Taihape Inquiry District: Technical Research Programme

Sub-district block study – Northern aspect

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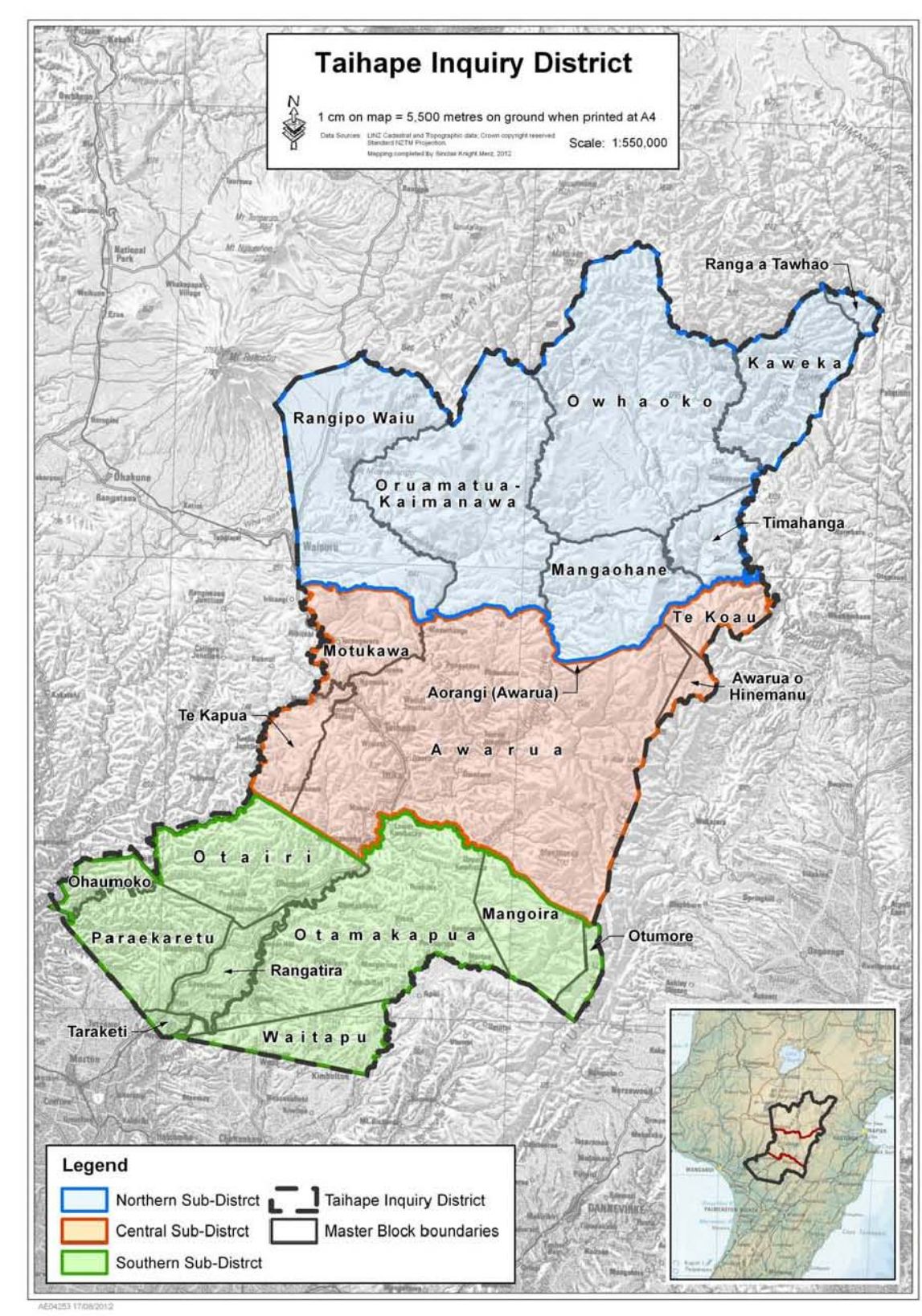


Map 1: Taihape Inquiry Sub-Districts

Project Brief

The terms of reference for this report required the authors to provide an analytical history of the blocks in the northern 'aspect', or sub-district, of the Taihape Inquiry District (as shown on Map 1); those blocks being:

- Kaweka
- Mangaohane
- Oruamatua Kaimanawa
- Owhaoko
- Timahanga

For each block, the effects of Crown policy, practice, and legislation concerning Maori-owned land from 1840 to the present were to be detailed, including:

- Pre-1865 Crown or private leases & purchases
- Native Land Court Title Investigations, hearings (including dates, details, and procedures of NLC hearings; names and hapu of applicants; specialists engaged by parties; tupuna referred to at hearings; costs and socio-economic impacts associated with NLC; legislation under which hearings held and titles awarded; titles issues; survey costs)
- Native/Maori Land Court partitions and alienations
- Protests or appeals by tangata whenua
- Crown and private leasing & purchasing post-1865 (including land allocated for survey and other court-associated costs; reserves from alienated land)
- Maori Land Board (1909-c.1930) acquisitions
- Consolidation, aggregation, amalgamation and other title activity
- Public works acquisitions
- Conservancy and resource-based acquisitions
- Land gifted by Maori within the Inquiry District
- Any other major events, partitions and alienations
- Any specific roles played by Maori women in the history of the blocks
- Any issues specific to individual blocks.

Not all these issues are applicable to each block, and a few issues were found not to be applicable to any block. For instance, nothing about reserves from post-1865 Crown purchases was located. Nor were the title consolidation schemes instigated in many other districts from the 1920s onwards, a feature of this district.

Introduction

The northern section of the Taihape Inquiry District was relatively isolated from settlement pressures and was one of the last areas to pass through the Native Land Court. Much of the area is at high altitude and was not conducive to pastoral settlement, particularly when compared to the neighbouring Manawatu and Hawke's Bay districts. Even so, the spread of European settlement and government gradually made its way to the Mokai Patea region.

Crown purchases extended into the eastern fringes of the area in the late 1850s but did not lead to settlement of the rugged ranges dividing Hawke's Bay from Mokai Patea. The lack of surveys of the Crown transactions contributed greatly to continuing problems with the Kaweka deed and other Hawke's Bay deeds in the vicinity of eastern Mokai Patea, problems that endured through to the 1890s.

Informal leasing of the northern blocks began in the mid-1860s but Native Land Court title investigations of the northern blocks did not begin until 1875, when the Owhaoko and Oruamatua–Kaimanawa blocks were heard hastily by the Court. The Oruamatua–Kaimanawa block was first leased in the 1860s and later the Owhaoko block began to be leased in the early 1870s. One of the most valuable pieces of land in the northern part of the district, the Mangaohane block, was also leased on various informal terms from the late 1870s. Its value in pastoral terms lay, in part, in its use as winter grazing when much of the higher land to the west (Owhaoko) was too cold or even under snow. It also provided an important link into the adjacent Hawke's Bay province. Those leasing this and other lands in the area sought the freehold, which led in turn to the introduction of the Native Land to the area in 1875.

So began a controversial series of hotly disputed Native Land Court inquiries into customary interests in the area. A decade after the cursory investigations of Owhaoko and Oruamatua–Kaimanawa, those disputes were thoroughly aired. The appeals over Owhaoko were the subject of a Royal Commission in 1886, with Premier and Attorney-General Robert Stout as Chairman. A fresh investigation of Owhaoko block was held in 1887, followed by a re-hearing in 1888. The Oruamatua–Kaimanawa block was also the subject of the 1886 Royal

Commission but its second title investigation was not held until 1894. In the same year the Timahanga block finally had its NLC hearing after the 1890 Awarua Commission revealed that the Crown had erroneously claimed to have purchased the land as a part of one of the early Hawke's Bay deeds, namely the Otaranga block.

The most controversial title of all was that of Mangaohane, first investigated in 1885 after John Studholme, the lessee of Mangaohane and large areas of the adjacent Owhaoko block, induced one claimant to Mangaohane – Renata Kawepo – to sell him the Mangaohane block. This led in turn to the title investigation, which initiated a long and convoluted saga between Studholme and (until he died) Renata, as well as those wrongly left out of the disputed title. The saga seemed to have come to an end in 1894, when Studholme secured title to a large part of the land, and other claimants gained title to what remained. This outcome left Winiata Te Whaaro and his Ngati Hinemanu and Ngati Paki people out in the cold, and in 1897 they were finally and forcibly evicted from their Mangaohane lands.

Elsewhere in the district, leasing continued in some Oruamatua–Kaimanawa subdivisions after the title was finally awarded in 1894. Subsequently, in the early twentieth century, much of the block was partitioned and then privately purchased, section by section, under the auspices of the local Maori Land Board. In the second half of the twentieth century, much of the Oruamatua–Kaimanawa subdivisons remaining in Maori ownership were compulsorily taken by the Crown for defence purposes. Informal leasing existed on the Timahanga block before its belated title investigation in 1894, and continued formally until the Crown purchased five out of six subdivisions from 1911–1915.

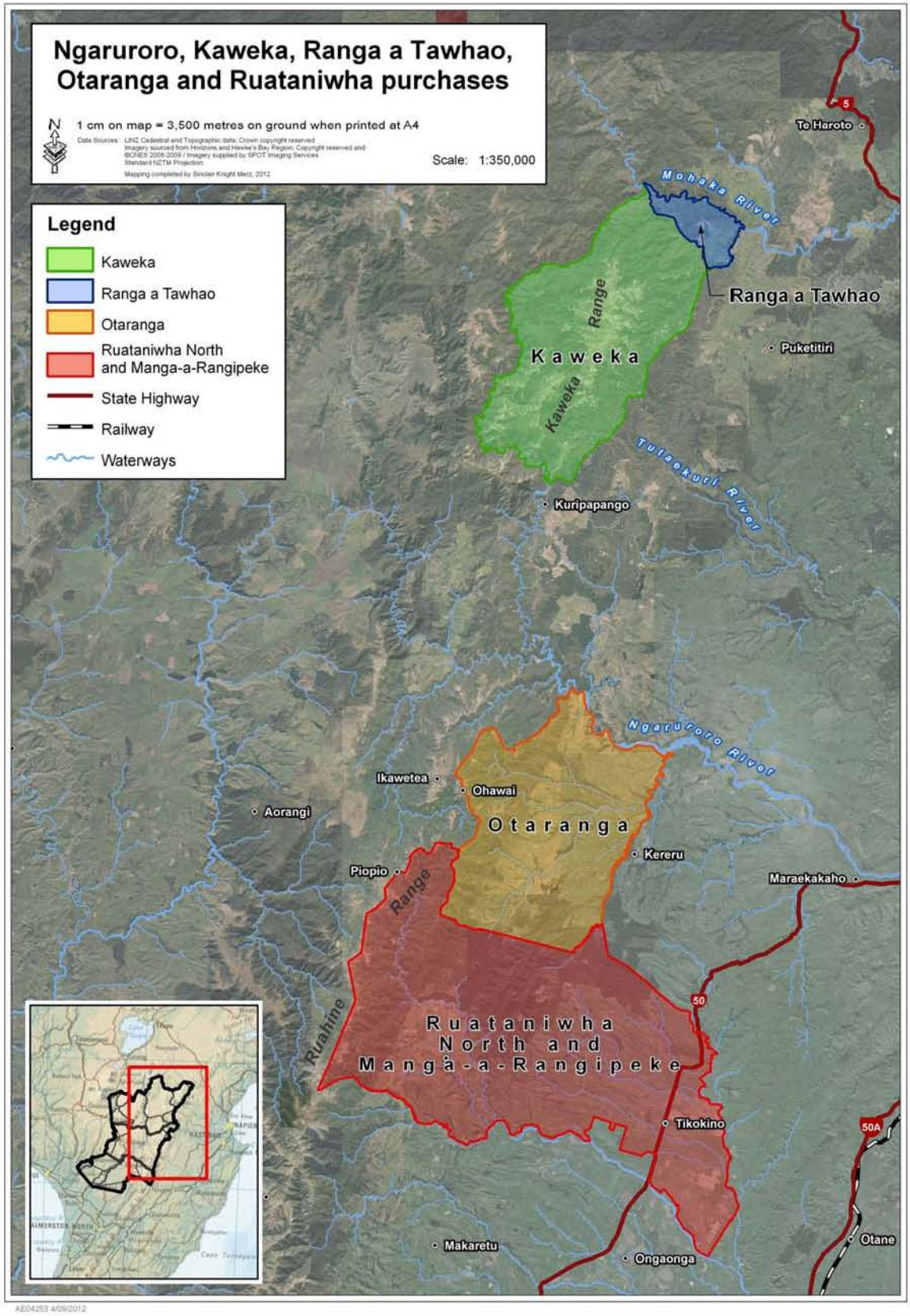
As for Owhaoko, after its many re-hearings some formal leases were negotiated with the Studholmes and Donnellys in the early 1890s, but most of these were cancelled in the early twentieth century. Of all the land in this district, Owhaoko is the block least affected by permanent alienations. Only one small subdivision was privately purchased in 1901, and two small Crown purchases took place in the 1910s. In the same decade, five large Owhaoko subdivisions were gifted to the Crown for settling Maori soldiers returning from World War I, but the lands proved unsuitable for that purpose and some of the land was eventually leased by the Crown to private interests. Eventually in 1973 the Owhaoko gifted lands were revested in Maori ownership, but of the descendants of the original owners had to wait over twenty years to regain control of their lands. Other alienations of Owhaoko occurred in the 1960s and early 1970s, when a number of private purchases were made. In addition, in 1973 a Crown purchase was finalised under very questionable circumstances.

Of the blocks in the northern section of the Taihape Inquiry District, the Owhaoko block has the largest area remaining in Maori ownership, but many of those Maori-owned subdivisions are landlocked, plagued by rabbits, damaged by invasive introduced plants, and are economically unproductive. Other than the land remaining in Owhaoko, four subdivisions of the Oruamatua–Kaimanawa block and one subdivision in the Timahanga block also remain in Maori ownership, but most of the district – and all of its most economically valuable lands – have long since been alienated from Maori ownership.

1. Kaweka

While the pattern of settler use of Maori land in the northern part of the Taihape region during the last quarter of the nineteenth century generally began with private leasing in the 1860s and 1870s, the eastern reaches of the region were the subject of much earlier Crown transactions. What is now dubbed the Kaweka block became caught up in a number of different Crown deeds from the 1850s to the 1870s. The Crown claimed to have acquired the Kaweka block through payments to various Hawke's Bay Maori individuals in 1859 and 1864. In addition, the north-eastern part of the Patea region (or Inland Patea as it was known), including Kaweka and other adjacent lands, had supposedly been included in several earlier Crown deeds in the area, such as the 1851 Ahuriri deed. The inland (or western) boundaries of these early deeds were poorly-defined and nearly always lacked a survey at the time of signing. Given this, the areas covered by the deeds were not clear but were assumed to overlap. Instead, gaps were left between them; gaps filled with unextinguished Maori interests, but gaps the Crown either ignored or was very slow to acknowledge.

In addition to the Ahuriri and Kaweka deeds, the Otaranga (1857) and Ruataniwha North (1855-1862) deeds also affected the north-eastern part of the Patea region. The gaps, errors, and omissions in the early Crown transactions along the boundary between Hawke's Bay and the northern part of Taihape inquiry district are the subject of this block study. This is somewhat wider than the area that is today mapped as Kaweka (in the north of the area covered by this report), as there are also relevant issues arising from lands to the north (Mangatainoko and Tapapa on the border of the Central North Island and Mohaka ki Ahuriri inquiry districts) and around Timahanga to the south (adjacent to Otaranga). Only the southern boundary issues – around Otaranga, Awarua, Te Koau and Timahanga – were resolved by the Crown, following Maori protests. The Kaweka, Ranga a Tawhao, Otaranga, and Ruataniwha North deed boundaries are shown on Map 2 below, insofar as the poorly-defined boundaries can be mapped.



Map 2: Kaweka and Related Early Crown Deeds

The Waitangi Tribunal's *Mohaka ki Ahuriri* report discusses the difficulties involved with the Ahuriri deed in the north-east of the study area. Its inland boundaries were adjacent to the Kaweka range and, before and after the transaction, disputes arose about the inland western boundary. Numerous Ngati Kahungunu rangatira and hapu negotiated the Ahuriri purchase but Ngati Hineuru, who asserted interests inland, west of the Maungaharuru and Te Waka ranges, were displeased because they felt their rights to the Kaweka area had been ignored. Ngati Hineuru rangatira Te Rangihiroa wrote to Crown land purchase commissioner Donald McLean to protest at the inclusion of his tribe's interior land in the Ahuriri deed. In May 1851 McLean agreed to exclude the land from the deed but instead the final boundary was moved even further west. A June 1851 survey report had placed the boundary at the foot of the Kaweka range, but the final deed signed in November 1851 gave the summit of the Kaweka range as the western boundary. It is unclear if this extension of the boundary was a clerical or survey error, let alone if it was even discussed with the vendors, but it does not seem to have been discussed or agreed with Ngati Hineuru.

The inland boundary of the Ahuriri deed caused numerous problems over the coming years, as did the Crown's failure to deal openly with all those with interests in the enormous area covered by the deed. Rather than resolve these issues, the Crown seemed hell-bent on aggravating them: it instigated further deeds and transactions, paying even less heed to open and honest dealings and taking even less care to clearly define and survey the boundaries of its transactions than it had in 1851.

In relation to Crown land dealings on the Heretaunga side of the dividing ranges, witnesses in later Native Land Court investigations repeatedly referred to land deeds arranged by the Crown with Kerei Tanguru, Te Hapuku, and others of Heretaunga. These dealings spurred Mokai Patea groups to erect pou, protest land deed, and arrange hui such as the pivotal hui held at Kokako in 1860 to consolidate opposition to government land dealings for their lands arranged with other tribes. One of the land deeds referred to by these witnesses was most likely the Ngaruroro deed, which was secretly signed in Wellington on 14 February 1855. While a deed has never been found, a receipt survives which reveals that £200 was paid to Kerei Tanguru, Paora Te Pakau, Te Hapuku, Puharam Te Wereta Kawakairangi, and Te Harawira Tatari. The Ngaruroro land transacted encompassed a stretch of land from Timahanga through Kuripapango to the Kaimanawa. Dean Cowie estimates that the land was approximately 5,000 acres but a later deed of 4 July 1855 referred to 50,000 acres which (judging by the boundaries given) is a much better estimate of the area involved.[1]

[1] Dean Cowie, *Rangahaua Whanui District 11B, Hawke's Bay*, Waitangi Tribunal, 1996, Chapt 5.3.2.

On the same day that the Ngarururoro deed was signed, a block called Ruataniwha was also transacted in two deeds, with payments of £200 and £100 respectively. In their seminal research into the Crown's Hawke's Bay land dealings, Dr Angela Ballara and Gary Scott characterise these deeds as being part of "a spate of secret deals," which were motivated by the desire of the government for more land and by the demands of rangatira visiting Wellington.[2] On 15 April 1857, another large block in the Patea–Heretaunga boundary area – the Otaranga block – was transacted by the Crown and members of Ngati Kahungunu led by Tawhara, but also including Noa Huke and "Karaitiana."[3] While neither the Otaranga, Ngarururoro, Ruataniwha, nor Kaweka deeds were specifically referred to by Mokai Patea witnesses in subsequent Native Land Court title investigations in the northern Patea district, it was likely that it was it was these deeds that so concerned the Mokai Patea people.

Certainly, in 1856 the Kaweka inland boundary issue still lingered. Land Purchase Commissioner G. S. Cooper commented in a report to McLean:

> The inland part of the Ahuriri block (which contains some tolerable runs) is…disputed, that is to say, a small hapu called Ngati Hineuru, whose chief is named Te Rangihiroa claim it, & they say they received no payment, & never assented to the sale. They are backed up by Te Heuheu, & the sellers are, to say the least, very lukewarm.[4]

When McLean visited the Heretaunga region in January 1858 to discuss issues arising from the Ahuriri deed, he refused to re-open the issue of the inland boundary or discuss further payment for the land. Te Moananui, the leading Ngati Kahungunu vendor who had negotiated with McLean for the Ahuriri deed, admitted the Ngati Hineuru claim but responded that the Ngati Kahungunu vendors could not afford to give Ngati Hineuru a portion of the purchase money. In any event, payment for Ngati Hineuru's interests was the Crown's responsibility. Eventually, McLean managed to convince Te Rangihiroa to withdraw his opposition on the condition that Ngati Hineuru would be paid for their Ahuriri claims through Crown dealings for other of their lands.

The following year, 1859, Ngati Hineuru and Ngati Kahungunu transacted the Kaweka block with the Crown. This transaction included parts of what the Crown believed to land within the interior western boundary of the 1851 Ahuriri deed. McLean had agreed to compensate Ngati

[2] Angela Ballara and Gary Scott, 'Crown Purchases of Maori Land in early Provincial Hawke's Bay', Wai 201 # I1,, pp.5-6.
[3] Turton's deeds. vol. 2, Deed Receipts No. 18.
[4] Cited in Waitangi Tribunal, *Mohaka ki Ahuriri Report*, Wellington, 2004, p.104.

Hineuru for the lands taken from them without payment within the 1851 boundaries, and this seems a perfect opportunity to make good on that promise (while also extending the Crown's holdings westward). The Kaweka block was the subject of two deeds in 1859. On 6 July 1859, Te Waka Takahari and others received £30 for the Kaweka and Upper Mohaka block. Once the survey was completed the vendors were to be paid the balance of the purchase price, but it is not clear what that final price was to be.[5] Two weeks later, on 20 July 1859, Te Moananui and others transacted the Kaweka block, being "our lands between Mohaka and the Ngarururoro…the whole of the Kaweka, from the eastern to the Western side." As an initial payment they received £100 and were to receive the balance on the completion of the survey, although it does not seem that another payment was ever made directly in relation to the Kaweka block.[6]

In addition to the Ngarururoro and various Kaweka deeds, another deed seemed to overlap on to the Kaweka range. The Ranga-a-Tawhao deed, arranged by McLean, was signed on 28 June 1859 by Te Waaka Kawatini, Paora Torotoro, Karaitiana Takamoana, Tareha, Ngatuna, and Tamehana Pekapeka (of Ngati Kahungunu) for £350. Various amounts of money were paid to rangatira for the block but Maori opposition prevented Cooper from finishing the survey and thus from completing the deeds.[7] McLean's local official, Napier Resident Magistrate Samuel Locke, later wrote that Ranga a Tahwao was a block of about 5,500 acres, having "a very rough boundary all about the head of the Mohaka [river]."[8] One of McLean's land purchase officials, George Cooper, wrote to McLean in early March 1860, advising that the survey of the Ranga a Tawhao block was completed and negotiations were continuing.[9]

What Cooper failed to report was the strong opposition by local Maori to these land dealings. government representatives were subsequently prevented from completing the survey of the Ranga a Tawhao. Locke wrote McLean a personal letter ,which contradicted Cooper's claims about progress with surveys and negotiations with local Maori:

> [N]or will they allow the Kaweka Block to be surveyed but I have told Mr Fitzgerald (through his requesting me to do so) the whole particulars about it and he is going to send them to you that is that they ask for more money for the Ahuriri and Ranga a Tawhao Blocks also that the Ngatihineuru put in a claim for a portion of both, also that they claim a piece of the Kaweka Block they say that

[5] Turton's deeds, vol. 2, Deed Receipts No. 26.
[6] Turton's deeds. vol. 2, Deed Receipts No. 30.
[7] Turton's Deeds, Vol. 2, Deed Receipts No. 23; Cowie, Chapter 5.3.3.
[8] Locke to McLean, 2 March 1860. MS-Papers-0032-0393. ATL.
[9] Cooper to McLean, 8 March 1860 (No. 65), *AJHR* 1862 C.-No. 1, p. 349.

> it is all Rarururaru and that there is no Marama [i.e., 'light' or 'clarity'], if these claims where settled there is no doubt but that a footing could be made in the Taupo District There was a Runanga held at the Pa Whakairo a few days back and amongst other things these Lands in question were mentioned and also about the not selling any more Land one suggestion appears was that they should return the One Hundred and Thirty Pounds advanced on the Kaweka and give the Lands to the Runanga but as far as I can learn the end was that if they sold any more Land it should be surveyed before parting with it.[10]

The survey of Kaweka may also not have been completed because the government was offering such paltry prices for the land, especially since McLean had promised Te Rangihiroa of Ngati Hineuru that they would be compensated through such a deed for their claims in Ahuriri, as well as for the Kaweka land itself.

Cooper finally revealed some of the trouble he was having in a memorandum to McLean:

> The language held by many of the Natives with reference to the Inland parts of the Ahuriri Block is very unsatisfactory: they state that at the time the block was purchased advantage was taken of their ignorance to obtain the land for a fraction of its value, that a bargain made in such a way ought not to be held binding, and they express their determination to resume possession of the inland parts of the block, to the extent probably of nearly one hundred thousand acres, to exact rents from the settlers in occupation, or to drive their sheep across the line which they thought fit to mark off as the Queen's boundary and destroy the homesteads. I must state at the same time that the influential Chiefs of the party, who sold this land, do not join in the above language, but treat or affect to treat the whole affair with contempt. In these days of King and Runanga, however, the authority of hereditary Chiefs goes for very little when opposed to the wishes of the majority of the tribe, and I know that these Natives look to receive support from the Runanga party in the neighbourhood of Taupo; I have treated all these threats with derision and contempt: and I think that the firmness of my language and demeanour has acted to some extent as a check upon them.[11]

For all Cooper's efforts to demean and diminish the opposition to the inland boundary of the Ahuriri deed, it is evident that the interests of the inland hapu – which he and McLean had earlier tried to ignore – were now being asserted in no uncertain terms. That this assertion of their customary interests might be linked to their political endorsement of Kingitanga is hardly surprising, for the Kingitanga would surely have supported their stance towards improper dealings in their lands. The link between Kingitanga and the attitude of some Mokai

[10] Samuel Locke to Donald McLean, 2 March 1860. MS-Papers-0032-0393. ATL.
[11] Quoted in Waitangi Tribunal, *Mohaka ki Ahuriri Report*, Wellington, 2004, p.105.

Patea leaders to Crown land dealings is further evident at the 1860 Kokako hui (discussed elsewhere in this report).

Cooper began to realise that he would have cut his losses. He explained in a letter to McLean that while he had made some advances to the vendors of Kaweka he thought the land was "so inaccessible and worthless" that it would not even pay for the cost of the survey. In 1861 he was still repeating the same complaints about the supposedly excessive demands of the Maori vendors:

> The Kaweka block is still unsettled, but not so much on account of difficulties as to title, as of the preposterous demands made by the selling party. The land is of the worst possible description; it opens up no country, and would be quite useless for sheep-runs, or indeed for occupation in any way. I therefore declined to complete the purchase, or even to incur the expense of surveying the block.[12]

His objection to the payment sought ignores the fact that, at least for Ngati Hineuru and others excluded from the 1851 Ahuriri deed, the payment for Kaweka was – as McLean had promised – not only for this rough hill country but was also intended to compensate them for the failure to recognise their interests in the Ahuriri deed.

Despite Cooper's clear indication (as cited above) that the Kaweka deed was never completed, references to the land in the official returns treated it as if it had been completed and finally purchased. For example an 1860 return listed "Land at the Kawekas" (50,000 acres) as purchased for £130 by McLean on 6 July 1859. In an 1865 return, Kaweka and Upper Mohaka were represented as having been fully and finally purchased.[13] This 1865 return may have been based on the further payments made for Kaweka after 1860. In 1863 and 1864 payments totalling £300 were made to favoured Ngati Tuwharetoa and Ngati Kahungunu rangatira for their respective interests in Kaweka lands, but there was certainly no real sense of finality emerging from these payments.[14] As is clearly set out above, the deeds and payment had only constituted an advance. The original price said to have been agreed, £1,000, was never paid, and nor was the deed ever properly finalised.[15]

Writing earlier, in 1860, to McLean about problems regarding boundaries and payments, Cooper commented that a hui was being held at Mokai Patea to discuss the issue; a hui from

[12] Cooper to McLean, 20 June 1861 (No. 74), *AJHR* 1862 C-No. 1, p. 354.
[13] *AJHR*, 1861, C-2, p. 22.
[14] Turton's Deeds, Vol. 2, Deed Receipts No. 23; Cowie, Chapter 5.3.3.
[15] Ballara and Scott, p. 10.

which Ngati Kahungunu chiefs were apparently excluded (presumably a reference to those of the Heretaunga district who had engaged in land dealings with the Crown). The hui referred to was likely the Kokako hui of 1860, organised by members of Ngati Whiti and Ngati Tama, such as Ihakara Te Raro and Te Oti Pohe (Sr.), but which also involved members of Ngati Tuwharetoa, Ngati Upokoiri, Ngati Hinemanu, and Whanganui tribes. The hui was concerned with adherence (or otherwise) to the Kingitanga, and this was a focus for the Whanganui rangatira attending.[16]

Yet the Kokako hui was also very important for land issues in the Mokai Patea region. During the subsequent Owhaoko, Oruamatua–Kaimanawa, Timahanga, and Mangaohane title investigations, the 1860 Kokako hui was repeatedly referred to as a turning point in efforts by groups in the Mokai Patea region who were trying to retain their lands, following land sales by Ngati Apa and Ngati Raukawa in the Manawatu and Turakina region south of Patea and, by Ngati Kahungunu to the east, on the boundary between Heretaunga and Mokai Patea.[17] The Crown's early attempts at purchasing in the northern part of Mokai Patea had met considerable opposition and, if anything, galvanised the tribes there into co-operating together to prevent further land transactions. This resolve lasted until well into the 1880s, with some still then advocating retaining their lands for much longer.

1.1 Kaweka and the Mohaka (Mangatainoko Tapapa) Block

The overlaps with other deeds that had characterised Crown dealings in the Kaweka ranges re-emerged in 1875, when further lands were transacted that overlapped into the Kaweka area. Dean Cowie writes that the purchase of the Mangatainoko and Tapapa blocks, adjacent to the northern Kaweka range, took in large parts of what had previously been dealt with in the 1850s as the Kaweka block. The Mangatainoko-Mohaka deed was signed on 3 May 1875 by 43 Maori, apparently representing Ngati Kurapoto of Ngati Tuwharetoa (with Te Heuheu one of the signatories) as well as Tareha and Toha of Ngati Kahungunu, who were paid a total of £540. Cowie contends that the Crown had spent just under £1,000 for approximately 50,000 acres over a period of 20 years with all the deeds combined.[18] This is, of course, difficult to clarify as the Kaweka boundaries were so poorly defined. Subsequent research

[16] Waitangi Tribunal, *The Whanganui River Report*, 1999, p.151; and, Bruce Stirling, 'Whanganui Maori and the Crown: 1840-1865', CFRT, 2004, pp.716-717.
[17] Napier NLC MB No. 09: 203; Napier NLC MB No. 13: 47-48, 54; Napier NLC MB No. 30, p. 60, 109-110, 222, 246; Napier NLC MB No. 30, p. 275, 284, 287; Napier NLC MB No. 31, p. 89-91, 112-113, 120-122, 141-142, 155, 177, 192, 194, 200; Napier NLC MB No. 36: 134, 136, 151, 153.
[18] Cowie, Chapter 5.3.3.

reveals that things were rather more complicated than indicated by Cowie's brief summary. The new research was completed in the course of the Central North Island inquiry, but was not brought together into a single section dealing with the complex history of the Mangatainoko Tapapa blocks. For that reason, and because it seems that these blocks are relevant to the Kaweka block in the northern Taihape district, the existing research is summarised and brought together here.

In the first place, the Mangatainoko Tapapa block comprise more than 60,000 acres, but it is unclear to what extent this area overlaps with the 50,000 acres of Kaweka estimated by Cowie. Nor is it possible to work out what portion of the rather more than £1,000 the government claimed to have paid for Mangatainoko Tapapa relates to Kaweka. In short, the Mangatainoko Tapapa deed – let alone the subsequent disputes over it – does little to resolve the outstanding Kaweka issues, which were (as set out in the next section of this chapter) instead dealt with through other avenues.

Ngati Kahungunu had opposed the government dealing with Ngati Tuwharetoa for Mangatainoko and Tapapa. The Crown's land purchase agents in the area in the 1870s – the infamous Henry Mitchell and Charles Davis – acted no better than had their predecessors, McLean, Cooper, and Locke. As early as 1874, Ngati Tuwharetoa hapu at Runanga wrote to the *Hawke's Bay Times*, to publicly warn Ngati Kahungunu off upper Mohaka lands, such as Mangatainoko and Tapapa. They especially wanted to "put an end to the name of Tareha over their lands, and that it remain for us alone to decide on sale or lease."[19] Mitchell and Davis assured Ngati Tuwharetoa that they accepted the land was theirs "exclusively," in order to secure their agreement to the 1875 deed. The two agents then met with Tareha and paid him in order to acknowledge his tribal interests, while also excluding an area claimed by Renata Kawepo from the deed.[20]

The payments made for Mangatainoko and Tapapa were numerous, made over a protracted period, and were paid to favoured individuals without tribal oversight. For instance, in April 1875 Mitchell paid £36 3.s 3d. to Mere Hapimana (of eastern Taupo) and another, and charged this against the Mangatainoko and Tapapa blocks.[21]McLean (then Native Minister) and another politician, Featherston (Wellington Provincial Superintendent) got involved in

[19] Aperahama Werewere, Runanga, to the editor Hawke's Bay Times, 3 August 1874. MS-0765-07, item59. Alexander Turnbull Library. Supporting Documents, p.1628. Translation by Jane Macrae. Cited in Bruce Stirling, 'Taupo–Kaingaroa Nineteenth Century Overview,' CFRT, 2004, p.173.
[20] Davis to Native Department, 15 June 1876. AJHR, 1876, G-5, pp.5-9.
[21] Stirling, 'Taupo–Kaingaroa Nineteenth Century Overview,' CFRT, 2004, pp.313-314.

the land, calling a hui at Napier in May 1875 to deal with the Ngati Kahungunu claims. Davis attended, and was concerned that the Ngati Tuwharetoa interests might be "overlooked" in any deal done at Napier. He urged that the balance of the deed payment be paid at Taupo, "at a great meeting after thorough investigation as regards the merits of all classes of claimants."[22] This was precisely the sort of conduct the Crown's purchase agents should have been displaying since 1851, but despite Davis' urgings, no such hui was convened and no such investigation of the Mangatainoko and Tapapa blocks was undertaken, let along any consideration of what these dealings meant for Kaweka land.

In the interim, the government continued to make secret individual payments at opportune moments, and charge the sums against the land. For instance, in May 1879, £20 was paid to the eastern Taupo rangatira, Te Rangitahau and Wiremu Tauri while they were attending a Native Land Court sitting at Cambridge and in dire need of cash. The schedule of these unfortunate advances charged against Mangatainoko and Tapapa ran to 30 payments, totalling £1,180 10s. 4d., between 1872 and 1879, including £102 17s. 1d. of "incidentals," such as food, store accounts, and coach fares. Such payments included £27 advanced to the eastern Taupo rangatira Rawiri Kahia in 1879 for a store account owed to deLauney. Other than £500 publicly paid by McLean to Tareha in 1875, and sums of £160 and £100 paid to Rawiri Kahia in 1873 and 1878 respectively, all of the payments were small amounts paid to individuals, clearly to meet pressing needs not to acknowledge the extinguishment of tribal interests to land, the title to which had yet to be determined.[23]

Subsequently, the government survey lien of £788 was charged against the "Mohaka Mangatainoko" block in 1883, by which time the other advances charged against the land had increased from the £1,180 noted above to £1,318 8s. 3d., without anything in the land purchase accounts to support this increase.[24]

The government did not act to secure whatever interests it thought it had acquired in the land, so it was left to the Maori claimants to pursue the matter. In 1877, Ngati Tuwharetoa groups brought a claim to the block before the Native Land Court at Taupo. The land was not surveyed so it should not have been heard, but the Court noted that "a number of people had come from a great distance regarding this land," so it would "render it every attention." What this meant was that it wanted to do no more than "ask them a few questions... to get

[22] Davis, Napier, to Mitchell, 7 May 1875. MA-MLP 1/1882/391. Cited in Stirling, p.314.
[23] Stirling, pp.314-315.
[24] Stirling, p.315.

something down in the books of the court... but the case would have to be adjourned till a correct map [was] produced." Two Ngati Kahungunu representatives then sought an adjournment anyway, wanting the case heard in Napier as the Ngati Kahungunu counter-claimants lived there. They stated that the land had earlier been "handed over" to McLean and Tareha to "take charge of." This seems to refer to events in 1875 around the payment made to Tareha for Ngati Kahungunu interests.[25]

Ngati Kahungunu then applied to the Native Land Court, in August 1879, to have the title investigated. Mitchell warned the government not to allow the hearing to proceed at Napier, preferring that it be adjourned to Taupo, and eve then advising that, "it will never do to allow the hearing to go on as the Crown interests therein will probably be serious[ly] prejudiced thereby." He asked the Inspector of Surveys to "withdraw the maps" to prevent the title being investigated. Another government agent, Booth, attended the Napier sitting and simply arranged for the Mangatainoko Tapapa claim to be moved to the end of the list of claims, so it was unlikely to be heard. If it did make it to Court, it was a simple matter to have it been adjourned. The case was promptly dismissed. This indicates the range of options available to the government to interfere with the work of the Native Land Court and Maori claims put before it.[26]

In 1883, Rawiri Kahia of Ngati Maruahine (of Ngati Tuwharetoa) had another try at regaining control of the Mangatainoko Tapapa block. He told the new government land purchase officer, Gilbert Mair, that the purchase had never been completed due to the disputes arising out of previous negotiations. These disputes, he added, "have existed from the times of our ancestors, the man-eating taniwha, and have continued down to the present time." Referring to Ngati Kahungunu counter-claimants, he described them as "the outside tribe who were devoured by us in former times [but who] have not ceased from seeking to revenge themselves." Rather than drag the matter out, he sought to refund the government's advances on the block and take back control of the land.[27]

Rawiri was not, however, willing to refund the advances the government had (in his view) wrongly paid to Ngati Kahungunu, but Mair persuaded him to repay all the advances and recommended the government accept the refund and abandon the purchase. The government declined, and insisted on having title investigated and either the purchase of the block

[25] Stirling, pp.327-328.
[26] Stirling, p.315.
[27] Stirling, p.366.

completed, or an award made to it for the advances it had paid. It was decided that neither Taupo nor Napier were suitable venues for any title investigation, as either one would disadvantage one of the parties. A compromise, "Tokaanu if possible," was recommended, but – as was so often the case with these lands – nothing happened.

Finally, in 1886, the Mangatainoko Tapapa blocks were caught up in the monster Tauponuiatia title investigation of the Ngati Tuwharetoa rohe potae. Ngati Kahungunu did not then pursue their claims, perhaps being satisfied with the £500 they had extracted from McLean in 1875 for their interests. In March 1886, the title to Mangataionoko (16,435 acres) was awarded without dispute to a mere 27 individuals said by Rawiri Kahia to represent the 14 hapu with interests in the land. Tapapa was divided into two portions: one comprising 39,355 acres awarded to 366 individuals and another comprising 7,256 acres awarded to the same 27 individuals who had been awarded Mangatainoko. As soon as title to the larger and more populated title was awarded, the government land purchase officer William Grace started buying up individual interests at less than one shilling per acre. Many of the 366 owners were minors, and the purchase of their interests was facilitated through means such as the appointment of William's brother, Lawrence, as trustee.[28]

The purchase of Mangatainoko and the smaller of the two Tapapa blocks was picked up by William Grace from where McLean and Mitchell had earlier left off. Few of those to whom the earlier advances had been paid were on the titles, and those who were on the titles objected to any of their land being taken to pay for the government's foolish actions in advancing money to those without rights to the blocks. Even so, the bulk of the payments were accepted – even the £500 paid to Tareha – and only a myriad of small amounts totalling £85 paid to individuals not on the title were excluded, along with all the sums Mitchell had charged against the land under the dubious heading of "incidentals." Thus, most of the advances - £1,133 5s. 3d. in all – were accepted and charged against the title. Grace then arranged to pay an additional £700 for what he claimed was Mangatainoko, and both Tapapa blocks. In fact, the deeds signed by the owners show that the £700 was for the smaller Tapapa block only (equal to less than two shillings per acre for the 7,256 acres), while Mangatainoko (16,435 acres) and the main Tapapa block (39,355) were to be acquired for the earlier advances totalling £1,133 (or about one shilling four pence per acre).[29]

[28] Stirling, pp.946-947. Lawrence Grace was married to a chiefly woman of Ngati Tuwharetoa, which facilitated the government land dealings in which he and his brother were involved.
[29] Stirling, pp.1164-1165

The awarding of a large part of the main Tapapa block (39,355 acres) to the Crown for not finalised by the Native Land Court until 1894. One cause for the delay between Grace's dubious dealings in 1886 and the title being issued to the Crown in 1894 is the opposition of the owners. In 1886 they set out what they envisaged for the larger Tapapa block, which was that it be divided into three equal portions, to be sold at nine shillings, eight shillings, and ten shillings per acre respectively; a total of £17,000, with a reserve of 1,000 acres to be excluded. Their wishes were not heeded, as Grace was paying little more than one shilling per acre. He acquired 21,290 acres of the main block (39,355 acres) for £1,289, leaving the remaining owners with what was dubbed Tapapa 3 (18,065 acres).[30]

The 168 owners of Tapapa 3 were burdened with survey liens in the 1890s totalling more than £300. Given this, and the government's imposition of pre-emption over their lands in the 1890s, they offered the land for sale to the Crown in 1899. Settlers were keen to lease the land but the government-imposed restrictions prevented the owners from engaging with Pakeha to lease their land. With no other options, they offered the block to the Crown at a price of seven shillings per acre, considerably less than what local farmers believed the land was worth but still a lot more than the government had been willing to pay them in the past. Until the relative interests of the numerous owners were defined, the government declined to open a purchase.[31]

The owners instead turned to the Ngati Tuwharetoa Kotahitanga Committee, the local arm of the nation-wide Kotahitanga movement of the late nineteenth century. The Committee noted the "trouble that hung over this block," namely the survey liens. In an effort to free the land from this debt, in the 1890s the block was informally leased to none other than John Grace (brother to William and Lawrence Grace) at a rent of £85 per annum. This was intended to enable the survey lien to be reduced to £90, as the short-term lease ended before the lien could be paid off. Even so, Grace left his sheep to graze on the land without payment, so the Committee resolved in 1896 to demand further payment and in 1897 ordered him to remove his sheep from the land. Grace tried to bring the Native Land Court into the matter, but the Kotahitanga Committee was having none of that. They sought additional rent of £50 from him, and demanded to know what he had done with the rental money, which was intended to pay off the survey lien. Yet the survey lien appeared to be unchanged. The outcome of these

[30] Stirling, pp.1165-1167.
[31] Stirling, p.1293.

events is not apparent from the existing research, as sections of the te reo Maori source from which the above is drawn and which deal with the ongoing issue have yet to be translated.[32]

Tapapa 3 remained largely intact, however, and is still in Maori ownership today (as Tapapa 3A, 3B1, and 3B2, which have a combined total of over 2,500 owners).

1.2 The Otaranga and Ruataniwha North Commission (The Awarua Commission)

In the absence of any survey of the inland boundaries of the Kaweka deeds, or any of the other deeds of the 1850s mentioned above – let alone a clear description of any boundaries – it is extremely difficult to ascertain what land Maori had meant to transact with the Crown, and what land they did not intend to transact. Even then, it has to be remembered that the deeds of the 1850s were not signed by vendors representing the right-holders of Mokai Patea, so the extent to which their interests had been extinguished is much less clear.

Mokai Patea Maori did not simply walk away from the issue, and in 1890 their lobbying succeeded to the extent that a Royal Commission of Inquiry was appointed in July 1890 to:

> 1. Inquire and ascertain what are the boundaries of certain blocks land known as the Otaranga Block and the Ruataniwha North Block, and to inquire and ascertain how the boundaries of the said blocks of land affect the blocks of land known as the Awarua Block and the Mangaohane Block, and any other blocks of land in the locality of the said Otaranga and Ruataniwha North Blocks;
>
> 2. To inquire and ascertain and lay down what is the Western boundary of the said Otaranga Block;
>
> 3. To inquire and ascertain and lay down what is the actual boundary between the Ruataniwha North Block and the Te Awarua Block.[33]

The two men appointed to the Commission were the local Resident Magistrate George Preece and John Connell (whose qualifications are not known). While initially dubbed the Otaranga and Ruataniwha North Commission – as these were two of the main Crown deeds at issue –

[32] Stirling, pp.1608-1609.

[33] George Preece and John Connell, Report to the Governor, Napier, 23 August 1890. MA-MLP 1/1906/91. ANZ in Northern Taihape Blocks Document Bank, pp.260-261.

the inquiry was also referred to as the Awarua Commission, as in many ways it was the need to resolve the eastern boundary of the Awarua block that prompted the government to finally and very belatedly address the issue of the inland boundaries of its early Hawke's Bay deeds. To that extent it involved the same issues and – to what extent is difficult to verify – the long-disputed and long-confused boundaries of the Kaweka lands claimed by the Crown in the area between Mokai Patea and Heretaunga.

The Awarua Commission had a long genesis which, given the endurance of the Kaweka boundary issues to with which it was concerned, is hardly surprising. Even so, settlement was slow to penetrate the inland ranges so it was some time before Maori right-holders were even made aware of the Crown's pretentious claims to large areas of land in this boundary zone. In the late 1870s Renata Kawepo and others had asked a prominent settler in the area, George Prior Donnelly, to inquire about compensation from the government for the sheep that had used the pastoral land beyond what they considered to be the boundaries of its land. Donnelly was told by the government that the Crown had established an education reserve on the northern part of the Ruahine range, so in its view the settlers grazing sheep there did so legitimately. When Donnelly passed this response on to Kawepo, he was very angry, but as a "consequence of family disagreement the matter was not actively taken up." Even so, the Pakeha farmers, Moorhouse and Lyon, who had sheep grazing on land, were aware that the Maori perceived the land to still belong to them.[34]

The testimony provided to the Awarua Commission provides some interesting details about the various Kaweka deeds. Noa Huke claimed that he had received £100 out of the £1,200 received for the Otaranga sale. Although he admitted to having not been present when the deed was signed, he believed that the deed had Renata's consent and that he had received some of the payment. Noa believed this had taken place at Clive. According to Noa, Kawepo had control over the entire transaction and "management of everything." Yet, the following day Noa testified:

> I cannot say the exact sum that was paid to Renata and my party after on account of the sale of Tawhara and Hapuku. I did mention a sum yesterday but I am not quite sure what was the exact amount. Cannot remember whether it was £1,200 or £1,300. This money represents the sale of Otaranga Matakiti, Ongaru, Maraekakaho, Parikaangaranga, Whakapirau, Te Umu o makai, Popotaringa, Pukati. The purchase did not extend to Raukawa forest but went up

[34] George Preece and John Connell, Report to the Governor, Napier, 23 August 1890. MA-MLP 1/1906/91, ANZ in Northern Taihape Blocks Document Bank, pp.262-292.

> as far Mangonuku. The purchase also included Orangi, Otakuao (a large plain) and Tapuhaeharuru.[35]

Hori Nia Nia, a cousin of Te Hapuku, testified to the Commission that "the purchases did not extend to the West of the summit" (i.e., did not extend beyond the dividing ridge along the ranges).

For those on the Mokai Patea side of the boundary issue, Winiata Te Whaaro testified that "Te Hapuku's fight at Pakiaka [in 1858] was the cause of the [Otaranga] sale. I don't know if the Natives of the Western side were dissatisfied with the boundaries of that sale." He believed that the boundaries of the block were Pohatuhaha, Rakautaonga and Waitutaki, observing: "If one of the boundaries had been Otupae no one would have agreed to the alienation of the land." Te Whaaro discussed some of the wider ramifications of the sale, and the response of Mokai Patea people to it:

> I remember Kerei Tanguru, Tawhara, and Te Hapuku receiving deposit money for land they sold to the government extending to Oruamatua and Kaimanawa. The Patea Natives and Renata objected to it and put back the boundary to the other side of Ruahine where they erected a post. Renata Kawepo returned to the government the money paid to Tanguru and others.[36]

This indicates that Winiata Te Whaaro believed Renata Kawepo was to return the money the government had paid for Mokai Patea land. This was intended to overturn the transaction as it related to land west of the dividing ranges. However, it should be noted that there is nothing in government records to indicate that any payment was returned.

Ihakara Te Raro told the Commission he had only heard that the Otupae mountains had allegedly been alienated to the Crown two weeks before the Commission hearings were held, and he was most displeased at the government's pretensions:

> I first heard that the Crown claimed Otupai ridge when Winiata returned from Wellington on a visit to the Native Minister about two weeks ago. I declare that this was the first time I heard of the government claim.[37]

[35] MA-MLP 1 78, 1906/64-1906/105, ANZ in Northern Taihape Blocks Document Bank, pp.295-298, 306-308.
[36] MA-MLP 1 78, 1906/64-1906/105, ANZ in Northern Taihape Blocks Document Bank, pp.298-301.
[37] MA-MLP 1 78, 1906/64-1906/105, ANZ in Northern Taihape Blocks Document Bank, pp.301-302.

This reflected the Crown's earlier failure to negotiate openly with the full range of right-holders, as well as its failure to properly define the lands it was transacting. These failings are despite repeated protests from interests ignored by the Crown concerning lands which had not been transacted by the customary owners. For decades it had been difficult to distinguish between lands that had been transacted with the Crown and lands that remained in the possession of Maori, especially where Maori occupation and use of the land endured.[38]

One of the surveyors that worked on the block – probably in the early 1870s when he was active as a surveyor – was none other than Henry Mitchell, later appointed as a government land purchase agent who transacted land in the north of this disputed land called Kaweka. He testified that he had been sent to survey up to the Otupae, "in order to ascertain the area of it in the Wellington as well as in the H.B. District." His survey had been interrupted by "Winiata [Te Whaaro] and his party who lived at Pokopoko" (on the Mangaohane block). He informed Te Whaaro that the survey was only to define a provincial boundary and would not be charged to him or to his land, after which Winiata allowed the survey to continue. Winiata would have been equally concerned had Mitchell asserted the Crown's claim to the land, but he does not appear to have done so. As indicated by Winiata's evidence (see above), he was not made aware that the government was seeking to define its claims as extending to Otupae; a Crown boundary he strongly rejected.

H. S. Tiffen, Chief Surveyor from October 1857 to 1864, told the Commission that he believed the Ruahine range was what separated Crown land in Hawke's Bay from Maori land to the west. However, as he told the Commission, the early purchases were never surveyed but instead the boundaries were merely pointed out by the Hawke's Bay Maori vendors from afar. For the Otaranga deed, Tiffen commented that, "our Native party, a large one, were all armed as they expected to be attacked when we reached Pakipaki on our return there had been a fight at Whakatu."[39] Clearly the land was contested even at the time it was being transacted, but the government did not let this impede its dealings.

The surveyor, Charles Reardon, testified to the Commission that he had always understood there were "Native lands to the East of Mangaohane." He also commented that a "Mr Harding held an Educational reserve for the last 10 or 12 years," adding:

[38] MA-MLP 1 78, 1906/64-1906/105, ANZ in Northern Taihape Blocks Document Bank, pp.301-302.
[39] NZ MA-MLP 1 78, 1906/64-1906/105, ANZ in Northern Taihape Blocks Document Bank, pp.302-306, and 311-312.

> In 1883 I was endeavouring to survey the Mangaohane block. I told some Natives that the government claimed up to the Otupae range. They did not recognise any claim of the government. They were surprised at such a claim and they told me to survey down the Ikawetia [sic] stream. I have heard the Natives discussing the position of the boundary of the Crown lands. They stated that the Ruahines were the boundary. The Natives did not seem to attach much importance to what I told them about the government claiming a portion of the Mangaohane block. I did not attach sufficient importance to it to report what they said to the government. In 1884 or 85 I had a talk with the Natives as to the boundary between Crown and Native lands and they said that the Ruahine range was the boundary. I account for the fact that the Natives did not object to Harding's occupation because they never went there.[40]

Harding was the settler who leased the education endowment land in the Crown from the area. Reardon's testimony affirms what Maori had said, and continued to say, about their boundaries, and the limits of the Crown's transactions of lands in which they held interests. What is less convincing is not only Reardon's assertion that Maori did not object to Harding's occupation but his assertion about why they did not object. As indicated above, in the 1870s Renata Kawepo had objected to settler occupation of the land claimed by the Crown as an education reserve, so he was clearly aware of who was using the land. In addition, as Mitchell had discovered, you could not merely wander on to Maori land in the vicinity of Mangaohane and not expect to be challenged (as he had been by Winiata Te Whaaro). Thus, Reardon is quite wrong when he said Maori did not object to Harding's occupation (they did) and when he said Maori did not go on to the land (because they did, and they knew who else did).

In addition to making use of the pastoral potential of the land on the ranges, Maori continued their customary usages of the land and its resources, yet again proving Reardon wrong. Raniera Te Ahiko testified regarding his own journeys to the Otaranga area to gather mutton birds, and outlined his traditional knowledge of the area: "I am not like people who have names written down to hand in, which is a sure sign they don't know the places." Raniera disparaged Urupene Puhara's knowledge of the Ruahine region. "Urupene is no authority he is a child compared with me." He spoke further of the connection between the poorly defined land deeds of the 1850s and 1860s and the Timahanga block, which he and other Maori knew to still be Maori land, because they had protested about the Crown dealings in the area at the time:

> I know [the] Timahanga block and it was included in the Kerei Tanguru's sale to the Crown and Renata Kawepo objected to it (the

[40] MA-MLP 1 78, 1906/64-1906/105, ANZ in Northern Taihape Blocks Document Bank, pp.318-320.

> sale) and caused Whakarahurahu to be substituted for Timahanga. Timahanga is Native land at present. Renata did this because Kerei had no right to sell Timahanga.[41]

This contrasted with Noa Huke's evidence that the sale had been arranged by Kawepo. He certainly played a role, but it seems to have been a reactive one – triggered by Crown transactions affecting his land but arranged with other Maori – rather than a proactive role, instigating these transactions (which he, of course, opposed). On the other hand, it is possible that rather than their evidence necessarily conflicting, Noa Huke and Raniera Te Ahiko were confused by the complexity of the competing, poorly-defined, and overlapping deeds arranged by the Crown (often in secret) with a range of individual right-holders over a protracted period.

The improper nature of Crown dealings was a theme picked up on by Raniera Te Ahiko as his evidence continued:

> All the owners of Otaranga did not sell. I for one and Renata for another. Renata was at variance with Tawhara, that is why we were not parties to the sale. [Renata and Tawhara] were cousins. Te Watene went away to Te Hapuku to carry out the sale. When Aorangi was sold Renata asked McLean for their share of the purchase money but the government took no notice. We never received any of the Otaranga money. [The] Pakiaka fight was a result connected with [the] Otaranga sale between Renata's people and Te Hapuku's people.[42]

The Pakiaka fight broke out in August 1857 over Te Hapuku's efforts to transact the small bush of the same name on the Heretaunga plains, but – as Raniera indicates – this was but the final straw after years of tensions between those who endorsed Renata Kawepo's efforts to prevent improper dealings, and opposed Te Hapuku and others engaging with the Crown in transactions for land in which others held strong interests.[43]

When Raniera Te Ahiko was asked by the Commission if the summit of the Ruahine range was the western boundary of the Otaranga deed he replied that the boundary, "did not go to the backbone but to the ribs of the range on this side" (that is, on the Heretaunga side). The deed indicates that the Ruahine range was the western boundary, but clearly there were

[41] MA-MLP 1 78, 1906/64-1906/105, ANZ in Northern Taihape Blocks Document Bank, pp.312-317.
[42] MA-MLP 1 78, 1906/64-1906/105, ANZ in Northern Taihape Blocks Document Bank, pp.312-317.
[43] See, for instance, Angela Ballara's and Pat Parsons' biographies of Renata Kawepo, Te Hapuku, Te Moananui, Hine-i-paketia, Karaitiana Takamoana, and other Heretaunga leaders of the era (*Dictionary of New Zealand Biography*. URL: http://www.TeAra.govt.nz/en/biographies/

differing understandings about precisely what was meant by that term (the 'spine' and the 'ribs' of the range being quite distinct to Maori). This is something that should have been clarified by a proper examination of the boundaries and a survey; steps the Crown failed to adopt. In his view, the traditional boundaries passed down from generation to generation differed from those used in the deed.[44]

Te Ahiko also commented on other steps involved in properly transacting land:

> The custom regarding purchases or sales by Natives was in the hands of the principals and they collected together before placing the sale in the hands of the chiefs. That was a proper sale when the people all collected to discuss the sale and not a fraudulent sale. Renata Kawepo treated me in a fraudulent way by not recognising me as a chief.[45]

To which the one of the Commissioners, Connell, responded caustically: "I suppose that really goes to show you are not much of a chief." Raniera may indeed have been upset at what he saw as Renata's slight upon his rank, but that does not detract from the steps the Crown should have taken in its land dealings to ensure all interests were acknowledged and the land was properly defined.[46]

The controversial land-seller and woman of mana, Hine-i-paketia, also testified to the Commission about the Otaranga deed:

> I remember the sale to the Crown of the Otaranga block. I signed the deed of sale. I have forgotten the boundaries of the block. I knew the boundaries at the time of the sale. I knew a place called Pohatuhaha that belonged to N[gati] Upokoiri. It was one of the boundaries of the land sold. It may have been a bush or a rock…The boundary runs below the range not along the top of it. Since the sale there has never been any dispute about the boundary between the Natives and Europeans.[47]

Her secret Crown land transactions, often in cahoots with Te Hapuku, had given rise to the tensions in Heretaunga that led to the Pakiaka fight. Indeed, it was a dispute over the ridge-pole of her whare at Pakiaka that finally sparked the long-simmering dispute into a fatal fight

[44] MA-MLP 1 78, 1906/64-1906/105, ANZ in Northern Taihape Blocks Document Bank, pp.312-317.
[45] MA-MLP 1 78, 1906/64-1906/105, ANZ in Northern Taihape Blocks Document Bank, pp.312-317.
[46] MA-MLP 1 78, 1906/64-1906/105, ANZ in Northern Taihape Blocks Document Bank, pp.312-317.
[47] MA-MLP 1 78, 1906/64-1906/105, ANZ in Northern Taihape Blocks Document Bank, pp.321-322.

over land rights.[48] As her testimony indicates, those determined to transact land with the Crown did not always know a great deal about the land the Crown was only too willing to take off their hands, regardless of the interests of other right-holders. Her ignorance of the land extended to not knowing about the ongoing protest over the inland Kaweka boundary area which had led to the Commission in the first place.

The Maori protests behind the Commission were upheld to a considerable extent. The Commission decided that the northern part of the Ruahine range, not the Otupae watershed, was the boundary of the Otaranga block acquired by the Crown. This meant that an area of approximately 17,400 acres in between the Ruataniwha, Otaranga, Awarua, and Mangaohane blocks had not been included in the Crown's dealings. Another 6,800 acres near the Otaranga block had similarly never been acquired.[49] The findings were accepted by the government, which turned to Parliament to enact a legislative remedy, being the Native Land Claims and Boundaries Adjustment and Titles Empowering Act 1894. By this Act the Crown relinquished its claims to a considerable area of disputed land, and agreed to pay compensation for other land that it had wrongly claimed but had already alienated. The area of land over which the Crown withdrew its claims comprised 17,400 acres, being portions of "Te Kuao" [sic; Te Koau] and Timahanga blocks (see Map 3 below). The 1894 Act (s.3) declared this land to be Native land, the title to which was to be ascertained by the Native Land Court.

In respect of the land wrongly claimed by the Crown as a result of its flawed 1850s deeds, but which had already been alienated, this comprised 7,100 acres. Most of this (5,600 acres) had been set aside as an Educational Reserve (endowment) which had been leased out (to Harding in this case) to generate income for educational purposes. The other 1,500 acres had been sold for settlement. The 1894 Act (s.3) empowered the Native Land Court to identify the former owners and what compensation they should receive for this land.

The Schedules to the 1894 Act defined the two areas involved:

> First Schedule. All that area in the Hawke's Bay Land District containing by admeasurement 17,400 acres, more or less, bounded towards the north generally by the Taruarau and Ngaruroro Rivers; towards the east generally by the Waitutaki Stream to its source near

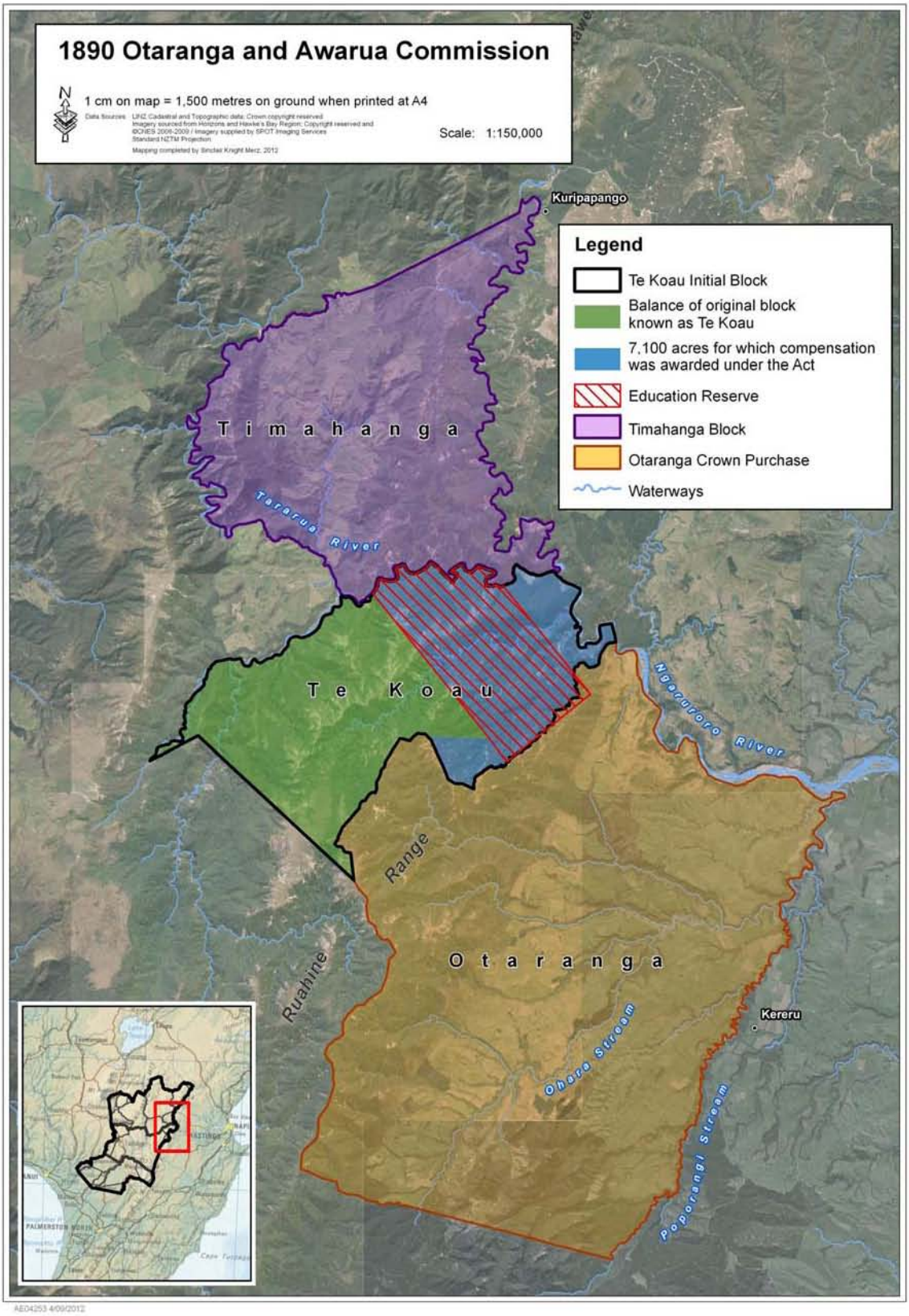
[48] Angela Ballara, 'Hine-i-paketia – Biography', from the *Dictionary of New Zealand Biography*, updated 1-Sep-10. URL: http://www.TeAra.govt.nz/en/biographies/1h21/1

[49] George Preece and John Connell, Report to the Governor, Napier, 23 August 1890. MA-MLP 1/1906/91, ANZ in Northern Taihape Blocks Document Bank, pp.262-292.

> Tikorangi, thence by a right line to Tikorangi aforesaid, and by the summit of the range to Trig. Station SI, Ohawai; thence towards the south-west by a right line drawn to Trig. Station 80 (Toimaru); thence again towards the south-east by a right line, in the direction of Trig. Station 79, as far as the Makirikiri Stream; and thence towards the north-west generally by that stream and the Ikawetea River to the Taruarau River aforesaid: as the same is delineated on map marked S.G. 7319, deposited in the Head Office, Department of Lands and Survey, at Wellington, in the Land District of Wellington, and thereon bordered red.
>
> Second Schedule. Lands heretofore disposed of as Crown lands, in respect of which the former Native owners are entitled to compensation – All that area in the Hawke's Bay Land District containing by admeasurement 7,100 acres, more or less, bounded towards the north-east generally by the Taruarau and Ngaruroro Rivers; towards the south-east generally by the Waitutaki Stream to its source near Tikorangi, and thence by a right line to Tikorangi aforesaid; thence towards the south-west generally by the summit of the range to a point near the place known as Lessong's Monument; thence towards the north by a right line running due east to the south-western boundary-line of Block 78 (education reserve), leased to A. Harding; and thence again towards the south-west by that boundary line to the Taruarau River aforesaid: as the same is delineated on map marked S.G.7319, deposited in the Head Office, Department of Lands and Survey, at Wellington, in the Land District of Wellington, and thereon bordered green.[50]

The Court's implementation of the 1894 Act is considered in the Te Koau and Timahanga block studies. See also Map 3 below.

[50] Native Land Claims and Boundaries Adjustment and Titles Empowering Act 1894, First Schedule and Second Schedule.



Map 3: Otaranga and Awarua Commission, 1890

1.3 Conclusion

The Kaweka deeds were much like other early Crown transactions in the Heretaunga district – hastily signed deeds arranged with an insufficient number of rights-holders (or incorrect rights-holders altogether), with little or no surveying conducted before the deeds were concluded. Predictably disputes later arose regarding the Kaweka deed boundaries, as the Crown presumed it had acquired far more land than Maori rights-holders had actually transacted.

Kaweka Summary Data:

Area: Approximately 56,273 acres
Title: N/A
Owners: Not ascertained by Crown. Claimed by Te Waka Takahari, Te Moananui, and numerous others
Crown purchases: 56,273 acres
Price paid: £130?
Private purchases: 0
Taken for public purposes: 0
Area 'europeanised:' 0
Area still in Maori ownership: 0

2. Owhaoko

2.1 Introduction

The Owhaoko block is a large block (163,432 acres) situated in the north of the inquiry district, to the west of the Kaweka block, north of the Timahanga block, and east of Oruamatua–Kaimanawa. As early as the mid-1860s the area later defined as the Owhaoko block was leased to a number of different Pakeha: first, Richard Maney and then soon thereafter various members of the Studholme family. In 1871 a few of the Maori claiming rights to Owhaoko decided that some of the land would be used as a school reserve although it did not come to fruition. In 1875 the first title investigation of the block was held but it was perfunctory, with only two witnesses called at the brief and poorly advertised hearing. In fact, a number of different groups, who were unable to participate in the 1875 hearing, asserted interests in Owhaoko: Ngati Hinemanu, Ngati Whiti, Ngati Tama, Ngati Upokoiri, Ngati Kahungunu, Ngati Tuwharetoa, Ngati Mahu and Ngati Rangikahutea. Despite petitions and protests by these rights-holders, there was little sympathy from the Court and the requests for re-hearings were denied.

A partition of Owhaoko was heard in late-1885 but it merely upheld the previous flawed title, despite from a wider range of witnesses. The cause of disaffected tribes who had been shut out of the title was taken up by the Premier and Attorney-General, Sir Robert Stout, after the Supreme Court provided little help to the dispossessed claimants. The Owhaoko and Kaimanawa Native Lands Parliamentary Select Committee brought to light the faulty and

inept practices of the Native Land Court, and resulted in a recommendation for special legislation to enable a fresh investigation of title.

The fresh hearing of Owhaoko was held at Taradale in 1887 and Judge Wilson's Court produced a vastly different judgment than resulted from the 1875 hearing. Renata Kawepo had been awarded nearly 100,000 acres at the 1885 partition, but he was now completely left out of the title. Ngati Whiti, Ngati Tama, and Ngati Tuwharetoa were instead awarded the Owhaoko block. Renata Kawepo and Airini Donnelly petitioned for a re-hearing, which was granted less than a year after the 1887 title investigation. Kawepo did not live to attend the re-hearing as he died in April 1888, but his cause was upheld, at least in part, at the re-hearing as his hapu were included in a part of the title with Ngati Whiti, Ngati Tama, and Ngati Tuwharetoa (although Ngati Whiti still held the largest share).

The land had long been leased by John Studholme, and his leases continued in some form or another throughout those turbulent years, and on into the early twentieth century. Owhaoko was partitioned further in the 15 years following the 1888 re-hearing, and was again partitioned in the 1930s. Various leases were negotiated for different subdivisions through the early to mid-twentieth century, although they were not nearly as numerous as they had been in the last quarter of the nineteenth century.

The block was alienated in a range of ways – by Crown and private purchase, survey liens, gifting and Public Works – but some sections remain in Maori ownership today. The Crown aggressively sought to purchase lands for water and soil conservation purposes in the 1960s and 1970s and although it was thwarted in its efforts to obtain Owhaoko C7, it did get Owhaoko D2, albeit under rather suspect circumstances. A large area of Owhaoko land was gifted to the Crown for the settlement of Maori veterans of World War I, but the land was never used for settlement. Despite this, the land was not returned to Maori ownership until 1973, after some years of effort on their part. It then took a further 20 years for a large part of the land to be revested in its proper owners.

2.2 The Owhaoko School Endowment

While the history of Owhaoko can be taken much further back, a useful place to begin this block study is the 1871 hui held at Turangarere. Several similar hui in the wider region were focused on border issues but discussions on limiting land sales also became prominent. The

Turangarere hui was held in the same spirit as previous hui held in the Mokai Patea region, such as the Kokako hui of 1860 and the later Owhiti hui.[51] During the Turangarere hui Renata Kawepo proposed that a school reserve – an educational endowment – be set aside in the Owhaoko block to generate funds for the education of the children of a number of different tribal groups with interests in the land. These groups included Ngati Whiti, Ngati Tama, Ngati Hinemanu, Ngati Upokoiri, Ngati Tuwharetoa, and upper Whanganui hapu.[52]

Many witnesses in subsequent Owhaoko cases in the Native Land Court recalled the discussion of the school endowment at the meeting.[53] Airini Donnelly and Raniera Te Ahiko asserted that only Ngati Whiti, Ngati Tama ,and Whanganui border issues were discussed, but Te Ahiko conceded that he had not actually attended the meeting.[54] In contrast to their narrow recollections, nearly all the witnesses who discussed the meeting at Turangarere during their subsequent Native Land Court testimony recalled that Renata Kawepo had asked that Ngati Whiti and Ngati Tama provide land at Owhaoko to support a school (although Kawepo himself actually denied this at the 1887 fresh title investigation). Hepiri Pikirangi, Horima [Paerau?], Retimana Te Rango, and Hakopa Te Ahunga recalled that they were opposed to the idea at one point or another, but were finally convinced to accept the proposal.[55]

Renata Kawepo then asked that some of the Owhaoko land be leased out to pay for the survey of the block, and this proposal was also accepted.[56]

Another meeting was held in 1874 at Waitetoko (on the south-eastern shore of Lake Taupo). Ngati Tuwharetoa witnesses later recalled that the meeting was convened, in part, to ask them to contribute land to the school endowment Kawepo had proposed, as well as send their students to attend the school to be supported by the Owhaoko land.[57] Ihakara Te Raro later

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[51] Adam Heinz, 'Waiouru Defence Lands. Research Scoping Report', Wai 2180/1510 #A1, Waitangi Tribunal, 2009 p.88; Bruce Stirling, 'Whanganui Maori and the Crown: 1840–1865', CFRT, 2004, 716-717; Ballara, (2004), 443-445.

[52] Napier NLC MB No. 10: 294, 324, 329; Napier NLC MB No. 13: 42, 44; Napier NLC MB No. 16: 177, 210, 321, 341.

[53] Napier NLC MB No. 10: 294, 324, 329; Napier NLC MB No. 13: 42, 44; Napier NLC MB No. 16: 177, 210, 321, 341.

[54] Napier NLC MB No. 16: 258, 282.

[55] Napier NLC MB No. 10: 304; Napier NLC MB No. 12: 310; Napier NLC MB No. 13: 44; Napier NLC MB No. 16: 323. Horima [Paerau?] was alleged to have threatened Kawepo when he heard that Owhaoko was being surveyed. Kawepo stated at the 1887 re-hearing that he had the urge to kill Paerau after receiving this threat, and this was corroborated by Airini (Napier NLC MB No. 12: 312; Napier NLC MB No. 13: 16).

[56] Napier NLC MB No. 16, 324.

[57] Napier NLC MB No. 12: 263; Napier NLC MB No. 14: 373, 378; Napier NLC MB No. 16: 208.

denied that Kawepo had asked at Waitetoko for land for a school endowment.[58] Paramena Naonao also denied that Kawepo had asked Ngati Tuwharetoa for land at this hui, and believed the meeting was instead held to pay Maora (?) the proceeds from the sale of Tapapa (the disputed Kaweka land; see Chapter 1 above).[59]

Regardless of exactly what was said at each of the hui, there were certainly plans afoot to set aside a school endowment, and to survey Owhaoko to define this endowment as well as the rest of the block. In addition, a lease of Owhaoko had been discussed, with the rent to go towards paying for the survey. Surveys and leases were likely to lead to yet another costly event: the introduction of the Native Land Court to Owhaoko (see below). The Owhaoko survey took place in 1873 and 1874, and it is clear that at least an informal lease was arranged by Renata Kawepo with Richard Maney, between the time of the Turangarere hui in 1871 and the start of the survey in 1876. Maney was a Hawke's Bay storekeeper and speculator in Maori land, using his store to build up substantial store debts against Heretaunga Maori in order to force the purchase of their lands. He was also involved in Otamakapua block dealings in this period. In 1876 the goodwill of Maney's lease was purchased from the Bank of Australasia by John and Michael Studholme. The Bank had obtained it from Maney who allegedly did not have enough capital to use the land.[60]

After the survey was completed, the lease arranged by Renata at Owhaoko continued. Originally he had combined with an Irish migrant and farmer, G. P. Donnelly, to bring sheep onto various lands in the Mokai Patea district. Ngati Whiti considered that Renata was benefiting from land to which he held no rights, and opposed him and Donnelly. Subsequently, Ngati Whiti joined forces with Donnelly, after Donnelly and Renata had a falling out over Donnelly's marriage to Kawepo's great-niece, Airini. These strains on the relationship between Ngati Whiti and Renata were aggravated by the manner in which Renata distributed the rents – Ngati Whiti and Ngati Tama felt he kept too much for himself. Ihakara Te Raro and others then impounded the rent so that the money came directly to them.[61]

[58] Napier NLC MB No. 13: 74.
[59] Napier NLC MB No. 16: 175, 186.
[60] MS-Papers-0272-20, ATL.
[61] Napier NLC MB No. 10: 275, 284, 302, 309.

2.3 Title Investigation, 1875

In 1875 an application was made to have the title of the Owhaoko block determined. The notices were gazetted on 7 September 1875, and the Court sat promptly at Napier on 16 September 1875. This was scarcely time for those living on the land and who opposed Renata Kawepo and his allies to receive notice of the sitting, let alone attend at what was an inconvenient venue distant from Owhaoko. As a result, they were unable to attend to protect their interests.

