

RANGAHAUA WHANUI DISTRICT 4

TE UREWERA

ANITA MILES

MARCH 1999

WORKING PAPER : FIRST RELEASE

WAITANGI TRIBUNAL

RANGAHAUA WHANUI SERIES

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## FOREWORD

The research report that follows is one of a series of historical surveys commissioned by the Waitangi Tribunal as part of its Rangahaua Whanui programme. In its present form, it has the status of a working paper: first release. It is published now so that claimants and other interested parties may be aware of its contents and, should they so wish, comment on them and add further information and insights. The publication of the report is also an invitation to claimants and historians to enter into dialogue with the author. The Tribunal knows from experience that such a dialogue will enhance the value of the report when it is published in its final form. The views contained in the report are those of the author and are not those of the Waitangi Tribunal, which will receive the final version as evidence in its hearings of claims.

Other district reports have been, or will be, published in this series, which, when complete, will provide a national theme of loss of land and other resources by Maori since 1840. Each survey has been written in the light of the objectives of the Rangahaua Whanui project, as set out in a practice note by the chairperson of the Waitangi Tribunal, E T J Durie, in September 1993 (included as an appendix to this report).

I must emphasise that Rangahaua Whanui district surveys are intended to be one contribution only to the local and national issues, which are invariably complex and capable of being interpreted from more than one point of view. They have been written largely from published and printed sources and from archival materials, which were predominantly written in English by Pakeha. They make no claim to reflect Maori interpretations: that is the prerogative of kaumatua and claimant historians. This survey is to be seen as a first attempt to provide a context within which particular claims may be located and developed.

The Tribunal would welcome responses to this report, and comments should be addressed to:

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The Waitangi Tribunal  
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## PREFACE

Tena koutou. My name is Anita Miles and I am a senior research officer at the Waitangi Tribunal. I am a Pakeha of English, Irish, and Scots descent, and I live in Wellington. I graduated from Victoria University of Wellington in 1990 with an honour's degree in anthropology, and have subsequently studied at Victoria for a masters' degree in social science research.

I have completed reports on Oriwa 1B3 (Wai 67); Kopukairoa Maunga (Wai 162); Maraehako C3D (Wai 224); and the Te Horo development scheme (Wai 149). I have also co-authored research for the Eastern Bay of Plenty inquiry (Wai 46). I began research for this report in 1994, and have worked on this report intermittently since that time. In the same period, I have also been responsible for the facilitation of claims in the Urewera and Ika Whenua districts. I am still the facilitator for these regions, and am involved in further research for the Urewera district inquiry.

I would like to acknowledge the assistance of several people who helped me during the preparation of this report. First and foremost, I would like to thank Dr Grant Phillipson for his patience and his careful reading of my drafts. Siân Daly researched and wrote a draft chapter for this report (now chapter 6: 'The Utilisation of the Urewera: A Question of Sovereignty'), and Nicola Bright, at the time a masters' student at Massey and a research cadet at the Tribunal, helped with some research and reference checking for chapters 1, 2, and 3. I would also like to thank Paul Hamer for his editorial assistance and comments.



## INTRODUCTION

### **INTRO.1 THE RANGAHAUA WHANUI PROJECT**

This report is one of a series of reports written for the Waitangi Tribunal's Rangahaua Whanui project. In a practice note dated 23 September 1993, the Tribunal explained that the purpose behind the Rangahaua Whanui research initiative was to provide a historical overview of relevant Crown policy and actions that contributed to Maori land loss and other Treaty grievances. The practice note stated that:

It is now clear that the complaints concerning specified lands in many small claims, relate to Crown policy that affected numerous other lands as well, and that the Crown actions complained of in certain tribal claims, likewise affected all or several tribes, (although not necessarily to the same degree).

It further appears the claims as a whole require an historical review of relevant Crown policy and action in which both single issue and major claims can be properly contextualised.

The several, successive and seriatim hearing of claims has not facilitated the efficient despatch of long outstanding grievances and is duplicating the research of common issues. Findings in one case may also affect others still to be heard who may hold competing views and for that and other reasons, the current process may unfairly advantage those cases first dealt with in the long claimant queue.

To alleviate these problems and to further assist the prioritising, grouping, marshalling, and hearing of claims, a national review of claims is now proposed.

This report, then, should be read as a broad overview of relevant Crown policy and actions to assist parties in their evaluation of Treaty grievances in their proper historical context.

### **INTRO.2 THE BOUNDARIES OF DISTRICT 4**

For the purposes of the project, the country was divided up into 15 geographic districts. The boundaries of the Rangahaua Whanui districts were based on local catchment area and Government boundaries, but as the research methodology for this project developed, it became clear, in some instances, that these boundaries would have to be amended to take account of iwi movements and overlapping areas of interest. The boundaries for Rangahaua Whanui district 4, the Urewera district, were originally going to be based upon the boundaries of the Urewera District Native Reserve, established in 1896, but were expanded as it became clear that the fate of adjacent lands were critical to the Urewera claims.

This enlargement of scope beyond the strict 1896 reserve boundaries makes the boundaries of district four less easy to determine with precision. Broadly, the district

commences in the north at about present-day Taneatua, then continues west and south to meet the Rangitaiki River at about Te Mahoe. The Rangitaiki River, and the Wheao, more or less form the western boundary of the Urewera research district, until the boundary then turns eastward, taking in Heruiwi and Whirinaki lands, until it reaches the Waiiau River, then turns gently north and eastward to encompass the Waikaremoana district. From this point, the boundary then follows the western boundary of the old Urewera reserve in a northward direction, then turns northwest, taking in the Waimana lands and meets the starting point at Taneatua. The Rangahaua Whanui Urewera district is represented in figure 1. Roughly, this area would comprise approximately 775,000 acres, though it must be stressed that this is a very approximate estimate. The figure was arrived at by adding various areas of land blocks that went before the Native Land Court, where known, to the area of the old Urewera reserve. The boundaries of this area are flexible, and the report strays beyond them where necessary, to maintain the integrity of the narrative.

As a consequence of this, there will be some overlap of historical issues with other Rangahaua Whanui district reports that examine land loss in areas adjacent to the Urewera district. The reader is directed to consider the reports by Joy Hippolite, *Wairoa*, and by Brian Bargh, *The Volcanic Plateau*. There is no similar district report for the coastal Bay of Plenty, district 3, because this area was subject to research and inquiry in the Eastern Bay of Penty hearings at the commencement of the Rangahaua Whanui project (see the record of documents for the Wai 46 and other claims inquiry). Where this report traverses issues and land interests of relevance to district 3, research reports on the Wai 46 record of inquiry have been noted.

At 1840, the entire Urewera district was owned, occupied, and utilised by Maori. While it is in no way suggested that the district 4 boundary is an iwi boundary, it largely comprises the lands once owned by one major iwi, the Tuhoe tribe. Where appropriate to the narrative, the overlapping interests of other hapu and iwi, such as Ngati Whare, Ngati Manawa, or Ngati Kahungunu, have been noted. None the less, unlike other Rangahaua Whanui district reports that involve multiple iwi groups, the district 4 report is largely 'tribal' in nature, in that it focuses on the Tuhoe experience of colonisation and that tribe's relationship with the Crown. The alienation of Urewera lands occurs within the context of a coherent and distinctive story, which underpins and connects this region's single and multi-issue claims before the Waitangi Tribunal. The theme of the Crown's efforts to extend its authority, in a real and not just a nominal sense, over the Urewera, and Tuhoe resistance to this pressure, is writ large in the following research. It is, however, beyond the scope of this report to be able to explore the issues involved in every claim or every block within district 4, and the author acknowledges that this report would have been the richer for an examination, say, of the alienation of land in the Heruiwi–Whirinaki areas in the west of the district, and the Tahora and Oamaru blocks lying to the east of the old reserve boundary. Time constraints, which limited the amount of primary research undertaken for this study, in conjunction with a lack of secondary source material, meant that an adequate examination of alienation in these areas was not conducted.

This Urewera district is largely mountainous in nature, and is dissected by the Rangitaiki, Whirinaki, Whakatane, and Tauranga (or Waimana) Rivers. The principal areas of Maori settlement were about Ruatoki–Waimana, the Whakatane River valley, and the Ruatahuna, Te Whaiti, and Rangitaiki areas. To the south-east of this district, Lake Waikaremoana supported a small population and provided food resources. In keeping with nineteenth-century officials and commentators on the Urewera region, this report sometimes employs the distinction between the ‘interior’ Urewera and its hapu, enclosed by the Ikawhenua, Huiarau, and Raukumara Ranges, and the more accessible, flatter territories on the margins of the mountainous heartland. Between the Rangitaiki River and the Ikawhenua Ranges is a relatively flat area of land known as the Galatea Basin; a main centre of settlement here was at Waiohau. Other flat lands were found in the Ruatoki, Waimana, and Opouriao districts.

### **INTRO.3 THE STRUCTURE OF THE REPORT**

Chapter 1 of this report provides a brief description of the people of the Urewera district and the relationships (both genealogical and political, where possible) between them, and gives an insight into nineteenth-century occupation patterns in the Urewera. This is necessary in order that the reader can appreciate various claims of customary right and occupation in the district. Additionally, because this report is designed to examine the means of land loss, which transpired in this area largely through Crown confiscations and purchases, a traditional history should assist in accurately identifying with whom these dealings occurred or should have occurred, and who was affected by them. This report has relied mainly upon secondary sources for this important information. Undoubtedly, claimants before the Waitangi Tribunal would be able to correct and refine the summary given in this chapter, and the author would welcome such comment. Chapter 1 also provides a brief survey of the geography of the Urewera and its resources.

Chapter 2 describes the contact, or lack of it, between Urewera Maori and Europeans in the early to mid-nineteenth century. The cultural and economic impact of the small European settler populations of the Bay of Plenty and Wairoa districts on the Urewera communities is examined, mainly in the context of trade and missionary activities. The nature of the political relationship between the Crown and Urewera Maori, prior to confiscation, is discussed, with a focus on an official report submitted by the resident magistrate, C Hunter Brown. It describes his attempts to promote Grey’s ‘runanga’ scheme among Tuhoe. The impressions that Tuhoe made upon those early Europeans who encountered them is also canvassed, and it is suggested that these perceptions coloured the official treatment of that iwi. Further, the idea that Tuhoe were not as ‘untouched’ by European impact, or as culturally conservative as is sometimes thought, is suggested. Some estimations of the Tuhoe population in the nineteenth century are also discussed, but are qualified by an appreciation of the difficulties involved in giving accurate historical figures in terms of Maori

populations. The Urewera district has historically straddled the boundaries of various counties and districts for which official figures have been provided, resulting in confusion as to the hapu groups and areas referred to.

Chapter 3 examines Tuhoe involvement in the New Zealand wars from about 1864 to 1867, including the guerilla campaign conducted by some Tuhoe after the Crown invasion of the Opotiki district in 1865. The serious consequences of Tuhoe support of the Kingitanga and of Pai Marire are canvassed. On 17 January 1866, the Governor proclaimed a vast area of the eastern Bay of Plenty confiscated pursuant to the New Zealand Settlements Act 1863. Tuhoe historians assert that the extent of Tuhoe interests in this confiscated district is not generally appreciated; this chapter, then, surveys the extent of these alleged interests. Tuhoe leaders made several claims in the Compensation Court for the return of these confiscated territories, and this chapter examines the fate of these claims, and their resurrection in the twentieth century before the Sim commission.

Following the rejection of Tuhoe claims in the Compensation Court, the tribe was unable to agree on a single strategy or policy for dealing with Crown incursions into Tuhoe territory. Chapter 4, then, examines the different tactics employed by Tuhoe groups in their resistance to Government forces. The impact that Te Kooti made on Tuhoe in this period, and the cost borne by the tribe for their support of Te Kooti, is also examined. The Government invasion of the Urewera district, and the subsequent terms of the peace made between the tribe and McLean, are explored. This agreement, which apparently assured to Tuhoe recognition of their chiefly authority over their lands and affairs, was a key point of reference for Tuhoe in their definition of their relationship with the Crown for the next 25 years.

The major theme of chapter 5 is how Tuhoe defined their political position in relation to the activities of the Native Land Court in the years following raupatu. Tuhoe formed a tribal council known as Te Whitu Tekau, or the Seventy, in order to protect the tribal estate, the boundaries of which had been explicitly defined in correspondence to the Government. Te Whitu Tekau assumed the responsibility of preventing application for survey of land, or investigation of title, or any other actions which might have led to the alienation of land or resources within the newly defined ring boundary.

Chapter 5 describes how Tuhoe's asserted boundaries and prohibitions came under threat from the competing claims of other iwi, and from its own hapu, through actions such as leasing, and taking land to court. This process of encroachment on Tuhoe boundaries is examined by way of case study, as it was impossible to explore all issues associated with every block that went before the Native Land Court, or every hearing in which Tuhoe claimants or witnesses appeared. The case studies chosen for the purposes of this chapter were the Waimana and Kuhawaea blocks, and four blocks to the south of Lake Waikaremoana known as Taramarama, Waiau, Tukurangi, and Ruakituri. It is hoped that the generalist nature of this chapter will be supported in future by detailed case studies of other blocks that went before the Native Land Court as the Urewera district research casebook is assembled.

Chapter 6 of this report is critical in many ways, because it describes the background to the passing of the Urewera District Native Reserve Act 1896. Tuhoe wanted official recognition of the 'protectorate' they believed they had been promised by Donald McLean in 1871, while Premier Seddon wanted to be able to tell the nation that he had finally brought the Urewera under the mantle of the law. Tuhoe were able to extract major concessions from the Government in the passing of their own special legislation, and the Act provided for the 'local government' of the Urewera district by representative Maori bodies. The establishment of both local block committees and an overarching tribal general committee went some way to acknowledging the relationship of hapu and tribe. Moreover, only the general committee could authorise the alienation of Urewera land. By the terms of the Act, Tuhoe were empowered to alienate land only to the Crown; it retained a right of monopoly purchase. Nevertheless, a title system was established to exclude the Native Land Court and provide Tuhoe with legally recognised institutions that would enable them to control the vesting and alienation of land themselves. It had the potential to be a bold and far-reaching experiment for both the Crown and Maori.

Chapter 7 broadly examines the investigation of title of the lands within the Urewera reserve. This was undertaken by a five-man commission, three of whom were to be Tuhoe, so that the tribe would retain a majority influence during the investigation. The Urewera commission had to divide the Urewera into hapu blocks and to list individual owners of these blocks as well their respective relative interests. Title determination, by the terms of the Urewera District Native Reserve Act 1896, was meant to proceed according to Maori custom, but many complaints from Tuhoe owners suggest that relative interests were calculated on an apparently alien basis. This process sparked numerous appeals, and these were heard by a second Urewera commission, which had no Tuhoe representation, and, finally, by the Appellate Court. Urewera titles were litigated from 1899 until 1912, aggravating hapu rivalries and exhausting the patience of the Government, which was by this stage eager to open Urewera land for colonisation.

Chapter 8 examines the establishment of Tuhoe's general committee, which, according to the Urewera District Native Reserve Act 1896, was meant to 'deal with all questions affecting the reserve as a whole' and whose decisions were to be binding on all Urewera owners. The committee was also the sole body that could endorse alienation of land to the Crown, but, because of the focus on determination of title, and a political power play on Carroll's part, the general committee was not formed until 1909. The functions and powers of the general committee were never clearly defined, and it was vulnerable in the face of attack from local, regional block committees, dissatisfied with attempts at centralised control over their lands. Within a year of its formal inception, the Government was acquiring agreements for sale of Urewera land without reference to the general committee. The cross-currents in the political debates of the time – leasing versus sale of land; private alienation versus a State-controlled distribution of land; and Pakeha settlement versus Maori desires for agricultural development – form the thematic basis of this chapter.

Chapter 9 describes the Crown purchase of shares within the Urewera reserve. The Government's acquisition of individual shares undercut the authority of the general committee so that group control of the alienation process was no longer possible. From June 1910 to July 1921, the Government succeeded in purchasing the equivalent of just over half of the Urewera reserve. Initially, purchase was confined to those blocks which had been nominated for sale by the general committee, but before very long it was the Native Land Purchase Board that decided where and when the Government would buy Tuhoe land. This chapter surveys the tactics employed by the Government and its purchase agents in order to acquire as much Urewera land as possible at the lowest prices.

The interests left to Tuhoe owners, or non-sellers, were scattered over 44 blocks and commingled with those purchased by the Crown. Chapter 10 examines the establishment and implementation of the Urewera consolidation scheme, designed to group and define the respective interests of Tuhoe and the Crown on the ground. The chapter examines the special legislation passed to give effect to the consolidation scheme, which was, in most part, worked out in a three-week hui held at Ruatoki. It became increasingly clear from the nature of subsequent Tuhoe complaints about consolidation that the scheme had not been fully understood by many owners and that the interests and priorities of the Crown were addressed at the expense of Tuhoe owners. This chapter examines Tuhoe understandings of consolidation, protests undertaken by various Tuhoe groups against consolidation, and the expenses borne in the scheme by remaining owners. The Urewera consolidation commissioners' orders form the basis of Urewera titles today.

Chapter 11 is the conclusion; it draws together some of the major themes and issues developed in the previous chapters, makes some general findings, and identifies issues for further research. It is hoped that this will be a useful reference point for claimants, the Crown, and others to discuss. Claimants are invited to make submissions to the Tribunal after their consideration of this research, which would go a long way in adding depth and accuracy to the narrative in its final form.

Chronologically, this report ends somewhat abruptly in the late 1920s. By this period, the great majority of Urewera lands had been alienated from Maori ownership, and the balance of power in the control and administration of these lands had clearly swung to favour the Crown. Because these themes were the focus of the Rangahaua Whanui project, the writer elected to concentrate on the period from 1896 to the 1920s, when Tuhoe lost most of their land within the reserve. Important issues subsequent to the Urewera consolidation scheme have been explored by Leah Campbell, employed by the Crown Forestry Rental Trust, in a research report entitled 'The Urewera National Park, 1952-1975'.<sup>1</sup>

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1. This report has been completed in draft form but not yet released for comment nor entered into the records of documents for this region's claims.



**INTRO.4 A NOTE ON SOURCES**

The Rangahaua Whanui district reports were to be written, as far as possible, from secondary sources, claims research, and published primary sources. While some chapters of this report reflect this directive, there was little substantive secondary source material that got to grips with the details of title investigation or land alienation in the Urewera district.

A certain amount of detail was, however, necessary in order to provide an adequate historical context for the evaluation and interpretation of Crown actions towards Maori in any particular claim. For this reason, chapters 7 through to 10 required primary research to provide the necessary information for the report. Some key primary sources consulted were two files in Maori Affairs series 13, located at National Archives. This so-called 'special files' series contained two files – MA13/90: Urewera–Te Whaiti and MA13/91: Urewera – that are an invaluable collation of official records and correspondence relating to the period under discussion in this report, and have been used extensively. It should be noted that a further file in this series – MA13/92: Urewera (Shepperd–Galvin report) – deals with a report undertaken in the 1930s that canvassed official meetings held with Tuhoe as to the preservation of the Urewera bush and other land utilisation matters. Because this period fell outside the scope of this report, this important file is not referenced in this study but has provided other researchers with valuable information.<sup>2</sup> Other important files accessed at National Archives in the Maori Affairs series were those concerned with the Urewera consolidation scheme (MA1 29/4/7, pts 1–3, Urewera Consolidation; MA1 29/4/7A, Balneavis file). Information on Crown purchasing in the Urewera native reserve was located in the Maori Affairs' Maori land purchase series (notably, MA-MLP1 1910, 10/28/1, pts 1–3, Urewera purchase; MA-MLP1 1910, 10/28/1, Ruatoki 1, 2, and 3 purchase; MA-MLP1 1910/28/11, Urewera purchase: Ruatahuna). Other material consulted at National Archives included miscellaneous files from the Maori Affairs, Justice, Agent of the General Government, and Lands and Survey series. Manuscript sources were also consulted at the Alexander Turnbull Library, notably Percy Smith's correspondence in papers of the Polynesian Society (MS1187; folder 297; MS1187; folder 292).

There is a vast amount of primary material relating to the Urewera in this period and this author does not pretend to have incorporated, or even accessed, most of it. Notably in this regard, there are sources such as the Urewera minute books, written in Maori and recording the title investigation of the Urewera, which could make an invaluable contribution to providing depth to the broad and exploratory nature of some of this research.<sup>3</sup>

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2. See Leah Campbell, 'Urewera Overview Report: Land Alienation, Consolidation and Development in the Urewera, 1912–1950', report commissioned by the Crown Forestry Rental Trust, July 1997 (Wai 36 ROD, doc A9)
  3. The Urewera minute books provide English translation summaries of evidence, and minute book 4 is a collation in English of some major evidence heard by the Urewera commission. However, it is my understanding that the summaries lack substantive detail and that much of the Maori text is yet untranslated. These minute books can be viewed at the Maori Land Court in Rotorua and are also at National Archives, Wellington, in microfiche form.

This primary research has been supplemented where possible by a major published source of official documents, the *Appendices to the Journals of the House of Representatives*. The *New Zealand Gazette*, the statute books, and the *New Zealand Parliamentary Debates* also provided useful information and commentary. Biographies of Tuhoe leaders in the *Dictionary of New Zealand Biography* were helpful in providing details on some central individuals mentioned in the narrative.

Throughout this report, acknowledgements have been made for the narrative's heavy reliance upon certain secondary sources. It is perhaps appropriate that this introduction identifies these authors and their reports, and their important contribution in the construction of this overview, though it should also be noted that the responsibility for the interpretation of their work is my own. In this regard, I would mention the thesis of Robert Wiri, 'Te Wai-Kaukau o nga Matua Tipuna: Myths, Realities, and the Determination of Mana Whenua in the Waikaremoana District', and the research of Vincent O' Malley, 'The Crown's Acquisition of the Waikaremoana Block, 1921–25' and 'The East Coast Confiscation Legislation and Its Implementation', all of which were extremely helpful in writing about events in connection with the Waikaremoana district. I also found J Sissons' book *Te Waimana – The Spring of Mana: Tuhoe History and the Colonial Encounter* to be most informative on the history and people in relation to the Waimana district. Judith Binney's biography of Te Kooti, *Redemption Songs: A Life of Te Kooti Arikirangi Te Turuki*, was invaluable in the production of the narrative of chapter 4 and for other information on the inter-hapu dynamics of the 1880s and 1890s. Stokes, Milroy, and Melbourne's book *Te Urewera nga Iwi te Whenua te Ngahere: People, Land and Forests of Te Urewera* is a really useful general introduction to the Urewera region. The thesis of Hirini Melbourne, 'Te Manemanerau a te Kawanatanga: A History of the Confiscation of Tuhoe Lands in the Bay of Plenty', and the research of Bryan Gilling, 'Te Raupatu o te Whakatohea: The Confiscation of Whakatohea Land, 1865–1866', were both relied upon heavily in my discussion of the confiscation of Tuhoe land in the Bay of Plenty in chapter 3. To all these authors, I owe thanks. Perhaps inevitably, however, there are ubiquitous references to Elsdon Best's work *Tuhoe: Children of the Mist* throughout the body of this report. Such is my, and others', reliance upon Best that a discussion of this important source is undertaken at the beginning of the first chapter of this report.

