

Taihape Rangitikei ki Rangipo Inquiry:

Maori Land Rating and

Landlocked Blocks Report

1870-2015

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Ministry of Justice WELLINGTON

By Suzanne Woodley, 20 July 2015

A report prepared for the Taihape: Rangitikei Ki Rangipo Research Programme and commissioned by the Crown Forestry Rental Trust

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1. INTRODUCTION

1.1 The author

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

Between 1990 and 1995 I worked for the Waitangi Tribunal where I wrote a number of reports including the first general report on Native Townships for the Tribunal's Rangahaua Whanui National Themes series. During 1995 and 1996 I worked as a researcher for the Hauraki Maori Trust Board.

Between 1997 and 2004 I worked as a project manager and senior archivist at The National Archives (formerly Public Record Office), London. Since May 2005 I have provided research services within the Treaty claims sector. This has included researching for historians completing reports for Crown Forestry Rental Trust and the Waitangi Tribunal as well as the preparation of reports for these organisations. In addition I have worked for the report writing team of the Waitangi Tribunal Unit which involved the compilation and analysis of socio-economic data and reference checking for Te Kohanga Reo claim and Whanganui lands reports.

1.2 Project Brief

This report was commissioned by the Crown Forestry Rental Trust as part of Phase Two of the Technical Research Programme for the Taihape: Rangitikei ki Rangipo District Inquiry Technical Research Programme. The following is the project brief and research themes and topics identified by the Trust.

The project purpose is to describe impacts on Taihape Maori and economic opportunity cost of rating and landlocked blocks of Maori owned land in the Taihape Inquiry District. The Maori Land Rating and Landlocked Blocks, c.1870-2010 report will investigate the impact of rating of Maori-owned land in the Taihape Inquiry

District on Taihape Maori, particularly in relation to their land-base. The report will include the sale of Awarua 2C15B as a case study. The report will also trace the process through which Maori-owned blocks in the Taihape Inquiry District came to be landlocked, and the impact this has had in terms of economic opportunities for Taihape Maori, and the difficulties in administering such blocks for the owners.¹

Research Themes and Topics in respect to rating include:

- A summary of the 19th and 20th Century policy and practices governing the levying and collection of rates and the role of the Crown (based on existing secondary research and reviews).
- Did rating and valuation legislation, policy and/or practice of the period recognise the particular nature of Maori land and the tenure system under which it is held?
- Were any Maori owned lands exempt from rates prior to 1900?
- What role did local government have regarding the levying and collection of rates on Maori land in the Taihape district?
- To what extent were Maori land owners consulted about the rating of their land?
- How did Maori in the Taihape district react to the imposition of rates and the consequences of non-payment?
- The extent and impact of local body charges on Maori land holdings in the Taihape district.
- To what extent did ratings pressure cause the temporary or permanent alienation of Maori land in the Taihape district?
- To what extent did rating affect Maori aspirations for utilising their land?
- Whether classes of Maori land were exempted from rates in the district, and whether this changed over time?
- What roles did local councils and boards, the Maori Land Court, District Maori Land Boards and the Maori Trustee have regarding the levying and collection of rates on Maori land in the Taihape district?

¹ Crown Forestry Rental Trust, Project Brief for Taihape Inquiry District rating and landlocked blocks report, February 2014.

- The extent and impact of local body charges (including those of district council, pest control boards, catchment boards and other agencies) on Maori land holdings in the Taihape district.
- The extent to which local bodies sought the appointment of a receiver for blocks with outstanding rates charges.
- The extent to which such receiverships resulted in compulsory long term leasing or sales of the land. The Contractor will, as far as possible, quantify the amount of Taihape Maori land loss through this avenue.
- Case studies of blocks where the County Council, the Maori Land Board and the Maori Trustee were appointed receiver.
- The sale of Awarua 2C15B should be included as a case study.

Research Themes and Topics in respect to landlocked blocks include:

- The process whereby certain blocks came to be without road-access.
- Is there any relationship between this process and the alienation of Maori land in the Taihape Inquiry District?
- The Native Land Court and Maori Land Court could create titles for blocks and partitions that were landlocked for years. How long did these provisions persist for? And how did they compare with general land legislation provisions?
- Landlocked blocks and paper roads – what were the title and management problems caused by paper roads?
- To what degree was this an issue for Maori land owners ?
- Did Maori land owners protest and with what effect?
- Did Maori owners in this period seek relief from rates based on the inability to access such blocks? To what effect?
- Did the lack of access limit potential economic ventures for such blocks?
- Outline the history of attempts by the owners to gain access rights through Maori
- Land Court applications or local council roading requests.
- How have local authorities responded to requests for rates remission, particularly for those blocks without legal access?
- The impact of lack of access to Maori blocks in the Taihape district?

- How has lack of access limited potential economic ventures for such blocks? What problems do owners/trustees face in administering the blocks?
- The Contractor will quantify the percentage of landlocked blocks out of the total proportion of Maori-owned land in the Taihape Inquiry District
- The Contractor will include a comparative analysis of the abovementioned percentage with the percentage of landlocked blocks of Crown and private land in the Taihape Inquiry District.
- The Contractor will set out the methodology for these quantitative analyses regarding the amount of landlocked land in the Taihape Inquiry District, noting the sources for historical estimates.
- How much Maori-owned land in the Taihape Inquiry District is still landlocked? Is this an on-going issue for remaining Maori land?

1.3 Structure of report

This report is divided into two parts: the rating of Maori land in the inquiry district and landlocked blocks within the inquiry district.

Part I of the report concerns the rating of Maori land in the inquiry district. It begins with a legislative overview and summary of nineteenth and twentieth century policies and practices governing the levying and collection of rates. Following this is a summary of the meetings that were held between Maori and government regarding the rating of Maori land and also what Maori, both generally and in the inquiry district, were saying about the rating of their land from the 1880s.

This is followed by an examination of how local authorities who have rated land in the inquiry district utilised the legislation. These sections include some block specific analysis. Prior to 1987, there were six county councils rating Maori land in the Taihape Rangitikei ki Rangipo inquiry district. The council which covered the majority of the inquiry district was the Rangitikei County Council (now Rangitikei District Council). For this reason, and that the council was very proactive in ensuring that it received the rates it levied on Maori land, discussion of the actions of the Rangitikei County Council (RCC) and how it administered

the rating legislation pertinent to Maori land forms the bulk of the rating component of the report.

Until 1920, the boundaries of the Hawke's Bay County Council (now Hastings District Council) encompassed much of the north eastern portion of the inquiry district but from 1920, just part of Te Koau block came within its remit. In the 1990s, Awarua o Hinemanu also came within the Hastings District Council boundaries. Therefore the Hawke's Bay County Council (HBCC) portion of the report concentrates on this initial period.

The southern boundaries of the East Taupo County Council, (later Taupo County Council, now Taupo District Council) took in some of the very northern (and landlocked) parts of the Owahaoko, Rangipo Waiu and Oruamatua Kaimanawa blocks much of which was gifted to the Crown in 1917. Little specific information has been located on the rating of these blocks therefore a general overview of rating by this council has been provided.

Within the boundaries of the Kiwitea County Council were most of the landlocked Awarua 1A3 blocks which the Council exempted from rates in 1947. Also within the county were the Otamakapua blocks much of which was alienated to the Crown in 1884.² Files of the Kiwitea County Council perused have not revealed many issues relating to the rating of the Otamakapua blocks.

The Pohangina County Council also encompassed a small portion of Awarua 1A3C and the Otumore block. Very little information has been located on the rating of these blocks by this council and for this reason the rating by this council has only been examined in respect of Awarua 1A3C. This information can be located in the block study for Awarua 1A3C.

Finally, the Waimarino County Council also had jurisdiction over a small part of the inquiry district with the Oruamatua Kaimanawa 3C, 3E and 3F blocks coming within its boundaries. The Waimarino County Council was, like the RCC, active in pursuing rates. The focus of this section will be the charging orders made and proposed exemption of these blocks.

² Terry Hearn, 'Taihape Sub-district Block Study: Southern Aspect', for Crown Forestry Rental Trust, 2012, pp. 105-107.

In 1989, the Rangitikei County Council, Taihape Borough Council and Marton Borough Council were amalgamated to form the Rangitikei District Council. In the same year, the KIWITEA and Pohangina counties became part of the Manawatu District Council, the Taupo County Council became the Taupo District Council and most of the land formerly within this council was transferred into the Rangitikei District Council. In addition, the Waimarino County Council became the Waimarino District Council. Later it became part of Ruapehu District Council which now rates the Rangipo Waiu B and some of the northern Motukawa blocks still in Maori ownership.

This part of the report concludes with a summary of issues.

Part II of this report relates to Maori land within the inquiry district that is landlocked. Simply and succinctly put, landlocked land is:

Surrounded by other blocks with no road, drive or easement leading to it, so that there is no reasonable or legal access. This means that to get to your land, you technically have to trespass on your neighbour's land and that they have the right to block you getting there.³

The Landlocked Maori land Officials Group established in 1998 defined land-locked Maori land as:

Land that has no legal access and/or where access is not reasonable.⁴

Part II is divided into five sections. The first section examines the legislative provisions and policy regarding road access to Maori land. It includes Maori Land Court, county and public works legislation.

The second section examines various access issues associated with Maori land in the inquiry district. Included are examples of land where Maori have agreed to lay off roads to give better access to adjoining land and for them to become public roads, land where an exchange

³ *Pouwhenua*, Te Puni Kokiri, May 2008.

⁴ Landlocked Maori land Officials Group, August 1998 meeting, ABKL W5757 8154 Box 532 R10/1/1 Policy-Maori Issues 1998 – Landlocked Maori Land Officials Group, 1999, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 26-27.

has been ordered so as to provide access, applications under section 60 of the Maori Affairs Act 1963 to change previously made Maori Land Court partition orders to include a right of way, land where there were difficulties associated with the provision of access and land that has been sold where access has been a factor in the sale.

The third section forms the bulk of this part of the report. It deals specifically with the landlocked blocks within the inquiry district that are still Maori land today and discusses how the land became landlocked and the issues the owners currently have in terms of access to their land. Some of the block histories contain additional information regarding other partitions within the block which have been sold, largely due to lack of access. All contain details regarding the rating of the block.

The fourth section provides tables and a map showing Maori and Crown landlocked land in the inquiry district and the final section provides an assessment of blocks affected by access.

1.4 Methodology

Part I: Rating

After identifying from county maps and valuation rolls the county councils that had jurisdiction over inquiry district land, it was apparent that it was the Rangitikei County Council (RCC) that played the largest part in the rating of the inquiry district. Therefore it is the records of this county where much of the research has concentrated. The records of the county up until 1987 are located in a repository in Feilding called Archives Central. Nineteenth century records utilised from this archive include valuation rolls, rate books and minutes of the council. The archive also contains the records of the KIWITEA County Council who rated some of the south-eastern area of the inquiry district. In addition, newspapers have been examined for early references to the rating of Maori land. The later source was also used extensively in the Hawkes Bay County Council chapter as its early records were lost in the earthquake of 1931.

Archives Central also holds block specific files on Maori land blocks where rates were not paid. No file is available where rates have always been paid. At least forty of these files have been examined. In addition, any administrative file relating to the rating of Maori land has

been viewed. Some council minutes were also viewed but generally speaking the minutes just record decisions and not the discussion leading to the decision and therefore the block specific files tend to contain more information.

Archives Central also hold two massive Maori land specific rates books containing details of the amount rated on what appears to be every Maori land block in the county. The first volume dates from 1915 to 1937 and the second volume from 1937 to the mid-1970s.

To identify Maori land in the inquiry district where rates charging orders were issued, a systematic examination of Whanganui Maori Land Court Minute Books from 1925 to 1974 (No's 82-137) was made. For most blocks within the RCC boundaries, the charging orders were recorded in the Whanganui minute books and for this reason this series of minute books was reviewed. These minute books are also pertinent as they contain references to receivership orders and exemptions and at times note rating issues when land was sold or leased. Other minute books such as Napier and Tokaanu were also checked but not in their entirety. Therefore the analysis of charging and receivership orders made in the inquiry district is predominantly based on the Whanganui minute books.

Visits were also made to both the Aotea (Whanganui) and Takitimu (Hastings) Maori Land Courts, the later for files relating to Te Koau and Awarua o Hinemanu. Alienation and correspondence files were viewed though more recent files (the last ten years) were not available. Block order files provided in the inquiry district document bank have also been used extensively for mention of rates as have any early Court and Native Department files held at Archives New Zealand. In particular many of the early application files have been viewed to locate any applications for roadways on landlocked blocks.

In addition, a series of files held at Archives New Zealand have been examined which contain correspondence between the Native Department (later Maori Affairs Department) and the various local authorities throughout New Zealand about the rating of Maori land between 1915 and 1963. Both county clerks for the Hawkes Bay and Rangitikei County Councils feature. A second series of records examined are papers from the Maori Rating Committee of 1933 where the Rangitikei County Council clerk gave evidence. He provided many details of way in which the county rated Maori land in the inquiry district. The Maori Affairs

Department also created files specific to many of the counties. These tend to contain applications for exemptions from rates and have been utilised extensively in this report.

Despite repeated requests to the Maori Trustee over seven months, only seven Maori Trustee files were made available for this report. These were all closed general files held at Archives New Zealand. Access was not given to any of the block specific files requested. Pressure of work and having to check the files for personal information and ‘relevance’ were cited by Maori Trustee staff as the reasons for not making the files available.

Due to time constraints and the relatively small amount of land involved, no visit was made to Taupo District Council, Ruapehu District Council or Manawatu District Council Archives to peruse any of the records they may hold on the rating of Maori land in the district.

Awarua 2C15B

The project brief specifically stated that Awarua 2C15B should be included as a ‘case study’ in this report as it was known by claimants that the land had been compulsorily sold. This block specific study is located within the Rangitikei County Council chapter (5.24). Records of the Maori Land Court (block order, correspondence and alienation files and minutes), Maori Affairs Department (Head Office) and Rangitikei County Council have been used to examine what happened to this block. Files of the Maori Trustee pertaining to the block have not been made available by the Maori Trustee despite (as noted above) repeated requests to staff at the organisation over a seven month period.

No other instance of land being vested in the Rangitikei County Council for sale due to rating and/or noxious weeds issues was located during the course of the research for this report.

Part II: Landlocked Blocks

The issue of Maori owned landlocked blocks in the inquiry district was raised in earlier research completed for the Taihape Inquiry District research programme (phase 1). In Heather Bassett’s scoping report ‘Local Government, Rating and Native Townships’ (2012) she notes that during discussions with claimant groups that the issue of large areas of Maori land being without road access was raised. Blocks such as Aorangi (Awarua), some Awarua

blocks, Te Koau, Awarua o Hinemanu and parts of the Owhaoko were given as examples. She concluded that more research was required into this issue.⁵ Other instances were identified in the block histories by Fisher, Subasic and Stirling, (northern and central aspects reports) and the Public Works report by Philip Cleaver specifically Oruamatua Kaimanawa 1U and 1V and Te Koau A.

In addition, other landlocked blocks were identified (and confirmed with claimants) during claimant hui and as research for this report progressed. For example during the examination of the Whanganui minute books, the examination of the early Native Land Court application files for applications for roads, the examination of the Maori Land Court block order files for road orders and a search of RCC road files. Milestone reports prepared for Crown Forestry Rental Trust during the preparation of this report included a list of landlocked blocks that could be checked for completeness by claimants.

The nine chapters that follow the legislative and policy overview and issues of access chapters, consist of studies all the blocks identified so far as being landlocked and still in Maori ownership in the inquiry district. It is in these block studies where the circumstances leading to the block being landlocked are examined. Where applicable, these chapters also include details about the sale of surrounding land which very often had no access as well. Each block study examines how the block was rated. The three blocks where less material has been located are Awarua 3A2J, Awarua 4A3C8A and Otamakapua 2C as these were identified as landlocked relatively near to the end of the project.

Files of the Department of Lands and Survey, New Zealand Forestry Service and Department of Conservation held at Archives New Zealand have also been examined for mention of access. Correspondence with DOC during the research process had also taken place though complete information regarding the Timahanga Track has not been made available in time for inclusion in the final report.

Also of note is that where an application for reasonable access has been made to the Maori Land Court and has yet to be heard and a decision made, the records associated with the

⁵ Heather Bassett, 'Taihape Inquiry District: Local Government, Rating and Native Township Scoping Report', for Crown Forestry Rental Trust, 2012, pp. 22-24.

application are not considered by the Court to be public records so are not available for perusal.

The ‘SW Document Bank’ referred to in footnotes relates to the document bank prepared for this report.

1.5 Acknowledgements

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Part I: The Rating of Maori Land in the Taihape: Rangitikei ki Rangipo Inquiry District

2. RATING LEGISLATIVE AND POLICY OVERVIEW

2.1 Introduction

This overview of rating legislation and policy is largely based on Tom Bennion's *Maori and Rating Law* report which is a comprehensive analysis of the legislation and government policy associated with the rating of Maori land. In addition, the inquiry district specific ratings reports of Marinus La Rooij, Richard Towers, Jane Luiten and Bruce Stirling (Tauranga, East Coast, Te Rohe Potae and Te Raki respectively), have been utilised as have the Tribunal's own reports in particular *Tauranga Moana 1886-2006* report.⁶

2.2 Rating Legislation, 1882 to 1910

Rates are defined by Bennion as a 'tax, based on ownership of property, levied by a local authority and applied to services at a local level'.⁷ He explains that it was not until 1882 that Maori (and Crown) land was 'extensively rated'. The Rating Act 1882 and the Crown and Native Lands Rating Act 1882, 'widened the categories of rateable Maori land and established a scheme for the Crown to guarantee payment of the Maori contribution'.⁸ Bennion records that Parliament was told that the 'underlying principle' of the Crown and Native Lands Rating Act 1882 was that all land should 'contribute their fair share' to the construction and maintenance of the roads of the country. It was 'said to be one of several measures ... introduced to achieve the aim of the Minister of Public Works to provide local government with its own funding base'.⁹

⁶ Tom Bennion, *Maori and Rating Law* Waitangi Tribunal Rangahaua Whanui Series, 1997; Jane Luiten, 'Local Government in Te Rohe Potae', for Waitangi Tribunal, 2011; Marinus La Rooij, "That most difficult and Thorny Question": The Rating of Maori Land in Tauranga County', for Waitangi Tribunal, 2002; Richard Towers "Its rates and taxes are biting ... its teeth cannot be withdrawn!" Rating on the East Coast, for Crown Forestry Rental Trust, 2007; Bruce Stirling, "Eating Away at the Land, Eating Away at the People": Local Government, Rates and Maori in Northland', for Crown Forestry Rental Trust, 2008; Waitangi Tribunal, *Tauranga Moana 1886-2006: Report on the Post-Raupatu Claims*, Wellington, 2010.

⁷ Bennion, p. 1.

⁸ Ibid, p. 16.

⁹ Ibid, p. 16. Bennion's source is New Zealand Parliamentary Debates, 1882, volume 43, pp. 703, 868.

The Crown and Native Lands Rating Act 1882 Act allowed the rating of all Maori land within borough boundaries. Also rated was Maori land held under a Crown Grant, in the occupation of Europeans and within five miles of a public road (s6 (15)). It provided too for the Governor in Council to proclaim districts outside of the boroughs as 'Native Rating Districts' (s4) which were subject to rating. In addition, the Governor in Council could proclaim districts over Maori land 'to which the provisions of the Act relating to Maori land did not apply and that would therefore be rated the same as European land (s5).¹⁰

Indeed a *Gazette* notice of February 1884, gave notice regarding the constitution of Native Rating Districts under the Crown and Native Land Rating Act, 1882. Included in the schedule of districts were the county of Rangitikei (with the exception of the Lethbridge Town District) and the county of Hawke's Bay 'comprised within the boundaries of the Patea and Maraekakaho Road districts, and also that portion of the Petane Road District situated outside the Provincial District of Hawke's Bay'. The Patea road district consisted of the same boundaries as the Patea riding, later Erehon riding, which was part of the inquiry district.¹¹

Notice of districts excluded from the Crown and Native Lands Rating Act, 1882 was given on the same day with 'that portion of the County of Hawke's Bay comprised within the boundaries of the Havelock, Okawa, Heretaunga, Puketapu, Meanee, and Clive Road Districts; and also that portion of the Petane Road District situated within the Provincial District of Hawke's Bay' and 'that portion of the County of Rangitikei comprised within the boundaries of the Lethbridge Town District' excluded from rating.¹²

The Act also specifically exempted the following Maori land from rates:

- Maori land occupied by Europeans (under section 6(14); (as these lands were dealt with under the Rating Act)
- Maori land within the counties of East Taupo, West Taupo, Kawhia, Sounds, Fiord, Stewart Island (s6(13); and

¹⁰ Marinus La Rooij, p. 18.

¹¹ *New Zealand Gazette*, 2 February 1884, p. 193.

¹² *New Zealand Gazette*, 2 February 1884, p. 194.

- Maori land more than five miles from any public road open for horse traffic (s6(15)).

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The second exemption, specifically the county of East Taupo, was relevant to lands in the far north of the inquiry district and the third exemption meant, as Towers suggests, that ‘those areas where road development had been active were most affected’.¹⁴

Other exemptions were provided in the Rating Act 1882 which included Maori land ‘where the original title had not been extinguished and which was unoccupied’. In addition the Act exempted lands ‘owned by Maori’ where there was ‘not an owner or occupier other than a Native’. The Act also changed the way land was valued – from annual to capital value.¹⁵

Determining whether Maori land was rated or not was the Property Tax Commissioner, who prepared the valuation rolls (s8).

The Crown and Native Lands Rating Act 1882 Act also provided for rates demands to be sent, ‘in the absence of a named owner on the title’ not to Maori but to the colonial treasurer.¹⁶ He was then required to publish a demand notice in Maori in the *Gazette*. The first such demand notice was given in 1884 when the Colonial Treasurer gave ‘notice’ in the *New Zealand Gazette* to owners of Maori land under the Crown and Native Lands Rating Act, 1882, advising that each and every owner or owners of land described in valuation rolls supplied to local bodies, including the Rangitikei County Council, were required and directed to pay the rates before 22 May 1884. The Treasurer said that demands had been made to him by the local bodies for payment. Neither East Taupo nor Hawkes Bay County Councils were included in the schedule of local bodies to which this applied.¹⁷

A similar *Gazette* notice was published in 1885. On this occasion both the Rangitikei and Hawke’s Bay County Councils were included in the schedule of local bodies for which this applied. The wording was clear:

¹³ Bennion, pp. 16-17.

¹⁴ Richard Towers “‘Its rates and taxes are biting ... its teeth cannot be withdrawn!’” Rating on the East Coast, for Crown Forestry Rental Trust, 2007, p. 36.

¹⁵ Bennion, p. 16.

¹⁶ La Rooij, p. 19.

¹⁷ *New Zealand, Gazette*, 24 April 1884, p. 711.

Notice is hereby given to you and each and every of you that rolls of Native lands are now deposited at the offices of the said several local bodies, which said rolls are in the Maori language, and show the rateable value of the Native lands therein mentioned or described. And you and each and every of you, the owners of the said lands, are hereby required and directed to pay the said rates on or before the 13th day of April, 1885, such payment to be made by you at the office of the local body in whose district the lands affected are respectively comprised, and as noted in the said schedule.¹⁸

Between 1887 and 1891, similar *Gazette* notices were published giving notice under the Crown and Native Lands Rating Act, 1882 and its amendments that owners described in the valuation rolls supplied to local bodies were required to pay rates to that local body by a particular time.¹⁹

Bennion explains that Maori owners who paid rates were entitled to have the name of ‘one of their number’ enrolled on the ratepayers roll, who could thereby vote in local body elections (s 17). If the rates were not paid by the Maori owners within three months, however, then the colonial treasurer was to pay them (ss9, 15). Bennion explains further that:

The Government expenditure was recovered with the stamp duty which had to be paid whenever the land was leased to a non-Maori or when it was sold or exchanged for the first time (s 12).²⁰

The stamp duty was a flat 10% charge rather than the actual amount of rates owed. Bennion records too that although the Act provided a ‘generous payment system’ there were still criticisms from members of parliament that the legislation did not go far enough. There were some, however, who ‘agreed that Maori were being taxed for roads they had never asked to be built’ and that the payment of stamp duty on lands as they were alienated did not support the view that Maori paid no taxes. Bennion also notes that the Member of Parliament for Rangitikei and others criticised the legislation for its limited provision of Maori representation on local bodies. There was also opposition by the Maori members of parliament which Bennion states ‘was an expression of a general unease’ that all legislation

¹⁸ *New Zealand Gazette*, 1 October 1885, p. 1119.

¹⁹ *New Zealand Gazette*, 17 February 1887, p. 263; 5 January 1888, pp 4-5; 11 April 1889 p. 374; 5 March 1891, p. 315

²⁰ Bennion, p 17.

relating to Maori was ‘pressing on them very severely indeed’. He records that Wiremu Te Wheoro, the member for Western Maori ‘gloomily predicted that as a result of the Act Maori would not sell or lease their land’ but that the rates would accumulate until they reached ‘such an amount that a Bill will probably be brought in to confiscate those lands altogether as payment for the rates’.²¹

Bennion notes that in practice that ‘by making all Maori land within five miles of a highway liable for rates, the Act affected 3.5 million acres out of 13 million acres by 1883’.²²

The following table shows the significant amounts paid to the Rangitikei and Hawke’s Bay County Councils under the Crown and Native Lands Rating Act 1882 between July 1885 and May 1886. (More information on the amounts received under this Act are recorded in the specific county sections.)

Table 1: Payments to Local Bodies in inquiry district under Crown and Native Lands Rating Act, 1882, from 23 July 1885 to 31 May 1886

County Council	Crown	Maori	Total
Rangitikei	£42.16.5	£512.10.8	£555.7.1
Hawke’s Bay	£100.1.1	£679.1.4	£779.2.5

Source: AJHR, 1886, B15.

The Waitangi Tribunal stated in its Tauranga report that there was:

... concern that a stamp duty of some 10 per cent was payable when Māori land was alienated – effectively a tax. Although the stamp duty was payable by the purchaser, the practical effect was, as Hori Kerei Taiaroa told the Legislative Council in 1885, that lower prices were offered for Māori land. It was a situation that persisted until 1904, when the level of stamp duty on Māori land was brought in line with that payable on general land.²³

²¹ Bennion, pp. 17-18. Quote from NZPD 1882, vol 43, 30 August 1882, p 703 (Tomoana) and from 30 August 1882, p. 712 (Wiremu Te Wheoro)

²² Bennion, p. 20.

²³ Waitangi Tribunal, *Tauranga Moana 1886-2006: Report on the Post-Raupatu Claims*, Wellington, 2010, p. 378.

Marinus La Rooij states that the Act ultimately failed:

... because the new rating system created a serious strain on the Crown's purse. While the Treasurer was able to recoup some of the monies owed to him, it was clear that a debt would have to be carried until the land was sold. Under the 1882 Act the Crown paid out £67,369 in compensation to local bodies. By 1924 the Crown had only recovered £38,235 of this sum, with £29,134 being written off. Because of this financial burden, the Act was repealed in 1888'.²⁴

Thus, the Crown and Native Lands Rating Act Repeal Act 1888 'ended the scheme of Treasury reimbursement to councils, and provided that liability for rates on Maori land was now governed solely by the Rating Act 1882'.²⁵ Also in 1888, the provision exempting Maori land outside 5 miles of a public road was repealed. It was later re-introduced in the Rating Acts Amendment Act 1893.²⁶ Bennion notes that the long title to the 1893 Act was 'to declare all Native Land to be Rateable Property' and that the passing of this Act went 'some way towards removing obstacles to a wider coverage' of the rating of Maori land. The Act said that all Maori land, 'held customarily or otherwise (s 15), was to be rateable' but that this applied only to Maori land where title had been investigated by the Native Land Court and land where title had not been investigated by the Court but was in the occupation of Europeans. In addition 'Maori land occupied by Maori and outside the boundaries of towns or boroughs would be levied at half rates and be exempt from any special rates'. No rates were to be levied if the land were:

- situated more than five miles from any public road or highway (s 18(1));
- customary land without a European occupier (s 18(4));
- situated in a borough or town district occupied solely by Maori, and which, 'owing to the indigent circumstances of the occupiers, or for other special reason', the Governor thought should be exempted (s 18(2)); or
- exempted by declaration of the Governor in Council (s 18(3)).

²⁴ La Rooij, p. 20.

²⁵ Bennion. p. 11.

²⁶ La Rooij, p. 18.

As well, 'rate arrears could be recovered as for European land, except that no lien could be registered against the land, nor could it be sold, until the matter had first been inquired into and approved by a Trust Commissioner (s19))'.²⁷ Therefore 'no land could be sold or charged for rates without the consent of the Trust Commissioner'. In 1894, the 1893 Act was consolidated with other rating legislation as the Rating Act 1894.²⁸

In 1896, the Rating Act Amendment Bill was introduced with the aim of making rates more 'easily collectable by councils and relieve hardship to some Maori' which, Bennion points, out were contradictory to each other. Under section 2, the Act provided that when there were more than four owners, an occupier would be nominated who would accept responsibility for the payment of rates. The local authority could 'notify the owners in the *Kahiti* and give them three months to nominate an owner as representative for rating purposes'. Alternatively, the local authority could nominate an owner and their name placed on the valuation roll. This owner 'would receive all rates demands and could be sued on behalf of all the owners for arrears'. The nominated owner, however, was only responsible for the payment of their proportionate share. Judgements 'could not be enforced without the consent of the Minister (s 2(5)), who could elect to place the land under lease, with or without the consent of the owners (s3).²⁹

In 1904, there were further changes to the legislation in the form of the Native Land Rating Act, 1904. Native Minister James Carroll said that the Act increased the rating burden on Maori owners of land.³⁰ The Waitangi Tribunal explains that under this Act land that could be rated:

...included all Maori land within 10 miles (16 km) of a town or borough; Maori land which had at any time been acquired by purchase or lease; Māori land for which rates had ever been paid previously; and Maori land which had been incorporated under the Native Land Court Act 1894. Other Maori land which had had its title ascertained, and which was not in any of the categories listed as fully rateable, was to be subject to

²⁷ Bennion, p. 26.

²⁸ Ibid p. 26.

²⁹ Ibid, pp. 28-29.

³⁰ Ibid, pp. 29-30 (James Carroll quote from NZPD, 1904, vol 128, p. 197)

only half the normal rates. Customary land remained exempt unless occupied by a European.³¹

Bennion notes too that the 1904 Act seemed to be the first Act to 'direct that Maori owners be listed on valuation rolls, thus ensuring that they would be eligible to vote in local body elections'.³² The Tribunal records that where interests in a block had not been defined, there were to be 'nominated Native occupiers' (no more than one nominee for every 25 owners) and only they would be named on the roll. 'The nominated occupiers also became liable for the payment of rates 'as if they were the sole occupiers', although with certain limits on the total liability. The concept of 'nominated occupiers' was retained in the Rating Act 1908, which consolidated earlier rating legislation'.³³

With regard to exemptions, the governor in council could determine by notice in the *Gazette* or *Kahiti* whether lands should be exempted. Bennion states that this was to 'prevent overzealous councils from extending rating coverage to 'unfair' lengths'.³⁴

2.3 Rating Amendment Act 1910 and 1913 Amendment

Further legislation relating to the rating of Maori land was introduced in the form of the Rating Amendment Act, 1910. The Act 'sought to simplify rating law as it applied to Maori land' and to 'make it as close to Pakeha rating law as was feasible'. This was done, Bennion states, by changing the definition of Maori land and simplifying the lands that could be exempted. Customary land remained exempted but unless otherwise specified 'all Maori freehold land was to be subject to rates in the same manner as European land'. There was also no longer any provision for land to be subject to half rates. Bennion notes that the government envisaged that some areas of land 'not serviced by roads and ... unproductive would remain exempt' and that such lands could be exempted 'using the discretionary powers of the Governor in Council'. Under the exemption provision (section 5(1)) the governor could by order in council exempt any Maori land liable for rates 'on account of the indigent circumstances of the occupiers or for any other special reason, or to any specified class of

³¹ Waitangi Tribunal, *Tauranga Moana 1886-2006: Report on the Post-Raupatu Claims*, Wellington, 2010, p. 324.

³² Bennion, p. 34.

³³ Waitangi Tribunal, *Tauranga Moana 1886-2006: Report on the Post-Raupatu Claims*, Wellington, 2010, p. 324.

³⁴ Bennion, p. 34.

lands'. Bennion states that although this was not new, 'the difference was that virtually all exemptions, and class exemptions, were to be provided for in this discretionary manner'.³⁵

Reflecting on the Act's blanket rating provisions, Ngata had the foresight to suggest that the outcome of the legislation would be 'to "force a large area of land in the North Island into settlement" as Maori would have to lease their lands to pay rates'.³⁶

With regard to the taking or leasing of land for the recovery of rates, there was no Ministerial requirement to approve this and instead it 'was to be handled by the relevant Land Board or the Public Trustee'.³⁷

In terms of the recovery of unpaid rates, nominated Maori owners could be sued and any such judgement was 'deemed to be a judgement against all the owners or occupiers' (s8(2)). The nominated occupier system provided that where land was owned by more than one person 'two or more representative owners could be placed in the owners' column of the valuation roll, and in cases where the owners also occupied the land, any two could be entered in the occupiers column 'as nominated Maori occupiers' (s.7).³⁸

Luiten explained the responsibilities of the Valuer General, Native Land Court and Maori Land Boards in the maintenance of the valuation rolls:

Although the Valuer-General was still primarily responsible for the compilation of such lists, additions and alterations requested in writing by the president of the Maori Land Board or the judge of the Native Land Court could be acted on without further inquiry. Rates demands were to be sent to the nominated owners or occupiers 'or any one of them', who could also be sued on behalf of all the owners (s.8). If judgements were not satisfied within a month, the debt could be charged against the land, to be registered with the District Land Registrar on the title (s.14). Local bodies could then apply to the Native Land Court to have the charge enforced: either by the appointment of the Maori Land Board or Public Trustee or any other person as a receiver of the

³⁵ Bennion, pp. 36-37.

³⁶ Ibid, p. 38.

³⁷ Ibid, p. 37.

³⁸ Luiten, p. 44.

rents and profits of subject land; or by vesting the affected land in the Maori Land Board or Public Trustee in trust to sell.³⁹

In 1913, there was a further amendment to the legislation pertaining to the rating of Maori land which Bennion states tightened up the law and made the collection of rates on Maori land 'even easier'. The Rating Amendment Act 1913 provided for liens to be registered against the land which as will be seen in later discussion, was used extensively by the RCC. Luiten describes this provision further:

Under Section 14(1) if rates levied on Maori land remained unpaid for more than nine months, the local body could simply have a lien registered against the land at the District Land Registrar in the prescribed form. In doing so, the local body was compelled to notify the registration in the *Kahiti* and to notify the nominated owners by post. Under Section 15, the owners were prevented from leasing or selling or otherwise dealing with their land until the lien, or the charging order under the 1910 Amendment, was discharged. The period of action for recovery was extended from three to four years.⁴⁰

Luiten also notes that the 1913 Act 'put the onus on the registrar of the Native Land Court to keep a record of multiply-owned Maori lands and the respective nominated owners and occupiers for rating purposes, and to advise both the Valuer General and the relevant local body of any changes either to the named individuals or the status of the land itself, through partition or alienation (s.11(6))'. She states that conversely, the Court was not part of the charging order process.

Following the introduction of this legislation there were concerns from local authorities that liens obtained under the 1913 Act 'could not be registered against titles' and that the Act should be amended. This was because many Native Land Court titles were not registered on the land transfer system. Bennion notes that Prime Minister Massey, 'indicated in 1917, that the question of rating native lands was 'highly contentious' and not connected with the war, and would therefore not be considered'.⁴¹ Native Minister Herries also argued in 1918 that he

³⁹ Luiten, p. 44.

⁴⁰ Ibid, p. 45.

⁴¹ Bennion. p. 39.

considered that local authorities had ‘not sufficiently used the weapons they already have in their armoury’. He listed three provisions that had not been utilised:

‘(1) Native land held in severalty, that is, held by one owner, is exactly in the same position as European land and can be rated accordingly, See Section 17 of the Rating Amendment Act, 1913.

(2) An occupier of Native land, whether a European or Native, can be sued for his rates. It is not necessary that his name should be inserted on the Valuation Roll. He can be sued simply an occupier, and sued for the rates due on the whole block. The burden of proof that he is only occupying a portion rests on him. The term “occupier” is extremely wide and includes everyone except the owner. See Section 6 of the Rating Amendment Act, 1910, and Section 10 of the Rating Amendment Act, 1913.

(3) The provisions of Section 14 of the Rating Amendment Act, 1913, for registering a lien for rates against Native land only operate ... in the case of land that is registered under the Deeds Registration Act, 1908, or under the Land Transfer At, 1908. Rates due for more than four years cannot ... be charged as liens, but rates once charged as liens remain charged against the land until discharged by an alienation. The four years period does not discharge the lien. It is open to a County Council to charge each year’s rates as they become due. Of course, the objection is the same as that which proved fatal to the old Crown and Native Land Rating Acts of 1882 and 1883, which has to be repealed in 1888, because it was found that in some cases the liens caused by the Crown paying the rates amounted in the course of time to more than the value of the land, which consequently became unsaleable.⁴²

Herries felt that to extend the operation of section 14 of the Rating Amendment Act, 1913 to include titles registered by the Native Land Court, would ‘infringe the agreement entered into by the two parties at the institution of the National Government’ and that any such extension would have to be more limited for the following reasons:

⁴² W H Herries to G W Russell, 24 May 1918, ACIH 16036 MA1/401 20/1/1 part 1, Rating of Native Lands – General File, 1915-1928, Archives New Zealand, Wellington. SW Document Bank, volume 6, pp. 186-188.

Native land being held in common by the owners, who are in many cases not residing on the land and in some cases not residing in the district, has always been treated by the Legislature in a different way to land held in severalty. The owners have no individual rights in the land until their interests are defined and separated. Hence when they cannot individually make use of the land, it has always been considered unfair to treat them as if they were able to get as much enjoyment out of the land as they could if it was held in severalty. It would be unfair by accumulating rates in the shape of liens on land held in common to deprive innocent holders of interests residing in outside places, perhaps remote from the block and entirely ignorant of any such charges, of their interest in such land. It would be contrary to the universal policy of all New Zealand Governments to allow Native land to be sold for non-payment of rates or to be so charged with liens as to destroy the equity of redemption, and thus render a Native landless without giving him a chance of occupying the land and getting enough out of it to pay the rates. An owner holding in common is in that position. The remedy for this is individualisation and that process is, I am glad to say, proceeding rapidly throughout the North Island. When a Native holds in severalty as I have previously pointed out, he is in the same position as a European as regards rates and rightly so, as the Native has the same, or nearly the same, control over his land as a European.⁴³

He also said that he did not see that much good would be gained by continuing the discussion and the whole question was 'one of policy'. He felt that he had 'laid down the principles that have been followed by the Government' and that if the policy was to be changed then it needed to be done by Cabinet. In his opinion it would be 'impossible to get the principle of unrestricted sale of Native lands held in common for payment of rates through the present House' and that it would be 'violently opposed' by all the Maori representatives and those who sympathised with them. He concluded that it was 'not desirable that party feeling should be aroused during war-time, and such a course would ... be contrary to the understanding under which the National Government was formed'.⁴⁴

⁴³ Ibid.

⁴⁴ W H Herries to Acting PM, 15 July 1918, ACIH 16036 MA1/401 20/1/1 part 1, Rating of Native Lands – General File, 1915-1928, Archives New Zealand, Wellington. SW Document Bank, volume 6, p. 189.

2.4 Native Land Rating Act 1924

In 1924, a parliamentary committee was established to investigate the rating of Maori land. It made recommendations as to how to improve the collection of rates on Maori land. These recommendations ‘formed the basis’ of the Act, described by the Waitangi Tribunal as a ‘landmark piece of legislation which handed over responsibility for rates enforcement to the Native Land Court.’⁴⁵

Section 9 of the Act provided that local authorities could apply to the Native Land Court for a charging order on land where rates were owed within two years of the rate being levied. On hearing the application, and satisfied that the rate was payable, the Court could order a charge over the land. Bennion states was ‘limited to those “open to an ordinary ratepayer” but there was also provision to remit the whole or part of the rates ‘in special circumstances arising from hardship or indigency’’. The charge was noted in the records of the Court and ‘registered against the title if one existed’. As the Waitangi Tribunal explains, once a rates charging order was made, ‘the court could appoint a receiver to enforce it’. Initially this was the Native Land Board, ‘but subsequently the role generally fell to the Native Trustee’. The receiver ‘could lease the land and its resources for up to 21 years. Further (and until 1988), Māori land could be sold if a rates charging order on land in receivership was not paid within one year.’ This was subject to the consent of the Native Minister and, according to Bennion, ‘rarely used’.⁴⁶

Bennion explains that the ‘key motive’ for using the Land Court was to ‘solve the problem of getting liens to ‘stick’ to the land’. As noted previously this was because many Native Land Court titles were not registered on the land transfer system. Charging orders, he said, could be ‘easily imposed by the Court’.⁴⁷

Customary land continued to be exempted from rating. Also exempted was ‘land occupied by a Native burial ground of not over five acres (under section 4(b)), and land on which a church or meeting house was situated, again not over five acres (section 4(c))’ As stated above, land

⁴⁵ Waitangi Tribunal, *Tauranga Moana 1886-2006: Report on the Post-Raupatu Claims*, Wellington, 2010, p. 328.

⁴⁶ Bennion, pp. 48-49. Waitangi Tribunal, *Tauranga Moana 1886-2006: Report on the Post-Raupatu Claims*, Wellington, 2010, p. 328.

⁴⁷ Bennion, p. 48.

could also be exempted if the occupiers were in 'indigent circumstances'.⁴⁸ Further, under section 5(1) the Governor General could, by order in council, exempt any land from rates 'for any other special reason, or to any specified class of lands'. Significantly this exemption did not affect any rates charging orders or liens previously made by a local authority meaning unpaid rates levied and secured by a lien or charging order prior to an exemption were still owed to the local authority. The exemption could at any time be carried or cancelled by the order in council. This was carried over as section 104 of the Rating Act, 1925.

Ngata, however, had section 104 amended by section 34 of the Native Land Amendment and Native Land Claims Adjustment Act 1926. This provided that the Governor-General could act on a recommendation of the Native Minister, local authority chairman, Commissioner of Crown Lands or a Judge or Commissioner of the Land Court to exempt land. Further 'the Native Minister could issue a warrant for the writing off of part or all of any rate which remained unpaid on the exempted lands, and they were then to be removed permanently from the rating rolls'. Bennion states that this was designed to allow Native Affairs Department officials 'to investigate which lands should not be subject to rates and remove such lands from the rate books'.⁴⁹

Bennion records that it was also at this time that Ngata pointed out to the House in a debate on rating that 'much land was unsuitable for settlement and should not be rated'.⁵⁰

Exemptions as they relate to inquiry district lands will be examined further in the report. It is important to note, however, how the Native Department and other officials interpreted these exemption provisions which were replicated in section 104 of the Rating Act 1925. When the Kiwitea Council applied for the exemption of three Awarua blocks in 1944, the Under Secretary of the Native Department advised the Native Minister of the following:

The question of the exemption of Native lands from rates has been given a great deal of consideration in the past and the general policy has been that Section 104 of the Rating Act 1925, notwithstanding its wide terms, should be invoked only for the

⁴⁸ Ibid, p. 48.

⁴⁹ Ibid, p. 52.

⁵⁰ Ibid, p. 53.

purpose of exempting waste lands or lands incapable of being brought into economic productivity, or lands required for afforestation, water conservation etc.⁵¹

In 1952, the Secretary for Maori Affairs (Corbett) advised the Chairman of the Bay of Islands County Council that:

.... land which is not capable of profitable occupation and is never likely to be revenue producing, can be exempted from payment of rates by Order in Council under section 104 of the Rating Act, 1925. If this were done, this County would have a more realistic picture of rateable lands and would be able to adjust its rate to meet the position thus disclosed.⁵²

In July 1953, the Secretary for Maori Affairs statement to Mr T M Hetet confirmed the view that exemptions should only be used in exceptional circumstances:

In cases where land is completely unusable, there is provision in the Rating Act whereby such land can be exempted from payment of rates.⁵³

He also stated that having no access to the land in question was not a valid reason for not paying rates and that exemptions applied only in extreme cases.⁵⁴

2.5 Noxious Weeds Act, 1950

Also affecting Maori within the inquiry district was the Noxious Weeds Act, 1950. Section 7 provided for a local authority to enter land (the Act does not specify whether this applied to general, Maori and Crown land) and at the expense of the occupier, take measures to do such work as to comply with any notices sent by the local authority to occupiers. The notices specified what action needed to be taken to deal with the noxious weeds on their land. Also

⁵¹ Under Secretary, Native Department to Native Minister, 14 November 1944, in ACIH 16036 MA 1 Box 411 20/1/34 Kiwitea County Council – Exemption from Rates, 1944-1953, Archives New Zealand, Wellington. SW Document Bank, volume 6, p. 216.

⁵² Secretary for Maori Affairs to Chairman of the Bay of Islands County Council, 25 July 1952, ACIH 16036 MA 1/405 20/1/1 part 6 Rating of Native Lands – General 1949-1952, Archives New Zealand, Wellington. SW Document Bank, volume 6, p. 201.

⁵³ Secretary for Maori Affairs to TM Hetet, 3 July 1953, MA 1 20/1/1 part 7, Archives New Zealand, Wellington. SW Document Bank, volume 6, p. 203.

⁵⁴ Ibid.

within the Act were provisions which related specifically to Crown and Maori land. Section 14 stated that with the consent of the Minister, a local authority inspector could enter Crown or Maori land and take measures to do such work as was thought necessary to clear that land of noxious weeds including cutting and trimming 'live fences' consisting of noxious weeds growing on the land. It was at the Minister's discretion as to whether the Minister consented 'unconditionally' or on such terms and conditions as he/she thought fit. Under section 15, when such measures were taken 'all costs, charges, and expenses' which the Minister considered had been 'reasonably incurred in respect of the measures or work' was to be 'defrayed out of moneys from time to time appropriated for the purpose by Parliament'. These costs paid by the Crown in respect to Maori land could be recovered by the Crown in the manner in which rates on the land may be recovered; and the provisions of Part II of the Rating Act, 1925.

2.6 Rating Legislation, post 1950s

Bennion notes that after the 1925 Act there was 'no significant change to the legislation until 1950' when the Maori Purposes Act, 1950 was introduced. He records that sections 31 to 54 of the Act dealt with Maori freehold land not subject to a valid lease or 'valid contract to renew to grant a lease' and was part of the National government's 'policy to utilise unproductive Maori land'. The legislation, he states, gave local authorities 'further impetus' to collect rates. Under section 34, the Maori Land Court could 'appoint the Maori Trustee as agent for owners to affect alienations in situations where land:

- was unoccupied and/or;
- not cleared of noxious weeds and/or;
- the rates have not been paid and the amount of rates had been charged against the land.⁵⁵

Applications for the appointment of the Maori Trustee could be made by local authorities. Bennion also notes that in the House it was explained that this policy 'provided for the use of the land but retaining the fee-simple to the beneficial owners, as 'alienation' in the Act was intended to be only by lease. This provision was 'repeated as section ... [387] of the Maori

⁵⁵ Bennion, p. 70.

Affairs Act 1953'. Section 387 though gave the Maori Trustee the power to sell land if efforts to lease it were unsuccessful. It also provided that if a 'suitable offer' was made, then the land was to be leased or sold to Maori.⁵⁶

Although not rating specific, section 438 of the Maori Affairs Act 1953, was used in the inquiry district to sell Maori land and use the proceeds to pay for outstanding rates and other local authority charges. Maori freehold land could be vested in trustees appointed by the Court, including the Maori Trustee 'for the benefit of Maoris'. Application could be made to the Court or the Court could decide to do so during the course of a hearing. Subject to terms outlined in the Court order vesting the land in trustees, the trustees could alienate the land as if they were the beneficial owners.

Bennion notes that by 1961, the Maori Trustee had been appointed receiver for 341 blocks where rates had not been paid. Thirteen of these were ordered in respect to inquiry district lands in the 1940s and 16 in the 1950s making of total of 29 blocks affected by rating related receivership orders.⁵⁷

The Rating Act 1967 followed earlier legislation with Maori freehold lands liable for rates 'apart from specific exemptions (s 148)'. Section 149(1) allowed for lands to be exempted by order in council. This could be done 'on the recommendation of the Maori Land Court with the consent of the local authority' in whose district the land was situated. Under section 149(2) any unpaid rates levied prior to an order in council exempting land from rates could be released from payment of the whole or any part of the rate, and the local authority could 'write off the rate accordingly'. These same provisions were continued in subsequent legislation - the Rating Powers Act 1987 (s 182(2-3)) and the Local Government (Rating) Act 2002 (s 116).⁵⁸

With regards to the recovery of rates the 1967 Act provided:

Where any rate had not been paid within six months after the due date, the local authority could apply to the Land Court for an order charging the rate against the land. Parties could object to the rate before the Court. A charge had the effect of preventing any

⁵⁶ Bennion, p. 70.

⁵⁷ Ibid.

⁵⁸ Luiten, p. 40.

dealings by the owners with the land concerned (unless with the consent of the local authority). The charge remained effective even if the land became European land due to section 153. Where land was owed in common and one owner had paid rates in excess of the amount owed by that person, the court could make an order under section 154, granting a charge over the land in favour of that owner for the amount paid in excess.⁵⁹

2.7 The Rating Powers Act 1988

Bennion notes that the Rating Powers Act 1988 did not considerably alter the existing system of levying and recovering rates on Maori land. Exemptions of five acres or 2.03 hectares for meeting houses, marae and Maori burial grounds continued as did the exemption of customary land. As stated above, the Act also provided for the issue of order in councils to exempt specific land from rates. There were, however, three areas of change identified by Bennion which were:

- Rates could be adjusted on Maori land for reasons of hardship (under section 178);
- The limitation of two years on charging orders for rates arrears was extended to six years (s 153(2));
- The Act incorporated, from the Maori Affairs Act 1953, provisions for a receiver to be appointed for land in rate arrears (s 188).⁶⁰

Bennion also records that ‘the power to have Maori land sold for rates was removed as a result of arguments that it was contrary to the principles of the Treaty’.⁶¹

2.8 Local Government Rating Act 2002

As noted above exemption provisions remained in the Local Government Rating Act, 2002 as per the 1967 and 1988 Acts. What is different about the 2002 is that it required local authorities to ‘adopt a policy on the remission of rates on Māori freehold land’. Luiten notes that it also provided an ‘extensive schedule of matters’ that were to be considered in the development of the policy. She states that this ‘led to the development by some local

⁵⁹ Bennion, p. 72.

⁶⁰ Ibid, p. 73.

⁶¹ Ibid.

authorities of policies which allow for the partial or full remission of rates on different grounds, such as unoccupied Maori land in multiple ownership, or inaccessibility, or environmental preservation.⁶²

Luiten also records that the Act has ‘given the Maori Land Court more discretion to determine occupier liability and further tightened up conditions that must be met before a charging order can be made.’⁶³

2.9 The Local Government Rates Inquiry 2007

Stirling states that the report of the Local Government Rates Inquiry of 2007 made it ‘clear that the issues that have defined the rating debate since 1876 are still ongoing today’.⁶⁴ Luiten has also summarised the findings of the inquiry. She states that the ‘overall tenor of the report was that serious fundamental and constitutional issues surrounding the rating of Maori land needed to be addressed, including the relationship between rating law and the Treaty of Waitangi’. Further:

Although it was acknowledged that local government had a role to play in better engaging with Maori landowners, the clear message from the report recommendations was that central government leadership was essential to address the complex issues, including the development of a consistent and coordinated approach to rates remission policies for Maori land.⁶⁵

Luiten states that it is ‘noteworthy that the 2007 Rates Inquiry Panel did not contemplate the removal of unproductive Maori freehold land from rates liability’. She says that it ‘looked instead to changing the model of valuation which would take into account the historical, cultural, legal and physical factors relating to Maori land’. Further:

The panel’s conclusion that there is no justification for Government responsibility for the payment of rate arrears is also interesting given its prior recommendation that the relationship between the Treaty of Waitangi and rating law be addressed, and the fact that

⁶² Luiten, pp. 40, 338.

⁶³ Ibid, p. 327.

⁶⁴ Stirling, Northland, p. 834.

⁶⁵ Luiten, p. 339.

the first three factors identified by the panel for the non-payment of rates are arguably directly attributable to past Crown policies and practice. [These were:]

- the land has poor soils, is isolated, landlocked, or has other characteristics that make it inherently unproductive and it therefore generates no income to pay rates.
- the land is potentially productive but there are barriers to realising its productive potential, including ownership issues and constraints on borrowing, with the result that it generates no income to pay rates;
- the land is in multiple ownership and has no governance structure; it is unclear who is liable for rates, and individual owners have no means and financial incentive to contribute towards rates.⁶⁶

As will be discussed further, the Rangitikei District Council and Hastings District Councils have, since 2004 and 2009 respectively, adopted policies of rates remission based on these factors.

⁶⁶ Ibid, p. 340.

3 MEETINGS WITH MAORI AND THEIR RESPONSE TO THE RATING OF THEIR LAND

The following is a summary of the meetings that were held between Maori and government regarding the rating of Maori land and also what Maori, both generally and in the inquiry district, were saying about the rating of their land from the 1880s. Tom Bennion's report has been used as a starting point as he details much of the Maori response recorded in government sources. In addition, newspaper reports, Maori Land Court Minutes and petitions located in the course of the research for this report have been utilised to provide some inquiry specific voice. Little liaison between local authorities and Maori of the inquiry district has been located with one notable exception. This was a Maori rating committee set up in conjunction with the Hawkes Bay County Council in the late 1920s and is detailed below. No details of any rating specific meetings involving inquiry district Maori prior to the introduction of the 1882 Acts have been located.

Bennion notes that 'standard themes emerge in the Maori response' to rating. These include:

... an apparent lack of consultation at a local level before rates were imposed, a willingness to pay for facilities but also a desire for some separate development and for unimproved lands to be exempt.⁶⁷

The later, exempting unimproved lands from rates, was certainly discussed when Native Minister John Ballance met with Maori in February 1885 at Kihikihi. John Ormsby (Hone Omipi) of Ngati Maniapoto gave a speech regarding the rating of Maori land. Mr Ballance surmised that Mr Ormsby had not objected to roads and railways but objected to land being rated 'on account of these roads and railways'. Mr Ballance said he objected to the Rating Act as much as Mr Ormsby or any other Maori present and thought it was 'unfair to rate land that ... [was] not in the condition of being used'. He explained that the government had the power to proclaim Maori land subject to the Rating Act and as well, could 'abstain from proclaiming land under the Act'. He said that when land had been leased or sold 'then the time will have come for putting on rates' and thought that no Maori would 'object to any rates when the land has been leased, and is being cultivated'. He noted too that rates were

⁶⁷ Bennion, p. 42.

‘put on for the benefit of the roads’, and roads could not be made without them. Also that the money paid in rates was not lost as it went into the roads which gave value to the land. In his opinion this only applied to land which has been sold, leased, or ‘in actual cultivation’.⁶⁸

Tower records that by 1888, Maori opposition to the rating of Māori land had grown ‘nationally’. Further:

In 1888 alone seven petitions were received from Māori objecting to the intention for all Māori land to be opened up to taxation via clauses contained within the Native land Bill. Bennion advises that, in total, some 1,500 Māori signed these petitions.⁶⁹

The opposition continued. In 1892, Keepa Te Rangihwinui and other petitioners described as being of ‘the very large gathering of Native Chiefs, tribes and people of New Zealand assembled at Waipatu, Hawkes Bay’ sent a petition to the government regarding rates. The petition said that they were ‘of the opinion that the Government now sitting at Wellington should not pass any laws for the imposition of rates and taxes on Native Land or any other legislation interfering there with’. In response the Native Affairs Committee referred the matter to government. A note on the file containing the petition records that it was referred to the then Native Minister, A Cadman, who instructed that the petition be filed ‘for the present’.⁷⁰

Bennion reports that in 1895, Premier and Native Minister Richard Seddon accompanied by James Carroll who was then the ‘member of the Executive Council representing the Native race’ toured Maori areas where the rating of Maori land was discussed. Included in their itinerary was a visit to Ohingaiti and Moawhango. At Moawhango, the emphasis was on the settlement of lands which Seddon said could ‘no longer be retarded’. He said that the land could ‘not be allowed to lie unproductive, for the European population was increasing, and every day longer this state of things was allowed to continue the worse it would be for the

⁶⁸ *New Zealand Herald*, Volume XXII, Issue 7244, 5 February 1885, p. 5; *Hawera & Normanby Star*, Volume IX, Issue 1561, 26 February 1887, p. 2.

⁶⁹ Towers, p. 44.

⁷⁰ Meiha Keepa Te Rangihwinui and others, 1892, Report of the Native Affairs Committee 92/2135 and note of A Cadman on Native Office file sheet, ACIH 16036 MA1/854 1892/1423, Received: 10th August 1892. - From: Clerk of House of Representatives, Wellington. - Subject: Forwarding report of Native Affairs Committee on petition of M.K. te Rangihwinui and others that no legislation should be enacted imposing rates and taxes on Native Lands, 1892, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 47-49.

Natives'. Seddon said he wanted to know from Maori whether they wished to subdivide their lands or hand it to the government 'through trustees in whom they had confidence – men who would be empowered to deal directly with the Government, and who would safeguard Native interests'. He said that the government 'could no longer allow millions of acres of land to remain in a state of nature while thousands of people were wanting land to cultivate' and that these 'unutilised lands' would be dealt with 'fairly' by the government. Seddon is not recorded as mentioning rates at this meeting but at a separate meeting on the same trip, when challenged on rating, said that if Maori were to open up their land for settlement 'the rates bills would not seem so onerous'. There was no immediate response from attendees Ihakara te Rango and his son Hiraka te Rango, who had interests in the Owhaoko block. They said they would discuss the matters raised by Seddon and report back to him (this response has not been located).⁷¹

In the same year, three petitions regarding rates from 274 Maori was considered by the Native Affairs Committee. The petitions alleged that Maori did not receive proper notification regarding rates and that values were 'wrongly assessed'. The petitioners asked that Maori be exempted from 'taxation'. Bennion records that in response the committee 'recommended that the petitions be referred to the Government for an inquiry into the allegations of insufficient notices and wrongful valuations, and that local authorities be instructed to ensure Maori were made fully aware of 'all matters relating to the rating of their properties'.⁷²

In 1904, a deputation of thirty Maori representing the West and East Coast and Taupo met with the Native Affairs Committee to express their views on the Native Land Rating Bill under consideration. In attendance were 'Te Heu Heu (Taupo)' (presumably Tureiti Te Heuheu Tukino of Ngati Tuwharetoa (1865/1866-1921), 'Wiki Keepa (Whanganui), Mrs I Brown (Taranaki) and Ropatata Ranipira (Manawatu)' who were said to 'collectively represent several thousand' Maori. The reporter was impressed with their presentation:

The addresses of the Maori spokesmen were educative, instructive, and interesting, and if their expressions of opinion are the voice of their people, then at no time in our

⁷¹ Bennion. p. 27; AJHR 1895, G1, pp. 5-6, 33.

⁷² Bennion, p. 27.

history has native legislation been so repugnant to the race as that now on our Statute books, especially that passed in 1900 and since.⁷³

Te Heuheu spoke of the ‘injustice under which his people’ lived and protested against the passing of any rating legislation while Maori were ‘shackled by ... present legislation ... which prevented [them] from managing their own affairs’. Te Heuheu stated:

Remove our disabilities, give us the same privileges and then we will consent to be rated with them.⁷⁴

He asked that the Maori Land Administration Act 1900 and its amendments be let go likening the Act to a ‘stockyard from which there ... [was] no exit’. He continued with the analogy:

We are sheep, and for four years the Minister has endeavoured to drive us into that yard, but unsuccessfully. Now he produces a kuri (dog) to assist him. The ‘Rating Bill’ is the name of the kuri, and the Minister knows that if we are any longer refuse to go into his stockyard, his dog will be set upon us and his teeth destroy us. Remove the stockyard, and we meet the kuri in the open and are not afraid’.⁷⁵

Bennion also reports other petitions from large numbers of Maori at this time. Three petitions from 560 Maori objected to the 1904 legislation with one petition being filed by ‘the wife of Keepa Te Rangihwinui’ who had petitioned the government on the matter in 1892. Three more petitions followed in 1905 asking that the Act ‘not apply to ... [the petitioners] lands’. Also, ‘Te Wherowhero Tawhiao and 262 others’ petitioned the government, asking that the Act be repealed’.⁷⁶

In 1909, James Carroll visited Otorohanga to meet with Ngati Maniapoto. He was accompanied by the Hon Wi Pere, Dr Buck, Te Heuheu ‘of Taupo’ and ‘Maru Maru and Hue’ (presumably Hoeroa Marumaru) of Rangitikei. One of the matters raised was the rating and taking of Maori lands. It was stated that Maori were ‘quite prepared to pay taxes and rates provided that they were given the same facilities as the Europeans to raise produce and

⁷³ *Wanganui Herald*, Volume XXXVIII, Issue 11341, 25 August 1904, p. 7.

⁷⁴ *Wanganui Herald*, Volume XXXVIII, Issue 11341, 25 August 1904, p. 7.

⁷⁵ *Ibid.*

⁷⁶ Bennion, pp. 33-34

put it on the markets, and that the benefits of the Advances to Settlers' Act were extended to them'. It was the opinion of the meeting that the 'time was ripe' that they should 'work their lands and be placed on the same footing as the Europeans'. The delegation also went to Taumarunui where Carroll said that the time had come for Maori to 'help to bear the burdens of State', that they should become farmers and share the same 'privileges and burdens of the Europeans'. In response, it was pointed out that if Maori were rated then they would 'expect representation on the local bodies'.⁷⁷

Utiku Potaka, an owner of lands in the southern and central part of the inquiry district, wrote to Native Minister WH Herries on 12 November 1913. As with the previously mentioned meeting, the letter reflected a willingness to pay rates. It also asked for understanding of the Maori position. Potaka stated that he had seen the Native Land Rating Bill and was:

... exceedingly glad in body and thought when the Maori people pay (rates) because some Maoris pay rates and others do not ... Protect your Maori people because some know the law whilst others do not yet know it.⁷⁸

Herries simply thanked him for his letter.⁷⁹

Also in 1913, Taranaki Te Ua, who owned lands in the northern part of the inquiry district, headed a deputation of Maori to meet with Native Minister WH Herries where he complained about the rating of undeveloped lands such as Owhaoko and Te Koau blocks both within the Hawke's Bay county. He said that Maori were as 'potter's clay in the Minister's hands and it was for him to say how their lands should be dealt with'. Taranaki te Ua 'pointed out that Owhaoko and Koau blocks were in the hands of the Government for sale or lease, and the Natives could not deal with the land in any way, yet they were rated for them'. He wanted the government to 'take the waste land of the Maoris, purchase it, and hold the money for expenditure on trust for improvements on other Native lands and for the benefit of the Natives, but not to pay it over to them'. Herries did not respond to the issue of rates but said

⁷⁷ Poverty Bay Herald, Volume XXXVI, Issue 11922, 7 August 1909, p. 2.

⁷⁸ Utiku Potaka to Native Minister, 12 November 1913, ACIH 16036 MA1/401 20/1/1 part 1, Rating of Native Lands – General File, 1915-1928, Archives New Zealand, Wellington. SW Document Bank, volume 6, pp. 178-179.

⁷⁹ Native Minister to Utiku Potaka, 19 December 1913, ACIH 16036 MA1/401 20/1/1 part 1, Rating of Native Lands – General File, 1915-1928, Archives New Zealand, Wellington. SW Document Bank, volume 6, p. 180.

that he thought the Land Act provided machinery for dealing with Taranaki Te Ua's suggestion regarding the purchase of Maori land and holding the money for Maori.⁸⁰

Maori continued to voice their concerns throughout the 1920s. In response to a Counties Association deputation calling for 'powers to charge the land for unpaid rates' and other complaints from councils such as Rangitikei County Council (discussed below) Tuwhakaririka and 335 others petitioned Parliament in 1920 'against the power sought by county councils to take lands for rates'. Bennion notes that the Native Affairs Committee did not take the matter the further as it was deemed a 'matter of "policy"'.⁸¹

Another complaint from Maori specific to the inquiry district was from Mare Mare Reupena in 1923 who advised Dr Pomare that he had received a demand from the Rangitikei Council for rates in respect to land that was a Maori meeting place. He said that as it should not be subject to rates. The complaint was referred to the Under Secretary of the Native Department whose advice to the Native Minister was:

No Native Land except customary land is exempt from payment of rates.⁸²

In the late 1920s, a Maori committee was formed in conjunction with the Hawke's Bay County Council to 'sift' the evidence in connection with rating cases. It was led by Paraire Tomoana who reported at a Maori Land Court hearing in 1927 that in many instances the committee had found that there were lessees who should have been paying the rates but that the Council had no knowledge of these leases and did not send rates demands to them. Mr Tomoana noted too that there were cases of 'special hardship in which indigent Natives could not pay up the arrears of rates'. The committee asked that these rates be 'wiped out'. In other cases blocks had been partitioned into many subdivisions but as the Council had no knowledge of such subdivisions the rate amounts had not been allocated. Mr Tomoana noted that there were disputes between the Council and land owners called the Ellison's, who he said could 'look after themselves'. (Of note was that Mrs Ellison was deemed unjustified by

⁸⁰ *Star*, Issue 10681, 30 January 1913, p. 1.

⁸¹ Bennion, p. 43.

⁸² Dr Pomare to Native Minister, 1 August 1923 and Under Secretary, Native Department to Native Minister, ACIH 16036 MA1/401 20/1/1 part 1, Rating of Native Lands – General File, 1915-1928, Archives New Zealand, Wellington. SW Document Bank, volume 6, p. 194. In 1924, the legislation was amended so that such land could be exempted.

the HBCC in withholding rates on the basis that the road to her Raukawa sections had not been made.) Mr Tomoana also commented at the hearing that Maori 'did not wish to shirk their responsibility in the matter of paying rates' and had met with the chairman and members of the council. The committee had also been advised by Ngata. As a result of Mr Tomoana's investigations some of the applications were adjourned.⁸³

In 1929, however, the HBCC representative attending Maori Land Court hearings, Mr Prentice, said that the committee, formed with 'a view of sifting and adjusting the demands made by the County Council' had not investigated the (32) claims then before the Court. Mr Prentice said that the committee's enthusiasm was 'short-lived and nothing has been done in the matter of conferring with the Council with a view of reducing or remitting rates or adjusting amounts when partitions have taken place'. He said that it was impossible to get Maori to come to Court and 'show that there is reason to reduce or remit rates on account of indigence in accordance with section 108 of the Rating Act 1925'.⁸⁴

Further reference was made to the committee at a hearing in 1933 where approximately 162 charging orders were made at the instigation of the HBCC. Mr Tomoana sounded demoralised when he explained that the committee could no longer function. He said:

A Committee of Natives had been set up to help the Council to collect the rates but the Council would not allow them any commission or concessions and they had declined to function. The shearing money this season had been very meagre and the Natives were not in a better position than they were last time the Court sat. A few Natives had offered part of the rates but the Council refused to accept part payments as they desired charging orders for the full rates levied and owing.⁸⁵

Nothing more has been located about the committee.

Further meetings continued to be held by Maori where rating was discussed. On 5 January 1928, the *Manawatu Herald* reported on what was considered to be 'one of the most important conferences yet held by representatives of the Maori race' which took place at Motuiti Marae,

⁸³ Napier Minute Book 74, 4 August 1927, pp. 26-29; 6 October 1926, p. 99.

⁸⁴ Napier Minute Book 75, 26 September 1929, pp. 238-239.

⁸⁵ Napier Minute Book 76, 21 February 1933, p. 312.

Foxton during the Christmas period 1927. Recorded as being in attendance were Hon Sir Maui Pomare, Hon Sir AT Ngata, Messrs Hapi Love (Petone) Hira Parata (Waikanae), Tohuroa H Parata (Waikanae), Arakatera (Otaki), Kipa Raera (sp) (Ohau) Rere Nicholson (Levin), Wiremu Kiriona (Poroatawhao [sp]), Taitoko Matai (Rangiotu) Hoeroa Marumaru (Bulls), Tere Iwikau (Halcombe), P Takarangi (Whangau), H Pumipi (Whanganui), Tupito (Patea), Pouwharenu [sp] (Okaiawa), W Rangitanga (Mangapehi), Hira Te Akau (Taringamotu), Eriera Te Akau (Manunui), 4 representative from Rotorua, Hoani te Heuheu and Werihe Te Tuiri (Taupo), representatives from Mokai, Taite Te Tomo (Shannon), representatives from Poutu, representatives from Hawera, PH Jones (Whanganui), W Ngahana (Wellington), H Chadwick (Hawkes Bay), and Gladstone of Masterton.

The *Herald* stated:

Those assembled were present from all parts of the Dominion to seriously discuss matters of vital importance and the discussions were marked with an impressiveness and dignity which indicated that delegates were grappling with problems of vital importance.⁸⁶

The conference passed resolutions regarding the rating of Maori land. One of them was to introduce a land classification system where land was assessed to determine whether it could support rates. The resolution stated that legislation should be enacted that exempted all unoccupied Maori land and that the Maori Land Court, prior to making charging orders for rates already levied, should 'be perfectly satisfied that such lands can be profitably utilised'. The conference also asked that land where the Crown had issued a proclamation prohibiting alienations other than to the Crown also be exempted.⁸⁷

It was also noted that at the conference:

A special feature was made of the position of rates levied on Native Lands placed under proclamation by the Native Land Purchase Board or any other department. Obviously where lands not producing any revenue were placed under such an

⁸⁶ *Manawatu Herald*, 5 January 1928.

⁸⁷ *Ibid.*

embargo it seems unfair to assume any capacity to assess the land or its owners to meet local or any taxation. The problem is most acute in the Taupo district.⁸⁸

In 1930, at another large gathering of Maori at Waioamatatini Marae, Gisborne attended by Ngata, a number of resolutions were passed. These included a declaration of loyalty to the provisions of the Treaty of Waitangi and of trust and confidence in Ngata. With regard to the rating of Maori land, the hui also proposed a land classification system that would determine the lands ability to support rates. The resolution said:

In view of the more equitable rating of native lands, that such lands be classified and that native lands classified as waste land be exempt from taxation.⁸⁹

In 1930, Apirana Ngata, Minister of Native Affairs attended a conference at Waioamatatini, north of Gisborne where the issue of 'native lands ... lying idle' and the non-payment of rates on such land, was discussed. It was reported that Mr Hoeroa Marumaru, who was described as chairman of directors of the Rangitikei Dairy Company (and who was also owner/lessee of Taraketi land), said that 'the greatest obstacle [to the development of such blocks] was want of capital, and for this reason there was no enthusiasm'.⁹⁰ Mr Marumaru was also reported as commenting along similar lines in 1934. He said that while Maori lands were being developed, Maori were 'not being encouraged to become proficient in managing the land or in taking part in the general operations'. Also that re-valuations had 'resulted in smaller rents' for Maori and their income further reduced 'through the slump'.⁹¹

In June 1935, about 600 Maori from Mokai, Taupo, Ohakune, Taumarunui and parts of the King County gathered at Te Kuiti 'in honour of the annual visit of King Koriki'. The principal matters discussed were confiscated lands and the 'rating question'.⁹²

Almost twenty years later, Pei te Hurunui Jones wrote to the Minister of Maori Affairs and just as was suggested in 1930, asked that a land classification system be introduced for the purposes of rating. While his concern was specifically the rating of unoccupied Maori land

⁸⁸ Ibid.

⁸⁹ *New Zealand Herald*, Volume LXVII, Issue 20510, 11 March 1930, p. 12.

⁹⁰ Ibid.

⁹¹ *Evening Post*, Volume CXVII, Issue 146, 22 June 1934, p. 5.

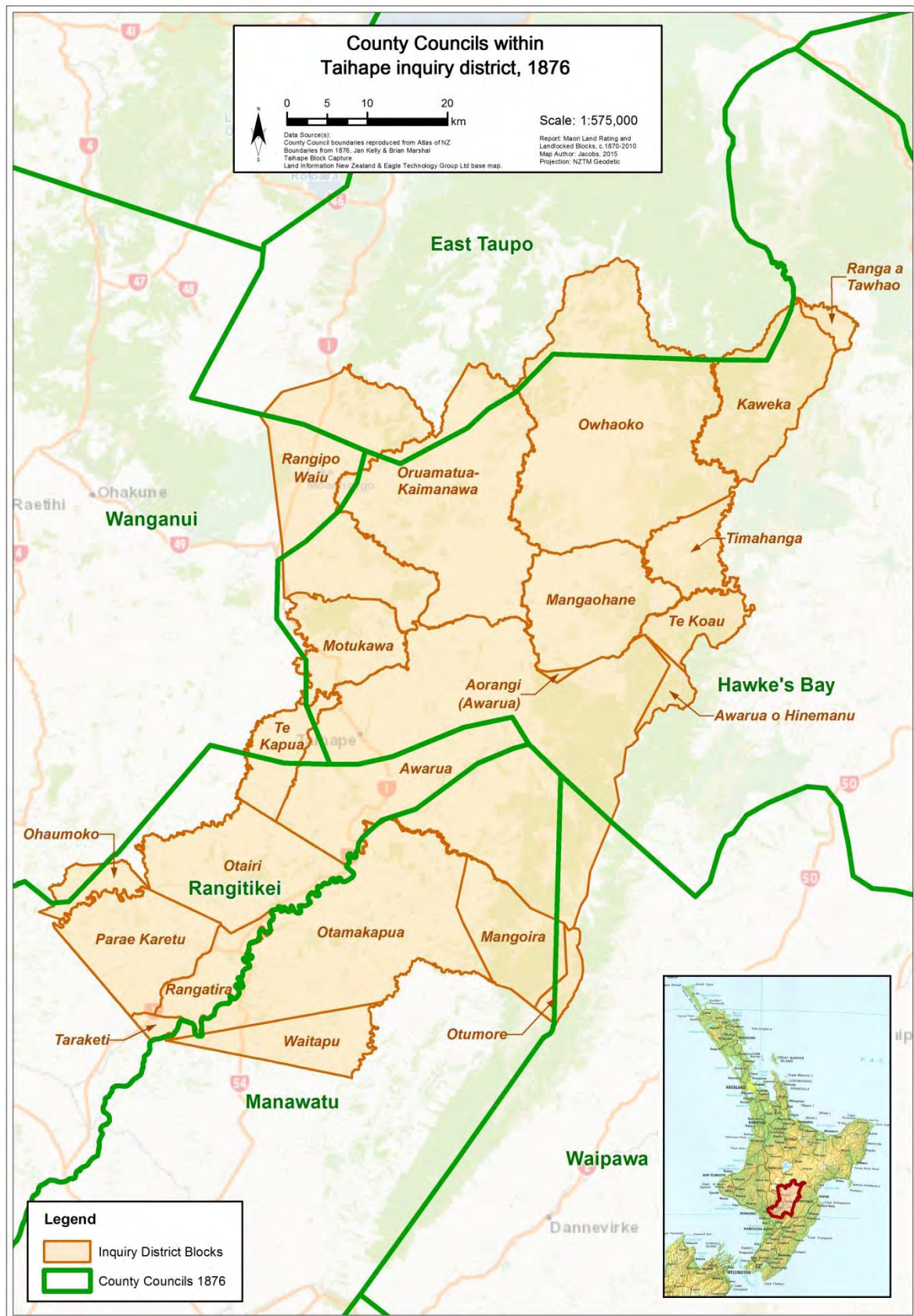
⁹² *New Zealand Herald*, Volume LXXII, Issue 22126, 4 June 1935, p. 10.

around the shores of Lake Taupo it was directly relevant to the rating of land in the inquiry district (and nationally). Mr Jones suggested that Maori land be classified into categories such as unimproved and unoccupied land; land under development and land that was revenue producing, to determine whether rates were paid. Mr Jones was advised by the Minister of Maori Affairs, E B Corbett, that he could not agree that unoccupied or non-revenue producing Maori land should be exempted from rating. Mr Corbett said that since local government had been instituted in Taupo county, 'a considerable amount of work' had been 'set in hand on roading and other services' and this was 'bound to have a considerable effect on values'. Further:

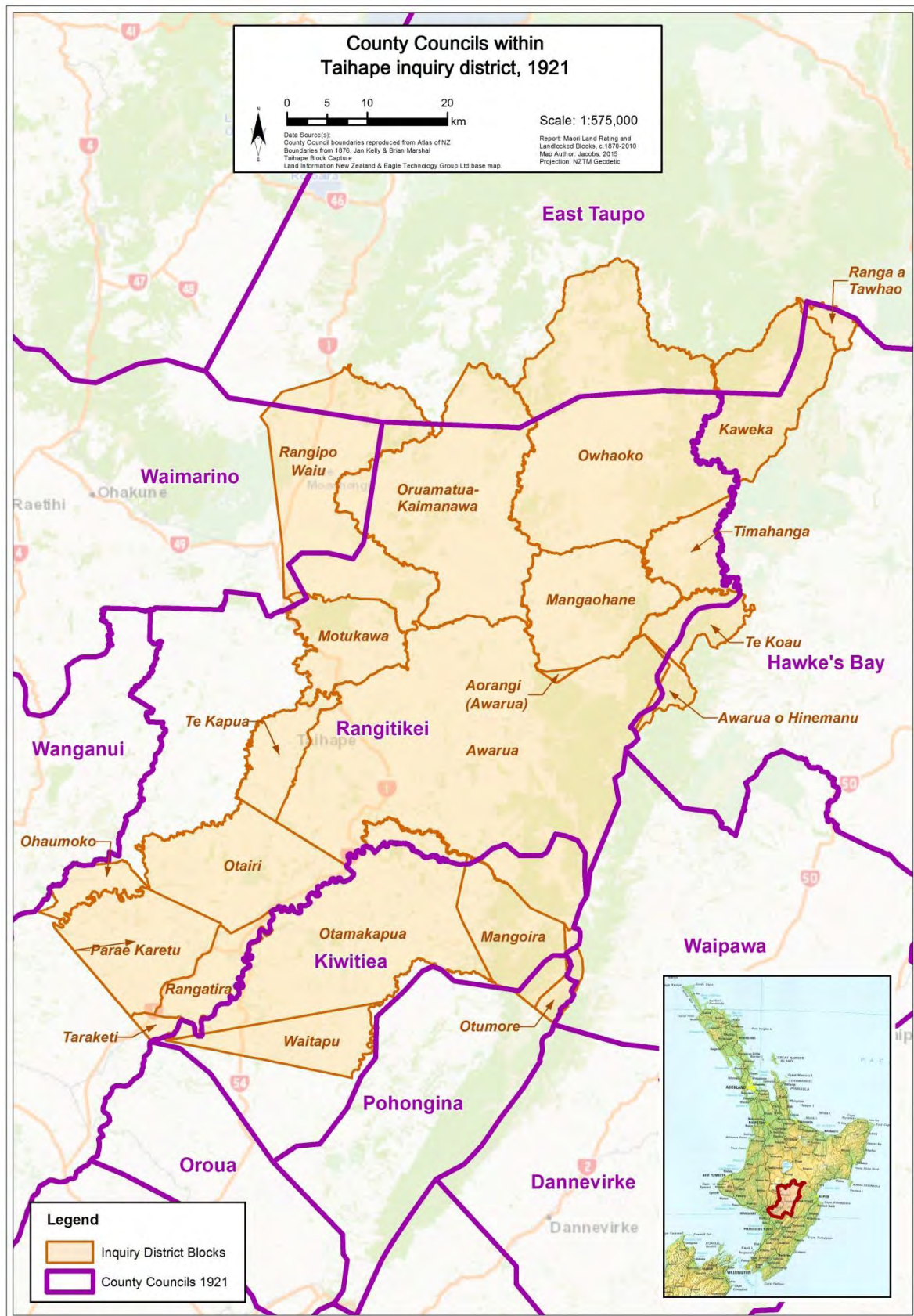
It would be inequitable to exempt any section of land owners from the liability to contribute towards the expense of these services. There is certainly no reason for treating Maori land in Taupo county in any different way from Maori land in other parts of the Country.⁹³

As can be seen in the RCC chapter (5.26), it was not until 2004 that any such classification system regarding the rating of Maori land was introduced.

⁹³ Registrar & District Officer, Department of Maori Affairs, Whanganui to Taupo County Council, 17 July 1956 and Pei Te Hurinui Jones to Minister of Maori Affairs, 19 July 1957, Minister of Maori Affairs to Pei Te Hurinui Jones, 10 September 1957, AAMK W3074 869 Box 721 a 20/1/54, Rates – Taupo Country, 1931-1970, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 24-36.



Map 1: County Councils within Taihape Inquiry District, 1876



Map 2: County Councils within Taihape Inquiry District, 1921



Map 3: District Councils within Taihape Inquiry District, 2015

5. THE RATING OF INQUIRY DISTRICT LAND BY THE HAWKE'S BAY COUNTY COUNCIL, 1882 -1920

4.1 Introduction

The first Hawkes Bay County Council (HBCC) was elected at the end of 1876 and was one of the first counties formed under the Counties Act 1876. Between 1876 and 1920 a large number of the northern blocks in the inquiry district came within its boundaries. Most of the inquiry district land within the HBCC was in the Patea riding, later the Erewhon riding. Between 1876 and 1904, blocks including part Oruamatua Kaimanawa, part Rangipo Waiu, the southern portion of Owahaoko, Mangaohane, Timahanga, part Te Koau, Aorangi and parts of Awarua 1, 2 and 3 were within this riding. In 1904, the boundaries changed so that all land west of the Rangitikei River came within Rangitikei County Council (RCC) boundaries. This left the southern part of Owahaoko, Mangaohane, Timahanga, part Te Koau, Aorangi and parts of Awarua 1 within the HBCC Erewhon riding. In 1920, all land west of the Ngaruroro River (the remainder of the Erewhon riding) was added to the RCC which meant all of these blocks came under the jurisdiction of the RCC. The only inquiry district block in the Hawke's Bay county not within the Erewhon Riding was the other part of Te Koau which was within the Maraekakaho riding. This riding remained with the HBCC in 1920, leaving part of Te Koau rated by the HBCC and the other part rated by RCC. This is a situation that remains to this day. Later, when title to Awarua o Hinemanu was investigated in 1991-1992, this too came within the boundaries of what had become the Hastings District Council.

Therefore, it was between 1882 and 1920 that the HBCC was most involved in the rating of Maori land within the inquiry district and is the focus of this chapter. Unfortunately this is also the period where there are few HBCC records as they were lost in the Hawke's Bay earthquake of 1931. Instead, other records have been utilised to examine the rating of Maori land by the council particularly local newspapers which documented council meetings. Other sources are Kay Mooney's history of the council; Native Department records (as the council sometimes corresponded with the department); and county valuation rolls held by the Valuation Department. In addition, when the RCC took over the Erewhon Riding from the

HBCC, it recorded HBCC liens in its Maori land rates book so these too have been examined.⁹⁴

Details of post 1920 rating by the HBCC can be found in the block study for Te Koau block.

4.2 Councillors of the HBCC, Erewhon Riding

Kay Mooney's history of the HBCC records that from its inception, the council was predominantly made up of European landowners. Councillors representing the Patea, later Erewhon Riding up until 1920 were Captain Azim Salvator Birch (1883 to 1887), his brother William John Birch (1887 to 1896), F S Waterhouse (1896 to 1899), George Rymer (1899 to 1902), William Charles Caccia-Birch (1902 to 1905), George Prior Donnelly (1905 to 1917) and W Kinross White (1917 to 1920).⁹⁵

Azim and his brother William Birch both fought in the New Zealand Wars and were the owners of the Erewhon Station (Inland Patea). Azim Birch leased most of the Oruamatua Kaimanawa block from the late 1860s until the 1890s. He and his brother purchased a significant portion of the block in the early twentieth century. The brothers also 'fought hard' for the Napier Taihape Road. William's nephew, William Charles Caccia-Birch took over the management of Erewhon station in 1888. FS Waterhouse was the owner of Mangawhare (a station off the Napier Taihape Road south of Sherenden) and George Prior Donnelly had controversially acquired land interests in the Mangaohane block, leased Maori land in the riding and was the husband of Airini Donnelly (Tonore) of Ngati Kahungunu, a major landowner in Hawke's Bay and Taihape. The two non-landowners representing Erewhon were George Rymer, the owner of a livery stable and horse bazar and W Kinross White was manager of the North British and New Zealand Investment Company and later the north British and Hawke's Bay Freezing Company.⁹⁶

⁹⁴ Kay Mooney, *History of the County of Hawkes Bay*, volume 1, forward.

⁹⁵ Kay Mooney, *History of the County of Hawkes Bay*, volume 1, p. 83.

⁹⁶ Kay Mooney, *History of the County of Hawkes Bay*, volume 1, pp. 57, 83, 106; volume 4, pp. 3, 95-96; S. W. Grant. 'Donnelly, Airini', from the Dictionary of New Zealand Biography. Te Ara - the Encyclopedia of New Zealand, updated 30-Oct-2012; Fisher and Stirling, Northern Aspect, pp. 155, 157, 160-162.
URL: <http://www.TeAra.govt.nz/en/biographies/2d14/donnelly-airini>

4.3 The commencement of rating of inquiry district lands

As noted in the legislative section, whether Maori land was rated or not in the late nineteenth and early twentieth century largely depended on whether it was leased, if title had been investigated by the Native Land Court and proximity to roads (as well as the inclination of the council). As there are no HBCC records showing when rating of the inquiry district lands began, it has been problematic evaluating this. It is made more difficult by the lack of rates books or valuation rolls prior to 1906 with the earliest valuation roll located for the Erehon riding beginning in 1907 and the earliest for the Maraekakaho riding (where part of Te Koau was located) dating from 1906. This means that there is no documentation prior to 1906 that confirms whether or not the land was rated. Given that most of the Maori land appeared to be in these valuation rolls, it is likely that the majority of Maori land in the Erehon riding of the HBCC was rated by at least 1906/1907 but that land where title was investigated in the 1880s such as the Awarua blocks, and/or leased at this time, such as most of the Oruamatua Kaimanawa and Owhaoko blocks, was likely to have been rated earlier and the rates paid by the lessee. Also, the Maori owners would have been liable for any rates on any land where a lease had been cancelled, such as with some of these same Oruamatua Kaimanawa and Owhaoko blocks.

4.4 HBCC attitude to the rating of Maori land, 1880s

The Hawke's Bay County Councils attitude towards the rating of Maori land was clear from its response to a local government circular in May 1882. The council was asked if the provisions of the Roads Construction and Crown and Native Rating Bills would suit their district and if not, what alterations could be suggested. The Council responded:

All lands, whether Government or native or held by Europeans, should be rated on the same basis, as political considerations should not be allowed to interfere with questions of local finance.⁹⁷

This belief that all Maori land should be rated was also reflected in the decision of the HBCC made shortly after the passing of the Act to write to the government asking that all Maori

⁹⁷ *Hawke's Bay Herald*, Volume XXI, Issue 6251, 16 May 1882, p. 3.

lands within the county be brought under the operation of the Crown and Native Lands Rating Act, 1882. This was as per section 4 of the Act where by the Governor in Council could proclaim districts outside of the boroughs as 'Native Rating Districts'.⁹⁸

The response from the Property Tax Commissioner in December 1882 was that the government would proclaim 'all unsold lands in Hawke's Bay except such as were five miles from a road or track, as liable to pay rates under the Crown and Native Lands Rating Act'. Frederick Sutton, who was Chairman between 1878 and 1881 and again from 1882 to 1885, and also a member of the House of Representatives, claimed that there were no Maori lands in the county more than five miles from a road or track and therefore all would be liable for rates.⁹⁹ In fact the legislation (s6 (15) of the 1882 Act) specified that Maori land could only be rated if it was five miles from a public road (tracks were not mentioned). While Maori were very likely to have tracks leading to their lands they certainly were not all public roads (such as in the case of Winiata's track through Mangaohane discussed below).

Support for the rating of all Maori land (and Crown land) was also evident at a meeting held by the aforementioned Frederick Sutton at Hastings the same year. He told 'the electors' that he took 'considerable credit' for the Crown and Native Lands Rating Act as it was 'first advocated by him'. He said that settlers would:

... no longer be annoyed by seeing valuable lands, the property of natives that paid no rates for making the roads that had given such lands their value. Native land would now have to bear its share of taxation as well as that of Europeans adjoining.¹⁰⁰

He too miscommunicated the legislation, stating that the only land that would not be subject to rates was land not situated within five miles of a road or track. He did not think, however, that any Maori land in the Hawke's Bay district would fall into this category as Maori 'had tracks running everywhere'. He then pointed out that the only road in the Hawkes Bay district that was 'unimproved' was the main road to inland Patea. He was certain that the HBCC would do its 'utmost' to secure a portion of the money granted by the Roads and Bridges

⁹⁸ *Hawke's Bay Herald*, Volume XXI, Issue 6381, 17 October 1882, p. 3; Tom Bennion, p. 17.

⁹⁹ *Hawke's Bay Herald*, Volume XXI, Issue 6413, 23 November 1882, p. 3; *Hawke's Bay Herald*, Volume XXI, Issue 6439, 25 December 1882, p. 3; Frederick Sutton was a councillor for the Clive Riding between 1878 and 1890 and a member of the House of Representatives between 1877 and 1884. Kay Mooney, *History of the County of Hawkes Bay*, volume 1, pp. 61, 83, 88.

¹⁰⁰ *Hawke's Bay Herald*, Volume XXI, Issue 6387, 24 October 1882, p. 3.

Construction Act so that within twelve months ‘there would be a good buggy road to the Kuripapango bridge’ (located in the south-eastern corner of the Owhaoko block). He said that the aforementioned Act would enable the Council to ‘provide roads for the transport of the produce of the county’ and that the council’s ‘mission’ was to ‘open up a means of traffic with a large and valuable tract of country [which was] producing a large amount of wool and employing a great amount of labor’. He said that ‘there could be no doubt that the trade should come to Napier.’¹⁰¹

In 1883, after a complaint from the HBCC about the inconvenience caused to local bodies by the non-gazetting of lands to be rated under the Crown and Native Lands Rating Act, 1882, the Property Tax Commissioner explained that ‘it had been difficult to get the information required, but that the necessary proclamation would soon appear in the *Gazette*.’¹⁰² Indeed in February 1884, notice was given in the *New Zealand Gazette* constituting Native Rating Districts under the Crown and Native Lands Rating Act, 1882. Included in the schedule of districts proclaimed ‘native rating districts’ was the county of Hawke’s Bay ‘comprised within the boundaries of the Patea and Maraekakaho Road districts, and also that portion of the Petane Road District situated outside the Provincial District of Hawke’s Bay’. As road districts in the Hawke’s Bay county were by this time synonymous with county ridings and inquiry district land was within both the Patea (later Erewhon) and Maraekakaho ridings, it can be assumed that this notice applied to these lands in the inquiry district.¹⁰³ Notice of districts excluded from the Crown and Native Lands Rating Act, 1882 was given on the same day with ‘that portion of the County of Hawke’s Bay comprised within the boundaries of the Havelock, Okawa, Heretaunga, Puketapu, Meanee, and Clive Road Districts and that portion of the Petane Road District situated within the Provincial District of Hawke’s Bay’ not included in the Hawkes Bay native rating district.¹⁰⁴

The chairman, Mr Sutton, was not impressed with the amount of land left out of the native rating district. He claimed that:

¹⁰¹ *Hawke's Bay Herald*, Volume XXI, Issue 6387, 24 October 1882, p. 3.

¹⁰² *Hawke's Bay Herald*, Volume XXI, Issue 6718, 29 November 1883, p. 3.

¹⁰³ *New Zealand Gazette*, 2 February 1884, p. 193. ‘The Road Boards Act of 1882 required that Road Board districts should become synonymous with the County Ridings and this was achieved [by the HBCC] before the Road Board elections of May 1883’. Kay Mooney, volume 3, p. 63

¹⁰⁴ *New Zealand Gazette*, 2 February 1884, p. 194.

...it was found that all the most valuable native lands in the county had been removed from the operation of the Act, and had been practically exempted from rates. Instead of receiving over £1100 in rates on native lands the Council would get only about £200. Nominally the exempted lands were still liable to pay rates, but in many cases the land had not been passed through the Court and it was impossible to find the responsible parties, and even were the demands served the natives might refuse to pay, and their land could not be attached.¹⁰⁵

Mr Sutton then sent a telegram to the government stating:

This proclamation exempting nearly all the native lands in Hawke's Bay from the operation of the Crown and Native Lands Rating Act may be legal, but it is against the spirit of the Act, and a thorough breach of faith with the local bodies. The House never expected the Governor would be advised to make the Act a sham. After deluding the local bodies into a belief that they would get rates on native lands within their boundaries they find that they have no recourse for the expenditure they have incurred. The passion is serious and will give the greatest offence, and naturally so.¹⁰⁶

Mr Sutton continued to decry the unfairness of the government decision not to rate Maori land that had not been investigated by the Maori Land Court, and told another meeting of constituents that the *Gazette* notice exempted 'more than seven eighths' of the Maori lands in Hawke's Bay from the operation of the Act. He said that it was true that the council could get the rates itself but queried how the council would know who the owners of lands which had not passed through the Native Land Court were. He said that he was 'much incensed at what he considered an evasion of the Act, and he told the Government plainly that a trick had been played on the local bodies'. As a result he had received a telegram stating that 'the proclamation exempting these valuable blocks had been withdrawn, and that the rates due for two years would be paid'.¹⁰⁷

In April 1884, the Colonial Treasurer gave 'notice' in the *New Zealand Gazette* to owners of Maori land under the Crown and Native Lands Rating Act, 1882, advising that each and

¹⁰⁵ *Hawke's Bay Herald*, Volume XXI, Issue 6786, 19 February 1884, p. 3.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Hawke's Bay Herald*, Volume XXI, Issue 6791, 25 February 1884, p. 2.

every owner or owners of land described in valuation rolls supplied to local bodies, were required and directed to pay the rates before 22 May 1884. The Treasurer said that demands had been made to him by the local bodies for payment. Hawkes Bay County Council was not included in the schedule of local bodies to which this applied.¹⁰⁸

Despite this, at a council meeting in October 1884, Treasury advised that £667, being two thirds of the rates due on Maori lands in the county, had been paid, presumably by Treasury, to the Council. Mr Sutton, noted at the meeting that he had written letters pressing for payment of the money and in one letter had 'asked for a refund of the interest the Council had been compelled to pay in consequence of the withholding of money due from the Government'. He had yet to receive a reply. At the same meeting Mr Sutton commented that if the Council had received £1400, which was the amount the Council thought they were due for rates on Crown and Maori land, (and some other money he said they had been deprived of by the government) then the Council's books would 'have had a balance on the right side'. He also commented that after the Commissioner had issued valuation rolls for Maori land, the Native Office 'interfered, and reduced all the valuations 25 per cent'.¹⁰⁹

A similar *Gazette* notice was published in 1885. On this occasion the HBCC was included in the schedule of local bodies for which this applied. The wording was clear:

Notice is hereby given to you and each and every of you that rolls of Native lands are now deposited at the offices of the said several local bodies, which said rolls are in the Maori language, and show the rateable value of the Native lands therein mentioned or described. And you and each and every of you, the owners of the said lands, are hereby required and directed to pay the said rates on or before the 13th day of April, 1885, such payment to be made by you at the office of the local body in whose district the lands affected are respectively comprised, and as noted in the said schedule.¹¹⁰

Between 1887 and 1891, similar *Gazette* notices were published giving notice under the Crown and Native Lands Rating Act, 1882 and its amendments that owners described in the valuation rolls supplied to local bodies were required to pay rates to that local body by a

¹⁰⁸ *New Zealand, Gazette*, 24 April 1884, p. 711.

¹⁰⁹ *Hawke's Bay Herald*, Volume XXI, Issue 6991, 21 October 1884, p. 4.

¹¹⁰ *New Zealand Gazette*, 1 October 1885, p. 1119.

particular time. The 1887 and 1891 schedules attached to the gazette notices did not include the HBCC.¹¹¹

It would seem that this notice was deemed sufficient by the HBCC to persuade Maori to pay rates or perhaps it was never the intention to get Maori to pay rates directly, the HBCC being happy to receive money directly from the Treasurer instead until the legislation was amended in 1888.

At a meeting of the HBCC in July 1885, the council discussed taking the government to Court for the recovery of rates due on Crown and Maori land. This was on the basis that solicitors for the Council had decided that the Property Tax Commissioner had no legal right to make the reductions in the valuation roll with regard to rates due by the government under the 1882 Act (referred to above). The Council duly sent the government a petition on the matter and in November, the Council agreed to a proposal put forward by councillor Captain Russell 'that the Council proceed to test the legality of the deductions made under the Crown and Native Lands Rating Act as soon as four other County Councils should have signified their willingness to share in the expenses pro rata on the amount of rates levied'.¹¹² In December of that year, a letter was received from the Wairarapa East County Council 'agreeing to assist to the extent of £20 in testing the legality of the substituted native land rating rolls, and promising to ask the Road Boards in that district to aid'. The Waipawa County Council, however, declined to assist in testing the question.¹¹³ No further information has been discovered regarding the outcome of the petition.

A government report from 1886 recorded that the HBCC had been paid £679.1.4 by the Crown for rates on Maori land for the period 23 July 1885 to 31 May 1886.¹¹⁴ In April 1887, it was reported that the HBCC had collected rates on Maori and Crown land of £1466.¹¹⁵ In July the same year the Chairman stated that £800 would 'very shortly be paid on account of

¹¹¹ *New Zealand Gazette*, 17 February 1887, p. 263; 5 January 1888, pp 4-5; 11 April 1889 p. 374; 5 March 1891, p. 315

¹¹² *Hawke's Bay Herald*, Volume XXII, Issue 7329, 26 November 1885, p. 3.

¹¹³ *Hawke's Bay Herald*, Volume XXII, Issue 7085, 10 February 1885, p. 4; *Hawke's Bay Herald*, Volume XXII, Issue 7220, 21 July 1885, p. 3; *Hawke's Bay Herald*, Volume XXII, Issue 7350, 22 December 1885, p. 4.

¹¹⁴ AJHR, 1886, B15.

¹¹⁵ *Hawke's Bay Herald*, Volume XXII, Issue 7721, 19 April 1887, p. 2.

rates on Crown and native lands' (by the Crown) and in August the council received advice from the Crown notifying the payment of £628.18.6 due for rates on Maori land.¹¹⁶

In 1890, it was reported that estimates of receipts for rates on Maori land for the year 1889-1890 was £734.8.3 and that this amount was the same for 1890-1891. It was further reported that the reason why the Council had an overdraft was 'entirely due' to the non-payment of rates on Maori land during the previous year.¹¹⁷ This situation coincided with the repeal of the Crown and Native Rating Act 1882 in 1888.

4.5 Amount collected from rates on Maori land, 1893-1920:

The HBCC would not have been encouraged by a letter from the Registrar of the Native Land Court at Gisborne just after the passing of the 1893 Act. The Registrar explained to the HBCC that the Council 'should not take action at present to obtain the names of the owners of native lands for rating purposes, as it seemed doubtful if sufficient rates would be recovered under the Act of last session to defray the costs'.¹¹⁸ Nonetheless, rating of Maori land continued. It was reported in 1896 that £200 was owed to the HBCC in rates mostly on Maori land.¹¹⁹

The next figures located about the amounts levied and received in rates by the HBCC was in 1905 when it was reported that a total of £13,109.9.3 in rates was collected by the HBCC with 19/7 uncollectable. Also that rates on unoccupied Crown lands and lands in European occupation that had gone back to Maori owners totalled £11.3.2. In 1906, £14,200.0.5 had been collected, £2.9.7 was uncollected and £32.9.3 'uncollectable'. Also of the £2.9.5 uncollected in 1905, it was expected that £1.7.5 would be collected. Therefore, during the previous two years, £27,310.17.1 had been collected and only £2.1.7 written off which the acting chairman considered to be a 'record'. It was also reported that it had also not been necessary to summon any ratepayers for the recovery of rates due. The report did not specify, however, the amount of rates collected from Maori land and it is unlikely to have been included given the next available reports regarding the amount of rates collected on Maori

¹¹⁶ *Hawke's Bay Herald*, Volume XXII, Issue 7799, 19 July 1887, p. 3; *Hawke's Bay Herald*, Volume XXII, Issue 7823, 16 August 1887, p. 3.

¹¹⁷ *Hawke's Bay Herald*, Volume XXV, Issue 8652, 22 April 1890, p. 3.

¹¹⁸ *Hawke's Bay Herald*, Volume XXIX, Issue 9704, 12 June 1894, p. 3.

¹¹⁹ *Hawke's Bay Herald*, Volume XXXI, Issue 10285, 24 April 1896, p. 4.

land from 1909.¹²⁰ These 1909 figures, produced just before the passing of the Rating Act 1910, record that the amount of European rates collectable in the Hawkes Bay County for the year ending 31 March 1909 was £16,833.5.1 and of this amount £16,751 had been collected. With regard to rates on Maori land, the newspaper reporter said that it was ‘impossible to show a good return’ with £98.10.7 collected and £687.0.1 written off (about 12.5% collected). The reporter thought it was possible that the new Act might improve matters but it seemed ‘doubtful’.¹²¹

The 1910 Act’s inception, however, did coincide with an immediate increase in the amount of rates received on Maori land in the Hawke’s Bay county. For the year ending 31 March 1911, £151.8.3 was received which was an increase of over £50 from two years previously.¹²² Other reports stated that for the period between 1908 and 1912 the HBCC levied rates of £4696 on Maori land and received £1670 (about 35% of that levied).¹²³ The increase in the amount collected on Maori land continued with the collection of £693.13.11 for the year ending 31 March 1915. The county clerk was ‘complimented on the small amounts to be written off’.¹²⁴ In 1917, it was reported that £1578.12.10 of rates had been collected on Maori land which was 67.6% of that levied. The clerk was ‘authorised to write off the unpaid rates’.¹²⁵ Also in 1917, the county clerk, Mr A H Ferguson, was congratulated by the chairman of the HBCC on the ‘very satisfactory way in which he attended to the collection of native rates’. The chairman said that Mr Ferguson had ‘steadily increased the amount collected, and he thought the percentage of native rates collected ... [in Hawke’s Bay] was a record for the Dominion’.¹²⁶ In 1918, the chairman of the HBCC also reported that Mr Ferguson had been ‘very successful in collecting native rates, the cost favourably comparing with similar work in other parts of New Zealand’.¹²⁷

¹²⁰ *Hastings Standard*, Volume XI, Issue 5549, 9 July 1907, p. 2.

¹²¹ *Hastings Standard*, Volume XIV, Issue 4622, 23 November 1910, p. 4.

¹²² *Hastings Standard*, Volume I, Issue 209, 22 August 1911, p. 7.

¹²³ *New Zealand Herald*, Volume L, Issue 15202, 16 January 1913, p. 5.

¹²⁴ *Hastings Standard*, Volume IV, Issue 415, 13 April 1915, p. 2.

¹²⁵ *Hastings Standard*, Volume VII, Issue 76, 13 March 1917, p. 6.

¹²⁶ *Hastings Standard*, Volume VII, Issue 75, 12 March 1917, p. 4.

¹²⁷ *Hastings Standard*, Volume VIII, Issue 74, 11 March 1918, p. 2.

The HBCC was not, however, content with this, asking the Prime Minister in 1920 to amend the existing law regarding the payment of rates by Maori ‘making it the same as the law governing the payment of rates by Europeans’.¹²⁸

Similar complaints had also been made in 1913 when the Cook County Council (Gisborne) asked the Hawkes Bay County Council to appoint delegates to meet with the Native Minister with a view to securing better legislation for the collection of rates on Maori land. It was reported that the Council was sympathetic to the question though the appointment of a delegate to represent the council was ‘left over’.¹²⁹

4.6 Court proceedings and valuation rolls

It is clear that the HBCC sued for unpaid rates though to what extent and the impact this had on Maori in the inquiry district is not known (no references to this were located in any of the Native Department and Native Land Court files of this period and newspapers contain minimal information). One example, however, was recorded in December 1917. The *Hastings Standard* reported that three judgements were given at Napier in what was described as ‘a sitting in civil jurisdiction’. His Worship Mr J W Poynton gave judgement in the following undefended civil cases:

- HB County Council v Retia Pareihe £40.8.9 plus costs £3.11.0
- HB County Council v Mereana Poneke £2.9.10 plus costs 21/-
- HB County Council v Rinha Hokomata £21.15.3 plus costs £3.11.0¹³⁰

In reference to the suing of Mereana Poneke, it was contended by him ‘that the rate book should have disclosed his share, as a partition order had gone through the Court, making him liable for one-third only of the assessment’.¹³¹

¹²⁸ Hawkes Bay County Council to Prime Minister, 13 April 1920, ACIH 16036 MA1/401 20/1/1 part 1, Rating of Native Lands – General File, 1915-1928, Archives New Zealand, Wellington. SW Document Bank, volume 6, p. 193.

¹²⁹ *Hastings Standard*, Volume III, Issue 50, 11 February 1913, p. 3.

¹³⁰ *Hastings Standard*, Volume VIII, Issue 1, 12 December 1917, p. 4.

¹³¹ Hawkes Bay County Council to Valuer General, 25 November 1919, ACIH 16036 MA1/401 20/1/1 part 1, Rating of Native Lands – General File, 1915-1928, Archives New Zealand, Wellington. SW Document Bank, volume 6, p. 192.

Indeed problems with keeping the valuation roll up to date and accurate were considered to be one of the reasons why the HBCC had previously had difficulties with collecting rates from Maori. It was reported in 1920 that the trouble was ‘not due to the owners themselves’ but to the Native Land Court ‘not notifying local bodies as to partition orders going through the Court, and subdivisions that take place from time to time’. Rate notices were sent out but in ‘nine cases out of ten’ it was found that the owners were not liable for the amount charged ‘owing to partition orders having gone through the Court, and the county authorities not being notified of the fact’. In response the Hawkes Bay County Council had asked the Valuer General whether the Native Department had been advising the Valuation Department of Maori owners under the Rating Amendment Act, 1913. The Valuer General had replied that no advice from the Maori Land Court had been received for ‘some considerable time’ and therefore arrangements had been made to advise the county of partitions as they occurred which would ‘obviate a considerable amount of trouble’.¹³²

This acknowledgement that faulty valuation rolls had impacted on the councils ability to collect rates on Maori land did not stop the HBCC from asking the Prime Minister in the same year to amend the existing law regarding the payment of rates by Maori ‘making it the same as the law governing the payment of rates by Europeans’.¹³³

4.7 Maori land in the Erewhon Riding

It is important to note that much of the Maori land in the Erewhon riding was unoccupied and undeveloped and therefore non-revenue producing. Stirling and Fisher record that most blocks in the northern Patea region had been ‘primarily used for mahinga kai purposes rather than permanent occupation’.¹³⁴ That these lands were unoccupied and undeveloped was a fact that the Crown was very aware of. In October 1911, the Under Secretary of the Native Department reported on all Maori held unoccupied lands which the Department estimated consisted of 3,080,863 acres. Of this, the Under Secretary said, an area should be deducted as ‘unsuitable for settlement’. The report specifically mentioned Taupo and Inland Patea near the Ruahine Range as areas where unoccupied land was located. It was also noted that these

¹³² *Hastings Standard*, Volume X, Issue 40, 30 January 1920, p. 5

¹³³ Hawkes Bay County Council to Prime Minister, 13 April 1920, ACIH 16036 MA1/401 20/1/1 part 1, Rating of Native Lands – General File, 1915-1928, Archives New Zealand, Wellington. SW Document Bank, volume 6, p. 193.

¹³⁴ Martin Fisher and Bruce Stirling, ‘Taihape Sub-district Block Study: Northern Aspect’, for Crown Forestry Rental Trust, 2012, p. 237.

unoccupied lands were usually 'difficult of access'. The report listed by county, blocks of unoccupied lands. Blocks in the East Taupo County included Rangipo Waiu, and the Kiwitea and Rangitikei Counties included Awarua blocks, Pohokura and Utumore (Otumore). The list also included Te Koau and Timahanga blocks within the Hawke's Bay County. It was noted too that the list did not comprise all unoccupied lands, such as Oruamatua Kaimanawa (82,000 acres) and Owhaoko (167,000 acres) as they were 'partly occupied'.¹³⁵

Regardless of whether land in the Erewhon riding was unoccupied and that the Crown was aware of its lack of development potential and therefore inability to support rates, it was still liable for rates under the legislation and rated as such by the HBCC until 1920.

4.8 Extent of rating of Maori land in Erewhon Riding, 1919

Prior to the transfer of the remainder of the Erewhon Riding from the HBCC to the RCC, the chairman and county engineer of the HBCC attended a RCC meeting to discuss the matter. The chairman of the HBCC, Mr Cross, advised that the area of the riding was 214,900 acres with a capital value as at 31 March 1918 of £169,146 for European land and £9279 for Maori land. The seven European ratepayers paid £870.11.0 in rates (which presumably included those Europeans leasing Maori land) and the eleven Maori ratepayers paid £51.1.2 (the chairman did not give the amount levied). The general rate was seven eighths of a penny for 1919, a hospital rate of 5/6th of a penny and a special rate of 1/16th of a penny. It was noted that the rates levied on the Erewhon Riding by the HBCC were 'considerably higher than the rates in the Rangitikei County' which was three farthings (three quarters of a penny) (inclusive of hospital rate). Also, that a loan on the Erewhon Riding of £2055 at 3 ½ per cent interest was 'principally for hospital buildings'. With regard to roading, Mr Cross noted that the riding contained 25 miles of main road (presumably the eastern end of the Napier-Taihapa Road), partially metalled, and 3 miles of branch road (it was not stated where). There were three bridges, 'one over the Ngaruroro at Kuripapango (boundary bridge between Okawa and Erewhon), one at Taruarau built by the government in 1909, and a suspension bridge over the Rangitikei River, built 20 years' previously.¹³⁶

¹³⁵ AJHR, 1911, G6, pp. 2-5.

¹³⁶ Reasons given for the transfer of the Erewhon Riding to the RCC was that as practically all the wool grown in the riding was sent to Taihapa for shipment, and Taihapa was within 'easy distance' (in comparison for Napier which at its furthest point was about 65 miles away), it was 'desirable that the district should be

Despite the payment of the aforementioned rates, in 1915, it was reported that the HBCC, on receiving an order in council from the Public Works Department declaring part of the Napier-Taupo road a county road, the chairman stated that he ‘though it unfair that the Government should ask the council to upkeep a road on which they were receiving no rates’. The Chairman was ‘empowered to bring the matter before the government with regard to a more satisfactory settlement’.¹³⁷

When the Erehon Riding was completely transferred to the RCC in 1920 (see map 2), it is apparent that liens for unpaid rates on the blocks affected were transferred over to the RCC rates books. Rates owed between 1917 and 1920 are indeed noted in the rates books for Owhaoko blocks and Te Koau as being HBCC related. Some were for not insignificant amounts. There were liens recorded of £4.13.4 for Owhaoko C1 (which is recorded as paid in 1924), £22.5.11 for Owhaoko C2, £82.4.9 for Owhaoko C3 (part), £7.5.0, for Owhaoko C4, £16.8.5 for Owhaoko C5 (which was later valued as nil or ‘no value’ in 1928), £5.10.8 for Owhaoko C6, £27.3.2 for Owhaoko C7, £15.11.2 for Owhaoko D2 and £11.19.3 for Owhaoko D3.

Rates were also deducted from the purchase money for Te Koau B (sold in 1922) of which £11.17.5 was owed in rates levied when the riding was within the HBCC boundaries. A proportion of this, based on the area of the block sold, was paid to the RCC. In addition the HBCC received from the purchase money £5.1.5 for rates owed on that part of Te Koau still within its boundaries and the Napier Harbour Board received £3.16.8.¹³⁸

controlled from Taihape and not from Napier’. *Wanganui Chronicle*, Volume LXVI, Issue 17515, 7 March 1919, p. 6.

¹³⁷ *Hastings Standard*, Volume IV, Issue 462, 14 September 1915, p. 2.

¹³⁸ Rangitikei County Council Rates Book, RDC: A/2012/3 1: Rangitikei Highway Districts, Rangitikei County Council, 1915-1936, Archives Central Feilding, SW Document Bank, volume 4, pp. 76-107; Carlile, McLean, Scannell & Wood, Barristers & Solicitors to Registrar, Ikaroa District Maori Land Board, Wellington, 8 September 1922; County Clerk, Rangitikei County Council to Registrar, Ikaroa District Maori Land Board 23 September 1922; Napier Harbour Board to Registrar, Ikaroa District Native Land Court, 25 September 1922, County Clerk, Rangitikei County Council to Registrar, Ikaroa District Maori Land Board, Wellington, 19 December 1922, Registrar, Ikaroa Native Land Court to Napier Harbour Board and Rangitikei County Council, 20 December 1922, Registrar, Ikaroa Native Land Court to County Clerk, Hawkes Bay County Council, 10 March 1923, Registrar, Ikaroa Native Land Court to Messrs Carlile et al, 19 April 1923, List of owners, Te Koau B, 1923, Registrar, Ikaroa Native Land Court to Messrs Lewis & Simpson, Solicitors, Hastings, 13 August 1925, Ikaroa I/316 Te Koau B alienation file, 1919-1929, Takitimu Maori Land Court, Hastings. SW Document Bank, volume 3, pp. 39-76.

This is the only reference to the Napier Harbour Board located while researching this report. It does indicate, however, that not only were Erewhon riding lands subject to rates from the HBCC until 1920; they were also liable for rates levied by the Napier Harbour Board.

4.9 HBCC Exemptions:

The valuation roll for the Maraekakaho Riding of the HBCC for 1911 to 1917 records where land was exempted from rates (at the time Te Koau was the within the Maraekakaho Riding). The only land exempted was Crown land (rifle range, railway land, quarry, cemetery, stock, school and gravel reserves) and one section owned by the Presbyterian Church Trustees of Napier. At this time it was mistakenly thought that 400 acres of Te Koau had become Crown land and this was exempted as well.¹³⁹

The valuation for the Erewhon riding of the HBCC for 1912 to 1927 records few exemptions prior to the transfer of the riding to the RCC. The only exemption located in the valuation rolls was for the Crown owned Motukawa 2A1 (5 acres).

In addition, in 1918, the HBCC considered a claim for the exemption of rates from the Maori Agricultural College but this was refused.¹⁴⁰

4.10 Rabbit Rates in the Erewhon Riding:

In 1905, it was reported that the councillor for the Erewhon Riding, Mr Donnelly, had written ‘very strongly to the press’ about the way that rabbits were spreading on the Maori owned Owhaoko block ‘recently abandoned by Studholmes Bros’ and other land in the Ruahine and Kaweka ranges. Donnelly urged ‘prompt and decisive action’ including assistance to settlers ‘otherwise a further large area of native land is likely to be abandoned, as the natives will be unable to pay rates and taxes on it, and the expense of destroying the rabbits will then fall on the State’.¹⁴¹

¹³⁹ AELU 19310 V-NAW1089/1 2/35 Valuation rolls Napier - Maraekakaho Riding - roll numbers 1-189, 1911-1917, Archives New Zealand, Wellington.

¹⁴⁰ *Hastings Standard*, Volume VIII, Issue 239, 10 September 1918, p. 3.

¹⁴¹ *Feilding Star*, Volume XXVI, Issue 234, 29 March 1905, p. 3.

That rabbits were an issue particularly in the Erewhon riding is not disputed. The extent to which Maori had to pay rabbit rates has not, however, been determined. This is due in the main to the lack of records on the subject. The Hawkes Bay Rabbit Board was constituted in 1887 and would have encompassed the Erewhon riding. Their records, apart from Department of Agriculture correspondence files (which do not deal specifically with the imposition of rabbit rates on Maori land) have not been located.¹⁴² With regard to the Moawhango Rabbit Board, Archives Central note that the exact date it was set up is ‘uncertain, but it was definitely operating by 1921’. This Board would also have encompassed some of the Erewhon riding. It is also clear from valuation rolls that the Pukeokahu Taoroa Rabbit Board also had jurisdiction over the Erewhon Riding but again records relating to this Board are in relation to the Department of Agriculture and do not deal specifically with Maori land. According to Archives Central, the Moawhango Rabbit Board was amalgamated with the Hautapu, Maungakaretu and Pukeokahu Taoroa Rabbit Boards to form the Taihape Rabbit Board in 1961. The only records held for this Board are ‘in the Electoral Correspondence & Nominations file in the Taihape Pest Destruction Board file series. All other records are missing and assumed to have been lost during the amalgamation’. Block specific government files have also been perused for references to rabbit rates. The little found have been noted in the Owahaoko block study and in the RCC section with regards to Awarua 2C3B.¹⁴³

4.11. Maori Rating Committee, 1920s-1930s

As discussed in full in chapter 3, in the late 1920s, a Maori committee was formed in conjunction with the HBCC to ‘sift’ the evidence in connection with rating cases and was led by Paraire Tomoana. It did not last long with the HBCC accusing the committee of not undertaking the work required and Mr Tomoana accusing the HBCC of not taking on board any of the recommendations made by the committee.

¹⁴² District Superintendent, Department of Agriculture to Director, Live-Stock Division, Department of Agriculture, 13 March 1925, AAFZ W5704 412 Box 302 Ag. 64/3/38 part 3 Hawkes Bay Rabbit Board, 1917-1936, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 51.

¹⁴³ Archives Central website: <http://archivescentral.org.nz/>.

4.12 The rating of Te Koau A

After the Erewhon riding was transferred to the RCC, just part of Te Koau A remained rated by the HBCC. This is discussed more fully in Te Koau A chapter. In short it does not appear that the HBCC pursued the rates on this block after an initial charging order was issued in September 1929 for 19/6 plus 2/6 costs. The HBCC applied for two further rates charging orders in 1939 and 1949 but on both occasions the applications were dismissed. In 1969, the HBCC advised the Ikaroa Maori Land Court that rates had not been paid on the block for ‘many years’. It was, however, never formally exempted from rates.¹⁴⁴

4.13 Hastings District Council Rates Remission Policy on Maori Land

The Hastings District Council (HDC), whose boundaries now incorporate Awarua o Hinemanu and part of Te Koau A, have developed a remission and postponement of rates on Maori freehold land policy. The policy detailed below is dated from 2009 though it has not been established from the HDC’s website whether it was introduced prior to this. The policy is currently being reviewed.¹⁴⁵ The policy states that it was developed ‘in tandem with the Maori community’. The objectives of the policy are:

- (a) supporting the use of the land by the owners for traditional purposes;
- (b) recognising and supporting the relationship of Maori and their culture and traditions with their ancestral lands;
- (c) avoiding further alienation of Maori freehold land;
- (d) facilitating any wish of the owners to develop the land for economic use;
- (e) recognising and taking account of the presence of wahi tapu that may affect the use of the land for other purposes;
- (f) recognising and taking account of the importance of the land in providing economic and infrastructure support for marae and associated papakainga housing (whether on the land or elsewhere);

¹⁴⁴ Napier Maori Land Court Minute Book 81, 21 September 1939, pp. 36, 38, 45-46; Napier Minute Book 88, 20 April 1949, p. 86; Hawkes Bay County Council to Ikaroa Maori Land Court, 4 August 1969, NA 81 Te Koau A Correspondence, 1957-1993, Tairāwhiti Maori Land Court, Hastings. SW Document Bank, volume 3, p. 15.

¹⁴⁵ Minutes of a Meeting of the HDC - Maori Joint Committee held on 12 November 2014, <http://www.hastingsdc.govt.nz/files/agendas/HDC%20-%20Maori%20Joint%20Committee/2014-11-12/Minutes%20HDC%20Maori%20Joint%20Cttee%20121114.pdf>

- (g) recognising and taking account of the importance of the land for community goals relating to –
 - (i) the preservation of the natural character of the coastal environment;
 - (ii) the protection of outstanding natural features;
 - (iii) the protection of significant indigenous vegetation and significant habitats of indigenous fauna;
- (h) recognising the level of community services provided to the land and its occupiers;
- (i) recognising matters related to the physical accessibility of the land.¹⁴⁶

The policy also includes a section on land exempted from rates which is in addition to Maori land exempted under the Local Government (Rating) Act 2002. It is noted that this is defined technically as a remission of rates. The following Maori land exempted under this policy includes:

- Land used as a Maori burial ground, Maori freehold land on which a Maori meeting house is erected, or land set apart under section 338 of Te Ture Whenua Maori Act 1993 or any corresponding former provision of that Act and that is used for the purposes of a marae or meeting place; irrespective of land area (includes land adjoining Marae used for this purpose)
- Land placed under *Nga Whenua Rahui Kawenata* (conservation covenant)¹⁴⁷
- Maori Freehold land which is Whenua tupuna/Whenua tuku iho with exceptional cultural, spiritual or heritage values of Mana Whenua, irrespective of whether the land is occupied and/or income producing.
- Maori freehold land to which two or more of the following circumstances apply
 - The land is landlocked, i.e. – it does not have any land-based physical access.
 - The land is in multiple ownership, which for the purposes of this provision shall be deemed to mean has a sufficient number of owners, a significant proportion of

¹⁴⁶ Hastings District Council Rates Remission Policy on Maori Land, 2009, <http://www.hastingsdc.govt.nz/files/all/documents/maorifreeholdlandpolicy.pdf>

¹⁴⁷ According to the DOC website: 'Ngā Whenua Rāhui is a contestable Ministerial fund established to facilitate the voluntary protection of indigenous ecosystems on Māori-owned land. The fund provides the opportunity for Māori landowners to manage their interests in biodiversity, reflecting different iwi and hapu priorities and sharing the benefits of its use. The principles of Ngā Whenua Rāhui are geared towards the owners retaining tino rangatiratanga (ownership and control).' <http://www.doc.govt.nz/nga-whenua-rahui>.

whom are absentee owners, relative to the size and characteristics of the land so as to make management and administration of the land difficult.

- The land is unoccupied and undeveloped or reverted from a previously developed state and as a result does not generate significant regular income for the owners.
- The land lacks an ownership, management or administration entity.
- Land used by Charitable Trusts for the delivery of health, educational, social and/or cultural services and programmes to Maori.
- Land used for the maintenance and transmission of customary practices and knowledge.¹⁴⁸

Te Koau A and Awarua o Hinemanu are both unoccupied, undeveloped multiply owned landlocked Maori land so would certainly be covered by this exemption policy.

In addition, the policy contains a provision whereby if ‘a new lessee/occupier takes over a block with existing rate arrears that would not be recoverable based on previous use, the arrears of rates may be remitted where the new lessee assumes payment of current and future rates during their time of occupation’.¹⁴⁹

As well as exemptions, differential rating has been introduced. This is defined as follows:

Maori Freehold land which is assessed by Council after consultation with local Taiwhenua and its Valuation Service Provider as having a rating valuation inconsistent with the restrictions of alienability on the land and/or the use preferences of the ownership group shall be placed in a differential set at 75% of the Non Urban Rate in Rating Area One and 75% of the base rate in Rating Area Two. The intent is to set a base level of rating liability on these rating units upon which other provisions of the policy are still applicable.

The factors to take into account are:

- The number of owners relative to the nature of the land

¹⁴⁸ Hastings District Council Rates Remission Policy on Maori Land, 2009, <http://www.hastingsdc.govt.nz/files/all/documents/maorifreeholdlandpolicy.pdf>

¹⁴⁹ Hastings District Council Rates Remission Policy on Maori Land, 2009, <http://www.hastingsdc.govt.nz/files/all/documents/maorifreeholdlandpolicy.pdf>

- The unrealised potential value from the best economic use valuation presumption
- The cultural, spiritual and historical importance of the land
- The use preferences of the ownership group.¹⁵⁰

¹⁵⁰ Hastings District Council Rates Remission Policy on Maori Land, 2009,
<http://www.hastingsdc.govt.nz/files/all/documents/maorifreeholdlandpolicy.pdf>

5. RATING OF INQUIRY DISTRICT LANDS BY THE RANGITIKEI COUNTY AND DISTRICT COUNCILS

5.1 Establishment of RCC, 1876

The Rangitikei County Council (RCC) was established in 1876 and like the Hawke's Bay County Council (HBCC) was one of the first counties established under the Counties Act 1876. Writing on the 50th anniversary of the county, the long serving county clerk HH Richardson, said that at the time the county was constituted:

... European settlement did not extend to more than 10 miles north of Marton, the whole of the country between that point and the open country beyond Mataroa (then known as the Murimotu plains) being an unbroken forest and practically impassable. In the open country north around Moawhango some European settlers had come in but access to these localities was then obtained from Napier over what is known as the Napier Erewhon Road.¹⁵¹

The first members of the Council were:

- James Bull
- FW Evans
- Charles M Galpin
- Frank Y Lethbridge
- Alex Milne
- David Scott
- Alexander Simpson
- Robert K Simpson
- WG Watt¹⁵²

¹⁵¹ HH Richardson, county clerk, 1927, RDC 00136: 3: 32 Jubilee of Rangitikei County Council - Notes on history of County Rangitikei County Council, 1927, Archives Central, Feilding. SW Document Bank, volume 4, pp. 109-115.

¹⁵² Ibid.

A perusal of the names of councillors and chairmen of the RCC between its inception and 1975, do not reveal any Maori names.¹⁵³

5.2 Rating by the RCC under the 1882 Act

Although the records of the RCC are catalogued and accessible, those between 1882 and 1924 are not generally organised by block or category. The exception is the council's first Maori land rates book which has entries from as early as 1915 and several early block specific files which begin around 1918. These sources, together with *Gazette* notices, correspondence received by the Native Department from the council, letters located in yearly letter books, council minute books and newspapers have largely been used to illustrate how Maori land was rated in the county prior to 1924.

Also utilised are the rates books (discussed in next section) and valuation rolls. Indeed the RCC together with the Property Tax Department did not waste any time preparing a valuation roll for Maori land within the Rangitikei County for the three years commencing 1 April 1883 pursuant to the Rating Act, 1882. It was signed by the Property Tax Commissioner and dated 3 March 1884.¹⁵⁴

The month prior, in February 1884, notice had been given in the *New Zealand Gazette* 'constituting Native Rating Districts under "The Crown and Native Lands Rating Act, 1882"'. Included in the schedule of districts proclaimed 'native rating districts', was the county of Rangitikei (with the exception of the Lethbridge Town District).¹⁵⁵ Notice of districts excluded from the Crown and Native Lands Rating Act, 1882 was given on the same day with 'that portion of the County of Rangitikei comprised within the boundaries of the Lethbridge Town District' excluded from rating.¹⁵⁶

In April 1884, the Colonial Treasurer gave 'notice' in the *New Zealand Gazette* to owners of Maori land under the Crown and Native Lands Rating Act, 1882, advising that 'each and

¹⁵³ SG Laurenson, *Rangitikei, the day of striding out*, Dunmore Press Limited, Palmerston North, NZ, 1979, pp. 206-209.

¹⁵⁴ County of Rangitikei Substituted Valuation Roll for Native Lands, RDC 000764, Archives Central, Feilding. SW Document Bank, volume 4, pp. 3-6

¹⁵⁵ *New Zealand Gazette*, 2 February 1884, p. 193.

¹⁵⁶ *New Zealand Gazette*, 2 February 1884, p. 194.

every owner or owners of land described in valuation rolls supplied to local bodies' were required and directed to pay rates before 22 May 1884. The schedule of local bodies to which this applied included the Rangitikei County Council,¹⁵⁷

A similar *Gazette* notice was published in 1885 and again the Rangitikei County Council was included in the schedule of local bodies to which this applied. The wording was clear:

Notice is hereby given to you and each and every of you that rolls of Native lands are now deposited at the offices of the said several local bodies, which said rolls are in the Maori language, and show the rateable value of the Native lands therein mentioned or described. And you and each and every of you, the owners of the said lands, are hereby required and directed to pay the said rates on or before the 13th day of April, 1885, such payment to be made by you at the office of the local body in whose district the lands affected are respectively comprised, and as noted in the said schedule.¹⁵⁸

Each year between 1887 and 1891, similar *Gazette* notices were published giving notice under the Crown and Native Lands Rating Act, 1882 and its amendments that owners of land described in the valuation rolls supplied to local bodies (of which Rangitikei County Council was one) were required to pay rates to that local body by a particular time. Curiously, the schedule attached to the 1891 notice included the RCC and Waitara West County Council only.¹⁵⁹ Apart from this notice, no record of any other advice to Maori of their legal obligation to pay rates has been located, nor any record of any meetings between the RCC and Maori at this time.

Four blocks of land within the inquiry district were included in the initial valuation roll – all from the Paraekaretu riding which then covered some of the southern area of the inquiry district. All the other Maori land listed was within the ridings of Makohau, Otakapu, Porewa, Rangitoto and Whangaehu - all outside the inquiry district. The total value of all the rateable Maori land in the county as at 3 March 1884 was £80,792.¹⁶⁰

¹⁵⁷ *New Zealand, Gazette*, 24 April 1884, p. 711.

¹⁵⁸ *New Zealand Gazette*, 1 October 1885, p. 1119.

¹⁵⁹ *New Zealand Gazette*, 17 February 1887, p. 263; 5 January 1888, pp 4-5; 11 April 1889 p. 374; 5 March 1891, p. 315

¹⁶⁰ County of Rangitikei Substituted Valuation Roll for Native Lands, RDC 000764, Archives Central, Feilding. SW Document Bank, volume 4, pp. 3-6

The four blocks of land in the inquiry district are listed in the following table together with their area and rateable value. In addition, a brief summary of these blocks has been provided which include the date that title was investigated and subsequent alienations:

Table 2: Maori owned inquiry district blocks in RCC Valuation Roll, 1 April 1883

Block name	Riding	Survey District	Area	Rateable Value	Title investigated; alienations; current status
Part Taraketi	Paraekaretu	IX Onga	2108 acres	£2108	Title investigated 1877 (part leased at this time). Entire block was 3075 acres. Taraketi 1 (1000 acres) leased from 1881. Some of Taraketi 2 sold privately early 20 th century. Portion of block in Maori ownership today.
Otairi No 1C	Paraekaretu	Tir ? kawa	870 acres	£435	Title investigated in 1880. Entire block at this time 870 acres. Partitioned into Poukiore 1 (778 acres) and 2 (79 acres) in 1884. Poukiore 1 sold in 1887 and Poukiore 2 sold in 1897 (private sales).
Part Otairi No 1D	Paraekaretu	Above	8504 acres	£4252	Title investigated in 1880. Entire block at this time was 9449 acres. Partitioned into 8 parts in 1884; 5 portions sold between 1885 and 1891 leaving Ohingaiti (3000 acres), Pouwhakarua 1 (1200 acres) and Pouwhakarua 2 (500 acres) which was sold in 1896. Ohingaiti was partitioned into six portions four of which were sold between 1890 and 1895. Remaining portions sold in 1960s or Europeanised 1968. Pouwhakarua 1 divided into 7 portions - 5 of which sold both to Crown and privately between 1901 and 1914; the remaining 2 sections comprising 174 acres sold and taken in 1978.
Part Otairi No 4	Paraekaretu	Above	500 acres	£250	Title investigated in 1880 (500 acres); awarded to 1 owner Eruia Ngahuia; sold in October 1892 to Robert Dalziell for £625.

Source: County of Rangitikei Substituted Valuation Roll for Native Lands, 1883, RDC 000764, Archives Central, Feilding. SW Document Bank, volume 4, pp. 3-6. Terry Hearn, Southern Aspect, pp. 173-179, 184-186.

The Rangitikei County Council and/or Property Tax Department also produced a Maori language version of the roll entitled ‘Kaute Rangitikei’ (Rangitikei County) which is dated 30 November 1886. Five inquiry district blocks are listed as well as 39,538 acres of un-surveyed land in the Paraekaretu riding which is too vague a description to be able to confirm whether it is in the inquiry district. The total value of Maori land blocks within the entire county including the un-surveyed land was calculated at £120,925 which would have been used to calculate the rates owed and if unpaid, what the Crown paid out to the RCC. These blocks are as follows:

Table 3: Kaute Rangitikei: Maori owned inquiry district blocks, 1886

Whakaaturanga o te whenua me te wahi i takoto ai/Description of the land and where	Riding	Nga eka (acreage)	Te utu o te whenua (value/price of land)	Title investigated; alienations; current status
Taraketi wahi (part)	Paraekaretu	2108	£4216	Title investigated 1877 (part leased at this time). Entire block was 3075 acres. Taraketi 1 (1000 acres) leased from 1881. Some of Taraketi 2 sold privately early 20 th century. Portion of block in Maori ownership today.
Otairi 1C	Paraekaretu	866.2.0	£650	Title investigated in 1880. Entire block at this time 870 acres. Partitioned into Poukiore 1 (778 acres) and 2 (79 acres) in 1884. Poukiore 1 sold in 1887 and Poukiore 2 sold in 1897 (private sales).
Wahi o Otairi 1D (part)	Paraekaretu	8413.2.0	£4206	Title investigated in 1880. Entire block at this time was 9449 acres. Partitioned into 8 parts in 1884; 5 portions sold between 1885 and 1891 leaving Ohingaiti (3000 acres), Pouwhakarua 1 (1200 acres) and Pouwhakarua 2 (500 acres) which was sold in 1896. Ohingaiti was partitioned into six portions four of which were sold between 1890 and 1895. Remaining portions sold in 1960s or Europeanised 1968. Pouwhakarua 1 divided into 7 portions - 5 of which sold both to Crown and privately between 1901 and

				1914; the remaining 2 sections comprising 174 acres sold and taken in 1978.
Wahi o Otairi 4 (part)	Paraekaretu	500	£375	Title investigated in 1880 (500 acres); awarded to 1 owner Eruia Ngahuia; sold in October 1892 to Robert Dalziell for £625.
Te Kapua	Paraekaretu	19,382	£14,536	Title investigated 1884; Sold to Crown in 1891 (5s 6d per acre).
Whenua kahore ano i ruritia (unsurveyed land)	Paraekaretu	39,538	£19,789	

Source: Kaute o Rangitikei [Supplementary Roll for Maori lands], Rangitikei County Council, 1886, RDC 00123:1:7, Archives Central, Feilding, SW Document Bank, volume 4, pp. 8-14; Terry Hearn, Southern Aspect, pp. 173-179, 184-186; Subasic and Stirling, Central Aspect, pp. 19, 38.

When comparing the two valuation books, there is a marked increase in the value between 1883 and 1886 of part Taraketi (£2108 to £4216), Otairi 1C (£435 to £650) and part Otairi No 4 (£250 to £375). Conversely the size of part Otairi No 1D size was reduced by about 100 acres in 1886 and its value had dropped from £4252 in 1883 to £4206 in 1886. Te Kapua block had been promptly added to the second roll presumably because title had been investigated in 1884 - between the production of the two rolls.¹⁶¹

Also at this time, a valuation roll for the portion of the Rangitikei County that was a 'special rating district' under the Roads and Bridges Construction Act, 1882 was produced which shows lands owned and occupied by both Maori and Europeans in the southern area of the inquiry district. Maori land within the inquiry district on this roll (dated for the period 1883 to 1886) included land in the previous rolls: part Taraketi (2108 acres, rateable value £2108), Otairi No 4 (500 acres, rateable value £187) and Otairi No 1C (870 acres, rateable value £485) as well as the entire Rangatira block (19,500 acres, rateable value £14,625). Title to Rangatira had been investigated in 1882, 12,000 acres of which was called the Hapopo block. Both were sold privately: Rangatira in 1882 and Hapopo in 1883. Included in the roll were

¹⁶¹ County of Rangitikei Substituted Valuation Roll for Native Lands, 1883, RDC 000764; Archives Central Feilding, SW Document Bank, volume 4, pp. 3-6. RDC 00123:17 Kaute o Rangitikei [Supplementary Roll for Maori lands], Rangitikei County Council, 1886, Archives Central, Feilding; SW Document Bank, volume 4, pp. 8-14.

four blocks owned by Maori but occupied by Europeans - none of which were in the inquiry district.¹⁶²

The 'special rating district' valuation roll for the period 1886 to 1889 listed no Maori land occupied by Maori. It does, however, list Maori land occupied by Europeans. Land within the inquiry district included part Taraketi (955 acres, £4775 rateable value) and part Taraketi No 3 (2672 acres, rateable value £4008). Those in occupation would have been liable for rates.¹⁶³

None of the valuation rolls gives the names of the Maori owners – they are simply listed as 'Natives'. This would seem to be problematic for all concerned given the gazette notices asked for owners of the Maori land mentioned in the valuation rolls to pay rates but then failed to specify who was expected to pay.¹⁶⁴

From the valuation rolls it can be assumed that rating for this period was concentrated around the southern area of the inquiry district which was the area within the inquiry district first investigated by the Native Land Court and where roading had commenced. The blocks were Taraketi, Otairi and Te Kapua. Also, that when the blocks or parts thereof were subsequently sold privately, stamp duty (10% of purchase price) was paid to the Crown to reimburse it for any unpaid rates the Crown had paid the RCC. As can be seen from the tables, much of the land in the inquiry district rated under the 1882 Act was sold by the early twentieth century the exceptions being parts of Taraketi, 546 acres of Ohingaiti and 174 acres of Pouwhakarua (the latter two blocks part of the larger Otairi block).¹⁶⁵ Whether or not the rating of these lands had an impact on the sale of these lands has not been established. It could be assumed, however, that if the blocks were unleased or unimproved then the raising of funds for such a purpose, particularly after the legislation changed in 1888 (when the Crown was no longer obliged to pay councils for rates on Maori land), would have been problematic.

In 1885, a return produced by the government showed payments made to the Provincial District of Wellington by the Colonial Treasurer of which the RCC was part. The payment

¹⁶² RDC 000768 Special Rating Roll, Rangitikei County, 1883-1886, Archives Central, Feilding; SW Document Bank, volume 4, pp. 117-120. Hearn, Southern Aspect. p. 224.

¹⁶³ RDC 000762, Special Rating Roll, Rangitikei County, 1886-1889, Archives Central, Feilding. SW Document Bank, volume 4, pp. 122-126.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

was for rates under The Crown and Native Lands Rating Act 1882 since that Act came into operation and was prepared by the Property Tax Department and dated 22 July 1885. The Wellington district received £3620.14.1 for Maori land, £8051.15.0 for Crown Land making a total of £11,672.5.1.¹⁶⁶

More specific information relating to the RCC was reported on 20 April 1885. The *Manawatu Standard* recorded that the council had received a total of £627.3.7 (half of this being payable in each year so about £313 per year) for rates on Maori land from the Colonial Treasurer for the years 1882-83 and 1883-1884.¹⁶⁷

In 1886, another government report showed the amount received by the RCC under the Acts between 23 July 1885 and 31 March 1886 for Maori land was £512.10.8. The RCC also received £42.16.5 for rates on Crown land making a total of £555.7.1 received under the Act for that year.¹⁶⁸ The £512.10.8 figure received by the RCC for the rating of Maori land in the inquiry district was significantly more than that received the previous year indicating that values had increased and more Maori land was being rated (as discussed above). Indeed the total value of all the rateable Maori land in the county as at 3 March 1884 was £80,792 and this had increased substantially to £120,925 in 1886.¹⁶⁹

As noted above, when the Crown and Native Lands Rating Act Repeal Act 1888 was enacted, this ended council reimbursement by the Crown. Maori land was therefore subject to the Rating Act 1882 which excluded Maori land ‘where the original title had not been extinguished and which was unoccupied’ and where there was ‘not an owner or occupier other than a Native’ (s2 (6)).¹⁷⁰

¹⁶⁶ AJHR, 1885, B14. Return showing separately the amounts paid by the Colonial Treasurer to each Provincial District for rates under The Crown and Native Lands Rating Act 1882 since that Act came into operation (Prepared by the Property Tax Department, 22 July 1885)

¹⁶⁷ *Manawatu Standard*, Volume IX, Issue 115, 20 April 1885, p. 3.

¹⁶⁸ AJHR, 1886, B15.

¹⁶⁹ RDC 00123:1:7County of Rangitikei Substituted Valuation Roll for Native Lands, 1883, County of Rangitikei Substituted Valuation Roll for Native Lands, RDC 000764; SW Document Bank, volume 4, pp. 3-6. RDC 000764; Kaute o Rangitikei [Supplementary Roll for Maori lands], Rangitikei County Council, 1886, Archives Central, Feilding. SW Document Bank, volume 4, pp. 8-14.

¹⁷⁰ Bennion, p. 16.

5.3 Rate Books, 1888-1904

Rangitikei County Council rate books are available from 1888. They contain an alphabetical list of owners of land in the county. The books include the rateable value of land, the amount of rates paid and when and by whom the rates were paid. Reflecting the aforementioned Rating Act, 1882, early rates books from 1888 to 1892 do not contain details of Maori land that was owned and occupied by Maori. They also do not differentiate between European land and Maori land leased by Europeans though both would have been rated.¹⁷¹

The rate book for the year ending 31 March 1893 does, however, contain details of Maori land that was leased by Europeans including Taraketi, Pouwhakarua, Ohingaiti and Ohaumoko (plus lands not within the inquiry district such as Parewanui Native Reserve, Turakina and Whangaehu lands). All the rates were paid by the European lessees. There are no details relating to land owned and occupied by Maori.¹⁷²

Entries in the rate book for the year ending 31 March 1894 are similar but include the name of one Maori in the occupier column - Hiriniti Paranitu [sp?]. The owner was given as Kere Ngatae Erua and the land was in respect to an allotment near Marton so not within the inquiry district. There is also what is described as a 'supplemental' roll for this financial year for the Ohingaiti township. Rangipo Mete [Kingi] and Utiku Potaka are both listed as having ½ an acre and ¼ acre respectively in the township and having paid the rates.¹⁷³

Land in the rate book for the year ending 31 March 1895 includes Ohingaiti, part Pouwhakarua, 943 acres of Taraketi, Hapopo, Rangatira, Parewanui Native Reserve and Whangaehu land (the latter two areas are not within the inquiry district). The owners are not named – 'Natives' is simply written in the owner column. Again there are no entries for land occupied and owned by Maori in the rate book apart from that of Utiku Potaka in respect of Ohingaiti township sections.¹⁷⁴

¹⁷¹ RDC 00035: 2: 2 Rate Book Rangitikei County Council, 1888 – 1892, Archives Central, Feilding.

¹⁷² RDC 00035: 2: 3 Rate Book Rangitikei County Council, 1892 – 1895, Archives Central, Feilding. SW Document Bank, volume 4, pp. 128-148.

¹⁷³ Ibid.

¹⁷⁴ RDC 00035: 3:4 Rate Book Rangitikei County Council, 1895 – 1896, Archives Central Feilding. SW Document Bank, volume 4, pp. 150-156.

It is the rate book for the year ending 31 March 1897 where, for the first time, there is a separate section showing land occupied and owned by Maori rated by the RCC.¹⁷⁵ This change in the rate book corresponds with the change in legislation whereby an occupier could be nominated who would accept responsibility for the payment of rates in cases of land owned more than four people. The local authority could notify owners of the rates to be paid in the *Kahiti* or the nominated owner would receive a rates demand. That person could also be sued on behalf of all the owners for the outstanding rates.¹⁷⁶

There were three entries included in the rate book for the year ending 31 March 1897 that were in the inquiry district. These were Poukiore 2 (78 ½ acres, rateable value £234, rates levied 7/4, occupier: Retimana Te Rango); Taraketi 1 (324 acres, rateable value £1620, rates levied £2.10.8, occupiers: Rangipo Metekingi and 9 others); and Taraketi 2 (2059 acres, rateable value £10,295, rates levied £16.1.9, occupiers: Utiku Potaka, Raumaewa Te Rango ‘and others’). Rates were paid in respect to Taraketi 2 by Utiku Potaka but the rates for the other two blocks are not recorded as having been paid.¹⁷⁷

Also of note in the rate book for the year ending 31 March 1897 are some figures at the beginning of the volume which record that for that financial year £4351.12.1 was received by the RCC for rates from Europeans and £74.15.9 for rates from Maori which was a total of £4426.7.10.¹⁷⁸

The rate book for the year ending 31 March 1898 also contains a separate section of the Maori land occupied and owned by Maori and likewise the book for the year ending 31 March 1899. This later rate book contains many more entries of Maori owned and occupied land. Not only are the Taraketi and Poukiore blocks included but also at least 40 of the newly partitioned Awarua 1A, 1D, 2C, 3A, 3B, 4A and 4C blocks. Of note is that apart from one block owned and occupied by Utiku Rora, none of these entries for the Awarua block had a named owner or occupier. Instead, ‘Natives’ has been written in the occupier column. Somewhat unsurprisingly, given it was the first time these blocks appeared in the rate book and that no owners names were listed, none of the rates recorded as levied on these Awarua

¹⁷⁵ RDC 00035: 3:5 Rate Book Rangitikei County Council, 1896 – 1897, Archives Central Feilding. SW Document Bank, volume 4, pp. 158-165.