Renata Kawepo, Noa Huke, and Te Hira Oke applied for the Owhaoko title investigation and claimed to be the owners. The cursory minutes indicate that Owhaoko 1 and 2 comprised 38,220 acres. The only evidence given was by Renata and Noa; Renata spoke very briefly and then Noa claimed the land through Whitikaupeka and Wharepurakau, asserting that he, Renata, and Karaitiana Te Rango were descended from those ancestors. He claimed that others also had a right, but since they planned to set the block apart as a school endowment, intended for lease, only the three of them would be placed in the title.[62]

There were no objections made to the order in Court, although it seems unlikely anyone had the opportunity to be present to challenge this claim. Notification of the hearing was placed in the gazette a mere nine days before the hearing. Hepiri Pikirangi, Te Hau Paimarire, and others who had interests in the land only received the notices on 13 September 1875, and did not arrive at Napier in time for the brief title investigation. Accordingly, they wrote to Chief Judge Fenton mid-December 1875, seeking a re-hearing:

> This is a request to you to hold a sitting of the Native Land Court to adjudicate upon our lands which were brought before the Court held in Napier. The names of the lands are, Ohaoko, Mataipuku, Papakai, Ruamatua, Whangaipotiki, Ohinewairua, Oarenga, and Kaimanawa. We were too late for the first Court, the reason being that we only received the notices on the 13th, and on the 16th the Court sat. We travelled night and day, but did not arrive in time for it; and therefore we send in this application. Friend, Mr. Fenton, do you accede to this request; and if the letter reaches you answer it, so that we may be aware of your decision on the subject.[63]

Similar letters were sent to Native Minister Donald McLean, who inquired about the case. In response, Judge Rogan maintained that ample notice had been given for counter-claimants to

[62] Napier NLC MB No. 16: 175, 186.
[63] Hepiri Pikirangi and others to Fenton, December 1875, MA-WANGW2140/39 Wh. 605 1, ANZ. Northern Taihape Blocks Document Bank, pp.347-350.

attend the hearing. McLean deferred to Rogan and Fenton, and did not take any further action. Yet a memorandum 16 June 1876 from the Chief Judge's office noted that the Owhaoko block was an adjourned claim.[64] This seems to be a reference to the title not yet having been finalised, as the survey of Owhaoko was not then finalised. Rather than being 'adjourned', the title to Owhaoko was perhaps under an interlocutory order, until survey enabled the title to be completed.

In July 1876, McLean and District Officer Samuel Locke arranged with Renata and others regarding the Owhaoko school endowment. A notice was then published in the *Gazette* of 27 June 1876 about the endowment, but once again there was little evidence that the notice was seen by Mokai Patea Maori with interests in Owhaoko. On 1 August 1876, a plan of the entire Owhaoko block, then estimated to comprise 164,500 acres, was produced at the Native Land Court. Renata alone provided evidence about the plan, claiming the block and stating there had been no obstruction to the survey arranged by him with the surveyor Campion. With the survey complete, the grantees for the Owhaoko school endowment could be confirmed. Renata, Ihakara Te Raro, and Karaitiana and Retimana Te Rango were identified by the Court as the principal owners of the school endowment, and Noa Huke was also added to the list as a trustee although this was not clear on the memorial of ownership. Two notices were then issued on 29 January 1877 regarding the school reserve, being in two portions: Owhaoko (28,601 acres) and Owhaoko 2 (Mataipuku, 181a. 1r. 16p.). These notices were later found to be defective as no orders or memorials had been made by the Native Land Court for these lands.[65]

These invalid memorials, partial surveys, and incomplete notices provided plenty of potential problems, which were aggravated by the informal lease to Maney. He had signed a lease with seven claimants: Renata Kawepo, Noa Huke, Karaitiana Te Rango, Retimana Te Rango, Ihakara Te Raro, Horima Paerau, and Te Hira [Oke]. There was only a sketch map of the land under lease (although the boundaries were described in it). The lease was for 21 years at a rent of £500 per annum, payable on the anniversary of the lease, 27 November. Although the lease had been explained to the lessors by an interpreter and the signatures were witnessed, there was no stamp or registration to make the lease official, nor had it been enrolled with the Native Land Court. The first formal lease of the block was not made until about two years

[64] Napier NLC MB No. 10: 274; Napier NLC MB No. 16: 323.
[65] *AJHR,* G-9, 1886, p. 4-7.

after the Maney lease had been transferred to the Studholmes. Then, on 5 October 1878, they signed a fresh and formal lease for a new term of 21 years.[66]

On 31 January 1878, a petition requesting a rehearing of the Owhaoko block was sent to the Native Minister by Topia Turoa (an important rangatira of the upper Whanganui and Murimotu region), Hohepa Tamamutu (of eastern Taupo), and others. Although Judge Rogan had made the orders and presided over the 1875 title investigation, when Chief Judge Fenton inquired about the application, it was referred to District Officer Locke in order to decide whether or not a rehearing should be granted. Locke reported that a re-hearing should be granted, but Chief Judge Fenton was extremely wary of allowing one as he considered the title had already been decided. In early 1879 another petition had been received from Hika [Akatarewa] who also asked for a rehearing. On 13 August 1879, Gilbert Mair wrote a memorandum to the Chief Judge, recommending a re-hearing as many Maori from Taupo had not had the chance to contest the title in 1875.[67] Furthermore the school endowed by the Owhaoko land had only been open for either one or three years (depending on which NLC testimony is accepted). As such the original reason for issuing title had changed, and this seems to have been seen as further cause for re-hearing.[68]

Finally, in early 1880, a re-hearing was granted but Topia Turoa and others who had requested it then withdrew their application. Members of Ngati Tuwharetoa and Ngati Tama later argued that Topia and others had been tricked into signing a notice of withdrawal produced for them by Studholme's solicitor, the notorious Walter Buller. A number of witnesses at the 1887 Owhaoko title investigation testified that Buller plied Topia and others with alcohol before inducing them to sign their names to a document requesting the withdrawal of their application for the re-hearing.[69] The document sent to the Chief Judge asking for a withdrawal was in the handwriting of one of Buller's clerks. The scandalous accusations soon spread around the country and Buller strove to exonerate himself by engaging himself and his political allies in a wide-ranging letter-writing campaign. Despite his efforts, the evidence spoke for itself.

When the Court sat in November 1880 for the re-hearing only Renata Kawepo's solicitor, Buller, was allowed to address the Court, even though numerous Maori sought to contest the

[66] MS-Papers-0272-20, ATL; Hazel Riseborough, *Ngamatea* (Auckland: Auckland University Press, 2006), 9-10.
[67] Napier NLC MB No. 13: 79.
[68] *AJHR,* G-9, 1886, p. 8-9; Napier NLC MB No. 13: 79; Napier NLC MB No. 17: 9.
[69] Napier NLC MB No. 12: 247, 262-266.

defective title awarded to Renata and a few others in 1875.[70] On the same day the Court sat, Hepiri Pikirangi wrote a letter to Fenton, claiming that Turoa and others had been tricked by Buller into signing a letter requesting the withdrawal of their re-hearing. Additionally, Hohepa Tamamutu had signed the names of others – such as Rawiri Kahia of eastern Taupo – on the request for withdrawal without their permission. Rawiri and others received no help from the Court or the government in addressing this fraudulent activity, so they instead applied to have parts of Owhaoko heard under a different name, Ngarurоro. Their application for a title investigation of Ngauroro was even published in the *Gazette*, before the authorities discovered that it covered the same land as the Owhaoko block. As a result, Ngarurоro could not be heard by the Native Land Court, but the application reveals the lengths to which Maori went in their efforts to remedy the injustices inflicted upon them by the Court and the government.[71]

In 1882, after yet another application for a re-hearing was submitted to the Native Land Court, Buller successfully applied to have it dismissed. He wanted instead to have the 1875 decision affirmed by the Court, presumably so that his clients would not be bothered by any further applications for re-hearing. Chief Judge Fenton was unsure though whether he had the authority to re-affirm an existing (and final) title award, so the issue as referred to the Supreme Court. Justice Richmond ruled that Fenton could re-affirm the decision and as a result the application for re-hearing was set aside.[72]

2.4 Partition, 1885

In 1885 a partition hearing of the 1875 title was held in Hastings, but this did not impact on the 1875 award itself. However, the partition hearing did allow for more evidence, representing a wider range of customary interests, to be presented than had been possible in the fleeting and cursory title investigation of 1875. While there were still only the five grantees on the title, they presented distinct tribal claims for the partitions they sought, with a view to admitting more owners to the subdivided titles. The Court was presided over by Judge William Gilbert Mair and he was joined by the Maori Assessor, Hamuera Makupuku (of southern Wairarapa). The hearings began on 26 October 1885 and finished on 10 December 1885.

[70] *Hawke's Bay Herald,* 2 November 1880, 3.
[71] *AJHR,* G-9, 1886, p. 19-20.
[72] *Hawke's Bay Herald,* 19 January 1882, 3;

Renata Kawepo and Hira Te Oke's case

Renata Kawepo and Hira Te Oke's case was conducted by James Carroll (later Native Minister). The witnesses supporting Renata and Hira's take were Paramena Naonao, Anaru Te Wanikau, Hira, and Renata himself, who claimed Owhaoko through Honomokai.[73] The majority of their evidence was focused on more contemporary claims to the land, although ancestry and occupation claims were still stressed, if not always fully detailed. Te Wanikau stated that food was collected on the block and Tikitiki was mentioned as a former settlement by two witnesses. Specific food gathering areas were noted only at the very end of the hearing, when Hira was abruptly called to testify. He claimed that mutton birds and wood hens were caught at Taruarau, Ngamatea, and Pohokura.[74] Rather than those issues, witnesses stressed Kawepo's role in driving Te Heuheu out of Patea in the late 1840s and his role in supplying guns and powder to Ngati Whiti, Ngati Tama, Ngati Hinemanu and Ngati Upokoiri who went to confront Ngati Apa over land sales in the 1850s.[75] Each Kawepo witness also stressed that Noa Huke had only originally been placed on the memorial of ownership as a trustee but that he had no ancestral rights to the area.[76]

Ngati Whiti and Ngati Tama's case

Ihakara Te Raro, Retimana Te Rango, and Karaitiana Te Rango joined forces to combine their takes into a single case. They represented the Ngati Whiti and Ngati Tama interests in the block. Hiraka Te Rango conducted their case and their main witness was Te Hau Paimarire of Ngati Tama. The other witnesses were Ihakara and Retimana. Unlike Renata's case, which focused mainly on contemporary issues, Te Hau and Ihakara spent some time discussing settlements and resource use in the area. Nonetheless Ihakara still sought to dispel the notion that Te Heuheu had ever been a threat to groups in the Patea:

> Renata is wrong in saying that he expelled Te Heuheu from this place. He was mistaken as regards Te Heuheu's intentions with regards to [the] land. He thought Te Heuheu wanted to part this land from others, but his object was to keep the land intact.[77]

The primary witness, Te Hau Paimarire, claimed the land for Ngati Whiti and Ngati Tama through the ancestor Tumakaurangi.[78] As in Renata's case, Tikitiki was mentioned as a

[73] Napier NLC MB No. 10: 266, 271 for whakapapa.
[74] Napier NLC MB No. 10: 249, 264, 265; Napier NLC MB No. 11: 8-9.
[75] Napier NLC MB No. 10: 252-254, 268.
[76] Napier NLC MB No. 10: 251, 259, 270.
[77] Napier NLC MB No. 10: 297.
[78] Napier NLC MB No. 10: 278 for whakapapa.

settlement in the block, but Te Hau identified a number of other seasonal settlements, including Ngapitopari, Mangaururoa, Motumatai, Waingakia, Tohorotea, and Ngaumukakapo. At Ngapitopari, Waingakia, Tahataharoa, Mangapai, and Tohorotea eels, mutton birds, wood hens and pigs were caught and hunted.[79] Ihakara Te Raro spoke of catching rats at Waitokeke, Tupiki, Pukerino(?), and Tikitiki. Two specific ditches at Tikitiki where they could be caught were called Wairere and Tapai a Tumakaurangi. Birds were snared at Te Ahi Whakapupu(?), Torepe(?), and Ngatukutahi. Tuna were caught at Matia a Hineroro, Ngamatea, Tapua O Ngapoau(?), and Te Whare a Tangaroa. Other seasonal settlements noted by Ihakara were Ngamatea and Tahuanui.[80]

Noa Te Hianga's Case

Noa Te Hianga (or Huke) claimed to represent Ngati Hinemanu's interests, and his case was conducted by Pene Te Uamairangi. The main witness was Wi Wheko and Irimana Ngahue and Noa himself also testified. Each witness for Hinemanu claimed through Whitikaupeka.[81] The witnesses provided an extended discussion of ancestral rights but there was little discussion of resource use, except for the mention of snaring ducks at Ngamatea.[82] Noa questioned Renata's role in opposing Ngati Apa's attempts to sell land in Mokai Patea. Noa claimed that it was he, not Renata, who sent a keg of gunpowder to Kaipo to oppose Ngati Apa at Turakina:

> The key of powder that Renata said he sent to Kaipo to defend Patea with [against Ngati Apa] was mine. It was intended as a present from Moananui for our people, but I took it with some lead and guns to may place and Renata appropriated part of it for Kaipo at Patea. I sent some more there and kept the remainder.[83]

His evidence concluded the subdivision hearing.

Judgment

The Court found in favour of Renata and the ancestral rights of Honomokai, placing little emphasis on the role of Ngati Whiti, Ngati Tama, and Ngati Hinemanu at Owhaoko. Noa Te

[79] Napier NLC MB No. 10: 277, 279, 296.
[80] Napier NLC MB No. 10: 292-293, 296.
[81] Napier NLC MB No. 10: 311, 327 for whakapapa.
[82] Napier NLC MB No. 10: 328.
[83] Napier NLC MB No. 11: 3.

Hianga (Huke) and Hira Te Oke were described in the judgment as mere trustees for the land, although Noa was still awarded approximately 16,000 acres.

In contrast, the Court found Ngati Whiti's case particularly confusing. Te Hau Paimarire had originally claimed through Whakaokorau, the son of Tamakaurangi, but then Retimana Te Rango claimed through Whakaokorau's sister, Hineroro, and her husband Wharepurakau (an important ancestor in the area). The Court referred to the claims of Ngati Whiti and Ngati Tama to have conquered Ngati Hotu as "mythical" events. If fact, the conquest of Ngat Hotu, the earlier tangata whenua of the wider region, is a feature of the tribal landscape and traditional history of the area. Quite why the Court considered Ngati Hotu and their conquest by other tribes 'mythical' is unclear.

Beyond the Ngati Hotu issue, the Court deemed the occupation of Owhaoko by Ngati Whiti and Ngati Tama to be merely seasonal. This was contrasted with Te Uamairangi (Renata's grandfather), who was said to have had a permanent home on the land called Moatapuwaekura. Given the climate and resources of the land, this seems a little unlikely, and the vast bulk of the evidence about Owhaoko referred to seasonal occupation during seasonal use of the land's resources.

Regardless of occupation, Ihakara, Karaitiana, and Retimana were held to be entitled to some interests in Owhaoko through ancestry, being descendants of Wharepurakau. In contrast, Noa was held to be entitled through descent from Tuterangi. Beyond these lines of descent, Honomokai was found to be the principal ancestor for Owhaoko.

As a result of its findings, the Court awarded Renata Kawepo the largest section in the block, Owhaoko (80,790 acres), as well Owhaoko 1 (17,160 acres), and Owhaoko 2 (a mere 81 acres). For Ngati Whiti and Ngati Tama, Ihakara, Karaitiana, and Retimana were awarded Owhaoko A (40,395 acres), Owhaoko 1A (8,580 acres), and Owhaoko 2A (60 acres). Finally Noa Huke was awarded Owhaoko B (13,465 acres), Owhaoko 1B (2,860 acres), and Owhaoko 2B (40 acres). Although a significant part of Owhaoko was originally meant to be used for a school endowment there was no reference in the 1885 subdivision awards to its inalienable status. Title was merely vested in the original five grantees from the very brief 1875 hearing.

2.5 Sir Robert Stout and the Owhaoko Block, 1886

In 1886, Hiraka Te Rango and others petitioned the government about Owhaoko, protesting that title had been awarded to Maori who they said had no claim to the land. Accordingly, they yet again requested a re-hearing.[84] For once, their pleas did not fall on the deaf ears of the Native Land Court and the government. The saga of the Owhaoko block instead found its way into the hands of the Premier and Attorney-General, Sir Robert Stout, who saw merits in the petition and serious defects in the processes of the Native Land Court. He lobbied for the establishment of Owhaoko and Kaimanawa Native Lands Committee to inquire into the petitions, and indeed the sorry history of the Owhaoko titles. He also wrote a damning memorandum on the matter that was published in the Parliamentary papers.

Stout found evidence of a conflict of interest between Chief Judge Fenton and representatives and allies of those who were awarded the block, such as Buller, and Renata's business partner, John Studholme. Additionally, the memorials of ownership had been arranged at hearings that he found had never been held. There were clearly other tribal groups who had interests in the land and who had never been informed of the 1875 hearing. Yet, when they protested or asked for re-hearings they were consistently rejected. Stout recommended re-hearings for both the Owhaoko and Oruamatua–Kaimanawa blocks. His conclusion was then quoted in newspapers across New Zealand:

> If this case is a sample of what has been done under our Native Land Court administration, I am not surprised that many Natives decline to bring their land before the Courts. A more gross travesty of justice it has never been my misfortune to consider.[85]

Most newspapers reporting Stout's findings observed that its sharp tone was justified, and was backed up by the facts of the case.[86] A few reports were critical of Stout, such as the *Poverty Bay Herald* (firmly opposed to Stout's Liberal Party and a staunch defender of the supposed rights of land sharks), which questioned how the leases of Pakeha such as Birch

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[84] Napier NLC MB No. 11: 48-54; and, *AJHR,* 1886, I-2, p.16, petitions 159, 163.

[85] *AJHR,* 1886, G-9, p.24. See also, *Evening Post*, 29 May 1886, 2; *Feilding* Star, 5 June 1886, 2; *Otago Daily Times*, 14 June 1886, 3; *Wanganui Herald*, 5 June 1886, 2; *Taranaki Herald*, 9 June 1886, 2; *Timaru Herald*, 9 June 1886, 2; *The Colonist,* 22 June 1886, 3; *The Evening Star,* 28 July 1886, 2; *Evening Post*, 15 December 1886, 2.

[86] *AJHR,* G-9, vol.3, 1886, 24; *Evening Post*, 29 May 1886, 2; *Feilding* Star, 5 June 1886, 2; *Otago Daily Times*, 14 June 1886, 3; *Wanganui Herald*, 5 June 1886, 2; *Taranaki Herald*, 9 June 1886, 2; *Timaru Herald*, 9 June 1886, 2; *The Colonist,* 22 June 1886, 3; *The Evening Star,* 28 July 1886, 2; *Evening Post*, 15 December 1886, 2.

(Oruamatua–Kaimanawa) and Studholme (Owhaoko) would be affected by a re-hearing, and for good measure accused Stout of grandstanding.[87]

During the hearings of the Select Committee Stout cross-examined Fenton at length. Fenton denied having any special relationship with Studholme or Buller, and explained that the reason for the apparent conflict of interest (which he still denied) was that he acted as both Chief Judge and as the Court's senior administrative officer. Fenton defended his treatment of those seeking a re-hearing, asserting generally that if the objections of those who had not attended a title investigation (or, in this case, could not attend) were entertained, they would consume the entire attention of the Court. Stout and Fenton clearly disagreed on this issue: Stout criticised Fenton for not ensuring that notices were served to interested parties before the cases were heard in Court. He did not find any confirmation in the minute book that interested groups had received notices, and thus wondered how the Chief Judge could be so confident notice had been given. Fenton tried to explain that he did his best to get the slips out to people, but if they did not reach all those concerned it was through no fault of his.

Fenton tried to defend the conduct and actions of his Court by stating that there was no way it could function as the Supreme Court functioned (i.e., like a proper court). He alluded to the early days of the Court, when Tawhiao had supposedly tried to scare the Court off. He recalled how Te Kooti was heading towards Taupo when the Court was sitting there in May 1869, and how it had to quickly adjourn. This was irrelevant to the situation at Owhaoko, as Stout's response shows: "Yes, I have no doubt; but I am not speaking of the days of the war." He then questioned Fenton on how he could have let only two men in on the original Owhaoko title when there were clearly many others with customary interests; others he was legally obliged to identify. Stout also probed him on how the hearing dated 20 December 1876 could have even happened, when it was also put that the same case was heard on 31 October 1877. Then in 1880, when neither Renata or Buller appeared at Court, Fenton had still gone on with the case.[88]

Later on in the inquiry, Fenton sought to have all his testimony on the issuing of notices struck out, because on re-examining the clause Stout had referred to, he found that the onus was on the applicants to inform the different tribes interested in the land, not on the Court. Fenton claimed that the Court was not required to serve notices, merely to "forward" them: "My practice was to have the people present; because you cannot trust Native letters." Stout

[87] *Poverty Bay Herald*, 7 June 1886, 2.
[88] *AJHR,* I-8, vol.4, 1886, p. 1-17, 41-48.

was amazed at Fenton's absurd excuses (and perhaps also at his earlier ignorance of the nature of the very important issue of notification).[89]

Fenton then wept crocodile tears over the "ruinous results of our Native Land Acts," asserting:

> Being to a certain extent a philo-Maori, if I had seen in 1865 what the result of our Acts would have been, I do not think I should have assisted in their introduction. I should have said, 'Let colonisation go to the wall'… It [the Court] has destroyed the race.[90]

Ultimately, Fenton was far more worried about his own reputation and the accusations of corruption, than the fate of the people of Owhaoko, much less the thousands of other Maori devastated by his Court. Stout sought to bring Fenton back to the details of Owhaoko, as his focus was on how the Court had specifically ignored the valid interests of other Owhaoko claimants, rather than on the wider and "ruinous results" of the Native Land Court.

Judge Rogan also provided some interesting testimony to the Select Committee. In the minute books of the 1875 hearing at Napier it was noted that the Owhaoko block comprised 164,000 acres, but this based on a sketch plan, not a full survey. Rogan admitted having erroneously stated that the issue was dealt with at Porangahau, but no order was given there. He thought that Hepiri Pikirangi and the other objectors had had ample time to get to the Napier Court. According to Rogan, McLean himself had rejected the request for a re-hearing because he too also thought the objectors had plenty of time to reach the Napier sitting. Rogan asserted to the Select Committee that Hepiri had been in to see him, to say that he had no claim but was instead representing old men from Patea who could not make the journey but who did have a right. Rogan thus asserted that Pikirangi was "intentionally misrepresenting the case."[91]

Bridson, the Court's clerk, undermined much of what Fenton and Rogan had said on the issue of notification, when he testified that all Maori claimants could never be informed of hearings taking place. He also considered the nine-day turnaround from notice to hearing was very short and unusual. District Officer Locke was also the Resident Magistrate in the Hawke's Bay and he had recommended a re-hearing, so Bridson agreed that he must have felt that the notices had not been given wide enough circulation. The extent of notice given was not

[89] Ibid., p. 55-65.
[90] Ibid., p. 55-65.
[91] *AJHR,* I-8, vol.4, 1886, p. 24-28, 50-54.

usually related to the distance that potential Maori claimants might be from the actual Court itself.[92]

Stout asked Rogan why he had not tried to obtain more information from those present (namely, Te Hapuku and Meihana) when the Court was told in 1875 that there were no objectors. Renata refused to give the names of any other customary owners to Rogan but this had not prevented the title for so large a block to so few men. Rogan asserted that that was the power of the chiefs in those days, and why Renata was allowed to sign agreements (such as leases) on behalf of all the others that held interests in the land.[93] Rangatira such as Renata Kawepo may indeed still have held great sway in the 1870s, but the Court was not there to uphold their authority (quite the contrary, in fact); it was there to identify every single customary owner of Owhaoko and list them on the memorial of ownership. This it not only failed to do, it did not even attempt to do. Then it rejected the attempts of those excluded by its failings to have the case properly heard.

Captain Azim Birch, the lessee of the Oruamatua Kaimanawa block, testified to the Court that he believed Renata had rights to the land, and that Hepiri had had ample time to get to the 1875 hearing. In fact, although Renata was said by Birch to be the main owner he was not even a party to Birch's 1868 lease.[94]

At one point there was a fascinating exchange, when the Select Committee tried to ascertain from the Court's clerk, Bridson, whether the Court's minutes actually represent what occurs during a Court hearing. Bridson admitted that there were cases where the minutes failed to come close to recording what transpired in a case. Bridson felt that the Judge's notes were a "truer" record of what had happened than the minutes. Stout, tried to ascertain whether clerks ever recorded minutes when the Court had not actually sat (obviously seeking to discover what had happened at the phantom 1876 hearing). He also asked Bridson why the Judge would not follow the request to make the land inalienable, but did not find out why. There was also some discussion about whether any standing would be given to Maori who had not applied directly to the Court. Finally Stout asked whether Fenton had acted illegally by corresponding with the owners (Renata and others) before the 1875 hearing.[95]

[92] Ibid., p. 31-36.
[93] *AJHR,* I-8, vol.4, 1886, p. 24-28, 50-54.
[94] *AJHR,* I-8, vol.4, 1886, p. 24-28, 50-54.
[95] Ibid., p. 31-36.

Hiraka Te Rango testified to the Select Committee that his father, Ihakara Te Raro, was not at the hearing said to have taken place on 1 September 1876, as he did not receive the *Gazette* notifying the hearing in time. Hiraka did not think the land should remain a school reserve but should be carefully adjudicated on. There were, he added, many Ngati Whiti and Ngati Tama who had been left out of the title. He claimed that Buller had gone to Taupo and given Hohepa and Rawiri £5 each, and £50 to Topia, to withdraw their applications, which they did. Buller had denied paying them to withdraw the application but Topia and Hohepa confirmed the payments. Hiraka said Renata had been given the right to be included on the Otamakapua and Owhaoko memorials of ownership only because Ngati Whiti allowed him in, but that his rights were not as well established as their own. He may have been included so that the owners could draw on his greater experience in Pakeha land dealings and his connections with the government in the matter of the school endowment. Renata had initially claimed through Whitikaupeka and then Te Pokaitara, only later claiming through Honomokai.[96]

Karaitiana Te Rango gave much the same testimony as Hiraka: that Renata had been admitted into Owhaoko, but that he had no rights there or at Oruamatua–Kaimanawa. Te Retimana, the son of Retimana Te Rango (the published minutes say "Te Raro" but must be wrong), commented on the Oruamatua–Kaimanawa rents, and how Renata had them increased from £250 to £800. Renata extracted a bigger rental from Birch, but in the meantime he surreptitiously took the land to the Native Land Court and claimed the title. Then he used a new ancestor (meaning Honomokai) to claim the land at the 1885 partition. Te Retimana added that Buller had "carried out some deceitful transactions" at Taupo.[97]

Airini Donnelly also testified to the Committee. She described some of the early leases on Owhaoko and how the rents were distributed. She claimed that Renata had convinced her, her mother (Haromi Te Ata), and Ani Kanara to allow only his name to be placed on the title since, "being women, [they] would be easily persuaded by Europeans to sell." She said that at the time Renata was opposed to land sales. When Owhaoko had been leased he recognised the claim of Airini and others, which is not surprising since they were very closely related. He gave Ani £200, Teira Tiakitai £200, Haromi £200 and Airini £200. After she got married to Donnelly, against Renata's wishes, he refused to pay them any more rents. In conjunction with her husband, Airini tried to have the rents paid to the Public Trustee so she could receive

[96] Ibid., p. 37-39.
[97] Ibid., p. 40-41.

her share. She asked the Court not to partition the block before a re-hearing, but her request was ignored and her appeal to the Supreme Court was also rejected.[98]

In the end, the Select Committee exonerated Judges Fenton and Rogan for their role in the issuing of title for the Owhaoko and Oruamatua–Kaimanawa blocks, despite the extensive evidence of, at best, negligence, and, at worst, forgery, corruption, and conflict of interest. One of Rogan and Fenton's solicitors, F. D. Bell, argued (as Fenton himself had) that the apparent conflict of interest that Stout alleged was due to Judge Fenton's dual responsibilities for both judicial and executive matters.[99] Bell also wrote a memorandum criticising Stout's own dual role as accuser and Chairman of the Committee inquiring into the issue. A correspondent for the *Daily Telegraph* (a Hawke's Bay paper) seemed to sum up the public mood on the issue during the hearings. Despite the evidence of malpractice, Fenton was defended: "While there has been considerable irregularity in the Native Land Court practice, there is nothing derogatory to the moral character of Judge Fenton."[100]

Even so, by the end of 1886 Fenton's standing in the public eye was dented by the publication, by Buller of all people, of a letter Fenton had written to Studholme; a letter that only served to substantiate Stout's allegations of a conflict of interest. Since Fenton was no longer in the public service (having retired from the bench in 1885 to become an advocate in his former Court) the government said it would take no further action, but Stout felt the entire correspondence between Buller, Studholme, and Fenton justified his allegations. Buller returned to the country and struggled vainly to clear his severely tarnished name.[101]

Stout's recommendation for re-hearings of Owhaoko and Oruamatua–Kaimanawa were accepted by the Committee and by Parliament. As a result the Owhaoko and Oruamatua–Kaimanawa Reinvestigation of Title Act 1886 was enacted, and in 1887 the Owhaoko re-hearing and partition provided for in the Act took place at Taradale.

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[98] Ibid., p. 54-55.
[99] *Auckland Star*, 30 July 1886, 2; *Timaru Herald,* 31 July 1886, 3.
[100] *Wanganui Chronicle*, 14 August 1886, 2; *Daily Telegraph*, 13 August 1886, 3.
[101] *Wanganui Herald,* 21 December 1886, p. 2; *Poverty Bay Herald,* 18 December 1886, p.3; *Otago Witness,* 14 January 1887, p. 13; *Auckland Star,* 26 April 1887, p. 5; *North Otago Times*, 6 May 1887, p. 2. Buller also wrote to Studholme to reassure him in light of Stout's activities in having the Owhaoko and Oruamatua Kaimanawa blocks reheard that it would not apply to Mangaohane which Buller stated was "safe." Buller to Studholme Sr., 13 September 1886, MS-Papers-0272-04, ATL.

2.6 Re-hearing and Partition, 1887

The 1887 re-hearing and partition of Owhaoko began on 10 May 1887 and concluded on 8 July 1887, presided over by Judge Wilson and Assessor Karaka Tarawhiti. It constituted the first comprehensive investigation of the block. The relatively detailed 1885 partition case had been premised on the utterly inadequate 1875 title investigation, so the 1887 hearing was the first opportunity for all parties to present their cases. Ngati Whiti, Ngati Tama, Ngati Hinemanu, Ngati Tuwharetoa, Ngati Upokoiri (Renata Kawepo and Airini Donnelly), and Ngati Kahungunu contested the block.

Ngati Tuwharetoa's Case

Ngati Tuwharetoa's case was conducted by Aperahama Te Kume (of northern and eastern Taupo). The two witnesses were Rawhira Te Aramoana and Hori Te Tauri (of northern and eastern Taupo). Ngati Tuwharetoa claimed only the northern portion of the block, and combined forces with the Ngati Upokoiri and Ngati Kahungunu groups allied themselves with Airini Donnelly (whose claim lay south of that of Ngati Tuwharetoa). Ngati Tuwharetoa claimed Owhaoko by ancestry, conquest, and occupation through Tuamatua and Tuwharetoa and on behalf of the hapu of Ngati Kurapoto, Ngati Maruwahine, and Ngati Te Rangiita.[102] Rawhira claimed that Ngati Kurapoto had conquered Ngati Hotu and at various points throughout its history in the area had also defeated Ngati Whiti.[103] Rawhira also stated that Ngati Tuwharetoa's sheltering of Ngati Upokoiri at Taupo after their defeat at the hands of Ngati Kahungunu and Ngapuhi before 1840 also entitled them to the land, as they believed that Ngati Upokoiri held the greatest rights to the entire block.[104] Rawhira stated that Ngati Tuwharetoa had been involved from the very early stages in the school endowment and that Renata had asked Ngati Tuwharetoa to contribute land for the school reserve.[105] Other than discussing collecting food for various hui held in the Patea area, there were no references to resources uses or settlements.[106]

Both witnesses discussed the difficulty Ngati Tuwharetoa had in attempting to obtain a re-hearing of Owhaoko. They complained they had never received a notice at Taupo regarding

[102] Napier NLC MB No. 12: 238 for whakapapa and boundaries.
[103] Napier NLC MB No. 12: 239-244, 254-255.
[104] Napier NLC MB No. 12: 255, 260.
[105] Napier NLC MB No. 12: 257.
[106] Napier NLC MB No.12: 244-245, 268

the 1875 hearing.[107] Both also accused Buller of having plied members of Ngati Tuwharetoa with liquor at Taupo in the early 1880s, to induce them to withdraw their application for a re-hearing. Rawhira commented at length on the issue:

> Te Heuheu was not one of the 3 who drank Dr Buller's spirits. I said that there were 2 papers. One for a rehearing and one for a withdrawal of the application for it. Dr Buller went to ask those who had petition for a rehearing to withdraw their application for it. They withdrew to another place to have their consultation. I heard that they were made drunk, and they agreed to Dr Buller's request. Dr Buller prepared the paper for a rehearing and another paper with other words on it. There was a certain thing between the papers that caused the signature to appear on both papers. The people who were present at the signing saw the signature on the top paper but not the manipulation of the papers. The people were too drunk. I am speaking now of what I heard. I assume that the people were satisfied with what they had done and awoken to the reality after becoming sober.[108]

Rawhira alleged that Buller had tricked the Ngati Tuwharetoa claimants into signing separate documents, but he was not certain what they knew of these and other documents that were signed.

Hori Te Tauri had been present in Taupo and elaborated on the accusations against Buller. He revealed that the other document said to have been signed was a deed, by which Ngati Tuwharetoa individuals thought they were having their names placed on the Owhaoko title:

> Saw Dr. Buller when he came to Taupo. Mr Warren was with him. He is leasing all these lands (Mr. Warren). Dr Buller came because he heard that Mr. Bryce had granted the [re]hearing. He asked N[gati] Tuwharetoa to withdraw this application for rehearing. All the people said: "By no means." I joined in that reply. He then conveyed away Hohepa Tamamutu into his tent that stood in the Manuka scrub. I went into the tent. Paurini also. Dr Buller said it would be better for your names to be put into the block of land. He referred to names of all the chiefs, including Te Heuheu, Topia others together with ourselves. Paurini was exceedingly drunk. Hohepa was not so bad. Dr Buller supplied the spirits. The subject of our conversation had been written on a paper. Hohepa read it to us. Hohepa Tamamutu proposed to write the names of all [of us] on the document. We were influenced by our desire to have our names included in the land. Hohepa signed. I did not see him do so, as I left to tell the people what was going on. Dr Buller took the paper and brought it away with him. (I took a small glass of spirits.) When Dr Buller arrived at Wellington the news brought back to us was that

[107] Napier NLC MB No. 12: 246-247.
[108] Napier NLC MB No. 12: 252.

> instead of our names being put into the land it was a recalling of the application for rehearing, and that the land was really to be Renata's. We did not understand that.[109]

The scandalous accusations were widely reported in newspapers around the country.[110]

Ngati Upokoiri (Renata Kawepo and others)

Renata's case was conducted by James Carroll (as it had been at the 1885 partition hearing). His main witness was again Paramena Naonao and he was joined by Anaru Te Wanikau, Kawepo and Paora Kaiwhata. Naonao and Te Wanikau claimed the land by ancestry and occupation through Ohuake.[111] Naonao claimed the land as Ngati Whiti, Ngati Hinemanu, and Ngati Upokoiri. Te Wanikau and Kaiwhata claimed the land as Ngati Mahu.[112] Each witness opposed Ngati Tuwharetoa's rights to the land, unlike the other group of Ngati Upokoiri led by Airini Donnelly (see below). As in the 1885 partition hearing Renata and his witnesses stressed Kawepo's role in driving Te Heuheu from Patea.[113] The rights of Ngati Whiti and Ngati Tama were recognised by Renata but placed below his own. Naonao stated that Ngati Whiti and Ngati Tama had been paid by Renata for the land at Owhaoko for the school endowment but Renata denied that he had ever asked for permission from Ngati Whiti and Ngati Tama to use the land. He claimed to have been unaware of Retimana Te Rango's opposition to the survey. Te Wanikau also said he was unaware of any opposition to the survey while it was being conducted from 1873-1874.[114] There was little reference to any settlements or resource use on the land; just one claim by Te Wanikau to have collected wood hens and pigeons on the block.[115]

Ngati Upokoiri and Ngati Kahungunu (Airini Donnelly and others)

Airini Donnelly led and conducted the case for another group of Ngati Upokoiri and Ngati Kahungunu, who emphasised different ancestral links from Renata's group. Nonetheless, Judge Wilson twice stated that he did not think that the two cases were different in any

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[109] Napier NLC MB No. p. 263-264.
[110] *Poverty Bay Herald*, Volume XIV, Issue 4876, 30 May 1887, p. 4; *North Otago Times*, 21 November 1887; *Otago Daily Times*, 16 November 1887; *Wanganui Herald,* 31 August 1887; *Hawera & Normanby Star*, 28 November 1887.
[111] Napier NLC MB No. 12: 272, 286 for whakapapa.
[112] Napier NLC MB No. 12: 270, 293-294, 298.
[113] Napier NLC MB No. 12: 276, 290, 306.
[114] Napier NLC MB No. 12: 271, 285, 310, 314.
[115] Napier NLC MB No. 12: 296.

way.[116] The main differences between them were, of course, personal rather than over their group's customary rights to Owhaoko. The main witness for Airini's group of Ngati Upokoiri and Ngati Kahungunu was Raniera Te Ahiko, although Te Teira Tiakitai and Airini also testified. Te Ahiko claimed the land by ancestry and occupation through Kahungunu and Whatumamoa.[117] Tiakitai claimed the land as Ngati Kurukuru from Ngati Kahungunu but also Ngati Upokoiri through Honomokai.[118]

Airini's witnesses supported Ngati Tuwharetoa's claims, but they opposed those of Ngati Whiti. Airini and Tiakitai claimed that Ngati Whiti had worked for Airini to conduct the survey of the block in 1873-1874. In response Ngati Whiti's conductor, Joshua Cuff, asked Tiakitai if Ngati Whiti were only workmen for Airini then how did they impound the rents and how did they oppose the survey?[119] Airini used the same arguments that she used to great effect at the Mangaohane hearings in 1885 (see Mangaohane block study), claiming that her grandmother and grandfather, Erena and Tiakitai, had continued to occupy land in the Patea while Renata and others had been taken prisoner or fled to Taupo or the Manawatu.[120] (Ultimately, these arguments carried little weight at Mangaohane – at least with respect to the rights of Renata, who was one of those captured in battle by Ngapuhi – as the disruption to the customary rights of many Ngati Kahungunu groups caused by fighting in the period before 1840 was not deemed to have permanently affected customary rights.) Te Ahiko provided a few examples of settlements and resources use, referring to a settlement called Raoraoroa where they dug for fern root. He also said that tuna were caught in the Ngamatea swamp and birds and rats were caught at Tataharoa.[121]

Ngati Tama

Originally Ngati Tama was going to have their case heard together with their close allies, Ngati Whiti. Instead, they eventually asked the Court to have their case heard alone as they did not think their rights would be suitably addressed as part of a combined claim with Ngati Whiti. Even so, Joshua Cuff conducted the Ngati Tama case and the Ngati Whiti case. The main witness for Ngati Tama was Hepiri Pikirangi and he was joined by Ihaka Te Hau Paimarire and Hiha (?) Akatarewa. Ngati Tama claimed the land by ancestry, conquest and occupation through Tumakaurangi and Tamakopiri. Hepiri and Te Hau related how

[116] Napier NLC MB No. 12: 234, 341.
[117] Napier NLC MB No. 12: 315-316, 321, 324, 333-334 for whakapapa.
[118] Napier NLC MB No. 336 for whakapapa.
[119] Napier NLC MB No. 12: 341-342; Napier NLC MB No. 13: 20.
[120] Napier NLC MB No. 13: 13-14.
[121] Napier NLC MB No. 12: 326.

Tamakopiri had conquered Ngati Hotu.[122] Some Ngati Tama witnesses detailed settlements and resources use on the block: Hepiri said that birds, fish, and reptiles were caught at Tikitiki and he also mentioned some other areas where food was gathered, such as Otutu, Matapuku, Te Ahi Manawa, and Kapakapanui. Te Hau stated that fern root was dug up at Waingakia. Akatarewa stated that mutton birds were caught at Tuwhaketuhunga (?) and pigs were hunted at Waingakia.[123]

During his testimony Hepiri recounted some of the previous events regarding the ownership of the block, its survey, and the leasing. He recalled that Renata had wanted to use the Owhaoko block for a school endowment, but Ngati Whiti and Ngati Tama asked that he show them proof of his ancestral rights. Renata took some of his tohunga (amongst whom were Raniera Te Ahiko) to show Ngati Whiti and Ngati Tama the pa of his ancestor, Rangituouru, but they were unable to locate it. (It was only later, in the 1890s, that others admitted that there never was such a pa: see Timahanga block study.[124]) Renata was then required to get Ngati Whiti and Ngati Tama permission to use Owhaoko because he had no ancestral rights to it. Ngati Whiti and Ngati Tama had presumed that they would take back ownership of the land once it was no longer used as a school endowment, but Renata had instead kept it for himself. He leased the land to his new business partner, John Studholme. This angered Ngati Whiti and Ngati Tama, who decided to instead lease the land to Donnelly. Renata responded by sending armed men to Tikitiki, who assaulted a member of either Ngati Whiti or Ngati Tama, "Kino," as well as Pakeha associated with Donnelly. According to Hepiri there was nearly an armed battle, but Renata's men left without firing a shot, but not before letting loose some of Donnelly's sheep.[125]

Ngati Whiti

Ngati Whiti's case was conducted by the same person that conducted for Ngati Tama, Joshua Cuff. The main witness was Hiraka Te Rango but a number of others also testified. Hiraka's father, Ihakara Te Raro, and Winiata Te Whaaro testified for nearly as long as Hiraka. Ani Paki and Noa Huke gave brief testimony. Ngati Whiti claimed the land by occupation and ancestry through Tumakaurangi, Whitikaupeka, and Hinemanu.[126] Hiraka and Ihakara both detailed a number of different settlements and resource use. Weka and kiore were caught at

[122] Napier NLC MB No. 12: 349, 365, 369, 371 378; 348, 369 for whakapapa.
[123] Napier NLC MB No. 12: 361, 380; NMB, 13: 8.
[124] Napier NLC MB No. 37: 5, 56-57.
[125] Napier NLC MB No. 12: 358-361.
[126] Napier NLC MB No. 13: 25, 61-62, 93 for whakapapa.

Tataharoa, birds and rats were hunted at Te Akeake, and fern roots were dug up at Waingakia and Tapuae Ngatoa (?). Tuna were caught at Ngamatea and Horotea. Mutton birds were caught at Te Ahipupu and the main settlement of Tikitiki featured in a number of different witness testimonies.[127] Ngati Whiti witnesses generally challenged the right of Ngati Upokoiri to the block. They pointed specifically to their own agency in halting land sales in the area.

Hiraka claimed that Ngati Whiti, Ngati Tama, Ngati Hauiti, and Ngati Tuwharetoa had been responsible for stopping further land sales by Ngati Raukawa and Ngati Apa in the western and southern parts of Patea. In response to the land sales these groups had erected pou called Whitikaupeka at Kuripapango, Pikitara, and Otutu. Hiraka said that Renata had been a part of the efforts to halt land sales on the Heretaunga side of Patea, such as the pou erected at Whanawhana:

> The post at Whanawhana was to stop the sale of land…by Tawhara, Kerei Tanguru, Hapuku, and others. Renata was with us in the hindering of the sale. Renata effectually stopped [the] sale at [the] time of [the] Pakiaka fight. He was at the fight and was wounded.[128]

Hiraka contrasted Renata's active role at Pakiaka with his limited role to the west, in Patea:

> The post at Pikitara was not connected with Renata in any way. He had not [helped] put it up. That post was mentioned at the Kokako meeting…[and] put up after that meeting…I was present at that meeting. [I] did not see Renata get up to speak.[129]

Hiraka and Ihakara also questioned the notion that Te Heuheu had ever attempted to annex the Patea into the territory of Ngati Tuwharetoa. Hiraka was clear: "I deny that it was a quarrel over Patea. I heard he [Renata] had cursed Te Heuheu."[130]

Hiraka and Ihakara also challenged some of Ngati Tuwharetoa's claims. Firstly, they questioned whether Renata had asked for land for the school endowment at the Waitetoko hui.[131] Ihakara also questioned Ngati Tuwharetoa's statement that the survey of Owhaoko had been conducted in secret. Ihakara said had conducted the survey himself and rejected claims it

[127] Napier NLC MB No. 12: 33-36, 75.
[128] Napier NLC MB No. 13: 36, 42, 47-48, 54.
[129] Napier NLC MB No. 13: 36, 42, 47-48, 54.
[130] Napier NLC MB No. 13: 36, 42, 47-48, 54.
[131] Napier NLC MB No. 13: 44, 74, 80.

was done covertly: "The Ngati Tuwharetoa have stated it was done in secret—where were they? It took two years."[132]

Judgment

Before the Court gave its judgment, Paramena Naonao asked for an adjournment so that Judge Wilson could visit the land to assess who had described its features with the greatest detail and precision, but Wilson did not think this was necessary.

The Court found that Ngati Whiti, Ngati Tama, and Ngati Tuwharetoa were entitled to the block and rejected the claims of both groups of Ngati Upokoiri and Ngati Kahungunu. This was a radical departure from the flawed 1875 judgment which had primarily found in favour of Renata, who was now left out of the title completely. The Court found that Ngati Hotu were the original inhabitants of the block but Ngati Tuwharetoa were the first to have defeated them, but did not completely drive them from the Patea region. Ngati Whiti, who migrated from Mohaka, and Ngati Tama, who migrated from Turanga, arrived later. Tumakaurangi of Ngati Tama, and Whitikaupeka of Ngati Whiti, waged the second war against Ngati Hotu and drove them completely from Patea.

Renata claimed that Whatumamoa had been responsible for driving Ngati Hotu from the area but the Court did not accept that interpretation. Airini claimed that Whatumamoa had defeated Ngati Awa which gave them rights in the area but the Court believed that Ngati Awa had never established any rights in Patea. The Court further stated that Ngati Upokoiri had never established roots in the area and were only fugitives in the block.

As a result, and as set out in Table 1 below, the Court awarded Owhaoko North (approximately 27,680 acres) to Ngati Kurapoto of Ngati Tuwharetoa. Owhaoko East (90,501 acres) went to Ngati Whiti, and Owhaoko West (45,251 acres) was awarded to Ngati Tama. In addition, 5,000 acres of Owhaoko West at Tikitiki was set aside specifically for Ngati Tama as an inalienable reserve. Ngati Whiti denied that they needed any land reserved as they had ample lands elsewhere.[133]

[132] Napier NLC MB No. 13: 74.
[133] Napier NLC MB No. 13: 95-114.

Table 1: Owhaoko NLC hearing findings, 1887[134]

Subdivision	Tribal Group	Area (acres)
Owhaoko North	Ngati Kurapoto	27,680
Owhaoko East	Ngati Whiti	90,501
Owhaoko West	Ngati Tama	45,251

Both Ngati Whiti and Ngati Tuwharetoa quickly petitioned Parliament after the re-hearing to pass a special Bill to validate the investigation's findings.[135]

Winiata Te Whaaro sought to be included in the list for Owhaoko East as Ngati Whiti but he was rejected by the Court on both ancestral and occupation grounds. The Court agreed to allow Ngati Whiti to include Te Whaaro on their ownership list through "aroha," but he rejected that notion as he sought to be included on the basis of his customary rights. Horima Paerau had been included through aroha on the Ngati Whiti list, but the Court intimated that they should either include Horima Paerau, Winiata Te Whaaro, and Paramena Naonao through aroha or include none of them. Faced with this stark choice, they included none of them.[136]

2.7 Re-hearing, 1888

Following the 1887 title investigation, Winiata Te Whaaro applied for a re-hearing of the case as he and his people had been excluded from the title. He had initially set up his own claim but this was after Ngati Whiti had opened their case. On this basis, the Court forced him to combine his case with Ngati Whiti. Te Whaaro contributed funding to the group's conductor, Cuff, and he was one of the three witnesses called for Ngati Whiti, but when it came time to draw up the ownership lists, he and his group were left out of the block. Te Whaaro felt that he had been betrayed by those he had formerly thought of as friends and allies in the Court. Te Whaaro also criticised the Court's focus on Te Whaaro's primary affiliation to Ngati Hinemanu, asking the obvious rhetorical question: what Maori person was confined to only one line of descent?[137]

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[134] Napier NLC MB No. 13: 95-114.
[135] "Petition of Hiraka Te Rango, No. 277" *AJHR,* I-3, 1888, p.26; "Petition of Rawiri Kahia—No. 266," *AJHR,* I-3, vol.3, 1888, 26-27; *Daily Telegraph,* 18 June 1888, p.3.
[136] Napier NLC MB No. 13: 134-138.
[137] Te Whaaro to the Chief Judge of the NLC, 2 September 1887. MA-WANG W2140/51 Wh. 656/1, ANZ. Northern Taihape Blocks Document Bank, pp.323-332.

The Chief Judge referred Winiata Te Whaaro's application back to the judge whose decision was being appealed, Judge Wilson. This was standard practice for the Native Land Court at the time. On 21 December 1887, Wilson disputed the issues raised in the application, advising the Chief Judge that Winiata Te Whaaro had claimed the land ancestrally only through Puanau, a female relation of Te Whaaro (his great-great-grandmother), who had left Ngati Whiti to live with her Ngati Hinemanu husband. Ngati Whiti had objected to claims through Puanau, so Winiata Te Whaaro's claim was rejected by the Court (other than on the basis of aroha, as noted above). Yet this approach had also resulted in Horima Paerau, a leading Ngati Whiti man, being left out of the title even though his nephews and nieces were included. Renata Kawepo also applied for a re-hearing.[138]

Another application for a re-hearing was submitted in July 1887 by Henare Tomoana of Ngati Kahungunu. His case had been joined with those of Renata Kawepo and Airini Donnelly, so when their claims were rejected so too was his. Henare Tomoana wrote that he had tried to present his own case, but this was refused by the Court. In response, Judge Wilson wrote that that Tomoana had accepted in Court having his case joined with the others. Finally, Airini Donnelly and Paramena Naoano separately applied for re-hearing. Wilson rejected these applications as well, but despite his response, they were ultimately allowed by the Chief Judge.[139]

The re-hearing began at the end of May 1888 and did not finish until mid-October 1888. The presiding Judges were Herbert Brabant and Edward Puckey, who were joined by Maori Assessor Paraki Te Waru.

Ngati Rangitekahutea

An entirely new case was allowed at the re-hearing; that of Ngati Rangikahutea, conducted by Edward Harris (a mixed race Native agent from Gisborne).[140] The witnesses for Ngati Rangikahutea were Wi Te Roikuku, Heta Tanguru, and Hori Hukahuka. They claimed the portion of Owhaoko called Kaimoko, on the basis of occupation and ancestry through Te

[138] Judge Wilson response, 31 December 1887 &, Renata Kawepo to Chief Judge, 20 August 1887. MA-WANG W2140/51 Wh. 656/1. ANZ. Northern Taihape Blocks Document Bank, pp.333-346.
[139] Tomoana to Chief Judge, 7 July 1887; Airini and others to Chief Judge of NLC, 23 September 1887; Naonao to Registrar of NLC, 17 October 1887; Responses by Judge Wilson to each: MA-WANG W2140/51 Wh. 656/2, ANZ in Northern Taihape Blocks Document Bank, p. ANZ p. 351-378.
[140] http://www.teara.govt.nz/en/biographies/2h14/1?

Kanawa, Whitikaupeka, and Rangitekahutea.[141] The witnesses said that they had formerly been allies of Renata, who had helped them in stopping the land sales of Kerei Tanguru and Te Hapuku of Ngati Kahungunu spreading into the Kaimoko area. They believed Kerei had actually tried to sell some of Kaimoko and the Owhaoko block to the Crown, but that Renata had stepped in and stopped the deed being completed. He confiscated the purchase money that had been paid to Kerei and instead allocated the Crown some land at Taumahapu, Rakaiwara, and Maraetata.[142] It is difficult to find support for these assertions in the record of Crown purchasing in the region.

Kaimoko was an area noted for catching of birds and the hunting of kiore.[143] Heta commented on the detrimental effects of the Native Land Court system on his customary interests there: "My occupation has lately been disturbed by the Pakeha when the land Acts came into operation—up to this time I was not disturbed."[144]

Ngati Mahu

Ngati Mahu's case was conducted by Hohaia Hoata and the only witness called was Uriamina Ngahuka. Ngati Mahu claimed the land by occupation and ancestry through the ancestor Ruapirau, who Ngahuka claimed had defeated Whitikaupeka.[145] In addition to Ngati Mahu, Ngahuka also claimed the land through Ngati Taita, Ngai Turauwha, and Ngati Hinepare. Other than Raoraoroa, no settlements were mentioned and there was no evidence given of resource use by Ngati Mahu on Owhaoko.[146]

Ngati Tuwharetoa

Ngati Tuwharetoa's case was conducted by William Grace who, as noted earlier, had until very recently been involved in Crown land purchasing in the Taupo and Kaimanawa area, and who was also related to Ngati Tuwharetoa by marriage. Their main witness was Moka Taramoana and the other two witnesses were Hori Te Tauri and Te Ruhutahi. As in the previous hearing in 1887, Ngati Tuwharetoa claimed only the northern portion of the block.

[141] Napier NLC MB No. 14: 327-328, 333 for whakapapa.
[142] Napier NLC MB No. 14: 329, 331, 335.
[143] Napier NLC MB No. 14: 329, 336.
[144] Napier NLC MB No. 14: 300.
[145] Napier NLC MB No. 14: 339, 342 for whakapapa.
[146] Napier NLC MB No. 14: 338.

They claimed the land by conquest, occupation, and ancestry through Kurapoto, Maruwahine, and Tuwharetoa.[147]

Moka stated that Kurapoto and Maruwahine had driven Ngati Whiti from the area and consolidated their hold on Owhaoko. Ngati Tuwharetoa witnesses detailed a number of different settlements and areas of resource use. Moka and Rehutahi spoke of kiwi, weka, and mutton birds being caught at Otaiorea (?), Ohekura, Waingakia, and Otutu. Moka and Hori indicated there were settlements at Ohekura and Omarukokere where eels and birds were caught. They also sought to prove their occupation by discussing the pou at Otutu that had been established for rahui purposes by Hone Hape. They also referred to their direct occupation of the settlement at Ohekura.[148]

With regards to more contemporary matters the witnesses maintained that at the hui at Waitetoko, Renata had asked Ngati Tuwharetoa to contribute land at Owhaoko for the school endowment, and that he had promised he would not survey the land. They repeated their complaints that their earlier appeals for re-hearing in the late 1870s and early 1880s had been rejected by the Court and the government, and mischievously thwarted by Buller. As Moka stated: "The application was withdrawn by Dr Buller. Buller got round us."[149]

Noa Huke's case

Noa Huke's case was conducted by E. H. Williams. Huke was the main witness, although Pirika Toatoa appeared very briefly. They claimed the land by conquest, occupation, and ancestry through Tamatea, Whatumamoa, and Tuterangi.[150] While the witnesses discussed a number of food gathering areas there was no specific reference to what animals or plants were caught and gathered by them on Owhaoko. Tikitiki was said to be the only permanent settlement on Owhaoko, but Noa and Pirika pointed to other areas where their tupuna camped while hunting on the land: Opakaru, Taumahahiwi, Horotea, Ngamatea, Papakai, Kaianui, Taruarau, Mangamarahea, and Potaka.[151]

Noa also revealed some interesting information about the pou placed on Patea lands to protest and prevent land sales by Ngati Kahungunu. Noa said the pou at Whanawhana was first

[147] Napier NLC MB No. 14: 344 for boundaries; Napier NLC MB No. 14: 345, 374 and NMB, 16: 147 for whakapapa.
[148] Napier NLC MB No. 14: 351, 377; Napier NLC MB No. 16: 146, 148, 150.
[149] Napier NLC MB No. 14: 353, 364, 373, 378-379.
[150] Napier NLC MB No. 16: 152-153, 163-164, 166, 168-169 for whakapapa.
[151] Napier NLC MB No. 16: 152, 159, 170.

placed on the land to protest land sales in the area by Kerei Tanguru, and that Renata had played a leading role. Relations between the two groups soon soured though, and a second pou was later erected specifically to act as a barrier against Renata's perceived encroachment on the land. Noa also stated that Maney and Renata had paid for the survey of the Owhaoko block[152] (although, of course, it was ultimately the land's owners who paid for the survey, through the allocation of substantial rents to discharge the survey debt).

Ngati Upokoiri (Renata's former case)

Renata Kawepo had fought to have the Owhaoko block re-heard after he was completely omitted from the block at the 1887 title investigation, but he died before the 1888 re-hearing began. Issues over who his successor would be had not been resolved by the time the Court sat as Airini Donnelly fought with his whangai and nominated successor as manager of the hapu's assets, Wi Broughton, seeking exclusive ownership of those assets for herself.[153]

These claimants also supported the right of Winiata Te Whaaro and his group to a share in Owhaoko. The main witness for what had been Renata's claim was Paramena Naonao, with Anaru Te Wanikau also testifying. They claimed the land by occupation and ancestry through Whitikaupeka and Ohuake.[154] Naonao said he was Ngati Whiti, Ngati Hinemanu, and Ngati Upokoiri while Te Wanikau said he was Ngati Honomokai and Ngati Haumoetahanga. Naonao specifically stated at the beginning of his testimony that Winiata Te Whaaro and his 11 children also had rights in the land.[155]

The only mention of settlement on Owhaoko was, as before, at Tikitiki. There were a few resource uses mentioned, such as the tuna caught at Ngamatea, Mangamarahea, Horotea, and Taruarau. Naonao also said that mutton birds were caught at Mangamingi. Anaru stated that his parents used to snare kiore at Otutekohu and fished tuna in the various streams on the block. Otherwise the two witnesses relied on the describing the natural features of the surrounding area rather than specific resource uses.[156]

During their testimony the two witnesses discussed their various roles in more contemporary issues. Naonao discussed how he had accompanied the group of Ngati Whiti, Ngati Tama,

[152] Napier NLC MB No. 16: 217-218.
[153] The saga over Renata's will went all the way to the Privy Council, but see also; *Hawke's Bay Herald,* 12 July 1888, 3, and *Hawke's Bay Herald,* 20 July 1895, 3.
[154] Napier NLC MB No. 16: 189, 190, 197, 204, 220-221, 223, 231 for whakapapa.
[155] Napier NLC MB No. 16: 173.
[156] Napier NLC MB No. 16: 174-175, 177-178, 180, 224.

and Ngati Hinemanu, who they said had – through force of arms – prevented land sales by Ngati Raukawa and Ngati Apa encroaching up the Rangitikei valley. Naonao had also played a part in the survey of the Owhaoko block, and he sought to counter the statements of Ngati Tuwharetoa that Renata had promised that it would not be surveyed. Renata had, he said, merely stated that if a survey was conducted, land would be specifically reserved (presumably for Ngati Tuwharetoa). Like others before him, Naonao rejected Ngati Tuwharetoa's claims that the survey had been conducted in secret, asserting that members of a Ngati Tuwharetoa hapu – Ngati Kohera – had been employed as labourers when the survey was made. Anaru Te Wanikau tried to counter Noa Huke's claims that the second pou, erected at Kuripapango, was placed there to limit Renata's sphere of influence in land dealings; stating that it was instead placed there, like the first pou, to prevent further land sales by Kerei Tanguru and Te Hapuku.[157]

Ngati Upokoiri (Airini Donnelly and others)

Airini Donnelly's faction of Ngati Upokoiri and Ngati Kahungunu had their case conducted by P. S. McLean. Their two witnesses were Raniera Te Ahiko and Airini, who claimed the land by occupation and ancestry through Tamatekapua, Mahuika, Honomokai, Te Kanawa, and Haumoetahanga.[158] Airini asserted, as she had had at the previous hearing, the superior rights she held by occupation in contrast to those of Renata, on the basis that he had been taken captive by Ngapuhi whereas her grandmother and grandfather remained on the land.[159]

Both witnesses discussed a number of different settlements and resource uses, naming settlements (seasonal and permanent) at Kaimoko, Raoraoroa, Otuwhakaumu, Te Wairoa, Tahataharoa, Tikitiki, and Ngawapurua. Te Ahiko stated that mutton birds, weka, parure, kakapo, kiwi, kiore, fish, and tuna were caught all over Owhaoko. Mutton birds were specifically to be found at Ngapuna a awhitu, Tarau o te Marama, Tahunui, Te Ranga o Te Atua, and Te Turi o Te Kanawa, while tuna and birds were caught at Ngamatea, and aruhe dug up at Pakihiroa.[160]

As with the other take, the witnesses also discussed some contemporary Owhaoko issues. Airini claimed that while Renata was on his death-bed he had told a crowded room that she should be placed in charge of conducting his claim at the re-hearing. She said that he had

[157] Napier NLC MB No. 16: 175-176, 224.
[158] Napier NLC MB No. 16: 243, 260, 264, 266, 270, 274, 277 for whakapapa.
[159] Napier NLC MB No. 16: 306.
[160] Napier NLC MB No. 16: 238, 265, 284, 302.

particularly wanted to exclude Ngati Whiti and Ngati Tama from any part of the block, having originally agreed to include them only at the insistence of his conductor, James Carroll. Carroll briefly testified at the hearing and roundly contradicted Airini's self-serving evidence. He stated to the Court that it was actually Renata who had insisted on admitting Ngati Whiti and Ngati Tama, not him. In contrast, Carroll added, Renata had wanted to keep Ngati Tuwharetoa out of the title to Owhaoko.[161]

Airini also claimed that Ngati Whiti owed her £8,000, and that Hiraka Te Rango had originally been her shepherd for the large business run by her husband, Donnelly. She said that Hiraka's home at Tikitiki was built with money provided by Airini's mother, Haromi, who had supposedly given him £10,000 (an unfeasibly huge sum for Haromi to have, never mind it being vastly more than Hiraka could possibly have spent on his house). She also made some allegations about the rift between Hiraka and Renata, asserting that Hiraka and Ngati Whiti had fallen out with Renata over the rents at Oruamatua, although this was (coincidentally) at the same time she married Donnelly, instigating her rift with Renata. She also alleged that Hiraka wanted to use a large portion of the rent money to build a mill on the Oruamatua block, which Renata had refused, thus causing the rift between them.[162]

Ngati Tama

Ngati Tama's case was conducted by Alfred Fraser. The main witness was Hepiri Pikirangi, and Te Hau Paimarire also testified. They claimed the land by conquest, occupation, and ancestry through Tamakopiri.[163] They claimed as they had in previous hearings that Tamakopiri had been responsible for the defeat of Ngati Hotu. Both witnesses discussed a number of different seasonal settlements and resource uses. Mutton birds, weka, tuna, and kiwi were caught at Tahunui, Kaimoko, Tahataharoa, Otutu, Te Toatoa a te Tamakaitangi, Tawhaketohunga, Tikitiki, Tapuai Ngatoa, Oturua, Horotea, and Taruara, while aruhe was dug up at Waingakia. More specifically, at Raoraoroa weka, kiwi, kiore, and mutton birds were caught by generations of Ngati Tama. Pikirangi also referred to Te Pake a Hineroro: a long ridge where harakeke grew and was used for garments.[164]

Pikirangi recounted his experiences with attempting to secure a re-hearing of Owhaoko, with petitions in December 1875, March 1876, and November 1880. He had long maintained that

[161] Napier NLC MB No. 16: 303, 357.
[162] Napier NLC MB No. 16: 304, 308-311.
[163] Napier NLC MB No. 16: 312-313, 317, 358-359 for whakapapa.
[164] Napier NLC MB No. 16: 321-322, 331, 334, 341, 361, 365.

the notice Ngati Tama were provided of the first hearing was far too short and they were unable to appear in 1875 to oppose Renata and Noa Huke. Pikirangi maintained, as Ngati Whiti and Ngati Tama had at the previous hearing, that Renata had abused their trust by leasing the Owhaoko block as if it were his own. He also corroborated previous testimony regarding the disputes between Hiraka and Renata, and between Renata and Donnelly.[165]

Ngati Whiti

Ngati Whiti's case was conducted by Joshua Cuff. The main witnesses were Hiraka Te Rango and Ihakara Te Raro, although Ani Paki and Hakopa Te Ahunga also testified briefly. They claimed the land by conquest, occupation, and ancestry through Tumakaurangi, Whitikaupeka, and Ohuake. As at the previous hearing Ngati Whiti stated that Whitikaupeka had been responsible for the defeat of Ngati Hotu.[166] The two main witnesses discussed a number of different seasonal settlements and examples of resource use in the area. Some of the seasonal settlements mentioned by witnesses were Kaimoko, Ngawaiamaru, Mangamaratea, Mataipuku, and Te Hori Puru. Aruhe was dug up at Kapakapanui, tuna were caught at Ngamatea, Te Horotea, and Tahunui. Weka, mutton birds, and kiore were caught at Te Mahu a te Hoka, Ngatakutai, and Tikitiki.[167]

Both Hiraka and Ihakara re-traversed the testimony they provided at the 1887 hearing regarding contemporary issues, such as Renata's initially supportive, but limited, role in curbing the sale of land in Patea. They also noted the importance of the 1871 Turangarere meeting in establishing the school endowment and Renata's promise to return the land to Ngati Whiti following the payment of the survey. Ihakara claimed that the school had only lasted three years.[168]

Judgment

The outcome of the re-hearing did not affect the status quo quite as profoundly as the 1887 judgment had reversed the 1875 award, but even so the 1887 award did not emerge unscathed. While continuing to recognise the dominance of Ngati Whiti in the block, the Court in 1888 also made room for Ngati Upokoiri and Ngati Kahungunu claims to Owhaoko, providing approximately one-fifth of the block to the successors of Renata and his group and

[165] Napier NLC MB No. 16: 323-324.
[166] Napier NLC MB No. 17: 3-6, 21 for whakapapa.
[167] Napier NLC MB No. 17: 6-7, 22, 36, 51.
[168] Napier NLC MB No. 17: 7-9, 17-18, 23-27, 36, 40-41.

to Airini Donnelly and those on her list. The Court ruled that those claiming through Whitikaupeka and Ohuake exclusively did have a right to the land, and the occupation of the land by Te Uamairangi and Te Wanikau proved that their title to the land had not been completely extinguished.

Ngati Tuwharetoa remained in the same position as before in the northern portion of the block, but Ngati Tama interests were significantly reduced, falling from the approximately 40,000 acres awarded in 1887 to a little over 7,000 acres in 1888. However, the far larger (and increased) Ngati Whiti award was amended to include "Ngati Whititama," which could be seen to include some among Ngati Tama (although this could not be solely on the basis of their Ngati Tama rights).

The claims of Ngati Te Rangikahutia (Wi Te Roikuku and others) and Ngati Mahu (Hohaia Te Hoata and others) were dismissed.

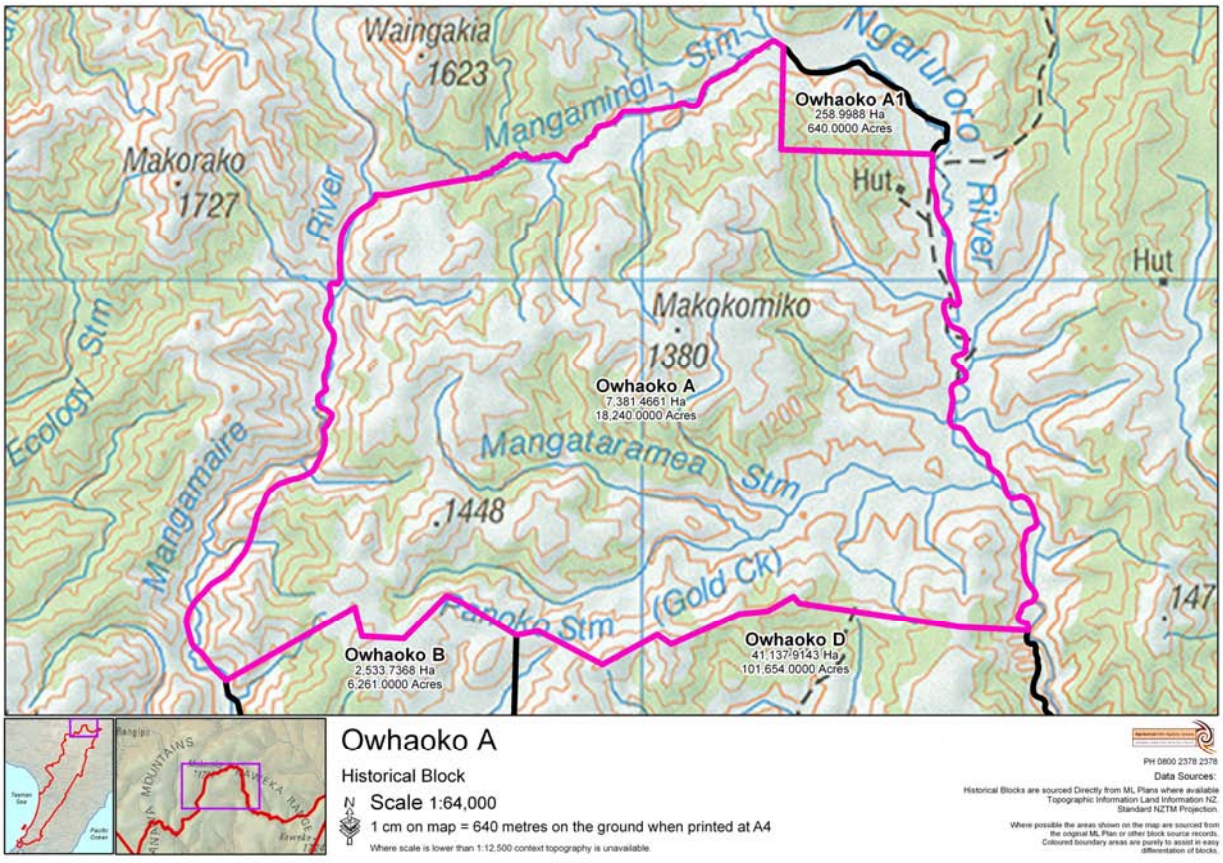
More specifically , Ngati Kurapoto and Ngati Maruwahine (represented by Aperahama Te Kume) were awarded Owhaoko A (20,000 acres). Hepiri Pikirangi and Ngati Tamatutura were awarded Owhaoko B (7,225 acres). Owhaoko C (36,125 acres) was awarded to Renata Kawepo, Noa Huke, Paramena Te Naonao, and Airini Donnelly and others. The main award, Owhaoko D (101,150 acres), went to Ihakara Te Raro, Karaitiana Te Rango, Retimana Te Rango, and their co-claimants of Ngati Whiti and Ngati Whititama.[169] The 1888 awards are set out in Table 2 below, shown alongside the 1887 awards. The 1888 awards are also shown in subdivision maps over leaf (the earlier awards have not been mapped).

After the 1888 re-hearing, some among Ngati Tuwharetoa – notably Ngati Maruwahine and Ngati Kurapoto – were awarded Owhaoko A in the northern part of the Owhaoko block. Werewere Te Rangipumamao and others of Ngati Tuwharetoa were left out of that title because of what they alleged was "a bad feeling" existing between Rawhira Te Aramoana and Werewere, which dated back to the subdivision of the Wharetoto block (in the Taupo/upper Mohaka district). They had originally been included in the Owhaoko lists approved in 1887, but in 1888 they were excluded. Research to date does not indicate whether Werewere Te Rangipumaomao and those claiming with him were able to secure a place on the title of Owhaoko A, but there was certainly no further hearing of the block.[170]

[169] Napier NLC MB No. 17: 59-61; *Hawke's Bay Herald,* 12 October 1888, 3.
[170] Werewere and others to Chief Judge, 21 December 1888, MA-WANG W2140/51 Wh. 656, ANZ in Northern Taihape Blocks Document Bank p. 379-383.

