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**NGA RAURU; KA MARO TE KAKI O TE
KOTUKU**

A thesis presented in partial fulfilment of the requirements
for the degree of

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at Massey University

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HE KUPU WHAKATAU

Ko nga kupu e whai ake nei he kupu mihi atu ki a koutou i awhina mai i tenei mokopuna a koutou. "Ahakoa he iti to awhina, he pounamu."

Ki a Professor Meihana Durie nana ahau i arahi i roto i tenei mahi. Tena koutou e oku hoa rangatira o te Tari Maori kei roto i te Whare Wananga o Manawatu. Me mihi atu ki a Esther Tinirau, ki a Monty Soutar, ki a Lindsay Cox me Patina Edwards mo a ratau kupu tohutohu, na ratau i tautoko mai te kaupapa nei.

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ABSTRACT

This thesis is concerned with the development of a resource: land, so as to provide an economic base that will sustain social and cultural activities for the iwi of Nga Rauru.

Chapter One of the thesis reveals the various Acts and legislations and reasons that made land a source of conflict between Maori and Pakeha during the Nineteenth century. This is the first period of land alienation. Chapter Two highlights the Acts and legislation of the Twentieth century that continued to alienate Maori from their land. Attempts to counter this land alienation are also discussed. In Chapter Three a block of Maori land, originally Crown granted in 1882, is used to show the process of fragmentation and alienation which has produced the situation today: there is still Maori land left in the block, but it is largely leased to local Pakeha farmers.

The consequences of land alienation to Maori in general, and where possible Nga Rauru specifically, is discussed in Chapter Four. Economic, cultural, spiritual, social and political factors are viewed in an attempt to gauge Nga Rauru's present 'well-being'. The final chapter calls for the utilisation of Nga Rauru lands to be returned to the iwi. A scenario concentrating on forestry development is used to indicate possible costs and returns to the iwi, in economic and social terms. The chapter concludes that there is a need for Nga Rauru to establish a Development Unit to facilitate desired economic growth for the iwi.

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CONVENTIONS

- 1 Macrons have not been used in spelling of Maori words.
- 2 Maori names used are as they were spelt in source material.
- 3 Maori words are in italics the first time they are used, then explained in glossary.
- 4 Acres are used as they were in the Maori Land Court records (1 acre = .4 hectares).
- 5 Currency used is that which was on the lease agreements. This was pounds until the change to decimal currency in the 1960's.
- 6 Most Tables and Figures are on the page following their reference.
- 7 Tables and Figures are numbered per chapter and sequence (Fig 3.3 = Third Figure in Chapter Three).
- 8 'The Court', refers to the Maori Land Court.

ABBREVIATIONS

- 1 PKW - Parininihi ki Waitotara Incorporation.
- 2 438 Trust - The most common Trust used to deal with Maori land held in multiple ownership.
- 3 RMET - Rangitawhi Marae Enterprise Trust.
- 4 42 Tar. M.B 126-7 - Volume 42 Taranaki Minute Book Folio 126-7.
- 5 Wg - Whanganui.
- 6 NP - New Plymouth.

INTRODUCTION

Though you are few in number,
 You are the seed sown at Rangiatea.
 And, now, the hidden orations of your ancestors
 must be revealed ! Revealed ! Revealed !
 Are you not from Ngaa Rauru kiitahi exclusively ?
 Certainly.

(A Ngaa Rauru introductory poi chant¹)

Ko Taranaki te maunga
 Ko Patea te awa
 Ko Wai o Turi te marae
 Ko Wehi Kotokoto Broughton te tangata
 ko Otautu te whenua
 Me Nga Rauru te iwi
 Tihei Mauri ora.

Taranaki is the mountain
 Patea the river
 Wai o Turi the marae
 Wehi Kotokoto Broughton the man
 Otautu his land
 And Ngaa Rauru the tribe
 So I am alive.

I present here a history of Ngaa Rauru similar to the thesis work of Ruka Broughton on the Origins of Ngaa Rauru kiitahi. The difference is that this is a history of fragmentation and alienation of Ngaa Rauru land since the arrival of the Pakeha. This alienation may either be direct alienation through sale, or indirect through lease or incorporation. The end effect is still the same in that the

¹ From Introduction of thesis topic, *The Origins of Ngaa Rauru Kiitahi*, Ruka Broughton, Wellington, 1979.

owners are not personally utilising their land and they are denied a sense of effective ownership.

The present state of Maori alienation from their ancestral lands must be attributed to the effects of colonisation and resulting Acts and legislation. The initial Pakeha settlement period during the Nineteenth Century is marked by friction between Maori and Pakeha over land. The much used colonial policy of divide and rule was used to divide and alienate Maori from their land, and ultimately gain ownership of the land.

After the 1860's land wars, vast areas of Taranaki land were confiscated under the 1863 New Zealand Settlement Act. A process then followed of awarding reserves within the confiscated area to individuals as representatives of the group. Over time, however, this title of ownership came to represent actual ownership of the land. Thus the communal nature of Maori land tenure was undermined. Continual disputes over land in the Taranaki area led to the 1870's conflict from which Nga Rauru, together with other iwi of Taranaki, never fully recovered.

Acts and legislation during the Twentieth century continued the process of alienating Maori from their land. The dominating voice of the farming community, which saw most Maori land as being unproductive, was as ever heard loudly within the halls of power. Maori land, as ever, was needed to enhance New Zealand's rural economic machine.

Few voices have been heard at the national level to advocate the protection and development of Maori land by its owners. The Young Maori Party, Ratana and Kingitanga movements are exceptions but their effect was limited. Establishment of incorporations and trusts were established to protect and develop Maori land but have only had limited success. Even where incorporations may be judged successful on economic grounds, however, many owners feel an alienation of sorts because they have no direct control of their land.

After World War Two the Maori population moved from being eighty percent rural to the present situation of being eighty percent urban. This massive urbanisation of Maori may be attributed to the 'pull' factors of employment, education and better housing in the towns and cities but there were also 'push' factors. Fragmentation, multiple ownership, zoning and health regulations and difficulties in acquiring loans effectively meant that most Maori could not use the land they owned. The easier and often most practicable option therefore was to lease the land to a local farmer and move to a nearby town or city.

The actual benefits of Nga Rauru's urbanisation in the case of Patea township are questionably, especially under the present economic situation. It will be shown that as Maori moved in, Pakeha moved out. The subsequent closure of the main employer in the town has resulted in a depressed local employment scene and a sharp decline in house values. Maori have thus found themselves owners of over-valued houses which they can not afford to sell, and faced with limited employment opportunities. This is further substantiated when it is revealed that while Maori make up thirty-three percent of the local population, they constitute forty-eight percent of those who are seeking work in the local Patea area.

It will be argued that within this depressed local scene, the iwi of Nga Rauru must exist and operate - socially, culturally, spiritually, economically, and politically. Nga Rauru must have a base which covers these five factors to provide for both the present and future needs of the iwi.

The argument of this thesis is that a significant number of Nga Rauru should in some form or manner return to their land. The land is a *taonga** which must be fed as the iwi must also be fed. Instead of leasing the land to others who reap its full potential, Nga Rauru should harness what is theirs.

The problems of fragmentation, multiple ownership, local

* Maori words are in italics on their first appearance in the text. See Glossary for translations.

regulations and finance still exist today. These problems however, need to be overcome to provide for both *te tangata me te whenua*. Those who are unemployed or contribute to the other negative statistics of 'well-being' could well benefit from both the *wairua me te wai ora o te tangata* which the land possesses. Those yet to come, *nga mokopuna*, would also benefit from the wealth which utilising the land could provide. From a Maori viewpoint, such wealth would be measured not only in financial terms but social, cultural, spiritual and political terms.

The author holds that the Nga Rauru Trust Board which represents the iwi must be at the forefront of the return to the land. He proposes that the Trust Board establish a Development Unit to explore means for the better use of land by and for its owners. This Development Unit would work with the owners to develop the land for their benefit as well as for the benefit of the iwi.

Nga Rauru are like many other indigenous peoples of the world been deprived of land, culture and a healthy sense of identity by a dominating alien colonial culture. Today's negative statistics of Maori well-being indicate Nga Rauru have not receiving fully the benefits which this country bestows to its Pakeha citizens.

Like many other indigenous people, Nga Rauru has resources from which they are effectively alienated. In their desire to establish a base for the future, land is the main resource which Nga Rauru must seek to develop to its fullest potential. My iwi needs the benefits resources such as land contain so that we may advance with confidence into the Twenty-first century.

Nga Rauru: ka maro te kaki o te Kotoku.

Nga Rauru: the Kotoku has its neck stretched ready for flight.

CHAPTER ONE

PRE- TWENTIETH CENTURY ; MAORI LAND TENURE AND GOVERNMENT LEGISLATION

Ma te wahine ka tapu ai te hanga nei, te tangata,
Ma te whenua ka whai oranga ai.
Whai hoki, ki te tangohia to wahine e te tangata ke,
Ka ngau te pouri ki roto i a koe.
Na, ki te tangohia te whenua e te tangata ke,
Ka tapu to pouri ano.
Ko nga putake enei o te whawhai.
Koia i kiia ai
He wahine, he oneone, i ngaro ai te tangata.

Women alone gives birth to mankind,
Land alone gives man his sustenance.
No man will lightly accept the loss of
His beloved wife, nor that of his sacred land.
It is said truly that man's destroying passions
Are the love of his wife and love of his land.

(Source: D.Sinclair, 1977:86)

The alienation of Maori land and where possible Nga Rauru land during the Nineteenth century is the main focus of Chapter One. The pre-European Maori land tenure system is discussed to reflect how Maori and Pakeha concepts of land ownership differed. Due to the increasing Pakeha population there was the continuous demand for cheap land on which to settle and farm. This resulted in the 'Land Wars' of the 1860's as Maori struggled to retain both their land and autonomy. The land confiscations of the 1860's followed by numerous land legislation effectively alienated Maori from their land, and impoverished them economically, socially, culturally, spiritually and politically within the new New Zealand society.

The process of land alienation which effected Nga Rauru is revealed. This then helps to explain why Nga Rauru is in its present situation of being an iwi which has no recognisable resource which is held by the hapu or iwi as a group. What small amounts of land that remain in Maori title today are individually owned, and in large not being utilised by either their Maori owners or the iwi.

GENERAL SOCIAL AND ECONOMIC CONDITION OF PRE-EUROPEAN MAORI SOCIETY

Maori Land Tenure

In the 1840's Europeans considered New Zealand to be a country of vast, open lands ready for their settlement. They found land that was not being utilised and termed it 'wastelands'. While to the European it may have seemed that these wastelands were not owned or being utilised by the Maori, this was not the case. The land, forests, rivers and coastal areas of Aotearoa had long been claimed by the various Maori tribes. Every inch of land had special significance to each iwi. Thus, Maori land effectively encompassed all areas of both the land and coastal seas.

Tribal claim's were upheld through *whakapapa* and *ahi ka*. Whakapapa defined the group who held the land, enabling the individual use of the

land. This use was of special significance for *tupuna* had held the land in trust, as the land was now held in trust for future *mokopuna*. Land was not something that could or should be alienated. Land and the produce from it was the backbone of Maori society, the very base of Maori life. The survival of the tribe depended on access to enough land to ensure a constant food supply. Land was a *taonga*, bearing the fruits of labour to feed the *whanau*, while encompassing the very soul of the group with the *wairua* of those who had come before.

Noku te whenua, o oku tupuna
Mine is the land, the land of my ancestors.

A unity existed between Maori and their environment. The earth in Maori mythology was Papatuanuku. It was from her bosom that Tane fashioned Hineahuone, the earth formed maiden, and established the descent of man. The earth-mother provides sustenance for man with the food that springs from her breast. Thus Papatuanuku is effectively loved as a mother is loved.

At birth a child's *iho* (umbilical chord) was buried with accompanying rituals to establish an *iho whenua* (connection with the land). Often to provide evidence of ownership, the *iho* of a newly born child of *rangatira* status was hidden on the land or boundary area.¹ While being an expression of *mana* over the land (*mana whenua*), *iho whenua* could also be cited in future if disagreements arose over ownership or boundaries.

Whakapapa alone did not give exclusive right to use of the land. It was enhanced through *ahi ka*; that is land tenure resulting from a continuing physical presence or occupation and strengthened by cultivating and harvesting of both the land and the sea. Land was a reason to live and a reason to die.

He whenua, he wahine, i ngaro ai te tangata
For land and women alone men are lost.

As previously mentioned, *ahi ka* was maintained through occupation and active defence of the land. Douglas Sinclair (1977:90) states, if a person had "maintained his occupation against all comers and the successful

¹ These spots were called *whare pito tamariki*- shelters for the umbilical cords of children.

dispersal of other claimants strengthened the ties. His title was that of the long burning fire, *ahi ka roa*". Sinclair (ibid:91) states further, "If a Maori left the district and neither he nor his descendants returned for at least three generations, the rights of occupation would be lost.... the claim was considered to have become cold or *ahi mataotao*". This coldness of which Sinclair speaks would restrict a person's rights to the day-to-day decision-making concerning the land and its utilisation. However, as Mahuika (1977) comments, traditional land was not individually owned but held in trust by the chief. Therefore with the knowledge of whakapapa, or links to the land, an individual could always re-assert a right to occupy and use ancestral lands. A person with *mana tangata*, such as a chief, could always re-assert *mana whenua* through whakapapa.

While land was utilised by the individual it was held in trust for all. As Metge (1967:12) states, "Under the Maori system of land tenure, rights of occupation and usefruct were divided among subgroups and individuals, but the right of alienation was reserved to the group".

So while individual families may have had rights of use to certain resources, this use was granted and upheld by the *hapu* or *iwi*. Even the chief's use (*mana whenua*) was maintained through the support of his whanau, *hapu* or *iwi*. He maintained his power through his whakapapa and knowledge (*mana tangata*) and through the continued support of his *iwi*. Thus the chief had to act in the best interests of his group or he was liable to confrontation. Firth (1972:133) states that the chief disbursed wealth freely as presents among his own followers. By this means their allegiance was secured and he repaid them for gifts and personal services rendered to him. There was thus a continual reciprocity between chiefs and people. "He was a kind of channel through which wealth flowed, concentrating it only to pour it out freely again".

Boundaries

Boundaries were important in traditional Maori land tenure. Geographic features such as hills, rivers, valleys or cliffs defined the boundary lines and were used in *waiata* and *korero* to depict the extent of a whanau, *hapu* or *iwi* land holdings. Other features such as special stones or trees were used as boundary markers. These boundaries were keenly

protected by the whole community. There were constantly over-lappings in boundary claims by hapu and iwi who claimed the land through various means. This resulted in numerous conflicts, often resolved by force. Up until the coming of Pax Britannia ('The kiss of peace'; British law) with the Treaty of Waitangi in 1840, many tribal boundaries were not fixed. They could be, and often were, altered by conquest. However, in 1866 the first Chief Judge of the Native Land Court Francis Fenton set 1840 as the time when tribal boundaries became fixed (the '1840 rule'). All tribal boundaries were thus fixed on maps by the Crown as those deemed to be in existence at the time of the signing of the Treaty of Waitangi. The '1840 rule' may have obstructed the rights of some customary owners.

Social Interaction

The whanau was the primary everyday social and economic unit. The unit which planted crops, gathered food and built small *pu tuna* (eel weirs) or *he waka eke noa* (canoes which were common property). The whanau acted within the hapu and iwi, making use of resources which they had acquired or been allocated.

The hapu and iwi came together in the pursuit of larger economic activity. For example, the clearing of a large area of land in which to cultivate kumara or taro, the building of *waka taua* or *whare whakairo*. The protection of land also necessitated the combined effort of all to ward off invading forces.

Economic Activity

Maori life was regulated by the Maori lunar calendar and change of seasons with the local environment determining what kinds of economic activity could be undertaken. As to the skill and knowledge of the Maori of old, Firth (1972:61) states:

The workable quality, hardness, and durability of many kinds of woods, as well as their colour and grain; the nature of rock and stone; the position of the stars and movement of the planets; the properties of berries, bark, fungi, flowers,

grasses and roots; the habits of fish, birds, and rats were all matters which were known to the skilled men of olden days.

During the summer work revolved around gathering the fruits of both land and sea, fishing, fowling, rat trapping, gathering shellfish, berries, shoots, roots and honey. Stores were prepared for the long cold months of winter when food would be in short supply. The coastal tribes exchanged *kai moana* for *kai ngahere* (birds and various other foods of the bush) from inland tribes, while *pounamu* found its way north from the South Island through various exchanges.

Constant economic activity left little time for idleness. There was always work of one form or another to be completed. The whare whakairo, waka taua and intricate carvings were signs of the great industry of the Maori. Work was necessary and therefore seen as a honourable activity with no one demeaning themselves by labouring side by side with those of lower rank. A chief, or anyone else in fact, could enhance their mana by such industrious activity. To be called lazy was seen as a great insult.

He tangata momoe, he tangata mangere, e kore e whiwhi taonga

A man fond of sleep, a lazy man, will never acquire wealth.

Moemoenga he tangata ringa raupa

Marry a man with calloused hands (a sign of his hard labour).

Summary

Before the arrival of the Europeans Maori land tenure was complex and regulated despite the fact that land utilisation was generally non-intensive. Land was a link back to the past and on into the future. Ownership was maintained through whakapapa and ahi ka and defended by force when necessary. Land was owned and utilised communally and because it was more than just an economic commodity there was no concept of possible permanent alienation of land. While individuals had rights, these rights were secondary to those of the hapu and iwi in the maintenance of the communal society. Economic activity was governed by the environment and seasons with the whanau being the main social

and economic unit. Labour was seen as a virtue with *tohunga* holding specialised knowledge which was used for the benefit of all. The chief acted as a form of funnel through which wealth was collected and then dispersed amongst the people.

TARANAKI

Land and the General Social and Economic Condition of Taranaki

In general, Taranaki life was not dissimilar from that of the other tribes of Aotearoa up until the time when Europeans first settled in the Nga Puhi and Waikato areas. Taranaki first felt the presence of Europeans indirectly through contact with the raiding Waikato tribes. During the raids of the 1830's Waikato, with the aid of the musket, caused major destruction in Taranaki. The introduction of the musket broke the previous balance which had existed in warfare between the two regions. Taranaki therefore had no option but to enter the new European economic system to obtain these weapons for protection. The musket would also facilitate the claiming of *utu* against Waikato and other tribes from whom Taranaki sought revenge. So it was that the *harakeke* of Taranaki became the major article of exchange for the musket and other desired European implements. Whanau and hapu were relocated to enhance the exploitation of the flax with tons being required for a single musket during the initial exchange period. The exchange process took on a more balanced look over time as Maori became more astute about the worth of their flax and other products. Flax, potato and pork were the main exchange goods of the Taranaki coast at this time.

With the return of captured slaves to Taranaki from iwi in direct European contact, Christianity soon spread down the Taranaki coast. This was another important factor in the corrosion of traditional Maori society and values. For example, Christianity denigrated the concept of *tapu* and the power of other *Atua*. This led to the breakdown of certain traditions and restrictions paramount to the economic utilisation and spiritual vitality of the land.

The Taranaki coast heard the word of Christianity largely through the word of the returning slaves and also from missionaries moving into the district. In 1842 the Reverend John Skevington established himself near the mouth of the Waingongoro river. His circuit extended south to Waitotara including Patea and Whenuakura. The Reverend G. Stanard following in 1848 opened a station at Waitotara. Bishop Haddon was present in the 1860's playing a significant role in converting the local Maori. Even Titokowaru, the famous Ngati Ruanui war chief, was an early convert to Christianity.

During the initial establishment period of the new British colony, Maori participated in the fledgling economic activity. They actively encouraged a few Europeans to settle in their midst with their implements of war and peace. Flour mills, owned by Maori, were built up and down the coast to grind the wheat which their owners grew on a whanau or hapu basis. Schooners or horse and dray were purchased to transport goods to the major towns and cities, and land was sold at token prices or gifted to Europeans to encourage settlement.

Firth (1972:445) states that during this initial period the normal communal economic structure of the Maori based on the whanau and hapu was preserved, however, this contact with European civilisation "familiarised the native with more general types of European goods and technical processes". It also acquainted the Maori with, "a more individualistic outlook", an outlook that while not initially copied, would be remembered for the future.

Following the Treaty of Waitangi, there was a substantial increase in European settlement in New Zealand. By the 1850's European numbers grew to outnumber the Maori. All the easily obtained land had already been bought from the Maori and there was a constant need for more land to facilitate settler expansion and development. The Land Purchase Department had been forced to acknowledge the traditional Maori custom of communal rights to land. This meant it was impossible for the Crown to obtain large blocks of land without the full consent of all the owners to the block, and the chief could always veto the sale.

The new settler government of this period found themselves trying to purchase lands from tribes which were beginning to link together in self defence to protect their remaining lands. The tribes of Taranaki had become increasingly sceptical of the intentions of the Pakeha who were acquiring more and more Maori land. There was a growing distrust of the Pakeha who seemed determined to acquire all the land and make the Maori their slaves, dependent on the Pakeha for a living. There was also friction between those Maori who wanted to sell land and those who did not. In 1854 Ngati Ruanui called a meeting of all the West Coast tribes to discuss the matter of land sales. The hui was held at Manawapou pa on the southern bank of the Ingahape river. A celebrated house, named Taiporohenui, was built to accommodate those who came to the hui. Houston (1965) claimed that this was an ancient name that came from a great house or temple built in Tahiti before the Maori migrated to New Zealand. Roberts (1939), on the other hand, states that the name Taiporohenui was thought to indicate that no more fresh water should be permitted to run into the salt sea. That is, no more land should be sold to the Pakeha. Whatever the true meaning of the name Taiporohenui, it is obvious that it was a name that held much mana. Mana that helped draw and then protect the thousand or so people who attended. It was from this hui that the Maori Land League was formed and the saying that symbolised that only after the death of the Maori would the Pakeha get the land:²

Te tangata to mua: te whenua to muri
The man first; the land afterwards.

Another attempt by Maori to unite in an attempt to protect their land was the formation of the *Kingitanga* (King Movement). Kawharu (1977:11-12) comments, "A king, it was thought, would symbolise Maori social and cultural integrity, political equity with the European, and desire for self-determination". Te Wherowhero of Waikato was duly elected and he took the title Potatau on his appointment in 1858. Those outside of Waikato who regarded themselves as his subjects were few, but those who drew strength from the *Kingitanga* principle of protecting the land were many.

² Keith Sinclair (1950), discusses the different views held about the Land League's establishment and actual existence.

It was because of settler demands for land and increasing difficulty in obtaining it that the government sought new means of acquisition. A major example of this new approach was the 1860 Waitara conflict caused by the then Governor, Thomas Gore Browne, the Native Minister C.W. Richermond and Mr Mclean when they accepted the offer of land by a sub-chief called Teira. This sale was opposed by Wiremu Kingi the principal chief, and the tribal council. The Governor's acceptance of the land seems to have been a manipulated attempt to force Maori into conflict with the government over the issue of land sales. As Douglas Sinclair (1977:111) states, "The government had built up their forces to the necessary strength and they had found an appropriate case on which to base a final military solution to the problem of limited access to Maori land".

A series of ultimatums to the Taranaki chiefs followed the initial dispute over the offer of land for sale. The government offered peace but on the condition that the chiefs agreed to the principle of individualisation of land titles. If these ultimatums were not adhered to, the possible forfeiture of lands would follow.

The conflict that was to inevitably follow led to several million acres of land being confiscated under the New Zealand Settlements Bill.³ This Bill approved the confiscation of the whole of any district where considerable numbers of natives were believed to be in rebellion. Under the Bill, 1,275,000 acres were confiscated in Taranaki of which 256,000 acres were later returned and 557,000 purchased (Figure 1.1). The Bill was finally passed by the Legislative Council on the 17th of November 1863 later to become the New Zealand Settlements Act, 1863.

The new law gave the government no right to confiscate other lands outside of those in rebellion but it did give power, on payment of full compensation, to take other land (Maori or European) for such public purposes as the establishment of military villages. As Riseborough (1989:17) comments though, "There were no Europeans living 'on the frontier' where it was proposed to form military settlements; the whole

³ See Appendix 1.1 for Acts and legislation which have affected Maori land up until the present day

purpose of establishing such military settlements was to introduce Europeans to the area".

The result was that even the 'friendly' natives who had not fought against the government and who owned land on the proposed frontiers faced the loss of lands but only on payment of what was thought to be 'full compensation'. In 1928, sixty five years later, the Sim Commission declared that Taranaki Maori were not in rebellion in the first Taranaki war, and that in the second which was only a continuation of the first, they were forced into the position of rebels within the meaning of the New Zealand Settlements Act. The Sim Commission found that in the circumstances Taranaki should not have been punished by the confiscation of any of their lands (*AJHR*, 1928, vol II, G.-7:28).

The act of confiscation had extinguished native title to large tracts of the most fertile Taranaki land which was now open to settlement by Europeans. Maori were left with the less fertile and bush covered lands on which to survive. On the issue of confiscations and returned lands, Douglas Sinclair (1977:112) comments:

It did not really matter how much land was returned to the Maoris because they were all reclaimed by the land purchase agents who were able to bully every tribe into submitting to their demands.⁴ The activities of the land purchase officers were so successful that one wonders why the settlers should have resorted to an expensive war which laid the basis of our national debt.⁵

The activities of the land purchase agents and private land buyers were facilitated by the passing of the 1862 Native Land Act.⁶ The Royal Commission of the Maori Land Court (1980) reported that this Act made

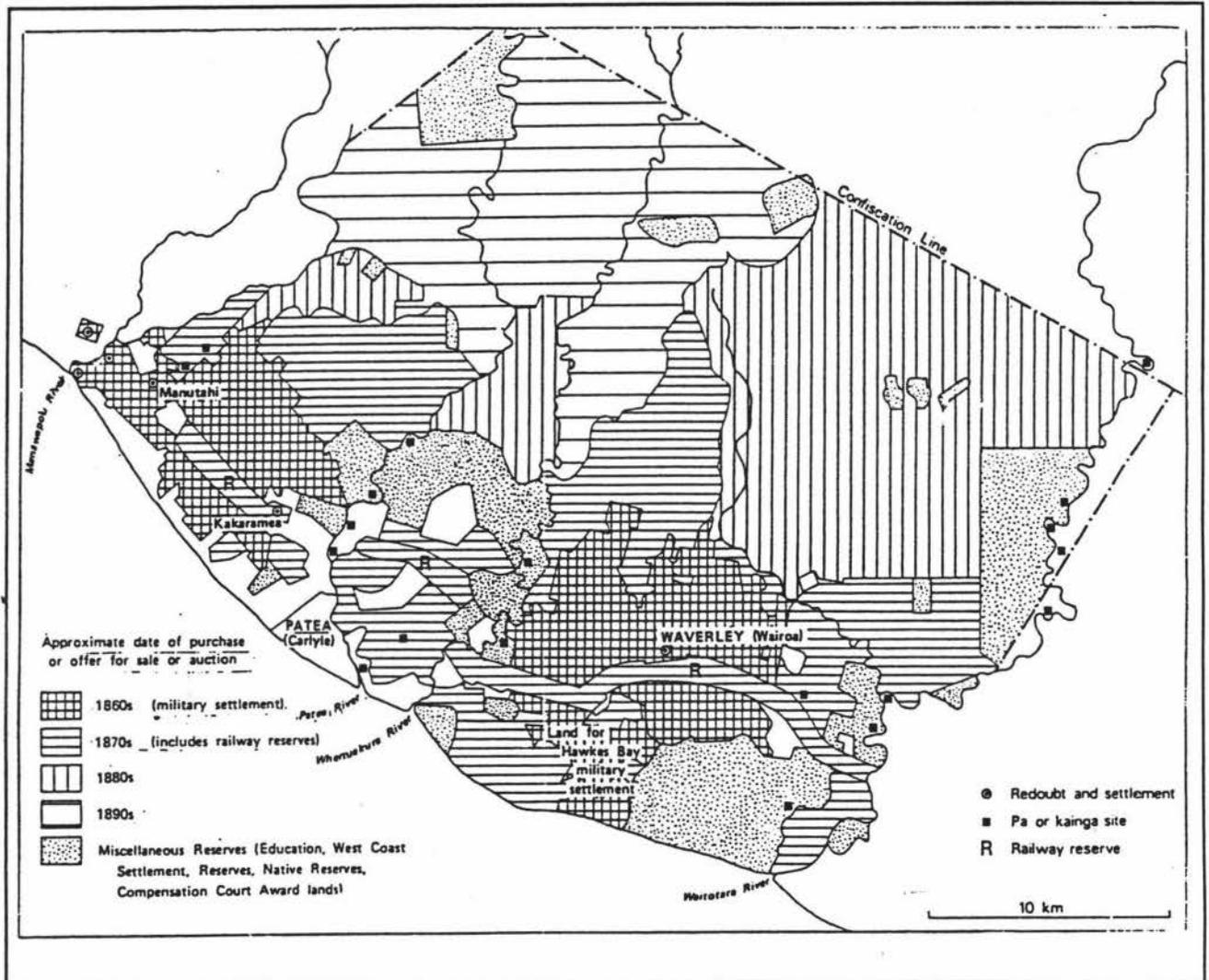
⁴ The exploits of one Native Land purchase agent, Mr G.B. Worgan, are remembered by South Taranaki as infamous. As well as acting on behalf of the Government, Worgan purchased land for private interests. It was reported that "He appears in some instances to have been guided in his individual allotment of the sections by the willingness or otherwise of the awardee to sell his interests." *AJHR*, 1880, G.-2:80. Worgan was later relieved of his office in 1873 and was later to be imprisoned for other such acts of forgery.

⁵ A similar conclusion was reached by Bremer, 1962.

⁶ The Court was not constituted until the passing of the Native Land Act, 1865.

FIGURE 1.1

LAND DEVELOPMENT IN THE PATEA COUNTY 1860-1900



Source: Thompson (ed.)(1976:29).

provisions for a Native Land Court to decide the ownership of Maori land. The aim of the Court, as defined in the Act, was to identify the owners of the tribal land and then transform communally owned land into individual title. This would mean that Maori land ownership would thus become 'assimilated into British law'. By imposing individual title to Maori land, the protective nature of collective ownership would no longer be able to protect (or as the Court saw it inhibit) the alienation of Maori land. The activities of the Court polarised Maori society into those who wanted to sell the land (*hoko whenua*) and those who did not (*pupuri whenua*). Now an individual could take their land claim to the Court for settlement.

If the rest of the tribe was not present they were likely to be left out of the grant. If arguments arose, as often they did, lengthy Court hearings followed. The resulting costs of travel, staying near the Court, legal cost and then survey costs often forced people to incur a debt against the land. In the process of proving mana whenua, the sale of the land was often the only option available to pay off one's debts.⁷

The 1862 Act also waived the Crown's right of pre-emption. It was thought that giving the Maori owners a valid title right removed the need for pre-emptive 'protection' by the government. However, as Kawharu (1977:76) comments, "What had been protected was not so much the Maori's ownership of his land as the Crown's monopoly of purchase. And this monopoly was held by the Crown for as long as any government could withstand the clamour of rival interests".

The problem of granting title to Maori land was made worst by the fact that the law confined the Court to naming no more than ten persons on the certificate of title. From the tribe's view these persons were the trustees of the land. The tribal elders were usually named on the certificates of title as the representative owners in the first Crown grants. Kawharu (ibid:76-77) states, "they were expected to ... 'act together as tribal representatives in any dealings with the land', especially in sales and leases where the nominal owners were to act only with the full knowledge and consent of the entire body of owners, i.e the tribe or sub-tribe".

However, from the European legal point of view, these persons were now the owners of the land, free to do with it as they wished. The *Royal Commission Report on the Maori Land Court* (1980:11) commented that "... these problems were compounded because, the Land Transfer Act, through which all titles were registered, did not permit the notion of trusts on the register".⁸ However, the notion of trusts would not have been permitted as this would have gone against one of the principal

⁷ Interestingly, it is claimed that the sale of land was also a way that some Maori saw as exerting their mana whenua.

⁸ The 1865 Native Land Act, allowed land to be declared to be the property of a tribe if the area exceeded 5,000 acres. However, as pointed out by a Commission of Inquiry in 1891, very few certificates of title were issued in the names of the tribe or hapu.

objectives of the Native Land Court. This was the individual title to land which would then lead to the increased alienation of Maori land.

The Native Land Act, 1867 attempted to correct the ten-owner rule by listing the names of other 'owners' on the reverse side of the certificate. Unfortunately this Act and the Native Land Act, 1873 which replaced the certificate with a memorial of ownership, made little difference. The basic thrust of the legislation was still the same; of individualising the title to land and then treating those listed on the certificate as if they were the owners with powers of alienation.

1860's Maori Land Wars

The southern Taranaki tribes joined with their northern whanau in the war against Pakeha land purchasing in the 1860's. After 1864 with the success (limited though it was) of the Imperial forces in the Waikato and Tauranga areas, the government proposed a major move against Maori in the Taranaki-Whanganui area. The first major engagement being in January 1865 when the Imperial forces were attacked at Nukumaru. There was little activity for the rest of 1865. However, when General Chute took over the command of the forces from General Cameron he was directed by Governor Grey to once more begin operations. Okotuku village inland from Wairoa (Waverley) was the first to be attacked on the 3rd of January 1866. The village was burned and the cultivations of maize and potatoes were destroyed. This destruction of this village and its cultivations was one of many that were to follow in Chute's 'showing the flag' campaign through Taranaki.

'Titokowaru's War'

'Titokowaru's war' of 1868-1869 was a further extension of the 1865 conflict in which Taranaki Maori fought to retain their lands. After the 1865-1866 war, Maori had been promised reserves within the confiscated territory but few had been officially allocated. The late 1860's saw settlers just starting to take up land within the confiscated territories with the surveyors leading the way (Fig 1.2). Titokowaru could only see the further alienation of Maori land without the fulfilled promises of Crown grants. These were areas of land which had only been

confiscated on paper and had not been followed up by settlement and cultivation of the land up until that time (ahi ka). Because ahi ka had not been established, Taranaki Maori felt justified in reclaiming lands that had been declared confiscated by the Crown.

During the resulting conflict the local Maori economy suffered blows from which it never recovered. Because Titokowaru's forces were relatively small in number, they had to rely on guerilla hit and run tactics. In an attempt to counter this the Colonial forces⁹ attempted to destroy Titokowaru's supply line. As Lovegrove (1969:16) stated, "Destruction of cultivations and accommodation causing the enemy to move farther beyond the district boundaries for supplies was next in importance to destroying or capturing personnel".

In April 1869 Major Noake conducted an expedition up the Waitotara river against local Titokowaru supporters. In his report to the Colonial Defence Department dated 11th April 1869, Major Noake described the expedition's search for the 'rebellious' natives. The report talks of the considerable cultivations that were found especially at Te Erangi where large cultivations, corn, cattle, sheep, poultry and property of every description were found. These and everything else that may have assisted the rebels were destroyed. This included settlements, cultivations, eel weirs and any stock they could not eat. When the expedition arrived at Wereroa there were some sixty men each with horses burdened with loot. The sale of loot began immediately before the soldiers then marched to their respective camps.

The Colonial forces' tactics of destroying all Maori cultivations and resources that may have aided Titokowaru continued throughout the war. By the time the conflict ended, the Maori community and economic viability had been totally destroyed. As Lovegrove (1969) comments, Major Noake, in reviewing his report of 1869 stated, "The destruction of cultivations and all that could not be removed was a tremendous dent in the Maori economy". The effects of the war and continuing alienation of

⁹ Conflict between the Colonial Office and the local government led to the gradual withdrawal of the Imperial Forces from New Zealand, to be replaced by Colonial Troops who were to pursue the 'self-reliant' policy of the New Zealand government.

provided well for the people. Parihaka was renown for the large feasts provided for from its many bountiful gardens.

During the late 1870's the government sought to open up the lands between the Waingongoro river in south Taranaki and the Hangatahua river (Stoney river) in North Taranaki. These were lands that had been confiscated in the 1860's but had never been formally occupied. A road was built to facilitate settlement in the area.

The erection of fences as obstacles to the proposed road that was to run through Parihaka and the ploughing of 'settler' land were symbolic gestures of the passive resistance offered by Te Whiti and his followers. The fences were repeatedly built as was the 'settler' land repeatedly ploughed. Special legislation was passed that allowed the local constabulary to arrest the 'ploughing' and 'fencing' parties that repeatedly appeared. As one party was arrested and imprisoned another would appear to take their place. The whole Parihaka situation was not dealt with sympathetically by the government. Instead, Te Whiti and his growing number of followers were seen as a threat to the 'civilisation' of Taranaki. As Riseborough (ibid:212) states, "... at Parihaka Te Whiti constituted a threat to European supremacy in that he offered his people an alternative to the way of life the Europeans sought to impose".

Because of the perceived threat of Te Whiti and his followers, the government was determined to destroy Parihaka. They were afraid of enhancing Te Whiti's mana and so initially refused to deal directly with him. When in time government had no option but to deal with Te Whiti, they sent their junior representatives in an attempt to demote his importance.

In 1880 a Royal Commission was set up¹⁰ which recommended that certain reserves be set apart for the people of Parihaka. A proclamation was thus issued to this effect but it was duly turned down by Te Whiti.¹¹ As a result, on the 5th of November 1881, Te Whiti, Tohu and Hiroki were arrested after 1600 troops had converged on Parihaka. They were

¹⁰ *AJHR*, Volume II, G.-2, Appendix A:2. Proclamation Notifying the Appointment of the Commission.

¹¹ When Bryce invaded and destroyed Parihaka, in 1881, no Maori reserves had been drawn on the survey plans of the Parihaka block.

to be imprisoned in the South Island with those from Parihaka who had already been imprisoned. Te Whiti and Tohu were never formally charged nor were they ever brought to trial because as Houston (1965) stated, there was no particular charge on which they could be tried. Te Whiti and Tohu were only later returned to Parihaka in March 1883 when peace seemed assured in Taranaki.

Enclaves such as Parihaka and large reserves were not viewed favourably by the Europeans as they were seen to hinder European settlement. These sentiments were expressed in the following reports:

1. Major Brown, Civil Commissioner, to the Under Secretary, Native Department, 23rd May, 1879.

I recommend that in future reserves for the natives in the confiscated lands be a number of small ones instead of a few large ones.... The benefits will be that they will be scattered amongst the settlers, and that, if let, ... a larger European population will be maintained on them than is at present the case (*AJHR*, 1876, vol II. G.-1:31).

2. Mr C.A. Wray, District Land Officer, 1880.

... such an extensive area as 20,000 acres in one block, should not be allowed to remain a bar to settlement in the midst of a district every acre of which is suitable for settlement. I would therefore strongly advocate that these reserves should be administered by the Government on behalf of the natives, and leased to Europeans for long periods on favourable terms, thus securing the settlement of the district, which would otherwise be retarded if such lands were unconditionally granted to natives (*AJHR*, 1880, vol II, G.-2:79).

LOSS OF NGA RAURU LANDS.

The end result of the conflict, while starting in 1860 with the Waitara dispute and resulting Acts of Parliament, saw Nga Rauru and the rest of Taranaki severely depleted of their former land holdings. The following

are some of the major Acts which helped further the alienation of Maori land:

The New Zealand Settlements Bill, 1860, and following New Zealand Settlements Act, 1863. These legalised the Crown confiscation of 1,275,000 acres of Taranaki land belonging to those tribes which were believed to have been in rebellion. Later 256,000 acres were returned and some payment was received by Taranaki tribes from the government for another 557,000 acres.

The 1862 Native Lands Act. This enabled a court to award the certificate of title to ten owners who were then allowed to treat with Europeans for the lease or sale of the block. Strictly speaking these ten owners were trustees for all the owners of the land. However, the trustees were sometimes afforded effective rights of ownership. This was contrary to the customary communal ownership of the land and chiefs powers of veto (rights which had been protected in the Treaty of Waitangi).

The 1865 Native Lands Act. This set up the Native Lands Court which was to become the Crown's agent to individualise the customary communal Maori land. The Court was a tribunal to bring Maori land under a European type title, thus facilitating effective individual dealings and the alienation of Maori land. Titles were often rushed through the courts to release the lands to the waiting speculators. Pressure was always exerted on the most fertile blocks of land to be dealt with first and then sold or leased over the needs of the tribe. Because the Act limited the names on the certificate of title to only ten individuals when hundreds usually had interests, it was subject to many abuses by both Maori and Pakeha.

The Court applied Maori custom which recognised that all children had the right to succeed to land interests of both parents but the issue of a freehold title meant that the old Maori institutions of ahi ka roa disappeared. A freehold title to land could be lost only by death, sale or compulsory acquisition by the government for a public purpose. McEwan (1976) comments that it could not be lost simply by failure to exercise rights of occupation as was usually the case in Maori custom.

1867 Amendment to the 1865 Native Lands Act. This secured the inclusion of the names of all the owners in the title (even if they were only endorsed on the back of the document).

1873 Native Lands Act Amendment required that no alienation by sale or lease could proceed without the consent of all owners, replacing the consent of just the ten trustees. This replaced the 1867 Act by requiring a memorial of ownership on which were listed the names of the tribal owners.

In 1892 the West Coast Settlement Reserves Act stabilised the few remaining reserves in the Taranaki district but in doing so vested them forever in the hands of European farmers by the use of lease renewals in perpetuity.

In summary, the main objective and effect of these Acts was to release Maori land from customary title to enable its sale or lease by individual Maori. This had an effect on Nga Rauru of contributing to the further alienation of what lands had not already been taken by confiscation. While the 1867 and 1873 Native Lands Amendments attempted to include the names of all the 'owners' of the land on the title, they did not stop the sale of land. The idea of a title listing the 'owners' as trustees would have been a viable option for the Maori in the attempt to protect their lands but trusts were not permitted under the Land Transfer Act and, in fact, would have gone against the very ends that Pakeha desired for the further acquiring of Maori land.

While the 1892 West Coast Settlement Reserves Act may have been seen by some at the time as protecting Maori land, in effect it all but alienated the people from their land. Maori land owners were unable to play a part in their land's administration or lease agreements for this was all performed by the Public Trustee. A further consequence was that rents were set for extended periods of time which resulted in the owners receiving a proportionately under valued return. The lessees then had the perpetual right of renewal which gave them the ownership of the land for the consideration of a rental that was bound to markedly devalue over the lease period. The end result has been that while the land was

still 'owned' by the Maori on paper, they were unable to personally utilise their own land.

The effectiveness of European pressure and the Acts of Parliament can be gauged by what lands Nga Rauru had left by 1890. In 1882 William Fox, the West Coast Commissioner, reported a short account of the Nga Rauru tribe and their lands:

Before the West Coast war of 1865, the Ngarauru sub-tribe occupied the land between the Whenuakura river to the north and the Kai Iwi to the south, a distance of between twenty and thirty miles....¹² The first interference with their territory was the purchase in 1864 by the Government of a block of 20,000 acres immediately south of the Waitotara River. Of this upward of 6,000 acres of the best of the land was reserved for the tribe in several separate blocks. These and the remainder of their lands south of the Waitotara were exempt from the confiscations of 1865; while at that time, some further reserves of about 2,000 acres were made for them out of the confiscated land north of the river. But in addition to this, not less than about 17,000 acres were awarded to the loyal members of the tribe, individually or families, by the Compensation Court.

