

<sup>367</sup> Otaki Minute Book 74, 2 August 1968, pp. 164-165.

<sup>368</sup> Otaki Minute Book 74, 2 August 1968, pp. 164-165.

The Court noted that Mrs Winterburn's transfer was dated 5 July 1966 but application for confirmation was not filed with the Registrar until 6 October 1967. The Court said that it had considered the evidence and could find 'nothing to excuse the inordinate delay in applying for confirmation' and considered that the evidence disclosed 'not only dilatoriness on the part of the purchaser but also a lack of good faith by the purchaser towards these elderly vendors'. With the application for confirmation being 'out of time', the Court refused to confirm it and it was dismissed.<sup>369</sup>

In contrast, the Court was very supportive of Mr Wooton's application and although it too was 'out of time' the Court considered that there was a valid reason for this. This was the need to establish whether the vendors were Māori or European. The Court also accepted the 'assurance of counsel that he had the application ready for filing within the prescribed period' but when he saw the advertisement in the Panui of the application for confirmation from Mrs Winterburn, he 'considered it politic to check the position with the vendors and their attorney before proceeding further'.<sup>370</sup>

The Court also said that it had established to its satisfaction that the vendors wished to proceed with the sale to Mr Wooton. In view of this the Court would not refuse confirmation of the transfer to Mr Wooton because of the late filing of the application and was satisfied that the requirements of section 227 of the Māori Affairs Act 1953 had been complied with (as it existed prior to coming into force of the Māori Affairs Amendment Act 1967). He was confident that the vendors understood the nature of the instrument of alienation, that it was properly executed and that it was not contrary to their interests. He also said that there was 'no lack of good faith on the part of the vendors: at the time they signed the transfer they were entitled to assume – if they remembered the transaction at all – that the earlier transaction with Mrs Winterburn had – (in the words of Counsel) – "gone off", as it had so many times in the past'. He was also confident that the purchaser would not, as in other cases where undivided interests were purchased, 'squat' on all the land or 'negotiate with the other owners from a position of strength'. He was confident therefore that the alienation was 'not contrary to equity or good

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<sup>369</sup> Otaki Minute Book 74, 2 August 1968, pp. 164-165.

<sup>370</sup> Otaki Minute Book 74, 2 August 1968, pp. 164-165.

faith'. He then confirmed the transfer to Mr Wooton subject to the purchase price being paid directly to the vendors through Messrs Morison, Taylor & Co within 10 weeks.<sup>371</sup>

Mrs Winterburn was therefore prevented from acquiring ancestral land that had been promised to her in a long-standing agreement with her aunts because of a procedural issue: a delay between the signing of the transfer and the application for confirmation. Her arguments that preference should be given to her over Mr Wooton because she was Māori, a farmer, a relative, an owner, an occupier were described as 'unsound' and she was accused by the Court of being 'dilatatory' and not acting in good faith towards her aunts. Instead, a Pākehā, with no links to the land apart from owning a beach house for several years on adjoining land, was able to acquire the land even though his application for confirmation had also not been made within the required time. Mrs Winterburn's argument that the Mendes had not remembered signing the deed with Mrs Winterburn, and the documents that corroborated the long-standing arrangement between Mrs Winterburn and the Mendes' were also ignored.

While it could be argued that Mrs Winterburn's arguments about preference were in fact valid, the Court was correct in stating that the legislation did not provide for preference to be given to Māori owners particularly those who occupied and already had interests in the very land that they wanted to purchase. In the 1950s, the Court and Māori Trustee appeared to encourage some owners to buy out the shares of their fellow owners particularly for housing purposes, but this practice was not specifically provided for in legislation. Therefore, the Court, under the Māori Affairs Act 1953 could order the transfer of Māori land to a Pākehā in preference to one of the Māori owners who had strong links to the land including occupying and farming it.

However, what is curious about this decision is that Court did not explain why it utilised section 213 of the Māori Affairs Act 1953 at the initial confirmation hearing and vested the land in Mrs Winterburn even though the application was 'out of time'. Indeed, the applicant's 'dilatatoriness' did not factor at all in its decision to vest the land in Mrs Winterburn at this time. Nor did the section 213 vesting get a mention by the Court in its subsequent decision. Doubt was only cast over the Court's decision the day after it was made when Mr Simpson, solicitor for Mr Wooton, met with the Judge and advised that another deed of transfer had been signed. The Court also interpreted the actions of the two applicants quite differently and it could be

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<sup>371</sup> Otaki Minute Book 74, 2 August 1968, pp. 164-165.

argued that this influenced its decision. The support for Mr Wooton in the decision by the Court was unequivocal with no doubts expressed as to his motives or character and his wish to purchase all the remaining shares in the blocks was accepted without challenge. His reasons for the application being ‘out of time’ were also considered valid. This contrasted starkly with the criticism given to Mrs Winterburn who, at the end of the day, was only trying to acquire land, which she too had interests in, from her aunts. Given that she had secured the finance from a bank, there seemed to be little doubt as to her desire to purchase the land and that her motives were to live on and develop her ancestral land as well as keep the land in Māori ownership. Unlike Mr Wooton, she did not have a beach house at Ōtaki beach that she wanted to supplement with some extra land.

That was not the end of the matter. Mr Wooton’s interests were not partitioned out from Mrs Winterburn’s until 28 June 1973. The certificate of title for Mr Wooton’s interests records that he was awarded Pukehou 4C4C2 which comprised 8.5566 ha. (21.1 acres). The 1975 certificate of title for Pukehou 4C4C1 which comprised 6.9829 ha. (17.25 acres) records Te Rangi Winterburn and Mavis Mends as the owners with a life estate given to Marjorie Mavis Mends, George Albert Mends, Brian Hayden Mends and Alan James Mends equally a tenants in common. In 2023 there are 16 owners of the block.<sup>372</sup>

#### **6.4 Land compulsorily sold for non-payment of rates, 1963-1979**

As discussed in my local government report for this inquiry, between 1963 and 1971, the Māori Land Court ordered Ōtaki township and Ōtaki sub-district land to be vested in the Māori Trustee to be compulsorily sold due to the non-payment of rates under section 109 of the Rating Act 1925 on the application of both the Ōtaki Borough Council and Horowhenua County Council. Vestings were also made under section 438 of the Māori Affairs Act 1953 and land was vested in J.H Flowers, former Māori Affairs Department employee and rates collector for the Horowhenua County Council. As these vestings are fully covered in the local government report, details are not repeated here. However, a list of the land affected is set out in the following table. It comprises 21 blocks of which nine were in the borough and 12 in the

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<sup>372</sup> *Maori Land Online*, accessed 23 March 2023; Certificate of title WN32A/283 and WN19B/560. The partition hearing will be followed up before the submission of the final report.

Horowhenua county. A total of almost 35 acres were affected. It includes the area, the name of the block, when the vesting was ordered and the date of the purchase:

**Land in Ōtaki township and Ōtaki sub-district vested in the Māori Trustee or Horowhenua County Council rates collector for compulsory sale on application of Ōtaki Borough Council and Horowhenua County Council and purchased, 1963-1979**

Block name	Area (acres)	Area (roods)	Area (perches)	Purchaser & other details where located	Year purchased
Whakarangirangi 29N1	1	0	32	Vested in Māori Trustee in 1963 for non-payment of rates to be compulsorily sold on application of Ōtaki Borough Council. Purchased by WA & J Storm.	1963
Makuratawhiti 6A1*	0	1	0	Vested in Māori Trustee in 1963 for non-payment of rates to be compulsorily sold on application of Ōtaki Borough Council. Purchased in 1963 by Europeans.	1963
Makuratawhiti 1H*	1	1	27.2	Vested in Māori Trustee on application of Ōtaki Borough Council in 1963 to be compulsorily sold. Purchased by H T Gavestone.	1964
Ōtaki 177, part 178, 179, part 185, 186, 187*	1	1	2.12	Vested in Māori Trustee on application of Ōtaki Borough Council for compulsory sale due to non-payment of rates in 1963. Purchased 1963 by J.M Parker. £1825	1963
Makuratawhiti 5B2*	0	1	6.4	Vested in Māori Trustee in 1963 for non-payment of rates on application of Ōtaki Borough be compulsorily sold. Purchased by M Mager in 1965.	1965
Hanganoiho 1E*	0	1	35	Vested in Māori Trustee in 1963 for non-payment of rates on application of Ōtaki Borough Council to be compulsorily sold. Purchased by Ernest Fraser.	1965
Ōtaki 171 or part Makuratawhiti 1 section 171* [next to Raukawa Marae on Raukawa Street towards SH1]	0	0	30	Vested in Māori Trustee for compulsory sale due to non-payment of rates in 1967 on application of Ōtaki borough Council. Purchased 1969 by WH Inglis. £350	1969
Ōtaki 175 & 176A* [located near Raukawa Marae next to each other on Raukawa Street]	0	1	27.2	Vested in Māori Trustee for compulsory sale due to non-payment of rates in 1967 on application of Ōtaki Borough Council. Purchased 1969 by MJ & JP Allen. \$1400/£700	1969
Paremata 15A1	1	3	30	Vested in Māori Trustee on application of the Horowhenua County Council for compulsory sale due to the non-payment of rates in 1963; purchased by Ryder brothers	1969
Paremata 15A2	1	3	30	Vested in Māori Trustee on application of the Horowhenua County Council for compulsory sale due to the non-payment of rates in 1963; purchased by Ryder brothers	1969
Paremata 15A3	1	0	0	Vested in Māori Trustee on application of the Horowhenua County Council for compulsory sale due to the non-payment of rates in 1963; purchased by Ryder brothers	1969
Paremata 15A9	8	0	0	Customary land; vested in Māori Trustee in 1963 to be compulsorily	1969

				sold on application of Horowhenua County Council. Purchased by Ryder in 1969	
Makuratawhiti 6A3*	0	1	10.7	Vested in Māori Trustee on application of Ōtaki Borough Council for compulsory sale due to the non-payment of rates. Purchased by Thomas Adams	1970
Makuratawhiti 6C*	1	0	27	Vested in Māori Trustee on application of the Ōtaki Borough Council for compulsory sale due to the non-payment of rates. Purchased by Guy & Shui Wan Young.	1971
Moutere Tahuna 5	1	1	3.2	Vested in Māori Trustee on the application of the Horowhenua County Council. Purchased by BA & OG Ryder	1972
Moutere Tahuna 7A	1	1	0	Vested in Māori Trustee on the application of the Horowhenua County Council. Purchased by BA & OG Ryder	1972
Moutere Tahuna 7B	1	1	0	Vested in Māori Trustee on the application of the Horowhenua County Council. Purchased by BA & OG Ryder	1973
Maringiawai 9	2	0	0	Purchased 1973 following section 438 application by Horowhenua County Council	1973
Kurukohatu D1	2	2	13	Vested in JH Flowers (Horowhenua County Council rates collector) to be compulsorily sold. Purchased by neighbouring farmer SE Pritchard for \$1500.	1974
Piritaha 9B	6	0	22	Vested in Māori Trustee for compulsory sale on application of Horowhenua County Council in 1971 and purchased by Young brothers	1979
Piritaha 9D	0	2	10	Vested in Māori Trustee for compulsory sale on application of Horowhenua County Council in 1971 and purchased by Young brothers	1979
<b>Total</b>	<b>34</b>	<b>3</b>	<b>25.82</b>		

Source: Woodley (Wai 2200, #A193).

## 6.5 Europeanisation

Land in the Ōtaki township, Ōtaki sub-district and the Pukehou blocks were also subject to legislation that compulsorily changed its status from Māori land to European (or general) land. The Māori Affairs Amendment Act 1967 made it compulsory for all Māori land that was owned by four or less owners to be declared European land. Young et al have discussed this issue in respect to the larger inquiry district. They estimate that there were around 232 blocks of land Europeanised in the district. In addition, research completed for this report indicates that at least 22 Ōtaki township sections were Europeanised.<sup>373</sup>

Changing the status of Māori land to be European land was not a new concept. Some land in the Ōtaki sub-district particularly in the Taumanuka block were affected in the 1950s and 1960s.

One of the main issues with Europeanisation was that the decision was made unilaterally by the Registrars of each Māori Land Court district without the consent of the owners. The Court Registrar was only obliged to notify the owners of this change of status. Young et al note that many Māori protested against the legislation including the New Zealand Māori Council who ‘objected most strongly to the compulsory nature of the declarations’. They also suggest, however, that some solicitors representing owners in the area applied for their land to be Europeanised.<sup>374</sup>

The change of status meant that the Māori Land Court no longer had jurisdiction over the land. Without Māori Land Court jurisdiction, there were less restrictions on how and to whom the land could be transferred or succeeded to. The Europeanised land for instance, did not have to be succeeded to by the children of the Māori owner/s but on the death of the owner, could be inherited by a Pākehā partner instead. Legislation from the mid-1970s increasingly restricted the transfer of Māori land to non-Māori. For Europeanised land, however, there were no restrictions, and the land could be transferred from Māori owners to Pākehā just as if it were general land. On the one hand, this meant that individual owners had the autonomy to do what they wanted to do with their land without recourse to a Court but on the other hand, any

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<sup>373</sup> Young et al, (Wai 2200, #A199), p. 402.

<sup>374</sup> Young et al (Wai 2200, #A199), p. 399.

protective measures the Court could provide that facilitated the retention of Māori land in Māori ownership were removed thereby impacting further on what was left of the tribal estate.

One of the difficulties with tracking the alienation history of Māori land Europeanised under the 1967 Act is that the records become increasingly limited. With the Māori Land Court no longer recording alienations or succession orders for example, it is the certificate of title that is relied on for information. However, with only changes to the title such as transfers or mortgages recorded it is difficult to track whether the land has remained within the ownership of a whanau from the time it was Europeanised. There are several examples where the ownership trail is reasonably clear, and these are discussed below.

The legislation was not repealed until 1973 when the Māori Purposes Act (No 2) 1973 provided that the Court could declare Māori land to be European land but only on the application of the owners.<sup>375</sup>

This chapter firstly discusses the land in the Taumanuka block that was declared European land in the 1950s and 1960s prior to the passing of the 1967 Act. It then provides details of Ōtaki township sections that were Europeanised followed by the land in the Ōtaki sub-district and Pukehou block. It provides several examples of land that remained in the ownership of whanau and the land that did not. It also discusses several instances where the status of land has changed back to Māori land or where owners applied to the Court for their land to become general land.

## **6.6 Status changes prior to the Māori Affairs Amendment Act 1967**

In the 1950s, some of the owners of Taumanuka 2B sections were defined as Europeans which meant their land became European land. These sections were owned by the Wallace whanau who had succeeded to the interests of James Howard Wallace.

Taumanuka 2B was partitioned into 14 parts in May 1922 with the quarter acre sections (Taumanuka 2B1-2B8) awarded to three owners each. This comprised a member of the Wallace whanau, Pipi Kutia and Hemi Warahi. Between 1950 and 1959, the Court apportioned the land to those named in the following table.

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<sup>375</sup> Young et al (Wai 2200, #A199), p. 402.

The certificate of title for Taumanuka 2B1 of 10 October 1950, records that Elva Patricia Wallace had been defined as a European within the meaning of the Māori Land Act 1931. Section 526 stated that land held by a ‘Europeanized Native’ ceased to be subject to provisions relating to Māori land. Confusingly, however, the certificate of title for Taumanuka 2B5 issued in 1954, records that Enid Trissa Wallace was ‘Māori within the meaning of the Māori Land Act 1931’. Her shares were inherited by six owners from 31 November 1945 and various transfers took place until 1965. The certificate of title for Taumanuka 2B8 issued in 1959 does not record the status of Amy Helen Wallace though it does record that the land was not Māori land and was transferred to Anthony Chorlton in the same year.<sup>376</sup>

The Taumanuka 2B sections that are likely to be affected by this are listed as follows (further research will be completed prior to the final report to confirm):

#### Taumanuka 2B sections

Block name	Area (acres)	Area (roods)	Area (perches)	Name of owner	Year
Taumanuka 2B1	0	1	0	Elva Patricia Wallace	1950
Taumanuka 2B3	0	1	0	Eric Vincent Wallace	1950
Taumanuka 2B4	0	1	0	Lacey Euston Bruce Wallace	1950
Taumanuka 2B2	0	1	0	Marion Wallace	1951
Taumanuka 2B6	0	1	0	Elsie Wallace	1951
Taumanuka 2B7	0	1	0	Irma Wallace	1951
Taumanuka 2B5	0	1	0	Enid Trissa Wallace	1954
Taumanuka 2B8	0	1	0	Amy Helen Wallace	1959

Source: Certificates of title: WN564/197; WN110/246; WN833/9; WN 619/5, LINZ  
Further research will be completed to confirm the change of status of Taumanuka 2B2-2B7.

Other Taumanuka blocks were similarly affected. In April 1964, the Māori Land Court determined Taumanuka 1A3 (20 acres 16 perches) to be European land under section 30(1)(i) of the Māori Affairs Act 1953. This is discussed in detail by Young et al. They record that the Court made the order on the basis that ‘the owners were not Māori because only one of their four grandparents was Māori’.<sup>377</sup>

<sup>376</sup> Certificates of title WN564/197; WN110/246; WN833/9; WN 619/5, LINZ.

<sup>377</sup> Young et al, (Wai 2200, #A199), p. 388.

## 6.7 Europeanisation of Ōtaki township sections

Twenty-five mostly ¼ acre Ōtaki township sections were Europeanised under the 1967 Act or declared general land under preceding or subsequent legislation. They are listed in the following table:

### Ōtaki township sections Europeanised under Māori Affairs Amendment Act 1968 or declared General land, 1968-2013

Ōtaki township section number	Area (acres)	Area (roods)	Area (perches)	Owner/s at time of Europeanisation/further details where known	Year
Ōtaki 106*	0	0	32.5	Tahu Milly Bowden	1970
Ōtaki 122*	0	0	37.9	Not located	1970
Ōtaki 124A*	0	0	27.9	Purchased by one or several owners 1953.	1970
Ōtaki 125A*	0	0	27.9	Not located	1970
Ōtaki 130 part & 132 (with Makuratawhiti 2A)*	0	1	23.8	Not located	1970
Ōtaki 134A & 135D	0	0	20.22	Purchased by Kurupai Dickson & Maraea Joseph Clarke in 1939	1971
Ōtaki 134B*	0	0	7.9	Re-vested in owners 1939. Purchased by Kurupai Dickson in 1939	1971
Ōtaki 134C*	0	0	10.11	Re-vested in owners 1939. Purchased by Kurupai Dickson in 1939	1971
Ōtaki 136*	0	0	33.69	Purchased in 1956 by Māori housing applicant for £300 (Meremaihi Tara Toa)	1971
Ōtaki 137*	0	0	34.56	Purchased by L.J Bevan for £350 in 1956.	To confirm
Ōtaki 140*	0	0	33.7	Not located	1969
Ōtaki 141*	0	0	34.5	Not located	1970
Ōtaki 142*	0	0	33.7	Europeanised but later declared Māori land circa 1997.	1969
Ōtaki 144*	0	0	33.7	Purchased by Māori (unconfirmed as to whether an owner) in 1953.	1970
Ōtaki 149*	0	0	34.4	Leased to Ōtaki Motors Ltd by Hema Whata Hakaraia in 1966.	1970
Ōtaki 151*	0	0	34.4	Leased for ten years from 1964.	1970
Ōtaki 154*	0	0	33.5	Purchased by Crown for Māori housing purposes in 1949. Subject to Māori Housing Act 1935. Transferred to Sam & Piwiki Cook in 1956 (Māori land). Europeanised 1971. <sup>378</sup>	1971
Ōtaki 155*	0	0	35	Purchased by Crown for Māori housing purposes for £235 in 1949. Subject to Māori Housing Act 1935. Transferred to Rikihana Te Rei Carkeek in 1957 (Māori land). Europeanised 1970. <sup>379</sup>	1970
Ōtaki 160*	0	0	33	Purchased by one of the owners from the Māori Trustee 11 Feb 1955.	1969
Ōtaki 161*	0	0	34	Purchased by an owner Whatumairangi Aperahama Tahiwī in 1962; ceased to be Māori land under section 433/1953 in 1968.	17 July 1968

<sup>378</sup> Certificate of title WN571/272, LINZ.

<sup>379</sup> Certificate of title WN533/217, LINZ.