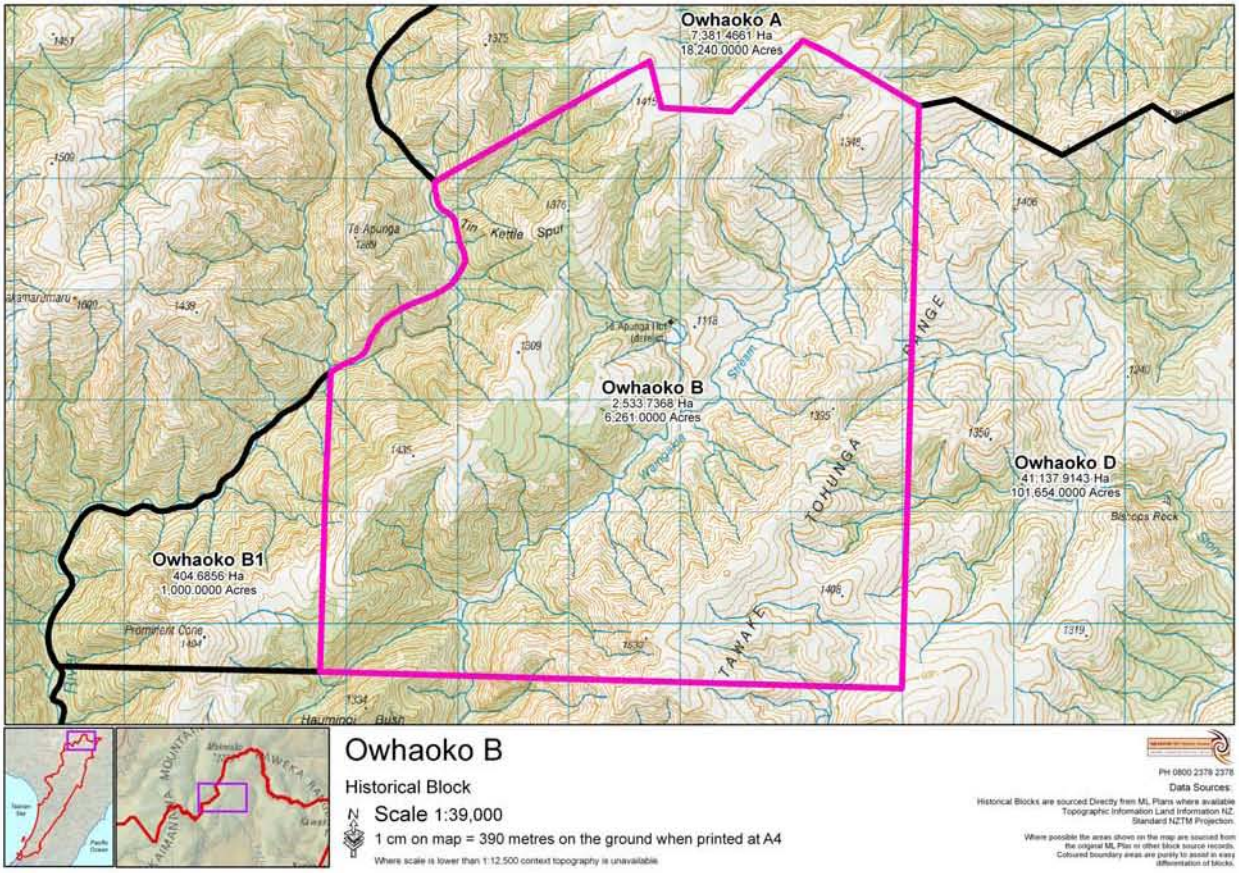
Table 2: Owhaoko Awards, 1887 & 1888[171]

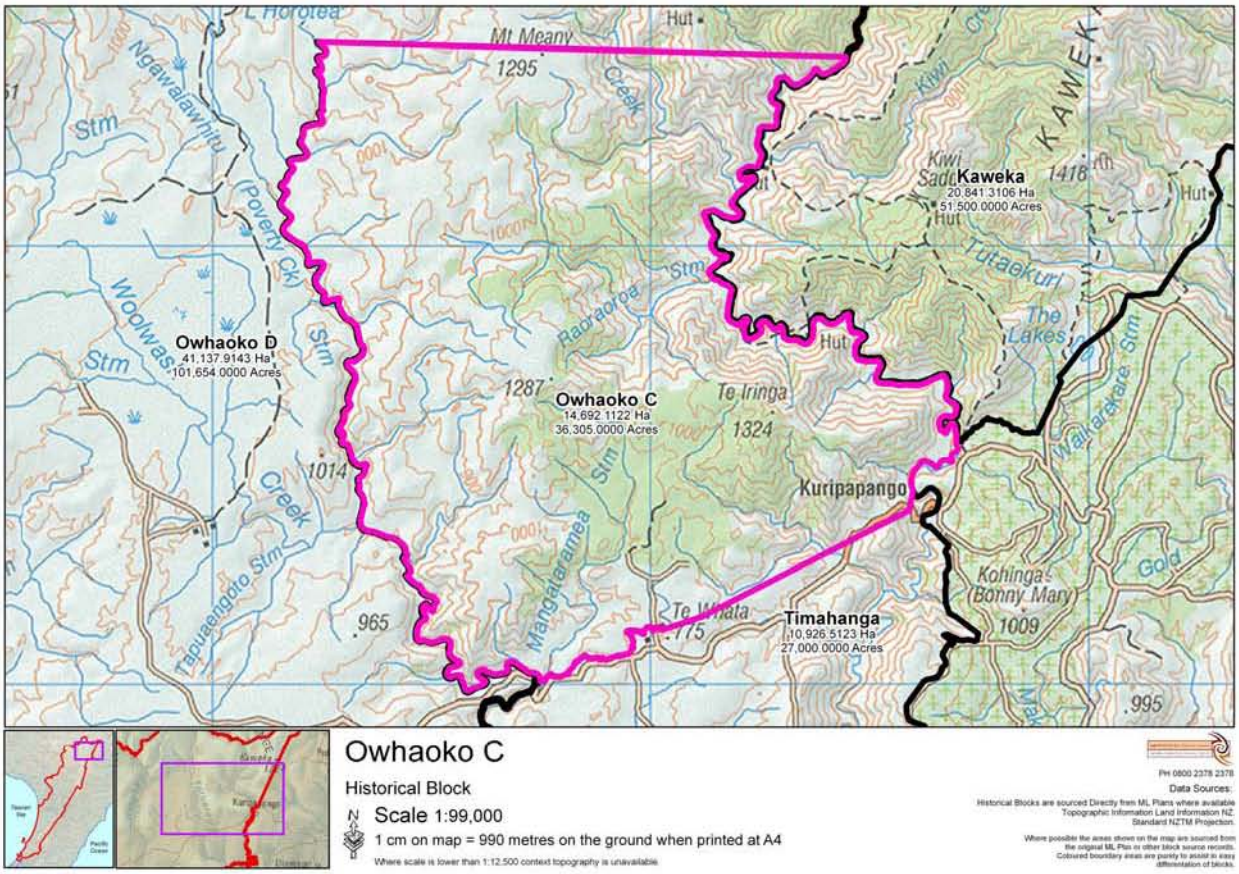
1887 Tribal Group	1887 Award	1887 Award (acres)	1888 Tribal Group	1888 Award	1888 Award (acres)
Ngati Kurapoto	Owhaoko North	27,680	Ngati Kurapoto & Ngati Maruwahine	Owhaoko A	20,000
Ngati Whiti	Owhaoko East	90,501	Ngati Whiti & Ngati Whititama	Owhaoko D	101,150
Ngati Tama	Owhaoko West	45,251	Ngati Tama (Tamatuturu)	Owhaoko B	7,225
-	-	-	Ngati Upokoiri & Ngati Hinemanu	Owhaoko C	36,125
Total		**163,432**			**164,500**

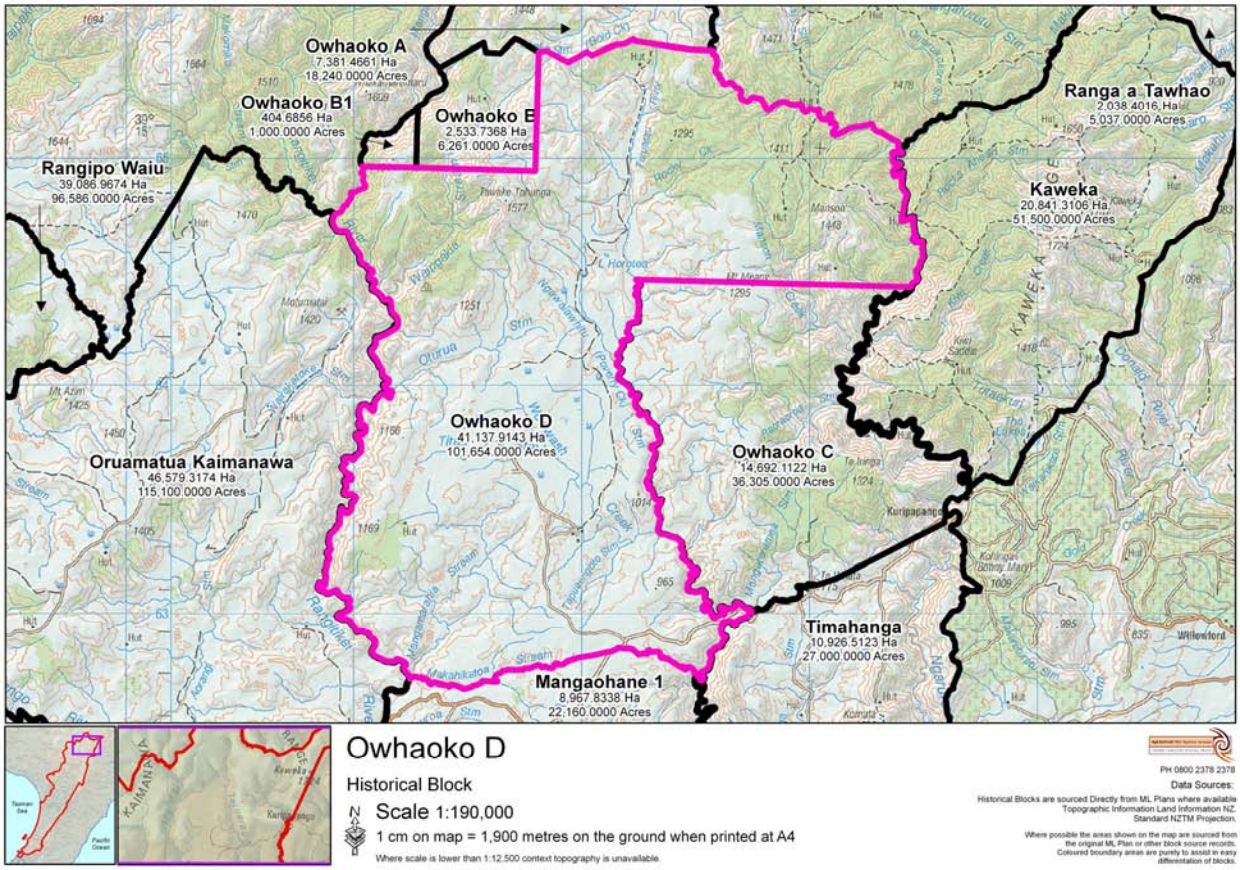


Maps 4 to 7: Owhaoko A to D

[171] Napier NLC MB No. 17: 59-61; Napier NLC MB No. 13: 95-114.


Owhaoko A
7,381.4661 Ha
18,240.0000 Acres
Owhaoko B
2,533.7368 Ha
6,261.0000 Acres
Owhaoko B1
404.6856 Ha
1,000.0000 Acres
Owhaoko D
41,137.9143 Ha
101,654.0000 Acres
Te Apunga
Tin Kettle Sput
Bishops Rock
Prominent Cone
TOHUNGA RANGE
TAWAKE
Owhaoko B
Historical Block
Scale 1:39,000
1 cm on map = 390 metres on the ground when printed at A4
Where scale is lower than 1:12,500 context topography is unavailable.
Data Sources:
Historical Blocks are sourced Directly from ML Plans where available
Topographic Information Land Information NZ.
Standard NZTM Projection.
Where possible the areas shown on the map are sourced from the original ML Plan or other block source records.
Coloured boundary areas are purely to assist in easy differentiation of blocks.


Mt Meany
1295
Owhaoko D
41,137.9143 Ha
101,654.0000 Acres
Owhaoko C
14,692.1122 Ha
36,305.0000 Acres
Kaweka
20,841.3106 Ha
51,500.0000 Acres
Timahanga
10,926.5123 Ha
27,000.0000 Acres
Te Iringa
1324
Kuripapango
Kohinga (Bonny Mary)
1009
Tutaekuri
Poverty Ck
Woolwas Stm
Tapuaengoto Stm
Mangatarawa Stm
Owhaoko C
Historical Block
Scale 1:99,000
1 cm on map = 990 metres on the ground when printed at A4
Where scale is lower than 1:12,500 context topography is unavailable.
Data Sources:
Historical Blocks are sourced Directly from ML Plans where available
Topographic Information Land Information NZ.
Standard NZTM Projection.
Where possible the areas shown on the map are sourced from the original ML Plan or other block source records.
Coloured boundary areas are purely to assist in easy differentiation of blocks.



2.8 Partitioning, 1893–1935

Judges Mackay and Butler presided over the partition of Ngati Whiti and Ngati Whititama's Owhaoko D award in 1893 at Hastings, with Horomona as Assessor. Most of the owners of Owhaoko D had agreed out of court how the subdivision would be arranged, but Winiata Te Whaaro challenged his exclusion from the 1888 title and the 1893 partition plans. As noted earlier, in 1887 Winiata Te Whaaro had been involved with Ngati Whiti in their case, but once Te Whaaro tried to establish a Ngati Hinemanu claim independent of the Ngati Whiti claim, he was rejected by Ngati Whiti and also by the Court. He then attempted to join forces with Renata Kawepo, who was completely left out of the 1887 title. At the outset of 1888 re-hearing, Ngati Whiti accepted the list of names that Winiata Te Whaaro submitted for inclusion with them, but by the time their case was closing they rejected his list of names and instead offered him and his group 1,000 acres out of "aroha."

Te Whaaro declined to accept their offer and he maintained at the 1893 partition that he was still entitled to a larger portion. He argued that the name of Ngati Whiti was not used exclusively by the descendants of Wharepurakau, as it was also used by the descendants of Irokino. He said the descendants of Irokino had hunted and fished on the Owhaoko block as long as the descendants of Wharepurakau had. He also argued that the descendants of Irokino had played a large part in the defeat of Ngati Apa at the fight at Potaka, which Te Whaaro claimed prevented Ngati Apa from implementing plans to conquer the Patea district. Out of over 100,000 acres awarded to Ngati Whiti, he was in 1893 offered 780 acres, whereas Winiata Te Whaaro and Ngati Hinemanu sought 30,000 acres. As before, the Court rejected all of Te Whaaro's claims and stated that 1,000 acres was "an ample appropriation on their behalf."[172] Owhaoko D was divided into eight sections.

Owhaoko C had been awarded to a grouping of Ngati Upokoiri and Ngati Hinemanu consisting of Paramena Naonao, Airini Donnelly, Anaru Te Wanikau, Noa Huke, and Renata's successor, William Broughton (at least until Airini and the Privy Council undid Renata's wishes). Eventually 127 individuals, including those named above, were placed on the title for Owhaoko C but on partition in 1894, 28 of them were allocated only 140 acres of the block because they were said by Airini and others to have limited occupation rights. The 1894 hearing thus took most of its time to address the claims if these 28 individuals. Without an original list to see exactly which 28 individuals were originally meant to have a 140 acre share, it is unclear how many were awarded a larger share but it seems at least some did get an enlarged share. The Owhaoko C block was divided into seven sections.[173]

In 1899 further partitions were made of Owhaoko D5 (into 4 sections), Owhaoko D6 (into 3 sections) and Owhaoko D7 (into 2 sections). In 1906 Owhaoko A, Owhaoko A1, Owhaoko B, Owhaoko B1, Owhaoko D4, Owhaoko D8 were each split into two sections.[174] In 1917 Owhaoko D7B and Owhaoko D1 were split into two sections. In 1935 Owhaoko C3 was split into two sections.[175]

The partitioning of Owhaoko over this period is summarised in the table below.

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[172] *Daily Telegraph,* 10 July 1893, 3; Napier NLC MB No. 26A: 396-397, 457-463, 511-532; MS-Papers-0272-22, ATL.
[173] Napier NLC MB No. 34: 216-217; Napier NLC MB No. 35: 18-22, 48-55.
[174] MA-WANG W2140 box 37 Wh. 601 part 2, Owhaoko A; MA-WANG W2140 box 39 Wh. 606 part 1, Owhaoko B in "Owhaoko to Taraketi," Maori Land Court Records Document Bank, p. 11, 21.
[175] Heinz, "Land Alienation and Retention Database for Taihape District Enquiry: Block Histories by Chronology", 47-50.

Table 3: Owhaoko Partitions, 1894–1935[176]

Partition	Date	Area (Acres. Roods. Perches)
Owhaoko D	11 July 1894	
Owhaoko D1		6,997.0.0
Owhaoko D2		9,448.3.0
Owhaoko D3		5,724.1.20
Owhaoko D4		1,419.0.0
Owhaoko D5		13,013.2.30
Owhaoko D6		8,474.1.20
Owhaoko D7		51,588.3.10
Owhaoko D8		4,961.0.0
Owhaoko C	26 October 1894	
Owhaoko C1		1,348.0.0
Owhaoko C2		7,254.3.0
Owhaoko C3		10,380.3.0
Owhaoko C4		1721.0.0
Owhaoko C5		4,739.1.0
Owhaoko C6		1,936.3.0
Owhaoko C7		7,319.2.0
Owhaoko C (Part)		1,366.0.15
Owhaoko D5	15 June 1899	
Owhaoko D5 1		4,763.2.30
Owhaoko D5 2		1,375.0.0
Owhaoko D5 3		1,375.0.0
Owhaoko D5 4		5,500.0.0
Owhaoko D6	15 June 1899	
Owhaoko D6 1		5,724.1.20
Owhaoko D6 2		1,375.0.0
Owhaoko D6 3		1,375.0.0
Owhaoko D7	21 June 1899	
Owhaoko D7A (D7 1)		7,325.0.0
Owhaoko D7B (Pt D7)		44,263.3.10
Owhaoko A	20 September 1906	
Owhaoko A East		16,640.0.0
Owhaoko A West		1,600.0.0
Owhaoko A1A		57.0.0
Owhaoko A1B		583.0.0.
Owhaoko B	20 September 1906	
Owhaoko B East		5,851.0.0.
Owhaoko B West		410.0.0.
Owhaoko B1A		65.2.0
Owhaoko B1B		934.0.0.
Owhaoko D4	20 September 1906	
Owhaoko D4A		92.2.0
Owhaoko D4B		136.2.0

[176] Ibid..

Partition	Date	Area (Acres. Roods. Perches)
Owhaoko D8A		326.2.0
Owhaoko D8B		4,634.2.0
Owhaoko D7B	16 April 1917	
Owhaoko D7B pt 1		8,574.2.0
Owhaoko D7B pt 2		35,689.1.10
Owhaoko D1	24 December 1917	
Owhaoko D1 pt 1		n/a
Owhaoko D1 pt 2		n/a
Owhaoko C3	26 April 1935	
Owhaoko C3A		1,483.2.0
Owhaoko C3B		8,897.1.0

2.9 Survey Liens

Early Surveying of Owhaoko

According to the surveyors Palmerston and Scott, in February 1886 Noa Te Hianga asked the government to see that they survey the Owhaoko block. This was long after the 1875 title had been partitioned in 1885. In March 1886, the Native Minister advised Chief Surveyor Marchant that any plans to survey the Owhaoko would have to be deferred. Presumably, the Minister was already aware of the controversy over the Owhaoko and Oruamatua–Kaimanawa blocks, and surveying the land before the matter was inquired into was not considered advisable. In May 1886 another surveyor, Charles Reardon, intimated to the Chief Surveyor that he should survey of the block. The Chief Surveyor told one of his officials, Mackenzie, that he was not to authorise any surveys of Native Land Court blocks unless "the Maoris themselves apply."[177]

The survey correspondence picks up in the first half of 1888, shortly before the re-hearing of the 1887 title. Once again, a surveyor, Clayton of Rotorua, asked to be appointed to survey the block, but the Chief Surveyor reminded him that the owners of the block had to apply for any survey. After the 1888 re-hearing, Airini Donnelly applied for Kennedy to be selected to survey the block. The earlier applicant, Reardon, then wrote to the Surveyor-General in 1888, asking that he and Kennedy be authorised to jointly carry out the survey of the block. On 14 June 1888, Hiraka Te Rango, Te Oti Pohe, Horima Paerau, Ihakara Te Raro, Utiku Potaka,

[177] Various telegrams and memoranda: Palmerston & Scott, Marchant, the Native Minister: AAMA W3150 619 Box 22 20/194 1, ANZ in Northern Taihape Blocks Document Bank pp.1-10.

and Winiata Te Whaaro advised the Chief Surveyor that their preferred surveyor, Henry Mitchell, should be appointed to make a "correct survey" of the block.[178]

Officials noted in the margins of this correspondence that they doubted that an entirely new survey was necessary Monro's existing survey, which had been based on the surveys conducted by Campion in the early 1870s, was considered adequate as a base survey of the area. Hiraka Te Rango and others were informed by the Chief Surveyor that, as Monro's survey was adequate, a new survey was not necessary. Airini Donnelly and others were informed by the Chief Surveyor in August 1888 that an "excellent map of the block" already existed. By then, Donnelly preferred George Walker as her surveyor, but as a survey of the whole block was already completed he was not needed. However, some survey work was necessary to define the various divisions of Owhaoko awarded in 1888. In October 1888, Paramena Te Naonao, who was on the list for Owhaoko C, nominated Kennedy to do this work. However, eight owners in Owhaoko C (Paramena, Wiremu Paraotene [Broughton], Anaru, Hiraka Rameka, Karenate Ruataniwha, and Pirika Toatoa preferred that Reardon and Kennedy combine on the work, as did one owner in Owhaoko D, Raita Tuterangi. Henry Mitchell was nominated by six owners of Owhaoko D (Hiraka Te Rango, Ihakara Te Raro, Horiana Paerau, Te Oti Pohe, Karaitiana Te Rango, and Winiata Te Whaaro) while Palmerston and North were left with no Maori backing.[179]

After Walker formally applied to survey the subdivisions, he was told by the Chief Surveyor to get the support of the other owners as well. Walker seemed to have mischievously induced Hiraka Te Rango to nominate him for the survey of Owhaoko D. Hiraka wrote to the Chief Surveyor in February 1889, advising:

> Geo. Walker informs me that you have authorised him to survey Owhaoko and therefore I was induced [to] sign a paper saying that I would not disturb the survey but I notify to you that his charge for the Ngati Whiti portion must not exceed one hundred pounds, please inform him.[180]

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[178] Clayton to Marchant; Airini Tonore and others, survey application; Hiraka Te Rango, Te Oti Pohe, Horima Paerau, Ihakara Te Raro, Utiku Potaka and Winiata Te Whaaro to Marchant, 14 June 1888: AAMA W3150 619 Box 22 20/194 1, ANZ in Northern Taihape Blocks Document Bank pp.11-30.

[179] Marchant to Hiraka te Rango; Marchant to Airini Tonore; Tonore to Marchant; Various survey applications: AAMA W3150 619 Box 22 20/194 1, ANZ in Northern Taihape Blocks Document Bank pp.31-59.

[180] Hiraka te Rango to Marchant, February 1888; Mitchell to CD Kennedy, January 1889; RT Warren to Marchant; Wi Broughton to Marchant; Survey Department memo: AAMA W3150 619 Box 22 20/194 1, ANZ in Northern Taihape Blocks Document Bank pp.60-76

Mitchell wrote to Kennedy in early January 1889, advising that they should work together as they had the support of the majority of owners, as they then informed the Chief Surveyor. Studholme's manager, R. T. Warren, and Renata's successor, Wi Broughton, both wrote to the Chief Surveyor, advising that most owners expected Mitchell and Kennedy to survey Owhaoko C and D. It was clear that Hiraka Te Rango himself did not even support Walker, but had been tricked into endorsing him. In a later memorandum from the Survey Department, it was evident Walker was nominated only by Airini Donnelly, who had also nominated Mitchell to survey Owhaoko C. In the end, Mitchell along with Reardon and Kennedy were left to survey the entire block, as no surveyor was nominated by the owners of the Owhaoko A (Ngati Kurapoto and Ngati Maruwahine) and B (Ngati Tama) subdivisions.[181]

D. Munro made a survey of the entire block in 1877. According to the Chief Surveyor the £1,683.2.6 lien was entirely for Munro's survey of the block, as he was acting as government agent at the time. The subsequent surveys by Reardon and Kennedy and Mitchell were privately arranged and the costs are not evident in the available research. The cost of the 1877 survey was divided amongst the 1888 awards, as set out below:

Table 4: Allocation of Costs of 1877 Owhaoko Survey[182]

Owhaoko Award	Cost of Survey Before Interest (£.s.d.)
Owhaoko A1	6.11.4
Owhaoko A	187.2.10
Owhaoko B1	10.5.0
Owhaoko B	64.4.9
Owhaoko C	372.7.7
Owhaoko D	1,042.11.0
Total	**1,683.2.6**

Owhaoko Survey Liens

The imposition of survey charges detrimentally affected communities of Maori owners who were forced to pay for this the costly process of survey. In 1899 Ihakara Te Raro and others petitioned the government about the survey of Owhaoko and asked for relief.[183] On 25 August 1899, the survey liens on Owhaoko for the 1877 survey were reduced from £1,683.2.6 to

[181] Hiraka te Rango to Marchant, February 1888. AAMA W3150 619 Box 22 20/194 1, ANZ in Northern Taihape Blocks Document Bank pp.60-76.
[182] Chief Surveyor memo, 25 August [?], AAMA W3150 619 Box 22 20/194 1, ANZ in Northern Taihape Blocks Document Bank p. 77-83.
[183] "Petition of Ihakara Te Raro and others," in *AJHR* 1901, I-03, No. 457.

£1,080, a substantial reduction of £603.2.6.[184] Following the reduction of the survey lien, the liens on five different Owhaoko subdivisions were paid on 8 September 1899: Owhaoko D1 (£46.0.7), Owhaoko D2 (£62.5.2), Owhaoko D5 (£85.13.11), Owhaoko D6 (£55.15.0), and Owhaoko D7 (£339.15.3). Hiraka had previously paid for the survey lien for Owhaoko D3 before the 1899 readjustment, so he was refunded the difference of £9.18.8.[185]

Surveying of Owhaoko D subdivisions resulted more costs: the surveys of Owhaoko D2 and D4 cost £80.8.10.; the Survey of Owhaoko D6 cost £66.9.0.; the survey of Owhaoko D5 No. 3 cost £20.5.9.; the survey of Owhaoko D5 No. 4 cost £35.0.0.; the survey of Owhaoko D5 No. 2 cost £18.17.0.; the survey of Owhaoko D7 No. 1 originally cost £102.15.0.[186] The survey of Owhaoko C No.'s 1–7 in 1894 cost £906.4.6. On 29 October 1920, the Chief Surveyor wrote to the Native Land Court Registrar to advise that he had made a progress payment of £697.13.6 on account of the survey of Owhaoko C, with the balance to be paid when the plan had been approved by the Court and a charging order applied for.[187]

Failure to pay for the survey could result in lands being taken by the Crown in lieu of payment. In 1906 various sections of the Owhaoko block were vested in the Surveyor-General as payment for outstanding survey liens, plus interest charges. These lands are shown on Map 9 below (in the Gifted Lands section of this chapter). The owners of Owhaoko A, Ngati Tuwharetoa, owed £120 to the Surveyor-General for the survey of the partitioned section, and the owners were forced to pay in land; namely 1,600 acres of Owhaoko A (Owhaoko A West), which was awarded to the Surveyor-General. In addition, 57 acres of Owhaoko A1 (Owhaoko A1A) was vested in the Surveyor-General for £4.5.4 in survey liens, and 410 acres of Owhaoko B (Owhaoko B West) was vested in the Surveyor-General for £31 owing. By 1906 the cost of the survey of Owhaoko C had grown to £372.7.7 and 1,366 acres of the block (Owhaoko C Part) were vested in the Surveyor-General to discharge the lien (plus interest), as was 92 acres 2 roods of Owhaoko D4 (Owhaoko D4A) on which liens of £9.5.0 wee owed. Lastly, 326 acres 2 roods of Owhaoko D8 (Owhaoko D8A) was vested in

[184] Chief Surveyor to the Auditor of Land Revenue, 30 August 1899, AAMA W3150 619 Box 22 20/194 2, ANZ in Northern Taihape Blocks Document Bank p. 84-85.
[185] Receiver of Land Revenue to the Commissioner of Crown Lands, 9 September 1899 & ? to the Surveyor General, 13 September 1899, AAMA W3150 619 Box 22 20/194 2, ANZ in Northern Taihape Blocks Document Bank p. 86-87.
[186] Kennedy Brothers to the Chief Surveyor, 31 October 1900, AAMA W3150 619 Box 22 20/194 2 & 3, ANZ in Northern Taihape Blocks Document Bank p. 88-92.
[187] Chief Surveyor to Registrar of the NLC, 29 October 1920, AAMA W3150 619 Box 22 20/194 4, ANZ in Northern Taihape Blocks Document Bank p. 93.

the Surveyor-General for £32.13.5 owed in survey liens, and 65 acres 2 roods of Owhaoko B1 (Owhaoko B1A) for £5.4.6 of liens.[188]

After taking parts of six different subdivisions in 1906 as payment for survey liens, the Crown forced the owners to create new subdivisions to account for the lands awarded to the Crown. In something of a vicious cycle, a number of these subdivisions then had new charging orders imposed on them for the costs of surveys that had arisen from the taking of land for earlier survey liens. On 5 March 1931, Owhaoko B1B (the Crown having taken Owhaoko B1A in lieu of the survey lien) had a charging order of £5.15.0 was made for the survey of the subdivision. On 5 March 1931, Owhaoko D4B had a charging order of £3.1.4 was made for the survey of the subdivision. On 12 March 1931, Owhaoko D8B had a charging order for £3.14.0 issued for the survey of the subdivision.[189]

When survey liens were owed land was not always vested in fee simple in the party that was owed the money. The land could also be charged by way of mortgage to pay off the survey costs. This occurred in Owhaoko D, Owhaoko D4, Owhaoko D5 No.'s 2–4 and Owhaoko D6 No.'s 2–3.[190] The files indicate that the survey liens for Owhaoko D5 No.'s 2–4 were paid.

The original cost of the surveys for each partition and sub-division is not indicated in research to date, but snapshots of survey dues owing have been found. In April 1921 the owners of Owhaoko C5 still owed the Surveyor-General £119.2.0 for the survey of the section in 1894, and the owners of Owhaoko C4 still owed £43.4.6 for the survey of their section. The owners of Owhaoko C1 still owed £33.17.6 for the survey of their section and the owners of Owhaoko C7 owed £183.19.6. In 1930 the owners of Owhaoko D7 A still owed the pittance of 17 pence for the survey of their block and the owners of Owhaoko D7B still owed £4.3.7.[191]

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[188] MA-WANG W2140 box 37 Wh. 601 part 1, Owhaoko A, ANZ; MA-WANG W2140 box 37 Wh. 601 part 2, Owhaoko A; MA-WANG W2140 box 39 Wh. 606 part 1, Owhaoko B; MA-WANG W2140 box 39 Wh. 605 part 1, Owhaoko; MA-WANG W2140 box 36 Wh. 595 part 1, Owhaoko D; MA-WANG W2140 box 36 Wh. 595 part 2, Owhaoko D in "Owhaoko to Taraketi," Maori Land Court Records Document Bank, 3-4, 12-13, 19-20, 45, 84-85, 171, 188.

[189] Owhaoko B1 B, D4 B and D8 B Survey Charging Orders: AAMA W3150 619 Box 22 20/194 4, ANZ in Northern Taihape Blocks Document Bank p. 94-101.

[190] MA-WANG W2140 box 39 Wh. 606 part 1, Owhaoko; MA-WANG W2140 box 36 Wh. 595 part 1, Owhaoko D; MA-WANG W2140 box 36 Wh. 595 part 2, Owhaoko D in "Owhaoko to Taraketi," Maori Land Court Records Document Bank, 128, 137-139, 149, 154, 161, 173.

[191] MA-WANG W2140 box 39 Wh. 605 part 1, Owhaoko; MA-WANG W2140 box 36 Wh. 595 part 2, Owhaoko D in "Owhaoko to Taraketi," Maori Land Court Records Document Bank, 59, 195-196, 198. The survey liens owed by the owners of Owhaoko D7 A stood at 52.15.0 in 1907.

Survey liens could remain in place for decades: Owhaoko D7B had £5.4.6 of survey liens charged against it which were not paid until 1959. The principal of £5.0.7 that had been charged against the survey of Owhaoko D7 block in 1924, but had accrued £8.18.2 worth of interest before it was paid in 1959. That year, Lands & Survey decided to obtain the remission of the survey lien interest for the period beyond the first five years: reducing the interest by £6.5.10 from the total of £13.18.9.[192]

The survey costs arising from the original 1877 Owhaoko survey were passed on to the subdivisions, which then incurred their own additional survey costs plus interest. Given the patchy nature of the records examined to date, it is not possible to arrive at a total figure for survey costs of Owhaoko and its numerous subdivisions. The survey costs identified in the available records are set out in the table below, which also notes the 3,916 acres taken in lieu of survey costs in various Owhaoko subdivisions (as also shown on Map 9 in the Gifted Lands section of this chapter):

Table 5: Owhaoko Survey Liens, 1894–1931

Owhaoko Subdivision	Amount Owed & Date (£.s.d.)
	Amount Owed at 1894
C 1–7	906.4.6
	Amount owed at 2-04-1898
B1	10.5.0
D	1042.11.0
	Amount owed at 31-10-1900
D2 & D4	80.8.10
D6	66.9.0
D7	102.15.0
	Amount owed at 25-07-1901
D5 No. 3	20.5.9 (paid)
D6 No. 2	18.15.6
D6 No. 3	19.10.9
	Amount owed at 14-12-1901
D5 No. 2	18.17.0 (paid)
D5 No. 4	35.0.0 (paid)
	Amount owed at 3-03-1902
D4	34.19.5
	Amount owed at 20-09-1906
A West	120 (1,600 acres taken in lieu of survey liens)
A1A	4.5.4 (57 acres taken in lieu of survey liens)

[192] Chief Surveyor, "Remission of Survey Liens," 21 August 1959, AAMA W3150 619 Box 22 20/194 4, ANZ in Northern Taihape Blocks Document Bank p. 102.

Owhaoko Subdivision	Amount Owed & Date (£.s.d.)
B West	31.0.0 (410 acres taken in lieu of survey liens)
B1A	5.4.6 (65 acres taken in lieu of survey liens)
C (Part)	372.7.7 (1,366 acres taken in lieu of survey liens)
D4A	9.5.0 (92 acres taken in lieu of survey liens)
D8A	32.13.5 (326 acres taken in lieu of survey liens)
Total taken for survey costs to date	**3,916 acres**
	Amount owed at 28-10-1907
D7A	52.15.0
	Amount owed at 23-04-1921
C1	33.17.6
C4	43.4.6
C5	119.2.0
C7	183.19.6
	Amount owed at 3-09-1930
D7A	0.0.17
D7B	4.3.7 (5.4.6 paid in 1959)
	Amount owed at 5-03-1931
B1B	5.15.0
D4B	3.1.4
D8B	3.14.0

2.10 Rates

As the bulk of the Owhaoko blocks was not economically productive land, the burden of rates charges began to weigh heavily on the owners of the block in the decades after title was finalised. For instance, the rating charges for Owhaoko C7 from 1928 to 1940 added up to £31.4.5 plus accumulating interest. The situation was similar for Owhaoko C5 which had accumulated £31.13.7 in rating charges plus interest from 1950 to 1957, and for Owhaoko C, which had accumulated £62.14.0 in rating charges from 1948 to 1958, which sum was paid in 1958. Owhaoko C3 had accumulated a far higher level of rates arrears in the 1920s; £152.2.7. This affected the subsequent subdivisions of the title, such that in 1968 Owhaoko C3B owed rates arrears of £612.13.7 (decimalised in 1967 to $1,225.36). From 1928 to 1934, Owhaoko D4 was charged the more modest sum of £18.9.3 plus interest in rates arrears, while from 1928 to 1940, Owhaoko D2 was charged £88.15.9 plus interest. From 1920 to 1926, Owhaoko D3 was charged £30.9.6 plus interest. Then, from 1940 to 1943, Owhaoko D6 No. 3 was charged £23.9.4 plus interest, while in the same decade, from 1940 to 1946,

Owhaoko D5 was charged £108.6.0 plus interest. Over four years in the late 1930s and early 1940s, Owhaoko 7A and part of 7B was charged £397.5.3 of rates arrears plus interest, a debt that was not discharged until 1959. Payment of long-standing rates arrears was often linked to an alienation of the land, which raised funds that enabled the debt to be paid. In other cases, the funds were taken until the rates debt was cleared so the owners received nothing until the rates arrears, and current rates, were cleared. In the case of Owhaoko D5 No. 3, owing £28.2.11, the owners could not pay so when their land was leased, the Aotea District Maori Land Board was appointed as receiver under the Rating Act 1925 to receive their rents to discharge the rates debt.[193]

Some titles were exempted from paying rates, but not until 1947; decades after it was evident that such land could not bear the burden of rates. In 1947, the Crown exempted Owhaoko C3A, Owhaoko C B, and parts of Owhaoko D2 and D3 from rates. This did not clear rates arrears charged against the titles before 1947, and it was not until 1963 that Rangitikei County Council discharged £41.6.10 of rates arrears owed on Owhaoko C3A; a sum that represented about one quarter of the total amount owed at the time.[194] Ruddenklau Brothers were leasing Owhaoko D61 and D62, but did not want to be held responsible for paying the rates, even though this was usually the responsibility of the lessee. Despite their efforts, they were held liable for the rates owing on both titles: £41.9.9 and £10.14.3 respectively. They were nonetheless exempted from paying future rates on Owhaoko D61, which was the only Maori-owned land out of the two.[195]

The rates charging orders identified in the available research are unlikely to comprise all of the rates arrears charged to the Owhaoko titles. The rates charging orders identified to date are summarised in the table overleaf:

[193] MA-WANG W2140 box 39 Wh. 606 part 1, Owhaoko, ANZ; MA-WANG W2140 box 39 Wh. 605 part 1, Owhaoko; MA-WANG W2140 box 36 Wh. 595 part 1, Owhaoko D; MA-WANG W2140 box 36 Wh. 595 part 2, Owhaoko D, ANZ in "Owhaoko to Taraketi," Maori Land Court Records Document Bank, 53-58, 66-68, 75, 95, 110-112, 114, 117-122, 131-133, 135-136, 150-153, 156-160, 192-194.
[194] MA-WANG W2140 box 36 Wh. 595 part 1, Owhaoko D, ANZ In "Owhaoko to Taraketi," Maori Land Court Records Document Bank, p. 91-94, 116,
[195] John Mason to JG Coates, 16 March 1928, MA1 1422, 1927/266, ANZ in Northern Taihape Blocks Document Bank p. 103-105.

Table 6: Owhaoko Rates Charging Orders, c.1928–1968

Subdivision	Rating charges (£.s.d.)
C3	152.2.7
D3	30.9.6
D2	88.15.9
C7	31.4.5
D4	18.9.3
D6 No. 3	23.9.4
D5	108.6.0
7A & Part of 7B	397.5.3 (paid)
C1	62.14.0 (paid)
D5 No. 3	28.2.11
C5	31.13.7
C3A	c.123
C3B	612.13.7

2.11 Pre-1900 Leases

Informal leasing of Owhaoko in the 1870s was one of the first transactions affecting the block, and it was the desire of some right-holders to formally lease the portion of Owhaoko set aside as a school endowment that led to the survey of the land in 1873–1874, and the subsequent title investigation in 1875. This in turn led to formal leases of much of Owhaoko. Once the protracted title disputes arising from the defective title investigation were finally resolved, leasing continued to be the favoured form of alienation for many of the confirmed title holders.

The first formal lease signed after the 1875 title award was between the then grantees (Renata Kawepo, Ihakara Te Raro, Retimana Te Rango, Noa Huke, Hira Te Oke and Karaitiana Te Rango) and John and Michael Studholme. The 21-year term began on 5 October 1878 with £1,000 per annum to be paid for Owhaoko (134,650 acres). At that time, Owhaoko was split into only two sections: Owhaoko and Owhaoko No. 1 (School Reserve). On the same day the same lessors and lessees also signed a lease of Owhaoko No. 1 (School Reserve) (28,601 acres) for £750 per year.[196]

[196] Lease – Renata Kawepo and others to J. Studholme – Owhaoko Block, MA W1369 44 [214], ANZ; Lease – Renata Kawepo and others to J. Studholme – Owhaoko No. 1 Block, MA W1369 44 [215], ANZ in Northern Taihape Blocks Document Bank pp.106-119.

On partition in 1885, Owhaoko 1B was vested in Noa Huke and the title stated that his share of the rent would be £25 per annum,. For Owhaoko 1A, Ihakara Te Raro, Retimana Te Rango, and Karaitiana Te Rango were to receive £275 per year. When Owhaoko 1 was vested in Renata Kawepo he became entitled to £450 per annum for his share of the rent of that block. In addition, Owhaoko proper was vested in Renata Kawepo, for which he was to receive a total of £675 per annum from the two leases affecting the titles.[197]

It is unclear how the payment of these rents was affected by the 1887 investigation of title, as the titles on which the leases were based had been completely overturned. However, as the 1887 award was promptly appealed, it was not until after the 1888 re-hearing that the Studholmes had to act. In any case, the 1888 award brought the prime instigator of the leases, Renata Kawepo (or, rather, his successors) back into the fold. Yet the title also included Airini Donnelly, who would presumably favour her husband in any fresh lease. Leasing large areas of land from a small number of grantees was far easier before 1888 than when the land was awarded to a large group of right-holders, and was then partitioned into smaller sections in the 1890s.

The 1878 leases were meant to run for 21 years but they obviously had to be re-negotiated after the 1888 award. The Studholme papers provide a glimpse into how much was paid for the leases of some parts of the Owhaoko block after 1888. Owhaoko A was awarded to Ngati Maruwahine and Ngati Tuwharetoa and Owhaoko B was awarded to Ngati Tama and Ngati Whititama. These blocks are shown in the Studholme papers as leased by the Studholmes, but it is unclear what rent was paid.

Owhaoko C was awarded to Airini Donnelly and her group. The Donnellys and the Studholmes had previously been rivals in the Patea region but following Renata's death there seemed to be an effort to co-operate, or at least to define and remain within their own respective fiefdoms. Negotiated agreements between the two families in the Studholme papers reveal significant efforts to this end. This rapprochement between the former rivals did not make life any easier for Winiata Te Whaaro, who was slowly being pushed off of his own adjacent land on Mangaohane during the 1890s. For example, on 11 June 1890, the Donnellys signed an agreement with Studholme regarding their respective interests in Mangaohane 1 (Mangaohane being an important piece of land in the pastoral occupation of the rougher lands to the west). The groups agreed to oppose any re-hearing of Mangaohane, and to cease

[197] MA-WANG W2140 box 39 Wh. 606 part 1, Owhaoko, ANZ in "Owhaoko to Taraketi," Maori Land Court Records Document Bank, pp.31-42.

opposing any sales or leases of the subdivisions in which they each had interests. As set out in the Mangaohane block study, this related to the Studholme's opposition to the leasing of Donnelly's interest to Richardson in 1886. The second part of this agreement provided for the sale of 500 acres of Studholmes' portion (earlier purchased from Renata and his group) to the Donnellys for £500. The agreement also allowed the Donnellys to cut timber from 100 acres of the Studholmes' portion in Mangaohane 1, and agreed that they would mutually fund the building of a fence between the two groups of subdivisions.[198] Winiata and his Ngati Hinemanu and Ngati Paki people were simply squeezed out by this cosy duopoly.

Another result of the co-operation between the Studholmes and the Donnellys was the leasing of the Owhaoko C block to the Studholmes in the 1890s. On 23 September 1896, Izard (of Bell, Gully & Izard) wrote to Studholme about obtaining the lease for Owhaoko C. At that time, only 59 of the 127 owners had signed the lease and every single owner's signature was needed to complete the lease, or a partition of those who had leased their interests would be required (together with a survey and associated court costs for the partition case and definition of relative interests, not to mention the uncertainty over what land would ultimately be included within the lease). In addition, there were still large survey liens and succession duty fees to be paid before the lease could be completed. Studholme seems to have persevered with the leases, and during the second half of the 1890s rents were paid for Owhaoko C1-C7 annually, as set out in the table below.[199] The rent was equal to just under thruppence per acre per annum. Rents were often based on five percent of the unimproved value of the land, so these rents indicate a land value of about four shillings nine pence per acre.

Table 7: Owhaoko C Annual Rents, 1890s

Subdivision	Rent Paid (£.s.d.)
C1 (1,348 acres)	16.4.5
C2 (7,255 acres)	86.10.2
C3 (10,381 acres)	123.14.10
C4 (1,721 acres)	20.11.2
C5 (4,739 acres)	56.10.8
C6 (1,937 acres)	23.1.11
C7 (7,320 acres)	87.6.8
Total (34,701 acres)	**£412 19s. 10d.**

[198] MS-Papers-0272-22, ATL.
[199] MS-Papers-0272-02, ATL.

During this period, the Studholmes' 21-year leases of the various Owhaoko D subdivisions ordered in 1893 were signed at the end of August 1894, although the leases were terminated in 1904, less than halfway through the term. The rents payable for the Owhaoko D leases are set out in the table overleaf:[200]

Table 8: Owhaoko D Annual Rents, 1894–1904

Subdivision	Rental (£.s.d.)
D1 (6,997 acres)	79.18.8
D2 (9,449 acres)	107.18.11
D3 (5,724 acres)	65.7.10
D4 (1,419 acres)	15.9.9
D5 (13,014 acres)	150.5.4
D6 (8,474 acres)	96.16.2
D7 (51,589 acres)	591.11.0
D8 (4,961 acres)	56.12.6
Total (101,627 acres)	**£1,164 0s. 8d.**

As with the leases of Owhaoko C subdivisions, these rentals are equal to less than thruppence per acre, and indicate an unimproved land value of about four shillings seven pence per acre.

The division of the rents among the grantees was something the Studholmes needed to keep track of, and their records detail the share of the rents due to each of the signatories to the lease, as set out in the table below:[201]

Table 9: Owhaoko D Rents Due to Individual Owners

Owhaoko D1	Rental paid (£.s.d)
Te Oti Pohe	8.15.6
Ropoana Pohe	8.15.6
Tareti Pohe	5.17.0
Rawinia Honeri	17.10.8
Erena Te Oti	8.15.4
Ngaruroro Ropoama	4.7.5
Wakinikini Ropoama	4.7.5
Piri Tareta	5.16.9
Honeri Te Wanikau	5.16.9
Hepiri Pikirangi	1.0.5
Rawiri Pikirangi	1.0.5
Ngauru Pikirangi	1.0.5
Takiora Hohepa	1.5.4

[200] MS-Papers-0272-26, ATL.
[201] MS-Papers-0272-26, ATL

Owhaoko D1	Rental paid (£.s.d)
Mutu Hohepa	1.5.4
Hinetai Hohepa	1.5.4
Kotuku Hohepa	1.5.4
Kingi Topia	1.5.4
Ani Hohepa	1.2.8
Wanikau Hohepa	1.2.8
Puketoi (?) Hohepa	1.2.6
Total	**79.18.8**

Owhaoko D2	Rental paid (£.s.d)
Raita Tuterangi	107.18.11

Owhaoko D3	Rental paid (£.s.d)
Heta Tanguru	65.7.10

Owhaoko D4	Rental paid (£.s.d)
Hana Hinemanu	1.7.10
Roka Tukotahi	0.4.6
Arona Raurimu	0.4.6
Tuikata Raurimu	0.4.6
Huriwai Raurimu	0.4.6
Mere Paku	11.5
Te One Kere	0.4.6
Winiata Te Whaaro	1.2.10
Te Riria Te Whaaro	0.4.6
Te Keepa Te Whaaro	0.4.6
Te Momo Te Whaaro	0.4.6
Te Wirihana Te Whaaro	0.4.6
Hauiti Te Whaaro	0.4.6
Horiana Te Whaaro	0.4.6
Te Ngahoa Te Whaaro	0.4.6
Te Matikau (??) Te Whaaro	0.4.6
Te Ngokengoke (??)Te Whaaro	0.4.6
Papara Te Whaaro	0.4.6
Te Whakamai Te Whaaro	0.4.6
Irimana Ngahoa	0.18.2
Moroati Tanguru	0.7.2
Raupi Tanguru	0.7.0
Maraea Tanguru	0.7.0
Rapana Tanguru	0.7.0
Turitakoto Tanguru	0.7.0
Te Nuia (??)Tanguru	0.7.0
Hanuera (??) Tanguru	0.2.6
Te Ani (??) Tanguru	0.2.6
Pane Tanguru	0.2.6
Kuku Te Korianga (???)	1.14.5
Raita Makareni	1.14.5

Owhaoko D4	Rental paid (£.s.d)
Te W. Awaroa	1.14.3
Total	**15.9.9**

Owhaoko D5	Rental paid (£.s.d)
Karaitiana Te Rango	57.2.6
Ani Kiritaako	54.8.3
Taiuru Retimana	15.14.2
Ngakairahe Retimana	15.14.2
Waikari Karaitiana	5.14.3
Total	**150.5.4**

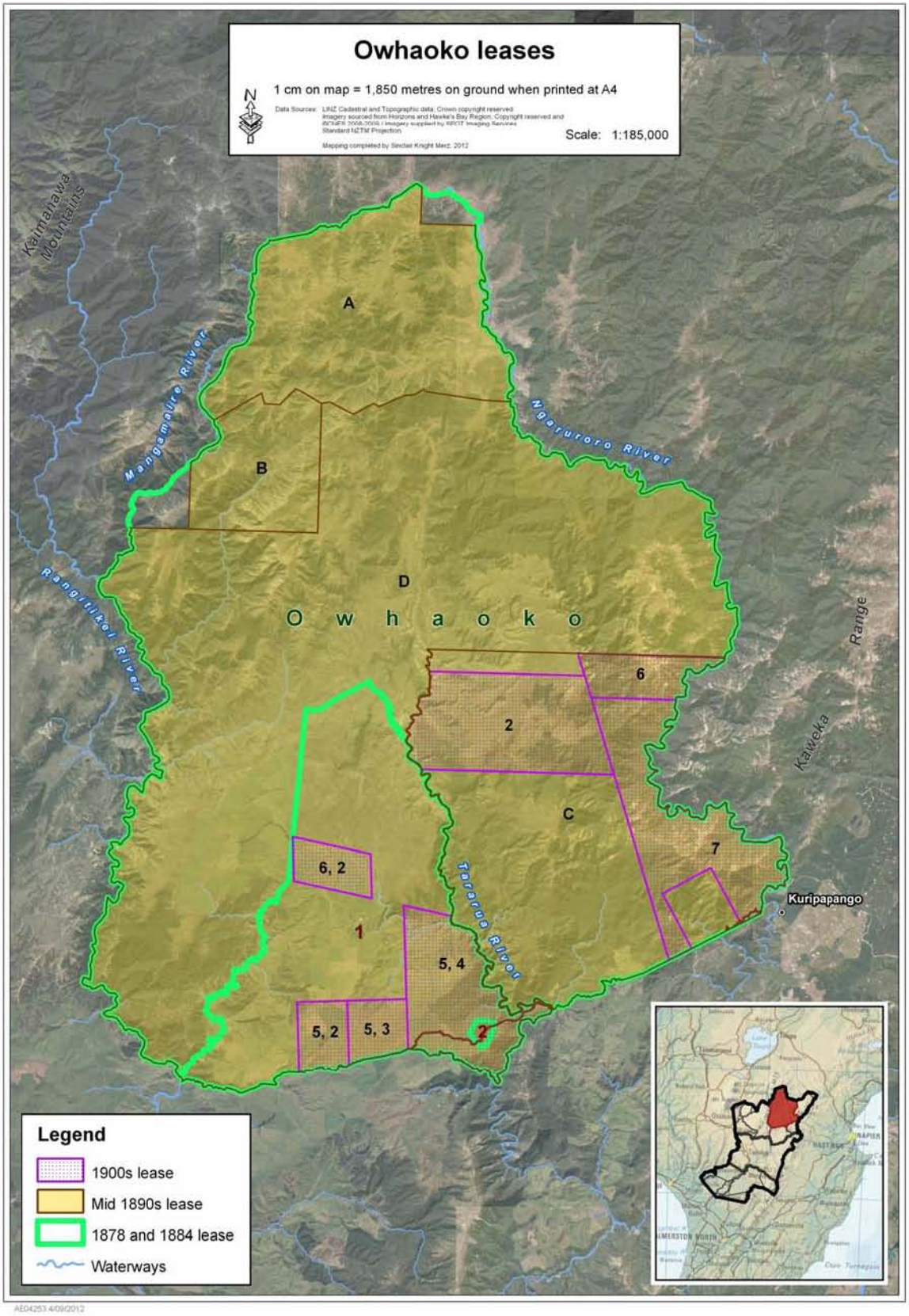
Owhaoko D6	Rental paid (£.s.d)
Te Awa Awa	65.7.10
Raumaewa Retimana	15.14.2
Ngamako Retimana	15.14.2
Total	**96.16.2**

Owhaoko D7	Rental paid (£.s.d)
Ihakara Te Raro	59.1.8
Wera Rauwina	76.16.4
Horima Paerau	60.16.4
Hakopa Te Ahunga	53.19.4
Rota Tiatia	57.2.6
Ihaka Te Konga	57.2.7
Erueti Arani	57.2.7
Hiraani Te Hei	65.7.11
Kawepo Ngarangi	32.13.11
Toia Ngarangi	32.13.11
Te Rina Pine	17.8.5
Hiraka Te Rango	11.8.6
Merania Hiraka	0.16.0
Utiku Potaka	6.17.1
Total	**558.17.1**

Owhaoko D8	Rental Paid (£.s.d)
Urania Renata	7.0.11
Horiana Morehu	0.18.2
Paoro Tamakorako	0.18.2
Hohepa Patumoana	1.3.9
Merekira Hori	1.14.5
Taweke Pine	1.2.10
Kewa Pine	0.11.5
Ngamotu Pine	1.2.10
Wiri Hiraka	1.2.10
Mariana Pine	1.2.10
Te Aomarama Pine	1.2.10

Owhaoko D8	Rental Paid (£.s.d)
Hera Pine Hiuarei (??)	1.2.10
Hoani Hohepa	1.2.10
Honei (??) Hohepa	1.2.10
Ratima Hakopa	0.11.5
Arapeta Renata	0.9.1
Kerei Renata	0.9.1
Whatuiapiti Renata	0.9.1
Ani Renata	0.9.1
Papaterei Pine	1.2.10
Puari Pine	1.2.10
Te Mamai Pine	1.2.10
Moko Pine	1.2.10
Pita Ngapapa Hakopa	0.11.5
Tawhi Hakopa	0.11.5
Paerau Hakopa	0.11.5
Whatu Raumaewa	0.12.9
Pango Raumaewa	0.12.9
Moroati Taiuru	0.12.9
Waina Taiuru	0.12.9
Ngawaiata Kahungunu	0.11.5
Henare Tikeki (??)	0.11.5
Tukino Te Ahunga	0.11.5
Memeha Ratima	0.11.5
Anaru Ratima	0.11.5
Mangare Ratima	0.11.5
Pokaitara Ratima	0.11.5
Te Manawa Hoani	0.1.4
Patati (?) Hoani	0.1.4
Te Kuru Hoani	0.1.4
Te Kopu Hoani	0.1.4
Oina (?) Hoani	0.1.4
Pango Puketoi	1.2.10
Rangiapoa Waikare	2.11.6
Whakakiki Paki	3.16.8
Ngahuiti (?) Paki	3.16.8
Puteruke Paki	3.16.8
Pa o te Rangi (?) Hiraka	1.2.10
Ngakeke Renata	0.9.1
Taumaka (?) Arapeta	0.9.1
Hirani Arapeta	0.9.1
Te Ranikooti Hori	0.9.1
Te Waiwere Hori	0.9.1
Rerekau Hori	0.9.1
Warehia Te Whatu	0.9.1
Potaka Hoani	0.9.1
Total	**£56 12s. 6d.**

The early leases, and new leases signed in the early 1900s are shown in Map 8 overleaf.



Map 8: Owhaoko Leases

In 1904 sevens leases were terminated: 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.). A new lease of Owhaoko A had been signed on 5 October 1899 and was set to run for 14 years at the rate of £115 per year, although the lease was for 14,671 acres rather than the entire block. It is unclear exactly when the leases for Owhaoko D4, Owhaoko D5 and Owhaoko D8 were also terminated or if some of them did run full term. Owhaoko D5 was subject to a new lease in 1907 so that lease certainly terminated early, and it seems likely that so too did the leases of the remaining Owhaoko D subdivisions.[202]

2.12 Post-1900 Leases

As indicated in the previous section (and as shown on Map 8 above), parts of Owhaoko were subject to pre-1900 leases that ran into the twentieth century, but in 1904 several of these leases were ended prematurely, apparently due to the death of John Studholme that year. Various parts of Owhaoko were then included in new leases signed after 1900 (as also shown on Map 8 above). The leases identified to date are set out in Table 10 overleaf. For instance, following further partitioning in 1906, the owners of Owhaoko D5 No. 3 (1,375 acres) and Owhaoko D5 No. 4 (5,500 acres) leased the blocks to Frederick de Lannoy Luckie for a term of 21 years at annual rents of £20.3.0 and £74.15.0 respectively.[203] In 1907 the owner of Owhaoko D6 No. 2 (1,375 acres), Ngamako Retimana, leased her individual interest in the title to Frederick de Lannoy Luckie for a term of 29 years from 1 November 1907 at an annual rent of £6.17.0. (given the low rent, relative to other leases, this would seem to be only a one-third interest in the title). As set out in the next section, this block was purchased by the Crown in 1913. In January 1907 the owners of Owhaoko D5 No. 2 (1,375 acres) leased to Frederick de Lannoy Luckie for 21 years at an annual rent of £21.3.0.[204] These rents are equal to about 3.5 pence per acre, indicating an unimproved value of just under 6 shillings per acre; an increase on the values on which pre-1900 leases seem to have been based.

In January 1931 the owners of Owhaoko D5 No. 4 (5,500 acres) leased to Ngamatea Ltd (who farmed a large area of land in the vicinity) at £35 per year for the first ten years and five

[202] Ibid.
[203] AAMX W3529 6095, Box 20, ANZ in Northern Taihape Blocks Document Bank, p. ANZ p. 384-385.
[204] AAMX W3529 6095, Box 20, ANZ in Northern Taihape Blocks Document Bank, p. ANZ p. 384-385.

percent of the government valuation for the remainder of the 21 year term of the lease.[205] These conditions were standard for leases arranged under the auspices of the Aotea Maori Land Board after 1909. Owhaoko D5 No. 3 was leased to L. H. Roberts for 42 years from 13 November 1953. Owhaoko D5 No. 4 was also leased to Roberts, but for only for 21 years from 20 June 1951.[206] The balance area of 8,574 acres included in the gift blocks (see below) was leased by the Crown to Roberts for 21 years from 20 June 1957.[207]

Table 10: Owhaoko Leases Post-1900

Subdivision	Area (acres)	Lessee	Starting Date & Duration	Rental Terms (£.s.d.)
D7 (Except Ihakara Te Raro's share)	46,416	n/a	1-11-1906	More than 150 per annum
D5 No. 3	1,375	Frederick de Lannoy Luckie	20-12-1906 & 21 years	20.3.0 per annum
D5 No. 4	5,500	Frederick de Lannoy Luckie	20-12-1906 & 21 years	74.15.0 per annum
D6 No. 2	1,375	Frederick de Lannoy Luckie	1-11-1907 & 29 years	6.17.0 per annum
D5 No. 2	1,375	Frederick de Lannoy Luckie	1-11-1907 & 21 years	n/a
D5 No. 4	5,500	Ngamatea Ltd.	01-1931 & 21 years	35.0.0 per annum for the 1st 10 years
D5 No. 3	1,375	Lawrence Harper Roberts	13-11-1953 & 21 years	n/a
Part of D7	8,574	Lawrence Harper Roberts	20-06-1957 & 21 years	n/a (collected by the Crown)

There are also indications that Owhaoko D7 was leased for 30 years from 1 November 1906, but it is unclear at what rental, although it was certainly for more than £150 per year. The entire block, except for an interest of 5,172 acres (Ihakara Te Raro's share), was included in this lease. The lease clearly did not run its full term, as part of the block was gifted to the Crown in 1918 (see below). Robert Batley, a prominent Moawhango farmer, also leased some sections in the Owhaoko block, but it is not clear from the available records which lands or

[205] MA-WANG W2140 box 36 Wh. 595 part 1, Owhaoko D; MA-WANG W2140 box 36 Wh. 595 part 2, Owhaoko D, ANZ in "Owhaoko to Taraketi," Maori Land Court Records Document Bank, p. 115, 140, 148, 163; MLC-WG W1645 3/3215 in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 5061-5070.

[206] Memo by Deputy Registrar, 18 September 1969, AAMA W3150 619 Box 22 20/194 4, ANZ in Northern Taihape Blocks Document Bank, p. ANZ p. 209-210.

[207] K Morrill to Judge KB Cull, 30 April 1973, p. 2: MA1 Box 90, 5/5/278 Part 1, ANZ in Northern Taihape Blocks Document Bank pp.205-208.

what rental was paid.[208] Squatting by Pakeha runholders based on adjacent Crown land became an issue in the vicinity during the twentieth century, and is a matter that merits further research and analysis in any subsequent overview studies.

2.13 Post-1900 Crown Purchases

No Crown purchases of Owhaoko prior to 1900 have been identified. Two Crown purchases were made in the early twentieth century. In addition, there were negotiations affecting other subdivisions that were not sold, but which merit consideration here. Other lands were not sold, but were instead gifted to the Crown during World War I for the settlement of returning Maori soldiers; these gifted lands are discussed in a separate section of this block study.

Attempted Purchases of Owhaoko, 1908–1915

On 1 June 1908, Te Heuheu Tukino wrote to the government offering to sell Owhaoko A (18,240 acres).[209] No response to this offer seems to have been made, but it is evident from subsequent correspondence that many owners of Owhaoko opposed any further loss of land. For instance, in May 1910, another owner, Mere Axford, wrote to Native Minister James Carroll to oppose any purchase of Owhaoko A:

> What are the natives and their children around Taupo to do with all their land being sold? I as a part owner strongly object to this block being sold as it is an asset to my tribe and I was also one of the parties who paid for the block to go through the Native Land Court and spent a good deal of money on the same, which other Europeans interested in the Block did not.[210]

Those owning other parts of Owhaoko felt differently; at about the same time, Te Hina (or Huia) Karaka wrote to Carroll to offer for sale her interest in Owhaoko. This seems to refer to Owhaoko C, as she was of Ngati Upokoiri.[211]

Then, on 6 July 1910, Te Waaka Tamaira and 101 others wrote to the Crown offering interests in Owhaoko for sale, although it is unclear specifically which subdivisions were being offered. Tamaira requested that the Aotea Maori Land Board sit at Tokaanu to consider

[208] MA1 1422, 1927/266, ANZ in Northern Taihape Blocks Document Bank pp.103-105.
[209] Te Heuheu Tukino to the Government, 1 June 1908. MA-MLP 1/1910/08, ANZ.
[210] Mere Axford to James Carroll, 25 May 1910, MA-MLP 1/1910/08, ANZ.
[211] Te Hina [?] Karaka to James Carroll, 23 May 1910. MA-MLP 1/1910/08, ANZ.

the offer, "because the majority of those who have interests in the block are resident here." This indicates that Tamaira referred to the Owhaoko A block in which Ngati Tuwharetoa had interests. Somewhat confusingly, Tamaira wrote that they still planned to use the land despite offering it for sale, indicating that perhaps they intended selling only part of it in order to fund development of the remainder:

> The Board will probably have much work to do in connection with the lands here, as we are anxious to begin [farming] operations on some of these lands. Also tell the Board to bring our money for Tokaanu Township.[212]

The Clerk at the Aotea Maori Land Board was confused about what land was offered for sale. The Under-Secretary for Native Affairs, Thomas Fisher, wrote that the offer was for the entire Owhaoko block, which seems rather unlikely as were many more owners involved in the title than those who had submitted the offer. A Native Affairs official observed that as a number of the subdivisions were subject to leases, only those portions that were unleased would be subject to Crown purchase.[213]

Even so, the Crown envisaged quite substantial acquisitions: on 28 September 1910, the Native Minister submitted to the Aotea Maori Land Board a Crown offer to purchase Owhaoko A (18,240 acres), Owhaoko A 1 (640 acres), Owhaoko B (6,261 acres) and Owhaoko B1 (1,000 acres) at government valuation. The President of the Aotea Board, J. B. Jack, asserted that the Owhaoko owners had agreed to the sale but it is unclear to which subdivisions or owners he refers. In any case, he asked the Crown for specific purchase offers only in relation to Owhaoko A and Owhaoko A1. On 8 November 1910, a meeting of owners was convened at Taihape to discuss the offer of the Crown to purchase Owhaoko B at the government valuation. This is curious, as Owhaoko B was the Ngati Tama award, but very few of the 101 signatories to Tamaira's earlier offer to sell described themselves as Ngati Tama.[214] Subsequent correspondence indicates other meetings had been held at Tokaanu and Hastings, presumably in relation to meetings convened for the Ngati Tuwharetoa and Ngati Upokoiri subdivisions.

On 10 November 1910, Jack wrote a report to Fisher at Native Affairs regarding the various meetings held at Tokaanu, Taihape, and Hastings regarding the Crown's offers to purchase

[212] Tewaaka Tamaira and others to Carroll, 6 July 1910. MA-MLP 1/1910/08, ANZ.
[213] Clerk of the Aotea Maori Land Board to Thomas Fisher, 8 October 1910; Thomas Fisher Memorandum, October 1910, MA-MLP 1/1910/08, ANZ.
[214] Native Minister to Aotea Maori Land Board, 28 September 1910; JB Jack memorandum, 4 November 1910, MA-MLP 1/1910/08, ANZ.

unleased Owhaoko subdivisions. Despite Tamaira's earlier offer, neither of the meetings of owners endorsed sale to the Crown:

> I regret that so far the meetings have been practically abortive. The Tokaanu people, who did not know the land at all, are all agreeable to sell, but they had decided to fix a price of 25/- an acre of the land. Thinking that they might later come to a more reasonable frame of mind I induced them to adjourn the meetings till the other meetings had been held. The Taihape people to were found to be obsessed with an absurd notion of the value of the land although they too were willing enough to sell. I suggested that if they did not like the idea of selling to the Crown at the Government valuation, they were quite entitled to have an independent valuation made for themselves by a competent valuer. But they would not entertain this suggestion. Eventually resolutions were carried in respect of subs. B, B No. 1, and D No. 1 offering the lands for sale to the Crown at £2 per acre. In respect of D No. 8 the price was stated at £1 per acre, but I gathered that the owners were quite willing to negotiate further and that some of them would be willing to take 5/- an acre. As most of the owners in subs C and D No. 4 reside in Hawke's Bay, the meetings in respect of these blocks was adjourned to Hastings…After the decisions had been arrived at, I told the owners that I would report the result to you, and that I was certain that the price quoted was such that the Crown would not entertain; and they would have to accept the responsibilities attaching to such land as this is, in the way of keeping down the rabbit nuisance, and in paying the County rates. Hiraka and his people, who have vainly been endeavouring to get some one to take the land from on lease were the only ones present who seemed to realise the true merits of the position. I presume you will take no further action in the matter until the owners come to a more reasonable frame of mind.[215]

As noted earlier, the rents being paid for Owhaoko subdivisions indicate land values of less than six shillings per acre. If the owners did indeed believe their land was worth four or five times as much as that – as indicated by Jack – then their understanding of the value of their rental income relative to land value would appear to be quite deficient. As it transpired, the lands that had been leased were the pick of the block, so the remaining land was considered to be worth even less than the value indicated by the rents paid for the leased sections.

Another issue emerging from Jack's correspondence is the implicit threat to the owners posed by rates and the costs of rabbit control, which could in turn involve further rates; charged by the local rabbit control board. As set out below, the land was heavily infested with rabbits, but the owners had absolutely no responsibility for the introduction of these rabbits to the district,

[215] Jack to Fisher, 10 November 1910, MA-MLP 1/1910/08, ANZ. See also MLC-WG W1645 3/1910/217 in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 4900-4920.

yet they were still be held liable for the costs of efforts to control them. Officials evidently believed that unless the Owhaoko land was leased, the owners would have difficulty meeting the costs of retaining their land that were to be imposed on them by local government. Indeed, as set out below, Jack anticipated the owners being more willing to accept the Crown's prices once they realised what retention of this economically unproductive land would entail. On 29 November 1910, Jack wrote further to Fisher about the Hastings meeting, convened to discuss the purchase of Owhaoko C. Those owners present wanted to have one of the Donnellys accompany the Government Valuer to value the land jointly, but Jack thought that the purchase price they sought would be far too high: "If the value is now made of the different subdivisions, I am sure those owners, who have through ignorance of the poverty of the land put a prohibitive value upon it, will ere long be asking that the land be taken from them."[216]

Some Maori owners took up Jack's suggestion of getting an independent valuation of the land, as Hiraka Te Rango advised Fisher and Jack in December 1910. However, they wanted the government's valuer to travel to Taihape to meet their valuer, so they could appraise the land together and, presumably, come to an agreed figure. Apparently H. L. Donnelly was appointed by some owners to value the block, "for the whole of the Natives," and the valuation was to take place in January 1911.[217] District Valuer Lloyd subsequently presented his valuation to the Valuer General on 15 February 1911, advising that most of the block was unsuitable for small holdings (those being the form of tenure then favoured by the government and its legislative framework). Lloyd considered that the best of the land was already leased, and what was left was far from desirable. As regards the rabbit nuisance, he reported that Owhaoko A, A1, and D7 were heavily infested and required heaving expenditure in poisoning. While he acknowledged that exterminating all the rabbits would be impossible due to the nature of the country and the cover available, their numbers could be reduced to a tolerable level by systematic poisoning. Lloyd did not recommend that the land be purchased since the best portion was already being leased by Luckie[218] (who, given the evidently poor nature of much of the land, perhaps did not live up to his name in this instance).

As a result of the new government valuation, on 13 May 1911, the government made another application to summon a meeting of the owners of Owhaoko A and A1. It now offered £32

[216] Jack to Fisher, 29 November 1910. MA-MLP 1/1910/08, ANZ. See also MLC-WG W1645 3/1910/246 439 in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 4958-4983.
[217] Jack to Fisher, 29 November 1910; Hiraka Te Rango to Fisher and Jack, 10 December 1910; Valuer General to Fisher, 22 December 1910, MA-MLP 1/1910/08, ANZ.
[218] Valuer General Report, 15 February 1911, MA-MLP 1/1910/08, ANZ.

for Owhaoko A1 and £1,000 for Owhaoko A, or about 1 shilling per acre. Meetings were also held regarding the Crown's offer to purchase Owhaoko B for £469 and Owhaoko B1 for £75, or 1 shilling 6 pence per acre. These prices were considerably lower than the values indicated by the rents paid for those parts of Owhaoko that had been leased. On 23 June 1911, Jack reported on the meetings of owners held in May and June 1911. He indicated that a majority in value of the owners of blocks totalling about 38,000 acres, and who had attended the meetings, accepted the government's offers, as set out in the table below. Records of who attended the meetings and who agreed to sell have not been located.[219]

On the other hand, other evidence indicates that the Owhaoko A offers were rejected, as the owners sought 10 shillings per acre; ten times the Crown offer.[220] Similarly, Jack's report the owners of Owhaoko D1 (6,997 acres) also rejected the Crown's purchase offer of £787. The owners had previously sought £13,994 but after receiving the Crown's offer (and, presumably, valuation), they lowered their price to £8,337 but this was still far from what the Crown was willing to pay, as set out in the table overleaf.[221] As set out in a later section of this block study, Owhaoko D1 was subsequently gifted to the Crown for other purposes.

Table 11: Crown Offers for Owhaoko, 1911

Owhaoko Title	Area (acres)	Crown Offer
A	18,240	£1,000
A1	640	£32
B	6,261	£469
B1	1,000	£75
D1	6,997	£787
D8	4,961	£496

The meeting called to consider the purchase of Owhaoko D4 for £142 was abandoned as no one attended.[222]

The meeting regarding the purchase of Owhaoko C block presented some difficulties for the Aotea Maori Land Board, as Jack reported:

[219] Jack to Fisher, 23 June 1911, MA-MLP 1/1910/08, ANZ.
[220] MLC-WG W1645 3/1910/242 in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 4921-4957.
[221] MLC-WG W1645 3/1917/53N and MLC-WG W1645 3/1918/439 in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 4984-5009.
[222] MLC-WG W1645 3/1910/242 in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 4921-4957.

> In this case it appeared that the majority of the owners were willing to sell, but that the block called C has been partitioned into numerous subdivisions the values of which vary considerably. The natives owning the subdivision on which stands Mr Studholme's old homestead, objected to sell at the same price as the others were to get for their interests. I pointed out that the Crown's offer was for the whole area: and that if the Crown could not get the whole it would probably take none. A modus vivendi [temporary arrangement] was suggested that the purchase money should be apportioned between each subdivision according to the valuation of each. This however was not considered sufficient by Mr Broughton who appeared as a proxy and led the objectors: eventually the meeting was adjourned until the next sitting of the Ikaroa Board at Hastings.[223]

Jack's patience with the owners of Owhaoko had evidently grown thin:

> In view of the absurd attitude of the owners of these lands and the great discrepancy between their notion of the values and the real commercial value; and also of the fact that the areas are fit only for use as large sheep runs or for forestry purposes, I beg leave to suggest that no further action be taken in the matter of the proposed purchases (except in regards to Owhaoko C, in which case we might await the result of the adjourned meeting). The ownership of these blocks, is to my mind, an obligation for it carries with it liabilities under the Noxious weeds act as well as under the Rabbit Act: and as the owners have refused to sell and make no use of the lands themselves, they should, I think, be looked to comply with the onerous obligations that attach to lands of this nature.[224]

Despite the evident agreement of some of the meetings of owners to accept the Crown's offers, none of the purchases proceeded. This fact, taken together with the Board's frustration at the owners' insistence on receiving a higher value for their land, indicates that those attending the meetings of owners were but a minority of the owners and the opposition to the Crown's offers amongst the majority was evidently sufficient to force a subdivision of the block between those willing to take the offer and those who rejected it. Further partitioning simply resulted in uneconomic parcels, which the Crown had no interest in acquiring. This would explain why it abandoned its purchase efforts. As set out below, officials later revealed that the owners of Owhaoko A had sought nine shillings per acre, or nine times what the Crown offered.

[223] Jack to Fisher, 23 June 1911, MA-MLP 1/1910/08, ANZ.
[224] Jack to Fisher, 23 June 1911, MA-MLP 1/1910/08, ANZ.

In August 1911, Puteruha Paki wrote the Crown offering to sell his interests in the Owhaoko block, but it is unclear what part of the block is being referred to.[225]

Two years later, on 27 August 1913, Nepia Te Tauri and six others wrote to the Minister of Native Affairs, W. H. Herries, offering Owhaoko A, but still at a higher price than the government's valuation:

> This is to inform you to complete the sale of Owhaoko A Block, containing 18,240 acres, and Owhaoko A 1, containing 640 acres, to the government at a just price. The price offered by the Native Land Purchase Board for this land was 1/- per acre. In our opinion this price is far too little and is tantamount to throwing the land away. Wherefore, let us look back into the past. We find that this land was leased by us for 21 years to Mr. John Studholme & Co. for the sum of £250 per annum. In 1899 the lease expired and was not renewed owing to the difficulty brought about by the state of the Native Land Laws of that time. Now, this sum of £250 at 5% would represent the value of the said land at that time at £5,000. Hence we should ask that a just price be given to us for our land which should not be less than 6/- per acre.[226]

The government did not appear to respond, but was clearly not willing to pay more than the one shilling per acre valuation.

On 27 May 1914, John Asher wrote to Herries, claiming that the owners of the Owhaoko A and A1 would now "most probably accept the Government valuation". In response, Fisher informed Herries that the meeting of assembled owners in 1911 had agreed to sell the land for £9,120 rather than the £1,000 offered by the Crown. He added that when the 1913 offer was received, the Board had dealt with the issue again but decided not to purchase at the five shillings per acre suggested by Nepia Te Tauri. Unfortunately, neither the government nor the board seem to have communicated their views to Maori in 1913, or in 1914. On 18 June 1914, Asher again wrote to Herries to advise that the owners of Owhaoko A and A1 were prepared to sell the land at the government's valuation. As a result another meeting of owners was called on 21 September 1914 to consider the purchase of the Owhaoko A subdivisions by the Crown.[227]

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[225] Puteruha Paki to Native Department, 14 August 1911. MA-MLP 1/1910/08, ANZ.
[226] Nepia Te Tauri to WH Herries, 27 August 1913, MA-MLP 1/1910/08, ANZ.
[227] Haare W Tamaira to Herries, 24 April 1914; Asher to Herries, 27 May 1914; Fisher to Herries, 10 June 1914; Asher to Herries, 18 June 1914, MA-MLP 1/1910/08, ANZ.

While Asher had received instructions from unnamed owners that they agreed to the government's offer, the meeting of owners revealed that this was clearly not the case. When the meeting was convened every owner present (there were approximately three dozen) opposed the sale at the government's price, and Nepia Te Tauri again countered with an offer of six shillings per acre. Jack reported to Fisher a month later:

> although the Natives' price of the land is stated at 6/- per acre, I think the land could be acquired for 4/6d. per acre, this being the price the majority favoured offering the land at a 'korero' held prior to the actual meeting.[228]

Fisher responded, somewhat belatedly, in January 1915 that the Native Land Purchase Board declined to take further action and would not purchase the land.[229]

As indicated above, offers to sell were made by individual owners or small groups of owners, rather than any sort of representative body acting on behalf of all owners, or at least a majority of them. In responding to these offers, the Crown then found that many owners either did not want to sell or would not sell at the prices being offered. In the past, the Crown had pursued the purchase of individual interests, and when satisfied that all those available for purchase had been acquired, it would apply to the Native Land Court to partition out its interests. This was not a strategy that could succeed in Owhaoko, because the condition of the land was such that very large blocks needed to be acquired – preferably entire blocks – so the acquisition of individual interests was not advisable.

Even so, the pattern of individual offers continued during the early 1910s but, as noted above, did not result in the purchase of any part of Owhaoko. For instance, on 26 September 1913, the lawyer Heslop wrote on behalf of unnamed owners of an unnamed portion of Owhaoko, desiring to sell their interests to the Crown.[230] In October 1914, H. F. Norris, writing on behalf of Riria Waipu and Te Umukuri Moihi, offered the 1,084 acres of Owhaoko C2 that they owned for sale at the government valuation. The Native Department replied that a purchase would only be made if all of the owners of the block agreed to sell. In 1915 the lawyers Sainsbury, Logan, and Williams wrote on behalf of Pani Te Umorangi to offer her 542-acre interest in Owhaoko C2. The Native Department observed that the land was of poor

[228] Jack to Fisher, 21 October 1914, MA-MLP 1/1910/08, ANZ.
[229] Jack to Fisher, 21 October 1914, MA-MLP 1/1910/08, ANZ.
[230] Te Hina to Carroll, 23 May 1910; Puteruha Paki to the Crown, 14 August 1911; W Heslop to the Crown, 26 September 1913, MA-MLP 1/1910/08, ANZ.

quality and responded that the land would not be purchased.[231] In 1916, Tuihata Arona offered to sell approximately 2,000 acres in Owhaoko C5 at government valuation. Fisher replied that the land was of such poor quality that the government would not purchase the land.[232]

Interestingly, in 1917 the Native Minister's Private Secretary wrote in a memorandum to the Minister that:

> Kingi Topia asked me to tell you that although the Owhaoko C No. 2 Block does not belong to his people, but to the Ngati Upokoiri Tribe of Hawke's Bay, it would be a good policy for the Crown to purchase this block on its own volition and to proclaim it in the meantime as Europeans are after it.[233]

In response, the government swiftly issued a proclamation to prohibit alienation to any party but the Crown. This proclamation had a life of one year, but when it expired in 1918 the government had made no progress towards purchase. It is unclear if private interests were genuinely interested in purchasing the block in 1917 – as indicated by Kingi Topia – but if they had been, the Crown's unilateral imposition of pre-emption would have proved detrimental to the owners of Owhaoko C2.

Waikari Karaitiana was the sole owner of Owhaoko D2 (9,448 acres), which he was anxious to sell because of his accumulating debts. When the purchase of the subdivision was under consideration by the government in January 1917, Waikari opposed selling to the Crown as he was negotiating a private sale. However, by November 1917 the private purchase remained incomplete, so Waikari, via the lawyers Phair and Witty, offered to sell instead to the Crown. By that time he had filed for bankruptcy.[234] It is unclear why the land was not then purchased by the Crown – particularly as the vendor (or his assignee) was in no position to refuse an offer at government valuation – as no further relevant records have been located. It is, however, evident the land was not sold, because it was only many decades later that it was finally purchased by the Crown and under questionable circumstances (see below).