## LIST OF ABBREVIATIONS

AJHR	<i>Appendices to the Journals of the House of Representatives</i>
app	appendix
ATL	Alexander Turnbull Library
ch	chapter
CMS	Church Missionary Society
comp	compiler
doc	document
ECLTIA	East Coast Land Titles Investigation Act 1866
ed	editor, edition
encl	enclosure
fig	figure
fn	footnote
fol	folio
J	Department of Justice file
LINZ	Land Information New Zealand
LS	Department of Lands and Survey file
MA	Department of Maori Affairs file
MA-MLP	Department of Maori Affairs Maori land purchase file
MS	manuscript
NA	National Archives (Wellington)
p, pp	page, pages
pt	part
RDB	<i>Raupatu Document Bank</i> (139 vols, Wellington, Waitangi Tribunal, 1990)
ROD	record of documents
s	section (of an Act)
sec	section (of a book, report, etc)
sess	session
SM	Society of Mary
UDNRA	Urewera District Native Reserve Act 1896
vol	volume
Wai	Waitangi Tribunal claim

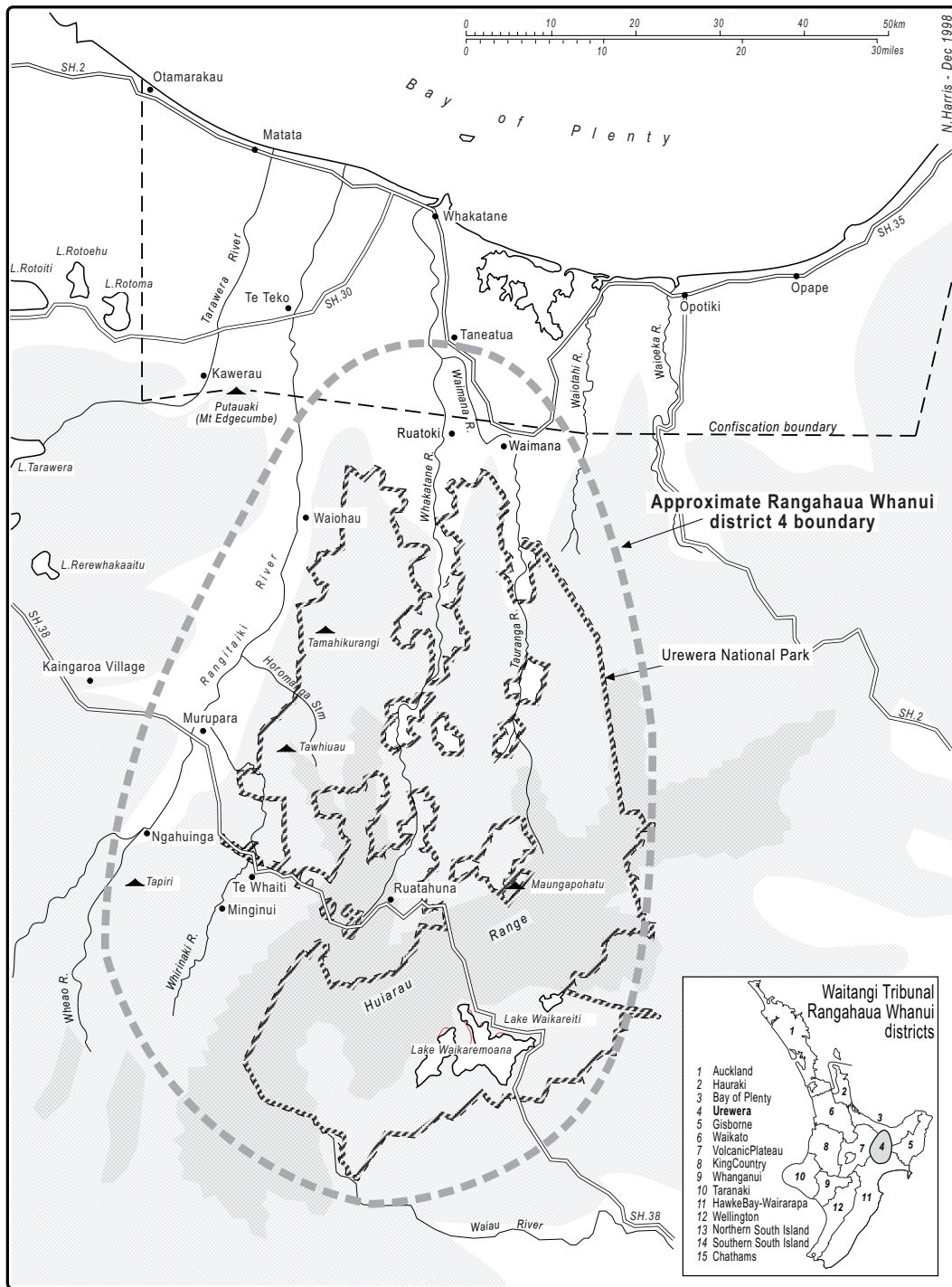


Figure 1: Location map, Te Urewera (Rangahaua Whanui district 4)

## CHAPTER 1

# THE EARLY HISTORY OF THE IWI AND HAPU OF TE UREWERA

### 1.1 INTRODUCTION

The following account provides a summary description of Urewera traditional history and the relationships between the peoples of this district. The ideas advanced herein are both brief and tentative; brief because the aim of the chapter is simply to identify the main hapu and iwi groups as participants of the later chapters of this report, and tentative because the writer asserts no expertise in the field of Maori, or Tuhoe, tribal history or genealogy. It is important to note, therefore, that the subsequent narrative is largely a synthesis of published secondary sources.

The traditions of the Urewera and Bay of Plenty tribes as interpreted by Elsdon Best form a major source through which to explore the history of the Urewera people. Best was an ethnographer who compiled a history of Tuhoe and Te Urewera over the period 1895 to 1906, relying heavily on Tuhoe oral history as given by respected rangatira such as Tutakangahau, Paitini Wi Tapeka, and Erueti Tamaikoha. *Tuhoe: Children of the Mist*, his most well-known book, was first published by the Polynesian Society in 1925. It consists of two volumes, the first being a general history of the Urewera tribes, the second a compilation of genealogical tables. He also published a number of other books and articles, many of which concerned aspects of Tuhoe culture and traditions.

Given this report's reliance upon Best as a source, however, it must be noted that Best has many modern critics who take him to task for both his colonial attitudes and his treatment of Tuhoe as museum pieces, as well as for his historical method. E Stokes, J Milroy, and H Melbourne comment that:

Best was a firm believer in human evolution and the superior advancement of European civilisation. He also believed Tuhoe had retained more of traditions and customs than other tribes who had more European contact. The process of 'civilisation' was inevitable, [and Best believed] that study of the Tuhoe would be rewarding as a study of the last vestiges of 'primitive' life.<sup>1</sup>

J Sissons has noted that, despite the lack of sense it would have made to his Tuhoe informants, Best struggled to create a unilinear, integrated history of the Urewera

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1. E Stokes, J Wharehuia Milroy, and H Melbourne, *Te Urewera nga Iwi te Whenua te Ngahere: People, Land and Forests of Te Urewera*, Hamilton, University of Waikato, 1986, p 32

district. Best himself acknowledged some of the discrepancies and weak points in his narrative but felt justified in his attempt to unravel ‘the tangled skein of the historical traditions’.<sup>2</sup> Instead of following the genealogical order of Tuhoe history, Best discriminated between substantiated tribal history, less historical migration traditions, and mythology and folklore, presenting them in an order which he felt reflected their relative historical validity.<sup>3</sup> The disjunction between the genealogical sequence and Best’s order of presentation is shown in the following table compiled by Sissons (the first column is the genealogical order, the second, Best’s order).<sup>4</sup>

1	5	‘Mythical’ ancestors of Potiki, Tamatea, Hape, Toi, and Wairaka					
2	4	Migration traditions	No migration traditions	Tamatea on Nukutere canoe	Hape on Rangimatoru canoe	No Urewera tradition	Wairaka on Mataatua canoe
3	1	Tribal ancestors	Potiki	Haeora	Hape	Toi Turanga-pikitoi	Tuhoe-Potiki
		Number of generations before 1900 (approximate)	23	15	21	26 19	13
		Tribes and sub-tribes mentioned in Sissons’ review	Nga Potiki Tamakaimoana	Te Whakatane	Te Hapeoneone Ngai Tama	Te Tini-o-Toi, Ngai Turanga	Tuhoe
4	2	Intertribal warfare, 1800–60					
5	3	‘The Coming of the White Man’					

Sissons comments that, at the time that Best was writing, the tribes and hapu of Te Urewera had formed a council of leaders to protect their sovereign independence and prevent further land alienation. He notes that the land of this confederation later composed the Urewera District Native Reserve. Best, he asserts, was seeking to give an integrated history of this political confederation, but Sissons says that ‘the tribes and hapu of the Urewera district each defined historically their separate identities and mana by relating a story or set of stories concerning their founding ancestors’. The stories relating to the ‘early tribes belonged together, not as a sequence, but as political statements’.<sup>5</sup>

While Best’s writings have been contested – and there is some doubt as to the correctness of his work concerning whakapapa especially – they are none the less an invaluable source.

2. Elsdon Best, *Tuhoe: The Children of the Mist*, 2nd ed, 2 vols, Wellington, AH and AW Reed Ltd, 1972, vol 1, p 668

3. J Sissons, *Te Waimana: The Spring of Mana – Tuhoe History and the Colonial Encounter*, Te Whenua Series 6, Dunedin, University of Otago Press, 1991, p 6

4. Ibid, p 7

5. Ibid, p 8

In this chapter, Best's writings have been supplemented, where possible, by contributions from Tuhoe historians and researchers, and from other iwi biographers. None the less, errors or omissions may have resulted, owing to the paucity of primary and oral evidence available to the author. The limitations of using secondary, and largely Pakeha, sources are acknowledged and will undoubtedly be highlighted by the later evidence of tangata whenua themselves in support of their claims. The author expects that claimants will give oral evidence to the Tribunal on these matters during the hearing of their claims.

Unlike most other districts of the Rangahaua Whanui research survey, the boundaries of district 4, the Urewera district, are largely coterminous with the rohe boundaries of just one major iwi, namely Tuhoe. This chapter, then, will largely focus on the traditions associated with Tuhoe people and those groups closely related to them.

To the nineteenth-century officials and ethnographers of this region, the terms 'Ureweras' and 'Tuhoe' were interchangeable; it was common in the 1880s to refer to the 'Urewera tribe' and the 'Tuhoi [sic] hapu'.<sup>6</sup> However, as this chapter, and possibly this report, will illustrate, it is not necessarily the iwi that has been the principal unit of Tuhoe social structure and identity. Increasingly, it is the hapu that is seen by modern historians and by Maori as having been the dominant organising feature of Maori social life. In both its genealogical and its geographic expressions, the hapu has something of a fluid nature and boundaries. Numerous lines of common ancestry form bilineal descent systems. Overlapping and interlocking interests and obligations resulted from extensive intermarriage, migration for political and economic reasons, and changes wrought by warfare. These factors were all contributors to the growth, cohesion, and sometimes disintegration of hapu. This is not to say, of course, that broader iwi and waka associations were unimportant, or Pakeha inventions, but that these allegiances were possibly brought into play less often and for specific purposes.<sup>7</sup>

It is a common enough observation that the Pakeha settlers and administrators of the last century generally failed to appreciate the primacy of the hapu and, more generally, the nature of Maori social structure. This must have been the case with Tuhoe, who lived in their 'mountain fastnesses' and had little contact with Pakeha for most of the nineteenth century. This tendency often resulted in the monolithic and static description of tangata whenua groups and the simple misidentification of the hapu or iwi at issue. Further to this, many Pakeha were unaware of the complexity of tribal whakapapa, which incorporated descent lines from 'aboriginal' groups as well as later waka traditions. What was termed the Tuhoe tribe, then, might be seen as incorporating a number of hapu groups or 'tribes'.

Angela Ballara has recently discussed the evolution of the Tuhoe iwi in a case study in her book *Iwi*.<sup>8</sup> She canvasses the growth of tribal solidarity and institutions of

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6. Tom Bennion and Anita Miles, 'Ngati Awa and Other Claims', report commissioned by the Waitangi Tribunal, September 1995 (Wai 46 ROD, doc 11), p 60

7. J Belich, *Making Peoples*, Auckland, Penguin Books, 1996, pp 83-84

8. A Ballara, *Iwi: The Dynamics of Maori Tribal Organisation from c1769 to c1945*, Wellington, Victoria University Press, 1998

authority within Tuhoe, which is particularly pertinent to historical considerations of what it means to discuss a ‘tribe’ and ‘tribal’ boundaries, and the relationship between hapu and iwi. Some thoughts on these points are offered in the conclusion of this report at section 11.1.

This chapter acknowledges, then, that as they exist today the iwi and hapu of the Urewera region are far removed from their beginnings amidst legend and ancient ‘tribal’ tradition, having undergone numerous changes through relocation, absorptions, and the creation of new hapu. Yet Tuhoe still refer to these ancient identities, and the importance of these connections has seemingly not diminished over time.

This chapter begins with a description of the Urewera region and the resources utilised by the resident hapu, followed by a brief discussion about the earliest occupants of Te Urewera. It is recognised that the limited sources available for this aspect of Te Urewera history allow only speculation as to the identities and traditions of these early groups, and that these important and contentious issues are better determined by Tuhoe themselves; hence, only a bare outline is attempted. The migration of the people of the Mataatua waka, which heralded the beginnings of major change to the genealogical traditions and tribal groupings of the area, is discussed as a focal point in the Urewera people’s history. A brief summary of the main iwi and hapu of Te Urewera, as well as the nearby groups they interacted with, is given and their evolution and movement through migration, war, conquest, and intermarriage is discussed. A summary of the identity and location of major Urewera hapu, as at the turn of the century, is reproduced at section 1.8.4. Tuhoe rangatira gave this information to a commission investigating land title in Te Urewera from 1899 to 1907.

## 1.2 THE GEOGRAPHY AND CLIMATE OF TE UREWERA

The lands of the Tuhoe tribe lie on the east coast of the North Island between Hawke’s Bay and the Bay of Plenty. More specifically, Best says that the old boundaries of the lands of the iwi originally known as Nga Potiki and later as Tuhoe encompassed the area from:

Maungapohatu to Nga Mahanga on the Whakatane River, and then westward to the watershed between the Whakatane and Rangitaiki rivers, whence it followed Te Ika-Whenua-a-Tamatea range to a point about a mile to the west of the Tarapounamu peak. From there the line ran to Maungataniwha, crossed the Waiau River, and followed the Huiarau Range to Whakataka, and thence to close the circuit at Maungapohatu.<sup>9</sup>

As the hapu of Nga Potiki and those of the adjacent lands evolved, they spread out and encompassed what later became known as the Urewera region, which included the Waikaremoana, Papuni, Waimana, Ruatoki, and Te Whaiti districts.<sup>10</sup> This expansion

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9. Urewera National Park Board, *Handbook to the Urewera National Park*, 2nd ed, Hamilton, Urewera National Park Board, 1968, p 11; Best, p 17

10. Best, p 10



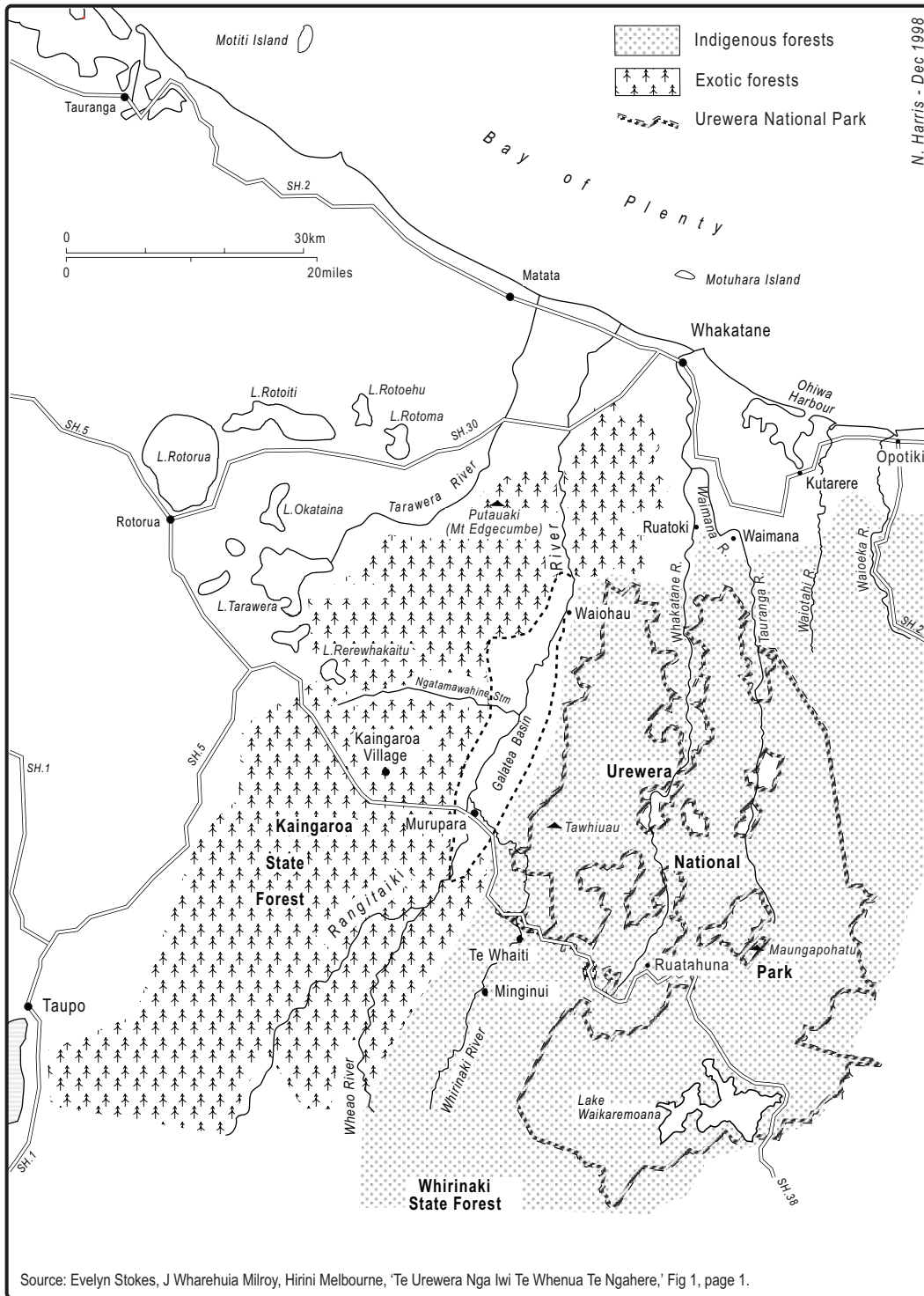


Figure 2: Location map, Te Urewera

is described elsewhere in this chapter, but the point to note here is that the Ruatoki and Waimana lands, in particular, were flatter and more agriculturally productive than the interior lands originally occupied by Nga Potiki. Best described the interior terrain as follows:

the whole of it is extremely rough, broken, mountainous forest country. At Nga-Mahanga are a few alluvial flats of very small area, but in any other part of the district it is rarely that a flat piece of land an acre in extent is seen. The district possessed no sea-board, nor did its boundaries approach in any way near the coast, until the time that the Waimana and Opouri-ao district were obtained by conquest.<sup>11</sup>

P Webster provides a more detailed geological and climatic description of the region:

The forested ranges of Te Urewera rise to 1402m and form part of the watershed between the Bay of Plenty to the north and Hawkes Bay to the south . . . The trend of the main ranges is NNE–SSW along the line of a great series of faults which run right across the Urewera. Major rivers follow the major fault lines into deeply incised gorges . . . The country is deeply dissected, with numerous streams and waterfalls which make any kind of cross country journey difficult. The sacred mountain – Maunga Pohatu – is a great tiled block of raised tertiary sandstone and siltstone, with lenses of algal limestone rising to almost 1372 m at its north end.

Broadly speaking, the climate of Te Urewera can be described as cool and moist throughout the year, without any great extremes of temperature. In winter snow falls occasionally to about 609m, and regularly on the highest summits, although it never remains so for long.<sup>12</sup>

Webster also notes that there are considerable variations in climatic conditions, even in the hours of sunshine from one side of a valley to the next:

Great differences between prevailing wind strength, and frequency and degree of frost are found within a very short distance. One may be enjoying warm sunshine and freedom from wind in one place, while less than a kilometre away areas of forest may be deep in cloud and blasted by a freezing gale.<sup>13</sup>

The rugged nature and harsh climate of Te Urewera, and the difficulties of access to it, no doubt contributed to the inhospitable reputation the area acquired with Pakeha and ensured it remained isolated from European contact for so long. These deterrents meant that European settlement was limited to the perimeter of what Tuho

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11. Best, p 8

12. P Webster, *Rua and the Maori Millennium*, Wellington, Price Milburn for Victoria University Press, 1979, pp 74, 76; see also M P Burton, 'Geology of the Ureweras', *Handbook to the Urewera National Park*, 1st ed, Hamilton, Urewera National Park Board, 1966 (cited in Webster), and Department of Lands and Survey, *Land of The Mist: The Story of the Urewera National Park*, Gisborne, Department of Lands and Survey, 1983, p 50

13. Webster, p 76

considered their rohe, and Pakeha did not push for a foothold in the interior Tuhoe lands until the late nineteenth century.

An examination of archaeological data compiled by the Historic Places Trust, in concert with Tuhoe oral accounts, indicates that the main areas of Tuhoe settlement in Te Urewera were in relatively sheltered valleys wherever a more gentle gradient of land could be taken advantage of.<sup>14</sup> Webster notes that, in spite of this tendency, there were many Tuhoe kainga sited on ridges above 610 metres that were surrounded by steep, bush-clad slopes.<sup>15</sup> Stokes, Milroy, and Melbourne also note that there were quite a few kainga and cultivations around the perimeter of Lake Waikaremoana and that the many pa, urupa, and wahi tapu here indicate a long history of habitation in the Waikaremoana area.<sup>16</sup> Tuhoe kainga, then, were widely distributed, and some of the small ones were quite isolated. Best noted that, prior to the introduction of the potato, most of the Tuhoe kainga comprised only a few whare situated in small forest clearings often of no more than a quarter of an acre in area.<sup>17</sup>

Webster, amongst others, has speculated on the reasons why Tuhoe settled in this largely inhospitable country, and he guessed that the Urewera functioned as a refuge for Tuhoe, driven from the warmer, more fertile coast by hostile and larger tribes.<sup>18</sup> He is careful to point out, however, that Tuhoe were none the less ‘intensely proud of their rugged landscape, [and] the chiefs were identified and linked mythologically with the summits of local mountains’. Remote and forbidding to outsiders, Te Urewera remained the kainga tuturu of Tuhoe.

### 1.3 TE NGAHERE: RESOURCES

Te ngahere, or the forest, was an essential part of Tuhoe existence, providing resources for food, medicine, clothing, and shelter. Surrounded by maunga, the hapu of Te Urewera was largely cut off from the sea and marine resources. However, Tuhoe expansion and close whakapapa links with more coastal hapu – Upokorehe, for example – would have provided some Tuhoe hapu with a means of access to the bounty of Ohiwa Harbour. Aside from trade and gifting with coastal hapu and iwi, Tuhoe relied heavily on the bounty of the forest, as did their tipuna Toikairakau, ‘the wood-eater’.<sup>19</sup>

Tuhoe evolved a distinctive economy adapted to their forest environment. Best’s explanation for this almost sole reliance on the forest was:

On account of the altitude of the tribal lands and the character of its climate, it followed that the Nga Potiki people were almost a non-agricultural community, inasmuch as the kumara (sweet potato), taro and hue (gourd plant) would not grow,

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14. For example, see the map in Stokes, Milroy, and Melbourne, p 331.

15. Webster, p 87

16. Stokes, Milroy, and Melbourne, p 211

17. Best in Webster, p 88

18. Ibid, p 88

19. Toikairakau is mentioned later in this chapter.

save in a few localities, as Karioi, Nga Mahanga etc . . . [Nga Potiki, later known as Tuhoe or Te Urewera] were compelled to subsist almost entirely upon the products of forest and stream.<sup>20</sup>

He also notes two sayings that were applied to Ruatahuna: 'Rua-tahuna paku kore' and 'Rua-tahuna kakahu mauku', the first meaning 'poverty-stricken Ruatahuna', the second 'mauku-clothed Ruatahuna', neither of which expresses a sterility of the land per se, but refers to the lack of cultivatable foods. Kumara could not be grown because of the altitude, and the only flax that grew there was a variety that contained a very poor fibre, which was why rough temporary mats or clothing were sometimes made from the fronds of the mauku fern. This meant that items made from flax, such as mats and clothing, were prestigious articles in the interior communities.

As the hapu situated in the interior moved outwards, through alliance and warfare, its resources also expanded. However, as Best has noted, before its conquest of the Ruatoki and Waimana districts, it initially possessed little land appropriate for cultivation, the country consisting of 'remarkably rugged and high-lying ranges'.<sup>21</sup>

Tuhoe, then, unlike many other pre-contact Maori groups, probably did not burn off a significant quantity of bush, precisely because the underlying terrain was unsuitable for cultivation.<sup>22</sup> Instead, Tuhoe became masters at exploiting forest resources. Webster has written that Tuhoe hapu 'lived a primitive marginal existence, utterly dependent upon the fluctuating annual supply of berries and the varying density of the bird population'.<sup>23</sup> To some extent, this is true, but it underplays the amount of hands-on management of forest resources and bird life necessary to sustain a human population in the bush. James Belich notes that:

The picture of gathering as an ad hoc, hand-to-mouth activity is false, for New Zealand at least. One could rarely pluck and eat in the New Zealand bush; exploiting 'nature's bounty' was a matter of foreknowledge, planning and complex processing. Few groups ever survived on gathering alone – even Best's Tuhoe had garden lands until the nineteenth century.<sup>24</sup>

It may be more accurate then, to describe the pre-contact Tuhoe economy in terms of the vast amount of human effort, knowledge, and organisation invested and developed over a long period of time, rather than in simple hunter-gatherer terminology. Belich points out that Maori generally applied certain techniques in order to increase production from the forest (which must have been especially familiar to Tuhoe):

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20. Best, *Tuhoe*, p 8

21. E Best, 'Food Products of Tuhoeland: Being Notes on the Food-supplies of a Non-agricultural Tribe of the Natives of New Zealand; Together with Some Account of Various Customs, Superstitions, etc, Pertaining to Foods', *Transactions and Proceedings of the New Zealand Institute*, vol 35, 1902, p 45

22. Which is not to say that the forest may not have been burnt for another reason; Best gives the example of Hapurona Kohi of Te Whaiti, who burnt the forest of the Huiarau Range in 1849 to assert his rights to those lands: Best, *Tuhoe*, p 478.

