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Māori Land Development schemes and Amalgamations, An Erosion of Proprietary Rights in Māori Freehold Land

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I Introduction

In the early twentieth century, implementation of Māori Land Development Schemes eroded landowner proprietary rights in Māori freehold land. This was a causative factor in the decline of Māori home ownership rates. Historically, implementation of Māori land development schemes and subsequent amalgamation of adjoining land have, in effect, locked up Māori freehold land. These legal mechanisms have disenfranchised successive generations of landowners,[1] creating a legal barrier to realising landowners' use of Māori freehold land for housing and constraining a potential solution to the current housing crisis.

Part II provides a contextual overview of Māori home ownership rates and profers a solution to the current housing crisis to rebalance poor housing outcomes for Māori by using Māori freehold land to develop housing.

Part III examines intended policy outcomes, legislative provisions and operational aspects of land development schemes[2] and amalgamations[3]. It then assesses the actual outcomes of these legislative mechanisms and the consequential effect on landowners' individual property rights in Māori freehold land that has been amalgamated. It concludes by identifying the legal mechanisms as a causative factor in the decline of Māori home ownership rates.

Part IV examines the efficacy of partition orders as a solution to utilise Māori freehold land for housing under Te Ture Whenua Maori 1993 (TTWMA).

Part V proposes an amendment to current test for partition orders, namely, the introduction of: a presumption of aggregation[4], restoring the title of an original land block previously amalgamated; and limiting the sufficiency of owner support test to the owners of the original land block. It argues that this would better enable landowners of original land to partition amalgamated land for papakāinga[5] (housing) purposes.

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[1] In this context "landowner" means a person with a proprietary (ownership) interest in Māori freehold land.

[2] Introduced by the Native Land Amendment and Native Land Claims Adjustment Act 1929.

[3] Introduced by the section 435 of the Māori Affairs Act 1953 (MAA).

[4] MAA, s434A; and TTWMA, s308.

[5] Papa kāinga means original home, home base, village, communal Māori land. https://maoridictionary.co.nz/search?idiom=&phrase=&proverb=&loan=&histLoanWords=&keywords=papa+k%C4%81inga . See also: *Better urban planning* (Productivity Commission, 2017).

The legal literature about Land Development schemes is limited.[6] Even less exists about Amalgamations.[7] An Official Information Act 1982 request for Cabinet and Briefing papers relating to Māori Land Development schemes and Amalgamation provisions of the Maori Affairs Act 1953 was declined. The available literature, primarily Waitangi Tribunal reports and research reports, focuses on the social and economic outcomes of the regimes as a basis for Te Tiriti claims. The literature by authors Ashley Gould and Richard Boast is used to identify the policy intentions, identify officials' practice methods to administer the schemes, and analyse the impact of the legislative mechanisms on original landowners' proprietary rights. This research paper relies on journal articles, Waitangi Tribunal Reports, Research reports (published and unpublished) commissioned by claimants to support Te Tiriti claims, Acts, Bills, Government reports and statistics.

II Background: A Continuous Decline in Māori Home Ownership

Māori home ownership has, over the course of the last 100 years, been in continuous decline. This part discusses the causative factors for the decline and identifies a potential solution and to address the current housing crisis. It concludes by identifying barriers to using Māori freehold land for housing.

A Statistics –Home Ownership Rates

In the early twentieth century 74% of Māori owned their own home. However, by 2018, that figure falls to 31% (Table 1).

Year	1926	1930s	1951	1981	1991	1996	2001	2006	2013	2018
Māori who live in owner/ occupied dwellings (%)	74	70.5	54	45	40	36	32	30	28	31

Table 1: Māori home ownership rates 1926 – 2018[8]

[6] Benion *et al*, *New Zealand Land Law* (Brooker, 2009), at 351, includes three paragraphs about land development schemes. Boast *et al*, *Māori Land Law* (Lexis Nexis, 2004) does not discuss the schemes. I found two journal articles and two cases, *In Re Tikitere Development Scheme* [1954] NZLR 738 and *Stewart v Attorney General* [1957] NZLR 224. The cases are not relevant to this essay and are not considered here.

[7] Richard Boast, Andrew Erueti, Doug McPhail and Norman F Smith *Māori Land Law* (Lexis Nexis, Wellington, 2004), at 203 includes one paragraph; and Benion *et al*, *New Zealand Land Law* (Brooker, 2009), at 370, include one short paragraph. One unreported case, *Jennings v Scott* HC Rotorua A183/79, 13 November 1984 is analysed.

[8] Māori home ownership rates are obtained from multiple sources because Statistics New Zealand publications do not state pre-1980s rates. Sources include: 1926: Menzies *et al* 2019, at 14 and Stats NZ 2020, at 29; 1936: Ibid, at 9; 1951: Waldegrave *et al* 2006, at 23; 1971: Stats NZ 2016, at 17; 1981:

By comparison, home ownership rates of non-Māori have increased from 50.5% in 1936 rising to 73.8% in the 1990s and falling to 64.5% as at 2018.[9]

B Causative factors contributing to a decline in Māori home ownership

Numerous factors have contributed to the decline in Māori home ownership.

Between 1840 and 1900, the conversion of customary title to freehold title, followed by the introduction of British succession laws led to a fragmentation of Māori freehold land title and significant land loss.

From 1900 to 1950, implementation of Māori Land Development schemes coupled with subsequent amalgamation of adjoining land blocks caused many Māori to leave their papakāinga (ancestral lands) in search of employment.

Post World War Two, from 1950 to 1980, Government labour market policies encouraged urbanisation as a continuation of its pre-war assimilation policies.[10]

> Although it was slow to appreciate the nature of the problems that resulted from urbanisation, the state would increasingly come to encourage internal migration; among other things, this would be taken as an opportunity to return accelerated assimilation to its strategic agenda as a seemingly achievable item.[11]

From the 1960s to the 1980s Government relocation and training programs accelerated urbanisation to Auckland, Wellington and Christchurch.[12] New Zealand's developing economy, particularly the manufacturing sector, would benefit from cheap labour.[13]

Simply put, in a hundred years, Māori have gone from a population of landowning homeowners to a population of renters. This is a known problem. Māori housing outcomes are extremely poor. They are likely to suffer homelessness and are reliant on public

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Waldegrave *et al* 2006, at 23; 1991: Ibid, at 24; 1996: Ibid, at 178; 2001: Ibid, at 178; 2006: Menzies *et al* 2019, at 15; 2013: Ibid, at 14; 2018: Stats NZ 2020, at 36.

[9] Housing in Aotearoa: 2020 (Statistics New Zealand, December 2020), at 28. See also: https://www.stats.govt.nz/infographics/the-state-of-housing-in-aotearoa-new-zealand/

[10] Richard S. Hill *State Authority, Indigenous Autonomy*, Victoria University Press, Wellington, 2004, at 231.

[11] Ibid, at 260.

[12] Bradford Haami *Urban Māori: The Second Great Migration*, Oratia Books, Auckland, 2018, pp 68 – 69.

[13] Ibid, at 69. Māori Trades Training programs included carpentry, plumbing, electrical wiring, motor mechnics for young Māori men. Māori women would be "trained and educated in the principles of right living", typing and other secretarial skills.

housing. The Ministry of Housing and Urban Development, acknowledges that *"Māori have been disproportionately affected by the housing crisis and there are critical gaps for Māori in the housing system."*[14]

C A solution to the housing crisis - Use of Māori freehold land for Housing

In 2011, an Auditor-General report identified the potential for Māori land to provide affordable housing.[15] An obvious question is, why isn't more Māori freehold land being used to develop housing as a solution to declining home ownership rates and to address the current housing crisis?

Currently, Māori freehold land accounts for 5.5% of all land in New Zealand, approximately 1.45 million hectares (3.5million acres)[16]. It is a resource within which, many Māori hold a proprietary interest. And, despite the rural location of the land, with the advent of sustainable off-grid infrastructure solutions (for water and electricity) and technology to enable remote working (e.g. Starlink for internet access), development of Māori freehold land for housing is a viable solution.

Two known barriers to development of Māori freehold land are the difficulty of raising finance, and gaining consent to build where there are many owners.[17] First, commercial banks require security via registration of a mortgage against the land title. Generally, registration of a mortgage requires an individual title. Second, obtaining a partition order[18] to realise an individual interest in Māori freehold land is onerous and requires consent from other owners. Where the land was subsumed into a land develop scheme or subsequently amalgamated, meeting the statutory test to demonstrate "a sufficient degree of support by all owners" to partition Māori freehold land is onerous, if not, in some cases, impossible. There can be many, sometimes hundreds, of shareholders in a block of multiply-owned

[14] The Ministry of Housing and Urban Development is the Government agency responsible for setting policy direction on housing. https://www.hud.govt.nz/stats-and-insights/maihi-ka-ora-ka-marama/about/

[15] *Government planning and support for housing on Māori land Ngā whakatakotoranga Kaupapa me te tautoko a te Kāwanataga ki te hanga whare i runga i te whenua Māori*, (Office of the Auditor-General, August 2011), at 25.

[16] Jacinta Ruru "Papakāinga and Whanau Housing on Māori Freehold Land" in Elizabeth Toomey, Jeremy Finn, Ben France-Hudson, Jacinta Ruru *Revised Legal Frameworks for Ownership and Use of Multi-dwelling Units* (BRANZ, May 2017), at 123.

[17] Above n15, at 26.

[18] TTWMA, s289. Partitioning is the statutory procedure required to sub-divide Māori freehold land.

Māori land. On average there are 86 owners for each land title. Contacting these shareholders is costly and time consuming.[19]

III Māori Land Development Schemes and Amalgamations - Tantamount to alienation

The development of Māori land law has been described as "..a disconnected jumble of mistakes with all too little discernible development or intelligent policy-making.. Too often in this area Parliament has legislated in haste, only to repent at leisure".[20]

Two such policies, Māori Land Development schemes and Amalgamation of adjoining land blocks have caused a significant erosion of property rights in Māori freehold land. The consequences of implementing those historical policies are tantamount to alienation.