¹⁷⁶ Bennion, pp. 28-29.

¹⁷⁷ RDC 00035: 3:5 Rate Book Rangitikei County Council, 1896 – 1897, Archives Central Feilding. SW Document Bank, volume 4, pp. 158-165.

¹⁷⁸ Ibid.

blocks were paid. There are also many more entries for the Taraketi 2 block in this rate book reflecting its partition in 1897. In these entries there are named owners/occupiers and in nine out of the 19 entries, the rates have been paid.¹⁷⁹

The rate book for the year ending 31 March 1904 also includes a separate section on Maori land occupied and owned by Maori. This again shows entries for lands owned by Utiku Potaka where the rates have been paid. It also lists ten Otairi blocks, 14 Taraketi blocks but just two Awarua blocks. In most entries an occupier is named and in six instances rates have been paid. The reasons why there are fewer blocks listed than for the year ending 31 March 1899 has not been established.¹⁸⁰

In summary the rate books confirm that from at least 1 April 1892, Maori land leased by Europeans was rated though the legislation did allow for such land to be rated prior to this. Also, that from 1 April 1893, small sections within the Ohingaiti township owned and occupied by Maori were rated. It was from 1 April 1896, however, that there was a significant increase in the amount of Maori owned and occupied land in the inquiry district rated (around 2461 acres) with £74.15.9 collected from Maori by the RCC. Another significant increase occurred on 1 April 1897 though much of it was newly partitioned with no named occupiers so no rates were collected. Rates were paid in other instances where there were named occupiers. By 1904, however, there were fewer Maori owned and occupied blocks in the rate book – mostly Otairi, Taraketi and Awarua partitions where rates were paid in 6 out of 26 instances.

5.4 RCC complaints, 1890s

Newspaper reports examined and Native Department files from the 1890s have revealed few examples of the RCC corresponding with the government with regard to the payment of rates on Maori land. The only document located records that in 1891 the RCC wrote to the HBCC ‘approving the movement for the rating of native lands’. At the meeting where this letter was

¹⁷⁹ RDC 00035: 4:7 Rate Book Rangitikei County Council, 1898 – 1899, Archives Central, Feilding; SW Document Bank, volume 4, pp. 167-173; Hearn, Southern Aspect, pp. 194-195; Subasic and Stirling, Central Aspect, pp. 103, 132-131, 143-145.

¹⁸⁰ RDC 00035: 4:7 Rate Book Rangitikei County Council, 1898 – 1899; RDC 00035: 0:12 Rate Book Rangitikei County Council, 1903 – 1904, Archives Central, Feilding. SW Document Bank, volume 4, pp. 158-182.

received, Captain Russell, who was both a member of parliament and HBCC councillor, had promised to assist in ‘getting measures passed to enable rates to be levied on native lands’.¹⁸¹

Apart from the rate books, little other information has been located on the rating of Maori land by the RCC during the 1890s.

5.5 Taking Maori to Court for non-payment of rates, 1901-1920s

Protest about the legislation governing the rating of Maori land was certainly apparent from the RCC in later years. In 1909, the county clerk of the RCC wrote to the Premier about the council’s concerns with regard to the collection of rates on Maori land. He stated that the experience of local bodies generally, was to write off large sums of rates on Maori land as not collectible. The county clerk asked that in all cases where a local body was not allowed to recover rates from an individual owner in the manner they could from a European owner, that is, to sell the land, that a method for securing the payment of rates ‘without recourse to the Law Courts’ be devised’. He said that it had been suggested that this could be done by the local body forwarding a list of unpaid rates to the government so that the government could make a ‘first charge on the land’ in a similar way that survey charges were registered. He stated:

The loss of revenue through inability to collect rates from Native Lands is a serious matter to many County Councils and as the Natives enjoy equal privileges with the Europeans in the use of roads and bridges, etc., it is earnestly hoped something will be done during the coming session of Parliament to remedy the matter.¹⁸²

The county clerk also identified three issues which prevented the successful collection of rates. The first was the ability of the RCC to sue for non-payment of rates. The county clerk said that the system of suing ‘nominated native occupiers or owners’ had ‘proved

¹⁸¹ *Hawke's Bay Herald*, Volume XXVI, Issue 8975, 19 May 1891, p. 4.

¹⁸² County Clerk, Rangitikei County Council to Premier, May 1909, ACIH 16036 MA 1 1918/302: Part file only: Rates on Native Lands, native lands leased or sold through Maori Land Boards, 1908-1915, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 53-55.

unsatisfactory' as there was 'no guarantee' that the local body would recover the money 'after going to the expense of Court proceedings'.¹⁸³

Certainly the RCC had not been afraid to pursue European rates through the Courts. In 1884, a European, Mr Nash, on the direction of the RCC, had his land sold for the non-payment of rates, amounting to as little as £2.1.11.¹⁸⁴

With regard to Maori land, the RCC took Maori to Court for the non-payment of rates in 1901 (this was the earliest report of such a judgement located). A stipendiary magistrate 'obtained judgement for rates' against Taraua Utiku (£5.10.0 with costs of 23/-); Warena Hunia (£2.7.10 with costs of 11/-), Ribi [sic] Maramaru [sic] (£5.17.4 with costs of 14/-), Hamuera Te Hunga (£1.5.0 with costs of 11/-) and Pene Pirere (£3.15.4 with costs of 13/-). The newspaper in which this was recorded did not specify the land concerned though some of those named had interests in the Taraketi block.¹⁸⁵

It is also clear from the entry in the Maori land rates book for Awarua 2C16C2 (420 acres) that a 'judgement' was made against the owner, Mokohore Pine, for unpaid rates for the years ending 31 March 1915, 31 March 1916 and 31 March 1917 though when the judgement was made is not clear. This judgement was for £46.1.18 plus court costs of 1/15. Rates on the block accumulated further so that by 1926, the amount of £239.19.1 was owed. Mr Pine also owed rates on 2C16C3 (182 acres). In July 1926, lawyers for Mr Pine advised the RCC that they had arranged with the Public Trustee for a loan for Mr Pine to repay two mortgages but had then found that the RCC had a rating lien lodged against the title. The lawyers noted that a letter from the RCC in 9 March advised that £264.0.7 of rates was owed. The lawyers had then successfully approached the Public Trustee for a further advance so as to pay the amount of £264.0.7. They could not, however, pay the amount the county clerk had subsequently asked for which was £302.1.0. The lawyers said they could not get any more money from the Public Trustee, as the security would 'not stand any further advance', nor could they get any more money from Mr Pine. The lawyers said that if the RCC did not agree to accept £264.0.7

¹⁸³ Rangitikei County Council to Premier, May 1909, ACIH 16036 MA 1 1918/302: Part file only: Rates on Native Lands, native lands leased or sold through Maori Land Boards, 1908-1915, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 53-55.

¹⁸⁴ *Wanganui Herald*, Volume XXIII, Issue 6872, 5 August 1889, p. 2; *New Zealand Herald*, Volume XXVI, Issue 9394, 18 June 1889, p. 5.

¹⁸⁵ *Wanganui Chronicle*, 13 May 1901, p. 2. Hearn, Southern Aspect, p.

it would mean that Mr Pine could not uplift the loan money and therefore no payment could be made to the RCC. The lawyers suggested that instead £264.0.7 be paid to the RCC, that the RCC then release the rating liens, and after the mortgage had been registered, that the RCC lodge any further lien it deemed necessary.¹⁸⁶ The county clerk took the opportunity to receive some money and replied that if £264.0.7 was paid then all liens and claims would be released at the next meeting of the council. This would mean that all rates were paid up until 31 March 1926 with the exception of £1 recently paid to the District Land Registrar for registration fees.¹⁸⁷

Of note was that Awarua 2C16C2 and 2C16C3 had both been leased after the first judgement to a Mr O'Keefe in 1921 for 21 years at £1.3.0 per acre (£485 for C2 and £209 for C3 per annum). Both blocks were then leased again in 1936 to a Mr Moore for 21 years both at £289 per annum indicating that the first leases did not run their full course. This may well have been the cause of some of the arrears in rates with the lessee legally obliged to pay the rates for the period of occupation (but not the arrears). Subasic and Stirling record that there was also a mortgage to Dalgety in 1921 for trading account up to £1,000 registered against the block. In 1931, a mortgage to the Public Trustee was registered against the block which existed until 1957.¹⁸⁸

Judgements continued to be obtained after the passing of the 1924/1925 Rating Acts. In 1932, solicitor for the county, Fullerton-Smith, noted that in 1929, they obtained judgement against a Mr Downs (no forename given) for unpaid rates of £75.5.11 for the years ending 31 March 1927, 1928 and 1929 and against Mr Marumaru for £88.13.0 for the period ending 31 March 1928 and 1929. The lawyers noted that as two years had elapsed since the rates became due the Council could no longer obtain a lien on the land. Fullerton-Smith said that the only remedies open to the Council was those conferred by the judgement. These were:

¹⁸⁶ Hussey & Ongley to Rangitikei County Council, 10 March 1926, Hussey & Ongley to Rangitikei County Council, 19 July 1926, loose papers in Maori land rates book, RDC: A/2012/3 1: Rangitikei Highway Districts, Rangitikei County Council, 1915-1936, Archives Central, Feilding. SW Document Bank, volume 4, pp. 59-60.

¹⁸⁷ County Clerk, Rangitikei County Council to Hussey & Ongley, 20 July 1926, loose papers in Maori land rates book, RDC: A/2012/3 1: Rangitikei Highway Districts, Rangitikei County Council, 1915-1936, Archives Central, Feilding. SW Document Bank, volume 4, p. 61.

¹⁸⁸ Both blocks were Europeanised in 1968 See Block Order File Wn. 602 Vol. 11, MLC Docs Vol. 3, pp.112, 115, and 124). Evald Subasic and Bruce Stirling, 'Taihape Sub-district Block Study: Central Aspect', for Crown Forestry Rental Trust, 2012, p 126.

1. To issue a Judgement Summons. To succeed the Council would have to prove to the satisfaction of the Magistrate that the Debtors had since the date of judgement sufficient moneys to pay the rates after having provided reasonable maintenance for themselves and their families.
2. To issue a distress warrant. For this process to be successful there must be in existence sufficient unencumbered stock and chattels which will realise on a forced sale enough to cover the amount due to the Council. From a perusal of the Gazette we notice that Downs stock are under security to Dalgety & Co. Ltd. We are unable to find any security given by Marumaru. It is possible he may not be farming the property himself.
3. To issue a Bankruptcy Notice. Here a formal notice under the seal of the Supreme Court is served on the Debtor, who, unless he pays or proves to the satisfaction of the Court that he has a counterclaim, is deemed to have committed an act of Bankruptcy on which the Creditor can found a petition to have the Debtor adjudicated a Bankrupt.¹⁸⁹

Fullerton-Smith was of the view that bankruptcy was the most expensive proceeding but was the avenue most likely to produce the money owed to the Council. The lawyer concluded that it was in their opinion that ‘unless some pressure is brought to bear on these Natives they will continue to ignore all demands by the Council for payment of rates’.¹⁹⁰

Unfortunately, the file contains this letter only and no other documentation on the matter has been located. The letter also does not specify the land concerned. Terry Hearn, however, has recorded the following which may be pertinent:

In 1927 May Vater Marshall purchased from Hoeroa Marumaru Taraketi 1F Pt of 70 acres for £1,236. It is of interest to record here that of that sum, £653 was paid to the Native Trustee being £500 in reduction of mortgage, with the balance being interest to the 15th August 1927; £250-300 to the Rangitikei County Council for rates; £150 to Matene Limited for cash advanced to meet rents; and £100 for rents due in respect of Takahangapounamu 4D, 4G, and 4B. The consideration of £1,236 was paid in full to

¹⁸⁹ Fullerton-Smith, Solicitors, Marton to Rangitikei County Council, 6 February 1932, RDC 00087: 11: 5/R/7 Rates, Downs and Marumaru, Archives Central, Feilding. SW Document Bank, volume 5. pp. 4-5.

¹⁹⁰ Ibid.

the Aotea Maori Land Board under section 92 of the Native Land Amendment Act 1913.¹⁹¹

From the records available, a compilation of a list of lands and/or owners affected by being taken to Court for non-payment of rates has not been possible. It is clear though, that those in the county were threatened with Court for not paying rates. For instance, in March 1914, the clerk sent a demand for rates of £58.12.6 to Maata Kotahi who was instructed to send a cheque before the end of the month 'to save further trouble'.¹⁹² Also in 1914, the *Whanganui Chronicle* reminded rate payers of the RCC district that an additional charge of 10% would be added to all rates not paid before 30 January and that rates unpaid after that date would be sued for.¹⁹³

In 1916, it was reported that the RCC were 'determined to get in the overdue rates and with that object in view delinquents ... [were] to be sued'.¹⁹⁴

5.6 Liens under section 14 of Rating Amendment Act, 1913:

More evidence of liens being registered on lands in the inquiry district under section 14 of the Rating Amendment Act, 1913, than judgements has been located. The liens are noted in the RCC's first Maori land rates book (which contains entries regarding rates from 1915) as well as in some of the early block specific files (circa 1918). For example in December 1922, a lien for £1.10.0 under section 14 of the Rating Amendment Act, 1913 was registered against Awarua 2C13L (then 6 acres) for unpaid rates from 1 April 1918 to 31 March 1922. A lien for £1.13.4 was also registered against the block in 1925 for unpaid rates from 1 April 1922 to 31 March 1925. The 'lien' consisted of a form containing the above information signed by the chairman, a councillor and the county clerk. It was also contained the county seal. The Erewhon valuation roll for 1912 to 1927 gave the area as eight acres and the capital value as £85 which included £5 of improvements (fencing) indicating that the land was undeveloped but valued at £10 per acre.¹⁹⁵

¹⁹¹ Hearn, *Southern Aspect*, p. 194.

¹⁹² County Clerk, Rangitikei County Council to Maata Kotahi, 1914, RCC Letterbook Outwards, 1914-1915.

¹⁹³ *Wanganui Chronicle*, Issue 19993, 24 January 1914, p. 6.

¹⁹⁴ *Wanganui Chronicle*, Volume LX, Issue 16824, 30 November 1916, p. 7.

¹⁹⁵ AFHQ 19340 V-WROLLS/41 2/124 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-323, 1912-1927, Archives New Zealand, Wellington; Awarua 2C13L rating liens, 21 December

A lien was also registered under section 13 in respect of Awarua 2C15B which was also a small block of 6 acres. The lien was dated 7 September 1918 and was for four years of unpaid rates from 1 April 1914 to 31 March 1918 totalling £1.2.8. A second lien of 1922 was cancelled but the statement as to why is indecipherable. This lien, together with charging orders from the 1930s and 1940s was paid in 1947 by Ngapera Pine who also paid outstanding rates in respect of Awarua 2C13J4 and 2C13J5 at the same time (further information on this block is noted in a separate block study in section 5.24).¹⁹⁶

With regard to larger blocks, a lien of £50.6.10 was registered under section 13 in respect of Motukawa 2B16A consisting of 673 acres on 3 April 1919. It was recorded as being paid in December 1921. A further lien dated 26 November 1925 for rates levied prior to 1924, was registered under the Act for £49.11.4. In the meantime, lawyers for the owner, Ngahaia Harawira, advised the council on 12 November 1925, that for some time they had been receiving rent on behalf of the owner and had therefore been able to ‘protect’ the council’s rates. The old lease, however, was about to expire and the new lease was to be administered by the Aotea Maori Land Board. Therefore they were not expecting any further money to pay the rates. The county clerk duly wrote to the Native Land Court reiterating what he had been advised and noting that £89.9.3 was now owed in rates on the block up until 31 March 1926. The council was then advised by the Board that 4 ½ acres had been sold to JG Oldman (so as to provide him with better access to a public road) which was confirmed by the Board in December 1923 and that 46 acres had been leased to a Mr Jensen for 2 years from 16 July 1925. No rates, however, were paid with the next rates demand dated 17 July 1926 totalling £131.11.10 (inclusive of arrears). This was sent to Ngahaia Harawira’s lawyers. In July 1926, the council was advised that an application for the confirmation of a different lease had been lodged with the Aotea Maori Land Board on 18 March 1926. The lease was for 21 years from 1 February 1926 but confirmation was subject to the lessee making a first payment of rent to the Board and the lessee consenting to various amendments to the lease. This had yet to be received and therefore the lease had not been consented to. The Registrar of the Court asked the council for the amount of rates owed up until 1 February as that was when the lessee

1922, 26 November 1925, RDC 00072:1: A/26 Maori Land Rating: 1329/144-146 Awarua 2C Part 13L, Rangitikei County Council, 1922-1949, Archives Central, Feilding. SW Document Bank, volume 5, pp. 7-8

¹⁹⁶ Registrar, Maori Land Court to Rangitikei County Council, 12 September 1947, RDC 00072: A/31 Maori Land Rating: Awarua 2C15B, Rangitikei County Council, Archives Central, Feilding. SW Document Bank, volume 5, p. 37.

would begin to pay the rates. The council replied that £85.12.8 was owed up until 1 February. This comprised the 10% penalty for the year ending 31 March 1924 (secured by a lien) and rates and 10% penalty for the year ending 31 March 1925 and 31 March 1926 (the 1925 rates being secured by a lien). The county clerk said that the council was of the opinion that the amount 'should be paid before any confirmation of lease is effected by ... [the] Court' (not making the connection that the rates could not be paid until the rent was). In May 1928, the entire block was leased to Messrs Stent for 42 years at 6/6 per acre. The lessees, however, did not stay on the land long (these were the Depression years) and in 1934 the Court was considering the confirmation of another lease to J McColl for 42 years from 1 November 1933 for 1/6 per acre per annum for first three years. The rental was discussed further as it was not 5% of the government valuation. An owner explained that no one had been in occupation for the previous 4 years, that there was a mortgage to the Public Trustee for £580, interest has been 'mounting up' and that the mortgagee had 'called' up the mortgage and owners were having difficulties in obtaining a lessee. They said that they could get no better terms than the lease that was offering. The Court did not confirm the lease until 1933 but again the lessee did not stay on the land with two other separate leases for the block being confirmed in 1941 at a rental of 4/- per acre for the first ten years (£133 per annum). By this time there were also charging orders of £43.7.6 owed for the years ending 31 March 1939 and 1940 which would have been deducted from the rental monies.¹⁹⁷

This example demonstrates the difficulties with keeping up with rates when leasing arrangements were changed and, particularly in the depression years, finding a lessee that would stay on the land. It also demonstrates how apart from selling the land, leasing was often the only option available to stop rates from accumulating to overwhelming levels and that rates were still expected to be paid despite this.

Awarua 3D317C2 (almost 390 acres in size) and 3D317A (consisting of 30 acres 30 perches) show how outstanding rates secured by liens were deducted from the rental monies on newly leased land. The Registrar of the Aotea District Native Land Board advised the RCC in March 1924 that the lessee had paid a further half years rent to the Board and therefore the

¹⁹⁷ Correspondence in RDC 00072: 3: M/22 Maori land rating 13310 191 Pt Motukawa 2B16A, N Hariwera, HL Osborne, Claim 162, 1925-1969, Archives Central, Feilding; SW Document Bank, volume 5, pp. 142-182. Whanganui Minute Book 95, 28 April 1934, p. 391; Whanganui Minute Book 101, 21 August 1940, pp. 68-106. Confirmation of alienations, Motukawa 2 Block Order file, WH 592 volume 10, Taihape Inquiry District Maori Land Court Document Bank, volume 3, pp. 706-717, 724.

Board could pay the last of the rates owed: £14.12.5 on 3D317C2 and £90.12.3 including a 10% penal rate on 3D317A. The Registrar asked the Council to arrange for the release of the liens so that the lessee could register her lease. It is clear that these amounts were not all of the rates remitted with the Board having already paid almost £208 for the years ending 31 March 1916 to 31 March 1924 for 17C2.¹⁹⁸

It is also clear that liens were registered against blocks which were undeveloped, had limited potential for traditional farming and the possibility of leasing was slim. For example a significant number of liens were registered against the unoccupied Owhaoko C blocks. This is discussed further in the block study for the Owhaoko block.

5.7 Adequacy of valuation rolls, early twentieth century

The county clerk's second concern relayed to the Premier in 1909, in terms of the difficulties experienced by the RCC in collecting rates on Maori land, related to the adequacy of the valuation rolls. He said that the Valuation Department supplied valuation rolls with the names of occupiers and owners of Maori who had 'been dead for years', in some cases successors had not been appointed and in other cases the successors were minors.¹⁹⁹

The Valuer General's attempt to address the issue of the inadequacy of the valuation rolls was thwarted in 1911 when he asked that the Under Secretary of the Native Department arrange to insert on his newly prepared schedule of Maori land entries, the names and addresses of two owners. Some of the schedules were for lands in the Rangitikei county. The Under Secretary response was that the Valuer General needed to approach the Native Land Court for the information.²⁰⁰ Later the Valuation Department complained to the Native Department that various Maori Land Boards did not keep the Valuation Department up to date with title information in order for accurate valuation and rate rolls to be prepared.²⁰¹

¹⁹⁸ Registrar, Aotea Native Land Court, Whanganui to Rangitikei County Council, 10 March 1924, loose pages within Maori Land Rates Book, 1917-1937, Archives Central, Feilding. SW Document Bank, volume 4, p. 69.

¹⁹⁹ Rangitikei County Council to Premier, May 1909, ACIH 16036 MA 1 1918/302: Part file only: Rates on Native Lands, native lands leased or sold through Maori Land Boards, 1908-1915, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 53-55.

²⁰⁰ Valuer General to Native Department, 6 February 1911 and Native Department to Valuer General, 19 February 1911, ACIH 16036 MA1/1192 1918/302: Part file only: Rates on Native Lands, native lands leased or sold through Maori Land Boards, 1908-1915, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 56.

²⁰¹ Ibid.

The issue of inadequate valuation rolls and who was responsible for them continued, particularly during the First World War. The Under Secretary commented:

During the war it has been difficult to keep current work going. Apparently some of the local bodies want the Native Land Court to supply them with the names and addresses of the Native owners, and also to nominate two names to be inserted in the roll. I need hardly say that this is not practicable, nor can the Court be responsible for correct addresses of the Natives. They have no means of knowing.²⁰²

In 1918, the Registrar of the Aotea NLC advised the Native Department that ‘current workloads’ did not allow for the particulars required by the Valuer General on behalf of several councils to be done and that other councils periodically sent a clerk to the Court to search the titles of the Maori land in their counties. He said that these representatives were ‘given every possible assistance’. The Valuer General then complained to the Native Department that one council was again urging him to furnish them with the owners or occupiers of Maori lands in their county but he was unable to do so without Native Department assistance. The Native Department responded that the issue of supplying information relating to owners of Maori land to local bodies was unsatisfactory but unless special officers were employed the work could not be done by ordinary staffing.²⁰³

In September 1924, the Registrar of the Aotea Native Land Court advised the Department that various local bodies (mostly county councils) often wanted searches comprising lists of Maori owners which at times were very lengthy. He said that he had adopted the practice of advising them that such work was not the function of the office and that Court records were available for perusal during office hours for them or their agents. He asked if this action met with the Department’s approval. The reply was that as long as the search was required for rating purposes, ‘every facility should be given to the local body’ but if they were for the

²⁰² Registrar, Aotea Native Land Court, 30 August 1918, Valuer General to Under Secretary, Native Department 19 December 1918, Under Secretary, Native Department to Valuer General, 23 December 1918, ACIH 16036 MA1/401 20/1/1 part 1, Rating of Native Lands – General File, 1915-1928, Archives New Zealand, Wellington. SW Document Bank, volume 6, pp. 190-191.

²⁰³ Ibid.

taking of land under the Public Works Act or something similar, then the local body must ‘procure its searches in the ordinary way’.²⁰⁴

What was not discussed by the county clerk was the impact on Maori of having out of date valuation rolls and whether rates accumulating to significant levels, the imposition of liens or being sued had occurred without correct ownership information.

5.8 Individualisation of title, early twentieth century

The third concern of the county clerk relayed to the Premier in 1909, was regarding the individualisation of title. He said that one of the reasons preventing the collection of rates on Maori land was that much of the land had not been individualized and therefore the land was not liable for rates. This was, however, incorrect as title to most of the inquiry district land had been investigated and title awarded and therefore it could be rated. What he was possibly referring to was the number of blocks which had large numbers of owners and that he would have preferred, for rating purposes, to have had just one owner liable for rates.²⁰⁵

In 1912, WH Herries, Native Minister informed the RCC that with respect to rates on Maori rates ‘the question of perfecting titles’ was receiving consideration and that he hoped to introduce legislation in the next session dealing with the subject. In the meantime, he would be ‘glad’ if the RCC could suggest any alteration to the Rating Act to improve it. The council decided at its meeting of 20 December that the matter would be left in the hands of Mr Richardson to ‘forward suggestions’.²⁰⁶

Mr Richardson’s suggestions to the Native Minister, which were received with thanks, were recorded in a number of newspapers including the *Dominion* in April 1913. They were:

1. That the individualising of Native lands be carried out as expeditiously as possible;

²⁰⁴ Registrar, Aotea Native Land Court to Under Secretary, Native Department, 2 September 1924 and Under Secretary to Registrar, Aotea Native Land Court, 10 September 1924, ACIH 16036 MA1/401 20/1/1 part 1, Rating of Native Lands – General File, 1915-1928, Archives New Zealand, Wellington. SW Document Bank, volume 6, pp. 197, 199.

²⁰⁵ Rangitikei County Council to Premier, May 1909, ACIH 16036 MA 1 1918/302: Part file only: Rates on Native Lands, native lands leased or sold through Maori Land Boards, 1908-1915, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 53-55.

²⁰⁶ *Wanganui Chronicle*, Issue 12857, 20 December 1912, p. 6.

2. That individualised native lands be placed upon the same footing as European Native lands in regard to rating;
3. That the Valuation Department be supplied with fullest information obtainable in regard to all Native lands, and that individualised lands be entered under their distinct heading upon the valuation roll;
4. That some system be devised whereby the rates on all Native lands, other than individualised lands, may be secured to the local body in the same way that survey charges are secured, and without the need of any Court proceedings.²⁰⁷

In addition, it was suggested, as it had on previous occasions ‘some years’ before that ‘no transaction in any Native land be approved by any Native Land Board, Land Court, or other authority dealing with Native lands, unless all rates have first been paid on such lands or secured on behalf of the local body’.²⁰⁸ In response the Prime Minister said that legislation would be introduced during the next session and that ‘matters would be placed on a much more satisfactory basis’.²⁰⁹ This presumably referred to the 1913 Act.

Of note is that in 1920, in response to a deputation from the Counties Association, Herries said that it was ‘unfair to allow communally owned land to be sold for rates since many did not directly derive benefit or use from it’ and that ‘individualisation was the answer’.²¹⁰

5.9 Other complaints by the RCC: 1912-1924

After the letter to the Premier in 1909, the RCC continued to agitate for changes to the rating legislation as it related to Maori land. In October 1912, the council carried a resolution expressing its sympathy with the action of the Whanganui and Waitotara Councils with regard to the rating of Maori lands ‘recognising that these lands are being vastly increased in value by the action of the local bodies, and under the present system are not contributing thereto in the way of rates, and that the chairman be empowered to form one of the deputation to Wellington in connection with the matter’.²¹¹

²⁰⁷ *Dominion*, Volume 6, Issue 1723, 14 April 1913, p. 4.

²⁰⁸ *Ibid.*

²⁰⁹ *Ibid.*

²¹⁰ Bennion, p. 43.

²¹¹ *Whanganui Chronicle*, Issue 12856, 7 October 1912, p. 4.

As discussed, the county clerk also suggested that the individualisation of title was the way forward in terms of rating Maori land to the Native Minister in 1913.

Then in 1917, the RCC supported a proposal by the Hokianga County Council who said they were ‘losing a large amount of rates every year under the present system’ to amend the law ‘so as to enable liens for Native rates to be registered against titles in the Native Land Court as well as against titles in the Lands Transfer or Deeds Registry Offices’ (this was because many Maori titles were only registered in the Native Land Court). Native Minister Herries reply was that, while the matter would receive consideration, as the issue of Maori rating was a ‘highly contentious one’, it was ‘not probable that anything in the direction indicated will be brought before the House while the war is on’.²¹²

In 1922, the RCC wrote to the MP for Rangitikei Edward Newman (who was also a councillor for the RCC between 1884 and 1905²¹³) suggesting a similar amendment to that mooted in 1917. The county clerk said that county councils, had ‘through the Counties Association, repeatedly asked the Government to amend the Rating Act so as to allow liens for rates due on Native lands to be registered against Native Land Court titles’. He said that ‘at the present time liens can only be registered against Lands Transfer or Deeds Registry titles’ and while the ‘provision has considerably assisted local bodies but does not go far enough as many of the native titles are still registered in the Native Land Court Office’. Further:

There can be no valid reason why the Government should not amend the law as the Counties Association has repeatedly requested and I trust that you will be able to secure such amendment in the legislation to be passed this Session. The matter is important and urgent’.²¹⁴

²¹² Rangitikei County Council to Edward Newman MP, 4 September 1917; WH Herries to R W Smith MP, 12 September 1917; and Hokianga County Council Rating Circular, 1917, ACIH 16036 MA1/401 20/1/1 part 1, Rating of Native Lands – General File, 1915-1928, Archives New Zealand, Wellington. SW Document Bank, volume 6, pp. 184-185.

²¹³ Laurenson, p. 206.

²¹⁴ Rangitikei County Council to Edward Newman, MP, 26 July 1922 ACIH 16036 MA1/401 20/1/1 part 1, Rating of Native Lands – General File, 1915-1928, Archives New Zealand, Wellington. SW Document Bank, volume 6, p. 195.

The county clerk wrote a similar letter later that year. The RCC's agitation was successful with the introduction of the 1924 Act which allowed for the Maori Land Court to order rates charging orders which were registered against the title of Maori land.

5.10 Collection Data to 1924

As discussed above, at various times, particularly between 1909 and the 1930s, the RCC complained about the inadequacy of the legislation for collecting rates on Maori land. The reality for the RCC, was that for the period between 1908 and 1912, the county collected £1610.9.11 of the £2511.14.9 of rates levied on Maori land. This was about 64% of what was levied.²¹⁵ At the same time, other counties were receiving proportionally much less. For instance the Waimarino county council levied £4732.1.3 for the 5 year period prior to 1913 and received £811.10.1 which was about 17% of that levied. In Patea £263 was levied and £141 paid (about 53%) and in Hawke's Bay £4696 was levied at £1670 paid (about 35%). Some other councils received proportionally even less. For instance Clifton County Council received £37.2.5 out of £450 levied (about 8%) and Raglan County Council received £24 of the £3000 levied (not quite 1%). Others, such as Whangaroa, said they collected so few rates, that they had stopped levying them.²¹⁶

As can be seen from the following table, between 1 April 1918 and 31 March 1919, the RCC collected over 81% of the rates it levied on Maori land. The decrease in the percentage collected for the 1920/21 financial year (from 73% to 60%) coincided with the transfer of the Erewhon riding from the Hawke's Bay County Council to the RCC. Although no documentation has been located that states that this was the sole cause of the decrease, the transfer of so much unleased and unoccupied land could not have helped the proportion collected. The proportion of rates collected continued to fall so that in 1924, it was down to 53%.²¹⁷

²¹⁵ *Whanganui Chronicle*, 28 November 1912, p. 4. The figures provided by the *Whanganui Chronicle* did not specify whether this included rates levied on Maori land leased to Europeans or if it was based only on Maori owned and occupied land. In some instances figures provided by councils separated the two groups of data out.

²¹⁶ *New Zealand Herald*, Volume L, Issue 15202, 16 January 1913, p. 5; *Taranaki Daily News*, Volume LV, Issue 245, 6 March 1913, p. 7.

²¹⁷ Committee of Rating on Maori Land, ACIH 16093 MA 86/2/3, Papers produced during meetings, 1933, Archives New Zealand, Wellington. SW Document Bank, volume 6, pp. 152-159.

The table also shows that the amount levied more than doubled between 1917/18 and 1923/24 with the increase most marked when the Erehon county was transferred over. There were also significant increases between 1918/19 and 1919/20 and between 1921/22 and 1923/24 financial years, which cannot be accounted for by the Erehon county transfer. It is also possible that land was re-valued around this time and that this contributed to the increase. This increase in the amount that was levied may well account for the drop in the amount paid with the ability of Maori to pay not increasing at the same rate as the rates.

Table 4: Rates levied and paid on Maori land, RCC, 1917-1924

Year (31 March to 1 April)	Levied (£)	Outstanding £	Percentage outstanding	Percentage paid
1917/18	£594.9.6	£143.6.4	24.07%	75.93%
1918/19	£596.7.3	£111.3.5	18.62%	81.38%
1919/20	£780.8.4	£206.9.10	26.41%	73.59%
1920/21	£1061.16.9	£417.0.2	39.30%	60.7%
1921/22	£1198.5.4	£444.15.3	37.06%	62.94%
1922/23	£1398.14.1	£505.5.4	36.12%	63.88%
1923/24	£1407.2.11	£637.16.5	45.27%	54.73%

NB. Note that percentages have been calculated on pounds only

Source: Committee of Rating on Maori Land, ACIH 16093 MA86/2/3, Papers produced during meetings, 1933, Archives New Zealand, Wellington. SW Document Bank, volume 6, pp. 152-159.

At a meeting of the RCC held in 1919, it was decided that all rates levied for periods previous to the year ended 31 March 1916 ‘except in cases where liens have been registered or judgements obtained, be written off as uncollectable’.²¹⁸

5.11 Rabbit Rates and Awarua 2C3B

As noted previously, it has been difficult to locate details regarding the impact of rabbit rates on Maori land in the inquiry district. An exception has been identified by Subasic and Stirling. They record that ‘the owners of one of the Awarua 2 titles (Awarua 2C3B of 3,160 acres) failed to pay the charges imposed on them by the Pukeokahu–Taoroa Rabbit Board, so in 1929 it had £275 of these charges registered as a mortgage against the title; meaning the

²¹⁸ *Wanganui Chronicle*, Volume LXVI, Issue 17515, 7 March 1919, p. 6.

land would be taken in a mortgagee sale if the debt was not paid'.²¹⁹ The 'alienation' was confirmed by the Aotea Maori Land Board. The amount was repayable by 40 half yearly instalments of £10.19.1 from 10 June 1925.²²⁰

Further research has revealed that the application for recommendation for the Governor's consent to mortgage was heard by the Aotea Maori Land Board on 11 May 1928 and was in respect to a fence erected along the northern boundary of Awarua 2C3B by the Pukeokahu Taoroa Rabbit Board under the Rabbit Nuisance Act, 1908. The matter was initially held over while the Board investigated whether the 'administrator in the estate of the mortgagor would make any arrangements for the payment of the amount of the mortgage'. The administrator had refused to so the Board ruled that the only course open to the Board was to make its recommendation. It was also noted by the Board that there was 'no doubt' that the fence had 'greatly improved the property'. The Board duly made its recommendation on 18 June 1929 and Ngata, as Native Minister, signed a copy of the consent to the confirmation of the mortgage under section 230 of the Native Land Act 1909 on 19 August 1929. The £275 mortgage plus 5% interest was to be paid over 20 years.²²¹

Awarua 2C3B was unusual for the Erehon Riding as it was a comparatively large area of Maori land that was being successfully farmed and therefore revenue producing and crucially, occupied and farmed by Maori. The valuation roll dated 1912-1927 reveals that during this period, the occupier of the block, consisting of 3160 acres, changed from Te Warikau and Boyd to Maata Kotahi (the sole owner) and that the value of the block was £11,325 with improvements of £3265. These improvements, which included fencing, clearing, yards and 'dips' made up a significant proportion of the total amount of improvements on Maori land in the Rangitikei portion of the Erehon Riding in 1920 the total of which was £10,163. A valuation of the block dated 31 March 1927 records the capital value as £19,390 with improvements of £7910 with the owner as Maata Kotahi and the

²¹⁹ Subasic and Stirling, *Central Aspect*, p. 125.

²²⁰ Awarua 2C3B Alienation notice, 15 October 1929, MLC Document Bank, Awarua Block order file, vols 2, p 442.

²²¹ Extract from Aotea Maori Land Board minutes, 14 May 1928, Order of the Aotea District Maori Land Board, 18 June 1929, Registrar, Office of the Aotea District Maori Land Board to Under Secretary, Native Department, 15 July 1929, Copy of consent endorsed on deed signed by A T Ngata, 19 August 1929, Native Minister to Governor General, 19 August 1929, ACIH 16036 MA 1 1489 1929/327, Mortgage: Maata Kotahi Tawhara to Pukeokahu Taoroa Rabbit Trustees, for consent under section 230/09, 1929, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 58-65.

occupier as Whenuaroa Rawiri (her husband).²²² The valuation roll dated 1939 to 1950 also records that the owner was Maata Kotahi and the occupier Rawiri Whenuaroa. The land had increased in value to £19,445 with improvements of £8,255 which included a dwelling, woolshed, fencing, clearing and grass. In 1945, the total value of improvements on Maori land in the Erewhon Riding (which by then included the Hawke's Bay portion) was £18,080 so that the improvements on Awarua 2C3B was again a significant amount of this total (about 45%). There is no record of any lease and it would appear that the land continued to be occupied by the owners.²²³

In the late 1920s, however, the owners were not only in debt for rabbit rates but also for rates levied by the RCC for a significant amount. This would suggest that even when land was revenue producing, it was not always straightforward to meet the demands of local authorities. In November 1926, Maata Kotahi forwarded £413 to the RCC stating that she had deducted £100 from the rating demand of £513.12.2 for land taken by the RCC for a road and bridge site. The amount was in respect to rates owed on Awarua 2C3B, Owhaoko C1 (which was known to be non-revenue producing) and sections 5 and 7, block V, Pukeokahu Survey District. She said that this would make her clear of rates until 31 March 1927. She asked for a rates demand to be sent to her for sections 8-13, Pukekokahu Survey District. She also advised that she was no longer the owner of sections 17A and 17B, block X, Pukekokahu Survey District and asked that the council stop sending her the rates demands for this land. She said that they should be sent to a Mr Gilbert instead. It is possible that this alienation could have provided the means to pay the rates on her other land.²²⁴ Advice of receipt of the amount was sent by the RCC to the RCC solicitors Fullerton Smith & Co. This would suggest that the matter had been referred to them and Maata Kotahi sued.²²⁵

Also of note was that Maata Kotahi was the nominated occupier for Owhaoko C1 and the RCC rates books confirm that she and then later her estate paid the rates for some time. The

²²² Valuation General, valuation of Awarua 2C3B, 31 March 1927, ACIH 16036 MA 1 1489 1929/327, Mortgage: Maata Kotahi Tawhara to Pukeokau Taoroa Rabbit Trustees, for consent under section 230/09, 1929, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 59.

²²³ AFHQ 19340 V-WROLLS/41 2/124 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-323, 1912-1927, Archives New Zealand, Wellington.

²²⁴ Maata Kotahi to Rangitikei County Council, 8 November 1926, loose papers found in RDC: A/2012/3 1: Rangitikei Highway Districts, Rangitikei County Council, 1915-1936, Archives Central, Feilding. SW Document Bank, volume 4, pp. 51-52.

²²⁵ Rangitikei County Council to Fullerton Smith & Co, Marton, 16 November 1926, loose papers found in RDC: A/2012/3 1: Rangitikei Highway Districts, Rangitikei County Council, 1915-1936, Archives Central, Feilding. SW Document Bank, volume 4, p. 53.

valuation rolls for 1927 to 1939 and 1939 to 1950 also confirms that this 1348 acre block had no improvements and was valued at £270. There were no rates charging orders made on this unleased, landlocked and non-revenue producing block until 1951 and again in 1954. An application for a charging order made in 1958 was dismissed as the rates had been paid. No further charging orders were issued for the land.²²⁶ In 1979, a valuation entry for Owhaoko C1 showed the valuation as \$6500 with no improvements yet still rateable.

The current Maori Land Court memorial schedule and an overview of Whanganui Maori Land Court Minute Books also show that there were no other charging orders made against Awarua 2C3B.²²⁷ The land is in Maori ownership today, and was amalgamated with adjacent Maori land in 1994. It is known as the Makokomiko Station and administered by the Maata Kotahi Whanau trust. The Makokomiko East Road runs adjacent to the eastern side of the block providing good access to the land. Road access appears to have been available from the time the block was partitioned, two road lines being featured in the Maori Land Court plan attached to the partition order of 1896 - one of which became the Makokomiko Road.²²⁸

5.12 Charging orders, 1926-1945

In May 1925, shortly after the passing of the 1924 Act, the county clerk of the RCC, HH Richardson, again complained to the Native Minister. He said that the Council intended to ‘take action’ for recovery of Maori rates under the Native Land Rating Act, 1924, and therefore wished to know what form the claims for rates should be made to the Native Land Court. He asked for a sample of one. He noted to the Minister that ‘efforts to obtain

²²⁶ Rangitikei County Council Rates Book, RDC: A/2012/3 1: Rangitikei Highway Districts, Rangitikei County Council, 1915-1937; SW Document Bank, volume 4, pp. 16-4. Rangitikei County Council Maori Land Rates Book, RDC: Maori Land Rates book, Rangitikei County Council, 1937-1973 [one large volume, unreferenced], Archives Central Feilding, SW Document Bank, volume 4, pp. 76-107; Whanganui Minute Books and AFHQ 19340 V-WROLLS/42 2/124 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-250, 1927-1939; AFHQ 19340 V-WROLLS/42 2/124 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-251, 1939-1950; Memorial Schedule, Awarua 2C3B, WN 602 volume 3, Taihape Inquiry District Maori Land Court Document Bank, volume 2, p. 437.

²²⁷ This is based on a check of the Whanganui Minute Books for the period, the lack of any charging orders on the block order file and the absence of a rating file produced by the RCC. Valuation for Owhaoko C1, 1979, AAPW W3326 Box 3 Valuation Rolls – Rangitikei County 13290, 1979, Archives New Zealand, Wellington.

²²⁸ Order for residue and plan, 10 August 1896, WN 602 volume 3, Taihape Inquiry District Maori Land Court Document Bank, volume 2, pp. 440-441.

information on this matter from the Native Land Court, Wanganui, [had] been rigidly ignored'.²²⁹

A satisfactory form must have been prepared as in December 1925 a representative for the county attended a Native Land Court hearing applying for 78 charging orders. The applications were, however, adjourned until the following February.²³⁰

In February 1926, the RCC applied for 13 charging applications in respect of inquiry district land. Archibald Frederick Ballantyne Brown, the assistant county clerk, appeared for the council. There was a small discussion about each block but it was fairly cursory. Mr Brown simply noted that the 'usual demand notices' had been sent out at the 'proper times' yet the rates had not been paid. In only two cases, owners or representatives of owners were present (one case was in the inquiry district). The minutes also record that there were 'no objections' though there were no owners in attendance in respect of most applications to give any. These first charging orders were for a period of either three or four years dating back to the year 1 April 1922 to 31 March 1923. Out of the 13 charging order applications, 11 were granted, the twelfth in respect of Awarua 2C12E, was dismissed as the rates had been paid and the thirteenth, for part Taraketi 1D, was also dismissed it was stated that the land had been sold (though other sources do not support this).²³¹

The only application where owners were recorded as being in attendance was for Motukawa 2B5B which was 295 acres, 3 roods in size. Four years of rates were owed for the year ending 31 March 1923 to the year ending 31 March 1926 totalling £73.5.11. Mr Brown noted that the 'usual demand notices' had been sent out at the 'proper times' yet the rates had not been paid. Ngaruroro Tipana [sp?], the son of the owner, Ropoama Pohe, attended the hearing where he asked for more time to pay the rates. The Court responded that if the amount of the rates due were paid, 'no doubt the Council would ask that the Charging Order be cancelled and not register it against the title.' A charging order for £73.5.11 plus 10/- for fee on application and a further 10/- for fee on order totalling £74.1.11 was made. Annotated on the

²²⁹ Rangitikei County Council to Native Minister, 29 May 1924, ACIH 16036 MA 1/401 20/1/1 part 1 Rating of Native Lands – General file 1915-28, Archives New Zealand, Wellington. SW Document Bank, volume 6, pp. 196.

²³⁰ Whanganui Minute Book 83, 22 December 1925, p. 244.

²³¹ Whanganui Minute Book 83, 10 February 1926, pp. 269-284; Hearn, Central Aspect, pp. 191, 194.

Native Land Court minutes is a note that the rates were paid on 22 February 1926 which was when the land was leased for 5 years.²³²

All the blocks affected by these first charging orders are noted in the table below:

²³² Whanganui Minute Book 83, 10 February 1926, pp. 269-284; Subasic and Stirling, Central Aspect, p. 59.

Table 5: First Charging orders made by Native Land Court in respect to inquiry district lands, 12 February 1926

Block name	Acreage	Period of rates arrears	Amount of Charging order	Alienations/Current Status
Motukawa 2B5B	295 acres 3 roods	four year period from year ending 31 March 1923 to the year ending 31 March 1926	£74.1.11	Leased for 5 years from 1926 to J Anderson; Maori land
Motukawa 2B3D	175 acres	four year period (from year ending 31 March 1923 to year ending 31 March 1926)	£48.19.6	Leased for 21 years from 1929 to F Cook; leased from 1954 to RF Jenson. General land.
Moukawa 2B4A	53 acres 1 rood	four year period (from year ending 31 March 1923 to year ending 31 March 1926)	£21.15.11	Leased for 21 years from 1935 to M Donovan. General land.
Motukawa 2B10B	194 acres, 3 roods, 27 perches	four year period (from year ending 31 March 1923 to year ending 31 March 1926)	£47.1.6	2B10B2 leased for 42 years from 1929 to Alice O'Hanlon. B1 and B2 sold to Cornelius O'Hanlon in 1973.
Motukawa 2B10C	not known	three year period (from year ending 31 March 1923 to year ending 31 March 1925)	£41.14.3	Leased for 42 years from 1928 to Alice O'Hanlon. General land.
Motukawa 2B15D	22 acres 3 roods 6 perches	four year period (from year ending 31 March 1923 to year ending 31 March 1926)	£8.9.5	Alienation details unknown. General land.
Motukawa 2B18	439 acres	four year period (from year ending 31 March 1923 to year ending 31 March 1926)	£18.6.7	Further charging orders for years ending 1935, 1936, 1939 and 1940. Sold in 1967 to Motukawa Land Co who had been occupying land (no formal lease) and paid rates since 1947. Also paid £50 rates arrears on sale.
Motukawa 2F2	88 acres	four year period (from year ending 31 March 1923 to year ending 31 March 1926)	£5.12.0	Further charging orders. Landlocked Exempted from rates in 1947 and again in 1995. Maori land
Awarua 2C12C	11 acres	four year period (from year ending 31 March 1923 to year ending 31 March 1926)	£5.7.10	Further charging orders for 2C12C2, 2C12C3A, 2C12C3B Maori land Any lease arrangements unknown.

Awarua 2C16C2	421 acres	three year period (from year ending 31 March 1923 to year ending 31 March 1925)	£80.7.4	Leased for 21 years from 1921 to O'Keefe and leased for 21 years from 1936 to Moore. Europeanised in 1968.
Awarua 2C16C3	182 acres check	three year period (from year ending 31 March 1923 to year ending 31 March 1925)	£12.12.11	Leased for 21 years from 1921 to O'Keefe and leased for 21 years from 1936 to Moore. Europeanised in 1968.

Sources: Whanganui Minute Book 83 10 February 1926, pp. 269-284; Subasic and Stirling, Central Aspect, pp. 58-59, 118; AC files

Leases followed the charging orders in seven out of the 11 cases, most within a few years of the order. Of these seven, four blocks were later sold, two were Europeanised and just one remains in Maori ownership. In three cases, more charging orders were made with one block being exempted from rates in 1947 (it is still Maori land), another sold to the company unofficially occupying the land and the third with an unknown outcome though it is still Maori land.

On 20 April 1927, a further four applications for charging orders on inquiry district blocks were made by the Court. These were in respect of Rangipo Waiu 2B1A (£16.14.4), Rangipo Waiu 2B1B (£16.14.4), 2B1C (£22.4.8) and B5 (£68.0.5). The rates dated back to the year ending 31 March 1922 up until the year ending 31 March 1927. All these blocks were landlocked and 2B1A, 2B1B and 2B1C valued 'nil' in the valuation roll for 1927-1939 indicating very poor quality land. It also meant the land was not rated. As was permitted under the legislation, the rates that were secured by these charging orders, albeit reduced, were deducted from the compensation money awarded to owners when 2B1A, 2B1B and 2B1C were taken under the Public Works Act for defence purposes in 1962. With regard to Rangipo Waiu B5 (also landlocked), its two portions, B5A and B5B were sold to adjoining owners in 1928 and 1927 respectively. (More details relating to the rating of these blocks can be found in the Rangipo Waiu block study).²³³

²³³ AFHQ 19340 V-WRolls 4 2/124 Valuation rolls Wellington – Rangitikei County – Erewhon Riding – roll numbers 1-250, 1927-1939, Archives New Zealand, Wellington; Whanganui Minute Book 86, 20 April 1927, pp. 201-209; Summary entitled 'Oruamatua Kaimanawa and Rangipo Waiu Blocks', circa 1963 and Internal correspondence between Maori Land Court officials, 22 August 1963, 23/603, Rangipo Waiu Correspondence File, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 94, 96.

In December 1928, a further charging order was made for one other block in the inquiry district - Motukawa 2B17A for £100.16.9. A lease followed shortly after, signed in 1929.²³⁴

Coinciding with the depression years, the numbers of charging orders ramped up. On 3 September 1930, 60 applications were made by the RCC for charging orders of which 46 of those concerned blocks in the inquiry district. Forty-five of these were ordered with one dismissed as it was a reserve.²³⁵ A further four charging orders were ordered in May 1931 and another one in November of the same year (all within the inquiry district). Then in 1932, 60 of the 83 applications made were for land in the inquiry district of which 57 were ordered (three applications concerned European land so were dismissed).²³⁶ In 1933, applications were adjourned by the Court while the county applied to lessees for the rates (which under the legislation should have occurred prior to any application being made).²³⁷ Another 75 applications were made by the RCC in 1934 of which 54 of the orders made were in the inquiry district.²³⁸ In 1936, 41 of the 62 applications were in the inquiry district and charging orders were made for each application.²³⁹ In 1937, two applications were dismissed with the Court refusing to make charging orders and directing that the lessee should be sued instead. In addition another four charging orders within the inquiry district were made.²⁴⁰ In 1938, all 57 of the 95 applications in the inquiry district were ordered, and a further four made in February 1940.²⁴¹ In August 1940, the number of applications from the RCC reached its peak with 70 out of 221 applications being in the inquiry district. Of these, 69 charging orders were made, with the rates on just one block having already been paid.²⁴²

Between August 1940 and July 1945 no applications were made, presumably on account of the war. In July 1945, charging order applications resumed with 28 out of the 66 being in the inquiry district. Of the 28, charging orders were made in respect of 25 blocks with the rates on the other three blocks having been paid.²⁴³

²³⁴ Whanganui Minute Book 89, 17 December 1928, p. 104. BS, p.

²³⁵ Whanganui Minute Book 92, 3 September 1930, pp. 57-71.

²³⁶ Whanganui Minute Book 94, 17 August 1932, pp. 190-206.

²³⁷ Whanganui Minute Book 95, 21 April 1933, p. 53.

²³⁸ Whanganui Minute Book 96, 17 August 1934, pp. 60-77.

²³⁹ Whanganui Minute Book 98, 16 December 1936, pp. 86-100.

²⁴⁰ Whanganui Minute Book 98, 22 April 1937, pp. 205-206.

²⁴¹ Whanganui Minute Book 99, 15 November 1938, pp 286-303; Whanganui Minute Book 100, 8 February 1940, pp. 317-318.

²⁴² Whanganui Minute Book 101, 17 April 1940, pp. 68-106.

²⁴³ Whanganui Minute Book 103, 16 July 1945, pp. 330-339.

An analysis has been made of the charging orders recorded in Whanganui Minute Books for this period (see methodology section for details). This has revealed that 353 charging orders were made over 115 blocks in the inquiry district by the RCC during this period (1926 to 1945). This affected about 170,792 acres (a considerable area of this was made up of the Owhaoko D7A and D7B blocks comprising over 42,000 acres). The figure of 115 blocks excludes some partitioned blocks (the parent block is, however, included) and part blocks which were charged prior to being partitioned.

This analysis has included an assessment of what happened to the blocks following the charging orders. While lack of information on many of the blocks has made this difficult, it can be established that of these 115 blocks, 37 (about 44,901 acres) were known to have been leased in the late 1920s, 1930s and 1940s, including 38,144 acres of the Oruamatua Kaimanawa block, following their respective charging orders. When the Aotea Board was appointed receiver in respect to four of the Taraketi blocks and Owhaoko D5 section 3, these blocks were leased in the 1950s (these five blocks are included in the 37). Many of these leased blocks were subsequently Europeanised so it is not known whether they were subsequently sold to the lessees. There are, however, an additional six blocks (695 acres) which were leased following charging orders (between 1929 and 1945) and can be confirmed as having been sold to the lessees mostly in the late 1960s, early 1970s. In addition there were seven blocks sold (12,152 acres) all to adjoining farmers in the 1940s, 1950s and 1960s and one shortly after the issue of the charging order in 1927. Six of these seven blocks were landlocked.

A significant amount of the land subject to charging orders between 1926 and 1945 was undeveloped and/or landlocked land which was not immediately leased or sold. It is estimated that there were 24 such blocks totalling around 110,501 acres in this category (including the aforementioned Owhaoko D7B block consisting of 35,689 acres). Much of this land was exempted from rates in 1947 (though the charging orders remained on the land), ten of the Oruamatua Kaimanawa and Rangipo Waiu blocks were taken under the Public Works Act in the 1960s and several blocks sold or Europeanised but not until the 1970s.²⁴⁴

²⁴⁴ Whanganui Minute Books 82 – 103, 1926-1945

In addition there were 23 blocks (about 1102 acres) which stayed in Maori ownership for the years following the charging orders where there is no record of a lease. As well there are 18 blocks, most of which are no longer in Maori ownership, where there are insufficient details available to determine what happened to them or they do not fit easily into the other categories (about 3537 acres).

Tables showing this analysis are in appendices 1-6.

With regard to the hearings where the charging orders were made, very little discussion about the land or the owner's situation is recorded in the Court minutes apart from the initial hearing in 1926. On most occasions, the representative for the RCC simply stated that rates demands had been served on the owners or occupiers of the blocks and the amounts remained due and unpaid or that notices had from time to time been sent to the owners with regard to their rates which were still due and unpaid. By 1934, the minutes only record that the county clerk had made the 'usual declaration in each case' which was essentially that demands had been sent but not paid.²⁴⁵ There are several exceptions. One was with regard to the landlocked and un-occupied Te Koau block, when in 1931 it was noted that there were no 'dealings in connection with the land' though this did not prevent a charging order from being made.²⁴⁶ The other was in relation to the 1945 applications when the new RCC official, MCC Fenwicke, spoke of having inspected or investigated the ownership and occupation of the land. This was the first time such a declaration had been made by a RCC official at hearings where charging orders were applied for. This is discussed further below.²⁴⁷

Also of note is that the charging order applications from the RCC made in 1932 were in respect of unpaid rates for both the years ending 31 March 1931 and 31 March 1932. In regards to the rates payable on 31 March 1931 they had been levied by the RCC on 26 June 1930 and the application for charging orders lodged by the RCC on 5 August 1932. As this was more than two years after they were levied, the Court, under section 108(2) of the Rating Act 1925 ruled that it was 'precluded from making' charging orders in respect to these

²⁴⁵ Whanganui Minute Book 96, 17 August 1934, p. 60.

²⁴⁶ Whanganui Minute Book 93, 13 November 1931, p. 264.

²⁴⁷ Whanganui Minute Book 103, 16 July 1945, pp. 330-331.

rates. Therefore the representative of the RCC applied for charging orders in respect of rates due for the year ending 31 March 1932 only.²⁴⁸

5.13 Motukawa 2B16B3 and 2B16B2C, 1932

Subasic and Stirling have noted the involvement of the Native Trustee in the 1930s with two Motukawa blocks, due in part to unpaid rates. Motukawa 2B16B3 (325 acres 1 rood) and 2B16B2C (92 acres 2 roods 35 perches) were both subject to early charging orders. Charging orders for Motukawa 2B16B3 were made for unpaid rates for the years ending 31 March 1932 to 31 March 1936 in 1932 (£13.9.3), 1934 (£25.14.9) and 1936 (£21.13.9). Charging orders for Motukawa 2B16B2C were made for unpaid rates for the years ending 31 March 1932, 1933, 1934 and 1936 in 1932 (£12.2.10), 1934 (£12.19.1) and 1936 (£5.13.5).²⁴⁹

Motukawa 2B16B3 had been leased to PL Arcus for 21 years from 1906 but this expired in 1927. Motukawa 2B16B2C was not leased during this period.²⁵⁰ Subasic and Stirling record that in August 1932 ‘the Native Trustee Walter Rawson applied to the Native Land Court to be appointed as an agent, in his name, for and on behalf of the owners of Motukawa 2B16B3 and 2B16B2C’ and that ‘the grounds for such a move were set out in the application’:

- That the land, at the date of application was unleased and unoccupied and was consequently not receiving proper care and attention and its general condition was noticeably deteriorating.
- That the rating liens, amounting to approximately £112 were registered against the land and that it was desirable that provisions should be made for the satisfaction of the outstanding charges and any future assessments levied on the land. That the whereabouts of a number of owners were not known and that they could not readily be ascertained.

²⁴⁸ Whanganui Minute Book 94, 17 August 1932, p. 190.

²⁴⁹ Subasic and Stirling (Central Aspect), pp. 55-56; Whanganui Minute Book 94, 17 August 1932, pp. 190-206; Whanganui Minute Book 96, 17 August 1934, pp. 60-77; Whanganui Minute Book 98, 16 December 1936, pp. 86-100.

²⁵⁰ Particulars of title for Motukawa 2B16B2C and 2B16B3, circa 1935, 3/5123, Motukawa 2B16B2C alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 80.

- And that it was in the interests of the owners that the land be made revenue producing and the possibility of liability for non-compliance with the “Noxious Weeds Act 1928” be averted.²⁵¹

Subasic and Stirling also record that:

... it appears that there was some opposition to this application from some of the owners, primarily because, contrary to the assertions in the application, some of the owners were in fact on the land, and did not wish their tenancy to be disturbed. In particular, it was Hori Rawiri and his whanau who were living on the block and did not wish to lease their papakainga.²⁵²

Minutes of the hearing dated December 1933 in which the Native Trustee made his application to be appointed agent under section 540 reveal that the Trustee was involved because the trustee was an owner ‘under the will of Ngunu Paranihi in both blocks and as part of his administration duties’ he wanted to make the blocks ‘revenue producing’. He explained that the two blocks were adjoining but only one had a frontage to a main road. They were unoccupied with the exception of a few of the owners and others who lived in buildings on the block. These buildings, together with a meeting house, were located on the block with the main road frontage. He said the majority of the owners lived in Tokaanu ‘and other places’ but derived no revenue from the land. He argued that a partition would not be warranted as the cost would be excessive. He also said that it was intended to reserve a suitable area for those owners ‘if any’ who were occupying and lease the balance. On this basis the Court ordered that the trustee be appointed under section 540 of the Native Land Act 1931 (which enabled the trustee to act for absentee owners) to execute a memorandum of lease on the condition that a suitable area was reserved from the lease for the owners who were in occupation of the land.²⁵³

Subasic and Stirling also record that Motukawa 2B16B2C and 2B16B3 were leased to William Gregory for 21 years from 1935 at an annual rental of £83.12.0. This meant the

²⁵¹ W. E. Rawson application to the Native Land Court, 4 August 1932, AEDK 18747 MA-WANG W2140 36 Wh. 592, part 4. Archives New Zealand; quoted in Subasic and Stirling, *Central Aspect*, pp. 55-56.

²⁵² Subasic and Stirling, *Central Aspect*, pp. 55-56. See also Hori Rawiri to Native Land Court, 23 August 1932, AEDK 18747 MA-WANG W2140 36 Wh. 592, part 4, Archives New Zealand.

²⁵³ Whanganui Minute Book 95, 11 December 1933, pp. 226-227.

owners would have received no rental for the first year and about half the second year's rental so that the rates could be paid. The lease was over the entire two blocks. The hearing where the lease was confirmed made no mention of the interests of the owners who were occupying the land being reserved from the lease. When the rental was reviewed in 1945 (it was increased to £119.15.0.) it was again for the area of both blocks. Therefore the owners would have had to move from where they lived and were effectively denied access to their land for the next 21 years. There was also provision under the Rating Act to exempt the meeting house referred to from rates. There was, however, no move by the trustee to do this – a move that could well have been in the interests of the owners. In 1956, Motukawa 2B16B2C and 2B16B3 were leased to one of the owners, Hinepoto Salmon, for 21 years. The blocks are no longer Maori land.²⁵⁴

5.14 Exemptions from Rating, 1920s and 1930s

No formal exemptions of Maori land were located prior to 1927 and few ordered until 1947. The valuation roll for the Erehon Riding (Rangitikei County Council) dated 1927 to 1939 has annotated entries showing where land was exempted. With regard to Maori land the following blocks had meeting houses on them. The land on which the meeting house stood together with the value of the meeting house was exempted from rates. The provision to exempt meeting houses from rates was introduced in the Native Land Rating Act 1924 though the area exempted could not be more than five acres.

- Awarua 2C13C (part) containing 5 acres. The capital value was given as £470 – the value of the improvements being £370 including a meeting house valued at £50. The 1 rood on which the meeting house stood was valued at £5 and this, together with the value of the meeting house (£50), was exempted from rates. The remaining land (4 acres, 3 roods) and the improvements listed as dwellings and sheds remained rated. No date is given as to when the exemption was made.²⁵⁵

²⁵⁴ Particulars of title for Motukawa 2B16B2C and 2B16B3, circa 1935; Registrar, Maori Land Court to WC Gregory, 11 October 1945; Extract from Whanganui Minute Book 117, 20 September 1956, pp. 216-217; 3/5123, Motukawa 2B16B2C alienation file, Aotea Maori Land Court, Whanganui; SW Document Bank, volume 1, pp. 80-83; Maori Land Online.

²⁵⁵ AFHQ 19340 V-WRolls 4 2/124 Valuation rolls Wellington – Rangitikei County – Erehon Riding – roll numbers 1-250, 1927-1939, Archives New Zealand, Wellington.

- Awarua 2C13J7 (part). Similarly the area on which the church stood and the value of the church was exempted in 1934. That is, of the 7 acres 2 rood 01 perches block, the value of 1 rood (£10) and the church (£75) was exempted leaving the remainder of the land and improvements (including a dwelling), valued at £375, as rateable.²⁵⁶
- Awarua 2C13L (part) containing 6 acres. As with above blocks, 2C13L (part) was partly exempted from rates (the date not given). The land where the meeting house was located (1 rood valued at £5) and the value of the meeting house £100 was exempted so that the amount rates could be remitted on the remainder of the land and improvements £265 (reduced from £370).²⁵⁷

In addition, the following Maori land was assessed as ‘nil value’ so could not in theory be rated:

- Owhaoko C5 (4739 acres 1 rood)
- Rangipo Waiu 2B1A, 2B1B, 2B1C, 2B1D, 2B3, 2B4²⁵⁸

The value of timber and planting on European land and some developed Maori land was also exempted. Timber was worth between £1000 in one case and planting worth between £25 and £1125. With regard to Crown land the following was exempted (under section 2(1) of the Rating Act, 1925, Crown land was exempted where there was no owner or occupier). Of note was that much was in the proximity of rateable Maori land of a similar nature:²⁵⁹

- Pt Awarua 1DA (6020 acres), Pt Awarua 1C (1750 acres) and Pt Awarua 1DB (180 acres) totalling 7950 acres. No valuation given.
- Oruamatua Kaimanawa No 1T (3583 acres). Capital and unimproved value of £450
- Owhaoko C6 (1936 acres 3 roods), Capital value and unimproved value of £150

²⁵⁶ Ibid..

²⁵⁷ Ibid.

²⁵⁸ Ibid.

²⁵⁹ Ibid.

- Owhaoko C7 (part) (1366 acres), Capital value and unimproved value of £170
- Owhaoko D7B (part) (2745 acres), Capital value and unimproved value of £275
- Timahanga 1 (2560 acres), Capital value and unimproved value of £125 (This is curious as it is said to be Crown land and exempted but in actual fact was and is still in Maori ownership. This may account for the lack of any charging orders for this block).²⁶⁰
- Schools

5.15 The exemption of Owhaoko D6 section 1, 1927

The first formal exemption of Maori land in the inquiry district from rates was in 1927 in respect to Owhaoko D6, section 1. This was achieved without reference to the Maori owners. The block contained 5724 acres 1 rood 20 perches and was located in the Erewhon Riding. Particulars of title record that there were 5 owners, the land was surveyed but the Aotea Board had no record of any lease over the land. The adjoining land, Owhaoko D6, section 2, consisting of 1375 acres, had been declared Crown land in 1913.

In the 1920s, the Ruddenklau brothers, the then proprietors of Ngamatea Station and lessees of land in and around Owhaoko D6 sections 1 and 2, were levied rates by the RCC in respect to both blocks. They denied they were liable as occupiers and asked that the blocks be exempted from rates under sections 1-4 of the Rating Act 1925 as amended by section 34 of the Native Land Amendment and Native Land Claims Adjustment Act 1926.

In March 1927, the RCC advised solicitors for the Ruddenklau brothers, Messrs Carlile, McLean, Scannell & Wood, that a council representative and Valuation Department officer had inspected Owhaoko D6, sections 1 and 2 and that the representative had informed the council that the Ruddenklau brothers were occupying the blocks and had ‘the exclusive

²⁶⁰ AFHQ 19340 V-WRolls 4 2/124 Valuation rolls Wellington – Rangitikei County – Erewhon Riding – roll numbers 1-250, 1927-1939, Archives New Zealand, Wellington

beneficial use thereof'. The Council was therefore 'unable to agree to the lands being exempted from rating' and asked that the Ruddenklau's pay up before 31 March.²⁶¹

The MP for Napier, John Mason, got involved advising JG Coates, Minister of Native Affairs and Prime Minister that he had met with the Ruddenklau brothers regarding the matter. Mr Mason explained that the sections were not fenced off from the land in occupation by the brothers, that the land was 'quite worthless from a farming point of view and the expense of erecting a sub-dividing fence would be very large indeed'. Further:

Apparently the Council is basing the right to collect rates upon the fact that Messrs. Ruddenklau Brother's stock can and do stray on to the block of land in question but the lands are of no value to Messrs. Ruddenklau but are actually a source of worry and expense to them owing to the fact that these blocks of land are infested with rabbits.²⁶²

Mr Mason asked that the matter be investigated under section 34 of the Native Land Amendment and Native Land Claims Adjustment Act, 1926 as the brothers felt that a 'great injustice' was being done to them by the council in asking that rates should be paid on the grounds that they occupied them. He 'felt sure' that an investigation would 'indicate ... a real case of hardship' and that the powers given under the sections quoted were 'properly exercisable'.²⁶³

On receipt of the letter, the Under Secretary commented to the Native Minister:

This does not seem to me to be a case for exempting the land from rates. If the Messrs. Ruddenklau have occupation, then it is only fair they should pay rates to the local authority. If they dispute that they are in occupation, they may apply to the

²⁶¹ County Clerk, Rangitikei County Council to Messrs Carlile, McLean, Scannell & Wood, Barristers & Solicitors, 9 March 1927, ACIH 16036 MA 1 1422 1927/266 Owahaoko D6 No 1 & 2 Exemption from Rating under section 104 of Rating Act, 1925, 1927, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 70.

²⁶² John Mason, MP to JG Coates, Minister of Native Affairs, 21 March 1927, ACIH 16036 MA 1 1422 1927/266 Owahaoko D6 No 1 & 2 Exemption from Rating under section 104 of Rating Act, 1925, 1927, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 92.

²⁶³ Ibid.

Native Land Court to ascertain whether they should pay any and if so, what part of the rates levied. Owhaoko D62 referred to, was proclaimed Crown land in 1913.²⁶⁴

Mr Mason was then advised by Mr Coates, that he had made enquiries and it was 'not a case where it would be advisable to interfere between the local authority and its European ratepayers'. Although the land was Maori owned, he suggested that if occupation was disputed then Messrs. Ruddenklau should apply to the Native Land Court under section 110(5) of the Rating Act, 1925, and 'settle any liabilities'.²⁶⁵

Not content with the outcome, Mr Mason and Mr Ruddenklau met with Mr Coates in August 1927. At the meeting it was explained that the Ruddenklau brothers had asked for the exemption of the payment of rates on 7000 acres located in the centre of their station (Ngamatea). Mr Ruddenklau said that Ngamatea Station was 60,000 acres in size on which he and his brother had 11,000 sheep. In the middle of the property was an area of 7000 acres being 'useless swamp' which he had been asked to pay rates for. He explained that he had paid rates on it for a 'good many years' but was becoming tired of doing so. The station, he said, was 'not paying at present' (making a profit) and therefore he asked that he might be relieved of this 'burden'. The piece complained of, he said, was unfenced and therefore his sheep did stray on to the fringes of it. He said that not only did he have to pay rates on an area of no use to him and that he did not want, but he was also expected to rabbit the land as the Rabbit Board also considered he was the occupier.²⁶⁶

In attendance at the meeting was the Minister's private secretary, Mr Balneavis, who advised that there was a provision in the Native Land Amendment Act of 1926 that 'if it was proved that the land was worthless exemption from rating could be obtained'. He also said that there was 'power to remit past rates which could be done on the recommendation of the Native

²⁶⁴ Note from Under Secretary Native Department to Native Minister, 17 May 1927 on JG Coates to John Mason, MP 11 April 1927, ACIH 16036 MA 1 1422 1927/266 Owhaoko D6 No 1 & 2 Exemption from Rating under section 104 of Rating Act, 1925, 1927, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 74.

²⁶⁵ JG Coates to John Mason, 17 May 1927, ACIH 16036 MA 1 1422 1927/266 Owhaoko D6 No 1 & 2 Exemption from Rating under section 104 of Rating Act, 1925, 1927, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 69.

²⁶⁶ Minutes of meeting between Prime Minister and Mr Ruddenklau, 3 August 1927, ACIH 16036 MA 1 1422 1927/266 Owhaoko D6 No 1 & 2 Exemption from Rating under section 104 of Rating Act, 1925, 1927, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 75-76.

Minister, the Chairman of the County Council, the Judge of the Native Land Court, the Commissioner of Crown Lands, or the Commissioner of the Land Court'.²⁶⁷

Mr Balneavis asked Mr Ruddenklau if the chairman of the RCC would make such a recommendation. Ruddenklau replied that the RCC was 'not inclined to', did not recognise the Act and 'did not believe in its existence'.²⁶⁸

The value of the land was also discussed. Mr Ruddenklau said that there had been a special valuation but it had not relieved him from paying rates. He said that the land was 'worthless, and worse than useless because of the rabbits'.²⁶⁹

Mr Coates responded that Mr Balneavis would report on the matter and that it seemed to him to be 'an unfair position where a man was made to pay rates on something which he didn't want and for which he had no legal title'.²⁷⁰

Mr Ruddenklau also reported that he and his brother had lost £10,000 on Ngamatea Station during the previous six years though they hoped to get it back in the future.²⁷¹

As a result of this meeting the Office of the Native Minister asked the Under Secretary of the Native Department to get in touch with the chairman of the RCC and 'point out' that it was proposed to exempt the land from rates and to 'remit past rates under section 34 of the Native Land Amendment and Native Land Claims Adjustment Act, 1926'. The Under Secretary was also instructed to ask whether the chairman had 'any comments to make' in respect to the proposal'.²⁷²

On 12 September, the Under Secretary wrote to the chairman of the RCC in respect to Owhaoko D6, section 1. He said half the block consisted of the Ngamatea Swamp, which he described as:

²⁶⁷ Ibid.

²⁶⁸ Ibid.

²⁶⁹ Ibid.

²⁷⁰ Ibid.

²⁷¹ Ibid.

²⁷² Office of Native Minister to Under Secretary, Native Department, 8 August 1927, ACIH 16036 MA 1 1422 1927/266 Owhaoko D6 No 1 & 2 Exemption from Rating under section 104 of Rating Act, 1925, 1927, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 77.

... a morass consisting of a series of red pumice islands resting on rock surrounded by dangerous swamps from one to ten chains wide, only drainable at an enormous expense and when drained worthless. The altitude of the morass is 2,600 feet. The block is often covered with snow in winter and there is no legal road access.²⁷³

Further:

Several attempts have been made by the Native owners to dispose of the land without avail. Under these circumstances, application has been made to exempt the land from rating under the provisions of the Rating Act, 1925. Before taking further action in the matter, the Rt Hon. Native Minister has directed that the matter be referred to you as to whether, under the circumstances, there is any reasonable objection to the course proposed.²⁷⁴

While the RCC contemplated the request, they were also asked by the Native Minister to withhold proceedings against the Ruddenklau Brothers until the matter was settled. The RCC replied that it would do so but that if the council were to exempt the lands from rates, they would only do so if all outstanding rates were paid. These outstanding rates were as follows:

Owhaoko D6 No 1

- Year 1925/26 - £14.14.5
- Year 1926/27 - £16.4.4
- Year 1927/28 - £10.11.0

Total £41.9.9

Owhaoko D6 No 2

- Year 1925/26 - £3.15.3
- Year 1926/27 - £4.2.4
- Year 1927/28 - £2.16.8

²⁷³ Under Secretary, Native Department to Chairman, Rangitikei County Council, 12 September 1927, ACIH 16036 MA 1 1422 1927/266 Owhaoko D6 No 1 & 2 Exemption from Rating under section 104 of Rating Act, 1925, 1927, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 78.

²⁷⁴ Ibid.

*Total £10.14.3*²⁷⁵

The Under Secretary was then advised that the RCC had agreed to Owhaoko D6 sections 1 and 2 being exempted from rating provided that all outstanding rates were paid first. In response the Under Secretary advised the RCC that Owhaoko D6 section 2 was proclaimed Crown land in 1913 and was therefore not subject to the law regulating rating of Maori land but that the Native Minister proposed recommending that Owhaoko D6 section 1 be exempted. Indeed the order in council exempting the land from all rates made or levied by a local authority under section 104 of the Rating Act 1925 was published in the *New Zealand Gazette* on 15 December 1927.²⁷⁶

The notice was duly forwarded to the RCC who then responded that the order in council only applied to future rates and that the Council would ‘insist upon the current and two past years’ rates being paid by the European occupier of the land’.²⁷⁷

In March 1928, John Mason again wrote to the Prime Minister about the matter. He said that the RCC was insisting that the Ruddenklau brothers pay rates for both blocks from the previous three years. Further:

Mr Ruddenklau states that he pays very large rates to the County Council in respect of the land held by him in that district and for some years past he has been farming the land under very considerable difficulties. He considers that it is not a fair thing for the County Council in view of the fact that the land is of no value to ask him to pay these rates.²⁷⁸

²⁷⁵ County Clerk, Rangitikei County Council to Under Secretary, Native Department, 19 October and 28 October 1927, ACIH 16036 MA 1 1422 1927/266 Owhaoko D6 No 1 & 2 Exemption from Rating under section 104 of Rating Act, 1925, 1927, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 83-84.

²⁷⁶ Under Secretary to Rangitikei County Council, 22 November 1927, ACIH 16036 MA 1 1422 1927/266 Owhaoko D6 No 1 & 2 Exemption from Rating under section 104 of Rating Act, 1925, 1927, Archives New Zealand, Wellington; *New Zealand Gazette*, 15 December 1927, p. 3684. SW Document Bank, volume 7, p. 86.

²⁷⁷ Rangitikei County Council to Under Secretary, Native Department, 9 January 1928, ACIH 16036 MA 1 1422 1927/266 Owhaoko D6 No 1 & 2 Exemption from Rating under section 104 of Rating Act, 1925, 1927, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 88.

²⁷⁸ John Mason to JG Coates, March 1928, ACIH 16036 MA 1 1422 1927/266 Owhaoko D6 No 1 & 2 Exemption from Rating under section 104 of Rating Act, 1925, 1927, Archives New Zealand, Wellington; *New Zealand Gazette*, 15 December 1927, p. 3684. SW Document Bank, volume 7, pp. 90-92.

Mr Mason then asked the Minister to exercise his power under section 34(2) of Native Land Amendment and Native Land Claims Adjustment Act, 1926 to 'issue a warrant releasing the land from payment of unpaid rates'.²⁷⁹

Coates responded to Mr Mason noting firstly that Owhaoko D6 section 2 was Crown land and that there could be 'no liability for rates on that land unless there was a lessee or licensee'. He understood that Messrs Ruddenklau were 'neither tenants nor licensees under the Land Act'. With regard to the balance of the rates on Owhaoko D6 section 1 he stated that if Messrs Ruddenklau were actual occupiers of the land, which he thought seemed 'doubtful', it was 'questionable whether the power of the Minister should be exercised under the circumstances'. Further:

It cannot be said that the Messrs Ruddenklau are indigent. The provision was really intended for the relief of the owners of Native land and to prevent charging orders being issued against the land. It is doubtful how far the Minister can release a European tenant or occupier from his personal liability.²⁸⁰

It seems likely that the Ruddenklau's either paid the outstanding rates or they were written off as the rates for these years were not included in the list of unpaid rates on the block when the RCC listed the rates owed in 1968. The exemption also does not appear to have been applied for long as in this same correspondence from 1968, \$182.67 was said to be outstanding and comprised rates from the year ending 31 March 1931 to 1936 as well as a charging order in respect to unpaid rates for the years ending 31 March 1937 and 1938 for £24.5.6 (\$48.55). Additional rates from the year ending 31 March 1939 were also owed. This would appear to be because the RCC suspected that the new owners of Ngamatea Station were occupying the land (Mr Roberts taking up a lease of land in the vicinity in 1931) though this was denied by his co- owner Mr Fernie. Curiously, the same letter of 1968 said that the block was non-rateable.²⁸¹

²⁷⁹ Ibid; *New Zealand Gazette*, 15 December 1927, p. 3684.

²⁸⁰ JG Coates to John Newman, 12 March 1928, ACIH 16036 MA 1 1422 1927/266 Owhaoko D6 No 1 & 2 Exemption from Rating under section 104 of Rating Act, 1925, 1927, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 92.

²⁸¹ Whanganui Minute Book 99, 15 November 1938, pp. 286 – 303; Commissioner of Taxes, Land and Income Tax Department to Registrar, Maori Land Court, Whanganui, 4 November 1941; Rangitikei County Council to Registrar, Maori Land Court, Whanganui, 2 October 1968, 3/3220, Owhaoko D6 section 1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, pp. 13-14.

What it also shows is a real reluctance by the RCC to exempt land from rates even when that land was a swamp.²⁸²

Further exemptions of land in the inquiry district are discussed later in the report.

5.16 The RCC and the Native Land Rates Committee, 1933

Bennion records that in April 1933, the government appointed a committee to ‘look generally’ into the rating of Maori land. The membership of the committee comprised three Europeans: Hon A D McLeod (the chairman) and a member of parliament who, Bennion notes ‘had often spoken in the House on rating issues’, Mr John Henry Reid and Judge of the Native Land Court, Robert Jones.²⁸³

The document appointing the committee gave the background to its establishment:

Whereas complaints are made from time to time by local authorities within whose boundaries there exist areas of Native land, that difficulty is experienced in collecting rates in respect of such areas by various of various matters including inter alia the matters following, namely: - that such land is frequently owned by a number of individuals as tenants in common; that such land is unused, unoccupied or unproductive; that the Maori owners apparently do not fully appreciate the necessity for the payment of their rates; that the remedies at present conferred by the law for recovery of rates assessed upon such land are inadequate: And WHEREAS it is expedient that a Committee should be appointed to inquire and report with regard to the rating of Native Lands and what, if any, amendments are required in the law.²⁸⁴

Specifically, the committee was to inquire into the following matters:

²⁸² Whanganui Minute Book 99, 15 November 1938, pp. 286 – 303.

²⁸³ Bennion, p. 58; Minutes of Native Land Rates Committee, 22 June 1933, pp. 611-622, ACIH 16093 MA 86 1/2 Native Land Rates Committee, Minutes of Evidence, 9 June – 29 September 1933, Archives New Zealand, Wellington. SW Document Bank, volume 6, pp.114-149.

²⁸⁴ Appointment of Committee to inquiry into matters relating to the Rating of Native Lands, ACIH 16093 MA 86 2/5, Native Land Rates Committee, Correspondence, 1933, Archives New Zealand, Wellington. SW Document Bank, volume 6, pp. 161-170.

1. The operation of the existing law relating to the rating of Native lands.
2. In what way the present system of collecting rates on Native land could be improved,
3. The incidence of liability for rates imposed in respect of Native lands and how far the following matters or any of them should affect such incidence: -
 - (1) Ownership in common of land;
 - (2) The fact that land is unoccupied or is not producing revenue;
 - (3) The fact that land is without adequate means of access;
 - (4) The fact that land is reaping little or no benefit from the general expenditure of rates.
4. In view of the well known difficulty of collecting rates due upon Native lands, what (if any) re-adjustment is necessary or expedient in the system of granting of Government subsidies to local authorities for Hospitals and other purposes.
5. Whether any special provision should be made in respect of those local authorities in the district of which a large proportion of the rateable property is Native land.
6. Any other matter or thing necessary to elicit full information in the premises.²⁸⁵

The members of the committee were authorised to conduct the inquiry at any place they thought expedient, to call evidence from any person they thought 'capable of affording them information' and to consult any documents such as rates books and maps that they deemed necessary. It had six months to enquire, report and make recommendations. Of note is that nowhere did it specify that the committee should speak to Maori. The committee's correspondence file indicates that the committee did, however, write to the Registrar of the Native Land Court at Rotorua advising him of the date the committee was sitting and asked him if he would notify Maori and 'others likely to be interested'. The Chief Judge also advised MP Tau Henare of the time that the committee was meeting. There was no correspondence with Maori from the inquiry district. A letter from the committee advising when it would be sitting in Whanganui was though sent directly to the RCC.²⁸⁶

²⁸⁵ Appointment of Committee to inquiry into matters relating to the Rating of Native Lands, ACIH 16093 MA 86 2/5, Native Land Rates Committee, Correspondence, 1933, Archives New Zealand, Wellington. SW Document Bank, volume 6, pp. 161-170.

²⁸⁶ Appointment of Committee to inquiry into matters relating to the Rating of Native Lands, 1933, Secretary, Native Rating Committee to Registrar, Native Land Court, Rotorua, 22 May 1933, Chief Judge to Tau Henare, 31 May 1933, Secretary, Native Rates Committee to RCC, 17 June 1933, ACIH 16093 MA 86 2/5, Native Land Rates Committee, Correspondence, 1933

Bennion confirms that the committee was ‘mainly a forum for the view of local bodies’. Indeed the county clerk of the Rangitikei County Council, HH Richardson gave extensive evidence on the county’s Maori land rating experience and from this a picture emerges as to the strategies used to get the rates paid, the county’s perception of Maori and Maori land and confirms the ‘one size fits all’ policy of the RCC at the time, that is, that all Maori land, with few exceptions, was liable for rates.²⁸⁷

On 17 June 1933, Mr Richardson produced four tables for the committee showing firstly the area of Maori land within the Rangitikei County Council boundaries occupied by Maori and secondly the area of Maori land occupied by Europeans.²⁸⁸ With regard to the first table, Mr Richardson spoke about each riding. These comments have been included in the first table below:

²⁸⁷ Bennion, p. 60.

²⁸⁸ Minutes of Native Land Rates Committee, 22 June 1933, pp. 611-622, ACIH 16093 MA 86 1/2 Native Land Rates Committee, Minutes of Evidence, 9 June – 29 September 1933, Archives New Zealand, Wellington. SW Document Bank, volume 6, pp.114-149.

Table 6: Maori land in Maori occupation within RCC boundaries:

Riding	Area	Capital Value	Comments by HH Richardson, Clerk RCC
*Rangitoto	638 acres	£28, 298	Known as the Parawanui Native reserve 'It has quite a big value and there are quite a number of buildings on it'
*Otakapu	2928 acres	£62,396 (aprox £20 per acre)	The riding included some 'very rich land in the valleys of the Wangaehu and Turakina Rivers' as well as the Ratana settlement and township. Noted that a good deal of Ratana township was not rateable as meeting houses and churches had been built on the land. These sections with meeting-houses and churches on them were exempted from rate. Had found the RCC 'had to exempt the bulk of the Ratana pah'.
*Porewa	10 acres	£885	A small area near Marton that had been purchased by Maori. A number of owners were involved but had received no rates from them 'for some years'.
*Wangaehu	761 acres	£15,148	Was 'valuable land' but difficult to get any rates out of it. There appeared to be a number of owners concerned.
Rangatira	994 acres	£37,591	Very good land that the Potaka family has interests in
Otairi	375 acres	£6780	Located near Ohingaiti and also where a member of the Potaka family had interests
Te Kapua	194 acres	£8781	Valuable land located near Taihape
Awarua	3740 acres	20,774	Located in the vicinity of Utiku where the Potaka family has interests
Erewhon	107,682 acres	£63,242 (aprox 10s per acre)	'Fairly good land in the southern portion', some small pieces of 'quite good land round Moawhango', and some 'fair pieces of land to some large areas of tussock land right at the back'. Thought at one time the tussock land was leased to the late Captain Birch and his brother (the late NJ Birch) and the lease of a large area was given up and reverted to Maori. Did not think it was currently occupied.
Ruanui	6898 acres	34,807 (aprox	Comprised some pieces of land scattered from around Taihape

		£5 per acre)	northwards up towards Waiouru and out towards the Rangiwaea district. Considered it to be in the main quite good land and was occupied by Maori
Total	124,220 acres	£278,702	

*not within the inquiry district

Source: ACIH 16093 MA 86 2/3 Native Land Rates Committee, May-June 1933, Papers produced during meetings, and ACIH 16093 MA 86 1/1 part 2 Meetings of Native Land Rates Committee, May-June 1933, Archives New Zealand, Wellington. SW Document Bank, volume 6, pp. 114-159.

Table 7: Maori land occupied by Europeans within RCC boundaries:

Riding	Area	Capital Value
Rangitoto	120 acres	£28, 298
Otakapu	2693 acres	£62,396 (aprox £20 per acre)
Porewa	40 acres	£2369
Wangaehu	2305 acres	£28,978
Rangatira	1251 acres	£34,247
Otairi	¼	£30
Te Kapua	1069 acres	£13,235
Awarua	7150 acres	£106,392
Erewhon	81,688 acres	£145,390
Ruanui	20,584 acres	£202,008
Total	116,900	£618,386

Source: ACIH 16093 MA 86 2/3 Native Land Rates Committee, May-June 1933, Papers produced during meetings, Archives New Zealand, Wellington. SW Document Bank, volume 6, pp. 152-159.

Of note from the tables is the marked difference in value of the Maori land occupied by Maori with that occupied by Europeans. Despite Maori ‘occupying’ 7000 acres more than that occupied by Europeans, the capital value of the Maori land was £278,702 whereas the capital value of the Maori land leased to Europeans was £618,386 - over twice as much. This

may indicate that Europeans occupied the more valuable and productive land still owned by Maori but could also be accounted for by the difference in the amount of improvements on the land and therefore the amount invested in developing the land.

When Mr Richardson produced the above table of Maori land occupied by Europeans, he explained that the RCC were presently treating this land as European land for rating purposes but that the position would ‘probably now become more acute’. He explained that during the previous two or three years the RCC had called on the mortgagees of the freehold interest to ‘pay up notwithstanding that it is Native-owned land’. The RCC had recovered ‘certain rates from the mortgagees interested in the land’. The problem with unpaid rates had only come about in the last two or three years and that until 1930-1931 ‘there was very little outstanding in the way of rates on these Native leases’.²⁸⁹

The third and fourth reports from Mr Richardson consisted of a statement of rates collected for the 10 year period to 31 March 1933 (described as provisional) and rates levied and outstanding between 1917/18 and 1926/27.²⁹⁰ This is reproduced as one table below.

Table 8: Rates levied and collected on Maori land for 10 years to 31 March 1927 and 31 March 1933 by RCC

Total Maori rates levied for 10 years to 31 March 1927	Total Maori rates collected for 10 years to 31 March 1927	Total Maori rates levied for 10 years to 31 March 1933	Total Maori rates collected for 10 years to 31 March 1933
£11,400 15s. 11d.	£6294	£13,900	£6962
	55%		50%

Source: ACIH 16093 MA 86 2/3 Native Land Rates Committee, May-June 1933, Papers produced during meetings, Archives New Zealand, Wellington. SW Document Bank, volume 6, pp. 152-159.²⁹¹

Mr Richardson noted that he had omitted to show on the statement that European rates comprised 97% and Maori rates 3% and that 50% of the Maori rates (Maori land in Maori occupation) had been collected up until 31 March 1933 (a total of £13,900). He said that in ‘normal times (that is, prior to the Depression) a larger percentage would be collected’.²⁹²

²⁸⁹ Ibid.

²⁹⁰ Ibid.

²⁹¹ Mr Richardson said that the amount of rates collected shown on the statements did not include any rates that were collected ‘during the ten years for a back period’ and that he had simply grouped the figures as he did not have time to show the figures for each year. Ibid.

²⁹² Ibid.

He explained to the committee that in the Rangitikei county there was ‘some very fine Native settlers’ who were ‘farming on their own account and ... set an example to the Europeans in their punctuality in paying rates’. On the other hand, he said ‘a large amount of the rates ... [were] difficult to obtain or practically impossible to obtain’ which could be ‘put down largely to two causes’. These were:

In the north where the poorer lands are the lands are not producing, or only partially producing, and the ownership is not in every case defined. If it is defined, there are a number of owners, and when there are a number of owners “what is everybody’s business is nobody’s business”. In the south end of the country, too, where these small areas of valuable land are, it is joint ownership to a considerable extent which is the cause of the trouble. They are several interested in the land, and it is difficult to pin any one person down. Again, we find trouble because valuable lands have been mortgaged to the Crown – probably for practically their full value now – and there is difficulty to get in ahead of the Crown. We have tried many means of collecting or securing rates. In some cases we have sued. We know of Natives who we think could pay but will not pay, and in a good many cases we have sued in the ordinary way. We have had a fair amount of success in recovering, but not in all cases.²⁹³

Therefore the two reasons for non-payment of rates according to the clerk of the RCC was that some land was non-revenue producing and land was owned by large numbers of people (which was the same complaint he had in 1909). The first complaint seems somewhat disingenuous given that the council had the ability under the legislation to exempt such land. The second complaint he returned to at length (discussed below).

The clerk’s statement also confirmed that Maori had been sued for non- payment of rates and in some cases this had resulted in the payment of rates. Mr Richardson also said that the RCC had ‘taken out’ charging orders and that although he had not found out the exact amount, he thought it would be well over £1000 on the various blocks. The charging orders, he said, had gone through the Native Land Court ‘without much difficulty except in some cases where the order has been turned down or postponed owing to there being a lease or supposed lease on

²⁹³ Ibid.

the property'. He said that in some cases the Judges of the Court had advised the RCC to 'sue a man in the ordinary way instead of applying for a charging order'.²⁹⁴

He also said that he had found that the old system of registering liens with the District Land Registrar in the past was 'very effective' and registered quite a number of liens. It was inexpensive costing only a shilling to register a lien 'and when there were any dealings with the land the rates had to be adjusted or paid before the transaction could go through'. Further:

There was provision whereby if the Native wanted to deal with a portion of the land, we could have the amount of the lien apportioned and give him a release for his share and leave the balance of the lien on the rest of the land. My Council regretted that the legislature should have done away with that provision in regard to liens, and the Rangitikei Council has put in a remit to the Counties Conference that the section ... should be re-enacted.²⁹⁵

The section to which he referred was section 14 of the Rating Act, 1913 where as noted previously and confirmed by Mr Richardson, was used extensively.

He felt that the RCC had done 'fairly well' with regard to its collection of Maori rates and that the Council had always endeavoured to collect them – 'keeping them on the rate book, keeping the demands and notices going and applying for charging orders'. He was personally 'not altogether satisfied with the result' but in comparison to other local bodies it was 'fair' as in addition to what was shown in the statements, the RCC was always 'picking up' some arrears.²⁹⁶

Mr Richardson also thought that there were certain areas of land on the roll 'the back-country stuff' that 'might be removed from the roll altogether' and added that there were certain areas of land not being 'properly worked or developed that should be taken over by the Crown or the Native Land authorities, and the land should be either sold or leased'. He felt that these areas were not being farmed to their 'full advantage' which could be, though he wasn't sure,

²⁹⁴ Ibid.

²⁹⁵ Ibid.

²⁹⁶ Ibid.

due to joint ownership and lack of capital. He also thought that there was no longer the opportunity to lease that there once were:

If times were booming, probably some Europeans would apply for the land and take it up and pay off the charging-orders; but as things are now, these lands should be taken over by the authorities and dealt with on behalf of the Natives for the Natives. Then they would come into profitable occupation, and we would all be better off and the Natives themselves would be better off.²⁹⁷

Mr Richardson believed too that there were ‘no doubt certain areas’ that should be treated more or less as papakainga land and reserves:

We have reserves of European land – scenic reserves and so forth – and there might be certain areas treated as Native reserves and also be non-rateable. Of course you must be guarded in this matter and not allow it to get too far; but the areas mentioned might be taken off the roll and made non-rateable.²⁹⁸

With the notable exception of the need for Maori land to be taken over by the authorities, many of these statements were remarkably perceptive. This was an acknowledgement that some Maori land was not revenue producing and therefore should not be rated. Also that there were reserves and papakainga that could be viewed in a similar vein to the exempted Crown owned scenic reserves and the like. Thirdly that there was undeveloped Maori land in the county that had the potential to be developed but had not been due to joint ownership and lack of capital. Finally, that the depression was impacting on the ability of Europeans to lease Maori land. Despite this, there was no sudden change to the way Maori land was rated in the county or a flurry of letters to the government encouraging a change to the legislation. Instead, the status quo continued with no exemptions ordered until 1947 after Mr Richardson had retired.

Mr Richardson spent a lot of time emphasising to the committee that there was a need to ‘individualise’ the land, that is, ‘one person for one piece of land’, as Maori would then be more inclined to pay their rates. Also, he said, Maori would then be on the ‘same footing as

²⁹⁷ Ibid.

²⁹⁸ Ibid.

Europeans'. He said that there was 'really good Native land that should be paying rates, but is not doing so owing to these disabilities in regard to ownership – the difficulty in pinning any one down'.²⁹⁹

In response, the committee member Mr Reid said that it was difficult to individualise due to the large number of owners involved and the 'comparatively small area of land'. Richardson reiterated that if you gave a person their own piece of land then they would be liable for the rates on that piece. He said that Maori had told him they were willing to pay their rates if he would 'give them a clearance' but that he could not because they were 'jointly and severally liable for the whole'. He said that he had tried in some cases to apportion the rates out to each individual but this was not legal and the RCC had to 'do it more or less on an arithmetical basis'. Judge Jones noted that in the north they nominated an occupier. Mr Richardson's response was that he found that if he could identify one owner for the land there was 'a better chance of getting the rates'. The Chairman then asked how Mr Richardson was going to 'get that one owner' to which Mr Richardson replied that the RCC 'had it in many blocks' and that it was his 'stronghold in regard to rate collection'.³⁰⁰

The committee also discussed the value of the Erewhon Riding, the Chairman commenting that the 107,000 acres of the Erewhon Riding was valued at £63,000 which was 10 shillings per acre. Mr Richardson was positive about the land in the riding responding that the value was 'misleading' as the area included some 'very good land'. The Chairman advised the meeting that he was familiar with the Erewhon district and queried how the council was getting on with the block 'higher up that that' which had been in and out of occupation for the last six or seven years (which was presumably the Oruamatua Kaimanawa blocks). Richardson seemed determined to remain positive replying that the land had been taken up by the Forest Land Company and that he had 'never lost a shilling in rates on Waiouru'. The Chairman asked again whether there was Maori land bordering on that 'taken up by the Forest Land Company'. Richardson answered that towards the Hawke's Bay side there were large areas of Maori land (presumably Owahaoko and Te Koau) as well as 'quite good areas...around Moawhango' (presumably Awarua) but on which he had not been able to collect the rates. He said that there were a lot of charging orders on this land.³⁰¹

²⁹⁹ Ibid.

³⁰⁰ Ibid.

³⁰¹ Ibid.

This discussion was curious as Mr Richardson had previously stated that he could see the value of exempting 'backcountry' land from rates much of which was in the Erewhon Riding but on the hand seemed intent on providing an optimistic interpretation of the Erewhon Riding's land quality.

The value of land in the Ruanui Riding was also discussed (the capital value working out at around £5 per acre). Mr Richardson explained that there were some valuable pieces in the riding but a considerable area of poor land up towards Hihitahi (presumably some Rangipo Waiu and Motukawa blocks) brought the average down.³⁰² Next the chairman noted that Maori land in the Rangatira riding was valued at about £37 per acre. Richardson said that the land was situated at Rata and included the homesteads of the Potaka family. He noted that they paid the rates regularly and were farming on 'European lines'. The block at Ohingaiti (375 acres), he said, was owned by a member of the same family.³⁰³

Mr Richardson was also asked by the chairman whether the RCC had in any case attempted to apply for the appointment of a receiver. Richardson replied that the council had not and instead preferred to 'let the matter lie' until there was some dealing with the land. He said that this was 'particularly so in the case of liens', where, on occasion, the council had 'made arrangements for releasing the lien on receiving guarantees that the money would be paid out of rents'. Further, that if the RCC had liens secured then the council was 'prepared to wait'. (This was indeed the case until 1944 when Mr Richardson retired. The new county clerk, however, had a change of tactics and as will be subsequently demonstrated, receivership orders were introduced from then.)³⁰⁴

The Chairman then changed the subject to Maori land in European occupation asking what the RCC experience was relating to rates. Richardson replied that the council was having some trouble particularly in the Erewhon and Ruanui ridings though acknowledged that there had been few issues up until the previous three years. He said that with regard to the year ending 31 March 1930 there was only £121 outstanding which he thought was largely soldier settlement rates out of a total of £52,572 levied. For the previous year, out of £52,682 levied

³⁰² Ibid.

³⁰³ Ibid.

³⁰⁴ Ibid.

there was only £65 outstanding. He confirmed that they had been slipping since 1930 but had been making ‘every endeavour to get the outstanding amounts in, and we have broken the thing down very considerable indeed.’ For the year ended 31 March 1931, the amount outstanding was £2259 and for the year ended 31 March 1932, the amount outstanding was £2250 part of which had been paid. In the year ended 31 March 1933 they ‘slipped badly’ and there was £6291 outstanding mainly up in the Erewhon riding.³⁰⁵

Also noted was that for the three years ending 31 March 1933, the RCC had outstanding European rates amounting to £10,801 and of that the council had collected £3000 since 31 March. He was asked by chairman whether the RCC imposed a penalty for 1933. He replied that they did so on 14 June though it had previously been 14 March (had extended it under the new legislation). He said:

Up in the north – the Erewhon and Ruanui ridings in particular – it is grazing and sheep country. That class of farming has had a bad time, and the council has been allowing the farmers concerned time. The Chairman of the County states in his report however that he is confident things will come right.³⁰⁶

He also said that the RCC’s chief difficulty with regard to Maori land lay in the Ruanui and Erewhon ridings as this was where the bulk of the Maori land was and that the council had ‘big obligations there’. He continued:

We took over the Ruanui riding from the Wanganui County and the Erewhon riding from the Hawke’s Bay County. Practically all the metalling has been done in those ridings since we took them over. It was impossible for the Wanganui County to handle the Ruanui riding because the riding was too far away. To get to it, they had to go through Rangitikei and up through Taihape. The same applied in connection with the Erewhon riding which we took over from Hawke’s Bay.³⁰⁷

The Chairman also queried the roading situation in these ridings supposing that all the roads in the area were highways or government roads. Mr Richardson responded that this was

³⁰⁵ Ibid.

³⁰⁶ Ibid.

³⁰⁷ Ibid.

incorrect and that in the Erewhon riding the only highway was from the Wainui junction out to the Rangitikei River which was 'quite a small section taking the roads in the riding as a whole'. The road, he said, went through to Hawke's Bay but was only a main highway to the Rangitikei River. With regard to the Ruanui riding, it was noted that there was a highway right up to Waiohuru and that when the RCC took over that country it 'borrowed extensively' to road it and put bridges over the Rangitikei River. Consequently the two ridings were 'subject to special rates to pay interest and sinking-fund on the loans for those works'. This was 'the chief concern now in regard to getting the rates'.³⁰⁸

Mr Richardson also noted that there were riding loans of £38,000 in one riding and £44,000 in the other. In addition, there were certain smaller loans and liabilities that they had to meet to the Wanganui county.³⁰⁹ Therefore one of the reasons for pursuing as much rates as possible was that the county needed to pay the loans attached to the Erewhon and Ruanui ridings that had been used for roads.

Bennion states that 'in view of the uneven and perhaps diffident approach of councils and the committee to solutions ... no [new] legislation followed the committee report. Rather the existing law continued to be enforced, probably with gradually greater efficiency as recording systems improved and more land became individualised.'³¹⁰

Of note was that the committee's report did conclude that there were 'considerable areas of Maori land with no rateable value' and that there was provision within the Act for such land to be exempted from rates. The committee noted, however, that 'very little appears to have been done in that direction'. The committee said it was of the opinion that the Native Department together with the Valuation Department and local authorities should make far greater use of these provisions and recommended this accordingly.³¹¹

It would not appear that this recommendation was taken up. Certainly the RCC did not exempt any more Maori land until 1947.

³⁰⁸ Ibid.

³⁰⁹ Ibid.

³¹⁰ Bennion, pp. 62-63.

³¹¹ Rating of Native Land, Report of Committee of Enquiry, 1933. AELP 19261 6/90 part 1 Rating of Native land, 1916-1933. SW Document Bank, volume 9, pp. 105-109.

5.17 The Fenwicke Report, 1945

On 7 February 1945, the *Wanganui Chronicle* recorded that a report prepared by Mr Fenwicke, who was employed by the RCC, on the rating of Maori land in the Rangitikei county had been considered by the RCC. Mr Fenwicke's report disclosed the following position up to 31 March 1944 (it did not state from when the data was collected from):

- Liens not satisfied: £4581
- Court judgements not satisfied: £375
- Rates for 2 years ending 31 March 1942 for which applications for liens have been lodged with the Native Land Court: £1596
- Rates for year ending 31 March 1943 recoverable by Court proceedings but not by lien: £726
- Rates for year ended 31 March 1944: £838³¹²

At the meeting Mr Fenwicke advised the RCC that action to recover rates owed in respect of Maori land could be taken by issuing a summons in the Magistrate's Court for recovery of rates as a debt, or by applying to the Native Land Court for a charging order or lien against the land on which rates were owed. He said that much of the difficulty with collecting rates was due to the 'multiplicity of small holdings owned by anything up to six Maoris'.³¹³

Mr Fenwicke said that he had discussed the issue with the inspector of noxious weeds, Mr J Robinson, who stated that in many cases 'sections were very small, unoccupied and harbouring noxious weeds' and in other cases 'the whereabouts of the owners could not be ascertained'. Mr Robinson noted too that the Native Land Act provided in such cases for the appointment of the Native Trustee to administer these lands.³¹⁴

Mr Fenwicke had also discussed the matter with the new county clerk, Mr FL Nicol who remarked that some county councils employed 'an outside collector such as a native agent, on a commission basis, to collect native rates'. In addition, he said, the 'assistance of Maori

³¹² *Wanganui Chronicle*, 7 February 1945.

³¹³ Ibid.

³¹⁴ Ibid.

Land Boards had also been obtained where revenue was being handled on account of natives'.³¹⁵

Mr Fenwicke suggested that prior to any proceedings being taken:

... that the circumstances relating to each section on which rates are unpaid and the owners of the same should be fully investigated to ascertain if the proceedings contemplated are likely to produce the amount in arrears, or to reasonably secure the same. If not, an order-in-council exempting the land from the payment of rates should be applied for.

One result of the investigation may be an annual saving in the hospital levy, as there are 127,600 acres in the county valued at £31,000, which may be found unoccupied and of so little value that exemption from rating should be claimed. Most of this country is in the Erewhon Riding.³¹⁶

This was the first time that the RCC had proposed a comprehensive examination of all Maori land in the county – some of which it had been rating since 1882. It was also the first time that the exemption of a significant proportion of unoccupied Maori land was contemplated. The statement regarding making a saving in the hospital levy was reiterated by the county clerk several years later suggesting that exemptions of non-revenue producing land where the owners did not pay rates was not only in the interests of Maori but also in the interests of the RCC. The hospital levy was paid to the Hospital Board by the RCC and was based on the rateable value of all the land within the county. It had to be paid by the RCC regardless of whether the RCC had received the rates it had levied or not so removing Maori land from the roll where rates were not paid meant that the hospital levy could be considerably reduced.

5.18 First Receivership orders, 1945

In July 1945, the RCC applied to the Maori Land Court at Marton for 66 charging orders of which 29 concerned blocks in the inquiry district. In attendance at the hearing was Mr

³¹⁵ HH Richardson, who had served as county clerk since 1893, died in 1944 a few months after his retirement. Frank L Nicol, who took over from him, served as county clerk from 1944-1959.

³¹⁶ *Whanganui Chronicle*, 7 February 1945.

Fenwicke who explained that he had a ‘long association’ with the district and had ‘acquired knowledge of the lands covered by the applications from inquiries made from the officials of the county including the Engineer, Noxious Weed Inspector and the Councillors’. He said he had ‘made it the whole of [his] business to ascertain the occupiers in each case’ and that the information he had given the Court was the result of his ‘labours’. He said that in some cases where the owners were in actual occupation he had asked for charging orders as demands had ‘repeatedly been made by the Council’. In other cases his inquiries were not complete and therefore he asked for those applications to be adjourned. In further cases, he was considering applying for the appointment of a receiver ‘on the basis of previous Charging Orders’. Further:

The Council is of the opinion that the lands would be better if leased under proper supervision with a duly confirmed lease.³¹⁷

Finally, in some cases, he said, (3 in the inquiry district), the rates had been paid and he asked that the applications be dismissed. Charging orders were then made against 26 blocks but receivership orders were not made on this occasion. The charging orders were for unpaid rates for the years ending 31 March 1941 and 31 March 1942 and ranged from around 12 shillings (Awarua 2C13I) to £50 (Awarua 3D317C1).³¹⁸

Several months later, in October 1945, applications were made for the appointment of a receiver in respect to two blocks in the inquiry district. These were the first applications for receivership orders made by the RCC. The two applications were in regard to Awarua 4A3C4A1A (6 acres 2 roods 36 perches) and Motukawa 1B (367 acres). Mr Fenwicke, for the council, said that as far as he was aware no one was in formal occupation of Awarua 4A3C4A1A and that council had charging orders made by the Court on 15 November 1938 for £7.0.2. He also said that ‘several avenues ... [had] been explored to obtain payment but without success’. He thought that if a receiver was appointed then ‘something could be done ... [and] the property could be leased’. The Court made an order appointing the Aotea Board as receiver.³¹⁹

³¹⁷ Whanganui Minute Book 103, 16 July 1945, pp. 329-330.

³¹⁸ Ibid.

³¹⁹ Whanganui Minute Book 103, 26 October 1945, p. 398.

In respect to Motukawa 1B, Mr Fenwicke said that the position was the same for this block as the previous one. A charging order was granted on 22 April 1938 and another on 8 February 1940 and no rates paid. There was a lease on the block to a Mr Craig but the property has been abandoned and no one was in occupation. In attendance at the hearing was a Mr Huroti [sp?]. He said that his daughter had interests in the block and that the lease by a Mr Craig was taken over by a Mr Cullamne who went bankrupt. He said that ‘the owners would like a receiver appointed’. The Court ordered that the Aotea Maori Land Board be appointed receiver.³²⁰

Despite Mr Fenwicke’s investigations, both Awarua 4A3C4A1A and Motukawa 1B were in fact being utilised by neighbouring farmers at the time these receivership orders were made and one of the farmers had a grazing lease over Awarua 4A3C4A1A. It was not until a formal lease was signed by the farmers in 1949 (Motukawa 1B) and 1955 (Awarua 4A3C4A1A) that both farmers agreed that they would pay the outstanding rates.³²¹ In 1957, an application to discharge the receivership in respect of Awarua 4A3C4A1A was heard by the Maori Land Court. At the hearing it was noted by the representative for the Maori Trustee that the charge has been paid, both rent and rates were paid up to date and the land was leased for 21 years from 15 March 1955. It was also recorded that a supervisors report from the Trustee dated 10 January 1956 said that covenants had been complied with. An order was therefore made by the Court cancelling the receivership order and discharging the Maori Trustee.³²²

Eight other applications were made by the RCC for appointment of receiver at the hearing but these were outside the inquiry district. Nonetheless, it is pertinent to note the reasons given by Mr Fenwicke to justify the appointment of a receiver. These included a lack of occupier, (Parewanui 4B, 5A), a lack of occupier and the land was landlocked (Raketapauma 2B12); that the occupiers had not paid rates but were ‘probably ... prepared to lease it’ (Rotomapua 3A); the land was covered in blackberry and gorse and a ‘menace to adjacent land’ (Tawarua 3H1) and the non-payment by an occupier who was renting (Waipu 4A3E3B4).³²³

³²⁰ Whanganui Minute Book 103, 26 October 1945, pp. 398-399.

³²¹ Minutes of meeting of assembled owners, 25 February 1949, 3/6456, Motukawa 1B Alienation file, Aotea Maori Land Court, Whanganui; SW Document Bank, volume 1, p. 109; Whanganui Minute Book 106, 21 April 1949, p. 27; Whanganui Minute Book 114, 5 May 1955, p. 112.

³²² Whanganui Minute Book 118, 16 August 1957, pp. 526-527. Further research is required to locate when the receivership for Motukawa 1B was discharged.

³²³ Whanganui Minute Book 103, 26 October 1945, pp. 399-400.

A few months later, in February 1946, the next set of applications for the appointment of a receiver were heard. The first two applications were for Owhaoko D5 section 2 and Owhaoko D5 section 3. Mr Fenwicke did not explain the position of the owners, whether or not the blocks were undeveloped, unoccupied or if there was any lease or grazing arrangements but simply stated that charging orders for £25.2.10 (plus 15/- costs) and £27.7.11 (plus 15/- costs) respectively had been made for the years ending 31 March 1939 to and 31 March 1940 and applications were still before the Court. As the rates were still unpaid, he asked that a receiver be appointed. In both cases an order was made by the Court appointing the Aotea Board as Receiver.³²⁴

The applications he was referring to were for unpaid rates for the years ending 31 March 1941 and 31 March 1942 for £30.0.3 (D5, 2) and £33.10.2 (D5, 3).³²⁵ Two more charging orders were made for each block for unpaid rates for the years ending 31 March 1944, 1945 and 1946 on 10 October 1946 and 9 December 1947. The amounts were significant: £33.12.10 and £18.15.1 for D5, 2 and £37.11.10 and £21.3.8 for D5, 3.³²⁶

Owhaoko D5 section 2 consisting of 1375 acres had been leased to Frederick Luckie for 21 years from 1906. The terms of the lease included the payment of 'all rates, taxes, assessments and outgoings' levied on the land. At the time of the lease the capital value was £1495 including improvements of £120. The lease was transferred to the Ruddenklau brothers and in 1920 an application for the sale of the block to Charles Ruddenklau (who in 1927 had applied for Owhaoko D6 section 1 to be exempted from rates) was dismissed for non-prosecution. Although no further alienations are recorded on the Maori Land Court file, the valuation roll for 1927 to 1939 records that the Ruddenklau Brothers were in occupation for some of this period though the owner and occupier was changed to owner Henry M Downs at some point during the life time of the roll. It would not appear to be a coincidence that several years after the receivership order (in 1952) one of the owners (Mr Downs) asked the Commissioner of Crown lands whether the Crown was interested in purchasing the block. A field officer made an inspection of the block and reported that it was 'unsuitable for development purposes'. Further:

³²⁴ Whanganui Minute Book 104, 14 February 1946, pp. 106-108.

³²⁵ Whanganui Minute Book 103, 16 July 1945, pp. 330-339.

³²⁶ Whanganui Minute Book 104, 10 October 1946, pp. 310-332; Whanganui Minute Book 105, 9 December 1947, pp. 56-62.

Whilst the greater portion of the country is open tussock, it lies at an altitude of up to 3,200', is surrounded by Maori lands, has no road access and is 80 to 100 chains north of the Taihape-Napier road. Ngamatea Station which lies to the north-east, is the nearest habitation.

All the surrounding areas, including Ngamatea Station, have been the subject of roadside inspections and have been turned down and it is not likely that the Maori Affairs Department would consider development in this locality.³²⁷

The Field Officer valued the block at 15/- per acre (£1031) and recommended that the owners be notified that the Crown was not interested but be 'allowed to sell at 27/- per acre' if they could get this price'.³²⁸

In 1953, LH Roberts, who with RJ Fernie (Ferne Bros) had taken over Ngamatea Station located on Owhaoko D5 section 1 from the Ruddenklau brothers and owned and leased other Owhaoko, Te Koau, and Mangaohane land, applied to purchase Owhaoko D5 section 2. The application said that the land could only be farmed economically 'with other areas in one large scale farm'. Owner Harry Downs said that it was 'impracticable' for his family to farm the land, that they lived at Rata and farmed Taraketi 2F1B (which was also the subject of a receivership order). Mr Downs also said that he and his family needed the money to develop the family farm on Taraketi 2F1B. Other owners were to use the purchase money for a capital purpose such as furniture or for housing. The Court confirmed the alienation for £2062.10.0 on the condition that all rates, secured or owing on the block 'be paid by the purchaser out of his own funds – not out of the purchase money'. This was because the Court ruled that Mr Roberts had been unofficially utilising the block (and critically, using it to access the station) as it adjoined his own land (D5 section 1). Mr Roberts indeed acknowledged at the hearing that he had occupied the land but had no legal lease since 1937 (which was when the rates ceased being paid).³²⁹

³²⁷ Field Officer, Palmerston North, Department of Lands and Survey to Commissioner of Crown Lands, Wellington, 12 August 1952, AAMA W3166 619 Box 5 4/966 Wellington: Property - Owhaoko D5, No 2. Block IV and VII, Taumata SD, 1952, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 53.

³²⁸ Ibid.

³²⁹ Whanganui Minute Book 110, 13 November 1953, pp. 398-400; Whanganui Minute Book 111, 13 November 1953, pp. 1-4. Aotea District Maori Land Board cover sheet including conditions of sale, 1953-1954, 3/3217,

As is further examined in the Owhaoko block study, this was a crucial purchase in terms of loss of access for Maori to blocks north of Owhaoko D5. Mr Roberts, with Fernie Brothers, already owned Owhaoko D5, section 1 where the homestead and main farming operations for Ngamatea Station were located. To access D5 section 1, Mr Roberts was required to use the Ngamatea Station road adjoining the Napier-Taihape Road which led from D5 section 4 (which he leased from 1931³³⁰) into D5 section 3 and then through D5 section 2 and into D5 section 1. Owning D5 section 2 meant that some of the access route to Ngamatea Station was secure. It subsequently had the opposite affect for the Maori owners of blocks north of Owhaoko D5.

In respect to Owhaoko D5 section 3, the 1375 acre block had also been leased to Frederick Luckie for 21 years from 1906. Again, the lease was taken over by the Ruddenklau brothers and then terminated with the rates not paid from 1 April 1938. Following on from the receivership order, the purchaser of Owhaoko D5 section 2 leased Owhaoko D5 section 3 from 13 November 1953 for 42 years securing the access route into Owhaoko for the foreseeable future.³³¹

At the same hearing where the Aotea Board was appointed receiver of the aforementioned Owhaoko blocks, there were seven applications for the appointment of a receiver in respect of the Taraketi block. They were: part Taraketi 1F, 1G1, 1G2, 1G3, 1G5, 1G6 and 2F1B. The size of each of the 1G blocks was four acres, 1F was almost 30 acres in size and 2F1B (owned by the aforementioned Mr Downs) just under 75 acres. Mr Fenwicke, for the RCC, said that charging orders made on 21 August 1940 for Taraketi 1F of £10.4.10 (plus 10/- costs) were still unsatisfied and that current rates were also outstanding. With regard to Taraketi 1G1, a charging order was made in 1938 for 18/-. Mr Fenwicke also noted that Taraketi 1G1 was unfenced, that it was being used but no one would pay the rates. He asked for the order 'so that some control can be exercised'. He acknowledged that the amount was small but that the 'matter should be put on a solid footing' and that this could only be done with the appointment of a receiver. He repeated the need for 'some control' in respect to Taraketi 1G2 where a charging order had been made on 3 September 1930 for £1.3.4 that was still unpaid; Taraketi 1G3, where an order was made in 1938 for 18/3 which was still unpaid;

Owhaoko D5 section 2 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 3.

³³⁰ Fisher and Stirling, Northern Aspect, pp. 85-86.

³³¹ Ibid.

Taraketi 1G5 where an order was made in August 1940 for £1.0.0 (also unpaid), Taraketi 1G6 (where an order was made on in August 1940 for 16/9 (unpaid) and Taraketi 2F1B block order made in August 1940 for £28.8.4 plus 15/- costs which was also still unpaid.³³²

In each case the Aotea Board was appointed receiver.³³³

The receivership order for Taraketi 2F1B was not cancelled until June 1953 when owner and occupier of Taraketi 2F1B (part) Harry Downs (who was one of the sellers of Owhaoko D5 section 2 in November 1953 and also an owner of Taraketi 1F) applied to the Court to cancel the order of the Court appointing the Maori Trustee as receiver for the purpose of ‘defraying arrears of rates amounting to £104.14.11’. Mr Ruru appeared for Mr Downs and advised that a compromise had been arranged with the RCC whereby £80 was paid in full settlement of rates up until 31 March 1952. The Court ordered that the receivership order be cancelled.³³⁴

In February 1947, Mr Fenwick was back in Court applying for orders this time for the appointment of the Native Trustee as ‘agent for the owners to execute in his own name an instrument of alienation’ in respect to:

- Awarua 2C13J7 (8 acres 2 roods 02 perches)
- Part Awarua 2C13L (6 acres aprox)
- Awarua 2C15B (6 acres)³³⁵

Also in attendance was John Robinson, the RCC noxious weeds inspector. He explained that Awarua 2C13J7 was situated near Moawhango and owned by Amokore [sp?] Pine. He said that the land was infested with blackberry, gorse and sweet briar and that in 1936 notice was given to have it cleared. No work, however, had been done and the county had received notice from the county solicitor that it was impossible for the owners to have the work done as they were in receipt of social security. The ‘Taihape Native Tribal Committee’ was then advised of the matter and a meeting arranged. At the meeting held in 1945, it was agreed that

³³² Whanganui Minute Book 104, 14 February 1946, pp. 106-108.

³³³ Ibid.

³³⁴ Whanganui Minute Book 110, 13 June 1953, p. 24; Schedule of other lands owned by Maori vendors (Harry Downs), 1953, 3/3217, Owhaoko D5 section 2 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 4.

³³⁵ Whanganui Minute Book 104, 11 February 1947, p. 364.

the matter would be left in the Tribal Committees hands for three months so that they could arrange to have the lands leased. He said that the committee had been ‘seen on numerous occasions since’ and that they could not ‘arrange a solution’. The previous year, the county had applied to the Agricultural Department for a grant to clear the block and were allocated £25 ‘on condition that the owners found the balance necessary to clear [the land]’. He said that the tribal committee had been advised that £25 was available but ‘nothing was done’. Tenga [sp?] Takarangi and another owner were present and suggested that the better solution would be the appointment of the Native Trustee. This was so ordered by the Court.³³⁶

The second application was made in respect to Awarua 2C13L consisting of 6 acres, 2 roods, 21 perches. The minutes recorded that the portion where application was made concerned the five acres or so between the road and the river as the other part was occupied. The Court was advised that the Agricultural Department would grant the RCC a subsidy if a trustee order was made. In response Tenga Takarangi said that the same situation applied as to the previous application and that it would be advisable to have the Native Trustee appointed. This was ordered by the Court.³³⁷

The third application was in respect to Awarua 2C15B an area of 6 acres on the Moawhango River. Mr Robinson described the land as having no fence and a ‘good piece of land’. There was, however, blackberry, sweet briar and gorse on it. In attendance was Hiraka Pine (described as the sole successor) who stated that tenants would be found to lease the block. Ngapera Pine, who was also in attendance, said that he would arrange this through Mr Ongley (a local solicitor). The application was adjourned.³³⁸ Further details about this block can be found below.³³⁹

No further receiverships were ordered until 1957 (discussed below).

A summary of these 13 blocks in the inquiry district where the receiver was appointed in 1945, 1946 and 1947 follows:

³³⁶ Whanganui Minute Book 104, 11 February 1947, p. 364. Note that no further information has been located on the Taihape Native Tribal Committee.

³³⁷ Whanganui Minute Book 104, 11 February 1947, p. 364.

³³⁸ Ibid.

³³⁹ Ibid.

Table 9: Maori land within inquiry district and Rangitikei county where receiver appointed, 1945-1947

Block name	Date appointed receiver	Area (acres)	Further charging orders; leases and sales	Status today
Awarua 2C13J7	11 February 1947 (Maori Trustee)	8 acres 2 roods 02 perches	Subsequent charging orders. Part reserved. By 1961, part occupied by Batley and rates paid out of rent. Receiver discharged 1961.	Maori land
Awarua 2C13L	11 February 1947 (Maori Trustee)	6 acres (aprox)	Residue of original 8 acres (4 acres, 0.2 perches) set aside as Maori reserve in 1949. Compensation money from land taken for school used to pay rates.	Maori land
Awarua 4A3C4A1A	October 1945 (Aotea Board, later Maori Trustee)	6 acres 2 roods 36 perches	Charging orders for unpaid rates from 1940 to 1946. Occupied by A Whiteman (Sr) since 1930 on grazing lease who had paid rates for years ending 1947, 1951-1955. Formal lease signed in 1955 to D Whiteman (Jnr) who was instructed to pay outstanding rates by MLC (about £15). Receivership discharged in 1957.	Sold to lessee, D Whiteman, in 1969.
Motukawa 1B	October 1945 (Aotea Board)	367 acres	Five charging orders for unpaid rates from year ending 31 March 1929, 1930, 1936-1947. Leased to adjoining farmer E Peters for 42 years from February 1949. Lessee agreed to pay outstanding rates as had been running sheep on the land without a formal lease.	Maori land; leased to owners or whanau of owners (from 1994 for 21 years)
Owhaoko D5, 2	February 1946 (Aotea Board)	1375 acres	Three charging orders for unpaid rates from years ending 31 March 1941, 1942, 1943, 1944, 1945, 1946. Subsequent charging orders. Sold in 1954 to adjoining farmer LH Roberts who paid outstanding rates at time of sale as had been unofficially occupying the land.	General land
Owhaoko D5, 3	February 1946 (Aotea Board)	1375 acres	Three charging orders for unpaid rates from years ending 31 March 1941, 1942, 1943, 1944, 1945, 1946. Subsequent charging orders. Leased for 42 years in 1954 to LH Roberts who paid	Maori land (Ngamatea Station)

			outstanding rates as had been unofficially occupying the land when charging orders made.	
Taraketi 1F part (later combined with part 2F1B2 to form 1X and 1Y)	February 1946 (Aotea Board)	29 acres 3 roods 12 perches	Rates paid in 1948. Applications for charging orders dismissed followed by further charging orders. Rates then paid by owner Mr Hartley who had been unable to work due to sickness. Rates deducted from his pay (worked for the RCC) and from grazing lease. Leased to JG Meads from late 1950s. Receivership discharged in 1961. Further rates owed in 1960s. Leased to James Bull circa 1967 and leased for further 5 years from 1972.	1Y Europeansied 1969. 1X is also general land
Taraketi 1G1	February 1946 (Aotea Board) May 1957 (Maori Trustee)	3 acres 3 roods 18 perches	Leased by Te Kawa whanau to William Downs of Rata for 10 years from 1 April 1949. Further charging orders for years ending 31 March 1949, 1950, 1951 and 1952. Rates paid in 1957. Lease terminated and another lease negotiated from April 1959 with lessee of other Taraketi 1G blocks (Meads). Leased from 1969 to 1977 to James Bull	Maori land
Taraketi 1G2	February 1946 (Aotea Board) May 1957 (Maori Trustee)	3 acres 3 roods 18 perches	Further charging orders. No rates outstanding as at 1951. Order granting Maori Trustee leave to lease in in 1958. Leased to JG Meads by Maori Trustee for 10 years from 1957. Leased to James Bull in 1969. Receivership discharged in 1970.	Maori land
Taraketi 1G3	February 1946 (Aotea Board) May 1957 (Maori Trustee)	3 acres 3 roods 18 perches	Order granting Maori Trustee leave to lease in in 1958. Leased to JG Meads by Maori Trustee for 10 years from 1957. Leased to James Bull in 1969.	Maori land
Taraketi 1G5	February 1946 (Aotea Board) May 1957 (Maori Trustee)	3 acres 3 roods 18 perches	Rates paid in 1947 followed by further charging orders. Order granting Maori Trustee leave to lease in in 1958. Leased to JG Meads by Maori Trustee for 10 years from 1957. Leased from 1969 to	Maori land

			1977 to James Bull. Receivership discharged in 1970.	
Taraketi 1G6	February 1946 (Aotea Board) May 1957 (Maori Trustee)	3 acres 3 roods 18 perches	Rates paid in 1948, followed by further charging orders. Rates paid in 1957. Order granting Maori Trustee leave to lease in in 1958. Leased to JG Meads by Maori Trustee for 10 years from 1957. Leased to James Bull in 1969.	Maori land
Taraketi 2F1B, 2F1B2 from 1956, later combined with 1F (part) to form 1X and 1Y	February 1946 (Aotea Board)	74 acres 1 rood 2 perches	Receivership order discharged in 1953 after owner/occupier Harry Downs paid £80 to RCC in compromise settlement (£104.14.11 had accrued). Further charging orders. Rates then paid by owner Mr Hartley in 1956 who had been unable to work due to sickness. Rates deducted from his pay (worked for the RCC) and from grazing lease. Further rates owed in 1960s. Leased to James Bull circa 1967 and leased for further 5 years from 1972.	1Y Europeanised 1969. 1X is also general land.

Sources: Whanganui Minute Book 103, 26 October 1945, pp.398-400; Whanganui Minute Book 105, 10 December 1948, pp. 336-337; Whanganui Minute Book 119, 18 July 1958, pp. 383-384; Whanganui Minute Book 125, 2 July 1961, p. 111 and 16 October 1961, p 288; Subasic and Stirling, Central Aspect, pp. 123, 147; Hearn, Southern Aspect, pp. 191-198; 3/3844, Taraketi 1G5 alienation file; 3/3904 Taraketi 1G6 alienation file, Aotea Maori Land Court, Whanganui; SW Document Bank, volume 1, pp. 26-36; ACIH 16036 MA 1 Box 444 21/3/201 Awarua 2C13L- Maori Reservation, 1949-1950, Archives New Zealand; SW Document Bank, volume 6, pp. 171-176. Taihape Inquiry District Maori Land Court Document Bank.

Several themes emerge in respect of these receivership orders. One is the ‘use’ (or trespass) over all three larger blocks by neighbouring farmers with no formal leases; the subsequent lease and/or sale to these neighbouring farmers and these neighbouring farmers having to pay the outstanding rates prior to the formalisation of the lease and/or sale. In these cases the receivership order was certainly an effective way of providing for a formal lease or sale over the land which was the stated aim of the RCC.

There was also some focus on smaller blocks where, Mr Fenwicke said ‘control’ was needed. The Taraketi 1G blocks were small and difficulties continued over the next ten years with securing leases over the blocks resulting in the Maori Trustee also being appointed receiver in

1957. In 1957 and 1959, the Maori Trustee arranged for the lease of 1G1, 1G2, 1G3, 1G4, 1G5 and 1G6 for ten years to JG Meads. In 1969, Taraketi 1G1, 1G3, 1G4, 1G6 together with Taraketi X were leased to James Bull until 1977 again with the intention of being farmed together. At the hearing where this later lease was confirmed, the Court noted that the six blocks by themselves were uneconomic units and the acceptance of the lease was conditional upon similar leases being granted in respect of 1G2 and 1G5.³⁴⁰ Therefore again receivership orders resulted in the land being leased. This example also shows how owners of small, ‘uneconomic’ blocks were expected to pay rates and to have their land utilised in a way acceptable to the RCC.

Areas of several other smaller blocks (Awarua 2C13J7 and 2C13L) where the receiver had been appointed were reserved as they contained marae and churches which were exempted from rates. Part of Awarua 2C13L was taken for educational purposes so outstanding rates were paid from the compensation money. This block contained the Whitikaupeka marae.³⁴¹

5.19 Erewhon Riding and Reserve Exemptions, 1947

On 12 March 1946, the RCC, represented by Mr Fenwicke, applied to the Maori Land Court for a recommendation that certain lands be exempted from the payment of rates by order in council under section 104 of Rating Act. Most of the land where a recommendation was requested was in the inquiry district, specifically the Erewhon riding, though there were five small blocks Mr Fenwicke described as ‘Native Reserves’. He said they were ‘in occupation by tribal parties and came within the [definition?] of Native Reservations’. Further, that the previous Court would not grant charging orders on that account. He asked that the recommendation be made that they be exempted from the payment of rates. Two of the blocks were in the inquiry district: section 3, Potaka Township (1 rood) and section 11 Potaka township (3 roods, 4 perches). The Court then agreed to recommend that this land be exempted.³⁴²

³⁴⁰ Whanganui Minute Book 118, 28 May 1957, pp. 328-329; Whanganui Alienation Minute Book 6, 5 August 1969, p. 357; Order regarding lease of Taraketi 1G blocks, 3/3904, Taraketi 1G6 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 36.

³⁴¹ Whanganui Minute Book 105, 10 December 1948, pp. 336-337.

³⁴² Tokaanu Minute Book 28, 12 March 1946, pp. 156-158.

Following this, Mr Fenwicke asked for an adjournment regarding sixteen of the blocks as, he stated, ‘on inquiry it ... [was] possible that they may be disposed of’ (meaning leased or sold). The following is a list of these blocks. Next to each block is a statement as to whether they were included in the final exemption order or not:

- Oruamatua Kaimanawa 1S – exempted 1947
- Oruamatua Kaimanawa IU – exempted 1947
- Oruamatua Kaimanawa 1X2 – exempted 1947
- Oruamatua Kaimanawa 2A – exempted 1947
- Oruamatua Kaimanawa 2B1 – not included
- Oruamatua Kaimanawa 2B2 – not included
- Oruamatua Kaimanawa 3A – not included
- Oruamatua Kaimanawa 3C – not included
- Oruamatua Kaimanawa 3D – not included
- Oruamatua Kaimanawa 3E – not included
- Oruamatua Kaimanawa 3F- not included
- Owhaoko C2 – not included
- Owhaoko C3A – exempted 1947
- Owhaoko C3B – exempted 1947
- Owhaoko C4 – not included
- Owhaoko Pt D7 & D7A – not included

An adjournment was granted in respect to the above blocks. Of note is that of these 16 blocks, ten were not included in the final exemption notice. (Details of these ten blocks are discussed below.)

Mr Fenwicke then asked for a recommendation for exemption in respect to the following blocks in the inquiry district. Mr Fenwicke gave a small description or reason why they should be exempted. This statement is included next to the block name as follows:

- Awarua 1A3 North: ‘On the boundary of Hawkes Bay although in Rangitikei County. Never likely to be occupied. Open country.’
- Aorangi: ‘Rough block of county. No access. Only visited by possum trappers’

- Oruamatua Kaimanawa 2C1, 2C2, 2C3 and 2C4: 'All unoccupied scrub country'
- Oruamatua Kaimanawa 1X1: 'Part on the side of the range. No road. About 25 miles from nearest road'.
- Oruamatua Kaimanawa 1V: 'Side of Rangitikei River. One third hill covered with snow tussock and scrub. High country.'
- Owhaoko C7: 'Side of Mararoa River. High Country very steep. On boundary of Wellington and Hawkes Bay Provinces'
- Owhaoko D2 & D3: 'Wind blown, rocky country'.
- Rangipo Waiu 2B1B, 2B1C, 2B1D and 2B4: 'All wind blown scrubby [?] country. In hospitable'.
- Te Koau: 'Adjoins Hawkes Bay Provinces. Behind back country range. No access'.
- Motukawa 2E2 and 2F2: 'High country near Hihitahi. No access. Govt Valn £5.10.0',³⁴³

The Court ruled that it would recommend that these 18 blocks be exempted from rates. Of note is the complete absence of owners from the Native Land Court proceedings.³⁴⁴

The recommendation of the Court was then sent to the Native Department who then returned the list stating that it was 'impossible, in many cases, to reconcile with the plans the descriptions in the schedule'. The Under Secretary asked for the descriptions to be checked again reflecting the difficulties the RCC and Maori Land Court had in keeping accurate records of Maori land. In January 1947, the county clerk complained about the delay, asking that the Under Secretary arrange for the order in council to be gazetted as soon as possible. The county clerk explained the reason for the council's need for haste. He said that it was anticipated that the exemptions would be effective from 1 April 1946 'which would have meant a considerable saving in the Hospital levy'. The Under Secretary replied that as soon as the amended descriptions had been received the matter could proceed. Finally in April 1947, the county clerk forwarded two lists of land to be exempted. The first comprised properties dealt with by the Maori Land Court at Whanganui and the second was a list of properties contained in the council's initial application but adjourned for further enquiries.

³⁴³ Tokaanu Minute Book 28, 12 March 1946, pp. 156-158.

³⁴⁴ Ibid.

The county clerk advised that these enquiries had been completed and that the council was ‘anxious to [have] these lands exempted also’.³⁴⁵

Attached to the order in council sent to the Governor for signing was a note stating:

Some of these lands are small areas in Tribal occupation as Native reserves, others have been eroded by wind or water, and the remainder are either inaccessible mountainous blocks or unoccupied swamps and sand-dune area. The exemption is recommended by the chairman of the Rangitikei County Council.³⁴⁶

The order in council was signed and inquiry district lands totalling almost 58,000 acres exempted on 7 August 1947.³⁴⁷ A copy of the order in council was forwarded to the RCC. The Under Secretary noted to the RCC that there had been some discrepancies in areas shown in the order of council and that prepared by the chairman but that this was ‘accounted for by the recent re-alignment of certain boundaries’ particularly those between the RCC and East Taupo county. The Under Secretary said that the amended figures were supplied by the Valuation Department.³⁴⁸

Of note is that while the landlocked, undeveloped Te Koau A block was recommended by the Maori Land Court to be exempted it was not included in the final gazette notice. This is examined further in Te Koau block study but suffice to say, no reason has been located as to why this occurred. Whether it was because the block was in the Ikaroa Maori land district and that this somehow prevented the Aotea Judge making such a recommendation can only be surmised.

³⁴⁵ Rangitikei County Council to Undersecretary Native Department, 21 January 1947, Under Secretary, Native Department to Rangitikei County Council, 27 January 1947 and 9 April 1947, Rangitikei County Council to Under Secretary, Native Department, 29 April 1947, ACIH 16036 MA1/413 20/1/38 Rangitikei County - Exemption from rates - Section 104, Rating Act, 1925, 1925-1937, Archives New Zealand, Wellington. SW Document Bank, volume 6, pp. 227-228, 234-235.

³⁴⁶ Note accompanying order in council for signing, August 1947, ACIH 16036 MA1/413 20/1/38 Rangitikei County - Exemption from rates - Section 104, Rating Act, 1925, 1925-1937, Archives New Zealand, Wellington. SW Document Bank, volume 6, p. 243.

³⁴⁷ *New Zealand Gazette*, 7 August 1947, p. 961.

³⁴⁸ Under Secretary, Native Department to Rangitikei County Council, 11 August 1947, ACIH 16036 MA1/413 20/1/38 Rangitikei County - Exemption from rates - Section 104, Rating Act, 1925, 1925-1937, Archives New Zealand, Wellington. SW Document Bank, volume 6, p. 244.

The comment made by the county clerk in terms of a saving on the hospital levy was particularly pertinent given that the most of the exemptions related to land in the Erewhon riding. As noted previously, the hospital levy paid to the Hospital Board by the RCC was based on the rateable value of the land within the county (3/7d in the pound) and did not take into consideration whether rates had been paid or not. In the Erewhon Riding the rateable value of Maori land in 1945 was £70,760 and the amount of rates levied was £723.9.0. The rateable value of Maori land in this riding was by far the largest in the entire county the next being Otakapu with £55,992 (where no lands in the inquiry district were located). Also in comparison, the rateable value of the Rangatira riding where the Taraketi blocks were located was £26,620 and the rates levied totalled £182.0.8. In 1949, the value of Maori land in the Erewhon Riding was reduced to £61,815 which would have pleased the RCC in terms of the amount having to be levied for hospital rates and paid to the Hospital Board. Conversely and probably indicating a rates increase, the rates levied on Maori land in the riding had increased markedly to £922.15.6 by 1949, which was about a quarter of the total amount levied on Maori land in the county (£3,678.6.2).³⁴⁹

The following table shows the inquiry district blocks exempted, area, the comments made about the blocks at the hearing and their current status:

³⁴⁹ Summary of Rateable Valuations, Rates etc. Rangitikei County Council, 17 October 1945; Summary of Rateable Valuations, Rates etc. Rangitikei County Council, 1949-1950; County Clerk to Lands and Survey Department, 17 December 1946, RDC 00087: 26: 12/R/6 Rates Rangitikei County Council, 1945 - 1950, Archives Central, Feilding. SW Document Bank, volume 5, pp. 184-192.

Table 10: Maori land within inquiry district and Rangitikei county exempted from rating under section 104 of Rating Act 1925, 7 August 1947 and comments made at associated Native Land Court hearings

Block	Area (acres, roods, perches)	Comments made in NLC	Whether alienated /Status in 2015
Motukawa 2E2	36.0.0	High country near Hihitahi. No access. Govt valn £5.10.0	Landlocked. Sold to adjoining farmer in 1951.
Motukawa 2F2	88.0.0	High country near Hihitahi. No access. Govt valn £5.10.0	Landlocked Maori Land. (contiguous to Rangipo Waiu B1)
Aorangi (Awarua)	967.0.0	High block of country. No access only visited by possum trappers.	Landlocked Maori Land.
Oruamatua-Kaimanawa 1S	2053.0.0	Inquiry to be made by NLC as to whether can be disposed of. Noted later that this inquiry had been completed and RCC anxious to have included in exempted lands.	Purchased (privately), 1966.
Oruamatua-Kaimanawa 1U	2390.0.0	Inquiry to be made by NLC as to whether can be disposed of. Noted later that this inquiry had been completed and RCC anxious to have included in exempted lands.	Landlocked Maori land
Oruamatua-Kaimanawa 1V (part)	2960.0.0	Side of Rangitikei River. One-third hill covered with snow, tussock and scrub. High country.	Landlocked Maori land
Oruamatua-Kaimanawa 1X1 (part)	4161.0.0	Part on the side of the range. No road. About 25 miles from nearest road.	Purchased by Koreneff, 1970-1972.
Oruamatua-Kaimanawa 1X2 (part)	6856.2.0	Inquiry to be made by NLC as to whether can be disposed of. Noted later that this inquiry had been completed and RCC anxious to have included in exempted lands.	Purchased by Koreneff, 1970-1972.
Oruamatua-Kaimanawa 2A	2712.2.0	Inquiry to be made by NLC as to whether can be disposed of. Noted later that this inquiry had been completed and RCC anxious to have included in exempted lands.	Taken under Public Works Act for defence purposes in 1961.

Oruamatua-Kaimanawa 2C1	1570.0.0	Unoccupied scrub country	Taken under Public Works Act for defence purposes in 1961.
Oruamatua-Kaimanawa 2C2	1570.0.0	Unoccupied scrub country	Taken under Public Works Act for defence purposes in 1973.
Oruamatua-Kaimanawa 2C3	1571.0.0	Unoccupied scrub country	Purchased by Koreneff, 1970-1972.
Oruamatua-Kaimanawa 2C4	1353.0.0	Unoccupied scrub country	Purchased by Koreneff, 1970-1972.
Owhaoko C3A	1557.0.18	Inquiry to be made by NLC as to whether can be disposed of. Noted later that this inquiry had been completed and RCC anxious to have included in exempted lands.	Sold privately in 1964.
Owhaoko C3B	8823.2.22	Inquiry to be made by NLC as to whether can be disposed of. Noted later that this inquiry had been completed and RCC anxious to have included in exempted lands.	Sold in 1968 but remained Maori Land; Europeanised in 1970.
Owhaoko C7	7319.2.0	Side of Mararoa River. High country, very steep. On boundary of Wellington and Hawkes Bay Provinces.	Maori land.
Owhaoko D2 (part)	6031.3.0	Wind-blown, rocky country	Purchased by Crown in 1973.
Owhaoko D3 (part)	3376.1.20	Wind-blown, rocky country	Landlocked Maori land.
Rangipo-Waiu 2B1B (part)	332.1.8	Wind-blown, scrubby country. Inhospitable	Taken under Public Works Act for defence purposes, 1962.
Rangipo-Waiu 2B1C (part)	498.1.31	Wind-blown, scrubby country. Inhospitable	Taken under Public Works Act for defence purposes, 1962.
Rangipo-Waiu 2B1D (part)	612.0.31	Wind-blown, scrubby country. Inhospitable	Taken under Public Works Act for defence purposes, 1962.
Rangipo-Waiu 2B4 (part)	664.1.15	Wind-blown, scrubby country. Inhospitable	Taken under Public Works Act for defence purposes, 1962.
Awarua 1A3 North (part), later Awarua 1A3C	100.0.0	On the boundary of Hawkes Bay although in Rangitikei County. Never likely to be occupied. Open country.	Landlocked. Sold to Crown in 1965.

Section 3, Block V, Potaka Township	0.1.0	Under tribal occupation as Native Reserve	Maori land.
Section 11, Block V, Potaka Township	0.3.4	Under tribal occupation as Native Reserve	Maori land.
TOTAL	57,604.2.29		

Source: *New Zealand Gazette* No 43, 7 August 1947, p 961; Tokaanu Maori Land Court Minute Book 28, 12 March 1946, pp. 156-158; Maori Land Online, and Fisher and Stirling , Northern Aspect, pp. 169-170 etc.

A pattern was identified by Richard Towers in the East Coast inquiry district whereby sales to the Crown followed on from exemptions. While the Crown did not purchase many of the exempted blocks in the inquiry district, it certainly acquired them but it was compulsorily under the Public Works Act. Indeed seven of the exempted blocks were taken by the Crown under the Public Works Act in the 1960s and 1970s. Of the 23 blocks (exclusive of the township sections) there were two examples of Crown purchases and eight instances of purchases by private individuals, particularly those farming areas contiguous to these blocks. Six of the blocks remain in Maori ownership, most of which are landlocked or have difficulties in terms of access.³⁵⁰

It is significant too that when these blocks were exempted, no warrant was issued by the Native Minister at the same time to write off any of the unpaid rates accumulated prior to the exemption. As discussed in the legislative section, this could have been done under section 34 of the Native Land Amendment and Native Land Claims Adjustment Act 1926. This meant that Maori owners of exempted lands were still liable for these rates and indeed it was the Maori Land Court and RCC's expectation that they would be paid. For instance, in June 1950, the Registrar of the Maori Land Court wrote to the RCC noting that charging orders had been made on various exempted blocks prior to their exemption from rates and that the total amount recorded by the Maori Land Court as owed on five Oruamatua Kaimanawa blocks (1U, 1V, 2A, 2B2 and 2C1) was £92.18.5. The Registrar advised the RCC that leases affecting the blocks were 'determined by re-entry' in 1942 and a small amount of money was still held at the Court on behalf of the Maori owners. Probably because there was some money held by the Court in respect of the Oruamatua Kaimanawa 2B2, this too was included. (This block had not been exempted though was considered for exemption). The Registrar asked if the council was prepared to compromise on the amount to be paid and if so, to

³⁵⁰Towers, pp. 315-316.

provide the amounts that would be accepted in full discharge of the rates owed. After a discussion which did not appear to involve any of the owners, the RCC agreed to accept a compromise in full settlement of the outstanding rates. A cheque was forwarded from the Registrar, using the owner's money, for £68.4.2.³⁵¹ Of these Oruamatua Kaimanawa blocks at least 1U and 1V were landlocked. The following table shows the blocks concerned (including the one non-exempted block), the area, valuation, amount of rates owing as per Maori Land Court records and the amount the RCC accepted. It should be noted that the Maori Land Court figures for 1V cannot have been accurate given that the compromise was larger than the amount it recorded was owed on the block. Also of note is the compromise figure of £8.8.5 for 1U. This is the same amount as an official of the Maori Land Court indicated had been held by the Court since 1942 in respect to the block when he queried whether the amount should be used to reduce outstanding charges or distributed to owners. The letter to the RCC then followed. This could indicate that all remaining monies held in respect to 1U were used to pay the rates.³⁵²

Table 11: Rates paid on exempted Oruamatua Kaimanawa blocks, 1950

Block	Area (acres)	Valuation in 1935	Amount owing (MLC figures)	Compromise (RCC figures)
Oruamatua Kaimanawa 1U	2390.0.0	£295 (no improvements)	£12.5.1	£8.8.5
Oruamatua Kaimanawa 1V	3721.0.0	£710 (including improvements of £165)	£14.6.8	£19.12.0
Oruamatua Kaimanawa 2A	2712.2.0	£300 (no improvements)	£27.4.8	£17.13.2
Oruamatua Kaimanawa 2B2*	3080.0.0	£780 (no improvements)	£31.2.3	£21.9.8
Oruamatua Kaimanawa 2C1	1570.0.0	£170 (no improvements)	£7.19.9	£1.0.11
Total			£92.18.5	£68.4.2

³⁵¹ Registrar, Maori Land Court, Whanganui to Clerk, Rangitikei County Council, 9 June 1950, 3/5053, Oruamatua Kaimanawa 1U block alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 66.