Ōtaki 163* (land next to 165 at back of Raukawa Marae on Raukawa Street)	0	0	32.3	Purchased by one of the owners in 1961 (Parehuingauru Honatana); consolidated order vesting land in Taingakuratu Davis registered in 1971. Following Europeanisation in 1971 transferred to Ōtaki Borough Council in 1978 and then to two medical practitioners in same year.	1971
Ōtaki 164 part* (land next to Raukawa Marae towards the beach on Mill Road)	0	0	27.9	Partitioned in 1959. Succession & exchange orders circa 1970 so that there were two owners: Miria Roera & Whakarato Roera. In the same year declared European land. In 2023, owned by Miria Roera & Whakarato Roera.	1970
Ōtaki 165* (land at back of Raukawa Marae on Raukawa Street)	0	0	32.1	Had 40 owners in 1961. Land vested in Māori Trustee 1980; transferred to one of the owners Umakaihau Wehipeihana in 1981. Transferred to Whatarangi Winiata, Ranfurly Jacob, Whata Karaka Davis & Maui Pomare in 1989. The first two named are the current owners in 2023. Declared general land 2013.	15 April 2013
Ōtaki 173* or part Makuratawhiti 1 section 173 (located near to Raukawa Marae on Raukawa Street)	0	0	32.5	Land vested in Raymond Blackmore circa 1971 from Jack and Rea Blackmore. Declared European land 1971. Shortly after transferred to Ernest & Hilda Tunnicliff.	1971
Ōtaki 176* (located on Raukawa Marae block on Mill Road)	0	0	34	Not located	1969
<b>Total</b>	<b>4</b>	<b>1</b>	<b>12.2</b>		

\*Vested in Ikaroa Māori Land Board for non-payment of rates in 1929

Source: Source: Certificates of title (LINZ); Whanganui Māori Land Court Block order files; Whanganui Māori Land Court alienation files;

It is significant that all but one of the sections had been vested in the Ikaroa Māori Land Board in 1929 for non-payment of rates. As can be seen from the table, the sections were not always owned by four or less people. In fact, following the re-vestment of the sections in the owners and sometimes with the involvement of the Māori Trustee, shares in many of these sections were bought out by one or two owners so that the land could be used for housing or other purposes by one whanau. This also made it easier to collect rates. This was rewarded with a non-consultative change of status in the late 1960s and early 1970s.

While it is difficult to gauge just how many Europeanised sections stayed in the ownership of the same whanau, it is apparent that Ōtaki township section 142 was one that did. Its status was also changed back to Māori land in 1997 almost 30 years after Europeanisation. The land had been vested in the Ikaroa Māori Land Board in 1929 and then re-vested back in its owners in 1956. In 1957, a Māori Affairs housing mortgage was registered on the land. This followed various succession orders so that the land was owned solely by Roiri Kerehoma Roiri. In 1997,

a status order determined the land to be Māori freehold land. At this time, the ownership was the same as it was when it was Europeanised. The land is still owned by a member of the Roiri whanau.<sup>380</sup>

Conversely there is an example of an Ōtaki township section that was declared general land in 2013 presumably at the instigation of the owners. Ōtaki township section 165, which currently forms part of the grassed area located at the back of Raukawa Marae on Raukawa Street, had 40 owners in 1961. The land was vested in the Māori Trustee in 1980 and purchased by one of the owners, Umakaihau Wehipeihana, in 1981. Prior to the transfer, a valuers report noted that the land had been zoned residential since 1967 but had been zoned industrial in a new proposed district scheme. The land was then being used as a gardening plot but the valuer considered that with its new zone there was ‘more scope for future development for a site well situated to the central area’. Nothing was mentioned about its proximity to the marae. In 1989, section 165 was transferred to Whatarangī Winiata, Ranfurly Jacob, Whata Karaka Davis and Maui Pomare, all of Ngāti Raukawa. The first two named are the current owners in 2023. One of the issues claimants have identified is the loss of land surrounding the Raukawa Marae. The acquisition of the land in the 1980s suggests that the purchasers saw this as a way of preserving ownership of land that forms part of the Marae area though outside the jurisdiction of the Māori Land Court.<sup>381</sup>

It is, however, clear that some areas around the Marae that were Europeanised in the late 1960s and early 1970s such as Ōtaki township section 163 did not remain in Māori ownership. Ōtaki township section 163 is located next to section 165 at back of Raukawa Marae on the corner of Raukawa and Aotaki Street. It too was vested in the Ikaroa Māori Land Board in 1929 and not re-vested back in its owners until June 1958. While it was vested in the Board it was leased together with section 165 to a Mrs Hana for £2.15.0 per annum per block. At this time there was an ‘old house’ on section 163. It was purchased by one of its 23 owners in 1961 (Parehuingauru Honatana). At the meeting of owners, the solicitor for the purchaser noted that the land could be used for a business though it is not clear whether it was used for this purpose

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<sup>380</sup> *New Zealand Gazette*, 22 November 1956 (part 3 image 4844); District Officer, Department of Maori Affairs to Head Office, Department of Maori Affairs, 17 April 1957, MA 1 30/1/37, part 4, Archives New Zealand, Wellington. (part 4 image 4940); Certificate of title WN745/87; Maori Land Online, accessed 14 March 2023.

<sup>381</sup> Certificate of title WN854/91 LINZ; Senior Valuer to AS Carlyle, Barrister & Solicitor, 7 March 1978; Statement of Proceedings of Meeting of Assembled Owners, 13 September 1978, Otaki township section 165 alienation file, 3/10183, Aotea Maori Land Court, Whanganui.

during this period. Again, nothing was mentioned about its proximity to the marae. In 1971, a consolidated order that vested the land in Taingakuratu Davis was registered on the title. This was at the same time as the new status declaration by the Registrar of the Māori Land Court was made that ‘Europeanised’ the land. In June 1978, the transfer of section 163 to the Ōtaki Borough Council and then to two medical practitioners followed by a mortgage to the Ōtaki Borough Council were all registered on the title at the same time. The section remains general land with the Ōtaki Medical Centre located on the section in 2023.<sup>382</sup>

The other Ōtaki section identified that was declared European or general land outside the 1967 Act was section 161 located on Mill Road in the block opposite to the Raukawa Marae. In July 1968, W.A Tahini applied to the Māori Land Court for an order declaring Ōtaki township section 161 to be no longer Māori land. The minutes recorded that section 161 was vacant and that the owner wanted to give the land to his son for a housing site. It is possible that the owners thought it would be easier to secure a mortgage on European land than on Māori land though this was not spelt out. The Court made the order as sought under section 433 and suggested to counsel (Mr Roussell) that he proceed under section 440 to save ‘ad valorem duty’ (a tax based on the value of a property).<sup>383</sup>

## **6.8 Europeanisation of Ōtaki sub-district land**

Appropriately 40 blocks comprising almost 24 acres in the Ōtaki sub-district were Europeanised under the 1967 Act. They are listed as follows:

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<sup>382</sup> Certificate of title WN854/90 LINZ; Resolution and Minutes of Assembled Owners, 29 June 1961, Ōtaki township section 163 alienation file 3/9781, Aotea Maori Land Court Whanganui; Report of Maori Trustee on vested lands, 1 June 1951, MA 1 20/1/37 part 3, Archives New Zealand, Wellington.

<sup>383</sup> Ōtaki Minute Book 74, 17 July 1968, pp. 113-114.

**Ōtaki sub-district blocks Europeanised under Māori Affairs Amendment Act 1967, 1968-1972**

<b>Ōtaki sub-district block</b>	<b>Area (acres)</b>	<b>Area (roods)</b>	<b>Area (perches)</b>
Haruatai A	0	0	27
Haruatai B	0	2	2
Haruatai 14A	0	0	24.4
Haruatai 14B	0	0	28.8
Haruatai 14C	0	0	35
Haruatai 14D	0	0	35.4
Haruatai 15B2	0	0	30.5
Haruatai 15B3	0	0	30.5
Haruatai 19* (separate area to be confirmed)	2	1	31.9
Haruatai 20* (separate area to be confirmed)			
Haruatai 21* (separate area to be confirmed)			
Haruatai 22 (separate area to be confirmed)			
Haruatai 23 (separate area to be confirmed)			
Haruatai 24 (separate area to be confirmed)			
Haruatai 25 (separate area to be confirmed)			
Makuratawhiti 2A2	0	1	4.8
Makuratawhiti 2A3	0	1	4.8
Makuratawhiti 5A	0	0	31
Makuratawhiti 6A2	0	1	10.7
Makuratawhiti 9A3	0	1	17
Makuratawhiti 9A4	0	1	16.9
Makuratawhiti 11A1	0	1	15.5
Moutere Tahuna 8B2 lot 4	0	1	14
Pukekaraka 4A1	1	1	23.8
Pukekaraka 4A4	1	1	23.8
Pukekaraka 4A7	1	1	26.2
Te Rahui Te Ngae 9B (status later changed back to Māori land)	0	2	19.8 added in
Takapu A	1	2	28
Taumanuka 1A1	0	0	23
Titokitoki 3C4A	0	1	34.9
Titokitoki 3C4B	0	1	34.9
Titokitoki 3C4C	0	1	34.9
Titokitoki 3C5	3	2	37
Totaranui 11D1A Balance	0	2	20
Totaranui 11D1B Balance	0	0	32
Totaranui 11D2 Balance	0	1	7
Totaranui 11E Balance	0	0	5
Whakarangirangi 29N11	1	3	31
Whakarangirangi 29N15	1	0	26
Whakarangirangi 29N8A	0	2	10.7
Whakarangirangi 29N8B	0	2	9.2
<b>Total</b>	<b>23</b>	<b>2</b>	<b>37.4</b>

Source: Walghan Partners (Wai 2200, #A212(a) & #A212(b)).

As can be seen from the table, many of the blocks comprised land located near the Ōtaki township sections particularly Haruatai and Makuratawhiti which were also located along Mill Road. In addition, the Pukekaraka blocks are located near the Tainui Marae which is another area where Māori lived. It is likely then that Europeanisation further reduced the amount of Māori land available in these areas for Māori housing.

Some of these blocks were some of the last partitions that remained Māori land in the wider block. One such example was Te Rahui Te Ngae 9B. It was also another example of where

owners requested that the status of the block be changed back to Māori land. Katarina Te Puke was awarded Rahui Te Ngae 9 comprising 1 acre 3 roods 30.8 perches on 26 May 1891. She is recorded in the Ōtaki Pa owners list as being of Ngāti Turanga. The block was partitioned on 5 August 1949 into two parts: Rahui Te Ngae 9A (1 rood 5.7 perches) awarded to Pineaha alias Maremare Hori Te Waru and 9B (2 roods 19.8 perches) to four owners (who were not named in the minutes). The purchase of Te Rahui Te Ngae 9A by William Henry Lepper was approved by the Ikaroa District Māori Land Court for £375 on 13 February 1950.<sup>384</sup>

The certificate of title for Te Rahui Te Ngae 9B (2 roods 19.8 perches) indicates that there was an exchange order registered in 1968 between owners so that the interests in 9B of Whakarato Roera, Renata Roera and Miria Roera were transferred to one owner Ngahuia Roera alias Ngahuia Hori Roera. In 1970, the land was Europeanised. However, in 1978, the Māori Land Court declared that the status of the land known as Te Rahui Te Ngae 9B would cease to be that of general land and would revert to Māori freehold land pursuant to section 68 of the Māori Affairs Amendment Act 1974. It remains Māori land in 2023 with one owner. Apart from several Pukehou blocks, it is one of the only parcels of Māori land to the east of SH1. It is located near the racecourse.<sup>385</sup>

## **6.9 Europeanisation of Pukehou blocks, 1968-1972**

Five Pukehou blocks were also Europeanised under the 1967 Act. They comprise the largest amount of land (just over 82 acres) but the least number of blocks of the three areas. It is likely that the owners that held this land had bought many of the other owners out so that there were four or fewer owners. They were also rewarded with a unilateral decision made by the government to change the status of their land. The blocks are listed in the following table:

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<sup>384</sup> Walghan Partners (Wai 2200, #A212(b)), pp. 264-265; Te Rahui Te Ngae Block order file, volume 22-25; Ōtaki Minute Book 64, 5 August 1949, pp. 26-27; Certificate of title WN6B/94, LINZ.

<sup>385</sup> Maori Land Online, accessed 13 March 2023.

### Pukehou blocks Europeanised under Māori Affairs Amendment Act 1968, 1968-1972

Pukehou block name	Area (acres)	Area (roods)	Area (perches)
Pukehou 4B3 section 1 (partitioned 7 April 1894)	9	0	2
Pukehou 4B3 section 2 (partitioned 7 April 1894)	8	2	1
Pukehou 4B4A1A (partitioned 3 May 1900)	41	1	8
Pukehou 4B4A1B2 (partitioned 17 Aug 1926)	6	1	24
Pukehou 4G2A (partitioned 19 March 1915)	17	1	36.5
<b>Total</b>	<b>82</b>	<b>2</b>	<b>31.5</b>

Source: Walghan Partners (Wai 2200, #A212(b)), p. 230; Māori Land Online, accessed 14 March 2023.

### 6.10 Māori Land in 2023

There are currently 21 Pukehou blocks that remain Māori land totalling 189.1161 ha. or approximately 467 acres. The slight discrepancy between the area in acres and the area in hectares in the table is that the area in acres is taken from early partitions and the area in hectares is the most recent areas provided from *Māori Land Online*. As can be seen, where land is not administered by a trust or a Māori reservation, there are multiple owners ranging from five to 64. None of the blocks are more than 100 acres in size (40.46 ha.) with all but three blocks less than 35 acres (14.164 ha.).

The blocks are listed together with their area and number of owners in the following table:

### Pukehou Māori land in 2023

Pukehou block	Area (acres)	Area (roods)	Area (perches)	Hectares	No of owners
Pukehou 4B1	1	0	0	.4047	1 (Māori Reservation)
Pukehou 4B2A1	3	0	2	1.2191	62
Pukehou 4B2A2	2	2	12	1.0421	43
Pukehou 4B4A1B1	18	3	23.0	7.1223	64
Pukehou 4B4A1B3	12	3	6	4.5039	35
Pukehou 4C4C1	17	1	0.8	6.9829	16
Pukehou 4C6	2	0	0	.8094	1 (Māori Reservation)
Pukehou 4C7D	60	0	0	24.2811	51
Pukehou 4D2A part	5	3	26	4.8031	37
Pukehou 4E3B1	26	1	14	10.6584	31
Pukehou 4E3B2	11	1	22	4.6084	45
Pukehou 4G3A part	20	2	33	8.2879	37
Pukehou 4G2B	17	1	36.5	6.7721	37
Pukehou 5K part	0	1	0	0.0882	1 (Trust)
Pukehou 5L1A part	96	3	22	38.804	5
Survey Office (SO) Plan 489585 Pukehou 5L1A	1	0	0	.39	1 (Crown) but defined as Māori freehold land (previously taken for use in connection with SH1 and originally part of Pukehou 5L1A)
Pukehou 5L2A1, Pukehou 5L2A2, Part Pukehou 5L2A, Part Lot 2 Deposited Plan 7971 and Section 5 SO 437319	70	0	0	28.3191	1 (Trust)
Pukehou 5L3B1, Pukehou 5L3B2 and part lot DP 7971 & section 4 SO Plan 437319	34	2	0	13.9206	2 (1 owner is a Trust)
Pukehou 5L7A	33	0	9	12.0227	1 (Trust)
Pukehou 6	10	0	0	4.0646	1 (Trust)
Lot 2 Deposited Plan 57645	24	3	0	10.0115	2
<b>Total (approx.)</b>	<b>469</b>	<b>3</b>	<b>6.3</b>	<b>189.1161</b>	

Source: Walghan partners, p. 230; *Māori Land Online*, [Māorilandonline.govt.nz](http://Māorilandonline.govt.nz); accessed 9 March 2023.

The following table shows the 48 blocks that remain Māori land in the Ōtaki sub-district. They comprise 155.8349 ha. (385 acres). This is just ten per cent of the original area of the sub-district (3,574 ¼ acres). Over half of the land (almost 59 per cent) is made up of Katihiku X1, X2 and X3 block which comprises 92.554 ha. (228.7 acres). This block is an amalgamation of several Katihiku blocks with Pukerarauhe 2, Whakapawaewae East 1 and 2 and West and other blocks.<sup>386</sup> The rest of the 47 sections are small with the largest 7.0896 ha. (17 ½ acres) in size and 27 of the blocks comprising less than 1 ha. (2.5 acres).

<sup>386</sup> Walghan Partners, (Wai 2200, (#A212(a)), p. 237; *Maori Land Online*, accessed March 2023.

**Māori land in Ōtaki sub-district, 2023**

<b>Ōtaki sub-district block name</b>	<b>Hectares</b>	<b>No. of owners</b>	<b>Additional details where known</b>
Haruatai 12B2A	0.8700	33	On Mill Road; house.
Hurihangataitoko 3	0.7588	71	Farmland between Rangiuuru and Tasman Road. Appears to be landlocked.
Hurihangataitoko 4	0.4603	4	Farmland between Rangiuuru and Tasman Road. Appears to be landlocked.
Katihiku 1A1B	0.1497	1	Katihiku 1A1B Māori Reservation
Katihiku 1A2	4.6792	1	Administered by Katihiku X Trust
Katihiku 1B	2.8379	1	Administered by Katihiku X Trust
Katihiku 1C	0.8094	1	Administered by Katihiku X Trust
Katihiku 1D	0.607	1	Administered by Katihiku X Trust
Katihiku 1E (Ngakaroro 1E Urupa)	0.2023	135	Urupa
Katihiku 2A1	1.3279	1	Administered by Katihiku X Trust
Katihiku X1, X2 & X3	92.554	3223	Administered by Katihiku X Trust
Makuratawhiti 1B2A1	0.0704	6	Located on Mill Road. No buildings.
Makuratawhiti 1B2A2	0.2819	21	On Carkeek Drive at back of 1B2A1. No buildings.
Makuratawhiti 1B2C2	0.2573	1	On Carkeek Drive near Waerenga Rd; house.
Makuratawhiti 8B2B1	0.1175	1	Back section off Mill Road; house
Makuratawhiti 8B2B2	0.2866	1	On Mill Road; house
Makuratawhiti West (Māori Customary Land)	0.1998	1	Revesting order 29 July 1971; owned by Trustees of Ngāti Raukawa Marae
Mangapouri Market Reserve	1.357	1	Administered by Marae Trustees & responsible trustees; Māori Reservation
Moutere-Hanganoaiho 1 (DP 28990)	1.515	1	Vested in IMLB in 1929; revested in 1948
Moutere Tahuna 4A Balance	0.392	3	Isolated Māori land located near the Ōtaki River; bush/trees
Pahianui B5A	1.5555	6	Vested in IMLB 1929; revested 1958; Located on Riverbank Road in industrial area; in grass no buildings; previously general land; determined to be Māori freehold land 29 April 1977;
Pahianui 2B	0.3642	165	Vested in 1929; revested 1958; Long strip of grass amongst housing on Waerenga Road; no buildings
Pukeatua Waitohu A	0.629	1	Farmland no buildings; next to Waitohu 10C & Pukeatua-Waitohu C
Pukeatua Waitohu B	0.813	1	Farmland no buildings; next to Pukeatua-Waitohu C
Pukeatua Waitohu C	5.148	71	Small farm building; between Pukeatua-Waitohu A & B
Pukekaraka 2A	0.3414	68	Farmland no buildings
Pukekaraka 2B	0.5817	152	Farmland no buildings located on Convent Road
Pukekaraka 4A2	1.1293	68	Farmland no buildings located next to Tainui Marae
Pukekaraka 4A3	0.5661	1	Farmland no buildings located at the back of Tainui Marae; Māori Reservation administered by Pukekaraka 4A3 Reservation Trust;
Pukekaraka 4A5	1.1293	4	Farmland no buildings located at the back of Tainui Marae.
Pukekaraka 4A6	1.1123	2	Farmland no buildings located at the back of Tainui Marae.
Pukekaraka 4B	1.3102	1	Tainui Marae; Māori Reservation; administered by Pukekaraka 4B Trust
Pukekaraka C	7.0896	106	Located north of Pukekaraka 4A2; Administered by an Ahu Whenua Trust

			(Pukekaraka C Trust); mostly farmland with three houses; three licence to occupy (1990; 2020; 2021)
Pukerarauhe 1	2.6608	1	Administered by Katihiku X Trust
Te Rahui Te Ngae 9B	0.2524	1	Ceased to be general land and reverted to Māori freehold land 3 July 1978; farmland on Rahui Road.
Takapu B	0.1518	1	Located on Rangiuru Road; planted with trees/ bush; no buildings.
Topa-a-te-kaahu 1	2.0234	19	Farmland and bush; access through other Topaatekaahu blocks.
Topa-a-te-kaahu 2	1.1199	52	Farmland accessed from Convent Road or Topaatekaahu 7.
Topa-a-te-kaahu 3	0.3048	1	Small strip of trees/bush; access through other Māori land.
Topa-a-te-kaahu 4	4.7381	35	Farmland with buildings; includes tree/bush area; access through other Māori land off Convent Road
Topa-a-te-kaahu 5	0.4047	1	Small strip of trees/bush; access through other Māori land.
Topa-a-te-kaahu 7	6.0687	22	Customary land until April 1970; farmland with one house/building accessed from Taylors Rd
Waitohu 10A	.8094	69	Farmland next to 10B & 10C (access through 10B. Administered by Waitohu 10, 1B & 10C Ahu Whenua Trust.
Waitohu 10B	.6788	64	Farmland next to 10A & 10C (access through 10B. Administered by Waitohu 10, 1B & 10C Ahu Whenua Trust.
Waitohu 10C	2.1985	16	Farmland next to 10A & 10B (access through 10B. Administered by Waitohu 10, 1B & 10C Ahu Whenua Trust.
Wakapua 2B	1.8312	34	Farmland no buildings. Part contiguous to Pukehou 6 and near Topa-a-te-kaahu blocks.
Whakahokiatapango C	0.9813	57	Located on Convent Road opposite Tainui Marae. Partly farmland, partly bush; no buildings.
Whakarangirangi 29N8 Roadline	0.0197	0	Old road line by Rangiuru Road.
<b>Total</b>	<b>155.8349 ha.</b>	<b>385 acres approx</b>	

Source: Walghan Partners, (Wai 2200, #A212(a) and (b)); *Māori Land Online*, accessed March 2023.