Notwithstanding the participation of the tribe (probably the whole of it), in the war of 1878-1879, none of these lands were taken from them.... This, however, is subject to the following remark; that almost immediately after the receipt of the compensation land (17,000 acres) they sold nearly the whole of it, and leased the remainder, to Europeans at prices which, though generally fair at the time, are much below the present value of land. They also leased a large part of the reserves (*AJHR*, 1882, vol II, Appendices, G.-5:20).

¹² Many persons of Nga Rauru, including the author, take the Patea river as the northern boundary of Nga Rauru.

In a Memorandum by Mr James Booth, R.M., and Native Agent, Wanganui, 1st May, 1882, he stated:

I have made the necessary inquiries respecting land belonging to the Ngarauru tribe, and I find they are the owners of the following blocks, viz. :--

South of Waitotara River. -- Rangitatau, 41,000 acres. They have agreed to sell out of this block 23,000 leaving a balance in hand of 18,000 acres; Mangapapa No. 1C., 6,000 acres; Mangapapa No.1 Reserve, 400: making a total of 24,000 acres south of the river, beside the reserves at Kai Iwi, Okehu, Pakaraka, Nukumaru, and Kaipo.

North of Waitotara river. -- Piraunui, 25,000 acres; Rawhitiroa, 100,000 acres estimated area, beside reserves out of confiscated land (*ibid.*, Sub Enclosure 4, G.-5:25).

These reports raise a number of points which require comment. Firstly is the fact that in William Fox's report of 1882 he states that 6,000 acres of the 'best' land was reserved in separate blocks for the tribe. The question must be asked who decided which blocks Nga Rauru would receive and how were they deemed to be the 'best' of the land? What may have been the best for the Pakeha may not have been the best for Nga Rauru. For example, were factors such as *wahi tapu* taken into account?

The awarding of 17,000 acres to the 'loyal members of the tribe' raises another question of what happened to those who were deemed as 'not loyal'. When it is then revealed that almost all the awarded land was immediately sold or leased, one must question the whole process of awarding land for the benefit of the tribe if it is only to those who are deemed to be 'loyal members'.

William Fox's report reflects the attitude of colonial superiority in that the Crown knows what is 'best' for the natives. Land has been confiscated with some of the 'best' reserved for the 'loyal members of the tribe'. This land is, however, immediately sold or leased. This must question the whole process of the Crown's awarding land for the benefit of the tribe, if that is in fact what the Crown was attempting? Concepts of protecting Maori rights of possession to taonga such as land, forests,

rivers or sea, and self determination or rangatiratanga have been totally ignored.

Pakakohi

There is some dispute over whether or not Pakakohi was an iwi or a hapu. Pakakohi is taken here to represent a hapu whose lands are included in the rohe of both Ngati Ruanui and Nga Rauru. Nga Rauru claims the Patea river as its northern boundary. It is therefore necessary to include the lands awarded to Pakakohi in the area south of the Patea river for discussion as part of Nga Rauru lands.

1,000 acres are to be given to the Pakakohi tribe at their old kainga, Otautu, to the north of the Railway Reserve... They are also to have 1,000 acres of forest land.... A reserve of 10 acres will also be made for them at Turi's Spring, and of 5 acres about the site of Turi's house (AJHR, 1880, vol II, Appendix A, G.-2:4).

List of Crown Grants Recommended for issue, to 2nd June, 1882:

| At Otautu | Acres |
|------------------------------------|-------|
| To Taurua and his people | 2170 |
| Beyond Otautu | |
| To Taurua and his heirs | 1062 |
| Hukatere pa and cultivations | |
| To Taurua and his people | 18 |
| At Little Taranaki | |
| Komene and his people | 501 |
| Ngapaki and his people | 505 |
| Miriama Hinekorangi and her people | 301 |

William Fox
West Coast Commissioner
(AJHR, 1882, vol II, G.-5:18).

Of these lands however, large portions were soon either sold or leased to the Pakeha settlers. A Royal Commission in 1880 reported that all the

native reserves which were under the administration of the Native Reserves Commissioner, Major Heaphy, V.C. (approximately 505 acres) were also soon leased to Europeans for a term of twenty-one years from 1st October 1874. Maori land continued to be either sold or leased out to the extent where only limited reserves for their own use were left:

... they have been steadily alienating their lands to the Government, and show ever sign of continuing to do so, until only reserves for their own use are left. The natives have insisted on leasing the greater portion of these reserves to Europeans (*AJHR*, 1876, vol II, G.-1:31).

It could be argued that many Maori did not fully realise what they were doing when they sold their land. This however does not fully answer the question of, 'Why did Maori continue to alienate themselves from what little land they had left?' An initial answer may be found in who the Crown actually awarded the land to. These awardees were more than likely those 'loyal natives' who would have been more willing to sell their land in the first place. It must also be realised that after the Land Wars of the 1860's the Maori economy and social structure had effectively been destroyed. Many Maori were disillusioned and in despair from the effects of the wars, diseases, breakdown in Maori society and government legislation. The activities of the Native Land Purchase Officers were often very questionable from an ethical or legal point of view. The Native Land Court also acted to its fullest ability in awarding individual title which contributed significantly to the alienation of Maori land.

Many disputes over land ownership led to lengthy court hearings. This often resulted in persons going into debt just to prove their right or ownership. The result was that they had little option but to sell their land to pay off the debt which they had incurred in proving their ownership through the courts. In some cases when disputes arose over land rights the land was simply sold to prevent any further arguments. The act of selling land was also seen by many to prove their mana whenua or rights over the land. The resulting financial benefits could then be utilised in some circles to enhance one's mana tangata.

The alienation of Maori land was described by Ngarangi Katitia in 1887 when he was calling for the land to be returned so that the Maori could earn a livelihood off the land:

Yes, we hold other land; but all the best portions have been leased to Europeans. There is a very strong desire on the part of the natives to cultivate these lands, to grow wheat upon it, to put stock upon it, for themselves; but the portions of land now occupied by them are inferior bush land, upon which we can neither grow wheat nor put stock (*AJHR*, 1887, vol II, sess II, 1.-3A:2).

Ngarangi Katitia (*AJHR*, 1891, sess II, G.-1:177), while being questioned by a Royal Commission in 1891 gives examples of people such as Marino and Mata Riri who leased out all their lands and now have insufficient for their wants. Asked if there were many natives in the same position as those mentioned Ngarangi replied, "Yes, there is a great number."

CONCLUSION

By the end of the Nineteenth century the tribal lands of Nga Rauru had been severely depleted. Lands north of the Waitotara river had been confiscated in 1865 with 2,000 acres of reserves allocated. Then followed Acts of the settler governments to facilitate the alienation of Maori land through the individualisation of land title. The Crown grants and reserves that remained were soon either leased on long term or sold to settlers. Many members of Nga Rauru now found themselves with insufficient land off which to survive. They lived on whanau land until these in turn were alienated and came to rely on working on the Pakeha farms and in the towns. As Kawharu (1976:91) commented, tribes that were alienated from their land, "... lacked the capacity to turn the proceeds into assets of comparable desirability and soon found themselves in a marginal position vis-a-vis the settler-literally on the outskirts of townships and markets".

The fabric of Maori society had been attacked, leaving Nga Rauru impoverished; financially, socially and spiritually. Their previous

communal economic base had been largely replaced by the Pakeha concept of individualism. Nga Rauru, as with other Maori of this era, found themselves aliens in the land of their tupuna. Their population, ravaged by war, disease and the corrupt influences of the Pakeha culture continued to decline. The cumulative effects was the further, almost final, erosion of the customary social support systems which had held their society together. There was very little, if any, of their former economic base left on which to advance into the 'modern' Pakeha world. All the land, especially the most fertile, had been sold and leases accounted for the majority of what was left. Furthermore, the knowledge and training passed down from tupuna was seen by many Maori and almost all Pakeha as being of little economic benefit in this new world.

CHAPTER TWO

THE TWENTIETH CENTURY

As discussed in Chapter One the Nineteenth century was a period when vast areas of Maori land were alienated. This loss of land was primarily brought about by the activities of the Native Land Court in its application of the individualisation of title and various discriminatory land legislation of the settler government. Their activities were so successful that by the beginning of the Twentieth century Maori land holdings were only a minute proportion of what they had formerly been. Of the remaining small blocks of Maori land, many continued to be alienated well into the mid-Twentieth century as a result of new amendments to land legislation. While not all of this legislation directly alienated Maori land it contributed to that affect. This chapter will consider the main Acts passed from 1900 to 1975 which affected Maori land and its effective ownership and use by Maori, and the various attempts to retain and develop it. It is significant that as official sympathy increased for the Maori cause, further legislation and the processes of change initiated in the last century continued to erode the area of land available for Maori use. Reference will be made to Maori land in general, leaving Nga Rauru to be discussed specifically in the following chapters.

MAORI LAND LEGISLATION

There were numerous Acts of Parliament in the Twentieth century that led to further Maori land alienation and underdevelopment. While not all these Acts may have initially been aimed at the alienation or underdevelopment of Maori land, some of the legislation they contained had that end result. The Maori Lands Administration Act, 1900 was the first attempt during this period to provide Maori with a legal representation similar to that of the Native Land Court.

Maori Land Councils

When the Maori Parliament assembled in Rotorua in 1900, Apirana Ngata and Timi Carroll persuaded the assembled members to press for a system that allowed Maori to manage their own lands but under the supervision of the government. It was from this idea that Seddon developed the Maori Land Administration Bill which became an Act later that year. Under this Act, Maori Land Councils comprised of seven members, three of whom had been elected by Maori in their districts and four who were nominated members, one of whom was to be Maori, were established (Fig 2.1A and 2.1B). There were seven regional Council districts which coincided with the Native Land Court districts. The Councils were set up to stop large-scale alienation and individual dealings in Maori land which were seen to be having a detrimental effect on the well-being of the Maori people. Carroll hoped that Maori would be willing to lease their surplus lands and use the money from the leases to develop their remaining lands. Councils were to exercise all the powers possessed by the Native Land Court to ascertain both ownership and succession to a deceased person's interests, to define relative interests, to partition land, and appoint trustees. The Councils were given some judicial powers but were not possessed of exclusive authority. That is, all this was done if directed by the Chief Judge of the Native Land Court and it was not mandatory for Maori land to be subject to Council control.

The Maori Councils, while attempting to protect Maori land, were doomed to failure because of their Pakeha dominance. They were seen by many Maori as creatures of the government and therefore unable to criticise the changes that government proposed that affected Maori land. Maori response was to simply withdraw their lands from the jurisdiction of the Councils.

The government's response, under pressure to open up more Maori land for settlement, was to resume its former role of facilitating its sale. The first measure undertaken was the Maori Land Settlement Act of 1905. This Act replaced the Maori Land Councils with three-member Maori Land Boards, only one member of which was required to be a Maori. The Maori Land Boards were really reconstituted Maori Land Councils, having similar aims and objects as the Councils. Like the Maori Land Councils,

FIGURE 2.1A

AOTEA MAORI LAND COUNCIL, EARLY 1900's



Source: Butterworth and Young, 1990:52. Wanganui Regional Museum.

FIGURE 2.1B



Source: Butterworth and Young, 1990:60. Auckland Public Library.

they were also presided over and dominated by Pakeha. All restrictions on private leasing were then removed and government land purchasing was resumed through the Native Land Purchase Board which was given a monopoly (pre-emption) in the purchase of tribal lands.

The final Act of this period was the Native Land Act of 1909. This Act reconstituted all the previous Maori land legislation, (consolidating with amendments, no less than sixty-nine statutes, or portions of statutes relating to Maori land) and became the principal Act concerning Maori land for the next twenty years.

West Coast Settlement Reserves

Maori ownership, administration and development of West Coast Settlement Reserves land have been particularly subjected to legislation. In an address to the Waitangi Tribunal (4-9-1990, Owae marae, Waitara) Peter Green, the Counsel for Taranaki iwi Muru me te Raupatu claim, stated effects of successive legislation on West Coast Reserve land. In 1907 the Maori Land Claims Adjustment and Laws Amendment Act provided for leases for up to twenty-five years without compensation for improvements. At the expiry of the leases, the land was to be returned to the Maori owners. Six years later this was changed with the introduction in 1913 of the West Coast Settlement Reserves Amendment. This amendment extended the terms of lease by ten years and imposed full compensation for all permanent improvements. Two thirds of all rent received into the hands of beneficial owners was transferred into a sinking fund to pay for the improvements made by the mainly Pakeha lessees. The government undertook to pay off the balance between any fund built up and any compensation. To do this it registered a charge against the land which the Maori owners paid to the government. Thus, owners of the land were in effect denied income from the land over a period of thirty years. The Reserves legislation produced two effects: it effectively prevented any return of income off the land to its owners; and with little if any income or finance of their own it prevented them from ever buying out the leasehold.

During this early period of the Twentieth century, Maori land owners voiced their opposition to the legislation of the West Coast Settlements Reserves and other such restrictive legislation. The opposition was shown in a petition to Parliament in 1909 which had been encouraged by Maui Pomare who, at that time, was a Native Health Officer with the Health Department. This petition asked for the repeal of the West Coast Settlement provisions of Crown grants: provisions within the grant which violated the Treaty of Waitangi and empowered the Public Trustee to arbitrarily lease out Maori land in perpetuity regardless of whether the Maori owners had sufficient land for their maintenance. The petition asked that no further leasing of lands be continued by the Public Trustee and that the leases now falling due for renewal be returned to the Maori owners.¹³

Parliament paid little regard to the 1909 petition and similar petitions made during the early Twentieth century period. Instead further legislation was passed which was detrimental to the Maori land holder trying to maintain their traditional lands. Other Acts and legislation which were passed between the years 1909 to 1953 will be discussed later under their relevant sections.

MAORI AFFAIRS ACT, 1953

The Maori Affairs Act, 1953 contained provisions which were in violation of the Maori version of the Treaty of Waitangi. These provisions allowed for alienation of Maori land by minority quorums, compulsory conversion and purchase of undivided interests by the Maori Trustee. At the time the 1953 Act provided a complete consolidation of Acts regarding Maori land while providing the base for the present constitution and jurisdiction of the Maori Land Court.

Under this Act the succession to Maori land interests on intestacy were to be treated the same as if it were European land. Intestacy was therefore to include the surviving spouse whether they were of that land or not and even if they were not Maori. This resulted in many 'outsiders',

¹³ As stated by Peter Green, counsel for the Taranaki Muru me te Raupatu claim, Owea marae, 1990.

'owning' the land which was not of their tupuna. These 'outsiders', it could be argued, were less likely to have the same ties to the land as the *tangata whenua*. They would be more likely to sell to other 'outsiders'.

Part XXIII section 152(3) of the Act established a fund known as the 'Conversion Fund' which was under the management of the Maori Trustee. This fund was the recipient of accumulated profits of the Maori Trustee and the former Land Boards.

The Conversion scheme was an attempt by the government to facilitate the utilisation of fragmented land by the removal of those with uneconomic interests. To solve the problem of uneconomic interests the 1953 Act empowered the Maori Land Court, upon a grant of succession order, to prevent interests from being split up to the point of being uneconomic. The method used by the Court was that it would not vest any interest in land which constituted an 'uneconomic interest' in any beneficiary or any person other than the Maori Trustee. Payment for the 'uneconomic interest' which was compulsorily taken by the Trustee, was made to the owners out of the Conversion Fund. The price was set by the Native Land Court.

Section 137:(3) of the Act defined 'uneconomic interests' to mean, 'a beneficial freehold interest the value of which, in the opinion of the Court does not exceed the sum of (initially £25, but changed to \$50.00 when the New Zealand currency changed from pounds to dollars) \$50.00'.

A large proportion of Maori lease land is leased under the provisions of Part XXIII of the 1953 Act. Under Part XXIII, the registrar can summon a meeting of owners of the land upon application of the prospective lessee. The lessee's application should set out details of the rental offered, terms of lease, and any special conditions such as compensation for improvements or restrictions on access. If the proposal was accepted and confirmed by the Court, the Maori Trustee executed the lease as statutory agent for the owners and collected the rent. The Maori Trustee presently charges the lessee 7.5 percent of the rental to cover collection and distribution costs of the rent.

The Maori Affairs Act, 1953 was an example of how the National government with little appreciation of Maori values, sought to make Maori land more economically viable. But it was not more viable for those who lost their 'uneconomic interests'. The conversion could be seen as a further attack on the traditional Maori concept of communal land rights; those of the *tangata whenua*, *ahi ka* and *turangawaewae*. According to Maori values, no matter how small one's entitlement to land ('uneconomic' or not), if one maintained a certain status as *tangata whenua* providing it was proved one belonged to the land.

Hunn Report

In the 1960's the National party continued to 'reform' Maori land. Ignoring the 1960 Hunn Report, they proceeded to pass contentious legislation which had been embodied within the 1965 Prichard-Weatford Commission. This was the origin of the 1967 Maori Affairs Amendment Act, the 1967 Rating Act, the 1967 Administration Amendment Act, the 1967 Town and Country Planning Amendment Act and the 1968 Estate and Gifts Duties Amendment Act.

The Prichard-Weatford Commission proposed to increase the value of uneconomic land and the rate of conversion. The Crown took over the Conversion schemes and the Crown's power increased over certain types of Maori land including 'live buying' on agreement with the owners. Live buying was an attempt to combat fragmentation by the sale of land interests, Maori to Maori. The Maori Trustee was able to purchase the interests of one Maori then sell them to another. Both the Hunn Report (1960) and the Prichard-Weatford Report (1965) recommended an increase in such live buying. All that really happened, however, was the increased presence of the Maori Trustee as a major shareholder in many blocks of Maori land. The Commission also proposed that the land acquired by the Crown under the conversion fund would become Crown land and therefore available for sale to anyone.

MAORI AFFAIRS AMENDMENT ACT, 1967, AND THE RATINGS ACT, 1967

Douglas Sinclair (1975:122-124) noted that the 1967 Maori Affairs Amendment Acts had seven main clauses each of which had a major impact on prospects for Maori land development. A summary of the seven main clauses follows.

Clause one enforced the transfer to European status of all Maori land owned by four or less persons. These lands are therefore under general (European) land title and not depicted to by the legislation covering land in Maori title. In clause two there is an emphasis on alienation. While the Act made no contract to assist with finance and technology, the prime needs for the promotion of the idea of the better use and administration of the land. Clause three brought the Maori Land Court under the jurisdiction of the Town and Country Planning Act and the Counties Amendment Act. The need to comply with monocultural rural zoning requirements impeded those Maori who wished to build their homes on their ancestral land. This hastened the destruction of Maori communities and pushed many Maori land owners away from their rural land to the towns and cities. Clause four made the shares of bankrupts who were part owners in the incorporations available to the official assignee. Provision was made for the transfer of shares to the Maori Trustee, the Crown or any other State loan department, but not to any Maori who was not a shareholder. This has meant that the Crown and the Maori Trustee now regularly appear as the largest single owners in many blocks and incorporations. Clause five made the estates of Maori subject to the common law affecting wills as made by Europeans. If a Maori died intestate the rights of succession were to be determined in the same way as for Europeans. Traditional Maori rights of succession were revoked. Clause six made it easier for Maori to sell their interest in undivided freehold land. This resulted in some larger owners increasing their holdings and consolidating their farming activities, but many more have just sold the land to Europeans. Clause seven established a conversion fund funded by State monies allocated from the consolidated account. This fund was administered by the Maori Trustee who used it to increase his land purchases from \$109,554 in 1967 to \$771,565 in 1972. By 1986 the report of the Department of Maori Affairs (1986, E.13:38)

stated that the amount of money held by the Maori Trustee on behalf of beneficiaries and proceeds of alienation of land amounted to \$8,022,407.

Douglas Sinclair (1975) claimed that the most destructive feature of clause seven was the power that the Maori Trustee had to 'persuade' Maori owners to sell at low prices. This, in effect, denied the owners a share in the value of the improvements to the land. To affect sales the Maori Trustee made it known to European lessees that he was willing to grant freehold title to certain lands. Those who wished to do so then completed the purchase of the title from the Maori Trustee.

The result of the escalated level of conversion has been that great inroads of foreign ownership have been made into the Reserves such as the West Coast Settlement Reserves, a reserve that was regarded as a trust reserve by Maori to serve as an endowment trust for generations to come. Similarly, when the tribes requested that certain lands should remain forever in the ownership of tribal, hapu or whanau groups, the courts were subject to political pressures exerted by those demanding cheap land particularly Maori land. Sinclair (1975) claimed that the Maori Trustee had resumed his former role as Maori Land Purchase Officer, working for the old firm, the Pakeha farming community.

It can be seen how the various clauses of the 1967 Maori Affairs Amendment Act affected Maori land holdings. The Act made it easier to transfer certain Maori land to European title while making it easier to alienate other Maori land. The powers of the Maori Trustee were increased to such an extent that they were viewed by many as serving the interests of the Pakeha farmers instead of the Maori land owners.

The cumulative effect on the Maori people was to further inhibit the protection and development of their lands while restricting their ability to build on land such as marae in rural areas. This in turn helped to 'push' them off the marae and rural lands into nearby townships and the faraway cities.¹⁴

¹⁴ Professor K. Sinclair among others saw the 1967 Act as the final act of the Maori land wars of the 1860's. A.C. Walsh (1972) suggested such legislation was a major factor in the growth of the Maori population in Patea and Waverley, when the Pakeha population was steady or declining. This point is pursued in Chapter Four.

The process was hastened by the 1967 Ratings Act. Part VIII sections 148-157 apply to Maori land. If rates on Maori land were six months in arrears, local councils could apply to the Court for an order charging the rates against the land. To facilitate future rate payments, the Court could vest the land in a trustee who could alienate as the Court thought fit. The effect of a charge on the land and the appointment of a trustee was that the local council obtained an interest in the land and the owners lost control over their land.

Laws and regulations hastened and interacted with several processes which affected the relationship of the Maori to their land and their place in New Zealand society. Laws which individualised communal ownership resulted in individualisation, fragmentation, sale and resale and a loosening of the bond between iwi and their land. In turn, new forces such as a fast increasing population, greater Maori dependence on paid employment, heightened material expectations, the welfare state, new agricultural technologies and lower demand for rural labour, and urbanisation- served to push the Maori away from the ownership, occupation and use of whanau land. The laws and regulations as they affected Nga Rauru specifically will be highlighted in the following two chapters. Three of these processes, however, are considered below as they affected Maori in general.

FRAGMENTATION OF LAND OWNERSHIP

Fragmentation is the process by which the number of owners of a piece of land has increased and will continue to increase in the future as people succeed to their interests upon the death of their forebears. It is not the same as fragmentation of title which occurs when the Court partitions the land into two or more separate blocks.

Section XXX of the 1865 Native Lands Act determined how shares were to devolve to individual shareholders. Maori could succeed if they were the nearest of kin to the deceased owner by claiming whakapapa connections to the land. Under this system children could inherit from either parent without the former customary need to physically occupy the land or maintain ahi ka. As land had formerly been communally owned by

the hapu or whanau, individual succession was not a traditional Maori concept. Individuals could succeed to personal heirlooms and maybe to limited rights to small pieces of land depending on their continual maintenance of ahi ka. Spouses could not make claims unless they had a direct link to the land concerned. This latter provision was changed by the Maori Affairs Act, 1953 which allowed a spouse to succeed to land equal to their children. This meant that tribal lands could now be owned by outsiders, even Pakeha, where the spouse was Pakeha. This has meant that with each Maori death, more people succeeded to land interests and the rights to land were divided into smaller and smaller portions. The result is that it is now not unknown for thousands of shareholders residing in many parts of the country to have an 'inch' of interest in a block of Maori land.

Fragmentation of Maori land ownership has been seen to be a problem since the 1930's when it was thought to be a major factor restricting Maori land development. However, fragmentation can be viewed as containing both good and bad elements. On the negative side are the problems of development, administration, finding and notifying shareholders, and 'uneconomic interests'. There could also be the problem of some modern Maori not fully associating themselves to their interest in land because of its seemingly insignificant portion. The positive aspect is that continued fragmentation could eventually result in a reversal to traditional Maori hapu or iwi land tenure. Because there are so many owners of the block, the land would in effect be owned by no one person but instead everyone; the hapu or iwi. It could then be feasible for the block to be utilised for the benefit of all the hapu or iwi while being held in trust for generations yet to come.

URBANISATION

1941 saw the curtailment of Labour government policies of expanding Maori land development which had helped to stabilise the rural scene. Less work in rural areas resulted in a shift to towns by people in search of employment. The post World War Two period brought about a new demand for capital but because of the political and social climate, Maori were unable to compete successfully for their share. The partition of land

which had been granted to individuals by the Crown during the Nineteenth century, into small blocks made many blocks uneconomic for dairy farming during this period. With multiple ownership, it seemed easier to many to lease the blocks and head to the towns where the opportunities were seen to be. Many people, especially those with little land interests, gave up and moved to the cities. Maori urbanisation had begun.

Asher and Naulls (1987) provide figures which show that at the time of the 1936 census only eleven percent of the Maori population was urban. By the end of World War Two in 1945 the proportion was nineteen percent. The proportion rose rapidly to 56 percent in 1966, 68 percent in 1971, 79 percent in 1981, to 81 percent in 1986 as revealed by the last census for which figures were available at the time of writing.

Part of the reason for rapid Maori urbanisation may be traced to government policies in the 1950's and 1960's which did not see the promotion of regional development as a priority, especially in such places as South Taranaki. Government, in policies arising from the 1960 Hunn Report, the Town and Country Planning Act and other ways, encouraged Maori people to move to the cities for jobs as a part of their assimilation policies. The policy of the Department of Maori Affairs was to build homes for Maori on sites scattered around Pakeha homes. This was the so-called 'pepper-potting' policy which aimed to bring the two races closer together and to promote integration. Another view was that with an average ratio of 1:7 Maori to Pakeha houses, the real aim was for the Maori to learn from and mimic the Pakeha. True integration assumes an equal relationship, pepper-potting was assimilation or as many Maori saw it:

*He korero kei runga, he rahurahu kei raro
While one thing was said, another was intended.*

Dyall and Douglas (1985:7) commented that the pace of Maori urbanisation was such that a rural people became predominantly urban within one generation. This resulted in a widespread cultural disorientation, "The consequences in terms of breakdown of whanau, hapu and iwi relationships, all of which affect capacities to use the land, have been severe".

Urbanisation affected Maori populations unevenly, providing an unbalanced age and sex distribution in both source and destination areas. It was primarily the young and the ambitious who firstly moved to the towns and cities where they mainly filled unskilled lower wage jobs. The process caused rural depopulation and urban growth as people moved into the townships and cities. Areas such as rural South Taranaki, which was formally significant for its Maori population, came to contain proportionately more Pakeha. Ancestral lands, from the perspective of Maori urban youth, were just the homes or lands where the *kaumatua* lived.

Most of the Maori who remained were the elderly. It was these people, with the help of the Maori Affairs Housing Loans, who built their homes in the countryside during the 1950's and 60's. It is ironic, if not significant, that they were mainly two bedroom houses. When the children grew up they had no option but to move out in search of better accommodation. However, building a home in a rural area did not mean that the occupant necessarily worked and developed the land. In a lot of cases house sections were cut out of land blocks leaving the rest to be leased to the local Pakeha farmer. The owners then commuted to work in the nearby towns. This point is taken up further in Chapter Four.

At a land use seminar, in Dunedin in 1980 Dr Evelyn Stokes (1980:23) stated, "The Maori preference is very often to live in a rural community and commute to work in an urban area or elsewhere". Dr Stokes also spoke of how, "Many Maori are deterred by the apparent complex procedures of the Town and Country Planning Act which are operated by Pakeha bureaucrats". It should not be overlooked also that most local county councils were dominated by Pakeha farmers many of whom had little sympathy for Maori aspirations. Therefore, while many Maori may wish to live on rural whanau lands, they were deterred by the complexity of the various national and county regulations which did not fully appreciate the Maori desire to settle on whanau lands.

The cumulative effect of these various Acts and regulations of governments was to hinder what land development aspirations Maori may have had while pushing the population into the towns. Much of the land

had gone. Finance was hard to obtain for building houses, let alone establishing businesses or developing land and it was near impossible to build on whanau or marae land. These factors contributed significantly to the so called 'push' factors of rural-urban migration and further distanced many Maori, both physically and spiritually, from their ancestral lands.

The ongoing fragmentation of land interests and the compulsory purchase of 'uneconomic interests' have also affected Maori people's association with ancestral lands. Spiritual and cultural ties to the land were further broken down. Urban youth find it difficult to associate with a small block of land that they may have never seen. They cannot be expected to comprehend the spirituality that ancestral land possesses. With the loss of spiritual awareness there is also a certain cultural loss, a loss which Maori must struggle to correct in the process of development. It is because of this spiritual and hence cultural component that land possesses, that any development of Maori land must also entail the development of the Maori people. Thus land development also means people development. One cannot proceed without the other; both need to be accomplished simultaneously.

ATTEMPTS TO PROTECT AND DEVELOP MAORI LAND

Many of the measures taken to protect and promote Maori land were a reflection of the changing face of New Zealand society. In the pre World War One period politicians came to realise that the Maori race was not dying out as previously thought. There was therefore a need to protect Maori and their culture and this in turn required the protection of their land. As the demand for cheap land from the farming community was increasingly satisfied, it became easier to promote policies on the protection and development of Maori land. The future acquisition of Maori land was no longer a top priority for Pakeha would-be farmers and the politicians representing the farming community.

In the remainder of the chapter attention will be directed to Maori Land Development Schemes, Maori Trust Office, Maori Reserve land, Maori Trusts (438), Incorporations, Maori Trust Boards, land provisions of the

Hunn Report and the Maori Land Court. All provide examples made at different times of attempts to protect and promote Maori land.

Maori Land Development Schemes

The Native Land Development Schemes of 1929 and the Native Land Amendment Act, 1936 are an example of one brief attempt made by government to actively promote the development of Maori land. Development schemes were a handy device to promote Maori employment which were utilised by the first Labour government during the 1930's Depression. Part one, section three, of the 1936 Act states, "It shall be the duty of the Board of Native Affairs to promote the settlement and more effective utilisation by Natives of Native land and of land owned or occupied by Natives, and to encourage Natives to engage in farming and in other industries related thereto" (*New Zealand Statutes*, 1936, sess I:517). With the election in 1949 of a National government, further assistance ceased. The government was unsympathetic to the proposition that the State should undertake development of Maori land on behalf of Maori owners.

Maori Land Development schemes originated in 1929 when they were set up under Sir Apirana Ngata, the then present Native Minister (see below). Reasonably good land for farming, where a group of young men with a good leader and the money was available, helped determine which land was selected for development. Maori owners were required to nominate an occupier who would have undisturbed use of the land subject to payment of rents. State funds were then allocated under the supervision of government officials for their development and settlement. Maori land such as land under 438 trust or land Incorporations could be utilised for Land Development Schemes. The schemes enabled security of tenure for owner nominated occupiers of Maori land while enhancing the development of farm land. Many marginal and uneconomic incorporations and dairy farms which had been established under Ngata's land development schemes during the 1930's were increasingly abandoned after the Second World War as the occupants sought the security of wage labour in the towns and cities.

Maori Land Development Schemes came under the administration of the Board of Maori Affairs as outlined in Part XXIV of the Maori Affairs Act 1953. Under this Act the Board may declare any Maori freehold land or general land owned by Maori to be subject to Part XXIV of the Act. With the consent of the Minister of Lands, Crown land could also be acquired for development if the Board first took 'adequate steps to ascertain the wishes of the owners concerned'. After considering objections, the Board had the final decision on the land's future. To maintain contact with the owners of land being developed, officials of the Department of Maori Affairs were obliged to meet regularly with owner representatives. Land held in 438 trusts meant meeting with the 'trustees' and 'committee members' if a Maori incorporation was to be established.

Implications of land declared to be subject to Part XXIV of the 1953 Act were that any alienation or partition order of the land could only be made with the Board's consent. The Board could also occupy and use the land for any authorised purpose or nominate an occupier to; purchase items necessary to develop and farm the land; carry out work necessary to supply water to the land; and purchase improvements by the lessee on the land at the start of his lease.

The Land Development Schemes made for progressive farm development under the technical and financial management of the Department of Maori Affairs. While there was no need for the owners to search for debt capital, there were however certain disadvantages such as a sense of alienation from the land by the Maori owners and the use of European management and expertise which may not be sensitive to Maori tikanga.

As at June 1983 the Department of Maori Affairs administered 75 stations under Maori Land Development provisions of the Maori Affairs Act, 1953. Today, due to the decline in the rural economy and government ideas of devolution, the Iwi Transition Office which has replaced the Board of Maori Affairs, is moving away from funding and administering Maori land development. Stations are being gradually handed back to the owners who are held responsible for their administration and development.

Maori Trustee Office

The Maori Trust Office, established under the Native Trustee Act, 1920, is one of the government departments most visibly responsible for the protection of Maori land interests. The department was established in part, due to the recommendations of a Royal Commission which had been appointed in 1912. The commission recommended that Maori reserves and Maori estates which were administered by the Public Trust Office, should be vested in an independent body. Under legislation then existing it was difficult because of title troubles for Maori to borrow money on the security of their land. One of the reasons for administering Maori reserves and estates by the Maori Trustee was to create a source of money for lending to Maori.

The Maori Trustee is charged to administer and uphold Maori values as a councillor, trustee, agent and investor. During the 1920's the department changed from being essentially geared towards land purchasing to gradually starting to concentrate on Maori land development. This change in the Trustee's role was a reflection of the changing political attitude towards Maori ownership and development of land. This was brought about by the greater sympathy in Pakeha opinion towards Maori because of the exploits of the Maori Pioneer Contingent and partly because of the high number of Maori deaths during the influenza epidemic of 1918. Gordon Coates, who replaced William Herries as the Native Minister in 1921, was also largely responsible for the shift in the role of the Trustee. Coates, who held the portfolio from 1921 to 1928, proceeded to initiate a number of changes that laid the foundation for the later land development programme. He stemmed land purchasing and in its place he adopted a policy of title reform which he hoped would bring Maori into a position to farm their land. This title reform included consolidation programmes, negotiating rates compromises with local bodies, authorising the Maori Land Boards to loan money to would-be Maori farmers, and insisting the Native Trustee only make finance available to Maori farmers- not to Pakeha leaseholders of Maori land (Butterworth and Young, 1990).

The Trustee has responsibilities for the sale of Maori land and the administration of development schemes, consolidation schemes, and

unproductive lands. The Trustee is responsible for the collection and redistribution of rent monies after making appropriate deductions for administration costs. The Trustee also controls funds such as unclaimed monies, which are held by the Trustee in trust for the beneficiaries of the land.

The Public Trust Office, as established by the Public Trust Office Act, 1872, had previously been responsible for the administration of Maori reserves and estates. The Native Trustee Act, 1920 created the Maori Trust Office as a separate Department of State in 1921. At this time it was envisaged that the Maori Trustee would create a source of money for lending to Maori as land held under multiple title meant it was very difficult for Maori to raise loans from other official loan agencies. Banks would not lend money for such purposes as building houses when an individual title to land could not be produced as security. In 1934 the Maori Trust Office was amalgamated with the Department of Maori Affairs.

Officers of the Ministry of Maori Affairs (formerly the Department of Maori Affairs) were appointed to the body called 'the Maori Trustee'. The Maori Trustee can buy and sell land and is not bound by any purchasing restrictions but must sell land to a Maori, a Maori incorporation or to the Crown for housing and development scheme purposes. Prior to 1974, the Maori Trustees had the right of compulsory purchase of uneconomic interests which had been conferred by the 1967 Maori Affairs Amendment Act.

The Maori Trustee was for many years viewed by Maori as acting to benefit only the government and the farming community. A report by the Royal Commission of Inquiry into Maori Reserve Land in 1975 found many Maori thought, "... the Trustee leased out Maori land at unfavourable terms, promoted the sale of the freehold to lessees at inadequate prices, permitted subdivision by lessees and acted without adequately consulting with the owners" (*AJHR*, 1975, H.3:195). The Maori Trustees' reply to this criticism was that their actions were in accordance with the statutory provisions that regulated their position.

In recent years the role of the Maori Trustee has changed due to economic, social and political factors. Since Maori land was no longer in great demand by the farming community, it became politically viable to advocate protection and development of Maori land for its owners. The Maori Trust Office now promotes the effective management and development of Maori resources to the economic and cultural advantage of Maori people. It provides assistance for Maori economic development by carrying out feasibility studies, packaging the proposed development and providing finance. With the present (1991) restructuring of the department these are services the Maori community will greatly miss in their desire to develop their lands.

While some problems of communication between Maori Trustee and land owners still exist, the general Maori feeling towards the Trustee is much more positive.

Maori Reserves Land

The first Maori reserve land was set aside by the New Zealand Company in the 1840's for desired natives. The intention being that the 'Native' reserves should provide land adjacent to European areas for those natives deemed by the settlers to be 'desirable'. The practice was also favoured in the 1870's and 1880's but the area set aside comprised only a fragment of the total land area. In the Taranaki area, reserve land was land which was returned to Maori after unjust land dealings were uncovered.

Maori Reserve lands are vested in the owners but administered (until recently) by the Maori Trustee who had the right to lease but no power to alienate any land. Usually land was leased for twenty-one years in perpetuity (perpetual renewal) at a very low rent. The Maori Reserves Land Act, 1955 provides for the annual rent to be between four percent and five percent of the unimproved value of the land. The Act provides machinery for valuation but only the Maori Trustee and the lessee (not the Maori owners) had the right to object to the valuation.

Although, the Maori Trustee was replaced by local owner administration and control of the Maori reserve lands under the 1953 Maori Affairs Act,

Section 439, the owners remained constrained by the Maori Reserve Lease Act, 1955. They administer land which is in many cases under leasehold agreements that they themselves did not negotiate. Most unsatisfactory to Maori are agreements which provide leases in perpetuity with returns to owners which are unrelated to the present economic value of the land leased.

Most marae stand on land that has been set aside as a Maori Reserve under section 439 of the Maori Affairs Act, 1953. The marae and land set aside belongs to the tribe and hapu, and is for their common use and benefit. Such reservations are vested by orders of the Court in Trustees who are elected by the hapu to administer.

Maori Trusts

Maori trusts are the legal form most used to facilitate the dealing with Maori land in multiple ownership. The primary purpose of the trust is to concentrate the authority over the land so that the land might be dealt with subject to the special conditions of the trust as if it were owned by a single person. Trusts can either be constituted under section 438 of the Maori Affairs Act, 1953 or under the Maori Trust Boards Act, 1955.

Maori trusts arose to meet a need of the Maori people for ways in which to facilitate economic utilisation and development of their land. To a large degree their success or failure depends on the type of land available for development. Under section 438 of the 1953 Maori Affairs Amendment Act, the Maori Land Court may vest land in trustees for the purpose of facilitating the use, management or alienation of any Maori land whether it be in freehold, customary or general title. Generally speaking, section 438 has been used to deal with smaller blocks of Maori land. In cases where a trust does not own all the land within a block legal problems of administration can arise and a General Trust may therefore be more suitable. Trustees are elected by the beneficial owners at an annual general meeting. During the period when a trust takes over the administration of whanau lands the Maori Trustee is available to offer advice and help the trustees implement their desired plan for the future development of the land in question.

The Maori Land Court (1990, Schedule "J") outlines how trustees have fairly wide powers and responsibilities including authority to:

- 1 Buy or lease any land or parts of land
- 2 Subdivide the land
- 3 Improve by developing the land
- 4 Employ persons required to carry out the powers of the trustees
- 5 Borrow money for the purposes of the furtherance of any of the trusts powers
- 6 Set aside cash reserves to accumulate income
- 7 Lend all or any of the money received by the trustees if approved by the owners
- 8 Pay costs from the revenues derived from the operation of the trust to pay all costs and expenses incurred by the trustees in the attending the meetings of the trust or in respect of any trust business
- 9 Promote title improvement projects by application for amalgamation of title or aggregation of owners before the Maori land Court
- 10 Farm and develop the land themselves or appoint other persons for that purpose
- 11 Lease the whole or any part or parts of the land
- 12 Take over existing leases, any lease or part(s) thereof already in existence.

The Trustees also have a number of statutory obligations. They must call a general meeting of owners within twelve months of the establishment of a trust and then from time to time as decided at such a general meeting. No general meeting may take place unless a quorum of owners are present in person throughout. Voting is by show of hands. Trustees are also responsible for the preparation of annual reports and accounts in a form as decided upon at a general meeting which must be presented to general meetings.

When a trust is established the owners decide what terms shall provide for the removal of trustees. These terms could be: the trustee is not carrying out the full wishes of the owners; a trustee has become bankrupt; or a trustee has been convicted of some offence whereby he is

sentenced to prison and is still serving his sentence. A safeguard against inept or inactive trustees is the provision for compulsory retirement. After three years approximately one-third of the trustees retire, after four years another one-third retire, and in the fifth year the remaining trustees retire. By this method there is a constant rotation of trustees without the need to totally replace all the trustees at one time. Trustees are, however, eligible for re-election. New trustees must formally be appointed by an order of the Maori Land Court.

In previous years trustees of many blocks of Maori land paid out all monies received in rents. When general meetings were called, rents were simply divided out amongst all the owners and the land re-leased to the existing lessee. No legislation existed to encourage land in multiple ownership to be developed by the owners themselves. This distribution of all rent monies resulted in no funds being readily available for the development of the land when a lease expired. It was decided therefore to establish *putea* accounts which would enable funds to accumulate which could facilitate land development by the owners. With many blocks of Maori land having numerous owners, a *putea* account could also be viewed as a way of accumulating 'uneconomic' share dividends into an account which could then be used for the benefit of developing the land and thus, in time, being of greater benefit to the owners.

The trustees (upon first being authorised by a resolution of the owners passed at a special or general meeting of the owners) may set a minimum distribution figure being not more than \$10. Those whose share income is less than \$10 would have their share invested into the *putea* account; those who earn more than \$10 would have \$10 withheld from their share to invest into the *putea* account. Those who could not be located would have all of their share paid into the account until such a time as their whereabouts was known, whereupon their share would be paid out minus the \$10 *putea* and without the accumulated interest.

The 1975 *'Report of Commission of Inquiry into Maori Reserved Land'*, outlines some of the following advantages and disadvantages of 438 trusts. Advantages include; Maori maintaining ties to the land or *mana whenua*; improved communication between trust members; no need for annual general meetings; less costs of administration; and the status of the land

remains the same. Disadvantages included: problems of Trustees divorcing themselves from the beneficial owners; obtaining finance to facilitate the development of the land; and problems where the Trustees proved to be poor administrators lacking the business skills needed to better utilise and development the land.

