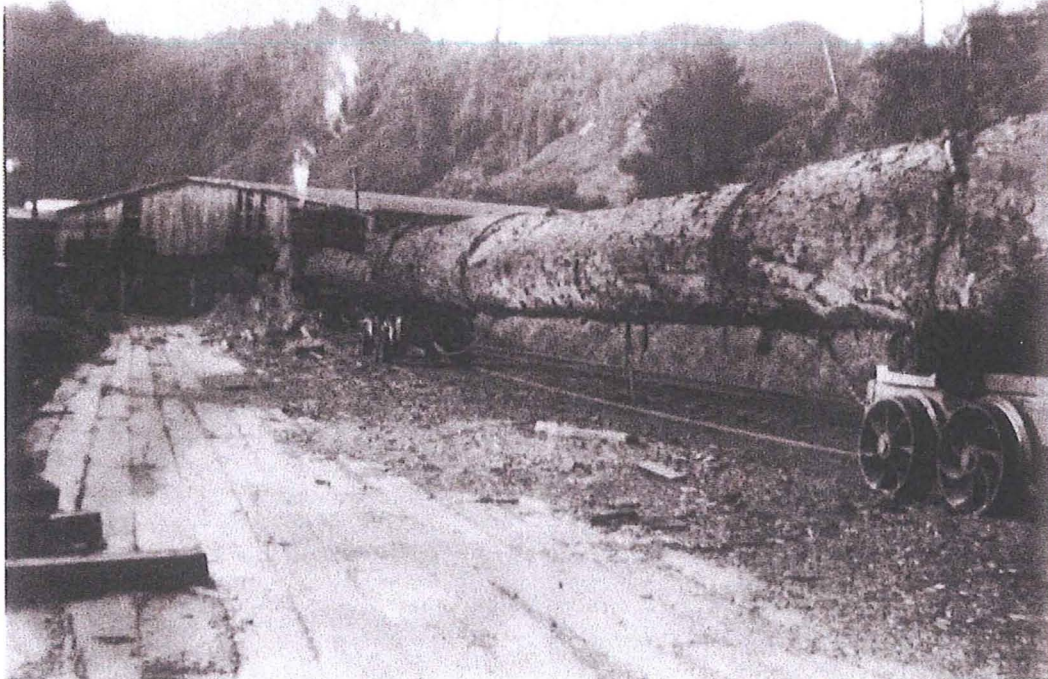


**OFFICIAL**

Wai 898, # A25

# MAORI AND THE FORESTRY, MINING, FISHING, AND TOURISM INDUSTRIES OF THE ROHE POTAE INQUIRY DISTRICT, 1880-2000



A report commissioned by the Waitangi Tribunal for the Te Rohe Potae district inquiry  
(Wai 898)

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February 2011

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Potential conflict of interest: Mr Cleaver is the part owner of one of 26 leasehold baches sited on the Tongaporutu Recreation Reserve, which lies within the Rohe Potae inquiry district. He has helped to prepare an application to the Historic Places Trust, seeking to have the baches registered as a Historic Area.

**Cover:** The photograph shows a massive rimu log outside Ellis and Burnand's Mangapehi sawmill. The log was cut from the Maori-owned Maraeroa C block, which Ellis and Burnand held cutting rights over from about 1913 until at least the mid-1960s. Many such logs were cut from the block. The date of the photograph is unknown. (Source: Ken Anderson, *Maoriland sawmillers: Ellis and Burnand Ltd: sawmillers and timber merchants: Mangapehi*, Family of Ken Anderson, Manurewa, 2008, p 66.)

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## Abbreviations

<i>AJHR</i>	Appendices to the Journals of the New Zealand House of Representatives
ANZ	Archives New Zealand
ATL	Alexander Turnbull Library
<i>NZPD</i>	New Zealand Parliamentary Debates

## Introduction

This report explores the history of the forestry, mining, fishing, and tourism sectors of the Rohe Potae inquiry district, focusing particularly on the extent to which Maori have been involved in each sector and the role that the Crown has played in defining this participation.

The four sectors have not been part of the inquiry district's major agricultural economy. Issues concerning Maori involvement in this economy are examined in the various land issues reports that have been prepared for the Rohe Potae inquiry. The four sectors have, it should be noted, comprised only part of the inquiry district's non-agricultural economy, which has also included, for example, the economic activities that have surrounded the provision of many state and local government services. These have included, for example, railways, roading infrastructure, and communication services.

The focus of the four sectors of the non-agricultural economy examined here has been the exploitation and utilisation of the inquiry district's natural resources. Though varying in their significance, they have been the most prominent areas of this part of the non-agricultural economy. This assessment is based on surveys and studies, referred to later in the report, which have examined the development and extent of economic activity in the King Country.<sup>1</sup>

In the late nineteenth century, when the Rohe Potae was 'opened' for settlement, Maori held and controlled all of the resources that have been the focus of the four sectors examined in the report. It seems that Maori might, therefore, have been well placed to participate substantially in these industries, most of which began developing during the early phase of settlement.

However, the report explains that Maori were, owing to a number of factors, largely unable to secure a significant stake in any of the four sectors.

The report focuses on the most economically significant aspects of each of the four sectors. In respect of the forestry sector, it looks primarily at the milling of indigenous forests, rather than exotic forestry. The examination of the mining sector focuses on coal mining, limestone quarrying, and the mining of ironsands. Discussion of the the fishing sector primarily concerns

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<sup>1</sup> In particular, see James W. Fox, 'Land use and land utilisation in the Northern King Country', PhD thesis, University of Auckland, 1962; John Kirby, D.B. Abel, and Gail Abel (for the King Country Regional Development Council), *The King Country: a regional resource survey*, Department of Geography, Victoria University of Wellington, Wellington, 1978; John Kirby and Richard Willis (for the King Country Regional Development Council), *The King Country: a regional resource survey*, Department of Geography, Victoria University of Wellington, Wellington, 1987.



coastal fisheries, including those of the western harbours, rather than freshwater fisheries. Lastly, the examination of the tourism sector is entirely limited to issues concerning the nationally-significant Waitomo Caves.

### **Commission background**

The report has been prepared as part of the Te Rohe Potae casebook research programme. Following the decision of Judge Ambler to proceed to a district inquiry in November 2006, Dr Vincent O'Malley was engaged to prepare a review of the research requirements for the inquiry. Following consultation with claimants on the potential research outlined by Dr O'Malley, a draft research programme was formulated and circulated in May 2007. At a judicial conference held on 1 October 2007, a research programme consisting of around 20 substantial projects was finalised.

One of the projects, Project 20, broadly concerns economic and socio-economic issues. Followed work undertaken by Dr Nicholas Bayley, a member of Tribunal staff, it has been decided that this project should be broken into six reports. In October 2009, Dr Bayley completed a scoping report on economic and socio-economic issues for the Te Rohe Potae inquiry district.<sup>2</sup> The scoping report recommended that socio-economic research be undertaken as a series of interrelated reports addressing different aspects of the socio-economic research field. Dr Bayley suggested the preparation of a report on the current socio-demographic status of Maori of the district, a targeted economic capability overview report; a health issues report, and an education issues report.

During planning of the research recommended by Dr Bayley, it became apparent that the proposed 'economic capability' report should be divided into three separate reports. The first of these reports provides a brief overview of economic activity within the inquiry district prior to and during the early period of interaction with the Crown and settlers. The second report covers the main economic sectors not discussed in other research in the casebook, namely forestry, fishing, mining and tourism. The third report will draw on these and other reports (including those on lands) to provide an integrated analysis of economic and socio-economic issues for Maori of the district from 1840 to present day.

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<sup>2</sup> Nicholas Bayley, 'Aspects of economic and socio-economic development in the Te Rohe Potae inquiry district (Wai 898), 1840-2008 – a scoping report', a report commissioned by the Waitangi Tribunal, 2009.

The six interconnected reports that relate to the broad socio-economic theme are:

- Non-agricultural economic sector studies: forestry, mining, fishing, and tourism(20A),
- Health issues (20B),
- Education issues (20C),
- Socio-demographic profile (20D),
- The mid-nineteenth century commercial economy of Māori of the Te Rohe Potae district (20E), and
- Economic overview (20F).

This report is project 20A – the studies of the non-agricultural economic sectors.

### **Commission questions**

In preparing this report, the author has been commissioned to focus on the following questions:

1. What economic opportunities have existed in the Te Rohe Potae inquiry district? What entities evolved to develop the economic opportunities that existed? What role did the Crown play in the development of these entities?
2. Did Māori seek to participate in, or have influence over, these sectors of economic activity? If so, what role did they play and how did this change over time?
3. What benefits to Māori, if any, arose as a result of economic activity in each sector? Were there any negative socio-economic or cultural effects on Māori associated with each sector?
4. What obstacles to participation or influence over economic activity in these sectors did Māori face that the government and/or other private non-Māori competitors did not? To what extent were these obstacles the result of government actions? What steps did governments take to remove or mitigate obstacles to Māori participation or influence?
5. In particular, did governments provide Māori with any special assistance with the aim of enabling them to participate in, or have influence over, these sectors of economic activity? If so, what was the outcome?

It is notable that the focus of the report relates significantly to the Tribunal's findings regarding 'Treaty development rights'. These rights have been discussed most thoroughly in the Tribunal's 2008 report on the claims of the Central North Island (CNI) inquiry district, *He Maunga Rongo*. In this report, the Tribunal discusses Treaty development rights before addressing issues relating to farming, tourism, indigenous and exotic forestry, and electricity generation. It states, with reference to the Treaty, that CNI iwi and hapu have possessed certain development rights, including the right to retain a sufficient land and resource base to develop in the Western

economy, the right to equal access to development opportunities, and the right to positive assistance from the Crown, including assistance to overcome unfair barriers to development.<sup>3</sup>

## **Report Methodology and Structure**

This report is based on a range of written sources of evidence. In particular, research has focussed on the archived records of several relevant government departments. Newspapers and books, articles, and research reports written by other people have also been consulted. Conclusions have been reached through careful evaluation of the evidence presented in the various sources.

The report is broken into four chapters, each dealing with one of the four economic sectors that are the focus of the report. Chapter One examines the forestry sector, looking principally at the cutting of indigenous forests. The chapter is significantly longer than the other chapters, reflecting the apparent economic importance of the industry and also that it operated for a long time and was carried out in a number of places across the inquiry district. The industry began in the late nineteenth century and appears to have been of economic significance for at least 60 years. Maori were mainly involved in the industry as owners of timber resources. While the reasons why Maori did not own sawmills are examined, much of the chapter concerns issues relating to the alienation of Maori-owned timber. Owing to the length of Chapter One, brief summaries of sections within the chapter are provided.

The mining sector is examined in Chapter Two. Three extractive industries are discussed in separate sections of this chapter. The first is the coal mining industry, which, though of a small scale, was carried out in different locations between about 1884 and 2000. Next, the quarrying of limestone in the Waitomo district is examined. A more economically significant industry than coal mining, this industry began around 1895 and continues today. The final extractive industry examined in Chapter Two is the mining of ironsands at Taharoa, which began in the early 1970s and also continues today. It has been the most economically important of the industries in the mining sector. The chapter explains that, as with the forestry sector, Maori have had little involvement in the business enterprises that have exploited the resources that have been the focus of the mining sector. However, they have received royalties for resources extracted from lands that they have retained.

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<sup>3</sup> Waitangi Tribunal, *He Maunga Rongo: Report on Central North Island Claims, Stage One*, Volume 3, Legislation Direct, Wellington, 2008, pp 912-914.

Chapter Three looks briefly at the small modern commercial fishing industry that has existed in the inquiry district since at least the 1920s. Again, Maori do not appear to have been significantly involved in this industry. The chapter includes some discussion of the efforts that Maori have made over the years to restrict commercial fishing activities. Chapter Four briefly discusses the history of the Waitomo Caves tourist operations, which began in the late 1880s and appears to have been of considerable economic significance. The chapter describes how tourism at Waitomo was initially controlled by Maori and then, in the early years of the twentieth century, taken over by the government.

### **Claim issues**

Statements of Claim that raise issues relevant to the commission questions have been identified and examined during the preparation of this report. In July 2010, the author also attended research hui held at Taumarunui, Te Kuiti, and Hamilton, where claimants raised questions and provided feedback in respect of a number of issues.

Many of the claims refer generally to Crown policies and actions that have influenced social and economic development. They are Wai 255, 535, 729, 847, 991, 993, 1016, 1100, 1340, 1603, 1606, 1760, 1806, 1820, 1967, 1975, 1975, 1976, 1977, 1992, 1993, 1994, 1995, 1996, 2084, 2085, 2086, 2087, 2129, and 2238.

The industries and resources that are the focus of this report are mentioned in a number of claims. Issues concerning forestry and forests are raised in Wai 48, 255, 535, 575, 586, 630, 729, 753, 800, 991, 993, 998, 1015, 1058, 1094, 1136, 1230, 1340, 1437, 1447, and 2090.

The ownership of minerals and underground resources are mentioned in Wai 630, 847, 1015, 1058, 1094, 1136, 1388, 1761, 1771, 1806, 1977, 2014, 2090, 2129, and 2238.

Issues relating to fishing and fisheries are raised in Wai 74, 753, 762, 800, 868, 998, 1094, 1112, 1133, 1138, 1139, 1340, 1352, 1360, 1438, 1447, 1450, 1747, 1812, and 2090.

There are three claims concerning Waitomo Caves and the surrounding lands. They are Wai 457, 1340, and 2017.

Numerous other claims also refer generally to 'natural resources' and issues relating to their ownership. A small number of claims that contain relevant issues have yet to be registered.

# Chapter One: Forestry

## Introduction

This chapter examines Maori involvement in the forestry industry of the Rohe Potae inquiry district. It focuses particularly on the milling of indigenous forests, an industry that operated on a significant scale for several decades from the end of the nineteenth century. This industry was based on the exploitation of extensive tracts of forest that contained commercially valuable timber. When the district was opened for settlement in the mid-1880s, this resource was almost entirely owned and controlled by Maori. In oral tradition, Ngati Maniapoto refer to the forest that existed as 'Nehenehenui'. One claimant has explained that, in English, this word 'pertains to the forest, it is the birds; it is the trees that sustained our elders.'<sup>4</sup>

The chapter begins with a brief examination of forestry issues that have been examined in other Waitangi Tribunal inquiries. It then provides a basic overview of the main developments concerning the forestry industry in the Rohe Potae inquiry district, looking at both the indigenous sawmilling industry and the smaller, more recent industry that is based on exotic species. The overview provides an indication of the economic importance of the forestry industry and how this has changed.

The next section, which comprises most of the chapter, closely examines the indigenous sawmilling industry. It gives a chronological account of various developments, focussing particularly on Maori involvement in the industry. It explains that Maori did not participate substantially in the industry as owners of sawmills, but were significantly involved as forest land owners who sold timber cutting rights to Pakeha sawmillers. There is, therefore, considerable discussion of a number of developments and issues concerning the system by which Maori-owned timber was alienated and how this operated in the inquiry district. The extent to which Maori were able to secure fair payment for their timber is examined, as is the government's role in this. Purchasing of Maori forest land is also discussed, particularly the extent to which there was a deliberate focus on the acquisition of forest lands and, when such lands were acquired, whether the consideration was reasonable. After looking at the alienation of timber and timber lands, the section on the indigenous sawmilling industry examines some of the factors that help

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<sup>4</sup> Rovina Maniapoto, Oral Traditions Hui 6, Te Tokanganui a Noho marae, Te Kuiti, 9-11 June 2010, Wai 898, #4.1.6, p 391.

to explain why Maori were not significantly involved in the ownership of sawmills. The section concludes with a brief examination of the extent to which Maori were employed in the industry.

The final section of the chapter looks at the exotic forestry industry. It explains that exotic forestry has not been undertaken on a large scale in the inquiry district, unlike other locations in the North Island, where it has been seen as a more appropriate land use. However, with some assistance from the government and also by entering into agreements with private companies, Maori have afforested some of the lands that remain in their ownership.

The conclusion of the chapter attempts to draw the various threads of evidence together and – with reference to the economic opportunity that it has presented – comment on the extent to which Maori have benefitted from the forestry industry and the government’s role in determining this.

### **Notes on timber measurement**

This chapter refers to quantities of timber in ‘board feet’ and ‘superficial feet’. Board feet is used for sawn timber, while superficial feet is used for logs. Both measurements refer to the volume of a one-foot length of timber that is one-foot wide and one inch thick. When timber was purchased on a royalty basis, the price was given as the amount payable per 100 board feet or per 100 superficial feet. Only one price was given – for example, 9d per 100 board feet.

Owing to wastage in the milling process, royalty rates for logs and sawn timber were different. In order to convert a royalty for logs into an equivalent royalty for sawn timber, the price per 100 board feet appears to have been calculated by increasing the price per 100 superficial feet by 50 percent.<sup>5</sup> A price of 6d per 100 superficial feet was, for example, seen to be equivalent to 9d per 100 board feet.

### **Forestry issues examined in other Waitangi Tribunal inquiries**

Issues concerning forestry have been examined by the Waitangi Tribunal in several other inquiries. Most recently, forestry issues are discussed at length in the Tribunal’s 2008 report on

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<sup>5</sup> Commissioner of State Forests to Fraser, 6 October 1949, F 1 18 18/1/58, Ellis and Burnand Timber Company, Native timber sale, Maraeroa “C” block, 1935-1958, ANZ Wellington.

Central North Island (CNI) claims, *He Maunga Rongo*, which comments on both the indigenous forest industry and the major exotic forest industry within that inquiry district.<sup>6</sup>

In respect of indigenous forestry, the type most relevant to the Rohe Potae inquiry district, the CNI Tribunal looked at three key issues. First, it examined the extent to which the Crown protected iwi and hapu to ensure that they retained sufficient forest land to take advantage of the economic opportunity presented by the indigenous forestry industry.<sup>7</sup> The Tribunal found that the Crown did not actively monitor and protect iwi and hapu ownership of forest resources and, as a result, some iwi and hapu were unable to participate in the industry. Moreover, the Tribunal noted that Crown purchase monopoly provisions were used to drive prices down and, as a result, the value of standing timber was sometimes not appropriately recognised when land was purchased by the Crown. The Tribunal observed that in some areas, particularly the ‘West Taupo’ forest lands, iwi and hapu retained ownership of valuable areas of forest well into the twentieth century.

The second issue that the CNI Tribunal examined was the extent to which the Crown protected iwi and hapu in the development of the indigenous timber industry.<sup>8</sup> The Tribunal found that the Crown did not actively protect the right of iwi and hapu to participate in all levels of the industry, which by the 1890s presented a significant economic opportunity. The Tribunal noted that many iwi and hapu sold timber cutting rights, though the legality of these arrangements was initially doubtful and, as a result it appears that Maori generally received low prices. The Tribunal observed that Maori faced considerable difficulty in raising the finance that was necessary to establish their own sawmills. In the Rotorua area, even where there was valuable timber, iwi and hapu participation in the indigenous milling industry during the nineteenth and twentieth century was limited to the sale of timber cutting rights. In the Taupo area, iwi and hapu sold timber cutting rights, but also entered into joint ventures with private interests (the Tongariro Timber Company being the most important example), though these initiatives ultimately proved unsuccessful.

The third issue examined by the CNI Tribunal in respect of the indigenous timber industry was the extent to which the Crown protected iwi and hapu in regulating the industry. The Tribunal found that, while the Crown had a kawanatanga interest to regulate milling, it did not take due

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<sup>6</sup> Waitangi Tribunal, *He Maunga Rongo*, Volume 3, chapters 15 and 16.

<sup>7</sup> *Ibid*, pp 1113-1118.

<sup>8</sup> *Ibid*, pp 1118-1145.



regard to consult with local iwi and hapu. The Tribunal noted that after the First World War the government began taking steps to actively manage the country's indigenous timber resources. This included a policy of purchasing areas of timber land and imposing greater regulation on timber production and the alienation of timber on Maori land. The role of the State Forest Service, which was established in 1919, is examined in some detail. It is noted that the Forests Service's involvement in the alienation of Maori-owned timber, which lasted until 1963, sometimes drew strong criticism from the owners.

Issues concerning the indigenous forestry industry were also considered by the Hauraki Tribunal, which examined whether Hauraki Maori were able to exercise adequate control over – and receive equitable returns from – the commercial exploitation of timber on their land.<sup>9</sup> The *Hauraki Report* explains that the indigenous sawmilling industry of the Hauraki inquiry district (based primarily upon the exploitation of kauri) began before 1840 and had largely wound up by the turn of the twentieth century. By the mid-1860s, Hauraki Maori had sold the most valuable timber resources on their land. As in the Rohe Potae inquiry district, Hauraki Maori entered into agreements with sawmillers, though usually receiving lump sums for timber rather payments through a royalty system. The government did not attempt to regulate the industry, and it was not until the mid-1870s that sawmillers were able to have such agreements legally recognised by obtaining leases of the milling land. The Hauraki Tribunal found that Hauraki Maori were not necessarily disadvantaged by the agreements that they entered into with sawmillers, noting that they were reached on an open market between two willing parties. The Hauraki Report does not comment substantially on why Hauraki Maori only participated in the industry as land owners.

Issues relating to both indigenous and exotic forestry are also briefly examined in the *Mohaka ki Ahuriri Report*.<sup>10</sup> With little bush on the lowlands of the Mohaka ki Ahuriri inquiry district, Pakeha companies milled the indigenous forest on inland blocks during the twentieth century. Where timber was milled from Maori land, cutting rights were purchased and royalties paid to the owners. The Tribunal observed that although the royalties were paid over a number of years and provided valuable supplementary income for owners, it was not invested and diminished as the timber was cut out. It also noted that Maori constituted a substantial portion of the labour force in some places, but appear to have had little involvement in the ownership and management of the industry. In the 1970s, after discussions between the Forest Service, Department of Internal Affairs and owners, some 21,000 acres of land was replanted in exotic

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<sup>9</sup> Waitangi Tribunal, *The Hauraki Report*, Volume 2, Legislation Direct, Wellington, 2006, chapter 14.

<sup>10</sup> Waitangi Tribunal, *The Mohaka Ki Ahuriri Report*, Volume 2, Legislation Direct, Wellington, 2004, pp 64-68.

forestry, with millable timber remaining the property of the owners. While identifying the scheme is an example of positive cooperation between the Crown and Maori, the Tribunal noted that it did not provide for Maori participation at a management level or in daily employment.

## Overview of forestry industry

This overview summarises the main developments in the sawmilling industry of the Rohe Potae inquiry district, which are discussed in further detail later in the report. It focuses particularly on the business of cutting and milling – where this happened, how much timber was produced, and the profitability of the business enterprises that were involved. The overview also provides some details of national trends and developments in the forestry industry.

Sawmilling in the inquiry district appears to have been first undertaken during the 1840s as part of the early dealings between Rohe Potae Maori and Pakeha traders.<sup>11</sup> However, development of the industry on a large scale was closely linked to the construction of the North Island Main Trunk (NIMT) railway, which commenced in 1885. As well as marking the opening of the district, the railway made large areas of commercially valuable forest accessible (including areas to the south the inquiry district) and provided a means of transporting sawn timber to distant markets. The provision of materials required for the construction of the railway also provided some stimulus for the sawmilling industry.<sup>12</sup> It is also notable that, as construction of the railway progressed, supply from the dominant kauri timber industry, based in Northland and Coromandel, began to diminish.<sup>13</sup>

The first sawmill connected to the NIMT railway in the inquiry district was established in about 1890 near Otorohanga station.<sup>14</sup> Set up by J.W. Ellis and a Mr Lewis, this enterprise led to the formation of Ellis & Burnand Limited, which was incorporated in 1903 and became the principal sawmilling business in the King Country for the duration of the indigenous forestry industry. Within the inquiry district, the company went on to establish substantial mills on the NIMT at Mangapehi in 1903 and Ongarue in 1913.<sup>15</sup> Outside the inquiry district, Ellis and Burnand set up a joinery plant, timber retail business, and its company headquarters in Hamilton in 1905. The

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<sup>11</sup> J.C. Somerville, 'The timber industry of the King Country', MSc thesis, Canterbury University, 1965, p 22.

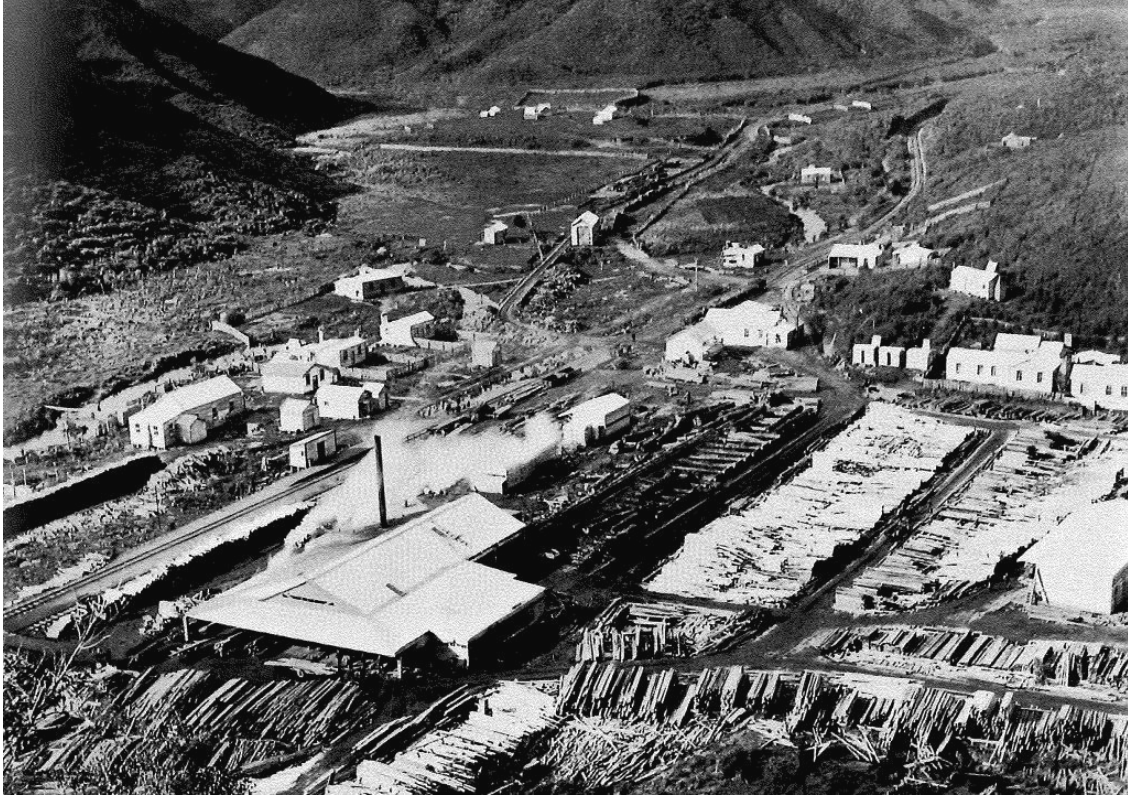
<sup>12</sup> In particular, sawmillers secured contracts to provide sleepers to the Public Works Department. See Table 2.

<sup>13</sup> Michael Roche, *History of Forestry*, New Zealand Forestry Corporation and GP Books, Wellington, 1990, pp 115-116.

<sup>14</sup> Ken Anderson, *Sparse Timber Sawmillers: Ellis & Burnand Ltd, Sawmillers and Timber Merchants, Ongarue*, Ken Anderson, Manurewa, 2007, p 9.

<sup>15</sup> Roche, p 116.

company also established a mill and a plywood and veneer plant at Manunui, near Taumarunui.<sup>16</sup> At various times, the company also appears to have operated a number of smaller, portable sawmills.



**Figure 1:** Ellis and Burnand's Mangapehi mill and NIMT railway, 1905<sup>17</sup>

By 1907, 10 sawmills of varying sizes were operating in the inquiry district, employing 204 men.<sup>18</sup> None of these sawmills were owned by Maori – a pattern that did not change as the indigenous timber industry developed. However, all of the mills, which were mostly located along or in the vicinity of the NIMT railway, were cutting from Maori land, with three also cutting from European or Crown land. Though production was increasing at this time, timber processed at the mills amounted to only about 10,283,700 superficial feet, less than 2.5 percent of the national

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<sup>16</sup> Jeff Down, 'Valder, Henry – Biography', from the *Dictionary of New Zealand Biography*, Te Ara – the Encyclopedia of New Zealand, updated 1 September 2010.

URL: <http://www.TeAra.govt.nz/en/biographies/3v2/1>

<sup>17</sup> Ken Anderson, *Maoriland sawmillers: Ellis and Burnand Ltd: sawmillers and timber merchants: Mangapehi*, Family of Ken Anderson, Manurewa, 2008, p 16.

<sup>18</sup> AJHR, 1907, C-4, p 15, 21.

total of 432,031,611.<sup>19</sup> Ellis and Burnand's Otorohanga and Mangapehi mills dominated production, processing more than half of the timber sawn in the inquiry district.

In 1903, the capital value of Ellis and Burnand's operations was about £30,000.<sup>20</sup> In order to meet development costs at Mangapehi, the company appears to have attracted capital investment from the Melbourne-based Kauri Timber Company, which in 1904 secured a 47.5 percent stake in Ellis and Burnand.<sup>21</sup> From 1904 to 1907, the Mangapehi mill did not return a profit, but the situation then reversed and between 1908 and 1911 the company made a net profit in the order of £10,000 to £18,000.<sup>22</sup>

The level of investment in sawmilling operations at this time varied considerably. In his history of the New Zealand forestry industry, Michael Roche provides details of a selection of sawmilling companies that were operating in the West Taupo region (the lands that broadly lay to the west of Lake Taupo, which included milling areas along the NIMT railway). Roche states that the nominal capital of companies involved in sawmilling in the region between 1900 and 1920 ranged from £2,000 to £7,000, although the larger concerns had capital in the order of £20,000 to £50,000. He comments that during these years the timber industry was not a particularly attractive investment option and that many of the smaller sawmills in the West Taupo district were only in operation for a short period of time.<sup>23</sup>

Nevertheless, cutting in the Rohe Potae inquiry district continued. As noted above, Ellis and Burnand established a mill at Ongarue in 1913. This mill processed timber from land leased from Maori and, later, also from land that the government had purchased from Maori. It is unclear how much cutting was taking place on private land at this time. Between 1910 and 1921, sawmillers secured cutting rights over some 45 separate areas of Maori land.<sup>24</sup> A number of these sawmilling operations appear to have been new operations. Most of the cutting appears to have continued to focus on areas that were broadly located along the NIMT.

Between 1923 and 1925, the sawmilling industry in New Zealand expanded as favourable trading conditions saw a number of new operations established. National production increased to reach

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<sup>19</sup> *AJHR*, 1907, C-4, p 4.

<sup>20</sup> *AJHR*, 1903, I-3A, p 14.

<sup>21</sup> Roche, p 116.

<sup>22</sup> Roche, pp 119-120.

<sup>23</sup> *Ibid*, p 119.

<sup>24</sup> See Table 7.

353 million board feet in 1925-26, a figure that would not be recorded again until 20 years later.<sup>25</sup> However, in the eight years that followed 1926, sawmillers faced increasingly difficult circumstances as demand for timber declined. During these years, national production fell by over 50 percent and prices by 40 percent from their 1925-26 levels. Many sawmillers were forced to leave the industry or shut down for long periods, while most of the remainder worked only part time owing to a lack of orders. As well as economic factors, government policies aimed at conserving a diminishing supply of indigenous timber also appear to have impacted on sawmillers.<sup>26</sup>

The Depression clearly seems to have impacted on sawmillers in the Rohe Potae inquiry district. Ellis and Burnand ran at a loss during the early 1930s, and, as discussed later, Ellis and Burnand and at least one other company sought reductions in the timber royalty rates that they paid to Maori land owners. In the period between 1922 and 1938, some 20 sales of Maori timber were concluded.<sup>27</sup> Cutting also continued on areas of Moari over which cutting rights had previously been secured, most notably the large Rangitoto Tuhua 36 and Maraeroa C blocks. Some of the alienations from the mid 1930s involved Maori lands in the Pirongia district – an area where little timber cutting appears to have previously taken place. It appears that roadmaking undertaken during the Depression made the cutting of some previously inaccessible timber an economic proposition.<sup>28</sup>

It was not until 1935 that a majority of sawmills in New Zealand were back working full time, though production levels were slow to recover.<sup>29</sup> Policies of the newly-elected Labour Government, particularly its state housing programme, created renewed demand for timber. In 1936, the Government Timber Price Committee was set up and empowered to set the price of sawn timber. The Committee was made up of officials from the Department of Industries and Commerce and the State Forest Service. In his history of the Dominion Sawmillers' Federation, of which Ellis and Burnand were prominent members, Crabb describes the establishment of the Committee and the prices that it set as 'a body blow to the industry and a set back from which it never recovered.'<sup>30</sup> Between 1932-33 and 1939-40, national timber production increased from

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<sup>25</sup> W.C. Crabb, *Dominion Sawmillers' Federation Incorporated: 50 Years a History, 1917-1967*, Dominion Sawmillers' Federation, Wellington, 1967, p 29.

<sup>26</sup> Crabb, p 30.

<sup>27</sup> See Table 8.

<sup>28</sup> Somerville, p 25.

<sup>29</sup> Crabb, p 34.

<sup>30</sup> Ibid.

166 to 336 million board feet, but, according to Crabb, ‘the industry never experienced the boom which these figures would indicate.’<sup>31</sup>

During the Second World War, the use of timber for peace time purposes largely halted, with timber instead being used for a variety of emergency efforts. Following the war, demand for timber increased considerably owing to a building boom that arose partly from deferred housing and commercial construction.<sup>32</sup> From 1945 to 1950, production of timber in New Zealand rose from 340 to 478 million board feet, and during the next decade continued to rise to 694 million board feet by 1960 – more than twice what it had been 15 years earlier.<sup>33</sup>

These figures, it should be noted, include exotic timber production. By the 1950s, large-scale exotic forest plantings were maturing and beginning to be harvested. Exotic timber became increasingly important, eventually overtaking the production of indigenous timber in 1960.<sup>34</sup> In 1945, 251 million board feet of indigenous timber was produced, which amount to about 74 percent of total production. By 1960, indigenous production had increased to 339 million board feet, but this constituted only about 49 percent of national production.<sup>35</sup>

Following the national trend, timber production in the King Country region increased significantly after the Second World War.<sup>36</sup> This production was based almost entirely on the cutting of indigenous timber resources. (In the period from 1959 to 1963 the King Country region accounted for less than one percent of exotic production.<sup>37</sup>) In the Rohe Potae inquiry district, an expansion of production is evident in the number of sawmills that were operating. An examination of the State Forest Service’s registers of sawmills shows that in 1943 there were 14 sawmills processing timber in the Rohe Potae inquiry district.<sup>38</sup> By 1950, the number of sawmills had increased to 25.<sup>39</sup> In the year ending 31 March 1950, almost 28 million board feet of indigenous timber was produced in the inquiry district. This amounted to about nine percent

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<sup>31</sup> Ibid.

<sup>32</sup> Ibid, p 35.

<sup>33</sup> Ibid, p 37.

<sup>34</sup> Roche, p 266.

<sup>35</sup> Somerville, p 12.

<sup>36</sup> Ibid, pp 12-13. When discussing the ‘the King Country’, Somerville is referring to lands that in 1965 were located within the Otorohanga, Waitomo, Taumarunui, and Waimarino Counties, and the western riding of Taupo County.

<sup>37</sup> Ibid, 44.

<sup>38</sup> BBAX 1427 1 a, Sawmill register, 1943-1944, ANZ Auckland.

<sup>39</sup> See Table 12.

of national indigenous timber production.<sup>40</sup> Ellis and Burnand's mills produced about 40 percent of the timber.

As well as a significant increase in the demand for timber, growth in production in the King Country after the Second World War also reflected a number of new developments – the use of large trucks to carry logs, improved roads, and the new technology of chainsaws – all of which made the milling of previously inaccessible timber commercially viable.<sup>41</sup> These conditions enabled Maori timber owners to sell cutting rights to isolated areas of bush for royalty rates that were, owing to the high demand for timber, considerably greater than had previously been paid.<sup>42</sup> As detailed later in the report, cutting from Maori-owned land clearly remained important after the Second World War. Numerous new cutting agreements were entered into, including areas where little cutting for sawmilling purposes had previously taken place, such as lands in the Mokau and Awakino district.<sup>43</sup>

The extent to which sawmillers benefitted from the increased demand for timber and the increased cutting that took place after the Second World War is unclear. Crabb claims that sawmillers soon faced difficulties because sawn timber prices remained subject to price control, yet the the prices paid for Maori-owned and privately-owned areas of bush increased steeply, while Forest Service rates also rose, but at a lesser rate.<sup>44</sup> He states that in the late 1940s and early 1950s sawmillers were in a desperate position and the Minister of Forests supported the Federation's calls for increased prices in opposition to the Ministers of Finance and Housing. Crabb states that it was not until the late 1950s that there was some relaxing of price control.<sup>45</sup>

From 1960, reflecting a general decline and closure of mills in the North Island, the King Country region's indigenous timber industry began to contract.<sup>46</sup> (In the period from 1959 to 1963, the region produced 24 percent of New Zealand's indigenous timber.<sup>47</sup>) Somerville notes that this trend was partly the result of takeovers, which concentrated resources in the hands of fewer firms.<sup>48</sup> However, the main reason for the decline was the depletion of available

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<sup>40</sup> Somerville details that 327 million board feet of indigenous timber was produced in 1950. Somerville, p 12.

<sup>41</sup> Ibid, pp 25-26.

<sup>42</sup> Ibid, p 27.

<sup>43</sup> See Table 13.

<sup>44</sup> Crabb, p 35.

<sup>45</sup> Ibid, p 35.

<sup>46</sup> Somerville, pp 12-13.

<sup>47</sup> Ibid, 44.

<sup>48</sup> Ibid, p 63.

indigenous timber resources.<sup>49</sup> By 1970, only 8 sawmills were operating in the Rohe Potae inquiry district.<sup>50</sup> Cutting of indigenous timber in the inquiry district continued into the 1970s before declining to an insignificant level. As detailed later, some of the late cutting involved Maori-owned timber. Cutting in Pureora State Forest wound down from the mid-1970s, when growing environmental concerns resulted in political pressure to end the cutting of indigenous timber on Crown land.<sup>51</sup>

It is difficult to comment conclusively on the profitability of the indigenous sawmilling operations that were established in the Rohe Potae inquiry district, though it seems that the industry did present an opportunity for profitable business enterprise. It appears that the amount of capital required to establish sawmills was sometimes substantial, though varied according to the size of the operation. Some risk was clearly involved and no doubt a number of ventures failed at the expense of investors. It is unclear how much money was made by companies and individuals whose operations did not fail and whose sawmills worked for a number of years. Very little evidence concerning the profits of such operations has been located. As detailed above, it is known that between 1908 and 1911 Ellis and Burnand made net profits in the order of £10,000 to £18,000. It is also evident that sawmilling companies in the inquiry district, as in other parts of the country, struggled during the Depression.

Though details of actual earnings are scarce, the longevity of some of the sawmilling operations suggests that some companies, at least, were generally able to maintain a level of profitability that was considered to be adequate – even during the years when there was price control of sawn timber, which the Sawmiller’s Federation clearly appears to have resented. The company that worked for the longest period was Ellis and Burnand, which operated for more than 70 years – practically the whole course of the indigenous timber industry in the inquiry district. Other companies also operated for quite long periods. The Waimiha Timber Company, for example, milled timber from at least 1945 to 1965.

As little exotic planting had been undertaken in the inquiry district, the economic importance of the forestry sector lessened as the indigenous timber industry declined from 1960. This resulted in the decline of timber towns, and employment in the sector also would have dropped away

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<sup>49</sup> Ibid, pp 11-14.

<sup>50</sup> BBAX 1427 5 c, Sawmill register, 1970-1971, ANZ Auckland.

<sup>51</sup> Roche, pp 417-430.



(though little evidence relating to this has been located).<sup>52</sup> In the early 1960s, as discussed later, something in the vicinity of 500 people may have been employed in the sawmilling industry in the Rohe Potae inquiry district.

It appears that large-scale exotic afforestation was not pursued in the Rohe Potae inquiry district because this was not considered to be the best use of the available land. Writing in 1965, Somerville notes that most of the land that had been milled in the King Country region over the previous 50 years had been converted to farmland.<sup>53</sup> In particular, former forest land was put into pasture for sheep and beef farming.

The establishment of exotic forestry in New Zealand was led by the state, with the first large-scale plantings undertaken in the mid-1920s and focussed mainly on the lands of the central North Island, particularly the Kaingaroa plains.<sup>54</sup> In 1959, the State Forest Service initiated a second planting boom. Again, the central North Island remained the focus of the planting, with some of the land being leased from Maori.<sup>55</sup>

Though not on a large scale, the State Forest Service did undertake some exotic forest planting in the inquiry district, creating the Mangaokewa, Pirongia South, Pureora, Tainui Kawhia, and Tawarau exotic forests. In the case of the Tainui Kawhia forest, which covered an area of about 1199 hectares, most of the land was owned by Maori. Planting of *pinus radiata* appears to have been undertaken between about 1970 and 1977.<sup>56</sup> Around the time that the Tainui Kawhia State Forest was being planted, Maori land owners at Taharoa also began investigating the possibility of planting exotic trees on some of their land.<sup>57</sup> Today, Taharoa C Incorporation today holds 1,000 hectares of land planted in exotic forest.<sup>58</sup>

As well as the developments at Kawhia and Taharoa, in the early-1970s a private company, New Zealand Forest Products, entered into a leasing arrangement with the incorporated owners of

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<sup>52</sup> Somerville, p 13.

<sup>53</sup> Ibid.

<sup>54</sup> Roche, pp 214-224.

<sup>55</sup> Ibid, pp 325-333.

<sup>56</sup> New Zealand Forest Service, *Tainui Kawhia State Forest* (pamphlet), New Zealand Forest Service, Auckland, 1982.

<sup>57</sup> Smith (for Secretary), Head Office, to Hamilton, 8 April 1974, MA W2459 52 5/14/3 part 4, Kawhia and Taharoa – sand encroachment – ironsand development, 1963-1975, ANZ Wellington.

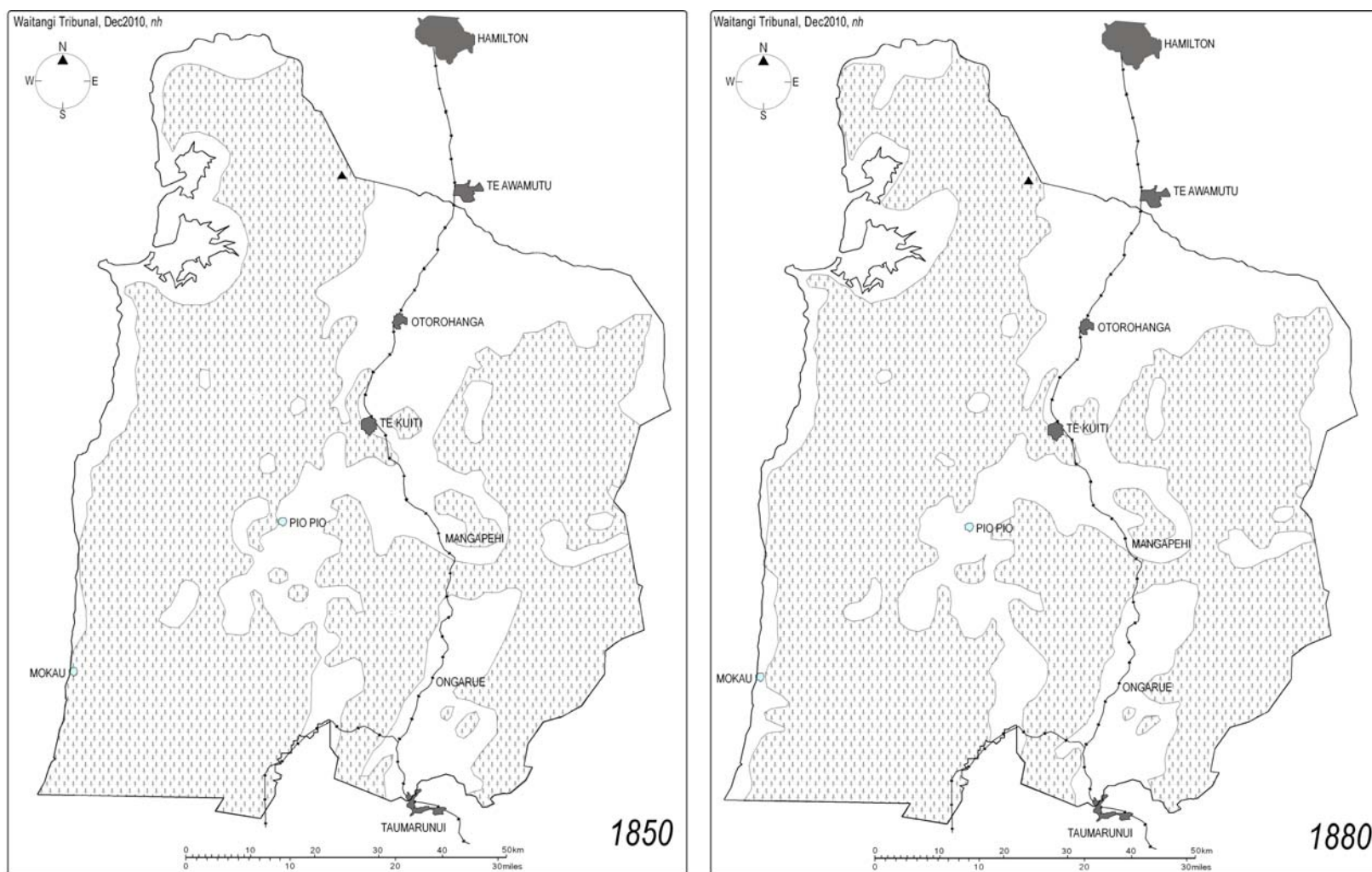
<sup>58</sup> Ministry of Agriculture and Forestry, 'Central North Island forestry and wood availability forecasts 2009', Ministry of Agriculture and Forestry, Wellington, 2009, p 12.

Maraeroa C block for the purpose of establishing an exotic forest.<sup>59</sup> At the time this lease was secured, New Zealand Forest Products was looking to initiate a major afforestation scheme in the south-east of the inquiry district, covering at least 60,000 acres, at least 20 percent of which were owned by Maori.<sup>60</sup> However, the scheme did not progress owing to doubts as to whether forestry was an appropriate land use – a debate in which local Maori appear to have had very little involvement.

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<sup>59</sup> New Zealand Forests Products, Proposal for Afforestation, F 1 W3129 16 1/17/3/1 part 1, King Country afforestation, 1968-1975, ANZ Wellington.

<sup>60</sup> Roche, pp 354-357.



**Figure 2:** Approximate forest cover in the Rohe Potae inquiry district, 1850 and 1880<sup>61</sup>

<sup>61</sup> These maps are based upon maps in Tutuhanga Douglas, Craig Innes, and James Mitchell, 'Alienation of Maori land within Te Rohe Potae inquiry district 1840-1910: a quantitative analysis', a report commissioned by the Waitangi Tribunal, June 2010, p 142.

## Indigenous forestry

### *Indigenous forest resources in the Rohe Potae inquiry district*

This section provides a brief description of the indigenous forest resources that existed in the Rohe Potae before sawmilling operations began. It is evident that prior to European settlement a significant proportion of the North Island remained covered in forest, including much of the inquiry district. Figure 2 indicates the extent of forest cover in the inquiry district in 1850 and 1880. Except for the coastal margins and some significant areas of open land that lay along certain river valleys, most land in the inquiry district was forest covered. The forest that existed within the inquiry district was primarily conifer-broadleaf forest.<sup>62</sup> The largest trees in this type of forest included rimu, matai, miro, totara, and – in areas of wet and swampy ground – kahikatea.<sup>63</sup> These trees became the focus of the indigenous sawmilling industry that was to develop in the inquiry district.

The impressive nature of the King Country forests, particularly with regard to the size of the dominant trees and their dense arrangement, drew comment from some Europeans who visited the area in the late nineteenth century. Austrian naturalist Andreas Reischek, for example, who visited the district in 1882, described the often-dense nature of the forests through which he passed. Travelling from Hauturu to Kawhia, for example, Reischek observed the ‘hilly and thickly wooded’ nature of the land as he approached Kawhia.<sup>64</sup> Later, in 1896, George Perrin, Victorian Conservator of State Forests, commented on the forests of the King Country in a report he prepared after visiting many of the country’s forested areas. Perrin described the forest around Taumarunui to be ‘one of the best, if not actually the best totara forest in New Zealand, containing many enormous trees’.<sup>65</sup> He noted that the forest also contained rimu and kahikatea of ‘splendid size and quality, many of them 6ft to 8ft in diameter’.<sup>66</sup>

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<sup>62</sup> Macolm McKinnon, ed., *New Zealand Historical Atlas*, David Bateman in association with the Department of Internal Affairs, Auckland, 1997, plate 8.

<sup>63</sup> John Dawson, ‘Conifer-broadleaf forests – forests of northern New Zealand’, Te Ara – the Encyclopedia of New Zealand. URL: <http://www.teara.govt.nz/en/conifer-broadleaf-forests/2>

<sup>64</sup> Andreas Reischek, *Yesterdays in Maoriland: New Zealand in the Eighties*, translated by H.E.L. Pridlay, Wilson and Horton, Auckland, 1971, p 170.

<sup>65</sup> *AJHR*, 1896, C-18, p 10.

<sup>66</sup> Such observations are reflected in recent descriptions of the forests that once existed in the King Country. For example, Harriet Fleet, in her 1984 book, *New Zealand’s Forests*, summarises that: ‘Magnificent forests of totara, black maire, rimu, miro, matai, and kahikatea covered the King Country.’ Harriet Fleet, *New Zealand’s Forests*, Heinemann, Auckland, 1984, p 15.

A large proportion of the forest lands of the Rohe Potae inquiry district lay within an area of forest that has commonly been referred to as the 'West Taupo forests', which encompassed the indigenous forest lands that were broadly situated along the North Island Main Trunk railway between Otorohanga and Ohakune.<sup>67</sup>

### ***Government forest policy and initiatives, 1840-1910***

Before examining the emergence of the indigenous sawmilling industry in the Rohe Potae inquiry district, this section summarises government policies and initiatives concerning forestry in the period between 1840 and 1910. It provides a background to the developments that saw an indigenous sawmilling industry firmly established along the NIMT railway by the end of the first decade of the twentieth century.

It was not until the 1870s that central government began to demonstrate an interest in the management of forest areas. This interest arose from concerns about the future availability of timber resources. However, partly because of a perceived conflict with land settlement, early initiatives to protect forest areas and regulate forestry activity lacked wide political support and, as a result, were somewhat ineffectual. The earliest piece of forestry legislation, the Forests Act 1874, enabled State Forests to be established for the purpose of preserving soil and providing timber for future use.<sup>68</sup> The first conservator of forests, Inches Campbell Walker, toured the country and in 1876 reported on the need for greater state involvement in forestry. Among his recommendations, Walker identified a number of forest areas that he believed the government should secure. He did not visit the Rohe Potae and made no recommendation regarding the forest lands within the area. However, Walker identified areas of forest owned by Maori in other parts of the North Island that he thought should be acquired. For example, he recommended that the government secure the forest lands between Rotorua and Tauranga, noting that these were entirely in Maori ownership.<sup>69</sup>

The 1874 Act proved to be unpopular and was effectively shelved, though by 1880 some 800,000 acres of Crown land had been set aside as State Forest.<sup>70</sup> In 1885, new legislation was introduced with the passage of the State Forest Act, which saw a forestry branch established within the

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<sup>67</sup> Roche, p 116.

<sup>68</sup> Roche, pp 85-87.

<sup>69</sup> *AJHR*, 1877, C-3, p 4.

<sup>70</sup> Tony Walzl, 'Maori and Forestry (Taupo-Rotorua-Kaiangaroa) 1890-1990', a report commissioned by the Crown Forestry Rental Trust, October 2004, pp 249-250.

Department of Lands and Survey. However, this initiative also proved short lived and, with deteriorating economic conditions, was set aside in 1887 following a change of government. In July 1896, delegates at a national Timber Conference were told that a shortage of native timber would be experienced in coming decades.<sup>71</sup> However, delegates felt that it would not be possible to conserve the resource because of the high demand for settlement land and timber. Instead, it was decided that afforestation was the most appropriate way to meet future timber needs. In August 1896, a Forestry Branch was established within the Department of Lands and Survey in order to give effect to the afforestation policy.<sup>72</sup>

Despite the beginnings of an afforestation programme based on exotic species, the focus of cutting at the turn of the twentieth century remained firmly on indigenous forests. A 1901 estimate indicated that accessible timber forests would be cleared in 20 years.<sup>73</sup> Attempts to conserve timber related primarily to Crown land and took one of two forms – the designation of areas of Crown land as State Forest and efforts to make licensed timber cutting on Crown land more efficient.<sup>74</sup> However, in 1903, a policy of ‘Acquisition and Resumption of Forest lands’ was discussed in the Department of Lands and Survey annual report. Aimed at increasing the amount of forest land under official control, the acquisition part of the policy looked toward the purchase of ‘waste’ Maori land, while the resumption part of the policy looked to increase the amount of Crown land designated as State Forest.<sup>75</sup> Legislation passed in 1903 also aimed to conserve forest areas and protect the future of the sawmilling industry by discouraging the export of timber. Under the Timber Export Duty Act 1903, the duty on all logs exported was raised.<sup>76</sup>

In response to growing concern about the need to conserve timber supplies, the Timber and Timber Building Industries Commission was established in March 1909 and requested to investigate various aspects of the timber industry, including the extent of the remaining forest resources.<sup>77</sup> In its report, the Commission recorded wastage in the industry and proposed more efficient cutting of native forests. However, it considered that it would not be possible to protect indigenous forests, particularly from fire, and – reiterating the views expressed at the 1896 Timber Conference – concluded that at some time in the future the timber supply would

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<sup>71</sup> Walzl, p 250.

<sup>72</sup> Ibid.

<sup>73</sup> Roche, p 146.

<sup>74</sup> Ibid, pp 141-148.

<sup>75</sup> *AJHR*, 1903, C-13A, p 2. *AJHR*, 1903, C-31, p 3. Walzl, pp 251-252.

<sup>76</sup> Roche, pp 158-159.

<sup>77</sup> Roche, p 162.

have to be met by plantations, the creation of which the Commission believed was the responsibility of the state.<sup>78</sup>

### Summary

Concerns about the future supply of timber saw the government develop an interest in the management of forest areas during the 1870s. However, early initiatives that provided for the state to play a significant role in forest protection and management lacked wide political support and were short lived. By the end of the nineteenth century it was believed that indigenous timber resources would inevitably become scarce owing to the demand for settlement land and timber. Afforestation was seen as the most appropriate way to meet future timber needs and the first tentative steps to establish an afforestation programme was undertaken at this time. However, cutting remained focused on indigenous timber and the government began to look at how this resource could be more effectively managed.

### ***Early sawmilling, 1840-1885***

This section looks at sawmilling activities in the Rohe Potae between 1840 and 1885. During this period, milling of the indigenous forests was undertaken on a small scale and confined to the coastal margins of the Rohe Potae. The trade in timber during this time reflected the isolation of the district from markets, transportation difficulties, and the political events that saw the district involved in war and then largely closed to Europeans. Relatively little evidence has been located about the nature of the timber trade that existed between 1840 and 1880. As owners of the resource, Maori sold timber to Europeans and, in some instances, also appear to have been involved in the cutting and sawing of timber. For those Maori who were involved in the industry, profits earned from the timber trade may have provided a valuable source of cash revenue.

The commercial potential of harvesting timber from New Zealand's indigenous forests developed in relation to changing market opportunities. Prior to 1840, the timber trade was based on the exploitation of the kauri-dominated forests of Northland and Coromandel. Much of the timber was cut to provide masts for the Royal Navy, with some also used for local shipbuilding and the supply of Australian markets, where timber was required for housing and

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<sup>78</sup> Roche, p 150.

shipbuilding.<sup>79</sup> After 1840, a domestic market emerged alongside the export market, and localised timber industries developed to meet the needs of expanding areas of European settlement, supplying timber for housing, firewood, fencing, and, from the 1870s, railway sleepers.<sup>80</sup> However, where access to markets was limited and timber could not be easily transported, forested land was often cleared for settlement without any attempt to mill the timber.

In the Rohe Potae inquiry district, the beginning of the indigenous forestry industry dates from the early trading activity that took place between Pakeha and Maori at Kawhia, which relied on transport provided by shipping. The earliest trading at Kawhia focused on flax, with the first trading post established in 1828 by trader Amos Kent.<sup>81</sup> In 1830, Ngati Maniapoto leaders Haupokia and Te Waru visited Sydney to attract a trader to the southern side of Kawhia Harbour, which led Sydney merchant James Montefiore to establish a trading post in the area.<sup>82</sup> During the 1840s, Maori at Kawhia began trading wheat and it seems that timber mills also began operating at Kawhia at this time, with vessels calling in for wheat completing their loads with timber, mostly pit-sawn kahikatea.<sup>83</sup> Roche notes that in the 1850s a small amount of timber was shipped from Kawhia to supply the growing Auckland market – small quantities of shingles, firewood, palings, and, occasionally, modest amounts of sawn timber.<sup>84</sup> No evidence has been located concerning how the small-scale timber industry at Kawhia operated during the 1840s and 1850s. For example, the terms of payment between Maori and the traders are unclear, and it also uncertain whether Maori were involved in cutting and sawing the timber or whether this work was done by Pakeha sawmillers.

During the warfare of the 1860s, the trade in timber appears to have been limited to the activities of Mokau Maori, who under Wetere's leadership remained neutral throughout the fighting and engaged in an expanding trade.<sup>85</sup> Timber was one of several commodities that Mokau Maori, sailing their own vessel, shipped to Waitara, New Plymouth, and elsewhere. In September and

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<sup>79</sup> Roche, pp 14-40.

<sup>80</sup> Ibid, pp 45-83.

<sup>81</sup> Peg Cummins, *A History of Kawhia and its District: Material Collected by Corban Ward & Many Others*, Kawhia Museum, Kawhia, 2004, p 36.

<sup>82</sup> Hazel Petrie, *Chiefs of Industry: Maori Tribal Enterprise in Early Colonial New Zealand*, Auckland University Press, Auckland, 2006, pp 47-48.

<sup>83</sup> Somerville, p 22.

<sup>84</sup> Roche, p 54.

<sup>85</sup> Paul Thomas, 'The Crown and the Maori in Mokau, 1840-1911', draft report, a report commissioned by the Waitangi Tribunal, January 1911, pp 120-121.



November 1860, for example, shipments to New Plymouth included modest quantities of timber. It is unclear whether this trade continued after the conflict concluded.

In the 1870s, sawmilling was undertaken in at least two locations near the coast, from where timber could be transported. In the north, timber was cut from land that later became known as the Rakaunui block, an area of 1000 acres that was located on the southern side of Whaingaroa Harbour. When the title of this block was investigated in 1896, the claimants spoke at some length of selling timber to European sawmillers from the mid-1870s.<sup>86</sup> (Ward states that at this time Kingitanga Maori were increasingly trading across the northern boundary of the aukati in wheat, hops, pigs and other commodities.<sup>87</sup>) It seems that the owners of the Rakaunui land dealt with at least three sawmillers, entering into a number of transactions that each involved a defined number of trees of specified varieties.<sup>88</sup> It is unclear whether these transactions took the form of a written agreement or what the terms of payment were. Ownership of the land had yet to be determined by the Native Land Court, and the transactions had no legal status.

It appears that the most important transactions that the Rakaunui owners entered into were with sawmillers Mitchell and Davis, who were sold a quantity of puriri, rata, and manuka in 1874 and some large rimu in 1877. The owners seem to have played a limited role in the cutting and milling process. After building a road to carry out the timber purchased in 1874, Mitchell and Davis received some assistance from the owners to drag the logs. However, the rimu purchased in 1878 were sawn by the sawmillers on site, without assistance, in sawpits made with the owners' consent. The owners were careful to exercise control over the cutting of the timber. In 1877, one owner began living on the land with the specific intention of managing the timber business. The transactions ended when all saleable rimu and puriri had been removed from the Rakaunui land.

The other location where it is evident that sawmilling was undertaken during the 1870s is Tongaporutu, located near the southern boundary of the Rohe Potae. In 1874, 250 railway sleepers sawn by Maori were shipped out of Tongaporutu on the *Waitara*, a vessel that operated

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<sup>86</sup> Paula Berghan, 'Te Rohe Potae Inquiry District Research Assistance Projects – Block Research Narratives: Title Investigations & Land Purchasing', a report commissioned for the Crown Forestry Rental Trust, October 2008, pp 866-867.

<sup>87</sup> Alan Ward, *A Show of Justice: Racial Amalgamation in Nineteenth Century New Zealand*, Auckland University Press, Auckland, 1974, p 265.

<sup>88</sup> Berghan, pp 866-867.

between the northern ports of Taranaki.<sup>89</sup> It is unclear whether this load of sleepers comprised the extent of Maori sawmilling at Tongaporutu. The Maori involved in the enterprise may have been Ngati Tama, of Taranaki descent, rather than Ngati Maniapoto.

As well as the sawmilling activity on Maori land in the Rohe Potae, the opportunities presented by a growing market for timber during the 1870s were also reflected in European sawmillers' requests to cut timber on areas of confiscated land that lay immediately to the north of the Rohe Potae. For example, on 15 May 1874, Joseph May wrote to the Commissioner of Confiscated Lands on behalf of W.H. James, applying for a licence to cut timber from an area of forest on Mt Pirongia.<sup>90</sup> On 12 December 1874, a similar request was made by J.H. Edwards.<sup>91</sup> Both applications were considered favourably by officials, and it seems likely that cutting licenses were granted.<sup>92</sup>

By the mid-1880s, with the 'opening' of the Rohe Potae underway, it seems that Pakeha were becoming interested in establishing sizeable milling operations within the district. On 7 July 1885, the *Waikato Times* reported that certain Auckland interests were looking to fund the erection of a sawmill with the intention of exploiting a large quantity of valuable timber around the base of Mount Karioi as well as timber in other parts of the Raglan district.<sup>93</sup> (In the same report, it was noted that a ship leaving Raglan for Onehunga included an assortment of local timber bound for the Auckland market.) The timber around the base of Mount Karioi would have been within the 12,000 acre Karioi block, which had been purchased by the Crown in 1855.<sup>94</sup> Research has not established whether the proposed sawmill was established.

### Summary

Between 1840 and 1885, the milling of indigenous timber was, at various times, undertaken on a small scale in a few coastal locations. The limited nature of the activity reflected the physical isolation of the district as well as the disruption caused by the political events that unfolded during the period. Though relatively little evidence concerning the trade has been located, Maori

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<sup>89</sup> Margaret De Jardine, *The Little Ports of Taranaki: Awakino, Mokaui, Tongaporutu, Urenui, Waitara, Opunake, Patea*, Margaret de Jardine, New Plymouth, 1992, p 45.

<sup>90</sup> May to Commissioner of Confiscated Lands, 15 May 1874, AGG-A 1 10 74/242, ANZ Auckland.

<sup>91</sup> Edwards to Commissioner of Confiscated Lands, 12 November 1874, AGG-A 1 10 74/430, ANZ Auckland.

<sup>92</sup> Mair, 29 May 1874, minute on May to Commissioner of Confiscated Lands, 15 May 1874, AGG-A 1 10 74/242, ANZ Auckland. Sinclair, 25 November 1874, minute on Edwards to Commissioner of Confiscated Lands, 12 November 1874, AGG-A 1 10 74/430, ANZ Auckland.

<sup>93</sup> *Waikato Times*, 7 July 1885, p 3.

<sup>94</sup> Berghan, pp 47-49.

in some instances appear to have sold sawn timber that they had milled themselves, while in other cases they sold standing timber to Pakeha sawmillers. When the Rohe Potae began to be opened during the mid-1880s, Pakeha began to show an interest in establishing substantial sawmilling operations in the inquiry district, signalling the future development of the industry.

### ***Sawmilling and the North Island Main Trunk railway***

After the Rohe Potae was opened to European settlement, a major sawmilling industry began to develop in the district. The construction and operation of the North Island Main Trunk (NIMT) railway was central to the emergence of this industry – in the Rohe Potae and other areas served by the railway. While the provision of the timber required for building the railway created some stimulus to the industry, the main significance of the railway was that it played a crucial role in enabling sawn timber to be transported to distant markets. Without the NIMT railway, the development of the sawmilling industry might have been largely limited to meeting local demand, and it is possible that many forest areas that were milled would have been simply cleared for farming without any attempt to harvest the available timber.

In a 1909 report on the forestry industry, the Department of Lands and Survey commented that close access to rail transport was essential to the viability of sawmilling operations: “The expense of transport is one of the chief difficulties that has to be faced by a sawmiller, and it has been found that, unless the bush is in close proximity to the railway, the success of the sawmill is exceedingly problematic.”<sup>95</sup> The report observed that tramways were sometimes built – as was the case in the King Country – to connect cutting areas with the railway. However, the cost of these tramways was large and they sometimes crippled sawmillers’ financial resources, compelling them to abandon operations.

Before construction of the NIMT railway commenced, government officials and representatives recognised that the railway would create an opportunity for commercially profitable sawmilling of the forests through which the line would pass. While this potential does not appear to have been a key factor in the selection of the railway route, surveyor John Rochfort’s 1884 report of his exploration of the route between Te Awamutu and Marton included observations of the forests that lay along this route.<sup>96</sup> Reporting on the country between Raetihi and Taumarunui, for example, Rochfort made a number of comments about the standing timber and its suitability

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<sup>95</sup> *AJHR*, 1909, C-4, p 8.

<sup>96</sup> *AJHR*, 1884, D-5, pp 2-3.

for milling. He also drew attention to large patches of forest north of Te Kuiti, which he identified to principally include totara and kahikatea.

Construction of the NIMT railway began in April 1885, following protracted negotiations between Rohe Potae Maori and government representatives, which concluded with Rohe Potae Maori approving the building of the railway on the basis of a number of agreements and understandings. Issues concerning the NIMT railway are dealt with in a separate report, but it is worth noting here that the negotiations between Rohe Potae Maori and government representatives included a small amount of discussion regarding the opportunity that the railway would provide for the profitable milling of the forests along the line.<sup>97</sup> The commercial potential that the NIMT railway would create in respect of forest areas was one of a number of economic benefits that government representatives suggested that Rohe Potae Maori would derive from the construction of the line. Speaking at a hui held at Kihikihi on 4 February 1885, Native Minister John Ballance stated that it would be to the Maori land owners' economic advantage if the railway was pushed through areas of forest lands:

In other parts of the country, where Europeans own timber land, they are very anxious that roads and railways should be taken through their land, in order to develop the value of the timber; so I strongly recommend the owners of the bush to insist upon the line going through it, for their own benefit.<sup>98</sup>

This statement appears to have been made in response to concerns raised by some Maori regarding the environmental impact that the railway would have on forest areas. Later in the meeting, these concerns were expressed again by Aporo Taratutu, who told the meeting that forest areas should be preserved, noting particularly a large area that extended from Mangawhare to Te Kumi.<sup>99</sup> Taratutu believed that Maori should be paid for trees that were cut down, noting that matai might be used for sleepers. Ballance assured the meeting that Maori would be compensated for any bush damaged and would be paid the value of the timber cut down.<sup>100</sup> However, it seems that Rohe Potae Maori later waived any claim for trees that lay in the path of the track.<sup>101</sup>

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<sup>97</sup> Philip Cleaver, and Jonathan Sarich, 'Turongo, North Island Main Trunk Railway and the Rohe Potae, 1870-2008', a report commissioned by the Waitangi Tribunal, December 2009.

<sup>98</sup> *AJHR*, 1885, G-1, p 23.

<sup>99</sup> *AJHR*, 1885, G-1, p 23.

<sup>100</sup> *AJHR* 1885, G-1, p23.

<sup>101</sup> Cleaver and Sarich, p 103.

It appears that some Rohe Potae Maori maintained concerns about the impact that the NIMT railway would have upon forest areas after construction began. During the first year of construction, the course of the railway near Otorohanga was moved from the line surveyed by Rochfort in order to prevent damage to what the *Waikato Times* described as an extensive area of kahikatea.<sup>102</sup> The *Times* reported that the course had been changed at the request of Maori who were concerned at the prospect of the trees being destroyed. (Assuming that the trees would some day be milled, the paper considered this to be very short-sighted because it meant that the cost of transporting the timber would be greater.) It is unclear whether, as construction progressed south, Rohe Potae Maori made further requests regarding the course of the line and, if so, whether the Public Works Department was responsive to these demands.

The lengthy process of constructing the NIMT railway, which was completed in 1908, provided some impetus to the development of the sawmilling industry within the Rohe Potae inquiry district. During construction, timber was required for a range of purposes, including sleepers, culvert and bridge structures, buildings, fences, and firewood for the construction workers. Some of this timber was sourced locally, while other timber appears to have been brought in from outside the district, including much of the large amount of wood required for sleepers. The NIMT railway report details that, during the first two years of construction, the Kawhia Committee successfully negotiated with contractors to be paid for any timber required from within the district.<sup>103</sup> Later, from 1898 to 1904, a number of sawmillers in the inquiry district – almost all Europeans – entered contracts with the Public Works Department to supply sleepers. Further details of these contracts are provided below.

As construction work proceeded southwards, it seems that opportunities to supply sleepers lessened in the Rohe Potae inquiry district, with preference probably being given to individuals who worked bush areas closer to where the work was being undertaken. In 1907, the Public Works Department opened its own mill at Kakahi, south of Taumarunui, drawing on an area of bush that the government had secured in that area. From this time, it seems likely that much of the Department's timber requirements for public works in the region would have been supplied by the Kakahi mill.<sup>104</sup>

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<sup>102</sup> *Waikato Times*, 26 October 1886, p 3.

<sup>103</sup> Cleaver and Sarich, pp 103-105.

<sup>104</sup> Notes on sawmills and bush areas, ABIN W3337 150, Historical Files Collated by NZR Staff – NZR Reports – Sawmills and Bush Areas, Stores Branch, undated, ANZ Wellington.

## Summary

The construction and operation of the NIMT railway was central to the development of a major sawmilling industry in the Rohe Potae inquiry district (and also certain other areas served by the railway). The provision of the timber required for building the railway provided some stimulus to the industry, but the main significance of the railway was that it enabled sawn timber to be transported to distant markets. During the negotiations that preceded the construction of the railway – an important step in the opening of the Rohe Potae to European settlement – the government’s representative, Ballance, told Maori that the railway would enable them to ‘develop the value of the timber’. However, as explained below, Maori involvement in the industry would be relatively limited.

### ***Expansion of sawmilling along the North Island Main Trunk railway, 1890- 1909***

The first sizeable sawmilling operation connected to the NIMT railway in the Rohe Potae inquiry district was established in about 1890 near Otorohanga Railway Station.<sup>105</sup> In June 1890, before the sawmill was established, Native Agent George Wilkinson noted in his annual report that negotiations were in progress for the purchase of kahikatea near Otorohanga and that it was rumoured that a European was about to erect a sawmill.<sup>106</sup> Wilkinson commented that the sawmill would constitute an occupation of the type prohibited by the Native Lands Frauds Prevention Act 1881 Amendment Act 1888, but it seems that no action was taken to prevent the sawmill being erected.<sup>107</sup>

The Otorohanga mill was established by storekeeper J.W. Ellis and a Mr Lewis, who together secured rights to cut rimu and kahikatea from the Maori-owned Mangawhero block. (Prior to this, Ellis had operated a small sawmill at Kihikihi from 1886.) It is possible that the Kawhia Committee may have been involved in these negotiations, though no evidence to confirm this has been located. Ellis had strong connections to the Maori community through marriage – a connection that was probably helpful in the successful negotiation of the cutting rights.<sup>108</sup> In

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<sup>105</sup> Anderson, *Sparse Timber Sawmillers*, p 9. Construction of the railway between Te Awamutu and Otorohanga had been completed by March 1887. Cleaver and Sarich, p 291.

<sup>106</sup> *AJHR*, 1890, G-2, p 5.

<sup>107</sup> Wilkinson suggested that the individual who was looking to erect the sawmill probably believed that the sawmill would not be interfered with because no action had been taken against those who, a few months previously, had erected flax mills on Maori land near Otorohanga.

<sup>108</sup> Anderson, *Sparse Timber Sawmillers*, p 9. According to Anderson, Ellis first came to the district in 1875, when – as one of the first European businessmen in the King Country – he set up a general store at Motakotako on the Aotea

1891, Lewis retired from the partnership and Ellis was then joined by J.H.D Burnand, who left his position of inspector of railway works at Poro-o-tarao.<sup>109</sup>

On 10 March 1897, Wilkinson, in his later capacity as a land purchase officer, provided some details of the milling of the Mangawhero block in a report prepared for the Under Secretary of the Land Purchase Department.<sup>110</sup> Wilkinson detailed that the block, which had been partitioned into eight subdivisions, was being cut by Ellis and Burnand, who paid the owners a royalty for all the timber cut. Wilkinson believed that the owners would not sell the lands from which timber was being cut unless they were paid at least the amount they were receiving for the timber. He enclosed a schedule that specified the blocks where timber stood and had been cut from:

**Table 1:** Schedule of Mangawhero block subdivisions, 1890

Subdivision	Area	Number of owners	Remarks
1	1,527a 0r 00p	45	Timber intact.
1A	6a 0r 00p	4	No timber.
2	317a 0r 00p	26	Timber intact.
2A	282a 0r 00p	38	No timber, mostly swampy.
3	150a 0r 00p	35	Timber cut.
3A	6a 0r 00p	2	No timber.
3B	209a 0r 00p	72	Very little timber, mostly cut.
4	377a 0r 26p	23	Some of the timber cut.

On 25 March 1897, the Under Secretary wrote to the Surveyor General, enquiring as to the prices that should be paid for the purchase of the Mangawhero subdivisions, if this was seen to be advisable.<sup>111</sup> He also commented that he knew of no statutory authority under which Ellis and Burnand were cutting the timber. Responding on 7 April 1897, the Surveyor General could not recommend purchase, unless at a low price, which he believed would not be accepted by the owners given the value placed on the kahikatea.<sup>112</sup> The Under Secretary then advised Wilkinson

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Harbour, trading mostly with local Maori. Local leader Wiremu Tauira placed his daughter Te Remi Kauki Tauira with Ellis to learn of Pakeha ways and from 1877 Ellis and Kauki lived together as husband and wife, apparently having been through a Maori form of marriage. A daughter, Lucy, was born in 1879. In 1882, the couple moved to Kihikihi, where Ellis built another store. In 1885 Ellis and Kauki separated after Kauki was recalled by her elders. During the same year, Ellis moved to Otorohanga, where he became postmaster and again opened a store. In 1888, he married Manawa Francis from Kihikihi, and a family of three boys and one girl resulted from this marriage.

<sup>109</sup> Anderson, *Sparse Timber Sawmillers*, p 9. R.D. Stanley, 'Burnand, John Henry Davis – Biography', from the *Dictionary of New Zealand Biography*, Te Ara – the Encyclopedia of New Zealand, updated 1 September 2010. URL: <http://www.TeAra.govt.nz/en/biographies/3b60/1>

<sup>110</sup> Berghan, pp 456-457.

<sup>111</sup> *Ibid*, p 457.

<sup>112</sup> *Ibid*.

not to attempt to purchase the Mangawhero lands, which Ellis and Burnand appear to have continued milling until 1912.<sup>113</sup>

Ellis and Burnand's mill at Otorohanga set the pattern for later sawmilling operations along the NIMT railway, which grew in number from around 1900, when the railway was extended south of the Poro-o-tarao Tunnel, making accessible large tracts of forest land. As well as the access provided by the NIMT railway, the expansion of sawmilling operations in the West Taupo forests also owed something to the realisation, from the 1890s onwards, that timber supply from the dominant kauri industry would eventually decline.<sup>114</sup> This awareness encouraged a redirection of sawmilling into new areas, with greater focus on species that had been considered inferior to kauri.

In his ministerial statement for the year 1900, Minister of Public Works W. Hall-Jones recognised the commercial value of the forests that lay along the route of the NIMT railway. When setting out a number of reasons why he thought the railway should be completed in the near future, Hall-Jones commented that it would open up 'large areas of valuable timber'.<sup>115</sup> Closely connected with the progress of the railway, the cutting of the West Taupo forests advanced from the north and south. The establishment of Ellis and Lewis' sawmill at Otorohanga marked the beginning of activity in the north. In the south, the advance followed the exhaustion of the Seventy Mile Bush during the first decade of the twentieth century, which saw some sawmillers relocate along the NIMT railway in the Rangitikei district and then move northwards into the West Taupo forests.<sup>116</sup>

As noted earlier, the provision of timber for the construction of the NIMT railway provided some impetus for the development of the sawmilling industry in the Rohe Potae inquiry district. Between 1898 and 1904, sawmillers operating within the inquiry district fulfilled numerous contracts to supply sleepers to the Public Works Department. Details of these contracts are set out in Table 2. In addition to the contracts listed in Table 2, there were also a number of small, sundry sleeper contracts, the details of which are unknown. It appears, from the addresses of the contractors and the places of delivery, that most of the sleepers were supplied from forests areas located south of the Poro-o-tarao Tunnel.

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<sup>113</sup> Ibid. Anderson, *Sparse Timber Sawmillers*, p 9.

<sup>114</sup> Roche, pp 115-116.

<sup>115</sup> *AJHR*, 1900, D-1, p i.

<sup>116</sup> Roche, p 116.



**Table 2:** Sleeper contracts held by sawmillers in the Rohe Potae inquiry district<sup>117</sup>

Date of contract	Contractor	Address	Place delivered to	Sleepers delivered
12 July 1898	Tutahanga	Pororo-tarao	Pororo-tarao	319
12 July 1898	W. Fell	Pororo-tarao	Pororo-tarao	145
12 July 1898	D. Bruce	Pororo-tarao	Pororo-tarao	150
12 July 1898	G. Boulter	Pororo-tarao	Pororo-tarao	141
12 July 1898	W. Campbell	Pororo-tarao	Pororo-tarao	172
5 August 1898	Tahi	Pororo-tarao	Pororo-tarao	109
10 August 1898	A. Campbell	Pororo-tarao	Pororo-tarao	109
7 April 1899	Tutahanga	Pororo-tarao	Pororo-tarao	1,000
27 April 1899	Olsen and Teko	Pororo-tarao	Waimiha	523
17 July 1899	W. Campbell	Pororo-tarao	Pororo-tarao	500
6 December 1899	G. Gotty	Pororo-tarao	Pororo-tarao	1,000
20 February 1900	McIntyre and Bird	Pororo-tarao	Waimiha	500
6 March 1900	M. Lee	Pororo-tarao	Waimiha	2,132
25 April 1900	Tutahanga	Pororo-tarao	Waimiha	2,014
25 April 1900	G. Gotty	Pororo-tarao	Waimiha	500
15 May 1900	D. Hutchison	Pororo-tarao	Waimiha	500
3 November 1900	Ellis and Burnand	Otorohanga	Mangapehi	10,000
17 December 1900	Tutahanga	Pororo-tarao	Waimiha	2,085
11 January 1901	Ellis and Burnand	Otorohanga	Ongarue	20,000
25 February 1901	Ellis and Burnand	Mangapehi	Mangapehi	5,000
25 April 1901	T.H. Reynolds	Pororo-tarao	Ongarue	2,008
27 August 1902	A.M. Riddell	Ongarue	Ongarue	1,224
11 October 1902	R. Cashel	Ongarue	Ongarue	801
31 October 1902	C.G. Dallas	Ongarue	Ongarue	500
25 November 1902	W. Drummond	Ongarue	Ongarue	386
27 November 1902	G. Weeks	Ongarue	Ongarue	200
29 November 1902	A Kelly	Ongarue	Ongarue	60
2 December 1902	Tutahanga	Ongarue	Taumarunui	839
19 December 1902	C.G. Dallas	Ongarue	Ongarue	289
19 December 1902	C.J. Ryan	Ongarue	Ongarue	2,879
24 April 1903	C.J. Ryan	Ongarue	Ongarue	877
29 April 1903	C.G. Dallas	Ongarue	Ongarue	373
5 May 1903	A.M. Riddell	Ongarue	Ongarue	393
13 August 1903	Ellis and Burnand	Otorohanga	Ongarue	3,000
5 November 1903	C.J. Ryan	Ongarue	Ongarue	690
12 November 1903	A.M. Riddell	Ongarue	Ongarue	366
11 February 1904	J. Gordon	Ongarue	Ongarue	255
15 March 1904	C.G. Dallas	Ongarue	Ongarue	205
23 April 1904	J. Gordon	Ongarue	Taumarunui	387
<b>Total</b>				<b>62,631</b>

Almost all of the contracts were for the provision of totara sleepers, for which the sawmillers were generally paid three shillings each. In total, the value of the sleeper contracts amounted to at least £9,400. Many of the contracts were relatively small – 17 of the 39 contracts involved fewer than 400 sleepers. These small contracts were probably held by individuals who milled the timber by hand and, at the same time, were engaged in other forms of work. By far the greatest supplier of sleepers was Ellis and Burnand, who fulfilled contracts to provide 38,000 sleepers –

<sup>117</sup> This table presents details from the schedules of sleeper contracts that were published in the Public Works Department's annual reports. See *AJHR*, D-1, appendix D.

more than half the total number supplied from the inquiry district. As detailed below, Ellis and Burnand's operations had by this time expanded beyond the Otorohanga sawmill and cutting of the Mangawhero bush. The sleeper contracts were no doubt helpful to this expansion.

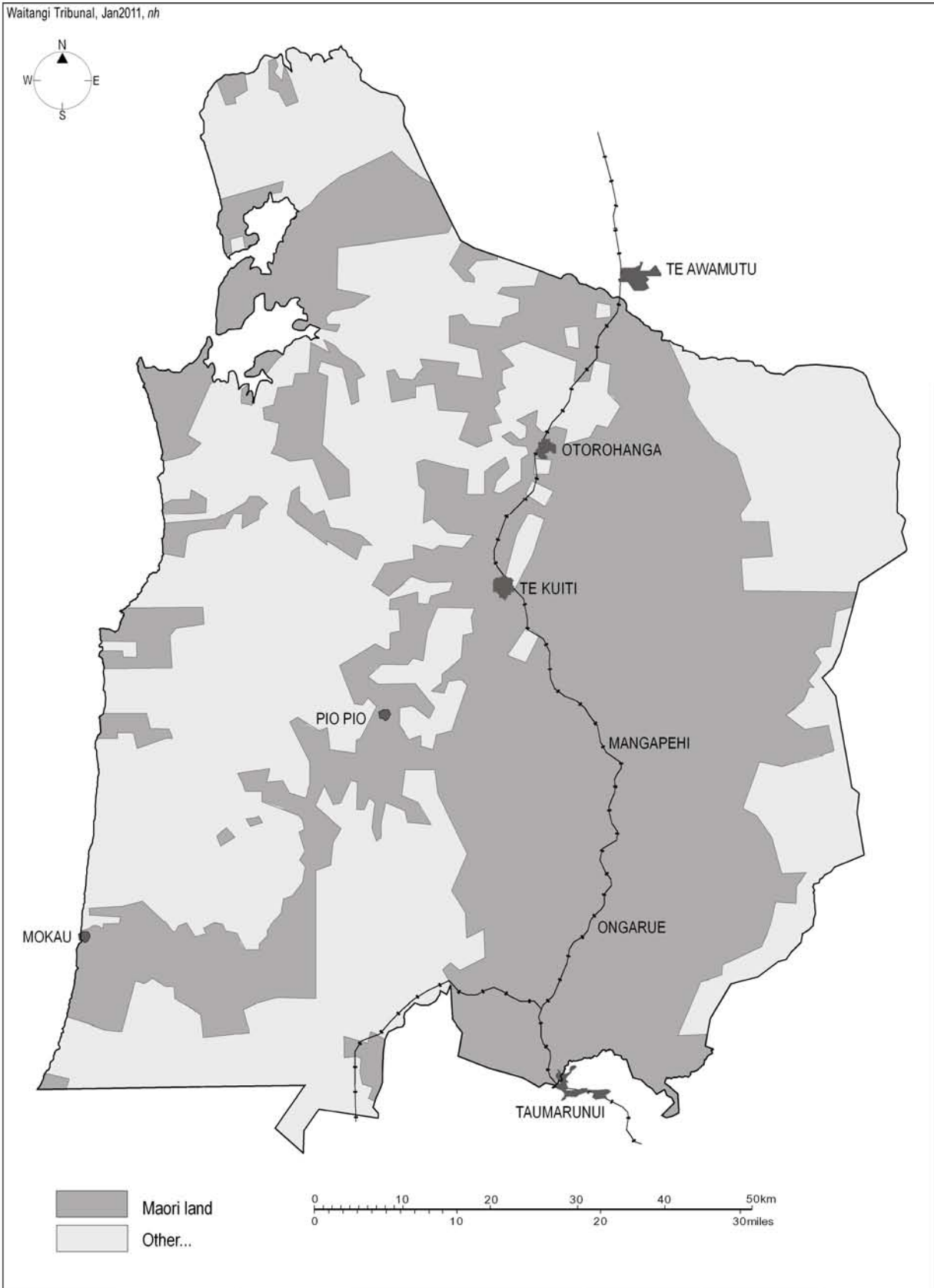
Maori appear to have been involved in the supply of some 7000 sleepers, for which they would have been paid about £1050. The most prominent of the Maori contract holders was an individual named Tutahanga, who supplied almost 6000 sleepers. Where timber was cut from land that had not passed through the Native Land Court, Maori initiatives to supply sleepers met some resistance from government land purchase officials. In a letter written on 18 August 1900, Wilkinson advised the Under Secretary of the Land Purchase Department that Maori were cutting railway sleepers from bush near Ongarue, on land the title to which had yet to be decided by the Court.<sup>118</sup> Wilkinson had been informed that payment for the sleepers was being held back until the owners of the land were known. In response, Sheridan stated that, though his Department was not particularly concerned, the Maori involved should be made aware that the activity was a serious breach of the law.<sup>119</sup>

With the exception of a sawmill that operated for a few years at Ongarue, all of the sawmills that were established in the inquiry district around the turn of the twentieth century seem to have been owned by Europeans. However, it appears that most of the timber processed by these mills was cut from Maori land. Much of the forest land that lay along the NIMT railway in the south of the inquiry district, which was the focus of the expanding sawmilling industry, remained in Maori ownership at this time. Figure 3 shows the lands held by Maori in 1903. (The impact that Crown land purchase had upon Maori ownership of forest lands over the years is examined fully below.) Following the example of Ellis and Burnand's dealings with the owners of the Mangawhero block, sawmillers who wished to work areas of Maori-owned forest entered into agreements with the owners to cut timber and pay the owners royalties for the timber extracted.

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<sup>118</sup> Wilkinson to Sheridan, 18 August 1900, MA-MLP 1900/150, cited in Berghan, p379.

<sup>119</sup> Sheridan to Wilkinson, 24 August 1900, MA-MLP 1900/150, cited in Berghan, p380.



**Figure 3:** Maori land in the Rohe Potae inquiry district, 1903<sup>120</sup>

<sup>120</sup> This map is based upon 'North Island New Zealand showing the land tenure, 1902-03', AJHR, 1903, C-1.

The Stout Ngata Commission’s report on the Maori lands of the King Country, dated 4 July 1907, noted that a large area of land was subject to leases or rights for timber milling.<sup>121</sup> The Commissioners, who did not look into the terms and conditions of the agreements, observed that the lands in question generally lay to the east of the railway between Te Kuiti and Taumarunui. The report included a schedule of lands covered by timber leases. Table 3 records details of the leases that concerned blocks located within the Rohe Potae inquiry district. These leases covered an area of 55,113 acres, of which 51,338 acres was located within subdivisions of the Rangitoto Tuhua block.

**Table 3:** Timber leases noted in 1907 report of Stout Ngata Commission<sup>122</sup>

<b>Block</b>	<b>Area (acres)</b>
Mangawhero 1	1,527
Rangitoto Tuhua 1	937
Rangitoto Tuhua 2	2,764
Rangitoto Tuhua 52	9,031
Rangitoto Tuhua 61c	4,791
Rangitoto Tuhua 66	10,312.5
Rangitoto Tuhua 76	8,758
Rangitoto Tuhua 79	7,000
Rangitoto Tuhua 80	7,744.5
Tahaia B	2,248
<b>Total</b>	<b>55,113</b>

It is evident that the Stout Ngata report did not include details of at least one major timber lease held at the time of the report – an agreement between J.W. Ellis and the owners of Rangitoto Tuhua 36, which was also known as Te Tiroa block. In 1898, Ellis secured timber rights over the entire block, an area of 30,163 acres.<sup>123</sup> (This agreement is examined below.) Securing access to this forest was clearly important to the expansion of Ellis and Burnand’s operations. By 1901, the partnership had a small portable mill working at Tiroa, with some of the timber used for building a larger mill at Mangapehi.<sup>124</sup> This mill opened in 1903 and, during the same year, Ellis and Burnand became a limited liability company.<sup>125</sup> In 1904, the Melbourne-based Kauri Timber Company, which dominated the declining kauri timber industry, secured a 47.5 percent holding in the company.<sup>126</sup> Further mills were opened by Ellis and Burnand at Manunui in 1906 and at Ongarue in 1913.<sup>127</sup>

<sup>121</sup> *AJHR*, 1907, G-1B, p 11.

<sup>122</sup> *AJHR*, 1907, G-1B, p 13.

<sup>123</sup> Anderson, p 11.

<sup>124</sup> Anderson, *Sparse Timber Sawmillers*, p 10.

<sup>125</sup> Roche, p 116.

<sup>126</sup> Roche, p 114.

<sup>127</sup> Roche, p116.

Though Maori seemed to have owned much of the forest land that was the focus of the developing timber industry, Maori ownership of the sawmills that processed the timber was very limited. As noted above, it appears that Maori briefly operated a mill at Ongarue. In October 1900, the *Auckland Weekly News* noted that Maori at Ongarue had recently erected a steam sawmill near the railway station.<sup>128</sup> Delivered to the railway terminus at Poro-o-tarao, the mill had been transported to Ongarue using a team of bullocks.<sup>129</sup> However, the mill does not seem to have been financially successful and after a few years was eventually leased and then sold to Pakeha mill operators.<sup>130</sup> It is possible that Tutahanga, who supplied sleepers to the Public Works Department, had an interest in this mill. Issues concerning Maori ownership of sawmills are discussed below.

Reports on the New Zealand timber industry prepared by the Department of Lands and Survey in 1905 and 1907 provide a useful overview of the industry that was developing in the Rohe Potae inquiry district.<sup>131</sup> (The reports sought to monitor the condition of the industry and also contain estimates of remaining indigenous timber supplies.<sup>132</sup>) Details relating to sawmilling operations within the inquiry district, which are set out in Table 4, confirm that most of the cutting was taking place on Maori land and was largely confined to locations served by the NIMT railway.

The total output from sawmills operating in the Rohe Potae inquiry district in 1905 and 1907 comprised only a small proportion of the national production. In 1905, the total output from the inquiry district was 6,533,700 superficial feet, which was only about 1.5 percent of national production.<sup>133</sup> Two years later, reflecting an increase in the number of sawmills, timber production in the inquiry district had grown by almost 60 percent to 10,283,700 superficial feet, but still comprised less than 2.5 percent of the national output.<sup>134</sup>

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<sup>128</sup> Lyndsay McMillan and Audrey Walker, *Ongarue: A Place of Heart, A District History*, Ongarue School Centenary Committee, undated, p260.

<sup>129</sup> Ibid, p261.

<sup>130</sup> Anderson details that Ellis and Burnand briefly leased the mill, mostly using it to cut sleepers and other timber for the railway. Anderson, *Sparse Timber Sawmillers*, p 10.

<sup>131</sup> *AJHR*, 1905, C-6. *AJHR*, 1907, C-4.

<sup>132</sup> Roche, p 146.

<sup>133</sup> *AJHR*, 1905, C-6, p 3.

<sup>134</sup> *AJHR*, 1907, C-4, p 4.