The following table shows the remaining Māori land in the Ōtaki township. Just ten sections remain Māori land of which four encompass the Raukawa Marae. Of the six other sections, five have houses located on the land and are owned by between 1 and 33 people. The sixth section appears from *Māori Land Online* to have no buildings on the land and is owned by 134 people. While there appears from certificates of title that some of the land Europeanised in the late 1960s and early 1970s has been retained by the same Māori whanau, this lack of Māori land in the Ōtaki township is a reflection of the land alienation legislation, policies and practices of the Crown up until the last purchase in the township in 1996.

### Māori land in Ōtaki township, 2023

Ōtaki township section	Hectares	No of owners	Details
Ōtaki section 110A	0.0799	6	House on corner of Taukawa and Aotaki Streets
Ōtaki section 129A	0.0599	1	House on Raukawa Street
Ōtaki section 135A, 135B & 135C	0.0768	33	House on Rangatira Street
Ōtaki section 139	0.0873	134	Empty section on Rangatira Street
Ōtaki section 142	0.0852	1	House on Iti Street
Ōtaki section 166	0.0859	n/a	Raukawa Marae on Mill Road
Ōtaki section 167	0.0814	n/a	Raukawa Marae on Mill Road
Ōtaki section 168	0.086	n/a	Raukawa Marae on Mill Road
Ōtaki section 169	0.0814	n/a	Raukawa Marae on Mill Road
Ōtaki section 174 aka Makuratawhiti 1 174	0.0878	3	House on Mill Road
Total	<b>0.8116 (2 acres)</b>		

Source: Māori Land Online, accessed March 2023.

### 6.11 Conclusion

Retaining Māori land became increasingly difficult by the early 1950s. Purchasing and takings under the Public Works Act were joined by other alienation methods such as compulsory sales due to the non-payment of rates and Europeanisation. The purchase of Pukehou 4C4C2 demonstrates the difficulties that Māori landowners had retaining their land. The Māori Land Court did not support the application to have the purchase of land by a fellow owner confirmed and ordered instead the purchase of the land by a Pākehā whose beach house adjoined the land in question and made it quite clear that he wanted to purchase the other shares in the block. Retention of Māori land was not a priority for the Court and it was not prioritised in the legislation. Instead, the Court was able to order a purchase to a Pākehā over that of a Māori who held shares in the block and occupied the land. The Court also made it clear that it considered it preferable to sell to a Pākehā making disparaging comments about the Māori owner concerned in the process.

Europeanisation was another method of reducing the amount of Māori land. The Māori Affairs Amendment Act 1967 effectively discouraged the retention of Māori land preferring to ‘Europeanise’ it thereby making it easier to be transferred out of Māori ownership. While the Court’s succession process that ensured Māori children succeeded to the interests of their Māori parents was sometimes flawed with successions sometimes delayed for years, it did ensure that the land stayed in Māori ownership. If the land was European land, however, when an owner died, the land could be transferred out of the family or to a Pākehā spouse without recourse to

the Māori Land Court who could ensure that it was Māori who inherited it. A significant amount of Māori land in both the township and sub-district were affected by this legislation and certificates of title make it clear that in some cases ownership of land that had been Māori land was later transferred to non-Māori.

The vesting of Māori land in the Māori Trustee for non-payment of rates under section 109 of the Rating Act 1925 and section 438 of the Māori Affairs Act 1953 was another way that reduced the amount of Māori land in the township and the sub-district. Both the Ōtaki Borough Council and Horowhenua County Council were proactive with these applications. This legislation had no protective measures for the owners who were often unaware that such an order had been made. The focus of the legislation was to recoup the rates for the local authority which meant that the retention of Māori land was largely ignored.

The period from the early 1950s to the 1990s was one where significant amounts of the remaining Māori land was purchased, compulsorily sold or Europeanised. This left just two acres out of approximately 40 acres of Māori land in the township (about 5 per cent), 385 acres out of 3,574 ½ acres in the sub-district (about 11 per cent) and 470 out of 26,806 acres in the Pukehou block (about 2 per cent).

## **Chapter 7: The development of the Ōtaki township**

### **7.1 Introduction**

The project brief for this report asks for a history of the development of Ōtaki township including hapū aspirations for self-determination, the desire to establish a township for hapū and the importance of religion reflected in the establishment of different churches in the town. This includes hapū housing and settlements such as Pukekaraka. Also to be addressed is the use of the ‘parish housing development model’ and how this worked or failed to work for Ōtaki Māori. The project brief notes that this model promoted the establishment of a large number of small blocks in the immediate vicinity of the church.

Such a history has proved difficult to compile. While the establishment of the township has been discussed by local historians, in other reports prepared for this inquiry and is documented in investigation of title hearings recorded in Native Land Court minute books and newspaper accounts, the ongoing development of the township and the extent to which hapū aspirations were realised has not been covered to any great extent elsewhere and there are relatively few primary sources that can assist.

Little has been discovered in nineteenth and twentieth century government records about Māori aspirations for the township or the parish housing development model. Later records of the Court, the Department of Māori Affairs, the Aotea and Ikaroa Māori Land Board and Ōtaki Borough Council barely mention the original intention for the land or discuss ways of supporting Māori to live at Ōtaki least of all around Raukawa Marae on Mill Road or Tainui Marae on Convent Road at Pukekaraka. The only exception is the encouragement by Hema Hakaraia, a borough councillor and to a lesser extent the Department of Māori Affairs who supported some housing initiatives in the 1940s and 1950s in the township.

What can be provided, however is an examination of key areas which limited opportunities for Māori to live on Māori land in the township and at Pukekaraka around their marae and churches. These are the ongoing purchase of township sections and at Pukekaraka which began to escalate in the 1890s, the population shift at Ōtaki by 1920 from a Māori dominated town to one populated predominately by Pākehā, the introduction of local government to the area and the resulting vesting of most of the remaining Ōtaki sections in the Ikaroa Māori Land Board

to administer in 1929, and the Europeanisation of both Ōtaki sections and Pukekaraka blocks in the late 1960s and early 1970s. Limited housing development opportunities was also a factor.

This chapter begins with details of how the township was established in the 1840s and how the sections were allocated, followed by a discussion on the building of the churches at Ōtaki township (Rangiatea) and at Pukekaraka (St Mary's) and their proximity to the Māori population and their respective Marae. This is followed by a discussion of the investigation of title by the Native Land Court and the pattern of alienation in the Ōtaki township and the Pukekaraka block including its 'Europeanisation'. This is followed by a discussion of the shift in the population from predominantly Māori to predominantly Pākehā, the impact of local authorities and the housing initiatives in the 1950s in these areas. The chapter concludes with a discussion as to the utilisation and alienation of land around Raukawa and Tainui Marae in 2023.

## **7.2 The establishment of Ōtaki township, 1840's**

In the 1840s, Ngāti Raukawa's base at Rangiuuru located at the mouth of the Ōtaki River (in the Taumanuka block) was largely moved to the township of Ōtaki where individual ¼ acre sections had been allocated to individuals and groups within Ngāti Raukawa.

Local historian Jan Harris and Anderson, Green and Chase in their report for this inquiry have discussed the establishment of a village at Ōtaki. They state that it is 'not entirely clear who first suggested the idea of building a village at Ōtaki – whether it was Bishop Octavius Hadfield, an Anglican missionary based at Ōtaki since late 1839, Governor Grey, or Māori themselves'. They note that Ngāti Raukawa rangatira Matene Te Whiwhi, when first giving evidence to the Native Land Court with respect to Ōtaki township in 1867, said that it was suggested to him by the Bishop of Auckland. Tamihana Te Rauparaha, 'suggested that much of the initiative was his and Matene's' and that they had both asked Thomas Bernard Collinson of the Royal Engineers to plan it. Collinson met with Matene Te Whiwhi and Te Rauparaha in Auckland in 1846 and thought it was the missionaries that had 'influenced the two young rangatira'. 'Indeed, the township was briefly known by the name of Hadfield town' and was at

times referred to by this name in some nineteenth century government records (for example the map below calls the township Hadfield).<sup>387</sup>

Anderson, Green and Chase state that Governor Grey:

... endorsed the project and actively facilitated it. The concept fitted well with his views on the advantages of the small village as a basis for Māori social organisation and with his “civilising agenda.”<sup>388</sup>

The historian’s all record that Collinson assisted with its planning and in the words of the *New Zealand Spectator*, laid the town out on a “regular plan, with streets on the principle of an English village and a square reserved at the end of the principal street on which the native village church will raise a spire”.<sup>389</sup> This referred to the site of the Rangiatea church which was built in 1851.

The idea of establishing a village or town for Ngāti Raukawa was supported by Ngāti Raukawa. Te Matene Te Whiwhi described at a Court hearing how the land was allocated. He said that the village was divided into ¼ acre sections and surveyed by Mr Fitzgerald who the government sent at their request. He said that each person who it was considered had rights ‘had been allocated different allotments as “individuals or as representatives or as both of their special hapū ”’. Te Rauparaha explained that all Ōtaki Māori had agreed to the lay out of the township and that the allocations were approved by a ‘committee of chiefs’ under the oversight of Samuel Williams. Sections were also set aside for a school and courthouse.<sup>390</sup>

The following map shows the boundaries of the township as sketched in 1880 which include the church missionary land, the Ōtaki block (or Ōtaki A), and sections 25-30 (or Te Awamate) on Te Rauparaha Street to the west; the Waerenga block to the south (from what is now called Iti Street) and the Haruatai Stream (and Makuratawhiti and Haruatai blocks) to the east and

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<sup>387</sup> Jan Harris, J., ‘The Town of Otaki’, *Otaki Historical Society Journal* 31, 2009, p. 4; Anderson, Green and Chase, (Wai 2200, #A201), pp. 95-96.

<sup>388</sup> Anderson, Green and Chase, (Wai 2200, #A201), p. 96.

<sup>389</sup> *New Zealand Spectator*, 17 February 1847, p. 2 as quoted by Jan Harris, p. 4 and Anderson, Green and Chase, (Wai 2200, #A201), pp. 3, 96.

<sup>390</sup> Anderson, Green and Chase, (Wai 2200, #A201), p. 96. They record that Te Rauparaha listed the committee as: Kiharoa Te Ao, Te Kingi, Hanita Te Ra Waraki, Mohi Te Wharewhiti, Hukiki, Matene Te Whiwhi, Hakaraia, Karanama, Pairoroku, Te Mahia, Te Mahauariki and Te Whatanui as well as himself who he described as Ngāti Raukawa and Ngāti Toa.

north-east. The Mangapouri block (as opposed to the Mangapouri Market Reserve) was the northern most section with the Pukekaraka, Waitohu and Titokitoki blocks to the east of the river. It shows too, the site of the Rangiatea Church and the Mangapouri Market Reserve (both on Te Rauparaha Street).

From this map, about 162 township sections are shown as well as Ōtaki (or Ōtaki A) on the western side of Te Rauparaha Street and Manapouri Market Reserve. Ōtaki township sections 181, 182, 183 and 184 are not shown but all, part from section 183, have been identified in later maps. Of note is that sections 39, 40, 41, 42, 47 and 48 were also known as Kiharoa 2; sections 37, 38, 45 & 46 were sometimes known as Kiharoa 1 and were later called section 45A; sections 180, 181, 188 and 189 were also called Piritaha 5 and sections 192 & 193 appear to have been part of the Makirikiri 2 block:

Ōtaki Township, sketch of initial layout of sections, 1880



Source: AAFV WT10A, Township of Hadfield, Ōtaki – Blocks, sections, place names, public gardens, bush – scale 5 chains: 1 inch – Drawing, C.F. Gieson, 1880 (R22824372), Archives New Zealand, Wellington.

### 7.3 The development of the township: housing, the Marae and the building of Rangiataea and St Mary's Catholic Church

Jan Harris has also discussed the early days of the Ōtaki township. She records that in the early 1840s Māori were engaged with growing wheat and later kumara, farming honeybees and making bread using the flour ground at their newly built flour mill. A water mill was also built by Māori at the Haruatai Stream which operated from 1850 to approximately 1873. It was designed by Thomas Dodds who was 'also responsible for Ōtaki's second mill, that operated by 1852 at Pukekaraka on the Waitohu Stream'. Harris notes that the latter mill was rendered 'inoperable by the 1855 earthquake that made the stream too shallow'.<sup>391</sup>

Harris records that following a meeting between Governor Grey and rangatira Te Rangihaeata at Ōtaki in September 1847, Māori began moving from Rangiuru Pa to the town. Most Māori at that time lived in 'temporary huts' as they were focussed on building Rangiataea Church before building their own accommodation. However, other sources record that by October 1847, 'more than thirty comfortable wooden houses' had been built by Māori 'leaving a space of ground at the front and back of each dwelling for gardens'. Two houses were also built for Matene Te Whiwhi and Tamihana Te Rauparaha near Rangiataea on Hadfield Street. In 1853, following the completion of Rangiataea Church in 1851, the first Raukawa Marae at Ōtaki village was built on Mill Road where it is still located in 2023 having been re-built in the 1930s.<sup>392</sup>

Houses continued to be built in the village for Māori. Te Umukaihau Taipua was the son of Hoani Te Puna-i Rangiriri Taipua of Ngāti Pare who was the member of parliament for Western Māori from 1886 to 1893. Historian Angela Ballara records that he successfully claimed various sections in the Ōtaki township, where he usually lived in a large wooden house built for him about 1877'.<sup>393</sup>

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<sup>391</sup> Jan Harris, J., 'The Town of Otaki', *Otaki Historical Society Journal* 31, 2009, pp. 3-12.

<sup>392</sup> Jan Harris, J., 'The Town of Otaki', *Otaki Historical Society Journal* 31, 2009, p. 4. *Wellington Independent*, 7 October 1847 as quoted by Jan Harris, p. 4.

<sup>393</sup> Angela Ballara. 'Taipua Te Puna-i-rangiriri, Hoani', *Dictionary of New Zealand Biography*, first published in 1993. *Te Ara - the Encyclopedia of New Zealand*, <https://teara.govt.nz/en/biographies/2t3/taipua-te-puna-i-rangiriri-hoani> (accessed 19 March 2023).

The Pukekaraka block is the other key area of Ōtaki where Māori lived. The Pukekaraka block is located on Convent Road and both the Tainui Marae and St Mary's Catholic Church are situated there. Anderson, Green and Chase record that in 1844, Father Jean Baptiste Comte was 'invited onto land at Pukekaraka by Tonihi and Ngāti Kapumanawawhiti and Ngāti Tukorehe whose territory extended north of Ōtaki to the forest lakes'. A church was built and a 'prosperous community' developed around the church. This included the building of the aforementioned water mill that was situated not far from Rangiatea. In 1853, the Māori community at Pukekaraka were praised for their 'extensive cultivations and successful schooner trade with Wellington'. In 1878, the government's census recorded that 56 Māori who were identified as Ngāti Kapu lived at the Pukekaraka kāinga.<sup>394</sup>

Unfortunately, details of the 'parish housing development model' referred to in the project brief have not been located. However, it has been assumed, based on its name, that the model promoted housing that was centred on a church. Certainly, initially at least, both the Pukekaraka and Ōtaki township Māori communities lived in areas in close proximity to both churches and their Marae. Both areas were also in close proximity to the mission stations of both the Catholic and Anglican churches respectively.

### **7.3 The impact of the Native Land Court and purchasing**

The process whereby a committee of chiefs had allocated land to Ngāti Raukawa and presumably then managed the ongoing administration of Ōtaki township sections in the 1850s and most of the 1860s was replaced by the Crown's Native Land Court system in 1867. This was when title to the first Ōtaki township sections was investigated by the Court. It meant that decisions on title were made by a Pākehā constructed Court and not by rangatira. Evidence heard at these title hearings reveals that in some cases, sections had been bought and sold amongst the Māori owners. Jan Harris notes that in the 1840s, Pākehā settlers required Māori permission to live in the area and that it was reported by a settler that the permission of Te Rauparaha was required before 'an inch ... can be touched'. Increasingly, informal arrangements were made with Pākehā settlers, who were not able to purchase land until 1862. A government return of 1864 reveals that there were about 12 non-Māori men with and without

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<sup>394</sup> Anderson, Green and Chase, (Wai 2200, #A201), pp. 31, 161; *Manawatu Herald*, 22 April 1879, p. 2; Census of the Maori Population, 1878, AJHR, 1878, 1902, p. 20.

families living at the ‘village of Ōtaki’. They all paid rent to Māori and some had lived at Ōtaki for as long as 21 years (this was John Lawson who had been married to the brother of the owner and who worked as a ‘waistcoat flaxspinner’). Harris notes that a map drawn in 1867, showed two stores run by Bevan and Goodison and John Schultze. A telegraph station was opened in December 1869, a library was built in 1872 and a ‘proper post office’ in 1879.<sup>395</sup>

The establishment of the Native Land Court meant that control over title to the township sections shifted away from Ngāti Raukawa. Title hearings involved full evidence by Māori explaining how the sections were allocated to them, their connections to the land, who of their whānau lived there, whether they had lived elsewhere and/or returned and if there was a house or cultivations on the land. Many of the township sections were grouped together and awarded to the same people. For instance, Ōtaki township sections 62, 63, 64, 65, 66, 67 and 68 were awarded to Matene Te Whiwhi. However, from the 1890s, some were partitioned out into separate sections which enabled many of the private purchases of that period. Title to most of the sections was awarded title by the Native Land Court by the 1880s though there were over twenty sections that were not investigated until the late nineteenth and early twentieth century. This includes sections 158, 159, 160 and 161 which were awarded title in July 1907; Ōtaki township sections 122, 123, 140, 141, 142, 143, 144, 145, 156, 157 which were awarded title in March 1909; Ōtaki township sections 128 and 129 which were awarded title in July 1911; Ōtaki township sections 126 and 127 which were awarded title in April 1913 and Ōtaki township sections 175, 176 and 176A which were awarded title in August 1914.<sup>396</sup> Once title had been awarded, the land could be purchased and by the 1890s, the number of township sections and blocks around the sub-district alienated by purchase escalated.

#### **7.4 The Ōtaki Population shift**

One of the factors that is likely to have affected the ability of Ngāti Raukawa to fully maintain Ōtaki as a papakāinga for Ngāti Raukawa was the population shift at Ōtaki whereby Pākehā gradually outnumbered Māori.

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<sup>395</sup> Jan Harris, pp. 4 and 8; ‘Return of all persons squatting on, or in any way occupying Maori land over which the Native title has not been extinguished, with the fullest particulars that can be obtained as to the character of the tenancy etc.’, 1864, AJHR 1864, E10, pp. 7-9.

<sup>396</sup> Ōtaki Minute Book 53, 6 August 1914, p. 114.

Estimates give the Māori population of Ōtaki as 664 in 1850. However, this was likely to be wider than the township itself. In 1876, Ōtaki Pā was awarded to ‘all of Raukawa’ and the list comprises 346 names. It is likely, however, to have included names of those who did not live at Ōtaki as the population in 1878 at Ōtaki, according to the government census, was 194 which together with the 54 people identified as living at Pukekaraka made a total of 248. The Māori population at Ōtaki did not increase by much as by 1918, there were approximately 276 Māori living in the Ōtaki town board area (which included both Ōtaki township and Pukekaraka). This was 25 per cent of the total population of Ōtaki. By 1927, there were an estimated 300 Māori living in the borough which included blocks such as Haruatai and Makuratawhiti around the township sections as well as the beach area.<sup>397</sup> While the Māori population stayed relatively steady, the Pākehā population began to grow. As noted above, in 1864, there were 12 Pākehā families recorded as living in the township so probably less than 50 people. By 1901, the number of inhabitants had increased to 272 which was similar to Māori. By 1918, there were over 800 Pākehā and within another ten years it was 1200. This meant that by 1929, Māori made up 20 per cent of the inhabitants of the town.<sup>398</sup>

This population shift coincided with increased purchase of township sections. By 1930, around 61 per cent of the township sections had been purchased.