This part examines the intended policy outcomes and operational aspects of Land Development schemes and Amalgamations. It discusses and analyses the actual outcomes and identifies the consequential effects of the legislative mechanisms on individual proprietary rights in Māori freehold land.

A 1860 – 1920: Land Loss – Background to Land Development schemes

By the 1860s Māori owned 80% or 23,300,000 acres (9.4m hectares) in Aotearoa. By 1910 Crown purchasing and confiscation policies had caused a fall in Māori land ownership to 27% or 7,700,000 acres (3.1m hectares).[21]

By 1921, many Māori communities were effectively landless. The Māori population was increasing, meanwhile, Māori land was being depleted through sale and leases. The total acreage occupied by Māori landowners had been reduced to 380,000 acres, and the area unoccupied stood at 1,098,863 acres (Table 2).

Type of landholding	Acres
Leased through Native Land Boards	2,853,012
Leased and Farmed by the East Coast Commissioner	158,432

[19] Above n15, at 27.

[20] Richard Boast, Andrew Erueti, Doug McPhail and Norman F Smith Māori Land Law (Lexis Nexis, Wellington, 2004), at 117.

[21] https://nzhistory.govt.nz/media/interactive/maori-land-1860-2000

Leased by the Public Trustee [Māori Trustee after 1921?]	139,728
Leased Under Special Enactments?	9,538
Occupied by the Māori Owners	380,000
Area Unoccupied	1,098,863
TOTAL AREA OF MAORI LAND	**4,639,573**

Table 2: Māori land holdings (acres) to 31 March 1921[22]

The land under the direct control of its owners was either fragmented into small parcels which were uneconomic to develop beyond subsistence level or consisted of rough country requiring development funding beyond the owners' ability.[23] Private sources of finance was unavailable, because the multiply owned land could not be used as security.[24]

Gould and Boast state that pākehā viewed the remaining land in Māori ownership as unproductive, and the source of menace because it harboured noxious weeds and animals. That view was heightened by the difficulty of collecting local body rates, thus reinforcing the belief that Māori land possession was wasteful. [25] Contextually, pākēhā attitudes were a determining factor in Government policy direction because, by the early 1920s, they significantly outnumbered Māori and maintained positions of power within localities.

B 1920s – 1950s: Māori Land Development Schemes

Sir Apirana Ngata, as Minister of Native Affairs (1928 – 1934), proposed land development schemes as a method of overcoming the limitations on obtaining finance to develop the land for agricultural purposes and, to address the issue of unpaid rates.

1 Land Development Schemes - Policy objectives

Commentators Gould and Boast identify the policy objectives of Land Development schemes as[26]:

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[22] Ashley Gould "Māori Land Development Schemes: Generic Overview Circa 1920-1993" (Wai 1200, A067, 2004), at 33.

[23] Ashley Gould "Maori Land Development 1929 - 1954_An Introductory Overview with Representative Case Studies" (Wai 674, D011, 1996), at 14.

[24] Ibid.

[25] Ibid.

[26] RP Boast "Re-thinking Individualisation: Māori Land Development Policy and the Law in the Age of Ngata (1920 – 1940)" (2019) 25 Canta LR 1, at 19 - 29.

(a) to provide access to state development finance;

(b) to convert unproductive Māori land into productive farmland to provide for "better settlement" and "more effective utilisation"; and

(c) to address the issue of unpaid rates.

The benefits of Māori land development would extend to the local economy by way of better employment opportunities and purchasing power in local businesses, thereby generating regional economic development.

2 Native Land Amendment and Native Land Claims Adjustment Act 1929 - Legislative provisions

The two types of development scheme proposed were unit settlements and large-scale station settlements. The enabling provisions are contained in Section 23 of the Native Land Amendment and Native Land Claims Adjustment Act 1929, it provides[27]:

> For the purpose of better settlement and more **effective utilisation** of Native land or land owned or occupied by Natives, and the encouragement of Natives in the promotion of agricultural pursuits and efforts of industry and self-help, the Native Minister shall have the powers hereby conferred upon him.

The empowering legislation conferred sweeping powers on the Native Minister to:

(a) Appoint advisory committees (later to become Māori Land Board)[28] (to which his powers could be delegated).[29]

(b) Investigate lands that may be submitted into a scheme.[30]

(c) Expend upon the land any works required to "improve the quality and utility of [the] land [for farming purposes],[31] including buildings for the use of workmen employed in connection therewith.[32]

    a. Moneys expended would be[33]:

        i. Paid from the Native Land Settlement Account (a new Vote Account); and

        ii. Secured (charged) against the land as a loan.

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[27] Native Land Amendment and Native Land Claims Adjustment Act 1929, s23.

[28] Native Land Amendment and Native Land Claims Adjustment Act 1929, s23(2)(a).

[29] Native Land Amendment and Native Land Claims Adjustment Act 1929, s23(3)(d).

[30] Native Land Amendment and Native Land Claims Adjustment Act 1929, s23(2)(b).

[31] Native Land Amendment and Native Land Claims Adjustment Act 1929, s23(3)(a).

[32] Native Land Amendment and Native Land Claims Adjustment Act 1929, s23(3)(b).

[33] Native Land Amendment and Native Land Claims Adjustment Act 1929, s23(3)(e).

(d) Development loans attracted interest, to be repaid at an interest rate set by the Minister of Finance.[34]

(e) Whilst the scheme was in operation, **landowners** could not "**exercise any rights of in connection with the land affected**".[35]

(f) Charges became registerable under the Land Transfer Act, which was enforceable by the Native Land Court.[36]

(g) The **land was vested in the Crown**, **proclaimed Crown land and administered by Department of Native Affairs Officials**. [37]

Despite the intended outcomes, Boast, Alexander and Gould argue that the land development schemes "could not work without making inroads into private property rights".[38] This was done via the enactment of section 23(3)(f) of the Native Land amendment and Native Land Claims Adjustment Act 1929.[39]

3 Land Development Schemes – In Operation

The process to initiate a scheme involved Department of Native Affairs officials investigating Māori freehold land suitability to enter land into a scheme. [40] If deemed suitable (i.e., soil conditions allowed), a meeting of owners would be convened. Officials would gauge landowner appetite to enter their land into a scheme and seek agreement to include their land into a scheme. The literature does not mention the threshold with which landowner consent was required to enter their land into a scheme. On this point, there is no legislative requirement to gain owners consent in the 1929 Act. Once submitted into a scheme the land would be vested in the Crown and proclaimed Crown land.

Responsibility to oversee the scheme lay with a Field Supervisor, employed by the Department of Native Affairs. Occupant farmers were appointed as managers by officials. Whilst landowners could identify a whānau member to be appointed as an owner-occupant farmer, if a suitable candidate could not be found within the landowning group, a non-owner Māori or European settler would be appointed.

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[34] Native Land Amendment and Native Land Claims Adjustment Act 1929, s23(4)(a).

[35] Native Land Amendment and Native Land Claims Adjustment Act 1929, s23(3)(f).

[36] Native Land Amendment and Native Land Claims Adjustment Act 1929, s23(5).

[37] Native Land Amendment and Native Land Claims Adjustment Act 1929, s23(6).

[38] Above n26, at 28.

[39] Above n26, at 27.

[40] The legislation provides for two avenues. Large scale developments, as listed here. And small scale 'unit farms' under subss23(7) – (8) of the Native Land Amendment and Native Land Claims Adjustment Act 1929.

Income received through the sale of milk and butter-fats would pay for farm operating expenses (i.e., housing, fencing, grassing, farm labour and farmer wages etc.) and repay the debt registered against the land title.

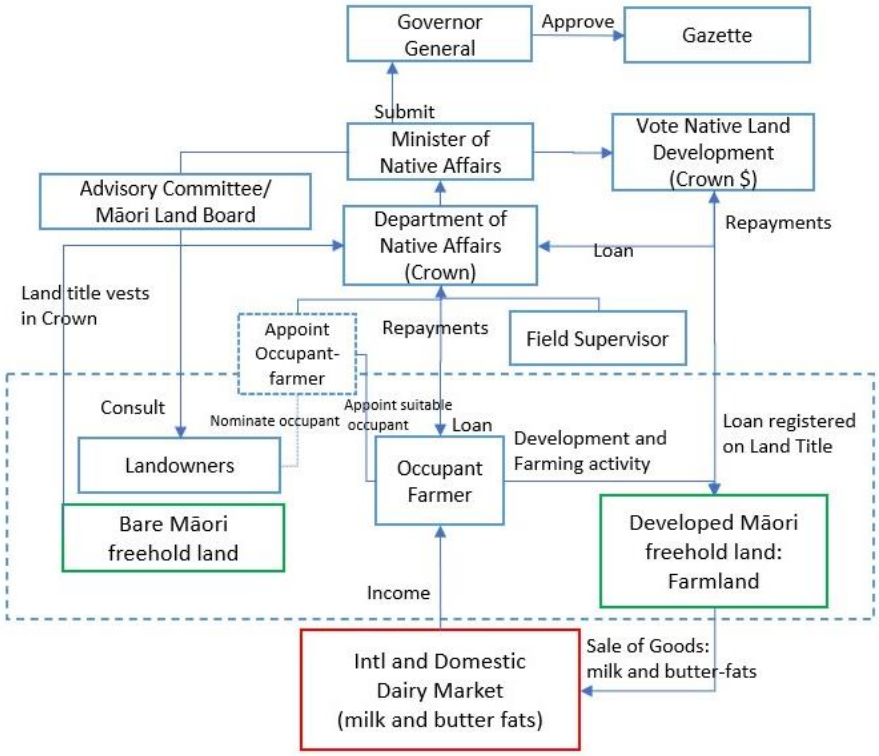

Diagram 1: Māori Land Development schemes in operation

Land development schemes were complex (Diagram 1) due to multiple players holding multiple responsibilities to turn a profit, pay down the development debt and meet operational costs. Responsibility for administration of the schemes and management of the financial transactions was left to officials. Whilst development activity and profitability of farms was left to farmers who were appointed by officials. The sale of dairy products was inherently risky in that they were sensitive to international dairy price fluctuations. The success of the schemes to turn a profit relied heavily on the expertise of non-landowners.