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[231] H. F. Norris to Native Affairs, October 1914; and, Sainsbury and others to Native Affairs, 27 May 1915. MA-MLP 1/1910/8/2. ANZ. Northern Taihape Blocks Document Bank, pp.672-682.
[232] Tuihata Arona, 14 April 1916; Fisher to Arona, 3 May 1916, MA-MLP 1/1910/8/1, ANZ. Northern Taihape Blocks Document Bank, pp.665-671.
[233] Private Secretary to Minister of Native Affairs, 1917, MA-MLP 1/1910/8/2. ANZ. Northern Taihape Blocks Document Bank, pp.672-682.
[234] Herries to Witty, 29 November 1917, MA-MLP 1/1910/8. ANZ. Northern Taihape Blocks Document Bank, pp.571-613.

Rohutu Mohi wrote to Native Affairs in 1916 to inform them that he and his family had inherited the interests of Te Muere Te Rangitaumaha in Owhaoko C7 and were looking to sell.[235] At about the same time, Ngamotu Kowhai and seven other owners of Owhaoko C3 also wrote to Fisher interested in selling the subdivision.[236] The Crown responded that the land was not suitable for settlement and would not be purchased.[237] The same letter was sent to the owners of Owhaoko C5 and C7 as well.

Then in July 1917 the Native Minister's Private Secretary received a private letter from an unnamed source, asserting that one Arthur Boyd was about to purchase Owhaoko C3 and Owhaoko C7 to use for settlement, even though the Valuation Department deemed the lands unfit for that purpose. Prime Minister Massey promptly advised Native Minister Herries that this opportunity to purchase Owhaoko C3 and Owhaoko C7 should be taken, as the land could be used for timber purposes and a few runs set out for returning Maori soldiers.[238] Nonetheless, the Valuation Department continued to caution against any purchase of Owhaoko lands.[239] Even so, as a result of the renewed private interest (Boyd) and Massey's advice, the government had imposed Crown pre-emption; prohibiting private alienations of the blocks for one year.[240] It transpired that the owners Owhaoko C3 were actually intending to lease it to Tutawake Hiraka of Te Koau, a sheep farmer, but the rumoured purchase by Boyd led to the imposition of pre-emption by the government, and the lease fell through.[241]

Later offers of land continued to be rejected by the government in the 1920s and 1930s. In November 1920, the Napier lawyers Carlile, McLean, Scannell and Wood offered, on behalf of unnamed owners, to sell Owhaoko C1, C2, and C4 to the government, but it was not interested.[242] In March 1923, K. H. Hakopa offered his interests in Owhaoko to the government but the offer was rejected. In 1925, the solicitors Dorrington & Goldsman,

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[235] Rohuta Mohi to Thomas Fisher, 14 March 1916, MA-MLP 1/1910/8/3, ANZ. Northern Taihape Blocks Document Bank, pp.683-740.
[236] Ngamotu Kowhai and 7 others to Fisher, undated, MA-MLP 1/1910/8/3, ANZ. Northern Taihape Blocks Document Bank, pp.683-740.
[237] Fisher to Ngamotu Kowhai, 3 May 1916, MA-MLP 1/1910/8/3, ANZ. Northern Taihape Blocks Document Bank, pp.683-740.
[238] W Massey to Herries, 21 July 1917, MA-MLP 1/1910/8/3, ANZ. Northern Taihape Blocks Document Bank, pp.683-740.
[239] CB Jordan to Herries, 27 July 1917, MA-MLP 1/1910/8/3, ANZ. Northern Taihape Blocks Document Bank, pp.683-740.
[240] *NZ Gazette,* 12 July 1917, MA-MLP 1/1910/8/3, ANZ. Northern Taihape Blocks Document Bank, pp.683-740.
[241] Registrar to Undersecretary of Native Affairs, 13 July 1917, MA-MLP 1/1910/8/3, ANZ. Northern Taihape Blocks Document Bank, pp.683-740.
[242] Carlile and others to Native Affairs, 10 November 1920, MA-MLP 1/1910/8/1, ANZ. Northern Taihape Blocks Document Bank, pp.665-671.

writing on behalf of Moroati Taiuru, the sole owner of Owhaoko D5 No. 3, offered to sell the block to the Crown, but the government declined the offer. In 1930 Warena, Kerehi, and Ruiha Nia Nia of Takapau offered 700 acres of Owhaoko to the government, saying they had inherited the land but wished to sell it so they could build themselves a new house at Takapau (their previous house having burned down). The Under-Secretary for Native Affairs (and Chief Judge), R. N. Jones, replied that he could not find their names on any of the lists of owners for Owhaoko (indicating that if they had succeeded to the interests of a deceased owner, they had yet to do so formally). They wrote again on 8 December 1930, but it is unclear if Jones ever responded to this second letter.[243] In any event, no purchase ensued. In 1932, Raiha Paora Kopakau and others offered to sell their interests in Owhaoko D5 (equally to 463 acres 2 roods) so that they could purchase a house, but the offer was declined.[244]

Other offers for the government to purchase Owhaoko had less prosaic motives, particularly during the patriotic fervour generated during World War I. For instance, Whakatihi Rora and others tried to sell Owhaoko D6 No. 1 (5,724 acres) to Nannie Shaw, but at Shaw's request the sale was cancelled.[245] This was probably done because the Crown had again imposed pre-emption over Owhaoko titles, preventing private purchasing. Whakatihi's sister, Tutunui Rora, who also had a share in the block, believed that the sale was cancelled because the Crown had banned any private sales of land while it was sorting out the gifting of large parts of Owhaoko for the settlement of returning Maori soldiers (see below) (Tutunui Rora was the wife of Iwikau Te Heuheu). In fact, as set out earlier, the government seemed inclined to impose pre-emption at the slightest sign of private interest in Owhaoko land, even though it seemed to have minimal interest in acquiring the land itself.

Tutunui Rora wanted to provide several hundred pounds to the War Loan Effort, and wanted to sell her interests in Owhaoko D6 No. 1 to raise the funds for this patriotic gesture. She wrote to Prime Minister Ward, requesting that the sale of Owhaoko D6 No. 1 be expedited so that she could donate to the war effort:

[243] K. H. Hakopa to Native Affairs, 14 March 1923; Warena, Kerehi and Ruiha Nia Nia to Native Affairs, October 20 1930, MA-MLP 1/1910/08, ANZ.
[244] Dorrington & Goldsman to Native Affairs, 31 July 1932, MA-MLP 1/10/8/5, ANZ. Northern Taihape Blocks Document Bank, pp.821-835.
[245] Undersecretary for Native Affairs to Native Minister, 6 August 1917, MA-MLP 1/1910/8/6, ANZ. Northern Taihape Blocks Document Bank, pp.836-910.

> Although I'm a only a Maori woman I regret very much that I was unable to invest anything in the previous 'War Loan' and perhaps this present one, owing to the lack of ready funds.[246]

The Native Department replied to Tutunui that it regretted the sale could not be expedited due to bad weather preventing a valuation of the land but that the it did want to accept her offer.[247] That very day the government received a valuation of £1,899 (or 6s. 8.d per acre) for the land, but nothing was communicated to Tutunui Rora about this. She wrote again in January 1918, requesting the valuation of the block.[248] Finally, in April 1918, she received notification from the government that it was not interested in purchasing the block – not even for the patriotic purposes she envisaged. At the same time, she was told the proclamation banning private alienations would be revoked. The unilateral imposition of Crown pre-emption had effectively served to deny the owners of Owhaoko D6 No. 1 the private sale of their block in 1917.

About eight years later, in February 1926, the owners of Owhaoko D6 No. 1 once again offered their land for sale.[249] Much as in 1917, the reaction from the Valuation Department was "adverse" and it did not recommend purchase.[250] As indicated in the Awarua block documents, the owners were in dire need of the purchase money as the Maori Land Board was restricting their access to the purchase price paid for other lands they had sold; money that was needed to pay for improvements to their farm at Te Reureu and to cover Tutunui Rora's medical bills. Her husband, Iwikau, wrote to Sir Maui Pomare to ask for his help, pointing to the hypocritical response of a government that sought to transfer as much unused Maori land as possible to Pakeha, but which spurned this Owhaoko land:

> It was a great surprise to me when I received your wire advising me that the purchase of Owhaoko Block cannot be entertain[ed], owing to the unfavourable report from the Lands Department, which was one man's opinion. It has been (and is still I believe) the Pakeha's cry to buy up all Native Lands that is not being used or what cannot be worked by the Maoris themselves, or lands that are not producing any revenue; hence my offer of this land to the Crown. Even if this

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[246] Tutunui Rora to JG Ward, 1 September 1917, MA-MLP 1/1910/8/6, ANZ. Northern Taihape Blocks Document Bank, pp.836-910.
[247] Undersecretary for Native Affairs to Tutunui Rora, 28 November 1917, MA-MLP 1/1910/8/6, ANZ. Northern Taihape Blocks Document Bank, pp.836-910.
[248] Tutunui Rora to CB Jordan, 28 January 1918, MA-MLP 1/1910/8/6, ANZ. Northern Taihape Blocks Document Bank, pp.836-910.
[249] Memo for Undersecretary of Native Affairs, 16 February 1926, MA-MLP 1/1910/8/6, ANZ. Northern Taihape Blocks Document Bank, pp.836-910.
[250] JA Rutherfurd to Commissioner of Crown Lands, 20 April 1926, MA-MLP 1/1910/8/6, ANZ. Northern Taihape Blocks Document Bank, pp.836-910.

> land is not suitable for agricultural or pastoral purposes, it can be (I believe) utilised for afforestation purposes. I am convinced we cannot do anything to it in the way of farming it or otherwise, as it will take money (which we haven't got) to do that; neither have we any intention of living there. If the Gov't will purchase the Block, I'm sure it will not miss the money very much, but it will help us a good deal in our general farming pursuits, therefore my dear Maui, we would be very grateful, if you will ask our friend the Hon. The Prime Minister to reconsider the question of purchasing the Owhaoko Block, for the reasons as stated above.[251]

His pleas were ignored, as the government was no longer interested in Owhaoko land, at least not just then. In 1927 and 1936 two further offers were made to sell interests in Owhaoko C7 but both offers were rejected by the Crown.

Crown Purchases, 1913–1917

Not all of the Crown's purchase efforts in Owhaoko in the 1910s came to naught. In 1913, Owhaoko D6 No. 2 (1,375 acres) was purchased by the Crown from Ngamako Retimana. On 15 September 1913, she offered her portion of Owhaoko to the government, having heard that it was "purchasing some of the Owhaoko subdivisions – Ngati Tuwharetoa parts – at the Govt valuation." Ngamako stated that she had interests of "some 1,375 acres" and wanted to know what price the government was offering, although she had a price of £500 in mind.[252] The Native Minister's Private Secretary informed his Minister that he had advised Ngamako visit Wellington to deal with any purchase, adding:

> Ngamako te Rango wishes to know whether you have considered her offer to sell her interest in the Owhaoko D No. 6, containing 1375 acres, to the Crown for the sum of £500. She states that the price Mr. Fisher said, on her interviewing him, the Crown was prepared to give in accordance with the valuation of the land, which was only £300. She states if you are satisfied that this is a fair value and that you are prepared to buy her interest and pay the money over to her to-day or to-morrow in order to enable her to meet a promissory note she gave which becomes due to-morrow, she is willing to sign the deed of sale. She says the money could either be paid to her here or a sum of £112 paid to Mr. C. Monty. Wright, C/O Messrs. Sam Vaile & Sons, Pukekohe. Her sole wish is to be enabled to meet this promissory note. She is calling again later in the afternoon to hear your decision.[253]

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[251] Toro F. Iwikau to Sir Maui Pomare, 14 July 1926, MA-MLP 1/1910/8/6, ANZ. Northern Taihape Blocks Document Bank, pp.836-910.
[252] Ngamako Te Rango to Thomas Fisher, 15 September 1913, MA-MLP 1/1910/8/6, ANZ. Northern Taihape Blocks Document Bank, pp.836-910.
[253] Private Secretary to Native Minister, 13 October 1913, MA-MLP 1/1910/8/6, ANZ. Northern Taihape Blocks Document Bank, pp.836-910.

Despite having a valuation of £295 (four shillings four pence per acre) for the land, the Crown offered to pay the desperate Ngamako Retimana Te Rango just £200 for Owhaoko D6 No. 2 (less then three shillings per acre).[254] Having revealed her dire straits to the government – perhaps thinking the government would take pity on her – she was in a very poor bargaining position and was induced to accept a very poor bargain to clear her pressing debt of £112.

In 1917 Owhaoko C6 (2,206 acres) was sold to the Crown for £506 10s. Despite the government's earlier willingness to use the Maori Land Board process of meetings of assembled owners to put purchase offers to Owhaoko owners, in this case it instead resorted to picking off individual interests over a protracted period. As a result the various interests were acquired piecemeal from October 1914 until April 1917.[255] Owhaoko C6 was first sought by the government in 1914, when it was valued at £506 (or about four shillings six pence per acre) but the owners initially thought the valuation was twice as much.[256] The owners paid for the land and the amounts they were paid are set out in the table below:

Table 12: Individuals Paid for Owhaoko C6 Purchase, 1914-1917[257]

Name	Area of Interest (acres)	Purchase Payment (£.s.d.)
Ria Mohi	209	52.5.0
Te Rohutu Mohi	208	52
Hori Mohi	208	52
Ria, Rohutu, Awhekaihe and Hori Mohi	208	52
Hawaekaihe Mohi	109	27.5.0
Kerei Pohiahia	541	135.5.0
Kuini Kahupounamu	181	45.5.0
Areta Taora	181	45.5.0
Hoani Te Rakato	181	45.5.0
Total	**2,026**	**£506 10s.**

[254] Valuer General to Thomas Fisher, 22 October 1913; *NZ Gazette*, 11 December 1913; Fisher to Under Secretary of Lands and Surveys Dept., 19 January 1914: all MA-MLP 1/1910/8/6, ANZ. Northern Taihape Blocks Document Bank, pp.836-910.

[255] MA-WANG W2140 box 39 Wh. 606 part 1, Owhaoko, ANZ; MA-WANG W2140 box 36 Wh. 595 part 2, Owhaoko D, ANZ in "Owhaoko to Taraketi," Maori Land Court Records Document Bank, p. 63-65, 138, 176; MLC-WG W1645 3/3215 in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 5061-5070; AAMX W3529 6095, Box 20, ANZ in Northern Taihape Blocks Document Bank, p. ANZ p. 384-385; Heinz, "Land Alienation and Retention Database for Taihape District Enquiry: Block Histories by Chronology", has Owhaoko C6 as 1936 acres, 3 roods.

[256] Kerei Pohiahia to Thomas Fisher, 18 July 1914; Thomas Fisher to JB Jack, 28 August 1914, MA-MLP 1/1910/8/7, ANZ. Northern Taihape Blocks Document Bank, pp.911-982.

[257] AAMX W3529 6095, Box 20, ANZ in Northern Taihape Blocks Document Bank, p. ANZ p. 384-385.

The bulk of the purchase payments were made in 1914 but there were still a few outstanding interests to acquire in 1916 and 1917. Tauri Paora was one of the successors to Hoani Te Rakato and his was the last interest acquired. Tauri owned 60.33 acres of the 2,026 acres but had not formally signed to sell his interests before he left for Europe with the 12th Reinforcements during World War I. It was not thought possible that his interests could be purchased until after the war.[258] Private Tauri Paora was wounded so he returned to New Zealand onboard the hospital ship *HMS Marama* in March 1917. The Native Department promptly informed him that the Crown was purchasing his approximately 60 acre portion for £15.1.8. It is presumed he accepted because not long after the letter was sent the land was officially proclaimed as Crown land.[259]

The Questionable Purchase of Owhaoko D2

The next, and final, Crown purchase of Owhaoko interests did not take place until 1973, when Owhaoko D2 (9,448 acres 3 roods) was purchased by the Crown. It was transferred in two stages as the shares of Waerea Waikari Karaitiana were bought first, followed some time later by those of Rose Ngahuimata Smith.[260] At the time the Crown was also seeking to purchase Owhaoko C7, but as Owhaoko D2 had only two owners it was seen to be easier to purchase than Owhaoko C7. Robert Karaitiana and Waerea Karaitiana were the only two owners of Owhaoko D2.[261] The Crown proposed to purchase the block for $4,800, or about 50 cents per acre (indicating no increase in land value since the purchases of the 1910s). In 1963 the Maori Trustee had been appointed as trustee for Robert because he was deemed by the Maori Land Court to be "improvident." In fact, rather than being improvident, Robert Karaitiana was serving a prison sentence and was not due for release until 1973. He had sought advice from a solicitor on whether to sell some of his land interests, having already been approached by W. T. Apatu who wanted to purchase his interests in another block; Owhaoko D5 No. 4. The Maori Trustee facilitated the Crown's purchase of Robert's interests in Owhaoko D2,

[258] CB Jordan to Undersecretary for Lands & Survey, 27 November 1916, MA-MLP 1/1910/8/7, ANZ. Northern Taihape Blocks Document Bank, pp.911-982.
[259] CB Jordan to Tauri Paora, 19 March 1917; *NZ Gazette,* 3 May 1917 MA-MLP 1/1910/8/7, ANZ. Northern Taihape Blocks Document Bank, pp.911-982.
[260] MA-WANG W2140 box 36 Wh. 595 part 1, Owhaoko D in "Owhaoko to Taraketi," Maori Land Court Records Document Bank, p. 113.
[261] Commissioner of Crown Lands to the Director-General of Lands, 21 September 1972, AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank p. 120.

suggesting to the Commissioner of Crown Lands that it contact the Maori Trustee whenever it decided it wanted to purchase his shares.[262]

The Forest Service was the agency interested in acquiring Owhaoko D2, apparently for soil and water conservation purposes. It was willing to offer Robert Karaitiana $2,716 for his half-share of Owhaoko D2. Although the Crown was actively seeking Robert Karaitiana's interests in Owhaoko D2 and in Owhaoko D5 No. 4, the Maori Trustee informed the Commissioner of Crown Lands that Karaitiana felt that, "it would be better if these blocks were leased rather than sold to the Forest Service."[263] The Commissioner of Crown Lands wrote to Mrs W. Watene (Waerea Karaitiana) offering 80c per acre for her half-interest in Owhaoko D2, a total of $3,979.20 (rather more than Robert Karaitiana had been offered). Replying on 16 May 1973, Waerea wrote that she was prepared to sell at that price. An official from Lands & Survey who was dealing with the Owhaoko blocks, E Astwood, wrote that his office had been unable to convince Waerea's nephew, Robert Karaitiana, to also sell his half-share in Owhaoko D2. Perhaps he was less 'improvident' than the Maori Land Court believed. Even so, Astwood considered that a year would be sufficient to convince him to agree to sell. On 26 June 1973, Waerea was paid for her half-share in the title, with the proviso that if the price eventually paid to Robert Karaitiana was more than she had been paid, then she would receive the pro-rated difference, up to $1 an acre.[264]

By 1973, the Commissioner of Crown lands had a Ministerial direction from the Third Labour Government not to initiate any further purchases of Maori land, as this was a clearly stated policy of the new Government, elected in late 1972. Despite this directive, the Commissioner was still very interested in acquiring Owhaoko D2 and D5 No. 4 well into 1973. Indeed, later in 1973 – when legislation barring such purchases of Maori land was already before Parliament – he expressed the view that the blocks were not really even Maori land; asserting that "there are only two owners in the block and as such, it could hardly be described as Maori land."[265]

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[262] JD Rockwell, Forest Service, 3 November 1972; CA Roberts to the Commissioner of Crown Lands, 21 November 1972, AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank pp.121-122.

[263] DR Cook to McLean, 12 April 1973, AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank p.123.

[264] Commissioner of Crown Lands to Mrs W Watene (Waerea Karaitiana), 11 May 1973; Watene to E Astwood, 16 May 1973; Undated Astwood memo; Transfer agreement: AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank p. 124-133.

[265] Maclean to Astwood, 28 September 1973, AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank p. 139.

Maori Affairs District Officer K. Morrill was well aware of the Commissioner's interest, and actively – if not improperly, in light of government policy – fostered this interest in purchasing the land, without regard for the interests of Robert Karaitiana or his successors. In July 1973, Maori Affairs informed the Commissioner of a sudden change in circumstances that favoured his purchase efforts:

> You will no doubt be interested to know that Robert Karaitiana died recently from a head injury sustained whilst playing football at Waikune [prison]. It appears that Robert did not make a Will and his wife will inherit under his intestacy even though action for divorce was being taken by his Solicitor, Mr Samuel of Auckland, at the time of his death. His wife is Rosie Ngaramata Karaitiana and her Solicitors are Messrs Adams Richardson McKinnon & Garbett. …She would inherit two half-shares in Owhaoko D2 and D5 Sub 4 and possibly undivided interests in other Owhaoko blocks. She would probably be a willing seller.[266]

Neither Maori Affairs nor the Commissioner of Crown Lands seemed to care that there may have been whanaunga of Robert Karaitiana who wanted to succeed to his interests, particularly in light of his long separation from his wife while he was in prison, and his active efforts to divorce her before his untimely death. This is without even considering the fact that he sought to retain, not sell, his tribal patrimony. In relation to the proposed divorce, it should be noted that there is a divorce file dated 1973 in the records of the High Court, indicating that the process was well underway before his untimely death. This file is under restricted access at Archives New Zealand and has not been able to be examined as part of the research for this report, but a formal request from interested parties might allow them to access the records (see file R22717186, BBAE, 4985/2813, D515/1973; Karaitiana, Robert Waikare v. Karaitiana, Rose Ngaromata).

Rather than take account of these deeply personal troubles, the government actively sought to exploit them. The Mokai Patea claimants have raised the issue of whether Rosie Karaitiana was even eligible to inherit Robert Karaitiana's share, given his intestacy and the Owhaoko D2's status as Maori land. This is a matter for legal submission. Regardless of her legal eligibility to inherit his Owhaoko interests, it is certainly open to question whether this was an appropriate outcome in Treaty terms, much less whether the Crown's actions in the matter are morally defensible.

[266] K Morrill to Commissioner of Crown Lands, 20 July 1973. AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank p. 134-138.

After receiving the news of Robert Karaitiana's death and its positive implications for the pending purchase of Owhaoko D2, the Commissioner wrote to both Rosie Karaitiana's solicitors as well as to Robert Karaitiana's aunt, Mrs Watene (whose share had recently been purchased), seeking to locate Rosie Karaitiana. Now going by the name of Rosie Smith, she replied to the government in August 1973 that she was willing to sell the share she had apparently already inherited from her dead husband. Accordingly, she was offered $4,000 for her half-share in Owhaoko D2 from the Crown.[267] This price was the result of Rosie Smith advising that she had private offers for the land, but she agreed to sell to the government if it matched the offer of $4,000 she had on the table from private interests. She also held an interest in Owhaoko D5 No. 4 which the Commissioner of Crown Lands was similarly eager to acquire.[268]

Officials were aware that the purchase was going to put them under some scrutiny and sought to complete the deal as soon as possible. At the very least, there was a legislative deadline to beat, lest the purchase be barred by statue, as the government intended when it was elected in 1972. The Director-General of Lands wrote to the Maori & Island Affairs Department that he would require the Maori Land Board's approval in terms of the 1953 Maori Affairs Act (s.257) to have the purchase of undivided individual interests completed, adding: "In view of the fact that this section is to be repealed this year it would be appreciated if this application could be dealt with urgently." These efforts were initially fruitless, as the Board of Maori Affairs was not prepared to consider the application, given that s.257 was due to be repealed in that year's Maori Purposes Bill (see Maori Purposes (No. 2) Act 1973, s.7). By a bitter irony, the same 1973 Act also provided for the revesting in Maori ownership of all of the Owhaoko land gifted to the Crown during World War I (Maori Purposes (No. 2) Act 1973, s.23): with one hand the Crown belatedly honourably acknowledged the terms of the Owhaoko gift, while at the same time, with the other hand, it mounted an unseemly scramble for a last-minute land-grab.

The Director-General stated that officials would also need to forget about acquiring Owhaoko D5 No. 4, or find another manner to purchase the land. However, he insisted on completing the purchase of Owhaoko D2, which was deemed an easier task. It was not quite so simple as the purchase agreement could not be completed before the Maori Purposes Bill No. 2 – which

[267] K Morrill to Commissioner of Crown Lands, 20 July 1973; Rosie Smith to E Astwood, 21 August 1973; Commissioner of Crown Lands to Rosie Smith, 12 September 1973: AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank p. 134-138.
[268] Maclean to Astwood, 28 September 1973, AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank p. 139.

prohibited the acquisition of individual interests in Maori land – became law in November 1973.[269] While the Commissioner of Crown Lands and Rosie Smith's solicitors were corresponding over the issue in November 1973, he asked Smith's solicitors to ensure the land deed was shown as having been witnessed prior to the Maori Purposes Act coming into force:

> You will appreciate the fact that with the 1973 Maori Purposes Bill No. 2 becoming law last Friday that the Crown will be prohibited from buying individual interests in Maori Land under the existing Section 257 of the Maori Affairs Act 1953. I, therefore, feel it is critical that this document be witnessed as having been executed prior to last Friday.[270]

The Commissioner actively fostered the falsification of the government's purchase documents, in order to get around a law explicitly aimed at barring exactly the sort of purchases the Commissioner was pursuing.

As a result, the final purchase deed falsely stated that the agreement had been signed on 8 October 1973, when it had in fact been signed after the Maori Purposes (No. 2) Act 1973 had become law in November 1973. The Commissioner openly lied when he wrote to the Maori Land Court Registrar in May 1974 to finalise the acquisition:

> I enclose copies of the agreement for sale and purchase and the transfer document to enable your records to be amended. You will note that although the transfer was signed after the repeal of Section 257 of the Maori Affairs Act 1953 by Section 7 of the Maori Purposes Act (No. 2) 1973, the agreement was completed prior to 23 November 1973.[271]

The document had instead been completed after 26 November 1973, which was when McLean wrote to Smith's solicitors to ask them to alter the date.

The Crown used quite dubious methods to complete its acquisition of Owhaoko D2. Some of its internal processes were revealed in a memorandum written by the Commissioner of Crown

[269] RJ Maclachlan to Secretary of Maori & Island Affairs, 9 October 1973; Maclachlan memo, 17 October 1973. AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank p. 140-142.
[270] Maclean to Messrs. Adams, Richardson, McKinnon & Garbett, 26 November 1973. AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank p. 140-142.
[271] Maclean to the Registrar, 30 May 1974 and transfer agreement related correspondence: AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank p. 143-156.

Lands early in the purchase process. He explained the government's proposed method of acquiring the blocks:

> firstly, we would like an outright purchase of the blocks in which we were interested; secondly, we would consider exchanges; and thirdly, could we be permitted to buy undivided interests.[272]

Even at this early stage, the government met with some resistance from those with interests in the block, and the Commissioner observed:

> The mention of undivided interests to Pat Hura excited him no end but when it was explained that if the Crown were permitted to do this they would not use their voting powers against the wishes of the majority of owners he settled down. It was here we explained the Crown had no intention of doing a 'Koroneff' but it was just the opposite; that the Crown was prepared to help protect the owners from such 'land sharks'.[273]

Precisely what Koroneef did to justify being cast by the Crown as a 'land shark' is discussed in the Oruamatua–Kaimanawa block study. Suffice it to state here that the Crown's questionable purchase of Owhaoko D2 revealed the Crown as a far worse land shark and more than capable of "doing a Koroneef."

The Crown's post-1900 purchases are set out in the table below:

Table 13: Owhaoko Crown Purchases Post-1900

Subdivision	Area (acres)	Owners	Price	Year
D6 No. 2	1,375	Ngamako Retimana	£295	1913
C6	2,026	Ria Mohi, Te Rohutu Mahi, Hori Mahi, Meretini Mahi, Hawhekaihe Mahi, Kerei Pohiahia, Kuini Kaupounamu, Areta Taora, Hoani Te Rakato.	£506 10s.	1917
D2	9,448	Waerea Waikari Karaitiana & Rose Ngahuimata Smith	$8,000	1973
Total	**12,849**		**£801 10s. + $8,000**	

[272] J. S. Maclean, "Owhaoko Blocks and other Associated Land Deals", 15 March 1973, AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank p. 157-160.
[273] JS Maclean, "Owhaoko Blocks and other Associated Land Deals", 15 March 1973, AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank p. 157-160.

Post-script: The Failed Crown Purchase of Owhaoko C7, 1968-1973

There was one other Crown effort to acquire Owhaoko land in this period, although the officials involved in the attempt to purchase Owhaoko C7 did not seek to defy the law in order to attain their goal. In 1968, Mrs M. Hunter, also known as Mana Paratene Te Koro, one of the many owners in Owhaoko C7, offered to sell the block to the Forest Serves. She wrongly presumed that she owned the entire block. In fact, she owned only 135.5 shares out of 7,656 shares.[274] Nonetheless, on 22 December 1971 the Commissioner of Crown Lands made an application to vest Owhaoko C7 in the Maori Trustee so that the entire block could be sold to the Crown for $1,500. In addition to Owhaoko C7, the Forest Service also wanted to purchase Owhaoko D8B, Owhaoko D4B, and Owhaoko D2 (see above). The plans for purchasing these lands for the Ngaruroro Catchment Scheme emerged in the late 1960s without any input from Maori owners and were pursued until 1973 when the bulk of the land sought for conservancy purposes were instead revested in Maori ownership (having been gifted to the Crown during World War I) or, in the case of Owhaoko D2, the purchase was completed (see above).

Those owners of Owhaoko C7 for whom the Maori Land Court had contact details were sent letters by the Commissioner of Crown Lands to inform them that because of a lack of successions to the many deceased owners, the block was to be vested in the Maori Trustee for sale to the Crown. The purchase application was set down for 1 March 1972, at the Hastings Maori Land Court.[275] Prior to that, some owners met and it became apparent that there was opposition to the proposed purchase. Before the Court sitting in March, Martin Brown (who represented some owners who were allegedly willing to sell their interests in Owhaoko C7) wrote to the Minister of Lands, Maori Affairs, and Forestry, D. McIntyre, to belittle the opposition to the purchase. After attending a meeting at the Omahu Marae in February 1972, at which T. M. R. Tomoana had advocated maintaining Maori control of Owhaoko C7, Brown wrote:

> I was surprised to hear Mr. Tomoana state that he wondered what the Minister for Maori Affairs (yourself, of course) did when you reached the stage of conflict between your portfolios of Land, Forest, and Maori Affairs. Mr. Tomoana held that your first action would be to boot the Maori Affairs out and then decide the question between Lands and Forests. A little bit of play acting went on

[274] John Ure to Director-General of Forests, 12 June 1968, AANS W5491 828 Box 844, ANZ in Northern Taihape Blocks Document Bank p. 502-503.

[275] J D Rockell to the Commissioner of Crown Lands to the Director-General of Lands, 25 August 1969 and other Owhaoko C7 memos: AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank p. 162-189.

> whereby Mr. Tomoana demonstrated how you would kick with the instep.[276]

Brown did not think much of Tomoana's advocacy for the owners opposed to the Crown's proposed purchase, adding:

> The usual other complaints were trotted out by Mr Tomoana to the effect that the Maori Land Court was operated to win the land from the sons of Tane. This was done by fragmentation so the small owner would want to sell out. 'By the quarrel of the servant the master gains rights.' Once the Maori trusteeship of Owhaoko [was approved], the Maori Owners would never get it back. One could almost hear the gipsy violins throbbing in the background setting the scene for the pathetic tale of land hungry Europeans depriving the Maori of his rights. 'As the sun sets out over Owhaoko C7 we bid farewell to our tribal lands.' ... I, frankly, in my own personal opinion, don't see that the loss of Owhaoko C7 will be a hindrance to the development of the other Maori land in the hinterland because there is no good access; the land is very rough and eroded and there is no doubt that something needs to be done to prevent filling up the Ngaruroro with shingle.[277]

Brown was certainly singing from the Crown's song sheet, but the tune was not catching on with many of the owners.

On 1 March 1972, the Forest Service presented its case for purchasing Owhaoko C7 to the Maori Land Court at Hastings. Some owners were also present and despite the view of the Commissioner of Crown Lands that the owners were willing to sell the block, there was instead blanket opposition, expressed by Tomoana and all other owners and representatives of owners who were present. Tomoana claimed that Owhaoko C7 was a key block as it provided legal access to the other Maori land in the area.[278]

Three months after the hearing, Judge Cull formally rejected the attempt by Forest Service and Lands & Survey to purchase Owhaoko C7. While noting that one owner out of many had sought sell what transpired to be a small shareholding, it was evident that a large group of owners and trustees wanted to keep the land in Maori ownership. Judge Cull made some very pertinent points on the limited safeguards available for Maori land:

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[276] Martin Brown to D. McIntyre, 25 February 1972, AAMK W3074 869 Box 54 d 5/5/300, ANZ in Northern Taihape Blocks Document Bank p. 195-196.
[277] Martin Brown to D. McIntyre, 25 February 1972, AAMK W3074 869 Box 54 d 5/5/300, ANZ in Northern Taihape Blocks Document Bank p. 195-196.
[278] Napier NLC MB No. 105: 273-289 in AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank p. 190-194.

> What is the use of introducing safeguards under Part XXIII [of the Maori Affairs Act 1953] fixing statutory quorums for meetings of owners to ensure at least a minimum representation, if at the same time it is competent for any person at all, in no way connected with the land, to apply to the Court as in the instant application, and have an order of the Court made authorising the Trustee to sell a block of land specifically to a particular person – in this case, the Crown. Not only does it result in giving such person a pre-emptive right, but it could well result in the land being alienated without a majority of the owners, or their representatives, knowing anything about it. To say there are deficiencies in the nature of Maori land title is one thing, but to provide a machinery so simple for Maori land to be alienated without the owners being fully aware of what is being done to their lands, is certainly another. It is difficult to apply the word "trusteeship" to such situation. The Court, therefore, is drawn conclusively to the view that the owners have not as far as practicable been given a reasonable opportunity to express an opinion as to the person or persons to be appointed trustees.[279]

One owner, or perhaps a few – who knew little about the land – seem to have given the government the impression that all or most owners supported the Crown purchase. Were it not for the efforts of Tomoana and other owners prepared to make the effort to lobby the owners and attend the Court, advocates of sale and the likes of Brown – along with the Crown – could easily have carried the day. The Court's comments on the limited protections available for those seeking to retain Maori land are relevant to Crown and private purchases effected under the auspices of the Maori Affairs Act 1953, but they are even more pertinent to the far more facile purchase procedures available to Crown and private purchasers who acquired land under the previous Maori Land Board regime instituted under the Native Land Act 1909.

After succeeding in preventing the Crown purchase of Owhaoko C7, Tomoana and others wanted to form a trust that took in all of the remaining Owhaoko blocks, and amalgamate the titles. At least one group of owners, those associated with Owhaoko A blocks (held largely by those affiliated with Ngati Tuwharetoa), was completely opposed to the amalgamation of the titles (although their opposition may have been as much against the idea of amalgamating with groups of owners from Heretaunga, whose rights derived from a quite distinct ancestral origin). Judge Cull also voiced his reservations about the proposal as so few owners were nominated as trustees for the new trust. Nonetheless, he approved the formation of an Owhaoko trust, as such amalgamations and trusts were one way to deal with the management difficulties posed by Maori Land Court titles. The trust advocated by Cull was, however, one

[279] Napier NLC MB No. 106: 104-109.

that would not be able to alienate any of the land contained in the trust without the approval of the owners. Subsequently, on 13 November 1973, Chief Judge Todd indicated he would issue a trustee order for nine Owhaoko blocks when a list of trustees and a draft trust order were submitted to the Court by Mr Hingston, then solicitor for the owners (but himself later appointed to the bench of the Maori Land Court).[280] The outcome of this trust proposal is not apparent from the records examined to date, but several separate Owhaoko trusts were subsequently formed, being broadly based on the tribal links of the owners of the various subdivisons remaining in Maori ownership.

2.14 Post-1900 Private Purchases

In addition to Crown purchase activity, there were also several private purchases; most notably in the decades after World War II, when the Maori Affairs Act 1953 ushered in a new regime to facilitate the alienation of Maori land. There was also one purchase early in the twentieth century, a period when extensive and cheap leasing otherwise seems to have obviated any need for local runholders to pursue the purchase of the Maori lands they leased adjacent to their own holdings. Beyond that, there were also some unsuccessful purchase attempts in the 1910s – under the Maori Land Board regime ushered in by the Native Land Act 1909 – and these are also discussed here.

In May 1901, Owhaoko D5 1 No. 1 (4,763 acres 2 roods 30 perches) was purchased from Ani Kiritaako by William Hamilton Turnbull and Oswald Stephen Watkins.[281] No other details of the transaction have been located.

One of the two unsuccessful private purchase attempts early in the century related to Owhaoko C3 No. 7. In 1916 Arthur Boyd applied to purchase all of Owhaoko C3 for seven shillings per acre. When a meeting of owners was brought together seven of the owners dissented from the resolution to sell, but eight others voted to sell so the motion was carried. What the owners not present thought was not considered. T. W. Lewis (the lawyer son of the long-serving Native Department Under-Secretary, T. W. Lewis) was agent for one of the owners in favour of selling, Atareta Kaingakore, and told the Maori Land Board that the valuation was too low, as it excluded an area of bush thought to be of considerable value. One of the owners opposed to the sale, Tuta Wakakirika, wanted to lease the bush land for nine

[280] NLC Napier MB 107: 227-239.
[281] MA-WANG W2140 box 36 Wh. 595 part 2, Owhaoko D, ANZ in "Owhaoko to Taraketi," Maori Land Court Records Document Bank, p. 162-164.

shillings per acre, but the other owners led by their legal representative, Mr Scannell (former Armed Constabulary commander, Resident Magistrate, and Native Land Court judge), opposed, and replied that Tuta had had plenty of time in which to put in an application for a lease but that it was now too late. Scannell also said that although Henare Ihaka wanted £1 per acre for the land, the 7s. offer was a good price because, he said, the land had little value. An owner who had not been able to attend the meeting, Rora Potaka, instructed her solicitors to oppose the sale of Owhaoko C3, adding that if it was approved she would seek to partition out her interests.[282]

The opposition to purchase did not long endure. In November 1916, eight dissidents signed a formal memorial of dissent, but by April 1917 the opposition of some had ceased and by July 1917 all the dissidents relented and agreed to the purchase. In October 1918 another meeting of owners was called, and Boyd offer of 7s. 3d. per acre was unanimously passed. The purchase was confirmed on 18 November 1918 for Boyd, but by mid-1921 he had still to hand over the purchase payment, and the deal began to unravel, as it seemed did Boyd. On 4 November 1921, his lawyers responded to the Maori Land Board that there was no way Boyd would complete the purchase, and he never did. It seems that Boyd had simply squatted on the land, and remained there for some years. When W. Mills inquired about purchasing the land in 1933, he asked the owners if he could inspect the land. When he arrived on it, he found Boyd who, according to Mills, was apparently "mad." Mills believed that Boyd was "a mono-maniac… being obsessed with the idea that somebody will shoot him. This crops up in almost every conversation." Boyd was evidently so paranoid that he nearly shot Mills. Finally, not long after that Boyd was finally removed from the block.[283]

Another deal that was not completed was the 1921 purchase of Owhaoko D4B by George Boston Gregory from Wharehere here Te Awaroa for £176. This was approved, and all that remained was for the purchase money to be paid, but at the last minute Gregory pulled out and went back on the deal.[284]

Private purchasing was then absent from Owhaoko for some decades. Then, in February 1954, Lawrence Harper Roberts purchased Owhaoko D5 No. 2 (1,375 acres) for £2,062.10.0.

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[282] MLC-WG W1645 3/4537, ANZ in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 5070-5199.
[283] MLC-WG W1645 3/4537, ANZ in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 5070-5199.
[284] MLC-WG W1645 3/1921/130 NZ in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 5027-5031.

(a price of £1 10s. per acre).[285] Other parts of Owhaoko D7 were also acquired in this period; namely Owhaoko D7A (7,325 acres) and, by one account interests in Owhaoko D7B (35,689 acres), both purchased by Lawrence Harper Roberts in 1960.[286] However, all of Owhaoko D7B is today in Maori ownership, so the reference to its purchase appears to be in error. In October 1969 half of Owhaoko D5 No. 4 (equal to 2,750 acres) was purchased by Wirihana Terry Apatu from Waerea Waikari Karaitiana for $4,025 (or about $1.50 per acre, or half what was paid for Owhaoko D5).[287] Terry Apatu purchased other interests in the area, including 0.3334 shares of Owhaoko D5 No. 3 (one-third of the title, equal to about 460 acres), acquired from Karaitiana Taiuru and Thora Taiuru in July 1972 for $2,000 (or more than $4 per acre). The entire title (1,375 acres) is currently held as Maori land (including the Apatu shareholding of 0.3334 shares purchased in 1972), vested in the Owhaoko D5 No. 3 ahu whenua trust.[288]

Terry Apatu was also active in purchasing individual interests in other blocks, and acquired Owhaoko C3B (8,897 acres, 1 rood) in 1968.[289] This is no longer Maori land.

While there is limited information available on these private purchases, the 1964 purchase of Owhaoko C3A (1,483 acres 2 roods) in 1964 is one for which records have been located. The purchase of Owhaoko C3A by John Roberts was instigated in 1962 and completed in 1965.[290] A meeting of owners was never assembled, so it is unclear how permission was obtained to purchase the land. As Judge Cull noted with regret in 1972 (see above), it was all to easy to acquire undivided individual interests in Maori land without the owners as a group formally agreeing to any such thing. The only evidence of Maori Land Court oversight of the alienation process concerned Ngamotu Kowhai and Ngamutu Kowhai, thought to be two of the nine names on the list of owners. Maori Affairs and the Maori Trustee had trouble ascertaining if they were one and the same or two different people. In the end it was established through a search of wills and succession orders that she was one and the same

[285] MA-WANG W2140 box 36 Wh. 595 part 2, Owhaoko D, ANZ in "Owhaoko to Taraketi," Maori Land Court Records Document Bank, p. 162-164.
[286] Commissioner of Crown Lands Memorandum, 8 July 1963, AAMA W3150 619 Box 22 20/194 4, ANZ in Northern Taihape Blocks Document Bank p. 201.
[287] Alienation Notice, 9 February 1970: AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank p. 202.
[288] Notice of change of ownership, 5 December 1972: AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank p. 203;
http://www.maorilandonline.govt.nz/gis/title/20001.htm.
[289] Heinz, "Land Alienation and Retention Database for Taihape District Enquiry: Block Histories by Chronology", 50.
[290] Bisson, Moss, Bisson & Robertshawe to the Chief Surveyor, 23 January 1962, AAMA W3150 619 Box 22 20/194 4, Archives N in Northern Taihape Blocks Document Bank p. 204.

person. After the issue of these names was resolved, the transfer of the title had to be registered by the purchaser's solicitor to enable the agreed purchase money to be paid, but this was not done for almost one year. Thus, while the purchasers had occupied the land in 1964, the purchase money was not received by the owners until the following year. Of the £1,100 paid by John Raymoth Roberts, £117.16.0 was deducted by the Court for outstanding rates and £46.12.2 was deducted for survey liens.[291] The Commissioner of Crown Lands wanted to have the survey liens for Owhaoko C3A and B deducted from the payment, even though only Owhaoko C3A was being purchased. The agents for the owners of Owhaoko C3A, Bisson, Moss, Bisson & Robertshawe, asked that their liability be confined to the Owhaoko C3A lien of £46.12.2 (or £37.5.8 plus interest). The Chief Surveyor had hoped to have the survey lien for the entire Owhaoko C3 block paid from the sale of Owhaoko C3A but the Maori Land Court confirmed this was not possible.[292]

For Owhaoko C3B, the far larger sum of £223.12.4 plus interest was still owed for survey liens in 1964. This was converted on decimalisation in 1967 to $447.23 plus $111.81 interest, a total of $559.04. Another $222.09 was charged to the land for rates, plus a further $139.80 for various Maori Land Court fees meaning Owhaoko C3B was carrying debts of $920.93. A Maori Affairs solicitor sent the Chief Surveyor a cheque for $920.93 in 1968 to cover the various liens on the Owhaoko C3B subdivisions, as this had to be done before the partition order for Owhaoko C3B could be registered.[293] This payment was but an advance on a pending purchase, as became evident on 6 August 1968, when Owhaoko C3B was purchased by Wirihana Terry Apatu and Margaret C. Apatu (the price is not evident from the records examined to date).[294]

Terry Apatu and his wife also gradually bought up the undivided individual interests of Owhaoko D6 No 1 owners from 1969 to 1971. In September 1969, the first shares, those of Rora Iwikau (11.1112 shares out of 100 shares in the title), were vested in Wirihana Terry Apatu and his wife, they having paid $319.44 for them. In April 1970, Taiparoro Wharawhara sold her 11.1112 shares to the Apatu's for the same price, and in March 1971 they purchased the 11.1111 shares of William Rakeipoho Bennett for $319.44. This pattern continued with

[291] MA 1 Box 149, 5/13/265, ANZ in Northern Taihape Blocks Document Bank, p. ANZ p. 386-408; Alienation Notice: C3A, 1963, AAMA W3150 619 Box 22 20/194 4, ANZ in Northern Taihape Blocks Document Bank, p. ANZ p. 212.
[292] Registrar of the MLC to the Chief Surveyor, 27 November 1963, AAMA W3150 619 Box 22 20/194 4, ANZ in Northern Taihape Blocks Document Bank, p. ANZ p. 211.
[293] Chief Surveyor Memo, 9 September 1968, AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank, p. ANZ p. 213.
[294] Memo by Deputy Registrar, 18 September 1969, AAMA W3150 619 Box 22 20/194 4, ANZ in Northern Taihape Blocks Document Bank, p. ANZ p. 209-210.

the June 1971 purchase of the same shareholding for the same price from Rangi Tutunui Hartley and Parewairere Iwikau (Royal).[295] The remaining shares were not acquired, and all of the land today remains Maori land, although it is one of the few Owhaoko blocks not vested in a trust; simply being owned by its 88 owners. The private purchases outlined above are set out in the table overleaf:

Table 14: Owhaoko Private Purchases Post-1900

Subdivision	Area (acres)	Owners	Purchasers	Price	Year
D5 No. 1	4,763	Ani Kiritaako	William Turnbull & Oswald Watkins	n/a	1901
D5 No. 2	1,375	Kehu Ngakaraihe Downs and Harry Downs	Lawrence Roberts	£2,062.10	1954
D7A	7,325	n/a	Lawrence Roberts	n/a	1960
C3A	1,483	Ngamotu Kowhai and others	John Raymoth Roberts	£1,100	1964
C3B	8,897	n/a	Wirihana Terry Apatu	n/a	1968
D5 No. 4 (half share)	2,750	Waerea Waikari Karaitiana	Wirihana Terry Apatu	$4,025	1969
D6 No. 1 (6 of 9 shares)	c.3,434	Five grantees	Wirihana Terry Apatu	$1,916	1969-1971
D5 No. 3 (33% of shares)	c.458	Karaitiana Taiuru and Thora Taiuru	Wirihana Terry Apatu	$2,000	1972
Total	**30,485**			**£3,162 + $7,941**	

As noted above, of Owhaoko D5 No. 4, Owhaoko D6 No. 1 and Owhaoko D5 No. 3 are currently classed as Maori land. However, in 1970 the Apatus successfully applied to have the title to Owhaoko C3B Europeanised.[296]

Another unsuccessful purchase was attempted in 1955. Lawrence Roberts, through his lawyer Ongley, wrote to the Commissioner of Crown Lands applying to purchase Owhaoko D7 for about £10,000. This was, strictly speaking, not then Maori land, being part of the land gifted to the Crown during World War I (see below). Roberts was aware that in July 1954 the Maori Land Court had advised the owners that the Crown might be willing to re-vest the land in the original owners, so it would become available for purchase. The Commissioner responded that no quick decision could be made about the gifted land. Despite this, Roberts had the

[295] D6 1purchase of shares by Apatu, AAMA W3150 619 Box 22 20/194 4, ANZ in Northern Taihape Blocks Document Bank, p. ANZ p. 214-218.
[296] Deputy Registrar of the MLC to the Rangitikei County Council, March 4 1971, AAMA W3150 619 Box 22 20/194 5, ANZ in Northern Taihape Blocks Document Bank p. 219.

Maori Land Court call a meeting of the owners of Owhaoko D7 to consider his application to purchase the entire block, 51,588 acres, for £10,900, even though it was not then Maori land. The Commissioner of Crown Lands again observed that 8,574 acres of the block was still Crown land so it could not be purchased from Maori.[297]

In 1961, R. H. LePine sought to purchase both Owhaoko A1A (57 acres) and Owhaoko A1B (583 acres). The surveyor, Robert David Tremaine, also applied to purchase the land in 1961. Tremaine was interested in the land, as he and an associate, G. McNutt, were establishing a resort near Lake Taupo and wanted to take hunters into the "country surrounding these blocks." Tremaine and McNutt were then building an airstrip that would overlap the Owhaoko A1 subdivisions as well as Owhaoko A West (1,600 acres) (the latter having been taken by the Crown for the payment of a survey lien). Tremaine and McNutt wanted to lease or purchase the whole area, "to enable them [to] effectively stifle [the] competition." That is, to prevent others having access to the land for hunting. After inspecting the land with Tremaine, District Field Officer Beable recommended that Owhaoko A1 and Owhaoko A West be sold in their entirety to Tremaine and McNutt. The most absurd aspect of the whole proposal was that the Crown was discussing the sale of land that it did not even own, as Owhaoko A1 was still Maori land. Safe to say, the purchase of the Maori-owned land did not proceed.[298]

2.15 Public Works takings

No official references have been located to public works takings in the Owhaoko block. However, in 1882 a press report noted that six miles of road (at a one chain width, this equals about 50 acres) was taken by the Crown under the Public Works Act. It was reported that the Maori owners of the land were in favour of the road through Owhaoko.[299] No compensation was payable for such a taking.

[297] R. C. Ongley to DNR Webb, 25 March 1955 & Ongley to Webb, 17 September 1956, AAMA W3150 619 Box 22 20/194 4, ANZ in Northern Taihape Blocks Document Bank p. 220-221.
[298] R. H. LePine to Commissioner for Crown Lands, 3 July 1961; *Weekly News*, 15 March 1962; E. H. Beable to Commissioner of Crown Lands, 30 April 1962, AAMA W3150 619 Box 22 20/194 4, ANZ in Northern Taihape Blocks Document Bank p. 222-226.
[299] *Hawke's Bay Herald*, 21 March 1882, p.3.

2.16 Gifted Lands

During World War I, 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.

Details about the origins of the gift are sketchy, but the initial offer of land to the Crown came from Ngati Tuwharetoa in October 1916. Initially about 25,000 acres of Owhaoko was offered to the Crown, in the person of Maui Pomare ("Member of the Executive Representing the Native Race"), at a hui at Waihi (Tokaanu) by Te Heuheu Tukino, Kingi Topia, and "the Tuwharetoa tribe." The "absolute gift" was "for settlement by Returned Maori Soldiers irrespective of the tribe or tribes to which they may belong." Pomare was proud to advise Native Minister Herries of "this great self-sacrifice," confident that Herries would appreciate both the spirit which prompted the making of the gift and the national character of the same."[300] This was a period in which the attitude of some tribes towards the war and service in the war had come under critical scrutiny, following the objections of Kingitanga to fight for a Crown that still failed to address the confiscation of their land. The invasion of Maungapohatu to arrest Rua Kenana earlier that year had yet to be resolved through the courts, but during the government's propaganda war against the Tuhoe prophet, his attitude towards the war was called into question. The invasion led to the killing of Rua's son and another Tuhoe man by armed police.

Given the mixed feelings of Maori towards the war effort, Herries immediately expressed his gratitude, replying the same day through Pomare to convey "the hearty thanks" of the government for Ngati Tuwharetoa's "splendid action." His only hope was that "other tribes will follow the example so nobly set by the Tuwharetoa tribe."[301] The press were also informed and immediately published news of the gift. It was evident from press coverage that

[300] Maui Pomare, Tokaanu, to Herries, 3 October 1916. MA-MLP 1/1916/97. ANZ. Northern Taihape Blocks Document Bank, p.659.
[301] Herries to Pomare, Tokaanu, 3 October 1916. MA-MLP 1/1916/97. ANZ. Northern Taihape Blocks Document Bank, p.657.

the hui at which the gift was announced was attended by many Ngati Tuwharetoa.[302] The iwi were pleased with the government's response, and on 4 October 1916, Pomare informed Herries that, "Te Heuheu Tukino, Kingi Topia, Hoko Patena, and the chiefs and people of Tuwharetoa, "rejoice exceedingly for your good wishes," believing "we have been duly rewarded for our insignificant gift by your word of praise and pleasure." In their view, "the times, the tides, and the destiny of humanity have united the Empire by the cement of sacrifice insoluble and fixed for all time."[303] At the same time, the iwi asked that £800 "now lying to their credit with the Public Trustee," be accepted as a donation towards a monument in Parliament grounds in memory of Maori killed in the war.[304]

Herries immediately informed the Governor of the "splendid gift," although he did note that the land was "not first-class," but "will, no doubt, from its large area carry a good number of returned Maori soldiers."[305] He suggested that the Governor convey his thanks to Ngati Tuwharetoa, which he duly did, on 4 October 1916. The Governor added that he would bring the gift to the attention of the King himself,[306] which must have pleased the iwi even more than the expression of thanks from Herries. In December 1916, the King expressed his "appreciation of their generous action," communicating this through Colonial Secretary Andrew Bonar Law.[307] On receipt of this news, Te Heuheu Tukino, then staying at Maranui in Lyall Bay, told Herries, "Now, Friend! My heart is indeed filled with gladness because of the fulfilment of your promise during the days that are past to me and my people."[308]

A few days later, other Owhaoko owners made a similar offer to gift another 20,000 acres of the block. Ngati Tama and Ngati Whiti met at Taihape, and agreed to make the gift of the additional land, adjoining that given by Ngati Tuwharetoa.[309] Thereafter the official reports

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[302] See, for instance, *Ashburton Guardian*, 4 October 1916, p.2; ; *Thames Star*, 5 October 1916; *Whanganui Chronicle*, 5 October 1916; *Evening Post*, 5 October 1916; *Northern* Advocate, 5 October 1916; Fielding *Star*, 5 October 1916; *Poverty Bay Herald*, 5 October 1916; and, *Auckland Star*, 11 October 1916, p.9.

[303] Pomare, Tokaanu, to Herries, 4 October 1916. MA-MLP 1/1916/97. ANZ. Northern Taihape Blocks Document Bank, p.655-656.

[304] *Ashburton Guardian*, 13 October 1916; and, *Evening Post*, 13 October 1916.

[305] Herries to Governor, 3 October 1916. . MA-MLP 1/1916/97. ANZ. Northern Taihape Blocks Document Bank, p.654.

[306] Governor to "the Tuwharetoa tribe," 4 October 1916. MA-MLP 1/1916/97. ANZ. Northern Taihape Blocks Document Bank p.653.

[307] A. Bonar Law, Downing Street, to Governor, 5 December 1916. MA-MLP 1/1916/97. ANZ. Northern Taihape Blocks Document Bank, pp.

[308] Te Heuheu Tukino, Lyall Bay, to Herries, 15 February 1917. MA-MLP 1/1916/97. ANZ. Northern Taihape Blocks Document Bank, p.629.

[309] *Evening Post*, 9 October 1916, p.2. The press report refers to Ngatiwhia and Ngatiawa, but it is assumed these are misspellings that occurred when the report was telegraphed from Taihape to Wellington.

and the press coverage seem to have simply conflated the two distinct gifts into a single large gift and attributed ownership of all of the gifted land to Ngati Tuwharetoa. As this press report indicates – and as the titles of the blocks included in the final gift show – Ngati Whiti and Ngati Tama were also involved in the Owhaoko gift.

On 9 November 1916, a month after the gift was announced, a Ngati Tuwharetoa deputation met with Herries, Minister of Lands Bell, and Pomare in Wellington to formalise the gift, which they wanted to increase to 30,000 acres. Te Heuheu Tukino told the ministers:

> The gift was a free gift and they had made it unreservedly and without any conditions. The benefits of the gift were not confined to the returned Maori soldiers of Ngati Tuwharetoa and its sub-tribes, but that members of other tribes in New Zealand could participate as well. ...He said they were proud of the fact that the Ngati Tuwharetoa people were the first to make a gift of this kind and were gratified and honoured by the congratulations of such illustrious persons. ...He formally made the gift and asked the Government to accept it.[310]

Kingi Topia endorsed what Te Heuheu said, and urged the government to quickly finalise the transfer of the title:

> as they did not want to be burdened any longer with the gift that they had already made over to the Crown. He said that had the gift been made in the manner customary to the Natives, the title would have passed on the simple making of the gift, but according to the procedure under the law, certain avenues had be traversed before the title could be so conveyed. He urged upon the government to unload the burden which pressed so heavily upon them.[311]

Te Heuheu clarified that the iwi wished to give 30,000 acres but had found that the blocks selected for gifting fell short of this total, so "Te Hiraka Pine and Ngahuia and their respective families" were to donate more land to increase the total area. Te Hiraka, "a chief of the younger generation," endorsed the gift and, like Kingi Topia, "urged that the transfer of the gift to the Crown should be expedited." The area required to make the gift up to 30,000 acres would be given by he and Ngahuia, "a leading chieftainess," from their Owhaoko D7B title.

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[310] Notes of meeting, 10 November 1916. MA-MLP 1/1916/97. ANZ. Northern Taihape Blocks Document Bank, pp.645-647.

[311] Notes of meeting, 10 November 1916. MA-MLP 1/1916/97. ANZ. Northern Taihape Blocks Document Bank, pp.645-647.

In response, Herries again congratulated Ngati Tuwharetoa for their gift, and confirmed to them that the Governor had passed word of it on to the King. On behalf of the Crown, he accepted the gift, adding he "would take the necessary steps under section 10 of the Native Land Amendment and Native Land Claims Adjustment Act 1916" to effect the transfer of the gifted land. This Act provided for the calling of a meeting of assembled owners, which would need to pass a resolution offering the land to the Crown. The gifted lands were listed with the record of the meeting, being: Owhaoko A1B (583 acres); Owhaoko A East (16,640 acres); Owhaoko D1 (6,997 acres); Owhaoko D4B (1,326 acres); Owhaoko D8B (4,635 acres); and Owhaoko D7B (9,818 acres).[312] This came to a total of 40,000 acres, being a lot more than the 30,000 acres the donors intended to give. The final blocks included in the gift differed somewhat, as discussed below.

It soon emerged that the legislation cited by Herries in his meeting with Ngati Tuwharetoa was not the appropriate mechanism to effect the gift. In January 1917, the Native Department advised that the 1916 Act as well as the earlier Native Land Act 1909 were "scarcely applicable, as they apply only to purchase or leases by the Crown," not to free gifts. It was usual where land was gifted by Maori (for school sites, for instance) for a deed to be drafted in which a nominal sum (such as one shilling or, in one case, an actual peppercorn) was acknowledged to have been paid. This enabled a 'gift' to be forced into the usual mechanisms for Crown acquisition (alternatively, small gifts such as school sites were often simply 'taken' under the Public Works Act, despite having been freely given). Obviously, this could not be done in the case of this gift, as the payment of any sum (however nominal) was sure to lead to "some misunderstanding" with Ngati Tuwharetoa. The Department suggested a meeting of owners under s.346(1)(f) of the 1909 Act, which provided for a resolution in support of an alienation to the Crown other than a purchase, but no one was certain what the correct procedure was.[313]

Facing the prospect of being hoisted by their own petard (the Native Land laws), the government turned to the Solicitor-General for a solution to the apparent difficulties of accepting a simple gift. On 7 February 1917, the Crown Solicitor advised that the 1916 Act referred to by Herries could not be used as it referred to leases and purchases, not gifts. Nor was the 1909 Act applicable, as it required any purchaser to pay a price no less than the government valuation, and s.346 of the 1909 Act had to be read within this context rather than

[312] Notes of meeting, 10 November 1916. MA-MLP 1/1916/97. ANZ. Supporting Documents, pp.645-647.
[313] Native Department Under-Secretary to Herries, 12 January 1917. MA-MLP 1/1916/97. ANZ. Northern Taihape Blocks Document Bank, p.642-644.

distorted to facilitate alienation by gift. He instead advised that special legislation be enacted after a resolution of the assembled owners was obtained in support of the gift.[314] Accordingly, a clause was inserted in the annual "native washing-up bill"; the Native Land Amendment and Native Land Claims Adjustment Act 1917, s.4 of which provided for meetings of assembled owners to have the power to gift land to the Crown for the settlement of discharged soldiers. This Act was not passed until October 1917, so it was ante-vested to validate any resolutions for these purposes passed by meetings of owners convened under the 1916 Act or the 1909 Act.

The 1917 Act solved the problem of the apparently complicated mechanics of accepting a simple gift. So much for the tuku rangatira of Ngati Tuwharetoa. As the rangatira had noted when meeting with Herries in November 1916, in former times their word was sufficient to secure such a gift, but now the approval of everyone had to be formally secured at a properly assembled meeting of owners under a law (the 1909 Act) designed to facilitate purchase from individual owners, not to affirm a gift of chiefs.

By April 1917, little progress had been made, so the deputation of Ngati Tuwharetoa rangatira returned with Pomare to visit Herries. According to Herries, they advised that 10 more blocks totalling 40,000 acres were to be included in the gift, being: Owhaoko B East (5,851 acres), Owhaoko B1B (934 acres), Owhaoko D3 (5,724 acres), Owhaoko D5 (No.'s 1-4, totalling 13,015 acres), Owhaoko D6 No. 1 (5,724 acres). Owhaoko D6 No. 3 (1,375 acres), and Owhaoko D7 No. 1 (7,325 acres). In accordance with the legislative requirements, they asked that meetings of assembled owners be called at Tokaanu in two weeks time to effect the gift. Apparently other meetings of owners to consider the other gift blocks had recently been adjourned from Whanganui so they could be held at Tokaanu.[315] Even the apparently simple matter of calling a meeting of owners at the end of the month proved to be outside the legal powers of the Maori Land Board; the day after Herries issued the above instructions, his Under-Secretary advised that 14 days was the minimum notice period for a meeting of owners, and such notices had to be published in the *Kahiti* and *Gazette*. Given this, the earliest a meeting could be called was three weeks from the day of this advice. In addition, meetings of owners could only be called for blocks with sufficient owners to form the

[314] Crown Solicitor to Native Department, 7 February 1917. MA-MLP 1/1916/97. ANZ. Northern Taihape Blocks Document Bank, p.642-644.
[315] Herries to Fisher, 18 April 1917, MA-MLP 1/1916/97. Northern Taihape Blocks Document Bank, pp.626-627.

quorum required by law, and as Owhaoko B1B and B East had too few owners there was neither the need nor the facility to call a meeting of the one or two owners involved.[316]

At the same time in April 1917, Herries asked that a prohibition on private alienation be imposed on Owhaoko D6 No. 1 (although he said this was sought by the Ngati Tuwharetoa deputation). As noted earlier, some owners were seeking to complete a private purchase of Owhaoko D6 No. 1, but the rangatira visiting Herries evidently sought to prevent this being completed in order that the gifting proposal could be given effect to. This offers the first hint that not all the owners of all of the blocks proposed for the gift endorsed the actions of the Ngati Tuwharetoa leadership. In fact, almost all the interests in the title had already been alienated, so its inclusion in the gift was a little irregular. On 11 May 1917, the Arrowsmith & Loughnan wrote to the Native Minister on behalf of their client, the purchaser Mrs N. L. Shaw, advising that months before the gift proposal, she had obtained the consent of two-thirds of the owners to her purchase of Owhaoko D6 No. 1, and the Maori Land Board was due to confirm the purchase. As such, they asked that the Crown's prohibition on alienation be withdrawn.[317] Herries responded that the prohibition would stand as the block was one of those to be gifted by "the owners of the Owhaoko block as a whole."[318]

Once again, even the Native Minister himself appeared unaware of the disconnect between the leadership of Ngati Tuwharetoa and the legal owners of the Owhaoko titles. There was no such entity as the 'owners of the Owhaoko block as a whole'; the whole thrust of Native Land legislation was towards individualised ownership, and as a result the ownership of the multitude of Owhaoko titles was legally vested in a large number of individual owners. In the case of Owhaoko D6 No. 1, most of the owners had agreed to sell their interests to Mrs Shaw, not to gift them to the Crown. As noted earlier, the block was not gifted in the end, even though Shaw withdrew her purchase bid at the last minute. Subsequently, parts of it were purchased by other private interests over as couple of years in the late 1960s and early 1970s.

Finally, at the end of May 1917 the necessary meetings of assembled owners were convened, and consent was secured from the owners of some of the blocks proposed to be gifted. The records are sketchy on the details, but press coverage – under the headline "Kapai Te Maori"!

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[316] Native Department to Herries, 19 April 1917. MA-MLP 1/1916/97. Northern Taihape Blocks Document Bank, pp.624-625.
[317] Arrowsmith and Loughnan, Taihape, to Native Minister, 11 May 1917. MA-MLP 1/1916/97. ANZ. Northern Taihape Blocks Document Bank, p.617.
[318] Herries minute, 12 May 1918, on ibid; and, Herries to Arrowsmith and Loughnan, 14 May 1917. MA-MLP 1/1916/97. ANZ. Northern Taihape Blocks Document Bank, pp.616 and 618.

– indicates that the final gift comprised about 35,000 acres.[319] This was the result of "a large meeting of the Ngati Tuwharetoa and Ngati Tama peoples," attended by about 200, "although many of them had no direct interest as owners, they had that community interest which is understood so well by the Maoris generally." Pomare was present for the Crown, while the main Maori spokesmen were Te Heuheu Tukino, Kingi Topia, and "Maniapoto." Maniapoto (" a great chief among his fellows") had not participated in the earlier gifting, "and he asked for details of it. In response, he observed that "they were gifting land which syndicates had offered them one pound an acre for." He did not oppose the gift, but "would like to know something about it."[320]

Maniapoto's query led to some of the thinking behind the Owhaoko gift being set out:

> Kingi Topia explained that many wounded Maori soldiers would come back to them who had no land. Those who wanted land and could work it should have it and pay a rent which should go to a fund to be divided among the wounded who could not work. For the land they were giving, a syndicate had offered £1 per acre; now he could see that the Maori would lose nothing by giving the land, because three or four other syndicates were offering 30s. for the other land, but the Maori would not sell at that price.[321]

Pomare agreed that Topia's words "reflected the position." He went on to expand on how the government would prepare the land by making roads, a bridge over the Rangitikei, and getting fencing materials and houses on the land before the sections were balloted for war veterans. As Topia said, the rents paid by the farmers would got to "all Maori soldiers," or if the farms were sold, the payments would go into a fund to produce income for other veterans. In response Maniapoto:

> rose in true Maori chief style, brandishing his mere, and with animation, recounted how the words of the speakers had rescued him from his misunderstanding, like the karakia of the Te Arawa chief had saved the canoe from being swallowed up in the whirlpool. He was pleased to give his land with the other Maori; their wounded brothers would have something.[322]

In other words, Maniapoto was challenging the previous speakers, in accordance with custom, in order to ensure the resolution was tested, explained, and accepted by all. Once this was

[319] *Fielding Star*, 11 July 1917, p.2.
[320] *Whanganui Chronicle*, 2 June 1917, p.5.
[321] *Whanganui Chronicle*, 2 June 1917, p.5.
[322] *Whanganui Chronicle*, 2 June 1917, p.5.

done, the Maori Land Board completed the transaction over those lands that were to be gifted, which had reduced slightly to 35,000 acres. On the day, it appears that the gifting of only about 23,000 acres was confirmed; being Owhaoko A East (16,640 acres), Owhaoko A1B (583 acres), and Owhaoko B East (5,851 acres). The transfer of the portions of Owhaoko D included in the gift was not completed until January 1918; being Owhaoko D1 (part) (3,934 acres out of the 6,997 acres in the title) and Owhaoko D7B (8,574 acres). This took the total gift to over 35,000 acres, as set out in the table below, and as shown on Map 9 overleaf.[323]

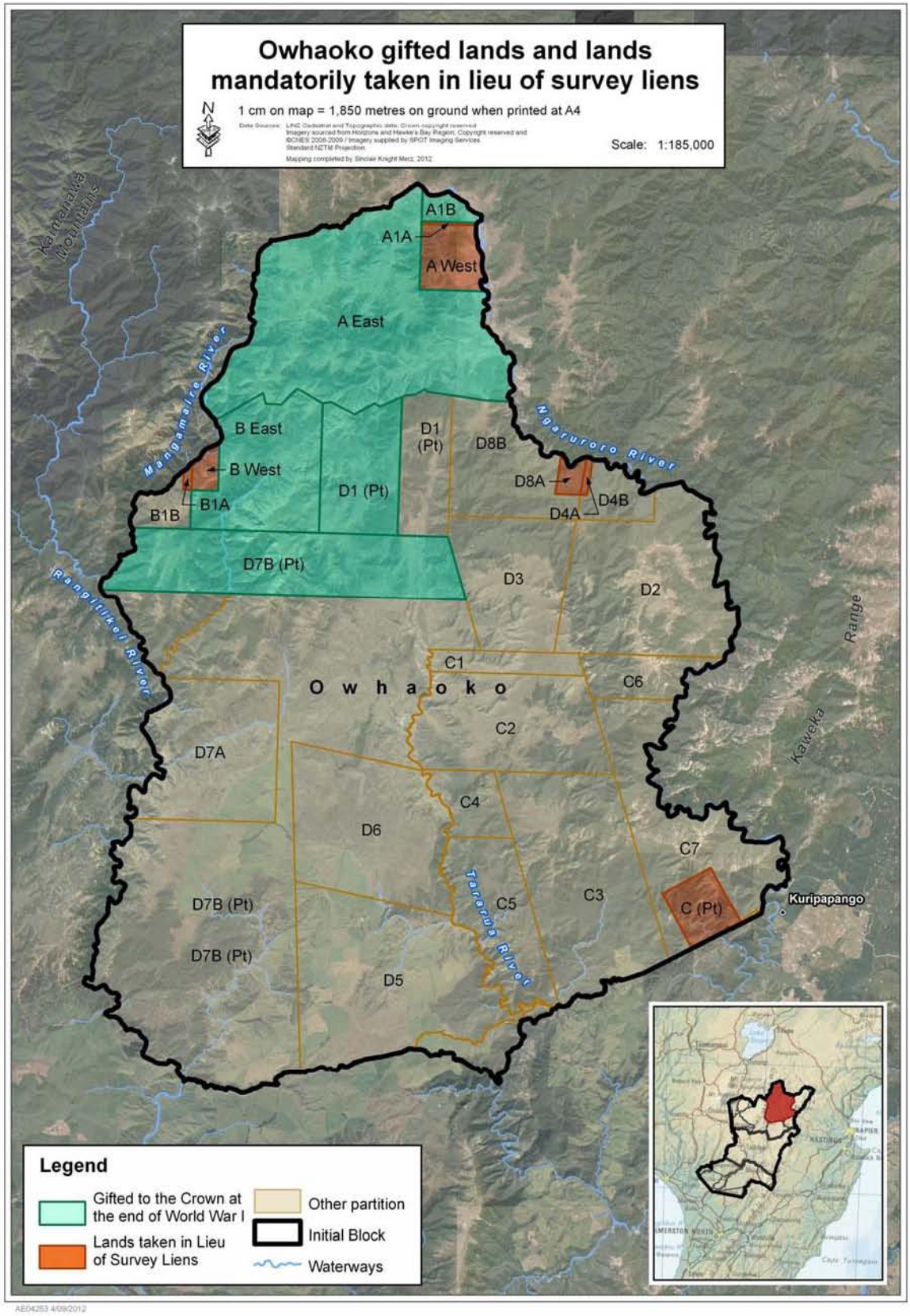
Table 15: Owhaoko Gifted Lands

Subdivision	Area (acres)	Year Gifted
A East	16,640	1917
A1 B	583	1917
B East	5,851	1917
D1 Part	3,934	1918
Part of D7B	8,574	1918
Total	**35,582**	

It is difficult today to comprehend the patriotic fervour of the times, or the hostility directed at those who did not conform to it. While news coverage and official reports about the Owhaoko gift emphasise the positive patriotic impetus behind the gift, nothing was said about negative forces that pushed Ngati Tuwharetoa, Ngati Whiti, and Ngati Tama to make this grand, and very well-received, gesture. As noted earlier, Maori were under pressure to actively demonstrate their commitment to the Crown, particularly given the negative public view of the Kingitanga and Rua Kenana in this regard.

Beyond these factors, today, some among the Mokai Patea claimants point to other motivations for the actions of their forebears. Being well aware that the land was then 9as it is now) of very limited utility for soldier settlement – or indeed general pastoral development – they see other factors behind the gift. Foremost amongst these are the pressures imposed on Owhaoko owners by local bodies, such as the local county council and the local rabbit board. Both agencies imposed charges on Owhaoko owners to pay for their activities, regardless of the extent to which the owners benefited from county services or the extent to which they could be held liable for the introduction of rabbits to the district. The rates charging orders

[323] *NZ Gazette,* 10 January 1918, with MA-MLP 1/1916/97. ANZ. Northern Taihape Blocks Document Bank, pp.614-615. MA-WANG W2140 box 37 Wh. 601 part 1, Owhaoko A, ANZ; MA-WANG W2140 box 36 Wh. 595 part 1, Owhaoko D, ANZ In "Owhaoko to Taraketi," Maori Land Court Records Document Bank, p. 5-6, 11-17, 126-127, 197; MLC-WG W1645 3/1918/439 in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 5005-5006.



Map 9: Owhaoko Gifted Lands and Land Taken for Survey Liens

located to date are from a later period than the 1910s, although it must be assumed that rates arrears were accumulating on Owhaoko titles as soon as those titles were awarded. As such, rates arrears were a significant burden, particularly in relation to the low rents being paid to the owners. The mouth of a gift horse ought not to be looked at too closely, but it was obvious at the time that the Owhaoko land was of very limited economic utility to its owners. As noted earlier, the best of the land was under lease, or was being purchased privately. As much of the lowest quality land could only be grazed extensively in conjunction with the better quality adjoining land, and as that land was already unavailable, the remaining Owhaoko land was likely to cost the owners more to retain than the income it could generate.

To date, it has proved difficult to find evidence of the extent to which rabbit board charges were a burden to the Owhaoko owners, but there are hints that these were an issue in the district. 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 Pukekahu–Taoroa Rabbit Board, so in 1929 it had £275 of these charges registered as a mortgage against the title; meaning the land would be taken in a mortgagee sale if the debt was not paid.[324] Those Rabbit Board charges are equal to 1s. 9d. per acre, which is more than the Crown was willing to pay for the freehold of much of Owhaoko. As noted earlier, the Aotea Maori Land Board was confident in 1910 and 1911 – when Owhaoko owners rejected the Crown's purchase offers for many of their titles – that the owners would soon come to their senses, particularly when the burden of rabbit board charges and local body rates began to bite. Given how high those charges could be, they may well have helped push the owners towards the gifting of Owhaoko. The extent to which Owhaoko titles were carrying rabbit board charges and local body rates arrears may be clarified by further research.

The government was certainly aware soon enough that the gifted land was not exactly fit for purpose. In 1918, soon after the land was gifted, the Commissioner of Crown Lands inspected Owhaoko and reported on its limited utility for the settlement of returning Maori soldiers. As a result, the land was largely ignored following the war. In August 1925, when a war veteran inquired about settling the land, he was informed of its poor quality and that it was unsuitable for farming.[325] Large sections of the block lay unused, and infested by rabbits throughout the 1920s. The Department of Agriculture was spending £400 per year in an effort to control rabbits on Owhaoko (lest the control efforts on adjoining private land be wasted). In 1928, J.

[324] See Awarua block study.
[325] Commissioner of Crown Lands to Under-Secretary for Lands, 1 July 1918. AAMX 6095/W3430, Box 6, 26/1/12, part 1. ANZ; J. G. Coates to P. Grey, 13 August 1925. AAMX 6095/W3430, box 6, 26/1/12, part 1. ANZ in Northern Taihape Blocks Document Bank p. 475-476.