## **7.5 The purchase of the township sections and at Pukekaraka**

Although there were 162 sections, the purchase and Europeanisation of the township was dealt with in 146 parts. This is because many of the sections were dealt with together with as many as seven sections on the same time title. By 2023, of the 146 parts of the township, 112 parts were purchased, 24 parts were Europeanised and ten sections remain Māori land. On the basis, about 77 per cent of the township was purchased, 16 per cent was Europeanised and 7 per cent remains Māori land. By calculating it by area, however, the ten sections that remain Māori land in 2023 represent just 2 per cent of what is estimated to have been about 40 acres of Māori land that made up the township sections.

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<sup>397</sup> Census of the Maori Population, 1878, AJHR 1878, G2; Woodley, (Wai 2200, #A193), pp. 303-304.

<sup>398</sup> Woodley, (Wai 2200, #A193), pp. 303.

The first purchase of a township section was by William Langley in 1876 from Tamihana Te Hoia. The following year Tiemi Ranapiri sold a section to Jane Martin and Matene Te Whiwhi sold three of his sections to Langley. Langley was a storekeeper who later opened an accommodation house (hotel). Few township sections were purchased in the 1870s and 1880s (about ten) with a total of four purchased by Langley. Other purchasers were Jane Martin, William Smith, Thomas King and Frederick Bright.

Purchasing greatly increased from the early 1890s with some Pākehā settlers such as Frederick Bright, John Hughey and William Simcox purchasing more than one section. As discussed in chapter 3 and 4, Frederick Bright and later his family, purchased multiple Ōtaki township sections. As there were only restrictions on the amount of farmland Pākehā settlers could purchase, he was free to purchase as much land as he wanted in the township and the Court and later the Ikaroa Māori Land Board who approved these purchases made no remarks about this potential land speculation or any of the other Pākehā purchases who accumulated multiple areas and/or sold the sections quickly on.

By the turn of the century, around 46 purchases had taken place in the township effecting about 60 individual sections. This meant that by 1900, about a third of the township had passed out of Māori hands.

Increasingly, Māori sold land in the township because they lived away from Ōtaki, were in debt and/or did not have the finances to develop the sections, some of which were undeveloped. In the 1920s, the Ikaroa Māori Land Board confirmed the purchase of Ōtaki township section 50. The sections sole improvements consisted of fencing and it was covered in weeds. The owner lived at Katihiku and had received no revenue from the land. He also appeared to not have the financial resources to develop the section. He said he was ‘quite satisfied’ with the purchase and that he wanted the money to look after himself.<sup>399</sup> Similarly, in the 1944, Ōtaki township section 44 was purchased because the owners could not secure finance to replace the existing buildings which were being demolished. If they could not re-build, however, they could not lease the land. The purchase by Pākehā who could afford to build on the land was considered in the best interests of the owners and the borough by both the Court and the Ōtaki Borough Council.

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<sup>399</sup> Ikaroa Maori Land Board Minute Book 9, 22 February 1921, p. 297.

The Pukekaraka block which originally comprised just over 86 acres was also subject to purchasing between 1889 and 1959. Several Pukekaraka 3 blocks were purchased by John Wilson in 1889 who had no links to the church but lived there for over 30 years.

One of the largest partitions within the Pukekaraka block, Pukekaraka 5 comprising 19 acres 3 roods, was purchased in 1890. At the investigation of title hearing into Pukekaraka 5 in 1881, the Court was told that there was a cemetery and a catholic church on this land. After the evidence was heard the Court stated that Te Raiti Tonihi, the daughter of Tonihi, was the owner of the block and that it would recommend that the land be vested in trustees for the benefit of the Roman Catholic Mission and be made absolutely inalienable for any other purpose. The Court then ordered that Te Raiti Tonihi was the owner and that the land be inalienable except to the Catholic Mission.<sup>400</sup>

On 26 March 1890, a deed was signed transferring Pukekaraka 5 from Te Raiti Tonihi to the Right Reverend Francis Redwood and Hakaraia Rangikura ‘upon trust for the use and behoof [benefit] of the Roman Catholic Church in New Zealand’. The certificate of title for Pukekaraka 5 was issued on 3 March 1891 with the original registered owners listed as the Roman Catholic Archbishop of the Archdiocese of Wellington and Alexis Damian Hakaraia (Hakaraia Rangikura). It held the following restriction: ‘Inalienable and to be held in trust for the Roman Catholic Church in New Zealand as a burial ground and church site in perpetuity’. In 1966, a ‘transmission’ (presumably a transfer) of the land to the Roman Catholic Archbishop of the Archdiocese of Wellington was registered on the title. While details of this transaction have not been located, a kawenata was signed on 26 July 2020, by Alex Hakaraia, Trustee for Ngāti Kapu and Cardinal John Drew, Catholic Archbishop of the Archdiocese of Wellington. Other signatories were Oriwia Raureti, Chair of Pukekaraka Marae, Danny Karatea-Goddard, Vicar for Māori in the Archdiocese of Wellington, Mosignor Gerard Burns, Vicar General of the Archdiocese and Father Alan Roberts, Parish Priest. This renewed an earlier agreement signed between Ngāti Kapu and Archbishop Redwood for the Archdiocese of Wellington. According to *Catholic News*, the covenant marked the “sharing of these lands in perpetuity for the practice of the Faith”.<sup>401</sup>

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<sup>400</sup> Otaki Minute Book 5, 16-17, 19 September 1881, pp. 30-54; Walghan Partners (Wai 2200, #A212(b), pp. 233-236.

<sup>401</sup> Pukekaraka 5 certificate of title, 1891. CTWN58/38, LINZ; *Catholic News*, 27 July 2020 <https://cathnews.co.nz/2020/07/27/covenant-renewed-pukekaraka/> accessed March 2023.

By 1916, some Pukekaraka Māori landowners were considered landless. At this time, the Ikaroa Māori Land Board refused to confirm the purchase of Pukekaraka 2A because the vendor was landless. Pukekaraka 2A remains Māori land in 2023.<sup>402</sup>

## **7.6 The introduction of local authorities to Ōtaki**

Although the township had been established for Ngāti Raukawa by Ngāti Raukawa, Māori at Ōtaki were under the jurisdiction of local authorities as early as 1876 when the Manawatu County Council was established. The Horowhenua County Council took over jurisdiction of Horowhenua including Ōtaki from the Manawatu County in 1885. Operating at the same time was the Ōtaki Highways Board established in 1878 which became the Ōtaki Road Board. It had the ability to rate land and take land for roads. It was amalgamated with the Horowhenua County in 1913 which also rated Māori land and could take it for roads. A year before, the Ōtaki Town Board was established with power to spend rates but not to levy them. The Ōtaki Borough Council took over from the board on its establishment in 1921 and had increased powers including the rating of Māori land.<sup>403</sup>

There is no evidence that there were any Māori representatives on any of these authorities until 1916, when the first Māori commissioner, Pitiera Taipua, the son of Hoani Taipua, was elected to the Ōtaki Town Board. This was forty years since the first local authority was established. Henri Rikihana was then elected in 1918 but in 1920, no Māori were elected (the three Māori who had stood had split the Māori vote). No Māori were also elected when the borough was established in 1921. Between 1923 and 1927, and 1935 and 1938, there was one Māori councillor. It was not until 1943, that a Māori councillor was consistently on the council, but it was only ever one representative. This was Hema Hakaraia who served from 1943 to 1971.<sup>404</sup>

Certainly, Ngāti Raukawa were not happy with some of the actions of both these early local authorities and Europeans. For example, in 1880, Hoani Taipua complained that Europeans were taking over and ruling the ‘Native district in Ōtaki’. He said that they had no land from Ōtaki and were only leasing land from Māori but were ‘causing trouble’, driving Māori horses,

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<sup>402</sup> Ikaroa Maori Land Board Minute Book 5, 18 January 1916, p. 350; Walghan Partners (Wai 2200, #A212(b), pp. 234-236.

<sup>403</sup> Woodley (Wai 2200, #A193), pp. 302-303.

<sup>404</sup> Woodley (Wai 2200, #A193), pp. 31, 34, 316-318, 323-324.

cows, sheep and pigs, over their land and roads. He also complained that they were not paid for the land that was taken for roads by the Ōtaki Road Board and announced that Māori would not agree to any more roads being taken.

Ngāti Raukawa also did not support the establishment of the borough arguing that rates would increase. This proved correct and the amount of unpaid rates on Māori land increased to such an extent that the council complained to the government about it. While the land was not vested for compulsory sale at this time, the government arranged for almost all of the remaining Māori owned township sections along with 99 sub-district blocks to be vested in the Ikaroa Māori Land Board in 1929 and 1931 to be administered. This was a key moment in the township's history as while Māori autonomy had been gradually eroded by the introduction of the Native Land Court and the individualisation of title, individual Māori in the township could no longer deal with their lands as they wished with the Board, and later the Māori Trustee, having authority over the land.

### **7.7 Housing, 1940-1950s**

Terry Hearn has discussed housing in Ōtaki and at Pukekaraka in the 1940s and 1950s in the socio-economic report for this inquiry. Surveys by the Department of Māori Affairs in 1941 revealed that the quality of the housing was poor and that the 'position of the titles' or ownership details had not been kept up to date. This was largely because succession orders had not been issued to the interests of deceased owners.<sup>405</sup>

Māori still lived around Tainui Marae in the 1940s. The 1941 survey recorded that five 'shacks' were located at the site of Tainui Marae (Pukekaraka 4B which comprised 3 acres) and that they 'housed 27 people none of whom held any interest in the block, while the heads of four of the five households were on relief work'. As well, there were seven families (over 44 people) who lived close to the Marae. They lived in dwellings described as being 'beyond repair'. Much of their income was from old age pensions and 'relief' (unemployment benefit) and their standard of living was reportedly 'low'.<sup>406</sup>

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<sup>405</sup> Terry Hearn, 'The social and economic experience of Porirua ki Manawatu Maori: an analysis and appraisal', a report commissioned by the Waitangi Tribunal for the Porirua ki Manawatu inquiry, August 2019 (Wai 2200, #A219), p. 367.

<sup>406</sup> Hearn, (Wai 2200, #A219), p. 367.

Māori housing at Ōtaki was also surveyed at this time with ten houses listed as ‘not fit for habitation’. Significantly, eight of these sections were vested in the Ikaroa Māori Land Board for non-payment of rates. Two dwellings of four rooms and eight rooms housed 14 and 24 people respectively. Hearn notes that ‘both household heads were receiving the maximum relief payment of £3 6s 6d per week’ and that the ‘cost of nine new houses and repairs to three existing dwellings’ was £4410. However, the Ikaroa Māori Land Board’s request to the Board of Native Affairs for funding was denied. The Board of Native Affairs considered that it was ‘futile’ to permanently establish people in an area where there was no employment. It was also proposed instead that ‘the Crown purchase part of the land involved and subdivide it into building sites, and that a number of Māori living “in houses not fit for habitation” in Ōtaki be encouraged to re-locate to Tainui’. However, Hearn states that this appears to have not been considered.<sup>407</sup>

Improving the quality of Māori housing at Ōtaki was also discussed extensively in the late 1940s and early 1950s including with the Raukawa Māori Executive. Hearn reports that ‘all the discussions to date had yielded very little in the way of effective action’ though some state housing was built during this period and a limited number of housing loans approved under the Māori Housing Act 1935 (ten by 1947). Four purchases of sections in the town were also approved by the Board of Māori Affairs with the ‘former owners to have preference when the sites were ready’.<sup>408</sup>

## **7.8 Europeanisation**

As discussed in the preceding chapter, Europeanisation, the process whereby the status of Ōtaki township Māori land was automatically changed to European land when owned by four owners or less had a major impact on the amount of Māori land in the township. Twenty-five Ōtaki township sections and 40 Ōtaki sub-district blocks were affected. Of the 40 blocks, 22 were Haruatai and Makuratawhiti blocks which were located in the central township. Most were quarter acre sections. The Haruatai blocks subject to this legislation had been amalgamated, re-partitioned and allocated to individual owners in the 1950s for housing purposes. In the Ōtaki

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<sup>407</sup> Hearn, (Wai 2200, #A219), pp. 367-368.

<sup>408</sup> Hearn (Wai 2200, #A219), pp. 425-433.

township, sections had been purchased outright by individual owners so that the land could be used for housing. Europeanisation meant that the land was more vulnerable to being transferred out of Māori ownership. There is evidence that some of this land remained in the ownership of the same whānau but it is clear that some of it did not.

Pukekaraka sections were not immune. Pukekaraka 4A1, 4A4 and 4A7 which all comprised almost 1 ½ acres each and had been partitioned in 1904 were also declared European land. The surrounding blocks of Pukekaraka 4A2, 4A3, 4A5 and 4A6, however, all remain Māori land in 2023.

### **7.9 Tainui Marae and Raukawa Marae, 2023**

In 2023, most of the township sections around Raukawa Marae are no longer Māori land. Raukawa Marae is situated on Ōtaki township sections 166, 167, 168 and 169 on Mill Road. It backs on to Raukawa Street. Just one other section in the block of the 16 sections where the Marae is situated on Mill Road is Māori land. This is Ōtaki township section 174 (or Makuratawhiti 174). Three of the sections (162, 170 and 172) were purchased in 1912, 1913 and 1965 by William McKegg, Robert Staverley, a solicitor, and the Ōtaki Fire Board respectively. Several sections were Europeanised in the late 1960s and early 1970s (section 163, 173 and 176) and three sections were vested in the Māori Trustee and compulsorily sold for non-payment of rates in 1969 (sections 171, 175 and 176A). Of note, however, is that there are two sections immediately contiguous to the Marae that while general land appear to be used in conjunction with the Marae. These are sections 164 on Mill Road which was Europeanised. However, the same Māori owners are on the title in 2023 as were in 1970. Section 165 on Raukawa Street was declared general land in 2013 but the two owners are Ngāti Raukawa and again have been the same owners since 1989.

Housing is no longer prevalent around the Tainui Marae. Of the original 86 acres of the Pukekaraka block, almost 33 acres remains Māori land in 2023 and as discussed, twenty acres is still owned by the catholic church in conjunction with Ngāti Kapu. Housing on the Pukekaraka block that remains Māori land is now limited. Housing is located further south on Te Rauparaha Street next to St Peter's Catholic School which is next to Saint Mary's Catholic Church. None of this is Māori land. An urupa, which is on church land, is located in between the church and the Tainui Marae which is situated on Pukekaraka 4B. Houses are not located

on the neighbouring Pukekaraka 4A2, 4A3, 4A5 or 4A6. Pukekaraka 4A4, which was Europeanised, and is sandwiched between 4A3 and 4A5 has two houses located on the land. Other Māori land in the vicinity such as Pukekaraka 2A and Pukekaraka 2B also do not have houses located on the land. The exception is Pukekaraka C, the largest remaining section (7.1 ha.), which has several houses located on it. It has 107 owners and is administered by a trust. Three licence to occupy licenses have been ordered by the Māori Land Court over the land.<sup>409</sup>

## **7.10 Conclusion**

This alienation of township sections and the area around Pukekaraka gradually reduced the amount of Māori land in these areas which in turn, limited opportunities for Māori to live on Māori land in the township. This, together with the population shift in Ōtaki, the introduction of local authorities to the area as well as limited opportunities for housing development meant Ngāti Raukawa were unable to foster Ōtaki as a papakāinga in the same way as was envisaged in the 1840s.

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<sup>409</sup> *Maori Land Online*, accessed March 2023.

## **Chapter 8: Conclusion**

This report traces the alienation of Māori land in the Pukehou block, Ōtaki sub-district and Ōtaki township sections from the first private purchase of the Tawaroa block in 1869 to the final purchase of Ōtaki township lands in 1996. It identifies patterns of alienation across the three areas, the extent to which alienations occurred at particular times, whether they were Crown or private purchases, public works takings, involved local authorities or the Māori Trustee or their status was changed to European land. It shows the legislation and process by which land was alienated and the extent to which Māori land remains in the three areas.

The report also discusses the development of the township from when it was set aside for Ngāti Raukawa by Ngāti Raukawa in the 1840s up until the present day.

This conclusion firstly summarises the alienation history of each of the three areas. This is followed by a chronological overview of the purchasing and alienation process focussing on key issues within each time-period.

### **8.1 Alienation Summaries**

#### ***Ōtaki township sections: alienation summary***

The Ōtaki township sections are those quarter-acre sections laid out by Ngāti Raukawa for Ngāti Raukawa in conjunction with Governor Grey and Bishop Hadfield in the 1840s. There were originally about 162 Ōtaki township sections comprising approximately 40 acres. There were at least 40 private purchases of Ōtaki township sections involving 48 sections between 1876 and 1899. Seven purchases were executed during the 1870s, three in the 1880s with the vast majority in the 1890s (30). This comprised over a quarter of the township sections. There was a further 64 Ōtaki township transfers executed between 1900 and 1949. All were private purchasers apart from one Crown purchase in 1903. The bulk of the 64 purchases involving about 78 sections were executed by 1929 with just seven purchases executed between 1933 and 1949. Most of the sections purchased from 1929 were those vested together with Ōtaki sub-district lands in the Ikaroa Māori Land Board. The total area comprised over 200 acres and consisted of 135 blocks. All but eight of the Ōtaki township sections that remained Māori land

in 1929 were vested in the board to be administered by a board made up of a Pākehā Judge and Registrar of the Native Land Court.

There were six purchases of sections in 1950s and six in the 1960s of which three were compulsory sales under section 109 of the Rating Act 1925 made on the application of the Ōtaki Borough Council. In the 1970s there were two purchases of which one was a berm and four purchases of small areas of what had been one section in 1996. Details of the purchase of one section have not been located.

Twenty-five Ōtaki township sections were Europeanised under the 1967 Act or declared general land under preceding or subsequent legislation. All but one of the Ōtaki township sections Europeanised or declared general land between 1968 and 2013 had been vested lands.

Just ten sections comprising two acres remain Māori land in 2023 of which four encompass the Raukawa Marae. Of the six other sections, five have houses located on the land and are owned by between 1 and 33 people. The sixth section appears from *Māori Land Online* to have no buildings on the land and is owned by 134 people. While there appears from certificates of title that some of the land Europeanised in the late 1960s and early 1970s has been retained by the same Māori whanau, it is equally clear that some has not.

### ***Ōtaki sub-district: alienation summary***

The Ōtaki sub-district located south of the Pukehou block and incorporating an area south of the river comprises 66 blocks or 340 parent blocks. Following partitioning this increased to 444 blocks of which ‘almost half of the sections created were one acre or less in area and almost 80% were less than five acres’. In total, the sub-district comprises about 3,574 ¼ acres.<sup>410</sup>

There were a total of 131 private purchases within the Ōtaki sub-district between 1868 and 1899 comprising just over 1665 acres which was approximately 47 per cent of the sub-district area. The number of purchases gradually increased from one purchase in the 1860s, eight purchases in the 1870s, 35 in the 1880s and more than double that number of purchases in the

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<sup>410</sup> Walghan Partners, Block Research Narratives Volume 1: Part 1 – Summary Analysis: A: Title and Alienation; B: Occupation and Utilisation, 26 November 2018, a report commissioned by the Crown Forestry Rental Trust for the Porirua ki Manawatū inquiry, (Wai 2200, #A212), pp. 245, 247, 249.

1890s (88). Purchasing in the early twentieth century was a continuation of the purchase activity that escalated in the sub-district in the 1890s. There were 69 purchases in the period from 1900 to 1909 (about 400 acres) and 79 in the period 1910 to 1919 (almost 342 acres). As with the township sections, purchasing began to decline in the third decade of the twentieth century when there were 44 purchases comprising approximately 226 acres. The number of purchases dropped further in the 1930s when there were 21 (54 acres) which mostly included the Crown purchase of various Taumanuka blocks which were vested in the Ikaroa Māori Land Board at the time. In the 1940s there were eight purchases comprising just over 13 acres. In total 1,033 acres were purchased between 1900 and 1949.

In 1929, 135 blocks comprising over 200 acres of Māori land in the Ōtaki borough was vested in the Ikaroa Māori Land Board under the Native Land Amendment and Native Land Claims Adjustment Act 1928 to administer due to the non-payment of rates. Four more blocks were added in 1931. The land was made up of both Ōtaki township sections and blocks within the Ōtaki sub-district. Of the blocks vested, 99 were in the sub-district. Most were small blocks of less than five acres and were concentrated in the Makuratawhiti and Haruatai blocks which were located near to the township sections.<sup>411</sup>

There were at least 98 purchases in the Ōtaki sub-district in the period from 1950. A further 17 purchases are likely to have also taken place (these blocks are no longer Māori land) but details have yet to be located making a total of approximately 115. Of these, 50 had been vested in the Ikaroa Māori Land Board in 1929 or 1931. Eighteen blocks were vested in the Māori Trustee due to non-payment of rates to be compulsorily sold on the application of the Ōtaki Borough Council (6) and Horowhenua County Council (12). A public works taking is also recorded. The total area of the 115 blocks is approximately 348 acres.