³⁵² Valuation of Oruamatua Kaimanawa Blocks, June 1935, Handwritten note between Maori Land Court officials, 7 June 1950, Registrar, Maori Land Court, Whanganui to Clerk, Rangitikei County Council, 9 June 1950 and 17 August 1950, Rangitikei County Council to Maori Land Court, Whanganui, 3 August 1950, 3/5053, Oruamatua Kaimanawa 1U block alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, pp. 65-68.

*not exempted but considered for exemption

Source: Valuation of Oruamatua Kaimanawa Blocks, June 1935, Handwritten note between Maori Land Court officials, 7 June 1950, Registrar, Maori Land Court, Whanganui to Clerk, Rangitikei County Council, 9 June 1950 and 17 August 1950, Rangitikei County Council to Maori Land Court, Whanganui, 3 August 1950, 3/5053, Oruamatua Kaimanawa 1U block alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, pp. 65-68.

This was not the only example of rates levied prior to an exemption being paid afterwards. In 1963, the Maori Land Court asked the RCC for the amount of rates owing on Owhaoko C3A as it was being sold for £1100. The RCC replied that the land had been exempted from rates in 1947 but £73.5.7 plus £44.7.5 of unsecured rates levied before the exemption were unpaid. This included rates imposed by the HBCC prior to 1920 so about forty years before. The RCC acknowledged receipt of £117.13.0 in respect to unpaid rates on Owhaoko C3A so it is clear that not even a compromise in rates was proposed by the Court or offered by the Council.³⁵³ This meant that the council received 10% of the purchase money on land that had not earned any money for the Maori owners since the last formal lease of the land terminated in 1904 and that the Crown did not want to buy in 1916 as it was considered ‘not suitable for settlement’. In addition, the Department of Lands and Survey received £46.12.2 for survey liens from the purchase money meaning almost 15% of the purchase money never reached the Maori owners.³⁵⁴

In both examples the payment of rates was undertaken on the initiative of Maori Land Court staff and not at the owner’s direction. While the officials were happy to take the initiative in this way, they showed no initiative with utilising legislation that could have written off any unpaid rates accumulated prior to the exemption.

5.20 Maori land considered for exemption

As noted previously, there were ten blocks where exemption was considered, but upon inspection by the RCC, it decided it did not want them to be exempted. It is of interest to examine the nature of these blocks and what happened to them:

³⁵³ Aotea Maori Land Court, Whanganui to Rangitikei County Council, 21 June 1962, 27 November 1963 and 6 December 1963, Rangitikei County Council to Maori Land Court, 27 June 1962, 29 November 1963, 6 and 10 December 1963, Alienation Notice, 1963, RDC 00072: 4: O/9A Maori Land Rating: 13290 026 Owhaoko C3A, Ema Matenga, Claim 71 (277) Rangitikei County Council, 1929 – 1964.

³⁵⁴ Fisher and Stirling, Northern Aspect, pp. 96, 113.

Table 12: Inquiry district blocks considered for exemption in 1946 but not included in final exemption order

Block name	‘Dealings’ and later charging orders	Valuation and improvements between 1939 and 1950	Subsequent status
Oruamatua Kaimanawa 2B1 (3000 acres)	Leased in 1935 to Anderson; lease terminated due to unpaid rent in 1940s	Capital value of £1645 including improvements of £415. Valuation roll still states that is leased to Anderson.	Taken under Public Works Act for defence purposes, 1961.
Oruamatua Kaimanawa 2B2 (3080 acres)	Leased in 1935 to Anderson; lease terminated due to unpaid rent in 1940s	Capital value of £935, no improvements. Not leased.	Taken under Public Works Act for defence purposes, 1961.
Oruamatua Kaimanawa 3A	Leased in 1935 to Anderson; lease terminated due to unpaid rent in 1940s	Capital value of £280; no improvements. Not leased	Taken under Public Works Act for defence purposes, 1961.
Oruamatua Kaimanawa 3C (143 acres)	Further charging orders in 1947 for year ending 31 March 1941 and 1942.	Capital value of £35, no improvements. Not leased.	Taken under Public Works Act for defence purposes, 1961.
Oruamatua Kaimanawa 3D (910 acres 2 roods)	Further charging orders in 1947 for year ending 31 March 1941 and 1942.	Capital value of £645 including £195 of improvements (fencing and grass). Not leased.	Taken under Public Works Act for defence purposes, 1961.
Oruamatua Kaimanawa 3E (2448 acres 2 roods)	Further charging orders in 1947 for year ending 31 March 1941 and 1942.	Capital value of £1365 including £149 of improvements (fencing and grass). Not leased.	Taken under Public Works Act for defence purposes, 1961.
Oruamatua Kaimanawa 3F (1417 acres)	Further charging orders in 1947 for year ending 31 March 1941 and	Capital value of £1215 including £340 of improvements (fencing and grass). Not leased.	Taken under Public Works Act for defence purposes, 1961.

	1942.		
Owhaoko C2 (7254 acres 3 roods)	Further charging orders in 1947 for year ending 31 March 1941 and 1942.	Capital value of £1450, no improvements. Not leased.	Landlocked Maori land. Vested in Tuwharetoa Maori Trust Board in 1970s. Covenant Nga Whenua Rahui Kawenata executed on 19 May 2006 for 25 years for the sum of \$815,130.00.
Owhaoko C4 (1721 acres)	Further charging orders in 1947 for year ending 31 March 1941 and 1942.	Capital value of £645, no improvements. Not leased.	Landlocked Maori land. Vested in Tuwharetoa Maori Trust Board in 1970s. Covenant Nga Whenua Rahui Kawenata executed on 19 May 2006 for 25 years for the sum of \$815,130.00.
Owhaoko Pt D7 & D7A	Further charging orders in 1947 for year ending 31 March 1942.	42,696 acres 1 rood 10 perches in valuation book (Owhaoko D7A and part D7B) valued at £9825 with improvements of £1990 (fencing, grass and 'other' improvements). Owned and occupied by Conrad B Heatley 1/14 th).	Purchased by LH Roberts, 1960.

Sources: Whanganui Minute Book 104, 19 May 1947, pp. 450-456; Maori Land Online, AFHQ 19340 V-WROLLS 42 2/124 Valuation rolls Wellington – Rangitikei County – Erewhon Riding – Roll numbers 1-251, 1939-1950; Fisher and Stirling, Northern Aspect, pp. 112, 157-158, 170.

As can be seen, most of these lands received further charging orders from the RCC. Those of the Oruamatua Kaimanawa blocks with improvements had been leased to Mr Anderson but he was unable to farm the land, pay the rent or the rates and the lease was terminated (see Oruamatua Kaimanawa chapter). The RCC must have thought that the land could be leased again but did not take into consideration the difficulties the lessee had trying to farm the land and the lands lack of legal access. This land was never leased again and much of it subsequently taken under the Public Works Act in 1961. In addition, much of the above land had no improvements on it and again was not ever subsequently leased. It is difficult to know why any of this land, with the exception of Owhaoko Pt D7 & D7A, particularly that with no improvements, was subsequently excluded from the exemption order and the differentiation the RCC made between this land and that is ultimately exempted.

5.21 Exemptions on Crown and European Land, 1950-1955

As discussed previously, Crown and European land were also exempted from rates. (Crown land was exempted where there was no owner or occupier). The following is a list of that exempted from the Erewhon Riding between 1950 and 1955.

European and Maori land:

At least 30 instances of planting worth between £10 and £300 each (the value of the timber was deducted from the rateable value so rates were reduced)

Crown land:

- Pastoral runs utilised by the Army (part pastoral run No 1, parts of pastoral run No 3) of areas of 1671 acres
- Crown land (owned and occupied) section 52, 53 Pukeokahu SD consisting of 1835 acres
- Reserve adjoining pastoral run 23 of 92 acres
- Parts Awarua 1C, 1DA, 1DB1 consisting of 7950 acres – valued at £400
- Part Awarua 2C14A, 2C14B and 2C12A1 consisting of 793 acres (occupied by Crown)
- Schools
- Awarua 2C13M acquired by Crown during lifetime of valuation rolls – 2 acres CV of £70 (impts of £30).
- Oruamatua Kaimanawa 1T – originally non rateable but adjusted when occupied by a farmer in 1954.
- Owhaoko C6 (1936 acres 3 roods valued at £150)
- Timahanga 1 consisting of 2560 acres and valued at £125 (no improvements) which was recorded as being Crown land (it is Maori land) and exempted under section 2(1) of the Rating Act, 1925.

As can be seen much of the Crown land exempted was in close proximity to non-exempted Maori land. For instance the Crown owned Owhaoko C6 blocks were exempted yet the Maori owned C2 and C4 were not (though C3 and C7 were). Similarly, the Crown owned Awarua 1DB1 was exempted yet the adjacent Maori owned Awarua 1DB2 (which was non-revenue producing) was not.

Further research has not established when it was discovered by the RCC and valuation department that Timahanga 1 was actually Maori land.

5.22 Charging orders, late 1940s and 1950s

In October 1946, Mr Fenwicke reported to the Court that the situation with regard to the payment of rates on Maori land had improved since he last attended Court. He said that a lot of the current rates had been paid and that he would ask the Court for the applications for charging orders in this position to be dismissed. Applications for cases where current rates had been paid but previous rates remained unpaid, were, however, to be made. Mr Fenwicke commented that in these cases the Council be 'ready to compromise of these when the time ... [was] ready.'³⁵⁵ He also noted that a receiver had been appointed already for some of the blocks for which applications were made and asked that charging orders also be made in these cases.³⁵⁶ Charging order applications for 75 blocks in the inquiry district were considered of which 11 were dismissed as rates had been paid, and 17 adjourned (some of which were blocks in the process of being exempted). Forty seven charging orders for blocks within the inquiry district were made.³⁵⁷

In May 1947, the RCC was back at the Maori Land Court applying for more charging orders though the amount had begun to decrease. Twenty-four application were for lands in the inquiry district of which four were dismissed as rates had been paid, one adjourned for no specified reason and the sixth, Ohingaiti 6A2 also adjourned as it was 'under development' as it had been included in the Taihape Development Scheme. Of the 18 charging orders made, seven were in respect of those blocks considered for exemption but not included in the final order in council.³⁵⁸

At the same time about 100 applications concerning the nearby Kauangaroa blocks were struck out as arrangements had been made for payment.³⁵⁹

³⁵⁵ Whanganui Minute Book 104, 10 October 1946, pp. 310-332.

³⁵⁶ Ibid.

³⁵⁷ Ibid.

³⁵⁸ Whanganui Minute Book 104, 19 May 1947, pp. 450 – 456; Hearn, *Southern Aspect*, p. 174.

³⁵⁹ Whanganui Minute Book 104, 19 May 1947, pp. 450 – 456

It is clear that at this time the Court actively assisted with the collection of rates by ordering that the Aotea Maori Land Board receive the rent under section 281 of the Native Land Act 1931 at the same time as the Court confirmed a lease. This was so that the Board could pay any outstanding rates or other ‘encumbrances’ from the initial rental monies. For example, charging orders for Awarua 4C15F1G (23 acres 1 rood 14 perches) and Awarua 4C15F1A2B (9 acres 1 rood 06 perches) were made in 1932, 1934, 1936, 1938 and 1940 for unpaid rates for the year ending 31 March 1932 to 31 March 1940. In respect of 4C15F1G the charging orders totalled over £21 and for Awarua 4C15F1A2B they totalled nearly £15.³⁶⁰ In 1947, the court heard an application to confirm a lease of the two blocks from Marama te Wharo and Ngohengohe te Whaaro to farmer Julia Mickleson of Taihape for 21 years from 1 August 1947 at £1 per acre. The Court confirmed the lease and at the same time also ordered that the rent not be paid directly to the owners but straight to the Aotea Board under section 281. This would enable, the Court said, for rating charges and survey liens to be cleared. It also meant that almost all of the first years rent for Awarua 4C15F1G and all of the first years and most of the second years rent for Awarua 4C15F1A2B went to the RCC for rates. (It is not known how long it took for the survey liens to be paid). The Court concluded that when the title was ‘clear the matter of payment direct can be considered.’³⁶¹ It was therefore apparent that rates and survey liens were considered first priority for any revenue produced from the land.

In the same year, a similar order was made when the lease of Awarua 4A3C4B4 for £33 per year (5 acres 3 roods 24 perches) was being confirmed. The Court stated that the rent was also to be paid to the Board under section 281 and that when ‘encumbrances [were] discharged’ the rent could be paid to the lessor. The ‘encumbrances’ included two charging orders dated 17 August 1932 and 17 August 1934 for £5.0.3 and £9.5.11 for unpaid rates for the years ending 31 March 1932, 1933 and 1934 so that about half of the first years rent would have been paid to the RCC.³⁶²

Charging orders instigated by the RCC continued to be made throughout the late 1940s with 22 ordered in December 1947, two in August 1948 and two applications for the appointment

³⁶⁰ Whanganui Minute Book 92, 3 September 1930, pp. 57-71; Whanganui Minute Book 94, 17 August 1932, pp. 190-206; Whanganui Minute Book 96, 17 August 1934, pp. 60-77; Whanganui Minute Book 98, 16 December 1936, pp. 86-100; Whanganui Minute Book 99, 15 November 1938, pp. 286-303; Whanganui Minute Book 101, 21 August 1940, pp. 68-106

³⁶¹ Whanganui Minute Book 104, 21 August 1947, pp. 524, 526.

³⁶² Whanganui Minute Book 104, 21 August 1947, pp. 528-529; Whanganui Minutes Book 96, 17 August 1934, pp. 60-77.

of receiver adjourned. These were in respect of Awarua 4C15F1A2D and Awarua 4C15F1A1.³⁶³

In November 1950, 50 charging orders were applied for by the RCC of which 36 were in the inquiry district. The Court made charging orders for 23 of them in respect of unpaid rates for the years ending 31 March 1949 and 1950. Twelve were for Taraketi blocks. Three applications were dismissed - the landlocked Awarua 1DB2 (rates had been paid), Awarua 2C12C1 (where the rates had also been paid) and a section in the Ohingaiti township which was no longer Maori land.³⁶⁴ One of the Taraketi blocks was Taraketi 1E2. It had no previous charging orders but was another example of Maori land being leased to ensure rates were paid. This first charging order for the almost 50 acre block was for unpaid rates of £28.18.11. Further charging orders were made in December 1952 and February 1955, for unpaid rates from 1 April 1950 to 31 March 1954 for £46.1.5 and £53.5.0 respectively. In 1954, the block was leased by the Hunia whanau to JG Meads for 21 years originally for £1 per acre (£49.5.0 per annum). At the hearing where the lease was confirmed by the Maori Land Court, Mr H Ruru, for the lessee, said that the land has not been leased for a long time but been grazed by adjoining Maori owners. Also, that the owners were very scattered with three living in Hawke's Bay and the fourth in Auckland. He stated that 'heavy rates' were owed on the block and that this was 'the reason why the owners are leasing – to provide a fund to clear the rates and to ensure they are paid in future'. He advised that the lessee had met with the owners since the lease was executed and agreed to pay £2 per acre which was equal to £98.10.0. per annum for the whole block and equivalent to 5% of the capital valuation of £1920 (improvements of £1040). The lease was confirmed subject to an increase in rent to £2 per acre and rent paid to Maori Trustee (who would presumably pay the rates) plus 6% commission. All of the first year's rental monies and some of the second would have been paid to the RCC for rates. JG Meads subsequently leased other Taraketi blocks where rates were owed.³⁶⁵ Taraketi 1E2 is also an example of Maori land in the inquiry district that was leased for a significant period of time (26 years) and later sold. Hearn records that Rakera Potaka sold the block to Rangitikei Farm Produce Ltd in December 1980 for \$37,500.³⁶⁶

³⁶³ Whanganui Minute book 105, 9 August 1948, pp. 221-222.

³⁶⁴ Whanganui Minute Book 107, 17 November 1950, pp. 80 – 90.

³⁶⁵ Whanganui Minute Book 112, 9 July 1954, pp. 48-50.

³⁶⁶ Hearn, *Southern Aspect*, p. 193.

In 1952, 17 charging orders were made in respect of land in the inquiry district (one application was adjourned and five applications dismissed as the rates had been paid).³⁶⁷ A similar number were ordered in December 1952 with others adjourned so that it could be determined whether there were lessees liable or not.³⁶⁸ Two years later, 12 charging orders were made and several applications adjourned. The county clerk noted in respect to those adjourned that the council was endeavouring to get lessees to pay in certain instances.³⁶⁹

The following year the RCC applied for charging orders in respect of ten inquiry district blocks. Several applications demonstrated the difficulties associated with lessees who did not pay their rates. Following a charging order in 1928, part of Motukawa 2B17A (258 acres 1 rood 24 perches) was leased for 21 years in 1929 (the whole block was 775 acres in total). A further charging order was made for unpaid rates between 1938 and 1940. In 1952, an application for a charging order of £135.18.10 was adjourned so that the Council could pursue the lessee for rates and again adjourned at the beginning of 1954 for the same reason. In 1955, however, a charging order was made in respect of unpaid rates for the year ending 31 March 1951 and 31 March 1952 totalling £135.18.10 plus 20/- costs. An additional charging order was made for the year ending 31 March 1953 for £69.1.6 plus 20/- costs. Mr Roderick McKenzie, the assistant county clerk noted that the Court had asked the council to collect the rates arrears from the lessees but that the account was referred to the council solicitors who then reported that they had been unable to obtain payment. The imposition of the charging order meant that the Maori owners were then liable for these rates and not the lessees. Perhaps it was not a coincidence that part of Motukawa 2B17A (258 acres 1 rood 24 perches or about 1/3rd of the block) was then sold to Hira Wharawhara in 1956. Presumably the rates debt was paid out from the purchase money at this point. There is no record of any further charging orders and the 775 acres remains Maori land.³⁷⁰

With respect to Ohingaiti 6A2, it was explained that the land had been leased but that the lessee had disappeared and was now bankrupt. A charging order was duly granted for £81.7.11 plus 20/- costs for unpaid rates for the years ending 31 March 1953 and 31 March

³⁶⁷ Whanganui Minute Book 108, 22 November 1951, pp. 20-27

³⁶⁸ Whanganui Minute Book, December, 1952.

³⁶⁹ Whanganui Minute Book 111, 29 January 1954, pp. 76-81.

³⁷⁰ Whanganui Minute Book 113, 2 February 1955, pp. 246-251; Subasic and Stirling, *Central Aspect*, p. 61; Alienation notice, Motukawa 2B17A, WH 592 volume 12, Taihape Inquiry District Maori Land Court Document Bank, volume 3, p. 773.

1954. Again the owners became liable for the rates that should have been paid by the lessee. Likewise for Taraketi 1G1 where Mr McKenzie advised that a previous application had been adjourned so that the Council could try to collect from the lessee. The account was also handed to the council's solicitors who reported that they could not obtain payment. A charging order was therefore made for the years ending 31 March 1952 and 1953 for £4.6.4 + 3/- costs.³⁷¹

In 1956 a further eight charging orders were made and some applications adjourned. The decrease in charging orders continued during the latter part of the 1950s (in 1957 there were two, in 1958 there were four (two of which were for blocks where a receiver had been appointed) and in 1960 there were none). This meant that there were no longer pages of charging orders in the Court minute books with no discussion about the blocks the charging orders were affecting. This may well have come about because of a change in attitude of the Court. This is reflected in its decision concerning the adjournment of an application for a charging order in respect to Taraketi 1G1 where there had been difficulties securing the rates over a number of years. The RCC representative told the Court that the county rating roll showed an occupier (and presumably that this was sufficient reason for a charging order to be made). In response Court noted that:

... the County Clerk says that the County Solicitors advise that it is impossible for them to collect, and thus action would probably be fruitless. The C[our]t must emphasise that Sec 67 of Rating Act says an occupier is primarily liable. This being so the Court proposes to adjourn the cases ... until the officers of the local body can come back to give evidence. Judgement has been obtained and further proceedings taken upon same, all of which are fruitless. When this position arises, the Court will make charging orders.³⁷²

The Court seemed to be suggesting that it would make charging orders after other avenues were pursued instead of what previously appeared to be the automatic ordering of charging orders on the basis that the county clerk had advised that he had levied the rates correctly and they remained unpaid. One such avenue was the further utilisation by the RCC of their solicitors for the collection of rates who had been used to varying degrees since the beginning

³⁷¹ Whanganui Minute Book 113, 2 February 1955, pp. 246-251.

³⁷² Whanganui Minute Book 115, 3 February 1956, pp. 384-386.

of the century. One such example was recorded in January 1958 in respect to Awarua 2C12C3B (2.2 ha) whereby the application for a charging order was adjourned by the Court and the account handed to county solicitors for collection by them. This followed an inspection of the block by the council where an occupier was identified. By the July it was reported that the rates had been paid and the application for the charging order withdrawn.³⁷³

The reduction in charging orders also occurred at the same time that the clerk of the RCC reported that the council had received almost 94% of the rates it had levied on Maori land (though the chairman reported that it was 86%). This was for the 1952/1953 financial year. Regardless of the discrepancy in percentages, it was a marked increase from the 52% collected in 1942/1943. When advising a correspondent of this in 1953, the county clerk noted that 'it was very good really' but expressed reservations over some Maori taking over leases from Europeans due to 'prosperous times'. He said that he expected 'trouble later on', that is, that the amount of rates collected would be reduced because of this. In fact the percentage reported by the chairman for 1954/1955 was 90% - which was an increase in the percentage he gave in 1952/1953 and in 1958/1959 there was a further increase to 93.5%.³⁷⁴

The other means of ensuring payment that the RCC pursued were receivership orders.

5.23 Receivership orders, late 1950s and late 1960s

There was a ten year gap between the first batch of receivership orders instigated by the RCC between 1945 and 1947 and those issued in 1957. The first orders for 1957 concerned land where the Aotea Board had been appointed receiver in 1948 but rates arrears continued as leasing arrangements fell through. This time the Maori Trustee was appointed receiver in respect of the Taraketī 1G blocks. All the 1G blocks were leased by the Maori Trustee in

³⁷³ Whanganui Minute Book 118, 22 January 1958, pp. 566-573; Whanganui Minute Book 120, 30 July 1958, pp. 37 – 41.

³⁷⁴ Chairman's reports after 1959 did not differentiate between European and Maori rates. Annual report by the County Chairman, KW Dalrymple, 3 June 1943, Annual report by the County Chairman, V Smith, 5 May 1955, Annual report by the County Chairman, JRL Hammond, 31 March 1959; RDC 00065: 29: R/1/5 Reports Chairman Rangitikei County Council, 1943 – 1969; SW Document Bank, volume 5, pp. 194-213. County Clerk, Rangitikei County Council to G Brownlee-Smith, 10 August 1953, RDC 00069: 28: 2 Rating: Valuations and Administration 1953-1985, Rangitikei County Council, 1953 – 1985, Archives Central, Feilding. SW Document Bank, volume 5, pp. 215-227.

1957 and 1959 and there is more information on these blocks in table 9. (They are not noted in the following table.)³⁷⁵

In early August the RCC applied for the appointment of a receiver in respect Awarua 2C13C2 said by the RCC for the purpose of ‘enforcing a charge’. Mr Boyes for the RCC said that there were charging orders relating to rates owed since 1936 amounting to £69.16.8 apportioned as £8.1.3 for 2C13C2A valued a £25 and £61.10.5 for Awarua 2C13C2B valued at £185. Mr Boyes said that as far as he knew the land was occupied by Maori owners and he was pursuing one particular person. The orders were made in each case appointing the Maori Trustee as receiver under section 33 for the purpose of enforcing the charge of the apportioned amounts against the respective blocks.³⁷⁶

On the same day there was an application for the appointment of a receiver for Awarua 2C13D. Mr Boyes explained that the main owner lived at Ratana, that he had been advised of the fixture and that the Council would accept payment of one half of amount owed (£130.3.0) on the almost 5 acre block as well as payments spread out over three years. As no reply had been received a receivership order was requested. When the Court found that there was a house on the land and that the RCC proposed including the house in the receivership order as the council considered the person occupying the house should help defray the amount due, the Judge commented:

It would seem that a local body should not allow rate charging orders to mount up until the amount thereof becomes a substantial proportion of value of the land. Receivership in such cases could be a means of dispossessing and evicting the resident owners who are on the land. The Court will stand down this case to consider the position. It may involve sending a Welfare Officer to Moawhango where this land lies to consider the position . To stand down accordingly.³⁷⁷

Ten of the fourteen blocks on which receivership orders were made were very small (ten were less than ten acres and of these, two were less than 1 acre in size). They also had outstanding charges against them though in most cases, current rates were being paid. The

³⁷⁵ Whanganui Minute Book 118, 28 May 1957, pp. 328-329.

³⁷⁶ Whanganui Minute Book 118, 2 August 1957, pp. 441-446.

³⁷⁷ Ibid.

receivership orders were therefore to secure payment in respect to previous charging orders. All the rates were paid in respect to these blocks and the receivership orders were all discharged within several years.

After the 14 receivership orders were made in the late 1950s, no receivership orders and few charging orders were recorded in the Whanganui Minute Book again until 1968. This hiatus in receivership orders could well have been due to the RCC being told in 1958 that the Trustee would not accept receivership orders unless all avenues regarding ownership and occupation had been explored ‘and where there appears to be no other authority who would be in a better position than the Maori Trustee to obtain revenue from the land’. It was noted by the District Officer at Whanganui that when asked by a county council (quite possibly the RCC though not explicitly described) to accept a receivership, that the county council was informed ‘that they should apply for receivership themselves’.³⁷⁸

The Maori Trustee had in fact pointed out that he did not wish to have the role of ‘rate collector’ back in 1955. District Officers of the Department of Maori Affairs were advised that the trustee would no longer accept receivership to enforce rates charging orders. The Maori Trustee said that he was not always the most appropriate person to be appointed receiver:

District Officers are authorised to give consent to the Maori Trustee’s appointment as receiver, but the consent should not be granted save in the circumstances that there is a substantial amount involved; that all proper efforts to collect the amount have been made and have failed; and that the collection of the amount is a virtual impossibility otherwise than through the intervention of the Maori Trustee.³⁷⁹

On 8 February 1968 charging orders were made for the following five blocks for the period 1 April 1966 to 31 March 1967. None of the blocks had charging orders made against them previously:

³⁷⁸ District Officer Whanganui to Head Office, Maori Trustee, 8 September 1958, MA 1 764 54/21 part 1 Maori Trustee – Receivership rate charging orders, 1952-1959, Te Tumu Paeroa, Office of the Maori Trustee, Wellington. SW Document Bank, volume 2, p. 114.

³⁷⁹ Maori Trustee, Department of Maori Affairs to District Officers, Department of Maori Affairs, 10 May 1955, MA 1 764 54/21 part 1 Maori Trustee – Receivership rate charging orders, 1952-1959, Office of the Maori Trustee, Wellington. SW Document Bank, volume 2, p. 113.

- Awarua 3B2C1 Pt, 1966-1967 \$131.48 + costs \$1
- Awarua 3B2C3B 1966-1967 \$71.29 + costs \$1
- Awarua 4C8A1 1966-1967 \$281.18 + costs \$1
- Awarua 4C8A2 1966-1967 \$25.35 + costs \$1
- Awarua 4C8B 1966-1967 \$221.79 + costs \$1³⁸⁰

By the August, the RCC had applied for receivership orders for all of the blocks. The minutes of the hearing, however, seem to indicate that a receivership was ordered for Awarua 4C8A1 only as the Maori Trustee already acted for the owners of the other blocks and it was said that he might be able to 'protect' the council for the charges. In respect to Awarua 4C8A1, 214 acres 3 roods 34 perches out of 429 acres 3 roods 28 perches had been leased to Ngahina Edmonstone Haddon and Mick Reupena Haddon for 21 years from 3 August 1958 at £131.5.0 per annum and 5% of CV after 10 years. The block was, however, declared European land in June 1968, just months after the charging orders and prior to the appointment of the Maori Trustee as receiver in respect to the block. It was a similar situation for Awarua 4C8B (429 acres 3 roods 27 perches) which had also been leased to Ngahina Edmonstone for 10 years from February 1958 and declared European land in June 1968.³⁸¹ As both Awarua 4C8A1 and 4C8B were 'Europeanised' in June 1968 it is unclear what the impact the charging orders or involvement of the Maori Trustee had and whether or not another lessee was found and/or the blocks sold.

Unfortunately the Maori Land Court block order files give no information on the Awarua 3B2C blocks. Awarua 3B2C3B is still in Maori ownership while just a small portion of Awarua 3B2C1 (.4046 ha) remains in Maori ownership.

In respect to Awarua 4C8A2 (85 acres 3 roods 38 perches), the memorial schedule for the block shows that the block had also been leased to Ngahina Edmonstone Haddon and Mick Reupena Haddon for 21 years from 22 March 1948 for £30 per annum. Several months after the August hearing, the lease was 're-entered' by the Maori Trustee. The block was then leased to GB McLeod for 21 years from 11 April 1969 at \$100 per annum. Ten years later, in 1979, the land was sold to the lessee GB McLeod pursuant to a right of purchase clause in the

³⁸⁰ Whanganui Minute Book 132, 8 February 1968, p. 107.

³⁸¹ Memorial Schedule, Awarua 4C8A1 and 4C8B, Wn 600 volume 7, Taihape Inquiry District Maori Land Court Document Bank, volume 2, pp, 51, 54.

lease in 1979 for \$6950.³⁸² It would seem then that even in the later part of the nineteenth century, the pattern of a sale following a lease preceded by a charging order for rates continued to occur.

Also in 1968, the RCC was appointed receiver in respect to Awarua 2C15B2. This is discussed at length in the next section. The following table summarises blocks on which receivership orders were made between 1957 and 1968.

Table 13: Blocks in inquiry district where Maori Trustee appointed receiver under section 108 of Rating Act 1925 and section 44 of Maori Affairs Act, 1953, 1957-1968

Block name	Area (acres and hectares)	Date of appointment of receiver	Why was the receiver appointed?/What happened to the land?	Status today
Awarua 2C13C2A	.6 acre .2352 ha	MT: 2 Aug 1957	Rates not paid since 1936; believed by RCC to be occupied by Maori owners. Receiver appointed to enforce charging order of £8.6.3. RCC paid by Ongley (solicitor) on behalf of owners. Receivership cancelled in Oct 1958 as 'purpose ... achieved without the need to alienate land'.	Maori land
Awarua 2C13C2B	3.3 acres 1.3329 ha	MT: 2 Aug 1957	Rates not paid since 1936; believed by RCC to be occupied by Maori owners. Rates paid and receivership cancelled in 1959.	Maori land
Awarua 2C13D	4 acres 3 roods 25.2 perches	Adjourned 2 & 16 Aug 1957; MT: 30 July 1958	Court concerned that house on land should be excluded from order; large amount of rates owed - £130.3.7. Adjourned until RCC reduced amount owed to £68. Receivership appointed to enforce this amount. Receivership cancelled in 1959 as rates paid.	Maori land
Awarua 2C13J4	1 acre	MT: 22 Jan 1958	Occupied and current rates being paid; charging order for £6.9.0 unpaid. Receiver appointed in respect to this amount. Occupier paid £6.9.0 to MT who paid it to RCC. Occupier advised to contact sole owner to obtain lease. MT discharged as receiver on 14 Oct 1959.	European- ised 1968. General land.
Awarua	2 roods 20	MT: 22 Jan	Current and old rates not being paid by	Maori

³⁸² Memorial Schedule, Awarua 4C8A2, Wn 600 volume 5A, Taihape Inquiry District Maori Land Court Document Bank, volume 2, p. 23; Whanganui Minute Book 132, 6 August 1968, p. 370.

2C13J5	perches .258 ha	1958	owner/occupier (who lived there). Receivership in respect to £29.9.5. Rates paid (compromise reached of £25) and receivership cancelled in Feb 1959.	land
Awarua 3C13J6	1 rood 24 perches	MT: 16 Aug 1957	Cottage on block. RCC believed that occupier had not paid rates during 9 year occupancy. RCC advised that rating has been changed to unimproved value and was about 10/- per acre as against about £3 per annum when on capital value. Action would be taken against occupier in Magistrates Court for current rates. Receivership orders made in respect of charging orders and costs total £34.0.8. Occupier paid £74 as found to have lived there since 1943. Receivership cancelled Feb 1961.	Maori land
Awarua 2C15B2	3 acres	RCC: 1968.	Periodic unpaid rates; noxious weeds charge; compulsorily sold by RCC, 1970. Owners received no payment for land.	European land.
Awarua 4C15F1A2D	3.3538ha 8.2 acres	MT: 2 August 1957	Land leased and current rates paid at time of receivership; outstanding charging orders of £20.11.3. Receiver appointed to enforce payment of rate charges. Rates paid. Receivership cancelled Feb 1962.	Maori land
Awarua 4C15F1A2E	3.7609 ha 9.3 acres	Adjourned 22 Jan 1958. MT: 30 July 1958	Charging orders of £59.5.0 owed since 1933. Court concerned that RCC allowed rates to accumulate over such a long period of time so adjourned application for receivership. RCC offered to reduce amount to £29.12.6 and receivership order made in respect of this amount. No details located on payment and discharge of receivership.	Maori land
Awarua 4C15F1A2F	.5235 ha 1.3 acres	MT: late 1950s	Receivership details unknown. Receivership cancelled 16 Oct 1961 after payment by occupier who was also an owner.	Maori land
Awarua 4C15F1D	9.4444 ha 23.3 acres	Adjourned 16 August 1957. MT: 30 July 1958	Charging orders made over long period of time that had not been paid. Adjourned initial application for receivership. Later, RCC offered to reduce amount to £28.5.0 so receivership order made in respect of this amount. Receivership cancelled 16 Oct 1961 after payment by occupier who was also an owner.	Maori land
Awarua	9.4444 ha	MT: 2 Aug	Land informally leased. Current rates being paid at	Maori

4C15F1E	23.3 acres	1957	time of receivership; outstanding charging orders of £53.10.11. Receiver appointed to enforce payment of rate charges. Rates paid by occupier and receivership cancelled in Feb 1962.	land
Awarua 4C 8A2	85 acres 3 roods 38 perches.	MT: 6 Aug 1968	Leased to Ngahina Edmonstone Haddon and Mick Reupena Haddon for 21 years from 22 March 1948 at £30 per annum. Lease 're-entered' by MT on 16 Oct 1968. Leased to GB McLeod for 21 years from 11 April 1969 at \$100 per annum. Pt XXIII transferred to GB McLeod pursuant to right of purchase clause in lease in 1979 for \$6950.	General land.
Motukawa 2B10B1	44 acres 12 perches	MT: 2 August 1957	Leased and rates paid since 1950. Receivership ordered to pay off old charging orders of £60.15.4. Agreement reached with RCC and owners that owners to pay off half that owed at £5 per month. Also paid MT £5.5.0. Receivership discharged 2 July 1961.	Sold in 1973. General land.
Motukawa 2C16B1A	4 acres 2 roods 17 perches	MT: 2 Aug 1957.	Leased and current rates being paid; one owner, outstanding charging orders of £22.10.4. MT appointed to 'enforce payment of charges'. Rates paid and receivership discharged in 1959.	European- ised 1968. General land.
Motukawa 2B16B2A	38 acres 2 roods aprox	MT: 2 Aug 1957.	Current rates being paid; outstanding charging orders of £180.17.7. RCC admitted that had allowed charging orders to accumulate. MT proposed to lease block to Hinepoto Salmon, one of the owners for 21 years from 1 Oct 1956 for £25.19.9 per annum. Lessee was 'dependent on ... block to supplement an adjoining block already farmed by her' Court agreed. Application to discharge receivership adjourned in 1964. Receivership discharged in 1978.	General land

Sources: Whanganui Minute Book 118, 2 August 1957, pp. 441-446, 16 August 1957, pp. 526-527, 22 January 1958, pp. 566-573; Whanganui Minute Book 119, 18 July 1958, pp. 380-381; Whanganui Minute Book 120, 30 July 1958, pp. 39-40, 8 October 1958, p. 236; Whanganui Minute Book 121, 30 January 1959, p. 117 and 11 February 1959, p. 231; Whanganui Minute Book 122, 23 June 1959, p. 109; 14 October 1959, p. 250.; Whanganui Minute Book 123, 4 May 1969, pp. 159-160, Whanganui Minute Book 124, 14 February 1961, p. 307; Whanganui Minute Book 125, 2 July 1961, pp. 110-111, 16 October 1961, pp. 286-288; Whanganui Minute Book 126, 9 February 1962, p. 23; Whanganui Minute Book 132, 8 February 1968, p. 107. Tokaanu Minute Book 59, 2 March 1978, p. 27; Memorial Schedule Motukawa 2B16A, WH 592, volume 10, Taihape

Inquiry District Maori Land Court document bank, volume 3, p. 704; Subasic and Stirling, Central Aspect, pp. 55-56, 156-157; Maori Land Online; accessed 26 April 2015.

No further details relating to charging orders and receivership orders have been located in the Maori Land Court block order files which usually contain such details. In addition, Whanganui Maori Land Court Minute Books have been checked until 1974 and no reference was found here either to any such orders. It seems likely that in the main, the RCC instead pursued any unpaid rates through their solicitors.

5.24 Awarua 2C15B2, sold for non-payment of rates and noxious weeds debt, 1970

Introduction:

The three acre Awarua 2C15B2 block located near Moawhango is unusual in the inquiry district as early charging orders did not result in the land being leased until almost twenty years later nor was the Maori Trustee appointed as receiver to make arrangements for rates to be paid or to be leased. It was instead vested in the RCC to be sold. It also did not just involve unpaid rates, which were minimal, but a large noxious weeds clearance charge imposed by the RCC when the council decided to clear the weeds on the block.

The owners:

A partition order of May 1912 awarded the 6 acre Awarua 2C15B block to Wire Hiraka Pine and Hera Te Huiarei Pine equally. The interests of Wire Hiraka Pine were succeeded to by Tuwharetoa Rakei Poho Pine in 1948. On 9 April 1948, Awarua 2C15B was partitioned into two portions of 3 acres each. Hera Te Huiare Pine was awarded Awarua 2C15B1 and Tuwharetoa Rakei Poho Pine awarded Awarua 2C15B2. Both owners were present at the hearing. The RCC was notified of this. In July 1954, the interests of Tuwharetoa Rakei Poho Pine were succeeded to by his ten children equally. At least three of the children were minors who did not turn 21 until 1964, 1965 and 1968.³⁸³ At the succession hearing in 1954, the minutes record that as the Maori Trustee had ‘declined to purchase’ and that a vesting order

³⁸³ Whanganui Minute Book 105, 9 April 1948, p. 142; Particulars of title, Awarua 2C15B2, circa 1960s, 23/602, Awarua 2C15B correspondence file, Aotea Maori Land Court, Whanganui; SW Document Bank, volume 2, p. 44; Rangitikei County Council to Valuation Department, 28 November 1951, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1 and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, p. 54.

was made in favour of those entitled. In addition, trustee orders (presumably for the minors) were made as requested. Nothing further about the land being offered to the Maori Trustee for sale has been located though it might refer to the process whereby the Maori Trustee was offered uneconomic shares during the hearing of succession applications.³⁸⁴

Valuation:

Between 1927 and 1939 the six acres of Awarua 2C15B2 was valued at £70 with £10 in improvements consisting of clearing and grassing. The owner/occupier was named as Hera te Huiarei Pine with the name Wire Hiraka Pine also added. There was no address in the valuation roll. Between 1939 and 1950 the six acres was valued at £100, again with improvements of £10 consisting of clearing and grassing. The owners/occupiers were again given as Wire Hiraka Pine and Hera Te Huiarei Pine ‘and others’ of Moawhango, Taihape. Between 1950 and 1955 Awarua 2C15B had been separated in the valuation roll with Frank Watson (the lessee) being listed as both owner and occupier for part Awarua 2C15B (2C15B2) consisting of three acres. The three acres were valued at £47 which included £7 of improvements. The owner and occupier for Awarua 2C15B1 was given as Kataraina Halbert whose three acres was valued at £48 (£8 improvements).³⁸⁵ This would indicate that up to the late 1940s/early 1950s few improvements had been made on the land.

Rates:

Lack of improvements or development of the land did not of course prevent the land from being rated and payment of these rates was obviously an issue for the owners. Between 1918 and 1923, liens under section 14 of the Rating Amendment Act 1913 were registered against the block for £1.1.0 and £1.2.8 respectively. Between 1930 and 1950, ten charging orders for unpaid rates for the years ending 31 March 1929, 1930, 1932 to 1942, 1944, 1945, 1947, 1949 and 1950 were issued in 1930, 1932, 1934, 1936, 1938, 1940, 1945, 1946, 1947 and 1950 for the amounts of £1.4.6; £0.9.11; £0.19.3; £0.16.8; £1.4.11; £1.12.0, £1.16.5 £2.9.0,

³⁸⁴ Whanganui Minute Book 112, 20 July 1954, p. 136.

³⁸⁵ AFHQ 19340 V-WRolls 4 2/124 Valuation rolls Wellington – Rangitikei County – Erewhon Riding – roll numbers 1-250, 1927-1939, Archives New Zealand, Wellington; AFHQ 19340 V-WROLLS 42 2/124 Valuation Rolls Wellington – Rangitikei County – Erewhon Riding – Roll numbers 1-257, 1950-1955, Archives New Zealand, Wellington.

£1.4.6, and £2.17.10 respectively.³⁸⁶ RCC applications for charging orders from the 1940s correctly recorded that the owners were Wire Hiraka Pine and Hera te Huiarei Pine though this changed to the 'estate of Wire Hiraka Pine and Hera te Huiarei Pine' in 1949.

On 12 September 1947, the Registrar of the Maori Land Court sent the RCC £12 from Ngapera Pine in settlement of rates in respect of Awarua 2C13J4, 2C13J5 and 2C15B2.³⁸⁷ In October 1947, the RCC declared that the amount of £5.14.2 for rates owed on Awarua 2C15B2 had been discharged in respect to the interests of Ngapera Pine (not a named owner but presumably part of the same whanau). This was not, however, the full amount owed.³⁸⁸

In December 1950, the RCC asked the Maori Land Court whether it was true that Rangi Halbert had built a house on Awarua 2C15B and if Frank L Watson had a sawmill on the balance of the land. The RCC said that as rates had not been paid for a number of years that it wished to be advised as to the approximate area being occupied by these two people.³⁸⁹

When the Maori Land Court replied in the affirmative the RCC wrote to the aforementioned Mr Watson stating that the Court had confirmed he was occupying Awarua 2C15B2 and that rates were owed from 1 April 1946 to 31 March 1950 for £3.13.2. (A similar letter was sent to Mr Halbert in respect to Awarua 2C15B1). An application for a charging order made in 1951 by the RCC had the occupiers as Mr Watson and Mr Halbert which also noted the ownership had changed in 1948 following the partition of the land.³⁹⁰

³⁸⁶ Liens 1918 and 192; Rates charging orders, 1930, 1932, 1934, 1936, 1938, 1940, 1945, 1946, 1947 and 1950, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1and2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding; SW Document Bank, volume 5, pp. 20-22; 24, 26, 28, 30,-33, 35, 39, 41.

³⁸⁷ Registrar, Aotea Maori Land Court to RCC, 12 September 1947, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1and2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, p. 37.

³⁸⁸ Rangitikei County Council declaration in respect of Awarua 2C15B, 8 October 1947, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1and2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, 56.

³⁸⁹ Rangitikei County Council to Registrar, Department of Maori Affairs, Whanganui, 12 December 1950, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1and2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, p. 43.

³⁹⁰ Rangitikei County Council to F Watson, Moawhango, 21 December 1950, RDC 00072: 1: A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1and2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, p. 44.

In December 1951, the Registrar of the Maori Land Court wrote to the RCC asking for confirmation as to the amount of unpaid rates on Awarua 2C15B2 which the Court said was being leased to Mr Watson for a term of six years from 14 June 1948. The Court noted that Mr Watson, as occupier, was liable for the rates from then. The RCC replied giving details of rates owed from 1 April 1914 to 31 March 1918, 1 April 1928 to 31 March 1930, 1 April 1932 to 31 March 1942, 1 April 1943 to 31 March 1951. The RCC also reported that rates totalling £17.15.11 had been paid leaving £10.1.8 owed on Awarua 2C15B2 of which half owed from 1 April 1948 was due from Mr Watson. The Maori Land Court duly sent £5.10.0 to the RCC in respect of unpaid rates between 1 April 1928 and 31 March 1947 which presumably was paid out of the rental monies (£3.15.0 per annum). A partial discharge of liens on the block was declared by the RCC early in 1952. A full discharge of an undated lien of £3 was declared satisfied in 1954.³⁹¹ This would indicate that the rates were all paid up at this point in time.

In 1955, the RCC told the Maori Land Court it had heard that Mr Watson was no longer in occupation of Awarua 2C15B2 and that Tamati Kaitangi Pine and Tutahau Pine of Moawhango were occupying the land. (These were presumably the Tamakaitangi Pine and Tuteakau Pine recorded in the Maori Land Court's particulars of title circa 1967 being two of the ten successors to the interests of Tuwharetoa Rakei Poho Pine)). The county clerk asked the Maori Land Court for confirmation of this. The Registrar of the Maori Land Court replied that he did know who was in occupation of the block and incorrectly stated that the owner was Tuwharetoa Rake Poho Pine (whose interests had been succeeded to by his ten children the year before).³⁹²

On the strength of this (incorrect) advice regarding ownership, the RCC wrote to Tuwharetoa Rakei Poho Pine in May 1958 asking him for rates (which totalled over six pounds) and that if they were not paid then the matter would be referred to the county solicitors. The following month, the RCC wrote to Tamati Pine stating that it was understood that he was occupying

³⁹¹ Rangitikei County Council to Maori Land Court, 19 December 1951; Maori Land Court to Rangitikei County Council, 21 December 1951; Partial discharge and full discharge of rates by Rangitikei County Council, 14 February 1952 and 11 February 1954, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1 and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, pp. 45, 52, 57-58.

³⁹² Rangitikei County Council to Maori Land Court, 14 December 1955 and Maori Land Court to Rangitikei County Council, 20 December 1955 RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1 and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, pp. 67-68.

2C15B2 and that two years rates of £3.1.3 were owed. The RCC again asked for it to be paid otherwise the matter would be referred to its solicitors.³⁹³

Five months later the RCC applied for a charging order which gave the name of the occupier and owner as Tuwharetoa Rake Poho Pine.³⁹⁴ It was explained at the hearing where the application was considered by the Maori Land Court that the block was ‘a small section at Moawhango’, that notices had been served on the owners and nothing paid. A rates charging order was issued over the block on 23 October 1958 for the sum of £3.1.3. The period of non-payment of rates was 1 April 1956 to 31 March 1958.³⁹⁵

In February 1961, the county clerk of the RCC wrote to Rakauhuneke (Bob) Pine ‘and others’ at Moawhango advising them that as he and his brothers had succeeded to the interests of their father in Awarua 2C15B2 they were liable for rates from 1960-1961, 1961-1962 and 1962-1962 for a total of £4.4.10.³⁹⁶ Another letter followed in June 1961. This time the RCC wrote to ‘Tuwharetoa Pine c/- Tamati Kaitanga Pine’ at Moawhango requesting payment of £7.18.4 owed in rates on Awarua 2C15B2 from 1 April 1956 to 31 March 1961. The RCC stated that the matter would be referred to the county solicitors if it was not paid.³⁹⁷ On 1 November of the same year the RCC acknowledged receipt of £7 for rates received via the noxious weeds inspector, Mr Robinson. The acknowledgement letter was addressed to Mrs Tuwharetoa Pine at Moawhango who was advised that a total of £2.7.7 was still owed being the rates for 1 April 1961 to 31 March 1962 (£1.9.3) and the outstanding amount from the previous years (18/4). The letter was unclaimed. A year later another letter was sent to ‘Mrs Tuwharetoa Pine’ at the Post Office in Taihape stating that £2.10.6 was owed and that it was intended to take further action regarding all outstanding amounts. The

³⁹³ Rangitikei County Council to Tuwharetoa Rakei Poho Pine, 29 May 1958, Rangitikei County Council to Tamati Pine, 3 June 1958, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1 and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, pp. 69-70.

³⁹⁴ Rangitikei County Council to Registrar, Maori Land Court, 15 July 1958, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1 and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, p. 73.

³⁹⁵ Whanganui Minute Book 120, 23 October 1958, pp. 346-347.

³⁹⁶ Rangitikei County Council to Rakauhuneke (Bob) Pine, Moawhango, 21 February 1963, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1 and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, p. 100.

³⁹⁷ Rangitikei County Council to Tuwharetoa Pine, 27 June 1961, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1 and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, p. 78.

RCC said unless the amount was received by 7 December 1962 the matter would be referred to the county solicitors for legal action.³⁹⁸

Just over a year later, the RCC advised the county solicitors of the address of Tuwharetoa Pine which was c/- Mr Henry Chase, Tokoroa. A letter was sent to Tuwharetoa Pine (who as noted previously had died a number of years before) at that address giving notice of the aforementioned outstanding rates which had been referred to the county solicitor. In addition, rates were owed from 1 April 1962 to 31 March 1963, totalling £1.17.9. In October 1963, solicitors for the RCC advised the RCC that they had received £1.17.9 in respect of unpaid rates on Awarua 2C15B2. The solicitors, *Evans, Easter and Harris*, also advised that a summons was issued but not served. The bailiff reported to the solicitors that ‘the defendant’ was deceased and that:

... service in the last action was accepted by his widow and it was not until further enquiries were made in the service of this document that the true position was revealed. The amount owing has been paid and the summons is returned not served.³⁹⁹

The RCC was asked to amend its valuation roll accordingly.⁴⁰⁰

Also in 1963, a handwritten file note on the RCC file advised that a discussion had taken place with ‘MA’ (presumably the Department of Maori Affairs) and that the owners were ‘not known to them as beneficiaries nor are the supposed successions as stated by J Robinson’.⁴⁰¹

A year later, in December 1964, the RCC asked the Department of Maori Affairs at Whanganui for clarification regarding succession orders for the block. The RCC noted that the owner and occupier of Awarua 2C15B2 was shown on the valuation roll as the Estate of

³⁹⁸ Rangitikei County Council to ‘Mrs Tuwharetoa Pine’, 1 November 1961, unclaimed envelope, Rangitikei County Council to ‘Mrs Tuwharetoa Pine’, 26 November 1962, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, pp. 80-82

³⁹⁹ Evans, Easter & Harris, Barristers & Solicitors, Marton to RCC, 24 October 1963, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1and 2 Tuwharetoa R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, p. 85.

⁴⁰⁰ Ibid.

⁴⁰¹ File note, 21 February 1963, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1and 2 Tuwharetoa R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, p. 101.

Tuwharetoa Pine who, the RCC, understood, had died many years previously. Also, that his wife, Mrs Pine, was elderly and lived in Whanganui and received rent from the Tokaanu blocks. Apparently, the RCC said (incorrectly), there were 5 children but no succession order had been made. The RCC also noted that rates outstanding were for the years ending 31 March 1964 and 1965 totalling £3.4.2 and that on two occasions (15 December 1958 and 23 April 1959) the eldest son, Tamati Kaitanga Pine, had been prosecuted and fined under the Noxious Weeds Act. As the block was again infested with noxious weeds in 1963, the council had taken action under section 7 of the Noxious Weeds Act, 1950 which entitled the council to enter land (though it did not specify Maori land) and carry out the work. The cost of this work was £80.16.3 (almost as much as the six acres was valued at prior to it being partitioned) and this was outstanding (under section 7 such work was completed at the expense of the occupier). The RCC also asked whether there were any funds out of which the RCC's accounts could be paid. If not, the RCC asked that a charging order for the £80.16.3 be made.⁴⁰²

The Registrar of the Maori Land Court replied on 11 March 1965 that Tuwharetoa Pine was succeeded to by his ten children (in July 1954) and that while eight of the children had small credits these were held by the Maori Trustee and could only be paid out with authority from him. The Department also noted that the RCC could apply to the Court for an order to secure the charge and if still unable to obtain payment, it was suggested that the RCC apply for itself to be appointed as receiver 'for the purpose of leasing the land and getting revenue therefrom to pay off the charge'.⁴⁰³

In 1966, sole owner Rupani Hukinga Halbert sold the adjoining Awarua 2C15B1 to neighbouring farmer Mr Batley for £125. The RCC advised the Maori Land Court that at the time of the sale, no rates were owed on the block (though there had been some demands several years before).⁴⁰⁴

⁴⁰² Rangitikei County Council to District Officer, Department of Maori Affairs, Whanganui, 21 December 1964, 23/602, Awarua correspondence file, volume 2, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 38-39.

⁴⁰³ Registrar, Aotea Maori Land Court, Whanganui, to Rangitikei County Council, 11 March 1965, Handwritten summary of Awarua 2C15B orders, March 1971, 23/602, Awarua correspondence file, volume 2, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 40.

⁴⁰⁴ Alienation notice, Awarua 2C15B1, 30 May 1966, RDC 00072: 1: A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1 and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, p. 91.

Later that year, the Registrar of the Maori Land Court returned a rates demand in respect of Awarua 2C15B2 stating that they were not the concern of the office. The Registrar suggested that the RCC make a search of their relevant title records to ascertain the ownership of the lands concerned.⁴⁰⁵

Noxious Weeds:

The first mention of noxious weeds on the block was in June 1946, when a letter was sent to a HK Hakopa of Moawhango, Taihape from the RCC about them (it is unclear why it was sent to him as Mr Hakopa was not a named owner or occupier). The RCC stated that as the block was unoccupied and growing noxious weeds, the RCC ‘had decided to have a receiver appointed to dispose of it’. The application would be heard by the Native Land Court in due course.⁴⁰⁶

Indeed on 11 February 1947, the RCC applied to the Native Land Court for an order ‘appointing the Native Trustee as agent for the owners to execute in his own name an instrument of alienation’ in respect to three small blocks of land. One of the blocks was Awarua 2C15B.⁴⁰⁷ In attendance at the hearing was John Robinson, the RCC noxious weeds inspector. He described Awarua 2C15B as a ‘good piece of land’ though it had no fence. There was, however, blackberry, sweet briar and gorse on the block. In attendance was Hiraka Pine (described as the sole successor) who stated that tenants would be found to lease the block. Ngapera Pine, who was also in attendance, said that he would arrange this through Mr Ongley (a local solicitor). The application was adjourned and there is no record of any further hearings about the matter at this time. This was most likely because arrangements to lease the block were made from 1 April 1948. The lease was, however, short lived.⁴⁰⁸

By December 1954, Mr Robinson had advised Mr Ongley that he had sent statutory notices to Pipi Tuwharetoa Pine, Tamati Kaingai [sic] Pine and Tutakau Pine in respect of clearing the

⁴⁰⁵ Registrar, Maori Land Court to Rangitikei County Council, 22 December 1966, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1 and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, p. 97.

⁴⁰⁶ Rangitikei County Council to HK Hakopa, 28 June 1946, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1 and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, p. 42.

⁴⁰⁷ Whanganui Minute Book 104, 11 February 1947, p. 364.

⁴⁰⁸ Ibid.

broom, gorse and blackberry on Awarua 2C15B2.⁴⁰⁹ The following year, Mr Robinson made a statement before the Magistrate's Court that Tamati Kaitangi Pine, as the occupier of Awarua 2C15B2, had failed to comply with a notice to clear the land from broom between 9 June 1955 and 14 July 1955. This, he said, was contrary to section 5(7) of the Noxious Weeds Act, 1950. On 15 December 1955, Mr Pine was fined by the Magistrate's Court £20 plus £1 court costs.⁴¹⁰

Four years later, the same situation occurred. Mr Robinson made a sworn statement before the Magistrate's Court in respect to the 'failure' of Tamati Kaitanga Pine to comply with a notice to clear Awarua 2C15B2 from broom. On 15 December 1959, Mr Pine was again fined by the Magistrate's Court this time for £25 plus £1.10.0 court costs.⁴¹¹

In November 1961, Tamati K Pine was advised by Mr Robinson that he had inspected Awarua 2C15B2 and found that it was 'again badly infested with broom' which required immediate attention. He also mentioned a previous meeting between Mr Robinson and Mr Pine where Mr Pine had mentioned that he and his brothers were making arrangements for the land to be leased. He asked if any such arrangements had been made. He also enclosed a statutory notice to have the broom cleared before it had the opportunity to seed.⁴¹²

Three months later Tamati K Pine (c/- Mrs Thompson, Moawhango) was advised by Mr Robinson that on two occasions during the previous three months, notices and letters had been sent to him by registered post regarding the clearing of broom on Awarua 2C15B2 of which he was 'part owner'. He also noted that at various times he had spoken to him and his mother about 'leasing or otherwise disposing of the section' and accused him of having done

⁴⁰⁹ John Robinson, Noxious Weeds Inspector, Rangitikei County Council to RC Ongley, Solicitor, Taihape, 1 December 1954, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, p. 106.

⁴¹⁰ Statement before Magistrates Court, November 1955, Decision of Taihape Magistrate's Court, 15 December 1955, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, pp. 104-105.

⁴¹¹ Statement before Magistrates Court, April 1959, Decision of Taihape Magistrate's Court, 23 April 1959, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, pp. 107-109.

⁴¹² John Robinson, Noxious Weeds Inspector, Rangitikei County Council to Tamati K Pine, c/- Mrs Tu Pine, Moawhango, 3 November 1961, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, p. 102.

nothing 'as far as I can make out'. Enclosed with this letter was another notice which, Mr Robinson said, if not complied with the Council would have 'no other option' but to take proceedings against Mr Pine and 'apply to the Maori Land Court for a trustee to be appointed to administer the section'.⁴¹³

No application to the Court to have the Maori Trustee appointed receiver followed. Instead, with the block again infested with noxious weeds, the council, under section 7 of the Noxious Weeds Act, 1950, carried out the work to eradicate the weeds. This was during 1964 and cost the council £80.16.3. The RCC wrote to the Maori Land Court in 1964 to say that this amount was outstanding and asked if there were any funds out of which the RCC's accounts could be paid. If there was not, the RCC asked that a charging order for the £80.16.3 be made.⁴¹⁴

This was despite legislation (the same Noxious Weeds Act, 1950) which provided, with the permission of the Minister, for the local authority to enter any Maori land, carry out any noxious weeds eradication work and then for the Crown to pay the costs of such work to the local authority concerned. The Crown could then place a charge on the land in a similar way to that of rates (ss 14 and 15).

As previously noted, the Registrar of the Maori Land Court responded that while eight of the successors had small credits these were held by the Maori Trustee and could only be paid out with authority from him. The Department also noted that the RCC could apply to the Court for an order to secure the charge and if still unable to obtain payment that the RCC could apply for itself to be appointed as receiver 'for the purpose of leasing the land and getting revenue therefrom to pay off the charge'.⁴¹⁵

Solicitor's advice, 1967:

⁴¹³ J Robinson, Noxious Weeds Inspector, Rangitikei County Council to Tamati K Pine, c/- Mrs M Thompson, Moawhango, 19 February 1962, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1 and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, p. 103.

⁴¹⁴ Rangitikei County Council to District Officer, Department of Maori Affairs, Whanganui, 21 December 1964, 23/602, Awarua, volume 2, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 38-39.

⁴¹⁵ Registrar, Aotea Maori Land Court, Whanganui, to Rangitikei County Council, 11 March 1965, 23/602, Awarua correspondence file, volume 2, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 40.

On 5 April 1967, solicitors for the county, VE Goodman of *Evans, Easter, Harris & Goodman*, provided the RCC with options as to how it could proceed to recover the rates and noxious weeds charge on Awarua 2C15B2. The solicitors firstly stated that ‘from the facts gleaned’ there was ‘sufficient evidence to have the land declared “unproductive” under section 387 of the Maori Affairs Act 1953’. The lawyers noted, however, that charging orders had not been lodged in respect to overdue rates from 1963 to 1967, totalling £7.8.4, or the noxious weeds account, totalling £80.16.3. A charging order, Mr Goodman said, could only be lodged for rates levied within the past two years. It was also too late to issue a charging order for the noxious weeds as this was incurred in February 1964. That said, the RCC was:

... not prevented from recovering the rates and noxious weeds account from the occupiers of the land. Under section 33 of the Maori Affairs Act [1953] the Court can appoint the Maori Trustee or any other fit person to be the receiver of the land. The receiver may lease the land but he cannot sell it. Apparently there is nothing to stop the receiver paying debts which have not been charged or secured against the land.

If a charge remains unsatisfied for one year the Court may on the receiver’s recommendation order that the land be vested in the Maori Trustee for sale. On sale the charging orders must be satisfied but the Court could on the grounds of hardship, remit the moneys secured.

If the Council has the land declared unproductive then the Maori Trustee could be appointed either receiver or agent for the owners. As receiver he can only lease the land but as agent for the owners he can sell the land and, provided no Maori or descendant of a Maori makes a “suitable offer” the land could be sold to Mr Batley [the adjoining farmer]. Again, on sale, only the amounts secured to the Council by charging order would be paid.⁴¹⁶

The solicitors recommended:

⁴¹⁶ V E Goodman, Evans, Easter, Harris & Goodman, to County Clerk, Rangitikei County Council, 5 April 1967, RDC 00072: 1: A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1 and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, pp. 94-95.

1. The Council should forward forthwith to the Registrar of the Maori Land Court a claim for rates levied in the past two years.
2. The Council should sue forthwith the occupier (if any) for the rates and the noxious weeds account incurred during the period of occupation.
3. If the Council is prepared to risk (or write off) the moneys owing then an application should be made to have the land declared “unproductive” and the Court should be asked to appoint the Maori Trustee agent for the owners so that the property can be sold.
4. If the Council would prefer to collect the moneys owing from rents received for the property then an application should be made for either the Council or the Maori Trustee to be appointed receiver.⁴¹⁷

A note annotated on the letter indicated that the RCC advised their solicitors to proceed with option ‘3’.⁴¹⁸

A week later, the RCC applied for a rates charging order for the sum of £5.19.17 for unpaid rates for the years ending 31 March 1965, 1966 and 1967. Of note is that the owner and occupier were again recorded as being the estate of Tuwharetoa R Pine and not the actual successors which was, according to the application, as per the valuation roll. The capital value was given as £100 which was inclusive of £40 improvements.⁴¹⁹ This valuation was most likely for the whole of Awarua 2C15B and not just 2C15B2.

Section 387 and 438 orders:

In July 1967, the RCC’s application for a rates charging order in respect of Awarua 2C15B2 for £3.1.3 unpaid rates for the years ending 31 March 1966 and 1967 was heard. The minutes record that a Mr Harris was in attendance who said that the valuation roll showed ownership was the estate of Tuwharetoa Pine c/- Henry Chase of Tokoroa. The application was adjourned. On the same day, the RCC’s application under section 387 for the appointment of the Maori Trustee was heard before Judge D G Davis. In attendance at the hearing for the

⁴¹⁷ Ibid.

⁴¹⁸ Ibid.

⁴¹⁹ Charging order application from Rangitikei County Council to Aotea Maori Land Court, 12 April 1967, RDC 00072: 1: A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1 and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, p. 93.

RCC was Mr Harris and Mr Robinson. There is no record that any of the owners were in attendance. Mr Harris advised that the government valuation of the block was £100 (or \$200). Mr Robinson gave evidence that he was familiar with the area, the block was located about a mile from Moawhango Marae and that one side was road and the other was the Moawhango River. He said that the block had not been occupied for 15 years though there was a mill on it at one time which had been disbanded. He also stated that there were noxious weeds on the land and that it could not be used for farming. The mill, he said, had left sawdust and ‘someone had bulldozed the top off’. Therefore it could only be used for a holding paddock, and that the adjoining farmer ‘could use it for this purpose’ by putting in ‘grass with manure’ and making use of it as part of his farm. He also noted that the adjoining farmer had offered to purchase the land for £30.⁴²⁰

On this basis, (‘because section 387 (1), (a) (b) and (c) applied’) the court ordered, under section 387 the appointment of the Maori Trustee as agent of the owners for the purposes of Part XXV of the Maori Affairs Act:⁴²¹

The Court order stated:

Court ordered the appointment of the Maori Trustee under section 387 of the Maori Affairs Act 1953 as the Court was satisfied that the land came within the class of land set out in subsection (4) of section 387. Further the Court was also satisfied:

- (a) That the land is unoccupied
- (b) That the land is not being kept properly cleared of weeds which in the locality in which the land is situated are noxious weeds within the meaning of the Noxious Weeds Act, 1950.
- (c) That rates payable in respect of the land or any moneys recoverable in the manner in which rates are recoverable, have not been paid and that the amount of such rates or moneys has been charged upon the land.⁴²²

⁴²⁰ Whanganui Minute Book 131, 18 July 1967, p. 262.

⁴²¹ Ibid.

⁴²² Court order, Awarua 2C15B2, 18 July 1967, AAMK W4074 869 box 407 b 12/1251 part 1, Maori Trustee Appointed Agent, Awarua 2C 15B2, 1967-1968, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 59.

In October 1967, the Registrar forwarded the above order and minutes to the Maori Trust Officer. There followed a discussion about why it took from July to October of that year for it to be referred to the Trust with a Trust representative querying whether there was any reason or specific instruction for withholding a section 387 order from Head Office or the Minister until two months had expired.⁴²³

An inspection was then made of Awarua 2C15B2 (3 acres). The report stated firstly that access was by the metalled Taoroa road and that the block was located one mile from Moawhango school and ten miles from Taihape. It was 'easy sloping from road [Moawhango Napier Road] to Moawhango river' which bounded the western side. The soil was said to be of a 'medium loam' with 'open aspect'. The block consisted of one paddock fenced on three sides with the other side (along the road) unfenced. The pasture was described as 'only fair with rough growth and broom on unfenced part'. There was some gorse on fenced paddocks but this had been sprayed with 'good results'. There were no buildings and was probably not top-dressed. The writer considered it only 'suitable for building sites or for a neighbouring farmer for holding paddocks'. He said that the fenced part 'appears to be used for this'.⁴²⁴

On 4 April 1968, nine months after the order was made, the Assistant District Officer at Whanganui forwarded copies of the order under section 387 together with court minutes, sketch plan, particulars of title and inspection report to Maori Affairs, Head Office. The letter attached stated:

In view of the difficulties of implementing the provisions of this section, it is recommended that the Honourable Minister be advised to decline to approve the Order.⁴²⁵

⁴²³ Registrar, Maori Land Court to Maori Trustee, 9 October 1967; Maori Trustee to Registrar, Maori Land Court, October 1967, 23/602, Awarua correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 45-46.

⁴²⁴ Inspection report, Awarua 2C15B2, 7 November 1967, AAMK W4074 869 box 407 b 12/1251 part 1, Maori Trustee Appointed Agent, Awarua 2C 15B2, 1967-1968, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 55.

⁴²⁵ Registrar, Maori Land Court to Maori Affairs, Head Office, April 1968, AAMK W4074 869 box 407 b 12/1251 part 1, Maori Trustee Appointed Agent, Awarua 2C 15B2, 1967-1968, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 60.

The Secretary of the Department of Maori Affairs duly advised the Minister of Maori Affairs of the situation firstly describing the block and noting its location, value of \$100 (not £100 as had been stated in the hearing) and that it had 10 owners. The Secretary stated that the RCC had applied to the Court in early 1967 to have the Maori Trustee appointed as agent for the owners under section 387 of the Maori Affairs Act, 1953 to lease or sell on their behalf. The Court had then made the order on the grounds that the area was infested in noxious weeds, that rates were owing and that the owners had neglected to farm or manage the land with due diligence. Also that:

Part XXV procedure requires that the lands first be offered to the owners, then to Maoris and then to the public at upset rentals. Indications are that none of the owners or any Maoris in the locality is capable of developing the land and that it could best be utilised by sale to some adjoining farmer.⁴²⁶

Further:

Having regard to the foregoing features it is felt that the block is not an appropriate one for a Part XXV agency and that there would be difficulty in implementing the provisions of the order under section 387. It is accordingly recommended that you decline to consent to the Part XXV order and that it be suggested to the Court that the land be vested in the Maori Trustee upon trust pursuant to section 438 of the Act to sell on behalf of the owners.⁴²⁷

The note from the Minister on the bottom of the page said: 'I agree'.⁴²⁸

The Maori Trustee then advised the Aotea Maori Land Court that 'because of the probable difficulties in implementing part XXV' the Minister had declined to consent to the order. He

⁴²⁶ Secretary of Maori Affairs to Minister of Maori Affairs, 11 April 1968, AAMK W4074 869 box 407 b 12/1251 part 1, Maori Trustee Appointed Agent, Awarua 2C 15B2, 1967-1968, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 61.

⁴²⁷ Secretary of Maori Affairs to Minister of Maori Affairs, 11 April 1968, AAMK W4074 869 box 407 b 12/1251 part 1, Maori Trustee Appointed Agent, Awarua 2C 15B2, 1967-1968, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 61.

⁴²⁸ Minister of Maori Affairs to Secretary of Maori Affairs, 16 April 1968 on Secretary of Maori Affairs to Minister of Maori Affairs, 11 April 1968, AAMK W4074 869 box 407 b 12/1251 part 1, Maori Trustee Appointed Agent, Awarua 2C 15B2, 1967-1968, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 61.

said that the Minister had asked that it be suggested to the Court that the land be vested in the Maori Trustee under section 438 to sell on behalf of the owners.⁴²⁹

There is no record on the Maori Land Court file of what happened between the section 387 order being made and the order being sent to the Minister and advised not to sign it. There is certainly no mention of the owners being consulted though in the absence of the Maori Trustee file this cannot be confirmed. Under section 387, the land had to be offered to the owners or other Maori before it was offered to anyone else. A possible scenario is that officials at the Maori Trustee decided that the owners and/or local Maori were not suitable and/or that they did not want to use section 387 because it would not allow them to just offer the land to the adjoining farmer.

In May, officials at Whanganui advised the Court of the actions of the Minister reiterating what the Maori Trustee had said in terms of the 'probable difficulties'. Solicitors for the RCC were also advised of the decision of the Minister and that it had been suggested that the land be instead vested in the Maori Trustee under section 438 of the Maori Affairs Act 'to sell on behalf of the owners'. Before any action was taken, however, the Court wanted to 'afford the County the opportunity to make known its views'.⁴³⁰

The RCC responded that it had no objection to the land being vested in the Maori Trustee under section 438 for sale on behalf of the owners but wished to ask why the Minister declined to approve the application, whether a proposed charging order should be prosecuted or would be paid out of the proceeds of the sale, and noted again that Mr Batley was interested in purchasing the land.⁴³¹

Curiously (given the explanation that section 387 was not suitable due to 'probable difficulties') the Registrar replied that he was unaware of the reasons why the Minister declined to approve the order but recommended that the county prosecute their application

⁴²⁹ Maori Trustee, Wellington to District Office, Whanganui, 17 April 1968, AAMK W4074 869 box 407 b 12/1251 part 1, Maori Trustee Appointed Agent, Awarua 2C 15B2, 1967-1968, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 62.

⁴³⁰ Assistant District Officer, Aotea Maori Land Court, Whanganui, Memorandum for the Court, 14 May 1968, Deputy Registrar, to Messrs Evans, Easter and Co, Barristers & Solicitors, 28 May 1968, 23/602, Awarua correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 47-47.

⁴³¹ Evans, Easter, Harris & Goodman, Barristers & Solicitors to Deputy Registrar, Maori Land Court, Whanganui, 4 June 1968, 23/602, Awarua correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 50.

for a rates charging order for arrears of rates as a 'safeguard'. The Registrar also noted that it was up to the RCC to prosecute an amended application under section 438.⁴³²

On 6 August 1968, the Court heard an application for a charging order in respect of rates on Awarua 2C15B2. The Court ruled that it might not be payable as it was 'not properly served'. The minutes do not state why but it is possible that it was because the rates advice was sent to the wrong address (the rates advice for 1966 was sent to the Maori Land Court and not to the owners). The application was then adjourned so the matter could be looked into. The hearing of the application from the RCC under section 438 in respect of 2C15B2 followed. It was noted that the Court had previously made an order section 387 but the Minister declined to assent. Solicitors for the Council said that the RCC was 'prepared to accept section 438 order in council ... for sale' and that the solicitor would submit a draft order and inform the Court of the facts of the case. The Court stated that it would make a section 438 order when the draft was approved.⁴³³

The section 438 application was again heard on 28 August 1968. The minutes record that the RCC solicitors submitted the draft order. The Court, presided over by Judge Davis, ordered that the land be vested under section 438 'in the Chairman, Councillors and Inhabitants of the County Of Rangitikei'. The order also contained the following terms:

1. For sale by public auction, public tender or private contract at price and terms as trustee thinks fit.
2. To hold proceeds to pay:
 - (a) Costs and expenses of trustee of application and putting title in order and sale.
 - (b) Balance to owner s(10) equally.⁴³⁴

There was no record of the owners being in attendance.⁴³⁵

⁴³² Registrar, Aotea Maori Land Court, Whanganui, to Evans, Easter, Harris & Goodman, Barristers & Solicitors, 12 June 1968, 23/602, Awarua correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 50.

⁴³³ Whanganui Minute Book 132, 6 August 1968, p. 371.

⁴³⁴ Whanganui Minute Book 133, 28 August 1968, p. 7.

⁴³⁵ Ibid.

On 13 April 1970, solicitors for the RCC, *Evans, Easter, Harris & Goodman* of Marton, advised the RCC that the sale of Awarua 2C15B2 to the adjoining farmer, Mr Batley, had been settled. They said that the only outstanding matter was that of the Maori Trustee's claim for a fee of \$10. It was also noted that under the terms of the order obtained under section 438, the proceeds of the sale were to 'pay the costs and expenses of the Council, of its application to the Court and the putting of the Title in order and the sale and to apply the balance to the ten owners' named in the order. The solicitors stated:

It would appear that no payments will have to be made to the owners in view of the costs and expenses incurred by the council and the arrears of rates which will have to be paid or written [off] to give Mr Batley an unencumbered title.⁴³⁶

Indeed the RCC had incurred the following (dollar) costs in the matter:

Clearing of noxious weeds - \$161.62
Legal expenses and disbursements - \$102.45
Rates written off - \$21.54
Total: \$285.61
Proceeds from sale - \$60
Net cost to council - \$225.61⁴³⁷

The RCC told their solicitors said in view of the 'disproportionate costs' incurred by the Council, it would appreciate if the Department could be requested to waive the inspection fee of \$10. This was subsequently agreed to by the Maori Trustee.⁴³⁸

The Maori owners therefore received nothing.

⁴³⁶ Messrs Evans, Easter, Harris & Goodman, to Rangitikei County Council, 13 April 1970, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1 and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, pp. 132-135.

⁴³⁷ Rangitikei County Council to Messrs Evans, Easter, Harris & Goodman, 29 June 1970, Maori Trustee to Rangitikei County Council, 7 July 1970, RDC 00072 : 1 : A/31 Maori Land Rating: 13290 154 and 155, Awarua 2C15B 1 and 2 Tuwharetoa, R Pine Estate, Claim 51 Rangitikei County Council, 1930 – 1971, Archives Central, Feilding. SW Document Bank, volume 5, pp. 138-139.

⁴³⁸ Ibid.

Issues:

The RCC, Maori Land Court and government record summarised above clearly shows that the RCC's expectation was for the rates it had levied to be paid and the block cleared of weeds. The view of the council was that if the owners could not do this then they should lease or sell the land. As the owners did not clear the weeds, lease the land, sell the land or pay in full the rates owed, the RCC was able under the legislation to sell the land leaving the owners with no land and no payment for the land.

Of particular note in the above summary of local authority, Court and government records are the lack of any details about what the owners wanted. Also absent are details of whether or not the owners attempted to clear the weeds, were unable to do so, could not afford to or simply did not want to. The record is also quiet on whether the owners were aware of the implications of the proceedings against them or were simply powerless to do anything about it. In addition, there was never any consideration by the RCC or the Court of the particular circumstances of the land – that it was a small section of undeveloped communally owned Maori land.

The exception is a brief reference to the RCC having checked whether the owners were beneficiaries but as this was not the case, the owners were deemed to be able to afford to clear the land of weeds and pay the rates owed.

The imposition of the £80 weeds clearing charge is also concerning. Together with the two fines totalling £45 for not clearing the weeds, and the rates, the amount owed was over twice the government valuation for the land. These sorts of debts would impact on most people and it could be inferred that the non-payment by the owners reflected either their inability to pay or again, a lack of understanding of the impact of the proceedings against them.

There also seemed to be an incredible amount of confusion on the part of the RCC as to who the owners and/or occupiers were and therefore who was liable for the rates and sorting out the noxious weeds. For instance when the bailiff went to serve documents regarding unpaid rates in 1963 for a second time, it was only then that he discovered that the owner had died and that previous documents had been served on the wife of the owner, Mrs Pine who was not an owner. On this second visit, when the true situation with regard to the death of Mr Pine

was established, Mrs Pine paid the outstanding rates for that year. As stated previously, succession orders had been made in 1954 so almost ten years later, documents regarding rates were being served on the wrong people. Also, as late as 1966, the rates bill for the block had been wrongly sent to the Maori Land Court, who of course said it had nothing to do with them and sent it back to the RCC.

A further issue was that the block was sold for \$60 by the RCC when the valuation was almost twice that much - \$100. This was a curious decision when they had spent so much already on proceedings. It left them out of pocket as well as the Maori owners.

The choice of legislation was a key factor in the blocks sale. Section 387 of the Maori Affairs Act 1953 stated that if a suitable offer was made then the Maori Trustee could only lease or sell the land to Maori. A section 438 order provided that Maori land could be vested in whom the Court deemed proper, and sold. In this case the land was vested in the RCC who sold it for 60% of its government value – the same value on which the RCC had levied rates for the previous 60 or so years. This certainly raises the question of whether the utilisation of section 438 and not section 387 was the best way of protecting Maori interests or whether the interests of the RCC took precedent over the interests of Maori.

Unfortunately, the Maori Trustee files for the block have not been made available by the Maori Trustee. The file may have revealed why the Minister was advised to reject the section 387 order made by a Judge of the Maori Land Court and instead passed on advice to the Court to use section 438 instead. It seems likely, however, that officials decided that the owners and/or local Maori were not suitable and/or that they did not want to use section 387 because it would not allow them to just offer the land to the adjoining farmer.⁴³⁹

5.25 Rating from the 1980s

In the 1980s, long standing liens still impacted on the ability to register any dealings with Maori land. For instance in 1985, the owners of Awarua 5, 6 & 7 (formerly Awarua 4C15F1A2A) wished to register a partition on the land but were prevented from doing so due to rating liens registered in 1923 and 1925 that had not been released by the Council. There

⁴³⁹ The Maori Trustee did not give access to this file despite repeated requests.

was some confusion by the council as to the whereabouts of the pre-1937 rates books to confirm the amount and it is not clear whether the outstanding amount was required to be paid or had already been paid but never formally released. That said, the RCC was still required to make declaration that the charging orders on the land were discharged (which they did on 6 June 1985) so that the partition could go ahead.⁴⁴⁰

The RCC also continued to have difficulties collecting rates from very small pieces of non-revenue producing multiply owned land. In February 1981, the RCC advised the District Officer at the Department of Maori Affairs at Whanganui that it had been endeavouring to collect rates on the 1.3 hectare Awarua 2C13C2B block located on the Napier-Taihape Road with \$11.46 owed. The RCC explained that the council had asked for the rates from an owner who said that he was not responsible for them. The Council asked whether the Department collected any monies that could be used to pay the outstanding rates. The Department responded that Awarua 2C13C2B was a 'non-revenue producing block' and therefore the Department was 'not collecting any money which could be used to pay the rates'. The writer enclosed a list of owners which numbered six – with addresses for two. The block was later vested in a Ahu Whenua Trust in 1985 and currently has 20 owners.⁴⁴¹

Also in the 1980s and 1990s, the RCC continued to levy rates on non-revenue producing and landlocked Maori land. For instance, Awarua 1DB2 and the Owhaoko blocks. In the case of Awarua 1DB2 the owners unsuccessfully sought in the 1970s and again in the 1980s to log the block partly in order to pay off the rates they owed.⁴⁴² According to the RCC, rates had been paid on the block up until 1973 by a 'family member'. For the next ten years, however, rates were not paid so that by 31 March 1983, they totalled \$3,758.07. Of note is that the RCC did not apply for either charging or receivership orders in respect to the block so that there was little involvement from the Court in respect to the rating situation.⁴⁴³

⁴⁴⁰ Registrar, Aotea Maori Land Court to Rangitikei County Council, 7 May 1985, Rangitikei County Council to Registrar, Maori Land Court, Whanganui, 9 May 1985 and Declaration by Rangitikei County Council discharging charging orders on Awarua 5, 6 and 7, 6 June 1985, 3/600, Awarua correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 33-36.

⁴⁴¹ Maori Land Online; Evans, Harris & Co, Barristers & Solicitors to the District Officer, Department of Maori Affairs, 12 February 1981 and Registrar, Maori Land Court, Whanganui to Messrs Evans, Harris & Co, 4 March 1981, 23/591, Awarua Correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 131.

⁴⁴² David Alexander, DRAFT 'Environmental Issues and Resource Management (Land) in Taihape Inquiry District', 1970s-2010, chapter 13.

⁴⁴³ Rangitikei County Council Maori Land Rates Book, RDC: Maori Land Rates book, Rangitikei County Council, 1937-1973 [one large volume, unreferenced], Archives Central Feilding; SW Document Bank, volume

The following has been largely dealt with in the Awarua 1AB2 chapter so it is just summarised here.

In November 1982, the trustees for Awarua 1DB2 in which the land had been vested asked to meet with the RCC to discuss the rates.⁴⁴⁴ The following year, the lawyers for the trustees of the block, RH Le Pine & Co asked the RCC whether they would consider a remission of the rates as the trust had little income and were not in a position to pay them.⁴⁴⁵ The RCC responded:

The question of the outstanding rates must be resolved and a trade-off between the “consent” and the rates may be possible but a round table meeting is required to resolve this matter.⁴⁴⁶

He suggested that meeting be held on 25 May 1983.⁴⁴⁷ The trustees, however, wished to wait until the trustee order had been finalised by the Maori Land Court. No meeting, however, occurred at this time. The rates were still outstanding in 1985 when the RCC advised, in a letter addressed to ‘the Maori owners’ at an address in Te Kuiti that \$4972.93 was owed. Further that if they were not paid then ‘action’ would be taken to recover the rates. That

4, pp. 76-107; Rangitikei County Council to RH Le Pine & Co, Taupo, 24 December 1982, RDC 00069: 17: 1, Erewhon Rural Water Scheme: "On Farm" Works 1978 to 1987, Newsletters, Maori Land Negotiations and Water Rights and Special Orders, Rangitikei County Council, 1978–1987, Archives Central, Feilding. SW Document Bank, volume 5, pp. 233-234

⁴⁴⁴ RH Le Pine & Co, Taupo to Rangitikei County Council, 15 December 1982, , RDC 00069: 17: 1, Erewhon Rural Water Scheme: "On Farm" Works 1978 to 1987, Newsletters, Maori Land Negotiations and Water Rights and Special Orders, Rangitikei County Council, 1978–1987, Archives Central, Feilding. SW Document Bank, volume 5, pp. 217-218.

⁴⁴⁵ RH Le Pine & Co, Taupo to Rangitikei County Council, 15 March 1983, , RDC 00069: 17: 1, Erewhon Rural Water Scheme: "On Farm" Works 1978 to 1987, Newsletters, Maori Land Negotiations and Water Rights and Special Orders, Rangitikei County Council, 1978–1987, Archives Central, Feilding. SW Document Bank, volume 5, p. 221.

⁴⁴⁶ Rangitikei County Council to RH Le Pine & Co, Taupo, 11 April 1983, RDC 00069: 17: 1, Erewhon Rural Water Scheme: "On Farm" Works 1978 to 1987, Newsletters, Maori Land Negotiations and Water Rights and Special Orders, Rangitikei County Council, 1978–1987, Archives Central, Feilding. SW Document Bank, volume 5, p. 222.

⁴⁴⁷ Ibid.

amount, however, was only for one portion of the block as by the end of 1985 the amount owed in rates totalled \$7886.64.⁴⁴⁸

In April 1987, the trustees of Awarua 1DB2 (and Aorangi (Awarua)) formally applied to the RCC for a remission of rates. This was on the following basis:

- (a) The Trust land is restrictively zoned or is reserve;
- (b) There is no access to the Aorangi-Awarua lands and the owners cannot use the same;
- (c) Little income is derived from the land and such income has been utilised to pay the costs of fencing orders obtained by adjacent owners in the District Court.⁴⁴⁹

The letter concluded by stating that they thought that the RCC was aware of the problems the trustees had faced and that it would help them considerably if the arrears were remitted.⁴⁵⁰

The request was considered at a meeting of the RCC who deferred its decision until they had received some legal advice. This legal advice was from *Horsley Christie* who were also the lawyers for the neighbouring Mangaohane Station. The law firm noted that it had on behalf of the station, recently taken the owners of Awarua 1DB2 to Court where they successfully ordered the owners to pay for fencing costs. They advised that the question of the remittance of rates was a question of policy and that the legislation allowed for this. Also, that they did not recommend compensation for the water scheme.

In 1991, the attempt to log the block came to an end having been ‘strongly opposed by conservation and recreation organisations, and by some Crown departments’. As Alexander points out, ‘the owners were still left facing the rates bill’. They also continued to ask the RDC for the rates to be remitted. It was not until 2007, following the introduction of a Maori

⁴⁴⁸ Rangitikei County Council to ‘The Maori Owners’, Te Kuiti, 9 April 1985; Rangitikei County Council to RH Le Pine & Co, 20 December 1985; , RDC 00069: 17: 1, Erewhon Rural Water Scheme: "On Farm" Works 1978 to 1987, Newsletters, Maori Land Negotiations and Water Rights and Special Orders, Rangitikei County Council, 1978–1987, Archives Central, Feilding. SW Document Bank, volume 5, p. 225.

⁴⁴⁹ RH Le Pine & Co, Taupo to Rangitikei County Council, 14 April 1987, RDC 00069: 17: 1, Erewhon Rural Water Scheme: "On Farm" Works 1978 to 1987, Newsletters, Maori Land Negotiations and Water Rights and Special Orders, Rangitikei County Council, 1978–1987, Archives Central, Feilding. SW Document Bank, volume 5, p. 226.

⁴⁵⁰ Ibid.

land rates remission policy by the RDC in 2004 (discussed below), that rates amounting to over \$88,000 were remitted.⁴⁵¹

In the 1990s, the now Rangitikei District Council (RDC) continued to have issues with the payment of rates on Maori land. Awarua 2C13J6 consisting of .1618 ha (1 rood 24 perches or about 2/5ths of an acre) was an example of a very tiny piece of land with a large number of owners that was threatened with being sold due to the non-payment of rates at this time. In 1997, there were 51 owners and today there are 145. The block is located on Wherewhere Rd at Moawhango.⁴⁵²

Correspondence regarding the difficulties with the collection of rates began in 1997 when the accountants for the estate of the occupier of the block, Robert Pine, advised that they no longer had any funds to pay the rates. The Registrar of the Maori Land Court advised that if the estate of Robert Pine no longer occupied the land, then the question of the payment of rates should be brought to the attention of the trustees of the property the land having been vested in trustees in 1985.⁴⁵³

In August 1997, a Mr A Martin of Moawhango was asked by the RDC for payment of the rates as the RDC had been advised that he was a trustee. Alternatively he was asked to advise the RDC of the new occupier of the land. The RDC also explained that the property had previously been occupied by Robert Pine who had paid the rates. When he had died, the rates had been paid by the accountants for his estate until the funds ran out. The senior rates officer for the RDC said she had been trying to establish who was responsible for the payment of the rates.⁴⁵⁴

In June 1998, the Registrar of the Maori Land Court was advised by solicitors for the RDC that no rates had been paid since 1995 and that they had been instructed by the RDC to

⁴⁵¹ Rangitikei District Council to Aorangi Awarua Trust, January 2007, RA 10007 Maori Land Rates, to 2008, Rangitikei District Council, Marton. SW Document Bank, volume 6, p. 110.

⁴⁵² Maori Land Online.

⁴⁵³ Registrar, Aotea Maori Land Court, Whanganui to Messrs Ryan Thomas and Co, Chartered Accountants, Taihape, 20 May 1997; Ryan Thomas & CO, Chartered Accountants to Senior Rates Officer, Rangitikei District Council, 29 July 1997; Registrar, Aotea Maori Land Court, Whanganui to Messrs Ryan Thomas and Co, Chartered Accountants, Taihape, 20 May 1997; 23/602, Awarua correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 53-54.

⁴⁵⁴ Senior Rates Officer, Rangitikei District Council to Mr A Martin, Moawhango, 7 August 1997, 23/602, Awarua correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 54.

‘commence abandoned land procedures’. The Registrar was also asked if there was any reason why these procedures should not be commenced on the block. The Registrar replied that the block was administered by an Ahu Whenua Trust and that the trustees were responsible for administering the property on behalf of the owners. He said that the RDC should therefore contact the trustees to make arrangements for the payment of rates. He also said that his office would ‘certainly appreciate information from Council as to correspondence between them and the trustees’ and asked for confirmation that legal proceedings would not commence until the aforementioned avenues were pursued.⁴⁵⁵

On 26 August 1998, Mr Martin and Paora Hekenui of Taihape, who had been identified as trustees by the Maori Land Court, were advised by the solicitors for the RDC that the solicitors had been instructed to commence abandoned land procedures for non-payment of rates. The trustees were asked to urgently advise the solicitors what action would be taken for the payment of the rates which as at the date of the letter, totalled a massive \$917.10.⁴⁵⁶

Mr Martin then contacted the solicitors. He described the land as unproductive, located on a corner block with a creek running through it. He said that he had spoken to neighbours who were not interested in purchasing the property because of the creek and that no family members were interested. The solicitors then asked for the Registrar’s consent to have the land declared abandoned ‘so that the Council could put it up for tender to see if there are any offers’.⁴⁵⁷

The Registrar responded that section 147 of the Rating Power Act 1988 did not apply in this case as it related to land where owners were unknown, could not be found, or had no known agent in New Zealand. He pointed out that the land was in fact Maori freehold multiply owned land with 51 owners with an ownership schedule maintained by the Maori Land Court some of the addresses were known and could be obtained from the Maori Trust Office. He also pointed out that trustees had been appointed to administer the land and no trustee had the

⁴⁵⁵ Evans Henderson Woodbridge to Registrar, Maori Land Court, Whanganui, 11 June 1998, Registrar, Aotea Maori Land Court, Whanganui to Evans Harrison Woodbridge, 24 June 1998, 23/602, Awarua correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 55.

⁴⁵⁶ Evans Henderson Woodbridge to A Martin and P Hekenui, Moawhango, 26 August 1998, 23/602, Awarua correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 57-58.

⁴⁵⁷ Evans Henderson Woodbridge to Registrar, Aotea Maori Land Court, Moawhango, 1 September 1998, 23/602, Awarua correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 58.

authority to tell the council that they wanted the land abandoned. He also noted that section 147 of Te Ture Whenua Maori Act 1993 related to the ‘alienation of Maori land and that the Council would not have been able to have the land put up for sale otherwise than in accordance with that Act’. He suggested that the Council pursue options for the recovery of rates available under Part XIII of the Rating Powers Act 1988 which related specifically to Maori land. He also said that he would appreciate any comments. None, however, were located in the file from which this correspondence was found and nothing further has been located about the matter. The block is still Maori land.⁴⁵⁸

Claimant, Hape Lomax, has also noted that he was sent a rates bill for a block of Awarua land in Utiku village in the mid to late 1990s for the amount of approximately \$1600. As the named owner on the valuation roll, Mr Lomax, together with his whanau, felt compelled to pay the rates bill particularly after they were threatened with court action by the council. This was, he said, despite someone else occupying the land and the lease arrangements having been organised by the Maori Trustee.⁴⁵⁹ A 1993 RDC policy document on the rating of Maori land (discussed further below) stated that it was the practice of RDC staff to ‘enter in the occupier column the name of any person who had made enquiries about specific parcels of multiply owned Maori land ‘if they have offered to pay the rates and ... indicated that they are either part owners, descendants of owners or just temporary occupiers’. It was noted, however, that this practice had no legal standing and ‘any attempts to sue would be fruitless’. It is possible that this was the reason why Mr Lomax was targeted. The document also acknowledged that some ‘part owners’ had seen the payment of rates as a ‘moral obligation’. It was perceived that while rates were shown as outstanding this reflected ‘in a negative way’ on the owners of these lands.⁴⁶⁰

Both instances seem to be examples of the perennial problem of the RCC and inherited by the RDC, of not having up to date ownership and occupier information. It would also seem that in the first example, solicitors for the RDC at the time had no appreciation of the rating legislation, pursuing a sale that they were not legally entitled to do. There also continued to

⁴⁵⁸ Registrar, Maori Land Court to Evans Henderson Woodbridge, 15 September 1998, 23/602, Awarua correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 59.

⁴⁵⁹ Conversation with Hape Lomax and author, Winiata Marae, 9 June 2015. Time constraints have prevented further examination of this issue.

⁴⁶⁰ Special Projects Officer, Rangitikei District Council to Principal Administrative Officer, Rangitikei District Council, 30 August 1993, MA 2/5 Box 15, Maori Land Rating, - 2002, Rangitikei District Council, Marton. SW Document Bank, volume 6, pp. 17-23.

be no appreciation of the difficulties associated with the fragmentation of Maori land whereby tiny sections of limited value ended up with multiple owners with the land rated regardless. In the second example, an owner who did not occupy the land was, he said, incorrectly held liable for rates but felt unable to challenge the RDC and their perceived ability to pursue unpaid rates through the Court. He and his whanau felt obliged to pay the rates - just like the RDC observed in its policy document. In the case of the undeveloped landlocked Awarua 1DB2 block it took until 2007 before rates were remitted.

5.26 RDC Maori rates remission policy:

It is apparent that by 2004 there had been a considerable rethink by the RDC of its policy regarding the rating of Maori land. This is reflected in the RDC Maori rates remission policy introduced that year which dramatically changed the way in which Maori land was rated by the council. This policy had been at least eleven years in the making with the first policy draft on the issue developed as early as 1993. It was not, however, adopted by the council at this stage. In 1996, the council set up a committee to discuss the issue further. Discussions, however, stalled around 1998. This was despite the formulation of another policy and, according to the RDC, 'iwi involvement'. The acting CEO said that the policy had not been adopted because 'some Councillors were not willing to accept that the policy was to be confined to Maori Land of this type [that is] if a policy was needed for land of this type it must include land outside Maori ownership, as well'. In 2000, another policy was formulated by a sub-committee made up of councillors, council staff and members of Te Roopu Ahi Ka, a Maori committee set up to assist the council develop a partnership with tangata whenua. Again, the council did not adopt it at this time and had still not done so by 2002 when the acting CEO of the RDC reported that the council 'still' needed a policy'.⁴⁶¹

The policy document developed in 1993 provided details of undeveloped Maori land in the district where rates had not been paid. The document stated that the majority of the undeveloped Maori land in the inquiry district was 'inherited' by the Taupo District after the local government re-organisation in 1989. It was then that nine properties (the northern

⁴⁶¹ Special Projects Officer, Rangitikei District Council to Principal Administrative Officer, Rangitikei District Council, 30 August 1993; David Christenson, CEO Rangitikei District Council to Te Roopu Ahi Kaa Komiti, 2 October 2000; Doug Law, Acting CEO, Rangitikei District Council to Te Roopu Ahi Kaa Komiti, 3 September 2002, Internal Memo, Rangitikei District Council, 7 October 1999, MA 2/5 Box 15, Maori Land Rating, - 2002, Rangitikei District Council, Marton. SW Document Bank, volume 6, pp. 4-27.
<https://www.rangitikei.govt.nz/council/policies-bylaws/policies/agreed-terms-of-reference-te-roopu-ahi-kaa>

Owhaoko blocks) were transferred to the RDC which owed over \$33,000 in rates. The rates had been considered uncollectable by the Taupo District Council who had written them off annually as they became statute barred. Since 1989/90 the rates on these blocks had continued to be written off in this way. Two other properties that had always been within the RCC were similarly affected. In addition there were nine other similar properties where rates had not been collected but for a lesser time, and two very small blocks in multiple ownership.⁴⁶²

Similarly in 2002, it was reported by the RDC that there were about 30 properties of Maori freehold land where it had proved difficult to collect rates. The majority of the land in this category was said to be owned by various Owhaoko trusts, was landlocked and not being grazed though there were some tracks and aircraft landing strips located closest to the Taihape-Napier highway. A further eight other properties in the area were also landlocked with 'no sign of habitation or activity'. Another eight properties were not landlocked and in the 'absence of any further evidence' thought to be able to pay rates levied.⁴⁶³

The Maori land rates remission policy of 2004 was pursuant to the Local Government Act 2002, sections 102 (4)(f) and 102 (5)(a) and 108. The introduction to the policy, which has been revised several times since 2004 and is still current, states that it:

... provides for the fair and equitable collection of rates from Māori freehold land, recognising that certain Māori-owned freehold lands have particular conditions, features, ownership structures or other circumstances determining the land as having limited rateability under legislation. This policy also acknowledges the desirability of avoiding further alienation of Māori freehold land.⁴⁶⁴

Crucially, the policy not only applies to Maori freehold land but to 'unsold land affected by the Māori Affairs Amendment Act 1967, which provided for Māori land owned by not more

⁴⁶² Special Projects Officer, Rangitikei District Council to Principal Administrative Officer, Rangitikei District Council, 30 August 1993, MA 2/5 Box 15, Maori Land Rating, - 2002, Rangitikei District Council, Marton. SW Document Bank, volume 6, pp. 17-27.

⁴⁶³ Doug Law, Acting CEO, Rangitikei District Council to Te Roopu Ahi Kaa Komiti, 3 September 2002, MA 2/5 Box 15, Maori Land Rating, - 2002, Rangitikei District Council, Marton. SW Document Bank, volume 6, pp. 4-7.

⁴⁶⁴ Rangitikei District Council, 'Rates Remission Policy for Maori Freehold Land', adopted 15 July 2004, last updated June 2009, http://www.rangitikei.govt.nz/index.php/other-policies/doc_details/2912-rates-remission-policy-for-maori-freehold-land, accessed 28 April 2015.

than four persons to be changed to General land'. This, the policy states, is to safeguard these blocks from 'compulsory sale to recover rate arrears'. It is up to the land owners of such land to advise the council if their land is in this category.⁴⁶⁵

The objective of the policy is to 'provide rates relief for Māori freehold land in multiple ownership and to recognise, support and take account of' the following:

- facilitating any wish of the owners to develop the land for economic use;
- the presence of Waahi Tapu that may affect the use of the land for other purposes;
- the importance of associated housing in providing Kaumātua support and enhancement for Marae;
- the importance of the land for community goals relating to:
 - the preservation of the natural character of the coastal environment;
 - the protection of outstanding natural features; and
 - the protection of significant indigenous vegetation and significant habitats of indigenous fauna.
 - matters related to the legal, physical and practical accessibility of the land;
 - land that is in and will continue to be in a natural and undeveloped state.

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The policy includes a list of 'required criteria' which must all be met to qualify for rates remission. In addition there is a list of 'optional criteria' and at least one of these must be met.

The 'required criteria' are:

- Māori Freehold land as defined in the Local Government (Rating) Act 2002, and
- in multiple ownership, defined as two or more owners, and

⁴⁶⁵ Rangitikei District Council, 'Rates Remission Policy for Maori Freehold Land', adopted 15 July 2004, last updated June 2009, http://www.rangitikei.govt.nz/index.php/other-policies/doc_details/2912-rates-remission-policy-for-maori-freehold-land, accessed 28 April 2015.

⁴⁶⁶ Rangitikei District Council, 'Rates Remission Policy for Maori Freehold Land', adopted 15 July 2004, last updated June 2009, http://www.rangitikei.govt.nz/index.php/other-policies/doc_details/2912-rates-remission-policy-for-maori-freehold-land, accessed 28 April 2015.

- unoccupied.⁴⁶⁷

Occupation is defined as:

... where a person/persons do one or more of the following for their significant profit or benefit:

- leases the land to another party, or
- permanently resides upon the land, or
- de-pastures or maintains livestock on the land, or
- undertakes significant commercial operations.⁴⁶⁸

Unoccupied land under this policy land must not be occupied as defined above unless the land and its housing is ‘used to contribute to the Kaumātua support and enhancement of the Marae under the optional criteria [which is listed] below’:

- Development of the land for economic use. If any land is to be developed for economic use, particularly if it will provide employment for local Māori, a rates remission will be considered. This remission will decrease in proportion to the property increased economic use through development. Plans of the development and financial projections will be required to support application under this criterion;
- The presence of Waahi Tapu that may affect the use of the land for other purposes. A rates remission will be considered on a property or part of a property where the use of that property is affected by the presence of Waahi Tapu.
- Where houses are in the vicinity of the Marae the Committee will consider representations for rates remissions, considering the contribution to the Kaumātua support and enhancement of the Marae;

⁴⁶⁷ Rangitikei District Council, ‘Rates Remission Policy for Maori Freehold Land’, adopted 15 July 2004, last updated June 2009, http://www.rangitikei.govt.nz/index.php/other-policies/doc_details/2912-rates-remission-policy-for-maori-freehold-land, accessed 28 April 2015.

⁴⁶⁸ Rangitikei District Council, ‘Rates Remission Policy for Maori Freehold Land’, adopted 15 July 2004, last updated June 2009, http://www.rangitikei.govt.nz/index.php/other-policies/doc_details/2912-rates-remission-policy-for-maori-freehold-land, accessed 28 April 2015.

- Used for preservation/protection of character or coastline, outstanding natural features, significant indigenous vegetation and habitats of indigenous fauna. Applications under this criterion need to be supported by an existing Department of Conservation or Regional Council Management Plan, (e.g. in the Department of Conservation Coastal Management Plan for the area);
- Accessibility Issues. If it is difficult to legally, physically or practically access a property, a rates remission will be considered. Examples of accessibility issues are:
 - The property is landlocked by properties owned by other people/entities.
 - Access is legally available by paper road or easement but the road does not exist.
 - A road ends or passes a property but a river, ravine, cliff or other impediment prevents practical access.
- In a natural and undeveloped state, and will continue to remain in such state.

If the property is in and will remain in a natural and undeveloped state and there is no significant financial income, a rates remission will be considered.⁴⁶⁹

Decisions on applications for rates remission are made by the Māori Land Rates Remission Committee which consists of three Council members and three Tangata Whenua, ‘most likely Te Roopu Ahi Kaa members’. The Committee also decides whether land continues to meet the criteria for remission and can ‘consider properties without Application by Owners (i.e. Committee-generated Applications)’. An example of the situation where this Committee-generated application could apply is where the presence of an unregistered urupa is publicly known but an application has not been made as the owners are geographically dispersed.

Any remission of rates generally applies for a six-year period and all such land remitted was to be reviewed in January 2009 and there-after six yearly.

⁴⁶⁹ Rangitikei District Council, ‘Rates Remission Policy for Maori Freehold Land’, adopted 15 July 2004, last updated June 2009, http://www.rangitikei.govt.nz/index.php/other-policies/doc_details/2912-rates-remission-policy-for-maori-freehold-land, accessed 28 April 2015.

The policy also provides for the writing off of rates arrears and penalties on Maori land, particularly landlocked Maori land, on the recommendation of the committee. The policy explains that:

For a number of landlocked properties considerable rate arrears have accrued over the past decade due to an inability of the property to sustain the rates assessed. Council intends to write off these arrears, on a case-by-case basis, once the Committee has approved a Māori land rate remission for individual properties.⁴⁷⁰

When considering a Māori land rate remission the Committee is to assess any rates and penalty arrears on the property. If these arrears have resulted from the inability of the property to sustain the rates, the Committee is to recommend to Council that the arrears be written off.⁴⁷¹

Claimants have indeed confirmed that the landlocked blocks in the inquiry district are no longer rated.⁴⁷²

5.27 Memorandum of Understanding, 2006

In 2006, a Memorandum of Understanding Tutohinga was signed by the Rangitikei District Council and Te Tangata Whenua O Rangitikei: Ngati Rangituhia, Ngati Whitikaupeka, Ngati Parewahawaha, Ngati Hauti, Nga Ariki Turakina, Kauangaroa/Nga Wairiki, Ngati Kauae/Tuairā, Ngati Hinemanu/Ngati Paki, Whangaehu, Ngati Tama Kopiri and Rātana community to be represented on council by Te Roopu Ahi Kaa. The memorandum said that the Council and Iwi of the district wished to ‘enter into a number of protocols’ which were ‘intended to reflect the basis on which they will conduct their affairs of common interest’.

⁴⁷⁰ Rangitikei District Council, ‘Rates Remission Policy for Maori Freehold Land’, adopted 15 July 2004, last updated June 2009, http://www.rangitikei.govt.nz/index.php/other-policies/doc_details/2912-rates-remission-policy-for-maori-freehold-land, accessed 28 April 2015.

⁴⁷¹ Rangitikei District Council, ‘Rates Remission Policy for Maori Freehold Land’, adopted 15 July 2004, last updated June 2009, http://www.rangitikei.govt.nz/index.php/other-policies/doc_details/2912-rates-remission-policy-for-maori-freehold-land, accessed 28 April 2015.

⁴⁷² Conversation with writer and Richard Steedman, October 2014.

The memorandum also stated that Te Tiriti o Waitangi was the ‘starting point for determining their relationship with the Crown, its agencies and the Rangitikei District Council’.⁴⁷³

⁴⁷³ Memorandum of Understanding Tutohinga between Rangitikei District Council and Tangata Whenua o Rangitikei, 12 December 2006. <https://www.rangitikei.govt.nz/council/policies-bylaws/policies/memorandum-of-understanding-tutohinga>

6. RATING OF INQUIRY DISTRICT LANDS BY EAST TAUPO, LATER TAUPO COUNTY COUNCIL

A portion of the inquiry district was within the jurisdiction of the East Taupo County Council, which then became the Taupo County Council (circa 1926) and from 1989, the Taupo District Council. Blocks within the county included Oruamatua Kaimanawa (part 1X1, part 1X2, 1W2, 3A), Rangipo Waiu 2B2 and 2B1E and the top northern third of the Owhaoko block (part D1, part D2, part D3, D4, part D7B, D8, A and B). All these lands were undeveloped though parts of the Owhaoko D block were leased until 1904.

At various times, these blocks were exempted from rates. Indeed the Rating Act, 1882, which was the first legislation that extensively rated Maori land, specifically excluded from rating all Maori lands within the East Taupo county.⁴⁷⁴

Notice in the *New Zealand Gazette* of districts excluded from the Crown and Native Lands Rating Act, 1882 was given in April 1884. There is no mention of East Taupo County presumably as it was specifically excluded in the actual Act.⁴⁷⁵

Between 1884 and 1891 the Colonial Treasurer gave yearly ‘notice’ in the *New Zealand Gazette* to owners of Maori land under the Crown and Native Lands Rating Act, 1882, advising that each and every owner or owners of land described in valuation rolls supplied to local bodies, was to pay the rates levied. East Taupo County was never included in the schedule of local bodies to which this applied.⁴⁷⁶

While the 1893 Act excluded Maori land situated more than five miles from any public road or highway from rating, which would have applied to these lands, unlike the 1882 Act, it did not specifically exempt Maori land in the East Taupo county from rates. This was despite a statement by Hon Mr Ward when he introduced the Act that districts that were ‘purely native districts’ were exempted from rates and that these included both the Taupo East and Taupo

⁴⁷⁴ Bennion, p. 16.

⁴⁷⁵ *New Zealand Gazette*, 2 February 1884, p. 194.

⁴⁷⁶ *New Zealand, Gazette*, 24 April 1884, p. 711; *New Zealand Gazette*, 1 October 1885, p. 1119; *New Zealand Gazette*, 17 February 1887, p. 263; 5 January 1888, pp 4-5; 11 April 1889 p. 374; 5 March 1891, p. 315

West counties. This same statement also appeared in a number of newspaper reports on the legislation.⁴⁷⁷

As recorded previously, in 1904, 'Te Heu Heu', (presumably Tureiti Te Heuheu Tukino of Ngati Tuwharetoa (1865/1866-1921)) complained to the Native Affairs Committee about the proposed rating of Maori land indicating that it had either commenced in East and West Taupo counties or that it was feared that the government was proposing to begin rating the area.⁴⁷⁸ Certainly the Rating Act 1910 provided for few exemptions from rates so if not before, these lands would have been rated from 1910. That said, in 1911, the East Taupo County was not subject to the Counties Act and this was still the case in 1931 when the land was exempted from rates (see below). This meant, according to officials commenting when the land was exempted in 1931, that the land had been subject to hospital rates only.

In 1931, all Maori land situated within that part of the county of Taupo outside the Taupo Road district, except those Maori lands subject to 'subsisting leases to Europeans' were exempted from the payment of rates under section 104 of the Rating Act, 1925. This was instigated by the Valuer General who advised the Minister in charge of the Valuation Department that the Counties Act was not in force in that part of Taupo county outside the Taupo road district and that the only rates levied were hospital rates which were handed over to the Waikato Hospital Board, Hamilton. The Valuer General said that the ratepayers in that part of Taupo county were 'under a disability' which he thought should be removed:

This is due to the fact that a large part of the rateable value on which the Hospital Board's levy is made is in respect of unoccupied Native land on which it is practically impossible to collect any rates, and as a result the Hospital Board's levy has to be collected from occupied properties only. This disability is accentuated by reasons of the remoteness of Taupo County from the Hospital facilities at Hamilton and of the poor class of country in Taupo County.⁴⁷⁹

⁴⁷⁷ *Taranaki Herald*, Volume XLII, Issue 9772, 10 August 1893, p. 2.

⁴⁷⁸ *Wanganui Herald*, Volume XXXVIII, Issue 11341, 25 August 1904, p. 7;

<http://www.teara.govt.nz/en/biographies/3t13/te-heuheu-tukino-v-tureiti>

⁴⁷⁹ Valuer General to Minister in Charge, Valuation Department, 5 May 1931, AAMK W3074 869 Box 721 a 20/1/54, Rates – Taupo Country, 1931-1970, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 15-16. *New Zealand Gazette*, 16 July 1931, p. 2106

The exemption remained in place until 1954 when the Secretary for the Department of Maori Affairs and the Minister of Internal Affairs, H J Broadfoot, recommended to the Minister of Maori Affairs that the exemption be revoked. They both explained that in 1931 the Counties Act was not in force in that part of the Taupo county outside the Taupo road district (which had become the Borough of Taupo) and that the only rates levied in that part of the county were hospital rates. The Valuer General at the time had asked that the unoccupied Maori land be exempted from payment of rates. The Secretary said this was ‘mainly because it was impossible to collect the rates in respect of those properties, with the result that an additional burden was imposed on the ratepayers’. The Minister of Internal Affairs felt that it was ‘evident that ... the whole intention of the Order in Council ... was to relieve occupied lands of the otherwise heavy burden of the hospital levy resulting from the inclusion of large areas of unleased Maori lands in the valuation roll for the county, and not to exempt unleased Maori lands from normal local body rating if, at some future date, local government was instituted in the county’. The Secretary explained that the Taupo County was being brought within the provisions of the Counties Act and an up-to-date valuation roll was being prepared. In order for ordinary rates to be levied, he recommended that the exemption be revoked. The Minister of Internal Affairs added that the County Commissioner had asked that consideration be given to the revocation of the order in council and that the request was ‘a reasonable one’. The Minister of Maori Affairs agreed and the exemption was revoked on 18 November 1954.⁴⁸⁰

In 1956, the District Office of Maori Affairs at Whanganui forwarded to the County Commissioner at Taupo details of five blocks in the inquiry district where rates demands had already been sent. They were:

- Owhaoko D2 (part) – 3417 acres, owned by Waerea Waikari Karaitiana and Robert Waikari Karaitiana. (It was noted by the District Officer that 6031 acres of the block within the RCC boundaries was exempted from paying rates in 1947.)

⁴⁸⁰ Secretary, Department of Maori Affairs to District Office, Whanganui, 8 June 1954, Minister of Internal Affairs to Minister of Maori Affairs, 4 November 1954, Secretary, Department of Maori Affairs to Minister of Maori Affairs, Wellington 8 November 1954, *New Zealand Gazette*, 18 November 1954, p. 1796, AAMK W3074 869 Box 721 a 20/1/54, Rates – Taupo Country, 1931-1970, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 17-22.

- Rangipo Waiu 2B2 - 996 acres 21 perches, owned by Ngauru, Towhare Wereta and others.
- Rangipo Waiu 2B1E – 379 acres 2 roods 36 perches, owned by Mere Hapi Ruka, Rangitopera Davies and others.
- Oruamatua Kaimanawa 1X (part) – 2956 acres out of a total area of 16,277 acres. Owned by Taikiora Potaka, Tenga Takarangi and others.
- Oruamatua Kaimanawa 1W1 (part) – 108 acres. Owned by Pehira Kingi.

Although the District Officer noted that the Rangitikei County Council had exempted 6031 acres of Owhaoko D2 (part) in 1947, it was not noted that the RCC had also exempted parts of Oruamatua Kaimanawa 1X1 and 1X2 at the same time and that this land was contiguous to Oruamatua Kaimanawa 1W1. In addition, the RCC had exempted Rangipo Waiu 2B1B, 2B1C, 2B1D which were in close proximity to Rangipo Waiu 2B2 and 2B1E which were both in the above list. It was also not noted that all of these lands were without legal access.⁴⁸¹

No charging orders instigated by the Taupo County Council for these blocks have been located. The only charging orders on the Maori Land Court's block order files for these blocks were instigated by the Rangitikei County Council whose boundaries encompassed parts of these blocks (and the other part by the Taupo County Council). For example, the particulars of title for the Owhaoko D2 block prepared at the time of its sale to the Crown in 1972 recorded that there were outstanding charging orders in respect to the RCC totalling \$89.72 but none in respect to Taupo County Council.⁴⁸²

Very little of the Maori Affairs file concerning the Taupo County Council deals specifically with the land in the inquiry district. There is a letter from Pei Te Hurinui Jones to the Minister of Maori Affairs in 1957, however, that focused on the concerns of Ngati

⁴⁸¹ AFHQ 19340 V-WRolls 4 2/124 Valuation rolls Wellington – Rangitikei County – Erewhon Riding – roll numbers 1-250, 1927-1939, Archives New Zealand, Wellington

⁴⁸² Block order files, Taihape Inquiry District Maori Land Court Document Bank, volumes 3 and 5 have been checked. Particulars of title to Owhaoko D2, 24 October 1972, AAMK W3074 869 Box 56 d 5/5/327 Maori Trust Mortgages – Owhaoko D2 Block, 1972-1974, Archives New Zealand, Wellington.

Tuwharetoa about the rating of unoccupied Maori land around the shores of Lake Taupo. This was though directly relevant to the land in the inquiry district. Mr Jones suggested that Maori land be classified into categories such as unimproved and unoccupied land; land under development and land that was revenue producing, to determine whether rates were paid. Mr Jones was advised by the Minister of Maori Affairs, E B Corbett, that he could not agree that Maori land that was unoccupied or not producing revenue should be exempted from rating. Mr Corbett said that since local government had been instituted in Taupo county, 'a considerable amount of work' had been 'set in hand on roading and other services' and this was 'bound to have a considerable effect on values'. Further:

It would be inequitable to exempt any section of land owners from the liability to contribute towards the expense of these services. There is certainly no reason for treating Maori land in Taupo county in any different way from Maori land in other parts of the Country.⁴⁸³

Exactly what roads and services the Minister was referring to as enhancing the value of land in the inquiry district is not clear.

With regard to further exemptions, in 1968, three blocks of unoccupied and undeveloped land were exempted in the county. They all had access issues. None were in the inquiry district.⁴⁸⁴

In terms of the amount collected in rates on Maori land, the Taupo County Council reported in 1970 that it collected 77% of the rates levied on European and Maori lands but that the bulk of the 23% unpaid related to Maori land. The Taupo County Council argued that to 'carry out its annual roading and works programme and to finance general operations' it needed this money.⁴⁸⁵

⁴⁸³ Registrar & District Officer, Department of Maori Affairs, Whanganui to Taupo County Council, 17 July 1956 and Pei Te Hurinui Jones to Minister of Maori Affairs, 19 July 1957, Minister of Maori Affairs to Pei Te Hurinui Jones, 10 September 1957, AAMK W3074 869 Box 721 a 20/1/54, Rates – Taupo Country, 1931-1970, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 24-36.

⁴⁸⁴ Minister of Lands and Minister of Maori Affairs, memorandum to cabinet, circa 1967, AAMK W3074 869 Box 721 a 20/1/54, Rates – Taupo Country, 1931-1970, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 13-44. SW Document Bank, volume 7, pp. 37-38.

⁴⁸⁵ Statement of county chairman, Taupo County Council. 1970, AAMK W3074 869 Box 721 a 20/1/54, Rates – Taupo Country, 1931-1970, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 42-45.

In the 1970s, Mr Jones again sought the assistance of the Minister of Maori Affairs in terms of the rating of lake-side Maori land that had no access as the Taupo County Council had applied for orders authorising their sale for non-payment of rates.⁴⁸⁶

In response the Taupo County Council submitted to the chairman of the local bills committee a submission on the Rating Amendment Bill suggesting that section 146 (1) of the Rating Act 1967 be further amended to give 'power to the local authority at its discretion to remit either wholly or in part, or postpone for such time as it thinks fit, the payment of any rates in respect of any land which has been designated reserve or proposed reserve.'⁴⁸⁷ The Taupo County Council then proposed new legislation called the Taupo County Council Rates (Remission and Postponement) Empowering Bill which was described as 'an Act to empower the Taupo County Council to remit or postpone rates on certain land designated proposed reserve or proposed lakeshore reserve in any proposed or operative district scheme for the County of Taupo'.⁴⁸⁸

Bennion explains that the policy of the Taupo District Council included 'exemptions for lakeside lands to encourage their preservation, and the writing off of arrears in particular cases to encourage development on lands capable of production'. Further:

In an echo of comments earlier in the century ... one council is considering the argument that, because of the Treaty guarantee that Maori would be left in undisturbed possession of their lands, uncollectible rates on group owned land should be a cost to central government.⁴⁸⁹

Rangitikei District Council (RDC) records indicate that most of the inquiry district land previously rated by the Taupo County Council was transferred to the RDC in 1989. The RDC reported in 1997 that rates on these lands had not been collected.⁴⁹⁰ As noted, the RDC have a

⁴⁸⁶ McKenzie and Fergusson to Minister of Maori Affairs, 16 June 1970, AAMK W3074 869 Box 721 a 20/1/54, Rates – Taupo Country, 1931-1970, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 39-40.

⁴⁸⁷ County Chairman to Local Bills Committee, 9 July 1970, AAMK W3074 869 Box 721 a 20/1/54, Rates – Taupo Country, 1931-1970, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 13-44.

⁴⁸⁸ Taupo County Council (Rates Remission and Postponement) Empowering Act, 1970, AAMK W3074 869 Box 721 a 20/1/54, Rates – Taupo Country, 1931-1970, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 42-45.

⁴⁸⁹ Bennion, p. 76.

⁴⁹⁰ Finance Controller, Rangitikei District Council to Finance Committee, Rangitikei District Council, 17 December 1997, MA 2/5 Box 15, Maori Land Rating, Rangitikei District Council, Marton. SW Document Bank, volume 6, pp. 12-15.

rates remission policy introduced in 2004 whereby undeveloped Maori land with no access could be exempted from rates.

No further information has been located about the historical situation with regard to these inquiry district lands within the Taupo District Council boundaries. Due to time constraints, any archival records held at this council have not been examined.

7. RATING OF INQUIRY DISTRICT LANDS BY KIWITEA AND POHANGINA COUNTY COUNCILS

7.1 Constitution of the Kiwitea County Council and its boundaries

The Kiwitea County Council (KCC) was constituted under the Kiwitea County Act, 1893. The Act simply contained a schedule of its boundaries stating that this land had previously been part of the Oroua County Council (which had been formed in 1883). Maps of county councils from 1876 (see map 1) indicate that before the establishment of the Oroua County Council the area was rated by the Manawatu County Council.⁴⁹¹

Archives Central notes that the KCC also comprised what had been the Kiwitea Road Board. The KCC was situated between the Rangitikei River to the east and the Oroua River to the west. The eastern boundary went as far as the ‘confluence’ of the ‘mid Rangitikei River’ with the Kawhatau River and then north-east to the summit of the Ruahine Range. The county was surrounded by the counties of Rangitikei (to the north and west), Waipawa (to the east), Pohangina (to the south-east) and Oroua (to the South). The town of Kimbolten was situated within the county.⁴⁹²

7.2 Maori land within county

Within the boundaries of the Kiwitea County Council were most of the landlocked Awarua 1A3 blocks comprising 10,160 acres and the Otamakapua block. An area of 103,062 acres of the Otamakapua block was sold to the Crown in 1884 leaving 8,951 acres in Maori ownership. Much of the remaining land was subsequently sold both privately and to the Crown leaving 1728 acres in Maori ownership today.⁴⁹³

7.3 Early Rating

The earliest reference to the rating of Maori land by the KCC located was in 1895. The *Feilding Star* recorded that payment of interest at 5% for 26 years on a loan of £650 to be

⁴⁹¹ Archives Central Website.

⁴⁹² Archives Central Website.

⁴⁹³ Hearn, *Southern Aspect*, p. 136.

borrowed under the Government Loans to Local Bodies Act, 1888, for the construction of approaches to the Otara bridge at a special rate of 1/8th of a penny in the pound was levied over named sections within the Hautapu and Apiti Ridings (which was to be called the Otara Special Rating District). Included in the list of lands to which this applied were the Takapurau Native Reserve and the Mangamako Native Reserve.⁴⁹⁴

The 1903-1904 KCC rates book is revealing in that the Awarua blocks (Awarua 1A3 North, Awarua 1A3 South (both later consolidated to form Awarua 1A3C), 1A3A and 1A3B are recorded as the only Maori owned and occupied land in the county. Unlike other entries, the rateable value is crossed out and there are no entries in the amount of rates levied and paid columns. This suggests that these blocks were not rated at this time. There are six entries within this rates book for the Otamakapua block where the land is recorded as being owned by Maori. In all instances the land is occupied by a European and the rates are recorded as having been paid by that person.⁴⁹⁵

In the rates book for 1911-1912, Awarua 1A3 North, Awarua 1A3 South and Awarua 1A3B do not even appear. The exception is Awarua 1A3A and is recorded as being occupied by Blake and Wellwood. Rates on the block of £1.1.8 are recorded as being paid. With regard to the Maori owned Otamakapua blocks, most are leased or partly owned by Ewen McGregor and all the rates paid. There is also a reserve occupied by George Hartley owned by Maori where again the rates had been paid.⁴⁹⁶

The Awarua 1A3 blocks (apart from 100 acres of 1A3C in the RCC and 618 acres of the same block in the Pohangina county) were located within the Hautapu riding. In 1914 and 1915, the capital value of Maori land within the Hautapu riding of the Kiwitea County was £2,589 (no improvements) which was essentially the Awarua 1A3 blocks (together they were valued at about this amount and had no improvements). In comparison the European land within the riding had a capital value of £229,955 (improvements of £146,634.).⁴⁹⁷

⁴⁹⁴ *Feilding Star*, Volume XVII, Issue 97, 21 October 1895, p. 2.

⁴⁹⁵ MDC_00266_0_1 Kiwitea County Council Rates Book, 1903-1904, Archives Central, Feilding. Digitised and available on website: <http://archivescentral.org.nz/en/site>

⁴⁹⁶ MDC_00266_0_9. Kiwitea County Council Rates Book, 1911-1912, Archives Central, Feilding. Digitised and available on website: <http://archivescentral.org.nz/en/site>

⁴⁹⁷ AFHQ 19340 V-WROLLS/53 2/138a Valuation rolls Wellington - Kiwitea County - Hautapu Riding - Roll numbers 1-241, 1910-1918; Archives New Zealand, Wellington.

There is little political agitation by the KCC regarding the rating of Maori land located for this period though in 1917 the council agreed to support the request of the Hokianga County Council for support in securing an amendment to the law relating to Maori rates.⁴⁹⁸

7.4 Rating from late 1920s

In 1925, the KCC applied for rates charging orders under the Native Land Rating Act, 1924 for Awarua 1A3 North (6230 acres) - £14.14.7; Awarua 1A3 South (3420 acres) - £8.1.9; and Awarua 1A3B (given as 263 acres but was actually 236 acres) for £1.2.4 all owed for the two year period 1 April 1923 to 31 March 1925. Across each application are the words 'dismissed 17 March 1930'. Indeed the minute book for that day confirms that all three applications were dismissed for 'non-prosecution'. In addition, another 11 'rating lien' applications by the Kiwitea County Council were dismissed for 'non-prosecution' at the same time (one of which was Otamakapua 1A). The minutes do not record any further information as to why the charging orders weren't prosecuted and there is nothing about the applications in any of the subsequent minute books.⁴⁹⁹

In 1927, a list of the amount of rates owed to county councils was recorded in a newspaper article. The KCC was owed just £16 per year compared to £845 for the Hawkes Bay County Council, £736 for the Rangitikei County Council and £1112 for the Waimarino County Council (nothing recorded for Pohangina or East Taupo).⁵⁰⁰ Despite the small amount owed, the KCC supported the proposal of the Te Kuiti Borough Council to send a deputation of local body representatives to speak to government about 'Native rate problems'. The KCC decided not to appoint a delegate to represent the county.⁵⁰¹

The Awarua 1A3 blocks within the county were exempted from rates in 1947 at the instigation of the council. This is discussed at length in the Awarua 1A3 chapter. No charging orders were ever made on the application of the KCC of these blocks.

⁴⁹⁸ *Feilding Star*, Volume XIII, Issue 3360, 29 September 1917, p. 4.

⁴⁹⁹ Whanganui Minute Book 91, 17 March 1930, pp. 67-68; Kiwitea County Council, Applications for Charging Orders, 1925, MA-Wang W2140 35 Wh. 591 part 1, Awarua, 1898-1945, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 70-73.

⁵⁰⁰ *Evening Post*, Volume CIV, Issue 84, 6 October 1927, p. 8.

⁵⁰¹ *Evening Post*, Volume CIV, Issue 72, 22 September 1927, p. 13.

In addition, no charging orders or anything specific about the rating of the Otamakapua blocks have been located within the memorial schedules prepared in the 1960s for the following Maori owned Otamakapua blocks: 1A1, 1A2A, 1A2B, 1A3A, 1A3 section 5, 1A4, 1B, 1C, 1D, 1F2A.⁵⁰² The exception was in relation to 1A5 in the 1960s which is discussed below.

It would appear that the KCC did not pursue rates on the Maori occupied Maori land (Awarua 1A3 blocks), quite possibly, as is demonstrated in the Awarua 1A3 block study, because they were not revenue producing and were unlikely to ever be so. It also appears that most of the other Maori land was leased and the lessees were paying the rates. Other evidence to support this is a declaration by the county clerk under section 9 of the Appropriation Act, 1916, that the total rateable value of the county was £2,635,773.0.0, that the amount collected during the year ending 31 March 1946 on land in European occupation was £8023.0.4. The column for the amount collected on land in Maori occupation was nil.⁵⁰³

In addition, in 1948, the county clerk advised the Valuer General of the amount collectable from ratepayers (other than Maori) for the year ending 31 March 1948 was £16,628.7.9 and that the amount collectable from Maori for the same year was nil. The county clerk also added that the total value of rateable property in the county exclusive of Maori lands occupied by Maori and of unoccupied Crown lands was £2,660,265. The contents of letters sent to the Valuer General specific to the year ending 31 March 1950 and 31 March 1951, were similar with no rates on Maori land collectable and rates on European land collectable being £22,191.15.8 and £25,901.16.2.⁵⁰⁴

In 1963, exemptions of the Kiwitea County Council included owned or occupied Crown lands worth £55,920 (capital value). This included residential premises facing dedicated roads (capital value £7100), administrative, commercial and industrial premises (capital value of £2895), land held for farm settlement (including land under development or full developed but not disposed of) (capital value of £33,960), State forests (capital value £2410) and

⁵⁰² Oti 645, Otamakapua 1 Block Order files, Taihape Inquiry District Maori Land Court Document Banks, volume 3 checked.

⁵⁰³ Declaration by Chairman of Kiwitea County Council, 6 July 1946, MDC 00010: 30: 19a: 5, Rate Exemptions, Kiwitea County Council, 1965-1980, Archives Central, Feilding. SW Document Bank, volume 4, pp. 189-198

⁵⁰⁴ County Clerk, Kiwitea County Council to Valuer General, 1948, MDC 00010: 30: 19a: 5, Rate Exemptions, Kiwitea County Council, 1965-1980, Archives Central, Feilding. SW Document Bank, volume 4, pp. 189-198.

unoccupied Crown lands and Crown reserves (capital value £9,555). Also exempted from rates were various local authority lands, churches, chapels and cemeteries, schools, a war memorial as well as Maori land (under section 104 of the Rating Act) with a capital value of £465. The amount payable for this Maori land if rates were levied was £13.17.1. We can assume that this related to the Awarua 1A3 blocks.⁵⁰⁵

The exception was a charging order for rates owed from 1 April 1963 to 31 March 1965 for £58.7.8 in respect of the 137 acre Otamakapua 1A5 block. At the hearing where the application was heard, Mr Abraham for the KCC said that he understood that the land was on the market and the Maori Trustee was trying to negotiate a sale. He said that the land was at present 'lying idle'. Also, that the county clerk had received a payment from an owner on behalf of the Arapeta and Tapui families. He noted that for the year ending 31 March 1964, the demand would have been sent to NZ Farmers Co-op Distributing Co Ltd, Marton who prior to that date had been paying the rates. The company had notified the county that they were no longer interested in the block so the county had approached the Maori Trustee. He had subsequently advised that the rates would be paid when the block was sold. The block was indeed sold by the Maori Trustee under part 23 of the Maori Affairs Act in April 1967 when the rates were also discharged. (Provisions within part 23 (section 323) stated that on the resolution of the owners to sell, the Maori Trustee could become agent for the owners to execute the sale).⁵⁰⁶

In 1989, the county was 'amalgamated with several other councils' including the Pohangina County Council and Manawatu District Council, 'Feilding Borough Council and most of the Oroua County Council (excluding Ashhurst which joined with Palmerston North City Council)' to form the newly created Manawatu District Council.⁵⁰⁷

7.5 Pohangina County Council

The Pohangina County Council encompassed a small portion of Awarua 1A3C and the Otumore block. Very little information has been located on the rating of these blocks by this

⁵⁰⁵ Exemptions as at 31 March 1963, MDC 00010: 30: 19a: 5, Rate Exemptions, Kiwitea County Council, 1965-1980, Archives Central Feilding. SW Document Bank, volume 4, pp. 184-188.

⁵⁰⁶ Otamakapua 1A5 memorial schedule, Oti 645, Otamakapua 1 Block Order file, Taihape Inquiry District Maori Land Court Document Bank, volume 3, p. 712; Otaki Minute Book 72, 27 July 1965, pp. 47-48.

⁵⁰⁷ Archives Central website.

council and for this reason the rating by this council has only been examined in respect of Awarua 1A3C. A discussion of the rating of the block can be located in the block study for Awarua 1A3C.

8. RATING OF INQUIRY DISTRICT LANDS BY WAIMARINO COUNTY COUNCIL

8.1 Introduction

The Waimarino County Council (WCC) had jurisdiction over a very small part of the inquiry district specifically part Oruamatua Kaimanawa 3C, 3E and 3F blocks. The WCC was, like the RCC, active in pursuing rates on Maori land. The focus of this section will be the charging orders made, the proposed exemption from rates, and the subsequent taking of these blocks under the Public Works Act. Parts of these blocks were also within the Rangitikei County so were rated by both counties. This section also deals with how the RCC rated these blocks. They were divided between the two councils as follows:

Table 14: Oruamatua Kaimanawa 3C, 3E and 3F: Proportion within RCC and WCC

Block	Area rated by WCC	Area rated by RCC	Total area
Oruamatua Kaimanawa 3C	1324 acres	143 acres	1467 acres
Oruamatua Kaimanawa 3E	1954 acres	2448 acres	4402 acres
Oruamatua Kaimanawa 3F	50 acres	1417 acres	1467 acres
Total	3328 acres	4008 acres	7336 acres

Source: Phillip Cleaver, 'Taking of Maori Land for Public Works in the Taihape District', Waitangi Tribunal, 2012, pp. 60-61, AFHQ 19340 V-WROLLS/42 2/124 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-250, 1927-1939, Archives New Zealand, Wellington.

8.2 Establishment of Waimarino County Council

The WCC was established under the Waimarino County Act 1902. The land within the county had formerly been part of the Whanganui County Council. In 1989, the Waimarino District Council was 'formed from an amalgamation of the Raetihi Borough, Ohakune Borough and Waimarino County Councils'. Later the Waimarino District Council, together with the Taumarunui Borough Council, Taumarunui County Council and parts of the

Rangitikei County, Taupo District, Waitomo District and Stratford District Councils formed the Ruapehu District Council.⁵⁰⁸

8.3 Oruamatua Kaimanawa 3

Title to the Oruamatua Kaimanawa block was first investigated by the Native Land Court in 1875 but a ‘fresh investigation’ was required and heard at Moawhango from 22 January to 4 April 1894. Stirling and Fisher note that it was also during the hearing that the new title was partitioned. Oruamatua Kaimanawa 3 was awarded to Ngati Tama and consisted of 16,500 acres.⁵⁰⁹

Since 1894 there has been no record of any formal lease over any of the Oruamatua Kaimanawa 3 blocks. Sales of the block were limited to 3B (6334 acres) in 1937 to the Tussock Land Company.⁵¹⁰

All of the Oruamatua Kaimanawa 3 blocks were landlocked and located well away from the Taihape-Napier Road.

8.4 Attempts to exempt, 1947-1949

On 4 December 1947, the Chairman of the WCC wrote to the Native Minister. He said that he wished to apply to have certain lands in the county exempted from rates under section 104 of the Rating Act, 1925. This was ‘on the grounds that the land ... [was] of poor quality, windswept and high altitude that ... [was] not an economic proposition from a leasing point of view’. He also noted that some of the land was in native bush but considered that this should remain ‘untouched as no useful purpose ... [could] be served by its destruction’. Of the five blocks, four were within the inquiry district. The five blocks to which the exemption related were:

- Pt Oruamatua Kaimanawa 3C – 1324 acres
- Pt Oruamatua Kaimanawa 3E – 1954 acres

⁵⁰⁸ Archives Central Website

⁵⁰⁹ Stirling and Fisher, Northern Aspect, pp. 140, 145,

⁵¹⁰ Stirling and Fisher, Northern Aspect, pp. 155-158, 162.

- Pt Oruamatua Kaimanawa 3F – 50 acres
- Pt Rangipo Waiu 6C – 1414 acres (described as to the north of Rangiwaea 4F19).
- Pt Rangiwaea 4F block - 5456 acres 2 roods⁵¹¹

The Under Secretary of the Native Department advised the chairman that he was having the descriptions and areas checked and that when these were finalised he would prepare an order in council exempting the land from rates.⁵¹²

After checking the description, the Registrar of the Aotea Maori Land Court informed the Under Secretary that there was no block known as Rangipo Waiu 6C but it possibly referred to Rangipo Waiu B6C1 consisting of 72 acres 2 roods 22 perches. He noted that Rangipo Waiu B6C2 (990 acres 3 roods 20 perches) was now European land. He also explained that land to the north of Rangiwaea 4F19 (1914 acres) was part Rangipo North 6C and part Rangipo Waiu 1B.⁵¹³ It was never firmly established within the Maori Affairs exemption file which block was being referred to and it was unlikely to have been Rangipo Waiu B6B as these blocks were rated solely by the RCC.

Several months later the Under Secretary advised the chairman that it would be ‘more convenient’ to postpone the preparation of the order in council until the new valuation rolls had been prepared. These were expected to be completed by the Valuation Department in about a month’s time. He said that once this was done steps would be taken to have the matter submitted to the Executive Council promptly ‘so that the Order in Council, if approved ... [would] issue before the ensuing year’s rates ... [were] struck’ which he understood would be in July.⁵¹⁴

⁵¹¹ Chairman, Waimarino County Council to Native Minister, 4 December 1947, ACIH 16036 MA 1 Box 413 20/1/41 Land exempted from payment of rates – Waimarino County Council, 1947-1950, Archives New Zealand. SW Document Bank, volume 7, p. 5.

⁵¹² Under Secretary, Native Department to Chairman, Waimarino County Council, 22 December 1947, ACIH 16036 MA 1 Box 413 20/1/41 Land exempted from payment of rates – Waimarino County Council, 1947-1950, Archives New Zealand. SW Document Bank, volume 7, pp. 6-7.

⁵¹³ Registrar, Aotea Maori Land Court, Whanganui to Under Secretary, Native Department, 8 January 1948, ACIH 16036 MA 1 Box 413 20/1/41 Land exempted from payment of rates – Waimarino County Council, 1947-1950, Archives New Zealand. Rangipo Waiu B6C1 and B6C2 were also in the Rangitikei County boundaries. SW Document Bank, volume 7, p. 8.

⁵¹⁴ Under Secretary, Native Department to Chairman, Waimarino County Council, 14 April 1948, ACIH 16036 MA 1 Box 413 20/1/41 Land exempted from payment of rates – Waimarino County Council, 1947-1950, Archives New Zealand. SW Document Bank, volume 7, p. 10.

It was not until August, however, that the Under Secretary corresponded again on the matter presumably after having done some ‘research’ on the blocks in question. He told the Registrar at Whanganui that the owner of one of the blocks - Rangiwaia 4F7A - was a minor at the time the block was partitioned in 1899 and was described as a ‘Ship’s Steward’. The Under Secretary asked that the Registrar confirm whether the owner was Maori, if he was a sole owner and if there were ‘any insuperable difficulties in the way of his paying rates’. The Registrar responded that the sole owner was a ‘quarter-caste Maori’ and that he had no means of ascertaining whether the owner was in a position to pay rates. He also stated:

As the land is Maori land and is not revenue producing, nor ever likely to be, it is considered that the Waimarino County Council’s application for exemption from rating might well be given favourable consideration in this case.⁵¹⁵

The last piece of correspondence on the proposed exemption was on 10 January 1949 when the Under Secretary told the chairman of the Council that since he had last written to the Council he had received advice that the Crown might wish to purchase some of the areas subject to the recommendation. He said that until the position was clarified, he was withholding action in regard to the issue of an order in council.⁵¹⁶

The Crown did not, however, purchase the blocks at this time. Despite this and the statements of both the chairman of the council and the Registrar of the Maori Land Court about the lands lack of development potential, no further exemption was sought by the WCC and the Under Secretary did not revisit the recommendation. Therefore the blocks continued to be rated, albeit somewhat sporadically.

8.5 Charging Orders, 1930s-1950s

On 11 December 1952, the WCC applied for 120 charging orders for unpaid rates. Three were in respect to Oruamatua Kaimanawa 3C (£23.10.0), 3E (£35.4.9) and 3F (£0.18.2) – the blocks recommended for exemption from rates by the Council in 1947. At the hearing

⁵¹⁵ Under Secretary, Native Department to Registrar, Maori Land Court, Whanganui, 9 August 1948, Registrar, Maori Land Court, Whanganui to Under Secretary, Native Department, 8 September 1948, ACIH 16036 MA 1 Box 413 20/1/41 Land exempted from payment of rates – Waimarino County Council, 1947-1950, Archives New Zealand. SW Document Bank, volume 7, pp. 11-12.

⁵¹⁶ Under Secretary, Native Department to Chairman, Waimarino County Council, 10 January 1949, ACIH 16036 MA 1 Box 413 20/1/41 Land exempted from payment of rates – Waimarino County Council, 1947-1950, Archives New Zealand. SW Document Bank, volume 7, p. 13.

charging orders were made for some of the 120 blocks, other applications were adjourned to investigate whether they were reserves and therefore exempted, and others adjourned to investigate why the Maori Land Board had shown the land as occupied. Nothing was noted as to why the applications in respect to the Oruamatua Kaimanawa blocks were adjourned at this time.⁵¹⁷

A year later, applications for charging orders including those for Oruamatua Kaimanawa 3C, 3E and 3F in respect to rates owed to the WCC were heard again at the Maori Land Court. LN Ritchie appeared for the council and called evidence from Arthur Mabbott the WCC County Clerk. Mr Mabbott stated that the rates in respect of all applications were properly struck and demands sent to the occupiers as known by him. He said that the council tried to ascertain the actual occupiers of land but that difficulties arose with short tenures of Maori freehold land. He said that there were 'numerous blocks and sections which ... [had] no actual or physical occupier'. Also that there were a large number of blocks that they knew were not capable of being farmed which the council did not apply for rate charging orders for. He noted too that some blocks had been exempted. He did not, however, put Oruamatua Kaimanawa 3C, 3E and 3F into any of these categories as charging orders were made in respect to all three blocks for the years ending 1951 and 1952: Oruamatua Kaimanawa 3C for £23.10.0 plus 15/- costs, Oruamatua Kaimanawa 3E for £35.4.9 plus 15/- costs; and Oruamatua Kaimanawa 3F for 18/2 (no costs).⁵¹⁸

No further applications for charging orders by the WCC for these blocks have been located.⁵¹⁹

As noted above, parts of these same Oruamatua Kaimanawa blocks were rated by the RCC who also prosecuted charging orders against the blocks. Charging orders in respect to lands within the RCC boundaries were made for 3C for the years ending 31 March 1939, 1940, 1941 and 1942 on two separate occasions - 1940 and 1947 for £1 and 12/8 respectively. Another charging order was ordered in 1956 for £10.13.7 for the years ending 31 March 1954

⁵¹⁷ Whanganui Minute Book 109, 11 December 1952, pp. 23-27.

⁵¹⁸ Whanganui Minute Book 110, 3 November 1953, pp. 333-335; Whanganui Minute Book 111, 3 November 1953, pp. 11-17.

⁵¹⁹ Whanganui Minute Book 120, 30 September 1958, pp. 157-166.

and 1955. This later amount was significantly larger than the previous charging orders perhaps reflecting an increased valuation and/or a rates increase by the RCC.⁵²⁰

Charging orders were also made for 3E and 3F in 1938, 1940 and 1947 in respect to unpaid rates for the years ending 31 March 1937, 1938, 1939, 1940, 1941 and 1942. The amounts for 3E were £25.9.1, £26.15.10 and £25.11.9. An additional charging order was made in February 1956 for £16.0.3 most likely for the years ending 31 March 1954 and 1955 which is the rates arrears period given for the charging order for 3C which was made on the same day (the charging order has not been located and the minutes do not specify the dates). The amounts for 3F were £25.9.1, £25.11.10 and £22.17.5. No charging order was made in 1956 for 3F.

Of note is that the RCC also considered exempting from rates these same three blocks (3C, 3E and 3F). This was one year before the WCC applied to have the blocks exempted from rates. At a Maori Land Court hearing in March 1946, Mr Fenwicke of the RCC asked that the Court recommend that a number of inquiry district blocks be exempted from rates (which they subsequently were) but also asked for an adjournment in respect to the exemption of sixteen other blocks, of which three were 3C, 3E and 3F. This was on the basis that ‘on inquiry it ... [was] possible that they may be disposed of’. The three blocks were not included in the final exemption order in council and as can be seen above, continued to be rated and were neither developed, leased nor sold at this time.⁵²¹

Also of note is that the three later charging orders in respect of 3F were discharged by the RCC in June 1958 though it is not clear from what funds the rates were paid or by whom. (As already noted there were no alienations recorded on the block at this time).⁵²²

⁵²⁰ Whanganui Minute Book 101, 21 August 1940, pp. 68-106; Charging order, 3 February 1956, Oruamatua Kaimanawa 3, Block Order file, Wh 596/C volume 2, Taihape Inquiry District Maori Land Court Document Bank, volume 4, p. 352.