23. Webster, p 88

24. Belich, p 69

Forest birds were taken when fat and flightless, when their favourite berries were in fullest flower and when numbed with cold on frosty nights. Rats, creatures of habit, were trapped at night on their customary trails. Toxic and almost inedible plant foods were made to yield something: poisonous tutu berries were washed and rewashed, then carefully strained through special finely woven bags; fernroot was dried for two weeks, then baked and pounded; mamaku pith, cabbage tree roots and karaka kernels had to be cooked continuously for a day or two. Fowling often required quite specialised and sophisticated equipment, as indicated in the saying ‘You cannot make yourself a bird spear as you go’.<sup>25</sup>

During his studies in Te Urewera, Best compiled a list of the trees and plants of the region that included 293 species.<sup>26</sup> Tuhoë utilised these plants in a variety of ways. According to Firth, the forest environment provided (amongst other things):

Bark for roofing and for household vessels, raupo leaves for thatching and hut walls, kakaho flower culms of the toetoe for lining, aka creepers for eel pots and lashings, fibrous leaf-blades of toi, kiekie, and the indispensable harakeke or native flax for clothing [which did not grow in the interior Urewera], cordage, and nets were all obtained from the forest or the swamp. Dyes were also prepared from bark, black from the hinau, yellow from the karamu, and brown from the tanekaha.<sup>27</sup>

Milroy and Melbourne have commented on the traditional uses of forest resources by Tuhoë:

Among the traditional uses of the forest is the collection of plant material, such as pikopiko, watercress, puha and other ‘greens’ for food, various medicinal plants and herbal remedies, fibres such as kiekie, harakeke (flax) [only in some parts of Tuhoë’s rohe], tii, and nikau palms, and houhi (lacebark), for kits, mats, tukutuku panels and other crafts.<sup>28</sup>

Besides the plant life, the ngahere contained various species of birds and fish, which were hunted along with kiore (Polynesian rat) and occasionally kuri (dog). According to a publication of the Department of Lands and Survey, in early times the forests, lakes, rivers, and swamps of Te Urewera probably supported about 50 species of birds, ranging from the moa to the rifleman.<sup>29</sup>

Birds were an important seasonal food source; at certain times of the year huge numbers were caught and stored in their own fat. Certain areas of Te Urewera were famed for their birding (usually having the best fruit trees to attract the birds). The pepeha ‘Te Weraiti umu tahu noa’, for example, refers to the abundance of birds at Te

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25. Ibid, p 69

26. E Best, ‘Maori Forest Lore’, *Transactions and Proceedings of the New Zealand Institute*, vol 40, 1907, p 207. The list is incomplete because in some cases either the Maori names or the botanical names of many plants were not obtained. Many other plants were also not included in Best’s list because he intended it to be for a paper on ‘Maori lore’ and not that of a scientific botanist.

27. R Firth, *Economics Of The New Zealand Maori*, Wellington, Government Printer, 1972, p 65

28. Te Wharehuia Milroy and H Melbourne, ‘Te Roi o te Whenua’, 1995 (Wai 36 ROD, doc A4), p 312

29. C Atmore and B Bray (comps), M Jones (ed), *Land of The Mist: The Story of the Urewera National Park*, Gisborne, Department of Lands and Survey, 1983, p 67

Weraiti (near Ruatahuna), which filled the ovens there. Apart from being used by the whanau, potted birds were also a delicacy and were sometimes traded with outside hapu in exchange for seafood and other items not obtainable in Te Urewera, and were presented at important hui to feed manuhiri (visitors).<sup>30</sup> Best says that cords, with little snares dangling from them, were stretched across rivers, lagoons, and shoal lakes in order to trap ducks.<sup>31</sup> Kereru (or pigeon), kiwi, tui, kaka, kakariki, huia, weka, pihere (robin), pihipihi (blight bird), bellbird, whitehead, and kakapo were among the bird species taken by Tuhoe using both spears and snaring equipment. Interestingly, the pigeon trough was an entrapment method apparently introduced from the Waikato in about 1839.<sup>32</sup> Birds taken for their feathers included the kotuku (white heron), huia, hawk, and wharauoa (cuckoo).

Waterways contained freshwater fish, tuna (eels), and inanga, although Best notes that fish were not plentiful in the Urewera region:

In the way of fish the denizens of Tuhoe land are probably worse off than any other tribe . . . Very few eels are found in the upper waters of the Whakatane, and none whatever in Waikare-moana. The kokopu, a small fresh water fish, was, and is still, taken in the streams of the interior, but the inanga is only found in the lower parts of the rivers, never at Ruatahuna.<sup>33</sup>

Again, Best largely refers to the interior Urewera district, because pa tuna, or eel weirs, were constructed on the lower Whakatane and Tauranga (Waimana) Rivers.<sup>34</sup> Also, the Ngati Manawa, Ngati Whare, and Patuheuheu people enjoyed the quality eels that were found in the Rangitaiki, Whirinaki, and Wheao Rivers to the west of the Urewera district. To the east of the Urewera, the Waioeka River was also a significant source of eels (although it is not clear to what degree Tuhoe hapu could have accessed the river, given that Waioeka was also a Whakatohea preserve). Ohiwa Harbour sustained the reputation of being the food basket of the Mataatua tribes.<sup>35</sup>

Kiore were a very important food source; large populations thrived in the forest lands of Te Urewera, and Best comments that they were ‘snared in large numbers, and preserved in fat for future use’.<sup>36</sup> The domestic dog (kuri) was one of the few sources of red meat in Te Urewera, but it was not numerous enough to be an important item in the daily diet and was usually eaten only on important occasions.<sup>37</sup>

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30. When Herbert Brabant visited the Urewera in 1872, he was presented with large calabashes filled with preserved birds (these were known as taha) as payment for assistance that the Government had previously rendered Tuhoe: see AJHR, 1874, G-1A, p 2.

31. E Best, *The Maori*, 2nd ed, Wellington, Board of Ethnological Research for the Polynesian Society, pp 481–482

32. Tamarau Makarini in Urewera minute book 4, pp 2–17 (cited in Stokes, Milroy, and Melbourne, p 24)

33. Best, *Tuhoe*, p 11

34. Stokes, Milroy, and Melbourne, p 26

35. Te Wharehuia Milroy and H Melbourne, p 63

36. Best, *Tuhoe*, p 11. According to Tamarau Makarini’s comments recorded in an Urewera minute book, ‘In 1838 rats (native rats) began to be annihilated by imported European rats’. The kiore was eventually displaced by introduced rodent species: Tamarau Makarini in Urewera minute book 4/2, p 17 (English translation); Urewera minute book 2/2, p 12 (Maori version) (cited in Stokes, Milroy, and Melbourne, p 22).

37. Best, ‘Food Products of Tuhoeland’, p 47

There is not time or space for this overview report to reflect upon how the Tuhoe economy influenced, and was affected by, the organisation and dynamics of early Tuhoe settlement. However, it is useful to point out here that the seasonal or temporary nature of much of this resource gathering meant that Tuhoe might travel to different parts of their rohe at different times of the year for particular activities, necessitating both permanent and seasonal whare. This pattern of occupation and migration continued well into the late nineteenth and early twentieth centuries; in the investigation of title to the Urewera lands between 1899 and 1907 before the Urewera commission, for example, many owners were still concerned to reserve resource areas, such as pua manu or birding areas, for their continued use.

This section has not provided an exhaustive list of all the resources of Te Urewera and can be seen only as an indication of how major resources were utilised. Other types of resources, such as minerals and insects, are simply too numerous to include in this brief summary.

#### 1.4 NGA IWI ME NGA HAPU O TE UREWERA

*Na Toi raua ko Potiki te whenua, na Tuhoe te mana me te rangatiratanga.*

*The land is from Toi and Potiki, the prestige and rank from Tuhoe.*<sup>38</sup>

One of the primary ancestors of the Bay of Plenty tribes is Toi, known as Toi-kai-rakau or Toi-te-Huatahi.<sup>39</sup> According to Best, Toi was a descendant of the earliest inhabitants of Aotearoa, who had arrived here some 33 or 35 generations ago and who were commonly referred to by Best as the Maruiwi or Mouriri. More than one figure known as Toi appears in the iwi traditions of Aotearoa, and Toi and his son Whatonga also appear in Cook Island stories, where the word ‘toi’ is associated with ‘original inhabitant’.<sup>40</sup> Best cites a Ngati Awa tradition that recounts Toi being descended from Tiwakawaka, the first inhabitant of the Bay of Plenty district.<sup>41</sup> Best also noted the contention surrounding the origins of Toi:

In the following narrative [*Tuhoe: The Children of the Mist*] Toi, the famed chief of Whakatane, is spoken of as a native of this land, inasmuch as nearly all native authorities maintained that he was born here. Yet Tutakangahau, one of the most reliable of my informants, plainly told me that Toi came from the isles of Polynesia, and settled here.<sup>42</sup>

Simmons has argued that the Toi of the Bay of Plenty tradition dates from the thirteenth or fourteenth centuries, producing whakapapa sequences from the Bay of Plenty and East Coast regions to place Toi approximately 24 generations ago.<sup>43</sup> Walker

38. Best, *Tuhoe*, p 13

39. Meaning ‘Toi the wood eater’, in recognition of the early people’s reliance upon forest produce and fern root, and ‘Toi the only child’: see Best, *Tuhoe*, p 12.

40. Belich, p 58

41. Best, *Tuhoe*, p 12

42. *Ibid*, p viii

has calculated that the genealogies of the Bay of Plenty tribes such as Tuhoe, Ngati Awa, and Ngai Te Rangi, who can all claim descent from Toi, range in length from 13 to 23 generations back from a baseline of 1900.<sup>44</sup>

Toi, a famous chief who occupied the Kapu te Rangi pa at Whakatane, was the founding ancestor of many of the Urewera's early tribes, through intermarriage if not by direct descent.<sup>45</sup> The principal tribes founded by Toi were Te Tini o Awa, Te Marangaranga, Te Tini o Tuoi, Te Tini o Taunga, and Ngai Turanga.<sup>46</sup>

Best asserts that the various early tribes of the eastern Bay of Plenty area are descended from Toi through intermarriage, and he names other main ancestors of the aboriginal inhabitants as Potiki, Haeora, Hape, and Turanga-piki-toi. Because descendants of the early tribes could claim ancestry from Toi, they assumed the collective title of Te Tini o Toi, meaning the multitude of Toi. Sissons states that Te Tini o Toi territory extended west from Te Waimana to the Rangitaiki River, and then inland to Galatea and Te Whaiti.<sup>47</sup> Best says that they also occupied the valley of the Whakatane River from its mouth up to a point below Ngamahanga.

Although Toi was indisputably the founding ancestor of some of the early Urewera tribes, Best thought it was by no means certain that Toi was the founding ancestor of Nga Potiki or Te Hapuoneone. He considered that evidence pointed to the principal ancestors of these tribes, Hape and Potiki, as having been contemporaries of Toi rather than his descendants.

#### 1.4.1 Te Hapuoneone

Te Hapuoneone were one of the original occupants of the Waimana area before the arrival of the Mataatua canoe. The name of this tribe means 'the earth-born people' or 'people of the land'.<sup>48</sup> These people occupied lands from Ohiwa inland to the lower Tauranga valley, including Te Waimana, and across the Tairahia Range to Ruatoki.

Te Hapuoneone were descendants of Hape-ki-tumanui-o-te-rangi, who is believed to have come to Aotearoa on the Rangimatoru canoe, which landed at Ohiwa.<sup>49</sup> According to Best, some people said that Hape was a descendant of Toi but could not provide genealogies to prove it. Best favoured the view that Te Hapuoneone and Te Tini o Toi were two separate and distinct peoples. He states that the tribes Ngati Raumoana, Ngai Te Kapo, and Ngai Turanga are descended from Hape, as are

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43. D R Simmons, *The Great New Zealand Myth: A Study of the Discovery and Origin Traditions of the Maori*, Wellington, AH and AW Reed, 1976, pp 99–100

44. Ranginui Walker, *Ka Whawhai Tonu Matou: Struggle without End*, Auckland, Penguin Books, 1990, p 34 (cited in Robert Wiri, 'Te Wai-Kaukau o nga Matua Tipuna: Myths, Realities, and the Determination of Mana Whenua in the Waikaremoana District', MA thesis, University of Auckland, 1994 (Wai 36 ROD, doc A5), p 33)

45. Best, *Tuhoe*, p 196

46. *Ibid*, p 62

47. Sissons, p 8

48. Best, *Tuhoe*, p 59

49. *Ibid*



Tuwharetoa.<sup>50</sup> The main Ngai Te Kapo settlements were at Ruatoki, Taneatua, and Te Waimana.

### 1.4.2 Nga Potiki

Potiki was the eponymous founding ancestor of Nga Potiki. Best stated that the origin of Potiki is unclear, unlike the definite genealogies recounted by Tuhoe for Te Tini o Toi and Te Hapuoneone. However, Sissons disputes this by saying that Best ignored or relegated into insignificance the story told to him by Tutakangahau that the father of Potiki, Te Maunga, ‘came from Hawaiki, though some state that he descended from the heavens, alighting at Onini [near Ruatahuna]’.<sup>51</sup> Because other original tribes in this region are descended from Toi, Best considered that Potiki, too, may have been a descendant of Toi. However, he states that, while intermarriage was common between Nga Potiki and Te Tini o Toi, Toi was never given as an ancestor of Potiki.<sup>52</sup>

Tuhoe say that Potiki was the result of a union between the tapu mountain Maungapohatu and Hinepukohurangi, the female personification of the mist. According to Wiri, the significance of the Maunga and Hinepukohurangi story is that ‘it illustrates the fact that Potiki and his descendants are indigenous to Aotearoa and were in occupation of Te Urewera long before the migration of the Matatua [sic] canoe’.<sup>53</sup> Because Potiki is assumed to be indigenous, then, Wiri asserts that this is the reason that no canoe tradition exists for that ancestor.<sup>54</sup>

Nga Potiki, according to Best, is the ancient name for the Tuhoe or Urewera tribe:

Tuhoe are really Nga Potiki, more aboriginal in blood than Hawaikian, hence Nga Potiki would be the more correct tribal name for them at the present time. By Hawaikian I mean the later-coming migration by the Matatua [sic] and other canoes.<sup>55</sup>

Nga Potiki occupied the valley of the Whakatane River southwards from Karioi, to the west of Maungapohatu. Their ancestral lands were described by Best as ‘extremely rough, broken and mountainous forest country’, as we have noted at section 1.2.<sup>56</sup>

The subtribes of Nga Potiki living within the boundaries given by Best were Ngati Rakei or Ngati Haka, Ngai Tuahau, Ngati Huri or Tamakaimoana, Ngai Tumatarakau, Ngati Ha, Ngati Tumatawhero, Ngati Rautao, Ngati Kotore, Ngati Kuri, Ngati Tawhaki, Ngai Te Riu, Ngai Tatua, Te Waimana, Nga Maihi, and Ngati Maru.<sup>57</sup>

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50. Ibid, pp 59–60

51. Ibid, p 23 (cited in Sissons, p 17)

52. Best, *Tuhoe*, p 19

53. Wiri, p 29

54. Ibid, p 30

55. Best, *Tuhoe*, p 17

56. Ibid, p 8

57. S Melbourne, ‘Te Manemanerau a te Kawanatanga: A History of the Confiscation of Tuhoe Lands in the Bay of Plenty’, MA thesis, University of Waikato, 1987, p 1. The boundaries are described in detail by Best, *Tuhoe*, p 17, and are also cited in Melbourne.

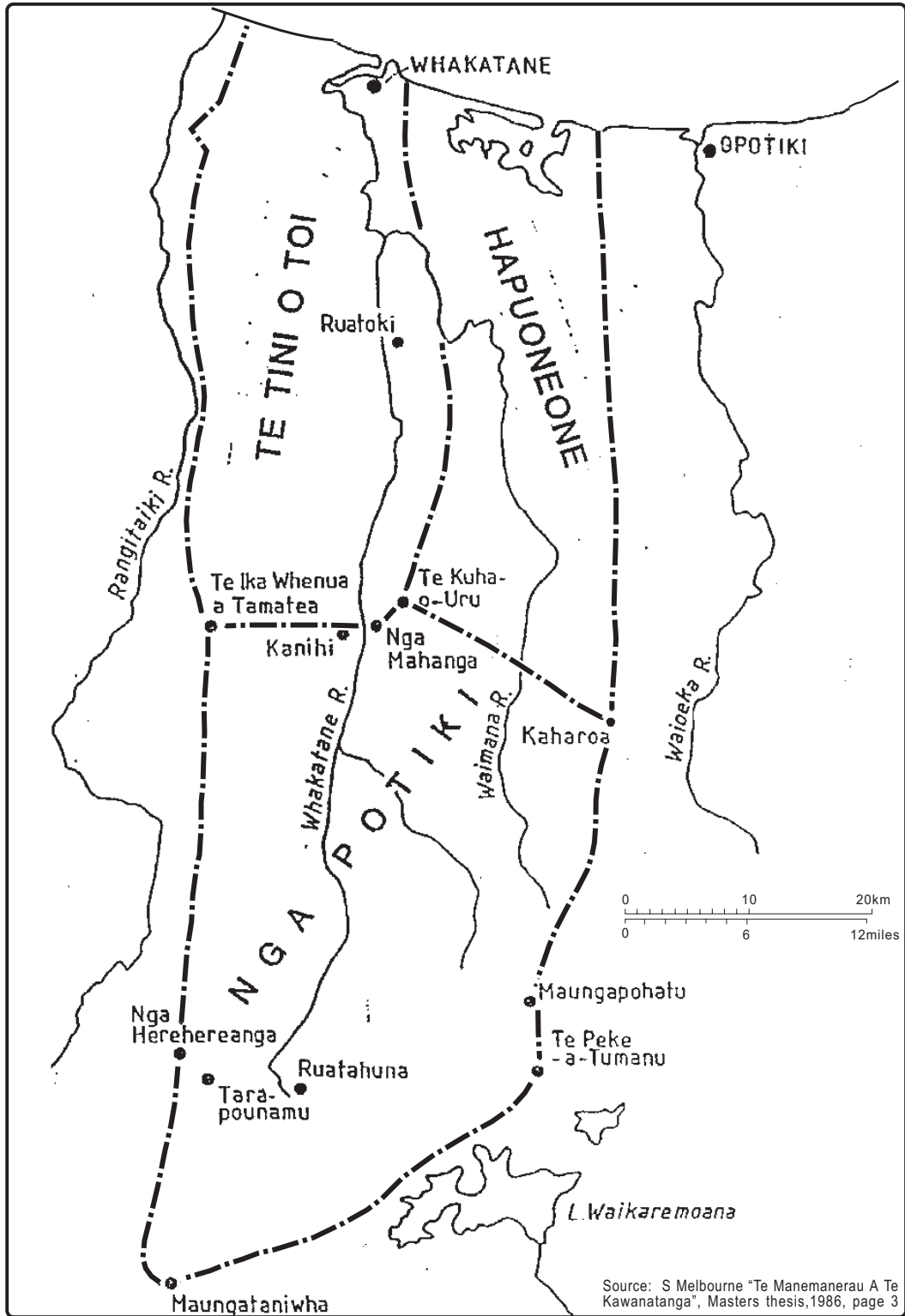


Figure 3: 'Tangata whenua boundaries'

### 1.4.3 Te Whakatane

The descendants of Haeora are known as Te Whakatane. They lived to the west of the Tauranga River between Maungapohatu and Matahi. Best recorded a tradition whereby Te Whakatane claimed to be descended from Tamatea-nuku-roa, who came to the Bay of Plenty on the canoe Nukutere, bringing the taro, tikouka (cabbage tree), and karaka tree. However, Best considered substantiated genealogy to begin with Tamatea's grandson Haeora, and Haeora's adopted son, Kahuki. Kahuki's father was killed at Ohiwa and his mother, Rangiparoro, fled to Kaharoa with her child. There she met, and later married, Haeora of Te Whakatane.<sup>58</sup>

Because there was so much intermarriage between Te Whakatane and Tuhoe, and also with divisions of Te Whakatohea, the name Te Whakatane was rarely heard even in the late 1800s. This led Best to the assumption that these people had lost their tribal identity.<sup>59</sup> Commenting on Best's assertion that Mataatua blood (later immigrants who arrived on the Mataatua waka) was absorbed or 'quickly diluted' with that of the early tribes, Sissons makes the point that Tuhoe tribes would not necessarily see intermarriage as absorption. He relates a story in which it was suggested to a leading rangatira of Te Whakatane in 1889 that the tribe had become indistinguishable from Tuhoe. The chief angrily denied that his mana had been absorbed by Tuhoe and replied that it had been kept from the founding ancestor Haeora to the present time.<sup>60</sup>

### 1.4.4 Ngai Taurira

According to Best, Ngai Taurira were a very early tribe who occupied Te Wairoa, Waiau, Ruakituri, and possibly Waikaremoana, generations before the arrival of the Mataatua and Horouta canoes.<sup>61</sup>

Wiri, however, points out that there is little detailed evidence relating to the origins and histories of Ngai Taurira and that many of these early tribes were absorbed into the tribes and traditions of various later waka that came to Aotearoa. Thus, Ngai Taurira came to be displaced by the more dominant Ngati Kahungunu, just as the traditions of Toi and Potiki were displaced by those of the Mataatua canoe.<sup>62</sup>

Ngai Taurira also occupied parts of Te Wairoa and Te Wairau when Ngati Kahungunu people were expelled from Turanga and made their way to Wairoa. There, the two groups coexisted until two incidents in which Ngai Taurira provoked attack from Ngati Kahungunu. Ngai Taurira were defeated and their pa destroyed.<sup>63</sup>

These early tribes of Te Urewera evolved over time to form new identities and in some cases assumed new tribal names. As Sissons has observed:

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58. Best, *Tuhoe*, pp 90–92, 98

59. *Ibid*, p 92

60. Sissons, p 8

61. Best, *Tuhoe*, p 49 (cited in Wiri, p 82)

62. Wiri, p 84

63. J H Mitchell, *Takitimu*, Gisborne, Te Rau Press, 1972, p 103 (cited in Wiri, p 91)

Te Tini O Toi, Te Hapu-oneone and Nga Potiki are no longer thought of as distinct tribes or confederations and these names are now distant echoes. They were important, however, when Tuhoe's Mataatua ancestors arrived from Hawaiki.<sup>64</sup>

Melbourne, too, notes that, where the boundaries of the descendants of Toi, Potiki, and Hape met, intermarriage inevitably occurred, resulting in the establishment of new alliances and groups with new identities:

politically and economically, each tribe was an autonomous unit whose authority and jurisdiction extended to the limits of their own territories. Group security was furthered through close cooperation with other groups sharing the same environment. Cooperation was easily solicited through shared lineages that extended back to one or more of the original ancestors of Potiki, Toi or Hape.<sup>65</sup>

The arrival of the Mataatua canoe brought further change to the original tribes. It carried the principal ancestors from whom later tribes such as Tuhoe, Ngati Awa, and Whakatohea claim descent.

## 1.5 MATAATUA AND TUHOE

### 1.5.1 The Mataatua waka

Those ancestors who came to Aotearoa aboard the Mataatua waka had far reaching effects on the genealogy and tribal groupings of the earlier tribes in Te Urewera, even though only a handful of these immigrants settled in the region. The earlier tribes were eventually dominated by the hapu and iwi founded by these Mataatua ancestors, which is a testament to their high status and the regard in which they were held.

According to Best, the waka arrived in the Bay of Plenty some 16½ generations prior to 1900, and was one of a number of waka to explore the Bay of Plenty coastline over successive generations.<sup>66</sup> According to Robertson, Toroa (who was the principal chief and captain of the Mataatua waka) and his people arrived in the Bay of Plenty some generations after the arrival of the Tainui and Te Arawa canoes:

It is clear that other people with at least as good a claim to Hawaiki origin . . . had already been in the district for many years, and the kumara was almost certainly known. The story indicates quite a heavy two-way traffic between New Zealand and Hawaiki: Kanioro, Pou-rangahua, Taukata and Hoaki, Ara-tawhao, Mataatua, were all separate trips.<sup>67</sup>

The Mataatua waka first landed at Whangaparaoa but continued along the Bay of Plenty coastline before berthing at the mouth of the Whakatane River. The occupants

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64. Sissons, p 34

65. Melbourne, p 2

66. Best, *Tuhoe*, p 21. Best estimated a generation to be approximately 25 years.

67. J B W Robertson, 'The Early Traditions of the Whakatane District', *Journal of the Polynesian Society*, vol 75, no 2, June 1996, p 196

of the Mataatua, intermarrying with the established Te Tini o Toi tribes, then spread along the Bay of Plenty coast and into the interior.

Best recounts that when the Mataatua canoe arrived in the region, they found Te Hapuoneone occupying the land from Whakatane to Opotiki, Ngai Turanga in possession of the Ruatoki and Opouriao districts, Nga Potiki living at Ruatahuna, and the Marangaranga tribe occupying the Rangitaiki valley. The Wai-o-hua or Kotore-o-hua tribe lived between Whakatane and Matata and Te Tini o Kawerau on the upper Tarawera River and near Putauaki.

The descendants of Toroa and his family spread out among the early tribes of Te Urewera and the Bay of Plenty. Toroa, along with the family members who accompanied him on the Mataatua waka, are now seen as the principal ancestors of many of these iwi. Ngati Awa are descended from Toroa's son Rua-ihonga. They established themselves on the coastal lands from Whakatane to Matata. The descendants of Wairaka, Toroa's daughter, are the Tuhoe people who occupied the interior lands of Te Urewera.<sup>68</sup> Whakatohea are descended from Toroa's sister Muriwai and are closely aligned with Ngai Tai and Whanau-a-Apanui on their western border. Whakatohea occupied the coastal regions east of Ohiwa.<sup>69</sup> Although these tribes are closely related, they maintain separate identities, which are still strongly adhered to.