In addition, 40 blocks comprising almost 24 acres in the Ōtaki sub-district were Europeanised under the 1967 Act.

Forty-eight blocks remain Māori land in the Ōtaki sub-district. They comprise 155.8349 ha. (385 acres). This is just ten per cent of the original area of the sub-district (3,574 ¼ acres). Over half of the land (almost 59 per cent) is made up of Katihiku X1, X2 and X3 block which

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<sup>411</sup> Woodley, (Wai 2200, #A193), pp. 355-359.

comprises 92.554 ha. (228.7 acres). This block is an amalgamation of several Katihiku blocks with Pukerarauhe 2, Whakapawaewae East 1 and 2 and West and other blocks.<sup>412</sup> The rest of the 47 sections are small with the largest 7.0896 ha. (17 ½ acres) in size. Twenty-seven of the blocks comprise less than 1 ha. (2.5 acres).

### ***Pukehou block: alienation summary***

The Pukehou block is a long strip of land located just north of the Ōtaki sub-district that extends from the sea on the west coast to the Tararua ranges in the east. The sixteen parent blocks that made up the Pukehou block when title was investigated by the Native Land Court in the 1870s and 1880s comprised 27,013 acres in total.

Between 1875 and 1885, nine Pukehou blocks were purchased by the Crown. The area purchased comprised 17,396 acres which represented 64 per cent of the 27,013-acre block. While the Crown continued the last of its purchases, private purchasing began in the block. Between 1876 and 1899 there were 72 private purchases within the Pukehou block totalling approximately 9152 acres though some include purchases between Māori so the amount of land that had become European or general land was actually less than this figure. As with the township sections and sub-district, the bulk of the purchases were in the 1890s (41). They include the purchases by the Wellington Manawatu Railway Company. Together with the Crown purchases of 17,396 acres in the 1870s and 1880s, these purchases account for much of the 27,013 acre-Pukehou block. Indeed by 1900, only about 3000 acres of the block remained in Māori ownership<sup>413</sup>:

Between 1900 and 1953 approximately half of that remaining in 1900 was purchased. All were private purchasers and totalled around 1537 acres. These purchases follow a similar pattern to the Ōtaki township sections and Ōtaki sub-district with the bulk purchased in the first three decades (approximately 1491 acres) with just a small number of purchases in the 1930s and 1940s (just over 45 acres). The number of purchases in the Pukehou block in the first decade of the twentieth century (seven) greatly increased in the next decade to 23.

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<sup>412</sup> Walghan Partners, (Wai 2200, (#A212(a)), p. 237; *Maori Land Online*, accessed March 2023.

<sup>413</sup> This has been calculated by adding together the amount of land purchased and Europeanised in the Pukehou block in the twentieth century and the amount of Maori land in 2023 (2434 acres, 82.5 acres and 470 acres respectively).

Between 1954 and 1978 a further 900 acres was purchased. While this was not as much land as the Crown and private purchasing era of the nineteenth and early twentieth centuries, it was almost twice as much as what remains Māori land in 2023 (470 acres approx.). These purchases therefore represented around two-thirds of the Pukehou block land that remained in Māori ownership in the early 1950s.

Five Pukehou blocks were also Europeanised under the 1967 Act. They comprise the largest amount of land of the three areas Europeanised (82 acres) but the least number of blocks.

## **8.2 Alienation Overview**

### ***Crown purchases & the Native Land Court***

Crown purchases in the nineteenth century made up the majority of the alienation of the Pukehou block with nine of the 16 parent Pukehou blocks totalling 17,296 acres purchased between February 1875 and October 1881. This followed the introduction of the Native Land Court and its investigation and award of title of the Pukehou block. Advances were made on this land even before title had been awarded. These purchases correspond with the period where the Crown purchased other large areas of Ngāti Raukawa land in the inquiry district. A tenth purchase of the 100-acre Pukehou 5L block where money was advanced for the land in 1872 was finalised in 1885 when Hoania Taipua, a rangatira, was made to sell the land as his request to re-pay the government the advance was denied.

The Crown used a variety of tools to facilitate its purchase of Māori land including proclamations that prevented private purchasers from negotiating for the purchase of the land, advances and purchasing from individuals and not the collective. Ngāti Raukawa complained about such purchase practices objecting to the government's custom of making a proclamation over land where just one of many owners had agreed to sell it, taking their money for their share, and ignoring the others who did not wish to sell and objected to the sale. They described the inability of those who did not want to sell to use their land because of the action of one or two owners as a 'palpable injustice'. They considered that they had been 'coerced' in to selling large blocks of land after even just one owner had accepted money from the government. Once

that owner had accepted the money, the other owners were unable to lease or ‘derive any benefit’ from the land that had been proclaimed.<sup>414</sup>

Selling land to pay debt was also a feature of this period. Ngāti Raukawa rangatira, who owed money, asked the Crown to purchase Pukehou land in 1887. However, as the Crown had completed its purchasing in the area it would not assist and instead encouraged them to sell privately. Debt remained an issue for Māori and was also a factor in many of the private purchases in the nineteenth century.

### *Early private purchases, 1860s-1886*

Following an intensive period of Crown purchasing in the 1870s, Pākehā settlers became the main purchasers of Māori land in the Pukehou block, the Ōtaki sub-district and the Ōtaki township sections. While there were relatively few private purchases in the 1860s and 1870s, the number greatly increased in the 1880s and 1890s. Indeed, the last decade of the nineteenth century saw such a vast number of private purchases in the three areas that by 1900, most of the Pukehou block; half of the sub-district and 20 per cent of the township sections had been purchased.

From 1870, a certificate of approval by a Trust Commissioners was required prior to either confirmation by the Court or the Governor. Trust Commissioners were not necessarily thorough with one purchase certified despite the land being subject to alienation restrictions. Trust Commissioners held this function until 1894 when the Native Land Court took over this process. In addition, the Governor was responsible for responding to applications for the removal of any restrictions on alienations that had been placed on titles when title had been investigated. He was dependant on the advice of the Native Land Court and Native Department officials when making these decisions. Partitioning also increased at this time even in the township sections. With smaller numbers of owners with whom to negotiate, purchasing was made easier. Similarly, partitioning occurred in the Pukehou block so that there were an increasingly large number of partitions with smaller numbers of owners for each. There

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<sup>414</sup> *Wanganui Chronicle*, 21 December 1878, p. 2. This is the only report located on this meeting. Anderson, pp. 572-573.

remained no provision for collective title of the land with individuals able to partition their interests out. This included township sections.

Early nineteenth century purchases were mostly between storekeepers and long-term Pākehā residents in the town. The process comprised few checks and balances with not even the Native Land Court made aware of the purchase of Tawaroa 1 in 1874. Indeed, it was not until 1959, that the Court updated its records to reflect a purchase that was negotiated 90 years previously. Some of the early purchases were by settlers who then sold it to other settlers, Other sales were probably more strategic. For instance, Dr Hewson who was doctor to Māori in Ōtaki from 1856 to 1881 was firstly given land to live on but later wanted to own it for himself. Before he died in 1881, he had purchased at least 80 acres of land in and around the township. As title to some of that land such as Tutangatakinō 7 was never formalised, the Crown passed special legislation after his death to ensure his estate received title to it. This showed its willingness to assist Pākehā to secure title to Māori land.

Debt was also a factor in some of the sales. In 1880, Matene Te Whiwhi sold some of his township land and other land in the sub-district that his daughter did not wish him to sell. When he died in 1881, his estate had to sell other land to pay off his debts including an advance the government had said it had made to him in the 1870s. Indeed, selling land to pay off debts appeared to have become an increasingly common practice by this time and as noted above, was one that the Crown had encouraged.

Prior to 1894, the process for approving applications for confirmation by the Court appeared formulaic and cursory. The level of protection for Māori was limited. The Court essentially ensured that the purchase money had been paid, the deed had been signed and attested by an interpreter and the owner had advised the Court that they sold their land.

### ***Removal of restrictions & private purchasing, 1890s***

Private purchasing began to escalate in the 1890s. The smaller lands of the sub-district and township with one or two owners were particularly vulnerable. It was also apparent that many of those selling were doing so because they were in debt.

Purchasing by some of the more prolific Pākehā purchasers of Māori land in the sub-district and township continued. The purchases of Frederick Bright, for example, followed a similar pattern particularly with township lands. For sections with more than one owner, he purchased the interests of one of the owners in a section and several years later went back to purchase the other. He and later his family in the twentieth century were also able to buy up multiple township sections as there was only restrictions on the amount of farmland any one person could buy. This could well have been an unintended consequence of the legislation that restricted the amount of land a person could buy but it did not appear to be a concern with neither the Court or Justice Department ever seeking to resolve the issue at that time.

Restrictions on alienations provided a varying level of protection to land in the Ōtaki district. All but one block of the 19 township and sub-district blocks which were subject to restrictions under the Native Lands Acts 1865, 1866 and 1867 were purchased – the bulk by the end of the nineteenth century. The restrictions that were imposed on the admittedly small number of blocks of land (11) comprising almost 27 acres under the Native Land Court Act 1880, between 1880-1889 seem to have provided some level of protection, at least in the nineteenth century. Only one block and two thirds of another block were purchased prior to 1900. Neither were township sections. As well, not all land where restrictions were removed were necessarily sold. The largest block that was sold that had restrictions on the title was Pukekaraka 5. Its restrictions, however, were different to the others as the land was restricted from alienation except to the Catholic church.

The removal of restrictions and the purchase of the land concerned continued under the Native Land Court Act 1894 which was, in theory, supposed to protect Māori land from sale. Instead, somewhat counter intuitively, the legislation allowed land where restrictions were removed to be sold. Indeed, the Justice Department did not want to recommend to the Governor that restrictions be removed unless a purchase had been negotiated and could make an assessment as to the validity of the purchase.

Of benefit to Māori was an assessment as to value of the land that was being purchased. The Court and Department were not legally obliged to obtain a formal valuation but they did begin to seek advice on values at this time. That value was not always enforced, however, with the department not always adhering to the valuation it sought.

Māori continued to sell land for financial reasons. They also sold land that they had received little revenue from and in one case where they said they had no use for it. Other owners explained that the land concerned was unused and that they would not benefit by holding onto it as their permanent kainga and cultivations were elsewhere. Many of the owners who were selling also lived away from Ōtaki and had other lands which were deemed 'sufficient' by the Court though how this was measured was not explicitly set out. It was always on an individual basis, however. There was never any measure of land that remained Māori ownership in particular areas such as the township lands. With no collective title, there was no means for Ngāti Raukawa to ensure that lands in their rohe were kept in Māori ownership and not sold by those living away from Ōtaki and who in many cases, found it difficult to utilise the land.

### *Twentieth century purchasing*

Purchasing in the first thirty years of the twentieth century continued unabated. The Court continued to approve purchases where there were two or less owners until 1905 and inquire into the removal of restrictions on alienations and make recommendations to the Governor until early 1902. During these confirmation hearings and investigations by the Court, no assessment or even comment was made as to the cumulative total of land being acquired, particularly in the township, and how this impacted on the ability of Māori to live there on their own land. Similarly, no assessment was made as to the number of purchases by the same Pākehā individuals with no questions asked as to whether their purchases of township sections were speculative. The impression from an examination of Court minutes from this time is of a Court concerned with process and under the legislation this was what it was entitled to do. The Court's confirmation of so many purchases was also contrary to the rhetoric of the government at the time that purported to discourage the purchase of Māori land.

From 1902, the Aotea Māori Land Council took over from the Court in recommending to the Governor the removal of restrictions on alienations. Applications such as for part Maringiwai 1 block involved land that was already landlocked by European land so that the owners were no longer able to access it. Debt and the need to sell land to pay for necessities such as medicine remained an issue for the owners. The council was also required to assess whether the owners who were selling had 'sufficient' other lands. The council deemed that they did. This was problematic as if the owners truly had sufficient lands for their support, that they would not have needed the money so desperately. As well, at no time between 1896, when owners first

asked for restrictions to be removed, and 1903 when the restrictions were removed, was the provision of road access discussed by any of the officials involved. It appears that given their resolve to sell, that the owners considered it unlikely that such a road would ever be built.

Other land such as Ōtaki township 105A and 105B were also purchased at this time as the owners were ‘deriving no benefit from the section’. They leased the land but only received £2 per annum. As well, Māori land was compulsorily sold in 1909 due to owners defaulting on their mortgage.

There was a partial shift with respect to the confirmation of purchases following the introduction of the Native Land Act 1909 which removed all restrictions on alienation from Māori land. For instance, while the board was happy to confirm the alienations of various Pukehou and other blocks to William Simcox such as Pukehou 4C1 in 1905 and 1906, Native Minister James Carroll did not take the next step towards their removal which required a recommendation to the Governor. This prompted William Simcox to write to him claiming that he was not, in his own words, attempting to purchase a ‘great estate’. He did, however, acknowledge that he had lent Māori ‘hundreds of pounds to pay for food, clothing, tangi, etc.’, that he had never charged interest on this money or tried to purchase land from Māori who were not willing to sell. This may have been so, but his statement reveals the real financial pressures that Māori were under and that some Māori were having to lend money for basics from a Pākehā landowner. It ignores too that they may have instead felt obligated to sell their land to pay off their debts. That they were lent money from someone who did not charge interest was a bonus, but the situation remained that the Simcox’s had purchased large amounts of the Pukehou block and as they purchased land a small block at a time, (as opposed to the other Pākehā landowner in the block who purchased 600 acres in one go), they were vulnerable to accusations of trying to exploit Māori. The policy shift came in 1910 when the Ikaroa Māori Land Board asked the Simcox’s to send in a new application for confirmation which was accompanied by a new transfer. The board confirmed the transfer which was registered on the title to the block in 1911. It appears that the board did not have the same instincts as James Carroll.

In 1915 and 1916 the board declined to confirm several purchases where it considered the seller had insufficient land or was considered ‘landless’. This was despite owners wanting to sell so that they could pay debts for such necessities as food (Makuratawhiti 10A1). An application

for confirmation of the purchase of Pukekaraka 2A by F.W Wilson from Tame Reone was also declined as the vendor was landless and appeared to have signed a transfer for less than the land was worth. In this way, the board did protect Māori interests. However, it did not help those Māori involved who needed money to pay for food. That some Māori were considered landless by 1916 also raises the question as to how effective the Native Land Court, the Aotea District Māori Council, and the Ikaroa Māori Land Board had been in the past with assessing sufficiency of lands and whether the legislation was adequate. Clearly in these instances, their systems had failed these owners. ‘Sufficiency’ was also assessed in terms of individuals, not by location or the rohe of an iwi so that for instance, the amount of land being sold in the Ōtaki township during this period was never monitored or commented on.

By 1920, the board agreed to purchases even when the owners were considered landless. This shift in board practice was provided for in section 91 of the Native Land Amendment Act 1913 where the board could decide that an owner was not dependant on the land being sold to support themselves and their family. Māori selling land during this period continued to be in need of money for essentials such as for example, paying for the funeral of family members.

The board also approved alienations of land in the 1920s that they had previously declined. The application for a mortgage over Pukehou 5L1B was declined in 1914 because the board considered that the applicant did not sufficient other lands for his maintenance. However, when the land was sold in 1922 by successors, nothing was said about the sufficiency of lands. Instead, it was made clear that the purchase was to pay off debts and to build a house on other land. It is also an example where the board decided to administer the purchase money itself which meant in practice, the vendor having to ask the board every time he wanted his money.

The Pukehou block had also become increasingly fragmented with Pākehā such as the Simcox family owning or leasing large parts of it. This meant that owners such as Paramena Mohi Te Kootu who had been left with about four acres of land were more inclined to farm elsewhere and use the purchase money to fund their other farming pursuits. Other issues for Māori owners of the Pukehou block included the quality of the remaining land and the lack of access. The use of meeting of owner provisions introduced under the Native Land Act 1909 were also used so that land could be sold by as few as five owners regardless of the number of owners of the block. The purchase of Pukehou 4F2E2B2 by the Smiths for instance, which was of poor quality, landlocked and uneconomic even to fence, let alone develop, was sold using this

process by owners representing just 25 percent of the total shares. The purchase, given the economics and the lack of access was presented as the only viable option for the owners.

Purchasing in the township in 1945 demonstrated that it had become increasingly difficult for owners to afford to own land in the ‘heart’ of the borough. Owners of Ōtaki township section 44 sold their land as it was ‘impossible for ... [them] to arrange finance to rebuild’ so that the land could continue to be leased. They could also not afford to maintain existing buildings (which needed to be demolished). This purchase too was considered in the best interests of the owners. Indeed, purchases where owners had few options but to sell were often described as being ‘in the interests’ of the owners.

### ***Vesting in the Ikaroa Māori Land Board, 1929-1960s***

In 1929 and 1931, a total of 135 blocks comprising over 200 acres was vested in the Ikaroa Māori Land Board to administer due to the non-payment of rates to the Ōtaki Borough Council. The decision to vest such a large proportion of Māori land in the board to administer, which was essentially a Pākehā Judge and the Registrar of the Court meant that Māori largely lost autonomy over their land. The land affected was significant with almost all the Ōtaki township sections that remained in Māori ownership and a large proportion of the Ōtaki sub-district located in the borough.

The Ikaora Māori Land Board did seek the views of some owners in relation to the first big sale of the vested lands in the Taumanuka block to the Crown for hospital purposes. However, the process put in place to decide on the sale was an ‘informal meeting’ where officials deemed that there had been sufficient support by owners. This makes it difficult to assess whether there was wide agreement or whether the commonly used refrain of the sale being ‘in the interests of the owners’ was actually valid.

Few other purchases were facilitated in the 1930s with the Ikaroa Māori Land Board seemingly concentrating on leasing land to secure enough money to pay the rates which was the reason for the vesting in the first place.

Some owners succeeded in having their land re-vested. Some did this so that they could subdivide their land into lots or sections and gained financial reward from selling them on. Others

did this while still vested so that individual sections could be awarded to single owners to use for housing purposes. The Crown also purchased some of the vested lands for housing purposes some of which was returned to Māori ownership only to be Europeanised along with most of the other sections that had been used for housing and owned by four people or less in the late 1960s and early 1970s. Thirty-nine of the vested sections were later declared European land under the Māori Affairs Amendment Act 1967.

The number of purchases of both vested and re-vested lands gradually increased. There were seven purchases in the 1940s and 26 in the 1950s. Many were facilitated or completed in conjunction with the Māori Trustee. Examples of purchasing during the 1940s and 1950s show that ownership details were not being kept up to date with successions not always ordered. This was not a priority for the Māori Trustee who agreed to the purchase of two sections without reference to the owners and was party to purchases where large numbers of owners were not represented at meetings of owners as they had not succeeded to the interests of their deceased relatives. The issue of multiple ownership of these sections was dealt with by ignoring the interests of the many owners who had not succeeded to what had become very small interests in very small sections at Ōtaki. The administration of this land by the board and trustee certainly did not facilitate the succession process.

As well, other owners wanted to sell their land as administration by the board and Trustee had meant they had not received any revenue from their land and were left with land containing for example, an uninhabitable house. Not only were rates a burden for these owners but retaining this particular township section had become a burden. There is nothing to suggest that these owners were in a financial position to build a factory on this land as was intended by the purchasers. That they were being offered a price far in excess of the valuation of the land relieved some of their debts. One of the owners was also subject to the disempowering experience of having the purchase money administered by the board. This meant that she required permission to spend her own money from a Pākehā Judge and Court Registrar.

### ***Late twentieth century alienations, compulsory vestings and Europeanisation***

Indeed, retaining Māori land had become increasingly difficult by the early 1950s. Purchasing and takings under the Public Works Act were joined by other alienation methods such as compulsory sales due to the non-payment of rates and Europeanisation. The purchase of

Pukehou 4C4C2 demonstrates the difficulties that Māori landowners had retaining their land. The Māori Land Court did not support the application to have the purchase of land by a fellow owner confirmed and ordered instead the purchase of the land by a Pākehā whose beach house adjoined the land in question and made it quite clear that he wanted to purchase the other shares in the block. Retention of Māori land was not a priority for the Court and it was not prioritised in the legislation.

Europeanisation was another method of reducing the amount of Māori land. The Māori Affairs Amendment Act 1967 effectively discouraged the retention of Māori land preferring to 'Europeanise' it thereby making it easier to be transferred out of Māori ownership. While the Court's succession process that ensured Māori children succeeded to the interests of their Māori parents was sometimes flawed with successions sometimes delayed for years, it did ensure that the land stayed in Māori ownership. If the land was European land, however, when an owner died, the land could be transferred out of the family or to a Pākehā spouse without recourse to the Māori Land Court who could ensure that it was Māori who inherited it. A significant amount of Māori land in both the township and sub-district were affected by this legislation and certificates of title make it clear that in some cases ownership of land that had been Māori land was later transferred to non-Māori.