4 Land Development scheme outcomes

Officially, national and local economic development benefits such as international income from dairy markets (primarily the United Kingdom), local employment, local business growth (through sale of consumables by farm workers) and improved standards of living, education, payment of rates were touted as advantages of the schemes.[41]

[41] Above n22, at 91-92.

Theoretically, corresponding advantages to Māori landowners were that they would receive productive land cleared of noxious weeds and cleared of unpaid rates. Once the development debt had been repaid, the land would be released from the scheme and handed back to owners.

However, many schemes failed to produce much more than subsistence income.[42] Māori landowners had very little influence in managing or administering their land. They were barred from occupying or using their land whilst the scheme was in place.[43] The land continued to be vested in the Crown with the development debt remaining registered against the title until the debt was fully repaid.

An enduring outcome of the schemes was an erosion of Māori landowners' property rights. Commentators are critical of this aspect of the schemes. Boast contends, the legislative mechanism "temporarily suspended all owners' rights" likening the Native Minister's ability to proclaim Māori freehold land as Crown land to "a kind of interim nationalization". [44] He quotes Heather Bassett and Richard Kay's description of the schemes as a "complete nullification of Māori ownership rights".[45] Gould's main criticism is that "the longer-term consequence of development was actually to remove authority over land to individuals, thus alienating the majority of owners from their land".[46]

Furthermore, the land was tied up into agricultural developments for up to 50 years, with minimal monetary returns to landowners. Landowners whose land was farmed as a unit did not receive their land back. More often than not, it was subsumed into a larger adjoining land development scheme via amalgamation orders.

C 1953 – 1960s: Amalgamation of Adjoining land titles

Twenty-five years after the introduction of Land Development schemes, section 435 of the Māori Affairs Act 1953 conferred sweeping powers on the Māori Land Court to amalgamate titles of adjoining lands. Section 435 provides:

> (1) Where the Court is satisfied that any continuous area of Maori freehold land comprising two or more areas held under separate titles could be **more conveniently** or **economically** worked

[42] Above n22, at 109.

[43] Native Land Amendment and Native Land Claims Adjustment Act 1929, s23(3)(f).

[44] Above n26, at 30.

[45] Ibid.

[46] Above n22, at 40.

> or dealt with if it were held in common ownership under one title, the Court may make an **order cancelling the several titles** under which the land is held and substituting therefor one title to the whole of the land.
>
> (3) Any order made under this section shall set out the relative interests of the several owners of the land, calculated by reference to the relative values of the interests to which they were entitled under the cancelled title.

The legislative provision does not require owners to be notified or consent to the amalgamation. Rather, the Court must be satisfied before awarding an amalgamation order is whether the two or more Māori freehold land blocks can be "more conveniently or economically" dealt with if it was joined.

1 Policy basis of Amalgamation powers

There does not appear to be a sound policy basis for introducing amalgamation powers. The provision was not included in the initial Maori Affairs Bill 1952. That Bill was removed from the House after uproar from Māori at the inclusion of provisions that enabled the Māori Trustee to compulsorily acquire 'uneconomic interests' in Māori freehold land. The initial Bill was withdrawn and, following consultation with Judges, officials of the Department of Māori Affairs and consultation with Māori, a revised Bill was introduced.

The amalgamation provision appears as an additional clause inserted into the Maori Affairs Bill 1953 (No. 1) with a notation in the explanatory note stating[47]:

> Clause 414A: The powers proposed to be conferred on the Court by this clause are, in effect, the converse of its powers to make a partition order. The clause relates only to lands which, being held under separate titles, together form one continuous area. It enables the Court in such cases to cancel the existing titles and to create a single title for the whole area if, in the opinion of the Court, the land could be more economically or conveniently worked as a single area held under one title. The rights of the owners, and of persons having interests as lessees, mortgagees, or otherwise are adequately safeguarded.

Other than administrative efficiency, no other policy justification is given. Nor is there any clarification as to the introduction of the provision in the subsequent Maori Affairs Bill 1953 (No. 2).

[47] Maori Affairs Bill 1953 (No. 1), at iv.

An OIA request to Te Puni Kokiri (the current administering agency) to provide Cabinet and/ or Ministerial advice was refused under section 18(f) of the Official Information Act 1982 on the basis that a substantial amount of work (time and resource) would be required to research and collate the information requested. Further archival research is required.

2 Amalgamation in practice – An extension of land development schemes

Gould mentions amalgamation as a method of consolidating multiple titles into common ownership over a larger area of a scheme as way of simplifying the administrative burden of development schemes[48] and, "to ensure that Māori lessees [unit settlers] would possess sufficient lands to farm economically" [49]. In practice, unit settlements were often subsumed within station schemes to redevelop the land and recover State development funds.[50]

An example of officials' attitude and practice of amalgamating land titles is included in a Waitangi Tribunal claim by the Kupa whānau (reproduced in full as Appendix One).[51] It relates to the Mohaka Land Development scheme.[52]

The Board of Māori Affairs considered the Mohaka scheme to be a 'failure' as the land had reverted back to blackberry and scrub and the lands had accumulated a huge capital debt. The lands remained classified as development land, vested in the Crown and subject to the control of the Board of Māori Affairs. Problems identified by the Registrar at a meeting of the District (Tairawhiti) Land Committee, an advisory committee which supervised Māori land developments in the area, included[53]:

- Unsatisfactory occupation
- Uneconomic holdings
- Over-capitalisation
- Unsatisfactory tenure

[48] Above n22, at 293.

[49]Above n22, at 18.

[50] Above n22, at 38.

[51] Robert McClean and Richard Moorsom "Fragmented Lands Report on the Kupa Whanau" (Wai 731/ Wai 201 T017, 1998), Appendix D. Reproduced as Appendix One: Paroa Development Scheme, Mohaka, 1948 – 1989.

[52] Ibid, at D1.

[53] Ibid.

Officials then proposed a radical re-consolidation of Mohaka without the owners' participation.[54] In 1958 the Committee decided that "the area should be re-developed irrespective of individual titles" and that "all land in the area be dealt with (up to 4,000 acres)".[55] The Departmental approach was to bring all "idle lands under the scheme, subsequently amalgamating 20 sections (Mohaka A19 – A24 and Mohaka A71 – A76) amounting to 2,800 acres". [56] The proposed amalgamation was submitted to the Māori Land Court on 15 October 1959, under the provisions to combine partitioned land,[57] with the court ordering all 20 sections to be combined into a new land designation, Mohaka C9 totaling 2,903 acres. The Schedule to the order lists 168 owners with a total of 21,435 shares, distributed proportionately, relative to the value of the blocks amalgamated into the single title.

The overriding reason for amalgamating 20 Mohaka land blocks into the Paroa Development scheme appears to have been administrative efficiency and a desire to recover State development funding.

A consequence of amalgamation not identified in the literature is the dilution of an original landowner's decision-making powers over their land. This is a significant erosion of Māori landowner property rights. An example is demonstrated by my great grandfather, Hawi Pere's experience, who was a majority shareholder in Mohaka A76 (original land that was amalgamated).

Hawi Pere, held 160 of 190 shares in Mohaka A76, a 100-acre land block. His interests amounted to an 84.2% holding in the land (Appendix Two).[58] After the land was amalgamated into Mohaka C9, he held 1,014.89 shares out of a total of 21,435 in a 2,903-acre land block. His interests amounting to a 4.7% stake in the larger land block.[59] Pre-amalgamation he had decision-making authority over Mohaka A76, his original land. Post-amalgamation that power was reduced to that of a minority shareholder and his holdings were significantly diluted, proportionately to the other landowners' holdings in Mohaka

[54] Ibid, at D3.

[55] Ibid.

[56] Ibid.

[57] Maori Affairs Act 1953, s182. This is a declaratory partition order. It is unknown why this section was used as opposed to s435. However, the effect was the same as amalgamating all 20 land blocks.

[58] See: Appendix Two: Consolidation order, Pere whanau, Mohaka A76, 12 September 1941.

[59] See: Appendix Three: Declaratory Partition order to amalgamate 20 land blocks (incl Mohaka A76) into Mohaka C9. Note that the Schedule to the order lists all owners.

C9.[60] The initial amalgamation, in effect, locked the land into its current usage, as a farm, managed by an Ahu Whenua Trust, the Paroa Farm Trust.

Subsequent amalgamations into its current form, Mohaka C12 consisting of 4,232 acres and 1132 owners holding 50,140 shares, continue further dilute Hawi Pere's descendants' interests to a 2.36% shareholding. Essentially, the 100 acres of original land is lost to the whānau. Hawi Pere's descendants would now like to use the original land for housing, however, have limited options of redress. These circumstances are not unique to my whānau, the issues are discussed further in Part IV, below.

3 Amalgamation Order Challenged on Natural Justice grounds – Defeated by the Limitation Act 2010

The case law relating to amalgamation orders is sparse. One unreported case, *Jennings v Scott*[61] involved landowners successfully challenging an amalgamation order based on equitable principles of Natural Justice.

In the *Jennings* case, on 14 February 1972, the Tuhoe Waikaremoana Trust Board (the Defendants) applied to the Māori Land Court to amalgamate 43 land blocks under s435 of the Maori Affairs Act 1953. The Court awarded the amalgamation order on the date of application. Subsequently, five landowners (the Plaintiffs), shareholders in one of the 43 amalgamated land blocks, sought a judicial review of the order on the basis that they were not given an opportunity to be heard at the hearing to determine the amalgamation order and, as such, the order breached the principles of natural justice.