Some time after Mataatua settlement in the Bay of Plenty, it is said that a dispute arose between Toroa and his brother Puhi, which ended with Puhi taking the Mataatua canoe and sailing northwards with the rest of the immigrants. Puhi and his descendants settled in the north and became known as the Nga Puhi tribe. Only Toroa and his immediate family remained in the Bay of Plenty.<sup>70</sup>

Many stories have survived which tell of events associated with these tipuna, such as the journey of Taneatua, who named places at which he stopped on his journeys inland, and the story of Muriwai (or Wairaka, depending on which version is told), who uttered the famous words 'kia ake whakatane au i ahau', or 'let me act as a man', when she took charge of the waka upon its arrival at Whakatane.<sup>71</sup> Variations between these oral historical accounts, however, should not detract from their importance to the iwi and hapu of Te Urewera.

The arrival of the Mataatua waka and the subsequent dispersal of its occupants remains a paramount event in the tribal histories of the iwi and hapu involved. It has provided the basis for a strong genealogical network between tribal groups that could be called on in times of strife, and, in many cases, it made alliances possible between groups that might superficially have seemed unlikely friends. Sissons, commenting on the significance of the Mataatua waka, says that it 'remains an important focus for

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68. Best mentions that some Tuhoe are also descended from Muriwai, but she is apparently not considered a tribal ancestor of importance in this instance: see Best, *Tuhoe*, p 233.

69. According to Evelyn Stokes, Ngai Tai are a small group of Tainui descent who occupy an area to the east of Opotiki. They are primarily descended from people who left the Tainui waka shortly after its first arrival at Whangaparaoa: see Stokes, Milroy, and Melbourne, p 12.

70. Best, *Tuhoe*, p 728

71. Sissons, p 47

inter-tribal relations and is often referred to in *whaikorero* (formal speeches and debates) on local *marae*'.<sup>72</sup>

### 1.5.2 Tuhoe

According to the tradition recorded by Best, intermarriage with the aboriginal Te Tini o Toi tribes of the region began with the first generation of Mataatua arrivals. Indeed, Wairaka, daughter of Toroa, married Rangi-ki-tua of Ngai Turanga. The descendants of Wairaka spread southward from the coast and married into Nga Potiki to become the ancestors of Tuhoe. Wairaka's grandson was Tuhoe's eponymous ancestor, Tuhoe-Potiki. Taneatua, possibly a brother of Toroa, married Hine-mata-roa of Nga Potiki and produced (amongst others) a daughter called Pae-whiti. Pae-whiti married Tamatea-ki-te-huatahi, who was the son of Wairaka, and Tuhoe-Potiki was the result of this union.<sup>73</sup>

According to Melbourne, Tuhoe:

have inter-married to a great extent with the descendants of [Tuhoe-Potiki's] two elder brothers [Tanemoeahi and Ueimua]. Probably nearly all the living descendants of Tanemoeahi are also descendants of Tuhoe Potiki. Many of the descendants of Ueimua, however, are now known as Ngati Awa, Ngati Pukeko, Pahi Poto or by other names. These intermarital connections have not affected the separate standing of the tribes. It was merely incidental. Each tribe retained a separate identity and wars were waged among them.<sup>74</sup>

Later, Tuhoe was to reinforce his links both with Te Tini o Toi by marrying Pare Taranui of that tribe and with Te Hapuoneone by marrying Tomairangi.<sup>75</sup>

Tuhoe, therefore, have strong ties to their Nga Potiki ancestors and to the Mataatua immigrants. Best comments that the extension of Mataatua influence occurred not only through marriage but also through raids, and states that this is the origin of the old Tuhoe saying: 'Na Toi raua ko Potiki te whenua, na Tuhoe te mana me te rangatiratanga'. Best translates this as: 'The land is from Toi and Potiki, the prestige and rank from Tuhoe', while Wiri offers the translation as: 'The land belongs to Toi and Potiki, but the sovereignty and chieftainship belong to Tuhoe'.<sup>76</sup> Best interprets this saying to mean that Tuhoe had the right to their tribal lands through their ancestors, who were of the original people, but their mana and rank came from the Mataatua immigrants.<sup>77</sup> This interpretation has also been upheld by Tuhoe tribal historians Wharehuia Milroy and Hirini Melbourne.<sup>78</sup> When Tuhoe-Potiki and his siblings initially settled at Ruatoki, he says, they claimed occupation rights as descendants of Turanga-piki-toi; that is, as members of one of the 'original tribes', Ngai Turanga.<sup>79</sup>

72. Ibid, p 38

73. Best, *Tuhoe*, p 210

74. Melbourne, pp 4-5

75. Ibid, p 4

76. Wiri, p 52

77. Best, *Tuhoe*, pp 13, 233

78. Milroy and Melbourne, p 22

Wiri concludes that the influence of Tuhoe-Potiki became ‘paramount’ in Te Urewera and he unified the tribes of the region as the successor to the mana of Toi and Potiki.<sup>80</sup>

As has been noted, the majority of the crew of the Mataatua did not settle in the Urewera district. Only Toroa’s family, comprising Toroa, Taneatua, Muriwai, and Toroa’s children Rua-ihonga and Wairaka, intermarried with Te Tini o Toi. This prompted Best to surmise that Tuhoe are more ‘aboriginal’ than ‘Mataatuan’, meaning that he linked them more closely to their ancestors from the earlier tribes than with those of the Mataatua waka. However, he states that the aho ariki of Tuhoe (the aho ariki being the senior chiefly line of descent that bestows the highest authority, respect, and tapu, and that confers mana on the chiefs) is from Whaitiri-i-te-rangi through Toroa.<sup>81</sup>

### 1.6 NGATI MANAWA AND NGATI WHARE

Much of the following information on Ngati Manawa and Ngati Whare’s origin is derived from a booklet by Henry Tahawai Bird, a Ngati Manawa kaumatua, entitled *Te Kuranui-o Ngati Manawa*, which can be located on the Ika Whenua record of documents.<sup>82</sup>

On the south-west margins of the Urewera National Park, about the Rangitaiki and Whirinaki River valleys, are the tribal lands of Ngati Manawa and Ngati Whare. In modern times, Ngati Manawa have been centred about Murupara, while Ngati Whare largely resided at Te Whaiti and Minginui.

According to Best and to Bird, the Marangaranga were the original occupiers of the Rangitaiki and Whirinaki valleys. Bird states that:

The Marangaranga occupied the upper reaches of the Rangitaiki valley from Putauaki in the north, the Hikurangi range to the east, the Kaingaroa plateau to the west and as far south as Runanga on the Napier–Taupo highway.<sup>83</sup>

Tangiharuru and Apahapaitaketake are Ngati Manawa’s principal ancestors. Apahapaitaketake was of Te Arawa origins, and Tangiharuru was originally of Tainui, but after a local dispute he migrated to the Bay of Plenty. This journey is known as Te Heke o Tangiharuru. Accompanying Tangiharuru on this journey was his uncle, Wharepakau, the eponymous ancestor of Ngati Whare.<sup>84</sup>

The migration brought Tangiharuru into the Rangitaiki valley, and so into the territory of the Marangaranga, whom he engaged in battle at many pa before they finally surrendered at the Mohaka River. With the Marangaranga largely vanquished, Bird states that they ceased to exist as a tribal entity. This is not to say, however, that

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79. Best, *Tuhoe*, p 240

80. Wiri, p 55

81. Best, *Tuhoe*, p 241

82. Henry Tahawai Bird, *Kuranui-o Ngati Manawa*, Rotorua, Rotorua Printers, 1980 (Wai 212 ROD, doc B4(c)(3))

83. *Ibid*, p 13

84. Stokes, Milroy, and Melbourne, p 19

they were totally destroyed. Best has made the observation that, although a tribe may be defeated and lose its lands and tribal name, it does not simply disappear. It and its descendants would have been absorbed into other tribes or become mixed with the conquering group through intermarriage. He therefore asserts that both Ngati Manawa and Ngati Whare are, in effect, descendants of the Marangaranga.<sup>85</sup>

The Marangaranga lands were divided between Tangiharuru and his uncle; Tangiharuru took the lands of the Rangitaiki valley including the Kaingaroa Plateau and built a pa at Pukehinau. Ngati Manawa's sacred mountain is Tawhiuau in the Ika Whenua Ranges east of Murupara.

Today, Ngati Manawa has four hapu: Ngati Hui; Ngati Koro; Ngai Tokowaru; and Ngati Moewhare. Hui was the first-born son of Tangiharuru and his wife, Takuate, and is the ancestor for whom Ngati Hui are named. Ngati Hui are located at Rangitahi Pa east of Murupara.<sup>86</sup> Ngai Tokowaru, named by the Ngati Manawa chief Harehare Atarea in about 1911, are situated on the left bank of the Rangitaiki at Tipapa Marae. Ngati Koro, named for another descendant of Hui, have a pa called Painoiho, which is situated two kilometres south of Rangitahi Pa. Ngati Moewhare are located 9.6 kilometres north of Murupara. Their meeting house is named Moewhare, after a famous Mataatua chief.<sup>87</sup>

Wharepakau, the ancestor of Ngati Whare, claimed the land in the Whirinaki valley, where he built a pa called Minginui. Best gives the hapu of Ngati Whare as follows: Ngati Te Karaha, Ngai Te Au, Ngati Kohiwi, Ngati Whare ki nga Potiki, Ngati Hamua, Ngati Mahanga, and Warahoe. Ngati Whare are connected to Ngati Awa and to Ngati Pukeko through intermarriage from the time of the Ngati Pukeko occupation of Te Whaiti early in the nineteenth century.<sup>88</sup>

Through occupying these valleys, Ngati Manawa and Ngati Whare became a buffer between the larger tribes of Te Arawa and Tuhoe, with Kahungunu and Ngati Tahu to the south-west and Ngati Awa and Ngati Pukeko to the north. While there are close kinship ties between these tribes, there were also numerous conflicts. Ngati Manawa and Ngati Whare had many confrontations, especially with Tuhoe. According to Best, Ngati Manawa and Ngati Whare:

have also been much harassed during their residence of 250 years or so in their present location. They have camped between the devil and the deep sea. On the east they had for neighbours the fierce bushmen of the Ure-wera and on the other side the tribes of Taupo and Te Arawa. The Ngati-Awa and Ngati-Kahu-ngunu tribes also paid them a visit occasionally, and trouble was their lot.<sup>89</sup>

Best, for example, records that the killing of the Tuhoe–Ngati Apa person Te Puru by Ngati Mahanga, a section of Ngati Whare (and related to Ngati Apa), provoked Tuhoe to wreak a terrible revenge on Ngati Mahanga that practically destroyed them

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85. Best, *Tuhoe*, p 132

86. Bird, p 3

87. Ibid, pp 6–9

88. Best, *Tuhoe*, pp 137–138

89. Ibid, p 119



as a tribe. Battles were fought at Oputara, Te Haumingi, and Matuatahi in which many Ngati Whare, and also some Ngati Manawa, were killed. Some were taken as slaves to Ruatahuna, some married into Tuhoe, while others fled to their relations among the Ngati Hineuru of Tarawera:

The captives taken to Ruatahuna from Te Whaiti appear to have been well treated, in fact some of them were related to Tuhoe, if not all. After a time they were liberated and allowed to return to their homes at Te Whaiti. . . .

After the above fighting, the lands of the Te Whaiti district were cut up by Tuhoe and apportioned to the clans that had taken part in the fighting. They did not, however, settle on the land as they had their hands full elsewhere.<sup>90</sup>

Ngati Pukeko invaded and conquered the Te Whaiti and Whirinaki districts in the early nineteenth century in a bid to expand their small rohe, at a time when Ngati Manawa were largely living in the Whirinaki and Kuhawaea areas and Ngati Whare were at Te Whaiti. Best says that Ngati Pukeko's occupation of Te Whaiti took place in about 1812. However, while Ngati Pukeko men were away assisting Waikato tribes in war, Ngati Manawa and Ngati Whare attacked Ngati Pukeko women and children at Ninowhati in revenge for their defeat and the occupation of their land. Ngati Pukeko's retaliation was severe, and because Tuhoe relations had also been killed at Ninowhati, Tuhoe actually assisted Ngati Pukeko to drive away the remainder of Ngati Whare and Ngati Manawa. This occurred after a battle at Okarea Pa in 1818, and Ngati Pukeko lived alone for a time at Whirinaki and Te Whaiti. Tuhoe returned to their own lands, but Ngati Pukeko attacked the Tuhoe hapu of Ngati Tawhaki and so instigated a running feud with their former ally. Tuhoe triumphed over Ngati Pukeko and, as Best puts it, 'found themselves the sole occupants of Te Whaiti and Whirinaki'.<sup>91</sup> Tuhoe apparently intended to occupy and retain these lands, which they did for a while, but many left after about a year to fight Ngati Kahungunu at Te Papuni. Tuhoe did, however, leave some of their number at Te Whaiti to hold the land.<sup>92</sup> In about 1823, some Ngati Whare and Ngati Manawa tried to return to the Te Whaiti district but were attacked again by Tuhoe, who spared those Ngati Whare closely related to them and took them back to Ruatahuna. They were allowed to return a short while later and were joined by other Ngati Whare who had fled to Tarawera and by some Tuhoe, who moved out from Ruatahuna. Best tells us that Hapurona, Te Ikapoto, Te Ahuru, and Mihi ki te Kapua, amongst other Tuhoe, lived at Te Whaiti:

Those of Ngati Whare now allowed to remain unmolested at Te Whaiti . . . were now becoming so mixed with Tuhoe by inter-marriage that this fact saved them from any attack from Tuhoe afterwards, save and except the Pu-taewa episode. The Native Land Court evidence describing them as serfs and slaves seems to be exaggerated, although the Putaewa affair shows that Tuhoe looked upon them as living at Te Whaiti on sufferance.<sup>93</sup>

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90. Best, *Tuhoe*, p 424

91. *Ibid*, p 435

92. *Ibid*, p 436

A Tuhoe chief named Pouri took pity on Ngati Manawa in exile at Te Putere and took them to Maungapohatu. While many Tuhoe wanted to kill these Ngati Manawa, some Tuhoe chiefs intervened and they moved them to Te Hue. There, they were forced to live for a while in potato pits. According to Best, Ngati Manawa, Ngati Whare, and Ngati Haka were often termed 'Te Putaewa o Te Purewa' – the potato heap of Te Purewa. Eventually, the chiefs gave these Ngati Manawa Tuhoe wives and settled them at Tututarata on the Whirinaki block in about 1826. Another Tuhoe chief called for his tribe to attack Ngati Manawa when he was inadvertently left out of the distribution of a Ngati Manawa tributary offering. However, Te Purewa would not agree to this, saying: 'We have obtained the land, let the survivors of the people live.'<sup>94</sup>

Shortly before 1829, Ngati Manawa and some Ngati Whare were attacked by Ngati Awa at Okarea and at settlements in what would later become the Otairi block. Tikitu of Ngati Awa, however, did not seize the lands by settling on them but killed many Ngati Manawa and took others as slaves.<sup>95</sup> Further serious trouble befell Ngati Whare when they and Ngati Tawhaki of Tuhoe marched against Ngati Kahungunu. They attacked and defeated settlements at Te Waiau and Mohaka but were severely beaten by Kahungunu at Rangihoua.<sup>96</sup> Ngati Whare lost several important chiefs and many others in this battle.

When Ngati Maru of Thames threatened to attack Ngati Manawa in about 1850–52, Ngati Manawa appealed for help to Tuhoe, who were quick to rally. Best states that:

[Tuhoe] rose as one man to fight Ngati-Marū. Their reasons for being so keen in the matter were two. In the first place, they strongly resented this interference with their authority. Ngati-Manawa had been returned by them to Whiri-naki and there they lived under the mana of Tuhoe. Hence for another tribe to attack Ngati-Manawa would be a direct insult to Tuhoe. Again, Tuhoe had given the fugitive Ngati-Manawa many of their women as wives, and these now formed a link between the two peoples.<sup>97</sup>

The fight between Tuhoe and Ngati Maru was defused by the Reverend James Preece of Ahikereru.

Although Ngati Manawa and Ngati Whare are not strictly Tuhoe, they were both included in the Urewera commissioners' list of Tuhoe hapu in 1889. Stokes, Milroy, and Melbourne explain that:

in the case of Ngati Whare, Tuhoe people have moved into Te Whaiti and kin ties are close. The tribal alliances of the 1860s saw Ngati Whare throw in their lot with Tuhoe, while Ngati Manawa saw it to be in their interests to cooperate with government troops

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93. Ibid, p 457. It would be interesting to know if the Tuhoe person called Hapurona that Best mentions is the Hapurona Kohi who burned the Huiarau Range in 1849 to assert his ownership of it and who led Ngati Whare during the New Zealand wars and so forth. Judith Binney refers to Hapurona both as a Tuhoe chief and as a Ngati Whare chief: see, for example, Binney, *Redemption Songs: A Life of Te Kooti Arikirangi Te Turuki*, Auckland, Auckland University Press and Bridget Williams Books Ltd, 1995, pp 174, 188, 198, 225.

94. Best, *Tuhoe*, p 461

95. Ibid, p 463

96. Ibid, p 469

97. Ibid, p 475

in the military campaigns of the 1860s. Despite these more modern rifts, the two tribes share a common history.<sup>98</sup>

## 1.7 WAIKAREMOANA

### 1.7.1 Mahu-tapoa-nui

According to oral traditions of Ngati Ruapani and Tuhoe, Mahu-tapoa-nui and his family were the first inhabitants of Waikaremoana.<sup>99</sup> Mahu-tapoa-nui and his daughter Haumapuhia, who was transformed into a taniwha, are associated with the creation of the lake and surrounding geographical areas, which Mahu named after himself (tapatapa whenua).<sup>100</sup>

Despite tribal variations in the genealogy of this ancestor, most sources agree that Mahu was a descendant of Toi, of perhaps five to 10 generations.<sup>101</sup>

The question of whether Mahu-tapoa-nui left any descendants at Waikaremoana is uncertain. Wiri has stated that ‘Tuhoe/Ruapani traditions argue that he left Waikaremoana and went to Putauaki in the Bay of Plenty, after which his mana was absorbed by Ruapani and Tuhoe’.<sup>102</sup> Wiri also says that, although Mahu lost his mana whenua when he went to Putauaki, his history of occupation at Waikaremoana is verified by the oral traditions of the Tuhoe tribe.<sup>103</sup>

### 1.7.2 Ngati Ruapani

Ngati Ruapani were one of the tribes who occupied lands at Waikaremoana, eventually gaining pre-eminence over the descendants of Mahu-tapoa-nui. According to Best, they are named for Ruapani, one of the descendants of Paoa (or Pawa) and Kiwa, rangatira of the Horouta canoe, which arrived approximately six generations prior to the landing of the Tainui, Te Arawa, Mataatua, and other canoes of that migration.<sup>104</sup> Ruapani is an ancestor of both the Poverty Bay and the Waikaremoana districts.<sup>105</sup>

Pawa is said to have returned to Hawaiki leaving behind his daughter Hine-akua. All lines of descent claiming Pawa as an ancestor are through Hine-akua.<sup>106</sup> Her mana

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98. Stokes, Milroy, and Melbourne, p 19

99. Wiri, p 62

100. Ibid, p 80

101. Ibid, p 62. Wiri also notes that Best recorded the Ngati Kahungunu oral tradition whereby Mahu was an ancestor of Ngati Kahungunu who came to Aotearoa on the Horouta canoe: see Best, *Tuhoe*, p 189.

102. Wiri, p 76

103. Ibid, p 80

104. Best, *Tuhoe*, p 194; Wiri, p 117

105. Although, as Wiri points out, there have been other suggested whakapapa for Ruapani, including one published by Best showing Ruapani descended from Hau of Ngai Tauira, and another from Ngati Kahungunu traditions that indicates Ruapani was a descendant of Mahu-tapoa-nui. Wiri rejects this last claim as inconsistent with the traditions of Tuhoe and Ngati Ruapani: see Wiri, p 98.

106. According to Mitchell (cited in Wiri, p 100)

passed to Ruapani, who became the paramount rangatira of the Turanga district, which extended as far as the Huiarau Range.<sup>107</sup>

According to Rangimarie Rose Pere of Waikaremoana, Ruapani travelled to Waikaremoana, where he established his mana over the land and the lake. Ruapani is also said to have had siblings who occupied the lake district.<sup>108</sup>

Ruapani himself, however, eventually journeyed back to his pa called Popoia at Turanga, and his mana at Waikaremoana was taken up by his descendants Ruatapunui, Ruatapuwhine, and Tanepotakataka. Tanepotakataka also married a descendant of Mahu, thereby strengthening his occupation rights in the area.<sup>109</sup>

At Turanga, meanwhile, Ruapani met and forged an alliance with the ancestor Kahungunu, which resulted in intermarriages between Ngati Ruapani and Ngati Kahungunu.<sup>110</sup> In particular, a granddaughter of Kahungunu married a son of Ruapani, resulting in the birth of five children known as ‘te tokorima a Hinemanuhiri’.<sup>111</sup> It is from these five offspring that Kahungunu base their claim to Waikaremoana.

Wiri rejects the basis of this claim to Waikaremoana, arguing that the mana whenua of these hapu was largely centred in the upper Wairoa region and did not extend to Waikaremoana proper.<sup>112</sup> He also asserts that intermarriage did not mean that Ruapani ki Waikaremoana became absorbed into Kahungunu, although Huata has suggested that some hapu of Ruapani did settle in Hawke’s Bay and Wairarapa with Kahungunu.<sup>113</sup> There were also intermarriages between Tuhoe and those Kahungunu hapu of the upper Wairoa–Papuni districts, with the aim of alleviating feuding between the two iwi.

Intermarriage notwithstanding, it appears that Tuhoe, Ruapani, and Kahungunu have a long history of disputing the ownership of the Waikaremoana basin and, consequently, their respective tribal boundaries. Wiri states that the Ngati Ruapani ancestor Pukehore, six generations descended from Ruapani and also descended from Tuhoe–Potiki, was instrumental in establishing tribal boundaries between Ngati Ruapani and Ngati Kahungunu and between Tuhoe and Ngati Ruapani on the Huiarau Range.<sup>114</sup>

At Waikaremoana, then, Ruapani appear to have acted as a buffer between the warring tribes of Kahungunu and Tuhoe but fought with both iwi in order to maintain their position in the area. One of Ruapani’s most famous warriors, for example, was Tuai (Tuwai), who won a series of battles at Patangata, Opourau (near Whaitiri), Papakorito, and Whakamarino. He established Ngati Ruapani as a tribe at

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107. Wiri, p 100

108. One sibling, a sister named Papawharanui, married Rangitihī of Te Arawa, and from this marriage sprang Tuhourangi, an eponymous ancestor of the Rotorua district: from an interview between Wiri and Rangimarie Rose Pere at Kopuariki, Waikaremoana, on January 14, 1994: see Wiri, pp 102–103.

109. Wiri, p 105

110. Ibid, p 103

111. Ibid, p 120

112. Ibid, p 133

113. C T Huata, ‘Ngati Kahungunu – Te Wairoa and Heretaunga’, MA thesis, University of Auckland, 1983, p 21 (cited in Wiri, p 106)

114. Wiri, pp 108–109

the lake independently, they say, of Ngati Kahungunu. Ngati Ruapani claim this independence, even though it is not perhaps recognised by either Tuhoe or Ngati Kahungunu. According to Wiri, Tuhoe later defeated the Ngati Hinganga hapu of Ngati Kahungunu living at Te Papuni, south-east of Waikaremoana, and consequently annexed the Papuni district in early 1823.<sup>115</sup> Further Tuhoe victory over Ngati Kahungunu, including repelling the chief Mohaka's raid on Ruatahuna in 1826, meant that Tuhoe were able to secure and assert rights over the adjacent Waikaremoana district too. This was followed up by leaving Tuhoe chiefs such as Te Ngahuru, Mohi, Paora, and others at Te Arero in order to hold the land at Te Papuni, and settling Tuhoe and related Ruapani people at Waikaremoana.

It is clear that Tuhoe did not enjoy unconditional Ruapani support in their endeavours to expand their tribal territory; Hippolite states that 'throughout 1826, Ngati Ruapani and Ngati Hinemanuhiri, as well as Ngati Pahauwera, fought a series of battles against Tuhoe and its allies'.<sup>116</sup> So, despite their close ties to Tuhoe, Ngati Ruapani fought against them several times. The Tuhoe rangatira Te Whenuanui later discussed the rights of Ngati Ruapani at Waikaremoana in light of the Tuhoe conquest of the district:

I laid down the boundary at Huiarau dividing off Waikaremoana block from Ruatahuna for the Ngati Ruapani who are also partly Tuhoe. The pure Ngati Ruapani [Ngati Hinemanuhiri] who are not of Tuhoe descent have no interest there at Waikare.<sup>117</sup>

Much of the debate over mana whenua of the Waikaremoana area, then, seems to hinge on the status of the Ngati Ruapani vis-à-vis their Tuhoe and Kahungunu neighbours. Ballara comments that nineteenth-century officials treated Ngati Ruapani as a hapu of Kahungunu, but other sources note that there are hapu of Ruapani that more closely identify with Tuhoe.<sup>118</sup> Wiri explains the relationship between Tuhoe and Ngati Ruapani in the following passage:

the Tuhoe and Ngati Ruapani can be said to be one and the same people through centuries of intermarriage between the two tribes . . . However, it is significant to note that throughout their land claims the tangata whenua of Waikaremoana have always acknowledged their ancestral claim under Ruapani.<sup>119</sup>

The ancestral claim under Ruapani reflects the fact that the tangata whenua recognise Ruapani as being the first ancestor to go upon the land at Waikaremoana. This does not mean to say that they are different to Tuhoe but indicates the autonomy of the tangata whenua of Waikaremoana as a distinct hapu entity of Ngai Tuhoe, with their own unique history and traditions.<sup>120</sup>

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115. Ibid, p 134

116. J Hippolite, *Wairoa*, Waitangi Tribunal Rangahaua Whanui Series (working paper: first release), November 1996, p 13

117. Te Whenuanui, Barclay minute book 1, p 70 (quoted in Wiri, p 162). According to Wiri, the Ngati Kahungunu of the upper Wairoa district are a confederation of various hapu collectively known as Ngati Hinemanuhiri: see Wiri, p 120.