The vesting of Māori land in the Māori Trustee for non-payment of rates under section 109 of the Rating Act 1925 and section 438 of the Māori Affairs Act 1953 also reduced the amount of Māori land in the township and the sub-district. Both the Ōtaki Borough Council and Horowhenua County Council were behind the applications that were heard and ordered by the Court. This legislation had no protective measures for the owners who were often unaware that such an order had been made. The focus of the legislation was to recoup the rates for the local authority which meant that the retention of Māori land did not factor in the decision making.

The period from the early 1950s to the 1990s therefore was one where significant amounts of the remaining Māori land was purchased, compulsorily sold or Europeanised. This left just two acres out of approximately 40 acres of Māori land in the township (about 5 per cent), 385 acres out of 3,574 ½ acres in the sub-district (about 11 per cent) and 470 out of 26,806 acres in the Pukehou block (about 2 per cent).

### *The Crown and the retention of Māori land*

The overwhelming impression from the examination of the purchase and alienation process of land in these three areas is that very rarely did the legislation, policy and practice of the Crown enable the retention of Māori land. The exceptions were in the 1910's when the Ikaroa Māori Land Board refused to confirm the alienation of land whose owners were landless and were being paid less than its value. The other exception was in the 1940s and 1950s when the Department of Māori Affairs and the Māori Trustee assisted with the acquisition of small parcels of land from multiple owners so that the land could be owned by one or two individuals and used for housing purposes. This was mainly in the township and Makuratawhiti and Haruatai blocks. Most of this land, however, was Europeanised in the late 1960s and 1970s which further reduced the amount of Māori land.

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ACIH 16036 906 1906/1376 Received: 10th December 1906. - From: Kirk and Stevens, Ōtaki. - Subject: Titokitoki 3C No. [Number] 2. Transfer Mere Ruiha to Hakaraia for endorsement of Governors Consul. (Aotea), 1906 (R22401112)

ACIH 16036 909 MA 1 1907/24 Received: 14th January 1907. - From: Geo H. Harper, Ōtaki. - Subject: Maringiawai No. [Number] 1 - Ruta Euoka and others to Kate Death. Original Certificate in lieu of Papakāinga Lost, wants duplicate to issue, 1905-1907 (R22401162)

ACIH 16036 915 MA 1 1907/181 Received: 22nd November 1906. - From: C.W. Tanner, Solicitor, Wellington. - From: Ōtaki Lots 130, 132 etc. Notice by C.W. Tanner of proposed sale under mortgage, 1906 (R22401243)

ACIH 16036 993 MA 1 1907/228 Received: 20th May 1907. - From: Hakaraia te Whena, Ōtaki. - Subject: Wishes to hand over (75acres) land near Manakau to Aotea Board for close settlement, 1907 (R22401270)

ACIH 16036 927 MA 1 1907/511 Received: 12th September 1907. - From: Aotea Māori Land Board. - Subject: Makuratawhiti No. [Number] 8. Sale Hori te waru and another to Catherine Death. Board recommendation. (George H. Harper, Levin), 1906-1908 (R22402115)

ACIH 16036 934 MA 1 1907/692 Received: 31st October 1907. - From: Governor. - Subject: Makuratawhiti 9B and 9C and Kahikitea No. [Number] 2. Order in Council enabling sale to George McBeath. (Aotea). Kirk and Wilson, 1902-1907 (R22402225)

ACIH 16036 948 MA 1 1908/290 Received: - From: Nireaha Tamaki, Hamua. - Subject: Makirikiri N.R. For information as to area and dealing with, 1908 (R22409320)

ACIH 16036 MA 1 959 1908/585 Received: 2nd October 1908. - From: Ikaroa Māori Land Board. - Subject: Pukehou No. [Number] 5. Mortgage Paora pahi. Board's recommendation, 1908 (R22402349)

ACIH 16036 MA 1 971 1909/146 Received: 13th April 1909. - From: Aotea Board. - Subject: Lease 8188. Te Roto No. [Number] 1C to B Ling. Approved for tenure of 21years without right of renewal. Messrs Kirk and Stevens of Ōtaki asked to explain how additional clause, giving right of renewal, came to be added, 1909 (R22402556)

ACIH 16036 975 MA 1 1909/239 Received: 9th June 1909. - From: Aotea Māori Land Board. - Subject: Pahianui No. [Number] 8. Sale Kipa Whatanui to P Byron Brown. Board's recommendation. (Kirk and Stevens), 1909 (R22402625)

ACIH 16036 975 MA 1 1909/240 Received: 9th June 1909. - From: Aotea Māori Land Board. - Subject: Haruatai No. [Number] 17B. Sale Matirina and another to Charles Gooding. Board's recommendation, 1908-1910 (R22402626)

ACIH 16036 993 MA 1 1909/762 Received: 7th December 1909. - From: Aotea Māori Land Board. - Subject: Ōtaki Township Section 108. Sale Hariata Rongowhitiao and others to Chas [Charles] N. Williams. Board's recommendation. (Harper and Harper), 1909-1910 (R22402681)

ACIH 16036 1010 MA 1 1910/4073 Received: 5th February 1910. - From: Aotea Māori Land Board. - Subject: Haruatai No. [Number] 18. Sale Anihaera Rewiti to W.M. Simcox. Board's recommendation. (Harper and Harper), 1908-1910 (R22402875)

ACIH 16036 1017 MA 1 1910/4265 Received: 2nd April 1910. - From: Harper and Harper, Ōtaki. - Subject: Māori Land Act Fees. For information as to correct. Fee payable on Memo of Mge [Mortgage] Approval, 1910 (R22403018)

ACIH 16036 1053 MA 1 1911/313 Received: 8th June 1911. - From: President Ikaroa Māori Land Board. - Subject: Piritaha 3C. Application for confirmation of transfer Himiona te Oha to George McBeath. Report as to Board's refusal to recommend and wrongful practice on past of G.J. Stevens and Interpreter Kingi Tahiwī, 1910-1911 (R22403787)

ACIH 16036 1056 MA 1 1911/477 Received: 21st August 1911. - From: President Ikaroa Māori Land Board. - Subject: Whakawiringa No. [Number] 2. Recommends purchase by Crown or vesting in Board with power to sell or lease, 1911 (R22403891)

ACIH 16036 1091 MA 1 1912/4012 Received: 23rd November 1912. - From: Ikaroa Board. - Subject: Ōtaki Sections 154 and 155 Mortgage. Hemi te Rei and another to L.T. Wakelin. Board recommends consent, 1912 (R22404630)

ACIH 16036 1106 MA 1 1913/3019 Received: 18th July 1913. - From: President Ikaroa Board, Wellington. - Subject: Makirikiri Nos [Numbers] 3/6. Assignment of lease Ngawhiro Marakaia to Edward Sydney Heckler. Board recommends approved by Honourable Native Minister, 1913 (R22404988)

ACIH 16036 1106 MA 1 1913/3029 Received: 19th July 1913. - From: Native Affairs Committee, House of Representatives. - Subject: Petition 71/13 Ani Pohio or Ani Kutī. That an error in location of her interests in Pukehou 4B Block may be remedied or other relief granted, 1913 (R22404994)

ACIH 16036 1106 MA 1 1913/3167 Received: 29th July 1913. - From: J. Gordon Coates M.P. [Member of Parliament], Wellington. - Subject: Piritaha No. [Number] 2. Complaint from G.A. Doman that delay took place in transaction and that in meantime value has been unfairly raised, 1913 (R22405009)

ACIH 16036 1108 MA 1 1913/3453 Received: 21st August 1913. - From: Native affairs Committee, House of Representatives. - Subject: Petition No. [Number] 226/13 Hohipuha Kareanui. For rehearing re Haruatai 2A and No. [Number] 9 Blocks, 1913 (R22405052)

ACIH 16036 1115 MA 1 1913/4481 Received: 26th November 1913. - From: A.E. Glover, M.P. [Member of Parliament], Wellington. - Subject: Whakahokiatapango Block. Complaint by George Mends of Newmarket, Auckland as to delay in completion of dealings, 1913-1914 (R22405184)

ACIH 16036 1106 MA 1 1117 1914/68 Received: 12th January 1914. - From: President Ikaroa Māori Land Board, Wellington. - Subject: Pukehou 5L No. [Number] 1B. Proposed Mortgage Wiremu Otene Umakaihau Taipua to Ossian J.G. D'Ath. Board makes no recommendation, 1914 (R22405239)

ACIH 16036 1125 MA 1 1914/1875 Received: 29th June 1914. - From: registrar Ikaroa board, Wellington. - Subject: Waitohu 1B No. [Number] 2. Mortgage Tereturu Hamahona to G.H. Harper. Board recommends consent under Section 230 1909, 1914-1926 (R22405386)

ACIH 16036 1135 MA 1 1914/3372 Received: 16th October 1914. - From: Pirihira Hohepa, Lower Hutt. - Subject: Waihoanga No. [Number] 1C (Ōtaki). Wishes to know particulars of sale and to whom money was paid, 1914-1915 (R22405529)

ACIH 16036 1156 MA 1 1916/2588 Received: 13th July 1916. - From: Native Affairs Committee, House of Representatives. - Subject: petition No. [Number] 212/16 Hohipuha Kareanui. For inquiry re piece of land at Ōtaki alleged to be wrongfully included in gift to church mission, 1916-1919 (R22406084)

ACIH 16036 1164 MA 1 1917/2 Received: 8th January 1917. - From: Kipa te Whatanui, Ōtaki. - Subject: Claims to certain lands at Ōtaki, 1917 ((R22406255)

ACIH 16036 1167 MA 1 1917/124 Received: 18th April 1917. - From: Kipa te Whatanui, Ōtaki. - Subject: Waiariki Block No. [Number] 2. Alleges that sale of land to a Solicitor (Akitini) was fraudulently carried through and asks for inquiry, 1917 (R22406351)

ACIH 16036 1169 MA 1 1917/197 Received: 26th June 1917. - From: Kipa Te Whatanui, Ōtaki. - Subject: Re Matenga Moroate (deceased). Asking that succession Order in favour of Pene Amene be not confirmed as an Appeal is pending, 1917 (R22406400)

ACIH 16036 1245 MA 1 1920/341 Received: 23rd August 1920. - From: Clerk, Native Affairs Committee (House of Representatives), Wellington. - Subject: For report on Petition No. [Number] 158/20 of Wiremu Hohepa and others for amendment of boundaries of Whangaiepeke and Pukehou Blocks, 1920 (R22407556)

ACIH 16036 1245 MA 1 1920/395 Received: 9th September 1920. - From: Hera Erueti, Pukehou. - Subject: Stating that descendants of Wiremu Erueti, Reupena Erueti Hoani Erueti and Rapata Erueti are landless, 1920 (R22407586)

ACIH 16036 1297 MA 1 1922/358 Received: 4th October 1922. - From: Registrar, Ikaroa Māori Land Board, Wellington. - Subject: Ōtaki Town Sections 131 and 133B. Mortgage. Teoti Kotene to Trustees, United Ancient Order of Druids. For consent under Section 230/1909. [Includes: 1920/156], 1920-1930 (R22408292)

ACIH 16036 1312 MA 1 1923/142 Received: 27th April 1923. - From: The Honourable, Native Minister, Wellington. - Subject: Pukehou 5L No. [Number] 1B. Te Punairangiriri R. Taipu. Asks whether part of money held by Board under Section 92/19/13 could be made available to him, 1923 (R22408477)

ACIH 16036 1330 MA 1 1924/63 Received: 18th March 1924. - From: Registrar, Ikaroa Māori Land Board, Wellington. - Subject: Te Roto Nos. [Numbers] 1A, 1B, 1C, 1D and 1E. Mortgage. Trustees for the Ōtaki Māori Racing Club to Benjamin Ling. For consent under Section 230/09, 1924 (R22408694)

ACIH 16036 1397 MA 1 1926/401 Received: 6th September 1926. - From: Arekatera Eria te Ra. - Subject: Pukehou No. [Number] 4G No. [Number] 8. Application under Section 3/25 that money held by Board under Section 92/13 be paid to him, 1926-1927 (R22409942)

ACIH 16036 1400 MA 1 1926/449 Received: 29th July 1926. From: Rere Nicholson, Chairman, Raukawa Council, Wereroa. - Subject: Haruatai 13A and B and Ōtaki Sections 87 and 88. As to exemption from rates, 1926-1928 (R22409977)

ACIH 16036 1421 MA 1 1927/237 Received: 2nd August 1927 - From: Registrar, Ikaroa Native Land Court, Wellington - Subject: Makuratawhiti Part 10A and 10B - Orders vesting land in Native Trustee for sale for consent under Section 109 of the Rating Act 1925, 1927 (R22410210)

ACIH 16036 MA 1 1437 1928/56 Received: 24th February 1928 - From: Registrar, Ikaroa Māori Land Board, Wellington - Subject: Pukehou 5L 3 Part, Pukehou 5L 2 Part, Pukehou 5L 7 Part and Muhunoa 1B 2B - Mortgage: Hema te Ao alias Hema Ropata te Ao to O J G D'Ath, H J Palmer and Eva T C Harper for consent under Section 230/09, 1928 (R22410400)

ACIH 16036 MA 1 1465 1928/567 Received: 23rd November 1927 - From: Under-Secretary for Lands, Wellington - Subject: Tutangatakino No. 7 - Grant to Charles George Hewson under the Special Powers and Contracts Act 1882, 1927 (R22411377)

ACIH 16036 MA 1 1506 1929/573 Received: 1st November 1929. - From: Registrar, Ikaroa Māori Land Board, Wellington. - Subject: Part Pukehou 5L 3 and Manuao Blocks - Mortgage - Tungia Tungia to Eva Teresa Caroline Harper - for consent under Section 230/09, 1929 (R22410731)

ACIH 16036 MA 1 1542 1930/541 Received: 4th December 1930. - From: Registrar, Ikaroa Māori Land Board, Wellington. - Subject: Pukehou 4B3 - Mortgage - T.C. Wallace to C.T. Atmore and C.H. Williams - for consent under Section 230/09, 1930 (R22411885)

ACIH 16036 MA 1 1931/435 Received: 17th October 1931 - From: Clerk, Native Affairs Committee, H of R [House of Representatives], Wellington - Subject: For report on Petition No. 167/31 of Tereturu Hanahona and others for re-investigation of title to Taumanuka No. 1 Block, 1931 (R22420342)

### **3/-**

ACIH 16036 MA 1 50 3/19/14 part 1 Moutere 8A [Māori Trust file], 1936-1947 (R19524691)  
ACIH 16036 MA 1 50 3/19/14 part 2 Moutere 8A [Māori Trust file], 1947-1949 (R19524692)

### **5/-**

ACIH 16036 MA 1 149 5/13/266 Sanatorium site – Ōtaki, 1964 (R19525320)

ACIH 16036 MA 1 84 5/5/155 Moutere Part Lot 1 of 8 B 1 - Road widening at Ōtaki - Crown purchase, 1960-1961 (R19524902)

AAMK 869 59b 5/9/15 Māori Trust Mortgages - Borough of Ōtaki Sections 166 and 168 - Meeting House and Marae Sections - Required for Legislation to Vest in Trustees

AAMK 869 62a 5/9/34 Māori Trust Mortgages - Makuratawhiti 9A5 - Mortgage to Ikaroa District Māori Land Board, 1917-1931 (R11835547)

AAMK 869 70a 5/9/97 Māori Trust Mortgages – Pukehou No. 6, 1955-1956 (R11835616)

AAMK 869 72n 5/9/133 Māori Trust Mortgages - Mangapouri Market Reserve, 1957-1961 (R11835653)

ACIH 16036 MA 1 137 5/13/178 Petition 25/1945 - Kipa Roera - Rekereke No. 2 Block, 1903 (R19525231)

### **12/- Māori Trustee**

AAMK 869 395b 12/0/6 part 1 Māori Trustee Appointed Agent - Section 387/1953 (Section 540) - Miscellaneous cases – Wanganui, 1956-1966 (R11837159)

ACIH 16036 243 12/0/7 part 1 Māori Trustee Appointed Agent Section 387/1953 (Section 540) - Miscellaneous Cases – Wellington, 1957-1966 (R19525591) Maybe restricted

ABJZ 869 W4644/59 20/1/37 part 1 Rating - General - Ōtaki Borough Council – Māori Rates, 1961-1979

ACIH 16036 MA1/411 20/1/37 part 1 Native - Ōtaki - Borough Council - Māori rates, 1927-1937  
ACIH 16036 MA1/411 20/1/37 part 2 Native - Ōtaki - Borough Council - Māori rates, 1938-1950

ACIH 16036 MA1/411 20/1/37 part 3 Native - Ōtaki - Borough Council - Māori rates, 1951-1956  
ACIH 16036 MA1/411 20/1/37 part 4 Native - Ōtaki - Borough Council - Māori rates, 1957-1959  
ACIH 16036 MA1/411 20/1/37 part 5 Native - Ōtaki - Borough Council - Māori rates, 1959-1960  
ACIH 16036 MA1/413 20/1/37/1 Māori Lands in Ōtaki Borough (search file), 1930-1953 (R19526468)

### **25/-**

ABJZ 6878 W4615/21 25/6/2/6 Committees & Councils - Ōtaki Māori Committee, 1953- 1973 (R21938832)

### **30/- Housing**

ACIH 16036 MA1/589 30/1/9 Part 2 Special housing fund– indigent Māoris – Housing Organisation, 1938- 1946 (R19528144)

AAMK 869 W3074/1022/a 30/3/42 Survey of Māori housing, Ōtaki, 1937-1948 (R11839883)

ACIH 16036 MA1/618 30/5/9 part 1 Ōtaki Housing – Rental, 1948-1952 (R19528349) Restricted to 2022

ACIH 16036 MA1/619 30/5/9 part 2 Ōtaki Housing, 1953-1960 (R19528352) Restricted

### **34/-**

ABJZ 869 W4644/90 34/3/55 part 1 Meeting Houses And Memorials - Individual Meeting Houses - Applications For Subsidies - Raukawa Marae And Meeting House – Ōtaki, 1936-1986 (R22157952)

AAMK 869 1049 34/3/111 Meeting Houses and Community Centres - Pukekaraka Community Centre [- Pukekaraka Marae, Ōtaki], 1957-1960 (R11840037)

### **35/-**

ACIH 16036 MAW2490/64 35/23/2/7 part 1 Ōtaki Tribal Committee - Receipts payments and subsidies - Raukawa Town District, 1948-1956 (R18799400)

ACIH 16036 MA31 18/32 Housing. File on Ōtaki housing improvements and a survey of individual houses in 1939 ... no-date (R22041871)

### **54/- Māori Trustee files (Te Tumu Paeroa)**

AAMK 869 W3074/1197/k 54/18/46 Māori Trustee - Paremata 15A1, 15A2 and 15A3 - Vested under Section 438/1953, 1963-1965 (R11840718)

AAMK 869 W3074/1197/l 54/18/47 Māori Trustee - Paremata 15A9 - Vested under Section 438/1953, 1963-1965 (R11840719)

AAMK 869 W3074/1206/j 54/18/313 Māori Trustee - Pukerarauhe No. 1 - Vested under Section 438, 1964-1966 (R11840856) Restricted

ACIH 16036 MA1/765 54/22/2 Māori Trustee - Pt. Hanganoaiho 1E Makuratawhiti Subdivisions - Town of Ōtaki Subdivisions etc. - Vested in Māori Trustee (see 109 Rating Act) Sale, 1963-1965 (R19529066)

ACIH 16036 MA1/765 54/22/11 Ōtaki 175 and 176A - Vesting under Rating Act 109, 1968- 1969 (R19529073)

AAVN 869 269 54/31/12 Whakahokiatapango C, part 1, 1955 (R17215513)

### **MA 13**

ACIH 16046 MA13/39/24d Removal of Restrictions on Alienated Land - Correspondence in Māori and translated relating to Leases and Deeds of Conveyance in Ōtaki - Patea and Wairarapa Districts, 1881-1890 (R20248746)

ACIH 16046 MA13/43/27e Removal of Restrictions on Alienated Land - Correspondence, Reports in Māori and translated relating to land situated at Ōtaki, Manawatu - Tauhara Middle block and Aroha Island (Bay of Islands), 1886 (R20248760)

ACIH 16046 MA13/70 Rangitikei Manawatu specially prepared schedule of papers on purchase, reports of purchase negotiations, letters from non-sellers, and report by Buller on Ōtaki-based Ngāti Raukawa claim

ACIH 16046 MA13/87/52 Ngakorokoro Block - Correspondence and list of names relating to Taranaki Block near Ōtaki, 1879 (R20248877)