⁵²¹ Tokaanu Minute Book 28, 12 March 1946, pp. 156-158.

⁵²² Charging Orders, Oruamatua Kaimanawa 3, Block Order file, Wh 596/C volume 2, Taihape Inquiry District Maori Land Court Document Bank, volume 4, pp. 324, 325, 352; Maori Land Court, Whanganui to Rangitikei County Council, 8 September 1954, Declaration of satisfaction of charging order, 18 June 1958, RDC 00072: 4: O/7, O/7A Maori Land Rating: 13290 048 and 13310 004 Oruamatua-Kaimanawa 3F Pine Whale Henare others Rangitikei County Council, 1940 – 1954, Archives Central, Feilding. SW Document Bank, volume 4, pp. 206-207.

Together with other Oruamatua Kaimanawa and Rangipo Waiu blocks, Oruamatua Kaimanawa 3C, 3E and 3F were taken under the Public Works Act for defence purposes in 1961. The owners were awarded the following compensation:

- Oruamatua Kaimanawa 3C - £550
- Oruamatua Kaimanawa 3E - £2150
- Oruamatua Kaimanawa 3F - £1115⁵²³

When the land was taken, the Maori Land Court asked both the Waimarino and Rangitikei County Councils whether they were owed rates on the blocks. The WCC responded that the Council had one charge of £23.10.0 plus costs of 15/- for the years ending 31 March 1951 and 1952 still outstanding on Oruamatua Kaimanawa 3C, £35.4.2 plus costs of 15/- on Oruamatua Kaimanawa 3E and 18/2 on Oruamatua Kaimanawa 3F.⁵²⁴

The RCC responded that there were three liens from 1940, 1947 and 1956 for £1.0.0, 12/8 and £11.3.7 in respect to Oruamatua Kaimanawa 3C totalling £12.16.3 and four liens from 1938, 1940, 1947 and 1956 on the Oruamatua Kaimanawa 3E block for £25.9.1, £26.15.10, £25.11.9 and £16.10.3 respectively totalling £94.6.11.⁵²⁵ As previously mentioned, the liens on 3F had already been paid.

The combined total of all the rates owing on the three blocks was £167.8.10.

In addition to the rating liens, there were also survey liens owed on the blocks being taken including 3C, 3E and 3F. The amounts were £51.19.5, £156.12.6 and £51.19.5 respectively. The Registrar of the Maori Land Court noted to the Department of Lands and Survey that the liens were 'heavy' and in some cases exceeded the amount of compensation awarded (specifically the Rangipo Waiu blocks). The Registrar explained that the surveys were carried out at a time when cash payment was not insisted upon and it was 'reasonable to suggest that it was done as a matter of course and not at the express wish of the owners'. Further, that as

⁵²³ Philip Cleaver, 'Taking of Maori Land for Public Works in the Taihape District, Waitangi Tribunal, 2012, p. 81. Fisher and Stirling, Northern Aspect, p. 170.

⁵²⁴ Waimarino County Council to Aotea Maori Land Court, 29 March 1962 and 30 March 1962, 23/596 Oruamatua Kaimanawa correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 8-11.

⁵²⁵ Rangitikei County Council to Aotea Maori Land Court, 29 March 1962, 23/596 Oruamatua Kaimanawa correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 8-10.

the owners had ‘derived no benefit from the surveys’ it did not seem ‘equitable that they should be asked ... to pay all amounts charged’. The Registrar asked that consideration be given to remission in full of the liens. The Registrar also commented that the majority of the land concerned was ‘unproductive high tussock country on which the Government Valuer ... [had] placed his minimum value of 2/6d per acre’.⁵²⁶

Although part of the survey liens was subsequently remitted, the presence of both survey and rating liens as well as succession duty meant a significant amount of money was deducted from the compensation moneys. The following table shows the amount of compensation awarded for each block and the amount of rates and survey liens deducted:

Table 15: Deductions from compensation awarded for taking of Oruamatua Kaimanawa 3C, 3E and 3F under the Public Works Act, 1962

Block	Compensation	Deductions for rates WCC	Deductions for rates RCC	Deductions for rates Total	Deduction for survey liens and succession duty	Total deductions*	Compensation less deductions/% deducted*
Oruamatua Kaimanawa 3C	£550	£24.5.0	£12.16.3	£37.2.6	£20.15.9	£58	£492 10.5%
Oruamatua Kaimanawa 3E	£2150	£35.19.2	£94.6.11	£130.10.2	£62.13.0 and £46.13.4	£240	£1910 11%
Oruamatua Kaimanawa 3F	£1115	18/8	n/a	18/8	£20.15.9 and £16.10.5	£38	£1077 3.5%

Source: Oruamatua Kaimanawa and Rangipo Waiu Blocks Summary of compensation and deductions, circa 1962, 23/603 Rangipo Waiu Correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 94.

Note: The amount of rates for each council is based on the charging orders and correspondence between the council and the Court. The rates, survey liens and succession duty totals are based on a spreadsheet located in a Rangipo Waiu Maori Land Court correspondence file. The figures for the individual councils do not exactly equal the total amount of rates deducted but the difference is less than 5 shillings.

⁵²⁶ Registrar, Maori Land Court, Whanganui to Chief Surveyor, Department of Lands and Survey, 10 May 1962, 23/596 Oruamatua Kaimanawa correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 12.

*These amounts have been rounded up.

As can be seen, the amount deducted from the compensation monies for 3C and 3E was over 10% of the compensation awarded. The amount was smaller for 3F as the rates levied by the RCC had already been paid.

On 21 May 1962, the RCC acknowledged receipt of £94.6.11 from the Maori Land Court in respect of unpaid rates on Oruamatua Kaimanawa 3E. The county clerk also noted that a Mr Tommy Hartley had called at the RCC offices in connection with the rating of Oruamatua Kaimanawa 3E and 3F. He asked that the Maori Land Court be advised that the blocks, until taken in 1961, were included in a list of about ten blocks on which the rates had been written off by the RCC since 1947. In lieu of rates, Ohinewairua Station Ltd had paid the RCC £50 per year which the RCC said was an agreement 'satisfactory' to the station as they had access to the 'unfenced Maori blocks adjacent to their own'. The county clerk said the actual rates amounted to about £140 and that the old claims (on which the £94.6.11 was based) would 'in the main, be on the books prior to the change-over when Ohinewairua Station started paying £50 in lieu of rates'. A note on the bottom of the letter by a Maori Land Court official simply noted that no further action was necessary.⁵²⁷

This may not have been strictly true as one of the rating liens on which the £94.6.11 was based (and paid out of the compensation money) was for £16.10.3 ordered in 1956. As noted above the Court minutes did not specify the period for which the rates were owed and the charging order has not been located. It is likely though that it was for the years ending 31 March 1954 and 1955 as this was the period in respect of the charging order for Oruamatua Kaimanawa 3C ordered on the same day. This, of course was some years after the 1947 agreement was made.

8.6 Summary

The above demonstrates how rating legislation allowed local authorities to rate land that was undeveloped with limited development potential and was therefore incapable of producing revenue to support the payment of rates. What is particularly incongruous about this situation

⁵²⁷ County Clerk, Rangitikei County Council to Registrar, Maori Land Court, 21 May 1962, 23/596 Oruamatua Kaimanawa correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 13.

is that the WCC was actually aware of the limited potential of these blocks and sought to have them exempted from rates. The Registrar of the Maori Land Court also supported the exemption. For no specified reason, the RCC did not proceed with the exemption of its portion of the blocks being convinced that they could be 'disposed of'. The Native Department stopped the WCC application simply by stating that the Crown was interested in acquiring it. Its ability to stymie the exemption application was certainly not pursuant to any legislative provisions. It meant that the land continued to be rated with charging orders accumulating over another 12 years until the land was taken under the Public Works Act. As these were registered charges on the land, the Waimarino and Rangitikei County Councils were, under the legislation, entitled to have money owed for rates deducted from compensation money.

The Native Department's attitude was also concerning in terms of the query by the Under Secretary as to whether an owner of Maori land had 'insuperable difficulties in the way of his paying rates'. The Under Secretary's focus was certainly not on the land's ability to produce revenue but whether a Maori owner had the means to pay. He also seemed unconcerned as to the impact his decision to halt the exemption application would have on the owners of the land.

9. RATING IN THE TAIHAPE INQUIRY DISTRICT: AN ASSESSMENT

9.1 Early rating, consultation and the Maori response

No evidence has been located of any consultation or discussion with inquiry district Maori about their rating obligations by the RCC and HBCC in the nineteenth century. Maori were not represented in either Council at this time and there is no evidence of any Maori councillors in the RCC prior to 1975. Certainly, the government never stipulated any consultation process.

The RCC did exactly what the government asked when the legislation was passed in 1882 and together with the Property Tax Department proceeded to prepare a valuation roll containing Maori land in the county that could be rated. The HBCC expressed its delight when the rating legislation of 1882 was first past though were very indignant that they could not rate land that had not been through the Native Land Court. Any notification of obligations to pay rates was initially via a notice in the *New Zealand Gazette* so essentially the onus was on Maori to read the notice and check the valuation rolls held by the respective local authorities to see if their land was affected. Both the RCC and HBCC were reimbursed by the Treasury for rates levied on Maori land from 1883 to 1888. Of note is that much of the land rated by the RCC in the 1880s was sold by the early twentieth century. Although a link between their sale and rates has not been established it could be assumed that if rated blocks were unleased or unimproved, then the raising of funds for rates may well have been problematic.

The RCC rate books confirm that from at least 1 April 1892, Maori land leased by Europeans was rated though the legislation did allow for such land to be rated prior to this. Also, that from 1 April 1893, small sections within the Ohingaiti township owned and occupied by Maori were rated. It was from 1 April 1896, however, that there was a significant increase in the amount of Maori owned and occupied land in the inquiry district rated (around 2461 acres) with £74.15.9 collected from Maori by the RCC. Another significant increase occurred on 1 April 1897 though much of it was newly partitioned with no named occupiers so no rates were collected. Rates were paid in other instances where there were named occupiers. By 1904, however, there were fewer Maori owned and occupied blocks in the rate book – mostly Otairi, Taraketi and Awarua partitions where rates were paid in 6 out of 26 instances.

Tuwharetoa Maori were very scathing of rating legislation in the early twentieth century describing it as a dog. Utiku Potaka asked the Native Minister to protect Maori with regard to rates. Complaints were made by Te Ua Taranaki in 1913 about the rating of undeveloped lands, specifically Owhaoko and Te Koau. There were also some telling complaints by Mr Marumaru in the 1930s that there was no funding for the development of unoccupied lands (and yet they were expected to pay rates on them). These complaints did little to change the way that Maori land was rated in the inquiry district.

In the 1920s, the HBCC and Maori did discuss the question of rates resulting in the formation of a Maori rating committee to assess whether owners were capable of paying or not. It did not last long. The HBCC was adamant that the committee did not do its job ‘properly’ but the committee was equally adamant that the HBCC was not willing to accept part payments or make any concessions particularly for those dependent on seasonal work to pay their rates.

The inspections by RCC official Mr Fenwicke, councillors and the engineer in 1945 are the first mention of any comprehensive overview of Maori land by the county though there is nothing in the record to suggest that this involved comprehensive consultation with Maori.

9.2 Blanket coverage and the ability of the land to support rates:

Towers notes that the process adopted on the East Coast was ‘designed to ensure that rates levied on Maori land would be paid. It did not, however, take into account the ability of the land to support the rates that were levied’. This is also true of the Taihape inquiry district particularly up until the 1940s. One of the main features of rating in the inquiry district at this time was that with few exceptions, all Maori land was considered rateable. There was a mind-set by the Native and Maori Affairs Departments and the local authorities within the district that all Maori land should be rated with no differentiation made between types of land and their ability to support rates. There was certainly no process whereby land was assessed as capable of paying rates.

The exception was the KCC which had little Maori land within its boundaries and chose not to pursue rates on the landlocked non-revenue producing Awarua 1A3 blocks. Very few

charging orders were located for this county although the one examined from the 1950s arose because a lease had concluded. The land was sold shortly afterwards.

It is apparent from the evidence given to the Native Rates Committee in 1933 that the RCC county clerk from the 1890s to the 1940s, HH Richardson, was familiar with the land that was being rated. He was also remarkably perceptive in his assessment of the quality of the land and its usefulness in terms of farming. Despite this, he, on behalf of the RCC, and as per the legislation of the day, pursued rates across all Maori lands regardless of use or quality. He also acknowledged in his evidence to the committee that one of the reasons for pursuing rates on all land, included that which was non-revenue producing in the Erewhon riding, was to pay for the roads built by the RCC, also in the Erewhon riding and to fund the hospital levy.

Within the Erewhon Riding were the Owhaoko, Oruamatua Kaimanawa, Rangipo Waiu, Te Koau and Awarua blocks. Much of this land was undeveloped and of varying quality of which the Crown was well aware. This did not preclude the land from being rated. A Judge of the Native Land Court used rates as a threat when owners were not prepared to sell some of the Owhaoko blocks at what was considered to be a low price. The Judge said that if they did not sell then they would have to ‘accept the responsibilities attached to such land as this is, in the way of keeping down the rabbit nuisance, and in paying the County rates’.⁵²⁸ This was acknowledgement by a Judge that although it was difficult to produce revenue from such blocks it made no difference when it came to having to pay rates (and keep it rabbit free).

The RCC in particular used every means it could under the legislation to get Maori in the inquiry district to pay rates: deductions from purchase money and rental monies, the Magistrates Court for judgements, liens registered under 1913 Act, charging orders from 1926, the appointment of receivers from 1946 and the use of council solicitors.

9.3 Magistrates Court

Both the RCC and HBCC pursued rates by taking Maori to Court. Few details regarding this process were recorded in RCC files but from newspaper sources it is apparent that the RCC

⁵²⁸ J B Jack to Under Secretary, Native Department, 10 November 1910, AECZ 18714 MA-MLP 1 d 1910/8 Owhaoko Block, 1910-1931, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 77-78. Cited in Fisher and Stirling, *Northern Aspect*, p. 89.

took Maori to Court as early as 1901. By 1912, however, the county clerk did not consider this an effective means of collecting rates as it did not necessarily equate to the payment of rates. It did not seem to stop the RCC from using this means to collect rates with examples located whereby Maori owing large amounts of rates were taken to Court in the 1920s. The RCC were also prepared to pursue the bankruptcy of the owners concerned in order to have rates paid. It was considered that this sort of 'pressure' would induce Maori to pay rates.

9.4 Liens under 1913 Act

The RCC used liens under the 1913 Act to ensure that rates owed were paid, even if that was at a much later date. Liens were registered regardless of whether there had been issues with a transfer of a lease or if the lessee had decided to no longer lease the land. Liens were also registered on undeveloped land such as the Owahaoko C blocks. These liens from the 1910s and the 1920s were still valid in the 1960s and the money owed paid out when blocks were alienated. In one instance the presence of liens prevented the registration of some Awarua blocks in the 1980s as they had not been released by the Council. Liens also remained on the land even if the land was subsequently exempted from rates.

The county clerk commented in 1933 that the county had not applied for the appointment of receivers preferring to 'let the matter lie' until there was some dealing with the land. He said that this was particularly the case with registered liens as if they were secured, arrangements could be made for releasing the lien on receiving a guarantee that money would be paid out of rents.

Liens were used up until the change of legislation in 1924 when charging orders were introduced.

9.5 Charging orders

The Native Land Rating Act 1924 introduced charging orders whereby a charge against the land for unpaid rates could be registered against Maori land by the Maori Land Court. Copious numbers of applications for charging orders were made by the RCC particularly in the period from 1926 to the 1950s. Of note when these applications were considered by the Court was the absence in the majority of cases of the Maori owners as well as an absence of

discussion about the circumstances surrounding each order. As the numbers of applications increased the information became more cursory with eventually just the name of the block and amount of the charging order recorded in the minutes. The RCC would state that they had sent out the demand and that it had not been paid. Up until the 1950s, this was deemed sufficient for a charging order to be issued by the Court. This was problematic on a number of levels, one being a complete lack of assessment as to whether the land could support rates and the circumstances of the owners. Another being the accuracy of the valuation rolls. The latter had long been an issue and indeed the clerk of the RCC had complained about it in the 1920s. As the charging orders were sent to those listed on the valuation rolls it was imperative that these rolls were accurate. Often entries in valuation rolls stayed the same for many years, long after the person had died, and did not reflect partitioning, successions or alienations.

It is clear too that in many cases leases followed the issue of charging orders. An analysis of the first 11 charging orders made in 1926, reveals that leases of seven of the blocks followed, most within a few years of the order. Of the seven blocks, four were sold, two Europeansied and just one remains in Maori ownership. The issue of leasing following charging orders is significant with many owners in the situation of having to lease their land in order to pay fast accumulating rates. This meant that they were unable to deal with the land themselves for long periods of time.

Throughout the 1930s charging orders were issued by the Court (on the application of the RCC) every two years. The number of orders ranged from 41 to 57. In 1940, the number reached its peak with 69 charging orders made over land in the inquiry district. No charging orders were made over most of the war years but in July 1945, another 25 were ordered. Between 1926 and 1945, 353 charging orders were recorded as being made in the Whanganui minute books in respect to around 115 blocks in the inquiry district. This affected about 170,792 acres (a considerable area of this was made up of the Owhaoko D7A and D7B blocks comprising over 42,000 acres). An examination of what happened to the blocks following the charging orders revealed that of these 115 blocks, 37 (comprising about 44,901 acres) were known to have been leased in the late 1920s, 1930s and 1940s, including 38,144 acres of the Oruamatua Kaimanawa block. When the Aotea Board was appointed receiver in respect to four of the Taraketi blocks and Owhaoko D5 section 3, these blocks were leased in the 1950s (these five blocks are included in the 37). Many of these leased blocks were

subsequently Europeanised so it is not known whether they were subsequently sold to the lessees. There are, however, an additional six blocks (695 acres) which were leased following charging orders (between 1929 and 1945) and can be confirmed as having been sold to the lessees mostly in the late 1960s, early 1970s. In addition there were seven blocks sold (12,152 acres) all to adjoining farmers in the 1940s, 1950s and 1960s and one shortly after the issue of the charging order in 1927. Six of these seven blocks were landlocked.

A significant amount of the land subject to charging orders between 1926 and 1945 was undeveloped and/or landlocked land which was not immediately leased or sold. It is estimated that there were 24 such blocks comprising around 110,501 acres in this category (including the aforementioned Owhaoko D7B block consisting of 35,689 acres). Much of this land was exempted from rates in 1947 (though the charging orders remained on the land). In addition ten of the Oruamatua Kaimanawa and Rangipo Waiu blocks were taken under the Public Works Act in the 1960s and several blocks sold or Europeanised but not until the 1970s.⁵²⁹

In addition there were 23 blocks (about 1102 acres) which stayed in Maori ownership for the years following the charging orders where there is no record of a lease. As well there are 18 blocks, most of which are no longer in Maori ownership, where there are insufficient details available to determine what happened to them or they do not fit easily into the other categories (about 3537 acres).

The main conclusion to be reached from this data is that about 65% of the area over which charging orders were made was in respect to undeveloped land in the inquiry district (over 100,000 acres). In addition, the proportion of the area over which charging orders were made where leases or sales followed was in the vicinity of 34%. (57,748 acres) Therefore most of the land subject to charging orders between 1926 and 1945 that was not undeveloped did not stay in the occupation of Maori.

As with liens, the presence of charging orders prevented registration of a lease or sale of a block until unpaid rates had been satisfied. This meant that rates were often paid out of purchase money and rental monies. The Court often assisted with this process by ruling that

⁵²⁹ Whanganui Minute Books 82 – 103, 1926-1945

the purchase and/or rental monies be paid to the Court so that they could pay any debts before paying the remainder of the owner's money to the owners.

There is no evidence located in the charging order applications recorded in the Whanganui minute books of any being declined for reasons of 'indigence' or that the land simply was not capable of supporting rates. In the 1950s charging orders were only declined when the Court ruled that the lessee of the land should be pursued for rates prior to a charge being put on the land.

9.6 Receiverships

Between 1945 and 1947, the Aotea Board was appointed receiver in respect to 13 blocks. Several themes emerge in respect of these receivership orders one being the 'use' (or trespass) of all three larger blocks by neighbouring farmers with no formal leases; the subsequent lease and/or sale to these neighbouring farmers and these neighbouring farmers having to pay the outstanding rates prior to the formalisation of the lease and/or sale. In these cases the receivership order was certainly an effective way of providing for a formal lease or sale over the land and facilitated the transfer of Maori land to established farms. In the case of the Owahaoko D5 section 2 and 3 receiverships, the subsequent sale and lease of these blocks also facilitated the alienation of the access route to other Maori owned land within the block but secured it for the farmer who purchased and leased the land.

There was also some focus on smaller blocks where, a county official said 'control' was needed. The Taraketi 1G blocks were small and difficulties continued over the next ten years with securing leases over the blocks resulting in the Maori Trustee also being appointed receiver in 1957. The Maori Trustee arranged between 1957 and 1959 for the lease of a number of the blocks together for 10 years and another lease was negotiated in 1969 with the intention that they be farmed together. At the hearing where this later lease was confirmed, the Court noted that the six blocks by themselves were uneconomic units but no question was asked as to whether this warranted an exemption or reduction in the amount of rates levied.⁵³⁰ Therefore again receivership orders resulted in the land being leased. This example also

⁵³⁰ Whanganui Minute Book 118, 28 May 1957, pp. 328-329; Whanganui Alienation Minute Book 6, 5 August 1969, p. 357; Order regarding lease of Taraketi 1G blocks, 3/3904, Taraketi 1G6 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 36.

shows how owners of small, 'uneconomic' blocks were expected to pay rates and to have their land utilised in a way acceptable to the RCC.

Ten years later, the next tranche of receivership orders were made. In total a further 14 receivership orders have been located and were dated from 1957 to 1968. Ten of the fourteen blocks on which receivership orders were made were very small (ten were less than ten acres and of these, two were less than 1 acre in size) and had outstanding charges against them. In most cases, current rates were being paid. The receivership orders were therefore to secure payment in respect to previous charging orders. All the rates were paid in respect to these blocks and the receivership orders all discharged within several years of the receivership order.

The one exception was Awarua 2C15B2 which was a three acre, non-revenue producing block located near Moawhango. Initially the Maori Land Court recommended that it be vested in the Maori Trustee due to non-payment of rates, the non-payment of a large noxious weeds charge and for not keeping noxious weeds in check. Officials, however, recommended that the Native Minister not sign the order in council and suggested instead that the Court vest the land in the Maori Trustee to sell. This was because it was deemed that no Maori in the area were 'capable of developing the land and that it could best be utilised by sale to some adjoining farmer'. A further application followed and the land was vested in the RCC (not the Maori Trustee) to sell the block which they did for a price far less than the valuation on which the rates had been based. By the time costs were deducted, there was no money left for the owners (and the RCC did not recover its costs). It is certainly questionable whether the interests of the Maori owners were protected in this instance.

9.7 Exemptions

The 1924 Act allowed for the exemption of Maori land from rates. The Native Department, in response to an application for exemption by the Kiwitea County Council explained that the question had been given a great deal of thought and that section 104 'notwithstanding its wide terms, should be invoked only for the purpose of exempting waste lands or lands

incapable of being brought into economic productivity, or lands required for afforestation, water conservation etc'.⁵³¹

That said, in the inquiry district, with the exception of Owhaoko D6 section 1, the only exemptions located prior to 1944 were for parts of Maori land where marae and churches were located. The exemption was restricted, however, to just the area on which the marae or church stood (invariably one rood), and the value of the marae or church. In addition the Erewhon valuation roll for 1927 to 1939 indicated that seven blocks had been given a nil value by the Valuation Department meaning no rates could be levied.

The only exemption of a large block of land prior to 1944 was made by the RCC in respect to Owhaoko D6 section 1. Unlike in 1947, when the RCC instigated the exemption of many acres of Maori land from rates, the RCC expressed a real reluctance to exempt this block. This was despite half the block comprising a swamp. The decision to exempt was really made by Coates, the Prime Minister (and Native Minister) but it does not appear that the RCC adhered to the order in council for long. Correspondence from 1968 indicates that rates of \$182.67 were outstanding from the years ending 31 March 1931 to 1936. As well there was a charging order in respect to unpaid rates for the years ending 31 March 1937 and 1938 for £24.5.6 (\$48.55). Additional rates from the year ending 31 March 1939 were also owed. It is possible that the RCC suspected that the new owners of Ngamatea Station were occupying the land though this was denied by them. Curiously, the same letter of 1968 said that the block was non-rateable.⁵³²

In 1944, the Kiwitea County Council exempted from rates the blocks of the Awarua 1A3 blocks which were without access and undeveloped. Crucially these blocks had never been rated and there is no evidence of any outstanding rates having to be paid to the KCC when two of the blocks were sold in the 1960s.

⁵³¹ Under Secretary, Native Department to Native Minister, 14 November 1944, ACIH 16036 MA 1 Box 411 20/1/34 Kiwitea County Council – Exemption from Rates, 1944-1953, Archives New Zealand, Wellington. SW Document Bank, volume 6, p. 216.

⁵³² Whanganui Minute Book 99, 15 November 1938, pp. 286 – 303; Commissioner of Taxes, Land and Income Tax Department to Registrar, Maori Land Court, Whanganui, 4 November 1941; Rangitikei County Council to Registrar, Maori Land Court, Whanganui, 2 October 1968, 3/3220, Owhaoko D6 section 1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, pp. 13-14.

At the instigation of the RCC, almost 58,000 acres of Maori land in the inquiry district were exempted from rates in 1947. This was a significant amount of land and obviously of benefit to the Maori owners. The gesture, however, was not entirely altruistic. The RCC made it perfectly clear that part of the reason why it wanted the land exempted was so it could reduce the amount it had to pay in hospital levies. Rates on much of the land that was exempted were not being paid but the RCC was still obliged to pay the Whanganui Hospital Board a levy based on the rateable value of all the land within its boundaries. By reducing the amount of land that was rateable it decreased the amount of hospital levies the council had to pay to the Hospital Board.

Altruism or indeed fairness was also not a factor in the decision to insist on the payment of rates levied prior to the land being exempted. Although land was exempted in 1947, the rates that had been charged against land in the form of charging orders and rates liens meant that these rates were still outstanding. This was despite legislation which would have enabled the RCC to write off any rates still outstanding on blocks that had been exempted. For example when the Registrar of the Maori Land Court discovered that the Court held funds in respect of the exempted lands Oruamatua Kaimanawa 1U, 1V, 2A and 2C1 blocks, it advised the RCC that it had these funds and asked how much was owed in rates. The amount of the rates paid (a total of £68.4.2) appeared to have been determined by the amount of money the owners actually had left so by the time the rates were paid there was no money left for the owners. In addition, when Owhaoko C3A was sold in 1963, £117.13.0 was paid to the RCC for rates which was 10% of the purchase money. This was in respect to rates levied prior to 1947 including some from before 1920 levied by the HBCC. No compromise (reduction) was offered by the RCC or requested by the Maori Land Court.

It is not clear why the decision was taken not to exempt at least nine of the ten blocks which were considered for exemption at the same time as the 60,000 acres was exempted. Just one block was leased and had significant improvements at this time (Owhaoko Pt D7 and D7A). Of the nine other blocks five had no improvements on the land and further charging orders were made against six of the blocks. The RCC said it was investigating whether the land could be 'disposed of' but of the nine, none were ever leased and seven stayed in Maori ownership until they were taken under the Public Works Act in 1961. Two blocks remain in Maori ownership today. It is therefore questionable as to whether the Council adequately assessed this Maori land as being able to support the payment of rates.

Unoccupied undeveloped Crown land was automatically exempted from rates. The valuation roll for the Erewhon riding from the late 1920s until the late 1930s indicates that the Crown owned yet unoccupied and undeveloped Oruamatua Kaimanawa, Owhaoko, Timahanga and Awarua 1D blocks, all with no improvements, and in close proximity to the Maori owned blocks that were similarly undeveloped were exempted from rates. It begs the question as to why the legislation enabled Crown land in this category to be automatically deemed non rateable when the RCC was essentially able to rate all Maori land regardless of its state of development unless it considered that it should be exempted.

9.8 Land taken under the Public Works Act

The RCC also expected that the owners of Rangipo Waiu 2B blocks that were taken under the Public Works Act in the 1960s to pay the rates it had secured by charging orders made in 1927. This was despite two of the blocks being exempted from rates (2B1B and 2B1C) and the other in the process of being exempted (2B1A). As well the land was described as ‘practically valueless’. In total eight Rangipo Waiu 2B blocks were taken under the Public Works Act and by the time that succession duty, rates and survey liens (which formed the bulk of the deductions) were paid out of the compensation money, the owners were in receipt of barely half of it. Public Works takings are problematic to begin with but to insist on outstanding rates and survey liens being paid out of the compensation money is open to question as to whether it was the interests of the Crown and local authorities that were being protected and not those of Maori.⁵³³

9.9 RDC and HDC Maori rates remission policy 2004

In 2004 and 2009 respectively, the RDC and HDC introduced Maori rates remission policies so that there is no longer a blanket policy to rate all Maori land. Instead, factors such as access, development, preservation and use are considered. There is also provision for the writing off of rates arrears on Maori land, particularly that which is landlocked.

⁵³³ AFHQ 19340 V-WRolls 4 2/124 Valuation rolls Wellington – Rangitikei County – Erewhon Riding – roll numbers 1-250, 1927-1939, Archives New Zealand, Wellington; Whanganui Minute Book 86, 20 April 1927, pp. 201-209; Summary entitled ‘Oruamatua Kaimanawa and Rangipo Waiu Blocks’, circa 1963 and Internal correspondence between Maori Land Court officials, 22 August 1963, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 94, 96.

Part II: Landlocked Maori land in the Taihape: Rangitikei ki Rangipo Inquiry District

10. LEGISLATIVE PROVISIONS AND POLICY REGARDING ACCESS TO MAORI LAND

10.1 Sources

Treaty historians have discussed the utilisation of legislation such as the Public Works Act and Counties Acts to acquire and build roads over Maori land for the purposes of European settlement. The following discussion on this legislation is therefore based on these existing sources. The discussion that follows, regarding the provision of roads by the Maori Land Court under various Maori Land Acts, has not been examined in its entirety by others. Further analysis of these legislative provisions, particularly early legislation, is therefore likely to be required from legal experts.

10.2 The taking of Maori land for roads

Prior to 1886, there was no legislation that provided specifically for road access to Maori land when title was being investigated or the land partitioned by the Court. There was, however, legislation which allowed for the taking of Maori land for roads but these roads were not specifically to provide access to Maori land but generally used for the purposes of European settlement. The only reference made to roads in the Native Land Act, 1873, was in relation to land being taken for them.

Marr notes that early (from 1840 to the late 1850s) Public Works legislation reflected ‘Crown policy and the circumstances of the time’ which meant that the legislation was ‘concerned with works at a local level [and building] and paying for them rather than taking land for them’. Also that, ‘Maori land was generally protected from compulsory provisions’.⁵³⁴

⁵³⁴ Marr, Rangahaua Whanui, pp. 38-39.

Under subsequent Public Works legislation, however, ‘up to 5 per cent of a Native land title could be taken for public works purposes without compensation’.⁵³⁵

Marr records a discussion in the parliamentary debates of 1872 where Taiaroa, the member for Southern Maori objected to the Crown taking Maori land for roads ‘whenever it liked’. He also said that when Maori wanted a road ‘they were told to rate themselves for it’. Marr said Taiaroa ‘revealed two very common understandings among Maori concerning roads’:

He referred to former days when the Government paid for the land required for roads. The payment he believed was ‘not for the land occupied by the road, but for allowing the road to be taken over the land’. He also referred to early land purchase agreements and negotiations over roading, for example, purchases by Mantell. The understanding was that future provision for roading meant that future Maori roading needs would also be provided for.⁵³⁶

This suggests that in Taiaroa’s experience the Crown had previously paid for land used as roads and that there was an expectation that the Crown would not leave Maori land without access.

Cleaver notes that the Public Works Act 1876 introduced legislative provisions that ‘enabled existing roads to be vested in the Crown without any requirement for compensation to be paid to the owners’. This was he states, ‘continued in section 79 of the Public Works Act 1882 and, later, sections 100 and 101 of the Public Works Act 1894’. He records that ‘although these provisions declared existing roads to be vested in the Crown, in practice roads needed to be surveyed before ownership was formally transferred’. He states that these provisions applied in ‘one significant case in the Taihape inquiry district – the legalisation of the Napier-Patea Road between Kuripapango and Moawhango, which involved the taking of about 305 acres of Maori land, portions of the Timahanga, Mangaohane 1, Owhaoko, Oruamatua Kaimanawa 1, and Awarua 2C blocks’.⁵³⁷

⁵³⁵ Marr, *Rangahaua Whanui*, pp. 87-88.

⁵³⁶ *Ibid*, pp. 73-74 [NZPD, 1872, vol 13, pp 268–270, 336–341]

⁵³⁷ Cleaver, pp. 16-17, 188.

Marr explains that the Public Works Act 1876 also ‘confirmed that local bodies had general legislative authority to take Maori land including customary Maori land’.⁵³⁸ They were encouraged to use this legislation. At a meeting of the RCC on 26 May 1883, it was recorded that the Council had received a letter from the District Survey Office who suggested that the Council should proceed to lay off roads under the Native Lands Act ‘so as to avoid compensation claims’. This could only be currently done, according to the Office ‘through the Oumuri Hori Block, [?] but that the work can be continued through the other blocks when the titles are completed’. It was resolved by the RCC ‘that the chief-surveyors suggestion be approved of, and that he be urged to lose no time in proceeding with the required works’.⁵³⁹

As well as the Public Works Act, the Counties Act 1886, section 245, ‘rendered all roads or tracks through Maori land that were “generally used without obstruction as roads”, whether they were surveyed or not, and regardless of whether they had been dedicated for this purpose, public roads under the control of council. Such ‘roads or tracks’ could be up to 66 feet (1 chain) wide’. According to Luiten, ‘provision was made for compensation but this did not extend to Maori landowners’.⁵⁴⁰

Cleaver in his Public Works report concerning the Taihape Inquiry District reports that a ‘significant amount of Maori land in the Taihape inquiry district, at least 1,240 acres’ was taken for roads. In addition about 662 acres was acquired for railways. Most of the Maori land taken for roads, he said was ‘secured between 1890 and 1905, when much road building was undertaken to support construction of the NIMT and provide access to lands purchased for European settlement’. He also notes that ‘numerous takings have been carried out since this time, but these have involved relatively small areas, reflecting a decline in road building activity and diminishing Maori land holdings’.⁵⁴¹

Cleaver also explains that roading in the inquiry district was carried out by both local authorities and central government. Further that:

⁵³⁸ Marr, pp. 87-88.

⁵³⁹ Rangitikei County Council Minutes, 26 May 1883, RDC 00009: 1: 1, Council meetings minute book, Rangitikei County Council, 1877 – 1886, Archives Central, Feilding. SW Document Bank, volume 4, pp. 209-213.

⁵⁴⁰ Luiten, pp. 21-22.

⁵⁴¹ Cleaver, pp. 178-179.

The earliest road building was undertaken by the Rangitikei Highways Board, which was formed in 1872, and the Rangitikei County Council, which held its inaugural meeting in January 1877. The Council eventually took over all the responsibilities of the Highway Board, which ceased to function in 1883. From 1876 until 1922, central government subsidised road construction undertaken by local authorities such as the Rangitikei Highways Board and Rangitikei County Council. It also built roads and then handed ownership and maintenance responsibilities for them to local authorities. The Public Works Department, created in 1870, was responsible for building and maintaining main roads until 1889, when control of road works passed to the Lands and Survey Department. In 1901, this responsibility passed to the newly formed Department of Roads, which was amalgamated with the Public Works Department in 1909.⁵⁴²

Certainly, there was an expectation by Europeans that access to their land would be provided for. Marr records that in the early years of settlement, the Crown purchased Maori land which was then ‘considered to be part of the wastelands of the Crown’. When the land was sold to settlers, ‘rights to take future roads were reserved in the Crown grant’.⁵⁴³

Hearn also notes that the object of surveys made in these early years was captured in a statement by the country's first Surveyor General, JT Thomson. He said that surveys were to ‘prepare a waste of undivided country for an inflowing people’. Hearn states that this ‘encapsulated one of the key assumptions that informed the policy and approach of provincial and central government survey departments’. That is, ‘all land parcels were to have legal frontage’. He notes that this was a requirement ‘specified in respect of all new allotments, in the Public Works Amendment Act 1900 and carried forward into many other statutes’. He further notes that:

The preparation of Crown blocks for selection and settlement included survey and subdivision, the reservation of road lines, and the creation of various reserves for public purposes, from town sites to gravel pits.⁵⁴⁴

⁵⁴² Cleaver, pp. 178-179.

⁵⁴³ Marr, *Rangahaua Whanui*, pp. 65-66.

⁵⁴⁴ Hearn, *Te Rohe Potae*, Wai 898, A146, pp. 415-416.

10.3 Native Land Court Act 1886

As noted, legislation prior to 1886 contained no provision for the Native Land Court to create roadways or rights of way over Maori land with the sole intention of ensuring access to the partition created or to the block where title had been investigated. The Native Land Court Act 1886 was the first Act that provided for private roads to be ordered by the Native Land Court when title to Maori land was being investigated or partitioned. It was, however, restricted to the land being partitioned, so that a private road could not be ordered over adjacent Maori owned blocks or European land. Section 91 stated that the Court could order that the parts or parcels of the block under consideration were ‘subject to such rights of private road for the purpose of access to other or others of such parts or parcels’. The order could be made by the Court at the time the division or partition was ordered or, on the application of ‘any person interested’, within five years of the date of the division or partition.

Section 92 allowed the Court to make a similar order for land already partitioned or investigated previously with the proviso that the order must be applied for within two years of the passing of the 1886 Act. The remainder of section 92 emphasised that these provisions for private roads did not ‘affect the rights of the Crown to reserve or take sites for roads, nor any reservation for roads provided for by law, or the right to take the sites for and to construct and maintain roads by law, given to any person or corporate body’. Indeed section 93 specified that the Governor had the right to take and lay off roads for public purposes provided that the total quantity of land taken was less than 1/20th of the whole of the block.⁵⁴⁵

10.4 Native Land Court Act 1894

Section 69 of the Native Land Court Act 1894 continued the provision allowing the Court to order, when title was being investigated or the block partitioned, ‘rights of private road for the purpose of access to other or others of such parts or parcels’ (that is, only over the block of Maori land being partitioned or title investigated). The five year limit on granting such an order from the time the partition was made was also continued.

⁵⁴⁵ Native Land Court Act 1886; Taitokerau Maori Land Court Minute book 7, p. 74, Judgement of Judge Ambler regarding Utakura 7 block, 30 June 2010.

10.5 Native Land Act 1909

Section 117 of the Native Land Act 1909 was different to previous legislation as it provided for both road-lines and private rights-of-way at the time the block was partitioned. It did not specify that this could be done when title was investigated or at a later date. The road-lines and private rights-of-way could be laid out as the Court thought ‘necessary or expedient for the due settlement and use of the several parcels’.

As with previous legislation, road-lines could only traverse through the land being partitioned. The Governor could also proclaim these road-lines to be public roads and ownership would then vest in the Crown. If a proclamation was not made, then the land set apart as a road-line remained Maori land held in common ownership as if no partition order had been made.

Private rights-of-way were different in that there was no provision for them to be proclaimed a public road. Also, the wording of the Act with regard to private rights-of-way said they could be created ‘over any parcels of the land partitioned and appurtenant to any other of those parcels’. Confirmation is required by a legal expert as to whether this meant that the private right-of-way could be ordered over land partitioned within the parent block as well as other land attached to that parent block or whether the rights-of-way were restricted to land partitioned within the parent block.

The absence in this Act of the provision whereby a road-way or private right-of-way could be made 5 years from the time the partition was ordered subsequently impacted on the ability of the owners of the Rangipo Waiu B to retrospectively have a roadway ordered through various partitions of the block in 1910. This is discussed further in the Rangipo Waiu block study.

10.6 Native Land Amendment Act 1912

Section 10 of the Native Land Amendment Act, 1912 formed part of and was to be read together with the aforementioned provisions of the Native Land Act, 1909. It re-introduced the retrospective laying out of road-lines. Section 10 provided that when a subdivision or partition was made prior to or after the commencement of the Act (1 December 1912) and was without ‘reasonably practicable access to any public road’, the Court, if it thought fit, and

on the application of 'any person interested' could make a road-line over any of the partitioned land so as to provide the subdivisions with access to a public road. The effect of this order was to empower and authorize the Governor to proclaim the road-line a public road (and therefore Crown land).

That Act specified that no road-line could be laid out or public road proclaimed over any land that at the date of the order or proclamation, had ceased to be Maori freehold land or land, at the time of the commencement of the Act, of an existing valid lease 'without the consent in writing of the lessee'. Before the road-line was laid out, the Court was to consider any claim for compensation which might be made by a person with 'any estate or interest in that land'.

Therefore if any part of the block over which the road traversed had become European land, permission was required from the owner and if any part of the block was leased, permission was also required from the lessee. Roadways were still restricted to the block that was being partitioned.

10.7 Native Land Amendment Act 1913

Section 117 of the 1909 Act and section 10 of the 1912 Act were repealed by section 49 of the Native Land Amendment Act, 1913 and replaced by sections 48 to 53 of the 1913 Act.

The 1913 Act was a much more comprehensive set of provisions than that provided previously though there were some similarities with previous legislation.

For instance section 48, as with section 117 of the 1909 Act, provided for the laying out of road-lines by the Native Land Court as it thought 'necessary or expedient' at the time the land was partitioned. It allowed the Court, in addition to or in lieu of the laying out of road-lines, to create a private right of way over the partitioned land. Again, such road-lines could be proclaimed by the Governor to be a public road and ownership would therefore vest in the Crown (but this did not apply to private rights of way). If this proclamation was not made, the lands set apart for a road-line remained Maori land but subject to the provisions made in the Court order. Unlike section 117/1909, section 48/1913 specified that the road-lines were for the use of the partitioned blocks and for giving access or better access to them.

Section 49 was similar to section 10 of the 1912 Act in that it provided for the retrospective laying out of road-lines or private rights-of-way. It stated that when any Maori land had been partitioned, 'either before or after' the commencement of the Act (15 December 1913), and was without 'reasonably practicable access to any public road', the Court, on the application of any person interested, could order a road-line 'over any portion of the land so partitioned' so as to give that subdivision access to a public road. In addition a private right of way could be ordered as provided by section 48(2). The road-line or private right of way could not, however, be laid out or be proclaimed a public road over Maori land that had been sold at the time the partition order or proclamation had been made (presumably except with the consent of the owner although this is not specified). This also applied to land subject to an existing lease which required the consent in writing of the lessee. The Court could determine compensation for those whose land the road-line or right of way traversed but equally, could choose not to provide compensation to those affected.

A new provision was encompassed within section 50 whereby road-lines or private rights of way could be made by the Court as it thought 'necessary or expedient' over adjoining Maori land (whether freehold or not) to provide 'access or better access' to Maori freehold land. No such road-line or private right of way could be laid out, however, over adjoining land subject to an existing lease without the consent in writing of the lessee.

Section 52 of the 1913 Act said that for any of the purposes outlined in sections 48, 49 or 50 of the Act, the Court could 'with the consent in writing of the owner [Maori or European] of any freehold land and of every person having any estate or interest therein ... layoff any road or way through the land of such owner or person'. Written consent would operate as a 'disclaimer' for rights to compensation other than that specified in the written consent. The road would operate as a public road unless the written consent had limited the right to use the land as such. The order of the Court would set out the details of the consent and once any compensation had been paid to the person entitled, the order would be registered against the land title.

This meant that the laying off of a road-line or private right of way over adjoining European land was not possible except with the permission of the owner and if adjoining Maori land was leased, then the permission of the lessee was required.

Section 52(3), (4) and (5) stated that the Court could also approve an exchange of any Maori land for Maori land or Maori Land for European land to obtain road access and issue an order vesting any Maori land to give effect to such an exchange. In the case of an exchange of Maori land for European land the Court could only issue an order vesting the Maori land with the consent of the Native Minister 'upon a valid and effectual transfer or conveyance or dedication of the European land being made in such manner and to such person as the Court shall approve.'. No stamp duty was payable on the transfer, conveyance or dedication.

Section 53 said that where roads that would give benefit to Maori land were to be or had been surveyed by the Crown the cost of the road would constitute a charge upon the lands they served, gave access to, or in any way benefited.

In addition, under section 54, the principal Act (1909), section 118 was amended so that when any block of Maori freehold land was subdivided the Court:

... shall have regard in as far as practicable, to water-supply, road access, aspect, and fencing-boundaries; and shall subdivide the same so that each section shall, as far as practicable, contain a reasonably sufficient area of land suitable for a homestead, and generally shall have regard to the configuration of the country, the best system of roading, and facilities for settlement.

As well, the Court was to have regard for, 'as far as practicable', the interests of the Maori owners.

10.8 The Backblocks Association, 1913

At around the time the above legislation was introduced, a report in the *Manawatu Standard* provided an insight into government priorities of the time as they related to the roading of Maori land. It was reported that the Prime Minister, Minister for Native Affairs and Minister for Public Works met with a deputation known as the Backblocks Association which was an organisation from the King Country incorporating seven counties and parts of two others. The deputation discussed the 'question of more adequate provision for roading the backblocks and the native land question'. In response Massey said that the government was 'adhering to its policy of doing all that it could for the development of the backblocks. He did not, however,

agree with the suggestion of the deputation that those taking up native lands should receive the same consideration in regard to roading as those going on Crown lands.’⁵⁴⁶

10.9 Section 13 of the Native Land Amendment and Native Land Claims Adjustment Act 1922

The 1922 Act did not repeal the 1913 Act but added another section regarding the provision of access. Section 13 stated that the Court could, ‘in order to give access or better access to any European land’, which had ceased to be Maori land since 15 December 1913 ‘layoff over any adjoining Native land (whether freehold or not) such lines of roads or private way as the Court thinks necessary or expedient.’

The Court could also, ‘in order to give access or better access to any Native freehold land, layoff over any adjoining European land which has ceased to be Native land since the fifteenth day of December, nineteen hundred and thirteen, such lines of roads or private way as the Court thinks necessary or expedient’. The Court was to take into consideration what compensation (if any) should be paid to by persons having a claim or interest in the land affected and determined who should pay the compensation, when it was expedient to do so or make a charging order on the land benefitted for the amount of compensation.

Therefore the permission of the owner of European land was not required in respect to land that was still Maori land on 15 December 1913 (which was the date that the 1913 Act came into force). As will be seen later in the report this cut-off date still thwarted the ability of Maori in the inquiry district to secure access to their land. This was due to the opposition of those Europeans who had acquired their adjoining land prior to this date.

10.10 Maori Affairs Act 1953

Sections 415 of the Maori Affairs Act, 1953, stated that ‘for the purpose of providing access to any land (whether Maori land, European land, or Crown land), the Court may, by order, layout roadways’ and that an order could be made ‘for the purpose of providing additional or improved access to any land in respect of which rights of access may exist at the time of the

⁵⁴⁶ *Manawatu Standard*, Volume XLI, Issue 9556, 29 July 1913, p. 5.

making of the order'. Section 416 outlined the effect of laying a road way stating that it conferred 'on all persons the same rights of user as if it were a public road'. The Court could also 'define or limit the persons or classes of persons entitled to use the same and may define or restrict their rights of user in such manner and to such extent as it thinks fit'. Further, the laying out of a roadway over any land shall not affect the ownership of the land comprised therein, or its description as Maori land, or Crown land, or European land (as the case may be). Section 417, stated that compensation could be assessed by the Court but equally the Court could decide not to award compensation.

Section 418 (1) stated that 'for the purpose of providing access to any Maori freehold land ... roadways may, without the consent of any person being required, be laid out (a) Over any other Maori land; or (b) Over any European land that ceased to be Maori land on or after the fifteenth day of December, nineteen hundred and thirteen (being the date of the commencement of the Maori Land Amendment Act 1913)'. Therefore the 1922 legislation, which provided that roadways could be ordered over European land that was still Maori land on or after 15 December 1913, without the permission of the owner was retained.

Under section 418(2), however, roadways made 'for the purpose of providing access to any Maori freehold land' required the consent in writing of the owner in respect to European land that ceased to be Maori land prior to 15 December 1913. In addition the consent in writing of the Commissioner of Crown Lands for the district was required if the land through which the road was to traverse was Crown land.

Under section 419 (1) roadways to give access to European land that 'ceased to be Maori land' on or after 15 December 1913, could be laid out over any Maori freehold land without the consent of any person being required. Section 419(2) said that in such cases roadways could also be laid out over any Maori freehold land if the Court was 'satisfied that the value of the interests of the owners who consent thereto exceeds the value of the interests of the owners (if any) who do not consent'. The permission of the Maori owners was also not required when providing access to any Crown land (S 120).

The Governor General could declare any such roadway a road or a street with the permission of relevant local authority (S 425).

While section 60 of the Maori Affairs Act 1953, was not specifically for the laying out of roads over Maori land, it was used on several occasions in the inquiry district in an attempt to secure access. Section 60 provided that the Court could amend any order, warrant, record made previously by the Court so as 'to give effect to the true intention of any decision or determination of the Court or to record the actual course and nature of any proceedings in the Court'. Any amendment made took effect from the commencement of the order, warrant, or record of other document amended.

10.11 Maori land roading policy, 1950s and 1960s

Maori Affairs files including those specifically relating to roading have been examined to establish whether the department was concerned or aware about the issue of landlocked land. In 1952, Maori Affairs Department officials prepared notes regarding the affect that a lack of access had on the development of Maori land. These were given to the Minister of Maori Affairs Ernest Corbett so that he could respond to a proposition put forward by Federated Farmers that 'idle Maori land should be taken for the promotion of general settlement'. Officials noted to the Minister that communal title was the 'greatest obstacle to the proper use of Maori lands'. As well, they said that:

Another real obstacle is the inconvenient areas into which Maori lands have been divided by the haphazard method of partition which was commonly employed by the Maori Land Court, not in recent years, but in former times. Lands were often cut up without regard to the use to which the resulting areas could or should be put, and without regard to access.⁵⁴⁷

There was little discussion in the 1960s, the exception being a paper prepared by a researcher for the Department of Maori Affairs regarding the then current legislation concerning the provision of roads on Maori land. The paper mostly comprises a summary of the 1953 Act though the researcher did comment that due to the 'many and various laws made over the years concerning roadways' there appeared to be 'an element of confusion ... as to the

⁵⁴⁷ Handwritten annotation on paper entitled 'Idle Maori land', 14 August 1952, AAMK W3047 869 box 394 c 12/0 part 1, Maori Trustee Appointed Agent – Maori Trustee – Powers of Maori Trustee to act as Agent – Section 540/1931 (Part 3 Maori Purposes Act), 1950, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 93-97.

relative authorities and requirements and procedure involved in obtaining access'. It was submitted that various Acts 'could possibly restrict in some way or other the roading legislation relating to Maori land'.

The Acts in this category listed by the researcher were:

Public Works Act 1908
Counties Act 1956
Counties Amendment Act 1961
Municipal Corporations Act 1954
National Roads Act 1953
Crown Grants Act 1908
Land Transfer Act 1952

The researcher also made the following recommendations to amend current legislation:

- Deleting the qualification regarding European land that ceased to be Maori land on and after or prior to 15 December 1913.
- That all orders over European land be made subject to consent.
- That orders over Maori land where owners number five or less be subject to the consent of the owners.
- That orders over Maori land where there are more than five owners require the consent of the Maori Trustee on behalf of the owners, and/or where under five owners cannot be found or are deceased, the Maori Trustee to consent.

The researcher also suggested that a conference be held between representatives of the Ministry of Works, Lands Department, Maori Affairs Department 'with the object of clarifying the numerous enactments and regulations and authorities dealing with roadways over Maori, European and Crown land'.⁵⁴⁸ This paper was forwarded to Mr Hunn, Secretary

⁵⁴⁸ Research Assistant, Department of Maori Affairs, 'Item 28 – Access', 1962, AAVN W3599 869 Box 102 19/8/1 part 1 Maori Land – Legal Differentiation between European and Maori Access to Maori Land, 1962-1980, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 99-101.

of Maori Affairs on 12 November 1962 but there is no response to it on file and nothing relating to the proposed conference.⁵⁴⁹

10.12 Maori land roading policy, 1972

Discussion by government officials on the issue of landlocked blocks did, however, take place in the early 1970s which led to a change in legislation. In March 1972, the Secretary for Maori Affairs wrote to both the Director General of Lands and the Commissioner of Works on the matter. The Secretary explained that a case had recently been brought to the notice of the Minister of Maori Affairs, Duncan MacIntyre, (he was Minister until December 1972 when Matiu Rata took over) whereby a reserve granted to Maori from the Rangitikei-Manawatu purchase was ‘completely landlocked and the owners were unable to obtain any form of access to the nearest public road. Adjoining owners were not prepared to negotiate and, indeed, there was a suggestion that some adjoining owners were in fact using the landlocked land’. The Secretary said other cases had been encountered by the Department and he had been informed by the Department of Lands and Survey that a few cases were known where European land was in a similar position.⁵⁵⁰

With regard to the Rangitikei- Manawatu reserve, the Department were ‘compelled to advise’ the Minister that no power existed by which access could be secured over the objection of the adjoining land owners: ‘The Maori Land Court’s jurisdiction to lay off access over or for the benefit of European land is subject to consent of the owner of the land over which access is required unless the European land has ceased to be Maori land on or after 15 December 1913’. In the case of the reserve, the European land had been so since the nineteenth century. Further, the Maori land had not been purchased from the Crown so section 124 of the Public Works Act 1928 could not apply (section 124 stated that when land purchased from the Crown had no access that a road could be ordered across adjoining land if that land was Crown land). The Department had concluded to the Minister that it ‘did not appear to us that the general powers of taking land for roads under the Act could be exercised since the public is in reality not involved’.⁵⁵¹

⁵⁴⁹ Ibid.

⁵⁵⁰ JM McEwen, Secretary, Department of Maori Affairs to Director General of Lands and Commissioner of Works, 17 March 1972, AAMK W3074 869 Box 739 c 22/2 part 2 Roding Legislation – Power of MLC, 1959-1971, Archives New Zealand, Wellington. SW Document Bank, Volume 8, pp. 110-111.

⁵⁵¹ Ibid.

The Secretary advised that the Minister had asked for the position to be examined further and consideration given to new legislation to provide for such cases. He noted too that it was probable that similar cases had been discussed with their Department and if so, whether there was any existing means by which access could be provided.⁵⁵²

The Commissioner of Works replied, agreeing that ‘unless there is a genuine public need for the road the exercise of the compulsory powers under the Public Works Act is not supportable’.⁵⁵³

In June of the same year, the Secretary advised the Minister that the Ministry of Works was ‘inclined to be resistant to the idea of any legislation’ but that the Lands Department could ‘see the problem’ and was trying to identify other cases. The Justice Department, he said, were ‘sympathetic’. He suggested that any legislation would need to be general, that is, not confined to Maori land and if this was agreed to then the Property Law Committee of the Law Reform Commission would need to consider the matter. The Committee, however, was ‘conservative’ so suggested that a Cabinet decision on the principle be sought as a first step.⁵⁵⁴

A memorandum for Cabinet was submitted by the Minister for Maori Affairs which asked for approval in principle to legislation that would provide for the ‘compulsory creation by the Courts of access over adjoining land to land which is without means of access’. In addition the Minister asked that the matter be referred to the Minister of Justice for consideration by the Property law Reform Committee’.⁵⁵⁵

⁵⁵² Ibid.

⁵⁵³ Commissioner of Works, Ministry of Works to Secretary, Department of Maori Affairs, 12 April 1972, AAMK W3074 869 Box 739 c 22/2 part 2 Roothing Legislation – Power of MLC, 1959-1974, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 112.

⁵⁵⁴ Secretary, Department of Maori Affairs to Minister of Maori Affairs, 6 June 1972, AAMK W3074 869 Box 739 c 22/2 part 2 Roothing Legislation – Power of MLC, 1959-1974, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 113.

⁵⁵⁵ Duncan MacIntyre, Minister of Maori Affairs, Memorandum for Cabinet, circa June 1972, AAMK W3074 869 Box 739 c 22/2 part 2 Roothing Legislation – Power of MLC, 1959-1974, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 114-116.

Cabinet agreed that the proposal that ‘some provision should be made by which the owners of land without access (where the land has not been bought by the present owners or their predecessors in title) should be able to obtain access over adjoining land’, should be referred to the Minister of Justice for early consideration by the Property Law Reform Committee’.⁵⁵⁶

Section 129B of the Property Act introduced in 1975 and discussed below, stemmed from these considerations (discussed below).

During the above discussions regarding access, the district offices of the Department of Maori Affairs were asked for information regarding landlocked blocks in their area so that the extent of the issue could be identified. The District Office at Whanganui responded:

There are some very old Maori Land Court titles for which access was not adequately provided, e.g. some of the Owhaoko blocks, but again the policy has been to deal with them as the need arises and the requirements become known.

Cases occasionally come to light through alienation proceedings where the occupier of adjoining or surrounding lands is the only person, because of access problems, able to purchase or lease. In many of these instances it is known that access by road would never be physically practicable because of the nature of the country.⁵⁵⁷

The remarks are revealing in that they show that the Department did not consider that they should be proactive in ensuring legal access to blocks where it had been known for many years that there was not any (such as the Owhaoko blocks). Examples of access issues limiting who land could be alienated to are discussed in section 11.5.

10.13 Property Law Amendment Act 1975

The Property Law Act 1952 was amended by the Property Law Amendment Act 1975. Section 129B provided specifically for the provision of ‘reasonable access’ in cases of

⁵⁵⁶ Secretary of the Cabinet to Minister of Maori Affairs, 2 August 1972, AAMK W3074 869 Box 739 c 22/2 part 2 Rousing Legislation – Power of MLC, 1959-1974, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 121.

⁵⁵⁷ District Office, Whanganui to Maori Affairs, Head Office, 24 August 1972, AAMK W3074 869 Box 739 c 22/2 part 2 Rousing Legislation – Power of MLC, 1959-1974, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 127.

landlocked land without requiring the permission of the owner of the adjoining land over which access was ordered. Crucially, it applied to both Maori and European land.

For the purposes of the Act, land was landlocked if there was ‘no reasonable access to it’ and an owner was defined as the owner of the fee simple except where the land was leased for a term of more than 21 years. ‘Reasonable access’ was defined as:

... physical access of such nature and quality as may be reasonably necessary to enable the occupier for the time being of the landlocked land to use and enjoy that land for any purpose for which the land may be used in accordance with the provisions of any right, permission, authority, consent, approval, or dispensation enjoyed or granted under the provisions of the Town and Country Planning Act 1953.

Under the Act the owner of the landlocked land could apply to the Court for an order to affect reasonable access. Subsection (6) said that the Court was required to consider the following:

- (a) The nature and quality of the access (if any) to the landlocked land that existed when the applicant purchased or otherwise acquired the land;
- (b) The circumstances in which the landlocked land became landlocked;
- (c) The conduct of the applicant and the other parties, including any attempts that they may have made to negotiate reasonable access to the landlocked land;
- (d) The hardship that would be caused to the applicant by the refusal to make an order in relation to the hardship that would be caused to any other person by the making of the order; and
- (e) Such other matters as the Court considers relevant.

The order could include the following:

- (a) Vesting in the owner of the legal estate in fee simple in the landlocked land the legal estate in fee simple in any other piece of land (whether or not that piece of land adjoins the landlocked land);
- (b) Attaching and making appurtenant to the landlocked land an easement over any other piece of land (whether or not that piece of land adjoins the landlocked land).

Any order could be ‘made upon such terms and subject to such conditions as the Court thinks fit in respect of’:

- (a) The payment of compensation by the applicant to any other person; and
- (b) The exchange of any land by the applicant and any other person; and
- (c) The fencing of any land, and the upkeep and maintenance of any fence; and
- (d) The upkeep and maintenance of any land over which an easement is to be granted; and
- (e) The carrying out of any survey that may be required by the District Land Registrar before he will issue, in respect of any piece of land affected by the order, a certificate of title free of any limitations as to title or parcels within the meaning of Part XII of the Land Transfer Act 1952; and
- (f) The time in which any work necessary to give effect to the order is to be carried out; and
- (g) The execution, stamping, and delivery of any instrument; and
- (h) Such other matters as the Court considers relevant.

Costs of carrying out the work necessary to give effect to the order was to be borne by the applicant unless the Court was satisfied that it was ‘just and equitable to require any other person to pay the whole or any specified share of the cost of such work’.

In addition the Court could decline to make an order if it deemed the applicant entitled to ‘seek relief under section 124 of the Public Works Act 1928, or under section 418 or section 419 of the Maori Affairs Act 1953, or under any of the provisions of the Municipal Corporations Act 1954 or the Counties Act 1956 or any other enactment.’

While this was certainly a break-through in terms of provision of access to Maori land, it was noted by Chief Judge of the Maori Land Court K Gillanders Scott at the time the legislation was in Bill form that:

The question is one of Government policy and as such is strictly no concern of mine or any of the Judges of this Court. However, I do not see many, if any, Maori land

owner entering upon the Supreme Court exercise and that by reason of venue and cost.⁵⁵⁸

Judge Gillanders Scott turned out to be correct. Hearn states that the ‘costs of survey and a hearing were considerable’ and comparisons made in the late 1990s between Courts indicated that High Court fees of \$1025 per day were ‘significantly higher’ than an application for roadway access in the Maori Land Court of \$61.⁵⁵⁹ Jacinta Ruru and Anna Crosbie also confirm that the ‘funds required to make the application [under this Act] effectively blocked this avenue.’⁵⁶⁰ Research in the 1990s also indicated that ‘unfamiliarity with the High Court environment’ was a factor behind the lack of utilisation of the Act by Maori.⁵⁶¹

10.14 Te Ture Whenua Maori Act 1993

Under section 316 of Te Ture Whenua Maori Act 1993, the Maori Land Court could layout roadways ‘for the purpose of providing access, or additional or improved access’ to Maori land. The Court could not, however, layout roadways over any Maori freehold land unless it was ‘satisfied that the owners have had sufficient notice of the application to the Court for an order laying out roadways and sufficient opportunity to discuss and consider it, and that there is a sufficient degree of support for the application among the owners, having regard to the nature and importance of the matter.’ In addition the Court could ‘not layout roadways over any customary land without the consent of an agent appointed by the Court ... to represent the interests of those persons who may be entitled to apply for a freehold order in respect of the application for an order laying out roadways’.

Crucially, under section 317, the Court was also unable to ‘layout roadways over any General land without the consent of each owner; [or] over any Crown land without the consent of the Director General of Lands’.

⁵⁵⁸ K Gillanders Scott, Chief Judge, 23 August 1974, AAMK W3074 869 Box 739 c 22/2 part 2 Roding Legislation – Power of MLC, 1959-1974, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 131.

⁵⁵⁹ Tau Henare, Legislative Provisions for access to Landlocked Maori Land, Draft No 5, 7 April 1999, ABKL W5757 8154 Box 532 R10/1/1 Policy- Maori Issues 1998 – Landlocked Maori Land Officials Group, 1999, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 37-46.

⁵⁶⁰ Jacinta Ruru and Anna Crosbie, ‘The Key to Unlocking Landlocked Maori Land: The Extension of the Maori Land Court’s Jurisdiction’, 2004, www.nzlii.org/nz/journals/CanterLawRw/2004/13.txt/cgi.../13.rtf

⁵⁶¹ Tau Henare, Minister of Maori Affairs to Cabinet Strategy Committee, undated [circa 1999], ABKL W5757 8154 Box 532 R10/1/1 Policy- Maori Issues 1998 – Landlocked Maori Land Officials Group, 1999, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 3-9.

In addition the Court could not ‘layout roadways connecting with any State highway without the consent of Transit New Zealand and the territorial authority for the district in which the connection would be effected; ... [or] roadways connecting with any public road without the consent of the territorial authority for the district in which the connection would be effected’.

Where a roadway was laid off as ‘part of a partition made in accordance with a preliminary plan duly approved by the territorial authority for the district in which the land to be partitioned is situated, a separate consent from that territorial authority to the laying out of the roadway shall not be required’.

The Act also provided for compensation to be paid for land where roadways had been laid out.

As can be seen in the discussion regarding Owhaoko D6 section 3, the legislation did not assist with the provision of access to this block which was located six kilometres from the nearest public road. In between the road and the block were both Maori and General land and the permission of the owners of this land had not been given. It was noted to the owner of Owhaoko D6 section 3 by the Registrar of the Maori Land Court that section 317 clearly provided that ‘owners support’ was required before any roadway order could be made.⁵⁶²

10.15 Changes to Te Ture Whenua Maori Act, 1997-1998

The ability of owners of adjacent General and Maori land to thwart the provision of access to Maori land and the lack of utilisation of section 129B of the Property Law Act prompted discussions in the late 1990s about changing the existing legislation.⁵⁶³ In May 1997, the Minister for Transport, the Hon Jenny Shipley asked the Minister in Charge of Treaty of Waitangi Negotiations, Hon Doug Graham for advice on an ‘appropriate process for dealing with requests for the funding of road access to landlocked blocks of Maori land’. She noted that when Parliament’s Transport Select Committee considered the Land Transport Law Reform Bill in 1995, the committee had heard evidence from Matiu Hotere of Kaikohe

⁵⁶² E Moses, Registrar, Aotea Maori Land Court, Whanganui to Herbert Steedman, 24 June 1996, 23/595, Owhaoko correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 137.

⁵⁶³ Tau Henare, Minister of Maori Affairs to Cabinet Strategy Committee, undated [circa 1999], ABKL W5757 8154 Box 532 R10/1/1 Policy- Maori Issues 1998 – Landlocked Maori Land Officials Group, 1999, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 3-9.

regarding a block of landlocked land. Mr Hotere suggested that the Bill be amended to enable access to his inaccessible Maori land. The Committee had suggested that Transit NZ (who were then the road funding agency) commission a report into landlocked Maori land. This was completed in 1997 and was ‘based on a case study block of Maori land in Tai Tokerau [which] assessed the costs and benefits associated with providing vehicle access to landlocked Maori land’. As a result of this report, and other enquiries to Ministers about the matter over ‘a number of years’, the Hon Tau Henare, Minister of Maori Affairs met with the Minister in Charge of Treaty negotiations and the Minister of Transport to discuss the issue of access to landlocked Maori land in September 1997.⁵⁶⁴

Following the September 1997 meeting, the aforementioned Ministers directed officials to establish a working party to investigate the issue. The Landlocked Maori Land Officials Group first met in January 1998. Their objectives were to identify:

- (a) The extent and location of landlocked Maori land
- (b) The problems related to landlocked Maori land including the impact on Maori economic development, Maori cultural development and community development
- (c) The benefits and costs of providing access to landlocked Maori land
- (d) The contemporary obligations (legal and Treaty) of the Crown with respect to the provision of access to landlocked Maori land
- (e) To identify any existing (or future) impediments to the provision of access to Maori land
- (f) To identify and analyse options for solutions, taking into account relevant Government initiatives including
 - Amendment to Te Ture Whenua Maori Act 1993;
 - Consolidation of fragmented land
 - Provision of funding
- (g) To identify what central and local government agencies (if any) should be responsible for taking the various issues forward, including the issue of funding for access to landlocked Maori land

⁵⁶⁴ Office of the Minister of Maori Affairs to Cabinet Strategy Committee, draft, 3 February 1999, Tau Henare, Minister of Maori Affairs to Cabinet Strategy Committee, undated [circa 1999], ABKL W5757 8154 Box 532 R10/1/1 Policy- Maori Issues 1998 – Landlocked Maori Land Officials Group, 1999, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 3-9; 28-36.

(h) To identify the relationship of the issue of landlocked Maori land to the settlement process.⁵⁶⁵

The working party contained representatives of the Ministry of Transport, Office of Treaty Settlement, Te Puni Kokiri, Transfund New Zealand, Land Information New Zealand, Internal Affairs, Transit New Zealand and Department for Courts: Maori Land Court Business Unit.⁵⁶⁶ The working party defined land-locked Maori land as ‘land that has no legal access and/or where access is not reasonable’.⁵⁶⁷

The working party completed its report in March 1999. It stated ‘that landlocked land was more likely to affect Maori land than non-Maori land because of the complex and substantive legislative history that has surrounded Maori land’.⁵⁶⁸ It also noted research by Te Puni Kokiri which ‘revealed that up to 30 percent of Maori land maybe landlocked’ and that Maori land owners did not use section 129B of the Property Law Act 1952 as the ‘unfamiliarity with using the High Court to deal with Maori land and cost were significant barriers’ to its use.⁵⁶⁹

The working party suggested three legislative options to remedy the problem:

- to reintroduce section 418 of the Maori Affairs Act 1953. Which is less restrictive than the current provisions under Te Ture Whenua Maori Act as it did not require consent of affected parties;
- to amend section 129B of Property Law Act 1952. This would enable the High Court to lay out roadways over Maori land;
- to incorporate a modified section 129B of Property Law Act into Te Ture Whenua Maori Land Act 1993. This provision would enable the Maori Land Court to have

⁵⁶⁵ Landlocked Maori Land Officials Group: Terms of Reference, undated, circa May 1998, ABKL W5757 8154 Box 532 R10/1/1 Policy- Maori Issues 1998 – Landlocked Maori Land Officials Group, 1999, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 12-15.

⁵⁶⁶ Ibid.

⁵⁶⁷ Landlocked Maori land Officials Group, August 1998 meeting, ABKL W5757 8154 Box 532 R10/1/1 Policy- Maori Issues 1998 – Landlocked Maori Land Officials Group, 1999, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 26-27.

⁵⁶⁸ Tau Henare, Minister of Maori Affairs to Cabinet Strategy Committee, undated [circa 1999], ABKL W5757 8154 Box 532 R10/1/1 Policy- Maori Issues 1998 – Landlocked Maori Land Officials Group, 1999, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 3-9.

⁵⁶⁹ Ibid.

similar powers to grant legal access over land after applying the factors as set out in section 129B(6).⁵⁷⁰

At a meeting in March 1999, Ministers for Maori Affairs, Courts and the Attorney-General and the Minister in Charge of Treaty Negotiations ‘gave general agreement for the recommended option for the importation of a provision similar to s 129B of the Property Law Act 1952 into Te Ture Whenua Maori Act 1993’.⁵⁷¹

Information presented to the Ministers in order to inform their decision included an analysis of how Maori land became landlocked:

The imposition of a system of individual title and “ownership” of land last century promoted the partitioning and subdivision of Maori land. To provide for each whanau and hapu, land was divided into blocks. This system facilitated the sale of Maori land. In the main this process was undertaken by the Native Land Court (now the Maori Land Court).

Land became landlocked through the process of land being purchased (or acquired for public works) and/or partitioned and sub-divided along road frontages, without recognition of the need for access to land blocks which lay away from the roads. The Maori Land Court allowed sub-divisions and partitioning to continue, in some instances, without reserving proper access routes to Maori land.⁵⁷²

The Ministers were also advised of comparisons made between Courts in terms of cost with High Court fees of \$1025 per day being ‘significantly higher’ than an application for roadway access in the Maori Land Court (\$61). They were also advised that the Maori Land Court was a more appropriate Court for cases regarding access to be heard.⁵⁷³

In April, the Cabinet Strategy Committee considered a paper seeking agreement in principle to amending Te Ture Whenua Maori Act 1993 so as to ‘adequately provide legal access to

⁵⁷⁰ Ibid.

⁵⁷¹ Tau Henare, Legislative Provisions for access to Landlocked Maori Land, Draft No 5, 7 April 1999, ABKL W5757 8154 Box 532 R10/1/1 Policy- Maori Issues 1998 – Landlocked Maori Land Officials Group, 1999, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 37-46

⁵⁷² Ibid.

⁵⁷³ Ibid.

landlocked Maori land'. Agreement, however could not be reached. The 'sticking point' was said to be a 'jurisdictional one over whether the case for legal access to Maori land over adjoining general land, including compensation for the adjoining landowner, should be heard by the Maori Land Court or the High Court'.⁵⁷⁴

Circa May 1999, the Hon Tau Henare, submitted a report to 'stake holding Ministers'. In this report he said that landlocked land hindered a land owner's ability to 'realise the economic potential of their land, to maintain their turangawaewae (traditional links to the land), and constrains their ability to fully enjoy the possession of their lands, as is guaranteed by Article Two of the Treaty of Waitangi'.⁵⁷⁵

He then submitted a proposal to the Cabinet Strategy Committee. The proposal sought 'resolution of the current impasse regarding a legislative mechanism for landlocked land'.⁵⁷⁶ The Minister advised the Cabinet Strategy Committee that he was of the opinion that the original recommendation of the officials group, that is, redress through the Maori Land Court, was 'still the most appropriate legislative remedy'. He said it was 'the most effective way to resolve the current obstacles to providing legal access to landlocked land because:

- it removes the cost barrier for Maori applicants;
- Maori Land Court proceedings are generally less time consuming;
- the Maori Land Court provides a more flexible and less formal environment;
- it gives greater opportunity for Maori land owners to become active participants in proceedings;
- of the long historical association between the Maori Land Court and Maori land owners;
- the Maori Land Court is equipped to deal with complex legal issues and is governed by the guiding principles and objectives to Te Ture Whenua Maori Act 1993; and

⁵⁷⁴ Ministry of Transport to Minister of Transport, 27 April 1999, ABKL W5757 8154 Box 532 R10/1/1 Policy- Maori Issues 1998 – Landlocked Maori Land Officials Group, 1999, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 47-49.

⁵⁷⁵ Tau Henare, Draft Report to Stake holding Ministers, Access to Landlocked Land Options, 19 May 1999, ABKL W5757 8154 Box 532 R10/1/1 Policy- Maori Issues 1998 – Landlocked Maori Land Officials Group, 1999, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 20-25.

⁵⁷⁶ Tau Henare, Minister of Maori Affairs to Cabinet Strategy Committee, undated [circa 1999], ABKL W5757 8154 Box 532 R10/1/1 Policy- Maori Issues 1998 – Landlocked Maori Land Officials Group, 1999, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 3-9.

- it will also ensure that the Maori Land Court retains its exclusive jurisdiction over all dealings relating to Maori land tenure.⁵⁷⁷

The Minister argued that by facilitating access to landlocked land through the Maori Land Court, the Crown would provide an ‘avenue for the owners of Maori landlocked land to enjoy the possession of their lands’. This, he said, was ‘in accordance with Article Two of the Treaty. In addition, enabling redress through the Maori Land Court would ‘enable owners of Maori landlocked land similar avenue of redress for unlocking land as is currently available in the High Court which is consistent with Article Three’.⁵⁷⁸

He noted that Land Information New Zealand’s view of this option was that it would ‘represent a threat to the certainty and security of the General land title system’. In addition that Crown Law Office had ‘confirmed that it would involve a fundamental change to the powers of the Maori Land Court by increasing its jurisdiction over General land’. Te Puni Kokiri, he said, disagreed with these views and noted that the Maori Land Court had previously had many of the powers being proposed under the former Maori Affairs Act, 1953.⁵⁷⁹

Of note was a discussion of the financial commitments involved with the change in legislation. The submission stated:

Essentially, depending on the mechanism adopted the financial costs would be indirect; such as; increased use of Maori Land Court; potential increased use of legal aid, (Vote: Justice), although this is likely to be minimal. There may also be increased use of the Maori Land Court special aid fund (Vote: Courts).

The ability for the landlocked Maori land issues to be dealt with by the Maori Land Court also has the advantage that it could mitigate litigation though claims to the Waitangi Tribunal. Without effective legislative provisions, claims for compensation for past loss of income and enjoyment of land as well as compensation for dealing with the current lack of access could arise. One claim on a landlocked settlement has

⁵⁷⁷ Ibid.

⁵⁷⁸ Ibid.

⁵⁷⁹ Ibid.

been heard. The Tribunal found economic loss had occurred because of land being landlocked. Two further claims are pending.

Facilitating access to Maori land allows greater opportunity for land to be unlocked, creating potential economic benefits through increased land utilisation.⁵⁸⁰

In August 1999, Cabinet:

- i. agreed that the Maori Land Court should have the power to make orders, as set out in section 129B(7) and section 129B(8) of the Property Law Act 1952, over both general land and Maori land, to grant access to landlocked Maori land after taking into account the matters referred to in section 129(B) of the Property Law Act
- ii. agreed to amend the Te Ture Whenua Maori Act 1993 to incorporate the provisions of section 129(B) of the Property Law Act, modified to reflect the decisions in paragraph (iii) and (iv) below, to give effect to the decision in paragraph (i) above
- iii. agreed that where general land has been or could have been affected by a decision of the Maori Land Court, an appeal shall lie to the High Court and not to the Maori Appellate Court;
- iv. agreed that any such appeal be by way of a rehearing and no new evidence shall be capable of being adduced unless the High Court considers such new evidence is necessary to enable it to reach a just decision in the case on appeal;
- v. agreed that the notification requirements of landowners seeking legal access be strengthened in Te Ture Whenua Maori Act to incorporate notification to affected landowners, and that the remaining provisions of section 129(B) of the Property Law Act be incorporated in Te Ture Whenua Maori Act as appropriate;
- vi. noted that the Property Law Act 1952 will remain unchanged by the new provisions of Te Ture Whenua Maori Act 1993;
- vii. noted that the proposed amendments will be progressed through the Te Ture Whenua Maori Act Amendment Bill.⁵⁸¹

⁵⁸⁰ Ibid.

⁵⁸¹ Secretary of the Cabinet to Minister of Maori Affairs, CAB (99) M 19/2B(2), undated [circa 1999], ABKL W5757 8154 Box 532 R10/1/1 Policy- Maori Issues 1998 – Landlocked Maori Land Officials Group, 1999, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 10-11.

The outcome of this agreement was sections 326A – 326D of Te Ture Whenua Maori Amendment Act, 2002.

10.16 Te Ture Whenua Maori Amendment Act 2002

Ruru and Crosbie state that sections 326A-326D of Te Ture Whenua Māori Amendment Act 2002 ‘sought to simplify the process involved with unlocking landlocked Maori land’. The amendments allowed the Maori Land Court to ‘order reasonable access to landlocked Maori freehold land and general land owned by Maori even if the neighbouring land owners have not consented’.⁵⁸²

Reasonable access is defined in the Act as meaning:

... physical access of the nature and quality that may be reasonably necessary to enable the occupier for the time being of the landlocked land to use and enjoy that land.⁵⁸³

Ruru and Crosbie record that when the Bill was before the House, ‘many Members of Parliament commented on the dire need for such a provision’. Ruru and Crosbie also state that it is ‘conceivable that informal arrangements to cross another’s land will occur more readily than actual cases being taken to the courts to gain legally sanctioned access’ and that the amendments might ‘well prove effective as a key for landlocked Maori landowners to enter negotiations with surrounding landowners’.⁵⁸⁴

The amended Act also contains the provision (section 326(d) (3)) which allows decisions made by the Maori Land Court in regard to access affecting General land to be appealed and heard by the High Court and not the Maori Appellate Court. Section 326(d) (4) also specifies that every appeal to the High Court ‘is by way of re-hearing’.

Claimants in the inquiry district have made applications under these revised provisions in respect to access to Owhaoko D6 section 3, Te Koau A and Awarua o Hinemanu blocks. The application in respect of Owhaoko D6 section 3 was appealed by the owners of the general

⁵⁸² Jacinta Ruru and Anna Crosbie, ‘The Key to Unlocking Landlocked Maori Land: The Extension of the Maori Land Court’s Jurisdiction’, 2004, www.nzlii.org/nz/journals/CanterLawRw/2004/13.txt/cgi.../13.rtf, p. 3.

⁵⁸³ Te Ture Whenua Maori Amendment Act, 2002.

⁵⁸⁴ Jacinta Ruru and Anna Crosbie, ‘The Key to Unlocking Landlocked Maori Land: The Extension of the Maori Land Court’s Jurisdiction’, 2004, www.nzlii.org/nz/journals/CanterLawRw/2004/13.txt/cgi.../13.rtf, p 8.

land over which access was ordered and the owners do not have the resources to pursue the matter through the High Court. The application in respect to reasonable access to Awarua o Hinemanu was dismissed after ten years in the Court process and the owners of the general land who would not agree to the use of their access road are pursuing costs through the Court. The application in respect to Te Koau A has only recently been lodged. All these cases are discussed further below.

10.17 Recent support from the RDC

Inquiry district Maori are currently being supported in their quest to solve the issue of landlocked blocks in the Rangitikei by the RDC. Mayor Andy Watson was reported by the *Whanganui Chronicle* as having met with Treaty of Waitangi Negotiations Minister Chris Finlayson in February 2015 to discuss the issue. He had also written to Mr Finlayson stating:

The absence of free and formal access to these lands has presented the Maori owners with an insurmountable challenge in terms of their ability to utilise their whenua for traditional purposes and to unlock the inherent development potential that exists in these properties.⁵⁸⁵

Mr Watson also believed that finding a solution to the issue of landlocked land, most of which was in the north of the district, would have ‘an economic spin-off for the region’. The article also noted that Maori ‘wanted to work with [council] ... and other land-owners’ to achieve a solution. Mr Watson recognised that the process would be long-term and that it was a ‘very very, very complex Maori land court process’. He was encouraged though that Mr Finlayson was interested in looking at the issue and working with the council. He concluded that he’d ‘like to think we could get some progress this year’.⁵⁸⁶

⁵⁸⁵ *Whanganui Chronicle*, 5 March 2015.

⁵⁸⁶ *Ibid.*

11 ISSUES OF ACCESS

11.1 Access through Maori land to European land

Examples of Maori agreeing to the laying off of roads through their land so as to give better access to adjoining land have arisen while researching this report. In the following instance the adjoining land was European, had been so since 1913 and the Maori land was leased to a European. No compensation was ordered. In December 1928, an application to lay off a road through Awarua 2C11 (668 acres) ‘to give access or better access’ to Awarua 2C10B (1158 acres) was heard. A Mr Clarke who was presumably a solicitor, gave evidence. He said that a road had been surveyed from the Napier-Moawhango road ‘through various European properties and through the top of [the Maori owned] Awarua 2C11 ... so as to give access to Awarua 2C10B’. He said that the part of Awarua 2C11 taken for the road comprised an area of 2 acres and that the owners, Henare Taahi [sp?] and Kingi Pine, had leased the land to James Whittle (for 50 years from 1920). It was also subject to a mortgage to the Public Trustee. Mr Clarke produced a consent signed by the owners and lessee as well as a letter from the District Manager, Public Trust Office, Taihape, notifying that the Public Trustee also consented to the land being taken for the road without compensation. He asked for an order under section 13 of the 1922 Act noting that Awarua 2C10B had ceased to be Maori land ‘since 1913’.⁵⁸⁷

The Court order stated that under section 13 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922 that Awarua 2C10B had a ‘right of road one chain wide through the Northern end of Awarua 2C11’.⁵⁸⁸ Awarua 2C11 was Europeanised in 1969.⁵⁸⁹

11.2 Roads on Maori land declared public roads

Examples of inquiry district Maori agreeing to road-lines being ordered through their land and declared public roads have also been located. In 1934, an application for the cancellation of a right of way and an order declaring a road is use to be a public road was heard at the Maori Land Court in respect of Awarua 1A2 West subdivisions B, C, D, E, F, G, H1, H2, and

⁵⁸⁷ Whanganui Minute Book 89, 17 December 1928, p. 232; Subasic and Stirling, Central Aspect, p. 120.

⁵⁸⁸ Maori Land Court Order, 17 December 1928, MLC Document Bank, vol 2, p. 450.

⁵⁸⁹ Subasic and Stirling, Central Aspect, p. 120.

H3. Mr Jack appeared at the hearing for the Rangitikei County Council as well as, he said, for ‘most of the owners’. He advised that when the land was partitioned a right of way was laid off giving access to a public road. This right of way had been widened in places and deviated in other places and was used as a public road. It had also been surveyed, formed and metalled by the council meaning public money had been spent on it. He asked that the order laying off the right of way be cancelled under section 488 and replaced by an order declaring this road in use under the provisions of section 484.⁵⁹⁰

The Court duly cancelled the right of way and made an order declaring the road ‘in use as a public road’. It was also recorded that the road referred to was the portion of Toetoe Road which went through Awarua 1A No 2 West sections B, C, D, E, F, G, H1, H2, H3 blocks. (The Toetoe Road comes off SH1 north of Mangaweka).⁵⁹¹

In February 1935, it was recorded in Court minutes that application had been made by the Chief Surveyor of the District as required by section 488 Native Land Act 1931’ which formalised the order of the Court.⁵⁹² In 1936, 5 acres 1 rood 0.6 perches of 1A2 West A was taken for a public road with the owner’s consent.⁵⁹³

In 1949, parts of these same Awarua 1A2 West subdivisions were proclaimed and taken for a public road. These were:

Awarua 1A2 West B - 2 acres 3r 31p

Awarua 1A2 West C - 6 acres 2r 10p

Awarua 1A2 West D - 3 acres 35p

Awarua 1A2 West E - 3 acres 1r 5p

Awarua 1A2 West F - 2 acres 3r 38p

Awarua 1A2 West G - 2 acres 2p

Awarua 1A2 West H1 - 1 acre 2r 1p

Awarua 1A2 West H2 - 1 acre 1r 14p

Awarua 1A2 West H3- 2 acres 31p⁵⁹⁴

⁵⁹⁰ Whanganui Minute Book 96, 27 September 1934, pp. 125-126.

⁵⁹¹ Whanganui Minute Book 96, 27 September 1934, pp. 125-126.

⁵⁹² Whanganui Minute Book 96, 6 February 1935. p.286.

⁵⁹³ Cleaver, p, 185.

⁵⁹⁴ Subasic and Stirling, Central Aspect, p. 108.

Cleaver notes that the proclamation was signed by the Governor-General on 28 January 1949 and that the land was laid off by orders made by the Native Land Court made on 6 February 1935 under sections 482, 483, and 484 of the Maori Land Act 1931. Also, that the land was required for Toetoe Road.⁵⁹⁵

11.3 Applications for access, section 60 of Maori Affairs Act 1953

While section 60 of the Maori Affairs Act 1953, was not specifically for the laying out of roads over Maori land, it was used on several occasions in the inquiry district to secure access. Section 60 provided that the Court could amend any order, warrant, record made previously by the Court so as ‘to give effect to the true intention of any decision or determination of the Court or to record the actual course and nature of any proceedings in the Court’. Any amendment made took effect from the commencement of the order, warrant, record of other document so amended’.

Two examples of the use of this section have been located while researching this report. Both applications were considered in 1962 but had different outcomes. The first application was made by the lessee of the landlocked Oruamatua Kaimanawa 1U and 1V blocks on the basis that it was the intention of the Court to provide access to these blocks when the block was partitioned in 1897. Mr Riddet appeared for the applicant. Also in attendance was Mr Brown for the adjoining Ohinewairua Station and Mr Trendwell for Erewhon Station (also adjoining) both of whom opposed the application. As well, an official for the Lands and Survey Department attended. There is no record of any of the Maori owners being in attendance.⁵⁹⁶

Mr Riddet argued that in 1899, a right of way was defined but not surveyed from Oruamatua Kaimanawa 1K to the road but this was not done for 1U and 1V. He argued that access was overlooked in 1897 because the block was ‘owned by [the] same parties’. He also explained that the lessee originally had access to the blocks but this access had been withdrawn.⁵⁹⁷ It was also confirmed by Mr Riddet that this section of the Act was being utilised because the

⁵⁹⁵ Cleaver, p. 185.

⁵⁹⁶ Whanganui Minute Book 126, 7 February 1962, p. 2.

⁵⁹⁷ Ibid.

permission of adjoining owners, which was required in order to secure access, had not been received.⁵⁹⁸

The minutes record that the Court made the decision without calling on opposing counsel to give evidence. The Court did not agree to the application, stating that there were many instances where the Court had not provided for access when blocks were partitioned and section 60 did not allow for the Court order to be changed so as to provide access. The full written decision of the Court was as follows:

1. Council on behalf of the applicant made submissions on the effect of Section 60 of the Maori Affairs Act 1953 and contended that under that Section the Court should provide access to Oruamatua Kaimanawa No 1 and especially IU and IV, as it must have been the intention of the Court on partition to provide access and possibility it was over looked because the blocks were owned by the same parties.
2. The present lessee is the applicant. He took his lease knowing of the lack of access or, if he did not know, without ascertaining the position.
3. It was admitted that the minutes of the 30th September 1897 made no reference to access. It was not adverted to at all in the minutes. This being so, there is no indication that it was the true intention of the Court to include provision for access. Any provision of access would vary the decision of the Court.
4. It is not sufficient to say that the Court must have intended to provide access. In the Court's experience there were many partitions which did not provide for access. It must be shown that the Court intended to, but did not provide access before the Court can utilise the provisions of section 60 and amend Partition Orders.
5. Authorities were referred to by Counsel – page 3 – but he did not refer to the Maori Appellate Court decision in re Kakepuku 9B3B 2B1 and 9B3B2B2 (24 Nov 1960 AC M.B. 14 folio 73) which is clearly in point here. Following some of the authorities referred to by Counsel above, the Appellate Court held that Section 60 gives no power to vary the actual decision and that Section 60 only enables the Court to make what is commonly called a “slip order”.

⁵⁹⁸ Jack, Willis, Riddet & Rennie to Chief Surveyor, 14 December 1961, AAMA W3150 619 Box 4 20/6 part 1, Wellington – Oruamatua Kaimanawa, 1900-1974, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 140.

6. The Court accordingly decided without calling on opposing Counsel that the Court might not amend the Partition Orders as asked and refused to requisition a survey.
7. Application is dismissed with costs allowed...⁵⁹⁹

In the same year, the same Judge heard an application under the same section (60/1953) to provide access to Motukawa 2B7B (613 acres 2 roods 33 perches) which had been sold in 1914 and Motukawa 2B7C (653 acres 3 roods 32 perches) which was leased. Although the minutes are not completely clear, they suggest that the applicants were the European owner of 2B7B and the lessees of 2B7C. Andrew O'Connor, for the applicants, argued that the application was to rectify an error made when partition orders were drawn up after a partition hearing in 1913. The partition order for 2B7B was subject to a right of way in favour of 2B7A (942 acres 1 rood 25 perches) but the partition order for 2B7A and 2B7C made no reference to a roadway. He had also searched the land transfer records and found no reference to a roadway.⁶⁰⁰

Counsel for the applicants intimated that the applicants accepted the suggestion made by the Court that the necessary amendments be made under section 60/1953 to the partition orders of 1913 for 2B7A, 2B7B and 2B7C. The judgement was as follows:

Court under section 60 to give effect to the true intention of the Court as evidenced by its minutes of 14 November 1913 and requisition for survey signed by the judge, orders that the following amendments to the partition orders of 14 November 1913 effecting Motukawa 2B7A, Motukawa 2B7B and Motukawa 2B7C: -

1. There is added to partition order of 14 November 1913 for Motukawa 2B7C along the side the words: 'Subject to right of road over the road as shown on plan endorsed from or attached hereto in favour of the owners of Motukawa 2B7B and Motukawa 2B7A and their assignees.'
2. There is added to partition order of 14 November 1913 for Motukawa 2B7B along the side the words: 'Appurtenant hereto is the right of road over the road as shown on plan endorsed on or attached to partition order for Motukawa 2B7C of 14 November 1913'.

⁵⁹⁹ Whanganui Minute Book 126, 7 February 1962, pp. 2, 4.

⁶⁰⁰ Whanganui Minute Book 126, 10 July 1962, p. 190. Subasic and Stirling, Central Aspect, p. 61.

3. As above for Motukawa 2B7C⁶⁰¹

Therefore section 60 was only useful for access purposes if it was clear that the Maori Land Court had actually ordered access at a hearing but had not adjusted the partition orders to reflect this. It was not successfully utilised if the Court had neglected to provide for access in the first place.

11.4 Motukawa 2B3D exchange of land

Motukawa 2B3D is an example of an exchange of land being negotiated to secure access to Maori land. The exchange occurred almost 60 years after the land was partitioned. This example also demonstrates how the Public Works Act was not considered a viable legislative option when it came to providing access to Maori land.

Stirling and Subasic record that Motukawa 2B3 was partitioned into four parts in 1905. A check of the relevant Court minutes reveal that no road access was ordered by the Court. Of the four parts, Motukawa 2B3B (184 acres) and 2B3C (194 acres) were sold to John Collins in 1912-13 (which meant that permission was required from the owner in order for a roadline to be ordered). A title search completed in 1962 by the Maori Land Court recorded that John Tierney of Taihape and the Public Trustee were the owners of 2B3B and 2B3C and that 2B3C had previously been owned by George Goodrick. A third portion, Motukawa 2B3A (14 acres), was initially leased but later, in 1923, also sold to John Collins. The Maori Land Court title search revealed that the owner of 2B3A in 1962 was John Patrick Tierney of Taihape, farmer. The balance of 2B3A formed part of Paengaroa Road (which comes off SH1).⁶⁰²

In 1914, when Motukawa 2B3C was subdivided into two parts, presumably by John Collins, the question of road access was considered by the Land Transfer Office within the Department of Lands and Survey. It was noted that there was no road access to the subdivision but that the land was being transferred to the adjoining owner, a Mr Goodrick. It can be inferred then that the question of access was satisfied as the subdivision for the plan

⁶⁰¹ Whanganui Minute Book 126, 1962, pp. 247-248.

⁶⁰² Subasic and Stirling, Central Aspect, pp. 53-54; Maori Land Court Title Search, 1962, Wh 592 volume 4, Maori Land Court Document Bank, volume 3, p. 465.

was duly passed.⁶⁰³ The fourth portion, Motukawa 2B3D (175 acres), remained in Maori ownership.

On 10 February 1926, the RCC applied to the Native Land Court for a rates charging order in respect of Motukawa 2B3D. Four years of rates were owed (from year ending 31 March 1923 to year ending 31 March 1926) totalling £47.19.6 plus £1 costs. The Clerk for the RCC, AFB Brown, noted that the 'usual demand notices' had been sent out 'at their proper times' but the rates remained unpaid. The minutes record that there were 'no objections' (the owners aren't recorded as being in attendance) and the charging order for £48.19.6 was duly made.⁶⁰⁴ As often followed charging orders at this time, Motukawa 2B3D was leased to F Cook for 21 years from 1929 which at some point was transferred to Mr Goodrick.⁶⁰⁵

Issues with regard to access began at the expiry of the lease to Mr Goodrick in 1951. The Maori Trustee had jurisdiction over the land and decided not to renew the lease to Mr Goodrick (who was said to have failed to adhere to certain clauses of the lease) and instead leased the land to a Mrs Rauhihi who was given a 21 year lease. In October 1953, the Secretary for the Maori Affairs Department wrote to the Commissioner of Works in Wellington and explained that 'difficulties of access' had arisen. Further:

Access to the property from the road is across a narrow strip of land owned by Goodrick. A search of records has revealed that through some oversight a right of way has never been provided between the road and the property. Goodrick now refuses to provide access, and the new tenant is unable to farm the property.

This Department has no means whereby it can enforce the provision of an access, and I would like to know whether, in the circumstances your Department would be willing to take an appropriate area to provide a right of way in cases of this nature, and if so, on what terms you would be prepared to do this.⁶⁰⁶

⁶⁰³ Correspondence in ADXS 19483 LS-W1 600 29266, Subdivision of Motukawa 2b, 3c, Block 9 Ohinewairua Survey District, 1913-1914, Archives New Zealand, Wellington.

⁶⁰⁴ Whanganui Minute Book 83, 10 February 1926, p. 273.

⁶⁰⁵ Subasic and Stirling, Central Aspect, p. 54.

⁶⁰⁶ Secretary, Department of Maori Affairs to Commissioner of Works, Wellington, 9 October 1953, ABKK W4357 869 Box 149 39/585 Wanganui Road District - Access Road to Maori Trust Land, Motukawa 2B, 3D Rangitikei County, 1955-1971, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 144.

He asked for a prompt response as the matter was ‘one of urgency’.⁶⁰⁷

Seven weeks later the Commissioner of Works replied that land could only be taken under the provisions of the Public Works Act if required for a public work and the ‘only public work which the land could possibly be taken in this case ... [seemed] to be a road’. He explained further why the Public Works Act could not be used:

... this road would serve only the one property which, at the moment, has no access and the taking of land for road in this case would really mean the taking of land from one person to give to or make available to another.

The use of the compulsory provisions of the Public Works Act for a Government work normally requires Cabinet approval but I would be most reluctant to recommend the Minister to seek approval for the taking of land for a road which is required merely to give access to one owner.

Moreover, as the formation and maintenance of this road would be the responsibility of the local authority it would hardly be appropriate for this Department to initiate the legalisation.⁶⁰⁸

In July 1954, Motukawa 2B3D was leased to RF Jensen. The Maori Land Court file does not indicate whether the change of lessee was due to access issues and/or whether Mr Jensen was a neighbouring farmer and had been able to secure access through his land or Mr Goodrick’s land. There appears, however, to have been a change of heart by Mr Goodrick. In August 1954, the Maori Land Court heard an application to summon a meeting of owners to consider a resolution that the Maori Trustee be authorised to negotiate an exchange of a portion of the Motukawa 2B3D block for a portion of the European owned section 4, block IX Ohinewairua Survey District. Mr Lewis, for the Maori Trustee explained to the Court that the Motukawa 2B3D block which consisted of 175 acres had ‘no practical access’. He said that he believed that practical access could be arranged by an exchange with the owners of land to the front of

⁶⁰⁷ Ibid.

⁶⁰⁸ Commissioner of Works to Secretary, Department of Maori Affairs 30 November 1953, ABKK W4357 869 Box 149 39/585 Wanganui Road District - Access Road to Maori Trust Land, Motukawa 2B, 3D Rangitikei County, 1955-1971, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 147.

the block but that it was ‘necessary for the Maori Trustee to be authorised to make the exchange’. It was desirable, he said, ‘that the meeting be called immediately while the owner of the front block ... [was] prepared to deal with us’. He asked the Court to call the meeting straight away instead of waiting until 18 October 1954 when the application would be gazetted. The Court agreed that a meeting would be called for a time and place to be fixed by the registrar and that the application would be advertised for next available Whanganui Court on 18 October that year.⁶⁰⁹ The exchange was ordered whereby the owners of Motukawa 2B3D received a small area of Mr Goodrick's land as access to their block. The exchange orders were not, however, granted by the Court until 1962 with £20 being payable by the Maori owners. Other costs involved were to be shared equally by both parties.⁶¹⁰

The block is no longer Maori land.

11.5 Sales of landlocked Maori land

There are a number of instances where lack of or poor access was a factor in the sale of Maori land in the inquiry district. The Waitangi Tribunal has indeed noted that:

Unsurprisingly, the frustrations associated with dealing effectively with landlocked blocks often leads ultimately to their sale.⁶¹¹

While perusing Maori Land Court minute books, examples of blocks where access was an issue being sold to the farmers of adjoining Maori land have been located. It was often perceived that the size and quality of the blocks and a lack of access prevented Maori from farming them as separate units and what was instead required, was the neighbouring farmer to buy these pieces of land so as to successfully farm them with their existing land.

11.6 Awarua 2C12A2A

One such example was the Awarua 2C12A2A block containing 101 acres 3 roods which was sold by Niwhai and Pokaitana Wharemahihi in 1953 to Robert Batley a sheep farmer of

⁶⁰⁹ Whanganui Minute Book 112, 18 August 1954, pp. 214-215.

⁶¹⁰ Trust Officer to Deputy Registrar, Aotea Maori Land Court, Whanganui, 26 August 1964, Motukawa No 2 correspondence file 23/592, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 134.

⁶¹¹ Waitangi Tribunal, Waitangi Tribunal, *Wairarapa ki Tararua Report*, Wellington, 2010, p. 623.

Moawhango for £1200. The valuation at October 1953 was £1060 including improvements of £350.⁶¹² At the hearing held on 13 November 1953, where the Court confirmed the transfer, the solicitor for the applicant Mr Ongley noted that the sale price was higher than the government valuation, that the land was unfenced, its carrying capacity was 'not high' and on its own it 'could not ever be an economic unit'. He said that it was leased to the purchaser up to three years previously when the two owners decided to farm it for themselves. They applied to the Maori Department for a loan but on inspection the Department refused the loan stating that it was 'not a sound proposition and could not be farmed on its own'. Mr Batley had also noted that it carried a little over one ewe to the acre.⁶¹³

Both owners, who were present at the hearing, said they wanted to sell to use their purchase money to buy other farming land in North Auckland. One of the owners, Pokaitana Wharemahihi reiterated how he and his brother had applied to the Maori Trustee for finance to farm this land themselves but their application was refused. He also noted that all his other lands in the Taihape district were leased and 'not available' for he and his brother to farm.⁶¹⁴

Mr Batley explained that the block was 'surrounded on three sides' by his land and that he wished to purchase 'for this reason'. He also noted that the Maori Trustee was said to have 'told the Maori owners it would be uneconomic for them to farm same'.⁶¹⁵ The purchase was confirmed subject to the full amount of the purchase money to be paid to the Maori Trustee under section 281 'to be held for Maori owners and to be expended only in the purchase of land for each of the vendors in respect of their respective shares under a scheme of purchase to be approved by the Court'.⁶¹⁶

One of the boundaries of Awarua 2C12A2, consisting of 393 acres, was the Moawhango-Napier Road (north of Moawhango) and on the opposite side, the Pakarakeke Stream. When Awarua 2C12A2 was partitioned in 1928, no roadway was ordered through the block despite Awarua 2C12A2B having all the road frontage. This left Awarua 2C12A2A with no legal access though it is possible that access had been allowed during the time that the owners were farming the land. Following rating charging orders of December 1952, 2C12A2B was leased

⁶¹² Whanganui Minute Book 110, 13 November 1953, pp. 392- 396.

⁶¹³ Ibid.

⁶¹⁴ Ibid.

⁶¹⁵ Ibid.

⁶¹⁶ Ibid.

to Mr Batley in 1953 and again in 1974, 1984 and 1989 until it was sold to a member of the Batley family in 1991.⁶¹⁷

11.7 Awarua 4C13B

Also on 13 November 1953, the Court confirmed the transfer of Awarua 4C13B located north of Utiku consisting of 172 acres 3 roods 10 perches, from Pokaitara Wharemahihi to AJ Mickleson for £2000. Mr Onlgey again appeared for the applicant noting that the government valuation for the block in 1942 was £1105. He said he had applied for an up to date government valuation the previous month but it had not been filed. He instead called evidence of value and asked for confirmation subject to the consideration being in excess of the capital value or being increased to equal same. He said that his submissions and evidence made in the previous application were also applicable in this case. He explained:

The Maori owners themselves approached Mr Mickleson and asked if he would buy this block if the sale to Batley were confirmed. He has a lease expiring 3.4.55 at a low rent of £52 per annum. It would have suited lessee to allow the lease which he has held since 1927 to run out. The Maori owners put their own price on it. He considered it excessive but he did not haggle about it. The block is not fenced, contains no building sites, and its only reasonable access is through Mr Mickleson's front country. If the owners desired to work it, they would have to travel 20 miles from where they live.⁶¹⁸

Mr Ongley also submitted that there was no undue aggregation on the part of Mr Mickleson as he had held the land for 26 years. The Court agreed.⁶¹⁹ Also in attendance at the Court was a CA Stewart a sheep farmer of Taihape who said he had '48 years' experience of the Taihape district', and had done a 'considerable amount of land valuation' as part of his work including valuing 'numerous' Maori blocks for the Court. He said that he knew the land in question noting that the existing 1942 valuation was £6.8.6 and the consideration £11.12.6 per acre. He explained that it was 'not a favoured district and that land in the same vicinity

⁶¹⁷ Memorial schedules for Awarua 2C12A2B and 2C12A2B, partition order for Awarua 2C12A2B, 26 September 1918, Wh 602 volume 4, Taihape Inquiry District Maori Land Court Document Bank, volume 3, pp 487-490.

⁶¹⁸ Whanganui Minute Book 110, 13 November 1953, p. 396.

⁶¹⁹ Ibid.

had sold for £9 per acre four years previously that had a house, woolshed and ‘usual conveniences’. He noted that there were no buildings on Awarua 4C13B and it was not fenced, that it was ‘high country running up to well over 2000 [feet] and ... [was] not popular’. Further, that the ‘lambing percentage’ was ‘subject to fluctuation if a cold spell intervened. He considered the price of £11.12.6 per acre ‘very favourable - in fact a very good price.’ The Court then confirmed the alienation subject to the consideration shown in the transfer being at least equal to the capital value shown by an up to date government valuation to be filed, or is increased to equal same’. The full amount of the purchase money was to be paid to the Maori trustee under section 218 to be held for the Maori owners and was to be ‘expended only in the purchase of land for each of the vendors ... to be approved by the Court.’⁶²⁰

Awarua 4C13B, located north of Utiku had been leased to a Mr Bennett from 1 November 1918, WR Anderson from 1924 and AJ Mickleson from 1928. The later lease was renegotiated in 1934 and the rent reduced. When Mr Mickleson purchased the block he also held the freehold of Awarua 4C13A, 4C12A1 and leased 4C12B. The plans attached to the partition orders for 4C12 and 4C13 show long narrow blocks with a road at either end. The partition order plans of 1894 show 4C13A abutting on what is then called the Hunterville-Tokaanu Road (now SH1). The plan for Awarua 4C13B too has a road on its boundaries though it is not named. Later maps show that both Awarua 4C13B and 4C12B abutted the Mataroa Road. It can only be assumed given Mr Ongley’s statement above that only ‘reasonable access’ was through Mr Mickleson’s ‘front country’, that the access was then difficult from the Mataroa Road.⁶²¹

11.8 Awarua 2C4

⁶²⁰ Whanganui Minute Book 110, 13 November 1953, p. 396; Board cover page, 3/4799, Awarua 4C13B alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, pp. 42, 44.

⁶²¹ Board cover page, 3/4799, Awarua 4C13B alienation file, Aotea Maori Land Court, Whanganui; SW Document Bank, volume 1, pp. 42-45. Plans attached to partition orders of Awarua 4C12, 8 August 1896; 4C13, 8 August 1896; 4C13A, 13 September 1910; and 4C13B, 13 September 1910, Awarua 4A & 4C Block order file, Wn 600, volume 1, Taihape Inquiry District Maori Land Court Document Bank, volume 1, pp. 546, 548, 763, 765; Rangitikei County maps, 1958, AANX W3829/93 Maps & Plans – N.Z.M.S. [New Zealand Mapping Society] 15 – Sheet 1 – Rangitikei County Boundaries of Riding 1975 – 5th Commission, 1958, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 148-164.

A meeting of owners was held to consider selling Awarua 2C4 containing 157 acres to Dorothy Jean Batley for £910 (capital value was £810). The recording officer showed that five owners were present and there were five proxies. The resolution was carried unanimously. In 1954, at the hearing where the confirmation was confirmed, it was recorded that Mrs Batley called a meeting of owners to obtain a lease but the owners refused saying they wished to sell. The owners increased Mrs Batley's offer of £810 to £910 and carried the resolution 'unanimously'. It was also noted that the land was situated at a high altitude, lay 'right in middle of the Batley's country' and was described as having 'very poor access'. Further it was 'not suitable for farming by Maoris', that the interests owned by the individual Maori owners was 'not large' and that they owned 'ample other lands'.⁶²²

The application for sale was confirmed subject to the purchase money being paid to the Maori Trustee and where the share was over £50 per person it was 'to be spent only for improvements of housing, farming or furniture or anything the Court approves'.⁶²³

11.9 Awarua 4C15F1H2 and 4C151H1

In 1965, a meeting of owners was held to consider a proposal to lease or sell Awarua 4C15F1H2 consisting of 153 acres 2 roods to Julia Mickleson who had previously leased the block for 21 years from 25 July 1944. In attendance were four owners representing a total of .6668 out of 2.5000 shares. Minutes of the meeting of owners record that Mrs Mickleson preferred to buy and that the amount of valuation reflected the improvements made to the land. The original offer was based on £16 per acre which was made prior to the government valuation being received. The offer was subsequently increased to £3080 which was above the special valuation. Solicitor for the applicant, R McGregor, also explained that there was no formed access. This was despite a right of way being created by Court (this was ordered when the block was partitioned in August 1944). He also said that the formation of a road was 'very expensive' and the block was 'not an economic unit' on its own. The husband of the applicant, Mr Mickleson, also stated that the block had 'difficult access'. The application was adjourned as another applicant was known to be interested in the land.⁶²⁴

⁶²² Whanganui Minute Book 111, 3 February 1954, pp. 123-124.

⁶²³ Ibid.

⁶²⁴ Statement of proceedings of meeting of assembled owners, 27 May 1965, 3/6238, Awarua 4C15F1H2 Alienation file, Aotea Maori Land Court, Whanganui; SW Document Bank, volume 1, p 92; Partition order,

Another meeting was held in November 1965 where the proposal to consider was to sell or lease to Mrs Mickleson or to sell to BG Gibbs. In attendance were five owners representing 1.2279 shares out of 2.5000. Owners representing the majority of shares (.6668 shares) decided they wished to sell to Mrs Mickleson for £3390 even though the offer by Mr Gibbs was higher (£3854). Those who did not wish to sell (representing .5611 shares) signed a memorial of dissent.⁶²⁵

On 7 February 1966, an application to confirm the resolution to sell was heard by the Maori Land Court. At the hearing the applicant advised that she wished to increase the offer to £3854 which was the amount the other applicant had previously offered (£25 per acre). Again the issue of access was discussed. That is, that the land had no frontage to a public road but that there was 'legal access by right of access'. Also, that the two people who owned adjoining lands were the applicants. At the hearing it was noted that the other applicant, Mr Gibbs had increased his offer to £26 per acre. Despite this, the resolution to sell to Mrs Mickelson for £3854 was confirmed.⁶²⁶

Of note is that the adjoining block, Awarua 4C15H1H1 (161 acres 2 roods) also had access issues. In November 1966, RC Haines, writing on behalf of his wife, Waipai Te Ngahoa Winiata, asked the RCC to assist with the provision of access to the block. He stated that his wife had recently acquired the block (from the Court alienation file it would appear that she was an owner who bought out the shares of the other owners after a non-owner was proposing to purchase it). Mr Haines explained that there was a county road which followed the Mangaone Stream that ran close to the land. A former lessee, Mr Doole, had been allowed access through the adjoining farmers land (the Mickleson's) but when Mr Haines had asked Mr Mickleson for access through his land he had refused. This was despite his offer of assistance with maintaining the road. Mr Haines said it left him with no choice but to ask the county for access through Mr Mickleson's land (described as 'block 3'). This was located about two chains from the county road to the Mangaone Stream which was Mr Mickleson's boundary. This, he said, would then lead on to 'Winiata's blocks' which was a short distance

Awarua 4C15F1H, 14 April 1921 and plan, memorial schedule for Awarua 3C15F1A, Wn 600 volume 7A1, Taihape Inquiry District Maori Land Court Document Bank, volume 2, pp. 80-82.

⁶²⁵ Statement of proceedings of meeting of assembled owners, 5 November 1965, 3/6238, Awarua 4C15F1H2 Alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 93.

⁶²⁶ Whanganui (Alienation) Minute Book 5, 7 February 1966, pp. 290-294.

from his own. Access was 'automatic through the Maori Land Court'. He also added that they would pay for the road and he had paid the rates on the land. The council considered the matter at a meeting and responded that it was unable to assist as the council had 'no authority to take right-of-way over private land except for the purpose of a Council work or activity'.⁶²⁷

The block was Europeansied in 1968 so there is little more that can be located from the Maori Land Court about the matter. The exception is a letter written to the Court in 1985 by lawyers for owner Lewis Haines, the son of Waipai Te Ngahoa Winiata which made it clear that access issues had continued for another twenty years. The letter explained that the land had no access to road frontage though there was reference on the title to access ways affecting the land. Mr Haines had written to the Land Transfer Office asking for clarification regarding the access way. They replied that they were 'unable to elaborate on the right of access as this memorial was added by the Maori Land Court' and suggested that the Court be approached for assistance. It was noted that Mr Haines was 'experiencing considerable difficulty in gaining access' to his property. As the block was landlocked he had to gain access through either one of five blocks on the eastern boundary. (These were 4C15F1C, 1D, 1E, 1F and 1G which were accessible from 4C15F1A through to the Hunterville Tokaanu Road.) Some of the owners of these blocks were making access 'difficult' and he had been 'served with trespass notices threatening prosecution should he continue to use the same access'. It was noted that access was provided to the block and recorded in the title. (Indeed the certificate of title for the block shows that the block was 'subject to a right of access by existing tracks to other subdivisions until properly defined roads giving fair and reasonable access have been laid off'.) The lawyer asked what access rights were recorded in Maori Land Court records and surmised that if no new access orders had been made then 'it would appear that the existing tracks should continue to be used by Mr Haines'. He asked for clarification as to what line these existing tracks took and over which properties they effected.⁶²⁸

⁶²⁷ RC Haines to Rangitikei County Council, 7 November 1966; Rangitikei County Council to RC Haines, 15 March 1967, RDC 00065: 37: R/4/1/176 County Roads Mangaohane Road, Rangitikei County Council, 1961–1977, Archives Central, Feilding; SW Document Bank, volume 4, pp. 215-218; List of owners, Awarua 4C15H1H1, 22 September 1964, Waipai Te Ngahoa Winiata to Registrar, Maori Land Court, 11 January 1965, Meeting of Assembled Owners, 5 November 1965, 3/6237, Awarua 4C15F1H1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, pp. 85, 88-89

⁶²⁸ Subasic and Stirling (Central), p. 156; Plan attached to partition order for Awarua 4C15F1G, Taihape Inquiry District Maori Land Court Document Bank, volume 2, p. 79; Certificate of Title under Land Transfer Act 424/55; Flack Brown & Co, Barristers and Solicitors, Taihape to Registrar, Maori Land Court, 20 September 1985, 3/6237, Awarua 4C15F1H1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, pp. 86, 90.

The Registrar replied that when Awarua 4C15F1 was partitioned into eight subdivisions in April 1921, a 'right of way was set off to provide access for all subdivisions to the main highway except 4C15F1H, as it was explained that access to this block was obtainable by means of a formed road on and along the opposite side of the Mangaone Stream'. Despite this, partition orders were made subject to these restrictions. When Awarua 4C15F1H was partitioned in August 1944, provision was again made to allow access over 1H1 in favour of the owners of 1H2 'by virtue of the track or old tramway referred to in preceding partitions'. The Registrar concluded that it was apparent that Mr Haines had 'the same access rights over the properties adjoining the eastern boundary, but perhaps some thought should be given to apply to the Court for permanent access under the provisions of Part XXVII of the Maori Affairs Act 1953'.⁶²⁹

The file concludes with this letter and no further information has been located. What is clear, however, is that although access orders were made, roads were not necessarily formed leading to ongoing issues with adjoining land owners who did not acknowledge these Court ruled rights around access.

11.10 Oruamatua Kaimanawa 1K and 2F

When the application for confirmation of the alienation of the Oruamatua Kaimanawa 1K (3425 acres) and 2F (3200 acres) blocks was being heard by the Maori Land Court in June 1962, one of the two owners, Mrs Watene, explained her reasons for selling. She said that just a small part of the land being sold was farmed and that there was 'no access other than by track through Ohinewairua Station'. She said that she wanted the money to spend on a camping ground she owned at Te Awanga and to help fund her son's teacher training. She said that the other owners was her 20 year old nephew and that the Maori Trustee, who acted for his grandfather's estate, would hold the money for him.

The Court responded that it was satisfied from the valuation report that the sale was 'too good to miss as it has a long term value only for development'. It was also in the interests of the

⁶²⁹ Registrar, Maori Land Court to Messrs Flack Brown & Co, 4 October 1985, 3/6237, Awarua 4C15F1H1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 87.

seller and if the Maori Trustee held the money for Mrs Watene's nephew, then it would also be in his interest.⁶³⁰

Of note is that Oruamatua Kaimanawa 1K was one of the few blocks to have access secured by its owner Waikari Karaitiana in 1899 though it was just a track. No access had ever been secured, however, for 2F.⁶³¹

Also in this category are Rangipo Waiu B2 (sold 1966), B3 (sold 1966), B4 (sold 1950), B5 (sold 1927 and 1928) and B6C1 (sold 1946), B6C2 (sold 1929), Motukawa 2E2 (sold 1951), Owhaoko D5 section 2 (sold 1953), Awarua 1A3A (sold 1968) and Awarua 1A3C (sold 1965) which are dealt with separately in the Rangipo Waiu, Owhaoko and Awarua 1A3 chapters.

⁶³⁰ Napier Minute Book 96, pp 13-14, 19 June 1962, pp. 13-14.

⁶³¹ Native Land Court order in respect to Oruamatua Kaimanawa 1K and 2G, 25 September 1899, 23/596, Oruamatua Kaimanawa correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 4-7.

12. AORANGI (AWARUA) AND AWARUA 1DB2

12.1 Introduction

The Aorangi (Awarua) block is described by Stirling and Subasic as ‘highly significant as it is located at the distinctive maunga Aorangi, an important feature in the cultural landscape of Mokai Patea’.⁶³² Aorangi (Awarua) (967 acres or 391.331 hectares) and the adjoining Awarua 1DB2 (411,740 acres or 751.0094 hectares) blocks are landlocked. They are administered together by the same trust (Aorangi Awarua Trust).

12.2 Existing Access to Aorangi (Awarua) and Awarua 1DB2

Currently there are two existing over-land routes that can be used to access the Aorangi (Awarua) and Awarua 1DB2 blocks: from the end of Mangahoata Road (by foot) and through the privately owned Mangaohane Station (4WD vehicle track). Owners also access the land by helicopter.⁶³³

Mangahoata Road, to the west of Awarua 1DB2, is the road located closest to the block. While most of the road is a public road, there is a small part of the road (that located closest to the Rangitikei River) which is a private road. The road, however, does not enter the block but stops before the Rangitikei River which needs to be crossed in order to access the land. As there is no bridge, a flying fox is used to cross the river. Once across the river, owners must climb a very steep hill. Currently owners guide people staying at the River Lodge, which is located at the end of Mangahoata Road, over their lands to Aorangi maunga by this route. This takes about three hours. Richard Steedman, one of the trustees of the land, believes that it would be physically impossible to extend the road through this part of the block.⁶³⁴

The 4839 hectare Mangaohane Station is located to the north of Aorangi (Awarua) and Awarua 1DB2 on Mangaohane Road which comes off the Taihape-Napier Road to the north and Mangahoata Road to the south-west. Off Mangaohane Road through this privately owned land is a road suitable for 4WD vehicles which can access the blocks. It is described in Land Information New Zealand maps as a ‘vehicle track’. The first part of the track, called the

⁶³² Subasic and Stirling, Central Aspect, p. 180.

⁶³³ Conversation with Richard Steedman and author, 21 October 2014.

⁶³⁴ Ibid.

Pokopoko track, goes as far as Pokopoko from where another track takes vehicles close to the boundaries of the Maori owned blocks. Both tracks are described in RCC maps from the late 1970s and 1980s as ‘dry weather track[s]’.⁶³⁵ The drive takes about one hour.

Permission is required from the Mangaohane Station owner to use this road/track. Between 1973 and 2014, the station was owned by the late Jim (James) Bull who was also chairman of the RCC from 1971-1977. He allowed access every five or so years.⁶³⁶ In 2014, the station changed hands for \$24 million as is now owned by the Williams family who also have interests in Erewhon Station. Currently there are no formal arrangements with the new owners to use their road nor has an application been made to the Maori Land Court under Te Ture Whenua Maori Act requesting that such access be formalised. Given the present legislation, the Maori land owners prefer, at this time, to foster good relationships with the station owners to ensure that some vehicle access remains available.⁶³⁷

According to Mr Steedman, no existing Forestry or DOC roads are suitable to access this land nor is access practical via Big Hill Station (see Awarua o Hinemanu chapter).

12.3 Investigation of title and partitions

Young notes that Aorangi (Awarua) was the area of the Mangaohane block excluded from the Native Land Court’s title decision in 1885 which accounts for the later time that title was investigated (between 1910 and 1912). When title was awarded to Aorangi (Awarua) by the Native Land Court in 1912, no reference was made to access.⁶³⁸

The Awarua block was partitioned in May 1894 so that the Crown’s interests in land it had purchased in the Awarua 1, 2, 3 and 4 blocks could be defined. At this hearing and the hearing when the partition of Awarua 1DB2 was created in 1903, access was not considered

⁶³⁵ Ibid LINZ map.

⁶³⁶ Ibid; Laurenson, p. 209.

⁶³⁷ Ibid; and ‘Bull’s Mangaohane changes hands’ in *Manawatu Standard* 10 April 2014. The government valuation for the station was \$22.2 million in 2011. The station was sold for \$24 million in 2014 – Real Estate Institute of New Zealand, News Release, 15 April 2014

⁶³⁸ Grant Young, *Mangaohane Legal History and the Destruction of Pokopoko*, p. 7; Subasic and Stirling, *Central Aspect*, p. ; Whanganui Minute Book 62, 15 March 1912, pp. 79-84; 20 March 1912, p. 96; Napier Minute Book 64, 20 September 1912, pp. 201, 209, 226.

by the Court.⁶³⁹ At the partition hearing, Sheridan, for the Crown, stated that it was ‘immaterial where it [the Crown’s portion of the block] is cut out’ but suggested that it should adjoin Crown land to minimise the cost of survey. The Maori non-sellers, represented by Mr Lewis and Mr Scannell, agreed that the Crown’s interest would be a triangular shaped piece on the south-eastern boundary.⁶⁴⁰ The plans attached to the partition orders for Awarua 1DB1 and Awarua 1DB2 do not show any potential road access or road lines into the blocks.⁶⁴¹

12.4 Surrounding lands

The land and rivers surrounding these two blocks are Mangaohane, located to the north; Awarua 2 and the Rangitikei River to the west; and Awarua 1 to the south and east.⁶⁴²

The Mangaohane block on which the Mangaohane Station is now situated, appears to have been the key access way to the blocks both at the time the land was investigated by the Court as well as today. Fisher and Stirling record that in the nineteenth century, the settlement/kainga of Pokopoko within the Mangaohane block was inhabited by Winiata Te Whaaro and his whanau and that Pokopoko was accessed via what was called Winiata’s track. He notes that this track was shown on the survey map used by the Native Land Court when it first investigated title to Mangaohane in 1885. It too traverses south to Pokopoko from the Taihape-Napier road and while not identical to the Mangaohane Road and Pokopoko track outlined on maps of today it does follow the Mangaohane Road route in several places. The same survey map also shows that 76 acres of the Mangaohane block had already been surveyed out for the Taihape-Napier road which traversed the top of the block. Cleaver notes that this part of the road was surveyed in the early 1880s and that ‘legislative provisions that enabled existing roads to be vested in the Crown without any requirement for compensation to be paid to the owners ... [as] introduced in the Public Works Act 1876 and continued in later legislation’ was used in this instance.⁶⁴³

⁶³⁹ Napier Minute Book 32, 10-11 May 1894, pp. 46-49; Subasic and Stirling, Central Aspect, pp. 180-184.

⁶⁴⁰ Napier Minute Book 55, 20 October 1903, p. 193.

⁶⁴¹ Awarua 1B, 1C and 1D partition orders May 1894, Awarua 1DB partition order 20 October 1903, Awarua block order file, WN 591 volume 3, Taihape Inquiry District Maori Land Court Document Bank, volume 1, pp. 118, 127, 129.

⁶⁴² Young, p. 7.

⁶⁴³ This provision was ‘continued in section 79 of the Public Works Act 1882 and, later, sections 100 and 101 of the Public Works Act 1894’. Cleaver, pp. 182, 188-189. Fisher and Stirling, Northern Aspect, pp. 138, 179, 188,

Legal access via Winiata's track to Pokopoko and onwards to Aorangi (Awarua) and Awarua 1DB2 was lost, however, when ownership of the Mangaohane block was transferred into European ownership between 1885 and 1916. Although this is documented by Young and Fisher & Stirling, it is important to reiterate that title to the block was not awarded by the Native Land Court to Winiata Te Whaaro and his whanau who were living and farming at Pokopoko. Instead they were forcibly removed from their land, their property burned and Winiata Te Whaaro later imprisoned. Much of the title was awarded to those who had already begun to sell the land, more specifically Renata Kawepo who had been in partnership with John Studholme. Fisher and Stirling note that the purchase of 30,698 acres of the block in the 1880s by Studholme was illegal but legislation in 1892 allowed for the purchase to be validated. Between 1908 and 1912, the interests of Arini Tonore and others of almost 20,000 acres were transferred to the Donnelly Estate (her husband being George Donnelly). All but 300 acres of the remaining 4000 or so acres was sold to Guy Langley (or Landsowne) Shaw in 1915 and 1916. (He is thought to be Donnelly's nephew).⁶⁴⁴

Ironically, the legislative provisions that could have made the track a legal road was the aforementioned Public Works Act and equally draconian Counties Act 1876 whereby the Crown or local authority, in this instance the Hawkes Bay County Council, could have simply declared it as such (not requiring the permission of the Maori owners) but had the council done so they would have then been responsible for forming it. The track was not made a legal road prior to the acquisition of the land on which it traversed which left the key access route to Aorangi (Awarua) and Awarua 1DB2 in private ownership. Legislation was not enacted until 1913 whereby road-lines could be ordered over land adjacent to a parent block of Maori land in order to provide access. The permission of the owner was, however, required.⁶⁴⁵

In 1907, the aforementioned councillor of the HBCC and owner of part of the Mangaohane block, George Donnelly, moved the resolution that the council make a special order that a loan of £2000 be raised over the Erewhon Riding to construct the Mangaohane Road. The

201; Mangaohane Block plan, 1886, AFIH 22381 W5692/82 RP 560a Mangaohane Block Maori Land Plan ML 753a - Office Copy, 1886, Archives New Zealand, Wellington.

⁶⁴⁴ Young records a statement by Hazel Riseborough (in *Ngamatea. The Land and the People*, Auckland: Auckland University Press, 2006, pp.18-19). that Guy Landsowne Shaw was Donnelly's nephew so it could one and the same. Young, pp. 13, 15-16; Fisher and Stirling, *Northern Aspect*, pp. 182, 201, 212, 220, 222, 229-230, 233, 235, 256.

⁶⁴⁵ Native Land Amendment Act 1913, s 52.

resolution was carried.⁶⁴⁶ It was obviously in his interests to have this road built as the Mangaohane Road went south from the Taihape-Napier Road past Mangaohane Station. It then went into the now Rangitikei Valley Road which connects with Matawhero Road (further research is required as to when the road was fully completed). While the Mangaohane Road goes part of the way to the blocks from the Taihape-Napier Road (and as stated previously, intersected Winiata's track at some points) it does traverse west to the Rangitikei River and therefore bypass them. Of note is that in 1929, the county clerk of the RCC reported that £1115 spent on the road had come from a government grant received in aid of the council's loan expenditure of £44,000 spent in the Erewhon riding.⁶⁴⁷

The opportunity for any potential access over Maori land to Aorangi (Awarua) and Awarua 1DB2 via Awarua 1 blocks was reduced when Awarua 1C consisting of 18,806 acres and located to the east of the blocks was purchased by the Crown between 1892 and 1894 (though the terrain may not have allowed for this anyway). Land south of Awarua 1DB2 (Awarua 1DA) consisting of 22,156 acres was purchased by the Crown between 1894 and 1896. To the west of Awarua 1DB2 was the Rangitikei River and Awarua 2C1 and 2B. Both these blocks were also purchased in the 1890s.⁶⁴⁸

In 1900, the Lands and Survey Department considered providing access to Awarua 1DA and 1DB. At the time it was thought that the Department only had a few months to utilise previously made provisions for Crown road rights in the Awarua block (the Department actually had a year). These provisions had been made under the Public Works Act 1894 so that the Crown could take land for a road without payment of compensation. The Public Works Department, the Government Surveyor at Petone and Road Surveyor at Whanganui were all advised by the Chief Surveyor that the 'road rights' for Awarua were to expire and asked whether there were any roads through the block that should be laid off but were not yet taken. The Road Surveyor at Whanganui replied that he did not know that part of the block east of the Rangitikei river (where 1DB2 and Aorangi (Awarua) are located) 'sufficiently well to give any opinion' as to what roads were wanted. The Surveyor at Raetihi, however, advised that the road he thought was likely to be needed was on the east side of the Rangitikei

⁶⁴⁶ *Hastings Standard*, Volume XI, Issue 5549, 9 July 1907, p. 2.

⁶⁴⁷ County Clerk, Rangitikei County Council to County Engineer, Rangitikei County Council, 13 May 1929, RDC 00064: 6 : 1 Taihape - Napier Road Rangitikei County Council 1928 - 1937, Archives Central, Feilding. SW Document Bank, volume 4, pp. 220.

⁶⁴⁸ Subasic and Stirling, Central Aspect, pp. 87, 99, 100, 106, 111.

river ‘through Awarua 1DA and 1DB from the Awarua clearing northwards’. His proviso was that he too knew little about that part of the block and could ‘say nothing as to the possibility and very little as to the desirability of taking such a road’. In May 1901, a road ‘up the east side of the Rangitikei River through 1D’ was included in a list of roads that might be required through the Awarua block. The official thought that the road referred to was ‘Batley’s Road’ and the line lay ‘wholly in Crown leasehold and freehold land’. A few months later the Chief Surveyor instructed the Government Surveyor to peruse the reports of those who had suggested the road through Awarua 1D, peg and take the land bearing in mind that all rights (to take land without compensation) expired on 22 September. The actual survey was to follow afterwards though it does not seem that this was done. As can be seen in map 6, there are unformed legal roads located to the west of the river which start south of the blocks and traverse north at the western boundary of Awarua 1DB2 but none to the east of the river.⁶⁴⁹

By the time that the Native Land Court hearing took place in 1903 where Awarua 1DB was partitioned into the Crown owned Awarua 1DB1 (354 acres located to the east of 1DB2) and the Maori owned Awarua 1DB2, all the Awarua blocks surrounding Awarua 1DB2 had been sold to the Crown. What remained was the Aorangi (Awarua) block to the north, title to which had yet to be investigated by the Court, and the Mangaohane block, the bulk of which had already been sold privately.

Most of the land was then sold on to settlers and the legal unformed roads to the west of the block stayed that way. This has left the track through Mangaohane Station and crossing the Rangitikei River as the only access options available to the owners.

The first written reference regarding the lack of access to Aorangi (Awarua) and Awarua 1DB2 located while researching this report is in a letter from a settler, Alexander Munro, in 1896. He asked the Commissioner of Crown Lands whether he could lease both the Aorangi (Awarua) and 1DB blocks for 21 years. He stated that neither of the blocks was ‘accessible

⁶⁴⁹ Chief Surveyor, Lands and Survey Department to Under Secretary, Public Works Department, 2 August 1900, Chief Surveyor, Lands and Survey Department to Road Surveyor, Whanganui and Government Surveyor, Petone, 2 August 1900, GS Murray, Department of Lands and Survey, Whanganui to Chief Surveyor, Wellington, 14 August 1900, Surveyor, Raetihi to Chief Surveyor, Wellington, 10 August 1900, Chief Surveyor to Road Surveyor, Whanganui, 6 September 1900, District Survey Office Wellington to Chief Draughtsman, 7 May 1901, Chief Surveyor to Government Surveyor, 19 July 1901, Chief Surveyor to Government Surveyor, 29 July 1901, ADXS 19483 LS-W1 86 3867 part 2 Awarua Roads, 1899-1901, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 165-176.

by road or even a bridle track'. He was then advised that the land was Maori land and therefore the Commissioner had 'no power to deal with it'. Authorities were also reminded in 1947 when Aorangi (Awarua) was exempted from rates on the basis that the block was 'rough' county with no access.⁶⁵⁰

No applications for a right of way or road access were located in the Maori Land Court application files for the period 1898 to 1955 for Awarua and 1910 to 1953 for Awarua (Aorangi).⁶⁵¹

12.5 The Rating of Aorangi (Awarua)

Aorangi (Awarua) was until 1920 rated by the HBCC until the Erewhon Riding was transferred to the RCC. The HBCC valuation roll for 1907 to 1915 has a combined entry for Aorangi (Awarua) and Awarua 1DB (part) where it is recorded that the blocks were occupied by George Donnelly and that the 10,328 acres was valued at £2215 which included £150 of improvements (fencing). As the occupier, Donnelly would have been obliged to pay the rates.⁶⁵²

The entry for the valuation roll circa 1914 again gives the occupier as George Donnelly but on an unspecified date this was crossed out and replaced with 'Natives'. The valuation at this time was £1320 with unspecified improvements of £112. The Maori owners would then have had to take on the rating obligations for the land.⁶⁵³

⁶⁵⁰ Alexander Munro to Crown Land Office 13 April 1896, Commissioner of Crown Lands to Alexander Munro, 22 April 1896, AAMA LS-W1 303 14931 Subdivision No 1DB Awarua Block, 1896-1897, Archives New Zealand, Wellington; Tokaanu Maori Land Court Minute Book 28, 12 March 1946, p. 157. SW Document Bank, volume 8, pp. 177-183.

⁶⁵¹ MA-Wang W2140 35 Wh. 591 part 1, Awarua, 1898-1945 and part 2, Awarua, 1949-1955, MA-Wang W2140 36 Wh. 594A, Aorangi (Awarua), 1910-1953, Archives New Zealand, Wellington.

⁶⁵² AELU 19310 V-NAW1089/15 2/34 Valuation rolls Napier - Erewhon Riding - roll numbers 1-68, 1907-1915, Archives New Zealand, Wellington.

⁶⁵³ AELU 19310 V-NAW1089/15 2/34 Valuation rolls Napier - Erewhon Riding - roll numbers 1-68, 1907-1915, Archives New Zealand, Wellington.

Between 1927 and 1939, Aorangi (Awarua) was valued at £1060 inclusive of improvements of £80 described as fencing. Owners were listed originally as ‘Natives’, then in 1928 as Haana Hinemaanu ‘and others’ and in 1930 as Pirikau Toatoa and Whakahihi Paki.⁶⁵⁴

From the RCC Maori land rates book it is clear that no rates from 1928 until 1947 were ever paid. Charging orders were first made in 1930 for £18.14.7 and then again in 1932, 1934, 1936, 1938 and 1940. Finally in 1947, the RCC exempted the block from rates. At the hearing where the Court recommended to the Minister that the land be exempted, the block was described as: ‘Rough block of county. No access. Only visited by possum trappers’. Pirikau Toatoa and Whakahihi Paki were still listed as the nominated owners at this time. The RCC Maori land rates book records that by the time the land was exempted, £171.12.8 was owed in rates.⁶⁵⁵

Between 1950 and 1955 the value of the block was considerably reduced to £575 (£90 improvements). The valuation roll records that the land was non-rateable under an order in council.⁶⁵⁶

There is no record in the RCC rating file for the block of the council pursuing the pre 1947 rates nor was there any alienations, such as a lease, which generated funds from which the rates could have been deducted.

12.6 The Rating of Awarua 1DB2

Part of Awarua 1DB2 (9372 acres out of 11,740 acres) was also originally rated by the HBCC when the Erewhon Riding was within its boundaries. In 1920, the Erewhon Riding was transferred to the RCC so that like Aorangi (Awarua), it came within the RCC’s jurisdiction. The remainder of the block (2368 acres) was within the Awarua riding so that portion was always rated by the RCC.

⁶⁵⁴ AFHQ 19340 V-WROLLS/42 2/124 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-250, 1927-1939, Archives New Zealand, Wellington.

⁶⁵⁵ Rangitikei County Council Maori Land Rates Book, RDC: Maori Land Rates book, Rangitikei County Council, 1937-1973 [one large volume, unreferenced], Archives Central Feilding; SW Document Bank, volume 4, pp. 76-107. Tokaanu Maori Land Court Minute Book 28, 12 March 1946, p 157; RDC 00072: 1 : A/1 Maori Land Rating: 1329/88 Aorangi (Awarua) block Claim 35 Rangitikei County Council, 1930 – 1943, Archives Central, Feilding. SW Document Bank, volume 4, pp. 220-232.

⁶⁵⁶ AFHQ 19340 V-WROLLS/42 2/124 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-257, 1950-1955, Archives New Zealand, Wellington.

In 1911, the block was described by a valuer as: ‘high, rough and broken’, and ‘purely pastoral country’. The valuation was made as the owners had passed a resolution to lease the land. The resolution was later said to have changed to a sale but the meeting of owners to consider such a sale lapsed for want of a quorum. Lack of access was not noted at this point though there were no roads into the block included on the sketch map of the block. Another description of the land (1DB and 1DA) was made by the Crown Lands Ranger in 1913. He said that it was ‘all rough high country, consisting in part of bush and part natural clearing’. Also that it was ‘quite unfit for settlement, in fact it would be folly to make the attempt’.⁶⁵⁷

Erewhon valuation rolls dated between 1907 and 1915 indicate that Awarua 1DB2, together with Aorangi (Awarua) totalling 10,328 acres was occupied by George Donnelly and the land valued at £2215 with £150 improvements. The entry for the Erewhon valuation roll for 1912 to 1927 shows that the occupation by Donnelly of the 9372 acres was terminated circa 1920. The occupier column has been replaced with ‘Natives’. At this stage improvements were valued at £70 with an overall value of £3647. The other portion of the Awarua 1DB2 block (2368 acres) which was within the Awarua riding was valued in this period at £888 with no improvements. It was not leased and the nominated occupiers were Roka Tokotahi and Anihira Mamairangi. It is of note that the Crown owned portion of Awarua 1DB, as well as Awarua 1C and Awarua 1DA totalling 17,710 acres, were all exempted from rates at this time.⁶⁵⁸

Erewhon valuation rolls between 1927 and 1939 show a marked reduction in value of the block (reflecting the revaluation of the Erewhon riding in 1927). The roll records that part Awarua 1DB2 block (9372 acres) was valued at £2000 including unspecified improvements of £100. The occupier was originally given as Otupae Ltd & Mangaohane Station but this was crossed out and replaced with ‘Natives’.⁶⁵⁹ The value of the 2368 acres of Awarua 1DB2 in the Awarua riding was considerably reduced to £200 (no improvements). In the entry preceding Awarua 1DB2 in the valuation roll is the Crown owned part Awarua 1DA (6020 acres), Pt Awarua 1C (1750 acres) and Pt Awarua 1DB (180 acres) totalling 7950 acres. No

⁶⁵⁷ Valuation report, 1911, AECZ 18714 MA-MLP 1 104 b 1911/138 Aorangi and Awarua 1DB2 purchase by the Crown, 1911-1958, AAMA LS-W1 596 29071 Awarua 1DB and 1DA, Blocks 15 and 16 Pukeokahu, Blocks 3 and 4, Ruahine, 1913, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 185.

⁶⁵⁸ AFHQ 19340 V-WROLLS/41 2/124 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-323, 1912-1927; AFHQ V-WROLLS 42 2 /125 part 1 Valuation rolls Wellington – Rangitikei County – Awarua Riding – Roll numbers 1-624, 1917-1935, Archives New Zealand, Wellington.

⁶⁵⁹ AFHQ 19340 V-WRolls 4 2/124 Valuation rolls Wellington – Rangitikei County – Erewhon Riding – roll numbers 1-250, 1927-1939, Archives New Zealand, Wellington

valuation is given and the words 'ext' meaning exempted, annotated next to the entry. Therefore the Crown land adjacent to 1DB2 remained exempted from rates.⁶⁶⁰

In June 1945, the RCC applied for a charging order on part Awarua 1DB2 in respect to the 2368 acres in the Awarua riding for the amount of £2.10.11 owed for the years ending 31 March 1944 and 31 March 1945. On the application it was noted that the whole block contained about 11,740 acres of which 9372 acres was occupied by Otupae Ltd. Similar applications were made for the years ending 31 March 1939, 1940, 1941, 1942, 1946 and 1947.⁶⁶¹ As the RCC Awarua 1DB2 rates file is missing it is difficult to know what action was taken. Maori Land Court minutes, however, record that further charging orders were dismissed in 1950 as rates had been paid.⁶⁶²

The valuation rolls for 1950-1955 records that the value of 9372 acres of the block was further reduced to £1020 but had an increase in the value of improvements (£550) specified as fencing and grass/pasture. That portion of the block was still recorded as being occupied by Otupae Limited and owned by Maori. The other portion of the Awarua 1DB2 block on which the charging orders were based (2368 acres) was at this time valued at £200 with no improvements. The adjacent Crown owned part Awarua 1C, 1DA, 1DB1 consisting of 7950 acres and valued at £400 (no improvements) remained 'non-rateable' under section 2A of the Rating Act, 1925.⁶⁶³

Of note is that Otupae Limited was the owner and occupier of Mangaohane 1B, 1E, 1I, 1P, 1R, parts 1A, 1C, 1M, 1O, C, 1F, 1H, 1N, and B, D and E – an area consisting of 21,068 acres 1 rood 10 perches valued at £60,620 (including improvements of £29,300). The company also owned Mangaohane 1G but this was occupied by Conrad Heatley (240 acres valued at £240 (including £90 improvements). Another portion of the Mangaohane block consisting of 16,267 acres 2 roods 39.4 perches was owned by Mangaohane Station which was valued at £67,315 (improvements of £35,830).⁶⁶⁴

⁶⁶⁰ AFHQ 19340 V-WRrolls 4 2/124 Valuation rolls Wellington – Rangitikei County – Erehon Riding – roll numbers 1-250, 1927-1939, Archives New Zealand, Wellington

⁶⁶¹ Rangitikei County Council, Claim for rates, 13 June 1945, MA-Wang W2140 35 Wh. 591 part 1, Awarua, 1898-1945, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 73-77.

⁶⁶² Whanganui Minute Book 107, 17 November 1950, pp. 70-80

⁶⁶³ AFHQ 19340 V-WROLLS/42 2/124 Valuation rolls Wellington - Rangitikei County - Erehon Riding - Roll numbers 1-257, 1950-1955, AFHQ 19340 V-WROLLS/43 2/125 Valuation rolls Wellington - Rangitikei County - Awarua Riding - Roll numbers 1-500, 1950-1955, Archives New Zealand, Wellington.

⁶⁶⁴ AFHQ 19340 V-WROLLS/42 2/124 Valuation rolls Wellington - Rangitikei County - Erehon Riding - Roll numbers 1-257, 1950-1955, Archives New Zealand, Wellington.

According to the RCC, rates were paid on the block up until 1973 by a ‘family member’. For the next ten years, however, rates were not paid so that by 31 March 1983, they totalled \$3,758.07. There is no record of the RCC applying for either charging or receivership orders in respect to the block so that there was little involvement from the Court in respect to the rating situation.⁶⁶⁵

12.7 Rating and access, 1970s-2000s

Subasic and Stirling note that the blocks are not suitable for farming and that the main economic resources they have are native timber and water. They record that in the 1970s and 1980s the owners sought to utilise the former, but ‘their efforts to generate an economic return from ‘their’ timber in the 1970s ran up against a nascent conservation movement that sought to curtail the felling of native forest’. Further:

The Nature Conservation Council lobbied hard to hinder logging of the Aorangi bush from the mid-1970s. The owners renewed their efforts in the 1980s, as they had received offers of up to \$100,000 for the timber on Aorangi, which they considered could be logged on most of the block, while still preserving the bush around the maunga Aorangi. The central and local government officials administering the Soil and Water Conservation Act were of a different view, and could exercise a great deal of control over such land use. The logging company [Reeves] was to bridge the Rangitikei and construct logging roads, which would give them road access to their land for the first time and enable a present and future income to be generated (firstly from timber, and later from farming the cleared land or replanting with exotics). They met with Minister of Maori Affairs, Koro Wetere, in Te Kuiti to discuss their concerns in January 1985. While sympathetic with the desire to preserve native bush, they also sought to retain their land and generate an income for its owners. Key threats to the land came from the Forest Service, who they believed sought to buy the

⁶⁶⁵ Rangitikei County Council Maori Land Rates Book, RDC: Maori Land Rates book, Rangitikei County Council, 1937-1973 [one large volume, unreferenced], Archives Central Feilding; SW Document Bank, volume 4, pp. 76-107; Rangitikei County Council to RH Le Pine & Co, Taupo, 24 December 1982, RDC 00069: 17: 1 Erewhon Rural Water Scheme: "On Farm" Works 1978 to 1987, Newsletters, Maori Land Negotiations and Water Rights and Special Orders Rangitikei County Council, Archives Central, Feilding. SW Document Bank, volume 5, pp. 233-234.

land from them in order to preserve the bush on it, and from the local Council, whose unpaid rates were piling up against the title. Clearing these rates was a big factor in their engagement with logging companies.⁶⁶⁶

That the outstanding rates were an issue for the owners was well known among Crown officials with the District Ranger of the NZFS commenting in early 1983, that ‘the clearance of rates is one of the objectives to be achieved by the sale of timber’. In the same year, the lawyers for the trustees of the block, RH Le Pine & Co asked the RCC whether the council would consider a remission of the rates arguing that the trust had little income and were not in a position to pay them. RH Le Pine also noted that there was concern by the owners that permission had not been given for the construction of a weir and pipes on the land for the Erewhon Water Scheme and asked whether formal consents from the trustees were ever obtained.⁶⁶⁷

The RCC replied that the formal consent forms had been sent to the trustees but no signed consents returned. With regard to the rates:

The question of the outstanding rates must be resolved and a trade-off between the “consent” and the rates may be possible but a round table meeting is required to resolve this matter.⁶⁶⁸

He suggested that meeting be held on 25 May 1983.⁶⁶⁹ The trustees, however, wished to wait until the trustee order had been finalised by the Maori Land Court. No meeting occurred at

⁶⁶⁶ Subasic and Stirling (Central aspect), pp. 184-185.