Watherston, the manager of the Ngamatea station, offered to take over some of the land on leasehold, offering to pay the less than attractive rental of zero for the first five years, rising to £250 thereafter.[326] The terms of the gift did not permit such a lease and officials struggled to develop a mechanism to allow them to utilise the land.

The result was the Native Land Amendment and Native Land Claims Adjustment Act 1930 (s.25), which stated that the land "is for the most part of such poor quality" that it could not be occupied within the limitations on area of the Land Act 1924 (which encouraged smaller holdings). The Act "freed and discharged the land from any trust" to settle discharged soldiers on it, and provided for the land to be held and disposed of as ordinary Crown land. Any income generated by the land would first go to "all reasonable expenses of administration," with any surplus to be "paid to such fund as the Native Minister shall from time to time direct, to be applied for some purpose having for its object the assistance of Natives being discharged soldiers." If the Minister decided, the matter of what to do with any funds generated by the Owhaoko land could be referred to the Native Land Court.

The only echo of the original purpose of the gift was that if the land did generate sufficient funds to exceed the expenses of administering it, the profit might got towards the support of Maori returned soldiers. However, there is no evidence to indicate that any such funds were ever generated by the government from the land or used for the purposes provided in the 1930 Act. For reasons that are not entirely clear, the clause was repeated in the Native Purposes Act 1931 (s.70). There is no evidence that the donors were informed of this change of status, or told that the land was not – and would not – be used for the purpose for which it was given. Thereafter, the lands were administered as ordinary Crown land, but remained largely unused.

The donors of some the Owhaoko land took matters into their own hands; seeing the land laying idle in government hands, they sought to administer it themselves. Before some of the land was gifted it had been under lease to the adjacent Ngamatea Station since 1906, and this lease was to run for 30 years. The government should have taken over the lease after the land was gifted in 1917, but the owners maintained control of the lease and collected the rents themselves. It emerged that in 1917 the owners concerned had actually opposed the gifting of their land, so their ongoing receipt of the rents may have been an expression of this dissent.[327]

[326] W. C. Barry to Department of Agriculture, 6 November 1928. AAMX 6095/W3430, box 6, 26/1/12, part 1. ANZ in Northern Taihape Blocks Document Bank p. 476-477.
[327] Commissioner of Crown Lands note, 11 June 1930, and Commissioner of Crown Lands to Under-Secretary for Lands, 23 December 1930. AAMX 6095/W3430, box 6, 26/1/12, part 1. Archives New Zealand in Northern Taihape Blocks Document Bank p. 477-479.

The government did not become aware of the situation until 1930, but it was Ngamatea Station that decided to act first. In 1931 Ngamatea Station began to withhold rents from the Owhaoko 'donors', as it was concerned about possible legal action by the Crown.[328]

In response, the Native Minister did not seek to recover the rentals previously paid to the 'owners', but he did instruct Ngamatea Station to thereafter pay rent only to the Crown. Even so, the situation remained unresolved due to the difficulties of separating out the gifted land from other land retained by the owners that was also included in the lease. Once again, the government resorted to special legislation to address these complexities, inserting a clause in the Native Purposes Act 1931 that sought to address the difficulty: s.71 validated the payment of rent on Owhaoko D7 (8,574 acres). The title was subject to three leases, not all of which related to the gifted land, but the owners had continued to collect all the rent as they had before the gifting. The 1931 Act validated the previous rental payments made to the Maori owners, and freed Ngamatea Station from any liability to pay the Crown for rents related to the gifted land. In addition, despite what the Minister had earlier said, the full rents would continue to be paid to the owners. Finally, any rent that Ngamatea Station had paid to the Crown was to be handed over to the Maori owners. This was something of a pyrrhic victory for the Owhaoko D7 owners, however, as Ngamatea Station subsequently refused to pay any rent and the matter resolved itself only when the lease term ended in 1936.[329]

Thereafter, the available records indicate that things remained fairly quiet on Owhaoko until the 1950s. In 1939. The government set aside 6,833 acres of the gifted land as Permanent State Forest for soil and water conservation purposes in the watershed of the Ngaruroro River (being Owhaoko A1B of 583 acres, and a 6,250-acre portion of Owhaoko A East).[330] This land generated no income towards the purpose of the gift.

In 1957, the donors began to seek the return of land never used for the purpose for which it was gifted. Accordingly, Pani Otene of Ngati Tuwharetoa suggested to the government that the gifted land be returned to Maori. The government rejected the request and explored other options for the land. Prior to this, in 1956, there were proposals from the Forest Service to include the gifted land in the Ngaruroro Catchment Scheme, as well as a private offer by

[328] Commissioner of Crown Lands to Under-Secretary for Lands, 10 January and 18 February 1931. AAMX 6095/W3430, box 6, 26/1/12, part 1. ANZ in Northern Taihape Blocks Document Bank p. 480-482.
[329] Commissioner of Crown Lands to Lee, Grave & Grave, 11 April 1931. AAMX 6095/W3430, box 6, 26/1/12, part 1. ANZ in Northern Taihape Blocks Document Bank p. 483.
[330] Maori Affairs Secretary to Tuwharetoa Maori Trust Board, 16 January 1957. AAMX 6095/W3430, box 6, 26/1/12, part 1. ANZ. Northern Taihape Blocks Document Bank pp.494-495.

Ngamatea Station to purchase part of the gifted land. Rather than offer to return the unused land, the government contacted the Tuwharetoa Maori Trust Board to explain that it had already set aside 6,833 acres of the gifted land for conservancy purposes, and wanted to set aside another 20,575 acres for the same purpose (being the rest of Owhaoko A East, 10,390 acres, as well as Owhaoko B East, 5,851 acres, and Owhaoko D1 Part, 3,934 acres). Recognising that this went against the purpose of the gift, the government offered to pay the former owners of the land 2s. 6d. per acre for the 20,575 acres it proposed to set aside for conservancy purposes. No payment was offered for the 6,833 acres it had taken for the same purpose in 1939.[331]

To add insult to injury, the government noted that the last of the gifted land, Owhaoko D7 Part (8,574 acres) was not wanted for conservancy purposes, but Ngamatea Station did want to buy it at a price of 4s. 6d. per acre. This money would also be paid to the former owners. Perhaps recalling the complexities of securing owner assent in 1917, the government slyly suggested:

> Since the original gift was regarded as a tribal matter and the owners comprised a substantial part of the tribe, it is thought that the [Tuwharetoa Maori Trust] Board members as recognised tribal leaders may be in a position to consider the proposals and reach a decision on them.[332]

This attempt to circumvent the donors by consulting only with the Trust Board was a cynical political ploy, and one based on a lie: the relatively small number of owners involved in the Owhaoko gift block in no way constituted "a substantial part of the tribe" of Ngati Tuwharetoa. Besides, which, the Owhaoko D blocks had nothing at all to do with Ngati Tuwharetoa, being Ngati Whiti and "Ngati Whititama" lands, while Owhaoko B was Ngati Tama land, and the Owhaoko C blocks were Ngati Hinemanu. In any event, the Tuwharetoa Maori Trust Board was not prepared to play along; responding that it would prefer that the government return the land to its original owners rather than seek to permanently alienate it from them.[333]

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[331] Commissioner of Crown Lands to Director-General of Lands, 25 September 1956. AAMX 6095/ W3430, box 6, 26/1/12, part 1. ANZ; Maori Affairs Secretary to Tuwharetoa Maori Trust Board, 16 January 1957. AAMX 6095/W3430, box 6, 26/1/12, part 1. ANZ; Maori Affairs Secretary to Director-General of Lands, 2 May 1958. AAMX 6095/W3430, box 6, 26/1/12, part 1. ANZ in Northern Taihape Blocks Document Bank p. 484-495.

[332] Maori Affairs Secretary to Tuwharetoa Maori Trust Board, 16 January 1957. AAMX 6095/W3430, box 6, 26/1/12, part 1. ANZ. Northern Taihape Blocks Document Bank pp.494-495.

[333] Maori Affairs to Lands and Survey, 2 May 1958. AAMX 6095/W3430, box 6, 26/1/12, part 1. ANZ. Northern Taihape Blocks Document Bank p.495.

During the 1960s there was still little sympathy from within government to the return of the land. The Crown instead sought an aerial inspection of the land with a view to including it in the Ngaruroro River catchment scheme for soil and water conservation purposes, to benefit Pakeha land owners downstream in Hawke's Bay. Eventually, it conducted a ground inspection for the same purpose. Land development schemes and consolidations of title were raised as alternative approaches, but these ideas were not developed. While the government debated the fate of the land, there was no further communication with the former owners. In 1970 the Forest Service dismissed the notion that the land should be returned to the donors, as it put a greater priority on its conservancy goals for the land.[334]

In 1971, Lands and Survey proposed transferring the land to the Forest Service without consulting any of the original owners. However, Maori Affairs obtained a legal opinion on the Forest Service's proposal, and was advised that whatever was done with the land, it should be in the interests of those who were represented by the trust established by the 1930 Act (presumably meaning returned Maori soldiers). Maori Affairs Secretary Jock McEwen did not agree with the Forest Service's proposal. In his view, there was "no trace of consultation with the former Maori owners" in the legislation of 1930 and 1931 that indicated their acceptance of the leases of the gifted land referred to in the Acts of 1930 and 1931, much less the sale of the land. As the land was no longer being used for its original purpose, he endorsed the view of the donors that it should be returned to them.[335] Maori Affairs advised that the donors should be consulted first, and the Minister of Maori Affairs agreed, and also suggested that the land be returned. Finally, in 1972, the government decided to meet with Ngati Tuwharetoa to ascertain their views. It is hardly surprising that they were opposed to the sale of the land, but they were willing to lease the land to the Forest Service for soil and water conservation purposes.[336]

The Forest Service and Lands and Survey remained opposed to the return of the land, and considered mounting a legal challenge to retain the land in the Crown's possession. This rear-guard action proved short-lived as the new Labour Government, elected in late-1972, had a

[334] Commissioner of Crown Lands to Director-General of Lands, 19 February 1962. AAMX 6095/ W3430, box 6, 26/1/12, part 1. ANZ. Maori Affairs Secretary to Director-General of Lands, 25 August 1967. AAMX 6095/W3430, box 6, 26/1/12, part 1. ANZ. W. J. Wendelken to Director-General of Lands, 20 November 1970. AAMX 6095/W3430, box 6, 26/1/12, part 1. ANZ in Northern Taihape Blocks Document Bank p. 496-497.

[335] Meeting regarding the Owhaoko Gift Blocks, 28 March 1972, MA1 Box 90, 5/5/278 Part 1, ANZ in Northern Taihape Blocks Document Bank p. 197-200.

[336] R. J. Maclachlan to Maori Affairs, 20 January 1971, and J. M. McEwen, Maori Affairs, to Director-General of Lands, 9 March 1971. AAMX 6095/W3430, box 6, 26/1/12, part 1 in Northern Taihape Blocks Document Bank p. 498-501; ANZ; Commissioner of Crown Lands to Director-General of Lands, 18 October 1972. AAMX 6095/W3430, box 6, 26/1/12, part 2. ANZ.

policy to return all lands gifted by Maori that were no longer used for the purposes for which they were given. The new Minister of Maori Affairs, Matiu Rata, later confirmed to Parliament that it was the Labour Government's policy to return land not being used for the purpose for which it was gifted. He ordered the Forest Service to negotiate with the owners, and finally, in June 1973, it was reported that the government had decided to return all of the gifted land to the donors. The Forest Service tried to claim that the 6,833 acres set aside as a State Forest in 1939 could not be returned, but this quibbling was soon rejected and it too was returned.[337]

The Maori Purposes Act 1973 (s.23) was enacted to revest the gifted land in those Maori found by the Maori Land Court to be entitled to receive it, or the Court could vest it in trustees to be held in trust for those Maori found to be owners. In August 1974 the government held discussions with members of the Tuwharetoa Maori Trust Board and other Trusts from in the area about the possibility of exchanges with the Crown. Lands & Survey Astwood preferred to believe that Ngati Tuwharetoa were the dominant owners of the Owhaoko gift blocks when Ngati Whiti and Ngati Tama were also large owners whose interests needed to be acknowledged.[338]

With respect to forming trusts to receive the gifted blocks, as noted earlier, the Owhaoko C7 trust had already been formed in response to efforts by the Crown to purchase that block in 1973, even in the midst of the return of the gifted blocks. Tomoana and other owners had wanted to form a broad trust for all Owhaoko lands, but this was an improbable goal so only the Owhaoko C7 trust was formed. With the return of the gifted blocks, there was a renewed effort to form a trust to govern all Maori-owned Owhaoko blocks. Tomoana and other owners had advised the Maori Land Court that the only access to the inner Owhaoko blocks was through Owhaoko C7, and believed this demonstrated the importance of governing the lands together. Even so, officials advised that a road could not be built through Owhaoko C7 because it would cost "millions." The other access points were through Owhaoko D5 No. 3 and Owhaoko C5.[339]

Judge Eddie Durie asked the various groups to discuss how an Owhaoko trust would be formed for the gifted lands, observing that he favoured forming a single trust for all the

[337] J. M. McEwen memo for Maori Affairs Minister, 17 May 1973. AAMX 6095/W3430, box 6, 26/1/12, part 2. ANZ. *New Zealand Parliamentary Debates*, vol. 385, 1973, pp.3573-81. J. M. McEwen to Director-General of Lands, 14 June 1973. AAMX 6095/W3430, box 6, 26/1/12, part 2. ANZ.
[338] AAMA W3150 619 Box 22 20/194 5, ANZ. Northern Taihape Blocks Document Bank pp.409-419.
[339] AAMA W3150 619 Box 22 20/194 5, ANZ. Northern Taihape Blocks Document Bank pp.409-419.

interests in the blocks. However, those present at the Maori Land Court preferred to group their lands together on tribal bases, with the lands to be administered by the Tuwharetoa Maori Trust Board. Owhaoko C7 was not included in this proposal, as it already had its own trust. Other blocks excluded from this arrangement were Owhaoko D5 No. 3, Owhaoko D5 No. 4, and Owhaoko D6 No. 3, all of which were leased to Roberts.[340]

Terry Apatu asked that Owhaoko D6 No. 1 also be excluded as he held a 55 percent share in that title and did not want it included in a wider trust. Judge Durie consented to the latter exclusion, but left open the possibility that these lands could be added to the trust in future if other owners of the subdivision wished that, observing:

> I do not think that the remaining owners should lose any benefit simply because the major owner seeks exclusion and upon the ground that he can outvote everyone else. He must acquire all interests if he is to have that right. It may also well be that Mr Apatu's present shareholding is by acquisition rather than succession.[341]

Judge Durie had hit the nail on the head: Apatu had indeed acquired his interests through purchase, not by customary right, and now sought to exercise control over the other owners who out-numbered him, but who held only 45 percent of the interests in the title.

The Court's minutes note that a "large number" of Maori were present at the October 1974 sitting convened at Tokaanu to decide on the revesting, but it is not clear if many of the Ngati Whiti, Ngati Tama, and Ngati Hinemanu/Ngati Upokoiri owners of the Owhaoko gifted blocks were among them. There is a reference to a "Mr Steedman" being present, but he did not give evidence. No one who did give evidence appeared to represent Ngati Whitikaupeka of Ngati Tamakopiri, and nor do those groups seem to have been invited to comment on the vesting of their Owhaoko lands in the Tuwharetoa Maori Trust Board. On the other hand, it was revealed that a series of hui had been held in 1972 before the lands were returned, including a hui at Winiata marae in September 1972 and hui and Waipatu and Tokaanu in August and October 1972. At the Winiata hui, 24 trustees were nominated for the putative Owhaoko trust, which indicates the size of the trust envisaged by Tomoana.[342]

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[340] AAMA W3150 619 Box 22 20/194 5, ANZ; Tokaanu MB 53: 328-376, 31 October 1974 in Northern Taihape Blocks Document Bank p. 420-448.
[341] AAMA W3150 619 Box 22 20/194 5, ANZ; Tokaanu MB 53: 328-376, 31 October 1974 in Northern Taihape Blocks Document Bank p. 420-448.
[342] AAMA W3150 619 Box 22 20/194 5, ANZ; Tokaanu MB 53: 328-376, 31 October 1974 in Northern Taihape Blocks Document Bank p. 420-448.

Tomoana, a Maori Affairs Welfare Officer, did refer to the tribal interests involved in each of the original Owhaoko awards, but he then claimed:

> When we talk about a tribal vesting I can relate right through. We can all relate. In other words, we can relate to all the hapu – Ngati Hinemanu, Ngati Upokoiri, Ngati Whiti, Ngati Tama, and Ngati Tuwharetoa.[343]

He was speaking on behalf of Ngati Upokoiri and Ngati Hinemanu owners of the Owhaoko C blocks, but could not be said to represent the interests of others, nor put their view of their distinct customary interests, however closely some of them might be connected through whakapapa.

What Tomoana's statement did do was alert the Court to the range of tribal interests in the Owhaoko gifted lands, something that also became evident when the 1888 title was reviewed by the Court (see below). When the Court sought to clarify that the A, B, C, and D blocks were awarded to different tribal interests, Tomoana fudged the issue by asserting: "Even at the time of the determination, they were in fact one people through marriage." This view was in line with his preference for the single Owhaoko trust he had proposed.[344]

The Court was of a different view, as were some of the interests that did not see Tomoana as representing their wishes. The Court concluded that the 1888 title award must have been very difficult for the Native Land Court to make, "when the land appears to be something of boundary lands and part of it near to no-man's land." Regardless, the 1888 award had been made, but the Court's view of it in 1973 seems surprisingly simplistic – perhaps because it does not seem to have heard from Ngati Whitikaupeka and Ngati Tamakopiri interests. As a result, it observed that, "it is clear, as far as the Gift Blocks are concerned...[that] the persons associated with the original gift were Tuwharetoa." This had been asserted by a Ngati Tuwharetoa witness and accepted by Tomoana: clearly, other tribal groups were not consulted as to their view of the customary interests in Owhaoko, but this view of the paramountcy of Ngati Tuwharetoa seems to have coloured proceedings. The Court then observed that in administrative terms, "and especially in view of the pending negotiations with the Crown," it was "better for all the lands to be administered by one group of trustees." Indeed, the Court favoured such proposals for "regional Maori trusts... rather than separate trusts for separate

[343] AAMA W3150 619 Box 22 20/194 5, ANZ; Tokaanu MB 53: 328-376, 31 October 1974 in Northern Taihape Blocks Document Bank p. 420-448.
[344] AAMA W3150 619 Box 22 20/194 5, ANZ; Tokaanu MB 53: 328-376, 31 October 1974 in Northern Taihape Blocks Document Bank p. 420-448.

blocks." Thus, it welcomed the proposal before the Court for the Tuwharetoa Trust Board to be involved, along with "Advisory Trustees representative of the various areas."[345] Given these views, a single large trust under a Ngati Tuwharetoa umbrella was clearly the preference of the Court.

Earlier in proceedings, the Court had adjourned to enable those present to discuss how they wanted to proceed, and they reported back that their preference was for the Owhaoko gift blocks and other Owhaoko blocks (except Owhaoko C7) to be vested in the Tuwharetoa Trust Board under the Maori Affairs Act (s.438), with the advisory trustees noted above appointed to represent "the various areas." The advisory trustees were names as: Paani Otene, Ira Karaitiana, Karangawai Scott, Te Ata (Pohe) Murphy, Tyrone Wero Karena, and Matauteranti Rongoiti Tomoana. It is not known which tribal interests each of the trustees was intended to represent, but the Taihape claimants may be able to clarify this. As a result, Owhaoko A East, Owhaoko A1B, Owhaoko D1, Part Owhaoko D7B, Owhaoko B East, Owhaoko B1B, Owhaoko C1, Owhaoko C2, Owhaoko C4, Owhaoko C5, Owhaoko D3, and Owhaoko D4B were all vested in the Tuwharetoa Trust Board. Owhaoko D2 was initially included, but this was "subject to the Registrar confirming that it has not bee sold or that such a title exists." As noted earlier, Owhaoko D2 had been purchased by the Crown in 1973 in highly dubious circumstances, so it was not ultimately included in the Owhaoko trust, but the minutes indicate the limited knowledge of the dealings involving these lands.[346]

That some of tribal interests did not consider this united Owhaoko trust to reflect their interests was soon made apparent but, somewhat ironically, it was a Ngati Tuwharetoa group who sought to separate out some of the interests. A few of the owners of Owhaoko A1B, Owhaoko A East, and Owhaoko B East – including Makareta Maniapoto, Paani Otene, and Hema Maniapoto – objected to the creation of a trust affecting their lands because they believed those lands could be "most effectively administered with our own neighbouring lands to the north," probably referring to Kaimanawa land to the north. The Court did not accept the appeal of Maniapoto, Maniapoto, and Otene but left open the possibility that after three years it would review the situation, to see if the Owhaoko A1B, A East, and B East blocks should or should not be excluded from the trust.[347]

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[345] AAMA W3150 619 Box 22 20/194 5, ANZ; Tokaanu MB 53: 328-376, 31 October 1974 in Northern Taihape Blocks Document Bank p. 420-448.
[346] AAMA W3150 619 Box 22 20/194 5, ANZ; Tokaanu MB 53: 328-376, 31 October 1974 in Northern Taihape Blocks Document Bank p. 420-448.
[347] "Objection from Maniapoto, Maniapoto and Otene," 20 February 1973, AAMA W3150 619 Box 22 20/194 4, ANZ; and, Tokaanu NLC MB 54: 108-149.

In addition to those objectors, an informal notice was provided to the Court, but not filed through the Registrar, which read: "We object to the present situation of trusteeship of the Owhaoko blocks. We consider that Ngati Whititama has insufficient representation." The solicitor for "Ngati Whititama," Schwarz, asked that members of Whititama be added to the list of trustees, as they held nearly half of the land being included in the Owhaoko trust. He called Rawiri Hepi to testify to this. After negotiations with the existing trustees from the Tuwharetoa Trust Board, it was agreed that Rawiri Hepi be added to the trustees to represent Ngati Whititama.[348] Even so, a single trustee for these extensive interests scarcely addressed the complaint raised by Ngati Whititama of Owhaoko. It also confirms that those present at the Tokaanu sitting at which the trust was ordered were not representative of Ngati Whitikaupeka and Ngati Tamakopiri interests.

Given their limited role in the Owhaoko trust, which appears to have been dominated by Ngati Tuwharetoa (as the Court indicated when making the trust order), Ngati Whitikaupeka and Ngati Tamakopiri had some difficulty in regaining control of their lands. As a result, it was not until 1996 that they were able to disentangle their lands from the trust established in 1974. The result was the Owhaoko B & D Trust (comprising Owhaoko B East, Part of D1, and Part of D7B, as well as Owhaoko B1B, D3, D4B, and D8B) was formed to represent Ngati Tamakopiri, Ngati Whitikaupeka, and Ngati Whititama owners. At the same time in 1996, Owhaoko A East and A1B were constituted as a separate trust comprising the remaining Ngati Tuwharetoa interests. These trusts continue to manage the lands vested in them today.

2.17 Conclusion

The Owhaoko block was highly contested during its protracted and contentious passage through the Native Land Court, and down to the very recent past. Renata Kawepo and Noa Huke first put the block through the Court by stealth in 1875. A number of different people and groups with rights to the land were left out of the title, and over the following decade there were a series of petitions and protests by those excluded from the poorly-investigated title to Owhaoko. On partition in 1885, Renata was awarded the largest share of this very large block, much to the chagrin of Ngati Whitikaupeka, Ngati Tamakopiri, and Ngati Hinemanu.

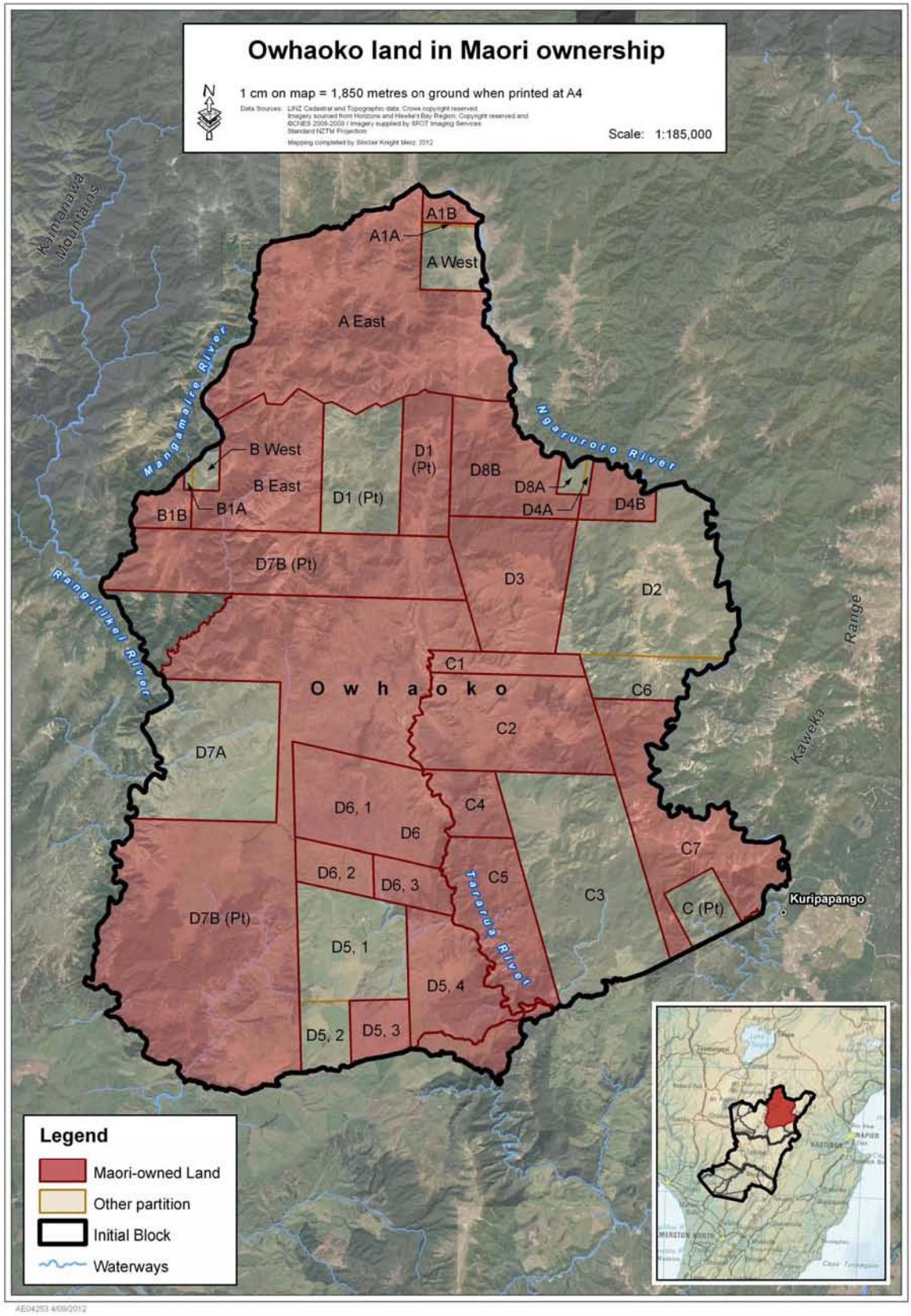
[348] Tokaanu NLC MB 54: 108-149; Commissioner of Crown Lands to Director-General of Lands, 13 November 1974 in Northern Taihape Blocks Document Bank p. 449-474; AAMX 6095/W3430, box 6, 26/1/12, part 2. ANZ; Commissioner of Crown Lands to Director-General of Lands, 15 April 1975. AAMX 6095/W3430, box 6, 26/1/12, part 2. ANZ.

In 1886, Attorney-General and Premier Sir Robert Stout championed the cause of the excluded and disgruntled Owhaoko owners, leading to a Parliamentary inquiry that exposed the inept and corrupt practices of the Native Land Court. As a result of the 1886 inquiry, a fresh title investigation was held in 1887, allowing many previously excluded groups into the Owhaoko title. The most prominent omission from the fresh title was Winiata Te Whaaro and his Ngati Hinemanu group. Renata Kawepo, formerly the dominant presence in the title got nothing. The 1886 title did not long stand, and in 1887 Renata, Airini Donnelly, and those claiming with them gained a modest share of the title.

Subsequently, it was leasing rather than purchasing that initially dominated the alienations affecting Owhaoko, carrying on the pre-title leases that had led to the perfunctory and flawed 1875 title investigation. The early lease signed by Richard Maney in the 1870s was quickly purchased by John Studholme in 1876. He and his family leased the block until his death in the early twentieth century. Leasing continued over various portions of Owhaoko as the block was rapidly partitioned during the 1890s and into the twentieth century. As the new century advanced, a number of private purchases and a few Crown purchases occurred, while some large leases continued for a time. Some of the measures taken by the Crown in purchasing Owhaoko D2 were certainly questionable.

The most significant single transaction was the gifting of more than 35,000 acres of Owhaoko to the Crown during World War I. The land was intended for the settlement of returning Maori soldiers, but the land proved unsuitable and was never used for the purpose for which it was given. The land was returned to its Maori donors in the 1970s, only after years of lobbying and what was, for them, a fortuitous change of government in 1972.

In addition to the revested gift blocks, a number of subdivisions of Owhaoko remain in Maori ownership (as shown on Map 10 below), but several are land-locked. This issue, and the impact of local body rates on Owhaoko titles in the twentieth century, require further research beyond the scope of that able to be completed for this report.



Map 10: Owhaoko Land in Maori Ownership Today

Owhaoko Summary Data

Area: 164,500 acres

Title: 1875, 1887, 1888.

Owners: Ngati Whitikaupeka, Ngati Tamakopiri, Ngati Hinemanu, Ngati Upokoiri, and Ngati Maruwahine and Ngati Kurapoto (of Ngati Tuwharetoa)

Crown purchases: 12,849 acres

Price paid by the Crown: £801+ $8,000.

Private purchases: 30,485 acres

Price paid by Private Purchasers: £3,162 + $7941 + unknown prices paid for three subdivisions

Taken for public purposes: Approximately 50 acres

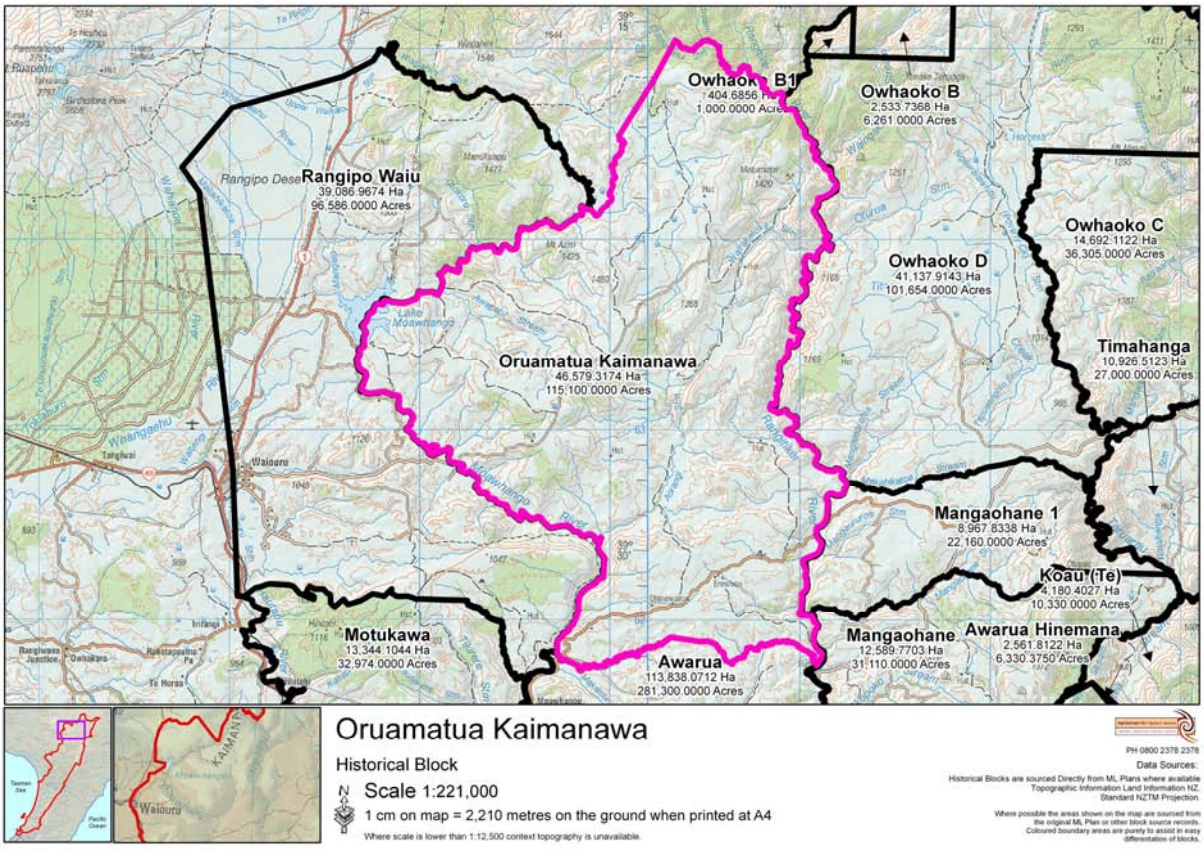
Area 'europeanised:' 8,897 acres

Area still in Maori ownership: 116,725 acres[349]

[349] Note that the figures above do not add up, as some of the area subject to private purchases was not purchased in its entirety and those titles remain classified as Maori land.

3. Oruamatua–Kaimanawa

In the 1860s, Oruamatua–Kaimanawa (115,420 acres) became the first block to be leased in northern part of the inquiry district. Together with the Owhaoko block, the Oruamatua–Kaimanawa block was then put through the Native Land Court in 1875 in a rather clandestine fashion by Renata Kawepo and Noa Huke. As with Owhaoko, the title was partitioned in 1885, but sustained protest over the original title investigation meant that, along with Owhaoko, it was also the subject of Parliamentary inquiry in 1886. As a result of this inquiry, a fresh title investigation was provided for in special legislation in 1886, but did not take place until 1894.



Map 11: Oruamatua–Kaimanawa Block

Following title investigation, the block was extensively partitioned, and a number of subdivisions were purchased by private interests in the early twentieth century, and some leasing also took place. The Crown made one purchase in the early twentieth century, but compulsorily acquired far larger areas in the 1960s for defence purposes. As a result of these extensive alienations, only four subdivisions of Oruamatua–Kaimanawa remain in Maori ownership.

3.1 Early Leasing of Oruamatua–Kaimanawa

In 1869, following the defeat of Te Kooti at Te Porere, Colonel Thomas McDonnell reported that the "Kaimanawa" had been ceded to the government in a deed and was to be declared a gold-field.[350] While the details of the supposed purchase price were not known, this did not prevent reports that that the land was thought to be extremely rich in minerals that would justify the "liberal terms" (i.e., high price) of the purchase.[351] The mysterious Kaimanawa deed of 1869 has yet to be sighted, despite a claim by Hawke's Bay Resident Magistrate Samuel Locke to have secured approximately 300,000 acres of the land in the "Kaimanawa country" at this time. Locke claimed to have met with Hare Tauteka, Ihakara Te Raro, and others when securing this agreement. The alleged purchase must be viewed with some scepticism as it was drawn up in the presence of Maori forces from Whanganui and Heretaunga allied to the government, some of whom asserted a claim over the supposedly mineral rich area as a result of their 'conquest' (with the Crown) of the Taupo and Patea district in 1869. It is doubtful that Hare Tauteka, Ihakara Te Raro, or other right-holders said by Locke to have been involved in the 1869 transaction were in a position to freely negotiate any such agreement.[352] The alleged deed was not heard of again, and the would-be gold rush never eventuated.

Unlike the chimerical Crown purchase in 1869, Captain Azim Birch's informal lease of Oruamatua–Kaimanawa was most certainly a reality on the ground. Birch paid an initial rental for £250 per annum, but it is unclear exactly when his lease began. Ihakara Te Raro claimed in the 1885 partition of the title that the lease was negotiated and began in 1864, but Birch testified to the Owhaoko and Oruamatua–Kaimanawa Select Committee that his lease

[350] *Otago Daily Times,* 8 October 1869, p.2; *Hawke's Bay Herald,* 19 October 1869, p.2; and, *Taranaki Herald,* 20 October 1869, p.3
[351] *Wellington Independent*, 25 September 1869, p.4.
[352] Stirling, 'Taupo-Kaingaroa Nineteenth Century Overview', CFRT, 2004, p.85.

commenced in 1868.[353] Regardless of the exact start date, it is known that in the early 1870s the rent was, with the help of Renata Kawepo, increased to £800 per annum. Renata's ancestral rights to the land were not accepted by many others with interests in the land, and he was not even included in the original lease to Birch in the 1860s. In any case, despite negotiating a much-increased rent from Birch, the Ngati Whitikaupeka and Ngati Tamakopiri lessees thought Renata was taking far too large a share of the rent. There were thus already a range of tensions affecting the land before title to it was investigated in dubious circumstances in 1875.

3.2 Title Investigation, 1875

Oruamatua–Kaimanawa was first passed through the Native Land Court in September 1875, at about the same time as the Owhaoko block and with a similarly inadequate notification of the hearing at the distant Hawke's Bay venue. The main claimant Renata Kawepo claimed the land through Ngati Whiti and Ngati Upokoiri. He added that he and Karaitiana Te Rango had ordered the survey and that no one had interfered with it. He asked that he, Karaitiana Te Rango, Ihakara Te Raro, Retimana te Rango, and Horima Te Ahunga be the sole grantees on the title. Noa Huke was then sworn in and claimed the land through Pokaitara. Although Renata had told the Native Land Court that he did not know of any others who had a claim, Noa admitted that there were about 20 others who were not present who also had a claim and who lived on the land. Two Ngati Kahungunu rangatira, Te Hapuku and Meihana, came forward to state that there were no objectors to this specific claim. The Court had to wait for a map to arrive from Auckland before it would award the memorial of ownership sought by the claimants. Two days later the map had arrived, and on 21 September 1875 a memorial of ownership in favour of Renata, Karaitiana Te Rango, Ihakara Te Raro, Retimana Te Rango, and Horima Te Ahuna was issued.[354] The Court did not bother to identify the 20 other owners referred to by Noa Huke, let alone ensure that the far more numerous owners of the Patea region were included on the title.

The limited notice given of the 1875 title investigation (as discussed in the Owhaoko block study) prevented other right-holders, such as Hepiri Pikirangi and many others, from getting to Hawke's Bay in time for the perfunctory Court sitting. They did get to the Court before the hearing closed, but it was after Oruamatua–Kaimanawa had been heard so Judge Rogan

[353] AJHR, 1886, I-I8., p. 25-28; Napier NLC MB No. 11, p. 33.
[354] Napier NLC MB No. 10: 3-6.

refused to re-open the case. In December 1875, when Hepiri Pikirangi and others separately wrote to Native Land Court Chief Judge Fenton and Native Minister Donald McLean for a re-hearing of Owhaoko, they also requested a rehearing of "Kaimanawa," meaning Oruamatua–Kaimanawa. Their pleas were ignored. Rogan asserted that Pikirangi and others had time to appear at the title investigation. In addition, McLean was told that those seeking the re-hearing were said not to be receiving or claiming rents from Birch. Based on this advice and Rogan's response, McLean refused the request for a re-hearing.[355]

While the Owhaoko hearing remained the subject of official correspondence and of appeals and petitions, the Oruamatua–Kaimanawa title seemed to remain undisturbed, despite being plagued by the same defects as Owhaoko. For some time, the main issue noted in the surviving records was the division of Birch's rentals.

3.3. Partition, 1885

The 1885 partition of Oruamatua–Kaimanawa took place at the same Hawke's Bay sitting as the highly contentious Mangaohane block, a sitting that extended from 20 November to 10 December 1885. Judge Gilbert Mair presided and was joined by Assessor Aperahama Te Kume of northern Taupo. The evidence taken for the partition was more comprehensive than that for the cursory title investigation in 1875 but it still was fairly limited. Only the tiny number of grantees on the 1875 title could present their cases, and they were generally brief. There was some wider debate on ancestral connections, but only Ngati Whiti discussed resource use in the area to back up their claims to the land. In addition to these general issues the origins and status of Birch's lease was also discussed at some length – specifically there was some debate between Renata and the other claimants on his role in the leasing of the block.

Ngati Whiti's Case

The case of Ihakara Te Raro, Retimana Te Rango, Karaitiana Te Rango, and Horima Te Ahunga—all Ngati Whiti—was conducted by Hiraka Te Rango. Ihakara was the main witness, but Retimana and Hepiri Pikirangi also testified. Ihakara claimed the land through occupation and ancestry through Tumakaurangi and Te Ihatakitahi, while Retimana,

[355] *AJHR,* G-9, 1886, 3-4.

Karaitiana, and Horima claimed the land through Tumakaurangi and Rangipowhaitiri.[356] Unlike Renata and his witnesses, Ihakara and Pikirangi discussed a number of different settlements and resource uses on the block, reflecting their far more extensive customary use and knowledge of the block. Ihakara said he was born in the block at Whangai Opotiki, which by 1885 was known as Birch's Station, indicating that he had established himself at an existing papakainga. Ihakara and Pikirangi added that Oteatawhitiki, Motupuha, Whakawahine, and Te Rotete were other settlements of their tribe on the block. Aruhe was a widespread resource, and could be found in a number of different places: at Oarenga, Whakawarenga, Whakarua, Otinirau, and Waitutohe (?). Birds and kiore were caught at Taupiri, Nga Motu o te Ahi Maire, and Ohinewairua, while harakeke grew at Te Anau Hineroro.[357]

Ihakara, Retimana, and Pikirangi also discussed the lease to Birch – how it was first negotiated and Renata's role in increasing the rental. Ihakara recalled that the lease to Birch was first negotiated at a meeting at Pakihiwi in about 1864; a meeting at which Ihakara, Karaitiana Te Rango, and others were present. Ihakara claimed that Birch initially said he would increase the amount paid per annum for the lease later on, but that he was short of money at the time the lease began. Members of Ngati Whiti and Ngati Tama then signed the lease. According to Ihakara, Karaitiana received the rent from Birch for seven years, until the hui at Turangarere in 1871 (discussed in the Owhaoko block study). At that hui, Renata found out how much rent Birch was paying, and convinced Ngati Whiti and Ngati Tama that he could get the rent raised.[358]

Ihakara said that they agreed to Renata's involvement because he, "knew how to deal with Europeans," and they even offered to pay him £100 per year for his services. Ihakara said that Renata had no ancestral rights and was admitted to the title only because he was to help them in their dealings with Pakeha. The tribes had no idea Renata would then put the land through the Court and put himself on the title. Ihakara recalled

> When the case was heard at Napier and we learned that Renata's name was put in we were angry and asked that the case be reopened. The Court refused our application.[359]

[356] Napier NLC MB No. 11, p. 31, 41 for whakapapa.
[357] Napier NLC MB No. 11, p. 31-32, 42.
[358] Napier NLC MB No. 11, p. 33.
[359] Napier NLC MB No. 11, p. 33, 36, 39, 41, 45.

Ihakara told the Court the leasing took place before Renata returned to the Patea, and pointed to the fact that Ngati Whiti and Ngati Tama had repeatedly rejected him when he sent his parties to take up residence on the block. Renata had got the rent increased, but even so Ihakara and others thought that he was taking far too large a share for the contribution he had made to the lease, especially since they considered he had no customary right to the land. Retimana said he had received only £10 from the first payment of the increased rent. As a result, Ngati Whiti and Ngati Tama sought legal remedies and sought an injunction to prevent the payment of Birch's rent to Renata.[360]

Renata Kawepo's Case

Renata Kawepo's case was, as with Owhaoko, conducted by James Carroll (Timi Kara). Renata's main witness was Paramena Naonao, but Renata and Anaru Te Wanikau also testified. Renata claimed the land by occupation and ancestry. Naonao said that Renata claimed the land through Wharepurakau and Mataihini (?). The whakapapa was the same as that provided during the Owhaoko case in 1885, but came through a female line of ancestry. Although resource use was not mentioned by any of these witnesses, Renata claimed to have lived as a child near the Oruamatua block at Otutukohu (?) and Waipokaha (?).[361]

Renata and Naonao both referred to the former's role in having Birch's rental increased. Renata recalled that when he heard that Birch was paying only £250 per annum for leasing the entire block, he had wanted to run Birch and his sheep off of the block. Instead, he convinced him to pay over three times as much rent; £800 per annum. Both witnesses felt that Renata's role in having the rent increased gave him the primary rights to the area, although it is difficult to see what his negotiating skills had to do with customary interests. One issue on which Renata and Naonao differed was the distribution of the increased rent. Naonao claimed that Renata had kept £200 to distribute amongst his people, leaving £600 for Ngati Whiti and Ngati Tama. Renata said instead that he had kept £400 to distribute amongst his people, leaving £400 for Ngati Whiti and Ngati Tama. He also claimed that the earlier lower rental of £250 had been paid to Karaitiana Te Rango, but had been mostly spent with only £60 remaining at the end of the first year.[362]

Renata and Anaru Te Wanikau also discussed the former's supposed role in driving Te Heuheu from Patea, when Ngati Tuwharetoa allegedly had designs on the region in the late

[360] Napier NLC MB No. 11, p. 33, 36, 39, 41, 45.
[361] Napier NLC MB No. 11, p. 13-14, 19, 22.
[362] Napier NLC MB No. 11, p. 15, 21, 24-26.

1840s. Te Wanikau commented that Ngati Upokoiri and Ngati Tuwharetoa had been allies before Te Heuheu's so-called "invasion of Patea." This "invasion" was, he said, "on account of the deaths of Poka and Huritea, two of his people, they died natural deaths." While both Renata and Te Wanikau generally stressed Renata's primary role in securing Patea from the allegedly imperial designs of Ngati Tuwharetoa, it seemed a Ngati Tuwharetoa woman of rank also played an important role. Renata recalled: "I and Heuheu had words and even came to blows, but a sister of the first Te Heuheu said, 'Who can take your land? Keep it.' Te Heuheu and the Waikato tribes returned to Taupo."[363] Clearly the decision-making power was not confined solely in the hands of rangatira such as Renata and Te Heuheu.

Judgment

Judge Rogan found in favour of the ancestor Wharepurakau and against the dominance ascribed by some witnesses to Tumakaurangi. In the question of mana, the Court found in favour of Renata. It based this decision on the way in which Renata had, following his return from period of captivity by Ngapuhi, been responsible for turning Te Heuheu off of the land. The Court also recognised his primacy in the management of the land in the 1870s. The Court thus completely disregarded the testimony of Ihakara Te Raro and Retimana Te Rango that Renata was asked to help manage the lease only because of his experience in dealing with Pakeha, not because of any ancestral or occupation rights. The Court awarded Renata the largest share, 28,775 acres, while the remainder of the block, 86,235 acres, was awarded to the five remaining grantees on the original memorial of ownership: Karaitiana Te Rango, Ihakara Te Raro, Retimana Te Rango, and Horima Te Ahunga. The Court indicated that the rent would thus be split in a similar manner with Renata receiving a quarter of the rent (£200) and Ihakara and the others receiving the rest (£600).[364]

Like Owhaoko, the Oruamatua–Kaimanawa block was also the subject of an investigation by Premier and Attorney-General Stout in 1886, as set out in the Owhaoko block study. Both blocks went through the Court at the same time in 1875, and the appeals from excluded claimants for re-hearing were similarly rejected by the government and the Court. Stout's memorandum regarding these issues focused on Owhaoko, but Oruamatua–Kaimanawa was still discussed to some extent at the beginning of his memorandum.[365] As set out in the Owhaoko block study, a re-hearing for both blocks was recommended in 1886 and in 1887 the Owhaoko block was reheard. Despite the findings of the Parliamentary select committee

[363] Napier NLC MB No. 11, p. 15, 21, 24-26.
[364] Napier NLC MB No. 11, p. 54-58
[365] Stout memorandum. *AJHR,* G-9, 1886, pp.3-5, 23.

in 1886 and the special legislation providing for a fresh investigation of Oruamatua–Kaimanawa, the title was not investigated anew until 1894. The reasons for the delay are not evident.

3.4 New Title Investigation and Partition, 1894

The fresh investigation of Oruamatua–Kaimanawa was heard at Moawhango from 22 January to 4 April 1894, during which time the new title award was also subdivided. Judge William Butler presided over the hearing and he was joined by Native Assessor Horomona. The first hearing in 1875 and the partition of 1885 had provided little opportunity for an extended debate over rights in the block. In contrast, the new title investigation in 1894 lasted over three and-a-half months. Rather than only two general parties involved in the 1875 title, there were seven different groups of claimants in 1894 who better reflected the diversity of interests asserted in this large block.

The group of Ngati Whiti that had presented their cases together in 1885 were split. Ihakara Te Raro formed his own case separate from that of Retimana Te Rango and Karaitiana Te Rango. Retimana never put case as he died during the hearing. Members of Ngati Tama also presented their cases separately with Hepiri Pikirangi organising the major Ngati Tamatuturu take, while Katerina Hira presented her own case. Hori Te Tauri (of Taupo) had associated with Ngati Tuwharetoa at the Owhaoko hearings, but in this case he claimed through tupuna related to Ngati Tama. Te Oti Pohe also presented his own case. Winiata Te Whaaro originally set up a case, but he quickly withdrew it once it became apparent to him that the Court would be following the precedents set in the Awarua case in which Te Whaaro was only allowed into the title through Ngati Whiti by aroha. Ngati Upokoiri and Ngati Kahungunu, who had been split in many cases in the northern part of Patea between supporters of Renata Kawepo and those claiming with Airini Donnelly, were united in 1894, following the death of Renata in 1888. Airini was initially to have her case heard together with Anaru Te Wanikau and others, but this arrangement did not endure.[366]

As the hearing was set to begin Airini's conductor, Fraser, made some very unusual requests of the Court. On behalf of Airini, who had not made the journey, Fraser objected to the case being heard at Moawhango because of a lack of accommodation as well as the fact that all other Maori would be reliant on Ngati Whiti for food and lodging. He claimed that Anaru Te

[366] Napier NLC MB No. 30, p. 4-5, 14-5, 20.

Wanikau, who had made the journey, objected to staying with people who were opposed to his claims. Additionally Airini had a very infirm witness who could not make the trip inland. Retimana and Karaitiana's conductor, Vogel, opposed Fraser and stated that Airini was perfectly capable of attending the Court and paying for the expense of bringing an infirm witness to Moawhango. It was a little rich for the wealthy Airini to complain about having to travel to another rohe – the rohe in which the land was located, as it happened – to put her case, when the Patea people had repeatedly been required to attend sittings at inconvenient and costly venues in her Hawke's Bay home to have their lands heard. Another conductor, Mr. Cuff, then stated that Te Wanikau was present and willing to appear for the case at Moawhango, and that his agents had put him up to asserting that he was uncomfortable staying at Moawhango. The Court declined Fraser's request. Fraser then claimed that Airini would withdraw her application if the Court remained at Moawhango. The Court responded that it would let her claim stand and if no witnesses were called for her nor any evidence given, her claim would be dismissed.[367] With those theatrics set aside the long hearing began.

Ngati Tamatuturu

Tea Aperahama conducted the Ngati Tamatuturu (or Ngati Tama) case. There were a number of important witnesses for the Ngati Tamatuturu take. Hepiri Pikirangi and Te Hau Paimarire were the main witness while Piriniha Akatarewa and Hiha Akatarewa also testified. Ngati Tamatuturu claimed the block through ancestry, occupation, and conquest. Each witness for Ngati Tamatuturu claimed the land through Tumakaurangi and Tutakamaiwaho.[368] It was also claimed that the same ancestors had been responsible for the second and final defeat of Ngati Hotu, in which they were driven out of Patea: "Tumakaurangi conquered this land from N[gati] Hotu, the original owners of it." Paimarire denied that Whitikaupeka had played any major role in this final conquest of Ngati Hotu.[369] Ngati Tamatuturu's witnesses also provided an extended discussion of their occupation of the land and their role in preventing the sale of the land by others.

Although there were no permanent settlements on this block, as with several other blocks in the northern part of the inquiry district, Ngati Tamatuturu witnesses did mention a number of areas where food was collected: Ohinewairua, Porotaiari, Te Rotete, Ngawhareangarua, Te

[367] Napier NLC MB No. 30, p. 6-8; *Evening Post,* 29 January 1894, p. 3.
[368] Napier NLC MB No. 30, p. 22-23, 74-76, 110, 244-245 for whakapapa. Every group claimed in addition through "bravery" and "mana" but every group's claims were dismissed by the Court in its judgment on those fronts.
[369] Napier NLC MB No. 30, p. 24-25, 133-153, 171.

Aputa a Wharehau, and "a settlement at the mouth of Whangaipotiki where N'[gati] Tama went to collect birds and fish." There were also a number of specific resource uses mentioned such as hunting various birds, kiore, and pigs; using flax for clothing and digging aruhe. Wood hens, mutton birds, weka, and other birds were caught at Ngaparae a Te Ata, Pararaurekau, Te Apiti a Paretutera, Karikaria-a-Turapua, Te Aputa a Wharerangi, Te Piri a Paretutera, Terotete, Te Awapatu, Oarenga, and Motupuha. Kiore were caught at Wharewhakahoroa, Kopokiraurekau, and Pararaurekau. Pigs were hunted at Te Tuhi o Maropuai, where there was also a grove of kowhai trees. Te Hoka o Te Rangi was a harakeke wetland, whose plants were used to make garments. Aruhe was also readily available around the block and could be found on the western sides of the Whakahaerewahine mountain range (Whakarua), and at Oteatawhitiki, Kaiwhakapara, and Otinirau.[370]

The original Oruamatua–Kaimanawa lease to Birch was discussed by two witness, but all of them emphasised what they saw as the role of Ngati Tamatuturu in preventing the alienation of the land by other tribes to sell land in the Patea region. Pikirangi emphasised the primary role of Te Oti Pohe:

> Te Oti Pohe was the principal non-landseller in his day. He prevented sales by the N[gati] Apa N[gati] Raukawa N[gati] Kahungunu, and other tribes. He was strongly opposed to land selling. It was owing to his assertions that the Patea lands were not sold by outside tribes. It was he who called a large meeting at Kokako for the purpose of explaining his view as to withholding the land from sale. The tribes who assembled were: the Whanganui, N[gati] Raukawa, Te Arawa, N[gati] Kahungunu, Tuwharetoa and others.[371]

Piriniha Akatarewa also stressed Te Oti Pohe's role as well as that of his father, Hataraka Te Whetu, who he claimed had, "stopped the sale of land in this district in Sir Donald McLean's time." Paimarire mentioned the Kokako hui of 1860, although he claimed that there were two different meetings. He recalled that the first meeting was dominated by the Whanganui missionary, Rev Richard Taylor, who focused on church matters (and loyalty to the Crown). (This is consistent with Taylor's own account of the hui.[372]) The second meeting was where land issues were discussed at length. Paimarire referred to the pou erected at Kuripapango and on the western side of Patea, to oppose attempted land sales in the area.[373]

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[370] Napier NLC MB No. 30, p. 31-37, 59, 93-97, 110-113, 155-157.
[371] Napier NLC MB No. 30, p. 60, 109-110, 222, 246.
[372] Stirling, 'Whanganui Maori and the Crown: 1840-1865', CFRT, 2004, pp.716-717.
[373] Napier NLC MB No. 30, p. 60, 109-110, 222, 246.

Piriniha Akatarewa also testified about the first meeting with Birch at Pakihiwi. At the 1885 partition hearing, Ihakara Te Raro had referred to the Ngati Whiti members at that meeting but Piriniha added that some Ngati Tama also attended, such as Hiha Akatarewa, Rawiri Pikirangi, Hepiri Pikirangi, Aperahama Te Konga, and Piriniha himself. He stated that Ngati Tama were generally agreeable to the lease but that he and others did not sign it. While Paimarire knew nothing about the origins of the lease (he was a self-proclaimed "hauhau" when it was signed, as his name suggests), he had been given the Ngati Tama portion of the rent to distribute, once the injunction on the payment of rents was lifted: "The £1.000 was paid to me in this settlement. I called N[gati] Tama together and placed the money before them. £100 was set apart to defray Topia Turoa's expenses to England. The balance was divided among the N[gati] Tama."[374] Topia Turoa's 1884 trip to England was with a Kingitanga deputation taking their grievances directly to the Crown.

Katerina Hira's Case

Katarina Hira conducted her own short case, claiming the block by conquest, occupation, and ancestry through Tumakaurangi and Ohuake. She claimed a right to the land through the conquest of Ngati Hotu by Tamakopiri. She told the Court her tupuna had lived at Ohinewairua and Whangaipotiki, but provided no evidence of resource use in the area.[375]

Hori Te Tauri's Case

Hori Te Tauri's case was conducted by (Charles?) Davis. Te Tauri (of north-eastern Taupo) was the main witness but Karaitiana Te Rango and Pawhara also testified briefly regarding the distribution of rents from the Oruamatua–Kaimanawa lease. Te Tauri claimed the land by conquest, occupation, and ancestry through Tumakaurangi, Tuwhakapuru and Whitikaupeka. He stated that Tamakopiri had been responsible for the first conquest of Ngati Hotu and then Tumakaurangi, Whitikaupeka, Whakaoko and Tuwhakapuru had undertaken the second and final conquest.[376] Te Tauri mentioned a few settlements on the land and some resource uses, and also that he had signed the petition from Hepiri Pikirangi and Kingi Topia following the 1875 hearing which most of the land's owners were unable to attend. He said that his tupuna occupied Ohinewairua, caught food at Whakamarumaru, and that at "Te Aputa a

[374] Napier NLC MB No. 30, p. 98, 165, 194-195.
[375] Napier NLC MB No. 30, p. 15-17.
[376] Napier NLC MB No. 30, p. 247-248 for whakapapa.

Wharehau…they caught rats, wekas, kiwis and koreke." Te Tauri also said mutton birds were caught at Karikakau and tuna at Korotete.[377]

Each of the witnesses for Te Tauri's case discussed the distribution of the rents. Te Tauri recalled the first rent of £250 had been paid to Ihakara, Karaitiana, and others, from which £25 had been given to Pawhara for the descendants of Hikakainga near Taupo. Pawhara then gave it to Te Wirihina, who sought to divide it amongst his people but also to return some to the other descendants of Hikakainga, such as Karaitiana. To this Pawhara had allegedly replied: "No! Karaitiana has had his share." Te Tauri believed the first rent had been paid, "before the escape of Te Kooti either in 1867 or 68." Te Tauri also recounted another payment of £10 from the Oruamatua lease from a different year, the same year in which Pawhara had received £100 for the descendants of Hikakainga; the £10 Te Tauri referred to was what remained for him and Katerina. The latter payment had been "shortly before the Tauponui-a-Tia court" (perhaps meaning the Tauponuiatia title investigation of February 1886).[378]

Karaitiana Te Rango was called by Davis specifically to discuss the division of the rent. He stated that Birch used to give the rent money directly to Ihakara Te Raro, Horima (Paerau), Aperahama Te Konga, and himself. He challenged Te Hau Paimarire's claim that they had given Ngati Tama £1,000: "We used to receive £600 at a time and used to give some to the N[gati] Tama out of aroha…We have never received £1,000 in one sum on account of Oruamatua rent. I personally have never given N[gati] Tama any money on account of Oruamatua rent." (In fact, evidence given later in the case referred to the rent being held by the courts for four years, with £3,200 paid out when the case was resolved, so a £1,000 payment is not as unlikely as it might sound; see below). He did confirm that Te Wirihina had received some rent after the first payment, which he thought was "before [the] Porere fight" (in 1869). Karaitiana also said that the first negotiation for the lease of Oruamatua was held at Pungataua. Overall, Karaitiana was unsure of the exact details of the distribution of the rentals, and recommended that Ihakara Te Raro and Horima Paerau also be questioned on the issue.[379]

Pawhara said he had been given £25 by Hiha to distribute amongst the descendants of Hikakainga from the first rent, "long before Te Kooti came to this district [in 1869] and

[377] Napier NLC MB No. 30, p. 248, 253, 258.
[378] Napier NLC MB No. 30, p. 262-263.
[379] Napier NLC MB No. 30, p. 267-268.

before [the] Porere fight." From the second rent, he and his family of five received £100 from Te Hau Paimarire, who had divided it with Horima Paerau in the presence of Ihakara Te Raro. He said that "Moana, Hoani, Taupiri Taitumu, Kahuri Pawhara," and Pawhara himself each received £100. Pawhara commented that he had not given any of his portion of the second rent to Te Wirihana, because Wirihana had kept all of the first rent. Pawhara had also heard that Taupiri had given part of his share of £100 to Hori Te Tauri.[380]

Anaru Te Wanikau and Others

The case of Anaru Te Wanikau, his sister Mere Tarawhara, and her child was conducted by Fraser (who had appeared at the opening of the case on behalf of Airini). Te Wanikau was the only witness. He claimed the land by occupation and ancestry through Ohuake, and derided the conquest of Ngati Hotu by Tamakopiri as a mere myth.[381] Te Wanikau stated that he himself was connected to a number of different iwi and hapu: Ngati Upokoiri, Ngati Kahungunu, Ngati Rangikahutea, Ngati Whiti, and Ngati Tuwharetoa. During his testimony, he discussed a few resource uses in the area as well as efforts to curb the sale of land. Some of the areas where food was collected were noted: Motupuhua, Hokekenui, Whangaipotiki, Whakahaerewahine, Porotaiari, and Te Henga. He claimed that kiore, kiwi, parure, weka and mutton birds were to be found around the block.[382] Te Wanikau recounted his involvement in collecting food for the Kokako hui in 1860:

> Kokako was held to protest against sales of land by N[gati] Apa, N[gati] Kahungunu, and N[gati] Raukawa, who were for selling the whole of Patea. Kerei Tanguru and Tawhara of N[gati] Kahungunu wished to sell it [as did] Nepia Taratoa of N[gati] Raukawa.[383]

He commented that the pou at Pourewa was placed by Te Oti Pohe and Ihakara Te Raro, and others of Ngati Rangi, Ngati Tama, Ngati Whiti, Ngati Tuwharetoa, and Ngati Hauiti to oppose Ngati Raukawa and Ngati Apa land sales. While noting it had been chopped down by Nepia Taratoa (of Ngati Apa), Te Wanikau claimed that "its mana still remained." He recalled that Ngati Whiti and Ngati Tama were ready to fight Ngati Raukawa and Ngati Apa over the destruction of the pou but Whanganui rangatira had stepped in to prevent the confrontation. Te Wanikau also recalled the meeting held at Te Reureu with Donald McLean when the boundary for the Patea district was placed at Te Houhou (often written as Te Whauwhau at

[380] Napier NLC MB No. 30, p. 268-269.
[381] Napier NLC MB No. 30, p. 274 for whakapapa.
[382] Napier NLC MB No. 30, p. 279-280, 288.
[383] Napier NLC MB No. 30, p. 275, 284, 287.

the time; i.e., when the inland boundary of Ngati Apa's coastal land dealings was being set in 1849–1850). In contrast to his testimony at the Mangaohane and Owhaoko hearings, and during the 1885 partition of Oruamatua–Kaimanawa, Te Wanikau now asserted that it was Te Heuheu who had been responsible for opposing land sales in the area rather than Renata Kawepo.[384] This is certainly in accord with the evidence relating to the setting of the Te Houhou boundary for Ngati Apa's land dealings, as Ngati Tuwharetoa rangatira had strongly opposed the Crown's efforts to extend its purchase boundaries any further inland in 1849–1850 (a matter for consideration in the Taihape Southern Aspect Block Studies).[385] On the other hand, yet another version of events was provided many years later. In 1877, when title to the Taraketi block in the upper Rangitikei was being investigated, Utiku Potaka of Ngati Hauiti and Ngati Te Upokoiri emphasised his people's role in setting the Ngati Apa boundary at Te Houhou.[386] Renata Kawepo certainly did not feature in either of these accounts.

Te Oti Pohe's Case

Te Oti Pohe's case was conducted by Tamati Tautahi. Te Oti claimed the land through conquest, occupation and ancestry through Tumakaurangi and Wharepurakau.[387] He provided a few examples of resource use and settlement on the block: Te Piri a te Hoka was an area where harakeke grew and also where mutton birds could be caught; kaka and kereru were caught at Te Puawero a Te Hoka; mutton birds, kiore, weka, and aruhe were found at the settlement of Ohinewairua; and, tuna and koura were caught at Whangaipotiki.[388]

Te Oti also discussed the terms of the lease and the distribution of rents, recalling that the first meeting where the lease was discussed with Birch was at Pakihiwi, being convened by Ngati Whiti and Ngati Tama. Birch offered £150 per year and Rawiri Pikirangi asked for £200, to which Birch agreed. Rather, it was to be £200 for the first five years, and £250 for the next five years. After Renata Kawepo had the rent increased to 800 per year there was a dispute over the rents. Ngati Tama and Ngati Whiti wanted to build a mill at Tikirere, and use the rents from Oruamatua to pay for it. They asked Renata to contribute from his share of the rent, but he refused. Hiraka reacted by getting an injunction from the Supreme Court to halt the payment of rents but rather than resolve the distribution of rents this actions seems to have

[384] Napier NLC MB No. 30, p. 275, 284, 287.
[385] See also, Stirling, 'Whanganui Maori and the Crown: 1840-1865', CFRT, 2004, pp.690-696.
[386] Whanganui NLC MB No. 1F, pp.137-142.
[387] Napier NLC MB No. 30, p. 295, 308 for whakapapa. Te Oti stated that he agreed with the whakapapa provided by Hepiri Pikirangi and Te Hau Paimarire.
[388] Napier NLC MB No. 30, p. 293-294.

resulted in the rent not being paid for four years. Eventually Hiraka dropped his injunction, but it is unclear exactly when this occurred.[389]

Te Oti confirmed that he also believed, as Te Hau Paimarire had said, that Ngati Tama had received £1,000 of rents from Ihakara, but added that since that payment, Ngati Tama had not received any rent. Te Oti claimed that Retimana, Ihakara, and Karaitiana had spent the money themselves because they were in the Crown grant, and that is why the title was being heard again. He did not think any of the original grantees should be admitted into the new title: "They have had their share. It is our turn now." He also commented on the detrimental effects of the Native Land Court process; previously his father (also Te Oti Pohe) and Ihakara Te Raro had worked together and were friends but the introduction of the Court changed this: "It is only in these Courts that Ihakara and Te Oti became separated."[390] Finally, Te Oti commented on the connections between the disputes over the distribution of the Oruamatua rents and the disputes between Hiraka Te Rango and Renata over control of Owhaoko.[391]

Ihakara Te Raro's Case

In contrast to the 1885 partition hearing, Ngati Whiti's case was split between two groups, with Ihakara Te Raro bringing a separate case from that of Retimana and Karaitiana Te Rango. Ihakara's case was conducted by the Hawke's Bay agent, Captain Blake. Ihakara Te Raro and his son Hiraka Te Rango were the two witnesses for the case. They claimed the land by conquest, occupation, and ancestry through Ohuake and Te Ikatakitahi. They also said that Whitikaupeka had been responsible for the second and final defeat of Ngati Hotu.[392]

Ihakara and Hiraka detailed a number of settlements and resources uses on the block. Hiraka discussed many of the settlements that were used for catching birds, at Pukenui, Te Aputa a Whareareau, Nga Motu a te Ahi Maire, and Te Oteatawhitiki. Mutton birds and weka were caught at Te Apiti a te Kotuku, Te Apiti a Paretutera, Te Hautu, Otuteahu, and Te Piri a Paretutera. In addition: "Mutton birds, wekas and rats were caught on Kaitutae plain by the N[gati] Whiti, Te Kotuku, Te Taenui and Te Kohiti," while kaka were "speared by N[gati] Whiti" at Te Kowhai a Tamangu, and wood hens were caught at Kaiwahie (?). Aruhe was dug in a number of different areas around the block: Ohinewairua, Otinirau, Waitarere, Taupiri, and Te Kaiwhakapara. Tuna were caught at Orokahuwai and Te Wai o te Onetuhi, and

[389] Napier NLC MB No. 30, p. 299-300.
[390] Napier NLC MB No. 30, p. 301-302, 311.
[391] Napier NLC MB No. 30, p. 311-312.
[392] Napier NLC MB No. 31, p. 98-99 for whakapapa.

harakeke used for clothing was harvested from Ngapu a te Hoka, Te Ropu a Hineroro, and Te Hoka a Kiore.[393]

Hiraka and Ihakara also discussed the distribution of rents. Hiraka stated that following the (presumably) four-year injunction, £3,200 of rent had accumulated. When the money was released, £1,000 had been given to Te Awaawa and Te Hau Paimarire. Hiraka and Topia Turoa both received some funding for each of their trips to England on Kingitanga business; Hiraka received £300 and Topia Turoa received £200. Airini was given £300 to distribute amongst her own party, and the remaining £1,400 was to be distributed amongst Ngati Whiti and Ngati Tuwharetoa. Hiraka said that Ihakara used some of that £1,400 to purchase sheep but it is not clear how much or how many sheep were acquired. (The first published sheep flock returns in 1879 record 4,650 sheep in the flock of Hiraka and Donnelly at Erewhon, Moawhango; as well as 11,540 sheep at the pair's Otupai station in 1880.[394])

Both witnesses discussed the Kokako hui of 1860 and the preparations for it, with food collected from the Oruamatua–Kaimanawa area. Ihakara also recounted, as had Te Oti Pohe (see above), that he and Te Oti Pohe had worked together to stop Ngati Raukawa and Ngati Apa lands sales in the area in the late 1850s and early 1860s. He claimed that Te Oti was the only member of Ngati Tama who had been present when the pou at Pourewa was erected to oppose Crown land purchases there. He had given Te Oti some of the Oruamatua rent but said that was only out of aroha. Ihakara also commented that Renata Kawepo was included in the lease only because he had succeeded in having the rent increased. He confirmed that he had given Ngati Tama £1,000 from the Oruamatua lease and that Ngati Tama had also been involved in the first lease. He also stated that the disputes between Hiraka and Renata had spread across Patea and affected the distribution of the Oruamatua rents.[395]

Judgment

The 1875 memorial of ownership was awarded to a few descendants of Te Pokaitara, and on partition in 1885 Renata Kawepo claimed from Wharepurakau while the other four grantees claimed from Tumakaurangi. The lack of specific evidence about Ngati Hotu (such as names of the rangatira defeated in battle) led the Court to conclude the history of the conquest of Ngati Hotu was no more than a myth. Mana was rejected as the basis of conferring title to land, with ancestry and occupation the take favoured by the Court in 1894. As a result, the

[393] Napier NLC MB No. 31, p. 78-87
[394] AJHR, 1880, H-9; and, 1882, H-7.
[395] Napier NLC MB No. 31, p. 89-91, 112-113, 120-122, 141-142, 155, 177, 192, 194, 200.

claim of Katarina Hira was dismissed, due to the limited use that her parents had made of Oruamatua–Kaimanawa.

Ngati Tama were deemed by the Court to have intermarried with Ngati Tuwharetoa and also been confined to Rotoaira, far from the block. Despite that view, Ngati Tama had testified to their use of the land, such as extensive seasonal occupation and use of its resources. Ngati Whiti on the other hand asserted that Ngati Tama had abandoned district in the time of Pokaitara, after which a boundary had been imposed at Rangipo Waiu. The Court believed that Ngati Tama still had some rights in the block, but deemed them to much less than those of Ngati Whiti and as a result they were excluded from the title.

Much like the Ngati Whiti claimants, the closely-related Ngati Te Taenui group (Karaitiana & Retimana Te Rango and others) were also recognised as owners in the land. Hori Te Tauri's evidence regarding the occupation of the land by he and his tupuna was rejected by the Court, although it was clear that they had engaged in hunting and gathering food on the northern portion of the land.

Anaru Wanikau and his sister Mara Tawhara's claim by ancestry and occupation were recognised.

The rights of Te Oti Pohe were also recognised.

As a result of its findings, the Court awarded Ngati Tama 16,500 acres, Ngati Te Taenui 28,000 acres, Hori Te Tauri 3,420 acres, Anaru Te Wanikau and his sister 6,500 acres, the Pohe whanau 7,000 acres, and Ihakara Te Raro and Ngati Whiti 54,000 acres, as set out in the table overleaf.[396] Despite the six different awards, the title was split into only four sections, with Ngati Whiti being grouped with Anaru Te Wanikau, and the Pohe whanau being grouped with Ngati Te Taenui, as set out in the table overleaf.[397]

[396] Napier NLC MB No. 31, p. 204-214
[397] Napier NLC MB No. 31, p. 230-241.

Table 16: Oruamatua–Kaimanawa Awards, 1894

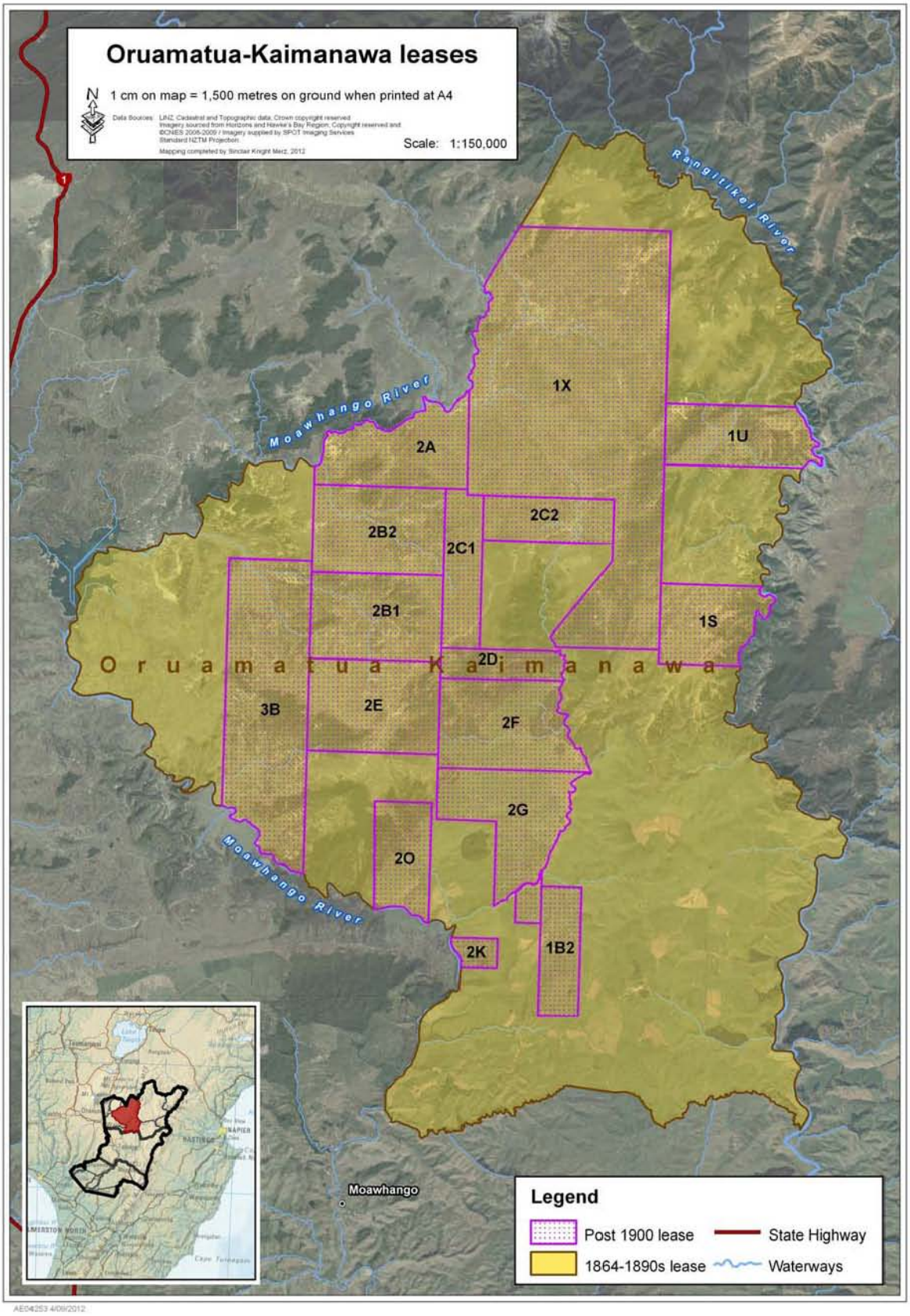
Claimants	Award (acres)	Subdivision	Area (acres)
Ngati Whiti	54,000	Oruamatua–Kaimanawa 1	60,500
Anaru Te Wanikau (and sister)	6,500	Oruamatua–Kaimanawa 1	
Ngati Te Taenui	28,000	Oruamatua–Kaimanawa 2	35,000
Pohe whanau	7,000	Oruamatua–Kaimanawa 2	
Ngati Tama	16,500	Oruamatua–Kaimanawa 3	16,500
Hori Te Tauri	3,420	Oruamatua–Kaimanawa 4	3,420
Total	**115,420**		

These initial acreages were a little inaccurate. For instance, Oruamatua–Kaimanawa 1 was later surveyed at 60,966 acres.