ACIH 16046 MA13 43/27c Removal of Restrictions on Alienated Land - Correspondence in Māori and translated - Lists and Reports relating to land situated at Papamoa block, Pukehou, Ohariu, 1886 (R20248758)

### **MA 51: Māori Purposes Trust Board Fund Registered Files**

ACIH 16036 MA 51 13 131 Rangiatea Church, Ōtaki, 1931 (R4556333)

ACIH 16036 MA 51 13 132/1 Raukawa Māori Carved Meeting House, Ōtaki, 1931 (R4556334)

ACIH 16036 MA 51 14 132/3 Raukawa Marae Trustees, Ōtaki, 1936 (R4556336)

### **ACIH 16052: Trust Commissioners and Māori Land Boards**

ACIH 16052 MA 19 5 8b Aotea, Ikaroa Māori Land Board, no date (R12726821)

ACIH 16052 MA 19 7 16 Ikaroa District Māori Land Board [Special file 177], 1906-1917 (R12726829)

### **MA 31**

ACIH 16064 MA31/18/32 Housing; File on Ōtaki housing improvements and a survey of individual houses in 1939. A report on the Orakei Native Village Settlement, Auckland. Whaiwhetu Land scheme, no date (R22041871)

ACIH 16064 MA31/20/50 Papers relating to the Ōtaki, Porirua, Papawai and Kaikokirikiri Trusts. Memo by Ngata citing[?] policy towards Māori, apparently written 261 after the 1936 Conference on Post Primary Education, Health and Economic Position of Māori, no date (R22041853)

### **ACIH 18593: Registered files, commission papers, land transfer papers, indexes and registers and other miscellaneous records**

ACIH 18593 MAW1369/40 [185] Ōtaki inalienable lands, 1870-1882 (R11187906)

ACIH 18593 MAW1369/45 [230] Transfer - Rutene Whakarongo & others to Morgan Carkeek - Subdivision 2 of Te Awaroa 12B, 1891 (R11187872)

ACIH 18593 MAW1369/82 part 1 Ōtaki District - Memorial of Ownership f11-f100, 1878-1879 (R11187947)

ACIH 18593 MAW1369/83 Ōtaki District - Certificates of Title 1-100, no date (R11187945)

ACIH 18593 MAW1369/84 Ōtaki District - Certificates of Title 305-356, no date (R11187946)

ACIH 18593 MAW1369/85 part 2 Titles Index – Ōtaki, 1909-1910 (R11187966)

ACIH 18593 MAW1369/86 Partition Register - Wellington, Wairarapa, Ōtaki, South Island, 1870-1886 (R11187954)

ACIH 18593 MAW1369/88 part 1 Partition Register – Ōtaki, 1880-1894 (R11187959)

#### **AAVN: Iwi Transition Agency, Head Office**

AAVN W3961 1 1 Aotea District Māori Land Council Minute Book, 20 February 1902 - 13 June 1905, 1902-1905 (R443902)

AAVN W3961 1 2 Aotea District Māori Land Council Minute Book, 14 June 1905 - 16 April 1907, 1905-1907 (R443903)

AAVN W3961 1 3 Aotea District Māori Land Council Minute Book, 9 May 1907 - 16 September 1908, 1907-1908 (R443904)

AAVN W3961 1 4 Aotea District Māori Land Council Minute Book, 29 September 1908 - 31 January 1911, 1908-1911 (R443905)

#### **ABRP: Te Puni Kokiri, Whanganui Regional Office**

ABRP 6844 96 13 6/49/0 (Koro Taite) - Taumanuka – General, 1964-1980 (R20461069) access restricted

#### **AADS: Department of Lands and Survey, Head Office**

AADS 18197 1 NLA 26 [From: James Gear, Ōtaki Received: Notice under section 24 for Rahui No.1 & 2], 1887 (R25694008), Online record available

AADS 18197 1 NLA 87/27 [From: Hemi Kuti (James Cootes), Ōtaki Received: 25 January 1887 Subject: That Pukehou No.5K, 5L, Whakarangirangi No.1, No.2, No.3, No.4, Kapiti and Makirikiri be kept out of Native Land Administration Act], 1887 (R25694009), Online record available

AADS 18197 1 NLA 87/35 [From: Hoani Taipua, Pitiera Taipua, Hema Te Ao, Ropata Te Ao, and Anawarihi Ropata, Ōtaki Received: 31 January 1887 Subject: Wishes to sell Pukehou 5L Block, Lots No.1, No.2, No.3], 1887 (R25694016), Online record available

AADS 18197 1 NLA 87/120 [From: Simeon Rutherford, Ōtaki Received: 22 March 1887 Subject: Placing the Pukehou No.4F Section 2 & Pukehou No.4H Section 8 under the Native Land Administration Act], 1887 (R25694090), Online record available

AADS 18197 1 NLA 87/139 [From: Wellington and Manawatu Railway Company Limited (James Wallace, Secretary), Wellington Received: 25 March 1887 Subject: Placing Section No.1 Pukehou No.5A under the Native Land Administration Act], 1887 (R25694108), Online record available

AADS 18197 2 NLA 87/239 [From: Chief Judge, Native Land Court, Wellington Received: 13 April 1887 Subject: Certificate for Pukehou No.4H Section 8, William Henry Simcox and Francis Walter Rutherford], 1887 (R25694201) Online record available

AADS 18197 1 NLA 87/251 [From: Chief Judge, Native Land Court, Wellington Received: 18 April 1887 Subject: Certificate for William Henry Simcox and Francis Walter Rutherford, Pukehou 4F]], 1887 (R25694213), Online record available

AADS 18197 2 NLA 87/259 [From: Chief Judge, Native Land Court, Wellington Received: 23 April 1887 Subject: Certificate for Pukehou No.4F Section 2, William Henry Simcox and Francis Walter Rutherford], 1887 (R25694220) Online record available

AADS 18197 2 NLA 87/261 [From: Chief Judge, Native Land Court, Wellington Received: 23 April 1887 Subject: Certificate for Pukehou 5A No.1, to Wellington and Manawatu Railway Company Limited], 1887 (R25694222), Online record available

**AAFV 997: Department of Survey and Land Information, Head Office, Statutory Branch Registered Maps**

AAFV 997 133 WT 10 Town of Hadfield, Ōtaki - Blocks, sections, place names, public gardens, bush - scale 5 chains:1 inch - Drawing, C.F. Gieson, 1880 (R22824372)

AAFV 997 133 WT 10 Hadfield, Ōtaki - [Roads and sections] - scale 5000 feet:1 inch [Map is attached to the WT11 maps with a split pin], undated (R22824373)

AAFV 997 133 WT 10B Hadfield, Ōtaki [Map has both sheets of WT16 attached to it, with a split pin], 1880 (R22824374)

**AAMA: Land Corporation Limited, Wellington District Office**

AAMA 619 39 4/295 part 1 Wellington: Ōtaki Housing, 1937-1963

AAMA 619 12 20/55 Wellington – Pukehou, 1913-1947 (R20436506)

**AAMI: Department of Lands and Survey, Wellington District Office, Lease files**

AAMI 865 13 CL 27/13 Unselected Crown Land - Ōtaki Borough - Part Lot 1 , DP 12893, Being Part Pahianui 3A Block, Situated in Waitohu Survey District - Rountree, Russell, Anthony John, Peter Donovan Russell, 1983-1985 (closed file until 2025), (R25826753)

**AAQB: R Corporation Limited**

AAQB 889 416 24/2646/11/5 part 1 Māori Housing: (Ōtaki), 1961-1975 (R20123832)

**AAVT: Department for Courts, Māori Land Court, Takitimu District**

AAVT W3521 176 2 Māori Land Board [Ikaroa] Minute Book 2 [Use copy Repro 1129] - Sitting Places: Wellington, Masterton, Hastings - 3 August 1909-4 August 1911, 1909-1911 (R21027356)

AAVT W3521 177 3 Māori Land Board [Ikaroa] Minute Book 3 [Use copy Repro 1130] - Sitting Places: Hastings, Wellington, Masterton - 8 August 1911-18 February 1913, 1911-1913 (R21027357)

AAVT W3521 178 4 Māori Land Board [Ikaroa] Minute Book 4 [Use copy Repro 1131] - Sitting Places: Hastings, Wellington, Martinborough, Waipukurau, Masterton - 18 February 1913-2 October 1914, 1913-1914 (R21027358)

AAVT W3521 179 6 Māori Land Board [Ikaroa] Minute Book 6 [Use copy Repro 1132] - Sitting Places: Hastings, Palmerston North, Ōtaki, Wellington, Greytown, Masterton, Dannevirke, Levin, Invercargill, Waipukurau - 9 February 1916-31 August 1917, 1915-1917 (R21027359)

AAVT W3521 180 8 Māori Land Board [Ikaroa] Minute Book 8 [Use copy Repro 1133] - Sitting Places: Hastings, Wellington, Tangoio, Levin, Kahukura, Gisborne - 17 October 1917-17 April 1930, 1917-1930 (R21027360)

AAVT W3521 181 10 Māori Land Board [Ikaroa] Minute Book 10 [Use copy Repro 1134] - Sitting Places: Levin, Wellington, Masterton, Greytown - 1 December 1921-24 August 1933, 1921-1933 [1914-1933 in catalogue] (R21027361)

AAVT W3521 182 11 Māori Land Board [Ikaroa] Minute Book 11 [Use copy Repro 1135] - Sitting Places: Hastings, Wellington, Levin, Ōtaki, Dunedin - 31 July 1930-8 September 1947, 1930-1951 [1951 date wrong in catalogue?] (R21027362)

**ABWN 6095: Land Information New Zealand, National Office, Lands and Survey Central filing system**

ABWN 6095 259 7/939 part 1 Wellington Land District – Re Moutere 8A Ōtaki, 1946 (R3948010)

**ABWN 8090: Land Information New Zealand, National Office, Crown Grants**

ABWN 8090 194 25 Crown Grant Wellington - Sections 95 & 96 Township of Hadfield (Ōtaki) - Grant to Taumanu Te Uruti and Wiremu and Rangianaki, 1870 (R806521), 1870

ABWN 8090 W5280/194 Crown Grant Wellington - Sections 95 & 96 Township of Hadfield (Ōtaki) - Grant to Taumanu Te Uruti and Wiremu and Rangianaki, 1870

ABWN 8090 W5280/194 Crown Grant Wellington - Section 85 Township of Hadfield (Ōtaki) - Grant to Rangihoua Maehe Te Ngaru and Hape Te Horohau, 1870 Crown Grant Wellington - Section 85 Township of Hadfield (Ōtaki) - Grant to Rangihoua Maehe Te Ngaru and Hape Te Horohau 25 Crown Grant Wellington - Sections 95 & 96 Township of Hadfield (Ōtaki) - Grant to Taumanu Te Uruti and Wiremu and Rangianaki, 1870

ABWN 8090 W5280/194 26 Crown Grant Wellington - Section 85 Township of Hadfield (Ōtaki) - Grant to Rangihoua Maehe Te Ngaru and Hape Te Horohau, 1870

**ABWN 8102: Land Information New Zealand, National Office, Crown Purchase Deeds**

ABWN 8102 328 WGN 222 Pukehou 3 – Ōtaki & Manawatu, 1875 (R23446521)

ABWN 8102 328 WGN 248 Pukehou 5E, 1875 (R23446535)

ABWN 8102 329 WGN 270 Takapu 2 – Ōtaki, 1876 (R23446554)

ABWN 8102 334 WGN 452 Pukehou 2 – Manawatu, 1875 (R23446672)

ABWN 8102 337 WGN 542 Pukehou 4A Sub E – Ōtaki, 1881 (R23446751)

ABWN 8102 337 WGN 543 Pukehou 5A – Ōtaki, 1878 (R23446752)

ABWN 8102 340 WGN 626 Pukehou 5L6 – Ōtaki, 1886 (R23474961)

ABWN 8102 396 WGN 333 Ahitangutu 3 – Ōtaki, 1878 (R23446632)

ABWN 8102 WGN 751 344 Waeranga 1 & 2 - Ōtaki Township, 1894 ((R23475048)

**ACGS: Justice Department**

ACGS 16211 97q J1 1870/1134 From: Charles J Hewson, Justice of the Peace, Otatu [sic – should be Ōtaki] Date: 23 April 1870 Subject: With depositions in case of sugar poisoned by Gregory and given to natives, 1870 (R24283067)

ACGS 16211 J1 610y 1885/1831 From: Hema Te Ao and others, Ōtaki Date: 7 May 1885 Subject: Request that Government will pay a Doctor to attend them [This item is part of a larger record. To order this document please use the record number in the Additional Archives Description field below], 1885 (R24591075) With 1889/129

ACGS 16211 J1 501aa 1893/760 [From: Governor Date: 17 May 1893 Subject: Removing restrictions on Lots 53. 54 and 55, Town of Hadfield], Enclosed NO 1892/1471 1893 (R24563123)

ACGS 16211 J1 498al 1893/512 From: Chief Judge, Native Land Court, Wellington Date: 13 April 1893 Subject: Recommends issue of title for Section 87, Town of Hadfield be issued to F H Cockrell, 1893 (R24562852)

ACGS 16211 J1 499d 1893/519 From: Chief Judge, Native Land Court, Wellington Date: 14 April 1893 Subject: Recommends issue of title for Section 80, Ōtaki, to C E Bills, 1893 (R24562872)

ACGS 16211 J1 509cd 1893/1653 From: Hoani Taipua, Ōtaki Date: 20 October 1893 Subject: For permanent Interpreter to Resident Magistrates Court, Ōtaki [This item is part of a larger record. To order this document please use the record number in the Additional Archives Description field below], 1893 With 1893/1736

ACGS 16211 J1 509av 1893/1680 From: Chief Judge, Native Land Court, Wellington Date: 26 October 1893 Subject: Recommends issue of title to J Gear of Totaranui No 3, 1893 (R24563967)

ACGS 16211 J1 521d 1894/875 From: Ropata Ranapiri and others, Ōtaki Date: 21 June 1894 Subject: For removal of restrictions on Ahitangutu No 7 and Waitohu Whakapua Blocks, 1894 (R24564990)

ACGS 16211 JA 528ae 1894/1511 From: Chief Judge, Native Land Court, Wellington Date: 22 October 1894 Subject: Recommending issue of title for Titokitoki No 1 Block, 1894 (R24565564)

ACGS 16211 J1 528ao 1894/1524 From: Governor, Wellington Date: 17 October 1894 Subject: Removing restrictions on section 134 and 135, Town of Hadfield, Ōtaki, Enclosed: NO1891/1652, 1894 (R24565574)

ACGS 16211 J 1 521d 1894/875 From: Ropata Ranapiri and others, Ōtaki Date: 21 June 1894 Subject: For removal of restrictions on Ahitangutu No 7 and Waitohu Whakapua Blocks, also enclosed 1894/512, 1894 (R24564990)

ACGS 16211 J1 530ap 1894/1849 From: Governor, Wellington Date: 15 December 1894 Subject: Removing restrictions on Section 91, Town of Hadfield [Application from F G Bolton enclosed], 1894 (R24565812)

ACGS 16211 J1 544y 1885/5 From: Frederick Bright, Ōtaki Date: 2 January 1885 Subject: Offering to make alterations etc. in Court Room, Ōtaki, if increased rental be given [This item is part of a larger record. To order this document please use the record number in the Additional Archives Description field below], 1885 (R24566889) With 1895/1178

ACGS 16211 J 1 551l 1896/101 From: Governor Date: 10 January 1896 Subject: Removing restrictions on Lots 107A and 107B, Ōtaki, 1896 (R24567382) With 1895/683 & 1895/464

ACGS 16211 J 1 552v 1896/211 From: Paramena te Tewe and others Date: 24 February 1896 Subject: For removal of restrictions on Wakapua No 2, 1896 (R24567467)

ACGS 16211 J 1 552bq 1896/313 From: Arone te Hana and others, Ōtaki Date: 12 March 1896 Subject: Objecting to removal of restrictions on Pakakutu Pa, 1896 (R24567517)

ACGS 16211 J 1 578av 1897/1055 From: Enoka Te Wano and others, Ōtaki Date: 6 September 1897 Subject: For removal of restrictions upon Maringiawai 1 No 5 (3 acres 2 roods 2 perches) near Ōtaki, Enclosed 1896/170, 1897 (R24569728)

ACGS 16211 J 1 599al 1898/856 From: Governor, Wellington Date: 19 July 1898 Subject: Removing the restrictions on the alienation of section 103, Ōtaki, town of Hadfield, Enclosed: 1898/809, 1897/1165, 1896/941, 1894/392, 1898 (R24590388)

ACGS 16211 J 1 601k 1898/999 From: Kipihana Whiri Te Keho, Rotorua Date: 30 August 1898 Subject: For removal of restrictions on Ōtaki No 131 (34 perches), 1898 (R24590485)

ACGS 16211 J 1 601z 1898/1021 From: C W Tringham, Wellington Date: 3 September 1898 Subject: For removal of restrictions on Maringiawai No 8, Enclosed: 1896/1186, 1896/1185, 1898 (R24590502)

ACGS 16211 J 1 605av 1898/1339 From: A Knocks, Ōtaki Date: 7 November 1898 Subject: For refund of fee (£3) paid for crown grant for Mangapouri Block, the fee having been twice paid, 1870-1898 (R24590746)

ACGS 16211 J 1 606b 1898/1361 From: Governor, Wellington Date: 8 November 1898 Subject: Removing restrictions on Section 101 town of Hadfield [Application of Tamihana Te Hoia and another enclosed], 1898 (R24590769)

ACGS 16211 J 1 642t 1900/618 From: Governor, Wellington Date: 14 June 1900 Subject: Removing restrictions on sections 146, 148, 149 Ōtaki, Enclosed: 1898/1187; 1895/1450; 1895/1414, 1900 (R24592812)

ACGS 16211 J 1 640q 1900/492 From: Governor, Wellington Date: 25 May 1900 Subject: Excepting Pukehou 5A No. 1 South from operation section 117 of Native Land Court Act 1894, 1900 (R24592667)

ACGS 16211 J 1 640ai 1900/514 From: Rangi Whakairi, Ōtaki Date: 29 May 1900 Subject: For removal of restrictions on Ahitangutu No. 5 (2 roods 20 per), 1900 (R24592702)

ACGS 16211 J 1 643c 1900/657 From: Matenga Moroati Kiharoa and another, Foxton Date: 25 June 1900 Subject: For removal of restrictions on Te Awamate and Tuahiwi No. 2 Blocks, 2a, 30P and 7 Acres, 1900 (R24592855)

ACGS 16211 J 1 651aj 1900/1366 From: F G Bolton, Wellington Date: 21 November 1900 Subject: For exception of section 49, Hadfield (Ōtaki) from operation of section 117 of "The Native Land Court Act 1894", 1900 (R24593474)

ACGS 16211 J 1 652h 1900/1416 From: Tohuroa H Parata and another, Ōtaki Date: 29 November 1900 Subject: For removal of restrictions on Te Roto No. 1E, 1900 (R24593514)

ACGS 16211 J 1 663ar 1901/836 From: Wiremu Kiriwehi and Matire Inia, Ōtaki Date: 25 July 1901 Subject: For Order-in-Council excepting Haruatai 17 B from operation of Section 117/94, 1901 (R24599555)

ACGS 16211 J 1 674n 1902/179 From: Governor, Wellington Date: 18 February 1902 Subject: Removal of restrictions on alienation of Whakahokiatapango [Application of Haimona Ranapiri enclosed], 1902 (R24600225)

ACGS 16211 J 1 675bm 1902/395 From: Kirk and Wilson, Ōtaki Date: 15 April 1902 Subject: For consent of Governor to sale of Whakahokiatapango No 4a to G McBeath (1a 2r 15p), 1902 (R24600368)

ACGS 16211 J1 693ap 1903/454 From: A [Alexander] Dunn, Wellington Date: 29 April 1903 Subject: Application of Tamati Ranapiri for removal of restrictions on Ahitangutu No. 5 Section 2 and 3, 1903 (R24617816)

ACGS 16211 J1 724e 1905/6 [From: Governor Date: 26 December 1904 Subject: Removing restriction on Sections 105A and 105B, Ōtaki], Enclosed: 1904/1382, 1904/403, 1905 (R24619921)

ACGS 16211 J1 727ay 1905/328 From: Tereturu Hamahona, Ōtaki Date: 9 March 1905 Subject: Against removal of restrictions on Pukehou nos. 4F, 4E, 4D, 4J and 4C, 1905 (R24620176)

ACGS 16211 J1 729ac 1905/473 From: J G Stevens, Ōtaki Date: 5 April 1905 Subject: Application of Tohuroa Hira Parata for removal of restrictions on Section 93, Ōtaki, sale to J G Stevens, 1905 (R24620300)