With the establishment of a 438 trust, the meeting of owners may decide on a trust document that best serves their needs. They may, with the advice of the Maori Trustee, delete or change clauses which restrict their perceived plan of development for the land. The ability to meet the desired wishes of the beneficial owners is a major factor which has lead to the success of an increasing numbers of 438 trusts.

Incorporations

While 438 trusts are today the most common means for resolving the problems of developing Maori land with multiple ownership, incorporation was another early attempt at resolving the same problem. Both 438 trusts and incorporations deal with the management and administration of Maori land and have owner representatives to undertake the management of assets. The major difference is that in an incorporation, the owner owns a share in the incorporation and not in the actual land itself. Also whereas in 438 trusts, rights of succession are in accordance with Maori custom, rights of succession in incorporations come under the Companies Act 1955 as a part of a deceased's estate.

Sir Apirana Ngata is often associated with the origins of Maori land incorporations¹⁵ which were established to meet two basic requirements of developing the land. The first being the organisation of individuals towards a title which would stabilise corporate actions; the second the need to provide security in order to raise debt capital.

Incorporations overcame the problems of fragmentation by the establishment of a legal entity separate from the owners. Statutory

¹⁵ This is not entirely correct as incorporations were directly a Ngati Porou response against the East Coast Maori Trust which administer a lot of their lands. Ngati Porou wanted their lands in multiple ownership to be under their control and management. Ngata was more responsible for the Maori Land Development Schemes.

provisions are set out in the Maori Affairs Amendment Act, 1967. The objects of an incorporation concern the occupation, management and use of the land as set out in conditions of any resolutions relating to the powers and functions of the incorporation passed at a general meeting of the shareholders.

When an incorporation is established by the Court, it appoints a committee of management of not more than seven and not less than three persons. These persons are usually, but not always, those recommended by the owners of the land. The committee of management provides the expertise on behalf of the shareholders for the on-going development and administration of the incorporations assets. However, in implementing these things the committee must adhere to the resolutions set out by the owners at a general meeting.

Kawharu (1977:202), commenting on incorporations prior to the 1967 Act stated, "The idea of a committee of management elected by a group of owners to act on their behalf found ready acceptance in Maori society, for in essence it is one well grounded in the cultural tradition".

However, the 1967 Amendments changed the relationship between the incorporation and shareholders from that of trustee and beneficiary to a position more akin to company director and shareholder. Kawharu (1976:82) had also commented that, "An inevitable consequence of the growth of the incorporation system has been an increase in shareholders preoccupied with the size and market value of their shares, rather than with land itself and with each other, the tribal group that formerly the land would have sustained". However, it could also be argued that shareholders who are dictated to by the few who control the incorporations actions (through their majority share holdings) are tired of waiting to see some sort of return from their land. They have accepted low or no dividends for years so that incorporations assets could be built up. But as the kaumatua pass on many are now asking, "When will our old people see some benefits from their land?". Ultimately this is land over which they have little control and land often managed by outsiders which the iwi or hapu could presently utilise themselves.

The present basis of incorporations has more to do with Pakeha economics than with the spiritual and cultural value of land. While the

land has not been alienated physically, there could be a sort of spiritual alienation when the land is viewed more as a company than a living entity. Where Maori had previously been shareholders in the land, they have now become shareholder in an incorporation. After 1967 incorporations had thus turned away from the Maori direction of which Kawharu spoke towards a more capitalist-based perspective of profit being more important than kinship and whanau ties to the land.

McHugh (1980:44) states that, "Conclusions are difficult ... because incorporations reflect the competing demands of Maori and Pakeha worlds". What McHugh says is true, for although incorporations have maintained and developed Maori land, they are still viewed unfavourably by many owners who feel they have lost their mana whenua or ties over the land. These ties are hard to maintain when all that is seen of your land, no matter how large, is a yearly dividend and when if owners do see the land, it is likely to be fenced off with padlocked gates which restrict entry.

Maori Trust Boards

The Taranaki Maori Trust Board was established under the 1955 Maori Trust Board Act and was seen as a means of protecting and utilising Maori lands and resources in Taranaki. The main purpose of the Act was to make better provisions for the administration of certain Maori Trust Boards which had been established in the 1930's and 40's to receive handouts in lieu of tribal claims. The main function of the Taranaki Maori Trust Board is to administer its assets for the general benefit of its beneficiaries, this being *nga iwi o Taranaki* (the tribes of Taranaki). The Board's main source of income is from compensation monies, which totals \$10,000 annually, received in perpetuity and made in settlement of any claims which might be made in respect of confiscation of lands in the Taranaki district. Over recent years the Taranaki Trust Board has become more actively involved across a range of activities designed to develop the tribes over social and cultural areas. Income and assets are utilised to promote social and economic welfare, education and vocational training and health. The Board has representatives from all the iwi of Taranaki which is important especially as government policies of

devolution are tending to direct more funds and responsibilities to the Trust Board as a representative of all Taranaki iwi.

Land Provisions in the Hunn Report

The Labour Government sponsored Hunn report of 1960 probably reflected the most radical change of thought to the 'Maori problem' for some time.¹⁶ The Report made recommendations for the promotion of Maori education, housing and economic development. With respect to land, the Report recommended that the ceiling of Maori land development should be raised from the then token acreage of ten thousand acres (25,000 ha) a year to twenty thousand (50,000 ha) and thereafter it should be stepped up to some fifty thousand acres (125,000 ha) annually. The Maori Trustee was to adopt the policy of resuming expired leases of valuable reserve land as they fell due, and every opportunity was to be taken to gain effective control of the West Coast Settlement Reserves in trust for the Maori owners.

Douglas Sinclair (1975:121) comments:

The functions of the Maori Trustee were to be clearly defined so that he should become the administrator of an expanding asset. It was envisaged that the adoption of sound business-like methods would bring a new growth of income, which would be available in a realistic quantity to meet the growing needs, cultural, educational and socio-economic of the exploding Maori population.

The incoming National Government however, did not totally share the views of the Hunn Report and instead followed the recommendations embedded in the Prichard-Weatford Commission of 1965.

The Maori Land Court

The Maori Land Court originated out of the Maori Land Act, 1865. Originally the Court was an agent to convert ownership of Maori land to individual titles recognisable under European law which would allow the

¹⁶ Problems of Maori health, housing and education.

alienation of traditionally communally owned Maori land. The Maori Land Court (or Native Land Court as it was then called) was so successful that by the beginning of the Twentieth century virtually all Maori land had been converted into private property with the majority of land either sold or leased to Europeans at very favourable terms.

Between 1911 and 1920 Maori land holdings were further reduced from 7,137,205 (2,888,324 ha) to 4,787,868 acres (1,937,581 ha). Of this total, over three-quarters of a million acres were leased to Europeans and a further three-quarters of a million estimated as unsuitable for development. Since 1920 there are only just under three million acres of Maori land left today (Asher and Naulls, 1987).

The *New Zealand Yearbook* (1986:105) describes the primary reason for the Maori Land Court's existence today as:

... being to deal with the difficulties that multiple ownership creates for each individual owner. The Court's function is to facilitate the utilisation of land held in multiple ownership by vesting multiply-owned land in Trustees and making orders creating Maori incorporations. The Court deals with problems related to the partition and combining of titles for better utilisation, the effecting of exchanges, directing meetings of owners and confirming or disallowing resolutions passed by such meetings, confirming sales, and other miscellaneous orders.

For administration purposes, the Court divided New Zealand into seven districts. The Aotea District Court with its office located in Wanganui is the Court responsible for Maori land dealings in the Nga Rauru area.

The Court has been guided by an enormous amount of legislation that has been passed at different times dealing with the Court and its jurisdiction. The 1953 Maori Affairs Act and following Amendments, notably of 1967 and 1974, contain most of the present laws dealing with the Court's statutory requirements in dealing with Maori land.

The 1974 Maori Affairs Amendment Act which followed the land marches of the early 1970's amended the 'no more than four owners' provisions of the 1967 Act. It was from this period that the Court sought means for the retention of Maori land rather than its alienation. The Court continues today as a court of record with a Chief Judge and such other judges that are from time to time appointed by the Governor General. In a submission (1979, No 11) to the 1980 Royal Commission on the Maori Land Courts the present Chief Judge of the Maori Land Court, E.T.J. Durie, described the Court:

... as a forum to facilitate owner-management of lands and to settle differences arising within the body of owners. Furthermore, the Court is seen as an instrument for the retention of Maori Land in Maori ownership, for the economic as well as the spiritual and emotional well being, of present and future owners

CONCLUSION

This chapter has traced the combination of Acts and legislation of various governments which systematically wore away the ownership of Maori land during the Twentieth century. These measures also contributed significantly to 'pushing' Maori people off the land and into the towns and cities. What land remains today faces problems of fragmentation, underdevelopment and under-utilisation by their Maori owners.

The chapter has also noted legislative attempts to redress these problems most notably in the formation of Incorporations, Trust Boards, 438 Trusts and the activities of the Maori Land Court and Maori Trustee. None of these have been totally successful; the full potential of Maori land has yet to be realised. The under-utilisation of Maori land by its owners is in large part a reflection of legislation which has hindered Maori development of one of their major resources: the land. The utilisation of the unrealised economic, social, cultural and spiritual potential of the land should therefore be a prime objective in the continuing search for Maori economic development.

CHAPTER THREE

THE OTAUTU BLOCK: HISTORY OF ALIENATION

Tapu katoa te whenua
 Mai i Rangitawhi ki te Kaihau o Kupe
 Ki uta ki Matemateaonga
 Kei reira e takoto ana
 Te toto nga Roimata me nga Koiwi a nga Tupuna
 Ahakoa i roto o nga ringaringa o tauwiwi
 Tapu katoa
 Nareira
 Rauru maranga ki runga
 Kei wareware koutou ra
 Ki nga tongi tawhito

All the land is Sacred
 From Rangitawhi to te Kaihau o Kupe
 Inland to Matemateaonga
 Lying within is the Blood the Tears and the Bones of
 the Ancestors
 Although it is in the hands of strangers
 It is all Sacred
 Therefore
 Arise Nga Rauru
 Lest Ye forget
 The ancient Landmarks.

Source: Te iwi o Nga Rauru C/o (Potonga), 1989.

As discussed in the previous chapters, Nga Rauru land holdings have been severely affected by legislations of successive New Zealand governments. Whatever small portions of Maori lands remain today, none whatsoever are owned by the iwi of Nga Rauru as a body in itself. The workings of individual title and alienation of land by the Native Land Court were instrumental to the fact that none of the land is owned by Nga Rauru as a whole. All land within the tribal area was individualised over time through Crown Grants, Succession Orders, and then wills of the deceased. As Kawharu stated to a Royal Commission of Inquiry *into the Maori Land Court* (1980:11) for Maori land in general, "The 1870 Lands Transfer Act, through which all titles were registered, did not permit the notation of trusts on the register".¹⁷ If trusts had been permitted in the Lands Transfer Act of 1870 the iwi of Nga Rauru would have been more likely to have maintained land in tribal ownership to this present day. If the land had then been owned by the iwi as a whole, the problems of fragmentation and multiple ownership which were to follow would not have eventuated. Instead the iwi would have had a substantial land base or resource on which it could have maintained itself to the present day and on into the future.¹⁸

This chapter will, through the examination of a selected block of land within Nga Rauru, investigate the problems Maori owners have faced in the development of their land. This investigation will highlight the problems of fragmentation and multiple ownership of the land. The effect these problems had on the Nga Rauru people, will then be discussed in the next chapter in an attempt to understand their present situation, aspirations and ability to develop their lands.

The area of land selected for consideration is the Otautu Block. The investigation will follow the process of the block's fragmentation and multiple ownership from the original Crown grant to the present day. This will also necessitate the investigation of areas that came under the

17 The Land Transfer Act, 1870, implemented the Torrens system of land registration. Under this system the official certificate issued by the government was to be the only acceptable devise for proving land ownership and for effecting a legal transfer of that ownership

18 Nga Rauru had held land in a traditional tribal tenure until the land confiscations in 1862. Thereafter reserves were allocated to the tribe, hapu or whanau, with the leaders named on the Crown grants as trustees for their people.

jurisdiction of the 1892 West Coast Lease Act and, in turn, the Parininihi ki Waitotara Incorporation.

It will be shown that effective ownership of the Otautu block helped to support the hapu until the 1890's. Partition and fragmentation then severely hindered its use and developmental potential by its Maori owners as a whole. Today, few of the Maori owners actually farm their own land. The land is more often then not leased out to Pakeha farmers. This is an easy option which is generally the most practicable because of the present uneconomic viability of small blocks and numerous owners, many of whom live outside the district.¹⁹

THE GRANTING OF THE OTAUTU BLOCK TO TAURUA AND HIS PEOPLE

The Otautu Block comprises land which was reserved to Taurua and his people after the second major conflict between the Maori and Pakeha in 1868. This had followed a process of conflict over the land between Maori and Pakeha which had led to war in the 1860's and massive confiscations of Maori land along the Taranaki coast. With the confiscations of land, promises were made to allocate Native Reserves to the Maori. These promises were never fully carried out and were to lead to 'Titokowaru's war' of 1868. The government was to claim that this war overturned all the previous promises of land, Commissioners were thus sent to the districts to reallocate usually much smaller than promised areas as Native Reserves (Fig 3.1).

The first major conflict between the Maori and Pakeha involving the land ended in September 1865 with the whole coast from Whanganui to the White Cliffs, forty miles north of New Plymouth, being confiscated by the government under the powers of the New Zealand Settlement Act, 1863. These confiscations were gazetted in September 1865. At the same time

¹⁹ "Generally the Maori farm (dairy, sheep or mixed) is smaller and less efficient than its European counterpart, due to more limited capital resources, and lower levels of technical, financial and marketing experiences on the part of the Maori farmers" (McEwen, 1976:6).

this gazette also contained a proclamation of peace and declared that:

Out of the lands which have been confiscated, the governor will at once restore considerable quantities to those of the natives who wish to settle down upon their lands, to hold them under Crown grants. For this purpose Commissioners will be sent forthwith who will put the natives who may desire it upon lands at once and will mark out the boundaries of the block which they are to occupy (*AJHR*, 1872, vol I, C.-No.4:19).

The land had been confiscated (on paper) but the government also had intentions to return land (such as Otautu) to natives who assisted with the 'peace keeping' of the coast. The government realised that peace necessitated some land being returned to its former Maori owners. Natives who were on friendly terms with the settlers and government were more likely to receive land. It was thought that upon these lands, the Maori would be able to provide for their basic wants. This is reflected in a letter from the Hon J.C. Richmond, Native Minister, Wellington 16th of October 1867 to Taurua in which he stated that the government had no desire to see the Maori landless and in a dependent position (*AJHR*, 1880, vol II, G.-2, Appendix E).

Commissioners were sent to the coast and promises were made for the return of relatively large tracts of land for Native reserves. The work of the Commissioners is shown in the same letter to Taurua from the Hon J.C. Richmond, Native Minister, relating to the land between Patea and Waitotara rivers:

Friend Taurua - The government has received your request that some land between Patea and Waitotara should be returned to the Ngarauru. This will be set apart for the people of Ngarauru and Ngatiruanui, that is, the people who formerly occupied the land between Patea and Waitotara. At a future time, when peace has been firmly established, the Native Land Court will subdivide the land to each individual; however, it will not be taken but secured to them by the Crown Grant in blocks to each family, either for their

occupation or to lease but alienation by sale will be restricted (ibid:8).

This promise of land was put aside after 'Titokowaru's war' of 1868. Taurua and his people had supported Titokowaru until they surrendered on the 13th June 1869. Taurua along with others of Nga Rauru and the Pakakohi hapu were taken prisoner and sent to Wellington where they remained for three months before being tried for rebellion. They were then taken to Otago where they remained till being brought back to Wellington in 1872. In 1873 Sir Donald McLean allowed them to return to Taranaki.

Commissioners were again sent to the Taranaki coast in 1873 to fulfil the promises made by the Government. It was hoped that peace would be established between the two races and the problem of native reserves settled. The Commissioners often commented to those Maori who claimed promises of reserves made by former Commissioners, "You (Maori) must understand that all those engagements (of land) of Mr. Richmond, and all arrangements made before the second insurrection, were swept away altogether by that insurrection (ibid:38)."

On the 31st January 1873, McLean met Maori from the Patea area at Wanganui and informed them of the arrangements he proposed for the settlement of the confiscated territory between Waitotara and Waingongoro. All doubts were to be cleared up so that owners of the land in that part of the district, whether European or Maori, could occupy their respective share without fear of future misunderstanding.

At that time McLean wrote a Memorandum to Parliament dated 6th February 1873 which expressed these desires:

The Government is desirous of carrying out such arrangements as may lead to permanent peace and prosperity of both races on the West Coast. To effect this object it is necessary that there should be a clear understanding between the Government and the Natives respecting the confiscated lands.... Rivers and natural boundaries should whenever practicable, be take as the boundaries of the lands held by the

Government or given up to the natives. The sooner the Natives come to an understanding of what will happen to the confiscated lands, the sooner will they be put in possession of lands for their own benefit, and sooner will all differences between themselves and the Europeans and friendly Natives of this Coast be at an end (*AJHR*, 1880, vol II, Appendix A:4).

McLean and Sir Dillon Bell both agreed that consideration ought to be shown to Taurua principally on account of his imprisonment. On his return to Taranaki, Taurua receiving substantially less land than those who had been in similar rebellion. Furthermore, after Taurua's return from Otago, he and the people whom he immediately controlled, 'behaved well'. The Commissioners said:

And because you have always behaved well since and also because we remember what happened to you, our word to the Governor will be to recommend that some portion of the land in the Kaharoa between Patea and Whenuakura rivers, shall be reserved for you (*ibid*:38).

The greater part of the tribe remained on the land. Only a portion had gone to Otago with Taurua. It was also because some remained that the Commissioners deemed it right for some extra consideration to be shown to Taurua and his people. The Commissioners (*ibid.*, G.-2) claimed that they, wished to show kindness and consideration to the tribe by granting land to them when the reserves were eventually made. It was then that Taurua and his people were allowed to return and settle on the reserves. They were told they, "... must remember that all this was done entirely out of the kindness on the part of the Government" (*ibid.*, G.-2:36).

These then are the reasons that Taurua and his people were granted land under Crown Grant in 1882. The Block of land that will be discussed, the Otautu Block which comprises 2190 acres situated ten kilometers from the township of Patea on the southern side of the Patea river, was the area occupied by Taurua and his people.

THE CLAIM OF TAURUA AND HIS PEOPLE TO THE OTAUTU BLOCK

The reasons why the Otautu block was chosen by Taurua and subsequently granted are important. Firstly, it must be understood that there were statutes which provided for Maori to select certain lands as reserves. The concluding sentence of the judgement given declaring that the lands awarded should be selected by the claimants themselves and the Crown Agents, in conformity with the 9th clause of the Rules and Regulations of the Practice and Procedure of the Compensation Courts, made by an Order in Council dated 16th June 1866, reads:

The land should be selected in blocks of such extent and in such localities available for the purpose as may be desired by the claimants, with the view of locating together members of the same tribe and of including, when practicable, lands which they have previously occupied and cultivated such selection being subject to the final award of the Court (*AJHR*, 1872, vol I, C.-No.4:19).

In 1880 Taurua stated his claim to the land between the Waingongoro and Waitotara rivers to the Commissioners investigating land claims:

In the year 1866 peace was declared and tidings were brought to us at Mokoia. In that year Hori te Anaua requested that the land between the two rivers - Whenuakura and Patea - should be reserved. Taurua said, "leave the land for me from Okurukuru to Waitotara, the land this side of the Omata Block". Sir George Grey had said to Taurua's father that the land between Patea and Whenuakura would be reserved to him. In 1867 Taurua went to Wellington and saw Mr Richmond, to whom he said "I have come to see you that you may return the whole of the land from Waitotara to Waingongoro", Mr Richmond said, "No, these two tribes must assemble and return to live between Patea and Whenuakura, from the sea back to the mountains." Taurua said, "No, the people of Waitotara should be allowed to live still at Waitotara." Mr Richmond replied "Are you not of their tribe

? Are they not your people and do you not belong to them ?” Taurua said “ Yes, I am one with them, and they one with me, I belong to them and they belong to me and our land goes from Waitotara to Patea.” Mr Richmond said that the Pakakohi tribe should go and live between Patea and Whenuakura. Taurua said “No, they must live between Tangahoe and Patea.” Mr Richmond said how is it then that you say you belong to them and that they are your people ? “Taurua replied, “Yes, they are my people and I belong to them but they should be left to live on the land between Tangahoe and Patea. I alone should be left on the land between Patea and Whenuakura.” Mr Richmond said, “If you agree that they should have the land between Patea and Whenuakura for the whole tribe, then I will reserve it from the sea back to the mountains. I will also reserve a piece of land for Government purposes, extending one and a half miles back from the coast, the distance from one river to the other being about three miles (*AJHR*, 1880, vol II, G.-2:37).

Taurua’s claim highlights the interests of individuals as opposed to those of the tribe. Taurua was asserting what he thought were his individual rights as chief of the tribe (*rangatiratanga*). He was sighting promises made by Sir George Grey to his father to reserve land between the Whenuakura and Patea rivers.

However, Richmond disputed Taurua’s individual claims to this block and instead favoured awarding the block to Taurua and his people as owners in common of the land. Richmond said he would only reserve the land if it was for the whole tribe. He was thus asserting the communal rights of the whole tribe over the individual rights that Taurua claimed.²⁰ This may seem to be a contradiction when the activities of the Native Land Court were mainly aimed at individualising Maori land title to facilitate land sales. However, it could be argued that Taurua’s possession of such a

20 “The commonly accepted view of traditional Maori Land tenure is that hapu and whanau groups were allocated the right to use predetermined areas of land according to the specific and general needs of the individual and group. Assigned rights of use and occupation were generally acknowledged by all individuals. Not even a chief could lawfully occupy or use any part of a designated holding without the observation of formal custom and the consent of the individual or group.” (Asher and Naulls, 1987:5).

large block of land may have hindered the sale of land in this area by his refusal to sell land. It is also possible he was claiming the land on behalf of the hapu in his position as chief. He would then have been better able to hold and utilise the collective block for the benefit of all the hapu.

In 1867 the land was not reserved to Taurua and his people as promised at that time. It was in 1873 when Taurua was released from Wanganui that Sir Donald McLean confirmed his promises of the new reserves. Namely 300 acres at Hukatere, 2,000 acres at Otautu and 10 acres at Waioturi. On his release, Taurua said that he would not return to other lands which were to be granted at Patea but would return to that land between Whenuakura and Patea. Taurua said, "Remove your hands which press upon me like a yoke and let me go back to the land between Patea, Whenuakura and Waitotara". After that Taurua returned to live at Hukatere which at that time belonged to the government (*AJHR*, 1880, vol II, G.-2:37).

In a memorandum dated Whanganui 31st January 1873, McLean noted decisions on the settlement of reserves to natives south of Waingongoro. He stated that the question of the confiscated lands in this district had been carefully inquired into and the following conclusions arrived at with a view of effecting their settlement:

1,000 acres are to be given to the Pakakohi tribe at their old kainga, Otautu, to the north of the railway Reserve, and the boundaries are to be defined by Captain Blake. They are also to have 1,000 acres of forest land. The original allotted reserves are to remain in their own possession. To these lands the Pakakohi have permission to return. A reserve of 10 acres will also be made for them at Turi's spring and of 5 acres about the site of Turi's house. In consideration of Taurua's good behaviour, and of the faithful observance of the pledges made by him and his people on their release at Dunedin, a sum of money will be granted for the purpose of agricultural implements to enable him and his people to cultivate the land allotted to them (*AJHR*, 1880, vol II, Appendix A:4).

McLean commented further in 1873 that the government would rely on the assurances given by the chiefs that they would keep on peaceful and friendly relations with the Europeans. The government would also be prepared to have surveys carried out if at a future period the natives wished the land to be subdivided among the various hapu.

In 1880 the Commissioners found that the Hukatere Pa which adjoined the Otautu block had not been included in the reserve of two thousand acres allotted to Taurua and his people by McLean in 1873. Hukatere pa had for a period long before the war of 1868 and continually since been occupied by Taurua personally as his principal home. The Pa and adjacent cultivations had been surveyed as a separate section of eighteen acres which were intended, by the Survey Department, to be for a Ferry Reserve. The Commissioners found no trace of it ever having been legally set apart for any such purpose and considered it unlikely ever to be needed as a Ferry Reserve. The Hukatere pa contained several well maintained buildings which the Commissioners felt would result in a great wrong if not granted to Taurua and his people (*AJHR*, 1882, vol II, G.-5).

In 1881 William Fox, another Commissioner, was sent to the Patea area to look into the problem of Maori reserves. He stated:

The first thing I have to do is to ascertain how the reserves should be divided among different hapu's so each may know what is its own and receive its own rents if it is leasing any of that land. I am now busy getting names of the people of each hapu and I have sent surveyors to mark off the shares of each hapu and each reserve (The Maoris will have to give me the names of the men, women and children of each hapu that they may be put on the Crown grants). As soon as that is done I will inform the governor and send in the plans and he will give a Crown grant to each hapu for its own piece of those reserves. Then that piece will be theirs and their children forever; their names - the names of each of them - will be plain on the Crown grant and there will be no more disputing about it.... The reserves near Patea, Whenuakura and Waitotara have been made and given to the Maoris long ago; but they are

not divided among the hapus and the grants are not issued. All these will be divided when necessary and grants given to the hapus or to the chiefs to whom they have been promised (AJHR, 1881, vol II, G.-5:4).

As the boundaries of the land were uncertain and there were no Crown grants, this had been the source of trouble for many years. The Commissioners hoped that once the reserves had been allocated there would no longer be any dispute about these lands. Maori would have their lands and the Pakeha theirs, both would have Crown grants with fixed boundaries.

Thus it was that on the 11th September 1882 the Otautu block was granted under the West Coast Settlement Act, 1880 (Northern Island) and the West Coast Settlement Reserves Act, 1881. This Native Reserve was to provide for the ongoing well-being of Taurua and his people as a group. The land was therefore granted to the following seventeen persons as tenants in common:²¹

| | | | |
|------------------------|---------------------|-----------------------|-------|
| 1. Taurua | (640) ²² | 10. Mere Taurua | (110) |
| 2. Hokopaura | (110) | 11. Tuirirangi | (110) |
| 3. Rangitawhi | (159) | 12. Paraeroa | (115) |
| 4. Rakete | (115) | 13. Tauroa | (1) |
| 5. Tutae | (110) | 14. Ngawai | (25) |
| 6. Uruanewa | (25) | 15. Ngarangi Katitia | (110) |
| 7. Raukura | (110) | 16. Te Purei Hitarere | (110) |
| 8. Hinerangi | (110) | 17. Te Kehu | (110) |
| 9. Miriama Hinekorangi | (120) | | |

(Total 2190 acres)

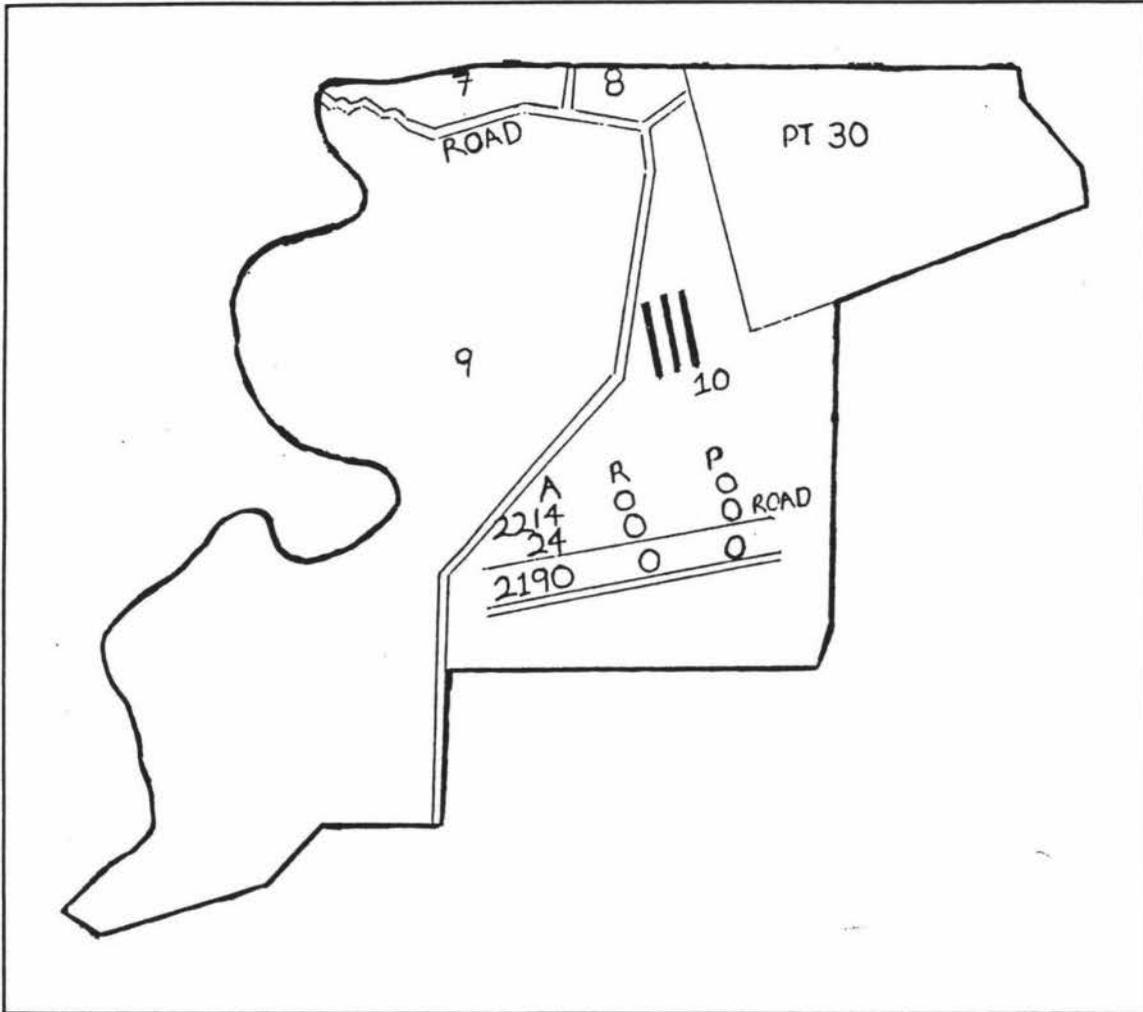
The grant (AJHR, 1880, Appendix A, G.-2:4) comprised sections seven, eight, nine, and ten block three and part section thirty, block four Carlyle Survey district (Fig 3.2). Most of the grantees who mainly received 110 shares were representatives of their families.

²¹ From Crown Grant. Registered in Land Deeds Book Volume 10 folio 19 (C.T. 10/19). The grant was witnessed in Wellington by Sir James Predegast Chief Justice.

²² Figures in () represent shares each grantee was later awarded by the Crown in April 1886.

FIGURE 3.2

1882 CROWN GRANT: OTAUTU NATIVE RESERVE



Source: Maori Land Court Records, NP.64.

The grant stated that there were conditions upon which the land should be inalienable by sale, gift or mortgage or in any other way except as follows:

First, by exchange for other lands of at least equal value such lands taken in exchange being held in fee simple,²³ secondly, by lease for any term not exceeding twenty one years.... Provided that no such exchange or lease shall be valid or effectual unless previously the ... written consent of the

²³ That is, freehold title.

Governor in Counsel shall have been obtained to such an exchange or lease as the case may be.²⁴

THE PARTITION OF INDIVIDUAL SHARES

Wilfred Rennell, the West Coast Settlement Reserves Trustee, was directed by the Public Trustee to enquire into and definitely settle the share of each grantee or person entitled to participate in the rents received from the Otautu block. On 15th April 1886, after having made the inquiry as directed and being assisted by Te Kahui Kararehe, a native assessor, Wilfred Rennell defined the respective interests of each grantee. Information as to how these individuals were allotted their share of the block is revealed in the Minute Books of the Native Land Court, 1887.²⁵

At a sitting of the Court at Hawera on Wednesday 14th December 1887, Taurua laid claim to succeed to the interests of Ngawai.²⁶ He was only a distant relation to the deceased; his claim was on the basis of his right of being the chief of Ngawai's hapu. Taurua was asserting what he thought was his rangatiratanga in this claim and stated:

I knew that the deceased name was put in the Crown grant, it was put in with my consent. I did not say anything to the deceased at the time about the land reverting to me on his death. I put the names of all the other grantees into the grant. These people belong to Ngatimania hapu. I am the headman of Ngatimania hapu. I think that the shares of all the grantees should revert to me on their death, as I am their chief (4 Tar M.B. 215).

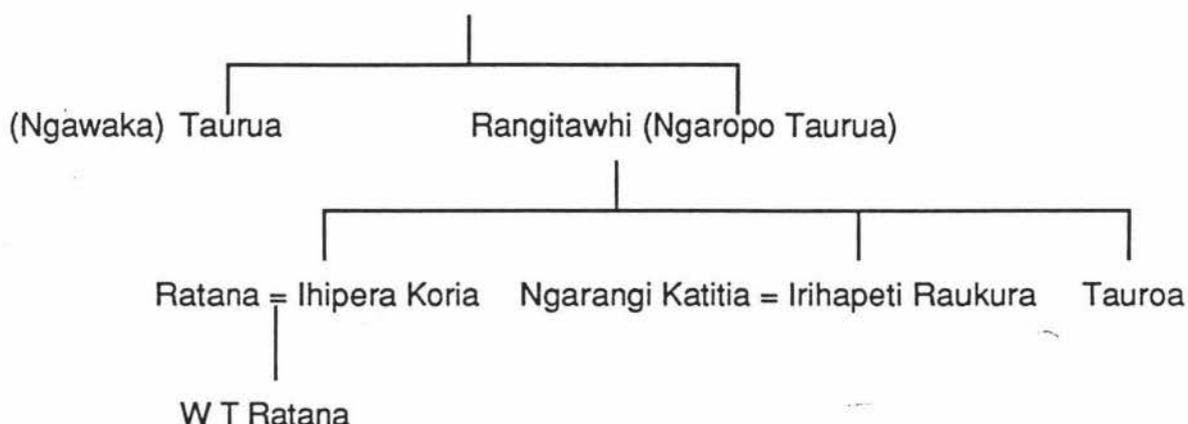
The court ordered that Ngaoneone, the sister of the deceased, should succeed to the interests of Ngawai. This was a European judgement contrary to Maori custom: it denied Taurua's rangatiratanga.

²⁴ From Maori Land Court papers (NP. 64).

²⁵ Case No. 125, Otautu Sections 7,8,9 and 10, Block III, Section 30 Block IV, Carlyle S.D.

²⁶ Grant Volume 10 folio 19, in favour of Ngawai and others for 2190 acres.

The statement by Taurua would make it seem that he was instrumental in the process of awarding shares of the land in the Otautu block to individuals who were the leaders of their whanau, as would be expected if he were the chief. Taurua, being the chief, received the largest share of 640 shares with his younger brother Rangitawhi (Ngaropo Taurua) the next largest landholder with 159 shares. The smallest shareholder has only one share. It would seem to be Rangitawhi attempting to including his son Tauroa in the grant. On the death of the younger Tauroa in July 1886, his uncle Taurua asserted his chiefly rights and claimed to succeed to Tauroa's one share. It is significant that Rangitawhi was present at the hearing and did not object to Taurua's claim. Taurua also succeeded, over time, to other interests of the younger Tauroa in other land blocks (see whakapapa for relationship between Taurua and Tauroa).



PARTITION OF THE OTAUTU BLOCK AND THE PETITION OF IHIPERA KORUA OF TURAKINA

(Note previous whakapapa)

In 1873 McLean had indicated how the government would be prepared to have surveys carried out if at a future time the natives wished the land to be subdivided among the various hapu. It was for this reason that in 1886, Wilfred Rennell first partitioned the Otautu block. In this partition he included the shares each grantee was entitled to in the block so that rents received from the land could be paid out to those grantees according to the shares allocated. In 1894 James Warburton, the Public Trustee, confirmed this partition of shares to the individual grantees, but

it was not until 1915 that the actual land itself was partitioned. Only after 1915 therefore, did grantees know their individual sections.

A petition heard by the Native Land Court in 1893 had a major impact on the succession of interests in the Otautu block. Ihipera Korua, a daughter of Ngaropo Taurua (Rangitawhi) and a niece to Taurua, petitioned that a judge in overturning a previous succession order made by the Court, had prejudicially affected the individual rights of succession of herself and her sister, Irihapeti Raukura.

The chief Taurua died on or about the 28th April 1888. On the 24th January 1889 a succession order in respect of the share Taurua held in the Otautu block was granted by the Native Land Court to his brother Ngaropo Taurua. At the end of three months, with no application for a waiver having been received against the succession order, the judge duly signed and sealed the order.

On 18th October 1889 a document purported to be the last will and testament of Taurua was exhibited before the Native Land Courts sitting at Turakina. This document purported to devise the interests of Taurua to certain other natives, not Ngaropo Taurua. Ngaropo Taurua was present at the time and having heard the contents of the will, consented to the order being varied by substituting the names of the devisees mentioned in the said will. The judge then erased the name of Ngaropo Taurua and endorsed the insertion of the other names: Korua, Mere Taurua, Kakahou, Pawhare, Raukura, Ngaperaki and Tuirirangi.²⁷

When Ngaropo Taurua died his next of kin were his nieces Irihapeti Raukura and the petitioner Ihipera Korua. The petitioner claimed that the judge had no power or authority to alter the original order. Their interests in the Otautu block of land had thus been prejudicially affected by error.

Upon inquiry in open court at Wanganui on 29th September 1893, a judge of the Native Land Court ordered that the earlier court order be

²⁷ As a result of the new will subsections 3, 4 and 5 totalling 256.6 acres were partitioned on the 11th of August 1892 to Miriama Hinekorangi and Rakete in equal shares. This partition was cancelled however on re-hearing 31/3/1894 as a result of the petition of Ihipera Korua.

amended by striking out the names of Korua, Mere Taurua, Kakahou, Pawhare, Raukura Ngaperaki and Tuirirangi. Thus the interests of Taurua's nieces, Ihipera Korua and Irihapeti Raukura, were reasserted in the Otautu block.

In January 1915, the court sat at Patea for ten days to finally partition the Otautu block. The block was divided amongst the original seventeen grantees or those who had succeeded to their interests (Table 3.1). These persons agreed amongst themselves to treat Otautu grant 3791, Hukatere grant 3790 and Oteha grant 5176, equalling 2190 acres as one block for the purpose of partition. This was because these adjoining blocks were all owned by related persons who would then decide amongst themselves who should own which individual block. The court adjourned to allow the grantees to settle the matter amongst themselves. Quite often shares were exchanged in other blocks or land was gifted to children or mokopuna, including whangai who in Maori custom maintained rights as adopted children.

FRAGMENTATION, LEASES AND LEGAL STATUS

The original partition of the Otautu block, firstly in 1915 and the successive partitions and succession orders of the block through to the present period, has resulted in progressive fragmentation and most of the land being leased to mainly European farmers. As a consequence, the land is under-utilised by its Maori owners. In recent years, lease agreements have tended to be for shorter periods enabling the owners to retain more options in the rapidly changing economic climate. Some of the land has also changed to European status although it is still owned by Maori. In this section we shall discuss fragmentation of land and land ownership, changes in lease terms and the legal status of land, all of which it is argued reflected or impinged on Nga Rauru's ability to use the land.

Table 3.1

**Consolidation in 1915 of the Otautu block for partition ordered under
Section 55 of Native Land Amendment Act, 1913.²⁸**

Dated Patea 29/1/1915.

| Sub Division | Acres | Owners and Shares | Sub Division | Acres | Owners and Shares |
|-----------------|------------|--|-----------------|-------|--|
| 1 | 623 | 44 owners total 1383 shares | 14 | 16.3 | Ngarangi Katitia Te Purei Ngarangi |
| 2 | 375.1.2 | 44 owners total 1383 shares | 15.A | 31 | Apaira Hinekorangi |
| 3 | 70 | Hoani Hokopaura Ringi Hokopaura Te Kahuirangi Hokopaura | 15.B | 31 | Hokinga te Whena |
| 4 | 70 | Tutae te Ropiha | 15.C | 18 | Makakai te Whena |
| 5.A | 89 | Wereta Paraeroa 2/7 Topaki Paraeroa 2/7 Wi Paraeroa 2/7 Tuhaoroa Paraeroa 1/7 | 15.D | 35 | Rangiwhanaki Whanau 6.25 Te Manu Whanau 6.25 Iriwaea Whanau 6.25 Timi Whanau 6.25 |
| 5.B | 51 | Tutawa Paraeroa Hare Paraeroa | | | Makakai te Whena 5 Mahuini Karoro 5 |
| 6 | 74 | Hira Marino | 15.E | 23 | Iriwaea Whanau Te Arakuhu Marino Moanui Kotokoto Te Keepa te Piki Paipera Akuhata Matariri Kotokoto |
| 7 | 37.5 32 | Irihapeti Raukura Irihapeti Raukura | | | |
| 9 | 16 | Ngarangi Katitia Te Purei Ngarangi | | | |
| 10 | 15.3.10 | Makuini Karoro | | | |
| 11 | 31.3 | Ngarangi Katitia | 16 | 100 | Rakete |
| 13 | 16.3 | Ngarangi Katitia Te Purei Ngarangi | 18 | 189 | Ngarangi Katitia Te Purei Ngarangi |

²⁸ Where two or more adjoining blocks or parcels of land are owned wholly or partly by the same owner, the Court may, for the purpose of partition, treat such blocks as one area to be partitioned among the respective parties of owners as if they were tenants in common of the whole; and the Court shall have jurisdiction to allocate the whole or part of the interests of any owner or owners in any of such blocks, and cancel the whole or any part of his or their interests in any of the blocks or blocks, and issue partition orders accordingly (*New Zealand Statutes*, 1913 sess III, p.327).

Fragmentation of Land

The fragmentation of Maori land has seen to be a problem to the land's economic viability since the 1930's. Fragmentation is the process whereby a block of land gets smaller in size with the partitioning out of individual interests through succeeding generations. The result is that inheritance are not viable in today's economic conditions. The process of fragmentation is amply seen in the case of the Otautu block of 2190 acres which was originally Crown granted to seventeen owners. This area would have enabled seventeen owners to utilise the land well if they worked the land on a whanau or hapu basis. Events over the past three-quarters of a century have made such co-operation increasingly difficult.

A practice adopted by the Native Land Court in 1865 when issuing a title to land was to allocate fixed shares in the land to each member of the entitled group. If there were say ten adult members of the group each would normally be allocated one share out of a total ten shares in the piece of land. If one member then died leaving four children, each child would on succession to his parent receive 0.25 of the one-tenth share.

The partition order of 1915 was the first major inroad into the Otautu block's combined area. The block which had previously been owned by 'units' within the hapu was now partitioned so that individuals could actually lay claim to their individual interests, enabling them to define and cut their land out of the 2190 acres.