In quashing the amalgamation order, Savage J in the High Court held that although the Defendants had held multiple meetings with landowners to canvass proposals about use and management of the land, they could not produce evidence to prove that the Plaintiffs were present at those meetings or agreed to the amalgamation. The Plaintiffs were not given an opportunity to be heard at the hearing when the Court awarded the amalgamation order, and, in that respect, the order breached the principles of natural justice.[62]

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[60] Whilst searching Māori Land records, I was unable to locate evidence to confirm whether Hawi Pere consented to his land being amalgamated into Mohaka C9, however, whānau accounts are that he did not, and he resented his land being taken by "the pākehā" officials until he died in 1977. Hawi Pere's descendants would now like to use the original 100-acre land block for housing however, have limited options of redress.

[61] *Jennings v Scott* HC Rotorua A183/79, 13 November 1984.

[62] *Jennings v Scott* HC Rotorua A183/79, 13 November 1984, at 9.

This avenue of redress is, unfortunately, unlikely to be open to original landowners of an amalgamated block because section 21 of the Limitation Act 2010, prohibits claims to recover land if the claim is brought 60 years after the date on which the claim accrued. Given that most amalgamation orders were sought between 1953 and the 1960s, it is highly likely that any challenge to an original amalgamation order on this basis, is out of time.

4 Inter-Generational Impact of Amalgamation orders

The impact of amalgamating an original land block into a land development scheme for agricultural purposes is that it locked the land into the larger block indefinitely. The process diluted the original landowners' interests in the larger land and in that respect diminished their power to make decisions about the use of their land. This erosion of Māori freehold landowners' property rights continues to impact the current generation of landowners.

D Unintended Consequences of Land Development Schemes and Amalgamations – Tantamount to Alienation

The policy to implement Māori Land Development schemes doesn't appear to have included a workable exit strategy to return the land to the control of individual landowners. Once declared part of a land development scheme by Gazette notice, the land remained within the scheme for 40 to 50 years. Whilst the land was in the scheme, landowners were not able to occupy or use their land. Non-occupant landowners were forced to move off the land and seek employment in towns and cities.

There is a direct correlation between implementation of land development schemes, Māori transitioning from rural to urban locations and the decline in home ownership rates (Compare: Table 3 and Table 1). In 1926, before the schemes were introduced, 84% of the Māori population lived in rural locations, on their land with a 74% home ownership rate. Forty years on, in 1966, Māori living in rural locations drops to 39%, with an increase in urban Māori to 62% and a reduction of home ownership to 54% (1951).

	1926	1945	1956	1966	1976	1986
Rural (%)	84	74	65	39	24	20
Urban (%)	16	26	35	62	76	80

Table 3: Māori population distribution, rural/ urban location 1926 - 1986[63]

[63] Evelyn Stokes *The Individualisation of Māori Interests in Land*, Te Mātāhauriki Institute, University of Waikato, 2002, at 148.

Few Māori landowners would have agreed to submit their land into a scheme if they had been presented with a proposal that eroded their property rights, caused dislocation from their ancestral lands, and inhibited them from regaining control of their original land blocks.

Subsequent amalgamations created a further barrier to a landowner's ability to make decisions about their land. The property rights of an owner who once held a majority share of an original land block, was diluted because the process of amalgamation:

(1) Diminished their interests (e.g. their voting rights and decision-making powers), proportionately to other owners in the larger land block; and

(2) The original land title was cancelled, prohibiting a landowner from being able to realise their majority interests in an original land block.

Whilst the intention of the legal mechanisms was to provide state financing to develop unproductive land, address the issue of unpaid rates (land development schemes) and reduce the administrative burden on officials by incorporating under-performing individual farms into larger schemes (amalgamations), decades on, the consequences (intended or otherwise) of these policies has, in effect, disenfranchised the current generation of Māori landowners.

The combination of land development schemes and amalgamations eroded proprietary rights and reduced Māori landowners' ability to use or realise their proprietary rights in their land, essentially locking-up the land, and creating a barrier for the current generation of landowners who may wish to return to live on their ancestral land. This outcome is tantamount to alienation.

Post-war urbanisation is often quoted as a key cause of the decline in Māori home ownership rates however, a more significant cause is the erosion of property rights tantamount to alienation (land loss) through subsuming Māori freehold land into land development schemes and subsequent amalgamation.

Anecdotally, Māori landowners (including my extended whānau) would like to use their Māori freehold land, a taonga tuku iho, to develop housing and alleviate the impact of the housing crisis. It is a resource within which many Māori have an interest. Under the current legislative framework, the only option to do this with sufficient certainty of title to access development finance is to seek a partition order.

IV Partitioning amalgamated land

This part examines the efficacy of partition orders by reviewing the statutory requirements and case law relating to partitioning Māori freehold land. I argue that the legal test to obtain a partition order of an amalgamated land block is onerous and does not adequately meet the needs of Māori landowners of an original land who wish to apportion an undivided interest in their ancestral land.

The principles underlying TTWMA are stated in the preamble[64]:

> ..to promote the retention of that [Māori] land in the hands of its owners, their whanau.. and to facilitate the occupation, development, and utilisation of that land for the benefit of its owners, their whanau, and their hapū...

Te Ture Whenua Maori Act 1993 (TTWMA) does provide options to live on Māori freehold land. However, this analysis excludes consideration of provisions relating to dwelling sites for Maori,[65] occupation orders[66] and a licence to occupy,[67] because these types of orders do not confer a proprietary right on the holder sufficient to enable landowners to raise housing development finance against the land. [68]

Partitioning[69] an undivided interest in multiply-owned land is the preferred option because it furnishes the owner with tenure that is akin to an individual title, and thus an ability to raise finance against the land in order to develop housing. Obtaining a partition order[70] (sub-division) to realise an individual interest in Māori freehold land is onerous. Māori freehold land used for agricultural purposes further compounds the legislative test to demonstrate the 'necessity test' and its application by Māori Land Court judges.

A The Statutory Requirements

Applicants must meet a very high threshold to partition their undivided interests in Māori freehold land. A partition order[71] may be awarded under TTWMA if the Court is satisfied

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[64] TTWMA, preamble.

[65] TTWMA, s296.

[66] TTWMA, s328.

[67] TTWMA, s338(12).

[68] Above n15, at 77.

[69] TTWMA, ss286 - 289.

[70] Te Ture Whenua Māori Act 1993, s289. Partitioning is the statutory procedure required to sub-divide multiply owned Māori freehold land.

[71] TTWMA, s289.

that applicants meet the requirements of section 288(2). The statutory test requires applicants to:

(1) Notify owners of the land [of the intention to partition][72] and gain a sufficient level of support for the application from the landowners.[73]
(2) Satisfy the Court that the partition is necessary to facilitate the effective operation, development, and utilisation of the land.[74]

In addition to these requirements, the Court is required by TTWMA s288(1) to have regard to:

(a) The opinion of the owners or shareholders as a whole; and
(b) The effect of the proposal on the interests of the owners of the land or the shareholders of the incorporation, as the case may be; and
(c) The best overall use and development of the land.

The elements of the statutory test are to be read within the context of the policy objectives of "retention of the land and the facilitation of its occupation, development and utilisation by Māori owners, their whānau, their hapū and descendants"[75] and "to facilitate the use and occupation by the owners of land owned by Maori by rationalising particular landholdings"[76].

B Caselaw - Re Whaanga and Whaanga v Smith

1 Notify owners of the land and gain a sufficient level of support for the application

There are practical limitations to gaining support for an application to partition Māori freehold land in an amalgamated block.[77]

In the *Re Whaanga*[78] case, Mere Whaanga (the applicant) sought an order to partition a 300 acre part of an amalgamated block called Anewa. The 300 acre area was created in 1927 and designated Tutuotekaha 1B5B (the original land). In 1950, the land was wholly vested

[72] TTWMA, s288(2)(a).
[73] TTWMA, s288(2)(b).
[74] TTWMA, s288(4)(a).
[75] TTWMA, preamble and s2.
[76] TTWMA Part 14 Title reconstruction and improvement, s286.
[77] Due to time restrictions, case law analysis focuses on applications to partition original land from amalgamated land blocks that are managed by Trusts. There are a plethora of cases relating to partitioning land held by Māori Incorporations and land held without a management structure. The barriers are similar.
[78] *Re Whaanga* (2010) 11 Tairawhiti MB 46 (11 TRW 46).

in Mere's father. From 1955, it was leased and then used by the Anewa Station from 1959 until 1967 when it was amalgamated. The amalgamated block, Anewa, comprised 4,723 acres of which the original land amounted to 6.5% of the total area. The land is managed by the Anewa Trust (an ahu whenua trust consituted under TTWMA) as a farm.

The applicant's objective in partitioning the land was to enable her whānau to occupy and develop the land her father once owned and farmed. Further reasons for seeking the partition included, to maintain their te ahikāroa to the land; to explore proposals for developing the land such as planting trees, developing a truffle farm, manuka honey an doil production and grow herbal and gourmet products (the development and utilisation purposes). Before investing time, energy and money in researching these ventures, the applicant sought to secure separate title to the original land.

The Māori Land Court accepted that the applicant had met the section 288(2)(a) requirement to provide the owners with sufficient notice of the application and sufficient opportunity to discuss and consider the application by:

a) Attending and presenting her proposal at three Trust annual general meetings (AGM), in 2007, 2008 and 2009. Notification of the 2009 AGM was advertised twice in the Wairoa Star and once in the Gisborne Herald; and

b) Speaking with the Trustees and presenting her proposal at a Trustee meeting in 2010.

In declining the parition order, Coxhead J held that gaining the support of 2.22% of the total owners and 10.28% of the total share interests in Anewa[79] was insufficient to meet the requirements of section 288(2)(b) given that the partition would have implications for the overall amalgamation and will only benefit two shareholders – the applicants – and will require a reconfiguration of land.