ACGS 17314 13 JW2781 WLR 1889/59 Wellington District Land Registrar - Commissioner Crown Lands - Requests Grants of Pahianui No 3A Block to be returned for correction, and issue of new Grants, 1889 (R3205875)

ACGS 17314 1 JW2781 1912/37 Registrar-General of Lands - Re: Pukehou 4G 8A (CT 68/133 and Registration of A 5379), 1912-1913 (R3203850)

#### **ACGT 18718: Department of Lands and Survey, Head Office, 'Drawer Series' Land Sale Plans**

ACGT 18718 110 50b/41 LSDRAWER Waitohu Survey District - Block 9 - Haruatai Block No. 18 - Horowhenua County - Ōtaki Riding, undated (R25817881)

#### **ACGO: Department of Internal Affairs, Head Office**

ACGO 8333 211 [33] IA 1 1860/1671 From: Archdeacon Hadfield, Auckland To: Colonial Secretary, Auckland Date: 25 August 1860 Subject: Letter for Secretary of State respecting petition from Ōtaki Natives for removal of Governor, 1860 (R24126185)

ACGO 8333 223 [1] IA 1 1861/2157 From: Richard Eagar, Ōtaki To: Colonial Secretary, Auckland Date: 27 September 1861 Subject: As to his being unable to obtain payment of debts due by Natives, 1861 (R24132311)

ACGO 8333 380 [38] IA 1 1876/1605 From: William Fitzherbert, Superintendent, Wellington To: Colonial Secretary, Wellington Date: 6 June 1876 Subject: Recommends Dr Hewson as Registrar of Births Deaths and Marriages at Ōtaki, 1876 (R24260262)

#### **ACIA: Wellington Provincial Government**

ACIA 16195 21 36 WP 3 Superintendent - General Inwards Letters and Letters from the Commissioner of Crown Lands and the General Government - JC Richmond, 26 January 1867 - Acknowledging receipt of letter in which Superintendent had commented on statements made by Major Edwards in letter to JC Richmond, 17 December 1866, and forwarding copy of letter to Superintendent from Matene to Whiwhi referring to what took place at meeting of natives at Ōtaki on that day, 1867 (R17834073)

ACIA 16195 21 40 WP3 Superintendent - General Inwards Letters and Letters from the Commissioner of Crown Lands and the General Government - W Rolleston, Under Secretary Native Department - 28 January 1867 - Forwarding, by direction of Mr Richmond, reports of statements made at the Ōtaki meeting 19 December 1866 and copies of correspondence relating to the Manawatu purchase - Enclosed: Copy of what was said at Ōtaki 19 December 1866, with translation - Enclosed: Copy, with translation of letter from Parakaia te Ponēpa and others to Mr Richmond, 27 December 1866 - Enclosed: Copy, with translation, of letter to Ministers of the Government from Heremaia te Tihi, 1 January 1867 - Enclosed: Copy of translation of letter to Mr Richmond of letter from Haeta te Kohuki and others, 2 January 1867, 1867 (R17834077)

ACIA 16195 21 51 WP3 Superintendent - General Inwards Letters and Letters from the Commissioner of Crown Lands and the General Government - JT Edwards - 2 February 1867 - Relating to the Superintendent comments to JC Richmond on his report of a meeting at Ōtaki December 1866, and enclosing copies of his letter to Richmond on the subject and Matene's letter to him for the purpose of showing the Superintendents charge to be unfounded. Enclosure missing, 1867 (R17834086)

ACIA 16195 22 357 WP3 Superintendent - General Inwards Letters and Letters from the Commissioner of Crown Lands and the General Government - AM Donald, Wanganui - 29 July 1867 - Forwarding specified documents given to him for the purpose by the Ngatikauwhata after the return of Te Koro from Ōtaki. Enclosures missing, 1867 (R17834136)

ACIA 16195 22 405 WP3 Superintendent - General Inwards Letters and Letters from the Commissioner of Crown Lands and the General Government - Charles George Hewson, Ōtaki - August 1867 - Requesting because of special circumstances that the Superintendent assist him to secure his homestead which is in native land by becoming its nominal purchaser, 1867 (R17834165)

### **ACIS 17627: Police Department, Central filing system**

ACIS 17627 89 P1 1879/667 From: James Booth, Wanganui Received: 10 March 1879 Subject: Regarding land for Police station at Ōtaki - Owner wants an answer this week as he has another offer, 1879 (R24423127)

ACIS 17627 102 P1 1879/3496 From: Judge Young R.S. [Native Land] Court, Ōtaki Received: 11 November 1879 Subject: Has adjoining sitting of Court to Foxton, can services of a Constable be placed at disposal to keep order etc, 1879 (R24424134)

### **ADXS: Department of Lands and Survey, Wellington District Office**

*ADXS 19480: Commissioner of Crown Lands registered files*

ADXS 19480 LS-W2 25 1874/127 From: James Booth, Ōtaki Date: 23 March 1874 Subject: Urging that £100 be remitted for native land purchase purposes, 1874 (R24440579)

ADXS 19480 LS-W2 27 1875/229 From: W Langley, Ōtaki Date: 3 June 1875 Subject: Asking crown grants for certain land at Ōtaki, 1875 (R24481686)

ADXS 19480 LS-W2 43 1886/419 From: H Bevan, Waikawa, Ōtaki Date: 15 June 1886 Subject: For the Crown grant of Mangapouri, 1886 (R24487026)

ADXS 19480 LS-W2 44 1886/900 From: Under-Secretary to Crown Lands, Wellington Date: 9 October 1886 Subject: To issue titles for the Pukehou 5th Block, 1886 (R24487120)

ADX 19480 LS-W2 48 1887/1136 From: Under Secretary Crown Lands, Wellington Date: 6 October 1887 Subject: Enclosing Division Orders in respect of Pukehou No. 4 H Block for preparation of title, 1887 (R24496207)

ADX 19480 LS-W2 52 1888/1226 [From: Crown Land Commissioner, Wellington Date: 17 October 1888 Subject: Relative to Ahitangutu [?] Block], 1888 (R24496527)

ADX 19480 LS-W2 52 1888/1269 From: Bell Gully and Izard, Wellington Date: 29 October 1888 Subject: Wish title Makuratawhiti Block issued at once, 1888

ADX 19480 LS-W2 58 1889/2280 From: U. S. C. L. [Under Secretary to Crown Lands], Wellington Date: 25 November 1889 Subject: To issue titles to [Hanganoaiho] Nos. 1 and 2, [Section] 154, Ōtaki, and Takapu No. 3, 1889 (R24496999)

### **AECW: Māori Trust Office**

AECW 18683 MA-MT 1 73 1890/1581 Native Reserves - Regarding monies paid to Wiremu Wi Neera and others, all minors, for shares in the sale of the land known as Totaranui No. 11C, 1890 (R22363450)

AECW 18683 MA-MT 1 15 1892/11 Native Reserves From: Hemi Kuti, Ōtaki Date: 12 January 1892 Subject: 132 Mangaroa. Asking for his share of rent, 1892 (R24717667)

AECW 18683 MA-MT 1 73 1892/1417 Native Reserves - Regarding monies paid to Pitiera Hema Ropata te Ao and others, all minors, for shares in the sale of Paremata No. 3B Block, 1892 (R22367462)

AECW 18683 MA-MT 1 74 1893/1101 Native Reserves - Regarding monies paid to Ariwia Hapeta and others, all minors, for shares in the sale of Paremata 11, Section 3 and Paremata 15A, Section 8, Blocks, 1893 (R22367482)

AECW 18683 MA-MT 1 74 1894/1361 Native Reserves - Regarding monies paid to Atareti and others, all minors, for shares in the sale of Awahohonu A No. 3 Block Subdivision 1, 1894 (R22367509)

AECW 18683 MA-MT 1 1896/2933 Native Reserves - Regarding monies paid to Tungia Hema and others, all minors, for shares in the sale of Awahohonu and Paremata Blocks, 1896 (R22367584)

AECW 18683 MA-MT 1 76 1897/2283 Native Reserves - Regarding monies paid to Raiha Maka, a minor, for his share of the sale of Pukehou 5A Section No. 1 North No. 2, 1897 (R22367630)

AECW 18683 MA-MT 1 77 1898/2068 Native Reserves - Regarding monies paid to Mereopa Raiha for shares in the sale of Pukehou 4A No. 1 Block, 1898 (R22367690)

AECW 18683 MA-MT1/78 1898/2242 Native Reserves - Regarding monies paid to Iwikatea Kiri Minita and Oriwia, Akuhata and Kapo Pango, all minors, for shares in the sale of Section 103 Ōtaki, 1898 (R22367695)

AECW 18683 MA-MT1/81 1902/1034 Native Reserves - Query regarding Public Trust holding any monies for Muriata Kerehoma for shares in Kurukohatu A Taumanuka No. 3 and in the township of Hadfield with others, 1902 (R22382447)

AECW 18683 MA-MT 1 92 1912/1481 Native Reserves - Regarding monies paid to Ngarongo Kahira Wirihana, minor, for shares in the sale of Kaingaraki No. 11, 1912 (R22362803)

AECW 18683 MA-MT 1 98 1914/1557 Native Reserves - Regarding monies paid to Te Kohe Moki Heremia, minor, for shares in the sale of Pukehou 4C No. 1, 1914 (R22362888)

AECW 18683 MA-MT 1 1914/1742 Native Reserves - Regarding monies paid to Tata Parata, minor, for shares in the sale of Awahohonu A 34A2, 1914 (R22362908)

AECW 18699 99 156 MA-MT 12 Plan of Makuratawhiti, number 1 block - Block 9 Waitohu Survey District. Discrepancies between the boundaries and those of the Native Land Court described in memoranda, 1894 (R18931699)

### **AECZ: Native Land Purchase Department**

AECZ 18714 MA-MLP1 1/bk 1873/108a James Booth 12 July 1872 Report on land purchasing operations for 1872, 1872 (R23829913)

AECZ 18714 MA-MLP1 1/6f 1873/112 James Grundell [sic, Grindell] 29 July 1872: report on his visit to Horowhenua to arrange for surveys of native lands, 1872- 1873 (R23829901)

AECZ 18714 MA-MLP 1 1874/331 From: James Booth, Wellington Date: 10 August 1874 Subject: The native land court at Ōtaki and Foxton issued certificates of title inalienable whereas he wished them to be without restriction, 1874 (R23830094)

AECZ 18714 MA-MLP 1 2/bo 1874/355 From: James Booth, Wellington Date: 12 September 1874 Subject: Wirihana Puia to be appointed land purchase officer and Mr E McDonnell to assist Mr Monro, 1874 (R23830104)

AECZ 18714 MA-MLP 1 3/b 1874/465 From: J Booth, Ōtaki Date (Received): 13 November 1874 Subject: Recommends employment [of] Hoani Taipua at 10/ per diem to assist in purchase of native land, 1874 (R23830147)

AECZ 18714 MA-MLP1 4/bs 1879/193 James Booth 5 July 1879 Annual report as land purchase officer, 1879 (R23830417)

AECZ 18714 MA-MLP1 4/co 1879/269 From: James Booth, Wanganui Date: 24 July 1879 Subject: Recommending the appointment [of] Mete Kingi as assistant land purchase officer at a salary of £300 per annum, 1879 (R23830458)

AECZ 18714 MA-MLP1 5/ej 1879/595 James Booth 5 December 1879 Return showing state of his negotiations in progress 1879-1879 AECZ 18714 MA-MLP1 8/h 1880/737 James Booth 5 November 1880 Natives agree to an investigation of government interests in Waha o te Marangai block 1880- 1880

AECZ 18714 MA-MLP1 5cz 1879/639 From: Hon Native Minister, Wellington Date: 5 December 1879 Subject: Services of Mr Richard Booth as assistant land purchase officer to be dispensed with [Not all correspondence attached are described at item level.], 1879 (R23867889)

AECZ 18714 MA-MLP1 36/s 1879/646 James Booth 16 December 1879 Reporting on interviews in December 1878 of the then Native Minister by a deputation of Ngatiapa and Rangitane chiefs interested in Middle and Lower Aorangi blocks 1879-1879

AECZ 18714 MA-MLP1 36/2 NO1880/102 Wirihana Hunia 22 December 1879 Asks for 8000 acres of Aorangi 2 for himself and tribes on which to live 1879-1880

AECZ 18714 MA-MLP 1 6h 1880/37 From: James Booth, Wanganui Date: 8 January 1880 Subject: Forwards completed deed of "Pukehou No. 5A" - Requests that it be sent to Mr Marchant's office to have plan put on, [Enclosed N & D 1878/3170] 1880 (R23867904)

AECZ 18714 MA-MLP 1 1880/680 Ōtaki and Manawatu, Crown Waste Lands, 1880

AECZ 18714 MA-MLP1 8/I 1880/738 James Booth, Ōtaki 8 November 1880 as to steps taken to recover advances on certain lands the purchase of which has been abandoned, 1880 (R23870955)

AECZ 18714 8o MA-MLP 1 1880/764 From: A McDonald, Awahuri Date: 17 November 1880 Subject: Wants instructions as to the purchase of 1,000 acres of the Pukehou No. 4 Block [Not all correspondence attached are described at item level.], 1880 (R23870963)

AECZ 18714 MA-MLP1 9/ac 1881/221 James Booth 25 May 1881 Forwarding report showing state of land purchase transactions in the Wanganui district 1881- 1881 (R23871078)

AECZ 18714 10u MA-MLP 1 1881/474 From: James Booth, Wanganui Date: 18 November 1881 Subject: Requesting that Paruaaku No. 1 Block may be released from proclamation [This item is part of a larger record. To order this document please use the record number in the Additional Archives Description field below], 1874 (R23871179)

AECZ 18714 MA-MLP1 53/i 1882/255 Secretary Wellington and Manawatu Railway Company 17 Jul 1882 Requesting particulars on account of Tuwhakaturua Aorangi Horowhenua and any other blocks within area of allocation with the purchase of which the Government does not intend to proceed 1882-1882 (R23907646)

AECZ 18714 MA-MLP1 14k 1883/82 From: Registrar NLC [Native Land Court], Wellington Date: 15 March 1883 Subject: Forwards Orders in favor of the Crown, Pukehou Nos 4A and 5A Blocks, 1883 (R23871468)

AECZ 18714 MA-MLP 1 19f 1885/402 From: W L Buller, Wellington Date: 29 December 1885 Subject: There appears to be a misapprehension on the subject of his bill of costs for £5.11.4, 1885 Enclosed: 1885/368, 1882/394, 1881/102, 1882/73, 1880/789 (R23889070)

AECZ 18714 MA-MLP 1 19f 1885/368 From: W L Buller, Hastings Date: 26 October 1885 Subject: Forwarding another voucher for bill of costs regarding Government claim of £105 against the late Matene te Whiwhi [This item is part of a larger record. To order this document please use the record number in the Additional Archives Description field below] (R23889071) with 1885/368

AECZ 18714 MA-MLP 1 21ag 1887/76 From: H F Eagar, Ōtaki Date: 8 March 1887 Subject: Ropata te Ao wishes to borrow £400 to be repaid out of proceeds of sale of 1000 acres of Pukehou No. 5 L to pay debts of the late Puke te Ao, 1887 (R23903912)

AECZ 18714 MA-MLP 1 22i 1887/167 [Notification that Her Majesty has relinquished negotiations for the acquisition of the Te Rahui Block Ōtaki District], with 1887/286, 1879-1887 (R23903959)

AECZ 18714 MA-MLP 1 22w 1887/227 From: Ropata Te Ao, Wellington Date: 6 July 1887 Subject: Desirous to sell 600 acres of Pukehou no. 5 L to the Government at £1 per acre [Written in Māori with translation], 1887 [Enclosed: 1883/261, 1883/56, 1883/48, 1880/539] (R23903992)

AECZ 18714 MA-MLP 1 1895/103 Ōtaki and Horowhenua

AECZ 18714 MA-MLP 1 39j 1895/417 From: Miriama Komero, Taupo Date: 14 September 1895 Subject: Asks if Government is purchasing Pukeraruhi [Pukearuhe or Pukerarauhe ?] Block, 1895 (R23905287)

AECZ 18714 MA-MLP 1 61o 1897/1 From: Nireaha Tamaki, Hamua Date: 5 January 1897 Subject: Asking that restrictions may be removed from Makirikiri Blocks nos. 3, 4, 5, 7, 8 and 9 [This item is part of a larger record. To order this document please use the record number in the Additional Archives Description field below], 1891 (R23908106) with 1901/42

AECZ 18714 MA-MLP 1 77/t 1906/52 From: Nireaha Tamaki, Humua Date: 30 April 1906 Subject: Wishes to lease a portion of Makirikiri, etc, 1906 (R23908988)

AECZ 18714 MA-MLP 1 145n 1914/66/89 Block: Pukehou Grant 5292, 1916 (R23909832)

### **AEGV 19109: Māori Land Court Plans and maps**

AEGV 19109 MLC7A/5\*B32 Plan of Native Land situated in the vicinity of Ōtaki Township - Scale 5 chains to 1 inch, no date (R16460225)

AEGV 19109 MLC7A/7\*10 Borough of Ōtaki, Blocks V and VIII and IX Waitohu S.D. - Scale 10 chains to 1 inch P.W.W.D.O. 3270, no date

### **AEGV 19119: Māori Land Court papers**

AEGV 19116? MLC12/4\*8 Papers relating to Sittings of the Court at Ōtaki, 6 July 1866 onwards, 1866-1874

AEGV 19119 MLCW2218 9 Ōtaki Vested Lands (Palmerston North) – Totaranui, unknown date (R18079069)

AEGV 19119 MLCW2218 9 Ōtaki Vested Lands (Palmerston North) – Whakarangirangi, unknown date (R18079070)

AEGV 19119 MLCW2218 9 Ōtaki Vested Lands (Palmerston North) – General, unknown date (R18079071)

AEGV 19119 MLCW2218 26 Court Correspondence - Judge MacKay (Palmerston North) - Ōtaki (various sections) (4 files), no date (R18079265)

AEGV 19119 MLCW2218 26 Court Correspondence - Judge MacKay (Palmerston North) - Piritaha (2 files), no date (R18079266)

AEGV 19119 MLCW2218 26 Court Correspondence - Judge MacKay (Palmerston North) – Pukekaraka, no date (R18079273)

AEGV 19119 MLCW2218 26 Court Correspondence - Judge MacKay (Palmerston North) – Pahianui, no date (R18079274)

### **AEGX: Māori Land Court, Aotea (Wanganui District)**

AEGX 19124 MLC-WGW1645 100 3/164 Rekerereke, 1, Block - 20 July, 1922 (R10696716)

### **AFIH: Records of Land Information New Zealand - Wellington Processing Centre Wellington Land District Deeds Indexes**

AFIH 22394 W5691/80 27 part 1 Deeds Index - Fitzherbert, Ōtaki (Hadfield) - Folio 1 to Folio 475, c.1844- c.1969 (R20163358) Online version available.

AFIH 22394 W5691/81 27 part 2 Deeds Index - Carnarvon, Ōtaki (Hadfield), Rangitikei Blocks - Folio 476 to Folio 938, c.1844-c.1969 (R20163359) Online version available.

**Aotea Māori Land Court, Whanganui:**

Block order files (Porirua ki Manawatū Māori Land Court Records document bank project)

**Alienation files:**

Awahohonu A4 3/9659  
Haruatai A (mill site) 3/9526  
Haruatai B (mill site) 3/9526  
Kurukohatu D2 3/10187  
Makuratawhiti 8B1 3/9439  
Moutere 8A 3/8543  
Moutere 8B1 3/8492  
Ngatoko 3/10038  
Ōtaki section 120 3/9538  
Ōtaki section 95A 3/8557  
Ōtaki section 147 & part Makuratawhiti 5B1 3/8900  
Ōtaki section 163 3/9781  
Ōtaki section 138 3/9620  
Ōtaki section 143 3/9707  
Ōtaki section 151 3/9533  
Ōtaki section 134C 3/9317  
Ōtaki section 135A, B & C 3/10303  
Ōtaki section 146 3/9015  
Ōtaki section 149 3/9169  
Ōtaki section 50 3/8553  
Ōtaki section A1 3/8857  
Ōtaki section B 3/8733  
Ōtaki section C 3/8679  
Ōtaki section 147E 3/10302  
Ōtaki section 134B 3/9316  
Ōtaki section 106 3/9617  
Ōtaki section 150 3/9741  
Ōtaki section 158 3/9531  
Ōtaki section 165 3/10183  
Ōtaki section 129A 3/9210  
Ōtaki section 44 3/8993  
Pahianui A3 3/9614  
Pahianui B5B 3/8556  
Pukehou 4C4A 3/9730  
Pukehou 4C4C 3/10123  
Pukehou 4C7B 3/9021  
Pukehou 4C7C 3/9313  
Pukehou 4C7F 3/9021  
Pukehou 4D2B 2/8967  
Pukehou 4E2A 3/8686  
Pukehou 4E2B 3/8687  
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