**Table 4:** Sawmills in the Rohe Potae inquiry district recorded in Department of Lands and Survey timber industry reports of 1905 and 1907<sup>135</sup>

name of sawmill	location	ownership of land where timber cut	trees cut	number of hands employed	output per annum (superficial feet)
Ellis and Burnand, Otorohanga	Otorohanga (adjoining NIMT station)	Maori	Kahikatea and rimu	30 (1905) 30 (1907)	2,150,000 (1905) 2,250,000 (1907)
Ellis and Burnand, Mangapehi	Mangapehi (near NIMT station)	Maori	Rimu, totara, and matai	85 (1905) 85 (1907)	3,683,700 (1905) 3,683,700 (1907)
Ellis and Burnand, Tiroa	Tiroa, Waimiha Stream (about nine miles from Mangapehi)	Maori	Rimu, totara, matai, and kahikatea	14 (1905)	About 700,000 (1905)
Totara Timber Company	Ongarue ( adjoining NIMT station)	Maori	Rimu, totara, matai, and kahikatea	12 (1907)	250,000 (1907)
Hendersons's Mill	Waitangi (about 10 miles up the Taringamutu Valley from the NIMT station)	Maori and European	Rimu, totara, matai, and kahikatea	10 (1907)	750,000 (1907)
Lovett and Ryan's Mill	Taringamutu (about three miles from NIMT station)	Maori	Rimu, totara, matai	6 (1907)	500,000 (1907)
Hyde's Mill	Matiere	Maori and Crown	Rimu, matai, and kahikatea	6 (1907)	250,000 (1907)
Taumarunui Timber Company <sup>136</sup>	Taumarunui (one mile north of NIMT station)	Maori and Crown	Rimu, totara, matai, and kahikatea	14 (1907)	800,000 (1907)
Kelly's Mill	Mokau River (13 miles from mouth)	Maori	Rimu and kahikatea	16 (1905) 25 (1907)	Nil – mill just opened (1905) 300,000 (1907)
Greenaway's Mill	Mokau River (12 miles from mouth)	Maori	Rimu, totara, matai, and kahikatea	15 (1905)	Nil – mill just opened (1905)
Baigent's Mill	Mokau River	Maori	Rimu and kahikatea	16 (1907)	1,500,000 (1907)
<b>totals</b>		160 (1905) 204 (1907)			6,533,700 (1905) 10,283,700 (1907)

<sup>135</sup> *AJHR*, 1905, C-6, p4, 12. *AJHR*, 1907, C-4, p15, 21.

<sup>136</sup> The Taumarunui Timber Company recorded in this table may have been the Taumarunui Totara Timber Company. Roche states that this Wellington-registered company was established in 1905 and wound up in 1907. Roche, p 119.

The 1905 and 1907 reports show that sawmilling operations in the Rohe Potae inquiry district were dominated by the operations of Ellis and Burnand – in terms of output, number of hands employed, and capital investment. The reports indicate that quite considerable sums were invested in the company's operations. For example, in order to connect timber cutting areas to the railway, the reports detail that Ellis and Burnand had built many miles of tramway – some four miles at Otorohanga and about 14 miles in connection with the mills at Mangapehi and Tiroa.<sup>137</sup> A heavy-grade locomotive was purchased to operate on the Mangapehi-Tiroa tramway.<sup>138</sup> Roche details that from 1904 to 1907, Ellis and Burnand's Mangapehi operations did not return a profit – a situation that Kauri Timber Company investors attributed to inefficient operations and excessively high costs.<sup>139</sup> Between 1908 and 1911, however, 10 to 15 million board feet were cut annually and the company made a net profit in the order of £10,000 to £18,000.

There was considerable variation in the level of investment in sawmilling operations in the West Taupo region at the beginning of the twentieth century.<sup>140</sup> Roche details that the nominal capital of 20 public and private registered companies involved in sawmilling in the region between 1900 and 1920 generally ranged from £2,000 to £7,000, although the capital of the largest concerns (such as Ellis and Burnand) fell between £20,000 to £50,000. Roche observes that at this time the timber industry was not viewed as an especially desirable investment option, unlike the kauri industry of the 1870s and 1880s, and it was not until the afforestation boom of the 1920s and 1930s that investment again began to flow into the sector. Unsurprisingly, many of the smaller sawmills that began working in the West Taupo district from around the turn of the twentieth century operated only briefly. The Wellington-registered Taumarunui Totara Timber Company, for example, was established in 1905 and wound up in 1907. Though business failures accounted for the decline of some of the companies, the ventures were often conceived of as medium term enterprises set up to mill a single crop of timber off a block of land, perhaps over a ten year period.

The 1905 and 1907 reports indicate that a significant proportion of the timber produced by the small sawmills was supplying local markets connected with expanding European settlement. Hyde's mill at Matiere, for example, was a portable mill that was cutting timber to meet demand

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<sup>137</sup> *AJHR*, 1905, C-6, p 10. *AJHR*, 1907, C-4, p 13.

<sup>138</sup> *AJHR*, 1907, C-4, p 20.

<sup>139</sup> Roche, pp 119-120.

<sup>140</sup> *Ibid*, p 119.

within the local district, particularly requirements for house construction and roadworks.<sup>141</sup> In contrast, Ellis and Burnand appears to have been primarily focused on supplying timber to the Auckland market, though some timber was sent to Hamilton, where the company had established a sash and door factory and a butter box factory.<sup>142</sup>

### Summary

By 1907, several sawmills were operating in the Rohe Potae inquiry district – almost all along or in the vicinity of the NIMT railway. Output from these mills varied considerably, at least partly reflecting different levels of capital investment. Activities were dominated by one company, Ellis and Burnand, which would go on to establish itself as the principal sawmilling business of the King Country. Except for a small sawmill that operated briefly at Ongarue, Maori appear to have had no involvement in the sawmills that were established at this time – something that would remain unchanged throughout the course of the industry. The factors that help to explain why this was the case are discussed later in the report.

Maori were principally involved in the developing sawmilling industry as owners of forest land. As detailed below, Maori retained significant areas of valuable forest land in spite of extensive government purchasing. Most of the timber that was milled in 1907 was cut from Maori land. At this time, at least 85,000 acres of land in the Rohe Potae inquiry district was subject to timber agreements between Pakeha sawmillers and Maori. These timber agreements were important because they often involved large and valuable areas of forest, from which timber would be harvested for many years.

### ***Maori Land Laws Amendment Bill 1903***

Owing to concern over the fairness and legality of the timber agreements that were being entered into between sawmillers and Maori in the central North Island around the turn of the twentieth century, the Government included clauses in the Maori Land Laws Amendment Bill 1903 to invalidate all existing agreements for access to timber on Maori land.<sup>143</sup> Concerned particularly with the activities of speculators who were acquiring rights to cut valuable areas of forest along the route of the yet-to-be-completed NIMT railway, some members of the Government believed

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<sup>141</sup> *AJHR*, 1907, C-4, p 20.

<sup>142</sup> *AJHR*, 1905, C-6, p 4, 10. *AJHR*, 1907, C-4, p 15, 20.

<sup>143</sup> Roche, p 121.



that the timber values provided in the agreements were too low and that the Maori owners' interests were not being satisfactorily protected. (It is unclear whether these concerns related specifically to any timber agreements that involved forest land within the Rohe Potae inquiry district.) The timber agreements were also considered to contravene the prohibition on private dealings in Maori land set down in the Native Land Court Act 1894. Clauses within the Maori Land Laws Amendment Bill 1903 sought to clarify the application of the 1894 restrictions on dealing in Maori land and to make it clear that they included timber.<sup>144</sup>

On 30 September 1903, after its second reading, the Bill was referred to the Native Affairs Committee, which – in respect of the clauses that related to timber agreements – heard evidence from several sawmillers and legal representatives of sawmillers.<sup>145</sup> No Maori appeared before the Committee. Commencing on 27 October 1903, the Committee heard evidence over several days. As well as receiving oral evidence, the Committee also considered written correspondence. Most of the individuals who appeared before the Committee did so in respect of timbers interests that had been secured along the NIMT. Sufficiently concerned about the implications that the proposed legislation would have on his business interests, J.W. Ellis appeared before the Committee on 29 and 30 October 1903. Ellis was the only witness whose timber interests concerned land that lay within the Rohe Potae inquiry district.<sup>146</sup> Like the other witnesses, Ellis maintained that the agreements he had entered into were both legal and equitable.

In response to questioning, Ellis provided details of his milling operations in the King Country district. As well as the operations at Mangapehi and Otorohanga, Ellis detailed that he had entered into a timber agreement with the owners of Hohotaka block and also cut timber from an area of Crown land – both places outside the inquiry district.<sup>147</sup> Ellis stated that, apart from some individuals cutting sleepers and firewood and a Maori sawmill (presumably the Ongarue mill), his firm was the only sawmilling business actually operating in the district.<sup>148</sup> When questioned about the impact that the legislation would have on his operations, Ellis stated that if the leases were made invalid it would 'simply mean ruin to us', a loss of all the £30,000 of capital invested in the business.<sup>149</sup> Ellis expressed a strong belief that the timber agreements – signed documents, which had been prepared by Auckland solicitors Earl and Campbell – were legal and

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<sup>144</sup> Waitangi Tribunal, *He Maunga Rongo*, Volume 3, p 1124.

<sup>145</sup> *AJHR*, 1903, I-3A, p 1. *NZPD*, vol. 126, 30 September 1930, p 82.

<sup>146</sup> *AJHR*, 1903, I-3A, pp 13-21.

<sup>147</sup> *Ibid*, p 13, 18.

<sup>148</sup> *Ibid*, p 17.

<sup>149</sup> *Ibid*, p 14.

that he would be prepared to test their legality in the Supreme Court.<sup>150</sup> He also stated that, if required, he would be prepared to put the agreements before the Maori Land Council or a tribunal empowered to confirm and validate timber agreements.<sup>151</sup> Ellis claimed to have no preference between dealing privately with the owners or through the Maori Land Council if it was given the authority to deal on behalf of the owners and dispose of timber lands by public auction.<sup>152</sup>

Ellis was also questioned generally about the operation of the timber agreements and the extent to which the owners seemed to be satisfied with the arrangements. Ellis spoke about the extent to which the agreements had been endorsed by all owners. He stated that all of the owners of Rangitoto Tuhua 36, about 100 in number, had signed the timber agreement.<sup>153</sup> In the case of the Mangaroa block, however, not all the owners had signed the contract. Ellis stated that, in light of this situation, the agreement applied only to the interests of those who had signed, though he admitted that these interests had not been defined. In some cases where owners had died and successors had not been appointed, Ellis stated that he had dealt with 'presumed successors'. Ellis told the Committee that full discussions had been held with the owners prior to the signing of the agreements and that licensed interpreters had been present to ensure that the owners fully understood the transactions.<sup>154</sup> When asked whether Pakeha or half-castes had been present to help explain the value of the timber and the prices to be paid, Ellis confirmed that this had been the case.

Ellis emphasised that he enjoyed a trouble-free relationship with the owners, who he claimed were satisfied with the timber agreements. When asked if he had had any complaints from or disputes with the Maori owners during the 12 or 13 years he had been sawmilling in the district, Ellis stated: 'No, our tenants are the most envied people in the King-country.'<sup>155</sup> Referring to one of the agreements, Ellis advised that there was a clause that enabled the owners to check the output and he noted that the owners generally appointed two representatives to carry out this

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<sup>150</sup> Ibid, p 13, 15. From details that Ellis provided regarding the agreement with the owners of Hohotaka block, it appears that the company's agreements were prepared in such a way as to circumvent the prohibition on private land dealings. The Hohotaka contract provided for Ellis and Burnand to purchase, at set royalty rates, logs that were to be cut and delivered by the owners. This meant that the company could not be accused of dealing in standing timber, which was seen to be a chattel of the land. However, in a separate contract, the owners employed Ellis and Burnand to undertake the cutting and delivery on their behalf, the cost of which was deducted from the sum payable for the logs.

<sup>151</sup> Ibid, p 15.

<sup>152</sup> Ibid, p 20.

<sup>153</sup> Ibid, p 14.

<sup>154</sup> Ibid, p 18.

<sup>155</sup> Ibid, p 13.

task.<sup>156</sup> He maintained that there had been no dispute with the owner regarding payment.<sup>157</sup> After initially stating that the owners had never complained of the royalty being insufficient, Ellis acknowledged that there were sometimes complaints when dealing with large numbers of owners.<sup>158</sup> He also indicated in respect of the Mangawhero block agreement that there had been no review of the agreed royalty rates and admitted that timber prices had increased since the agreement had been reached in the early 1890s.<sup>159</sup> Ellis stated that 600 acres of the block had been cut, with 200 acres remaining, and that the owners had been paid royalties totalling between £6000 and £7000.<sup>160</sup>

In regard to the royalty rates provided in the agreements he had reached with the Maori owners, Ellis was confident that he could defend the rates 'before any tribunal whatever' and would be able to call an expert witness to back his case.<sup>161</sup> He claimed that the rates he was paying under the Hohotaka agreement were generous compared to the rates he was required to pay the Wellington Land Board for cutting of Crown land in the same vicinity.<sup>162</sup> Taking into consideration the closer proximity of the Crown land to the railway line, Ellis stated that, in relative terms, he was paying the owners about 25 percent more than he was paying the Land Board. When he offered the owners the same rates that his firm was paying for cutting on the Crown land, he claimed that they would not deal with him.

After hearing the evidence presented by the sawmilling interests, the Native Affairs Committee recommended that the Government take no legislative action with regard to the timber agreements during the time remaining in the parliamentary session.<sup>163</sup> When advising the House that the timber clauses had been struck out, Native Minister James Carroll explained that this was because a satisfactory solution could not be arrived at in the limited time before the opening of the new parliamentary session.<sup>164</sup> During debate on the Bill, Prime Minister Seddon accused the Native Affairs Committee of deliberately procrastinating when conducting its enquiries into the timber agreements.<sup>165</sup> Houston, the chairman of the Committee, disputed this, claiming that

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<sup>156</sup> *Ibid*, p 16.

<sup>157</sup> *Ibid*, p 18.

<sup>158</sup> *Ibid*, pp 18-19.

<sup>159</sup> *Ibid*, p 19.

<sup>160</sup> *Ibid*, p 16.

<sup>161</sup> *Ibid*.

<sup>162</sup> *Ibid*, p 18.

<sup>163</sup> *Ibid*, p 1.

<sup>164</sup> *NZPD*, vol 127, 12 November 1903, p 527.

<sup>165</sup> *Ibid*, p 531.

the Committee considered the Bill as soon as it was placed before it.<sup>166</sup> Houston also informed the House that, in order to ensure the passage of the Bill's remaining sections, he had reached an agreement with the Native Minister whereby the removal of the timber clauses would not be discussed in the House.

It seems possible that any delay in the Native Affairs Committee's actions and the recommendation that the timber measures be struck out of the Bill was a reflection of the political influence and lobbying of sawmilling interests.<sup>167</sup> One of the sawmilling concerns whose activities were considered by the Native Affairs Committee, for example, was the Taupo Totara Timber Company, which – following a request by Te Heuheu Tukino – had been set up to mill the forests around Tokaanu.<sup>168</sup> The shareholders of the company comprised a number of prominent North Island businessmen and runholders, whose political influence would not have been insignificant.<sup>169</sup>

While the deletion of the timber clauses from the 1903 Bill was applauded by opposition leader Massey, it drew strong criticism from certain members of the Government.<sup>170</sup> Hone Heke, MHR for Northern Maori and a member of the Native Affairs Committee, urged to no avail that some legislative restriction should be introduced.<sup>171</sup> He claimed that the inclusion of the clauses in the Bill had hastened the speculative acquisition of timber cutting rights, noting the recent purchase of cutting rights over 27,000 acres near Taumarunui. (This agreement appears to have related to land located outside the Rohe Potae inquiry district.) Heke argued that this was detrimental to *bona fide* sawmillers and Maori who were receiving royalties below what was paid to the Crown. He suggested that the negotiation of timber agreements with Maori owners contrasted with the process by which standing timber on Crown land was sold, where prices were determined by a government-appointed expert.

Seddon was also strongly critical of the Native Affairs Committee's refusal to allow any legal provision to address the speculation in timber cutting rights. Seddon told the House that he had

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<sup>166</sup> Ibid, p 534. Houston also noted that he had asked the Native Minister whether evidence should be heard from the Maori owners and, in response, Carroll had stated he did not wish such evidence to be called.

<sup>167</sup> The CNI Tribunal notes that the timber clauses of the 1903 Bill were subject to powerful lobbying by sawmilling interests. Waitangi Tribunal, *He Maunga Rongo*, Volume 3, p 1124.

<sup>168</sup> Roche, p 122.

<sup>169</sup> The shareholders of the Taupo Totara Timber Company are listed within the record of evidence considered by the Native Affairs Committee. *AJHR*, 1903, I-3A, pp 46-47.

<sup>170</sup> *NZPD*, vol 127, 12 November 1903, pp 527-528.

<sup>171</sup> Ibid, p 531. The CNI Tribunal observes that Heke was not necessarily in favour of pre-emption in its existing form, but instead wanted to see the government take some action to protect Maori from an unmanaged system of purchasing individual interests in land and resources. Waitangi Tribunal, *He Maunga Rongo*, Volume 3, p 1126.

attended some of the Committees deliberations and believed it was evident that the Committee sought to give away Maori timber at unjust prices to syndicates.<sup>172</sup> The Prime Minister expressed dissatisfaction that private interests stood to benefit considerably from the public money spent on construction of the NIMT railway, which provided access to much of the timber.

Responding to the comments made by Heke and Seddon, Houston disputed that the royalty rates provided under the timber agreements were too low. He told the House that, in every case presented to the Native Affairs Committee, the rates seemed to be satisfactory, providing for payments of £3 15s to £15 per acre for the timber. He claimed that some of the members of the Committee were timber experts and were perfectly satisfied that the Maori were receiving fair value for their timber.<sup>173</sup>

It is not possible to determine from the evidence presented to the Native Affairs Committee or the details included in speeches before the House whether the royalty rates set out in the timber agreements were reasonable. The information put forward regarding the royalty rates is somewhat confusing and in most cases it is not clear exactly what rates applied and, importantly, how these compared with the royalties paid for timber on land owned by the Crown or Europeans in a similar location. However, comments made some years later by a Crown official indicate that at least some of the royalty rates came to be viewed as very low. Appearing before the Timber and Timber-Building Industries Commission on 29 April 1909, Crown Lands Ranger Harry Lundius commented on the low royalty that was being paid by Gammon, a sawmiller who had secured timber cutting rights over 4000 acres of Maori land near Ohakune, outside of the Rohe Potae inquiry district. In 1903, Gammon had appeared before the Native Affairs Committee in defence of this agreement.<sup>174</sup> Lundius explained that:

A number of years ago Messrs Gammon and Co entered into an agreement with the Natives for the purchase of these timbers . . . at a very low royalty. That was before the railway was completed and before there were any roads. At that time, the timber was practically valueless owing to the want of access. I forgot the royalty, but I think it was something like 3d or 6d per hundred, which is ridiculously low.<sup>175</sup>

As well as the lack of access at the time the agreements were entered into, the low royalty rates evident in some timber agreements reached around the turn of the twentieth century is likely to

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<sup>172</sup> *NZPD*, vol 127, 12 November 1903, pp 531.

<sup>173</sup> *Ibid*, p 534.

<sup>174</sup> *AJHR*, 1903, I-3A, pp 5-7.

<sup>175</sup> *AJHR*, 1909, H-24, p 415.

have owed something to the fact that they had doubtful legal status, which meant that sawmillers faced a greater risk when entering into the arrangements and could therefore negotiate a lower rate.<sup>176</sup>

In spite of the statements that Ellis made regarding the adequacy of the royalty rates paid by his firm, from the evidence presented to the Native Affairs Committee it is not possible to comment conclusively on the extent to which Ellis' agreements with Maori in the Rohe Potae inquiry district appropriately recognised the value of the timber resource. Though the lack of any provision in the Mangawhero agreement for a review of the royalty rate does seem to have been a shortcoming, it may be that the timber agreements that Ellis entered into were generally on more equitable terms than some of the other agreements considered by the Committee. Possibly referring to the Hohotaka agreement, which related to land outside the inquiry district, Wi Pere, a member of the Committee and MHR for Eastern Maori, commented that: 'Mr Ellis's agreement, as compared with another agreement brought up here, is an all-right one. I can only describe the other agreement as being a Satan.'<sup>177</sup>

### Summary

Owing to concerns regarding their legality and fairness, the timber agreements that sawmillers and Maori in the central North Island were entering into around the turn of the twentieth century came under the scrutiny of Parliament. (It is unclear whether there were any specific issues of concern regarding agreements that related to land in the Rohe Potae inquiry district.) The Maori Land Laws Amendment Bill 1903 included a clause that would have invalidated the agreements, but it was struck out at least partly as a result, it seems, of effective lobbying from sawmilling interests. Before this happened, the Native Affairs Committee heard evidence from a number of sawmillers, including one who operated in the Rohe Potae inquiry district – John Ellis of Ellis and Burnand. The evidence presented to the Committee is inconclusive in respect of the extent to which the timber agreements were equitable, and it seems that, at the very least, further inquiry was warranted, including representation from the Maori forest owners who were party to the agreements.

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<sup>176</sup> Waitangi Tribunal, *He Maunga Rongo*, Volume 3, p 1122.

<sup>177</sup> *AJHR*, 1903, I-3A, p 19.

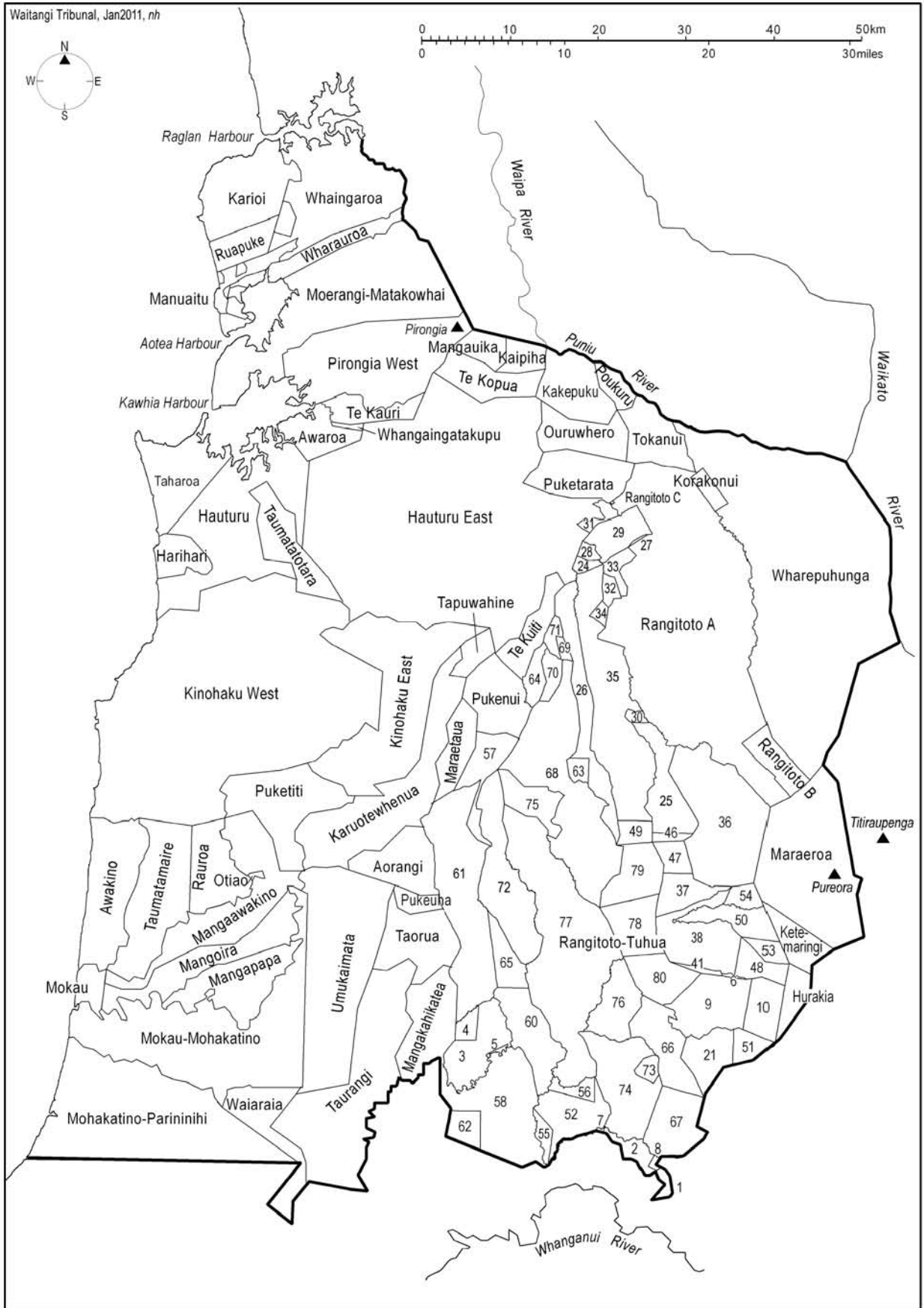


Figure 4: Land blocks of the Rohe Potae inquiry district

### *Leasing and timber, 1900-1909*

While there was much doubt as to the legality of the timber agreements, provisions for lawful leasing of Maori land were included in the legislation that, from the turn of the twentieth century, provided for the establishment of District Maori Land Councils and the District Maori Land Boards that succeeded the Councils. In the Rohe Potae inquiry district, it appears that between 1900 and 1910 a small number of leases provided for timber cutting.

District Maori Land Councils were established under the Maori Lands Administration Act 1900, which aimed to facilitate the settlement of large areas of unoccupied and unproductive Maori land. The primary function of the Act was to enable owners to voluntarily convey land in trust to the Councils, whose members were largely elected and included Maori representatives. In dealing with vested lands, Land Councils were able to lease, cut up, manage, improve, and raise money upon vested lands in accordance with written agreements reached with the owners. However, the 1900 Act also provided the Councils with power to confirm leases of non-vested lands. Despite the efforts of the Maniapoto-Tuwharetoa District Maori Land Council to acquire the consent of individual owners to vest land, few were prepared to entrust their lands.<sup>178</sup>

Under the Maori Land Settlement Act 1905, the Land Councils were transformed into Land Boards and membership changed from elected to appointed members, the number decreasing from five to three. Maori representation decreased from between two or three members to just one. The 1905 Act also liberalised direct leasing. In the Rohe Potae inquiry district, Maori land owners overwhelmingly preferred leasing instead of vesting.<sup>179</sup> By 1910, only a very small amount of land within the inquiry district was held by the Waikato-Maniapoto District Maori Land Board under either the Maori Lands Administration Act 1900 or the Maori Land Settlement Act 1905.<sup>180</sup>

A search of the Maniapoto-Tuwharetoa District Maori Land Board minute books indicates that a small number of leases provided for timber cutting. Details of these leases or proposals to lease are set out in Table 5. It is unclear if all of the leases detailed in Table 5 were confirmed. The

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<sup>178</sup> T.J. Hearn, 'Te Rohe Potae land issues post-1908 to c.2008', a scoping report commissioned by the Crown Forestry Rental Trust, June 2009, p 20.

<sup>179</sup> Cathy Marr, 'The alienation of Maori land in the Rohe Potae (Aotea Block), part 2, 1900-1960', Waitangi Tribunal Rangahaua Whanui series (working paper: first release), August 1999, pp 23-24.

<sup>180</sup> Ibid. The land vested in the Board appear to have been located within Otorohanga and Te Kuiti Native Townships.



leases specified that timber could be cut and that an annual rental was to be paid to the owners. In some cases, royalty payments for the timber were charged in addition to the annual rental, while in other cases the value of the timber was included in the annual rental. It is evident that the Land Council/Land Board was only willing to consider the alienation of timber through leasing arrangements. In May 1904, the Land Council refused to consider timber agreements reached between a sawmiller, Charles McDonnell, and the owners of the Rangitoto Tuhua 21, 66, and 76 blocks.<sup>181</sup> The Council advised the applicant that the agreements had to be brought before it in the form of leases.

**Table 5:** Timber leases in the Rohe Potae, 1901-1908

Date	Block	Details	Reference
4/9/1903	Mangaroa A2 (410a 0r 00p)	Lease to Daniel Sullivan, including right to cut timber for fencing and other purposes, but if sold royalties to be paid to lessees at current rates.	M-TDMLB minute book 1, p 30.
3/5/1904	Rangitoto Tuhua 8 (300a 0r 00p)	Lease to Thomas Price to enable cutting of totara and all other timber. Total rental of £5000 over ten years. No provision for royalties.	M-TDMLB minute book 1, pp 129-132.
18/11/1904	Mangaawakino 4 (3347a 0r 00p)	Lease to Daniel Berry, including right to cut rimu and matai for 4d per 100 feet and kahikatea for 3d per 100 feet. Term 21 years, with right of renewal for 21 years at same rates. Owner representative stated that the land was some 12 miles up the Mokau River and that there were no large quantities of millable timber. Land Council considered timber royalties to be fair under the circumstances.	M-TDMLB minute book 1, pp 206-207, p 228.
3/10/1906	Motukawa 2B15A	Lease to P.L. Arcus. Land noted to be nearly all timber. Value of timber, £3 an acre. Case adjourned to make fresh valuation and declaration by competent person as to the extent and value of timber.	M-TDMLB minute book 1, p 328.
7/9/1907	Rangitoto Tuhua 68G	Lease application. Proposal to waive timber royalties in return for an increase in annual rental.	M-TDMLB minute book 2, p 166, 187.
6/12/1907	Kinohaku West K2B	Lease to Marakopa Sawmilling Company. Bush principally kahikatea, for which royalty to be paid.	M-TDMLB minute book 2, p 224.
10/7/1908	Rangitoto Tuhua 68P (516a 1r 16p)	Lease application. Annual rental, with royalties to be paid for any timber cut and sold.	M-TDMLB minute book 3, p 12-13.

One of the cases detailed in Table 5, the lease of Motukawa 2B15A, indicates that the Land Council/Land Board did not automatically accept the royalty rates set down in proposed timber leases and, in some cases at least, sought additional information regarding timber values. The Land Council/Land Board also appears to have generally been mindful of the value of millable timber when considering leases of land that was to be used for agricultural purposes. The minute books contain a number of cases where the Land Board/Land Council heard evidence as

<sup>181</sup> Maniapoto-Tuwharetoa District Maori Land Board minute book 1, 5 and 6 May 1904, pp 147-149, 157-158.

to whether or not land contained commercially valuable timber. In September 1907, for example, when considering an application to confirm a lease over Pirongia West 1 Section 2F2, the Land Board was informed that the land contained no millable timber.<sup>182</sup>

Where millable timber was present on land that was being leased for agricultural purposes, it is apparent that the leases, in some cases at least, included clauses that stipulated whether or not the lessee was able to fell the timber. For example, a lease over Hauturu East 2 Section 2, considered by the Land Board in September 1903, prohibited the lessee from removing a stand of timber on the block, except for firewood and domestic purposes.<sup>183</sup> Similarly, a lease over Rangitoto Tuhua 3GA, considered by the Land Board in August 1906, stipulated that no millable timber was to be felled.<sup>184</sup> In at least one case, a lease specified that the lessee was able to clear bush for the purposes of grassing the land. The lease of Hauturu East 1C2, considered by the Land Council in September 1903, enabled the lessee to remove timber for this purpose.<sup>185</sup> It is unclear whether the bush was commercially valuable and, if so, whether this value was reflected in the price of the annual rental. Sometimes, leases that were primarily for agricultural use of the land included provisions that enabled the lessee to cut any standing timber. The lease over Rangitoto 68P, considered by the Land Board in July 1908, provided that the lessee could cut the small amount of timber on the block upon the condition that specified royalties were to be paid to the owners for any timber cut.<sup>186</sup>

### Summary

After 1900, leasing through the Maniapoto-Tuwharetoa Land Council and, later, Land Board provided a legally sanctioned means of alienating timber. However, only a small number of timber leases, involving a relatively modest area of land, were dealt with in this way. It seems that sawmillers and Maori generally continued to enter timber cutting agreements without the involvement of the Land Council or Land Board. However, as detailed in the next section, legislation introduced in 1907 required that such agreements had to be enquired into and confirmed by the Board.

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<sup>182</sup> Maniapoto-Tuwharetoa District Maori Land Board minute book 2, 4 September 1907, p 104.

<sup>183</sup> Maniapoto-Tuwharetoa District Maori Land Board minute book 1, 4 September 1903, pp 34-36.

<sup>184</sup> Maniapoto-Tuwharetoa District Maori Land Board minute book 1, 1 August 1906, p 320.

<sup>185</sup> Maniapoto-Tuwharetoa District Maori Land Board minute book 1, 5 September 1903, pp 42-43.

<sup>186</sup> Maniapoto-Tuwharetoa District Maori Land Board minute book 3, 10 July 1908, pp 12-13.

### ***Maori Land Claims Adjustment and Laws Amendment Act 1907***

Though the timber clauses of the Maori Land Laws Amendment Bill 1903 were struck out, statutory provisions that enabled timber agreements between sawmillers and Maori to be scrutinised and given formal legal recognition were successfully introduced in 1907. (The background to the passage of this legislation has not been examined.) Under section 26 of the Maori Land Claims Adjustment and Laws Amendment Act 1907, parties to existing agreements concerning timber, flax, and other commodities were, within two months of the passing of the Act, able to apply to the local Maori Land Board to have the agreements approved. Upon receiving an application, the Board was required to enquire into the agreement and make a recommendation to the Native Minister as to whether it should be approved or whether modifications were required. Section 28 of the Maori Land Laws Amendment Act 1908 extended the timeframe for applications to six months from the passage of that Act.

The Native Land Act 1909 repealed section 26 of the Maori Land Claims Adjustment and Laws Amendment Act 1907 and Section 28 of the Maori Land Laws Amendment Act 1908. As detailed below, the 1909 Act introduced a new framework for the alienation of timber cutting rights. Section 2 of the Native Land Claims Adjustment Act 1910 provided that although section 26 of the Maori Land Claims Adjustment and Laws Amendment Act 1907 and section 28 of the Maori Land Laws Amendment Act 1908 had been repealed, any recommendations made by the Maori Land Board under those sections prior to their repeal could be proceeded with and acted upon.

Following the passage of the 1907 Amendment Act, the Maniapoto-Tuwharetoa District Maori Land Board received a number of applications from sawmillers who had entered into agreements with Maori to cut timber on land within the Te Rohe Potae inquiry district. The Waikato District Maori Land Board also received one such application. Table 6 sets out the applications received by both Land Boards and records, where details have been located, how the application was dealt with.

**Table 6:** Applications made under section 26 of the Maori Land Claims Adjustment and Laws Amendment Act 1907 concerning land in the Rohe Potae inquiry district

Block	Area	Applicant	Details	Reference
Te Akau B26, B27, B28, and B29		G.W. Basley (for applicants)	Application for right to cut kauri timber at royalty of 1s 4d per hundred superficial feet. Enquiry held on 1 November 1909. Outcome of enquiry not established.	<i>NZ Gazette</i> , 1908, p 1082. W-MDMLB minute book 2, p 161.
Hauturu East 1E4B2, 5C2A, 5C2B, 5C2C, 5C2D, 5C2E, and 5C2F.		Earl and Kent (for N.J. Hunt and others)	Applications dealt with collectively. Enquiry held on 5 October 1909. Hunt's application assigned to the Parker Lamb Timber Company. Original agreements dated 13 October 1903. Outcome of enquiry not established, but it appears that the applications may have been dismissed as many of the lands were the subject of later timber agreements confirmed by the Land Board during the 1910s and 1920s. See Tables 7 and 8.	<i>NZ Gazette</i> , 1908, p 487. W-MDMLB minute book 4, pp 147-148.
Kinohaku East 1A2 and 1A3		Earl and Kent (for N.J. Hunt and others)		
Te Kumi 3 to 13		Earl and Kent (for N.J. Hunt and others)		
Pehitawa 2B3, 2B4, 2B5, 2B6, 2B7, and 2B8		Earl and Kent (for N.J. Hunt and others)		
Pukeroa Hangatiki 1, 4B, 4C, and 4D		Earl and Kent (for N.J. Hunt and others)		
Puketarata (part)	100 acres	A.R. Graham (for R. Palmer, W.E. Palmer, and S.R. Palmer)	Enquiry held. Outcome of enquiry not established.	<i>NZ Gazette</i> , 1908, p 487. MT 08/62, BACS 10206 box 2a, ANZ Auckland.
Rangitoto Tuhua 1		Earl and Kent (for Puketapu Sawmilling Company)	It is unclear whether an enquiry was held. The original agreement does not seem to have been confirmed. A new agreement concerning the sale of timber was confirmed by the Land Board in 1912. See Table 7.	<i>NZ Gazette</i> , 1908, p 487.
Rangitoto Tuhua 2		Earl and Kent (for Puketapu Sawmilling Company)	Application relating to an agreement to remove timber, term 21 years. It is likely that the application related to only part of this block, which had a total area of 2,764 acres and was into six subdivisions (named A to F) on 8 December 1903. It is unclear whether an enquiry was held. The Land Board confirmed new agreements concerning the sale of timber on Rangitoto Tuhua 2B and 2C in 1911 and 1912. See Table 7.	<i>NZ Gazette</i> , 1908, p 486. MT 08/23, BACS 10206 box 2a, ANZ Auckland.
Rangitoto Tuhua 2A	321 acres	Earl and Kent (for Puketapu Sawmilling Company)	Application relating to an agreement to remove timber on royalties. It is unclear whether an enquiry was held.	<i>NZ Gazette</i> , 1908, p 487. MT 08/36, BACS 10206 box 2a, ANZ Auckland.

<b>Block</b>	<b>Area</b>	<b>Applicant</b>	<b>Details</b>	<b>Reference</b>
Rangitoto Tuhua 36	30,163 acres	Earl and Kent (for Ellis and Burnand)	Application for right to buy timber for royalty of 1s 6d per hundred superficial feet for totara and 10d for other timber. Enquiry held on 7 December 1907. An Order in Council issued on 7 August 1911 authorised the Board to approve the alienation of timber.	<i>NZ Gazette</i> , 1908, p 486. <i>NZ Gazette</i> , 1908, p 2488. MT 08/15, BACS 10206 box 2a, ANZ Auckland. M-TDMLB minute book 2, pp 255-259.
Rangitoto Tuhua 66	10,382 acres	Travers, Russell, and Campbell (for J. McGrath)	Application relating to an agreement made in 1904. Enquiry held on 29 September 1908. It appears that the agreement was confirmed and that the cutting rights were later secured by Ellis and Burnand.	<i>NZ Gazette</i> , 1908, p 487. MT 08/47, BACS 10206 box 2a, ANZ Auckland. M-TDMLB minute book 3, pp 120-124. BACS 15355 94j 3050, ANZ Auckland.
Rangitoto Tuhua 67A	5,063 acres	Travers, Russell, and Campbell (for R.H. Stewart)	Enquiry held on 10 July 1908. Outcome of enquiry not established.	<i>NZ Gazette</i> , 1908, p 487. MT 08/46, BACS 10206 box 2a, ANZ Auckland. M-TDMLB minute book 3, pp 6-9.
Rangitoto Tuhua 68	10,169 acres	Earl and Kent (for A.H. Hyde, M.J. Graham, and C. Harrison)	Application to cut timber 'with usual rights to pay royalties quarterly and to erect sawmills within six months'. Enquiry held 28 February 1908. Outcome of enquiry not established. One owner, Te Whiwhi, stated that: 'I do not approve of this agreement. I have not signed any agreement for the sale of the timber.'	<i>NZ Gazette</i> , 1908, p 486. MT 08/17, BACS 10206 box 2a, ANZ Auckland. M-TDMLB minute book 2, p 295.
Rangitoto Tuhua 76		Travers, Russell, and Campbell (for J. McGrath)	Application related to about half the block, which had a total area of 8,757 acres. Enquiry held on 29 September 1908. Outcome of enquiry not established.	<i>NZ Gazette</i> , 1908, p 487. W-MDMLB minute book 3, p 125.
Rangitoto Tuhua 79	8,750 acres	Earl and Kent (for H. Hyde, M.J. Graham, and C. Harrison)	Application for right to cut timber. Struck out 4 March 1910.	<i>NZ Gazette</i> , 1908, p 2985. MT 08/209, BACS 10206 box 2a, ANZ Auckland.

In total, 16 applications relating to timber cutting agreements over land in the Rohe Potae inquiry district were made to the Land Boards under section 26 of the 1907 Amendment Act. Nine of these applications concerned timber cutting agreements over forested subdivisions of the Rangitoto Tuhua block, reflecting the importance of these lands and their proximity to the NIMT railway. All of the remaining applications, except one, concerned timber cutting agreements over lands in the Te Kuiti and Otorohanga districts, which were also broadly located along the railway. The agreements to which the applications related varied considerably in terms of the area of land involved – from just 100 acres (the agreement concerning Puketarata block) to 30,163 acres (Ellis and Burnand’s agreement concerning Rangitoto Tuhua 68).<sup>187</sup> Details recorded in the Maniapoto-Tuwharetoa District Maori Land Board’s register of applications suggest that the agreements to which the applications related may have been largely standardised. In one case, the application concerning Rangitoto Tuhua 68, it is noted that the agreement contained the ‘usual rights to pay royalties quarterly and to erect sawmills within six months’.<sup>188</sup>)

Research has not established how many of the timber cutting agreements to which the 16 applications related were confirmed by the Land Boards. While it appears with some certainty that confirmation was given in two cases, it is possible that several other agreements were also confirmed. The two agreements that are known to have been confirmed are those that related to Rangitoto Tuhua 36 and Rangitoto Tuhua 66, involving a total land area of 40,545 acres. For reasons that are unclear, it seems that at least seven of the agreements were not confirmed, with the applications not proceeding to enquiry or being dismissed. In some of these cases, as detailed in Table 6, it is evident that the lands involved were subject to later alienations of timber, which suggests that timber cutting did not proceed under the agreements to which the applications made under section 26 of the 1907 Amendment Act related.

Evidence concerning the Maniapoto-Tuwharetoa District Maori Land Board’s enquiry into Ellis and Burnand’s 1898 agreement with the owners of Rangitoto Tuhua 36 has been located. The Land Board’s handling of this agreement provides an indication of the extent to which it scrutinised the timber agreements that came before it under section 26 of the 1907 Amendment Act and made recommendations that ensured that the interests of the owners were protected. The case also has special importance because the agreement involved by far the largest area of land and the cutting of timber on the block would take many years.

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<sup>187</sup> MT 1908/62, BACS 10206 2a, Maniapoto-Tuwharetoa register of application for confirmation of alienation of land by lease or sale, 1907-1909, ANZ Auckland. Anderson, *Maoriland sawmillers*, p 11.

<sup>188</sup> MT 08/17, BACS 10206 2a, ANZ Auckland.

The Land Board began hearing the application on about 7 December 1907.<sup>189</sup> On 22 April 1908, the Land Board reported on the application, recommending that the agreement be approved subject to certain modifications.<sup>190</sup> The report notes that Ellis and Burnand had been represented at the hearing by solicitors Earl and Kent. Ellis, who had entered into the agreement, appeared as a witness, as did fellow company director, Henry Valder. The owners had not been represented, though some were present. A 1924 petition by the owners to the House of Representatives, which is discussed below, alleged that the owners were unaware that the application was to be dealt with.<sup>191</sup>

The Land Board's report sets out the details of the 1898 agreement and also records in some detail the evidence that was put before the Board. The timber agreement consisted of two separate contracts, which seem to have been structured with the aim of circumventing the prohibition over private land dealings. Under the first agreement, dated 28 September 1898, the owners were to fell, cross cut, and load onto wagons the timber on the block, and in return Ellis and Burnand would buy the timber at the following prices:

totara	1s 6d per 100 superficial feet
all other species	10d per 100 superficial feet

Under the second agreement, also dated 28 September 1898, the owners contracted John Ellis to fell, cross cut, and load the timber in terms of the first contract at a cost of 6d per 100 superficial feet. The Land Board's report noted that Ellis and Burnand had done all the cutting and loading and, therefore, in effect, the owners received the following royalties:

totara	1s per 100 superficial feet
all other species	4d per 100 superficial feet

In addition, there were also provisions for Ellis and Burnand to purchases posts, strainers, and sleepers at the following rates:

posts	8d per 100
strainers	16d per 100
sleepers	16d per 100

The owners retained the right to sell posts, strainers, and sleepers providing that they cut and delivered them themselves.

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<sup>189</sup> MT 08/15, BACS 10206 2a, ANZ Auckland. Waikato-Maniapoto District Maori Land Board minute book 2, 7 December 1907, pp 255-259.

<sup>190</sup> Report of Maniapoto-Tuwaharetoa District Maori Land Board on Ellis and Burnand application regarding timber cutting agreement over Rangitoto-Tuhua 36, 22 April 1908, MA 1 97 5/10/72 part 1, Rangitoto Tuhua 36 – Tiroa, 1908-1942, ANZ Wellington.

<sup>191</sup> Petition of Taroa Te Ringitanga and 17 other, 1924, MA 1 97 5/10/72 part 1, ANZ Wellington.

Ellis provided details of the company's operations at Mangapehi, including capital investment that amounted to almost £37,000. He stated that since 1902 the company had employed, on average, 116 hands and had made the following payments:

wages	£70,628 0s 0d
railway freight	£28,817 0s 0d
royalty	£8,171 11s 0d

The company books were produced to show that the royalty had been paid up to date. Ellis detailed that over 28 million superficial feet of timber had been cut from the block. The 1924 petition stated that the Board was also told that some 35 million feet remained to be cut and that the rate of cutting was about 5 million board feet a year, which indicated that the cutting would continue for a further five to seven years.

The Land Board considered that the royalty rates provided by the agreement were fair in view of the circumstances – the block's distance from the railway, the cost of haulage, and the heavy railway freight that had to be paid before the timber could be delivered to a market. This assessment does not seem to have been based on a thorough analysis of the situation. The Land Board's report indicates that it did not evaluate the royalties in light of the profitability of Ellis and Burnand's operation and the amount of capital investment made by the company. Also, the Board does not seem to have made any effort to compare the royalties with those paid elsewhere in similar locations, particularly where the land was owned by the Crown or Europeans. The 1924 petition also pointed out that, not only did the Land Board approve royalty rates that had been agreed upon 10 years previously, it did not require any future revision of the royalty rates, apparently assuming – on the basis of the evidence provided by Ellis and Valder witnesses – that the cutting would wind up in several years.

Though the Land Board did not believe any change was required to the royalty rates, it considered the agreement to be altogether unfair because, though the owners were bound to sell the timber, Ellis and Burnand were not bound to take or pay for any trees other than those they were able to find a profitable market for. The Land Board therefore required a number of modifications to the agreement to address this problem. It also required that the agreement be changed to provide the owners with the right to enter into a new agreement if Ellis and Burnand failed to work the timber for two consecutive years. A further modification enabled a representative of the owners to measure and check the timber that was being cut (though Ellis claimed this was happening anyway). The Land Board's report notes that the modifications to



the Rangitoto Tuhua 36 agreement were agreed upon after repeated and long discussions between Ellis and Burnand, their solicitors, and the Board.

On 10 June 1908, the President of the Land Board forwarded the Board's report to the Under Secretary of the Native Department.<sup>192</sup> However, for reasons that are unclear, an Order in Council approving the alienation of timber was not issued before the passage of the Native Land Act 1909. (As detailed earlier, the 1909 Act repealed section 26 of the Maori Land Claims Adjustment and Laws Amendment Act 1907 and section 28 of the Maori Land Laws Amendment Act 1908.) Earl and Kent unsuccessfully attempted to have the agreement validated after the passage of the 1909 Act.<sup>193</sup> An Order in Council was eventually issued on 7 August 1911 under section 2 of the Native Land Claims Adjustment Act 1910.<sup>194</sup>

### Summary

Measures introduced under section 26 of the Maori Land Claims Adjustment and Laws Amendment Act 1907 required that unlawful timber agreements entered into between sawmillers and Maori be validated by the Land Boards. The Maniapoto-Tuwharetoa District Maori Land Board received some 16 applications that concerned timber agreements that involved land in the Rohe Potae inquiry district. Research has not established how all these applications were dealt with, though it is clear that the Board confirmed at least two agreements that involved large and valuable areas of forest land – Rangitoto Tuhua 36 (30,163 acres) and Rangitoto Tuhua 66 (10,382 acres).

The Board's enquiry into Rangitoto Tuhua 36 reveals a number of inadequacies in the process. First, the owners were not represented at the hearing and the Board therefore only considered the evidence submitted by Ellis and Burnand. It is also notable that the Board did not carefully scrutinise the adequacy of the royalty rates and confirmed the 1898 agreement without any requirement for a review of rents or a limitation of the term of the agreement. In 1924, this failure saw the owners petition the House of Representatives because they were still being paid the same rates that had been negotiated in 1898.

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<sup>192</sup> President, Maniapoto-Tuwharetoa District Maori Land Board, to Under Secretary, Native Affairs, 10 June 1908, MA 1 97 5/10/72 part 1, ANZ Wellington.

<sup>193</sup> Under Secretary, Native Affairs, to Earl and Kent, 14 September 1910, MA 1 97 5/10/72 part 1, ANZ Wellington.

<sup>194</sup> Under Secretary, Native Affairs, to Native Minister, 18 July 1911, MA 1 97 5/10/72 part 1, ANZ Wellington. *New Zealand Gazette*, 1911, no. 64, p 2488.

## *Native Land Act 1909*

As noted above, a new framework for the sale of timber cutting rights was introduced with the passage of the Native Land Act 1909. The Act consolidated existing Maori land legislation and included a number of new provisions. Significantly, it ended the government's purchase monopoly, once more enabling private purchasing of Maori land.<sup>195</sup> However, upon the issue of an Order in Council, the alienation of specified lands could be prohibited except in favour of the Crown, allowing the Crown to purchase without competition from private interests.<sup>196</sup>

Among the new measures in the 1909 Act, a system of alienating Maori land (and timber) through meetings of assembled owners was introduced.<sup>197</sup> This system enabled would-be purchasers to overcome difficulties of dealing with land held in multiple ownership. Instead of having to obtain the signatures of often large numbers of individual owners, the purchaser could call a meeting of assembled owners to consider a resolution to alienate the land. Owners present at the meeting and owners represented by proxy voted on the resolution, which could be carried without the consent of individual owners or even a majority of owners.<sup>198</sup> The meetings were overseen by the District Maori Land Board, with the President or a person appointed by the President required to be present.<sup>199</sup> Under the 1909 Act, no alienations of Maori land were lawful unless confirmed by the Land Board.<sup>200</sup>

In respect of timber resources, the 1909 Act deemed that the sale of timber, flax, and suchlike was an alienation of the land except where the resources had been 'severed' from the land before the making of the contract.<sup>201</sup> (Timber could therefore be alienated through meetings of assembled owners.) Where land was vested in a Land Board, Land Board to grant licenses for the removal of timber, flax, kauri gum, and minerals on lands vested in them.<sup>202</sup> In such cases, Land Boards were required to collect timber royalties and, after deducting a commission, distribute the money to the owners.

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<sup>195</sup> Section 207, Native Land Act 1909.

<sup>196</sup> Section 363, Native Land Act 1909.

<sup>197</sup> See Part XVIII, Native Land Act 1909.

<sup>198</sup> Under section 342(5) of the 1909 Act, five owners present or represented constituted a quorum.

<sup>199</sup> Section 342(6), Native Land Act 1909.

<sup>200</sup> Sections 217, Native Land Act 1909.

<sup>201</sup> Section 211, Native Land Act 1909.

<sup>202</sup> Section 280, Native Land Act 1909.

The Waikato-Maniapoto District Maori Land Board's handling of timber alienations following the passage of the 1909 Act is examined later.

### ***Purchase of forest lands, 1889-1919***

This section examines issues relating to the purchase of Maori forest lands in the Rohe Potae inquiry district between 1889 and 1919 – the period between the commencement of government land purchasing and the establishment of the State Forest Service. In particular, it looks at the extent to which government purchasing impacted upon Maori ownership of commercially valuable areas of indigenous forest, limiting the extent to which Maori were able to participate in the indigenous sawmilling industry. The purchase price that the government paid for timbered lands is also discussed. For most of the period examined here, private purchasing was prohibited. As detailed earlier, the Native Land Act 1909 ended the government's purchase monopoly.

The government officially began purchasing interests in Maori land in the Rohe Potae in 1889, following the Native Land Court's entry into the district.<sup>203</sup> At this time, Maori retained ownership of about 93 percent of the land in the Rohe Potae inquiry district (an area of about 1,796,744 acres).<sup>204</sup> After making little initial progress, government purchasing of Maori land advanced rapidly, so that by 1910 Maori retained ownership of only half of the land in the inquiry district (an area of about 956,703 acres).<sup>205</sup> Between 1910 and 1920, land purchasing in the inquiry district continued at a rapid pace and at the end of the decade only about 31 percent of the land remained in Maori ownership (an area of about 599,721 acres).<sup>206</sup>

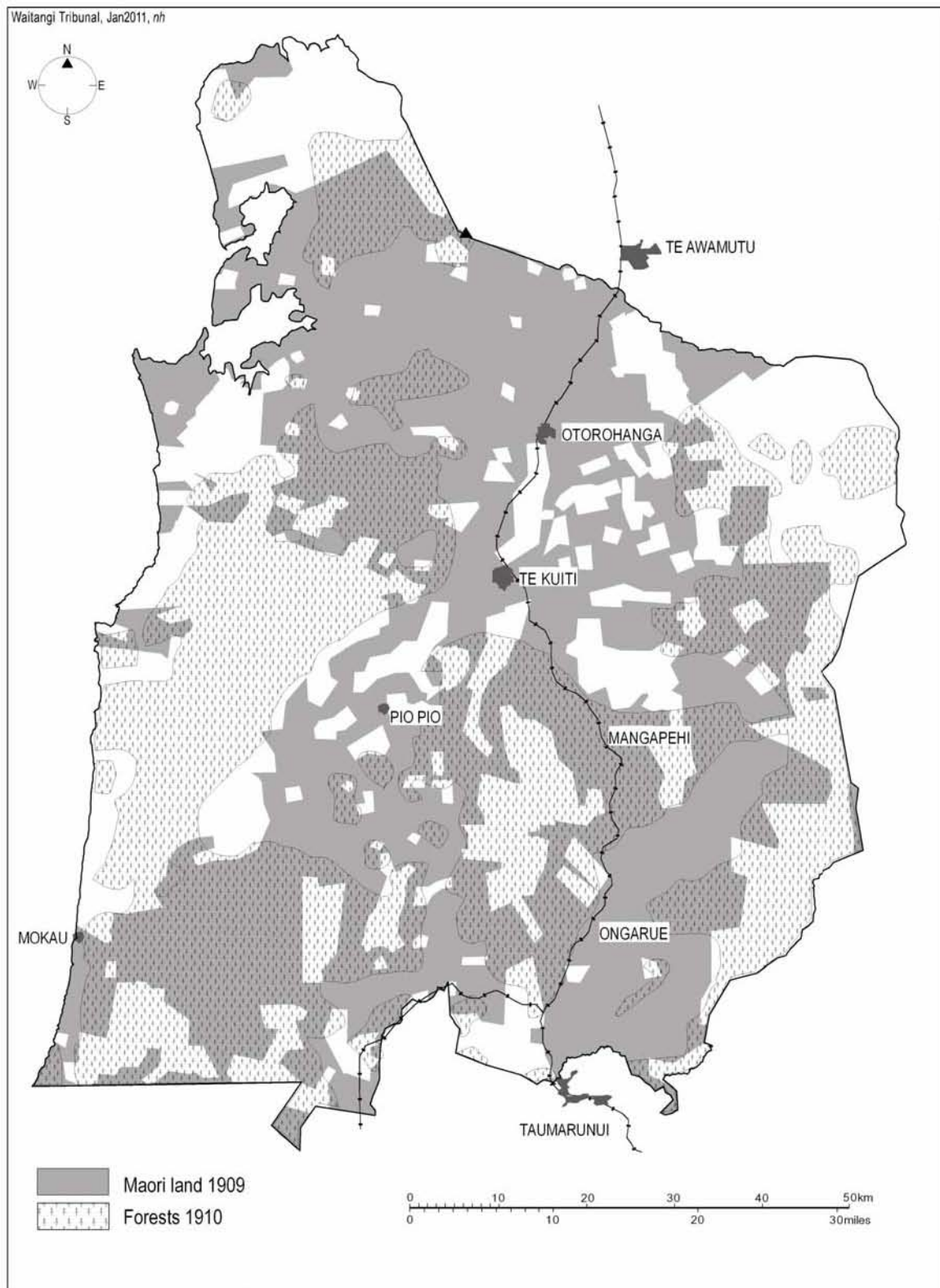
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<sup>203</sup> Cathy Marr, 'The alienation of Maori land in the Rohe Potae (Aotea Block), 1840-1920', Waitangi Tribunal Rangahaua Whanui series (working paper: first release), December 1996, p 99.

<sup>204</sup> Douglas, Innes, and Mitchell, p 129.

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.



**Figure 5:** Maori land in the Rohe Potae inquiry district, 1909, and approximate forest cover, 1910<sup>207</sup>

<sup>207</sup> Maori land ownership shown in this map is based upon 'North Island New Zealand showing the land tenure, 1908-1909', *AJHR* 1909, C-1. The representation of forest cover is based upon a map that appears in Douglas, Innes, and Mitchell, p 143. This map, which shows forest cover in 1910, is referenced to New Zealand Department of Internal Affairs Centennial Publications Branch, MapColl-CHA-8/2/7-Acc.45211, ATL.

Government purchasing activities at this time broadly coincided with the development of the sawmilling industry in the inquiry district and a growing recognition of the commercial value of the forests that lay along the NIMT railway. While the lands acquired by the government included areas of forest, it is unclear whether government purchasing in the inquiry district included a deliberate focus on the acquisition of forest lands – for either soil protection purposes or to obtain areas of forest that could be milled. As noted above, in 1903 the Department of Lands and Survey expressed a general interest in increasing the amount of forest land under official control and, as part of this, looked to acquire ‘waste’ Maori lands. But the extent to which Native Land Purchase officials operating in the inquiry district were mindful of this policy is uncertain.

Figure 5 shows Maori land in 1909 and approximate forest cover in 1910. A comparison of Figures 2 and 5 indicates that there was significant deforestation between 1880 and 1910, reflecting both land settlement and sawmilling activity. Figure 5 shows that by 1909 Maori had lost ownership of a significant proportion of the remaining forest lands, which is unsurprising given that by this time the government had purchased about half of the land in the inquiry district. However, it is notable that much of the commercially valuable forest lands that lay along the NIMT railway south of Mangapehi seems to have been retained by Maori. These lands were within the large Rangitoto Tuhua block. It appears that the government had faced certain obstacles in purchasing this land. In 1907, the Stout Ngata Commission observed that prior to 1900 survey delays and title difficulties had prevented purchasing in the Rangitoto Tuhua and Rangitoto blocks, and that from 1900 until the passage of the Maori Land Settlement Act 1905 the Crown practically had been debarred from purchasing in the Rohe Potae.<sup>208</sup>

When purchasing forest lands in the inquiry district during the period when private purchasing was prohibited, it seems that the government did not appropriately recognise the value of the millable timber upon such lands. In 1907, the Stout Ngata Commission noted that the purchase prices paid by the government in the King Country since 1892 (when the first purchases were secured) had not included the value of timber and were therefore ‘below the value’.<sup>209</sup> During his appearance before the Native Affairs Committee in October 1903, Ellis stated that some three or four years previously the government had purchased an extensive area of land adjacent to Rangitoto Tuhua 36 for only three shillings an acre, inclusive of standing timber.<sup>210</sup>

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<sup>208</sup> *AJHR*, 1907, G-1B, p 3.

<sup>209</sup> *AJHR*, 1907, G-1B, p 4.

<sup>210</sup> *AJHR*, 1903, I-3A, p 16.

The government's apparent failure to pay Maori for the value of millable timber no doubt owed something to the fact that, without competition from private interests, it had a relatively free hand in determining the price that owners who wished to sell their interests would have to accept. A decision not to recognise the value of timber was clearly in the government's interest, as it helped to limit the cost of its purchase of Rohe Potae lands. It is possible that, prior to the construction of the NIMT railway being completed, timber lands along the line were considered to have no value because of the lack of access. However, the potential value of the timber nevertheless remained – a value that had been recognised by government representatives during the negotiations that preceded the construction of the railway and also by those sawmillers and speculators who acquired cutting rights along the line before construction was completed.

It appears that by 1915 government purchasing of Maori-owned forest land included payment for any commercially valuable timber. This is evident from the government's acquisition of interests in Rangitoto Tuhua 9, which was undertaken between 1915 and 1918, involving an area of valuable forest containing about 12,137 acres. The purchase of this land is discussed below in some detail in the section concerning the vesting of forest lands. (Rangitoto Tuhua 9 was vested in the Waikato-Maniapoto District Land Board.) In this case, government officials recognised that the land contained valuable timber and paid the owners 30 shillings an acre, seemingly in accordance with advice provided by the District Surveyor, who was familiar with the block. A special government valuation had determined the value of the block to be only 15 shillings an acre, though certain employees of the Valuation Department believed that it was worth considerably more than this. It should be noted that the Land Board allowed the government to purchase interests in Rangitoto Tuhua 9 without competition from other parties.

Research has not established the extent to which commercially valuable forest land was purchased by private interests in the decade following the passage of the Native Land Act 1909. However, it is clearly evident that some private purchasing took place. In May 1916, for example, the Board confirmed the sale of Rangitoto Tuhua 79H2B2C2A and 79H2B2C2C to the Tapuwae Land and Timber Company, a total area of about 407 acres.<sup>211</sup> It seems likely that many of private purchases were carried out under the meeting of owners system, and it appears that they included payment for timber insofar as the purchase price was at least equal to the

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<sup>211</sup> Registrar to Braodfoot and Finlay, 16 May 1917, BACS 15355 105f 8007, Land alienation – Rangitoto Tuhua 79H2B2C2A: Te Tapuwae Land and Timber Company Limited – Taumoana Te Rangituatea and another, 1916-1917, ANZ Auckland. Registrar to Braodfoot and Finlay, 15 May 1917, BACS 15355 105g 8008, Land alienation – Rangitoto Tuhua 79H2B2C2C: Te Tapuwae Land and Timber Company Limited – Ngarama Hoani and others, 1916-1917, ANZ Auckland.

government valuation. When considering applications for confirmation of alienations, Land Board seems to have required that the purchase price be not less than the government valuation. However, as suggested by the government valuation of Rangitoto Tuhua 9, the accuracy of government valuations of forest lands appears to have been questionable. This issue is discussed further later in the report.

### Summary

Though it seems that Maori retained significant areas of commercially valuable forest land, government land purchasing clearly impacted upon the extent to which this was the case. By 1910, almost half of the land in the inquiry district had been purchased by the government, including forest lands. A significant feature of the early purchasing undertaken by the government was that the value of timber on forest lands does not appear to have been recognised in the purchase price. This failure no doubt owed something to the fact that the purchasing was undertaken without competition from private purchasers. By the second decade of the twentieth century, it is apparent that in both government and private purchases the value of timber was included in the purchase price. However, valuations of timber could vary widely at this time and were determined by estimation rather than detailed appraisal. As detailed later in the report, it would not be until the early 1930s, when the State Forest Service's appraisal system commenced, that the prices paid for Maori forest lands began to be based on thorough and accurate valuation.

### ***Vesting of forest lands, 1909-1910***

This section examines the vesting of forest lands in the Waikato-Maniapoto District Maori Land Board. It is evident that, as a result of vesting, Maori lost control of significant areas of commercially valuable forest.<sup>212</sup>

As detailed above, provisions for the voluntary vesting of Maori land in Land Councils were introduced in the Maori Lands Administration Act 1900. These provisions were continued in the Maori Land Settlement Act 1905, which transformed the Land Councils into non-elected Land Boards, with diminished Maori representation. The 1905 Act provided for compulsory

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<sup>212</sup> Issues concerning the vesting of land in the inquiry district are discussed in Terry Hearn's scoping report on land issues in the period 1908 to 2008. T.J. Hearn, 'Te Rohe Potae land issues post-1908 to c.2008', a scoping report commissioned by the Crown Forestry Rental Trust, June 2009.

vesting, though initially this policy was implemented only in the Tokerau and Tairāwhiti Māori Land Districts. By 1910, as noted earlier, only a very small amount of land within the Rohe Potae inquiry district was held by the Waikato-Maniapoto District Māori Land Board under either the 1900 or 1905 Acts.<sup>213</sup>

Further legislation to facilitate the settlement and utilisation of unoccupied Māori lands was passed in 1907. The Native Land Settlement Act 1907 provided for the vesting of Māori lands in District Land Boards and empowered the Boards to dispose of the land by way of sale and lease. Intended to give effect to the recommendations of the Native Land Commission, the Act was passed before commissioners Stout and Ngata had finished their work.<sup>214</sup> The Commission had been established to investigate areas of land that were unoccupied or not profitably occupied and to propose methods by which it could be better utilised for the benefit of the owners and the ‘public good’.<sup>215</sup> The Commission then made recommendations as to whether land should be sold, leased, or retained for Māori use. The option of leasing land had been promoted by Carroll and Ngata as an alternative to freeholding.

Part I of the 1907 Act provided that where the Commission decided that land was not required for occupation by owners it could be vested in the Māori Land Boards. The Boards were to divide vested lands into two roughly equal portions – one for sale and the other for leasing. Lands set apart for sale and lease were to be disposed of by public auction or public tender. The vesting provisions of Part I of the 1907 Act were continued in Part XIV of the Native Land Act 1909. The Native Land Amendment Act 1913 removed all statutory authority to vest Māori land in Land Boards. The Amendment Act also ended any semblance of Māori representation on the Land Boards, reducing the Board’s membership to just two – the judge and the registrar of the Māori Land Court in the district.

Between July 1907 and December 1908, the Native Land Commission released five reports concerning the lands of the Rohe Potae.<sup>216</sup> In its first report, the commission stated that the area under consideration, which included lands that lie outside the boundaries of the inquiry district, comprised some 1,844,780 acres. Of this land, it detailed that 757,159 acres had been sold to the Crown and 17,818 acres to private purchasers. An area of 217,763 acres was leased or under

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<sup>213</sup> The land vested in the Board appear to have been located within Otorohanga and Te Kuiti Native Townships.

<sup>214</sup> Hearn, p 19.

<sup>215</sup> Marr, ‘The alienation of Māori land in the Rohe Potae (Aotea Block), 1840-1920’, p 150.

<sup>216</sup> Hearn, pp 16-18.



negotiation for lease, including 122,892 acres for agricultural purposes, 62,439 acres subject to timber agreements, and 5,059 acres for coal prospecting. Some 110 acres had been taken for scenery preservation or public works. The Commission identified that a balance of 851,930 acres remained and, of this land, dealt with some 292,440 acres in its first report.

Noting that the owners had conveyed a strong preference towards leasing, the Commission recommended the sale of 34,523 acres, the leasing of 163,770 acres, and the reservation for the owners of 94,148 acres. Among the lands that the Commission did not deal with were some 83,000 acres of Rangitoto A, over 140,000 acres of Rangitoto Tuhua, and the whole of Wharepunga, containing an estimated area of 73,000 acres. However, the Commission's second report of August 1907 made recommendations concerning the Wharepunga block and also Rangitoto Tuhua 55 and Rangitoto Tuhua 71, which contained 3061 acres.<sup>217</sup> Hearn raises a number of questions regarding the Commission's work. His main report will attempt to examine how the Commission selected the blocks upon which it made recommendations and how it conducted its investigations, particularly in respect of the consultation undertaken with owners.<sup>218</sup>

In March 1908, a major hui was held at Ngaruawahia, in part to discuss steps being taken under the Native Land Settlement Act 1907, which was being termed by some as the post-war confiscation 'without trial' of lands owned by Maori.<sup>219</sup> According to Ngata, the hui agreed to set aside lands under the Act, and, following the hui, the Native Minister negotiated an agreement with King Mahuta and Henara Kaihau, MHR for Western Maori, which provided for 356,812 acres to be leased and 46,425 acres to be sold. The Commission's fourth and fifth reports, dated June and December 1908, contained revised recommendations.<sup>220</sup> The extent to which the reports reflected the agreement reached following the Ngaruawahia hui is unclear. In its fourth report, the Commission explained that a review was necessary because there had been significant leasing and purchasing of the lands upon which it had originally reported. The final report included recommendations concerning blocks that the Commission had not previously dealt with.<sup>221</sup>

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<sup>217</sup> Ibid, p 19.

<sup>218</sup> Ibid, pp 22-23.

<sup>219</sup> Ibid, p 24.

<sup>220</sup> Ibid, pp 25-26.

<sup>221</sup> Further hui to discuss the Commission's recommendations, all of which were attended by Ngata, were held in April, July, and August 1909. The proceedings of these hui require further scrutiny. In his scoping report, Hearn observes that it is not clear how decisions were reached, whether owners were consulted, or whether all owners agreed to the various proposals considered. Ibid, pp 26-27.

In March 1909, Orders in Council declaring specified blocks within the Rohe Potae to be set apart under the Native Land Settlement Act 1907 began to be issued. By March 1910, some 203,000 acres of land in the inquiry district were vested in the Waikato-Maniapoto District Maori Land Board under Part XIV of the 1909 Act.<sup>222</sup> The vested land comprised about 21 percent of the land that remained in Maori ownership in 1910. As detailed above, about 957,000 acres or approximately half of the land area of the inquiry district continued to be held by Maori in 1910.<sup>223</sup> Of the remaining land that was not vested, it appears that a sizeable proportion was leased. In their first report of July 1907, Stout and Ngata detailed significant leasing of land, and in their fourth report of June 1908 they noted an increase in the area held under lease.

In August 1910 and July 1911, meetings of owners were called to consider what action should be taken by the Land Board in respect of the vested lands.<sup>224</sup> At the second meeting, some 300 owners were recorded as being present and a great many telegrams were received from others who objected to alienation. In spite of such opposition, the Land Board made quick progress in alienating some of the vested lands, and by 1925 about 38,000 acres had been leased and some 70,000 acres sold.<sup>225</sup> The land that had not been alienated – a little less than half the vested area – mostly remained vested in the Land Board.<sup>226</sup> A small proportion of the vested lands were re-vested in the owners.<sup>227</sup> By 31 March 1927, 11,865 acres had been re-vested.

The vested lands included a range of blocks from across the inquiry district.<sup>228</sup> They included a number of areas that lay to the east of the NIMT railway between Te Kuiti and Taumarunui – lands that were the focus of the sawmilling industry. Among the vested lands were two large blocks that contained valuable stands of timber – Rangitoto Tuhua 9 (12,340 acres) and Maraeroa C (13,900 acres). Other, smaller blocks may also have contained timber. As discussed below, the Land Board's actions in respect of Rangitoto Tuhua 9 and Maraeroa C were different. While Rangitoto Tuhua 9 was sold, the Land Board neither sold nor leased Maraeroa C, but instead entered into a timber cutting agreement with Ellis and Burnand.

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<sup>222</sup> Ibid, pp 33-34.

<sup>223</sup> Douglas, Innes, and Mitchell do not consider vesting to have been an alienation of the land. Douglas, Innes, and Mitchell, p 8.

<sup>224</sup> Hearn, p 37.

<sup>225</sup> Ibid, pp 40-41.

<sup>226</sup> Ibid, p 40.

<sup>227</sup> Ibid, p 38.

<sup>228</sup> Hearn provides a list of the vest lands. Ibid, pp 33-34.

No evidence has been located to suggest that owners engaged in sawmilling themselves on any of the vested lands that were not leased, sold, or subject to a timber cutting agreement. It is possible that the Land Board may not have permitted such activity (though no evidence concerning this had been found), meaning that the land would have remained 'idle'.

### Vesting and purchase of Rangitoto Tuhua 9, 1909-1919

This section examines, as a case study, the vesting of Rangitoto Tuhua 9 in the Waikato-Maniapoto District Maori Land Board and the subsequent purchase of this land by the government – developments that saw a large and commercially valuable area of forest transferred from Maori ownership.

Rangitoto Tuhua 9, containing 12,340 acres, was vested in the Waikato-Maniapoto District Maori Land Board in accordance with the provisions of Part XIV of the Native Land Act 1909.<sup>229</sup> The date of vesting has not been established, though it seems to have been in 1909.<sup>230</sup> In December 1912, some 150 owners applied to the Land Board under section 18 of the Native Land Amendment Act 1912 to have the land revested, but this was declined by the Board in March 1913.<sup>231</sup>

In April 1913, solicitors Earl and Kent wrote to the Native Minister on behalf of the owners, asking that the Land Board's decision be reconsidered.<sup>232</sup> (Earl and Kent, it should be noted, also acted for a number of sawmillers, including Ellis and Burnand.) The solicitors stated that when the land had been vested only two owners out of a total of about 300 were present. The two owners (who did not represent the 'great majority' of owners) had consented to the vesting on the understanding that the land would be developed by the Board and provide, in the near future, a source of revenue to the owners. However, some four years later, nothing had been done to open up or develop the land, and in the meantime the owners of the block had received many offers from individuals who wanted to purchase or lease portions of it or acquire timber cutting rights. The owners, the solicitors related, wished to deal with the lands, but desired to retain 3000 acres 'for their own maintenance and support'. In regard to the Board's decision, Earl and Kent commented that:

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<sup>229</sup> Earl and Kent, April 1913, MA-MLP 1 147 1914/90, Rangitoto Tuhua 9, undated, ANZ Wellington.

<sup>230</sup> Ibid.

<sup>231</sup> Ibid.

<sup>232</sup> Ibid.

Should the block not be re-vested in the Native owners there is but little doubt that in this case, as in the case of many other blocks, the proposed reserve of the Natives will be sacrificed and the block will be put up quite irrespective of the wishes of the Native owners who after all are the owners of the land and whose wishes should be consulted, the Board being merely their trustee.<sup>233</sup>

Commenting on Earl and Kent's letter in a memorandum written to the Native Minister on 8 April 1913, the Under Secretary of the Native Department advised that plans to develop the block were in fact underway.<sup>234</sup> He explained that the Board was endeavouring to carry out a roading scheme to open the block, which was surrounded by 12,000 acres of Crown land. The Under Secretary stated that survey work was being carried out in relation to this. Suggesting that the block should remain vested in the Board, he stated that it would be best if the land was auctioned in an open market, rather than dealt with by syndicates for speculative purposes.

However, Earl and Kent continued to pursue the possibility of re-vesting, writing to the Native Minister again on the matter on 10 June 1914 and 30 Sept 1914.<sup>235</sup> Around this time, seemingly with the expectation that the land would be re-vested in the owners, it appears that Ellis and Burnand entered into a timber-cutting agreement with the owners. In a letter written to the Native Minister on 20 February 1918, solicitor Sir John Findlay, representing Earl and Kent, claimed that this agreement had been signed by almost all of the owners.<sup>236</sup> Findlay stated that the agreement, though 'probably a breach of the terms of the Native Land Acts', was similar in form to other such agreements and royalties and other conditions were seen to be fair.

Earl and Kent's efforts to have the land re-vested, however, were unsuccessful, receiving no support from the Land Board and Native Department officials. In a memorandum written to the Native Minister on 18 June 1913, the Under Secretary asserted that 'Messrs Earl and Kent are trying to force a legitimate work of the Board out of the ordinary course of procedure for speculative purposes.'<sup>237</sup> On 4 August 1913, in a letter written to his counterpart in the Native Department, the Under Secretary of Lands and Survey pointed out that a significant sum of money had been spent on surveying the block, which would have to be paid back by the owners if the land was re-vested.<sup>238</sup> He also expressed the opinion that, if this should happen, the Crown

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<sup>233</sup> Ibid.

<sup>234</sup> Under Secretary, Native Affairs, to Native Minister, 8 April 1913, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>235</sup> Earl and Kent to Native Minister, 10 June 1914, MA-MLP 1 147 1914/90, ANZ Wellington. Earl and Kent to Native Minister, 30 September 1914, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>236</sup> Findlay to Native Minister, 20 February 1918, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>237</sup> Under Secretary, Native Affairs, to Native Minister, 18 June 1913, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>238</sup> Under Secretary, Lands and Survey, to Under Secretary, Native Affairs, 4 August 1913, MA-MLP 1 147 1914/90, ANZ Wellington.

should have the first option to purchase the land to enable roads to be built through the Rangitoto Tuhua 9, providing access to the Crown land that lay behind the block.

By July 1914, serious consideration was being given to the proposal that the government should purchase Rangitoto Tuhua 9, though the land remained vested in the Land Board. On 3 July 1914, W.H. Bowler, Native Land Purchase Officer, wrote to the Under Secretary of the Native Department, recommending that the block be purchased: 'Blocks of this magnitude and value are very few nowadays and for this reason I would urge that the matter of its acquisition might well be considered by the Native Land Purchase Board.'<sup>239</sup> Bowler advised that he had asked the Valuation Department to 'obtain the best information possible as to value'. He noted that there was a large amount of valuable timber on the block. On 7 July 1914, Bowler wrote again to the Under Secretary, advising that he had received advice regarding the value of Rangitoto Tuhua 9.<sup>240</sup> He detailed that a Mr Hockley, who was valuing West Taupo County, had fixed the value at 30 shillings an acre, but that the District Valuer believed that the land was worth only 20 shillings an acre. This value, Bowler stated, would be placed on the valuation roll. On 9 July 1914, the Under Secretary of the Native Department advised Bowler that the Native Land Purchase Board had requested that the Valuer General make a special valuation of the land.<sup>241</sup> This valuation deemed the land to be worth 15 shillings an acre.<sup>242</sup>

On 26 August 1914, Bowler met and discussed the proposed purchase of Rangitoto Tuhua 9 with the Commissioner of Crown Lands of the Auckland Land District.<sup>243</sup> The Commissioner advised that the Crown should attempt to purchase the land at 15 shillings an acre, but stated that if this was not accepted the price could be reconsidered. He also noted that he would seek further information on the value of the block from the District Surveyor, who was undertaking roading work in the block, and from a timber ranger. On 22 September 1914, the District Surveyor reported that Rangitoto Tuhua 9 was 'an excellent block of land for settlement purposes'.<sup>244</sup> He stated that the land was well watered, had good soil, and was covered with 'heavy forest'. Consisting of rimu, matai, kahikatea, totara, and 'the usual undergrowth', the

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<sup>239</sup> Native Land Purchase Officer to Under Secretary, Native Affairs, 3 July 1914, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>240</sup> Native Land Purchase Officer to Under Secretary, Native Affairs, 7 July 1914, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>241</sup> Under Secretary, Native Affairs, to Bowler, 9 July 1914, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>242</sup> Chief Surveyor to Under Secretary, Lands and Survey, 26 August 1914, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>243</sup> Chief Surveyor to Under Secretary, Lands and Survey, 26 August 1914, MA-MLP 1 147 1914/90, ANZ Wellington. Bowler to Under Secretary, Native Affairs, 26 August 1914, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>244</sup> Carroll to Chief Surveyor, 22 September 1914, MA-MLP 1 147 1914/90, ANZ Wellington.

District Surveyor noted that the forest was 'to a large extent millable'. He believed that the value of the block was from 25 to 30 shillings an acre and could be put on the market for at least 40 shillings per acre.

On 4 September 1914, the Under Secretary to the Department of Lands and Survey wrote to the Chairman of the Native Land Purchase Board, requesting that an Order in Council be issued under section 363 of the Native Land Act 1909, prohibiting all private alienations of the above land other than those in favour of the Crown.<sup>245</sup> The Under Secretary explained that the Order in Council would be 'of assistance' because negotiations for the purchase of the block were underway. Commenting on the application, the Under Secretary of the Native Department stated that the Order in Council seemed unnecessary, pointing out that the land was vested in the Land Board and was therefore inalienable except by the vested owner.<sup>246</sup>

On 7 October 1914, the Native Minister applied to the Waikato-Maniapoto District Maori Land Board for a meeting of owners to be summoned under Part XVIII of the Native Land Act 1909 to consider an offer by the Crown to purchase the whole or part of Rangitoto Tuhua 9.<sup>247</sup> A standardised notice submitted to the Land Board detailed an offer based on the capital value of the block as assessed under the Valuation of Land Act 1908 – £9,255 or 15 shillings an acre.<sup>248</sup> The meeting was scheduled to be held on 18 December 1914. On 12 December 1914, the Under Secretary of the Native Department wrote to Native Land Purchase Officer Bowler, suggesting that he should attend the meeting and advise the owners that the government was prepared to pay a fair value for the land.<sup>249</sup> He noted that the Department of Lands and Survey was prepared to pay as much as 30 shillings an acre. The Under Secretary informed Bowler that if the resolution was not carried he could proceed to acquire individual interest by deed, 'in the ordinary way'.

The scheduled meeting of owners was adjourned owing to pressure placed on Lands and Survey officials by Ellis and Burnand, which was determined to secure timber cutting rights over the block. On 31 December 1914, the Chief Surveyor of Auckland Land District explained the situation in a confidential memorandum written to the Under Secretary of the Department of

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<sup>245</sup> Under Secretary, Lands and Survey, to Chairman, Native Land Purchase Board, 4 September 1914, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>246</sup> Under Secretary, Native Affairs, to Under Secretary, Lands and Survey, 8 September 1914, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>247</sup> Application to summon meeting of owners, 7 October 1914, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>248</sup> Offer by the Crown to purchase Native land, 7 October 1914, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>249</sup> Under Secretary, Native Affairs, to Bowler, 12 December 1914, MA-MLP 1 147 1914/90, ANZ Wellington.

Lands and Survey.<sup>250</sup> He detailed that, after learning of the government's intentions to purchase the land, Ellis and Burnand's legal representatives, Earl and Kent, had met with him and proposed that the government enter an agreement with the Company. In return for assistance to purchase the land, Earl and Kent sought an assurance that the Ellis and Burnand would secure rights over the timber on the block. The Chief Surveyor had advised the solicitors that he could not enter such an agreement, but he requested the Under Secretary's advice on the matter, noting that he believed that it would be difficult to purchase the land without the Company's support owing to Ellis's 'great influence with the Natives'. He claimed that: 'If Mr Ellis is all out against the Crown purchasing, we will have no chance of acquiring the Block.'<sup>251</sup>

In early January 1915, Ellis and his solicitor, Kent, travelled to Wellington and met with Prime Minister Massey and Native Minister Herries, putting forward the proposal that, in return for assisting with the purchase of Rangitoto Tuhua 9, the Company would be granted a timber license without public competition or tender.<sup>252</sup> The proposal seems to have won favour with Massey and, at the Prime Minister's request, Ellis and Kent then met with the Lands and Survey Under Secretary and Chief Surveyor of Auckland Land District to work out the details of an agreement. On 5 January 1915, Earl and Kent wrote to the Under Secretary, setting out the following terms of agreement:

1. their clients would use their best endeavours to induce the owners to pass a resolution to sell Rangitoto Tuhua 9;
2. if any land was excepted from the resolution, this land would be limited to as small an area as possible and would not include land covered by millable timber; and
3. in return for assistance in purchasing the land, a timber cutting license would be granted upon a number of conditions, including that the royalties and valuation of the timber would be based upon those set out in the regulations concerning Crown forests.<sup>253</sup>

On 21 January 1915, the Under Secretary wrote to Earl and Kent, confirming that their letter of 5 January 1915 generally conveyed the understanding that had been reached.<sup>254</sup>

On 26 January 1915, a meeting of owners passed a resolution to sell half of Rangitoto Tuhua 9, an area of 6,170 acres, for £9,229 10s or £42 per share, which was equivalent to a purchase price

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<sup>250</sup> Chief Surveyor to Under Secretary, Lands and Survey, 31 December 1914, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>251</sup> Ibid.

<sup>252</sup> Findlay to Native Minister, 20 February 1918, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>253</sup> Earl and Kent to Under Secretary, Lands and Survey, 5 January 1915, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>254</sup> Under Secretary, Lands and Survey, to Earl and Kent, 21 January 1915, MA-MLP 1 147 1914/90, ANZ Wellington.

of about 30 shillings an acre.<sup>255</sup> The District Land Board confirmed this alienation at a meeting held on 6 February 1915.<sup>256</sup> On 18 February 1918, the Under Secretary of the Native Department informed Bowler that the Native Land Purchase Board had decided that the balance of the block should be acquired through the purchase of individual interests.<sup>257</sup> It was suggested that Bowler should be present when the purchase money was distributed so that he would be able to purchase further interests at £42 per share. Reporting on 11 March 1915, Bowler advised that he had obtained some 90 signatures, representing a little more than a quarter of the remaining area.<sup>258</sup> He noted that a large number of owners refused to sell their interests, but believed that they would 'fall into line and sign' after they had spent the purchase money that was being distributed by the Board.

One group of owners expressed a firm wish to retain their interests in Rangitoto Tuhua 9, but this appears to have been ignored by officials. On 26 August 1915, Wahanga Takiwa and 28 others wrote from Waimiha to Maui Pomare, MHR, asking that their interests be partitioned from the block.<sup>259</sup> They added: 'we ask you and Native Minister Herries to assure to us the necessary Mana to hold our lands to hand down to our children and descendants, we are taking no part in the sale.' No response to this has been located and Bowler's purchase efforts continued. On 19 February 1916, Bowler reported that he had purchased shares equating to 4055 acres.<sup>260</sup>

By May 1916, Earl and Kent were pressing officials to get the Crown's interest in the block partitioned.<sup>261</sup> However, the Chief Surveyor believed that the block should not be partitioned while Bowler was continuing to purchase interests in the block.<sup>262</sup> On 26 October 1917, Bowler reported that he had secured the interests of the remaining owners except for some 'scattered ones', representing about 400 acres.<sup>263</sup> Bowler noted that Earl and Kent had been in communication with him, offering to assist with the purchase of the remaining interests. Writing

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<sup>255</sup> Confirmation of resolution passed by assembled owners, 6 February 1915, MA-MLP 1 147 1914/90, ANZ Wellington. In total, 439.5 shares were held in the block.

<sup>256</sup> Ibid.

<sup>257</sup> Under Secretary, Native Affairs, to Bowler, 18 February 1915, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>258</sup> Native Land Purchase Officer to Under Secretary, Native Affairs, 11 March 1915, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>259</sup> Takiwa to Pomare, 26 August 1915, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>260</sup> Native Land Purchase Officer to Under Secretary, Native Affairs, 19 February 1916, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>261</sup> Earl and Kent to Under Secretary, Native Affairs, 22 May 1916, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>262</sup> Under Secretary, Lands and Survey, to Under Secretary, Native Affairs, 13 November 1916, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>263</sup> Native Land Purchase Officer to Under Secretary, Native Affairs, 26 October 1917, MA-MLP 1 147 1914/90, ANZ Wellington.



to the Native Land Purchase Officer on 15 November 1917, the Under Secretary of the Native Department stated that he did not think that Bowler should take advantage of Earl and Kent's offer.<sup>264</sup> He expressed the view that the land should be handed over to the Department of Lands and Survey without any arrangements with private individuals or corporations.

On 20 May 1918, solicitor Sir John Findlay wrote to Native Minister Herries on behalf of Earl and Kent, urging that the Crown interest in Rangitoto Tuhua 9 be partitioned so that Ellis and Burnand could secure a timber license in accordance with the agreement reached in January 1915.<sup>265</sup> Findlay noted that, when this agreement had been reached, it was anticipated that the purchase would take about one year to complete. In May 1918, representatives of Ellis and Burnand met the Native Minister, securing an assurance that the purchase of Rangitoto Tuhua 9 would be completed without delay.<sup>266</sup> On 30 May 1918, the Under Secretary of the Native Department wrote to the Native Minister, enclosing for the Minister's signature an application for partition of the block.<sup>267</sup> The Under Secretary noted that some 400 acres had yet to be purchased, but thought that there was little point trying to secure the remaining interests owing to the expense and trouble that this would involve. On 30 October 1918, the application for partition came before the Native Land Court.<sup>268</sup> The Crown's award, Rangitoto Tuhua 9A, contained an area of about 12,137 acres. The non-sellers award, Rangitoto Tuhua 9B, contained an area of about 203 acres.

In October 1919, government officials and Ellis and Burnand entered into negotiations regarding cutting rights over Rangitoto Tuhua 9A.<sup>269</sup> Under an agreement reached in July 1920, the company secured cutting rights based on the minimum royalty rates in force at the time. The land was to be milled progressively in 1000-acre blocks. Ellis and Burnand processed the timber cut from Rangitoto Tuhua 9A at the company's Ongarue mill, which had been built on a site near the railway station in 1912 and 1913.<sup>270</sup> (Timber cut from other blocks was also cut from this mill, including timber from the sizeable Maori-owned Rangitoto Tuhua 66.<sup>271</sup>) The Ongarue

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<sup>264</sup> Under Secretary, Native Affairs, to Native Land Purchase Officer, 15 November 1917, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>265</sup> Findlay to Native Minister, 20 February 1918, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>266</sup> Earl and Kent to Native Minister, 18 May 1918, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>267</sup> Under Secretary, Native Affairs, to Native Minister, 30 May 1918, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>268</sup> Chief Surveyor to Under Secretary, Lands and Survey, 20 November 1918, MA-MLP 1 147 1914/90, ANZ Wellington.

<sup>269</sup> Anderson, *Sparse Timber Sawmillers*, p 37.

<sup>270</sup> After briefly operating in 1914, the mill reopened in 1921. Anderson, pp 15-18.

<sup>271</sup> This large block, which had a total area of almost 10,000 acres, contained some 3,620 acres of millable bush. In 1904, James McGrath entered into a timber cutting agreement with the owners of this block. Cutting rights over the block were subsequently transferred to Ellis and Burnand. Anderson, pp 12-14.

mill, which was connected to cutting areas by an extensive tramway system, operated until 1966, though cutting on Rangitoto Tuhua 9A ended in about 1955. Anderson details that Ellis and Burnand cut some 90 million board feet of timber from the block and paid the government royalties totalling £76,008.<sup>272</sup> When the land was purchased between 1915 and 1918, the owners were paid 30 shillings an acre and appear to have been received a total of £18,205 10s for the land and timber.

#### Vesting of Maraeroa C, 1909-1914

This section examines developments relating to Maraeroa C, which (like Rangitoto Tuhua 9) was another large block that contained valuable timber. Maraeroa C, an area of 13,727 acres, was vested in the Waikato-Maniapoto District Maori Land Board by an Order in Council issued on 14 December 1909 under Part I of the Native Land Settlement Act 1907.<sup>273</sup> Some three years later, the Land Board granted a timber cutting license over the block to Ellis and Burnand, who also held a license over the adjacent Rangitoto Tuhua 36 block. The timber from Maraeroa C and Rangitoto Tuhua 36 was processed at the company's Mangapehi mill.

Details relating to the vesting of Maraeroa C have not been located. Hearn's research may shed light on the extent to which the owners were supportive of the vesting. The block appears to have had a large number of owners, perhaps numbering more than 100 in 1914.<sup>274</sup> It is evident that at least some owners were unaware of any proposal to vest the land and, upon learning of the development, were not pleased to have lost control of the land. Writing to the Native Minister from Mangapehi on 2 September 1910, Retini Ringitanga and 12 others requested the withdrawal of Maraeroa C 'from the hands of the Commission'.<sup>275</sup> The writers stated that:

1. We have not the least knowledge as to what person handed this land over to the Commission.
2. We will not agree that that land be taken under the administration of the Commission.<sup>276</sup>

In response, officials from the Native Affairs Department advised the writers that Maraeroa C had been vested in the Board and that the Board was preparing a scheme for the settlement of

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<sup>272</sup> Ibid, pp 101-103, 169-170.

<sup>273</sup> *New Zealand Gazette*, 1909, no. 105, pp 3247-3249.

<sup>274</sup> Waretini and 21 others to Native Minister, 22 January 1914, MA 1 104 5/10/129 part 1, Maraeroa C, 1907-1943, ANZ Wellington.

<sup>275</sup> Ringitanga, 12 others to Native Minister, 2 September 1910, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>276</sup> Ibid.

the land.<sup>277</sup> In light of this situation, there was little possibility of the writers' request being granted.

No evidence concerning any plans to develop a settlement scheme for Maraeroa C have been located. However, the Board was looking to sell the timber on the block at this time. Writing to the Under Secretary of the Native Department on 10 June 1910, Bowler, the President of the Land Board, reported that plans to put the timber on the market had become complicated as a result of moves taken by Ellis and Burnand to secure the timber.<sup>278</sup> Kent, acting on behalf of Ellis and Burnand, had recently submitted an agreement signed by the majority of the owners, under which the timber would be alienated to the company. As with Ellis and Burnand's 1898 agreement concerning Rangitoto Tuhua 36, the Maraeroa C agreement consisted of two contracts – the first provided for the owners to supply logs, while the second provided for Ellis and Burnand to undertake the cutting on behalf of the owners. Bowler requested the Solicitor General's opinion as to the legality of the contracts, which were dated 3 May 1909.