The two largest subsections within the Otautu block were Subsections 1 and 2 (997 acres) or nearly a half of the combined Otautu block. Together with sec 44 & pt sec 12 of 10 Block IV, they were leased by the Public Trustee in perpetuity under the provisions of the West Coasts Settlement Reserves Act, 1892. The remaining twenty sections varied in size from 12 acres (5c) to 189 acres (18). While these blocks may have been economically viable during the pre World War Two period, continuing subdivision especially in the largest block (18) and subsections 5a and 5b, mean that many of these smaller subsections are economically unviable today unless worked in conjunction with adjoining blocks (See Fig 3.3A on page 82). The result is that those (Pakeha) who

could afford to lease the land have rented adjoining blocks for most of the period since the land was first subdivided. This is shown in the cases of subsections 3 and 4 which have been leased to the Williams family since 1942; subsections 5b and 5c which have been leased to A.O Mueli since 1954 and 1956; subsections 15e and 16 which are presently leased for three years to A.J. Muller, and subsections 11, 13 and 14 which were in 1989 leased to Donald, George and Bruce Kiifhuss for ten years.

The history of the Otautu block provides few examples of the Maori owners leasing other sections of land within the block, or of working their own sections within the block. There were two early exceptions in 1892, subsection 7 and 8 (Lease No 8795) which was leased by Irihapeti Raukura from the Public Trustee for twenty-one years and Subsections 9,11,13, and 14 (Lease No 8796) which were similarly leased to Ngarangi Katitia and Te Purei for twenty-one years at that time. The land was leased from the Public Trustee who at that time was responsible for the workings of Native reserves. Today there are all too few Maori owners who actually work land within the Otautu block. Only one case, Subsection 18 B4 is presently farmed by its Maori owners.

Fragmentation of Ownership

The fragmentation of land title and land size could be viewed as eventually being culturally, if not economically of benefit to the tribe of Nga Rauru. With the continuing fragmentation of title, more and more persons will eventually own the same block of land. This would make their share smaller and smaller to the extent where it could be termed 'uneconomic' or purely 'symbolic'. The land as a spiritually binding force would have returned to its true Maori concept of tribal lands with a person's interests originating from their tribal link.

Maori land is viewed as a treasure to be passed on to those generations yet to come. Ownership of land is represented in rights to speak on the marae of that *rohe*. Land represents turangawaewae or a place to stand. It is because land is viewed as such by Maori that land ownership within the Otautu block is seen as more than just an economic possession. No matter how small an interest in a section of land this interest still represents whakapapa (the link with one's tupuna). For these reasons to

actually sell one's taonga whenua is approached with much deep thought and consideration. The question could be asked, 'What persons would sever the link to their tupuna for the generations yet to come, by the alienation of their land?' It is for these reasons that the land is more often than not gifted or divided among the dependents or relations of a person, as may be the case with a succession order. It is also for these reasons that one Maori owner is reputed to have sworn:

*Kia pehea te nuinga o te whenua, kia taea e au te tutae,
e kore e hokona atu.*

*As long as my land is big enough for a tutae,
I will never sell any.²⁹*

Many blocks now face the 'problem' of fragmentation of ownership. This is where the size of the block stays the same but the number of owners increases as people succeed to the interests of their parents or relations. While to some multiple ownership is seen as a 'problem' in the utilisation and development of the land, others have commented on the benefits that can arise due to there being so many owners to one block of land. Eddie Durie (1987:79) commented that many Maori disagree with the popular view that multiple ownership of land is a problem, "Many see it as a blessing, as the reason why some lands were not sold and as the means by which communal ownership might one day be restored". Asher and Naulls (1987:47) also commented that, "Fragmentation of ownership is no longer necessarily an evil, but a path to making the tribal lands communal again".

While in many cases these views of the positive effects of multiple ownership may be upheld, the Otautu block would not seem to support them. It is true that multiple ownership has led to a near tribal or hapu ownership of some blocks, but from a purely economic viewpoint this has not necessarily been advantageous to the owners or the economic viability of the land. Administrative and decision making problems have often resulted in the land simply being leased out to others to farm. The full economic potential of the land has thus not been personally harnessed by the owners. The owner's only cash returns have been in the form of their percentage or dividend from the land's rental. Due to the smallness of

²⁹ Na Wehi Kotokoto Broughton.

blocks and large numbers of owners, an individual's percentage of the rent is often small and even less when the administration costs are deducted. The Otautu block highlights how the ownership of Maori land has been retained within the hapu or iwi. It also highlights how the land is not being personally utilised by its Maori owners. While many factors have contributed to this present state, problems associated with multiple ownership have been very important.

Subsection 18,15e and 16 of the block provide examples of problems of both land and ownership fragmentation. Section 18, of 189 acres, was divided between the original two owners; Te Purei and Ngarangi Katitia. Te Purei owned 18b of 102 acres which was succeeded to by thirteen persons in varying proportions. Exchange of interests occurred which resulted in six of the beneficiaries consolidating their share to own the whole 102 acres. These six owners then subdivided the 102 acres into six separate subdivisions of between twelve to twenty acres. But as these owners died their families succeeded with the result that today the blocks are between twelve and twenty acres in size and usually held in family ownership. The three sections still under Maori title are estimated to have at least twenty owners in each subsection.

Subsection 15e of twenty-three acres was originally partitioned to six persons in 1915. By 1968 there were forty-seven owners with, Ruihi Marino the largest owner, holding .5834 shares of the total six shares. The smallest shareholders were .0128 shares each held by ten persons of the Reweti whanau.

Subsection 16 had one original owner, Rakete. He was succeeded to by five persons in equal shares, 0.2000 each. By 1980 there were forty-eight owners, with the Maori Trustee being the second largest shareholder in the block with 0.0839 shares.

Changing of Lease Terms

The lease terms of Maori land within the Otautu block have changed substantially since the 1890's when the Public Trustee was in charge of leasing land on behalf of the Maori beneficiaries. In the early Twentieth century most leases were for periods of ten to twenty-one years at a fixed

rate or to be reviewed after seven years. From the 1970's and especially more recently, the Maori owners have become reluctant to lease land out for such long terms. Three to five year leases with restricted rights of renewal now seem to be the norm, with one or two longer terms of ten years (No.11). Subsection 5c would seem to be an exception when in 1987 it was leased to A.O. Mueli for fifteen years. In all cases there are no compensations for improvements that the lessee may make.

It could be argued that the shorter lease periods are an indication that the present owners feel that their view of utilising the land themselves could change in the near future. More likely, however, they realise the land's value is increasing due to inflation. A shorter lease period gives the owners more options to re-evaluate the terms and price of any new lease agreement.

Changes in Maori Land Status

The Otautu block has a high proportion of subsections leased to Pakeha farmers. Subsections one and two of section ten, subsection two of section nine, section 43 and part section twelve of ten block IV which contains nearly 750 acres, are prime examples of Maori land being utilised by Pakeha farmers over an extended period of time. This is largely due to the fact that these subsections came under the jurisdiction of the West Coast Lease Act 1892, which permitted leases for twenty-one years with a perpetual right of renewal.³⁰ This has meant that although the land is owned by Maori on paper they in fact have little more than a token ownership. This is especially evident when rents can only be reviewed every twenty-one years at five percent of the unimproved value of the land.

Other sections within the Otautu block have come under the jurisdiction of Part 1 of the Maori Affairs Amendment Act 1967. This states that land which was owned by four or less Maori persons could be re-classified as general European land. This amendment affected subsections 5a1 (house site); 5a2; 5d; 18a; 18b2; 18b3 and 18b5, sections which total 177.9 acres.

³⁰ Freehold title to Subsection Two of Section Nine (242.2 acres) has since been transferred to G.H. Hughes but is still under Maori land title.

These subsections provide examples of land which is not generally seen as Maori land even though they are still owned by Maori and in all likelihood viewed by Maori as ancestral lands. They are sections that could possibly be farmed by their present Maori owners or made available to whanau within the Otautu block for farming or development in the future.

In conclusion, fragmentation of land ownership and land size through successive partition and succession orders has greatly affected the economic viability of the Otautu block for its present Maori owners. The original Crown grant of 2190 acres to seventeen persons was partitioned in 1915 into twenty-three subsections with a total of thirty-nine owners.³¹ From the original Crown grant of 2190 acres, however, some 1292 acres or nearly a half of the block, was leased to European farmers in perpetuity by the Public Trustee, and today seven of the subsections are European owned. The remaining Maori sections which are relatively small in size are mostly in multiply ownership and leased to Pakeha farmers. Table 3.2 which follows provides a summary of the present ownership and leasehold situation of the Otautu block. Full details which further highlight the Maori disinheritance from the Otautu block, are provided in Appendix 3.1.

PRESENT STATUS OF OTAUTU BLOCK

This table represents the present ownership status of the Otautu block. From the original block, which was partitioned into twenty-three subsections in 1915, there are now thirty-five separate subsections. The changes occurring in subsections 1, 2, 5 and 18. Subsections 5 and 18 especially, reflect how Maori sections which were of reasonable size has been partitioned to the extent whereby they are today of little practicable farming use unless farmed in conjunction with adjoining sections. The present Maori or Pakeha ownership of the subsections is also revealed. This indicates the larger acreage and fewer owners per section owned by Pakeha. In comparison the Maori sections are relatively small with

³¹ Excluding subsections 1 and 2 which each had 44 owners, with a total of 1383 shares.

numerous owners. Presently there are only two Maori families living on their land within the block. This helps explain why only one section, of fifteen acres, is presently being farmed by its Maori owners. The remaining fourteen sections under Maori title and eight sections that were reclassified under section 30 (1) (i) of the Maori Affairs Act 1953, have been leased to local Pakeha farmers. The three sections under the administration of PKW are still of some reasonable size, however, they also are leased by local Pakeha farmers.

In summary, this table reflects the fragmentation of Maori land and ownership within the Otautu block. Fragmentation has occurred to the extent whereby today the land is not a major economic resource to its owners. The land's full economic potential, therefore, is not being personally harnessed by its Maori owners. From a total of 2260 acres (includes subsequent additional grants to the 2190 acres in the original block) in the block, presently 487.1 acres are under Maori title, 266.1 acres are owned by Maori but under general title, 1010.5 acres are owned by Pakeha and 496.5 acres are administered by PKW. Out of the total Otautu block only fifteen acres are presently being farmed by its Maori owners.

TABLE 3.2

PRESENT STATUS OF THE OTAUTU BLOCK

Key

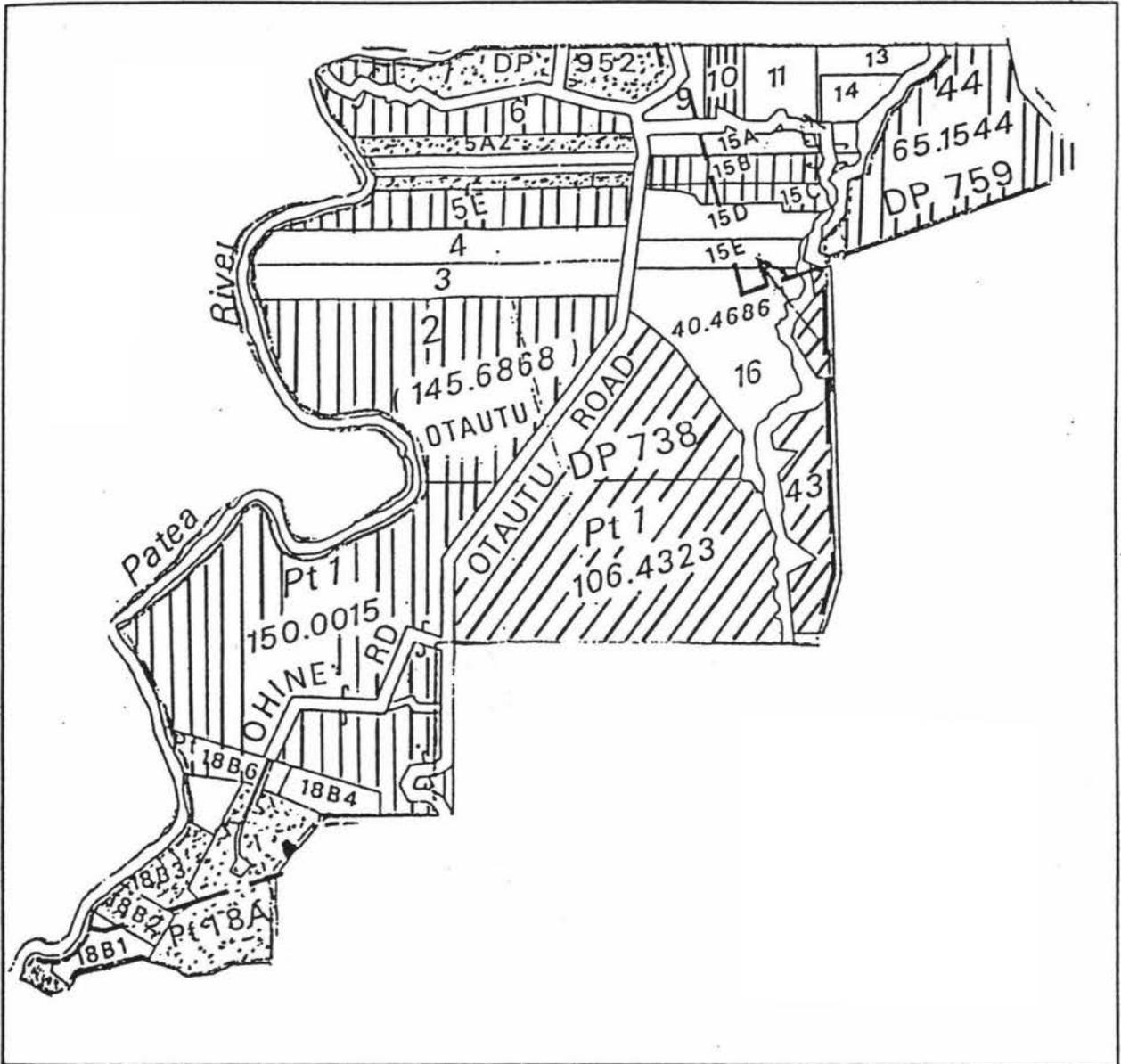
| | |
|--------------|--|
| E= | European land. |
| E farm= | European farm. |
| L= | Leased to European with due date. |
| Leased to E= | Maori land leased to a European. |
| M= | Maori land. |
| M/E= | Maori land under European title. |
| PKW | Parininihi ki Waitotara Incorporation. |
| WCSR= | West Coast Settlement Reserve. |

| <u>BLOCK No</u> | <u>ACREAGE</u> | <u>TITLE</u> | <u>Present TENURE</u> | <u>Number of OWNERS</u> |
|--------------------|----------------|--------------|------------------------------------|--|
| 1 Originally | 638.1.20 | WCSR | Leased to E | 44 |
| Pt Sec 1 now | 375.1.20 | E | E Farm | |
| Pt Sec 1 now | 263 | PKW | Lease in perpetuity due 1994 | 5,000 with 1,205,070.8 375 Shares. |
| 2 Originally | 359.4 | WCSR | Leased to E | 44 |
| Pt Sec 2 now | 242.2 | E | E farm | 1 |
| Pt Sec 2 now | 117.2 | PKW | Lease in perpetuity due 1994 | 5,000 with 1,205,070.8 375 Shares. |
| 3 | 70 | M | L due 2000 | 29 |
| 4 | 70 | M | Leased to E | 24 |
| 5.a Originally | 89 | M | | 4 |
| 5.b. Originally | 51 | M | | 1 |
| a.1.now | 0.2 | M/E | House section | |
| a.2. | 27 | M/E | Lease to E | |
| b. | 19.1 | M | E farm | Meuli owners 75% of shares |
| c. | 12.0.33 | M | L due 2002 | |
| d. | 19.1.00 | M/E | Leased to E | |
| e. | 61.3.70 | E | E farm | 1 |
| 6 | 74 | E | E farm | 1 |
| 7 | 69.2.00 | M/E | Leased to E | |
| 9 | 16 | M | Leased to E | |
| 10 | 15.3.10 | E | E farm | |

| | | | | |
|--|----------|-----|-------------|--|
| 11 | 31.3.30 | M | L due 1999 | 10 |
| 13 | 16.3.00 | M | L due 1999 | 11 |
| 14 | 16.3.00 | M | L due 1999 | 11 |
| 15.a. | 31 | M | Leased to E | Trust-22 |
| b. | 31 | E | E farm | 1 |
| c. | 18 | E | E farm | 1 |
| d. | 35 | M | M farm | 15 |
| e. | 23 | M | L due 1992 | 40 |
| 16 | 100 | M | L due 1992 | 45 |
| 17 | 21 | M/E | | 1 |
| 18 originally | 189 | M | | 2 |
| 18.a. then | 86.2 | M | | 1 |
| 18.b. | 102.2 | M | | 1 |
| 18.a. now | 86.2 | M/E | Leased to E | |
| 18.b.1. | 20.3.16 | M | Leased to E | 20 |
| b.2. | 14.3.14 | M/E | Leased to E | 1 |
| b.3. | 19.1.08 | M/E | Leased to E | 1 |
| b.4. | 15.1.26 | M | M farm | Trust + 1 |
| b.5. | 12 | M | Leased to E | 20 |
| b.6. | 15.3.30 | E | E farm | 1 |
| Pt. 12 & 44 of Sec.30 Blk IV. | 178.3 | E | E farm | 1 |
| Sec.43 & pt Sec.12 of 10 BLK. IV | 116.2.33 | PKW | Leased to E | 5,000 with 1,205,070.8 375 Shares. |

FIGURE 3.3A

PRESENT STATUS OF THE OTAUTU BLOCK

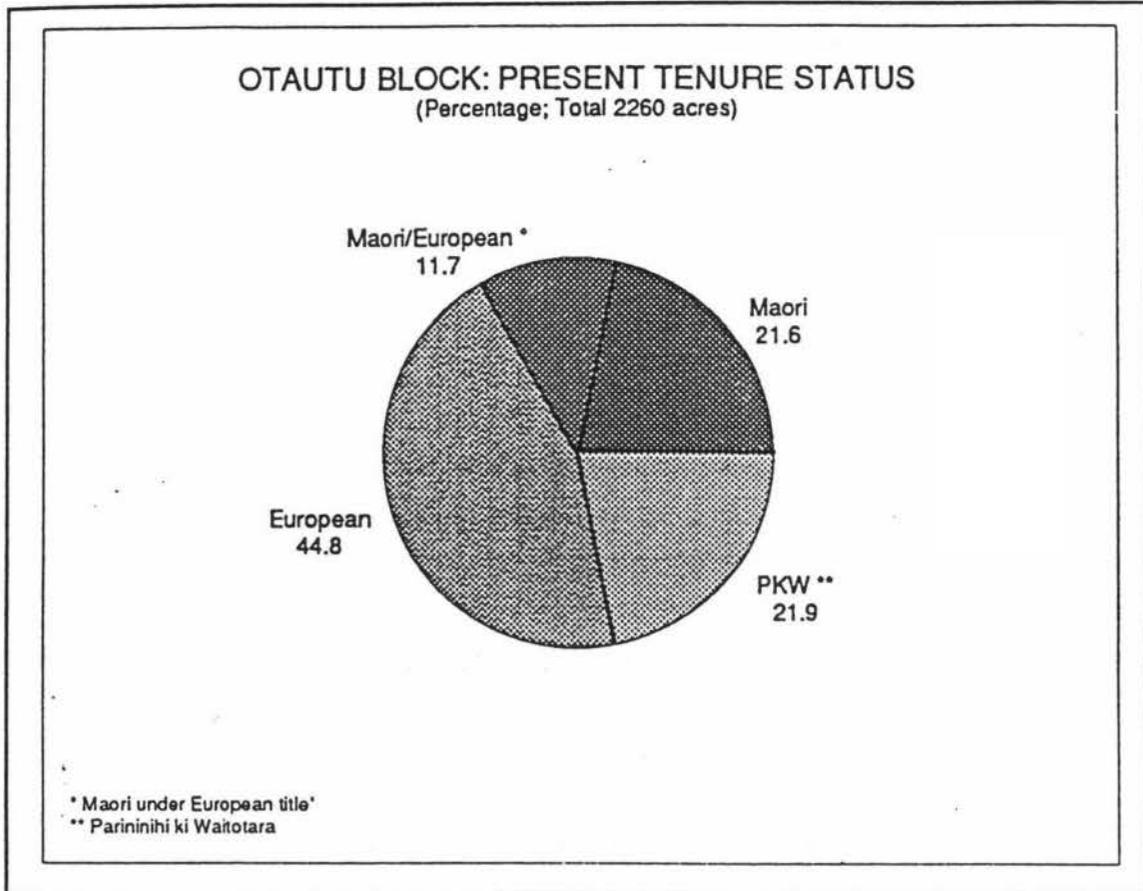


Source: Maori Land Court Records and Survey and Land Information Office.

| | | |
|---|---------------------------------------|----------------------|
|  | Maori land | 487.4 |
|  | Maori land under General title | 266.2 |
|  | Parininihi ki Waitotara Incorporation | 496.4 |
|  | European owned Land | 1010.5 |
| | TOTAL | <u>2260.5</u> |

FIGURE 3.3B

PRESENT STATUS OF THE OTAUTU BLOCK



PARININIHI KI WAITOTARA INCORPORATION AND ITS INTERESTS IN THE OTAUTU BLOCK

West Coast Lease lands, which were established in 1892 under the West Coast Settlement Reserves Act, accounted for nearly a half of the total area of the original Otautu Crown grant. Parininihi ki Waitotara Incorporation (PKW) was established in 1976 to take over the administration and running of all West Coast Settlement Reserve lands in Taranaki which had formerly been under the administration of the Maori Trustee. This was also a result of the Maori Trustee's progressive policy of handing back administration of Maori land to its owners.

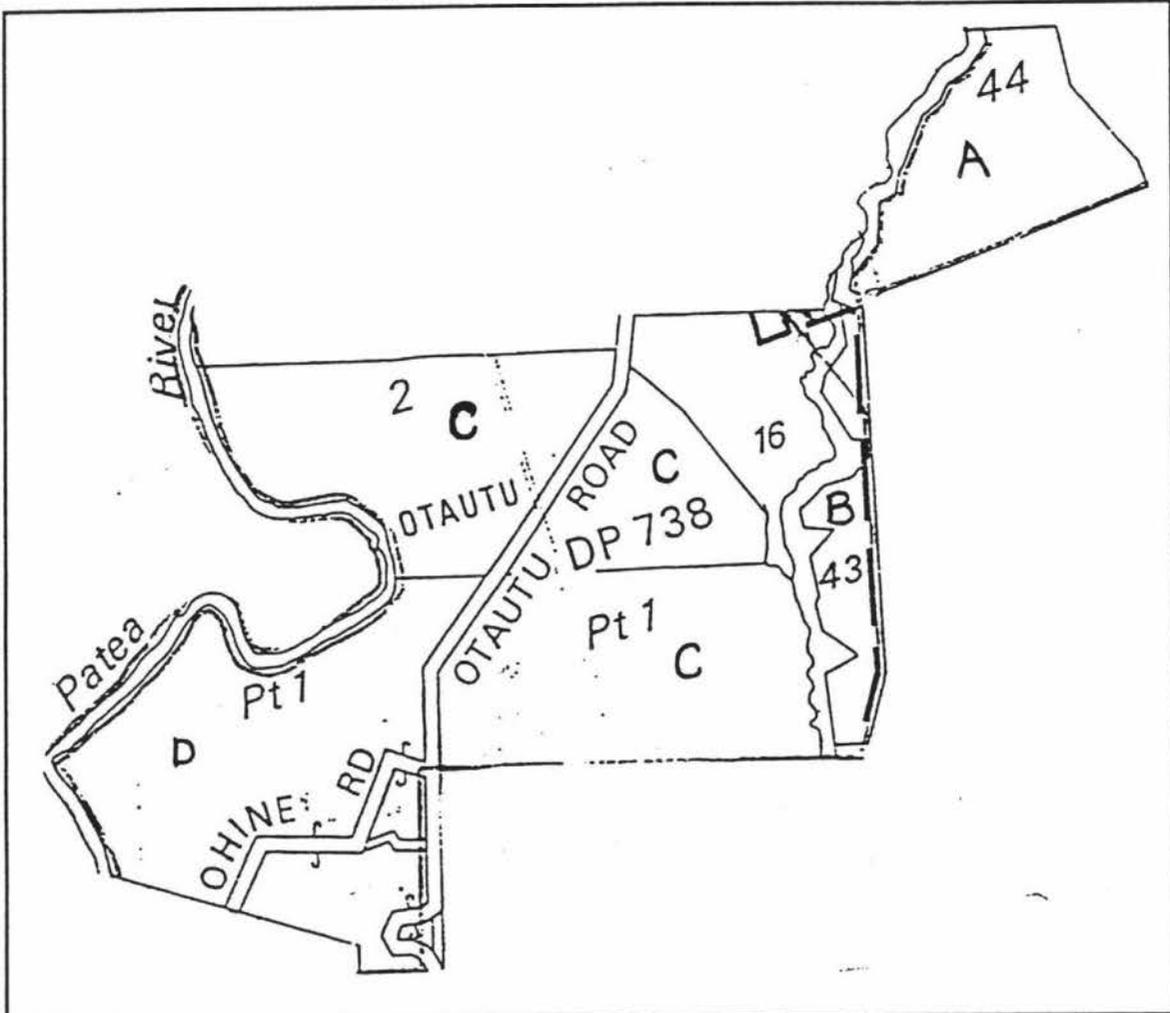
Incorporation relates to the farming or administration of assets on behalf of the owners who, in virtue of their ownership of interests in the land, have become shareholders in the Incorporation. In affect this means that the owners no longer 'own' the land but own shares in the Incorporation. It will be shown, that while incorporations such as PKW sought to enable Maori a voice in the administration of their lands, conflict between economic and cultural priorities have arisen. Many owners who may only have minor shareholdings, feel that incorporation has continued to effectively alienate them spiritually if not physically from their land.

Otautu, Hukatere & Oteha Grants 3791, 3790 and 5179, 1892 Act Leases were the specific areas of land (totalling 1292.65 acres) within the 1882 Crown grant which became part of the West Coast Reserve lands (74 Wg M.B. 313). These sections were under the administration of the Public Trustee, who in his wisdom to serve the best interests of the Maori owners, deemed it best to lease the land in perpetuity. This meant the lessee had a perpetual right of renewal every twenty-one years and at this time the owners could increase the rental but only by five percent of the unimproved value of the land. Perpetual rights of renewal give Maori owners only a minute percentage of the land's real rental value.

Of the 1292.65 acres of Otautu land which were originally in the West Coast Reserves (see Fig 3.4) only 496.433 acres were left in Maori ownership by 1977 when PKW took over administration.

FIGURE 3.4

OTAUTU 1892 ACT LEASES



Source: Maori Land Court Records and Survey and Land Information Office.

| | | |
|---|--|-------------------------------------|
| A | <u>Pt. 12 and 44 of Sec. 30 Blk. IV, Crown Land Gaz No. 68, p.1935, 21/7/1921, C/T 79/52.</u> | 178.3 |
| B | <u>Sec. 43 and Pt. Sec. 12 of 10 Blk. IV, Leased to S Gower for 21 years from 22/12/1913, C/T 79/25.</u> | 116.2.33 |
| C | <u>Sub. 1 of Sec. 10 and Subs. 2 of Sec. 9 and 10, Sub. 1 of Sec. 10 and Sub. 2 of Sec. 10, Leased to E P and F M McCarthy for 21 years from 4/5/1915, C/T 85/151.</u> <u>Sub. 2 of Sec. 9 leased to W N Hughes for 21 years from 4/5/1915, C/T 84/150.</u> | 623 |
| D | <u>Pt. Sub. 1 of Sec. 9, leased to F Beasley for 21 years from 2/5/1915, C/T 83/71. Crown Land Gaz No. 20:533, 24/2/1921.</u> | |
| | TOTAL | <u>375.1.20</u> <u>1292.6.53</u> |

The first piece of land removed was the concern of a partition order dated 6th December 1920 which declared HIS MAJESTY THE KING to be entitled to 375.1.20 acres of Part Sub 1 of Section 9.(Fig 3.5). Some non-sellers were present as a notice had been sent by registered letter notifying them of the hearing date, however, no objections were received (74 Wg M.B. 313). The presence of some non-sellers, or those who had not sold their interests in the block, is important as it shows that they were aware of, and did not seem to object to this partition to HIS MAJESTY THE KING. A residue order was thus made at the same time of partition which listed thirty-six non-sellers who were to be the beneficial owners of 923.3422/9000 shares, being the remainder of the block (917.5.30 acres).³²

Subsection 44 and Part Subsection 12 of Section 30 Block IV was the second piece of land sold out of the West Coast Reserve (Fig 3.5). At a sitting of the Native Land Court held in New Plymouth on 10th May 1921, the Crown made an application for partition under Rule 37 of the Native Land Act 1909.³³ No non-sellers were present. The Crown representative asked for partition in favour of HIS MAJESTY THE KING in satisfaction of interests acquired. Access to urupa was agreed upon and the whole position was explained in Maori to all present with no objections. It was therefore ordered and declared that HIS MAJESTY THE KING was to be the owner of that part of land, comprising sub.44 and Part Sub. 12 of Sec. 30 Blk. IV Carlyle S.D (totalling 178.3 acres, Sale No 2) (31 Tar M.B. 144). This meant that by the 10th May 1921, when a second residue order was declared, of the original 1292.6.5 acres only 739.2.33 acres were then left under the administration of the Public Trustee.³⁴

32 See Appendix 3.3 of first sale.

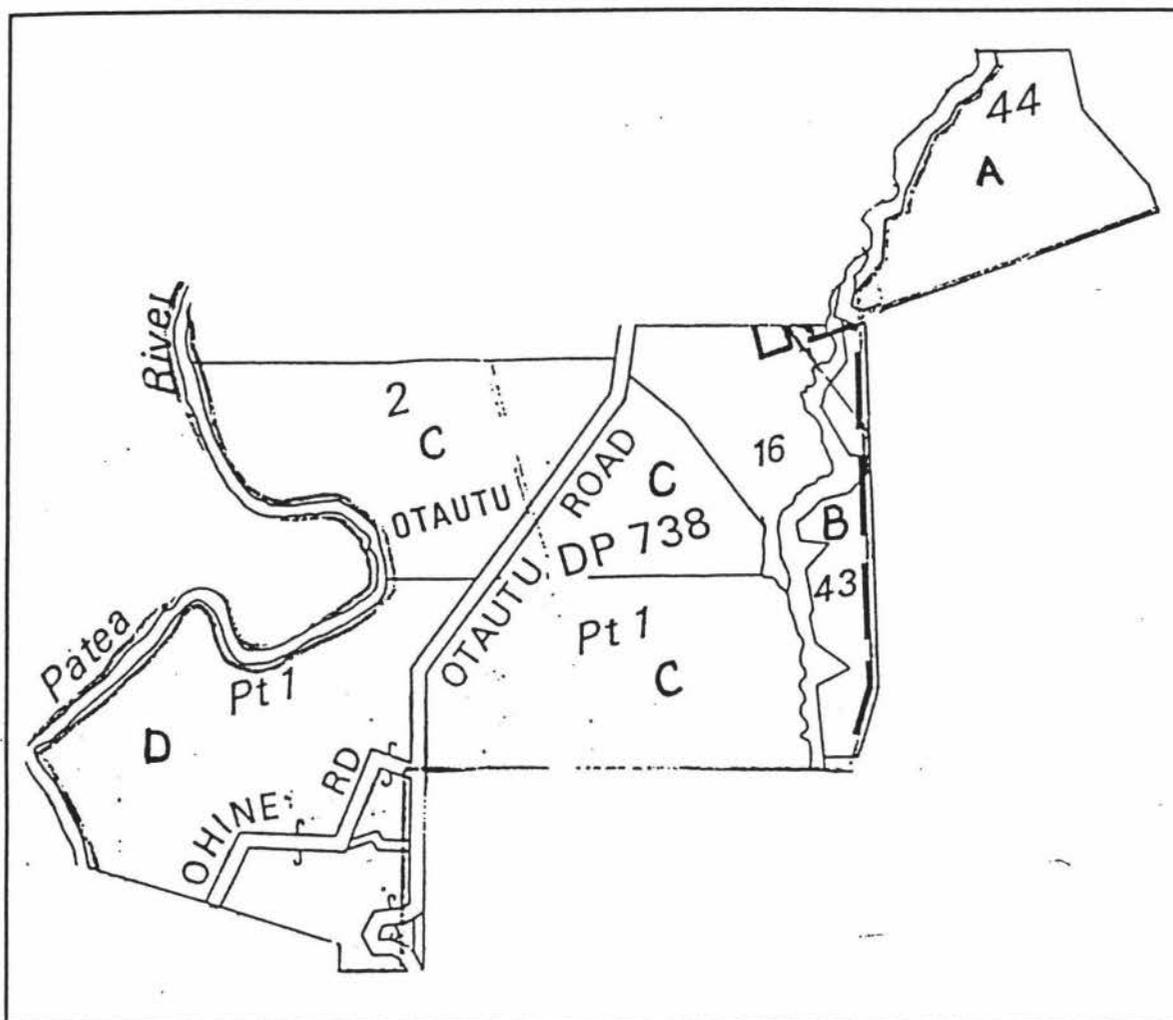
33 Rule 37 (2) No order made by the Native Land Court or the Appellate Court shall be invalid because of an error, irregularity, or defect in the form thereof or in the practice or procedure of the Court by which it was made, even though by reason of that error, irregularity, or defect the order was made without or in excess of jurisdiction (*New Zealand Statutes*, 1909, sess I & II:171).

Rule 36. Every order of the Court or the Appellate Court affecting the title to Native land or any interests therein shall bind all persons having an interest in that land, whether or not they are parties to or have notice of the proceedings in which the order is made, and whether or not they are subject to any disability (*ibid*:171).

34 See Appendix 3.4, of second sale.

FIGURE 3.5

**OTAUTU 1892 ACT LEASES: LAND ACQUIRED BY CROWN, THEN SOLD
IN 1921**



Source: Maori Land Court Records and Survey and Land Information Office.

| | | |
|------------|--|----------------|
| A | <u>Sub 44 Pt Sub 12 Sec 30 (Second sale)</u> | 178.3 acres |
| 22/12/1913 | Renewal of lease to J.Sheehan | |
| 10/5/1921 | Partition Order | |
| 21/7/1921 | Proclaimed to be Crown land | |
| 18/8/1921 | Freehold acquired by J.Sheehan | |
| D | <u>Part Sub 1 of Section 9 Otautu Reserve (First sale)</u> | 375.1.20 acres |
| 6/12/1920 | Partition Order | |
| 31/5/1921 | Proclaimed to be Crown land | |
| 4/6/1921 | Purchase of Freehold by F.Besley | |
| 21/10/1921 | Stanley Rea is sized of an estate in fee simple | |

Subsection 2 of Section 9 (242.2 acres) was the third and last piece of land to be alienated from the block. Freehold title was transferred to G.M Hughes but it is still under Maori land title.

On 9th August 1977 the remaining sections of land within the Otautu block, which were under the authority of the Maori Trustee, were transferred to the proprietors of Parininihi ki Waitotara Block.³⁵ The remaining two sections at that time were:

| | | | |
|---|---|-----------------|-------|
| 1 | Lot 43 DP 759 and part Lot 12 DP 952 | 116.2.33 | acres |
| 2 | Part Lot 2 DP 738 and part Lot 1 DP 738 | 380.2 | acres |
| | Total | 496.4.33 | |

PKW INCORPORATION'S LAND IN THE OTAUTU BLOCK AND OBJECTIVES

The name of the incorporation, incorporated on 28 February 1976, was to be the Proprietors of Parininihi ki Waitotara Block.³⁶ The land for which they were responsible was described as, "All that parcel of land known as the Parininihi ki Waitotara reserve, containing 55,137 acres 1 rood and 21.80 perches, more or less, being the whole of the equitable interests in land comprised and described in an Amalgamation Order made by the Maori Land Court at Wanganui on the 11th day of June 1963". Of which the Otautu grants account for only 496 acres 4 roods and 33 perches.³⁷

The objects of incorporation were to receive from the Maori Trustee all land transferable by him to the Incorporation in accordance with provisions of section 15A (6) of the Maori Reserved Land Act, 1955, and to use, manage, and administer any land or interests in land for the time being vested in or owned by the Incorporation.

³⁵ Transfer 242379. C.T. E2/198 and C.T. E2/199.

³⁶ File reference: 2/306/50. The Parininihi ki Waitotara Incorporation Order 1976. Notified in *New Zealand Gazette*, 19th February, 1976.

³⁷ See Appendix 3.5 for Amalgamation, Vesting and Trustee Order.

As from 28th February 1976 the Incorporation was to be administered by a committee of seven persons elected on the 16th July 1976 for a three year term with right to stand for re-election.³⁸

This committee was appointed by the Court as the initial committee of management of the Incorporation. There was some feeling among shareholders that a representative be appointed from each of the five tribes in the district in which the lands are situated. The Court, in its opinion, felt that sentiment should play no part in the appointment of a committee which would be responsible for administering assets worth millions of dollars. The Court felt that its duty was to appoint seven persons of energy, integrity and proven business ability (80 Otaki M.B. 51-2). This is yet another example of the Court ruling how Maori land should be administered. It is also an example of the superseding of economic considerations over cultural values. One wonders if the present friction within the Incorporation may have been eased if all the iwi had their own representative on the management committee. One also wonders how the voice of Nga Rauru, over the administration of their own lands, may have been diminished by their lack of a strong voice within the committee. Furthermore, how has this been reflected in the development or sale of PKW administered Nga Rauru lands ?

The aims of the committee are to get the best possible return for shareholders from the assets available. This has meant retaining income

³⁸ One-third of the members of the first committee appointed for a new incorporation retire each year for the first three years. Thereafter members stay in office until the annual general meeting of shareholders in the third calendar year after their appointment. Retiring members are eligible for reappointment. The original Committee were:

- 1 James Ahie
- 2 Charles Bailey
- 3 Peter Charleton
- 4 John Patrick Kerehoma
- 5 Angus Haunui McKinnon
- 6 Emerson Studholme Rangī
- 7 Edward Rongomāira Tamati.

The present (1991) Committee comprises:

- 1 E. Tamati (Chairman)
- 2 J. Ahie (Deputy Chairman)
- 3 P. Charleton (Secretary)
- 4 T.R. Bailey
- 5 P. Moeahu
- 6 S.W. Carr
- 7 T. Ngatai.

for some years in order to build up an investment fund which will later benefit all shareholders. To obtain a just and equitable return for shareholders is the most important matter concerning committee members.³⁹ It is important to consider how incorporation affects shareholders.

Share Holders and Shares

Prior to incorporation rents were collected on owners behalf by the Maori Trustee and distributed half yearly. On becoming incorporated the land titles were transferred to the Incorporation and owners then became shareholders. The major point to remember is that shareholders now own shares and not the actual land. Shares in the Incorporation are treated as personality and not reality (shares in hand). Hence, in the Incorporation they may be transferred under Section 41 of the Maori Affairs Amendment Act 1967, by sale to any of the parties approved by the Act (the Incorporation, any other shareholder, Maori Trustee or family member). In the case of death, the shares are transferable in accordance with the will of the deceased and if there is no will, in accordance with the laws of intestacy.

When an order of incorporation is declared by the Court relating to two or more areas of land, the usual practice is for the Court to amalgamate the titles into one single title in the name of the Incorporation. Each area of land and any other property related to it is valued separately. The separate values are added together to arrive at the total value of the property. Each shareholder then receives shares in proportion to the value of his shares in one piece of land as compared with the total value.

After the Order in Council dated 16th February 1976, all the land then held under the West Coast Settlement Reserves Act were incorporate into PKW. The area of land concerned was 55,137 acres, 1 rood and 21.80 perches. Thus, all the owners of the land now became shareholders in the Incorporation with shares totalling 1,205,070.873. The share register contained some 5064 listings with many shareholders appearing under one or more aliases. Of the 5064 listings there were,

³⁹ See Appendix 3.6, Wanganui Chronicle.

approximately two thousand shareholders whose address was unknown at that time.

A general meeting of shareholders may pass a resolution prescribing a minimum shareholding. This resolution, if passed, needs to be confirmed by the Maori Land Court. Minimum shareholding involves the Incorporation taking over and paying to the former shareholder shares at a defined minimum value. This process attempts to counter the affects of progressive fragmentation of shares which can occur when people succeed to smaller and smaller shares. Fragmentation can occur to such an extent where the administration of the shares costs more then the shares value. Annual general meetings can also set a maximum number of shares to be held by any one individual. This appears to be an attempt to prevent wealthy shareholders from gaining complete control of the Incorporation.

The management committee has expressed concern that no action on minimum shareholding has yet been taken. The issue remains a matter of concern for all Reserve Land Incorporations and will have to addressed at some date.

At the date of transfer to the Incorporation in 1976 the Maori Trustee advised the value of shares to be \$4.47 each. This value was obtained by dividing the capital value of the land by the number of shares. The Incorporation committee, obtained a value based on an earnings return. Based on this earnings return, the valuation would instead be approximately \$1.00 a share should a ten percent return be registered. It is because there was only a two percent return to the shareholders during this period, that there were many shareholders who wished to sell their shares, but very few inquiries to purchase. In 1979 the share value decreased further to only ninety-two cents per share.

This share return of only two percent reflected the Incorporation's financial position at that time. The Incorporation shares and land were of relatively high value on paper but management of leases in perpetuity produced significantly less return than the actual market value of rented land.

Dividends

Since PKW is an incorporation, monies members receive from it are referred to as dividends and not rents. At the 1978 Annual General Meeting (AGM), approval for the payment of a dividend of eleven cents per share for the 1978 year and a dividend of ten cents for the ensuing year was agreed upon.

The AGM, held at Waitara in August 1979, approved dividends to be paid annually. The committee also decided that because of the costs of administration, dividends under five dollars would not be sent to shareholders but would be accumulated until five dollars was reached. It was also resolved to retain twenty percent of the dividends before payment to beneficiaries in order to establish a working fund.

At the 1981 AGM a decision was reached that there should be no dividend paid to shareholders during the coming year. The 1982 AGM overturned this decision and a dividend of five and a half cents per share was approved. This meant a total pay out of \$66,278.90 to the shareholders for the year. At that time, approximately \$25,000 was the equivalent of the interest earned on the unclaimed monies over the preceding twelve months.

The Chairman's Annual Report 1990 noted that the Committee recommended a dividend for the year of twelve cents per share. Under new taxation laws, tax at thirty-three cents in the dollar would be deducted from dividends before payment was made to individual shareholders. Shareholders would then be able to claim the tax paid as a credit on their own individual taxation returns. It should be evident that no shareholder will become rich in the immediate future from this enterprise.

At the date of handing assets over to the trustees, the Maori Trustee handed a sum of \$81,505.80 representing dividends unpaid over a period of years. Since that time some money has been paid out by the committee to shareholders who have been able to establish their credentials. In 1990 a project was established, with much success, to

locate missing shareholders and so update the share register of the Incorporation.