118. H A Ballara, 'The Origins of Ngati Kahungunu', PhD thesis, Victoria University, 1991, p 181

119. Wiri, p 161

According to Wiri, of the six hapu of Waikaremoana named in evidence to the Urewera commissioners in 1899, only three remain. These are Ngati Hinekura of Te Kuha, Te Whanau-pani of Waimako, and Ngati Taraparoa of Putere. The other named hapu have been absorbed into the remaining groupings.<sup>121</sup>

### 1.8 INTERTRIBAL CONFLICT IN THE EARLY NINETEENTH CENTURY

The iwi and hapu of Te Urewera have a long history of intertribal and inter-hapu conflict. Such battles have caused the formation and the destruction of traditional alliances between the various tribal groups, and thus these often fiery relationships also challenged and shifted tribal interests and boundaries. Genealogical connections, traditional occupational rights, and the strength and skill of each group and its leaders played important parts in the outcomes of these conflicts.

This section will briefly examine the nature and extent of some of the conflicts in which Tuhoe were engaged during the early part of the nineteenth century. While the genesis of these disputes often lay in the distant past, this chapter will not attempt to recount the many individual episodes of the ongoing conflicts. Rather, the intention is to focus on the first half of the nineteenth century, which is a period critical to Tuhoe claims to have established control over lands on the periphery of their rohe after many tiresome years of fighting. This is to say not, of course, that Tuhoe did not have valid claims to any of these contested territories before this period, but that a critical point came in the early part of the nineteenth century as Tuhoe fought with many enemies on several fronts. The later chapters of this report will recount the Tuhoe defence of their possession of these contested lands in the Compensation Court, the Native Land Court, and the Urewera commissions.

Again, the accounts given by Elsdon Best form the basis for the chronology given here. In addition, this section adopts Best's overall thesis that, although the lands of Nga Potiki (who would later evolve to become the Tuhoe tribe) were not extensive originally, they were considerably enlarged through conquest and intermarriage. Nga Potiki began an expansion in the mid-eighteenth century that saw them launch a series of raids to the south-east, east, north-east, north, and west. The result of this endeavour was to push Nga Potiki tribal boundaries outwards to encompass the Waikaremoana, Papuni, Waimana, Ruatoki, and Te Whaiti districts. However, Best noted that the conquest of these areas did not always end in permanent occupation.<sup>122</sup>

From the period of 1818 to 1835, Tuhoe were engaged in an almost continuous series of raids and battles, being surrounded by enemies on all sides. Best says that, in this period, Tuhoe fought Ngati Whare, Ngati Manawa, Ngati Pukeko, Ngati Tuwharetoa, Waikato, Te Arawa, Ngati Awa, Ngati Raka, Te Whakatohea, Te Aitanga a Mahaki, Ngati Kotore, Ngati Kahungunu, Ngati Ruapani, and Ngati Pahauwera of Kahungunu.<sup>123</sup> The complexity of the conflict in this period militates against one

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120. Ibid, p 162

121. Ibid, pp 60–61

122. Best, *Tuhoe*, p 8

being able to give a single, coherent account of Tuhoe's activities during these years; instead, this chapter will focus on three major conflicts of the time. The first, the Nga Puhi raids, is included because of its general relevance to discussions of displacement of populations and disruption of occupation patterns, as well as for its significance in terms of introducing guns to the Bay of Plenty. Also, Tuhoe were to conclude a peace treaty and alliance with Nga Puhi, who subsequently assisted Tuhoe against one of their greatest foes of the time, Ngati Kahungunu. The second example of intertribal conflict given is that between Tuhoe, Ngati Pukeko, and Ngati Awa over Opouriao and adjacent districts, followed by a brief section on the relationship between Tuhoe and Whakatohea, specifically the hapu Upokorehe. The fighting over the Waikaremoana district by Tuhoe, Ngati Ruapani, and Ngati Kahungunu is the third example of inter-iwi conflict.

These struggles resulted in the expansion of the Tuhoe rohe on its northern and southern frontiers, a boundary that would subsequently be undermined by confiscation in the Bay of Plenty and by cession and the Crown purchase of lands south of Waikaremoana (see chs 3, 5). It is worth noting here that the expansion of the Tuhoe iwi in the 1820s is represented in the recently published *New Zealand Historical Atlas*.<sup>124</sup>

Best notes the difficulty of pinpointing the exact dates of early battles, since he bases them on genealogies alone, but says that, from 1818 onwards, it becomes much easier to gauge dates accurately. This was the time when Nga Puhi began their raids in the Bay of Plenty district, and it was, as Best describes it, 'the starting point for European chronology in the Native affairs of the Bay of Plenty district'.<sup>125</sup>

### 1.8.1 Nga Puhi raids on the Bay of Plenty, 1818–23

The first decades of the nineteenth century saw an escalation of intertribal warfare, and we have seen that Nga Potiki or Tuhoe were engaged in warfare with most, if not all, of their neighbours in an attempt to expand their territories from the mid-eighteenth century.

By the early decades of the nineteenth century, however, the musket presented new and deadly opportunities for warfare, which resulted in what has been termed 'the exceptional violence' of the 1820s.<sup>126</sup> The first tribe to be presented with this opportunity was the Nga Puhi, who were to take great advantage of it, launching a series of long-distance raids on the unfortunate iwi of Tamaki, Thames, Waikato, and the Bay of Plenty, which had not yet acquired firearms. Belich, noting that Nga Puhi had had guns since about 1805, postulates that the agricultural revolution brought about by the widespread cultivation of the potato in Northland, and the resultant surpluses, were critical factors in the timing of the raids:

123. Ibid, p 361

124. Malcolm Mackinnon (ed), *New Zealand Historical Atlas: Ko Papatuanuku e Takoto Nei*, David Bateman Ltd and Department of Internal Affairs, 1997, plate 29

125. Best, *Tuhoe*, p 356

126. Belich, p 24

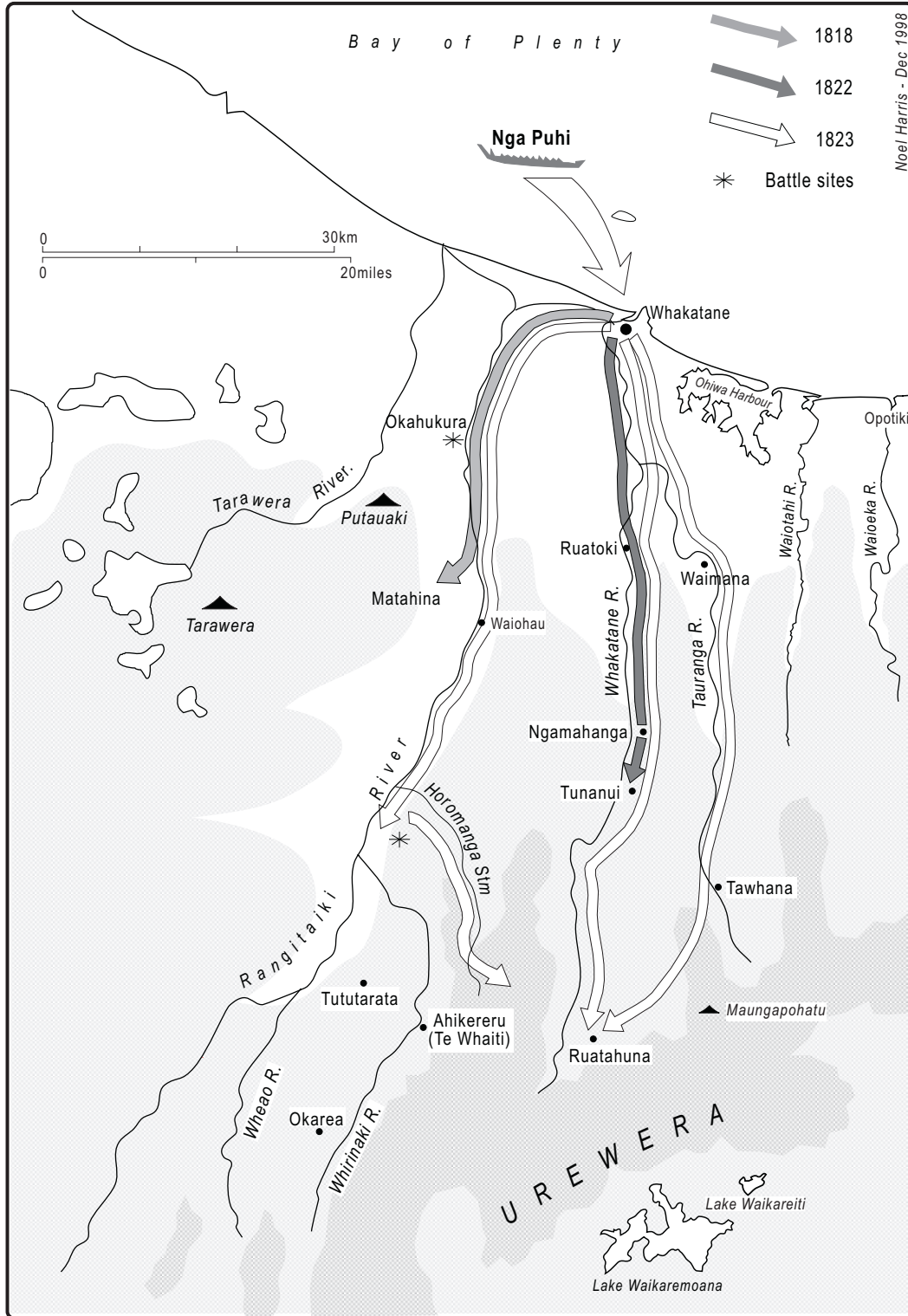


Figure 4: Route of Nga Puhī incursions in Te Urewera, 1818–1823



The key constraint on the range, duration and frequency of Maori campaigns had always been economic. . . . Potatoes helped feed long-range expeditions, to an extent limited by carrying capacity, and more importantly helped replace absent warriors in the home economy. It may well have been in 1818 that acreages of potatoes and other crops became really substantial and reliable among all the Northland groups.

Guns, potatoes and Europeans were new currencies of rivalry, ends in themselves. Their uneven distribution gave new advantages in traditional currencies, such as feuding with kin and neighbours, and therefore intensified rivalry in them. They also encouraged raids on strangers, for slaves and mana.<sup>127</sup>

The first of the Nga Puhī expeditions to the Bay of Plenty occurred in 1818 under Te Morenga and Hongi Hika. Landing at Whakatane, the raiders pursued the fleeing Ngati Awa and Ngati Pukeko, who retreated inland to, amongst other places, the Urewera district. One body of refugees secured a position at Okahukura Pa, situated inland on the right bank of the Rangitaiki River. Here, Ngati Pukeko engaged the Nga Puhī taua and, eventually, according to Best, overcame them.<sup>128</sup> Another arm of the Nga Puhī went to Matahina, where they attacked some of the Nga Maihi living there. While encroaching upon the margins of the Urewera district, the Nga Puhī invaders apparently did not encounter any Tuhoe in this episode.

Nga Puhī returned, though, under Pomare in 1822, and on this occasion they marched up the Whakatane valley to the kainga of Ruatoki, Nga Mahanga, and Tunanui. Best reports that Tuhoe fled deep into the interior when they heard that the taua was coming and that Ngati Awa and Ngati Pukeko again bore the brunt of the Nga Puhī advance.<sup>129</sup> Nga Puhī chased them to Tunanui, and possibly as far as the Te Wharau Range, before turning back to Whakatane. The Ngati Awa escapees retreated to Ruatahuna, Ohiramoko, Maungapohatu, Te Papuni, and Te Whaiti, where they lived and cultivated for a time.<sup>130</sup> Best reports that, again, the ‘elusive’ Tuhoe managed to evade the Nga Puhī.

The third foray by Nga Puhī inland of Whakatane was made in 1823, and would appear to have had the objective of an encounter with Tuhoe. According to Tuhoe historians, Pomare had in fact returned upon the invitation of the Tuhoe chief Te Maitaranui, who had travelled to the Bay of Islands earlier that year, seeking Nga Puhī support for Tuhoe in their battles against Kahungunu.<sup>131</sup>

This time, the taua split into four expeditionary parties: one proceeded up the Rangitaiki valley to Galatea then up the Horomanga Gorge into the Urewera; another, the main party under Pomare, went up the Whakatane River to Ruatahuna; a third

127. Ibid, pp 159, 161; see also J Belich, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland, Auckland University Press, 1986, p 20

128. Best, *Tuhoe*, p 528

129. Melbourne, however, advances the theory that, rather than fleeing before the might of Nga Puhī, Tuhoe ventured inland to assist others of their tribe against Ngati Kahungunu, Ngati Whare and Ngati Pukeko, Tuwharetoa, and others: see Melbourne, p 21.

130. Best, *Tuhoe*, pp 529–530

131. Milroy and Melbourne, p 36. Best also suggests that Te Maitaranui had visited the Bay of Islands and was possibly known to Pomare but does not say when this visit occurred: see Best, *Tuhoe*, p 557.

went from Te Waimana and then up the Tauranga River into the Urewera; while another group attacked Whakatohea at Opotiki. The first force advanced on Whirinaki, where Ngati Manawa and Ngati Whare defended a position at Okarea before retreating to Tututarata. Apparently, no deaths resulted from this encounter, but when the force continued up the Horomanga Stream, it chanced upon two Patuheuheu, who were slain. The rest of Patuheuheu were safely retired in the Takerehurihia pa at Weraroa. Meanwhile, raiding parties advanced up the Tauranga, Waiotahe, and Waioeka Rivers, where they attacked some Ngati Awa at Tawhana. The main body of Nga Puhi under Pomare marched up the Whakatane River with Ngati Awa, Ngati Pukeko, and some Ngai Tai retreating before them. Some of these refugees were killed at Nga Mahanga, Tunanui, and Pukareao. Reaching the Manawaru Range at Ruatahuna, the Nga Puhi camped.

Tuhoe, meanwhile, had evacuated Ruatahuna and were hidden at Maungapohatu and elsewhere. Eventually, however, the Tuhoe chief Te Maitaranui appeared at Ruatahuna, where he persuaded Pomare to cease aggressions against Tuhoe.<sup>132</sup> Peace between the two iwi was apparently secured on the basis of recalling the whakapapa links that existed between Nga Puhi and Tuhoe, since Toroa's younger brother had sailed the Mataatua waka out of Whakatane to the north, founding the Nga Puhi iwi. This peace was sealed with the ritual exchange of gifts, Tuhoe presenting Nga Puhi with food and fine feather cloaks.<sup>133</sup> After this, Pomare was taken to Maungapohatu, where he addressed the assembled Tuhoe chiefs, restating his intentions not to fight them. Te Maitaranui then accompanied the Nga Puhi back to Whakatane, where Pomare made plans to proceed by sea to Mahia and attack Kahungunu, while Tuhoe efforts were to be concentrated on assembling an overland force to attack that iwi.<sup>134</sup> If we can rely upon the casualties reported by Best, Nga Puhi only killed two Tuhoe: 'It is rather strange that they [Nga Puhi] should make friends with these people, so ruthless were they in their dealings with other tribes.'<sup>135</sup>

According to Sissons, soon after the new alliance between Tuhoe and Nga Puhi was formed, the Northland tribe moved south with newly acquired muskets but did not invade the Urewera district. What was to be a long-standing alliance between the two tribes was later commemorated by the construction of the meeting house Rahiri-i-te-rangi at Te Waimana, named after the grandson of Puhikaiariki.<sup>136</sup>

### 1.8.2 Two hundred years of warfare: Tuhoe versus Ngati Pukeko and Ngati Awa

The following section broadly canvasses the pre-Treaty history of the lands that lie about Ruatoki and to the immediate north of the southern Bay of Plenty confiscation boundary, on the east and west of the Whakatane River. It will largely focus on the Tuhoe claims to these lands, because the claims of other iwi, including Ngati Awa,

132. Milroy and Melbourne refer to the Tuhoe chief in this incident as Te Mautaranui: see Milroy and Melbourne, p 36.

133. Best, *Tuhoe*, pp 522–533

134. Milroy and Melbourne, p 36

135. Best, *Tuhoe*, p 533

136. Sissons, p 174

Ngati Pukeko, and Upokorehe, have been rehearsed before the Waitangi Tribunal in the Eastern Bay of Plenty inquiry (Wai 46). Tuhoe, for want of detailed research, have noted their interests in that inquiry only by way of memoranda.<sup>137</sup>

It follows from this focus, however, that other iwi interests and claims may not be adequately explored or acknowledged in this chapter. It should also be noted that the Tribunal hearing the Wai 46 inquiry has yet to report and the following information will be subject to its findings, and also to traditional evidence presented by Tuhoe in the investigation of their claims.

### 1.8.3 Early occupants of Opouriao district

The lands under question were originally occupied by Ngati Kareke, Ngai Takiri, Ngai Te Kapo, and Ngati Raka, who were descended from Te Hapuoneone and Te Tini o Toi.<sup>138</sup> Best says that they were ‘practically one people’ who occupied a large portion of the Whakatane valley and the Waimana River catchment area, cultivating the plains of Opouriao. From the sources consulted, Opouriao appears to have been an epicentre of the territorial disputes between Tuhoe, Ngati Awa, and Ngati Pukeko hapu.

According to Milroy and Melbourne, ‘Opouriao refers to the lands north of the confiscation line between the rivers of Owhakatoro to the west and the valley east of the Whakatane river that reach up to Pekepekatahi and Taneatua’.<sup>139</sup> In Tuhoe traditional history, the earliest recorded occupation of Opouriao was by Tamango, Ruapururu, and Kahuki.<sup>140</sup> Tamango and Ruapururu both lived circa 1500–60; Tamango was of mixed Tini o Toi and Nga Potiki descent, while Ruapururu had Te Tini o Toi and Hapuoneone connections. Ruapururu held land on both the southern and the northern banks of the Waimana River about the stronghold of Puketi Pa, in addition to several pa on the eastern bank of the river that guarded the entrance to the Waimana River gorge. His mana also extended to those lands up the gorge where the Waiopua Steam enters the river and where the pa Te Waro stood.<sup>141</sup> Tamango’s main pa was Otere, on the western bank of the Whakatane River near the junction with the Waimana River and about one kilometre to the west of Ruapururu’s pa, Puketi.

One day, when Kahuki, a nephew of Ruapururu’s, was journeying from Waimana to Puketi, his accompanying sisters were ambushed and slain. Kahuki, apparently with good reason, believed that they had been killed by Tamango, so Kahuki and his uncle conspired to avenge the sisters’ deaths. This they did by destroying Tamango and all his people: ‘Ngati Tamango disappeared into obscurity’.<sup>142</sup> The lands of

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137. In addition, the nature of this district 4 report of the Rangahaua Whanui research series has been largely tribally defined, rather than being geographically defined by contemporary local catchment area boundaries, as other reports in this series have been.

138. Best refers to Ngati Kareke as ‘Te Kareke’, while Tuhoe iwi historians Milroy and Melbourne have used the appellation ‘Ngati Kareke’. I have also used the latter.

139. Milroy and Melbourne, unpublished appendix 1 to ‘Te Roi o Te Whenua’, p 2

140. Melbourne, p 7

141. Ibid

142. Ibid, p 10

Tamango were gradually taken over by Ngati Kareke and Ngai Takiri. The influence of Ngati Ruapururu remained in Opouriao for a while but was eventually superseded by that of Ngati Raka.

The extension of influence of Ngati Kareke, Ngati Raka, and Ngai Takiri over Opouriao lands occurred as these people migrated from Te Waimana. They occupied these lands after the Ngai Turanga expulsion of the Maruiwi, a people originally hailing from Heretaunga, who had made Owihakatoro a temporary sanctuary.<sup>143</sup> By this time, circa 1630, the hapu of Kareke, Raka, and Takiri had emerged as distinct identities from Ngai Turanga, who were descended from Turanga Piki Toi, but they were none the less very closely related people.

Ngati Raka, who occupied the lands once held by Ruapururu in Opouriao, extended their domain under their chief, Raka, to include parts of eastern Waimana and northern Ruatoki. Ngati Kareke occupied the lands west of the Whakatane River about the Owihakatoro River; the ridge line of the range here was punctuated with their pa. The main Kareke pa was Te Poroa, but Tatahoata, just to the north, was also important. Takiri, who was the great-great-grandson of Raka, lived at Otapuwa, which was one of Ngai Takiri's main pa.<sup>144</sup> Hirini Melbourne, no doubt with help from other Tuhoe informants, has plotted the kainga and fortifications of Ngati Raka, Ngati Kareke, and Ngai Takiri and this map is reproduced at figure 5. It demonstrates that these groups occupied a large part of the Whakatane valley and Waimana district.

#### **1.8.4 Ngati Awa and Ngati Pukeko defeat Ngati Kareke, and Tuhoe defeat Ngati Raka, circa 1800**

According to Melbourne, Ngati Raka and Ngati Kareke defended their occupation of Opouriao for 200 years until Ngati Awa and Ngati Pukeko defeated Ngati Kareke at Te Poroa in 1800, and their Tuhoe kin defeated Ngati Raka shortly thereafter. Ngati Awa and Pukeko would assert in the Compensation Court that this victory entitled them validly to claim ownership of, in particular, Opouriao and Puketi. However, Melbourne, acknowledging the defeat of Kareke by Ngati Pukeko, counters that Ngati Kareke, while closely related to Raka, did not in fact hold the mana over Puketi or Opouriao. That was held by Ngati Raka:

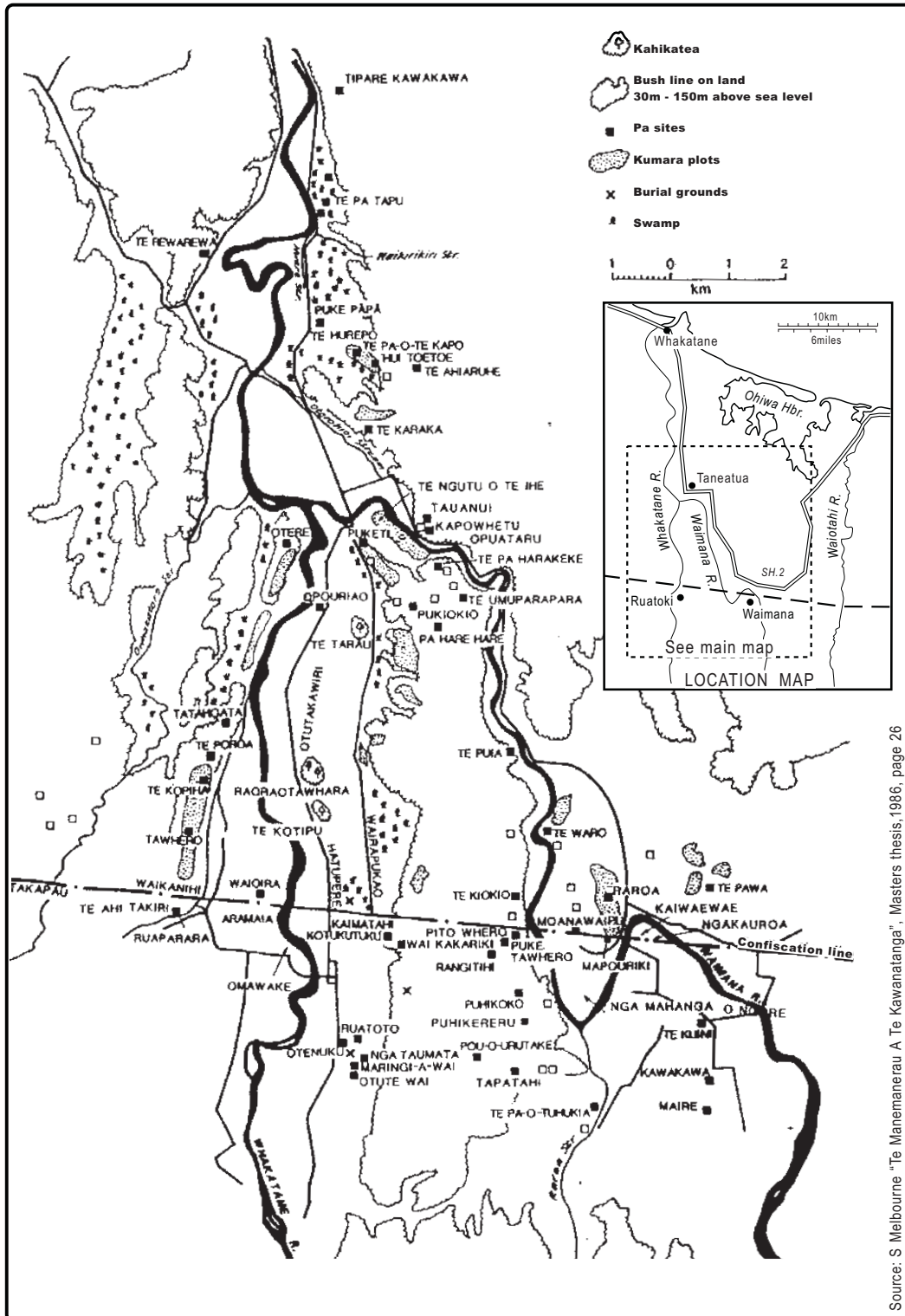
If conquest was recognised by the Court as a legitimate claim for the granting of lands as compensation, then Ngati Awa and Ngati Pukeko should only have gained grants of lands previously held by Ngati Kareke.<sup>145</sup>

However, the related question to the issue of conquest was whether the fighting had been followed up by occupation of the lands so taken, and on this issue, the evidence is somewhat less clear. Best, after describing the combined Ngati Awa and Ngati Pukeko assault on the Kareke pa of Te Poroa in about 1800, stated that the 'Ngati-Awa

143. Ibid, pp 11–13

144. Ibid, p 14

145. Ibid, p 16



Source: S. Melbourne "Te Manemane rau A Te Kawamatanga", Masters thesis, 1986, page 26

Figure 5: Pa sites and settlements in the Opouriao area

league did not pursue Ngati Kareke [who had fled to Opotiki and Ohiwa] but returned home', suggesting that the victors did not immediately try to occupy the lands abandoned by Kareke.<sup>146</sup>

At about the same time as the Te Poroa expulsion, the Tuhoe hapu Ngati Rongo became embroiled in a feud with Ngati Raka, which was worsened by Raka's close relatives Ngai Takiri assisting Ngati Awa in an attack on Tuhoe at Ohae (a pa in the Ruatoki valley). Ohae was defended by descendants of Tuhoe-Potiki and Tanemoeahi, assisted by Ngati Rongo and other sections of the tribe. Tuhoe beat off their attackers on this occasion, killing several Ngati Awa chiefs in the process; the 'result of which fight was an increased bitterness between the coast and inland people, that is to say between Ngati Awa and Tuhoe'.<sup>147</sup> This particular fight was also significant in that it signalled the deterioration in relations between Tuhoe and their kin, Ngati Raka. The situation was inflamed when a Ngati Rongo woman was murdered by her Ngati Raka husband and Ngati Rongo trespassed on Ngati Raka fern root grounds.