Although the applicant had taken great pains to contact all 3,784 owners by attending three successive years of AGMs, attendance by owners was low and the Trust records were out of date, which, presented a practical barrier garnering sufficient support for the application. Coxhead J also noted the Anewa Trust Trustees opposition to partition land, their key concern being that a partition "will be the first step to unravelling the whole amalgamation".[80]

[79] *Re Whaanga* (2010) 11 Tairawhiti MB 46, at [22]. At the time, the Anewa block had 3,784 owners and over 100,000 shares.

[80] *Re Whaanga* (2010) 11 Tairawhiti MB 46, at [27].

The inability to contact all owners of an amalgamated block to garner requisite support is a consistent theme in many cases where applicants who previously held majority interests in an original land block seek an order to partition that land.

2 The partition order is necessary to facilitate the effective operation, development, and utilisation of the land

The applicant appealed on the ground that the lower court had misinterpreted the "necessity" test requirements. In her view, a partition was necessary to secure individual title to the land to access funding for her proposed development and utilisation purposes.

In dismissing the appeal, the Māori Appellate Court held that the lower court's assessment of the applicant's proposed development and utilisation of the land did not meet the necessity test because other avenues were available. It upheld Coxhead J's view that a 5-year lease of the land by the Anewa Trust to the applicant would enable the initial stages of her proposal to be undertaken without needing to access development funding.

The Māori Appellate Court decision confirmed the test expounded in *Brown v Māori Appellate Court*,[81] that, in determining whether a partition is "necessary to facilitate the effective operation, development, and utilisation of the land" under section 288(4)(a):

> "Necessary" is properly to be construed as "reasonably necessary"... [Necessity is a strong concept.] What may be considered reasonably necessary is closer to that which is *essential* than that which is simply desirable or expedient..[82]

Requiring a proposed development and usage to be 'essential' is an extremely high bar. I could not find a case where the test has been met by an applicant seeking to partition original land from an amalgamated block.

The threshold to meet the test is unfair, especially considering the applicant's father held all the shares in the original land, some 300 acres, and, accordingly, pre-amalgamation, would have had decision-making powers in relation to that land were it not for the amalgamation.

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[81] *Brown v Māori Appellate Court* [2001] 1 NZLR 87, at [51].

[82] *Whaanga v Smith* [2013] Māori Appellate Court MB 45, at [15].

3 Judicial weighting of TTWMA retention principles

Māori Land Court judges are reluctant to partition Māori freehold land because, historically, partitioning has led to fragmentation and ultimately land loss. The Māori Appellate Court in *Whaanga v Smith* indicates the judiciary's reluctance to partition Māori freehold land[83]:

> The intention behind the [partition] provisions of Te Ture Whenua Māori Act 1993 was without doubt to make partition more difficult in order to prevent further fragmentation and loss of land.

Is this judicial approach relevant when considering applications to partition original land from an amalgamated block for the purpose of developing it for housing? Typically, people retain the land upon which they create a home. A whānau homestead on ancestral land is unlikely to be sold as a commodity.

In summary, the *Whaanga* case demonstrates that the threshold to meet the statutory test is high. An application for partition order may be defeated by:

(1) The impracticalities of gaining the support of a sufficient proportion of shareholders of an amalgamated land block;
(2) The Māori Land Court's strict interpretation of the "necessity test"; and
(3) The judiciary's aversion to partitioning Māori freehold land.

The legislative framework does not adequately allow an original landowner to partition an undivided interest of Māori freehold land that has been amalgamated, with sufficient title that enables a landowner to secure development finance for housing.

V Law Reform Proposal – A presumption of aggregation and reducing the "degree of landowner support" partition requirements to original landowners and their descendants

A consistent theme arises in the case law. Landowners who, pre-amalgamation, held a majority shareholding in an original land block are consistently defeated when seeking to partition their original land.

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[83] *Whaanga v Smith* [2013] Māori Appellate Court MB 45, at [31].

First, the cancellation of the original land title, followed by subsuming it and apportioning landowner's interests in an amalgamated land block relative to the other landowners, diluted a landowner's interests in the larger land block. It relegates their decision-making power to that of a minority shareholder.

Second, the ability of an original landowners' descendants to garner a 'sufficient degree of support of owners' to partition original land is dependent on being able to contact all landowners. Practically, Trusts who management the land are notorious for not keeping up to date contact details of shareholders. And, as was seen in *Re Whaanga* Trusts are often loath to support an application for a partition order in case it prompts other owners to do the same.

One solution is to reform the statutory test to partition land by enabling the Māori Land Court to:

(1) restore the original land title by reading a presumption of aggregation into an application to partition amalgamated land; and
(2) limit the "sufficient degree of support from owners" test to owners of the original land.

A A presumption of aggregation – restoring the cancelled title

An aggregation order vests the land in separate titles in the aggregate of the owners, but without cancelling the separate titles. The power to aggregate land was not available in the 1960s when officials implemented the amalgamation policy. Arguably, this option would have been preferable to landowners.

Section 69 of the Maori Affairs Amendment Act 1974 introduced the ability to aggregate land titles by inserting section 434A into the Maori Affairs Act 1953. The explanatory note to the Bill states that "Subsection (1) provides that the section shall apply to the same classes of land as section 435",[84] the amalgamation section.

Rather than cancelling the underlying title, aggregation enables the Court to combine "any 2 or more pieces of land... which are held under separate titles [if the land] could more conveniently be worked or dealt with if they were held in common ownership, but there is no reason to cancel the existing titles..".[85] Aggregation orders were carried into section 308 of TTWMA.

[84] Maori Affairs Amendment Bill 1974, at xii.

[85] Maori Affairs Amendment Act 1974 (1974 No 73), s69.

A solution to overcome the onerous requirements to partition original land from amalgamated land is to enable the Māori Land Court to apply a presumption of aggregation when assessing an application to partition the land. This would reinstate a landowner's property right in their original land by restoring the cancelled title. Restoring the cancelled titles in an amalgamated land block will assist partition applicants to garner a sufficient degree of support amongst owners. Further analysis would need to be undertaken to determine whether this law change would then activate the aggregation order cancellation provisions in TTWMA.[86]

B Limiting the 'sufficient degree of support among the owners' to shareholders in the original land and their descendants

Typically, original land block owners are closely related. By closely, I mean, they are connected one or two generations back (i.e. they have a common grand-parent) and have a means to contact each other. If the section 288(2)(b) "degree of support amongst owners" test was contained to "owners in the original land block" partition order applicants would be better placed to contact and garner support for a proposal.

The counterfactual is that this change may open the floodgates to partition land, thus allowing landowners to change the land's status to general land and sell the land on the open market. [87]

VI Conclusion

The advent of land development schemes and subsequent amalgamation is a causative factor in the decline of Māori home ownership rates.

The amalgamation process eroded proprietary rights of landowners by cancelling the underlying title and reducing their interests in the amalgamated land to that of a minority shareholder. Landowners' who once held a majority interest in an original land block had their ability to make decisions about use of the land significantly diluted in the larger amalgamated land block. The case law shows that this factor usually defeats an original landowner's ability to meet the statutory test to partition their original land.

The current legislative test does not easily enable landowners to realise an individual interest in their Māori freehold land, especially where it has been amalgamated. The restoration of an original land block title by way of inserting a presumption of aggregation

[86] TTWMA, s308(4).

[87] TTWMA, s135.

and limiting the “degree of support” to owners of an original land block under the statutory test to partition amalgamated land, would better meet the occupation, development for papakāinga purposes within TTWMA.

The simple answer to why more Māori freehold land is not used for housing is that, it is too difficult to secure individual title in the land. Until the TTWMA legislative test to partition land is changed, use of Māori freehold land for housing will not be sought by landowners.

In the current housing crisis and with Māori home ownership rates at an all-time low, why not change the law to enable more whānau groups to partition their Māori freehold land and develop it for papakāinga (housing) purposes?

BIBLIOGRAPHY

A Cases

Jennings v Scott HC Rotorua A183/79, 13 November 1984

Brown v Māori Appellate Court [2001] 1 NZLR 87

Re Whaanga (2010) 11 Tairawhiti MB 46 (11 TRW 46)

Whaanga v Smith [2013] Māori Appellate Court MB 45

B Legislation

Native Land Amendment and Native Land Claims Adjustment Act 1929

Maori Affairs Bill 1953

Maori Affairs Act 1953

Maori Affairs Amendment Bill 1974

Maori Affairs Amendment Act 1974

Te Ture Whenua Maori Act 1993

C Books and Chapters in books

Smith, Norman J *Maori Land Law* (A.H. & A. W. Reed, Wellington, 1960).

D Journal articles

RP Boast "Re-thinking Individualisation: Māori Land Development Policy and the Law in the Age of Ngata (1920 – 1940)" (2019) 25 Canta LR 1.

RP Boast "Maori Land and Land Tenure in New Zealand: 150 Years of the Maori Land Court (2016) 22 NZACL.

E Parliamentary and Government materials

Government planning and support for housing on Māori land Ngā whakatakotoranga Kaupapa me te tautoko a te Kāwanataga ki te hanga whare i runga i te whenua Māori, (Office of the Auditor-General, August 2011).

Changes in home-ownership patterns 1986–2013: Focus on Māori and Pacific people (Statistics New Zealand, June 2016), Available from www.stats.govt.nz.

Housing in Aotearoa: 2020 (Statistics New Zealand, December 2020), Retrieved from www.stats.govt.nz.

F Reports – Including Waitangi Tribunal Reports and Research Reports

Ashley Gould “Māori Land Development Schemes: Generic Overview Circa 1920-1993” (Wai 1200, A067, 2004).

Ashley Gould “Maori Land Development 1929 - 1954_An Introductory Overview with Representative Case Studies” (Wai 674, D011, 1996).

Bradford Haami *Urban Māori: The Second Great Migration*, Oratia Books, Auckland, 2018.