There has always been a substantial amount of money from unclaimed money. Previously, the Maori Trustee usually held the money for ten years on beneficiary cards before transferring it to the Unclaimed Fund. The Maori Education Foundation (MEF) received substantial contributions and ten percent went to the Maori Purpose Fund Board. Since 1976 the balance, after paying ten percent to the Maori Purpose Fund Board, up to a maximum of \$10,000 has been paid to the New Zealand Maori Council with only the residue going to MEF. Much of the money routed to MEF would be drawn off by Maori students in Auckland and Wellington and this was probably not relative to the funds. Unclaimed money held by the Incorporation can be used solely for the benefit of the local people. It is apparent that Nga Rauru and locally resident Nga Rauru in particular, receive little financial benefit from their shareholding in this tied asset.

Taxation

Before 1991 the Incorporation was liable to tax on its income at a rate of seven and a half percent on gross income (after allowing for expenses) and a further twelve and a half percent on undistributed income. These payments were provided for before dividends were paid. Shareholders were required to include their dividends in their taxation returns on which they could then claim the dividend rebate if applicable.

The budget of 1991 made changes to Maori Authority Taxation as follows:

- Taxation was to be changed to twenty-one cents in the dollar on undistributed income
- Imputations will apply to dividends were applicable
- Withholding tax is to be deducted from dividends at source at the rate of thirty-three cents in the dollar.

Section 28 of the 1892 Act states:

Nothing in this Act contained shall render reserves or the rents income profits or other moneys arising there from or the persons entitled thereto subject to any tax or rate to

which the same or the person entitled was was not subject to at the time this Act comes into operation.

This would seem to indicate that the government of the time was making a form of compensation for the imposition of the leases. The Management committee had some difficulty in accepting that on the basis of income being restrained by statute, that the Incorporation should be losing further income by paying provisional taxes (PKW, 1990:4). The 1991 budget produced an even poorer return for shareholders.

Parininihi ki Waitotara Trust

In the 1970's the PKW Management committee investigated various methods of reducing administrative costs associated with the many small shareholdings. At that time, even though allowed by statute, no minimum shareholding was fixed although it was recognised that this may be viewed in future. A trust was formed to investigate problems arising from taxation provisions and minimum shareholdings but at the 1978 AGM, the trusts proposals were still pending, and the unclaimed dividends had accumulated to some \$143,000.

On 24th August 1978 at Waitara, a special meeting of shareholders unanimously approved the establishment of a trust for the support of education and cultural activities. The monies were to be allocated by the Incorporation general funds from unclaimed monies. \$25,000 was set aside which represented the equivalent of the amount of interest gained from unclaimed dividends. This amount was first deposited in 1982. Any beneficiary or direct dependent may apply for assistance.

Leases

Rental received by the Incorporation from leases is based on five percent of the capital value of the land at the commencement of the lease. The majority of Incorporation land is held in twenty-one year leases in perpetuity. This means that land rental is only able to be reviewed every twenty-one years which for the majority of leases of land within the Incorporation was in 1989.

The Chairman's 1990 Annual report stated that rentals were due to increase on 1st January 1990 but that due to legal advice the Incorporation committee was forced to consider an appeal to the Appeal Court regarding the Robertson case. After due consideration and discussion with both the Queen's Council and Lessees Association it was agreed to file an application out of time in respect of the Robertson case.

The basis of the appeal related to the date of valuation which therefore would affect the rental review. The Committee estimated that a judgement in the Incorporation's favour would increase anticipated rentals by between ten to fifteen percent. No definite figure can be quoted until receipt of the Court's final judgement.

Under present day values the return is very low, approximately two percent. The Incorporation has hired the expertise of independent land valuers to help fix the rentals that are presently under review because there is some dispute with the unimproved land value given by Valuation New Zealand Limited. This centres on the dispute over the state of the land at the commencement of the first leases in the 1890's. The Incorporation claims that many of the blocks of land were partially cleared and were in scrub, not bush. The land should therefore have been awarded a higher value at the commencement of the first lease.

The concept of 'Phantom Trees' is also advocated by the independent land valuers. This concept claims that the first farmers should not have been given lower leases to clear bush covered land. Their claim is that when the bush was burnt, the remaining ash provided fertiliser for up to ten years which the farmer would otherwise have had to buy. The farmer was therefore saving money on both fertiliser and rent.

The concept of 'Phantom Trees' also includes the perceived value of the trees which were cleared and what they would possibly fetch today. This perceived value is often calculated to be worth much more than the present value of the actual land itself.

In July 1990 the Incorporation, together with other Reserve Land Incorporations, discussed with the government the proposed changes to leases in perpetuity. Members of the combined bodies met the Minister

of Maori Affairs who advised that proposed changes were in a Bill that should be passed prior to the end of the then present Parliamentary session. However, on 13th August 1990 the Committee received advice that the matter would not proceed to Parliament that year. Accordingly a statement was prepared and widely distributed. The failure of the government to pursue the matter of perpetuity is disappointing and leaves the Committee to ponder the problems of perpetual leases.

The body which represents most of the farmers who lease PKW land is called the West Coast Settlement Lessees Association (Inc). Due to the dispute over the value of the new leases, the association has recommended that its members hold back payment of rents until the dispute is settled. This has meant that the Incorporation has not received the majority of its rents for the last few years. This provides another example of how the shareholders have been deprived of a reasonable return from lands which they actually have little control over.

Rate of Return on Lease Rentals

The maximum rate of rental as set by Statutes is five percent of the unimproved value. The improvements belong to the lessees. This rate is only applicable at the year of rental review and possibly one or two years more. For example, during the first seven years the average effective rental could be four percent of the unimproved, the next seven years two and a half percent, and the final seven years one percent. This would give an effective annual rental of two and a half percent of the unimproved value over the twenty-one years review period.

Rentals for the year ended 30th June, 1978 totalled \$163,249.41. Interest earned during the same year totalled \$18,785.19 which more than covered the administration costs of the Incorporation.

In the Chairman's 1990 Annual report he stated that returns for rental properties for the year totalled \$160,160. Some rents were still owing but it is easy to see that compared to 1978, rent in real terms had declined. The interest and tax situation had also deteriorated. Appendix 3.7 details the Incorporation's assets and liabilities for the year ending June 1990.

Neither a National or Labour government are likely to come out strongly against this present lease system. The National government would strike much opposition to any change to these type of leases from lessees and also from the Federated Farmers.

Waitangi Tribunal

During 1990 the Incorporation proceeded with its investigations in respect of its claims with the Tribunal, Professor S.Locke of Massey University, an expert in land valuation, carried out work as well, on the Incorporation's behalf. The opening of the Tribunal claim was held at Waitara on 3rd September 1990.

Several people have indicated that they intend to claim back PKW land for the iwi in their claims. The position of the Incorporation Committee is that incorporation land is private land and any claims will be resisted. This was shown in the 1991 appeal of Ngaruahine to the AGM for freeholding of title to land the Tribal Trust was farming. While divisions such as this among Maori will not assist their case against the perpetual lease system, much sympathy can be given to Ngaruahine who are trying to develop their former tribal lands. Similar to Nga Rauru these lands were taken away from their direct administration through no fault of their own.

THE INCORPORATION: AN ASSESSMENT

The progressive alienation of the West Coast lands is evident from the original Otautu Crown grant in 1882 of 2190 acres of which 1292 acres were placed immediately under the provisions of the West Coast Lease Act, 1892. Effectively half of the Otautu block was therefore out of the control of its owners, the Maori Crown grantees. Due to lease in perpetuity, the Maori owners lost further control of their land. What rental they received was regulated by government legislation. This was to the extent that by the end of the twenty-one years lease period, the actual rental price would have devaluated to a minimal return.

Parininihi ki Waitotara Incorporation was established in an effort to effectively administer Maori Reserve lands on a profitable commercial basis. What has eventuated is an incorporation which is worth millions on paper but because of the lease in perpetuity tenure there are relatively low dividend returns to the shareholders. This means that the real market value for the lands rental is not received.

The present Nga Rauru beneficiaries to the land comprised in the Otautu, Hukatere & Oteha 1892 Act Leases are no longer owners of the actual land. These beneficiaries are now shareholders in an incorporation and have thus been lost in the regulations that govern it. It could well be argued that the wairua of the land has been broken down to just a cheque received once a year in the mail.

Questions of the Management committee which were asked by those interviewed during fieldwork included:

- 1 How was part section 1 of sub 9 freeholded ?
- 2 What developments has the Incorporation done in Nga Rauru ?
- 3 What degree of say do the people of Nga Rauru have in the administration of the Incorporation in general and especially when it affects lands within Nga Rauru ? (eg Waipipi iron sands).
- 4 Are there any thoughts about possible developments in Nga Rauru?
- 5 Is there any possibility of Nga Rauru getting back the land, either freehold title or to farm on the Incorporation's behalf ?

Incorporations such as PKW are faced with many problems of administering an incorporation of this nature when faced with problems of lease in perpetuity. Tribal divisions which can arise in the administering or acquiring of assets are also problems which need to be amicably addressed. The shareholders must realise that the Incorporation is a business and therefore must be administered as such. In turn however the Committee must appreciate that shareholders perceive benefits of incorporation to be more than simply annual dividends. A solution must be devised whereby the interests of all the shareholders are maintained while at the same time tribal organisations are able to re-assert their rangatiratanga and wairua over the land. The freeholding of tribal lands back to the iwi must eventually be seriously

considered. Consideration should not just include economic interests but also social, cultural and spiritual interests of both the iwi and the shareholders. It would be hoped that the new improved rents may allow the Incorporation to more fully consider these matters.

CONCLUSION

In Chapter Three the Otautu block was used as a case study to illustrate the process of Maori land alienation and fragmentation. This led to the present situation where multiple owners own small sections which are not economically viable unless worked in conjunction with adjoining blocks. Fragmentation of ownership has continued to the extent that multiple owners only hold a minute interest. However, some Maori claim that fragmentation will ultimately be beneficial in that it results in the ownership returning to a more traditional Maori form.

In 1976 Parininihi ki Waitotara Incorporation was established to administer Taranaki lands which were under West Coast lease in perpetuity. While the Incorporation may have proficiently administered these lands, a spiritual alienation of sorts still occurred. The owners became mere shareholders in a large financially orientated incorporation. In the case of the Otautu block, iwi control was reduced to the extent that administration by PKW Incorporation superseded the cultural and spiritual rights of Nga Rauru to their land.

Fragmentation and multiple ownership has left Maori land-holders with little option but to lease out their land. In the Otautu's blocks case, this is highlighted by the fact that less than one percent of the total block is presently farmed by Maori. Some may contend that leasing is another form of spiritual and physical alienation as personal involvement with the land by its Maori owners is replaced by the receipt of an annual rent cheque.

In conclusion, fragmentation and multiple ownership within the Otautu block has led to the present day situation where Nag Rauru as an iwi are not personally utilising their land to its full potential. The next chapter examines the effects that land alienation have had on Maori in general,

and where possible Nga Rauru specifically. The final chapter will endeavour to propose a possible means whereby Nga Rauru may develop and utilise their land to its full potential.

CHAPTER FOUR

THE OTAUTU BLOCK: THE EFFECTS OF ALIENATION

Chapter Three traced events which led to the effective alienation of the Otautu Block. We must now turn to look at the effects land alienation had on Nga Rauru as an iwi and as an iwi within the general Maori population. In Maori terms the effects of land alienation cannot be solely determined by looking at economic, social and political factors; spiritual and cultural effects must also be considered. The effects of land alienation on the people of Nga Rauru need to be understood in order to address the urgent need for land development within Nga Rauru.

The following discussion will look at the economic, social, political, cultural and spiritual effects that land alienation had on the general Maori population and in some instances pertaining specifically to Nga Rauru. As will become evident, land alienation has been a contributing factor to the demise of Nga Rauru economically, socially, politically, culturally and spiritually.

ECONOMIC EFFECTS

The economic effects of land alienation on the people of Nga Rauru were mostly negative.⁴⁰ Fragmentation and multiple ownership of Maori land contributed to urbanisation, owners leasing out their land, Nga Rauru becoming the labourers within the area, and a disintegration of Nga Rauru's major economic resource, the land.

Land fragmentation within the Otautu block meant that small blocks of land existed which were uneconomic unless farmed in conjunction with

⁴⁰ Land alienation not only refers to the physical alienation through sale or lease and the spiritual alienation which occurs with the loss of connection with the land.

adjoining blocks. Modern conditions and technology meant that larger farm sections became more economically viable than smaller sections.

Land fragmentation and multiple ownership meant that Maori owners of a section which may have ten, twenty or more owners, often found it impossible to agree on who should farm the land and on what terms. Often with absentee owners it became difficult to make collective decisions on matters pertaining to the use and ownership of land. Furthermore, for many, leasing out their land was the only viable option due to the lack of finance.

The Otautu block provides a prime example of land alienation and the subsequent effects within Nga Rauru. The Otautu block exemplifies the way Nga Rauru are not fully utilising their land to provide for an economic base. From a total of approximately 1237 acres which are presently still Maori-owned within the block, only ten acres are being farmed by its owners. Nga Rauru have had little choice but to lease their land out. Pakeha farmer lessees are the ones who have reaped the benefits which the land yields and the secure economic base to foster their own 'whanau' development.

Urbanisation

Since the 1950's the Maori population has increasingly participated in rural to urban migration. From being formerly a predominantly rural population Maori are now estimated to be about eighty percent urbanised. It is thought that the main reasons for Maori urbanisation were economic factors. For example, new technology meant that fewer jobs were available in the rural community. The industrial cities were the new boom areas which attracted Maori in search of employment.

There were other factors, however, which contributed to Maori urbanisation. The fragmentation and alienation of Maori land meant that many no longer had land which was economically viable to farm during the post war period. Financial organisations would not lend money to Maori when they could not produce an individual land title to use as collateral for a mortgage or loan. Due to the problems of multiple ownership, lack of finance and the small size of land blocks, often it was

simply easier to lease out the land or sell up. Maori in effect, owned a resource in land which they could not personally utilise to their advantage.

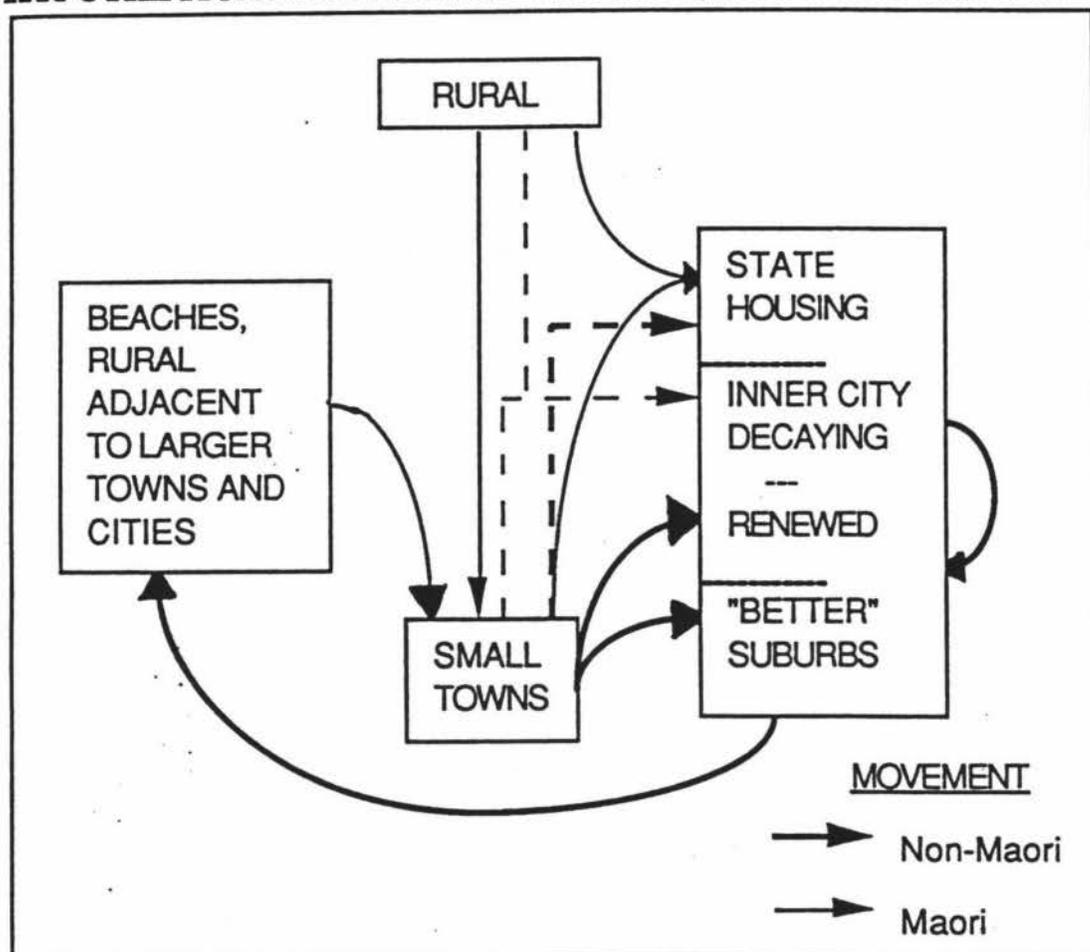
The 1960 Hunn Report made recommendations that were adopted by the Department of Maori Affairs, which it was thought, contributed to Maori urbanisation. J.K.Hunn (1960:29), the Acting Secretary of Maori Affairs estimated that, "If all the idle Maori land was developed and settled, it would not provide more than four thousand farms at most. By that time the Maori population may be half a million". It was Hunn's opinion, that the future for the majority of Maori lay in the towns and cities, not in the rural farming communities. Hunn (ibid:14) claimed that urbanisation was, "... the quickest and surest way of integrating the two species of New Zealanders". To promote the integration of the races he advocated 'pepper-potting' or the scattering of Maori-occupied houses amongst Pakeha-occupied houses. The Maori Affairs Department adopted the 'pepper-potting' policy advocated by Hunn by providing Maori housing mortgages in urban areas, especially in Pakeha-occupied housing areas.

Maori urbanisation, however, was never a simply rural-urban shift. Evidence suggests that there was some resistance to urban movement especially when long-distance movement was concerned. All things being equal, Maori preferred to stay close to their home area. Walsh (1972), in support of this view, hypothesised that Maori urban movement followed a preference for short-distance migration, especially to rural small towns. He theorised that as Maori were moving in, Pakeha were moving out, presumably because of the economic limitations of the areas. Walsh questioned whether such moves were to the long-term advantage to Maori or in keeping with professed policies on integration.

Walsh felt that as rural towns declined the Maori would, in time, follow the Pakeha to larger more prosperous centres where Maori would fill the lower socio-economic level living in State housing and inner-city areas. By this time Pakeha would have moved on to better suburbs or have returned to rural small towns, beaches and areas adjacent to larger towns and cities (Fig 4.1).

FIGURE 4.1

HYPOTHETICAL DIFFERENCE IN MAORI/NON-MAORI MOVEMENT



Source: A.C.Walsh, 1972.

The following figures used the same census data (Appendix 4.1) to show the difference between the Maori and non-Maori populations from 1945 to 1986 in South Taranaki. Population numbers (Fig 4.2), intercensal Maori and non-Maori change (Fig 4.3) and the proportion of Maori to non-Maori (Fig 4.4) are shown. Changes in the definition of 'who is a Maori' affected the 1976 census statistics. However, the general mass urbanisation pattern of Maori is still evident.⁴¹

⁴¹ From 1926 until 1971 the standard definition of Maori used in census was a person with half or more Maori blood. In 1976 an attempt was made to bring the census definition more in line with the Maori Affairs Amendment Act, 1974. This broader classification of who was a Maori, appears to have caused more people to claim status as Maori. Thus in areas such as Patea, Maori statistical populations increased, while Pakeha decreased. This is especially evident in the smaller population, rural areas. In 1981, for census purposes, the classification of who was a Maori was changed back to its pre-1976 meaning.

FIGURE 4.2

NGA RAURU AREA: MAORI/NON-MAORI RURAL/URBAN TOTAL
POPULATION 1945 to 1986

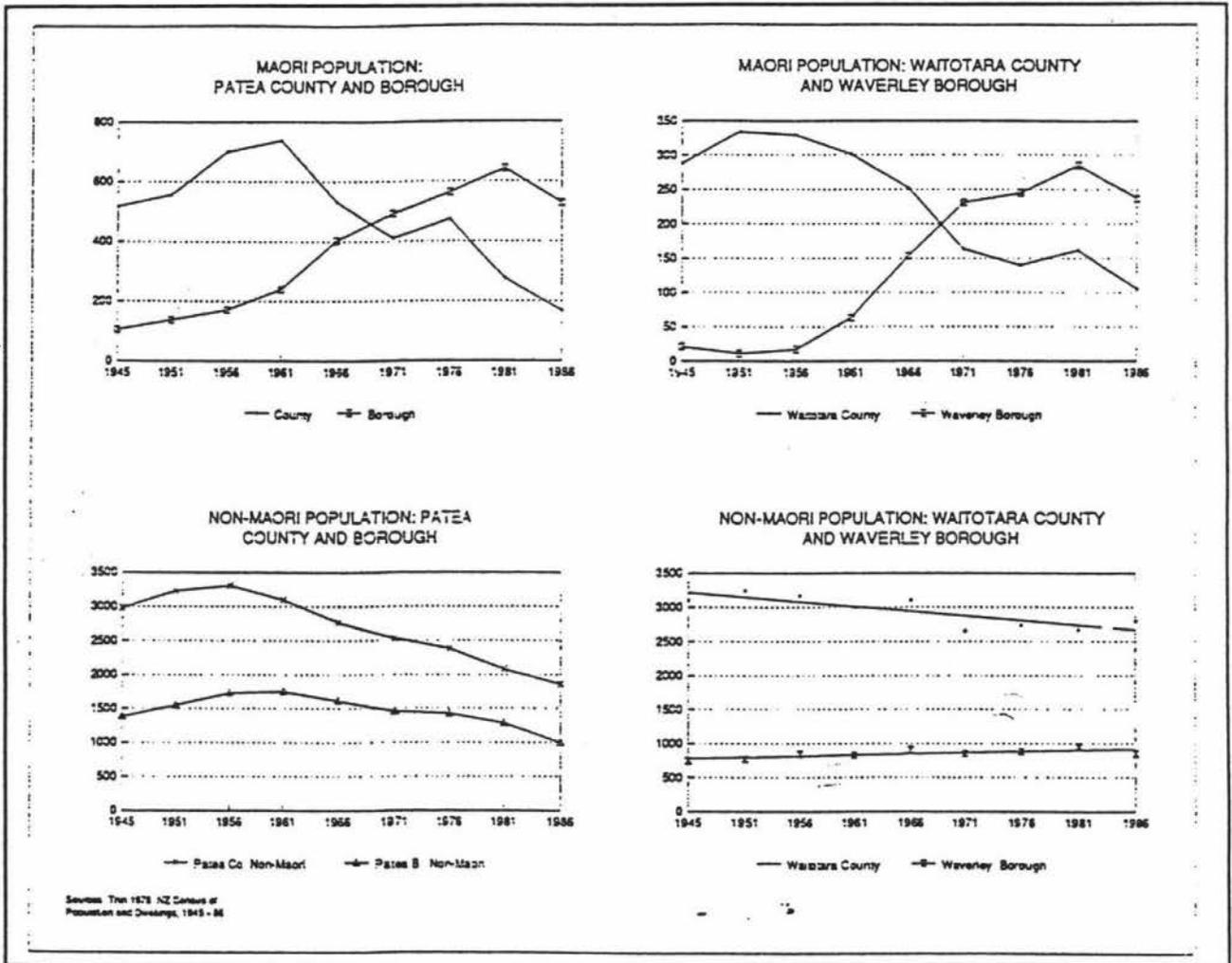


FIGURE 4.3

NGA RAURU AREA: MAORI/NON-MAORI POPULATION CHANGE 1945 TO 1986

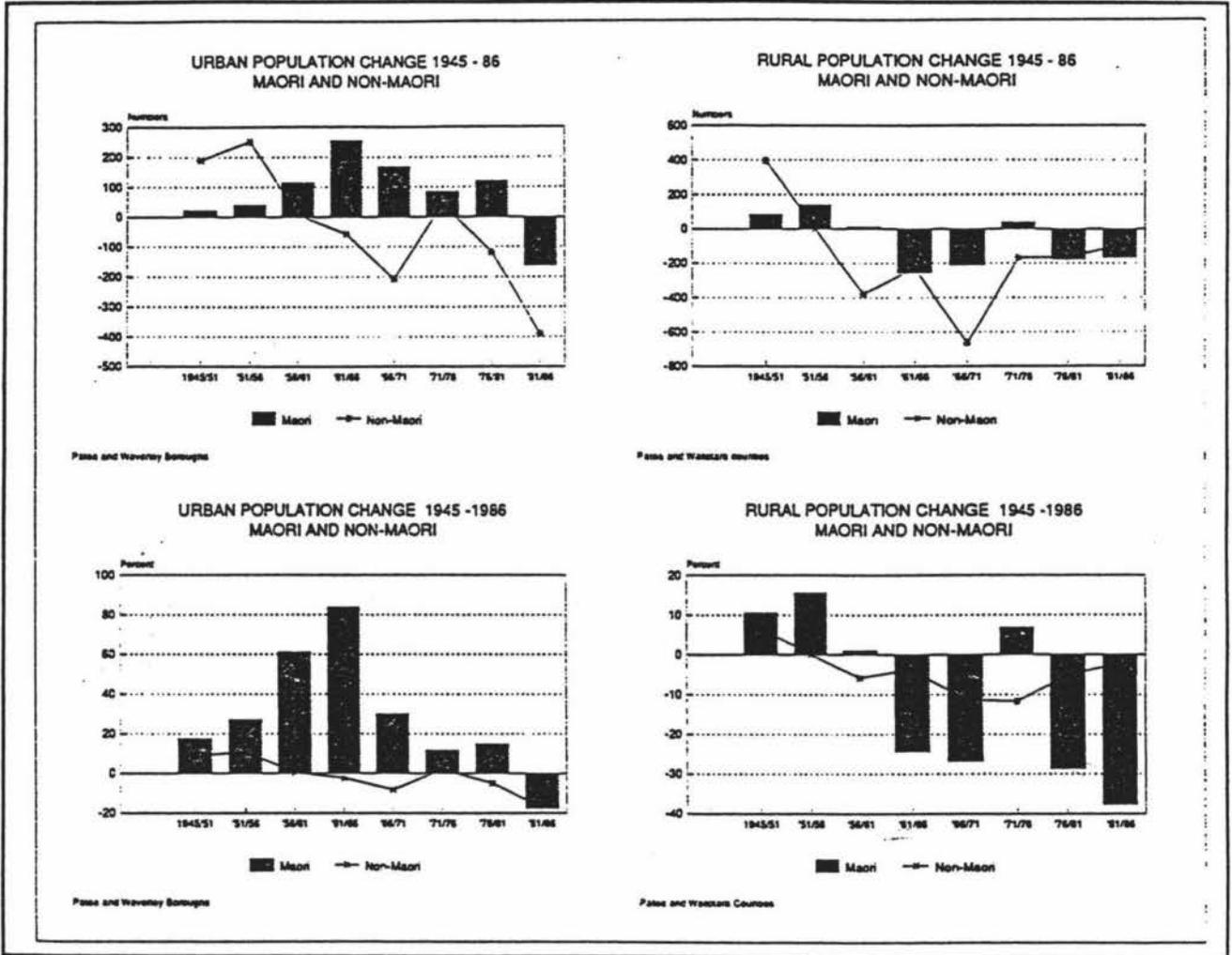


FIGURE 4.4

NGA RAURU AREA: PROPORTION OF MAORI TO NON-MAORI RURAL AND URBAN POPULATIONS, 1945 TO 1986

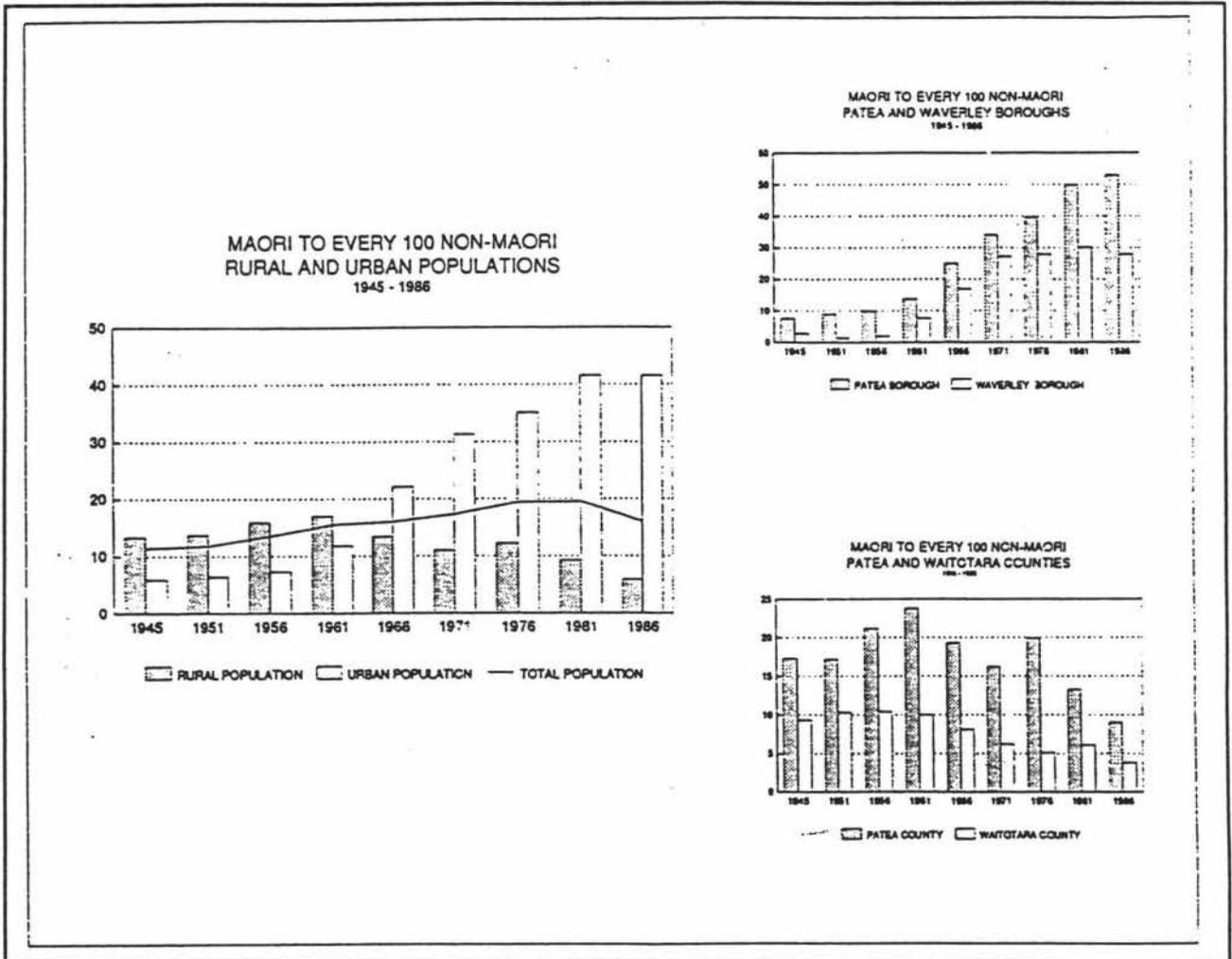


Figure 4.2 shows the decline in the rural Maori County population compared with urbanisation of Maori as reflected in the rapid growth of the Boroughs. The period after 1960 saw the most significant decline in the rural Maori population and corresponding increase in the towns (Fig 4.3). Beside the urban shift of those in search of employment⁴², Maori urbanisation can largely be attributed to the implementation of the Hunn report's recommendations by the Maori Affairs Department. The concept of 'pepper-potting' was accepted by the department with a view to

⁴² There were many who commuted to the towns (freezing works) while still living in the country areas.

promoting the integration of Maori and Pakeha. The towns and cities were seen to be areas where Maori could best achieve economic prosperity.

Where Maori could find finances to build on whanau lands they were also inhibited by the Town and Country Planning Act. It was not until 1975 that the Town and Country Planning Act was amended to recognise the importance of land to Maori (through easing health and safety regulations) and so making it easier for Maori to build on their land. The slight increase in the 1981 Maori population of the Waitotara county could perhaps be attributed to Maori returning to build on their whanau lands, although the small numbers involved may not be significant (Fig 4.2).

The overall trend within the Patea area was of Maori urbanisation. The increase of Maori in the Patea county, against the trend (Fig 4.3), in 1976 may be attributed to the change in definition of 'a Maori'. The major decline in the Maori urban population of Patea after 1981 can be directly attributed to the closure of the Patea Freezing Works in 1982 (Fig 4.2). The present trend would seem to indicate a stable local population with a few Maori returning to the area. It will be interesting to see if the 1991 census data reveals whether or not the urban Maori decline has continued with Maori leaving the area in search of employment, or as Rei (1983) assumes, they would largely remain in the area because of ties to the whanau and land. The depressed national economy, the easing of the Town and Country Planning regulations, increasing formation of 438 trusts and *papakāinga* sites may well all combine to help 'pull' Maori back to their rural whanau lands.

The corresponding statistics for the non-Maori population (Fig 4.2) indicate a steady population in the Waitotara county and Waverley borough area (this would indicate an actual loss if natural increases are allowed for). The figures for the non-Maori Patea county and borough deserve comment. When the Maori population started to increase in 1951 (Fig 4.4) the non-Maori population gradually declined till the 1986 census. This would seem to substantiate Walsh's theory that as Maori were moving in, Pakeha were moving out. This trend has presented problems to Maori; as Pakeha moved out of Patea, Maori would have been buying

their houses with the aid of the Maori Housing Corporation loans. If in turn they were obliged to sell, there could be no one to sell to.

In 1982, the Patea Freezing Works closed. This was the major source of employment in the area, and the end result of the closure was a depressed local scene. Unemployment contributed to migration. Furthermore, due to the depressed local scene, house prices dropped substantially. Many Maori found themselves living in Patea where there were now few jobs and with a house, which due to low prices, they could not afford to sell.

It has been shown that Maori urbanisation has occurred in the Patea area. This was a result of factors which 'pulled' them into the towns and cities. The restrictions and inability to utilise their land must also be appreciated as the 'push' factors. Such 'push' factors discussed were restrictive local regulations and land use problems brought about through land in multiple ownership. Furthermore, where owners have stayed in the area they have faced problems such as finding finance, employment or being able to sell houses at much depressed values. It will be interesting to observe whether the urbanisation trends (Figures 4.2, 4.3 and 4.4) continue in the Patea area.

The Effects of Urbanisation

The greater portion of the Nga Rauru population is today urbanised and no longer live off their land. Within the urban working environment it is generally agreed that Maori fill the lower manual type positions. The 1986 Census showed that the primary occupations for the Maori labour force were as labourers, transport operators and in the areas of production. The majority of the Maori work force therefore tend to only have manual type skills and as such are more likely to be employees rather than employers. They are generally not the entrepreneurs or economic leaders in the work force. Consequently when redundancy and unemployment occur, it is usually the Maori lowest skilled manual type workers who are the first to suffer. In turn they are the last to feel the effects of whatever economic resurgence may occur.

Manatu Maori (1991, C:14) stated, "The consequences of Maori occupational clustering in low-skilled areas are particularly disturbing when the job losses that have occurred are noted". For example, between 1986-1990, the total numbers employed in the production/transport/labour classification fell by 21.7 percent. However, the number of Maori employed within these occupations fell by 35.9 percent. Therefore, even within these lower skilled occupational groups the number of Maori who lost their jobs was proportionally high.

In 1990 47.2 percent of the total employed labour force and 52.5 percent of the unemployed resided outside the three main urban regions of Auckland, Wellington and Christchurch (ibid:37). This indicates that unemployment tended to disproportionately affect those outside these urban areas. Many rural and small town communities such as Patea have in the past and continue to face high levels of unemployment. Beside the closure of the freezing works in 1982, many other small business and industries closed down and left the area. With no incentives for industries to locate in rural areas, such as Patea, Patea suffers a disproportionate share of unemployment. This therefore decreases the options of many Nga Rauru who may wish to create a viable existence in their tribal area.

Between 1986 and 1990 the Maori national unemployment rate was consistently around three times that of non-Maori. By 1990 the Maori male unemployed equalled 20.5 percent, while non-Maori male unemployed equalled 7.1 percent. Maori female unemployed equalled 18.9 percent compared to non-Maori female unemployment rate of 6.2 percent (ibid:21).

At the time of the closure of the Patea Freezing Works in 1982, 33 percent of Patea's population and 70 percent of the freezing works work force were of Maori descent. Maori were effected more severely than Pakeha by the closure of the Works. The effect on Maori people is even more significant when it is realised that they were predicted to be the least likely to leave the Patea area once the works closed. Melser (et al., 1982:9) predicted, "Groups likely to leave were well established people with trade, management or clerical skills, in mid-career, and perhaps with young children. Europeans were more numerous in these

occupational groups than Maori". It was also felt that those who had strong ties to their families and marae would not want to leave the area.

With the closure of the Works, various government funded work and local self-help schemes were initiated which attempted to teach people new skills and solve the immediate employment problem. However, they did not solve the underlying problem of sustainable employment. Nearly ten years later the employment situation in Patea does not look any brighter than it did in 1982. Most of the government funded work schemes have long since finished. Some small industries have attempted to operate but with only very limited success. No major industry has been found to replace the employment and financial benefits which the Patea Freezing Works once provided.

Following the closure of the Works, the Rangitawhi Marae Enterprise (RMET) was established by various local Patea marae committees. This enterprise was based on the philosophy of people helping themselves by making their own decisions to use their own resources for their own benefit. RMET provides an excellent example of local Maori people actively trying to provide training and employment through the use of marae resources. After approval had first been obtained from the elders and other interested parties, marae and other Maori lands were used for horticultural purposes. Initial finance was received from the Departments of Maori Affairs and Labour together with guidance from the Ministry of Agriculture and Fisheries. The marae was to assume the traditional role of acting as a catalyst for economic development under the direction of RMET. Implementation of the enterprise involved the following steps:

- 1 securing initial co-operation of selected marae
- 2 training of qualified marae leaders in the new programme
- 3 producing long term development plans
- 4 implementing plans.

The Rangitawhi Marae Enterprise Committee then set about coordinating the various marae in order that they may achieve their aims of maintaining the structure of the Maori community while attempting to restore links to the land. It was for these reasons of maintaining links to

the land, marae and whanau, that many leaders of the local Maori community at the time felt the closure of the freezing works could prove to be a blessing in disguise.⁴³

The lack of employment in the Patea district has caused many persons wishing to stay in the area to travel some distance in search of employment. Examples of this are those who travel 32 kilometres to the Kiwi Dairy factory in Hawera; 64 kilometres to the Kapuni Natural Gas Complex; 112 kilometres to the Petro-Chemical related work in Waitara or those who regularly travel 65 kilometres to Whanganui for either full or part-time employment.

The Patea area is in need of whatever employment opportunities it can find. There is a work force that is both able and willing to try whatever avenues of employment may come their way. The Patea Borough Council and County Council would in all likelihood have a very flexible approach to the land resources available to them. They may also actively assist any enterprise to locate in their district by way of rates reductions, making land available and in any other possible way. Rei (1983:14) observed:

Patea has the following comparative advantages that could serve to attract new industries: cheap industrial land, a water supply, a relatively under-utilised infrastructure, a service industry capable of expansion, industrial buildings (including freezer [sic] works), electricity supply, natural gas, iron sands, and a stable workforce.

In summary the direct consequences of legislation has resulted in the inability of the iwi to personally utilise their land. Maori have been forced to move to local towns and cities where they filled the lower economic occupations and were the first to feel the economic hardships that beset New Zealand in the last decade. Those that remained within the Patea area have been severely effected by New Zealand's rural economic decline. This was highlighted by the closure of the Patea Freezing Works and subsequent high unemployment. Nga Rauru needs to utilise their

⁴³ The Rangitawhi Marae Enterprise Trust were running MACCESS schemes but these were taken over by the Nga Rauru Trust Board. Today as far as the trustees know, RMET is no longer operational. However, recently a request for a finance grant was lodged supposedly on behalf of RMET.

land as a resources for future employment and economic prosperity of the iwi.

CULTURAL AND SPIRITUAL EFFECTS

Land alienation contributed to the breakdown in Maori culture and spiritual awareness. Spiritual awareness is a major factor in cultural awareness as reflected in attachment and perception of whenua tupuna, the land which provides for turangawaewae. Land has always been viewed by Maori as a taonga. The loss of linkage to the whenua tupuna through migration to the towns and the cities has affected te wairua Maori. Maori spirituality is an integral part of Maori culture or, to be more specific, *iwitanga* or in this case *Nga Raurutanga*. As a result there are many Nga Rauru people today whose only connection with the land is in their capacity as an absentee land owner. They have little or no understanding of the mana of the land, concepts of ahi ka, whakapapa and the tapu or noa associated with te whenua.

Nga Rauru were alienated from the land when they moved to local towns and to cities outside the district. While those who live in the local towns such as Patea and Waverley find it easier to visit the land and their whanau who still reside there, with each passing generation links to the land are further weakened. Those who have grown up away from their land have lost much of their *Maoritanga*. Aspects of Maori culture suffered as being Maori became secondary to learning and succeeding in the Pakeha world. A prime example of this is the loss of the Maori language among many urban Maori families who have viewed learning and retaining *te reo Maori* as unimportant and possibly in conflict with gaining an education and in turn a good job. The loss of of te reo diminishes *wairuatanga*. To be able to speak and understand the beauty and meaning behind the language, is vital to enhancing *wairuatanga*.

The move to the cities among Maori people also broke down *iwitanga*, an important part of Maori culture. The urban migration of Nga Rauru has contributed to the loss of Nga Raurutanga.⁴⁴ To know the *tikanga* of one's

⁴⁴ The Marae could be used as an indicator of the present maintenance of Nga Raurutanga by the iwi. This would be reflected in the present occupation, use and strength of the marae. See Table 4.1.

own iwi is just as (if not more) important as knowing that one is Maori. With the knowledge of the correct tikanga one may then stand with certainty on their marae and know what makes their iwi unique. Those living in the towns and cities who do attempt to learn and retain their Maori identity can only call upon whatever elements of Maori culture which survive in their locality. They are made aware of their cultural identity or Maoritanga but because there are unlikely to be many (if any) knowledgeable in the tikanga of Nga Rauru, their Nga Raurutanga is not readily embellished. As John Rangihau (1975:174) of Tuhoe said:

Although these feelings are Maori, for me they are my Tuhoetanga rather than my Maoritanga. My being Maori is absolutely dependent on my history as a Tuhoe person as against being a Maori person. It seems to me there is no such thing as Maoritanga because Maoritanga is an all-inclusive term which embraces all Maoris. And there are so many different aspects about every tribal person. Each tribe has its own history. And it's not a history that can be shared among others. How can I share with the history of Ngati Porou, of Te Arawa, of Waikato? Because I am not of those people. I am a Tuhoe person and all I can share in is Tuhoe History.