⁶⁶⁷ District Ranger New Zealand Forest Service to New Zealand Forest Service, Palmerston North, 27 January 1983, AFIE 6905 W5683/158 9/24/3 part 2 Aorangi/Awarua 1DB2, 1974-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 100-101. RH Le Pine & Co, Taupo to Rangitikei County Council, 15 December 1982; RH Le Pine & Co, Taupo to Rangitikei County Council, 15 March 1983; Rangitikei County Council to RH Le Pine & Co, Taupo, 24 December 1982, RDC 00069: 17: 1 Erewhon Rural Water Scheme: "On Farm" Works 1978 to 1987, Newsletters, Maori Land Negotiations and Water Rights and Special Orders, Rangitikei County Council, 1978-1987, Archives Central, Feilding. SW Document Bank, volume 5, pp. 217-218, 233-234.

⁶⁶⁸ Rangitikei County Council to RH Le Pine & Co, Taupo, 14 April 1983, Rangitikei County Council to RH Le Pine & Co, Taupo, 24 December 1982, RDC 00069: 17: 1 Erewhon Rural Water Scheme: "On Farm" Works 1978 to 1987, Newsletters, Maori Land Negotiations and Water Rights and Special Orders, Rangitikei County Council, 1978-1987, Archives Central, Feilding. Feilding. SW Document Bank, volume 5, pp. 223-224.

this time. The rates were still outstanding in 1985 when the RCC advised, in a letter addressed to 'the Maori owners' at an address in Te Kuiti that \$4972.93 was owed. Further that if they were not paid then 'action' would be taken to recover the rates. That amount, however, was only for one portion of the block as by the end of 1985 the amount owed in rates totalled \$7886.64.⁶⁷⁰

In April 1987, the trustees of Awarua 1DB2 again formally applied to the RCC for a remission of rates. This was on the following basis:

- (a) The Trust land is restrictively zoned or is reserve;
- (b) There is no access to the Aorangi-Awarua lands and the owners cannot use the same;
- (c) Little income is derived from the land and such income has been utilised to pay the costs of fencing orders obtained by adjacent owners in the District Court.⁶⁷¹

The letter concluded by stating that they thought that the RCC was aware of the problems the trustees had faced and that it would help them considerably if the arrears were remitted.⁶⁷²

The request was considered at a meeting of the RCC who deferred its decision until they had received some legal advice. This legal advice was from *Horsley Christie* who were also the lawyers for the neighbouring Mangaohane Station. The law firm noted that it had, on behalf of the station, recently taken the owners of Awarua 1DB2 to Court where the owners were ordered to pay for fencing costs. They advised that the question of the remittance of rates was a question of policy and that the legislation allowed for this. Also, that they did not

⁶⁶⁹ Rangitikei County Council to RH Le Pine & Co, Taupo, 14 April 1983; Rangitikei County Council to RH Le Pine & Co, Taupo, 24 December 1982, RDC 00069: 17: 1 Erewhon Rural Water Scheme: "On Farm" Works 1978 to 1987, Newsletters, Maori Land Negotiations and Water Rights and Special Orders, Rangitikei County Council, 1978–1987, Archives Central, Feilding. SW Document Bank, volume 5, pp. 223–224.

⁶⁷⁰ Rangitikei County Council to 'The Maori Owners', Te Kuiti, 9 April 1985, Rangitikei County Council to RH Le Pine & Co, 20 December 1985, RDC 00069: 17: 1 Erewhon Rural Water Scheme: "On Farm" Works 1978 to 1987, Newsletters, Maori Land Negotiations and Water Rights and Special Orders, Rangitikei County Council, 1978–1987, Archives Central, Feilding. SW Document Bank, volume 5, p. 225.

⁶⁷¹ RH Le Pine & Co, Taupo to Rangitikei County Council, 14 April 1987 RDC 00069: 17: 1, Erewhon Rural Water Scheme: "On Farm" Works 1978 to 1987, Newsletters, Maori Land Negotiations and Water Rights and Special Orders, Rangitikei County Council, 1978–1987, Archives Central, Feilding. SW Document Bank, volume 5, p. 226.

⁶⁷² Ibid.

recommend compensation for the water scheme.⁶⁷³ Both matters, however, remained unresolved at this time.

Meanwhile various Crown agencies were also considering the lack of the access to the blocks. This seems to have been in an attempt to finding an alternative to the logging of the block and playing a role in conserving the area.⁶⁷⁴ In 1985, an officer of the Department of Maori Affairs inspected the land noting that current access was gained by using Mangaohane Station roading systems. There was no legal access 'other than by bridging the Rangitikei River from a paper road on its west bank'. It was deemed 'doubtful if this could be formed to provide practical access due to the very steep nature of 1DB2 in the vicinity of the river'.⁶⁷⁵ Circa 1988, the newly formed DOC also investigated the various forms of access that could be available across the Rangitikei River to the blocks and the development potential of the land. It was noted that legal access was available through a 'paper road extension from Matawhero Road to the Rangitikei River bank'. In addition a paper road (Rangitikei Valley Road) followed the river on the true right bank from Matawhero Road downstream past Sage's landing (Mangahoata Road) to opposite Mokai Road'. The road was 'formed to the Erewhon water scheme piped river crossing, then unformed from there downstream'. It was considered impractical to form it 'because of the rock bluffs and heavy bush' but a walking track could, it was thought, 'quite feasibly be developed from the end of the road formation to the Narrows (-2km) and hence into the Aorangi block by way of swing bridge'. With regard to access through the property of private land (owned by Adrian Bull) it was noted that he was not willing to grant legal access across his property (Matawhero Road to Narrows direct) though 'did not seem to have any problems with walking access along the above-mentioned legal roadline in that it could not interfere with his farming operations'.⁶⁷⁶

⁶⁷³ Horsley Christie to Rangitikei County Council, 6 July 1987, RDC 00069: 17: 1, Erewhon Rural Water Scheme: "On Farm" Works 1978 to 1987, Newsletters, Maori Land Negotiations and Water Rights and Special Orders, Rangitikei County Council, 1978–1987, Archives Central, Feilding. SW Document Bank, volume 5, pp. 227-231.

⁶⁷⁴ RM Cassels, District Conservator, Department of Conservation to Aorangi Awarua Trust, 21 April 1987; Whanganui Regional Office, Department of Conservation to Palmerston North Regional Office, Palmerston North, 12 May 1987, AFIE W5717 619 Box 86 4/6 pt 1 Aorangi – Awarua Trust, 1985-1991, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 103-107.

⁶⁷⁵ District Field Officer, Taumarunui to District Office, Department of Maori Affairs, Whanganui, 1985, AFIE W5717 619 Box 86 4/6 pt 1 Aorangi – Awarua Trust, 1985-1991, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 116-117.

⁶⁷⁶ RM Cassels, District Conservator, Department of Conservation file note regarding Aorangi Awarua access, post 2 May 1988 with map, AFIE W5717 619 Box 86 4/6 pt 1 Aorangi – Awarua Trust, 1985-1991, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 112-115.

Sage's Landing was also discussed. DOC noted that 'River Valley', a company owned by the Sage family had a lodge on a private extension of Mangahoata Road. They were 'willing to allow access to Aorangi for the Maori's and tourist ventures on a mutual benefit basis'. It was noted that Sage's lodge was:

... an ideal staging point for hiking or horse riding ventures in Aorangi. In terms of a tourist venture the Aorangi Trustees would probably have difficulty going it alone because they have no "staging post" on their land (plus the high cost of developing one)' 'There is quite some potential for a ring route in Aorangi – ie guided walks across Narrows to top – stay in lodge – back out through Sages – then river rafting etc.⁶⁷⁷

The latter option was one that the trustees for the block have utilised in recent years.

In 1991, the opportunity to road the block by Reeves was lost when the Reeves contract was overturned by Environment Court action. As Subasic and Stirling state 'this effectively ended the prospect of logging the timber on Aorangi' and meant that the financial means to form an access route was no longer available.⁶⁷⁸ Of note during the discussions regarding the logging proposal and whether it was logistically possible to form an access route, the National Water and Soil Conservation Authority Tribunal did rule that the:

... construction of access roads, although difficult, is technically feasible. The Tribunal is of the opinion, having heard the evidence present at the hearing, that an access road will cause minimal increases in erosion or in deposition within watercourses, if constructed subject to stringent conditions.⁶⁷⁹

⁶⁷⁷ Ibid.

⁶⁷⁸ Subasic and Stirling, Central Aspect, p. 185.

⁶⁷⁹ Decision of a tribunal appointed by the National Water and Soil Conservation Authority to hear and decide the objection of Reeves Contractors against the Rangitikei-Wanganui Catchment Board's refusal of consent for ground-based logging of the Aorangi-Awarua blocks pursuant to section 34 of the Soil Conservation and Rivers Control Amendment Act 1969, circa November 1987, AFIE W5717 619 Box 86 4/6 pt 1 Aorangi – Awarua Trust, 1985-1991, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 108-111.

By June 1999, the matter of unpaid rates was also still unresolved by which time the trust had accepted Nga Whenua Rahui conservation covenant over the block.⁶⁸⁰ It was also around this time that Richard Steedman, who was then (and now) a trustee, suggested that the RDC develop a policy regarding the rating of Maori land and continued to voice concerns to the RDC over the Erewhon water scheme facilities on the land.⁶⁸¹ Following discussions by the RDC on these matters as well as whether the covenant impacted on the RDC's right to rate the block, the Financial Controller for the RDC, David Lee, sought clarification from the MP for Rangitikei, (and ex Minister of Conservation) Denis Marshall. Mr Lee asked whether he had any knowledge about the conservation covenant over the land and if it allowed for the payment of rates from the sum paid to the trustees when the covenant was signed by the trustees and the Crown. Mr Lee noted that the Council saw the issues of adopting a policy on the rating of Maori land and discussions concerning the status of the dam and 1 kilometre pipeline which constituted part of the Erewhon Scheme which the trust said was on their land without permission as 'smoke screens'. He said that 'in any event' the council had a legal opinion that said the ownership of the water scheme was 'not in question'. Mr Lee later reported to the council that he had obtained a copy of the deed of settlement which was 'silent as to what the amount of money (\$1.617 million) could be used for'. He noted that the covenant imposed many restrictions 'ensuring that the land has the character of a National Park or equivalent'. Also that the Minister and the Trust were 'committed to work together to use the best efforts to procure a "zero" rates for the land for rating purposes'. Further that if this status was not obtained, then the Minister, could 'give reasonable consideration to any request from the Trust for assistance to pay rates on the land, other than rates associated with any commercial activities relative to any Eco-Tourism or recreational functions'. He said that there appeared to a 'tacit acceptance' that rates were due and payable and would remain payable until or if the zero status was obtained. He said that the Council could use this as a discussion point when they met the trustees.⁶⁸²

⁶⁸⁰ According to the DOC website: 'Ngā Whenua Rāhui is a contestable Ministerial fund established to facilitate the voluntary protection of indigenous ecosystems on Māori-owned land. The fund provides the opportunity for Māori landowners to manage their interests in biodiversity, reflecting different iwi and hapu priorities and sharing the benefits of its use. The principles of Ngā Whenua Rāhui are geared towards the owners retaining tino rangatiratanga (ownership and control).' <http://www.doc.govt.nz/nga-whenua-rahui>.

⁶⁸¹ Rangitikei District Council to Richard Steedman, 28 June 1999, MA 2/5 Box 15, Aorangi Awarua blocks, 1999-2005, Rangitikei District Council, Marton. SW Document Bank, volume 6, p. 31.

⁶⁸² David Lee, Financial Controller, Rangitikei District Council to Denis Marshall, 2 August 1999, David Lee, Financial Controller, Rangitikei District Council to Rangitikei District Councillors, 20 August 1999, MA 2/5 Box 15, Aorangi Awarua blocks, 1999-2005, Rangitikei District Council, Marton. SW Document Bank, volume 6, pp. 32-35.

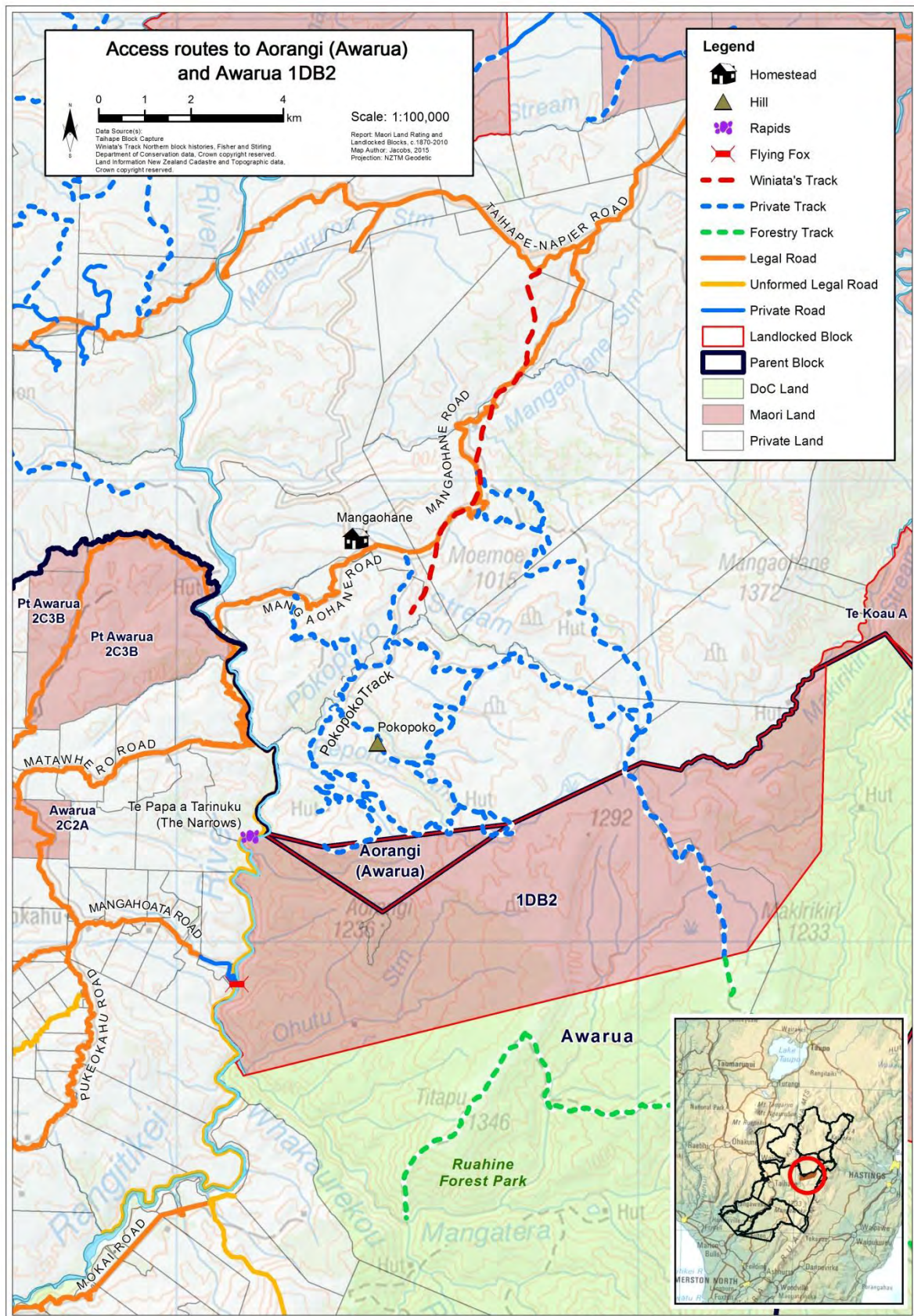
Later correspondence on the RDC file about the matter is sporadic but a file note indicates that Mr Steedman and Mr Lee discussed both issues in September 1999. This states that Mr Steedman told Mr Lee that the Erewhon Scheme issue was not a ‘smokescreen’ for the rates issue and that comments made by one of the councillors to this effect were not helpful. In 2001, the trust again asked the RDC for a rates remission. This was on the basis that the land was subject to Nga Whenua Rahui covenant. The remission was not forthcoming at this time. In 2004, the trust met with the RDC to discuss the development of the council’s Maori land rates remission policy which was adopted that year. In 2006, the Aorangi Awarua trust applied for the remission of rates on Awarua 1DB2 on the grounds that the land was Maori freehold land, had multiple owners and was unoccupied. Also, that there was no permanent resident on the land, no de-pasturing or maintenance of livestock, no significant commercial operations on the land and that the land was landlocked. The trust wished to emphasise to the council that the issue of the block being landlocked was ‘the single biggest contributor to its inability to develop its resources and in turn contribute to the rating base of Council’.⁶⁸³

The Maori land rates remission sub-committee considered the application in November 2006 by which time \$88,680.36 was owed. Doug Law, the new Financial Controller for the RDC, advised the committee that the trust had argued in the past that the covenant (Nga Whenua Rahui kawenata) over the land gave the land a non rateable status. Also that the council had reached an agreement with the trust regarding the Erewhon water scheme whereby the trust received a royalty payment of \$4000 per year. He recommended that the rates on the block be remitted. The trust was sent a letter in January 2007 advising them that the rates on the block had been remitted. Also, that the remission lasted six years and the trust must apply again in 2012.⁶⁸⁴

Therefore it took until 2007 for rates on the block to be formally remitted, a process which took 34 years.

⁶⁸³ David Lee, Financial Controller, Rangitikei District Council, File Note, 15 September 1999, Aorangi Awarua Trust to Rangitikei District Council, 4 December 2001 and 10 March 2004, MA 2/5 Box 15, Aorangi Awarua blocks, 1999-2005; Aorangi Awarua Trust to Rangitikei District Council, 14 April 2006, RA 10007 Maori Land Rates, to 200, Rangitikei District Council, Marton. SW Document Bank, volume 6, pp. 48, 51, 54, 103-104.

⁶⁸⁴ Financial Controller, Rangitikei District Council to Maori Land Rates Remission Sub-committee, 8 November 2006, Rangitikei District Council to Aorangi Awarua Trust, 12 January 2007, RA 10007 Maori Land Rates, to 2008, Rangitikei District Council, Marton. SW Document Bank, volume 6, pp. 107-110.



Map 6: Access routes to Aorangi (Awarua) and Awarua 1DB2

13. AWARUA 1A3

13.1 Introduction

Today Awarua 1A3B, consisting of 236 acres or 95.5058 hectares, is the only land within the 33,072 acre Awarua 1A block to remain in Maori ownership. It is surrounded by the Ruahine Forest and is landlocked. This chapter examines how Awarua 1A3B and the land on either side of it, Awarua 1A3A and 1A3C, which were purchased by the Crown for forestry purposes in the 1960s, came to be without access. Rating issues regarding these three blocks are also discussed.

13.2 Access to Awarua 1A3B

Awarua 1A3B is situated on the western side of the lower slopes of the Ruahine ranges between the now Crown owned Awarua 1A3A and 1A3C blocks which are part of the Ruahine Forest Park. The park comprises 94,000 hectares and is managed by the Department of Conservation.

In 1968, the block was described as:

... located on 'Upper Kawhatau Road, 20 miles east of Managaweka ... is a steep block bisected by a deep gorge of the Pourangaki River, resulting in steep northerly and southerly faces. The cover is mainly second growth bush, open in parts due to damage by snow and deer. It has no formed or legal access other than up the Pourangaki River bed and is not suitable for farming.⁶⁸⁵

Indeed access to Awarua 1A3B continues to be by foot - walking east up the Pourangaki River, which goes through 1A3A, 1A3B and then into 1A3C. The nearest public road to the Pourangaki River is Pourangaki Road which stops well before 1A3B. There are no tracks

⁶⁸⁵ Director General of Lands to Director General of Forests 11 October 1968, ABWN W5021 6095 Box 309 10/95/49 part 1, Awarua 1A3 & 1DB2 blocks, 1939-1980, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 120.

suitable for vehicles in the vicinity of the end of Pourangaki Road that come close to 1A3B.⁶⁸⁶

The other public road closest to the block is Mangakukeke Road. There are vehicle tracks from near the end of Mangakukeke Road, past the privately owned Kohunui Station and through to an airstrip. From the end of the 'airstrip road', which appear to be on privately owned land, there are no obvious roads or tracks suitable for vehicles. There are walking tracks from Kohunui Station which lead to the Kelly Knight hut which is located to the east of Awarua 1A3B on Awarua 1A3 South (now Awarua 1A3C). DOC has estimated that this walk takes between 2 ½ and 3 ½ hours from Kohunui Station. The station can be accessed by following Mangakukeke Road to just before the Purity Track carpark (Purity Hut is not within Awarua 1A3). At Kohunui station, the farm road leads to a parking sign and track start. A 30 minute walk is then required through farmland until the Ruahine Forest Park boundary is reached. The track then 'sidles above the Pourangaki River dropping in and out of sidecreeks'. Near the end of walk, a swing-bridge crosses the Pourangaki River and then Kelly Knight Hut is reached. Permission is required to cross Kohunui Station and must be obtained each time a party wishes to use the track over farmland. It is also closed to the public during calving and at other times for 'farm management purposes'.⁶⁸⁷

The block has 76 owners and is not administered by a trust or leased. Land Care Research have categorised 90% of the block as having 'extreme limitations' which means it is 'unsuitable for cropping, pasture or forestry'. The remaining 10% of the block is considered 'not suited to cropping but good for pastoral and forestry. [That is], non-arable land with moderate limitations for use under perennial vegetation such as pasture or forest'.⁶⁸⁸

13.3 Access to the Ruahine Forest Park

The Crown too has access issues with regard to the Ruahine Forest park. On the western side of the Ruahine range, which is the side that Awarua 1A3B is located, public roads lead directly to walking tracks but often, such as with the Kelly Knight track, there is private land in between. Arrangements have been made between DOC and private land owners for

⁶⁸⁶ Land Information New Zealand Taora Junction Topographical Map; Maori Land Online

⁶⁸⁷ <http://www.doc.govt.nz/parks-and-recreation/tracks-and-walks/manawatu-whanganui/manawatu/kelly-knight-hut-track/> accessed 9 February 2015.

⁶⁸⁸ Maori Land Online

trampers to seek the permission of the owner before walking on their land. In several instances there are poled access routes through privately owned land and in one instance an owner has allowed the public to use a car park and track on their land that leads to the park. In another instance vehicle access is no longer available through the two kilometres of private land between Rangitane Road and the Kawhatau Base and instead trampers must walk up the Kawhatau River.⁶⁸⁹

The eastern side of the Ruahine Forest Park is better served with roads and can be accessed by vehicle from Kashmir Road. This road is about 100 km from Napier, and according to DOC, 'climbs far and high into Ruahine Forest Park and provides quick access to the high country'. Tramping tracks are accessed from the end of Kashmir Road which goes to Daphne, Awatere and Longview Huts. Obviously the road is a long way from the Awarua 1A3 blocks and on the opposite side of the Ruahine range to them.⁶⁹⁰

13.4 Investigation of title and partition

Awarua was partitioned in May 1894 so that the Crown's interests in land it had purchased in the Awarua 1, 2, 3 and 4 blocks could be defined. The Native Land Court ordered the following partitions in relation to Awarua 1A:

- Awarua 1A1 – 18,852 acres (Crown)
- Awarua 1A2 – 4,060 acres (Maori)
- Awarua 1A3 – 10,160 acres (Maori)

No access arrangements were discussed at the hearing.

Awarua 1B (57,500 acres) is located to the north of Awarua 1A3. The Awarua 1A1 block (18,852 acres) is located to the west. Both these blocks were acquired by the Crown between 1892 and 1894 and partitioned at the same hearing as Awarua 1A3. To the south of 1A3 is

⁶⁸⁹ <http://www.doc.govt.nz/parks-and-recreation/places-to-visit/manawatu-whanganui/manawatu-area/western-ruahine-forest-park/>; <http://www.doc.govt.nz/Documents/parks-and-recreation/tracks-and-walks/wanganui/western-ruahine-forest-park-track-brochure.pdf>; accessed 26 February 2015.

⁶⁹⁰ Kashmir Road can be accessed by travelling along SH2 to SH50 before turning right into Makaretu Road. The first left leads to Mill Road. Eleven km along Mill Road is Kashmir Road. <http://www.doc.govt.nz/parks-and-recreation/tracks-and-walks/hawkes-bay/hawkes-bay/kashmir-road-tramping-tracks/> accessed 14 February 2015.

the Mangoira Ruahine block (35,660 acres) which was alienated to the Crown in 1878. This meant that Awarua 1A3 was surrounded on three sides by Crown land. On the east side of the block was the Ruahine ranges and the Otumore and Ruataniwha North blocks over which access was not practical. Therefore, by 1894, the bulk of the land surrounding Awarua 1A3 which could have provided access was no longer Maori land.⁶⁹¹

The alienation to the Crown of most of the land surrounding 1A3 meant that the block was isolated from all other Maori land including Awarua 1A2 which was located west of Awarua 1A1 (Crown land) between the Rangitikei and Kawhatau rivers.

In March 1895, Awarua 1A3 was partitioned into the following blocks:

- Awarua 1A3A - 118 acres
- Awarua 1A3B - 236 acres
- Awarua 1A3 South - 3,420 acres
- Awarua 1A3 North - 6,386 acres⁶⁹²

At the hearing no provision was made for legal access into the block from any public roads through the newly acquired Crown land.⁶⁹³

In 1915, Awarua 1A3 North was further partitioned into six portions. At this hearing road access was discussed. A Mr Arrowsmith, who was representing the owners, said that he did not know where the roads were that came up to the Awarua 1A3 North block but thought there was a road into 1A1 (to the west of 1A3). He said that he would 'leave the road to the Court to place it where it thinks best'. What was wanted, he said, was a portion cut off west to 1A1 by a line parallel to that boundary and that an 'allowance [be made] for a road through this'. There were no objections and the partitions Awarua 1A3 North 1 to 6 ordered. The orders for these partitions, however, contain no reference to roadways.⁶⁹⁴

⁶⁹¹ Hearn, Southern Aspect, p. 203. Subasic and Stirling, Central Aspect, pp. 99, 105-106.

⁶⁹² Subasic and Stirling, Central Aspect, pp. 108-109.

⁶⁹³ Minute Book

⁶⁹⁴ Subasic and Stirling, Central Aspect, pp. 106, 108-109; Whanganui Minute Book 67, pp 10-11; Awarua 1A3 Partition Orders, 29 January 1915, Awarua 1A3 Block order file, Wn 591, Taihape Inquiry District Maori Land Court Records Document Bank, volume 1, pp. 39-44.

The partitions created in 1915 were cancelled by the Maori Land Court in 1956. At the hearing an owner, R Takarangi explained that the subdivisions, one of which went to the top of the Ruahine ranges, served ‘no useful or practical purpose’. She said that the land was ‘useless for farming’ but did have some timber on it (mostly birch and rimu). Mrs Takarangi said that she had filed the consents of many of the owners and that the reason for the cancellation of the partitions was so the owners could alienate the timber. Nothing regarding access to the block was discussed at this time.⁶⁹⁵

On 19 September 1956, the Maori Land Court heard an application this time to cancel the partitions of Awarua 1A3 South and Awarua 1A3 North.⁶⁹⁶ At the hearing Mrs Takarangi again gave evidence stating that the block did not provide revenue, was of small value and that owners were scattered. She said that the consolidation was so that just one group of owners could negotiate with the New Zealand Forestry Service (NZFS). She noted that the NZFS did not like the idea of bush being removed from the high ranges and proposed an exchange of land instead. Again nothing was discussed regarding access.⁶⁹⁷

In 1960, the block was incorporated under part XXII of the Maori Affairs Act 1953. The purpose of the incorporation was to arrange for the ‘alienation by sale, exchange or lease or otherwise of the land or any portion thereof or the timber thereon’. Out of the 118 owners, eight were elected to the committee of management.⁶⁹⁸

No applications for a road line or private right of way to make the block more accessible were located in the Maori Land Court application files for the period 1898 to 1955.⁶⁹⁹

⁶⁹⁵ Subasic and Stirling, Central Aspect, pp. 106, 108-109; Whanganui Minute Book 116, 13 February 1956, pp. 4-5.

⁶⁹⁶ Subasic and Stirling, Central Aspect, pp. 106, 108-109.

⁶⁹⁷ Plan attached to Awarua 1A3 partition order, 19 September 1956, Awarua General Land file Oti 648, Taihape Inquiry District Maori Land Court Records Document Bank, volume 1 p. 34; Whanganui Minute Book 117, 19 September 1956, pp. 182-183.

⁶⁹⁸ Subasic and Stirling, Central Aspect, pp. 106, 108-109; Whanganui Minute Book 123, 5 July 1960, pp. 208-209; Memorial Schedule, Awarua 1A3C and Consolidated Order, 7 August 1964, Awarua General Land file Oti 648, Taihape Inquiry District Maori Land Court document bank, volume 1, pp. 31-32;

⁶⁹⁹ MA-Wang W2140 35 Wh. 591 part 1, Awarua, 1898-1945 and part 2, Awarua, 1949-1955, Archives New Zealand, Wellington were checked.

13. 5 The rating of Awarua 1A3

Awarua 1A3A (118 acres) and 1A3B (236 acres) were both within the Kiwitea County Council boundaries. Extraordinarily, the 9806 acre Awarua 1A3C block (previously known as 1A3 North and South) was within the boundaries of three counties: Kiwitea (9088 acres), Pohangina (618 acres) and Rangitikei (100 acres).⁷⁰⁰

In 1925, the Kiwitea County Council applied for rates charging orders under the Native Land Rating Act, 1924 for Awarua 1A3 North (6230 acres) - £14.14.7; Awarua 1A3 South (3420 acres) - £8.1.9; and Awarua 1A3B (given as 263 acres but was actually 236 acres) for £1.2.4 all owed for the two year period 1 April 1923 to 31 March 1925. Across each application are the words 'dismissed 17 March 1930'. Indeed the minute book for that day confirms that all three applications were dismissed for 'non-prosecution'. In addition, another 11 'rating lien' applications by the Kiwitea County Council were dismissed for 'non-prosecution' at the same time (one of which was Otamakapua 1A). The minutes do not record any further information as to why the charging orders weren't prosecuted and there is nothing about the applications in any of the subsequent minute books.⁷⁰¹

In February 1943, the Kiwitea County Council recommended to the Native Department that the then Awarua 1A3 North (part – 6120 acres), Awarua 1A3 South (part – 2802 acres) and all of Awarua 1A3B be exempted from rates under section 104 of the Rating Act 1925. This was on the basis that the blocks were 'standing bush at the foot of the Ruahine ranges and that a subdivision or sale of such lands ... [was] unlikely owing to the uneconomic value of the properties'.⁷⁰² The Council asked that the Native Department recommend to the Governor General that the blocks be exempted from both county and rabbit board rates.⁷⁰³

The Native Department asked the Kiwitea County Council for clarification as to the amount of land they wished to have exempted noting that the request was for 6120 acres out of 6386

⁷⁰⁰ Report on Awarua 1A3 subdivisions for Lands and Survey Department, circa 1964, ACIH 16036 MA 1 Box 88 5/5/191 Awarua 1A3C (Incorporation) Crown Purchase, 1964-1965, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 126-127.

⁷⁰¹ Whanganui Minute Book 91, 17 March 1930, pp. 67-68; Kiwitea County Council, Applications for Charging Orders, 1925, MA-Wang W2140 35 Wh. 591 part 1, Awarua, 1898-1945, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 70-73.

⁷⁰² Chairman, Kiwitea County Council, 17 February 1943, 23/591, Awarua correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 130.

⁷⁰³ Ibid.

acres of the 1A3 North block and 2802 acres out of 3420 acres of the Awarua 1A3 South block.⁷⁰⁴ The Council was unable to provide much clarification though a Native Department file note recorded that 100 acres of 1A3 North was within the Rangitikei county boundaries. Valuation records were therefore checked by the Native Department and the acreage increased to reflect what was thought to be the actual amount of Awarua 1A3 North and South land in the Kiwitea county: 6286 out of 6386 acres of 1A3 North and 2953 out of 3420 acres of 1A3 South. This was a total of 9239 acres which was actually in excess of the amount of the block said to be within the Kiwitea County in 1964 (9088 acres).⁷⁰⁵

In November 1944, the Under Secretary of the Native Department recommended to the Native Minister that the blocks be exempted. The Under Secretary explained:

The lands are said to comprise an area of standing bush at the foot of the Ruahine Ranges unlikely to be brought into production owing to their uneconomic nature. From the plan it appears that the blocks are without access and that they are situated between large areas of State Forest Reserves.

The question of the exemption of Native lands from rates has been given a great deal of consideration in the past and the general policy has been that Section 104 of the Rating Act 1925, notwithstanding its wide terms, should be invoked only for the purpose of exempting waste lands or lands incapable of being brought into economic productivity, or lands required for afforestation, water conservation etc.⁷⁰⁶

He concluded that the lands concerned ‘appeared to come into this category’ and asked for the Minister’s signature. The Native Minister approved the exemption and an order in council officially exempting the blocks from rating was published in the *New Zealand Gazette* in December 1944. The blocks were listed as follows:

⁷⁰⁴ Native Department to Kiwitea County Council, 7 September 1943, MA 1 20/1/34 Kiwitea County Council, Exemption of Rates, 1943-1944, Archives New Zealand, Wellington. SW Document Bank, volume 6, p. 211.

⁷⁰⁵ Correspondence in MA 1 20/1/34 Kiwitea County Council, SW Document Bank, volume 6, pp. 206-216. Exemption of Rates, 1943-1944 and Report on Awarua 1A3 subdivisions for Lands and Survey Department, circa 1964, ACIH 16036 MA 1 Box 88 5/5/191 Awarua 1A3C (Incorporation) Crown Purchase, 1964-1965, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 126-127.

⁷⁰⁶ Under Secretary, Native Department to Native Minister, 14 November 1944, MA 1 20/1/34, Kiwitea County Council - Exemption from Rates, 1943-1944, Archives New Zealand, Wellington. SW Document Bank, volume 6, p. 216.

- Awarua Part Section 1A No 3 North – 6286 acres, Ruahine Survey District
- Awarua part Section 1A No 3 South – 2953 acres, Ruahine Survey District
- Awarua Section 1A No 3B – 236 acres, Ruahine Survey District⁷⁰⁷

A note attached to the order in council emphasised the blocks lack of access and limited economic potential:

The blocks comprised large areas of unroaded bush-clad country at the foot of the Ruahine Ranges, almost surrounded by State Forests. There is little prospect of the land being brought into production in the near future.⁷⁰⁸

In 1947, the 100 acres of Awarua 1A3 North within the Rangitikei County Council was also exempted from rates.⁷⁰⁹ This exemption process was different to that used by the Kiwitea Council with a Maori Land Court hearing held to discuss the application by the Rangitikei County Council to exempt almost 58,000 acres of land within the inquiry district from rates. The Maori Land Court recommended to the Native Minister that the land be exempted which was duly agreed to by the Governor General. At the hearing where the exemption was discussed, the 100 acres of Awarua 1A3 North was described as: ‘On the boundary of Hawkes Bay although in Rangitikei County. Never likely to be occupied. Open country’.⁷¹⁰ Indeed a valuation report for the 1960s recorded that this 100 acres was ‘right on the [Ruahine] range at around 5000 ft’.⁷¹¹

Rangitikei County Council rates books show that the area of Awarua 1A3 North within its boundaries was originally thought to be 156 acres and that the land had been valued at £5. Rates totalling £19.19.6 were owed prior to 1937 but this was recorded as being

⁷⁰⁷ *New Zealand Gazette*, 7 December 1944, p. 1485.

⁷⁰⁸ Note attached to order in council, MA 1 20/1/34, Kiwitea County Council - Exemption from Rates, 1943-1944, Archives New Zealand, Wellington. SW Document Bank, volume 6, p. 215.

⁷⁰⁹ *New Zealand Gazette*, 7 August 1947, p. 961.

⁷¹⁰ Tokaanu Minute Book 28, 12 March 1946, pp. 156-158.

⁷¹¹ Report on Awarua 1A3 Subdivisions for Lands and Survey Department, circa 1964, ACIH 16036 MA 1 Box 88 5/5/191 Awarua 1A3C (Incorporation) Crown Purchase, 1964-1965, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 126-127.

‘irrecoverable’. Rates from 1937 until the land was exempted from rates in 1947 were also owed and these totalled around £1.5.0 – the rates being 1/1 per year.⁷¹²

When Awarua 1A3C (previously 1A3 North and South) was sold in 1965, the Maori Trustee (who was tasked, as agent for the owners, with distribution of the purchase money) asked the Rangitikei County Council what rates were owed on the 100 acres of the block within the county boundaries. The Council advised that although the 100 acres had been exempted from rates in 1947, there was still ‘old rates’ of £20.11.5 outstanding from 1916 to 1947.⁷¹³ (These may have been from the period when the block was leased.)

That said, no liens (under the 1913 Act) or charging orders registered against the title have been located in the Rangitikei County Council rating file or Maori Land Court block order file for the block. Nor are there any applications recorded in the Whanganui Maori Land Court minute books which are where most of the Rangitikei County Council’s applications were made. This would suggest that unusually, the Rangitikei County Council had not bothered pursuing charging orders for the block. This may have been due to an earlier criticism by the Court of the Council for pursuing charging orders for small amounts. In addition there is nothing mentioned regarding outstanding rates in the Maori Land Court memorial schedule for 1A3C or the particulars of title given by the Maori Land Court in 1943 and 1964.⁷¹⁴

Records examined to date have not shed light on whether Rangitikei County Council rates were deducted from the purchase money or if the Maori Trustee convinced the Council that no rates should be paid given the lack of any charging orders against the land.

⁷¹² Folio A2, Rangitikei County Council Maori Land Rates Book, RDC: Maori Land Rates book, Rangitikei County Council, 1937-1973 [one large volume, unreferenced], Archives Central Feilding; SW Document Bank, volume 4, pp. 76-107.

⁷¹³ Maori Trustee to Rangitikei County Council, 18 May 1965 and Rangitikei County Council to Maori Trustee, 19 May 1965, RDC 00072:1: A/2, Maori Land Rating Awarua 1A3C part, 1965, Archives Central Feilding. SW Document Bank, volume 4, p. 234.

⁷¹⁴ Ibid; Whanganui Minute Books 82 to 137, 1925 to 1974; Particulars of title Awarua 1A3C submitted by Maori Land Court, Ikaroa, 6 November 1964, ACIH 16036 MA 1 Box 88 5/5/191 Awarua 1A3C (Incorporation) Crown Purchase, 1964-1965, Archives New Zealand, Wellington; SW Document Bank, volume 7, pp. 120. Memorial schedule Awarua 1A3C, Awarua General land file, Oti 648 volume 1, Taihape Inquiry District Maori Land Court Records Document Bank, volume 1, p 31.

No details regarding the rating of the Pohangina portion of Awarua 1A3 South have been located. Suffice to say there are no charging orders from this council in the relevant block order files and as stated above, when the block was sold, no ratings liens were recorded in the particulars of title for the block prepared by the Maori Land Court in 1964 or in the memorial schedule.⁷¹⁵

Awarua 1A3A was not included in the Kiwitea County Council's exemption application (or aborted charging order application) despite being described in 1964 as: 'Cut about by several streams and a rough section over all. Lowest in altitude [compared to other Awarua 1A3 blocks] , ... contains some millable bush'.⁷¹⁶ It also does not appear that any charging orders were registered against the block. Indeed the memorial schedule for 1A3A at the time the block became European land in 1966 (prior to its sale to NZFS) records that there were no rating (or survey) liens recorded against the block.⁷¹⁷ Thus it is not clear whether the owners had been paying the rates or whether the Kiwitea County Council did not issue rates demands for this land – this council having very little Maori land in its area and applying for few charging orders.

The remaining 618 acres of Awarua 1A3 South within the Pohangina county boundaries were never exempted either but a lack of charging orders seem to suggest that either the rates were paid or the demands never sent.

It is assumed that Awarua 1A3B remains exempted from rates. This is on the basis that the Rangitikei District Council, which absorbed the Kiwitea County Council in 1989, has a policy of exempting Maori land from rates that have no access.

⁷¹⁵ Particulars of title, Awarua ACIH 16036 MA 1 Box 88 5/5/191 Awarua 1A3C (Incorporation) Crown Purchase, 1964-1965, Archives New Zealand, Wellington; SW Document Bank, volume 7, p. 129. Memorial schedule Awarua 1A3C, Awarua General land file, Oti 648 volume 1, Taihape Inquiry District Maori Land Court Records Document Bank, volume 1, p 31.

⁷¹⁶ Report on Awarua 1A3 subdivisions for Lands and Survey Department, circa 1964, ACIH 16036 MA 1 Box 88 5/5/191 Awarua 1A3C (Incorporation) Crown Purchase, 1964-1965, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 126-127.

⁷¹⁷ Memorial Schedule, Awarua 1A3A, Awarua General land file, Oti 648 volume 1, Taihape Inquiry District Maori Land Court Records Document Bank, volume 1, p 29.

13.6 Purchase of Awarua 1A3A and 1A3C and attempted purchase of 1A3B

The Crown attempted to purchase 1A3 North in 1912. A meeting of owners was held to consider the purchase but the price suggested by the owners was considered to be too high by the Crown and the purchase abandoned. In 1914, the proposed sale of Awarua 1A3 South also did not proceed as the land was already leased for 21 years to Messrs Waldegrave and Larcomb from August 1907. There are no references to access on the purchase file associated with these negotiations.⁷¹⁸

No other lease arrangements for these blocks have been located.

In 1959, the Conservator of Forests at Palmerston North, recommended that the NZFS) proceed with negotiations for the acquisition of Awarua 1A3 for inclusion in State Forest 75 (the Ruahine Forest).

A topographical map from this period on the NZFS file shows Awarua 1A3 surrounded on all sides by State Forest. The exception was the western side of Awarua 1A3A between the Pourangaki River and the Mangakokeke Stream which was European land. The map also shows various tracks into the surrounding Forestry land from formed roads and farmland from the south-west, east (state forest) and north (Ruahine Forest). There is also a track from the Mangakokeke Stream that goes to Purity Hut (not within Awarua 1A3 boundaries) and to ‘Wooden Peg’ which was within 1A3C.⁷¹⁹

Initially, the Conservator reported, the owners had ‘impossible ideas as to the value of the timber on the block and almost equally impossible ideas as to payment by way of exchange’. By 1962, he said, the owners had revised their ideas on value, and would ‘accept cash or government stock in payment’. The Conservator advised that the ‘whole block should be incorporated in protection forest covering as it does the upper reaches of the Pourangaki

⁷¹⁸ Under Secretary, Native Department to President, Aotea District Maori Land Board, 19 September 1912, Registrar, Native Land Court, Whanganui to Under Secretary, Native Department 16 February 1914, Under Secretary, Native Department to Maraea Tanguru, 4 August 1914 and AECZ 18714 MA-MLP 1 1912/35, Awarua 1A3 North and South, 1912-1914, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 134-136.

⁷¹⁹ Topographical map, circa 1962 in AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 139-140.

River and the source of the Kawhatau, both tributaries of the Rangitikei'. He said that of the 10,000 acres, about 4,500 acres was covered in bush. Difficulties of access and low volume per acre, however, meant that it had 'no merchantable but merely protection value and reports received by the owners ... confirm[ed] this'.⁷²⁰

The Conservator felt that a sale could be negotiated for 'a reasonable price that would not represent an undue drain upon ... funds for land acquisition'. Action, he said, should be taken as it was possible that the Maori Land Court would order that the incorporation be wound up 'which would make acquisition in the future much more difficult'. He recommended to the Director General of Forests that Lands and Survey Department be asked to begin negotiations for all of Awarua 1A3. The Director General of Lands was accordingly asked by the Director General of Forests to commence purchase negotiations.⁷²¹

In 1964, an inspection of the land was made by the New Zealand Forest Service so as to advise on timber value (the Director General of Lands had advised that the land value was £1150). The NZFS said that the bush was 'not merchantable' and that while there was a 'sprinkling of trees of millable size on the lower portion near the western boundary and in the valley itself economically the bush has no value for sawmilling'. The bush, however, had 'value for protection purposes'. It was valued it as follows:

- Area of dense bush 3560 acres @ 15/- per acre - £2,670
 - Light bush and scrub cover 2000 acres @ 2/6 per acre - £250
- Total: £2,920

The proposed purchase price was therefore likely to be £4070.⁷²²

It was then discovered by NZFS and the Lands and Survey Department that Awarua 1A3A and Awarua 1A3B had not been included in the Awarua 1A3C incorporation and that there

⁷²⁰ Conservator of Forests, Palmerston North to Director General of Forests, Wellington, 6 December 1962, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 138.

⁷²¹ Ibid.

⁷²² Conservator of Forests, Palmerston North to Director General of Forests, 18 June 1964, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, p 141.

would have to be three separate transactions. A revaluation by the NZFS was made on this basis. Also taken into consideration was the ‘dense bush cover ... [which was] at its best at lower levels which included 1A3A and 1A3B’. The following value was put forward:

- Awarua 1A3A - £163;
- Awarua 1A3B - £327;
- Awarua - £4,069⁷²³

The Department remarked that while negotiations were proceeding well for the purchase of 1A3C (the incorporation had agreed to reduce the agreed purchase price of £4,500 to £4,000 to reflect the exclusion of 1A3A and 1A3B), neither the Department nor members of the incorporation had been able to contact any owners of 1A3A and 1A3B because of the number of deceased owners whose interests had not been succeeded to.⁷²⁴

In November 1964, Maori Affairs at Whanganui reported to its Head Office supporting the alienation of the block. The District Officer stated:

From what is known of this block and the Otumore Block it seems that there is little or no farming land in this area and that the best use for it is to be amalgamated with the adjoining State Forest as protection forest. As the reports show the land is of low value and for such a large area there is little valuable timber. The owners are probably fortunate to be able to do anything with the block at all, and a price of £4000 for land and timber valued at £3,580 in this locality seems quite reasonable.⁷²⁵

It was noted too that the block adjoined the Otumore Block (5152 acres) which was vested in the Maori Trustee for ‘transfer’ to the Forest Service. The Departmental Secretary reiterated

⁷²³ Conservator of Forests, Palmerston North to Director General of Forests, Wellington, 13 August 1964, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 142.

⁷²⁴ Commissioner of Crown Lands to Director General of Lands, 6 October 1963, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 163-164.

⁷²⁵ District Officer, Maori Affairs, Whanganui to Maori Affairs Department Head Office, 30 November 1974, ACIH 16036 MA 1 Box 88 5/5/191 Awarua 1A3C (Incorporation) Crown Purchase, 1964-1965, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 131-132.

the benefits of the sale to the Minister of Maori Affairs stating that its 'best use' was for 'amalgamation with the adjoining State Forest to form a protection forest'.⁷²⁶

In 1965, one of the owners objected to the sale of 1A3C emphasising the unfairness of the meeting of owner process particularly the ability of a few owners whose shares were small and who preferred money to ownership being able to approve the sale. He also felt that the purchase price was too low. As this is documented by Bruce Stirling in his report it is not repeated here. Suffice to say, this opposition did not prevent the acquisition and it was completed by the end of that year.⁷²⁷

The purchase of 1A3C left 1A3A and 1A3B in an even more isolated position. This was never expressed as a concern by NZFS or Lands and Survey Department in any of the records examined. Instead, these records give the impression that officials believed that they would eventually be able to purchase the two blocks and therefore their isolation and the impact this would have on the owners was not an issue. Also that it was best for all concerned that the land was in NZFS ownership.

In December 1966, discussions regarding the purchase of 1A3A and 1A3B commenced between the two Crown agencies. The Lands and Survey Department reiterated that the reason why only 1A3C had been purchased and not the other blocks was due to difficulties locating owners of 1A3A and 1A3B. The position, the Department said, had changed and Awarua 1A3A was no longer in Maori ownership but European land in the name of the District Public Trustee. A list of 8 owners with addresses had been supplied for 1A3B. Although one owner was deceased, an application for succession had been made.⁷²⁸

In 1967, the Department of Lands and Survey was advised by the Registrar of the Maori Land Court that the title position for 1A3A and 1A3B was in a satisfactory position and acquisition could proceed. The Department also told the NZFS that before commencing the purchase, they required a fresh valuation of the blocks.⁷²⁹ The Director General of Forests

⁷²⁶ Ibid.

⁷²⁷ Subasic and Stirling, Central Aspect, pp. 108-111; *New Zealand Gazette*, 22 December 1965, p. 2338.

⁷²⁸ Commissioner of Crown Lands, Department of Lands and Survey to Director General of Lands, 22 December 1966, ABWN W5021 6095 Box 309 10/95/49 part 1, Awarua 1A3 & ADB2 blocks, 1939-1980, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 121.

⁷²⁹ Director General of Lands to Director General of Forests, 11 January 1967, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 145.

responded, however, that the priority for the purchase of 1A3A and 1A3B was ‘not high’ and while desirable, ‘the shortage of available finance’ did not allow him to purchase at that time. He regretted that the purchase be deferred ‘until the financial climate improves’.⁷³⁰

Several months later the District Manager of the Public Trust Office, who was acting for the estate of Conrad Heatley, the owner of 1A3A, invited the NZFS to offer a price for the block. The District Manager was informed that there were no funds to purchase the block. This did not deter the District Manager who wrote again to the NZFS asking whether the block could be purchased. Because of this interest, the Conservator of Forests at Palmerston North wrote to the Director General of Forests asking if the block could be purchased for \$326 (which was the dollar value of the valuation given in sterling in 1964 (£163: CV land £60; cover £103)). The Conservator noted to the Director General of Forests that although the Director General of Lands considered that a fresh valuation was necessary he thought that the Lands Department should be asked to offer the Public Trustee the amount of the 1964 valuation. The conservator concluded:

My reason for recommending this purchase is that the sum involved is small and in securing this smaller western block, ultimate acquisition of Awarua 1A3B would be made more certain.⁷³¹

The Director General of Forests then advised the Director General of Lands that the Public Trustee was willing to sell 1A3A for \$326 and asked that the transaction be re-opened. The Director General of Lands replied that in order for the purchase to be reopened, new valuations were required.⁷³²

A year later, the Department of Lands and Survey advised NZFS of the new valuations dated 25 January 1968. The UV and CV (land value) were given at \$236 (no improvements) which

⁷³⁰ Director General of Forests to Director General of lands, 25 January 1967, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 146.

⁷³¹ Conservator of Forests, Palmerston North to Director General of Forests, 6 October 1967, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 147.

⁷³² Director General of Forests to Director General of Lands, 21 November 1967, Director General of Lands to Director General, New Zealand Forest Service, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 148.

was a lower overall valuation than that given in 1964 as, the Department acknowledged, ‘no assessment was made of the value of existing timber on the block’. With regard to purchase price and value, the Director General of the Department of Lands and Survey stated:

The Public Trustee’s book value for the land is well below valuation, therefore the Public Trustee was asked to submit a disposal figure for the area. The District Manager, Public Trust Office, replied offering the land to the Crown for afforestation purposes for \$150. As this offer is considerably below valuation you [the Director General of Forests] are recommended to approve the purchase at the asking price of \$150.⁷³³

The Department also commented at this time that 1A3C had ‘no formed or legal access other than up the Pourangaki River bed’ and was ‘not suitable for farming’.⁷³⁴

It was also at this stage of proceedings that it became clearer as to why the Public Trust Office was negotiating the sale of the block. According to the Department of Lands and Survey, the block had been owned by Hiraani Te Hei who, when she died, passed her estate to her European husband, Conrad Brian Heatley. He had also died and the estate was put in the hands of the District Public Trustee as administrator. The estate had become European land by an order of the Maori Land Court on 7 October 1966 where the Court determined that the Public Trustee, as executor of the will of Mr Heatley, was ‘entitled solely’ and under section 30(1) determined that the land was European land.⁷³⁵

The Director General of Forests asked the Director General of Lands on 24 October 1968 to proceed with the purchase of the 118 acres ‘for the Public Trustee’s asking price of \$150’. The Director General of Lands duly forwarded to the Director General of Forests the Public Trustee’s offer and acceptance of conditions (including a purchase price of \$150) and asked if

⁷³³ Director General of Lands to Director General of Forests 11 October 1968, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 149.

⁷³⁴ Ibid.

⁷³⁵ Director General of Lands to Director General of Forests, 11 October 1968, Certificate of title F1/279, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington; SW Document Bank, volume 7, p. 153. Otaki Minute Book 72, p. 345. Note that Timahanga 1 was also vested in the Public Trustee but was not declared European land at this hearing.

the terms and conditions were acceptable. The Director General of Forests replied that it was. The land was gazetted as permanent state forest in November 1969.⁷³⁶

Thus the land, once outside the jurisdiction of the Maori Land Court, was sold for a price less than its land value and which did not include the value of the timber. It also left Awarua 1A3B further isolated from all other Maori land in the vicinity and the only Maori land left in what had been Awarua 1A.

Following the purchase of 1A3A Crown officials started looking again at purchasing 1A3B. In June 1969, the Lands and Survey Department told NZFS that it seemed 'logical' following the purchase of 1A3A and 1A3C to re-open negotiations for the purchase of 1A3B noting that the land surrounding the block was permanent state forest. The Department also noted that the unimproved value for the block was \$472 and that they could add to that 15% making a total of \$545. In addition, the value of timber should be included and this could be assessed using forestry reports of December 1962 and June 1964. The Department asked NZFS whether they wished the purchase to be re-opened.⁷³⁷

In September 1969, NZFS staff responded that they felt that it was a good opportunity to complete the purchase of the block and that they should be able to finance the purchase of it that year. It was suggested that about \$414 for timber as valued in 1964 (dense bush at 17/6d per acre) be added to the \$545 suggested by the Lands and Survey Department making an overall total of around \$1000. An official commented that there was nothing to be gained by further delay, that the GV would 'only go up again' and that the purchase of the entire 10,160 acres of Awarua 1A3 for about \$9,150 was 'very reasonable'. The Director General of Forests gave permission to proceed with the purchase and the Lands and Survey Department instructed to proceed.⁷³⁸

⁷³⁶ Director General of Forests to Director General of Lands, 24 October 1968 and 20 November 1968, Director General of Lands to Director General of Forests, 30 October 1968, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington; SW Document Bank, volume 7, pp. 150, 169. *New Zealand Gazette* 6 November 1969, p. 2216.

⁷³⁷ Director General of Lands to Director General of Forests, 23 June 1969, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 156.

⁷³⁸ NZFS Inter Office Memo September 1969, Director General of Forests to Director General of Lands, 29 September 1969, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 154.

In February 1970, in response to a query from NZFS about progress, the Department advised that none had actually been made as there was no Maori investigating officer and therefore no approach had been made to the owners. Also that earlier correspondence suggested that it was not a high priority. The Department was then advised by NZFS in July 1970, that although the acquisition of 1A3B was 'important for revegetation and also as access for private hunters going into Ruahine Forest' it did not require immediate action. It was suggested that it be borne in mind once a Maori land investigation officer had been appointed.⁷³⁹

In August 1971, a Lands and Survey memo between officials again noted that no progress had been made but as the block was 'completely surrounded by State Forest ... there would seem little need for urgency in this matter'. In addition, as there were 'only 8 owners' it was hoped to 'make some approach in the near future'. This was relayed to NZFS.⁷⁴⁰

A year later the Department reported that some progress had been made in that the Maori Land Court was processing a Registrar's application for a succession to one owner who held a 25% interest in the block. Two other successions were 'probably necessary' and they would be contacted as time permitted. In addition, the whereabouts of several of the owners was 'still a bit vague' but efforts were being made to trace them. The Department understood that the acquisition was low on the NZFS's priorities. NZFS responded that the acquisition had been considered a low priority for about five years but was 'steadily accruing value' so should be put 'in the category deserving of more attention and alacrity towards finalising the deal'. The Conservator of Forests stated:

This is a gateway to the Western Ruahines that is becoming ever more popular, exceeding in use over other pending acquisitions, so I would be pleased to have this acquisition tied up within a reasonable time'⁷⁴¹

⁷³⁹ Director General of Lands to Director General of Forests, 19 February 1970, Director General of Forests to Director General of Lands, 13 July 1970, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 157, 170.

⁷⁴⁰ Commissioner of Crown Lands to Director General of Lands, 24 August 1971, ABWN W5021 6095 Box 309 10/95/49 part 1, Awarua 1A3 & ADB2 blocks, 1939-1980, SW Document Bank, volume 7, p. 122; Director General of Lands to Director General of Forests, 13 September 1971, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 159.

⁷⁴¹ Commissioner of Crown Lands to Director General of Lands, 25 July 1972, Conservator of Forests, Palmerston North to Head Office, NZFS, 8 September 1972, AANS W5942 828 Box 384 9/3/163, Proposed

Despite the NZFS's request for negotiations to be accelerated, notice was received in August 1973 that the succession to Erina Chase's portion of the block (which was about 25%) had still not been completed. Finally in September 1974, the Director General of Forests advised the Director General of Lands that the acquisition had become 'more important' and was of a 'higher priority'. He said that as NZFS had 'other interests to the north of this area to pursue in the near future it would be advantageous to have this acquisition well on the way to completion as soon as possible'.⁷⁴²

Then the Department responded:

As you are aware, the Minister of Lands has issued a directive to this department that we are not to negotiate the acquisition of Maori land unless we have been approached by the owners to sell or there are special circumstances why purchase should proceed. Before I proceed further with this case, would you please advise whether you have had an approach from the owners or will I require to obtain the Minister's approval to negotiations proceeding.⁷⁴³

An annotation on the aforementioned letter records that in response, an NZFS official spoke to a Lands and Survey Department official and 'pointed out that this acquisition had been in course of negotiation since 1969 at least ... [and that] the Minister's directive did not apply to such cases'. The Department was therefore to proceed as requested.⁷⁴⁴

It could be suggested that this response was not within the spirit of the instructions of the Minister as while discussions about the purchase of 1A3B had been going on since 1969 between officials, the owners, in 1974, had yet to be approached.

Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 171-172.

⁷⁴² New Zealand Forestry Service File notes, October 1972, August 1973, 22 August 1974, Director General of Forests to Director General of Lands, 23 September 1972, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 173-176.

⁷⁴³ Director General of Lands to Director General of Forests, 3 October 1974, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 160.

⁷⁴⁴ File note on Director General of Lands to Director General of Forests, 3 October 1974, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 160.

It was a further three years before the Conservator of Forests began discussing the value of the timber on Awarua 1A3B with his Head Office. The Conservator pointed out that the timber value was dated 1964 ‘but being predominantly red beech and difficult of access it was considered the value had not increased over the five years 1964-69’. It was now, he said, ‘reasonable to assume that a more realistic value for the timber would be \$1000’. He asked that this be added to the land value which had been assessed at \$1000 making a total of \$2000. He also asked Head Office whether finance could be made available for the purchase. Head Office agreed with the proviso that the purchase be completed by 31 March 1978 (which was the end of the financial year).⁷⁴⁵ The deadline was not agreed to as by March the Commissioner of Crown Lands had only just received a list of owners from Maori Affairs. Delays continued which were put down to work load, other priorities and lack of finance.⁷⁴⁶

In November 1979, the Acting Commissioner of Crown Lands advised the Registrar of the Maori Land Court that the Department had recently received notice from the NZFS that the Service might have the money in the forthcoming year to purchase Awarua 1A3B. The Commissioner asked for a list of current owners.⁷⁴⁷ The Commissioner then wrote to the Director General of Lands in 1980 asking for Maori Land Board approval to call a meeting of owners to consider the sale of the block. The Commissioner said that the land was required by the NZFS ‘for revegetation and also as access for private hunters going into the Ruahine Forest.’ He commented that the block was:

completely surrounded by the Ruahine Forest ... [had] no formed or legal access other than up the Pourangaki River Bed [and that] on account of its soils, contours, situation and size’ was not suitable for farming. As cover was mainly second growth bush ‘any envisaged logging would be both difficult and expensive.

⁷⁴⁵ Conservator of Forests, Palmerston North to Commissioner of Crown Lands, 9 June 1977, Conservator of Forests, Palmerston North to NZFS, Head Office, 14 November 1977, New Zealand Forestry Service Head Office to Conservator of Forests, Palmerston North, 12 January 1978, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 161, 177-178.

⁷⁴⁶ Correspondence in AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington.

⁷⁴⁷ Acting Commissioner of Crown Lands, Department of Lands and Survey to Registrar, Aotea Maori Land Court, Whanganui, 26 November 1979, 23/591, Awarua correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 130.

.... In today's economic climate [he continued] the labour alone to fell the few millable trees would cost more than the logs would return in timber.⁷⁴⁸

The Commissioner completed his request by stating that the 'usual ownership problems [associated with the purchase of Maori land]' had been encountered during the past 'the main problem being arranging for successions to deceased owners shares, so that 75% of the shareholding can be represented at a meeting'.⁷⁴⁹

At this time there was thought to be 21 owners with the largest shareholder owing 9,400 shares out of 37,780.⁷⁵⁰

The offer for the land was \$1200 which was the value given for the land only. Initially no timber value had been thought necessary as it was 'considered that the small volume of merchantable timber involved would have a nil commercial value'. The Departmental purchase officer pointed out, however, that he had contacted the majority of the owners and that while there appeared to be no objection to selling, it might be difficult to get a favourable decision given that one owner, who owned 25% of the block, would receive \$500 and the rest of the owners would receive \$17.50 each. The Conservator noted:

As you are aware a meeting of owners requires a quorum of 75% of owners and to succeed the 25% shareholder must be present or give a favourable proxy. Without this it is doubtful that owners will travel from Otorohanga, Te Kuiti and Hastings to receive \$17.50.⁷⁵¹

The Conservator considered that it was 'asking too much for the owners to sell for just the land value of \$1200'. Further:

⁷⁴⁸ Commissioner of Crown Lands, Wellington to Director General of Lands, Head Office, 1 July 1980, ABWN W5021 6095 Box 309 10/95/49 part 1, Wellington Land District – State Forest Land – Awarua 1A3 & 1DB2 Blocks – also State Forest land in Pukeokahu SD, 1939-1980, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 123.

⁷⁴⁹ Ibid.

⁷⁵⁰ Chief Registrar, Maori Land Court to Maori Land Board, 21 August 1980, ABWN W5021 6095 Box 309 10/95/49 part 1, Awarua 1A3 & ADB2 blocks, 1939-1980, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 124.

⁷⁵¹ Conservator of Forests, Palmerston North to NZFS Head Office, 28 July 1980, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 163-164.

In accepting that the limited volume of rimu, miro and beech timber now had no commercial value it must be conceded that this area of virgin bush must have a recreation, conservation and protection value. It is completely surrounded by bush of a similar type. It lies adjacent to an area zoned production in the management plan. By this same plan it could or would become part of the protection zone further classified as natural environment.⁷⁵²

The Conservator therefore suggested a figure of \$25 per hectare for the timber which was \$2387.50. Together with the current market value for the land of \$1200, this gave a total of \$3587.50. He recommended that the purchase be approved for \$3600 with an upper limit of \$4000.⁷⁵³

The following month, the Board of Maori Affairs gave its approval for the Crown to commence negotiations with the Maori owners for the purchase of Awarua 1A3B for \$4000.⁷⁵⁴

By April 1982, the Conservator of Forests was advised that attempts to hold meetings by the Department of Lands and Survey with the owners had been unsuccessful. Indeed Lands and Survey claimed that the 'problem' was not one of insufficient contacts being made or of title ownership 'but of not being able to get enough of the owners to respond at the same time'. The Departmental official explained that it was his intention to revisit and contact several new owners before attempting a third meeting but that discussion at earlier meetings had not been favourable towards parting with Awarua 1A3B to the Crown'.⁷⁵⁵

⁷⁵² Ibid.

⁷⁵³ Ibid.

⁷⁵⁴ Secretary, Department of Maori Affairs to Director General of Lands, 22 August 1980 and Director General, New Zealand Forest Service to NZFS, Palmerston North, 21 August 1980, ABWN W5021 6095 Box 309 10/95/49 part 1, Wellington Land District – State Forest Land – Awarua 1A3 & 1DB2 Blocks – also State Forest land in Pukeokahu SD, 1939-1980, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 124.

⁷⁵⁵ Conservator of Forests, Palmerston North to Commissioner of Crown Lands, 14 April 1982, Chief Surveyor to Conservator of Forests, Palmerston North, 20 April 1982, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 165.

Several months later, in June 1982, the Conservator of Forests at Palmerston North recommended that Awarua 1A3B, described as ‘an isolated area of Maori land in Ruahine State Forest Park’ be exchanged for section 4, Hihitahi State Forest which consisted of 161 hectares. He said, that while the owners would be ‘exchanging a larger area we would gain control of an area of bush with some timber value for inclusion in Ruahine SFP’ which they had been trying to purchase since 1969 when they acquired Awarua 1A3A adjacent. Further:

It is considered that section 4 would have appeal to the owners of Awarua 1A3B not only because they would be gaining more land, but because it is more accessible, has some bush on it and revenue earning from grazing as at present by the adjoining farmer [also lessee of Rangipo Waiu B1 and Motukawa 1B] who is leasing the land adjacent.

To exchange section 4 to Maori ownership would remove a problem of fencing as for it to remain State forest or Crown land, fencing is a must if the bush is to be protected.⁷⁵⁶

Another reference to an exchange had been made by Forestry officials earlier that year noting that they still did not know if the owners would sell and that they might instead consider an exchange. The official stated that when the owners met and a decision was made they would ‘then know whether we are heading for MLB consent or oblivion [sic]’.⁷⁵⁷

In September 1982, officials of the NZFS corresponded again on the exchange with one official noting that ‘patience ... [was] regarded by some as a virtue’ and that only when sections 4 & 7 were added to the Hihitahi State Forest (69) would they initiate a proposal to offer section 4 to owners in exchange for Awarua 1A3B. By May 1983, when the sections had been declared state forest, it was proposed that valuation reports be obtained, a case be made to the Board of Maori Affairs and then a meeting of owners be called. But by January 1984, NZFS officials were saying that while it was desirable in the long term it was unlikely

⁷⁵⁶ Conservator of Forests, Palmerston North, New Zealand Forestry Service to Head Office, 24 June 1982, AFIE W5683 6905 Box 158 9/69/1 Acquisition of Crown land – section 4 and 7 block XIV Moawhango Survey District; includes right of way access for addition to State Forest 69, 1980-1983, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 194-195.

⁷⁵⁷ Correspondence between New Zealand Forestry Service officials, 25 February 1982, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 179.

to proceed due to lack of suitable land acceptable as an exchange. Therefore it was 'unlikely to progress in the near future'.⁷⁵⁸ The same official confirmed in June of that year that no further action was contemplated. He said:

As this 'hole' in SF [State Forest] creates no management difficulties + [and] it is mos[t] unlikely we will have land of a like value that w[ou]ld interests the Maori owners to accept by way of exchange it is considered that we live with this hole'.⁷⁵⁹

The 'hole' remains Maori land surrounded on all sides by the Ruahine Forest Park.

13.7 Summary

The lack of access to this block was discussed at a hearing in 1915 when Awarua 1A3 North was partitioned. The lawyer representing the owners asked for road access and said he would leave it up to the Court to place the road where it thought 'best'. The Court, however, did not act on this request and no roadway was ordered. The block's lack of access was acknowledged by officials in 1944 and while a proportion of the block was exempted from rates at this time, due in part to its lack of access, there was no discussion about remedying the access situation.

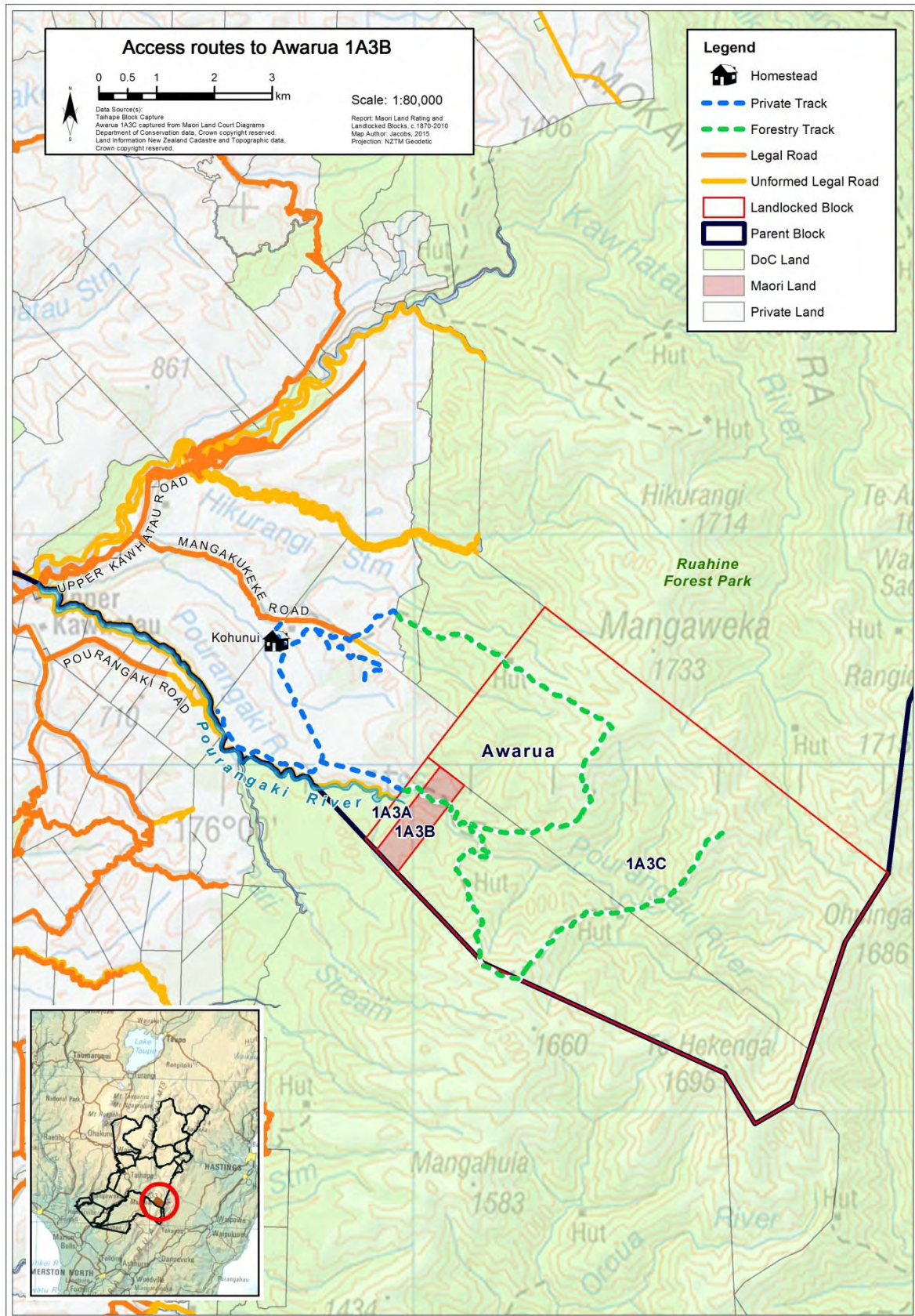
Instead there was a perception by the Crown that land such as Awarua 1A3 was better off in Crown ownership and its 'best use' was to be part of a state forest. It was also considered that the purchase of 1A3B would provide better access to the forest for hunters. The Crown pursued the purchase of all of 1A3 but was unable to purchase 1A3B leaving it isolated. Crown officials did not believe that this would create any 'management difficulties' so were unconcerned about its impact on the NZFS. It did not ever appear to consider the impact on the Maori owners of owning an isolated block in the middle of Crown owned forest with no access.

⁷⁵⁸ New Zealand Forestry Service Inter Office Memo, 10 September 1982, Conservator of Forests, Palmerston North to NZFS Head Office, 31 May 1983, New Zealand Forestry Service Head Office to New Zealand Forestry Service Palmerston North, 18 August 1983, New Zealand Forestry Service Inter Office Memo, 19 January 1984, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 166-168, 182-183.

⁷⁵⁹ Conservator of Forests, Palmerston North to New Zealand Forestry Service Head Office, 29 June 1984, AANS W5942 828 Box 384 9/3/163, Proposed Acquisition of Maori Lands, Proposed acquisition of Awarua 1A3, Western Ruahine SF, 1962-1986, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 168.

While the Crown's ability to purchase land under meeting of owner provisions and the legislation which allowed Maori land to end up in the hands of the Public Trustee is not the subject of this report, it is important to note that there were objections to the sale of 1A3C by owners which ultimately failed to prevent its sale. In addition, it is questionable whether the Public Trustee was acting in the interests of owners of 1A3A, selling the block for an amount well below its value and which did not include the value of any timber on the block. Crown officials, however, were happy to accept the amount offered by the trustee.

Awarua 1A3C is also another example of land that was exempted from rates by the RCC where rates remitted prior to its exemption remained owing. This was despite the block being exempted because it was 'never likely to be occupied'. While evidence has not been located as to whether rates were deducted from the purchase money when Awarua 1A3C was sold, it was certainly RCC and Maori Land Court practice to arrange for the payment of any outstanding rates when Maori land was sold though sometimes that amount was reduced.



Map 10: Access route to Awarua 1A3B

14 RANGIPO WAIU, MOTUKAWA 1B AND MOTUKAWA 2F2

14.1 Introduction

This chapter examines the rating and access issues associated with the Rangipo Waiu block particularly with regard to Rangipo Waiu 2B, most of which was exempted from rates in the 1940s, and Rangipo Waiu B, as it is the only part of Rangipo Waiu where land remains in Maori ownership and that land is landlocked. Also of note is the history of Rangipo Waiu B6C which shows the persistence of one owner in his quest for access to his block and the response of various agencies to this.

The chapter begins with a brief examination of the original division of Rangipo Waiu followed by a discussion of the rating and access issues associated with the 2B blocks. Next is an examination of the various partition hearings held in relation to Rangipo Waiu B and whether access was considered at these hearings. This is followed by a history of each block within Rangipo Waiu B particularly concentrating on the success or otherwise of applications for access by the Maori owners, lessees and the European owners after the land was purchased; how the land was utilised; how accessibility affected its utilisation; as well as how rates were administered. The alienation of the Motukawa 2E2 block and utilisation of Motukawa 2F2 are also included in this chapter as they are contiguous to each other and 2F2 is contiguous to Rangipo Waiu B1.

14.2 Current Situation

Today, three portions of the Rangipo Waiu block remain in Maori ownership: Rangipo Waiu B6B1, B6B2 and B1 – all of which are landlocked.

Rangipo Waiu B6B1 and B6B2 are adjacent to each other and both consist of 216.2463 hectares (just over 534 acres). According to Maori Land Online, neither block is leased and B6B1 is administered by an Ahu Whenua Trust. Richard Steedman of the Mokai Patea Waitangi Claims Trust, however, understands that one of the blocks is farmed and leased (B6B1) and most of the other block is forested (B6B2).⁷⁶⁰

⁷⁶⁰ Conversation with Richard Steedman and author, 21 October 2014; Maori Land Online.

Currently access to Rangipo Waiu B6B1 and B6B2 is through the privately owned Maunganui Station track. The track comes off Burridges Road which is a public road and accessed from Erehon Road (just north of Moawhango) which connects with the Taihape Napier Road. Burridges Road has always been the key access route into the Rangipo Waiu block, particularly the eastern portion, though access was negotiated through Defence lands located to the north of the block in the 1950s.

The third remaining block, Rangipo Waiu B1, consisting of 268.3925 hectares (663 acres), is also administered by an Ahu Whenua Trust and is leased. It is situated on the far western side of the block and lies adjacent to the Maori owned Motukawa 2F2 which consists of 35.6123 hectares and is also landlocked. Vehicle access is available to the lessee of Rangipo Waiu B1 and Motukawa 2F2 who owns surrounding land that adjoins SH1. Rangipo Waiu B1 and Motukawa 2F2 are located north of the Hihitahi Forest Sanctuary.

14.3 Partition of Rangipo Waiu 1 and 2

On 20 May 1881, the Native Land Court divided Rangipo Waiu into three parts: Rangipo Waiu consisting of 42,000 acres, Rangipo Waiu 1 consisting of 26,000 acres and Rangipo Waiu 2 consisting of 30,000 acres.⁷⁶¹

On 12 December 1900, the Native Land Court partitioned Rangipo Waiu 1 into two parts: 1A (21,526 acres) which was awarded to the Crown and Rangipo Waiu 1B, consisting of 4474 acres, which was awarded to Maori. Rangipo Waiu 1B was later taken under the Public Works Act for Defence purposes in 1942 leaving no land in the Rangipo Waiu 1 block in Maori ownership.⁷⁶² (This and other public works takings are examined by Philip Cleaver in his report ‘Taking of Maori Land for Public Works in the Taihape Inquiry District’.)

Partition orders for Rangipo Waiu 2, situated to the east of Rangipo Waiu 1A, were issued by the Native Land Court on 12 December 1900. The block was divided into two parts: Rangipo Waiu 2A (22,546 acres) which was awarded to the Crown and 2B (4,597 acres) which

⁷⁶¹ Nicholas Bayley A56(a), p. 123.

⁷⁶² Cleaver, pp. 41-45.

remained in Maori ownership.⁷⁶³ Rangipo Waiu 2B was partitioned into 8 parts (2B1A, 2B1B, 2B1C, 2B1D, 2B1E, 2B2, 2B3 and 2B4) on 8 December 1905. As with the orders made by the Court and recorded in the minutes on the same day for Rangipo Waiu B, there was no mention made of roadways for these blocks.⁷⁶⁴ All eight partitions of Rangipo Waiu 2B were taken under the Public Works Act in 1961 for an extension to the Waiouru training ground again leaving no Maori land within Rangipo Waiu 2 in Maori ownership.⁷⁶⁵

14.4 Rating of Rangipo Waiu 2B

The first reference to rating located with regard to the Rangipo Waiu block was in 1913 and concerned the 374 acre Rangipo Waiu 2B1E block. The Rangitikei County Council simply asked the Court who the occupier was. The Council was advised that the sole owner was Hemi Nape. No information was requested as to how the land was being utilised.⁷⁶⁶

On 5 November 1926, soon after the passing of the Rating Act 1924, the Rangitikei County applied for charging orders totalling £16.14.4 on Rangipo Waiu 2B1A dating back to the year ending 31 March 1922 up until the year ending 31 March 1927. Similar applications were received for the same period for Rangipo Waiu 2B1B (£16.14.4) and 2B1C (£22.4.8).⁷⁶⁷ These three applications, together with Rangipo Waiu B5, were some of the first applications by the Rangitikei County Council for charging orders. The applications were heard on 20 April 1927. In each case charging orders were made for the above amounts plus costs. There was no discussion recorded at the hearing about the quality and usage of the land – just that rates were owed.⁷⁶⁸ Shortly after, new valuations (for the period 1927 to 1939) gave the value of Rangipo Waiu 2B1A, 2B1B, 2B1C, 2B1D, 2B3, 2B4 as ‘nil’. This had no effect on the aforementioned charging orders and they remained valid.

In 1939, the Native Trustee responded to a rates demand sent to him from the RCC in respect of 2B1C stating that he was unable to trace the name of the owner given by the RCC (Erueti

⁷⁶³ Bayley, p. 123.

⁷⁶⁴ Whanganui Minute Book 54, 8 December 1905, pp. 42-43.

⁷⁶⁵ Cleaver, p. 57.

⁷⁶⁶ Rangitikei County Council to Native Land Court, 2 December 1913, 23/603, Rangipo Waiu Correspondence, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 73.

⁷⁶⁷ Rangitikei County Council to Registrar, Native Land Court, 5 November 1926, AEDK 18747 MA-WANG W2140 39 Wg. 603B part 2 Rangipo Waiu, 1909-1945, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 209-212.

⁷⁶⁸ Whanganui Minute Book 86, 20 April 1927, pp. 201-209.

Arani) and asked for further particulars. The clerk of the RCC advised the Native Trustee that the land had previously been valued 'nil' but that the Erewhon Riding of which it was part had recently been revalued and the land given a 'nominal valuation'. He said that he was asking the Valuer General to again value the land (and other Maori land in the vicinity) as nil 'as their inclusion in the rate books only gives a lot of additional work for no monetary return'. The land was not, however, re-valued so the RCC continued to send rates demands to Erueti Arani care of the Native Trustee who, together with the Registrar of the Maori Land Court, periodically told the RCC that they held no funds out of which the rates could be paid. These unpaid rates were not secured by charging orders and correspondence on the matter stopped around 1943.⁷⁶⁹

In 1947, Rangipo 2B1B, 2B1C, 2B1D and 2B4 were exempted from rates.⁷⁷⁰ According to the clerk of the RCC, the only reason why 2B1A and 2B3 were not exempted at the same time was that they were still valued at 'nil'.⁷⁷¹

As the value of the non-exempted blocks (2B1A and 2B3) had not remained valued as 'nil' the RCC applied in 1958 for rates charging orders over Rangipo Waiu 2B1A (332 acres 1 rood 08 perches) and 2B3 (pt) (947 acres 3 roods 18 perches). By the time Mr Nichol, county clerk for the RCC, appeared in Court to prosecute various charging order applications he had decided to withdraw those in respect of 2B1A and 2B3. He explained to the Court that the blocks were at the back of the area held by the Crown for defence purposes at Waiouru Military Camp and adjoined a fairly large number of blocks exempted from rating in 1947. He noted that the capital value for 2B1A was about £50 and £200 for 2B3. Mr Nicol said that it would seem that the blocks should also be exempted from rates and asked the Court to 'go into that question'. He then asked for the applications for charging orders to be withdrawn

⁷⁶⁹ Rangitikei County Council to Maori Land Court, 8 December 1939, Rangitikei County Council to Native Trustee, 8 December 1939, Native Trustee to Rangitikei County Council, 5 December 1939, 12 September 1940, 10 September 1941, 11 February 1943; Maori Land Court to Rangitikei County Council, 21 September 1942, RCC Rates Demands, 1940-1941, 1941-1942, 1942-1943, RDC 00072: 6: R/49 Maori Land Rating: 1329/16 Rangipo Waiu 2B1C Claim 30 Rangitikei County Council, 1926 – 1943, Archives Central, Feilding. SW Document Bank, volume 4, pp. 236-249.

⁷⁷⁰ AFHQ 19340 V-WROLLS/42 2/124 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-250, 1927-1939, Archives New Zealand, Wellington; Tokaanu Minute Book 28 12 March 1946, pp. 156-158.

⁷⁷¹ County Clerk, Rangitikei County Council to Registrar, Maori Land Court, Whanganui, 30 May 1958, RDC 00072 : 6 : R/58, R/59 Maori Land Rating: 13310 182 Rangipo Waiu 2B1A s, Whakatihi Rora and others Rangitikei County Council 1958 – 1970, Archives Central, Feilding. SW Document Bank, volume 4, p. 251.

given that the land was 'practically valueless' and unoccupied. The application was withdrawn accordingly.⁷⁷²

Later that year the matter of exempting the two blocks was considered by the Court. It was described as an 'ex parte application for recommendation of Judge of MLC under section 104 of Rating Act, 1925' so it would seem that neither the owners nor the Council were in attendance. In attendance, however, was MS Byers, Deputy Registrar of the Aotea Maori Land Court, who drew the Court's attention to the fact that applications for rates charging orders on the two blocks had been withdrawn by the Council earlier that year and that the Council had informed the Court that both blocks were 'practically valueless', unoccupied, situated at the back of the large area held by the Crown for defence purposes at Waiouru Military Camp, access was 'bad' and there was no demand for the land. The county clerk had also submitted that both blocks should be exempted from rates. There were no objections and the Court recommended under section 104 of the Rating Act, 1925 that both blocks be exempted 'for the special reason that each piece of land is of low value, is unoccupied, the access is bad and there is no demand for land of that class'. Mr Byers was asked by the Court to ensure that the recommendation was issued 'in the proper form' and sent to Head Office and that the county clerk of the RCC be advised.⁷⁷³ The blocks were, however, never formally exempted.

In May 1962, after all of the blocks within Rangipo Waiu 2B had been taken under the Public Works Act and compensation assessed, the RCC responded to a query from the Maori Land Court about the amount of rates owing on 2B1A, 2B1B, 2B1C, 2B1D, 2B1E, 2B2, 2B3 and 2B4. The council advised that there were no rates outstanding apart from what was described as some 'old claims' on 2B1A (£16.14.4), 2B1B (£16.14.4) and 2B1C (£22.4.8) which were the rates secured by charging orders in 1927 for the period 1922 to 1927.⁷⁷⁴ The registrar then asked the county clerk whether, given the land was 'high tussock country' that had been 'unproductive over the years', the council would consider a compromise or 'better still, remission in full'. The registrar also noted that prior to the Minister of Lands approval of a partial remission of survey liens owed on the blocks, the amount of the survey liens

⁷⁷² Whanganui Minute Book 118, 22 January 1958, p. 573.

⁷⁷³ Whanganui Minute Book 121, 25 November 1958, pp. 33-34.

⁷⁷⁴ County Clerk, Rangitikei County Council to Registrar, Maori Land Court, Whanganui, 8 May 1962, 23/603 Rangipo Waiu Correspondence File, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 95.

‘exceeded the total amount of compensation payable’. The registrar’s argument did not persuade the council to remit the rates in full. Instead the council agreed to remit 50% of the rates on the blocks.⁷⁷⁵

A table prepared by the Maori Land Court shows that in addition to the rates and survey liens (which were also reduced to half the principal) being deducted from the compensation monies succession duty was also deducted from the amount awarded for 2B3. The following table shows those deductions and the impact both rating and survey costs had on the amount received:

Table 16: Deductions from compensation for Rangipo Waiu 2B blocks taken under the Public Works Act, 1962

Name of Rangipo Waiu Block	Amount of Compensation	Succession Duty Owning	Survey Liens Owning (reduced)	Secured Rates Owning (reduced)	Amount Received
2B1A	£45		£20.10.6	£8.7.5	£16.1.7
2B1B	£40		£20.10.6	£8.7.5	£11.1.7
2B1C	£65		£20.15.3	£11.2.8	£23.1.7
2B1D	£95		£47.1.1	Nil	£47.18.11
2B1E	£50		£23.11.1	Nil	£26.8.1
2B2	£125		£61.11.3	Nil	£63.8.9
2B3	£140	£6.11.1	£68.9.5	Nil	£71.10.7
2B4	£80		£41.1.0	Nil	£38.19.0
	£640	£6.11.1	£303.10.1	£27.17.6	£298.10.11

Source: Summary entitled ‘Oruamatua Kaimanawa and Rangipo Waiu Blocks’, circa 1963 and Internal correspondence between Maori Land Court officials, 22 August 1963, 23/603 Rangipo Waiu Correspondence File, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 94, 96.

As can be seen from the table not even half of the compensation monies were actually paid to the owners but instead went to the RCC and the Lands and Survey Department. This was despite two of the blocks on which rates were paid being exempted from rates and the less than complementary descriptions and valuations of the blocks indicating that they were not

⁷⁷⁵ Registrar Maori Land Court, Whanganui to Rangitikei County Council, 8 August 1962, Rangitikei County Council to Maori Land Court, Whanganui, 23 August 1962, RDC 00072 : 6 : R/58, R/59 Maori Land Rating: 13310 182 Rangipo Waiu 2B1A s, Whakatihī Rora and others Rangitikei County Council 1958 – 1970, Archives Central, Feilding. SW Document Bank, volume 5, pp. 258-259.

revenue producing. These heavy deductions were also made despite the land being compulsorily taken. It is questionable whether the interests of the Maori owners were being considered on this occasion or whether instead priority was given to the local authority and the Crown.

There is nothing to suggest that the deduction of survey and rating costs was discussed at the Maori Land Court hearing where compensation was assessed (on 6 October 1961) although Cleaver notes that Maori Trustee commission was also to be deducted from the compensation monies 'because the Crown was deemed to be paying 'full value''. What was noted at the hearing by the valuer was that there was no physical access to the block being located 8 miles from the Taihape-Napier Road and at the other end, between 5 and 7 miles from the Desert Road.⁷⁷⁶

A Maori Land Court memo confirms that it was not until August 1963, almost two years after compensation had been assessed and over two years since the proclamation taking the land was issued, that all the 'outstanding charges' on the blocks had been paid and instructions given for the preparation of 'paylists' so that the owners could be paid.⁷⁷⁷

14.5 Partition of Rangipo Waiu A and B

Also on 12 December 1900, the Native Land Court issued partition orders for Rangipo Waiu A and B. Rangipo Waiu A, consisting of 33,794 acres, was awarded to the Crown. Rangipo Waiu B, consisting of 9242 acres and located to the south of Rangipo Waiu A and to the north of the Motukawa block, was awarded to Maori (30 owners).⁷⁷⁸

Rangipo Waiu B was first partitioned by the Native Land Court at Marton in December 1905. The two day hearing was presided over by Judge Mair who issued the Court's decision partitioning the block into 13 parts (B1-B13) and further dividing B5 into three portions (B5A, B5B and B5C). The Judge noted that Rangipo Waiu B was the portion of the 'great Rangipo Waiu block' cut off for the benefit of 'non-lessees' in consequence of the bulk of the block having been leased. The 'non-lessees' numbered 35 persons. He said the awards were

⁷⁷⁶ Cleaver, p. 88; Wanganui minute book 125, 6 October 1961, pp 232-234.

⁷⁷⁷ Internal correspondence between Maori Land Court officials, 22 August 1963, 23/603, Rangipo Waiu Correspondence File, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 96.

⁷⁷⁸ Nicholas Bayley, Wai 903, #A56(a), p. 207.

shown in plans and orders would be made accordingly. None of the orders recorded in the minutes included the provision of roadways. The orders simply give the name of the partition and the names of those the block was awarded to.⁷⁷⁹

Appeals against the decision of December 1905 were lodged by Te Hau Paimarire [sp?] and Heperi Pikirangi. The Appellate Court decided not to make a determination but to refer it back to the Native Land Court.⁷⁸⁰ The partition of the block was heard again by the Native Land Court before Judge Gilfedder between 21 August and 13 September 1907. Much of the minutes of the hearing include details of those who occupied the land, what the land was being used for, previous leasing arrangements, and where cultivations, fencing, woolsheds and dwellings were located.⁷⁸¹ The Court's decision, made on 4 October 1907, adjusted the partitions so that the share of Heperi Pikirangi incorporated the site of his houses and cultivations at Maunganui and the share of Te Hau Paimarire included Waipuna. In brief, the Court decided that the subdivisions of B1, B2, and B3 made by the Court in 1905 would remain unaltered and be awarded to the same persons; that the ownership of B4 be changed, that B5A and B5B would become one subdivision, and, with regard to the 'residue' of the block (B6-B13), the Court proposed that the parties should consult together with a view to families being kept together. Nothing regarding roads was mentioned at this stage.⁷⁸²

On 9 October 1907, the Court (presiding officer Judge Gilfedder) made a further decision in respect to of the 'residue' which was made up of Rangipo Waiu B6-B13 (later B6-B7). Of note was his order in respect of the then Rangipo Waiu B6 which provided for a roadway.⁷⁸³ The order stated:

‘A line AB to be drawn from the abovementioned point A on the Moawhango River in a westerly direction to meet the western boundary at point B so as to include an area south of it of 514 acres 3 roods – to be called Rangipo Waiu B No 6 and to go to

⁷⁷⁹ Whanganui Minute Book 54, 4-5, 8 December 1905, pp. 30-37, 39-42.

⁷⁸⁰ Whanganui Appellate Minute Book 9, 26 July 1906, p. 15.

⁷⁸¹ Whanganui Minute Book 56, 21 August 1907, pp. 282-295; 22 August 1907, pp. 297-309; 23 August 1907, pp. 311-323; 24 August 1907, pp. 324-326; 26 August 1907, pp. 328-334; 336-338; 27 August 1907, pp. 339-340; 28 August 1907, p. 341; 4 September 1907, pp. 352-357; 5 September 1907, pp. 358-372; 6 September 1907, pp. 373-382; Whanganui Minute Book 57, 6 September 1907, pp. 1-5; 7 September 1907, pp. 6-13; 9 September 1907, pp. 14-21; 10 September 1907, pp. 22-38; 11 September 1907, pp. 39-53; 12 September 1907, pp. 54-61; 13 September 1907, pp. 62-63.

⁷⁸² Whanganui Minute Book 57, 4 October 1907, pp. 144-145.

⁷⁸³ Whanganui Minute Book 57, 9 October 1907, p. 163.

Heperi Pikirangi 511 $\frac{3}{4}$ acres **and 3 acres for a road to be presently described**.
[emphasis added]⁷⁸⁴

The Court then described the boundaries of Rangipo Waiu B7 and B8 (neither of which mentioned roadways), decided that B5A and B5B were to be ‘thrown into one block with same boundaries as previously described’ and awarded to two owners, cancelled the former divisions of 5C and changed the ownership of B4 and B7. Significantly the Court also ordered:

‘A roadway half a chain wide to run from the point C aforesaid South to meet the southern boundary of the block at point E at the crossing at Moawhangoiti’.⁷⁸⁵

Indeed a plan, located on the Native Land Court application file from this period shows a line marked ‘access’ from the southern tip of the block near where B7A and B6A are located today (marked ‘E’) into a point called ‘C’ which went as far as the then B8 block – about $\frac{1}{4}$ of the way through the now B7 block.⁷⁸⁶ The Judge concluded by stating that sections 6, 7, and 8 were restricted against alienation except by lease for 21 years.⁷⁸⁷

On 18 October of the same year a partition was also made of the eastern portion – Rangipo Waiu B9 containing 768 acres 1 rood 21 perches which was awarded to Erueti Arani. No mention was made of roadways.⁷⁸⁸

The decisions made in October 1907, however, were appealed by Waikari Karaitiana and others and re-heard by the Appellate Court in September and October 1908.⁷⁸⁹ The Court made an interim judgement on 9 October 1908 which noted firstly that there was no dispute regarding B1, B2, B3, B4 and B5 (which totalled around 3994 acres). The Judge decided that little evidence had been received in respect to the value of the residue of the land (the area

⁷⁸⁴ Whanganui Minute Book 57, 9 October 1907, pp. 163-164.

⁷⁸⁵ Whanganui Minute Book 57, 9 October 1907, p. 164.

⁷⁸⁶ Plan of Rangipo Waiu Block B, circa 1907, AEDK 18747 MA-WANG W2140 39 Wh. 603, Rangipo Waiu, 1907-1918, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 214-217.

⁷⁸⁷ Whanganui Minute Book 57, 9 October 1907, pp. 163-164.

⁷⁸⁸ Whanganui Minute Book 57, 18 October 1907, p. 225.

⁷⁸⁹ Wellington Appellate Court Minute Book 1, 22-24 September 1908, pp. 208-305 and 9 October 1908, p. 374.

previously encompassing B6-B9) and that he would hear parties before making a final decision.⁷⁹⁰

At the end of October 1908, a Valuer, instructed by Messrs Nicholson & Fraser, Native Land Agents, and by the Judge of the Appellate Court duly reported on the area of the block under dispute known as the 'residue' which consisted of about 5252 acres. The Valuer noted that the area had been divided as follows: 2689 acres 1 rood 21 perches which he described as the eastern portion and 2563 acres 3 roods 7 perches which he described as the western portion. He suggested that the line between the two be adjusted to a small extent as if the lien laid down by the Appellate Court was 'strictly adhered to the owners of the western portion would practically be cut off from frontage'. He said that the adjustment only involved a few acres and that the few chains frontage made 'little or no difference to the owners of the eastern portion'. The Valuer also said that while there was very little difference in the quality of the land between the eastern and the western portions, the eastern portions had 'a big advance in the matter of frontage and flat land'. He said that there were 'several most beautiful homestead sites fronting the Moawhango river – which nearly touches the Main Coach Road to Napier'. He noted that the eastern portion was suitable for cutting into smaller areas and but as the western portion had no frontage it was 'not at all suitable for dividing in fact it could not be profitably cut up'.⁷⁹¹

Also at this time, Te Aohau Nikitini expressed concern to the President of the Native Appellate Court that Mr Fraser's clients (Waikari Karaitiana) had 'got all the best parts of the land and the undulating hills and most of the frontage to the Moawhango river and Napier road'. He asked that the land be divided in such a way as 'to give each party a fair proportion of the good and bad land'.⁷⁹²

The matter was again heard on 24 December 1908 where the Judge said he had taken into account the valuation report and awarded 2569.1.21 acres to the east of a line laid down by the Court at Whanganui to the appellants (B7 - which was less than had been awarded

⁷⁹⁰ Wellington Appellate Court Minute Book 2, 9 October 1908, pp. 11-12.

⁷⁹¹ Barnes, Valuer to Chief Judge, Native Land Court, 29 October 1908, AEDK 18747 MA-WANG W2140 39 Wh. 603, Rangipo Waiu, 1907-1918, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 225-226.

⁷⁹² Te Aohua Nikitini to President, Native Appellate Court, 2 November 1908, AEDK 18747 MA-WANG W2140 39 Wh. 603, Rangipo Waiu, 1907-1918, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 223-224.

originally) and 2683.3.7 acres to the west of the line to the respondents (B6 - which was more than had been awarded originally). This would suggest that the Judge had taken into consideration the Valuer's concern that both the eastern (B7) and western portion (B6) had road frontage. The Judge gave both sides until 1 February 1909 to arrange further divisions among individuals so deferred final orders until that date.⁷⁹³

On 1 February 1909, the Appellate Court made orders in respect of B6 and B7A-E. Rangipo Waiu B6 (the western side) consisted of 2681 acres 1 rood 5 perches was awarded to Heperi Pikirangi and 14 others. Rangipo Waiu B7 was partitioned as follows: B7A (489.1.25), B7B (734.0.17), B7C (367.0.9), B7D (489.1.25) and B7E (489.1.25) acres (a total of 2569 acres 1 rood 21 perches). Waikari Karaitiana, who also appealed the previous partition, was awarded B7A (on the eastern side). Despite B7 being divided into five portions and a public road (Moawhango-Napier Road) only being accessible from the south of the block (B7A), the orders included no provision for roadways. It was, however, at this hearing where access from B7A into the rest of the B7 blocks could have been assured. By May 1909, B7A was leased to JA Pearson for 21 years.⁷⁹⁴

Rangipo Waiu B6 was further partitioned on 4 October 1909 into three parts: B6A (536 acres 1 rood 1 perch – 1 owner (Heperi Pikirangi)), B6B (1072 acres 2 roods 2 perches – 6 owners including Ngauru Pikirangi) and B6C (1072 acres 2 roods 2 perches – 12 owners including Hohepa Patumoana). It was recorded that there were no objections and most of the owners had consented to the proposed partition. Also, that although the Appellate Court had altered Judge Sims' partitions the locations of the people affected had not been 'materially altered'. No provision, however, was made for roadways which was reflected in the plan of the Rangipo Waiu B6 partitions signed by the owners.⁷⁹⁵

This was a critical moment in terms of ensuring future access through B6A into B6B and B6C and for facilitating access into B1, B2, B3, B4 and B5. As B6A was located closest to a public road it was imperative that at this hearing a roadway into B6B and B6C was ordered. Nothing, however, was done.

⁷⁹³ Wellington Appellate Court Minute Book 2, 24 December 1908, pp. 99-100.

⁷⁹⁴ Wellington Appellate Court Minute Book 2, 1 February 1909, pp 105-106.

⁷⁹⁵ Whanganui Minute Book 60, 4 October 1909, pp. 66-67; Rangipo Waiu B6 partition plan, 1 June 1909, AEDK 18747 MA-WANG W2140 39 Wh. 603 Rangipo Waiu, 1907-1918, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 227-233.

Thus an examination of all the partition hearings and partition orders show that the only provision for roadways was at the hearing of 1907, where a roadway was included in the orders in the proximity of the B7A block. These orders were, however, appealed against and replaced with orders that included no provision for roadways. This was despite none of the blocks apart from B7A and B6A being close to existing roads (the Moawhango-Napier Road).

14.6 Rangipo Waiu B rating and access issues

The following is an examination of the rating and access issues of all the Rangipo Waiu B blocks. As much of the early access history relates to B7 and B6, it is these blocks that are discussed first. This is followed by B5, B4, B3, B2 and concludes with B1.

14.7 Rangipo Waiu B7A and B7B

As noted, on 1 February 1909, the Appellate Court made orders in respect of B7. Rangipo Waiu B7 was partitioned as follows: B7A (489.1.25), B7B (734.0.17), B7C (367.0.9), B7D (489.1.25) and B7E (489.1.25) acres (a total of 2569 acres 1 rood 21 perches). Despite B7 being divided into five portions and a public road (Moawhango-Napier Road) only being accessible (but not contiguous to) from the south of the block (B7A), the orders included no provision for roadways.

Rangipo Waiu B7A was owned by Waikari Karaitiana. In May 1909, B7A was leased to JA Pearson for 21 years.⁷⁹⁶

Rangipo Waiu B7B was awarded to Erueti Arani in 1909 but particulars of title for B7B circa 1910 reveal that he had died and as per his will, the land passed to Hineiti Rirerire, Whitiketike Arani, Hurihuri Matilda Arani and Te Ouroa Arani Patare. The Public Trustee was appointed trustee and had power to lease for 21 years under the will.⁷⁹⁷ Indeed the land

⁷⁹⁶ Wellington Appellate Court Minute Book 2, 1 February 1909, pp 105-106; JA Pearson, Statement to the Supreme Court, 19 March 1912, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 62-63.

⁷⁹⁷ Particulars of title, circa 1910, Rangipo Waiu B7B, AEGX 19124 MLC-WGW 1645 111 3/701 Rangipo Waiu B, 1910-1925, Archives New Zealand, Wellington. SW Document bank, volume 7, pp. 246, 249.

was then leased by the Public Trustee to Jessie Burrige for £312 per annum from 26 July 1910 for 21 years.⁷⁹⁸ Rangipo Waiu B7B was situated to the north of B7A.

In May 1910, just over a year after the partition of Rangipo Waiu B7, the Public Trustee asked the Under Secretary, Native Department what could be done to 'preserve Arani's 'right of access' to the portion of Rangipo Waiu awarded to him the previous year (B7B). The Trustee noted that the rights given under the 1894 Act (which allowed for an application to be made for a roadway within 5 years of partition) 'seem to have been lost by the passing of the new Act' (the 1909 Act only allowed for a roadway to be ordered at the time of partition). He was of the opinion that as the partition was incomplete it was possible to apply for access when the survey took place. He said that he proposed to ask the Survey Department to survey the land and lay off the best access. He would then apply to the Court for confirmation. He asked whether his proposal was considered 'the best possible in the circumstances'.⁷⁹⁹

The Under Secretary replied that the proposal suggested by the Public Trustee 'would be the best inasmuch as I am of the opinion that section 433 [of the 1909 Act] applies'. He continued: 'If the Act is retrospective – I am of the opinion that it is – then I should say subsection 4 of section 117 would meet the case. The Native Land Court may of course hold a different view'.⁸⁰⁰ In response the Public Trustee stated that he thought it 'to the interest of the Native owners' if a survey of Rangipo Waiu B was undertaken and asked whether the Under Secretary was prepared to requisition it under the provisions of the 1909 Act or on an undertaking that the owners would meet the cost. He also noted that some preliminary work had been undertaken by some of the lessees and that these surveys might be accepted.⁸⁰¹ The Under Secretary answered that as the matter might still be under the consideration of the Court and if so, the Court at Whanganui could discuss the position with the owners and if it was in order, could issue the necessary authority for surveys to proceed. At the same time

⁷⁹⁸ Marshall & Hutton, application to Aotea District Maori Land board for lease of Rangipo Waiu B7B, AEGX 19124 MLC-WGW 1645 111 3/701 Rangipo Waiu B, 1910-1925, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 250-252.

⁷⁹⁹ Public Trustee to Under Secretary, Native Department, 11 May 1910, ACIH 16036 MA 1 1020 1910/4373 Public Trustee re Rangipo Waiu Block, 1910-1912, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 258-260.

⁸⁰⁰ Under Secretary, Native Department to Public Trustee, 16 May 1910, ACIH 16036 MA 1 1020 1910/4373 Public Trustee re Rangipo Waiu Block, 1910-1912, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 261.

⁸⁰¹ Public Trustee to Under Secretary, Native Department, 15 June 1910, ACIH 16036 MA 1 1020 1910/4373 Public Trustee re Rangipo Waiu Block, 1910-1912, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 262.

arrangements ‘for rights of access to the respective subdivisions’ could be made. As to whether the surveys undertaken by the lessees were acceptable, this was a matter for the Chief Surveyor and Judge who approved the plan.⁸⁰²

In August 1910, the Public Trustee made an official application to the Native Land Court for a right of way through adjoining land to give access to Rangipo Waiu B7B.⁸⁰³

The Native Land Court heard the application on 19 January 1911. The presiding officer was Judge Rawson. The Public Trustee representative, Mr Marshal, said he sent notice to Waikari Karaitiana, the owner of the adjoining land, that the case would be heard. He said that he had been advised that the road-line in question was an ‘old road or track that has been in existence a long time’. He produced a plan showing the track running from the boundary of B7B through B7A to the junction of the Moawhango-iti stream and Moawhango River.⁸⁰⁴

The Court noted that Rangipo Waiu B7 was partitioned on 1 February 1909 but that the partition orders had not yet been completed as a plan had not been approved by the Court or orders signed (as per section 433/1909). The Court said it still had the power to ‘continue and complete’. No objections were recorded at the hearing and the Court therefore granted:

A right of private road 33 feet wide over Rangipo Waiu B7A from southern boundary of B7B to junction of Moawhangoiti stream with Moawhango River as shown by dotted lines on plan attached to this application for purpose of giving access to 7B.⁸⁰⁵

Several days after the order was made the solicitors for the lessee’s husband wrote to the Public Trustee noting that the connection between the junction of the Moawhangoiti Stream and Moawhango River (at the end of B7A) with the Moawhango-Napier Road could only be made by the Governor taking a public road under sections 92 to 96 of the Public Works Act, 1908 and that this could be done without payment of compensation. The solicitors said that that they had written to Mr Burridge and suggested that he approach the local body asking

⁸⁰² Under Secretary, Native Department to Public Trustee, 23 June 1910, ACIH 16036 MA 1 1020 1910/4373 Public Trustee re Rangipo Waiu Block, 1910-1912, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 263.

⁸⁰³ Native Land Court, Whanganui District, Memoranda, 20 August 1910, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 61.

⁸⁰⁴ Whanganui Minute Book 61, 19 January 1911, pp. 76-77.

⁸⁰⁵ Ibid.

them to prepare a sketch plan and submit it to the government with a view of having the road proclaimed.⁸⁰⁶

One year later, in January 1912, the Public Trustee advised the Native Department that surveyors were at work in the vicinity of Rangipo Waiu B and that a ‘favourable opportunity is afforded of having the necessary survey completed’. He asked that the Survey Department be instructed in the matter.⁸⁰⁷ The Under Secretary then advised the Public Trustee that the procedure for proclaiming a public road would have to be carried out through the Public Works Department. He also noted that the position as taken from Messrs Marshall & Hutton’s letter was that the Native Land Court’s order gave a right of way through certain Maori land but that it was necessary, from where this right of way terminated, that is, at the junction of the Moawhango-iti Stream and the Moawhango-Napier Road, that a road should be taken under the Public Works Act. He presumed that this would be done through the local body for the district.⁸⁰⁸

The decision of the Native Land Court to create a roadway was, however, appealed in 1912 when both the lessee of B7A, JA Pearson, and the owner of B7A, Waikari Karaitiana, applied firstly to the Chief Judge of the Native Land Court and then to the Supreme Court for the cancellation of the order. In their joint submission to the Chief Judge, Waikari Karaitiana and Pearson said that neither had received notice of the hearing where the application was heard, that the proposed right of way was ‘unnecessary for the purpose of giving proper access to ... Rangipo Waiu B7B’. Also that it would cause ‘undue loss and inconvenience to the occupier who would be unable to farm it ‘satisfactorily’ and that fencing the road would be prohibitively expensive and deprive the stock on part of the block of access to water.’⁸⁰⁹

⁸⁰⁶ Marshall & Hutton, Barristers & Solicitors, to Public Trust Office, 21 January 1911, ACIH 16036 MA 1 1020 1910/4373 Public Trustee re Rangipo Waiu Block, 1910-1912, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 264.

⁸⁰⁷ Public Trustee to Under Secretary, Native Department, 29 January 1912, ACIH 16036 MA 1 1020 1910/4373 Public Trustee re Rangipo Waiu Block, 1910-1912, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 265.

⁸⁰⁸ Under Secretary, Native Department to Public Trustee, 1 February 1912, ACIH 16036 MA 1 1020 1910/4373 Public Trustee re Rangipo Waiu Block, 1910-1912, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 266.

⁸⁰⁹ Waikari Karaitiana and J A Pearson Application for leave to appeal to Chief Judge of Native Land Court, 20 February 1912, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 68.

The submission also said that the roadway order purported to have been made in pursuance of section 433 of the Native Land Act 1909 but that the application for partition of Rangipo Waiu B ‘was not in fact then “pending” within the meaning of that section of the Act’. Further that it was ‘contrary to the well established practice of the Court to make such orders except when the partition is being made and had such a right of way been allowed when Rangipo Waiu B was being partitioned, the partition would have been modified in other respects’. The submission concluded that the Court had not considered how the right of way would affect the lessee and that it was a ‘grave injustice’.⁸¹⁰

In Pearson’s submission to the Supreme Court he reiterated that he was not served with notice or given the opportunity to appear when the application for the order was being considered by the Court. He said that B7A was used for ‘pastoral purposes only’ and that the proposed right of way would ‘seriously depreciate the value of it in as much as the stock depasturing thereon would be continually disturbed’. He again complained that fencing the right of way would be expensive and would deprive the stock on part of the block of access to water. Further, he stated that the order was made without jurisdiction arguing that the order had not been made during a partition of the block and that the Court could not grant a right of way while he leased the block.⁸¹¹

In his statement, Waikari Karaitiana also argued that the Court had not provided notice to he or Pearson, had not provided for a right of way when the block had been partitioned or provided an opportunity for Pearson to appear before the Court. Also, that the Court was unable to make this order as Pearson leased the land.⁸¹²

The case was heard by Justice Chapham at the Supreme Court in August 1912. At the hearing the Public Trustee submitted evidence showing that ‘his land would be seriously prejudiced if the access was refused, and that the access granted was the only possible one, and he had no notice of the existence of Mr. Pearson’s lease’. The Judge, however, ruled that the Native

⁸¹⁰ Waikari Karaitiana and JA Pearson Application for leave to appeal to Chief Judge of Native Land Court, 20 February 1912, 23/603, Rangipo Waiu Correspondence, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 68.

⁸¹¹ JA Pearson, Statement to the Supreme Court, 19 March 1912, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 62-63.

⁸¹² David Scannell, Solicitor for Waikari Karaitiana and John Alexander Pearson, Statement to Supreme Court, 1 April 1912, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 65.

Land Court order had been made without jurisdiction as it had been made using provisions of the 1894 Act when the Native Land Act 1909 applied. This was significant because there was a crucial difference between the two Acts: the 1894 Act allowed five years from the time of partitioning to apply for roadway orders whereas the Native Land Act 1909 allowed only for the provision of roadways at the time of partition.

As the roadway order was considered invalid by the Supreme Court, the roadway was cancelled and as a result of the Supreme Court decision, the application for appeal to the Chief Judge of the Native Land Court was withdrawn.⁸¹³

In February 1914, the Native Land Court ordered that Rangipo Waiu B7A be held by the owner, Waikari Karaitiana, as European land. The block was then sold a month later to JA Pearson, the lessee, and then transferred to Jessie Burrridge in June 1919.⁸¹⁴

In 1920, the Public Trustee applied for successors to B7B and the land was awarded to Hineiti Rirerie, Hurihuri Matilda Arani, Whaitiketike Arani (who was 19) and Te Oiroa Arani Patene who was also 19. Succession orders were made for the four with the Public Trustee being appointed for the minors.⁸¹⁵ In 1923, the 725 acres 16 perch B7B block was valued at £3995 (capital value), £2355 (unimproved value) and £1640 (improvements) and the block sold for the capital value on 21 January 1924 to the lessee, Jessie Burrridge (who by then owned B7A – which gave access to the block from the Taihape-Napier Road). There is nothing in the alienation file about access though it is interesting to note that it is only recorded that three of the owners sold their interest – there are no details about when Te Oiroa Arani Patene sold her portion.⁸¹⁶ (Nicholas Bayley also records that just 544 of the 725 acres (approximately) was sold at this time).⁸¹⁷

⁸¹³ David Scannell, Barrister and Solicitor to Registrar, Native Land Court, 24 August 1912, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 72.

⁸¹⁴ Bayley, A56(a), p. 212; Rangipo Waiu B7A court document, Wh 337 volume 2, Taihape Inquiry District Maori Land Court document bank, volume, 5, p. 442.

⁸¹⁵ Whanganui Minute Book 74, 1 November 1920, pp. 300-301.

⁸¹⁶ Court cover sheet and Aotea District Maori Land Board to Hussey, Solicitor, 2 March 1925, AEGX 19124 MLC-WG W1645 111 3/701 Rangipo Waiu B, 1910-1925, Archives New Zealand, Wellington. SW Document bank, volume 7, pp. 253-254.

⁸¹⁷ Bayley, A56(a), p. 213.

14.8 Rangipo Waiu B7C, B7D and B7E

The 367 acre 9 perches Rangipo Waiu B7C block, located to the north of B7A and B7B, was leased to Nellie Cornford from 17 May 1910 for 21 years for £45.17.6 per year. The government valuation at the time was £586 (capital value), £540 (owner's interests – unimproved value) and £36 (improvements – owner's interest).⁸¹⁸ On 21 August 1913, 244 acres 15 perches of the block was sold to Mrs Cornford for £421.6.8. The remaining 122 acres 1 rood 06 perches was sold to Mrs Cornford in October 1916 for £397.10.0.⁸¹⁹ The value of the block in 1916 was £1888 (capital value), £1000 (unimproved value – owner's interest), £98 (unimproved value – lessee's interest), £399 (value of improvements – owner's interest), £391 (value of improvements – lessee's interest). It was later owned by the Burridges who sold it to WE and E Fernie in the 1950s.⁸²⁰

No early lease arrangements for Rangipo Waiu B7D have been located but it was sold to S Burridge in 1929 who sold it to WE and E Fernie in the 1950s (both adjoining farmers). Similarly Rangipo Waiu B7E was leased to the Burridges (date not located) and then sold to them in 1928. WE and E Fernie bought the land in the 1950s.

Two years after the failed application for access, Nellie Cornford, who at that time also leased Rangipo Waiu B2 and B3, together with Samuel Burridge the lessee of B7E (and husband of the lessee of B7B) applied to the Native Land Court under section 50(1) of the 1913 Act for a roadline to be laid out as the blocks that they leased had no access.⁸²¹ The application to lay off road-lines to give access to Rangipo Waiu B2, B3, B7C and B7E was heard by the Native Land Court in September 1914. The minutes of the hearing record that the Public Trustee was having a proclamation issued taking a road under the Public Works Act through 7A to give access to B and that the lawyer for the applicant (Upham) had applied to the Public Trustee for this. Upham asked that access be granted in continuation of the road to be taken by proclamation (which would link the Napier-Taihape Road with Rangipo Waiu

⁸¹⁸ Valuation Certificate, 30 April 1909, Maori Land Administration file sheet, 1910, AEGX 19124 MLC-WG W1645 45 3/1916/311, Rangipo Waiu B7C, 1910-1917, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 268.

⁸¹⁹ Application for confirmation of alienation, September 1913, and October 1916, AEGX 19124 MLC-WG W1645 45 3/1916/311, Rangipo Waiu B7C, 1910-1917, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 270, 272.

⁸²⁰ Valuation Certificate, 1916, AEGX 19124 MLC-WG W1645 45 3/1916/311, Rangipo Waiu B7C, 1910-1917, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 271.

⁸²¹ Applications from Cornford and Burridge, 6 July 1914, AEGX 19124 MA-WANG W2140 39 Wh. 603, Rangipo Waiu, 1907-1918, ANZ, Wellington. SW Document Bank, volume 7, pp. 234-237

B7A and into B7B). He also said he would secure the agreement of the lessees. The Court (Judge Jack) commented that a general roading scheme might be laid off to which the lawyer for the applicant agreed. The Court then made an interlocutory order that a road-line be laid off and that the matter be re-opened when the surveyor had reported.⁸²²

On 22 September 1914, Nellie Cornford and Jessie Burrridge gave consent to a road-line being laid out over the land that they leased and or partly owned (B2, B3, B7B, B7C).⁸²³

In the February of the same year, the Native Land Court ordered that Rangipo Waiu B7A be held by the owner, Waikari Karaitiana, as European land. As noted above, the block was then sold a month later to JA Pearson, the lessee, and then transferred to Jessie Burrridge in June 1919.⁸²⁴

Nothing further about this particular application has been located on Native Land Court files.

By 1929, all the Rangipo Waiu B7 blocks had been sold and were owned by Mr and Mrs Burrridge.

14.9 Rangipo Waiu B6

Rangipo Waiu B6 (2667 acres 3 perches) was created by partition dated 1 Feb 1909. Rangipo Waiu B6 was further partitioned on 4 October 1909 into three parts: B6A (536 acres 1 rood 1 perch), B6B (1072 acres 2 roods 2 perches) and B6C (1072 acres 2 roods 2 perches). It was recorded that there were no objections and most of the owners had consented to the proposed partition. Also, that although the Appellate Court had altered Judge Sims' partitions the locations of the people affected had not been 'materially altered'. At the hearing, there was no mention made of roadways or rights of way to access the blocks located furthest from the public road (B6B and B6C).⁸²⁵

⁸²² Whanganui Minute Book 66, 4 September 1914, p. 126.

⁸²³ Consents from Cornford and Burrridge, 4 September 1914, AEGX 19124 MA-WANG W2140 39 Wh. 603, Rangipo Waiu, 1907-1918, ANZ, Wellington. SW Document Bank, volume 7, pp. 238-244.

⁸²⁴ Nicolas Bayley, A56(a), p. 212; Rangipo Waiu B7A court document, MLC document bank, volume, 5, p. 442.

⁸²⁵ Whanganui Minute Book 60, 4 October 1909, pp. 66-67.

14.10 Rangipo Waiu B6A

Rangipo Waiu B6A, together with B7A are the blocks located closest to the Moawhango-Napier Road although they are not contiguous to it. Rangipo Waiu B6A was key to accessing Rangipo Waiu B6B and B6C blocks as well as B1 to B5.

Rangipo Waiu B6A, consisting of 536 acres 1 rood 1 perch was sold to the then lessees of the block, Thomas Cornford and Samuel Burrridge on 3 February 1912 for £2550. The land had been valued in June 1911 as follows: £3386 (capital value), £2546 (owner's interest). The alienation file records that the sole owner, Harawira Heperi, had large debts (over £1000) mostly to the New Zealand Loan & Mercantile Agency for farm related wages and stock. Also that at least £1000 of the purchase money was retained by the Aotea Board until at least 1923 by which time Harawira Heperi had died. There is nothing in the alienation file regarding access to the block or mention that B6A was the key access point to the other B6 blocks (as well as B1-B5).⁸²⁶

The date of the sale of the block is crucial as applications for road lines in respect to any land in Maori ownership after 15 December 1913 did not require the permission of the owner. As the land had been sold the year before, any application for a roadline through B6A required the permission of Messrs Cornford and Burrridge.

In May 1913, Dix and Marchant, authorised surveyors, advised the Chief Surveyor, Wellington that they had been instructed to survey B6A by Mr Burrridge. It was noted by the Lands and Survey Office 'examiner's report' that there was no road access on the plan and a right of way had not been 'dealt on'. In another memo by the Land Transfer Office in June 1913, it was noted that no road access was provided, that the land was Maori and leased to SV Burrridge 'who will eventually acquire the freehold'.⁸²⁷

⁸²⁶ Particulars of title, 28 February 1912, Valuation Certificate for Rangipo Waiu B6A, 6 June 1911, Richmond Davies to President, Aotea District Maori Land Board, 1912, NZ Loan & Mercantile Agency Invoice, 1912, Acting Registrar, Native Land Court to Native Trustee, 2 May 1923, AEGX 19124 MLC-WG W1645 17 3/1912/80 Rangipo Waiu B6A 1912-1923, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 275-280.

⁸²⁷ Dix & Marchant, Civil Engineers and Authorised Surveyors to Chief Surveyor, Wellington, 16 May 1913; Lands and Survey Office Examiner's Report, 17 June 1913; Land Transfer Office to District Land Registrar, 24 June 1913, AAMA LS-W1 593 28936 Subdivision of Rangipo Waiu B6A Block, Block 3 Ohinewairua Survey District, 1913, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 282-288.

14.11 Rangipo Waiu B6C

Access issues with respect to B6C are dealt with prior to that of B6B as the B6C discussion give context to what happened with B6B (which is still Maori land).

In 1920, the Commissioner of Crown Lands advised the Registrar of the Native Land Court that Kingi Topia, an owner of B6C (1072 acres 2 roods 2 perches) had complained to the Minister of Lands that a road through the Rangipo Waiu block had been cancelled. The matter had been referred to the Commissioner of Crown Lands, Wellington District Office who had ascertained that the road referred to was a right-of-way through Rangipo Waiu B6A and B7A shown on plan W.D. 2357 which was indeed shown as cancelled. So that he could report to the Minister, the Commissioner asked why the right-of-way was cancelled and whether Kingi Topia, as far as Registrar was aware, had ‘any grounds of complaint’.⁸²⁸ The reply from the Registrar at Whanganui explained that Judge Rawson had granted a right-of-way in 1911 but that the Supreme Court held that the order was made without jurisdiction and therefore the right-of-way was cancelled (this was detailed in the previous section in respect to B7). No view was offered by the Registrar as to whether Kingi Topia had any reason to complain.⁸²⁹

On 12 May 1923, Kingi Topia applied to the Native Land Court for a road (or private way) under the Native Land Act 1909 and the Native Land Amendment Act 1913 to be laid off over the land known as Rangipo Waiu B6A and B6B (though the later appellation is crossed out). (Rangipo Waiu B6A lay adjacent to and directly south of Kingi Topia’s land (B6C) and its southern point was close to the Moawhango-Napier Road.) Attached to the application form is a document (similar to minutes) which recorded that it was proposed to lay a road over B6B so as to give access to B6C from a road on the opposite side of Moawhangoiti River. Also that B6B was leased to Mrs Cornford, who was not present, nor the owners of B6B. It said that Mr Topia proposed to obtain a plan from Messrs Marchant & Bogle showing roads if any. Across the application, however, are the words: ‘Dismissed 12/3/1927’. Indeed the Native Land Court minutes for this date record that the application was dismissed

⁸²⁸ Commissioner of Crown Lands, Department of Lands and Survey District Office, Wellington to Registrar, Native Land Court, Wellington, 18 June 1920, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 75.

⁸²⁹ Registrar, Native Land Court, Whanganui to Commissioner of Crown Lands, Wellington, 26 July 1920, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 78.

for ‘non-prosecution’. No further details were given in the minutes but the reason for the non-prosecution of the application is clear from other sources discussed below.⁸³⁰

Several years before, in August 1924, the Registrar of the Native Land Court at Whanganui received other correspondence on access to the block, this time from the Acting County Clerk of the Rangitikei County Council. The Council advised that Kingi Topia had ‘interviewed’ the Council regarding road access to the block but that there was no record of the provision of any access in the Council office. The Clerk asked the Registrar for information regarding the matter.⁸³¹

The Registrar replied to the Council on 12 August 1924 that according to Court records, no road access had been provided to B6C but that if any access had been provided in recent years, the Lands (and Survey) Department would ‘doubtless have information on the matter.’ So the RCC asked the Department whether any provision for access had ever been made for B6C. Lands and Survey in turn asked the Registrar of the Native Land Court the same question, the Registrars reply being that no mention of road access was made by the Court when the block was partitioned. This was then relayed back to the council by the Lands and Survey Department. The council completed the circle of correspondence by advising Kingi Topia that according to both the Native Land Court and the Lands and Survey Department, no provision had been made to provide road access to B6C. The Council also returned Kingi Topia’s rates demand presumably so he would now pay it. Not one word of the aforementioned correspondence contained any guidance or information as to how the owner might rectify the situation.⁸³²

⁸³⁰ Application for road, Rangipo Waiu B6C, 12 May 1923, AEDK 18747 MA-WANG W2140 39 Wh. 603B part 2, Rangipo Waiu 1909-1945. SW Document Bank, volume 7, p. 197. Whanganui Minute Book 86, 12 March 1927, p. 154.

⁸³¹ Acting County Clerk, Rangitikei County Council to Registrar, Native Land Court, Whanganui, 7 August 1924, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 76.

⁸³² Registrar, Native Land Court, Whanganui to Rangitikei County Council, 12 August 1924; Lands and Survey Department, Wellington to Registrar, Native Land Court, Whanganui, 22 August 1924; Registrar, Native Land Court to Chief Surveyor, Wellington, 26 August 1924, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui; SW Document Bank, volume 2, pp. 76-77; Rangitikei County Council to Lands and Survey Department, 13 August 1924; Commissioner of Crown Lands, Wellington to Rangitikei County Council, 26 August 1924 and Rangitikei County Council to Kingi Topia, 11 September 1924, RDC 46: 6: 43, Rangipo Waiu B and C Block Road Access - (Native Land Court), Rangitikei County Council, 1924, Archives Central, Feilding. SW Document Bank, volume 3, pp. 90-96.

On 10 June 1926, Prime Minister JG Coates, in his capacity as Minister of Public Works (he was also Native Minister at this time) advised the Under Secretary for Public Works that Kingi Topia had met with him regarding road access to his land, Rangipo Waiu B6C. At the meeting Mr Topia explained that when the owners of B6C applied to the Native Land Court for road access from B6C to the Napier-Moawhango main road, Judge Browne had told them that as the land over which the road access was required was now European land, he 'had no power to lay down a road or private way over it'. Mr Topia also advised Prime Minister Coates that he had approached the RCC to provide road access or a private way of about half a mile in length but the chairman of the council had advised him to make representations of the Public Works Department to take a portion of the European land for this purpose. Mr Topia therefore asked Mr Coates for the Public Works Department to take the necessary steps to take the portion of the land to provide the necessary road access to B6C. He also guaranteed that he and the other owners would pay the compensation to Mr Burridge, who had been the owner of B6A since 1912. Another letter from Mr Topia explained that B6C was leased to Pipi Kingi which meant that this at this time the block was the only area of the B6 block not leased or owned by the Burridges.⁸³³

Despite being advised that the land to provide access needed to be taken under the Public Works Act, the County Engineer at the Rangitikei County Council advised the Public Works Department that as there was no surveyed road to B6C it was necessary for the owners to apply to the Native Land Court to have a road laid off and gazetted. He explained that the 'question of construction could then be dealt with by loan only' as the Council had no funds for the construction of roads. As soon as the road was laid off and gazetted, he would then inspect it and inform the owner of the cost of construction. The means of constructing the road could then be dealt with. He presumed that the right to take a road remained over B6A and B6B. He knew of no other way to give the owner access. He concluded by noting that the sections were all high, hilly country but 'mostly open'.⁸³⁴

The above letter was then forwarded to the District Engineer at Stratford who was asked by the Under Secretary whether there was any reason why the County Council should not

⁸³³ JGC, Office of Minister of Public Works to Under Secretary, Public Works Department, 10 June 1926, AATC W3457 5114 Box 354 44/270, Rangipo Waiu, 1926, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 188.

⁸³⁴ County Engineer, Rangitikei County Council to Under Secretary, Public Works Department, 22 July 1926, AATC W3457 5114 Box 354 44/270, Rangipo Waiu, 1926, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 189.

‘arrange for the necessary legalisation and take such action as it considers necessary to recover the amount of any compensation from the natives interest[ed]’⁸³⁵.

A report from a Public Works Department employee, Mr Hammond, who inspected the land with Kingi Topia, was made on 16 August 1926. (Ironically, it had been delayed due to the impossibility of getting into the ‘back country’ except by foot due to floods and road blocks.) He said that he had investigated the route for a road surveyed by Messrs Hall and Bogle. (This survey had been completed in 1910 and a sketch supplied to Mr Ongley on behalf of Maori owners.) The road was 50 links wide and it was estimated that the distance from the Waipuna Road (which came off the Moawhango-Napier Road but was never formed) to B6C was about 2 miles and came within 8 chains of Kingi Topia’s boundary. He said that this was the only suitable access but for a bridle track only. He estimated that it would cost £1200 to form (£350 for the cost of the track, £250 for the stock bridge over the Moawhangoiti Stream, £500 for fencing on both sides (4 miles) and £100 for the 8 acres of land (estimated to be £12.10.0 per acre). Hammond also noted that Kingi Topia had said that he received nothing for the grazing of the 250 acres he had in grass and that the adjoining owners had grazed the land for the previous 7 years. The balance of the land was bush. The land was hill, fair sheep country and would carry about 1 ½ sheep per acre when in grass. He considered the County Council ‘should make arrangement for a road’ to Kingi Topia’s land.⁸³⁶

On 21 August 1926, the Assistant Road Engineer for the Public Works Department at Whanganui reported to the District Engineer at Stratford that a road 50 links in width, surveyed by Messrs Wall, Bogle & Payne through Rangipo Waiu B6 was ‘actually laid off’ by the Surveyor. The roadline, however, had been cancelled so consequently there was no right of way existing to give access to section B6C. The length of the road, as originally surveyed but not legalised, was 1 mile 50 chains and was only suitable as a bridle road. He increased Hammond’s estimate to £1350 having increased the estimated fencing cost to £650.

⁸³⁵ Assistant Under Secretary, Public Works Department to District Engineer, Stratford, 16 August 1926, AATC W3457 5114 Box 354 44/270, Rangipo Waiu, 1926, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 190.

⁸³⁶ J Hammond, Whanganui to District Engineer, Public Works, Whanganui, 16 August 1926, Undated file note, circa 1926, AATC W3457 5114 Box 354 44/270, Rangipo Waiu, 1926, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp.190-191.

The Engineer concluded: 'The local body should legalise the road as I am informed the County receive rates from the respective properties.'⁸³⁷

A month later, a letter was received by the County Engineer for the RCC from Mr Burridge (the owner of B6A). It firstly stated that Mr Topia's block was poor and that no one person could live on it. Also, that he would 'never pay rates on cost of road' presumably meaning that he did not want his rates to be spent on the road. He also mentioned that the occupier was not paying rent and the lease was unregistered. He emphasised that both he and Mrs Burridge were sick and that his prospects were 'not bright'. He asked whether anything had been done about the road requested by Mr Topia and said that he already had too little frontage or entrance to his farm and he did not want the road there. He said that if any road was necessary then it should come off Waipuna Road through section 6B. Although he did not want this either, it would be 'the least evil' option for him. He concluded by asking for clarification as to whether there was 'any prospect of Kingi Topia getting a road through to this worthless section'.⁸³⁸

The engineer responded that he had heard nothing since he wrote to the Under Secretary of the Public Works Department except that the foreman, Mr McDonald, had told him that the Public Works engineer had 'been up to see what roading was necessary to give access to 6C'. He continued:

Personally, I cannot see what the matter has to do with the P.W. Dept. at all. If Kingi Topia owns section 6C the onus is on him to have a road put in and the County Council is the authority to do so. The Council will not act unless he is prepared to find the money for survey and construction of road, whether by loan or direct payment.

⁸³⁷ Assistant Road Engineer, Whanganui to District Engineer, Stratford, 21 August 1926, AATC W3457 5114 Box 354 44/270, Rangipo Waiu, 1926, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 192.

⁸³⁸ SV Burridge, Lower Hutt to S Mair, County Engineer, Rangitikei County Council, 16 September 1926, RDC 00064: 5: 11 Road to Rangipo - Waiouru, Rangitikei County Council, 1926 – 1928, Archives Central, Feilding. SW Document Bank, volume 3, p. 99.

If what you say about the section is correct you have nothing to fear as it would not be worth roading. If I hear anything more about the matter I will let you know what is doing, but personally I think the matter will end where it is.⁸³⁹

Shortly after this, the Public Works Department advised the county engineer that although a roadline was originally surveyed, legalisation was never completed. The Department had also concluded that the question of completing the legalisation of the road appeared to be ‘more of a matter for the attention of your Council than for this Department’ and that the Minister had advised Mr Kingi to ‘represent his position to your Council accordingly’.⁸⁴⁰ Nothing further about the matter is therefore on this District Office Public Works file (the Head Office file has not been located).

In November 1926, the county clerk of the RCC wrote to the county engineer, Mr Mair. He was asked to get a list of lessees and mortgages whose contents were required for the deviation of Waipuna Road through Motukawa 2A6, Rangipo Waiu B6A and B7A and Awarua 2C12D. There was no mention though of access to Rangipo Waiu B6C.⁸⁴¹ There is indeed no correspondence on the matter until January 1928 when the Registrar of the Native Land Court was asked by the RCC what provision was made by the Court for access to Rangipo Waiu B6C (which was the same question that had been asked in 1924). Also that:

The Native owners state that no legal access has been given to the land, but it is hardly likely that the Native Land Court would lay off a block of this size [1068 acres 2 roods 02 perches] without a reservation for access through the adjoining blocks.⁸⁴²

The reply from the Registrar of the Native Land Court to the council reiterated that there was no record of any access having been provided for Rangipo Waiu B6C.⁸⁴³ Not content with

⁸³⁹ County Engineer, Rangitikei County Council to SV Burridge, 20 September 1926, RDC 00064: 5: 11 Road to Rangipo - Waiouru, Rangitikei County Council, 1926 – 1928, Archives Central, Feilding. SW Document Bank, volume 3, p. 99

⁸⁴⁰ Public Works Department to County Engineer, Rangitikei County Council, 24 September 1926, RDC 00064: 5: 11 Road to Rangipo - Waiouru, Rangitikei County Council, 1926 – 1928, Archives Central, Feilding. SW Document Bank, volume 3, p. 98.

⁸⁴¹ County Clerk, Rangitikei County Council to Engineer, Rangitikei County Council, 13 November 1926, RDC 00064: 5: 11 Road to Rangipo - Waiouru, Rangitikei County Council, 1926 – 1928, Archives Central, Feilding.

⁸⁴² County Clerk, Rangitikei County Council to Registrar, Native Land Court, Whanganui, 19 January 1928, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 80.

this reply, the county clerk again wrote to the registrar stating that he was directed by the council to ask that the registrar:

take the necessary steps in conformity with the powers contained in the Native Land laws to provide a legal access to the above block [Rangipo Waiu B6C] though the adjoining lands, which are or were Native lands, and the title to which is no doubt subject to reservation as to roads.⁸⁴⁴

The response from the registrar to the council included a request for a sketch of the location of the proposed road line and the section of the Native Land Act it was proposed to lay off the road-line. Upon receipt he would advise the council of the steps necessary to proceed with the application.⁸⁴⁵ The clerk then replied that the county engineer had been instructed to furnish a report on the proposed access to the block to the council at its next meeting. The clerk also commented:

It seems strange that the subdivision of Rangipo Waiu should not have made some provision for access to this subdivision.⁸⁴⁶

Also at this time, a surveyor working for the Maori owners of Rangipo Waiu B, asked Mr Mair, the county engineer whether the council wished the road to B6C to be surveyed. He said that they had recently completed surveys on Maori land in the vicinity and had done some preliminary work in connection with a proposed road into Rangipo Waiu B5B for the Maori owners. He said that he could meet with Mr Mair within the next few weeks about the matter.⁸⁴⁷

⁸⁴³ Registrar, Native Land Court, Whanganui to County Clerk, Rangitikei County Council, 21 January 1928, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 80.

⁸⁴⁴ County Clerk, Rangitikei County Council to Registrar, Maori Land Board, Whanganui, 30 January 1928, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 81.

⁸⁴⁵ Registrar, Native Land Court, Whanganui to County Clerk, Rangitikei County Council, 8 February 1928, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 81.

⁸⁴⁶ County Clerk, Rangitikei County Council to Registrar, Native Land Court, Whanganui, 5 March 1928, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 82.

⁸⁴⁷ Wall Bogle & Payne, Civil Engineers and Licensed Surveyors to Mr Mair, Rangitikei County Council, 10 March 1928 RDC 00064: 5: 11 Road to Rangipo - Waiouru, Rangitikei County Council, 1926 – 1928, Archives Central, Feilding. SW Document Bank, volume 3, p. 101.

On 1 May 1928, Kingi Topia made an official application for a road (or private way) under the Native Land Act, 1909 and Native Land Amendment Act, 1913 to be laid off over Rangipo Waiu B7A to give access to Rangipo Waiu B6C. The plan showing the proposed road line was attached to the application. The road line started from near the junction of the Moawhangoiti Stream and the Moawhango River and then went through B7A into B6C.⁸⁴⁸

Several months later a letter was sent to the Registrar by solicitors for Kingi Topia, Hussey & Ongley. The letter noted that the application to lay off a road over Rangipo Waiu B7A had been set down for 13 June but was not dealt with. Mr Ongley asked to what date the application had been adjourned to which the Registrar replied 15 August 1928.⁸⁴⁹ The matter was, however, not heard on this date and the Native Land Court minutes around this date contain nothing to suggest that it ever was.⁸⁵⁰ Indeed the application was dismissed for ‘non-prosecution’ on 28 March 1931.⁸⁵¹

Although exact details surrounding the non-prosecution of the application have not been located, a letter of 7 August 1928, from the solicitors for the owners of Rangipo Waiu B6A and B7A, Mr and Mrs Burrridge makes it clear that the application was not supported by those who could most assist. The letter noted that the Mr and Mrs Burrridge had heard ‘casually’ that Kingi Topia had the application before the Court and that if this was so and the application was for a road to be laid off over B6A or B7A, then they wished ‘to oppose the application’. In addition, they required ‘ample notice’ so that they could attend the hearing. The letter concluded:

[Rangipo Waiu B]6A and 7A have only a very small frontage to a public road and the land adjoining to the public road is Mr Burrridge’s sheep yard and holding paddocks

⁸⁴⁸ Kingi Topia, Application for road or private way, 1 May 1928 with attached plan, AEDK 18747 MA-WANG W2140 39 Wh. 603B part 2, 1909-1945, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 205-206.

⁸⁴⁹ Hussey & Ongley, Barristers & Solicitors to Registrar, Native Land Court, Whanganui, 4 July 1928, and Registrar, Native Land Court, Whanganui to Messrs Hussey & Ongley, 23 July 1928, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 83.

⁸⁵⁰ Whanganui Minute Books 88 (March 1928 to June 1928), 89 (July 1928 to April 1929), 90 (April 1929 to February 1930), 91 (February 1930 to August 1930), 92 (August 1930 to March 1931), and 93 (March 1931 to February 1932) and Tokaanu Minute Books 22 (February 1927 to September 1928), 23 (September 1928 to January 1930) and 24 (February 1930 to December 1931) were checked.

⁸⁵¹ Whanganui Minute Book 93, March 1931, p. 38.

and it would be greatly to his detriment if the Court gave Kingi Topia access through these yards.⁸⁵²

The Registrar of the Native Land Court replied to the solicitors that Mr Topia did have an application before the Court to lay off a roadline over Rangipo Waiu B7A and B6C, that Mr Burridge's objection had been noted and that he would be given 'ample notice of the hearing'.⁸⁵³

Nothing further has been located regarding the application. Nor is there any acknowledgement that in fact Mr Burridge could not object to the proposal to lay the road through B7A as it had become European land in 1914, after the December 1913 cut-off date.

What is clear from the correspondence between the various parties, however, is that no process was in place to ensure that access was provided following the 'oversight' of the Native Land Court in 1909. Also, that no agency was prepared to take responsibility and take the matter further. The county engineer went as far as to say to the owner of the access route that he had nothing to fear as if the owner's view on the quality of the land was correct, it was 'not ... worth roading'. Not even the intervention of the Prime Minister could ensure unimpeded access to this Maori land which had been cut off from a public road at the say so of a European settler.⁸⁵⁴

Difficulties for the owners continued. While the land was considered by the adjoining owner and county engineer to be 'not worth roading' it was certainly considered by the clerk of the RCC to be worth rating. In March 1929, KH Hakopa, as 'representative of the owners of Rangipo Waiu [B]6C' asked the RCC for a reduction in rates registered against the block. The amounts were significant: two liens under the 1913 Act were registered against the block in 1918 and 1922 for £76.13.8 and £81.9.1 respectively. A statement of rates owed on the

⁸⁵² Johnston, Beere & Co, Solicitors to Registrar, Native Land Court, 7 August 1928, AEDK 18747 MA-WANG 2140 39 Wh. 603B part 2, Rangipo Waiu, 1909-1945. SW Document Bank, volume 7, p. 202.

⁸⁵³ Registrar, Native Land Court to Messrs Johnston, Beere & Co, 8 August 1928, AEDK 18747 MA-WANG 2140 39 Wh. 603B part 2, Rangipo Waiu, 1909-1945. . SW Document Bank, volume 7, p. 203.

⁸⁵⁴ County Engineer, Rangitikei County Council to SV Burridge, 20 September 1926, RDC 00064: 5: 11 Road to Rangipo - Waiouru, Rangitikei County Council, 1926 – 1928, Archives Central, Feilding. SW Document Bank, volume 3, p. 99.

block between 1915 and 1929 (which included these liens) totalled £332.10.6.⁸⁵⁵ Mr Hakopa said that among the many reasons for the request was the lack of access to the block. He said:

This fact has hampered us in proceeding to put the property on the market and in consequence prevented us from securing a suitable tenant in which case the levied rates would have been paid on due dates.

As a direct result of having no access we have been forced to sell to the only person available (he having the contiguous blocks) at a price suitable to himself; needless to say it was at a far lower rate than the block would have otherwise realized.

It is evident that were no reduction nor remission made we would be under considerable hardship ...⁸⁵⁶

Mr Hakopa asked for 50% remittance in the rates the owners of B6C owed. The council responded that it would be prepared to remit 50% of the rates owed up until 1927 but that the previous two years rates should be paid in full. On this basis the amount due was £188.9.10. This was because from 1927 the rates had been levied on a reduced valuation (all of B6C was valued at £2256 in 1915 (improvements of £120); £1944 (improvements of £194) in 1920, then, according to the RCC jumped to £3326 (improvements of £120) up until 1927 and then re-valued at £1155 (improvements of £155)) in 1927. In July 1929, the Registrar of the Maori Land Court forwarded to the RCC £176.14.3. This was because £11.15.7 was deemed to be owed by Kingi Topia who was the only owner not to sell.⁸⁵⁷

⁸⁵⁵ Rangitikei County Council liens, Rangipo Waiu B6C, 7 September 1918 and 23 November 1922, KH Hakopa to Rangitikei County Council, 4 March 1929, RDC 00072: 5: R/18 Maori Land - 13290/079 Rangipo Waiu B6C1 Kingi Topia Moawhango, Claim 99, 1929-1947, Archives Central, Feilding. SW Document Bank, volume 3, pp. 104-105.

⁸⁵⁶ KH Hakopa to Rangitikei County Council, 4 March 1929, RDC 00072: 5: R/18 Maori Land - 13290/079 Rangipo Waiu B6C1 Kingi Topia Moawhango, Claim 99, 1929-1947, Archives Central, Feilding. SW Document Bank, volume 3, p. 107.

⁸⁵⁷ KH Hakopa to Rangitikei County Council, 4 March 1929; Rangitikei County Council to KH Hakopa, 11 March 1929, Registrar, Aotea Maori Land Court, Whanganui to Rangitikei County Council, 11 July 1929, RDC 00072: 5: R/18 Maori Land - 13290/079 Rangipo Waiu B6C1 Kingi Topia Moawhango, Claim 99, 1929-1947, Archives Central, Feilding; SW Document Bank, volume 3, pp 107, 109. AFHQ 19340 V-WROLLS/41 2/124 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-323, 1912-1927; AFHQ 19340 V-WROLLS/42 2/124 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-250, 1927-1939, Archives New Zealand, Wellington; Valuation certificates for Rangipo Waiu B6C, 1920, 1927, AEGX 19124 MLC-WGW1645 144 3/3145 Rangipo Waiu B6C2, 1917-1930, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 195-196.