3.5 Leasing Post-1900

Birch's 1860s lease of most of Oruamatua–Kaimanawa endured until the 1894 title investigation and subdivision. Thereafter, his large sheep flock was still on the land but the nature of his tenure is less clear. He was still leasing a modest area in the early 1900s (Oruamatua–Kaimanawa 1K, 3,425 acres; see Table 17 below) but during the early twentieth century his focus shifted to purchasing the freehold of numerous subdivisions (see section on private purchasing below).

All other records relating to leasing date from after 1900, with leases of large areas in multiple subdivisions arranged by Thomas Lowry and Edward Watt in 1906, and another large lease of multiple subdivisions by Andrew Anderson in 1935. A few other more modest leases are also set out Table 17 below. The 1906 leases were for 50 years and took in just over 11,000 acres of Oruamatua–Kaimanawa 2. The 1935 leases were for 42 years, and comprised more than 35,000 acres in Oruamatua–Kaimanawa 1 and 2. These and other leases are set out in Table 17 below, and shown on Map 12 below.



Map 12: Oruamatua–Kaimanawa Leases

Table 17: Oruamatua–Kaimanawa Leases Post-1900

Block	Lessee	Area (acres)	Starting Date and Duration	Rent (£.s.d.)	MLC Docs Ref
Part of 1B 2	Emily Catherine Josephine Cottrell	90	1917 & 42 yrs	24.0.0 per year for 1st 21 years	69, 71, 105-108, 5439
1B 2	Woodlands Ltd.	1,393	1935	-	171
1K	Birch	3,425	-	342.10. per year	AJHR, 1909, G-11, p.3
1S	Andrew Bolton Anderson	2,053	1935 & 42 yrs	15.0.0 per year for 1st 21 years	173
1U	Vida Bolton Anderson	1,842	1935 & 42 yrs	20.0.0 per year for 1st 21 years	174
1X	Edward Arnott Anderson	15,848	1935 & 42 yrs	98.15.0 per year for 1st 21 years	172
2A	Vida Bolton Anderson	2,712	1935 & 42 yrs	34.0.0 per annum for 1st 21 years	241
2B 1	Anthony Hugh Anderson	3,000	1935 & 42 yrs	68.10.0 per year & for last 21 years 5% of unimproved value and 5% of £345 of improvements.	239
2B 2	Anthony Hugh Anderson	3,080	1935 & 42 yrs	40.0.0 per year	238
2C 1	Anthony Hugh Anderson	1,570	1935 & 42 yrs	10.0.0 per year for 1st 21 years	237
2C 2	Andrew Bolton Anderson	1,570	1935	8.10.0 per year for 1st 21 years	235
2C 4	Derek Arnott Anderson	1,353	1935 & 42	2d per acre per annum for 1st 21 yrs	240
2D	Thomas Henry Lowry and Edward James Watt then Woodlands Ltd	985	1906 & 50 yrs		268
2E	Thomas Henry Lowry and Edward James Watt	3,282	1906 & 50 yrs	89.4.0 per year for 1st 21 years	266, 5493-5497
2F	Thomas Henry Lowry and Edward James Watt then Woodlands Ltd	3,200	1906 & 50 yrs		263
2G	Thomas Henry Lowry and Edward James Watt	3,200	1906 & 50 yrs	160.0 per year for 1st 21 years	5498-5500
Part of 2G 3	Andrew Bolton Anderson	930	1935 & 42 yrs	9.15.0 per year for 1st 21 years	236

Block	Lessee	Area (acres)	Starting Date and Duration	Rent (£.s.d.)	MLC Docs Ref
2K	Thomas Henry Lowry and Edward James Watt	325	1906 & 50 yrs	12.3.9 per year for 1st 21 years	5501-5505
2O	Thomas Henry Lowry and Edward James Watt, then Forest Land Company Ltd.	1,695	1906 & 50 yrs		249
2Q 1	Thomas Henry Lowry and Edward James Watt	1,516	1906 & 50 yrs	56.16.4 0 per year for 1st 21 years	5506-5513
3B	Alfrey Mervyn Ryan	6,334	1920	146.6.0 per year for 1st 21 years	5563-5567

The leases from the Anderson family became problematic because of Anderson's inability to pay his rent. He had acquired the leases to more than 35,000 acres of Oruamatua Kaimanawa in 1935 (as set out in Table 17 above). He obtained financial backing and planned to stock his leasehold farm with sheep. When the First Labour Government was elected his financial backers, for reasons unexplained in the files, withdrew their backing, so Anderson was unable to stock the block or generate any income to pay his rent. In 1937 he applied to the Aotea Maori Land Board (which administered the leases) to have the rent he owed for the previous two years remitted, claiming to the Board that he needed to have the rent arrears cleared so that he could acquire further finance to farm the land. At a meeting of some of the owners of the various blocks, they agreed to forgive his debt but asked that the rates that had been charged to the land because it was being leased now be remitted, there being no income to pay them. Anderson's lawyers wrote to Prime Minister Savage seeking financial assistance for Anderson but Judge Browne of the Aotea Maori Land Board cautioned against it. He also recommended consulting the owners before providing any assistance that would result in any charge against the titles.[398]

Another meeting was held in November 1939 but Anderson had still not paid any rent and again asked for rent to be remitted. This time the owners Peter Moko and Te Whatarangi Ropoama opposed the resolution. Rates were still overdue, and they asked why the Board or Anderson had not had them remitted. Anderson commented in 1939, as he had before, that although he owed a large sum in rent, if it were not for him the land would be unoccupied,

[398] MLC-WG W1645 3/5859. Crown and Private Land Purchasing Records and Petitions Document Bank, pp.5639-5799.

and if he had to pay the rent he would give up the leases. The owners were given little choice but to accept this sorry state of affairs.[399]

Anderson eventually left for military service in World War II, and after about seven years the worthless and inoperative leases were finally cancelled by the inept Maori Land Board, and the land was re-entered. In the end £1,946 17s. 6d. was owed by Anderson for unpaid rent, plus £97 6s. 9d. for the Board's commission (although it had done little to earn any commission). Token payments were made by Anderson on just four occasions: £10 on 23 May 1935; £13 6s. 8d. on 3 February 1936; £10 on 2 March 1939; and, £10 on 7 July 1939.[400] During the lease, the land simply accumulated rates arrears, while it would also have gone backwards in pastoral terms and suffered a fall in value.

3.6 Private Purchases Post-1900

There was extensive private purchasing of Oruamatua–Kaimanawa in the decades following the belated awarding of title in 1894. The initial round of purchases were by the early lessee, Azim Birch, who acquired numerous subdivisions of the block in the early 1900s, as soon as the Crown pre-emption imposed in the 1890s was lifted, and the functions of Maori Land Boards were amended in 1905, beginning the streamlining of the purchase process that saw so much Maori land alienated after 1905 and especially after 1909. He also managed to complete the purchase of one interest in Oruamatua–Kaimanawa 1X in 1897, but this sole pre-1900 purchase has also been included in this section of the report.

Some subdivisions subject to purchase do not have accompanying files, but basic title information has garnered from partition orders and land transfer search forms. The private purchases are summarised in Table 18 below, arranged by subdivision.

[399] MLC-WG W1645 3/5859. Crown and Private Land Purchasing Records and Petitions Document Bank, pp.5639-5799.
[400] MLC-WG W1645 4/5859. Crown and Private Land Purchasing Records and Petitions Document Bank, pp.5818-5982.

Table 18: Oruamatua–Kaimanawa Private Purchases

Block	Area (acres)	Vendors	Purchasers	Price (£)	Year	MLC Docs Ref[401]
1A 1	2,000	Hiraka Te Rango	Birch		1905	111-112, 201
Part of 1A 2	105	-	Frederick Cottrell	821	1918	68
1A 2 (A & B)	1055	Wira Hiraka Pine, Mokohone Pine, Puao Rangipo, Amokura Pine, Ngawiri Pine, Aomarama Pine, Kewa Pine, Te Mamae Pine, Heia te Hurarei	Frederic Cottrell	7,385	1917	70, 101, 199, 200, 5425-38, 5440-92
1B 1	886		Aubrey Humphries		1906	198
1B 2	1,393		-		1966	Heinz, p. 25.
1C	2,110		Power of sale under mortgage		1906	196
1D	500	Merehira Te Taipu	Emily Batley		1905	195
1E	1,468	Erueti Areni	Lydia Birch		1905	194
1F	521		William and Azim Birch		1901	193
1G	563		William Swinburn		1915	192
1H	250	Kewa Pine, Henare Teehi, Mingi (?) Teehi, Erueti Teehi, Kato Teeehi, Matekotahi Teehi	Donald Wright	750	1912	191
1J	1,467	Erueti Areni	Frederick Watson		1905	145-46, 190
1K	3,420 & 118 (out of 6,603)	Waikari Karaitiana	Lydia Birch & Carl Baker		1907	143-44, 189
1L	433	Raita Tuterangi & Paramena Tamakorako	Maud Birch	2,165	1911	139-140, 188, 5200-61
1M	1,268	Estate of Rongo Paerau (originally Horima Paerau)	Robert Batley		1904	141-142, 187

[401] Or Heinz, "Land Alienation and Retention Database for Taihape District Enquiry: Block Histories by Chronology", 19-26.

Block	Area (acres)	Vendors	Purchasers	Price (£)	Year	MLC Docs Ref[401]
1N	1,596	Estate of Hiraani te Hei (originally Wera Rawinia)	Conrad Heatley	1,875	1908	137-138, 186
1O	1,250	Wera Rawinia	Maud Birch		1904	135-136, 185
1P	4,000	Maata Kotahi (originally also Anaru Te Wanikau & Meri Tawhara)	Frederic Tilley		1916	134, 184
1Q	850		William & Azim Birch		1901	183
1R	2,625	Estate of Hiraani Te Hei	Conrad Bryon Heatley		1908	182
1S	2,053	-	-	-	1966	Heinz, p. 25.
1W1[402]	108	Estate of Horima Paerau	Arthur Batley		1904	177
1X[403]	16,277	Interest of Erueti Arani only	William & Azim Birch		1897	175
2B 1	3,000	Ani Paki	William Turnbull & Oswald Watkins		1901	205-206
2B 2	3,080	Ani Paki	William Turnbull & Oswald Watkins		1901	203-204
2D	985	Wiremu Muhunga Rangi (Wiremu Broughton), Rangiapoa Waikari II (Ketia Waikari), Rangi Katukua	Woodlands Ltd		1961	268-269, 308
2E	3,282	Spencer Tauria Parker	Ada Murray Marshall		1921	266-267
2F	3,200	-	-	-	1962	Heinz, p. 25
2G	3,200	Waikari Karaitiana	Carl Joseph Baker		1907	261, 311
2H	325	Ani Paki	William Turnbull & Oswald Watkins		1911	259, 312
2J	325	Ngamako Te Rango, Moroati Taiuru & Ngakaraihe Te Rango	Arthur & Amy Batley		1920 & 1921	257-258, 313
2L	1,703	Toia Barns	Walter Humphries		1906	255, 315

[402] This title is currently Maori land.

[403] The acreage is the total area of the block, but only one share was acquired in 1897, and the title was not completed purchased until the 1970s, so the acreage has been excluded from the figures given in Table 18 below.

Block	Area (acres)	Vendors	Purchasers	Price (£)	Year	MLC Docs Ref[401]
2M	325	Rora Te Oiroa Potaka (originally Kawepo Ngarangi)	John Morice Birch		1905	253
2N	1,694	Tauiru Te Rango, Tauiru Retimana, Te Waina Te Maari, Waina Tauira, Waina Tauiru, Te Moroati Te Maari, Te Moroati Tauiru and Potaka Tauiru	George Weston	1875	1911	5315-5338
2P	1,695	Ngamako Te Rango, Rora Ngamako and Ngaparu Ngamoko	George Heale	1000	1911	318
2Q 1	1,516	Raumaewa Te Rango	William Turnbull & Oswald Watkins		1901	209-210
3B	6,334	Aotea MLB	Tussock Land Co.	2,216	1937	355
3F	1,467	Rini Rini, Heeni McTaggart, Riini Henare, Rangi Tutunui, Hira Wharawhara	Tussock Land Co.	367	1935	5625-38

As is evident from the foregoing table, Birch's early purchases were concentrated in Oruamatua–Kaimanawa 1, but several other purchasers were also involved in the area, including the Moawhango farming family of Batley. The formulaic records relating to these alienations and generated by the Aotea Maori Land Board's bureaucratic processes reveal little more than the details set out in the table.[404] As such, they are not further examined here.

One matter of interest relates to Oruamatua–Kaimanawa 1J (1,466 acres 3 roods 25 perches). Before this was purchased privately, it was mortgaged to the Government Advances to Settlers Office in 1902. Whatever development of the land was envisaged by the mortgagee evidently did not occur, for the land was purchased in 1905.

One purchase that did generate some relevant records is that of Oruamatua–Kaimanawa 1L (433 acres). In September 1906 it had been valued at £2,172 (comprising £1,732 in unimproved value and £440 in improvements). Maud Birch – being used here by her husband as a dummy applicant to obviate restrictions on land holdings – applied to the Maori Land

[404] MA-WANG W2140 box 36 Wh. 596A, Oruamatua Kaimanawa in "Motukawa to Otamakapua," Maori Land Court Records Document Bank, 68, 70, 103, 111-112, 134-146, 175-201, 203-206, 209-210, 253-262, 266-269, 308, 310-313, 315-316, 318, 355.

Board to lease the title from the two owners, Waikari Karaitiana and Paramena Tamakorako for a term of 50 years, at 5 shillings per acre per annum, or £108 5s. per annum (being five percent of the land's value). This was approved. By 1909 the valuation of the land had, for reasons that are not clear, fallen to £1,450 so the Birches wanted their rents reduced by the same proportion, even though there was no provision in the lease for a rent review for some years. As they could not pay a lower rent, in 1910 the Birches sought to purchase the land and offered £2,165, even though the land was then valued at £1,450. Clearly, it was worth rather more than that to its occupants. Although there were some minor issues in relation to the payment and transfer due to new procedures being introduced after the passage of the Native Land Act 1909, by early 1911 the purchase had been approved and completed.[405]

Most of the private purchases occurred in the very early twentieth century, in the decade or so after title was issued, making it possible to acquire individual interests in the land, particularly once Maori Land Board processes to facilitate this were in place. As shown in the table below, this pattern continued apace under the Native Land Act 1909, and there were very few purchases after 1920 (a few in the early 1920s, two in the mid-1930s, and two in the early 1960s). As a result, most of the block was lost to private purchasing by 1920, with a total of 78,447 acres purchased privately. As noted earlier, Oruamatua–Kaimanawa 1X (16,277 acres) has been excluded from the pre-1909 figure, as only a single interests was acquired in 1897, with the balance being acquired in 1971 (see below).

Table 19: Oruamatua–Kaimanawa Private Purchases Summary[406]

Time Period	Number of Purchases	Area Purchased (acres)
Pre-1909	21	33,011
1909–1920	10	10,445
1920–1962	7	18,714
Total	**38**	**62,170**

[405] MLC-WG W1645 3/1910/250 in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 5200-5261.
[406] Table 18: Oruamatua-Kaimanawa Private Purchases.

The Questionable Koreneff Purchases

A final private purchase falls outside those grouped together above, being somewhat more contentious and dubious. This is the purchase of Oruamatua–Kaimanawa 1X (16,277 acres) by Nicholas Koreneff (also spelled as Koroneef and Koroneff) in the late 1960s and early 1970s, shortly before the land was sought by the government for defence purposes (see section below on Public Works Takings). Koreneff also acquired smaller shareholdings in several other adjacent subdivisions in the early 1970s. The government was well aware that Koreneff's actions were questionable and, as noted in the Owhaoko block, referred to him as an example of a 'land shark' whose lead it did not intend to follow in its acquisition of Owhaoko interests (although different, the Crown's behaviour was, as noted in the Owhaoko block study, actually even worse).

Nicholas Koreneff finally acquired Oruamatua–Kaimanawa 1X in 1971 through dubious means and against the wishes of some owners. He began purchasing individual shares in a piecemeal fashion in the late 1960s. The Maori Affairs Amendment Act 1967 amended section 213 of the 1953 Maori Affairs Act so that an interest held or acquired in Maori land could be vested in any one person, rather than having to be vested in another owner or another Maori. This was part of the National Government's policy to facilitate the individualisation and alienation of Maori land in order to bring all land under a General land tenure. As a result of the 1967 amendment, Koreneff was able to have the 6,197 shares he had acquired in Oruamatua–Kaimanawa 1X (about 37 percent of the title) vested in him.

Philip Cleaver details how Koreneff then obtained the balance of the title to Oruamatua–Kaimanawa 1X:

> On 5 April 1971, a meeting of owners considered a resolution to sell Oruamatua Kaimanawa 1X to Nicholas Koreneff. The meeting was attended by Nicholas and Frances Koreneff and 11 other owners. Two owners were also represented by proxy. The Koreneff's [group] outvoted the other owners who were present or represented and the resolution was passed. The owners who opposed the sale signed a memorial of dissent. Some believed that the land could be developed for forestry and tourism. Before the Chief Judge confirmed the resolution, three more owners sold their shares to Francis Koreneff. On 23 August 1971, the resolution was confirmed, and on 4 February 1972 the Maori Trustee executed the transfer.[407]

[407] Cleaver, 85.

The Maori Purposes Act 1970 disallowed the alienation of land through section 213 to any non-Maori person, but it appears that Koreneff had his wife, Frances Koreneff, (who Cleaver comments "claimed to be Maori") and others purchase shares on his behalf in this and other Oruamatua Kaimanawa subdivisions. He was aware of the interest of the Ministry of Defence in these lands. From 1970 to 1972, Frances Koreneff, Harriet Penhay (Frances' sister), and Abigail Denz acquired a number of shares in Oruamatua–Kaimanawa 2C 3, Oruamatua–Kaimanawa 2C 4 and Oruamatua–Kaimanawa 4 (in addition to Oruamatua–Kaimanawa 1X). These are set out in the table below, which shows the number of shares acquired in these titles by Frances Koreneff, Harriet Penhay, and Abigail Denz, or subject to applications under Maori Affairs Act 1953 (s.213).[408]

Table 20: Koreneff Purchases, 1970–1972

Title	Total number of shares	Approximate Number of Shares Acquired	Approximate Proportion of Title Acquired
Oruamatua–Kaimanawa 1X	16,775	16,775	100%
Oruamatua–Kaimanawa 2C3	1,571	693	44%
Oruamatua–Kaimanawa 2C4	1,353	902	67%
Oruamatua–Kaimanawa 4	3,452	92	3%

Cleaver details the Maori opposition that existed to both Koreneff's actions and the compulsory acquisition of Oruamatua–Kaimanawa 2C3, 2C4, and 4, as well as Oruamatua–Kaimanawa 2C2.[409] This issue is considered in a later section of this chapter dealing with the compulsory acquisition of these titles for defence purposes in 1973.

Koreneff's complete purchase of Oruamatua–Kaimanawa 1X (16,227 acres) takes the total private purchase figure in Table 18 to 78,447 acres.

3.7 Post-1900 Crown Purchases

Given the late date of the Oruamatua–Kaimanawa title, in 1894, there were no pre-1900 Crown purchases. There was also very little Crown purchasing in the twentieth century, not least because large parts of the block were rapidly caught up in private purchasing and private leasing, leaving little room for the Crown to pursue any purchasing in the area. The land needed to be farmed in large runs, and most of the available pastoral land was soon locked up

[408] Cleaver, 86.
[409] Cleaver, 86-92.

by combinations of private leases and purchases. As a result there was only one Crown purchase. In two other instances where land was considered for purchase, it was not pursued as the land was unsuitable for settlement and did not contain millable timber.

There were limited efforts by the Aotea Maori Land Board and a few Maori to interest the Crown in some of the Oruamatua–Kaimanawa bocks. For instance, Oruamatua–Kaimanawa 1T, then under lease to Birch, was offered for public auction in the early 1910s, but it did not sell. In 1914 the Aotea Maori Land Board offered the block to the Crown for purchase in, and the Native Land Purchase Board approved the offer. The owners had little involvement or say in this straightforward process. Accordingly, Oruamatua–Kaimanawa 1T (3,583 acres) was purchased from Hakopa Te Ahunga and others (through the Aotea Land Board) by the Crown in February 1915 for £2,239 7s. 6d.[410]

Other lands were offered to the Crown for purchase by a few owners, but it declined these offers. In June 1914 John Asher of Tokaanu wrote to the Minister for Native Affairs offering on behalf of some (unnamed) owners of Oruamatua–Kaimanawa 4 to sell the block to the Crown. The Native Land Purchase Board considered Asher's request but declined to purchase the block because of its negligible value, it being seen to be unsuitable for either settlement or milling.[411] Finally, in January 1920, Honeri Hohepa, Te Hokaoterangi Tauna, Te Ao Te Rangi Mohoaonui, and three others offered to sell their interests in subdivisions of Oruamatua–Kaimanawa 2 and 3. Their offer was rejected by the Crown because, as before, the land was deemed unsuitable for settlement.[412]

3.8 Survey Liens

Charles and Arthur Kennedy, along with the Surveyor-General, were responsible for the survey of the various partitions of the Oruamatua–Kaimanawa block, which was a costly process. In July 1901, the surveyors and the government were still owed hundreds of pounds from a number of different surveys of parts of the block. Most owners were unable to meet these charges, so the surveyors and the government applied to the Native Land Court for the surveyed titles to be charged by way of mortgage for the survey liens owing. Added to each

[410] MA-WANG W2140 box 36 Wh. 596A, Oruamatua Kaimanawa in "Motukawa to Otamakapua," Maori Land Court Records Document Bank, p. 72; MLC-WG W1645 3/1470 in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 5514-5562.
[411] MA-MLP 1/1914/69, ANZ. Northern Taihape Blocks Document Bank, pp.504-510.
[412] MA-MLP 1/1919/47, ANZ. Northern Taihape Blocks Document Bank, pp.511-516.

lien was a charge of five shillings for Court costs plus interest on the debt at the rate of five percent per annum for five years.[413] The subdivision and the amount still owed are shown in the table below. The subdivisions showing an amount owing in 1901 are the debts owed to the Kennedys; the remainder of the charges were owed to the Surveyor–General.

Table 21: Oruamatua–Kaimanawa Survey Liens[414]

Oruamatua–Kaimanawa Subdivision	Amount Owed and Year Debt Charged to Land (£.s.d.)
	Amount Owed on 13-05-1899
No. 1A No. 2A	17 (Paid)
No. 1A No. 2B	16.8.6 (Paid)
No. 1B No. 1	30.11.0 (Paid)
No. 1B No. 2	39.19.6 (Paid)
No. 1A No. 1	21.2.0 (Paid)
	Amount Owed on 19-05-1900
2C No. 1	27.2.3
2C No. 2	17.5.3
2C No. 3	27.6.0
2C No. 4	13.10.11
2K	13.5.3
2N	26.7.0
2O	27.10.0
2P	22.19.0
2G	48.2.6
2F	37.9.0
2D	32.11.0
2J	16.3.3
2A	19.9.0
	Amount Owed on 24-07-1901
No. 1D	17.10.0
No. 1E	23.19.0
No. 1G	19.1.0
No. 1H	14.15.0
No. 1J	29.11.0
No. 1L	11.11.0
No. 1M	26.16.0
No. 1P	34.2.0
No. 1R	33.10.0
No. 1U	34.5.0
No. 1W	27.12.0
No. 1V	38.9.0
No. 1S	28.19.0
No. 1N	29.1.0

[413] MA-WANG W2140 box 36 Wh. 596A, Oruamatua Kaimanawa MA-WANG W2140 box 36 Wh. 596 part 1 and part 2, Oruamatua Kaimanawa in "Motukawa to Otamakapua," Maori Land Court Records Document Bank, p. 78-100; 214-224, 227-228; 327-331.
[414] Ibid.

Oruamatua–Kaimanawa Subdivision	Amount Owed and Year Debt Charged to Land (£.s.d.)
No. 1O	29.3.0
No. 1X (No. 1X1 & 2)	38.8 + 93 = 131.8.0 (Paid)
	Amount Owed on 02-08-1921
3B	179.11.0 (Paid)
3D	25.10.6
	Amount Owed on 11-08-1922
3C	41.11.6
3E	125.6.0
3F	41.11.6

The total liens charged to the blocks in a period of jus over 20 years to 1922 is nearly £1,400.

3.9 Rates

Information on rates charged to Oruamatua–Kaimanawa titles after 1894 is very limited. The available records are concerned only with rates arrears (not any rates paid) and the charging orders that resulted from these arrears. In addition, the records relating to rates charging orders in the documents examined to date are quite limited, and refer only to the period after 1928. Those charges identified in the records examined to date are set out in the table below.

In 1947 a number of subdivisions were exempted from paying rates: Oruamatua–Kaimanawa 1S, 1U, 1V (part), 1X 1 (part), 1X 2 (part), 2A, 2C1, 2C2, 2C3, and 2C4.[415]

Table 21: Oruamatua–Kaimanawa Rates Charging Orders

Subdivision	Rate Charges (£.s.d)	Years
1U	5.4.10	1928-1930
1U	12.5.1 (paid)	paid 1950
2A	27.4.8 (paid)	paid 1950
2B2	52.11.11 (paid)	paid 1950
2C1	7.19.9 (paid)	paid 1950
2K	16.14.2	1934-1936
2Q2	1.1.6	1934-1936
3E	22.2.5	1934-1936
3F	24.16.0	1934-1936
3D	10.13.7	1934-1936

[415] MA-WANG W2140 box 36 Wh. 596A, Oruamatua Kaimanawa in "Motukawa to Otamakapua," Maori Land Court Records Document Bank, 67, 169; MA-WANG W2140 box 36 Wh. 596 part 1 and part 2, Oruamatua Kaimanawa in "Motukawa to Otamakapua," Maori Land Court Records Document Bank, p. 233-236, 285-288, 297-300, 324, 352.

3.10 Public Works Takings

A number of Oruamatua–Kaimanawa blocks were taken by the Crown for defence purposes in 1961, and further lands were targeted for taking in the late 1960s and were eventually taken in 1973. The takings and the compensation paid for the 1961 takings are shown in the table overleaf.[416]

The Waiouru defence takings of 1961 are the subject of existing research, notably that of Phillip Cleaver, and the general issues relating to these compulsory acquisitions will not be traversed again here. However, Cleaver's report on lands taken for defence purposes in the Taihape inquiry district reveals at least one Maori objection to the taking of one of the Oruamatua–Kaimanawa blocks:

> On 29 September 1960, the Taihape manager of Dalgety and Company wrote to the Minister of Defence on behalf of Rini Williams (Rini Henare Whale) of Mataroa, who owned almost half of the interests held in Oruamatua Kaimanawa 3F. He stated that Williams considered the land to possess potential for farming. It was asserted that the land, 'easy rolling country', was capable of carrying at least one ewe to the acre. Responding to this letter, the Minister of Works advised that the objection, though sympathetically considered, was not well grounded in terms of the Public Works Act 1928. He explained that Waiouru was the only area in New Zealand where the Army was able to fire its major weapons and that extra land was required to ensure safe firing.[417]

Unlike previous takings of land for defence purposes in neighbouring blocks during World War II there appeared to be at least some effort to contact the Oruamatua–Kaimanawa owners about the compulsory acquisition of their land. In response, the owners raised the possibility of exchanges of other Crown lands instead of outright alienation, but there was little government sympathy for that position.[418]

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[416] Phillip Cleaver, "Taking of Maori Land for Public Works in the Taihape Inquiry District, Part I: Defence Takings," 47, 71; Adam Heinz, 'Waiouru Defence Lands. Research Scoping Report', 69-72.
[417] Cleaver, 69.
[418] Cleaver, 74-76.

Table 22: Oruamatua–Kaimanawa Takings for Defence Purposes, 1961[419]

Oruamatua–Kaimanawa Title	Area (acres)	Compensation Paid (£)
2A	2,712	360
2B 1	3,000	1,200
2B 2	3,080	400
2C 1	1,570	100
2O	1,695	975
2Q 1	1,516	750
2Q 2	200	75
3A, 3C, 3D, 3E, 3F	10,358	4,675
Total	**24,131**	**£8,535**

In the late 1960s the Ministry of Defence planned to take other subdivisions for defence purposes: Oruamatua–Kaimanawa 1X (16,277 acres), Oruamatua–Kaimanawa 2C2 (1,570 acres), Oruamatua–Kaimanawa 2C3 (1,571 acres), Oruamatua–Kaimanawa 2C4 (1,353 acres) and Oruamatua–Kaimanawa 4 (3,452 acres).[420] Unlike the 1961 taking, when the Crown at least made some efforts to notify Maori owners, in the late 1960s and early 1970s the Crown focused largely on the Pakeha owner of Oruamatua–Kaimanawa 1X, Nicholas Koreneff.

Cleaver details the Maori opposition to Koreneff's actions, although they were by then more focused on challenging the Crown's compulsory acquisition of Oruamatua–Kaimanawa 2C2, Oruamatua–Kaimanawa 2C3, Oruamatua–Kaimanawa 2C4 and Oruamatua–Kaimanawa 4. These takings are shown in the table below.[421] The bulk of the land taken, and thus most of the compensation paid, was then owned by Koreneff, so it has been separated out from the Maori titles taken.

Table 23: Lands Taken for Defence Purposes, 1973

Oruamatua–Kaimanawa Title	Area (acres)	Compensation paid ($)
2C 2	1,570	Unknown
2C 3	1,571	9,500
2C 4	1,353	400
4	3,452	100
Total	**7,946**	**$10,000**
1X (Koreneff)	16,277	$92,154

[419] Cleaver, 71-73.
[420] MA-WANG W2140 box 36 Wh. 596A, Oruamatua Kaimanawa MA-WANG W2140 box 36 Wh. 596 part 1 and part 2, Oruamatua Kaimanawa in "Motukawa to Otamakapua," Maori Land Court Records Document Bank, p. 73, 286-288, 295, 301-304, 360-366; Heinz, 75-77.
[421] Cleaver, 95-100.

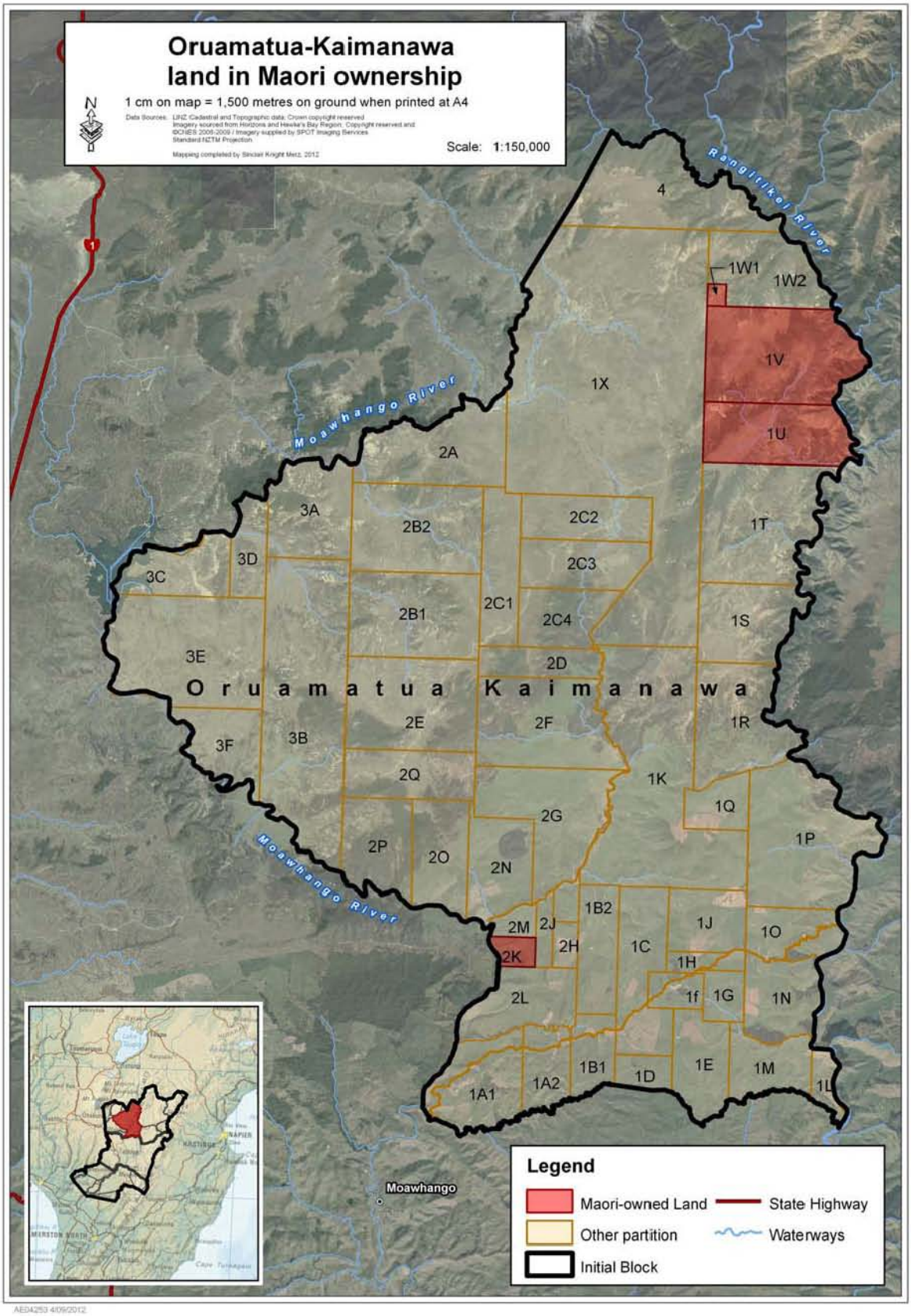
This takes the total Public Works Takings to 32,077 acres. Rather than actively seeking the agreement of Maori owners to these takings, the government acted quickly and without any significant efforts to consult the Maori owners.[422] The trustees for Oruamatua–Kaimanawa 4 wrote to Minister of Maori Affairs Matiu Rata, complaining about the taking of their land for defence purposes. Rata explored some exchange proposals and the takings were deferred for some time – until Rata was no longer in government – at which point the compulsorily acquisitions were confirmed and compensation was paid. The trustees for the Maori owners were particularly concerned that if the land was taken it should be used only for defence purposes, and if not it was to be returned.[423]

3.11 Conclusion

Unlike the neighbouring Owhaoko block, Oruamatua–Kaimanawa was not the subject of great controversy or public scrutiny, but the process by which title was awarded to the block in 1875 was just as unjust and defective as that issued for Owhaoko in the same year. Just as in the Owhaoko and Mangaohane blocks, Renata Kawepo placed himself at the centre of the Native Land Court title.

Following the belated fresh investigation of title and partition in 1894, the land was quite rapidly purchased by private interests in the early 1900s, along with a single small Crown purchase. Numerous unsold subdivisions were leased for a time, but in the 1960s and 1970s, almost all of the remainder of the Oruamatua–Kaimanawa block that had been retained in Maori ownership was compulsorily acquired by the Crown for defence purposes. Four small subdivisions remain in Maori ownership (Oruamatua–Kaimanawa 1U, 1V, 1W1, and 2K), as shown on Map 13 below.

[422] Cleaver, 86-92.
[423] Cleaver, 97.



Map 13: Oruamatua–Kaimanawa Land in Maori Ownership Today

Summary Data

Area: 115,420 acres[424]

Title: 1875 and 1894

Owners: Ngati Whiti, Ngati Tama, Ngati Te Taenui, Ngati Honomokai

Crown purchases: 3,583 acres

Price paid: £2,239 7s .6d

Private purchases: 78,447 acres

Taken for public purposes: 32,077 acres

Area 'europeanised:' –

Area still in Maori ownership: 6,544 acres

[424] The total area of alienations and the remaining Maori land add up to more than 120,000 acres. The acreage given on title investigation in 1894 was a little inaccurate but not to this extent. The difference seems to relate to differing acreages given in subsequent alienation data.

4. Mangaohane

The Mangaohane block (54,342 acres) lies south of Owhaoko, west of Timahanga and Te Koau, north of Awarua, and east of Oruamatua–Kaimanawa. Those asserting interests in Mangaohane when its title was investigated were Ngati Hinemanu (with Ngati Paki and Ngati Te Ngawha), Ngati Whiti, Ngati Tama, and two separate groups of Ngati Upokoiri (Ngati Tuterangi and Ngati Honomokai). The Mangaohane title investigation began in November 1884, and in the second half of the 1880s it was the subject of a number of appeals by claimants who had not been excluded from the title. These appeals were taken to the Supreme Court, to little avail.

In 1890 the title was subdivided, and further appeals against partitioning were heard from 1892 to 1894. Nonetheless, due to the defective title processes established by the Native Land laws, the repeated legal cases over Mangaohane changed little. Other than the modest addition of a number of grantees to the title – being those who could show the same ancestral and occupation links as those awarded title in 1885 – those contesting the fundamental bases of the title remained excluded from their other lands. Significant right-holders excluded from the original awards – notably Winiata Te Whaaro and Ngati Hinemanu – had their appeals rejected again and again. After being repeatedly rebuffed by the Native Land Court and Parliament, Winiata Te Whaaro and others took their cases to the Supreme Court and the Court of Appeal but, despite exposing some defects in the Native Land Court's processes, these cases in other courts did little to remedy the profound defects in the Mangaohane title investigation.

4.1 Early Disputes Over Mangaohane

Before the Mangaohane title investigation of 1884–1885 there were a number of disputes over control of the land. As noted in the Owhaoko block study, Mangaohane was an important link in the pastoral economy of the district, and the disputes over it related as much to adjacent lands, namely Owhaoko and Oruamatua–Kaimanawa, as much as Mangaohane itself. Renata Kawepo brought sheep on to these other blocks of land in the late 1860s and into the 1870s, and was involved in early leases of some of these blocks west of Mangaohane. He acted in conjunction with members of Ngati Whiti, Ngati Tama, and Ngati Hinemanu, including leading figures such as Winiata Te Whaaro, Hiraka Te Rango, and Noa Te Hianga.

Initially Winiata Te Whaaro (Ngati Hinemanu) was the manager for Renata Kawepo's sheep run. Then in the late 1870s Renata Kawepo replaced Te Whaaro with an Irishman, George Prior Donnelly who, in 1877, married Renata's grand-niece, Airini Karauria (thereafter, Airini Donnelly). She had already emerged as an adept litigant in the Native Land Court and subsequently featured in several of the northern and eastern blocks in this inquiry district, usually in controversial circumstances as she manipulated Native Land Court processes to amass substantial land interests.[425] Her husband was also the focus of similar controversy. As Winiata Te Whaaro commented in 1892, he only opposed Renata Kawepo after Donnelly was brought on as manager.[426]

After the survey of Owhaoko was completed in about 1874, Donnelly moved Renata Kawepo's sheep on to the Mangaohane block, to which Hiraka Te Rango (Ngati Whiti) objected. Donnelly claimed he acted at Renata Kawepo's request, which did little to placate Hiraka. As he recalled in 1890:

> I said if you don't drive them [the sheep] away I will. I and my young people went to Mangaohane and in the morning started to drive off the sheep. When Donnelly heard I was about to do so he followed at day-break near Mangaururoa and we had words. He threatened to kill my dogs and I said very well you can kill my 4 dogs and I can kill 4,000 sheep. He then handed me a letter written from my brother Retimana. In this letter I was told not to interfere with the sheep. It said let them remain and we will consult our elder Renata. I desisted and told Donnelly I would comply with the request contained in the letter. I then returned to Moawhango. I, Retimana, Ihakara, and Karaitiana came to Heretaunga to see Renata

[425] S. W. Grant 'Donnelly, Airini – Biography', *Dictionary of New Zealand Biography*, updated 1-Sep-10. URL: http://www.TeAra.govt.nz/en/biographies/2d14/1
[426] Judge Scannell NLC MB No. 30: 136.

> — I mean at Omahu — Renata said he had heard that we had turned his sheep off. I said I had done so in accordance with what I said to him at Moawhango when speaking of the school reserve [a portion of Owhaoko gifted as an education endowment; see Owhaoko block study]. Renata said wait till the survey charges have been paid for Owhaoko and I will then return Mangaohane to you.[427] A year or two after this I heard that Renata and Donnelly had sheep remaining on Mangaohane. I, Ihakara, Retimana, Karaitiana, and Horima went to Omahu and I asked Renata to return Mangaohane to me, as I had already heard that the survey charges had been paid and that this was some other idea of his…I said I know now that you are trying to take my land from me. Becoming angry I left the meeting.

Hiraka clearly felt that as Kawepo had assumed control of Owhaoko, he (Hiraka) would now resume control of Mangaohane. As a result, the relationship between the two became strained.[428]

The relationship between Renata Kawepo and the Donnellys (Airini and her husband) also became strained. Not long after Kawepo had brought Donnelly to Mangaohane to be the manager of his sheep run, the two had a falling out.[429] Donnelly's 1877 marriage to Airini had dismayed Renata, and the partnership between Donnelly and Kawepo quickly dissolved. As a result, each took the other to the Supreme Court over control of the former partnership's finances and assets. By order of the Court all of the sheep on the Mangaohane station were to be sold by public auction.[430] Renata and Donnelly separately purchased the large majority of the sheep, and each added more sheep from other sources. Renata purchased his additional sheep from his neighbour and new business partner, John Studholme (a major runholder in the Kaimanawa and Rangipo lands to the west). Although Hiraka and Donnelly had previously clashed, they now became allies, and together they purchased the sheep auctioned by Renata. From Hiraka's point of view both he and Donnelly could mutually benefit from the arrangement: "[He] was to have the sheep, and the land was to remain in my possession. I mean Mangaohane, the whole of it."[431]

Winiata Te Whaaro then re-joined forces with Renata, as he was in opposition to Hiraka Te Rango and Donnelly. Te Whaaro recalled at the 1890 partition:

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[427] The survey charges for Owhaoko were the substantial sum of £1,108 4s. 2d. (ML 753, LINZ).
[428] Napier NLC MB No. 20: 401-402.
[429] Napier NLC MB No. 09: 111; Napier NLC MB No. 20: 402-403.
[430] *Hawke's Bay Herald*, 23 February 1881, 3.
[431] Napier NLC MB No. 09: 402.

> When Hiraka and Donnelly had got the sheep placed I began a quarrel with Hiraka and became the friend of Renata. It was through this quarrel between me and Hiraka that Renata's cause was strengthened as opposed to Donnelly and Hiraka…Renata and I endeavoured to oust Hiraka and Donnelly.[432]

Each group then attempted to place their sheep back on to the block.

Renata Kawepo and Hiraka Te Rango (Ngati Whiti) attempted to put Mangaohane through the Native Land Court in 1880, but without a survey the applications were dismissed by the Court.[433] The lack of title to Mangaohane had clearly created some problems for the different claimants, who had no legally enforceable alternative to the Court to resolve claims to the land. Just after the Court had requested that claimants submit fresh applications with proper plans and maps attached, Hiraka Te Rango, in concert with Donnelly, attempted to have the area surveyed by Charles Kennedy, who applied to the Survey Department for permission. District Officer James Booth warned that without the co-operation of Renata there would be trouble if Hiraka Te Rango proceeded with the survey. As a result, Chief Surveyor Marchant declined Kennedy's application to survey. Kennedy then simply waited a few weeks until Marchant was out of the office and re-applied to the Survey Department, which this time approved his application. Kennedy moved onto the land and began his survey.[434]

Renata heard that the survey had begun without his co-operation and was greatly displeased. He wrote to the government to step in to stop Kennedy, but the government was worried about having to reimburse Kennedy's expenses since he had begun the work it had, against the advice of senior officials, foolishly authorised. His expenses were believed to be considerable. After waiting for a few days, Renata sent an armed group to stop the survey. Hiraka was interrupted by a group led by Ihakara Te Raro and Winiata Te Whaaro, who wanted his survey to be confined to the north side of the Mangaohane stream. They briefly stopped the survey but it continued after they left, and was completed.[435]

Although no one was hurt, Hiraka Te Rango was incensed that his survey had been stopped at all, and retaliated by sending his own armed group to turn Renata's sheep off of the land. While Renata's men were in church on a Sunday, Te Rango's men took their weapons and

[432] Napier NLC MB No. 20: 380.
[433] "Native Lands Court," *Hawke's Bay Herald*, 6 November 1880, 3.
[434] *Hawke's Bay Herald*, 23 February 1881, 3.
[435] Napier NLC MB No. 20: 403.

then escorted them back to Heretaunga.[436] Later, Renata or his supporters escalated the conflict by sending a group to turn some of Hiraka Te Rango and Donnelly's sheep off the land. One of Hiraka and Donnelly's barns, along with some sheep, were burned in the process.[437] In September 1884, Te Whaaro, Utiku Potaka, Noa Te Hianga, Hori Tanguru, and others who were opposed to Hiraka and Donnelly published a notice in the *Whanganui Herald*, warning the two of them that if their sheep were not removed they would be removed for them: "This is a notice from all of us, in respect of the sheep of Messrs George Donnelly and Hiraka te Raro [sic]…the sheep must be driven off within two weeks, otherwise we all, who have signed our names below, will proceed to drive them away ourselves."[438] A few months after this notice was published the Native Land Court title investigation proceeded; the outcome of which was to determine who would have the legal authority – rather than the customary right – to manage Mangaohane.

4.2 Mangaohane in the Native Land Court, 1885

Title Investigation, 1884–1885

The Mangaohane title investigation began on 11 November 1884, and closed on 11 March 1885. Judges Laughlin O'Brien and Edward M. Williams presided, with Native Assessor Hemi Meihana. The claimants were Ngati Hinemanu (including Ngati Paki and Ngati Te Ngawha), Ngati Whiti together with Ngati Tama, and two separate groups of Ngati Upokoiri (Ngati Tuterangi and Ngati Honomokai).

Ngati Upokoiri (Renata Kawepo and others)

Renata Kawepo was the main claimant for the first group of Ngati Upokoiri. He claimed the block by occupation and ancestry through Tuterangi and Honomokai. His case was conducted by James Carroll (Timi Kara; a skilled young interpreter and mediator of Ngati Kahungunu at Wairoa, who had worked as interpreter for the House of Representatives from 1879 to 1883

[436] *Hawke's Bay Herald*, 23 February 1881, 3; Hazel Riseborough refers to this incident as relating to the survey of Owhaoko (Riseborough, pp.13-14). Yet Owhaoko was surveyed in 1873-1874 without such vehement opposition (see Owhaoko block study), so the dispute in 1880 seems almost certain to relate to Mangaohane (although it does share one boundary with Owhaoko).
[437] *Hawke's Bay Herald* , 20 March 1883, 4;
[438] *Wanganui Herald*, 6 September 1884, 3.

and who had stood, unsuccessfully, for the Eastern Maori seat in the 1884 election).[439] However, the *eminence grise* behind the case was the well-known (and very costly) lawyer, Walter Buller.[440] His improper proceedings in Maori land dealings were brought out into the light during the inquiry into the Owhaoko block (see Owhaoko block study), and that pattern of behaviour was likely to be repeated in Mangaohane, even though this land was not inquired into as thoroughly as Owhaoko.

The primary witness for Ngati Upokoiri was Paramena Naonao, who claimed the area through Tuterangi, Honomokai, and also Te Aopupurangi (?), Rangituouru, and Te Uamairangi.[441] Other witnesses for what was effectively Renata's claim were Paora Kaiwhata (Ngati Hinewhare and Ngati Kopua) of Heretaunga and Anaru Te Wanikau (Ngati Upokoiri, Ngati Honomokai, Ngati Haumoetahanga).

Mangaohane had not traditionally been an area that was permanently occupied before the second half of the nineteenth century, but some of Renata's witnesses did mention seasonal settlements that had been used for many generations: Te Papa a Tarinuku, Umuroa, Okuratahiti, Waiokaha, Makahikatoa, Te Hopuni, Te Puna O Upokororo, Motumotai, Pohokura, and Ngapukarawataniwha ("the place where Te Wanikau's house stood at the mouth of the Waiokaha stream").[442] Waiohaka is marked on the survey plan.[443] The only pa mentioned by Kawepo's witnesses was Rangituouru's pa, but its location was never confirmed by any witnesses and, according to the testimony of both his own supporters and counter-claimants, Kawepo's search for the pa prior to the hearing had not been successful.[444]

Another aspect of Renata's claim to the Mangaohane block was his assertion that he opposed the early Crown purchases in inland Heretaunga that had been agreed with co-operative Ngati Kahungunu vendors, such as Te Hapuku and Kerei Tangaru, as well as Rangitikei district purchases arranged by the Crown with Ngati Apa and Ngati Raukawa vendors (see Kaweka, Owhaoko, and Oruamatua–Kaimanawa block studies, where similar claims were made by Renata, and countered by others making similar claims). He asserted that it was his belief that these other tribes were attempting to sell parts of the inland Patea area as well. (It does not appear that purchases in either district came too close to Mangaohane, but Renata's point

[439] Alan Ward, 'Carroll, James – Biography', from the *Dictionary of New Zealand Biography*, updated 1-Sep-10. URL: http://www.TeAra.govt.nz/en/biographies/2c10/1
[440] *Hawke's Bay Herald*, 2 March 1885, 2.
[441] Napier NLC MB No. 09: 190 and 218 for whakapapa.
[442] Napier NLC MB No. 09: 190-191, 219.
[443] ML 753
[444] Napier NLC MB No. 09: 226; Napier NLC MB No. 20: 394, 415, 423, 444.

seems to be that his interests extended from Heretaunga across Patea and down to Otamakapua. Naonao stated: "Renata convened the meeting at Kokako (in 1860): N[gati] Whiti and N[gati] Tama and Karaitiana were present and helped to convene the meeting." Naonao claimed that Kawepo had instructed Ngati Whiti and Ngati Tama to erect pou that would, "have mana in stopping the sales of land, but Renata Kawepo erected it and named it and supported it with his mana: N[gati] Hinemanu and N[gati] Whiti put up [those] posts under orders from Renata." The posts were erected at Pikitari (called Whitikaupeka) and Whanawhana (called Hawea & Uamairangi) to indicate to Ngati Kahungunu, Ngati Raukawa, and Ngati Apa that their ability to transact any lands in the Patea would be restricted.[445]

A focus of the 1860 hui at Kokako was securing support for the Kingitanga, and for those iwi who gave support to the movement to place their land within the Kingitanga's protective rohe potae (thereby preventing purchase by the Crown), rather to assert tribal claims to particular lands. The pou whenua may have been intended to mark the pan-tribal Kingitanga rohe potae, rather than the claims of particular tribal groups, as Renata's witnesses suggested.

Naonao also commented on the stand that Renata had taken to prevent the alienation of Patea lands by Ngati Kahungunu leaders:

> Renata found Tareha, Hapuku, and Moananui selling the Heretaunga lands: the whole of the country they were trying to sell: all the Whanganui people came to Hapuku to get him to sell their lands. Renata opposed these chiefs: in this way he told Hapuku and the other chiefs that they might sell their own lands but were not to come near his. He then built a pa to oppose them...Tareha and Moananui and Karaitiana joined Renata and they fought at Pakiaka and Hapuku was defeated."[446]

Another perspective is that the Pakiaka fight was more about Heretaunga lands, and did not appear to involve areas as far inland as Mangaohane. The evidence set out in the Kaweka block study is also relevant to this issue.

Naonao also commented on Renata's supposed role in protecting Patea lands from the alleged designs of Ngati Tuwharetoa (as was also asserted in relation to Owhaoko and Oruamatua–Kaimanawa):

[445] Napier NLC MB No. 09: 203.
[446] Napier NLC MB No. 09: 196.

> Renata found Te Heuheu living on Patea…they then began this contention about Patea and this block. Renata and Heuheu were both armed: and Renata cursed Heuheu which offended N[gati] Raukawa[?]. Renata was wounded by one of N[gati] Raukawa: a few of Renata's people stood by him…Heuheu and his daughter Rahu said to Renata that they would cease trying to take his land, and would return to their own which they did.[447]

The limits of Ngati Tuwharetoa claims over Patea became a contentious issue in all of the blocks in the north of the Taihape inquiry district, but the evidence given by Renata's co-claimants was inconsistent. For instance, during the Oruamatua–Kaimanawa title investigation in 1894, one of Renata's strongest allies in the Court, Anaru Te Wanikau, denied that Te Heuheu had ever wanted to take over Patea, despite claiming the opposite in Court in earlier years, as had other of Renata's witnesses (as in Mangaohane). On the other hand, at the 1885 hearing Irimina Te Ngaho, one of Winiata Te Whaaro's witnesses, said that Pirimoana had been responsible for driving away Te Heuheu.[448]

Resource Use

The block was primarily used for hunting, fishing, and food gathering but there were few cases of resource use referred to by Renata's witnesses, and not many were raised by any claimant group at the title investigation. Ngati Upokoiri testified that birds were hunted at Okoroweta and Te Umutauroa, tuna caught at Ngapitopari, and kiore caught at Te Papa a Tarinuku.[449]

Ngati Hinemanu

Ngati Hinemanu's case was conducted by Pene Te Uamairangi, and the lead claimant and main witness was Winiata Te Whaaro, who through Te Ohuake and by occupation. This claim was confined to land south of the Mangaohane stream.[450] Another Ngati Hinemanu witness, Wi Wheko, claimed through the same ancestry (Te Ohuake) and occupation, but also through the conquest of Ngati Hotu by his tupuna, Tuwhakaperei, at Te Papa a Tarinuku.[451]

Other Ngati Hinemanu witnesses were Pirimona Te Urakahika, Irimona Te Ngaho, and Utiku Potaka. Irimona Te Ngaho and Utiku Potaka named a few settlements on Mangaohane which

[447] Napier NLC MB No. 09: 196.
[448] Napier NLC MB No. 09: 73.
[449] Napier NLC MB No. 09: 190-193, 203, 211.
[450] Napier NLC MB No. 09: 42-43, 67-68, 85 for whakapapa
[451] Napier NLC MB No. 09: 50.

were occupied seasonally by their ancestors: Otupapa, Papapohatu, and Pokopoko.[452] Pokopoko is marked on the survey plan[453] (see also Map 16 below).

Winiata Te Whaaro told the Court that he currently lived on the land with his own flock of sheep at Pokopoko, and described how he had settled there:

> I was born at Te Awarua outside this block to the South: I was a man when I came to Heretaunga and when I left there I went to live at Pokopoko…I did not go there because Renata told me to go. Renata gave me sheep to start a run there but I have paid for them. My boundary has never been shifted from Mangaohane; Renata did not shift my boundary from Mangaohane…he did not drive me off and my sheep always remained on the land until Donnelly and another took possession of them…I am correct when I say the conquest was mine.

It can be noted that the route used to access Pokopoko is marked on the survey plan and is named "Winiata's track" (as shown on Map 16). He stated that it was he that had let Renata bring his sheep south of the Mangaohane stream, but that his own sheep had never been driven off of the land like those of Renata: "I allowed Renata to run his sheep there because at that time I did not know Renata would oppose my claim: it is only of recent date that I have taken this stand and opposed Renata's claim."[454]

Utiku Potaka pointed to Ngati Hinemanu's role in erecting the pou at Pikitari (named Whitikaupeka) to establish boundaries after the Crown transacted land in the Rangitikei, Manawatu, and Turakina area with Ngati Raukawa and Ngati Apa. There was no mention by Utiku of the prominent role asserted by Renata in erecting these pou whenua:

> In my time N[gati] Apa and N[gati] Raukawa sold Patea country as far Tongariro, then the people of Patea N[gati] Rangi N[gati] Tuwharetoa went to annul that sale; and they put down a post at Pourewa as a land mark to define that purchase; it is on the other side of the Rangitikei river; after that no more sales took place…after this the people of Patea brought another post to stop the sale of land on the Heretaunga side and placed it at Whanawhana on the Ngarururo, it was called Whitikaupeka and Hawea; then a large meeting was held at Kokako, all the tribes except N[gati] Raukawa assembled there: and then it was arranged that another post should be taken to the opposite side of the Rangitikei river; we took the post to Pikitara[or Pikitari?] and it was also called Whitikaupeka, it was

[452] Napier NLC MB No. 09: 71, 79-80, 89.
[453] ML 753, LINZ.
[454] Napier NLC MB No. 09: 47-48.

> to stop the further sale of land by N[gati] Apa N[gati] Raukawa in that direction.[455]

Utiku Potaka had heard of Renata's fight with Te Heuheu but he knew none of the particulars.

Resource Use

A number of resource uses were mentioned by Ngati Hinemanu witnesses. At Otupapa kiore and tuna had been caught. At Te Ngakete, aruhe was dug up. Mutton birds were caught at Reporoa (marked on the plan in the south of the block), Manawamoemoe, Puketapu, and on the slopes of Aorangi in the south of the block. Ngati Hinemanu also hunted pigs near Pokopoko (marked on the plan; see also Map 16 below).[456]

Ngati Whiti and Ngati Tama

The conductor for Ngati Whiti and Ngati Tama was Hoani Tauni and the main claimants were Ihakara Te Raro (Ngati Whiti) and Hepiri Pikirangi (Ngati Tama). Pikirangi claimed the area north of the Mangaohane stream through ancestry, occupation, and conquest. This claim did not conflict with that of Ngati Hinemanu, which lay south of the Mangaohane stream. The main ancestor through which Pikirangi claimed the block was Tamakopiri, who Hepiri said had conquered Ngati Hotu. Ihakara Te Raro also claimed through Tamakopiri and similarly claimed by ancestry, occupation, and conquest.[457] The other witnesses for Ngati Whiti and Ngati Tama were Ihaka Te Hau and Retimana Te Rango.

Ngati Whiti and Ngati Tama had seasonal settlements at Waiokaha, Mangaururoa, Otuki, and Motumatai. Ihakara discussed his role in accompanying the surveyor on the block and the difficulties they experienced:

> I commenced my survey at Waiokaha: I was interfered with by Winiata [Te] Wharo and Irimana Ngaiho [sic]: Anaru Te Wanikau was present but he did not interfere…they succeeded so far that they shifted my survey up to the mouth of the Mangaohane, but no further. I was interfered with by N[gai Te] Upokoiri when I commenced at the mouth of the Mangaohane: and they stopped my survey at the mouth of the Wairehu…I postponed the survey to a future date.

[455] Napier NLC MB No. 09: 82-83, 90.
[456] Napier NLC MB No. 09: 71, 79-80, 89.
[457] Napier NLC MB No. 09: 94-96 for whakapapa, 115.

When he later re-started the survey, he was again opposed by Te Whaaro as well as Anaru Te Wanikau but (as set out earlier) he still had the survey completed despite these interruptions.[458]

Pikirangi mentioned the prominent role that Ngati Whiti, Ngati Tama, and Ngati Paki played in erecting pou around the outer edges of the Patea region to oppose Crown land dealings arranged in the area with other tribal interests. He noted the role Renata played in stopping land sales on the Heretaunga side, but made no mention of Renata in his discussion of the pou whenua erected to counter Ngati Raukawa and Ngati Apa to the west. Pikirangi also discussed an early lease that had been negotiated by Renata with the Heretaunga storekeeper and speculator Maney (who, from the mid-1860s, emerged as one of the Hawke's Bay land-sharks, proving adept at separating Maori from their land using questionable methods). He stated that it had been a valid lease but that Renata had refused to fulfil the terms of the lease. It was not clear exactly what terms were unfulfilled.[459] The most obvious term that Renata would have been unable to satisfy (until 1885) was the requirement in leases arranged by the likes of Maney for legal title in the Native Land Court to be secured for the land being leased.

Resource Use

Ngati Whiti and Ngati Tama witnesses detailed their use of the Mangaohane block for food. For instance, tuna were caught at Makahikatoa and mutton birds were caught at Otupae. Kiore and some birds were caught at Taumatakarikiore, Pokopoko forest, Pepekiterunga, Te Ngawheoterunga, Ngaiwheoteraro, and Pepekiteraro.[460]

Ngati Upokoiri (Airini Donnelly and others)

The conductor and main claimant for this group of Ngati Upokoiri was Airini Donnelly who, in this case, opposed her great-uncle, Renata Kawepo. Donnelly claimed the Pokopoko forest portion through Tuterangi and the wider block through Honomokai and Te Uamairangi. She claimed the block by ancestry, occupation, and conquest. She stated that Ngati Hotu were never conquered by Tamakopiri and that Ngati Hotu were instead a mythical group. Instead she claimed that the first conquest in Patea was by Tutemohuta over the Ngati Tamawahine people.[461] (It can be noted that Ngati Hotu are widely known throughout the central North

[458] Napier NLC MB No. 09: 116-117.
[459] Napier NLC MB No. 09: 97, 102-103.
[460] Napier NLC MB No. 09: 98, 116.
[461] Napier NLC MB No. 09: 168, 172.

Island as an early tribal group – perhaps the first occupants of the area – who were conquered by later arrivals).[462]

Her main witness was Raniera Te Ahiko who claimed the land through Haumoetahanga and Whatumamoa.[463] In contrast to Donnelly, Te Ahiko claimed that Ngati Hotu had existed but that they were conquered by the tupuna Upokoiri. Te Ahiko admitted he had lived away from the area for most of his life but he claimed that his knowledge about the history of the land entitled him to occupation rights: "My occupation is comprised by my being the historian of the block: that is the occupation I claim."[464] This is a rather unique take; being some unusual species of intellectual property rights. The other witnesses for Donnelly's group were Te Teira Tiakitai of Heretaunga (Ngati Kurukuru, who claimed through Rangituouru and Te Uamairangi) and Eruini Te Whare (Ngati Kahunugunu, Ngati Te Rangiita, and Ngati Turangitoa).

Te Ahiko claimed that his tupuna had lived seasonally at a number of settlements around the block: Otuwhakahaumu, Wairoa, Waiokaha, and Motuhou.[465] He claimed that the pou called Whitikaupeka referred to by Ngati Hinemanu, Ngati Whiti, and Ngati Tama was not related to land sales in the 1840s and 1850s. but rather to an ancestral incident involving Te Uamairangi.[466] This runs counter to all of the evidence given in multiple cases about the timing, purpose, and significance of the pou Whitikaupeka and other pou put up in that period.

Donnelly downplayed Renata's role in driving Te Heuheu out of the Patea. She claimed that the Ngati Tuwharetoa claim related only to the small portion in which Te Heuheu's relatives had been buried, so it was not the threat that it had been alleged by others to be. She added that Renata had not been instrumental in countering the land sales of Te Hapuku; rather it was primarily the influence of Tareha that had curbed the sale of land in Heretaunga: "Renata was not instrumental in stopping Hapuku selling lands as he (Hapuku) had sold all his own lands. Tareha, I think, stopped Hapuku's sales because he had the most people: it was not Renata that instigated these people to oppose Hapuku."[467] This is another instance of Donnelly distorting the facts to suit her case: Renata Kawepo was heavily involved in the Pakiaka

[462] See, for instance, Angela Ballara, 'Tribal Landscape Overview, c.1800-c.1900 in the Taupo, Rotorua, Kaingaroa, and National park Inquiry Districts', CFRT, 2004, pp.31-34.
[463] Napier NLC MB No. 09: 123-124, 175 for whakapapa.
[464] Napier NLC MB No. 09: 143.
[465] Napier NLC MB No. 09: 127, 130.
[466] Napier NLC MB No. 09: 138.
[467] Napier NLC MB No. 09: 180, 182.

fighting of 1857 (as were Tareha Te Moananui and other Heretaunga rangatira), and official reports indicate that he fired the first shot in what was ultimately a fatal battle to prevent further secret land purchases by the Crown from Te Hapuku.[468] What this dishonest evidence indicated was the extent to which Airini was now opposed to Renata.

In fact, Donnelly devoted much of her evidence trying to explain how her own claim differed from that of Renata, her great-uncle. She asserted that as Renata had been a captive of Ngapuhi in the Bay of Islands as of 1840, he had lost all of his ancestral and occupation rights in the region according to the doctrines and practices of the Native Land Court (a reference to the '1840 rule', under which customary tenure as of 1840 – when the Crown was presumed to have acquired sovereignty over the entire country – was what the Native Land Court was determining).[469] Renata had been captured and enslaved in 1835, but Donnelly asserted that her grand-father and grand-mother, Erena and Te Tiakitai, had both remained in the Patea district; maintaining their occupation rights while those of Renata were supposedly extinguished by his brief absence. She also pointed to the female ancestral line that had begun at Te Uamairangi and flowed down through to her grand-mother and mother and down to her. She framed the female ancestral line as more prominent and dominant, and thus claimed that her take was superior to that of Renata.[470]

Resource Use

The mountains, streams and lakes of the Mangaohane block were said to be important sources of food for Ngati Upokoiri. Tuna were caught at the Kopiri lagoon and kiore were caught at Pokopoko and Te Patiahinekui. Near Otuwhakahauma there was a small lake in which mountain trout could be caught. Birds were caught at Okuraharakeke and Te Umuharore(?), and aruhe was dug up and potatoes were planted at Motuhou.[471]

Judgment

Before delivering its judgment on 27 February 1885, the Court noted:

> We regret that this case has taken so long a time, but in that we hold ourselves not to blame. Personal feelings have been imported into

[468] G. S. Cooper to Native Secretary, 19 August 1857. AJHR, 1862, C-1, p.332. See also *Daily Southern Cross*, 29 September 1857.
[469] Napier NLC MB No. 09: 185.
[470] Napier NLC MB No. 09: 179-183.
[471] Napier NLC MB No. 09: 127-128.

> the discussion; this we regret. In our judgment we shall avoid such topics, and base it upon what in our opinion are [the] true abstract rights of the parties in this case.[472]

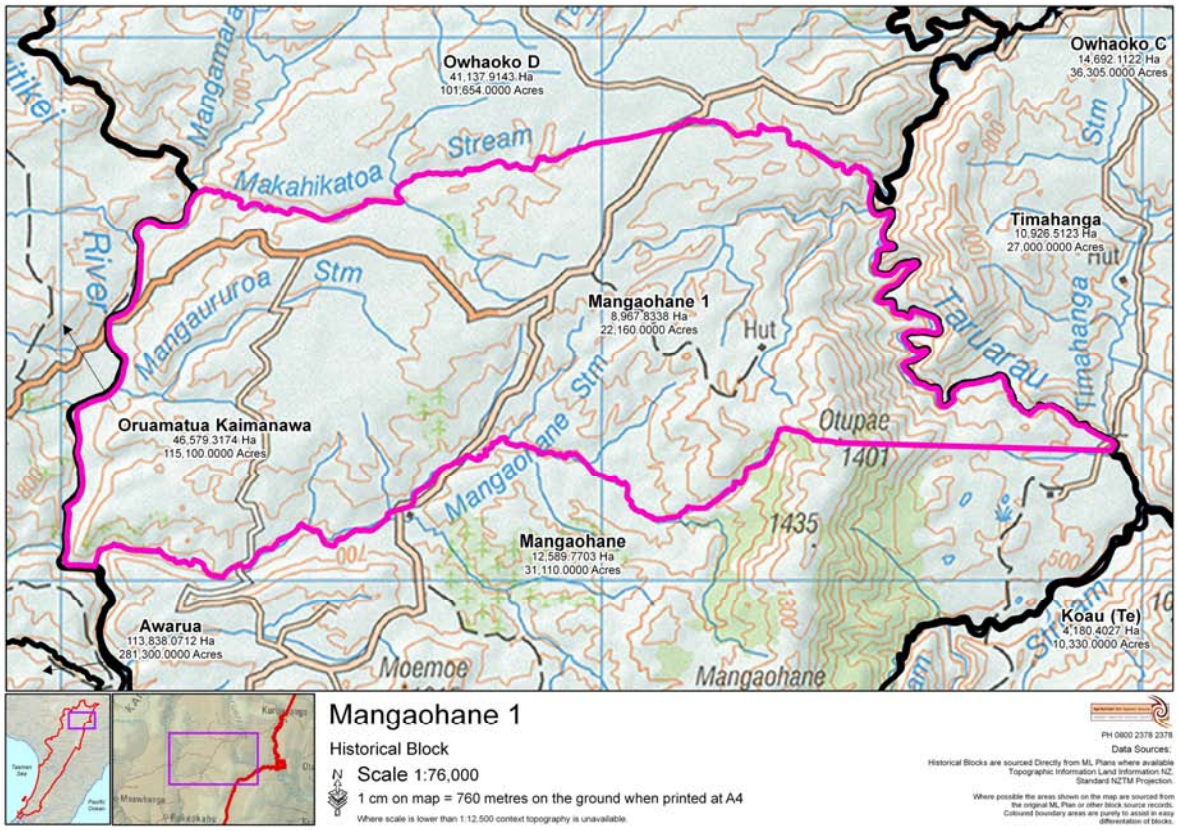
It considered that all parties recognised the conquest of Ngati Hotu, although some (notably Donnelly) felt this was more mythical than real. In the Court's view, it was not clear if there was such a conquest and if there was, whether it "had anything to do with the title of this land." It concluded there "probably" had been such a conquest, "but it is laid in time so remote that a great deal of the mythical attaches to it." (As noted earlier in this report, the conquest of Ngati Hotu is a widely known and often-cited part of the tribal history of the Patea district, whatever the likes of Airini or the Court might think.) It also considered that all the fights with Ngati Kahungunu and others "in no way affected the title to this land," so it proceeded to deal with the individual claims on other take.[473]

Dealing firstly with the Ngati Whiti and Ngati Tama claim to the land north of the Mangaohane stream, the Court believed some claimants had alleged that Tamakopiri, Whitikaupeka, and Ohuake were contemporaries and joined in the conquest of Ngati Hotu. However, it found from the whakapapa given that it appeared that Tamakopiri existed seven generations before Whitikaupeka, who had married the grand-daughter of Ohuake. Whitikaupeka had, the Court continued, come from Mohaka to Patea as a fugitive and he had married Haumoetahanga. The Court found that Whitikaupeka's right to the land was through Haumoetahanga, but even if he was a charismatic leader and may have, "by personal courage, obtained a leading position," it concluded "that his marriage first gave him a status in this land" (even if, as it added, his "personal character may have strengthened that position").[474] In other words, the Court was straining to make a distinction between the rights Haumoetahanga established through his marriage and those he established through his own mana.

According to the Court Haumoetahanga's sister, Punakiao, married Taraia and then moved to Heretaunga. Thus, it considered that the mana remained with Haumoetahanga's line, represented by Ngati Upokoiri and Ngati Whiti. The descendants of Whitikaupeka's son, Te Wharepurakau (an important ancestor of Ihakara Te Raro, Retimana Te Rango, and many others of Patea), shared the land with the descendants of Punakiao's son, Te Honomokai (those descendants including Renata Kawepo, Airini Donnelly, and others). These two groups were awarded the land lying north of the Mangaohane, from its mouth on the Rangitikei to its

[472] Napier NLC MB No. 09: 237-240; and, *Hawke's Bay Herald*, 2 March 1885, 3.
[473] Ibid.
[474] Ibid.

source at Otupae, and then in a straight line east to Taruarau stream: this land was dubbed Mangaohane 1 (22,160 acres according to the survey plan, less 76 acres already taken for the Napier–Taihape road; giving a net award of 22,084 acres).[475] Mangaohane 1 is shown on Map 14 below.



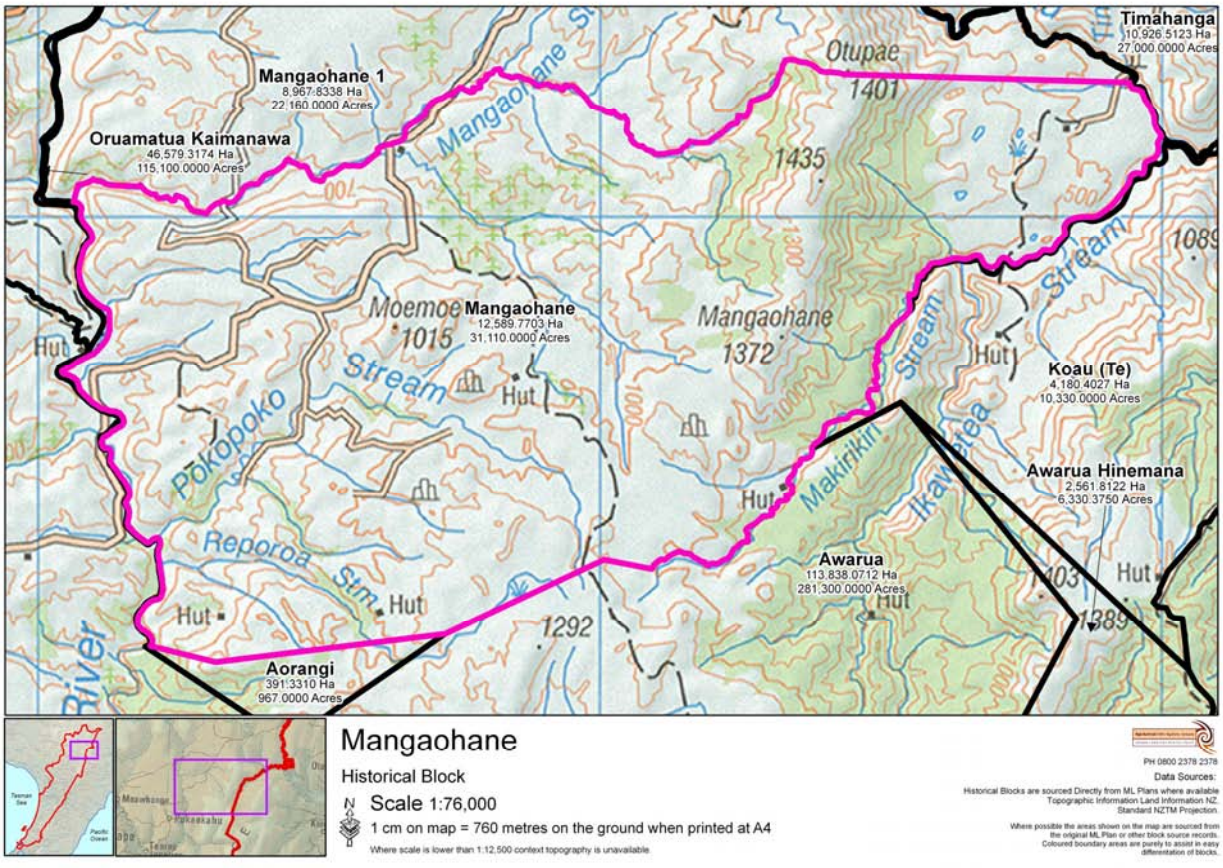
Map 14: Mangaohane 1

Before dealing with the balance of the block, the Court remarked on the many applications that had been made to the Court for Mangaohane, dating back to 1881. There had been three applications from Renata and his party, five from Airini and her party, and others from Ngati Whiti. This indicates that Ngati Hinemanu had not made any of the original applications, but were instead responding to claims made by others. The significance of the applications being dealt with by the Court was that "none of them extended their claim to Ohupepe." This fact, combined with the evidence given, led the Court to conclude that, "the evidence as to that part south of Te Papa a Tarinuku is not sufficiently clear to justify us in coming to a judgment upon it." It is assumed that the Court was referring to Te Papa a Tarinuku; 'the food trough of Tarinuku' (also known as 'The Narrows') being a well-known gorge on the Rangitikei River associated with Patea tribal traditions. By one account Tarinuku was a resident rangatira who

[475] Ibid; and, ML 753, LINZ.

supplied food to Tamatea.[476] Te Papa a Tarinuku is not marked on the survey plan before the Court, but lies on the Rangitikei River just north of the mouth of Otapapa Stream. The southern limit of Mangaohane is marked on the final survey plan as a point on the Rangitikei River just south of Te Papa o Tarinuku, named Koaupari (extending east to a point named Nga Whare Korari).[477]

The rest of the Court's judgment thus applied only to the part of Mangaohane described in the application published in the panui of 9 May 1884, being that lying south of the area awarded as Mangaohane 1. The Court then cited the boundaries named in that application (No. 172), noting that this meant that its judgment for the balance of Mangaohane did not include "the part south of Te Papa a Tarimuku[sic]," which was left for a future Court to deal with. The land excluded by the Court from Mangaohane was, much later, investigated as the Aorangi Awarua block (an area rather ambitiously dubbed "The Paradise" on modern topographic maps). The Mangaohane (or 'Mangaohane proper') block is shown on Map 15 below.