After considering the contracts, the Solicitor General stated that the Board had neither the right nor duty to fulfil the agreement on behalf of the owners. The Board's only duty was to administer and dispose of the land in accordance with the provisions of Part XIV of the 1909 Act. The Solicitor General commented that:

The unsatisfactory position in which the purchasers now find themselves placed is directly due to their own act in seeking to evade the provisions of the Native Land Court Act, 1894, by intentionally limiting the contract to the sale of the timber when cut. By so doing they deprived themselves of any interest in the land, and therefore of any rights or remedies as against the future owners of the land or as against any persons except those who actually signed the Contract.<sup>279</sup>

On 13 September 1911, Earl and Kent wrote to Bowler, pressing the Board to grant Ellis and Burnand cutting rights over Maraeroa C in accordance with the terms of the contracts signed by the owners.<sup>280</sup> They sought a license of 30 years, with the following royalty rates payable per hundred superficial feet: 1s for totara, 5d for rimu, and 4d for all other timbers. The solicitors set down a number of reasons why they believed the Board should issue a cutting license to the

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<sup>277</sup> Pitt to Grace, 9 September 1910, MA 1 104 5/10/129 part 1, ANZ Wellington. Under Secretary, Native Affairs, minute on Pitt to Grace, 9 September 1910, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>278</sup> President, Maniapoto-Tuwharetoa District Maori Land Board, to Under Secretary, Native Affairs, 10 June 1910, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>279</sup> Solicitor General to Under Secretary, Native Affairs, 27 June 1910, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>280</sup> Earl and Kent to Waikato-Maniapoto District Maori Land Board, 13 September 1911, MA 1 104 5/10/129 part 1, ANZ Wellington.

company. They asserted that all of the owners were anxious for the company to remove the timber on the terms set down. The royalty rates, they claimed, were liberal considering the situation of the block and its distance from the railway, and the company was prepared to have the rates assessed by an expert. It was stated that the company could offer a liberal price because it already owned a tramway some 25 miles in length, which traversed the land lying between Maraeroa C and the railway. Any other purchaser of the timber would have to construct a tramway and the cost of this would be reflected in lower royalty rates. The solicitors also pointed out that the removal of the timber would enable the land to be freed up for pastoral uses. The Company was prepared to free up land from time to time as the timber was removed.<sup>281</sup>

Around this time, it also seems that Kent discussed Ellis and Burnand's wish to cut timber from Maraeroa C with Native Minister Carroll at Te Kuiti. Earl and Kent referred to this meeting in a letter written to the Native Minister on 16 September 1911.<sup>282</sup> The letter indicates that Carroll had suggested that the block might be purchased by the Crown – something that the solicitors believed would be inequitable, given that Ellis and Burnand were attempting to secure a timber cutting license. Carroll sought Ngata's opinion on the best course of action. Writing on 10 October 1911, Ngata suggested that the question of purchase be held over and that a right to cut timber might be granted over a portion of the block.<sup>283</sup> Owing to the cost of roading and subdividing the land, Bowler suggested that the best course of action might be to sell or lease Maraeroa C to Ellis and Burnand.<sup>284</sup> Nothing came of this proposal. Bowler observed that, apart from the timber, the land appeared to be of little value.

On 12 July 1912, Bowler wrote to the Native Minister, recommending that an Order in Council be issued under section 280 of the Native Land Act 1909, enabling the Land Board to grant a timber cutting license in respect of Maraeroa C.<sup>285</sup> (This consent was required only for lands that were vested in the Board.) Bowler stated that the Board believed that it was in the interests of the owners and the community that some revenue should be derived from the timber on the land, given that the land was inaccessible and that settlement in the locality would not be

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<sup>281</sup> Ibid.

<sup>282</sup> Earl and Kent to Carroll, 16 September 1911, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>283</sup> Ngata to Native Minister, 10 October 1911, minute on Earl and Kent to Carroll, 16 September 1911, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>284</sup> President, Waikato-Maniapoto District Maori Land Board, to Under Secretary, Native Affairs, 2 October 1911, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>285</sup> President, Waikato-Maniapoto District Maori Land Board, to Native Minister, 12 July 1912, MA 1 104 5/10/129 part 1, ANZ Wellington.

possible for many years. The letter included a draft of the proposed agreement. It also contained comments from Ellis and Burnand regarding the adequacy of the royalty rates. The sawmillers argued that the rates were fair given the high costs of working such hilly country and the large cost of building at least another 10 miles of tramline. In comparison, they noted that they had recently purchased an area of bush from the Crown at a cost of seven pence per hundred feet for rimu and kahikatea. This bush was located only three miles from Ellis and Burnand's Manunui mill. The sawmillers also noted that, on the West Coast of the South Island, the Crown was issuing timber licences for six pence per hundred feet for rimu and kahikatea.<sup>286</sup> They stated that the West Coast sawmillers competed in the important Auckland market and that shipping rates from the West Coast were cheaper than the rail freights paid by Ellis and Burnand.

On 26 July 1912, Earl and Kent wrote to the new Native Minister, Herries, requesting that the Order in Council be issued.<sup>287</sup> On the same date, John Ellis wrote personally to Herries, requesting his support to secure the proposed timber cutting license over Maraeroa C.<sup>288</sup> Ellis stated that the matter was 'of supreme importance to his firm', and that his company's operations at Mangapehi would be jeopardised if he could not secure the timber. Ellis detailed that capital of some £30,000 had been invested in the operation and that closing down would mean the loss of over 100 jobs to the district and some £25,000 in annual expenditure, half of which was wages. He noted that, in rail freight alone, his company was paying £4,000 at Mangapehi.

In a memorandum to the Native Minister, dated 2 August 1912, the Under Secretary of the Native Department advised that the title to the block was not yet in the Board's hands and that, in his opinion, a question remained as to whether the prices offered were equitable.<sup>289</sup> However, no further assessment of the royalty rates seems to have been made by the Board, which was apparently satisfied that they were reasonable. The title of Maraeroa C was subsequently completed and put in the name of the Board, and on 22 October 1912 Bowler wrote to the Under Secretary, enclosing a draft timber cutting agreement between the Board and Ellis and

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<sup>286</sup> This royalty appears to have been for sawn timber as opposed to the standard payment for measured logs. A certain amount of timber in logs was wasted during the milling process.

<sup>287</sup> Earl and Kent to Herries, 26 July 1912, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>288</sup> Ellis to Herries, 26 July 1912, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>289</sup> Under Secretary, Native Affairs, to Native Minister, 2 August 1912, MA 1 104 5/10/129 part 1, ANZ Wellington.

Burnand.<sup>290</sup> The agreement was examined by the Solicitor General and some amendments were then made to it, primarily to enable the Board to terminate the lease if Ellis and Burnand failed to fulfil the conditions set out in the agreement.<sup>291</sup> On 16 December 1912, an Order in Council was issued under section 280 of the Native Land Act 1909, consenting to the granting of a timber license.<sup>292</sup>

It is evident that many of the owners of Maraeroa C were unaware of the Board's dealings with Ellis and Burnand and, upon learning of the timber license, were unhappy about the situation. On 22 January 1914, Pouaka Waretini and 21 others petitioned the Native Minister, asking that Maraeroa C be released from the Land Board's control so that the owners could deal directly with Ellis and Burnand.<sup>293</sup> The petitioners, who believed that the land had been re-vested in them two years earlier, had recently learnt of the Board's agreement with Ellis and Burnand and understood that they would receive only one-quarter of the royalty payments. They wished to enter into an arrangement with the sawmillers, but sought to do so on their own terms:

. . . we entreat of you [the Native Minister] to abrogate the Mana of the Board from this land, and have the land restored to us, so that we may be able to make our own fair arrangements as to the royalty, and so on, per 100 ft, for all of the timber.<sup>294</sup>

The Under Secretary requested that the petitioners be advised that no evidence of an assurance to re-vest the land had been located and that section 280 of the Native Land Act 1909 provided the Board with the power to dispose of the timber.<sup>295</sup>

### Summary

As well as land purchase, Maori lost control of valuable forest lands through the vesting of such lands in the Waikato-Maniapoto District Maori Land Board under Part XIV of the Native Land Act 1909. In about 1909, Rangitoto Tuhua 9 (12,340 acres) was vested in the Board, apparently with little consultation with the owners. In December 1909, Maraeroa C (13,727 acres) was

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<sup>290</sup> Under Secretary, Native Affairs, to President, Waikato-Maniapoto District Maori Land Board, 2 August 1912, MA 1 104 5/10/129 part 1, ANZ Wellington. President, Waikato-Maniapoto District Maori Land Board to Under Secretary, Native Affairs, 22 October 1912, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>291</sup> Solicitor General to Under Secretary, Native Affairs, 6 November 1912, MA 1 104 5/10/129 part 1, ANZ Wellington. Under Secretary, Native Affairs, to President, Waikato-Maniapoto District Maori Land Board, 9 November 1912, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>292</sup> *New Zealand Gazette*, 1912, extract in MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>293</sup> Waretini and 21 others to Native Minister, 22 January 1914, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>294</sup> *Ibid*, p 353.

<sup>295</sup> Under Secretary, Native Affairs, to Grace, 3 March 1914, MA 1 104 5/10/129 part 1, ANZ Wellington.

similarly vested in the Board. Owners of both blocks unsuccessfully made efforts to have the lands re-vested.

Between 1915 and 1918, the government purchased interests in Rangitoto Tuhua 9, and in November 1918 was awarded Rangitoto Tuhua 9A (12,137 acres). In 1914, before the purchasing had begun, Ellis and Burnand had entered into a timber cutting agreement with the owners, even though the land was vested in the Board. After the government was awarded Rangitoto Tuhua 9A, the company successfully lobbied the government and secured long-term cutting rights over the block, which it exercised until about 1955.

The company also demonstrated its ability to influence the government when it secured cutting rights over Maraeroa C. Prior to the vesting of this block, Ellis and Burnand had negotiated a cutting agreement and obtained signatures from a number of owners. After the land was vested, the company lobbied the government, calling for this agreement to be honoured. In December 1912, the Board and Ellis and Burnand executed a 30 year timber license, which provided the company with cutting rights over Maraeroa C.

**Table 7:** Agreements involving Maori-owned timber in the Rohe Potae inquiry district, 1910-1921

<b>Date</b>	<b>Block</b>	<b>Details</b>	<b>Reference</b>
21/2/1911	Rangitoto A48B2C	Confirmation of lease to Turner and Fenton. Lease includes provision for timber to be cut at set royalty rates.	W-MDMLB minute book 5, p 353.
1/7/1911	Rangitoto Tuhua 25 Section 5B	Lease, term 42 years from 1 July 1911. On 12 February 1934, the Under Secretary of Native Affairs noted: 'The purchase money for the timber calculated on the basis of the rental fixed under the lease for the full term of 42 years would amount to £14,868.'	F 1 365 18/3/38, ANZ Wellington.
22/11/1911	Rangitoto Tuhua 2B	Confirmation of sale of timber to Combs for £700 (Government valuation).	W-MDMLB minute book 7, p104, 162.
23/5/1912	Rangitoto Tuhua 2C	Confirmation of resolution passed by meeting of owners to sell timber to Combs for £242. (Government valuation of timber: £225.)	W-MDMLB minute book 8, p 219
27/11/1912	Rangitoto Tuhua 1	Confirmation of resolution passed by meeting of owners to sell timber to Combs for £2108 5s (Government valuation).	W-MDMLB minute book 9, p 132.
16/12/1912	Maraeroa C (13,727 acres)	Order in Council issued under section 280 of the Native Land Act 1909, enabling Land Board to grant a timber license to Ellis and Burnand. (Maraeroa C was vested in the Board.) Sale of timber to Ellis and Burnand for 1s per 100 superficial feet for totara, 5d for rimu and matai, and 4d for all other timber.	MA 1 104 5/10/129 part 2, ANZ Wellington.
14/9/1916	Hauturu East 2 Sec 3B1	Confirmation of sale of timber to Parkes Brothers for 1s per 100 feet for all timber.	W-MDMLB minute book 13, p 239.
21/11/1916	Hauturu East 1E5C2A2B	Confirmation of sale of timber to Parkes Brothers in respect of interests of two owners.	W-MDMLB minute book 13, p 291.
21/11/1917	Pukeroa Hangatiki 4C 2A and Hauturu East 1E4B2B	Intention to confirm sale of timber.	W-MDMLB minute book 14, p 233.
21/11/1917	Piha 2 Section 6	Intention to confirm resolution of meeting of owners to sell timber to Parker Lamb for 1s 100 feet.	W-MDMLB minute book 14, p 231.
22/11/1917	Pehitawa 2B5F	Intention to confirm sale of timber to Parkes Brothers in respect of interests of four owners. Government valuation of timber: £30. Royalty: 1/- per 100 feet, with Board requesting royalty for rimu and matai be raised to 1/4 per 100 feet.	W-MDMLB minute book 14, p 247.
23/11/1917	Pehitawa 2B4C	Intention to confirm sale of timber to Parkes Brothers in respect of interests of one owner. Board requests that royalty for rimu and matai be raised to 1/4 per 100 feet.	W-MDMLB minute book 14, p 257
23/11/1917	Hauturu East 1E4B2A	Intention to confirm sale of timber to Parkes Brothers. Government valuation of timber: £216. Royalty: 1s per 100 feet, with Board requesting royalty for rimu and matai be raised to 1s 4d per 100 feet.	W-MDMLB minute book 14, p 258
23/11/1917	Hauturu East 1E5C2B1 (Part)	Intention to confirm sale of timber to Parkes Brothers. Royalty: 1s per 100 feet, with Board requesting royalty for rimu and matai be raised to 1s 4d per 100 feet.	W-MDMLB minute book 14, p 258.
20/3/1918	Hauturu East 1E5C2B3	Intention to confirm sale of timber to Parker Lamb.	W-MDMLB minute book 14, p 325.
20/3/1918	Hauturu East 1E4B2C2	Intention to confirm sale of timber to Parker Lamb.	W-MDMLB minute book 14, p 326.



Date	Block	Details	Reference
20/3/1918	Hauturu East 1E4B2A	Intention to confirm sale of timber to Parker Lamb in respect of the interests of one owner. Confirmation certificate not to be endorsed until further valuation of timber.	W-MDMLB minute book 14, p 326.
27/5/1918	Hauturu East 1E5C2A2B2	Confirmation of sale of timber to Parker Lamb.	W-MDMLB minute book 14, p 348.
17/8/1918	Hauturu East 1E4B2B and Pukeroa Hangatiki HC2A	Confirmation of sale of timber to Lamb.	W-MDMLB minute book 15, p 8.
19/8/1918 & 19/3/1919	Pehitawa 2B5G	Intention to confirm sale of timber to Parker Lamb in respect of interests of three owners. Government valuation: £96.	W-MDMLB minute book 15, p 9, 170.
19/8/1918	Pukenui 1B7B	Intention to confirm sale of timber to Hawkin in respect of the interests of all but one owner. Govt valuation: nil. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 12.
19/8/1918	Pukenui 1B7D3	Intention to confirm sale of timber to Hawkin. Govt valuation: £30. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 13.
20/8/1918	Pukenui 1B7C	Intention to confirm sale of timber to Hawkin. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 20.
19/8/1918	Maraetaua 9B	Intention to confirm sale of timber to Hawkin. Govt valuation: £30. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 14.
19/8/1918	Pukenui 2C5C	Intention to confirm sale of timber to Hawkin. Govt valuation: nil. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 14.
19/8/1918	Pukenui 1B7D2	Intention to confirm sale of timber to Hawkin. Govt valuation: £30. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 14.
19/8/1918	Pukenui 1B7D1	Intention to confirm sale of timber to Hawkin. Govt valuation: nil. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 14.
20/8/1918	Hauturu East B2 Sec 2A2	Intention to confirm sale of timber to Burch. Government valuation: £600. Royalties: 9d for kahikatea per 100 feet, 1s for rimu.	W-MDMLB minute book 15, p 20.
20/8/1918	Kinohaku East 1P29B1	Intention to confirm sale of timber to Hawken in respect of the interests of all but two owners. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 21.
20/8/1918	Kinohaku East 1P29B2	Intention to confirm sale of timber to Hawken in respect of the interests of four owners. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 23.
21/8/1918	Karu o Te Whenua 3D2	Intention to confirm sale of timber to Hawken. Government valuation: £320. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 25.
21/8/1918	Karu o Te Whenua 3D3A	Intention to confirm sale of timber to Hawken. Government valuation: £50. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 25.
21/8/1918	Kinohaku East 2[P]B3	Intention to confirm sale of timber to Hawken in respect of the interests of three owners. Government valuation: £160. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 26.
21/8/1918	Kinohaku East 1P29A	Intention to confirm sale of timber to Hawken. Government valuation: £50. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 26.
21/8/1918	Pehitawa 2B4C	Intention to confirm sale of timber to Lamb in respect of the interests of one owner. Government valuation: £150.	W-MDMLB minute book 15, p 27.
21/8/1918	Hauturu East 1E5C2B3	Intention to confirm sale of timber to Lamb.	W-MDMLB minute book 15, p 27.

<b>Date</b>	<b>Block</b>	<b>Details</b>	<b>Reference</b>
22/8/1918	Kinohaku East 1F28B	Intention to confirm sale of timber to Hawken. Government valuation: £90. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 39.
22/8/1918	Piha 1B3A1	Intention to confirm sale of timber to Lamb. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 39.
22/8/1918	Kinohaku East 1A3E4	Intention to confirm sale of timber to Hawkin. Government valuation: £175. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 40.
22/8/1918	Pukeora Hangatiki 4C2D2	Intention to confirm resolution to meeting of owners to sell timber to Parker Lamb at 'usual prices'. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 41.
22/8/1918	Tapuiwahine 1C1	Intention to confirm sale of timber to Hawkin. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 42.
18/3/1919	Hauturu East 1E4B2C2	Intention to confirm sale of timber to Lamb. Government valuation: £240. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 156.
19/3/1919	Te Kumi 7D2D2	Intention to confirm sale of timber to Browne except in respect of interests of two owners. Government valuation: £240. Sale to be at value fixed by arbitration.	W-MDMLB minute book 15, p 170.
19/3/1919	Kinohaku East 1P27B	Intention to confirm sale of timber to Hawken in respect of the interests of two owners. Government valuation: £60.	W-MDMLB minute book 15, p 171.
24/3/1919	Pehitawa 2B4A	Intention to confirm sale of timber to Lamb.	W-MDMLB minute book 15, p 175.
17/10/1921	Rangitoto Tuhua 60A3B5A (324a 0r 17p.)	Intention to confirm sale of timber to Beuck subject to valuation evidence showing that a royalty of 1s per 100 feet for all timber is adequate. Term: five years.	W-MDMLB minute book 17, p 76. F 1 365 18/3/4, ANZ Wellington.

### *Alienation of timber cutting rights, 1910-1921*

This section looks at the alienation of Maori-owned timber between the passage of the Native Land Act 1909 and the passage of the Forests Act 1921-22. As detailed above, section 211 of the 1909 Act deemed that the sale of timber was an alienation of the land. Alienations of timber on Maori land therefore needed to be confirmed by the District Maori Land Board. Following the passage of the 1921-22 Act, the State Forest Service also became significantly involved in the process of alienating timber cutting rights. Developments involving the State Forest Service, which was established in 1919, are discussed later in the report.

It is evident that between 1910 and 1921 the Waikato-Maniapoto District Maori Land Board dealt with numerous cases that involved the alienation of timber cutting rights. Table 7 sets out the details of about 45 such cases, which have been identified from a search of the Land Board's minute books. In each of these cases, the Board either confirmed the alienation or expressed an intention to confirm subject to certain conditions being met. In these latter cases, research has not established whether the alienations were confirmed by the Board, though it is assumed that this was generally the case.

The timber alienations that are detailed in Table 7 concerned a range of blocks, but generally appear to have been confined to locations in the vicinity of the NIMT railway. As well as the area south-east of Te Kuiti, which was the focus of timber agreements entered into before this time, the timber alienations dealt with between 1910 and 1921 also included lands to the west and north of Te Kuiti, particularly subdivisions of the Hauturu East and Kinohaku West blocks. The large number of timber alienations indicates that sawmillers continued to view the indigenous timber industry as a profitable endeavour.

It is also clear that the number of timber alienations owed something to the ongoing process of land partition, which saw blocks divided into increasingly smaller holdings. Compared to the earlier timber agreements, many of the alienations detailed in Table 7 involved very small areas. For example, in the case of Pehitawa 2B5F, dealt with by the Board in November 1917, the timber cutting area was only about 21 acres. In order to secure a sufficient area of timber, sawmillers sometimes acquired cutting rights over a number blocks in the same vicinity. The new system of alienation introduced under the 1909 Act meant that alienations were easier to complete, particularly when there were large numbers of owners. Many of the timber alienations

detailed in Table 7 appear to have involved meetings of assembled owners. By this means, purchasers did not need to obtain the consent of all owners.

When timber was sold between 1910 and 1921, the owners were paid either a fixed sum in instalments or, alternatively, royalties based on the volume of timber cut, with specified rates for each species of tree. If the alienation was on a fixed-sum basis, it seems that the Board initially accepted a sum based on the Government Valuation of the timber. For example, in November 1912, the Board confirmed a resolution passed by a meeting of the owners of Rangitoto Tuhua 1 to sell the timber cutting rights over the 937 acre block for £2108 5s, the Government Valuation.<sup>296</sup> Where timber was sold on a royalty basis, it seems that 1s per 100 feet was initially paid for all timber.<sup>297</sup> This may have been a standard rate used by the Valuation Department at this time.

From about 1917, it seems that the Board began to seek a higher standard of proof as to whether the fixed-sum payments and royalties rates provided in timber agreements were reasonable. The cases detailed in Table 7 indicate that the Board moved away from relying exclusively on government valuation. In some cases, where an agreement provided for royalty rates, the Board insisted that rates for rimu and matai be raised to 1s 4d per 100 feet.<sup>298</sup> Also, from August 1918 until early 1919, a period during which numerous timber agreements were dealt with, the Board required that the valuation of the timber was to be fixed by arbitration.<sup>299</sup> Later, applicants seeking confirmation of timber agreements provided a valuation of the timber that seems to have been determined by an independent valuer.<sup>300</sup>

When land was leased for agricultural purposes in the period from 1910 to 1922, it appears that the Waikato-Maniapoto District Maori Land Board did not always ensure that the leases appropriately recognised the value of millable timber. In cases where valuable timber was clearly present, the lessee was required to pay royalties to the owners for any timber felled. This was the case, for example, with the lease over Rangitoto A48B2C, an area of 1225 acres, which was

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<sup>296</sup> Waikato-Maniapoto District Maori Land Board minute book 8, 7 and 14 August 1912, pp 224-225, 267. Waikato-Maniapoto District Maori Land Board minute book 9, 27 November 1912, p 132.

<sup>297</sup> See, for example, the case of Hauturu East 2 Section 3B1. Waikato-Maniapoto District Maori Land Board minute book 13, 14 September 1916, p 239.

<sup>298</sup> See, for example, the case of Hauturu East 1E4B2A. Waikato-Maniapoto District Maori Land Board minute book 14, 23 November 1917, p 258.

<sup>299</sup> Waikato-Maniapoto District Maori Land Board minute book 15, 19 March 1919, p 170.

<sup>300</sup> See, for example, the case of Tapuiwahine 1B2P. Waikato-Maniapoto District Maori Land Board minute book 17, 20 June 1922, p 202.

confirmed by the Board in February 1911.<sup>301</sup> Where timber was not believed to be present or was only thought to exist in small quantities, lessees were permitted to clear the bush to improve the land for farming purposes. However, it seems that the Board's efforts to establish whether millable timber was present may not have always been sufficiently thorough. It is also notable that, initially at least, the Board did not contemplate that timber that was believed to be of little value might one day increase in value as timber supplies diminished.

In 1919, local business interests raised concerns about the destruction of valuable timber on lands leased from Maori that were being cleared for pasture development. On 9 April 1919, the President of the Te Awamutu Chamber of Commerce, L.G. Armstrong, wrote to the Native Minister, complaining that the practise was wasteful as it was becoming increasingly difficult to secure supplies timber suitable for milling.<sup>302</sup> Armstrong stated that, under the terms of the leases, the lessee could not sell the timber for milling purposes without the approval of the owners. He suggested that the leases should be altered to enable the lessee to have full rights to dispose of the timber.

On 6 May 1919, Judge MacCormick commented on the matter in a memorandum written to the Under Secretary of the Native Department.<sup>303</sup> MacCormick noted that the issue had engaged the attention of the Board for some time. He explained that when the leases were granted the question of whether or not there was millable timber of any value on the land did not appear to have been fully considered. MacCormick believed that it may have been thought that the timber was of no value. Confirming that the lessees were unable to dispose of the bush for milling purposes without the consent of the owners, MacCormick stated that lessors and lessees would need to enter into arrangements to enable both parties to derive some financial benefit from the timber. The Board, he noted, was only concerned with those leases that that Board had entered into as the vested owner of certain lands. No further correspondence on this matter has been located.

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<sup>301</sup> Waikato-Maniapoto District Maori Land Board minute book 5, 21 February 1911, p 353.

<sup>302</sup> President, Te Awamutu Chamber of Commerce, to Minister of Native Affairs, 9 April 1919, MA 1 92 5/10 part 1, Timber cutting on native land – general – policy, 1916-1946, ANZ Wellington.

<sup>303</sup> MacCormick to Under Secretary, Native Department, 6 May 1919, MA 1 92 5/10 part 1, ANZ Wellington.

## Summary

Following the passage of the Native Land Act 1909, the number of timber alienations in the Rohe Potae inquiry district increased considerably, and between 1910 and 1921 some 45 timber alienations were dealt with by the Waikato-Maniapoto District Maori Land Board. The large number of alienations partly reflects the diminishing size of land holdings (a result of the process of partition) and also the ease of dealing with multiple owners through the meeting of owners system introduced in the 1909 Act. While it appears that the Board sought some evidence of timber values before confirming the sale of cutting of rights, the extent to which this evidence was expert and impartial is unclear. It is notable that in a number of cases the Board required royalties rates to be raised, increasing the owners' return.

### ***Establishment of the State Forest Service, 1919, and the Forests Act 1921-22***

As noted in the earlier discussion of government forest policy in the period from 1870 to 1909, central government began to demonstrate an interest in the management of forest areas in the 1870s, reflecting growing concern about the future availability of timber resources. However, early initiatives to protect forest areas and regulate cutting were limited in scope and mostly applied to forest on Crown land. With the decline of indigenous timber resources seen to be inevitable, plantation forests were viewed as important to ensuring that future demands for timber would be met.

In the decade leading up to the establishment of the State Forest Service in 1919, the government faced growing public pressure to prevent the destruction of indigenous forests as well as calls for increased exotic afforestation.<sup>304</sup> In response, the government stated that it could only control land that was owned by the State, and it maintained that, on such land, it only allowed cutting on land that was suitable for settlement or land that contained valuable timber. In May 1918, increasing pressure in relation to the need to conserve indigenous timber resources saw the Prime Minister appoint Sir Francis Dillon Bell as Minister of Forests, a position that would later be known as Commissioner of State Forests. The Prime Minister acknowledged that the appointment was made in response to representations by the New Zealand Forestry League, which urged for the creation of a separate forestry department.

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<sup>304</sup> Walzl, pp 253-254.

Growing concern over future timber supplies also saw some steps taken around this time to conserve indigenous timber, particularly during wartime.<sup>305</sup> Under section 34(6) of the War Legislation and Statute Law Amendment Act 1918, the Governor General in Council was able to make regulations to limit the export of timber, to prohibit the sale of standing timber, and to require that licenses be granted for the cutting of standing timber on public or private lands of any tenure. In August 1918, regulations imposing restrictions on the export of native timber were introduced. These restrictions also fixed permissible quantities of sawn timber and required that detailed returns be furnished from all sawmills.<sup>306</sup> A further restriction introduced after the war sought to control the production of sawn timber by prohibiting the sale of standing timber without the approval of the Governor General in Council.<sup>307</sup> Walzl notes that this restriction, which remained in force for some ten years, very quickly became a dead letter because its focus was so broad, applying to all transactions involving timber, including the sale of land that included standing timber.

A further and important initiative to give effect to government forestry objectives was the establishment of the State Forest Service on 1 September 1919. The first Director of the Service was McIntosh Ellis, whose first action was to tour the country and inspect sawmills. In 1920, Ellis provided a report with recommendations to Commissioner Bell. According to Roche, this report created the basis for the Forests Act 1921-22 and the organisational structure of the State Forest Service.<sup>308</sup> At the same time, the forces that had been pressuring for greater conservation of indigenous forests and an increase in state afforestation began to lobby the new Forest Service.<sup>309</sup> The creation of the new department also created some uncertainty in the indigenous timber industry, with representations made by the Dominion Federation of Sawmillers' Association.<sup>310</sup> While Bell offered some reassurance to sawmillers, he also emphasised at a meeting of district conservators held in April 1921 that the conservation that the conservation of forest resources for future needs was a priority:

If under your care and charge we can keep a supply of timber for our children's children and their children's children, that will effect my aim. I do not wish to cut timber that is not wanted. This generation is entitled to all the timber it needs, and I have prohibited export and mean to prohibit it further. We must so manage our timber supplies as that we shall not denude our resources. I hope that sawmillers will be our friends in the end, for

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<sup>305</sup> Ibid, p 256.

<sup>306</sup> Roche, p 163.

<sup>307</sup> Walzl, pp 257-258.

<sup>308</sup> Roche, p 175, 179.

<sup>309</sup> Walzl, p 280.

<sup>310</sup> Ibid, pp 281-282.

we shall be able to give them some continuity of employment. But what I see coming is the increase of mills beyond the necessity of the day for timber. I do not want large revenue at the expense of prosperity.<sup>311</sup>

Under the terms of the Forests Act 1921-22, the State Forest Service was charged with six major functions:

1. control and management of all matters of forest policy;
2. control and management of permanent and provisional State Forests;
3. the planting and maintenance of nurseries;
4. the enforcement of leases, permits, and licences;
5. the collection and recovery of rents, fees and royalties; and
6. general administration of the Forest Act.

Though the Act referred to ongoing exotic tree planting, Ellis saw the administration of the indigenous timber industry as the initial primary concern of the State Forest Service.<sup>312</sup> While he accepted that levels of timber consumption would eventually exhaust supplies of indigenous timber, he expressed reservations about the susceptibility of exotic species to disease and the quality of exotic timber. He therefore sought to take decisive action to conserve the indigenous timber supply as long as possible. In 1921, towards this end, he recommended that a survey and inventory of indigenous forests be undertaken.

In the meantime, before the survey was completed, he looked to bring some form of regulation to control timber cutting. One avenue was to place restrictions on Maori land as any alienation in that tenure had to go through the Land Board approval process, which could be modified to provide for State Forest Service scrutiny and approval. (As noted above, the regulations introduced in 1919 were ineffectual.) Section 35(2) the Forests Act 1921-22, aimed squarely at Maori land, provided that neither the Maori Land Court nor a Maori Land Board should grant timber cutting rights without the agreement of the Commissioner of State Forests. The 1921-22 Act contained no provisions concerning the alienation of privately-owned, non-Maori forest lands.

After the passage of the 1921-22 Act, the President of the Aotea District Maori Land Board wrote to the Secretary of the State Forest Service, advising that the Board had recently refused to confirm several timber alienations as they had not been confirmed by the Commissioner of State

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<sup>311</sup> Bell speech to conference of conservators, April 1921, F 1 1/7, volume 3, ANZ Wellington, cited in Walzl, p 282.

<sup>312</sup> Walzl, p 284. Roche, p 189.



Forests.<sup>313</sup> The President noted that, even before the passing of the 1921-22 Act, the Board had been objecting to any clause permitting the destruction of bush on Maori land except with the approval of the Forest Service. The President explained that the Board was aware of many cases where valuable areas of forest had been destroyed under old leases without compensation to the Maori owners. He also stressed the importance of the timber that remained on Maori land and complained of the inadequacy of the valuation process:

You will be aware that very often the crop of timber on a block of Native Land is the only valuable crop it is likely to carry for perhaps 20 years or more. In many cases the land is not fit for anything else than timber growing, and timber people take up long leases nominally for grazing purposes but in reality in order to deal with the timber. They often do not bother to get a timber grant and frequently there is no disclosure of the value of the timber on the land.

The Valuation has often failed to disclose the existence of millable timber, sometimes no doubt due to the fact that the blocks are too small to be commercially valuable by themselves. Often, however, the same sawmillers (or their relatives to the fourth generation), have leases of the adjoining lands also and then the small areas of bush become valuable.<sup>314</sup>

Replying on 12 July 1922, the Secretary of the State Forest Service assured the President of the Aotea Maori Land Board that the Forest Service was at all times ready to help Maori Land Boards in arriving at the values of forest lands administered by them and to assist in preventing the sale of valuable forests to the disadvantage of the owners.<sup>315</sup>

Before the inventory of indigenous timber was completed, Ellis wrote a memorandum to the Commissioner of State Forests regarding national forest policy and the acquisition of timber lands.<sup>316</sup> While he noted that an exact plan would be submitted at a later time, the Director pointed out that one feature would be the funding of afforestation projects through the State's indigenous timber resources. He looked forward to State Forests being developed into perpetual timber producing machines. However, when the timber inventory was finalised in 1925, it showed that the total millable timber in the country was 62,000 million board feet, of which 23,000 million were hardwoods (beeches and tawa) and 39,000 million were softwoods (kauri, totara, matai, rimu, miro, kahikatea and silver pine).<sup>317</sup> With existing rates of consumption

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<sup>313</sup> Walzl, p 285.

<sup>314</sup> President, Aotea District Maori Land Board, to Secretary, State Forest Service, 1 July 1922, F 1 15/3, ANZ Wellington, cited in Walzl, p 285.

<sup>315</sup> Walzl, p 285.

<sup>316</sup> Ibid. p 286.

<sup>317</sup> Ibid, p 287.

expected to increase considerably, Ellis estimated that indigenous timber resources would be exhausted by about 1965. Exotic timber would then have to take over.

### Summary

The establishment of the State Forest Service in 1919 and the subsequent passage of the Forests Act 1921-22 reflected growing concern about the future supply of timber and the need for remaining indigenous timber resources to be managed more effectively. The cutting of timber on Maori land was the focus of special attention, reflecting that Maori owned a significant proportion of the remaining indigenous forest land, but also that the existing system of alienation could be modified to provide for State Forest Service scrutiny. Under the 1921-22 Act, cutting rights to timber on Maori land could not be sold without the consent of Commissioner of State Forests. Though this provision specifically concerned Maori and would see significant changes to the way that the timber on Maori land was alienated, it appears to have been introduced without any consultation with Maori forest owners.

### ***Increased indigenous timber cutting controls, 1922-1938***

As detailed above, section 35(2) of the Forests Act 1921-22 Act required that timber on Maori land could not be alienated without the consent of the Commissioner of State Forests. This provision enabled the State Forest Service to exert some control over the cutting of Maori-owned forests, which comprised a significant proportion of the dwindling indigenous forest resource. In the early 1930s, the Forest Service began requiring that a comprehensive timber appraisal be undertaken by the Service before the Commissioner consented to any alienation of cutting rights. This development marked an increase in the Forest Service's involvement in timber cutting on Maori land, which remained significant until the 1960s.

Initially, in the years immediately after the passing of the 1921-22 Act it appears that the Commissioner of State Forests' consent was granted without the State Forest Service making detailed investigations into the alienation. In some cases, it seems that the Maori Land Boards may have confirmed the alienation of timber cutting rights without the Commissioner's consent. On 6 June 1930, the Director of Forestry wrote to the Under Secretary of the Native Department, drawing attention to the fact that for some time past the Commissioner had received no applications, though officers were aware that sales involving timber had been

occurring quite frequently.<sup>318</sup> In reply, the Under Secretary advised that a circular memorandum would be sent to the various Registrars, drawing their attention to the requirements of section 35(2) of the 1921-22 Act.<sup>319</sup>

Around this time, calls were made for greater regulation of the cutting of timber on Maori land. On 28 March 1931, the Secretary of the Forestry League wrote to the Native Minister, asserting that some system of control was required over sawmilling on Maori land.<sup>320</sup> Pointing to uneconomic practices, the Secretary claimed that there was great wastage of timber, stating that in some instances up to 50 percent of millable timber was being destroyed. This situation, ‘an economic blunder’, was not in the interests of the Maori owners and was harmful to the conservation of the country’s diminishing forests. The Secretary stated that the League did not wish to see undue restrictions placed on a Maori owner any more than a Pakeha owner, unless it was required to protect Maori from exploitation. In a reply written on 30 March 1931, the Native Minister acknowledged the League’s concerns and assured the Secretary that there were, in the granting cutting rights, many safeguards to ensure that the owners received fair payment for the timber and that general matters of policy were considered.<sup>321</sup> Writing again to the Native Minister on 28 May 1931, the Secretary of the Forestry League suggested that the existing policy was not always implemented.<sup>322</sup>

Possibly as a result of such representations, the State Forest Service appears to have begun undertaking on-the-ground surveys of timber before recommending that the Commissioner consent to the alienation of cutting rights. However, the new approach drew some criticism, particularly in regard to how the cost of appraisals, which was met by sawmiller applicants, was impacting upon the industry. Writing to the Native Minister on 8 September 1931, solicitors Hampson and Davys, who seem to have represented some Maori land owners in the Rotorua district, asserted that the new approach and the expense that it involved would discourage sawmillers from attempting to purchase timber on Maori land.<sup>323</sup> The solicitors claimed that heavy cost of appraisals meant ‘the end of the acquisition by any future timber millers of native

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<sup>318</sup> Director of Forestry to Under Secretary, Native Department, 6 June 1930, F 1 345 15/3, Timber sale policy – Maori lands, 1922-1941, ANZ Wellington.

<sup>319</sup> Under Secretary, Native Department, to Director of Forestry, 16 June 1930, F 1 345 15/3, ANZ Wellington.

<sup>320</sup> Secretary, New Zealand Forestry League, to Native Minister, 28 March 1931, MA 1 92 5/10 part 1, ANZ Wellington. Walzl, pp 369-370.

<sup>321</sup> Native Minister to Secretary, New Zealand Forestry League, 30 March 1931, MA 1 92 5/10 part 1, ANZ Wellington.

<sup>322</sup> Secretary, New Zealand Forestry League, to Native Minister, 28 May 1931, MA 1 92 5/10 part 1, ANZ Wellington.

<sup>323</sup> Hampson and Davys to Native Minister, 8 September 1931, MA 1 92 5/10 part 1, ANZ Wellington. Walzl, pp 370-371.

timber'. However, this view was not shared by the Dominion Federated Sawmillers' Association, which represented the largest sawmilling interests in the North and South Islands. In a letter written to the Native Minister on 30 September 1931, the Secretary of the Association supported the contention that the number of sawmills was excessive and that there was wastage of timber.<sup>324</sup>

In 1934, after the appointment of a new Director of Forestry, steps were taken to more clearly define the process by which timber appraisals were carried out. The new Director, A.D. McGavock, was not greatly interested in exotic afforestation and looked for greater conservation and control of indigenous timber production.<sup>325</sup> On 7 July 1935, McGavock wrote a memorandum to the Under Secretary of the Native Department, proposing a new process to obtain the Commissioner of State Forests' consent under section 35(2) of the Forests Act 1921-22.<sup>326</sup> The Director explained that before the Commissioner gave his consent he now needed to be assured that the timber had been measured in an orthodox manner and that the price was fair and reasonable. The suggested procedure was that every applicant would have to include in his application for the Court's approval the price per 100 board feet for each species being milled. (The duty of confirming alienations had been transferred to the Native Land Court by section 2 of the Native Purposes Act 1932.) The application would then be referred to the local Conservator of Forests, who would provide an estimate of the cost of the Forest Service appraisal of the timber. The cost would then be deposited with the Board and paid to the Service after the work had been completed. If, however, the proposed price on application was obviously too low, no appraisal would be undertaken and the money refunded. The Director stated that he trusted that the procedure would be acceptable, claiming that it was put forward solely in the interests of the Maori owners and sawmillers generally.

While the system of appraisal outlined by the Director drew some criticism, it appears to have been implemented without change. The President of the Aotea District Maori Land Board, James Browne, was prominent among those who were concerned about the new appraisal system. Writing to the Under Secretary of the Native Department on 15 October 1934, Browne suggested that the process would see prices increase and that this would discourage sawmillers

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<sup>324</sup> Secretary, Dominion Sawmillers; Federation, to Native Minister, 8 September 1931, MA 1 92 5/10 part 1, ANZ Wellington. Walzl, pp 371-372.

<sup>325</sup> Walzl, p 373.

<sup>326</sup> Director of Forestry to Under Secretary, Native Affairs, 7 July 1934, F 1 345 15/3, ANZ Wellington. Walzl, p 373.

from entering into contracts with Maori and possibly encourage illegal dealings.<sup>327</sup> He thought that if the Forest Service put a price on timber that no sawmiller would accept it should be required to work the bush itself, ensuring that the owners received the value the Service placed on it. Later, in a memorandum written to the Director of Forestry on 14 May 1935, Browne suggested that the Forest Service should refund the cost of appraisals if an applicant was unable to meet the price set down by the Service and, if an application fell through, find another buyer.<sup>328</sup> These suggestions were rejected by the Director of Forestry.<sup>329</sup> Writing again to the Director on 21 May 1935, Browne expressed the view that the Forest Service was inflexible in setting timber values and invariably did not take into account factors such as access difficulty.<sup>330</sup> Brown maintained that while the Crown could wait until factors in the market meant that sawmillers were prepared to pay this price, Maori could not afford the luxury of waiting for a change in the market.

From a different perspective, the Crown Solicitor expressed doubt as to whether the appraisal system was consistent with section 35(2) of the Forests Act 1921-22. In a memorandum written to the Director of Forestry on 24 January 1935, the Crown Solicitor stated that if the Forest Service was looking to protect Maori and ensure that sufficient prices were obtained, then it was 'overlapping the duty of the Native Land Court'.<sup>331</sup> The Crown Solicitor pointed out that section 273(1)(d) of the Native Land Act 1931 forbade the confirmation of any alienation unless the Court was satisfied that the consideration was adequate. The final decision about adequacy of price therefore lay with the Court, though the opinion of the State Forest Service might assist the Court. The Crown Solicitor believed that the primary duty of the Commissioner of State Forests was to consider the public interest and to decide whether, in that interest, it was desirable for timber to be cut at all.

As well as the State Forest Service's increasing involvement in the sale of Maori-owned timber, price control measures were introduced around this time to create greater stability in the timber market. Little research has been undertaken into this matter, but it seems that price controls were of some importance to determining how much money forest owners (Maori and non-

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<sup>327</sup> President, Aotea District Maori Land Board, to Under Secretary, Native Affairs, 15 October 1934, F 1 345 15/3, ANZ Wellington. Walzl, p 374.

<sup>328</sup> President, Aotea District Maori Land Board, to Under Secretary, Native Affairs, 14 May 1935, F 1 345 15/3, ANZ Wellington. Walzl, pp 375-376.

<sup>329</sup> Director of Forestry to President, Aotea District Maori Land Board, 17 May 1935, F 1 345 15/3, ANZ Wellington. Walzl, pp 376.

<sup>330</sup> President, Aotea District Maori Land Board, to Director of Forestry, 21 May 1935, F 1 345 15/3, ANZ Wellington. Walzl, pp 376-377.

<sup>331</sup> Crown Solicitor to Director of Forestry, 24 January 1935, F 1 345 15/3, ANZ Wellington. Walzl, pp 374-375.

Maori) received for their timber. It is unclear when price controls over timber were first established. Roche records that in 1936 the Government Timber Price Committee reintroduced price controls after a period of overproduction, price cutting, and competition from imported timber had caused ruling prices to fall.<sup>332</sup> Crabb states that in the late 1950s, there was some relaxing of price controls.<sup>333</sup> However, except for a brief period in the mid-1960s, price controls remained in force for many years and it was not until 1980 that the Commerce Commission recommended that all price controls be removed from indigenous timbers.<sup>334</sup> In July 1960, the influence of price controls on timber royalty rates was observed by the Acting Conservator of Forests, who noted in a letter to the District Officer of the Department of Maori Affairs that average royalty rates had increased owing to a 5s 9d increase in the price of sawn timber granted by the Price Tribunal.<sup>335</sup>

### Summary

It was not until the early 1930s, amidst complaints about wastage in the timber industry, that the State Forest Service began to use section 35(2) of the Forest Act to exert greater control over timber cutting on Maori land. It did this by insisting that timber be sold at a value determined by the Forest Service through comprehensive appraisals of forest blocks. This initiative drew some criticism, including comments from the President of the Aotea District Maori Land Board, who suggested that Maori owners would be negatively affected. However, the new system was implemented without change, and the State Forest Service was to remain significantly involved in the alienation of Maori-owned timber until the 1960s. Though little research has been undertaken into the matter, government price control policies would also influence the prices that Maori forest owners received for timber.

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<sup>332</sup> Roche, p 246.

<sup>333</sup> Crabb, p 35.

<sup>334</sup> Ibid, p 424.

<sup>335</sup> Acting Conservator of Forests to District Officer, Maori Affairs, 6 July 1961, BBAX 1124 279a 18/1/197, Rangitoto Tuhua 36B2 and 36B3A, 1960-1963, ANZ Auckland.

**Table 8:** Agreements involving Maori-owned timber in the Rohe Potae inquiry district, 1922-1938

<b>Date</b>	<b>Block</b>	<b>Details</b>	<b>Reference</b>
6/2/1922	Kinohaku East 2 Sec 19	Confirmation of sale of timber to Hawkin in respect of 13 shares out of a total of 36½ shares. Term: 6 years. Government valuation of timber: £200. Royalties: 1s 4d per 100 feet for matai, 1s for all other timber.	W-MDMLB minute book 17, p 144.
15/5/1922	Rangitoto Tuhua 68C (1817 acres)	Confirmation of sale of timber to Wrightson, who holds a lease over the land. Royalty: 1s per 100 feet of all timber except tawa.	W-MDMLB minute book 17, p 186. F 1 365 18/3/5, ANZ Wellington.
20/6/1922	Tapuiwahine 1B2P	Intention to confirm sale of timber to Lamb for £275. Timber valued by a Mr Thomson at £275.	W-MDMLB minute book 17, p 202.
21/6/1922	Pehitawa 2B5E	Intention to confirm sale of timber to Lamb for £110 except in respect of the interests of one owner. Timber valued by a Mr Thomson at £110.	W-MDMLB minute book 17, p 205.
3/9/1923	Pehitawa 2B5F	Confirmation of sale of timber to Parker Lamb Timber Company.	W-MDMLB minute book 17, p 353.
1/1/1925	Rangitoto Tuhua 36	Commencement of extension of cutting license held by Ellis and Burnand. Royalties: 2s per 100 superficial feet for totara, 10d for all other timber.	MA 1 97 5/10/72 part 1, ANZ Wellington.
22/8/1925	Rangitoto Tuhua 74B6E1B (262 acres, containing 50 acres of bush)	Consent granted to the sale of timber to Te Koura Sawmills under section 34(6) of the War Legislation and Statute Law Amendment Act 1918. Royalties to be paid for timber cut – 8s per 100 superficial feet for totara, 2s 6d for matai, and 2s for rimu and kahikatea. Appraisal of timber carried out by private valuer at the request of the Board.	F 1 365 18/3/25, ANZ Wellington.
22/6/1925	Rangitoto Tuhua 74B6E1A	Intention to confirm sale of timber to Te Koura Sawmills Limited at specified royalties subject to proof of financial standing of the company and a report as to the fair value of the timber.	W-MDMLB minute book 18, p 163.
27/6/1925	Rangitoto Tuhua 68G2D2 (636a 1r 00p, containing 250a of bush)	Intention to confirm sale of timber to Faullkner at royalty of 2s per 100 superficial feet subject to Board being satisfied regarding the method used to measure logs. £250 deposit to be paid. Consent granted under section 34(6) of the War Legislation and Statute Law Amendment Act 1918 on 24 February 1925.	W-MDMLB minute book 18, p 167, 175. F 1 365 18/3/24, ANZ Wellington.
13/8/1925	Rangitoto Tuhua 73B1A	Confirmation of sale of timber. Earlier, on 22 June 1925, the Board had stated it would confirm a resolution to sell the timber upon being satisfied of the financial standing of the company and the fairness of the royalties.	W-MDMLB minute book 18, p 163, 186.
13/8/1925	Rangitoto Tuhua 73B1B	Confirmation of sale of timber. Earlier, on 22 June 1925, the Board had stated it would confirm a resolution to sell the timber upon being satisfied of the financial standing of the company and the fairness of the royalties.	W-MDMLB minute book 18, p 165, 186.
13/10/1925	Rangitoto Tuhua 37B1 (159a 0r 33p, all bush)	Intention to confirm sale of timber to Carr at royalty of 1s 6d per 100 superficial feet except for the interests of three owners. Consent granted to the sale of timber under section 34(6) of the War Legislation and Statute Law Amendment Act 1918 on 15 October 1925.	W-MDMLB minute book 18, p 202. F 1 365 18/3/29, ANZ Wellington.
15/10/1925	Rangitoto Tuhua 54A2	Consent granted to the sale of timber to Sowersby under section 34(6) of the War Legislation and	F 1 365 18/3/27, ANZ

Date	Block	Details	Reference
	(914a 0r 00p, all bush)	Statute Law Amendment Act 1918.	Wellington.
2/11/1925	Rangitoto Tuhua 54B, 54D1, 54D2, and 54D3. (560a 2r 00p, all bush)	Consent granted to the sale of timber to Magon under section 34(6) of the War Legislation and Statute Law Amendment Act 1918. Applications specified that royalties of 1s 6d per 100 superficial feet would be paid.	F 1 365 18/3/30, ANZ Wellington.
8/4/1926	Kinohaku East 1A3E4	Confirmation of sale of timber to Joseph Hawkin.	W-MDMLB minute book 18, p 246.
8/4/1926	Kinohaku East 1A3E5	Confirmation of sale of timber to Effie Lamb.	W-MDMLB minute book 18, p 246.
8/4/1926	Kinohaku East 1F27B	Confirmation of sale of timber to Joseph Hawkin. Earlier, on 13 October 1924, the Board heard that the timber was valued at £27.	W-MDMLB minute book 18, p 96, 246.
8/4/1926	Pehitawa 2B7 28 acres	Confirmation of sale of timber to Effie Lamb. Earlier, on 27 February 1924, the Board had stated it would confirm the sale for £100 subject to a satisfactory valuation.	W-MDMLB minute book 18, p 25, 246.
8/4/1926	Pehitawa 2B8B	Confirmation of timber sale: Effie Lamb.	W-MDMLB minute book 18, p 246.
28/10/1926	Rangitoto Tuhua 36A1B2A (926a 0r 11p)	Confirmation of sale of timber to Danaher and Danaher. Royalties of 2s per 100 superficial feet for all timber, except totara at 2s 9d. Consent granted under section 34(6) of the War Legislation and Statute Law Amendment Act 1918 on 11 August 1926.	W-MDMLB minute book 18, p 307, 312. F 1 365 18/3/31, ANZ Wellington.
9/12/1926	Rangitoto Tuhua 57B2B and 57B2C	Confirmation of sales of timber to Derby. Royalties of 2s per 100 feet, based on valuation by Mr Thomson. Earlier, the Board had stated that the instruments must be amended to provide that all timber should be paid for, not just the logs actually brought to the mill.	W-MDMLB minute book 18, pp 271-272, 314.
c.12/5/1928	Rangitoto Tuhua 54B (531a 3r 00p, containing 300 acres of bush)	Sale of timber to Magon retrospectively inserted in license relating to Rangitoto Tuhua 54D1, 54D2, and 54D3. Royalties of 1s 6d per 100 superficial feet would be paid.	F 1 365 18/3/30, ANZ Wellington.
4/3/1929	Rangitoto Tuhua 73B1A and 73B1B	Confirmation of sales of timber to Smith. Earlier, on 16 October 1928, the Board had heard applications to summon meetings to sell timber to Smith for £3000 and £950 respectively.	W-MDMLB minute book 19, p, 132, 185.
13/3/1930	Rangitoto Tuhua 36A1B2B2A	Confirmation of sale of timber to Herlihy for £400.	W-MDMLB minute book 19, p 260, 312.
13/5/1930	Maraeroa C	Commencement of extension of cutting license held by Ellis and Burnand. Royalties: 2s per 100 superficial feet for totara, 10d for all other timber.	MA 1 104 5/10/129 part 2, ANZ Wellington.
26/5/1930	Rangitoto Tuhua 36A1B2B1	Confirmation of sale of timber to Herlihy for £100.	W-MDMLB minute book 19, p 260 and 20, p 5.
2/9/1931	Aorangi B3C2B2	Confirmation of sale of timber for £100 – value determined by Thomson.	W-MDMLB minute book 20, p 147, 205.
11/1/1934	Puketiti 2B1 640a 2r 34p	Confirmation of sale of timber to Leydon and Pederson on royalty basis. Value of timber determined by the State Forest Service to be £1300, based on royalty of 1s 3d per 100 board feet. Consent of the Commissioner of State Forests granted on 2 November 1933.	W-MDMLB minute book 21, p 95, 110. F 1 18 18/1/49, ANZ Wellington.



<b>Date</b>	<b>Block</b>	<b>Details</b>	<b>Reference</b>
8/3/1934	Wharepuhunga 16B1 596 acres	Confirmation of sale and timber to Alfred Henderson.	W-MDMLB minute book 21, p 122.
13/9/1934	Maraeroa C	Confirmation of timber splitting license to Fredrichs.	W-MDMLB minute book 21, p 158.
20/11/1934	Moerangi 1A Section 2	Confirmation of sale of timber to Tuck and Watkin. Earlier, on 23 October 1934, the Board had noted that the Commissioner of State Forests had granted consent. It stated that it would confirm the sale subject to the proviso that the grantees furnish each month a statutory declaration giving details as to timber taken and the amount of royalty owing thereon.	W-MDMLB minute book 21, p 170, 178.
22/3/1935	Rangitoto A32B2 682a 2r 36p	Confirmation of sale of timber Frerichs. Value of timber determined by State Forest Service to be £5537 2s 0d.	W-MDMLB minute book 21, p 194. F 1 18 18/1/53, ANZ Wellington.
22/3/1935	Rangitoto A33 331a 3r 31p	Confirmation of sale of timber to Frerichs. Value of timber determined by State Forest Service to be £1929 4s 6d. Terms of agreement provided that £1929 be paid – payments to be made monthly on the basis of timber cut up to £1929. Royalty 2s 7d per 100 board feet.	W-MDMLB minute book 21, pp 194-195. F 1 18 18/1/53, ANZ Wellington.
11/5/1936	Maraeroa B3B2B2	Application for confirmation of resolution to sell land and timber to Ellis and Burnand for Government Valuation and State Forest Service appraisal of timber. Government Valuation of land £154 and State Forest Service appraisal of timber £4925 17s 10d.	W-MDMLB minute book 21, p 268.
4/7/1936	Moerangi 1E2	Confirmation of sale of timber to Grove for £300, payable in instalments. Value established by the State Forest Service. Consent of Commissioner of State Forests granted on 14 March 1936.	W-MDMLB minute book 21, p 268, 303. BBAX 1124 354e 45/16/10/2, ANZ Auckland.
23/3/1937	Moerangi 1E3	Consent of Commissioner of State Forests granted in regard to sale of timber to Grove for £300.	BBAX 1124 354e 45/16/10/2, ANZ Auckland.
8/7/1938	Moerangi 1E4	Timber license to Grove executed by the Board as agent for the Board of Native Affairs.	W-MDMLB minute book 22, p 94.

### *Alienation of timber cutting rights, 1922-1938*

Table 8 records timber alienations involving forest land in the Rohe Potae inquiry district between 1922 and 1938 – the period between the passage of the Forests Act 1922-1923 and the Second World War. These alienations are examined here, with particular regard to the State Forest Service’s growing role in the timber sale process. Some 20 sales of Maori-owned timber were concluded during the period, most presumably after meetings of owners were held. Again, it is notable that a significant number – about one-third – of the alienations concerned forested subdivisions of the Rangitoto Tuhua block. However, it is also notable that from the mid-1930s there were several alienations involving subdivisions of the Moerangi block in the Pirongia district – an area where little timber cutting appears to have previously taken place. Somerville notes that roadmaking undertaken in the King Country during the Great Depression provided improved access to both the bush fringe and the railway, making the cutting of some previously inaccessible timber an economic proposition.<sup>336</sup>

In spite of the passage of the Forests Act 1922-23, the State Forest Service seems to have had little involvement in the alienation of timber until the early 1930s. Up until this time, the sale process continued in the same form as had existed prior to the passage of the 1922-23 Act. This process was handled by the Land Board, which continued to require that sawmillers provide evidence as to the value of the timber being purchased. However, the valuations that were undertaken do not appear to have been particularly thorough and were not carried out by forestry experts. An example of a valuation carried out at this time was that prepared by R.B. Cole in July 1925 in relation to Te Koura Sawmills’ purchase of the timber on Rangitoto Tuhua 74B6E1B, an area of 262 acres.<sup>337</sup> Cole was stated to be an assistant Crown valuer. His one-page report provided a brief estimate of the quantity of millable timber and the cost of providing access to the land, and it concluded – without comparison to prices paid elsewhere – that the royalty offered seemed ‘quite adequate’.

Though the consent of the Commissioner of State Forests was required under the 1922-23 Act, it seems that the sale of Maori-owned timber was initially carried out without this consent being formally granted. However, the State Forest Service was involved in the granting of the consent required under the regulations issued under section 34(6) of the War Legislation and Statute Law

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<sup>336</sup> Somerville, p 25.

<sup>337</sup> Cole to Stewart, 25 July 1925, F 1 365 18/3/25, Rangitoto Tuhua 74B6E1B (Koura), 1925-1925, ANZ Wellington.

Amendment Act 1918 (see page 95). When consent was granted under these regulations, it was subject to two conditions – first, that the timber not be exported, and, secondly, that an appraisal of the timber be made to the satisfaction of the District Maori Land Board.<sup>338</sup> It may have been that the Forest Service considered that this consent somehow made consent under the 1922-23 Act unnecessary. In 1928, the regulations issued under the 1918 Amendment Act were removed, which meant that consent under these regulations was no longer required.<sup>339</sup> Two year later, as detailed above, the Director of Forestry wrote to the Under Secretary of the Native Department, drawing attention to the requirement for applications to be made under section 35(2) of the Forests Act 1922-23.<sup>340</sup>

In the early 1930s, as discussed earlier, the State Forest Service began requiring that the value of timber be determined by detailed appraisals prior to the Commissioner of State Forests granting consent under the 1922-23 Act. The first comprehensive appraisal carried out by the State Forest Service in the Rohe Potae inquiry district appears to have been that undertaken in late 1933 in connection with the alienation of the timber on Puketiti 2B1 and Mahoenui 2 blocks to sawmillers Pedersen and Leydon. This appraisal raised a number of questions about the process by which appraisals would be carried out and who would meet the cost of appraisal.

Comprising a total area of 695 acres, the two blocks contained some 326 acres of forest.<sup>341</sup> The appraisal established that commercially valuable timber (kahikatea, rimu, and matai) was present on both blocks – 2,080,400 board feet on Puketiti 2B1 and 81,000 board feet on Mahoenui 2.<sup>342</sup> The value of the timber on the two blocks was determined to be £1300 and £50 13s 9d respectively, which equated to a royalty of 1s 3d per hundred board feet. In a memorandum to the Commissioner of State Forests, the Conservator observed that this royalty rate was somewhat low compared to the Service's minimum rates, but that it was justified owing to the fact that the timber had to be carted by lorry some 25 miles to Te Kuiti railway station and that the sawmillers would need to erect a sawmill and construct about half a mile of tramway.<sup>343</sup> Consent

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<sup>338</sup> See, for example, consent to sale of timber on Rangitoto Tuhua 74B6E1B, 22 August 1925, F 1 365 18/3/25, ANZ Wellington.

<sup>339</sup> *New Zealand Gazette*, 1928, p 2120.

<sup>340</sup> Director of Forestry to Under Secretary, Native Department, 6 June 1930, F 1 345 15/3, ANZ Wellington.

<sup>341</sup> Forest Ranger to Conservator of Forests, 14 October 1933, F 1 18 18/1/49, Pederson and Leydon – Maori Affairs Department, Mahoenui 2 Section 8B2B and Puketiti 2B1, Blocks II, III, IV Awakino Survey District, 1933-1934, ANZ Wellington.

<sup>342</sup> Director of Forestry to Under-Secretary, Native Department, 27 October 1933, F 1 18 18/1/49, ANZ Wellington.

<sup>343</sup> Director of Forestry to Commissioner of State Forests, 30 October 1933, F 1 18 18/1/49, ANZ Wellington.

to the sale of timber on Puketiti 2B1 was granted on 2 November 1933.<sup>344</sup> The proposed alienation of the relatively small amount of timber on Mahoenui 2 seems to have been shelved.

The cost of the appraisal, which amounted to £40 4s 11d, drew comment from Judge McCormick of the Waikato-Maniapoto District Native Land Court.<sup>345</sup> In a memorandum written to the Under Secretary of the Native Department on 14 December 1933, MacCormick stated the 'heavy charge' of the State Forest Service revived an issue that some years previously had practically stopped any dealing with timber on Maori land.<sup>346</sup> Regarding the matter of who should pay for the appraisal, the Judge noted that in the past the Board or Court had invariably required the purchaser to pay for the cost of the valuation. He believed it was certain that the owners would strongly resent a deduction of £40 from the royalty money.

Commenting on MacCormick's memorandum, the Director of Forestry asserted that the cost of the appraisal was reasonable and compared favourably to the appraisal charges that typically applied when appraisals of State Forest and Crown land were undertaken.<sup>347</sup> The Director appears to have concurred with the view that the cost of appraisal should be paid for by the sawmiller. While it seems that it became standard practice for sawmiller applicants to pay for appraisals, this approach was sometimes challenged. In May 1936, for example, when the Court was considering the alienation of Maraeroa B3B2B2, the sawmiller's representative requested that the £200 cost of the State Forest Service's appraisal of the timber on the block be split with the owners – a suggestion that was rejected by the Court.<sup>348</sup>

As well as the first comprehensive appraisal being undertaken in connection with the proposed sale of the timber on Puketiti 2B1 and Mahoenui 2, the sale also saw the Forest Service raise questions about the method by which timber was being sold. Commenting on the proposed sale in a report written to the Under Secretary of the Native Department on 27 October 1953, the Director of Forestry noted that the timber was to be paid for by royalties paid 'off the saw' at monthly intervals.<sup>349</sup> The Director suggested that the adoption of the 'Block sale method', which was practised by the Service, would ensure a better return for the owners for the reason that it

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<sup>344</sup> Commissioner of State Forests, consent, 2 November 1933, F 1 18 18/1/49, ANZ Wellington.

<sup>345</sup> Director of Forestry to Under Secretary, Native Department, 19 December 1933, F 1 18 18/1/49, ANZ Wellington.

<sup>346</sup> MacCormick to Under Secretary, Native Department, 14 December 1933, F 1 18 18/1/49, ANZ Wellington.

<sup>347</sup> Director of Forestry to Under Secretary, Native Department, 19 December 1933, F 1 18 18/1/49, ANZ Wellington.

<sup>348</sup> W-MDMLB minute book 21, p 268.

<sup>349</sup> Director of Forestry to Under-Secretary, Native Department, 27 October 1933, F 1 18 18/1/49, ANZ Wellington.

would encourage the sawmillers to cut the timber to ‘the best advantage’. In a subsequent memorandum to the Under Secretary, the Director of Forestry provided a more detailed description of the block sale, which subsequently seems to have become the main way that Maori timber was sold in the inquiry district. The Director explained that:

Briefly, the timber is sold off the stump at an upset price which is determined after the Cruising Officer has measured up all the milling trees, made allowances for bark, defects, cost of felling and extraction, waste in milling and distance from market, and has also taken into account the selling value of the sawn operator to the operator. By this method both seller and buyer have the obvious advantage of a firm contract, and the buyer can foresee accurately his expenditure over a fixed period. An advantage to the seller is that the purchaser pays for the timber as it stands and thereby economic and efficient milling operations are encouraged both in the Bush and at the Sawmill. Under the old system of “payment off the Saw” the operator could “pick out the eyes” of the Bush, and the waste in logging, transporting, milling, yarding, etc, which this method of sale undoubtedly encourages, is borne entirely by the seller.

Payment under the block sale method is arranged by cash deposit of say 10% of the total value of the timber sold, and by equal quarterly payments thereafter secured by suitably endorsed Promissory Notes.<sup>350</sup>

The comprehensive appraisals that were carried out by the State Forest Service from the early 1930s seems to have ensured that Maori-owned timber was sold at a value that was at least in keeping with what the Forest Service demanded from sawmillers cutting on State Forest blocks. After the appraisals began, there was at least one case where a sawmiller objected to Forest Service valuation because he believed that it was too high. Anxious that the timber sale should be completed, the owners also expressed concern at what they considered to be the unjustified interference of the Forest Service.

The case in question concerned the sale of timber on Rangitoto A32B2 and A33, which proceeded after owners passed resolutions in 1934 to sell the timber to William Frerichs for a royalty of 1s for totara per 100 superficial feet and 9d for all other timber.<sup>351</sup> The Forest Service established that the blocks, which had a total area of about 1015 acres, contained 5,724,020 superficial feet of millable timber.<sup>352</sup> The value of this timber was determined to be £7466, which appears to have equated to an average royalty of 2s 7d per 100 superficial feet.<sup>353</sup>

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<sup>350</sup> Director of Forestry to Under-Secretary, Native Department, 21 November 1933, F 1 18 18/1/49, ANZ Wellington.

<sup>351</sup> Hetet to Director of Forestry, 25 June 1934, F 1 18 18/1/53, W Frerichs from Natives, Rangitoto A32B1, A32B2, A33, A34B, 1925-1944, ANZ Wellington.

<sup>352</sup> Director of Forestry to Hetet, 30 May 1934, F 1 18 18/1/53, ANZ Wellington.

<sup>353</sup> Director of Forestry to Judge, Native Land Court, 7 June 1934, F 1 18 18/1/53, ANZ Wellington. Hetet to Director of Forestry, 25 June 1934, F 1 18 18/1/53, ANZ Wellington.

Commenting on the rates that had been offered by Frerichs and included in the resolutions passed by the owners, the Conservator advised the Director of Forestry that he could not recommend the sale unless it was based on a value in keeping with the Service's minimum rates.<sup>354</sup> The Conservator asserted that it was 'high time' that timber on native lands should be sold by public competition.

On 25 June 1934, Thomas Hetet, who was acting as an agent for Frerichs, wrote to the Director of Forestry regarding the Forest Service's valuation.<sup>355</sup> Hetet described the price as 'absurd' and claimed that no competent sawmiller would be prepared to pay such an amount. Stating that Frerichs did not believe that the timber was worth anything like the Forest Service's value, Hetet drew attention to the difficulty of accessing the lands, which were some 17 miles from the rail head and five miles from a formed road. He also claimed that in recent years no royalties of blocks had exceeded 2s per hundred superficial feet and in most cases rates ranged from 1s to 1s 6d – all in situations closer to the rail head. Hetet also stated that, instead of valuing the bush as a whole, a royalty rate should be provided. He noted that Frerich wished to mill the timber on a royalty basis.

Responding to Hetet on 16 July 1934, the Conservator asserted that the royalties paid by other sawmillers in the locality did not provide a fair standard of comparison as none of the timber had been purchased on the open market. Therefore, the royalties being paid did not reflect the true market value of the timber.<sup>356</sup> The Conservator noted that Ellis and Burnand had secured all the 'front timber' at low royalties but were now considering purchasing the 'back timber' on State Forest block 99 at the rates upon which the valuation of Rangitoto A32B2 and A33 had been calculated. The Conservator noted that other sawmilling concerns were paying these rates for timber that was difficult to access.

On 1 August 1934, after receiving the Conservator's comments, Hetet wrote to the Under Secretary of the Native Department.<sup>357</sup> Claiming to write on behalf of the owners, Hetet informed the Under Secretary that a situation of deadlock had developed and that it was clear that the Director of Forestry would not recommend that the Commissioner of State Forests consent to the sale unless the Court advised that it would confirm the deal at the value specified

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<sup>354</sup> Conservator of Forests to Director of Forestry, 24 May 1934, F 1 18 18/1/53, ANZ Wellington.

<sup>355</sup> Hetet to Director of Forestry, 25 June 1934, F 1 18 18/1/53, ANZ Wellington.

<sup>356</sup> Conservator of Forests to Director of Forestry, 16 July 1934, F 1 18 18/1/53, ANZ Wellington.

<sup>357</sup> Hetet to Under Secretary, Native Department, 1 August 1934, MA 1 92 5/10 part 1, ANZ Wellington.

by the State Forest Service. The owners, Hetet stated, contended that the matter of the royalties payable was their concern, though ultimately something for the Native Land Court to fix and decide. He believed that the State Forest Service had no power to fix the price of the timber under section 35(2) of the Forests Act 1921-22. Hetet stated that the owners, who he described to be mostly in 'necessitous circumstances', were continually communicating with him as to when milling operations would begin. Some had told Frerichs that he should go ahead and take the timber and take no account of the government.

In a letter written to Hetet on 7 August 1934, the Under Secretary of the Native Department defended the authority of the State Forest Service.<sup>358</sup> The Under Secretary stated that section 35(2) to the 1921-22 Act forbade either the Court or Board from confirming an alienation of timber without the previous consent of the Commissioner of State Forests. He explained that before granting consent, the Commissioner needed to be sure that the timber had been measured in an orthodox manner and that the price was fair and reasonable. As to the accuracy of the valuation, the Under Secretary stated that it was 'a matter of fact ascertainable from the evidence of experts and the Forestry Department's value of the timber should . . . conclude the matter.'

After several months without any progress, the sale of the timber on Rangitoto A32B2 and A33 was concluded. On 6 March 1935, Judge MacCormick advised the Director of Forestry that Frerichs had agreed to accept the Forest Services' valuation and that the Court would be prepared to confirm the alienations after the Commissioner of State Forests granted.<sup>359</sup> On 15 March 1935, the Director of Forestry advised MacCormick that this consent had been granted.<sup>360</sup>

During the period examined in this section, the Great Depression of the 1930s had a significant impact upon timber prices and the profitability of sawmilling operations. It is noted here, briefly, that legislation was introduced during the Depression to enable the royalty rates set down in existing timber cutting licenses to be reduced and the terms of the licenses to be extended. It is evident that at least some sawmillers in the Rohe Potae inquiry district took advantage of these provisions, which were contained in section 60 of the Finance Act 1932 and related only to licenses over Maori land. For example, the Waikato-Maniapoto District Maori Land Board considered applications made in respect of a timber license held over Rangitoto Tuhua 54B,

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<sup>358</sup> Under Secretary, Native Department, to Hetet, 7 August 1934, MA 1 92 5/10 part 1, ANZ Wellington.

<sup>359</sup> MacCormick to Director of Forestry, 6 March 1935, F 1 18 18/1/53, ANZ Wellington.

<sup>360</sup> Director of Forestry to MacCormick, 15 March 1935, F 1 18 18/1/53, ANZ Wellington.

54D1, 54D2, and 54D3. The Board suggested that the royalty rate be reduced for three years, from 1s 6d to 1s 3d per 100 superficial feet.<sup>361</sup> However, the State Forest Service would not accept this and instead asked that a 10 percent discount be granted on all royalty payments made within 14 days of the date of demand.<sup>362</sup> The period of cutting on three of the subdivisions was also extended by four years. In late October 1933, an Order in Council confirmed the new terms.<sup>363</sup>

Another development during the period was the reporting of some illegal logging operations on Maori land. For example, about one million superficial feet of timber was removed from Rangitoto Tuhua 66A3B in the late 1930s without the consent of the owners or the Land Board.<sup>364</sup> The timber was delivered to a mill operating on Rangitoto Tuhua 66A2B and to Ellis and Burnand's mill at Manunui, with royalties paid to an individual who had no Court-recognised interest in the land.

### Summary

The State Forest Service's involvement in the sale of Maori-owned timber unquestionably had a paternalistic dimension. However, it clearly seems to have resulted in timber being valued more carefully, ensuring that prices were at least in keeping with what the Forest Service demanded from sawmillers who worked areas of State Forest. This is evident in the timber sales that involved Maori land in the Rohe Potae inquiry district between 1922 and 1938, which numbered about 20 alienations. After the State Forest Service began to undertake appraisals from the early 1930s, the Maori owners, in some cases at least, clearly received higher prices for their timber as a result of the Forest Service's role. However, the new system was not introduced without criticism. Before one sale was concluded, the sawmiller's agent expressed concern that the high valuation provided by the Forest Service would prevent the transaction from being completed.

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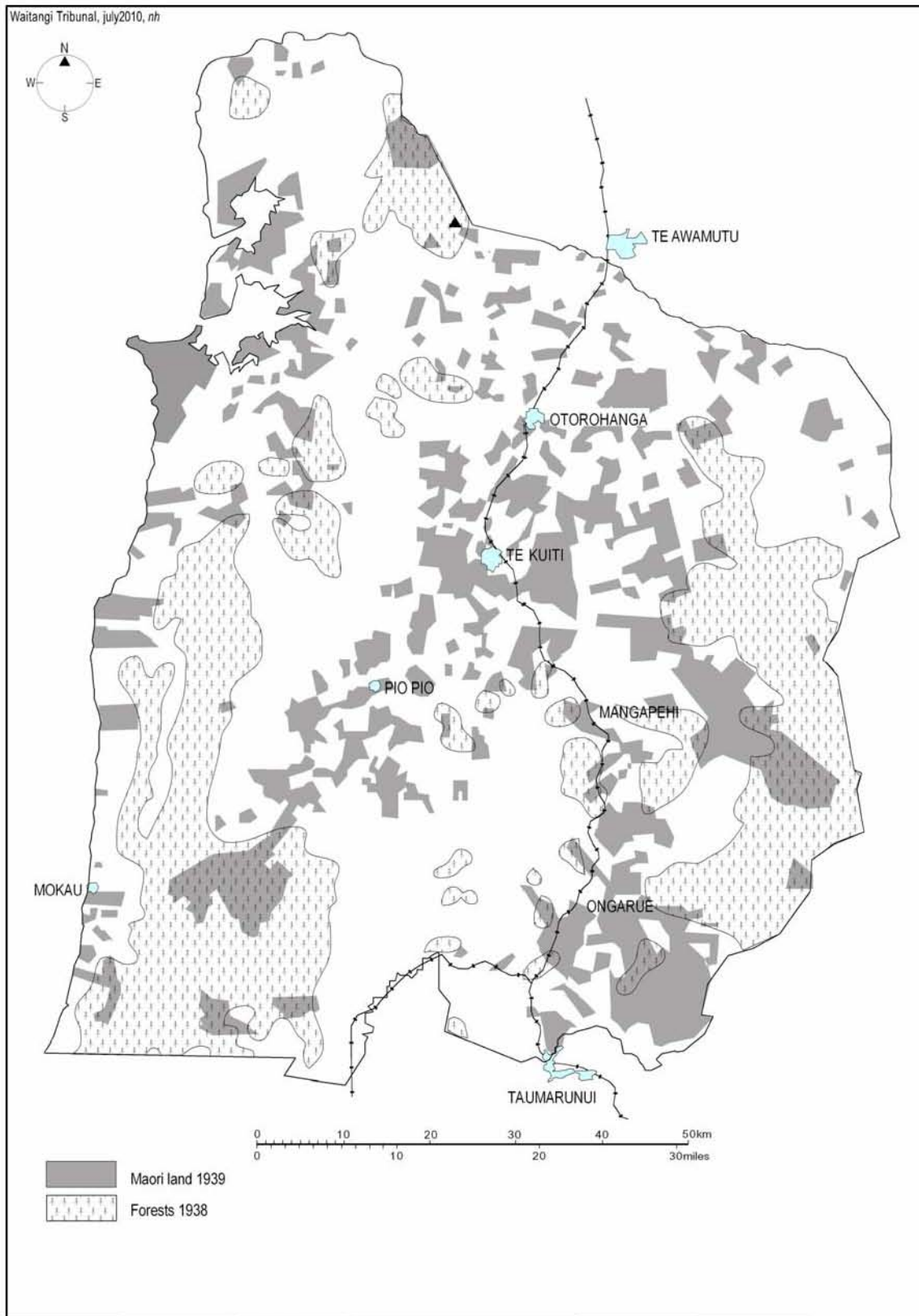
<sup>361</sup> Under Secretary, Native Department, to Director of Forestry, 31 August 1933, F 1 365 18/3/30, Rangitoto Tuhua 54B, 54D1, 54D2, and 54D3, 1925-1925, ANZ Wellington.

<sup>362</sup> Director of Forestry to Commissioner of State Forest, 25 October 1933, F 1 365 18/3/30, ANZ Wellington.

<sup>363</sup> See Director of Forestry to Under Secretary, Native Department, 1 November 1933, F 1 365 18/3/30, ANZ Wellington.

<sup>364</sup> Field Officer, undated file note, BACS 15355 94j 3050, ANZ Auckland.





**Figure 6:** Maori land in the Rohe Potae inquiry district, 1939, and approximate forest cover, 1938<sup>365</sup>

<sup>365</sup> This map is based upon maps that appear in Douglas, Innes, and Mitchell, p 141, 143. The 1939 Maori land map is referenced to New Zealand Department of Internal Affairs Centennial Publications Branch, MapColl-CHA-

### *Purchase of forest lands, 1920-1938*

This section examines the continuing purchase of Maori-owned forest lands in the period between 1920 and 1940. It looks at both government and private purchase activities, particularly with regard to the extent to which the value of the timber resource was recognised in the purchase price.

In 1920, as detailed above, only about 31 percent of land in the Rohe Potae inquiry district remained in Maori ownership (an area of about 599,721 acres). Purchasing continued over the following two decades, though at a slower rate than previously carried out. By 1930, the proportion of land remaining in Maori ownership had been reduced to about 24 percent (an area of about 466,671 acres). Ten years later, in 1940, Maori retained about 21 percent of land in the inquiry district (an area of about 412,735 acres).<sup>366</sup> As noted above, the government's purchase monopoly ended with the passage of the Native Land Act 1909, opening the way for land purchase by private interests. However, upon the issue of an Order in Council, the government could prohibit the alienation of specified blocks except in favour of the Crown.

The land that was purchased between 1920 and 1940 included areas covered with forest. None of the forest lands purchased at this time appear to have been subject to timber agreements. The owners of such lands were, presumably, less inclined to sell their interests while they were receiving revenue from timber. Potential purchasers were also possibly less inclined to acquire land that was encumbered by a timber license. While some of the areas of forest that were purchased between 1920 and 1940 were probably inaccessible, access to isolated areas of bush would later improve. Somerville details that after the Second World War increased demand for timber and improved roads, trucks, and the new technology of chainsaws saw previously inaccessible areas opened up for milling in the King Country.<sup>367</sup>

Figure 6 shows the approximate area of forest land that remained in the Rohe Potae inquiry district in 1938 and indicates the areas that continued to be held by Maori in 1939. A comparison of Figures 5 and 6 shows that the area under forest declined considerably between 1910 and 1938. This change resulted from sawmilling activity and clearance for agriculture. In

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6/2/8-Acc.38317, ATL. The 1938 forest cover map is referenced to New Zealand Department of Internal Affairs Centennial Publications Branch, MapColl-CHA-8/2/7-Acc.45211, ATL.

<sup>366</sup> Douglas, Innes, and Mitchell, p 129.

<sup>367</sup> Somerville, p 26.

the latter case, where land was remote and the forest did not contain trees of sufficient commercial value, it is likely that the forest was cleared by felling and burning without any effort to harvest the timber. Figure 6 shows that at the close of the 1930s Maori continued to hold numerous, though relatively small areas of forest land. The commercial value of areas of accessible forest that contained millable timber would be increasingly recognised.

**Table 9:** Maori-owned forest lands (of primary importance) that the State Forest Service identified for potential acquisition, 1921<sup>368</sup>

block	locality	approximate area (acres)	approximate quantity of timber (super feet)	probable cost of acquisition
Matahina	Te Teko	17,000	190,000,000	£55,000
Waihi-Kahakaharua, Puketi, Pukawa blocks	Taupo	7,355	136,000,000	£41,000
Maraeroa A3B2	Te Kuiti (south-east of)	1,950	60,000,000	£11,000
<b>totals</b>		<b>26,305</b>	<b>386,000,000</b>	<b>£107,000</b>

**Table 10:** Maori-owned forest lands (of secondary importance) that the State Forest Service identified for potential acquisition, 1921<sup>369</sup>

block	locality	approximate area (acres)	probable cost of acquisition
Rerewhakaitu 1A, 1B2, and Part 2.	Whakatane County	1,990	£2,985
Pokohu B1A, B1B, B1C, B1D, B1E, B1F, and Parts C1A, C2, C3, and E.	Rotorua County	9,520	£14,280
Taurewa blocks	West Taupo County	23,000	£40,000
Parts Waimanu, Waipapa, Ohuanga, and Tokaanu blocks	East and West Taupo Counties.	5,000	£20,000
<b>totals</b>		<b>39,510</b>	<b>£77,265</b>

Government efforts to purchase commercially valuable forest lands in the period were led by the State Forest Service, which looked to gain greater control over the management and utilisation of indigenous timber resources. Also, as detailed above, the Forest Service viewed the harvesting of timber from forests it controlled as an important source of revenue, which would help to fund afforestation projects. Maori owned significant areas of valuable forest land, and these lands were targeted by the Forest Services. On 6 December 1921, the Secretary of the Forest Service wrote to the Commissioner of State Forests, identifying areas of Maori-owned milling forests that should be acquired by the State if sufficient funds were available.<sup>370</sup> As set out in Table 9 and 10, these lands were divided into two categories – lands that the Forest Service deemed most important to acquire and other lands that were considered to be of secondary importance. Only

<sup>368</sup> Ibid.

<sup>369</sup> Ibid.

<sup>370</sup> Secretary, State Forest Service, to Commissioner of State Forests, 6 December 1921, F 1 255 9/8/1, Prohibition of private alienation of Native blocks Maraeroa A3B 1 & 2, 1921-1928, ANZ Wellington.

one of the blocks identified for purchase lay within the Rohe Potae inquiry district – Maraeroa A3B2, which was listed among the blocks identified to be of most importance.

The State Forest Service was only interested in acquiring forest lands that contained significant quantities of commercially valuable timber. This is evident in the Service's response to offers of land made by the liquidators of the Mokau Coal and Estates Company in the 1920s and early 1930s. The land offered by the liquidators (about 25,000 acres located between the Mokau and Mohakatino Rivers, part of the Mokau Mohakatino block) seems to have been substantially covered in forest. The liquidators initially offered to sell the land to the government in 1924, but this offer was turned down after an inspection by an officer of the State Forest Service determined that the forest had no commercial value.<sup>371</sup> Later, in 1927 and again in 1931, the liquidators offered to gift the land to the government, but after some consideration these offers too were declined.<sup>372</sup> In 1927, the Director of Forestry expressed some interest in taking up the liquidators' offer, noting that the forest possessed 'protection' value.<sup>373</sup> However, this position changed after it became known that the land was liable for annual rates payments of about £117 and that certain title difficulties would need to be overcome.<sup>374</sup>

When the State Forest Service did look to purchase commercially valuable forest land at this time, it appears that – in the Rohe Potae inquiry district, at least – it faced difficulties arising from funding limitations and also competition from private interests. Both of these factors are evident in the Service's inability to acquire, in the early 1920s, two blocks that contained valuable timber – Maraeroa A3B1 (261 acres 22 perches) and Maraeroa A3B2 (1,981 acres 29 perches). In about 1922, Maraeroa A3B2 was purchased by Hawkes Bay sawmillers McLeod and Gardner. Maraeroa A3B1 was not purchased at this time. In about 1940, the owners sold rights to cut timber from this block to Ellis and Burnand.<sup>375</sup>

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<sup>371</sup> McCulloch to Massey, 17 September 1924, F 1 8 9/3/34, Mokau Coal and Estates Company Limited – Mokau River, 1924-1931, ANZ Wellington. Acting Officer in Charge to Director of Forestry, 10 October 1924, F 1 8 9/3/34, ANZ Wellington. Prime Minister to McCulloch, 17 October 1924, F 1 8 9/3/34, ANZ Wellington.

<sup>372</sup> Memorandum for A.D. McLeod (writer unknown), 2 February 1927, F 1 8 9/3/34, ANZ Wellington. Director of Forestry to McCulloch, 24 March 1927, F 1 8 9/3/34, ANZ Wellington. McCulloch to Minister of Lands, 15 August 1931, F 1 8 9/3/34, ANZ Wellington. Minister of Lands and Commissioner of State Forests to McCulloch, Butler, and Spence, 28 August 1931, F 1 8 9/3/34, ANZ Wellington.

<sup>373</sup> Director of Forestry to Commissioner of State Forests, 3 March 1927, F 1 8 9/3/34, ANZ Wellington.

<sup>374</sup> Crown Solicitor to Attorney General, 14 March 1927, F 1 8 9/3/34, ANZ Wellington. Commissioner of Taxes to Minister of Finance, 19 March 1927, F 1 8 9/3/34, ANZ Wellington.

<sup>375</sup> See correspondence in F 1 18 18/1/68, Ellis and Burnand, Native timber sale, Maraeroa A3B1, 1939-1941, ANZ Wellington.

McLeod and Gardiner's purchase of Maraeroa A3B2 sheds light on the valuation of forest land and the extent to which Maori owners received fair payment for standing timber located upon land that was sold. Prior to McLeod and Gardiner's purchase of Maraeroa A3B2, the State Forest Service expressed an interest in acquiring the block and also the adjacent Maraeroa A3B1. On 22 March 1921, the Commissioner of State Forests wrote to the Native Minister, requesting that an Order in Council be issued to prohibit private alienation of the lands.<sup>376</sup> Explaining that the blocks contained valuable timber and projected into an adjacent area of Provisional State Forest, the Commissioner believed that they should not be acquired by private interests. An Order in Council, prohibiting alienation other than to the Crown for a period of one year, was accordingly issued on 21 April 1921.<sup>377</sup> On 14 May 1921, the Under Secretary of the Native Department wrote to the Secretary of the State Forest Service, asking whether steps should be taken to acquire the land.<sup>378</sup> In response, the Secretary advised that the Service was unable to enter negotiations owing to financial constraints, but hoped to be able to do so before the period of prohibition expired in April 1922.<sup>379</sup>

In late May 1921, McLeod and Gardner and their solicitors wrote letters to George Hunter, MHR for Waipawa, and the Native Department, asking that the Order in Council be revoked in respect of Maraeroa A3B2.<sup>380</sup> The sawmillers were in the process of negotiating for the purchase of the block and had incurred some expense in connection with this. (In particular, at the request of the Valuation Department, McLeod and Gardner had paid for survey lines to be cut.) Some time later, on 7 October 1921, the Secretary of the State Forest Service wrote to the Commissioner of State Forests, advising that the Order in Council should be lifted in respect of Maraeroa A3B2.<sup>381</sup> The Secretary explained that McLeod and Gardner had been negotiating for the land and pointed out that the Forest Service was not in a financial position to purchase the land. An Order in Council revoking the prohibition against the private alienation of Maraeroa A3B2 was issued on 25 October 1921, leaving the way open for McLeod and Gardner to proceed with their negotiations.<sup>382</sup>

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<sup>376</sup> Commissioner of State Forests to Native Minister, 11 March 1921, F 1 255 9/8/1, ANZ Wellington.

<sup>377</sup> *New Zealand Gazette*, 1921, no. 43, pp 1086-1087.

<sup>378</sup> Under Secretary, Native Affairs, to Secretary, State Forest Service, 14 May 1921, F 1 255 9/8/1, ANZ Wellington.

<sup>379</sup> Secretary, State Forest Service, to Under Secretary, Native Affairs, 20 May 1921, F 1 255 9/8/1, ANZ Wellington.

<sup>380</sup> McLeod and Gardner to Hunter, 20 May 1921, F 1 255 9/8/1, ANZ Wellington. Hine, Howarth, and Vernon to Under Secretary, Native Affairs, 25 May 1921, F 1 255 9/8/1, ANZ Wellington.

<sup>381</sup> Secretary, State Forest Service, to Commissioner of State Forests, 7 October 1921, F 1 255 9/8/1, ANZ Wellington.

<sup>382</sup> *New Zealand Gazette*, 1921, no. 92, p 2557.

On 11 November 1921, the Conservator of Forests for the Auckland Conservancy wrote to the Director of Forestry, expressing regret that the prohibition against private alienation had been removed from Maraeroa A3B2.<sup>383</sup> Explaining that a recent inspection by a ranger had established that the land was very heavily timbered, the Conservator suggested that the prohibition be renewed until the question of finance became clearer. He believed that it was unfortunate to let the land pass into private ownership, 'particularly as the timber would probably pay for the land many times over.' However, no move was taken to renew the prohibition, and on 17 December 1921 solicitors representing McLeod and Gardner applied for a licence to purchase timber under section 34 of the War Legislation and Statute Law Amendment Act 1918.<sup>384</sup> The application detailed that the land and timber was to be purchased at the Government Valuation of £4716. The estimated quantity of timber on the block was detailed to be 3 million superficial feet. Amiroa Te Tomo and 40 others were stated to be the owners of the block.

On 23 December 1921, the Secretary of the Forest Service forwarded the application to the Commissioner of State Forests for his approval.<sup>385</sup> Commenting on the application, the Secretary stated that the recent inspection by the ranger, though cursory, indicated that the amount and value of timber on the block was considerably greater than set down in the application. On the basis of figures provided by the ranger, he calculated that the block contained 50 million feet of timber, which he estimated would be worth £25,000. In light of this, he believed that the interests of the Maori owners were 'receiving little regard.' In spite of this assessment, the Commissioner of States Forests authorised the owners to sell the timber in accordance with the application.<sup>386</sup>

After purchasing the land, McLeod and Gardner encountered problems in trying to establish access to it. It appears that the timber from the block could only be carried to the NIMT railway on the tramway that Ellis and Burnand had built for their Mangapehi operations.<sup>387</sup> However, Ellis and Burnand declined to allow McLeod and Gardner to use the tramway, and they

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<sup>383</sup> Conservator of Forests, Auckland, to Director, State Forest Service, 11 November 1921, F 1 255 9/8/1, ANZ Wellington.

<sup>384</sup> Application under section 34 of the War Legislation and Statute Law Amendment Act 1918, 17 December 1921, F 1 255 9/8/1, ANZ Wellington.

<sup>385</sup> Secretary, State Forest Service, to Commissioner of State Forests, 23 December 1921, F 1 255 9/8/1, ANZ Wellington.

<sup>386</sup> License under section 34 of the War Legislation and Statute Law Amendment Act 1918, 28 December 1921, F 1 255 9/8/1, ANZ Wellington.

<sup>387</sup> Secretary, State Forest Service, to Commissioner of State Forests, 15 October 1923, F 1 255 9/8/1, ANZ Wellington.

therefore had no way of removing the timber. In July 1925, McLeod and Gardner sought the assistance of the State Forest Service to find a way around the problem, but the Forest Service does not seem to have offered any solution at this time.<sup>388</sup> Later, in May 1928, and still with access problems, McLeod and Gardner sought to enter into an exchange arrangement with the State Forest Service, proposing to hand over Maraeroa A3B2 in return for an area of Crown-owned forest in Hawkes Bay.<sup>389</sup> This proposal was not entertained, however, and on 22 August 1928 McLeod and Gardner wrote to the Commissioner of State Forests, offering to sell the block to the Forest Service for £12,000.<sup>390</sup> It was detailed that the block contained between 16 and 18 million feet of millable timber. The Forest Service again declined the sawmillers' offer, partly because of the lack of legal access.<sup>391</sup>

When considering McLeod and Gardner's offer, the Director of Forestry noted the discrepancies between the quantities of timber specified in the 1921 ranger's report, the 1921 application under the War Legislation Act, and the sawmillers' 1928 estimate of 16 and 18 million feet.<sup>392</sup> On 27 September 1928, the ranger who had visited the block in 1921 commented upon the discrepancies in a report to the Conservator of Forests.<sup>393</sup> The ranger could recall measuring only one acre for the indigenous forest inventory survey. Referring to the drafts of the inventory, he stated that Maraeroa A3B2 was recorded to have 1,790 acres of bush, containing about 27 million feet. The forest ranger described the original estimate of three million feet as 'ridiculously low'.