Ngati Rongo appealed to the Tamakaimoana hapu of Maungapohatu for assistance, which was rendered, and Ngati Raka were defeated by Tamakaimoana. Soon after this, Tuhoe at Ruatoki left that place and went inland to Ruatahuna in order to take part in an expedition against Taupo. Best says, however, that Ngati Rongo were not satisfied with their defeat of Ngati Raka and wanted possession of their lands:

It is quite probable that they cast covetous eyes upon the lands occupied by Ngati Raka, those fertile deposits of alluvium extending from Taua-rau northward to Wai-herowhero, from which the kumara (sweet potato) stores of the Children of Raka were so well-filled. This was the fat plain of O-tutawiri, now known as O-pouri-ao South.<sup>148</sup>

Ngati Rongo assembled a league of allies, which included some Whakatohea and Waimana hapu, in order to attack Ngati Raka and Ngati Takiri at Otenuku Pa on the eastern bank of the Whakatane River. Tuhoe and their allies defeated Ngati Raka and occupied some of the Ngati Raka and Takiri pa in the area. Te Urewera hapu, for example, occupied Otapuwaie and Ngati Rongo occupied Otutewai. Best notes that at this time, the whole population of the Opouriao-Ruatoki district were living in 'strongly fortified villages', and he counted 73 such pa and redoubts in and around Ruatoki alone.<sup>149</sup> Of those Ngati Raka remaining after Otenuku, some fled to Ohiwa, Opotiki, and Waimana, and yet others made a peace with the Ruatoki people and remained for a while in the area. It was not long, however, before Ngati Raka sought revenge and attacked Ngati Rongo at Omawake on the left bank of the Whakatane opposite Te Rewarewa. Most of the Ngati Rongo men were away eeling, so Ngati Raka were able to exact a terrible revenge on a largely undefended population, and captured many women and children. Hence, this episode is called the Kohi-pi or

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146. Best, *Tuhoe*, p 318

147. *Ibid*, p 324

148. *Ibid*, p 328

149. *Ibid*, p 332

‘chicken collecting’ episode. On the same day, Ngati Raka and Ngati Kareke, who had been driven away from Te Poroa, went to confront the Ngati Rongo men eeling near Maringi-a Wai and killed about 30 to 35 men.<sup>150</sup>

It was then, according to Best, who partially relies upon the evidence given in the Ruatoki block investigation, that Tuhoe living at Ruatoki and Opouriao moved inland to Ruatahuna for the first time.<sup>151</sup> While Ngati Awa claimants intimate that this withdrawal was due to an escalation in the conflict between themselves and Tuhoe, Tuhoe claimants emphasise that the Ruatoki communities had been called upon by their kin to assist in the defence of the Ruatahuna district, which was under attack from Ngati Rangitihi and Tuhourangi of Te Arawa.<sup>152</sup> Kereru Te Pukenui (a Ngati Rongo chief) would subsequently assert that this occasion was but one of four times that Tuhoe temporarily abandoned Ruatoki because of conflicts and commitments elsewhere in the Tuhoe rohe.<sup>153</sup> Best does, however, suggest that some of Ngai Turanga stayed behind on Ruatoki lands when the main Tuhoe body went to Ruatahuna.<sup>154</sup>

Further disruption to occupation patterns at Opouriao came in the guise of Nga Puhi taua. If Best’s and Te Pukenui’s accounts can be relied upon, Tuhoe had already moved inland when Pomare r’s warriors came up the Whakatane River to Ruatoki in 1822. However, it was after the Nga Puhi had retired that Ngati Rongo, Ngati Koura, Ngati Muriwai, and Ngai Turanga moved out from the interior to reoccupy Ruatoki district and, presumably, parts of Opouriao South.

This Tuhoe residence at Ruatoki–Opouriao was soon disturbed by further fighting with their enemies. A Ngati Raka–Whakatohea force, under the chief Tapoto, attacked Tuhoe at Patutahuna and Otairoa, capturing many Tuhoe women of high rank, who were taken to Opotiki. Best says that after this affair, also in 1822, ‘many’ Tuhoe who were living at Ruatoki went to Ruatahuna to assist in fighting Ngati Kahungunu, which suggests that not all Ngati Rongo evacuated Ruatoki.<sup>155</sup> Ngati Rongo and other Ruatoki hapu summoned their Tamakaimoana kin after the damaging Otairoa defeat, and together they attacked Ngati Raka at a pa known as Te Pou o Urutake, situated on the range between Opouriao South and the Waimana (Tauranga) River.<sup>156</sup> According to Best, this was a decisive defeat for Ngati Raka:

After the fall of Te Pou-O-Urutake Tuhoe seized the land of Ngati-Raka, most of which, however, was confiscated by the Government in modern days.<sup>157</sup>

[The Ngati Raka–Kareke–Tuhoe conflict] ended in the descendants of Tuhoe-Potiki acquiring the whole of the Rua-toki and O-pou-riao South districts, as far north as the Wai-wherewhere stream at Puke-ti, ie, within a few chains of the Awa-hou River at Tane-atua.<sup>158</sup>

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150. Ibid, p 335

151. Ibid

152. Ibid, pp 335–336; ‘Whenua Tautohetohe’, Research Report 13 (Wai 46 ROD, doc c7), p 26

153. Best, *Tuhoe*, pp 335–336

154. Ibid, p 336

155. Ibid, p 339

156. Ibid, p 341

157. Ibid, p 344

158. Ibid, p 321

Following this, peace arrangements were made between Tuhoe, represented by Taiturakina, and Tapoto for those remaining Ngati Raka. This would not be the end of the bloodshed between Raka and Tuhoe, however, because shortly after the peace had been made, Ngati Raka supported a Whakatohea attack on Tuhoe at Whakaari in the Waiotahe valley. Tuhoe lost about 100 people at Whakaari – a particularly heavy defeat, which was avenged, again, by a combined Tuhoe force at Uretaia. This time, Tuhoe prevailed, and Uretaia was their last major battle with Ngati Raka. Following this, Ngati Koura lived at Te Waitapu Pa and Te Urewera hapu built a pa named Harehare, in Opouriao South. Puketi Pa was also occupied by Tuhoe at this time.<sup>159</sup>

According to Best, this was the last fight between Ngati Raka and Tuhoe, except for an incident which occurred in about 1860, when Ngati Raka under Hoani Papaka went to Otenuku and built a palisaded pa. Tuhoe burned that pa down and chased Raka away again.<sup>160</sup>

During the Native Land Court hearings for the Ruatoki block, which lay adjacent to the Opouriao lands across the southern confiscation line, Ngati Raka and Ngati Kareke claimed the Ruatoki lands under ancestors Awamate and Tamahoutake. The court ruled, however, that the Tuhoe defeat of Ngati Raka and the Ngati Awa defeat of Kareke at Te Poroa meant that Ngati Raka had been driven off the land, and that there was no evidence to show that Ngati Raka had reoccupied Ruatoki since the days of Te Rangimowaho and Paiterangi. Ruatoki was awarded to Ngati Rongo, Ngati Koura, Ngati Tawhaki, and other Tuhoe hapu.

While their claims to Ruatoki were dismissed, Ngati Raka did receive some shares in the Waimana block during its investigation by the Native Land Court. The Waimana block, along with the Ruatoki block, was adjacent to the confiscation line. These rights were described as taharua or two-sided by Best, by which he meant that it was Ngati Raka's relationship with Tuhoe that gave them rights in the block:

The Rakuraku, Kamaua, and other families of Te Wai-mana are of Ngati Raka, as well as of Tuhoe. Although Ngati-Raka at the Wai-mana were defeated and dispersed, to a considerable extent, by the combined Tuhoean clans, yet so much are these people now mixed that no separation is possible, and they can affirm as the Wai-kare Moana natives do, that they conquered themselves. This does not include many descendants of Ngati Raka among Ngati Awa and Te Whakatohea. Some of Ngati Raka were awarded shares in the Tahora No 2 Block [on the eastern side of the Urewera District Native Reserve].<sup>161</sup>

### 1.8.5 Tuhoe and Ngati Awa conflict

The above account described how Tuhoe, Ngati Awa, and Ngati Pukeko defeated Ngati Raka and Ngati Kareke, resulting in those tribes losing control of the Opouriao and Ruatoki districts. From about 1822, the focus of the struggle for control of these lands lay in the conflicts between Tuhoe and Ngati Awa and Ngati Pukeko.

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159. Melbourne, p 20

160. Best, *Tuhoe*, p 349

161. *Ibid*, pp 349–350



Prior to the signing of the Treaty of Waitangi, Best writes, the Ruatoki–Opouriao district was subject to a 200-year war between Ngati Awa and Tuhoe, starting in about 1650 and ending just before the signing of the Treaty with the conclusion of a peace accord between the two iwi.<sup>162</sup>

Ngati Awa state that the principal causes of the conflict were directly related to the attempts by Tuhoe to establish a corridor to the coast and the resources of the sea (as, they say, Tuhoe had traditionally been a land-locked tribe).<sup>163</sup> According to Best, the killing of Taka-rehe of Ngati Awa, by a man of the Ngati Tawhaki hapu of Tuhoe, was a main cause of the war; others were the killing of Te Iri o te Ao of Ngati Awa by Rongo-karae in about 1625 and the slaying of Motumotu of Ngati Awa by Te Kaho of Ruatoki in about 1650. It is unnecessary here to relate the many episodes in the so-called ‘200-year war’ between Ngati Awa and Tuhoe; for the purposes of this report, the years of the nineteenth century leading up to the confiscation of 1866 is the critical period to focus on.

According to Best, the chronology of events in the Opouriao and Ruatoki districts is clearer from the year 1818, when the first Nga Puhi raid occurred in the Bay of Plenty. In the years that followed, up to the last Nga Puhi raid of 1823, many of the hapu and iwi on the coast retreated inland to the shelter of the rugged Urewera heartland. Many Ngati Awa and Ngati Pukeko took shelter at Ruatahuna, while most Tuhoe retired to Maungapohatu. After danger of attack from Nga Puhi passed and Ngati Pukeko were returning to their homes near the coast, they came upon Tokopounamu of Tuhoe and killed him at Pukareao in 1823 or 1824. There followed several other incidents, which renewed the hostilities between the two iwi.

The accounts given by Best regarding the Tuhoe occupation or withdrawal from lands about Ruatoki and Opouriao are difficult to reconcile into a coherent chronology. At one point, Best reports that the Tuhoe reoccupation of Opouriao was made after the last of the Nga Puhi raids, making it around 1824–25: ‘It was principally with the object of preventing Ngati Awa and Ngati-Pukeko from seizing those lands.’<sup>164</sup>

Yet it appears that, at this time, most of the Tuhoe hapu living at Ruatoki felt insecure because their homes were vulnerable to attack from Ngati Awa, and this encouraged Tuhoe to abandon Ruatoki for the time being and move inland to Ruatahuna. However, Best also says that they returned to Ruatahuna to assist in the campaigns against various foe, and ‘do not seem to have made any long or permanent residence in Rua-toki again’ till peace with Ngati Awa in about 1835.<sup>165</sup>

Ngati Awa state that, from 1824 to just before the signing of the Treaty of Waitangi, the Ruatoki–Waimana area was deserted – a ‘no-man’s land’ – but that it was nevertheless controlled by Ngati Awa and Ngati Pukeko.<sup>166</sup> This is somewhat at variance with evidence collected by Best, who sometimes intimates that there were

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162. Ibid, p 355

163. ‘The Tuhoe Tribal Boundary: An Interim Ngati Awa Response’ (Wai 46 ROD, doc H17), para 14

164. Best, *Tuhoe*, p 350

165. Ibid, p 361

166. ‘The Tuhoe Tribal Boundary’, para 15

still a few Tuhoe trying to assert their rights in Opouriao while most of the tribe had retreated. Best says that between 1824 and 1832 there are no recorded accounts of fighting between Ngati Awa and Tuhoe owing to the Tuhoe retreat inland, so that the two tribes were not in contact with one another.<sup>167</sup> If there were any Tuhoe left at Opouriao then, they would have been a small number of persons left to support the Tuhoe claim to that place.

These eight years passed without incident until Ngati Awa accused Tuhoe of bewitching Ngahue, son of Nuku, causing his death. A war party of Ngati Awa and Ngati Pukeko engaged Tuhoe at Te Kaunga, but was defeated. Best notes that it was possible that some small groups of Tuhoe returned to Ruatoki after Te Kaunga but most of the people stayed away. There followed some small acts of revenge on Ngati Awa's part and an attempt by Tikitu of Ngati Awa to lead a raid on Ruatahuna. Tikitu, in fact, later concluded a peace treaty with Tuhoe on behalf of the section of Ngati Awa that he headed, but this offer did not extend to Ngati Manawa, who were attacked by Ngati Awa at Ngahuinga in 1833. This was followed by a reprisal attack by Ngati Manawa and Tuhoe on Ngati Awa at Otukaimarama near Te Teko in 1834, but on this occasion, Tuhoe suffered a heavy loss.

By 1834, however, Ngati Awa and Tuhoe were growing weary of the toll that constant guerilla warfare had taken on their communities. Ngati Awa apparently made the first step in attempting to resolve the situation by visiting Tuhoe at Ruatahuna. There followed several other hui between the warring parties that culminated in a tatau pounamu, or peace treaty, being concluded at Ohui. Subsequently, the peace was strengthened by emissaries who visited tribal gatherings, often bringing gifts. At Pupuaruhe, for example, Ngati Awa presented Tuhoe with tobacco, cooking pots, pipes, and other European goods they had procured through the sale of Motouhora (or Whale Island) to Hans Tapsell (the peace was concluded after the arrival of Europeans in the eastern Bay of Plenty but before the introduction of Christianity in about 1839).<sup>168</sup>

Aside from the cessation of hostilities, it is unclear what the terms of the tatau pounamu actually were. However, sources seem to agree that after peace was established, Tuhoe returned in numbers to Ruatoki and Te Waimana in about 1836 or 1837. Apparently, Waimana was never totally deserted in the war period, but none the less, families would not occupy the exposed flats.

The Urewera and Ngati Koura parties were the first to descend the Tauranga River and stop at Te Waimana and, shortly after this, the Ngati Rongo, Mahurehure, and Ngati Muriwai came down from the mountains to resettle Ruatoki. Best says that, in spite of the peace-making with Ngati Awa and Ngati Pukeko, the Tuhoe at Ruatoki and Opouriao still feared attack from their old enemies and only cautiously settled scrub land on the edge of the forest before later moving onto the flats of the Ruatoki valley in 1839:

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167. Best, *Tuhoe*, p 363

168. *Ibid*, pp 387–392

No other hapu of Tuhoe has been so strenuous and persistent, perhaps, as Ngati-Rongo in the occupation, and acquirement of the Rua-toki district. They were compelled, with other clans of Tuhoe, to abandon it four times, but always returned and re-occupied, though much strife was their lot, and many a descendant of Rongo-karae, Tawhaki, Tama-kai-moana and Koura-kino went down to Hades that their children might possess the fair plains of Rua-toki and Opouriao.<sup>169</sup>

According to Tuhoe historians, the Tuhoe chief Te Purewa was instrumental in the re-establishment of Tuhoe mana on the lands from Waimana north to the Waitahe valley, and from Te Hurepo south to Ruatoki, including Opouriao and the Owakatoro valley, roughly from the early 1820s to the mid-1830s.<sup>170</sup> He concluded peace with Ngati Awa at Te Teko and with Ngati Pukeko at Te Awahou near present-day Taneatua:

To the north, Opouriao and Ruatoki had to be cleared of Ngati Awa and Ngati Pukeko settlers occupying the lands where they had taken refuge from Nga Puhi, under Pomare I. The battles between these tribes and Tuhoe spanned some 17 years, until in the mid 1830s, Ngati Awa and Tuhoe held a series of peacemaking meetings. Two such meetings had already been completed when Te Purewa visited Ngati Awa at Te Kupenga, at Te Teko, to make peace . . . While he sent Te Ahuru [his son], Paraone and Petera Koikoi to Pupuaruhe in Whakatane to conclude peace negotiations with Ngati Awa and Ngati Pukeko, Te Purewa himself arranged peace with Tautari and Tama-I-arohi of Ngati Pukeko at Te Awahou, near Taneatua; *he gave them the right to use the lands between Te Hurepo and Te Awahou.*

Te Purewa assumed the task of upholding Tuhoe's mana over lands from Waimana north to Waitahe Valley, and from Te Hurepo south to Ruatoki, including Opouriao and the Owakatoro Valley. [Emphasis added.]<sup>171</sup>

Te Purewa introduced the cultivation of potatoes to Ruatoki and his son planted the first peach tree at Waikirikiri. Te Purewa erected signs of his occupation overlooking Waimana and Opouriao; one of the pa he built was at Te Tawhero. Tuhoe researchers have given evidence, in research submitted to the Waitangi Tribunal, of the continuing presence of Te Purewa's mana in the names of Tuhoe cultural and physical landmarks in the area.<sup>172</sup>

Tuhoe, then, admit some legitimate Ngati Pukeko presence on parts of Opouriao from the late 1830s but seem to stress that this occupation derived from permission granted by the Tuhoe chief Te Purewa. Tuhoe say that Ngati Pukeko did not own the land as such but held lesser rights while asserting that Te Purewa had conquered the land, made peace over the land, and upheld the mana of the land until the time of his death in about 1842. And, by this time, there was little dispute that Tuhoe occupied much of the land in question. Ngati Awa, on the other hand, acknowledge that Tuhoe occupied most of the Opouriao and Ruatoki lands after peace was made between the

169. Ibid, pp 219–220

170. S Melbourne, 'Te Purewa', in 1769–1869, vol 1 of *The Dictionary of New Zealand Biography*, W H Oliver (ed), Wellington, Allen and Unwin NZ Ltd and Department of Internal Affairs, 1990, p 485

171. Ibid

172. Ibid, p 486

two iwi, but they likewise claim that Tuhoe ‘were allowed’ to reoccupy by arrangement with Ngati Awa, who had had military control of the area, even while it had been a contested ‘no-man’s land’.<sup>173</sup> While Ngati Awa research does not give specific evidence relating to Ngati Awa–Ngati Pukeko occupation of this land from 1840 to the time immediately preceding confiscation, they have given names and locations of their pa, which have been occupied by them ‘at various times’.<sup>174</sup>

Pa site	Iwi or hapu	Location
Ahi Aruhe	Ngati Pukeko	Te Hurepo (north of Taneatua)
Hui Toetoe	Ngati Rangataua	Te Hurepo (north of Taneatua)
Te Karetu	Ngati Awa	North of Taneatua
Kawakawa	Ngati Pukeko	Ruatoki
Kohu Pare	Ngati Pukeko	Ruatoki
Te Maru	Ngati Pukeko	Owhakatoro
Ouekokoi	Ngati Pukeko	Owhakatoro
Motu Aruhe	Ngati Pukeko	Te Hurepo (north of Taneatua)
Otangikiukiu	Ngati Pukeko	Ruatoki
Puketi	Ngati Pukeko	Te Hurepo (south of Taneatua)
Rewarewa	Ngati Rangataua	Owhakatoro
Tahuna Roa	Ngati Pukeko	Ruatoki
Tapuriko	Ngati Pukeko	Ruatoki
Tapuirau	Ngati Pukeko	Ruatoki
Tipare Kawakawa	Ngati Awa	Te Hurepo (north of Taneatua)
Waikirikiri	Ngati Awa	Ruatoki
Waitutu	Ngati Pukeko	Owhakatoro

The Ngati Awa–Ngati Pukeko pa and locations given in this list might usefully be compared with those Tuhoe pa located by Hirini Melbourne (see fig 5).

### 1.8.6 The Tuhoe–Whakatohea wars

The battles between Tuhoe and Whakatohea ranged from Ohiwa, to Te Wainui, Waiohau, Ruatoki, and Ruatahuna.<sup>175</sup> The two tribes were engaged in a long-running feud, and because of their close proximity, the Upokorehe hapu of Te Whakatohea, especially, came into conflict with Tuhoe.<sup>176</sup> One particular focus of their conflict was

173. Te Roopu Whakaemi Korero o Ngati Awa, ‘Whenua Tautohetohe’ (Wai 46 ROD, doc c7), p 29; Te Roopu Whakaemi Korero o Ngati Awa, ‘The Tuhoe Tribal Boundary’, para 15

174. ‘The Tuhoe Tribal Boundary’, para 37

175. Best, *Tuhoe*, pp 174, 207–209, 302 (cited in Melbourne, ‘Te Manemanerau a te Kawanatanga’, p 78)

the Ohiwa Harbour, in so far as it represented a major resource in the district (and not only to Whakatohea and Tuhoe but also to Ngati Awa). This section will, therefore, largely examine the conflict between Tuhoe and Whakatohea within the context of Tuhoe's relationship with Te Upokorehe hapu, and of Tuhoe's defence of their access to Ohiwa and its hinterland.

Ohiwa Harbour was and still is a resource hotly contested by Ngati Awa, Whakatohea, and Tuhoe iwi. According to Milroy and Melbourne, it had the status of the seafood basket of the Mataatua tribes, owing to the rich resources of the area and its convenience as a harbour. Research cited by Ngati Awa has established that Ohiwa Harbour and its environs was one of the most densely settled areas in pre-European Aotearoa.<sup>177</sup>

Tuhoe claimants to the Waitangi Tribunal state that their relationship with Ohiwa can be described in terms of historical associations, occupation, and use-rights. One of the earliest peoples associated with Ohiwa were Te Hapuoneone, descended from Hape, who arrived from Hawaiiiki aboard the Rangimatoru waka, which landed at Ohiwa. Hapuoneone occupied the land from Ohiwa inland to Waimana and over the Tairahia Range to Ruatoki.<sup>178</sup> The early tribes of Ngati Raumoa, Ngai Turanga, and Ngai Te Kapo, all to develop close associations with Ohiwa, were descended from Hape too (amongst other ancestors).