Map 15: Mangaohane Block

[476] Samuel Locke, 'Historical Traditions of the Taupo and East Coast Tribes,' in, *Transactions and Proceedings of the Royal Society of New Zealand*, Vol. 15, 1882, p.450.
[477] ML 753, LINZ.

As for the balance Mangaohane, the Court did not know whether Honomokai had been born in Patea or when he came to Mangaohane, but considered that his influence was undeniable, and had only increased with his marriage to Aopupurangi, the daughter of Wharepurakau. It found that the ancestral rights from Te Wharepurakau and Te Honomokai had to be accompanied by evidence of occupation, as not all the descendants of these ancestors had rights in the land. As a result of the Court's view that Ngati Hinemanu did not satisfy these criteria, their claim to the portion south of the Mangaohane stream was rejected, and the entire southern portion – initially dubbed Mangaohane 2, but later amended to just Mangaohane (comprising 31,110 acres)[478] – was awarded to Ngati Upokoiri (Renata Kawepo, Airini Donnelly, and others), "and to such other descendants of Honomokai as shall be found entitled by occupation."[479] That is, Honomokai was deemed to be the more important ancestor for Mangaohane than Wharepurakau.

In its judgment the Court referred to its leniency regarding the '1840 rule' in relation to the inclusion of Renata Kawepo. It had not wanted to refer to this issue, "but it has been in a manner forced upon us by the counter-claimant, Airini Donnelly," who had referred to previous Court findings on the 1840 rule in relation to Renata Kawepo's claims. It may have been Airini's personal and vindictive evidence on the issue to which the Court had referred earlier, when complaining about the "personal feelings" brought into the case and which had prolonged it. The Court acknowledged that Renata had been out of the region and in captivity in 1840, much as the Court had stated during the Pukehamoamoa judgment (being a Heretaunga block heard in 1880, in which Native Land Court Chief Judge Fenton had recognised the critical role of Renata in re-establishing the mana of Ngati Upokoiri in Heretaunga after 1840, and in which he explicitly rejected the claims made by Donnelly, who he criticised as bringing a "Pakeha influence" to the case, which had "brought great unhappiness and misery into the tribe[480]). Yet the Court also recognised (as it had in the Pukehamoamoa judgment) that Renata had provided invaluable service to both the Crown and Ngati Upokoiri since his return from the Bay of Islands in the mid-1840s.[481] His contributions to the government and to his own people strongly influenced the decision of the Court in 1880, and again in 1885 at Mangaohane. The merits of such considerations when dealing with the customary interests of those who did not regard Renata as their leader, or as having rights in their lands, is questionable.

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[478] ML 753, LINZ.
[479] Napier NLC MB No. 09: 237-240; and, *Hawke's Bay Herald*, 2 March 1885, 3.
[480] See *Hawke's Bay Herald*, 12, 13, and 15 November 1880; and, *Daily Telegraph*, 15 November 1880.
[481] Napier NLC MB No. 09: 240-242; and, *Hawke's Bay Herald*, 2 March 1885, 3.

The controversial decision of the Court was on consecutive days both lauded and then criticised in the pages of the *Hawke's Bay Herald* in March 1885, not long after the judgment was delivered. A letter to the editor by Renata's conductor, James Carroll, was then published in which he not only defended the judgment but also criticised Airini Donnelly. He argued that her complaints and mode of operation had been undignified and had only been allowed to occur because of her gender: "I doubt if I should have been allowed to go so far without being stopped, but there was an instinctive courtesy to the agent on the other side, who happened to be a woman."[482]

Although Donnelly had managed to get herself on the title to both parts of the Mangaohane block, she was displeased that Renata had been admitted in to the title and that Ngati Whiti had been admitted into the northern portion (Mangaohane 1). Accordingly, she immediately applied for a re-hearing. The Court responded that those awarded title needed to draw up lists of owners and that only after the lists were completed and the title finalised could the awards for Mangaohane and Mangaohane 1 be appealed.[483]

Application for Rehearing

Winiata Te Whaaro also sought a re-hearing, and subsequently applied for one because he and Ngati Hinemanu had been left out of the title to the southern portion of the block claimed and occupied by his people (Mangaohane proper). His application for re-hearing and that of Donnelly were both rejected by Native Land Court Chief Judge MacDonald in May 1885, improperly as it later transpired. A third application – from Sheehan, trustee for Arapata Karaitiana, sole successor to Karaitiana Takamoana – was also rejected. Sheehan's application on behalf of an individual is not germane to the wider issues of title and is not further discussed here.

The application of Winiata Te Whaaro and Ngati Hinemanu cited several grounds "at considerable length," but the Chief Judge summarised them as being:

> 1. That the whole block was not dealt with. 2. That Dr Buller, who was acting for Renata Kawepo...sat near and spoke to the Assessor during the hearing. 3. Allegations of particulars wherein the judgment was contrary to the evidence.[484]

[482] *Hawke's Bay Herald,* 2 March 1885, 2-3; 3 March 1885, 2-3; and 4 March 1885, 3.
[483] *Hawke's Bay Herald*, 3 March 1885, 3.
[484] *Hawke's Bay Herald*, 7 May 1885, 4.

The first ground of complaint was dismissed on the basis that the Court was "expressly authorised by the Act" to award title to only part of a block being claimed. On the second point, it was admitted that, "it would have been better if Dr Buller had chosen some other resting place, or being where he was, had not addressed the Assessor," but it did not find that his conversation with the Assessor was grounds for re-hearing; particularly as Judge Williams claimed to have "heard all that passed" between Buller and the Assessor, and that it "had no relation to the business in hand." On the third point – that the judgment was inconsistent with the evidence – the Chief Judge considered "the appellants set up their opinion against that of the Court," and (without hearing from them) he agreed with the Court rather than Ngati Hinemanu.[485]

For the same reason, Donnelly's objection to the inclusion of Ngati Whiti in the title to Mangaohane 1 was also rejected; the Chief Judge preferring the Court's reading of the evidence to that of Donnelly. The Chief Judge then devoted more space to his rejection of Donnelly's legalistic appeal on the basis of the 1840 rule and her assertion that Renata had lost all rights to Mangaohane when he was taken captive by Ngapuhi, and had failed to re-establish any rights as of 1840. The Chief Judge concurred "in the law" regarding the 1840 rule, but disagreed that "the fact of a native owner having been taken captive in war by the enemies of his tribe entailed forfeiture of his interest in the tribal lands." True, Renata's interests "would have been passed over" in 1841, "but I think this instance is one may be taken as one of those exceptions which prove the rule."[486]

Two petitions were sent to Parliament regarding Mangaohane later in 1885. Both petitioners, Noa Te Hianga and Te Rina Mete Kingi, asked for a re-hearing of the case. Te Hianga alleged that he was unable to attend the Court due to illness, but he had just as much rights in the land as the three parties that were awarded title. Kingi claimed that she was "excluded without cause from the list of names given in the judgment." Both petitions were referred to the government by Parliament's Native Affairs Select Committee as "this case will require minute inquiry."[487] No evidence relating to any such inquiry has been located.

The Mangaohane case was not reheard (as Owhaoko was), but nonetheless calls continued to be made for re-hearing, not only from Winiata Te Whaaro and Ngati Hinemanu and Ngati

[485] *Hawke's Bay Herald*, 7 May 1885, 4.
[486] Ibid.
[487] "No. 125.—Petition of Noa Te Hianga," *AJHR,* 25 June, 1886, I-2, vol.4, 1886, 14; "No. 446.—Petition of Te Rina Mete Kingi," *AJHR,* 11 August, 1886, I-2, vol.4, 1886, 40.

Paki, but also from other groups such as Ngati Tama. In 1888, the Native Land Court agent Captain Robert Blake wrote to the Mangaohane farm manager, R. T. Warren, about the possibility of a re-hearing of Mangaohane. Warren was employed by the lessee of Mangaohane (and extensive adjacent lands), Studholme. Ngati Tama had been completely left out of the title and, according to Blake, they were still doing their utmost to obtain a re-hearing. They had not accepted any of Studholme's money, fearing that accepting it would compromise their ultimate objective of obtaining a re-hearing of the block. Blake stated that as a result of the inquiry into Owhaoko, and the new investigation of title in 1887, pressure on having was mounting for a re-hearing of the equally contentious Mangaohane block. Blake predicted that by the time Ngati Whiti and Ngati Tama finished with Owhaoko, "Noa Huke, Wi Wheko, and all N'[gati] Hinemanu—Winiata Te Whaaro and N'[gati] Paki, and N'[gati] Ohuake—and certain N'[gati] Whiti will support the application of N'[gati] Tama for a rehearing."[488]

Blake sympathised with those who had been left out of the title, because he knew they were in the right: "I am quite satisfied myself that great injustice was done to the N'[gati] Hinemanu in the Mangaohane case." He thought Ngati Tama would be included in the Owhaoko title and that it would help them gain a re-hearing of the Mangaohane block, because "all the parties in Court" agreed that the Mangaohane and Owhaoko blocks were one and the same.[489]

As a result of these developments, the solicitor Fraser was allegedly doing his utmost to ensure that Studholme's lease-to-purchase at Mangaohane was protected, and approached Ngati Tama to assist in this regard. In mid-1888, Ngati Tama were allegedly willing to assure Studholme that, if they succeed in securing interests in the block, they would uphold his purchase. Blake thought that if there was a re-hearing of the Mangaohane block, Ngati Whiti and Ngati Tama would be provided with Mangaohane 1, and that Mangaohane proper (to the south) would be split between Anaru Te Wanikau, Airini, and Ngati Hinemanu and Ngati Paki.[490]

While Blake initially seemed to sympathise with Ngati Hinemanu and Ngati Paki, by 1892 he had signed a written undertaking that:

> from the date of this writing I will in no way directly or indirectly take part or assist or give any information whatsoever to those

[488] Robert Blake to RT Warren, 6 September 1888, MS-Papers-0272-06, ATL.
[489] Robert Blake to RT Warren, 6 September 1888, MS-Papers-0272-06, ATL.
[490] Robert Blake to RT Warren, 6 September 1888, MS-Papers-0272-06, ATL.

> persons and their solicitors or agents now claiming to be admitted as owners in the Mangaohane block either privately or in any Court of Law or Native Land Court. I further hereby agree to give immediate notice to my late clients and their solicitors that I have retired from the case and can take no further action on their behalf therein.[491]

The presence of Blake's withdrawal from the matter among the Studholme papers tends to suggest pressure from Studholme played its part in Blake's decision. Regardless of his shifting allegiances, the experienced and knowledgeable Blake was well aware of the injustice inflicted by the Native Land Court on Ngati Hinemanu, Ngati Paki, and other Patea tribal interests in the Mangaohane case. His belief that this injustice would be remedied by a re-hearing proved to be sadly misplaced.

4.3 Leases and Surveys

A key driver for the numerous applications to the Native Land Court for a title investigation of Mangaohane – and for the disputes over its occupation in the 1870s and early 1880s – was John Studholme's desire to add Mangaohane to his extensive pastoral activities on Patea lands to the west. As soon as the title was awarded in 1885, he moved to secure his leasehold position with the newly-appointed titleholders, before seeking to transform his leasehold into freehold.

His family papers contain a list of those paid for his Mangaohane leases in these early years. His records indicate that in the first four years of the lease (from 1881 to 1884), the rent was to Renata Kawepo only: £250 in 1881; £400 in 1882; £700 in 1883 £700; and £500 in 1884. Following the title investigation, the payments for 1885 were split amongst the various owners, but Renata still received a disproportionate share of the £485 paid by the Studholmes for the lease of Mangaohane, as shown in the table overleaf.[492]

[491] MS-Papers-0272-22, ATL.
[492] MS-Papers-0272-04, ATL.

Table 24: Rent Paid by Studholme for Mangaohane Lease, 1885

Owner	Amount Paid (£)
Renata Kawepo	250
Urania Renata	5
Ngaruru Akura	5
Werita & Puka Rawira (?)	10
Erui Te Erena	10
Karaitiana	20
Harawauha (?)	5
Kiwi Pini (?)	10
Matakohiti	10
Waikari Karaitiana	10
Urania Renata and Tuu Wakapira (?)	10
Rena Maikuku	5
Hopati Auraki	5
Rawinia Te Wanikau	5
Ropoama Pohi and Terete Pohi	10
Iwikau Te Heuheu	5
Eruti Rota and Harawira Hepiri	10
Karata Te Ota	5
Reria Te Rere and Te Amapo Hina	10
Merehera Te Oti and Eruati Mina	10
Te Amapo	5
Rora Te Ota and Wera Utiku	20
Te Ao Marama and Ani Kingi	10
Ngaramako and Uparu Retimana	10
Anaru Te Wanikau	30
Total	**£485**

As the block had been divided by the 1885 title award, Studholme needed to arrange a fresh lease for Mangaohane 1. On 4 August 1885, members of Ngati Whiti and Ngati Tama signed a 21-year lease of Mangaohane 1 with Studholme's manager, Warren, but the rental is not known.[493]

In October 1885 competing deeds of lease for the two Mangaohane titles were submitted to the Trust Commissioner for certification. Airini Donnelly and six others proposed to lease Mangaohane proper (the larger southern block) to Richardson for 21 years. Retimana Te Rango, Wata Rakai Werohia, and six others proposed to lease Mangaohane 1 (22,042 acres) to Richardson for 21 years.[494] Neither proposed lease included all of the grantees in each title. The leases, as subsequently finalised, refer to areas of 26,000 acres and 23,000 acres; the

[493] MS-Papers-0272-04, ATL.
[494] *Daily Telegraph,* 27 October 1885, 2.

former concerns most of the larger Mangaohane proper block (as partitioned in 1890; see below), and the latter appears to be a typographical error relating to the area of Mangaohane 1 (closer to 22,000 acres rather than 23,000 acres). The annual rent for each lease was the same; £650. The value of the owners' interests was given as £7,000 for Mangaohane 1 and £8,000 for the other Mangaohane portion (with the lessee, by 1891, having interests – presumably in improvements – of £3,000 and £2,000 respectively).[495] The proposed lessee of Mangaohane 1, Richardson, was opposed by some among the Ngati Whiti grantees. Horima [Paerau] and Retimana [Te Rango] were two mentioned by Warren who opposed the leases.[496] The competition between Studholme and Richardson over the leasing of Mangaohane was not resolved for some time.

With the new leases being arranged, the pressure to complete the survey of the two 1885 titles increased. The surveyor Kennedy was once again hired to survey Mangaohane, including its division into two titles, while also excluding the southern part to which the Court declined to award title (around Aorangi maunga). Kennedy's survey was, as before, obstructed; this time by Enoka Te Aweroa and Hori Tanguru in early November 1885. Their actions led to charges being laid against them. Kennedy wrote to one set of Studholme's solicitors, Carlile & McLean, that his survey had been interrupted by Maori protests. In Kennedy's own words Carlile & McLean, "apparently did not care whether or not the survey proceeded" and refused to pay his costs. He wrote to Studholme's manager, Warren, to appeal directly to Studholme on the matter. The Native Land Court had instructed those obstructing the survey, of which only Retimana Te Rango was named, to cease their opposition, but "Retimana openly expressed his determination of doing so." Kennedy threatened to withdraw his surveying team from the block if his payment was not guaranteed. Warren wrote to Studholme on the matter and informed him that he would be heading directly to Napier to appease Kennedy. The obstruction charges were eventually dropped when it was revealed that Kennedy had still not received the permission of the Surveyor-General to continue his survey, so he had no grounds for complaint. Authority to survey was soon granted by the Surveyor-General, on 30 January 1886, but the process of this approval is not revealed in the existing research. By March 1886 the survey of the block had been completed, and in April 1886, the plan of the two Mangaohane titles was approved.[497]

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[495] AJHR, 1891, Session II, G-10, p.17.

[496] Warren to Studholme Sr., 12 May 1888, MS-Papers-0272-12, ATL.

[497] *Daily Telegraph,* 30 November 1885, 3; *Hawke's Bay Herald,* 9 December 1885, 2; *Hawke's Bay Herald,* 10 December 1885, 2; *Hawke's Bay Herald* , 28 March 1886, 2; and, ML 753, LINZ; CD Kennedy to Carlile & McLean, 10 November 1885, MS-Papers-0272-15, ATL; Carlile & McLean to Kennedy, 21 November 1885, MS-Papers-0272-15, ATL; Warren to Studholme Jr, 23 November 1885, MS-Papers-0272-15, ATL; Kennedy to Warren, 1 Dec 1885, MS-Papers-0272-15, ATL.

4.5 Partition, 1890

The 1890 Mangaohane partition was in some ways an extension of the title investigation, as some of the issues around Ngati Whiti and Ngati Hinemanu rights were revisited. While the relative occupation rights of Ngati Upokoiri and Ngati Whiti were supposed to be the main focus of the partition, Winiata Te Whaaro was also afforded time in Court, mainly in the role of supporting the Ngati Whiti take but also with a view to having evidence in support of Ngati Hinemanu's claim put on record. In contrast to the title investigation, there was much wider discussion of resource use, as the focus of the partition hearing was on occupation rights, as these were to determine where the various interests were to be located within the blocks.

A petition from Winiata Te Whaaro "and another" was then before Parliament, praying for block-specific legislation to enable a re-hearing.[498] This was noted in Court, which observed it would not affect the subdivision hearing. Ngati Hinemanu's efforts in the Court in 1890 were ultimately as fruitless as their efforts in Parliament.

Ngati Whiti and Ngati Hinemanu Resource Use

The fairly limited detailing of settlements and food gathering areas in the first hearing was significantly built upon at the partition hearing as many more witnesses were called to testify. The new conductor for Ngati Whiti was Hiraka Te Rango. Winiata Te Whaaro was the only person who testified for Ngati Whiti who had also testified at the first hearing in 1884-1885, although, as in 1885, he represented the interests of Ngati Hinemanu rather than Ngati Whiti. In addition to Te Whaaro, Raita Tuterangi, Heta Tangaru [or Tanguru], and Hiraka Te Rango[499] testified for Ngati Whiti. A number of settlements where Ngati Whiti and Ngati Hinemanu camped while hunting for food on the block were referred to at the partition hearing: Ngapitopari, Parakiri, Tikotikorere, Motumotai, Pokopoko, Te Puna Upokororo, Te Puna o Wairehu and on the Kaianui Stream. Witnesses detailed how Ngati Whiti and Ngati Hinemanu hunted rats and birds at Rawhitiroa, and mutton birds and wekas at Motumotai. They also caught eels in the Kaianui Stream, Te Whakamumu and Mangaururoa and dug fern root at Otamateatautahi. There were also some details provided about harakake plantations

[498] Petition 10/1890. *AJHR*, 1890, I-3, p.9.
[499] The NLC minutes state "Hiraka Te Raro" but this seems to be a recording error.

that were used for clothing by Ngati Whiti and Ngati Hinemanu at Otukopiri, Mangauruoa and Matiu o Tautahi.[500]

Ngati Upokoiri Resource Use

In addition to Raniera Te Ahiko, a few new witnesses (Gilbert Mair, G. P. Donnelly, and Erueni Te Whare) were called for Airini's case, which was now conducted by T. W. Lewis,[501] but there were no mentions of any specific settlements or resource uses. Carroll again conducted the case of the recently deceased Renata Kawepo (presumably on behalf of his successors), and Anaru Te Wanikau was now his primary witness as Paramena Naonao did not participate in this hearing. Te Wanikau gave the names of areas where food was collected by his Upokoiri tupuna: Ngapitopari, Te Puna Upokororo, Makahikatoa, Ototara, Mangaruhe, Motumatai, Pohokura, Otutaranaki, Okuraharaki and a kainga at the base of Otupae. The only mention of specific foods that were gathered was of aruhe dug up at Tamateatautahi and catching tuna at Otukopiri.[502] It is evident from the places named that both parties were claiming use rights in several of the same customary mahinga kai.

Judgment

The Court found in its judgment of 13 May 1890, that Ngati Upokoiri (or Ngati Honomokai as they were referred to) had done a better job than Ngati Whiti of showing possession and occupation of the land, observing that Ngati Whiti's evidence "is mostly, if not wholly, of a date subsequent to 1840." The Court added:

> We remark also on the manner in which the evidence of N'Whiti has been put forward in this Court, and in the previous hearing in 1885. The absence of some of the principal N'Whiti on such occasion, for which no satisfactory reason is given, is suggestive that motives influenced it. On the part of the N'Honomakai we have evidence of dealings with this land prior to 1840, and for a longer time.[503]

It is not clear what point the Court was making about the absence of leading Ngati Whiti from the Court. As at the title investigation, the evidence produced by Ngati Upokoiri – who had

[500] Napier NLC MB No. 20: 358-361, 386, 392, 396, 405.
[501] This appears to be T. W. Lewis, Jr; son of the long-serving Native Department Under-Secretary, T. W. Lewis, who was still serving as Under-Secretary when he died in November 1891 (*Auckland Star*, 25 November 1891, 3). His son was a 'native agent' and conductor of NLC cases from the late 1880s onwards (see, for instance, *Hawke's Bay Herald*, 9 December 1892, 3).
[502] Napier NLC MB No. 20: 416, 435-436.
[503] Napier NLC MB No. 20: 451.

more than 20 years experience of Native Land Court processes – was deemed to be more convincing than that put forward by those far less experienced in the ways of the Court; Ngati Whiti, but also Ngati Hinemanu.

Based on the differing evidence relating to "all the reasons [i.e., take], ancestral and occupation," the Court awarded Ngati Honomokai the vast majority of the block – 48,540 acres – while Ngati Whiti received just 6,800 acres.[504] Hiraka responded that they were "rather taken aback" by the Court's awarding of "so much of the land" to Ngati Honomokai, and sought an adjournment to enable the Ngati Whiti lists to be revised. The allocation of individual interests was complicated by some owners having sold their interests while others had only leased theirs.[505]

After the Court delivered its judgment a number of days were spent proving and disproving the rights of individuals to appear on the two Ngati Upokoiri lists of owners, and the Ngati Whiti list.[506] In the end orders were made for Mangaohane 1A–1C, 1E–1P and 1R; while Mangaohane proper was divided into Mangaohane A– G, and Mangaohane Otupae, as set out in the table overleaf.

The minutes refer to an order being agreed for Mangaohane 1D, comprising 33 acres to be awarded to two grantees, but no final order was ever made and the title never existed (it seems likely the interests of the two prospective grantees were added to the Mangaohane 1A 'reserve', as this was initially to be 502 acres, but the final area was 544 acres, excluding 6 acres already taken for a road). Similarly, there was an application for an award to be called Mangaohane 1Q, but it was adjourned and does not appear to have ever been pursued. Finally, there are orders in the minutes and Court records for Mangaohane C (to comprise 6,817 acres), but there are no other indications that this title was finally made (if it was made, the total area of the subdivisions would also be grossly in excess of that available within the Mangaohane survey). Plans show the Mangaohane Otupae block in the area where Mangaohane C would otherwise have been located, and it seems probable that the Otupae title was created instead.[507] In addition, the acreage of Mangaohane G is the same as the putative Mangaohane C block, indicating that the proposed titles were re-arranged with the result that the latter was not finally ordered. Some of the acreages given in the Court minutes

[504] Napier NLC MB No. 20: 451.
[505] Napier NLC MB No. 20: 452-454.
[506] Napier NLC MB No. 20: 470-474; Napier NLC MB No. 21: 1-122.
[507] Mangaohane No. 1 Block Order Wh 597 Vol 1 in 'Maori Land Court Records Document Bank', 306.

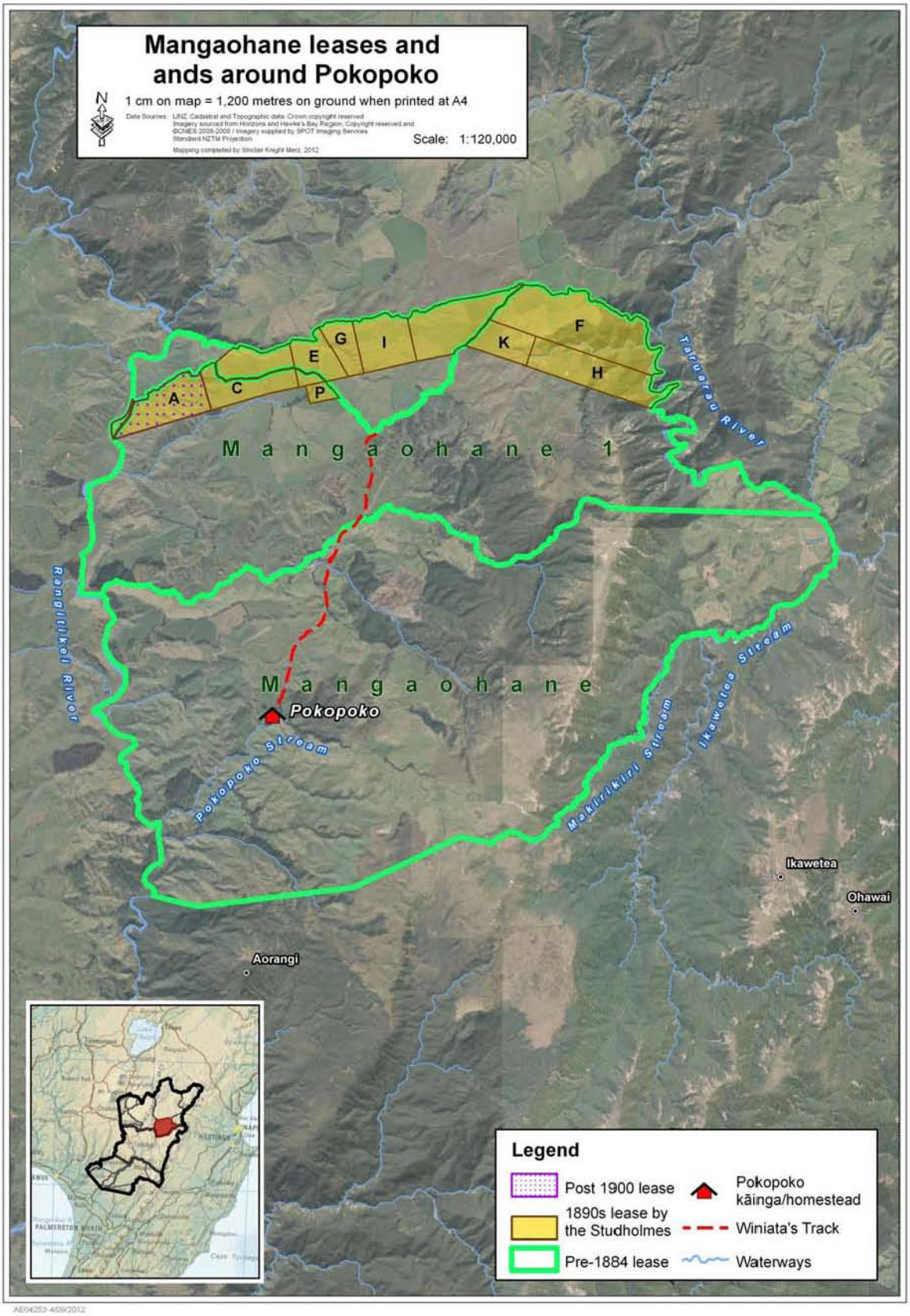
differ from the final surveyed titles, in which case the final area has been given in the table below.

Table 25: Mangaohane and Mangaohane 1 Subdivisions, 1890[508]

Title	Number of Grantees	Area (acres)
Mangaohane A	18	12,401
Mangaohane B	1	5,000
Mangaohane D	2	2,735
Mangaohane E	3	291
Mangaohane F	3	81
Mangaohane G	3	6,817
Mangaohane Otuape	3	3,865
Mangaohane 1A ("reserve")	50	544
Mangaohane 1B	7	509
Mangaohane 1C	14	720
Mangaohane 1E	10	328
Mangaohane 1F	33	1,966
Mangaohane 1G	1	240
Mangaohane 1H	10	681
Mangaohane 1I	4	480
Mangaohane 1J	5	1,073
Mangaohane 1K	2	300
Mangaohane 1L	2	6,000
Mangaohane 1M	7	883
Mangaohane 1N	17	3,920
Mangaohane 1O	3	3,125
Mangaohane 1P	3	81
Mangaohane 1R	2	1,275
Total		**53,315**

Interests in both blocks were already under lease, so there was a need to separate individual interests that were leased from those that had not, as well as from individual interests that had been purchased, which were to be located in other subdivisions. The leases subsequently confirmed are shown on Map 16 overleaf, and were confined to the northern subdivisions of Mangaohane 1, with purchase being pursued in other subdivisions.

[508] Heinz, "Land Alienation and Retention Database for Taihape District Enquiry: Block Histories by Chronology", 5-6.



Map 16: Mangaohane Leases and Pokopoko Lands

The process of defining and location leased, sold, and as-yet retained interests also revealed that interests equal to 6,000 acres held by Renata Kawepo's group of owners Mangaohane 1 had already been sold to John Studholme (through his purchase agent, Warren, as noted earlier). Although these transactions seem to have been invalid, the Court, after hearing testimony from Kawepo's successor, Wi Paraotone (Broughton), and from Studholme, agreed to order title for Mangaohane 1L (with the intention that it be transferred to Studholme), but the evidence does not reveal what price was paid.[509] It seems likely that the payment was at the rate of 10 shillings per acre, as for other interests in Mangaohane, or £3,000 for the 6,000 acres. The transfer of Mangaohane 1L was not effected until January 1895 (after Studholmes' various illegal purchases had been retrospectively validated by the Validation Court in September 1893, as set out above), when the final partition orders were made. These are examined with other private purchases in a later section of this chapter.

4.6 Mangaohane in Parliament and the Supreme Court

Winiata Te Whaaro and Ngati Hinemanu attempted to put their case to the Native Land Court in 1890, to no avail. As Te Whaaro noted at the outset of the 1890 hearing, his petition for a further title investigation of Mangaohane was then before Parliament, but the claim to Parliament fared little better than the claim to the Court. In September 1890, the Native Affairs Select Committee reported that sufficient grounds had not been shown to justify the special legislation needed to enable a further title investigation.[510] The brief published report did not do justice to the "lengthy discussion" that the issue had prompted in Parliament. When the Committee's report was brought up in the House of Representatives, Sir George Grey (former Governor and Prime Minister) moved that the following be added to the report: "And that the land be rendered inalienable till after the next session of Parliament." Being well aware that the partition was largely concerned with facilitating the purchase of much of the block, he sought to defer these purchases to provide more time to remedy the defective 1885 title investigation. He urged this amendment as he believed a re-hearing was "highly necessary, as the judges themselves were not satisfied with the justice of their decision." Native Minister Mitchelson responded that there was no evidence to show that Winiata Te Whaaro had any interests in Mangaohane (although surely the point of a re-hearing was to test such evidence). After extensive debate, Grey's motion was lost 50 to 19.[511] The basis for

[509] Mangaohane No. 1 Block Order Wh 597 Vol 1 in 'Maori Land Court Records Document Bank', 254; and, Napier NLC MB No. 21: 113.
[510] Petition 10/1890. *AJHR*, 1890, I-3, p.9.
[511] *Hawke's Bay Herald*, 5 September 1890, 2.

Grey's statement about the dissatisfaction of the Native Land Court bench with the 1885 title award is not known, but it was the first indication of the trouble to come.

At the same time the petition was being debated in Parliament, Studholme was in the Supreme Court seeking to have his alleged purchase of Mangaohane confirmed. A group of the grantees had agreed to sell their interests to Studholme, being Mangaohane proper estimated in 1885 at 32,000 acres. The Supreme Court was told that Trust Commissioner Preece had certified this purchase as valid, but when Studholme applied to the Native Land Court for the title, it referred a question of law to the Supreme Court for clarification, namely:

> Can a Judge of the Native Lands Court, in the matter of a transaction or negotiation for the purchase of a block of land by a European from natives which took place in the year 1885 – and which transaction the Court fully inquired into and satisfied itself of the assent of all the owners, and the bona fides and propriety of the transaction, and having explained to the natives the effect thereof, and that they had parted with their land for ever – endorse upon the certificate of title a declaration that the purchaser shall hold the land in freehold tenure?[512]

It was typical in such circumstances for the Native Land Court to issue an order of freehold tenure to the purchaser (Studholme), after which the District Land Registrar would issue the final Certificate of Title for the land acquired directly to the purchaser, rather than to the Maori grantees for transfer to the purchaser.

As already noted, the Native Land Court had confirmed the sale of only 6,000 acres, and this was from Mangaohane 1 (being Mangaohane 1L), not Mangaohane proper. This was considerably less than Studholme had anticipated securing for his efforts. The Supreme Court ordered that the case be sent back to the Native Land Court so that it could be ascertained whether the subdivision of the block was made before or after the passing of the Native Land Act 1888. Justice Connolly thought that this question would have an important influence on the case.[513] (Interpretation of the statutes involved is outside our purview, but it can be noted that the lack of clarity over the subdivision may arise from the difference between the subdivision on title investigation in 1885, and the titles issued after the 1890 subdivision, coupled with the evident failure of which subdivision was being referred to in the case referred to the Supreme Court). The outcome of this case is not apparent in the available

[512] *Daily Telegraph*, 8 September 1890, 2.
[513] *Hawke's Bay Herald,* 5 September 1890, 2; *Daily Telegraph,* 8 September 1890, 2; Hawke's *Bay Herald,* 18 September 1890, 2.

evidence, although it cannot have been difficult for the Native Land Court to answer the question put to it.

In any case, Studholme's case was soon overtaken by a quite different legal challenge mounted by Winiata Te Whaaro (represented by C. B. Morrison). Te Whaaro's petition had been rejected in Parliament but he subsequently earned some sort of victory in the Supreme Court. In November 1890, the Chief Justice granted Morrison's motion for a rule nisi for a writ of certiorari directed to the Native Land Court (that is, an order to show cause why the order of a lower court – the Native Land Court – should not be reviewed by the Supreme Court). Morrison wanted the 1885 title order brought to the Supreme Court to be quashed, "on the ground that the Native Land Court had no jurisdiction to make the same."[514]

The case was, by the consent of the parties, removed to the Court of Appeal which heard the case in May 1891. The grounds for the quashing of the 1885 title were:

> (a) uncertainty of the boundaries described in the applications and as laid down in the judgment;
>
> (b) certificates of title were issued by the Native Land Court even though applications for re-hearing had not then been determined according to law; and,
>
> (c) the Mangaohane plan authorised for the certificates of title had not been open for inspection or objection by Maori as required by the Native Land Act 1886 (ss.27 & 28).[515]

Morrison was joined by the formidable jurist Sir Robert Stout, who once again seems to have been alive to an injustice inflicted upon Patea Maori by the Native Land Court.

The Court of Appeal duly quashed the title. Chief Judge Prendergast found that although the uncertainty of the boundaries itself would not have merited a re-hearing, the applications of Ema Retimana and Te Rina Mete had not been heard and they thus had a right to a hearing. Prendergast argued that the certificates for the two Mangaohane subdivisions, "had been made too soon, and consequently without jurisdiction." Judge Williams found that in addition to the applications of Retimana and Mete for a re-hearing not having been heard, sections 27, 28 and 31 of the Native Land Act 1880 – which held that maps had to be deposited with the Court, as well as giving notice and fixing a time for any objections to a re-hearing – had also

[514] *Hawke's Bay Herald*, 22 November 1890, 2.
[515] *Hawke's Bay Herald*, 4 May 1891; "Appeal Court," *Daily Telegraph,* 21 May 1891, 3.

not been complied with. Without those sections being fulfilled, the Native Land Court had issued the certificates of title in 1890. The Court of Appeal saw this as, "a clear excess of jurisdiction which justifies the Court in issuing the writ asked for to bring up the certificates in order that they may be quashed." The Court of Appeal was critical of the Native Land Court's long-standing practice of refusing applications for re-hearing on the basis of no more than a reading of the application, without hearing from the applicants, calling this "unreasonable."[516]

One of the solicitors for Studholme, Bell, asked the Court to specifically state "that only Te Rina Mete and Rena Maikuku could apply for a re-hearing." Judge Williams affirmed this for Bell, replying: "Is it not clear upon our judgements as they stand that there are only two applications for a re-hearing which have not been disposed of, and that that is the ground of giving the writ?" Bell wanted to clarify that the decision would not be able to be used to benefit Winiata Te Whaaro, by allowing him an opportunity to be heard if the case was re-heard. As the finding related only to the technical defects of the actions of the Native Land Court in failing to properly address two applications for re-hearing in 1885 from Retimana and Mete, it was not envisaged that it would assist Te Whaaro. However, as the 1885 title order was quashed, the 1890 partition orders were also voided, so Studholme's position remained unclear.

In April 1892, the Native Land Court's judgment on the outstanding 1885 appeals of Ema Retimana and Te Rina Mete was given by Chief Judge Seth Smith. Unsurprisingly, the 1885 awards stood largely unaltered. Mangaohane proper (later Mangaohane No. 2) and Mangaohane 1 were to be divided by the Mangaohane stream. Mangaohane proper was awarded to the descendants of Wharepurakau and Honomokai, while Mangaohane 1 was awarded to the descendants of Honomokai only. The only part excluded from the title was in the very southern part of Mangaohane proper, south of Te Papa a Tarinuku around Aorangi maunga because – as in 1885 – the Judge considered the evidence was "not sufficiently clear to justify" findings there. In other words, the outcome was very much the same as in 1885.

The appeal of Te Rina Mete was dismissed as she had failed to prove occupation, but the appeal of Ema Retimana (since deceased and succeeded by Rena Maikuku) was recognised as Maikuku had provided enough evidence of occupation in the block, especially in the area around Te Papa a Tarinuku and Pokopoko. At the original hearing in 1885 only a sketch map was provided of the southern section around Pokopoko, which is what had caused the

[516] *In re Mangaohane Block* (1891) 9 NZLR 731.

confusion over the boundaries in the first place. Instead of ordering a re-hearing of the southern section that was in dispute, Smith ordered only a partial rehearing, relating to Rena Maikuku's interests.[517] The survey issue that was so critical to Winiata Te Whaaro and Ngati Hinemanu was ignored, just as their appeals to the Court and to Parliament had been in 1885 and 1890.

The partial re-hearing ordered by Smith appeared to do little for Te Whaaro and Ngati Hinemanu, but even though it was to be so limited in scope, it still frustrated Studholme's efforts to get the Mangaohane lands he claimed to have purchased. Joseph Francis Studholme, John Studholme's son, petitioned Parliament in 1892 to protest Smith's order for a partial re-hearing, and asked that his family's title to "large areas of the Mangaohane block" be validated by Parliament.[518] Studholme's lawyers began a propaganda campaign in the newspapers, decrying Smith's judgment on Mangaohane, and asserting that it had "swept away titles" held by many settlers that had previously been "considered perfectly secure."[519] There was little attention paid to the fact that a large number of Maori groups with rights in the land had not consented to the sales, and that the Native Land Court process had been more injurious to these Maori than to Pakeha runholders such as the Studholmes (who had previously flagrantly breached Native Land laws intended to protect Maori from the likes of them).

4.7 Partial Re-hearing, 1892–1893

In early December 1892 the partial rehearing, ordered by Smith as a result of the earlier Court of Appeal decision, got underway in Hastings before Judges Mackay and Scannell with Native Assessor Tamati Tautahi, and A. F. Puckey as the interpreter and clerk. There were a number of new conductors in the case. Morrison, who had acted in the earlier higher court cases, appeared for Rena Maikuku and others, such as Winiata Te Whaaro, who were attempting to be included on Maikuku's list. Maikuku claimed as Ngati Hau, Ngati Kauhaka, and Ngati Paki, claiming Mangaohane through Tamakorako, Hinemanu, and Rangiwhakamatuku.[520] There was a predatory horde of other lawyers present: Bell, Rees, A. L. P. Fraser, and J. M. Fraser appeared for Renata Kawepo's successor, Wi Paraotene

[517] *Hawke's Bay Herald*, 5 April 1892, 3.
[518] *Hawera & Normanby Star,* 23 September 1892, 2; "No. 405.—Petition of Joseph Francis Studholme," *AJHR,* 5 October 1892, I-3, vol. 4, 14.
[519] *Otago Daily Times*, 2 August 1892, 2; *Evening Post*, 25 August 1892, 2; *Northern Advocate*, 17 September 1892, 3
[520] NLC MB Scannell: 177.

(Broughton) and for Anaru Te Wanikau (although they were perhaps really there to represent Studholme's interests). P. McLean with the help of T. W. Lewis Jr., appeared for the Karauna family, Ani Karauna, and Airini Donnelly. Loughnan appeared for Noa Huke and others. Vogel appeared for Ramari Te Rango and others.[521]

While the case was supposed to address Rena Maikuku's interests only, it soon developed into a five-month long hearing that traversed a great many issues of customary interests. Morrison attempted to widen the scope of the hearing to the benefit of the dispossessed Winiata Te Whaaro and Ngati Hinemanu, while Rees, Bell, McLean, and the Frasers tried to limit the scope to Chief Judge Seth Smith's instructions to protect the position of Studholme, Renata, and his group.[522] Te Whaaro was assisted in his position by Maikuku's application for re-hearing, as this had been amended in response to queries from the Chief Judge. The original application was made on behalf of Ngati Hau or Ngati Tamakorako, descendants of Tamakorako, a grandson of Ohuake, "from whom all the hapus trace descent." When the Chief Judge sought further particulars, Rena responded with an amended application that was also signed by Irimana Ngahou (brother of Winiata Te Whaaro) and some others descended from Tamakorako but who identified more as Ngati Paki and Ngati Haukaha. This was viewed as having the "obvious purpose of extending the scope of the re-hearing," but the Native Land Court was not required to consider anything but the interests of Rena Maikuku and those claiming as Ngati Hau. While the Supreme Court accepted that Rena and many of those claiming with her might belong to several hapu, including Ngati Hinemanu, the claim for re-hearing was said to be solely by virtue of their Ngati Hau rights.[523] Even so, the acceptance of the application would have led Ngati Paki and Winiata Te Whaaro to believe that they would be heard, and evidently their lawyer Morrison endorsed that view. While they were thus heard, their interests were never going to be recognised.

The lawyers opposing Maikuku and Te Whaaro constantly attempted to point out inconsistencies in the testimony of Winiata Te Whaaro and Noa Te Hianga, largely in relation to evidence given at previous hearings in the Patea district on ancestral links in relation to the Owhaoko and Awarua blocks.[524] There were also a number of accusations made against Te Whaaro by these lawyers of having colluded with Ngati Whiti and Ngati Tama at the first Mangaohane hearing in 1884–1885, and at Owhaoko, to keep Renata Kawepo and the Honomokai line out of the Court's awards. While Te Whaaro denied the accusations, the

[521] Napier NLC MB No. 29: 185-186.
[522] Napier NLC MB No. 29: 253, 254, 258-260, 270; NLC MB Scannell: 20, 38.
[523] *Winiata Te Wharo v Davy* (1893) 12 NZLR 502.
[524] Napier NLC MB No. 29: 253, 254, 258-260, 270; NLC MB Scannell: 20, 38.

same lawyers managed to convince another witness to state that Renata had colluded in a similar way to restrict the use of an ancestor that Honomokai and Hinemanu shared – Tuterangi. As Morrison stated in his closing address to the Court, this mode of enquiry sought to attack the character and credibility of the witness, but provided little counter-evidence to challenge the evidence Te Whaaro provided about his rights of ancestry and occupation. Morrison tried to bring the focus back to the real issues; proving Maikuku and Te Whaaro's occupation and use of the land, in support of which they referred to a large number of mahinga kai and settlements.[525]

Ngati Hau, Ngati Kauhaka, and Ngati Paki resource use

Many of the previous areas that were occupied seasonally were once again mentioned by witnesses supporting Maikuku: Te Papa a Tarinuku, Otupae, Waiokaha and Pokopoko. But some additional areas were also indicated that had not been noted at previous hearings: Nga motu Kaitangata, Nga whare Korari and Moemoea. There were also some new food gathering sites that were also raised at this partial re-hearing. At Wairehe aruhe had been dug up by previous generations. Weka and quail had been hunted and collected at Naukete, and Te Reporoa. Tuna were caught at Te Waiwhakapuwae and at Nga Motu Kaitangata. At Tapaewai, Akuratawhiti and Waiokaha birds were particularly known to gather and found in large quantities. Ihakara Te Raro referred to a number of areas in which kiore were gathered; they were hunted at Tauwhareupkoro, Peperu ki runga (?), Peperu ki raro, Te Umi ki te raro, Te Umi ki te runga, Nawheteo (sic?) ki te raro, and Nawheteo ki te runga.[526] Another form of resource use that came up quite frequently during the 1892 hearing was the ownership of the sheep on the block (although this was well outside the Court's focus on events prior to 1840).[527]

Judgment

For brief periods of the hearing the Court entertained the widened scope that Morrison sought for the case, but in the end it denied Winiata Te Whaaro and admitted only 21 other claimants with Maikuku who could claim the same occupation and ancestry as Maikuku. Efforts to bring in many other claimants (such as Te Whaaro and his group) were perceived by opposing claimants and the Court as an attempt to include Ngati Hinemanu, who had been excluded by previous judgements. Judge O'Brien was brought in to testify that the sketch

[525] NLC MB Scannell: 109-111, 127, 174.
[526] Napier NLC MB No. 29: 216-220, 282, 284, 313-314, 380-384.
[527] Napier NLC MB No. 29: 222-223; NLC MB Scannell: 133-139, 149-154.

plan of the area around Pokopoko and Te Papa a Tarinuku had been incorrect, but this proved to be of no help to the case of Te Whaaro and Ngati Hinemanu, who remained excluded from the title. The Court noted that Morrison had argued for the inclusion of Ngati Hinemanu, but that after "arguments by counsel lasting some days," he had been obliged to abandon that claim due to the nature of the case, "and confined himself to whatever the application made by Rena Maikuku could be made to cover."[528]

Even so, in 1893, Maikuku and Noa Huke submitted lists that "appear to embrace the whole of the Ngati Hinemanu hapu, who as a body had been disallowed by the first Court." Regardless of the wishes of Maikuku and Noa Huke, the Court rejected these attempts to include those whose interests the Court had repeatedly rejected. Even so, a total of 30 additional grantees were admitted. Those added to the title with Maikuku were not allotted a specific share by the Court, because it could not come to a clear judgment on the issue. Judge Scannell thought that the newly admitted claimants should be allowed about 6,000 acres, while the approximately 25,000-acre balance of Mangaohane proper would remain with the former grantees. Judge Mackay believed that the new group was entitled to a much larger area, perhaps as much as 20,000 acres, indicating his view that they had much the stronger customary right to the land. The Assessor thought that they should be entitled to a share in all of Mangaohane, not just Mangaohane proper. In the end the Court decided to make a final order admitting the new grantees but without determining the interests of the new party, leaving that for a future subdivision sitting, at which the relative interests of the new grantees could be considered, and the block subdivided anew.[529]

Progress on the matter was delayed by appeals to the Supreme Court and Court of Appeal by those disgruntled with the Native Land Court's decision (see next section of this chapter). There were also some challenges put directly to the Native Land Court: Retimana Te Rango was no more satisfied with the Native Land Court's 1893 decision than Airini – albeit for entirely opposite reasons – so early in 1894, he submitted an application for a re-hearing of Mangaohane block. Writing on behalf of Studholme, another of his lawyers, Lusk, urged the Native Land Court Chief Judge to oppose any re-hearing, although he did recognise at least one valid claim concerning a single interest in a single subdivision of Mangaohane 1:

> The complaint of Wera Te Uatuku is the only one which is at all likely to be pressed. A small block of 500 acres was by common consent set aside as a reserve for the heads of families of the

[528] Maketu NLC MB 08: 1-88; *Hawke's Bay Herald*, 25 April 1893, 3.
[529] *Hawke's Bay Herald,* 4 May 1893, 4.

> Ngatiwhiti under the name of Mangaohane No. 1A. In this block the name of Wera Te Uatuku should undoubtedly should have appeared as she not only has a right by virtue of her rank and position in the tribe but she also had two houses built in European fashion and at considerable expense upon this part of the land.[530]

If there was to be another hearing, Lusk appealed that it be a brief one, because of the "terrible expense" to which his client, Studholme, had already been put in pursuing and defending his acquisitions in numerous courts.[531] Unsurprisingly, Lusk said absolutely nothing about Winiata Te Whaaro, nor his own property and houses on Mangaohane (at Pokopoko), or the enormous expenses to which he had been put defending his land.

Another of Studholme's legal advisers, Bell, wrote to Studholme in April 1894, as he was concerned about the sudden retirement of the Chief Judge from the Native Land Court bench. Bell was still confident that the application of Retimana Te Rango would be dismissed, but he did think it would take slightly longer. He also wrote to Studholme about Winiata Te Whaaro, thought to be proposing some kind of action by the other owners of the Mangaohane block against Studholme, something that was of greater concern:

> With regard to the proposed action against Winiata, I am very much afraid now that the thirty have adopted an attitude of hostility that we cannot be certain of them in the action. If Winiata alleges a license from the thirty then it is impossible for us to say from what portion of the Block he has been ousting us. For all the Supreme Court knows until partition the thirty may be entitled to the whole Block except a very small area, and I am afraid, as I have written to Mr McLean to-day, to commence the action, it would never do to lose it.[532]

The "thirty" referred to were probably those added to the title as a result of the partial re-hearing, but it is not clear what kind of action Te Whaaro was planning.[533] From what Bell wrote, it seems Te Whaaro was seeking a license to occupy the part of Mangaohane to which his 30 allies were entitled, and Bell was concerned lest it turn out that these 30 had stronger relative interests than others, and were thus entitled to a large area of Mangaohane (thereby excluding Studholme from that area). There was some fear that the 30 would receive as much as 7,000 acres of the area south of Pokopoko. Studholme had earlier asked how much it

[530] H Lusk to the Chief Judge of the NLC, 17 March 1894, MS-Papers-0272-03, ATL
[531] H Lusk to the Chief Judge of the NLC, 17 March 1894, MS-Papers-0272-03, ATL.
[532] Bell to Studholme Jr., 13 April 1894, MS-Papers-0272-03, ATL.
[533] Bell to Studholme Jr., 13 April 1894, MS-Papers-0272-03, ATL.

would cost to buy out Winiata Te Whaaro's enduring claims, but Bell made it clear that "they will want land not money."[534]

At about the same time as these developments, yet another Studholme solicitor, Alfred Fraser, wrote to him about the area that Ngati Hau might receive at the pending partition hearing to define the recently awarded interests of Rena Maikuku and his Ngati Hau group. The Native Land Court conductors, McLean and J. M. Fraser (Alfred's brother) considered the Court would have to provide at least 3,000 acres for Ngati Hau, but Alfred Fraser advised it could be as little as 500 or 1,000 acres. Judges Mackay and Scannell had clearly envisioned different areas again, when making their decision in early 1893 (see above) Mackay thought as much as 20,000 acres was feasible, while Scannell asserted that as little as 3,000 acres would suffice. Fraser was confident that the views of the previous Court would not influence the decision of the Court presiding over the 1894 partition.[535]

4.8 Mangaohane in the Courts, 1893–1895

The Native Land Court's decision in 1893 to allow the interests of Rena Maikuku and those claiming with him into the Mangaohane title was opposed by those (such as Airini Donnelly)who wanted no new names on the title, but it was also opposed by those (such as Winiata Te Whaaro) whose interests were still not recognised. Both sets of opponents mounted further legal challenges in the Supreme Court and Court of Appeal.

Airini Donnelly resented the addition of 10 of the new grantees to the title of Mangaohane proper (namely Winiata and nine others, including Ihakara Te Raro) and took a case to the Court of Appeal to have the Native Land Court's finding overthrown, but her application to have the new names struck off the list was rejected.[536] Undeterred, she appealed the issue to the Supreme Court, taking a case against Native Land Court Chief Judge Davy. At the same time a similar case brought by Noa Huke against Native Land Court Judge Mackay. Airini's complaint was that an application for a re-hearing from "a member of a certain hapu" (i.e., Winiata Te Whaaro of Ngati Hinemanu) had been dismissed, but he was later admitted to the title by the Native Land Court as a member of another hapu under a different application for re-hearing.[537]

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[534] Studholme Jr. to Bell, January 1894, MS-Papers-0272-06, ATL.
[535] Alfred Fraser to Studholme Jr., 28 February 1894, MS-Papers-0272-04, ATL.
[536] *Hawke's Bay Herald,* 8 November 1893, 2; *Evening Post,* 11 December 1893, 4.
[537] *Airini Tonore v Mackay*, (1893) 12 NZLR 743.

The Supreme Court found against Airini, noting that it was quite proper that applications to the Native Land Court, "should be made on behalf of a community, and that, if the right of the community was affirmed, every individual member of the community should have the benefit of them." Further, "it was impossible to say, as a matter of law," that if a claim under one hapu was disallowed that a Maori might not "prefer a distinct claim as a member of another hapu." In other words, Maori were not confined to a single hapu affiliation or a single line of ancestry; something that should have been well-established in the Native Land Court by this time. In any case, matters of "Native custom," were, it concluded, the practice of the Native Land Court and should not be reviewed by the Supreme Court (which was there to rule on points of law).[538]

The 1893 decision to admit new grantees to the title – even if Winiata Te Whaaro was still excluded – led to a flurry of hearings in the Native Land Court, Supreme Court, and the Court of Appeal in 1893, 1894, and 1895 (those of Airini and Noa Huke in 1893 having already been noted above). Several cases were taken to higher courts by Winiata Te Whaaro in increasingly desperate attempts to have the Native Land Court right the wrong it repeatedly failed to address. At the same time, Winiata Te Whaaro and his people were opposed at every turn by other parties – not least Studholme – who fought to preserve a status quo that benefited them.

After failing to have his claim heard at the 1892–1893 partial re-hearing, Winiata Te Whaaro took a new legal challenge to the Supreme Court in December 1893 (and to the Court of Appeal in May 1894). He claimed that his application for a re-hearing (refused in 1885) was wrongly disposed of, as the Judge of the Native Land Court who rejected the application sat without a Native Assessor and that an Assessor was necessary to constitute a Court. The Supreme Court found against him, noting that while the law required an Assessor to concur in the Court's judgement, this did not extend to matters decided by the Chief Judge away from court, such as determining applications for re-hearing. Te Whaaro appealed the Supreme Court decision to the Court of Appeal but was again defeated.[539]

Another aspect of Te Whaaro's appeal related to the decision of the Native Land Court at the partial re-hearing of 1892–1893 to interpret the Chief Judge's order for that re-hearing, so as to exclude the claims of Winiata Te Whaaro and others. That is, the re-hearing related only to

[538] *Airini Tonore v Mackay*, (1893) 12 NZLR 743. See also *Evening Post*, 11 December 1893, p.3.
[539] *Winiata Te Wharo v Davy* (1893) 12 NZLR 502.

"determining whether Rena Maikuku and any other persons who may allege that they are interested therein under the same ancestral and occupation claims... ought to be declared entitled to a share or interest" in Mangaohane. (As noted above, in this regard, the Chief Judge seems simply to have followed the Court of Appeal's decision earlier, which explicitly noted that it was confined to hearing the 1885 appeal of Rena Maikuku and others, not any other of the 1885 applications for re-hearing, as those other applications were deemed to have been legally inquired into by the Chief Judge in 1885 and refused.) The Supreme Court and the Court of Appeal also rejected this cause of action, finding that it was for the Native Land Court to interpret its own orders (unless it "refused altogether to interpret an order, misinterpreted statute, or placed an interpretation upon it which was upon the fact of it perverse), and it would not interfere. Interestingly, it noted that, "the meaning of the order in question [for the re-hearing] was so doubtful that the Supreme Court could not properly have interfered" – Stout had referred rather more bluntly to the Chief Judge's order as "absurd and unworkable" – but this lack of clarity failed to prevent the order being upheld.[540]

As the meaning of Native Land Court order for the 1892–1893 re-hearing was so unclear, it is hardly surprising that Winiata Te Whaaro and Ngati Hinemanu and Ngati Paki believed it allowed for their interests to be heard along with those of their Ngati Hau kin. Indeed, the Supreme Court observed in December 1893:

> It may be proper to notice that the claim of Ngatihau to a rehearing appears to have been admitted on a ground which might equally have been a ground for granting a rehearing to Winiata te Wharo and those whom he represented--the ground, namely, of the supposed mistake as to boundary made by Judges O'Brien and Williams, who sat on the original investigation of the title to the block in 1885. It is unfortunate that Winiata and his party should suffer through this mistake, and through the circumstance that it was not effectually brought to the notice of Chief Judge Macdonald when dealing with Winiata's application for a rehearing. But no appeal lies from the decision of the Chief Judge on an application for a rehearing under the Act of 1880, and the error, if such it were, cannot be corrected either by this Court or by the Chief Judge of the Native Land Court.[541]

In other words, the Chief Judge had erred in 1885 when rejecting Winiata Te Whaaro's application for a re-hearing, but that error could not now be rectified. If not for that error, they would have been able to join in the re-hearing of 1892–1893, which was instead confined to the interests of Rena Maikuku. Behind the error of the Chief Judge, the fundamental flaw was

[540] *Winiata Te Wharo v Davy* (1893) 12 NZLR 502.
[541] *Winiata Te Wharo v Davy* (1893) 12 NZLR 502.

the Crown's, as it failed to provide a proper process for appeal from the Native Land Court. That failure was more than "unfortunate": ultimately it deprived Winiata Te Whaaro and his people of their lands, homes, and livelihood.

The 1893 Supreme Court case – and the final decision on it by the Court of Appeal in May 1894 – may not have been a total loss, however, because while waiting for the case to be heard in 1893, Te Whaaro (or, rather, his legal and political allies) succeeded in convincing Parliament to make provision for his unresolved claims. This was done through an additional clause in the Native Land Court Certificate Confirmation Act 1893 (s.7). The 1893 Act was the result of Validation Court orders from 1892, and provided for the Native Land Court to issue titles based on the Validation Court orders, as listed in a schedule to the Act. That schedule included two orders relating to Warren's purchases of Mangaohane for Studholme. One referred to Mangaohane 1 (22,084 acres), for which £951 7s. 7d. was said to have been paid, and the other order related to "Mangaohane 1 and 2" (i.e., Mangaohane and Mangaohane 1 (53,194 acres), for £13,811 6s. 8d. was said to have been paid (a printed version gives a figure of £18,811, while Studholme's own papers give a figure of £13,811; the lower price seems more likely). This left unresolved what area of Mangaohane Studholme was entitled to, but that was for the Native Land Court to decide. However, section 7 of the Act stated that no Native Land Court title would issue for the Mangaohane purchases until the legal issues relating to the block – being those raised by Winiata Te Whaaro and set out in a memorandum signed by the parties involved – were finally determined.

Despite the loss in the Court of Appeal in May 1894, the clause in the 1893 Act had an echo in an application to the Native Land Court in 1894. Once the Court of Appeal case was disposed of in May 1894, the Native Land Court moved to hear two new applications affecting Mangaohane and Mangaohane 2 at Hastings in June 1894. The first was an application from Warren (on behalf of Studholme) for confirmation of part of his purchase, which had, in 1893, been upheld by the Validation Court. He was opposed by some of the grantees, particularly Winiata Te Whaaro (represented by Morrison) but also others, who asserted that the 1890 partition (including the 6,000 acres of Mangaohane 1L was awarded with a view to satisfying Studholme's purchase) was incorrect, in that it awarded too large an area to Ngati Honomokai and other Hawke's Bay groups, and too little to Ngati Whiti. This entailed a lengthy debate on the extent of the customary rights of each tribal group. Another factor in the case – evidently a more significant one –was that nearly all the Ngati Whiti grantees (102 out of 109) had accepted the arrangements made at the 1890 partition

hearing.[542] In the end the Court confirmed the 1890 partition and – as Lusk had earlier predicted (see above) – merely added Wera Utiku to the list of owners of Mangaohane 1A.[543]

One result of this 1894 decision was an appeal from Ihaka Te Konga, Hakopa Te Ahunga, Hiraka Te Rango, Tauiru Te Rango, Rota Tiatia, Raita Tuterangi, Ihakara Te Raro, Heta Tanguru, Raumaewa Te Rango, Horima Paerau, Rena Maikuku, Urania Pokaia Renata and Renata Pukututu. They applied as representatives of Tamakorako and asked the Native Land Court to award them 3,000 acres in Mangaohane proper, but their appeal was rejected.[544]

The second Native Land Court application of 1894 concerned Mangaohane proper (dubbed Mangaohane 2 in these minutes), being a rather unusual application by Winiata Te Whaaro for his claim to be dealt with under the Native Land Court Acts Amendment Act 1889 (s.13). The 1889 Act provided for anyone claiming an interest in land that had been prejudicially affected by a Native Land Court finding to apply to the Chief Judge for an inquiry. The statute was one of a series of statutes enacted from 1886 to 1893, culminating in the establishment of the Validation Court, which were primarily intended to assist Pakeha purchasers secure title where some 'technicality' in the Native Land laws prevented them doing so. Even so, Morrison found the wording of the 1889 Act sufficiently broad to cover Maori grievances as well as Pakeha ones. In this case, the court at Hastings was to report on the matter to the Chief Judge, who would make the final decision. Morrison pointed to the Native Land Court Certificates Confirmation Act 1893 (s.7) as his authority to make this application.

Morrison's strategy was to seek the exemption of the area around Pokopoko – where Winiata Te Whaaro and members of Ngati Hinemanu lived – from the 1890 partition orders (if not from the 1885 title). This raised issues around the state of the survey in 1885, and confusion over the boundary in the vicinity of Pokopoko; confusion that was evident at the title investigation and in the judgment, which excluded land in the south of the area surveyed and which did not clearly define what was included and what was excluded.[545] As noted earlier, these were the very issues that the higher courts had noted would have been valid grounds for re-hearing, had they been put to the Chief Judge in 1885.[546] Despite the validity of these

[542] Napier NLC MB, 32: 200-319.
[543] Napier NLC MB, 32: 319.
[544] Various owners to the Registrar of the NLC, 17 July 1894, MS-Papers-0272-23, ATL.
[545] Napier NLC MB, 33: 74-248.
[546] *Winiata Te Wharo v Davy* (1893) 12 NZLR 502.

issues, they were clearly seen as somewhat out of time by 1894. In any event, the application under the 1899 Act was rejected by Judge Butler.[547]

Interestingly, Judge Butler had been in communication with Studholme, and was sympathetic towards him. After the hearing, in December 1894, Butler wrote to Studholme to assure him he was doing what he could to expedite the confirmation of title, something that would assist Studholme.[548] As noted in the Owhaoko block study, Stout was most aggrieved at the conflict of interest he identified on the part of Chief Judge Fenton in his communications with Pakeha interested in Owhaoko, and a similar conflicts of interest is evident in Mangaohane.

However, Butler's function under the 1889 Act (s.13) was merely to report to the Chief Judge, who was the final arbiter on Winiata Te Whaaro's application. After receiving Butler's report, Chief Judge George Davy disagreed with it, as he found that an error had been made in the Mangaohane titles. Despite Butler's view to the contrary, the Pokopoko area was not intended to be included in the 1885 title award, and that was where Te Whaaro's interests were located. As a result the Chief Judge found that Winiata Te Whaaro and his people should be admitted to Mangaohane after all, specifically the larger block, Mangaohane proper (Mangaohane A–G).[549] The area involved was not clarified in this finding, but Studholme understood that Winiata Te Whaaro and his people were to receive 8,000 acres of Mangaohane.[550]

Butler had actually rejected Te Whaaro's application despite finding that Ngati Hinemanu and Ngati Paki did have interests in Mangaohane:

> The evidence given on partition of Mangaohane 1 Block and on re-hearing of Mangaohane 2[551] Block was stronger in support of Ngati Hinemanu and Ngati Paki claims to Mangaohane 2 Block than that given at the investigation of title to the Mangaohane Block and, if it had been brought out might have affected the judgment of the former Court in their favour, but it was the fault of the parties themselves that the whole of the evidence was not available to this Court.[552]

In other words, they had failed to present their evidence on the right day, so even though they had proved their interests, those interests could not and would not now be recognised by any

[547] Napier NLC MB, 33: 74-248.
[548] W. J. Butler to Studholme Sr., 13 December 1894, MS-Papers-0272-03, ATL.
[549] *Winiata Te Wharo v Airini Tonore* (1895) 14 NZLR 209
[550] MS-Papers-0272-04, ATL.
[551] Meaning the larger 'Mangaohane proper' block.
[552] *Winiata Te Wharo v Airini Tonore* (1895) 14 NZLR 209

Court. This rather echoes the finding of the earlier and higher courts: that there did seem to be discrepancies between the boundaries given in the 1885 order and the 1886 survey plan, but by the time these errors were discovered it was, in law, too late to right these wrongs. Timing, it seems, rather than justice was the issue.

Chief Judge Davy ordered that Winiata be admitted to the Mangaohane title, due to the error in the original title in relation to the location of Pokopoko. Davy reported that it was, "impossible to define the land known as Pokopoko," so he referred the issue back to the Native Land Court to determine the location of Winiata Te Whaaro's interests in Mangaohane proper. The 1885 award intended to exclude Pokopoko, but the southern boundary of the award was so poorly defined that when it was surveyed in 1886, Pokopoko was found to lie more than three kilometres north of that boundary, rather than being south of it.[553] The lack of a final survey at the first hearing had contributed to this error that so detrimentally affected Te Whaaro's attempts to properly claim land upon which he resided, but until this point not a single Court had tried to correct this fundamental error.

The timing was certainly wrong again, because this was Te Whaaro's first and last victory in his seemingly endless round of legal appeals in every forum available to him. Even this victory and his place on the Mangaohane title proved very short-lived: Airini Donnelly immediately appealed to the Supreme Court of New Zealand which upheld her case, as did the Court of Appeal. Both Courts found that the Native Land Court had no jurisdiction to make the order it had made as the case did not come within the ambit of the 1889 Act (s.13). Furthermore, the boundary error (which the Supreme Court seems to again acknowledge had been made) was not one which the Court could have rectified in 1885, had it been aware of it. Thus, the Chief Judge's 1894 order was beyond his jurisdiction. Finally, his decision to add Winiata Te Whaaro to the list of owners was beyond his jurisdiction because the Court, in 1885, had "left undetermined their claims to the lands alleged to have been erroneously included in the block." On another point, the Chief Judge was also said to have exceeded his jurisdiction, in that he had reversed Butler's findings on the evidence without sitting with an Assessor. A more correct procedure would have been to ignore Butler, and to himself investigate the matter in open Court and with an Assessor.[554]

Despite being able to call on the legal aid of Sir Robert Stout, Winiata's appeal against that finding fell in the Court of Appeal, which agreed with the Supreme Court that the Native

[553] *Winiata Te Wharo v Airini Tonore* (1895) 14 NZLR 209; *Hawke's Bay Herald*, 11 May 1895, 2; *Evening Post*, 27 July 1895, 3.
[554] *Winiata Te Wharo v Airini Tonore* (1895) 14 NZLR; 209

Land Court had erred in its application of the 1889 Act; once again a Native Land Court error had cost Winiata Te Whaaro dearly.[555] Leave was given to take the case to the Privy Council,[556] but the case does not seem to have gone any further (Te Whaaro's resources perhaps being exhausted).

All that was left to do was to get Winiata Te Whaaro and his people off Mangaohane, by force. The Studholme papers reveal the lengths that the Studholme family and their solicitors went through to remove Te Whaaro from his land, once his legal avenues were exhausted. On 15 July 1895, two of Studholme's solicitors corresponded regarding their legal efforts against Te Whaaro: McLean wrote to Bell to thank him for his efforts in the legal battle against Te Whaaro. After winning the final Supreme Court case in 1895, Studholme suggested to his lawyers that Te Whaaro could remain with his stock on the land until 1 January 1896, provided as he refrained from appealing the most recent Court decision. McLean was strongly opposed, asserting that Te Whaaro, "will find some pretext" to remain on the land. While Studholme seemed be trying to accommodate the defeated Te Whaaro, McLean and Bell did what they could to eject him from his Mangaohane home as fast as possible. This does not mean that Studholme had Te Whaaro's interests at heart, for he, McLean, and others had already been scheming to force Te Whaaro off the land. Te Whaaro owed £100 to the Farmers' Cooperative Society from a larger sum borrowed to buy sheep. They thought they could induce the Society to force Winiata off the land, perhaps by fronting the money in exchange for Te Whaaro vacating the area. Despite Te Whaaro's dire situation, Mclean believed he would still find a way out of that particular dilemma: "There does not seem any reasonable doubt that if they did press him he would find that amount of money and pay them off." McLean did not give up on the idea, though, and wrote that he would press the Farmers' Cooperative to help them defeat Te Whaaro.[557]

Having pursued a number of different legal avenues to resolve his grievances, Te Whaaro simply occupied his land as a last resort, despite it having been sold by those to whom the Native Land Court had wrongly awarded it. Studholme wrote to McLean about the plans for using a sheriff to evict Winiata from what was now, in law, Studholme's land. When Te Whaaro resisted police serving an eviction notice issued by the court, he was arrested on a charge of contempt of court. Te Whaaro was arrested by Sergeant Cullen – who became

[555] *Winiata Te Wharo v Airini Tonore* (1895) 14 NZLR; *Daily Telegraph*, 19 April 1895, p.3; and, *Daily Telegraph*, 6 July 1895, p.3.
[556] *Daily Telegraph*, 27 July 1895.
[557] PS McLean to HD Bell, 15 July 1895; McLean to Studholme Jr., 3 August 1895: MS Papers-0272-17, ATL.

infamous for his lethal actions at Waihi in 1913 and at Maungapohatu in 1916 – and was taken to Wellington to face trial. His descendants recount how he was not provided with any food for two days, only being fed just before his trial before the Chief Justice.

During his trial Te Whaaro had asked that his sheep not be removed from the property until after shearing, but Studholmes' lawyer Bell was adamantly opposed to any compromise. Te Whaaro was freed on bail, with the help of one of his solicitors and supporters, Sir Robert Stout, but only on the basis that he would stay away from Pokopoko. In the process of Studholme 'obtaining possession' of Pokopoko, five houses belonging to Te Whaaro and his people were burned down by the sheriff, and numerous outbuildings and many stock were destroyed, as well as that years wool clip. All that was left to Winiata was the urupa on Mangaohane but he did not feel the bodies buried there would be safe in Studholmes' care. He planned to later disinter and move them to a different area. Bell wrote that he would advise the Studholmes to erect a fence around the urupa, but (unsurprisingly) Te Whaaro did not trust them, but does not seem to have acted to disinter the koiwi at Pokopoko.[558] According to his descendants, the graves in the urupa were later desecrated.

After being tried, convicted, and sentenced, Winiata Te Whaaro was imprisoned for a time. Not long after Winiata was released in 1897, he wrote a letter to Native Minister James Carroll:

> The action[s] of the Sheriff and Te Warana [Warren]… was bad work in taking the property of my children and breaking down the houses and setting some of them on fire by which some of my children's property was destroyed by fire…I do not understand your telegram saying 'it is well'. Is it the destruction by fire that is well? And the taking away of the two guns by Te Warana? That is why I do not understand what is meant, when you say 'it is well'.[559]

Winiata was also wary of reserving the burial grounds that he had referred to at the hearing. "I will bring away my dead from there because the decision arrived at by us together with the legal gentleman, and the Chief Judge also became bad."[560] A copy of this letter was forwarded to Studholme. At the same time, Hune Rapana wrote to Studholme, noting some of the property that had been burned in the process of Studholme taking possession of

[558] Studholme Jr. to McLean, 13 May 1897: MS-Papers-0272-17, ATL; Macgregor, 16-19.
[559] Winiata Te Whaaro to James Carroll, 7 June 1897, MS-Papers-0272-17, ATL.
[560] Winiata Te Whaaro to James Carroll, 7 June 1897, MS-Papers-0272-17, ATL.

Pokopoko: namely, five houses and three "cooking houses," together containing "1 Tub for washing with; 50 Bags of Wool, 2 Boxes Soap for wool washing; 2 Tins of paint."[561]

Warren denied all of Te Whaaro's charges, asserting that none of his effects had been burned and then later claimed that some time had been given for them to clear out those belongings but the time to do so was not used. Sheriff Thompson, who along with Warren had led the ejectment, admitted that they had burned down the houses but he claimed that they had removed everything contained inside and sent it to Waikari:

> The whares were burnt down and the tin houses destroyed. We considered it advisable to do so to prevent Winiata and his people coming back to live in them. We searched them carefully before destroying them and took everything out of them and sent them to Waikari. None of the contents of the houses were destroyed as far as I know.[562]

The final words quoted show that the Sheriff was unsure if the contents of the buildings were destroyed, as Te Whaaro and Rapana said they were. Bell, one of Studholme's many solicitors, spoke contemptuously of the possessions of Te Whaaro and his family that had been burnt in the fire as "trifles in the whare," indicating they were indeed destroyed. Bell spoke again about Winiata's request to be able to remain on the land until the end of 1897, which Bell characterised as "absurd." Although the letter from Studholme to Bell is not available it seemed as Studholme was trying to arrange a meeting with Te Whaaro "in view of possible attack during [the next] Session [of Parliament]."[563]

When the Court asked that Te Whaaro pay the costs of the hearing, he argued that the Crown should instead pay, apparently on the basis that the Crown had re-imposed pre-emption in 1894, and thereby calling into question Studholme's acquisition of the land in 1895 and subsequent years. Studholme and Airini's lawyers argued that the purchase of Mangaohane had taken place earlier, when private purchasing was still allowed. (As noted earlier, Studholme's purchases were actually illegal at the time they were made for other reasons – because of the way they were undertaken – but they were nonetheless retrospectively validated in 1893.) In a final bid to avoid the heavy costs involved, Te Whaaro said the bill for costs should be passed on to Renata's representative at previous Native Land Court

[561] Winiata Te Whaaro to James Carroll & Hune Rapana to Studholme Jr.: both 7 June 1897, MS-Papers-0272-17, ATL.
[562] Thompson to Studholme Jr., 3 August 1897. MS-Papers-0272-17, ATL.
[563] Bell to Studholme Jr., 19 July 1897; RW Warren to Studholme Jr., 21 July 1897; Thompson to Studholme Jr., 3 August 1897. MS-Papers-0272-17, ATL.

hearings, James Carroll.[564] This was a pointed dig at a man who had been Native Minister since 1893, but had done nothing to assist Winiata Te Whaaro, even Carroll was though (as noted below) well aware that he had been wronged.

Studholme's solicitors were eager to recover the highest figure in terms of costs for seeking damages on the same grounds as the ejectment order. Stout wrote to Bell Gully & Bell, one of the many law firms representing the Studholmes, requesting that Studholme not seek to insist upon payment of costs by Te Whaaro. Stout pointed out that:

> the Sheep and other property he has is mortgaged and he has nothing wherewith to pay anything. [Te Whaaro] therefore asks that Mr. Studholme should not seek to insist upon costs. When it is considered that Winiata has lost everything, and that even those who were against him in the land fight believe that he was entitled to some portion of the land – Mr. Carroll for instance – we think that Mr. Studholme would be doing a graceful and generous act.[565]

Studholme agreed not to insist upon payment of costs, as Stout had pleaded on Te Whaaro's behalf, but his advisor Bell pushed for more:

> Do you not think that the better course would be to allow me to inform Stout that so long as Winiata gives no trouble he not be bothered for the costs, but that if he gives any trouble we shall be down upon him at once; that is to say, that we make no bargain, but we hold a kind of weapon of terror over him with which we can seize some of his personal property if he annoys us.[566]

For Bell, apparently, the fact that Te Whaaro had lost everything was not enough.[567] Donnelly was another who liked to rub salt into the wounds: drawing on the substantial wealth his wife had helped him accumulate through the Native Land Court, he subsequently ran a stable of race horses. Adding insult to injury, the first of his horses to gain distinction in his colours were named Pohokura, Mangaohane, and Owhaoko: winners on the turf, as their land block namesakes had been – for him at least –in the great Native Land Court lottery.[568]

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[564] *Evening Post,* 22 May 1897, 4.
[565] Carlile & McLean to Studholme Jr., 8 July 1897; Carlile & McLean to Studholme Jr., 14 July 1897;
[566] Bell to Studholme Jr., 29 October 1897, MS-Papers-0272-17, ATL.
[567] Bell to Studholme Jr., 29 October 1897, MS-Papers-0272-17, ATL.
[568] *Evening Post*, 10 August 1917, p.4 (commenting on G. P. Donnelly's death on 9 August 1917).