Richard Hill “Ngai Tane Ngati Pahauwera and the Crown" (Wai 201, T014, 1998).

Robert McClean and Richard Moorsom “Fragmented Lands Report on the Kupa Whanau” (Wai 731/ Wai 201 T017, 1998).

Richard Moorsom “Mohaka ki Ahuriri Inquiry Maps of Claim Boundaries” (Wai 201, U011, 1999).

Diane Menzies, Jay Whitehead, Grace Walker, John Reid, Angus MacFarlane *Economics and Financing of Housing for Māori Literature Review* (Kāinga Tahi, Kāinga Rua, Building Better Homes, Towns and Cities, National Science Challenges, Wellington, 2019).

Jacinta Ruru “Papakāinga and Whanau Housing on Māori Freehold Land” in Elizabeth Toomey, Jeremy Finn, Ben France-Hudson, Jacinta Ruru *Revised Legal Frameworks for Ownership and Use of Multi-dwelling Units* (BRANZ, May 2017).

Evelyn Stokes *The Individualisation of Māori Interests in Land*, Te Mātāhauriki Institute, University of Waikato, 2002.

Waitangi Tribunal, The Mohaka Report (Wai 119, 1992).

Waitangi Tribunal, Mohaka Ahuriri Report (Wai 201, 2004).

Waitangi Tribunal, Housing Policy and Services Kaupapa Inquiry: Pre-Casebook Research Discussion Paper (Wai 2750, 2020).

Charles Waldegrave, Peter King, Tangihaere Walker, Eljon Fitzgerald “Māori Housing Experiences: Emerging Trends and Issues”, Commissioned by the Research Centre for Māori Health and Development, Massey University, (The Family Centre Social Policy Research Unit, 2006).

Appendix One: Paroa Development Scheme, Mohaka 1948 - 1989

Source: Robert McClean and Richard Moorsom "Fragmented Lands Report on the Kupa Whanau" (Wai 731/ Wai 201 T017, 1998), Appendix D.

APPENDIX D. PAROA DEVELOPMENT SCHEME, 1948-1989

This section contains an overview of the Paroa Development Scheme. This scheme included Mohaka A20, in which Henare Te Taka Kupa held a small interest.

In 1948, the Mohaka Development Scheme generally ceased with only a few farm units in effective operation. The Board of Maori Affairs considered the Mohaka scheme to be a 'failure' as the land had reverted back to blackberry and scrub. Hereafter, most of the development lands were leased to Swifts Limited, and three remaining units (2,200 acres) were leased by Maori who had accumulated a huge capital debt.[1]

The Mohaka lands, however, remained classified as development land, and subject to the control of the Board of Maori Affairs. The problems of the Mohaka lands were also tackled by the newly constituted Tairawhiti District Land Committee, an advisory committee which supervised Maori land development. Mohaka was considered, by the committee, to be 'in a mess':[2]

> During the war years, blackberry and reversion of manuka practically got out of control, because of the lack of manure. [This resulted in] a diminished carrying capacity...[and it is required] to re-sow the pastures now and renovate them.

Other problems identified by the Registrar at a meeting of the District Land Committee on 2 November 1950 included:

- Unsatisfactory occupation. According to the Registrar this was defined as "where we have a man on a holding who is inefficient, lazy and incompetent."[3]
- Uneconomic holdings.
- Over-capitalisation.

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1 Mohaka Development, Memo, 1958, AAMK 869 941b, NA, Wellington.
2 Minutes of the Tairawhiti District Land Committee, 2 November 1950, MA 1 W2490, NA Wellington.
3 Ibid, p 6-7.

- Unsatisfactory tenure.

The Registrar proposed a radical re-consolidation of Mohaka without the owners' participation:[4]

> It does seem that in the past we have taken too much notice of what the owners want. Did you, Mr Morice, with Mr Flowers [Land Development Officers], consider at any time that you would forget all about the ownership and make a new start? Divide the whole Mohaka scheme into economic holdings and re-allot them to the best settlers. We know, of course, that it would be a very sweeping thing to do, but in the long run it may have to come, and one wonders whether this was not the time to do it.

Mr Morice replied that this idea was never considered, but was the "right method of approach...If we say, We will start again, we will wipe all these uneconomic farms and occupiers, then I think we could get somewhere."[5] Mr Morice added later in the meeting that past recommendations by the committee have been "ineffective" and that it was only "deferring the evil day. Its far better to face up to the problem, even though its going to hurt someone. Its for the ultimate benefit."[6]

In response to these concerns, the Maori Affairs Department sent an Inspecting Field Officer, Mr Flowers, to Mohaka on 7 August 1952. Mr Flowers, with Mr Morice, was instructed to inspect the Mohaka area in order to plan for further utilization especially regarding those farms which had over-capitalised. The Under-Secretary added that "this is a genuine attempt to solve these problem cases in your district and it is sincerely hoped that something decisive will be the outcome of the investigations."[7]

In April 1958, Mohaka gained further attention from the Tairawhiti District Maori Land Committee. The Committee visited Mohaka and reported that the area was "not being utilised, and infested with noxious weeds and scrub."[8] The Committee thought complete redevelopment

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4 Ibid, p 11.
5 Ibid, p 11.
6 Ibid, p 20.
7 Under-Sec MA to District Officer, Gisborne, 7 August 1952, AAMK 869 578a, NA, Wellington. The author has not been able to locate Mr Flower's 1952 report.
8 Mohaka Development, Memo, 1958, AAMK 869 941b, NA, Wellington.

was desirable, and recommended that "the area should be re-developed irrespective of individual titles" and that "all land in the area be dealt with" (up to 4,000 acres).[9]

Murray Linton (Land Utilisation Officer) considered himself to be "responsible" for the decision to have "another look" at Mohaka. Murray reported:[10]

> When last in this district [Mohaka] I came to the conclusion that the proper thing to do was to melt the whole lot down and have another go. A bit there and there would never give a satisfactory answer.

The Department of Maori Affairs visited Mohaka on 12-13 August 1958 and a community meeting was held to discuss development options at the Raupunga Memorial Hall. This meeting was attended by officers Holst, Peterson, Linton, Smith, Turi Carroll, and about 50 interested owners and other locals.[11] After introductions, Mr Holst stated:[12]

> The Maori Land Committee had asked for action and that was the reason for their presence, at the meeting, and to find out the feeling of the people in regard to the development proposal of their lands. The proposal in mind was to take over some of the larger areas to commence with and develop and farm it as one holding until such time as the debt was reduced to a reasonable sum and then hand over to a Committee to farm as an Incorporation. Other smaller areas would be added as the scheme progressed and absorbed into the larger block.

While the department considered that all 'idle' lands would be brought under the scheme, 13 of the largest Mohaka blocks would be amalgamated (Mohaka A19-A24 and A71-A76, approximately 2,800 acres). This process would involve:[13]

> A valuation would be made of each individual block and then an application made to cancel all partitions and each owner allocated shares in the main block to the value of the shares owned before the partitions were cancelled. This would mean that all would share in one block instead of a lot of smaller blocks, and later share in all improvements over the whole block.

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9 Ibid.
10 Murray Linton, Land Utilisation Officer, to Bill? MA, 20 April 1958, AAMK 869 941b, NA Wellington.
11 Notes on Meeting at Raupunga, 13 August 1958, MA, 64/5, pt 4, TPK, Wellington.
12 Ibid, p 2.
13 Ibid.

In order to facilitate owner participation, a committee of owners would be set up to work in liaison with the supervisor, and annual shareholders meetings would be held. Mr Linton added:[14]

> You are the owners of the land. The land is yours and the debt would be yours. It was only the Government that had the money for development, the money could not be raised from banks or stock firms.

It is difficult to judge the response of the Mohaka owners. Some owners expressed support (Joe Kopu and Charlie Hodges), and others required further information. Turi Carroll gave his full approval to the scheme.

On 14 April 1959, the Board of Maori Affairs approved the development of certain Mohaka subdivisions totalling 2, 838 acres. The scheme was projected to cost approximately £62,000 and to last for seven years. After these seven years, the scheme would show an annual surplus (£4,470) and be returned to an owners' incorporation.[15]

Another meeting of owners was held on 12 July 1959. This meeting was attended by over a 100 owners. After a full days discussion, the meeting passed two resolutions unanimously:[16]

- That titles be amalgamated excepting house sites.

- That development proposals under one title be approved.

The proposed amalgamation of sections was submitted to the Land Court on 15 October 1959. The Court ordered that 20 Mohaka sections were to be consolidated into Mohaka C9 (Paroa Station). These sections included Mohaka A20 (A, B and C).[17] Mohaka C9 totalled 2, 903 acres.

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14 Ibid, p 3.
15 Brief to Minister of Maori Affairs, Mohaka Development Scheme, 30 July 1958, MA 64/5, TPK, Wellington.
16 Wairoa Minute Book, No. 63, p 23, 15 October 1959.
17 Ibid.

In 1966, five more Mohaka sections were consolidated as C10 into Paroa Station, and these were followed by the addition of Waihua A1 in 1968. These additions expanded Paroa Station to a size of over 4,000 acres.