On 16 October 1928, the Conservator of Forests wrote to the Director of Forestry, forwarding the ranger's report.<sup>394</sup> Observing that the block clearly contained a large quantity of timber, the Conservator stated that it appeared that the interest of the previous Maori owners had been 'sacrificed', which he believed was 'nothing new in the history of dealings in Native Lands'. The Conservator noted that the Valuation Department often enquired into the probable cost of a Forest Service assessment of timber on Maori land, but had never (in the Auckland district, at least) requested that an appraisal be carried out. Maraeroa A3B2 was eventually purchased by

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<sup>388</sup> Gardner to Director of Forestry, 1 July 1925, F 1 255 9/8/1, ANZ Wellington.

<sup>389</sup> McLeod and Gardner to Campbell, 23 May 1928, F 1 255 9/8/1, ANZ Wellington.

<sup>390</sup> McLeod and Gardner to Commissioner of State Forests, 22 August 1928, F 1 255 9/8/1, ANZ Wellington.

<sup>391</sup> Commissioner of State Forests to Campbell, 16 August 1928, F 1 255 9/8/1, ANZ Wellington. Director of Forestry to Conservator of Forests, Auckland, 3 September 1928, F 1 255 9/8/1, ANZ Wellington.

<sup>392</sup> Director of Forestry, to Commissioner of Forests, Auckland, 3 September 1928, F 1 255 9/8/1, ANZ Wellington.

<sup>393</sup> Forest Ranger to Conservator of Forests, 27 September 1928, F 1 255 9/8/1, ANZ Wellington.

<sup>394</sup> Conservator of Forests to Director of Forestry, 16 October 1928, F 1 255 9/8/1, ANZ Wellington.

the Marton Sash, Door, and Timber Company.<sup>395</sup> It was this company that milled the timber on the block.

The prohibition against the private alienation of the smaller block, Maraeroa A3B1, was extended and remained in force until April 1924, when it lapsed without the State Forest Service having taken steps to purchase the block.<sup>396</sup> As with the adjoining Maraeroa A3B2, the block was inaccessible – a factor this was important in the Forest Service’s decision not to acquire the land.<sup>397</sup> In about 1940, as noted above, the owners sold rights to cut the timber on Maraeroa A3B1 to Ellis and Burnand. The company paid a lump sum of £2,995 for the timber – a value established by the State Forest Service.<sup>398</sup>

From the early-1930s, the purchase price for timber on all land being sold was determined by the State Forest Service. The Forest Service deemed that the Commissioner of State Forests’ consent under section 35(2) of the 1921-22 Act was required when commercially valuable forest was alienated as part of a land transaction, even though the Act referred only to cutting rights. In the early 1930s, as detailed above, the State Forest Service began undertaking detailed appraisals to establish the value of timber prior to consent being granted. The Forest Service’s role in regard to the pricing of timber that stood on land that was to be sold is demonstrated in the case of Ellis and Burnand’s acquisition of Maraeroa B3B2B1 and B3B2B2. These blocks, which comprised a total area of about 1056 acres, contained a significant quantity of millable timber. In March and April 1935, meetings of owners passed resolutions to sell the blocks to Ellis and Burnand.<sup>399</sup> Both resolutions stated that the land was to be sold at a sum equal to the government valuation, while the timber was to be sold at the value determined by the State Forest Service, but was not to be less than a total of £1,944. Ellis and Burnand was required to meet the cost of appraisal. After undertaking an appraisal of the blocks, which cost £200, the State Forest Service determined that the timber was worth a total of £8,093 7s 4d, which appears to have been significantly greater than the owners and company’s expectations.<sup>400</sup> On 17 June

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<sup>395</sup> Sawmill No. 82, BBAX 1427 1 a, Sawmill register, 1943-1944, ANZ Auckland.

<sup>396</sup> Under Secretary, Native Affairs, to Secretary, State Forest Service, 12 October 1923, F 1 255 9/8/1, ANZ Wellington.

<sup>397</sup> Secretary, State Forest Service, to Commissioner of State Forests, 15 October 1923, F 1 255 9/8/1, ANZ Wellington.

<sup>398</sup> Director of Forestry to Commissioner of State Forests, 17 December 1940, F 1 18 18/1/68, ANZ Wellington.

<sup>399</sup> Earl, Kent, Massey, and North, to Officer-in-Charge, State Forestry Department, 30 July 1935, BBAX 1124 357g 45/16/10/7, Work for other Departments: Native Department – Maraeroa B3B2B1 and B3B2B2, 1935-1936, ANZ Auckland.

<sup>400</sup> Conservator of Forests to Earl, Kent, Massey, and North, 8 May 1936, BBAX 1124 357g 45/16/10/7, ANZ Auckland.



1936, the Commissioner of State Forests consented to the alienation of the timber on Maraeroa B3B2B1 and B3B2B2.<sup>401</sup>

### Summary

Between 1920 and 1940, Maori ownership of land in the Rohe Potae inquiry district declined from 31 to 21 percent of the total land area. Some of the lands that were purchased during this period included stands of commercially valuable forest. The purchasing of such timber lands appears to have been led by private sawmilling interests. While the State Forest Service also sought to acquire suitable forest lands, it lacked funds to pursue this policy.

From the early 1930s, however, the Forest Service assumed responsibility for the valuation of timber that was present on Maori lands that were being alienated. It deemed that the acquisition of timber in this manner required the Commissioner of State Forests' consent under section 35(2) of the Forests Act 1921-22. Prior to this consent being given, the Forest Service undertook an appraisal of the timber and set the price that was to be paid for it. Before this system was introduced, it is evident that standing timber was not carefully valued and was therefore not always appropriately recognised in the purchase price.

### ***Cutting on Rangitoto Tuhua 36 and Maraeroa C, 1920-1960***

This section looks at the cutting of timber on the Rangitoto Tuhua 36 and Maraeroa C blocks. The extraction of timber on these blocks is examined here because the blocks were very large and contained timber resources of significant economic value. Also, cutting on the blocks took place over a long period of time. Rangitoto Tuhua 36 comprised an area of 30,163 acres, while the area of Maraeroa C was 13,727 acres. Figure 7 shows the location of the two blocks, which lay adjacent to one another. It seems that the blocks belonged to almost the same Maori owners, who belonged to Ngati Rereahu.<sup>402</sup>

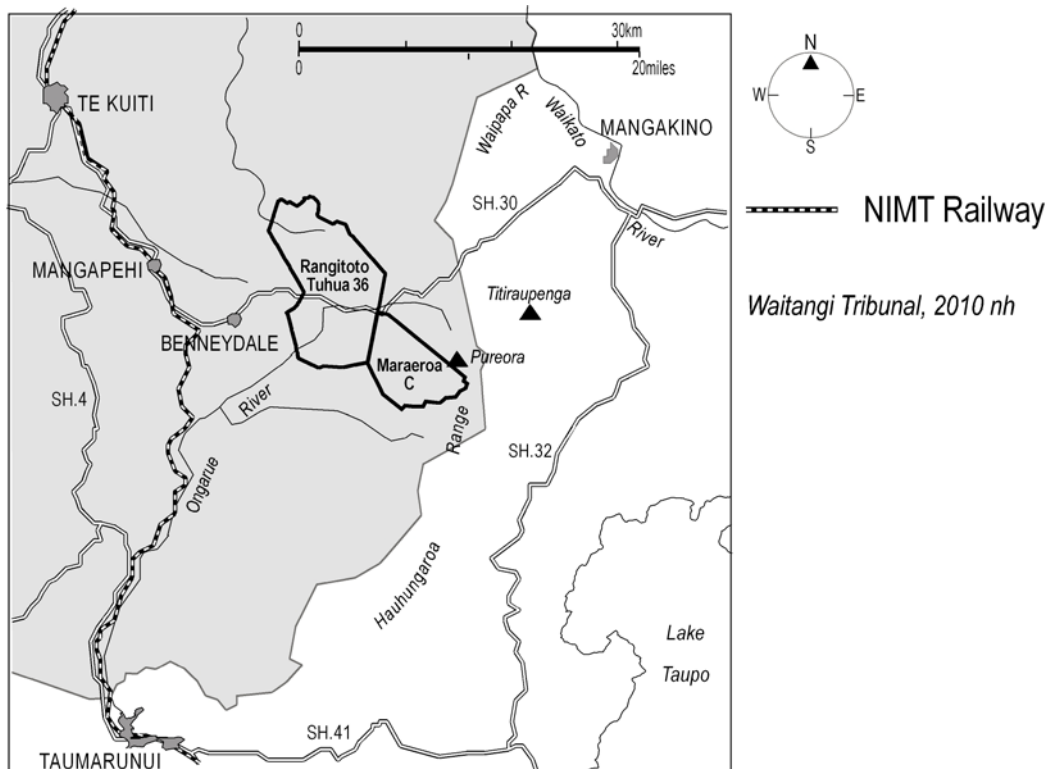
Rangitoto Tuhua 36 and Maraeroa C were the principal forest lands from which Ellis and Burnand sourced timber for their large Mangapehi mill. As detailed above, in 1898 John Ellis

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<sup>401</sup> Commissioner of State Forests, consent, 17 June 1936, BBAX 1124 357g 45/16/10/7, ANZ Auckland.

<sup>402</sup> MacCormick to Under Secretary, Native Department, 29 September 1932, MA 1 104 5/10/129 part 1, ANZ Wellington. Judge to Under Secretary, Native Department, 16 December 1937, MA 1 104 5/10/129 part 1, ANZ Wellington.

entered into an agreement with the owners of Rangitoto Tuhua 36, and in 1903 the company began cutting on the land. When Ellis appeared before the Native Affairs Committee in October 1903, he stated that all of the owners of the block, about 100 in number, had signed the 1898 agreement. In 1907, an enquiry into the agreement was held under section 26 of the Maori Land Claims Adjustment and Laws Amendment Act 1907. The Maniapoto-Tuwharetoa District Maori Land Board recommended that the agreement be approved subject to certain modifications. However, the Board did not require any change to the royalty rates set down in the original agreement, which provided that the owners be paid 1s per 100 superficial feet for totara logs and 4d for logs of all other species. The modified agreement was confirmed after an Order in Council was issued in 1911.



**Figure 7:** Rangitoto 36 and Maraeroa C

Maraeroa C, as explained above, was in December 1909 vested in the Waikato-Maniapoto District Maori Land Board under Part I of the Native Land Settlement Act 1907. Though details of the vesting have not been established, it appears that at least some owners opposed the vesting, while others seem to have been unaware of the development. Prior to the vesting, the owners had entered into a timber agreement with Ellis and Burnand, which was similar to the agreement that was in place over Rangitoto Tuhua 36. Following the vesting, the company pressured the Board to grant it a cutting license over Maraeroa C. It requested that the license

contain the same terms as the agreement it had negotiated with the owners, which provided for 1s per 100 superficial feet for totara logs, 5d for rimu logs, and 4d for all other timbers. After some negotiation, this proposal was accepted, and in December 1912 an Order in Council enabling the Board to grant a cutting license over Maraeroa C was issued.

In August 1922, Pouaka Wehi and others ('the whole tribe') wrote to Maui Pomare regarding Rangitoto 36 and Maraeroa C.<sup>403</sup> The letter indicates that the owners were clearly discontented about the cutting arrangements that were in place. In respect of Rangitoto Tuhua 36, Wehi complained that the license over the block did not specify a term of cutting. Regarding Maraeroa C, he stated that the owners did not understand how the land had become vested in the Board and that they did not agree to the prices being paid by Ellis and Burnand. No response to this letter has been located. However, two years later, in 1924, owners petitioned the House of Representatives with regard to the cutting on Rangitoto Tuhua 36.

The petition, signed by Taroa Te Ringitanga and 17 others, called for the 1911 Order in Council to be revoked to enable a new agreement to be negotiated.<sup>404</sup> Issued after the Land Board's enquiry under section 26 of the 1907 Amendment Act, the Order in Council authorised the Board to confirm the timber cutting agreements over Rangitoto Tuhua 36. The petition claimed that the owners had been unaware of the enquiry. It alleged that the amount of timber on the block was very much greater than 35 million feet that the Board had been advised that the block contained. This figure, the petition stated, was 'an absurd underestimate' and 'manifestly inaccurate'. It was suggested that, if the Board had had an accurate figure as to the quantity of remaining timber, it would not have approved the agreement or would have modified it to provide for the royalties to be revised from time to time.

As to the royalties being paid under the agreement, the petition stated that these were very much lower than the present ruling royalties or even those that existed when the Board confirmed the agreement, even when the heavy capital expenditure undertaken by Ellis and Burnand was taken into consideration. It was claimed that the difference between the royalties that the owners were presently receiving and the royalties that they were entitled to under a fair rate amounted to several thousand pounds per annum.

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<sup>403</sup> Wehi and others to Pomare, 29 August 1922, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>404</sup> Petition of Taroa Te Ringitanga and 17 other, 1924, MA 1 97 5/10/72 part 1, ANZ Wellington.

In a report dated 17 October 1924, the Native Affairs Committee referred the petition to the Government for consideration.<sup>405</sup> Prior to this, on 8 October 1924, H. Valder of Ellis and Burnand and Kent, the company's solicitor, met with the Minister of Native Affairs in Wellington.<sup>406</sup> Kent suggested that legislation be introduced that would enable the parties to discuss and approve a modified agreement. He stated that Ellis and Burnand was prepared to meet the Maori owners and that he did not that he did not desire legislation for the purpose of enabling fresh contracts to be drawn up. This suggested approach seems to have been accepted. Section 14 of the Native Land Amendment and Native Land Claims Adjustment Act 1924 enabled alterations to be made to timber agreements subject to Land Board approval.

Before Ellis and Burnand entered into negotiations with the owners, a physical confrontation occurred that may have reflected the owners' frustration with the existing situation. The incident took place on 31 January 1925, when Taroa Te Ringitanga, angered that the company had failed to deliver a load of timber that was required for building a church at Te Hape marae, obstructed the company's tramway by placing logs and earth across it. Company employees and the Otago police constable arrived at the scene. When Te Ringitanga attempted to prevent the obstruction from being removed, a fight broke out, which resulted in Te Ringitanga's leg being broken.<sup>407</sup>

A new agreement between the owners of Rangitoto Tuhua 36 and Ellis and Burnand was discussed at a large hui that appears to have been held at Mangapehi in April 1925.<sup>408</sup> It seems that new royalty rates were agreed upon, but it was more than a year before the modified agreement was considered by the Land Board. This delay gave rise to frustration amongst the owners, who wished to receive payments based on the new royalty rates. From 29 April 1926, over a period of several days, a group of owners disrupted the movements of Ellis and Burnand's locomotive, stopping it at the boundary of their land.<sup>409</sup> Again, the police become involved in the dispute.

On 7 May 1926, probably as a result of this action, the case was brought before the Land Board, which approved the amended timber agreement over Rangitoto Tuhua 36. The new agreement provided that the royalty for totara would be raised to 2s per 100 superficial feet for totara logs

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<sup>405</sup> Report of Native Affairs Committee, 17 October 1924, MA 1 97 5/10/72 part 1, ANZ Wellington.

<sup>406</sup> Notes of Valder and Kent deputation, 8 October 1924, MA 1 97 5/10/72 part 1, ANZ Wellington.

<sup>407</sup> Anderson, *Maoriland sawmillers*, pp 32-33.

<sup>408</sup> *Ibid*, p 33.

<sup>409</sup> *Ibid*, pp 34-37.

(an increase of 100 percent) and that the royalty for all other timber would be raised to 10d per 100 superficial feet (an increase of 150 percent).<sup>410</sup> Clauses were also inserted to provide a new method by which logs were measured and to enable the owners to purchase sawn timber at specified rates.<sup>411</sup> It appears that the increased royalty rates were payable from 1 January 1925.<sup>412</sup>

Writing to the Under Secretary of the Native Department on 18 May 1926, Judge MacCormick stated that friction between the parties had been smoothed away when the Board considered the revised agreement on 7 May 1926.<sup>413</sup> MacCormick stated that nearly all of the owners had signed the agreement and that it was not thought that there would be much difficulty obtaining the outstanding signatures. He noted that the owners had been represented by counsel.

After the owners and Ellis and Burnand reached a new agreement regarding the cutting on Rangitoto Tuhua 36, some owners began seeking a revision of the Maraeroa C royalties, which remained set at the old prices paid for the timber on Rangitoto Tuhua 36. On 23 July 1925, Maui Pomare wrote to the Native Minister, advising that concerns relating to the Maraeroa C royalties had been raised when he met Wehi Rangitanga at Te Kuiti.<sup>414</sup> Pomare enquired as to whether the Land Board intended to bring the Maraeroa C royalties in line with the newly negotiated Rangitoto Tuhua 36 royalties.

Pomare's enquiry did not prompt any immediate action on the matter, and it would be several years before the Maraeroa C agreement was revised. In the meantime, other concerns surfaced regarding cutting on the block. In October 1927, native agent Gabriel Elliot appeared before the Land Board, stating that a timber measurer or inspector needed to be appointed to supervise cutting on behalf of the Maori owners. Some owners, he claimed, had signed a document authorising him to act in that capacity.<sup>415</sup> Pouaka Waikowhika, who was also present, informed the Court that there was much dissatisfaction and a general desire that Elliot be appointed.

Though Ellis and Burnand's license over Maraeroa C was not due to expire until 1 January 1937, a new timber licence over the block was negotiated in 1930. On 14 February 1930, MacCormick,

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<sup>410</sup> Under Secretary, Native Department, to Native Minister, 21 May 1926, MA 1 97 5/10/72 part 1, ANZ Wellington.

<sup>411</sup> Copy of clauses to be inserted to the Rangitoto Tuhua 36 timber agreement, 18 May 1926, MA 1 97 5/10/72 part 1, ANZ Wellington.

<sup>412</sup> MacCormick to Under Secretary, Native Department, 18 May 1926, MA 1 97 5/10/72 part 1, ANZ Wellington.

<sup>413</sup> *Ibid.*

<sup>414</sup> Pomare to Native Minister, 23 July 1925, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>415</sup> Waikato-Maniapoto District Maori Land Board minute book 19, 14 October 1927, p 12.

the President of the Waikato-Maniapoto District Maori Land Board, wrote to the Under Secretary of the Native Department, requesting that the Governor General's consent to the new license be sought in accordance with section 282 of the Native Land Act 1909.<sup>416</sup> The new license, he explained, was the same as the existing deed, except that the term had been altered and the royalties raised. Under the new license, the owners would receive royalties based on the same rates that applied for Rangitoto Tuhua 36 – 2s per 100 superficial feet for totara logs and 10d per 100 superficial feet for other species.<sup>417</sup>

MacCormick informed the Under Secretary that there had been lengthy discussions between Ellis and Burnand and the Board regarding the extension of the company's cutting rights.<sup>418</sup> He also advised that he had sought the approval of the owners and had obtained the consent of the two principal families of Ringitanga and Omeka, who held almost half the shares in the block. In total, 98 out of some 224 owners gave their written consent. MacCormick believed the other owners were mostly persons with small interests and minors. On 11 May 1930, the Governor General consented to the granting of a new timber license over Maraeroa C.<sup>419</sup>

The next development concerning the milling of Rangitoto Tuhua 36 and Maraeroa C occurred during the Depression, when Ellis and Burnand sought to have the royalty rates reduced. On 6 September 1932, the Land Board heard an application by the company under section 60 of the Finance Act 1932, requesting a temporary reduction in the royalties paid for timber cut from Rangitoto Tuhua 36 and Maraeroa C.<sup>420</sup> Kent, the company's solicitor, called for a 10 percent reduction in the royalties. He pointed to the poor state of the timber industry and the fact that Ellis and Burnand had been running at a loss during the previous two years. This loss, detailed to be about £7,000 annually, related to all of the company's operations, not just the milling at Mangapehi. Kent stated that the reduction would not involve a large sum, with royalty payments for the year ending 30 June 1932 only amounting to about £825 for Rangitoto Tuhua 36 and £1683 for Maraeroa C. MacCormick reported that a large number of owners were present at the hearing and that they were represented by counsel. He stated that the owners were unanimously opposed to any reduction. In response to a question from one of the owners, Collier, the

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<sup>416</sup> MacCormick to Under Secretary, Native Department, 14 February 1930, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>417</sup> Commissioner of State Forests to Fraser, 6 October 1949, F 1 18 18/1/58, ANZ Wellington.

<sup>418</sup> MacCormick to Under Secretary, Native Department, 14 February 1930, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>419</sup> N1930/62, approved on 11 May 1930, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>420</sup> MacCormick to Under Secretary, Native Department, 29 September 1932, MA 1 104 5/10/129 part 1, ANZ Wellington.

Managing Director of Ellis and Burnand, stated that in 1925 the quantity of timber sold at Mangapehi was 6,467,121 board feet of a value of £62,142, while in the year ending 30 June 1932 the quantity sold was 3,574,446 of a value of £27,436.

Ellis and Burnand's application under section 60 of the Finance Act 1932 was considered by the State Forest Service, which strongly opposed any reduction in royalties. In a letter written to the Native Minister on 14 December 1932, the Commissioner of State Forests advised that he was unable to consent to the proposed reduction.<sup>421</sup> The Commissioner explained that he had been informed that the royalties being paid for the two blocks were on average 50 percent lower than the minimum rates charged by the Forest Service. He also stated that the prices were considerably lower than the prices charged by the Lands and Survey Department for a block of timber in the same locality that was sold to Ellis and Burnand in 1929. The Commissioner noted that the licenses granted in 1926 and 1930 had not been consented to as required under section 35(2) of the Forests Act 1921-22, and he believed that this explained the low prices and easy terms secured by Ellis and Burnand.<sup>422</sup> The Commissioner thought that a reduction in royalty rates would be unfair to the Maori owners, pointing out that Ellis and Burnand were assured of timber supplies for 20 years at prices that should enable them to compete more than favourably with other sawmillers.

In the mid-1930s, some owners expressed strong dissatisfaction with aspects of the cutting taking place on Rangitoto Tuhua 36 and Maraeroa C. The first issue to arise related to concerns about the way timber cut on Maraeroa C was being measured. In March 1935, allegations of short measuring saw MacCormick write to the Conservator and ask if the State Forest Service would inspect the block and report on the system of logging and measuring being practiced.<sup>423</sup> In April 1935, a Forest Service ranger, Uren, undertook an inspection of Maraeroa C and interviewed the concerned parties. In his report, Uren stated that the company had been short-measuring logs in a way that meant that four percent of timber was not accounted for. He also observed that too much timber was deducted for defects when the logs were at the mill.<sup>424</sup> Uren recommended that the company make an additional payment to the Board for lost royalty

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<sup>421</sup> Commissioner of State Forests, 14 December 1932, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>422</sup> A file note prepared by an officer of the Native Department, whose identity is unclear, discusses whether the consent of the Commissioner of State Forests under the 1921-22 Act should have been obtained. It argues that the Commissioner's consent was not required as the new licenses were modifications of existing agreements that had been entered into long before the passage of the 1921-22 Act. File note, 19 December 1932, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>423</sup> Anderson, *Maoriland Sawmillers*, p 66.

<sup>424</sup> *Ibid*, p 67.

revenue, which he calculated to be £848 – 4 percent of £21,210 7s 5d, the total amount of royalties paid up to the time of the inspection.<sup>425</sup> The Director of Forests raised some questions about Uren's assessment, to which the Forest Ranger responded, defending his report.<sup>426</sup>

In March 1936, before the issue of short-measuring on Maraeroa C was settled, there was further confrontation at Mangapehi between some of the owners and Ellis and Burnand. On 9 March 1936, owners supported by Gabriel Elliot notified the company that they were re-entering Rangitoto 36 and terminating the timber cutting license over that block.<sup>427</sup> The owners then backed up this notice with actions that made it difficult for the company to operate at full capacity. One of the largest shareholders, Te Tau Waretini, sister of Pouaka Wehi, squatted on the tramline for several days, resisting efforts to shift her. After several days, the police were called in to break up the disturbance, the protest was called off when it was agreed the dispute should be settled by arbitration.

On 17 March 1936, it appears that a conference was held between the representatives of the company, the owners, and the Land Board.<sup>428</sup> At this conference, the owners' representative alleged that Ellis and Burnand were not cutting all of the available timber on both Rangitoto Tuhua 36 and Maraeroa C.<sup>429</sup> As a result, the owners were not being paid for the uncut timber, which diminished their return from the resource. This issue and other matters, including concerns about Ellis and Burnand's use of its tramway across the owners' land, were brought before the Under Secretary of the Native Department on 22 April 1936, when he received a deputation formed by Gabriel Elliot, Pouaka Wehi, and his sisters Te Tau Waretini and Mahuri Tawhana.<sup>430</sup> Commenting on the concerns raised by the deputation, the Native Minister, M.J. Savage, expressed sympathy with the owners, but suggested that the disputes between the owners and Ellis and Burnand were a matter for the Courts to deal with.

However, the dispute was not resolved through litigation and instead a settlement was reached following lengthy negotiations between the parties. These negotiations seem to have begun after

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<sup>425</sup> Ibid, pp 67-68.

<sup>426</sup> Director of Forestry to Conservator to Conservator of Forests, 22 August 1935, F 1 18 18/1/58, ANZ Wellington. Uren to Conservator, 5 September 1935, F 1 18 18/1/58, ANZ Wellington.

<sup>427</sup> Anderson, *Maoriland Sawmillers*, p 52.

<sup>428</sup> MacCormick to Under Secretary, Native Department, 16 March 1936, MA 1 97 5/10/72 part 1, ANZ Wellington.

<sup>429</sup> Conservator to Director of Forestry, 24 March 1936, F 1 18 18/1/58, ANZ Wellington.

<sup>430</sup> Notes of a deputation to Under Secretary, Native Department, 22 April 1936, MA 1 97 5/10/72 part 1, ANZ Wellington.



the deputation of owner representatives returned from Wellington.<sup>431</sup> On 2 August 1937, MacCormick was able to write to the Under Secretary, advising that an agreement had been reached.<sup>432</sup> He explained that Ellis and Burnand had agreed to pay the owners £2,500 in full settlement of the uncut timber that still stood on the areas of Rangitoto Tuhua 36 and Maraeroa C that had been worked by the company. The agreement gave the company the right to remove the remaining timber on these areas within five years.<sup>433</sup> Issues and claims relating to the use of Ellis and Burnand's tramway were not settled.

The agreement did not satisfy Te Tau Waretini, who made her views known to the Native Minister. However, MacCormick and Elliot both wrote to the Under Secretary of Native Affairs, asserting that the owners supported the agreement. Writing on 16 December 1937, MacCormick noted that Pouaka Wehi accepted the settlement.<sup>434</sup> (By this time, Pouaka Wehi appears to have become the leader of Ngati Rereahu.) MacCormick commented that: 'Pouaka Wehi is one of the hardest natives I have known and is not in the least likely to accept a settlement which he was not satisfied was to the advantage of the natives.'<sup>435</sup> MacCormick expressed the view that Te Tau Waretini's stance was largely based on a rivalry she had with her brother. Elliot, in a letter dated 16 December 1937, also acknowledged allegations that Te Tau Waretini was unhappy with the settlement, but dismissed this as 'wild statements and claims which have no foundation in fact.'<sup>436</sup> On 20 December 1937, the Under Secretary of the Native Department wrote to MacCormick, advising that the Native Department did not intend to intervene in the matter.<sup>437</sup>

The 1937 settlement did not, as noted, deal with the owners' concerns relating to Ellis and Burnand's tramway. Not long after the settlement was reached, the owners began taking steps to have the tramway issues addressed. On 18 January 1940, the Native Minister wrote to MacCormick, advising that he had received communication from the owners' solicitors regarding the tramway. Responding to the Native Minister on 25 January 1940, MacCormick provided some background to the dispute, which concerned Rangitoto Tuhua 36.<sup>438</sup> He explained that the

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<sup>431</sup> See, for example, Shepherd to Campbell, 30 April 1936, MA 1 97 5/10/72 part 1, ANZ Wellington.

<sup>432</sup> MacCormick to Under Secretary, Native Department, 2 August 1937, MA 1 97 5/10/72 part 1, ANZ Wellington.

<sup>433</sup> Collier to Director of Forestry, 21 December 1939, F 1 18 18/1/58, ANZ Wellington.

<sup>434</sup> Judge to Under Secretary, Native Department, 16 December 1937, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>435</sup> Judge to Under Secretary, Native Department, 16 December 1937, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>436</sup> Elliott to Under Secretary, Native Affairs, 16 December 1937, MA 1 97 5/10/72 part 1, ANZ Wellington.

<sup>437</sup> Under Secretary, Native Department, to MacCormick, 20 December 1937, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>438</sup> See Registrar to Under Secretary, Native Department, 1 February 1940, MA 1 104 5/10/129 part 1, ANZ Wellington.

Court had granted a tramway right under section 532 of the Native Land Act 1931. The Court's order had carefully defined the company's rights, enabling it to carry its own timber from specified blocks. No rent or royalty was charged, but the owners were granted certain privileges in respect of the carriage of their own timber and goods.

According to MacCormick, there was 'no doubt' that the company had 'repeatedly and flagrantly' broken the conditions of the tramway order. He further explained that the company had admitted to breaching the order and had offered the owners £200 in settlement. This offer, however, had been rejected. The owners believed that the company had earned substantial revenue carrying many thousands of feet of timber belonging to other people without making any payment to the owners. MacCormick believed that this could be readily proved, but he noted that company had been refusing to disclose information about the volume of timber, other materials, and passengers carried by the company.

The Public Works Department had also become aware that the tramway was being used for carrying passengers and goods outside of the company's operation – something that appears to have breached provisions of the Tramways Act 1908 and the Public Works Act 1928.<sup>439</sup> In February 1941, the company was looking to put the tramway on a legal footing by securing a tramway order under the Tramways Act 1908. The application was made by the local authority, which then delegated the order to the company. The order, which did not confer any title of land, seems to have been issued in March 1941.<sup>440</sup> Owing to objections raised by the owners, who were concerned that the order would prevent them from making a claim for prior carriage on the tramway, the order included a special clause that specifically stated that such claims would not be affected.<sup>441</sup>

The owners may not have been opposed to the issuing of the tramway order, but sought to have a settlement relating to their claims reached quickly and without litigation.<sup>442</sup> Toward this end, a conference between the company, the owners, and the Land Board was held at Ellis and

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<sup>439</sup> Assistant Under Secretary, Public Works, to Under Secretary, Native Department, 21 February 1940, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>440</sup> Assistant Under Secretary, Public Works, to Under Secretary, Native Department, 21 March 1941, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>441</sup> 'History of Tiroa', Hine and Hine, 17 December 1941, MA 1 97 5/10/72 part 1, ANZ Wellington.

<sup>442</sup> Assistant Under Secretary, Native Department, to Earl, Kent, Massey, North, and Palmer, undated, MA 1 104 5/10/129 part 1, ANZ Wellington.

Burnand's head office in Hamilton on 18 April 1941.<sup>443</sup> However, progress towards a settlement stalled. According to the owners' solicitors, this was because the company continued to refuse to provide information about the use of the tramway.<sup>444</sup> As the owners were looking to pursue the matter through the Courts, Te Tau Waretini also began seeking a settlement in respect certain other issues, including cutting on lands in Rangitoto Tuhua 36 that she claimed was not allowable under the 1937 settlement.<sup>445</sup>

Matters came to a head again on 4 December 1941, when Te Tau Waretini again obstructed the tramway, which she camped on for a number of days.<sup>446</sup> Ellis and Burnand took out an injunction against Waretini, but after she was removed another owner continued the obstruction.<sup>447</sup> This action impacted seriously on the milling operations at Mangapehi – a situation that raised the concern of the government, which had contracted Ellis and Burnand to buy all available timber for defence and dairy produce purposes.<sup>448</sup> P.K. Paikea, MHR for Northern Maori, was requested to intervene and, after he met with owners at Te Kuiti, the protest was called off.<sup>449</sup> Following this, regulations were introduced under the Emergency Regulations Act 1939, enabling the Native Land Court to enquire into the owners' claims and determine a settlement. The Tiroa Native Land Emergency Regulations were set out in an Order in Council signed by the Governor General on 18 March 1942.<sup>450</sup>

In April 1942, the Native Land Court, presided over by Chief Judge Shepherd and Judge Beechey, heard claims made under the emergency regulations at a sitting held at Te Kuiti. In its judgment, delivered in August 1942, the Court ordered Ellis and Burnand to pay £920 to the owners as wayleave for past use of the tramway. The company was also ordered to pay, from 19 March 1941, annual payments of £52 as compensation for 'foreign use' of the tramway.<sup>451</sup> While the company had previously been entitled to use timber without payment for tramway sleepers, this practice was to discontinue. (As a result, it was believed that over the following 15 years the owners would receive £1000 in additional royalty payments.) In turn, the owners' rights to use

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<sup>443</sup> Notes of conference between the Board, the Company, and the Natives, 18 April 1941, MA 1 104 5/10/129 part 1, ANZ Wellington.

<sup>444</sup> 'History of Tiroa', Hine and Hine, 17 December 1941, MA 1 97 5/10/72 part 1, ANZ Wellington.

<sup>445</sup> 'History of Tiroa', Hine and Hine, 17 December 1941, MA 1 97 5/10/72 part 1, ANZ Wellington.

<sup>446</sup> Anderson, *Maoriland Sawmillers*, p 59.

<sup>447</sup> Paikea to Mason, 5 January 1942, MA 1 97 5/10/72 part 1, ANZ Wellington.

<sup>448</sup> For dairy purposes, the timber was presumably required for packaging, particularly butter boxes.

<sup>449</sup> *Ibid.*

<sup>450</sup> Tiroa Native Land Emergency Regulations, 18 March 1942, MA 1 97 5/10/72 part 1, ANZ Wellington.

<sup>451</sup> *King Country Chronicle*, 17 August 1942, extract, MA 1 97 5/10/72 part 1, ANZ Wellington. Judgment in case of Maori owners and Ellis and Burnand (Tiroa Native Land Emergency Regulations 1942), MA 1 97 5/10/72 part 2, Rangitoto Tuhua 36 – Tiroa, 1942-1947, ANZ Wellington.

the tramway were given up. In respect of a claim for damages made by the Company, the Court ordered that £250 be paid to Ellis and Burnand as compensation for losses resulting from Te Tau Waretini's obstruction of the tramway. Waretini's claim regarding wrongful cutting was not upheld, as in most parts were a number of other individual claims. The Court made no judgment in respect of claims made by the owners relating to the fouling of waterways and noxious weeds.

Following the delivering of the Court's judgment in August 1942, there is little further documentary evidence relating to cutting on Rangitoto Tuhua 36. Having commenced in 1903, Ellis and Burnands operations on the block appear to have ended at some stage during the 1940s. However, cutting continued for many years on Maraeroa C. The next development regarding this block occurred in 1945, when Ellis and Burnand secured a timber license to rework areas that had previously been cut by the company. As detailed above, the 1937 settlement had given Ellis and Burnand rights to cut timber from 'cut over' areas of Rangitoto Tuhua 36 and Maraeroa C. However, these rights had been limited to a period of five years and, in the case of Maraeroa C, the company was unable to complete the cutting within this term. It therefore approached the Land Board, in whom the block was vested, to negotiate a new license for the cut over areas. Under the new agreement, it seems that Ellis and Burnand was required to pay for the timber at the royalty rates set down in the original 1930 license.<sup>452</sup> Though the 1937 had involved a payment for timber in the cut over areas, Judge Beechey was of the view that this could not be taken into account.<sup>453</sup> On 7 May 1945, the Commissioner of State Forests consented to the sale pursuant to section 35(2) of the Forests Act 1921-22.<sup>454</sup> The term of the license was extended at least three times, and in the mid-1950s Ellis and Burnand – paying higher royalties – continued to work the cut over areas.<sup>455</sup>

Between 1948 and 1950, Ellis and Burnand negotiated a new cutting license over the portion of Maraeroa C that remained uncut. This was the last major development concerning the cutting of the indigenous timber on the block. Discussions regarding a new license appear to have commenced in mid-1948, when the Managing Director, A.C. McCracken, raised the matter in meetings with Judge Beechey of the Waikato-Maniapoto District Maori Land Court and the

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<sup>452</sup> Conservator of Forests to Director of Forestry, 30 August 1944, F 1 18 18/1/58, ANZ Wellington.

<sup>453</sup> Registrar, Auckland, to Under Secretary, Native Department, 19 April 1945, F 1 18 18/1/58, ANZ Wellington.

<sup>454</sup> Commissioner of State Forests, consent, 7 May 1945, F 1 18 18/1/58, ANZ Wellington.

<sup>455</sup> Earl, Kent, Massey, Palmer, and Haggitt to Maori Trustee, 11 November 1954, F 1 18 18/1/58, ANZ Wellington. McCracken to Robertson, 12 January 1955, F 1 18 18/1/58, ANZ Wellington. Maori Trustee to District Officer, 20 January 1955, F 1 18 18/1/58, ANZ Wellington.

Director of Forestry. Speaking to the Director of Forestry on 16 July 1948, McCracken explained that the existing license, which had been executed in 1930, was due to expire in 1957.<sup>456</sup> However, as there was some 60,000,000 board feet of timber left on the block, the company would not be able to work out all the timber in the remaining time. Pointing to the increasing scarcity of timber, he stated that it would be best if Ellis and Burnand worked the timber in a methodical manner instead of taking out only the best stands, as the company would if an extension could not be secured. Writing to the Director on 13 September 1948, McCracken argued that this approach ‘should get the best results from a National point of view, and also the point of view of the owners and of our own Company.’<sup>457</sup>

Beechey advised McCracken that it would not be possible to grant an extension to the existing license without introducing new legislation.<sup>458</sup> This was because the land was vested in the Land Board under Part XIV of the Native Land Act 1931 and section 346 of the 1931 provided that any license granted in respect of such lands could terminate no later than 25 January 1957.<sup>459</sup> Beechey suggested that before legislation should be introduced the matter should be placed before the Commissioner of State Forests with a view to getting a recommendation from the State Forests Service.<sup>460</sup> On 18 October 1948, the Director of Forestry wrote to McCracken, advising that he concurred with the view that it was in the national interest for such timber to be cut to the best advantage<sup>461</sup> (He also suggested that there was a definite need for legislation to enable the cutting of timber on Maori and other private land to be better co-ordinated.) Writing to the Under Secretary of Maori Affairs on 29 June 1949, the Director of Forestry strongly recommended that legislation be introduced to allow a Maori Land Court to extend a cutting license as it thought fit.<sup>462</sup>

Around this time, the Land Board summoned a meeting of the owners of Maraeroa C to consider the following proposal:

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<sup>456</sup> Notes of meeting between McCracken and Director of Forestry, 16 July 1948, F 1 18 18/1/58, ANZ Wellington.

<sup>457</sup> McCracken to Director of Forestry, 13 September 1948, MA 1 104 5/10/129 part 2, Maraeroa C, 1945-1958, ANZ Wellington.

<sup>458</sup> Ibid.

<sup>459</sup> Under Secretary, Maori Affairs, to Minister of Maori Affairs, 1 May 1950, MA 1 104 5/10/129 part 2, ANZ Wellington.

<sup>460</sup> McCracken to Director of Forestry, 13 September 1948, MA 1 104 5/10/129 part 2, ANZ Wellington.

<sup>461</sup> Director of Forestry to Managing Director, Ellis and Burnand, 18 October 1948, MA 1 104 5/10/129 part 2, ANZ Wellington.

<sup>462</sup> Director of Forestry to Under Secretary, Native Affairs, 29 June 1949, MA 1 104 5/10/129 part 2, ANZ Wellington.

- that the existing cutting license be varied as followed:
  - 1 the term of the license be extended to 31 December 1970;
  - 2 the royalties payable for all timber cut up to 25 November 1957 (when the existing license was due to expire) remain at the existing rates – 2s per 100 superficial feet for totara logs and 10d per 100 superficial feet for logs of other species;
  - 3 the royalties payable for all timber cut between 25 November 1957 and 31 December 1970 be raised to the following rates – 4s per 100 superficial feet for totara logs and 1s 8d per 100 superficial feet for logs of other species;
  - 4 a payment of £5,000 be made to the owners upon execution of the document; and
- that the Native Land Act 1931 be amended to enable the Land Board to execute an agreement with Ellis and Burnand.<sup>463</sup>

About 50 owners were present when the meeting was held at Te Kuiti on 7 July 1949.<sup>464</sup>

Addressing the meeting, McCracken explained that there was about 60,000,000 board feet of timber remained on Maraeroa C, covering an area of 4,000 acres. He indicated that it would be difficult for the company to cut the timber by 1957 and stated that the company did not want to wind up its Mangapehi operations in eight years. As well as involving the removal of plant and houses, McCracken also pointed out that there was a large workforce at Mangapehi, including both Maori and Pakeha. He also commented on the national benefit of cutting over an extended period, and claimed that it would be better for the owners to have a steady income over 20 years than the shorter period of 8 years. The payment of £5,000 was offered as compensation for the owners being deprived of their land for an extended period.

One owner, Purangi Herangi, observed that the royalty rates offered were less than State Forest Service rates. He suggested that any extension of term should provide for Forest Service rates to be paid straightaway. In response to this, McCracken pointed out that it was intended that approximately 10 to 12 miles of roading would be put through the block to replace the existing tramway system. This, he stated, would materially benefit the owners in the future development of the block. He also warned that if the owners asked for too much the company would be forced to complete its cutting by 1957:

It is quite possible that if the Company does not get [an] extension it will pick the eyes out of the bush and leave them [the owners] with quite a large area of spoiled bush. The owners should ensure that they get a bargain that suits both themselves and the Company. At the same time they should be wary not to kill the goose that lays the golden eggs.

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<sup>463</sup> Registrar to Under Secretary, Maori Affairs, 28 July 1949, MA 1 104 5/10/129 part 2, ANZ Wellington.

<sup>464</sup> Notes of a meeting of the owners of Maraeroa C, 7 July 1949, MA 1 104 5/10/129 part 2, ANZ Wellington.

After some further discussion, a resolution to accept the terms offered by Ellis and Burnand was put to the owners. All of the owners supported the resolution, though Purangi Herangi later spoke against the royalty rates being offered, but then appears to have withdrawn his objection.

On 28 July 1949, the Registrar of the Court wrote to the Under Secretary of Maori Affairs, advising of the meeting and its outcome.<sup>465</sup> The Registrar requested that legislation be introduced to enable the Board to extend the term of the license in accordance with the resolution passed by the meeting of owners. Following this, the Maori Affairs Department made enquiries regarding the royalty rates being offered by Ellis and Burnand. On 2 September 1949, an officer of the Department prepared a memorandum for the Under Secretary, which detailed that the Forest Service had advised that it had recently disposed of timber to Ellis and Burnand at the following rates:

totara	8s and 9s per 100 superficial feet;
rimu	4s and 3s 3d per 100 superficial feet;
matai	5s per 100 superficial feet;
kahikatea	3s 6d per 100 superficial feet. <sup>466</sup>

The memorandum observed that, though the timber in question was possibly more accessible than the Maraeroa bush, 'it looks like Ellis and Burnand are making a pretty good bargain'. It was noted that the figures were not to be disclosed to outsiders.

On 5 September 1949, the extension of the cutting license was discussed further when C.J. Palmer, Ellis and Burnand's solicitor, and T.M. Hetet, native agent, met with the Under Secretary of Maori Affairs and another departmental officer in Wellington.<sup>467</sup> Palmer reiterated a number of points that McCracken had previously made about the desirability of spreading cutting over a longer period. He noted that the cost of one of the roads that the company was building in the block was £30,000. The question of the adequacy of the royalties does not seem to have been raised at this meeting. Hetet stated that the main shareholders appeared to unanimously support the extension on the terms offered by Ellis and Burnand. He noted that they did not want the timber cut out too soon because they realised that a lot of their living depended on the mills.

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<sup>465</sup> Registrar to Under Secretary, Maori Affairs, 28 July 1949, MA 1 104 5/10/129 part 2, ANZ Wellington.

<sup>466</sup> Memorandum for Under Secretary, Maori Affairs (writer unknown), 2 September 1949, MA 1 104 5/10/129 part 2, ANZ Wellington.

<sup>467</sup> Notes of representations made at Parliament Buildings, 5 September 1949, MA 1 104 5/10/129 part 2, ANZ Wellington.

Prior to the passage of the Maori Purposes Act 1949, the proposed extension of Ellis and Burnand's cutting license over Maraeroa C came to the attention of Prime Minister Peter Fraser. On 6 October 1949, the Commissioner of State Forests wrote to Fraser, advising him of the royalty rates being offered and the rates that would be paid if the timber was being advertised by the State Forest Service. These rates were:

totara	9s per 100 board superficial;
rimu and miro	3s 6d per 100 board superficial;
matai	4s per 100 board superficial;
kahikatea	3s 9d per 100 board superficial. <sup>468</sup>

Though the government and departments were aware that the royalties offered by Ellis and Burnand were significantly less than Forest Service rates, no effort was made to change the terms of the proposed extension. On 7 October 1949, company, owner, and departmental representatives agreed on the terms of the extension at a conference held in Wellington.<sup>469</sup> (The owners were represented by Tamahiki Wairoa and Hori Tutaki.) Ellis and Burnand's original offer was accepted with the addition of a clause that stipulated that the company not cut more than 20,000,000 board feet before November 1957. If the company cut more than this amount, the 'excess' timber would have to be paid for at the rates that would apply after 1957.

Following this decision, the Maori Affairs Department proceeded to prepare the necessary legislation, which was eventually passed in October 1949. Section 24 of the Maori Purposes Act 1949 specifically enabled the Waikato District Maori Land Board, with the approval of the Minister of Maori Affairs, to extend the term of Ellis and Burnand's cutting license over Maraeroa C. On 11 May 1950, after the Board had executed formal documents, the Minister granted his consent to the extension of Ellis and Burnand's cutting license.<sup>470</sup> The consent of the Minister of Forests was not required.

Some four years later, when writing to the Registrar of the Maori Land Court, the Conservator of Forests commented on the low royalty rates provided under the terms of Ellis and Burnand's extended Maraeroa C cutting license.<sup>471</sup> With regard to an application by Ellis and Burnand to

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<sup>468</sup> Commissioner of State Forests to Fraser, Prime Minister, 6 October 1949, MA 1 104 5/10/129 part 2, ANZ Wellington.

<sup>469</sup> Notes on conference held at Parliament Buildings, 7 October 1949, MA 1 104 5/10/129 part 2, ANZ Wellington.

<sup>470</sup> Minute of approval, 11 May 1950, on Under Secretary, Maori Affairs, to Minister of Maori Affairs, 1 May 1950, MA 1 104 5/10/129 part 2, ANZ Wellington.

<sup>471</sup> Conservator of Forests to Registrar, Maori Land Court, 14 December 1954, MA 1 104 5/10/129 part 2, ANZ Wellington.



extend their license to take timber from the cut over areas, the Conservator suggested that the company be made to pay the same rates that would apply under the main license from 1957. While noting these rates were more than double those already being paid by the company for the cut over timber, he observed that they were still 'very reasonable' when compared with average ruling royalties.

### Summary

The Commissioner of State Forests' consent (and the associated appraisal of timber) was not required when Ellis and Burnand's cutting licenses over the large and important Rangitoto Tuhua 36 and Maraeroa C blocks were extended at various times between 1920 and 1950. It appears that this was because, in both cases, the original timber cutting agreements preceded the passage of the Forests Act 1921-22. The Rangitoto Tuhua 36 agreement dated from 1898, while the Maraeroa C agreement dated from 1912. (This block, containing 13,727 acres, had been vested in the Board in 1909.) There were a number of disputes between the owners and the company regarding cutting on these blocks, which were the focus of Ellis and Burnand's Mangapehi operation. Though royalty rates were increased when the licenses were extended, the Land Board does not seem to have carefully considered the new rates and the licenses were set for long terms without provision for reviewing royalty rates.

In the case of the 1950 extension of the Maraeroa C license, the government and State Forest Service were aware that the royalty rates offered by the company were low, but the license was nevertheless confirmed by the Board without alteration. While the case reflects Ellis and Burnand's political influence, it also seems that the government recognised and valued that Ellis and Burnand was a reliable sawmilling company that would successfully cut and process a resource that was seen to be of national importance. This, rather than the interests of the Maori owners, appears to have been the government's main priority.

### ***Wartime regulation and State Forest Service powers, 1939-1963***

The onset of the Second World War saw regulations introduced that provided the government with significant powers of control over the timber industry, including the cutting of timber on both Maori and European land. While these regulations were withdrawn after the war, new legislation extended the powers that the Commissioner of State Forests had possessed under the

1921-22 Act in respect of the alienation of timber on Maori-owned land. Under the Forests Act 1949, the Minister of Forests was able to grant conditional consent to the sale of Maori timber, specifying, for example, the area and species to be cut. During the 1950s, however, the State Forest Service's system of appraising areas of Maori-owned forest was modified to prevent delays in confirmation of timber sales being granted by the Maori Land Court. As a result, the Forest Service's scrutiny of Maori timber sales generally seems to have lessened. The requirement for the Minister of Forests to consent to the alienation of timber on Maori land was finally removed in 1963.

Regulations that provided the government with greatly increased powers of control over all aspects of the timber industry were introduced at the beginning of the Second World War. Issued on 4 September 1939 (under the Emergency Regulations Act 1939), the Timber Emergency Regulations 1939 reflected the perceived importance of timber resources to the wartime economy and New Zealand's war effort.<sup>472</sup> Under the Regulations, an official position called the 'Timber Controller' was established and provided with wide-ranging powers that applied to both European and Maori land. The Director of Forestry was appointed to this position.<sup>473</sup> No interest in any forest could be purchased or leased without the Timber Controller's consent, and the Timber Controller was able to direct forests owners to sell standing timber to nominated sawmillers and direct any person who was entitled to cut timber to cease cutting. The Timber Controller could also restrict and control the operation of sawmills and the use and disposal of timber materials.

Cuts in the amount of timber produced from Maori land were soon envisaged. On 24 June 1940, the Director of Forestry wrote to the Under Secretary of Native Affairs, advising that cuts to timber production were deemed necessary and that a reduction of cutting on Maori land was desirable.<sup>474</sup> The Director explained that it had been determined that sawn timber production should decrease by at least six percent for the duration of the war. While a general policy of restricting sales of State Forest timber had been introduced, it was doubted whether this would maintain the required balance between production and demand. The Director stated that, with the manpower situation in the industry becoming desperate, timber production might have to be concentrated in some mills and a few mills might have to be closed. Noting that it was

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<sup>472</sup> Timber Emergency Regulations 1939, MA 1 92 5/10 part 1, ANZ Wellington.

<sup>473</sup> Walzl, p 357.

<sup>474</sup> Director of Forestry to Under Secretary, Native Department, 24 June 1940, MA 1 92 5/10 part 1, ANZ Wellington.

imperative that 'new units' not be opened up, the Director pointed out that this policy would affect the administration of Maori timber lands. He requested the Under Secretary to consider what might be the best way to proceed with the matter.

In a reply written on 27 June 1940, the Under Secretary offered the Director of Forestry the support of the Native Department to control the production of timber cut from Maori land.<sup>475</sup> He pointed out that alienations involving timber had to be confirmed by the Native Land Court and, if desired, the Native Minister could write to judges and alert them of the seriousness of the position. The Under Secretary also noted that the Commissioner of State Forest's consent was required under section 35 of the Forests Act 1921-22 and that the Timber Controller had wide powers under the Timber Emergency Regulations. These powers, he observed, left the administration and control of the timber industry completely in the hands of the State Forest Service. The Under Secretary suggested, however, that the extent and manner to which these powers were exercised in respect of Maori land should not differ in any way from how they were applied in the case of European land.

On 30 June 1943, an amendment to the Timber Emergency Regulations was issued.<sup>476</sup> Under these regulations, the Timber Controller could require a land owner to grant an easement, presumably to provide for a tramway or other access to lands upon which standing timber was located. In cases where the Timber Controller had directed the sale of standing timber or the granting of an easement, the amended regulations provided that the Timber Controller could authorise sawmillers to enter onto the land after 21 days. The new regulations also contained provisions that related specifically to Maori timber lands, which seem to have been introduced to overcome some of the difficulty in dealing with numerous owners. The Timber Controller was empowered to serve notice on the Maori Land Board when making a direction for the sale of timber or granting of an easement. Upon such notice being served, owners were able to make objections within 21 days. After this period had passed and upon deciding that a transaction should proceed, the Timber Controller was able to execute instruments on behalf of the owners and fix the price, with the transaction subject to confirmation by the Court.

During preparation, the new regulations had drawn much criticism from Native Land Court judges. The Under Secretary of the Native Department had noted this criticism in a letter written to the Native Minister on 7 May 1943, in which he recommended that the Minister

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<sup>475</sup> Under Secretary, Native Affairs, to Director of Forestry, 27 June 1940, MA 1 92 5/10 part 1, ANZ Wellington.

<sup>476</sup> Timber Emergency Regulations 1939, Amendment 1, MA 1 92 5/10 part 1, ANZ Wellington.

approve the proposed amendment.<sup>477</sup> It seems that it was originally proposed that the Maori Land Board would execute the instruments on behalf of owners, but the judges had objected to the Boards being involved in anything that they considered was ‘savouring of confiscation’. The Under Secretary noted that a number of other objections had also been raised, but he did not believe these were matters of substance. In the existing circumstances, he believed that the regulations were necessary, and he noted that the Timber Emergency Regulations applied also to Europeans, who had no right to object or have the transactions confirmed by a special body such as the Court.

A further wartime measure enabled timber licenses over Maori-owned forest to be extended to provide additional time for cutting. The power to extend the term of licenses was provided in section 18 of the Maori Purposes Act 1943. The provision was introduced because it was thought that, owing to wartime conditions, the holders of timber cutting licenses might not be able to cut and take timber in the time set down in the licenses. In order to secure an extension under the 1943 Act, an application had to be made to the Native Land Court, which would issue an order extending the license term. The consent of the Governor General in Council was required to validate such an order. The legislation did not specify who could apply to the Court, and it therefore seems that license holders were able to submit an application without the support of owners. It is unclear whether a similar provision existed to enable timber cutting licenses to be extended in respect of forest areas owned by Europeans.

The introduction of wartime controls was a matter of concern for the sawmilling industry and it raised questions about long-term policies regarding the cutting of indigenous timber.<sup>478</sup> An article that appeared in the *Dominion* on 28 June 1943 traversed some of these issues, noting that demand for timber had increased and that the State Forest Service was developing policy accordingly.<sup>479</sup> It was reported that there were plans for a new forest inventory, which would be prepared with the aim of transferring production from indigenous to exotic forests. The Director of Forestry was recorded as stating that the bulk of timber should be supplied as soon as possible from exotic forests, leaving the depleted indigenous resources for the supply only of high-grade finishing timbers.

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<sup>477</sup> Under Secretary, Native Affairs, to Native Minister, 7 May 1943, MA 1 92 5/10 part 1, ANZ Wellington.

<sup>478</sup> Walzl, pp 426-428.

<sup>479</sup> *Dominion*, 28 June 1943. Walzl, p 427.

It is unclear when the Timber Emergency Regulations were withdrawn, though presumably this happened soon after the conclusion of the war. By the end of the 1940s, the State Forest Service was looking to introduce a new Act that would reflect a new stage of development and consolidate earlier legislation. In regard to timber cutting agreements over Maori land, the Forests Act 1949 did not maintain the same powers of control that had been introduced during the war. However, the Minister of Forests' powers under the 1949 Act were greater than those possessed by the Commissioner of State Forests prior to the war. (The Act saw the title of Commissioner dropped in favour of Minister.) Under section 65 of the 1949 Act, the Minister of Forests' consent was again required prior to confirmation by the Land Court or Land Board. The key difference with the earlier legislation was that, as well requiring the Minister's consent, section 65 of the 1949 Act provided that the Minister could, when granting consent, specify the area and kinds and sizes of trees to which the consent related and the value of the trees or timber.<sup>480</sup> Section 65 of the Forests Act 1949 was replaced by sections 218 and 318 of the Maori Affairs Act 1953, which contained the same provisions as section 65.

There was some opposition to the enhancement of the Minister of Forests' powers under the 1949 Act. Walzl details that prior to the passage of the Act, Maori Land Court judges expressed criticism of the proposals that related to Maori land, which were viewed as an interference with private ownership.<sup>481</sup> However, officials in the head office of the Department of Maori Affairs appear to have been more open to the new legislation. One official thought that the new provisions were justified from the point of view of ensuring soil conservation and guarding against erosion.<sup>482</sup>

In a memorandum written to the Minister of Maori Affairs on 5 August 1949, the Under Secretary expressed the view that the new provisions in the Forests Bill provided for greater flexibility and were less likely to lead to an unconditional refusal of consent.<sup>483</sup> He thought that this was beneficial to the owners because an unqualified refusal would mean that the owners were deprived of all power to deal with their timber. He also thought that this flexibility was beneficial to the Crown because an unqualified refusal might unnecessarily involve the Crown in the purchase of property as it would be 'manifestly unjust' to prohibit the owners from dealing

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<sup>480</sup> Section 65 of the Forests Act 1949 was replaced by sections 218 and 318 of the Maori Affairs Act 1953, which contained the same provisions as section 65 of the 1949 Act.

<sup>481</sup> Walzl, pp 458-462.

<sup>482</sup> Walzl, p 458.

<sup>483</sup> Under Secretary, Maori Affairs, to Minister of Maori Affairs, 5 August 1949, MA 1 92 5/10 part 2, Timber cutting on native land – general – policy, 1947-1953, ANZ Wellington. Walzl, pp 458-460.

with their timber unless the Crown was prepared to purchase. The Under Secretary noted, however, that Maori might not like the legislation as there would be no similar provisions applying to Europeans. He explained that the Forest Service's answer to this was that practically all remaining indigenous timber was on Maori land and therefore there was no need to control the disposition of timber on European land.

By the end of the 1950s, serious consideration was being given to the removal of the requirement for the Minister of Forests to consent to the alienation of Maori-owned timber. Discussing the issue in a letter written to the Minister of Forests on 12 June 1959, the Minister of Maori Affairs, Walter Nash, suggested that the State Forest Services' ongoing involvement in timber alienations was desirable.<sup>484</sup> However, Nash stated that the existing provisions had never been entirely satisfactory because the Minister of Forests had not really been able to refuse his consent unless the Crown was prepared to purchase the land in question. (In Nash's view, this reflected the fundamental principle that there should be no deprivation without compensation.) In spite of this, Nash believed that the State Forest Service's involvement in the alienation of Maori-owned timber was valuable and should be retained:

In operation, the practical effect of the provisions has been that the Forest Service has been brought into timber sales on the footing that they can give expert advice to the Court touching values, estimates of cutting life, the best system of cutting and so forth. If the repeal of the provisions means that this expert service is to be lost to the Maori Land Court in dealing with alienations [of] timber lands, there would be much room to doubt the wisdom of the repeal. In dealing with the confirmation of a timber sale, the Court normally has before it no real evidence upon which to base a conclusion touching the adequacy of the price paid and the proper way of cutting, save so far as that evidence that comes from the Forest Service.

Normally, the transaction proceeds upon the basis of a cruise and value made by the Forest Service for which the purchaser of the timber is required to pay. So the really resolves itself into the point whether, if the provision touching the consent of the Minister of Forests to the sale is repealed, some other provision should be inserted in its place to the effect that the Court shall on confirmation proceedings, have regard to a report and value supplied by the Forest Service at the cost of the alienee.<sup>485</sup>

Responding on 14 July 1959, the Minister of Forests advised Nash that he had reviewed the legislation relating to the alienation of timber and believed that the status of the Minister of Forests regarding the sale of Maori-owned timber should remain unchanged.<sup>486</sup> The Minister of

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<sup>484</sup> Nash to Minister of Forests, 12 June 1959, MA 1 92 5/10 part 3, Timber cutting rights – policy, 1954-1959, ANZ Wellington.

<sup>485</sup> Ibid.

<sup>486</sup> Minister of Forests to Minister of Maori Affairs, 14 July 1959, MA 1 92 5/10 part 3, ANZ Wellington.

Forests commented that while the valuation of timber had been the most important factor taken into account when timber alienations were considered, other factors had overtaken this. In the Minister's view, the question of soil conservation and river control was more important and he believed that it would not be long before consideration would be given to granting the Minister of Forests power to control the logging of timber on all land in New Zealand.

In spite of these comments, and perhaps reflecting the policies of a new government, the requirement for the Minister of Forests to consent to the alienation of timber on Maori land was removed under the Maori Affairs Amendment Act 1962, taking effect on 1 April 1963. Before the 1962 Amendment Act was passed, the Secretary of Maori Affairs forwarded the Director-General of Forests a copy of the clause that was being included in the Maori Affairs Amendment Bill that would do away with the need for the Minister of Forests consent to the alienation of timber on Maori land. It gave the right, however, for a Conservator to come in and be heard by the Court on the question of public interest. The Secretary stated that:

The existing provisions have, besides being a source of complaint on the score of delay and discrimination, always been unsatisfactory in that a refusal of consent, or a qualified consent, has not, on the face of the statute, given any right in the owners of timber, so leaving an undesirable hiatus.<sup>487</sup>

Commenting on the proposed change to the legislation in a memorandum prepared for the Minister of Forests, the new Director-General of Forests, A.L. Poole, pointed to the 'anomalous' nature of the existing provisions and suggested that the amendments not be opposed:

It has always seemed anomalous that the consent of the Minister of Forests should be required for the sale of timber from Maori land when it is not so required from land of other tenures. This so obviously could lead to charges of discrimination that the main cause for surprise is that the amendment has not come before the House earlier.

Under the circumstances, i.e., the facts that the Legislation was to a degree anomalous and that the amendment is now before the House, I do not feel that I can recommend opposing it in any way. The suggestion that the Conservator of Forests should be given an opportunity to appear before the Court is probably a good one and should be sufficient to protect any matter of public interest. It should also be sufficient to protect the Maori owners in the occasional cases where the greater knowledge and experience of the Forest Service in the timber industry can be used to prevent Maori owners from making rash and unsatisfactory sales.

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<sup>487</sup> Secretary, Maori Affairs, to Director-General of Forests, 12 November 1962, F 1 W3129 140 18/0 part 2, Licences to cut on Native or Maori land – Maori timbers sales – policy, 1958-1967, ANZ Wellington. Walzl, pp 475-476.

I am not absolutely satisfied that future Governments and future Ministers of Forests may not regret having this power taken away from a Minister of Forests, but I cannot produce any arguments strong enough to justify retention of the present system, particularly because of the discriminatory aspect referred to above.<sup>488</sup>

On 29 March 1963, the Director-General of Forests sent a circular letter that advised Forest Service officers that from 1 April 1963 the Minister of Forests consent would no longer be required for the sale of timber on Maori-owned land.<sup>489</sup> The Director-General pointed out, however, that section 17 of the Amendment Act provided that the Court should not confirm an alienation unless satisfied that the local Conservator of Forests had been given the opportunity to be heard by the Court regarding any matters that may affect the public interest. Copies of resolutions to alienate timber passed by meetings of owners and applications for confirmation would continue to be forwarded to Conservators. In considering whether any proposed timber alienation might be contrary to the public interest, the Conservator stated that consideration should be given to the preservation of scenic beauty and amenities, the protection of water supply, and the prevention of erosion.

### Summary

The perceived importance of timber supply to national interests was demonstrated at the outbreak of the Second World War, when regulations that gave the government extensive powers of control over the industry were introduced. While these powers were not exercised in the inquiry district and were dropped after the war, the Forests Act 1949 extended the State Forest Service powers over the alienation of Maori-owned timber by providing that the Minister of Forests could, when consenting to an alienation, specify the area and kinds and sizes of trees within a block to which his consent related. The requirement for the Minister of Forests to consent to the sale of Maori-owned timber was eventually removed in 1963. The provision, it seems, came to be widely viewed as discriminatory and the cause of unnecessary cause of delay in the alienation process.

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<sup>488</sup> Director-General of Forests to Minister of Forests, 26 November 1962, F 1 W3129 140 18/0 part 2, ANZ Wellington.

<sup>489</sup> Director-General of Forests, memorandum for distribution, 29 March 1963, F 1 W3129 140 18/0 part 2, ANZ Wellington.



**Table 11:** Agreements involving Maori-owned timber in the Rohe Potae inquiry district, 1939-1980

Year	Block	Details	Reference
1939	Rangitoto Tuhua 37B2	Timber sold to Boon Bros Limited. Grant executed on 4 September 1939.	W-MDMLB minute book 22, p 180.
1940	Maraeroa A3B1 (257a 32.8p)	Timber sold to Ellis and Burnand. Value of timber determined by State Forest Service to be £2,995. Consent of Commissioner of State Forests granted on 19 December 1940.	F 1 18 18/1/68, ANZ Wellington.
1945	Mohakatino Paraninihi 1D East Lot 1 (464 acres)	Timber sold to Clifton Lands Limited. Value of timber determined by State Forest Service to be £7,880. Consent of Commissioner of State Forests granted on 20 April 1945.	F 1 35 18/3/61, ANZ Wellington.
1945	Mohakatino Paraninihi 1D East Lot 2 (132 acres)	Timber sold to Clifton Lands Limited. Value of timber determined by State Forest Service to be £1,182.	F 1 35 18/3/61, ANZ Wellington.
1945	Rangitoto A67B2A	Timber sold to Waimiha Timber Company. Value of timber determined by State Forest Service to be £1399 4s. Consent of Commissioner of State Forests granted on 27 October 1945.	BBAX 1124 412l 45/16/10/39, ANZ Auckland.
1946	Rangitoto Tuhua 35I1B2B (275a 1r 33p)	Timber appears to have been sold to WH Jarvis at State Forest Service valuation of £538. The valuation was based on low royalty rates owing to the inaccessible nature of the land.	F 1 19 18/1/81, ANZ Wellington.
1946	Rangitoto Tuhua 36A1A1A1	Timber sold to P Tutahi on royalty basis. Timber mostly suitable for mine props. Confirmed by Land Board on 15 May 1946.	W-MDMLB minute book 23, p 304.
1946	Rangitoto Tuhua 36A1A1A2	Timber sold to P Tutahi on royalty basis. Timber to be sent to Ellis and Burnand's mill. Confirmed by Land Board on 15 May 1946.	W-MDMLB minute book 23, pp 303-304.
1947	Rangitoto Tuhua, 21B2A2A2	Timber sold to Challenge Construction Company. Value of timber determined by State Forest Service to be £1,252. Consent of Commissioner of State Forests granted on 3 July 1947.	F 1 20 18/1/89, ANZ Wellington
1947	Rangitoto Tuhua 35H2A and 35H2B	Timber on both blocks sold to WH Jarvis. Value of timber determined by State Forest Service to be £521. Consent of Commissioner of State Forests granted on 3 July 1947.	BBAX 1124 312d 18/1/51/1, ANZ Auckland.
1947	Mohakatino Paraninihi 1D East, Lot 3 Subdivision 4 (189 acres)	Timber sold to Clifton Lands Limited. Value of timber determined by State Forest Service to be £1,407 5s. Consent of Commissioner of State Forests granted on 11 August 1947.	F 1 36 18/3/80, ANZ Wellington.
1948	Rangitoto A31B (189 acres)	Timber sold to Ellis and Burnand. Value of timber determined by State Forest Service to be £4,436 17s 6d.	F 1 20 18/1/92, ANZ Wellington.
1950	Mohakatino Paraninihi 1D East, Lot 4 Subdivision 3 (88 acres)	Timber sold to Clifton Lands Limited. Value of timber determined by Stated Forest Service to be £2,640. Consent of Minister of Forests granted on 29 June 1950.	F 1 36 18/3/80/1, ANZ Wellington.
1950	Rangitoto Tuhua 35I2C (parts, 90 acres)	Timber sold to estate of WH Jarvis. Value of timber determined by State Forest Service to be £970. Consent of Commissioner of State Forests granted on 4 July 1950.	F 1 20 18/1/95/1, ANZ Wellington.
1950	Moerangi 1B2B (161 acres)	Timber sold to JT McNichol. Value of timber determined by State Forest Service to be £695 16s 8d. Consent of Minister of Forests granted on 24 July 1950.	BBAX 1124 279d 18/1/63, ANZ Auckland.

Year	Block	Details	Reference
1950	Maraeroa C	Extension of cutting license held by Ellis and Burnand. Royalties: up to 25 November 1957, 2s per 100 superficial feet for totara, 10d for other timber; after 25 November 1957, 4s per 100 superficial feet for totara, 1s 8d for other timber. Immediate cash payment of £5,000.	MA 1 104 5/10/129 part 2, ANZ Wellington.
1951	Rangitoto A48B2B1 (702a 1r 32p)	Timber sold to Boon Brothers. Value of timber determined by State Forest Service to be £3834 15s. Consent of Minister of Forests granted on 10 July 1951.	BBAX 1124 279c 18/1/64, ANZ Auckland.
1951	Rangitoto A48B2C (1200 acres 2 roods 30 perches)	Timber sold to HV Kyle for lump sum of £5,623 4s 7d – the value determined by the State forest Service. Consent of Minister of Forests granted on 6 August 1951.	BBAX 1124 520c 18/1/65, ANZ Auckland. F 1 W3129 141 18/1/102 part 1, ANZ Wellington.
1952	Rangitoto A60B (892 acres)	Timber sold to VC Millar. Value of timber determined by State Forest Service to be £2,080. Consent of Minister of Forests granted on 27 February 1952.	F 1 W3129 141 18/1/97 part 1, ANZ Wellington.
1952	Rangitoto Tuhua 36A2C5 (571a 3r 29p)	Remaining timber sold to New Zealand Plywoods on royalty basis. Consent of Minister of Forests granted 8 April 1952.	BBAX 1124 259e 18/1/94, ANZ Auckland.
1953	Rangitoto Tuhua 36B3C2 (597a 3r 15p)	Remaining timber sold to Waimiha Timber Company for lump sum of £2250. Consent of Minister of Forests granted 25 January 1953. Land also sold to Waimiha Timber Company.	BBAX 1124 296g 18/1/112, ANZ Auckland.
1952	Rangitoto Tuhua 36B3D1 and 36B3D2 (1204a 3r 17p)	Remaining timber sold to New Zealand Plywoods for lump sum of £3500. Consent of Minister of Forests granted on 30 July 1952. Consent of the Minister of Forests granted 30 July 1952.	BBAX 1124 260a 18/1/90, ANZ Auckland. MA 1 93 5/10/A part 1, ANZ Wellington.
1953	Rangitoto Tuhua 36A1A2 and 36A1B2B2B	Remaining timber sold to Ellis and Burnand. Consent of Minister of Forests granted 4 May 1953.	BBAX 1124 260d 18/1/97 part 1, ANZ Auckland.
1953	Moerangi 1E4Y (part, 1700 acres)	Timber sold to Te Pua Herangi on condition that areas be laid off from time to time by the State Forest Service. Consent of Minister of Forests granted on 2 October 1953.	BBAX 1124 297c 18/1/106, ANZ Auckland.
1954	Mangaawakino 4C (225 acres)	Remaining timber (95 trees) sold to CH Hardman. Consent of Minister of Forests granted on 18 October 1954.	BBAX 1124 259m 18/1/144, ANZ Auckland.
1954	Rangitoto Tuhua 54B, 54D1, 54D2, and 54D3	Remaining timber appears to have been sold.	BBAX 1124 186i 18/1/134, ANZ Auckland.
1954	Rangitoto Tuhua 77B1B2C2B (334a 1r 11p)	Remaining timber appears to have been sold to Edean's Mill. Value of timber estimated by State Forest Service to be £3000.	BBAX 1124 258f 18/1/151, ANZ Auckland.
1954	Taumatotara A4 and 6B2A	Payment of £293 in settlement of illegal cutting of timber.	BBAX 1124 258d 18/1/98, ANZ Auckland.
1954	Lot 3 and 4 Block 9 Tangitu Survey District	Timber possibly sold to Ellis and Burnand.	BBAX 1124 259j 18/1/149, ANZ Auckland.
1955	Rangitoto Tuhua 36A1B1 (314 acres)	Lease to HD Clark including provisions for small quantity of timber to be cut on royalty basis.	BBAX 1124 186h 18/1/138, ANZ Auckland.
1956	Rangitoto Tuhua 54A2 (914 acres)	Timber sold to Mullion Modern Homes, WG Archer, and WD McIntyre. Value of timber determined by the State Forest Service to be £11,349 17s 6d. Consent of Minister of Forests granted 22 March 1956.	BBAX 1124 232i 18/1/78, ANZ Auckland.

Year	Block	Details	Reference
1956	Whangaingatakupu 2C (152a 2r 9p)	Small amount of timber sold. Consent of Minister of Forests granted 10 November 1956.	BBAX 1124 367a 18/1/169, ANZ Auckland.
1956	Rangitoto A30B	Timber sold to DB Waite subject to appraisal in lots from time to time by the State Forest Service. Consent of Minister of Forests granted on 3 August 1956.	F 1 W3129 141 18/1/115 part 1, ANZ Wellington.
1956	Moerangi 1A2	Timber possibly sold to Tuck and Watkins.	BBAX 1124 367c 18/1/167, ANZ Auckland.
1956	Moerangi 3B2A1 and 3B2A2	Timber possibly sold.	BBAX 1124 296j 18/1/117, ANZ Auckland.
1956	Rangitoto Tuhua 25 Sections 2B1 and 2B2 (357 acres and 663 acres)	Timber appears to have been sold to G Barlow. Value of timber estimated by State Forest Service to be £400. Land also appears to have been sold to Barlow.	BBAX 1124 258o 18/1/159, ANZ Auckland.
1957	Manuaitu B11C, B11D1, and B11D2.	Timber sold to North Shore Lumber Company. Consent of Minister of Forests granted 24 May 1957.	BBAX 1124 186c 18/1/121, ANZ Auckland.
1957	Wharepuhunga 8B and 10B (367a 3r 14p and 236a 0r 4p)	Timber sold to New Zealand Plywoods. Value of timber determined by State Forest Service to be about £17,000. Consent of Minister of Forests granted 28 May 1957.	F 1 21 18/1/128, ANZ Wellington.
1957	Rangitoto No 2 (A49B2) (331 acres)	Timber sold to Mullions Modern Homes and WG Archer. Value of timber determined by State Forest Service to be £3520. Consent of Minister of Forests granted 26 July 1957.	F 1 21 18/1/127, ANZ Wellington.
1958	Rangitoto Tuhua 25 Section 5B2 and Section 5B3	Remaining timber sold to Tunawaea Timber Company on royalty basis. Consent of Minister of Forests granted 27 May 1958.	BBAX 1124 297b 18/1/118, ANZ Auckland.
1959	Karu Te Whenua B2B2 (106 acres)	Possible sale of timber on royalty basis.	BBAX 1124 367m 18/1/186, ANZ Auckland.
1959	Te Kauri 2K1	Sale of timber to G Tata on royalty basis (onsold to MJ Sklenars). Consent of Minister of Forests granted 2 April 1959.	BBAX 1124 258k 18/1/156, ANZ Auckland.
1960	Rangitoto Tuhua 36A1B2B2A	Small quantity of remaining timber appears to have been sold to John Herlihy. No State Forest Service appraisal carried out.	BBAX 1124 280b 18/1/59, ANZ Auckland.
1960	Rangitoto Tuhua 36B2 and 36B3A	Sale of timber to Waimiha Timber Company.	BBAX 1124 279a 18/1/197, ANZ Auckland.
1960	Rangitoto Tuhua 76B5	Timber sold to Ellis and Burnand on royalty basis. Consent of Minister of Forests granted 9 March 1960.	BBAX 1124 281b 18/1/194, ANZ Auckland.
1961	Te Rangoroa A No 8 (formerly Rangitoto Tuhua 76B1) (988 acres)	Sale of timber to Ellis and Burnand on royalty basis. (Some timber previously cut from the block.) Consent of Minister of Forests granted 14 June 1961.	F 1 W3129 141 18/1/9 part 1, ANZ Wellington.
1961	Rangitoto A48B2C	Remaining timber sold to CS Coombe. Consent of Minister of Forests granted 1 December 1961.	F 1 W3129 141 18/1/102 part 1, ANZ Wellington. BBAX 1124 520c 18/1/65, ANZ Auckland.

Year	Block	Details	Reference
1961	Rangitoto Tuhua 68I2B6B	Timber sold to RH Tregoweth. Consent of Minister of Forests granted 13 December 1961.	BBAX 1124 279f 18/1/208, ANZ Auckland. MA 1 93 5/10/A part 1, ANZ Wellington.
1961	Mangauika B2	Timber sold to JG Forbes. Value of timber estimated to be £10,000.	F 1 W3129 141 18/1/1 part 1, ANZ Wellington.
1961	Rangitoto A39B2A2 and 2B	Timber sold to Rangitoto Logging Company on royalty basis.	BBAX 1124 281d 18/1/192, ANZ Auckland.
1962	Rangitoto A60B (892 acres)	Remaining timber on block sold to Waimiha Timber Company. Consent of Minister of Forests granted on 25 January 1962.	F 1 W3129 141 18/1/97 part 1, ANZ Wellington.
1962	Arapae A7, A8A, and A8B (636a 1r 20p)	Timber sold to T.F. Tapp. Consent of Minister of Forests granted on 14 March 1962.	F 1 W3129 141 18/1/143 part 1, ANZ Wellington.
1962	Mangaawakino 4E (1613 acres, partly timbered)	Timber sold to RS Tregoweth. Consent of Minister of Forests granted on 8 May 1962.	BBAX 1124 258m 18/1/157, ANZ Auckland.
1963	Rangitoto A30B	Remaining timber sold to HH Sunnex. Consent of Minister of Forests granted on 24 January 1963.	F 1 W3129 141 18/1/115 part 1, ANZ Wellington.
1963	Mangaawakino 1A1 and A1 (partly timbered)	Timber sold to RS Tregoweth. Consent of Minister of Forests granted on 19 June 1963.	BBAX 1124 258m 18/1/157, ANZ Auckland.
1963	Te Rongaroa A7	Sale of timber to Ellis and Burnand on royalty basis.	BBAX 1124 281f 18/1/204, ANZ Auckland.
1963	Rangitoto Tuhua 76B3A (98a 2r 27p)	Sale of timber to Ellis and Burnand on royalty basis.	BBAX 1124 281f 18/1/204, ANZ Auckland.
1964	Rangitoto Tuhua 37B1, 37B3, 37B4, and 37B5.	Sale of timber to Western Bay Timber Company on basis on State Forest Service appraisal. Cash payment of £10,000 to be paid upon confirmation of resolution, with balance of royalty to be paid in two years.	F 1 W3129 141 18/1/55/1 part 1, ANZ Wellington. BBAX 1124 256a 18/1/215, ANZ Auckland.
1964	Moerangi 1A1A, 1A2, 1B1, 1B2B, and 1C	Timber sold to PTY Industries Limited. Blocks in Aramiro Development Scheme.	BBAX 1124 257e 18/1/217, ANZ Auckland.
1964	Rangitoto Tuhua 36A2C4A	Remaining timber possibly sold to A and A Odlin on royalty basis, following public tender. Baddeley for DO to Conservator, 30 June 1964.	BBAX 1124 366g 18/1/172, ANZ Auckland.
1965	Rangitoto A24B South (parts, 473 acres)	Timber appears to have been sold to Koutu Sawmills for a lump sum of £17,700.	BBAX 1124 296l 18/1/120, ANZ Auckland.
1965	Rangitoto Tuhua 80B1C1 and 80B1C2	Timber sold to Waimiha Timber Company on royalty basis. In case of Rangitoto Tuhua 80B1C2, £4000 to be set aside by Maori Trustee for the building of a new meeting house.	BBAX 1124 256f 18/1/228, ANZ Auckland.
c.1965	Te Akau B16C2	Timber appears to have been sold to GM Chitty Limited.	BBHW 4958 1030a 7/625/1, ANZ Auckland.
1966	Pirongia West 3B2E2B	Timber sold to Koutu Sawmills Limited on royalty basis.	BBAX 1124 257g 18/1/226, ANZ Auckland.

<b>Year</b>	<b>Block</b>	<b>Details</b>	<b>Reference</b>
1966	Pirongia West 3B2E2C	Timber sold to Koutu Sawmills Limited on royalty basis.	BBAX 1124 256e 18/1/231, ANZ Auckland.
1968	Mangaawakino 1C (685 acres, partly timbered)	Timber possibly sold to RS Tregoweth.	BBAX 1124 258m 18/1/157, ANZ Wellington.
1968	Taumatotara 1D2B (2206a 3r 39p)	Timber sold to WG Derby and Sons on royalty basis.	BBHW 4958 1061a 7/870 part 1, ANZ Auckland.
c.1970	Taumatotara 2D2	Timber sold to Taylor and Jourdain.	BBHW 4958 1082a 7/990/1 part 1, ANZ Auckland.
c.1971	Pakeho A34	Timber sold to RS Tregoweth.	BBHW 4958 938a 6/247/1, ANZ Auckland.
1972	Mangaawakino 4F (1626 acres)	Timber possibly sold to RS Tregoweth on royalty basis.	BBAX 1124 296i 18/1/114, ANZ Auckland.
1972	Pirongia West 3B2C6 116a 0r 10p	Timber sold to JE Kerr on royalty basis. \$350 deposit; royalties to be paid each month.	BBHW 4958 1095h 7/1107 part 1, ANZ Auckland.
1974	Hauturu West G2 Section 2B2	Timber sold on a royalty basis. \$2000 deposit.	BBHW 4958 935b 6/237/1, ANZ Auckland.

**Table 12: Sawmills and sawn timber production in the Rohe Potae inquiry district, year ending 31st March 1950<sup>490</sup>**

Sawmill	Cutting rights	Sawn output indigenous timber	Sawn output exotic timber
G. Bashford, Rangitoto	Freehold land owned by sawmiller	12,000	8,000
W.G. and J.H. Boggiss, Pirongia	Various farmers supplying logs	24,181	57,142
Dixon Speirs, Mangapehi	Freehold land owned by sawmiller	952,654	--
Ellis and Burnand, Mangapehi (Collier's mill)	Maori land	1,349,336	--
Ellis and Burnand, Mangapehi (No. 1 Township mill)	Maori land and State Forest	1,972,685	--
Ellis and Burnand, Mangapehi (No. 2 Township mill)	Maori land and State Forest	2,746,803	--
Ellis and Burnand, Mangapehi (Maraeora mill)	Maori land and State Forest	1,851,994	--
Ellis and Burnand, Ongarue	State Forest	3,499,873	--
Endean's Mill, Waimiha	Freehold land	1,078,108	--
Estate of W.H. Jarvis, Te Kuiti	Not specified	444,356	95,570
S.N. Martin and Sons, Mangapehi	Logs supplied by Ellis and Burnand	1,451,296	--
Marton Sash, Door, and Timber Company, Mangapehi	European land	2,419,838	--
Morningside Timber Company	Maori land	2,007,912	--
C & A Odline Timber and Hardware Company, Mangapehi	State Forest	1,980,689	--
Piripiri Sawmills, Te Anga	State Forest	617,879	--
Ranginui Timber Company	State Forest	2,121,762	--
Taringamutu Totara Sawmills, Taringamutu	Freehold land owned by sawmiller	1,819,003	--
G.B. Taylor and A.E. Jourdain, Te Awamutu	Not specified	--	638,317
R.H. Tregoweth, Te Kuiti	European land	196,725	--
C.T. Tuck, Te Awamutu	Not specified	43,926	769,596
P & H Tutaki, Tiroa	Maori land	--	--
Waimihia Logs, Waimiha	European and Crown land	37,054	--
Waimihi Timber Company, Kopaki	State Forest	1,010,186	--
G.E. Waring, Benneydale	Maori land	2,700	--
R.L. & M. Worth, Otorohanga	State Forest	313,960	130,608
	<b>Totals</b>	<b>27,954,920</b>	<b>1,699,233</b>

<sup>490</sup> BBAX 1427 1 h, Sawmill register, 1950-1951, ANZ Auckland.

### *Cutting in the Rohe Potae inquiry district, 1939-1980*

This section looks at the continued cutting of indigenous forests in the Rohe Potae inquiry district from the beginning of the Second World War, when the Timber Emergency Regulations were introduced, through to 1980, by which time the industry had declined significantly. It provides a general overview of the main developments that occurred during this period, then focuses particularly on the cutting of timber on Maori land, where a significant proportion of the remaining millable timber was located. Again, the process by which Maori-owned timber was alienated is examined, including the important role that was played by the State Forest Service up until 1963, when the requirement that the Minister of Forests grant consent to the sale of Maori-owned timber was removed.

In his thesis on the King Country timber industry, J.C. Somerville details that a period of expansion took place following the Second World War and then, from around 1960, production of indigenous timber in the district began to decline.<sup>491</sup> This is reflected in the number of sawmills that were operating in the district. An examination of State Forest Service registers of sawmills shows that in 1943 there were 14 sawmills processing indigenous timber in the Rohe Potae inquiry district.<sup>492</sup> In 1950, as detailed in Table 12, the number of sawmills had increased to 25.<sup>493</sup> (In the year ending 31 March 1950, these sawmills produced almost 28 million board feet of sawn indigenous timber – about nine percent of national indigenous timber production.<sup>494</sup> Ellis and Burnand's mills produced about 40 percent of the timber.) By 1970, only 8 sawmills were operating in the inquiry district.<sup>495</sup>

Explaining the expansion of cutting in the King Country after the Second World War, Somerville records a number of important developments. As well as a significant increase in the demand for timber, the use of large trucks to carry logs, improved roads, and the new technology of chainsaws made the milling of previously inaccessible timber commercially viable.<sup>496</sup> Owing to high maintenance costs, reliance on tramlines and locomotives declined, with many sawmills contracting trucking firms to carry logs from the bush to the mill and sawn timber from the mill

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<sup>491</sup> Somerville, pp 12-13. As noted earlier, when discussing the 'the King Country', Somerville is referring to lands that in 1965 were located within the Otorohanga, Waitomo, Taumarunui, and Waimarino Counties, and the western riding of Taupo County.

<sup>492</sup> BBAX 1427 1 a, Sawmill register, 1943-1944, ANZ Auckland.

<sup>493</sup> BBAX 1427 1 h, Sawmill register, 1950-1951, ANZ Auckland.

<sup>494</sup> Somerville details that 327 million board feet of indigenous timber was produced in 1950. Somerville, p 12.

<sup>495</sup> BBAX 1427 5 c, Sawmill register, 1970-1971, ANZ Auckland.

<sup>496</sup> *Ibid*, pp 25-26.

to the railway. These conditions enabled Maori timber owners to sell cutting rights to isolated areas of bush for royalty rates that were much higher than had previously been paid, reflecting what Somerville describes as a 'huge increase in the price of indigenous timber'.<sup>497</sup> It is also notable that remaining timber on areas that had previously been cut was sold under new timber cutting agreements and that a price was also put on some species, such as tawa, that had previously been considered of no value.

From 1960, reflecting a general decline and closure of mills in the North Island, the region's indigenous timber industry began to contract. Somerville notes that this trend was partly the result of takeovers, which concentrated resources in the hands of fewer firms.<sup>498</sup> However, the main reason for the decline was the gradual exhaustion of available indigenous timber resources.<sup>499</sup> Somerville observes that the declining industry resulted in a lessening of the importance of timber in the King Country economy, the decline of timber towns, and the emergence of farming as the major economic force in the region.<sup>500</sup> Most land that had been milled, Somerville notes, was converted to farmland, though some of the land from which timber had been cut since 1955 was steep and would be difficult to develop for farming purposes.<sup>501</sup>

The cutting of indigenous timber in the Rohe Potae inquiry district continued into the 1970s, when it declined to an insignificant level. Some of the late cutting involved Maori-owned timber. Cutting also continued in Pureora State Forest before it was wound down from the mid-1970s, when growing environmental concerns resulted in political pressure to end the cutting of indigenous timber on Crown land.<sup>502</sup>

Table 11 shows that between 1939 and 1980 there were a large number of alienations of Maori-owned timber in the Rohe Potae inquiry district. Cutting timber from Maori-owned land clearly remained important to the indigenous timber industry during this period. This is evident from details recorded in the State Forest Services' sawmill registers, which show that a significant proportion of sawmills were utilising timber from Maori land.<sup>503</sup> The registers also show that many sawmillers were cutting timber from State Forest land, while some were cutting on lands

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<sup>497</sup> Ibid, p 27.

<sup>498</sup> Ibid, p 63.

<sup>499</sup> Ibid, pp 11-14.

<sup>500</sup> Ibid, p 13.

<sup>501</sup> Ibid, pp 13-14.

<sup>502</sup> Roche, pp 417-430.

<sup>503</sup> See, for example, BBAX 1427 1 h, Sawmill register, 1950-1951, ANZ Auckland.



that appear to have been in European ownership. A small number of sawmillers had secured ownership of forest lands and were cutting from these areas.

The areas of Maori-owned timber that were alienated between 1939 and 1980 were spread across the forest lands that remained in Maori ownership at the beginning of the period (see Figure 6). While the bulk of the alienations continued to be from subdivisions of the large Rangitoto Tuhua and Rangitoto blocks, there were also a number of sales from lands in the Mokau/Awakino area and around Mount Pirongia. The cutting of timber in locations that were distant from the NIMT railway reflected the new accessibility provided by trucks and improved roading, as well as the increase in demand for timber.

Table 11 does not provide a complete picture of the sums of money that were paid by sawmillers for the timber purchased from Rohe Potae Maori in the period between 1939 and 1980. This is particularly the case for timber sold from the mid-1950s, when – as detailed below – the State Forest Service began to allow timber to be alienated without requiring that a detailed appraisal of the value of the timber be undertaken. However, it is nevertheless evident that the timber transactions involved significant sums of money, and it seems likely that the proceeds from timber sales were an important source of revenue for the Maori owners of forest lands. From the cases where details of the value of alienated timber are available, it seems that a number of the alienations between 1939 and the mid-1950s involved quantities of timber mostly valued in the vicinity of between £1000 and £4000. Between 1955 and 1965, at least five transactions appear to have involved payments that were in excess of £10,000 – large sums that reflected rising prices for indigenous timber.

Though payments made after 1939 involved significant sums of money, it seems likely – given the nature of Maori land titles – that they were often distributed to large numbers of owners, meaning that individuals generally would have received modest sums. This was probably the case, for example, when the timber on Rangitoto Tuhua 54A2, an area of 914 acres, was alienated in 1956 for about £11,350.<sup>504</sup> Research has not established how many owners there were at this time, but at the time that the subdivision was created in 1908 there had been 39 owners.<sup>505</sup> It seems reasonable to suggest that when the timber was sold almost 50 years later they may have been, through the process of succession, as many as 200 owners.

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<sup>504</sup> See BBAX 1124 232i 18/1/78, Rangitoto 54A2, Block V Huria Survey District: Department of Maori Affairs, 1950-1963, ANZ Auckland.

<sup>505</sup> Berghan, p 968.

The distribution of money to individual owners clearly limited the potential for revenue from timber to be invested for long-term economic and social development purposes. The establishment of owner incorporations run by management committees presented a means of overcoming this and other problems associated with multiple ownership. However, as discussed later in the chapter, incorporations offered limited benefits to Maori before the mid-twentieth century. It is therefore unsurprising that incorporations were generally not established by owners of lands that contained commercially valuable indigenous timber resources in the Rohe Potae inquiry district. It is evident that the owners of at least one block, Rangitoto A30B, did form an incorporation, though when this happened is unclear. In 1956, the Rangitoto A30B Incorporation sold the timber on the block, an area of about 1413 acres, to D.B. Waite. Sold on a royalty basis, the timber was estimated to have a value of about £8,570. It is unclear how the incorporation spent the proceeds from the sale.<sup>506</sup>

As most of the timber lands were owned by multiple owners, in almost every case the timber that was alienated between 1939 and 1980 was sold in accordance with resolutions passed by meetings of owners – a system that enabled alienations to be carried out even though the interests of all owners were invariably not represented. In the Rohe Potae inquiry district, at least one agent, Thomas Hetet, helped to facilitate the sale of Maori timber, assisting sawmillers to summon meetings of owners and working to ensure that the resolution to sell was passed.<sup>507</sup> At the end of 1941, concerns relating to the sale of Maori-owned timber were raised by the Director of Forests in a memorandum written to the Commissioner of State Forests. The Director stated that his awareness of certain problems had arisen through his involvement in the administration of the Timber Emergency Regulations 1939, which required the consent of the Timber Controller (a position he also held). Commenting on the method of disposal, the Director reported:

It may be explained in connection with the purchase of Native timber a sawmiller engages an agent to personally contact the Native-owners and to influence a sufficient number of them to agree to sell, and to secure proxies from a sufficient number to carry a resolution in that connection, and to attend to Native Land Court formalities on behalf of the Natives. This practice is unquestionably open to grave abuse, and I am advised that large sums of money are used by Agents in securing Native owners signatures and proxies in favour of resolutions to sell timber to specified companies and at stated prices.<sup>508</sup>

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<sup>506</sup> Conservator of Forests, Auckland, to Director of Forestry, 30 May 1957, F 1 W3129 141 18/1/115 part 1, Licenses to cut on Native or Maori land – Auckland Conservancy – T.E. Park – Rangitoto A30B, 1954-1968.