An important part of Maori culture is knowing one's whanau, hapu and iwi links. While the wider concepts of *whanaungatanga* are often maintained, knowledge of how one is related is not known. Furthermore, many are unaware of the whakapapa which is linked to the land. While it is easy to claim a cousin through a grandparent it is a lot harder to link this relationship to interests in a specific block of land. It is saddening that only the marae is seen by many urban youth as their turangawaewae. They do not know the whakapapa, history or even location of all their whenua.

The wairua of a Maori person is strongly linked to the land. Often Maori talk of returning to their whenua tupuna to become 'recharged' or, in other words, to receive spiritual sustenance by returning to their whenua. But with urbanisation many Maori no longer have the emotional, spiritual or physical ties to the land and hence a part of their wairuatanga remains idle.

*Hokia ki o maunga, ki a purea ai koe e nga hau e wha o
Tawhirimatea.*

*Return to your mountain, for there you will receive
sustenance from the four winds of Tawhirimatea.⁴⁵*

| | |
|-------------------------------|---------------------------------|
| <i>Ko Taranaki te maunga</i> | <i>Taranaki is the mountain</i> |
| <i>Ko Patea te awa</i> | <i>Patea is the river</i> |
| <i>Ko Wai o Turi te marae</i> | <i>Wai o Turi the marae</i> |
| <i>Ko Nga Rauru te iwi</i> | <i>Nga Rauru the iwi</i> |
| <i>Tihe Mauri ora.</i> | <i>I am alive.</i> |

Little quantifiable research was undertaken on the cultural and spiritual effects of land alienation but the marae indicators in Table 4.1 do give some indication of the wairua of Nga Rauru.

TABLE 4.1

**MARAE USED AS AN INDICATOR OF PRESENT STRENGTH OR
WAIRUA OF NGA RAURU**

| Name of Marae | People living on the marae | State of repair of Buildings | Size of paepae (Approx) | Marae based kohanga reo |
|---------------|----------------------------|------------------------------|-------------------------|-------------------------|
| Ihupuku | - | Good | 8 | - |
| Kai Iwi | - | Poor-fair | 5 | - |
| Kaipō | - | Under construction | 3 | Yes |
| Pakaraka | 1 house | Very good | 10 | - |
| Taipake | - | Poor | 5 | - |
| Takirau | 4 houses | Very good | 3 | Yes |
| Tauranga Ika | - | Good | 5 | - |
| Te Aroha | - | Poor | 5 | - |
| Wai-o-Turi | - | Good | 5 | Yes |
| Waipapa | - | Good | 8 | - |
| Wairoa Iti | - | Good | 8 | Yes |
| Whenuakura | 1 house | Good | 5 | - |

The size of the paepae represents the number of persons that can be called upon to speak on the marae for the people. In many cases these speakers have rights on more than one marae and so are represented more than once. The state of repair of the buildings is a general view to

⁴⁵ Saying attributed to John Rangihau.

represent the marae's present upkeep. Marae based *kohanga reo* indicate that the marae is being actively used by the tangata whenua.

The table would indicate that in general the various marae of Nga Rauru are in good condition. The number of *kaikorero*, marae-based *kohanga reo* and people living on the marae are ideally very few. The movement of the people away from the marae into towns and cities has meant a decline in the number of Nga Rauru native speakers. While this does not directly reveal a diminished wairua, distance must place a weight on maintaining links with relations, land and Nga Raurutanga.

Given Maori circumstances it is understandable that broken ties to the whenua have resulted in an apathy towards both the spiritual and cultural concepts connected with the land. While these concepts are still adhered to by some, the majority of Nga Rauru no longer understand or, it may be felt, care about these matters. However, these are concepts which are at the very root of the Maori spiritual and cultural world.

In an attempt to link those of the same iwi together in urban areas, urban whanau groups have been established in many towns and cities. In Palmerston North, 'Taranaki whanau ki Rangitane' was established to *whaka whanaungatanga* those of Taranaki who lived in the area. In an attempt to retain their *Taranakitanga*, waiata and *karakia* unique to Taranaki were shared within the group. Beside the desire to retain their unique cultural inheritance, the group also sought to support whanau who lived in the area as well as those who were moving in or visiting. Spiritual, cultural and moral support was envisaged. With the blessing of the local tangata whenua, the group also became pro-actively involved with Maori issues within the local community.

In summary, alienation from the land has affected Nga Rauru spiritually and culturally. Loss of culture, language, whanau, hapu and iwi links, knowledge of whakapapa and links with the land are a result of land alienation. The land has become external to their everyday existence. Furthermore, the people of Nga Rauru living in the cities have lost much that is unique to their own iwi, thus both their Maoritanga and their Nga Raurutanga suffer. Finally it is my contention that if Nga Rauru had not been alienated from their land they would have been more able to

maintain and cultivate their Maoritanga, their wairuatanga and their Nga Raurutanga; cultivation that many Nga Rauru are calling out for in this present day and age.

SOCIAL EFFECTS

The social effects that land alienation had on the Maori people are highlighted by the process of urbanisation and its consequences. These consequences, in turn, provide indicators of Maori social well-being which should be appreciated in an understanding of Nga Rauru's possible social development. The Ministry of Maori Development (1991:13) stated in *Ka Awatea*, "In examining the position of Maori in society it is important to note that the deprivation of property rights and the loss of land are part of the complex reasons for the under-achievement of Maori".

Social well-being refers to the satisfaction of social goals that are widely held in society and the fundamental concerns about what constitutes a good life (R.C.S.P, vol 3, Part 1:346). Numerous indicators are used to measure well-being. These include figures on employment, income levels, education, family, offending rates and health. As the following discussion will reveal, most Maori are not achieving social well-being (Nga Rauru living in their home district are no exception).

Employment is an important indicator of social well-being. The 1986 census figures showed that 14.9 percent of the Maori labour force were unemployed compared to 5.8 percent of the non-Maori labour force. Out of the total unemployed in New Zealand 23.3 percent were Maori (Pomare and de Boer, 1988:39). It is also interesting to see the gender breakdown of falling employment rates. Manatu Maori (1991, C:8) stated:

Between 1986 and 1990 the Maori male employment rate fall by 20.9%, while the non-Maori male rate fell by only 9.7% in the same period. The Maori female employment rate fell by 19.9% while the non-Maori female rate fell by only 1.7%. Interestingly then, it appears that, by this measure, the

relative gains being made by non-Maori women are not being shared by Maori women.

Provisional statistics for the Taranaki Regional Council Area (1991) provide some very interesting figures. All persons specified in the Maori ethnic group totalled 12,582 or 8.4 percent of the total population. Labour force statistics for those fifteen years and over reveal some significant data. Of the total labour force a massive 40.9 percent were unemployed or in part-time labour. The corresponding figure for those aged between fifteen and twenty-four revealed a staggering 52.7 percent in a similar position. This therefore indicates an overall dependency rate of 5.1 Maori dependent on being supported by an income earner (part-time labour included equalled 4.1). These are staggering figures which represent the employment situation Maori face in the Taranaki Regional Council.

Data available from the New Zealand Employment service highlights the unemployment situation that many Maori face in the Patea area. Total enrolled job seekers rose from 193 (128 male, 65 female) in December 1990, to 265 (179 male, 86 female) a year later in December 1991. This is an alarming figure when it is considered that Maori make up 48 percent of those seeking jobs or unemployed but are only 33 percent of Patea's total population. This indicates, therefore, that Maori in the Patea area are proportionally more effected by the present unemployment situation.

The Maori suicide rate and the substantial increase in the number of Maori psychiatric hospital admissions has been attributed to a combination of factors including lost self-esteem and mana from unemployment (Pomare and de Boer, 1988:199). Unemployment is a major cause of stress and loss of moral in individuals and groups and is detrimental to Maori health and social well-being.

Maori people are the lowest wage earners in New Zealand. The 1986 census showed that the most common income group for Maori males working full-time was between \$10,001 to \$12,500. This was half the income for non-Maori males whose most common group was between \$20,001 to \$25,000. Furthermore, the most common income group for

Maori females was between \$7,500 to \$10,000, compared to non-Maori females earnings of between \$10,000 to \$12,500. This places the Maori at a disadvantage from the rest of the community and has a direct effect on well-being, for a person's low income creates many barriers towards the use of health and other social services. High doctors fees, 'user-pays' and transport costs also help to explain why Maori make less use of these services.

Adequate housing is considered a prerequisite for good health. Studies have shown that overcrowding and inadequate housing amenities effect mortality, especially in the 0 - 4 age group (ibid:49). The low income levels of Maori people may explain why the majority of Maori families do not own their own homes and why many live in substandard housing. The 1986 census showed that 45.3 percent of Maori families owned their own homes as compared to 72.9 percent of non-Maori families. In turn, the lack of home ownership among Maori families can decrease their feeling of security within the community. The combined stresses of the social and economic disadvantages experienced by Maori families and overcrowding are contributing factors in increased violence and sexual abuse within Maori households.

Education is another indicator of social well-being. Statistics show that the number of Maori gaining educational qualifications is low. For example, in 1984, 62 percent of Maori school leavers left school without educational qualifications. In addition, few Maori students completed their 6th and 7th form years. Furthermore, many Maori students cannot afford to attend tertiary institutions to gain higher qualifications because of the low socio-economic status of their families. Generally they have poor effective access to the social, cultural and economic resources taken for granted by most Pakeha (R.C.S.P, vol 3, 1988:455). These are obvious impediments to gaining tertiary qualifications which in turn account for few Maori in higher paid professional jobs. Pomare and de Boer (1988:39) claimed, "The combined effects of high unemployment, poor housing, low educational level achievement and low incomes places twice as many Maori in the lowest socio-economic bracket as non-Maori".

The social and economic disadvantages experienced by Maori people also contributes to the high number of Maori in penal institutions. The

Department of Justice (1988) found that in 1988, 49 percent of the total prison population were Maori. The fact that the overwhelming majority of Maori offenders were under the age of thirty indicates that they could be less capable of coping with stress. It is significant that these offenders are mostly urbanised youth who are far removed from their Maoritanga and iwitanga. The high proportion of Maori offenders in prison is an indication of the number of people who cannot cope in a Pakeha-based society. Furthermore, the prison environment does little to enhance the spiritual, mental and physical well-being of a person. The incarceration of Maori people is also detrimental to the well-being of the whole Maori community.

Some may contend that the whanau is breaking down. The whanau is considered as being vital to Maori well-being and health. Intertwined with the intact whanau is the concept of whanaungatanga which is a base to one's Maoritanga. Ideally it binds members together into a strong cohesive unit and provides its members with physical, spiritual and emotional sustenance. It does appear evident that ties of mana whanau have been weakened and can no longer provide its members with the support they need. However, attempts have been made to maintain their specific cultural identity by the formation of urban iwi whanau, such as Taranaki whanau in Palmerston North.

Health is another important indicator of social well-being. Statistics focussing on Te Taha Tinana (the physical) aspects of health reflect the poor health of Maori people when compared with the rest of society. Life style factors such as smoking diet and alcohol are prevalent within the Maori community and contribute significantly to their disproportionate representation in diabetes, rheumatic and hypertensive heart diseases, hepatitis B and respiratory diseases and lung and cervical cancer (Department of Justice, 1988:142).

Social well-being indicators focus only on the physical aspect of health and do not consider the holistic approach taken by Maori. This approach incorporates Te Taha Wairua, Te Taha Whenua, Te Taha Hinengaro and Te Taha Tinana: the unity of soul, family, mind and body (Durie, M. 1984:5). These are important from a Maori perspective in assessing Maori well-being and health but are not easily measured from the Pakeha

perspective. Many Maori claim that the loss of land, language and culture has disrupted the unity of soul, mind, family and body. The consequences of diminished spiritual awareness (Te Taha Wairua) through this disruption has led to increased violations of tapu and noa and is prevalent in the rises in violence, sexual abuse, crime and poor health within the Maori population (R.C.S.P, vol 3, 1988:495).

In summary land alienation and subsequent urbanisation of Maori has had a detrimental effect on the social well-being of Maori people. High unemployment, low incomes, inadequate housing, poor education, incarceration and poor health are widely experienced within the Maori community. Furthermore, the demise of their wairuatanga and Maoritanga combines to leave Maori struggling to survive in either Maori or Pakeha terms. The issue of land alienation should be redressed in an attempt to counter the poor state of Maori well-being.

POLITICAL EFFECTS

The effect of the land alienation, both physical and spiritual, has pushed some Nga Rauru into political activity in an attempt to rectify both present problems and past injustices. As Kawharu (1976:84) said:

Land has long since ceased to provide the Maori people as a whole with an economic base. But it is and is likely to remain, the material base for their identity; and a separate Maori identity, defined in socio-cultural terms, is something the Maori ardently wish to retain. It follows that the land has a symbolic and emotional appeal - and hence political value. Indeed, land is the dominant political issue for the Maori people today. Central to the issue are two recurring themes: a desire for a voice in the control of land held by the government on behalf of owners for development or lease hold purposes, and a desire for legislation prohibiting the further sale of ancestral estates.

This same theme was recognised by Manatu Maori (1990:9) in a 1990 post election briefing to the Minister of Maori Affairs:

For Maori attaining a secure economic political, social and cultural future depends upon the restoration of their rangatiratanga - that is, regaining control over their own resources. Of equal significance is the acknowledgment by Government that a consequence of the historical deprivation experienced by Maori has been the diminution [sic] of their mana and dignity.

For nearly 150 years the iwi of Nga Rauru has struggled to retain their lands and rangatiratanga, a struggle which has never been totally abandoned. When Nga Rauru joined Titokowaru in the 1870's this was a political move; a sign of opposition to the settler government's confiscation of Nga Rauru lands. The following individualism to land title, the effects of war, diseases, alcohol and destructive Pakeha influences were effectively an attack on the whanau, hapu and iwi structure.

Numerous attempts were made by Nga Rauru to voice their opposition to the attack on their land and way of life. These attempts are best highlighted by the many petitions which were made to Parliament on behalf of Nga Rauru in the late Nineteenth century. These petitions asked for the return of Maori lease land which was under the control of the Public Trustee. The most profitable land was leased, leaving only the land covered in bush or of little use to grow crops on or graze cattle or sheep. Because so much land was leased out some people had no where to live.⁴⁶

During the early Twentieth century Maori land owners voiced their opposition to the West Coast Settlement Reserves and other such restrictive legislation. The opposition was shown in further petitions to Parliament in 1909 which asked for the repeal of the West Coast Settlement provisions of Crown grants. These provisions empowered the Public Trustee to arbitrary lease out Maori land in perpetuity. The petition asked that no further leasing of lands be continued by the Public

Trustee and that the lands now falling due be returned to the Maori owners.⁴⁷

During the 1920's and 1930's Wiremu Tahupotiki Ratana, who had wide support in the Nga Rauru area, led his followers in voicing their opposition to government legislation. They opposed legislation which had violated the Treaty of Waitangi in not preservation Maori rights. Ratana petitioned the New Zealand government and the King of England in the hope of initiating an investigation into the status of Maori land. The Ratana movement is of importance not only nationally but to Nga Rauru because Ratana's mother (Ihipera Korua) was from Nga Rauru. This helps to account for the strong ties which Nga Rauru still hold to the Ratana movement.

In the mid-Twentieth century the mass urbanisation of Nga Rauru, together with the passing of kaumatua who had detailed knowledge of the facts of land alienation, hampered the collective political voice of Nga Rauru. The Land Marches in the 1970's held in opposition to 'land deals' in other parts of the country rekindled Nga Rauru's political voice. Marae committee organised themselves to voice opposition to local county council regulations such as the Town and Country Planning Act. They also started petitioning for better facilities, such as water supply and improved roading for their marae.⁴⁸

The 1980's saw the introduction of 'Te Kohanga Reo' preschool movement and its enthusiastic adaptation by Nga Rauru. Concern for te reo me te tikanga Maori within Nga Rauru resulted in many kohanga being established to meet the growing need for Maori preschool education. There are seven kohanga in the area today. The establishment of kohanga must be favourable viewed when the present Maori educational, social and cultural situation is appreciated. The activities of kohanga in Nga Rauru are even more significant when it is realised that it is te reo me te tikanga o Nga Rauru that is being taught: language and customs unique to Nga Rauru.

47 From Taranaki Muru me te Raupatu hearing, 4-9-1990, P.Green, twi councils opening address.

48 Paurua marae argument with the local council over roading in the mid 1980's. Ihupuku marae and the Nukumaru water supply argument in 1988.

The Nga Rauru Trust Board is the most visible Nga Rauru political body. The Trust Board was first established in 1932 to facilitate the communication, interaction and administration between all the hapu of Nga Rauru. The Nga Rauru Trust Board took on a more visible role in 1990 as a result of the devolution of the Maori Affairs Department. Devolution envisaged the return of authority back to iwi to deal with matters which concerned them. The government supplied funds to establish an office responsible for iwi development. The government envisaged that the board would help to establish an economic base so that the iwi would be better able to provide for their present and future needs. As yet it is too early to report on results.

The most important activity the Nga Rauru Trust Board is engaged in presently is the Nga Rauru Muru Raupatu claim before the Waitangi Tribunal. The first hearing was held at Ihupuku Marae on 14th October, 1991. This was a preliminary hearing in which Nga Rauru reiterated its tangata whenua status and the reasons for lodging a claim. The claim can be summarised as being based on, and the effects caused by, the following:

- 1 Confiscation of land and resources
- 2 Unequal exchange in value for confiscations
- 3 Lease in perpetuity
- 4 Ten year leases
- 5 Forced land sales
- 6 Failure to make Reserves
- 7 Wasteland designation
- 8 No or inadequate compensation
- 9 Lost opportunities brought about through confiscations and legislation
- 10 *Maunga Taranaki*
- 11 Queen's chain
- 12 Sea floor
- 13 River/water rights
- 14 Mineral rights, such as ironsands
- 15 Life style changes
- 16 Health
- 17 Wahi tapu

- 18 Misuse of legislation, other than Maori land legislation (eg, Public Works Act)
- 19 Failure to heed petitions
- 20 Intimidation by government and administration.

Nick Pirikahu, in the opening speech on behalf of Nga Rauru at Ihipuku marae, 14th October, 1991 said:

The identity of our people is in the land, the lakes, hills and forests. The whenua and all she contains (te kiri o Rauru - the skin of Rauru) are important for without our land we are not an iwi, denied a future as a people. The settlement of this claim is not only a step for Nga Rauru, in providing for the future, but for all New Zealand.

The Muru Raupatu claim of Nga Rauru is therefore of major political and economic significance to the iwi. If the claim is successful, benefits to the iwi would be in economic, social and cultural terms. The mana of Nga Rauru would also be enhanced through reclaiming or gaining compensation for land and resources which were unjustly taken from them.

In Maori terms another important example of Nga Rauru's political activities is their interaction with other iwi. Such interaction is an expression of an iwi's mana, the mana that is associated with recognition. Nga Rauru interact at several levels with other iwi. In terms of political interaction these links are best seen in Nga Rauru's association with the Taranaki Maori Trust Board. Nga Rauru is presently represented on the Trust Board by Duggan Te Awhe and the iwi's presence is acknowledged.

In summary, the alienation of Nga Rauru land by government legislation has left Nga Rauru with no option but to seek political redress. Concern about the land has, in turn, carried over to Nga Rauru activities in social matters such as education with their involvement in kohanga reo and social services such as *Matua Whangai*. These are matters which are at the heart of Nga Rauru's present and future well-being as an iwi. Nga Rauru's political voice on such matters must be maintained in the quest for benefits for both the individual and iwi. Nga Rauru continue to seek

political means such as Muru Raupatu to bring about changes which are required to achieve equity, autonomy and mana in this present day. As the Administration Officer of the Nga Rauru Trust Board Office stated in a Nga Rauru Muru me te Raupatu report (November 1991), "We are not only fighting for our land we are also fighting for our identity".

CONCLUSION

All indices of social well-being suggest that the Maori population is not achieving well-being. Cultural and socio-economic deprivation, unemployment, low incomes, poor housing, low educational achievement, a high offending rate, increased violence and the weakened whanau are all interlocked and contribute to the detrimental mental and physical health of Maori individuals.

Maori health focuses on the spiritual, physical and mental well-being of the individual and group. Both the group and the individual are suffering because of the social and economic disadvantages they face. If Maori health and well-being is to improve, then changes in New Zealand society must occur whereby Maori can reach their full potential, socially, culturally and economically in both the Pakeha and Maori worlds. It is for these reasons that Nga Rauru must continue to be politically active in the hope that in this new age of 'radical' change, especially concerning land, the political voice of Nga Rauru will be heard.

The alienation of land is an original and on-going contributing factor that has led to a general decline in the state of Maori well-being. The part alienation contributed to present malaise therefore needs to be recognised and then addressed so that Nga Rauru will be able to advance with confidence into the Twenty-first century.

CHAPTER FIVE

NGA RAURU DEVELOPMENT UNIT

Te Ao Hurihuri
 te ao huri ai ki tona tauranga:
 te ao rapu;
 ko te huripoki
 i runga i te taumata o te kaha.

Te Ao Hurihuri
 is a world revolving:
 a world that moves forward
 to the place it came from;
 a wheel that turns
 on an axel of strength.

(Source: Rangihau, 1976:175)

This chapter will recommend that the Nga Rauru Trust Board establish a Development Unit which is viewed by the writer as being a catalyst for change in the utilisation of Nga Rauru land by its owners. This change is required to combat the high unemployment situation that Maori face in the Patea area. The development of land would provide an economic base to help promote Nga Rauru social well-being. At the same time, Nga Rauru, by personally being involved in the land's development would be strengthened both culturally and spiritually. Political moves will be discussed to show how now is an opportune time to consider the establishment of a Development Unit. Other iwi initiatives will be cited as examples of the potential and possible benefits of land development. The Development Unit will be discussed in detail to indicate goals and objectives, structure, responsibilities, possible avenues of funding and establishment phase costs. A scenario of development is then provided

to indicate what would be involved in the implementation of a project with a hypothetical forestry scenario being used as an example.

REASONING BEHIND ESTABLISHING A DEVELOPMENT UNIT

While these developments can be directed at all of Nga Rauru no matter where they live, during the initial development period it would be more practicable to focus primarily on those who still live within the area. Those living outside the area could still return for weekend or holiday development hui and would also gain from the social benefits that Nga Rauru might gain, and if their land was also being developed they would receive financial returns as well as a sense of iwitanga through the communal development approach.

In this present day of high Maori unemployment iwi throughout New Zealand are actively searching for alternate means whereby they can establish an economic base which would help provide for the needs of the whanau, hapu, iwi and marae. The establishment of a Development Unit within Nga Rauru is proposed as a way in which to combat unemployment and the subsequent 'negative' effects. Firstly, if such a unit was established there would be immediate job vacancies. It is also envisaged that the work of the Unit would create future job opportunities for the local people. Due to the depressed unemployment scene it is hoped that such initiatives could create a sense of opportunity within the local area. This could in turn encourage the return of both people and companies to the Patea area.

Land is a resource which should be fully utilised to provide an economic base for the iwi. It has been shown in the Otautu blocks case, however, that Nga Rauru land is not being personally utilised by their Maori owners. The majority is leased out to local Pakeha farmers without other options being explored. The establishment of a Development Unit could facilitate the exploration, utilisation and development of Nga Rauru land by its owners. The resulting developments would provide financial returns to those who owned the land. In essence, it is a structure which would keep the money within the whanau.

The previous chapter highlighted how Nga Rauru are presently (along with other iwi) over-represented in the negative indicators of social well-being. If the economic position of the iwi was improved through employment and financial returns from the land then the standard of living will improve. Higher incomes, adequate housing, improved access to education and health services, and a general uplifting of social well-being could result. The establishing of a Development Unit would be the starting point for the envisaged spin-offs.

There are many Maori within Nga Rauru who presently wish to develop their land because of the potential which they perceive their land to contain.⁴⁹ Problems of multiple or absentee ownership, title problems and lack of finance, however, are perceived by the majority to be insurmountable. Furthermore, marginal lands within many blocks are thought to be too small to be worth developing. Another problem that faces Maori land is that of informal lease agreements. This is where no formal lease agreement has been drawn up for the utilisation of land. Usually this is by a local farmer who may be using the land (often marginal or a small block) either with or without the consent of the owners. The owners receive little if any financial benefit from land under informal agreements of this nature although the farmers may meet the costs of the rates. The Aotea District Maori Land Court, in a private research study, estimated that up to fifty percent of Maori land in the district is presently under such informal agreements. The Development Unit would be a body able to educate land owners on such matters as formal lease and development agreements. Within Nga Rauru there is a need for a central body, such as the Development Unit, which could advocate specifically for the rights of land owners. The ultimate result would be the uplifting and empowerment of Nga Rauru.

There are many Nga Rauru who through urbanisation have lost the association with both the land and iwi. If the Development Unit could encourage people to return to the land through enhancing better economic opportunities in the area, there would be a re-vitalisation of Nga Rauru both spiritually and culturally. One can not return to 'the land' solely for economic benefit. Papatuanuku has always and continues to

⁴⁹ As reflected in findings to a land development questionnaire completed by members of Nga Rauru at the monthly Nga Rauru Trust Board meeting (Appendix 5.1).

provide spiritual and cultural sustenance to the iwi. By actually working and living on the land whanaungatanga, ahi ka, tikanga, and wairua Maori would be enhanced. In affect, the Development Unit would promote the utilisation of land while simultaneously enhancing wairuatanga me te Nga Raurutanga.

Recent Government Legislation

The importance of Maori land development has been recognised by recent political initiatives. Such movement within government to promote Maori land development could be viewed as an opportune time to establish a Development Unit within Nga Rauru. The recommendations by the New Zealand Maori Council in 1980 called for the return of the administration of Maori land to its owners. The subsequent 1987 Maori Affairs Bill provide initiatives which would facilitate the development of Maori land by its owners.

In 1980 the Minister of Maori Affairs referred the task of reviewing the legislation pertaining to Maori land to the New Zealand Maori Council with the view to formulating proposals for government consideration. The Council's aim was to keep Maori land in undisturbed possession of the owners who would occupy, use and administer the land for their benefit (Dyall, 1984:45).

The Council believed that its strategies should be aimed at the use of Maori land by one or more of the owners and not by some other persons. It suggested that the Court may of its own motion or on application by an interested party, call a meeting of owners to:

- 1 seek a feasibility study of potential use of the land
- 2 appoint investigating trustees to further consider possible land use, or
- 3 appoint trustees with power to lease the land (ibid:46).

These recommendations were made in the expectation that the Court would make it easier for Maori land owners to actually utilise and develop the land themselves. In light of these recommendations the

establishment of a Development Unit should be met favourably within political circles.

The Maori Affairs Bill, 1987 may have important implications for the proposal to establish a Nga Rauru Development Unit. As Walker (1990:246) stated, "The Bill was originally a document attempting to rationalise more than a century of accumulated legislation and amendments on Maori land and Maori Affairs". Revamped drafts of the Maori Affairs Bill have been in circulation several times over the last decade. While the Bill in its 1987 form has failed to get past the Committee stage, the present government has shown a fresh interest in it, or at least in those parts of it relating to land development.⁵⁰ In essence, the Maori Affairs Bill would facilitate the establishment and operation of a Development Unit. Some of the Bill's innovative recommendations are therefore worthy of consideration:

1 The 1987 Bill's primary objective (clause 46) was to promote and assist in the retention of Maori land and general land owned by Maori in the hands of the owners and the effective use and management of such land by or on behalf of the owners.

2 Clause 165 of the Bill would give the Court power to refuse confirmation of the alienation of Maori freehold land. This refusal might have been made bearing in mind:

The historic importance of the land to the alienated owners and their historical connection with it, as well as the adequacy of discussion and consultation amongst the owners, the possibility of utilisation by one (or some) of them and the extent to which the land's potential value and alternatives have been understood (McHugh, 1991:351).⁵¹

This clause would help in making owners more fully aware of their actions if they were to alienate their land. With a better understanding of their land's potential they would look more favourably on its possible

⁵⁰ The present Minister of Maori Affairs, Douglas Kidd, is currently (December, 1991) reviewing the Bill and may introduce it to the House within the year.

⁵¹ McHugh (1991:351) claims that this clause would have totally reversed the approach taken by the Prichard - Weatford Report.

development by themselves or on their behalf by such a body as the Development Unit.

3 Clause 198 allows for agreements made by owners at informal gatherings such as a tangi or a wedding to be treated as though passed at a duly convened meeting. This is quite a radical clause in that it would by-pass the need of owners to constantly attend Maori Land Court meetings concerning their land. Agreements for the utilisation of land could instead be reached between owners and the Development Unit at such meetings as the monthly Nga Rauru Trust Board meeting. This would help to speed up the process of land development by making it easier for owners and the Development Unit to come together to discuss the lands potential and possible development.

4 The Bill also contained an innovative part dealing with utilisation trusts. For example, the Murihiku case highlighted the need for amendments to 438 trusts.⁵² The putea concept was recognised (clause 231) as part of the more general provision for trust funds to be applied to community purposes rather than for the benefit of the owners alone. Trusts for multiple blocks were also to be permitted as 'whenua tapu trusts'. These could be established for 'the whole or a substantial part of the total interests in land owned by the members of an iwi or hapu'. As McHugh (1991:370) states, "The Bill anticipated the Maori Land Court taking an active role in title reform. Reform through a legal entity was seen as the devise by which Maori land could be retained in Maori ownership, thus facilitating an advance in Maori culture and socio-economic status". Problems facing Maori land held under Part XXIII and Section 438 of the Maori Affairs Act, 1953 were also addressed by the 1987 Bill. These included the difficulties of utilising land in multiple ownership in contrast to the ease with which land could be alienated. Any initiatives to address problems which land under multiple ownership faces would aid the work of the Development unit once it was established.

⁵² The Murihiku case involved a proposal by the Ngai Tahu Maori Trust Board to place several hundred land titles 'widely separated geographically and with a variety of uses' under a single section 438 trust. The Maori appellate Court ruled that the putea accounts were permissible under section 438 for trusts of a single block; however, they could not be used in a trust covering several blocks as trustees were required to administer the trust funds for the benefit of the beneficiaries of that trust and not for the benefit of beneficiaries of another (equitable) estate. *Re an Appeal by the Ngai Tahu Maori Trust Board* (1 October 1982). Maori Appellate Court per Judge A.G. McHugh, 15-16.

The 1987 Bill attempted to solve problems of Maori land development which would have had major ramifications on both Nga Rauru and the proposed Development Unit. It is hoped the Bill will be re-introduced in the House for such legislation would aid and encourage Maori land owners to cultivate or farm their own lands, either directly or through an authority controlled by them. If an Act in line with this Bill was implemented and could achieve these objectives, it would mean that the establishment and future operation of the proposed Development Unit would be greatly assisted. Because of positive political initiatives it is now an opportune time to consider the establishment of the proposed Development Unit.

Examples of Other Iwi Development and Initiatives

Nei kore he wai, e kore te ika e kau.

Without water, a fish may not swim.⁵³

Nga Rauru can learn much from studying the development initiatives of other iwi. As such they provide evidence of the economic and social potential land possess. The establishment of a Development Unit would further pave the way for utilisation of Nga Rauru land. It would provide a central body which could unify the fragmented sections into a cohesive land based enterprise. This administration and utilisation would help to ensure that the association of Maori with their ancestral lands was made far more meaningful than that which can be found in the receipt of an occasional dividend cheque. E.T.J. Durie (1981) cites examples of trusts whose activities provide some insight to Nga Rauru of possible benefits the whanau, hapu or iwi group may gain.

In 1980, the Patuwai Trust near Whakatane was involved in horticultural and pastoral farming on some one hundred hectares. The income from the established pastoral farm was used by the Trust to finance the conversion of land for asparagus, kiwifruit and boysenberries. Due to the trust's proximity to Whakatane, it made a special effort to involve the whanau in the work programmes and organised working bees to develop and work the land. The Trust saw this part of its operation as primarily a

53 Na John Tahuparae.

social rather than an economic function. The Putawai Trust provides some examples that Nga Rauru and the Development Unit could incorporate in a development project. The profits from one venture were carried over to finance another venture, so spreading the their agricultural and economic base. Involving the whanau who lived both locally and outside the district, in work programmes or working bees would be very important. This would let the iwi see what is happening with their land while making them feel involved with its development. These would be part of the social functions of development while building up whanaugnatanga.

In 1980, the Tuaropaki Station at Mokai near Taupo was handed back to the owners for development by the Department of Maori Affairs. The Tuaropaki Trust contains provisions that are now appearing in many trusts where multiple ownership prevails. While the distribution of net profit to all owners in accordance with their shares is still the predominant accounting requirement, unclaimed and uneconomic dividends and deductions from the dividends due to all others are paid to a putea account. These funds go towards land-based projects of general significance to the iwi. It is anticipated that as ownership increases, so will the contribution to the putea fund. Fragmentation of ownership has proceeded to the extent that the owners of some blocks have sought the option to set aside the whole of the profits accruing to the land for general tribal purposes. It should be noted that this particular trust is not hindered by land fragmentation. Instead, it has facilitated the growth of tribal identity and enabled the land to ultimately fund other tribal endeavours.

The Wahapakapaka Trust near Waitara in Taranaki proposed to develop a 12.5 hectare block on behalf of several owners. It also aimed to provide special services for the people as a whole. The trust was reliant upon state assistance and voluntary community effort with financial assistance from the Department of Maori Affairs. The use of project employment and work skills programmes of the Department of Labour, advisory assistance from the Department of Agriculture, and capital and administrative assistance from the YMCA and local service clubs and businesses was also obtained. The land was used for a cash crop market garden with a programme for more extensive horticultural development.

It was also used to train unemployed youths in carpentry, light engineering, block laying and to assist in the formation of work cooperatives and contract gangs. Camp sites were developed for owners who were then encouraged to participate in the administration and working of the land.

In 1989 Ngaruahine Tribal Trust purchased the leasehold title to two farming properties at a very favourable price. The combined area of the farms was about 108 hectares. The land was Ngaruahine tribal lands which had been made part of the West Coast Settlement Reserves and had been passed to the administration of Parininihi ki Waitotara Incorporation. The Trust had therefore only been able to purchase the leasehold title plus improvements to their tribal land, not the actual freehold title. The purchase was assisted by the Maori Affairs Department which granted a loan on a deposit of ten percent, no equity and an interest rate of 16.5 percent. Income in the vicinity of \$200,000 per year was envisaged.⁵⁴ In 1991 the two farms were independently valued at \$955,000. These farms have provided employment and income for the iwi and have also increased in value. Presently the Trust is attempting to acquire the freehold title. However, Parininihi ki Waitotara Incorporation disagreed with the idea of the incorporation gifting land back or agreeing on a reduced rental.⁵⁵ The Ngaruahine Tribal Trust has therefore indicated that it will be taking the case and the case of all their land under West Coast Lease to the Waitangi tribunal.⁵⁶

These trusts all provide examples of Maori attempting to provide for their economic and social needs through the utilisation and development of their lands. In most cases, land development has strengthened iwi links with the land, promoted economic development within the rohe and increased employment. These gains provide evidence of the lands potential. Furthermore, a Development Unit would provide a central

54 340 cows at 150 kilograms milk fat per cow multiplied by \$4 per kilogram which equals \$204,000 per year. Information presented at the 1991 PKW Annual General Meeting held at Waitara.

55 At the 1991 Annual General Meeting held at Waitara, a motion to gift back the mentioned farms to the Ngaruahine Tribal Trust was rejected. It was felt that this motion was not to the economic benefit of the Incorporation as a whole.

56 Ngaruahine Tribal Trust claim that the restrictive nature of land held under West Coast Lease has unduly affected their ability to administer their land. While the land concerned is tribal land which was never sold, the iwi now has little say in its administration, as indicated at the 1991 PKW annual general meeting.

body for land developments and be a force for the implementation of a collective land development enterprise.

ESTABLISHING A DEVELOPMENT UNIT

The need to establish an economic base for the iwi through the utilisation and development of Nga Rauru lands is a recommendation of this thesis. The main conclusion is that Nga Rauru need to seriously consider establishing a Development Unit in order to reap the full potential of their land. In this section we shall consider possible mechanisms needed to establish a Development Unit. The ideas suggested are personal and advanced tentatively as a practicable basis for discussion with the iwi.

In establishing a Development Unit a mission statement should be clearly defined. The mission statement must be suitable for Nga Rauru in terms of economic growth and social progress, and the maintenance and revival of cultural values. The mission statement proposed is:

DEVELOPMENT SHOULD INVOLVE THE OPTIMUM USE OF NGA RAURU LAND TAKING INTO CONSIDERATION NOT ONLY ECONOMIC FACTORS, BUT ALSO BOTH SOCIAL AND CULTURAL FACTORS.

In economic terms, development will be the process by which Nga Rauru may reach a position where it can positively utilise its resources and become reasonably self sustaining enabling the iwi, through its own efforts, to secure economic benefits. In terms of social progress, development means improving the quality of life for the iwi so that more equitable outcomes compared with other New Zealanders can be obtained.

Goals and Objectives

In order to provide a set of overall aims which would be capable of guiding the Development Unit and Nga Rauru's future development, a statement of goals is essential. Goals are general statements of ideals or

the desired state towards which planning tends. Policies are the means by which goals or objectives may be attained. Policies set out future intentions or guide-lines for actions necessary to attain the desired end. Objectives should be practicable and measurable within a defined time frame. Examples of such goals and objectives (adapted from the Rangitawhi Marae Enterprise Trust) are:

Goal: 'To establish an economic base for the hapu and iwi through the utilisation and development of the land.'

Sub-goal: 'To promote profitable employment in economic, social and cultural terms for the iwi of Nga Rauru.'

Objectives: 'To provide supplementary financial returns for Nga Rauru institutions and whanau; promote economic, cultural and social advancement through the use of marae; to increase community co-operation and individual self fulfilment in jobs while also promoting and maintaining the traditional Maori relationship to the land; to encourage the development and use of Nga Rauru lands and maximise the human resources available from the Nga Rauru community.'

Action Statement: 'This will be achieved by land development projects which will be initiated by the Development Unit (see scenario).'

*Kaua e rangiruatia te hapai o te hoe;
e kore to tatou waka e u ki ute.
We should work together
or we will not achieve our objective.*

*Ma tini, ma mano, ka rapa te whai.
By many, by thousands, the goal will be attained.*

The formulation of goals and objectives requires the conveyance of the needs and values of Nga Rauru as an iwi. It could be discovered, for instance, that the goal of establishing an economic base for the whanau, hapu or iwi may not be compatible with the sub-goal of promoting profitable employment for the iwi, especially employment in social, cultural and economic terms. The purely profitable exploitation of land

resources may prove to be more economic when carried out by fewer but more experienced labourers or consultants. The concept of organising a hapu to work land, while being socially and culturally acceptable as a sub-goal, may not be economic in terms of time or labour. The application of one goal or sub-goal at the sacrifice of another is an important part of the planning phase that will have to be recognised and addressed by the iwi and Development Unit.

Possible Development Structure

The proposed structure is similar to the Rangitawhi Marae Enterprise Trust. The trust got the permission of those who owned land around various marae to develop the land in a search to provide local employment, training and financial benefits. It is proposed that the Development Unit would operate similar to this but at an iwi level rather than just at the Marae level. In other words, the Development Unit would focus on all all Nga Rauru land containing possible development potential.

The initial establishment of the Development Unit would require the formation of a development sub-committee responsible for the formulation of the desired goals, objectives and structure of the Development Unit. This sub-committee would be directly responsible to the iwi as represented by the Nga Rauru Trust Board. The sub-committee should comprise representatives of all the hapu and marae of Nga Rauru. Selection through the Nga Rauru Trust Board monthly meetings would be the easiest way of selecting a committee.

The sub-committee would be responsible for the recruitment of staff such as a Development Officer and initial establishment of the Development Unit. Once the Unit was operational, communication and participation would be expected with the Trust Board. The final say on whether or not to proceed with recommended development plans would be left to the sub-committee in consultation with the Trust Board and Development Officer.

Because the Development Unit would need to be operated on a professional level, the appointment of a person best suited to carry out the day to day running and administration of the Development Unit would

be required. This Development Officer, with the aid of a clerical person, would work in conjunction with the sub-committee to achieve the established goals and objectives of the Development Unit. This Development Officer would be responsible for administration, planning, feasibility studies, marketing, advising whanau and iwi, and liaison between all parties concerned. The Development Officer would ultimately address the goals and objectives of the Development Unit as established by the development sub-committee.

At this stage that the Development Unit would only operate for an initial period of three to five years. During this time it is hoped that the majority of the development processes would be established and initiated. The responsibilities of the administration and operating of developments could then be taken over by the Nga Rauru Trust Board.

Development Unit Responsibilities

The Development Unit would essentially be a body concerned with discovering and providing ways in which to utilise and develop Nga Rauru lands to the economic benefit of both the owners and the iwi in a culturally appropriate manner. It would provide a central body which could be approached by those interested in developing their lands. Profits would be divided between the owners and the Development Unit, as rent or profit sharing.

The Development Unit would encourage use of Nga Rauru land by the tangata whenua and address obstacles to Maori utilisation and development of their lands. It would have a major advisory role in ultimately empowering the iwi to personally develop their land. For example, a major constraint for Maori people is their inability to raise capital on multiply-owned land. Because most Maori owners of land are unlikely to have sufficient cash to enable a balance between equity and debt for project funding, the proposed Development Unit should be able to suggest sources and requirements for development loans. However, the Unit's main objective would be to utilise or develop the land itself, after some form of lease or profit sharing agreement had been reached with the owners. It is expected that the Development Unit, with the assistance of the Nga Rauru Trust Board, may prove to be more able to

secure financial support required for land development than the individual owners.

Under the guidance of the Development Officer, the Unit would follow development from the initial locating of land until the project was operational. A development plan as defined by the sub committee would focus on identifying a vision, setting long term goals and developing the commitment, skills and resources to achieve the desired aims. This would require constant communication between the sub-committee and the Development Officer.

The Development Unit's first responsibility of locating Nga Rauru lands for development could be achieved through word of mouth or by making use of the records of the Maori Land Court. This would reveal when land is due for release, the acreage, names of owners, name of lessee and annual rentals.

Maori land owners, either through their own efforts or with an advisory and support assistance from the Maori Land Court or Development Unit, could attend a meeting with a resolution to forming an administration body to facilitate the development of the block. The administration body may be an incorporation established under the Maori Affairs Amendment Act, 1967, or a trust established under Section 438 of the Maori Affairs Act, 1953. Land held in 438 trust would be the most suitable for renting.⁵⁷ The Development Unit would co-ordinate and direct trusts in the approach to developing their land.