It soon became apparent that the development of Paroa Station was going to be more difficult than anticipated, and more costly. The October 1959 Paroa Station report stated that the difficulties of the scheme were not properly recognised at the outset, and higher expenditure was required to control noxious weeds, stock retention, and water supply problems.[18] By 1968, Paroa Station was still under the control of the Department and had yet to produce a profit. The Paroa Station manager was replaced, and a 1973 review recommended the station be returned to incorporated owners in three years. The 1973 review stated that blackberry was still a major problem, along with high stock loss.[19]

The 1973 recommendation was not taken up and the scheme continued. During the 1980s, Paroa Station finally began to make a profit, and on 20 September 1988, the Board of Maori Affairs approved the transfer of the station to the Paroa Trust, formed in 1986. The Maori Land Court had vested the Paroa Development Scheme in the Trust on 20 March 1986.[20] Paroa Station was returned to the Maori owners by the Minister of Maori Affairs on 30 July 1989.[21]

Another development scheme began in the 1960s in the Mohaka area. This scheme, known as the Raupunga or Rawhiti scheme, did not affect land held by Henare Te Taka Kupa. Generally, the Rawhiti scheme covered mostly Crown land (Mohaka B2, B3) and Mohaka A7, A8, A16, and A19. The scheme was stimulated in response by a call from the Wairoa Co-op Dairy Company for more productivity from land around Raupunga.[22] A meeting of owners was held on 23 March 1969. This meeting was chaired by Sir Turi Carroll and attended by about 100 owners. At first, the owners did not support the scheme. The Board of Maori Affairs approved the Rawhiti Development Scheme on 3 December 1970. This land was later found to be uneconomic for farming purposes, and was later the subject of a land exchange with the New Zealand Forest

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18 Paroa Station Report, October 1959, AAMK 869 958d, NA, Wellington, pt 1.
19 Paroa Station Review, 14 March 1973, AAMK 869 959b, pt 3, NA, Wellington.
20 Wairoa Minute Book, No. 84, 20 March 1986, pp 173-181.
21 Paroa Land Development, MA 64/5/1, TPK, Wellington.
22 Wairoa Co-op Dairy Company to Hon. Talboys, 24 September 1968, AAMK, 869/965, NA Wellington.

Service.[23] Further details on this scheme and the land exchange have not been researched by the authors.

23 Rawhiti Station Report, 1973, Ibid.

Appendix Two: Consolidation order, Pere whanau, Mohaka A76, 12 September 1941
Source: Māori Land Court, Tairawhiti, Mohaka A76 block file; 46A Wairoa Minute Book 204

CONSOLIDATION ORDER.

THE NATIVE LAND ACT, 1931.

Wr.M.B.46A/204

In the Native Land Court of New Zealand,
TAIRAWHITI DISTRICT.

MOHAKA. A 76

In the matter of the Lands known as Mohaka 1A and other Blocks and of a scheme of Consolidation prepared under the Native Land Act, 1931, and its Amendments.

At a sitting of the Court held at Mohaka on the 12th day of September, 1941, before Harold Carr, Esquire, Judge.

WHEREAS a scheme of Consolidation of the interests of owners of Native land with respect to certain specified areas of land owned by Natives has been prepared by the Court and submitted to the Native Minister for his approval and he has approved the scheme so submitted AND WHEREAS the Court for the more effective Consolidation of the interests of the Native owners has deemed it advisable to include in such scheme other Native land and land or interests in land owned by the Crown and by Europeans AND WHEREAS the Crown has acquired interests in some of the lands affected by such scheme AND WHEREAS it is desirable to carry the scheme of Consolidation so approved into execution by way of exchange partition or otherwise as the case may require NOW THEREFORE for the purpose of carrying the said scheme into execution and giving it effect and in pursuance of all powers it enabling the Court DOTH HEREBY ORDER AND DETERMINE (subject however in the case of land owned by the Crown and vested in His Majesty the King to the approval of the Minister of Lands) that the parcel of land (being portion ~~of~~ of the land formerly known as Mohaka 32 Block) containing by admeasurement 120 . 2 . 02. as delineated in the diagram hereto attached and now named by the Court MOHAKA. A 76 shall vest for an estate of freehold in fee-simple (in the persons whose names are comprised in the schedule hereto as tenants in common in the relative shares set out opposite their respective names) ~~(or in~~ ~~)~~ ~~(or shall absolutely vest in His Majesty the King)~~ subject to existing encumbrances (if any) AND IT IS FURTHER ORDERED that all prior orders of the Court inconsistent herewith are hereby declared to be amended varied cancelled or superseded accordingly. And it is HEREBY DIRECTED that this order shall take effect as from the 2nd day of August, 1939.

As witness the hand of the Judge and the Seal of the Court.

Fee: 20/-Paid

Cancelled & repartitioned Wr. M.B. 63/29 15/10/59. Now in MOHAKA C9

Judge.

7,000/11/35—13060]

Leased to [illegible] for 21 yrs as from 1/ /53 [illegible]
R. £4.0.0 p.a. [illegible]

Subject to [illegible] 4/11/53

[N.L.C.—Schedule.

Mohaka A 76 BLOCK.

Grp.Z4,Z24 Moh.

SCHEDULE HEREINBEFORE REFERRED TO.

First Column.			Second Column.
No.	Name.	Sex and, if Minor, Age.	Relative Interest.
1	1 Ani Pere	f.1949	1.483
2	2 Ata Pere	m.	1.483
	3 Hawi Kopua	m.	6.451
3	4 Hawi Pere Jnr.	m.	1.483
4	5 Hawi Pere or Tamihana Senr.	m.	158.554
	6 Katerina Kereti nee Pene Parepare	f.	6.452
	7 Ihaia Connelly.	f.	6.451
5	Makoare Rehutai 8. makoare Rehutai No2 11/11/1910	m.	3.208
6	9 Monika Pere	f.1948	1.483
7	10 Parepare Pere 11/3/48	f.	~~19.354~~
8	" Tamihana Pere	m.1952	1.483
9	12 Waaka Pere	m.1948	1.483
		Total	190.014 Shares

10,000/5/37—1889]

Appendix Three: Declaratory Partition order to amalgamate 20 land blocks (incl Mohaka A76) into Mohaka C9 Source: Māori Land Court, Tairawhiti, Mohaka C9 block file; 63 Wairoa Minute Book 32

PARTITION ORDER

The Maori Affairs Act 1953

Section 182

WR.M.B.63/32

IN THE MAORI LAND COURT
OF NEW ZEALAND,
Tairawhiti DISTRICT.

MOHAKA C9 BLOCK

IN THE MATTER OF the partition of the several blocks of land known as Mohaka A19A; A19B; A20A; A20B; A20C; A21; A22; A23A; A23B; A24A; A24C; A24B1; A24B2; A27; A71A; A71B; A72; A73A; A73B; A75; A76; A74; Waipapa A40 and B2

At a sitting of the Court held at Wairoa on the 15th day of October 1959, before Norman Smith, Esquire, Judge.

WHEREAS the several blocks of land set out above are each owned or partly owned by Maoris,

NOW THEREFORE IT IS HEREBY ORDERED AND DECLARED as part of the partition of the said blocks treated as one and owned by the owners thereof in common, that the several persons whose names appear in the first column of the Schedule ~~endorsed hereon or~~ annexed hereto, and therein number dfrom one to 168 both inclusive, are the owners, in the relative shares or proportions set out in the second column of the said Schedule, of that part of the said lands containing named by the Court

MOHAKA C9 Block which part is particularly delineated on the plan attached hereto.

As witness the hand of the Judge and the seal of the Court.

Judge.

~~Fee charged:~~

M.L.C.—85A

MOHAKA C9 BLOCK 2903

Shares: 21435.000
Title: Partition Order under Sec.182/53 dated 15/10/59.

SCHEDULE HEREINBEFORE REFERRED TO

First Column			Second Column	
No.	No.	Name	Sex and, if Minor, Age	Relative Interest
	1.	Akenehi Tamarana	f.	83.519
	1A.	AKUHATA NOPERA TE KURU.	m.	.399
	2.	Alma Moeau	f.	125.329
	3.	Amiria Keefe	f.	.342
	4.	Anahera Pokia (Mere Anahera Pokia Tio or Mere Anahera Pokiha Tio)	f.	14.052
	5.	Ani Pere	f.	9.406
	6.	Aporo Pera	m.	31.2513
	7.	Arapeta Hirini	m.	86.994
	7A	TE ARATOTARA TE KURU.	m.	.399
	8.	Te Arau Cicely Edwards II Tr: te Arau Edwards	f.1965	20.858
	9.	Ata Pere	m.	9.406
	10.	Awhina Pokia (Awhina Pokiha Tio)	f.	14.052
	11.	Ben Hokena	m.	92.033
	12.	Bobby Hirini	m.	29.008
	13.	Bonita Tio	f.	2.2599
	14.	Charley Tiniwai Wainohu or Tiniwai Nikora Wainohu or Turiwai Nikora Wainohu	m.	103.650
	15.	Dennis or Henare Pokia (Henare Pokiha Tio)	m.	14.052
	16.	Evaline Wainohu or Hipara Matekino Wainohu or Evelyn Hipora Wainohu	f.	103.650
	17.	Francis Joseph Carroll	m.	945.0742
	18.	Fraser Taranaki te Wainohu or Pareiha Tuki Wainohu	m.	1464.965
	19.	George Keefe	m.	.342
	20.	Guy Perenara Tomlin	m.	13.919
	21.	Haerengarangi Ropihana	f.	280.921
	22.	Haerengarangi Waapu or Haerengarangi Rawiri	f.	160.833

5,000/2/56—60057J

M.L.C.—85A

MOHAKA C9 BLOCK

SCHEDULE HEREINBEFORE REFERRED TO

First Column			Second Column	
No.	No.	Name	Sex and, if Minor, Age	Relative Interest
	23.	Hami Puriri	m.	.905.
	24.	Hamiora Karaitiana	m.	.453.
	25.	Hana Paremata	f.	22.538.
	26.	Hana Wainohu	f.	78.230.
	27.	Harata Hokianga	f.	168.564.
	28.	Harriet Tomlin	f.	13.919.
	29.	Hawi Kopua	m.	40.909.
	30.	Hawi Pere Jnr.	m.	9.406.
	31.	Hawi Pere or Tamihana Snr.	m.	1005.486.
	32.	Hemi Haronga Puna Meta	m.	26.010.
	33.	Henare Katoa Keneriki	m.	2.784
	34.	Henare Kiiwhi	m.	2.393.
	35.	Henare Pakura	m.	.318.
	36.	Henare Taka Kupa	m.	.342.
	37.	Hera Irihapeti Keneriki Tr: Maori Trustee	f.1962	2.784.
	38.	Hera te Kuru or Hera Kuru	f.	33.796.
	39.	~~Hera Tamarana~~ Amended by Order dated 29/5/61. under Sec. 60/53. Wt. M.B. 64/320. See Key S130A S131A	f.	~~83.518~~ 82.140
	40.	Heta Wainohu II	m.	23.744.
	41.	Heuheu Wainohu	m.	265.723.
	42.	Hiiti te Kahu	f.	145.843.
	43.	Hilary Hamilton	m.	20.858.
	44.	Hinekaraka Matana	f.	18.927.
	45.	Hine Mataira	f.	.342.
	45A	HOANI TE KURI.	m.	.399
	46.	Hoani Wainohu	m.	917.398.
	47.	Hoani Watene or Whareraupo	m.	5.240.
	48.	Hohipera Tawhiao	f.d	75.335.
	49.	Hokimai Rapana	f.	1.557.
	50.	Hone Pomana	m.	26.0880.