<sup>507</sup> Entry 59, BBAX 1427 1 h, Sawmill register, 1950-1951, ANZ Auckland.

<sup>508</sup> Director of Forests to Commissioner of State Forests, c. December 1941, F 1 9/3/5 part 5, ANZ Wellington, cited in Walzl, p 359.

The Director noted that individual owners received varying amounts in cash for their timber. This money, he stated, would be put to individual uses and, when suspended, the owner's capital would be exhausted. The Director thought that in many cases the land was of little farming value and the timber crop was the only source of monetary return that they could expect to receive, something that he thought no doubt influenced many to sell.

It seems that there were few timber alienations in the Rohe Potae inquiry district during the Second World War, though cutting appears to have continued under transactions negotiated previously. No evidence has been located to suggest that the Timber Emergency Regulations were enforced in the inquiry district to limit cutting or prohibit new transactions. However, between 1939 and the beginning of 1945, evidence of only two timber alienation have been located. Sales picked up again from 1945, suggesting that wartime conditions were somehow connected with the decline of alienations, possibly through manpower shortage effecting sawmill operations.

When timber alienations resumed at the conclusion of the war, the State Forest Service continued with the practice of carrying out comprehensive appraisals of timber before the consent of the Commissioner of State Forests was granted. As in the period before the war, timber seems to have been mostly sold on a lump sum basis. The Forest Service's appraisals provided a single-figure valuation of all of the timber that lay within the proposed cutting area, and the sale price was based upon this valuation. If a resolution passed by a meeting of owners specified a sale price that was less than this, the price was raised to the Forest Service valuation before the alienation was confirmed by the Court.

An example of an appraisal carried out at this time is the appraisal of the timber on Rangitoto A31B, which was undertaken in mid-1947 when Ellis and Burnand looked to secure cutting rights over the block. Comprising a total area of 189 acres, the bush on this block covered about 104 acres. After receiving a report from the District Ranger, the Conservator wrote to the Director of Forestry on 3 August 1948, advising that the value of the timber on Rangitoto A31B was £4437 17s 6d.<sup>509</sup> Head Office then reviewed the documents that supported this valuation and recommended that the figure be raised to £5064 2s 6d because of recent Price Tribunal

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<sup>509</sup> Conservator of Forests to Director of Forestry, 3 August 1948, F 1 20 18/1/92, Messres Ellis and Burnand Limited, Rangitoto A31B Block XIV, Ranginui Survey District, 1947-1948, ANZ Wellington.

adjustments.<sup>510</sup> It is notable that the valuation included species that had previously been considered of little commercial value – tawa, hinau, and maire.

In post-war appraisals, as with the appraisals carried out before the war, the value of the timber on a block was determined with reference to the market value of sawn timber and the production costs faced by the sawmiller, with some consideration also given to the prices paid for standing timber elsewhere. In respect of the timber on Rangitoto A31B, the District Ranger recommended that the valuation rates per 100 board feet of each species should be similar to those of State Forest Area SA 245, which had recently been appraised for Ellis and Burnand.<sup>511</sup> While the topography of the two areas was similar, the District Ranger observed that logs taken from Rangitoto A31B would have to be hauled further.

One notable aspect of the appraisals carried out after the Second World War is that the cost of appraisal was included in the schedule of production costs faced by the sawmiller.<sup>512</sup> When calculating the value of timber, Forest Service officers deducted these production costs from the estimated market value of the timber once it had been sawn. This meant that, though appraisal costs were paid by the sawmiller, they were ultimately met by the owners as a reduction in the value of their timber. The Director of Forests recognised this when, writing to the Minister of Forests on 5 February 1952, he stated that appraisal costs became a charge against the timber and therefore reduced the return to Maori owners.<sup>513</sup>

Appraisal costs often appear to have been considerable and resulted in a significant reduction in the value of the timber. For example, the cost of the Forest Service's 1946 appraisal of timber on Rangitoto Tuhua 35H2A and 35H2B was almost £58, while the timber on the block was valued at £578 13s 5d.<sup>514</sup> In 1951, the cost of appraising the timber on Rangitoto A48B2B1 was almost £370, while its value to the owners was assessed to be £3834 15s 0d.<sup>515</sup>

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<sup>510</sup> Stumpage Committee to Inspector-in-Charge, Commercial Division, 23 September 1947, F 1 20 18/1/92, ANZ Wellington.

<sup>511</sup> District Ranger to Conservator of Forests, 29 June 1948, F 1 20 18/1/92, ANZ Wellington.

<sup>512</sup> See, for example, Conservator of Forests to Director of Forestry, 3 August 1948, F 1 20 18/1/92, ANZ Wellington. Also see Director of Forestry to Conservator of Forests, 5 May 1950, F 1 363 18/0, Maori timber sales policy, 1941-1958, ANZ Wellington.

<sup>513</sup> Director of Forests to Minister of Forests, 5 February 1952. F 1 363 18/0, ANZ Wellington.

<sup>514</sup> Conservator of Forests to Registrar, Maori Land Court, 14 October 1946, BBAX 1124 312d 18/1/51/1, Rangitoto 35H2A and 2B: WH Jarvis, 1946-1947, ANZ Wellington.

<sup>515</sup> Conservator of Forests to Registrar, Maori Land Court, 11 July 1951, BBAX 1124 279c 18/1/64, Rangitoto A48 B2 B1, Block III Pakaumanu Survey District: application for appraisal for Department of Maori Affairs, 1949-1957, ANZ Wellington.

In the early 1950s, complaints were made about the high cost of the State Forest Service's appraisals. On 23 May 1951, Judge Beechey of the Waikato-Maniapoto District Maori Land Court wrote to the Under Secretary of Maori Affairs, requesting that the issue be taken up with the Minister of Forests.<sup>516</sup> Beechey raised two cases of concern. First, referring to the recent appraisal of Rangitoto Tuhua 35I2C, he stated that the Forest Service's appraisal had cost over £90, while a private appraisal of the same land had cost only £25. The second case concerned Moerangi 1B2B, where the timber had been valued at £695 16s 8d and the appraisal had cost £175 16s 8d. Beechey stated that he did not believe it was fair to the Maori owners that the costs should be so heavy and noted that Judge Prichard of the Taitokerau District had similar concerns.

In an undated memorandum to the Director of Forestry, an official within the Forest Service's head office briefly commented on the cases raised by Beechey.<sup>517</sup> In regard to the appraisal of Rangitoto Tuhua 35I2C, the official noted that the private appraiser had come in after the Forest Service and had not had to re-establish boundary lines or clean trees for measuring. In the case of the appraisal of Moerangi 1B2B, the official stated that factors beyond the Forest Service's control had contributed to the high cost of appraisal and that efforts had been made to minimise the cost. Noting that the appraisal system that was applied to Maori timber alienations was the same as that applied for the valuation of State Forests, the official asserted that any suggestion that standards should be lowered to save costs should be strongly opposed.

On 21 November 1951, Beechey wrote again to the Under Secretary of Maori Affairs with regard to the Forest Service's appraisal costs.<sup>518</sup> Commenting on the Rangitoto Tuhua 35I2C appraisal, Beechey asserted that the private appraisal had actually been carried out before the Forest Service appraisal and had established a similar value. In order to reduce the cost to owners, he stated that in the future he would like to be able to accept an appraisal by a private valuer, naming two individuals who he believed were qualified to undertake the work. Beechey also pointed out that, if this was allowed, the existing long delay in having an appraisal made by the Forest Service would be avoided.

However, the Forest Service refused to entertain Beechey's proposal that private valuers should be able to appraise timber on Maori land. On 5 February 1952, the Director of Forestry wrote a

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<sup>516</sup> Beechey to Under Secretary, Maori Affairs, 23 May 1951, F 1 363 18/0, ANZ Wellington.

<sup>517</sup> Timber Sales Officer to Director of Forestry, undated, F 1 363 18/0, ANZ Wellington.

<sup>518</sup> Beechey to Under Secretary, Maori Affairs, 21 November 1951, F 1 363 18/0, ANZ Wellington.

memorandum to the Minister of Forests, strongly recommending that the existing system of Forest Service appraisal be maintained.<sup>519</sup> Suggesting that private appraisal would not be sufficiently thorough, the Director stated that it was essential that advice provided to the Minister on the matter of granting consent should be based on detailed evidence. The Minister approved the Director's recommendation.<sup>520</sup>

It is evident, however, that the Forest Service, in the Rohe Potae inquiry district at least, started from around this time to show greater flexibility regarding the necessity of carrying out appraisals. In cases where prices clearly appeared to be reasonable or generous, it seems that the Forest Service began to waive the need for an appraisal before the Minister's consent was granted. In the early 1950s, as timber prices increased, the prices that sawmillers were prepared to pay Maori owners often seem to have been considerably greater than the values that would be determined through the Forest Service's system of appraisal and valuation. This was the case when, towards the end of 1952, the Forest Service considered the proposed sale of the timber on Rangitoto Tuhua 36B3C2 to the Waimiha Timber Company for the sum of £2250. With an area of about 598 acres, the block contained between 300,000 and 400,000 board feet of timber. Writing to the Registrar of the Maori Land Court on 5 November 1952, the Conservator of Forests noted that the price was more than reasonable and that an appraisal was not warranted because, even if there was much more timber than had been estimated, valuation by Forest Service methods could not possibly reach the price offered.<sup>521</sup>

It also seems that the Forest Service looked to avoid appraisal in cases where it was considered that the cost of undertaking an appraisal would be unacceptably high. This is evident in the Forest Service's handling of the alienation of the timber on Moerangi 1E4Y, a large block that contained some 1700 acres of bush. Writing to the Director of Forestry about the proposed alienation on 11 September 1953, the Conservator of Forests expressed a wish to avoid high appraisal costs, noting the concerns expressed by Judge Beechey.<sup>522</sup> Stating that an appraisal of Moerangi 1E4Y might cost as much as £1500, the Conservator suggested that a sale based on royalty payments for logs felled would be in the best interests of the owners. However, as he was concerned that sale by log measurement might see only the best trees taken, the Conservator

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<sup>519</sup> Director of Forestry to the Minister of Forests, 5 February 1952, F 1 363 18/0, ANZ Wellington.

<sup>520</sup> Minister of Forests, 11 February 1952, on Director of Forestry to the Minister of Forests, 5 February 1952, F 1 363 18/0, ANZ Wellington.

<sup>521</sup> Conservator of Forests to Registrar, 5 November 1952, BBAX 1124 296g 18/1/112, Application for appraisal – Rangitoto Tuhua 36B3C2 (area 597a 3r 15p), 1951-1953, ANZ Auckland.

<sup>522</sup> Conservator of Forests to Director of Forestry, 11 September 1953, BBAX 1124 297c 18/1/106, Application for appraisal: Moerangi 1E4Y Alexandra Survey District, 1952-1961, ANZ Auckland.

believed cutting should be limited to a defined area. After operations in this area had been complete, the Forest Service would make an inspection and ensure that payment was made for any trees that had not been removed but were saleable. A new cutting area would then be defined. It was suggested that the Maori Trustee appoint an agent to measure the logs on behalf of the owners. The Conservator's proposals for the cutting of timber on Moerangi 1E4Y appear to have been accepted and, on 2 October 1953, the Minister of Forests consented to the timber sale subject to the block being laid off from time to time by the State Forest Service.<sup>523</sup>

By the late 1950s, in cases where it was anticipated that appraisal costs would be high relative to the purchase price, it seems that the State Forest Service increasingly looked to avoid undertaking appraisals and requested that timber be sold on a royalty basis. This was the case, for example, when the timber on Rangitoto Tuhua 25 Sections 5B2 and 5B3 was sold to the Tunawaea Timber Company in 1958.<sup>524</sup> Both blocks had been worked previously and, with the timber scattered over a large area, it was expected that the cost of appraisal would be high.

As well as the often high cost of appraisal, complaint was also sometimes made about the length of time it took the State Forest Service to carry out appraisals. Complaint was expressed, for example, over the Forest Services' handling of the sale of timber on Wharepuhunga 8B and 10B blocks. In January 1954, the owners passed resolutions to sell the timber on these blocks to New Zealand Plywood Limited, but it wasn't until mid-1957 that appraisal work and calculations of value were finally completed, enabling the sale to be finalised.<sup>525</sup> Before this happened, the Department of Maori Affairs and the purchaser made a number of inquiries to the State Forest Service, and in May 1957 a representative of the owners complained about the delay, stating that the owners were 'clamouring for payment two years overdue.'<sup>526</sup>

The inability of the State Forest Service to carry out appraisals in a timely fashion seems to have partly encouraged the shift towards selling timber on a royalty basis. In March 1956, when considering a proposal to alienate the timber on Rangitoto Tuhua 36A1B1, the Conservator of Forests advised the Registrar of the Court that an appraisal should not be undertaken, noting

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<sup>523</sup> Minister of Forests, consent, 2 October 1953, BBAX 1124 297c 18/1/106, ANZ Auckland.

<sup>524</sup> Conservator of Forests to Head Office, 22 January 1958, BBAX 1124 297b 18/1/118, Rangitoto Tuhua 25 Section 5B2 and Section 5B3, 1953-1968, ANZ Auckland.

<sup>525</sup> Conservator of Forests to Director of Forestry, 20 March 1957, F 1 21 18/1/128, Fletcher Timber Company Limited – Maori timber sale, Wharepuhunga 8B and 10B, Pouakani-Maraeroa Blocks, Auckland Conservancy, 1957-1957, ANZ Wellington. Valuation of Wharepuhunga 8B and 10B, c.May 1957, F 1 21 18/1/128, ANZ Wellington.

<sup>526</sup> Conservator of Forests to Director of Forestry, 29 April 1957, F 1 21 18/1/128, ANZ Wellington. Secretary for Maori Affairs to Director, New Zealand Forest Service, 14 May 1957, F 1 21 18/1/128, ANZ Wellington.

that it would involve a delay of at least 12 months.<sup>527</sup> Though he believed that an appraisal was preferable, the Conservator suggested that the timber be sold on a royalty basis, noting that the royalty rates that had been offered seemed fair and were almost certainly higher than what would be assessed by normal Forest Service valuation methods.

From the late 1950s, when timber began to be sold on a royalty basis, it appears that the Maori Affairs Department assumed responsibility for checking that the returns submitted by sawmillers were correct, unless the owners appointed an agent to do this work. It seems that, initially at least, the Department may not have been sufficiently resourced to effectively undertake the checking. This is evident from comments made by the District Officer of the Department regarding the 1958 sale of timber on Rangitoto Tuhua 36A2C7 to Fletcher Timber Company. Writing to the Conservator of Forests on 3 April 1958, the District Officer questioned whether an outright sale would be better than payment by royalties, noting that his office's facilities for checking and tallying were 'not very good'.<sup>528</sup> The Conservator rejected the suggestion, stating that royalty payments were the only practicable way of selling the timber given its scattered nature.<sup>529</sup>

Perhaps because of concerns about the Department's capabilities to check returns, owners sometimes appointed representatives to undertake checks on their behalf. For example, when the timber on Pirongia West 3B2E2B was sold to Koutu Sawmills in 1966, the resolution of the assembled meeting of owners included the condition that two individuals, Wooster and Turnbull, would carry out checks on the owners' behalf.<sup>530</sup> In the 1960s, Wooster and Turnbull performed this duty for the owners of a number of blocks that were subject to timber alienations.

As well as checks of the timber returns upon which royalty payments were calculated, inspections of cutting operations were also made on the ground to establish whether all merchantable timber was being harvested. These inspections were carried out by the State Forest Service and, in cases when timber was sold on a royalty basis, helped to protect the owners' interests by ensuring that all commercially valuable timber was removed. Rangers of the

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<sup>527</sup> Conservator to Registrar, 15 March 1956, BBAX 1124 186h 18/1/138, Rangitoto Tuhua 36A, 1B1 – alleged timber trespass, 1954-1965, ANZ Auckland.

<sup>528</sup> District Officer to Conservator of Forests, 3 April 1958, BBAX 1124 367f 18/1/182, Rangitoto Tuhua 36A2C7 – Fletcher Timber Co Ltd, 1958-1958, ANZ Auckland.

<sup>529</sup> Conservator of Forests to District Officer, 14 May 1958, BBAX 1124 367f 18/1/182, ANZ Auckland.

<sup>530</sup> Resolution of assembled owners, 31 March 1966, BBAX 1124 257g 18/1/226, Pirongia West 3B 2E 2B, 1966-1967, ANZ Auckland.



Forest Service made inspections during cutting and undertook a final inspection after cutting on a block was completed. The Forest Service's inspections of timber cutting on Maori land continued after the Minister of Forests' consent was no longer required. An example of the inspections undertaken by the Forest Service were those carried out in respect of the cutting of the timber on Rangitoto Tuhua 80B1C1 and 80B1C2, sold to Waimiha Timber Company in the mid-1960s. Reporting to the Maori Trustee on 4 May 1967, the Conservator stated that an inspection had found that utilisation was generally of a high standard, though some under-measurement of logs was evident – the result of an incorrect method that would not be applied in the future.<sup>531</sup>

The State Forest Service also played a role in monitoring and taking action against illegal cutting of timber, which occasionally occurred in the inquiry district. In March 1956, the District Ranger advised the Conservator, for example, that some 60 trees had been wrongfully removed from Rangitoto Tuhua 37B4.<sup>532</sup> In 1958, a certain amount of 'unauthorised felling' was also observed to have occurred on Whangaingatakapu 2C.<sup>533</sup> It is possible that some of this cutting was carried out with the informal consent of the owners and that payments were made to the owners. However, some of the cutting definitely appears to have been undertaken without the owners' knowledge. This was the case when almost 200,000 board feet of timber was illegally cut from subdivisions of Taumatotara block in 1953.<sup>534</sup> In this case, the Native Land Court served an injunction on seven people who were involved in the cutting and trucks and timber were seized.<sup>535</sup> The matter ended when the individual who was principally responsible for the illegal cutting agreed to make a payment that covered the value of the stolen timber (determined by the Forest Service) and investigation costs.<sup>536</sup>

Following the passage of Maori Trustee Act 1953, the Maori Trustee played a prominent administrative role in the process by which timber on Maori land was alienated and payments for timber were made to the owners. The Maori Trustee assumed many of the responsibilities of the Land Boards, which had been abolished with the passage of the Maori Affairs Act 1953. Acting

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<sup>531</sup> Conservator of Forests to Maori Trustee, 4 May 1967, BBAX 1124 256f 18/1/228, Rangitoto Tuhua 80B 1C1 and 80B 1C2: Waimiha Timber Ltd, 1965-1975, ANZ Auckland.

<sup>532</sup> District Ranger to Conservator of Forests, 6 March 1956, BBAX 1124 259b 18/1/162, Rangitoto Tuhua 36A1B2A2, 37B1, and 37B4 timber trespass, 1955-1956, ANZ Auckland.

<sup>533</sup> Conservator of Forests to Head Office, 25 September 1958, BBAX 1124 367a 18/1/169, Application to purchase: Whangaingatakapu 2C, Block X and XIV Pirongia Survey District, 1956-1959, ANZ Auckland.

<sup>534</sup> Conservator of Forests to Registrar, Maori Land Court, 5 July 1954, BBAX 1124 258d 18/1/98, Taumatotara block – Kawhia South Survey District: inspection for Department of Maori Affairs, 1951-1959, ANZ Auckland.

<sup>535</sup> Elliot to Registrar, Maori Land Court, 21 May 1953, BBAX 1124 258d 18/1/98, ANZ Auckland.

<sup>536</sup> Moor, file note, 27 July 1954, BBAX 1124 258d 18/1/98, ANZ Auckland.

on behalf of the owners, the Trustee negotiated the terms of the timber grants with representatives of the sawmillers and received the payments that were owed under the licences. Section 231 of the Maori Affairs Act 1953 required that all proceeds of alienation were to be paid to the Maori Trustee for distribution to the owners. It appears that sawmillers generally paid a five percent commission to the Maori Trustee on royalties paid.<sup>537</sup> Where sawmillers failed to meet the terms of their licenses, particularly in respect of requirements to make scheduled royalty payments, the Maori Trustee would take action on behalf of the owners. This involved communicating with the sawmiller and, when this failed, taking legal action and terminating the grant.<sup>538</sup>

While it has not been possible to closely examine the Maori Trustee's distribution of royalty monies to owners, it seems that occasionally there were administrative delays and problems with payment – something that was noted by claimants at research hui. Some correspondence in State Forest Service files records complaints raised by owners regarding the payment of royalty monies. For example, in a minute written on 31 October 1966, the District Ranger noted that one of the owners of a subdivision of Rangitoto Tuhua 37B claimed to have not received any royalties, though it seems that cutting on the block had begun more than one year previously.<sup>539</sup>

### Summary

Between 1939 and 1980, there were at least 70 timber alienations in the Rohe Potae inquiry district. Following the Second World War, improved roading and the use of trucks and chainsaws made new areas accessible. The increasing scarcity of timber and higher prices also motivated sawmillers to exploit areas that had previously not been worked. Maori owners seem to have received significant income from timber sold during this period, particularly from the mid 1950s. Though cutting generally declined from about 1960, there were a number of alienations of Maori-owned timber after this time.

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<sup>537</sup> Section 48 of the Maori Trustee Act 1953 provided that the Maori Trustee could charge commission in respect of services provided by the office.

<sup>538</sup> See, for example, correspondence in BBHW 4958 1061a 7/870 part 1, Taumatotara 1D2B timber grant, 1968-1973, ANZ Auckland. In this case, the timber license, which was executed in 1969, required that minimum monthly royalty payments of \$2000 be made to the owners. The Maori Trustee pursued the non-payment of royalties over a period of several months.

<sup>539</sup> District Ranger to Conservator, undated minute on District Ranger to Tutaki, 31 October 1966, BBAX 1124 256a 18/1/215, Rangitoto Tuhua Blocks 37B1, 37B3, 37B4, and 37B5, 1964-1971, ANZ Auckland. Registrar to Conservator, 12 November 1965, BBAX 1124 256a 18/1/215, ANZ Auckland.

The State Forests Service maintained a significant role in the alienation of timber until the requirement for the Minister of Forests to consent to the sale of Maori-owned timber was removed in 1963. In the early 1950s, Judge Beechey of the Waikato-Maniapoto District Maori Land Court complained about the cost of the State Forest Service's appraisals, which at this time appears to have been indirectly borne by the owners. The Forest Service, however, seems to have been responsive to these concerns and sought ways to avoid carrying out appraisals. From the early 1950s, it seems that timber appraisals were, anyway, increasingly seen as unnecessary because, as the price of timber increased, the prices being offered by sawmillers were often in excess of the values that would be determined through the Forest Services' ordinary system of valuation.

### ***Purchase of forest lands, 1939-1980***

This section briefly looks at the purchase of Maori forest lands between 1939 and 1980. Forest land continued to be purchased during this period, though the number and scale of such alienations seems to have lessened, reflecting a general decline in the amount of Maori land being alienated. Between 1940 and 1980, Maori land in the inquiry district declined from 21 to 13 percent of the total land area.<sup>540</sup>

It appears that the State Forest Service maintained an interest in acquiring areas of indigenous forest after 1939, but the extent to which it was able to purchase lands continued to be limited by funding constraints. A lack of funds was evident, for example, in the Forest Service's decision not to purchase Rangitoto A49B1 in the early 1950s. This block, an area of 797 acres, was covered in commercially valuable forest. In May 1953, the owners offered to sell the block to the Department of Maori Affairs.<sup>541</sup> The Department was not interested in acquiring the land, but advised the State Forest Service of the owners desire to sell, aware that the land was in the vicinity of existing State Forest land.<sup>542</sup> Writing to the Secretary of Maori Affairs on 24 August 1953, the Director of Forests stated that the acquisition of the block was very desirable from a forestry point of view, but that the Service could not contemplate the purchase of the land owing

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<sup>540</sup> Douglas, Innes, and Mitchell, p 129.

<sup>541</sup> Ormsby to Ropiha, 7 May 1953, F 1 W3129 141 18/1/122 part 1, Licenses to cut on Native or Maori land – Auckland Conservancy – Clifton Lands Limited – Rangitoto A24B, ANZ Wellington.

<sup>542</sup> Secretary, Maori Affairs, to Director of Forestry, 12 June 1953, F 1 W3129 141 18/1/122 part 1, ANZ Wellington.

to financial circumstances. The Director noted that the value of the land and timber was likely to be in the vicinity of £4,000.<sup>543</sup>

One area of land that was purchased by the Crown for forestry purposes was Kinohaku West SS1, an area of 487 acres that was acquired by the State Forest Service in 1956. The Crown had previously acquired interests in the block, which in 1931 were determined to amount to about 360 acres.<sup>544</sup> In 1950, when sawmillers were looking to acquire cutting rights over the block, the State Forest Service decided that the Crown should purchase the remaining Maori interests.<sup>545</sup> This would enable the land to be declared Provisional State Forest and the timber to be sold by public tender, which was seen to be the most appropriate way of disposing of timber on Crown land. The land was sold after a meeting of owners was called and an appraisal of the timber undertaken by the Forest Service. After hearing evidence on behalf of the owners, the Court confirmed the resolution to sell the interests of the Maori owners on the condition that the purchase price be raised from the value determined by the Forest Service.<sup>546</sup> The owners received £2,770 for their interest in the timber and £30 for their interest in the land.

The State Forest Service continued to be involved in the valuation of timber on forest lands that were being purchased and, up until 1963, the consent of the Minister of Forests was required in cases where commercially valuable timber was alienated as part of a land transaction. Even in cases where very little forest of commercial value was present and the consent of the Minister of Forests therefore not required, the Maori Land Court sought advice from the State Forest Service as to the value of timber on land that was being sold. In September 1956, for example, before confirming the transfer of Kaingaika A11, an area of about 45 acres, the Court requested that the Forest Service report on a small pocket of bush where several tawa trees were thought to be present.<sup>547</sup> After an inspection was made, the Conservator reported that the only merchantable timber, which was suitable only for fencing purposes, had a value of £5.<sup>548</sup>

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<sup>543</sup> Director of Forestry to Secretary of Maori Affairs, 24 August 1953, F 1 W3129 141 18/1/122 part 1, ANZ Wellington.

<sup>544</sup> Chief Surveyor to Director General, Lands and Survey, 13 January 1950, MA 1 76 5/5/79, Kinohaku West SS1 block – Crown purchase, 1950-1956, ANZ Wellington.

<sup>545</sup> Ibid.

<sup>546</sup> Extract from Alienation Minute Book volume 27, MA 1 76 5/5/79, ANZ Wellington.

<sup>547</sup> Registrar, Waikato-Maniapoto District Maori Land Board, to Conservator, 3 September 1956, BBAX 1124 366i 18/1/170, Kaingaika A11 – 44 acres 3 roods 30 perches, IV Otanake Survey District, 1956-1956, ANZ Auckland.

<sup>548</sup> Conservator to Registrar, Waikato-Maniapoto District Maori Land Board, 19 September 1956, BBAX 1124 366i 18/1/170, ANZ Auckland.

## Summary

Between 1939 and 1980, Maori-owned forest land continued to be purchased in the Rohe Potae inquiry district, though on a scale that was less than previously undertaken, reflecting a general decline in the amount of Maori land being alienated. Some trends continued. Through until at least the end of the 1950s, the Forest Service continued to show an interest in purchasing forest land, but remained constrained by funding. The Forest Service also continued to value and set the price of timber that was present on land that was being purchased, though this role ended in 1963 when the requirement for the Minister of Forests to consent to the alienation of Maori-owned timber was removed.

### ***Maori participation in the sawmilling industry***

This section examines issues relating to the ownership of the sawmills that processed the indigenous timber that was cut in the Rohe Potae inquiry district from 1885. In particular, it investigates whether Maori were owners of sawmills and discusses the factors that may have influenced Maori participation at this level of the industry. As owners of large tracts of indigenous forest land, sawmill ownership seems to have presented an obvious commercial opening for Maori, which would extend their involvement in the industry beyond simply receiving payments for trees.

After the construction of the NIMT railway commenced, the business of owning and operating sawmills appears to have developed as a significant economic opportunity in the inquiry district. As explained in the overview, little evidence concerning the profits earned by the individuals and companies that operated sawmills has been located. Clearly the ventures involved risk and it is likely that a number of failed. However, the longevity of some of the sawmilling operations suggests that some companies, at least, were able to maintain a level of profitability that was considered to be adequate. The company that worked for the longest period was Ellis and Burnand, the largest concern, which operated for more than 70 years – practically the whole course of the indigenous timber industry in the inquiry district. As noted earlier, other companies also operated for quite long periods, including the Waimiha Timber Company, which milled timber from at least 1945 to 1965.

It is evident that very few Maori were involved in the ownership of sawmills and that almost all operations were owned and operated by Pakeha-owned companies. Research has identified some Maori participation, but only on a very small scale. The first sawmill owned by Maori after construction of the NIMT railway commenced seems to have been a mill that operated briefly at Ongarue around the turn of the twentieth century. As noted above, this steam-powered mill may have been owned by Tutahanga, who supplied almost 6,000 sleepers to the Public Works Department under contracts entered into between 1898 and 1902. However, the mill does not seem to have been financially successful and after a few years it was leased and then sold to Pakeha mill operators.<sup>549</sup>

The next Maori-owned sawmilling operation in the Rohe Potae inquiry district does not appear to have emerged until after the Second World War. In May 1946, cutting rights over Rangitoto Tuhua 36A1A1A1 and 36A1A1A2 were secured by Pahira Tutaki, who seems to have owned cutting equipment and a small mill.<sup>550</sup> While Tutaki intended to send the logs to Ellis and Burnand's mill, he seems to have possessed some capacity to mill timber for fencing posts and mine props. Tutaki was still cutting timber in the late 1950s, when he appears to have secured cutting rights over the Maraeroa C cut over area – a block in which he also possessed an ownership interest.<sup>551</sup>

In the 1950s, there is also evidence of timber from within the inquiry district being processed by a Maori-owned sawmill located outside the district. In July 1952, a meeting of the owners of Moerangi 1E4Y passed a resolution to sell the timber on the block to Te Puea Herangi (Princess Te Puea)<sup>552</sup>. The block contained about 1700 acres<sup>552</sup> of bush, part of which had been milled previously. On 2 October 1953, the Minister of Forest consented to the alienation.<sup>553</sup> Te Puea died around this time and her executors arranged for the timber to be milled by the Turangawaewae Sawmilling Company.<sup>554</sup> This company went into liquidation and the cutting rights were assigned to the Maungatapu Sawmilling Company, an incorporation of Maori owners

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<sup>549</sup> Anderson, *Sparse Timber Sawmillers*, p 10.

<sup>550</sup> Waikato-Maniapoto District Maori Land Board minute book 23, 15 May 1946, pp 303-304, extract in MA 1 97 5/10/72 part 2, ANZ Wellington.

<sup>551</sup> District Officer to Maori Trustee, 13 February 1958, MA 1 104 5/10/129 part 2, ANZ Wellington. Maori Trustee to District Officer, 25 February 1958, MA 1 104 5/10/129 part 2, ANZ Wellington.

<sup>552</sup> District Ranger to Director of Forests, 11 September 1953, BBAX 1124 297c 18/1/106, ANZ Auckland.

<sup>553</sup> Minister of Forests, consent, 2 October 1953, BBAX 1124 297c 18/1/106, ANZ Auckland.

<sup>554</sup> Senior Clerk, file note, 1 December 1954, BBAX 1124 297c 18/1/106, ANZ Auckland.

that appears to have operated a mill at Ngaruawahia. The cutting of the timber was contracted out and the logs transported to Ngaruawahia for processing.<sup>555</sup>

Some small-scale Maori cutting and milling operations in the inquiry district were frustrated by a failure to obtain officially-sanctioned cutting rights. In December 1948, for example, Forest Service officers requested Piko Hughes to cease unauthorised cutting from Rangitoto Tuhua 37B2.<sup>556</sup> Hughes, who had been cutting posts and strainers from the block, believed he was cutting on Rangitoto Tuhua 36A1B2B2A. He stated that he had obtained a signature from one of the owners of this block and expected to get more. Almost 30 years later, in the mid-1970s, Kevin Amohia briefly operated a small, portable sawmill on Rangitoto Tuhua 80B1C1 before the Court ordered him to stop cutting.<sup>557</sup> Amohia seems to have undertaken the cutting with the consent of members of an owners' trust that had yet to be finalised.

It is unclear if Maori wished for greater participation in sawmill ownership. It is possible that Maori were content to only receive payment for the timber they owned and thereby avoid the risk of financial failure that sawmill ownership entailed. It seems that some ventures failed, particularly during the first years after a mill was established. The Wellington-registered Taumarunui Totara Timber Company, for example, which operated a mill about one mile north of Taumarunui, was established in 1905 and wound up in 1907.<sup>558</sup> In other cases, financial difficulty was experienced. As noted above, Ellis and Burnand's Mangapehi operation initially struggled and from 1903 to 1907 did not return a profit – a situation that Kauri Timber Company investors attributed to inefficient operations and excessively high costs.<sup>559</sup> The company's Ongarue operations were also unprofitable for a number of years and for a time during the 1920s ran at a considerable loss.<sup>560</sup> Unsurprisingly, a number of companies seem to have faced difficulties during the Great Depression.<sup>561</sup>

The amount of capital investment required to establish a sawmill varied depending on the size of the operation. As detailed earlier, Roche records that the nominal capital of 20 companies operating in the West Taupo region from 1900 to 1920 ranged from £2000 to £7000, with some

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<sup>555</sup> District Ranger to Conservator of Forests, 29 December 1954, BBAX 1124 297c 18/1/106, ANZ Auckland.

<sup>556</sup> District Ranger to Conservator, 8 December 1948, BBAX 1124 280b 18/1/59, Rangitoto Tuhua 37B2, 36A1B2B2A, and 36A1A1A12 – investigation for Department of Maori Affairs, 1949-1949, ANZ Auckland.

<sup>557</sup> District Officer to Conservator of Forests, 14 June 1974, BBAX 1124 256f 18/1/228, ANZ Auckland.

<sup>558</sup> Roche, p 119.

<sup>559</sup> Ibid, pp 119-120.

<sup>560</sup> Anderson, *Ongarue*, p 24.

<sup>561</sup> MacCormick to Under Secretary, Native Department, 29 September 1932, MA 1 104 5/10/129 part 1, ANZ Wellington.

of the larger concerns having capital in the order of £20,000 to £50,000.<sup>562</sup> (Ellis and Burnand would seem to have been one of the more sizeable ventures that Roche describes. Appearing before the Native Affairs Committee in October 1903, J.W. Ellis stated that the company's capital investment at Mangapehi amounted to £30,000.<sup>563</sup>) Roche notes that some of the ventures were often conceived of as medium term enterprises that were set up to mill a single crop of timber off a block of land, perhaps over a ten year period. In the CNI report, *He Rongo Maunga*, the Tribunal observes that the relatively small amount of capital investment required and the small scale of some operations appears to have made the ownership of sawmills an ideal opportunity for Maori in that inquiry district.<sup>564</sup> These comments also seem to apply to Maori of the Rohe Potae inquiry district.

It is clear that the greatest opportunity for Maori to become involved in the ownership of sawmills was at the time that the industry was first developing, when Maori retained large blocks of forest land that the owners could mill themselves. As time passed and land was sold, partitioned, and became subject to long-term timber cutting licenses, the opportunity lessened. Maori who sought to establish sawmills clearly faced a number of obstacles. For example, it is likely that Maori, particularly during the early years of the industry, would have lacked the necessary technical expertise and financial skills. Governance problems, especially when a block was held by a large number of owners, presented a further, major difficulty.

In respect of this problem, it is notable that legislation introduced in 1894 provided for the establishment of owner incorporations. However, for many years these entities provided a limited option for Maori who sought a means of effectively managing land held in multiple ownership. Statutory developments relating to owner incorporations are discussed at some length in *He Maunga Rongo*.<sup>565</sup> The report details that provisions to enable owners to form an incorporation and elect or nominate a management committee were initially included in the Native Land Court Act 1894.<sup>566</sup> Later regulations provided that management committees could mortgage, sell, and lease land, and also borrow against the security of incorporated land.<sup>567</sup> However, it appears that the establishment of incorporations involved significant problems and financial hurdles and that the legislation surrounding the powers of incorporations was

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<sup>562</sup> Roche, p 119.

<sup>563</sup> Ibid, p 14.

<sup>564</sup> Waitangi Tribunal, *He Maunga Rongo*, Volume 3, pp 1120.

<sup>565</sup> Waitangi Tribunal, *He Maunga Rongo*, Volume 2, pp 777-795.

<sup>566</sup> Ibid, p 777, 788.

<sup>567</sup> Ibid, p 778, 788.



unclear.<sup>568</sup> These shortcomings would appear to explain why the establishment of incorporations was not widely pursued by Maori land owners until significant changes were introduced in the mid-twentieth century.<sup>569</sup>

From the mid-1940s, outside the inquiry district, Ngati Tuwharetoa indigenous forest owners set up incorporations and successfully engaged in milling and selling their timber themselves.<sup>570</sup> This activity was led particularly by the Puketapu 3A Incorporation, which was managed by a group of owners who were experienced in the timber industry. When the Incorporation was established, the Puketapu 3A block contained some 17,000 acres and included valuable timber (which in earlier years may have been inaccessible). The CNI Tribunal observes that the success of the Ngati Tuwharetoa incorporations was based on a combination of factors, including the skills and determination of the owners and their willingness to push legal boundaries in setting up and running the incorporations.<sup>571</sup> By the mid-1940s, Maori in the Rohe Potae inquiry district might have been able to follow a similar path except that by this time no large blocks of timber remained in Maori control. Though Maraeroa C still contained a significant quantity of timber, Ellis and Burnand held a long-term cutting license over this block, which was prematurely extended in 1950.

The CNI Tribunal suggests that the initiative taken by Ngati Tuwharetoa owners encouraged the Department of Maori Affairs to seek legislative change to make incorporations more attractive to Maori owners generally.<sup>572</sup> The government also became interested in incorporations as entities to which land development schemes could be returned. Substantial amendments to the provisions relating to incorporations were eventually introduced in the Maori Affairs Act 1953, which relaxed some of the restrictions on their activities.<sup>573</sup> Further changes were provided in the Maori Affairs Amendment Act 1967. Of particular note, the land interests of owners incorporated under the 1967 Amendment Act became shares in the incorporation, making the

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<sup>568</sup> Ibid, p 779.

<sup>569</sup> Writing in 1940, Belshaw noted that incorporations were practically confined to the district between Gisborne and Hicks Bay, where Ngata had encouraged their establishment. Horace Belshaw, 'Maori Economic Circumstances', in I.L.G. Sutherland (ed), *The Maori People Today: A Survey*, Christchurch, Whitcombe and Tombs, 1940, pp 201-204.

<sup>570</sup> Waitangi Tribunal, *He Maunga Rongo*, Volume 3, pp 1149-1150.

<sup>571</sup> Ibid.

<sup>572</sup> Waitangi Tribunal, *He Maunga Rongo*, Volume 2, p 785, 787.

<sup>573</sup> Ibid, p 785, 788. For example, the 1953 Act largely removed barriers that prevented incorporations from buying land. However, the Act required close monitoring of the financial activities of incorporations and prescribed the activities that incorporations could carry out.

entities similar to limited liability companies.<sup>574</sup> The *Te Ture Whenua Maori Act 1993* restored the ownership of incorporated land to the shareholders and also gave incorporations more financial freedom.<sup>575</sup>

Following the passage of the *Maori Affairs Act 1953*, the Maori Affairs Department promoted owner incorporations as a means of achieving more profitable land utilisation. In July 1955, for example, an article in the Department's magazine, *Te Ao Hou*, stated that incorporations had 'an important part to play in the great struggle to make every acre of Maori land fully productive.'<sup>576</sup> While legislative developments concerning incorporations improved the ability of Maori to overcome governance difficulties associated with multiple ownership, opportunities for Rohe Potae Maori to establish sawmills on their lands had declined by this time and the legislation was therefore introduced too late in respect of this economic opportunity.

As well as governance problems, another significant obstacle to Maori ownership of sawmills was the difficulty of raising the necessary finance. Issues concerning the ability of Maori to access finance for economic development are addressed in *He Rongo Maunga*.<sup>577</sup> The CNI Tribunal observes that Maori were generally excluded from the state sources of lending finance introduced under the *Government Advances to Settlers Act 1894* – legislation that aimed to provide credit to small landowners on reasonable terms.<sup>578</sup> While Maori land owners were not specifically excluded from receiving advances under the scheme, the lending criteria did not correspond easily with the nature of Maori land tenure. In order to apply for an advance, the consent and signatures of all the owners needed to be obtained, which is likely to have been problematic when there were large numbers of owners. Also, lending was allowable only when land was unencumbered, yet much Maori land was encumbered with survey leins and debts that were a result of the Native Land Court process. In addition, Maori land had to be registered under the *Land Transfer Act* before it was regarded as freehold land for the purposes of the scheme.

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<sup>574</sup> Ibid, p 790. Bayley, Boulton, and Heinz state that from 1967 land trusts became increasingly popular compared to the new style of incorporations. Provision for Maori land to be managed by a trustee or trustees for the benefit of the owners had been included in the *Native Purposes Act 1943*. Under the 1967 Amendment Act, trusts were changed from being for charitable purposes to being vehicles for facilitating the use, management, and alienation of Maori land. Nicholas Bayley, Leanne Boulton, and Adam Heinz, 'Maori Land Trusts and Incorporations in the Twentieth Century in the Central North Island Inquiry District', a report commissioned by the Waitangi Tribunal, June 2005, p 18.

<sup>575</sup> Bayley, Boulton, and Heinz, p 17.

<sup>576</sup> 'Land under Maori management', *Te Ao Hou*, no. 11, July 1955.

<sup>577</sup> Waitangi Tribunal, *He Maunga Rongo*, Volume 3, pp 948-992, 1120-1121.

<sup>578</sup> Ibid, pp 961-962.

Where an incorporation had been formed, the management committee could presumably apply for an advance under the 1894 Act on behalf of the owners. Limited lending facilities aimed specifically at Maori were also made available to incorporations soon after the legislation that provided for the establishment of these entities was introduced. From 1895, committees of management could raise investment money through the Public Trustee for the purpose of either settling the land or stocking and farming it.<sup>579</sup> However, as discussed above, incorporations were generally unattractive to Maori until the mid-twentieth century and were not widely taken up.

As well as being difficult to access, state finance was primarily available for farming development. This was the case with the advances made under the Government Advances to Settlers Act 1894 and also the Public Trustee's lending to Maori incorporations. Provisions for lending to Maori that were introduced in the twentieth century were also aimed squarely at farm development, though it seems that exotic afforestation may also have been considered a suitable purpose for which lending money could be applied. Loans under section 460 of the Maori Affairs Act 1953, for example, were available for assisting Maori to 'farm, improve, or develop' their lands.<sup>580</sup>

The CNI Tribunal observes that while special arrangements were made to extend state advances to non-agricultural sectors, including fishing and orcharding, no state finance seems to have been made available for sawmilling.<sup>581</sup> The temporary and commercially risky nature of the sawmilling industry, the perceived short-term life of the companies involved, and the perception that the industry was not a long-term land use are likely to have made it less attractive for government lending. There is no evidence that Maori in the Rohe Potae inquiry district sought or were provided state finance to establish sawmills.

With state finance not available, the sawmilling industry was largely privately financed. However, there was a restricted private lending market for Maori. The CNI Tribunal comments that private lenders were adverse to lending on Maori land for development purposes.<sup>582</sup> While state finance remained largely unavailable to Maori, there was little chance of this changing – as it appears to have for high-risk Pakeha, who were able to obtain state finance and prove that they could meet repayment commitments. Government policies also prevented Maori from accessing

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<sup>579</sup> Waitangi Tribunal, *He Maunga Rongo*, Volume 2, p 795.

<sup>580</sup> Section 460(1), Maori Affairs Act 1953. Loans under section 460 of the 1953 Act continued the lending that had been provided in section 48 of the Native Land Amendment Act 1936.

<sup>581</sup> Waitangi Tribunal, *He Maunga Rongo*, Volume 3, p 1121.

<sup>582</sup> *Ibid.*

private lending. As well as prohibiting private purchasing of Maori land, the Native Land Court Act 1894 limited new lending on Maori land to state lending agencies.<sup>583</sup>

With options for raising lending finance very restricted, Maori who sought capital to establish a sawmilling operation might also have considered the option of entering into a private joint-venture partnership. Under such an arrangement, Maori would provide forest for milling and private interests would provide the necessary capital and business skills to establish a sawmill. However, this option does not seem to have been pursued in the Rohe Potae inquiry district and there are no examples of joint-venture sawmilling operations. At least one such arrangement was entered into, unsuccessfully, by the Maori owners of neighbouring forest lands to the southeast of the inquiry district. The Pungapunga Timber Company was established in 1903 with cutting rights over 7,000 acres near Manunui. One of the original directors was Te Heuheu Tukino and many of its shares were issued to local Maori with an interest in the forest land. By 1905, operations ceased owing to a lack of capital, and the company eventually wound up in 1909 after efforts to raise capital failed.<sup>584</sup>

As private joint-venture partnerships were not pursued in the inquiry district, the only other option for raising funds open to Rohe Potae Maori who wished to establish sawmills appears to have been through the sale of lands and cutting rights. In order to ensure that they retained sufficient forest land for milling, the owners of a block would have needed to have sold land or cutting rights before the process of partition significantly diminished the area of the block. As well as the governance issues noted above, a difficulty with this option was that for many years the prices paid for forest lands do not seem to have appropriately recognised the value of timber and the royalty rates provided under the early cutting licenses appear to have been questionable. As a result, the area of land that Maori would have been required to sell to raise the necessary funds might have left insufficient land for milling.

It is notable that from the mid-1940s, outside the inquiry district, Ngati Tuwharetoa incorporations successfully engaged in milling and selling their timber themselves. This activity was led particularly by the Puketapu 3A Incorporation, which was managed by a group of owners who were experienced in the timber industry. When the Incorporation was established, the Puketapu 3A block contained some 17,000 acres and included valuable timber, which may have been previously inaccessible. In *He Rongo Maunga*, the Tribunal observes that the success

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<sup>583</sup> Section 117, Native Land Court Act 1894.

<sup>584</sup> Roche, p 122.

of the Ngati Tuwharetoa incorporations was based on a combination of factors, including the skills and determination of the owners and their willingness to push legal boundaries in setting up and running the incorporations.<sup>585</sup> It also may have owed something to the increasing value of indigenous timber as supplies became increasingly scarce. By the mid-1940s, Maori in the Rohe Potae inquiry district might have been able to follow a similar path, but by this time there were no large blocks of timber remaining in Maori control. Maraeroa C at this time still contained a significant quantity of timber, but Ellis and Burnand held a long-term cutting license over this block, which was prematurely extended in 1950.

### Summary

Even though some Maori retained significant areas of commercially valuable forest land, Maori were to have almost no involvement in the ownership of sawmills. While it is unclear exactly how profitable the sawmilling operations were, the lack of Maori participation in this level of the industry appears to have been a lost economic opportunity. It seems that the greatest chance for Maori to have become owners of sawmills was at the time that the industry was developing, when Maori still owned large blocks of land that they could mill themselves.

A major obstacle to Maori ownership of sawmills concerned access to finance for capital investment. Owing partly to the fact that Maori land was commonly held in multiple ownership, state and private finance was generally unavailable for Maori and it seems that, in the case of state lending, money was not advanced for sawmilling anyway. Raising money through the sale of their own lands or cutting rights was also problematic because the prices that owners received may have been insufficient to enable such a strategy to be successful.

As well as limiting Maori access to lending finance, multiple ownership of Maori land meant that owners who wished to mill a forest block also faced governance problems. The individualisation of title that resulted from the Land Court system clearly undermined traditional forms of authority and leadership, inhibiting the ability of Maori to make decisions regarding land utilisation. While provisions for the establishment of owner incorporations were introduced in 1892, the incorporations were of limited appeal until legislative change was introduced in the 1950s, by which time opportunities for establishing sawmilling enterprises had largely passed.

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<sup>585</sup> Waitangi Tribunal, *He Maunga Rongo*, Volume 3, pp 1149-1150.

There is no evidence that Maori in the Rohe Potae inquiry district set up incorporations with the aim of engaging in sawmilling.

A lack of technical expertise and financial skills were further obstacles to Maori ownership of sawmills. Without these skills, it would have been difficult for Maori to independently assess the commercial opportunities that existed and the level of risk involved in setting up business enterprises to exploit their timber resources. However, a lack of technical and financial skills was not necessarily an obstacle to Maori establishing sawmills in the same way that a lack of access to capital was because presumably they could have employed individuals who possessed the necessary experience.

### ***Employment***

This section briefly looks at Maori employment in the indigenous sawmilling industry of the Rohe Potae inquiry district. Though not involved significantly in the ownership of sawmills, it appears that some Maori were employed as waged workers. However, evidence concerning the total number of workers in the sawmilling industry and the level of Maori participation is somewhat limited.<sup>586</sup> Employment in the industry included cutting work in the bush and work in the mills, as well as management positions within the upper levels of the sawmilling companies.

The 1905 and 1907 Lands and Survey Department reports, referred to above, include some details of the number of individuals working in the sawmilling industry at the beginning of the twentieth century – the time when the industry was developing. The reports indicate that in 1905 and 1907 some 160 and 204 men respectively were employed in sawmilling operations in the Rohe Potae inquiry district.<sup>587</sup> The largest operations were Ellis and Burnand's mills at Otorohanga and Mangapehi, where in both years 30 men were employed at Otorohanga and 85 at Mangapehi.

While the Lands and Survey reports seem to provide a reasonable picture of the number of timber workers in the early twentieth century, evidence relating to employment levels in the mid-twentieth century is less clear. Though the State Forest Service kept registers of operating

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<sup>586</sup> For many years, sawmill owners were annually required to furnish details of their operations to the State Forest Service, but they did not have to provide information regarding the number of people employed and the positions they held. See, for example, BBAX 1427 1 h, ANZ Auckland.

<sup>587</sup> *AJHR*, 1905, C-6, p4, 12. *AJHR*, 1907, C-4, p15, 21.

sawmills, these do not provide details concerning the number of employees and the positions they held.<sup>588</sup> Two secondary sources, however, provide an indication of the number on timber workers in the King Country district in the early 1960s, when the industry was beginning to decline. In his 1962 PhD thesis on land utilisation in the northern King Country, James Fox suggests that, at the time of writing, not more than 300 men were employed in ‘timber getting and in the mills’.<sup>589</sup> Fox’s area of study, it should be noted, concerns only the Otorohanga and Waitomo Counties, and it therefore excludes a significant portion of the inquiry district, where a number of sawmills operated, including Ellis and Burnand’s Ongarue operation.

J.C. Sommerville, in his 1965 MSc thesis on the King Country sawmilling industry, states that, at the time of writing, some 900 workers were directly involved in sawmilling and logging in the King Country.<sup>590</sup> He observes that, at this time, some 10 percent of New Zealand’s milling workforce was located in the region. The King Country district to which Somerville refers is significantly larger than the Rohe Potae inquiry district, encompassing the Otorohanga, Waitomo, Taumarunui, Waimarino and the western riding of the Taupo Counties.<sup>591</sup> Taking into consideration both Fox and Sommerville’s figures and the areas to which they relate, it seems reasonable to suggest that in the early 1960s there was something in the vicinity of 500 people employed in the sawmilling industry in the Rohe Potae inquiry district.

The proportion of the sawmilling workforce who were Maori is unclear, though it seems certain that Maori participation was not insignificant. In July 1949, McCracken, the Mangaing Director of Ellis and Burnand, stated during discussions concerning Maraeroa C that both Maori and Pakeha were employed at Mangapehi.<sup>592</sup> This also seems to have been the case at the company’s Ongarue sawmill. Claimant Roy Haar states that Maori at Ongarue were employed by Ellis and Burnand and enjoyed some side benefits such as good quality housing.<sup>593</sup> M. Smith, in her 1953 study of the community at Pureora, recorded that 13 out of 33 sawmill workers at Pureora, about 40 percent of the workers, were Maori.<sup>594</sup> It is not possible to comment substantially on the types of work that Maori were engaged in and whether they were employed at all levels of the

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<sup>588</sup> See, for example, BBAX 1427 1 a, Sawmill register, 1943-1944, ANZ Auckland; BBAX 1427 1 h, Sawmill register, 1950-1951, ANZ Auckland; and BBAX 1427 5 c, Sawmill register, 1970-1971, ANZ Auckland.

<sup>589</sup> Fox, p 226.

<sup>590</sup> Somerville, p 13.

<sup>591</sup> Ibid, p 2.

<sup>592</sup> Notes of meeting between McCracken and Director of Forestry, 16 July 1948, F 1 18 18/1/58, ANZ Wellington.

<sup>593</sup> Roy Haar, personal communication, 13 October 2010.

<sup>594</sup> M. Smith, ‘Some aspects of family and community life in a New Zealand sawmilling village’, Dip. Soc. Sci. thesis, Victoria University of Wellington, 1953, p 12. The timber workers at Pureora were employed at three mills that were working areas of state forest.

workforce. Speaking at a research hui held at Te Kuiti on 15 July 2010, claimant Mataroa Frew commented that a lot of Maori in the sawmilling industry were saw doctors, drivers, and similar positions.

As the indigenous timber industry began to contract from 1960, employment opportunities unsurprisingly diminished. In 1965, Somerville observed that timber towns were passing into decline. In 1974, population decline was also noted by A.R. Meredith, the Chairman of the Te Kuiti Borough Council's Industrial Promotions Committee. Writing to the Minister of Forests on 6 August 1974, Meredith detailed that between 1961 and 1971 the number of inhabitants in the Borough's two 'milling' ridings, Tangitu and Te Kuiti, had dropped by 44 percent from 2,919 to 1,646.<sup>595</sup> Meredith stated, however, that the sawmilling industry remained 'an extremely important factor in the Waitomo district economy', particularly the logging that occurred in the Pureora and Rangitoto ranges.<sup>596</sup>

### Summary

Relatively little evidence concerning employment in the indigenous sawmilling industry has been located. While it is certain that some Maori were employed in various roles as wage workers, the total number of workers in the industry and the exact level of Maori participation is unclear. In 1907, it appears that about 200 men were employed in sawmilling operations within the Rohe Potae inquiry district. By the early 1960s, it seems reasonable to suggest that some 500 people may have been employed in the indigenous sawmilling industry. Though employment in the industry declined from this time, some work opportunities emerged in relation to the development of exotic forestry, which is examined in the next section.

### **Exotic forestry**

This section looks at the economic opportunities associated with exotic forestry. Unlike certain other parts of the country, an exotic forestry industry has not been developed on a significant scale in the King Country, meaning that the economic importance of forestry in the district declined with the closure of the indigenous sawmilling industry.

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<sup>595</sup> Meredith, Chairman, Industrial Promotions Committee, Te Kuiti Borough Council, to Minister of Forests, F 1 W3129 16 1/17/3/1 part 1, ANZ Wellington.

<sup>596</sup> Meredith claimed that some 700 people remained employed in the timber industry in the Tangitu and Te Kuiti ridings, but this must have been an exaggeration as it would have meant that over 40 percent of the ridings' inhabitants (of all ages) were employed in the industry.



The establishment of exotic forestry in New Zealand was led by the state. As noted previously, forecasts of an eventual exhaustion of indigenous timber resources saw afforestation being promoted from the end of the nineteenth century. However, it was not until the mid-1920s that large scale planting was undertaken. The first planting boom began in 1925, when the Director of the State Forest Service, MacIntosh Ellis, initiated a 10 year programme to plant an area of 300,000 acres (121,406 hectares).<sup>597</sup> Private companies also became significantly involved and, by 1934, after purchasing large areas of land, had planted 186,000 acres (75,270 hectares).<sup>598</sup> The planting focussed largely on the lands of the central North Island, particularly the Kaingaroa plains.

By the 1950s, the exotic forests (almost all *pinus radiata*) were maturing and began to be harvested. Exotic timber production became increasingly important, eventually overtaking the cutting of indigenous timber in 1960.<sup>599</sup> In 1959, the State Forest Service initiated a second planting boom, aiming to plant a further 485,000 hectares by 2000, with the planting to be shared equally among private growers and the Forest Service.<sup>600</sup> Again, the central North Island remained the focus of the planting, with some of the land being leased from Maori.

The limited scale of exotic afforestation in the King Country district, undertaken by either the State Forest Service or private interests, is reflected in cutting rates of exotic timber. During the 1959-1963 period, Sommerville notes that the King Country provided 24 percent of New Zealand's indigenous timber, but only 0.24% of exotic timber.<sup>601</sup> (Some of this exotic timber may have been on Maori land. In 1966, for example, Hutt Timber and Hardware Company purchased cutting rights over a 250 acre plantation of *pinus radiata* and shelter belts located on Te Tarake A6, A11, A18, and B5, which may have been planted by the Department of Maori Affairs.<sup>602</sup>) An examination of the Forest Service's register of sawmills operating in 1970 confirms that, even as the indigenous timber industry was declining, the 8 sawmills working in the Rohe Potae inquiry district were primarily processing indigenous timber.<sup>603</sup>

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<sup>597</sup> Roche, pp 215-224.

<sup>598</sup> Roche, pp 224-242.

<sup>599</sup> Roche, p 266.

<sup>600</sup> Roche, pp 325-333.

<sup>601</sup> Sommerville, p 44.

<sup>602</sup> District Ranger to Conservator, 22 February 1966, BBAX 1124 256b 18/1/223, Te Tarake A6, A11, A18, and B5: Hutt Timber and Hardware Co Ltd, 1966-1969, ANZ Auckland.

<sup>603</sup> BBAX 1427 5 c, Sawmill register, 1970-1971, ANZ Auckland.

It appears that large-scale exotic afforestation was not pursued in the Rohe Potae inquiry district because this was not considered to be the best use of the available land. Writing in 1965, Somerville notes that most of the land that had been milled in the King Country over the previous 50 years had been converted to farmland.<sup>604</sup> In particular, former forest land was put into pasture for sheep and beef farming. Somerville comments that even much of the land milled in the previous 10 years – mostly steep land that was not particularly suitable for farming – seemed to have been sown in grass.<sup>605</sup>

Though not on a large scale, the State Forest Service did undertake some exotic forest planting in the inquiry district, creating the Mangaokewa, Pirongia South, Pureora, Tainui Kawhia, and Tawarau exotic forests. With the exception of the Tainui Kawhia forest, these forests were planted on Crown land and are today held as Crown Forest License land (see Figure 8).<sup>606</sup> Research has not established when all the forests were planted, though the earliest plantings appear to have been at Pureora in 1949.<sup>607</sup> As indigenous cutting declined, some calls were made for more state planting. On 6 September 1972, the County Clerk of the Waitomo County Council wrote to the Minister of Forests, advising that on 25 August 1972 representatives of several local authorities had met to consider the urgent need to encourage the development of forestry in the region.<sup>608</sup> The County Clerk stated that the meeting had passed a resolution calling for increased state planting.

In the case of the Tainui Kawhia forest, most of the land planted by the State Forest Service was owned by Maori. Located on sand dunes north of Kawhia Harbour and covering an area of 1199 hectares, the forest was established in response to a problem of sand drift, which was encroaching on neighbouring farm land. Planting of *pinus radiata* was undertaken between about 1970 and 1977.<sup>609</sup> It seems that the Lands and Survey Department and State Forest Service had for many years investigated the planting of a forest on the dunes. However, up until 1963, the Forest Service was not prepared to take any action unless the owners sold the land to the

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<sup>604</sup> Somerville, p 13.

<sup>605</sup> Ibid, p 14.

<sup>606</sup> URL: <http://www.cfrrt.org.nz/doclibrary/public/thestorehouse/rta2005-2006/MapCFLL0506.pdf>

<sup>607</sup> *AJHR*, 1953, C-3, p 45.

<sup>608</sup> County Clerk, Waitomo County Council, to Minister of Forests, 6 September 1972, F 1 W3129 16 1/17/3/1 part 1, ANZ Wellington.

<sup>609</sup> New Zealand Forest Service, *Tainui Kawhia State Forest* (pamphlet), New Zealand Forest Service, Auckland, 1982.

Crown.<sup>610</sup> It appears that, over the years, the Forest Service had made a number of unsuccessful attempts to purchase the land.<sup>611</sup>

In the early 1960s, members of the Kawhia business community called for a forest to be established on the dunes. This view was communicated to D.C. Seath, M.P., who in turn raised the matter with the Minister of Forests and the Minister of Maori Affairs.<sup>612</sup> In 1963, local Maori formed the Kawhia Sandhills Committee and afforestation proposals were discussed by Maori land owners and Maori leaders. At a meeting held on 1 June 1963, when some 65 owners were present or represented, unanimous approval was given to a proposal to enter a long term lease with the government for the purpose of afforestation.<sup>613</sup>

As well as the potential of receiving an income from the land, it appears that the owners may have had an interest in the employment opportunities that might arise from an afforestation scheme. Writing to head office on 24 June 1963, the District Officer of the Department of Maori Affairs stated that it seemed that there was general agreement among Maori that such a scheme would be beneficial to the Kawhia district.<sup>614</sup> The District Officer noted that a lack of local employment had seen young people move away to Hamilton and Te Awamutu, but he believed that single young men would return to undertake afforestation work, particularly as they still had homes at Kawhia.

On 28 June 1963, a deputation of the Kawhia Sandhills Committee and Maori land owners met with the Minister of Maori Affairs, the Minister of Forests, and departmental officials in Wellington.<sup>615</sup> There was general agreement the owners and the Forest Service should negotiate a leasing arrangement with the aim of enabling an afforestation scheme to proceed.

Commenting on the potential for employment, Hanan, the Minister of Maori Affairs, downplayed the number of jobs that would be created. However, he stated that it would provide a little employment and would stabilise the country and contain the sand.

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<sup>610</sup> See, for example, Director General of Forests to Secretary, Maori Affairs, 30 May 1963, MA W2459 51 5/14/3 part 3, Kawhia and Taharoa – sand encroachment – ironsand development, 1957-1963, ANZ Wellington.

<sup>611</sup> Secretary, Maori Affairs, to Director, New Zealand Forest Service, 17 April 1962, MA W2459 51 5/14/3 part 3, ANZ Wellington.

<sup>612</sup> Langton to Seath, 29 March 1962, MA W2459 51 5/14/3 part 3, ANZ Wellington.

<sup>613</sup> Notes of deputation held in Hon J.R. Hanan's rooms, 28 June 1963, MA W2459 52 5/14/3 part 4, ANZ Wellington.

<sup>614</sup> District Officer to head office, 24 June 1963, MA W2459 52 5/14/3 part 4, ANZ Wellington.

<sup>615</sup> Notes of deputation held in Hon J.R. Hanan's rooms, 28 June 1963, MA W2459 52 5/14/3 part 4, ANZ Wellington.

On 21 August 1963, officers of the Maori Affairs Department met with the Maori owners of the lands that would be included in the afforestation area.<sup>616</sup> The officers explained that it would be necessary to amalgamate the titles of the various blocks involved and establish an incorporation of owners. The management committee of the incorporation would then have to negotiate with the Forest Service in order to decide upon the terms by which the land was to be taken over for afforestation. These steps were followed, though progress was delayed to enable certain title and land issues to be satisfactorily resolved.

The Tainui Kawhia Incorporation was formed after a meeting of owners was held on 12 October 1963.<sup>617</sup> Following the inaugural meeting of the management committee, the Secretary wrote to Seath, requesting his assistance to obtain £100 from the government, which was required to help finance the committee's work.<sup>618</sup> Suggesting that this money might be sourced from the Maori Purposes Fund, the Secretary explained that the Incorporation planned to negotiate a profit sharing agreement with the Forest Service, but that it would be many years before it received any income. The request for funds was refused by the Maori Affairs Department, which stated that the afforestation proposal was a private project and, because of this, money could not be provided from the Maori Purposes Fund.<sup>619</sup>

Negotiations between the management committee and the Forest Service do not seem to have begun until 1966.<sup>620</sup> Research has not established the terms of the agreement that was reached, but it appears that it provided for the owners to receive a proportion of the revenue from timber sales and grazing licenses.<sup>621</sup> The trees planted between 1970 and 1977 have now been harvested. It is unclear what management arrangements exist over the land today.

Around the time that the Tainui Kawhia State Forest was being planted, Maori land owners at Taharoa also began investigating the possibility of planting exotic trees on some of their land, which was similarly vulnerable to sand drift. In about 1974 the management committee of Taharoa C Incorporation began discussing afforestation proposals with the State Forest

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<sup>616</sup> Special Titles Officer to Acting District Officer, received 5 September 1963, MA W2459 52 5/14/3 part 4, ANZ Wellington.

<sup>617</sup> Special Titles Officer to Acting District Officer, received 21 October 1963, MA W2459 52 5/14/3 part 4, ANZ Wellington.

<sup>618</sup> Rayner to Seath, 5 February 1964, MA W2459 52 5/14/3 part 4, ANZ Wellington.

<sup>619</sup> Hanan to Seath, 27 February 1964, MA W2459 52 5/14/3 part 4, ANZ Wellington.

<sup>620</sup> Minister of Forests to Bryant, 14 June 1966, MA W2459 52 5/14/3 part 4, ANZ Wellington.

<sup>621</sup> New Zealand Forest Service, *Tainui Kawhia State Forest* (pamphlet), New Zealand Forest Service, Auckland, 1982.

Service.<sup>622</sup> (As discussed in the next chapter, this incorporation had been formed in 1959 in connection with proposals to extract iron sand from the 3,200 acre Taharoa C block.) By 11 May 1974, the Incorporation had held meetings on the afforestation proposal with the Minister of Forests, the Minister of Maori and Island Affairs, the departmental officials.<sup>623</sup> During these meetings, the owners made it clear that they did not want to lease the land and sought to maintain an active management role.<sup>624</sup>

The State Forest Service seems to have been supportive of the proposed afforestation scheme, which would help to increase the area of exotic forest in accordance with the aims of the second planting boom. In a letter to the Minister of Maori Affairs, dated 12 July 1974, the Minister of Forests advised that the Conservator of Forests had a number of meetings with the Incorporation regarding the afforestation proposal.<sup>625</sup> As a first step, the Conservator had arranged for a marram grass nursery to be set up on the understanding that the owners would pay for this using their mining revenue. He advised that the Director-General of Forests hoped that the owners would become self sufficient in forest expertise and be able to independently manage a fully productive forest.

As well as assistance provided by the Forest Service, it seems that state finance may have been available to the Incorporation to assist with the afforestation project. In May 1974, the District Officer of the Maori Affairs Department observed that the Incorporation had ample assets to secure a loan under section 460 of the Maori Affairs Act 1953. However, it is unclear whether the Incorporation applied for or received a loan under section 460 of the 1953 Act. Research has not established exactly when planting began and the extent of the assistance provided by the State Forest. However, Taharoa C Incorporation today holds 1,000 hectares of land planted in exotic forest.<sup>626</sup>

By the mid-1970s, it appears that the Forest Service was keen to plant on Maori land. This is evident from a memorandum that the Director-General of Forests wrote to the Minister of Forests on 1 December 1976. In this memorandum, the Director-General commented on an enquiry made by Hikaia Omaha of Taumarunui, who sought advice as to whether the Forest

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<sup>622</sup> Smith (for Secretary), Head Office, to Hamilton, 8 April 1974, MA W2459 52 5/14/3 part 4, ANZ Wellington.

<sup>623</sup> Annual report to shareholder of Taharoa C Incorporation, 11 May 1974, MA W2459 52 5/14/3 part 4, ANZ Wellington.

<sup>624</sup> Smith (for Secretary), Head Office, to Hamilton, 8 April 1974, MA W2459 52 5/14/3 part 4, ANZ Wellington.

<sup>625</sup> Minister of Forests to Minister of Maori Affairs, 12 July 1974, MA W2459 52 5/14/3 part 4, ANZ Wellington.

<sup>626</sup> Ministry of Agriculture and Forestry, 'Central North Island forestry and wood availability forecasts 2009', Ministry of Agriculture and Forestry, Wellington, 2009, p 12.

Service would be interested in leasing Maori land for afforestation.<sup>627</sup> The Director-General observed that the Forest Service was already leasing land at Kawhia and that investigations were underway with the management committee of Taumatotara 5 regarding a large block adjacent to Tawarau forest. He stated that Forest Service was interested in the possibility of leasing further land, particularly as recent changes in indigenous forest policy had reduced the area of State Forest land available for planting.

The Director General noted that the land would have to be suitable for planting and that afforestation would need to be considered the most desirable use of the land. Also, unless the area was large enough to establish a new forest, the land would need to be close to an existing forest. If the area to be leased was made up of separate titles, the owners would need to amalgamate these and establish an incorporation to avoid the problem of having to deal with several groups of people. Afforestation leases, the Director-General noted, were usually for a period of 99 years. For areas under 2000 hectares, the rental was typically paid as an annual sum, while for larger areas a deferred rental type of lease was negotiated.

As well as the developments at Kawhia and Taharoa, in the early-1970s a private company, New Zealand Forest Products, entered into a leasing arrangement with the incorporated owners of Maraeroa C block for the purpose of establishing an exotic forest. The exact terms of this lease have not been established, though it appears to have been for a period of 99 years.<sup>628</sup> Before the lease was finalised, Koro Wetere, M.P. for Western Maori and Chairman of the incorporation, sought advice from the State Forest Service regarding the terms of the proposed lease. On 27 September 1973, the Minister of Forests wrote to Wetere, providing comments from the State Forest Service regarding the various factors that required consideration.<sup>629</sup> It was also suggested that the incorporation seek independent professional advice on technical and financial aspects of the proposed lease.

At the time the Maraeroa C lease was negotiated, New Zealand Forest Products – the largest private forest owner in New Zealand – was looking to initiate a major afforestation scheme involving a large area of land in the south-east of the inquiry district.<sup>630</sup> Under the proposed

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<sup>627</sup> Director-General of Forestry to Minister of Forests, 1 December 1976, ABAA 8030 W5238 18 1/17/3/1A part 3, King Country afforestation, 1976-1978, ANZ Wellington.

<sup>628</sup> New Zealand Forest Products, Proposal for Afforestation, August 1973, F 1 W3129 16 1/17/3/1 part 1, ANZ Wellington, p 8.

<sup>629</sup> Minister of Forests to Wetere, 27 September 1973, F 1 W3129 16 1/17/3/1 part 1, ANZ Wellington.

<sup>630</sup> Roche, pp 354-357.

scheme, the company planned to plant a 60,000 hectare area of farm land, scrub, and cut-over indigenous forest lying to the east of the NIMT railway, between about Kopaki and Taumarunui. (Maraeroa C lay within this area.) This locality was chosen because it was relatively close to Forest Products' Kinleath forests and processing facilities. The company claimed that if it achieved its planting target it would establish a separate processing facility in the King Country. In respect of land tenure, it had been established that 26 percent of the land was State Forest or Crown land, 20 percent was Maori land, 34 percent was freehold land. The ownership of 20 percent of the land had not been determined.<sup>631</sup>

Forest Products' proposal appears to have initially been put before Prime Minister Norman Kirk, who received a deputation from the company on 5 September 1973.<sup>632</sup> Kirk responded enthusiastically to the afforestation proposal. In a letter to the Minister of Forests, dated 5 September 1973, he expressed the view that, if the proposal was as good as it initially seemed, it would be 'of tremendous value to the whole region'.<sup>633</sup> Noting that the region had 'suffered considerable industrial debilitation', Kirk believed that in the long term the scheme would create a range of significant employment opportunities and benefit the Maori owners.

Responding to the Prime Minister on 11 October 1973, the Minister of Forests noted that from a land use perspective most of the land in company's proposal was well suited for exotic forestry.<sup>634</sup> However, while he believed that the company should not be dissuaded from acquiring or leasing private land, the Minister believed that State Forest and Crown land should be excluded. Instead, he stated that this land should be planted by the Forest Service to ensure adequate competition in the timber market. The Minister also noted that the company's plan to plant areas of cut-over indigenous forest raised issues of environmental impact.

In 1974, New Zealand Forest Products circulated the afforestation proposal to a wide range of government departments, local authorities, and local interest groups.<sup>635</sup> At the same time, it also released an environmental impact report, which aimed to allay the concerns of government, interested parties and the general public about the proposed development. However, significant

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<sup>631</sup> In a document setting out its proposal, Forest Products noted that, in addition to the lease over Maraeroa C, it was negotiating to lease a significant area of Maori land adjacent to Maraeroa C. It is unclear whether this lease was concluded. New Zealand Forest Products, Proposal for Afforestation, August 1973, F 1 W3129 16 1/17/3/1 part 1, ANZ Wellington, p 8.

<sup>632</sup> Norman Kirk to Minister of Forests, 5 September 1973, F 1 W3129 16 1/17/3/1 part 1, ANZ Wellington.

<sup>633</sup> Norman Kirk to Minister of Forests, 5 September 1973, F 1 W3129 16 1/17/3/1 part 1, ANZ Wellington.

<sup>634</sup> Minister of Forests to Prime Minister, 11 October 1973, F 1 W3129 16 1/17/3/1 part 1, ANZ Wellington.

<sup>635</sup> Roche, pp 357-358.

concerns relating to land use surfaced, which ultimately saw the company abandon its plans. The Commission for the Environment asserted that the company had not demonstrated that forestry was a preferable land use to farming or indigenous forest management in certain areas. Certain local groups, particularly Federated Farmers, also expressed concern that land use issues should be thoroughly considered before farm land was transferred to forestry.<sup>636</sup>

A lengthy interdepartmental land use study provided further, more detailed scrutiny of the proposal. Led by the Department of Lands and Survey, the King Country land use study brought together technical data and took into consideration social, economic, and environmental needs.<sup>637</sup> It is notable that the Department of Maori Affairs was not involved in the study. Of the 16 members of the associated King Country Land Use Advisory Committee, there was one Maori representative – Te Heu Heu of Ngati Tuwharetoa.<sup>638</sup> The final report of the land use study, which was released in July 1978, suggested that it would be undesirable for exotic forest to be planted on a large proportion of the land upon which Forests Products hoped to carry out its afforestation scheme.<sup>639</sup> By 1979, New Zealand Forest Products acknowledged that the scheme was untenable.<sup>640</sup>

Figure 8 shows exotic and indigenous forest cover in the Rohe Potae inquiry district today and also the lands that remain in Maori ownership. As well as the exotic forest plantings on Maori land at Kawhia, Taharoa, and on Maraeroa C, the map shows other, relatively small areas of exotic forest on Maori land – all of which are located in the southeast of the inquiry district. Research has not established when this planting was undertaken or the circumstances surrounding it.

### Summary

The decline of the indigenous timber industry from around 1960 resulted in a lessening of the economic importance of the forestry sector because, unlike the central North Island, the planting of exotic species had not been undertaken on large scale in the Rohe Potae inquiry district.

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<sup>636</sup> Minister of Forests to Prime Minister, 1 November 1976, ABAA 8030 W5238 18 1/17/3/1A part 3, ANZ Wellington.

<sup>637</sup> King Country Land Use Investigation, notes of meeting at Taumarunui, 14 July 1976, ABAA 8030 W5238 18 1/17/3/1A part 3, ANZ Wellington.

<sup>638</sup> Department of Lands and Survey, *King Country land use study: final report*, Department of Lands and Survey, Wellington, 1978, p 117.

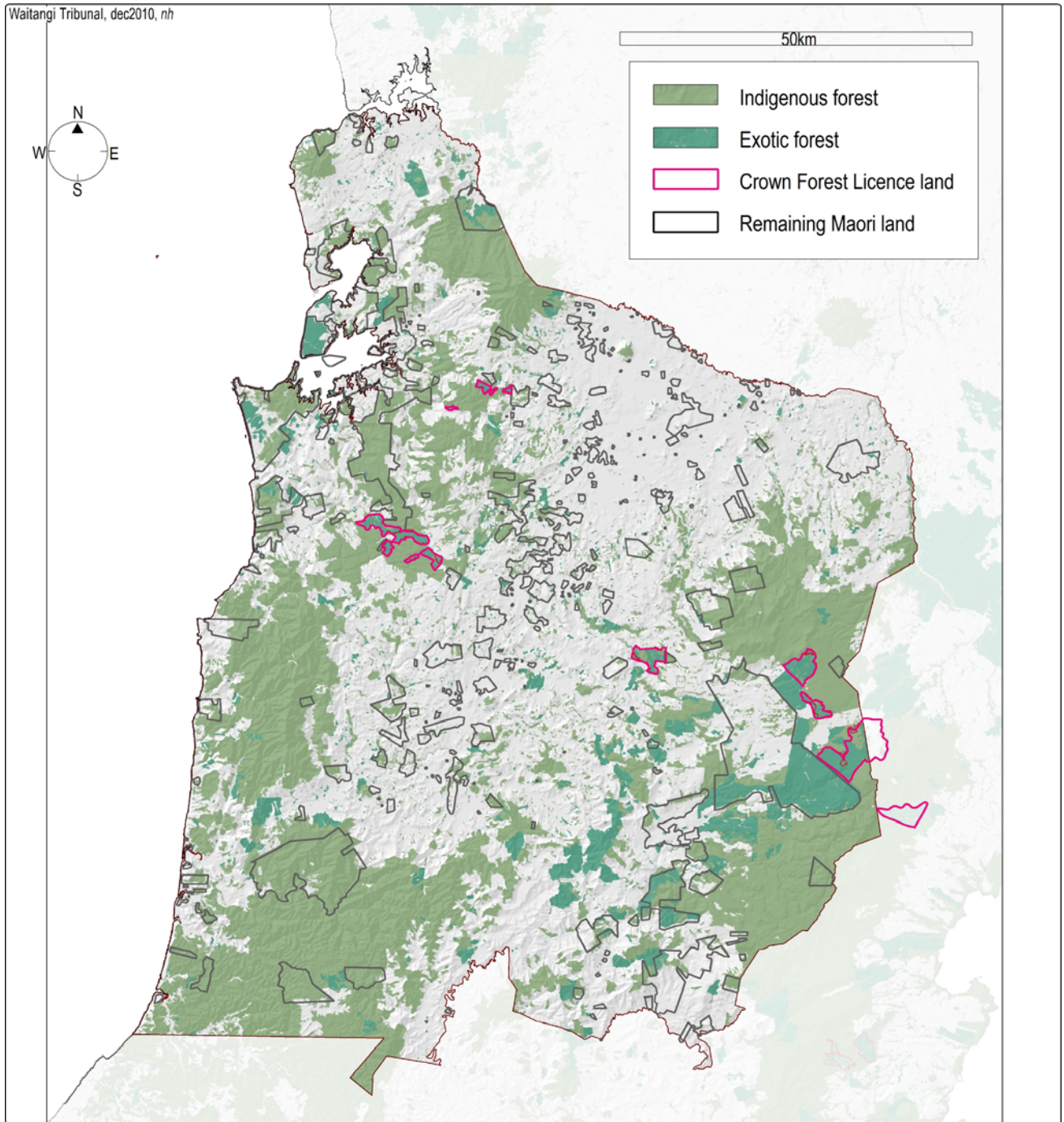
<sup>639</sup> Department of Lands and Survey, *King Country land use study: final report*, maps between p 86 and p 87.

<sup>640</sup> Roche, p 358.



However, the State Forest did establish some exotic forests in the inquiry district and from the mid-1960s entered into some long-term leasing arrangements with Maori owners. One of these arrangements resulted in the establishment of the Tainui Kawhia forest, which was planted during the 1970s on 1199 hectares of predominantly Maori-owned land. The arrangement appears to have provided for the owners to receive income from timber sales.

From the early 1970s, some Maori owners also entered into long-term leasing arrangements with private forestry companies. The most notable example of this is the 99 year lease that the incorporated owners of Maraeroa C entered into with New Zealand Forest Products, the then largest private forest owner in New Zealand. At the time this lease was secured, New Zealand Forest Products was looking to initiate a major afforestation scheme in the south-east of the inquiry district, covering at least 60,000 acres, of which at least 20 percent were owned by Maori. The scheme did not progress, however, owing to doubts as to whether forestry was an appropriate land use – a debate in which local Maori seem to have had very little involvement.



c2010

**Figure 8:** Exotic and indigenous forest cover and land remaining in Maori ownership in the Rohe Potae inquiry district, 2010<sup>641</sup>

<sup>641</sup> The forest cover shown in this map is based upon Ministry for the Environment, 'Land Use and Carbon Analysis System (LUCAS)', Wellington, June 2010. URL:<http://www.mfe.govt.nz/issues/climate/lucas>

## Conclusion

This chapter has focused principally on Maori involvement in the indigenous timber industry of the Rohe Potae inquiry district, which developed after construction of the NIMT railway began in 1885. The industry appears to have been economically important for at least 60 years, producing significant volumes of timber for New Zealand's domestic market. Sawmilling businesses involved some risk, but nevertheless provided an opportunity for profitable enterprise. This is evident from the longevity of some of the sawmilling operations, most notably Ellis and Burnand, the largest concern, which operated for almost the whole time that the indigenous timber industry existed in the inquiry district. The industry also seems to have provided a significant amount of employment. Though evidence on the matter is not clear, at the height of the industry some 500 people may have been directly employed in the forestry sector in the inquiry district.

As Maori owned almost all the timber resources in the inquiry district when construction of the railway began in 1885, it seems that they were well placed to secure a significant stake in the indigenous timber industry that would develop. Indeed, during the negotiations that preceded the construction of the railway, an important step in the opening of the Rohe Potae to European settlement, the Government's representative, Ballance, told Maori that the railway would enable them to 'develop the value of the timber'. However, Maori were to have almost no involvement in the ownership of sawmills, even though some retained significant areas of commercially valuable forest land. While it is unclear exactly how profitable the sawmilling operations were, the lack of Maori participation in this level of the industry appears to have been a lost economic opportunity.

A lack of access to finance for capital investment was a major obstacle to Maori ownership of sawmills. Owing partly to difficulties arising from the fact that Maori land was often multiply owned, state and private finance was generally unavailable for Maori and it seems that, in the case of state lending, money was not advanced for sawmilling anyway. Raising money through the sale of their own lands or cutting rights was also problematic because the prices that owners received may have been insufficient to enable such a strategy to be successful.

As well as limiting the ability of Maori owners to use their land as security to access lending finance, multiple ownership of Maori land also meant that owners who wished to mill a block

faceted governance problems. The individualisation of title that resulted from the Land Court system clearly made it difficult for Maori to make and carry out decisions regarding the utilisation of their lands. While provisions for the establishment of owner incorporations were introduced in 1892, the incorporations were of limited appeal until legislative change was introduced in the 1950s. However, by this time, opportunities for establishing sawmilling enterprises had largely passed. There is no evidence that Maori in the Rohe Potae inquiry district set up incorporations with the aim of engaging in sawmilling. A lack of technical expertise and financial skills were further obstacles to Maori ownership of sawmills.

Except for some waged employment in the indigenous timber industry, Maori involvement in the industry was limited to receiving money for timber that was cut from forest lands that they retained in their ownership. It has not been possible to accurately quantify the proportion of lands upon which milling was undertaken that were held by Maori at the time that the timber was harvested. However, it seems clear that Maori retained significant areas of commercially valuable forest. In particular, Maori appear to have held onto some valuable areas within the large Rangitoto Tuhua block, entering into cutting agreements with Pakeha sawmillers before government purchasing was able to commence. Numerous areas of forest cut after the Second World War, which had previously been inaccessible, were also owned by Maori.

Given that the main way that Maori were involved in the indigenous timber industry was as the owners of forest lands, the chapter has looked closely at issues surrounding the alienation of timber. By 1908, it seems that at least 85,000 acres of land in the inquiry district, located mostly along or in the vicinity of the NIMT railway, were subject to timber agreements between Pakeha sawmillers and Maori. It is evident that the early timber agreements that Maori entered into with Pakeha sawmillers were of particular importance because they often involved large areas of land. The agreements were, however, of doubtful legality and were widely seen to be in breach of restrictions against private dealing in Maori land. After 1900, leasing through the Land Council and, later, Land Board provided a legally sanctioned means of alienating timber, but sawmillers and Maori generally seem to have avoided this option.

Owing to concerns over their legality and fairness, particularly in respect of the prices that Maori received for their timber, the timber agreements between sawmillers and Maori in the central North Island came under the scrutiny of Parliament. The Maori Land Laws Amendment Bill 1903 contained a clause that would have invalidated the agreements, but was struck out, at least

partly reflecting the political influence of sawmilling interests. However, section 26 of the Maori Land Claims Adjustment and Laws Amendment Act 1907 required that the agreements be validated by the Land Boards. The Maniapoto-Tuwharetoa District Maori Land Board received some 16 applications regarding timber agreements over forest lands in the Rohe Potae inquiry district. Research has not established how all of these were dealt with, though it is clear that the Board confirmed at least two agreements that involved large and valuable areas of forest land – Rangitoto Tuhua 36 (30,163 acres) and Rangitoto Tuhua 66 (10,382 acres).

The Board's enquiry into Rangitoto Tuhua 36 reveals a number of inadequacies in the process. First, the owners were not represented at the hearing and the Board therefore only considered evidence submitted by Ellis and Burnand. It is also notable that the Board did not closely scrutinise the adequacy of the royalty rates and confirmed the 1898 agreement without any requirement for a review of rents or a limitation of the term of the agreement. In 1924, this failure saw the owners petition the House of Representatives.

Following the passage of the Native Land Act 1909, the number of timber alienations in the Rohe Potae inquiry district increased considerably, and between 1910 and 1921 some 45 timber alienations were dealt with by the Waikato-Maniapoto District Maori Land Board. The large number of alienations partly reflected the diminishing size of land holdings (a result of the process of partition) and also the ease of dealing with multiple owners through the meeting of owners system introduced in the 1909 Act. While it appears that the Board sought some evidence of timber values before confirming the sale of cutting of rights, the extent to which this was evidence was expert and impartial is unclear.

The establishment of the State Forest Service in 1919 and the subsequent passage of the Forests Act 1921-22 saw significant changes to the way that timber on Maori land was alienated. The requirement for the Commissioner of State Forests to consent to the alienation of timber was introduced as concern grew about the future supply of timber. The provision applied only to Maori land, upon which a significant proportion of forest was held. It seems that it was not until the early 1930s – amidst complaints about wastage in the timber industry – that the State Forest Service began to use the provision to exert greater control over timber cutting on Maori land. It did this by insisting that timber be sold at a value determined by the Forest Service through comprehensive appraisals of forest blocks.

While the State Forest Service's powers can be seen as paternalistic, the Forest Service's involvement in the sale of Maori-owned timber seems to have resulted in more careful valuation of this timber, ensuring that prices were at least in keeping with what the Service demanded from sawmillers working areas of State Forest. This is evident in the timber sales involving Maori land in the Rohe Potae inquiry district between 1922 and 1938, which numbered about 20 alienations. It is notable, however, that the Commissioner of State Forests' consent and the associated appraisal of timber was not, to the owners' detriment, seen to be necessary when Ellis and Burnand's cutting licenses over the large and important Rangitoto Tuhua 36 and Maraeroa C blocks were extended at various times between 1920 and 1950. This appears to have been because the original timber cutting agreements preceded the passage of the Forests Act 1921-22.

The State Forests Service maintained a significant role in the alienation of timber until the requirement for the Minister of Forests to consent to the sale of Maori-owned timber was removed in 1963. Between 1939 and 1980, there were at least 70 timber alienations in the Rohe Potae inquiry district. In the early 1950s, complaints were made about the cost of the State Forest Service's appraisals, which at this time appears to have been indirectly borne by the owners. The Forest Service seems to have been responsive to these concerns and sought ways to avoid carrying out appraisals. From the early 1950s, it seems that timber appraisals were, anyway, increasingly seen as unnecessary because, as the price of timber increased, the prices being offered by sawmillers were often in excess of the values that would be determined through the Forest Services ordinary system of valuation.

It has not been possible to quantify the total amount of money that Maori received from timber royalties during the period that the indigenous timber industry operated in the Rohe Potae inquiry district. Owing to the nature of the available evidence, there are difficulties with establishing even how much money was paid during individual years. However, given the number of timber alienations and some of the large payments involved, the general impression is that Maori forest owners received a significant sum of money during the period that the indigenous timber industry operated in the Rohe Potae inquiry district.

It appears, however, that this income was not utilised for long-term economic and social development purposes and, therefore, today, Maori have little to show for the valuable indigenous timber resources that they once owned. As well as posing an obstacle to Maori ownership of sawmills, the Maori land title system also would have made it difficult for Maori to

utilise timber royalties for long-term, collective purposes. It seems that in almost every case, royalties were distributed to often-large numbers of individual owners, who no doubt used the income to meet the needs of their individual circumstances. The establishment of owner incorporations does not seem to have been widely embraced by Maori who alienated timber in the Rohe Potae inquiry district.

When money was distributed to individual owners, the often large number of owners meant that payments to individuals were modest, even when the total amount of money was large. For example, by 1935, after about 22 years of cutting, the owners of Maraeroa C had been paid about £21,210 in royalties. However, there were a large number of owners (141 in 1924), ensuring that average annual payments to each individual were quite small, less than £10.<sup>642</sup> Another example concerns the alienation of timber on Rangitoto Tuhua 54A2, an area of 914 acres, which was sold in 1956 for about £11,350. Research has not established how many owners there were at this time, but there had been some 39 owners at the time that the subdivision was created in 1908.

Even though the payments that individual owners received were quite small, it seems likely that this income provided an important source of livelihood for some owners of forest land who sold cutting rights, though timber was only harvested once. Some evidence points to the importance of timber revenue. For example, when Native Agent Thomas Hetet wrote to the Under Secretary of the Native Department in 1934 regarding the Forest Services' valuation of Rangitoto A32B2 and A33, he described the owners as mostly being 'in necessitous circumstances' and impressed that they were very eager to see the timber alienation concluded.<sup>643</sup> While Hetet may have been deliberately overemphasising this point, it is possible that the owners were receiving little income from other sources.

Though it seems that Maori retained significant areas of commercially valuable forest land, government land purchasing clearly impacted upon the extent to which this was the case. Between 1889, when purchasing in the district began, and the passage of the Native Land Act 1909, the government maintained a purchase monopoly in the Rohe Potae. Though there is no evidence that the government attempted to deliberately target forest lands during this time, there is also no evidence that the government sought to preserve Maori ownership of these lands to

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<sup>642</sup> Berghan, p 510. It should be noted that many of the Maraeroa C owners were also owners of Rangitoto Tuhua 36 and therefore also would have received some income from cutting on that block.

<sup>643</sup> Hetet to Under Secretary, Native Affairs, 1 August 1934, MA 1 92 5/10 part 1, ANZ Wellington.

enable Maori to participate in the developing sawmilling industry. By 1910, almost half of the land in the inquiry district had been purchased by the government, including forest lands. As well as land purchase, it is notable that Maori also lost control of valuable forest lands through the vesting of such lands in the Waikato-Maniapoto District Maori Land Board under Part XIV of the Native Land Act 1909.

A significant feature of the early purchasing undertaken by the government was that the value of timber on forest lands does not appear to have been included in the purchase price. This failure no doubt owed something to the fact that the purchasing was undertaken without competition from private purchasers. By the second decade of the twentieth century, it is apparent that – in both government and private purchases – efforts were being made to have the value of timber appropriately recognised in the purchase price. However, it was not until the early 1930s, when the State Forest Service appraisal system commenced, that the prices paid for Maori forest lands began to be based on thorough and accurate valuation.

The decline of the indigenous timber industry from around 1960 resulted in a lessening of the economic importance of the forestry sector. Unlike the central North Island, the planting of exotic species had not been undertaken on a large scale in the Rohe Potae inquiry district. However, the State Forest Service did establish some exotic forests in the inquiry district and from the mid-1960s entered into some long-term leasing arrangements with Maori owners, one of which resulted in the establishment of the Tainui Kawhia forest.

From the early 1970s, some Maori owners also entered into long-term leasing arrangements with private forestry companies. The most notable example of this is the 99 year lease that the incorporated owners of Maraeroa C entered into with New Zealand Forest Products. At the time this lease was secured, New Zealand Forest Products was looking to initiate a major afforestation scheme in the south-east of the inquiry district, which included a significant area of Maori land. However, the scheme did not progress owing to doubts as to whether forestry was the most suitable land use. Local Maori, it seems, had very little involvement in this debate.