The Development Officer could approach owners to see if they were favourable to a land development plan in which the Development Unit took over the lease of the land. If the land was still under the administration of the Maori Trustee, a meeting could be organised by the Maori Trustee to discuss lease renewals among current owners. At such a meeting, the Development Officer would present his case for taking over the lease to the owners who would ultimately make the final decision. It would be the responsibility of the Development Officer to regularly monitor and evaluate the selected project till its completion.

⁵⁷ Part XXIII of the Maori Affairs Act, 1953, provides requirements for leasing Maori land owned by more than ten persons. It is the Maori Trustee who is responsible for administering these requirements.

Once suitable land for development had been located and there was an agreement of some sort that the Development Unit could utilise the land, a feasibility study on land use options for the block should be carried out. As Dyall (1984:85) commented such a study should:

... canvas factors such as: typography and climate; transport arrangements; soil capability and content; availability of water; how and when will debt capital be serviced ?; economic returns likely to the block on the basis of factors such as land size, returns being received on similar blocks, other possible options.

The success of the selected project would depend greatly on the Development Unit's ability to sell its product. If there is inadequate preparation and marketing due to competition and other possible problems, risks would be very high. Thus a well co-ordinated marketing strategy and promotion campaign would help to counter potential competitors. It would be the responsibility of the Development Unit to co-ordinate the marketing strategy and promotion campaign for all the lands to be utilised or developed.

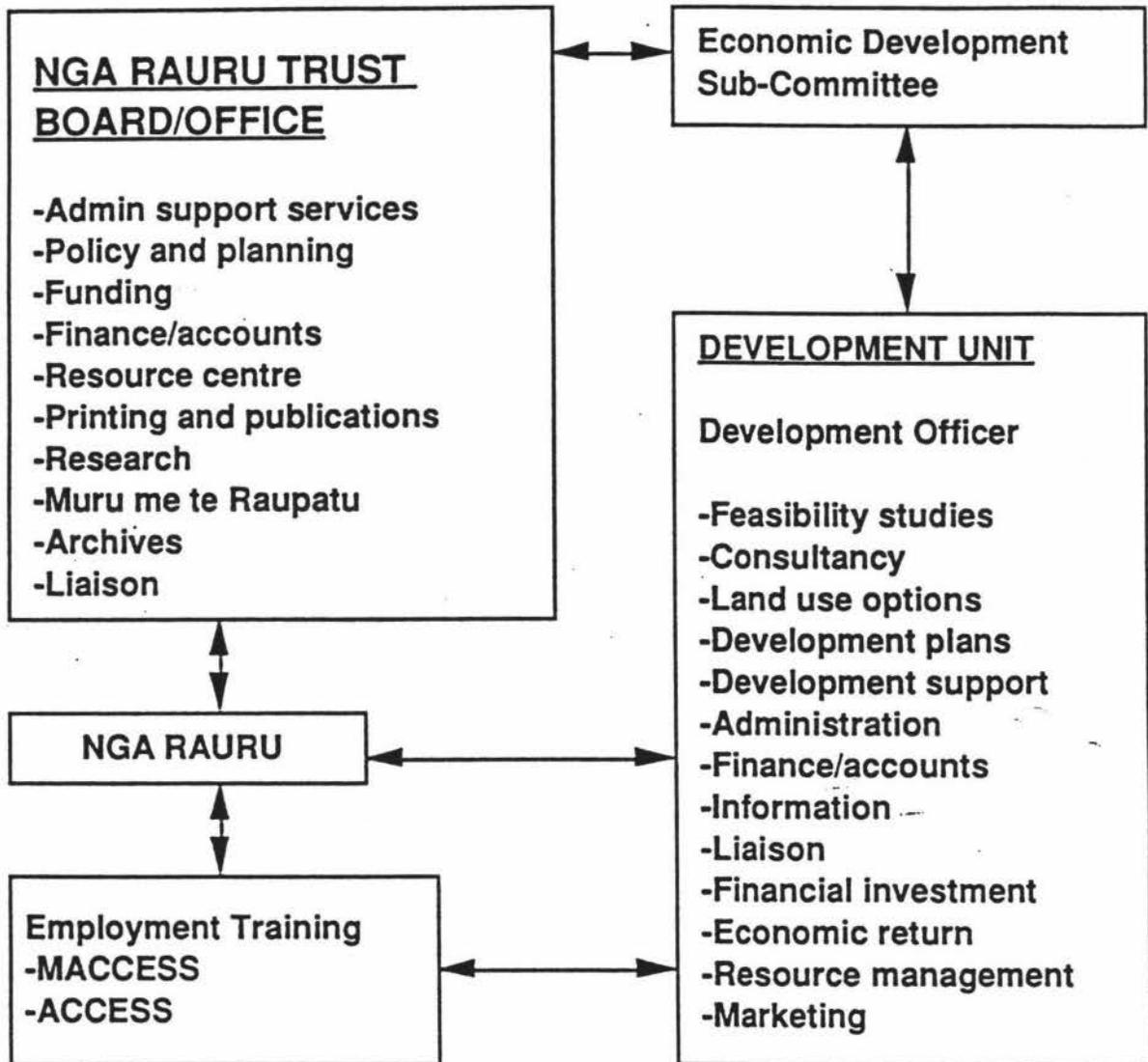
At all times communication would have to be maintained with the parties concerned. Through constant monitoring of selected projects the Development Officer would be able to provide up to date progress reports. This would be an important aspect of the Development Officer's responsibilities while simultaneously providing accountability (Fig 5.1).

Establishment Phase Costs

In setting up a Development Unit the establishment costs would be an important consideration. These costs would depend on the resources that would be provided by the Nga Rauru Trust Board. It is envisaged that the Development Unit would operate initially in conjunction with the Nga Rauru Trust Board to effect savings on office rental, stationary, clerical and other operational costs. Only when the Development Unit has regular financial returns, should it look to becoming more financially independent.

FIGURE 5.1

HYPOTHETICAL FLOW CHART OF DEVELOPMENT UNIT



It is suggested that only one Development Officer and one clerical worker be employed during the establishment phase. It is estimated that a Development Officer and a clerical worker would require wages between \$60,000 to \$70,000 in total. However, some savings could be made on this figure depending on the availability of clerical support from the Trust Board.

Provisions would also need to be made for land rental, a vehicle, a computer, stationary and office rental which are likely to total about \$30,000. Second year expenses would not include the one-off costs as a car and a computer, but such provisions would have to be made for depreciation.

Establishment costs for individual projects would vary with the type of project selected. However, it is unlikely that any project capable of bringing a good return to Nga Rauru in profit and labour-provision terms could be mounted for less than \$25,000. A total breakdown of costs in the establishment phase would therefore be in the order of:

| | | |
|---------------------------|----------|-----------|
| Staff | | \$70,000 |
| Establishment/Operational | | |
| One Off | \$15,000 | |
| On-going | \$15,000 | |
| | | \$30,000 |
| Material | | \$25,000 |
| | | ----- |
| TOTAL | | \$125,000 |

While the initial establishment phase costs may seem a lot of capital for the Nga Rauru Trust Board to find, the perceived returns would appear to outweigh the initial establishment costs. There are, however, funding possibilities which the iwi could approach to help finance the proposed Development Unit.

Once the concept of a Development Unit has been accepted by the iwi, the next major step is to finance the Unit during the initial period of establishment and development. It is envisaged that the Nga Rauru Trust

Board would be the most important instigator for securing the required finance. The support of the Nga Rauru Trust Board will thus reflect that the Development Unit has the support and backing of the iwi, and is not just an individual organisation. This will be important if applying for funding through government sources.

According to the *Ka Awatea report* (1991), Government might also be persuaded to consider the real costs of not providing funding for Maori land development. Costs to government, because of Maori underdevelopment, are often referred to as 'negative funding'. This is funding for unemployment benefits, domestic purpose benefits, the high costs of criminal offending, law enforcement, high cost of health care and low returns on educational expenditure. *Ka Awatea* (1991) advocated that government spending be shifted towards 'positive funding' particularly in the area of economic development. Such 'positive funding' could be used to enable Maori organisations such as the Nga Rauru Trust Board to build capital through the activities of the proposed Development Unit.

The possibility of the Waitangi Tribunal awarding land or money to Nga Rauru as a result of the present Muru Raupatu claim should be considered in the search for both finance and land. Nga Rauru could also lay claim for the return of land, taken under various Acts which are no longer used for the purpose they were taken. Beside the obvious railways and harbour board lands, this would also include the thousands of acres which were originally reserved for education purposes. These are lands which were reserved within the province of Taranaki under the Taranaki Education Reserves Act, 1871. An example is that of the Okahutiria Block University Reserve situated up the Whenuakura river originally consisting of 14,592 acres. No doubt all these cases will be presented to the Waitangi Tribunal by Nga Rauru's Muru me te Raupatu lawyer and if successful will return resources which Nga Rauru sorely need.

If significant resources such as land or finance were awarded to Nga Rauru by the Waitangi Tribunal, the proposed Development Unit would be able to help administer and develop those Nga Rauru resources which were returned. A proposal for financial support in the establishment and initial operating of the Development Unit would therefore need to be presented to the iwi.

A SCENARIO OF DEVELOPMENT

Now that the Development Unit's goals and objectives have been defined we can now turn to a scenario of development. Firstly the project cycle or approach to development of a block of land should be discussed. This shows the planning, implementation, and monitoring phases which should be carried out in a proposed development.

The Project Cycle

The following brief description of the project cycle is based on Layard's (1972) discussion of cost benefit analysis.

Usually the first step in project preparation and analysis is to undertake a feasibility study that will provide enough information to decide whether to begin more advanced planning. Objectives should be defined clearly, followed by an investigation into alternative ways to achieve the same objectives. This will indicate which alternative is more desirable in relation to its costs and benefits.

Once the feasibility studies indicate which proposed project is likely to be worthwhile, detailed planning and analysis may begin. Detailed planning takes time and may be quite expensive. However, preparation increases a projects efficiency and helps ensure its smooth implementation.

After a project has been prepared, it is generally appropriate for a critical review or an independent appraisal to be conducted. For the Development Unit's proposed projects, appraisals could possibly be carried out by the Nga Rau Trust Board, the Maori Trustee, the Ministry of Agriculture and Fisheries or the Maori Development Corporation. If the appraisal team concludes that the project plan is sound, the investment may proceed. If, however, the appraisal team finds serious flaws in the project, it may be necessary for the Development Officer to alter the project plan or to develop a new plan altogether.

Project selection must always be based in part on the value of costs and returns. Cost benefit analysis is the collection and organisation of data to determine the relative preferences of alternatives. The objective is therefore to attempt, by analysis, to indicate how a particular objective can be maximised.

While most business firms aim at maximisation of their profits, in this case, 'Nga Rauru benefits' or 'general welfare' would also need to be considered.⁵⁸ Although difficult to quantify and monitor, the analysis would need to include social and cultural factors important to Nga Rauru. This may mean that economic factors do not outweigh social and cultural considerations which do have economic value. To this extent, the provisions of jobs and self esteem for the iwi may mean that a lower financial return would be acceptable in accessing the cost of a project against its benefits.

Implementation is the most important part of the project cycle. The more realistic a project plan, the more likely it is that the plan can be carried out to its expected benefits. The implementation of the selected project should be flexible as circumstances may change. Changes that could eventuate may involve: technical changes; price changes; environmental problems; changes in the economic or political environment; or changes caused by the necessity to attend hui or tangi.

Monitoring and evaluation are important activities in the project cycle. Monitoring concerns the study of the project as to aid management decision making. Evaluation is the final phase in the project cycle, involving the assessment of a project's performance and impact on the target population. Systematical evaluation of the success and failure of the project should be carried out to learn how better to plan for the future. Evaluation is not limited only to completed projects but is an important managerial tool in on-going projects. The evaluation of the project would be guided mainly by economic factors but social and

⁵⁸ Richard Layard (1972:9-66) outlines the steps one should follow in benefit cost analysis:

- 1 identify all the costs and benefits
- 2 determine on whom the costs and benefits fall
- 3 place a measure of evaluation on as many of the costs and benefits as possible
- 4 incorporate time by discounting
- 5 apply an overall criterion to determine the desirability of the project.

cultural factors as outlined in the Development Unit's goals and objectives would not be ignored. Findings of regular project monitoring and evaluations should be passed on to and discussed with the development sub-committee and the iwi, at the monthly Trust Board meeting. This discussion would facilitate iwi awareness and sense of accomplishment in the project.

Feasibility of Nga Rauru Land Use

The first task in the project cycle should be to determine the feasibility of land use options. At present it is uncertain whether horticultural or forestry provides the best land use option. Before development of land in the Nga Rauru area can begin it is important that there should be an appreciation of local geography. Knowledge of factors such as the local physical environment and geology, climate and land use and tenure is essential for the planning of possible utilisation and development projects in the area. Appendix 5.2 provides basic information on these factors as researched by Rei (1983).

The Nga Rauru rohe may be best suited for dairy or sheep farming and some horticulture in the front coastal country. While the back country, marginal lands and gullies would be best suited for sheep farming or forestry development. Sheep farming on mainly freehold land is, at present, the main agricultural activity in the Nga Rauru area. However, it is unlikely that pastoral farming is a viable option for Maori land development in the area, for official agricultural statistics for 1972-1980 showed a forty percent decline in full-time agricultural employees for the five counties in the vicinity of Patea. The present and on-going downturn in the farming section will, no doubt, have seen a continuing of this trend. The high costs of getting started, the limited employment opportunities provided, and the present economic climate suggest that other economic enterprises may be more viable.

Fragmentation of land blocks into small areas has made much Maori land uneconomic for pastoral farming and resulted in its being leased out as additional run off areas to established farmers. These small areas should be re-assessed in light of their potential for horticultural development when small areas of land can be well utilised for various crops. The

labour-intensive nature of horticultural development makes it a particularly attractive option within the context of multiple ownership of land and the present unemployment situation. Depending on location and land quality horticulture could be one viable land use option for Nga Rauru land.

Support for possible horticultural involvement comes from the Taranaki Catchment Commission Regional Water Board which carried out a horticultural land and water use survey in the Taranaki region in 1982. They found that a wide range of fruit and vegetable crops could be grown in the Patea and Waverley districts, especially in the Waitotara valley area and along the coastal terraces. At that time there were five main categories of horticulture production existing in Taranaki: fruit; vegetables; solanum; nursery and cut flowers and foliage. In the Patea district only vegetable production was found to be occurring to any large extent.

With an increasing awareness of the harmful effects of chemicals used in the growing of vegetables, organic farming could provide an attractive alternative. Biodynamics involves growing plants naturally, enriching the land with composts, mulches and manures and by avoiding the use of dangerous and artificial fertilisers and pesticides. Biodynamics is ecologically sound because the process returns organic matter back to the soil. Such preservation and conservation approaches to the land are concepts embedded within the traditional Maori way of life.

Although more research is needed, it would appear that Nga Rauru's best horticultural prospects are for fresh vegetables grown during off-season periods. There is a market for both canned and fresh asparagus but difficulties with finance and the initial costs of setting up asparagus crops may prove too expensive. Thus, vegetable crops such as tomatoes, kumara, potatoes, cabbages, broccoli, silverbeet, lettuce, zucchinis, corn and even watercress and puha may prove more beneficial in the initial stages. Cash crops could be used to build up capital for the short-term financial needs while providing time and skills for the introduction of a longer term horticultural programme.

As previously mentioned, the back country, marginal lands and gullies would seem to be best used for forestry development. The hundreds, if not thousands, of hectares of Nga Rauru lands (including possible return of University Reserve lands in the back country) must provide some potential for forestry development. It would be the primary objective of the Development Officer to identify these lands so that Nga Rauru can appreciate the potential forestry development has for them. Forestry has provided some employment for local people in the Patea district but many local people would like to see a greater involvement. While forestry is a massive industry both nationally and internationally ⁵⁹ Taranaki ranks low in the Forestry Service development priorities. In 1983, both Taranaki and Wanganui were ranked four on their list of planting priorities for New Zealand: the range was from 1-4, with 1 being the priority. Forestry priorities, however, are determined primarily on commercial and ecological grounds. Taranaki may not be the most profitable or ecological deserving area for forestry from a national perspective but from the perspective of Nga Rauru it is an option worthy of consideration.

Forestry development could provide Nga Rauru with a form of long term economic insurance. Since possible land to be planted in pines is either marginal, gullies or in the back country, there is a high probability that the land is not presently being used to its potential. Forestry development would therefore use a resource that is not being fully utilised while losses in productive land or rental would be minimal. Forestry development would provide work for the iwi while strengthening their links to the land.

One serious obstacle to forestry development is the 27-28 years required before the pines can be harvested. While thinning may provide some income through logs suitable for posts, the long harvest period means that finances are 'sunk' and tied up for an extensive period. The long period until harvest would necessitate a separate lease agreement between the owners and the Development Unit to deal specifically with land to be planted in pines. A form of profit sharing similar to a joint venture agreement would appear to be the best option. Profit sharing

⁵⁹ In New Zealand presently there are 1.1 million hectares in forestry of which 15 percent is on Maori Land, mostly under 99 year leases.

would involve the owners providing the land and maybe some labour, while the Development Unit provides the finance, labour and know how. Each party's percentage of profit would in turn depend on the amount of responsibility accepted. Present establishment costs and returns therefore indicate that forestry development could be a favourable long-term investment.

Three other land use options merit consideration: stock rearing, cereal farming and dairy farming. In the Nga Rauru area, land suitable for dry stock is leased for \$170 - \$200 per hectare. Four day old calves purchased between October and November cost between \$80 - \$140 in the 1991 season. Depending on the stock's weight at time of sale in two years' time, prices could range from \$500 - \$600. A gross profit of fifty percent per beast could be expected once costs are deducted. At three beasts per hectare a profit of between \$750 - \$900 per hectare could therefore be expected. Grain crops such as wheat and barley have experienced relatively poor financial returns in recent years. However, the planting of grain crops could be viable with the fluctuating rural economy, especially as once the grains had been harvested the land could then be used to graze lambs. Increased returns for milk fat production have helped revive the dairy industry in the Patea region. As previously illustrated by the Ngaruahine Tribal Trust farms, present returns from 108 hectares in dairy farming could equal \$204,000 per year. The generally small and scattered nature of most Maori land blocks and high establishment costs suggest that dairy farming is not a viable option unless acres can be farmed in conjunction with adjoining blocks.

Nga Rauru should also actively seek non-agricultural forms of economic development. These may include participation in the exploitation of local minerals such as ironsands, the utilisation of a Nga Rauru fishing quota and the development of urban-based business ventures. The development of these and other possible Nga Rauru resources may be considered by the Nga Rauru Trust Board for delegation to the Development Unit.

In summary, it has been shown that both horticulture and forestry provide some development options within the Nga Rauru area. While an in depth cost benefit analysis has not been attempted, we will now turn

to a forestry development scenario to show the possible implementation process.

The Forestry Scenario

A forestry scenario will be used to show the involvement of the Development Unit in the process of a hypothetical development project. This will provide a practical example of what might be involved in utilising and developing an area of land. The first responsibility of the Development Unit is to locate land to develop. As previously discussed, this would be through either the owners approaching the Development Unit or through the Unit actively searching for Nga Rauru land to develop. To facilitate land utilisation it is preferable that all title problems to the land should have been clarified. Development would be further assisted if the land was held in 438 trust.

If the feasibility study revealed that a portion of the land was best suited to plant in pines, a separate agreement should be made for that specific plot of land. It is likely that a profit sharing or joint venture type agreement would provide the best arrangement concerning forestry land. An indication of proportional returns (based on percentages around which most joint ventures operate on) to each party would be seventy percent to the investors (the Development Unit) and thirty percent to the land owners. These proportions would vary depending on the amount of input each party was responsible for in establishing, maintaining and harvesting the pines. A lease agreement could then be signed as determined by the selected development followed by the Development Officer formulating a short, medium and long term development plan.

The Development Officer would inform owners of what a commitment to a land development project would entail. In most cases this would require a long term commitment but land selected for forestry, if not put into pines, would in all likelihood sit idle in scrub or gorse. While the land in forestry development would effectively be tied up for the 27-28 years until harvest, the owners should view the relatively minimal sacrifice of short term benefits as providing substantial long term benefits for their whanau. The short term financial needs could be met by sheep

or cattle grazing, cropping and other selected horticultural ventures as previously discussed. The decision may well have to be made of whether a personal sacrifice now is worth the future benefits for not only the present land owners but their mokopuna.

The Development Officer would inform the owners of other financial and resource requirements such as labour, seedlings, sprays, consultant advise and fencing. These would need to be calculated and assessed. The whole forestry development project should be planned from its implementation right through to harvesting. Thorough planning will help identify potential problems and as such will set out the probable path the project should follow.

Effective planning will help in the evaluation of costs and benefits of the project. Cost benefit analysis would show what the anticipated costs are, who will have to pay them and highlight the benefits of the project. An obvious cost to the landowners would be the loss of rental for the years before harvesting. The primary benefits in financial terms would be their percentage of the profit sharing at the time of harvesting. It is anticipated that intangible benefits would be the strengthening of links to the land and the building of whanaungatanga through the whanau co-operating in such a development.

Costs during the growth of the pines will vary depending on access to the land, undergrowth and general topography. The current price of pine seedlings is \$150 per thousand. The New Zealand Forestry Service recommends planting approximately one thousand trees per hectare depending on the lay of the land. Farmers in the Patea area, however, plant between 1200 and 1500 plants per hectare in an attempt to combat gorse growth. Spraying will be required to combat weeds diseases and pests in the first few years.⁶⁰ Low pruning and thinning should be carried out when the pines are between five and six years old. At the present rate this would cost between \$350-\$400 per hectare. Another pruning and thinning should be carried out when the trees are between seven and nine years old. This could cost between \$250-\$350 per hectare at present rates. It is essential that the pines are pruned at the

⁶⁰ In the Taranaki region, *Dothistrona Pini*, a fungus effecting pine growth by attacking the pine needles could possible require spraying of inland areas prone to high rainfall, humidity and mist.

appropriate age. This is because the pine's growth could be affected, requiring a longer period for the tree to reach maturity at the desired trunk diameter. After the second thinning, the land could be made available, if suitable, for grazing stock among the trees.

Most Partnership Joint Ventures involved in the planting of pine trees currently work on an internal rate of return of between 7%-9% over and above inflation. Present net returns to growers are between \$25,000 - \$35,000 per hectare, depending on merchantable volume.⁶¹ When the pines are sold, they may be sold as is to a local logging and milling company. The sale price would depend on the costs the company incurred in logging and transportation. If access is available and the terrain easy, skidder logging using rubber tyre tractors may be used at a cost of approximately \$12 per tonne. If, however, the terrain of the land is undulating and steep, a skyline logging operation using bulldozers at a costs of up to \$30 per tonne may have to be carried out. The logging or milling company would also take into account the quality of the logs. This would have been largely determined during the pruning and thinning stages. Table 5.1 summarises likely costs and returns per hectare of land planted in pines.

If this forecast of costs and returns was used for only one hundred hectares of land planted in pines, it would produce a return of between \$2.5 million and \$3.5 million. If the owners provided just the land and the Development Unit provided all the required finance and labour, returns to the respective parties (costing \$140,000 to develop) would be:

| | | |
|------------------|-----|---------------------------|
| Development Unit | 70% | \$1,750,000 - \$2,450,000 |
| Owners | 30% | \$750,000 - \$1,050,000. |

⁶¹ Mercantable/useable/recoverable volume of cubic log is approximately 80% after logging and milling.

TABLE 5.1

**ESTIMATED COSTS AND RETURNS FOR PER HECTARE LAND PLANTED
IN PINES (at 1000 trees/hectare)**

ESTABLISHMENT COSTS

| | | |
|-------------------------|--------|-------|
| Tree stock | year 1 | \$150 |
| Clearing/planting/spray | year 1 | \$550 |

GROWING COSTS

| | | |
|-------------------------|-------------|-------|
| Low pruning/thinning | years 5 - 6 | \$400 |
| Medium pruning/thinning | years 8 - 9 | \$350 |

TOTAL COSTS PER HECTARE **\$1,400**

RETURN PER HECTARE

(in 27-28 years at 1991 rates) **\$25,000 - \$35,000**

Foreseeable returns indicate that it could be economically viable for owners or the Development Unit to develop Nga Rauru lands in forestry for the long term financial needs of both the owners and the iwi. It should be noted that dairy farming land in the Patea area receives an annual rent return of between \$250 - \$420 per hectare. Land suitable for dry stock is presently leased for \$170 - \$200. If an average annual rental for dairy land was multiplied by 27.5 years, income of \$9212 could be expected. Possible rental from dry stock land could similarly be approximated at \$5087. In comparison, return from forestry would be \$28,600. This return (three times that of dairy lease land and five and a half times that leased for dry stock) highlights the significant lump return possible through forestry development.⁶²

Two benefits have not been included in the above analysis:

- 1 Once the land came under the administration of the Development Unit owners would also benefit from reductions in overheads. There should also be benefits from economics of scale which would result from

⁶² Factors such as insurance and inflation would also need to be considered.

the establishment of a central body responsible for the management, use and development of Nga Rauru lands.

2 The Development Unit, while working on a commercial basis, would at all times attempt to optimise owner and iwi participation. This would, where practicable, involve the decision and planning stages as well the actual development of the land. The Development Unit would recognise the owners' rights and ties to their land. It would be undesirable if the Unit became similar to a incorporation where Nga Rauru owners have little real say in how their lands are administered or developed.

Problems of Funding

Funding is an integral part of any development project. Government funding could take the form of 'positive' employment funding (using unemployed workers at no or minimal cost to the scheme) and 'positive' conservation funding (the provision of grant monies to grow trees in areas prone to erosion and weed take over) and loans. It was reported in the *Ka Awatea* report (1991:58) that, "these two types of 'positive' funding could enable the owners to build equity in the land, provide a future economic base and achieve employment and conservation goals". Recently announced tax benefits to encourage forestry development would also assist Nga Rauru.

Beside government funding agencies such as the Ministry of Maori Development, other funding avenues may be banking or private commercial interests. A banking institution such as the Rural Bank may be another source of funding. If the project is shown to be based on sound development potential with projected returns, banking organisations are more likely to view loans in a favourable light. A short and long term projection of income and costs should be provided to illustrate how the principal and interest on a development loan will be met. Using the Rural Bank as an example, Dyll (1984:49-50) outlines five areas an application for financial assistance should cover:⁶³

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- 1 Application details: These cover the names of applicants, what is being sought, the name of the Solicitor and the name of the Accountant
- 2 Personal circumstances: These cover details such as marital status, nationality, occupation, farm experience, age and present farm land

In the past the Department of Maori Affairs has provided funding for land development through the Board of Maori Affairs. Due largely to the present depressed economy, this source of development finance no longer exists. The Iwi Transition Agency (ITA), another possible source of finance, is at present facing restructuring and is to be replaced by the Ministry of Maori Affairs. The new Ministry will contain Residual Management Units which will take over responsibilities concerning rural development formerly held by the ITA. Their main concern, however, will be the winding up of land development projects and not the financing of new ones. With the demise of this sort of government funding, the question arises of where Maori should now go to seek financial support for land based development projects. The Rural Bank and the private banking community may be one type of source. However, while banks may provide finance to persons who lease Harbour Board or Railway lands, Maori have found that banks are not that interested in providing finance for development projects on Maori land. This is an example of the on-going problem Maori face in the financial market in the uphill struggle to develop their land.

The Maori Development Corporation (MDC) is therefore left as the most likely Maori-orientated agency to provide development finance, although its general practice is to finance relatively large scale development projects which are capital intensive (\$200,000 plus). The Corporation's mission (MDC, 1991:3) is:

To operate a profitable business which invests and facilitates investments by Maori interests in projects which provide satisfactory terms to itself and Maori investors. The

-
- 3 Winter stocking and production: These cover
 - (i) Dairy - the number of units and amount of milk fat (kg) over 3 years;
 - (ii) Sheep/run cattle- amount of land owned and sheep/cattle numbers involved over 3 years
 - (iii) Cash crop- Land owned or farmed and the total yields
 - 4 Proposition: This covers the elements of the proposal
 - If purchase - vendors name, legal description of the block, option and possession dates, lease rental, government valuation, total area, rating authorities and locality of the property. If re-finance is sought, the amount required, name of the lender, security, rate of interest and term of the loan should be stated. If development finance is sought, the proposal must be explained on the application
 - 5 Cost and proposed method of financing: This section covers the financing of the proposition.

Corporation also provides advice to Maori clients on a fee basis in the area of investment appraisal, project management and funding.

Due to the present economic situation, MDC is not presently in an active lending mode. It will, however, consider lending where there is a strategic advantage and it may assist by the provision of services such as investment appraisal or project management.

Once the proposed development has been accepted and finance obtained the Development Unit would be responsible for the establishment of the selected project. Thorough planning by the Development Officer would facilitate the projects implementation. In the case of afforestation, the land would first have to be cleared of scrub or gorse. This could be carried out by the Development Unit, the land owners or iwi working bees. Once the land was cleared, tree stocks (*pinus radiata*) could be purchased on the commercial market. The establishment phase would involve the maximum participation possible of the owners and iwi in clearing, planting and maintaining (pruning and thinning) the land.

It would be expected that the Development Unit would monitor the project through until its completion. Evaluation should be carried out at regular intervals to assess whether the project was being properly implemented and according to the goals and objectives of the Development Unit and iwi. If faults were revealed it would be the Development Officer's responsibility to quickly effect change. It would also be the Development Officer's responsibility to maintain communication in order to keep the iwi and owners fully informed on the project. The monitoring process would make the Development Unit accountable to the iwi, but it would not be until the harvest of the pines that the true costs and benefits would be fully known. However, through proper planning, cost benefit analysis, monitoring and evaluation, many unforeseen costs and problems could be minimised and the prospects for success greatly enhanced.

CONCLUSION

In conclusion, it is the writer's opinion that there is a need for Nga Rauru to establish a Development Unit which would actively search for Nga Rauru lands to utilise and develop. Such a Unit would have major benefits in providing a central cohesive body capable of promoting and developing Nga Rauru land for the benefit of both the owners and iwi. It is suggested that it operate for an initial period of three to five years after which its responsibilities would be taken over by the Nga Rauru Trust Board.

The scattered and relatively small size of Nga Rauru land blocks and financial limitations, suggest that dairy farming is likely to be financially impractical for the Development Unit at present. Further, with generally reasonable returns received from land leased for dairy purposes, the Development Unit may be better to initially concentrate its efforts on marginal lands for forestry development. Where marginal lands are part of blocks of land used for other such purposes, it seems desirable to separate them from the lease for the whole block. In these cases, the Development Unit could be engaged in forestry development using marginal Nga Rauru land that in all likelihood are not currently being used to their full potential. The loss of this land to the present farmer would cause little disruption, and the effects on the owners in terms of lost rent monies would also be negligible. The future returns to both the Development Unit and the owners, however, would be considerable.

It is recommended that forestry development should be a prime objective for the Development Unit during the first few years. During this period the Development Officer should also access other options for Nga Rauru land use giving particular attention to land surrounding marae. This may be used for intensive horticulture activities which would provide work and income such as market gardening (as was shown in the Rangitawhi Marae Enterprise Trust) while providing for the short term financial needs of the Unit. These lands could also serve as a training ground for work in horticulture.

MAJOR CONCLUSION

By the end of the Nineteenth century the tribal lands of Nga Rauru had been severely depleted. In the case of Nga Rauru, land confiscations following the 1860's Land Wars, then the activities of the Native Land Court of awarding individual title to land, accounted for the majority of land alienated. What little land remained was soon either sold or leased out to mainly Pakeha farmers. The combined effects of the Native Land Court, disease, war and corrupt Pakeha influences destroyed the communal society of Nga Rauru. The very soul of Nga Rauru had effectively been destroyed, leaving them by the turn of the century largely, landless, demoralised and to a large extent aliens on the lands of their tupuna.

Twentieth century legislation continued to alienate the Maori from what lands they had left, and 'pushing' them off their lands, into the towns and cities. The towns and cities were after World War Two the places to find employment, housing and education. This was more evident when the Department of Maori Affairs adopted the 'pepper-potting' recommendations of the 1960 Hunn Report with the view to 'promote assimilation of the two races'. Other legislation such as the 1967 Town and Country Planning Act restricted Maori from building on their rural lands. Combined with the rural economic decline, Maori were effectively 'pushed' and 'pulled' into the towns and cities.

By the post World War Two period, Maori land had become fragmented and largely under-utilised by its Maori owners. Incorporations and 438 trusts had have been established in an attempt to returned the administration and development of the land back to the owners. These measures have had only limited success and large areas of land are still being leased out to Pakeha farmers. The consequence is that many owners feel a 'spiritual alienation' from their land. Whether it be leased or under the administration of incorporations. In both cases there is a feeling of powerlessness in the actual administration of the land.

The Otautu block which was Crown granted to local Patea Maori in 1882 is used in Chapter Three as a case study to highlight the process of land

being granted, fragmented and alienated. This has resulted in present situation where over a half of the original Crown grant of two thousand acres is owned by local Pakeha farmers or is under the administration of the Parininihi ki Waitotara Incorporation. Of the remaining land in Maori ownership it is shown that only one block of fifteen acres is being utilised by its Maori owners. This highlights the under-utilisation of Maori land within the Otautu block by its owners. If this example can be taken as a general indicator of other Nga Rauru lands, it is evident that Nga Rauru as individuals and as an iwi are not harnessing a fraction of the full potential of their land.

Fragmentation of ownership has resulted as successive generations succeeded to land interests. This has led to the majority of sections having multiple owners. The result is that today, the majority of the Maori sections within the Otautu block are relatively small, with numerous owners. This has made them economic to farm only in conjunction with adjoining blocks. As a result, nearly all Maori land within the block is leased out to local Pakeha farmers who utilise the sections as additional run-off areas. Six sections which were owned by 'not more than four persons' were re-classified from Maori to General lands under the 1968 Maori Affairs Amendment Act, but this did not result in their fuller utilisation by their owners.

It is generally recognised that Maori are over-represented in the negative indicators of social well-being. Chapter Four uses selected indicators to highlight the present Maori state of 'social well-being'. In the writers opinion these, economic, social, cultural, spiritual and political indicators are a collective consequence of the negative effects of land alienation on Maori. Therefore, the problem of land alienation, fragmentation, administration and development should be seriously addressed by Nga Rauru in providing for a possible economic and social base on which to advance into the Twenty-first century.

A significant Maori rural to urban shift starting in the Patea area from the 1960's was highlighted. Urbanisation is another important contributing factor which led to the majority of Maori rural lands being leased out, while their owners sought employment in the towns and cities. In the case of the Patea area, the actual benefits to Maori of urbanisation are

questionable. This is supported by the fact that the major provider of jobs, the Patea Freezing Works, closed in 1982, and the present high level of unemployment in the area, of which forty-eight percent are Maori. Therefore, urbanisation in Maori buying houses in an area that has been severely affected by unemployment. The result has been that many persons have left the area and Maori are left owning houses which are over-valued in the depressed local economy.

The development of Nga Rauru land by the whanau, hapu or iwi should be viewed as a major priority in an attempt to combat the locally depressed employment situation. Chapter Five suggests that a Development Unit be established under the authority of the Nga Rauru Trust Board to facilitate the development of Nga Rauru lands. A forestry scenario is used to highlight a possible process that could be carried out to initiate development. Beside the obvious possible economic benefits of Nga Rauru utilising their lands, there are also cultural, spiritual and social benefits that would arise through the utilisation of nga whenua tupuna.

In the writers opinion, Nga Rauru must consider every avenue to improve their social well-being. Apart from the people themselves, land is Nga Rauru's greatest single resources. The utilisation and development of nga whenua tupuna by the Development Unit is proposed as an important step towards progressive development.

Nga Rauru: ka maro te kaki o te Kotuku.

Nga Rauru: we are determined to be uplifted from our present position, we are determined to make progress.

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GLOSSARY

| | |
|-----------------|---------------------------------------|
| Ahi ka | Occupation rights |
| Atua | God |
| Hapu | Sub-tribe |
| Harakeke | Flax |
| Iho | Umbilical chord |
| Iwi | Tribe |
| Iwitanga | Tribal culture |
| Kai Moana | Seafood |
| Kai Ngahere | Food of the forest |
| Kaikorero | Speaker |
| Kaimoana | Seafood |
| Karakia | Prayer |
| Kaumatua | Elder |
| Kingitanga | King Movement |
| Kohanga reo | Pre-school (Language nest) |
| Korero | Speak, talk |
| Mana | Prestige, power |
| Mana tangata | Power or influence of people |
| Mana whenua | Power or influence of land |
| Maoritanga | Maori culture |
| Mataotao | Cold |
| Matua whangai | Foster parent |
| Maunga Taranaki | Mount Taranaki (Egmont) |
| Mokopuna | Grandchild |
| Nga Raurutanga | Nga Rauru culture |
| Noa | Free from tapu |
| Papakainga | Original home, |
| Pounamu | Greenstone |
| Pu Tuna | Eel weir |
| Putea | Fund |
| Rangatira | Chief |
| Rohe | Area |
| Tangata whenua | Native inhabitant, person of the land |

| | |
|----------------|--|
| Taonga | Treasure |
| Tapu | Sacret |
| Taranakitanga | Taranaki culture |
| Te reo Maori | The Maori language |
| Tikanga | Custom, rule, principles |
| Tupuna | Ancestors |
| Turangawaewae | Place to stand, domicile |
| Tutae | Dung, feaces |
| Urupa | Cemetery |
| Utu | Revenge |
| Wahi tapu | Sacret place, reserved ground |
| Waiata | Song |
| Waiora | Health |
| Wairua | Spirit or emotion |
| Wairuatanga | Spirituality |
| Waka taua | War canoe |
| Whaka | Prefix to a word which gives the meaning 'to do' or 'caues to do' |
| Whakapapa | Geneology |
| Whanau | Family |
| Whanaungatanga | Relationship |
| Whangai | Adopt, foster child |
| Whare whakairo | Carved house |
| Whenua | Land |

APPENDICES

APPENDIX 1.1

MAORI LAND LEGISLATION: A CHRONOLOGICAL SUMMARY

| YEAR | MAORI LAND LEGISLATION |
|------|--|
| 1860 | NEW ZEALAND SETTLEMENTS BILL and following 1863 Act - Legalised the Crown confiscation of land from tribes who were believed to be in rebellion. |
| 1862 | NATIVE LANDS ACT - First legal steps to setting up the Maori land Court to individualise Maori land ownership. |
| 1864 | NATIVE RESERVES ACT - All native reserves were put under settler control and then leased to squatters at very low rentals. |
| 1865 | NATIVE LAND ACT - Maori land owners had to formerly justify ownership of their land at the newly formed Native Land Court hearings. |
| 1867 | LEGISLATION - was introduced to allow direct purchase of Maori land |
| 1867 | NATIVE LANDS ACT - Certificate of title could be issued to at most, ten owners, but the names of other owners were registered in the court and endorsed on the back of the certificate. |
| 1872 | PUBLIC TRUST OFFICE ACT - Public Trustee given powers of administration and alienation over Native Reserves. |
| 1873 | NATIVE LANDS ACT - Amendment required that no alienation by sale or lease could proceed without the consent of all owners. A memorial of ownership was required listing the names of all the tribal owners. |
| 1879 | NATIVE LANDS ACT AMENDMENT - made it easier for small farmers to obtain Maori land. |
| 1881 | LEGISLATION - was introduced to jail Maori without trial and arrest without warrant for any Maori caught pulling up a survey peg or 'disturbing the ground'. In response to Parihaka. |
| 1886 | NATIVE LANDS ADMINISTRATION ACT - the right of communal ownership was denied and Maori land was entrusted to a small group of Trustees with the right of sale. |
| 1892 | WEST COAST SETTLEMENT RESERVES ACT - Certain native reserves vested in the Public Trustee who could sell the alienable reserves and lease the inalienable ones in perpetuity. Native Land Court to determine shares and prepare list of Native owners of reserves. |

| | |
|------|---|
| 1893 | NATIVE LAND PURCHASE AND ACQUISITION ACT - Crown right of sole purchase was reintroduced, power was taken to declare any area of Maori land 'suitable for settlement'. |
| 1894 | NATIVE LAND ACT - Section 122, instituted a system by which the owners of a piece of Maori land could be incorporated by an order of the Native Land Court. Now any intended purchaser or lessee could deal with a single legal entity - an incorporation of owners. |
| 1900 | MAORI LAND ADMINISTRATION ACT - Organised by Sir James Carroll in an attempt to stop the official government policy of progressive land purchase, instead emphasis shifted to leasing of Maori land. |
| 1902 | WEST COAST SETTLEMENT RESERVES ACT AMENDMENT - All native reserves to be vested in the Public Trustee for administration |
| 1904 | MAORI LAND SETTLEMENT ACT - Maori land 'not required or suitable for occupation by Maori owners' was placed under land Councils with no Maori representation. |
| 1909 | NATIVE LAND ACT - From Ngata's initiative a complete code of law governing the formation and administration of Maori incorporations. Although there have been many modifications since then, the general principles still apply. |
| 1912 | LAND LAWS AMMENDMENT ACT - Further freed up restrictions on purchase of Maori land. |
| 1913 | WEST COAST SETTLEMENT RESERVES AMMENDMENT - extended the terms of leases by ten years, and imposed full compensation for all permanent improvements. |
| 1920 | NATIVE TRUSTEE ACT - Trustee appointed to administer the estates of minors and persons under a disability. Also responsible for the administration of reserve lands. |
| 1929 | The department of Native Affairs was forced to change its chief function as a land purchase agency for Europeans to that of nominal trustee and developer of the few remaining acres of Maori land. Much of it was by then worthless residue and unfit for development. ⁶⁴ |
| 1929 | Ngata's Land Settlement Schemes - Incorporations. |
| 1936 | NATIVE LAND AMMENDMENT - Part 1 Sec 3, Duty of the Board is to promote the development of Native owned lands. |
| 1953 | MAORI AFFAIRS ACT- Allowed the State to compulsory purchase Maori land at state valuation if it was 'uneconomic' and a Maori Trustee (a European) was given extensive powers- The Maori response was to form incorporation to maintain control. |

| | |
|---------|---|
| 1953 | MAORI AFFAIRS ACT - Section 438 Trusts. Purpose to facilitate the use, management or alienation of any Maori freehold land, customary land or general land owned by Maori. Part XXIV Maori Land Development. |
| 1955 | MAORI TRUST BOARD ACT - To make better provisions for the administration of certain Maori Trust Boards, one of which was the Taranaki Maori Trust Board. |
| 1961 | MAORI AFFAIRS AMMENDMENT ACT- Allowed anyone, not only the land owners to get into an Incorporation Trust Board, including the Maori Trustee. |
| 1967 | MAORI AFFAIRS AMMENDMENT ACT - Enforced the transfer to European status of all Maori land owned by not more then four persons. Brought the Maori land Court under the jurisdiction of the Town and Country Planning Act. ⁶⁵ Provisions to allowed current lessees of Maori land to acquire the freehold title. |
| 1972 | UNIT TITLES ACT - Enabled a freehold land title to be issued for a part of a building, making it easier to borrow money for say a mortgage. |
| 1974 | MAORI AFFAIRS AMMENDMENT ACT - Repealed unpopular measures concerning the alienation and compulsory acquisition of uneconomic interests. |
| 1975 | TREATY OF WAITANGI ACT - passed with the inclusion of the principles of the Treaty of Waitangi. |
| 1977 | TOWN AND COUNTRY PLANNING ACT - recognised the importance of Maori ancestral land |
| 1981 | PUBLIC WORKS ACT - Land that was acquired under the Act or any other Act eg Railways Act 1908, The Reserves Act 1977 etc, and not being now required to be returned to its former owners (with certain reservations). |
| 1983/84 | New Zealand Maori Council rewrites the MAORI AFFAIRS BILL - all legislation on Maori land to be based on Maori philosophy and the Treaty of Waitangi. |
| 1984 | TREATY OF WAITANGI BILL - introduced to extend the powers of the Waitangi Tribunal to look at grievances from 1840 onwards. |
| 1985 | TREATY OF WAITANGI AMMENDMENT ACT - enacted the 1984 Bill. |
| 1985 | WAITANGI AMMENDMENT ACT - Waitangi Tribunal can now make recommendations on claims dating back to 1840. |
| 1987 | MAORI AFFAIRS BILL - Primary objective "to promote and assist in the retention of Maori Land and General land owned by Maori in the hands of the owners and the effective use and management of such land by or on behalf of the owners" (clause 46) (Yet to be passed). |

⁶⁵ Professor K. Sinclair among others saw this Act as the final act of the Maori land wars of the 1860's.

| | |
|------|---|
| 1988 | STATE OWNED ENTERPRISES ACT - Primary objective to facilitate transfer of State owned assets into private hands. The Act included a clause requiring the Crown to pay heed to the principles of the Treaty of Waitangi. |
| 1991 | RESOURCE MANAGEMENT ACT - Part of a three stage plan to simplify Crown relations with iwi over the management of resources. |
| | |

Sources:

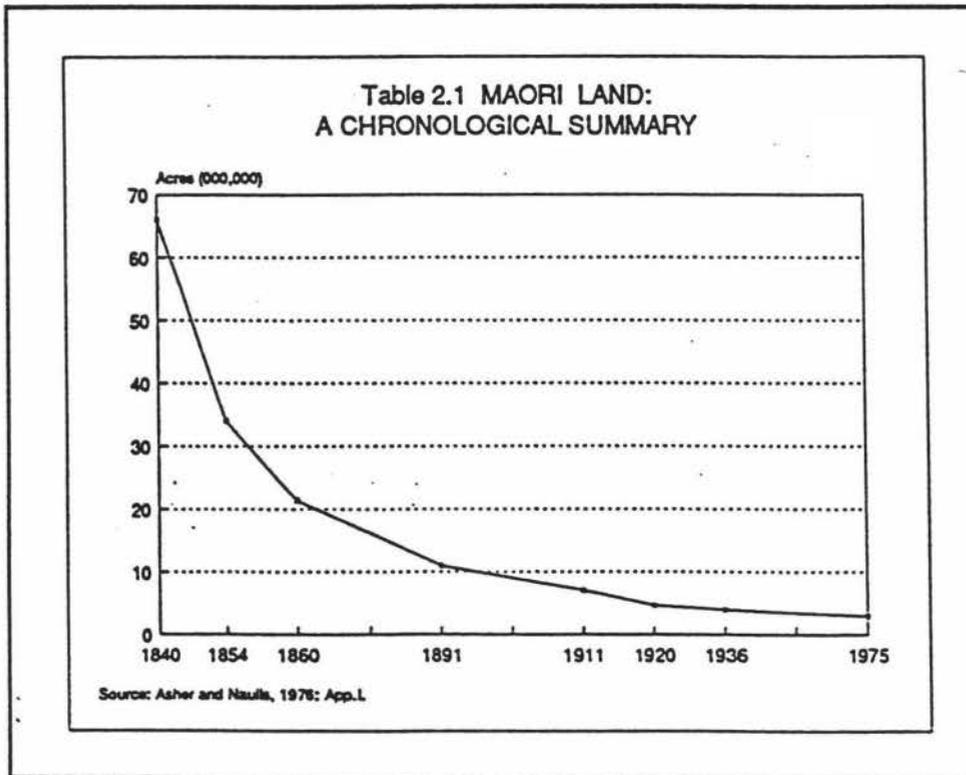
- 1 Asher and Naulls, *Maori Land*, Appendix: Maori Land- A Chronological Summary.
- 2 Faculty of Social Science, 44.111 Introduction to Law for Social Science, Massey University.
- 3 *New Zealand Statutes*.