4.9 Private Purchases Pre-1900

As already noted, Studholme's purchase of Mangaohane was what had driven Renata and others to seek an exclusive title in the Native Land Court. They had little attachment to Mangaohane, and were not only willing to sell it to Studholme but to do everything possible to ensure that anyone opposed to the purchase – such as Winiata Te Whaaro – was kept out of the title.

Renata was very confident of his control of the Mangaohane block from early on, despite the ongoing struggles with Hiraka Te Rango and with Winiata Te Whaaro. The block was not granted solely to Renata yet assumed a great degree of control over it. Although he initially leased the Mangaohane block to Donnelly, and later to Studholme, by 1883 he was willing to accept Studholme's offers to buy. Writing to Studholme in August 1883 he suggested a price of £20,000 for Mangaohane and the adjacent Timahanga portion:

> This is my word to you respecting Mangaohane and Timahanga, that is to say, the blocks of land occupied by your men and sheep at Patea. I have fully decided now to let the title to those lands be investigated by the Native Land Court at the next sitting of the Court at Napier, or at any place in its vicinity. Now this is my word about those lands. As soon as the title has been investigated I am willing to sell these lands to you outright, and to take the purchase money because I have many other lands under lease still left to me. These lands are so far off that I have decided to convert them into money and spend it. [569]

Renata had, in earlier years, been known for his staunch opposition to others selling land in which he had interests. Yet at Mangaohane, he was more than willing to sell. The most obvious motives for this shift in stance are that, firstly, he wanted to avoid the ongoing disputes with rival interests, and secondly, his ties to the land were weak so it did not represent a great loss to him to sell it. As he noted to Studholme, Mangaohane was "far off" from his homelands. The interests of those living on the land and who were much closer to it do not seem to have concerned him.

Renata impressed upon Studholme that the land was leased under his authority, and would be sold under it:

[569] Renata Kawepo to Studholme Sr., 3 August 1883, MS-Papers-0272-11, ATL.

> It was I who kept you in possession of those lands during the years that have gone by. ... The price I ask for Mangaohane is fifteen thousand pounds, and I object to any reduction in the price…The price I ask for Timahanga is five thousands pounds…The full amount, therefore, that you would have to pay me would be £20,000. I want this money paid into my own hands as soon as my title has been established in the Native Land Court.[570]

He was aware of the myriad costs associated with obtaining title as well as completing the purchase, but anticipated that Studholme would bear these:

> I leave you to pay for the survey. The expenses of the investigation also I leave you to pay. Dr Buller's services, following the retainer I have given him to conduct these two cases must be paid for by you, whether in Court or for acting as solicitor out of Court. The Native Duties due to the government, which will amount to £2,000, must be borne by you. That is to say I do not wish the £20,000 which I have named as the consideration-money to be reduced by a single shilling. This is a final offer of mine. If you accept my offer, it is well.[571]

John Studholme wrote to his son Jack that the £20,000 price for Mangaohane was as good an offer as he expected to receive. His farm manager, Warren, accepted Renata's offer, and Studholme (upon his return from England in May 1884) himself wrote to Renata to confirm his acceptance of the bargain. However, he considered that Buller's services would have to be retained by Renata in the Native Land Court, not by Studholme: even a wealthy runholder was wary of Buller's infamously eye-watering fees. (The stated reason given by Studholme for steering clear of Buller was the "uncertainty of future legislation in regard to Native lands" in mid-1884.) Confirming the details, Studholme offered 12s. 6d. per acre for Mangaohane and 7s. 6d. for the Timahanga block, which was in total slightly more than Renata asked for. At these prices Mangaohane would fetch £18,750 and Timahanga, £7,050. Renata agreed to this "fresh bargain between us."[572]

As for Buller, while he had been retained by Renata, the rangatira soon grew wary of him. In November 1885, Renata had advised Studholme that the Mangaohane purchase money could be paid to Buller, as Renata's lawyer, but in December 1885 he wrote again to make it clear

[570] Renata Kawepo to Studholme Sr., 3 August 1883, MS-Papers-0272-11, ATL.
[571] Renata Kawepo to Studholme Sr., 3 August 1883, MS-Papers-0272-11, ATL.
[572] Studholme Sr. to Studholme Jr., 16 March 1883, MS-Papers-0272-06, ATL; Warren to Kawepo, 27 May 1884 and Studholme Sr. to Kawepo, 6 June 1884, MS-Papers-0272-11, ATL.

that money should be paid only to Renata or to his whangai Wi Broughton, provided he was "armed with my order."[573]

Accordingly, after Renata's victory in the Native Land Court in 1885, he proceeded to sell many of his interests in Mangaohane 1 to his business partner, Studholme. Completing that transaction required a further Native Land Court hearing, in order to define the relative interests of the grantees, and then the partitioning out of the interests that had been sold. Before the partition could be arranged, Renata died, on 14 April 1888, but the partition process was completed by his successors, and also by Airini Donnelly. As already discussed, he partition was heard by the Native Land Court in mid-March 1890.

Studholme's purchase was eventually made through Warren in two separate deeds; one for Mangaohane proper (then 31,110 acres), signed on 8 August 1885, and the other for Mangaohane 1 (then 22,084 acres), signed on 9 March 1886. Warren also features in the Owhaoko case, in role as Studholme's manager, and the tactics used there to induce Maori to sign land deeds were about to be revealed (see Owhaoko block study). Similar tactics may have been employed at Mangaohane, although the vendors in this case were rather more willing than was the case in Owhaoko. A total of 64 of the 146 grantees were later said to have signed the deeds. The March 1886 signatories included Iwikau Te Heuheu, Te Oti Pohe, and Rawinia Te Wanikau. The more numerous signatories to the August 1885 deed were headed by Renata Kawepo. Despite Studholme's earlier offer of 12s. 6d. per acre for Mangaohane, the price under each deed was the same: 10s. per acre, with a total of £350 advanced on the March 1886 deed and £1,000 on the August 1885 deed.[574] The later Validation Court application in the Studholme papers asserted that Studholme had paid Renata and his group a total of £13,811 in 1885. Another deed of conveyance was for those described as the "Tamakorako interests" in Mangaohane 1, led by Wakapu Tukiaawha, Te Oti Pohe, Iwikau Te Heuheu, and Heta Tanguru, and acquired in the deed of 9 March 1886 for £951 7s. 7d.[575] This refers to the 30 new grantees added to the title in 1892–1893 (see above).

The Studholmes sought to acquire all Mangaohane interests, not just those of Renata and his group. These other interests included those of Ngati Whiti, and the Studholme papers reveal that negotiations were on-going between Warren and what he described as a "Ngati Whiti Committee," chaired by Hiraka Te Rango. Warren indicated that the "Ngati Whiti

[573] Studholme Sr. to Buller, 27 May 1884; Kawepo to Studholme Sr., 9 November 1885; Kawepo to Studholme Sr., 19 December 1885: all MS-Papers-0272-11, ATL.
[574] AJHR, 1893, G-1; MS-Papers-0272-20, ATL.
[575] Studholme Jr.'s Validation Court application, 1897, MS-Papers-0272-08, ATL.

Committee" preferred to lease, rather than sell, their portion of Mangaohane, but only after the litigation over the block ceased.[576] Studholme was still in negotiation with Hiraka over Ngati Whiti interests in July 1894, when Warren met with Hiraka and four others of Ngati Whiti. By then, they were apparently willing to sell the 6,800 acres to which they were entitled, but asked what they probably knew was an absurd price – £5,000 – indicating they were not serious about selling. Warren told them that their "proposal could not be entertained for a moment."[577] Later in 1894, amidst further legal action, Studholme was unsure whether he could continue to negotiate for Ngati Whiti's interests in Mangaohane 1. He made inquiries with one his solicitors, H. D. Bell, who was quite confident he could continue negotiations.[578]

The Studholme papers contain a list of how much the grantees of Mangaohane were paid for their interests. It is not an accurate or complete list, but it does provide some information regarding the purchases. As part of completing the transfer, Native Land Court Judge Mackay subsequently required proof of payment, which Bell sought from Warren. It was claimed, in a letter from Bell to Warren, that Resident Magistrate Preece had been given £515 5s. of a £1,108 10s. tranche of the purchase money for Mangaohane, but had failed to distribute this to the owners.[579] The records kept by Warren for Studholme record payments totalling £4,597 for Mangaohane proper (later Mangaohane 2) between 1885 and 1890. These payments are set out in the table overleaf.[580] However, it should be noted that the payments set out below are not complete and do not record all the purchase payments made.

[576] MS-Papers-0272-18, ATL.
[577] Warren to Studholme Jr., 25 July 1893, MS-Papers-0272-06, ATL.
[578] Bell to Studholme Jr., 29 December 1894, MS-Papers-0272-04, ATL.
[579] Bell to Warren, 21 August 1893, MS-Papers-0272-06, ATL.
[580] MS-Papers-0272-05, ATL.

Table 26: Mangaohane (or Mangaohane 2) Purchase Payments, 1885–1890

Owners	Amount (£)
Harata Hokohoko (?)	40
Anaru Te Wanikau	445
Waatera Wi	20
Buller, for Renata Kawepo	2,000
Renata Kawepo	275
Wi Broughton	600
"Broughton and people"	425
Waterawi Hopaia (?)	30
Te Anapo Te Huia (?)	35
Karena Taniwha	62
Maratiato (?)	30
Riria Te Rere	25
Wiremu Parataone	55
Atarita Kaingatiore (?)	25
Waeta Rakaiwerohia	50
Waipu Tamaota	30
Karena Keniatowahi (?)	100
Meri Tawhare (?)	70
Rora Potaka	50
Muri Tawera	30
Te Mete Tahunu and 7 minors	200
Hohepa Te Auraki	25
Total	**£4,597**

The payment of the largest instalment (£,2000) to Buller on behalf of Renata must have occurred before Renata grew wary of Buller, and demanded that all future payments be made to him, or through his whangai, Wi Broughton. Buller probably made some hefty deductions from the purchase payment for his own costs, something Renata would have wanted to avoid in future.

Similarly, the purchase payments recorded by Studholme for Mangaohane 1 in the same period, totalling £578, are set out in the table overleaf.[581] As before, these are not a complete record of all the payments made.

[581] MS-Papers-0272-05, ATL.

Table 27: Mangaohane 1 Purchase Payments, 1885–1890

Owners	Amount (£)
Te Oti Pohe	40
Pukapuka Te Oti	20
Iwikau Te Heuheu	25
Rena Maikuku	25
Rawinia Te Wanikau	25
Harawira Hepiri	25
Kohatu Rawera	5
Katerina Hirakikiterangi	50
Heta Tanguru	50
Raita Tuterangi	113
Renata Kawepo as trustee for Wakapu Tukiawaha	25
Urania Renata	75
Urania Renata & Raita Tuterangi	50
Harata Kaokao (?)	50
Total	**£578**

In addition to the above lists of payments for Mangaohane and Mangaohane 1, the Studholme papers also contain a deed of a purchase by Studholme for the "Ngati Tamakorako" portion of Mangaohane (meaning Mangaohane proper), which was signed on 25 February 1895. A total of £1,230 11s. 8d. was paid for this land. The deed was signed by a number of different people who were paid various amounts for their interests in the block, as set out in the table overleaf.[582] The 'Ngati Tamakorako portion' refers to the interests awarded to Rena Maikuku and 29 others, as a result of the partial re-hearing of 1892–1893 (see above). The group were most often referred to as Ngati Hau, but were also known as Ngati Tamakorako.[583]

[582] MS-Papers-0272-24, ATL.
[583] *Winiata Te Wharo v Davy* (1893) 12 NZLR 502.

Table 28: Purchase Payments for Ngati Tamakorako Portion of Mangaohane, 1895

Owner	Amount (£.s.d.)
Rena Maikuku	22.14.6
Ngahui Pikitu (?)	22.14.6
Peti Tumango	22.14.6
Henare Tumango	22.14.6
Ngamako Kumua (?)	22.14.6
Ngawai Nepia	22.14.6
Tauiru Te Rango	34.1.10
Raumaewa Te Rango	34.1.10
Ngakaraihe Te Rango	34.1.10
Ngamako Te Rango	34.1.10
Urania Pokaia	19.9.7
Te Whatuiapiti	19.9.7
Arapeta Whakatau	19.9.7
Kereti Hori	19.9.7
Ani P Te Maiti (?)	19.9.7
Matau Te Aro (?)	19.9.7
Heta Tanguru	136.7.3
Raita Tuterangi	136.7.3
Erueti Arani	136.7.3
Horima Paerau	136.7.3
Hakopa Te Ahunga	45.9.1
Kuripapongo Hakopa	45.9.1
Retima Hakopa	45.9.1
Ihaka Te Konga	136.7.3
Ihakara Te Raro	34.1.10
Hiraka Te Rango	34.1.10
Te Rini Pini (?)	34.1.10
Rawiri (?)	34.1.10
Total	**£1,230 11s. 8d**.

The difficulty with the Warren/Studholme purchases were that they were illegal, even if their strategy – picking off individual interests until sufficient were secured to force a subdivision of the interests acquired – was one widely used by colonial land sharks. The approach proscribed by law was, where a majority of grantees wished to sell, to have their interests subdivided out, whereupon they could be purchased. Purchasing of individual interests before subdivision was void under the Native Land Act 1873, and was not only void but was made illegal (a criminal offence, in fact) under the Native Land Laws Amendment Act 1883 (ss.7 & 8). These statutory requirements were widely ignored but the difficulty with Mangaohane was that the title was contested and contentious, so any dealings for the land were also going to be contentious and subject to scrutiny. Studholme did not secure a majority of the interests in the

block before the 1890 partition hearing, and his later efforts to complete his purchases foundered on their fundamental illegality.

Fortunately for Studholme and his ilk, the government was willing to help the many land purchasers involved in invalid and illegal transactions; in 1892 Parliament enacted the Native Land (Validation of Titles) Act. This established a Validation Court (essentially the Native Land Court by another name) to inquire into purchases that could not be certified due to their illegality. The intention was to assist those with otherwise *bona fide* transactions who had inadvertently breached one of the myriad technical requirements of the Native Land Act 1873 and its innumerable subsequent amendments. The 1892 Act was to assist those innocents supposedly caught out by confusing technicalities, but it instead led to the validation of all manner of blatantly illegal dealings. Studholme's lawyers were in disagreement over the merits of the Validation Court. Bell was not initially interested in having his client's Mangaohane dealings put through the Validation Court. Another solicitor working for Studholme, William Rees, described Bell's view of the Court: "[T]his Court is of so strange a character and so utterly subversive of all ordinary legal principles and procedure that the orthodox mind regards it with suspicion and disfavour." Rees felt that the new Court was useful for cases in which all other courts in the colony had proved unhelpful, and indeed the Validation Court did help the Studholmes a great deal, but to the detriment of Winiata Te Whaaro and his people.[584]

Studholme's breaches of the law were far than minor 'technicalities'; his purchases openly flouted a fundamental provision in the Native Land Acts. Even so, Native Land Court Judge Mackay, sitting as a Validation Court in Hastings in July 1893, was prepared to overlook the:

> violation of the expressed conditions of the title under which the Natives hold the land, as the Native Lands Act 1873, which governs the disposal of land under certificate of title issued under the Act of 1880 [which] expressly forbids alienation except by way of lease for 21 years, without the requirements of s.59 of that Act are fully complied with.[585]

Despite Warren (meaning Studholme) having broken the law, Mackay considered Warren's dealings to be "*bona fide* and suitable for validation," so he certified the purchase deeds. The result was the awarding of land to Warren (i.e., Studholme), following the 1890 partition of

[584] Rees to Studholme, 26 March 1895, MS-Papers-0272-08, ATL.
[585] Mackay, Wellington, to Chief Judge, 5 September 1893. AJHR, 1893, G-1.

Mangaohane, which is examined in the next section of this chapter. The subdivisions awarded to Studholme by the Validation Court in 1893 are set out in the table below.

Table 29: Mangaohane Subdivisions Awarded to Studholme, 1893[586]

Title	Area (acres)
Mangaohane 1B	509
Mangaohane 1J	1,073
Mangaohane 1L	6,000
Mangaohane 1M	883
Mangaohane 1N	3,920
Mangaohane A	11,495
Mangaohane G	6,818
Total	**30,698**

As noted, the Native Land Confirmation of Certificates Act 1893 provided for the Native Land Court to award these titles to Studholme, and once the last of the legal actions mounted by Winiata Te Whaaro were disposed of, the titles to this first tranche of purchases – totalling 30,698 acres – were issued. But Studholme was far from finished, as he was determined to acquire the rest of the block; a task that was completed in subsequent decades (see below).

4.10 Leases Post-1900

With Studholme set to purchase all of Mangaohane, leasing was minimal and, where it occurred, no more than a stopgap before purchasing was complete. One lease identified to date is that of Thomas Walter Williams who, in 1910, applied to lease 120 acres of Mangaohane No. 1A (544 acres 2 roods) at 6s. per acre per year for 10 years (as shown on Map 17). At a meeting of approximately a quarter of the 51 owners, the lease was agreed to, and, accordingly, it was approved.[587]

[586] Heinz, "Land Alienation and Retention Database for Taihape District Enquiry: Block Histories by Chronology", 5-6.
[587] MLC-WG W1645 3/1913/55 in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 6056-6119.

4.11 Private Purchases Post-1900

With the passage of the Native Land Act 1909, the private purchase of Maori land became a streamlined and facile process. It was in the years after this Act was passed that a number of other blocks in Mangaohane 1 and Mangaohane proper were transferred to Studholme and his family.

The first private purchase during the 1900s was the sale of Mangaohane 1G (240 acres) in May 1908. Following Airini Donnelly's death in 1909, Mangaohane 1O, 1P, 1R along with what was dubbed Mangaohane C (formerly Mangaohane B, D, E, and Otupae) were transferred to the Donnelly Estate in February 1912.[588] Airini had attempted to sell Mangaohane 1O, 1P, and 1R in 1900 but did not find any buyers.[589] It seems unlikely anyone would want to compete with Studholme on Mangaohane, and he was perhaps biding his time before acquiring more land. Certainly, there was little opposition to selling by grantees who – as Renata Kawepo had earlier noted – had little interest in the land that a few of them had so struggled to wrest from Winiata Te Whaaro, if only to dispose of it.

Guy Langley Shaw, evidently Warren's successor as the station manager at Mangaohane station (and thus the nominated land purchaser for Studholme), acquired a number of subdivisions of Mangaohane 1 in the 1910s. In early 1913 he proposed to purchase four subdivisions of Mangaohane (C, E, F, & H) but the sales were not formally completed until 1916. Mangaohane 1C (720 acres) had 11 owners, all of whom agreed to sell the land in 1913 at the government valuation of £1,170.[590] Mangaohane 1E (328 acres) also had eleven owners who, at a meeting of owners called by the Maori Land Board, all agreed to sell at the government valuation of £425.[591] Mangaohane 1F (1,966 acres) had 44 owners, and a meeting attended by about a quarter of the owners, all except for Te Ngu Kingi agreed to sell to Williams at the government valuation of £1,316.[592] Kingi eventually provided his agreement to the sale but it is not clear from the evidence why he changed his mind. Mangaohane 1H

[588] Heinz, "Land Alienation and Retention Database for Taihape District Enquiry: Block Histories by Chronology", 4-5.
[589] Mangaohane No. 1 Block Order, Wh 597 Vol 2 in Maori Land Court Records Document Bank, Vol. 3 p. 285.
[590] MLC-WG W1645 3/1913/55 in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 6033-6055.
[591] MLC-WG W1645 3/1913/52 in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 5983-5999.
[592] MLC-WG W1645 3/1913/53 in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 6000-6022.

(681 acres) and had 11 owners, all of whom agreed to sell to Shaw at the government valuation of £351.[593]

In 1914 Shaw also proposed to purchase Mangaohane No. 1A. Out of 72 owners there were a few who did not agree to sell to Shaw at the government valuation of £3,195. Once again Te Ngu Kingi opposed the sale. It was also opposed by Toia Heta (Barnes) and "Towhare." Eventually, the dissidents "withdrew their objections," but it is not clear why they did so.[594] This transfer was also not completed until 1916. Finally, in 1915 Shaw proposed to purchase Mangaohane 1I (480 acres) for the government valuation of £412. The subdivision had only two owners, Toia Heta and Rora te Oiroa Potaka, both of whom agreed to sell the land to Shaw, a deal that was completed a week after the purchase of the previous five subdivisions in 1916.[595]

Finally, in January 1971, the last piece of the block, Mangaohane No. 1K (300 acres), was sold.[596] Its omission was probably no more than an oversight by the owners of Mangaohane station, or perhaps the result of the Native Land Court not updating the title for decades, so that purchase could not be arranged earlier.

The final round of private purchasing is set out in the table overleaf, arranged in chronological order.

[593] MLC-WG W1645 3/1913/54 in Crown and Private Land Purchasing Records and Petitions Document Bank, 6023-6032.
[594] MLC-WG W1645 3/1914/3 in Crown and Private Land Purchasing Records and Petitions Document Bank, 6120-6204.
[595] MLC-WG W1645 3/1914/140 in Crown and Private Land Purchasing Records and Petitions Document Bank, 6205-6216.
[596] Adam Heinz, "Land Alienation and Retention Database for Taihape District Enquiry: Block Histories by Chronology", 6.

Table 30: Mangaohane Private Purchases Post-1900

Block	Area (acres)	Owner	Purchaser	Price (£)	Year	Reference[597]
1G	240	Airini Donnelly and others	Donnelly Estate	n/a	1908	Heinz, p. 5
1O	3,125	Airini Donnelly and others	Donnelly Estate	n/a	1912	Heinz, p. 5
1P	81	Airini Donnelly and others	Donnelly Estate	n/a	1912	Heinz, p. 5
1R	1,275	Airini Donnelly and others	Donnelly Estate	n/a	1912	Heinz, p. 5
C	15,019	Airini Donnelly and others	Donnelly Estate	n/a	1912	Heinz, p. 5
1I	480	Toia Heta and Rora te Oiroa Potaka	Guy Langley Shaw	412	1915	MLC docs 6205-6216
1C	720	Hiraka Te Rango and others	Guy Langley Shaw	1,170	1916	MLC docs 6033-6055
1E	328	Hakopa Te Ahunga and others	Guy Langley Shaw	425	1916	MLC docs 5983-5999
1F	1,966	Waikari Karaitiana and others	Guy Langley Shaw	1,316	1916	MLC docs 6000-6022
1H	681	Hakopa Te Ahunga and others	Guy Langley Shaw	351	1916	MLC docs 6023-6032
1A	502	Hakopa Te Ahunga and others	Guy Langley Shaw	3,195	1916	MLC docs 6120-6204
1K	300	n/a	n/a	n/a	1971	Heinz, p. 6
Total	**24,717**					

4.11 Survey Liens

The survey of the Mangaohane block commenced as early as 1880, but proceeded in controversial fits and starts through the early 1880s, until a survey was completed in March 1886. It is not clear exactly how this final survey was paid for, but from the testimony given at the Native Land Court hearings Airini Donnelly claimed to have paid for some of the early surveys.[598] The cost of the original survey was significant. The original cost of this survey is not known, was but by 19 December 1895 the survey charge for Mangaohane 1 had, with

[597] Heinz, "Land Alienation and Retention Database for Taihape District Enquiry: Block Histories by Chronology", 14-16.
[598] Napier NLC MB, 09: 175.

interest at five percent, grown to £602.12.7 and the cost of surveying Mangaohane proper had grown to £543.7.1.

After the saga over the partition in the early 1890s, orders for title were issued in January 1895, all of which required subdivisional surveys, although the costs for these were much lower. The costs apportioned to each subdivision within the block at this point in mid-December 1895 are available, and are set out in the table overleaf.[599]

From the surviving Native Land Court files it appears that John Studholme, Jr. paid for the survey of the majority of the Mangaohane 1 subdivisions (A-C, E-N) and that a total of £458.7.11 was owed to him. The Court ordered that all of the land (Mangaohane 1 A-C, and E-N; 17,604 acres) be charged by way of mortgage with these costs of £458.7.11. The costs of the survey of the rest Mangaohane 1, (1O, 1P, and 1R; (4,481 acres) were owed to the surveyor, Charles Kennedy, with £116.14.2 subsequently charged by way of mortgage to the land. Kennedy was also owed £309.13.7 for the survey of Mangaohane 2B, 2D, 2E, and Otupae (11,891 acres).[600]

The files regarding the payment of survey costs are not consistent but indicate that some of the costs were paid after 1895, while some further payments were made 1897 and 1900. In 1897 survey costs were paid for Mangaohane 1I (£9.10.1), 1O (£78.2.3), 1R (£41.9.3), and Mangaohane C (£326.17.7). In 1900 survey costs for Mangaohane 1E (£5.15.5), 1H (£7.8.10) and 1R (£4.17.8) were paid. In 1915 £31.5.0 was paid for Mangaohane 1.[601]

The survey charges recorded for the two initial titles total £1,145, but may have been slightly more. The charge for the larger Mangaohane proper block is actually smaller than that for Mangaohane 1, indicating that some payments towards the larger original survey charges had already been made. Subsequently, the subdivisions of the two original titles accumulated total survey charges of £1,389. This probably included the earlier sum of £1,145, with the additional £244 relating to the subdivisional surveys.

[599] Mangaohane No. 1 Block Order, Wh 597 Vol 2 in Maori Land Court Records Document Bank, Vol. 3 p.298-301.
[600] Mangaohane No. 1 Block Order, Wh 597 Vol 2 in Maori Land Court Records Document Bank, Vol. 3 p.302-306.
[601] Mangaohane No. 1 Block Order, Wh 597 Vol 2 in Maori Land Court Records Document Bank, Vol. 3, p. 286-292.

Table 31: Mangaohane Survey Liens

Subdivision	Amount Owed (£.s.d.) and Year
	1895
Mangaohane 1	602.12.7
Mangaohane (proper)	543.7.1
Mangaohane 1A-C, E-N	458.7.11
Mangaohane 1 O, P, R,	116.14.2
Mangaohane B, D, E & Otupae	309.13.7
	Paid in 1897
Mangaohane 1I	9.10.1
Mangaohane 1O	78.2.3
Mangaohane 1R	41.9.3
Mangaohane C	326.17.7
	Amount paid in 1900
Mangaohane 1E	5.15.5
Mangaohane 1H	7.8.10
Mangaohane 1R (balance)	4.17.8
	Amount paid in 1915 (£)
Mangaohane 1 (balance)	31.5.0

4.12 Public Works Takings

The plans of the initial titles and of the subdivisions show that 76 acres 1 rood 32 perches were taken for roads by the time of title investigation in 1884. In, 1911, a further 48 acres 1 rood and 13 perches were taken for roads.

4.13 Conclusion

In the 30 years following the title investigation of Mangaohane in 1885 it was almost completely alienated to private purchasers. Renata Kawepo and Airini Donnelly, and those associated with them, were the main beneficiaries of the Court's title orders, but they seemed to lack a close connection to the land and proved amenable to purchase offers from their sometime business partner, Studholme, even before title was investigated. Winiata Te Whaaro and his family were the only people living permanently on the land, but despite widespread acceptance of their customary rights to Mangaohane – by many observers, including the Native Land Court – they were consistently excluded from the title to their land. Winiata Te Whaaro's efforts to seek redress were repeatedly rebuffed, even after it was established to the

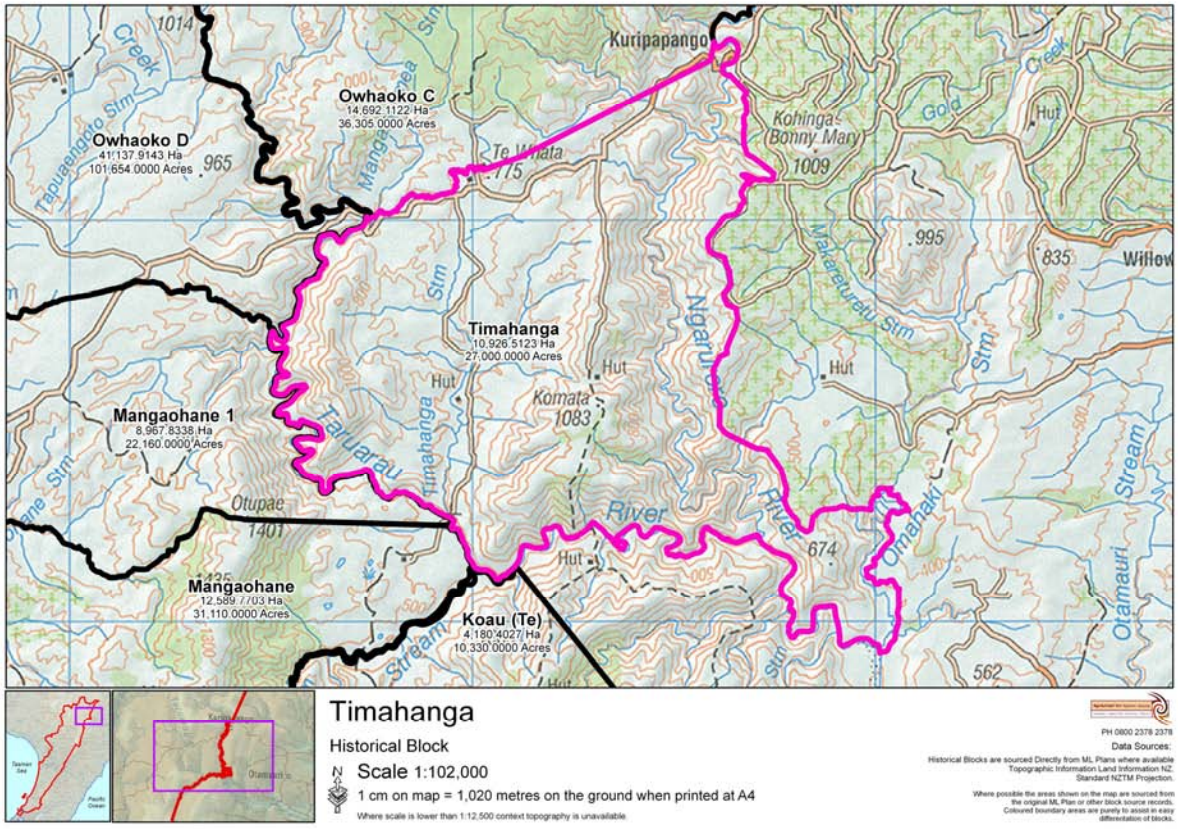
satisfaction of the Native Land Court, and higher courts, that he and his people had customary rights to the land around Pokopoko, and that this land should have been excluded from the title awarded in 1885. Despite the historical fact of the rights of Winiata Te Whaaro and his people, court after court accepted the legal fiction of their exclusion from their own homeland. After a legal struggle lasting dozen years, they were forcibly evicted from their homes and finally removed from their land.

Mangaohane Summary Data:

Area: 54,342 acres
Title: 1885, 1893
Owners: Ngati Honomokai, Ngati Whiti, Ngati Hau/Ngati Tamakorako
Crown purchases: 0
Price paid: -
Private purchases: 54,218 acres
Taken for public purposes: 124 acres
Area 'europeanised:' 0
Area still in Maori ownership: 0

5. Timahanga

Timahanga (21,388 acres) is situated south of the Kaweka and Owhaoko blocks, east of Mangaohane, and north of Te Koau. (The area on title investigation was given as 21,900 acres, but during subsequent purchasing, more exact surveys of each subdivision revealed a total acreage of 512 acres less.) Like other blocks in the northern Patea region it was primarily used for mahinga kai purposes rather than permanent occupation. It was the last block in this part of the inquiry district to have its title investigated, in 1894. One reason for the delay in having title determined was that the Crown had long assumed that the Timahanga land had been included in the Crown deeds of the 1850s, and it was not until repeated Maori protests – and the work of the 1890 Awarua Commission – that the Crown accepted it had no valid claim to Timahanga (see Kaweka block study). Accordingly, compensation was paid for the Timahanga portion of the Kaweka boundary area which the Crown had already alienated to settlers. Payment of this compensation required the Native Land Court to identify those holding the customary rights to Timahanga, which set the 1894 title investigation in motion.



Map 17: Timahanga Block

As title to the adjacent Mangaohane title finally began to be resolved in the early 1890s, and the Awarua Commission completed its work, the way was cleared for a title investigation of Timahanga. Given all that had already occurred during the investigation of adjoining lands (such as Mangaohane and Te Koau), Timahanga was always gong to be heavily contested, and 11 tribal groups contested the title investigation in 1894. As in Mangaohane, the Native Land Court favoured those claiming through the ancestor Honomokai. On title being determined, the block was divided into six subdivisions. During the 1910s the Crown actively sought to purchase the entire block and was nearly successful; rapidly acquiring all but Timahanga 1.

5.1 Title Investigation, 1894

The 1894 Timahanga hearing was held in Hastings from 2 November 1894 to 2 February 1895. It was presided over by Judge Herbert F. Edger and Native Assessor Hemi Erueti.

Ngati Mahu

The Ngati Mahu case was conducted by Rawiri. The main witness for Ngati Mahu was Tairiri Papaka, who claimed the land by conquest and ancestry through Tamataita. The other two witnesses, Wiraminia Ngahuka and Manahi Pukerua, claimed the land through Tamataita and Koahauiti. All of the Ngati Mahu witnesses claimed that Ngati Mahu and Ngati Hinepare had conquered Te Paku and others who had previously lived on the block. The only resource use mentioned was of tuna, which were caught at Te Rahika and a settlement at Purotu.[602]

Merinia Te Purei

Merinia Te Purei's case was brief and revealed little knowledge of Timahanga. She and others with her claimed the land by ancestry through Mahuika and Honomokai. She provided no further evidence: "I cannot mention the name of any place."[603]

Ngati Hinemanu

Ngati Hinemanu's case was conducted by the Hastings lawyer, Loughnan. The main witness was Hiraka Rameka, who claimed the land by occupation and ancestry through Hinemanu

[602] Napier NLC MB No. 36: 79-87.
[603] Napier NLC MB No. 36: 87.

and Mahuika. The other witness was Piriha Toatoa who claimed the land through Hinemanu, Tarahe, Honomokai and Mahuika. Both witnesses stated that tuna, kiore, and pigs were hunted on the block, but neither witness was specific about where they were hunted, other than noting that kiore and weka were caught at Pukerimu. Hiraka stressed that the occupation of the land by a rival claimant, Anaru Te Wanikau, did not mean that Anaru had ancestral rights to Timahanga. It was instead asserted that he was allowed to live there by Ngati Hinemanu only because he had Renata Kawepo's permission to do so.[604] Hiraka also discussed the pou at Pikitara and Kuripapango that had been erected to stop land sales in the 1850s, but denied that either pou was named Whitikaupeka. Hiraka stated that his father and Ihakara Te Raro had accompanied the group that had set up the pou in 1857, but he insisted that this did not entitle Ihakara to any interest in the block.[605]

Horiana Taituha, Katarina Hira, and Maraea Puri

The fourth group of counter-claimants claimed through a number of different ancestors, and their case was conducted by Horiana Taituha. The witnesses were Horiana, Katerina Hira, and Maraea Puri. Hira claimed the land by occupation, conquest, and ancestry through Haumoetahanga, Whitikaupeka, and Honomokai. She claimed that Taraia II had conquered Ruapirau on the Timahanga block, and that Honomokai was born not long after and lived on the land. She said that Ruhanui was an old settlement on the block, at which her father lived and where Anaru lived at the time of the hearing. Hira also stated that mutton birds were caught on the block (but she did not state where), and that fish were caught in the Taruarau stream.

Maraea Puri claimed the land through Tamahautu and Taiatea, saying that her mother had lived at a settlement on the block – Purotu. Horiana claimed the land through Tamahautu and Parahia, and as Ngati Karahui. He claimed to have gathered berries and hunted kiore on the block, and caught birds at Pirititi and Te Amutonga. Maraea briefly discussed the previous land sales in the area and how they affected the Timahanga block, saying that Kerei Tanguru had wrongly sold part of Timahanga, leading Renata Kawepo to refund the money to the Crown to overturn the purchase. She connected Renata's subsequent fight with Te Hapuku in at Pakiaka in 1857 over land transactions with the efforts to stop land sales in the Patea area, which took in Timahanga.[606]

[604] Napier NLC MB No. 36: 87-89, 97-98.
[605] Napier NLC MB No. 36: 90, 96.
[606] Napier NLC MB No. 36: 105, 116-117 for whakapapa; 112, 130, 132-133.

Ngati Whiti

Ngati Whiti's case was originally split into two separate cases. In all other hearings in the northern Patea region the Te Raro whanau and the Te Rango whanau had their cases heard together, but for Timahanga they planned to have them heard separately. However, by the time their cases came to heard, they had agreed to amalgamate them. Originally Cuff was to conduct Ihakara Te Raro's case, while Richard Blake was to conduct Raumaewa Te Rango's case. The two conductors eventually took turns running the Ngati Whiti case. The two witnesses for Ngati Whiti were Ihakara Te Raro and Raita Tuterangi. Ihakara claimed on the bases of occupation and ancestry, through Ohuake, Tamatea, and Whitikaupeka, while he also recognised the rights of Tamakorako to the land. Raita claimed the land through Ikatakitahi, Tamakorako, Ohuake, and Whitikaupeka.

Both witnesses discussed a number of different areas of resource use on the block as well as the more recent examples of rights to the block. Wekas and mutton birds were caught at Tautarauinawhanga and Pukerimu, and tuna were caught in the Mangamingi stream and in the Timahanga stream. Mutton birds were also caught at Pukewhararikiki. Ihakara recounted how he had been on the search for Rangituouru's pa with Renata Kawepo and Raniera Te Ahiko for an earlier title investigation (when, as noted earlier in the Mangaohane block study, they failed to find the pa site). Raita stated that she had participated in collecting food on the block for the 1860 Kokako hui, and that Ngati Whiti and Ngati Tama had played a central role in calling that hui. As with the previous group of witnesses, Raita connected the fight at Pakiaka in 1857 with wrongful attempts to transact land in the vicinity of Timahanga.[607]

Wi Te Roikuku and Henare Tomoana

Wi Te Roikuku and Henare Tomoana's case was conducted by Aperahama Te Kume (of northern Taupo). Both witnesses claimed the land by occupation and ancestry, through Te Kanawa and Honomokai, as well as Rangitekahutea and Upokoiri. Like the Ngati Whiti witnesses, Roikuku said that their people had caught birds and kiore at Pukerimu and Tautaranui-a-whanga, and took tuna from Taruarau. Roikuku discussed Renata's role in stopping land sales after the fight at Pakiaka; claiming that the Crown's original deed with Kerei Tanguru's original deed had included part of the Timahanga block, but that Renata had prevented the Crown completing the deed; giving it other lands in exchange.[608]

[607] Napier NLC MB No. 36: 134, 136, 151, 153 for whakapapa; 138, 146, 158-159, 173.
[608] Napier NLC MB No. 36: 185 for whakapapa; 181-182, 191-192.

Airini Donnelly

Airini Donnelly's case was conducted T. W. Lewis Jr. (son of the long-serving Native Department Under-Secretary), but she herself did not testify, with Lewis calling Urupene Puhara and Temuera Rangitaumaha as witnesses instead. Urupene claimed the land through Upokoiri and Honomokai, while Temuera claimed it through Mahuika and Honomokai. There was no discussion of resource use in the area but Urupene discussed some of the early Crown land deed in the area, referring to possibly the Ngaruroro or Oteranga land deeds of 1855:

> I went to Pohokura in connection with the sale to McLean, about 1855, Whaitiri Tawhara, Paneke, Te Wharepake, Tukurukuru and Parker and myself went, by way of Maraekakaho and Ngaruroro. We went to show the land for sale, that is Owhaoko, Otupae and Timahanga. I don't know whether the lands were sold.[609]

Urupene later expanded a little bit on the land transacted by McLean for the Crown; after being asked whether he was accompanying the surveyor to point out the boundaries of "McLean's purchase," he responded: "[We were] pointing out the places that were to be sold." Blake (for Ngati Whiti) asked him if, "anyone at that time [had] any intention of selling Owhaoko?" Urupene replied: "I don't know that it was intended to include Owhaoko. It was [not?] the intention to sell Owhaoko." Urupene stated that the boundary of the purchase went "from Ruahine to Tahunui and Kaweka."[610]

Hera Te Upokoiri

Hera Te Upokoiri's case was conducted by Inia Maru. Hera was the only witness and she claimed through Upokoiri, Hinemanu, and Honomokai. The only settlements mentioned in her testimony were Ruhanui and Purotu, but no specific resource uses were discussed. Hera did refer to the pou erected in the 1850s to oppose Crown land purchases in the area:

> The post called Whitikaupeka was set up at Pikitara near Marton. It was set up to prevent Apa, Rangitane, Tumokai, Pikiahu, and Mutuahi from coming on this side of it. And also to prevent [the] sale of land. Ngapapa, Te Herewini, Pirimona, Rameka and Te Rina Mete Kingi were present. The post is still standing, it has twice been repaired. Te Rina went because we are connected with Apa. A post was also set up at Kuripapango, and another at Whanawhana. These were set up for the same reason, that is to prevent sales, and to stop people from crossing over to this side. I don't know all who took part in setting up the posts. It was a matter of arrangement. Whiti

[609] Napier NLC MB No. 36: 197 for brief whakapapa; 198, 204, 207.
[610] Napier NLC MB No. 36: 197 for brief whakapapa; 198, 204, 207.

were also there. It was Ngapapa who requested that these other posts should be put up.[611]

Wi Broughton

The case of Wi Broughton (successor to Renata Kawepo) was conducted J. M. Fraser. The main witness was Hoana Pakapaka but Ihaka Te Hau Paimarire (familiar from several other cases in the northern part of the Taihape inquiry districts) was also called to testify, although he did not claim any rights in the Timahanga block for himself. Hoana claimed the land through Honomokai and as a member of Ngati Upokoiri. Unlike previous claimants, Hoana discussed a number of different resource uses, stating that food was collected at areas around the block: at Te Kopi near Te Toka a Tamahautu, the junction of the Taruarau and Ikawatea rivers, Otapare, Te Huru, Waiamaru, and Te Pati a Huiekui. Some settlements were also mentioned: Ruhanui and Purotu. Like previous claimants, Hoana noted that mutton birds were caught at Tautaranui-a-whanga and Pukerimu, and tuna were caught in the Timahanga stream.[612]

Both witnesses discussed some of the circumstances surrounding early Crown land transactions in the area. Hoana stated that although Kerei Tanguru had clashed with Renata Kawepo over land dealings in the Patea area, and had fought at Pakiaka, afterwards Kerei returned to Omahu and lived with Renata as they were cousins. Hoana did not think that the Crown's transactions with Kerei in the Patea area had included Timahanga, but had included Kaimoko, a site on the Owhaoko block. Ihaka also expanded on the later disputes between Renata Kawepo and Ihakara Te Raro. When Fraser asked: "Ihakara and Renata had quarrelled. It was Europeans and their sheep [that] caused this dispute?" Ihaka responded: "Yes, Mr Donnelly. Ihakara had sided with him." Ihaka also discussed the effects of the Native Land Court system on relationships between neighbouring Maori groups: "Tama and Whiti, they were always friendly until the time of the Courts."[613]

Anaru Te Wanikau

Anaru Te Wanikau's case was conducted by A. L. D. Fraser. Anaru and his business partner on the Timahanga block, John James Boyd, were the only witnesses for this case. Wanikau claimed the land by ancestry, through Honomokai, and was the only one of the claimant groups that claimed to have occupied Timahanga in recent times: "My sheep are there now

[611] Napier NLC MB No. 36: 221-222, 225.
[612] Napier NLC MB No. 36: 234-236; whakapapa at 298.
[613] Napier NLC MB No. 36: 240, 287, 297, 327, 336-337.

and houses and fences. It was also occupied in the time of my elders." As is evident from the Mangaohane block study and the rejection of Winiata Te Whaaro's claim (despite his residence on the land), contemporary occupation was not necessarily the basis for a successful claim in the Native Land Court. Anaru discussed a number of different resource uses in the block: like other witnesses, he remarked on mutton birds being found on Tautaranui-a-whanga, tuna being caught in the Taruarau, Timahanga, Ngarururoro, and Ikawatea streams as well as Rurunui. He noted a settlement called Purotu on the block. More generally, Anaru stated that, "my elders got food on the land: birds, rats and wekas." Unlike other witnesses he stated that kokowai was found on the block: "Waikokonai was a place at the mouth of the Mangatawai stream where we got red ochre used as war paint."[614]

Anaru outlined the basis for his sheep farm at Timahanga:

> I asked Renata for some sheep. My sister had gone to Patea in 1873. I proposed to take the sheep to Timahanga and Mangaohane, he said 'no, take them to Kaingaroa.' I stayed at Owhiti until 1876. Renata also gave sheep to my wife.[615]

Anaru's sheep were at Awarua 2 until 1886, when Ngati Whiti drove them off on to Owhaoko, and then on to Timahanga. His business partner Boyd added, "we have about 10,000 sheep on the block now. No one has questioned Anaru's right to be there since 1886."[616]

Anaru also discussed the circumstances surrounding the Crown land deeds of the 1850s:

> I remember the sale of land by Kerei Tanguru at Kaimoko. I supposed Timahanga would be included. Renata objected and asked Kerei for the money so that he might return it to government. He did so, and the money was returned. I have heard some say that land was sold to get the money to be returned.[617]

After Blake quoted Noa Huke from the Owhaoko hearing, testifying that the pou at Kuripapango had been placed there to "prevent Renata from trespassing," Anaru replied: "Noa said so, but he was wrong in saying that it was put in to prevent Renata from trespassing. It was put in to stop [the] sale of land. Renata was opposed to land selling." While he defended Renata on that point, he admitted that the search for Rangituouru's pa had

[614] Napier NLC MB No. 36: 346 for whakapapa; 344, 346-347; Napier NLC MB No. 37: 3.
[615] Napier NLC MB No. 36: 348-349; Napier NLC MB No. 37: 5.
[616] Napier NLC MB No. 36: 348-349; Napier NLC MB No. 37: 5.
[617] Napier NLC MB No. 37: 5, 56-57.

ended in failure. As a part of Renata's take in hearings during the 1880s, Anaru had previously asserted the existence of Rangituouru's pa, but he now readily admitted that it did not exist (as he had earlier in the year at the Oruamatua–Kaimanawa re-hearing. "Boyd said it was a pa. I said it was only a wind swept spot."[618]

Judgment

Of the10 counter-claimants and one claimant, the Court found in favour of eight of the 11 groups to varying degrees. The main contest was between those linked with Ngati Whiti on the one side and, on the other, the descendants of Honomokai. A major source of contention during the hearing was the question of whether Timahanga was situated within the limits of inland Patea or whether it was a part of the Heretaunga region. The judgment did not explicitly recognise either case and instead admitted the rights of both Ngati Whiti and Ngati Honomokai to what it evidently saw as a border region. The Court stated that the block had not been permanently occupied in ancestral times and that it was only used for collecting food by groups residing in the area, such as at Kaimoko in the Owhaoko block and Pohokura in the Mangaohane block.[619]

The cases of Raumaewa Te Rango and Ihakara Te Raro were eventually heard together as the Ngati Whiti case and the Court rejected some of their claims. Ngati Whiti witnesses had claimed that between 1829 and 1860, members of Ngati Whiti had gone on to Timahanga to collect food but the Court found their evidence unsatisfactory. The Court felt that it was more likely that the land was a hunting ground accessed from Ngati Whiti pas on the eastern side of the Ngaruroro River. The claim through Tamakorako was rejected by the Court which noted that it was the same claim that had been set up during the Mangaohane hearing. That judgment confined the right of the descendants of Tamakorako to the south-western portion of the Mangaohane block. Ngati Whiti witnesses had also claimed that Te Ahunga had died on his way home to Heretaunga and was buried on the Timahanga block, and Tararau drowned in the stream named after him. Subsequently the Court found in favour of the direct descendants of Te Ahunga and Tarurau but the other members of Ngati Whiti were not admitted into the title.[620]

Five of the groups laying claim to the block derived their right to the land through Honomokai and were awarded the majority of interests in the block. The Court noted their

[618] Napier NLC MB No. 37: 5, 56-57.
[619] Napier NLC MB No. 37: 137-149.
[620] Napier NLC MB No. 37: 137-149.

particular dissatisfaction with the testimony of Anaru Te Wanikau – who they believed had willingly deceived the Court in his testimony. Despite these assertions, the Court found that other witnesses were able to corroborate Anaru's claims, and as such he would still be awarded some interests. It recognised that his elders had lived close to the block at Pohokura, and that he was born nearby at Waitutu on the south side of the Taruarau River. Thus, the Court accepted his claims to Timahanga, but it was unsure of his interests in relation to the other claims through Honomokai. The Court claimed that some of the other Honomokai claimants had either married into adjacent tribes or lived away from the district, in Whanganui or Heretaunga. Even so, it could not decide which groups had rights and which did not. In the end, the descendants of Atakore were not admitted, the Court seeing their interests as being in Heretaunga, but Hera Te Upokoiri and her group were accepted. Those who could prove their descent from Pipiri, the brother of Te Uamairangi, and Te Hopaka were also accepted.[621]

Other claims made through Honomokai sought to rely on what they said were the conquests of Taraia I and II to buttress claims to the land. The Court found insufficient evidence that the conquests of Taraia I and II extended as far inland as Timahanga. It instead believed that the land had been occupied from the Honomokai pa east of the Ngaruroro, and admitted those people who had claims through Honomokai that were associated with Wi Broughton (successor to Renata). The other people claiming with that group were descendants of Mahuika, but they were allowed into the title only as dependants of Honomokai. Another case through Honomokai and Mahuika was explicitly based on a contention that members of Ngati Mahuika had become serfs of Te Uamairangi and the dependants of Honomokai. The Court accepted this contention, so those descendants of Mahuika were to be awarded smaller shares. In comparison, those who could prove direct descent from Te Uamairangi (being more strictly from Honomokai) would also be awarded shares.[622]

The Ngati Hinemanu and Ngati Mahuika case was largely presented in association with Upokoiri, but the Court rejected their claims to Timahanga. The Court pointed to evidence given by a prominent Ngati Hinemanu witness in previous hearings, Noa Huke, who disclaimed any right for Hinemanu east of the Taruarau stream. Ngati Mahuika rights to the land were similarly rejected.[623]

[621] Napier NLC MB No. 37: 137-149.
[622] Napier NLC MB No. 37: 137-149.
[623] Napier NLC MB No. 37: 137-149.

Katarina Hira's claim was through Honomokai, and it was admitted by Hoana Pakapaka into his successful claim. The other three persons claiming with her through Tamahautu and Koahauiti had asserted joint occupation with Anaru Te Wanikau, who himself admitted to their association with him. The Court accepted them because of this association but rejected any claims as a result of descent from Tamahautu or Koahauiti. Finally, the Ngati Mahu claim, insofar as it was made through Koahauiti as well as Tamataita, was similarly rejected by the Court.[624]

The Court divided the block into 100 shares and distributed the shares amongst the successful claimants: Anaru Te Wanikau and his party received 25 shares; Hoana Pakapaka, Katarina Hira, and others received 35 shares; Airini Donnelly and others received 18 shares; Inia Maru and others received 8 shares; Urupene Puhara, Tanatake Hapuku, and Katerina Nuku received 2 shares and; lastly, the direct descendants of Te Ahunga and Tokorau from Ngati Whiti were awarded 12 shares.[625] After the Crown's judgment Heta Tanguru, Raita Tuterangi, Hiraka Te Rango, Horima Paerau, Hakopa Te Ahunga appealed against the decision but it seems that their application was rejected.[626]

5.2 Compensation for Timahanga owners

Although the Timahanga block was successfully put through the Native Land Court in 1894, there still remained land within the area known as Timahanga that had been wrongfully claimed by the Crown as part of its Heretaunga purchases of the 1850s. As noted in the Kaweka block study, this land consisted of 7,100 acres that overlapped Te Koau and Timahanga block, as noted in the Second Schedule of the Native Land Claims and Boundaries Adjustment and Titles Empowering Act 1894. The 1894 Act required the Native Land Court to identify those Maori who would have been entitled to the land, had it not been alienated by the Crown. The Court was also to determine what compensation was to be paid by the Crown for the 7,100 acres it had wrongly taken.

It was not until 1900 that the Native Land Court sat to complete the tasks set down in the 1894 Act. It identified 25 individuals who were to be paid 2s. 6d. per acre for the 7,100 acres (£887 10s. in all). While a list of 25 names was provided to the Native Land Purchase Department, an actual record of the payment of this compensation has yet to be located.

[624] Napier NLC MB No. 37: 137-149.
[625] Napier NLC MB No. 37: 137-149.
[626] Timahanga Correspondence Na 405 in Maori Land Court Records Document Bank (MLC Docs), Vol. 6, p. 327.

However, it seems highly likely that the compensation ordered by the Court (as a result of a commission of inquiry in 1890) was paid, but this took several more years. By 1906, when it seems the compensation was finally paid, the list of recipients had – presumably through succession – expanded to 44 individuals, although this was in reference to land known as the "Koau block."[627] Te Koau block is the subject of a block study in the Central Aspects Block Study of the Taihape Inquiry District.

5.3 Leases Pre-1900 & Post-1900

John James Boyd was Anaru Te Wanikau's business partner on Timahanga, and they were the only people living on, and farming, the land when its title was investigated. Boyd leased the entire block, but the terms of the lease are not known. In 1909, the Stout-Ngata Commission on Maori land tenure reported that the entire Timahanga block was then under lease. The land was then valued at 7s. 6d. per acre (or about £8,000); three times what the Native Land Court had ordered in 1900 as compensation for the 7,100 acres of Timahanga land taken by the Crown.[628] On the other hand, in 1911 the land was valued at just over £8,000, but this included improvements (such as fencing, a woolshed, and other buildings) (see below). It seems probable that the Stout–Ngata Commission were referring to the capital value (including improvements). Those improvements appear to have been the joint property of Boyd and his farming partner, Anaru Te Wanikau. The Boyd Estate was still leasing the land in the 1910s, when Timahanga 2 to 6 were purchased by the Crown (see below).

5.4 Crown Purchases Post-1900

The Crown acquired all but one of the Timahanga awards in the 1910s.

Timahanga 2 & Timahanga 6

On 9 August 1911, the Aotea Maori Land Board called a meeting of the owners of Timahanga 2 and Timahanga 6 to consider an offer made by the Crown to purchase the two blocks. A valuation of the entire block was prepared which showed improvements of: £585 for the woolshed, cookhouse, and 2 sheds; and, £670 for the fencing. The land itself was valued at £6,815 for the 21,000 acres of land (a total of just over £8,000). The Valuer-General

[627] MA-MLP 1/1906/91, ANZ in Northern Taihape Blocks Document Bank, p.227-259.
[628] AJHR, 1909, G-1c, p.2.

valued 3,000 acres of the land as worth nil; 100 acres at 11.s per acre, and the remaining 18,800 acres at 7s. per acre. The meeting of the owners of Timahanga 2 and 6 was actually held on 10 August 1911, and the owners present approved of the sale of the subdivision to the Crown.[629]

When the approval for the sale of Timahanga 2 and 6 was given it was pointed out that a valuation of the individual subdivisions had not even been attempted. Following a valuation of each subdivision, the following figures were provided:

> Timahanga No. 1 (2,640 acres) was occupied by the estate of John Boyd and was valued at £325;
>
> Timahanga No. 2 (7,700 acres) was occupied by the estate of John Boyd and was valued at £2,580 (£2,490 + £90 of improvements);
>
> Timahanga No. 3 (5,060 acres) was occupied by the estate of John Boyd and was valued at £3,744 (£2,579 plus £1,165 improvements);
>
> Timahanga No. 4 (880 acres) was occupied by the estate of John Boyd and was valued at £71;
>
> Timahanga No. 5 (1,760 acres) was occupied by the estate of John Boyd and was valued at £375; and,
>
> Timahanga No. 6 (3,900 acres) was occupied by the estate of John Boyd and was valued at £975.[630]

Timahanga 2 and Timahanga 6 were eventually purchased together for £3,855 (£300 more than valuation). The survey costs charged to Timahanga 2 were £64 9s. 9d. and to Timahanga 6, £33 10s.[631]

Timahanga 3 & Timahanga 4

Timahanga 3 (4,956 acres) was originally believed to be 5,060 acres and its capital value was estimated to be £3,744. With the adjustment in actual area surveyed in 1913, £3,691 was paid to the owners of Timahanga 3. The Crown had attempted to gather the owners of Timahanga 4 to consider an offer to purchase from the Crown, but only 2 out of 15 owners attended the meeting of owners (less than the statutory quorum of five), as all the other owners were away

[629] MA-MLP 1/1911/19, ANZ in Crown and Private Land Purchasing Records and Petitions Document Bank, p. 12926-12948.
[630] MA-MLP 1/1911/19, ANZ. 'Research Assistance Project: Crown and Private Land Purchasing Records and Petitions Document Bank', CFRT, 2010, pp.13042-13065
[631] MA-MLP 1/1911/19, ANZ. 'Research Assistance Project: Crown and Private Land Purchasing Records and Petitions Document Bank', CFRT, 2010, pp.13042-13065

shearing and asked that another meeting be called after Christmas. At a meeting of the owners of Timahanga 4 (862 acres) held on 4 February 1913 to consider the offer of £70, the meeting resolved to sell the land at that price.[632]

Timahanga 5

Timahanga 5 was subject to slightly longer negotiations than the other subdivisions in the block. On 16 April 1913, Hera Te Upokoiri wrote to Thomas Fisher at the Native Department offering to sell some of their lands, including their interests in Timahanga 5. They were the only whanau that had not yet sold their interests in the subdivision to the government. In an internal government memorandum, Fisher stated that the Crown was purchasing the land at the government valuation of £375, or 5 shillings per acre but that he was "prepared however to favourably consider a slight increase." Thomas Fisher wrote to Hera Te Upokoiri in May 1913 to offer to purchase Timahanga 5 at 5 shillings per acre. Hera responded in July that her family would only accept £2 per acre.[633]

The Ohakune and Raetihi solicitors, Harris & Tansey, wrote to Fisher in December 1913 that Wi Kohika Mohoanui and his brother were willing to sell their interests in the block. Hera Te Upokoiri died in late 1913 and she left her shares in Timahanga 5 to Ngawai Hunia, who also wished to sell those interests. Fisher advised Ngawai's representative, Garnett, that the government would be willing to purchase her interests for £150. Garnett accepted with alacrity on behalf of his client, but had to provide a succession order to prove that Ngawai had inherited Hera's interests. In the end Wirihana Hunia, Te Rara o te Rangi, Ruepena Mete Kingi, and Eric Oswald Maras Maru succeeded to Hera's interests. Maru was the only minor and was a Pakeha child that had been adopted by Hera (before 1913 legislation made the adoption of Pakeha children by Maori illegal, although of course Pakeha could still adopt Maori children). The other successors argued that as the child was not Maori, his share should be distributed amongst them, but they and Fisher at the Native Department were unsuccessful in convincing the Public Trustee of this. Eventually each successor was paid £37 10s. for the remaining interests in Timahanga 5. After two years of purchasing, on 20 August 1915, Timahanga 5 was declared to be Crown land.[634]

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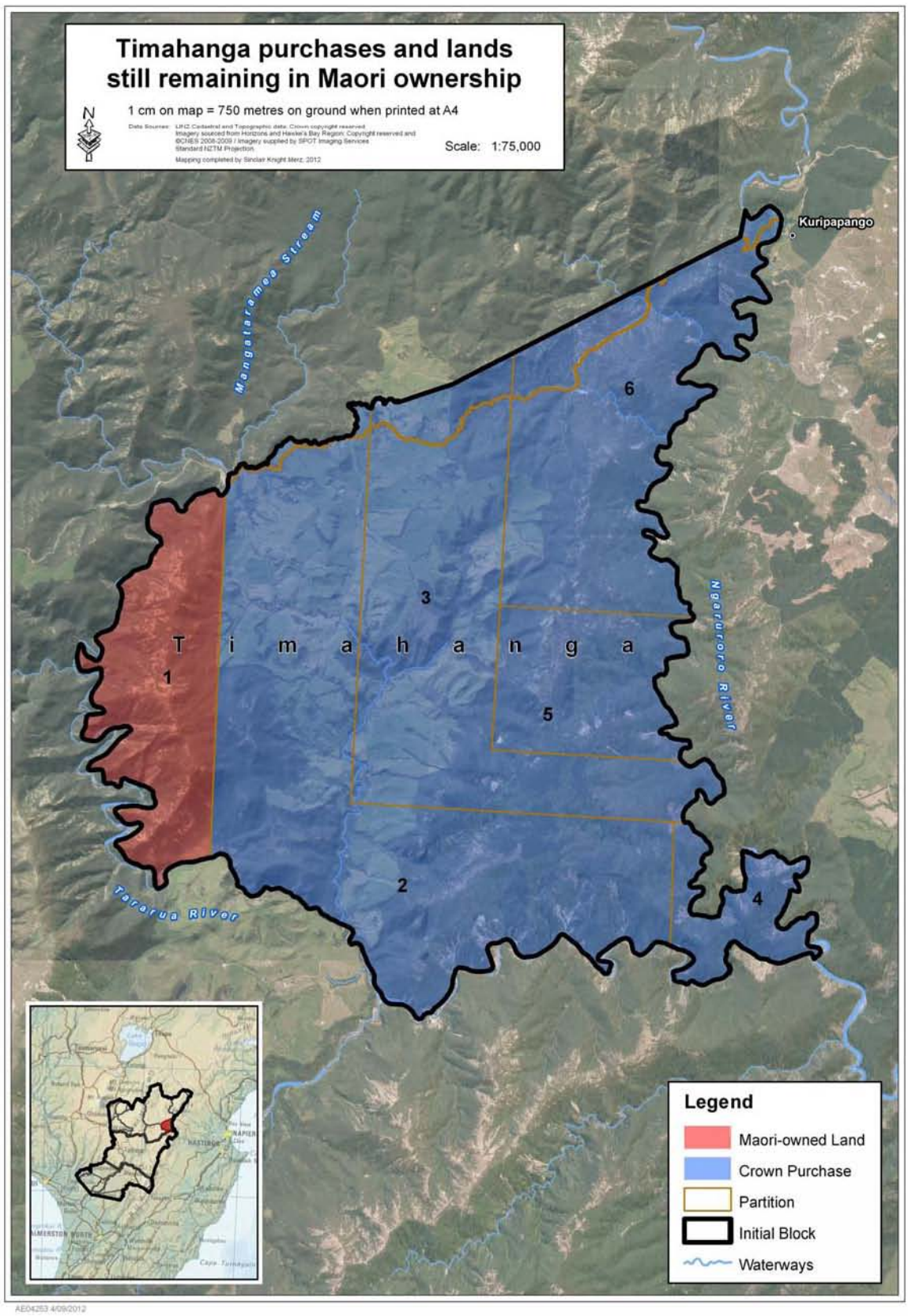
[632] MA-MLP 1/1911/19, ANZ. 'Research Assistance Project: Crown and Private Land Purchasing Records and Petitions Document Bank', CFRT, 2010, pp.13066-13081.
[633] MA-MLP 1/1911/19, ANZ. 'Research Assistance Project: Crown and Private Land Purchasing Records and Petitions Document Bank', CFRT, 2010, pp.13082-13088.
[634] MA-MLP 1/1911/19, ANZ. 'Research Assistance Project: Crown and Private Land Purchasing Records and Petitions Document Bank', CFRT, 2010, pp.13201-13238, 13239-13257.



Map 18: Timahanga Crown Purchasing and Current Maori Land

The Crown attempted to purchase Timahanga 1 (reduced to 2,577 acres) for £100 but was unable to do so.[635] It remains today as the only Maori land in the Timahanga block.

5.5 Public Works Takings

Deductions for existing roads were made from some Timahanga subdivisions (without compensation being paid) at the time title was awarded: 17 acres was taken from Timahanga 3; 30 acres was taken from Timahanga 6.[636] Subsequently, in 1971, an additional 1 acre 1 rood 33.5 perches was taken for roading from Timahanga 1, probably as the result of realignment.[637] The only other taking identified to date is the taking of 11 acres 3 roods 5 perches from Timahanga 1, "as a resting place for travelling stock." It seems unlikely that this reserve is still required for that purpose, but its present status has not been clarified.

5.6 Conclusion

Timahanga was the last block in the northern part of the region to go through the Native Land Court (in 1894) and has the shortest and least complex history, despite the fact that the Crown had assumed that it had previously purchased the land. When the title was finally investigated it was decided with little of the difficulties and disputes that characterised other blocks in the vicinity. Despite being divided into six subdivisions when title was awarded, five of the titles (Timahanga 2 to 6) were acquired by the Crown in a short period from 1911 to 1915, using the streamlined processes of the Maori Land Board. Only Timahanga 1 (2,577 acres) remains today as Maori land

Table 32: Timahanga Summary

Block	Area (acres)	Status
Timahanga 1	2,577	Maori land
Timahanga 2	7,499	Crown purchase, 1911
Timahanga 3	4,956	Crown purchase, 1913
Timahanga 4	862	Crown purchase, 1913
Timahanga 5	1,722	Crown purchase, 1913-15
Timahanga 6	3,772	Crown purchase, 1911
Total	**21,388**	

[635] MA-MLP 1/1911/19, ANZ. 'Research Assistance Project: Crown and Private Land Purchasing Records and Petitions Document Bank', CFRT, 2010, pp.13066-13068, 13616-13622.
[636] Timahanga Block Order, Na 404 Vol 1 in MLC Docs Vol. 6, pp.332, 341.
[637] Timahanga Block Order, Na 404 Vol 1 in MLC Documents Vol. 6, p.347.

Timahanga Data:

Area: 21,388 acres
Title: 1894
Owners: Ngati Honomokai, Ngati Whiti
Crown purchases: 18,811 acres
Price paid: £7,991
Private purchases: Nil
Taken for public purposes: 60 acres
Area 'europeanised:' -
Area still in Maori ownership: 2,577 acres

6. Conclusion

The northern blocks in the Taihape Inquiry District were largely isolated from the early period of colonisation and the extensive land loss accompanying it. Even so, within a short time of coming into contact with the mechanisms of the colonial project, all of the land in the district was caught up in the land-alienating processes of colonialism, and today little land in the district is left in Maori ownership. The largest remaining holding – in Owhaoko blocks – is the poorest and least productive land in the northern blocks.

In many cases, the tools of land alienation were imposed on northern Taihape lands not by the land's customary owners and occupants, but by outside tribal groups with whom the Crown and others interested in the acquisition of the land were only too willing to engage. Again and again, the tangata whenua of the Patea region found themselves on the back foot from the get-go; forced into a defence of their customary rights in the forums of colonisation, where – unlike their foes – they lacked the experience and expertise required in a new world where their traditional fighting skills could no longer protect their lands. Secret Crown dealings in colonial towns and silver-tongued oratory – if not bare-faced lies – in the Native Land Court were what carried the day. As a result, from the 1850s to the 1890s, northern Taihape lands were caught up in land alienation processes that made it impossible for their customary owners to retain their authority. Once the authority over the land was usurped, permanent alienation in one form or another soon followed. Where lands were vested in other tribal groups, who had little interest in retaining land to which they had little connection, the process of land loss was only accelerated.

The earliest Crown purchases of the 1850s crept inland over the hills from Hawke's Bay, at which point they began to interfere with Patea interests. The inland boundaries of the Crown's deeds were poorly defined and were not surveyed at the time the deeds were signed by those Hawke's Bay rangatira favoured by Crown negotiators. The secret land dealings in

Hawke's Bay, and efforts by some rangatira to prevent them, led to fatal fighting amongst the people there. Over the hills in Patea, the people met and resolved to keep such land dealings outside their boundaries; erecting pou to mark key points that Crown purchases were not to pass, and to warn other tribes to keep within their own boundaries. Despite these efforts, the confusion over the inland boundaries of the Crown's early Hawke's Bay deeds meant that Patea had already been affected. The lack of clarity over the inland boundaries of the Ahuriri deeds led to Maori protests, but Crown attempts to deal with these protests amounted to little more than buying off unextinguished interests while seeking to further extend the Crown's own claims in the inland area around the Kaweka ranges, and the hills to the south beyond Timahanga and Te Koau. The Crown continued to assert claims to a larger area than the Patea tribes had alienated. While their claims to one part of this boundary area – the southern portion around Timahanga – were belatedly addressed by an 1890 commission of inquiry and the payment of some compensation, their interests to the north, around Kaweka, were never adequately dealt with.

The lands at the heart of Patea remained secure from such Crown dealings for a few decades more, as the local people strived to keep such troubles away. They preferred to lease their lands directly to settlers, so the extensive Owhaoko and Oruamatua–Kaimanawa blocks were leased to Pakeha runholders in the late 1860s and early 1870s (Studholme and Birch respectively). So too was the Mangaohane block, lying between these large sheep runs to the west, and the settler world of Hawke's Bay to the east. However, the leases soon led to difficulties over control of not so much the lessees but other would-be lessors asserting rights to Patea lands. In particular, Renata Kawepo and his Hawke's Bay people began to interfere in the leasing arrangements. At first Renata's experience in dealing with te ao hou was welcome, particularly when he had the rent for one lease trebled, but when he sought to claim too much of the rent for himself, the land's customary owners sought to regain control.

Control was, though, difficult to regain – just as authority was difficult to retain – once the costly surveying and title investigation processes of the Native Land Court were stealthily imposed on the land by Renata and his allies. The defective processes of the Court saw title for Owhaoko and Oruamatua–Kaimanawa granted to Renata and a favoured few in 1875, despite the protests of the many right-holders unable to participate in the deeply flawed title investigation. Over the following decade there were a series of petitions and protests by those excluded from the poorly-investigated title to Owhaoko. On partition in 1885, Renata was awarded the largest share of this very large block, much to the chagrin of Ngati Whitikaupeka, Ngati Tamakopiri, and Ngati Hinemanu.

In 1886, Attorney-General and Premier Sir Robert Stout championed the cause of the excluded and disgruntled Owhaoko owners, leading to a Parliamentary inquiry that exposed the inept and corrupt practices of the Native Land Court and those operating within its shadowy world. As a result of the 1886 inquiry, a fresh title investigation was held in 1887, allowing many previously excluded groups into the Owhaoko title (Renata, formerly the dominant presence in the title got nothing). The 1887 title did not long stand, as a re-hearing was held in 1888, when Renata, Airini Donnelly, and those claiming with them gained a modest share of the title.

The protracted resolution of the title to Owhaoko prevented permanent alienation of the land for a time, and the early lease was maintained until the death of the lessee Studholme early twentieth century. Partitioning from the 1890s onwards soon led to title fragmentation, followed by numerous Crown and private purchases of Owhaoko subdivisions. The Crown's final purchase – of Owhaoko D2 in 1973 – was a questionable transaction in which Crown officials subverted the law in pursuit of purchase. However, the most significant single transaction involving Owhaoko was the gifting of more than 35,000 acres to the Crown during World War I. The land was intended for the settlement of returning Maori soldiers, but it proved unsuitable and was never used for the purpose for which it was given. The land was belatedly returned to its Maori donors in the 1970s, only after years of lobbying and what was, for them, a fortuitous change of government in 1972.

Oruamatua–Kaimanawa suffered a similar fate in the nineteenth century; being subject to a similarly flawed and inadequate title investigation in 1875 to the benefit of Renata Kawepo and a few others, before the same 1886 Parliamentary inquiry led to a fresh title investigation. The title to Oruamatua–Kaimanawa was not determined anew until 1894, when title fragmentation commenced. This was followed, from the early twentieth century, by the rapid private purchase of extensive areas of the block under the auspices of the Aotea Maori Land Board. Lands that the owners managed to retain were leased for a time, but in the 1960s and 1970s almost all of the block remaining in Maori ownership was taken by the Crown for defence purposes (the compulsory acquisitions amounting to more than 32,000 acres).

For all the defects of the Native Land Court process, and the inadequacies of the appeal processes, that were evident in the Owhaoko and Oruamatua–Kaimanawa blocks, the fate suffered by the customary owners of Mangaohane was even worse. In the case of Mangaohane, not only did the Court process let down key right-holders and occupants of the

land – notably Winiata Te Whaaro and his people – but so too did every political and legal remedy available to the Mangaohane people. The interests of Winiata Te Whaaro and others – being the only claimants to the land who lived on it – were acknowledged by the Native Land Court and by higher courts, but this recognition of their rights counted for nothing when it came to overturning earlier errors in the Native Land Court process, even after these errors were identified. Despite the historical fact of the rights of Winiata Te Whaaro and his people, court after court accepted the legal fiction of their exclusion from their own homeland. Again and again, he was rebuffed by the courts, and by the government, until finally he and his people were forcibly removed from their land, their homes and possessions burned, and Winiata himself imprisoned. All the while, those to whom title had been incorrectly awarded – but who had only a weak customary and personal connection to Mangaohane – set about selling Mangaohane to the man who had initially leased it, Studholme (of Owhaoko). Within a short time, the entire block was gone.

After the protracted legal wrangles and personal tragedies marring the history of the other northern blocks, the history of Timahanga is rather more prosaic. Title to the block was not investigated until 1894, in part because of the confusion over the boundaries of the early Crown deeds of the 1850s and 1860s noted in connection with Kaweka. Maori protests over the Crown's erroneous claims to their land arising from its poorly-defined boundaries led to the 1890 Awarua Commission, which found that the government had claimed to have acquired more land than had actually been transacted in earlier times. The result was that the Te Koau and Timahanga blocks were put through the NLC in the 1890s.

Timahanga block had been informally leased for some time long before its belated title investigation, but – like other blocks in the area – once it was held under Native Land Court title, land loss soon ensued. In the first instance, the title was subdivided into six pieces on title investigation. Then, in the 1910s, the Crown purchased five out of the six Timahanga titles, leaving just 2,577 acres in Maori ownership.

As set out in the table overleaf, a great deal of the land in most of the northern blocks has been alienated from Maori ownership. In only one case does a significant proportion of the original title remain in Maori hands and in that instance, Owhaoko (116,275 acres of which is still Maori land), the land is of very limited economic utility to its owners. In addition, they were excluded from ownership of the land from the time it was gifted to the Crown in 1916 until it was finally vested back in their control in the 1990s. In the other blocks either nothing or only a small area of Maori land remains. Of the total area of almost 412,000 acres under

review, the Crown purchased more than 91,000 acres and compulsorily acquired more than 32,000 acres. Private purchasing accounts for an even larger area: more than 163,000 acres. Other than the extensive Owhaoko blocks returned to Maori because the Crown could find no use for them, there remains only about 9,000 acres of Maori land elsewhere in the area under review, or less than four percent of the land outside Owhaoko.

Table 33: Summary Block Data

Block	Area (acres)	Year of 1st Title	Crown Purchase (acres)	Private Purchase (acres	European-ised (acres)	Public Works (acres)	Maori Land (acres)
Kaweka	56,273	-	56,273	0	0	0	0
Owhaoko	164,500	1875	12,849	30,485	8,897	50	116,275
Oruamatua–Kaimanawa	115,420	1875	3,583	78,447	0	32,077	6,544
Mangaohane	54,342	1885	0	54,218	0	124	0
Timahanga	21,388	1894	18,811	0	0	60	2,577
Total	**411,923**		**91,516**	**163,150**	**8,897**	**32,311**	**125,396**

The Native Land Court process was particularly difficult for the Mokai Patea people as hearing after hearing presented significant economic challenges. Those claiming land – or seeking to defend their lands from the claims of outsiders – had to travel to distant hearings and remain there, often for months at a time, for the Native Land Court's protracted and repeated inquiries. The location of sittings was frequently raised by them, but it was only after repeated requests for hearings to be held in the same region as the land itself that the final Oruamatua-Kaimanawa hearing in 1894 was held at Moawhango.

Moving into the twentieth century, the local Maori Land Board used its streamlined processes to facilitate private purchasing, a subject that will benefit from further research into sources beyond the block-specific Board files relied upon for this report. Far more alarming though is the conduct of Crown officials in the early 1970s in completing the final Crown purchase in the Owhaoko block through dubious methods.

Finally, much of the Owhaoko land remaining in Maori ownership is land-locked and saddled with unpaid rates for titles that receive little by way of local body services. The extent of land-locked titles and the nature and extent of rates arrears – and how they were dealt with by central and local government agencies – are issues that would benefit from further research, not only in relation to Owhaoko but also other Maori land titles still extant in the twentieth

century. Another issue on which the research sources available for this project failed to shed much light is the nature and extent of smaller Public Works takings, particularly for roads. Some takings have been detected in the course of research, but it seems probable that there will be more and that additional research is required to clarify this and identify takings, especially those made under the 'five percent' rule (under which up to five percent of a Maori title could be taken for public purposes without compensation having to be paid).

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