## Chapter Two: Mining and Quarrying – Coal, Limestone, and Ironsands

### Introduction

This chapter looks at Maori involvement in the mining and quarrying sector, focussing on the three industries that have been of the most economic significance – coal mining, limestone quarrying, and the mining of ironsands. Though other extractive industries have existed in the inquiry district, including, for example, small-scale quarrying of serpentine, these have been of substantially less importance.

The chapter is divided into three sections that separately examine each of the industries. Each section describes the natural resources upon which the industry is based, then traces the development of the industry and evaluates its economic importance, focusing particularly on Maori participation. As in the forestry sector, Maori have had very little involvement in the commercial enterprises that have exploited the resources of the mining and quarrying sector. Along with some wage employment, Maori participation has, again, largely been limited to receiving payments from Pakeha-owned companies that have extracted resources from lands that have remained in Maori ownership. Each of the three sections in this chapter therefore discusses in some detail the leasing arrangements that Maori entered into, which shed some light on the extent to which Maori have benefitted from each industry in relation of the overall economic opportunity that it has presented. The extent to which Maori retained ownership of resource-bearing lands is also discussed, as are any relevant issues concerning land purchasing policies. While Maori involvement in the three industries has largely been limited to receiving an income from royalties and some wage work, the coal industry includes cases where Maori sought to participate in mining ventures and, in one case, independently established a small operation. The coal-mining section closely examines these initiatives.

The chapter's conclusion includes a discussion of the factors that help to explain why Maori have largely not been involved in the business ventures that have operated in the coal, limestone, and ironsands industries of the Rohe Potae inquiry district. Unsurprisingly, many of the relevant factors are identical to those that help to explain why Maori were not substantially involved in the ownership of sawmills and include, for example, the difficulty of accessing finance and a lack of technical expertise and business experience.

## Mining and quarrying issues examined in other Waitangi Tribunal inquiries

While the Waitangi Tribunal has not, in other inquiries, specifically explored issues concerning the mining and quarrying of coal, limestone, or ironsands, it has discussed issues relevant to these activities in its examination of other extractive industries.

Of particular note, the *Hauraki Report* comprehensively examines the gold mining industry that began in the Hauraki inquiry district in the 1850s.<sup>644</sup> The report looks at issues concerning the ownership of gold and other precious metals, noting the conflict between the Crown's right of ownership of precious metals under common law and the protections provided to Maori under the second article of the Treaty.<sup>645</sup> It also discusses issues relating to the land that was required to carry out mining operations. The report examines whether land purchase was undertaken to secure access to mining areas, thereby preventing Maori, as landowners, from deriving an economic benefit from gold mining.<sup>646</sup> Where Maori retained ownership of mining lands, the report discusses various agreements that the government and Maori entered into, at different times and places, to provide access to enable mining activities to be pursued.<sup>647</sup> It examines the extent to which these agreements were upheld. The report also discusses the economic value of the gold bullion extracted in the Hauraki district and the level of investment required by the European-owned companies that were involved in the industry.<sup>648</sup>

Issues concerning the ownership of mineral resources are also examined in the *Petroleum Report*, which focuses specifically on whether Maori possess any rights of ownership over petroleum.<sup>649</sup> The report provides a brief discussion of common law entitlements and how these were affected by statutes introduced during the twentieth century. Under the provisions of the Petroleum Act 1937, the Crown assumed ownership of petroleum resources.

It is also notable here that, in a number of reports, the Tribunal has comprehensively examined the practice whereby central government and local authorities have taken Maori land under public works legislation.<sup>650</sup> This issue is relevant here because, as detailed below, some Maori lands in the Rohe Potae inquiry district have been taken for coal mining purposes and, more

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<sup>644</sup> Waitangi Tribunal, *Hauraki Report*, Volume I, chapters 6-9, and Volume II, chapters 10-13.

<sup>645</sup> Ibid, pp 255-267.

<sup>646</sup> See, for example, ibid, pp 334-338.

<sup>647</sup> See, for example, ibid, pp 297-304.

<sup>648</sup> Ibid, pp 274-283.

<sup>649</sup> Waitangi Tribunal, *The Petroleum Report*, Legislation Direct, Wellington 2003.

<sup>650</sup> See, for example, Waitangi Tribunal, *Turangi Township Report 1995*, Brookers, Wellington, 1995.

especially, for the quarrying of limestone. The Tribunal has found the practice of compulsory taking to be a breach of the Treaty, except in situations where the acquisition of the land is in the national interest. It has also found shortcomings in the process of taking land, paying compensation, and disposing of land that is no longer required for the purpose for which it was taken.

## **Coal mining**

### ***Ownership of coal and statutory provisions relating to coal mining***

Under common law, minerals beneath the surface generally belonged to the owner of the land, and when the land was conveyed, so were the minerals, unless explicitly separated in the instrument of conveyance.<sup>651</sup> The only exception to this was gold and silver, which belong to the Crown. Under the Petroleum Act 1937, the common law rule relating to ownership of minerals was abrogated and all petroleum becoming the property of the Crown. In the case of coal, the common law relating to minerals continues to apply. A 1975 Ministry of Energy Resources report on the coal industry noted that coal resources were not exclusively held by the Crown. The report commented that, in the case of privately owned coal reserves, ‘the owners retained the right to their utilisation.’<sup>652</sup>

Though the Crown does not have an exclusive right of ownership over coal, it appears that it has secured ownership of considerable deposits of coal through land acquisition. Since the nineteenth century, the government has been involved in issuing prospecting and mining licences for Crown-owned minerals, including coal. Legislative provisions relating to prospecting and licensing did not apply to privately owned coal. Referring to the Coal Mines Act 1925, the 1974 Ministry of Energy Resources report on the coal mining industry observed that:

The Act makes no provision for the granting and prospecting or mining licences on freehold land over which the Crown does not have legal right of access, or cannot gain the consent of the owner. Accordingly there are large areas of freehold land where rights to prospect and mine coal are reserved to individual owners.<sup>653</sup>

Today, the allocation of rights to prospect and mine minerals owned by the Crown is carried out under permits issued under the Crown Minerals Act 1991. Environmental issues concerning

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<sup>651</sup> Waitangi Tribunal, *Petroleum Report*, p 19.

<sup>652</sup> *AJHR*, 1975, D-9, p 23.

<sup>653</sup> *AJHR*, 1975, D-9, p 28.

prospecting and mining are dealt with under the Resource Management Act 1991. However, neither a permit under the Crown Minerals Act 1991 or consent under the Resource Management Act give a right of land access, which must be determined by direct negotiation with the landowner.<sup>654</sup>

Statutory provisions have also existed in respect of the working of coal and other mines. These provisions and associated regulations set out numerous rules of operation, including matters relating to labour and safety. Provisions concerning the working of coal mines were included in legislation that related specifically to coal mining, the earliest relevant statute being the Coal Mines Act 1886. With the passage of the Stone Quarries Act 1910, opencast coal mines were brought under legislation that applied to quarries. Under the Coal Mines and Stone Quarries Acts, coal mines and quarries were subject to annual inspection.<sup>655</sup> The reports of the inspectors, published each year in the Mines Department report, provide valuable details of coal mining operations in the Rohe Potae inquiry district.

### ***Overview of coal industry in New Zealand***

This section provides a brief overview of the coal industry in New Zealand. It provides a context for the examination of coal mining in the Rohe Potae inquiry district, particularly in regard to the extent to which this was of economic significance.

From about 1850, a number of small coal mines began operating in different locations around the country, catering for the local market.<sup>656</sup> Around the same time, exploration of New Zealand's mineral resources, including coal resources, began to be undertaken in a systematic fashion. In 1869, James Hector, Director of the Geological Survey, reported on existing mining operations and the resources available for mining.<sup>657</sup> Hector provided details of several coal mining enterprises in the North Island and also noted that there were extensive seams of coal between the Mokau and Whanganui rivers. By about 1870, most New Zealand coalfields appear to have been located, with subsequent survey work undertaken primarily to define the extent of

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<sup>654</sup> URL: <http://www.crownminerals.govt.nz/cms/coal/legislation>

<sup>655</sup> The Mines Department was given power to inspect mines after a mining accident at Kaitangati in 1879, which killed 34 men. Powers of inspection were increasingly strengthened, but even 40 years later were sporadic and depended on a strong workers' union to be effective. Alan Sherwood and Jock Phillips, 'Coal and coal mining', Te Ara – the Encyclopedia of New Zealand, updated 23 November 2009.

URL: <http://www.teara.govt.nz/en/coal-and-coal-mining>

<sup>656</sup> Sherwood and Phillips, 'Coal and coal mining'.

<sup>657</sup> James Hector, 'On mining in New Zealand', *Transactions and Proceedings of the Royal New Zealand Institute*, vol. 2, 1869, pp 378-384.

these fields.<sup>658</sup> Further research is required to determine exactly when each of the coal fields in the Rohe Potae inquiry district was discovered. In the case of the coal deposits up the Mokau River, it seems that Europeans had first become aware of these in the 1840s.<sup>659</sup>

During the 1870s, demand for coal increased markedly, partly as a result of Vogel's public works and immigration programme.<sup>660</sup> Coal was required for trains, and ships were increasingly also powered by coal. By the end of the 1870s, coal was New Zealand's fifth largest import. The first large scale coal mining operation emerged at Brunner, near Greymouth, which by 1888 was producing a third of New Zealand's coal output. Other significant operations were located at Denniston, Kaitangata, and, in the North Island, at Huntly. Many small operations sprang up and by 1896 there were 163 mines, though only 20 employed more than 20 men.<sup>661</sup> By 1900, New Zealand was producing over a million tons of coal annually – a six fold increase since records began in 1878 and over eight times the amount being imported. Coal had become the country's main energy source. Reflecting the real and perceived importance of coal at this time, the State Coal Mines Act 1901 enabled the state to own and operate coal mines. The first state mine was at Sedonville in Buller.<sup>662</sup>

Between 1900 and 1914, growing demand for coal saw production double to 2.25 million tons. Coal was required for railways and steamships, the growth of dairy factories and freezing works, and the municipal gas works that burnt coal to produce domestic gas.<sup>663</sup> The greatest increase in production occurred in the Buller district, which by 1914 supplied one-third of the country's coal, with the West Coast, in total, contributing three-fifths. In the North Island, production also grew in the Huntly area, where demand from Auckland created a strong local market. By the mid-1930s, the Waikato fields were producing as much coal as the West Coast fields.<sup>664</sup> The economic depression saw a revival of small-scale mining, with workers laid off from larger operations forming co-operatives and re-opening abandoned workings.

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<sup>658</sup> 'Coal', from *An Encyclopaedia of New Zealand*, edited by A.H. McLintock, originally published in 1966. Te Ara – the Encyclopaedia of New Zealand. URL: <http://www.TeAra.govt.nz/en/1966/mining-an-mineral-resources/9>

<sup>659</sup> Evelyn Stokes, *Mokau: Maori cultural and historical perspectives*, University of Waikato, Hamilton, 1988, p 185.

<sup>660</sup> Sherwood and Phillips, 'Coal and coal mining'.

<sup>661</sup> Ibid.

<sup>662</sup> Ibid.

<sup>663</sup> Ibid.

<sup>664</sup> Ibid.

The Second World War gave new value to coal, and during the 1940s the government took over a number of pits, particularly when they looked like failing.<sup>665</sup> (In the Rohe Potae inquiry district, the government purchased in 1940 the operations of the Mangapehi Coal Mining Company, which was in liquidation.<sup>666</sup> The mine was located on Crown land, so the government purchased only the mine plant.) By the late 1940s, state-owned mines were producing half of New Zealand's coal. Another important development during this period was the beginning of opencast mining on a substantial scale.

In 1960, post-war coal production peaked at over 3 million tons per annum, then a decline in demand saw production fall to less than 2 million tons in 1979.<sup>667</sup> The decline was particularly severe on the West Coast because the bituminous coal extracted there, once the fuel of ships and trains, was no longer in demand. Also, coal gas was increasingly replaced by hydro electric power and, in the 1970s, by Maui gas. Between 1958 and 1973, the number of mines fell from 216 to 78 and the number of miners from 5000 to about 1500.

A slow revival of coal mining began in the early 1980s and picked up dramatically in the 1990s.<sup>668</sup> In 1987, State Coal Mines became a state-owned enterprise, Coal Corp, and by 2003, rebranded as Solid Energy, was producing 80 percent of the country's coal. In 2003, national production was over 5 millions tons. In the North Island, increased demand for coal owed much to the 1983 commissioning of the coal-fired Huntly power station and the operation of the Glenbrook steel mill, south of Auckland. In the South Island, an export industry developed, primarily involving high-quality coking coal used in steel production. Today, some 21 coal mines operate in New Zealand. None of these mines are located in the Rohe Potae inquiry district.<sup>669</sup>

### ***Government assistance for coal mining***

Over the years, the state has provided financial assistance to coal mining and the mining of other minerals, notable gold. Money appears to have been provided for prospecting and for drilling equipment.<sup>670</sup> However, owing no doubt to the high risk nature of mining ventures, state finance does not seem to have been advanced for the establishment of mines. During the Second World

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<sup>665</sup> Ibid.

<sup>666</sup> See MD 1 1368 11/10 part 1, Purchase of Mangapehi colliery, 1940-1950, ANZ Wellington. *AJHR*, 1941, C-2A, p 5.

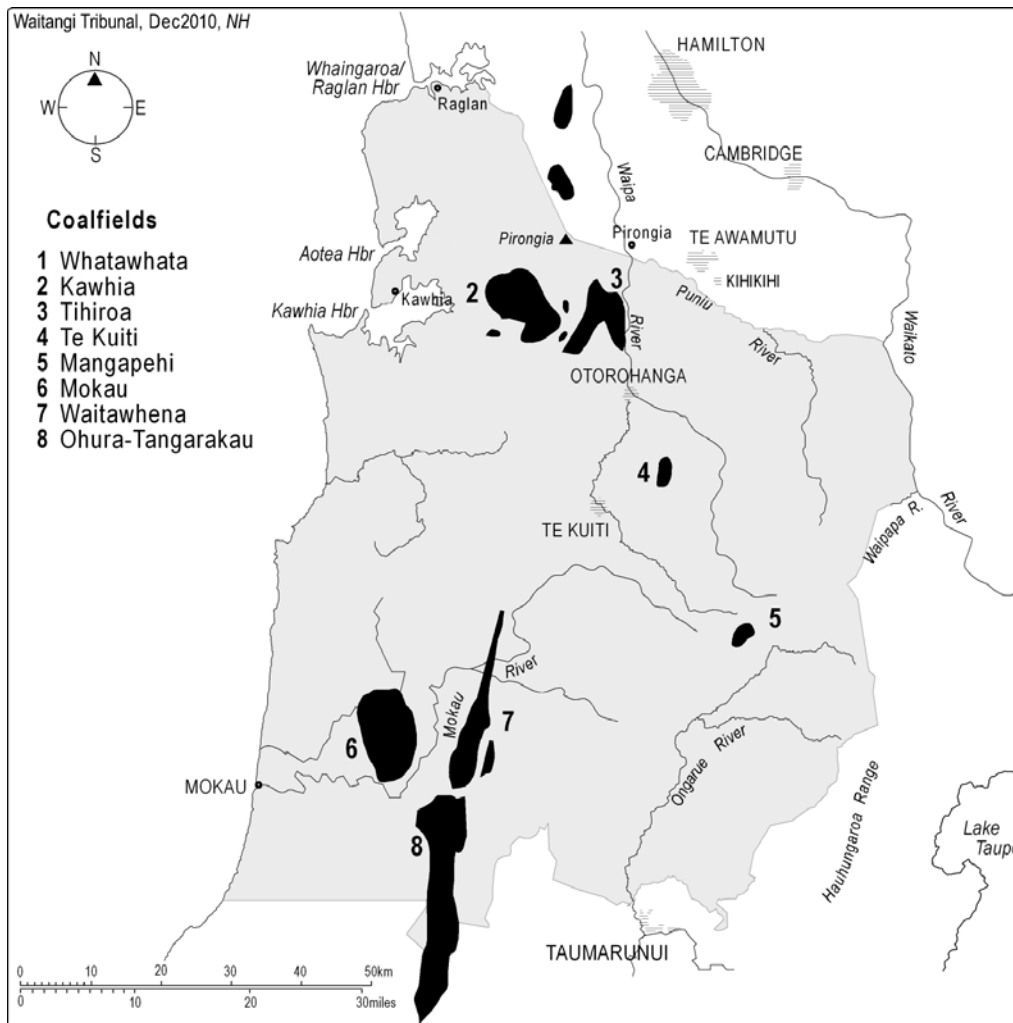
<sup>667</sup> Sherwood and Phillips, 'Coal and coal mining'.

<sup>668</sup> Ibid.

<sup>669</sup> URL: <http://www.crownminerals.govt.nz/cms/coal/overview/operating-coal-mines>

<sup>670</sup> See, for example, *AJHR*, 1925, C-2, pp 18-19.

War, and possibly at other times, the government paid subsidies on coal production, including a tonnage subsidy and a subsidy on coastal shipping freight.<sup>671</sup> Indirect support for the industry was also provided, particularly through survey work carried out by agencies such as the Geological Survey and Dominion Laboratory.<sup>672</sup> The government also funded several schools of mining, which provided technical education for students of the mining industry.



**Figure 9:** Coalfields within the Rohe Potae inquiry district<sup>673</sup>

### *Coal resources in the Rohe Potae inquiry district*

This section provides a brief description of the coal resources that are located within the Rohe Potae inquiry district. Figure 9 shows the coalfields of New Zealand, with the fields lying in the

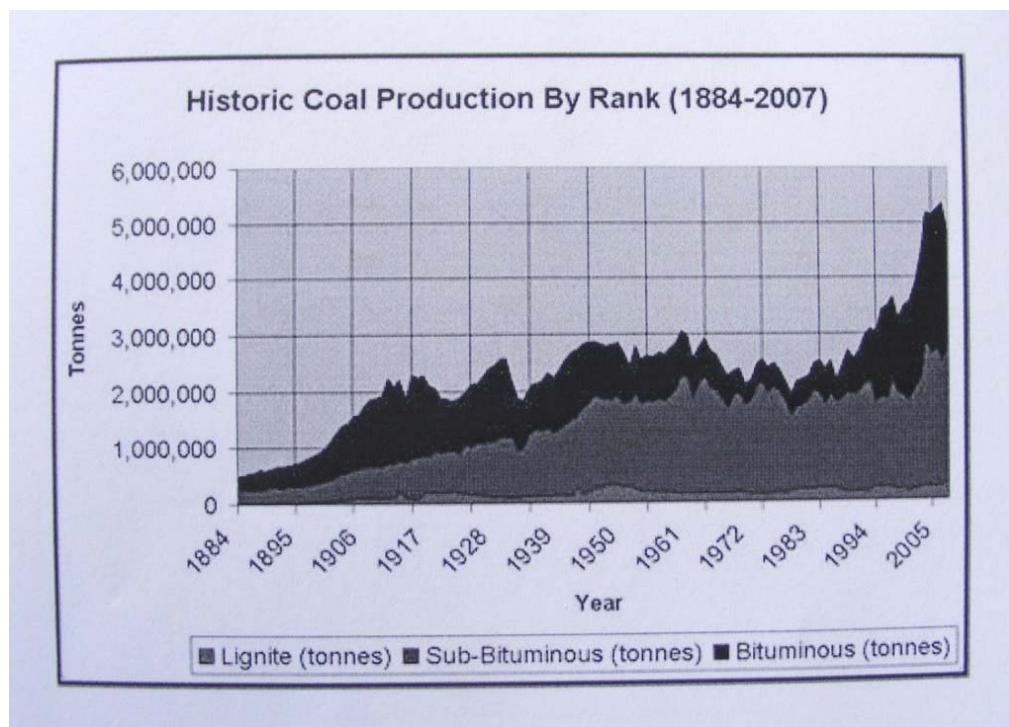
<sup>671</sup> See, for example, *AJHR*, 1945, C-2, p 7.

<sup>672</sup> Relevant geological reports were often published in the Mines Department's annual reports.

<sup>673</sup> This map is based on P.C. Taylor, *New Zealand Coal Resources Survey Programme, 1976-1989*, Crown Minerals, Ministry of Commerce, Wellington, 1999, p 6, 15, 22.

Rohe Potae inquiry district shown in detail. The map shows that the following coalfields lie either wholly or partly within the inquiry district: Whatawhata, Kawhia, Tihiroa, Te Kuiti, Mangapehi, Aria, Mokau, Waitewhena and Ohura-Tangarakau.<sup>674</sup> Geologically, the Whatawhata, Kawhia, Tihiroa and Mangapehi Coalfields lie within a group of coalfields known as the Waikato Coal Region, which also includes – outside the inquiry district – the significant Huntly Coalfield. The Aria, Mokau, Waitewhena, and Ohura-Tangarakau Coalfields lie within the Taranaki Coal Region.

All of the coal in the North Island is sub-bituminous coal, which in terms of quality is classified as a ‘mid rank’ coal.<sup>675</sup> Two other types of coal exist in New Zealand: bituminous, a ‘high rank’ coal, and lignite, which is an inferior, ‘low rank’ coal. The graph in Figure 10 shows that coal mining in New Zealand has focussed on the production of bituminous and sub-bituminous coal.



**Figure 10:** New Zealand coal production by type, 1884-2007<sup>676</sup>

A comprehensive coal survey carried out between 1976 and 1989 established that New Zealand has some 15 billion tons of in-ground coal.<sup>677</sup> It is estimated that the total amount of in-ground bituminous and sub-bituminous coal is 3.5 billion tons, though it is uncertain how much of this

<sup>674</sup> URL: <http://www.crownminerals.govt.nz/cms/coal/overview/overview-coal-resources>

<sup>675</sup> URL: [http://www.minerals.co.nz/html/main\\_topics/resources\\_for\\_schools/coal/coal\\_index.html#links](http://www.minerals.co.nz/html/main_topics/resources_for_schools/coal/coal_index.html#links)

<sup>676</sup> URL: <http://www.crownminerals.govt.nz/cms/coal/facts-and-figures/historic-nz-coal-production>

<sup>677</sup> Sherwood and Phillips, ‘Coal and coal mining’.. P.C. Taylor, *New Zealand Coal Resources Survey Programme*.



is recoverable.<sup>678</sup> The lignite coalfields of the South Island contain the greatest amount of coal, of which some 6.2 billion tons is thought to be recoverable. Table 13 provides details of the relatively modest coal resources that lie within the sub-bituminous coalfields of the Rohe Potae inquiry district.

**Table 13:** Resources of coalfields within the Rohe Potae inquiry district<sup>679</sup>

Coalfield	Coal-in-ground resource (million tons)	Recoverable coal resource (million tons)
Kawhia	181.9	59.2
Tihiroa	181.1	49.2
Te Kuiti	38.4	11.6
Mangapehi	29.8	8.2
Mokau	164.9	108.1
Aria	1.9	-
Waitawhenua	89.8	32.1
Ohura-Tangarakau	110.9	33.3
<b>Total</b>	<b>798.7</b>	<b>301.7</b>
<b>New Zealand (all types)</b>	<b>15,563.7</b>	<b>8,643.7</b>

### *Overview of coal mining in the Rohe Potae inquiry district*

In the Rohe Potae inquiry district, as in other areas, the level of coal mining activity has reflected the quantity, quality, and accessibility of the available coal resources. Coal mining in the inquiry district has been undertaken on a small scale and the amount of coal extracted has comprised a very small proportion of national production. The total amount of coal produced from within the inquiry district appears to have been only about 5 million tons, much of which was sold locally.<sup>680</sup> Mining in the inquiry district spanned a period of about 115 years, beginning in the Mokau district in around 1884, and ending in about 2000 near Pirongia. It seems that no coal mining has been undertaken in the inquiry district during the past decade, in spite of the growth in the demand for coal that has seen New Zealand's coal production increase markedly.

Coal mining appears to have been carried out almost exclusively by Pakeha-owned companies and the state, which were able to access the funds that were necessary to establish mining operations. The amount of capital required to set up a working coal mine varied according the scale of the operation. Many of the mines in the inquiry district were small concerns, but even in these cases a reasonable amount of capital investment seems to have been required. The largest

<sup>678</sup> URL: <http://www.crownminerals.govt.nz/cms/coal/overview/overview-coal-resources>

<sup>679</sup> Steve Edbrooke, Institute of Geological and Nuclear Sciences Ltd, 'Coal'. URL: [http://www.minerals.co.nz/html/main\\_topics/minerals\\_industry\\_in\\_nz/coal/coal\\_overview.html#occurrence\\_production\\_resources](http://www.minerals.co.nz/html/main_topics/minerals_industry_in_nz/coal/coal_overview.html#occurrence_production_resources)

<sup>680</sup> This figure has been calculated from figures provided in Endbrooke.

mining operations, which were undertaken by the state at Benneydale and in the Waitewhenua Valley, involved considerable capital expenditure. It is evident that a number of mining operations, including the state mine at Benneydale, struggled financially and, in some cases, failed.

Lacking access to finance and technical expertise, Maori who owned coal resources and wished to engage in coal mining faced major obstacles. It appears that Maori involvement in the industry was limited to receiving payments for coal mining undertaken on land that remained in their ownership and, also, to obtaining some employment as coalminers. As discussed below, Mokau Moari attempted to derive an economic benefit from their coal-bearing lands by entering into land leasing arrangements with Pakeha mining interests. Prospecting and mining was, as detailed below, also carried out on Maori land in a few other locations. In all these cases, the owners seem to have received either royalties for coal extracted, an annual rental, or payments for both.

Though coal mining has been undertaken on a small scale, it is notable that, except for the Tihiroa coalfield, all of the coalfields in the inquiry district appear to have been worked at various times since the late nineteenth century. Initially limited to underground mines, opencast mining was increasingly practiced from the mid-twentieth century. In the inquiry district's northernmost coalfield, the Kawhia Coalfield, mining seems to have commenced in 1930, with operations expanding somewhat from about 1950.<sup>681</sup> Before mining of the field ended around 2000, about 1.5 million tons had been produced, most of this (1.3 million tons) coming from Pirongia Opencast Mine.<sup>682</sup> None of the mining within the Kawhia Coalfield appears to have been undertaken on Maori land, though as discussed below some prospecting on Maori land appears to have been undertaken.

Mining in the small Te Kuiti Coalfield began in about 1921 and continued, intermittently, over a period of 50 years. A few small mining operations worked the coalfield, producing very limited quantities of coal and employing a small number of men. The first mines to work the field were underground mines, but the most long-lasting operation was the Rangitoto Opencast Mine, which operated between about 1950 and 1973.<sup>683</sup> As discussed below, the mining operations

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<sup>681</sup> Edbrooke. Fox, p 233.

<sup>682</sup> Edbrooke, 'Coal'.

<sup>683</sup> Details of the operation of the Rangitoto Mine are provided in the annual reports of the Mines Department. During the period that the mine operated, these reports were printed in section C-2 of the *AJHR*.

within the Te Kuiti Coalfield were all undertaken on Maori land. The individuals and companies who worked the mines leased the land and paid royalties for the coal that was extracted. It is also notable that the Rangitoto Opencast Mine that began working in 1950 was owned and operated by Maori. As with the other operations, the owners of this mine – members of the Wahanui family – leased the land from Maori owners.

Mining operations in the Mangapehi coalfield began in 1934, when the Mangapehi Mine was established at Benneydale, near the NIMT railway.<sup>684</sup> This mine, located on Crown land, was initially operated by private interests holding a Crown mining license.<sup>685</sup> In 1940, with the company in liquidation, the mine was purchased by the government and it was then operated as a state mine.<sup>686</sup> After the state took over the Mangapehi Mine, production expanded considerably. By 1953, 113 people were employed at the mine and almost 34,000 tons of coal was produced.<sup>687</sup> However, the mine ran at a considerable loss. It was expensive to operate and the quality of the coal was such that it was difficult to sell at an economic rate.<sup>688</sup> (The coal was primarily used for the Kinleath pulp and paper plant, initially being transported by rail before a road connection was formed.<sup>689</sup>) Following a fire, Mangapehi Mine was closed in 1960. In 1978, a new underground mine, the Benneydale Mine, began working the Mangapehi field, producing about 10,000 tons annually before closing in 1998.<sup>690</sup> In total, the Bennydale Mine and the earlier Mangapehi Mine produced a total of just over 1 million tons of coal.

Between 1884 and 1987, about 11 mines operated in the Mokau Coalfield, producing a total of about 240,000 tons of coal.<sup>691</sup> These mines were, again, small-scale ventures that employed small numbers of workers. A number of the operations were unsuccessful and operated only briefly. As discussed in more detail below, the earliest mining was undertaken along the Mokau River, on land owned by Maori. These operations proceeded after Pakeha mining interests and Maori entered into leasing arrangements. After the Second World War, at least three small coal mines were opened near Mahoenui. The largest operation was that of Valley Collieries, which between the 1953 and 1967 worked opencast and underground mines that produced almost 110,000 tons

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<sup>684</sup> *AJHR*, 1935, C-2, p 74.

<sup>685</sup> *AJHR*, 1940, C-2, p 61.

<sup>686</sup> Fox, p 232. Alexander notes that in 1956 about three and a half acres of Maori land was taken under public works legislation for a coal screening plant at Mangapehi. He claims that this was the only area of Maori land taken for coal mining purposes in the inquiry district. David Alexander, 'Public works and other takings in Te Rohe Potae inquiry district', a report commissioned by the Crown Forestry Rental Trust, December 2009, pp 221-224.

<sup>687</sup> *AJHR*, 1954, C-2, pp 104-105.

<sup>688</sup> Fox, p 234.

<sup>689</sup> Fox, p 232.

<sup>690</sup> Edbrooke, 'Coal'.

<sup>691</sup> *Ibid*.

of coal.<sup>692</sup> The three mines were located within the Mahoenui block, on land that had been purchased from Maori many years earlier.<sup>693</sup> In the 1980s, government departments briefly explored the possibility of developing the Mokau Coalfield in conjunction with the establishment of a coal-fired power station.<sup>694</sup>

Mining of the Aria Coalfield was also prosecuted on a small scale, with four small underground mines producing a total of 53,000 tons from the field between 1917 and 1961.<sup>695</sup> More substantial operations were carried out on the Waitewhena Coalfield, where between 1935 and 1990 some 29 underground and opencast mines produced a total of about 2 million tons of coal.<sup>696</sup> In about 1945, the Waitewhena State Mine opened on Crown land in the Waitewhena Valley. This was an opencast mine and the scale of the operation was larger than the other mines that worked the field. In 1954, the mine, with nine workers, produced about 16,000 tons of coal and made a net profit of £1,654.<sup>697</sup>

The development of mining operations in the Ohura-Tangarakau Coalfield appears to have been closely associated with the completion of the Stratford-Okahukura railway.<sup>698</sup> In 1928, Ohura became connected with the NIMT railway when the section of railway between Okahukura and Ohura was completed.<sup>699</sup> From around this time, several small opencast and underground mines opened near Ohura. The exact location of all of these mines is unclear and it is possible that some were located outside the Rohe Potae inquiry district. One of the mines, which opened in 1935, was located on land that was leased from Maori.<sup>700</sup> The only significant operation that worked the Ohura-Tangarakau Coalfield was the Tatu State Mine, which between 1940 and 1971 produced just over 1 million tons of coal.<sup>701</sup> Located outside the inquiry district, this mine accounted for a significant proportion of the total production from the Ohura-Tangarakau Coalfield, which amounted to about 1.4 million tons.

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<sup>692</sup> H.R. Barr, 'The Mokau mines: speculation in nineteenth century Taranaki', MA thesis, Waikato University, 1979, pp 43-44. Stokes, p 197.

<sup>693</sup> Stokes, p 141, 184. The mines appear to have been located in Rimrock Station – land that had been purchased in 1904.

<sup>694</sup> Ibid, preface.

<sup>695</sup> Edbrooke, 'Coal'.

<sup>696</sup> Ibid.

<sup>697</sup> *AJHR*, 1955, C-2, p 139.

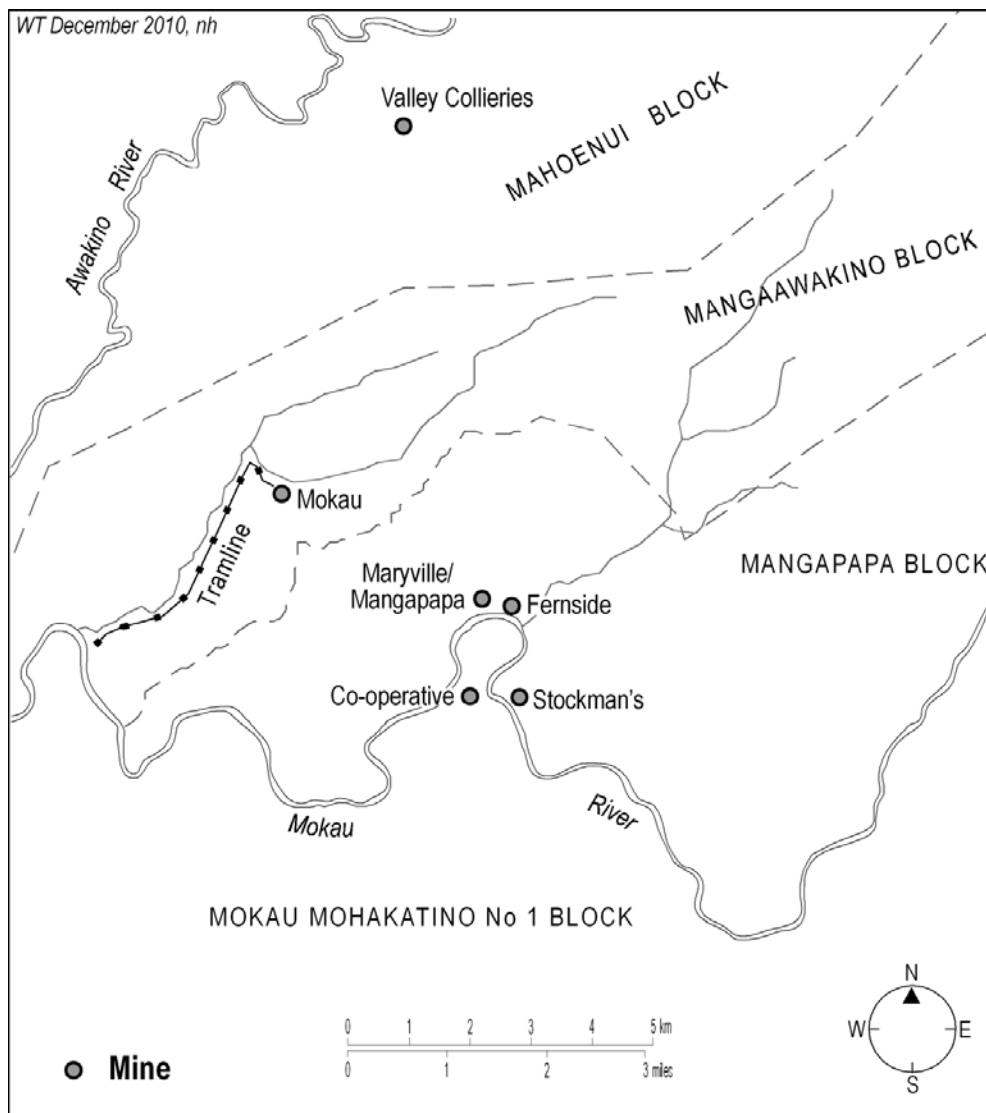
<sup>698</sup> *AJHR*, 1930, C-2, p 61.

<sup>699</sup> The line between Stratford and Okahukura was completed in 1932.

<sup>700</sup> *AJHR*, 1935, C-2, p 74.

<sup>701</sup> Edbrooke, 'Coal'.

The following sections examine more closely the coal mining activities that were undertaken on Maori lands in the Rohe Potae inquiry district. In particular, the arrangements under which mining was carried out and the extent to which the owners benefited from coal mining are discussed.



**Figure 11:** Coal mines in the Mokau district<sup>702</sup>

***Mokau district***

As noted above, coal mining in the Rohe Potae inquiry district was first undertaken along the Mokau River, with the first mines opening in the mid-1880s. Envisaging that Mokau would become the centre of a thriving coal industry, the mines were established by Pakeha speculators

<sup>702</sup> This map is based upon Stokes, p 141, 184.

and entrepreneurs on land leased from Maori, who were also interested in the economic potential of the industry. However, hampered by finance and transportation problems, the industry did not progress as hoped and was limited to a number of relatively short-lived and small-scale operations. Maori appear to have received little from the industry and, significantly, as a consequence of the land deals, lost control of large areas of land.

It is evident that Pakeha were aware of the existence of potentially valuable coal in the Mokau district by the early 1840s. Writing to the Secretary of the New Zealand Company in December 1843, William Wakefield noted that a considerable vein of coal had been discovered at Mokau the previous year.<sup>703</sup> Stokes suggests that New Zealand Company naturalist, Ernest Dieffenbach, who visited the Mokau area in 1839, was probably the first European explorer to report on the district's coal resources.<sup>704</sup> Other travellers also commented on the coal, including German geologist Ferdinand von Hochstetter, who travelled through the district in 1859.<sup>705</sup> However, a detailed geological report was not prepared until 1878, when James Hector, Director of the Geological Survey, travelled up the Mokau River.<sup>706</sup>

Hector's survey was undertaken as Pakeha speculative interests began to look to exploit the coal resources of the Mokau district. These efforts were led by Australian miner and entrepreneur Joshua Jones, who in 1876 began discussions with Mokau Maori, led by Wetere Te Rerenga, regarding the possibility of entering into a commercial arrangement to mine coal up the Mokau River. In his report on the Mokau district, Paul Thomas closely examines these negotiations and subsequent land dealings.<sup>707</sup> A summary of these events, focussing particularly on developments that related specifically to the mining of coal in the Mokau district, is provided here.

Thomas details that Jones' engagement with Mokau Maori was supported by the Grey administration (1877-1879), which viewed the negotiations and coal mining objectives as potentially helpful to bringing about the removal of the aukati and the opening the Rohe Potae to settlement.<sup>708</sup> Kingitanga leadership, in turn, watched developments at Mokau closely. One way that the Grey administration assisted Jones was by financially supporting the *Hannah Mokau*,

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<sup>703</sup> *GBPP*, 1844, vol 2, p 97, cited in Stokes, p 185.

<sup>704</sup> Stokes, p 185.

<sup>705</sup> Stokes, p 185. Fleming, C.A., 'Hochstetter, Christian Gottlieb Ferdinand von – Biography', from the *Dictionary of New Zealand Biography*, Te Ara – the Encyclopedia of New Zealand, updated 1 September 2010. URL: <http://www.TeAra.govt.nz/en/biographies/1h30/1>

<sup>706</sup> Stokes, p 185.

<sup>707</sup> Thomas, pp 166-381.

<sup>708</sup> *Ibid*, pp 178-179.

the vessel that Jones' consortium operated as part of a guarantee to Mokau Maori to increase trade.<sup>709</sup> The boat was also used when Hector carried out his investigations in 1878. On 15 September 1878, using the *Hannah Mokau* and canoes, a party led by Hector travelled some twenty miles upriver, encountering high quality and easily extractable coal.<sup>710</sup>

From around this time, small-scale but promising experiments into a possibly more major coal venture were undertaken. Local hapu occasionally arranged for European boats to collect coal extracted by Maori. In January 1880, for example, local Maori, assisted by an experienced European miner, worked a rich coal seam about twenty eight miles up the Mokau River. Around twenty tons of coal was transported by canoe six miles downriver, which was as close as Wetere, known as the most expert pilot of the difficult Mokau river, had been able to guide a steamer. A Pakeha crew then took the coal to Waitara, where it was sold and proclaimed to be of excellent quality.<sup>711</sup>

#### Mokau Mohakatino block

By 1882, Jones was in a position to conclude a leasing arrangement with Maori who held interests in a large area of land on the south side of the Mokau River. Before this could happen, it was necessary for the title of the land to be determined by the Native Land Court. In June 1882, at a sitting in Waitara, the Native Land Court heard an application by Wetere and others to determine the title of the Mokau Mohakatino block. (It is notable that Rewi Maniapoto supported the application, marking a decline in the influence of Tawhiao and the Kingitanga within the Rohe Potae and the rise of an 'interior alliance' of chiefs.<sup>712</sup>) The block had not been surveyed, but was thought to contain about 100,000 acres. There were no counter-claimants and much of the discussion concerned the terms of the lease that the owners intended to enter into, particularly whether it would simply provide a rental or, alternatively, a share of the mining profits in lieu of rent. Wetere indicated that he was in favour of the latter option, stating that he was prepared to run the risk of getting nothing in order to have the chance of receiving a 'handsome profit'.<sup>713</sup>

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<sup>709</sup> Ibid, p 184.

<sup>710</sup> Ibid, p 186.

<sup>711</sup> Ibid, pp 196-197.

<sup>712</sup> These chiefs represented Northern Whanganui, Ngati Maniapoto, Ngati Tuwharetoa, Ngati Hikairo, and Ngati Raukawa. Ngati Maniapoto's Wahanui would become their most prominent representative. This development will be expored in Marr's political engagement report for the period from 1865 to 1913.

<sup>713</sup> Stokes, p 142.

Soon after the title was determined, many of the owners of the Mokau Mohakatino block signed a document by which the block was leased to Jones for a term of 56 years. Thomas states that Jones and the owners had very different views of the arrangement that had been entered into.<sup>714</sup> Jones, it seems, viewed the lease as providing rights over all of the land, including rights to extract minerals. The owners, on the other hand, viewed the lease as an agreement that related specifically to the development of the coal resources that lay within the block. It appears that they understood that Jones would invest a certain amount of capital into mining operations and that Maori would get a proportion of profits and also be engaged in some work. In 1888, when giving evidence to a royal commission that had been set up to enquire into Jones's dealings at Mokau, Wetere stated that he had intended to use profits from the mining to invest into the development of lands.

The first attempt to mine coal under Jones' 1882 lease seems to have begun in 1884, but was short lived. Stokes details that Jones' capital was exhausted by the cost of securing the lease and setting up the venture.<sup>715</sup> In 1884, he was forced to sell mining rights to an Auckland syndicate for £4,000 and a royalty of one shilling per ton of coal mined. Mining operations were begun on what became known as the 'Auckland seam', a mine later known as 'The Co-operative'. The mining ceased when Maori, unhappy with how the mining was progressing and feeling that they had been misled by Jones, disrupted operations. A party of 12, led by the upriver chief Heremia, threw coal into the river and escorted the miners to the river to await the next steamer. The Auckland syndicate abandoned the enterprise and, at the same time, Australian mining interests who Jones had persuaded to join the Auckland group withdrew from plans to invest £45,000 in the operation.<sup>716</sup>

It appears that further mining was later undertaken in the Mokau Mohakatino block, but only briefly and on a small scale. It seems likely that the profitability of these operations was limited. Stokes records that a cooperative party worked the Auckland seam for a period up to 1894, extracting some 940 tons of coal.<sup>717</sup> In 1897 and 1898, a further 50 tons was extracted from an unspecified location. Other small-scale operations were also possibly undertaken. Maori, it seems, may have received nothing from these operations. In November 1904, when the Maniapoto-Tuwharetoa District Maori Land Board heard an application to confirm a lease over

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<sup>714</sup> Thomas, pp 264-279.

<sup>715</sup> Stokes, p 143.

<sup>716</sup> Stokes, pp 143-144.

<sup>717</sup> Stokes, p 188.



Mangaawakino 4, which included rights to remove coal and timber, the applicant's representative, a Mr Ellis, stated that no royalty at all was being paid to the owners of the Mokau Mohakatino and the Mangapapa blocks, only a small annual rent.<sup>718</sup> Ellis also stated that, owing to poor shipping facilities, no coal companies operating up the Mokau River had been commercially successful.

The case of Jones' lease over the Mokau Mohakatino block shows that Maori who wished to enter into a partnership to mine coal could face major problems and that such partnerships could go disastrously wrong. While small-scale mining proceeded within the Mokau Mohakatino block, a number of developments unfolded concerning Jones's lease of the land, which ultimately saw Maori lose ownership of the block. These developments, which Thomas covers in detail, are briefly summarised here.

Thomas states that by the mid-1880s Jones' lease was considered to be void because the owners had never been granted a certificate of title to the land owing to the block having not been surveyed.<sup>719</sup> However, the owners, who wished to terminate their arrangement with Jones, refused to have a survey carried out. With Jones' position looking decidedly insecure, the government supported his efforts to hold onto the lease and eventually special legislation – the Mokau Mohakatino Act 1888 – was passed, providing a legal standing for the lease.<sup>720</sup> Jones then became involved in lengthy disputes with creditors and eventually lost control of the lease.<sup>721</sup> Maori ownership of the block ended in 1911, when the Waikato Maniapoto Maori Land Board secured the approval of owners to sell the land to the Mokau Estate and Coal Company for £25,000 and shares worth £2,500.<sup>722</sup> The company intended to break the block up into parcels and sell the subdivided lands. However, the company appears to have been unsuccessful and it seems doubtful that the Maori owners would have received any benefit from their shareholding.<sup>723</sup> As detailed below, between 1911 and 1915 the company briefly operated a mine on the Mangapapa block.

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<sup>718</sup> Maniapoto-Tuwharetoa District Maori Land Board minute book 1, 17 November 1904, pp 206-207.

<sup>719</sup> Thomas, p 322.

<sup>720</sup> Ibid, pp 344-350.

<sup>721</sup> Ibid, p 384.

<sup>722</sup> Ibid, p 391-399.

<sup>723</sup> As detailed in chapter one, the Mokau Coal and Estates Company had by the mid-1920s gone into receivership and was offering to sell part of the block to the government.

## Mangapapa block

In the early 1880s, as Jones was moving to obtain a lease over the Mokau Mohakatino block, speculative interests were also looking to establish a footing on land on the north side of the Mokau River for the purpose of engaging in coal mining. The title to this land – the Mangapapa block, containing 14,000 acres – was determined by the Court in June 1886.<sup>724</sup> Efforts to obtain a lease over this land were led by half-caste and former native interpreter George Stockman, who by December 1881 had persuaded the owners to lease the block to him. Stockman acted on his own behalf and on behalf of other interests. It appears that he was connected to some well-known land speculators, including Auckland lawyers James Russell and William Morrin.<sup>725</sup>

Stockman began mining on the Mangapapa block in 1885, working a mine that was known as Stockman's mine.<sup>726</sup> As his negotiations to lease the land had no legal basis (owing to the title of the land having not been determined), Stockman worked the mine under an agreement with the owners through which he purchased the coal. He extracted about 100 tons of coal from the mine before running into financial difficulties that appear to have ended his mining activities.<sup>727</sup> However, Stockman looked to overcome his financial problems by assisting his creditors to enter onto and mine part of the Mangapapa block. These individuals – mostly New Plymouth business men – formed the Mokau Coal Company, which was registered in July 1885. In April 1885, the Maori owners had signed a contract that allowed the company to mine the portion of the Mangapapa block that lay to the west of the Mangakawhia Stream.<sup>728</sup> The contract enabled them to purchase the coal from the owners at a fixed price per ton. It seems that the latter course of action was followed and by the end of 1885 the company had opened up a mine that became known as the Maryville Mine.

In 1887, the Mokau Coal Company's operations appear to have been interrupted when a certificate was issued to Stockman and Neville Walker (who was acting as an agent for Russell and Morrin) under the Native Land Administration Act 1886.<sup>729</sup> The certificate gave Stockman and Walker the ability to conclude the negotiations that Stockman had undertaken in 1881 and then secure a legal lease. The Mokau Coal Company's mining interests were not recognised and,

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<sup>724</sup> Berghan, p 435.

<sup>725</sup> Stokes, pp 188-189. Barr, pp 28-29.

<sup>726</sup> Barr, pp 29-30.

<sup>727</sup> Stokes, p 189. Barr, pp 29-30.

<sup>728</sup> Barr, pp 130-131.

<sup>729</sup> Stokes, pp 189-190. *AJHR*, 1888, I-3A, p 6.

after the certificate was issued, both the company and an individual who Stockman had earlier acted on behalf of, Arthur Owen, petitioned Parliament.<sup>730</sup> In 1888, the Mokau Coal Company resumed work at the Maryville Mine, though research has not established the circumstances surrounding this. Barr suggests that the political influence of one of the company's main shareholders, prominent New Plymouth lawyer H.R. Richmond, was an important factor in enabling the company to secure its position on the Mangapapa block and resume mining operations.

It was not until 1891 that the Mokau Coal Company secured a legal lease over the block. (Around this time, portions of the Mangapapa block were also sold and leased for agricultural purposes.<sup>731</sup>) Under a deed of covenant signed on 24 November 1891, part of Mangapapa B2 block, an area of 4,150 acres, was leased to the Mokau Coal Company for a period of 30 years, dating from 1 May 1891.<sup>732</sup> The lease provided for an initial annual rental of £105, rising to £225 over the term of the lease, and also for the erection of buildings to the value of £250. It appears that there was no provision for the owners to be paid a royalty for coal extracted. Rather, the value of the coal taken from the land was recognised in the annual rental payment.

Except for the brief halt to activities in the late 1880s, the Mokau Coal Company worked the Maryville Mine from 1885 until 1895. Coal from the mine was shipped down the Mokau River and then on to Waitara and New Plymouth, which lay 28 and 38 miles respectively from the Mokau Heads.<sup>733</sup> The coal retailed for up to £1 10s per ton. Barr details that, like most mines in New Zealand at this time, the Maryville Mine was a small-scale operation. Production at the mine peaked in 1891 at 2,773 tons, and it is estimated that between 1885 and 1895 the mine produced about 8,500 tons, equating to an average output of 800 tons. Barr describes this as 'a promising start', but fell well short of the 'bonanza' that Mokau coal speculators had originally hoped for.<sup>734</sup>

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<sup>730</sup> Stokes, p 190. Owen's petition claimed that two Judges of the Native Land Court had acted fraudulently. However, in its report on the petition, the Native Affairs Committee found no evidence of this, but it did comment that there was 'grave doubt' as to the validity of the certificates issued to Stockman and Walker. See AJHR, 1888, I-3A.

<sup>731</sup> Stokes, pp 157-158.

<sup>732</sup> List of alienations, MA-MLP 1 1895/263, ANZ Wellington. Stokes, p 158.

<sup>733</sup> Barr, p 34.

<sup>734</sup> Ibid.

Barr explains that the Mokau Coal Company faced two major obstacles to developing a successful operation at the Maryville Mine.<sup>735</sup> The first obstacle related to a lack of capital – a problem that continually hindered the company. In 1887, the company’s capital was only £807, though it was estimated that it required £6,000 to properly develop the Maryville operation. In Barr’s opinion, the company was ‘grossly undercapitalised’, and he notes that the depressed economic conditions limited opportunities for raising finance. The other obstacle faced by the Mokau Coal Company was transportation difficulties. The company had major problems maintaining the river in a condition to enable ships to reach the mine, and rough sea conditions and the bar at the river mouth often meant that ships had to wait at the heads for several days. To help with the problem of insufficient shipping, the company purchased a converted paddle steamer to carry coal to Waitara, but this was lost off the heads in June 1889.

In 1893, the Mokau Coal Company was forced to mortgage its operation in an attempt to gain working capital, but the company’s financial situation worsened and in 1895 it was dissolved and the Maryville Mine abandoned.<sup>736</sup> However, the lease and mine was taken over by a succession of mining syndicates and individuals until the mine was finally closed in 1915. In 1898, a small mine known as Fernside Mine was opened upstream of the Maryville Mine, and from 1901 this mine and the Maryville Mine was operated as one concern, which was known as the Mangapapa Mine. Production from the mine peaked at 6,415 tons in 1909 and a small settlement, known as Maryville, briefly existed.<sup>737</sup> Transportation of the coal remained a major problem and a number of vessels were purchased and lost at great expense and inconvenience to the companies that operated the mine. The last company associated with the Mangapapa Mine, between 1911 and 1915, was the Mokau Coal and Estates Company, which – as explained above – had purchased the Mokau Mohakatino block in 1911.<sup>738</sup>

By the time that Mangapapa Mine closed in 1915, almost 90,000 tons of coal had been extracted from the Maryville and Mangapapa Mines over a period of 30 years.<sup>739</sup> As noted earlier, it appears that the owners were not paid any royalty for the coal extracted from the portion of Mangapapa B2 that had been leased to the Mokau Coal Company in 1891. Instead, the owners were paid an annual rental that did not change in relation to the amount of coal that was mined. In 1904, as detailed above, a Mr Ellis told the Land Board (in connection with a proposed lease

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<sup>735</sup> Ibid, pp 33-36.

<sup>736</sup> Ibid, p 36.

<sup>737</sup> Stokes, pp 191-193.

<sup>738</sup> Stokes, p 193.

<sup>739</sup> Stokes, p 197.

over Mangaawakino 4) that no royalty at all was paid to the owners of the Mokau Mohakatino and the Mangapapa blocks, only a small annual rent.<sup>740</sup>

Mining on the Mangapapa block seems to have resumed in 1921, when Stockman's Mine was reopened by Mason and Bernard Chambers, who at this time held leases over the whole of Mangapapa B2, an area of 12,400 acres.<sup>741</sup> The Chambers partly cleared this land to establish Mangatoi Station and they also operated Stockman's Mine to produce coal for station needs and local use at Mokau. Mostly employing only two men, the mine worked until 1952, by which time some 20,000 tons of coal had been extracted. The leases held by the Chambers were renegotiated in 1933.<sup>742</sup> The new leases provided that the Maori owners would receive one-third of all coal royalties. The original leases dated from the early 1890s, and it seems unlikely that they had contained any provision for royalties to be paid to the owners for coal.<sup>743</sup>

### Mangaawakino

The existence of coal on the Mangaawakino block also attracted commercial interest, but mining on the block was undertaken only briefly and unsuccessfully.

In 1904, the Maniapoto Tuwharetoa District Maori Land Council confirmed a lease over Mangaawakino 4 that included rights to remove coal and timber from the 3347 acre block.<sup>744</sup> The lease, which was to an individual named Daniel Berry for a term of 21 years, provided that coal and other minerals could be worked at a royalty of 4d per ton. The lease also provided that rental of 1s an acre per annum was to be paid for the land. As detailed earlier, Berry's representative, a Mr Ellis, stated that the coal royalty was reasonable because of the unsuccessful nature of coal mining operations on the Mokau River.<sup>745</sup> He noted that no royalty was paid by companies operating on the Mokau Mohakatino and Mangapapa blocks, only a small annual rental. The Board considered that the royalty was reasonable given the difficulty of transporting the coal, and it confirmed the lease as submitted.<sup>746</sup> However, it seems that no efforts were made to mine coal from Mangaawakino 4.

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<sup>740</sup> Maniapoto-Tuwharetoa District Maori Land Board minute book 1, 17 November 1904, pp 206-207.

<sup>741</sup> Stokes, p 193, 205. Barr, p 43.

<sup>742</sup> Stokes, p 207.

<sup>743</sup> Stokes, p 158.

<sup>744</sup> Maniapoto-Tuwharetoa District Maori Land Board minute book 1, 16 September 1904, pp 182-183.

<sup>745</sup> Ibid, 17 November 1904, pp 206-207.

<sup>746</sup> Ibid, 18 November 1904, pp 228.

In 1931, a mine was opened on Maori-owned Mangaawakino 1A.<sup>747</sup> The mine was located on the banks of the Mangaawakino Stream, some three miles from where it ran into the Mokau. A tramline was constructed from the Mokau River to the mine, and in 1932 some 4,080 tons of coal was extracted. The following year, however, the mine was forced to close as developers were unable to provide sufficient capital for shipping. Research has not established what rights the individuals involved in this venture secured over the land and what, if any, royalties were payable to the Maori owners of Mangaawakino 1A.

### Mahoenui block

As detailed above, at least three small mines opened near Mahoenui after the Second World War. However, the land upon which these operations were carried out had, by this time, passed out of Maori ownership.

### ***Kawhia district***

Further north, in the early years of the twentieth century an interest in the possibility of mining coal on Maori lands in the Kawhia district also emerged. In relation to this, leases that provided for coal mining rights over certain subdivisions of the Awaroa and Pirongia West blocks were entered into. In one case, some of the owners were included in a syndicate that wished to undertake mining. However, no mining operations were undertaken in either block. As noted above, the first coal mines to work the Kawhia Coalfield began operating in 1930.

In the Te Awaroa block, the earliest negotiations concerning coal mining appear to have been between the owners of Te Awaroa A5 and Kenneth Bayne. On 3 May 1905, the Maniapoto-Tuwharetoa Maori Land Council heard an application relating to a lease that would provide Bayne the right to mine coal at a royalty of 6d per ton.<sup>748</sup> The agreement, which had been signed by the owners, also provided that prospecting was to start within one year of an Order in Council being issued to remove restrictions against dealing with the land. The agreement also provided that Bayne would be able to lease five acres to conduct mining operations at a rental to be fixed between parties. The President of the Council also suggested that a clause be inserted to provide for the lease to lapse if mining was not undertaken within one year or if it stopped for

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<sup>747</sup> Barr, p 43. This block remains in Maori ownership today. Mitchell and Innes, p 209.

<sup>748</sup> Maniapoto-Tuwharetoa District Maori Land Board minute book 1, 5 March 1904, pp 111-112.

one year. The case adjourned to enable Bayne to consider this. Research has not established if the lease was eventually confirmed.

On 17 November 1904, another case concerning a proposed coal mining lease over land within the Awaroa block came before the Land Council.<sup>749</sup> This application related to several subdivisions that had a total area of about 2047 acres: Awaroa A3, A9, A11, B4 Section 2, B4 Section 3, B4 Section 4, and B4 Section 5. The proposed lease was to the Awaroa Coal Mining Syndicate, which John Ormsby represented at the hearing. Ormsby noted that seven members of the syndicate were owners in the blocks. These individuals, he stated, had to pay their proportion of the working expenses and had not been put into the syndicate as a matter of favouritism. Others could have joined, but had refused to do so. Ormsby explained that originally it had been suggested that all of the owners should form a company to work the coal on their land, but a number had refused to do so. He stated that, if the operation looked like it was to be successful, a limited liability company would be formed, at which stage the other owners would have the opportunity to join the enterprise.

Ormsby stated that the syndicate needed to prove by prospecting where coal was located and noted that it was unlikely that it would work all the lands. While prospecting was being undertaken, an annual rental of 3d an acre would be paid. Rights over any blocks where coal was not found would be abandoned. The syndicate would pay 6d per ton of coal over the first 21 years of the lease, and thereafter 9d per ton. Ormsby stated that the syndicate intended to spend £250 immediately on prospecting and opening up any coal seams that might be found.

After considering the lease, the Council requested that a number of conditions be added, including that the lease set out the periods on which rents and royalties were to be paid.<sup>750</sup> The Council also requested provisions by which the lease would lapse if mining was not undertaken within five years or if mining, where it was being carried out, was discontinued for one year. Ormsby accepted the conditions requested by the Council, and the Council then decided to recommend the removal of the restrictions against dealing with the land.<sup>751</sup>

It is evident that the Awaroa Coal Mining Syndicate was unable to successfully establish a mining operation, and it is doubtful whether prospecting located any coal on the block. However, some

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<sup>749</sup> Ibid, 17 November 1904, pp 211-217.

<sup>750</sup> Ibid, 19 November 1904, pp 228-229.

<sup>751</sup> Ibid, 19 November 1904, pp 230-231.

interest in mining coal on Awaroa block remained. In about 1922, the Waikato-Maniapoto District Maori Land Board confirmed a grant of coal mining rights over Awaroa B4 Section 7B to John and Arthur Ormsby.<sup>752</sup> Research has not established the conditions of this license, but the endeavour again seems to have come to nothing. It appears that the Ormsbys may have been connected with a group of Pakeha coal miners. In 1924, it was reported that a party of coal miners had during the previous year conducted prospecting operation on Maori land at Hauturu.<sup>753</sup> However, owing to a lack of capital necessary to build a wharf for steamers and scows on the Kawhia Harbour, work was suspended, and prospecting instead was taken up on an area of recently-acquired Crown land.

Around the same time that the Awaroa Coal Mining Syndicate was looking to mine coal on the Awaroa block, two Pakeha looked to enter into leasing arrangements that provided rights to mine coal from two subdivisions of Pirongia West block, which was located to the north of the Awaroa block. On 4 May 1904 and 16 November 1904, the Court heard applications relating to coal mining leases over Pirongia West 1 Section 2B and Pirongia West 3B Section 2E2D, both of which provided for royalties of 6d per ton.<sup>754</sup> As with the Awaroa block, no mining seems to have been undertaken.

### ***Tahaia and Rangitoto***

Between about 1921 and 1971, several mines operated at various times on Maori lands at Tahaia and Rangitoto, east of Te Kuiti. All of the mine owners leased the land upon which operations were carried out and paid royalties for the coal that was extracted. The mines were small enterprises, employing generally just a few men at any time, and appear to have struggled to establish a sound financial position. Most of the mines operated for brief periods. It is notable that one of the mines – Rangitoto Opencast Mine – was owned by Maori. Operating between about 1950 and 1971, this mine was the most long-lasting of the Tahaia-Rangitoto operations, but again was a very small concern.

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<sup>752</sup> Waikato Maniapoto District Maori Land Board minute book 17, 13 February 1923, p 288.

<sup>753</sup> *AJHR*, 1924, C-2, p 33.

<sup>754</sup> Maniapoto-Tuwharetoa District Maori Land Board minute book 1, 4 May 1904, pp 137-138. Maniapoto-Tuwharetoa District Maori Land Board minute book 1, 16 November 1904, pp 197-198.



Mining in the Tahaia-Rangitoto area began in about 1921, when two mines opened – Rangitoto Coal Mine and Sheils Mine. Both of these operations were unsuccessful and lasted for only a couple of years.

The Rangitoto Coal Mine, located within Rangitoto Tuhua 35C, was operated by the Rangitoto Coal Company. The company was incorporated in August 1919, with nominal capital of £30,000.<sup>755</sup> None of the shareholders resided in the inquiry district, most being residents of Wellington. In October 1921, the Waikato-Maniapoto District Maori Land Board considered an application for a grant of mining rights over Rangitoto Tuhua 35C in favour of the Rangitoto Coal Company.<sup>756</sup> The license, which was for a term of 50 years, guaranteed an income of £750 for the first year and £500 for each year thereafter. The Board resolved to confirm the grant subject to being satisfied as to the position of the title of the land. This appears to have happened, and in 1922 it was reported that work to establish the mine was underway, including – and demonstrating the capital intensive nature of developing even small mining operations – the building of three miles of railway formation and the erection of buildings.<sup>757</sup> By 1923, it seems that mining activities had folded.

Sheils Mine appears to have operated on Lot 11 Block XIII Mangaorongo Survey District, which was vested in the Waikato-Maniapoto District Maori Land Board.<sup>758</sup> Details of the lease that related to the mining operations have not been located. In 1922, before operations stopped, Sheil's Mine was described as a small mine under development, with output conveyed to Te Kuiti and Otorohanga.<sup>759</sup>

In 1928, the Waikato-Maniapoto District Maori Land Board invited tenders for a grant of coal mining rights over the land where Sheil's Mine had been located – Lot 11 Block XIII Mangaorongo Survey District, an area of 292 acres.<sup>760</sup> The proposed grant, for a term of 29 years, provided for payment of a minimum annual royalty of £50. For the first 14½ years, 6d was to be paid per ton of 'fireclay, steam, and house coal', and 3d per ton of 'slack coal and nuts'. For the second 14½ years, royalties of 9d and 3d respectively were to be paid. A grant under

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<sup>755</sup> See BADZ 5181 363 2027, Rangitoto Coal Company Ltd, 1919-1924, ANZ Auckland.

<sup>756</sup> Waikato-Maniapoto District Maori Land Board minute book 17, 11 October 1921, p 69.

<sup>757</sup> *AJHR*, 1922, C-2, p 38.

<sup>758</sup> Extract from Inspector of Mines report for July 1928, 3 August 1928, MD 1 1061 6/4/23 part 1, Grant of coal mining rights over Maori land – Block XIII Mangaorongo Survey District – Lease A Morgan "Rangitoto Coal Mine", 1928-1947, ANZ Wellington.

<sup>759</sup> *AJHR*, 1922, C-2, p 38.

<sup>760</sup> *New Zealand Gazette*, 1928, p 654.

these terms was subsequently secured by A. Morgan, who began working what had previously been the Shields Mine.<sup>761</sup> In August 1928, it was reported that Morgan had spent money on roading access, and by 1929 two miners were working the underground mine.<sup>762</sup>

Morgan's operation lasted almost ten years and, as a result, the owners would have received some ongoing financial return from the royalties. In 1934, it was reported that 2,567 tons had been won from the lease. It was also noted that the coal was carted to Te Kuiti, some eight miles distant and that Morgan was paying a road royalty of 3s 6d to the local authority.<sup>763</sup> Morgan's operations seem to have ended in 1937. The Deputy Superintendent of Mines at Huntly later commented that Morgan's enterprise had failed owing to a lack of capital for pumping and haulage, restricted markets, the poor quality of the coal, and high costs, particularly for cartage charges.<sup>764</sup> In 1938, Morgan's lease was terminated after he failed to pay the required minimum royalty.<sup>765</sup>

During the period that Morgan was operating, another small mine, King Colliery, briefly operated on nearby land. In November 1933, the Land Board granted the owner of this mine, Rich Greenson Coal Limited, rights to mine coal over Lots 10 and 13 Block XIII Mangaorongo Survey District, which appear to have been vested in the Board.<sup>766</sup> By this time, operations at the mine seem to have been underway and by the end of 1933 some 580 tons of coal had been produced.<sup>767</sup>

Following the failing of Morgan's operation, the next venture in the Tahaia-Rangitoto area was an opencast mine on Lot 13 Block XIII Mangaorongo Survey District, which operated between 1944 and 1949. It seems that the Mines Department was interested in working this land, but decided to leave it for private interests that were seeking to obtain a grant of mining rights. On 1 May 1944, the Under Secretary of Mines wrote to the Registrar of the Land Board, advising that

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<sup>761</sup> Under Secretary, Native Affairs, to Inspector of Mines, Huntly, 3 August 1928, MD 1 1061 6/4/23 part 1, ANZ Wellington.

<sup>762</sup> Extract from Inspector of Mines report for July 1928, 3 August 1928, MD 1 1061 6/4/23 part 1, ANZ Wellington. *AJHR*, 1929, C-2, p 57.

<sup>763</sup> *AJHR*, 1934, C-2, p 54.

<sup>764</sup> Deputy Superintendent, Huntly, to Under Secretary, Mines, 4 January 1944, MD 1 1061 6/4/23 part 1, ANZ Wellington.

<sup>765</sup> Under Secretary, Mines, to Under Secretary, Native Affairs, 18 April 1944, MD 1 1061 6/4/23 part 1, ANZ Wellington.

<sup>766</sup> Waikato-Maniapoto District Maori Land Board minute book 21, 13 November 1933, p 84.

<sup>767</sup> *AJHR*, 1934-1935, C-2, p 65.

the Mines Department did not wish to work the area.<sup>768</sup> The Under Secretary also discussed the granting of coal mining rights over the land, which was vested in the Board. Enclosing a specimen copy of the type of lease granted by the Crown under the Coal Mines Act 1925, the Under Secretary stated that the lease should be for a short period, perhaps five years, with a land rental of 5s an acre and royalties of 1s per ton for marketable coal and 4d per ton for any fireclay produced or sold. He also thought that the lease should require that the lessee should not produce less than a certain tonnage each year.

The Board appears to have followed these suggestions when, soon afterwards, it arranged a grant of coal mining rights to Hamilton and Harvey Limited.<sup>769</sup> One notable departure from the suggestions of the Under Secretary was that the lease provided for a royalty of 2s per ton of coal. By October 1944, mining was underway. Around this time, the mine was visited by a parliamentary party, which included Prime Minister Peter Fraser.<sup>770</sup> The newspaper report of this visit stated that good progress was being made, with all the coal being transported by truck to Otorohanga. About eight men were working at the mine.<sup>771</sup> In 1945, almost 14,000 tons were produced at the mine, which was supplied to the Railway and Public Works Departments.<sup>772</sup>

In spite of the promising start, the enterprise soon began to falter. Early in 1945, the owners offered to sell the operation to the government. This offer was turned down, but the Mines Department, which wished to see production at the mine continue, offered the operators assistance in procuring suitable plant and also the help of survey geologists.<sup>773</sup> In June 1945, the Under Secretary of Mines recommended that the Minister of Mines approve the payment of a subsidy of 3s 6d per ton of coal produced from the mine.<sup>774</sup> The Minister approved the payment of the subsidy.<sup>775</sup> However, two years later, the Registrar of the Board was expressing concern about the operation.<sup>776</sup> In a letter to the Under Secretary of Mines written on 17 April 1947, the Registrar requested that the operation be inspected by an officer of the Mines Department. He

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<sup>768</sup> Under Secretary, Mines, to Registrar, Waikato-Maniapoto District Maori Land Board, MD 1 1061 6/4/23 part 1, ANZ Wellington.

<sup>769</sup> Registrar, Waikato-Maniapoto District Maori Land Board, 15 May 1944, MD 1 1061 6/4/23 part 1, ANZ Wellington. Hamilton and Harvey also secured rights over adjacent freehold land.

<sup>770</sup> Otorohanga Times, 4 October 1944, extract in MD 1 1061 6/4/23 part 1, ANZ Wellington.

<sup>771</sup> *AJHR*, 1945, C-2, p 34.

<sup>772</sup> *AJHR*, 1946, C-2, p 52. Under Secretary, Mines, to Minister of Mines, 15 June 1945, MD 1 1061 6/4/23 part 1, ANZ Wellington.

<sup>773</sup> Under Secretary, Mines, to Minister of Mines, 13 June 1945, MD 1 1061 6/4/23 part 1, ANZ Wellington.

<sup>774</sup> Under Secretary, Mines, to Minister of Mines, 15 June 1945, MD 1 1061 6/4/23 part 1, ANZ Wellington.

<sup>775</sup> Minister of Mines, minute, 15 June 1945, on Under Secretary, Mines, to Minister of Mines, 15 June 1945, MD 1 1061 6/4/23 part 1, ANZ Wellington.

<sup>776</sup> Registrar, Waikato Maniapoto District Maori Land Board, to Under Secretary, Mines, 17 April 1947, MD 1 1061 6/4/23 part 1, ANZ Wellington.

explained that the licensees, who were not able to meet the minimum royalty payments, had made complaints about the quality of the coal and were generally stating that the field had been a disappointment. Operations at the mine seem to have wound up in 1949.

The final and longest operation in the Tahaia-Rangitoto area was the Rangitoto Opencast Mine, which began working in about 1950. As noted, this operation appears to have been owned by Maori. Mining operations began after Ani Kahui Wahanui secured a lease over part of Rangitoto Tuhua 35C2B1, an area of 386 acres.<sup>777</sup> Details over this lease have not been located, but it evidently provided for the payment of royalties, with a minimum annual payment required. It is unclear if Kahui Wahanui was an owner of the land concerned. In the mid-1950s, Wahanui subleased part of the area to Pakeha interests, who briefly opened separate operations, before abandoning the workings.<sup>778</sup> In 1960, Wahanui entered into a new lease, which was for a terms of 11 years from 20 May 1960. Under this lease, Wahanui was required to furnish accounts on sales for royalty purposes each month.<sup>779</sup>

Like all of the other mines in the Tahaia-Rangitoto area, the Rangitoto Opencast Mine was a small-scale operation, usually employing just a couple of men. From 1954, the manager of the mine was T.H. Wahanui, who held a quarry certificate.<sup>780</sup> T.H. Wahanui seems to have maintained this position until the mine closed in 1971.<sup>781</sup> Small amounts of coal were produced from the mine and mining activities seem to have been carried out intermittently, on a part-time basis. This appears to have partly been due to a limited demand for the coal, which was noted to have a high sulphur content.<sup>782</sup> Also, during the 1950s at least, poor road access to the mine determined that it could only be worked during summer months.<sup>783</sup> When the mine closed, total production had amounted to 6,323 tons, which equates to an average of about 300 tons per year.<sup>784</sup>

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<sup>777</sup> This lease is referred to in District Officer, Maori Affairs, to Phillips and Powell, 14 March 1962, BBHW 4958 998c 7/380 part 1, Rangitoto Tuhua 35C2B part coal licence (royalties), 1962-1971, ANZ Auckland.

<sup>778</sup> Extracts from reports of T. Geddes, Inspector of Coal Mines, 23 July 1957, 17 September 1957, and 3 April 1958, AATJ 6090 W4993 189 12/1194 part 1, Sub-lease from Mrs Wahanui and others – Mason Bros – opencast mine, Otorohanga, 1951-1960, ANZ Wellington.

<sup>779</sup> District Officer, Maori Affairs, to Resident Officer, Te Kuiti, 25 July 1962, BBHW 4958 998c 7/380 part 1, ANZ Auckland.

<sup>780</sup> *AJHR*, 1955, C-2, p 85.

<sup>781</sup> *AJHR*, 1972, C-2, p 27.

<sup>782</sup> *AJHR*, 1958, C-2, p 69.

<sup>783</sup> *AJHR*, 1952, C-2, p 62.

<sup>784</sup> *AJHR*, 1972, C-2, p 27.

### *Purchase of coal lands*

The Rangitoto Opencast Mine is a rare example of Maori involvement in the ownership of coal mines in the Rohe Potae inquiry district. It is clear that mining operations were almost exclusively owned by Pakeha-owned companies and, in the case of the two most significant operations, the state. Along with some employment as mine workers, it seems that the main way that Maori were involved in the industry was as the owners of coal-bearing lands. The degree to which Maori participated in this level of the industry was, obviously, determined by the extent to which they retained such lands.

No evidence has been located to indicate that the government, after it began purchasing in the Rohe Potae in 1889, deliberately targeted coal-bearing lands. As noted above, the existence of most of New Zealand's coalfields had been established by about 1870, with subsequent survey work defining the extent of the fields. Though it is likely that the government had a reasonable understanding of where coal resources were located, it seems that the coal-bearing lands of the inquiry district may not have been considered sufficiently valuable to command the special attention of land purchase officers. This seems to have been the case even after the passage of the State Coal Mines Act 1901, which enabled the state to own and operate coal mines. In the Mokau district, it is notable that long-term leases over coal-bearing lands posed an obstacle to any government purchase activity. However, by the time the government began purchasing in the district, the development of a major coal mining industry at Mokau was looking increasingly doubtful.

Though the government does not seem to have deliberately targeted coal lands for purchase, it clearly did acquire such lands. Both the Mangapehi and Waitewhena State Mines, established in the mid-twentieth century, were located on Crown land. A number of private mines also appear to have operated on lands that were leased from the Crown. It seems that the acquisition of these and other coal-bearing lands was undertaken in accordance with the general aim of providing land for Pakeha settlement and, in particular, pastoral farming. Where the government purchased coal lands, research has not established whether any attempt was made to determine whether the coal was commercially valuable and, if so, whether this was reflected in the purchase price.

With the notable exception of the Mokau Coal and Estate Company's 1911 purchase of the Mokau Mohakatino block, no evidence has been located to suggest that, after the passage of the Native Land Act 1909, private individuals or coal companies purchased coal-bearing lands with the intention of mining coal. Faced with significant capital costs and uncertainty as to whether mining operations would be financially successful, private mining interests no doubt wished to avoid the cost of land purchase and instead seem to have viewed leasing as the most suitable tenure. In the case of the Mokau Coal and Estate Company, it is notable that coal was only part of the company's focus and that, as well as mining, it intended to break the block up into parcels and sell the subdivided lands.

### *Employment*

Coal mining in the Rohe Potae inquiry district provided a relatively small amount of employment, though it was significant in certain locations at particular times. Based on figures provided in the annual reports of the Mines Department, Table 14 sets out, for selected years, the number of workers employed in coal mines located within the inquiry district. The table shows that employment in coal mining was at its greatest in the period from 1940 to 1970, when – at the height of the industry – more than 150 men were employed. The Mangapehi State Mine was by far the most significant employer, followed by the Waitewhena State Mine. Except for the Mokau/Mangapapa Mine, which closed in 1914, no other mine employed more than ten men in the selected years detailed in Table 14.

Unfortunately, the extent to which Rohe Potae Maori were engaged in this work is not clear from the available sources, though it seems likely that some Maori would have worked in the coal industry. It is also possible that Rohe Potae Maori sought employment in mines located outside the boundaries of the inquiry district. It appears that some Maori took advantage of the employment opportunities that arose when working of the Waikato coal fields expanded after the First World War.<sup>785</sup> Rohe Potae Maori might also have worked at the Tatu State Mine, located south of Ohura.

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<sup>785</sup> Sherwood and Phillips, 'Coal and coal mining'.

**Table 14:** Employment in coal mines of the Rohe Potae inquiry district, 1900-1970<sup>786</sup>

Year	Mines	Number of employees	Total
1900	Mokau	11	15
	Fernside	4	
1910	Mangapapa	15	15
1920	Greencastle, Aria	3	3
1930	Rangitoto Colliery	2	4
	Old Stockman, Mokau	2	
1940	Mangapehi State	26	31
	Aria	2	
	Old Stockman, Mokau	3	
1950	Hughes Bros, Pirongia	3	167
	Mangapehi State	113	
	Aria	3	
	Waitewhena State	26	
	Sunnyside, Waitewhena	6	
	Mangakara Hydro, Ohura	3	
	D. Cairns and Party, Ohura	4	
	Paparata, Ohura	3	
	Williams, Ohura	3	
Old Stockman, Mokau	3		
1960	Hughes Bros (1), Pirongia	9	156
	Worth's Opencast, Pirongia	3	
	Rangitoto Opencast	2	
	Mangapehi State	94	
	Pukerewa, Aria	2	
	Waitewhena State	12	
	Fernridge, Ohura	2	
	Lee Creek, Ohura	5	
	Mangakara Hydro, Ohura	3	
	Awa Tawa, Ohura	1	
	Plateau, Ohura	6	
	Perry, Stevenson, and Corban, Ohura	3	
	W. Duggan and Party	6	
	Hydro Coal	3	
	Valley Collaries (1), Mokau	3	
Valley Collaries (2), Mokau	4		
1970	Rangitoto	2	18
	Waitewhena State	5	
	Lee Creek, Ohura	3	
	Mangakara Hydro, Ohura	1	
	Awa Tawa, Ohura	1	
	Plateau, Ohura	6	

<sup>786</sup> *AJHR*, 1901, C-3A, p 22. *AJHR*, 1911, C-3A, p 31. *AJHR*, 1921, C-2, p 57. *AJHR*, 1931, C-2, p 63. *AJHR*, 1941, C-2, p 69. *AJHR*, 1951, C-2, pp 76-77. *AJHR*, 1961, C-2, p 75. *AJHR*, 1971, C-2, p 32.

## Limestone quarrying

### *Ownership of limestone and statutory provisions relating to quarrying*

As with coal, ownership of limestone deposits lies with the owner of the land upon which the limestone is located. However, the working of limestone quarries has been subject to legislation that provided for quarries to be inspected to ensure that they conformed with certain safety and labour standards. The earliest relevant legislation was the Stone Quarries Act 1910, which was replaced by the Quarries Act 1944.

### *Overview of limestone industry in New Zealand*

Limestone is a sedimentary rock that consists mainly of tiny marine fossils made of lime (calcium carbonate).<sup>787</sup> Rock with more than 50 percent calcium carbonate is considered to be limestone. Commercially exploitable limestone contains between 80 to 100 percent calcium carbonate.<sup>788</sup> Depending on what it is to be used for, limestone is processed in different ways. It is most commonly processed by crushing. Coarsely crushed limestone is principally used for roading aggregate. The stone is crushed to a finer grade to produce lime for agriculture, which is spread onto paddocks to make acidic soils more neutral and promote the activity of fertilisers. Fine powders used in a range of industrial applications are also produced from crushing limestone to much finer tolerances of size.<sup>789</sup>

Burnt lime, commonly known as ‘quicklime’, is limestone that has been heated in a kiln to form calcium oxide, which is used in a number of industrial processes, including the manufacture of steel.<sup>790</sup> The early use of limestone in New Zealand was primarily the result of a demand for burnt lime to make mortar, which in the nineteenth century was used for cementing stone and brick together.<sup>791</sup> Burnt lime has also been used for agricultural purposes, though far less commonly than crushed agricultural lime, being more caustic and difficult to handle.<sup>792</sup> When

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<sup>787</sup> Carl Walrond, ‘Rock, limestone and clay – Limestone’, Te Ara – the Encyclopedia of New Zealand, updated 2 March 2009. URL: <http://www.teara.govt.nz/en/rock-limestone-and-clay/4>

<sup>788</sup> Glen Bailey, *The history of the limestone industry in the Waitomo area*, Waitomo Caves Museum Society, Waitomo, 1985, p 4.

<sup>789</sup> Ibid.

<sup>790</sup> Ibid.

<sup>791</sup> E.C. Hunwick, ‘The history of Waitomo limestone industry’, *Footprints of History*, No 7, November 1991, p 147. This demand was short lived owing to widespread early use of Portland cement, which was made by burning a mixture of clay and chalk.

<sup>792</sup> Bailey, p 14. Walrond, ‘Rock, limestone and clay – Limestone’.



reacted with water, burnt lime produces 'slaked' or hydrated lime, which has been used in a number of industries, including leather tanning and sugar refining.<sup>793</sup>

Though there is a lot of limestone in New Zealand, most of it is too hard and fractured to be used as a construction material.<sup>794</sup> The notable exception to this is the limestone around Oamaru, which is used for building. It is relatively soft and can be cut by large circular blades. Limestone has, however, been used in the manufacture of cement, which is a mixture of two main materials – limestone and marl.<sup>795</sup> Limestone deposits close to rail links and deep-water ports were particularly suitable for cement manufacture. Such deposits were quarried at Whangarei, Tarakohe in Golden Bay, and Milburn in Otago.

Quarrying of limestone in New Zealand appears to have increased after the First World War, when demand for agricultural lime grew as farmers sought ways to improve soil condition and plant nutrition.<sup>796</sup> By the mid-twentieth century, limestone production for various purposes, especially agriculture, had grown significantly.<sup>797</sup> Production surged during the 1960s, reaching over 3 million tons per annum in the early 1970s.<sup>798</sup> It declined sharply to around 2 million tons when the government stopped subsidising fertiliser in 1984. However, by 2002, production of limestone had climbed to over 4.7 million tons. Around this time, annual production was valued at about \$40 million.

### ***Government assistance for limestone quarrying***

This section looks at how the government assisted the limestone industry – firstly, by financially subsidising the use of agricultural lime and, secondly, through the work of the Geological Survey.

Between about 1920 and 1950, the government provided free railway carriage for 100 miles for agricultural lime supplied directly from quarries in lots of six tons or over.<sup>799</sup> Research into the introduction of this initiative has not been undertaken. However, it had the effect of reducing the cost of lime and therefore encouraging greater use of the product, which – as noted above –

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<sup>793</sup> Bailey, p 4.

<sup>794</sup> Walrond, 'Rock, limestone and clay – Limestone'.

<sup>795</sup> Carl Walrond, 'Cement, marble and dolomite', Te Ara – the Encyclopedia of New Zealand, updated 2 March 2009. URL: <http://www.teara.govt.nz/en/rock-limestone-and-clay/5>

<sup>796</sup> Hunwick, pp 145-146.

<sup>797</sup> *AJHR*, 1955, C-2, p 35.

<sup>798</sup> Walrond, 'Rock, limestone and clay – Limestone'.

<sup>799</sup> Bailey, p 25. Hunwick, p 149.

was increasingly seen as beneficial to soil health and pasture growth. The introduction of free rail carriage undoubtedly stimulated the production of agricultural lime in the Waitomo district, which was conveniently served by the NIMT railway.<sup>800</sup> A number of limestone companies in the district appear to have commenced operations in the years after the rule was introduced.<sup>801</sup> The provision of free carriage was withdrawn around 1950.

In addition to the provision of free rail carriage, the government also directly subsidised the use of agricultural lime (and a range of other pastoral supplements and fertilisers). Research has not established when the government subsidy was introduced, but its removal in 1984, as noted above, resulted in a short-term decline in limestone production.

The Geological Survey assisted the development of the limestone industry by undertaking surveys that helped to define the location and extent of commercially valuable deposits of limestone. In 1919, as detailed below, a Geological Survey report discussed the limestone of the Waitomo district in a general report on New Zealand's limestone and phosphate resources. In the early 1930s, detailed surveying of the Te Kuiti district was undertaken.<sup>802</sup> It seems that the Geological Survey sometimes also provided technical support to individual companies. This was the case, for example, in 1954, when the Otorohanga Lime Company requested advice on its operations in the Waitomo area.<sup>803</sup>

### ***Limestone resources in the Rohe Potae inquiry district***

The existence of significant and very visible deposits of limestone in certain parts of the King Country was noted by Europeans who visited the district during the nineteenth century. Hochstetter appears to have observed the occurrence of limestone in 1859 when he explored the valleys of the Waipu, Mangapu, and Upper Mokau.<sup>804</sup> In 1887, after carrying out the triangulation survey of the Rohe Potae, Laurence Cussen commented on the existence of limestone in a report on the district's land and geology.<sup>805</sup> Cussen stated that limestone covered an area of about 200 square miles within the valleys of the Mangapu and Mokau, and he also

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<sup>800</sup> Bailey, p 7.

<sup>801</sup> When the Hangatiki Limestone Company was formed, promoters were clearly aware of the expanded market for agricultural lime that resulted from the free carriage. Bailey, p 25.

<sup>802</sup> *AJHR*, 1932-33, C-2, p 7.

<sup>803</sup> Bailey, p 29.

<sup>804</sup> Laurence Cussen, 'Notes on the physiography and geology of the King Country', *Transactions and Proceedings of the Royal New Zealand Institute*, vol. 20, 1887, p 312.

<sup>805</sup> *Ibid*, pp 321-323.

noted limestone at Te Anga (on the Marokopa River) and at Kawhia Harbour. Five years later, in 1892, James Park, who taught at the Thames School of Mines, noted the existence of hard limestone in the Waitomo district, which in many places was almost pure.<sup>806</sup> Park believed that this limestone would be of much value for burning into lime for agricultural and building purposes. The Geological Survey, as noted above, would further investigate the district's limestone deposits.

### ***Overview of limestone quarrying in the Rohe Potae inquiry district***

While the limestone industry in the Rohe Potae inquiry district has centred on the Waitomo district, the earliest quarrying took place in the Mokau and Raglan districts, where a couple of small-scale operations briefly worked. In the late 1870s, a quantity of limestone was extracted from a location on the Mokau River and shipped to New Plymouth, where, according to reports, it was successfully used for cement making.<sup>807</sup> Some years later, two lime-burning kilns were erected on the Mokau River. One of these, attributed to a Mr Lloyd, started in 1894, but ended after a short time when a boatload of burnt lime caught fire.<sup>808</sup> Research has not established who owned or had rights to the land from which the limestone was extracted.

Lime-burning kilns were also erected in the Raglan district. In July 1885, the *Waikato Times* reported that the Hannah Mokau, *en route* to Onehunga, had proceeded up the harbour and taken on board some lime from the kiln of a Mr Ferguson. With continuing orders for the lime, a second kiln was to be built. The *Times* stated that a large and increasing trade seemed certain and that there was talk of starting up a company. It noted, however, that a steady supply of limestone had yet to be secured. A lack of supply and transportation difficulties may have limited the growth of a limestone industry at Raglan, which did not develop as anticipated.

In the Waitomo district, beginning around Te Kuiti, the commercial quarrying of limestone began about eight years after the NIMT railway reached Te Kuiti from the north in 1887. The railway would provide a valuable means of transport for the limestone products that were produced in the Waitomo district. A number of quarries were located close to the railway, some being served by private sidings.<sup>809</sup> As detailed below, in the late 1880s, after the railway had

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<sup>806</sup> Park, James, 'On the occurrence and of granite and gneissic rocks in the King-country', *Transactions and Proceedings of the Royal New Zealand Institute*, vol. 25, 1892, pp 355.

<sup>807</sup> De Jardine, p 11.

<sup>808</sup> Bailey, p 53.

<sup>809</sup> Hunwick, p 146.

reached Te Kuiti, settler farming interests from outside the Rohe Potae began calling for the government to secure limestone deposits near Te Kuiti. However, initial attempts by the government to purchase interests in the Te Kumi block, which contained valuable limestone deposits, were unsuccessful. It seems that the first limestone quarry in the Waitomo district was established on the Te Kumi block after Ferguson – presumably the same individual who had earlier burnt lime at Raglan – entered into an agreement with the block’s owners in 1895.

Around the same time as quarrying began on the Te Kumi block, the Mines Department acquired and analysed a sample of Te Kuiti limestone, reflecting a growing interest in the commercial potential of exploiting the district’s limestone resources. In a report to the New Zealand Geological Survey, a Mines Department analyst stated that the sample was ‘almost pure calcic carbonate’. The analyst suggested that the stone would polish to a medium-quality marble and make a good ornamental building stone.<sup>810</sup> On the Te Kumi block, however, Ferguson built kilns and produced burnt lime, which was probably used for agricultural purposes.

As discussed below, Ferguson worked on the Te Kumi block for a relatively short period, less than 10 years. He became involved in a dispute with the owners and requested that the government purchase the land that he was working. The government, in response, acquired part of the limestone deposit, but not the area where Ferguson’s kilns were located. By 1906, Ferguson had given up and the owners of Te Kumi 4, an area of 19 acres, entered into a formal lease with John Wilson. This lease provided for royalties to be paid for limestone extracted. During the previous year, the owners of Pukenui 2M, containing 180 acres and located at Waitete, entered into a similar leasing arrangement with William Lovett. This lease was eventually taken over by Wilson. However, as detailed below, a significant area of the Pukenui 2M limestone deposit was taken compulsorily for railway purposes under the Public Works Act.

In 1919, a Geological Survey report on New Zealand’s limestone and phosphate resources commented on the limestone industry of the Waitomo district and its potential. The report discussed the quality and accessibility of the resource, stating that limestone within Waitomo County was of the highest grade and occurred in large masses that could be quarried with little or no stripping.<sup>811</sup> It was estimated that the cost of quarrying the stone on a reasonable scale would be 3s to 3s 6d per cubic yard. The report also noted the proximity of the NIMT railway and

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<sup>810</sup> *AJHR*, 1895, C-10A, p 3.

<sup>811</sup> P.G. Morgan, *The Limestone and Phosphate Resources of New Zealand*, Geological Survey Bulletin 22 (new series), 1919, p 106, cited in Bailey, pp 5-6.

generally improving road access. It noted that, except at Te Kuiti, limestone was being quarried only for making roads, but predicted that a significant industry would develop: ‘Ultimately Waitomo County will be able to supply very large areas in neighbouring districts with much needed lime in the form of either quicklime, slaked lime or lime (ground lime).’

Around the time that the Geological Survey report was prepared, farmers were beginning to show a growing interest in the use of fertiliser and additives such as lime to improve soil fertility and pasture growth.<sup>812</sup> A number of new limestone companies were formed in the Waitomo district to take advantage of this demand, which was encouraged by the government policy of providing free rail transport for 100 miles for lots of agricultural lime weighing six tons or more. In 1933, after the Geological Survey carried out field work in the Te Kuiti area, it was noted that limestone in the Te Kuiti district was being quarried extensively for agricultural purposes.<sup>813</sup> Table 15 details that by 1938 eight companies were recorded to be quarrying limestone in the Rohe Potae inquiry district – all in the Waitomo area. At least one of these companies, Superfine Lime, operated on Maori land and paid royalties to the owners. Arrangements concerning this land – subdivisions of Pukeroa Hangatiki block – are discussed further below.

**Table 15:** Limestone companies in the Rohe Potae inquiry district, 1938<sup>814</sup>

<b>Company</b>	<b>Location of quarry</b>
Agricultural Lime	Te Kuiti
Pio Pio Lime Works	Pio Pio
Superfine Lime	Hangatiki
Te Kuiti Lime	Te Kuiti
Wairere Lime Works	Pio Pio
Waitomo Lime	Te Kuiti
Wilson’s Lime	Te Kuiti
Worth’s Lime Works	Hangatiki

By 1946, limestone companies in the inquiry district produced some 125,880 tons of limestone for agriculture, which was about 14 percent of the national production.<sup>815</sup> Soon after this, the government’s provision of 100 miles of free rail carriage for agriculture was withdrawn. This appears to have impacted upon demand for the product, causing one company, Worth’s, to close in 1951.<sup>816</sup> However, demand for agricultural lime recovered. In 1955, as noted above, it was

<sup>812</sup> Hunwick, pp 145-146.