APPENDIX 2.1

Maori Land - A Chronological Summary

| YEAR | ACREAGE | HECTARE |
|------|-------------------|------------|
| 1840 | 66,400,000 | 26,871,127 |
| 1852 | 34,000,000 approx | 13,759,311 |
| 1860 | 21,400,000 | 8,660,273 |
| 1891 | 11,079,486 | 4,483,709 |
| 1911 | 7,137,205 approx | 2,888,324 |
| 1920 | 4,787,686 | 1,937,508 |
| 1936 | 4,028,903 | 1,630,439 |
| 1975 | 3 million | 1,323,564 |
| 1980 | | 1,224,057 |

Source: Asher and Naulls, *Maori Land*, Appendix: Maori Land- A Chronological Summary.



APPENDIX 3.1

PRESENT INDIVIDUAL SUBSECTIONS WITHIN THE OTAUTU BLOCK**KEY**

| | |
|----------------------|---|
| - Aot = | Aotea District. |
| - C/T 148/108 = | Certificate of Title volume 148 page 108. |
| - CV = | Current Value |
| - f.3 = | Female aged 3 years old. |
| - G.U.V = | Government Unimproved Value. |
| - LV = | Land Value. |
| - m.2 = | Male aged 2 years old. |
| - MLC = | Maori Land Court. |
| - N.P = | New Plymouth. |
| - PKW = | Parininihi ki Waitotara Incorporation. |
| - UV = | Unimproved Value. |
| - VI = | Value of Improvements. |
| - W.C.S.R = | West Coast Settlement Reserve. |
| - Wg = | Wanganui. |
| - 42. Tar. M.B 125-6 | Volume 42 Taranaki Minute Book, Folio pages 125 to 126. |

Sub.1. 638.1.20 acres

Subsection part one of Sections nine and ten.

28/1/15 First Residue Order. Land vested for a legal estate in the Public Trustee under section 15 of the West Coast Settlement Reserves Act, 1892. To be called Otautu, Hukatere & Oteha Grants 3791, 3790 and 5176 1892 Act leases. First schedule of owners at a sitting of the Court held at Patea in 1915 numbered some forty-four persons.⁶⁶

Subsection part one of Section nine was acquired by the Crown in 1921, then sold to F.E.P Beasley (See PKW section for more detail).

Sub.2. 375.1.20 acres

Subsection part two of Sections nine and ten.

⁶⁶ 21 N.P. 247.

1915 Consolidation Order, there were 44 shareholders of the block holding a total of 1383 shares. This land was vested in the Public Trustee as a legal estate under the provisions of the West Coast Settlement Reserve Act, 1892.

Subsection part two of Section nine (242.2 acres) was later Freeholded to G.M. Hughes (See PKW section for more detail). Today owned by ???

Sub.3. 70 acres UV £910

| | | | |
|------|----------------------------|-------|------------|
| 1915 | <u>Consolidation Order</u> | | |
| | Hoani Hokopauru | | 1 share |
| | Ringi " | | 1 " |
| | Te Kahuirangi " | | 1 " |
| | | TOTAL | 3 Shares |

17/2/1942 Leased to Stella Williams for a period of ten years at an annual rent of £126.

1/12/1959 Leased to Michael Murphy for ten years at £250/4. No Right of renewal and no compensation for improvements.

1/12/1969 Leased to Nicholas Williams and Patricia Williams for ten years at \$910 per annum. No Right of renewal and no compensation for improvements.

1/12/1979 Leased to Nicholas Williams for ten years at \$2,800 per annum for the first five years and for the balance of the term to be agreed on between the lessee and the Maori Trustee. No Right of renewal and no compensation for improvements.

1/11/1989 Leased to Nicholas Williams for five years at \$9,100 per annum. Right of renewal for a further five years but no compensation for improvements.

Consolidated from 28/1/15 to 24/2/70 on 19/12/75.⁶⁷

| | | |
|----|--|-------|
| 1 | Te Amo Kamariera Kireona (Edith) | .1250 |
| 2 | Carrol Tawhana (Pauline) | .0833 |
| 3 | Horomona Hokopaura (Peter) | .5000 |
| 4 | Johnnie Kamariera Kireona (Richard) | .1250 |
| 5 | Kewetone Kireona | .2500 |
| 6 | Koroneho Kireona (Te Koroneho) | .2500 |
| 7 | Michael Edward Kaiope Hokopaura | .5000 |
| 8 | Noho Kireona (Te Nohonga Pani Kireona) | .2500 |
| 9 | Roka Kireona (Roka Marsh) | .2500 |
| 10 | Tamawhero Tawana Kireona (Whero) | .0834 |
| 11 | Tutahione Hokopaura | .5000 |
| 12 | Wharerau Tawhana Kireona | .0833 |

Total shares 3.0000

| | | | |
|-----------|---------------|---------------|---------------|
| 1/10/1981 | LV = \$60,000 | VI = \$10,000 | CV = \$70,000 |
| 1/10/1986 | LV = \$58,000 | VI = \$15,000 | CV = \$73,000 |

Value per share = \$24,333.34

Sub.4. 70 acres

1915 Consolidation Order Tutae te Ropiha⁶⁸ 1 share

17/1/1934 70 acres leased to A.N. Williams for ten years at £1 per acre.

27/5/1935 Succession Order Arohanui Piripi to:

| | | |
|---|-----------------------|-------|
| 1 | Ropiha Frank Arohanui | .2500 |
| 2 | Karo Marino Arohanui | .2500 |

6/7/1943 11.2.26 acres leased to Stella Williams for ten years at £1/8-9 per annum.

⁶⁷ Taranaki Block Order File No.65. Maori Land Court (MLC) Binder No.29.
⁶⁸ Certificate of Title (C/T) 91/141

1/4/1960 Leased to P.S and N.G Williams for ten years at \$755.20 per annum for first five years (Revaluation 1965) No compensation.

5/4/1970 Leased to P.S and N.G Williams for ten years at \$840 per annum. Right of renewal but no compensation for improvements.

1/4/1980 Extension of lease to P.S and N.G Williams for ten years at \$2,800 per annum. No right of renewal and no compensation for improvements.

1/4/1990 Leased to N.G Williams for ten years at \$11,200 per annum for first five years then to be agreed upon. No right of renewal and no compensation for improvements.

Consolidated to 28/6/1963

| | | |
|---|-------------------------|---------------|
| 1 | Karo Marino Arohanui | .2500 |
| 2 | Ropihana Frank Arohanui | .2500 |
| 3 | Maraea Herepu | .1667 |
| 4 | Raeterangi Herepu | .1667 |
| 5 | Ruihi Marino | .0833 |
| 6 | Taini Marino | .0833 |
| | Total Shares | 1.0000 |

1/10/1974 Succession Order Kaaro Marino Arohanui (Mrs Ransfield) .2500 shares, Maori Trustee as administrator of the estate.

7/2/1975 Arapuni Ransfield received Kaaro Marino Arohanui's .2500 shares

28/11/1983 Succession Order Ropihana Frank Arohanui. .2500 shares to Peter Grant Robinson and Dennis Hugh Brown as executors of estate of deceased.

28/9/1984 Determination of Status of land MAA 1953 - Sec 30 (1) (i). This land is hereby deemed to be Maori Freehold Land.

1/7/1986 LV = \$60,00

VI = \$7,000

CV = \$67,000

15/2/1988 There were now 24 owners.

Sub.5.A 89 acres

1915

Consolidation Order

| | | | |
|-----------------|---|-----------|---|
| Wereta Paraeroa | | 2/7 share | |
| Topaki | " | 2/7 | " |
| Wi | " | 2/7 | " |
| Tuhaeroa | " | 1/7 | " |

10/3/1927 25.1.27 acres sold to Francis McCarthy for £890.⁶⁹
Wereta Paraeroa 2 shares as original owner.

Sub.5.A.1 .2 acres

2/11/1956 Subdivision for House site. Ripeneta Takatua sole
owner.

13/5/1969 Land shall cease to be Maori Land under Part I of the
Maori Affairs Amendment Act, 1967.

Sub.5.A.2 27 acres Pau Makauri Takatua Tamaiti
Ripeneta Takatua (owners)

1/1/1954 leased to Owen Murphy for fifteen years.
Annual rent £53 for first seven and a half years, then revaluation.

10/1/1968 Entered in European Register.⁷⁰
Interest of Ripeneta Takatua assigned to Maori Trustee.

11/4/1969 Status of the land shall cease to be that of Maori land
under Part I of the Maori Affairs Amendment Act, 1967.

⁶⁹ Aotea District Maori Land Board file number 1836.

⁷⁰ C/T 148/108 (Part) Patea County.

Original Sub.5.B 51 acres

28/1/1915 Succession order
Waka Taparuru in favour of Hare Rakena m.3.

1915 Consolidation Order
Tutawa Paraeroa 1 share
Hare " 1 share

29/1/1915 Exchange Order Vesting interests of Tutawa Paraeroa 1 share in favour of Takatua Tamaiti.

5/5/1926 Interests of Hare Rakena vested in:

| | | |
|---|---------------------|----------|
| 1 | Tutawa Paraeroa | 2/9 |
| 2 | Topaki " | " |
| 3 | Wareta " | " |
| 4 | Wi Nopera " | " |
| 5 | Tuhaereao te awhe | 1/9 |
| | Total Shares | 1 |

12/6/1928 11.1.13.3 acres sold to Francis McCarthy for £396/13-4.⁷¹ Interests of:

| | |
|--------------------|-----------|
| Wereta Paraeroa | 1/9 share |
| Wi Nopera Paraeroa | 1/9 share |

6/12/1929 Order of Exchange 2 shares of Wi Paraeroa vested in Takatua Paraeroa.⁷²

13/11/1930 Partition order 27.2 acres to Takatua Tamaiti.⁷³ (Sub 5.A.)

Sub.5.B 19.1 acres

13/11/1930 Partition Order to Topaki Paraeroa sole owner.⁷⁴

71 Aotea District Maori Land Board file number 2232.

72 42 Tar M.B 125-6.

73 43 Tar M.B 171.

74 C/T 136/166

21/4/1931 Leased for twenty-one years to Owen Murphy for £24/1-3 per annum for first four years and remaining seventeen years @ 5% on Government Unimproved Value (G.U.V) according to a valuation to be made at end of first term of four years.

1/7/1954 Leased to Allen Otto Mueli for twenty one years at £77 per annum.

12/11/1959 Consolidated from 13/11/1930 to 29/4/1942

| | | |
|---|---------------------|---------------|
| 1 | Hapeta Nuku | .2500 |
| 2 | Matiu Nuku | .2500 |
| 3 | Taihoa Nuku | .2500 |
| 4 | Tarake Nuku | .2500 |
| | Total Shares | 1.0000 |

24/6/1975 Sale of .2500 shares of Matiu Nuku to A.O. Muile for \$406.25 (memorandum of agreement)

24/6/1975 Sale of .2500 shares of Hapeta Nuku for \$2,406.25 to A.O. Mueli.

9/6/1978 Sale of .1250 shares of Hinepounamu Karauti for \$1,250 to A.O. Mueli.

9/6/1978 Allen Otto Mueli has acquired .6250 shares by this date.

1/7/1986 LV = \$15,000 VI = \$1,000 CV = \$16,000

Sub.5.C 12.33 acres

13/11/1930 Partition Order Tuhaareao te Awhe sole owner.

Consolidated from 13/11/30 to 26/10/72 on 2/3/1977

One original owner so total of 1 share.

| | | |
|---|----------------|-------|
| 1 | Andrew te Awhe | .0833 |
| 2 | Charlie " " | " |
| 3 | Duggan " " | " |
| 4 | Joan " " | " |

| | | | |
|---------------------|--------------------------|-----|---------------|
| 5 | Kiwi | " " | " |
| 6 | Koro te Aotonga | | " |
| 7 | Margaret Morehu | | " |
| 8 | Ngahuia te Awhe | | " |
| 9 | Te Oneroa Philip | | " |
| 10 | Paerau Smith | | " |
| 11 | Shirley Roach (Mrs) | | " |
| 12 | Te Wehi Oturangi te Awhe | | " |
| Total Shares | | | 1.0000 |

21/4/1931 Leased 12.0.33 acres for twelve years to Owen Murphy for £15/6 per annum for first four years and for remaining eight years at 5% on G.U.V according to a valuation to be made at end of first four years.

21/10/1956 Leased for ten years to A.O. Mueli for £51/17-6 per annum. No right of renewal and no compensation for improvements.

21/10/1976 Leased for twelve years to A.O. Mueli for \$366.19 per annum.

28/9/1984 Determination of Status of Land. The Court doth hereby determine that this is Maori freehold land within the meaning of the Maori Affairs Act 1953.⁷⁵

1/7/1986 LV = \$10,000 VI = \$1,000 CV = \$11,000

22/10/1987 Leased for fifteen years to A.O.Muile for \$1,037.54 per annum for first five years. No right of renewal and no compensation for improvements.

Sub.5.D 19.1 acres

21/4/1931 Leased for twenty-one years to Owen Murphy for £24/1-3 per annum for first four years and remaining seventeen years @ 5% on G.U.V according to a valuation to be made at end of first term of four years.⁷⁶

⁷⁵ Maori Land Court records, 146A Whanganui minute Book 54.

⁷⁶ Leased in conjunction with Sub.5.B. Same date and terms.

21/10/1964 Leased for ten years to J.R. Murphy at an annual rent of \$230.50.

10/1/1968 Entered on European Register.

11/4/1969 Charlie Tuirirangi Tutawa the sole owner.⁷⁷
Land status shall cease to be that of Maori land under Part I of the Maori Affairs Amendment Act, 1967.

Sub.5.E 61.3.7. acres

| | | |
|-------------------|--------------------------------------|---------------------|
| 13/11/1930 | <u>Partition Order</u> ⁷⁸ | |
| Wereta Paraeroa | | 31.0.16 acres |
| Tutawa Paraeroa | | 5.2.27 acres |
| Wi | " | 11.0.16 acres |
| Topaki | " | 11.0.16 acres |
| Tuhaereao te Awhe | | 2.3.12 acres |
| | Total | 61.3.7 acres |

But sold to McCarthy prior to the date of this order.

Sub.6. 74 acres

1915 Partition Order Hira Marino sole owner. Subject to W.C.S.R. Act, 1892. Was given this land by Te Kehu, his uncle.

UV £782.

28/5/1920 Sold to Henry Hicks & Roland Dibble for £1650.⁷⁹

Sub.7. 69.2 acres

1915 Partition Order Irihapeti Raukura sole owner.

⁷⁷ C/T 136/167 Patea County.

⁷⁸ 43 Tar M.B 171.

⁷⁹ 2/101/612 & 602 District Maori Land Board.

UV £901.

11/5/1925 Sold to Tametame Ngarangi (her adopted grandchild) for Natural love and affection.

1/1/1945 Leased 65 acres to Peter Milne for twenty years at £1/1 per acre per annum.

14/9/1965 Succession Order Tametame Ngarangi (Tommy Broughton) to Tametame Ngarangi (Tommy Broughton) as sole owner.⁸⁰

12/8/1968 Tametame Ngarangi has mortgage with Maori trustee. A notice of Europeanisation has been posted and it is being asked of the Maori land Court that the Europeanisation of the block be treated as urgent to facilitate the sale. Proceeds from the sale will be used to repay the mortgage with the Maori Trustee.

12/9/1968 Declared European land.

Sub.9. 16 acres

1915 Partition Order⁸¹

Ngarangi Katitia 1 share

Te Purei Ngarangi 1 share

UV £192.

12/6/1919 Order of Exchange interests of Ngarangi Katitia and Te Purei Ngarangi gifted to Te Piki Broughton for natural love and affection.

1/2/1926 Leased to John Smith for seven years.

12/8/1929 Transfer of lease to Tametame Ngarangi.

⁸⁰ 75 Tar M.B 13-14.

⁸¹ Subject to W.C.S.R. Act lease, 1893.

21/10/1931 Order of Exchange. The interests of Te Piki Broughton, being the whole of Otautu No.9 are hereby vested in Tametame Ngarangi Katitia.⁸²

1/7/1938 Leased to Peter Miln for twelve years.

1/7/1947 Leased for fourteen years to Hilliar McDonald for £1/10 per acre (14.2 acres).

16/3/1967 Succession Order Henery Cunningham and Mrs Tunga Hill as trustees under the will of the deceased.

28/9/1984 Determination of Status of land MAA 1953 - Sec 30 (1) (i). This land is hereby deemed to be Maori Freehold Land.

1/7/1986 LV = \$15,000 VI = \$2,200 CV = \$17,000

2/8/1991 Transfer of 193 shares from Judith Anderson and five others and Mandy Mowbray 31.8 shares for \$15,000 to Julia Broughton.⁸³ (Tametame's daughter who lives in Australia)

Sub.10. 15.3.10 acres

1915 Partition Order
Makuinu Karoro sole owner.⁸⁴

UV £96.

1/6/1939 Leased to Francis McCarthy for ten years at an annual rent of £23/12-6.

82 44 Tar M.B 142.

83 15 Aot M.B 205-206

84 21 N.P.M.B 246

Sub.11. 31.3.30 acres

1915 Partition order. Ngarangi Katitia sole owner, subject to a lease under the West Coast Settlement Reserves Act, 1893.⁸⁵

UV £192.

2/8/1926 Order of Exchange. The whole of the interests of Ngarangi Katitia are hereby vested in:

| | | |
|-----------------|--------------|-----|
| Rahira Kotokoto | .2500 shares | 1/4 |
| Tauira " | .2500 " | 1/4 |
| Wehe [Wehi]" | .2500 " | 1/4 |
| Kotokoto " | .2500 " | 1/4 |

Total Shares 1.0000

17/10/1940 Succession Order In the interests of Rahira Kotokoto. It is hereby determined that the following six persons are those entitled to succeed equally to her interests in this block:

| | | | |
|----------------------|------|--------------|-------------------|
| Te Arangatanga Ruihi | m.14 | .0418 shares | 1/24 |
| Ngahine Wereta " | f.13 | .0418 shares | 1/24 |
| Rerekapuni | " | m.11 | .0418 shares 1/24 |
| Taranaki | " | m.6 | .0418 shares 1/24 |
| Kuratau | " | m.5 | .0418 shares 1/24 |
| Rangitua | " | m.4 | .0410 shares 1/24 |

5/5/1943 Succession Order in the interests of Kotokoto Kotokoto 1/4 to,

Hinekorangi Kotokoto f.3. .2500 shares

22/6/1953 Succession Order in the interests of Tauira Kotokoto 1/4 share to:

| | |
|--|------|
| Thomas Broughton alias (Tamati Renata Stephens) | 1/12 |
| Joyce Broughton | 1/12 |
| Turi Broughton | 1/12 |

3/9/1958 Succession Order in the interests of Rerekapuni Ruihi, 1/24 share to:

| | |
|----------------|------|
| Rangitua Ruihi | 1/48 |
| Torunga Ruihi | 1/48 |

16/3/1967 Succession Order in the interests of Joyce Broughton .0833 shares to:

| | |
|---------------------|-------|
| Francis Karl Rask | .0278 |
| Irene Kathlene Rask | .0278 |
| Toko Alan Rask | .0277 |

1/7/1986 LV = \$23,000 VI = \$3,000 CV = \$26,000

28/7/1989 Leased to Donald Kiihfuss, George Kiihfuss and Bruce Kiihfuss for ten years at \$2,222.50 per annum for the first five years and the balanced to be agreed upon between the Maori Trustee as agent for the owners and the Lessee. No right of renewal and no compensation for improvements.

Sub.13 &14. 33.2 acres

28/1/1915 Partition Order⁸⁶

| | |
|-------------------|---|
| Ngarangi Katitia | 1 |
| Te Purei Ngarangi | 1 |

UV £50.

17/6/1926 Succession Order⁸⁷ in the interests of Te Purei Ngarangi, one share to:

| | |
|-------------------------|-----|
| Karewa Ngarangi Katitia | 1/9 |
| Te Tiki | " |
| Tengo | " |
| Ngapari | " |
| Te Rou | " |
| Tametame | " |

⁸⁶ Subject to W.C.S.R. Act lease, 1893.

⁸⁷ 38 Tar M.B 162-3.

| | |
|---------------------|------|
| Tiki Tutewhatahi | " |
| Rahira Kotokoto | 1/36 |
| Tauira | " |
| Wehi | " |
| Kotokoto | " |
| Te Ripeneta Takatua | 1/18 |
| Nganeko Takatua | 1/18 |

2/8/1926 Order of Exchange in the interests of Ngarangi Katitia one share to:

| | |
|-----------------|-----|
| Rahira Kotokoto | 1/4 |
| Tauira | " |
| Wehi | " |
| Kotokoto | " |

22/6/1927 Order of Exchange⁸⁸ in the interests of:

| | |
|-------------------------|-----|
| Karewa Ngarangi Katitia | 1/9 |
| Te Tiki | " |
| Tengo | " |
| Ngapari | " |
| Te Rou | " |
| Tametame | " |

shall be vested equally in:

| |
|-----------------|
| Rahira Kotokoto |
| Tauira |
| Wehi |
| Kotokoto |

26/6/1927 Succession Order interests of:

| | |
|---------------------|------|
| Te Ripeneta Takatua | 1/18 |
| Nganeko Takatua | 1/18 |

Shall be vested equally in the following four persons who will now hold the following shares:

| | |
|-----------------|-----|
| Rahira Kotokoto | 1/2 |
| Tauira | 1/2 |
| Wehi | 1/2 |

Kotokoto " 1/2
Total Shares 2

28/7/1936 Succession Order in the interests of Rahira Kotokoto.
 It is hereby determined that the following six persons are those entitled to succeed equally to her interests in blocks 13 and 14:

| | | | |
|---|----------------------|-------|------|
| 1 | Te Arangatanga Ruihi | m.10 | 1/14 |
| 2 | Taranaki | " m.7 | 1/14 |
| 3 | Rerekapuni | " m.6 | 1/14 |
| 4 | Manutawhiorangi | " m.3 | 1/14 |
| 5 | Rangitua | " m.1 | 1/14 |
| 6 | Ngahine Wereta | " f.8 | 1/14 |
| 7 | Kuratau | " m.2 | 1/14 |

5/5/1943 Succession Order In the interests of Kotokoto Kotokoto to,
 Hinekorangi Kotokoto f.3. 1/4 share

22/6/1953 Succession Order In the interests of Taurira Kotokoto,
 1/2 share to:

| | | |
|---|--------------------------|-----------|
| | Thomas Broughton, alias | |
| 1 | (Tamati Renata Stephens) | 1/6 share |
| 2 | Joyce Broughton | 1/6 " |
| 3 | Turi Broughton | 1/6 " |

3/9/1958 Succession Order in the interests of Rerekapuni Ruihi, 1/14 share to:

| | | |
|--|----------------|------|
| | Taranaki Ruihi | 1/28 |
| | Hilda Ruihi | 1/28 |

17/12/1958 Succession Order in the interests of Ngahine Wereta Ruihi, 1/14 share to:

| | | |
|--|------------------------|------|
| | Te Kuratau Tiringapari | 1/28 |
| | Rangitua Ringi Ruihi | 1/28 |

16/3/1967 Succession Order in the interests of Joyce Broughton,
 1/6 share to:

| | | |
|--|-------------------|------|
| | Francis Karl Rask | 1/18 |
|--|-------------------|------|

| | |
|--------------------|------|
| Rene Kathlene Rask | 1/18 |
| Toko Alan Rask | 1/18 |

9/2/1968 Succession Order in the interests of Manutawhiorangi Ringi Ruihi, 1/14 share to:

| | |
|------------------------------------|------|
| Te Orangatanga [Arangatanga] Ruihi | 1/56 |
| Taranaki Ruihi | 1/56 |
| Kuratau " | 1/56 |
| Rangitua " | 1/56 |

1/7/1986 LV = \$14,500 VI = \$2,000 CV = \$16,500

21/1/1990 Memorandum of Lease to Donald Kiihfuss, George Kiihfuss and Bruce Kiihfuss for ten years from 28/7/89 for \$2,345 per annum for the first five years and the balanced to be agreed upon between the Maori Trustee as agent for the owners and the Lessee. No right of renewal and no compensation for improvements.

Sub.15.A 31 acres

1915 Apaira Hinekorangi the sole owner, 1 share.

1/9/1943 24 acres leased to Patrick Dwyer for twenty-one years for £34/0-10 per annum for the first ten years then £34/0-15 for the remainder.

Consolidation Order from 28/1/15 to 19/3/52 on the 13/11/1959

| | | |
|---|--------------------------------|-------|
| 1 | Davis Wallace (Reweti Akuhata) | .0667 |
| 2 | Ernest Wallace (Akuhata) | .0666 |
| 3 | Ernest Pullen | .0400 |
| 4 | Joyce Pullen | .0400 |
| 5 | Te Mahara Pullen | .0400 |
| 6 | Archibald Rangi Pullen | .0400 |
| 7 | Wikitoria Olive Faith Pullen | .0400 |
| 8 | Makutu Horomona | .1000 |
| 9 | Mariana Horomona | .1000 |

| | | |
|----|-------------------------|---------------|
| 10 | Molly Gardiner (Ramari) | .0667 |
| 11 | Topeora Rina Damon | .2000 |
| 12 | Wiremu Tangipo | .2000 |
| | Total Shares | 1.0000 |

23/5/1961 Succession Order in the interests of Makutu Horomona
.1000 shares to Mariana Horomona (Mrs Kiriona Pokai) solely.

30/9/1964 Leased for twenty-one years to Nicholas Williams for
£186 per annum for the first ten years with balance at 7% of G.U.V. less
value of lessees improvements but not less than £186 per annum.

26/6/1985 Order Vesting land in Trustee MAA 1953 - Sec 438
(2A) The Trustee is the Maori Trustee with Ngaire Robinson and
Wikitoria Abrahams as Advisory Trustees.⁸⁹

31/3/1986 leased to Peter Vincent Daniel Crawford and his wife
Suzanne Helena Crawford, for five years.

26/5/1986 New Trust Order:

- 1 To lease the land;
- 2 To accept a surrender of the said lease;
- 3 To investigate succession and locate missing owners;
- 4 After deducting all legal costs and expenses, to distribute balance to
beneficial owners in proportion to their shares in the land.⁹⁰

1/7/1986 LV = \$23,000 VI = \$3,000 CV = \$26,000

Sub.15.B. 31 acres

1915 Sole owner, Hokinga te Whena.

4/11/1921 Sold to Te Piki Broughton for £589 by Hokinga te
Whena.

19/5/1922 Sold to Patrick Dwyer for £1100 by Te Piki Broughton.

⁸⁹ 86 Tar. M.B. 382

⁹⁰ 87 Tar M.B 266.

Sub.15.C. 18 acres1915 Sole owner, Mukakai te Whena.⁹¹9/7/1925 Sold to Patrick Dwyer for £486.⁹²**Sub.15.D.** 35 acres

1915

| | | |
|---|---------------------|--------|
| 1 | Rangiwhanake Whanau | 6.5000 |
| 2 | Te Manu " | 6.5000 |
| 3 | Iriwaea " | 6.5000 |
| 4 | Timi " | 6.5000 |
| 5 | Mukakai te Whena | 5.0000 |
| 6 | Makuini Karoro | 5.0000 |

Total shares 35.000011/3/1927 Sold 10 acres being the interests of Mukakai te Whena and Makuini Karoro. Brought by other four owners for £280.⁹³11/3/1927 Sold 26.1 acres to Wereta Paraeroa by: Te Manu, Iriwaea and Timi as original owners for £735.⁹⁴11/7/1944 Succession Order⁹⁵ Interests of Rangiwhanake Whanau, 8.9 shares to:

| | | | | |
|---|-----------------------|------|------|--------|
| 1 | Tauira Kotokoto | m.a. | 1/6 | 1.4583 |
| 2 | Wehi " | m.a. | 1/6 | 1.4583 |
| 3 | Te Waikaramu Kotokoto | f.5 | 1/6 | 1.4583 |
| 4 | Te Kahupukoro Wereta | m.a. | 1/6 | 1.4583 |
| 5 | Makikini " | f.16 | 1/6 | 1.4583 |
| 6 | Te Oranga Ruihi | m.18 | 1/36 | .3646 |
| 7 | Ngahine Wereta | f.16 | 1/36 | .3646 |
| 8 | Te Rere Kapuni | m.14 | 1/36 | .2431 |

91 21 Aotea District M.B 247.

92 Aotea District Maori Land Board file number, 1495.

93 Aotea District Maori Land Board file number, 2008.

94 Aotea District Maori Land Board file number, 2008.

95 54 Tar. M.B 286-8.

| | | | |
|-------------------------|----------------|------------|-------|
| 9 | Taranaki Ruihi | m.15 1/36 | .2431 |
| 10 | Kuratau " | f.13 1/36 | .2431 |
| 11 | Rangitua " | m.9 1/36 | .3646 |
| Sub total shares | | 8.9 | |

Plus interests of

| | | | |
|----|-----------------|---------------------|----------------|
| 12 | Wereta Paraeroa | | 26.1000 |
| | | Total shares | 35.0000 |

Succession Order Interests of Taurira Kotokoto 1.4583 shares to:

| | | |
|----|-----------------|-------|
| 13 | Joyce Broughton | .4861 |
| 14 | Thomas " | " |
| 15 | Turi " | " |

19/5/1960 Succession Order, interests of Makikini Wereta, 1.4583 shares to:

| | | |
|----|----------------|-------|
| 16 | Rodney Huatahi | .7292 |
| 17 | Miri Huatahi | .7292 |

10/6/1963 Succession Order, interests of Wereta Paraeroa, 26.1000 shares to:

| | | |
|----|-----------------------------|--------|
| 18 | Jackie Te Kahupakoro Wereta | 8.7500 |
| 19 | Johnny Wereta | 2.1875 |
| 20 | Manawaroa Wiremu Lewis | .7292 |
| 21 | Stevens Lewis | .7292 |
| 22 | Morris Malcom Lewis | .7291 |
| 23 | Raniera Wereta (Johnson) | 2.1875 |
| 24 | Mary Gardner (Meteor) | 2.1875 |
| 25 | Rodney Huatahi | 2.1875 |
| 26 | Miri Huatahi | 2.1875 |
| 27 | Georgette Huatahi | 2.1875 |
| 28 | Maxine Huatahi | 2.1875 |

16/3/1967 Succession Order Interests of Joyce Broughton to:

| | | |
|----|---------------------|-------|
| 29 | Irene Kathleen Rask | .2430 |
| 30 | Toko Alan Rask | .2431 |

1/2/1965 Leased to J. Murphy for ten years for £207 per annum.

4/3/1970 lease taken over by Peter Parsons.

12/12/1973 Purchase of Interests by Maori Trustee

The 2.1875 shares interest of Raniera Davis Wereta purchased by the Maori Trustee in terms of section 151 (2) of the Maori Affairs Act 1953. Said interests having been paid out of the Conversion Fund.

21/10/1981 Sale of 2.1875 shares to Wehi Kotokoto from the Maori Trustee.

1/7/1986 LV = \$27,000 VI = \$3,000 CV = \$30,000
Value per share = \$937.50.

Sub.15.E. 23 acres

1915

- 1 Iriwaea Whanau
- 2 Te Arakuhu Marino
- 3 Moanui Kotokoto
- 4 Te Keepa te Piki
- 5 Paipera Akuhata
- 6 Matariri Kotokoto

17/4/1957 Leased to P Parsons for twenty-one years for £82/14-6 per annum with revaluations in 1964 and 1971.

By 5/9/1968 there were 47 owners:

| | | | |
|--------------------------|-------|------------------------------|-------|
| 1-Anna Aterea Reweti | .0129 | 25-Queenie Ruamano Gripp | .2222 |
| 2-Archibald Rangi Pullan | .2000 | 26-Rachel Te Waea Aterea | .0129 |
| 3-Atareti Aterea Reweti | .0128 | 27-Rangawhanake Whanau | .1666 |
| 4-Ernest Pullen | .2000 | 28-Rangitua Ruihi | .0277 |
| 5-Francis Karl Rask | .0556 | 29-Rangitutaki Aterea Reweti | .0128 |
| 6-Hoani Aterea Reweti | .0128 | 30-Raymond Locket (Whanau) | .2222 |
| 7-Hoani (Dick) Whanau | .2222 | 31-Te Rere Kapuni | .0278 |

| | | | |
|--------------------------------|-------|---------------------------------|--------------|
| 8-Hotu whanau | .0740 | 32-Rio Aterea Reweti | .0128 |
| 9-Hui Aterea Reweti | .0128 | 33-Ross Archie Whanau | .0741 |
| 10-Iriwaea Whanau | .1667 | 34-Ruihi Marino | .5834 |
| 11-Joyce Pullen | .2000 | 35-Ruta Aterea Reweti | .0128 |
| 12-Te Kahupukoro Wereta. | 1667 | 36-Simon Whanau | .2222 |
| 13-Te Keepa Broughton | .1666 | 37-Taini Marino | .5833 |
| 14-Kenu Tutaua | .2222 | 38-Taranaki Ruihi | .0277 |
| 15-Kuratau Ruihi(Tiringipari). | 0555 | 39-Teruinga Hurinui | .2223 |
| 16-Lovie Aterea Reweti | .0128 | 40-Thomas Broughton | .0555 |
| 17-Te Mahara Ema Pullen. | 2000 | 41-Timi Marino (Whanau) | .2222 |
| 18-Marion Aterea Reweti | .0129 | 42-Turi Broughton | .0556 |
| 19-Metere Aterea Reweti. | 0128 | 43-Te Waikaramu Kotokoto | .1667 |
| 20-Maxine Huatahi | .1667 | 44-Te Watene Aterea Reweti | .0128 |
| 21-Michael John Whanau | .0741 | 45-Wehi Kotokoto | .1667 |
| 22-Moekatahi(Maud) Wiremu. | 2223 | 46-Whiro Aterea Reweti | .0128 |
| 23-Te Oranga Ruihi | .0278 | 47-Wikitoria Olive Faith Pullen | .2000 |
| 24-Paipera Rakete | .1667 | Total shares | 6.000 |

1/2/1975 Leased to Allen Otto Meuli for five years and six months. Rental \$960 per year with no right of renewal and no compensation for improvements.

1/1/1979 Leased for ten years to P McKenzie and I.J. McKenzie for \$702.38 per annum for the first five years and for balance of term at yearly rental equal to 5% CV. December 1983. No right of renewal and no compensation for improvements.

1/11/1986 Leased to Wehi Paddy Howard Broughton for five years. Rental \$1575 per year with no right of renewal and no compensation for improvements.

1/7/1986 LV = \$18,000 VI = \$3,000 CV = \$21,000
Value per share = \$3,500

1/2/1989 Leased for three years to A.J. Muller for \$2,107.12 per annum. Right of renewal but total tenancy not to exceed nine years and no compensation for improvements.

Sub.16. 100 acres

1915 Partition Order⁹⁶ Rakete sole owner.

UV £1116.

8/11/1927 Succession Order Interests of Rakete as sole owner of block to:

| | | |
|----|---------------------------|------|
| 1 | Te Piki Ngarangi Katitia | 1/18 |
| 2 | Te Ngo Ngarangi Katitia | 1/18 |
| 3 | Karewa Ngarangi Katitia | 1/18 |
| 4 | Pari Ngarangi Katitia | 1/18 |
| 5 | Te Rou Ngarangi Katitia | 1/18 |
| 6 | Tametame Ngarangi Katitia | 1/18 |
| 7 | Tiki Tutewhatahi | 1/18 |
| 8 | Ripeneta Takatua | 1/36 |
| 9 | Nganeko Takatua | 1/36 |
| 10 | Rahira Kotokoto | 1/72 |
| 11 | Tauira " | 1/72 |
| 12 | Wehi " | 1/72 |
| 13 | Kotokoto " | 1/72 |
| 14 | Rangiwhanake Whanau | 1/8 |
| 15 | Te Manutawhiorangi Whanau | 1/8 |
| 16 | Timi Whanau | 1/8 |
| 17 | Iriwaea Whanau | 1/8 |

CANCELLED 23/4/1929

23/4/1929 Succession Order of Rakete alias Rakete Ngawini or Arakuku Rakete. Kurawai Rakete (f) for life interest with remainder equally to the five listed adopted children:

| | | | |
|---|-----------------------|------|-------------|
| 1 | Arakuku Rakete | m | |
| 2 | Iriwaea Whanau | m | |
| 3 | Piki Ngarangi Katitia | m | (exchanged) |
| 4 | Pepe Kirihitini | f | |
| 5 | Matariri Aterea | f.10 | |

⁹⁶ Subject to W.C.S.R. Act lease, 1893.

15/10/1936 Succession Order of Pepe Kirihitini equally to:

| | | |
|----|------------------------------|------|
| 6 | Te Mahara Ema Pullen | f.12 |
| 7 | Wikitoria Olive Faith Pullen | f.10 |
| 8 | Archibald Rangī Pullen | m.8 |
| 9 | Joyce Pullen | f.6 |
| 10 | Ernest Pullen | m.3 |
| 11 | Kurawai Pullen | f.1 |

22/9/1946 Succession Order in the interests of Te Piki Ngarangi
Katitia equally to:

| | | | | | | |
|---|----------------|-------|----|------------|---|-------|
| 1 | Hori Broughton | m.a. | 10 | Tipoka | " | m.a. |
| 2 | Te Keepa | " | 11 | Koni | " | m.a. |
| 3 | Raniera | " | 12 | Makuini | " | f.a. |
| 4 | Rakei | "m.a. | 13 | Ihaka | " | m.a. |
| 5 | Pareake | " | 14 | Singapore | " | m.a. |
| 6 | Kopeke | " | 15 | Tetaute | " | m.20. |
| 7 | Patupo | " | 16 | Maori Tiki | " | m.14. |
| 8 | Titi | " | 17 | Te Huinga | " | m.12. |
| 9 | Piri | " | 18 | Pita | " | m.10. |

17/4/1957 Leased for twenty-one years to P.J Parson for £343 per annum being £3/10 per acre for ninety-eight acres. Revaluation in 1964 and 1971.

Memorial of Charge Pursuant to Section 21 of the Maori Housing Amendment Act 1938, the Board doth hereby execute a memorial of charge over the land. That the Board has, after receiving the required consent, created a collateral charge under subsection (3) of the said Section.

12/2/1971 Interests of Kahupukoro Wereta assigned to the Maori Housing Authority (MHA).⁹⁷

8/3/1971 Interests of Taini Marino assigned to the MHA.⁹⁸

97 p.207, 7/3/398.

98 p.216, 7/3/569.