5,030/2/56—600573

M.L.C.—85A

MOHAKA 09 BLOCK

SCHEDULE HEREINBEFORE REFERRED TO

First Column			Second Column	
No.	No.	Name	Sex and, if Minor, Age	Relative Interest
	51.	Hore te Wainohu	m.	1543.196
	52.	Hori Ropitini Jnr.	m.	89.3949
	53.	Hori Tio Snr.	m.	105.4389
	54.	Huki Hirini	m.	86.994
	55.	Hurae Karauria	m.	345.412
	56.	Ihaka Ropitini	m.	136.2539
	57.	James Brown	m.	.342
	58.	Johnnie Hapeta	m.	1.023
	59.	Johnny Wainohu or Hone Wainohu Jnr.	m.	103.650
	60.	Joseph Morris te Kahu	m.	145.843
	61.	Josephine Brown	f.	.342
	62.	Josephine or Hohipera Wainohu Hodges	f.	1524.638
	63.	Ka Ropitini	f.D	35.550
	64.	Kahu Francis Heta or Kahu Heta	m.	160.833
	65.	Te Kahu Ropihana	m.	280.921
	66.	Kapua Aupouri	f.	250.020
	67.	Karauria Eriha or Kaumatua	m.D	174.669
	68.	Katerina Kerehi or Rua Parepare	f.D	40.916
	69.	Kehoma Pomana	m.	26.1103
	70.	Kui Connelly	f.	40.909
	71.	Kupa Hokianga	m.	146.876
	72.	Lena Brown	f.	.342
	73.	Lila Nicholas	f.	25.466
	74.	Maggie Brown	f.	.342
	75.	Maharata Kiiwhi or Ngarangioue	f.	2.393 (10.7.71
	76.	Makere Kuru or Kiiwhi	f.	2.393 (105A, 1.5A 13.5.71
	77.	Makoare Rehutai II	m.	20.344
	78.	Maku Puna	f.	280.921
	79.	Mangere Hungahunga	m.	.079

Amended by order dated 19/5/61. under Sec. 60/53. Wt. M.B. 64/320. Tie Nos

5,030/2/56—600573

M.L.C.—85A

MOHAKA C9 BLOCK

SCHEDULE HEREINBEFORE REFERRED TO

First Column			Second Column	
No.	No.	Name	Sex and, if Minor, Age	Relative Interest
	80.	Maraea Hoko	f.	.380
	81.	Maraea te Unuwai Hapeta	f.	2.046
	82.	Marara te Kuru	f.	33.774
	83.	Mare Hoeta	f.	1.551
	84.	Matehaere Erueti	m.	53.140
	85.	Matehaere Rapana	f.	1.551
	86.	Matene Ropitini	m.	35.3797
	87.	Matu Hirini	f.	29.008
	88.	McKibben Tomlin Tr: Māori Trustee	m.1961	13.919
	89.	Meiha Pera	m.	31.2513
	90.	Mere Irihapeti Keneriki	f.1961	2.784
	91.	Meretene Hokena or Meretene Heta or Meretene Taati	f.	523.959
	92.	Mihi Brown	f.	.342
	93.	Mihi Culshaw	f.	426.191
	94.	Minireta Hapeta	f.	2.046
	95.	Moana Huia Keneriki	f.	2.783
	96.	Moana Kiiwhi	m.	4.272
	97.	Moananui (Did) Keefe	m.	.342
	98.	Moengaroa Pohoi or Moori Ropihana	f.	46.997
	99.	Monika Pere	f.	9.406
	100.	Moroati Hapeta	m.	75.335
	101.	Naera Wainohu Jnr.	m.	181.872
	102.	Naomi te Tau	f.	54.266
	103.	Ngareta Nohotahi		12.638
	104.	Nii Kiiwhi	m.	4.272
	105.	Niki Matara	m.	18.927
	105A	NOHOKAINGA TE KURU	f	377
	106.	Orikena Putaranui	m.	.342

5,000/2/56 -60057J

M.L.C.—85A

MOHAKA C9 **BLOCK**

SCHEDULE HEREINBEFORE REFERRED TO

First Column			Second Column	
No.	No.	Name	Sex and, if Minor, Age	Relative Interest
	107.	Oriwa Bush	f.	67.440
	108.	Te Owai Matana	f.	18.927
	109.	Pani Pera	m.	31.2485
	110.	Pare Eriha	f.	100.962
	111.	Pateriki Kiiwhi	m.	4.272
	112.	Patricia Hapeta (Mrs McRoberts)	f.	1.022
	113.	Pauline Tio	f.	2.2599
	114.	Pine Tio	f.	2.2599
	115.	Pingao Pomana	f.	26.0769
	116.	Piri Haumai Tomlin	m.	13.919
	117.	Te Puia Hoko	f.	.380
	118.	Puti Pomana	f.	26.088
	119.	Queenie Forsman	f.	47.695
	120.	Rachel Pokia or Rahera Pokiha Tio	f.	14.052
	121.	Raiha Niania	f.	38.1763
	122.	Rangi Keefe	m.	1.995
	123.	Rangi Ropitini or Tio	f.	73.6871
	124.	Rangipai Erueti	f.	53.140
	125A	RAPATA TE KURU.	m.	.399
	125.	Rapata Putaranui	m.	.342
	126.	Rapumai Erueti (Jack Edwards)	m.	53.140
	127.	Te Rauhina Wainohu	f.1961	103.659
	128.	Rawi Matana	f.	18.927
	129.	Rea Taiamai	f.	17.307
	130.	Regina Waikouka Wainohu	f.	103.655
	130A.	REUMA TAMIHANA HETA.	f.	41.759
	131.	Reupena Taiamai Hapeta	m.	2.046
	131A	RIHI MAHUKI	f.	41.759
	132.	Riini Hohipera te Kahu	f.	145.843
	133.	Riri (Riripeti) Hokianga	f.	168.566
	134.	Rodger Tio	m.	2.2599
	135.	Ropine Huata	f.D	8.604

5,000/2/56 -600573

MOHAKA C9 BLOCK

SCHEDULE HEREINBEFORE REFERRED TO

No.	First Column: No.	First Column: Name	First Column: Sex and, if Minor, Age	Second Column: Relative Interest
	135A.	TE RUATOTARA TE KURU.	f.	.398.
	136.	Rukumoana Wainohu or Ruku Hamana	m.	103.655
	137.	Rumatiki Matana	m.	18.927
	138.	Ruri Hohepa Aranui	m.	24.235
	139.	Tamarehe Wainohu	m.	103.650
	140.	Tame ~~Hokena~~ Mokena Pursuant to Sec 36 Te Ture whenua Maori Act 1993 36 This 291 dated 17-12-2013	m.D	26.088
	141.	Tame Pera	m.	31.2485
	142.	Tamihana Pere	m.	9.406
	143.	Tangi Pomana	f.	.342
	144.	Tangi Pukewaihape	f.	16.9936
	145.	Temuera Hawkins	m.	24.235
	146.	Thelma Wainohu	f.	103.655
	147.	Thomas George Tomlin	m.	13.919
	148.	Tiemi Tahuoterangi Keneriki	m.	2.783
	149.	Tiki Matana	m.	18.927
	150.	Tio Hoko	m.	.380
	151.	Tipene te Wainohu	m.	1543.219
	152.	Tita Hirini	f.	29.008
	153.	Tu Pera or Rumatiki Pera	m.	31.2485
	154.	Tureiti Hokena	f.D'	33.660
	155.	Te Uwerata Putaranui	m.	.342
	156.	Verdun Leech Hirini	f.	86.994
	157.	Waaka Pere	m.	9.406
	158.	Wairakau Wanikau	f.	264.109
	159.	Wetini te Wainohu	m.	1543.196
	160.	Whaioranga Pera	m.	31.2485
	161.	Whakaihirangi Karaitiana	m.	.454
	162.	Te Whare Matana	m.	18.927
	163.	Wharenikau Tawhiri	f.	3.029

M.L.C.—118A

MOHAKA C9 BLOCK

SCHEDULE HEREINBEFORE REFERRED TO

First Column				Second Column
No.	No.	Name	Sex and, if Minor, Age	Relative Interest
	165.	Wi Kainamu	m.	1950.000
	166.	William O'Keefe or William Desmond O'Keefe	m.	47.695
	167.	Wiremu Edwards Tr: Rahurahu Nehemia	m. 1967.	20.858
	168.	Wiremu te Kahu	m.	23.506
		TOTAL SHARES:		21435.000

No's [illegible] and [illegible] deleted and substituted by numbers:

1A - 7A - [illegible]A - 10[illegible]A - 12[illegible]A

13[illegible]A - [illegible]1A and 135A.

See order under Section [illegible] dated

2[illegible]th [illegible] 1[illegible]1 [illegible] /326

[signature]

DEPUTY REGISTRAR

8/3/62