<sup>813</sup> *AJHR*, 1932 and 1932-33, C-2, p 7.

<sup>814</sup> Director of Fields Division to Victorian Agricultural Lime Co Limited, 2 May 1938, AAFZ 412 W1713 13 Ag.77/2/5 part 1, List of lime companies, 1922-1950, ANZ Wellington.

<sup>815</sup> Limestone for agriculture – Northern District – Production 1946, AAFZ 412 W1713 13 Ag.77/2/5 part 1, ANZ Wellington. *AJHR*, 1947, C-2, p22.

<sup>816</sup> Hunwick, p 149.

reported that limestone production for various purposes had grown and was expected to expand further.<sup>817</sup> Nationally, record levels of limestone were being produced for agricultural purposes.

In 1957, Beros Brothers began quarrying limestone for cement making.<sup>818</sup> With the backing of a group of Auckland businessmen, Beros Brothers established a cement works that produced cement that was sold mainly to the Auckland, Waikato, and Bay of Plenty market. The works operated profitably until 1970, when it closed down for a range of reasons, including the hardness of the limestone. In 1960, 70,000 tons of limestone were quarried for cement making, from which 50,000 tons of cement were produced.

**Table 16:** Limestone companies and production in the Rohe Potae inquiry district, 1961<sup>819</sup>

<b>Limestone for agriculture</b>	<b>Quantity (tons)</b>
Agricultural Lime, Te Kuiti	23,025
Beros Brothers, Te Kuiti	21,347
Superfine Lime, Hangatiki	10,802
Waitomo Lime, Te Kuiti	31,390
Wairere Lime, Pio Pio	2,050
Total	88,614
<i>National total</i>	<i>889,122</i>
<i>(Proportion of national production)</i>	<i>(10.0%)</i>
<b>Limestone for industry</b>	<b>Quantity (tons)</b>
Superfine Lime, Hangatiki	17,258
Beros Brothers, Te Kuiti	428
Total	17,686
<i>National total</i>	<i>49,245</i>
<i>(Proportion of national production)</i>	<i>(35.9%)</i>
<b>Limestone for cement manufacture</b>	<b>Quantity (tons)</b>
Beros Brothers, Te Kuiti	59,784
<i>National total</i>	<i>1,212,569</i>
<i>(Proportion of national production)</i>	<i>(4.9%)</i>

In 1961, as set out in Table 16, a total of 166,084 tons of limestone was produced in the Rohe Potae inquiry district. Of this, 88,614 tons was produced from five quarries for agricultural purposes, equating to about 10 percent of national production. Limestone for industrial purposes amounted to 17,686 tons or about 36 percent of national production. The Superfine Lime Company, operating on Maori land, produced almost all of this industrial limestone. (About half of Superfine's industrial-grade limestone was used in pulp and paper production at Kinleath and Kawarau, with the rest used in chemical and glass industries.<sup>820</sup>) Beros Brothers produced some 59,784 tons of limestone for cement making, which equated to 5 percent of national production for this purpose.

<sup>817</sup> *AJHR*, 1955, C-2, p 35.

<sup>818</sup> Hunwick, p 148. Fox, p 233.

<sup>819</sup> *AJHR*, 1962, C-2, p 3, 57.

<sup>820</sup> Fox, p 237.

By the late 1970s, limestone was, after titanomagnetite (iron sand), the second-most significant mineral deposit in the inquiry district in terms of production and estimated value of output.<sup>821</sup> Table 17 details that by 1976 most limestone in the district was being produced for industrial purposes, constituting almost 90 percent of New Zealand’s total production of limestone for industry.

**Table 17:** Limestone production in the Rohe Potae inquiry district, 1976<sup>822</sup>

Type	Quantity (tons)	Proportion of NZ production	Estimated value (\$)
Limestone for industry	141,020	85.7	750,226
Limestone for agriculture	123,938	7.3	405,277
Limestone for roads	17,068	6.2	42,670
<b>Totals</b>	282,026	--	1,198,173

By 1985, the total output of the limestone industry in the inquiry district had risen to 400,428 tons.<sup>823</sup> In that year, about 20 percent of the national production of limestone for agriculture was produced in the district and about 66 percent of national production of limestone for industrial purposes. Kirby and Willis state that between 1975 and 1985 limestone companies in the King Country earned about \$3.6 million dollars, referring presumably to net profits.<sup>824</sup> The largest company, McDonald’s Lime, earned well over 60 percent of this revenue.

By 1991, after various company amalgamations and take-overs, four limestone companies remained in the district: Valley Lime, Clays and Minerals, New Zealand Forest Products, and McDonald’s Lime.<sup>825</sup> Valley Lime worked a quarry on Waitomo Road, where it had begun producing agricultural lime in 1981. Clays and Minerals, which commenced operations in the district in the late 1960s, worked a high-quality deposit at Te Kumi and also another quarry north of Te Kuiti. The fine powders produced by the company were used for a variety of industrial applications, including the manufacture of wallpaper and insecticides. New Zealand Forest Products also quarried the Te Kumi deposit worked by Clays and Minerals, producing some 50,000 tons of crushed limestone that was mostly used for paper making and glass making.

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<sup>821</sup> Kirby, Abel, and Abel, 1978, p 87.

<sup>822</sup> Ibid, p 88.

<sup>823</sup> Kirby and Willis, pp 54-55.

<sup>824</sup> Ibid, p 55.

<sup>825</sup> Hunwick, pp 149-150.

Of the four companies operating in 1991, the largest concern was McDonald's, which was described as the largest single operation of its kind in Australasia.<sup>826</sup> Formerly an old Oamaru company, McDonald's began working a limestone deposit south of Otorohanga in 1968 in order to supply New Zealand Steel with burnt lime. (New Zealand Steel, which used the burnt lime in its steel-making process, later acquired a stake in McDonald's.) The company expanded its operations, and in 1987 bought out New Zealand Limestone Products, which held a lease over the quarry land that had been taken for railway purposes from Pukenui 2M. McDonald's main operation, however, was a very large quarry at Oparure, west of Te Kuiti, which opened in 1981 and continues to be worked today.<sup>827</sup> This quarry, located on a 67 hectare property, was by the early 1990s producing some 400,000 tons of limestone a year.<sup>828</sup> Of this, 100,000 tons was crushed for agricultural purposes, while the remainder was burnt for a range of industrial applications. The company annually supplied New Zealand Steel with 45,000 tons of burnt lime and the Kinleath and Kawarau pulp and paper mills with 24,000 tons of burnt lime. Some 24,000 tons was exported for various purposes.

Today, the quarrying of limestone continues in the Rohe Potae inquiry district. McDonald's remains by far the most significant company, producing some 500,000 tons of limestone products each year.<sup>829</sup> The company is owned by Holcim New Zealand (72 percent) and Blue Scope Steel (28 percent). Holcim New Zealand is part of Holcim Group, a company listed on the Swiss Stock Exchange. Blue Scope Steel is an Australian company, of which New Zealand Steel is a wholly-owned subsidiary.

It appears that Rohe Potae Maori have not had ownership interests in any of the companies that have quarried limestone in the inquiry district. It seems that many of the companies were established by individuals and groups who resided outside the King Country. In 1950, for example, the registered offices of five out of the nine limestone companies operating in the district appear to have been located in the main centres.<sup>830</sup> Many of the companies' shareholders also resided outside the district. Bailey records, for example, that the original shareholders and

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<sup>826</sup> Ibid, pp 149-150.

<sup>827</sup> Jenny Baker, 'Hat trick for McDonalds Lime Quarry'.

URL: <http://www.constructionnews.co.nz/articles/nov08/articles/feature-quarrying-and-mining.php>

<sup>828</sup> In 1991, it was stated that McDonald's Oparure deposit would last for 150 years at the existing rate of extraction. Hunwick, pp 149-150.

<sup>829</sup> Walrond, 'Rock, limestone and clay – Limestone'.

<sup>830</sup> Numerical List of Lime Companies, 18 January 1950, AAFZ 412 W1713 13 Ag.77/2/5 part 1, ANZ Wellington.



directors of the Hangatiki Lime Company were mainly from Auckland.<sup>831</sup> As detailed above, the largest operation today, McDonald's Lime, is foreign owned.

### *Te Kumi*

This section examines the development of limestone quarrying within the Maori-owned Te Kumi block. Quarrying in this block marked the beginning of limestone quarrying in the Waitomo district. The Te Kumi limestone was burnt to make lime for agricultural purposes and, being located on the NIMT railway, was considered to be a resource of some value. The quarrying was undertaken by Europeans, who entered into leasing arrangements with the owners. During the late 1890s, in an effort to secure control of the resource, the government unsuccessfully attempted to purchase the land where the limestone deposits were located.

In the late 1880s, settler farming interests began noting the potential value of the limestone resources in the Te Kuiti area and lobbying the government to secure suitable deposits of the stone. On 29 September 1888, W.A. Graham wrote to the Native Minister on behalf of 'Waikato settlers', who he stated were disadvantaged owing to the heavy cost of manures.<sup>832</sup> Graham stated that the limestone at Te Kuiti would benefit the Waikato farmers if it was made into lime for agricultural purposes. Requesting that the government secure a block of limestone land near the NIMT railway, Graham advised that he was prepared to start the industry, which he believed would create traffic for the railway and encourage settlement. Replying on behalf of the Native Minister, the Under Secretary of Native Affairs advised Graham that no steps could be taken in the matter until the Native Land Court had dealt with the lands in question.<sup>833</sup>

Two years later, on 13 October 1890, G.M. Barton wrote to the Native Minister on behalf of the Waikato Farming Club, calling again for the government to take steps to secure suitable deposits of limestone.<sup>834</sup> Explaining that farmers in the Waikato and Waipa districts faced difficulties with soil deficiencies, Barton stated that efforts to bring in lime from other areas had failed owing to the high transport costs. As a result, agricultural and pastoral interests suffered. Barton urged

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<sup>831</sup> Bailey, p 25. In 1919, the Company reached an agreement with a European landowner, which provided for limestone to be quarried and royalties to be paid.

<sup>832</sup> Graham to Native Minister, 29 September 1888, MA-MLP1 1901/66, ANZ Wellington, Berghan, Supporting Papers, Vol 23, pp 669-725.

<sup>833</sup> Lewis to Graham, 6 October 1888, MA-MLP1 1901/66, ANZ Wellington, Berghan, Supporting Papers, Vol 23, pp 669-725.

<sup>834</sup> Barton to Mitchelson, 13 October 1890, MA-MLP1 1901/66, ANZ Wellington, Berghan, Supporting Papers, vol. 23, pp 669-725.

the government, in the interest of the community, to secure at least 500 acres of suitable limestone land near Te Kuiti. He detailed that large deposits of the very best limestone were located at on the NIMT railway at Te Kumi and at Waitete. Barton stated that the acquisition of the limestone land would result in extra freight for the Railway Department and would benefit the wider community by 'rendering productive lands at present lying sour and waste'.

Upon considering Barton's letter, the Native Minister, Mitchelson requested that the Under Secretary of Native Affairs inform Barton that the government fully realised the importance of acquiring as much of the limestone land as possible and that, when the land was secured, a quarry would be set apart for the purpose sought by Barton.<sup>835</sup> Following this, Wilkinson, the government land purchase officer in the Rohe Potae, was instructed to take steps to secure the land in question.<sup>836</sup> However, owing largely to title difficulties, Wilkinson was unable to make any progress in securing interests in the limestone lands.

In about 1895, Alex Ferguson entered into an arrangement with the prophet Te Mahuki and his people regarding limestone on Te Kumi block.<sup>837</sup> It seems likely that Alex Ferguson was the same individual who ten years earlier had been operating a limestone kiln in the vicinity of Raglan Harbour. A kiln for burning limestone also seems to have been established at Te Kumi. The arrangement relating to the limestone appears to have constituted a verbal agreement between Te Mahuki and Ferguson. As private dealings were restricted at this time, the agreement had no legal basis. By 1898, a dispute had arisen between Ferguson and Mahuki's wife, Te Kama Totorewa, and his sister, Hariata Raurau, regarding rent and royalties. Mahuki, at this time, was in prison.

As discussed by Leanne Boulton in her land alienation report covering the period 1884 to 1908, Ferguson sought the assistance of the government in an effort to secure his quarrying operation on the Te Kumi block. In February 1898, he wrote to the Minister of Mines, Cadman, requesting that the government acquire the limestone deposit.<sup>838</sup> In March 1898, Wilkinson reported that the government had not secured any part of the Te Kumi block by purchase, but stated that he intended to start purchasing in the block as soon as the Court approved the

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<sup>835</sup> Mitchelson to Under Secretary, Native Department, 22 Oct 1890, MA-MLP1 1901/66, ANZ Wellington, Berghan, Supporting Papers, vol. 23, pp 669-725.

<sup>836</sup> Berghan, pp 1294-1295.

<sup>837</sup> Ferguson to Premier, 27 March 1899, MA-MLP1 1901/66, ANZ Wellington, Berghan, Supporting Papers, vol. 23, pp 669-725.

<sup>838</sup> Ferguson to Cadman, 4 February 1898, MA-MLP1 1901/66, ANZ Wellington, Berghan, Supporting Papers, vol. 23, pp 669-725.

boundary between the Te Kumi and Pehitawa blocks.<sup>839</sup> During April 1898, Wilkinson was authorised to begin purchasing in both of these blocks.<sup>840</sup>

In May 1898, after Ferguson had communicated further with Cadman, Wilkinson was explicitly instructed to ensure that the site of the quarry operation be included in the Crown's award in the Te Kumi block.<sup>841</sup> (Presumably, it was intended that once the land had been secured Ferguson would be able to lease or purchase the property from the Crown.) Wilkinson responded that he would begin purchasing in the Te Kumi block as soon as the price per acre had been fixed.<sup>842</sup>

In July 1898, Cadman wrote to Sheridan, the Chief Land Purchase Officer, advising that the government should attempt to acquire as much of the limestone land around Te Kuiti as possible.<sup>843</sup> Cadman recognised a commercial opportunity for the Crown, noting that the Railway Department had recently decided to carry lime free for two years. He saw private businessmen as competitors whose arrangements with Maori would hamper the Crown's purchasing of limestone country. Cadman encouraged Sheridan to purchase before private interests entered the business and block the Crown's efforts to acquire the land. He asked that Wilkinson be made aware of this policy.

In March 1899, the Court partitioned the Te Kumi block into 14 subdivisions after receiving an application from some of the owners.<sup>844</sup> In recognition of the interests that the government had purchased up until this time, the Crown was awarded Te Kumi 1 (19 acres 2 perches), Te Kumi 2 (357 acres), and Te Kumi 14 (1 acre). The total area of Te Kumi block, before subdivision, was 2,655 acres. The Crown was unable to secure the area upon which Ferguson's kilns were located, but it appears that Te Kumi 1 comprised a significant proportion of the area that was subject to his 'lease'. Wilkinson reported that there was a large deposit of limestone on this land, which abutted the railway line. The land upon which the kilns were located was included in Te Kumi 4 (19 acres 2 roods 12 perches), which was awarded to Mahuki, Te Kama Totorewa, and Hariata Raurau.<sup>845</sup>

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<sup>839</sup> Berghan, p 1296.

<sup>840</sup> Ibid.

<sup>841</sup> Ibid, p 1297.

<sup>842</sup> Wilkinson to Sheridan, 12 May 1898, MA-MLP1 1901/66, ANZ Wellington, Berghan, Supporting Papers, vol. 23, pp 669-725.

<sup>843</sup> Cadman to Sheridan, 25 July 1898, MA-MLP1 1901/66, ANZ Wellington, Berghan, Supporting Papers, vol. 23, pp 669-725.

<sup>844</sup> Berghan, p 403.

<sup>845</sup> Berghan, p 1302.

By the time the Te Kumi block was partitioned, the dispute between Ferguson and Mahuki's wife and sister had deteriorated and they were threatening to evict him.<sup>846</sup> (Ferguson, it seems, claimed that he and Mahuki had agreed upon a new royalty rate, which Totorewa and Raurau contested.<sup>847</sup>) Unhappy that his kilns were not included in the Crown award, Ferguson believed that Wilkinson had taken steps to ensure that it was awarded to Mahuki, Totorewa, and Raurau because the land purchase officer was married to Raurau.<sup>848</sup> Berghan details Wilkinson's response to these accusations.<sup>849</sup> Wilkinson assured his superiors that he had acted in the government's best interests. He explained that the area to which the Crown was entitled was very small and he had been unable to get the non-sellers to agree to the Crown securing the whole of the area leased by Ferguson, noting that some had special rights through occupation.

By 1906, Ferguson was no longer working the limestone deposits at Te Kumi. In August 1906, the Maniapoto Tuwharetoa District Maori Land Board considered a proposed lease over the whole of Te Kumi 4, which included rights to quarry limestone.<sup>850</sup> It appears that there was some discussion of the lease, with new terms being developed at the request of the owners. The proposed lease was in favour of John Wilson and was for a term of 21 years, without any right of renewal. The lease provided for a rental of £15 per annum for the land and royalties of 6d per cubic yard of burnt lime and 3d for stone. The rent was to be paid in advance and royalties paid quarterly. The lessee had the right to remove buildings and machinery, but was required to pay rates and keep the land free of noxious weeds. Hariata Raurau, who was present when the Board considered the lease, agreed to these terms.

Wilson seems to have commenced quarrying and burning the limestone on Te Kumi 4 soon after the lease was finalised. In 1907, the *Te Kuiti Chronicle* reported that Wilson's kilns near Te Kuiti were capable of burning between 100 and 130 tons of lime per week.<sup>851</sup> The quarry was served by a private siding from the NIMT railway. It is unclear how long quarrying operations on the land continued. In 1928, after the lease had expired, Te Kumi 4 was partitioned into Te

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<sup>846</sup> Ferguson to Cadman, 27 Mar 1899, MA-MLP1 1901/66, ANZ Wellington, Berghan, Supporting Papers, vol. 23, pp 669-725.

<sup>847</sup> Ferguson to Premier, 27 Mar 1899, MA-MLP1 1901/66, ANZ Wellington, Berghan, Supporting Papers, vol. 23, pp 669-725.

<sup>848</sup> Ibid.

<sup>849</sup> Berghan, pp 1302-1303.

<sup>850</sup> Maniapoto-Tuwharetoa District Maori Land Board 1, 1 August 1906, p 320.

<sup>851</sup> Cited in Hunwick, p 147.

Kumi 4A and 4B.<sup>852</sup> These partitions were sold to private interests in 1929 and 1963 respectively.<sup>853</sup>

Beginning with his operation at Te Kumi, Wilson went on to establish ownership of at least one other quarry in the Te Kuiti area.<sup>854</sup> In 1918, Wilson formed the Te Kuiti Lime Company, of which he was the principal shareholder.<sup>855</sup> All the company's shareholders appear to have resided in Auckland. The company was bought by Mate and Milan Beros, who in 1949 put the company into voluntary liquidation and thereafter traded as Beros Brothers.<sup>856</sup> Beros Brothers then expanded by buying many of the limestone companies in the area. In 1978, Beros Brothers was purchased by NZ Limestone Products, a company that was subsequently acquired by McDonalds Lime Limited.<sup>857</sup>

### *Waitete*

This section looks at developments relating to another area of Maori-owned land that contained a significant and valuable limestone deposit. This land, Pukenui 2M, which contained 180 acres, was located near Te Kuiti at Waitete. It seems likely that the limestone on the block was the Waitete deposit that Graham had referred to in his 29 September 1888 letter to the Native Minister (see page 233). In 1906, Pukenui 2M was leased with rights to quarry limestone. In 1907 and 1912, significant areas of the block were taken compulsorily under the Public Works Act for railway purposes.

On 12 May 1905, the Maniapoto-Tuwharetoa District Maori Land Board considered a proposed lease over Pukenui 2M that included rights to quarry limestone.<sup>858</sup> The lease was in favour of William Lovett and was for a term of 21 years. Annual rental of 1s 6d per acre was to be paid and a royalty of 1d per cubic yard of limestone. The lease included a right of renewal for a further 21 years, with the rent during the second term to be fixed by arbitration. The Land Board decided to make a recommendation in favour of the lease subject to being satisfied that

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<sup>852</sup> Te Kumi 4B was consolidated and became known as Te Kumi A4. Berghan, pp 405-406.

<sup>853</sup> Douglas, Innes, and Mitchell, individual block summary for Te Kumi block.

<sup>854</sup> Hunwick, p 148.

<sup>855</sup> Memoranda of association, 23 May 1918, BADZ 5181 354 1969, Te Kuiti Lime Company Ltd, 1918-1949, ANZ Auckland. Wilson's family would later be associated with the Wilson Portland Cement Company.

<sup>856</sup> Hunwick, p 148.

<sup>857</sup> Ibid, pp 148-150.

<sup>858</sup> Maniapoto Tuwharetoa District Maori Land Board minute book 1, 12 May 1905, pp 249-250.

the annual rental was not less than five percent of the 'land tax' value and that the royalty was fair.

After the Board had made this decision, Tame Kawe spoke about the land and the proposed lease. Kawe was the husband of one of the Pukenui 2M's three owners, Rangitahi Kereti. Kawe stated that the land was weed infested and in a 'wild state'. The owners, he explained, had no means to improve the land and considered that annual rental of 1s 6d an acre was reasonable payment for having the weeds removed. In regard to the limestone, Kawe stated that the owners had another block of 157 acres that had 'plenty of limestone'. He noted that the limestone on the block was not being utilised and that Lovett was not prepared to offer more than the proposed lease provided. The owners therefore agreed to the lease to 'give it a start', understanding that Lovett would improve the land.

The lease was confirmed in accordance with the proposed terms. The 21 year term of the lease commenced on 1 July 1906. Annual rental payments amounted to £13 10s and the royalty for limestone remained set at 1d per cubic yard.<sup>859</sup> During a later Native Land Court hearing to determine compensation for an area taken under the Public Works Act, Lovett stated that he thought the royalty rate was 'cheap'.<sup>860</sup> After securing the lease, he began crushing the limestone for supply to local bodies, who presumably used it for roading purposes. In the first two years of the lease, royalties of about £15 were been paid to the owners.<sup>861</sup> By 1912, Lovett's lease had been taken over by John Wilson, who – as detailed above – was quarrying and burning limestone on Te Kumi 4.

In 1907 and 1912, the Railways Department appears to have secured much of the Waitete limestone deposit within Pukenui 2M through two separate takings under the Public Works Act. These takings, which involved about 63 acres, are discussed in detail in Cleaver and Sarich's report on the NIMT railway.<sup>862</sup> In both cases, the Department acquired the land because it wanted to crush the limestone for use as ballast. (Earlier, in 1895, the Department had acquired an adjacent area – portions of Te Kuiti and Pukenui blocks, containing about 24 acres. This land included significant shingle deposits, located in the bed of the Mangaokewa River.<sup>863</sup>) Details of

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<sup>859</sup> Otorohanga Native Land Court minute book 49, 4 August 1908, p146. Otorohanga Native Land Court minute book 49, 6 August 1908, p188.

<sup>860</sup> Otorohanga Native Land Court minute book 49, 4 August 1908, p149.

<sup>861</sup> Otorohanga Native Land Court minute book 49, 6 August 1908, p188.

<sup>862</sup> Cleaver and Sarich, pp 168-171.

<sup>863</sup> Cleaver and Sarich, p 148, 150, 156-157.

the 1907 and 1912 takings are summarised in Table 18. It is notable that the owners seem to have received relatively little compensation for the takings and that in both cases the leaseholder was awarded considerably more compensation than the owners.

**Table 18:** Railway Department takings from Pukenui block, 1907 and 1912<sup>864</sup>

Date of taking	Block	Area	Compensation details
16 August 1907	Pukenui 2M Pukenui 2D4	14a 2r 17p 0a 0r 25.5p	On 14 August 1908, the Native Land Court ordered that the Maori owners be paid compensation of £52 for the two areas taken, from which £15 was to be deducted for costs awarded to the Railway Department. Compensation of £225 was awarded to Lovett in respect of the land taken from Pukenui 2M, with costs of £60 to be deducted.
28 March 1912	Pukenui 2M	48a 0r 00p	On 20 November 1912, the Native Land Court confirmed an agreement for compensation of £240 to be paid to the Maori owners. Compensation of £1100 was paid to the Wilson.

The Court heard a considerable amount of evidence when determining compensation for the 1907 takings.<sup>865</sup> In this case, the Railways Department successfully asserted that the ‘five percent rule’ be applied to the land taken from Pukenui 2M, which meant that compensation was paid only for an area of 5 acres 2 roods and 17 perches.<sup>866</sup> Also, while the owners believed that they should be compensated for the value of the limestone, the Court found that compensation was only payable for the loss of land and a water spring. The Court maintained that compensation did not have to be paid for the limestone because of the abundance of the resource in the Te Kuiti district and an apparent lack of profitability in Lovett’s operation. Commenting on the amount awarded to the Maori owners for the loss of land, the Court noted that the sum appeared to be small, but argued that the owners had reduced their freehold interest significantly by leasing the property for a long term at a low rental. In the case of the 1912 taking, the Court confirmed an out-of-Court settlement reached between the Railways Department and the owners.

During the 1920s, the Railways Department stopped working the Waiteti quarry after it was decided that limestone was not suitable for ballast. On 1 April 1923, an area of about 10 acres was leased, and on 17 June 1931 a second area of about 44 acres was leased. The terms of these leases provided that the Department would receive a royalty for material extracted. The leases seem to have principally been held by the Agricultural Lime Company, which was founded in

<sup>864</sup> Cleaver and Sarich, p 161.

<sup>865</sup> Cleaver and Sarich, pp 168-171.

<sup>866</sup> This rule enabled up to five percent of a Maori-owned block to be taken for road and rail purposes without requiring compensation to be paid.

1935 by the New Zealand Dairy Company.<sup>867</sup> At its peak, the company crushed up to 30,000 tons a year at Waitete, which made it the biggest concern in the area. In 1964, the Agricultural Lime Company was purchased by Beros Brothers, who continued to operate the lease. In 1978, Beros Brothers was sold to New Zealand Limestone Products, which in 1985 was taken over by McDonald's Lime Limited.<sup>868</sup>

The quarry land at Waiteti remained leased until most of it was disposed of in 1993 in accordance with policies arising from the restructuring of New Zealand's railway system.<sup>869</sup> McDonald's Lime Limited, the lessee at the time of disposal, purchased the quarry land, which comprised some 30 hectares of the land that had been compulsorily taken in 1895, 1907, and 1912. Sold in accordance with the disposal provisions of the Public Works Act 1981, it is evident that the land was not offered back to the former owners. A report prepared by Rail Properties recommended that the land be instead offered to the adjoining successor in title.<sup>870</sup> Unfortunately, a copy of this report has not been located, so the reasoning behind this decision is unclear. The adjoining successor in title happened to be McDonald's Lime Limited, which in 1989 offered to pay \$50,000 for the land.<sup>871</sup> The company's offer was accepted and the sale, as noted above, was concluded in 1993.

### ***Pukeroa Hangatiki***

This section provides details of the quarrying of limestone on the Maori-owned lands Pukeroa Hangatiki A55, A56, and A58. Quarrying operations, undertaken by a succession of Pakeha-owned companies, began during the 1930s and continued until at least 1980. The Maori owners of the lands entered into leases that provided for royalties to be paid for the limestone extracted. It appears that the deposit was of considerable value, with significant quantities of the limestone processed for industrial purposes. It is also notable that an important historical site, Maniapoto's Cave, was located on the land and suffered damage as a result of quarrying operations.

Quarrying of the Pukeroa Hangitiki lands began during the 1930s, when the Maniapoto Lime Company seems to have secured a license to quarry limestone from at least one of the

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<sup>867</sup> Hunwick, p 148.

<sup>868</sup> Ibid, p 149.

<sup>869</sup> Cleaver and Sarich, p

<sup>870</sup> Property Manager, Hamilton, to General Manager, Rail Properties, 13 September 1989, ABJQ W5448 17005 104 L48261, McDonalds Lime Ltd, 1989-1993, ANZ Wellington.

<sup>871</sup> Ibid. This was the land's value as determined by a valuation carried out in June 1988 in connection with a rental review.



subdivisions. (Incorporated in 1929, this company had a nominal capital value of £20,000.<sup>872</sup> At the time of incorporation, shares were owned by more than 50 individuals, who mostly resided in the main centres, particularly Auckland.) It appears that the Maniapoto Lime Company did not quarry the land itself, but instead sub leased the license to another company, Superfine Lime, which paid royalties to Maniapoto Lime.<sup>873</sup> As detailed in Table 15, Superfine Lime was operational by 1938. By 1961, as detailed in Table 16, the company had become a major supplier of limestone for industrial purposes, producing about 35 percent of national production for this purpose.

The Maniapoto Lime Company's rights to quarry limestone may have been confined to Pukeroa Hangatiki A55, an area of 11 acres. By 1963, the Company seems to have been failing to meet the terms of its lease. On 11 February 1964, the Court confirmed a resolution to appoint certain owners of Pukeroa Hangatiki A55 to act as trustees to take action against the company for defaults on its lease of the block.<sup>874</sup> On the same day, the company notified the Companies Office that it was in liquidation.<sup>875</sup>

By the time these steps were being taken, Superfine Lime had been purchased by Beros Brothers, which had secured a fresh license over Pukeroa Hangatiki A55 in the name of Te Kuiti Fertilizer Limited, another company owned by Beros Brothers.<sup>876</sup> On 3 April 1963, a meeting of assembled owners had passed a resolution to grant Te Kuiti Fertilizer a temporary license to quarry limestone on Pukeroa Hangatiki A55 for three years from 1 February 1963. The license provided for a royalty of 2s per ton, with a minimum annual royalty set at £1000.<sup>877</sup> It appears that Te Kuiti Fertilizer had begun quarrying under the license on 1 February 1963. When the Court heard an application to confirm the resolution on 15 May 1963, it was reported that the company had already extracted some 10,865 tons of limestone, upon which royalties of £1086 were payable.<sup>878</sup>

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<sup>872</sup> Certificate of Incorporation, 31 October 1929, BADZ 5181 1251 14884, Maniapoto Lime Limited, 1929-c.1967, ANZ Auckland.

<sup>873</sup> Summary of capital and shares, 6 July 1931, BADZ 5181 1251 14884, ANZ Auckland.

<sup>874</sup> Order confirming resolution of assembled owners, 11 February 1964, BBHW 4958 882f 7/569, Pukeroa-Hangatiki A55, 1963-1967, ANZ Auckland.

<sup>875</sup> Maniapoto Lime Company to Companies Office, 11 February 1964, BADZ 5181 1251 14884, ANZ Auckland.

<sup>876</sup> Bailey states that Beros Brothers took over Superfine in about 1940, while Hunwick details that this happened in 1960. Bailey, pp 45-46. Hunwick, p 148.

<sup>877</sup> Order confirming resolution of assembled owners, 15 May 1963, BBHW 4958 1020b 7/569 part 1, Pukeroa-Hangatiki A55 limestone grant and lease, 1966-1979, ANZ Auckland.

<sup>878</sup> Extract of Waikato Maniapoto Alienations minute book 30, p 152, BBHW 4958 882f 7/569, ANZ Auckland.

Two issues concerning the company's operation were raised at the Court hearing. First, the Court heard that the company required access over Pukeroa Hangatiki A56, but had yet to secure an agreement with the owners of this land. Secondly, one of the owners made serious complaints about damage to a cave known as Maniapoto's Cave. Tau Haeraiti told the Court that the cave had been 'damaged beyond our imagination', causing a 'very grave disturbance of a very historic spot'. Haeraiti stated that the company would have to restrict activities around the cave, and the Court's order of confirmation according excluded the cave from the license.<sup>879</sup>

It appears that around the time Te Kuiti Fertilizer secured rights over Pukeroa A55, it also acquired a license to quarry limestone from Maori-owned Pukeroa Hangatiki A58, which contained about 78 acres. This is evident because on 20 December 1963, Te Kuiti Fertiliser secured access rights over Pukeroa Hangatiki A56 in order to carry out quarrying operations on Pukeroa Hangatiki A55 and A58.<sup>880</sup> Research has not established the provisions of the grant of access rights, but a further order on 30 July 1965 extended the rights to 1 October 1978. In 1971, Te Kuiti Fertiliser also acquired rights to quarry limestone from Pukeroa Hangatiki A56, which contained about 93 acres.<sup>881</sup> The term of this license was from 21 April 1971 to 30 September 1978. The license provided for royalties of 20 cents per ton of limestone, with a minimum payment of \$200 per year.<sup>882</sup> In June 1972, Superfine Lime's operation on the Pukeroa Hangatiki lands and Te Kuiti Fertilizer's quarrying licenses were transferred to Alex Harvey Industries Limited.<sup>883</sup>

Meetings of assembled owners passed resolutions that saw the licenses to quarry limestone from Pukeroa Hangatiki A55, A56, and A58 extended. The license over Pukeroa Hangatiki A55 was extended through until at least 31 September 1978, while the licenses over Pukeroa Hangatiki A56 and A58 were extended through until at least 31 September 1979.<sup>884</sup> Royalty rates increased when the licenses were extended.<sup>885</sup> It seems that a government price index offered some guidance in setting royalties, though this index no longer existed in the late 1970s, and greater

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<sup>879</sup> Ibid.

<sup>880</sup> Low, Chapman, and Carter, to Maori Trustee, 19 May 1972, BBHW 4958 1020b 7/569 part 1, ANZ Auckland.

<sup>881</sup> Low, Chapman, and Carter, to Maori Trustee, 19 May 1972, BBHW 4958 1020b 7/569 part 1, ANZ Auckland.

<sup>882</sup> Order confirming resolution of assembled meeting of owners, 26 May 1971, BBHW 4958 1040b 7/703/1 part 2, Pukeroa-Hangatiki A56 limestone grants, 1979-1979, ANZ Auckland.

<sup>883</sup> Low, Chapman, and Carter, to Maori Trustee, 19 May 1972, BBHW 4958 1020b 7/569 part 1, ANZ Auckland.

<sup>884</sup> Order confirming resolution of assembled owners, 22 December 1971, BBHW 4958 1020b 7/569 part 1, ANZ Auckland. Order confirming resolution of meeting of owners, 12 July 1979, BBHW 4958 1040a 7/703/1 part 1, Pukeroa-Hangatiki A56 limestone grants, 1971-1979, ANZ Auckland.

<sup>885</sup> For example, when the license over Pukeroa Hangatiki A56 extended for a term of 12 months from 1 Oct 1978, the royalty per ton rose from 19.7 cents to 42.7 cents. Order confirming resolution of meeting of owners, 12 July 1979, BBHW 4958 1040a 7/703/1 part 1, ANZ Auckland.

negotiation therefore appears to have been required.<sup>886</sup> With this in mind, the owners of Pukeroa Hangatiki A56 looked to set up an incorporation of owners and appoint trustees to engage in negotiations.<sup>887</sup> Research has determined, for selected years, the royalties paid in respect of Pukeroa Hangatiki A55, which in 1967 had some 60 owners.<sup>888</sup> In 1968, 1972, and 1978, royalty payments of \$6019, \$3385, and \$10,706 were made.<sup>889</sup>

### *Hauturu East*

In March 1931, the Maniapoto Lime Company acquired a lease over part of Hauturu East 1E4B2A (10 acres) and parts of Hauturu East 1E4B2B (7 acres 22.6 perches).<sup>890</sup> These leases, which were presumably for the purpose of quarrying limestone, were for terms of 50 years. Research has not established the other conditions of the leases and how long quarrying operations were undertaken.

### *Aorangi*

Between 1944 and 1965, Asbestos Mines (N.Z.) Limited held a license to remove serpentine rock from Aorangi B2B2B1, B2B2B2, and B2B2B3, which contained a total area of about 315 acres.<sup>891</sup> Towards the end of this term, Asbestos Mines attempted to secure a new grant but could not because the terms sought by the owners were considered to be unreasonable.<sup>892</sup> Before Asbestos Mines license expired, L.A. Boswell secured a license to quarry limestone from the land, subject to the prior rights of Asbestos Mines.<sup>893</sup> In 1963, Boswell's license, which provided for the payment of 6d per ton, was transferred to Te Kuiti Fertilizer.<sup>894</sup> The owners of Te Kuiti Fertilizer, Beros Brothers, waited for the grant to Asbestos Mines to expire before commencing quarrying. However, another concern, Sepentine Quarries (Aria) Limited secured rights to mine serpentine for a further five years from December 1965.<sup>895</sup> This unexpected

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<sup>886</sup> The price index referred to was the Primary Sub Index of the Wholesale Price Index. Statement of proceedings of meeting of assembled owners, 25 May 1979, BBHW 4958 1040b 7/703/1 part 2, ANZ Auckland.

<sup>887</sup> Ibid.

<sup>888</sup> Particulars of title of land, BBHW 4958 882f 7/569, ANZ Auckland.

<sup>889</sup> Register sheet, BBHW 4958 1020b 7/569/1, ANZ Auckland.

<sup>890</sup> Berghan, p 148.

<sup>891</sup> Assistant District Officer to Head Office, 18 July 1966, BBHW 4958 992a 7/339/2 part 1, Aorangi B2B2B1 2 3 minerals (limestone and other rocks), 1957-1980, ANZ Auckland.

<sup>892</sup> Assistant District Officer to Head Office, 18 July 1966, BBHW 4958 992a 7/339/2 part 1, ANZ Auckland.

<sup>893</sup> District Officer to Bayne, Lendrum, Winders, and Francis, 3 May 1961, BBHW 4958 992a 7/339/2 part 1, ANZ Auckland.

<sup>894</sup> Assistant District Officer to Head Office, 18 July 1966, BBHW 4958 992a 7/339/2 part 1, ANZ Auckland.

<sup>895</sup> Assistant District Officer to Head Office, 18 July 1966, BBHW 4958 992a 7/339/2 part 1, ANZ Auckland.

development saw Beros Brothers' plans to quarry limestone further delayed and it is unclear whether the land was eventually quarried for limestone.<sup>896</sup>

Serpentine began to be quarried in the inquiry district after the Second World War, when it was discovered that it could be used as an additive in the production of fertiliser.<sup>897</sup> All quarrying of the rock seems to have been undertaken from a deposit near Pio Pio, which seems to have been located on the Maori-owned Aorangi block subdivisions discussed above. After quarrying began, production declined, reflecting diminishing demand. Some 72,649 tons were produced in 1951, but by 1976 production was down to 14,326 tons.

### ***Purchase of limestone lands***

It is unclear whether the government, following its purchase of interests in Te Kumi block at the end of the nineteenth century, deliberately sought to purchase other lands that included valuable deposits of limestone. The extent to which private purchasers looked to secure such lands after the passage of the Native Land Act 1909 is also unclear. It seems that most limestone quarrying that has been undertaken in the inquiry district was carried out on land that had earlier been acquired from Maori. Where land was purchased and commercially valuable deposits of limestone were known to be present, the extent to which the value of the resource was included in the purchase price is unclear.

Berghan provides details of 10 areas of land that were purchased by limestone companies and, presumably, contained deposits of limestone. These purchases were dominated by Beros Brothers, who acquired several subdivisions of Pukenui block, which had a total area of about 158 acres:

- Orahiri 1 Section 23A (01 0r 2p) purchased by Otorohanga Lime Company, date unspecified;
- Pukenui 2D3E (2a 2r 23p) purchased by Waitomo Lime Company in 1952;
- Part Pukenui 2D4B1 (1a 2r 29p) purchased by Beros Brothers, date unspecified;
- Pukenui 2D4B2B2 (5a 2r 36.5p) purchased by Beros Brothers, date unspecified;
- Pukenui 2D4B2A2B (2a 1r 09p) purchased by Beros Brothers in 1956;
- Pukenui 2D4B2B2B (5a 1r 16p) purchased by Beros Brothers in 1956;
- Pukenui 2M (117a 1r 03p) purchased by Mate and Mili Beros in 1951;

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<sup>896</sup> Assistant District Officer to Head Office, 18 July 1966, BBHW 4958 992a 7/339/2 part 1, ANZ Auckland.

<sup>897</sup> Fox, p 236. Kirby and Willis, p 87.

- Pukenui B16C (8a 1r 07p) purchased by Beros Brothers, date unspecified;
- Pukenui B16D (8a 1r 04p) purchased by Beros Brothers, date unspecified; and
- Pukenui B18 (9a 0r 00p) purchased by Beros Brothers, date unspecified.<sup>898</sup>

### *Employment*

This section briefly describes the employment opportunities associated with the limestone industry in the Rohe Potae inquiry district. Details concerning the number of individuals employed in the industry have been difficult to locate, though a few sources provide relevant information for certain years.

In 1946, it was reported that some 59 people were employed in quarrying in the eight principal limestone quarries that operated in the Te Kuiti area.<sup>899</sup> This figure does not include those engaged in bagging and loading the lime and those operating transport. Bailey states that the introduction of machinery following the Second World War reduced the number workers required at each quarry.<sup>900</sup> However, Fox details that in 1960 some 60 men remained employed in the quarrying of limestone in the Waitomo district.<sup>901</sup> (It is uncertain whether this figure also excluded in bagging and other aspects of the industry.) Fox notes that most of the quarry workers were employed on seasonal contracts on relatively high rates of pay. He explains that the quarries generally did not maintain full production throughout the year owing to weather conditions. As well as those employed in limestone quarrying, Fox also notes that 59 people were employed in Berros Brothers' cement plants in 1960.<sup>902</sup> By 1985, though production had risen significantly, only about 60 people were reported to be employed in all aspects of the King Country limestone industry.<sup>903</sup> Today, 15 people are employed at the largest remaining operation, McDonald's Lime.<sup>904</sup>

It is not possible from the available sources to comment on the extent to which Maori participated in the limestone industry as wage workers. However, some Maori employment is evident. Bailey notes that local Maori worked for Superfine Lime, who – as detailed above –

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<sup>898</sup> Berghan, p 621, 786-790, 800.

<sup>899</sup> Bailey, p 11.

<sup>900</sup> Ibid.

<sup>901</sup> Fox, p 237.

<sup>902</sup> Ibid, p 233.

<sup>903</sup> Kirby and Willis, p 55.

<sup>904</sup> Baker, 'Hat trick for McDonalds Lime Quarry'.

quarried Maori-owned lands within Pukeroa Hangatiki block.<sup>905</sup> It is unclear whether provision for this employment was included in the license to quarry the limestone. It seems possible that it was not a special case and that Maori were also employed in the other quarries that operated in the district.

## **Ironsand mining**

### ***Overview***

In the Rohe Potae inquiry district, ironsands have been mined from Maori-owned coastal land at Taharoa since 1972. These sands contain an iron ore called titanomagnetite, which makes up between 30 to 40 percent of the Taharoa ironsands.<sup>906</sup> The iron ore has principally been exported to Japan, where it has been used as an additive in the production of steel, providing protection to blast furnaces.<sup>907</sup> In total, about 43 million tons of titanomagnetite have been exported from the Taharoa site.<sup>908</sup>

Mining of ironsands has also been undertaken on a significant scale at two other locations in New Zealand. At Waikato North Head, ironsands have been mined since the early 1970s for use as the primary ingredient in the production of steel at New Zealand Steel's Glenbrook mill.<sup>909</sup> Also, between 1971 and 1987, ironsands were mined near Waipipi in South Taranaki.<sup>910</sup> Like the mining at Taharoa, this was an export operation. Almost 16 million tons of iron ore were produced at Waipipi.

### ***Ironsand resources of the Rohe Potae inquiry district***

New Zealand's ironsand deposits, among the largest in the world, have volcanic origins and are located on a stretch of the North Island's west coast, between Whanganui and Kaipara

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<sup>905</sup> Bailey, p 52.

<sup>906</sup> New Zealand Steel Limited, *Taharoa*, New Zealand Steel, Auckland, 1973. Fleur Templeton, 'Iron and steel – attempts to extract iron', *Te Ara – the Encyclopedia of New Zealand*, updated 2 March 2009. URL: <http://www.teara.govt.nz/en/iron-and-steel/1>

<sup>907</sup> New Zealand Steel Mining Limited, *Taharoa / New Zealand Steel Mining*, Auckland, 1978.

<sup>908</sup> 'NZ Steel ironsand export shiploading', IPENZ Engineering Heritage website. URL: <http://www.ipenz.org.nz/heritage/itemdetail.cfm?itemid+134>

<sup>909</sup> 'Iron sands to steel', Techhistory website. URL: <http://techhistory.co.nz/IronSands/Iron4.htm>

<sup>910</sup> 'Ironsands', New Zealand Mineral Industry Association website. URL: [http://www.minerals.co.nz/html/main\\_topics/resources\\_for\\_schools/ironsands/ironsnads\\_index.html](http://www.minerals.co.nz/html/main_topics/resources_for_schools/ironsands/ironsnads_index.html)

Harbour.<sup>911</sup> In total, it is estimated that these ironsands contain about 750 million tons of titanomagnetite. The Taharoa ironsands are the most significant deposit, containing some 300 million tons of titanomagnetite and covering some 1600 hectares.<sup>912</sup>

As with coal and limestone, early European travellers noted the existence of sands containing iron ore along the King Country coast and, more generally, the wider presence of these sands along the west coast of the North Island. In 1939, Ernst Dieffenbach, hired by the New Zealand Company to describe New Zealand's natural resources, recognised 'black titanic iron-sand' on beaches along the Taranaki Coast.<sup>913</sup> Samples of ironsand were soon sent overseas for analysis, something that appears to have been done on more than one occasion in the nineteenth century.<sup>914</sup> Further, more detailed surveying of ironsand deposits was also undertaken by the Geological Survey, with some of the results published in the Mines Department annual report. In 1922, for example, a report on a geological survey of the Kawhia subdivisions noted that:

The beach and sand dunes of the district, the latter occurring in large quantity, contain a considerable portion of ironsand. In places wind and wave action have produced small deposits of almost pure blacksand. The average sand, no doubt, would yield a concentrate with a high iron content.<sup>915</sup>

In 1949, the Geological Survey surveyed the Taharoa ironsands more closely as part of a reconnaissance survey of a number of ironsand deposits lying between New Plymouth and Kaipara Harbour.<sup>916</sup> During this survey, several holes were bored and the sand was collected. Research has not established whether the Geological Survey undertook the survey with the owners' permission.

### ***Ownership of ironsands***

Like coal and limestone, ironsands belong to the owner of the land upon which they are located. Legislation has not been introduced to establish Crown ownership of the resource. However, during the twentieth century, legislation that provided strong powers to allow for the prospecting and mining of ironsands was enacted. The Iron and Steel Industry Acts 1937 and 1959,

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<sup>911</sup> Templeton, 'Iron and steel – attempts to extract iron'.

<sup>912</sup> New Zealand Steel Limited, *Taharoa*.

<sup>913</sup> Templeton, 'Iron and steel – attempts to extract iron'.

<sup>914</sup> 'Iron sands to steel', Techhistory website. URL: <http://techhistory.co.nz/IronSands/Iron1.htm>

<sup>915</sup> *AJHR*, 1921-22, C-2, p 6.

<sup>916</sup> Kear, D., N73, Taharoa Ironsand Deposit – Investigations to May 1957, 1 May 1957, MA W2459 51 5/14/3 part 3, ANZ Wellington.

discussed further below, reflected the extent to which the establishment of a local steel industry was perceived to be important. Both Acts enabled central government to take lands required for the mining of ironsands under the Public Works Act 1928. The Acts provided for compensation to be paid for the taken land, with the 1959 Act also providing that the owners of taken lands were entitled to receive royalties for any ironsands mined. It is clear, however, that the government made no move to employ the land taking provisions to secure the Taharoa deposits.

### ***Background to mining at Taharoa***

The existence of the North Island ironsands gave rise to hope that a steel industry might be able to be developed in New Zealand. An integral part of British industrial progress, the production of steel was perceived to be important to economic development.<sup>917</sup> The Taranaki Provincial Government in 1858 and the central government in 1874 and 1914 offered incentives and bonuses to investors who successfully established iron works.<sup>918</sup> However, the companies that attempted to make steel from ironsands at this time, all of which operated outside of the inquiry district, encountered technical difficulties and eventually folded.<sup>919</sup> Between 1920 and 1942, attempts to produce steel focussed instead on the utilisation of deposits of another type of iron ore called limonite, located near Onekaka in Golden Bay.<sup>920</sup>

In the face of ongoing steel shortages, the Labour Government passed the Iron and Steel Industry Act 1937 with the aim of establishing a state industry. The Act provided for the appointment of three commissioners, who were to undertake mining operations and establish works to produce steel. Other than the commissioners, no person or authority was entitled to mine for iron ore on any lands in New Zealand. As noted above, the 1937 Act also provided that lands required for the purpose of the Act could be taken under the Public Works Act. Compensation was payable to the owners of taken lands, but there was no provision for the owners of taken lands to receive royalties for iron ore extracted.

It was decided that the development of the state steel industry envisaged in the 1937 Act should be based on the Onekaka limonite deposits.<sup>921</sup> Small-scale production of iron was achieved, but the size of the limonite resource had been overestimated. By the mid-1940s, the commissioners

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<sup>917</sup> 'Iron sands to steel', Techhistory website. URL: <http://techhistory.co.nz/IronSands/Iron1.htm>

<sup>918</sup> Ibid. See, for example, the Iron and Steel Industries Act 1914.

<sup>919</sup> Ibid.

<sup>920</sup> 'Iron sands to steel', Techhistory website. URL: <http://techhistory.co.nz/IronSands/Iron2.htm>

<sup>921</sup> 'Iron sands to steel', Techhistory website. URL: [http://techhistory.co.nz/IronSands/Iron\\_Chron.htm](http://techhistory.co.nz/IronSands/Iron_Chron.htm)



were looking to the possibility of basing the industry on iron sands. Consultants advised that, as a result of processes developed overseas, the electric smelting of ironsands would be practical. Research and smelting trials then began. In 1954, the National Government repealed the 1937 Act, considering the establishment of an iron and steel industry to be a matter for private enterprise.<sup>922</sup>

Private business interests were quick to take up the challenge of developing a potentially profitable local steel industry. In 1956, after the formation of a private syndicate that included Sir James and J.M.C. Fletcher, Fletcher Holdings engaged the American company Kaiser Engineers to carry out a feasibility study for a large electric smelting plant that would use ironsand from the Taharoa deposit.<sup>923</sup> The potential of this enterprise had been proposed by a research fellow at Victoria University, William Martin. At the time that the syndicate became interested in the proposal, it was estimated that there were some 176 million tons of iron ore concentrate at Taharoa.

On 28 March 1956, the Secretary of Maori Affairs wrote a confidential memorandum to the District Officer of the Department of Maori Affairs in Auckland, advising of the emerging interest in exploiting the Taharoa ironsands.<sup>924</sup> The Secretary explained that solicitors representing a group of prominent people had held discussions with him regarding the possibility of utilising the ironsands. The solicitors stated that the first step that the syndicate wished to take was to prospect various subdivisions of the Taharoa block in order to ascertain the depth of the deposits. If existing impressions of the deposit were confirmed, it was suggested that a major industry would develop. A deep sea port would possibly be built in Kawhia Harbour and the iron ore shipped to Bluff, where adequate electric power was likely to be available.

The Secretary stated that in order to carry out the prospecting the syndicate would want to secure the permission of the owners of the land. If the venture proceeded, it was contemplated that a 'reasonable royalty' should be paid to the Maori owners. The syndicate's solicitors were considering how best to proceed with negotiations with the owners. In the meantime, the Secretary noted that the schoolmaster at Taharoa had raised the matter in an informal way with local Maori and had reported that they were interested in the proposals.

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<sup>922</sup> Ibid.

<sup>923</sup> Paul Goldsmith, *Fletchers: a centennial history of Fletcher Building*, Auckland, 2009, p 164.

'Iron sands to steel', Techhistory website. URL: <http://techhistory.co.nz/IronSands/Iron3.htm>

<sup>924</sup> Ropiha to District Officer, 28 March 1956, MA W2459 51 5/14/3 part 2, Kawhia and Taharoa – sand encroachment – ironsand development, 1913-1963, ANZ Wellington.

At a later point, after the Secretary had written to the District Officer, members of the syndicate met with representatives of the Taharoa owners. It is unclear when the first meeting between the two parties took place. On 15 March 1957, a second meeting took place at Maketu Marae in Kawhia.<sup>925</sup> At this meeting, speaking on behalf of the syndicate, a Mr Law, former General Manager for New Zealand for Imperial Chemical Industries Limited, noted that owners had previously asked:

1. whether they would retain ownership of the land;
2. whether there would be employment for owners in the project; and
3. whether any Maori who wished to be trained in the skills of the iron sands industry would get assistance from the syndicate.

Law assured the owners that the answer to all three questions was ‘an emphatic yes’. Issues concerning an application by the syndicate to secure prospecting rights under the Mining Act 1926 were also discussed at the meeting. On 29 and 30 April 1957, a geologist with the Geological Survey briefly inspected the Taharoa ironsands area.<sup>926</sup>

On 15 May 1957, the Maori Land Court heard three applications made by the syndicate under the Mining Act 1926.<sup>927</sup> The applications, which concerned various subdivisions of Taharoa block, related to the syndicate’s plans to prospect and mine the Taharoa lands. One of the applications, made under section 30(1)(b) of the 1926 Act, sought an order by which lands would be ceded in accordance with the terms and conditions of a Deed of cession entered into between the owners and the Governor General. Such an order did not result in a loss of ownership, and it appears that the terms and conditions of the Deed were reached by negotiation between the owners and the mining interest concerned. After hearing the three applications, the Court adjourned the cases *sine die* because the owners and syndicate had not negotiated the terms and conditions of the Deed of cession. In doing so, the Court made the following comments:

The Court recommends that the negotiations to settle the terms and conditions of the Deed of cession proceed with all expedition; it considers it proper to point out to the owners that theirs is obviously not the only deposit of ironsand in this country, although it is a very valuable one; the owners should prudently consider whether this opportunity to have surveyed and investigated – at no cost to themselves – an asset which it may be impossible for them (from lack of technical skill or monetary resources or both) to

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<sup>925</sup> District Officer to Head Office, 21 March 1957, MA W2459 51 5/14/3 part 2, ANZ Wellington.

<sup>926</sup> Report of D. Kear, 1 May 1957, MA W2459 51 5/14/3 part 3, ANZ Wellington.

<sup>927</sup> Otorohanga Native Land Court minute book 81, 15 May 1957, extract in MA W2459 51 5/14/3 part 2, ANZ Wellington.

themselves survey and investigate, should be allowed to slip by because of demands for royalty or other type of compensation unreasonably in excess of what those who are willing to undertake such investigation – and to bear the full cost of so doing – are prepared to meet.

An Order under Section 30(1)(b) does not deprive the owners of the freehold and there are very many safeguards of their rights in both the Mining Act and the Regulations thereunder.<sup>928</sup>

In spite of the Court's comments, no immediate steps were taken towards negotiating the terms and conditions of the Deed of cession. In mid-1957, the syndicate broke into two groups with different proposals for working the Taharoa deposits.<sup>929</sup> By May 1958, the Labour Government had also become interested in the establishment of a steel industry and wanted to see the Taharoa lands ceded for mining purposes as soon as possible.<sup>930</sup> However, before this could be achieved the titles of some 21 subdivisions needed to be amalgamated and an incorporation of owners established. This process took some time, and it was not until March 1959 that the owners of the amalgamated lands, known as Taharoa C block, were incorporated.<sup>931</sup> Taharoa C contains 3256 acres 2 roods 28 perches.

Around the time the incorporation was formed, the Government – reluctant to leave the establishment of steel making entirely to private interests – proposed that an investigating company be set up to investigate all aspects of an iron and steel industry based on ironsands.<sup>932</sup> In accordance with this, the Iron and Steel Industry Act 1959 was passed in October 1959. The Act provided for the establishment of the New Zealand Steel Investigating Company and vested in the Crown the exclusive right to prospect for and mine ironsands within a defined 'Ironsands Area'. (This area included a three-mile wide strip running along the coast between the Whangaehu River and the Kaipara Harbour.) As noted above, the 1959 Act also provided that lands required for the purposes of the Act could be taken under the Public Works Act. Compensation would be paid for any taken lands, and the owners of taken lands where mining was prosecuted would be paid royalties. In 1960, after unsuccessfully attempting to obtain the agreement of private interests, the Government decided that the Investigating Company should be entirely state owned.<sup>933</sup>

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<sup>928</sup> Office Solicitor, file note, 5 May 1958, MA W2459 51 5/14/3 part 2, ANZ Wellington.

<sup>929</sup> Goldsmith, pp 164-165. Office Solicitor, file note, 5 May 1958, MA W2459 51 5/14/3 part 2, ANZ Wellington.

<sup>930</sup> Office Solicitor, file note, 5 May 1958, MA W2459 51 5/14/3 part 2, ANZ Wellington.

<sup>931</sup> Te Kuiti Alienations minute book 29, 24 March 1959, MA W2459 51 5/14/3 part 3, ANZ Wellington.

<sup>932</sup> Higgins to Registrar, Waikato Maniapoto District Maori Land Board, 2 August 1960, MA W2459 51 5/14/3 part 3, ANZ Wellington.

<sup>933</sup> Ibid. 'Joint ironsands plan cancelled', *Dominion*, 22 June 1960, extract in AATJ 6090 W4993 90 12/30/24 part 1, Ownership of iron sands deposits of New Zealand, 1957-1960, ANZ Wellington.

Though it appears that it was expected that the Investigating Company would develop a steel industry based on the Taharoa ironsands, further survey work undertaken by the company showed that there was also a large deposit of titanomagnetite-rich sands at Waikato North Head.<sup>934</sup> This deposit became the source of iron ore for the future steel industry. In 1965, after technical processes had been further defined and the Investigating Company wound up, New Zealand Steel Limited was incorporated and, later, publicly floated.<sup>935</sup> By the early 1970s, New Zealand Steel had established a steel mill at Glenbrook, on the Manakau Harbour, utilising the Waikato North Head ironsands and coal from the Huntly area.<sup>936</sup> The Waikato North Head land was owned by the New Zealand Forest Service.<sup>937</sup>

While focussed on setting up a domestic steel industry, the Investigating Company and, later, New Zealand Steel Limited were aware of overseas interest in the ironsand resource.<sup>938</sup> In 1968, New Zealand Steel began further survey work, undertaking an extensive drilling programme between Tongaporutu and Kaipara. The company sought permission of the owners of Taharoa C block before drilling in the Taharoa deposit. On 19 September 1968, the owners agreed to the drilling at a meeting held with representatives of New Zealand Steel at a meeting held at Kawhia.<sup>939</sup> Suggesting that the owners were generally supportive of the development of a mining operation from which they would benefit, elder Tai Te Uira stated that:

We at Taharoa have waited so long that the sand is drifting on to our homes. Today we see a new group, a New Zealand company; today we will agree to allow you to go in there for the benefit of your company and the benefit of our people.<sup>940</sup>

Drilling began on 24 September 1968 and had been completed in mid-February 1969. This drilling was more intensive than any previously undertaken, and it was at this time that it was established that the titanomagnetite resource at Taharoa amounted to some 300 million tons. As well as proving the resource, New Zealand Steel also undertook market investigations and examined processes relating to how the iron ore might be transported. By 1969, slurry pumping techniques had advanced so that ore could be loaded through a pipeline to carriers moored

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<sup>934</sup> New Zealand Steel Limited, *Taharoa*.

<sup>935</sup> 'Iron sands to steel', Techhistory website. URL: [http://techhistory.co.nz/IronSands/Iron\\_Chron.htm](http://techhistory.co.nz/IronSands/Iron_Chron.htm)

<sup>936</sup> Ibid.

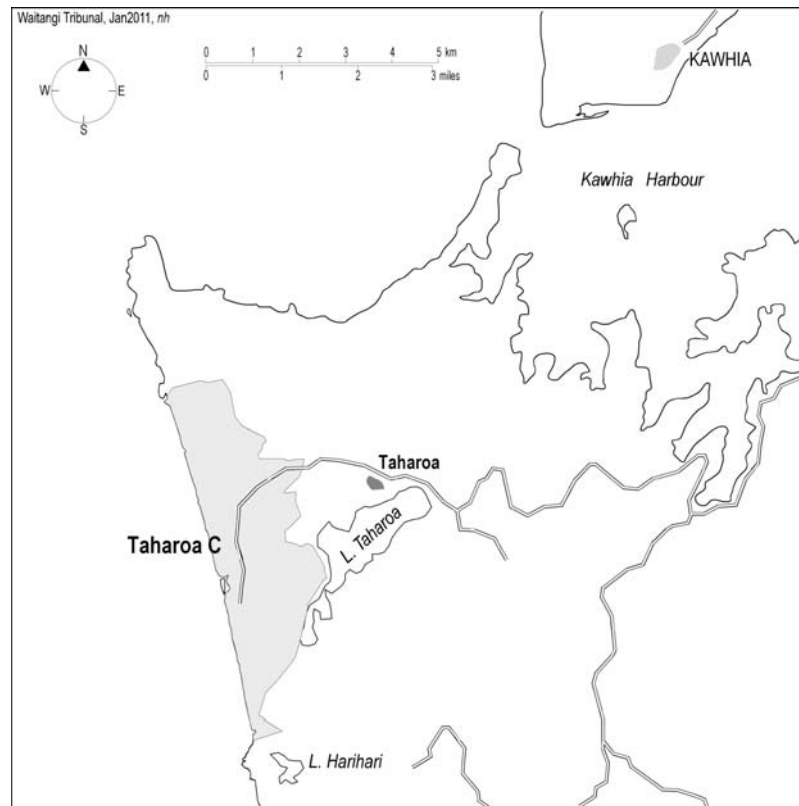
<sup>937</sup> McCarthy to Reilly, 13 March 1988, AATJ 6090 W5519 1197 12/30/25/12 part 3, Application for authority to mine ironsands – Taharoa "C" block, 1975-1990, ANZ Wellington.

<sup>938</sup> New Zealand Steel Limited, *Taharoa*.

<sup>939</sup> Ibid.

<sup>940</sup> Ibid.

offshore. In January 1970, New Zealand Steel began talks with Japanese steel companies that were interested in obtaining the Taharoa iron ore for their production operations.<sup>941</sup>



**Figure 12:** Taharoa C block

### ***Agreement between New Zealand Steel and Taharoa C Incorporation***

In the same month that talks began with the steel companies, January 1970, New Zealand Steel also began negotiating with the owners of Taharoa C block.<sup>942</sup> For reasons that are unclear, the incorporation that had been established in 1959 had lapsed.<sup>943</sup> In March 1970, under Part IV of the Maori Affair Amendment Act 1967, a new incorporation was set up and a management committee appointed.<sup>944</sup> It seems that the incorporation, representing some 700 owners, conducted its negotiations with New Zealand Steel independently. Taharoa C Incorporation and New Zealand Steel Mining Limited reached an agreement that conferred upon the company

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<sup>941</sup> Ibid.

<sup>942</sup> Ibid.

<sup>943</sup> 'A condensed history of the incorporation known as the proprietors of Taharoa C', MA W2459 52 5/14/3 parts 5, ANZ Wellington.

<sup>944</sup> Order of Incorporation, 9 March 1970, MA W2459 52 5/14/3 parts 5, Kawhia and Taharoa – sand encroachment – ironsand development, 1976-1977, ANZ Wellington.

mining rights for 70 years in return for royalty payments and other specific undertakings.<sup>945</sup> A lease that set out the terms of the agreement appears to have been executed on 1 March 1971.<sup>946</sup> In order to carry out the Taharoa ironsands operation, New Zealand Steel set up a subsidiary company, New Zealand Steel Mining Limited.

An account of the history of Taharoa C Incorporation, which seems to have been prepared in the mid-1970s by the Incorporation's first Secretary, K. Bawker, explains how the management committee approached its negotiations with New Zealand Steel in respect of the payment that would be made for the iron ore:

The Committee felt that it was impossible for them to know just what sort of bargain should be reached with New Zealand Steel and to that end decided that whatever royalty figure was agreed on there should be some provision whereby the shareholders could participate in any profits that were made on the ironsands.<sup>947</sup>

The agreement provided for royalty payments of 15 cents per ton of iron ore concentrate for a period of five years, then 25 cents per ton for the following five years, and from then on an increase annually according to the Consumer Price Index (CPI).<sup>948</sup> Additionally, New Zealand Steel was required to sell to the Incorporation 1.2 million ordinary shares in New Zealand Steel, with payments spread over 10 years. In order to provide for this, New Zealand Steel shareholders had agreed to increase the capital in the company from \$15 million to \$25 million.<sup>949</sup> As well as the shares made available to the Incorporation, shares were also floated at this time to raise capital for the mining operation. The 1.2 million shares allocated to Incorporation would give it an ownership stake of about five percent in New Zealand Steel.

The agreement between the Incorporation and New Zealand Steel also provided that all rates and taxes were to be paid by the company. It also included provisions concerning the protection of wahi tapu, the preservation of artifacts, fishing rights, and employment.<sup>950</sup> In respect of

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<sup>945</sup> New Zealand Steel Limited, *Taharoa*.

<sup>946</sup> Assistant Under Secretary of Mines to Minister of Mines, 30 March 1971, AATJ 6090 W5519 1197 12/30/25/12 part 2, Application for authority to mine ironsands – Taharoa “C” block, 1971-1975, ANZ Wellington.

<sup>947</sup> ‘A condensed history of the incorporation known as the proprietors of Taharoa C’, MA W2459 52 5/14/3 parts 5, ANZ Wellington.

<sup>948</sup> Ibid.

<sup>949</sup> New Zealand Steel Limited, *Taharoa*.

<sup>950</sup> Draft Deed between the Proprietors of Taharoa C block and New Zealand Steel Mining Limited, 6 January 1971, AATJ 6090 W5519 1196 12/30/25/12 part 1, Application for authority to mine ironsands – Taharoa “C” block, 1970-1971, ANZ Wellington. ‘A condensed history of the incorporation known as the proprietors of Taharoa C’, MA W2459 52 5/14/3 parts 5, ANZ Wellington.

employment, it seems that it was agreed that the company would, as far as possible, draw on the local population for the labour force required to undertake the mining operations.<sup>951</sup>

On 31 March 1971, the Minister of Mines approved the lease.<sup>952</sup> Though this approval was not required under the 1959 Act, it was intended that when the Minister authorised New Zealand Steel Mining to undertake mining in accordance with the Act one of the provisions of this authorisation would be that the agreement between the mining company and owners would need to be approved by the Minister.<sup>953</sup> It appears that the Mines Department and Crown Law scrutinised and had some input into the lease as it was being drafted and negotiated. This input seems to have been limited to how the mining operations would be prosecuted and does not appear to have concerned issues relating to the level of royalty payments.

On 29 March 1972, with work at Taharoa already underway, the Minister of Mines signed an agreement with New Zealand Steel Mining, authorising the company to carry out the mining of ironsands, as required under section 3(3) of the 1959 Act.<sup>954</sup> The agreement set out a number of conditions as to how the mining would be undertaken, including matters such as how areas were to be restored when mining had been completed.<sup>955</sup> The authority was initially for a 15-year period, which was later extended for a further 10 years from 24 October 1987. From this time, New Zealand Steel Mining was required to pay the Crown a levy of 5 percent of the gross proceeds from the sale of the iron ore mined at Taharoa.<sup>956</sup> The rationale for the introduction of the levy appears to have related to changes in the Crown's ownership stake in New Zealand Steel. As the Crown reduced its interest in the company, the levy was seen as a means by which the state could obtain a return from the depletion of a New Zealand resource.<sup>957</sup> It is unclear how long the Crown levy was charged from 1987 and whether the levy is still paid today.

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<sup>951</sup> A copy of the Deed was not located during research. However, a draft Deed dated 6 January 1971 was examined. In respect of employment provisions, see Draft Deed between the Proprietors of Taharoa C block and New Zealand Steel Mining Limited, 6 January 1971, AATJ 6090 W5519 1196 12/30/25/12 part 1, ANZ Wellington, p 7.

<sup>952</sup> Minister of Mines, 31 March 1971, signature on Assistant Under Secretary of Mines to Minister of Mines, 30 March 1971, AATJ 6090 W5519 1197 12/30/25/12 part 2, ANZ Wellington.

<sup>953</sup> Assistant Under Secretary of Mines to Minister of Mines, 30 March 1971, AATJ 6090 W5519 1197 12/30/25/12 part 2, ANZ Wellington.

<sup>954</sup> Minister of Mines, 29 March 1972, signature on Director of Administration to Minister of Mines, 28 March 1972, AATJ 6090 W5519 1197 12/30/25/12 part 2, ANZ Wellington.

<sup>955</sup> Director of Administration to Minister of Mines, 28 March 1972, AATJ 6090 W5519 1197 12/30/25/12 part 2, ANZ Wellington.

<sup>956</sup> Minister of Mines, 9 March 1976, signature on Canning for Secretary of Mines to Minister of Mines, 25 February 1976, AATJ 6090 W5519 1197 12/30/25/12 part 3, ANZ Wellington.

<sup>957</sup> Canning for Secretary of Mines to Minister of Mines, 25 February 1976, AATJ 6090 W5519 1197 12/30/25/12 part 3, ANZ Wellington.

### *Mining operations and royalties*

On 10 March 1971, New Zealand Steel Mining entered into a formal contract with five Japanese steel companies.<sup>958</sup> (Three Japanese shipping companies and two Japanese trading companies also seem to have been involved in the agreement.) The contract provided that 11.8 million tons of ironsand concentrate would be provided over a ten year period, dating from October 1972.<sup>959</sup> Work began on the site in 1971 and the first shipment was made in August 1972. The project was officially opened on 24 November 1973, by which time some \$7.5 million had been invested in the mining operation.

Production levels increased after operations began, and in 1978 a further contract provided for the export of an additional 15.6 million tons to 1988.<sup>960</sup> The 1978 contract was, contrary to expectations, followed by a decline in ironsand sales, which decreased from 2 million tons in 1978 to about 1.4 million tons in 1987.<sup>961</sup> Deferred tonnage under the 1978 contract meant that mining under the contract would continue into the early 1990s.

Mining operations continue at Taharoa today, though details concerning existing contracts have not been established. It appears that quantities of iron ore are today also exported to China and South Korea.<sup>962</sup> In total, about 80 million tons of sand has been mined and, from this, 43 million tons of titanomagnetite have been exported – an annual average of about 1.5 million tons since the beginning of operations.<sup>963</sup> Up to 2000, the average annual value of the exported ironsand has been put at \$30 million.<sup>964</sup>

As provided in the lease agreement, the level of royalties paid to the Taharoa C Incorporation has been, following the first ten years of operation, subject to annual adjustment in accordance with the CPI. In 1988, the Incorporation was being paid 87.5 cents per ton of concentrate.<sup>965</sup> The royalties received by the Incorporation at this time equated to about 10 percent of New Zealand Steel Mining's annual revenue.<sup>966</sup>

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<sup>958</sup> New Zealand Steel Limited, *Taharoa*.

<sup>959</sup> New Zealand Steel Mining Limited, *Taharoa / New Zealand Steel Mining*, Auckland, 1978.

<sup>960</sup> Kirby, Abel, and Abel, pp 85-87.

<sup>961</sup> Kirby and Willis, pp 52-53.

<sup>962</sup> Templeton, 'Iron and steel – attempts to extract iron'.

<sup>963</sup> 'NZ Steel ironsand export shiploading', IPENZ Engineering Heritage website.

<sup>964</sup> Templeton, 'Iron and steel – attempts to extract iron'.

<sup>965</sup> McCarthy to Reilly, 13 March 1988, AATJ 6090 W5519 1197 12/30/25/12 part 3, ANZ Wellington.

<sup>966</sup> *Ibid.* Together, the Crown levy of 5 percent and the royalty paid to the owners equated to almost 15 percent of the company's annual revenue.



Though research has not quantified the Incorporation's total earnings from royalties, it is evident that it has earned a significant amount of money since mining operations began. One source states that the Incorporation has built up assets valued in excess of \$50 million and has been able to profitably invest in farms and businesses.<sup>967</sup> As noted in chapter one, the Incorporation became interested in exotic afforestation in the early 1970s and has planted 1000 hectares in *pinus radiata*.

In 1975 the Incorporation's management committee was subject to an investigation after some shareholders complained that sufficient monies were not being distributed to shareholders as dividends. The investigation was carried out by a former Judge of the Maori Land Court, Mr Sheehan.<sup>968</sup> The review endorsed the management committee's handling of the Incorporation's affairs.<sup>969</sup> In the wake of the investigation, the management committee engaged three experts to assist the committee – a former Judge of Maori Land Court, a former director of New Zealand Steel and a forestry consultant.<sup>970</sup>

Since the start of operations, New Zealand Steel has undergone a number of ownership changes. In the mid-1980s the government acquired a controlling interest in the company, which in 1987 was sold to Equiticorp. Further ownership changes followed and today New Zealand Steel is a wholly owned subsidiary of Australian company BlueScope Steel Limited, formerly named BHP Steel.<sup>971</sup> (In December 2008, the National Government blocked plans for the sale of BlueScope's Taharoa operation to Asian investment interests, which did not meet Overseas Investment Act criteria.<sup>972</sup>) Research has not established how long Taharoa C Incorporation retained an ownership interest in New Zealand Steel and the circumstances surrounding the disposal of the Incorporation's shares in the company.

## ***Employment***

The mining of ironsands at Taharoa has created some employment. The number of workers has fluctuated somewhat – something that seems to be linked to the level of production and possibly

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<sup>967</sup> 'NZ Steel ironsand export shiploading', IPENZ Engineering Heritage website.

<sup>968</sup> Assistant Secretary to Minister of Maori Affairs, 29 September 1977, MA W2459 52 5/14/3 part 5, ANZ Wellington.

<sup>969</sup> Review of Examining Officer Sheehan, MA W2459 52 5/14/3 part 5, ANZ Wellington.

<sup>970</sup> 'A condensed history of the incorporation known as the proprietors of Taharoa C', MA W2459 52 5/14/3 parts 5, ANZ Wellington.

<sup>971</sup> 'History', New Zealand Steel website. URL: <http://www.nzsteel.co.nz/about-new-zealand-steel/history>

<sup>972</sup> *Waikato Times*, 18 December 2008.

also technological changes. In 1977, 80 people were employed at Taharoa.<sup>973</sup> In the early 1980s, the number appears to have peaked at 120, before falling away to some 75 workers in 1987.<sup>974</sup> Today, about 50 people are employed in the mining operation.<sup>975</sup> It is evident that, at least in the first decade of production, some local Maori have benefitted from employment created by the ironsands mining.<sup>976</sup> However, the range of opportunities seem to have been limited to manual work positions. In 1981, Higgs noted that only one Maori was employed in a management position.<sup>977</sup>

In May 1972, with work on the site underway, the *Waikato Times* reported that New Zealand Steel Mining was finding it difficult to employ members of the local community because few had the necessary training.<sup>978</sup> The *Times* noted that the company had promised the owners that it would employ local men when mining operations began. However, at the Incorporation's second annual meeting, a company representative advised those present that very few owners had training for the jobs they would be expected to do. The *Times* reported that electricians, fitters and turners, and dredge workers were urgently required, but that few men at Taharoa were suitably qualified.

### ***Development at Taharoa***

The ironsands mining has resulted in significant development of the Taharoa settlement, which before the operation began was a small, isolated community that had poor road access and no electricity. In 1966, 95 people lived at Taharoa, occupying about a dozen dwellings.<sup>979</sup> In 1978, the population was recorded to be 335. Higgs recorded in 1981 that the majority of people living in Tahora were Maori, with European workers and their families making up the rest of the population.<sup>980</sup> New Zealand Steel built 75 houses at Taharoa and also recreation facilities.<sup>981</sup> A school was also opened, road access improved, and electricity connected.<sup>982</sup>

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<sup>973</sup> Kirby, Abel, and Abel, p 85.

<sup>974</sup> Kirby and Willis, p 53.

<sup>975</sup> 'NZ Steel ironsand export shiploading', IPENZ Engineering Heritage website.

<sup>976</sup> Graeme Higgs, *Taharoa: survey of a changing community*, Centre for Maori Studies and Research occasional paper no. 11, University of Waikato, Hamilton, 1981, p 15.

<sup>977</sup> *Ibid*, p 12.

<sup>978</sup> *Waikato Times*, 15 May 1972, extract in MA W2459 52 5/14/3 part 4, ANZ Wellington.

<sup>979</sup> Higgs, p 8.

<sup>980</sup> *Ibid*, p 12.

<sup>981</sup> New Zealand Steel Mining Limited, *Taharoa / New Zealand Steel Mining*.

<sup>982</sup> Higgs, pp 6-7.

## Conclusion

Unsurprisingly, the history of Maori involvement in coal mining, limestone quarrying, and the mining of ironsands in the Rohe Potae inquiry district is similar in a number of respects to that of the forestry industry that is examined in Chapter One. As with the forestry sector, Maori have not been significantly involved in the business enterprises that have extracted, processed, and marketed the resources that have been the focus of the three industries. Maori involvement in the three industries has largely been limited to a passive role, where some Maori who have retained ownership of resource-bearing lands have received payments from companies that have sought to profitably work the resources. In all three cases, the ownership of coal, limestone, and ironsands has laid with the owner of the land upon which deposits of the resources are located.

It appears that Maori have independently owned and managed only one commercial enterprise in the coal, limestone, and ironsands sector. This business was the Rangitoto Opencast coal mine, which operated on a part-time basis between about 1950 and 1971. Small amounts of coal were produced from the mine, and it is likely that it was only modestly profitable. When the mine was being worked, only one or two men were engaged. Members of the Wahanui family seem to have owned the operation, leasing the land from its Maori owners. It is unclear if the Wahanui family had an interest in the land, but the case shows that Maori did not necessarily have to own the resource to establish a commercial enterprise.

Nevertheless, opportunities for setting up a business would naturally seem to have been greater when Maori did own and control the resource. However, as discussed in the forestry chapter, one difficulty that the owners of a block faced was the problem presented by the need for an often-large number of owners to reach an agreement. When the Awaroa Coal Mining Syndicate sought a lease over several subdivisions of Awaroa block in November 1904, Ormsby noted that the owners did not unanimously support the venture, with some owners refusing to join the syndicate. Provisions for the establishment of incorporations of owners went some way to addressing this problem, but – with the exception of Taharoa C Incorporation – no such incorporations seem to have been established in the Rohe Potae inquiry district in connection with the mining and quarrying sector of the economy.

Like the forestry sector, it is notable that a lack of access to lending finance also posed a significant obstacle to Maori who sought to set up commercial enterprises in the mining and

quarrying sector. As discussed in Chapter One, there was generally a very restricted private lending market for Maori, and it is likely that lending for the relatively high-risk mining and quarrying sector would have been especially restrictive. Maori were also generally excluded from state source of lending finance, which were primarily available for farming development. While the state provided some financial assistance for prospecting work and also practical assistance through the work of institutions like the Geological Survey, state finance does not appear to have been advanced for the establishment of private mining and quarrying operations.

It is evident that the establishment of the mining and quarry operations involved considerable amounts of capital investment, even when the ventures seem to have been relatively modest in scale. In the coal mining industry, an inability to attract sufficient capital was, among other problems, a difficulty faced by those Pakeha who sought to establish and develop the first mines at Mokau. Large costs are also apparent in the work that the Rangitoto Coal Company undertook in the early 1920s, when establishing a mine on Maori-owned Rangitoto Tuhua 35C. It seems likely that these costs contributed to the company's early failure. Incorporated in August 1919 with nominal capital of £30,000, the company ceased mining after a couple of years.

Limestone quarrying does not seem to have involved the same level of capital expenditure as coal mining, particularly during the early stages of the industry's development in the inquiry industry. The early operations of Fergusson, Wilson, and Lovett at Te Kumi and Waitete appear to have been relatively small scale enterprises, from which larger concerns emerged. Subsequent operations, undertaken on a larger scale, clearly involved a greater level of capital expenditure. The nominal capital of the Maniapoto Lime Company, which was incorporated in 1929, was £20,000.

The mining of ironsands at Taharoa seems to have been the most capital-intensive operation within the mining and quarrying sector of the Rohe Potae inquiry district. By the time mining began at Taharoa in November 1973, some \$7.5 million had been invested in the operation, which included facilities to pump iron ore to vessels moored offshore. The scale of this operation was such that it seems very unlikely that the Maori owners of the resource would ever have been able to raise such a sum themselves and independently develop the operation.

As in the forestry sector, the establishment of joint ventures with Pakeha business interests was one of the few options available to Maori who owned resources and wished to engage in commercial operations. As well as overcoming the difficulty of restricted access to capital, such arrangements would ideally also connect Maori with individuals who possessed technical skills and experience in the sector. Jones's arrangement with Mokau Maori seems to have been the only example of a joint venture in the mining and quarrying sector of the Rohe Potae inquiry district. It appears that it was agreed that Jones would provide capital for the establishment of mining operations and that profits were to be shared between Jones and his Maori partners, who expected to be actively involved in the business.

Unfortunately for Mokau Maori, the Jones partnership provides an example of how such a venture could go disastrously wrong for Maori. As a result of their dealings with Jones, Mokau Maori lost control and then ownership of the Mokau Mohakatino block. Though it was not responsible for the failure of mining operations on the block, the government played a significant role in this outcome. Responsive to Jones' lobbying, the government validated his 1882 lease over the block, even though serious questions existed as to the legitimacy of this lease and the terms of Jones' agreement with Mokau Maori. Unable to win political support in the same way as the likes of Jones was able to, Maori clearly faced some risk when entering into joint ventures, particularly when the agreements were of a questionable legal status and might be subject to later definition. Like the lease over the Mokau Mohakatino block, early illegal coal leases over portions of the Mangapapa block were also subject to later validation.

As noted in the earlier discussion of the forestry sector, the sale of lands presented another means by which Maori could raise funds to participate in commercial enterprises. However, this option does not seem to have been pursued. The need for multiple owners to commit land shares to a mining and quarrying venture would have no doubt presented a difficulty, particularly as previous land sales may have diminished the extent to which suitably valuable lands were available. The real and perceived financial risks of the mining and quarrying sector may also have discouraged Maori owners disposing of land for this purpose. As in the forestry sector, a lack of technical and financial skills has posed a further obstacle to Maori establishing commercial enterprises in the mining and quarrying sector.

Except for some of the small operations that first worked limestone in the inquiry district, it seems that Pakeha business interests have most commonly engaged in mining and quarrying in

the Rohe Potae inquiry district through the establishment of limited liability companies. These structures enabled entrepreneurs to raise money for a venture and provided investors with a secure shareholding. Of the limestone and coal companies that have been examined, the investor shareholders predominantly appear to have been individuals who resided outside the inquiry district.

It is notable that not all the ventures in the mining and quarrying sector of the Rohe Potae inquiry district were activities of private enterprise. The state established and operated two State Coal Mines – Mangapehi, which ran at a considerable loss, and Waitewhena. State money was also used for the development of the ironsands operation at Taharoa. When mining began at Taharoa, New Zealand Steel was substantially state-owned. For political reasons, the company had been set up as a wholly state-owned company for the purpose of establishing a domestic steel industry.

The lack of Maori involvement in the enterprises that have exploited the coal, limestone, and ironsands resources of the Rohe Potae inquiry district has constituted, for Maori, a lost economic opportunity, though the extent to which this was the case has varied across the three industries. While detailed research has not been undertaken into the profitability of the numerous coal operations, it is evident that the coal industry has – in spite of early optimism regarding its potential at Mokau – been small in scale and has involved a high level of financial risk. Many of the coal companies struggled financially and failed, and it seems likely that the earnings of those operations that survived and operated for a number of years were relatively modest. This seems evident from the small amounts of coal produced and the low number of workers.

The limestone industry, which continues today, has been more profitable than coal mining and has represented a greater economic opportunity. With demand for limestone products having been relatively consistent, the limestone quarries of the Waitomo district have over the years produced a reasonable proportion of the national production of agricultural lime and a significant proportion of more valuable industrial limestone. Many of the companies benefitted from their close proximity to the NIMT railway and, between about 1920 and 1950, the government subsidisation of the carriage of agricultural lime. After ironsands, limestone seems to have been the second most valuable mineral resource exploited in the inquiry district.

The mining of ironsands at Taharoa, an industry involving the export of a valuable resource used in an important industrial process, appears to have been very profitable for New Zealand Steel. Though research has not looked at the net profits from the operation, it seems likely that these have been substantial, with the average annual value of the exported iron ore put at \$30 million up to 2000. Like the limestone industry, the mining at ironsands continues today and, given the size of the remaining resource, is likely to continue for many years.

Without a significant stake in the ownership of the commercial enterprises that been involved in the coal, limestone, and ironsands industries, Maori participation in the mining and quarrying sector has, apart from some waged employment, been limited to receiving payment for resources extracted from land that they owned. The ability of Maori to derive this passive income from the three industries has obviously depended on the extent to which they have retained ownership of lands that contain commercially valuable resources. As noted above, this factor is also probably relevant to the issue of Maori involvement in the businesses that have worked the resources. Opportunities for setting up a business would naturally seem to have been greater when Maori owned and controlled the resource.

Except in the Mokau district, where coal mining was first undertaken, it seems that Maori retained little ownership of the land where coal mining has been carried out. However, research has not established any evidence that the government and private interests deliberately purchased land to secure coal resources. The land appears to have been purchased with general settlement in mind. The government's apparent lack of a special interest in coal lands no doubt owed something to the fact that, though some coal was present, it was not a resource of national significance, with production centred firmly on the West Coast and Waikato coalfields.

It also seems that Maori retained ownership of very little of the land where limestone quarrying has been undertaken. Unlike coal lands, the government, initially at least, showed considerable interest in purchasing lands that contained commercially valuable deposits of limestone. This policy partly reflected lobbying by settler farming interests, who around 1890 called for the government to secure limestone deposits that could be utilised for agricultural purposes. Rather than encouraging Maori to take advantage of an obvious economic opportunity, the government instead looked to acquire limestone-bearing lands around Te Kuiti. In 1899, the government secured part of a valuable deposit of limestone located within Te Kumi block. It is unclear how long the government maintained a deliberate policy of purchasing such land and the extent to

which private purchasers focussed on the resource after the passage of the Native Land Act 1909. It is notable that a large and valuable deposit of limestone at Waitete was acquired for railway purposes (as a source of ballast) through compulsory public works takings carried out in 1907 and 1912.

In contrast to the coal and limestone-bearing lands, Maori have retained ownership of all of the land from which ironsands have been mined at Taharoa. It is unclear whether the government or private purchasers at any stage sought to acquire this land, which was isolated and probably considered to be of little economic worth before interest in exploiting the ironsands emerged.

Where Maori owners have received royalties for coal, limestone, and ironsands extracted from their lands, it appears that there has been considerable variation as to the extent to which these payments have constituted a significant income. The level of income has, obviously, been tied to the value of the royalty and the amount of material being extracted.

It is notable that the early leases that provided rights to extract coal and limestone from Maori land generally seem to have been for long periods and do not seem to have included provisions that enabled royalty rates to be reviewed. It is also evident that the royalty rates were sometimes at a level that provided a low rate of return for the owners. The Land Board appears to have been prepared to accept such terms without thoroughly examining the extent to which they were reasonable. By the middle of the twentieth century, evidence concerning the quarrying of limestone on subdivisions of Pukeroa Hangatiki block indicates that mineral licenses were for shorter terms and that, for a time at least, national resource price indexes were referred to when royalty rates were set.

When the management committee of Taharoa C Incorporation negotiated royalties with New Zealand Steel, the committee was understandably uncertain as to what would be a reasonable rate of royalty. After settling on a price per ton, it was agreed that after 10 years the royalty should be adjusted annually in accordance with the Consumer Price Index. However, the committee also successfully sought the right to acquire shares in the company, five percent of total holdings, which would enable it to benefit from profits that the company earned, providing some protection against the possibility that the royalty rate might not reflect the true value of the resource. It appears that the Incorporation no longer has an ownership stake in New Zealand Steel, though research has not examined details of this development.



It seems fairly clear that Maori owners of land that were subject to coal leases would have received very little revenue from the mining that was undertaken on their land. Only small amounts of coal appear to have been mined under the terms of such leases and the royalty rates do not seem to have been high. With regard to limestone quarrying, it seems likely that the revenue earned by Maori land owners was generally more substantial. This particularly appears to have been the case with the large quarry that was worked for a considerable period of time during the twentieth century and involved various subdivisions of Pukeroa Hangatiki block. A major source of industrial limestone, it seems that this quarry provided a significant and steady stream of income to the owners. However, the most profitable industry for Maori land owners has been the ironsands mining at Taharoa, which has clearly resulted in substantial returns for Taharoa C Incorporation.

With the notable exception of the royalties paid for the iron ore and possibly also the royalties paid for limestone extracted from one of the Pukeroa Hangatiki subdivisions – both cases where owners' incorporations were established – it seems that mineral royalties were distributed to individual owners. As discussed in the forestry chapter, this made it difficult for the monies to be invested for the purpose of long term economic and social development. (Though, in the case of coal, it is doubtful that the royalties would have been sufficient to use for this purpose anyway.) Given that there were often large numbers of owners, the royalties that individual owners received generally would have been small, but nevertheless may have been a valued source of income.

In the case of Taharoa C Incorporation and the royalties earned from iron ore, different outcomes have been achieved for the owners. As well as paying dividends to shareholders, the Incorporation has successfully broadened its economic base by investing the money it has received from royalties. Though the Incorporation has been fortunate to have received large sums of money from royalties, the model of its operation could equally have been applied to other situations, where the income stream was less substantial.

Another important aspect of Taharoa C Incorporation is that the incorporation enabled the owners to more effectively negotiate with the business enterprise that sought to utilise the ironsands resource and, it seems, form a substantial relationship with New Zealand Steel. The Incorporation's dealings with the company contrast markedly with how most Maori-owned mineral resources were alienated, which was largely through the meeting of owners system. It is

notable that Taharoa C Incorporation's negotiations with New Zealand Steel extended beyond simply the agreement of a royalty rate to include wider aspects of the operation. As well as securing an ownership stake in the company, the incorporation was also able to ensure that its agreement with New Zealand Steel included provisions concerning the protection of wahi tapu, the preservation of artifacts, fishing rights, and employment.

## Chapter Three: Marine Fishing

### Introduction

This chapter looks at the commercial marine fishing industry of the Rohe Potae inquiry district, which has operated from the western harbour ports of Raglan, Kawhia, and Aotea. Maori customary fishing, which has included a commercial dimension, is not examined here. The focus of the chapter is on modern commercial fishing that has been undertaken exclusively for the purpose of earning money.

The chapter begins with a brief discussion of the laws and policies that relate to fishing, tracing how these have developed. It explains that during the nineteenth century the government began exerting control over fishing activities, which were increasingly subject to regulation. Maori customary rights over fisheries, guaranteed under the Treaty, were largely ignored. The chapter then looks at relevant Waitangi Tribunal inquiries and sets out details of the Treaty fisheries claims' settlement, of which Ngati Maniapoto is a beneficiary.

Next, the chapter provides details of commercial fishing activities in the Rohe Potae inquiry district, establishing the size of the industry and the economic opportunity that it has presented. The first commercial fishing appears to have been undertaken in the 1920s and the industry continues today. It is explained that the industry has been of a relatively modest scale and for many years was dominated by part-time operators. While some expansion of the industry took place from 1960, particularly at Raglan, fish landings in the inquiry district have always constituted a very small proportion of the national catch. Evidence concerning Maori involvement in the industry is scarce and it seems likely that Maori participation was limited.

The chapter concludes by looking at Maori opposition to commercial fishing in Kawhia and Aotea Harbours, which arose soon after commercial fishing began in these places. Asserting that they had customary rights that were being ignored, Maori were concerned that the activities of commercial fishermen were depleting resources that were an important food source for Maori. While these concerns were largely ignored for many years, steps have recently been taken to provide Maori with greater control over the management of the Kawhia and Aotea Harbours.

## Fisheries law and policies

### *Common Law*

Under common law, fish are considered to be *ferae naturae* (of a wild nature), and therefore not subject to ownership or property rights by any person or group.<sup>983</sup> Only once a fish is caught can a person lay claim to any form of ownership. Consequently, everyone has the right to take fish in tidal waters subject only to statutory prohibition or the interference of another's exclusive rights over a fishery.