In later times, however, it was largely Te Whakatane tribe and their connections with the Upokorehe people, which would define the relationship Tuhoe enjoyed with Ohiwa. Te Whakatane's founding ancestor was Haeora, whose grandfather, Tamatea, arrived in Aotearoa on the Nukutere canoe. According to Sissons, Haeora and his adopted son, Kahuki, are the main ancestors through whom Te Whakatane claim mana and rangatiratanga, and it is the story of Kahuki which relates Te Whakatane to Te Upokorehe, an Ohiwa hapu.<sup>179</sup>

A C Lyall, whose writings focus on the history of Whakatohea in the Opotiki area, states that Upokorehe have some element of Mataatua origins but for the most part, their whakapapa runs back to older 'tangata whenua' origins from Te Hapuoneone.<sup>180</sup> Tamatea is cited as an important ancestor (and is shared with Ngati Ira, a Whakatohea hapu), as are Raumoa and Haeora, Tairongo, and, sometimes, Hape. Best says Upokorehe are descended from Raumoa and Haeora, making them related to Ngati Raumoa and Te Whakatane amongst others, but points out that they are not a Tuhoe 'clan'.<sup>181</sup>

Sissons records several traditions, related in the Native Land Court, that recount alternative versions of the story of Kahuki. A fusion of the essential elements of the story, for the purpose of this report, follows. Kahuki was the son of Rongopopoia and Rangiparoro. Rongopopoia was the son of Rongowhakaata of Turanga district (and

176. A C Lyall, *Whakatohea of Opotiki*, Wellington, AH and AW Reed, 1979, p 129

177. Te Ropu Whakaemi Korero o Ngati Awa, Te Runanga o Ngati Awa, Whakatane, 'Ohiwa', 25 November 1995 (Wai 46 ROD, doc L10), p 5

178. Best, *Tuhoe*, p 59

179. Sissons, pp 61-62

180. Lyall, p 68

181. Best, *Tuhoe*, p 89

his stepfather was Tanemoeahi, older brother of Tuhoe-Potiki), while his wife belonged to a hapu called Tairongo, who was an important ancestor of Te Hapuoneone but not of Te Whakatane. Kahuki's paternal uncle, Tuamutu, was in love with Rangiparoro, killed Rongopopoia, and then married his widow. Rangiparoro, meanwhile, was pregnant to her first, dead, husband and when the child, Kahuki, was born, she pretended the infant was a female, knowing her new husband would fear the revenge of Rongopopoia's male offspring and kill him. Soon she fled inland, taking Kahuki with her to a place named Kaharoa, where she stayed with Haeora, who adopted Kahuki, raising him as a son. When Kahuki, as a young adult, learnt how his father had been murdered, he set out to the coast for revenge. Kahuki chased Tuamutu from pa to pa on the Ohiwa–Opotiki coast, finally killing him at Waiwhero. After this, Kahuki established a pa at Waiotahe, or possibly at Ohiwa.<sup>182</sup>

The different versions of this story related in the Tahora block investigations recorded by the Native Land Court in 1888–89 were significant in understanding the relationship between the inland and coastal hapu. Ngati Patu (Whakatohea) claimants stressed that Kahuki had taken over the mana of Haeora, the inland leader of Te Whakatane, and as Kahuki's descendants, they could then claim interests in the inland Tahora blocks. They related the Kahuki–Tuamutu dispute as conflicts between three different sections of Te Whakatane, headed by Panekaha, Haeora, and Tuamutu: 'Kahuki, a leader of his mother's coastal people and his adoptive father's inland people, then reunited Te Whakatane, so taking over the mana of Panekaha and Haeora'.<sup>183</sup> The version related by Tamaikoha in this 1889 investigation, however, emphasised the Rongowhakaata origins of Kahuki, and denied that he and his parents were of Te Whakatane. Further, Tamaikoha denied that Tuamutu was of Te Whakatane, and so the fighting related in the story of Kahuki was not about in-fighting of Te Whakatane hapu but of coastal hapu with different identities:

During cross-examination Tamaikoha said that Te Whakatane did not occupy coastal land at Ohiwa, but were instead a section of a large inland confederation, comprising eight hapu, named Ngati Atua. By so saying, Tamaikoha further stressed that the coastal fighting that involved Kahuki was of little direct concern to Te Whakatane. After the defeat of Tuamutu, therefore, Kahuki could not have even contemplated assuming the leadership of Te Whakatane.<sup>184</sup>

If Kahuki did not assume Haeora's mana, then Ngati Patu could not claim in the inland blocks through this ancestor. Further, Tamaikoha made the point that Kahuki and his mother lived under the mana of Haeora, and held no rank; 'the descendants of Kahuki have always been taken care of by Te Whakatane'.<sup>185</sup> Sissons says that Te Upokorehe, although descended from Kahuki, decided to forego any claims through this ancestor because they were aware that the court placed more emphasis on

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182. Sissons, pp 69–85

183. *Ibid*, p 74

184. *Ibid*, p 78

185. Tamaikoha, Tahora block investigation, Opotiki minute book 5, p 280 (quoted in Sissons, p 79)

occupation than descent. They were then admitted under Te Whakatane's claim, as descendants of Haeora.<sup>186</sup>

Lyll explains the historically close relationship between Te Whakatane and Te Upokorehe as having been 'gradually broken down under the onslaught' of the Tuhoe tribe.<sup>187</sup> In practical terms, this had the effect of strengthening the ties Upokorehe had with Whakatohea, and Ngati Ira in particular, while Te Whakatane drew closer to Tuhoe. Best wrote that extensive intermarriage between Te Whakatane and Tuhoe and 'various divisions' of Te Whakatohea had all but erased the old name of Te Whakatane, but this was hotly denied by Tamaikoha:

These people who had come to be related through Tamatea [including Upokorehe] gradually fused into an identifiable unit when the population pressures brought disharmony with neighbouring tribes. It was their custom when attacked on the coast to melt into the concealment of their inland domains and, no doubt, vice versa from inland to coast.<sup>188</sup>

Surveying the literature and sources on Tuhoe's relationship with Ohiwa, it becomes evident that there were and are very strong associations between Waimana hapu and those at Ohiwa, between coastal and inland people, and an investigation of customary interests at Ohiwa would benefit greatly from an examination of the whakapapa links between these groups. Those who claim to hold interests in this area would need to provide oral evidence to the Waitangi Tribunal on these matters.

Best and Lyll have recorded the major nineteenth-century conflicts between Tuhoe and Upokorehe and Whakatohea as being the Whitiwhiti, Kahikatea, and Maraetotara fights. One day just prior to 1818, an Upokorehe taua roaming hills east of the Whakatane River came across a Tuhoe party and attacked them. Unfortunately for Upokorehe, one of the Tuhoe killed on this occasion was Tamahore, an esteemed orator and warrior, and brother of Te Purewa. Te Purewa set out to avenge his brother and attacked Upokorehe at Whitiwhiti Pa at Ohiwa, consolidating his position with a further battle at Te Papa on the Waioka River, where Upokorehe were defeated.<sup>189</sup> Melbourne says Te Purewa then decided to establish 'permanent hold' over the Waiotahe valley.<sup>190</sup> He achieved this, it is claimed (with the help of Tamakaimoana) by attacking Upokorehe and Ngati Raumoa at Kahikatea, killing about 50 of them and driving them away.<sup>191</sup> Lyll claims that Upokorehe fled to Motuotu Island in Ohiwa Harbour:

After the Upokorehe were driven away from Wai-o-tahe, the upper part of the valley of that stream was occupied by the Whakatane tribe, many of whom were also members of the Tuhoe tribe. Hence we see descendants of Tuhoe now living at Waka-taua. Tama-I-koha and Netana Whakaari are two leading men of that part. Te Upokorehe were

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186. Sissons, p 80

187. Lyll, p 70

188. Sissons, pp 70-71, 86

189. Lyll, p 74

190. Melbourne, 'Te Purewa', p 485

191. Best identified some of the Upokorehe pa at Waiotahe as Puhirake, Orona, Tuhua, and Tokorangi.

formerly the principal people at O-hiwa, but their star of empire set in the gloomy days of 90 years ago.<sup>192</sup>

Another significant battle between Tuhoe and Whakatohea occurred at Otairoa in the Ruatoki area in 1822. This happened after Pomare and his Nga Puhi followers had returned north, and Tuhoe hapu had resettled at Ruatoki. Apparently, Tuhoe then killed some members of Whakatohea who were in the area, in retaliation for a previous incident at Ohiwa, when Rua Hikihiki of Tuhoe was killed by Tohi te Ururangi of Whakatohea. This vengeance, in turn, prompted Whakatohea, aided by Ngati Raka, to raid Ruatoki.<sup>193</sup> Battles took place at Te Koaua and Patutahuna, with the main engagement at Otairoa. Tuhoe suffered severe losses in defeat. Not only did they lose men in battle, but many high ranking women captured by Whakatohea were taken to Opotiki.<sup>194</sup> The next encounter occurred at Whakaari. A Tuhoe taua marched to Opotiki, but then turned back to Waitahe with Whakatohea in pursuit. Tuhoe made their stand at Whakaari, where they were attacked by the Whakatohea and Ngati Raka forces and again suffered defeat.<sup>195</sup> To avenge Whakaari, Tuhoe attacked Whakatohea and Ngati Raka at Uretaia, and this time, Tuhoe were the victors.<sup>196</sup>

However, the control that Tuhoe was able to exert over portions of the southern and eastern harbour was upset by a defeat they suffered at the hands of Whakatohea at Maraetotara, circa 1823. According to Upokorehe submissions to the Waitangi Tribunal, the chief Te Rupe 'took control of the Ohiwa Harbour from Tuhoe' following the battle.<sup>197</sup> Kevin Were has written that this battle cost Tuhoe their access to the harbour, which was restored only through permission from Whakatohea to pass over their land to Ohiwa itself.<sup>198</sup>

The last major battle between Tuhoe and Whakatohea occurred on the eastern side of Ohiwa Harbour. According to one Tuhoe account, a party of their people had been on the way to Tauranga and were intercepted by Ngati Awa. The latter then convinced the Tuhoe party to assist them in an attack against Whakatohea.<sup>199</sup> According to Lyall, Whakatohea considered Tuhoe directly responsible for the attack because Tuhoe claimed a part of Ohiwa that Whakatohea had always maintained was theirs. Tuhoe had attacked a Whakatohea party consisting mainly of Upokorehe, who then called on their people who were netting at Ohiwa to support them against the attackers. This battle occurred before the introduction of firearms, but, even so, the casualties were severe and Lyall suggests that hundreds may have been killed in the battle in which Tuhoe were defeated.

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192. Best, *Tuhoe*, p 403; Lyall, p 74

193. Best states that Ngati Raka are a division of Ngati Kareke descended from Ueimua, and of Ngai Turanga. They also have strong connections to Whakatohea through many intermarriages: see Best, *Tuhoe*, p 309. Ngati Raka were also engaged in a long running feud with Tuhoe, which explains why they would be likely to support Whakatohea against them.

194. Lyall, pp 135–136

195. Best, *Tuhoe*, p 347

196. Lyall, pp 136–137

197. Evidence of T Mokomoko, p 1, in Wai 46 ROD, doc F3, appended as doc 23

198. Kevin Were, 'Mokomoko – Our Tipuna', research report, p 1, in Wai 46 ROD, doc F3

199. Best, *Tuhoe*, p 385 (cited by Lyall, p 138)



Other evidence seems to suggest that Ohiwa was the subject of ongoing disruption and conflict, mainly between Ngati Awa and Whakatohea, intersected with Ngati Maru and Nga Puhi raids, implying that it was very difficult for any one iwi to claim control of the harbour in the period prior to the signing of the Treaty. Lyall, for example, has stated that the impact of the raids of the 1820s and 1830s on Whakatohea was severe and it was unclear whether they ever regained their former military strength.<sup>200</sup> This may have been a situation that Tuhoe were able to take advantage of on the ground. Certainly, Tuhoe historians have maintained that Tuhoe retained possession of some of the land around the south and east of the harbour.

Lyall concludes, however, that the end of the fighting between Whakatohea and Tuhoe was due to the people of this district becoming preoccupied, first with repelling invading tribes from the north and then with the arrival of Europeans.<sup>201</sup>

Tuhoe tribal historians have asserted that no one tribe can claim Ohiwa for itself; indeed, that no tribe in fact 'owned' Ohiwa as such but instead all exercised certain rights to its bounty.<sup>202</sup> Milroy and Melbourne have recorded a pepeha that conveys the concept that Ohiwa was not owned and that, despite the passing of generations, the bounty of Ohiwa remained plentiful: 'No pikipiki mai, no hekeheke atu'.

They assert that Tuhoe claims to lands abutting the Ohope to Ohiwa coastline were maintained by Te Whakatane, Ngati Raka, and Ngai Tauranga, amongst other Tuhoe hapu.<sup>203</sup> Te Whakatane, they say, also held interests along the eastern and southern shores of Ohiwa Harbour. Tuhoe claimants to the Waimana block have asserted that these hapu occupied, extensively cultivated, and buried their dead on the land from Waimana to Ohiwa, and have named Tuhoe Pa and special places that demonstrate their associations at Ohiwa. According to Milroy and Melbourne, Tuhoe occupied the pa and kainga of Maraetotara until they lost a fight there to Whakatohea in about 1823; Ohakana Island was occupied by Ngati Raka when they fled Opouriao and Te Hurepo, and they also occupied Oheu Pa on the eastern side of the harbour and lived at Kahikatea until the late 1820s; Paparoa Peninsular was occupied by Te Whakatane 'during the 18th and 19th centuries' but also had some Ngati Raka living there; there were whare called 'Te Poho o Tuhoe' and 'Te Here o te Ra' on the island of Pataua. These historians also refer to the evidence given in the Waimana block investigation, where it was asserted that Ngati Raka and Ngai Tauranga hapu held steady occupation of the land from what became the confiscation line to Ohiwa until 1866.<sup>204</sup>

At the time of confiscation, it is evident that there were Tuhoe communities living in the vicinity of Ohiwa Harbour. Hemi Kakitu and other Tuhoe lived and cultivated on Hiwarau lands with Upokorehe kin, and the Tuhoe chief Rakuraku had a pa near the southern shore of Ohiwa called Whakarae, and his people occupied adjacent southern lands.<sup>205</sup> Additionally, both these men seem to have returned and lived at

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200. Lyall, p 141

201. Ibid, pp 138, 140

202. Submission of Tuhoe-Waikaremoana Maori Trust Board in the Ngati Awa and Eastern Bay of Plenty claims (Wai 46 ROD, doc H2), p 7

203. Milroy and Melbourne, p 64

204. Ibid, pp 63-66

205. Ibid, p 66

Waimana at certain times, underlining this relationship and movement between the coastal and inland hapu. The Wainui valley was the ‘corridor’ linking the tidal inlet of Te Tauranga waka, where canoes were kept, with Te Raroa leading into Waimana.<sup>206</sup>

The nature of Tuhoe’s claims have been criticised by Ngati Awa claimants, who state:

That Tuhoe had access to Ohiwa is not disputed by Ngati Awa. They would have had access through their connections with Upokorehe. Access, however, is not the same as having rights of occupation and ownership over the land.<sup>207</sup>

T Mokomoko, in an appendix to an Upokorehe submission before the Waitangi Tribunal, seems to suggest that Whakatohea and Tuhoe came to an accommodation concerning the harbour, but he does not mention adjacent land rights:

Full control of Te Moana o Tairongo [Ohiwa] lay with Te Upokorehe after the battle of Te Maraetotara, and was never relinquished. Tuhoe’s mana was not diminished after that battle – Upokorehe/Whakatohea allowed Tuhoe full access to Te Moana o Tairongo and the sea through Wainui, Tewaingarara and the Matakerepu rivers or streams and the Waiotaha river. Tuhoe still have that access to this day, and happily share the mana moana with Whakatohea, and this is also reflected in their right of access to fish quota. Ruamoko a chief of Whakatohea made sure that the control of Ohiwa remained with Upokorehe. He had numerous skirmishes with Tuhoe.<sup>208</sup>

### **1.8.7 Tuhoe, Ngati Kahungunu, and Ngati Ruapani: conflict over the Waikaremoana district**

The history of the conquest of the Waikaremoana district mainly involved three tribes: Tuhoe, Ngati Kahungunu, and Ngati Ruapani. Their relationship was and is a complicated one, and Best and Wiri have both put forward different narratives concerning the identities of the parties involved in the various battles. The status and complicated identity of Ngati Ruapani, vis-à-vis their Tuhoe and Ngati Kahungunu neighbours, seems to be a particularly contested issue.

Wiri asserts that the main genealogical basis of Kahungunu claims to the Waikaremoana district derive from ‘te tokorima a Hinemanuhiri’ (the five offspring of Hinemanuhiri). These children were the direct result of a union between Kahungunu’s grand-daughter and Ruapani’s son (see sec 1.7.2). The hapu who whakapapa back to these offspring, says Wiri, settled in the upper Wairoa district under the mana of Kahungunu. Several of these hapu would come to be known as Ngati Ruapani. They are, however, distinct from Ngati Ruapani ki Waikaremoana, who, Wiri says, share a dual heritage from the ancestors Ruapani and Tuhoe-Potiki. He criticises writers such as Elsdon Best and Gudgeon for not distinguishing between the Tuhoe–Ruapani hapu of Waikaremoana and the Ruapani more closely related to Kahungunu, in their accounts of the struggles between these people to assert

206. Ibid, p 64

207. Te Roopu Whakaemi Korero o Ngati Awa, ‘Ohiwa’ (Wai 46 ROD, doc L10), p 3

208. Evidence of T Mokomoko, p 2

ownership of Waikaremoana and its surrounds: 'Ngati Ruapani ki Waikaremoana remained a distinct tribal entity'.<sup>209</sup> Wiri states that the grouping of Ruapani-Kahungunu hapu in the upper Wairoa district came to be more specifically known as Ngati Hinemanuhiri, an appellation he uses in order to avoid confusion.

Ngati Ruapani and Tuhoe have had a long history of bitter feuding, although the information provided to Best by Tutakangahau of Tuhoe does not make it clear how or why this enmity started.<sup>210</sup> Best records that, in about 1660, Ngati Ruapani, whom he described as 'not connected with Nga Potiki or Tuhoe', invaded Ruatahuna, apparently without provocation, and captured a pa known as Raehore. Reprisals followed, in which Tuhoe defeated Ngati Ruapani at Te Anaputaputa. Some time afterwards, Ngati Ruapani suffered another defeat by Tuhoe at Okarika, and then sent out a taua to Ruatahuna to retaliate. Their campaign was unsuccessful, but it did signal an end to the fighting for the time being. Peace was eventually secured between the two tribes, strengthened by intermarriage, and lasted until the early nineteenth century.<sup>211</sup> It is difficult to be certain, but it appears that a significant proportion of this fighting was actually between Tuhoe and hapu who mainly identified with Kahungunu; Wiri notes that the chief Haua, who was killed at Maungapohatu by the Tamakaimoana hapu, was actually the son of Hinanga of Ngati Kahungunu, although he was described as a Ruapani chief by Best.<sup>212</sup>

Wiri says that it was approximately four to six generations after this fighting, in the time of the ancestors Tuwai (Tuai) and Pukehore, that Ngati Ruapani ki Waikaremoana became firmly established at Lake Waikaremoana with the support of Tuhoe, with whom they had intermarried.

In about 1823, war erupted again between the Ngati Hinganga hapu of Ngati Kahungunu and Tuhoe. As mentioned earlier, Tuhoe drove Ngati Hinanga from the Te Papuni district in 1823 and, in a possible retaliatory attack, two Tuhoe chiefs were killed by their Ngati Kahungunu hosts at Hopuruahine.<sup>213</sup> The body of one of the chiefs was desecrated, and Tuhoe, with aid from Ngati Ruapani from Lake Waikaremoana, raised a large contingent in retaliation, attacking and overcoming Ngati Kahungunu. Ngati Kahungunu then fled across the lake to Whakaari and, upon being defeated there, to Pukehuia. The Ngati Kahungunu forces destroyed their canoes to prevent Tuhoe from following, but Tuhoe hewed two new canoes and caught the Ngati Kahungunu at Pukehuia, where they were finally defeated.<sup>214</sup> Following this victorious rout, Wiri and Best state that many other Tuhoe hapu began to occupy the shores of Waikaremoana, 'exercising their mana whenua or supreme right of ownership over their newly acquired lands'.<sup>215</sup>

209. Wiri, p 117

210. Best, *Tuhoe*, p 498. Wiri says it is possible that Best may have been referring to Ngati Kahungunu instead of Ngati Ruapani in this account: see Wiri, p 138.

211. Best, *Tuhoe*, pp 498–499

212. Wiri, p 138

213. *Ibid*, pp 140–141. Wiri argues that Best confuses the Kahungunu hapu responsible for the death of the Tuhoe chiefs with Ngati Ruapani ki Waikaremoana, they being related; thus Best refers to this fight at the lake in 1823 between Ruapani and Tuhoe: see Best, *Tuhoe*, p 500.

214. Wiri, pp 141–142. Wiri notes that Pukehuia was a pa belonging to Ruapani and explains this by suggesting that 'Ngati Kahungunu may have sabotaged these pa in an attempt to escape from their enemies'.

From this point, intermittent conflict occurred for approximately another 40 years. By 1824, Tuhoe were fighting along most of the East Coast, leaving only a small number of men on home land. Ngati Kahungunu took advantage of this, attacking Tuhoe settlements, which culminated in a massacre of old men, women, and children at Te Ana-o-Tikitiki. Wiri says that Ngati Ruapani closely related to Tuhoe were also killed at Tikitiki settlement. However, he says that ‘it is significant to note that the perpetrators of this killing were of the Ngati Hinemanuhiri, who were related to Ngati Ruapani but who identify as Ngati Kahungunu’.<sup>216</sup> The reprisal raids that followed forced Ngati Hinemanuhiri to abandon their pa at Wairauoana. Except for those who had intermarried with Tuhoe, Ngati Hinemanuhiri were driven from the lake and the land was once again occupied by Tuhoe–Ruapani, whom Wiri says had become a distinct hapu entity of Tuhoe.<sup>217</sup>

Best states that:

[Ngati Ruapani related to Tuhoe] were allowed to remain at the lake. They subsequently intermarried much with the Tuhoe residents, so that their descendants are one and the same people. They have land rights, not only at the lake, but also at Rua-tahuna, Maunga-pohatu, and elsewhere.<sup>218</sup>

After regaining control of the lands in the Waikaremoana vicinity, Tuhoe divided the lands among Ruapani and those Tuhoe hapu who had contributed to the conquest of Waikaremoana: Wiri names these hapu as Ngati Hinekura, Ngai Te Riu, Ngai Tumatawhero, Ngati Rongo, Ngati Tawhaki, Tamakaimoana, and Te Urewera.<sup>219</sup> Wiri asserts that the Tuhoe who were involved in the annexation of Waikaremoana could all trace their descent from Ruapani, as well as from Toi, Hape, and Tuhoe-Potiki.<sup>220</sup> He quotes Numia Kereru, a Ngati Rongo rangatira, as saying in 1907, that, ‘the whole of Tuhoe [involved in the annexation] including myself came from Ruapani. We all come from this branch’.<sup>221</sup> Tuhoe held the western shores of the lake while Ngati Ruapani remained to the east. Mokonuiarangi, Te Purewa, Te Poutewhatewha, and Tuiringa were all famous rangatira involved in Tuhoe’s conquest of the lake area.<sup>222</sup> Wiri quotes evidence, given by Tuhoe to the Urewera commissioners during their investigation of title to the Waikaremoana block, of the locations of Tuhoe and Tuhoe–Ruapani settlements around the lake and on its adjacent lands, that were established following their defeat of Ngati Hinemanuhiri.<sup>223</sup> While it seems likely that some of the Tuhoe who relocated to Waikaremoana stayed for only as long as it took to secure Tuhoe mana over the district, others remained as colonists. The chief

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215. Ibid, p 144

216. Ibid, pp 144–145

217. Ibid, p 152

218. Best, *Tuhoe*, p 510

219. Wiri, p 150

220. Ibid, p 152

221. Ibid

222. Ibid, p 169

223. Ibid, pp 152–156

Tuiringa, for example, was still living at Mokau when the missionary Colenso ventured into the Urewera in 1841.

Tuhoe and Ngati Ruapani followed this consolidation with raids on Ngati Kahungunu lands in the Mohaka and Wairoa districts, and, in the 1820s, Tuhoe built a fully fortified pa on the lake at Onepoto named Te Pou o Tumatawhero, securing access to the lake from the Wairoa side. Best says that at some time between 1826 and 1829, Ngati Kahungunu, under a tohunga of that tribe named Mohaka, marched on Tuhoe at Ruatahuna.<sup>224</sup> After skirmishes between the two groups, Ngati Kahungunu were eventually forced to retreat and shortly after this incursion, peace was made between the two tribes and intermarriage followed.

In the account given by Wiri of the tatau pounamu between Tuhoe and Ngati Kahungunu, the Tuhoe chief Tutakangahau stated that a boundary was laid down between Tuhoe–Ruapani and Ngati Hinemanuhiri–Ngati Kahungunu at Kuhatarewa and Turi o Kahu.<sup>225</sup> Turi o Kahu is a hill that stands at Te Kuha Pa, Waikaremoana, while Kuhatarewa is a hill at Tahekenui, near the Waiau valley, about halfway between Lake Waikaremoana and Wairoa.<sup>226</sup> These two hills, or peaks, were symbolically married to seal the peace between the warring iwi. War was threatened again in 1863 when Ngati Kahungunu attempted to seize the lake by building a redoubt on (what would become) the Tukurangi block, but was avoided through the negotiations of chiefs and Maori catechists on both sides.<sup>227</sup>

Wiri, then, corrects Best's assertion that Tuhoe conquered Ngati Ruapani, by arguing that the conquest was one by Tuhoe and Ngati Ruapani ki Waikaremoana over the Ngati Kahungunu (or Ngati Hinemanuhiri) of the upper Wairoa area.<sup>228</sup> Further, Wiri says that through generations of intermarriage, Tuhoe-proper and Ngati Ruapani ki Waikaremoana became one and the same people following the conquest. Importantly, he also says that the Waikaremoana people retained their ancestral rights to the land through Ruapani, but they recognised the conquest of Tuhoe (that is, by Te Purewa and others) as a confirmation of Tuhoe mana over the lake and surrounding land.<sup>229</sup>

Tuhoe were engaged in an almost continual cycle of warfare with neighbouring tribes in their quest to extend their territory. As has been shown in the Waikaremoana district, feuds could last for decades, kept alive by the push to conquer lands and the need to avenge insults incurred during this pursuit. An important point to be noted is that only through continuous occupation, and effective defence against invaders, could an iwi maintain their rights in an area. According to Wiri and Best, Tuhoe and Ruapani triumphed at Waikaremoana because of their ability to do this.