The block was sold at its reduced valuation of £1155 less the 1/16th interest of Kingi Topia which made a total of £1082.16.3.⁸⁵⁸

An application for the partition of Rangipo Waiu B6C was heard by the Native Land Court on 26 November 1929. The largest portion, B6C2 consisting of 995 acres 2 roods 2 perches (later adjusted to 990 acres 3 roods 20 perches), was awarded to J Burrridge (the adjoining farmer and owner of the access from the main road) who had purchased all interests in the block except those of Kingi Topia. Initially Mr Topia was not in Court so the matter was adjourned to the afternoon until he could be located. (It was reported to the Court that Mr Topia was in Whanganui for the hearing and had had to borrow money to pay for the expense of having to stay for extra days.) Later, when Mr Topia was in attendance, he was awarded B6C1 consisting of 72 acres 2 roods 22 perches. The block was surrounded on three sides by B6C2 and on the fourth side of B6B. No access was discussed or provided for at the hearing – the focus instead being on the value of the land.⁸⁵⁹

In 1942, it was reported that the Guardian Trust & Executors Company of New Zealand Limited, representing the Burrridge Estate (which owned Maunganui Station located on the Rangipo Waiu B blocks) had been negotiating with Mr Topia for the purchase of B6B1. Negotiations had, however, been suspended on account of Mr Topia's lawyer, HM Keesing, seeking a re-valuation of the land. The Guardian Trust wrote to the Valuer General in December 1942, outlining six factors that the District Valuer should take into consideration when undertaking the new valuation. These were:

1. The Government (present) valuation of this area is approximately £8 per acre, which is in excess of the over-all similar valuation of our Estates property, including the good and poor land and including improvements. We are informed that there are no improvements on Kingi Topia's area.
2. Kingi Topia's area is in the centre (approximately) of our Estate Block, isolated, and has no frontage to any public road.

⁸⁵⁸ Note to President, Aotea Native Land Court, circa 1929, AEGX 19124 MLC-WGW1645 144 3/3145 Rangipo Waiu B6C2, 1917-1930, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 199.

⁸⁵⁹ Registrar, Native Land Court to Kingi Topia, 21 December 1928, AEDK 18747 MA-WANG W2140 39 Wh. 603B part 2, 1909-1945, Archives New Zealand, Wellington. . SW Document Bank, volume 7, p. 206. Whanganui Minute Book 90, 26 November 1929, pp. 258-259, 262-263.

3. If Kingi Topia should seek authority from the Native Land Court to lay off a road through our Estate property, there is provision in the Native Land Act and its amendments enabling the Court to allow our Estate compensation.
4. If Kingi Topia did move as above he would be faced with not only road construction costs, but the expense of boundary fencing not only segregating his property from that of the Estate but also along the road line.
5. The grazing value of such a small area, once isolated from the Estate property, would be comparatively small.
6. Once the area is isolated, it is contended that this must seriously reflect on its market value, as the size of the block is so small that it could not fairly be classified as of any great economic value on its own.⁸⁶⁰

The Guardian Trust added that their observations were submitted to emphasise that Kingi Topia's portion of the block had no comparable value to the BurrIDGE Estate. Also, that Mr Topia was 'anxious to sell' but the gap between the government valuation and what the BurrIDGE Estate was prepared to pay was too great. Kingi Topia, however, was prepared to accept this lesser amount but the difficulty, the Guardian Trust claimed, was that the Native Land Court took account of the existing government valuation when confirming such a purchase. Another letter was sent to the Trust to the Valuer General which corrected the statement that there were no improvements. In fact, the Trust said, there were improvements on Kingi Topia's land representing the felling or the original bush and grassing.⁸⁶¹

On 5 March 1943, the District Valuer reported on the block. He stated that it was 'good clean easy hill sheep and cattle country at a high altitude', that it was surrounded by land held by the BurrIDGE Estate, was not fenced (and that he had 'some difficulty' locating it). He also noted that there was no legal access, the nearest road being 1 ½ miles away in a straight line but that the hills were 'so easy that by picking a route amongst them a car could be driven to the place, and under the Native Land Amendment and Native Land Claims Adjustment Act a road could be taken but no doubt compensation would be claimed'.⁸⁶²

⁸⁶⁰ Edgar Wylie, Manager, The Guardian Trust & Executors Coy to Valuer General, 17 December 1942 and 21 December 1942, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 86.

⁸⁶¹ Ibid.

⁸⁶² Acting District Valuer to Valuer General, 5 March 1943, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 87.

He said that the land was currently grazed as part of the Maunganui Station, its 'area and position' were such that 'the only practicable buyer' was the Burridge Trustees and that if they called upon the owner of the area to fence, 'it would not pay for him to do so if he could sell'. He did not feel justified, he said, in putting a valuation on the land that might 'induce a third party to bid for it' but had endorsed the roll value. This was, in his opinion, 'a fair price to ask the said Trustees to pay'.⁸⁶³

The Valuer General forwarded the above report and letters from the Guardian Trust to the Native Land Court together with the valuation certificate which showed the capital value as £565, unimproved value £275, and improvements of £290. The Valuer General noted that no search had been made of the land of the Estate surrounding B6C1 and incorrectly assumed that 'no doubt right of access over these blocks (B6C2, B7A and B7B) is reserved to the Native, who would not necessarily require a formed road'. He also noted that Kingi Topia would have to bear half the cost of fencing if he decided to fence the block.⁸⁶⁴

An application under section 246 of the Native Land Act 1931 which limited the amount of land settlers could accumulate was sent by the Guardian Trust to the Native Land Court in November 1945 applying for an order in council authorising the acquisition by the Trust of B6C1 on the following grounds:

1. That the lands of which the Applicant is registered Proprietor bound the land hereinbefore described on three sides [B6B2] and the Applicant is registered Proprietor of a Leasehold Estate of the lands on the fourth side [B6B].
2. That the land hereinbefore described is unfenced and uncultivated and is a menace to the lands surrounding.
3. That the said piece of land had no access to a Public Road
4. That owing to the topographical features of the land the only satisfactory access to a Public Road that could be given to the said piece of land is through that part of the lands of the Applicant that is used for the homestead and sheep and cattle yards and would be detrimental to the lands of the Applicant.

⁸⁶³ Acting District Valuer to Valuer General, 5 March 1943, Valuation of Rangipo Waiu B6C1, circa 1943, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 87-88.

⁸⁶⁴ Valuer General to Registrar, Native Land Court, Whanganui, 12 March 1943, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 89.

5. That it is more economic for the said piece of land to be worked in conjunction with the land of the Applicant.⁸⁶⁵

The application did not mention that it was SV Burrige who had objected to the block being provided with road access in the 1920s nor the comment by the District Valuer that the contour of the land was such that a road could easily be formed.

Attached to the application was a plan showing the location of B6C1. It also showed that the Burrige Estate owned the freehold of B5, B6A, B6C2, B7A, B7B, B7C, B7D, B7E and leased B2, B3 and B6B. In addition the estate held an extensive area of grazing rights from the Crown which extended from the north of B3 through to the far edge of B7E. Of the Rangipo Waiu B block, this left B1 (leased to Peters), B6C1 (the land in question) and B4 (which the Native Land Court believed was then being grazed by the Burrige Estate and was later sold to the Guardian Trust in 1950).⁸⁶⁶

On 14 February 1946, the Court heard the application to confirm the sale. At this hearing it was recorded that Kingi Topia had died and his interests succeeded to by Mangai Kingi. At the hearing a Mr WR Brown (presumably for the Guardian Trust) stated that the land surrounding B6C1 was owned by the estate of Jessie Burrige which owned 569 acres 3 roods freehold and 2188 acres 2 roods 27 perches leasehold. He also reiterated that B6C1 had ‘no access to a public road’, was unfenced, uncultivated and a ‘menace to the lands surrounding it’. He continued along similar lines to Burrige’s letter of 1928:

[The] only satisfactory access to a Public road is through that part of the lands of the applicant that is used for the homestead and sheep and cattle yards and would be detrimental to the lands of the applicant that it more economic for the said land to be worked in conjunction with the lands of the applicant.

⁸⁶⁵ Guardian Trust & Executors Company of New Zealand Limited, Application under section 246 re Rangipo Waiu B6C1, 29 November 1945, with plan, AEDK 18747 MA-WANG W2140 39 Wh. 603B part 2, 1909-1945, Archives New Zealand, Wellington. . SW Document Bank, volume 7, p. 207.

⁸⁶⁶ Guardian Trust & Executors Company of New Zealand Limited, Application under section 246 re Rangipo Waiu B6C1, 29 November 1945, with plan, AEDK 18747 MA-WANG W2140 39 Wh. 603B part 2, 1909-1945. SW Document Bank, volume 7, pp. 207-208. Minutes of meeting of owners, 23 June 1948, AEGX 19124 MLC-WG W645 223 3/6366 Rangipo Waiu B4, 1947-1951, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 202-203.

I think from a conversation I had with the valuer that the land is mostly third class. I ask for the recommendation not for the Burridges but for the vendor's sake.⁸⁶⁷

The Court, 'under the special circumstances', make the recommendation requested.⁸⁶⁸

In 1946, the Registrar of the Native Land Court asked the RCC what amount had been secured by the Council by charging orders for rates in respect of B6C1. The Council replied that there were rates owing from 1914 to 1925 representing half the balance secured, the Council having written off the other half, and from 1 April 1931 to 31 March 1945 (though rates for 1942/43 had yet to be secured though were still deemed recoverable). The amount was over £50.⁸⁶⁹ On 30 January 1947, the Registrar, of the Native Land Court advised the solicitors for the Guardian Trust that the sale of B6C1 was in order apart from the payment of outstanding rates. The Registrar suggested that as the Burrige Estate had been in occupation of the land the estate should pay these rates. The Registrar also advised the Council that in the Board's opinion the rates should be recovered from the occupier in terms of section 110 of the Rating Act, 1925. Although the Burrige Estate would not admit that they had grazed the land, they agreed to pay half of the rates owing (the Council had reduced it to £40). The other £20 was deduced from the purchase price. The Registrar advised the solicitors that £40, the amount the Council had agreed to in full satisfaction of rates, had been forwarded to the Council in September 1947.⁸⁷⁰

14.12 Rangipo Waiu B6B1 and B6B2

Rangipo Waiu B6B1 and B6B2 are two of the three blocks in Rangipo Waiu B still in Maori ownership. As with all the other Rangipo Waiu B blocks, no access was ordered when the block was partitioned in 1909. Rangipo Waiu B6B, located to the north of B6A was leased

⁸⁶⁷ Whanganui Minute Book 104, 14 February 1946, p. 110.

⁸⁶⁸ Whanganui Minute Book 104, 14 February 1946, p. 110.

⁸⁶⁹ Registrar, Native Land Court, Whanganui to Rangitikei County Council, 5 December 1946 and Rangitikei County Council to Registrar, Native Land Court, Whanganui, 6 December 1946, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 90.

⁸⁷⁰ Registrar, Native Land Court to Messrs Burnett & Palmer, 30 January 1947; Registrar, Native Land Court to Rangitikei County Council, 7 February 1947; Registrar, Native Land Court to Messrs O & R Beere & Co, Barristers and Solicitors, 9 September 1947, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 91-92.

to the aforementioned SV BurrIDGE (who owned the adjacent B6A from 1912) for 42 years from 1 June 1910.⁸⁷¹

On 23 October 1925, on the application of Morehu H Downs, B6B was partitioned into two parts called B6B1 and B6B2 with each containing 534 acres 35 perches. As with previous partition hearings there is no mention in the minutes of roadways being ordered and included as part of the partition orders. Rangipo Waiu B6B1 was located north of B6A and B6B2 was located north of B6B1 and east of B5B.⁸⁷²

Less than a year later, the solicitor for Mr Downs submitted an application to the Native Land Court for road access into Rangipo Waiu B6B2. The solicitor said that he expected that a sketch plan showing the proposed access over the adjoining block would be available shortly.⁸⁷³ The application was, however, returned by the registrar to the solicitor the next day as it required a fee of 10/- to be paid to the Court.⁸⁷⁴ Across the application are the words: 'Dismissed 11.3.1929'. Indeed the minute book for that date record that the application was 'dismissed for non-prosecution'.⁸⁷⁵

This application was made at a similar time to when Kingi Topia was pursuing access to Rangipo Waiu B6C. Given that the lessee, SV BurrIDGE, objected in 1928 to a road-line being laid out through his freehold land (B7A and B6A) to access B6C, it is likely that he was similarly concerned about the proposed roadway of Mr Downs to B6B2 which would also have had to traverse his freehold land. An objection over using B6A for access would have prevented the application by Mr Downs from being successful (though a roadway through B7A could have been ordered without the permission of the owner).

In November 1946, the solicitors for the Guardian Trust and Executors Co. Ltd who were acting for the BurrIDGE Estate (Jessie and SV BurrIDGE) advised the President of the Aotea District Maori Land Board that the trust, who were charged with selling the estate's assets

⁸⁷¹ Registrar, Native Land Court, Whanganui to Under Secretary, Native Department, 16 September 1936, 3/6572, Rangipo Waiu B6B2 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 112.

⁸⁷² Tokaanu Minute Book 21, 23 October 1925, pp. 88-89.

⁸⁷³ KA Williams, Solicitor, Marton to Registrar, Native Land Court, Whanganui, 15 July 1926, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 79.

⁸⁷⁴ Registrar, Native Land Court, Whanganui to KA Williams, Solicitor, Marton, 16 July 1926, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 79.

⁸⁷⁵ Whanganui Minute Book 89, 1 March 1929, pp. 292-293.

would be in a better position if the leases to B6B were renewed (and B4 purchased). The president of the board was asked if such leases and purchases could be arranged.⁸⁷⁶

The lease was not, however, renewed at this stage. Instead, it was apparent that the owners wished to utilise the block themselves. In October 1954, an application to summon a meeting of owners for both B6B1 and B6B2 was heard by the Maori Land Court to consider a resolution to grant timber cutting rights to S Chase Limited. JB Jack, for the applicant, noted that the lease held by the Burrridge Estate for B6B2 had expired on 30 May 1952 and as far as he knew, no lease existed. He said that the block was situated east of the Waiouru township towards the Kaimanawa Range and that access was from Kaimanawa road. The Court duly ordered that a meeting would be called. At the meeting held in February 1955, Mr Chase noted that the quantity of timber available was limited and that access was difficult. He said that the timber would either have to be taken to Moawhango which involved 'some 8 miles of access roading to [the] block' or through Waiouru Military Camp which would involve about 12 miles. The resolution was carried.⁸⁷⁷

On 22 May the resolution was confirmed by the Maori Land Court subject to a number of conditions including the involvement of the New Zealand Forest Service (NZFS) and the Maori Trustee and the consent of the Minister of Forests. It was also made 'subject to reasonable legal and practical access to the bush upon the said land being procured. Some of the conditions were amended in 1957.'⁸⁷⁸

Access was, however, problematic. Almost four years later, in February 1959, the District Officer at the Maori Land Court asked the lawyers for Mr Chase whether the access road had been completed.⁸⁷⁹ Difficulties continued and in February 1960, the Court held an application for the rescission of the confirmation of resolution of the owners. At the hearing was JE

⁸⁷⁶ O & R Beere & CO, Barristers & Solicitors to President, Aotea District Maori Land Board, Native Land Court, Whanganui, 25 November 1946, 3/6572 Rangipo Waiu B6B2 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 113.

⁸⁷⁷ Tokaanu Minute Book 31, 11 October 1954, pp. 386-388; Meeting of owners and resolution of meeting of owners, 23 February 1955, 3/6861, Rangipo Waiu B6B1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 119.

⁸⁷⁸ Registrar, Maori Land Court to Messrs Currie, Jack & Davis, Barristers & Solicitors, 26 May 1955, 3/6861, Rangipo Waiu B6B1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 120.

⁸⁷⁹ District Officer, Maori Land Court to Messrs Currie, Jack and Davis, Barristers & Solicitors, 26 February 1959, 3/6861, Rangipo Waiu B6B1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 122.

Nelson for the Maori Trustee and DG Davis for S Chase Ltd. Mr Nelson stated that S Chase Ltd had failed to comply with the conditions. The decision was reserved. The solicitors for Mr Chase then said it was hoped to have the access road surveyed within a fortnight (the survey had by then been agreed to by the military authorities by a signed agreement). The survey had not been done by the time the matter was again considered by the Court in June 1961 so the Court annulled the confirmation of the resolution to grant timber rights.⁸⁸⁰

In February 1965, solicitors for WE and E Fernie, advised the Maori Land Court of their position in regard to the proposed sale of B2, B3, B6B1 and B6B2. (The Guardian Trust had transferred the interests of the Burrridge Estate to them in 1951.⁸⁸¹) The Fernie's had decided to proceed only with the purchase of B2 and B3 as they considered the owner's proposed rental amount for B6B2 to be 'quite ridiculous'. The meeting of owners for B6B1 had been adjourned to enable the owners to inspect the land and there had been further delays with the organisation of a further meeting.⁸⁸²

In November 1976, an application was heard by the Maori Land Court to vest Rangipo Waiu B6B1 in trustees under section 438 of the Maori Affairs Act, 1953. The applicant was Whakapumautanga Down who was present at the hearing together with Katerina Wikaira. Whakapumautanga Down stated that there were 13 owners of the block, all of whom were closely related and that just one owner could not be contacted. He said that the land had been leased by Mr and Mrs Fernie but the lease had expired in 1952. Between 1952 and 1960 the land 'stayed as was' until negotiations began with the Fernies for the sale or lease of the block. As too few owners attended, the meeting of owners did not go ahead. The Fernie's subsequently dropped their negotiations as they considered both the sale price and rental proposed too high.⁸⁸³

At the hearing it was noted by the owners that the land had been largely unoccupied but they had been unable to inspect it as it had no access. Practical access, Whakapumautanga Down said, was not off Burridges Road but over land to the south owned by the Fernies (he did not

⁸⁸⁰ Whanganui (Alienation) Minute Book 4, 28 June 1961, pp. 22-25.

⁸⁸¹ Declaration regarding transfer of Burrridge Estate to WE and E Fernie, 21 February 1952, 3/6365, Rangipo Waiu B3 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 107.

⁸⁸² Christie Craigmyle Tizard & Dickson, Barristers & Solicitors to Registrar, Maori Land Court, Whanganui, 19 February 1965, 3/6364 Rangipo Waiu B2 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 101.

⁸⁸³ Tokaanu Minute Book 56, 19 November 1976, pp. 38-40.

specify which block though it was possibly formerly part of the Motukawa block). Part of the reason the owners wished to form a trust was to enable the owners to get access.⁸⁸⁴

In 1976, the Court ordered that the land be vested in trustees under section 438 and that the trustees held the land upon trust to ‘negotiate and apply to the Maori Land Court or Supreme Court for a right of way or other access over European land so as to provide access to the said land’. In addition the trustees were to arrange a lease for a term not exceeding 15 years but that this lease was dependent on satisfactory access being obtained. If the trustees were not successful then they were to negotiate with the owner of the European land for an exchange which could be made by application to the Maori land Court.⁸⁸⁵

The valuation roll for both Rangipo Waiu B6B1 and B6B2 between 1979 and 1984 shows the occupier as the estate of Walter Edward and Eleanor Fernie though no record has been found to confirm the date of the lease or if it was just an informal arrangement.⁸⁸⁶

In February 1983, Herbert Steedman wrote to the RCC on behalf of the Downs family trustees who owned what he described as the ‘Maori freehold land at Maunganui Station’ - Rangipo Waiu B6B1. He said that in the past the trustees had ‘experienced problems in their endeavours to provide this block with legal access’ as the adjoining owner had refused the consent required to apply to the Maori Land Court under section 418 for a roadway order. He also stated that the adjoining land Rangipo Waiu B6A (DP 2705) was outside the jurisdiction of the Maori Land Court as it had ceased to be Maori land on 23 May 1913, 6 months prior to 15 December 1913 ‘whereby roadways could be made without consent being necessary’. He said that the trustees were now seeking an order for an alternative route and their application would be heard by the Court in March 1983. He said he had advised the Trustees that they needed to seek consent from the relevant territorial authority – hence his letter. He forwarded an aerial photograph which showed the alternative route proposed as well as the existing formed road and asked for a meeting.⁸⁸⁷

⁸⁸⁴ Tokaanu Minute Book 56, 19 November 1976, pp. 38-40.

⁸⁸⁵ Tokaanu Minute Book 56, 19 November 1976, pp. 38-40.

⁸⁸⁶ AAPW W3326 Box 3 Valuation Rolls – Rangitikei County 13290, 1979, Archives New Zealand, Wellington.

⁸⁸⁷ Herbert Steedman to Rangitikei County Council, 9 February 1983, RDC 00079: 29: R70/0175, Roads, County, Burridges, Rangitikei County Council, 1983, Archives Central, Feilding. SW Document Bank, volume 3, pp. 168-169.

The County Engineer replied that an inspection was required before the council could consider supporting such an application. He noted that the aerial photograph showed farm tracks and that there was a legal road up to the Maunganui Station Bridge. He also suggested a time to meet.⁸⁸⁸ There is, however, nothing further about the matter on the council file and council minutes from Archives Central, or in the Court correspondence, block order and alienation files viewed. In addition no other files on the matter could be located at the offices of the RDC though given that the blocks were from 1987 under the jurisdiction of the Ruapehu District Council it is possible that this council hold records on the matter.⁸⁸⁹ Given that the block is still landlocked, however, it would suggest that neither council were able to assist with the access proposal.

Maori Land Online shows tracks from Maunganui Station Bridge to both blocks through the station. It also shows that there is a road north of the blocks that comes off SH1 south of Waiouru which is presumably Defence Department land. From this road there are tracks which lead to the northern tip of Rangipo Waiu B6B2 though it is not known if these are suitable for vehicles or how difficult the terrain is for walking.⁸⁹⁰

No charging orders or evidence of the non-payment of rates has been located. In addition there is no RCC rating file for the block. This would suggest that despite the land being landlocked and with no formal lease since 1952, the rates have always been paid, at least until 1987 when the RCC was dis-established.

Richard Steedman advises that Rangipo Waiu B6B1, which is vested in trustees, is currently leased but B6B2 is not. There is no further information about the blocks on Maori Land Online.⁸⁹¹

⁸⁸⁸ County Engineer, Rangitikei County Council to Herbert Steedman, 14 February 1983, RDC 00079: 29: R70/0175, Roads, County, Burridges, Rangitikei County Council 1983, Archives Central, Feilding. SW Document Bank, volume 3, p. 170.

⁸⁸⁹ Council file is RDC 00079: 29: R70/0175, Roads, County, Burridges, Rangitikei County Council, 1983. Council minutes were checked from February 1983 to December 1984, RDC 00009:19:20 Council meetings minutes books, Rangitikei County Council, 1980-1983 and RDC 00009:20:21 Council meetings minutes books, Rangitikei County Council 1984-1986, Archives Central, Feilding. In addition, the records officer at the Rangitikei District Council was unable to locate any other more recent files regarding the matter. Due to time constraints, records of the Ruapehu District Council have not been examined.

⁸⁹⁰ Maori Land Online

⁸⁹¹ Conversation with Richard Steedman and author, 20 May 2015.

14.13 Rangipo Waiu B5

In 1923, Rangipo Waiu B5 was valued at £301 (capital value), £256 (unimproved value) and £45 (value of improvements). The land was not leased. On 5 November 1926, soon after the passing of the Rating Act 1925, the RCC applied for charging orders totalling £67.05 on Rangipo Waiu B5 dating back to 1 April 1921 up until the year ending 31 March 1927.⁸⁹² The application was heard by the Native Land Court on 20 April 1927 and a charging order made against the block. There was no discussion recorded at the hearing about the quality and usage of the land – just that rates were owed.⁸⁹³

In the same year, SV Burrige acquired 512 acres 3 roods 25 perches of the block for £256.7.6. The block was partitioned on 30 September 1926 into two parts: B5A (512 acres 3 roods) awarded to one owner and B5B (also 512 acres 3 roods) which was awarded to the remaining owners (who had sold their interests to SV Burrige). No provision was made for access at the partition hearing. The sale to Burrige was confirmed in July 1927.⁸⁹⁴

On 3 December 1926, SV Burrige applied to the Native Land Court to lay out a road line over Rangipo Waiu B6B ‘to afford access to Rangipo Waiu B5 from the Waipuna Road’. This followed an application in July of the same year by Mr Downs for access into B6B2. The application was heard by the Court on 8 February 1927. The matter was, however, held over pending obtaining the consent of the lessee of B6B1 and notice being served on the owner of the property. The Court also queried whether the proposed road line afforded ‘access to a public road’ as contemplated by section 49 of the 1913 Act (meaning the proposed roadline did not link with a public road).⁸⁹⁵ In March 1929, the Native Land Court dismissed the application for ‘non-prosecution’.⁸⁹⁶

⁸⁹² Rangitikei County Council to Registrar, Native Land Court, 5 November 1926, AEDK 18747 MA-WANG W2140 39 Wg. 603B part 2 Rangipo Waiu, 1909-1945, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 209-212.

⁸⁹³ Whanganui Minute Book 86, 20 April 1927, pp. 201-209.

⁸⁹⁴ Valuation Certificate, 3 November 1923 and Aotea District Maori Land Board cover sheet, 1926, AEGX 19124 MLC-WG W1645 131 3/2046 Rangipo Waiu B5, 1921-1926, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 211-212. Whanganui Minute Book 85, 30 September 1926, pp 281-282.

⁸⁹⁵ SV Burrige, Application for roadline, 3 December 1926, AEDK 18747 MA-WANG W2140 39 Wh. 603B part 2, Rangipo Waiu, 1909-1945, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 201. Whanganui Minute Book 86, 8 February 1927, p. 126.

⁸⁹⁶ Whanganui Minute Book 89, 1 March 1929, pp. 292-293.

The remainder of the block, B5A, was sold to SV Burrridge in 1928 for £256.4.1.⁸⁹⁷

On 19 November 1928, the RCC advised the Native Land Court that £36.16.6 of the £68.0.5 owed for rates had been paid in respect of Rangipo Waiu B5A and on 1 December 1928, that the balance of the charges had been paid. A letter from the purchaser's solicitor in December 1930, however, complained that the Burridges had been invoiced for unpaid rates on B5A and that these should have been deducted from the purchase money paid to the Maori owners. A reply is not on file and none of the other files examined have revealed whether the rates were deducted from the purchase money as is supported by the letter to the Native Land Court or if the new owner had to pay them.⁸⁹⁸

14.14 Rangipo Waiu B4

No lease was registered against the Rangipo Waiu B4 block which consisted of 1195 acres 3 roods 16 perches and it also had no legal access. This was probably not of concern to the farmers unofficially grazing the land in the 1940s (Mr and Mrs Burrridge) as it was located between B3 (leased to the Cornford and later the Burridges from 1911) and B5 (owned by the Burrridge family since 1927/1928). Access would have been from B7A and B6A (which were both owned by the Burridges and accessible from a public road) through B6B (contiguous to B6A and leased for 42 years from 1910 to the Burridges), into B5 and then into B4. Maps indeed show a road off Waipuna Road (which comes off the Napier- Moawhango Road) that went into B4 but maps of today show that although it is was a legal road Waipuna Road was never formed.⁸⁹⁹

A meeting of owners was held on 23 June 1948 to consider either the sale or lease for 21 years of Rangipo Waiu B4 to the Guardian Trust (executors for the Burrridge Estate). In attendance were six owners including Morehu Downs. The minutes of the meeting do not record the percentage of shares represented. The minutes do record, however, that there was

⁸⁹⁷ Aotea District Maori Land Board confirmation of alienation of Rangipo Waiu B5A, Rangipo Waiu Block order file, Wh 603 volume 5, Taihape Inquiry District Document Bank, volume 5, p. 376.

⁸⁹⁸ County Clerk, Rangitikei County Council to Registrar, Native Land Court, Whanganui, 19 November 1928 and 1 December 1928, 23/603, Rangipo Waiu correspondence file, Aotea Maori Land Court, Whanganui; SW Document Bank, volume 2, pp. 83-84; AM Ryan, Accountant, Taihape to Rangitikei County Council, 17 December 1930, RDC 00072: 5: R/18 Maori Land - 13290/079 Rangipo Waiu B6C1 Kingi Topia Moawhango, Claim 99, 1929-1947, Archives Central, Feilding. SW Document Bank, volume 3, p. 129.

⁸⁹⁹ Minutes of meeting of owners, 23 June 1948, AEGX 19124 MLC-WG W645 223 3/6366 Rangipo Waiu B4, 1947-1951, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 202-203.

some discussion regarding rates and then it was decided unanimously to sell to the Guardian Trust & Executors Company at a price equal to a special government valuation (Rangipo Waiu B4 had been valued in 1947 at £150 (£100 of which was improvements in the form of fencing and, (tellingly) tracks)) provided the purchaser paid all charges for rates ‘on the assumption that he has had the grazing of the land’.⁹⁰⁰

Rates charging orders totalling over £42 were registered against the block which were owed from the year ending 31 March 1932 to 31 March 1942. An application in 1946 for a charging order for other rates (the years weren’t given) was dismissed as the rates had been paid. It was not stated by whom. Although the rates owed were paid by the purchaser, outstanding survey liens threatened to consume the purchase money. The block was sold for £150 but £94.9.3 (£33.1.2 principle plus interest from 8 March 1913) was owed in survey liens. A request for a deduction from the Registrar of the Native Land Court (he considered the amount ‘out of proportion to the value of the block’) resulted in the Chief Surveyor reducing the amount to £41.6.6 (the principle and 5 years interest) which was deducted from the purchase money. This was still almost a third of the purchase money.⁹⁰¹

Therefore at the time of the sale, Rangipo Waiu B4, was the only block amongst the Rangipo Waiu B blocks (apart from B1) that was not owned or leased by the Burridges. In addition, it had no access and the land had £42 of rates charging orders and £94.9.3 in survey liens registered against the block.

14.15 Rangipo Waiu B2 and B3

Rangipo Waiu B2 and B3 were both leased to Nellie Cornford for 42 years from 7 March 1911 and 3 May 1911 respectively. Both leases included the provision to pay rates and both rentals were reduced during the life time of the leases: B2 in 1948 from £25.12.3 to £5.6.8

⁹⁰⁰ Minutes of meeting of owners, 23 June 1948, AEGX 19124 MLC-WG W645 223 3/6366 Rangipo Waiu B4, 1947-1951, SW Document Bank, volume 8, pp. 202-203. AANX W3829/93 Maps & Plans – N.Z.M.S. [New Zealand Mapping Society] 15 – Sheet 1 – Rangitikei County Boundaries of Riding 1975 – 5th Commission, 1958, Archives New Zealand, Wellington.

⁹⁰¹ Registrar, Native Land Court to Chief Surveyor, 24 March 1950, 12 April 1950 and 18 September 1950, Chief Surveyor to Registrar, 27 March 1950, 6 September 1950, Receipt for survey liens, AEGX 19124 MLC-WG W645 223 3/6366 Rangipo Waiu B4, 1947-1951, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 205-209.

and B3 in 1938 from 1/- acre (about £30) to £6.4.6.⁹⁰² At some stage the lessees were transferred to the Burridges though it is not clear from the records exactly when this happened.

As explained in a previous section, in July 1914, Nellie Cornford, who was also the lessee of Rangipo Waiu B7C, together with Samuel Burrridge the lessee of B7E, applied to the Native Land Court under section 50(1) of the 1913 Act for a roadline to be laid out as, they stated, the blocks that they leased had no access.⁹⁰³ The application to lay off road-lines to give access to Rangipo Waiu B2, B3, B7C and B7E was heard by the Native Land Court in September 1914. The minutes record that the Public Trustee was having a proclamation issued taking a road under the Public Works Act through 7A to give access to B. It was asked that access be granted in continuation of the road to be taken by proclamation and that the agreement of the lessees would be secured. The Court (Judge Jack) commented that a 'general roading scheme' might be laid off to which the lawyer for the applicant agreed. The Court then made an interlocutory order that a road-line be laid off and that the matter be reopened when the surveyor had reported. On 22 September 1914, Nellie Cornford and Jessie Burrridge gave consent to a road-line being laid out over the land that they leased.⁹⁰⁴ Nothing further about this particular application has been located on Maori Land Court files.

In 1947, the District Valuer inspected and valued Rangipo Waiu B2, B3 and B4 in preparation for a meeting of owners to consider the sale or lease of the blocks to the Burrridge Estate (administered by the Guardian Trust). The blocks were described as 'open tussock country of poor quality at a high altitude, running over 3000 feet, and very cold and exposed'. The Valuer noted too that the blocks had no legal access. He concluded that the properties,

⁹⁰² Registrar, Department of Maori Affairs, Whanganui to Valuation Department, Whanganui, 18 March 1948, 3/6364 Rangipo Waiu B2 Alienation file, Aotea Maori Land Court, Whanganui; SW Document Bank, volume 1, p. 97; and Maori Land Administration Title page, Rangipo Waiu B2, AEGX 19124 MLC-WG W1645 11 3/1911/130 Rangipo Waiu B2, 1911-1915, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 213-215.

⁹⁰³ Applications from Cornford and Burrridge, 6 July 1914, AEDK 18747 MA-WANG W2140 39 Wh. 603, Rangipo Waiu, 1907-1918, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 234-237.

⁹⁰⁴ Consents from Cornford and Burrridge, 4 September 1914, AEDK 18747 MA-WANG W2140 39 Wh. 603, Rangipo Waiu, 1907-1918, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 238-244.

which had ‘very limited use’, were being ‘well managed’.⁹⁰⁵ Rangipo Waiu B2 was valued at £90 (capital value), £10 (unimproved value) and £80 (improvements).⁹⁰⁶

On 23 February 1948, Te Hira Marino and six others wrote to the Registrar of the Maori Land Court in response to the registrar’s letter advising of the proposal to sell or lease B3 to the Guardian Trust. Te Hira Marino said that they did not wish to sell or lease and that the land should ‘come back (be returned) to us’.⁹⁰⁷

In March 1964, a meeting of owners was held at Whanganui to consider the sale or lease to WE and E Fernie. In attendance were just five of the 118 owners representing 88.59785 shares (the total number of shares is not given). A solicitor, Mr Jack, represented the estate of Kiwa Te Kooro who held 63.8852 shares which was over three quarters of the shares represented at the meeting. Mr Tizard, solicitor for the applicant stated that the block was ‘hemmed in by freehold land owned by [the] Fernies’ that there was no legal access and it was ‘uneconomic’ on its own. He said that it would cost the owners a considerable amount to fence and that although the Fernies were ‘one of [the] biggest land owners in N.Z ... it would not be considered undue aggregation in this case’. It was also reported that the Forestry Service had indicated that there was no timber of any value on the land. Mr Tizard noted that the lease had expired in 1953 and the land was not wanted by the Crown nor was ‘anybody else interested’. The Fernies wanted ‘to do fair thing to owners and under the circumstances would particularly like to buy- the land of no use to owners and shares uneconomic’. Mr Jack also supported the resolution to sell stating that it was ‘better’ to do so as rental under a lease would bring in very little to any of the owners. He reiterated that the land was ‘quite uneconomic and of no use to the owners’.⁹⁰⁸

One of the owners in attendance, Ngapaina Rapoti, did not wish to sell and thought more owners should be at the meeting. The Chairman responded that notice of the meeting was sent to the ‘majority’ of the owners and if they were interested ‘it was their responsibility to

⁹⁰⁵ District valuer, Whanganui to Registrar, Maori Land Court, Whanganui, 31 March 1948, 3/6364, Rangipo Waiu B2 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 98.

⁹⁰⁶ Valuation of Rangipo Waiu B2, 1947, 3/6364, Rangipo Waiu B2 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 95.

⁹⁰⁷ Te Hira Marino and 6 others to Registrar, Maori Land Court, Whanganui, 23 February 1948, 3/6365, Rangipo Waiu B3 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 104.

⁹⁰⁸ Statement of Proceedings of Meeting of Assembled owners, Rangipo Waiu B3, 13 March 1964, 3/6365 Rangipo Waiu B3 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 103.

attend the meeting'. A check of the Maori Land Court file reveals that notices were sent to the owners on 26 February giving 15 days' notice though this would have been less by the time the notices had been received if in fact they had been sent to the correct addresses.

All the owners agreed to sell apart from Ngapaina Rapoti.⁹⁰⁹ The resolution to sell was confirmed by the Maori Land Court on 29 June 1965. At the hearing the Court stated that there was 'no doubt of wisdom of sales', that the land was of 'no use to Maori owners' and was 'only of use to adjoining farmer'. Also that it could only be farmed by someone with 'large resources' and for that reason there was 'no undue aggregation'.⁹¹⁰

In May 1964, a meeting of owners was held at Raetihi to consider the sale or lease Rangipo Waiu B2 to WE and E Fernie. In attendance were three of the 15 owners representing 0.1167 shares out of 1.0000 shares (just over 10% of the shares). A consolidated list of owners dated November 1958, recorded that there were 15 owners. Also in attendance was George Hipango and JD Tizard, solicitor for the applicant. Tizard showed a plan of the area to the owners and advised the three owners that the block had no access, was 'of no use to the owners', 'uneconomic' and surrounded by leasehold and freehold lands belonging to the applicants. He said that the applicants wanted 'to do the right thing by the owners' and would prefer to buy rather than lease. Each of the three owners stated that the land was of no use to them, that they 'appreciated the position of the applicants and that they were quite prepared to sell'. They 'realised that rent under a lease could only be very small'. The owners in attendance (representing 10% of the shares) unanimously agreed to sell the 511 acres 3 roods 33 perches for £455.⁹¹¹

The resolution to sell was confirmed by the Maori Land Court on 29 June 1965 and the same comments made in respect to Rangipo Waiu B3 to justify its sale as was said for Rangipo Waiu B2.⁹¹²

⁹⁰⁹ Ibid.

⁹¹⁰ Whanganui (Alienation) Minute Book 5, 29 June 1965, pp. 181-182.

⁹¹¹ Statement of proceedings of meeting of assembled owners, Rangipo Waiu B2, 1 May 1964, and Consolidated list of owners up to 4/11/58 Rangipo Waiu B2, 3/6364 Rangipo Waiu B2 Alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 100.

⁹¹² Whanganui (Alienation) Minute Book 5, 29 June 1965, pp. 181-182.

14.16 Rangipo Waiu B1

As discussed above, a roadway to access the 663 acres 34 perches Rangipo Waiu B1 block was not ordered when the block was partitioned in 1909. No documentation has been located as to how the owners accessed the block at this early stage but presumably they were able to use the adjacent land for this purpose while it stayed in Maori ownership. As will be detailed below, the land has been leased continuously from 1934 by several generations of the Peters family and they have been able to access the block through adjoining land that the family owns and leases.

The 663 acres 34 perches Rangipo Waiu B1 block was initially leased to John A Cullinane but by 1930 he had advised the RCC that he no longer had anything to do with it. It was then leased from 7 November 1934 to Clara Peters for 42 years. This lease followed the issue by the Native Land Court in August 1932 and August 1934 of two charging orders on the application of the RCC. The first charging order was for rates owed between 1 April 1931 and 31 March 1932 for the amount of £7.12.9 plus 10/- costs. The second charging order was for the period 1 April 1932 to 31 March 1934 for the amount of £14.15.10 plus 10/- costs. Minutes of the hearings where the applications were considered did not record any information about the block apart from that rates were owed. Likewise, the hearing where the lease was confirmed did not contain any details regarding the lease apart from the basics (area, owner, lessee, term, rental, valuation and that the first half years rent had been paid.)⁹¹³

At the time the land was leased in 1934 it was also valued. The capital value was £110, the unimproved value £30 with improvements of £80. Both the occupier and owner were named as Rangiwahia Ngarimu.⁹¹⁴

⁹¹³ County Clerk, Rangitikei County Council to Registrar, Native Land Court, Whanganui, 31 July 1930, 23/603, Rangipo Waiu Correspondence file, Aotea Maori Land Court, Whanganui; SW Document Bank, volume 2, p. 85. Aotea District Maori Land Board confirmation of alienation of Rangipo Waiu B1, 3 October 1935, Rates charging orders, 17 August 1932 and 17 August 1934 for Rangipo Waiu B1, Rangipo Waiu Block order file, Wh 603, volume 4, Taihape Inquiry District Maori Land Court Document Bank, volume 5, pp. 334, 335, 336; Whanganui Minute Book 96, 13 December 1934, p. 268.

⁹¹⁴ Valuation report for Rangipo Waiu B1, 1934, 3/4887, Rangipo Waiu B1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 47.

These charging orders had still not been discharged in 1963 when there was a proposal to sell the block to the lessee. The RCC also advised the Court at this time that there were additional ‘unsecured rates’ of £33.16.9 which remained unpaid. The total owed was £57.5.4.⁹¹⁵

A meeting of owners was heard on 15 August 1963, to consider the resolution to sell the block to Brian Peters, the son of the original lessee, Clara Peters. In attendance were 5 owners with two owners represented by proxy. Together, the seven owners represented 16.7411 shares out of 31.0000 shares (about 54% of the shares). There were 17 owners in total. George Hipango, agent for the applicant and two of the owners attended the meeting. He noted that the block was surrounded on three sides by the Peter’s family, on the fourth side by Mr and Mrs Fernie (Rangipo Waiu B2) and on the fifth side by the State Forest Service. Two boundaries were not fenced and considerable fencing was said to be required. The offer was increased by the Court from £450 to £575 which was the capital value. Included in the capital value were improvements of £345. The lessee said that he wished to ‘consolidate interests in [his] family’ and would pay the rates arrears. Those in attendance, however, were ‘adamant’ that they did not wish to sell and the resolution was ‘unanimously rejected’.⁹¹⁶

In 1971, an application was made by one of the owners, Te Wharehau Mateparae, to vest her interests (7.5 out of a total of 31 shares) in Mr Peters. The application was, however, dismissed by the Maori Land Court on the grounds that the purchaser was European.⁹¹⁷

In the same year Mr Peters again applied to the Court to purchase the block as Te Wharehau Mateparae still wished to sell. A meeting of owners was held where ten owners were attendance and one represented by proxy. In total 25.3125 out of 31.0000 shares were represented. Concern was expressed at the meeting that not all the boundaries had been fenced and that this had an impact on the value of the land. A plan showed that the southern boundary between the state forest and Motukawa 2F2 was unfenced but that the boundary between B1 and B2 was fenced. In addition, Mr Peters had a grazing lease over army land to the north of B1 and that this boundary was unfenced. Mr Wallis, solicitor for Mr Peters,

⁹¹⁵ Rangitikei County Council to Maori Land Court, 8 March 1963, 3/4887, Rangipo Waiu B1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 48.

⁹¹⁶ Statement of proceedings of meeting of assembled owners, 15 August 1963, Maori Land Court to Messrs Takarangi and Hipango, 25 March 1963, 3/4887, Rangipo Waiu B1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, pp. 49, 61.

⁹¹⁷ Whanganui Minute Book (Alienation) 7, 3 March 1971, p. 132.

explained that fencing the southern boundary was not practical due to the high country, but it was stock proof and that small sections of other boundaries had natural boundaries that did not require fencing.⁹¹⁸ (A valuer later argued that in his opinion the provision of a boundary fence along the northern side against Army land would not result in an increased value to the property.⁹¹⁹) As with the meeting of 1963, it was noted that the land was surrounded on 3 sides by the Peter's family, on the 4th side by Mr and Mrs Fernie and on the 5th side by the State Forest Service (to the south-east). Also, that the land was tussock country near Waouru with only a small flat portion that was suitable only for grazing.⁹²⁰

At the meeting, Mr Wallis, advised that rent had been partially paid to and distributed by Mr Wallis' firm since November 1959 and rent up to November 1970 had been paid out to the owners. In addition, charging orders in favour of the Rangitikei County Council totalling \$46.87 had been paid from rents received by his firm and a charge of 5% commission deducted in accordance with fees allowed by the Law Society.⁹²¹ The \$46.87 is likely to reflect the two charging orders from 1932 and 1934 which totalled £23.8.7. Nothing was recorded about the 'unsecured' rates of £33.16.9 and no rates arrears were recorded in the Maori Land Court's investigation of title form dated 25 August 1976.⁹²²

All the owners, including Te Wharehau Mateparae, decided not to sell. Instead the lease ran until 1976 and another meeting of owners was called to approve the renewal of the lease to Mr Peters. The new lease included the proviso that the lessee not be obliged to fence the boundaries.⁹²³

The meeting of owners held 8 September 1978, was attended by 8 owners and 2 proxies and 19.6161 out of 31.0000 shares were represented (about 63%). At the hearing there was some discussion regarding access. Mr Wallis, solicitor for Mr Peters, recorded that the block had

⁹¹⁸ IG Macdonald, Registered Valuer, Palmerston North to Messrs Jack Riddet Wallis & Co, Barristers and Solicitors, Whanganui, 26 June 1961, 3/4887, Rangipo Waiu B1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 50.

⁹¹⁹ Ibid.

⁹²⁰ Statement of proceedings of meeting of assembled owners, 9 July 1971 and Rangipo Waiu B1 fencing plan, 3/4887, Rangipo Waiu B1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, pp. 51, 61.

⁹²¹ Ibid.

⁹²² Particulars of title to land, Rangipo Waiu B1, 25 August 1976, 3/4887, Rangipo Waiu B1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 63.

⁹²³ Statement of proceedings of meeting of assembled owners, 9 July 1971, 3/4887, Rangipo Waiu B1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 51.

no legal access and was essentially ‘tussock country’. Mr Steedman, who was not an owner but advising the owners, thought that the adjoining Crown land had access through a Rangipo Waiu block but Mr Peters stated that the adjoining block was a watershed reserve and bush gazetted around 1939 and that access was for Forestry personnel only. Rangiwaiwhairuru Mateparae said they had always believed that access was only available through Mr Peter’s freehold block and that is why they agreed to a cheap rental.⁹²⁴

There was also discussion about fencing which is not noted here apart from that Mr Steedman advised that the block adjoined Motukawa 2F[2] and that the owners wanted a common boundary fence. Mr Steedman also suggested that the owners of B1 join together with the newly established trust for B6B1 and B6B2.⁹²⁵

On the advice of the Deputy Registrar, who believed a 21 year lease was too long but that the owners needed time to set up a trust and investigate its best utilisation, the owners agreed for a lease of 15 years from 7 November 1976.⁹²⁶

In more recent times the block has continued to be leased to a member of the Peters family. In November 1996, the lease was extended for five years and the land leased to Kirsten Peters and others as executors of the estate of Brian Peters. The latest lease recorded for the block on Maori Land Online is for 10 years from 2002 also to Kirsten Peters. The rental for the first 5 years was \$4,200 per year. There are currently 119 owners of the block.⁹²⁷

14.17 How Rangipo Waiu B1, Motukawa 2E2 and 2F2 became landlocked

As noted previously, when Rangipo Waiu B1 was partitioned no roadway across adjacent land was included in the Native Land Court order. As the blocks to the east were sold and leased, access options became increasingly limited for the owners particularly as these Maori owned blocks also did not have legal access. Rangipo Waiu B2 and B3 were sold in 1966 and B4 in 1950 all to the same farmers (Mr and Mrs Fernie). Prior to this the land had been leased to the Burridges who had access through their privately owned B6A and B7A.

⁹²⁴ Statement of proceedings of meeting of assembled owners, 28 April 1978, 3/4887, Rangipo Waiu B1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, pp. 55-56.

⁹²⁵ Ibid.

⁹²⁶ Ibid.

⁹²⁷ Maori Land Online.

Lying to the south of Rangipo Waiu B is the Motukawa block. By 1899, the Crown had acquired all the Motukawa blocks that lay south of Rangipo Waiu B – the exception being Motukawa 2E2 and 2F2 – the former being sold in 1951 to EA Peters (husband of the lessee of Rangipo Waiu B1) and the latter still in Maori ownership but not, it appears ever formally leased. This block is also landlocked. Stirling documents that the Motukawa blocks acquired by the Crown (1A, 2A1, 2B1, 2C, 2D1, 2E1 and 2F1) consisted of 9,378 acres which was one quarter of the original block. Motukawa 2E2 and 2F2 are located at the very northern tip of the Motukawa block some distance from SH1 (between Taihape and Waiouru). Several of the Crown's portions were, however, accessible from SH1 (1A and 2D1) and all of the Crown's partitions were contiguous to each other so that most of the land was accessible.⁹²⁸

A check of the 1899 partition hearings for Motukawa reveal that no road orders were made for any of the Maori owned Motukawa partitions including 2E2 and 2F2 and access was not discussed.⁹²⁹

Rangipo Waiu B1, Motukawa 2E2 and Motukawa 2F2 could, however, be accessed by the lessee of the land, as the lessee owned or leased contiguous land that could be accessed from a public road. In 1925, Edward A Peters, a returned serviceman, leased 1234 acres of Run 29, Blocks XIV and VIII Moawhango and Maungakaretu Survey District from the Crown. Run 29 was located south west of Rangipo Waiu B1 and was contiguous to it. It had previously been leased to JA Cullinane (the lessee of Rangipo Waiu B1 in the 1920s). The Department of Lands and Survey recorded that access to Run 29 was from the Hihitahi Railway Station which was about 4 miles by 'dray road'. By 1930, access was given as from the Hihitahi Railway Station, about 2 miles by metalled road. The Department also noted in 1925 that Run 29 had 'secured boundaries except along the Motukawa 1B side' but that this was not an issue as Mr Peters was seeking to take over the lease of this land from the current lessee (Cullinane). Once this was done, the run would be 'secure all round'. At the same time as the lease was approved, the Department also approved an advance of £500 to Mr Peters for purchase of stock.⁹³⁰

⁹²⁸ Subasic and Stirling, *Central Aspect*, pp. 46- 47.

⁹²⁹ Whanganui Minute Book 41, 29 May, 1 June and 12-13 June 1899, pp. 2-3, 10-16, 34-35, 96, 102-105.

⁹³⁰ Department of Lands and Survey form re run 29, 15 June 1923 and 14 April 1930, Department of Lands and Survey File note, 31 July 1923 and 26 January 1925, Applications for land approval, 27 January 1925, AAMA

In October 1929, the County Engineer, Sydney Mair, forwarded a plan of a proposed bridge to give Mr E Peters access to what was described as his 'Pastoral Run' from the Bulls Taumarunui Highway about two miles north of Hihitahi Railway Station. The Engineer estimated that construction of the bridge would cost £300. Although the Council had no funds for the work, and it was considered 'not [to] be economic for the Council on Mr Peters' present tenure to raise a loan on his section', the Council did 'recognise Mr Peters' difficulty and propose[d] to donate [a] second hand bridge totara amounting to 2948 superficial feet valued at £29.10.0'. Mr Peters was prepared to erect the bridge and form the approaches at his own cost. About £35 was required to purchase further supplies. The engineer thought that this would 'give a suitable bridge to cross stock and implements that would last at least 20 years'. The engineer stated that if the Lands Department was prepared to assist, he was sure that the bridge would be a 'valuable asset to the Crown section, no matter who may own it'.⁹³¹

The lease of Run 29 was renewed in 1951 for a term of 33 years. In April 1957, Edward Peters successfully transferred his lease of the land (then known as sections 5 and 6, Block XIV, Moawhango Survey District) to a deferred payment license (which was effectively the purchase of the freehold). Prior to the transfer, however, the Department of Lands and Survey ensured that a right of way was included in the title. The right of way was reserved to the Crown and was in favour of section 4, Block XIV Moawhango Survey District (CT 414/201). This was to provide access to the State Forest area from SH1. The Chief Surveyor noted in 1957 that the access tied in with formed access Mr Peters had made from SH1 'under a railway bridge through railway land'. It was also noted that the first part was through Run No 4 farmed by a Mr Harding who had also given his consent to an easement being registered against his title.⁹³²

W4320 Box 7 DPF 268 part 1, EA Peters Pastoral Run 29, Block 13 and 14, Moawhango Survey District, 1922-1963, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 218-221

⁹³¹ County Engineer, Rangitikei County Council to Alex Stuart, Marton, 19 October 1929, AAMA W4320 Box 7 DPF 268 part 1, EA Peters Pastoral Run 29, Block 13 and 14, Moawhango Survey District, 1922-1963, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 222.

⁹³² Chief Surveyor to Staff Surveyor, 24 July 1957, Commissioner of Crown Lands to E A Peters, 15 October 1957, Commissioner of Crown Lands to E A Peters, 24 September 1958, AAMA W4320 Box 7 DPF 268 part 1, EA Peters Pastoral Run 29, Block 13 and 14, Moawhango Survey District, 1922-1963, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 226-227.

From 1949, Mr Peters leased Motukawa 1B (367 acres) for 42 years and acquired Motukawa 2E2 (36 acres) in 1951 for £100.⁹³³ These blocks were both landlocked. At the hearing where the transfer of Motukawa 2E2 was confirmed, the solicitor Mr Ongley, said that Mr Peters had advised that he would prefer to buy, that the land was without access, he owned all the adjoining land and it would save Mr Peters from fencing. It was also noted that Mr Peters had access to the land from Waiouru and that the block was located about four miles back from the Waiouru Road.⁹³⁴ Of note regarding Motukawa 2E2, was that charging orders were made against the block in respect to unpaid rates from the years ending 1929 to 1930 and 1932 to 1936. No further charging orders were made because, according to the RCC county clerk, of the 'smallness of the yearly amounts'. The block was exempted from rates in 1947 and the £2.16.5 owed from the 1930s presumably deducted from the purchase money at the time the block was sold in 1951. (This assumption is based on there being no agreement with Mr Peters to pay the rates at the hearing when the sale was confirmed and that the purchase money was ordered to be paid to the Board under section 281 which usually meant that any outstanding rates or survey liens could be paid first.)⁹³⁵

In 1961, BA Peters acquired section 21, Block IX, Moawhango Survey District consisting of 9 acres 1 rood. Crucially this section lies adjacent to a portion of SH1 between Waiouru and Taihape so provides an access point from a public road into his leased and freehold land. It is also on this section that the Peter's family house, at least in the 1980s, was located.⁹³⁶ This section is also significant in that it contains a legal right of way 'as appurtenant to section 4, block XIV Moawhango Survey District shown on SO Plan 23986'. Section 4 is now part of the Hihitahi Forest Sanctuary but was not set aside as State Forest until 1982. The right of way goes through section 21 as far as the North Island Main Trunkline Railway line and the Hautapu River.⁹³⁷

⁹³³ Subasic and Stirling, *Central Aspect*, p. 44.

⁹³⁴ Whanganui Minute Book 107, 22 February 1951, p. 127.

⁹³⁵ Rangitikei County Council to RC Ongley, 22 March 1943, Maori Land Court to Rangitikei County Council, 1951, RDC 00072 : 3 : M/20 Maori Land Rating: 13310 180 Matukawa [sic] 2E No 2 W Maraenui T Parapere, Claim 55 etc Rangitikei County Council, 1928 - 1951, Archives Central, Feilding. SW Document Bank, volume 3, p. 174. Tokaanu Minute Book 28, 12 March 1946, pp. 156-158; *New Zealand Gazette*, 7 August 1947.

⁹³⁶ Certificate of Title Vol 919 folio 59, AFIE W5683 6905 Box 158 9/69/1 Acquisition of Crown land – section 4 and 7 block XIV Moawhango Survey District; includes right of way access for addition to State Forest 69, 1980-1983, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 184-193.

⁹³⁷ Ibid.

Mr Peters also leased from the Crown, land immediately north of Rangipo Waiu B1. In 1962, DE Peters applied for two acres of land (which was later increased to five acres) on which to build a house situated in section 6, Block XIV Moawhango Survey District which was then leased by EA Peters who had agreed to the transfer. This required the area, which was held by deferred payment license to be surrendered before it could be sold. Permission was given by the Land Settlement Board to do this. A survey was also required (to be paid for by DE Peters and estimated to be £80) before title could issue as well as permission from the Main Highway Board to get access from SH1 and from the Ministry of Works to form an access from SH1 across the Hautapu River to the proposed property of DE Peters. All the necessary permissions were given.⁹³⁸

As previously stated, Rangipo Waiu B1 remains leased to the Peter's family though there is no record of a formal lease in respect to Motukawa 2F2 on Maori land online.⁹³⁹

14.18 Motukawa 1B and 2F2

As noted above, Motukawa 1B was leased to Mr Peters in 1949 for 42 years. The block is still in Maori ownership and landlocked though a roadway was ordered in 1986 under sections 415, 416, 417 (2) and 34(8). The roadway is, however, for foot traffic only. The land is administered by the Motukawa 1B trust and was leased to GH Takarangi, SJ Taylor and MJ Bullock for 21 years from 1994. Time constraints have prevented further research but it has been included in the list of landlocked blocks on the basis that the access is limited to foot traffic and that concerns were expressed about the blocks access by Tamehana Takarangi to the Maori Land Court after this order was made.⁹⁴⁰

An application to lease or sell Motukawa 2F2 to Mr Peters was also made in the late 1940s but there is no record of either being confirmed. It is also not included in a list of land leased or owned by Mr Peters submitted to the Court in 1978. That said, it is situated between

⁹³⁸ DE Peters to Commissioner of Crown Lands, 3 May 1962, Commissioner of Crown Lands to D E Peters, 16 May 1962, Resident Engineer, Ministry of Works to DE Peters, 6 December 1962, Acting Commissioner of Crown Lands to D E Peters, 24 January 1963, Land Settlement Board, Disposal of Land without Competition form, 18 January 1963, AAMA W4320 Box 7 DPF 268 part 1, EA Peters Pastoral Run 29, Block 13 and 14, Moawhango Survey District, 1922-1963, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 228-232.

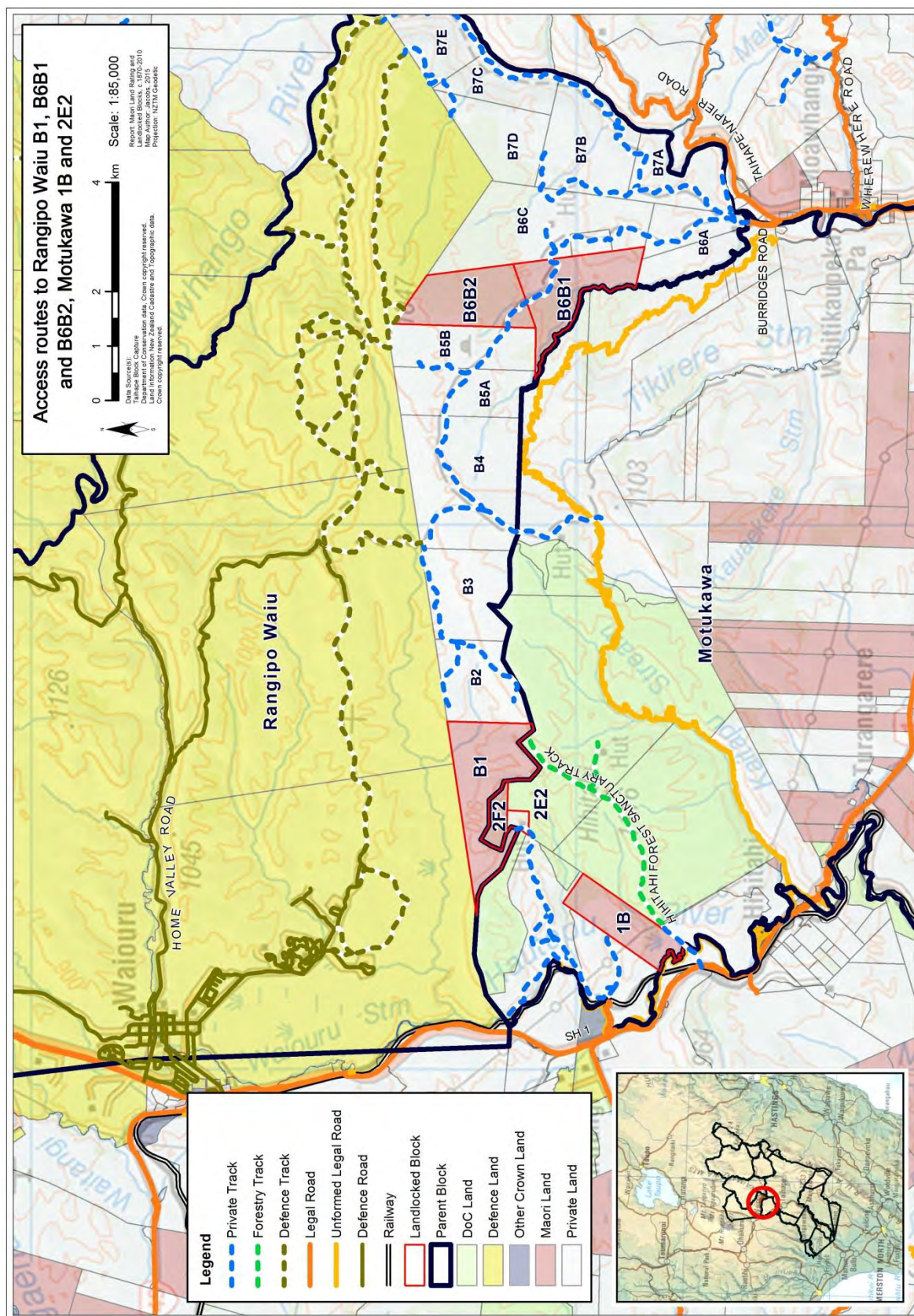
⁹³⁹ Maori Land Online.

⁹⁴⁰ Maori Land Online; Deputy Registrar, Maori Land Court to Tamehana Takarangi, 9 November 1992, 3/6456 Motukawa 1B alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 110.

Rangipo Waiu B1 (leased to Mr Peters) and Motukawa 2E2 (owned by Mr Peters) and is only accessible through Mr Peter's land, so it is likely that there has been some occupation by the and his family over the years. This has not, however, been confirmed by Maori Land Court records. It remains landlocked, has 477 owners and is not administered by a trust.⁹⁴¹

The block, together with Motukawa 1B and Rangipo Waiu B1, B6B1 and B6B2 are now under the jurisdiction of the Ruapehu District Council.

⁹⁴¹ Maori Land Online; Declaration in support of confirmation of lease of Rangipo Waiu B1, 28 April 1978, 3/4887, Rangipo Waiu B1 alienation file, Aotea Maori Land Court, Whanganui; SW Document Bank, volume 1, pp. 55-56. Aotea Maori Land Board Cover sheet, Motukawa 2F2, 1948-1949, AEGX 19124 MLC-WGW1645 225 3/6457 Motukawa 2F2, 1948-1949, Archives New Zealand.



Map 7: Access route to Rangipo Waiu B1, B6B1, B6B2, Motukawa 1B and 2E2

15 OWHAOKO

15.1 Introduction

The Owhaoko block is a large block of 164,500 acres located in the north of the inquiry district. A significant proportion of the block has not been ‘economically productive’ and is without reasonable access. Today, 116,725 acres remains in Maori ownership.⁹⁴²

The first part of the chapter deals with rating issues and the second part with issues of access.

15.2 Local Authorities

The southern portion of the Owhaoko block incorporating Owhaoko C1 to C7 and part D2, D3, D5, D6 and 46,000 acres of D7 was within the Erewhon Riding so it was rated up until 1920 by the Hawkes Bay County Council and from then on by the Rangitikei County Council, now Rangitikei District Council. The northern most portions of the Owhaoko block (A, B, part D1, part D2, part D3, D4, part D7B, and D8) came within the boundaries of the East Taupo County, then Taupo County Council (now Taupo District Council). Today this part of the block also comes within the Rangitikei District Council boundaries. The little that has been located regarding the rating of this northern section is discussed in the Taupo County Council chapter. Therefore the following discussion predominantly concentrates on the rating of Owhaoko C and D.

15.3 Investigation of title and early leasing

The investigation of title to the 164,500 acre Owhaoko block was completed by the Native Land Court in 1888 having started its investigation in 1875. Stirling and Fisher record that Owhaoko A and B were leased by the Studholmes from 1878 and that the lease was then renegotiated in 1888. Owhaoko C was leased to the Studholmes in the 1890s and in 1894, Studholme signed lease agreements for all of Owhaoko D (D1 to D8) blocks.⁹⁴³ The Studholmes would have been liable for the rates on all the land they leased.

⁹⁴² Fisher and Stirling, *Northern Aspect*, pp. 75, 135.

⁹⁴³ *Ibid*, pp 78- 79.

In 1904, seven leases over the block ‘(Owhaoko A (18,240a.), Owhaoko B (6,261a.), Owhaoko C (36,295a.), Owhaoko D1 (6,997a.), Owhaoko D2 (9,448a.3r.), Owhaoko D3 (5,724a.1r.20p.), Owhaoko D6 (8,474a.1r.20p.), and Owhaoko D7 (51,558a.2r.30p.)’ were terminated so that much of the block was no longer revenue producing. The lack of a lease over Owhaoko was also of concern to the then county councillor for the Erewhon Riding, George Donnelly, who had written ‘very strongly to the press’ about the way that rabbits were spreading on Owhaoko, which he said had been ‘recently abandoned by Studholmes Bros’. Donnelly urged ‘prompt and decisive action’ including assistance to settlers ‘otherwise a further large area of native land [was] ... likely to be abandoned, as the natives will be unable to pay rates and taxes on it, and the expense of destroying the rabbits will then fall on the State’.⁹⁴⁴

Without the county records for the period it is impossible to know whether rates were pursued from the owners and/or paid after the leases were terminated. What is known is that at this time (pre 1910) the Hawkes Bay County Council reported that it had collected little in the way of rates on Maori land within the county with £98.10.7 collected and £687.0.1 written off for the year ending 31 March 1909 (about 14% levied).⁹⁴⁵ It is likely, however, that rates demands were being sent to Maori from 1904, when the leases were terminated, and at the very least by 1910 when the Rating Act 1910 was introduced which provided for the rating of most Maori land.⁹⁴⁶

15.4 Attempted Crown purchase

In 1910, the Crown attempted to acquire parts of the block. As part of the purchasing process, a valuer prepared a report on the block. The report of 1911 is telling as it categorically shows the challenges of the land in terms of its suitability for ‘settlement’ and its revenue producing potential. The valuer firstly noted that the distance from Hastings to the nearest part of the land was 45 miles by formed road and 37 miles from Taihape. He said that wool was sent to market at Hastings. The land, he said, had only about 4 miles road frontage and this was ‘all at the southern end’.⁹⁴⁷

⁹⁴⁴ Ibid, p. 85; *Feilding Star*, Volume XXVI, Issue 234, 29 March 1905, p. 3.

⁹⁴⁵ *Hastings Standard*, Volume XIV, Issue 4622, 23 November 1910, p. 4.

⁹⁴⁶ *Star*, Issue 10681, 30 January 1913, p. 1.

⁹⁴⁷ GH Lloyd, District Valuer, Hastings, 15 February 1911, AECZ 18714 MA-MLP 1 d 1910/8 Owhaoko Block, 1910-1931, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 79-86.

The valuer emphasised how badly infested with rabbits the block was particularly blocks A, A1 and D7. He said:

Rabbits will always be a heavy charge against this land; their numbers can be reduced and then kept in check by systematic poisoning but it will be practically impossible to exterminate them owing to the nature of the country and the cover available.⁹⁴⁸

With regard to occupation he said:

Messrs Luckie and Son own the freehold of Blocks D5 No 1 and D6 No 3 [this is incorrect as D6, 3 was still Maori land] and have leased for 21 years with about 15 years to run, the following blocks D5 No's 2, 3, 4, and D6 No 2. Also D7 for 31 years with 27 years to run, they are occupying D6 No 1 but of this has no proper lease. Block C3 is in the occupation of the estate of the late John Boyd but I do not think there is a proper lease. The balance of the land is unoccupied. Part was occupied by Lumsden and Fordell for a time but this they relinquished owing it is said to the cost of keeping down the rabbits. The best of the land is in Luckie's occupation, the southern end of their land being the winter country and without this the high land is practically useless.⁹⁴⁹

He concluded that the land was:

... quite unsuitable for small holdings owing to the poorness of the soil, and the severity of the winters, distance from railways etc. at the best it can never be better than three or four "steep walks" carrying merino or half-bred sheep and must always be lightly stocked.⁹⁵⁰

He also noted that there were no lease arrangements for: A, A1, B, B1, D1, D8, D4, D3, D2, C1, C2, C4, C5 and C7.

⁹⁴⁸ Ibid.

⁹⁴⁹ Ibid.

⁹⁵⁰ Ibid.

What is also apparent at this time it was that rates were used as a ‘threat’ to persuade the owners to sell. In November 1910, the President of the Aotea District Maori Land Board, Judge JB Jack, attended a meeting of owners to consider the sale of portions of the block to the Crown. According to Judge Jack, the owners were in agreement that they wished to sell but that the price requested by the owners was considered too high by Crown officials. Judge Jack said to the Under Secretary of the Native Department that he had explained to the owners that he was certain that the Crown could not ‘entertain’ the proposed price and that the owners would have to ‘accept the responsibilities attached to such land as this is, in the way of keeping down the rabbit nuisance, and in paying the County rates’. He also reported that Hiraka [Te Rango who had interests in Owhaoko D] and his people had been ‘vainly ... endeavouring to get someone to take the land from them on lease’. Also, that they were the only owners present ‘who seemed to realise the true merits of the position’. He presumed that the Under Secretary would ‘take no further action in the matter until the owners come to a more reasonable frame of mind’.⁹⁵¹

Unfortunately for the owners of Owhaoko, Judge Jack was correct in his assessment of the situation. With leases terminated and a change in legislation in 1910 it was clear then that even undeveloped and unoccupied land such as in the Owhaoko block was considered rateable.

15.5 Request for rabbiting assistance, 1911

It was also during this period that the lessee, Mr Luckie, wrote to James Carroll, Acting Prime Minister regarding the rabbits on the Owhaoko blocks that he was leasing. He said that the rabbit infestation of his land was caused by the lack of poisoning on the Crown and Maori lands surrounding his land. He said that only a small portion had been poisoned in six years and now the country was ‘alive with rabbits’. He had written to several inspectors on the matter but nothing had been done. He thought the only way to overcome the problem was to ‘wire net’ the boundary fence and asked whether the Minister would grant half the cost of the netting. The Native Department replied to Mr Luckie that the ‘easiest way to carry out his suggestions for preventing the spreading of the rabbits in that district’ would be for he and

⁹⁵¹ JB Jack to Under Secretary, Native Department, 19 July 1910, AECZ 18714 MA-MLP 1 d 1910/8 Owhaoko Block, 1910-1931, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 77-78. Cited in Fisher and Stirling *Northern Aspect*, p. 89.

others to 'take advantage of part IV, Rabbit Nuisance Act, 1908, which would allow a Board, with as few members as three, to be set up to deal with the issue and lay down the procedure to be followed in carrying out the necessary provisions'.⁹⁵² Part IV of the Act dealt with Rabbit Proof Fencing Boards but it is not known whether Mr Luckie did as was suggested and/or whether this impacted on Maori.

15.6 The rating of Owhaoko C:

As noted by the valuer in 1911, Owhaoko C1, C2, C4, C5, C6 and C7, which were within the Erewhon riding, were not leased and had not been so since 1904 having previously been leased to J Studholme. The only block within Owhaoko C that had been occupied was Owhaoko C3 (by the estate of late John Boyd) but the valuer did not think there was a proper lease although there were improvements of £475.

Specific evidence of pre-1920 rating of Owhaoko C can be found in Rangitikei County Council records. RCC Maori land rates books show liens under the 1913 Act for unpaid rates from 1917 to 1920 from the HBCC. There are liens recorded of £4.13.4 for Owhaoko C1 (which is recorded as paid in 1924), £22.5.11 for Owhaoko C2, £82.4.9 for Owhaoko C3 (part), £7.5.0, for Owhaoko C4, £16.8.5 for Owhaoko C5 (which was later valued as nil or 'no value' in 1928), £5.10.8 for Owhaoko C6, £27.3.2 for Owhaoko C7, £15.11.2 for Owhaoko D2 and £11.19.3 for Owhaoko D3.⁹⁵³ Further liens were produced on 26 October 1920 against six blocks: Owhaoko C1, C2, C3, C4, C5 and C7. Apart from Owhaoko C1, rating liens against the same blocks were produced on 15 December 1922 and again on 1 December 1925.⁹⁵⁴

⁹⁵² Fred Luckie to James Carroll, Acting Prime Minister, 15 May 1911; Under Secretary, Native Department to Fred Luckie, 10 August 1911, ACIH 16036 MA 1 1051 1911/280 Received: 22nd May 1911. – From: Fred Luckie, Ngamatea, Hastings – Subject: Owhaoko D Rabbits, 1911

⁹⁵³ Rangitikei County Council Maori Land Rates Book, RDC: Maori Land Rates book, Rangitikei County Council, 1937-1973 [one large volume, unreferenced], Archives Central Feilding; SW Document Bank, volume 4, pp. 76-107.

⁹⁵⁴ Rating liens on Owhaoko C blocks, Owhaoko C Block Order file, Wh 605, Taihape Inquiry District Maori Land Court Document Bank, volume 5, pp. 51-52.

15.7 The rating of Owhaoko C7:

While limitation of time precludes an analysis of all Owhaoko C blocks, the following examination of Owhaoko C7 shows how rates could fast accumulate on non-revenue producing land ‘unsuitable for settlement’. Owhaoko C7, consisting of 7319 acres was rated by both the HBCC and RCC. The following rating liens and rating charging orders were made against the block. Of note is the large amounts owed from the early 1920s. This reflects the significantly higher valuation of the land at the time which was £1531 between 1907 and 1915 and £1234 between 1912 and 1927. The valuation roll from 1927 to 1950 gave the value of the block as £365 which was considerably less. No improvements to the block were ever recorded in valuation rolls.⁹⁵⁵

Table 17: Rating liens and charging orders, Owhaoko C7, 1920-1940

Date when liens produced or charging order made	Amount	Rating period	Liens or Charging order
26 October 1920	£27.3.2	Not stated	Liens again block (1913 Act)
15 December 1922	£13.3.10	Not stated	Liens against block (1913 Act)
1 December 1925	£30.2.8	Not stated	Liens against block (1913 Act)
3 September 1930	£6.5.6	1 April 1928 to 31 March 1930	Charging order (1924 Act)
17 August 1932	£2.10.10	1 April 1931 to 31 March 1932	Charing order (1924 Act)
17 August 1934	£4.18.4	1 April 1932 to 31 March 1934	Charging order (1924 Act)
16 December 1936	£4.5.9	1 April 1934 to 31 March 1936	Charging order (1924 Act)
15 November 1938	£6.8.3	1 April 1936 to 31 March 1938	Charging order (1924 Act)
21 August 1940	£6.15.9	1 April 1938 to 31 March 1940	Charging order (1924 Act)
Total	£102.4.3		

Sources: Whanganui Minute Book 92, 3 September 1930, pp. 57-71; Whanganui Minute Book 94, 17 August 1932, pp. 190-206; Whanganui Minute Book 96, 17 August 1934, pp. 60-77, Whanganui Minute Book 98, 16 December 1936, pp. 86-100; Whanganui Minute Book 99, 15 November 1938, pp. 286-303; Whanganui Minute Book 101, 21 August 1940, pp. 68-106, Rangitikei County Council Maori Land Rates Book, RDC: Maori Land Rates book, Rangitikei County Council, 1937-1973 [one large volume, unreferenced], Archives Central

⁹⁵⁵ AFHQ 19340 V-WROLLS/41 2/124 part 2 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 226-293, 1907-1912; AFHQ 19340 V-WROLLS/41 2/124 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-323, 1912-1927; AFHQ 19340 V-WROLLS/42 2/124 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-250, 1927-1939; AFHQ 19340 V-WROLLS/42 2/124 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-251, 1939-1950; AFHQ 19340 V-WROLLS/42 2/124 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-257, 1950-1955, Archives New Zealand, Wellington.

It was not unknown to the Crown that the block was unsuitable for settlement having declined to purchase the block on a number of occasions for this very reason. Fisher and Stirling record that in 1916, Rohutu Mohi advised the Native Department that he and his family wished to sell C7. The Crown responded that the 'land was not suitable for settlement and would not be purchased'.⁹⁵⁶ In July 1936, the Under Secretary for Lands was told by the Native Department that the Maori owners of Owahaoko C7 block wished to sell to the Crown. In response the Commissioner of Crown Lands advised the Under Secretary for Lands that there were no leases registered but that there were three rating liens registered totalling £70.9.8 plus survey liens of £183.19.6. He said that plans described the area as "precipitous rocky faces" with about 1/8th of the block "heavy birch bush with dense undergrowth". He could not recommend its purchase.⁹⁵⁷

The rating liens to which he referred were exclusive of the subsequent charging orders from the 1930s and in fact totalled £102.4.3. If the sale had been agreed to the owners were likely to have received little of the purchase money. As noted above, the value of the block between 1927 and 1950 was £365. With approximately £285.13.7 owed in both survey liens and rates this could have left the owners with barely £80. It is fortunate that the land was not sold as Owahaoko C7 was an essential access key to large portions of the Owahaoko block to the north.

The block was eventually exempted from rates in 1947 at the instigation of the RCC. At the hearing where the Maori Land Court recommended its exemption, it was described as: 'Side of Mararoa River. High Country very steep. On boundary of Wellington and Hawkes Bay Provinces'.⁹⁵⁸ It is not known whether the rates or survey liens were ever paid. The block was never alienated and no application was made by the RCC for the Maori Trustee to be appointed received to enforce the payment of the rates. This is in contrast with Owahaoko D5 sections 2 and 3. By the time the block was exempted £162.5.4 was owed in rates.⁹⁵⁹

⁹⁵⁶ Fisher and Stirling, Northern Aspect, p. 96.

⁹⁵⁷ Commissioner of Crown Lands to Under Secretary for Lands, 4 August 1936,

⁹⁵⁸ Tokaanu Minute Book 28, 12 March 1946, pp. 156-158.

⁹⁵⁹ Rangitikei County Council Maori Land Rates Book, RDC: Maori Land Rates book, Rangitikei County Council, 1937-1973 [one large volume, unreferenced], Archives Central Feilding; SW Document Bank, volume 4, pp. 76-107.

One of the few references located in government records to rabbit rates was made in relation to this block. This was in 1970 when the Crown was proposing to purchase this and other Owhaoko blocks for forestry purposes. The District Valuer said that a 'limiting factor to the sale or lease of this class of property' was the rabbit rate of 4 cents per acre levied by the Hawkes Bay Pest Destruction Board. The valuer also noted that there was a survey lien of \$460 and rating liens of \$200 owed from before the lands was exempted from rates. The block was valued at \$1200.⁹⁶⁰

15.8 Exemption of Owhaoko D6 section 1, 1927

The only large block of Maori land within the inquiry district to be exempted from rates before 1947 was Owhaoko D6 section 1. Details are included in the RCC chapter so are only summarised here.

The exemption from rates of Owhaoko D6 section 1 block (consisting of 5724 acres 1 rood 20 perches) was achieved without reference to the 5 owners. There was no formal lease over the land or the adjoining land (Owhaoko D6, section 2 consisting of 1375 acres) which had been declared Crown land in 1913.

In the 1920s, the Ruddenklau brothers, the then proprietors of Ngamatea Station and lessees of a large area of land in and around Owhaoko D6 sections 1 and 2, were levied rates by the RCC in respect to both blocks. This was because the RCC believed them to be in occupation of the blocks. For some years they paid the rates but by 1927, they denied that they were in occupation and asked for the land to be exempted. The RCC refused so the Ruddenklau brothers enlisted the help of their MP Mr Mason and Prime Minister Coates who they met with in August 1927.⁹⁶¹

⁹⁶⁰ District Valuer to Commissioner of Crown Lands, 27 February 1970, Valuation of Owhaoko C6, October 1969 to 23 July 1970, Director General, Department of Lands and Survey to Department for Maori and Island Affairs, 7 December 1971, AAMK W3074 869 Box 54 d 5/5/300 Maori Trust Mortgages – Owhaoko C7, 1970-1972, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 236-238.

⁹⁶¹ Minutes of meeting between Prime Minister and Mr Ruddenklau, 3 August 1927, ACIH 16036 MA 1 1422 1927/266 Owhaoko D6 No 1 & 2 Exemption from Rating under section 104 of Rating Act, 1925, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 75-76.

Following the meeting the Native Minister agreed to exempt the land from rates. It was explained to the RCC that this was due to the Maori owners being unable to dispose of the land. Also that half the block consisted of the Ngamatea Swamp which was considered ‘worthless’ and it was without access.⁹⁶² While the RCC accepted the exemption it said that the Ruddenklau Brothers were still liable for the outstanding rates on both blocks (despite section 2 being Crown land with no formal lease). Rates owed were £41.9.9 on Owhaoko D6 section 1 and £10.14.3 on Owhaoko D6 section 2.⁹⁶³

It seems likely that the Ruddenklau’s either paid the outstanding rates or they were written off as the rates for these years were not included in the list of unpaid rates on the block when the RCC listed the rates owed in 1968. The exemption also does not appear to have lasted long as in this same correspondence from 1968, \$182.67 was said to be outstanding and comprised rates from the year ending 31 March 1931 to 1936 as well as a charging order in respect to unpaid rates for the years ending 31 March 1937 and 1938 for £24.5.6 (\$48.55). Additional rates from the year ending 31 March 1939 were also owed. This would appear to be because the RCC suspected that the new owners of Ngamatea Station were occupying the land (Mr Roberts taking up a lease of land in the vicinity in 1931) though this was denied by his co- owner Mr Fernie. Curiously, the same letter of 1968 said that the block was non-rateable.⁹⁶⁴

15.9 Receivership orders, Owhaoko D5 sections 2 and 3

As is also detailed in the RCC chapter, in February 1946, applications for the appointment of a receiver in respect to Owhaoko D5, 2 and Owhaoko D5, 3 were heard. Mr Fenwicke of the RCC did not explain the position of the owners, whether or not the blocks were undeveloped, unoccupied or if there was any lease or grazing arrangements but simply stated that rates

⁹⁶² Under Secretary, Native Department to Chairman, Rangitikei County Council, 12 September 1927, ACIH 16036 MA 1 1422 1927/266 Owhaoko D6 No 1 & 2 Exemption from Rating under section 104 of Rating Act, 1925, Archives New Zealand, Wellington. SW Document Bank, volume 7, p. 78.

⁹⁶³ County Clerk, Rangitikei County Council to Under Secretary, Native Department, 19 October and 28 October 1927, ACIH 16036 MA 1 1422 1927/266 Owhaoko D6 No 1 & 2 Exemption from Rating under section 104 of Rating Act, 1925, Archives New Zealand, Wellington. SW Document Bank, volume 7, pp. 83-84.

⁹⁶⁴ Whanganui Minute Book 99, 15 November 1938, pp. 286 – 303; Commissioner of Taxes, Land and Income Tax Department to Registrar, Maori Land Court, Whanganui, 4 November 1941; Rangitikei County Council to Registrar, Maori Land Court, Whanganui, 2 October 1968, 3/3220, Owhaoko D6 section 1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, pp. 13-14.

charging orders for £25.2.10 (plus 15/- costs) and £27.7.11 (plus 15/- costs) respectively had been made for the years ending 31 March 1939 to and 31 March 1940 and applications were still before the Court. As the rates were still unpaid, he asked that a receiver be appointed. In both cases an order was made by the Court appointing the Aotea Board as receiver.⁹⁶⁵

The applications he was referring to were for unpaid rates for the years ending 31 March 1941 and 31 March 1942 for £30.0.3 (D5, 2) and £33.10.2 (D5, 3).⁹⁶⁶ Two more charging orders were made for each block for unpaid rates for the years ending 31 March 1944, 1945 and 1946 on 10 October 1946 and 9 December 1947. The amounts were significant: £33.12.10 and £18.15.1 for D5, 2 and £37.11.10 and £21.3.8 for D5, 3.⁹⁶⁷

Owhaoko D5 section 2 (consisting of 1375) acres had been leased to Frederick Luckie for 21 years from 1906. The lease was transferred to the Ruddenklau brothers and in 1920 and the valuation roll for 1927 to 1939 records that the Ruddenklau Brothers were in occupation for some of this period though the owner and occupier was changed to Henry M Downs at some point during the life time of the roll. Following the appointment of the Board as receiver, Mr Downs asked the Commissioner of Crown lands whether the Crown was interested in purchasing the block. In 1952, a field officer made an inspection of the block and reported that it was 'unsuitable for development purposes'. Further:

Whilst the greater portion of the country is open tussock, it lies at an altitude of up to 3,200', is surrounded by Maori lands, has no road access and is 80 to 100 chains north of the Taihape-Napier road. Ngamatea Station which lies to the north-east, is the nearest habitation.

All the surrounding areas, including Ngamatea Station, have been the subject of roadside inspections and have been turned down and it is not likely that the Maori Affairs Department would consider development in this locality.⁹⁶⁸

⁹⁶⁵ Whanganui Minute Book 104, 14 February 1946, pp. 106-108.

⁹⁶⁶ Whanganui Minute Book 103, 16 July 1945, pp. 330-339.

⁹⁶⁷ Whanganui Minute Book 104, 10 October 1946, pp. 310-332; Whanganui Minute Book 105, 9 December 1947, pp. 56-62.

⁹⁶⁸ Field Officer, Palmerston North, Department of Lands and Survey to Commissioner of Crown Lands, Wellington, 12 August 1952, AAMA W3166 619 Box 5 4/966 Wellington: Property - Owhaoko D5, No 2. Block IV and VII, Taumata SD, 1952, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 53.

In 1953, LH Roberts, who with RJ Fernie (Fernie Bros) had taken over Ngamatea Station located on Owhaoko D5 section 1 from the Ruddenklau brothers and owned and leased other Owhaoko land, applied to purchase the adjoining Owhaoko D5 section 2. The application said that the land could only be farmed economically ‘with other areas in one large scale farm’. The Court confirmed the alienation for £2062.10.0 on the condition that all rates, secured or owing on the block ‘be paid by the purchaser out of his own funds – not out of the purchase money’. This was because the Court ruled that Mr Roberts had been unofficially utilising the block (and critically, using it to access the station) as it adjoined his own land (D5 section 1). Mr Roberts indeed acknowledged at the hearing that he had occupied the land but had no legal lease since 1937 (hence the unpaid rates and the charging orders that followed).⁹⁶⁹

In respect to Owhaoko D5 section 3, the 1375 acre block had also been leased to Frederick Luckie for 21 years from 1906. Again, the lease was taken over by the Ruddenklau brothers and then terminated with the rates not paid from 1 April 1938. Following on from the receivership order, the purchaser of Owhaoko D5 section 2 leased Owhaoko D5 section 3 from 13 November 1953 for 42 years. The confirmation of the lease by the Maori Land Court was conditional upon Mr Roberts paying the outstanding rates from his own funds. The Court had deemed him liable as at the hearing, as like Owhaoko D5 section 2, Mr Roberts had been in occupation of the block since 1937 without any lease or grazing agreement.⁹⁷⁰

15.10 Further Exemptions

In 1947, Owhaoko C3A, C3B, C7, D2 (part) and D3 (part) were exempted from rates. At the same time the following land was considered for exemption but it was later decided that there was a possibility the land could be ‘dealt with’. The blocks were Owhaoko C2, C4 and D7 and D7A. All this land was landlocked.

⁹⁶⁹ Whanganui Minute Book 110, 13 November 1953, pp. 398-400; Whanganui Minute Book 111, 13 November 1953, pp. 1-4. Aotea District Maori Land Board cover sheet including conditions of sale, 1953-1954, 3/3217, Owhaoko D5 section 2 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 3.

⁹⁷⁰ Fisher and Stirling, Northern Aspect, pp. 85-86; Whanganui Minute Book 111, 13 November 1953, pp. 1-4.

One block not even considered for exemption was Owhaoko C1. This was despite the 1348 acre block not being leased since the 1890s and the valuation roll between 1927 and 1950 showing no improvements. It is possibly because there had been few issues with payment of the rates with Maata Kotahi, and then her estate, paying the rates on the block for a long period of time. She was an owner of a large farm on Awarua 2C3B so proceeds from this farm were most likely used to pay the rates on Owhaoko C1. There were no rates charging orders made on this unleased and non-revenue producing block until 1951 and again in 1954. An application for a charging order made in 1958 was dismissed as the rates had been paid. No further charging orders were made after this.⁹⁷¹ In 1979, a valuation entry for Owhaoko C1 showed the valuation as \$6500 with no improvements and would have been rated until the rates remission policy was introduced in 2004 by the RDC.

15.11 Early access to the Owhaoko Block

The Taihape-Napier Road provided and continues to provide access to parts of the southern portions of the Owhaoko block. Philip Cleaver has examined the formation and legalisation of the portion of the road between Kuripapango and Moawhango which traverses part of the way through the Owhaoko block. He explains that provisions under the Public Works Act 1876 and subsequent legislation enabled ‘existing roads to be vested in the Crown without any requirement for compensation to be paid to the owners’ applied to this portion of the Taihape-Napier Road. The amount of land taken without compensation from the Owhaoko block for the road circa 1890 was 76 acres, 1 rood, 32 perches.⁹⁷²

Cleaver has also summarised the early survey, construction and use of the road. He records that:

⁹⁷¹ Rangitikei County Council Maori Land Rates Book, RDC: Maori Land Rates book, Rangitikei County Council, 1937-1973 [one large volume, unreferenced], Archives Central Feilding; SW Document Bank, volume 4, pp. 76-107; Whanganui Minute Books 82 to 137, 1925 to 1974; AFHQ 19340 V-WROLLS/42 2/124 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-250, 1927-1939; AFHQ 19340 V-WROLLS/42 2/124 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-251, 1939-1950; Archives New Zealand, Wellington; Memorial Schedule, Awarua 2C3B, Maori Land Court Document Bank, volume 2, p. 437.

⁹⁷² According to Cleaver ‘section 80 of the 1876 Act declared all roads in public use to be vested in the Crown. This was continued in section 79 of the Public Works Act 1882 and, later, sections 100 and 101 of the Public Works Act 1894’. Cleaver, pp. 17, 182, 188.

Some survey work on this road was undertaken in the early 1880s, though it appears that the route was in use before this time. It may have been a traditional Maori track and early European leaseholders drove sheep along it to reach Inland Patea and the Murimotu plains. Work on forming the road was carried out in connection with the construction of the NIMT [North Island Main Trunk Railway]. By 1888, a dray road had been formed between the Rangitikei and Moawhango Rivers. Research has not established when the section of the road that lay between Kuripapango and the Rangitikei River was formed. It appears that the road was legalised in two stages, reflecting how surveying of the road progressed. The portion of the road that passed through the Mangaohane and Owhaoko blocks was surveyed in the early 1880s.

It is unclear whether any efforts were made to inform the owners. Research has not established when the section of the road that passed through the Timahanga block was surveyed and legalised, but presumably it was around the same time as the neighbouring Mangaohane and Owhaoko blocks.

The remaining section of the road (lying between the western boundary of the ... [Mangaohane] block and Moawhango) was surveyed in about 1896, several years after it had been formed. The plans show that this section of the road passed through Oruamatua Kaimanawa 1 and Awarua 2C. Again ...it is unclear whether any effort was made to advise the owners.⁹⁷³

When it was formed, the Napier-Taihape Road did not run adjacent or contiguous to the southern boundary of the Owhaoko block. Instead it by-passed much of the south-western portion of what became Owhaoko D and traversed through the northern part of the Mangaohane block. Owhaoko D was therefore only accessible from the Napier-Taihape road at the south eastern part where the road to Ngamatea Station now exists (Ngamatea Station Road). Further partitioning in 1899 meant that Ngamatea Road adjoined the Napier-Taihape road at D5 section 4 and then went through D5 section 3, D5 section 2 to reach D5 section 1 where the station is located.

⁹⁷³ Cleaver, pp. 188-189.

The Napier-Taihape road also skirts the south eastern corner of Owhaoko C7 near Kuripapango. This has its issues as the portion of the road within C7 is what is called ‘Gentle Annie’ is difficult terrain. The Napier-Taihape Road previously bypassed the Maori owned Owhaoko C5 but recent adjustments to the road by the RDC mean that the owners of Owhaoko C5 do not have to cross private land anymore to access their land. There is also a formed private road from the Napier-Taihape Road to access the Timahanga station located on Owhaoko C3A and C3B. The road runs close to the Crown owned Owhaoko C (part).

Therefore the Owhaoko blocks that are directly accessible from the Napier-Taihape road are Owhaoko D5 section 4, Owhaoko C3, Owhaoko C5 and Owhaoko C7. The roads that do exist within the block (to Ngamatea Station and to Timahanga Station) are not public roads so permission is required from the owners of the blocks on which the roads traverse to use them.

15.12 Partitioning of Owhaoko blocks

As noted, the investigation of title to the 164,500 acre Owhaoko block was completed by the Native Land Court in 1888 having started its investigation in 1875. In 1888, Owhaoko was partitioned into four portions: Owhaoko A (20,000 acres), Owhaoko B (101,150 acres), Owhaoko C (7,225 acres) and Owhaoko D (36,125 acres).⁹⁷⁴ In 1894, Owhaoko C and D were both divided into eight portions, and in 1899, D5 was divided into a further four subdivisions, D6 into three subdivisions and D7 into two subdivisions. Further partitions took place in 1906 with Owhaoko A and B both divided into four portions, D4 into two portions and D7 into two portions. In 1917, D1 was divided into two areas and the final partition of 1935 was in respect to C3 which was divided into two portions.⁹⁷⁵

When Owhaoko was partitioned into A, B, C and D – no roadway orders were made through the block. When Owhaoko C was partitioned in 1894 into Owhaoko C1, C2, C3, C4, C5, C6, C7 and C (part) no road lines were ordered from the Napier-Taihape Rd though C3 or C7 to access the blocks beyond.⁹⁷⁶ The plan of the Owhaoko block signed by the Authorised Surveyor for the Department of Lands and Survey in 1895 shows only the Napier-Taihape ‘coach road’ traversing the southern end of the block. No roads (or tracks) are shown within

⁹⁷⁴ Fisher and Stirling, *Northern Apsect*, pp. 64, 68-69, 78-79.

⁹⁷⁵ *Ibid*; Whanganui Minute Book 54, 11 December 1905, pp. 45-46.

⁹⁷⁶ Napier Minute Book 35, 26 October 1894, pp. 46-54

the block. Similarly, when Owhaoko D5 was partitioned into four subdivisions in June 1899, the boundaries were given but no mention was made at the hearing regarding roads or access. Likewise, there were no road lines ordered when Owhaoko D6 was divided into three portions on the same day.⁹⁷⁷ The unfortunate reality is that no roadways were ever ordered at the time the blocks were partitioned.

This was despite legislation that could have provided for Maori owned private roads through the block at the time. Under sections 91 and 92 of the Native Land Court Act 1886, rights of private road could be ordered when land was partitioned or title investigated and that order could be made within 5 years of land being investigated or partitioned. Therefore when title was investigated and the initial four partitions made in 1888, this legislation could have been utilised from then until 1893. The 1894 Act, containing similar provisions, could also have been utilised when Owhaoko C and D blocks were partitioned in 1894 and when Owhaoko D5, D6 and D7 were partitioned in 1899.

Following the partitions, however, an application was made on 29 September 1899 by owner Waikari Karaitiana for access from the main road to Owhaoko D2 (located at the far east of the block to the north of Owhaoko C7 and C6). The application was made at the same time as he applied for access to his Oruamatua Kaimanawa blocks (2G and 1K and 1L). The Court minutes record that three orders in respect to Oruamatua Kaimanawa were made but there is no reference to an order being made for Owhaoko D2. No order has been located on the block order file or reference made to it in subsequent minute books.⁹⁷⁸

Two years later, another application was made in respect to access to Owhaoko D5 section 1. This is discussed below.

⁹⁷⁷ Owhaoko block Maori land plan, 1895, AFIH W5692 22381 Box 84 RP 569, Archives New Zealand, Wellington. Whanganui Minute Book 41, 15 June 1899, pp. 110-111.

⁹⁷⁸ Whanganui Minute Book 42, 29 September 1899, p. 97; Whanganui minute books 42-55 (to June 1907) and Napier Minute Books 50-58 (to December 1907) checked; 23/596, Oruamatua Kaimanawa correspondence file, Aotea Maori Land Court, Whanganui; Owhaoko Block order files, Taihape Inquiry District Maori Land Court document bank checked.

15.13 Access to Ngamatea Station

Fisher and Stirling record that in May 1901, Owhaoko D5 section 1 consisting of 4763 acres 2 roods 30 perches was purchased from Ani Kiritaako by William Hamilton Turnbull and Oswald Stephen Watkins. This is the portion of the block on which Ngamatea Station buildings are located. Little has been located regarding the sale and the date given is curious given that in May 1902, an application for access by road from Owhaoko D5 section 4 to section 1 was heard by the Native Land Court. The applicant was Mr Scannell for Moorhouse & Hadfield on behalf of Ani Kiritaako. The minutes record that the application was for a road ‘by the nearest practicable route, to the main road to Napier’, that the Maori owners had received ‘due notice’ and one had received ‘direct personal notice’. Also that the aforementioned Waikari Karaitiana, who had interests in Owhaoko D2, advised the Court that all Maori concerned had agreed to the road. There were no objections and the order was made as requested. The applicants were to ‘bear [the] cost of any survey necessary’. A plan number (1679) was noted on the minutes.⁹⁷⁹

The application had been made under section 69 of the Native Land Court Act 1894 which provided for the Court to order, when title was being investigated or the block partitioned or from five years from when the partition was made, ‘rights of private road for the purpose of access to other or others of such parts or parcels’. The Native Land Court order stated:

... that the said Ani Kiritako, her heirs, executors, administrators and assigns and the respective owner and occupier for the time being of the Owhaoko D5 subdivision No 1 and every part thereof shall at all times have free and uninterrupted access therefrom to the Coach road to Napier [Taihape-Napier Road] by a private road a half chain wide running by the nearest practicable route through the said Owhaoko D5 subdivision No 4 block, the applicants to bear costs of any survey necessary.⁹⁸⁰

A plan of Owhaoko D5, section 4 (WD 1679) of July 1901 shows a track from Owhaoko D5 section 4 into section 3 which was the existing route but it is not clear whether it was this road that was being discussed or an alternative route. Despite this road order, nothing about

⁹⁷⁹ Napier Minute Book 54, 21 May 1902, p. 86. SW Document Bank, volume 2, p. 111.

⁹⁸⁰ Native Land Court Order under Native Land Court Act 1894 in respect of Owhaoko D5 sections 1 and 4, 21 May 1902, from block order file, Aotea Maori Land Court, and plans, supplied by Herbert Winiata Steedman. SW Document Bank, volume 2, pp. 107-110.

the matter is mentioned in any other correspondence viewed. A legal opinion is required as to the current status of this road line.

From the valuation rolls it is apparent that prior to 1907 section 1 was sold or leased to Frederick de Lannoy Luckie who also leased Owhaoko D5 sections 2, 3 and 4 from 1906. During the lifetime of the valuation roll dated 1912 to 1927, Owhaoko D5 section 1 changed hands several times. It was firstly in the name of Luckie, then Annie Shaw and from around 1921, owned by Gardner. Mr Gardner was in partnership with the Ruddenklau brothers who took over the leases of Owhaoko D5, sections 2, 3, and 4 as well as Owhaoko D6, sections 1, 2 and 3 from Maud and Annie Shaw who had taken them over from Mr Luckie during this period.⁹⁸¹

As well as the roadline ordered but never acted on, access to Ngamatea Station was available to the owners of D5 section 1 as from at least 1906 they leased the access route from the Napier-Taihapa Road. It was noted by the Valuer General in 1905, however, in one of the first references to access, that the lease of Owhaoko D5 sections 2, 3, 4 would 'cut off the balance of Owhaoko from road access' and that this would 'seriously affect its value'.⁹⁸² Initially, because of the low rental offered by Luckie, the Maori Land Council did not consent to the land being leased to him and said that as a result it was not necessary to 'take into consideration the fact that by the leasing of this part of Owhaoko block the balance of the block will be cut off from access and seriously affected in value'. No other correspondence has been located on the file regarding the issue and the land was leased to Mr Luckie despite the Valuation Departments warnings.⁹⁸³

Access was also mentioned by an inspector for the Department of Agriculture in April 1907. The report was prepared as Cabinet wanted to know if the value of the block had depreciated

⁹⁸¹ Fisher and Stirling, *Northern Aspect*, pp. 85, 110; AFHQ 19340 V-WROLLS/41 2/124 part 1 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-225, 1907-1912; AFHQ 19340 V-WROLLS/41 2/124 part 2 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 226-293, 1907-1912; , Archives New Zealand, Wellington.

⁹⁸² Valuer General, Valuation Department to Registrar, Native Land Court, Wellington, 28 August 1905, 3/4083, Owhaoko D5 section 4 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 39.

⁹⁸³ Deputy Chairman, Maori Lands Administration Department, Wellington to ALD Fraser, Wellington, 30 August 1905, 3/4083, Owhaoko D5 section 4 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 39.

due to the large number of rabbits on the block (the conclusion was that it had). The inspector stated that Owhaoko D5 section 1 was ‘the key to the whole of Owhaoko’. He said that it was ‘in the interests of the several Native Owners [that] there should be no partition of the block, but that the whole should be leased so that no part should be deprived of access or left without a tenant through sub-division’. The response of the Department of Lands to the report made to the Commissioner of Crown Lands did not include any mention of access so the advice was essentially ignored.⁹⁸⁴

Further mention was made about access to the block in 1914, after the Crown had acquired Owhaoko D6 section 2 (1375 acres) which was located north of Owhaoko D5. The Crown Land Ranger inspected the block and noted that access to the block could be gained from the private road located at the turn off from Moawhango to Napier road but that this was not a legal road. The Ranger said that if the block was offered for settlement by itself legal road access would have to be provided. The Commissioner of Crown Lands then reported to the Under Secretary for Lands about the access issues (as well as the nature of the land – it being described as ‘poor’ and half of it ‘mountain bog’) and recommended that the land not be offered for settlement at that time, and instead, a large area adjoining it be acquired. It would appear then that access was only a priority, even to Crown land, if the land was considered suitable for settlement and able to be sold on to Europeans to farm.⁹⁸⁵

In 1924, solicitors for the Ruddenklau brothers and Mr Gardner, the then owner of Owhaoko D5 section 1 and the lessees of Owhaoko D5 sections 2, 3 and 4 and other Owhaoko blocks wrote to the RCC regarding rates levied on Owhaoko D6 section 1 (discussed above) and road access. It was noted that titles to the lands were in the name of Mr Gardner but the station was ‘carried on by him’ and Messrs Ruddenklau ‘in partnership’. It was noted that although the council received a large amount of rates from them they had ‘no road access whatever’. This had been confirmed by the county engineer who had been told by the chief surveyor that ‘there was no record in his office or in the Land Transfer Officer of any road

⁹⁸⁴ David Ross, Inspector, Department of Agriculture to Inspector of Stock, Wellington, 13 April 1907 and Under Secretary Department of Lands, Wellington to Commissioner of Crown Lands, Wellington, 18 July 1907, AAMA W3150 619 Box 22 20/194 part 3, Wellington – Owhaoko, 1900-1913, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 111-113.

⁹⁸⁵ Crown Land Ranger to Commissioner of Crown Lands, 6 July 1914 and Commissioner of Crown Lands to Under Secretary for Lands, 6 August 1924, AAMA LS-W1 604 29441 Owhaoko D6 block, 1914, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 242-244.

having been laid off from the Taihape-Napier Road to the Ngamatia [sic] station'.⁹⁸⁶ The Council and Land Transfer Office were therefore also unaware that a roadline had been ordered by the Native Land Court in 1902.

A tracing of the area forwarded to the RCC showed the position of the formed road which went from the Napier-Taihape Road into Owhaoko D5 section 4 to section 3 through section 2 to Ngamatea Station on section 1. The road was said to have 'been in use by the public for a great many years'. The solicitor asked that the Council take, under the Public Works Act, such land as was required through Owhaoko D5 section 1, D5 section 2, D5, section 3 and D5, section 4. This, he said would 'afford proper road access to the freehold, and in particular, to ... [the] Homestead'. He said too that the road would also give access to the blocks lying to the north of Owhaoko D5, section 1. Further:

Mr Ruddenklau informs us that the existing roads, which apparently are not roads at all, are in use by the general public, and in particular, they are used by the settlers, for the purpose of access to the Bush lying to the West of D5 Number 1, from which they procure the only firewood available in the District'.

It was also explained that the owners of Ngamatea Station had recently approached the RCC to do some work on the road but were told by the Council that the road had never been laid off and 'that being so ... were under no obligation to do anything'. The solicitor felt, however, that the Council would 'recognise the justice' of their clients' request and that as they contributed 'largely to the revenue of the Council, they should be afforded road access to their property'. The letter finished with a threat to close off access to the settlers of the district if the Council was unable to assist.⁹⁸⁷

The RCC considered the request on 31 July 1924 regretting that it could not see its way to assist. This was because it did not consider the road to be a public road but a 'private way'. The clerk explained:

⁹⁸⁶ Carlile McLean Scannell & Wood, Barristers and Solicitors, Napier and Hastings to Rangitikei County Council, 19 July 1924, RDC 00046:7:6 Road through Ngamatia [sic] Station - Gardner and Ruddenklau, Rangitikei County Council 1924 – 1925, Archives Central, Feilding. SW Document Bank, volume 3, pp. 180-183.

⁹⁸⁷ Ibid.

The Ngamtia [sic] Station is served by the Taihape-Napier Road to which it has frontage. The lines of road which the Council is asked to acquire under the Public Works Act, is a private way leading from the Taihape-Napier road to the homestead buildings and is not a public road but required only by the owners of the Ngamatia [sic] Station in consequence of their homestead buildings being erected so far back from the public road.⁹⁸⁸

The matter did not rest there. The solicitor for Ruddenklau and Gardner pointed out that although Ngamatea Station was served by the Napier-Taihape Road to which it had frontage, the road abutted on leasehold lands only. He noted that the leases would expire in the next three to four years and if Messrs Ruddenklau and Gardner were unable to renew their leases then they would no longer have access to their freehold. They asked whether the Council would be prepared to make a grant of £50 towards the up keep of the road as it was not only used by the owners of Ngamatea Station but by 'many other owners'. The Council simply responded that it was not prepared to grant £50 towards the up keep of the road though it did not state why.⁹⁸⁹

On 28 April 1925, the solicitors for Messrs Ruddenklau and Gardner tried again. The solicitor noted that Charles Ruddenklau had met with councillor Doole who thought that if the Ruddenklau's were prepared to pay for a survey then the Council would take the land under the Public Works Act. This, the solicitor said, would mean the Ruddenklau's would not have to pay for the formation of the road. The Council responded on 11 May that it was 'willing to accept dedication of the proposed road as an unformed road, provided' there were 'no legal difficulties'. The county clerk said that the Ruddenklau's would have to pay for the survey and acquisition of the road and that the Council's consent would only be given on the 'distinct understanding that there was no obligation on the part of the council to form the road'. The solicitor responded that they thought the terms would be satisfactory to the Ruddenklau brothers. There is, however, nothing further on the file regarding this apart from

⁹⁸⁸ County Clerk, Rangitikei County Council to Carlile McLean Scannell & Wood, Barristers and Solicitors, Napier and Hastings, 1 August 1924, RDC 00046 :7:6 Road through Ngamatia [sic] Station - Gardner and Ruddenklau, Rangitikei County Council 1924 – 1925, Archives Central, Feilding. SW Document Bank, volume 3, p. 187.

⁹⁸⁹ Carlile McLean Scannell & Wood, Barristers and Solicitors, Napier and Hastings to Rangitikei County Council, 5 August 1924; County Clerk, Rangitikei County Council to Carlile McLean Scannell & Wood, Barristers and Solicitors, Napier and Hastings, 6 September 1924, RDC 00046 :7:6 Road through Ngamatia [sic] Station - Gardner and Ruddenklau, Rangitikei County Council 1924 – 1925, Archives Central, Feilding. SW Document Bank, volume 3, pp. 188-189, 191, 193-194, 199-200, 195.

one last letter from the solicitors stating that they would be in contact.⁹⁹⁰ Suffice to say the existing road was never taken under the Public Works Act and remained in the ownership of the individual block owners.

It is difficult to know why the Ruddenklau brothers were not then advised to approach the Maori Land Court about the matter. The Court would most likely have then discovered that a roadline had already been ordered in 1902.

15.14 Lease and sale of Owhaoko D5 section 2

As no road lines had been ordered through to the northern part of the block from the Napier-Taihapa Road, the alienations of Owhaoko D5 sections 2, 3, and 4 cut off legal access to those blocks lying north of Owhaoko D5 section 1 (Owhaoko D6, D7 and the northern blocks). As detailed above, Owhaoko D5 section 2 was leased up until the mid-1930s but the new owners of Ngamatea Station (LH Roberts) did not obtain a formal lease of the land. The Maori Land Court did, however, deem that the station had been using the land from 1937 and throughout the 1940s, making the payment of the rates arrears a condition to confirming the sale of the block in 1953. As noted, the sale to Mr Roberts followed the appointment of the Aotea Board as receiver due to the non-payment of rates. As the owner of Owhaoko D5 section 1, it was in Mr Robert's interests to secure part of the access way into that portion of the Owhaoko block on which the station buildings were located. No mention was made at the hearing where the sale was confirmed about the impact the sale would have on access.

15.15 Lease and purchase of shares in Owhaoko D5 section 3

The Maori Trustee had also been appointed as receiver for Owhaoko D5 section 3 for unpaid rates and this land was leased to LH Roberts from 13 November 1953 for 42 years.⁹⁹¹ When the lease was confirmed by the Court Mr Roberts stated that the land had been worked in one holding of about 50,000 acres since 1931, and could only be 'farmed economically' together

⁹⁹⁰ Carlile McLean Scannell & Wood, Barristers and Solicitors, Napier and Hastings to Rangitikei County Council, 28 April 1925, 13 May 1925 and 15 May 1925; County Clerk, Rangitikei County Council to Carlile McLean Scannell & Wood, Barristers and Solicitors, Napier and Hastings 11 May 1925, RDC 00046 :7:6 Road through Ngamatia [sic] Station - Gardner and Ruddenklau, Rangitikei County Council 1924 – 1925, Archives Central, Feilding. SW Document Bank, volume 3, pp. 193-195, 199-200.

⁹⁹¹ Fisher and Stirling, Northern Aspect, pp. 85-86.

with other areas.⁹⁹² Fisher and Stirling record that in 1972, Wirihana Terry Apatu, who had married Margaret Roberts (daughter of LH Roberts, sister of JF Roberts and owner of Ngamatea Station), purchased 0.3334 shares of Owhaoko D5 section 3 which was ‘one-third of the title, equal to about 460 acres’. They note that Mr Apatu acquired his interests ‘through purchase and not by customary right’. The land is still Maori land and is administered by an Ahu Whenua trust’. There are currently 13 owners and one third of the block is still owned by the Apatu whanau. It is farmed in conjunction with Ngamatea Station.⁹⁹³

15.16 Lease and purchase of shares in Owhaoko D5 section 4

Owhaoko D5, section 4 which had direct access from the Napier-Taihapa Road was leased to the Ngamatea Station from 1930 for 21 years. At the hearing where the lease was confirmed, the quality of the land was described as ‘of the poorest quality and of no use to anyone but the Ngamatea Company which owns the surrounding lands’. The lease was confirmed despite the rental (£35) not being the required 5% of the capital value. The Court justified the confirmation of the lease stating that the only alternative to the proposed lease was for the land to be ‘unoccupied, a menace to the surrounding country and ... produce no revenue’.⁹⁹⁴ The lease was renewed for another term of 21 years from 20 June 1951 and in the name of LH Roberts.⁹⁹⁵ Fisher and Stirling record that in 1969 half of Owhaoko D5 section 4 was purchased by Wirihana Terry Apatu, (husband of Ngamatea Station owner Margaret Apatu nee Roberts). While the status of the block is Maori land, it is owned by one person, Katherine Bates, daughter of Mr and Mrs Apatu. She is described on Maori Land online as the joint executor. The trustees of the land are members of the Apatu whanau. It is also farmed in conjunction with Ngamatea Station.⁹⁹⁶

⁹⁹² Statement by LH Roberts, 11 March 1953, 3/3218, Owhaoko D5 section 3 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 10.

⁹⁹³ Maori Land Online, Fisher and Stirling, Northern Aspect, p. 112; http://www.country-wide.co.nz/cgi-bin/article.cgi?cmd=show&article_id=12137.

⁹⁹⁴ Whanganui Minute Book 24, 24 November 1930, p. 239.

⁹⁹⁵ District Officer, Aotea Maori Land Court, Whanganui to SG Scott, Taihapa, 2 December 1969, 3/4083 Owhaoko D5 section 4 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 40.

⁹⁹⁶ Maori Land Online, Fisher and Stirling, Northern Aspect, p. 112.

15.17 Purchase of shares in Owhaoko D6 section 1

Over half of the undivided shares (56.2909 out of 100) in Owhaoko D6 section 1 were also acquired by Mr Apatu between September 1969 and February 1976 from 8 owners. Owhaoko D6 section 1 lies north of Owhaoko D5 section 1 (where the station buildings are located) and Owhaoko D6 section 3. It can be accessed from D5 section 1. Following the first purchase of shares by Mr Apatu (about 11% of the shares) a meeting of owners was held to discuss selling or leasing the block to Mr Apatu or to a Mr Dixon (who later at the meeting was said to be no longer interested in the block). It was noted that the land was high country without access and that the improvements shown in the valuation had been made by the station grazing the area. The block was not fenced and was ‘grazed in conjunction with adjoining blocks – by Fernie and Roberts’. Despite this, rent was not paid to the owners. The meeting was adjourned as it was believed by other owners that a better offer was pending. No subsequent meeting was held as Mr Apatu was able to buy other shares without going through this process.⁹⁹⁷

Valuation reports from 1976 and 1978 supplied to the Court confirm that the land was farmed in conjunction with other surrounding leasehold and freehold land held by the Ngamatea station at this time though there was no formal lease. Also, that although the block had no legal access, it was ‘possible from the now formed private road to the Ngamatea Station homestead’. The valuer also reported that while the block was ‘capable of being developed ... fertility has been further depleted by random burning in the past, causing the tussock cover to become sour and unpalatable to stock’.⁹⁹⁸

At a hearing in 1978, where further applications for the purchase of undivided shares to Mr Apatu was being heard, the Judge noted that a previous application to sell to Mr Apatu had been refused by the Court ‘following opposition from Mrs J Steadman’.⁹⁹⁹ Indeed minutes of the 1977 hearing record that Mrs Steadman (Parehuia Whakatihi) objected to the sale of more

⁹⁹⁷ Fisher and Stirling, Northern Aspect, pp. 113-114; Maori Land Online; Statement of proceedings of meeting of assembled owners, 7 November 1969, Extract from Tokaanu Minute Book 60, 13 November 1978, pp. 18-19, 3/3220 Owhaoko D6 section 1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, pp. 15, 17.

⁹⁹⁸ Rural Valuation and Short Report for Owhaoko D6 section 1, Valuation Department, 26 August 1976 and 27 September 1978, 3/3220 Owhaoko D6 section 1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 16.

⁹⁹⁹ Extract from Tokaanu Minute Book 60, 13 November 1978, pp. 18-19, 3/3220 Owhaoko D6 section 1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 17.

shares ‘outside of the family’ and that she had offered to purchase the shares for the same rate as Mr Apatu had offered. She also asked that in future no further shares ‘be sold to anyone but a member of the family’ as the block was ‘owned by the descendants of Whakatihi only’. She said that Mr Apatu was ‘the only outsider to have come in’ and that if any owner was ‘anxious to sell’ she would ‘buy their shares if only to keep the land within the family’. Also that it was the wish of her father, Whakatihi, that the land ‘remain in the family’. The Court advised that under section 213 Mr Apatu qualified to purchase undivided interests as he was Maori and an owner, but that section 213(9) enabled an owner who was not party to a transaction to object. The Judge further stated:

The principles upon which an objection might be upheld were considered by the Maori Appellate Court at Hamilton in 1974, re Tikouma 3B2. The blood kin nature of Maori titles was there stressed, and where land is owned by a close family group, in my view, a sale to an outsider might not proceed, where one of the extended family objects and is willing to purchase at a competitive price.¹⁰⁰⁰

The Judge said he was satisfied that the objector was willing to purchase and dismissed the application.¹⁰⁰¹

It was also noted by the Court that there had been an application in 1974 to vest the land in trustees to investigate future utilisation. It was then that the Court learned ‘that the block was landlocked and it was ‘necessary to cross Ngamatea Station to get to it’. It was noted that at the behest of Mr Apatu, the block was not included in the Owhaoko Trust created in respect of other Owhaoko blocks at this time although it was thought to be an interim arrangement.

¹⁰⁰²

A meeting of owners was held on 24 August 1979 to discuss vesting the land in the Owhaoko Trust. In attendance were six owners representing 66.6032 of the 100 shares including Mr Apatu (56.2909 shares) and Mrs Steedman (1.9608 shares). In addition 6.7266 shares were represented by proxy making a total of 73.3298 shares. Also in attendance were the trustees

¹⁰⁰⁰ Extract from Tokaanu Alienation minute Book 8, 17 March 1977, pp. 163-164, 3/3220, Owhaoko D6 section 1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 24.

¹⁰⁰¹ Ibid.

¹⁰⁰² Extract from Tokaanu Minute Book 60, 13 November 1978, pp. 18-19, 3/3220 Owhaoko D6 section 1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 17.

of the Owhaoko blocks. Mrs Steedman said that she wished to vest her shares in the Tuwharetoa Trust Board as responsible trustee. However, a resolution was moved not to vest the land in the Board by Mr Apatu. There was a vote and the resolution was carried with 58.76 shares in favour and 7.8432 shares against.¹⁰⁰³

Following this meeting, the trustees of the Owhaoko block met to discuss the issue. Mr Asher, the Secretary of the Tuwharetoa Trust Board, in whom many of the northern Owhaoko blocks had been vested including those gifted to the Crown in 1917, stated at the meeting that the interest of the Whakatihi family had to be protected and that perhaps this could be done by a partition of the family's interest. It was resolved that provided the Owhaoko trustees had the necessary power to override a majority decision of the owners that it be recommended that the block be vested in the Tuwharetoa Trust Board for administration. The meeting also discussed the question of access to all the Owhaoko blocks vested in the Board. One of the trustees, TW Karena, stated that vehicle access was through Ngamatea Station and in his case he had negotiated with the owners for access. He said that the same would also be available to the other trustees of the Owhaoko block. It was then resolved that the Trust 'negotiate with the owners of Ngamatea Station permanent access through the Station for the Trust and its lessee and this matter be taken up by the Trust Solicitor'.¹⁰⁰⁴

An application was then made to the Maori Land Court from Mr Asher to include Owhaoko D6 section 1 into the Owhaoko trust. This was on the grounds that 'the inclusion of the block would greatly improve access to other lands in the trust and would be beneficial to the Owhaoko Trust as a whole'.¹⁰⁰⁵ This was not done, however, and no further information is on the Maori Land Court alienation file regarding this. Fisher and Stirling note that the block 'remains Maori land, although it is one of the few Owhaoko blocks not vested in a trust; simply being owned by its 88 [now 93] owners'. Maori Land Online indicates that the Apatu (and Bates) whanau own almost 65% of the shares in the block.¹⁰⁰⁶

¹⁰⁰³ Minutes of meeting of owners of Owhaoko D6 section 1, 24 August 1979, 3/3220 Owhaoko D6 section 1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, pp. 20-21.

¹⁰⁰⁴ Minutes of trustees of Owhaoko blocks meeting, 24 August 1979, 3/3220 Owhaoko D6 section 1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, pp. 20-21.

¹⁰⁰⁵ JT Asher, Tuwharetoa Trust Board to Maori Land Court, Whanganui, 6 August 1979, Application for inclusion of Owhaoko D6 section 1 in the Owhaoko trust, 1979, 3/3220 Owhaoko D6 section 1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 22.

¹⁰⁰⁶ Fisher and Stirling, Northern Aspect, pp. 113-114; Maori Land Online; Statement of proceedings of meeting of assembled owners, 7 November 1969, 3/3220, Owhaoko D6 section 1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 15.

15.18 Access to Owhaoko D6 section 3 and the northern blocks

Owhaoko D6 section 3 lies to the north of Owhaoko D5. It can be accessed from a track that comes off Ngamatea Station Road (which as stated previously, traverses from Owhaoko D5 section 4, to section 3 to section 2 to section 1) but as it is not a public road it requires the permission of the owners of the land over which the road traverses.

Attempts were made in the 1980s, 1990s and 2000s to secure legal access to the Owhaoko D6 section 3 blocks and those blocks beyond. In January 1980, the solicitor for Kararaina Steedman, who was then the sole owner of Owhaoko D6 section 3 (having purchased shares from her first cousins), wrote to the Maori Land Court advising that a problem had arisen as to legal access to the block. The solicitor asked whether the Court considered questions of access when dividing up the Owhaoko D6 blocks and if any provision was made to grant access to it. The solicitor said that Mrs Steedman was ‘particularly interested in ascertaining her rights of access over D5 No. 1, D5 No. 2 and D5 No. 3 in respect of an existing vehicle track over those blocks which continues on through D6 No. 3 and up through D6 No. 1’. He had been advised that this path had been ‘followed for centuries by the Maori people in travelling from Napier to Taupo and vice versa’.¹⁰⁰⁷

The Deputy Registrar responded:

Maori Land Courts, when making partition orders in early days, did not seem to consider the question of access.¹⁰⁰⁸

He also suggested that the ‘best line of action initially’ would be to lodge an application under section 418 of the Maori Affairs Act 1953 and that he was willing to lodge such an application.¹⁰⁰⁹ The Deputy Registrar also advised the Tuwharetoa Trust Board of the

¹⁰⁰⁷ Phillips, Shayle-George & Co, Barristers & Solicitors to Registrar, Maori Land Court, 15 January 1980, 23/656 Owhaoko Blocks correspondence file, Aotea Maori Land Court, Whanganui; SW Document Bank, volume 2, p. 99. Napier Minute Book 179, 31 January 2005, p. 18.

¹⁰⁰⁸ Deputy Registrar, Maori Land Court to Messrs Phillips Shayle-George & CO, Barristers & Solicitors, 1 April 1980, 3/6830, Owhaoko D6 section 3 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 117.

¹⁰⁰⁹ Ibid.

application noting that if it was successful ‘it may well be that the roadline should be continued to give access to lands within the Owhaoko Trust’.¹⁰¹⁰

Other correspondence in April 1980, indicates that Owhaoko D5 section 3 (which had been leased to LH Roberts for 42 years from 13 November 1953 and by this time was partially (at least 1/3rd) owned by his son-in-law Mr Apatu) was indeed the subject on an application for a roadway order (which under the legislation of the time would have required the permission of the owners and any lessee). It was noted at that time by officials that the application had been lodged but not prosecuted. One official did not seem optimistic about the application, expecting it to be a ‘long drawn out operation’.¹⁰¹¹

The Deputy Registrar also corresponded with the Department of Lands and Survey about the matter. He stated that they were having, and had ‘for some time, problems with access’ to the Owhaoko blocks although the immediate problem was access to Owhaoko D6 section 3. He said that plans indicated there was a four-wheel drive track in existence and any Maori Land Court roadway would, he thought, have to follow this line. He noted that the relevant section of the Maori Affairs Act was section 418 and that the ‘question of consent could be a sticky one’. The Deputy Registrar asked for clarification regarding ownership of the D5 blocks particularly when D5 section 1, which was in the name of JF Roberts, ceased to be Maori land. This was because the date of purchase was crucial to whether permission was required from the owner or not. As the block had not been Maori land since 1901, permission would be required. He concluded by asking for some help:

If we are able to get the roadway order, the next question will be what sort of plan can be provided? The cost of a full survey would, I think be so high as to be completely prohibitive. We therefore once again fall back on your department. What sort of diagrams could you provide from maps in your possession with perhaps recourse to aerial photographs?¹⁰¹²

¹⁰¹⁰ Deputy Registrar, Aotea Maori Land Court to Secretary, Tuwharetoa Trust Board, 2 April 1980, 23/656 Owhaoko Blocks correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 103.

¹⁰¹¹ DA Teki, Trust Officer to Deputy Registrar, 18 April 1980, Handwritten response from [presumably] Deputy Registrar, Maori Land Court to DA Teki, Trust Officer, 29 May 1980, 3/3218, Owhaoko D5 section 3 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 11.

¹⁰¹² B Herlihy, Deputy Registrar, Maori Land Court, Whanganui to Chief Surveyor, Department of Lands and Survey, Wellington, 2 April 1980, 23/656 Owhaoko correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 103.

Unfortunately no response is on the Maori Land Court file or any further correspondence about the matter apart from a letter from the solicitor for the applicant confirming that the applications would be heard on 12 August 1980. There is also nothing in the Napier Minute Books for this period.¹⁰¹³

The only other correspondence of note was that the Maori Land Court was notified by the NZFS that Messrs Herbert Winiata and Peter Steedman wished to farm deer on Owhaoko D6 section 3. The NZFS was involved because they had to give permission for this to occur and asked for clarification as to ownership of the land from the Court. NZFS was advised that the sole owner of the block was Kararaina Steedman.¹⁰¹⁴

It would seem, however, that the application for a roadway order was not successful as in 1996 the matter was again raised with the Maori Land Court.

15.19 Application for access, 1996

In January 1996, the Registrar General of Lands (Land Titles Office), Brian Hayes, advised the Minister of Lands, the Hon Denis Marshall regarding questions raised by Herbert Steedman in terms of rights of access to Owhaoko D6 section 3. It was firstly noted that the situation was ‘complex’ in that Mr Steedman’s land was ‘approximately 6 kilometres from the Taupo-Napier Highway, the nearest public road’. Because the land was Maori freehold land there were a number of options available. These were listed as:

1. Easements under Te Ture Whenua Maori Act 1993.

Section 287 of the Act reserves solely to the Court the right to grant easements including right-of-way over Maori freehold land. The types of easement that may be created are contained within section 315. Only the Court has the power to create easements over Maori freehold land. No other easement executed by the registered proprietor of Maori freehold land will be registered. Consent of the territorial

¹⁰¹³ Phillips, Shayle-George & Co to Registrar, Maori Land Court, Whanganui, 7 July 1980, 23/656 Owhaoko correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 105.

¹⁰¹⁴ New Zealand Forestry Service to Maori Land Court, Whanganui, 1 May 1980, Deputy Registrar, Maori Land Court, Whanganui to New Zealand Forestry Service, 8 May 1980, 23/656 Owhaoko Blocks correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 104.

authority pursuant to section 348 of the Local Government Act 1974 is required for the creation of any easement.

2. Roadways under Te Ture Whenua Maori Act 1993.

Section 287 [should be section 316] of the Act reserves solely to the Court the right to lay out roadways over Maori freehold land. The roadway may be laid out in a separate Roadway Order or may be incorporated in a Partition Order or the appropriate Order of the Court. Roadways may be laid out over both Maori land and general land. Unless the order laying out the roadway limits its use then, even though the ownership of the land does not change, the roadway over the land shall confer on all persons the same rights of user as if it were a public road. The Court may cancel or vary any order laying out a roadway is so far as it relates to the roadway.

3. Access by Court Order under the Property Law Act 1952.

Section 129(B) Property Law Act 1952 provides for an application to the High Court to have reasonable access granted to landlocked land. The section binds the Crown and applies to all land including Maori land. Subsection 6 of Section 129(B) states

(6) In considering an application under this section the Court shall have regard to –

(a) The nature and quality of the access (if any) to the landlocked land that existed when the applicant purchased or otherwise acquired the land;

(b) The circumstances in which the landlocked land became landlocked;

(c) The conduct of the applicant and other parties, including any attempts that they may have made to negotiate reasonable access to the landlocked land;

(d) The hardship that would be caused to the applicant by the refusal to make an order in relation the hardship that would be caused to any other person by the making of the order; and

(e) Such other matters as the Court considers relevant.

Mr Hayes said that option 3 might prove to be ‘quite expensive in that if the Court granted an easement a survey would most probably be required’. There would also be the matter of

fencing and maintenance. He suggested that Mr Steedman obtain the services of an independent legal adviser to ‘ascertain the least expensive and most effective option’.¹⁰¹⁵

The Registrar of the Aotea Maori Land Court, E Moses, also gave Mr Steedman advice regarding the legislative options available to him in order to provide access to his land. Mr Moses stated that as Mr Steedman was no doubt aware, the provisions regarding the laying out of roadways to give access to Maori freehold land were covered by sections 316-318 of Te Ture Whenua Maori Act, 1993. These provisions, however, specifically section 317, clearly provided that ‘owners support’ was required before any roadway order could be made. Mr Moses summarises the provisions as follows:

- (a) In respect of seeking a Roadway Order over any Maori freehold land the owners must be given sufficient notice of the roadway application, and sufficient opportunity to discuss and consider it, and there is sufficient degree of support for the roadway application. Clearly this will require a meeting of the owners prior to any application being filed. Even if the owners pass a resolution for a roadway, any owner can appear at the Court and change their minds on the matter. Should this occur the Court may apply its discretion in terms of Section 17 of the Act which refers to the General Objectives.
- (b) Where General land is involved each owner **MUST CONSENT**. Herein lies the problem that you will have with Ngamatea Station. The Court cannot apply the General Objectives in Section 17 in an attempt to overrule the owners of General Land if they do not give their consent. However, laying out a roadway will certainly be the way to go if the owners of Ngamatea Station gave their consents. Personally this should be pursued by the owners of those blocks who need the access over the station land. I understand from you that trustees of the various blocks affected were meeting to review the consent issue.¹⁰¹⁶

Mr Moses noted that he had discussed the possibility of an ‘accessway by way of an easement over the station land’ with Judge Marumaru whose preliminary view was that the

¹⁰¹⁵ Brian Hayes, Registrar-General of Land, Land Titles Office to Hon Denis Marshall, Minister of Lands, 23 January 1996, 23/595, Owhaoko correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 136.

¹⁰¹⁶ E Moses, Registrar, Aotea Maori Land Court, Whanganui to Herbert Steedman, 24 June 1996, 23/595, Owhaoko correspondence file, Aotea Maori Land Court, Whanganui. Emphasis as per letter. SW Document Bank, volume 1, p. 137.

‘consent of the owners of the station was still required before the Court could grant an easement’. This was as per section 315(3) which said that the grant of the easement was to be made ‘in accordance with the succeeding provisions of this part of the Act’. This meant that all restrictions imposed on the laying out of roadways applied also to the creation of easements. It was suggested though that Mr Steedman obtain an independent legal view and was urged to do so.¹⁰¹⁷

Mr Moses concluded by saying that it was unfortunate that the information provided did not advance Mr Steedman’s cause ‘with any degree of optimism’ but if consent was forthcoming then the Act provided him with the means to obtain access. Furthermore, Mr Steedman’s counsel might be able to provide him with the ‘sort of advice’ to enable him to argue his case before a Judge of the Maori Land Court. Finally, Mr Moses noted, that an application to the District Court under section 129(b) of the Property Law Act 1952 was ‘certainly an option ... but as discussed the expense of doing so would be a genuine obstacle.’¹⁰¹⁸

In February 1997, Mr Moses wrote to Raina Steedman for the Kararaina Whanau Trust regarding access to Owhaoko D6, section 3. From this correspondence it would appear that negotiations with the Apatu whanau had commenced and an exchange of land proposed. Mr Moses said that if the aim of Mrs Steedman’s family was to have ‘uninterrupted access to the hinterland then the option ... seems to support that’. He noted, however, that the conditions of exchange were still to be worked out and issues such as a proper survey, land transfer title and valuations still needed to be determined. Mr Moses also advised Mrs Steedman to ‘be mindful that negotiated conditions ... [were] able to be complied with’. He noted that the cost of the survey was being met by the Apatu whanau and asked whether they were also going to meet the cost of registering the relevant orders to give effect to the exchange. In addition, he said, consideration needed to be made as to whether the capital values of the two blocks to be exchanged were of equal value and if not, compensation might be a condition of the exchange. He enclosed more information about rules regarding exchanges and an application form. Nothing further about the matter is on this particular correspondence file for reasons that are explained below.¹⁰¹⁹

¹⁰¹⁷ Ibid.

¹⁰¹⁸ Ibid.

¹⁰¹⁹ E Moses, Registrar, Aotea Maori Land Court, Whanganui to Raina Steedman, 26 February 1997, 23/595, Owhaoko correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 138.

15. 20 Application for access, circa 2004

A further application for access to Owhaoko D6 section 3 was made under Te Ture Whenua Maori Amendment Act 1993 circa 2004 (the most recent legislation). A conference was held at Hastings in January 2005 with Maori Land Court Judge Issacs, the applicant Peter Steedman (and other owners), and two of the owners of Ngamatea Station, Renata and Nathan Apatu. Mr Steedman told the Judge that there had been three or four informal access agreements during the previous 20-30 years but for various reasons these had been withdrawn. Initial arrangements involved owners ringing the then owner's Terry Apatu and later Margaret Apatu to ask if the road could be used at a particular time. Sometimes access was granted and on other occasions it was not. It depended on what was happening on the farm at the time. None of the agreements were in writing though Nathan Apatu noted that there was correspondence regarding the most recent agreement made in 2002 which was in place for about a year before it was withdrawn. Mr Steedman explained that he had tried to make the agreement from 2002 work but for various reasons that he considered outside his control, access was withdrawn. One of the reasons included not advising the station when owners were using the road which was one of the conditions of the agreement. Other conditions were that they were to use the road only in the daylight, that it was restricted to whanau and 'to act as good neighbours'.¹⁰²⁰

At the conference Mr Steedman was asked by the Judge how the block was utilised. He explained that the owners mainly used it for recreational purposes – that is, for hunting and fishing. They had, however, wanted to begin to develop it and during the time access was granted in 2002, had planted two hectares of douglas fir as a trial. This, he said, was another reason why access was denied, as Ngamatea Station said they were unaware that the owners of Owhaoko D6 section 3 were planting the trees (which were subsequently destroyed by station cattle).¹⁰²¹

Mr Steedman also explained that in 1995 the owners wished to survey and fence the block. The fencing was so that they could plant trees and keep the station cattle away. Mrs Apatu, when informed, noted that the owners were 'serious' and would soon be asking for access all the time. She therefore proposed an exchange of land for access. Over several years he and

¹⁰²⁰ Napier Minute Book 179, 31 January 2005, pp. 17-26.

¹⁰²¹ Ibid.

Mrs Apatu discussed which land this should involve. The proviso for the owners was that the exchange had to be on an acre for acre basis otherwise they would 'lose out'. He said that the area to be exchanged was agreed and the agreement almost signed when Mrs Apatu died. Ownership of the station was then transferred to her children who withdrew the exchange agreement. Instead the agreement of 2002 was made which was withdrawn after a year. Since 2003, the owners had not had access to their land and no one else utilised it apart from Helisika who had a license to fly into part of the block for hunting purposes. The owners wish was to have vehicle access to their fence and to put a gateway into the fence so they could drive onto the block.¹⁰²²

The Apatu brothers explained that the road through Ngamatea Station was the main 'artery' of the farm and that it had always been policy not to allow access to the blocks beyond. As far as they were aware, no formal agreements had been made and this dated back to the 1930s when Ngamatea Station put notices in the newspaper advising people not to trespass through Ngamatea Station. They noted that the application for access by the owners to the Court in 1985 was for access using a different route than the station road. They also disputed how far the exchange agreement had progressed prior to their mother's death and claimed that what was proposed was not an equitable swap. The Apatu brothers also noted that it was not Mr Steedman's immediate family who were at fault by using the access road at night, but other members of the family. Also, that they did not want to end up as gate keepers for the road, keeping those who were not entitled to be there out, and said that protecting the access was a means of ensuring the safety and security of the farm and employees. They were not interested in receiving a contribution towards the maintenance to the road but simply wanted to keep it for the purposes of their farm only.¹⁰²³

At the end of the conference, the Judge ruled that a site visit would be held and then the two parties would discuss the matter further. The site visit was held on 17 February 2005 after which the Judge advised that he would prepare a draft access agreement which could be used as a starting point for discussion. Unfortunately the Takitimu Court at Hastings was unable to locate any subsequent correspondence or minutes on the application but according to Richard Steedman, a trustee of the Owhaoko B & D Trust, the owners of Ngamatea Station ultimately did not agree to provide access. Mr Steedman notes that although the legislation enabled the

¹⁰²² Ibid.

¹⁰²³ Ibid.

Maori Land Court to order access, there is a section within the Act (326(d)) which meant that Ngamatea Station was able to appeal to the High Court against the Maori Land Court decision. Mr Steedman states that not only did this mean that everything that had been negotiated or discussed in the course of the Maori Land Court process was no longer relevant, but such an appeal process was prohibitively expensive. The Steedman whanau, he states, do not have the resources to pursue such an application.¹⁰²⁴

Of note is that owners of Owhaoko D6 section 1 and owners of the northern blocks have also approached Ngamatea Station in recent years for access and were also advised that they could not use the station road to access their lands.¹⁰²⁵

15.21 The situation today

Richard Steedman advises that it has been five or six years since permission has been given by the owners of Ngamatea Station to access the Owhaoko blocks via the Ngamatea Station Road and the tracks beyond. Access has, ‘every now and then’ been given to the airstrip located on Owhaoko D5 section 2 so that the owners can use a helicopter to access their land. Terry Steedman notes that on the occasions that the owners are allowed to use the road that the vehicle access only goes as far as a dam from where there is an uphill walk. As the owners get older they are finding it increasingly more difficult to access their land in this way. The owners are also frustrated that they have had to accept the conditions attached to using the road in order to get access and that they have little say in the matter.¹⁰²⁶

Owners have huts on the land and are more likely to be given access to go hunting or fishing. It is access to the block for commercial purposes that the owner’s believe is one of the sticking points with Ngamatea Station.¹⁰²⁷

Currently there is an arrangement with Helisika, a helicopter company based at Poronui on the Napier-Taupo Road whereby five or six hunters at a time are flown into Owhaoko D6

¹⁰²⁴ Napier Minute Book 179, 31 January 2005, pp. 17-26; Napier Minute Book 179, 17 February 2005, p. 81; Conversation with Richard Steedman and author, 20 May 2015.

¹⁰²⁵ Feedback from claimants at hui with Ngati Hinemanu me Ngati Paki, Winiata Marae, 9 June 2015.

¹⁰²⁶ Conversation with Richard Steedman and author, 21 October 2014; Conversation with Terry Steedman and author, Winiata Marae, 9 June 2015.

¹⁰²⁷ Conversation with Richard Steedman and author, 20 May 2015.

section 3. The trustees receive a portion of the amount charged to the hunters. The lack of access, however, severely limits how this block and others to the north can be utilised.¹⁰²⁸

In 2012, an application was made to vary the terms of the trust administering Owhaoko D6 section 3 so that the trust could sell it. This was due to what the Court described as: ‘access complications, the land cannot be developed and utilised effectively for the benefit of the owners’. The Judge also noted with regards to access:

I am aware that there have been attempts to reach agreement with neighbouring owners about access to this land and that those discussions have not proved successful to date. There was also a proposal for the sale of the land under its current status to some of the neighbouring owners but this proposal has also failed to reach a satisfactory conclusion.¹⁰²⁹

Although several of the owners disagreed with the application, the variation of trust to permit a sale of the land was granted under section 244 of Te Ture Whenua Maori Act 1993.¹⁰³⁰

The block has been for sale for the last three years. The owners are all from the same family and are demoralised by the ongoing refusal of the owners of Ngamatea Station to agree to access. They cannot see a way forward whereby their land can be utilised for the benefit of whanau. For some owners, just as in previous years with other landlocked land, selling is perceived as the only option.¹⁰³¹

15.22 Access from Owhaoko C7

While Owhaoko C7 borders the Napier-Taihape Road on a very steep part of the road near Kuripapango, access to the contiguous blocks of Maori land north of C7 is problematic. According to Marei Apatu, there is a walking track from Kuripapango but no access north of Ngamahongo where there is an owners hut. It is all essentially walking tracks. The topography of the land is such that roading would be difficult though Marei Apatu would like

¹⁰²⁸ Conversation with Richard Steedman and author, 21 October 2014.

¹⁰²⁹ Oral judgement of Judge LR Harvey, Takitimu Minute Book 20, 6 December 2012, pp. 230-234.

¹⁰³⁰ Ibid.

¹⁰³¹ Conversation with Richard Steedman and author, 20 May 2015;
<http://www.trademe.co.nz/property/rural/auction-531386192.htm>.

the opportunity for an assessment to be done on possible vehicle access through the block.
¹⁰³²

Marei Apatu states that the lack of access limits the opportunity for hunting and fishing as everyone needs to be flown in. Some development, however, has occurred with huts built four or five years ago on Owhaoko C1 and C2 to accommodate hunters and fishers. In addition, hives (honey) have been established on C2 and C7. Helicopters have been used to take the hives in.¹⁰³³

Of note is that in 1971, when the Crown sought to acquire Owhaoko C7, one of the owners TMR Tomoana met with the then Minister of Maori Affairs, Mr McIntyre. One of the reasons given by Mr Tomoana for not wishing to sell the land was that Owhaoko C7 afforded ‘the only legal entry’ to the rest of the block. Mr Tomoana said that entry to the otherwise enclosed blocks was ‘available by virtue of ... tribal affiliation with one another’ but could be ‘denied to others who are not of the tribe’. He emphasized the importance of Owhaoko C7 remaining Maori land and explained that the owners had recently organised themselves into a ‘consolidated group to determine a policy of development’.¹⁰³⁴

15.23 Access from Owhaoko C5

To the west of Owhaoko C5 is Owhaoko D5 section 4 from where the Napier-Taihapa Road links to the Ngamatea Station Road. The boundary between the two blocks is the Taruarau River. Until recently, the location of the river meant that the Napier-Taihapa Road did not skirt the block but had general land in between it and C5. That access point was also extremely steep. Mr Apatu advises that negotiations with the RDC have recently led to an adjustment in the road so that the block can now be accessed directly from the Napier-Taihapa Road. Hives have also been flown into C5.¹⁰³⁵

¹⁰³² Conversation with Marei Apatu and author, 2015.

¹⁰³³ Conversation with Marei Apatu and author, 2015.

¹⁰³⁴ TMR Tomoana, Deputation to the Minister of Maori Affairs on the situation affecting the Owhaoko Blocks, 6 February 1972, AAMK W3074 869 Box 54 d 5/5/300, Maori Trust Mortgages – Owhaoko C7, 1970-1972, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 239-240.

¹⁰³⁵ Conversation with Marei Apatu and author, 2015.

15.24 Owhaoko Gift Blocks

Fisher and Stirling record that in 1917:

... the owners of several Owhaoko titles gifted a large area of their lands to the Crown to support the war effort. The final gift comprised five blocks totalling more than 35,000 acres, which the donors anticipated would be used for the settlement of returning Maori soldiers. The land was never used for the purpose for which it was given, but the Crown was very tardy in returning the unused land to its Maori owners. The land was not returned until the 1970s, only after the donors overcame protracted efforts by government agencies to have the land set aside for water and soil conservation purposes rather than returned to Maori.¹⁰³⁶

The blocks were the most northern of the Owhaoko blocks and like the rest of the block had no legal access. This was not rectified during the time that they were Crown land. While time constraints prevent a full summary of access issues associated with the Owhaoko gift blocks it is of note that their lack of access was well known by Crown officials who did little about the situation. For instance in 1930, officials of the Native Department reported that there was no legal road access and found, somewhat unsurprisingly, that the most suitable access was ‘from the south through Ngamatea Station at a point approximately 40 miles north-east from Taihape on the Taihape-Napier Road.’¹⁰³⁷

When the return of the gift blocks was being discussed in the 1970s, a Department of Maori Affairs official reported to Judge KB Cull that the Crown could have gained practical access to the gift blocks in 1953 but that the Director General of Lands ‘did not accept the recommendation of the then District Field Supervisor, Strat Beachman, to purchase Ngamatea Station’. The official thought that the position regarding access then ‘worsened’ when D7 was purchased by Laurence Roberts and a balance area of 8,574 acres, which included some of the gift blocks was then leased to Roberts for 21 years from 20 June 1957. It was also noted that Terry Apatu, described as a ‘local farmer, ex Field Supervisor, Whangarei’, had purchased a half share in the 5,500 acre D5 section 4 and was buying up

¹⁰³⁶ Fisher and Stirling, *Northern Aspect*, p. 116.