An exclusive right over a fishery rests with the owner of the land (foreshore or seabed) beneath where the fishing is undertaken. Common law views fisheries as being indelibly connected to the land, with fishing rights attaching to the property in the soil. (A right to a fishery is a right over the land, rather than a property right over the fish and waters.) Control over the land therefore brings with it control over the fisheries connected with the land. In New Zealand the seabed and within the Exclusive Economic Zone (EEZ) are vested in the Crown, subject to its right to issue a grant of estate or interest.<sup>984</sup>

### *Legislation*

Maori fisheries have always been part of the landscape of fisheries law in New Zealand. The second article of the English version of the Treaty of Waitangi guarantees Maori 'the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties'. The Maori version does not explicitly refer to fisheries and instead speaks of guaranteeing to Maori the protection of 'their lands, villages and all their treasures'.<sup>985</sup>

The introduction and development of fisheries legislation reflected an assumption that New Zealand's fisheries belonged to the Crown and that only the government had a right to make decisions affecting the fisheries. There was little recognition that Maori had special interests in fisheries and, when these were recognised, it was in a very limited way. There was, for example,

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<sup>983</sup> On the Common Law position on fisheries, see 'Public and Private Fisheries', 18 *Halsbury's Laws of England* (fourth edition).

<sup>984</sup> See section 7 of the Territorial Sea and Exclusive Economic Zone Act 1977.

<sup>985</sup> This translation of the Maori text was done by former Tribunal member Professor Sir Hugh Kawharu. See 'Kawharu Translation', Waitangi Tribunal website. URL: <http://www.waitangi-tribunal.govt.nz/treaty/kawharutrtranslation.asp>

some statutory measures that provided for Maori fishing reserves, but these appear to have been land-based reserves where fishing could be carried out from, not designated areas of water where only Maori were given fishing rights.<sup>986</sup>

Early fisheries legislation in New Zealand dealt with specific species, the Oyster Fisheries Act 1866 being an early example of such legislation. The Fish Protection Act 1877 was the first attempt at creating a comprehensive approach to fisheries regulation. It was followed by the Fisheries Conservation Act 1884, which set out restrictions concerning the catch weight of certain species and fishing seasons. The Sea-Fisheries Act 1894 established licensing regimes, required boats to be registered, and provided for the appointment of fisheries inspectors and officers. Fisheries law was consolidated in the Fisheries Act 1908, which laid the statutory foundation for fisheries until 1983. The Act sought to protect and conserve fisheries by regulating how, when, and where fish could be caught. It also strengthened the administrative apparatus for the management of fisheries and provided strong enforcement provisions. It is notable that some state finance seems to have been made available for fishing, though details concerning this have not been located.<sup>987</sup>

From the mid-twentieth century, concern over New Zealand's ability to make use of its deepwater fishing grounds saw legislation introduced that defined the country's territorial limits. In the late 1950s, foreign boats that were focussed on deepwater fishing began to appear in New Zealand waters.<sup>988</sup> The Territorial Sea and Fishing Zone Act 1965 established a nine-mile fishing zone beyond the existing three-mile territorial zone and provided that the Fisheries Act 1908 was to apply within the zone. The Exclusive Economic Zone Act 1977 extended New Zealand's territorial sea to 12 miles and the EEZ to 200 nautical miles.

During the 1970s, the fishing industry grew considerably and there was a significant increase in the amount of fish exported.<sup>989</sup> Pressure on depleted inshore fisheries resulted in a move to deep-sea fisheries. It also saw the government look towards introducing a new system of managing fisheries. In an attempt to bring long-term planning to the sector, a regime that required the preparation of Fisheries Management Plans was introduced in the Fisheries Act

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<sup>986</sup> These provisions were set out in the Maori Council Act 1900 and, later, the Maori Social and Economic Advancement Act 1945.

<sup>987</sup> Waitangi Tribunal, *He Maunga Rongo*, Volume 3, p 1121.

<sup>988</sup> David Johnson, *Hooked: The Story of the New Zealand Fishing Industry*, Christchurch, 2004, pp 182-186.

<sup>989</sup> Carl Walrond, 'Fishing industry – Inshore fisheries overexploited', Te Ara – the Encyclopedia of New Zealand, updated 2 March 2009. URL: <http://www.teara.govt.nz/en/fishing-industry/4>

1983. However, more substantial control was deemed necessary and, following a property rights-based management system outlined by Canadian academics, the existing Quota Management System (QMS) was introduced with the passage of the Fisheries Amendment Act 1986.

The QMS was set up with the intention of establishing sustainable fishing practices through ‘direct control of harvest levels for each species’.<sup>990</sup> Although the QMS has been altered under the Fisheries Act 1996 and various amendments, it has remained largely unchanged. Most commercial fish and shellfish species are subject to the QMS. In managing fishing under the QMS, the Ministry of Fisheries seeks to maintain fish stocks at their Maximum Sustainable Yield (MSY).<sup>991</sup> The MSY attempts to balance the greatest yield for fishers against the productive capacity of the species. On the basis of assessments concerning each species’ MSY, the Ministry of Fisheries sets an annual Total Allowable Catch (TAC) for the species.<sup>992</sup> The TAC represents the amount of fish the entire commercial fishing industry may catch for that year, which is then allocated according to quota holdings.

A fishing quota is a property right that may be bought and sold.<sup>993</sup> When the QMS was introduced, quota was allocated to fishermen on the basis of their previous catch records.<sup>994</sup> Quota relates to a particular species and designates the percentage of the TAC that a holder may catch. The quota is held perpetually, meaning a holder always knows the percentage of TAC they may catch. Once the TAC for the year is announced, the quota holder can calculate their Actual Catch Entitlement (ACE), which will be expressed as a figure in tonnes.<sup>995</sup> All fish caught must then be recorded according to strict guidelines and these records supplied to the Ministry of Fisheries.<sup>996</sup>

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<sup>990</sup> See Ministry of Fisheries’ website. URL:<http://fs.fish.govt.nz/Page.aspx?pk=81>

<sup>991</sup> See Ministry of Fisheries’ website. URL:<http://fs.fish.govt.nz/Page.aspx?pk=81&tk=400>

<sup>992</sup> The TAC relates not only to commercial usage, but must also allow for recreational fishing, customary usage, and general mortality as a result of fishing.

<sup>993</sup> See Ministry of Fisheries’ website. URL:<http://fs.fish.govt.nz/Page.aspx?pk=81&tk=423>

<sup>994</sup> Carl Walrond, ‘Fishing industry – The Quota Management System’, Te Ara – the Encyclopedia of New Zealand, updated 2 March 2009. URL: <http://www.teara.govt.nz/en/fishing-industry/6>

<sup>995</sup> All fish caught must then be recorded according to strict guidelines and these records supplied to the Ministry of Fisheries. Figures supplied monthly allow the Ministry to monitor actual catch amounts on a regular basis. See Ministry of Fisheries’ website. URL:<http://fs.fish.govt.nz/Page.aspx?pk=81&tk=424>

<sup>996</sup> See Ministry of Fisheries’ website. URL:<http://fs.fish.govt.nz/Page.aspx?pk=81&tk=425>

## Maori Customary Fishing

Oral tradition indicates that customary fishing has been an important activity for Maori of the Rohe Potae inquiry district.<sup>997</sup> Historically, the common Pakeha perception of Maori customary fishing practices has been one of small-scale gathering of shellfish and basic line fishing in an ad-hoc fashion. Fishing was, however, a serious enterprise and sometimes had a commercial dimension, with fish being traded between iwi and hapu groups.<sup>998</sup> Evidence suggests that pre-European Maori developed sophisticated fishing practices and used high quality fishing tools, making use of Seine-style dragnets, funnel-shaped bag nets, and hoop nets.<sup>999</sup> Tribes controlled their fishing areas, which could at times be subject to rahui, meaning that they could not be fished. Shoal areas were often marked with stakes, and boundaries of eel grounds were also marked.<sup>1000</sup>

## The Waitangi Tribunal and the settlement of fisheries claims

Government fisheries legislation and policy clearly did not recognise traditional Maori interests in fisheries, which were guaranteed under the second article of the Treaty. From the mid-1980s, the Waitangi Tribunal considered claims concerning fisheries in several reports, some of which at least partly concerned the introduction of the QMS. The Tribunal reported most comprehensively on fisheries matters in the 1988 *Muriwhenua Fishing Claim* report and the 1992 *Ngai Tahu Sea Fisheries Report*, both of which reached similar conclusions regarding the Crown's failure to protect Maori interests in fisheries. Prompted by the findings of the Tribunal, the government entered into settlement negotiations with Maori regarding fisheries claims. A settlement was reached in 1992, though it was not until 2004 that the allocation of assets under the settlement was finalised.

### *Muriwhenua and Ngai Tahu fisheries reports*

The Tribunal's *Muriwhenua Fishing Claim* report was released in 1988. When hearings commenced in 1986, the Waitangi Tribunal recommended that the government withhold from allocating any

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<sup>997</sup> See, for example, Heather Thompson, Oral Traditions Hui 3, Poihakena marae, Raglan, 12-13 April 2010, Wai 898, #4.1.3, pp 96-97.

<sup>998</sup> Waitangi Tribunal, *Report of the Waitangi Tribunal on the Muriwhenua Fishing Claim*, Waitangi Tribunal, Wellington, 1988, pp 49-53.

<sup>999</sup> Johnson, p 12.

<sup>1000</sup> Johnson, p 13.

fishing quota until the Tribunal completed its report. The claimants submitted that to do so would breach both the Treaty of Waitangi and section 88(2) of the Fisheries Act 1983, which stated that nothing in the Act ‘shall affect any Maori fishing rights’.<sup>1001</sup> Nevertheless, the Ministry of Fisheries brought 29 species into the quota system. This decision was the catalyst for legal action, and a High Court injunction was placed on the adding of new species into the quota system within the Muriwhenua area.<sup>1002</sup>

The *Muriwhenua Fishing Claim* report presents a number of findings as to how the Crown has breached the Treaty in respect of the fisheries interests of Muriwhenua Maori. In the report, the Tribunal considers the Treaty and concludes that it guarantees protection of Maori interests in fisheries (including grounds that have never been used by Maori). The Tribunal notes an overall lack of protection of Maori interests and states that non-Maori commercial fishing should not have been allowed without inquiry into Maori interests and protections provided by Treaty. The Tribunal comments that legislation did not recognise Maori interests and gave no special encouragement to Maori to participate in commercial fishing.<sup>1003</sup> It also comments on the lack of Maori involvement in decisions concerning the management of fisheries. The QMS is criticised for placing in the hands of non-Maori the full exclusive and undisturbed possession of property that was guaranteed to Maori under the Treaty. The Tribunal notes that the QMS made it difficult for those wanting to enter the industry and also prejudiced those working part time.

Summarising how Crown fisheries policies have impacted upon Muriwhenua iwi, the Tribunal states that:

The failure to provide adequately for their Treaty fishing interests has prejudicially affected the claimant tribes in a number of ways. It has involved them in protracted and expensive proceedings and negotiations involving bureaucracy, Parliament and the courts. It has also cost them a proper access to their fishing resource. It has meant the loss of income, jobs, trade, and opportunities to develop their own industry, and it has impacted severely on many of their important communities.<sup>1004</sup>

In 1987, the Tribunal began hearing the Ngai Tahu claim, which included major issues concerning fisheries. Following the 1991 *Ngai Tahu Report*, the *Ngai Tahu Sea Fisheries Report* was

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<sup>1001</sup> The wording of this section had been carried over from earlier statutes, including section 77(2) of the Fisheries Act 1908

<sup>1002</sup> See *NZ Maori Council and Te Runanga o Muriwhenua Inc Soc v A-G* 8/10/97, Greig J, HC Wellington CP553/87. Ngai Tahu had this decision extended to the whole country in *Ngai Tahu Maori Trust Board v A-G* 2/11/87, Greig J, HC Wellington CP559/87; CP610/87; CP614/87.

<sup>1003</sup> It is also noted that fishing reserves provided for only subsistence fishing and were infrequently set aside.

<sup>1004</sup> Waitangi Tribunal, *Muriwhenua Fishing Claim*, p 229.



released in 1992.<sup>1005</sup> In this report, the Tribunal found that the claimants held significant customary fishing rights and essentially reiterated the findings of the *Murimbenua Fishing Claim* report, which could be extended to Maori generally.

### ***Settlement of fisheries claims***

In the light of the Tribunal findings, the government sought to settle Treaty of Waitangi fisheries claims. It began this process while the Ngai Tahu claim was being heard. In 1989, the Crown and Maori reached an interim agreement that awarded Maori 10 percent of the fishing quota and a cash settlement. This interim agreement was set out in the Maori Fisheries Act 1989 and finalised in 1992 with the passage of the Treaty of Waitangi (Fisheries Claims) Act 1992. The settlement provided for a settlement worth \$150 million, part of which was used to buy a half share in Sealords Products, which held 22 percent of quota. It also guaranteed Maori 20 percent of quota for new species brought under the QMS. The Treaty of Waitangi Fisheries Commission was set up to allocate the settlement assets and facilitating Maori entry into the fishing industry.

Following much litigation, the allocation of assets was finalised with the passing of the Maori Fisheries Act 2004, which provided that around half of \$750 million worth of assets be allocated to 57 iwi or tribal groups. Ngati Maniapoto is one of the recognised groups.<sup>1006</sup> The 2004 Act provides that one iwi organisation be recognised for each iwi. The Ngati Maniapoto Trust Board is the recognised organisation for Ngati Maniapoto, and in March 2007 was formally mandated in accordance with the requirements of the 2004 Act.<sup>1007</sup> Mandated iwi organisations receive a mixture of quota and shares in Aotearoa Fisheries Limited, which owns a half share in Sealord Products as well as interests in other fishing and seafood processing companies. The amount of quota and number of shares allocated to each organisation is determined by two key factors: the length of coastline in the iwi's rohe and the population of the iwi.

As well as the commercial settlement package, the 1992 settlement also recognised Maori fishing for customary purposes. A number of new statutory enterprises, such as Taiapure and Mahinga Mataitai reserves, were set up under the Fisheries Act 1996.

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<sup>1005</sup> Waitangi Tribunal, *Ngai Tahu Report, 1991 (Wai 27)*, Brookers, Wellington, 1991. Waitangi Tribunal, *Ngai Tahu Sea Fisheries Report 1992*, Brookers, Wellington, 1992.

<sup>1006</sup> Schedule 3, Maori Fisheries Act 2004.

<sup>1007</sup> Schedule 4, Maori Fisheries Act 2004. 'List of mandated iwi', Te Ohu Kaimoana website. URL: [http://teohu.maori.nz/iwi/mandated\\_list.htm](http://teohu.maori.nz/iwi/mandated_list.htm)

Maori claims concerning aquaculture were settled under the Maori Commercial Aquaculture Claims Settlement Act 2004. The settlement provides that Maori will receive 20 percent of all new water space allocated for aquaculture and 20 percent of space rights or the financial equivalent for existing space. In order to benefit from this settlement, iwi organisation must be mandated under the 2004 Act.

### **Commercial fishing in the Rohe Potae inquiry district, 1920-2010**

The discussion of commercial fishing presented here refers to fishing that was undertaken for the purpose of selling the catch. It is notable that the available evidence concerning commercial fishing largely relates to fishing that was undertaken within the statutory and regulatory framework, which was recorded by fisheries inspectors. This evidence therefore sheds little light on fishing that may have been undertaken by Maori outside this framework, which might have had a commercial dimension.

The geography and prevailing weather conditions of the Rohe Potae coastline have meant that, compared to certain other parts of New Zealand, there have been limited opportunities for commercial fishing in the inquiry district. Early on, isolation from markets may also have limited the potential of this industry. Commercial fishing in the inquiry district has focussed on the ports of Kawhia and Raglan and, to a lesser extent, Aotea. Most of the available evidence relates to fishing at Kawhia and Aotea.

The earliest evidence of commercial fishing in the inquiry district dates from October 1922, when the Collector of Customs for the Auckland district reported that four licensed fishing boats were operating at Kawhia.<sup>1008</sup> The Collector's report was prepared in relation to complaints made by local Maori, which are discussed below. In 1926, it appears that a European fisherman began operating a licensed boat in Aotea Harbour, supplying fish to locals.<sup>1009</sup> At this time, it seems that commercial fishing from licensed boats was undertaken exclusively by Europeans. A small number of Maori also seem to have engaged in commercial fishing using nets and, possibly, unlicensed boats. In 1929, it was reported that a Maori, Billy Toko, was

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<sup>1008</sup> Collector to Secretary, Marine, 25 October 1922, M 1 187 2/12/259 part 1, Kawhia – Maori Fishing Reserve, 1922-1953, ANZ Wellington.

<sup>1009</sup> Orr to Minister of Marine, 17 October 1929, M 1 201 2/12/429 part 1, Sea Fisheries – Raglan, Aotea, & Kawhia Harbours, 1928-1939, ANZ Wellington.

catching fish at Aotea Harbour, with at least some of the catch being delivered for sale on horse back.<sup>1010</sup>

In August 1928, the Fisheries Inspector for Auckland district, Charles Daniel, visited Raglan and Kawhia. In a report prepared for the Chief Fisheries Inspector, Daniel's stated that the fishing industry at Kawhia did 'not amount to very much', with only three full time and two part time licensed fishing boats working.<sup>1011</sup> He noted that nets were used within the harbour and lines used outside the bar when the conditions allowed. Within the harbour, the fishermen mainly caught flounder, dabs, and mullet, with smaller quantities of travelly, snapper, kahawai, pioke, and eels also taken. When the fishermen were able to fish outside, hauls of large snapper were taken.

At Raglan, Daniel also found that commercial fishing was being undertaken in a limited way. He reported that there were three boats capable of going outside the harbour when weather allowed and also four smaller boats that worked inside the harbour, mostly netting. The Raglan fishermen caught mullet, snapper, flounder and eels. Daniel also noted that, when able to fish outside the harbour, the Raglan boats sometimes visited Gannett Rock, which was some 17 miles from Raglan and a renowned hapuka ground.

Daniel visited Kawhia and Raglan again in October 1929. In his report, he recorded seven licensed fishing boats at Kawhia. He did not specify the number of boats at Raglan, though commented that there were still 'three good fishermen here'.<sup>1012</sup> Daniel also noted claims by local commercial fishermen regarding the impact that amateur fishermen were having at Raglan. Commenting on this problem, he suggested that regulations needed to be introduced to curb the activities of amateur fishermen, observing that:

There is an alarming number of nets being used by amateurs and they vary in length and size of mesh but mostly are about one to three inch. They also drag these anywhere and everywhere, not only in Raglan and Kawhia but round Auckland also.<sup>1013</sup>

During the 1930s, participation in the commercial fishing industry, at Kawhia at least, appears to have increased somewhat, possibly because depressed economic conditions limited other work opportunities. In 1935, the local inspector of fisheries at Kawhia, Constable Carran, detailed that

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<sup>1010</sup> Daniel to Chief Inspector of Fisheries, 25 October 1929, M 1 201 2/12/429 part 1, ANZ Wellington.

<sup>1011</sup> Daniel to Hefford, 1 September 1928, M 1 201 2/12/429 part 1, ANZ Wellington.

<sup>1012</sup> Daniel to Chief Inspector of Fisheries, 25 October 1929, M 1 201 2/12/429 part 1, ANZ Wellington.

<sup>1013</sup> Ibid.

nine licensed fishing boats were operating at the port, part time and full time, employing some 20 men.<sup>1014</sup>

Between 1938 and 1972, the annual reports of the Marine Department include details of fishing undertaken from the ports of the inquiry district.<sup>1015</sup> Based on reports provided by inspectors of fisheries, it seems likely that these details were not always been accurate, particularly with regard to catch, which depended on information provided by the fishermen. Table 19 presents, for selected years, the information that is recorded in the Marine Department's annual reports. The table details that a significant increase in fishing activity took place between 1938 and 1971. The number of licensed boats and fishermen rose at both Raglan and Kawhia, particularly during the 1960s. By 1971, some 67 boats were operating at the two ports, with 108 fishermen employed in the industry. Catch also increased markedly during the period, from about 56 tons in 1938 to 754 tons in 1971. It is notable that during the 1950s crayfish began to be included in the catch and, later, mussels. Although crayfish comprised a small proportion of catch by weight, they seem to have been particularly valuable. In 1971, crayfish comprised a little over 1% of catch, but accounted about 12 percent of total earnings.

It is evident that the fishing industry at Raglan grew more quickly than that at Kawhia, possibly because the bar at the mouth of Kawhia Harbour restricted activity there. By 1971, the fishing industry at Raglan was significantly larger than the industry at Kawhia – in terms of the number of boats, fishermen, catch, and value of catch. However, compared to activity elsewhere, the industry at both ports remained essentially small scale. In 1971, the landings at Kawhia and Raglan represented a very small proportion of the national catch – only about 1.7 percent of wetfish landings and less than 0.2 percent of crayfish landings.<sup>1016</sup> It seems likely that fishing at both ports continued to be a part time activity for many who were involved in the industry, which possibly supplemented other sources of income. In 1971, at Raglan, the gross earnings of 36 out of the 46 licensed boats were less than \$500.<sup>1017</sup> At Kawhia, 14 of the 21 vessels also fell into this category. At the other end of the earnings range, 2 boats at Raglan and 1 boat at Kawhia had gross earnings between \$10,000 and \$50,000 in 1971.

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<sup>1014</sup> Carran to Superintendent, Mercantile Marine, 17 June 1935, M 1 201 2/12/429 part 1, ANZ Wellington.

<sup>1015</sup> In 1972, Fisheries section of Marine Department joined with Department of Agriculture to create the Ministry of Agriculture and Fisheries. In its annual reports, the new ministry did not continue the practice of providing detailed catch records, including landings at each port.

<sup>1016</sup> *AJHR*, 1972, H-15, p 56, 58.

<sup>1017</sup> *AJHR*, 1972, H-15, p 56.

**Table 19:** Details of commercial fishing in the Rohe Potae inquiry district, selected years from 1938 to 1971

Year	Port	Number of licensed boats fishing	Licensed boats working full time	Total number of fishermen	Fishermen working full time	Weight of catch (tons)	Estimated value of catch	Reference
1938	Raglan	6	3	10	5	20.6	£740	AJHR, 1938, H-15, pp 50-51.
	Kawhia	7	3	11	6	35.5	£749	
1940	Raglan	6	0	11	0	5.8	£319	AJHR, 1940, H-15, pp 28-30.
	Kawhia	4	1	8	2	13.3	£524	
1945	Raglan	4	1	5	1	8.15	£500	AJHR, 1946, H-15, pp 44-46.
	Kawhia	3	3	5	5	18.75	£1,112	
1950	Raglan	12	not specified	15	not specified	24.1	£1,621	AJHR, 1951, H-15, p 39, 41.
	Kawhia	4	not specified	5	not specified	30.75	£2,061	
1955	Raglan	11	not specified	16	not specified	21.3	£2,262	AJHR, 1956, H-15, p 66, 68.
	Kawhia	10	not specified	15	not specified	30.7 + 1.5 (crayfish)	£3,247 + £168 (crayfish)	
1960	Raglan	11	not specified	18	not specified	50	£5,817	AJHR, 1961, H-15, p 44, 46.
	Kawhia	9	not specified	16	not specified	87.3 + 1.6 (crayfish)	£8,912 + £357 (crayfish)	
1965	Raglan	26	not specified	38	not specified	47.15 + 0.45 (crayfish)	£6,326 + £119 (crayfish)	AJHR, 1966, H-15, p 38, 40.
	Kawhia	15	not specified	20	not specified	124.1 + 3.15 (crayfish)	£13,070 + £893 (crayfish)	
1970	Raglan	34	not specified	51	not specified	355.6 + 1.6 (mussels)	\$57,382 + \$144 (crayfish)	AJHR, 1971, H-15, p 56, 58.
	Kawhia	21	not specified	27	not specified	82.15 + 1.15 (crayfish)	\$19,676 + \$1,294 (crayfish)	
1971	Raglan	46	not specified	76	not specified	614 + 5.95 (crayfish) + 1.45 (mussels) + 0.4 (other shellfish)	\$98,922 + \$10,531 (crayfish) + \$99 (mussels) + \$102 (other shellfish)	AJHR, 1972, H-15, p 56, 58
	Kawhia	21	not specified	32	not specified	127.25 + 3.8 (crayfish) + 0.75 (mussels)	\$26,301 + \$6,919 (crayfish) + \$170 (mussels)	

Kirby, Abel, and Abel's 1978 regional resource survey report provides some information on the nature of fishing industry in the inquiry district during the 1970s, while Kirby and Willis's 1987 report sheds some light on the industry in the 1980s.<sup>1018</sup> Unfortunately, neither of these reports discuss the fishing industry at Raglan, which falls outside the area that these reports cover. The reports include little comment regarding the extent to which Maori were involved in the fishing industry.

In their 1978 report, Kirby, Abel, and Abel observed that the King Country fishing industry had not shared the growth that had occurred at nationally and that tonnage had fluctuated considerably.<sup>1019</sup> Between 1971 and 1976, the average annual catch landed at Kawhia (including some crayfish, and mussels) was about 97 tons, with an average annual value of about \$28,000. In 1976, the catch at Kawhia was valued at about \$50,000 – less than one percent of the national catch. Kirby, Abel, and Abel commented that the nature of the coastline and the bar at Kawhia was a barrier to expansion of the industry, with fishing days at Kawhia limited to 200 per year.<sup>1020</sup> They also noted that the fishing resources of the region were increasingly being exploited by larger trawlers from Auckland, Raglan, and New Plymouth. As well as the industry at Kawhia, Kirby, Abel, and Abel noted the existence of a small whitebait fishery in the Awakino/Mokau area.<sup>1021</sup>

Kirby, Abel and Abel record that during the period between 1971 and 1976 an average of 52 people worked in the fishing industry at Kawhia, though it seems likely that many of these people worked part time.<sup>1022</sup> On average, 32 boats operated each year during the period, many working part time. More than two-thirds of the boats earned less than \$500 gross per annum, though in 1976 at least two sizeable trawlers working out of Kawhia Harbour earned more than \$10,000.<sup>1023</sup> Landed fish were disposed of principally to local retailers, there being no cool store or processing facilities at Kawhia. Kirby, Abel, and Abel commented that the Rural Banking and Finance Corporation had provided no loans for fishing in the King Country region, primarily because of restrictions relating to the minimum length of boats for which loans could be approved.<sup>1024</sup>

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<sup>1018</sup> Kirby, Abel, and Abel. Kirby and Willis.

<sup>1019</sup> Kirby, Abel, and Abel, p 91.

<sup>1020</sup> Ibid, p 92.

<sup>1021</sup> Ibid, p 93.

<sup>1022</sup> Ibid, p 92.

<sup>1023</sup> Ibid, pp 92-93.

<sup>1024</sup> Kirby, Abel, and Abel, p 93.

In 1987, Kirby and Willis observed significant changes in the fishing industry at Kawhia following the introduction of the QMS.<sup>1025</sup> The policy of awarding quotas and licences only to full-time fishermen had excluded many of the small, part-time operators at Kawhia. As a result, the number of vessels fishing at Kawhia had fallen significantly, with only 17 operating in 1984 and 10 in 1985. The average annual catch in these years was about 84 tons, though Kirby and Willis thought that the new system might have resulted in an increase in the amount of unreported catch. They also noted that Maori were contesting the new quota system and that it was possible that part-time Maori fishermen might return to the industry at some future time.

It has not been possible to obtain accurate information concerning the fishing industry in the Rohe Potae inquiry district today. Information from the Ministry of Fisheries suggests that the fishing industry in the Rohe Potae has not grown significantly over the years. The coastline of the inquiry district falls within the Ministry's Fisheries Management Area 9, which covers from Tirua Point in North Taranaki to North Cape. Almost all of the fish caught commercially within the area finds its way to Auckland by way of Manukau Harbour, with most of the commercial fishing based in Manukau and Kaipara Harbours.

It is notable that during the 1990s Ngati Maniapoto acquired a stake in commercial fishing that was separate from the fisheries settlement process. However, this interest did not involve the exploitation of local fisheries. In 1994, Raukura Moana Fisheries Limited was established by interests representing Tainui, Ngati Maniapoto and Ngati Raukawa.<sup>1026</sup> In 1997, the company, which focused on the deep water fisheries, was managing some 17,000 tons of quota. The position of Raukura Moana Fisheries today is unclear.

### **Maori opposition to commercial fishing**

The development of commercial fishing at Kawhia and Aotea was not welcomed by local Maori, who called for the activity to cease and requested that fishing areas be reserved for their exclusive use. The Marine Department was unresponsive to these requests. It is possible that Maori at Raglan also expressed opposition to commercial fishing, though no evidence concerning such complaints have been located.

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<sup>1025</sup> Kirby and Willis, pp 60-61.

<sup>1026</sup> *Te Hookioi: a newsletter from the Tainui Maaori Trust Board*, November 1997, p 3.  
URL:[http://www.tainui.co.nz/te\\_hookioi\\_pdfs/Issue%203.pdf](http://www.tainui.co.nz/te_hookioi_pdfs/Issue%203.pdf)

The earliest complaint from Maori related to commercial fishing in Kawhia Harbour. In October 1922, several Maori from Kinohaku signed a letter addressed to the Police Sergeant at Kawhia, advising of their intention to prevent commercial fishing within the harbour.<sup>1027</sup> The writers stated that they were opposed specifically to those who were ‘catching & netting fishers & selling the fishers’. They explained that they did not wish to prevent people from catching fish for their own consumption. Concerned with the practices of the commercial fishermen, the writers claimed that these fishermen were throwing unwanted fish back into the water, leading to waste. Forwarding the letter to the Secretary of Marine on 25 October 1922, the Collector of Customs at Auckland noted that there were only four licensed fishing boats operating at Kawhia.<sup>1028</sup> On 8 November 1922, the Secretary of Marine wrote to the Collector, advising that the Maori had no legal right to prevent others from fishing.<sup>1029</sup> The Secretary asked that the Constable at Kawhia be informed that he should contact the Secretary immediately if the Maori decided to carry out their threat. If this happened, the matter would be brought before the Native Minister for action. However, no further evidence concerning the threat to prevent further commercial fishing has been located and it seems likely that the Kinohaku Maori did not carry out their threat.

When Auckland Fisheries Inspector Daniel visited Kawhia in August 1928, he investigated claims that Maori were not adhering to fishing regulations and were, for example, using wire nets.<sup>1030</sup> While checking the harbour, Daniel met four local Maori with undersized fish and also found and confiscated a large net that had undersize mesh. The confiscation of the net prompted one individual, Marae Edwards, to write to Pomare, complaining about interference with traditional fishing practices.<sup>1031</sup> In his report to the Chief Fisheries Inspector, Daniel recommended that the local inspectors at Kawhia and Raglan, who were both the local Police Constables, receive a small annual payment. This recommendation was approved by the Minister of Marine.<sup>1032</sup>

Soon after Daniel’s visit, Maori expressed concern about commercial fishing at Aotea. In February 1926, Henare Poroata and others had signed a petitioned the government regarding Aotea Harbour, calling for the fish, shellfish, and birds of the harbour to be reserved to them

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<sup>1027</sup> Haupokia and others to Police Sergeant, Kawhia, 16 October 1922, M 1 187 2/12/259 part 1, ANZ Wellington.

<sup>1028</sup> Collector to Secretary, Marine, 25 October 1922, M 1 187 2/12/259 part 1, ANZ Wellington.

<sup>1029</sup> Secretary, Marine, to Collector of Customs, 8 November 1922, M 1 187 2/12/259 part 1, ANZ Wellington.

<sup>1030</sup> Daniel to Hefford, 1 September 1928, M 1 201 2/12/429 part 1, ANZ Wellington.

<sup>1031</sup> Marae Edwards to Maui Pomare, 4 September 1928, M 1 201 2/12/429 part 1, ANZ Wellington.

<sup>1032</sup> Minister of Marine, 24 September 1928, minute on coversheet of letter from Chief Fisheries Inspector dated 7 September 1928, M 1 201 2/12/429 part 1, ANZ Wellington.



and asking that licenses granting the sale of these things not be issued to any person.<sup>1033</sup> Though the petition was dated 15 February 1926, it appears that it was not sent to the government until late in 1928.<sup>1034</sup> Around the same time, in November 1928, Dick Te Huia of Te Mata also wrote to Maui Pomare, repeating the call for Aotea Harbour to be reserved for local Maori.<sup>1035</sup> Te Huia explained that the harbour was on old fishing ground, and he noted that only three Europeans owned land that touched the foreshore around the harbour. Officials were unresponsive to these requests. In respect of the petition, one official, whose identity is unclear, stated that the petitioners did not deserve much consideration because it was the Department's experience that local Maori generally broke fisheries regulations.<sup>1036</sup>

In August 1929, Apirana Ngata took up the cause of local Maori. In a letter to the Minister of Marine, Ngata called for regulations concerning net mesh sizes to be relaxed in respect of Maori people fishing at Aotea and Kawhia Harbours and requested that exclusive reserves be set aside for Maori fishing.<sup>1037</sup> Ngata pointed out that Maori were guaranteed fishing rights under the Treaty of Waitangi and that Waikato Maori depended on food obtained from the two harbours. He pointed out that, owing to the confiscation of lands following the Waikato Wars and their inexperience at farming their remaining lands, Waikato Maori faced difficult economic circumstances.

The Marine Department was again unresponsive to the call that local Maori should be granted special fishing rights. On 31 October 1930, the Secretary of Marine wrote a memorandum to the Minister of Marine, recommending that he decline the request for fishing reserves to be created.<sup>1038</sup> The Secretary stated that the Fisheries Act provided no power to grant sole rights of fishing and nor did he consider that the Treaty could deliver a reserve as the lands in question were Crown property under common law. It would therefore be impossible to grant an exclusive right to fish. The Minister of Marine approved the Secretary's recommendation, and on 12 November 1930 Ngata was advised of this decision.<sup>1039</sup>

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<sup>1033</sup> Petition of Poroata and others to Government, 15 February 1926, M 1 201 2/12/429 part 1, ANZ Wellington.

<sup>1034</sup> See Secretary, Marine Department, to Minister of Native Affairs, 18 December 1928, M 1 201 2/12/429 part 1, ANZ Wellington.

<sup>1035</sup> Te Huia to Pomare, 15 November 1928, M 1 201 2/12/429 part 1, ANZ Wellington.

<sup>1036</sup> Unknown writer to Godfrey, 15 January 1929, on coversheet of letter from Pomare dated 18 December 1928, M 1 201 2/12/429 part 1, ANZ Wellington.

<sup>1037</sup> Ngata to Minister of Marine, 14 August 1929, M 1 202 2/12/429 part 1, ANZ Wellington.

<sup>1038</sup> Secretary, Marine, to Minister of Marine, 31 October 1930, M 1 201 2/12/429 part 1, ANZ Wellington.

<sup>1039</sup> Minister of Marine, 4 November 1930, signature on Secretary, Marine, to Minister of Marine, 31 October 1930, M 1 201 2/12/429 part 1, ANZ Wellington. Minister of Marine to Ngata, 12 November 1930, M 1 201 2/12/429 part 1, ANZ Wellington.

In May 1935, Maori at Kawhia again called for restrictions to be placed on commercial fishing within the harbour, raising the matter with the Acting Native Minister when he visited the settlement. Writing to the Minister of Marine on 30 May 1935, the Acting Native Minister explained that Marae Edwards had asserted that traditional food resources were being depleted by commercial fishing.<sup>1040</sup> Edwards claimed that five tons of fish was being transported from Kawhia to New Plymouth each week and also stated that pipi beds were being exploited by the fishermen.

After examining the books of the local fishermen, the Fisheries Inspector at Kawhia reported on 17 June 1935 that he believed that the catch was considerably less than this.<sup>1041</sup> Detailing that nine licensed boats operated at the port, employing some 20 men, he asserted that any restriction on fishing in the harbour would have a serious effect on these men as conditions outside the harbour meant that they often had to fish inside. The Fisheries Inspector recommended that no restrictions on commercial fishing be imposed. However, if some constraint was to be introduced, he suggested an increase in the minimum mesh size of the large nets used by the commercial fishermen. In regard to the taking of pipi, the Fisheries Inspector agreed that a regulation restricting the harvesting of pipi for commercial purposes was required.

In an earlier report dated 11 June 1935, Senior Fisheries Inspector Daniel made some general comments about the difference between Maori and European fishing interests at Kawhia:

The European fisherman, as a rule, does not own land, cannot raise crops or interest himself in farming activities, which most natives could do if they wished, and moreover, the European fisherman generally adheres to the Fishery Regulations, while such regulations do not exist to the natives.

To the best of my knowledge the natives of Kawhia do not own such a boat as would be fit to cross the Bar in the very finest weather, have no nets of any sort or description, excepting perhaps the 'fowl-house' kind, and apparently depend for their fishing on a hand line or 'stopping up', always wholly within the harbour.<sup>1042</sup>

The Chief Fisheries Inspector agreed with the Kawhia Fisheries Inspector's view that there should be no closure of fishing areas, but he recommended that regulations concerning the mesh size of nets be introduced and that restrictions be placed on the commercial exploitation of pipi

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<sup>1040</sup> Acting Minister of Marine to Minister of Marine, 30 May 1935, M 1 202 2/12/429 part 1, ANZ Wellington.

<sup>1041</sup> Carran to Superintendent, Mercantile Marine, 17 June 1935, M 1 201 2/12/429 part 1, ANZ Wellington.

<sup>1042</sup> Daniel to Superintendent, Mercantile Marine, 11 June 1935, M 1 201 2/12/429 part 1, ANZ Wellington.

in Kawhia Harbour.<sup>1043</sup> The Acting Minister of Native Affairs was advised of these decisions on 28 June 1935.<sup>1044</sup> On 12 July 1935, regulations concerning the taking of pipi from Kawhia Harbour and the minimum mesh size for large nets used in Kawhia Harbour were introduced under the Fisheries Act 1908.<sup>1045</sup>

In November 1952, the Rakaunui Tribal Committee reopened the question of fishing restrictions within Kawhia Harbour, calling for part of the harbour to be reserved for Maori fishing.<sup>1046</sup> In April 1953, a meeting was held at Kawhia to discuss the matter.<sup>1047</sup> This meeting was attended by the Rakaunui and Aotea Tribal Committees, the District Fisheries Inspector, the Maori Affairs Department District Welfare Officer, and also several local commercial fishermen. The Fisheries Officer told the meeting that there was very little chance that the Marine Department would agree to the proposal. He stated that the creation of a reserve would have two results, 'one being that no good would be accomplished and the other being that it would only result in local feeling and the fisheries would not benefit at all'.<sup>1048</sup> In his report on the meeting, the District Welfare Officer observed that:

As the meeting progress it became obvious that the setting aside of fishing reserves for the exclusive use of Maori did not solve their problems and it became equally obvious that the Commercial fishermen would insist on keeping the Maori fishermen within their boundaries if they were approved.<sup>1049</sup>

The meeting concluded with the passing of a resolution that called for the question of fishing reserves in Kawhia Harbour to be deferred and for measures to be taken to educate amateur fishermen in correct fishing practices.<sup>1050</sup> One outcome of the meeting was the appointment of Roy Moke as an Honorary Fishing Officer.<sup>1051</sup>

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<sup>1043</sup> Hefford (name not recorded) to Secretary, Marine, undated minute on Superintendent, Mercantile Marine, to Secretary, Marine, 18 June 1935, M 1 201 2/12/429 part 1, ANZ Wellington.

<sup>1044</sup> Bitchener to Acting Minister of Native Affairs, 28 June 1935, M 1 201 2/12/429 part 1, ANZ Wellington.

<sup>1045</sup> *New Zealand Gazette*, 1935, p 1938, 1940. Earlier, in September 1931, a regulation banning the use Danish seine nets in Raglan, Aotea, and Kawhia Harbours had been introduced. This use of this type of net was prohibited in most closed harbours. Chief Inspector of Fisheries to Oldbury, 5 August 1931, M 1 201 2/12/429 part 1, ANZ Wellington. *New Zealand Gazette*, 1931, p 2815.

<sup>1046</sup> Chairman, Rakanui Tribal Committee, to Superintendent, Marine, 30 November 1952, M 1 187 2/12/259 part 1, ANZ Wellington.

<sup>1047</sup> Gilliver to Secretary, Marine, 15 April 1953, M 1 187 2/12/259 part 1, ANZ Wellington.

<sup>1048</sup> *Ibid.*

<sup>1049</sup> Herewini to Under Secretary, Maori Affairs, 30 April 1953, M 1 187 2/12/259 part 1, ANZ Wellington.

<sup>1050</sup> *Ibid.*

<sup>1051</sup> Secretary, Marine, to Secretary, Maori Affairs, 20 May 1953, M 1 187 2/12/259 part 1, ANZ Wellington.

In the *Murīwhenua Fishing Claim* report, it is noted that in 1963 a small fishing reserve was created in Kawhia North block.<sup>1052</sup> Research has not been undertaken into the circumstances surrounding the creation of this reserve.

### **Aotea and Kawhia protections**

As noted above, the 1992 settlement provided (in addition to the commercial redress) greater recognition of Maori fishing for customary purposes. Also, the Fisheries Act 1996 provided a number of new statutory enterprises, including Taiapure and Mahinga Mataitai reserves. In 2000, the Kawhia-Aotea Taiapure was set up, giving local Maori better access to the fisheries and greater involvement in decisions affecting the Kawhia and Aotea Harbours.<sup>1053</sup> Several years later, in 2008, a Mataitai was also declared over Aotea Harbour and outside coastal waters.<sup>1054</sup> As a result, commercial fishing in Aotea Harbour was banned and Maori gained increased control over the management of fisheries within the harbour.

### **Conclusion**

Limited by the geography and prevailing weather conditions of the Rohe Potae coastline, the commercial marine fishing industry that has operated out of the western harbour ports has been modest in scale and seems to have presented a relatively small economic opportunity. The industry, which began in the early 1920s, has primarily been focussed on operations based at Raglan and Kawhia, with decidedly less activity at Aotea Harbour. While some expansion of the industry occurred from 1960, fish landings from the ports always comprised a very small proportion of the national catch. In 1971, more than 100 fishermen were based at Raglan and Kawhia, but it seems that many were working on a part-time basis. Only a few boats had gross earnings in the highest range recorded by the Marine Department. On the basis of evidence concerning Kawhia, it appears that many small, part-time operators were excluded from the industry upon the introduction of the QMS. While little evidence has been presented concerning recent commercial fishing at Raglan and Kawhia, it has been noted that New Zealand's fishing

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<sup>1052</sup> Waitangi Tribunal, *Murīwhenua Fishing Claim*, p 103.

<sup>1053</sup> Minister of Fisheries, press release, 'Kawhai Aotea taiapure established', 2 June 2000.  
URL: <http://www.beehive.govt.nz/node/7580>

<sup>1054</sup> Minister of Fisheries, press release, 'New mataitai fishing reserve of south Waikato coast', 9 April 2008.  
URL: <http://www.beehive.govt.nz/node/32801>

industry is now focussed on deep-sea fishing, rather than the inshore fishing of the type undertaken from Kawhia and Raglan Harbours.

Little evidence relating to Maori participation in the commercial fishing industry has been located. When the industry began in the early 1920s, it was clearly dominated by Europeans. However, it is uncertain whether Maori were involved in later years, either as boat owners or fishermen who were employed on boats owned by others. It is possible that some Maori were among those shut out of the industry when the QMS was introduced in the late 1980s.

The amount of capital investment that has been required over the years to purchase a boat and engage in commercial fishing is unclear, though presumably some of the smaller vessels that operated before the introduction of the QMS were not costly concerns. Acquiring such boats and engaging in commercial fishing therefore may have presented an opportunity for Maori, who, as discussed in the earlier chapters, generally faced difficulties in accessing finance. Some state finance seems to have been available for fishing, though possibly only to operations of a particular scale. It is known that in the mid 1970s the Rural Banking and Finance Corporation had provided no loans for fishing at Kawhia, mainly because of restrictions concerning the minimum boat length for which loans could be approved. Prior to the fisheries settlement, the government does not appear to have offered any assistance to Maori to enable them to participate in the fishing industry.

It is notable that from the time the industry commenced at Kawhia and Aotea, Maori expressed strong opposition to commercial fishing in the Kawhia and Aotea Harbours, clearly believing the activity should not be undertaken in these places, which were much-valued areas for gathering kaimoana. Concerned that the fish and shellfish of the harbours would become depleted, Maori sought to have their customary rights recognised, believing that the commercial fishermen were exploiting a resource that belonged to them. At odds with the common law position, Maori calls to be given greater control over their traditional fishing grounds at Kawhia and Aotea were for many years not heeded. Recently, however, the establishment of the Kawhia-Aotea Taiapure in 2000 and the Aotea Mahinga Mataitai in 2008 has gone some way towards achieving this goal.

## Chapter Four: Tourism – Waitomo Caves

### Introduction

The final chapter of this report briefly looks at the tourism industry, focusing exclusively on the Waitomo Caves. Tourism operations at the caves have overwhelmingly dominated the tourism trade in the Rohe Potae inquiry district. Of considerable economic importance, the caves are one of a handful of iconic tourist destinations in New Zealand, which also include the Rotorua thermal district, Mount Cook, and Milford Sound. Elsewhere in the inquiry district, opportunities for commercial tourism have largely been confined to a relatively small number of visitors using accommodation facilities such as camping grounds and motels, particularly in coastal areas.<sup>1055</sup>

After briefly discussing the Tribunal's examination of tourism issues in the CNI inquiry district, the chapter traces the development of tourism at the Waitomo Caves, which began in the late 1880s, soon after the opening of the Rohe Potae. Early development focused exclusively on the Glowworm Cave, which was to be the centre of tourism operations at Waitomo for many years. As interest in the cave grew, Maori owners of the land successfully commenced commercial tourist operations.

The chapter then looks at how the government, seeking to develop tourism operations and facilities and protect the cave, took steps to secure control of the Glowworm Cave. Initially, the government initially sought to achieve this through land purchase, and then it employed recently-introduced legislation that enabled land to be compulsory taken under public works legislation for scenery preservation purposes. The taking of the Glowworm Cave land, carried out in 1906, was followed by a succession of related takings for accommodation facilities and for the purpose of preserving the scenic qualities of the surrounding land. Two other important tourist caves came to be controlled by the government.

After explaining how the government secured control of the Waitomo Caves, the chapter looks at the government's tourist operations, which were run initially by the Tourist Department and, from the mid-twentieth century, the Tourist Hotel Corporation. The caves attracted large

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<sup>1055</sup> See, for example, Kirby, Abel, and Abel, pp 101-110.

numbers of visitors and appear to have been very profitable. It is explained that local Maori had very little involvement in the government-owned operations, except for some limited employment.

Finally, the chapter provides details of recent developments concerning the Waitomo Caves, including the 1990 settlement that saw the Glowworm cave land returned to Maori and provided that Maori receive a share of the profits from tourism operations at the cave.

### **Tourism issues examined in other inquiries**

The Waitangi Tribunal has considered issues relating to tourism in its 2008 report on CNI claims, *He Maunga Rongo*.<sup>1056</sup> As noted in the earlier section concerning forestry, the CNI Tribunal's examination of issues relating to farming, tourism, indigenous and exotic forestry, and electricity generation is preceded by a discussion of Treaty development rights. The CNI Tribunal found that CNI iwi and hapu possess certain development rights, including the right to retain a sufficient land and resource base to develop in the Western economy, the right to equal access to development opportunities, and the right to positive assistance from the Crown (including assistance to overcome unfair barriers to development).<sup>1057</sup>

In respect of tourism in the CNI inquiry district, the CNI Tribunal looked at three key issues:

- whether tourism was a realistic development opportunity in the region;<sup>1058</sup>
- whether the Crown actively protected iwi hapu land and taongo to enable iwi to participate in the industry;<sup>1059</sup> and
- whether the Crown actively protected the ability of iwi and hapu to utilise the properties they retained for tourism purposes.<sup>1060</sup>

In its findings, the Tribunal found that from an early period both Europeans and Maori recognised the economic potential of tourism, though the trade was initially small in scale (and in fact did not develop significantly until the 1960s).<sup>1061</sup> The Tribunal found that the Crown failed to protect Maori ownership of sites that were identified to be important for tourism opportunities and, instead, sought to acquire as many of these sites as possible, without regard for future Maori participation in the trade. In respect of the ability of iwi and hapu to utilise the

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<sup>1056</sup> Waitangi Tribunal, *He Maunga Rongo*, Volume 3, chapter 15.

<sup>1057</sup> *Ibid*, pp 912-914.

<sup>1058</sup> *Ibid*, pp 1076-1087.

<sup>1059</sup> *Ibid*, pp 1087-1090.

<sup>1060</sup> *Ibid*, pp 1090-1095.

<sup>1061</sup> *Ibid*, pp 1097-1099.

properties they retained, the Tribunal found that the Crown did not adequately assist iwi and hapu, particularly in regard to difficulties concerning access to investment finance, title problems, and roading infrastructure. These barriers, it is noted, were of the Crown's own making.

As with mining and quarrying, the Tribunal's analysis of issues relating to the compulsory taking of Maori land is also relevant to an examination of tourism in the Rohe Potae inquiry district. In order to secure control of tourism at the Waitomo caves, the government took Maori land at Waitomo at the beginning of the twentieth century for tourism and scenery preservation purposes. As noted earlier, the Tribunal has found the practice of compulsory taking to be a breach of the Treaty, except in situations where the acquisition of the land is in the national interest.

### **Waitomo Glowworm Cave and the development of tourism**

In his book *Waitomo Caves – a century of tourism*, Robert Arrell details that there are three tourist caves at Waitomo:

- Waitomo Glowworm Cave, which Maori had known about for about one hundred years before European surveyors were shown the mouth of the cave in 1884;
- Ruakuri Cave, which Maori had known about for centuries before a settler was made aware of its location in 1904; and
- Aranui Cave, which was discovered by a Maori, Ruruku Aranui, in 1910.<sup>1062</sup>

The Glowworm Cave has been the focus of most of the caves tourism over the years. In 1884, the entrance to the cave was shown to Laurence Cussen and Fred Mace, who at the time were involved in carrying out the Rohe Potae triangulation survey.<sup>1063</sup> Mace returned and explored the cave in December 1887 and again in February 1888, accompanied on both occasions by Tane Tinorau, who lived in a nearby village.<sup>1064</sup> Mace's brother and two other surveyors were also present when the cave was explored in February 1888.

These explorations received wide publicity, and in May 1889 a survey of the cave was undertaken by the Chief Surveyor of Auckland Province, Thomas Humphries. In his report, Humphries claimed that the cave, if maintained, would draw a constant stream of visitors. He thought that

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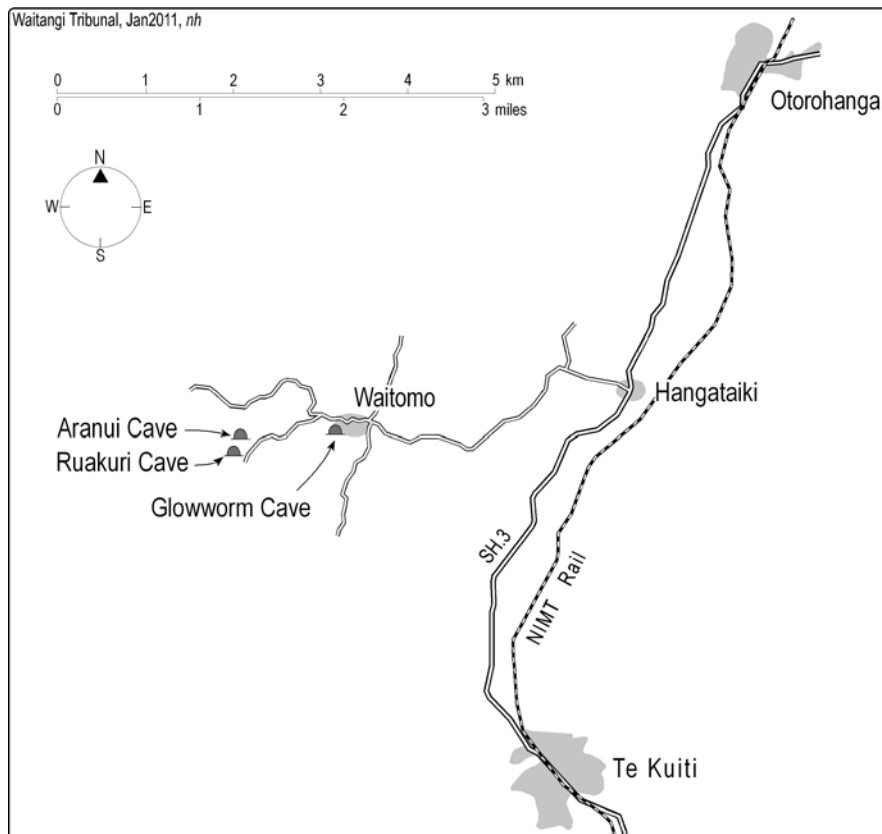
<sup>1062</sup> Robert Arrell, *Waitomo Caves: a century of tourism*, Waitomo Caves Museum Society, Waitomo Caves, 1984, p iii.

<sup>1063</sup> *Ibid*, p 5.

<sup>1064</sup> Arrell states that Mace and Tinorau had were friends. Tinorau had moved recently to the Caves area from Kawhia, where he had been born and raised. Tinorau married Te Nekehanga Tutawa, the daughter of a local chief, Tutawa Tuatara. However, when it became apparent that Te Nekehanga was unable to bear children, this relationship ended. In 1887, Mace and Te Nekehanga were married. *Ibid*, pp 6-10.



every effort should be made to preserve the cave and recommended that the government either purchase the cave site or, with the consent of the owners, take over the control of the cave.<sup>1065</sup> Arrell suggests that the destruction of the Pink and White Terraces by the 1886 Tarawera eruption may have encouraged Humphries to call for the government to secure control of the cave and ensure that it was preserved.<sup>1066</sup> Humphries noted that graffiti had already been inscribed on the ‘most delicate portions’ of the cave.



**Figure 13:** Waitomo Caves

As well as ensuring that the cave was protected, it seems that Humphries also envisaged that government control of the cave would involve investment in facilities that would make the experience more accessible and comfortable for tourists. In an unpublished section of his report, Humphries stated that the government would have to provide tourists with suitable accommodation.<sup>1067</sup> He believed, however, that private enterprise would soon establish stables and provide transport between the cave and the railway stations at Otorohanga, Hangataiki, and Te Kuiti.

<sup>1065</sup> *AJHR*, 1889, H-18, p 1.

<sup>1066</sup> Arrell, p 14.

<sup>1067</sup> *Ibid*, p 24. Arrell does not provide a reference for Humphries' unpublished report.

By the time of Humphries' visit, Maori were already involved in showing tourists around the Glowworm Cave and were earning an income from the trade.<sup>1068</sup> One of Humphries' party, James Stewart, an Auckland engineer, described the operation:

The natives are now taking great care of the caves. They bring visitors in a canoe and land on a shore inside, while the various caves are made accessible by ladders about 25 feet long. Visitors, after being taken around the whole system of caves, are led out by an opening in the top, 50 feet above the river. At present it is very much choked up, but the Maoris are clearing it out. The clay from the hills has hitherto been washed by the rain down this hole into the cave.<sup>1069</sup>

By the end of April 1891, some 500 visitors were recorded to have passed through the Glowworm Cave.<sup>1070</sup> The NIMT railway, which had reached Te Kuiti from the north in late 1887, no doubt provided transport for most of the visitors. Humphries and his party had travelled by train to Otorohanga and had then travelled to the caves along 11 miles of bridle track, covering the distance in one and three-quarter hours.<sup>1071</sup>

### **Government acquisition of caves**

Humphries' report appears to have prompted the government to look towards securing ownership of the Glowworm Cave. As well as protecting the cave, the government may also have believed it had a responsibility to provide improved facilities and generally make the cave experience more accessible and comfortable for tourists. However, it was no doubt reluctant to invest money in the tourist operation without possessing the land. The government also would have been mindful of the potential financial rewards that would result from controlling tourism at the cave. Arrell notes that some of the publicity that followed Humphries visit included speculation that the cave might potentially be of world significance as a destination for tourists.<sup>1072</sup>

The Glowworm Cave lay within Hauturu East 1 block. In September 1888, following an investigation of title, the Native Land Court awarded the block, containing 10,481 acres, to 102 individuals.<sup>1073</sup> In June and August 1889, several areas were partitioned from the Hauturu East 1. On 17 September 1889, the Court made five further partitions. The Glowworm Cave was

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<sup>1068</sup> Ibid, p 13.

<sup>1069</sup> *New Zealand Herald*, 7 June 1889, cited in Arrell, p 13.

<sup>1070</sup> Arrell, p 17.

<sup>1071</sup> Ibid, p 11.

<sup>1072</sup> Ibid, p 14.

<sup>1073</sup> Berghan, p 143.

located in one of these partitions – Hauturu East 1A, an area of 756 acres, which was awarded to 14 individuals.<sup>1074</sup> Arrell states that when the partition case was heard Tane Tinorau faced opposition, most prominently from his former father-in-law, Tutawa Tuatara, but eventually an agreement between the parties was reached and Tinorau was awarded 2 of the 27 shares in the block.<sup>1075</sup>

In October 1889, the Crown Lands Department, which supervised the developing tourist industry in New Zealand until 1901, appointed J.L.R. Fraser of Otorohanga to act as caretaker of the Glowworm Cave, supplementing the guiding activities of Taane Tinorau and the Maori living in the nearby village.<sup>1076</sup> Fraser's appointment anticipated that the government would secure control of the cave. He was instructed to await successful negotiations between the government and the owners and then take steps to improve access to the cave and protect it from vandalism:

When satisfactory arrangements are made between the Government and the natives, by purchase of otherwise, it will be necessary to make some extensive improvements; small punt, iron ladders similar to those in engine rooms, wire netting for protecting certain portions from the pilfering tourist, etc., which if done now, would only increase the difficulty of dealing effectively with the native owners.<sup>1077</sup>

In April 1891, before the government had made any progress with securing control of the land, Fraser's services were terminated as a result of a retrenchment of the civil service.<sup>1078</sup> The Crown Lands Department took no further interest in the cave until 1899, during which time the Glowworm Cave remained a tourist attraction and was listed by various tourist agencies. Tane Tinorau provided guiding services, as well as accommodation in a hut that had been used by Fraser.<sup>1079</sup> By 1900, each visitor paid two shillings to enter the cave.<sup>1080</sup>

Around the time of Fraser's appointment, the *New Zealand Herald* questioned why the government did not take further action 'to render these beautiful caves accessible to tourists and visitors generally?'<sup>1081</sup> At this time, however, government officials were beginning to take steps towards the purchase of the cave land. In a report to the Under Secretary of the Native Department, dated 24 October 1889, Land Purchase Officer Wilkinson identified that the

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<sup>1074</sup> Ibid.

<sup>1075</sup> Arrell, p 18.

<sup>1076</sup> Ibid, p 17.

<sup>1077</sup> Humphries to Under Secretary, Lands, 9 November 1889, Lands and Survey correspondence file (full reference details not provided), cited in Arrell, p 17.

<sup>1078</sup> Arrell, p 18.

<sup>1079</sup> Ibid.

<sup>1080</sup> Ibid, p 24.

<sup>1081</sup> 'Kihikihi, Thursday', *New Zealand Herald*, 18 October 1889, p 6.

Glowworm cave lay entirely within Hauturu East 1A.<sup>1082</sup> However, he noted that the boundary between Hauturu East 1A and Hauturu East 3 had been fixed close to the cave entrance and he therefore thought it advisable to obtain a portion of the latter block in order to secure plenty of room adjacent to the mouth of the cave. Wilkinson advised that the two subdivisions had not been surveyed and that there remained a possibility that an application for rehearing would be lodged.

In December 1889, Wilkinson was instructed to purchase the cave land – the block that the Glowworm cave was located within, Hauturu East 1A, and the adjacent block, Hauturu East 3. The Under Secretary of the Native Department advised Wilkinson that no more than five shillings an acre should be paid for the land and that £500 should be paid for the cave itself. However, the Under Secretary stated that if a purchase could not be achieved on these terms the government would be prepared ‘to go a little further.’<sup>1083</sup> On 16 January 1890, before proceeding to Waitomo, Wilkinson wrote to the Under Secretary, asking whether the deed of sale for interests in the cave block should specify that the payment was for the land and the cave.<sup>1084</sup> He was informed that the conveyance of the freehold in the land would include the cave and all interests in them. The consideration in the deed would be the total amount paid for both the cave and the land.<sup>1085</sup>

Wilkinson was, however, unable to make any immediate headway with the purchase of the cave land. In January 1892, he reported that he had been unable to acquire any interests in Hauturu East 1A and had managed to secure only one share in Hauturu East 3.<sup>1086</sup> In the mid-1890s, with the Glowworm Cave still being managed by Maori, further calls were made for the government to become more involved in tourism operations at Waitomo. Speaking in the House of Representatives in August 1896, Mr Lang, MHR for Waipa, stated:

I was glad to hear the Government say that at present these caves are neglected. I hope the Government will do something towards making them more accessible. The only means of reaching them is by the train, which puts visitors and tourists down at a flag station some

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<sup>1082</sup> Wilkinson to the Under Secretary, Native Affairs, 24 October 1889, MA 13 122 78b/323, Rohe Potae Block, Special File No. 89, 1889-1890, ANZ Wellington, pp 110-116.

<sup>1083</sup> Lewis to Wilkinson, 21 December 1889, MA 13 122 78b/323, ANZ Wellington, pp 91-94.

<sup>1084</sup> Wilkinson to Under Secretary, Native Affairs, 16 January 1890, MA 13 122 78b/323, ANZ Wellington, pp 74-75.

<sup>1085</sup> Lewis to Wilkinson, 17 January 1890 (approved and sent 18 January 1890), MA 13 122 78b/323, ANZ Wellington, pp 71-72.

<sup>1086</sup> Wilkinson to Sheridan, 29 January 1892, MA 13 122 78f, Rohe Potae Block, Special File No. 89, 1891-1891, ANZ Wellington, pp 355-357.

miles from the caves. There is no accommodation there, and unless arrangements are made beforehand visitors cannot get buggies to take them to the caves.<sup>1087</sup>

By 1899, the government had made some progress with purchasing, having acquired 10½ of the 27 shares held in Hauturu East 1A.<sup>1088</sup> At this point, Wilkinson decided to apply to the Native Land Court to get the Crown’s interest in Hauturu 1A defined and, in doing so, aimed to secure a portion of the cave.<sup>1089</sup> On 1 July 1899, the Native Land Court divided the block into six awards, three of which – as detailed in Table 20 – were awarded to the Crown:

**Table 20:** Subdivision of Hauturu East 1A, 1 July 1899<sup>1090</sup>

Subdivision	Area	Grantee
Hauturu East 1A1	291a 0r 00p	Crown
Hauturu East 1A2	1a 0r 00p	Crown
Hauturu East 1A3	2a 0r 00p	Crown
Hauturu East 1A4	55a 3r 11p	non sellers
Hauturu East 1A5	403a 1r 00p	non sellers
Hauturu East 1A6	3a 0r 00p	non sellers

The cave was located within Hauturu East 1A2 and 1A6 – a total area of four acres. The Crown therefore secured one-quarter of the ownership of the cave.

Having secured this ownership interest in the land, the government sought to have a greater say in the management of the Glowworm Cave, initially through the Crown Lands Department and, from 1901, through the Tourist and Health Resorts Department, which was established to develop and promote the country’s tourism industry.<sup>1091</sup> However, the owners resisted this pressure. By September 1903, Tane Tinorau was no longer managing the cave.<sup>1092</sup> He and his co-shareholders had employed a European named Frank MacGuire to act as caretaker-manager. According to Arrell, the owners planned to undertake repairs and improvements, and they objected strongly to anything being done by the Tourist Department. In 1903, a regular coach service run by a European had begun operating between Waitomo and Hangatiki and Te Kuiti.<sup>1093</sup>

<sup>1087</sup> NZPD, vol 95, 1896, pp 140-141.

<sup>1088</sup> Arrell, p 19.

<sup>1089</sup> Ibid.

<sup>1090</sup> Berghan, p 144.

<sup>1091</sup> Arrell, p 20.

<sup>1092</sup> Ibid.

<sup>1093</sup> Ibid, p 24.

The owners' insistence on maintaining control of the Glowworm Cave saw the government take steps to secure the remaining land. In January 1904, Wilkinson suggested that further purchasing be undertaken, but he was unable to make any progress in this direction.<sup>1094</sup> In April 1904, the recently-established Scenery Preservation Commission recommended that the small cave block, Hauturu East 1A6, be secured under the Scenery Preservation Act 1903.<sup>1095</sup> On 31 August 1904, the land was reserved under the 1903 Act and, on 11 February 1906, it was taken under the 1903 Act and the Public Works Act 1905.<sup>1096</sup> On 29 November 1907, the owners were awarded compensation of £625 for the taken land.<sup>1097</sup>

Following the reservation of Hauturu East 1A6 in August 1904, the Tourist Department began running the operations at the Glowworm Cave. The former Maori owners were effectively shut out of the tourist trade. In 1905, the Department purchased a privately-owned accommodation house at Waitomo, known as Waitomo House, and then refurbished and enlarged the building.<sup>1098</sup> Between November 1906 and March 1907, 297 visitors were accommodated at Waitomo House. On 27 December 1906, the government took further land under the Public Works Act 1905 – the whole of Maori-owned Hauturu East 1A5C, an area of about 67 acres – for the expansion of the accommodation house.<sup>1099</sup>

On 20 October 1906, prior to the taking for the expansion of the accommodation house, the government had also taken other Maori lands at Waitomo for scenic purposes – a total area of about 97 acres.<sup>1100</sup> These lands, which are detailed in Table 21, were taken under the Scenery Preservation Act 1903 and the Public Works Act 1905.

**Table 21:** Waitomo lands taken for scenic purposes, 20 October 1906

Subdivision	Area
Hauturu East B2A (part)	7a 1 08p
Hauturu East 3B1 (part)	20a 0r 36p
Hauturu East 3B2 (part)	54a 1r 3p
Hauturu East 3B3 (part)	15a 1r 35p
<b>Total</b>	97a 1r 02p

<sup>1094</sup> Ibid, pp 20-21.

<sup>1095</sup> Ibid, p 21.

<sup>1096</sup> *New Zealand Gazette*, 1904, p 2156. *New Zealand Gazette*, 1906, p 11. Also see Alexander, pp 433-438.

<sup>1097</sup> Arrell, pp 21-22.

<sup>1098</sup> Ibid, p 29.

<sup>1099</sup> *New Zealand Gazette*, 1906, p 3218.

<sup>1100</sup> *New Zealand Gazette*, 1906, p 2456.

On 5 February 1908, further Maori land at Waitomo – a total area of about 100 acres – was taken for scenic purposes under the Public Works Act 1908. Details of this land are set out in Table 22.

**Table 22:** Waitomo lands taken for scenic purposes, 5 February 1908<sup>1101</sup>

Subdivision	Area
Hauturu East 3B3 (part)	23a 2r 00p
Hauturu East 3B4 (part)	18a 3r 00p
Hauturu East 3B5 (part)	43a 0r 00p
Sec 8 Blk X Orahiri SD (part)	14a 2r 00p
<b>Total</b>	99a 3r 00p

In 1911, three further areas of Maori land were taken in connection with the government’s tourist operations at the caves. On 27 April 1911, a total area of about 18 acres was taken from Hauturu East 1A5B and Hauturu East 3B under the Public Works Act 1908 for the ‘Use, Convenience, and Enjoyment of the Waitomo Caves House’.<sup>1102</sup>

On 10 August 1911, further Maori land – a total area of about 174 acres – was taken for scenic purposes at Waitomo.<sup>1103</sup> This land, detailed in Table 23, was taken under the Scenery Preservation Act 1908, the Scenery Preservation Amendment Act 1910, and the Public Works Act 1908.

**Table 23:** Waitomo lands taken for scenic purposes, 10 August 1911

Subdivision	Area
Hauturu East 1E5C2A2 (part)	48a 1r 24p
Hauturu East 1E5C2B5 (part)	88a 2r 00p
Hauturu East 1E3 (part)	22a 1r 10.5p
Sec 8 Blk X Orahiri SD (part)	14a 2r 00p
<b>Total</b>	173a 2r 34.5p

On 12 October 1911, an area of Maori land across the road from the Glowworm Cave entrance was also taken for scenic purposes under the Scenery Preservation Act 1908, the Scenery Preservation Amendment Act 1910, and the Public Works Act 1908.<sup>1104</sup> As detailed in Table 24, this taking involved a total area of about 22 acres.

<sup>1101</sup> *New Zealand Gazette*, 1908, p 3264.

<sup>1102</sup> *New Zealand Gazette*, 1911, p 1274.

<sup>1103</sup> *New Zealand Gazette*, 1911, p 2308.

<sup>1104</sup> *New Zealand Gazette*, 1911, p 2905.

**Table 24:** Waitomo lands taken for scenic purposes, 10 August 1911

Subdivision	Area
Hauturu East B2 Section 2A	3a 3r 20p
Hauturu East 3B1	12a 3r 00p
Hauturu East 1E5C2C2.	5a 1r 22p
<b>Total</b>	21a 2r 02p

In total, between 1906 and 1911, the government – employing public works and sometimes also scenery preservation legislation – compulsorily acquired about 481 acres of Maori land as part of its efforts to secure control over and develop tourist operations at Waitomo and to preserve the scenic qualities of nearby lands.<sup>1105</sup>

Two other caves were discovered at Waitomo and became part of the Tourist Department's operation. In 1904, settler James Holden, who had taken up land awarded to the Crown in Hauturu East 1A, was told by local Maori of the existence of Ruakuri Cave, which had a wahi tapu cave above its entrance.<sup>1106</sup> (Arrell states that Holden was himself part Maori, from near Te Awamutu, and at some point he married Ngahaka Te Aue, daughter of Tane Tinorau.<sup>1107</sup>) Holden wished to bring tourists to Ruakuri Cave, but the government, through a proclamation issued in September 1906 under the Land Act 1892, resumed control of the land for scenic purposes.<sup>1108</sup> In April 1910, Ruruku Aranui came across the cave that would later be known as Aranui, located on land that had earlier been taken by the government.<sup>1109</sup>

### Government tourist operations

Between 1910 and 1955, the Tourist Department's operation at Waitomo was one of the most profitable of all its concerns.<sup>1110</sup> Except during the Depression, the number of tourists rose each year, though most toured only the Glowworm Cave.<sup>1111</sup> The profitability of the Waitomo tourist trade was in keeping with the expectations that the government had expressed around the time that the Department took over the caves. When Aranui Cave was officially opened in April 1910, the Minister of Tourism stated that he hoped the Department would be able to pay its own

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<sup>1105</sup> Alexander provides a map that shows all of the lands taken around Waitomo. Alexander, p 439.

<sup>1106</sup> Arrell, p 32.

<sup>1107</sup> Ibid, pp 31-32.

<sup>1108</sup> Ibid, p 32. *New Zealand Gazette*, 1906, p 2453. The proclamation related to an area of 27 acres 1 rood 30 perches.

<sup>1109</sup> Arrell, pp 34-37.

<sup>1110</sup> Ibid, p 39.

<sup>1111</sup> Ibid, p 39, 48.



way.<sup>1112</sup> Over the years, the Department made a number of improvements to facilities at Waitomo, including an extension to the accommodation house in 1927. In 1957, the tourist operation was handed over to the Tourist Hotel Corporation (THC), a state-owned business.

Local Maori seem to have had little involvement in the tourism operation that was controlled by the Tourist Department and, later, THC. This involvement seems to have been limited to a relatively small amount of low-level employment. Arrell states that when the Tourist Department took over the Glowworm Cave, it brought in guides from other operations around the country.<sup>1113</sup> The opening of the Ruakuri and Aranui Caves appears to have provided some employment for local Maori and settlers, at least during their initial years of operation. However, this employment opportunity may not have lasted. In her study of the tourism industry at Waitomo, Kathryn Pavlovich notes comments by an interviewee who states that THC would not employ Maori as front-line staff.<sup>1114</sup> The interviewee also indicated that only ten percent of workers employed by THC came from the local community, a situation that did not change until the mid-1980s. All management positions were filled by individuals from outside the district.

It is notable that when the Tourist Department took over operations at Waitomo, government control was stated to be necessary to ensure that the caves were preserved.<sup>1115</sup> However, THC does not appear to have responded quickly to concerns about the impacts of tourism on the caves. Arrell states that from the 1960s there were increasing calls for greater protection of the caves.<sup>1116</sup> In 1972, the Department of Lands and Survey responded to pressure and appointed a scientist to investigate the condition of the caves and the causes of deterioration.<sup>1117</sup> In 1974, THC convened a seminar on the caves, which led to further scientific investigation. A 1982 management plan acknowledged that tourist operations should be modified if this meant preserving the caves.<sup>1118</sup>

In 1984, it became understood that the land boundaries above Ruakuri Cave had been incorrectly drawn and that the Holdens, the Department of Conservation (DOC), and the

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<sup>1112</sup> Ibid, p 39.

<sup>1113</sup> Ibid, p 24.

<sup>1114</sup> Kathryn Pavlovich, 'The Emergence and Construction of Waitomo Caves Destination New Zealand', Working Paper Series 26, Department of Strategic Management and Leadership, Waikato University, Hamilton, 2000, pp 11-12.

<sup>1115</sup> See, for example, *AJHR*, 1905, H-2, 9.

<sup>1116</sup> Arrell, p 58.

<sup>1117</sup> Ibid, pp 58-59.

<sup>1118</sup> Ibid, p 59.

Waitomo District Council all had claims to the cave.<sup>1119</sup> A number of developments followed. In 1987, the Holdens allowed an adventure tourism operator to start a river rafting operation through the cave – a venture that lasted for several years.<sup>1120</sup> In 1988, after the Holdens issued it with a trespass notice, THC closed its Ruakuri operation.<sup>1121</sup> The wahi tapu above the entrance of the cave became the responsibility of DOC in 1991.<sup>1122</sup>

### **1990 settlement and existing tourist operations**

In 1990, the Crown and the Wai 51 claimants reached a settlement in respect of the Waitomo Caves.<sup>1123</sup> The settlement, which is not closely examined here, appears to have provided for the whole of the four acre block above the Glowworm Cave to be vested in the claimants, with the management of the cave to be shared between DOC and the claimants. The settlement also provided that the claimants and the Crown share profits from a licence issued to a commercial enterprise to guide tourists and run the souvenir shop. The claimants were also to receive a \$1 million loan to be repaid over 32 years. The settlement was not made the subject of legislation.

Following the settlement, THC became the licensee and continued to run commercial operations at the caves and the hotel.<sup>1124</sup> In 1990, the Labour Government sold the THC hotels to Southern Pacific Hotels Corporation (SPHC), which in 1994 reached an agreement with DOC and the Maori owners regarding the continuation of the license.<sup>1125</sup> In 1996 Tourism Holdings Limited acquired the license from SPHC.<sup>1126</sup> Two years previously, Tourism Holdings had purchased the Ruakuri Cave rafting operation.<sup>1127</sup> By this time, two other adventure tourism operations had opened in the Waitomo area. Local Maori seem to have been significantly involved in one of these.<sup>1128</sup>

In 2004, the Waitomo tourist caves attracted 400,000 visitors, including some 30,000 rafters.<sup>1129</sup>

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<sup>1119</sup> Pavlovich, p 23.

<sup>1120</sup> Ibid, p 18.

<sup>1121</sup> Ibid, p 23.

<sup>1122</sup> Ibid, p 24.

<sup>1123</sup> 'Waitomo Deed of Settlement', Agreements, Treaties, and Negotiated Settlements.

URL: <http://nz01.terabyte.co.nz/ots/DocumentLibrary/Waitomo.htm>

<sup>1124</sup> Pavlovich, p 26.

<sup>1125</sup> Ibid, p 27.

<sup>1126</sup> Ibid, p 28.

<sup>1127</sup> Carl Walrond, 'Caving – Caving tourism', Te Ara – the Encyclopedia of New Zealand.

URL: <http://www.TeAra.govt.nz/en/caving/2>

<sup>1128</sup> Pavlovich, pp 19-20.

<sup>1129</sup> Walrond, 'Caving – Caving tourism'.

## Conclusion

Tourism clearly presented a significant economic opportunity for Waitomo Maori – one that would enable them to utilise their lands and benefit from the opening of the Rohe Potae and the construction of the NIMT railway. Recognising the opportunity, the owners of the Glowworm Cave quickly established a tourist operation, which they appear to have operated successfully on a relatively small scale for a number of years from the late 1880s. Research undertaken for this report has not closely examined how the owners organised themselves to engage in the trade and the extent to which earnings were distributed among the owners. It seems that the owners were able to earn revenue from the tourism without needing to invest a great deal of money in the operation. Potentially, they may have been able to use some of the money they received to develop the operation over time.

Given the unique nature of the Glowworm Cave and the fact that it was recognised to be of national significance, it is unsurprising that the government soon became interested in the cave and wished to see it preserved and further developed as a tourist operation. In order to achieve this, the government could have offered assistance to the owners and supported them to manage and develop the operation for their own benefit. However, no such assistance was offered and instead the government took steps to secure ownership of the cave land and control of the tourist operation. After the government had acquired an interest in the Glowworm Cave block through purchase, the Tourist Department pressed for a greater say in the management of the cave, but this was resisted by the owners.

The compulsory taking of the cave land in 1906 saw Maori shut out of the Glowworm Cave tourist trade, with control of the operation passing to the Tourist Department. As a result of this and subsequent other related takings, tourism at Waitomo shifted from being an economic opportunity for Maori and instead – through the government's actions – became linked with significant land loss. (It is notable that one of two other tourist caves at Waitomo, Aranui Cave, was discovered in one of areas that had been taken for scenic purposes.) Except for some limited employment opportunities, local Maori seem to have had very little involvement in the tourism operation that was run by the Tourist Department and, later, THC.

Though it has not been examined here in detail, the 1990 settlement appears to have gone some way to redressing the government's actions and today the beneficiaries of the settlement own the

Glowworm Cave land and have a stake in the tourist operation. However it is unclear whether this has fully addressed the economic and social loss that was associated with Maori being shut out of the trade for a full 90 years.

## Conclusion

The industries examined in this report, which lie outside the agricultural sector, have been based on the exploitation and utilisation of the natural resources of the Rohe Potae inquiry district. The economic importance of each industry has varied, and the level of economic opportunity between industries has therefore not been equal. This assessment is based on evidence concerning the size of each industry and the length of time it has operated, as well as the profitability of the business enterprises involved and employment numbers.

Within the forestry sector, the indigenous sawmilling industry appears to have been of considerable economic importance, with more recent exotic forestry being of much less significance. Commencing soon after the opening of the Rohe Potae, the indigenous sawmilling industry continued into the 1970s and, though focussed largely on the forest lands that lay along the NIMT railway between Te Kuiti and Taumarunui, was undertaken at a number of places around the inquiry district. Tourism at Waitomo and the more recent mining of ironsands have also clearly been of major significance, with limestone quarrying also important, but to a lesser extent. These three industries have been localised in their focus – the tourism and quarrying confined to the Waitomo district, and the ironsands mining undertaken at Taharoa. Coal mining and fishing seem to have been of relatively limited economic significance, reflecting the quantity and accessibility of the resources involved.

Each of the industries developed through the establishment of business enterprises that sought to profitably utilise the resources that were the focus of each activity. Maori had very little involvement in these ventures, which were mostly privately owned. Some of the earliest small-scale operations were established by individuals, but generally, especially as the scale of operations increased, the industries were dominated by private companies. The structure of these entities provided an effective means of allocating shareholder interests and spreading risk among investors.

Though no state finance appears to have been available to the private business ventures that operated in the various industries, the state did provide support to some of the enterprises. Those in the limestone industry benefitted from the provision of free rail carriage of agricultural lime between 1920 and 1950, which helped the development of the limestone industry, as no

doubt did later fertiliser subsidies. Businesses in the mining and quarrying sector also benefitted generally from geological survey work undertaken by government agencies.

More significantly, the government at various times was responsive to lobbying from some of the individuals and businesses that were involved in the various enterprises, particularly relating to matters concerning the use of Maori-owned lands and resources. The earliest case of this was the government's validation of Joshua Jones' lease over the Mokau-Mohakatino block in 1888, a decision that led to Maori losing ownership of this land. During the twentieth century, Ellis and Burnand, the company that dominated the indigenous sawmilling industry in the inquiry district, also effectively lobbied the government on a number of occasions, enabling the company, for example, to secure cutting rights over Maraeroa C in 1913.

Where the government was responsive to requests from individuals and businesses engaged in the various industries, this was partly because the lobbyist's wishes aligned with government policy. In the Jones' case, the government's actions reflected a desire to see the settlement of the Rohe Potae progress. In the mid-twentieth century, when the government supported Ellis and Burnand's moves to extend its cutting license over Maraeroa C, it seems that the government valued that Ellis and Burnand would successfully cut and process a resource that was seen to be of national importance.

The state was itself involved in some of the industries. It operated coal mines at Mangapehi and Waitawhena, and it assumed control of tourist operations at Waitomo. The state also had an interest in New Zealand Steel, which has carried out mining operations at Taharoa. While the state was partly involved in these enterprises with the intention of earning revenue, wider motivations concerning national economic interests seem to have been more important.

Though Maori retained ownership of some of the lands and resources upon which the industries were based, Maori participation in the business enterprises that operated was very limited. Maori were involved in sawmilling in a minor way, and one small coal mining enterprise was Maori-owned. Maori unsuccessfully sought to participate in coal mining in the Mokau and Kawhia districts. In the fishing industry, Maori may have owned some boats, but no evidence to confirm this has been located. (In respect of commercial fishing in the Kawhia and Aotea Harbours, Maori voiced opposition to the industry and did not consider that it should operate in these

places.) At Waitomo, Maori established tourism operations before the government took control of the caves.

The lack of Maori participation in the commercial enterprises that worked in the various industries has clearly constituted a lost economic opportunity, though the extent to which this has been the case has varied. For example, while limestone quarrying could have been profitably undertaken by Maori, coal mining did not provide the same opportunity. In the case of fishing and the Waitomo tourism, Treaty settlements concluded during the last 20 years have provided some opportunity for Maori to benefit from these industries.

With little involvement in the businesses that have operated in each industry, Maori participation has largely been limited to receiving payments for resources that have remained in their ownership. Maori have received income from native timber, coal, limestone, and iron ore that has been located on land that they owned. Where Maori have sold these resources, the amount of money that they have received has depended on royalty rates and the volume of material harvested or extracted.

Maori began receiving royalties for timber, coal, and limestone in the late nineteenth century. In all these cases, evidence suggests that there were, until at least the 1930s, a number of problems with the agreements that Maori entered into. It appears that the value of the resources was not accurately valued, and also rights over the resources were sometimes granted for long periods of time without any provision royalty rates to be revised. This situation is evident, for example, in the case of Ellis and Burnand's cutting rights over Rangitoto Tuhua 36, which, at 36,000 acres, seems to have been the single largest block subject to a timber cutting agreement. In 1898, the owners entered into an agreement with Ellis and Burnand, but – even though the agreement was reviewed by the Maniapoto-Tuwharetoa Maori Land Board in 1908 – it was not until 1925, following protest by the owners, that royalty rates were revised.

It has not been possible to accurately quantify the amount of money that Maori have received from royalties paid to them in each of the industries. Though for many years Maori do not appear to have received fair payment for timber, it seems that timber royalties – owing to the large quantity of the resource retained – constituted a significant stream of revenue for some Maori. While Maori appear to have earned very little from the sale of coal resources, some Maori who retained limestone-bearing lands around Waitomo (in particular, certain subdivisions

of Pukeroa Hangatiki blocks) seem to have received a significant amount of money. Royalties from ironsands mining at Taharoa, which began in the early 1970s, have clearly been a major source of earnings for the incorporated owners of Taharoa C block.

With the exception of the iron ore royalties and one or two other cases where owner incorporations were established after 1950, royalties have been distributed to individual owners. Given that there were often a large number of owners, the payments that individuals received were modest. The payment of royalties to individuals meant that it would have been difficult for owners to utilise royalties for long-term economic and social development purposes. There is little evidence to suggest that any royalties, other than those earned from iron ore, have been used for this purpose.

Unfortunately, the available evidence has shed little light on the extent to which Maori have been employed in the various industries, though there is evidence of some participation in the forestry, limestone, and ironsands industries. During its height, the indigenous sawmilling industry offered the most employment, and it seems that Maori living in milling towns took advantage of this opportunity.

Maori faced a number of obstacles in engaging and successfully participating in the industries that have been examined here – obstacles that were not faced by private interests and the government. The acquisition of resource-bearing lands, particularly by the government, clearly presented a difficulty for Maori. It seems reasonable to suggest that Maori who retained such lands were more likely to establish commercial enterprises to profitably utilise the resources. The loss of these lands also clearly limited the extent to which Maori were able to receive payments for the resources from outside interests.

In a few instances, the government deliberately targeted the lands of Maori with the specific intention of securing the resources that were located upon them. The most significant case of this was the government's actions in regard to the Waitomo Caves. After initially purchasing some of the land where the Glowworm Cave was located, the government in 1906 employed public works legislation to compulsorily acquire the remaining portion of the cave block. A number of related takings followed, involving a significant area of land. In the 1890s, the government also actively sought to acquire limestone-bearing lands, purchasing land at Te Kumi



for this purpose. Later, a sizeable area of valuable limestone-bearing land located at Waitete was taken for railway purposes.

There is no evidence that the government deliberately sought to acquire other resource-bearing lands. However, there is also no evidence that the government sought to preserve Maori ownership of these lands to enable Maori to participate in the commercial opportunities associated with the resources. Unsurprisingly, significant areas of forest land and also coal and limestone-bearing land passed out of Maori ownership. A notable feature of purchasing undertaken by the government up to 1909 is that the value of timber on forest lands does not appear to have been recognised in the purchase price.

A significant difficulty faced by Maori owners of commercially valuable resources was the difficulties associated with land being held by often large numbers of owners who lacked an effective governance entity. The individualisation of title that resulted from the Land Court system undermined traditional forms of authority and leadership, inhibiting the ability of Maori to make decisions regarding land utilisation. This affected the ability of Maori to establish business enterprises and also to effectively negotiate the sale of resources and utilise royalty monies for long term social and economic development.

Another obstacle that Maori faced in participating in the various industries was a lack of financial means to establish business operations. In particular, sawmilling and the mining and quarrying industries seem to have often involved significant capital investment. However, owing partly to the nature of Maori land title, Maori had very limited access to lending finance. There was generally a restricted private lending market for Maori, and it is likely that lending for the high-risk sawmilling and mining and quarrying industries would have been especially restrictive. Maori also had limited access to state sources of lending finance, which was primarily available for farming development. Raising money through the sale of their own lands or resources was also problematic, because the prices Maori received may have been insufficient to enable such a strategy to be successful.

The establishment of joint ventures with Pakeha business interests was one of the few options available to Maori who owned resources and wished to engage in commercial operations. As well as overcoming the difficulty of restricted access to capital, such arrangements would ideally also connect Maori with individuals who possessed technical skills and experience in the

particular industry. Jones's arrangement with Mokau Maori seems to have been the only example of a joint venture in the Rohe Potae inquiry district. This case shows that such ventures could go disastrously wrong for Maori, particularly when the agreements that were entered into were not legally recognised and could be subject to later definition.

The government has taken some steps to overcome the obstacles and difficulties that Maori faced in participating in the various industries discussed in this report. In respect of the royalties that Maori received, it is evident that procedures relating to the valuation of Maori-owned resources were generally improved, ensuring that royalty rates more accurately reflected market values. In regard to indigenous timber, the appraisals undertaken by the State Forest Service from the early 1930s clearly resulted in Maori receiving higher prices for timber. However, Maori do not seem to have been consulted about the introduction of this system, which appears to have primarily been introduced to ensure that sawmillers more effectively utilised the country's declining indigenous timber resources.

It also seems that legislative change from the 1950s made the establishment of incorporations more attractive to Maori owners, enabling them to overcome governance problems and other difficulties arising from the individualisation of title and multiple ownership. The report has noted a few examples of incorporations being established in connection with the various industries examined. The benefits of incorporation are illustrated by Taharoa C Incorporation. As well as paying dividends to shareholders, the Incorporation has successfully broadened its economic base by investing the money it has received from royalties. The establishment of an incorporation also enabled the owners of Taharoa C block to negotiate more effectively with New Zealand Steel. These negotiations extended beyond simply the agreement of a royalty rate to include wider aspects of the operation, including provisions concerning the protection of wahi tapu, the preservation of artifacts, fishing rights, and employment.

In respect of access to finance, it appears that state finance became available for exotic afforestation where Maori possessed sufficient assets to secure a loan. It is also notable that the State Forest Service, with the aim of achieving national planting targets, actively looked to establish exotic forest plantations on suitable areas of Maori land. Up until the early 1960s, the Forest Service would not plant on private land, but after this time was prepared to enter into leasing arrangement with Maori, as was the case with the Tainui Kawhia forest.

While the government's initiatives in relation to royalty rates, the establishment of incorporations, and exotic afforestation were positive, they were introduced relatively late and did not comprehensively address the difficulties that Maori faced. Over many years, the general inability of Maori to derive a substantial benefit from the various industries – where opportunities existed – amounted to a significant economic and social loss.

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**WAITANGI TRIBUNAL**

**CONCERNING** the Treaty of Waitangi Act 1975

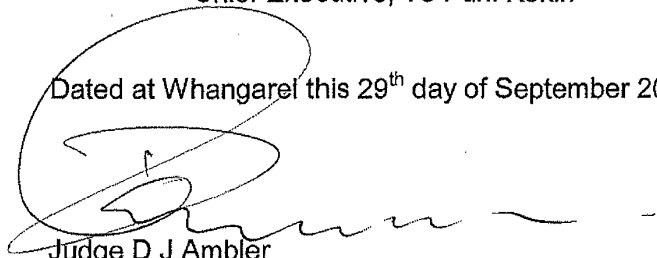
**AND** the Te Rohe Pōtae District Inquiry

**DIRECTION COMMISSIONING RESEARCH**

1. Pursuant to clause 5A of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Philip Cleaver to prepare a research report on the forestry, mining, fishing and tourism economic sectors for the Te Rohe Pōtae district inquiry. For each of these sectors the report should cover the following matters:
  - a) What economic opportunities have existed in the Te Rohe Pōtae inquiry district for the development of each industry? What entities evolved to develop the economic opportunities that existed? What role did the Crown play in the development of these entities?
  - b) Did Māori seek to participate in, or have influence over, these sectors of economic activity? If so, what role did they play and how did this change over time?
  - c) What benefits to Māori, if any, arose as a result of economic activity in each sector? Were there any negative socio-economic or cultural effects on Māori associated with each sector?
  - d) What obstacles to participation or influence over economic activity in these sectors, if any, did Māori face that the government and/or other private non-Māori competitors did not?
  - e) To what extent were these obstacles the result of government actions or omissions? What steps did governments take to remove or mitigate obstacles to Māori participation or influence?
  - f) In particular, did governments provide Māori with any special assistance with the aim of enabling them to participate in, or have influence over, these sectors of economic activity? If so, what was the outcome?
2. The researcher will consult with affected claimant groups to determine what issues they consider to be of particular significance to their claims in respect of the above matters and to access such relevant oral and documentary information as they wish to make available.
3. The commission commenced on 14 December 2009. A complete draft of the report is to be submitted by 23 December 2010 and will be circulated to claimants and the Crown for comment.

4. The commission ends on 4 February 2011, at which time one copy of the final report must be submitted for filing in unbound form. An electronic copy of the report should also be provided in Word or Adobe Acrobat format. Indexed copies of any supporting documents or transcripts are also to be provided as soon as it is practicable after the final report is filed. The report and any subsequent evidential material based on it must be filed through the Registrar.
5. At the discretion of the Presiding Officer the commission may be extended if one or more of the following conditions apply:
  - a) the terms of the commission are changed so as to increase the scope of work;
  - b) more time is required for completing one or more project components owing to unforeseeable circumstances, such as illness or denial of access to primary sources;
  - c) the Presiding Officer directs that the services of the commissionee be temporarily reassigned to a higher priority task for the inquiry;
  - d) the commissionee is required to prepare for and/or give evidence in another inquiry during the commission period.
6. The report may be received as evidence and the author may be cross-examined on it.
7. The Registrar is to send copies of this direction to:
  - Philip Cleaver
  - Claimant counsel and unrepresented claimants in the Te Rohe Pōtae district inquiry
  - Chief Historian, Waitangi Tribunal
  - Manager - Research/Report Writing Services, Waitangi Tribunal
  - Inquiry Facilitator, Waitangi Tribunal
  - Solicitor-General, Crown Law Office
  - Director, Office of Treaty Settlements
  - Chief Executive, Crown Forestry Rental Trust
  - Chief Executive, Te Puni Kōkiri

Dated at Whangarei this 29<sup>th</sup> day of September 2010.



Judge D J Ambler  
Presiding Officer

**WAITANGI TRIBUNAL**



Waitangi Tribunal, May 2008  
reused Feb 2010, nh