¹⁰³⁷ Unnamed official to Under Secretary, Native Department, 2 July 1948, AAMA W3150 619 Box 22 20/194 part 4 Wellington – Owhaoko, 1918 to 1965, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 246-247.

other interests in various Owhaoko blocks. What also concerned the official was the effectiveness or otherwise of conservation measures on the block if the Lands and Survey Department and NZFS were to get 'control of the gift blocks by alienation from the owners or their trustees'. He continued his critique of the Departments:

After all they have had these lands for over 55 years and have simply allowed them to be desecrated by large farming interests such as Roberts and Fernie Bros. They stated quite categorically that during this period it was impossible to keep the adjoining owners stock out of the gift blocks and these land barons consequently over grazed and eroded this country without even nominal payment. As these large scale farmers had unrestricted access to the land they naturally were not concerned in taking out leases with their restrictive covenants. Again apparently Fernie Bros and to a lesser extent Roberts, had the only practical access into the blocks so that it was difficult, if not impossible to lease to any other person or to include the lands in a development proposition without taking the Ngamatea (now I think the Owhaoko) Station. Robert's position is probably strengthened since those days, circa 1953, by the purchase of the 43,014 acres mentioned above, from the Maori owners.¹⁰³⁸

Ultimately the blocks were returned to Maori and not sold. In March 1975 and 18 November 1976, the Maori Land Court vested Owhaoko A East, A1B, B East, B1B, C1, C2, C4, C5, D1, D3, D4B, D7B and D8B blocks in the Tuwharetoa Trust Board as responsible trustee with advisory trustees to:

... investigate the future utilisation of the blocks with the view to ascertaining the commercial viability of use for but not exclusively, exotic afforestation, deer farming, agricultural farming and/or any commercial venture that will be to the ultimate advantage of the beneficial owners of the land.¹⁰³⁹

The block's lack of access, however, prevented the board from pursuing these aforementioned commercial ventures. In 1993, when the Tuwharetoa Trust Board was engaged in

¹⁰³⁸ K Morrill, District Officer to Judge KB Cull, Maori Land Court Whanganui, 30 April 1973, ACIH 16036 MA1/90 5/5/278 part 1 Owhaoko Gift Blocks - Ngamatea Station - Crown Purchase, 1971-1973, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 99-102.

¹⁰³⁹ Tuwharetoa Trust Board to Registrar, Maori Land Court, Whanganui, 6 August 1979, 3/3220, Owhaoko D6 section 1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 22.

negotiations with the RDC regarding the remittance of rates on the blocks, the Board noted that the trust had been:

... handicapped by major constraints including lack of adequate access, topography, and harsh climatic conditions particularly during winter, all of which have severely limited the productive capacity of the land and its ability to generate regular and ongoing income. These difficulties have not been helped by the isolation of the blocks which are a poacher's paradise.¹⁰⁴⁰

He said that in more recent years the Trust had 'come to appreciate, and been made aware of, the high conservation and recreational values of the Owhaoko Blocks and the very sensitive environment for both the flora and fauna on the land. In recognition of this, the Trust has instituted a permit system for predominantly recreational activities such as hunting, fishing, tramping and general outdoor pursuits and has moved away from consideration of options for development of the land'. (Mr Asher said too that the trust was willing to assist the council develop a rates remission policy. It was noted in 1999, that the council had decided to write off the rates in 1993 on these and other Owhaoko blocks but it was not until 2004 that a formal policy was developed whereby owners could apply for rates remission on landlocked, undeveloped Maori land.)¹⁰⁴¹

Claimants note that the Tuwharetoa Trust Board and later the Owhaoko B and D Trust have requested access through Ngamatea Station but like the owners of Owhaoko D6 section 3 have not been able to secure legal access.¹⁰⁴²

15.25 Summary

The lack of access to the Owhaoko block stems from the Native Land Court not ordering roadlines through the block at the time of partition. This could have been done under Native Land legislation at that time but as the legislation did not specify that the provision of access was mandatory, it was not done. Several applications for access to the Court were made by

¹⁰⁴⁰ Stephen Asher, Secretary, Tuwharetoa Maori Trust Board to Rangitikei District Council, 30 August 1993, RA 1/7 Box 30, Rates: Maori Land – Owners, 1995-?; Rangitikei District Council, Marton. SW Document Bank, volume 6, pp. 93-94.

¹⁰⁴¹ Ibid.

¹⁰⁴² Feedback from claimants at hui with Ngati Hinemanu me Ngati Paki, Winiata Marae, 9 June 2015.

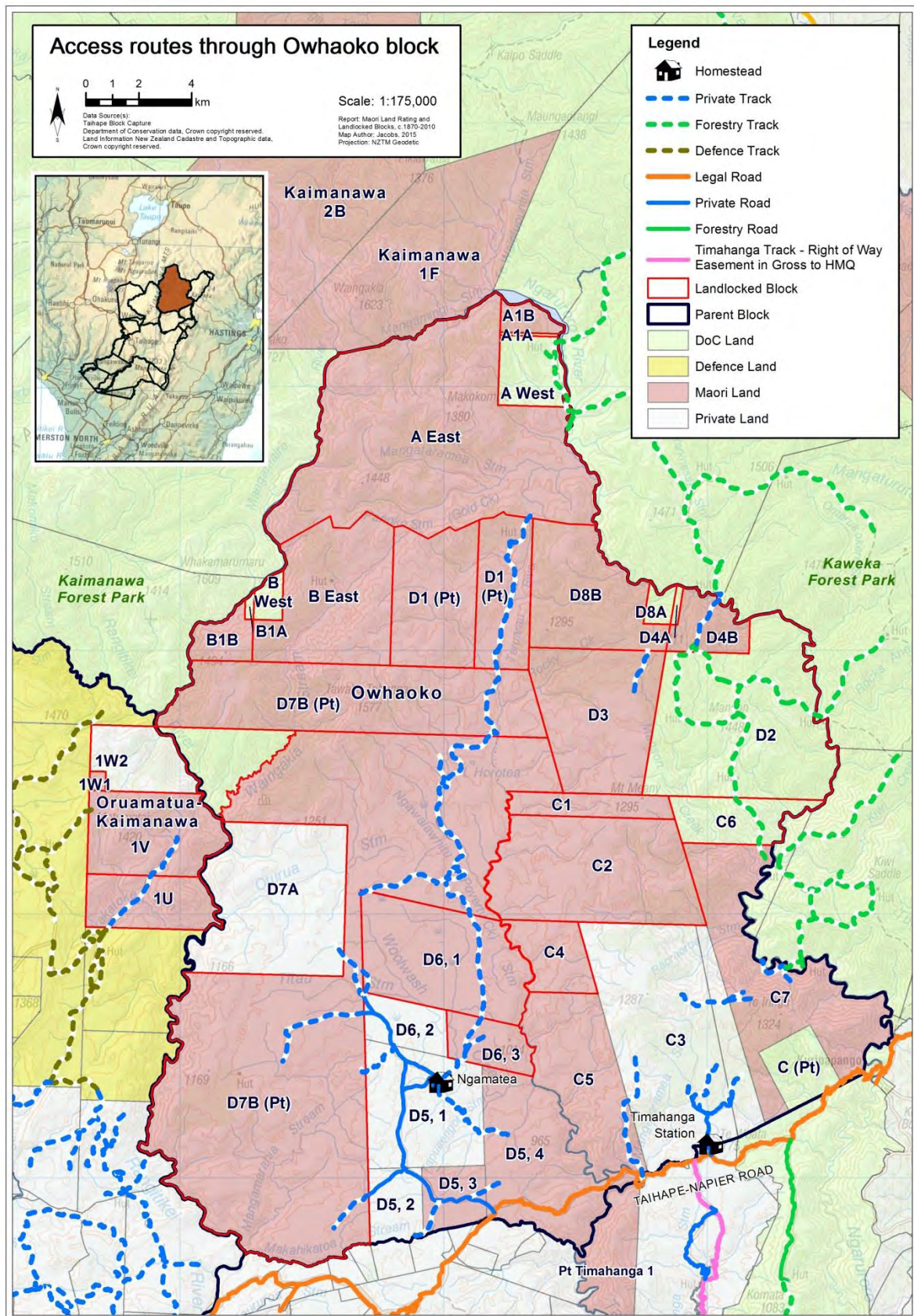
owners around the turn of the 20th century but one was not ordered (to D2) and the other was for access from Owhaoko D5 section 4 to section 1 and does not appear to have ever been acted on. No reference has been found in all the Owhaoko related correspondence viewed for this report to this roadline. The order, however, was specifically to provide access to section 1 and no other orders for the rest of the block were made. As noted previously, a legal opinion is required to assess the status of this roadline.

In the 1920s, the then owners of Ngamatea Station tried to have the land over which the existing road traversed from the Napier-Taihape Road to section 1 (said to have been in existence for many years) taken under the Public Works Act. They did not pursue it further after been told that they would have to fund the legalisation and formation of the road themselves. Had they been advised by the RCC to pursue the matter through the Native Land Court, it is likely, had the permission of the Maori owner's been obtained, that the existing access road could have been legalised at this time under Native Land legislation.

Warnings regarding how the sale and or/lease of the land over which the access route traversed would impact on access to the rest of the block were ignored. These were made by various Crown officials such as the Valuer General in 1905 and an Inspector of Agriculture in 1907. After the Crown had acquired Owhaoko D6 section 2 in 1914 (now owned by Ngamatea Station) officials acknowledged that the access road to the block was not a legal route. As the block was not considered suitable to be offered for settlement at that time nothing was done by the Crown about legalising the route.

The owners of Ngamatea Station were able to access their land because they leased Owhaoko D5 section 4 from 1930 which was one of the few Owhaoko blocks to have access from the Napier-Taihape Road. The blocks between section 1 and 4, over which the road traversed were utilised by the station for grazing without payment of rent for a number of years. In the 1950s, following rates charging orders and the appointment of the Aotea Maori Land Board as receiver, section 3 was leased and section 2 sold to the owners of Ngamatea Station. The subsequent purchases of shares in section 3 and 4 by the Maori husband of one of the then station owners in the 1960s and 1970s meant that Ngamatea Station secured the access route to the station (as well as to the blocks beyond the station).

The Maori owners of the Owahaoko blocks who are reliant on the Ngamatea Station for access are at an impasse. They have tried for over thirty years to secure access using the legislation available. Despite changes in the legislation in 2003, they have found that achieving legal access is still dependent on the wishes of the owners of the access route. That is, the owners of the access route are still able to stymie an application for legal access by appealing to the High Court while the Maori owners do not have the resources to respond to such an appeal.



Map 8: Access routes through Owhaoko block

16. AWARUA O HINEMANU

16.1 Introduction:

The Awarua o Hinemanu block, consisting of 6,330 acres or 2,562 hectares is located in the Ruahine ranges and has 890 owners. While there is a formed road that leads to the block it traverses through privately owned and Crown land. No agreement regarding the use of this road has been able to be reached between the trustees who administer the block (Awarua o Hinemanu Trust) and the owner of the privately owned land, Mr Glazebrook of Big Hill Station. An application for reasonable access to Awarua o Hinemanu was dismissed by the Maori Land Court in 2013.¹⁰⁴³

16.2 Investigation of title

Subasic and Stirling record that title to the Awarua Hinemanu block was not investigated until September 1991. Title was awarded in June 1992. They record that the name of the block was given to the land by the Court ‘ “merely to identify the block,” which it awarded to Ngati Hinemanu and which was, essentially, a part of the Awarua block that had been excluded from the Awarua title in 1886.’ Subasic and Stirling also note that ‘the evidence taken by the Court at Omahu on 23 September 1991 and at Winiata on 25 September 1991 is not available, the sole copy being held by the Maori Land Court, which ... declined to make the transcript of proceedings available for review’. They did, however, view Judge Carter’s decision of 8 June 1992, which ‘traverses the history of the land and the reasons for its award.’ Court minutes from May 1991 which are available state that the land was mistakenly included in a partition made on 11 May 1894, that the error was discovered in 1990 and action to correct the situation culminated in the lands in question being ‘without formal appellation and presumably Maori Customary land’.¹⁰⁴⁴ The Deputy Registrar of the Maori Land Court, Hastings explained further:

¹⁰⁴³ Reserved Judgement of Judge LR Harvey in the matter of Awarua o Hinemanu Trust, 23 March 2015, Takitimu Minute Book 39, p. 18. <http://www.justice.govt.nz/courts/maori-land-court/documents/judgments/pdfs-maori-land-court-sittings/2015/big-hill-station-ltd-awarua-o-hinemanu-trust-2015-39-takitimu-mb-16>; Maori Land Online.

¹⁰⁴⁴ Napier Minute Book 130, 14 May 1991, pp. 130-131.

An application pursuant to section 452/53 was lodged by the Chief Surveyor in 1987 along with an extensive background search dated 7 February 1984 by the Commissioner of Crown Lands. Mr Graham from the Wanganui Maori Land Court, a qualified surveyor, has researched and assisted the Court greatly in identifying an error that took place in 1894. Between 1892 and 1894 the Crown purchased individual shares in the Awarua blocks of land and an application was lodged by the Crown on 8 May 1894 to define the Crown's interest. Partition orders were made but the plan used was incorrect. Briefly an area of 6,338 acres should not have been included in the Crown title. The situation has been accepted by the Survey and Land Department and Conservation Department without question.¹⁰⁴⁵

Richard Steedman, who was in attendance at the 1991-1992 hearings, does not recall any discussion about access to the land at these hearings. There is also nothing about access in any of the Maori Land Court files perused for the period around the early 1990s and nothing in the judgement of Judge Carter of 8 June 1992.¹⁰⁴⁶

On 23 May 2006, the trust accepted Nga Whenua Rahui conservation covenant over the block for 25 years for \$230,500.00.¹⁰⁴⁷

16.3 Existing Access to Awarua o Hinemanu

Road access to Awarua o Hinemanu can be gained through No Mans Road which traverses Big Hill Station and continues through DOC lands to the block. As noted, permission has not been received by the trustees of the block to use the part of the road that goes through the station. DOC's Conservation Services Manager, Rod Smillie, states that DOC would support the use by Maori of the DOC roads to access their land but are unable to assist with the

¹⁰⁴⁵ Deputy Registrar, Maori Land Court, Hastings to Chief Judge Durie, Wellington, 19 September 1991, NA 501 volume 1, Awarua o Hinemanu Re: Crown Re-vesting Ruahine Ranges Block, 1990-1991, Tairāwhiti Maori Land Court, Hastings. SW Document Bank, volume 3, pp. 77-88. Napier Minute Book 133, 8 June 1992, pp. 17-22.

¹⁰⁴⁶ Subasic and Stirling, Central Aspect, p. 188; Conversation with Richard Steedman and author, 21 October 2014.

¹⁰⁴⁷ Maori Land Online.

provision of access through Big Hill Station as it is Mr Glazebrook who owns that part of the road.¹⁰⁴⁸

Mr Smillie has advised that DOC has negotiated an access agreement with Big Hill Station which allows DOC to use this formed road as and when they need to. The access agreement also extends to granting permission to one hunting party and one tramping party every weekend. There is no provision in the agreement to grant access to the Maori owners of the blocks beyond.¹⁰⁴⁹ Access is prevented by a locked gate.¹⁰⁵⁰

DOC's website notes that the 22 kilometre 4WD No Mans Road 'climbs to the open tops of the north eastern Ruahine Range' and 'provides access to a varied network of huts and tracks for hunters and trampers'.¹⁰⁵¹

16. 4 Legal access through Big Hill Station

Lands and Survey Department and New Zealand Forestry Service (NZFS) papers record that in addition to the Big Hill Station formed road, there is a legal unformed road through Big Hill Station to the Ruahine State Forest. This legal unformed road follows a different line to the formed road constructed by Big Hill Station.¹⁰⁵²

Lands and Survey Department officials commented in the 1970s that the owner of Big Hill Station on which the formed road traversed held 'the key for Forestry access to the forest at the back'.¹⁰⁵³ With this in mind, they, together with the NZFS, engaged in negotiations with Mr Glazebrook to transfer his formed access road through Big Hill Station into public ownership. The Crown proposed that Mr Glazebrook be paid \$10,000 and the legal road line

¹⁰⁴⁸ Conversation with Rod Smillie, Conservation Services Manager, Department of Conservation and author, 4 May 2015.

¹⁰⁴⁹ Ibid.

¹⁰⁵⁰ Ruahine Forest Parks pamphlet, Department of Conservation, <http://www.doc.govt.nz/Documents/parks-and-recreation/tracks-and-walks/east-coast-hawkes-bay/ruahine-fp.pdf>

¹⁰⁵¹ Ruahine Forest Parks pamphlet, Department of Conservation, <http://www.doc.govt.nz/Documents/parks-and-recreation/tracks-and-walks/east-coast-hawkes-bay/ruahine-fp.pdf>

¹⁰⁵² File note by District Administration Officer, Lands and Survey Department, 22 November 1971; Chief Surveyor, Lands and Survey Department to Messrs Brandell and Grossman, 2 July 1974; Conservator of Forests to G Glazebrook, 21 December 1977, AALX 839 W3108/68/b 3/231 part 1 Crown Land Adjoining Big Hill Station, 1931-1979, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 249-251.

¹⁰⁵³ File note by District Administration Officer, Lands and Survey Department, 22 November 1971, AALX 839 W3108/68/b 3/231 part 1 Crown Land Adjoining Big Hill Station, 1931-1979, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 249.

be transferred to him. The formed road would then be improved and maintained by the HBCC.¹⁰⁵⁴

During the negotiations Mr Glazebrook said he was unaware of the legal road and that it was not 'as per section 43 of the Crown Grants Act 1883'. The Chief Surveyor confirmed the presence of the legal road advising Mr Glazebrook's solicitors in 1974 that:

Section 43 of the Crown Grants Act 1883 is not applicable. The relevant statute was the Crown Grants Act 1866 (section 9) and did not require a dedication. All that was necessary was a survey and the marking of the road on the road maps of the District Survey Office within five years of the date of the grant or three years of the operative date of the Act 8.10.1866.

Blocks 56 and 59 through which this road runs were granted on 22.11.1866^[5?] and 13.1.1866 (section 9). The report of the survey office of May 8th 1869 in Hawke's Bay Gazette of June 11th 1869 states that all road surveys required by the Crown Grants Act 1866 are almost complete and the final road maps would be plotted up during the winter.

The inference is that this district was well served by road surveyors and the roads necessary to provide legal access and frontage were surveyed within the required time and as such are Crown Grant roads.

In the present case the pre-quake titles and old maps in our office show the unformed road and while the loss of records in 1931 prevents us from itemising in full the history of this piece of road, this office is satisfied that it is legal road. There is certainly no freehold title to the soil of the road and no other supportable alternative to its status.¹⁰⁵⁵

¹⁰⁵⁴ Conservator of Forests to G Glazebrook, 21 December 1977, AALX 839 W3108/68/b 3/231 part 1 Crown Land Adjoining Big Hill Station, 1931-1979, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 252-255.

¹⁰⁵⁵ Chief Surveyor, Lands and Survey Department to Messrs Brandell and Grossman, 2 July 1974, AALX 839 W3108/68/b 3/231 part 1 Crown Land Adjoining Big Hill Station, 1931-1979, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 250-251.

Mr Glazebrook also expressed concern during the negotiations about having a public road through his property noting that it could result in restricting stock movement and a rates increase. He also suggested that the NZFS be given an easement over the Big Hill formed road instead of the Crown acquiring it. The Conservator of Forests remarked that this would 'not help the public'. Mr Glazebrook responded that 'the public could use the legal access and walk in following marker pegs'.¹⁰⁵⁶

In 1978, Mr Glazebrook decided that he did not wish to have a public road through his land. He stated:

After considerable discussion it would appear to us that the disadvantages of having a public road through the station out way the advantages. It would appear from what Mr Campin says that public access already exists, when the question of turning the existing way into a public road was first mooted we had been under the impression that no public access existed. In view of this we are not prepared to have the access track turned into a public road but would be happy to grant the Forest Service an easement in favour of its personnel & employees. This was the suggestion in some of the earlier correspondence.¹⁰⁵⁷

The NZFS was unhappy about the decision considering it to be an 'obstructive and delaying action'. Discussion followed about whether NZFS would evict Mr Glazebrook from an area of Crown land where there was no lease arrangement and if this would provoke Mr Glazebrook to deny access to the formed track. The Conservator of Forests noted, however, that the Forests Act and Wild Animal Control Act would ensure the ability of NZFS to 'obtain access for management purposes'. Advice was then sought from an engineer as to the 'feasibility of constructing a road along the general line of the legal road through Big Hill Station to the Ruahine Forest boundary'. According to the engineer 'a road could be built following fairly easy contour route which would provide comfortable motor car access to this part of the forest park'. The Conservator of Forests also noted that there was 'no immediate

¹⁰⁵⁶ Minutes of meeting held between Messrs Glazebrook, Campin (Commissioner of Crown Lands); Rockell, (Conservator of Forests Palmerston North); and Benjamin (District Ranger) 27 September 1977, AALX 839 W3108/68/b 3/231 part 1 Crown Land Adjoining Big Hill Station, 1931-1979, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 259-261.

¹⁰⁵⁷ G Glazebrook to JD Rockell, Conservator of Forests, 13 February 1978, AALX 839 W3108/68/b 3/231 part 1 Crown Land Adjoining Big Hill Station, 1931-1979, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 262-263.

intention’ of constructing the road because of the ‘current economic position’ and it was ‘unlikely that any construction could be contemplated for some years to come’.¹⁰⁵⁸

A survey of the legal unformed road was, however, agreed to though given a low priority. The Department of Lands and Survey file on which this information was recorded goes no further on the matter.¹⁰⁵⁹

DOC has confirmed that there is now an unformed surveyed road that traverses through the station and that it only crosses the formed road (on private land) in one place.¹⁰⁶⁰

16. 5 Protest, 2010

On 6 February 2010, *Stuff* reported that Ngati Hinemanu was planning a protest walk along the ‘paper road’ through Big Hill Station. It was noted in the article that the owner, Mr Glazebrook, had a ‘10km paper road dissecting his property’ which Ngati Hinemanu wished to use to access the Awarua o Hinemanu block.¹⁰⁶¹

A ‘Walking Access Commission’ spokesperson was recorded as stating that hapu members had a ‘legal right to walk on any paper road, subject to certain conditions’ and that ‘paper roads were no different in law from formed roads. She suggested that farmers:

... ensure there are gates on paper roads to allow public access, and members of the public should respect animals and farm property on either side of the road.¹⁰⁶²

It was reported that spokesperson for Ngati Hinemanu, Hape Lomax, said that his people were ‘determined to access their ancestral lands through Big Hill Station’. He noted that DOC had ‘an access agreement with Mr Glazebrook which allows two hunting parties and one tramping party a week to cross his property to the Ruahine Forest Park’.¹⁰⁶³

¹⁰⁵⁸ Rockell, Conservator of Forests, Palmerston North to Commissioner of Crown Lands, Napier, 4 May 1978, Ian Armitage for Conservator of Forests, Palmerston North to Commissioner of Crown Lands, Napier, 14 June 1979, AALX 839 W3108/68/b 3/231 part 1 Crown Land Adjoining Big Hill Station, 1931-1979, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 264-265.

¹⁰⁵⁹ AALX 839 W3108/68/b 3/231 part 1 Crown Land Adjoining Big Hill Station, 1931-1979, Archives New Zealand, Wellington.

¹⁰⁶⁰ Conversation with Rod Smillie, Conservation Services Manager, Department of Conservation and author, 4 May 2015.

¹⁰⁶¹ <http://www.stuff.co.nz/national/politics/3299033/Another-hapu-plans-protest-walk>, 6 February 2010.

¹⁰⁶² Ibid.

¹⁰⁶³ Ibid.

Federated Farmers Hawke's Bay provincial president Kevin Mitchell also commented. He said that people accessing farms by paper roads were 'creating a huge problem for farmers'. Further:

Any access through farms opens up a real can of worms for safety and farm management reasons. We're very concerned about this.¹⁰⁶⁴

Mr Lomax said Ngati Hinemanu had unsuccessfully sought to obtain free access over Mr Glazebrook's private road in a recent Maori Land Court case. He was recorded as saying:

We are now going to take a stroll across the public right of way. We need to get free and reasonable access to our ancestral lands. We are treating this as a public right of access issue. We will be making our presence known.¹⁰⁶⁵

Both the owner and Hastings District Council, who was said to have 'legal responsibility for the paper road on Mr Glazebrook's property', were reported to have declined to comment on the matter.¹⁰⁶⁶

Hawke's Bay Today also reported on the protest and recorded a further statement from Mr Mitchell that 'when the debate over public road access "broke out", Federated Farmers conducted a survey which showed most farmers were willing to give people access, if asked'. Further:

These paper roads, most were drawn about 100 years ago or more in an office somewhere, they are not practical in a lot of cases and they certainly threaten the security of farmers. ... We are saying in our argument in the debate, where there is an issue let's get everyone together and negotiate one [option] that's suitable for everyone. ... There is no one rule to fit all, we have to deal with this one by one."¹⁰⁶⁷

16.6 Application for Access, 2003-2015

The 'Maori Land Court case' referred to in the article was an application made by Hape Lomax, a trustee of Awarua o Hinemanu Trust, for reasonable access to landlocked land

¹⁰⁶⁴ Ibid.

¹⁰⁶⁵ Ibid.

¹⁰⁶⁶ Ibid.

¹⁰⁶⁷ *Hawkes Bay Today*, 10 February 2010.

under section 326B of Te Ture Whenua Maori Act 1993 filed on 22 October 2003. Following several adjournments a site visit was held on 4 March 2004 and a judicial conference on 10 May where there was ‘some disagreement among the trustees regarding whether the application should have been made’. The application was then adjourned and new trustees appointed who ‘gave their support for the trustees to proceed with the application’. While a judicial conference was held in April 2007 it was not until July 2010 that the applicant ‘requested a fixture be granted’. It was at this stage that the parties (the Awarua o Hinemanu Trust and Big Hill Station) met in an attempt to come to an agreement regarding access. ‘No progress’, however, was made. Another judicial conference held in November 2010 was adjourned so that the applicants could ‘approach surveyors and engineers for evidence to support their application’.¹⁰⁶⁸

On 3 March 2011, applications by Big Hill Station for discovery and security for costs were heard in the Maori Land Court. These applications arose as the station was ‘concerned that the application [for access] lacked sufficient detail as no clear proposal had been identified’. The Court granted the application for discovery but dismissed the application relating to security of costs. The Court also issued directions regarding ‘timetabling for the filing of evidence for a substantive hearing’. A hearing was scheduled for December 2011. Evidence was received but the application ‘sat idle’ until 6 November 2013 when Judge Harvey dismissed it noting that under rule 6.28 of the Maori Land Court Rules, 2011, the applicants could file a new application on the same matter when they were ‘in a position to reinstate’. The dismissal arose as ‘it was suggested that the access application could not be properly prosecuted until the difficulties affecting the Trust had been resolved and a request was made that the application be dismissed until the Trust was in a position to continue with the proceedings’. The difficulties affecting the Trust related to the administration of the trust including its inability to account for trust funds.¹⁰⁶⁹

Subsequently an application was made by Big Hill Station for a rehearing but on the issue of costs only. Counsel for Big Hill Station ‘submitted that they had continuously sought the disposal of the substantive proceedings regarding the application for access to landlocked

¹⁰⁶⁸ Reserved Judgement of Judge LR Harvey in the matter of Awarua o Hinemanu Trust, 23 March 2015, Takitimu Minute Book 39, p. 17. <http://www.justice.govt.nz/courts/maori-landcourt/documents/judgments/pdfs-maori-land-court-sittings/2015/big-hill-station-ltd-awarua-o-hinemanu-trust-2015-39-takitimu-mb-16>

¹⁰⁶⁹ Reserved Judgement of Judge LR Harvey in the matter of Awarua o Hinemanu Trust, 23 March 2015, Takitimu Minute Book 39, p. 18. <http://www.justice.govt.nz/courts/maori-landcourt/documents/judgments/pdfs-maori-land-court-sittings/2015/big-hill-station-ltd-awarua-o-hinemanu-trust-2015-39-takitimu-mb-16>

land, and agreed with the Court's decision to dismiss it, given that the respondents had made no effort to prosecute the application for some time'. Counsel also submitted that:

Big Hill Station spent a considerable sum opposing the access application and meetings its obligations with respect to the filing and exchange of evidence, including expert evidence.¹⁰⁷⁰

Counsel argued that as the trust had 'failed to advance the matter to hearing' and that the application was 'technically at an end', it was an appropriate time for costs to be awarded. It was also argued that submissions from the respondents regarding the availability of funds to pay costs had prevented 'an order for security for costs being obtained by Big Hill Station' and that it appeared that those funds were 'no longer available'.¹⁰⁷¹

Counsel for Awarua o Hinemanu Trust responded that 'the dismissal of the access application was as a consequence of the situation the Trust found itself in rather than as a conscious decision of the trustees. In other words, she said, it was a practical reality of the problems facing the Trust'. She also noted that the current trustees were 'still considering whether to reinstate the application regarding access or not' and therefore it was premature for costs to be considered. Further that as the evidence in the matter had not been heard it could not be 'concluded that the application is doomed to failure' and that if the application was 'reactivated the respondents may well be the successful parties'.¹⁰⁷²

Finally, counsel submitted that if the Court granted a rehearing on the costs issue, the current trustees would be seeking a *Beddoe* hearing for indemnity from such costs. They would also need to assess the merits of the original application, as that is a factor that is relevant to costs.¹⁰⁷³

¹⁰⁷⁰ Reserved Judgement of Judge LR Harvey in the matter of Awarua o Hinemanu Trust, 23 March 2015, Takitimu Minute Book 39, p. 19. <http://www.justice.govt.nz/courts/maori-landcourt/documents/judgments/pdfs-maori-land-court-sittings/2015/big-hill-station-ltd-awarua-o-hinemanu-trust-2015-39-takitimu-mb-16>

¹⁰⁷¹ Ibid.

¹⁰⁷² Ibid.

¹⁰⁷³ Ibid.

On 23 March 2015, Judge Harvey ruled that Big Hill Station were ‘entitled to make a claim for their costs’ and were to file submissions within two weeks. The respondents were to file submissions two weeks following that.¹⁰⁷⁴

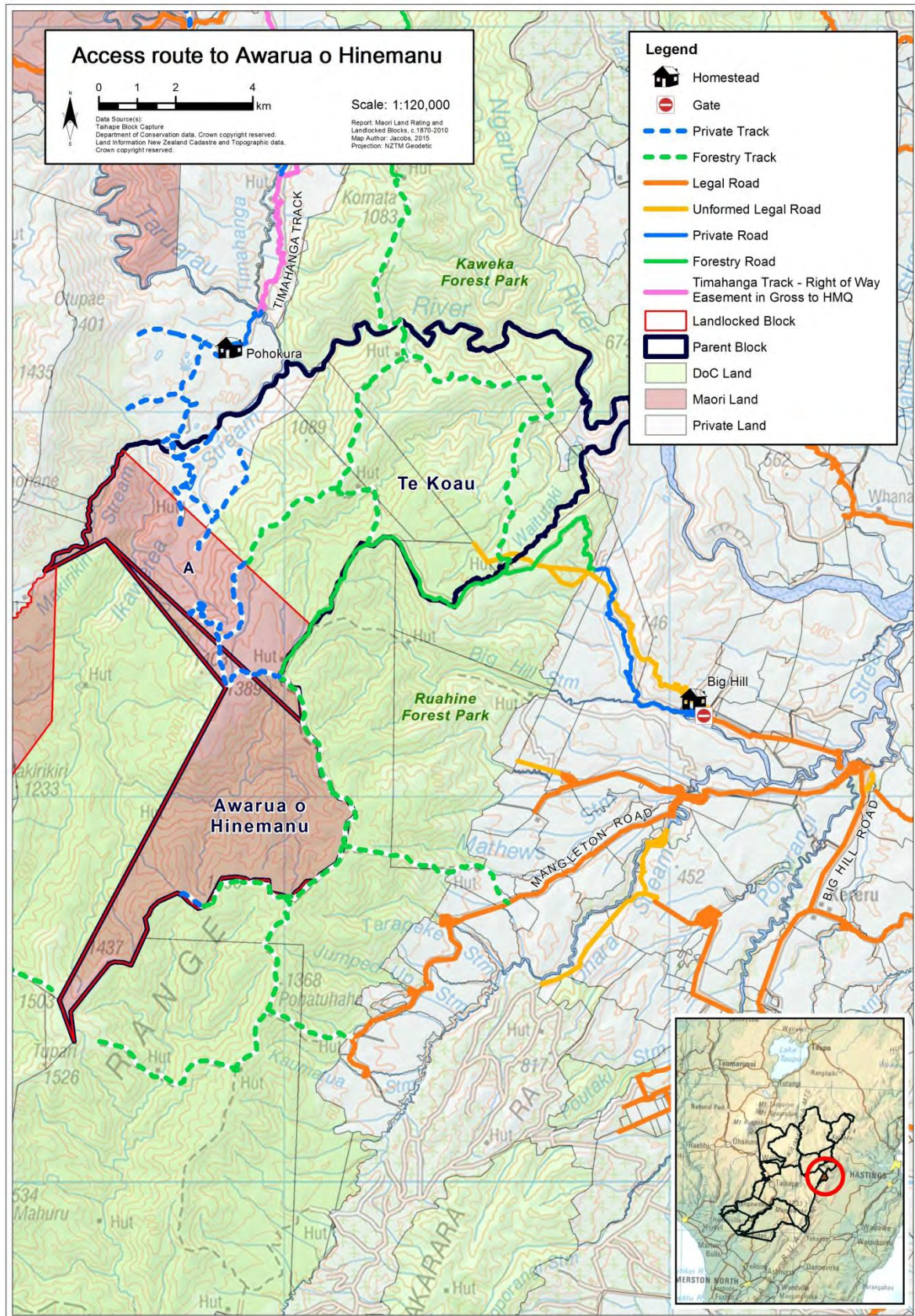
16.7 Summary

Awarua o Hinemanu was mistakenly assumed to be Crown land for almost 100 years. When the mistake was realised title to the land was investigated and awarded to Maori in 1992. On the one hand, a serious mistake has been rectified. On the other hand, the block has been returned with a serious defect – no legal access. Further, it has been up to the trustees of the block to rectify the situation – not the Crown who made the surveying error which led to the block being considered to be in Crown ownership in the first place. The Crown has instead negotiated its own access through private land to Crown land adjacent to Awarua o Hinemanu but has not ensured access to the Maori owners of the block.

Despite an application for reasonable access being in the Maori Land Court process for ten years the owners are still denied access to their land and those denying the access are entitled to apply for costs incurred opposing the application for access. This has all occurred under current legislation designed in 2003 to provide legal and reasonable access to Maori landlocked blocks.

The reality is that there is a legal road, albeit unformed, which could provide access to the land. If the rights of the landowner who owns the access road takes precedent and access is denied because of that persons say so then there is an alternative. This would then make the return of the block a proper and fair resolution and not one with a major flaw.

¹⁰⁷⁴ Ibid.



Map 5: Access route to Awarua o Hinemanu

17. TE KOAU

17.1 Introduction

Te Koau A block, consisting of 1396.5701 hectares (almost 3451 acres), is situated about 16 kilometres south of the Taihape-Napier Road and lies between two DOC reserves (the Awarua Conservation Area and the Ruahine Forest Park), private land to the north and Maori land to the south east.¹⁰⁷⁵ It has 468 owners and is administered by Te Koau A Trust. Most of the block (1360 hectares) was placed under a Whenua Rahui Kawenata Trust in June 2006 for a consideration of \$125,640 for 25 years.¹⁰⁷⁶

The Land Care research report on *Maori Land Online* records that 84% of the block has ‘extreme limitations’ that is, it is unsuitable for cropping, pasture or forestry, but that 16%, while not suitable for cropping, was ‘good for pastoral and forestry purposes’.¹⁰⁷⁷

Te Koau A has no legal access.

17.2 Existing Access to Te Koau A

Although Te Koau A is contiguous to the Awarua o Hinemanu block, the typography is such that different routes are required to access each block. Indeed the route to Te Koau A via Awarua o Hinemanu (and Big Hill Station) only provides access to a tiny portion of Te Koau before it becomes too difficult to traverse, even by foot. Thus it is too difficult to access the bulk of Te Koau A from No Mans Road.¹⁰⁷⁸

The most direct over-land access route to Te Koau A is via what is known by DOC as the Timahanga Track (section 8 Block XI Kuripapango Survey District) which is administered by the Department. It is a metalled formed road suitable for vehicles that despite traversing

¹⁰⁷⁵ Subasic and Stirling Central Aspect, p 17; Cleaver, p.195.

¹⁰⁷⁶ Maori Land Online, accessed 23 February 2015; Subasic and Stirling, Central Aspect, p. 17; According to the DOC website: ‘Ngā Whenua Rāhui is a contestable Ministerial fund established to facilitate the voluntary protection of indigenous ecosystems on Māori-owned land. The fund provides the opportunity for Māori landowners to manage their interests in biodiversity, reflecting different iwi and hapu priorities and sharing the benefits of its use. The principles of Ngā Whenua Rāhui are geared towards the owners retaining tino rangatiratanga (ownership and control).’ <http://www.doc.govt.nz/nga-whenua-rahui>.

¹⁰⁷⁷ Maori Land Online, accessed 23 February 2015

¹⁰⁷⁸ Conversation with Richard Steedman and author, 21 October 2014.

through the privately owned Timahanga Station (which is located to the north west of Te Koau A) is in Crown ownership. The use of this road, however, is subject to restrictions. The road goes as far as Pohokura from where a vehicle track (not Crown owned) suitable for 4WDs continues for about five kilometres to Te Koau across Timahanga Station.

Cleaver records that access along the road was closed to claimants during the 1980s. Before this ‘they had been able to travel through to the Taruarau River and then walk the remaining distance to Te Koau A block’. He also notes that prior to this access being closed, ‘a deer capture operation existed for a time on Te Koau A.’¹⁰⁷⁹

Currently there are no formal arrangements in place with DOC or the owner of Timahanga Station to allow the Maori owners or trustees of Te Koau A vehicle access to their land. Difficulties remain regarding gaining permission from the current owner. Richard Steedman, who in the 1990s was a trustee for the block, believes that fostering good relationships is the way forward under existing legislation. Another owner, Wero Karena, has recently applied to the Maori Land Court for reasonable access under Te Ture Whenua Maori Act 1993.¹⁰⁸⁰

17.3 Investigation of title, partitions and the sale of the surrounding land

Access to Te Koau A block became problematic for the owners when surrounding land, which contained the most practical access, was no longer in Maori ownership.

The surrounding land includes:

- (to the west) Kaweta Stream and Mangaohane G;
- (to the north) Timahanga, Te Koau B and the adjoining Education Reserve¹⁰⁸¹,
- (to the east) Otaranga – now state forest which adjoins Big Hill Station;
- (to the south) Awarua 1C – now state forest; Awarua o Hinemanu block (landlocked Maori land); and Awarua 1DB2 (landlocked Maori land).

¹⁰⁷⁹ Cleaver, p. 195.

¹⁰⁸⁰ Conversation with Richard Steedman and author, 21 October 2014; Takitimu Maori Land Court Panui, June 2015.

¹⁰⁸¹ Subasic and Stirling, Central Aspect, pp. 7, 9.

Of this land, the most practical access has always been through the Timahanga, Mangaohane G and later Te Koau B blocks which are all now part of the privately owned Timahanga Station. It has also been the route used by the owners.

Subasic and Stirling record that title to Te Koau, ‘came into existence in 1891, after some of the owners were able to establish that the block had not been included in the Crown’s 1857 Otaranga purchases in the disputed boundary area of the Kaweka ranges, and thereby remained customary Maori land’. Title to Te Koau block, consisting of 17,400 acres was investigated by the Native Land Court in 1900. The 17,400 acres included 7,100 acres that had been wrongly alienated by the Crown for the purpose of an education reserve prior to 1878. This land was not returned to Maori but compensation awarded instead. The remainder of the block comprised 10,240 acres.¹⁰⁸² The 1900 decision of the Native Land Court was appealed and heard by the Appellate Court in 1906.¹⁰⁸³ At neither hearing, in 1900 and in 1906, was access to the block ordered in the judgement.¹⁰⁸⁴

In 1911, just before a meeting of owners was called to consider selling the land to the Crown (the resolution was lost), a report and valuation was made of the block. The Hastings district valuer included a statement regarding access to the block:

Bounded on the North-west by the Te Kaweta Stream, North-east an Education Reserve held by G.W. Stead, South-east and South-west Crown land. There is a surveyed road touching the South-east extremity of the block (but this is never likely to be formed) the present access is by pack-track from the Inland Patea road through the Timahanga Block and Mangaohane G Block, the distance from the formed road being about 7 or 8 miles and from Hastings by this route about 58 miles.¹⁰⁸⁵

The inland Patea road referred to is the Taihape-Napier Road and the pack track is described in such a way as to suggest it took a similar route to what is now called the Timahanga track (discussed below). The ‘surveyed road touching the South-east extremity of the block’ refers

¹⁰⁸² Subasic and Stirling, Central Aspect, pp. 7-14.

¹⁰⁸³ Subasic and Stirling, Central Aspect, p. 15.

¹⁰⁸⁴ Napier Minute Book 53, 27 September 1900, pp. 191-196; and Napier Minute Book 56, 28 and 30 May 1906, pp. 324-327, 276.

¹⁰⁸⁵ District Valuer to Valuer General, 19 February 1911, AECZ 18714 MA-MLP 1 1920/15, Te Koau, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 267-269.

to what is now the road that goes through Big Hill Station into Ruahine Forestry lands. (More details on this road are discussed in the chapter regarding Awarua o Hinemanu.)

The difficulty with this pack track was that the 6818 acre Mangaohane G through which the track traversed and which was contiguous to Te Koau had been acquired by the lessee of the block, John Studholme, in 1893. Studholme had purchased it from Richard Townsend Warren, who, Grant Young states, ‘had acquired the interests of the Maori owners by deed on 8 August 1885 and obtained a certificate under the Native Land (Validation of Titles) Act 1892 following a hearing in Hasting on 19 July 1893’.¹⁰⁸⁶

Timahanga 2-6, where the ‘pack track’ began, was sold to the Crown between 1911 and 1915.¹⁰⁸⁷ Therefore by 1915, the route into Te Koau was over Crown and privately owned land.

In 1921, Te Koau was partitioned into Te Koau A (3,451 acres) and Te Koau B (6,879 acres). Te Koau A was awarded to 39 owners and Te Koau B to 65 owners.¹⁰⁸⁸ The plan attached to the Te Koau A partition order shows that to the north of Te Koau A was Te Koau B, to the south was Awarua C, to the east Otaranga and to the west Mangaohane. To the north of Te Koau B was described as block 78 (the Education Reserve). No roads were present on this plan or the plan for Te Koau B.¹⁰⁸⁹

At the partition hearing of 24 March 1921, it was recorded that a Mr Hallett, representing the non-sellers had advised that a meeting of assembled owners had decided to sell Te Koau to Rose and Alexander McDonald Junior. Non-seller interests were to be ‘cut off in the S.W. by a line drawn parallel to the S.W boundary’. This portion, known as Te Koau A (3307 acres) was to ‘exclude the homestead near the mouth of the Ikawatea stream’. The residue of the block, Te Koau B (6593 acres) was to go to the sellers ‘or the purchasers from them’.¹⁰⁹⁰

No mention or provision for access was made at the partition hearing.¹⁰⁹¹

¹⁰⁸⁶ Young, appendix, p. 226.

¹⁰⁸⁷ Fisher and Stirling, Northern Aspect, pp. 200, 230-233, 247-250.

¹⁰⁸⁸ Partition order and list of owners, 24 March 1921, Te Koau block order file, Taihape Inquiry District Document Bank, volume 3, pp. 192-193, 207

¹⁰⁸⁹ Ibid.

¹⁰⁹⁰ Napier Minute Book 69, 24 March 1921, pp. 331-332

¹⁰⁹¹ Napier Maori Land Court Minute Book 69, 24 March 1921, pp. 331-332.

Following the partition hearing, however, the Department of Lands and Survey, who had been tasked with surveying the partition, pointed out to the Registrar of the Native Land Court that there was ‘no access provided for in the court descriptions’ and that ‘possibly this has been an oversight’. The chief surveyor asked the registrar to draw the Judge’s attention to the matter ‘so that if access is necessary, it may be provided while the Surveyor is on the ground’. A handwritten response on the corner of this letter to the registrar states: ‘There does not appear to be any road access to the block – No mention was made of such at the hearing when Mr Hallett represented the non-sellers and Mr Stanton represented the purchaser from the sellers’.¹⁰⁹² On this basis the registrar replied to the chief surveyor that:

... there does not appear to be any road access to the block itself, and as no mention of roads was made at the time of the hearing of the application for partition, the question was not considered by the Court.¹⁰⁹³

Therefore the mention or reminder of the blocks lack of legal access did not suddenly prompt any officials into rectifying the situation. There is certainly no further mention made in Court records about providing access to the block at this time.¹⁰⁹⁴

Subasic and Stirling record that on 13 September 1922, Te Koau B (now block 63 Maraekakaho Survey District) was sold to the McDonald’s for £1375. 16. 2., at the rate of 4/- per acre. They state that the purchase allowed a long-standing survey lien of £475.8.2. to be cleared.¹⁰⁹⁵ Indeed on 4 March 1922, the Registrar of the Native Land Court at Hastings responded to a query from the solicitors for the McDonald’s regarding registration of title which had not been completed. The Registrar said that he proposed waiting until the purchase money had been forwarded to the Wellington District Maori Land Board, so that the Board

¹⁰⁹² Chief Surveyor, Department of Lands and Survey District Office, Napier to Registrar, Native Land Court, Wellington, 24 June 1921, Handwritten note on aforementioned letter to registrar, 29 June 1921, Ikaroa I/316 Te Koau B alienation file, 1919-1929, Takitimu Maori Land Court, Hastings. SW Document Bank, volume 3, p. 50.

¹⁰⁹³ Registrar, Native Land Court, Wellington to Chief Surveyor, Napier, 30 June 1921, Ikaroa I/316 Te Koau B alienation file, 1919-1929, Takitimu Maori Land Court, Hastings. SW Document Bank, volume 3, p. 51.

¹⁰⁹⁴ Ikaroa I/316 Te Koau B alienation file, 1919-1929, Takitimu Maori Land Court, Hastings.

¹⁰⁹⁵ Maori Land Board Confirmation of Alienation, 13 September 1922, p 206; and Notice of Release of Lien, 16 October 1922; Correspondence File Na. 81A, Taihape: Rangitikei ki Rangipo & Porirua ki Manawatu Inquiry Districts Research Assistance Projects: Maori Land Court Records Document Bank, Vol. 3, pp.182, 206; and Subasic and Stirling, Central Aspect, p. 15.

could deduct costs, including the survey liens. Then he would send the title to the Land Transfer Office to be registered (and presumably the remainder of the purchase money would then be distributed to the owners). The previous month, the registrar had advised the same solicitors that survey costs owing on the land would be paid out of the purchase money which totalled £1375.16.0. The Ikaroa Maori Land Board was also to receive a commission based on 2 ½ % of the purchase money (£34.7.11). Other deductions made from the purchase money in respect of rates are discussed below.¹⁰⁹⁶

The sale did not go ahead without protest. During the year preceding the sale, TK Winiata complained to Dr Pomare stating that ‘they, the children of Winiata Te Whaaro’ and other owners did not agree to the sale and that they had no other land apart from this block. TK Winiata was advised that a further meeting of owners would be held where he would have an opportunity to oppose the sale. A second meeting of owners was held in May 1920 after the first was attended by only one owner, Hinekatorangi Te Ua (though there were a number of proxies). At the second meeting, 18 owners were in attendance or represented by proxy. Of those 14 voted in favour of selling. (An official noted that only five owners needed to be in attendance to achieve a quorum (at the time there was at least 90 owners)).¹⁰⁹⁷

Of note is that it is the aforementioned Winiata te Whaaro who was excluded from title to Mangaohane despite him and his whanau being the only people to permanently live there.¹⁰⁹⁸

17.4 Legislative provisions for access

Bennion has noted that section 245 of the Counties Act 1886 ‘incredibly, made all roads or tracks through [Crown and] native lands that were “generally used without obstruction as roads”. This was regardless of whether they were surveyed or not, or whether they had been dedicated for this purpose.¹⁰⁹⁹ Thus, if the track had been deemed as being ‘used without

¹⁰⁹⁶ Registrar, Native Land Court, Wellington to Messrs Carlile, McLean, Scannell & Wood, Solicitors, Hastings, 27 February 1922, Ikaroa I/316 Te Koau B alienation file, 1919-1929, Takitimu Maori Land Court, Hastings. SW Document Bank, volume 3, p. 52. Registrar, Native Land Court, Hastings to Messrs Carlile, McLean, Scannell & Wood, Solicitors, Hastings, 4 March 1922, NA 81, Taihape Inquiry District Maori Land Court Document Bank, volume 3, p 183.

¹⁰⁹⁷ T K Winiata to Dr Pomare, 17 and 26 February 1920, AECZ 18714 MA-MLP 1 1920/15 Te Koau Block, 1911-1929, Archives New Zealand, Wellington, SW Document Bank, volume 8, pp. 270-278; Report of the Board Representative in respect of Te Koau, 27 May 1920, Ikaroa I/316, 193 Te Koau B Alienation file, 1919-1929, Takitimu Maori Land Court, Hastings. SW Document Bank, volume 3, pp. 43-44.

¹⁰⁹⁸ Fisher and Stirling, Northern Aspect, pp. 235-236.

¹⁰⁹⁹ Bennion, p. 27.

obstruction' and there had been any impetus to provide access to Maori land located far from existing public roads, this rather draconian legislation (it did not mention consultation or compensation) could have meant that since 1886, the track was a public road under the control of the Hawkes Bay County Council, and later the Rangitikei County Council when the Erewhon Riding of which most of Te Koau was part, was transferred into the latter's boundaries in 1920.

When the investigation of title to Te Koau was finalised in 1906, the Native Land Court legislation pertinent to providing roadways to Maori land was section 69 of the Native Land Court Act 1894. This section stated that the Native Land Court could make an order for a private road over the Maori land that was being investigated or partitioned. Therefore this section could not have assisted in providing for a private road over the adjoining Timahanga 2-6 and Mangaohane G blocks. The Act was only useful for blocks of Maori land being partitioned and that were situated adjacent to existing public roads.

The Native Land Amendment Act 1913 Act was in force when Te Koau was partitioned and unlike the 1909 Act, which only allowed road lines to be laid off at the time the land was partitioned, could have been utilised at this time. It was the first legislation to allow for the laying off of roads over adjoining land at any time after the block had been investigated or partitioned. In the case of the adjoining European land (section 52) the consent of the owner of the land was required. The Court could also order compensation and the adjoining owner could determine whether the road became a public road or not. An exchange of Maori land for European land could also have been ordered to affect access. Although section 52 states that such road access could be ordered for the purposes of giving access or better access to Maori land, it does not specify that the Court was required to consider access. There is no record of any application at this time and the Court did not make any such order. It is obviously not known what the reaction of the owner of Mangaohane G would have been to such an application.

The 1922 Act added a provision to the 1913 Act whereby road-lines could be laid off over adjoining European land to give access to Maori land without the permission of the owner. The proviso was that the European land had to have still been Maori land on 15 December 1913. This therefore precluded Te Koau A as the bulk of the European land in the instance (Mangaohane G) had been in European ownership since 1893 and all of it by 1908. This left

the owners, in the position of having to obtain the permission of the owners of the adjoining land – a position they are still in to this day.

17.5 Utilisation of Te Koau A

An early valuer's report noted that Arthur Boyd was occupying Te Koau in 1911 though there was no 'proper lease'. It is not clear from the valuer's report, however, how long Mr Boyd had been 'squatting' there. Valuation rolls also suggest that for some time during the period 1911 to 1917, 3000 acres of the 6800 acres of Te Koau within the Maraekakaho riding of the HBCC was occupied by Mr Boyd. In addition 600 acres was recorded as being occupied by George Prior Donnelly. Within the lifetime of the valuation book, both Mr Boyd and Mr Donnelly's names have been crossed out from the occupier's column and replaced with 'owners'. Valuations showed just £50 of improvements on the Maraekakaho portion and no improvements on the Erewhon portion between 1907 and 1915 (the 3100 acres within this riding had been valued at £775 and the nominated Maori owners were Wiki te Ua and Taranaki te Ua).¹¹⁰⁰

The valuation rolls for the Erewhon Riding from 1927 to 1939 reflect the sale of Te Koau B. The 1672 acres of Te Koau A within the riding was valued at £200 (no improvements). The occupier had been changed from Otupae Ltd to Matuhia Keepa, Mangu Ratana Keepa and six others who were also listed as the owners. The same valuation book records that part Te Koau B, consisting of 1599 acres was valued at £725 (improvements of £375). The owner was given as Te Koau Ltd and the occupier, Otupae Ltd. The other portion of Te Koau B consisted of 180 acres and was valued at £20 (no improvements). The occupier was changed from Otupae Ltd to Patea Farms Ltd and the owner from Grave Hannay to Patea Farms Ltd.¹¹⁰¹

¹¹⁰⁰ GH Lloyd, District Valuer, Hastings to Valuer General, 19 February 1911, AECZ 18714 MA-MLP 1 1920/15, Te Koau Block, 1911-1929, Archives New Zealand, Wellington; SW Document Bank, volume 8, pp. 267-269. AELU V-NAW 1089 1 2/35 Valuation rolls – Napier – Maraekakaho Riding – roll numbers 1-189, 1911-1917, Archives New Zealand, Wellington; Hazel Riseborough, *Ngamatea Station – the land and the people*, Auckland: Auckland University Press, 2006, p. 25.

¹¹⁰¹ AFHQ 19340 V-WRrolls 4 2/124 Valuation rolls Wellington – Rangitikei County – Erewhon Riding – roll numbers 1-250, 1927-1939, Archives New Zealand, Wellington.

Between 1939 and 1950 the 1672 acres of Te Koau A within the RCC boundaries continued to be valued at £200 (no improvements). The owner and occupier are given as Motuhia Keepa, Mangu Ratana Keepa and others of Taihape.¹¹⁰²

In January 1972, enquiries were made to the Maori Land Court about leasing the block and whether it had any access. The person enquiring was advised that it was necessary to call a meeting of owners to discuss the leasing of the block. Also, that the block had no legal access and that this would entail ‘making an application to the Court to lay off a roadway from the nearest public road through the adjoining lands’.¹¹⁰³

No other records of leases prior to 1978 have been located though it is clear from rating liens being paid by ‘Ferne Bros and Roberts’ in the 1950s that they also unofficially utilised the land at this time. (Rating issues associated with this are discussed below). No further information has been located as to the period of time they used the land in this way.¹¹⁰⁴

In the early 1970s, an owner, Wero Karena, tried to establish a deer farm on the block. It was at this time that the Lands and Survey Department recorded that the owner of Timahanga Station, Mr Roberts, had been approached by Mr Karena to arrange access through Mr Robert’s property to Te Koau A. Indeed Mr Karena had applied to the Maori Land Court for a roadway but the application was returned to him by the Court in January 1975 as it was not completed correctly. Mr Karena was advised by the Court ‘given the large amount of complicated work involved in filing applications of this nature’ to obtain the services of a solicitor. Also, that the Court required Mr Karena to give notice to Mr Roberts of his intention to apply for access particularly ‘in view of Mr Roberts reluctance to allow access through his property’. At the end of January, solicitors for Mr Roberts asked the Court for a copy of the application but were advised by the registrar that it had not yet been received.¹¹⁰⁵ Nothing further has been located about this application for access made at this time.

¹¹⁰² AFHQ 19340 V-WRrolls 42 2/124 Valuation rolls Wellington – Rangitikei County – Erewhon Riding – Roll numbers 1-251, 1939-1950, Archives New Zealand, Wellington.

¹¹⁰³ Registrar, Ikaroa Maori Land Court to Rangi Tahuri Hemopo, 12 January 1972, NA 81 Te Koau A Correspondence, 1957-1993, Tairāwhiti Maori Land Court, Hastings. SW Document Bank, volume 3, p. 16.

¹¹⁰⁴ RDC 00072 : 7: T/27 Maori Land Rating: 13290 087 Te Koau Blk A, Claim 86 Rangitikei County Council, 1930-1977, Archives Central, Feilding.

¹¹⁰⁵ Registrar, Ikaroa Maori Land Court to TW Karena, 15 January 1975, Christie, Craigmyle Tizard & Dickson to Registrar, Ikaroa Maori Land Court, Palmerston North, 31 January 1975, Registrar, Maori Land Court, Palmerston North to Messrs Christie et al, 4 February 1975, NA 81 Te Koau A Correspondence, 1957-1993, Takitimu Maori Land Court, Hastings. SW Document Bank, volume 3, pp. 17-19.

In 1975, the Maori Land Court vested Te Koau A in three trustees. The trustees then sought to organise a lease of the block with Mr Karena so that he could continue his deer farming operations. The arrangement was not without its detractors. In 1976, an application was made to the Maori Land Court for an injunction prohibiting Mr Karena 'or any other persons from carrying on business such as deer farming and shooting by helicopter the wild game on the land or causing injury to the land'. The minutes do not record who the application was from or what the outcome was.¹¹⁰⁶

The proposed lease was discussed at Maori Land Court hearings on a number of occasions and access, or the lack thereof, featured in discussions. In March 1978, some of the owners asked that the terms of the lease include a provision that access be provided by the time the lease expired. The lawyer for Mr Karena argued that it was unreasonable to ask the lessee to do this. He stated that the only practical access was through Mr Roberts farm and that the cost of surveying the '12 mile road' would be 'astronomical'.¹¹⁰⁷ At this hearing the Court noted that leases for deer farming operations were unusual and that the terms of the lease should therefore be negotiated between the trustees (as opposed to at a meeting of owners) and the lessee. The Court was also in favour of the lease being negotiated in this way as it believed it was unlikely that the land had ever produced any revenue and that it might be difficult to obtain a quorum at a meeting of owners.¹¹⁰⁸

A further hearing in June 1978 again discussed the lease and the question of access. The minutes seem to suggest that Mr Karena had at that stage reached an agreement regarding access with Mr Roberts. There was also disagreement between the trustees as to whether Mr Karena should be awarded the lease with one group proposing an alternative lease to a Fernhill farmer. The farmer stated that he would use his helicopter for access and that he would also request the use of a forestry road. The Court ordered that the trustees consider the offers. The block was subsequent leased to Mr Karena for 21 years from 1 January 1978. The lease was later surrendered on 5 December 1991, by which time, claimants state, they were no longer able to use the road through Timahanga Station. It was later reported by a trustee

¹¹⁰⁶ Napier Minute Book 110, 25 November 1976, p. 195.

¹¹⁰⁷ Napier Minute Book No 110, 13 October 1976, p. 164; 25 November 1976, p. 195; 10 March 1977, pp. 283-285.

¹¹⁰⁸ Napier Minute Book No 110, 10 March 1977, pp. 283-285.

that it had taken the trust ten years to ‘recover control’ of their lands from ‘third parties as a result of the ... lease to Mr Karena’.¹¹⁰⁹

Minutes of a meeting of Te Koau A trustees held in December 1992, record that after the surrender of the lease, informal talks began regarding placing a Whenua Rahui Kawenata trust over the land particularly with regard to ‘assistance with access, rates and maintenance in return for protection of parts of’ the land. It was also noted that trustees had spoken to Mr Roberts who had said that ‘he would like to arrange access by written agreement’ and that if the terms worked ‘properly’ then he was ‘quite prepared to enter into a legal easement’.¹¹¹⁰

Notes of the meeting with Mr Roberts in December 1992 record that there were indeed agreements made with him in terms of access. The notes state that it was agreed that Te Koau A owners could take horses into the block for use on the block but not in and out of the block. Also that two ‘dosed dogs’ and guns could be taken into the block for the purpose of pig hunting. There was also to be ‘no stopping on the way’ and access had to be arranged beforehand. Trustees could take parties of six people in one vehicle into Te Koau A. The contact or custodian was Peter Steedman. There was also to be ‘no ferrying in and out all the time’, no access during lambing season (August and September). In addition, the building of a flying fox over the river was discussed and the trustees advised to get their ‘developments going and then the parties could discuss things more at that stage’.¹¹¹¹

In November 1993, the trust’s report to the Maori Land Court indicated that there had been continuing issues between and the trust and Mr Karena, who although a trustee, had taken legal action against the trust. The then trust secretary, Richard Steedman, advised the Court that the trust was very cautious about making other leasing arrangement due to difficulties in the past. He had also written to Mr Karena in March of that year advising Mr Karena that he needed permission from the chairman of the trust to access the block. The trust was also

¹¹⁰⁹ Napier Minute Book No 112, 8 June 1978, pp. 36-44 (note that these minutes are unclear and difficult to decipher); Te Koau Memorial schedule, NA81A Te Koau A Correspondence file, Taihape Inquiry District Maori Land Court Document Bank, volume 3, pp. 186, 195; RH Steedman, Secretary, Te Koau A Trust to Maori Land Court, 26 November 1993, NA 81 Te Koau A Correspondence file, 1957-1993, Takitimu Maori Land Court, Hastings. SW Document Bank, volume 3, pp. 34-37. Cleaver, p. 195.

¹¹¹⁰ Minutes of Meeting of Te Koau A Trust, 14 December 1992, NA 81 Te Koau A Correspondence, 1957-1993, Takitimu Maori Land Court, Hastings. SW Document Bank, volume 3, pp. 20-23.

¹¹¹¹ Report of meeting with Timahanga Station re access, 12 December 1992, NA 81 Te Koau A Correspondence, 1957-1993, Takitimu Maori Land Court, Hastings. SW Document Bank, volume 3, p. 33.

concerned that by using the block without obeying the trust's rules and pursuing his own negotiations with Mr Roberts, Mr Karena was putting the trust's agreement with Mr Roberts 'at risk'.¹¹¹²

Mr Steedman told that Court that a meeting of owners had been held in March 1992, where the owners unanimously asked the trust to 'investigate uses of the block which would bring in sufficient income to cover the operation expenses on the block whilst keeping the block free from encumbrances to allow the owners to use the block'. The trust said that the owners wished to 'enjoy their land' and to do this the Trust needed:

1. Access to the block eventually on a legal basis
2. Income to pay rates (\$2500 per annum)
3. Income to cover maintenance of access, land and chattels.¹¹¹³

Mr Steedman reported that the 'key' to achieving this were Jack Roberts (access and commercial development); Nga Whenua Rahui Covenant (for protection of the block and assistance with access and fencing costs and rates relief); the Hawke's Bay Regional Council and Hastings District Council (for rates relief); Brian Goodwin (for access by helicopter and commercial development); and 'Co-ordination with organisations running outdoor pursuits, justice department programmes and social/Youth development programmes'. Mr Steedman said that in working towards these goals the trust had achieved: 'Access through Mr Jack Roberts Timahanga Station per verbal agreement with a promise to go further as operations develop'. In addition the trust had corresponded with the regional and district councils regarding rates relief and DOC with regard to the covenant. The block had also been used by 'paying customers for hunting and recreation purposes'. It was also reported that the trust had a custodian who controlled the day to day operations on the block and who co-ordinated its use by paying customers. The trust had earned almost \$5000 the previous year some of which could offset the rates bill of \$2500 per annum. Mr Steedman also noted that:

¹¹¹² RH Steedman to W Karena, 26 March 1993; RH Steedman, Secretary, Te Koau A Trust to Maori Land Court, 26 November 1993, NA 81 Te Koau A Correspondence file, 1957-1993, Takitimu Maori Land Court, Hastings. SW Document Bank, volume 3, pp. 24-25.

¹¹¹³ RH Steedman, Secretary, Te Koau A Trust to Maori Land Court, 26 November 1993, NA 81 Te Koau A Correspondence file, 1957-1993, Takitimu Maori Land Court, Hastings. SW Document Bank, volume 3, pp. 34-37.

The most precious commodity to Te Koau A Block is access and our success with Mr Jack Roberts of Timahanga Station and the further good progress made with DOC in regards access is perhaps worth much more to us than mere income in the current financial year.¹¹¹⁴

It would appear, however, that in the intervening years negotiations broke down as no further progress has been made on formalising the access agreement and no informal agreements appear to now exist. As stated previously, the block was placed under a Whenua Rahui Kawenata Trust in June 2006 and remains administered by the Te Koau A trust.

Bassett records that the trust administering Te Koau A has been seeking to have the District Council:

... provide an access road for many years. The trust sees this as a matter of getting the council to take responsibility for landlocked blocks. While it has been unsuccessful to date, the council has agreed to exempt the landlocked blocks from rates. Nevertheless, the trust was already refusing to pay rates, and would prefer to have a road which meant they could use the land and therefore pay rates.¹¹¹⁵

On 9 December 2014, Mr Karena, who now owns 4.5% of the shares in the block, applied for ‘reasonable access to landlocked Maori land’ under Te Ture Whenua Maori Act 1993 in respect to Te Koau A. As it is a current application, it is not considered a public record and therefore no details regarding the application are available at this time. Mr Karena is not named as one of the trustees of the Ahu Whenua trust administering the land: Te Koau A trust.¹¹¹⁶

17.6 The Timahanga Track

The Timahanga track is Crown land but with conditions attached to its use. It is the first portion of the access route to Te Koau A. It comes off the Taihape-Napier Road and traverses through Timahanga station. The remaining portion of the access route is through

¹¹¹⁴ Ibid.

¹¹¹⁵ Heather Bassett, ‘Taihape Inquiry District: Local Government, Rating and Native Townships Scoping Report’, February 2012, p. 24. Her source is ‘Peter Steedman, Personal communication’

¹¹¹⁶ Advice from Takitimu Maori Land Court, Hastings, 15 June 2015; Maori Land Online.

Mangaohane G which is privately owned land (also Timahanga station). This section examines how the Timahanga track, which traversed Crown land up until 1966 was utilised by Maori owners up until the 1990s, and is now no longer freely available to the owners of Te Koau A.

When Timahanga No's 2-6 (now Timahanga station) was sold to the Crown between 1911 and 1915 it became known as pastoral run 23. The grazing rights were initially leased to Arthur Boyd from 1913 (who was also at this time squatting on Te Koau). In 1923, the 18,711 acres area was offered for lease. Reflecting the care taken by the Crown in terms of ensuring access to Crown land it wished to lease, the Commissioner of Crown Lands advised the Under Secretary for Lands that the northern portion of the run was 'traversed by the main inland Napier – Kuripapango – Taihape Road', and therefore the land did not need to be 'weighted for roads'. He also said that the road running northwards through the block was 'merely a riding track from another station'. A map of pastoral run 23 dated 11 January 1923 shows a road traversing south from the Napier-Taihape road to the Taruarau Stream. The description of the road on the map is an 'unsurveyed graded road one chain wide' which is likely to have been the pack track referred to by the valuer in 1911. The map also shows what is described as an 'old track' which also started from what was called the Napier-Patea Road though its starting point was further east than the aforementioned 'unsurveyed graded road'. The 'old track' joined the graded road some way south.¹¹¹⁷

Another map or 'tracing' of this period shows the 'unsurveyed, graded road', one chain in width, going from the Napier-Taihape road to the Taruarau Stream and through Mangaohane as far as Te Koau block.¹¹¹⁸

Initially the run failed to find a lessee so was re-offered at a reduced rental in 1926. It was awarded to JJ Leonard. Mr Leonard transferred the lease to JF Roberts in July 1930. According to a report of the Department of Lands and Survey completed in 1961 and prepared in advance of the expiry of the lease, the land had been held by the Roberts and Fernie families, who were intermarried, since then. The licensee in 1961 was WE Fernie but

¹¹¹⁷ Pastoral Runs for License by Public Auction Advertisement, 11 January 1923, AAMX W3169 6095 Box 2 8/2/59 part 1 Pastoral Runs 20, 21, 23, Kuripapango Survey District, 1922-1971, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 283-284.

¹¹¹⁸ Map or tracing of Pastoral Run 23, Karipapango [sic] and Ngaruroro SD, circa 1923, AAMX W3169 6095 Box 2 8/2/59 part 1 Pastoral Runs 20, 21, 23, Kuripapango Survey District, 1922-1971, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 285.

the station was managed by LH Roberts of Ngamatea Station who grazed it and the surrounding land in partnership with Mr Fernie.¹¹¹⁹

The report also stated that acquiring the Timahanga station gave Mr Roberts access to the Pohokura block (Mangaohane G), and that he was 'anxious' to retain run 23 to retain access to this block which he and/or Mr Fernie by then owned. The report emphasised the retention of the unsurveyed road running through the centre of the block and noted that there was no other practical route into the Taruarau River and the adjoining Pohokura block. The writer considered it 'absolutely essential no matter what the ultimate utilization of this land may be that legal and physical access to this area should be available to the public'. No mention was made about access to Te Koau A.¹¹²⁰

On 9 February 1964, the Land Settlement Board agreed that LH Roberts and JR Roberts be granted a renewable lease from 1 July 1962 over 7,587 acres of pastoral run 23. The proposal also contained the following statement:

The present unsurveyed road running through the Block provides the only practical route into the Taruarau River and the adjoining Pohokura Block. It is proposed to exclude a chain strip from any future lease and where the road drops down a steep face known as "the Spiral" into lower country a greater area (156 acres) will be retained to provide for possible alterations to road alignment.¹¹²¹

In March 1966, the Land Settlement Board, encouraged by the improvements made by the lessees to the land, agreed to sell the 7,587 acres of pastoral run 23 to JR Roberts on a deferred payment license.¹¹²² The remainder of pastoral run 23 was declared State Forest also around this time.

¹¹¹⁹ Field Officer to Commissioner of Crown Lands, Napier, 18 September 1961, AAMX 6095 W3169/2 8/2/59 part 1, Pastoral Runs 20, 21, 23 Kuripapanga [Kuripapango] Survey District, 1922-1971, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 286-292.

¹¹²⁰ Ibid.

¹¹²¹ Report to Land Settlement Board, 9 February 1964, AAMX 6095 W3169/2 8/2/59 part 1, Pastoral Runs 20, 21, 23 Kuripapanga [Kuripapango] Survey District, 1922-1971, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 296-299.

¹¹²² Report to Land Settlement Board, 17 March 1966, AAMX 6095 W3169/2 8/2/59 part 1, Pastoral Runs 20, 21, 23 Kuripapanga [Kuripapango] Survey District, 1922-1971, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 293-295.

In 1971, a complaint by Mr Roberts about hunters using the road through Timahanga Station, reached the Minister of Lands. The Minister was advised that the access strip through pastoral run 23 (Timahanga Station) was surveyed prior to the issue of the deferred payment license to Mr Roberts and that the licence 'specifically excluded the strip'. In addition 'while Roberts had had no formal rights to use the land, he has maintained the access road and the Commissioner has now given him a permit to use the land'. ¹¹²³

The incident leading to the complaint had arisen when two deer hunters were refused permission to access the track by Mr Roberts who then sought clarification as to the legal status of the land and whether the department had given permission to the hunters to use the track. Mr Roberts was advised that the track was Crown land but that the hunters needed the permission of the department to use it. Mr Roberts told the Commissioner of Crown Lands at Napier that when the track was surveyed, he was advised that it would only be used for official purposes. The Commissioner responded that the department was obliged to let people through but as Mr Roberts was maintaining the track 'the Commissioner would not allow vehicular access.' As stated above, Mr Roberts was given a permit confirming his rights to use the track. ¹¹²⁴

When interviewed by the Commissioner of Crown lands, the two hunters stated that they wished to use the track to access the Maori land at the back of the station which they believed was the Awarua block (part 1C and A blocks). A Mr Gardner wished to purchase some of the Maori land 'with a view to establishing an airstrip and a hut for safari purposes'. The intention they said, 'was to fly hunters into the airstrip and consequently the Roberts' track would not be used in the future'. The hunters then asked for an access permit which was given to them on the condition that it was for walking purposes only and that they were not to interfere with farming operations. The Department advised them too that vehicles could only be taken in with the permission of Mr Roberts. ¹¹²⁵

¹¹²³ Private Secretary, Minister of Lands to Minister of Lands, 10 June 1971, AAMX 6095 W3169/2 8/2/59 part 1, Pastoral Runs 20, 21, 23 Kuripapanga [Kuripapango] Survey District, 1922-1971, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 300-301.

¹¹²⁴ Ibid

¹¹²⁵ Private Secretary, Minister of Lands to Minister of Lands, 10 June 1971 and Commissioner of Crown Lands, Napier to Director General of Lands, 1 July 1971, AAMX 6095 W3169/2 8/2/59 part 1, Pastoral Runs 20, 21, 23 Kuripapanga [Kuripapango] Survey District, 1922-1971, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 300-304.

The report to the Minister on the matter concluded that the position was 'quiet', that the 'meat hunters' seemed happy and Mr Roberts appeared to have accepted the situation 'but of course anything could happen if other hunters want to gain access to the Maori land at the rear of Timahanga Station and also a block of State forest there'.¹¹²⁶

Later in 1971, the Director General of Lands, in response to the above issues and a request by Mr Roberts to either acquire the access strip or give him the sole authority to approve access, told the Commissioner of Crown Lands that Mr Roberts should not be given the authority to determine who could use vehicles on the track. Further:

While I appreciate the position which has arisen in this case and I can understand Mr Roberts' concern, the basic aspect as far as this problem is concerned is that the strip of Crown land was retained obviously to provide access to the back country and it should continue to be kept at such. At some state I think it should be brought up to the status of a legal road, if not, there is the danger that ownership of this piece of Crown land could be obtained by adverse occupation. With the current concern over the retention of existing access which you mention and the pressure to provide additional access it is essential that we retain the land. As the occasion may well develop in the future, we must ensure that it can be used for access purposes.¹¹²⁷

This view was essentially relayed to Mr Roberts through his MP. In response, Mrs Roberts wrote to the Minister of Lands complaining about the decision. She also noted that the surveyed road stopped at the Taruarau River and did not give direct access to the Maori land beyond. She said that there were alternative routes to the Maori land which were through Big Hill Station and Mangaohane Station though she acknowledged that the later route was 'much more difficult'. She also said that she could not understand how the unsurveyed graded road came to be on a map from 1923 as it was not until 1948 that her late father in law

¹¹²⁶ Private Secretary, Minister of Lands to Minister of Lands, 10 June 1971, AAMX 6095 W3169/2 8/2/59 part 1, Pastoral Runs 20, 21, 23 Kuripapanga [Kuripapango] Survey District, 1922-1971, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 300-302.

¹¹²⁷ Director General of Lands to Commissioner of Crown Lands, Napier, 15 July 1971, AAMX 6095 W3169/2 8/2/59 part 1, Pastoral Runs 20, 21, 23 Kuripapanga [Kuripapango] Survey District, 1922-1971, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 305.

formed the land so that he could access Pohokura. Up until that time there had only been a horse track.¹¹²⁸

The following year, the issue of whether to retain the Crown owned access strip through Mr Robert's property was again discussed.¹¹²⁹ This arose when the Department of Lands and Survey sought to acquire from Mr Roberts part of Te Koau B. Initially it was reported that Mr Roberts had decided not to sell because the Department had 'surveyed and dedicated a road line through his property'. It was then reported that Mr Roberts had offered to exchange 5510 acres of Te Koau B for 60 acres of the Timahanga Track.¹¹³⁰ The Department, however, was reluctant to part with the Timahanga track stating that if it was lost, then Mr Roberts would 'effectively control access into the Ikawatea Catchment and the Awarua Blocks and to the lower slopes of the Northern Ruahine Range'. The Department said that there were two other possible access points but both had their limitations. The first was from Comet Ridge, but its steepness did not lend itself to even a reasonable walking track to the Taruarau River. The other access point was a road or track from Big Hill Station but that this access was still being negotiated (and as it discussed in the Awarua o Hinemanu chapter the department was ultimately only able to secure access for itself).¹¹³¹

In March 1972, Mr Roberts advised the District Ranger at the NZFS that one of the owners of Te Koau A, Wero Karena had contacted Mr Roberts regarding access to Te Koau A. (Mr Karena later had a formal lease over the block). Mr Roberts stated that he was 'having trouble' with Mr Karena with regards to 'trespass through Pohokura outstation by way of section 8, block XI, Crown land'. Mr Roberts said that Mr Karena had also applied to the Maori Land Court for the transfer of shares of two owners and Mr Karena had advised another official at the NZFS that he intended to 'trap deer for sale' and was willing to 'gift' the unwanted portion of the block to NZFS. The Conservator of Forests at Palmerston North,

¹¹²⁸ Janet Roberts to Minister of Lands, 23 August 1971, AAMX 6095 W3169/2 8/2/59 part 1, Pastoral Runs 20, 21, 23 Kuripapanga [Kuripapango] Survey District, 1922-1971, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 308-311.

¹¹²⁹ Extract from Minutes of Land Settlement Board, 2 October 1984, AAMX W3169 6095 Box 2 8/2/59, part 2, Pastoral Runs 20, 21, 23 Kuripapango Survey District, 1971-1984, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 321-327.

¹¹³⁰ Conservator of Forests, Palmerston North to District Ranger, Napier, 7 September 1971, ABDT W3092 Box 8 6/4/24/2, Te Koau and Patea Farms Ltd, 1971-1973, Archives New Zealand, Wellington. SW Document Bank, volume 9, p. 3.

¹¹³¹ Conservator of Forests, Palmerston North to NZFS, HO, 3 December 1971, ABDT W3092 Box 8 6/4/24/2, Te Koau and Patea Farms Ltd, 1971-1973, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 4-5.

when passing on this information to his Head Office, said that Mr Roberts was ‘reported to be incensed’ at the idea.¹¹³²

Also in March 1972, the NZFS advised the Department that Kaweka Forest, which bordered Timahanga Station, had been gazetted and that public use of the state forest park was likely to increase. The official noted that because Mr Roberts had ‘persistently blocked public use of the Timahanga to Taruarau River road access’ the Taruarau and Ikawatea River areas had not received much recreational use. It was envisaged, however, that with the question of public access via the Timahanga track resolved, ‘public use by hunters, fishermen and campers could be substantial’.¹¹³³

Discussion between the Crown and Mr Roberts continued as NZFS was still keen to acquire part of Te Koau B. Mr Roberts was advised by a Lands and Survey Department official who met with him that the Crown wanted to acquire 5500 acres of Te Koau B and ‘an access route from the vicinity of the Taruarau [River] to the State Forest and the Ikawatea Junction and impose certain conditions as to the use of the Timahanga track’. At the same meeting Mr Roberts complained about incidents that had occurred on the access track. These included gates being left open and nails being placed in a mud hole ‘with a view to puncturing the tires of station vehicles’. The Departmental official was sympathetic to the difficulties associated with vehicles using the track. Mr Roberts also explained to the official that he proposed to update the track. The official said it was the intention of the Department to give people permits to use the track on foot at any time and with four wheel drive vehicles when it was unlikely to damage the track.¹¹³⁴

Following on from this meeting, Lands and Survey Department and NZFS officials met to discuss the Timahanga track. The meeting firstly discussed purchasing most of Te Koau B

¹¹³² District Ranger, File note, 8 March 1972, ABDT W3092 Box 8 6/4/24/2, Te Koau and Patea Farms Ltd, 1971-1973, Archives New Zealand, Wellington; SW Document Bank, volume 9, p. 6. Conservator of Forests, Palmerston North to NZFS HO, 9 March 1972, AANS W5491 828 Box 849 9/3/269 Acquisition of Private Lands – Acquisition of Crown Land – Maraekakaho – Eastern Ruahine – Wellington Conservancy, 1970 -1980, Archives New Zealand, Wellington. SW Document Bank, volume 9, p. 12.

¹¹³³ Director General, NZFS to Director General of Department of Lands and Survey, 9 March 1972, ABDT W3092 Box 8 6/4/24/2, Te Koau and Patea Farms Ltd, 1971-1973, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 7-8.

¹¹³⁴ Commissioner of Crown Lands, Napier to Director General of Lands, 15 January 1973, AANS W5491 828 Box 849 9/3/269 Acquisition of Private Lands – Acquisition of Crown Land – Maraekakaho – Eastern Ruahine – Wellington Conservancy, 1970 -1980, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 13-17.

from Mr Roberts and agreed to again pursue the matter. Mention was also made of Te Koau A in terms of value but it is not recorded in the report of this meeting whether it was discussed in terms of purchase. In addition, the officials at the meeting agreed that the NZFS would contribute to the maintenance of the track and acknowledged that the highest cost section of the track would be that part known as 'the Spiral'. It was also agreed that the NZFS 'would, if practicable, construct road access from the Taruarau River at the southern end of the Timahanga Track, eastwards into SF 21 and to a flat area on the north or true left of the Taruarau at the Ikawetea Stream confluence with the Taruarau'. This road would be Crown land or State Forest and not a right of way. In addition, officials would inspect the track and the proposed road extension to the Ikawetea confluence and report on costs and practicability.¹¹³⁵

Further, it was agreed that NZFS would 'consider sharing the costs of fencing the Timahanga track with [Mr] Roberts particularly for those portions of the track where stock could be interfered with by vehicles'. The fencing would 'also cancel out the need by Mr Roberts to limit the period during which the public could be given access along the track'. 'It was agreed too that the 'long term aim would be for free and unrestricted public access along the Timahanga Track and into Kaweka State Forest', but that in the meantime they should accept Mr Roberts proposals for entry to be by permit. The department would be the only issuing body of such permits and restrictions to the track would be enforced by the department. Permits would be restricted to daylight hours except for NZFS and Departmental staff. A signpost would be provided to assist in keeping people on the track and not 'straying' on to Mr Robert's land. Dogs were not allowed. It was noted that neither the NZFS nor the Department could police the track but that a NZFS ranger based at Kuripapango would maintain a 'vigilant watch' on the track, together with the department.¹¹³⁶

It was also suggested at the meeting that eventually the Timahanga Track could become State Forest and that the view of NZFS was that it was 'desirable in the long term for the track to become public or county road.'¹¹³⁷

¹¹³⁵ New Zealand Forestry Service, Palmerston North, file note regarding meeting of officials regarding Timahanga Track, 19 June 1973, ABDT W3092 Box 8 6/4/24/2, Te Koau and Patea Farms Ltd, 1971-1973, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 9-10.

¹¹³⁶ Ibid.

¹¹³⁷ Ibid.

In 1973, an agreement was entered into between Mr Roberts and the Crown for the exchange of 37 hectares of the Kaweka State Forest for 40 hectares of land held by Mr Roberts under a deferred payment license. It was approved by the Minister of Forests in 1975. The gains to the NZFS were said to be an improved boundary and the construction of a long fence along the new boundary which was on the eastern side of Timahanga Station. There is no record of an exchange or acquisition involving Te Koau B at this time.¹¹³⁸

Ten years later in June 1984, the Land Settlement Committee made another inspection of the track with a view to reporting on a complaint by a Mr Woolman who said that he had been denied access to the Timahanga Track by the owner of Timahanga Station. The committee described it as an ‘all-weather vehicle road ... [with] two minor deviations from the Crown access strip’. The Land Settlement Board also noted that ‘between the Sticks and Jimmies Blocks the vehicle track ... [made] a major deviation from the Crown access strip’. These deviations from the access strip were ‘mainly because the whole length was not suitable for vehicular access but it was all suitable for access on foot’. Records showed that Mr Roberts had formed parts of access strip to ‘vehicular standard’. Notes of the inspection also revealed that the owner had concerns about stolen deer, poisoned ewes and the cutting of deer traps.¹¹³⁹

Also at the inspection it was noted that Te Koau A was leased by Mackelow and McAuley who had a deer farm on it. As there was no legal access, Mackelow and McAuley (described as ‘semi-absentee owners’) ‘depended on the Timahanga Track for access’. Land Settlement Board minutes, however, recorded that the block was leased to Consolidated Traders. (There is, however, no record of any official lease at this time in the Maori Land Court records perused apart from that to Wero Karena for 21 years from 1978. It is possible that the aforementioned people were in partnership with Mr Karena.)¹¹⁴⁰

¹¹³⁸ Agreement between Crown and JR Roberts, 17 September 1973, Director General of Forests to Minister of Forests, 26 March 1975, AANS W5491 828 Box 852 9/3/345 Acquisition of Private Lands – Acquisition of Private Lands – Exchange: Boundary Adjustment Kaweka SF – Timahanga Station – Wellington Conservancy, 1973-1980, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 19-20.

¹¹³⁹ Notes taken on Land Settlement Committee Inspection, 27 June 1984, Extract from Minutes of Land Settlement Board, 2 October 1984, AAMX W3169 6095 Box 2 8/2/59, part 2, Pastoral Runs 20, 21, 23 Kuripapango Survey District, 1971-1984, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 313-314.

¹¹⁴⁰ Ibid.

Of note is that the Land Settlement Board minutes also state that when the tenure of the land changed (when Mr Roberts bought the deferred payment license) the Crown ‘decided to provide access through the property to the Te Koau Maori land behind’. These minutes also note that the access area was ‘deliberately surveyed out in the 1960s to provide access for recreationalists and to the properties beyond’.¹¹⁴¹

At the Land Settlement Board meeting a participant stated that the road did not provide direct legal access to the Maori owned blocks but provided access for ‘part of the way’. Also that it took about four hours to walk along the Timahanga track.¹¹⁴²

In October 1984, the Land Settlement Board set out the reasons why the access strip should be retained in Crown ownership. They included:

- Only access to land south of Taruarau River and this area, which included the Pohokura block, had considerable development potential and was liable to be subdivided in future.
- The Maori land beyond the Pohokura Block depends on access through Timahanga Station across the Crown strip.
- The Taruarau River was good for fishing and the Crown strip provided access to section 58 strip on north bank which runs between Timahanga Station and the Pohokura Block.¹¹⁴³

The committee also noted that existing use of the track was currently ‘confined to serving Timahanga Station, the Maori land to the south and to fishermen who had been given authority to use the access’ which suggests that the track was still thought to being used by the Maori owners of Te Koau A.¹¹⁴⁴

¹¹⁴¹ Extract from Minutes of Land Settlement Board, 2 October 1984, AAMX W3169 6095 Box 2 8/2/59, part 2, Pastoral Runs 20, 21, 23 Kuripapango Survey District, 1971-1984, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 321-327.

¹¹⁴² Ibid.

¹¹⁴³ Report of Land Settlement Board, 2 October 1984, AAMX W3169 6095 Box 2 8/2/59, part 2, Pastoral Runs 20, 21, 23 Kuripapango Survey District, 1971-1984, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 315-318.

¹¹⁴⁴ Ibid.

On 6 November 1984, the Minister of Lands and the complainant, Mr Woolman, were advised of the Land Settlement Board's decisions regarding the track:

- 1) That the Crown Land access strip being section 8 Block XI Kuripapango Survey District would be retained in Crown ownership
- 2) That vehicle access over the Crown land would not be permitted by the general public because of the unsuitability of this access for general vehicle use.
- 3) That unrestricted foot access over the Crown Land would not be denied to the general public.
- 4) That Mr JR Roberts, Licensee of the land adjoining the Crown Land access strip, be authorised to padlock the access gate on the Napier-Taihape Road providing a stile is erected by the gate.¹¹⁴⁵

It was also noted that the present formed vehicle access deviated in several places from the Crown land strip and that 'persons taking advantage of the Board's decision to allow public access on foot in accordance with para 3 above would 'need to keep to the Crown Land access strip'.¹¹⁴⁶

In addition, the Committee stated that it did not favour giving up the Crown strip in exchange for land such as Te Koau B for inclusion in the adjoining Ruahine State Forest Park.

As noted previously, it was at this time, in the 1980s, when access to Te Koau A was blocked to the Maori owners. This change in arrangements coincided with the period of time when the block was leased and a deer capture operation existed. As discussed in the previous section, an agreement with regard to access was reached between the trustees of Te Koau A and Mr Roberts in the early 1990s (after the lease had been surrendered) but this does not appear to have lasted.

¹¹⁴⁵ Commissioner of Crown Lands to R E Woolman, 6 November 1984 and Director General of Lands to Minister of Lands, 19 November 1984, AAMX W3169 6095 Box 2 8/2/59, part 2, Pastoral Runs 20, 21, 23 Kuripapango Survey District, 1971-1984, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 328-330.

¹¹⁴⁶ Ibid.

In 1994, the Timahanga track was included in a DOC Land Inventory Sheet containing all areas administered by DOC in the Hawke's Bay Conservancy. DOC classified the track as a 'Conservation Area (Stewardship Area)'. It is described as follows:

Narrow access strip, known as the Timahanga Track, starts at the Napier-Taihape Road and runs southward across the farm property (Timahanga Station). The access strip consists of formed road (in part) which is approximately 11 km in length. It traverses easy country for some distance before dropping down a steep face into lower country. The stream sides which are covered in regenerating bush are steep-sided.¹¹⁴⁷

The inventory also notes that the Timahanga track is 24.3317 hectares in size and its legal description is section 8, block XI, Kuripapango SD (SO 5594). There is no fencing with visitor use described as 'very low – the occasional angler'. From the road there is an access strip to the Taruarau River. This is limited to walking it being 'impractical to drive along it in a vehicle'.¹¹⁴⁸

The same DOC report on the Timahanga track, records that the track was 'subject to an exchange of land agreement with the Roberts Family Trust (Timahanga Station)'.¹¹⁴⁹

The owner of the Timahanga Station gave his views on matters of access through farmland in 2005 and made mention of this exchange agreement. These were recorded in *Hawkes Bay Today* when he and 100 or so farmers and supporters attended a rally in support of a 'Federated Farmers petition against Government proposals for increased access to farmland'. The government proposed creating 'five-metre wide "footways" either side of significant waterways'. Mr Roberts was quoted as stating that it was a 'basic right for farmers to decide who came on to their properties'. Further that 'uncontrolled access to farmland was a disruption to the farming programme and a danger to stock, staff and contractors'. He also

¹¹⁴⁷ Department of Conservation Land Inventory Sheet, Hawkes Bay Conservancy, p 1 in <http://www.doc.govt.nz/Documents/about-doc/role/policies-and-plans/hawkes-bay-cms/volume-2/volume-2-hawkes-bay-conservancy-cms-1994-2004-section-7-80001-80022.pdf>; accessed 28 October 2014

¹¹⁴⁸ *ibid*

¹¹⁴⁹ Department of Conservation Land Inventory Sheet, Hawkes Bay Conservancy, p 1 in <http://www.doc.govt.nz/Documents/about-doc/role/policies-and-plans/hawkes-bay-cms/volume-2/volume-2-hawkes-bay-conservancy-cms-1994-2004-section-7-80001-80022.pdf>; accessed 28 October 2014. The date of this agreement has not been located.

noted that ten years previously he and DOC had agreed to a swap of some DOC land for 28 hectares of land for a roadway to the river. According to *Hawkes Bay Today*:

Mr Roberts put up a sign detailing the rules for access to the river and since then the system had worked well “with a few hiccups.” The sign gave the Roberts the right to close access when they deemed it necessary and anyone wishing to use the road for foot access had to ask permission to be there. Mr Roberts said that since then the plan had worked well despite “one or two problems”.¹¹⁵⁰

Details of the exchange of land and the agreement made in the 1990s referred to by Roberts have not been provided by DOC though DOC have confirmed that the conditions of use of the track were agreed to by both sides when the land was exchanged. As stated, above, there is no current agreement with DOC or the owner of Timahanga Station for access into Te Koau A.¹¹⁵¹

Mr Steedman notes that on two occasions DOC has negotiated with Mr Roberts about access with portions of their respective lands exchanged. He points out that DOC has never negotiated with the owners of Te Koau about such matters.¹¹⁵²

17.7 Early rating issues

As noted in the rating legislation chapter the Rating Act and the Crown and Native Lands 1882 ‘widened the categories of rateable Maori land’ but exempted from rates Maori land situated more than five miles from a public road. This should have excluded Te Koau from being rated, the nearest public road being the Napier-Taihape road located at least 11 miles away. The Rating Acts Amendment Act 1893 and Rating Act 1894 contained this same provision and also provided that only land that had been through the Native Land Court could be rated unless it was leased. This meant that Te Koau should have remained exempted apart from any area said to be leased by a Mr Harding, until 1906 when title was investigated.¹¹⁵³

¹¹⁵⁰ *Hawkes Bay Today*, 21 June 2005

¹¹⁵¹ Communication with Rod Smillie, Conservation Services Manager, Department of Conservation and author, 23 June 2015.

¹¹⁵² Conversation with Richard Steedman and author, 21 October 2014.

¹¹⁵³ JW Hay, Surveyor to Chief Surveyor, Napier, 7 February 1891, AECZ 18714 MA-MLP1/78/q 1906/91 From: Native Appellate Court, Wellington Date: 30 May 1906 Subject: Order determining natives entitled to

The rating of the block is complicated as the block is in two ridings (Erewhon and Maraekakaho) both originally within the boundaries of the HBCC. Part of the Erewhon Riding was transferred to the RCC in 1904 and the remainder in 1920. Prior to the sale of Te Koau B, 6,800 acres of Te Koau was within the Maraekakaho Riding and 3100 acres in the Erewhon Riding.¹¹⁵⁴ Once Te Koau B was sold, the portion of Te Koau A within the Maraekakaho riding, which remained within the boundaries of the HBCC, now Hastings District Council (HDC) was 1779 acres. The portion of Te Koau in the Erewhon Riding within the RCC, now Rangitikei District Council (RDC), was 1672 acres.¹¹⁵⁵

The earliest valuation roll located for the Maraekakaho riding is dated between 1906 and 1908 and includes part Te Koau (6800 acres). The ‘nominated native occupiers’ were given as Hiki Te Ua of Hastings, Porokoru Raweka of Fernhill, Te One Kers [sp?] also of Fernhill and Matenga Pekapeka of Dannervirke. The land was valued at £325 with no improvements and the land was not leased.¹¹⁵⁶

The earliest valuation roll located for the Erewhon riding is dated from 1907. The 3100 acre area was valued at £775 (no improvements) and the nominated Maori occupier was Wiki Te Ua and Taranaki Te Ua.¹¹⁵⁷

Tom Bennion states that when the 1910 legislation was passed, the government ‘still envisaged that some areas of land, which were not serviced by roads and were unproductive, would remain exempt’. He notes that section 5(1) of the Rating Amendment Act 1910 Act provided that any Maori land liable for rates could be exempted from all or part of the rates

compensation regarding Kuao [sic] and Timahanga, 1906-1907d Timahanga, 1891-1907, Archives New Zealand, Wellington. SW Document Bank, volume 9, p. 20.

¹¹⁵⁴ It is not clear why the two amounts (6,800 and 3100 acres) do not add up to the 10,240 acres that Te Koau was said to consist of.

¹¹⁵⁵ Archives Central website history of Rangitikei County Council, <http://archivescentral.org.nz/agencies/topics/show/97232-rangitikei-county-council>

AELU 19310 V-NAW 1089 1 2/35 part 1, Valuation rolls Napier – Maraekakaho Riding – roll numbers 1-151, 1906-1908; AELU V-NAW 1089 1 2/35 Valuation rolls – Napier – Maraekakaho Riding – roll numbers 1-189, 1911-1917; AELU V-NAW 1089 1 2/35 Valuation rolls Napier – Maraekakaho Riding – roll numbers 57-191, 1918-1928; AELU V-NAW 1089 1 2/35 Valuation rolls Napier – Maraekakaho Riding – roll numbers 49-265, 1932 – 1950; AELU V-WRrolls 4 2/124 Valuation rolls Wellington – Rangitikei County – Erewhon Riding–roll numbers 1-250, 1927-1939, Archives New Zealand, Wellington.

¹¹⁵⁶ Bennion, pp. 16-17, 26, 34, 37.

¹¹⁵⁷ AFHQ 19340 V-WROLLS/41 2/124 part 1 Valuation rolls Wellington - Rangitikei County - Erewhon Riding - Roll numbers 1-225, 1907-1912, Archives New Zealand, Wellington.

‘on account of the indigent circumstances of the occupiers or for any other special reason, or to any specified class of lands’. He points out that although this power was not new the difference was that ‘virtually all exemptions, and class exemptions, were to be provided for in this discretionary manner’.¹¹⁵⁸

No exemption, however, applied to Te Koau. It was described by a surveyor in 1891 as:

All that country lying between the Taruarau Stream on the west, and Mr Harding’s Station on the East, and including part of same leased by Mr Harding; is mostly high rough broken country, intersected by deep bush gullies which are very steep. On the ridges which are chiefly open land, the soil is of a light poor quality and where exposed to the northwest, blows considerably. Other parts the soil is of swamp and peaty nature and of course very cold & wet. I think the maximum value I should put upon the above land would be about 5/- per acre.¹¹⁵⁹

A similar, less than remarkable description was made of Te Koau by a valuer in 1911 which said it consisted of:

... a very high plateau dropping steeply to the Te Kawata Stream and intersected by several deep gullies. There are about 1200 or 1300 acres fair to medium land along part of the stream, the balance being poor pumice with a considerable area wind swept on faces and tops of the hills, most of the rest of the tops are poor and boggy; the lower slopes are carrying poor fern and some manuka, the higher land cotton weed, a little snow grass, some stunted mountain shrubs and a birch bush too poor to pay for clearing, and it is was cleared what soil there is would blow away. The altitude varies from about 1300 feet on the stream to 4500 feet on top at the highest point.¹¹⁶⁰

The valuer concluded that it was a ‘very poor block and (with the exception of 1200 or 1300 acres) will never improve’. He also noted that it was occupied by Arthur Boyd but there was no ‘proper’ lease He valued the land at £850 with improvements of £50 (whare). This is also

¹¹⁵⁸ Bennion, p 37.

¹¹⁵⁹ JW Hay, Surveyor to Chief Surveyor, Napier, 7 February 1891, MA-MLP 1 1906/91 Te Koau and Timahanga, 1891-1900, Archives New Zealand, Wellington. SW Document Bank, volume 9, p. 20.

¹¹⁶⁰ GH Lloyd, District Valuer, Hastings to Valuer General, 19 February 1911, MA-MLP 1 1920/15, Te Koau Block, 1911-1929, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 267-269.

the same valuer who described access to Te Koau as being about 7 or 8 miles from a formed road.¹¹⁶¹

Complaints about the rating of the block were made in 1913 by owner Taranaki Te Ua who headed a deputation of Maori to meet with Native Minister W H Herries. He said that Maori were as ‘potter’s clay in the Minister’s hands and it was for him to say how their lands should be dealt with’. Taranaki te Ua ‘pointed out that Owhaoko and Koau blocks were in the hands of the Government for sale or lease, and the Natives could not deal with the land in any way, yet they were rated for them’. He wanted the government to ‘take the waste land of the Maoris, purchase it, and hold the money for expenditure on trust for improvements on other Native lands and for the benefit of the Natives, but not to pay it over to them’. Herries did not respond to the issue of rates but said that he thought the Land Act provided machinery for dealing with the suggestion of Taranaki Te Ua regarding the purchase of Maori land and holding the money for Maori.¹¹⁶²

As discussed above, when Te Koau B was sold in 1922, survey liens of £459.10.0 plus interest from 3 February 1922 making a total of £475.8.2 were deducted from the purchase money which totalled £1375.16.0.¹¹⁶³ This was not the only deduction. Solicitors for the purchasers advised that the other ‘encumbrances’ on the title included a charging order for HBCC rates of £11.17.5 and a charging order from the Napier Harbour Board for £1.18.9 both of which also had interest payable. In addition there were other Harbour Board rates arrears of £4.10.7 and RCC rates of £9.4.9. The registrar sought clarification from the RCC who advised that the total owed to the council up to 31 March 1923 was £20.0.7 and that part was incurred prior to the merger of the land from the HBCC to the RCC. It was understood that a lien had been registered by the HBCC but that the whole amount was payable to the RCC. The Napier Harbour Board advised that £5.2.2 was owed. After establishing that the sellers should only pay rates owing on that part of the block sold, the amount was reduced to reflect this with £12.2.3 paid to the RCC and £3.16.8 paid to the Napier Harbour Board. In addition £5.1.5 was paid to the HBCC and 11/- deducted for Court fees. Although the payment of the purchase money had been made to the Board in September 1922 it took until

¹¹⁶¹ Ibid.

¹¹⁶² *Star*, Issue 10681, 30 January 1913, p. 1.

¹¹⁶³ Registrar, Ikaroa Native Land Court to Chief Surveyor, Napier, 13 October 1922, Ikaroa I/316 Te Koau B alienation file, 1919-1929, Takitimu Maori Land Court, Hastings. SW Document Bank, volume 3, p. 59.

April 1923 for the payments to be made to the three local authorities and title cleared, after which the sellers of Te Koau B (there were 65 owners) received the remainder of the purchase money (£878. 16.6).¹¹⁶⁴

Therefore it is apparent that despite the block being undeveloped and non-revenue producing, it was subject to rates from the RCC, HBCC and the Napier Harbour Board.¹¹⁶⁵

17.8 Further Rating by the Hawkes Bay County Council (HBCC)

When rating legislation changed again in 1924, local authorities could apply to the Maori Land Court for charging orders against Maori land for the non-payment of rates. On 26 September 1929, the HBCC applied for a charging order against Te Koau A (1779 acres) for rates owned for the two year period between 1 April 1927 and 31 March 1929. The Court ordered that the block be charged with the payment of 19/6 plus 2/6 (solicitor's fee). At this hearing 32 or so other applications for charging orders were made by the Hawkes Bay County Council.¹¹⁶⁶ The Council representative, Mr Prentice, said in regard to all the applications that rates demands had been sent out but not been paid. Further:

The Committee that investigated claims by the Council had done nothing towards settling these accounts. He had asked Whenuakura Nikera [sp?] and Paraire Tomoana to attend. These formed with others a committee that held meetings with a view of sifting and adjusting the demands made by the County Council on Native owners. However their enthusiasm was apparently short-lived and nothing has been done in the matter of conferring with the Council with a view of reducing or remitting rates or

¹¹⁶⁴ Carlile, McLean, Scannell & Wood, Barristers & Solicitors to Registrar, Ikaroa District Maori Land board, Wellington, 8 September 1922; County Clerk, Rangitikei County Council to Registrar, Ikaroa District Maori Land Board 23 September 1922; Napier Harbour Board to Registrar, Ikaroa District Native Land Court, 25 September 1922, County Clerk, Rangitikei County Council to Registrar, Ikaroa District Maori Land Board, Wellington, 19 December 1922, Registrar, Ikaroa Native Land Court to Napier Harbour Board and Rangitikei County Council, 20 December 1922, Registrar, Ikaroa Native Land Court to County Clerk, Hawkes Bay County Council, 10 March 1923, Registrar, Ikaroa Native Land Court to Messrs Carlile et al, 19 April 1923, List of owners, Te Koau B, 1923, Registrar, Ikaroa Native Land Court to Messrs Lewis & Simpson, Solicitors, Hastings, 13 August 1925, Ikaroa I/316 Te Koau B alienation file, 1919-1929, Takitimu Maori Land Court, Hastings. SW Document Bank, volume 3, pp. 39-76.

¹¹⁶⁵ No other mention of rating by the Napier Harbour Board has been located.

¹¹⁶⁶ Napier Minute Book 75, 26 September 1929, pp. 238-240; Charging order for Te Koau A, 26 September 1929, Te Koau A Correspondence file, NA 81A, Taihape Inquiry District Maori Land Court Document Bank, volume 3, p. 191.

adjusting amounts when partitions have taken place. It is impossible to get the Natives to come to Court and show that there is reason to reduce or remit rates on account of indigence in accordance with section 108 of the Rating Act 1925. Under the circumstances he asked that charging orders be made in accordance with the Rating Act 1925.’¹¹⁶⁷

The Committee referred to was later mentioned at a hearing in 1927 where Mr Paraire Tomoana recorded that Hawke’s Bay Maori had formed a ‘strong committee that held various meetings’ to sift the evidence in connection with rating cases. (This is discussed further in chapter 4).¹¹⁶⁸

Nothing further has been located regarding the rating of Te Koau A by the HBCC until 1939, when the HBCC applied for another charging order. The charging order was for the sum of £1.14.5 (the year/s where rates had not been paid was not specified). William James O’Connell, Clerk to HBCC, attended the hearing and said that the council would make an application for the block to be exempted from rating. The application was adjourned ‘sine die’. No owners were recorded as being at the hearing. Out of the 48 applications for charging orders just one other block was recommended to be exempted from rates as the owners in attendance told the Court that they got nothing out of the land, that the land was unproductive and on this basis they would not pay the rates owing (£40.12.6).¹¹⁶⁹

A further application for a rates charging order from the HBCC for part Te Koau A for the year 1937-1938 was made on 20 April 1949 but the application was dismissed. There is nothing in the Court minutes to explain why.¹¹⁷⁰

The next mention of rates located is a letter from the HBCC sent in 1969 in response to a query from the Ikaroa Maori Land Court about the area of the block within the county. The HBCC advised that 1779 acres was rated by the HBCC the value of which was \$740 (no

¹¹⁶⁷ Napier Minute Book 75, 26 September 1929, pp. 238-239.

¹¹⁶⁸ Napier Minute Book 74, 4 August 1927, pp. 26-29.

¹¹⁶⁹ The name of the block is Poukawa 13B. Napier Maori Land Court Minute Book 81, 21 September 1939, pp. 36, 38, 45-46.

¹¹⁷⁰ Napier Minute Book 88, 20 April 1949, p. 86.

improvements) and that the rates per year were \$6.66. It was also noted that rates had not been paid on the block for ‘many years’ and totalled \$35.03.¹¹⁷¹

As had been noted previously, in 1993, the trustee’s for the block sought rates remissions from both the Hastings District Council and the Hawke’s Bay Regional Council (over \$6000 were owed to each authority). The HDC responded that the council had agreed to consider a policy for the remission of rates on Maori land ‘particularly in areas which are considered to be non-productive’. The council said that it would set up a Rating Review Committee and proposed a meeting with the secretary for Te Koau A Trust, Mr Steedman. The Hawke’s Bay Regional Council said it would look into such a policy but they were unable to remit the rates at that time. Pending the development of the policy, however, arrears actions would be discontinued.¹¹⁷²

A 1995 re-valuation located in the Maori Land Court block order file records that the 1396.5702 hectare block (which is the entire block) was deemed rateable. The block was valued at \$285,000 and by this time no longer rated by the Rangitikei District Council.¹¹⁷³

As the block is landlocked, undeveloped, multiply owned Maori land, owners can apply to the Hastings District Council under its policy on the remission of rates on Maori land for it to be exempted from rates.¹¹⁷⁴

17.9 Rating by the Rangitikei County Council (RCC)

Two large volumes of Maori rates books were created by the RCC. The first records all the Maori land blocks and the amount they were rated from 1917 until 1937. The second volume records all Maori land that was rated from 1937 until the early 1970s. Both volumes include

¹¹⁷¹ Hawkes Bay County Council to Ikaroa Maori Land Court, 4 August 1969, NA 81 Te Koau A Correspondence, 1957-1993, Tairāwhiti Maori Land Court, Hastings. SW Document Bank, volume 3, p. 15.

¹¹⁷² RH Steedman to Hawke’s Bay Regional Council and Hastings District Council, 27 July 1993, BA Fowler, Manager Corporate Services, Hastings District Council to RH Steedman, Te Koau A Trust, 6 August 1993, AM Caseley, Acting General Manager, Hawke’s Bay Regional Council, 17 August 1993, NA 81 Te Koau A Correspondence, 1957-1993, Tairāwhiti Maori Land Court, Hastings. SW Document Bank, volume 3, pp. 27-28, 30-32.

¹¹⁷³ Valuation Report, Te Koau A, 1995, Te Koau A Correspondence file, NA 81A, Taihape Inquiry District Maori Land Court Document Bank, volume 3, p. 187.

¹¹⁷⁴ In addition to files held at Tairāwhiti Maori Land Court, Hastings, the Napier Minute Book minutes have been checked from this date to June 1972 (Minute book 88 to 105).

the amount of the rates, acreage, nominated owners and valuation. The first volume records that rates were levied on 3100 acres of Te Koau from 1917 until 1927 and on 1672 acres from 1928 to 1935. This is despite the sale of Te Koau in 1922 leaving 1672 acres within the RCC boundaries. The first rates book shows the aforementioned rates of £11.17.5, described as a lien accumulated before the merger of the Erewhon Riding with the Rangitikei County Council which was paid by the Ikaroa District Maori Land Board ‘on 1779 acres 10/1/1923’.. From 1924, rates levied were not paid and this is reflected in the charging orders that followed.¹¹⁷⁵ The second volume of Maori rates books records that the amount of £24.18.11 was owed in 1937. It also records that no rates were paid between 1937 and 1956 but were paid for the years ending 31 March 1957, 1958 and curiously 1969. There is also a note of a judgment in 1949 for £5.15.6 and £6.19.10 in 1951 with ‘withdrawn’ annotated beside the later amount. It is not clear what this ‘judgement’ entailed.¹¹⁷⁶

Like the HBCC, the RCC also applied for charging orders. On 13 November 1931, an application by the RCC was heard at the Aotea District Native Land Court concerning the non-payment of rates the part of Te Koau A within its boundaries (1672 acres). The application gave the occupiers as Motuhia Keepa, Mangu Ratana Keepa and others. Archibald F B Brown of the Council attended the hearing. He said that rates notices had from ‘time to time’ been sent to the owners, that the rates were still due and unpaid and that there were ‘no dealings in connection with the land’. He asked for a charging order. There were no objectors though it does not appear that any of the owners attended the hearing. The Court ordered that the block be charged with the payment to the RCC. The amount was £3.8.9 plus 5/- costs for the period 1 April 1928 to 31 March 1930.¹¹⁷⁷

In 1938, the RCC responded to a letter from solicitors in Feilding asking about the rates owed on Te Koau A. The clerk of the RCC explained that the only rating claims registered against

¹¹⁷⁵ Rangitikei County Council Maori Land Rates Book, RDC: Maori Land Rates book, Rangitikei County Council, 1937-1973 [one large volume, unreferenced], Archives Central Feilding; SW Document Bank, volume 4, pp. 76-107.

¹¹⁷⁶ Ibid.

¹¹⁷⁷ Wanganui Minute Book 93, 13 November 1931, p. 264; and Taihape Inquiry District document bank volume 3, p 190.; Application by Rangitikei County Council to Native Land Court, Whanganui, 25 June 1930, RDC 00072: 7: T/27 Maori land rating 13290 087 Te Koau Block A, claim 86, 1930-1977, Archives Central, Feilding. SW Document Bank, volume 3, p. 202.

the block was the aforementioned £3.13.9 for the two years owing ending 31 March 1930 and that since that date, the RCC had not made any other applications for further claims.¹¹⁷⁸

When the RCC applied to the Maori Land Court in 1946 to have around 56,000 acres of Maori land in the inquiry district exempted from rates, Te Koau A was included in the list of lands. Mr Fenwicke for the RCC described the block as:

Adjoins Hawkes Bay Provinces. Behind back country range. No access.¹¹⁷⁹

The minutes and subsequent Court order record that the Judge agreed to the recommendation that the block be exempted from rates. Subsequently, however, the block name was crossed out on all documents pertaining to the exemptions. These documents include the Court order, the list of blocks submitted by the Council and the list of blocks submitted by the Court when asking the Native Department to prepare the order in council exempting other blocks from rates. Therefore it was not included in the gazette notice of 1947 that officially exempted a number of blocks in the inquiry district totalling around 58,000 acres in Rangitikei county from rates. There is nothing in the Native Department (Head Office) file that indicates why the block was crossed from the list. One possible reason is that the application was heard by the Aotea District Maori Land Court when Te Koau was within the Ikaroa District but this is only conjecture. Unfortunately for the owners of Te Koau, this was one of the few occasions between 1926 and 2000 when Maori land in the Rangitikei County was exempted from rates and judging by the subsequent rates charging orders, rating of the block resumed in later years.

In 1952, the RCC applied for another charging order of £6.19.10 over the 1672 acres within the county. The minutes of the hearing do not make it clear as to who made the following statement but it was probably a RCC representative. It was enough to have the application dismissed: ‘This land is away back in the hills probably near Kuripapango. Value £200. As far as I know the land is not likely to be occupied or sold. I ask this be withdrawn.’¹¹⁸⁰

¹¹⁷⁸ County Clerk, Rangitikei County Council to Messrs McIntyre, Taylor & Seddon, Solicitors, 3 October 1938, RDC 00072: 7: T/27 Maori land rating 13290 087 Te Koau Block A, claim 86, 1930-1977, Archives Central, Feilding. SW Document Bank, volume 3, p. 203.

¹¹⁷⁹ Tokaanu Minute Book 28, p 158.

¹¹⁸⁰ Whanganui Minute Book 108, 4 December 1952, p. 327.

Four years later, on 6 November 1956, the RCC were granted a charging order for rates on part Te Koau Block A (1672 acres). The order was for £14.13.9 plus 10/- costs over the period 1 April 1955 to 31 March 1956 and granted by Judge G J Jeune of the Ikaroa District at Levin. In attendance at the hearing was the county clerk, Nicol. He said that the application was for only part of the block, that it was in the 'extreme last' of the county and that the balance of the block was in the Hawkes Bay County. Nicol said he was trying to get payment from some possible occupiers and that he had an order for the years 1928-1930.¹¹⁸¹

This charging order most likely reflected the belief held by the RCC that the land was being occupied by Mr Fernie and Mr Roberts. On 3 August 1956, the Council had written to 'Ferne Bros and Roberts' (who leased Timahanga Station and owned Te Koau B) stating that it had come to the Council's attention that they were occupying Te Koau A and therefore, under section 110 of the 1925 Rating Act, were liable for rates due. The RCC claimed that the amount due totalled £22.18.1 and was for three years for the years ending 31 March 1954, 1955 and 1956.¹¹⁸² In March 1957, the RCC declared the charging order 'satisfied' with the payment of £15.3.9.¹¹⁸³

Of note is that the rates advice for the year ending 31 March 1956 which is in the RCC rates file for Te Koau A (it was returned to sender) not only contained the amount of rates owed for that year (£6.0.22) but the amount of £94.16.10 in outstanding rates. The rates advice for the year ending 31 March 1957 also stated that there was £101.10.0 in rates outstanding as well as for that years rates.¹¹⁸⁴

Although 'Ferne Bros and Roberts' were considered to be occupying the block and paying the rates, they asked the RCC if the council knew the name of the owners but the RCC was

¹¹⁸¹ Otaki Minute Book 66, 6 November 1956, p. 268; Satisfaction of charging order by Rangitikei County Council, 14 March 1957, Rates charging order for Te Koau A, 6 November 1956, Te Koau A Correspondence file, NA 81A, Taihape Maori Land Court Document Bank, volume 3, pp. 188-189.

¹¹⁸² Rangitikei County Council to Fernie Bros and Roberts 3 August 1956, RDC 00072: 7: T/27 Maori land rating 13290 087 Te Koau Block A, claim 86, 1930-1977. Archives Central, Feilding. SW Document Bank, volume 3, p. 204.

¹¹⁸³ Otaki Minute Book 66, 6 November 1956, p. 268; Satisfaction of charging order by Rangitikei County Council, 14 March 1957, Rates charging order for Te Koau A, 6 November 1956, Te Koau A Correspondence file, NA 81A, Taihape Maori Land Court Document Bank, volume 3, pp. 188-189.

¹¹⁸⁴ Rates Advice for Te Koau A, 1956 and 1957, RDC 00072: 7: T/27 Maori land rating 13290 087 Te Koau Block A, claim 86, 1930-1977, Archives Central, Feilding. SW Document Bank, volume 3, pp. 205-206.

only able to advise that although the valuation roll gave the names as Matuhia Keepa and Manga Ratana Keepa, recent rates advice had been returned unclaimed.¹¹⁸⁵

Also at this time, the Chief Surveyor advised the Registrar of the Maori Land Court at Wellington that there was an outstanding survey lien on the block amounting to £230.10.0 and asked for assistance with the receipt of payment. The surveyor also asked for advice as to the owners of the land, the use being made of the land and the possibility of payment of the lien. The surveyor was advised that it was not known what the owners were doing with the land but it appeared that Tate Waka of Omahu was occupying the block. Also that the records of the Court indicated that there was no access to the block 'other than through the Makirikiri stream and it does not appear to be a good leasing proposition unless leased to an adjoining owner'. Therefore, the surveyor was told, the possibility of the survey lien being paid was 'remote'.¹¹⁸⁶

The next piece of correspondence on the RCC rating file for Te Koau A is in 1969 when the Ikaroa Maori Land Court asked the RCC for details on what it 'believed to be Maori land' - Te Koau A. The RCC responded with the same ownership details as in 1957 but with the address as Fernie Bros & Roberts.¹¹⁸⁷ As noted previously it was in 1969 that rates were paid for that year even though rates had not been paid for the previous ten.¹¹⁸⁸

Then in 1973, JR Roberts wrote to the RCC explaining that Wero Karena now owned Te Koau A and that 'Fernie Bros & Roberts have no longer anything to do with it'. Mr Karena was duly sent a rates assessment by the council who was advised that it had been returned by

¹¹⁸⁵ Fernie Bros & Roberts to Rangitikei County Council, 15 April 1957 and Rangitikei County Council to Fernie Bros & Roberts, 29 April 1957, RDC 00072: 7: T/27 Maori land rating 13290 087 Te Koau Block A, claim 86, 1930-1977, Archives Central, Feilding. SW Document Bank, volume 3, p. 211.

¹¹⁸⁶ Chief Surveyor, Department of Lands and Survey, Napier to Registrar, Maori Land Court, Wellington, 11 November 1957, Registrar, Ikaroa Maori Land Court to Chief Surveyor, Napier, 22 November 1957, NA 81 Te Koau A correspondence, Takitimu Maori Land Court, Hastings. SW Document Bank, volume 3, p. 26.

¹¹⁸⁷ Ikaroa Maori Land Court to Rangitikei County Council, 1 August 1969 and Rangitikei County Council to Ikaroa Maori Land Court, 7 August 1969, RDC 00072: 7: T/27 Maori land rating 13290 087 Te Koau Block A, claim 86, 1930-1977, Archives Central, Feilding. SW Document Bank, volume 3, pp. 213-214.

¹¹⁸⁸ Rangitikei County Council Maori Land Rates Book, RDC: Maori Land Rates book, Rangitikei County Council, 1937-1973 [one large volume, unreferenced], Archives Central Feilding; SW Document Bank, volume 4, pp. 76-107.

Mr Roberts who had told the council that the property had been transferred to Mr Karena.¹¹⁸⁹
Mr Karena replied to the RCC:

I appreciate the fact of you sending me a rate demand but at this stage I decline to pay the rates until I have good and proper access to my property. It is not until this matter is cleared then you can expect prompt payment of rates. I envisage that in near future that this be clarified. Thanking you for your cooperation.¹¹⁹⁰

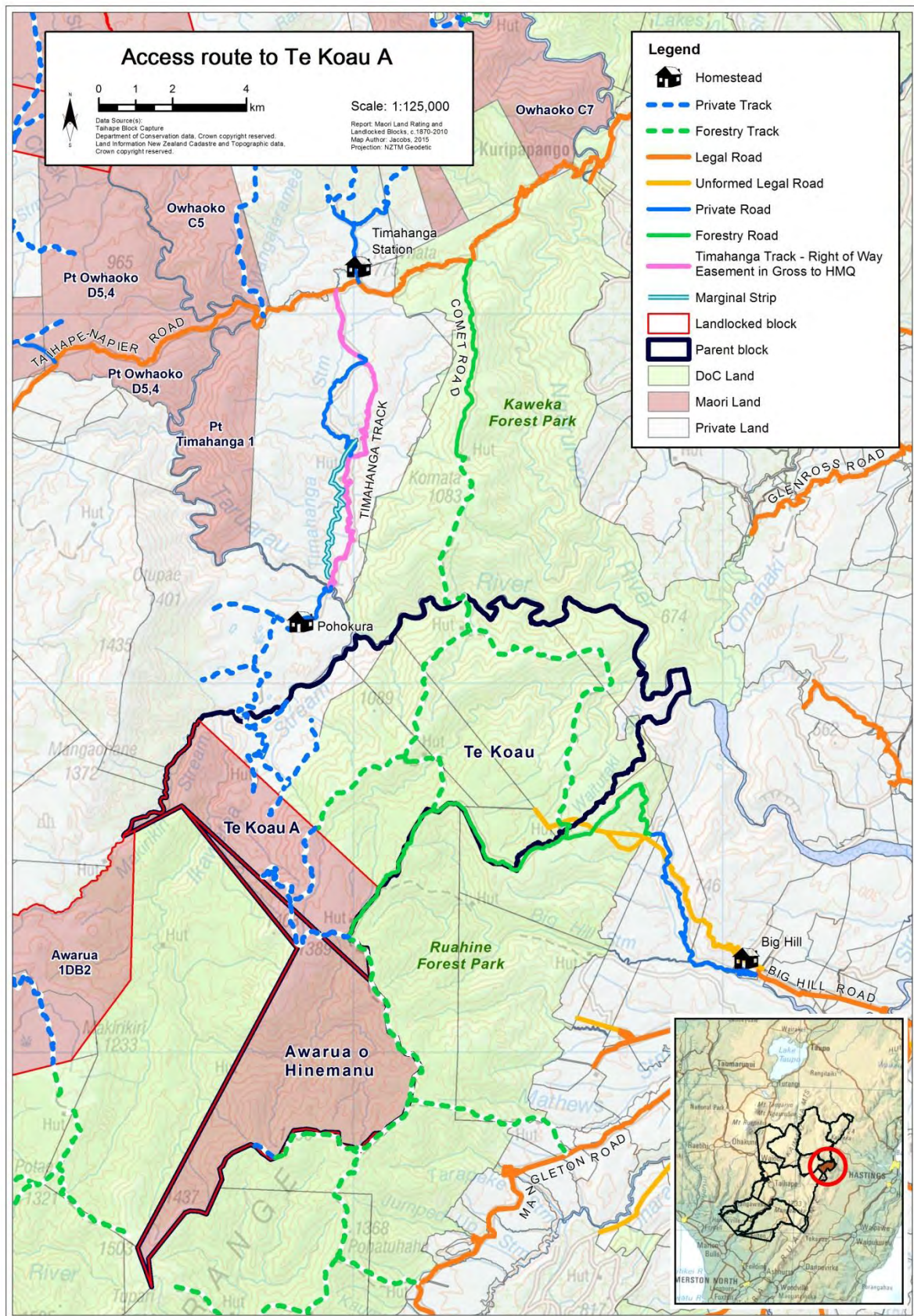
Another rates bill was sent to R Tutaki in 1975 and the letter accompanying it stated that it had arrears of \$20.34 on it for the year ending 31 March 1974. Then in 1977, another rates bill for the year ending 31 March 1977 was sent this time to Matuhia Keepa and Manga Rata Keepa (who were the named owners in the 1950s) c/- R Tanguru. The valuation given for the land at this time was \$2070. Mr Tutaki sent a letter to the RCC advising that the Maori Land Court would have the name of the trustees for the land in which the land was vested.¹¹⁹¹

When local authority boundaries were revised in 1987, Te Koau A was no longer under the jurisdiction of the RDC. Records have not been located as to what happened with regard to the collection of outstanding rates. It is now entirely within Hastings District Council boundaries.

¹¹⁸⁹ JR Roberts to Rangitikei County Council, 8 February 1973 and Rangitikei County Council to W Karena, 15 February 1973, RDC 00072: 7: T/27 Maori land rating 13290 087 Te Koau Block A, claim 86, 1930-1977, Archives Central, Feilding. SW Document Bank, volume 3, pp. 215-216.

¹¹⁹⁰ W Karena to Rangitikei County Council, 27 February 1973, RDC 00072: 7: T/27 Maori land rating 13290 087 Te Koau Block A, claim 86, 1930-1977, Archives Central, Feilding. SW Document Bank, volume 3, p. 217.

¹¹⁹¹ R Tutaki to Rangitikei County Council, 30 January 1975; Rangitikei County Council to Motuhia Keepa Estate, 11 November 1977; R Tutaki to Rangitikei County Council, 18 November 1977, RDC 00072: 7: T/27 Maori land rating 13290 087 Te Koau Block A, claim 86, 1930-1977, Archives Central, Feilding. SW Document Bank, volume 3, pp. 219-222.



Map 4: Access route to Te Koau A

18. Oruamatua Kaimanawa

18.1 Oruamatua Kaimanawa blocks in Maori ownership today

There are four blocks within the 115,420 acre Oruamatua Kaimanawa block remaining in Maori ownership today. All are landlocked.

Oruamatua Kaimanawa 1U contains 967.1986 hectares (2390 acres) and currently has 34 owners. Maori Land Online indicates that it is not administered by a trust or leased. The Landcare research report states that 80% of the block has ‘extreme limitations’, that is, it is ‘land with very severe to extreme limitations or hazards that make it unsuitable for cropping, pasture or forestry. The other 20% is deemed ‘marginal for pastoral and forestry’, that is, ‘non-arable land with severe limitations to use under perennial vegetation such as pasture or forest’.¹¹⁹²

Oruamatua Kaimanawa 1V contains 1505.8352 hectares (3721 acres) and currently has 104 owners. It is administered by the Oruamatua Kaimanawa 1V Trust. In 2012, owners accepted Nga Whenua Rahui Kawenata covenant over the block for \$188,250.00. The Landcare research report states that 77% of the block has ‘extreme limitations’ and 23% is ‘marginal for pastoral and forestry’.¹¹⁹³

The blocks are contiguous to each other and the eastern boundary of both blocks is the Rangitikei River. Across the river to the east is the Owhaoko D7A block owned by Ngamatea Station.

Oruamatua Kaimanawa 1W1 is contiguous to 1V and located next to the far north-western portion of 1V so unlike the other blocks it is not bounded by the river. It is 43.706 hectares in size and owned by two people one of whom is European. The Landcare research reports that 100% of the block has ‘extreme limitations’.¹¹⁹⁴

¹¹⁹² Maori Land Online.

¹¹⁹³ Ibid.

¹¹⁹⁴ Ibid.

Cleaver notes in his report that the owners had previously been able to access the blocks using a 'customary route' from the Napier-Taihape road which passed through Oruamatua Kaimanawa 1S and 1T owned by the Ohinewairua Station. This access, according to claimant Graeme Gummer, is no longer available on a regular basis since the Army acquired these blocks in 1990.¹¹⁹⁵

Oruamatua Kaimanawa 2K is not contiguous to any other Maori land. Its western boundary is the Moawhango River. Of all the Oruamatua Kaimanawa blocks still in Maori ownership, it is located closest to the Taihape-Napier Road. The Landcare report is also more positive than the other blocks with 70% 'marginal for pastoral and forestry', 18% not suited to cropping but good for pastoral and forestry and 11% having 'moderate limitations for arable use, but suitable for occasional cropping, pasture or forestry'. The block consists of 131.5228 hectares and has 63 owners. It is not administered by a trust. Maps show tracks to the block from the Erewhon Road (part of the Taihape-Napier Road) through the privately owned Rangipo Waiu blocks to the west of the Moawhango River which would need to be traversed to enter the block.¹¹⁹⁶

18.2 Investigation of Title and Partitions

Title to Oruamatua Kaimanawa was first investigated by the Native Land Court in 1875 and partitioned in 1885. Title was re-investigated by the Court in 1894 and the 115,420 acre block partitioned into four parts: 1, 2, 3 and 4.¹¹⁹⁷ In August and September 1897, Oruamatua Kaimanawa 1 was partitioned into 24 parts. At this hearing there was no mention of roads except in respect to the descriptions of the blocks which lay adjacent to the Napier-Taihape Road. The partition of 1A, 1B, 1C and 1X was adjourned but later hearings did not provide for access either.¹¹⁹⁸

On 29 September 1897, Oruamatua Kaimanawa 2 was partitioned into 19 parts. At the partition hearing no rights-of-way or road-lines were ordered. This was despite none of the Oruamatua Kaimanawa 2 blocks linking with the Napier-Taihape road. Some of the

¹¹⁹⁵ Cleaver, p. 121.

¹¹⁹⁶ Maori Land Online.

¹¹⁹⁷ Fisher and Stirling, Northern Aspect, pp. 140-141, 145, 155.

¹¹⁹⁸ Whanganui Minute Book 35, 17 & 18 & 19 August 1897, pp. 226-231; 25 September 1897, pp. 296-307; 29 September 1897, p. 319.

Oruamatua Kaimanawa 2 blocks were divided further in 27 June 1899 (2B and 2Q) and 2J in 29 January 1915.¹¹⁹⁹

Likewise, no orders for roads were made when Oruamatua Kaimanawa 3 (located to the far north-west of the block) was partitioned into 5 parts on 24 November 1897. Of note is that the Taraketi 2 block was partitioned on the same day as the Oruamatua Kaimanawa 3 block and orders were made for private roads under section 69 of the 1894 Act in respect to Taraketi 2 partitions. This would suggest that the Court utilised the legislation that provided for road-ways to individual blocks of Maori land from public roads in an uneven way. It could also suggest that the Court approached the provision of roads on the perceived development potential of the land. It may have been considered that the partitions of the Taraketi 2 block were capable of being farmed as individual areas and therefore access was required to each one whereas the Oruamatua Kaimanawa block may have been considered to be only capable of being farmed in large areas and therefore access was not required to each block. Whatever the Court's view, the inconsistent way that access was provided for at the time of partition impacts to this day.

18.3 Early access from the Napier-Taihape Road

The Napier-Taihape Road traversed through the southern part of the Oruamatua Kaimanawa block. The bulk of the block is located to the north of the road. The following blocks had access from the Napier-Taihape Road: 1A1, 1A2, 1B1, 1C, 1F, 1G, 1H, 1J, 1O, and 1N. All these blocks apart from 1A2 and 1G, which were located south of the Napier-Taihape Road, were sold prior to 15 December 1913. As discussed in the legislative section regarding the ordering of road-lines by the Maori Land Court, this date is crucial as from 1913 the permission of the owners of land acquired from Maori before this date was required in order for the Maori Land Court to order road-lines whereas permission was not required if land had been acquired from Maori after this date.¹²⁰⁰

¹¹⁹⁹ Whanganui Minute Book 35, 29 September 1897, pp. 320-331; Oruamatua Kaimanawa No 2 investigation of title sheet, Document bank, volume 4, p. 283.

¹²⁰⁰ Oruamatua Kaimanawa block plan, 1900, AFIH W5692 22381 Box 61 RP 466 Oruamatua-Kaimanawa Blocks – Maori Land Plan ML 1624 – Office Copy, 1850-1900, Archives New Zealand, Wellington; Fisher and Stirling, Northern Aspect, pp. 160-162.

18.4 Application for access, 1899

Two years after Oruamatua Kaimanawa 1 was partitioned, owner Waikari Karaitiana applied under section 69 of the Native Land Court Act 1894 for an order of the Court giving access by right of way from the Napier-Taihape Road to Oruamatua Kaimanawa 2G. He made a similar application in respect to his other land within the block - Oruamatua Kaimanawa 1K and 1L.¹²⁰¹

As noted in the legislative chapter, section 69 allowed the Court to order, when title was being investigated or the block partitioned, ‘rights of private road for the purpose of access to other or others of such parts or parcels’ (that is, over the block of Maori land being partitioned or title investigated). At this time there were no restrictions regarding requiring the permission of the adjoining owners and the order could be made within five years of the block being partitioned.

On 29 September 1899, the application was heard by Judge Ward at New Plymouth. JM Waser appeared for the applicant who asked for a ‘right of access by road suitable for vehicular traffic from the main road which runs through Oruamatua 1 to division 2G and 1K and 1L’. He also asked for similar access to the main road for Owhaoko D2 (though there is nothing in the block order file to suggest that such an order was made). The minutes record that three orders in respect to the Oruamatua Kaimanawa blocks were made.¹²⁰²

The order for 1L, which was located at the far south eastern corner of the block, stated:

Upon the application of Waikari Karaitiana of Waingarua near Moawhango the owner of an estate in fee simple in O-K 1L block under the provisions of section 69 of the Native Land Court Act 1894. After hearing parties it is hereby ordered that the said Waikari Karaitiana his heirs executors administrators and assigns and the respective owner and occupier for the time being of the said Oruamatua Kaimanawa 1L block and every heir thereof shall at all times have free and uninterrupted access therefrom

¹²⁰¹ Waikari Karaitiana, Applications for right of way, 24 July 1899, AEDK 18747 MA-WANG W2140 37 Wh. 596A Oruamatua Kaimanawa, 1875-1918, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 29-30.

¹²⁰² Whanganui Minute Book 42, 29 September 1899, p. 97, 23/596, Oruamatua Kaimanawa correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, pp. 4-7.

to the main Napier-Moawhango road by a right-of way one half chain wide running through the Kaimanawa No 1 Block.¹²⁰³

The order does not specify the blocks but it would presumably have been from the Napier-Taihapa Road through 1N, 1M and then into 1L. Oruamatua Kaimanawa 1L was, however, sold by Raita Tuterangi and Paramena Tama Korako in 1911 to Maud Birch (1N was sold in 1908 and 1M in 1904).)¹²⁰⁴

The order in respect to 1K was similarly worded whereby ‘Waikari Karaitiana his heirs, executors, administrators and assigns and the respective owner and occupier for the time being of the said Oruamatua–Kaimanawa No 1 K block and every part thereof shall at all times have free and uninterrupted access therefrom to the main Napier-Moawhango road by a right of way one half chain wide running through the Oruamatua Kaimanawa No 1 block’. The wording was exactly the same for the Oruamatua Kaimanawa 2G order.¹²⁰⁵ Oruamatua Kaimanawa 2G and 1K were located next to each other to the north of the Napier-Taihapa Road. Oruamatua Kaimanawa 1K was north of 1B2, 1C and 1J which adjoined 1H which had access to the Taihapa-Napier Road. Part of Oruamatua Kaimanawa 1K and all of 2G were sold in 1907 by Waikari Karaitiana to Lydia Birch and CJ Baker. The rest of 1K was sold in 1962.¹²⁰⁶

The certificate of title for 1P which is located to the far east of the block indicates a right of way had been ordered ‘as appurtenant to Oruamatua Kaimanawa 2G’ on 5 July 1900.¹²⁰⁷

No other applications for access from the Maori owners of Oruamatua Kaimanawa have been located for this period. Although it would have been apparent to the Court during the aforementioned hearings that no access had been ordered to the majority of the other

¹²⁰³ Native Land Court order in respect to Oruamatua Kaimanawa 1L, 25 September 1899, 23/596, Oruamatua Kaimanawa correspondence file, Aotea Maori Land Court, Whanganui; SW Document Bank, volume 2, pp. 4-7; and Fisher and Stirling, Northern Aspect, pp, 160-162.

¹²⁰⁴ Ibid.

¹²⁰⁵ Native Land Court order in respect to Oruamatua Kaimanawa 1K and 2G, 25 September 1899, 23/596, Oruamatua Kaimanawa correspondence file, Aotea Maori Land Court, Whanganui; SW Document Bank, volume 2, pp. 4-7; and Fisher and Stirling, Northern Aspect, pp, 160-162.

¹²⁰⁶ Ibid.

¹²⁰⁷ Certificate of title Vol 216, Folio 40, AANS W5491 828 Box 854 9/3/411, Acquisition of Private Lands – Access Easement through Oruamatua Kaimanawa 1 Block – Springvale Ltd. Kaimanawa Forest Park, Wellington Conservancy, 1975-1980, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 33-34.

Oruamatua Kaimanawa blocks it is also apparent that it was not the practice of the Court to rectify the matter at the same time as it was ordering access to individual blocks. It would have been an ideal time for access to be ordered as most of the block was still in Maori ownership and access could not have been denied by European landowners.

18.5 Awareness of access issues by Crown, 1910s

Other government agencies were made aware of the blocks access issues with the Lands Department asked in 1910 about possible routes into 1X (16,127 acres). This was in response to a memorandum from Apirana Ngata which although referred to by the Chief Surveyor, is not on the file on which the matter was discussed. It does, however, suggest that the Maori owners or the purchaser of a small portion of the block, Azim Birch, may have instigated the query. The Chief Surveyor advised the Under Secretary for Lands that HJ Lowe had ‘triangulated’ this part of the country and reported that there were two possible access routes into 1X. This block was located just south of Oruamatua 4 and to the west of 1U and 1V (so at the very northern part of the block). The southern route proposed by Mr Lowe left the Tokaanu-Waiouru road about ten miles north of Waiouru and passed along an existing track, through the Crown owned Rangipo Waiu 2A for about 5 miles and then for about 4 miles through Maori owned Kaimanawa 2B into Oruamatua 1X. The second, more northerly route, passed along the southern boundary of the Maori owned Kaimanawa 3B almost all the way, ‘up the valley of the Waipahihi River into the Moawhango’. This route was, Mr Lowe thought, not as good as the other. Both routes involved crossing the main watershed between the east and west coasts which had not been explored. Mr Lowe did not anticipate ‘unusual engineering difficulties’ unless the road traversed further north than the extreme southern boundary of Kaimanawa 3B, which he considered ‘much too rough to be roaded at all’. Subsequent correspondence does not indicate what happened with these proposals to access the 1X block.¹²⁰⁸

¹²⁰⁸ Fisher and Stirling, *Northern Aspect*, p. 163; Chief Surveyor to Under Secretary for Lands, 14 October 1910, AAMA W3150 619 Box 4 20/6 part 1, Wellington – Oruamatua Kaimanawa, 1900-1974, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 133.

The Lands Department was reminded again in 1914 of the lack of legal road-lines to the block. This time it was in respect to Oruamatua Kaimanawa 4 located at the far north of the block. At this time, the Crown was considering the acquisition of the block so a report was prepared by the Crown Lands Ranger. The block was deemed ‘absolutely unsuitable for settlement purposes’ and only suitable to be added to the state forest which it adjoined. It was also noted that there were rabbits on the land that the government had poisoned twice and that there was no legal road access to the block.¹²⁰⁹ That there was no legal access did not prompt the Department to do anything about it.

Of note is that shortly after this report was made, RT Batley, wrote to the Under Secretary of Lands regarding the expiry of leases of the north-eastern blocks which were leased from Maori by him and AKW Birch in 1867. He said that he owned part of 1W and that 1U and 1V were ‘mainly in the hands of the Public Trustee’. He asked whether the Crown wished to purchase and if not, then other arrangements would be made. Of note too is the tracing (map) attached to this correspondence and dated 12 September 1915 which shows a track leading from 1K, to the then Maori owned 1R, 1S, 1T, 1U through to ‘Motamatia Whare’ on 1V. (The offer was declined).¹²¹⁰

18.6 Proposal to purchase Oruamatua Kaimanawa 2 and 3, 1920

Another proposal to acquire the block was considered by the Crown a few years later. In 1920, the Native Department advised the Under Secretary for Lands that ‘several of the owners’ of various Oruamatua Kaimanawa No 2 and 3 blocks had offered to sell their interests to the Crown. The Native Department asked for a report as to the ‘advisability or otherwise of purchasing the land’ and the highest price that the Crown could ‘afford to pay’. All the subdivisions of the block still in Maori ownership were listed as follows (though it was acknowledged that some were leased to Lowry and Watt): 2A, 2B1, 2B2, 2C1, 2C2, 2C3, 2C4, 2D, 2E, 2F, 2G, 2H, 2K, 2L, 2M, 2O, 2Q, 3A, 3B, 3C, 3D, 3E and 3F.¹²¹¹

¹²⁰⁹ H Lundius, Crown Lands Ranger to Commissioner of Crown Lands, 21 September 1914, ABWN W5021 6095 Box 558 22/707 part 1, Wellington Land District – Oruamatua Kaimanawa Block 4, 1914-1976, Archives New Zealand, Wellington. SW Document Bank, volume 9, p. 36.

¹²¹⁰ RT Batley to Under Secretary for Lands, 12 September 1915 and tracing of north-western Oruamatua Kaimanawa blocks, 1915, Under Secretary, Lands & Survey Department to RT Batley, 9 December 1915, ABWN W5021 6095 Box 558 22/707 part 1, Wellington Land District – Oruamatua Kaimanawa Block 4, 1914-1976, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 37-40.

¹²¹¹ Under Secretary, Native Department to Under Secretary for Lands, 10 April 1920, ABWN W5021 6095 Box 558 22/707 part 1, Wellington Land District – Oruamatua Kaimanawa Block 4, 1914-1976, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 41-42.

In response the Commissioner of Crown Lands advised that he had consulted with the Crown Lands Ranger who assured him that it was not advisable for the Crown to purchase any of the land as, 'from a settlement point of view, the land is practically worthless'. He therefore had no recommendation to make as to its acquisition and did not consider that it warranted the expense of a special valuation.¹²¹²

18.7 Oruamatua Kaimanawa 1R and 1N, 1923

There is evidence that access, or the lack thereof, was becoming more of an issue in the 1920s. In 1923, CB Heatley, who had acquired Oruamatua Kaimanawa 1R and 1N from Maori, asked the Department of Lands and Survey for road access to 1R which was located to the west of the block, north of 1O and 1P (1N was accessible from the Napier-Taihape Road). He asked what the position was in respect to access to his land given that the owner of 1P (F Tilley) objected to him crossing his land to get to 1R. The Chief Surveyor reported to the Under Secretary for Lands on the matter noting that Mr Heatley had acquired the land directly from Maori and that when the block was partitioned by the Native Land Court no provision was made for access to any of the blocks not fronting the road. Further that Mr Heatley, when he acquired 1R, must have been aware of this fact. As the adjoining land was freehold, the matter of access to the subdivision was 'one of mutual agreement between Mr Heatley and the adjoining owners'. He also noted that when 1T was purchased by the Crown the purchase price was 15/-. He was of the opinion that 'with land of such a poor quality, it would not warrant the expense of providing access which would, at the same time, suit the requirements of Mr Heatley'. (The map attached to the correspondence showed that W Duncan owned 1O (accessible from the Napier-Taihape Road), F Tilley owned 1P, C Ensor owned 1H, 1J, part of 1K and 1Q), that Waikare Karaitiana owned the remainder of 1K and 1X2 was leased to WG and AS Birch. The Crown held 1T).¹²¹³

Mr Heatley was then advised by the Under Secretary for Lands that the matter was one 'for settlement' between him and the owner of 1P, Mr Tilley. If, however, they could not come to a 'satisfactory arrangement' then it was suggested that he approach the county council 'with a view to its taking the road through Mr Tilley's property'. The letter concluded: 'In either

¹²¹² Commissioner of Crown Lands to Under Secretary for Lands, 27 May 1920, ABWN W5021 6095 Box 558 22/707 part 1, Wellington Land District – Oruamatua Kaimanawa Block 4, 1914-1976, Archives New Zealand, Wellington. SW Document Bank, volume 9, p. 44.

¹²¹³ CB Heatley to Surveyor General, 19 February 1923, Chief Surveyor to Under Secretary of Lands, 4 May 1923, Cadastral map of Oruamatua Kaimanawa attached to correspondence with annotations, 1923, ABWN W5021 6095 Box 558 22/707 part 1, Wellington Land District – Oruamatua Kaimanawa Block 4, 1914-1976, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 45-47.

case, however, it does not appear that this is a matter which affects the Crown's interests'. Mr Heatley responded that he only wanted to know the legal position in case he and the Crown who owned adjoining land, were stopped going through Mr Tilley's land.¹²¹⁴ The Under Secretary's again explained the Crown's position in regards to access – this time in full. He said that the Crown was:

...under no obligation to provide road access to lands that it did not sell. Freeholders who bought from the natives will need to arrange road access themselves.

If the Crown desires at any time to provide road access to any area of Crown land, it can do so by taking land for road purposes under the provisions of the Public Works Act, etc. As, however, the Crown land to which you allude is of poor quality, it does not at present warrant the expense of providing access which would, at the same time, suit your requirements.¹²¹⁵

Nothing further on the matter of access through the block is on the Lands Department file until much of the remaining Maori land in the block was leased to the Anderson family in 1935.

18.8 Lease to the Andersons, 1935

In 1935, Edward Arnott Anderson, Anthony Hugh Anderson, Andrew Bolton Anderson and Vida Bolton Anderson (hereafter known as the Andersons) leased a large number of the Oruamatua Kaimanawa blocks for a period of 42 years. The blocks included two of the blocks that are still in Maori ownership and are landlocked today (1U and 1V). According to the Maori Land Court files the Anderson's leased the following blocks: 1S, 1U, 1V, 1X, 2A, 2B2, 2C1, 2C2, 2C3, 3A though Maori Land Court minutes indicate that the following may have also been leased (or considered for such): 1A, 2B1, 2C4 and 4. Correspondence also indicates that the area leased was around 45,000 to 50,000 acres.¹²¹⁶

¹²¹⁴ Under Secretary for Lands to CB Heatley, 9 May 1923, CB Heatley to Under Secretary, Department of Lands and Survey, 26 May 1923, ABWN W5021 6095 Box 558 22/707 part 1, Wellington Land District – Oruamatua Kaimanawa Block 4, 1914-1976, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 48-49.

¹²¹⁵ Under Secretary, Lands Department to CB Heatley, 12 June 1923, ABWN W5021 6095 Box 558 22/707 part 1, Wellington Land District – Oruamatua Kaimanawa Block 4, 1914-1976, Archives New Zealand, Wellington. SW Document Bank, volume 9, p. 50.

¹²¹⁶ Minutes of meeting of owners of Oruamatua Kaimanawa blocks, 10 November 1937, AEGX 19124 MLC-WG W1645 210 3/5859 Oruamatua Kaimanawa 1S, 1U, 1V, 1X, 2A, 2B2, 2C1, 2C2, 2C3, 3A, 1937-1954, Archives New Zealand, Wellington; SW Document Bank, volume 9, pp. 61-64. Fisher and Stirling, Northern Aspect, pp. 157-158; Whanganui Minute Book 97, 8 June 1935, pp. 35-39, 14 August 1935, pp. 87-88, 15

As was the case with much Maori land in the inquiry district, the lease followed the issue of charging orders for rates instigated by the RCC as despite the Crown's disparaging view of the land, the legislation in force at that time allowed for it to be rated. With the exception of 3A, all the blocks recorded as being leased to the Andersons had been subject to charging orders from the RCC for unpaid rates for the years ending 31 March 1929, 1930; 1932; 1933 and 1934. Of the other four blocks that were considered for lease, two (2B1 and 2C4) had charging orders registered against them.¹²¹⁷

When the leases of Oruamatua Kaimanawa 1S and 1X were confirmed the Court also approved the application under section 292 of the 1931 Act for an order setting aside rents payable to the Aotea District Maori Land Board for these blocks for the purposes of forming a fund for the installation of a water supply and generally renovating the Whitikaupeka Pa also known as the Moawhango Pa. As will be seen later, little money was likely to have reached this fund as the Andersons paid little of their rent and any rent they did pay was spent on rates.¹²¹⁸

These blocks, which were all located to the north east of the block, were a significant distance from the Taihape-Napier Road. None had legal access. Nothing about access was recorded as being discussed at the hearings where the leases were confirmed though when Oruamatua Kaimanawa 3B was sold to the Tussock Land Company circa 1935 it was noted in the minutes of the confirmation hearing that the block had no access.¹²¹⁹

Access was, however, discussed prior to the confirmation of the lease. GF Payne for the civil engineering and registered surveyor firm of Wall, Bogle and Payne investigated access routes into the leased land. This was at the instigation of the Andersons. Mr Payne provided three possible routes, all of which, he said, were lengthy and presented 'considerable engineering difficulty'. The first route considered was from the Taihape-Napier road. Mr Payne stated that the route examined followed the existing right-of-way as far as the Oarenga Stream and

August 1935, p. 99; 19 August 1935, p. 106, 25 September 1935, pp. 136-137; 6 November 1935, p. 167; 7 November 1935, pp. 179-180; 11 November 1935, p. 182.

¹²¹⁷ Whanganui Minute Book 97, 8 June 1935, pp. 35-39, 14 August 1935, pp. 87-88, 15 August 1935, p. 99; 19 August 1935, p. 106, 25 September 1935, pp. 136-137; 6 November 1935, p. 167; 7 November 1935, pp. 179-180; 11 November 1935, p. 182.

¹²¹⁸ Whanganui Minute Book 97, 4 October 1935, p. 157.

¹²¹⁹ Whanganui Minute Book 97, 1 October 1935, pp. 154-155.

up that stream to 2C4 (which was at the southern end of the leased blocks and contiguous to 2D which had been leased to Lowry and Watt in 1906 for 50 years). The grades over the major portion were found, however, 'to be impossible for other than packhorses'. He noted too that the land in that locality was 'of low value' and inaccessible from the rest of the block. The approximate length of this access route was 9 miles.¹²²⁰

The second route considered 'ran from the 6 mile peg on the Waiouru-Tokaanu Road east to the Moawhango River, thence up the right bank of that River, across the Mangaio Stream over steepish grades as far as the mouth of the Awaputu Stream, where a bridge over the Moawhango would be required to enter Oruamatua-Kaimanawa 3D'. Mr Payne said that about 'one mile of fairly easy going would then enable the route to enter 3A' (which was located to the west of 2B2 and 2A which were two of the leased blocks). The issue with 3A, however, was that the block was 'unsuitable for a homestead site' as there was insufficient adjacent flat land and no timber. The length of this route was 7 miles.¹²²¹

The third route, which he considered the 'most promising' left the Waiouru-Tokaanu Road at the '10 mile peg' and ran 'in an easterly directly across Rangipo Waiu 2A [which had been awarded to the Crown in 1900] crossing two streams requiring small bridges and three or four smaller ones requiring culverts'. Apart from this, 'the going' was 'easy for about 3 ½ miles'. The grades then become steeper as the route approached the Moawhango River and entered Rangipo Waiu 2B (which was still Maori land). A rocky gorge, side cutting and small bridge would be necessary here to arrive at a suitable crossing over the Moawhango River, which will terminate the route in Oruamatua Kaimanawa 2A (which was contiguous to Rangipo Waiu 2B4, 2B1A and 2B1B). He said that Oruamatua Kaimanawa 2A appeared to 'offer the most facilities for a homestead, together with 2B2, as there is birch bush and a fairly large scope of easy country at a reasonable altitude'. The total length of this proposed road-line was approximately 8 miles and he estimated that the cost of providing a 'reasonably useful farm track over this route' would be £1,500. This amount, he said, 'should cover survey, formation and bridging costs from the road to the Moawhango and provide a light suspension bridge across the Moawhango for stock'. He noted that the estimate did not allow for the

¹²²⁰ GF Payne, Wall, Bogle & Payne, Civil Engineers and Registered Surveyors, Whanganui to Judge Browne, Native Land Court, Whanganui, June 1935, RDC 00087: 15: 7/R/34, Road into Oruamatua - Kaimanawa Blocks - AE Anderson, Rangitikei County Council, 1935 – 1936, Archives Central, Feilding. SW Document Bank, volume 3, p. 232.

¹²²¹ Ibid.

purchase of land, or the fencing of the road-line. Mr Payne concluded that the cost of obtaining access to the first two routes would be in excess of this sum and ‘neither would serve the block as a whole so well as this route would’.¹²²²

Negotiations with the mortgagee of Waioruru Station, over which the proposed road traversed (the third route) were, however, not successful at this time. Therefore AE Anderson met with the Minister of Lands and Commissioner of Crown Lands in August 1935 to try to resolve the situation. The Minister reported to the Under Secretary for Lands on the meeting noting that although the matter was ‘one for private negotiation between the parties’, the Chief Surveyor was happy to advise the owners of Waioruru Station that ‘representations had been made by Mr Anderson and that the department would have no objection to the desired right of access being granted to Mr Anderson’. It was also noted that the development of the Maori land would ‘be an advantage to the Waioruru Station indirectly, and the formation of the private road would be of assistance in the working of the station’.¹²²³

In October 1935, EA Anderson updated the Minister of Lands about the situation noting that Mr Schollum, who had the most interests in Waioruru Station, ‘for reasons of his own’ was ‘quite determined’ not to give the Andersons access through Waioruru. This was despite the Andersons approaching him by letter and ‘personal interview’. Mr Anderson said that he thought the Crown and the Lands Department should do:

.. everything in their power to force this man’s hand, for when all the circumstances are taken into consideration it does not seem reasonable that certain interests holding a large block of idle unfenced lands returning nothing to the country, should be allowed to prevent other legitimate interests developing and farming adjoining lands.¹²²⁴

The Minister replied that a letter had been sent to Mr Schollum but his reply merely expressed his thanks for the departments ‘favourable attitude in the matter’. While having

¹²²² Ibid.

¹²²³ Minister of Lands to Under Secretary of Lands, 31 August 1935, ABWN W5021 6095 Box 558 22/707 part 1, Wellington Land District – Oruamatua Kaimanawa Block 4, 1914-1976, Archives New Zealand, Wellington. SW Document Bank, volume 9, p. 51.

¹²²⁴ Minister of Lands to AE Anderson, 25 October 1935, ABWN W5021 6095 Box 558 22/707 part 1, Wellington Land District – Oruamatua Kaimanawa Block 4, 1914-1976, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 53-54.

sympathy with Mr Anderson the Minister regretted that he could see no way of assisting him.¹²²⁵

On 23 October 1935, EA Anderson asked the RCC for help with securing access. He advised the council that he had secured the lease of 50,602 acres 'lying within the confluence of the Moawhango and Rangitikei rivers in the Oruamatua Kaimanawa District'. He said that he and a surveyor, Mr Payne, had 'explored every possible avenue for reasonable access' and that the only reasonable route was through Waiouru Station 'from the 10 mile peg on the Waiouru-Tokaanu Road'. He noted that he had left Mr Payne's report with the RCC together with a plan of the route. He said that he was 'very anxious to have access determined as soon as possible and asked whether the RCC could assist him with securing a road.'¹²²⁶

On 1 November 1935, the country clerk acknowledged receipt of Mr Anderson's request for the co-operation of the RCC to secure road access to the Oruamatua Kaimanawa blocks that he leased. The county clerk noted that the matter had been referred to Councillor Doole and the County Engineer so as to make an inspection of the area, then confer with the Waimarino County Council (WCC) whose boundaries also encompassed part of the block, and then report to the RCC.¹²²⁷

On 13 November 1935, the county clerk of the WCC wrote about the matter to the county engineer for the RCC. The county clerk said he had been directed by the council to state that it would 'facilitate such access being given' provided no cost was incurred by the WCC. The county clerk continued:

It would appear that your county being the most vitally interested could undertake the necessary steps to have access surveyed and legalised from the Waiouru Road as far as is required and this Council could consent to the deviation by endorsement on the plans, this procedure would obviate duplication of legal costs and I see no reason why this cannot be done since Mr Anderson is agreeable to pay the whole of the costs

¹²²⁵ Ibid.

¹²²⁶ EA Anderson to Rangitikei County Council, 23 October 1935, RDC 00087: 15: 7/R/34, Road into Oruamatua - Kaimanawa Blocks - AE Anderson, Rangitikei County Council, 1935 – 1936, Archives Central, Feilding. SW Document Bank, volume 3, p. 233.

¹²²⁷ County Clerk, Rangitikei County Council to EA Anderson, 1 November 1935, RDC 00087: 15: 7/R/34, Road into Oruamatua - Kaimanawa Blocks - AE Anderson, Rangitikei County Council, 1935 – 1936, Archives Central, Feilding. SW Document Bank, volume 3, p. 231.

incurred. It would appear that since Mr Anderson is the person who will solely benefit by the proposed road, which will be of no use, or practically no use to the only ratepayer who is affected in this County, that Mr Anderson cannot look to this Council to maintain the road when legalised or in any way provide him with access through this Count. Before signing the plan for consenting to the deviation Mr Anderson will be required to sign an agreement with this Council undertaking that he will not require the Council to maintain the access through the Waimarino County to his holding, such agreement to be prepared by my Council's solicitors at his cost in all things'.¹²²⁸

On 29 November 1935, the county clerk of the RCC advised Mr Anderson that the council had 'decided to facilitate' obtaining access to the blocks 'provided that it is not called up on to provide any portion of the cost'.¹²²⁹

18.9 Further meeting with Minister, March 1936 and non-payment of rent

In March 1936, EA Anderson had another meeting with the Minister of Lands. He reported that he had been forced to take action through the Public Works Department to gain access through Waieururu. He explained of the cost of developing the land and asked for government assistance. This was declined. A similar request was made by the Andersons in 1937 and this too was declined.¹²³⁰

In August and September 1936, five letters were sent from owners complaining that they had not received any rent from the Andersons. It was also at this time that the Public Works Department advised the Andersons that the question of access had been investigated and that it was considered that the sum of £100 would be 'sufficient to cover the cost of the legalisation' of the proposed road into the leased blocks. The Andersons were advised that

¹²²⁸ County Clerk, Waimarino County Council to SAR Mair, County Engineer, Rangitikei County Council, 13 November 1935, RDC 00087: 15: 7/R/34, Road into Oruamatua - Kaimanawa Blocks - AE Anderson, Rangitikei County Council, 1935 – 1936, Archives Central, Feilding. SW Document Bank, volume 3, p. 234.

¹²²⁹ County Clerk, Rangitikei County Council to EA Anderson, 29 November 1935, RDC 00087: 15: 7/R/34, Road into Oruamatua - Kaimanawa Blocks - AE Anderson, Rangitikei County Council, 1935 – 1936, Archives Central, Feilding. SW Document Bank, volume 3, p. 233.

¹²³⁰ Minutes of meeting with Minister of Lands and EA Anderson, 3 March 1936, F Langstone to Under Secretary for Lands, 23 November 1937, ABWN W5021 6095 Box 558 22/707 part 1, Wellington Land District – Oruamatua Kaimanawa Block 4, 1914-1976, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 55-57.

once they paid the amount then the ‘necessary action’ would be taken. The Andersons were also required to undertake in writing that they would pay any costs in excess of £100.¹²³¹

The Andersons then advised the Registrar of the Maori Land Court that the department had agreed to legalise the road, which was described as surveyed. Mr Anderson said:

Negotiations had been carried on with the Rangitikei Council from the spring of 1935 up to the 5th June, 1936, in regard to their Council taking action to legalise the road. If the only avenue by which legalisation could be obtained, was through their Council, I would have had no other alternative than to have dropped the whole proposition. To indemnify themselves against all possible claims for compensation, they asked me to pay in £4000. Directly I received the Council’s letter, I got in touch with the PWD Wellington direct, and early this month I received a confirming letter from the Assistant Under Sec[retary].¹²³²

In November 1937, a meeting of the owners of the leased land was held to consider a proposal to remit arrears of rent and commission totalling £654/3/- ‘in consideration of the payment of the sum of £163/10/9 being the half yearly rent and commission due on 22nd November 1937’. Nine owners were in attendance and two represented by proxy. Mr Ongley representing the Andersons was also in attendance. He explained to the meeting that the land had been ‘idle for a period of 18 years from 1917-1935’ and that the Andersons had their ‘scheme for financing upset by the election of the Labour Government’.¹²³³

One of the owners, Wire Hiraka Pine told the meeting that none of the owners had received any rental monies and were uncertain whether the Andersons had paid. The Aotea Board explained that the first six month’s rent was paid to the Board prior to the execution of the leases but that charging orders for survey costs and rates had ‘prevented a distribution being made of the rent for the first six months of the term of the leases’. Therefore none of the

¹²³¹ Assistant Under Secretary, Public Works Department to EA Anderson, 3 November 1936, AEGX 19124 MLC-WG W1645288 4/5859 Oruamatua Kaimanawa 1S, 1U, 1V, 1X, 2A, 2B2, 2C1, 2C2, 2C3, 3A, 1937-1954, Archives New Zealand, Wellington. SW Document Bank, volume 9, p. 83.

¹²³² Ibid.

¹²³³ Minutes of meeting of owners of Oruamatua Kaimanawa blocks, November 1937, AEGX 19124 MLC-WG W1645 210 3/5859 Oruamatua Kaimanawa 1S, 1U, 1V, 1X, 2A, 2B2, 2C1, 2C2, 2C3, 3A, 1937-1954, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 61-64.

owners had received any rental monies (as the RCC and Department of Lands and Survey had received it instead). Mr Pine responded that they understood that rates and survey costs were owed but wished for a proportion to be paid to the Board to reduce the amount due but also that a proportion be paid to the owners.¹²³⁴

Wire Hiraka Pine, Rawiri Mateparae, Heperi Pohe and Whaterangi Ropoama were all agreeable to the remittance of rents noting that the Andersons were in a difficult position. Mr Ropoama did, however, express surprise that the land had still not been stocked. He too suggested that future rents be apportioned between the owners and the liens and that a request be made to the council to have past rates remitted. Mr Anderson agreed noting that the owners had ‘derived no benefit from rates in the past’.¹²³⁵

Peter Moko, who was representing several owners, asked that the Board seek a reduction or remission of rates owed prior to 1935. He too supported the proposal to remit the arrears of rent. The meeting concluded with a vote as to whether the owners agreed to remit the arrears of rent on a block by block basis. Agreement was reached in respect of all blocks apart from three as there were insufficient owners in attendance. Nothing regarding access was recorded apart from the comment that Mr Anderson had spent funds trying to secure roading to the block.¹²³⁶

Although Mr Ongley told the owners that the Anderson’s had arranged further backing a letter was sent to labour Prime Minister MJ Savage several days before the meeting of owners by another firm of solicitors working for the Andersons asking for assistance. The letter claimed that for the previous 20 years adjoining owners had used the area leased for free grazing and no payments had been made to the Maori owners. The land also cost the government approximately £150 per year to ‘keep down the rabbit pest’. It said too that Mr Anderson, who was the manager for Messrs Murray Roberts & Co in Feilding has spent £1200 acquiring the block. Prior to its acquisition he was assured of the necessary finance to acquire stock but this had been withdrawn and he found himself ‘in the position of losing the results of all his work and money unless he can satisfy the Public Works Department £125 on account of road access and the natives on account of rent’. The letter also noted that the

¹²³⁴ Ibid.

¹²³⁵ Ibid.

¹²³⁶ Ibid.

assistance would also be in the interests of the Maori owners.¹²³⁷ This letter was sent to the President of the Aotea District Board for comment as to whether it was in the interests of the Maori owners if financial assistance was afforded to the Andersons. The Judge's response was sent after the meeting of owners. He said:

There is no doubt the Natives were exceedingly glad to get the land leased so much so that at meetings under Part Xviii held on the 10th instant at Taihape the owners in the majority of the blocks remitted arrears of rent and commission amounting to £654.3.0 in consideration of the payment to them of a half year's rent in each case.

I must confess I don't understand Mr Anderson. He seems to have rushed into this business without making sure of his grounds. After the payment of the first half year's rent the Board had difficulty in collecting any more. The character of the land was such, however, that the Board was reluctant to go to extremes and showed the lessee every consideration hoping he would be eventually able to carry on. The difficulty culminated in the meetings at which the concessions with regard to rent were made.

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He also said that he did not think that Mr Anderson was entitled to concessions not usually granted to other lessees of Maori land of the character of Oruamatua Kaimanawa though noted that Mr Anderson might claim that he deserved 'consideration for taking up land that had been lying idle so long'. There was, he said, 'hundreds of other farmers and speculators throughout the county who, if they had been assured of assistance from the Government, would not doubt have taken up the land on the same terms as Mr Anderson'. He concluded:

I assume from your memorandum that if it is decided to grant financial assistance to the lessees a charge against the various blocks is contemplated. Surely in such a case

¹²³⁷ Power & Fagan, Solicitors, Feilding to MJ Savage, 5 November 1937, AEGX 19124 MLC-WG W1645 210 3/5859 Oruamatua Kaimanawa 1S, 1U, 1V, 1X, 2A, 2B2, 2C1, 2C2, 2C3, 3A, 1937-1954, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 65-66.

¹²³⁸ Judge and President of Aotea Maori Land Board to Under Secretary, Native Department, 17 November 1937, AEGX 19124 MLC-WG W1645 210 3/5859 Oruamatua Kaimanawa 1S, 1U, 1V, 1X, 2A, 2B2, 2C1, 2C2, 2C3, 3A, 1937-1954, Archives New Zealand, Wellington. SW Document Bank, volume 9, p. 67.

the native owners should be consulted and some consideration given to their wishes.¹²³⁹

The file does not contain the letter sent to the Anderson's but it can be assumed that he was not provided with the assistance requested as in March 1938 it was reported that he had still not stocked the land. The registrar of the Court also noted that correspondence from the Andersons showed that their expenditure consisted of legal costs, the provision of access and a contribution towards keeping rabbits in check. The registrar inferred that if they were not provided with assistance from the government then the Andersons would 'drop the leases' or sell them.¹²⁴⁰

Another meeting of owners was held in November 1939 to again discuss remitting the arrears of rent owed by the Andersons. Ten owners and one represented by proxy were in attendance. Mr Ongley represented the Andersons who did not attend. Kingi Topia said that he had discussed the matter with other owners and disagreed with the proposal. Another owner, Te Whatarangi Ropoama, asked why the owners had to deal with the matter again. Mr Ongley explained that the Andersons had not been able to pay the rent as they had no funds available and that they had received a 'poor price' for the stock sold. There had also been 'interference from outsiders in regard to grazing stock'. The Anderson's position had improved this year, however, and they expected to be able to 'carry on with a reasonable chance of success'. Mr Ropoama also asked why owners had received no money although rent had actually been paid to the Board. Mr Ongley responded that this was probably due to 'old rating charges which would be a first charge on the rent moneys'. Kotuku Horima Hakopa (who was an interpreter and with Ongley appeared for the lessees) addressed the meeting to persuade the owners to remit the rent. He said that the lands concerned had 'lain idle for 18 years after the original lease to Birch had expired', that the blocks had produced no revenue during that period and that he thought it 'better that something should be received from the land in future even if the owners had to forego the arrears of rent due by the lessee'. If Anderson would pay the rent from now on, he thought it wise for the owners to accept his proposals. There was, however, uncertainty among the owners as to how to proceed. The owners also discussed the

¹²³⁹ Ibid.

¹²⁴⁰ Registrar, Native Land Court, Whanganui to Judge Browne, 3 March 1938. AEGX 19124 MLC-WG W1645 210 3/5859 Oruamatua Kaimanawa 1S, 1U, 1V, 1X, 2A, 2B2, 2C1, 2C2, 2C3, 3A, 1937-1954, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 73-74.

rates arrears with several expressing concern at the amount accumulated. Mr Ongley suggested that it was for the owners to negotiate with the RCC for some reduction or adjustment of the arrears. The owners decided that before dealing with the proposal regarding the remittance of rates that the rates question should be cleared up. They also suggested that Mr Anderson attend a meeting to answer their queries. The meeting was adjourned.¹²⁴¹

Another meeting of owners was held a month later. Again the resolution was 'to remit arrears of rent on the above blocks in consideration of the regular future payment of such rents'. Wire Hiraka Pine stated that he had agreed to the adjournment 'for the purpose of enabling the Judge to assist the owners to dispose of the question of back rates in the most advantageous manner and so enable to owners to collect at least a portion of their rent'. Peter Thoms Moko addressed the meeting on behalf of his wife and several of those present for whom he was acting as agent. He stated that as there was a substantial amount due in respect of back rates, he thought the lessee ought to pay something. The lessee, he said, had asked the owners to remit a 'very considerable sum by way of arrears of rent when in fact the owners were liable for a large sum for rates secured against the lands'. Mr Anderson replied that when he took up the lease of the land he made 'every endeavour to stock it up and make it a paying proposition. Circumstances were against him, however, and it was only recently that he received any return from the land. He said that if the proposals were dropped he would not carry on and the land would then revert to its former non-revenue producing condition'.¹²⁴²

Kingi Topia suggested that the lessee use part of the back rent to pay the rates. Mr Ongley responded that Mr Anderson had no money to pay any of the back rent as he had earned £350 less expenses from the land in the past year and after paying rent for the current periods 'it was obvious that he could not pay any back rent'. He said that 'unless the owners were prepared to accept the proposal, Mr Anderson was not prepared to go on with the leases' and if this was to happen then the owners would 'get no rent at all and would thus be worse off'.¹²⁴³

¹²⁴¹ Minutes of meeting of Oruamatua Kaimanawa blocks, 22 November 1939, AEGX 19124 MLC-WG W1645 210 3/5859 Oruamatua Kaimanawa 1S, 1U, 1V, 1X, 2A, 2B2, 2C1, 2C2, 2C3, 3A, 1937-1954, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 75-77.

¹²⁴² Minutes of meeting of owners of Oruamatua Kaimanawa blocks, 12 December 1939, AEGX 19124 MLC-WG W1645 210 3/5859 Oruamatua Kaimanawa 1S, 1U, 1V, 1X, 2A, 2B2, 2C1, 2C2, 2C3, 3A, 1937-1954, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 78-80.

¹²⁴³ Ibid.

Rates were also discussed with the Board representative noting that there was a sum of approximately £38.0.0 held by the Board available to pay the rates. The Board representative thought that it was 'likely that the County would be prepared to accept a compromise in consideration of a cash payment'. Peter Thomas Moko asked if the registrar could 'assist in obtaining a compromise in respect of the amount due under the charging orders'. The registrar was then consulted. He told the Board that he was 'prepared to use its good offices in an endeavour to obtain the desired compromise in view of the fact that the rates had accrued at a time when the land was unoccupied and non-revenue producing'. He also said he would ascertain the lowest figure the RCC would accept for a cash settlement and suggested that the owners 'approach the County members for their District with a view to soliciting their aid in this direction'. The resolution to remit the rates was then carried unanimously by owners of all blocks.¹²⁴⁴

In January 1940, the registrar approached the RCC regarding reducing the rates for the period 1928-1930, 1931-1932 and 1932-1934 which amounted to £179.4.11. It was noted by the registrar that during this period the blocks were 'not leased and were not producing any income for the Native owners out of which they might have paid rates'. The registrar advised that Mr Anderson had told the owners that unless they were prepared to remit the arrears of rent due, he could not carry on and would abandon the properties. The owners 'decided that it would be better to cut their losses' and allow Mr. Anderson to carry on, but given that they were foregoing their rent (which by then totalled £1246) so that the land could be retained 'in a state of productivity' they asked for 'some relief in regard to arrears of rates'. Further:

It should be noted that if Mr Anderson is allowed to carry on, he will be obliged by the terms of his lease to pay present and future rates on these lands. The lease being for a 42 years term, this is a very material consideration as it will assure your Council of a considerable sum in revenue from these lands for many years to come.¹²⁴⁵

The RCC responded that it would release its rating claims for £179.4.11 provided the rates due and owing by the Anderson family up to 31 March 1940 were first paid in full. These amounted to £250.8.2. A 10% charge on the 1939/40 rates would be added if not paid before

¹²⁴⁴ Ibid.

¹²⁴⁵ Registrar, Native Land Court, Whanganui to Rangitikei County Council, 19 January 1940, AEGX 19124 MLC-WG W1645288 4/5859 Oruamatua Kaimanawa 1S, 1U, 1V, 1X, 2A, 2B2, 2C1, 2C2, 2C3, 3A, 1937-1954, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 84-85.

15 March 1940. The council said that it wished to point out that ‘a considerable portion of rates were hospital rates which the council had to pay the Wanganui Hospital Board regardless of whether the council was able to collect the rates or not. Also, that the Andersons ‘since coming into occupation of these lands have not paid a penny in respect of rates’. The council did not feel that it could ‘go on indefinitely meeting the Hospital charges on the land and getting nothing in return’. It would be better, the council said, ‘to have the land off the rate roll altogether’. The RCC also noted that several hundred pounds of rates were written off in respect of these lands prior to the period for which the liens were registered (pre 1928), and therefore it felt that it had ‘fairly met the position by agreeing to release the liens on confirmation that the four years rates now due by the Anderson Family are first paid up in full’.¹²⁴⁶

The registrar advised the RCC that the resolutions to remit the rent due by the Andersons had not yet been confirmed by the Court but that the Court would ‘no doubt ... now make it a condition that confirmation will be granted subject to the payment of the arrears of rates due by the Anderson family’. The registrar then suggested that this be done to the Judge. Later that year the Andersons asked that they forgo the rent while the war was on to which the registrar replied that there was a ‘small matter’ of rates to attend to. The following year the registrar advised the Department of Agriculture (who said that could not undertake any rabbiting work until the lease was terminated) that the Andersons had ‘pretty much abandoned the property and ‘no doubt’ the property was being used as grazing by the adjoining owners. Mr Ongley also advised the registrar that Mr Anderson and his three sons were serving overseas (in the war) and curiously, given the owners attendance at the various meetings, that the owners did not seem ‘sufficiently interested to take any action’. The RCC also asked about the matter stating that if the leases were cancelled then the council could have the land declared non-rateable ‘in order to escape the Hospital rate which has to be made up by the other rate payers’.¹²⁴⁷

¹²⁴⁶ Rangitikei County Council to Registrar, Native Land Court, Whanganui, 29 January 1940, AEGX 19124 MLC-WG W1645288 4/5859 Oruamatua Kaimanawa 1S, 1U, 1V, 1X, 2A, 2B2, 2C1, 2C2, 2C3, 3A, 1937-1954, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 86-87.

¹²⁴⁷ Ongley to Registrar, Native Land Court, 18 June 1940, Native Land Court to Ongley, 28 June 1940, Department of Agriculture to Under Secretary, Native Department, 16 December 1940, Registrar, Native Land Court to Department of Agriculture, 16 January 1941, Department of Agriculture of Registrar, Native Land Court, 21 January 1941, Ongley to Registrar, Native Land Court, 12 June 1941, Rangitikei County Council to Native Land Court, 19 November 1941, Registrar Native Land Court to Rangitikei County Council, 27 November 1941, AEGX 19124 MLC-WG W1645288 4/5859 Oruamatua Kaimanawa 1S, 1U, 1V, 1X, 2A,

In 1942, the lease was determined by re-entry. The registrar advised that the lessee had paid virtually no rent and asked whether the council would remit all arrears of rates if the Court recommended the issue of an order in council declaring the lands covered by the leases as non-rateable. The council agreed to write off all arrears of rates but just in respect to the rates accumulated in connection with the leases 'provided the order in council exempting the land from rating is gazetted, and provided further that the lands shall again become rateable when they possess any productive value'.¹²⁴⁸

With respect to the access road, it is difficult to know exactly what progress was made. Correspondence indicates that it did get as far as being surveyed. A letter to the Camp Commandant at Waiouru Army Camp in 1943 from the RCC explained that a road had been surveyed through the Manatahi and Koroteti Valleys to the Moawhango River to give access to the Anderson's leased land. The Commandant was sent a map showing the approximate route. This is, however, the last letter on the file and a search of gazette notices to see if the access route was ever formally taken under the Public Works Act has not located any reference to this. Nor has the corresponding Public Works Department file been located.¹²⁴⁹

18. 10 Exemption of Oruamatua Kaimanawa blocks from rates

It took another five or so years before the land previously leased to the Andersons was formally exempted from rates. As discussed in the RCC rating chapter, in 1947, a number of Oruamatua Kaimanawa blocks were exempted from rates. These were 1S, 1U, 1V, 1X1, 1X2, 2A, 2C1, 2C2, 2C3 and 2C4. All of these blocks, apart from 2C4 were had been leased to the Andersons. The other two blocks leased to the Andersons, 2B2 and 3A, were considered for exemption by the RCC but on investigation it was determined that they could be 'dealt with'.¹²⁵⁰

2B2, 2C1, 2C2, 2C3, 3A, 1937-1954, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 88-95.

¹²⁴⁸ Registrar, Maori Land Court, Whanganui to Rangitikei County Council 27 November 1941 and 3 July 1942, Rangitikei County Council to Maori Land Court, Whanganui, 7 August 1942, AEGX 19124 MLC-WG W1645288 4/5859 Oruamatua Kaimanawa 1S, 1U, 1V, 1X, 2A, 2B2, 2C1, 2C2, 2C3, 3A, 1937-1954, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 95-97.

¹²⁴⁹ Camp Commandant, Waiouru Army Camp to Rangitikei County Council, 1943, RDC 00049: 4: 3/1/9 Road Rangipo - Waiouru: Anderson Access, Rangitikei County Council, 1930 – 1940, Archives Central, Feilding. SW Document Bank, volume 5, p. 278.

¹²⁵⁰ *New Zealand Gazette* No 43, 7 August 1947, p 961; Tokaanu Maori Land Court Minute Book 28, 12 March 1946, pp. 156-158.

As also noted in the RCC chapter, when these blocks were exempted, no warrant was issued by the Native Minister at the same time to write off any of the unpaid rates accumulated prior to the exemption. As discussed in the legislative section, this could have been done under section 34 of the Native Land Amendment and Native Land Claims Adjustment Act 1926. Although the rates accumulated during the lease of the land by the Andersons had been written off, there were still charging orders from the 1920s and 1930s (which had led to the leasing of the land in the first place). This meant that the Maori owners of the exempted Oruamatua Kaimanawa blocks were still liable for these rates and indeed it was the Maori Land Court and RCC's expectation that they would be paid. In June 1950, the Registrar of the Maori Land Court wrote to the RCC noting that charging orders had been made on various exempted blocks prior to their exemption from rates (and prior to the lease of the land) and that the total amount recorded by the Maori Land Court as owed on five Oruamatua Kaimanawa blocks (1U, 1V, 2A, 2B2 and 2C1) was £92.18.5. The registrar reminded the RCC that leases affecting the blocks were 'determined by re-entry' in 1942 and a small amount of money was still held at the Court on behalf of the Maori owners (presumably from the rental monies). Probably because there was some money held by the Court in respect of the Oruamatua Kaimanawa 2B2 block, this too was included. The registrar asked if the council was prepared to compromise on the amount to be paid and if so, to provide the amounts that would be accepted in full discharge of the rates owed. After a discussion which did not appear to involve any of the owners, the RCC agreed to accept a compromise in full settlement of the outstanding rates. A cheque was forwarded from the registrar, using the owner's money, for £68.4.2.¹²⁵¹

18.11 The lease of 1U and 1V, 1956 and application for access, 1960s

In 1956, Oruamatua Kaimanawa 1U (2390 acres) and 1V (3721 acres) were leased to RJ Hammond, a farm manager, for 42 years with no right of renewal or compensation for improvements. Owner's Whaitiketike Arani and Te Aohou Wirihana were in attendance at the hearing where the lease was confirmed. RC Ongley represented the lessee. Mr Ongley advised the Court that the land was situated about '40 miles from Taihape where the Rangitikei River comes out of the Ruahine Ranges' between Waiouru and Erewhon. He said

¹²⁵¹ Registrar, Maori Land Court, Whanganui to Clerk, Rangitikei County Council, 9 June 1950, 3/5053, Oruamatua Kaimanawa 1U block alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 66.

that there was an ‘unfarmed surveyed road, for 20 miles through neighbours out to Taihape-Napier Road’ that it was ‘only cattle country’ and had not been occupied since 1918 when Watt and Lowry left it. He said that the previous lessee (Anderson) did not farm or stock the property. The lease was duly confirmed by the Court.¹²⁵²

In 1961, Jack, Willis, Riddet & Rennie, acting for the lessee of Oruamatua Kaimanawa 1U and 1V, Mr Hammond, asked the Chief Surveyor if his records showed any rights of access to the blocks. He noted that the lessee’s right of access from the Taihape-Napier Road had been ‘questioned’ and that he had been ‘threatened with trespass proceedings’. He said that they could not find any record in the Maori Land Court of any right of way reserved in the blocks. The Chief Surveyor duly replied that there was no legal access or evidence of any right of access from 1U and 1V to the Taihape-Napier Road.¹²⁵³

Later that year, application was made to the Maori Land Court by Mr Hammond to provide legal access to the blocks under section 60 of the Maori Affairs Act 1953. The application also requested that the Chief Surveyor provide a report defining the route for a road line to and from the public road. This was on the grounds that no legal access had been provided and that it was ‘essential that legal access be provided to enable the lands to be separately occupied’. The Chief Surveyor wrote back to Mr Hammond’s lawyers stating that any requisition from the Court for a departmental report defining a route from the main road ‘could not be carried out without considerable expense to the applicant’. It was also noted that the department presumed that the application for a road way would be under section 418 of the Maori Affairs Act 1953. It was also noted that a search of the status of the lands between 1U and 1V had revealed that only 1T was Crown land and therefore the only subdivision over which the department had any authority to consent.¹²⁵⁴

¹²⁵² Registrar, Maori Land Court to JW Ormond Rotorua, 3 November 1978, 23/596, Oruamatua Kaimanawa correspondence file, Aotea Maori Land Court, Whanganui; SW Document Bank, volume 2, p. 29. Wanganui Minute Book 117, 24 September 1956, pp. 240-242.

¹²⁵³ Jack, Willis, Riddet & Rennie, Barristers & Solicitors to Chief Surveyor, Wellington, 13 June 1961 and Chief Surveyor for Messrs Jack, Willis Riddet & Rennie, 19 June 1961, AAMA W3150 619 Box 4 20/6 part 1, Wellington – Oruamatua Kaimanawa, 1900-1974, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 134-135.

¹²⁵⁴ Application to Maori Land Court in respect to access to Oruamatua Kaimanawa 1U and 1V, 20 September 1961, Jack, Willis, Riddet & Rennie to Chief Surveyor, 20 September 1961, Chief Surveyor to Messrs Jack, Willis, Riddet & Rennie, 28 September 1961, AAMA W3150 619 Box 4 20/6 part 1, Wellington – Oruamatua Kaimanawa, 1900-1974, Archives New Zealand, Wellington. SW Document Bank, volume 8, pp. 136-137.

The lawyers for Mr Hammond explained to the Chief Surveyor that they were unable to make application for access under section 418 of the Act as they could not get the necessary consents (from the adjoining owners). Further:

Some of the lands affected became European land before 1913, and consequently, we are not entitled to apply for road access through those lands as of right.¹²⁵⁵

Therefore they were making application under section 60 and when the application was heard they would seek a requisition for a survey.¹²⁵⁶

In February 1962, the application was heard. It was argued that it was the intention of the Court to provide access to the blocks when the parent block was partitioned in 1897.¹²⁵⁷ As noted in section 11.3 of this report, section 60 of the Act provided that the Court could amend any order, warrant, record made previously by the Court so as ‘to give effect to the true intention of any decision or determination of the Court or to record the actual course and nature of any proceedings in the Court’. Any amendment made took effect from the commencement of the order, warrant, record of other document so amended’.

At the hearing, a Mr Riddet appeared for Mr Hammond. Also in attendance was Mr Brown for the adjoining Ohinewairua Station and Mr Trendwell for Erewhon Station (also adjoining) both of whom opposed the application. As well, an official for the Lands and Survey Department attended. There is no record of any of the Maori owners being in attendance.¹²⁵⁸

Mr Riddet argued that in 1899, a right of way was defined but not surveyed from Oruamatua Kaimanawa 1K to the road but this was not done for 1U and 1V ((he was referring to Waikari Karaitiana’s application). He argued that access was overlooked in 1897 because the block was ‘owned by [the] same parties’. He also explained that the lessee originally had access to the blocks but this access had been withdrawn.¹²⁵⁹

The minutes record that the Court made a decision without calling on opposing counsel to give evidence. The Court did not agree to the application, stating that there were many instances where the Court had not provided for access when blocks were partitioned and

¹²⁵⁵ Jack, Willis, Riddet & Rennie to Chief Surveyor, 14 December 1961, AAMA W3150 619 Box 4 20/6 part 1, Wellington – Oruamatua Kaimanawa, 1900-1974, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 140.

¹²⁵⁶ Ibid.

¹²⁵⁷ Whanganui Minute Book 126, 7 February 1962, p. 2.

¹²⁵⁸ Ibid

¹²⁵⁹ Ibid

section 60 did not allow for the Court order to be changed so as to provide access. The full written decision of the Court is recorded in section 11.3 of this report.¹²⁶⁰

It is not known whether informal access was subsequently negotiated with adjoining owners or whether access was further denied but the lessee, Mr Hammond, only leased the land for another five years. In 1967, the lease was transferred to the Tussock Land Company who together with the Forest Land Company were part of a partnership that operated Ohinewairua Station. The station farmed many of the Oruamatua Kaimanawa blocks to the south and had access from the Napier-Taihape Road. This station was also one of the two objectors to the provision of access in 1962. The rental was £20 per annum for the first 21 years and 5% of UV for balance of term. This would appear therefore, to be another example where landlocked Maori land was restricted to being leased to adjoining farmers who owned the access.¹²⁶¹

18.12 Crown proposal to purchase 1U and 1V, 1974

In 1974, the Board of Maori Affairs approved the calling of meetings of owners to consider a proposed acquisition of Oruamatua Kaimanawa 1U and 1V by the Crown. It was noted that there were nine owners of 1U and 27 owners of 1V. A special valuation dated 30 April 1974 valued 1U at \$14,340 and 1V at \$18,655. The blocks were described as located adjacent to the Kaimanawa Forest Park, 15 miles east of SH1. The proposal said that the Crown was interested in acquiring the land on behalf of the NZFS for addition to the Kaimanawa Forest Park. It said that 1V had a long river frontage and was ‘within striking distance of the Kaimanawa Forest Park although access up the Rangitikei river below the Mangamaire junction look[ed] difficult’. Oruamatua Kaimanawa 1U was comprised, ‘largely of a delightful tussock valley rising on the west to the Stowman range and to the east over a rather badly eroded scrub covered range to the Rangitikei river’. Access to the blocks was by ‘a four-wheel drive track from Ohinewairua Station’ which traversed the block to the Motumatai basin which was about 18 miles from the Taihape-Napier road.¹²⁶²

¹²⁶⁰ Ibid, pp. 2, 4.

¹²⁶¹ Maori Trustee, Alienation notice, Oruamatua Kaimanawa 1U, 8 February 1967, AAMA W3150 619 Box 4 20/6 part 1, Wellington – Oruamatua Kaimanawa, 1900-1974, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 142. Cleaver, p. 74.

¹²⁶² Board of Maori Affairs, Proposed acquisition of Oruamatua Kaimanawa 1U and 1V, 1974, 3/5053, Oruamatua Kaimanawa 1U alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 70.

In March 1975, a meeting of owners was held to consider the proposal to sell 1U to the NZFS. There were four owners in attendance (including Frances Denz who was married to Koreneff who had purchased undivided shares in some of the blocks in the early 1970s) and two proxies representing 1929.3750 shares out of 2390 which was over the required 75%. It was noted that the block had been leased to Tussock Co. Ltd for 42 years from 1 July 1956 (though it was initially leased to Mr Hammond who failed in his bid to secure legal access) and that the lease expired in 1998. At the meeting it was noted by Mr Astwood of the Lands and Survey Department that a ‘major problem’ with the block was lack of access and that it would be a ‘costly project’ to rectify. The NZFS said that they wished to acquire the block to include in the Kaimanawa Forest Park which they wished to develop as a national park ‘for the enjoyment of people for all time’. Mrs Denz wished to sell but Mr Gummer, who was representing Te Oiroa Arani Patara ‘wanted to keep the land and retain the “mana” of ownership’. The resolution to sell was lost and instead the owners passed an alternative resolution to appoint the Maori Trustee as agent to the owners for the purpose of negotiating with the NZFS a lease for 99 years.¹²⁶³

This was not done, however, with the Tussock Land Company transferring the lease to the New Zealand Defence Force in June 1992. The chairman of the Oruamatua Kaimanawa 1U owner’s group, Tama Wipaki, wrote to the Maori Land Court about the matter during that year and said that this had been done despite the objections of the owners and without their consent. He also advised that the owners had met in July 1992 and ‘unanimously repudiated this transfer’. They had also decided to continue previous discussions with DOC about a lease and ‘to seek discussions with the Secretary of Defence ... aimed at mitigating the owner’s concerns’.¹²⁶⁴

Mr Wipaki was then advised by the registrar that he should contact the Maori Trustee as the lease was administered by the trustee. In September 1993, the Court received from the Maori Trustee a deed of surrender of lease and chance of occupancy. The deed indicated that the previous owner/occupier was the Tussock Land Company and the new owner/occupier was

¹²⁶³ Statement of proceedings of meeting of assembled owners, 6 March 1975, Resolution of Assembled Owners, 6 March 1975, 3/5053, Oruamatua Kaimanawa 1U alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, pp. 72-73. More details of the Koreneff purchases can be found in the Cleaver and Fisher and Stirling reports.

¹²⁶⁴ Tama Wipaki, Chairman of Oruamatua-Kaimanawa 1U Owners Group, 3 September 1992 to Registrar, Maori Land Court, Whanganui, 3/5053, Oruamatua Kaimanawa 1U alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 74.

Tama Wipaki and 11 others. No further information on the matter is within the Maori Land Court file and Maori Land Online records that there is no current lease.¹²⁶⁵

18.13 Exchange of land and the loss of access, 1990

As recorded in Cleaver's report, much of the Oruamatua Kaimanawa block was taken under the Public Works Act for defence purposes in 1961 and 1973. This included both Maori and general land including some land owned by Ohinewairua Station. He records that in 1990, Defence Headquarters and Ohinewairua Station agreed to an exchange proposal which meant that Defence would acquire the freehold of Oruamatua Kaimanawa 1S and 1T and three other areas of Station land. The Station received some Defence land some of which had been taken from Maori in 1973. In addition to the land exchanges, the agreement between Defence Headquarters and Ohinewairua Station 'provided that Defence would acquire a lease that the Station held over the Maori-owned Oruamatua Kaimanawa 1U block [the lease referred to in the previous section]. The agreement also contained provisions relating to the fencing of the boundary between the training ground and Station, and, lastly, that Army obtained shooting rights over certain other Station lands'.¹²⁶⁶

Cleaver records that claimant's state that the 1990 exchange has affected access to the landlocked Oruamatua Kaimanawa 1U and 1V blocks. Further:

According to Graeme Gummer, the owners were, prior to the exchange, able to access the blocks using a customary route from the Napier-Taihape Road, which passed through Oruamatua Kaimanawa 1S and 1T. The exchange was undertaken without consultation with the owners of the Oruamatua Kaimanawa 1U and 1V blocks. Following the exchange, the owners have found it difficult to obtain the Army's permission to access these lands, though meetings concerning the matter have been held between Army and owner representatives. Gummer states that the lack of access has limited the owners' ability to visit and effectively manage their lands.¹²⁶⁷

¹²⁶⁵ Maori Land Court, Whanganui to Tama Wipaki, 22 September 1992, Office of the Maori Trustee to Maori Land Court, Whanganui, 27 September 1993 and notice of change of ownership or occupancy, Oruamatua Kaimanawa 1U, 3/5053, Oruamatua Kaimanawa 1U alienation file, Aotea Maori Land Court, Whanganui; SW Document Bank, volume 1, pp. 75-78; Maori Land Online; Cleaver, p. 57.

¹²⁶⁶ Cleaver, pp. 121-122.

¹²⁶⁷ Cleaver, p. 124.

18.14 Request for access for Oruamatua Kaimanawa 1V, 1997

In the late 1990s, the owners of 1V sought the advice of the Maori Trustee who in turn sought the advice of the Maori Land Court regarding the options available to the owners with regard to access. In August 1997, the Maori Trustee, who by then administered the lease of Oruamatua Kaimanawa 1V to the Department of Conservation, which was due to expire on 30 June 1998, advised the Maori Land Court that the trustee had recently received an enquiry regarding roads, tracks and the various legal access points that gave owners access to this land. The trustee asked the Court to provide details and if that none were in existence, to outline some options available to the owners that would allow better access to their land.¹²⁶⁸

The response by the registrar was that the records of the Court had been searched and that there was ‘no record of any roads or rights of way providing access to ... the block’. The registrar noted that the block to the west was 1X2 which had been taken by the Crown for defence purposes and to the north was 1W1 (Maori land) which he thought would be reliant on 1W2 for access. He said that 1W2 was owned by MW Green though another search was required to ascertain the current owner. He was unable to determine from the records whether 1W2 had access so that it ‘may be a matter the owners of Oruamatua Kaimanawa 1V could take up with the owners of 1W2’. The registrar also noted that to the south was 1U but he was not able to tell whether the block had access either (it didn’t) and to the south was 1T which was Crown land that he suspected was used for defence purposes. He concluded by stating that if the owners could ‘obtain the consent of any of the adjoining land owners an application pursuant to section 316 of Te Ture Whenua Maori Act 1994 should be sought’ and that he was available to discuss the options with the owners at any time.¹²⁶⁹

Again the consent of the adjoining owners was required which so often has proved to be the stumbling block to providing reasonable access to Maori land in the inquiry district.

18.15 Summary

This is another instance of a massive area of land where legal road access was not provided to each and every block when it was partitioned. The only legal road available to access the

¹²⁶⁸ Office of the Maori Trustee to Registrar, Maori Land Court, 28 August 1997, 23/596, Oruamatua Kaimanawa correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 30.

¹²⁶⁹ Registrar, Maori Land Court to Maori Trust Office, 8 September 1997, 23/596, Oruamatua Kaimanawa correspondence file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 2, p. 31.

block at the time of partitioning was that part of the Napier-Taihapa Road which had been formed from almost 100 acres of the Oruamatua Kaimanawa block taken from Maori under the Public Works Act.¹²⁷⁰ All the blocks to the north of the road that linked directly with the Napier-Taihapa road were sold prior to 1913. From 1913, the permission of the owners of such land was required to access the blocks beyond. Therefore the owners of the other blocks which did not lie adjacent to the Napier-Taihapa Road were reliant on this permission being granted so as to access their land. This permission has not, however, always been forthcoming.

Access was provided to some blocks in 1900 but this was only to the blocks that one owner, Waikari Karaitiana, had interests in. These blocks were later sold. Legislation in force at the time whereby road-lines could be ordered without requiring the permission of adjoining owners was not utilised by the Maori Land Court as there was no compulsion for it to do so. By the 1920s, problems had emerged for some of the European purchasers of the block who were told that they too had to be make arrangements with adjoining owners but crucially, if such access could not be made, then the county could assist with taking the road. When much of the remaining Maori land in the block was leased in 1935 (most of which had rates charging orders on it) the lessee was thwarted by not only a lack of finance but lack of access both of which he energetically pursued. The finance was not forthcoming and he defaulted on his rent leaving the Maori owners with no money and large rates bills. He did, however, get as far as surveying an access route to the land but not, it seems, getting it legalised. Of note was that both the RCC and WCC were agreeable to having the private land taken under the Public Works Act for a road provided the lessee paid for the survey, legalisation and formation of it.

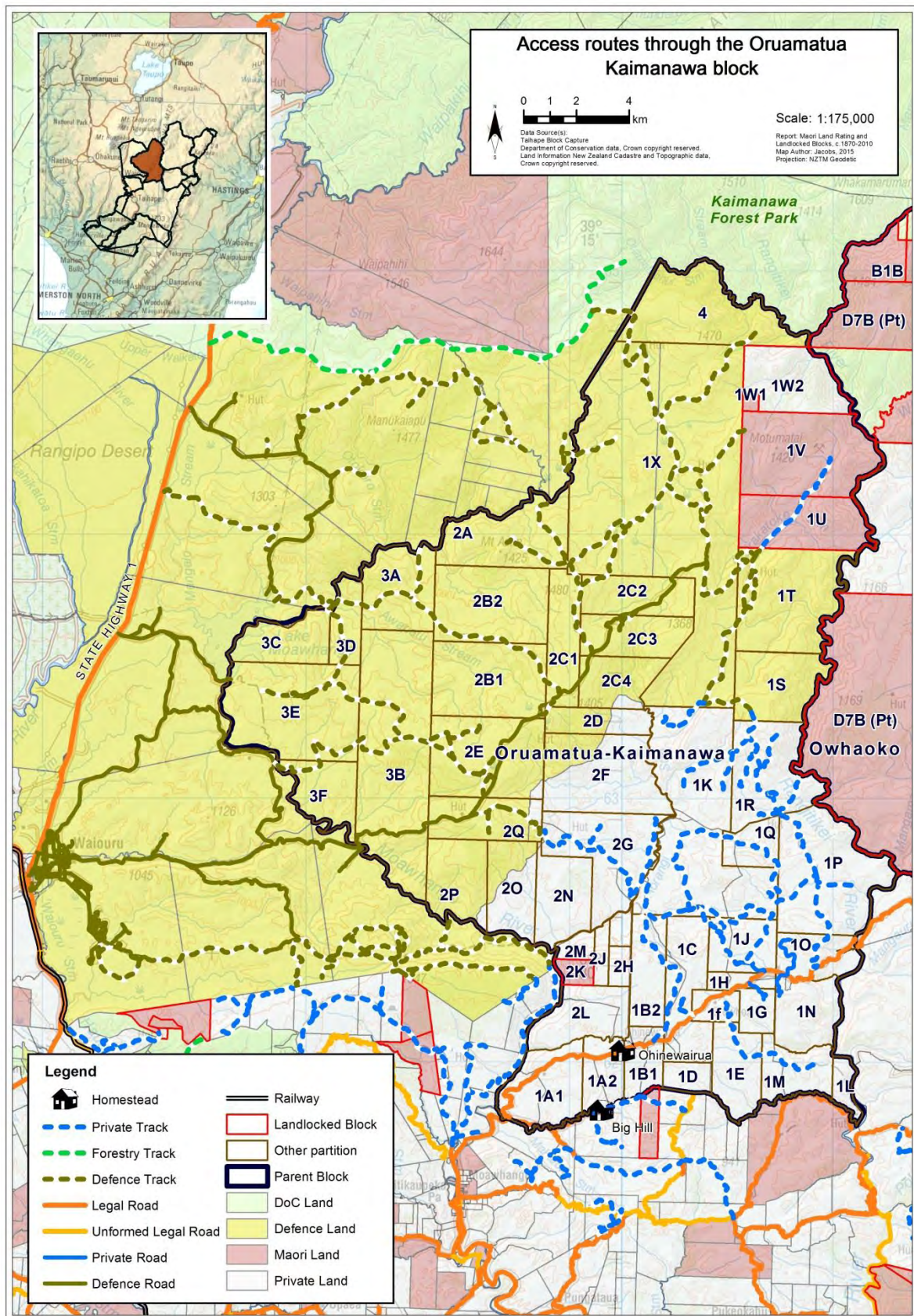
While the rates levied during the course of the lease of much of the Maori owned Oruamatua Kaimanawa block to the Andersons was written-off, rates charging orders made in the 1920s and 1930s (which led to the ill-fated lease) remained valid. The Maori Land Court arranged for the rates to be paid in the 1950s out of the little rent that was paid to the owners during the course of the lease. This was despite the land being exempted from rates in 1947.

¹²⁷⁰ Cleaver, pp. 183, 189.

When 1U and 1V were leased again in 1956, problems again occurred with neighbouring farmers about allowing access. Because the legislation to provide access (section 418/1953) was dependent on the agreement of these neighbouring farmers, legal access could not be ordered by the Court. Nor could an application for access under section 60 of the 1953 Act solve the issue once and for all. This application was made on the basis that it was the intention of the Court to provide access when it partitioned the block in 1897 but the Court ruled that there were many instances where the Court had not provided for access and this section of the Act did not allow for the Court order to be changed. The Judge's statement was telling as it simply explained that the reason for the land being landlocked was that the Court did not provide for access when it partitioned blocks.

After being denied legal access, the lessee did not continue with his lease for long (a further five years) and it was transferred to the Tussock Land Company who owned adjoining lands. As with other landlocked blocks, options for leasing became restricted to those who owned adjoining lands that were accessible to a public road.

As exchange of land between the Defence Department and the Ohinewairua Station in 1990 has now restricted the access to Oruamatua Kaimanawa 1U, 1V and 1W1.



Map 9: Access routes through Oruamatua Kaimanawa block

19. AWARUA 2C8

19.1 Introduction

Awarua 2C8, consisting of 441 acres or 178.4644 ha, is currently one of the few Awarua 2C blocks of a reasonable size (over 100 hectares) still in Maori ownership. It has 190 owners and although there is an Ahu Whenua Trust appointed to administer the land, the trust order was vested in the Maori Trustee as responsible trustee and advisory trustees appointed in 2011. It was leased to the Moore family, as trustees for the Batley family trust, for 15 years from 1996. It is not known whether this lease has been extended.¹²⁷¹

The land's current capital value is \$483,000 which includes improvements of \$65,000. It is rated by the RDC.¹²⁷²

Awarua 2C8 has no legal access. Makokomiko Road (which comes off the now Erewhon Road – part of the Taihape-Napier main road) does not go as far as the Awarua 2C8 block although there is a private track leading across general land (Awarua 2C10B) to 2C8 from Makokomiko Road.¹²⁷³

19.2 Investigation of title

Subasic and Stirling record that the partition of the 10,793 acre Awarua 2C block was 'triggered by the Crown's application for the Native Land Court to define its interests'. They state that the partition 'saw the block divided into 46 new titles in August 1896, from 2C1 to 2C21, and ranging in size from a ¼ acre up to over 3,500 acres'. Awarua 2C8 was 441 acres in size. No orders were made for road-lines at the hearing.¹²⁷⁴

¹²⁷¹ Maori Land Online. <http://www.maorilandonline.govt.nz/gis/home.htm>. The exception is Awarua 2C3A, 2C3B and other blocks administered by the Maata Kotahi trust and Awarua 2C2A.

¹²⁷² <http://public.rangitikei.govt.nz/cgi-bin/rating/rapp?N&pp&K1&1329019900>

¹²⁷³ Maori Land Online. <http://www.maorilandonline.govt.nz/gis/home.htm>; Conversation with Richard Steedman and author, 20 May 2015.

¹²⁷⁴ Subasic and Stirling, Central Aspect, p. 114; Napier Minute Book 39, 13 August 1896, pp. 194-198.

19.3 Early roads, 1899 and 1918

A map dated 1899 and a plan of 1918 attached to a the partition order for Awarua 2C10 shows Awarua 2C8 located between 2C10B to the west, 2C7 to the east and 2C10A to the south (the Oruamatua Kaimanawa block was to the north). A road is marked on the plan called Erewhon Road but this is not where the current Erewhon Road is located as today's Erewhon Road is to the west of this road. It is also not the now Makokomiko East Road as this is located further east. The Erewhon Roadline of 1918, however, traversed through 2C10A through to 2C7 but bypassed 2C8 and today, as shown on the map below, is an unformed legal road.¹²⁷⁵

19.4 Access to adjoining land, 1928-1929

As noted in a previous chapter, in December 1928, an application to lay off a road through Awarua 2C11 (668 acres) 'to give access or better access' to Awarua 2C10B (1158 acres) was heard. (Awarua 2C10B was sold to REV Batley in 1918.) The Maori owners of 2C11 and the lessees of the block gave consent to the land being taken for the road without compensation. The subsequent Court order stated that under section 13 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922 that Awarua 2C10B had a 'right of road one chain wide through the Northern end of Awarua 2C11'.¹²⁷⁶

Of note is that Awarua 2C8 lay directly to the east of 2C10B. Despite this, the road (Makokomiko Road) which came off the Moawhango-Napier Road (on current maps called the Erewhon Road) which went through 2C11 into 2C10B did not extend to Awarua 2C8.¹²⁷⁷ The road from 2C11 into 2C10B was instigated by the owner of 2C10B, AOP Batley, who

¹²⁷⁵ Maori Land Court plan for Awarua 2C10, 1918, Awarua 2C7-2C10B Block order file, Wn 602, volume 3, Taihape Maori Land Court Records Document Bank, volume 2, p. 458; AFIH W5693 33482 Box 82 RP 564, Awarua 2C Subdivision Maori Land Plan ML 1551 – Maori Land Court Copy and Office Copy, 1899, Archives New Zealand, Wellington.

¹²⁷⁶ Awarua 2C11 was Europeanised in 1969, Subasic and Stirling, Central Aspect, p. 120; Whanganui Minute Book 89, 17 December 1928, p. 232; Maori Land Court Order, 17 December 1928, Awarua 2C7-2C10B Block order file, Wn 602, volume 3, Taihape Inquiry District Maori Land Court Records Document Bank, volume 2, p. 450; President, Aotea District Maori Land Board to Under Secretary, Native Department, 28 August 1929, ACIH 16036 MA 1 1550 1931/16 Awarua 2C10B, 1929-1931, Archives New Zealand, Wellington. SW Document Bank, volume 9, p. 27.

¹²⁷⁷ For example Awarua 2C2A is 434.8 ha and has access via the Matawhero Road which traverses right through the block.

received permission from the RCC to legalise the road provided she bore the cost of forming it.¹²⁷⁸

To the east of Awarua 2C8 was 2C7B. As noted above, plans from 1918 show that an Erewhon Road (which joined with Wherewhere road) traversed through 2C7B from Awarua 2C10C (to the south). As already noted, this is a legal unformed road.¹²⁷⁹

What this meant is that the road to the west of the block (Makokomiko Road) bypassed Awarua 2C8 as did the road to the south and east of the block (the old Erewhon Road).

As noted, the blocks surrounding 2C8 are 2C10B to the west which was sold to the Batley family in 1918. The Makokomiko West Stream and the Oruamatua Kaimanawa blocks are to the north. Awarua 2C7A and B are to the west and 2C10A to the south. None of these blocks are Maori land. Subasic and Stirling record that 2C10A was leased in 1899 and 1931 to the Batley family and then to the Moore family and sold to GT Moore together with Awarua 2C9 in 1969; Awarua 2C7A was leased to the Batley family in 1953 (and at the time this lease was confirmed it was stated that the land had been leased for the previous 40 years). It was purchased but the date of purchase is unclear. Awarua 2C7B was also leased to Dorothy Batley in 1953 and purchased by her in 1965.¹²⁸⁰ Therefore all the land surrounding Awarua 2C8 is privately owned.

19.5 How Awarua 2C8 was utilised

In the 1950s, Awarua 2C8 was reported to be farmed by the Batley family together with the Awarua 2C4, 2C7A, 2C7B and 2C12A2B blocks. A lease of 2C8 to Dorothy Batley was confirmed at a hearing on 24 March 1953 and in 1966, the lessee asked for a meeting of owners to be held to consider the sale of the block to her. There is no memorial schedule or

¹²⁷⁸ Arrowsmith and Kincaid, Barristers and Solicitors to Rangitikei County Council, 21 November 1928, Rangitikei County Council to Arrowsmith and Kincaid, 14 March 1929, RDC 00087: 5: 2/R/10 Road into Awarua 2C10B Block, Rangitikei County Council 1928–1929, Archives Central, Feilding. SW Document Bank, volume 3, pp. 223-229.

¹²⁷⁹ Maori Land Online.

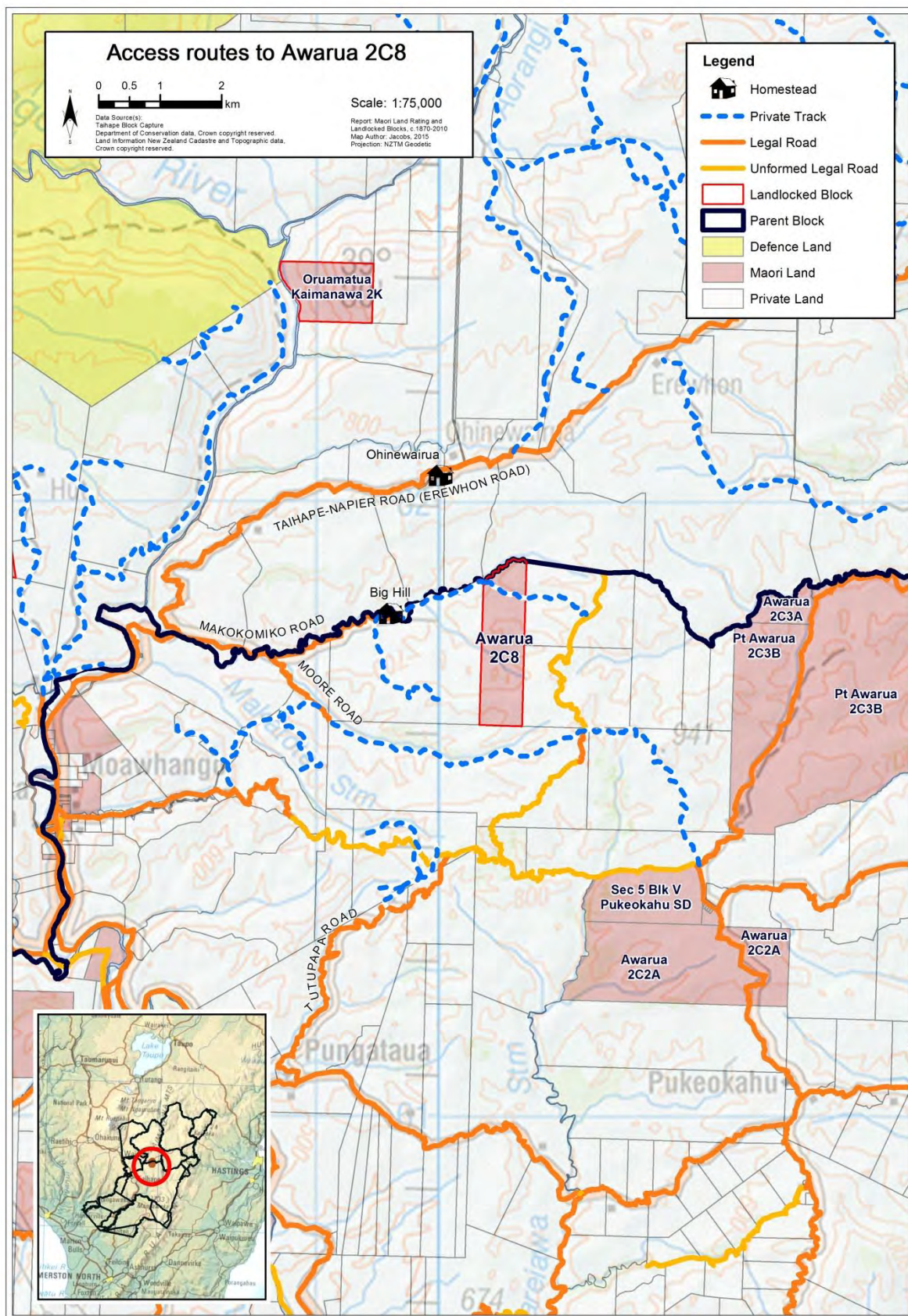
¹²⁸⁰ Whanganui Minute book 109, 12 December 1952, pp. 40-41; 24 March 1953, p 218; Whanganui (Alienation) Minute Book 5, p. 119; Whanganui (Alienation) Minute Book 7, pp. 44, 52; Subasic and Stirling (Central aspect), pp. 119, 160-162.

any records about 2C8 on the block order file so it is difficult to expand further on its history.¹²⁸¹

The land was recently leased to the Moore family, as trustees for the Batley family trust, for 15 years from 1996. If the Awarua 2C10B block is still owned by the Batley family trust and/or the Moore family then they can access the leased Awarua 2C8 through their land.

Time constraints have prevented the examination of further records regarding the provision of access to this block. Despite this, research so far suggests that this is another landlocked block where a lack of access has meant that options for its use have been limited to being leased to adjoining farmers who own the access.

¹²⁸¹ Whanganui Minute book 109, 12 December 1952, pp. 40-41; 24 March 1953, p 218. Whanganui (Alienation) Minute Book 5, p. 347; Maori Land Court Document bank volume 2 checked (Awarua block order files). Alienation files held at the Aotea Maori Land Court, Whanganui may assist with more details.



Map 12: Access route to Awarua 2C8

20. AWARUA 3A2J, AWARUA 4A3C8A AND OTAMAKAPUA 2C

Three other Maori landlocked blocks have been identified during the preparation of this report (during the mapping phase) but time constraints have prevented a full examination of how they came to be landlocked. The blocks are Awarua 3A2J, Awarua 4A3C8A and Otamakapua 2C. They are discussed briefly below.

Awarua 3A2J is 40.4433 hectares (100 acres) in size and is an isolated piece of Maori land surrounded by private land located between the Kotukuraeroa, Moawhango Valley and Torere Roads. There is no formed legal road to the block. Topographical maps and aerial imagery show that there are a few tracks to the north that extend to the block. There also appears to be tracks from the south off Kotukuraeroa Road. The block is situated near a farm which is accessible from Kotukuraeroa Road.¹²⁸²

The block is administered by the Maori Trustee and has been leased to the same person since at least 1997 (TJ Prime). Given the period that the land has been leased, the isolation of the block and the lack of a formed legal road, it is likely that it is farmed in conjunction with adjoining land accessible from Kotukuraeroa Road.¹²⁸³

Awarua 4A3C8A is also an isolated area of Maori land. It is 21.3118 hectares in size (just over 52 ½ acres) with 23 owners. Again it is administered by the Maori Trustee and has been leased to the same person (JC Williams) since at least 1985. The block is located to the north west of Taihape near Mataroa. There is no formed legal road into the block though there appears to be tracks from Robbie Smiths Road from the south west. The block is situated near a farm which is accessible from this road. As with Awarua 3A2J, it is likely that this block is farmed by adjoining land owners.¹²⁸⁴

Otamakapua 2C is a small piece of Maori land 4.1834 hectares (10.3 acres) in size. As with the previous two blocks it is surrounded by private land. It abuts the Rangitikei River and the nearest road is the Rangitikei Valley Road. It is not leased or administered by a trust and has

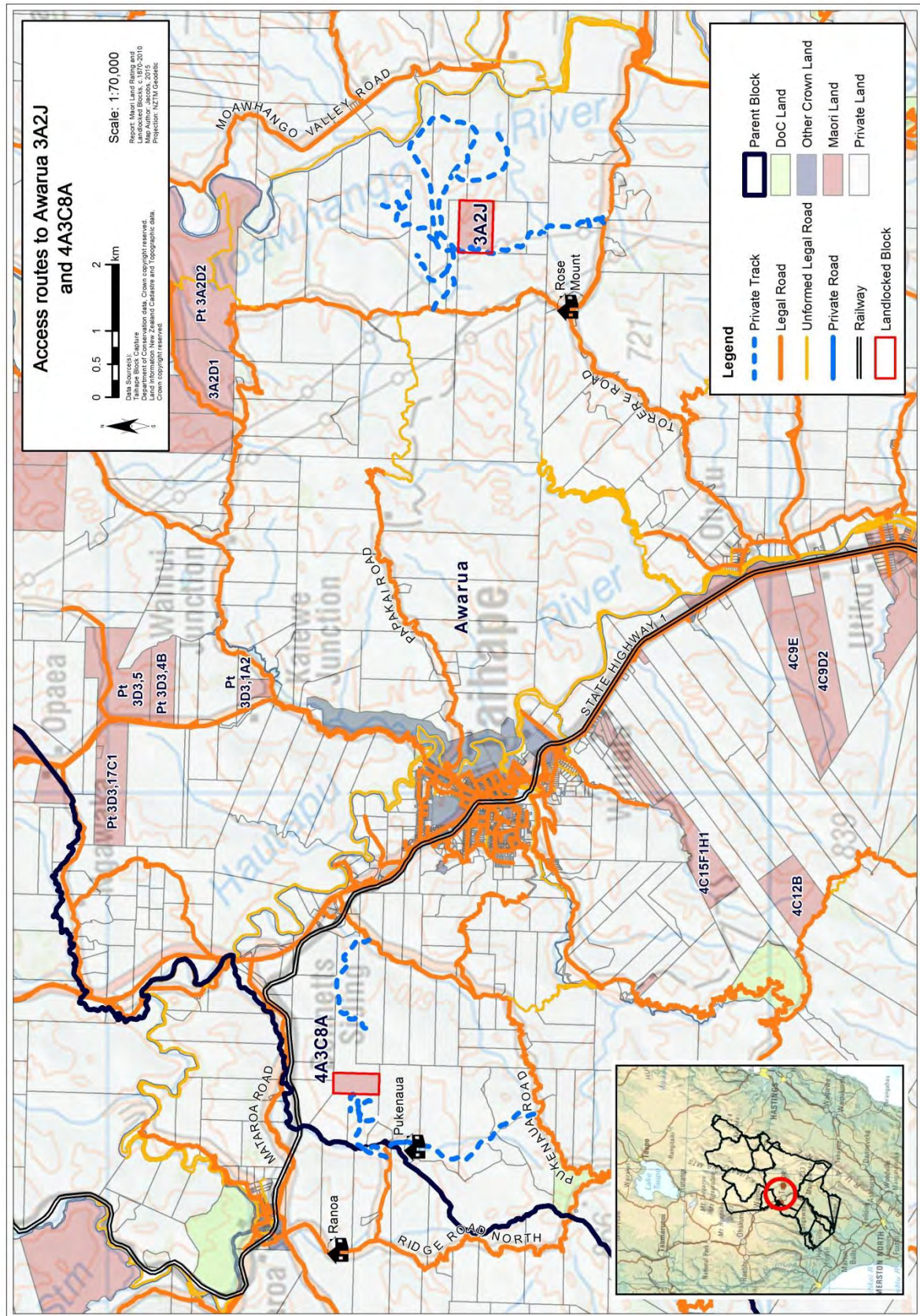
¹²⁸² Maori Land Online.

¹²⁸³ Ibid.

¹²⁸⁴ Ibid.

49 owners. Hearn records that it was excluded from the sale of Otamakapua lands in 1884 and identified as a burial reserve (Matuahu urupa).¹²⁸⁵

¹²⁸⁵ Maori Land Online; Hearn, *Southern Aspect*, p. 108.



Map 13: Access routes to Awarua 3A2J and 4A3C8A

21. LANDLOCKED MAORI, PRIVATE AND CROWN LAND

21.1 Landlocked Maori land in the inquiry district

With the exception of Rangipo Waiu, the reports of Terry Hearn, Bruce Stirling, Martin Fisher and Evald Subasic have provided the area of land within each block in the inquiry district that is still Maori land. Data from Maori Land Online has been used in respect to Rangipo Waiu. The following is a summary of this data:

Table 18: Maori land in Taihape Inquiry District, 2015

Block	Area (acres)	Area (hectares)
Aorangi (Awarua)	967	391.3310
Awarua	19,410	7,854.9483
Awarua o Hinemanu	6,330	2,562.0000
Te Koau	3,451	1,396.5701
Motukawa	18,157	7,347.8772
Oruamatua Kaimanawa	6,544	2,648.2630
Otamakapua	1,728	699.2968
Owhaoko	116,725	47,236.9316
Rangipo Waiu	1,731	700.5108
Taraketi	593	239.9790
Timahanga	2577	1042.8749
Utiku/Potaka township	93	37.6358
Total	178,306	72,158.1185

Source: Fisher and Stirling, Northern Aspect; Subasic and Stirling, Central Aspect; Hearn, Southern Aspect, Maori Land Online.

The next table is a list of land still in Maori ownership that is currently landlocked. This is based on the research completed for this report although the area data is from Maori Land Online and the aforementioned reports of Hearn, Stirling, Fisher and Subasic.

Table 19: Maori owned landlocked blocks, Taihape Inquiry District, 2015

Name of Block	Area – acres	Area – hectares
Aorangi (Awarua)	967.0.0	391.3310
Awarua 1DB2	11,740.0.0	4751.0094
Awarua 1A3B	236.0.0	95.5058
Awarua o Hinemanu	6330.0.0	2561.8122
Awarua 2C8	441.0.0	178.4664
Awarua 3A2J	100	40.4433
Awarua 4A3C8A	52.66	21.3118
Te Koau A	3451.0.0	1396.5701
Motukawa 1B	367.0.0	148.5196
Motukawa 2F2	88.0.0	35.6123
Otamakapua 2C	10.3	4.1834
Owhaoko A East	16,640.0.0	6733.969
Owhaoko A1B	554.3.0	224.51
Owhaoko B East	5828.1.0	2358.61
Owhaoko B1B	934.2.0	378.1787
Owhaoko C1	1348.0.0	545.5162
Owhaoko C2	7254.75	2935.8931
Owhaoko C4	1721.0.0	696.4639
Owhaoko D1 and D1 part	3062.5	2831.5853
Owhaoko D3	6997.0.0	2316.5723
Owhaoko D4B	1326.5	536.8155
Owhaoko D6 section 1	5724.4	2316.5723
Owhaoko D6 section 3	1375.0.0	556.4427
Owhaoko D7B part	42234.33	17091.6294
Owhaoko D8B	4634.5	1875.5155
Oruamatua Kaimanawa 1U	2390.0.0	967.1986
Oruamatua Kaimanawa 1V	3721.0.0	1505.8352
Oruamatua Kaimanawa 1W1	108.0.0	43.7060
Oruamatua Kaimanawa 2K	325.0.0	131.5288
Rangipo Waiu B1	663.21	268.3925
Rangipo Waiu B6B1	534.1. 17	216.2463
Rangipo Waiu B6B2	534. 1. 17	216.2463
Total	134,356.6 acres	54,372.19 hectares

Source: Maori Land Online.

Note that Owhaoko C5 is not included because access from the Napier-Taihape Road has been recently negotiated with the RDC. Owhaoko D6 section 1 has been included as access is not available to owners not associated with Ngamatea Station.

As can be seen by these tables, 54,372.19 hectares of Maori land is landlocked out of the 72,158.1185 hectares still in Maori ownership. This means that 75% of the Maori land in the inquiry district is landlocked.

21.2 Landlocked Crown and private land in the inquiry district

Mapping technology has been used to estimate the total amount of Crown and private land that is landlocked in the inquiry district today. A mapping specialist used GIS to spatially select those parcels that do not intersect with a legal road. Where the information was available, she also combined parcels on titles and properties so that individual parcels that are part of a large property which abut a legal road are not included. Checks were also made against LINZ memorials to see if there were any appurtenant rights of ways or memorials stating that the property has no legal road access. She notes that the data is an estimate only. In order to be certain that each of these parcels is landlocked a thorough investigation is required. This would involve many more hours of work.¹²⁸⁶

Taking the above into consideration it has been estimated that there is 3,263 hectares of landlocked private land and 10,773 hectares of landlocked Crown land in the inquiry district.¹²⁸⁷

Much of the landlocked Crown land is within the Owhaoko block. Like much of the Maori land in the Owhaoko block, the Crown owned land is landlocked and the topography is such that it is also inaccessible by vehicle. The exception is Owhaoko C (part) as the Napier-Taihape Road lies close to the southern boundary. Richard Steedman (a trustee of the Owhaoko B & D Trust) notes that the Owhaoko Crown land (A West, B1A, D4A and D8A) is inaccessible although DOC has a track through the Maori owned Owhaoko D4B. In addition Marei Apatu (trustee for the Owhaoko C Trust) advises that there is no vehicle access to the Crown owned Owhaoko C6 and Owhaoko D2 (the two largest areas of Crown

¹²⁸⁶ Correspondence with mapping consultant and author, July 2015.

¹²⁸⁷ See map 14.

land within the block) as the blocks are bounded by the river. Map 8 shows that there are tracks to some of the eastern lands (C6, D2 and A West) from adjoining Crown land in the Kaweka Forest and DOC huts are located there.¹²⁸⁸

Area data on these blocks is available and have been recorded in a table below.

Table 20: Owhaoko Landlocked Crown Land, 2015:

Block	Area (acres)	Area (hectares)	Purchase date/taken for survey liens
Owhaoko A West	1600.0.0	647.4970	Survey liens
Owhaoko A1A	57.0.0	23.0671	Survey liens
Owhaoko B West	410.0.0	165.9210	Survey liens
Owhaoko B1A	65.2.0	26.5069	Survey liens
Owhaoko C6	2026.0.0	819.8931	Purchased 1917
Owhaoko D2	9448.3.0	3823.7734	Purchased 1973
Owhaoko D4A	92.2.0	37.4334	Survey liens
Owhaoko D6, 2	1375.0.0	556.4428	Purchased 1913
Owhaoko D8A	326.2.0	132.1298	Survey liens
Total	15,401.1.0	6232.6650	

Source: Fisher and Stirling, Northern Aspect, pp. 72-73, 106, 124.

In addition, it is known that much of the Crown land in the Ruahine Forest Park on the western side of the Ruahine ranges is dependent on the permission of private landowners for access. Agreements have been reached with a number of landowners to traverse their land in order to access the tramping tracks around the ranges. In one instance an agreement has been withdrawn and access to a particular track is now via a river. There are, however, difficulties quantifying the amount of land affected. A discussion regarding access provisions to this area of Crown land is in the Awarua 1A3 chapter.

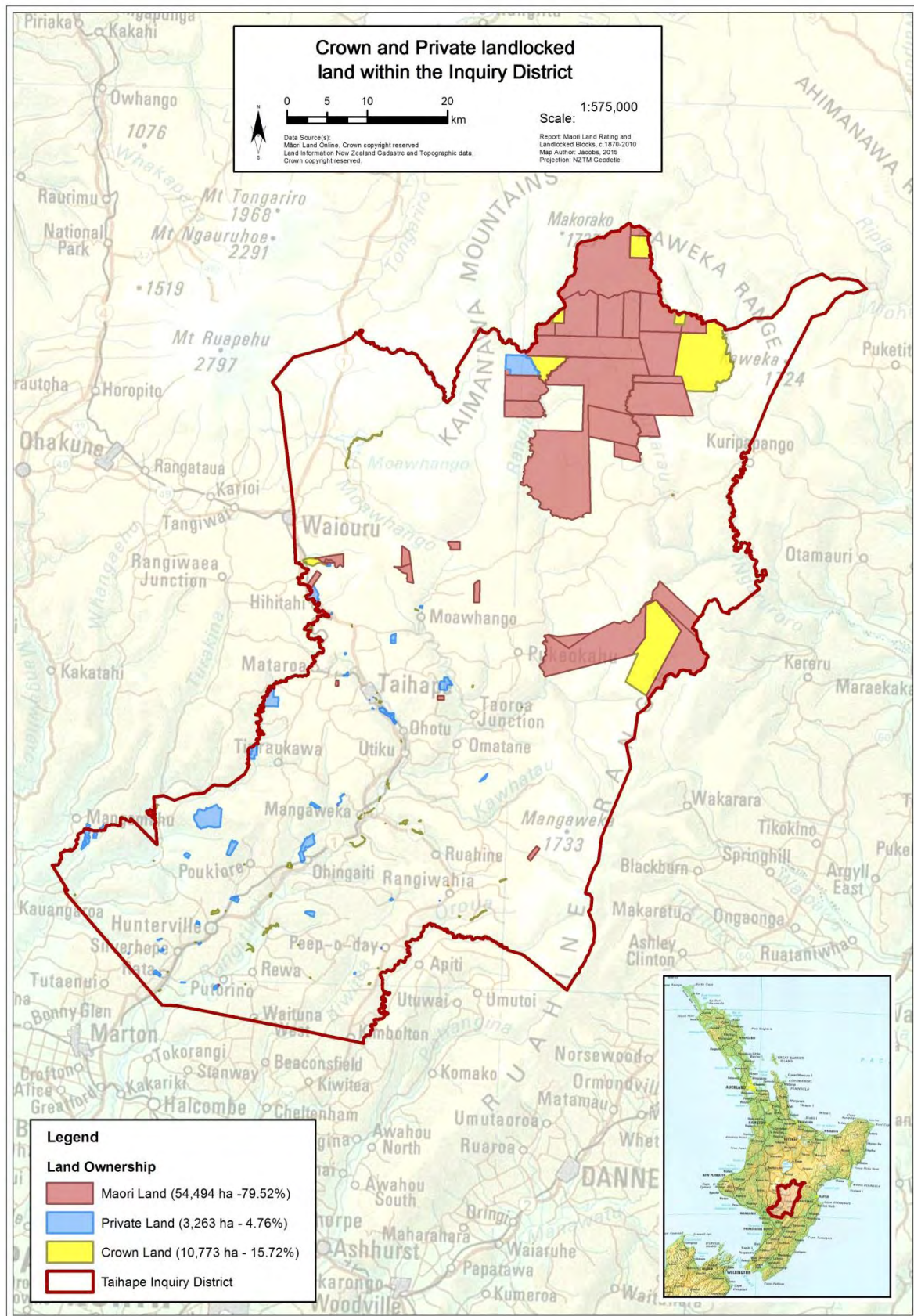
As well, Crown forestry land beyond Big Hill Station near Te Koau and Awarua o Hinemanu is dependent on the owner of Big Hill Station for access. As noted in the Awarua o Hinemanu chapter there is a legal surveyed road through Big Hill Station through to forestry lands but it

¹²⁸⁸ http://wams.org.nz/wams_desktop/index.aspx; accessed 10 May 2015.

has not been formed. The road used is across privately owned land as, unlike the legal road, it has been formed. DOC has an agreement with the owner of this land to use the road.

Therefore the Crown has had to and continues to negotiate access agreements with private landowners in order to access Crown land in the inquiry district.

The following map shows the location of Maori, Crown and private landlocked land as estimated using the aforementioned methodology.



Map 14: Crown, Maori and private landlocked land within Taihape Inquiry District

22. LANDLOCKED BLOCKS IN THE TAIHAPE INQUIRY DISTRICT: AN ASSESSMENT

22.1 The Maori Land Court and adjoining owners

Hearn has emphasised the difference in the care taken by the Department of Lands and Survey in ensuring access when opening up land for selection compared to that of the Native Land Court in respect to Te Rohe Potae. He notes that the Court's purpose was to 'individualise ownership rather than to engage in any form of land planning in which provision was made for access and appropriate reserves, although it could and did issue orders respecting public roads across lands owned by Māori'.¹²⁸⁹

The same analysis can be applied to Taihape inquiry district lands. In 1980, the Deputy Registrar of the Aotea Maori Land Court succinctly summed the situation up:

Maori Land Courts, when making partition orders in early days, did not seem to consider the question of access.¹²⁹⁰

This wasn't a new discovery. In 1962, a Judge of the Maori Land Court said that that 'in the Court's experience there were many partitions which did not provide for access.'¹²⁹¹ The Court was not in fact legally obliged to consider the question of access when title to land was being investigated or when it was being partitioned. That is, there was no compulsion for the Court to do so. Early legislation was couched in terms that the Court 'may' provide for roadways or road-lines so it was at the whim of the Court whether orders were made. This is demonstrated in the situation whereby the Oruamatua Kaimanawa 3 partition hearing and the Taraketi 2 partition hearing were held on the same day before the same Judge yet road access was provided for the partitioned Taraketi 2 blocks but not for the Oruamatua Kaimanawa 3 blocks.¹²⁹²

¹²⁸⁹ Terry Hearn, 'Maori Economic Development in Te Rohe Potae Inquiry District', c. 1885 to c. 2006, February 2014, pp. 415-416.

¹²⁹⁰ Deputy Registrar, Maori Land Court to Messrs Phillips Shayle-George & CO, Barristers & Solicitors, 1 April 1980, 3/6830, Owhaoko D6 section 3 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, p. 117.

¹²⁹¹ Whanganui Minute Book 126, 7 February 1962, pp. 2, 4.

¹²⁹² Whanganui Minute Book 35, 17-19 August 1897, pp. 226-231; 25 September 1897, pp. 296-307; 29 September 1897, pp. 330-331, Whanganui Minute Book 36, 24 November 1897, pp. 92-97.

For blocks such as Owhaoko, Oruamatua Kaimanawa and Rangipo Waiu, a formed public road ran through or close to them. It was when these blocks were partitioned without road-lines being ordered to the newly formed partitions that problems with access began. Therefore it was at these initial partition hearings that a comprehensive roading plan was required and the legislation was available to provide for this had the Court decided to do so. The Court did not and was also not prompted to order road-lines to all the Owhaoko and Oruamatua Kaimanawa block partitions at the same time as owners of several individual blocks arranged for access to be ordered to their land. Again the legislation did not oblige the Court to do so.

The difficulty with the Maori Land Court not ordering road-lines over Maori land when it was partitioned was that legislation from 1913 prevented the Maori Land Court from ordering a road-line through adjoining land if it had been sold before December 1913 except with the consent of the owner. Equally, if that land was leased and the lessee refused then the Court could not order a roadway. Successive legislation meant that access for many of the landlocked blocks became entirely dependent on the goodwill of the land holders who owned the access route. When there was no goodwill, there was no access. This has meant that many applications to the Maori Land Court for access have not progressed. Rangipo Waiu B6C is a prime example of this. In the late 1920s, the European owner of the Rangipo Waiu B blocks closest to the Napier-Taihape Road did not want a road-line ordered through his block to access the Maori owned blocks in the middle. Because the owner had acquired his land before December 1913 the Court was unable to order a road-line. The situation was not helped by the belief held by the Public Works Department that the Public Works Act should not be used or the assumption by the RCC that the Maori Land Court should simply order a road-line. It did not seem to occur to anyone to look at alternatives given that the legislation prevented the Maori Land Court ordering the road-line. Correspondence from the Engineer for the RCC also suggests that there was reluctance to assist with access to land that was not considered (by the European owner of adjacent land at least) to be economically viable. In the late 1970s and early 1980s, the same reluctance of the then adjoining owners to agree to legal access also prevented it from being ordered in respect to Rangipo Waiu B6B1 and B6B2 which are still landlocked today.

Owhaoko D6 section 3 and the Owhaoko lands north of Ngamatea Station are also examples of land where access has been denied because the owners of the adjoining land did not want, and continue to not want, the Maori owners of these lands to use their existing road. Applications for access to Owhaoko D6 section 3 were made in the 1980s, 1990s and 2000's, but all have failed because the legislation is based around securing the permission of the adjoining owners.

In 1962, the lessee of the Oruamatua Kaimanawa 1U and 1V was unable to secure access to the block he had leased simply because the owners of the adjacent land changed their minds about providing him with access. It is clear that when he took over the lease, access was then available but during the course of the lease the decision to allow it was reversed by those who owned the land on which the access road traversed. It was for this reason that the lessee pursued the question of access through another provision of the Maori Affairs Act that did not relate specifically to roads. Section 60 provided that the Court could amend any order made by the Court to give effect to the 'true intention' of any decision made by the Court. The Court, however, did not agree that it was the 'true intention' of the Court to provide access in 1897 and no road-lines to 1U and 1V were ordered then or subsequently.

It is also likely that applications were not even made to the Maori Land Court as there was no point making such an application knowing that the adjoining owner would not agree to it.

Until circa 1913, Native Land Court legislation, even if it had been used, did not allow for road-lines over adjacent Maori land or European land. Road-lines could only be made over the particular block that was being partitioned or title investigated. This meant that for the likes of Te Koau, Awarua (Aorangi) and Awarua 1DB2 this legislation could not be utilised as other blocks of land lay in between them and public roads. There was, however, public works and county legislation which could have secured the roads through Timahanga and Mangaohane stations though this does not seem to have been considered at all in these instances. This meant that the access route to these blocks was not protected.

Access for these blocks became an issue when land contiguous to the area of Maori land or the land where access has traditionally been used was sold such as the cases of Aorangi (Awarua) and Awarua 1DB2 (Mangaohane block) and Te Koau (Timahanga and Mangaohane G block). The sale of the Mangaohane block had a significant impact on the

accessibility of these blocks and it is of note that its purchase, as documented by Young, Fisher and Stirling, was seriously flawed.

The 1909 legislation was also flawed as it did not provide for retrospective ordering of road-lines (though this was rectified in 1912). The ability to retrospectively order road lines under this Act was tested in the Supreme Court in respect of access to Rangipo Waiu B7B from B7A which the Court had ordered subsequent to the partition hearing (also in 1909). This was instigated by both the Maori owner and lessee of the block. The Supreme Court ordered that the Maori Land Court was unable to utilise the 1909 legislation to order a road-line subsequent to the partition hearing and the opportunity for road access through at least some of the block was lost.

22.2 Indifference

One of the key themes that has arisen out of this examination of landlocked blocks in the inquiry district is indifference. That is, the indifference of the Crown, local authorities and the Court to Maori land having no legal access and an unwillingness to do anything about it.

Lack of road access to many of the blocks still landlocked today was known by both Crown and local authority officials from an early stage. For example, a valuer specifically told the Aotea Maori Land Board that the leasing of Owhaoko D5 sections 3 and 4 in 1906 would cut off access to the blocks further north. The advice was ignored, the land was leased, and nothing was done to resolve the situation. One hundred and ten years later the situation is exactly as the valuer predicted. When Kingi Topia sought access to his block (Rangipo Waiu B6C), also in the late 1920s, the issue got passed around from the Court, to the Public Works Department to the RCC and back to the Court again. Not even a visit to the Prime Minister and unusually animated correspondence about the matter between the RCC and the Court could change the situation (the RCC was incredulous when the Court explained that no access had been provided for at the time of partition).

It was well known that the Oruamatua Kaimanawa blocks had no legal road lines to individual partitions in the 1910s, but as this did not affect the Crown land in the block (as the Lands and Survey Department did not then wish to lease or sell it for settlement purposes) then the Department did not see it as something that should concern them.

When Te Koau A was partitioned in 1921, the Lands and Survey Department did, however, write to the Maori Land Court pointing out that access to the block had not been provided for (they were surveying the block). The Court confirmed that indeed road-lines had not been ordered because the matter had not been raised at the hearing. Despite being alerted to the issue, the Court did nothing to rectify the matter as it was not obliged to under the legislation in force at the time.

When the RCC exempted about 58,000 acres from rates in 1947, much of the land concerned was landlocked. The application for exemption went through the Native Department but this did not suddenly prompt an examination of the issue.

The Aotea Maori Land Court's response in 1972 to a general query regarding the prevalence of landlocked blocks in its district was that inaccessible land was dealt with on a 'as needs basis' and specifically mentioned the Owhaoko blocks. This could be construed as a disingenuous approach as by the time the Maori Land Court considered access issues for the Owhaoko block in the early 1980s and 1990s it was too late. The legislation at the time meant that access had to be agreed to by the owners of Ngamatea Station which they were not prepared to give. Had there been any consideration that legal access was an essential part of land ownership, Maori Land Court officials could have facilitated securing legal access to at least part of the access route in the 1970s while some of it was still in the ownership of those not connected to Ngamatea Station.

The exception was when legislation changed in 1975 at the instigation of Maori Affairs Ministers Douglas MacIntyre and Matiu Rata and in 2003 at the instigation of Maori Affairs Minister Tau Henare. The legislation in 1975, (section 129B of the Property Law Amendment Act 1975) allowed for road access to be ordered without the permission of adjoining owners. It does not appear, however, that any applications were made under this Act by inquiry district Maori. Possible reasons for this were the high costs of survey and hearings (which were heard by the High Court) and an unfamiliarity with the High Court process. Te Ture Whenua Maori Act was amended in 2003 so that access could be ordered without the permission of adjoining owners and the application heard at the Maori Land Court. The adjoining owners, however, can appeal any decision regarding access over their

lands in the High Court. Therefore, despite these recent changes in legislation, the situation in terms of access to inquiry district landlocked land remains unchanged from fifty years ago.

22.3 The Public Works Act

Another theme that has emerged is the reluctance by Crown and local authority officials to use the Public Works Act in order to provide access to Maori owned and occupied land. This was despite a considerable area of Maori land in the inquiry district being taken for roads – and as Cleaver states, ‘much of it without compensation being paid to the owners’.¹²⁹³

For example in the 1920s, the Public Works Department was averse to using the Public Works Act to take European land to provide access to the Maori owned Rangipo Waiu B6C (on the application of the Maori owners). In the 1950s, there was also reluctance to use this legislation in respect to the Motukawa 2B3D block that was being deprived of access by the disgruntled ex-lessee who owned adjacent land. The Department explained that as the road requested would only serve one property it would mean ‘the taking of land from one person to give to or make available to another’. Moreover, as the formation and maintenance of this road would be the responsibility of the local authority it would hardly be appropriate for this Department to initiate the legalisation’.¹²⁹⁴ In 1966, the RCC considered a request made by the owner of the Awarua 4C15F1H2 block for legal access. It responded that it was unable to assist as the council had ‘no authority to take right-of-way over private land except for the purpose of a Council work or activity’.¹²⁹⁵ In 1972, when the issue of Maori landlocked blocks were being investigated by the Maori Affairs and Lands and Survey Departments, it was concluded by the Ministry of Works that ‘unless there is a genuine public need for the

¹²⁹³ Cleaver, p. 195.

¹²⁹⁴ Commissioner of Works to Secretary, Department of Maori Affairs 30 November 1953, ABKK W4357 869 Box 149 39/585 Wanganui Road District - Access Road to Maori Trust Land, Motukawa 2B, 3D Rangitikei County, 1955-1971.

¹²⁹⁵ RC Haines to Rangitikei County Council, 7 November 1966; Rangitikei County Council to RC Haines, 15 March 1967, RDC 00065: 37: R/4/1/176 County Roads Mangaohane Road, Rangitikei County Council, 1961–1977, Archives Central, Feilding; SW Document Bank, volume 4, pp. 215-218; List of owners, Awarua 4C15H1H1, 22 September 1964, Waipai Te Ngahoa Winiata to Registrar, Maori Land Court, 11 January 1965, Meeting of Assembled Owners, 5 November 1965, 3/6237, Awarua 4C15F1H1 alienation file, Aotea Maori Land Court, Whanganui. SW Document Bank, volume 1, pp. 85, 88-89

road the exercise of the compulsory powers under the Public Works Act is not supportable'.¹²⁹⁶

Of note, however, is that the RCC was willing to utilise Public Works legislation for the European owners of Ngamatea Station over the Owhaoko blocks in the 1920s and the European lessees of the Maori owned part of the Oruamatua Kaimanawa block in the 1930s on the proviso that the owners pay for the survey, legalisation and formation of the roads. The lessee of Oruamatua Kaimanawa and the then owners of Ngamatea Station did not, however, subsequently utilise this offer.

As well as their land being taken under the Public Works Act for roads, Maori in the inquiry district agreed to roadlines over their land to provide access to European land such as in respect to Awarua 2C10B in 1928. Of note is that a roadline to the Maori owned Awarua 2C8 block which was contiguous to 2C10B, was not ordered at the same time leaving 2C8 landlocked to this day.

22.4 Limited options

Lack of access has limited the options available to owners to utilise their land. As has been demonstrated, particularly in the case of the Rangipo Waiu B, Motukawa 2E2, Motukawa 1B, Awarua 2C8, Oruamatua Kaimanawa 1U and 1V and Owhaoko D5 sections 2 and 3 blocks, owners were often limited to leasing or selling to the adjoining owners as it was they who held the access through their lands. Indeed an owner of Rangipo Waiu B6C wrote to the RCC in 1929 explaining that a lack of access had prevented the owners from leasing the block to someone other than the adjoining owner (so the owners could pay the rates) and that instead their only option was to sell to the owner of the contiguous land (who had refused to permit the owners legal access). The Maori owner also said that the adjoining European owner had paid less than had they the option to sell elsewhere.

This also demonstrates that without access, it was difficult for blocks to be separately occupied. Other examples are the Oruamatua Kaimanawa 1U and 1V blocks whereby the

¹²⁹⁶ Commissioner of Works, Ministry of Works to Secretary, Department of Maori Affairs, 12 April 1972, AAMK W3074 869 Box 739 c 22/2 part 2 Roading Legislation – Power of MLC, 1959-1974, Archives New Zealand, Wellington. SW Document Bank, volume 8, p. 112.

lessee of the blocks in the 1960s was denied access by adjoining farmers and an application to the Maori Land Court for access declined. Within five years of the failure of this application, the lease was transferred to owners of the adjoining land, Ohinewairua Station, who owned the access route.

It was also assumed by the Crown and Court officials that the land would be better off in the ownership of the adjoining farmer given that there was no access. On many occasions the justification given to the Court for selling (usually by the purchaser) was that not only could the land not be farmed economically on its own but that the land was without access. Examples include Owhaoko D5 sections 2 and 3, Awarua 2C12A2A and Awarua 4C15F1H2. Ironically it was often the farmers who were preventing the access that usually purchased the land. Blocks such as Rangipo Waiu B1 and Awarua 2C8 have been leased continuously since 1930 to the owners of the adjoining land as they are they were the only people who could legally access the block. The owners of Rangipo Waiu B1 could not even inspect their land when it was time for the lease of it to be renewed in the 1970s.

In the 1950s and 1960s the owners of Rangipo Waiu B6B engaged a contractor to extract timber from the block but this never eventuated. This was in part because of access issues. While the contractor did eventually negotiate access with the Defence Department (not the adjoining farmer), his inability to have the route surveyed and formed caused the Court to withdraw its support for the timber extraction before it had even begun.

It is debateable due to the strength of the environmental lobby against the logging of Aorangi (Awarua) and Awarua 1DB2 whether this would have gone ahead but a lack of legal access to the blocks was certainly one of the difficulties faced by the owners when this was being discussed. The deer operation in Te Koau A was abandoned and this coincided with access from adjoining farmers being withdrawn. Beehives have had to be flown into the Owhaoko blocks. Indeed any economic development by the owners of the landlocked Owhaoko blocks has to be that which can be achieved without ground access as only air access is readily available. This of course is a costly option. Owners of Owhaoko D6 section 3 tried to plant some trees as a trial but these were destroyed by the adjoining farmer's cattle and the owners were unable to replant as access to their land was withdrawn. In addition, the Tuwharetoa Trust Board concluded that most commercial ventures on the northern Owhaoko blocks could not be undertaken due in part because of the lands lack of access.

22.5 Use of land by adjoining farmers

Another impact for the owners of landlocked Maori land in the inquiry district has been the trespass of their land by adjoining farmers when there was no formal lease. The owner of B6C, Kingi Topia, advised that the adjoining owner was grazing his land in the 1920s without payment, but because Kingi Topia had no legal access he was unable to prevent this. Mention was also made of this practice in respect to Rangipo Waiu B4 in the 1940s when the block was sold to the same adjoining owners who had been trespassing on the land. This also occurred with Owhaoko D5 section 2 and 3 and Motukawa 1B in the 1930s, 1940s and 1950s where it was found that for almost twenty years adjoining owners had grazed the land without payment. When the Aotea Board was appointed receiver of these blocks due to unpaid rates, formal leases and a sale were facilitated to these same adjoining owners.

In the 1950s the owners of Timahanga Station informally utilised Te Koau A and even paid rates on the land but there was never any formal lease or known payment to owners.

The Department of Maori Affairs was very scathing in the 1970s of the owners of Ngamatea Station who acknowledged that it was impossible to keep their stock from the 'gift blocks' located north of the station. An official accused the station of over grazing and eroding the land 'without even nominal payment' and that as they were 'large scale farmers' with unrestricted access, they were not concerned with a formal lease.¹²⁹⁷

The same situation is prevalent today with cattle from Ngamatea Station being able to get onto the adjoining Owhaoko D6 section 3 block which destroyed planting the owners had done before road access to their land was removed.

22.6 Crown owned access roads

Unlike the other landlocked blocks discussed, Te Koau A, Oruamatua Kaimanawa 1U, Oruamatua Kaimanawa 1V and Awarua o Hinemanu are landlocked by Crown land as well as general land.

¹²⁹⁷ K Morrill, District Officer to Judge KB Cull, Maori Land Court Whanganui, 30 April 1973, ACIH 16036 MA1/90 5/5/278 part 1 Owhaoko Gift Blocks - Ngamatea Station - Crown Purchase, 1971-1973, Archives New Zealand, Wellington. SW Document Bank, volume 9, pp. 99-102.

On the one hand the Awarua o Hinemanu block is unusual as title to it was not investigated until the 1990s. On the other, it is just like other blocks in the inquiry district in that access was not discussed at the hearing where title was awarded. The situation with regard to access at the time that the block was investigated was complicated. In the 1970s, the owner of a formed road which provided access to Crown land located next to the block had decided not to sell the land over which the road traversed to the Crown. The Crown was therefore obliged to negotiate with the owner to use the formed road in order to access its own lands. That situation exists today. The owner of the access road said his decision was due in part to the presence of a paper road (Crown land) which he thought the 'public' could use. This road has since been surveyed but not formed so vehicle access is impossible for the owners of Awarua o Hinemanu who have not been given permission to use the formed road. The Crown has obviously thought it unnecessary to form the legal route as it has negotiated an agreement with the land owner to use the road whenever it wants to. The owners of Awarua o Hinemanu, however, are not so fortunate and an application to the Maori Land Court for reasonable access that was in the Court system for ten years did not change the situation. It is also of note that title to Awarua o Hinemanu was investigated because of surveying inadequacies by the Crown and as a result Maori were denied ownership of this block for 100 years. Therefore while the Crown has rectified its mistake and the land has been returned, it has been returned with one big problem - a problem which means the Maori owners are unable to utilise their land to the fullest extent - no legal formed access.

With respect to Te Koau A, the Crown deliberately retained ownership of the Timahanga Track, which provides part of the access route to the block, when it transferred the surrounding Crown land to farmers in the 1960s. In the 1990s, however, an agreement between DOC and the owner of the lands surrounding the track (Timahanga Station) was made which has restricted access to that track. This decision appears to have been made without considering its impact on access to the Maori land beyond.

Awarua 1A3B is also different to the other landlocked blocks as it is surrounded by Crown land and there is no existing access except walking tracks through privately owned land that the Crown also has to negotiate access through. When the Crown was trying to purchase the three blocks (1A3A, 1A3B and 1A3C) in the 1960s and 1970s, it was assumed that the land was better off in Crown ownership. There was also an assumption made by Crown officials

that they would be able to acquire all three blocks. When it was clear that they were unable to purchase all three blocks, there was no concern expressed by Crown officials about leaving 1A3B so isolated.

While there was never legal access to Oruamatua Kaimanawa 1U and 1V, owners state that they had an arrangement with Ohinewairua Station (the adjoining owners) to use their access route to the blocks. When the station exchanged land which incorporated part of this access route with the Defence Department in the 1990s, regular access was lost. Traversing Defence Department land to reach Maori land is obviously problematic and it would seem that access to this Maori land was not given priority when the exchange was negotiated.

22.7 Rating

As has been discussed in the rating component and block studies chapters of this report, the fact that a block was landlocked did not preclude it from being rated. In fact many of the owners of landlocked blocks were levied rates on their land until 2004 when the RDC and HDC changed their policy whereby Maori owned landlocked blocks could be exempted from rates.

Some of the landlocked blocks such as Aorangi (Awarua) and Owhaoko D2 and D3, were exempted from rates in 1947 but there were many similar blocks that were not exempted. For instance Owhaoko C1 where rates were paid by one of the owners who had other land interests that were revenue producing. It is likely that as the rates were being paid the RCC deemed it unnecessary to exempt the block from rates despite it being undeveloped and landlocked.

The landlocked non-revenue producing Awarua 1DB2 was also not exempted in 1947 despite lying adjacent to Aorangi (Awarua). Rates were paid, again by one owner who found the means to do so until the 1970s. The owners of Awarua 1DB2 block then found it difficult to pay large amounts of rates accumulated during the 1970s and 1980s and proposed logging the block to raise enough funds to pay the rates. Its lack of access was not considered a valid reason to be exempted from the payment of rates and the trust administering the land was faced with pressure from the council to pay them. It took thirty years to convince the RDC that a policy of remitting rates on landlocked Maori land was a reasonable response.

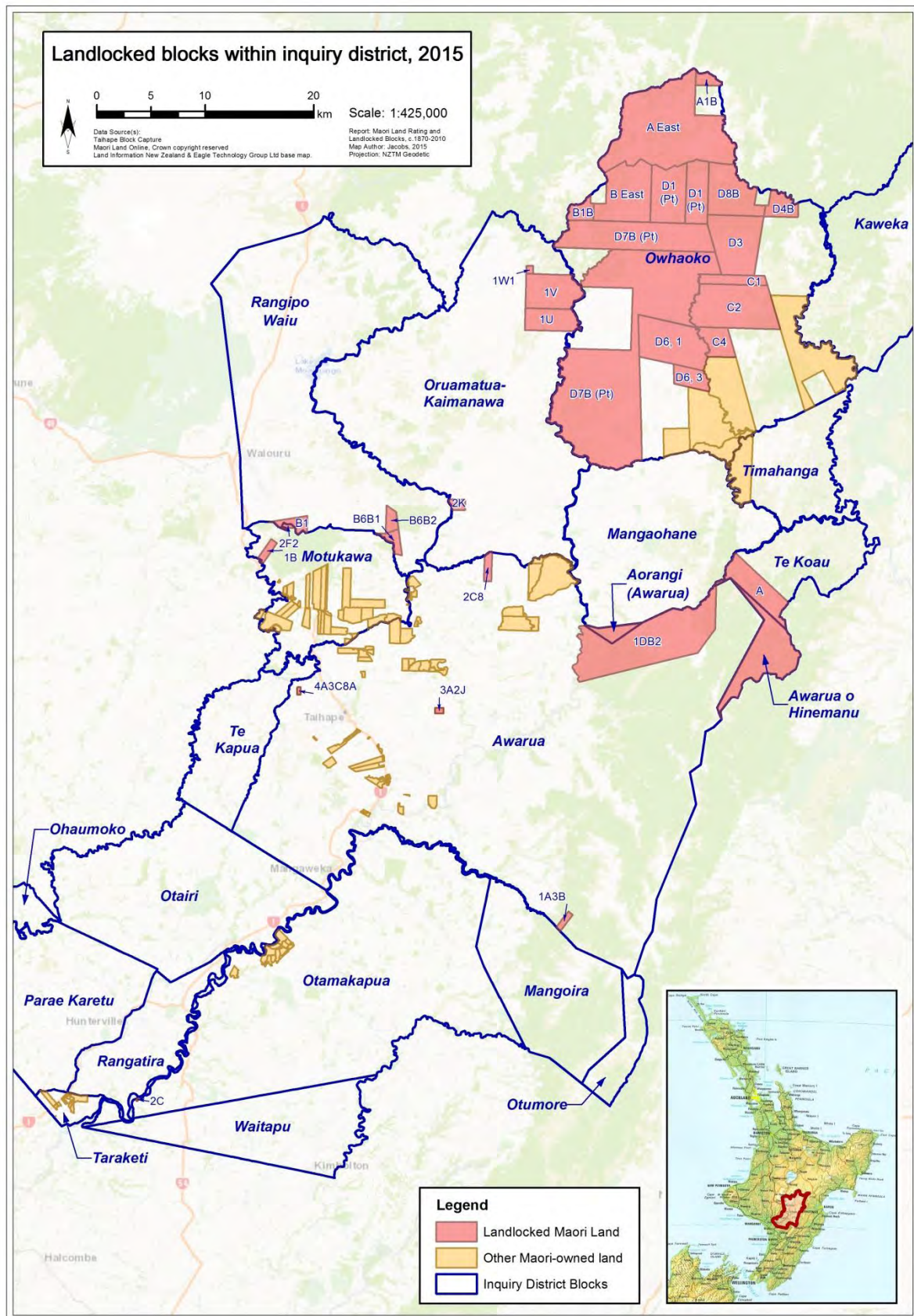
Similarly, the landlocked Te Koau A block was not exempted in 1947 although it was certainly included in much of the documentation surrounding the exemptions. The reason why it was ultimately excluded from the order in council has not been established. Rating of the block was sporadic after the exemption hearing though an invoice for a large amount of rates was sent to an owner in the 1970s.

22.8 The legislation today

As has been demonstrated, the legislation which was supposed to have provided for access to Maori land over the last 130 or so years has failed with a large proportion of Maori land in the inquiry district remaining landlocked. This is also true of the legislation in force today. Owners of the Owahaoko D6 section 3 and Awarua o Hinemanu blocks have applied for access under legislation drafted as recently as 2003, but they are no closer to getting access than they were before. In the case of the application for reasonable access to Owahaoko D6 section 3 owners do not have the funds to pursue a High Court appeal applied for by the owners of the access. The application for reasonable access to the Awarua o Hinemanu block did not progress despite being in the Maori Land Court system for ten years.

If Maori in the inquiry district are to have full rights of ownership of their land, and their interests protected, questions need to be asked as to what is preventing the successful prosecution of access applications. For example, is it a question of resources? As noted, the owners of Owahaoko D6 section 3 do not have the funds to pursue a High Court appeal and Awarua o Hinemanu trustees are without the funds to continue their application. Also, would the provision of a monetary incentive help to persuade private land owners to allow access through their land? That is, would the landowners allow access if there was the means to alleviate their concerns over the protection of their stock such as for fencing or to assist with security or the maintenance of the road? Or is it a question of both resources and expertise? That is, would the resourcing of a comprehensive analysis incorporating expert roading, surveying and engineering advice of what is required to provide access to each instance of landlocked land in the inquiry district begin to resolve the situation? Could alternative routes be proposed, surveyed, legalised and formed that would not have the same impact on the landowners who currently hold the access? And if access was agreed to, is there the will to assist Maori with the (monetary) means to make this happen? Or should the Crown open up

their access routes such as in the case of the Timahanga track, resource the formation of paper roads such as in the case of Awarua o Hinemanu and work with Maori to provide access to both Crown and Maori land? Whatever the answer, it is not the status quo.



Map 11: Maori landlocked land within Taihape Inquiry District

23 APPENDICES

Appendix 1:

Inquiry district blocks subject to charging orders between 1926 and 1945 where leases followed

Block name	Area (acres)	Rates Owed: Year ending 31 March	Dates	Amount (including costs if specified)	What happened to the block
Awarua 2C13N	2	1929-1930; 1932; 1933-1934; 1935-1936; 1937-1938; 1939-1940	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940;	£1.2.10; £0.9.4; £0.17.11; £0.15.5; £1.3.4; £1.5.6	Leased in 1908 & 1945 [period not stated]; Europeanised 1968
Awarua 2C13O	2	1937-1938; 1939-1940	15 Nov 1938; 21 Aug 1940	£1.5.0; £1.7.4	Leased to adjoining farmer (Batley) for 21 years from 1945; Europeanised 1968
Awarua 2C13P	4	1937-1938; 1939-1940	15 Nov 1938; 21 Aug 1940	£2.14.9; £2.17.0	Leased to Batley for 21 years from 1949; Europeanised 1968.
Awarua 2C16C2	421	1923-1925	10 Feb 1926	£80.7.4	Leased for 21 years in 1921 & 1936; Europeanised 1968.
Awarua 2C16C3	182	1923-1925	10 Feb 1926	£12.12.11	Leased for 21 years in 1921 & 1936; Mortgaged to PT 1931; Europeanised 1968.
Awarua 4C15F1A2B	9.1.6	1932; 1933-1934; 1935-1936; 1937-1938; 1939-1940	17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£2.4.10; £3.8.8; £3.6.1; £3.3.5; £2.16.4	Leased with 4C15F1G for 21 years in 1947; Europeanised 1973.
Awarua 4C15F1G	23.1. 14	1932; 1933-1934; 1935-1936; 1937-1938; 1939-1940	17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£3.14.0; £6.9.2; £5.2.7; £3.8.9; £2.18.7	Leased with 4C15F1A2B for 21 years in 1947; Europeanised 1973.
Motukawa 1B1 (later 1B)	367	1929-1930; 1932; 1937-1938; 1939-1940;	3 Sept 1930; 22 April 1937; 8 Feb 1940; 21 Aug 1940	£6.6.5; £4.15.9; £2.17.1; £3.5.9	Landlocked. Receiver appointed 1946. Leased to adjoining farmer (Mr Peters) 1949; Maori land.
Motukawa 2B3D	175	1923-1926	10 Feb 1926	£48.19.6	Leased to F Cook for 21 years from 1929; access issues; no longer Maori land.
Motukawa 2B4A	53.1.0	1923-1926	10 Feb 1926	£21.15.11	Leased to M Donovan for 21 years from 1935; Maori land.
Motukawa 2B5B	295.3.0	1923-1926	10 Feb 1926	£74.1.11	Rates paid in 1926. Leased to J Anderson for 5 years from 1926, partitioned in 1937.
Motukawa 2B10C	248.6	1923-1925	10 Feb 1926	£41.14.3	Leased to Alice O'Hanlon for 42 years from 1928; leased for 10 years from 1992; Maori land.
Motukawa 2B15A	663	1929-1930; 1932	3 Sept 1930; 17 Aug 1932	£4.6.6; £19.2.6	161a.0r.10p leased for 21 years in 1932; 500a.2r.25p leased for 21 years in 1933; entire block leased for 20 years in 1962; currently leased for 9 years in 2007; Maori land.
Motukawa 2B15B1	255.2.35	1932; 1933-1934; 1935-	17 Aug 1932; 17 Aug 1934; 16 Dec	£10.9.1; £19.13.9;	Part (177.2.2 acres) leased to Cornelius O'Hanlon (family and

		1936; 1939, 1940;	1936; 21 Aug 1940	£16.11.6; £27.15.6	he leased other Motukawa blocks) for 42 years from 1941; small portions taken for road in 1949; leased to Wiremu Chase for 21 years in 1983; Maori land.
Motukawa 2B16A	673	1939-1940	21 Aug 1940	£43.7.6	Part leased for 21 years in 1941; no longer Maori land.
Motukawa 2B16B1B	132.1.3	1932; 1939, 1940;	22 Apr 1937; 21 Aug 1940	£6.3.1; £17.14.2 [why increase?]	Part leased to James McColl for 21 years in 1934; Maori land.
Motukawa 2B16B2C	92.2.35	1932; 1933-1934, 1936	17 Aug 1932; 17 Aug 1934; 16 Dec 1936	£12.2.10; £12.19.1; £5.13.5	Leased to William Gregory for 21 years from 1935; then to one of the owners in 1956; no longer Maori land.
Motukawa 2B16B3	325.1.0	1932; 1933-1934; 1935-1936	17 Aug 1932; 17 Aug 1934; 16 Dec 1936	£13.9.3; £25.14.9; £21.13.9	Leased to William Gregory for 21 years from 1935; no longer Maori land.
Motukawa 2B17A	774.1.16	1927-1928; 1939-1940	17 Dec 1928; 21 Aug 1940	£100.16.9; £53.1.11	Leased to J & I Jacobson for 21 years in 1929; Maori land.
Oruamatua Kaimanawa 1S	2053	1929, 1930; 1932; 1933, 1934	3 Sept 1930; 17 Aug 1932; 17 Aug 1934	£4.10.3; £1.5.9; £3.12.3	Leased to Andersons for 42 years from 1935; lease cancelled in 1942; Exempted from rates 1947; purchased 1966.
Oruamatua Kaimanawa 1U	2390	1929, 1930; 1932; 1933, 1934	3 Sept 1930; 17 Aug 1932; 17 Aug 1934	£5.12.10; £2.5.11; £4.6.4	Leased to Andersons for 42 years from 1935; lease cancelled in 1942; Exempted from rates 1947; landlocked Maori land.
Oruamatua Kaimanawa 1V	3721	1929, 1930; 1932; 1933, 1934	3 Sept 1930; 17 Aug 1932; 17 Aug 1934	£6.10.6; £2.16.1; £5.0.1	Leased to Andersons for 42 years from 1935; lease cancelled in 1942; Exempted from rates 1947; landlocked Maori land.
Oruamatua Kaimanawa 1X1	6465	1932	17 Aug 1932	£4.11.9	Leased to Andersons for 42 years from 1935; lease cancelled 1942; Exempted from rates 1947; purchased early 1970s.
Oruamatua Kaimanawa 1X2	9812.2.0	1932	17 Aug 1932	£7.12.8	Leased to Andersons for 42 years from 1935; lease cancelled 1942; Exempted from rates 1947; purchased early 1970s.
Oruamatua Kaimanawa 2A	2712.2.0	1929, 1930; 1932; 1933, 1934	3 Sept 1930; 17 Aug 1932; 17 Aug 1934	£12.5.5; £5.4.3; £9.15.0	Leased to Andersons for 42 years from 1935; lease cancelled 1942; Exempted from rates 1947, taken under Public Works Act in 1961.
Oruamatua Kaimanawa 2B2	3080	1929, 1930; 1932; 1933, 1934	3 Sept 1930; 17 Aug 1932; 17 Aug 1934	£13.18.9; £6.0.0; £11.3.6	Leased to Andersons for 42 years from 1935; lease cancelled in 1942; taken under the Public Works Act in 1961.
Oruamatua Kaimanawa 2C1	1570	1929, 1930; 1932; 1933, 1934	3 Sept 1930; 17 Aug 1932; 17 Aug 1934	£3.12.10; £1.8.6; £2.18.5	Leased to Andersons for 42 years from 1935; lease cancelled in 1942; Exempted from rates 1947, taken under Public Works Act in 1961.
Oruamatua Kaimanawa 2C2	1570	1929, 1930; 1932; 1933, 1934	3 Sept 1930; 17 Aug 1932; 17 Aug 1934	£2.15.5; £1.1.5; £2.4.7	Leased to Andersons for 42 years from 1935; lease cancelled in 1942; Exempted from rates 1947, taken under Public Works Act in 1961.

Oruamatua Kaimanawa 2C3	1571	1929, 1930; 1932; 1933, 1934	3 Sept 1930; 17 Aug 1932; 17 Aug 1934	£2.14.3; £1.2.2; £2.6.1	Leased to Andersons for 42 year from 1935; lease cancelled in 1942; Exempted from rates 1947; purchased early 1970s.
Oruamatua Kaimanawa 2F	3200	1935, 1936	16 Dec 1936	£17.4.2	Leased to Lowry, Watts then Woodlands Ltd for 50 years from 1906.
Owhaoko D5, 3	1375	1939, 1940;	21 Aug 1940	£26.2.11	Receiver appointed 1946; leased to adjoining farmer in 1953; Ngamatea Station.
Rangipo Waiu B1	663.0.34	1932; 1933, 1934	17 Aug 1932; 17 Aug 1934	£8.2.9; £15.5.10	Leased for 42 years from 1934; Maori land.
Taraketi 1G1	3.3.18	1937, 1938; 1939, 1940;	15 Nov 1938; 21 Aug 1940	£0.18.0; £1.1.19	Receiver appointed. Leased by Te Kawa whanau to William Downs of Rata for 10 years from 1 April 1949. Further charging orders for years ending 31 March 1949, 1950, 1951 and 1952. Rates paid in 1957. Lease terminated and another lease negotiated from April 1959 with lessee of other Taraketi 1G blocks (Meads). Leased from 1969 to 1977 to James Bull; Maori land.
Taraketi 1G3	3.3.18	1937, 1938; 1939, 1940;	15 Nov 1938, 21 Aug 1940	£0.18.3; £1.2.1	Receiver appointed. Order granting Maori Trustee leave to lease in in 1958. Leased to JG Meads by Maori Trustee for 10 years from 1957. Leased to James Bull in 1969; Maori land
Taraketi 1G4	3.3.18	1937, 1938; 1939, 1940;	15 Nov 1938; 21 Aug 1940	£2.18.4; £3.10.1	Leased in 1957 to JG Meads and to James Bull from 1969; Maori land.
Taraketi 1G5	3.3.18	1937, 1938; 1939, 1940;	15 Nov 1938; 21 Aug 1940	£0.16.8; £1.0.1	Receiver appointed. Rates paid in 1947 followed by further charging orders. Order granting Maori Trustee leave to lease in in 1958Leased to JG Meads by Maori Trustee for 10 years from 1957. Leased from 1969 to 1977 to James Bull; Maori land.
Taraketi 1G6	3.3.18	1937, 1938; 1939, 1940;	15 Nov 1938; 21 Aug 1940	£0.13.10; £0.16.9	Receiver appointed. Rates paid in 1948, followed by further charging orders. Rates paid in 1957. Order granting Maori Trustee leave to lease in in 1958. Leased to JG Meads by Maori Trustee for 10 years from 1957. Leased to James Bull in 1969; Maori land.
37 blocks	44,902 acres				

Sources: Whanganui Minute Books 82-103, 1926-1945; Maori Land Online; Taihape Inquiry District Maori Land Court Document Bank, Fisher and Stirling (Northern Aspect); Subasic and Stirling, (Central Aspect), Hearn (Southern Aspect).

Appendix 2:

Inquiry district blocks subject to charging orders between 1926 and 1945 where sales followed

Block name	Area (acres)	Rates Owed: Year ending 31 March	Dates	Amount (including costs if specified)	What happened to the block
Motukawa 2E2	36	1929, 1930; 1932; 1933, 1934, 1935, 1936	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936	£1.1.3; £0.7.9; £0.14.11; £0.12.6	Landlocked; exempted from rates; sold to adjoining farmer (Peters) in 1952.
Owhaoko C3A	1483.2.0	1937, 1938; 1939, 1940;	8 Feb 1940; 21 Aug 1940	£7.10.8; £8.2.0	Exempted from rates 1947; sold to adjoining farmer (Roberts) in 1964.
Owhaoko D5, 2	1375	1939, 1940;	21 Aug 1940	£25.17.10	Receiver appointed 1946; sold to adjoining farmer (Roberts) in 1953.
Owhaoko D7A	7325	1940, 1941, 1942	19 May 1947	£188.14.3 and £94.5.4	Figures for all of Owhaoko D7. Subsequent charging orders. Sold to adjoining farmer (Roberts) in 1943.
Rangipo Waiu B4	1195.3.1 6	1932; 1933-1934; 1935-1936; 1937-1938; 1939-1940; 1941-1942	17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940; 16 July 1945	£3.16.7; £7.3.7; £6.1.6; £7.19.11; £8.16.0; £8.12.4	App for charging order dismissed 10 Oct 1946 as rates paid. Sold in 1948 to Burrridge Estate (adjoining farmer); rates paid by purchaser who had unofficially grazed the land.
Rangipo Waiu B5	664.1.15	1922-1926	20 April 1927	£68.0.5	Partitioned and sold in 1927 and 1928 to adjoining farmer (Burrridge).
Rangipo Waiu B6C1	72.2.22	1932; 1933-1934; 1935-1936; 1937-1938; 1939-1940; 1941-1942, 1944-1945;	17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940; 10 Oct 1946	£1.15.11; £3.12.3; £3.0.4; £4.10.2; £8.7.3; £23.15.10	Sale confirmed by NLC 20 May 1946 to Burrridge Estate (Guardian Trust) (adjoining farmer).
Seven blocks	12,152.0. 13 acres				

Sources: Whanganui Minute Books 82-103, 1926-1945; Maori Land Online; Taihape Inquiry District Maori Land Court Document Bank, Fisher and Stirling (Northern Aspect); Subasic and Stirling, (Central Aspect), Hearn (Southern Aspect).

Appendix 3:

Inquiry district blocks subject to charging orders between 1926 and 1945 where a lease and then a sale followed

Block name	Area (acres)	Rates Owed: Year ending 31 March	Dates	Amount (including costs if specified)	What happened to the block
Awarua 2C12D	9	1929-1930; 1932; 1933-1934; 1935-1936; 1937-1938	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938	£4.10.3; £1.15.10; £3.12.3; £3.2.5; £4.12.3	Leased to A Batley in 1940 for 21 years. Purchased by Moawhango Rabbit Board.
Awarua 2C15B	6	1929-1930; 1932; 1933-1934; 1935-1936; 1937-1938; 1939-1940	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940;	£1.4.6; £0.9.11; £0.19.3; £0.16.8; £1.4.11; £1.12.0	Leased in 1948; sold by RCC in 1970.
Awarua 4A3C4A1A	40.1.16	1937-1938; 1939-1940	15 Nov 1938; 21 Aug 1940	£2.11.7; £2.19.4	Leased for 21 years to D Whiteman in 1955; sold to lessee in 1969.
Awarua 4A3C4B4	5.3.28	1932; 1933-1934	17 Aug 1932; 17 Aug 1934;	£5.0.3; £9.5.11	Leased for 21 years to AG Whiteman in 1946; sold to lessee in 1969.
Motukawa 2B10B (later partitioned)	194.3.37	1923-1926; 1929-1930	10 Feb 1926; 25 May 1931	£47.1.6	Partitioned in 1932 into two parts. Motukawa 2B10B2 (150 acres aprox) leased to Alice O'Hanlon from 1929; transferred to Cornelius O'Hanlon in 1973.
Motukawa 2B18	439	1923-1926; 1929-1930; 1932; 1933-1934; 1935-1936; 1937-1938; 1939-1940	10 Feb 1926; 3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£18.6.7; £10.1.9; £3.16.9; £7.4.6; £6.2.7; £0.19.4; £1.2.5	Leased to Motukawa Land CO and later sold to them.
Six blocks	695.1.1 acres				

Sources: Whanganui Minute Books 82-103, 1926-1945; Maori Land Online; Taihape Inquiry District Maori Land Court Document Bank, Fisher and Stirling (Northern Aspect); Subasic and Stirling, Central Aspect), Hearn (Southern Aspect).

Appendix 4:

Inquiry district blocks subject to charging orders between 1926 and 1945 where the land was undeveloped

Block name	Area (acres)	Rates Owed: Year ending 31 March	Dates	Amount (including costs if specified)	What happened to the block
Aorangi (Awarua)	967	1929-1930; 1932; 1933-1934; 1935-1936; 1937-1938; 1939;	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£18.14.7; £7.17.10; £14.15.10; £12.18.8; £19.2.2; £18.8.2	Never leased or developed. Exempted from rates in 1948; landlocked; Maori land.
Awarua 1DB2	11,740	1939	21 Aug 1940	£2.6.9	More charging orders in 1940s. Rates paid by owners from late 1940s until 1970s; Never leased or developed; landlocked; Maori land.
Te Koau A	3451	1929-1930	13 Nov 1931	£3.8.9	Undeveloped, Landlocked; not leased until 1973 to an owner; Maori land.
Motukawa 2F2	88	1923-1926; 1929, 1930; 1932; 1933, 1934, 1935, 1936	10 Feb 1926; 3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936	£5.12.0; £2.14.10; £0.19.0; £1.16.7; £1.10.8	Landlocked; exempted from rates in 1947; Maori land.
Oruamatua Kaimanawa 2B1	3000	1929, 1930	3 Sept 1930	£16.4.2	Taken under the Public Works Act in 1961.
Oruamatua Kaimanawa 2C4	1353	1929, 1930; 1932; 1933, 1934	3 Sept 1930; 17 Aug 1932; 17 Aug 1934	£1.2.9; £0.9.4; £0.17.11	Exempted from rates 1947; purchased early 1970s.
Oruamatua Kaimanawa 2K	325	1929, 1930; 1932; 1933, 1934; 1937, 1938; 1939, 1940; 1941, 1942, 1944, 1945	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 15 Nov 1938; 21 Aug 1940; 19 May 1947	£25.5.6; £10.10.7; £19.19.3; £25.16.2; £27.13.8; £26.19.2; £30.3.2	Landlocked; Maori land.
Oruamatua Kaimanawa 2Q1	1516	1944, 1945	19 May 1947	£18.11.1	Taken for Defence purposes, 1961.
Oruamatua Kaimanawa 2Q2	200	1932; 1933, 1934; 1935, 1936; 1937, 1938; 1939, 1940; 1941, 1942, 1944, 1945	17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940; 19 May 1947	£0.14.3; £11.7.8; £1.1.6; £1.15.8; £1.17.9; £1.16.5; £2.3.9	Further charging orders throughout 1940s. Taken under Public Works Act in 1961.
Oruamatua	143	1939, 1940;	21 Aug	£1.0.0; £0.12.8	Valued at £35 (no

Kaimanawa 3C		1941, 1942	1940; 19 May 1947		improvements) between 1939 and 1950. Further charging orders. No record of lease. Considered but not exempted from rates in 1947; Taken under Public Works Act in 1961.
Oruamatua Kaimanawa 3D	910.2.0	1937, 1938; 1939, 1940; 1941, 1942	15 Nov 1938; 21 Aug 1940; 19 May 1947	£8.8.5; £10.16.6	Valued at £645 (improvements of £195 - grass and fencing) between 1939 and 1950. One further charging order for early 1940s. No record of lease. Considered but not exempted from rates in 1947; Taken under Public Works Act in 1961.
Oruamatua Kaimanawa 3E	2448.2.0	1937, 1938; 1939, 1940; 1941, 1942	15 Nov 1938; 21 Aug 1940; 19 May 1947	£25.9.1; £26.15.10; £25.11.9	Valued at £1365 (improvements of £140 - grass and fencing) between 1939 and 1950. Two further charging order in 1950s (one from WCC and other from RCC). No record of lease. Considered but not exempted from rates in 1947; Taken under Public Works Act in 1961.
Oruamatua Kaimanawa 3F	1417	1937, 1938; 1939, 1940; 1941, 1942	15 Nov 1938; 21 Aug 1940; 19 May 1947	£25.14.6; £25.11.10; £22.17.5	Valued at £1215 (improvements of £340 - grass and fencing) between 1939 and 1950. Two further charging order in 1940s and 1950s (one from WCC and other from RCC). No record of lease. Considered but not exempted from rates in 1947; Taken under Public Works Act in 1961.
Owhaoko C2	7254.3.0	1929, 1930; 1932; 1933, 1934; 1935, 1936; 1937, 1938; 1939, 1940; 1941, 1942	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940; 19 May 1947	£25.13.9; £10.12.3; £20.0.10; £17.9.9; £26.4.2; £27.13.4; £26.14.2	Valued at £1450 between 1939 and 1950 (no improvements), one further charging order; considered but not granted exemption from rates; Landlocked Maori land.
Owhaoko C4	1721	1929, 1930; 1932; 1933, 1934; 1935, 1936; 1937, 1938; 1939, 1940; 1941, 1942	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940; 19 May 1947	£7.15.11; £3.6.0; £6.3.8; £5.8.9; £7.19.1; £10.6.8; ?	Landlocked Maori land.

Owhaoko C7 (pt)	7319.2.0	1929, 1930; 1932; 1933, 1934; 1935, 1936; 1937, 1938; 1939, 1940;	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£6.13.6; £2.16.10; £5.1.4; £4.8.9; £6.16.3; £7.3.9	Exempted from rates 1947; Maori land.
Owhaoko D2 (pt)	9448.3.0	1929, 1930; 1932; 1933, 1934; 1935, 1936; 1937, 1938; 1939, 1940;	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£9.8.7; £3.19.2; £7.9.5; £6.11.0; £9.12.1; £10.2.11	Exempted from rates 1947; purchased by Crown 1973
Owhaoko D3 (pt*)	5724.1.20	1929, 1930; 1932; 1933, 1934; 1935, 1936; 1937, 1938; 1939, 1940;	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£8.16.8; £3.14.6; £7.0.1; £6.2.7; £9.0.0; £9.9.10	Exempted from rates 1947; Maori land
Owhaoko D6, 1	5724.1.20	1937, 1938;	15 Nov 1938	£24.5.6	Landlocked Maori land
Owhaoko D7B (part)	35689	1940, 1941, 1942	19 May 1947	£188.14.3 and £94.5.4	Landlocked Maori land
Rangipo Waiu 2B1A	332.1.8	1922-1926	20 April 1927	£17.4.4	Valued nil between 1927 and 1939. Taken under Public Works Act, 1962. Rates deducted from compensation money.
Rangipo Waiu 2B1B	332.1.8	1922-1926	20 April 1927	£17.4.4	Valued nil between 1927 and 1939. Exempted from rates 1947. Taken under Public Works Act, 1962. Rates deducted from compensation money.
Rangipo Waiu 2B1C	498	1922-1926	20 April 1927	£22.19.8	Valued nil between 1927 and 1939. Exempted from rates 1947. Taken under Public Works Act, 1962. Rates deducted from compensation money.
Owhaoko C3B	8897	1937, 1938; 1939, 1940;	8 Feb 1940; 21 Aug 1940	£53.9.7; 38.4.0	Exempted from rates 1947; Europeanised 1970
24 blocks	110,501 acres				

Sources: Whanganui Minute Books 82-103, 1926-1945; Maori Land Online; Taihape Inquiry District Maori Land Court Document Bank, Fisher and Stirling (Northern Aspect); Subasic and Stirling, Central Aspect), Hearn (Southern Aspect).

Appendix 5:

Inquiry district blocks subject to charging orders between 1926 and 1945 where the land was occupied and retained by Maori

Block name	Area (acres)	Rates Owed: Year ending 31 March	Dates	Amount (including costs if specified)	What happened to the block
Awarua 2C12A2C	193	1939	21 Aug 1940	£37.9.6	Further charging order in 1952; 1939-1950 valuation roll indicates that farmed by owners and improvements of £745 on land; Maori land.
Awarua 2C12B1	16	1929-1930; 1932; 1933-1934; 1935-1936; 1937-1938; 1939-1940	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£8.12.1; £3.10.1; £6.18.4; £5.19.10; £8.15.6; £9.0.3	Two more charging orders - one in 1940s and the other in 1950s. Valuation roll (1939-1950) indicates that farmed by owners as cowshed and other improvements on land. Europeanised 1968.
Awarua 2C12B2	16	1929-1930; 1932; 1933-1934; 1935-1936; 1937-1938; 1939-1940	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£8.6.5; £3.7.11; £6.13.10; £5.16.0; £8.9.10; £8.16.3	Two more charging orders - one in 1940s and the other in 1950s. Valuation roll (1939-1950) values land at £435 with improvements of 115. Europeanised 1968.
Awarua 2C12C2	1.4	1938-1940	21 Aug 1940	£0.11.4	no information re leasing; Maori land
Awarua 2C12C3	8.2	1938-1940	21 Aug 1940	£3.9.1	no information re leasing; Maori land
Awarua 2C13C	10	1939, 1940; 1941, 1942; 1944, 1945	21 Aug 1940; 19 May 1947	£16.12.8; £18.5.2	Partitioned 1952; 2C13C2 partitioned 1954; one acre purchased 1953, receiver appointed in respect to unpaid rates from 1937, rates paid and receivership cancelled. Remainder Maori land
Awarua 2C13D	5.1.3	1929-1930; 1932; 1933-1934; 1935-1936; 1937-1938; 1939-40	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£15.6.9; £6.11.3; £12.5.11; £10.12.4; £15.13.1; £12.10.5	14.8 perches sold in 1950; receiver appointed 1957 as £130 owed. Rates reduced and paid. Receivership cancelled. Remainder Maori land.
Awarua 2C13J2	20	1929-1930; 1932; 1933-1934; 1935-1936	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936	£8.17.6; £3.15.3; £7.2.6; £6.3.3	No information. 10 acres Europeanised 1968; 10 acres Maori land.
Awarua 2C13J5	0.6	1929, 1930; 1932; 1933-1934; 1935-1936; 1937-1938; 1939-1940	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£3.18.8; £1.10.8; £3.2.6; £3.1.3; £3.19.8; £4.11.11	Receiver appointed in 1957. Rates paid and receivership cancelled. Europeanised 1971.
Awarua 2C13J6	0.4	1929, 1930; 1932; 1933-1934; 1935-1936; 1937-1938; 1939-	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21	£2.18.9; £1.2.11; £2.7.4; £1.17.11; £2.17.1;	Receiver appointed in 1957, Rates paid and receivership cancelled in 1961. Maori land.

		1940	Aug 1940	£3.9.11	
Awarua 2C13J7		1929-1930; 1932; 1933- 1934; 1937- 1938; 1939- 1940	3 Sept 1930; 17 Aug 1932; 22 April 1937; 15 Nov 1938; 21 Aug 1940	£7.7.7; £3.3.1; £5.19.0; £8.12.0; £4.3.7	Maori land.
Awarua 2C13L	8	1939-1940	21 Aug 1940	£4.8.5	Receiver appointed in 1947. Part taken for a school. Compensation money used to pay rates. Remainder set aside as a reserve 1949; Maori land.
Awarua 4C15F1A2C	9.1.4	1932; 1933- 1934; 1935- 1936; 1937- 1938; 1939- 1940	17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£2.4.11; £3.8.8; £3.6.1; £5.17.3; £5.10.9	No information; partitioned in 1944; Maori land.
Awarua 4C15F1D	23.1.1 4	1932; 1933- 1934; 1935- 1936; 1937- 1938; 1939- 1940	17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£4.0.11; £7.1.4; £5.17.6; £8.11.1; £6.7.2	Maori land.
Awarua 4C15F1E	23.1.1 4	1932; 1933- 1934; 1935- 1936; 1937- 1938; 1939- 1940	17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£3.14.2; £6.9.11; £5.8.3; £7.17.9; £5.18.6	Maori land.
Motukawa 2B5B2	148	1939-1940	21 Aug 1940	£5.13.5	Application to lease to Anderson in 1948 not confirmed as owners wished to occupy. Maori land.
Motukawa 2B11A	16.1.3 6	1932; 1933- 1934; 1935- 1936; 1937- 1938; 1939, 1940;	17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£2.11.2; £4.10.0; £3.16.1; £3.10.11; £4.1.11	£6.3.6 app dismissed 22 April 1937; sold to W Pohe in 1954 when rates paid. (still Maori land until Europeanised in 1968)
Motukawa 2B15C	15.0.3 1	1934; 1935- 1936; 1937- 1938;	17 Aug 1934; 16 Dec 1936; 8 Feb 1940	£1.0.11; £1.17.3; £1.18.10	Further charging orders in 1940s; 2 acres 29 perches taken for road; leased to Te Rangi Wilson for 12 years from 1985; no longer Maori land.
Motukawa 2B16B2A	38.2.0	1929-1930; 1932; 1933- 1934; 1935- 1936; 1937- 1938; 1939- 1940	25 May 1931; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£13.10.9; £5.5.1; £19.17.1; £16.14.4; £6.3.5; £7.1.8	Leased to owner Hinepoto Salmon for 21 years in 1956; not Maori land
Motukawa 2B5A	324.34	1939-1940	21 Aug 1940	£62.15.4	No information regarding leasing; Maori land.
Taraketi 1D	81	1939, 1940;	21 Aug 1940	£5.2.10	Maori land.
Taraketi 1F	69.2.2 8	1939, 1940;	21 Aug 1940	£10.14.10	Rates paid in 1948. Applications for charging orders dismissed followed by further charging orders. Rates then paid by owner Mr Hartley who had been unable to work due to sickness. Rates deducted from his pay (worked for the RCC) and from grazing lease. Leased to JG Meads from late 1950s. Receivership discharged in 1961. Further rates owed in 1960s. Leased to James

					Bull circa 1967 and leased for further 5 years from 1972. Maori land.
Taraketi 2F1B	74.1.2	1939, 1940;	21 Aug 1940	£29.3.4	Aotea Board appointed receiver. Rates paid and receivership discharged; Owners paid rates from grazing lease (and deducted from pay of owner who worked for RCC) for some time but no formal lease until 1967 after further rate arrears. Europeanised.
23 Blocks	1102.1 .12 acres				

Sources: Whanganui Minute Books 82-103, 1926-1945; Maori Land Online; Taihape Inquiry District Maori Land Court Document Bank, Fisher and Stirling (Northern Aspect); Subasic and Stirling, Central Aspect), Hearn (Southern Aspect).

Appendix 6:

Inquiry district blocks subject to charging orders between 1926 and 1945 where details are unknown and the block is no longer Maori land

Block name	Area (acres)	Rates Owed: Year ending 31 March	Dates	Amount (including costs if specified)	What happened to the block
Awarua 2C12C1	1.4	1938-1940	21 Aug 1940	£3.2.4	No information re leasing; no longer Maori land.
Awarua 2C12F	12.1.1	1929-1930; 1932; 1933-1934; 1935-1936; 1937-1938; 1939-40	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£3.2.4; £1.4.3; £2.10.2; £2.3.5; £3.3.9; £3.2.10	No information; Europeanised 1968
Awarua 2C13H	0.8	1929-1930	3 Sept 1930	£1.4.5	Purchased by Native Trustee on behalf of a minor as an investment ; partitioned and part Europeanised 1967.
Awarua 2C13I	0.25	1929-1930; 1932; 1933-1934; 1935-1936; 1937-1938; 1939-1940; 1944-1945	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940; 19 May 1947	£1.0.10; £0.8.7; £0.10.10; £0.14.4; £1.1.4; £0.18.3; £0.14.3	No information; Europeanised 1968
Awarua 2C13K	1	1929-1930; 1932; 1933-1934; 1935-1936; 1937-1938; 1939-1940	3 Sept 1930; 17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940;	£6.10.2; £2.16.10; £5.0.1; £4.6.3; £6.12.10; £5.11.7	No information; Europeanised 1968.
Awarua 3D317B	4	1929-1930	3 Sept 1930	£0.16.2	No information; no longer Maori land.
Awarua 4C9B1	18.3.21	1937-1938	15 Nov 1938	£12.11.3	No information; no longer Maori land.
Awarua 4C15F1A1	1	1932; 1933-1934; 1935-1936; 1937-1938; 1939-1940	17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£1.5.7; £2.3.0; £2.6.11; £3.10.11; £3.14.0	No information; no longer Maori land.
Awarua 4C15F1A2A	3.0.1	1932; 1933-1934; 1937-1938	17 Aug 1932; 17 Aug 1934; 15 Nov 1938	£1.15.2; £2.17.9; £7.8.5	Maori reserve 1939; General land.
Awarua 4C15F1A2D	?	1932; 1933-1934; 1935-1936; 1937-1938; 1939-1940	17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£1.9.0; £2.8.4; £2.6.7; £3.8.6; £2.14.5	No information; General land.
Awarua 4C15F1A2E	9.1.7	1932; 1933-1934; 1935-1936; 1937-1938; 1939-1940	17 Aug 1932; 17 Aug 1934; 16 Dec 1936; 15 Nov 1938; 21 Aug 1940	£2.12.3; £3.19.11; £3.17.1; £7.7.1; £7.10.3	No information; General land.
Awarua 4C15F1A2F	?	1937-1938;	15 Nov 1938	£5.17.8	No information; General land.
Awarua	9.1.3	1937-1938;	15 Nov 1938	£11.13.1	No information; General

4C15F1A2G					land.
Awarua 4C15F1B	23.1.14	1937-1938;	15 Nov 1938	£9.3.11	Part sold in 1976.
Awarua 4C15F1C	23.1.14	1937-1938;	15 Nov 1938	£8.15.6	No information; General land.
Motukawa 2B16B1A	4.2.17	1932; 1937-1938; 1939, 1940;	22 Apr 1937; 15 Nov 1938; 21 Aug 1940	£1.4.2; £3.0.0; £3.9.0	Europeanised 1968.
Motukawa 2B16B2B	?	1929-1930	25 May 1931	£32.12.1	Maori land
Oruamatua Kaimanawa 1K (Pt)	3425	1929, 1930	3 Sept 1930	£19.5.1	Appears to have already been leased at time of charging order; sold in 1962.
18 blocks	3537 acres (aprox)				

Sources: Whanganui Minute Books 82-103, 1926-1945; Maori Land Online; Taihape Inquiry District Maori Land Court Document Bank, Fisher and Stirling (Northern Aspect); Subasic and Stirling, Central Aspect), Hearn (Southern Aspect).

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