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224. This incident was known as Mohaka's raid.

225. Urewera minute book 5, p 364 (quoted in Wiri, p 159)

226. Wiri, p 160

227. Ibid, pp 511–517

228. Ibid, p 170

229. Ibid

### 1.8.8 Tuhoe obtain firearms

The acquisition of firearms rapidly changed the nature of warfare between tribal groups. The musket wars that began in 1818 involved most tribes and, before they ended, had caused substantial social and economic dislocation. As Belich comments, ‘the wars changed the political map of Aotearoa and helped determine the location of the first European mass settlements in the early 1840s’.<sup>230</sup> The musket wars obviously played a major part in redetermining the balance of power amongst iwi as the struggle for supremacy was no longer exclusively a matter between tribal groups; Europeans became influential in the outcome of conflicts because they supplied the muskets, and could in effect give one tribe the advantage over another through access to superior fire-power.

As this chapter’s discussion of the Nga Puhi raids demonstrated, the introduction of firearms escalated tribal warfare to a level that enabled the first tribes possessing these weapons to overpower less well-equipped iwi. Tuhoe’s experiences of the early nineteenth century, such as Mohaka’s raid on Ruatahuna, the raids made by Ngati Maru of Thames in the Bay of Plenty in the late 1820s, and the southern raids by Nga Puhi and Ngati Whatua, convinced them of the necessity of acquiring firearms in order to survive.

Although coastal tribes such as Ngati Awa and Kahungunu ki te Wairoa had access to muskets at that time, Tuhoe could not purchase firearms from them, or pass through their territory to obtain muskets from traders, because of the continuing warfare with the two iwi. As Tuhoe were isolated from the direct opportunity to procure muskets, they had no choice but to trade for the weapons with tribes that did have that access. Hence a party of Tuhoe went to Hauraki in order to obtain guns and ammunition from the Ngati Maru tribe in about 1829 or 1830.<sup>231</sup>

Tuhoe chose to deal with Ngati Maru because at that time they were not at war with the Hauraki tribe, and their genealogical connections to Ngati Maru apparently stood them in good stead. Ngati Maru possessed a good number of guns and ammunition, having obtained them from visiting traders. About 100 Tuhoe men of Tamakaimoana, Ngati Koura, and Ngati Tawhaki descent went to Hauraki to obtain the weapons.

Flax fibre and pigs were the main items of trade for muskets, and in this area Tuhoe were disadvantaged because of the lack of suitable land for flax growing in Te Urewera, and the very few pigs that they possessed. Instead they used slaves as a trading commodity, which also solved the problem of transportation as people were relatively easy to move across country compared to bulky trade goods. The slaves had been captured during the fighting with Ngati Kotore and Ngati Kahungunu, and also when the Hauturu Pa at Waikohu, Poverty Bay, was taken.<sup>232</sup>

The Ngati Maru chiefs who possessed the muskets were Taraia, Te Popo, and Te Rangianini. Among the Tuhoe party were the chiefs Te Ahoaho, Piki, Te Ahuru, Tokotu, Mokonuiarangi, Te Hou, Kopu, Kumea, Te Hokotahi, and Kairapu.<sup>233</sup> Tuhoe

230. Belich, *Making Peoples*, p 157

231. Best notes that there may have been an earlier expedition prior to this time: see Best, *Tuhoe*, p 519.

232. *Ibid*, p 520

traded the slaves for 20 muskets, six kegs of powder, and a supply of lead for making bullets. The name of the first gun that Tuhoe purchased was Te Riaki, for which 10 slaves were traded. For subsequent purchases, the price was lowered to five slaves, and then to one slave, per musket.<sup>234</sup>

In 1830, after a stay of some months with Ngati Maru, the majority of the Tuhoe party decided to test their new firepower by joining the Ngati Maru taua, which was going to Maungatautari in order to fight the Waikato tribe of Ngati Haua. Best's informant Tamarau Waiari states that, when Ngati Maru and Tuhoe arrived, they were attacked by Ngati Haua and defeated, hence the allies were forced to retreat. Not long after this incident, in 1831, the Tuhoe party returned to Ruatahuna with muskets.<sup>235</sup> Muskets were first used in Te Urewera during the battle between Tuhoe and Ngati Awa at Te Kaunga in 1832.

While the acquisition of firearms initially gave those tribes who first obtained muskets an advantage over those without them, they did not automatically ensure success against opponents. Best cites an instance in 1818, when Nga Puhi were defeated by Ngati Pukeko and Ngati Awa at Okakukura, in spite of the fact that Nga Puhi possessed firepower.<sup>236</sup> Most iwi in the Urewera and Bay of Plenty regions had obtained muskets by 1830, all recognising the necessity of being able to defend themselves against long-range weapons, and this at least evened the odds in terms of firepower.

Belich summarises the effects of the new weapons on warfare between tribal groups, and how this affected the balance of power between them:

The new military resources flowing from European contact were differentially distributed and exploited, by a mix of European and Maori agency. Those that had them used their advantage against traditional kin and neighbour rivals, and less traditionally against strangers. The cycle ceased when the advantage ceased – when the new crops and weapons were universally distributed – and the wars speeded up the distribution.<sup>237</sup>

The conflicts known as the musket wars continued in full force until about 1833. As Belich has commented, the eventual curtailment of conflict was most likely due to 'the restoration of the inter-tribal balance of military power'.<sup>238</sup> Belich comments that once this happened, tribal focus shifted to agricultural production and trade with Europeans and the urgency to acquire muskets slowed. As a result of this change in priorities, conflict gradually returned to normal levels.<sup>239</sup>

Melbourne identifies the most important consequences of the wars as political and economic, linking an expanded Tuhoe rohe with access to new resources:

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233. Ibid

234. Best comments that Te Riaki may have been obtained from Ngati Maru during an earlier expedition: see Best, *Tuhoe*, p 520.

235. Ibid, p 521

236. Ibid, p 525

237. Belich, *Making Peoples*, p 164

238. Belich, *The New Zealand Wars*, p 20

239. Belich, *Making Peoples*, p 162

The following peace brought rewards for Tuhoe. Its political frontiers had been extended to the north and south. The southern border reached beyond the shores of Waikaremoana to Te Papuni and Ruakituri. The northern boundaries extended north of Taneatua to Te Hurepo including the sea borders of Paparoa and Kutarere. These new territories transformed tribal resources. The possession of the fertile alluvial flats of Opouriao and Waimana allowed Tuhoe to take advantage of new introduced crops such as potato and maize as well as to acquire new agricultural knowledge to increase kumara production.<sup>240</sup>

Milroy and Melbourne assert that after the 1830s, Tuhoe occupied a large territory and tried to consolidate their tribal identity within ‘a single sovereign territorial state’.<sup>241</sup> Some thoughts on this assertion are offered in the conclusion of this report.

### **1.9 TRADITIONAL HISTORY, THE UREWERA COMMISSION, AND NINETEENTH-CENTURY TUHOE HAPU**

Traditional history was recorded to some extent by the various commissions that were established to investigate title to Te Urewera. Here, as in the rest of Aotearoa, Europeans sought to establish a system of land title that created individual ownership. This was a system that was largely incompatible with traditional Maori concepts of customary land tenure. Traditionally, land was held communally, and the process of individualisation dispossessed and disadvantaged many tribal groups. The first step in this process was the definition of title. In the case of Te Urewera, commissions attempted to define land title in conjunction with special legislation that provided a very broad guideline for the subsequent investigations.

The title investigation of the Urewera blocks was conducted under the Urewera District Native Reserve Act 1896. Traditional land tenure was complex, involving both occupation and usufruct rights, but as Stokes notes, “‘Rights’ (take) were subsequently translated into “ownership” by the process of investigation by the Urewera Commissioners from 1899 on’.<sup>242</sup>

Tuhoe had to demonstrate ‘ownership’ of Urewera lands derived from traditional rights of use or occupation and based on underlying rights of prior discovery, ancestry, conquest or gift. Issues concerning title determination are discussed in detail in chapter 6.

Sissons’ point, that the process of recounting traditional history and whakapapa before the Native Land Court as legal evidence distorted that history, is equally applicable to the process which occurred under the auspices of the Urewera commissions. He states that:

The speakers for a group needed to be able to show that they were descendants of a common ancestor or that their ancestors were close allies. Moreover, this descent or

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240. Milroy and Melbourne, p 80

241. Ibid

242. Stokes, Milroy, and Melbourne, p 15



alliance had to exclude members of other claimant groups. This meant that new groups were formed, common ancestors chosen and incidents and episodes pertaining to these ancestors strategically selected to suit the specific circumstances of the case.<sup>243</sup>

What Sissons and other writers propose is that ‘a clear distinction must be made between pre-Land Court and post-Land Court traditions’.<sup>244</sup> This must be borne in mind when considering the following list of Tuhoe hapu given by Tuhoe chiefs at the first meeting of the Urewera commission at Whakatane.<sup>245</sup> It represents those hapu and their locations as acknowledged by Tuhoe members of the Urewera commission in 1899, after the earlier nineteenth-century period in which Tuhoe hapu fought to consolidate their claims to lands on the periphery of their rohe which had also, presumably, resulted in the consolidation of the Tuhoe tribal identity vis-à-vis other iwi. The list of 1899 also differs slightly from a similar list enumerated by Elsdon Best in his Tuhoe history. Best’s list, for example, included the hapu name Te Urewera which is absent from the collection given below.

Numia Kereru, a Ngati Rongo rangatira from Ruatoki, gave the following list of hapu of that general vicinity:

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Ngati Rongo	Ruatoki, Te Houhi, Ohaua
Ngati Koura	Ruatoki, Ruatahuna, Te Waimana
Ngati Ha	Ruatahuna, Ohaua
Ngati Hamua	Ruatoki
Ngati Muriwai	Ruatoki
Ngati Kumara	Ruatoki
Ngai Turanga	Ruatoki, Te Waimana
Mahurehure	Ruatoki
Ngai Te Kapo	Ruatoki
Ngati Murakareke	Ruatoki

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Tutakangahau was an elder Ngati Tawhaki chief who lived at Maungapohatu, and was Elsdon Best’s main Tuhoe informant. He gave the following list:

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Ngai Te Kahu	Tawhana
Ngati Maru	Maungapohatu
Nga Potiki	Maungapohatu
Tamakaimoana	Maungapohatu

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243. Sissons, p 60

244. *Ibid*, p 61

245. This list was given on 1 February 1899 by several Tuhoe chiefs: see Urewera minute book 3, 1 February 1899, pp 4–7. This table is reproduced from Milroy and Melbourne, pp 10–12, and is also based on the list of Tuhoe hapu given by Best in *Tuhoe*, pp 214–215, which did not include Ngati Ruapani. The Urewera commission is looked at more closely in chapter 7.

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Ngaitumatawha	Maungapohatu
Ngai Tatua	Te Waimana
Ngati Kuri	Te Waimana, Te Whaiti
Ngai Te Riu	Ruatahuna
Ngati Kakahutapiki	Ruatahuna
Ngati Ruatahuna	Ruatahuna
Ngati Tawhaki	Ruatahuna, Ruatoki
Ngati Korokaiwhenua	Ruatoki
Ngati Tamakere	Ruatoki, Maungapohatu, Ruatahuna
Ngati Wehi o te Rangi	Ruatahuna
Ngati Tuhaere	Ruatahuna

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The chief Te Pou, whom Sissons describes as a leading rangatira of Tataiahape at Te Waimana as at 1906, was noted as Ngati Raka in the Native Land Court investigation of the Waimana block in 1880 (discussed in chapter 5). He read the following hapu list to the commission:

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Whakatane	Te Waimana
Ngamaihi	Te Waimana, Tawhana
Ngai Tamaroki	Te Waimana
Ngai Tama	Te Waimana
Ngati Raka	Te Waimana

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Huræ Puketapu of Tuhoe–Ngati Ruapani gave the following list, in which ‘Waikare’ refers to the Waikaremoana district:

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Marakoko	Te Whaiti
Ngati Manunui	Ruatahuna and Waikare
Ngati Pakitua	Waikare
Ngati Hinekura	Waikare
Te Whanaupani	Waikare
Ngati Hinewhakarau	Waikare
Ngai Taraparoa	Waikare

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Mehaka Tokopounamu of Patuheuheu hapu gave the following list:

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Patuheuheu	Te Houhi
Ngati Hiki	Te Houhi
Ngati Manawa	Galatea
Ngati Hui	Galatea
Ngai Te Au	Galatea
Ngati Whare	Te Whaiti
Ngati Te Karaha	Te Whaiti
Ngati Hape	Galatea
Ngati Mahanga	Galatea
Ngati Rakei	Ruatoki and Te Houhi

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One of the interesting features of the above lists is the geographical distribution of the hapu. According to Wiri, 'there are approximately 50 hapu which represent eight geographical areas of the Tuhoe district'.<sup>246</sup> By analysis of the pattern of settlement in 1899, Wiri has identified a complex pattern of hapu relations that show hapu are often represented in more than one geographical area.<sup>247</sup> It was because of this overlap of hapu boundaries that the definition of land title was so difficult to establish under a European system of ownership. It sought to solidify boundaries that had previously been fluid, changing as battles and alliances dictated.

Stokes, Milroy, and Melbourne have reorganised the above hapu list in terms of settlement patterns at 1899. Hapu were represented in more than one area as a result of overlapping boundaries and kinship ties; Ngati Rongo, for example, were represented in three different areas. The list tells us where the ancestral lands of the various hapu are located but it does not necessarily follow that that was where any hapu or individual of that hapu were actually living in 1899, or indeed, earlier than that date. It does, however, note the main areas of population in the Urewera district at the end of the century which would have been largely consistent with main residency patterns from about 1840. In light of the focus of this chapter, it would be instructive to be able to provide a description of these hapu, their leading men and locations as at 1800–40, but this information is not readily available to the author. It is hoped that claimants and iwi historians might be able to give this information.

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Ruatoki:	Ngati Rongo, Ngati Koura, Ngati Ha, Ngati Hamua, Ngati Muriwai, Ngati Kumara, Ngai Turanga, Mahurehure, Ngai Te Kapo, Ngati Murakareke, Ngati Tawhaki, Ngati Korokaiwhenua, Ngati Tamakere, Ngati Rakei (total 14)
Waimana–Tawhana:	Ngati Koura, Ngai Turanga, Ngai Te Kahu, Ngai Tatua, Ngati Kuri, Whakatane, Ngamaihi, Ngai Tamaroki, Ngai Tama (total 9)

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246. Wiri, p 25

247. Ibid, p 24

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Maungapohatu:	Ngati Maru, Nga Potiki, Tamakaimoana, Ngai Tumatawha, Ngati Tamakere (total 5)
Waikare:	Ngati Manunui, Ngati Pakitua, Ngati Hinekura, Te Whanaupani, Ngati Hinewhakarau, Ngai Taraparoa (total 6)
Ruatahuna–Ohaua–Te Waiiti:	Ngati Rongo, Ngati Koura, Ngati Ha, Ngai Te Riu, Ngati Kakahutapiki, Ngati Ruatahuna, Ngati Tawhaki, Ngati Tamakere, Ngati Wehi o te Rangi, Ngati Tuhaere, Ngati Manunui (total 11)
Te Whaiti:	Ngati Whare, Ngati Te Karaha, Marakoko (total 3)
Te Houhi (northern Galatea Basin):	Ngati Rongo, Patuheuheu, Ngati Hiki, Ngati Rakei (total 4)
Galatea (Murupara):	Ngati Manawa, Ngati Hui, Ngai Te Au, Ngati Hape, Ngati Mahanga (total 5)

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According to Stokes, this list does not include Ngati Ruapani or Tuhoe hapu around Waikaremoana.<sup>248</sup>

### 1.10 CONCLUSION

This chapter has sought to briefly describe the iwi who occupied the Urewera district and give some insight into the changing occupation patterns of those groups up to 1840. To summarise, district 4 of the Rangahaua Whanui project is largely the preserve of the Tuhoe iwi but there are other distinct iwi and hapu groups on the margins of this district who are both closely related to yet separate from Tuhoe proper. It is appropriate then, that we acknowledge the existence of the Ngati Manawa and Ngati Whare of the west and south western areas of the Urewera, who have a distinct ancestral lineage from Tangiharuru and Wharepakau, and the Ngati Ruapani of Waikaremoana, who identify primarily as Tuhoe but who can also whakapapa to Ngati Kahungunu ki Te Wairoa. It seems that historically, in times of peace, these border groups functioned as bridges between the larger iwi groupings but in times of war, they were buffer zones or allies who might align themselves with either larger neighbour.

We have seen that Tuhoe could claim a heritage largely derived from the ‘aboriginal’ tangata whenua groups founded by ancestors such as Toi, Hape, Haeora, Potiki, Turanga-piki-toi, and Taurira but that later, albeit limited, immigration into the Urewera by Mataatua groups radically altered the status of those previous inhabitants. By a process of conquest and intermarriage, Mataatua influence gradually dominated the aboriginal tangata whenua groups. When Mataatua immigrants married into Nga Potiki, they produced Tuhoe-Potiki, the eponymous ancestor of Tuhoe. This dual heritage is recognised today in the pepeha: Na Toi raua ko Potiki te whenua, na Tuhoe te mana me te rangatiratanga.

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248. Stokes, Milroy, and Melbourne, pp 19–20

From the limited secondary sources cited in this chapter, it has been impossible to draw firm conclusions on the nature of the Tuhoe political leadership in the decades immediately preceding European contact. It seems that Urewera communities largely functioned as independent hapu units controlled by rangatira yet the ties to larger kin groups of the Tuhoe iwi and Mataatua waka were acknowledged and activated when necessary. However, it appears from Tuhoe sources that the rangatira Te Purewa, who had links with many Tuhoe hapu, was perhaps the leading Tuhoe figure and war leader of his time. His involvement was critical in the extension of Tuhoe influence over Opouriao and Owihakatoro in the north, and at Waikaremoana in the south in the early decades of the nineteenth century. He died in 1842.<sup>249</sup>

It is reasonable to offer that the period of expansion that Tuhoe hapu undertook from the mid-eighteenth century, and subsequent assaults by Ngati Pukeko, Nga Puhi and other rivals in the early nineteenth century, fostered a greater Tuhoe identity and necessitated inter-hapu organisation. This was a period, as Best reminds us, when Tuhoe 'were completely surrounded by enemies who were constantly raiding Tuhoeland'.<sup>250</sup> The years 1818 to 1837, especially, were an unending series of engagements and counter-attacks which saw Tuhoe eventually re-establish their presence at Waikaremoana, Waimana, Ruatoki, and Te Whaiti, but only after severe upheavals and dislocation of populations in the contested zones and withdrawal into the safety of the interior Urewera. Undoubtedly, this period complicated subsequent claims of ownership to these lands in the fora of the Compensation Court, the Native Land Court and the Urewera commissions. It seems likely that Tuhoe were exhausted by the late 1830s; feeling the loss of leaders and depletion of resources which were the price of war, perhaps, they were induced to agree to peace with Ngati Kahungunu and with Ngati Awa.

Then again, the iwi of the eastern Bay of Plenty had other reasons to cease warfare in the 1830s; the arrival of Pakeha missionaries and traders were a distraction, presenting new avenues of competition and economic activity and in some instances, providing a mediating influence whereby long-standing disputes could be put aside. In chapter 2, we will examine the nature of this encounter between Tuhoe and Europeans.

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249. Melbourne, 'Te Purewa', pp 484–486

250. Best, *Tuhoe*, p 361



## CHAPTER 2

# EARLY CONTACT BETWEEN MAORI AND PAKEHA IN TE UREWERA

### 2.1 INTRODUCTION

The purpose of this chapter is to describe the earliest accounts of Maori–European contact in this region, primarily through the written records compiled by Europeans who visited Te Urewera and recorded their travels. There are regrettably few accounts that record this contact and none that are in any way comprehensive. This lack of written history is indicative of the relative isolation of the Tuhoe people from interaction with Europeans in the early and mid-nineteenth century.

In spite of limited available information, some missionary records and diaries of military personnel and surveyors do survive which chronicle journeys through the harsh Urewera landscape. From these accounts, it is possible to draw some of the flavour of the meeting between Europeans and Tuhoe. From these accounts, too, it is hoped to be able to extract an approximate estimation of the Tuhoe population in Te Urewera.

### 2.2 CONTACT VIA TRADE

It would be impossible to guess when Tuhoe first encountered, or even heard of, Europeans, but it seems likely that Maori-generated stories would have abounded of Cook's landing at Turanga in 1769 and of his subsequent voyage through the Bay of Plenty. It might be assumed that the telling and retelling of this momentous event would have permeated even the interior Urewera, where some communities had regular contact with their coastal neighbours, though Tuhoe were to wait many years before a European penetrated the heartland of their rohe.

There was little further direct contact with Europeans in the Bay of Plenty for approximately 50 years, when the traders, whalers, and missionaries, already settled in other regions of Aotearoa, began to make their presence felt in the district. The first Europeans that Tuhoe would have had the opportunity of meeting would have been the whalers who frequented the Bay of Plenty coastline from the early nineteenth century. Best suggests that these whalers began to arrive at Whakatane, which had harbour access, in the early 1820s.<sup>1</sup> As far as Tuhoe are concerned, this very early

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1. Elsdon Best, *Tuhoe: The Children of the Mist*, 2nd ed, 2 vols, Wellington, AH and AW Reed Ltd, 1972, vol 1, p 553

contact is only conjectured. It is possible, though, that Tuhoe, visiting or bartering with coastal relations, may have witnessed early European visits to these parts.<sup>2</sup>

Hamiora Pio of Ngati Awa told Best that, as a boy, he had watched a vessel anchor off the Whakatane River, while a small contingent of Europeans rowed ashore. Such was the novelty of the occasion, notwithstanding Cook and others' previous visits, that Hamiora recalled that 'the beach was covered with the Maori people, one could not see the earth, so numerous were they'.<sup>3</sup> Were any Tuhoe present on this occasion? Certainly, any Tuhoe contact with Europeans would have been mediated through their relationship with those iwi occupying the coastline and as we have seen, the early nineteenth century was a very unsettled time as far as Bay of Plenty inter-iwi relations were concerned. Even so, while Tuhoe may or may not have had any *direct* contact with Europeans in the 1820s, they and others none the less felt the inexorable influence of the Europeans when Nga Puhi brought muskets with them on their raiding expeditions to the region. Tuhoe had, at the least, been notified that great changes were afoot.

Following the whalers, traders, and missionaries began to install themselves on the eastern Bay of Plenty coast. In 1830, Hans Tapsell established a trading post at Maketu with the patronage of Te Arawa, but he also had agents stationed elsewhere – George White at Matata from 1836 and Nicholas (or Nikorehe as local Maori called him) at Ohiwa, for example. Other traders such as George Simpkins, Bennett White, James Melbourne and, after 1836, Hans Tapsell were established at Whakatane, often marrying into local hapu and becoming permanent residents.<sup>4</sup> They lived, however, under Maori law and at the sufferance of local rangatira, on whom they relied for protection. For his part, it was a matter of enhanced prestige for a chief to sponsor a trader in his locality. Some of these early settlers would later bring old land claims before the Land Claims Commissioner and the Bay of Plenty Compensation Court.

The appearance of these traders in the Bay of Plenty had a great impact on both the economy and the occupation patterns of local hapu. Before contact with Europeans, the main crops grown in the Bay of Plenty were taro, kumara, and gourds. By 1829, when the brig *Haweis* visited the district, wheat, potatoes, and other European fruit and vegetables were being grown. The potato and the pig were among the first items acquired by Tuhoe from Europeans, along with maize. According to Best, Tuhoe are said to have obtained maize (a crop which can only be grown in certain favoured areas of the Urewera) from the Bay of Islands in around 1820. In the late 1830s, Tuhoe

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2. According to Best, the Tuhoe people say that the first kora seed (which Best tentatively identified as 'cabbage') came from the seed that a white man named 'Te Paea' or 'Paia' originally introduced, and that this man had come on a ship. Best related two stories that attempted to establish the identity of this person. The first is the story of Captain Cook's visit to Poverty Bay, where he was given the name 'Te Paia', meaning 'fire', on account of his shout of 'fire' when ordering a volley of ammunition to be loosed at local Maori. The second explanation is that, according to Ngati Awa, the pohata or wild turnip was called 'paea' because the seed was given by a white man of that name, which Best notes was a very similar name to that of Tupaea, the Tahitian aboard Cook's ship. It seems likely that Te Paea or Paia was one of these two men, although Best comes to no definite conclusion about which one it was: Best, p 555.

3. Best, pp 553–554

4. H Mead and J Gardiner, 'Te Kaupapa o te Raupatu i te Rohe o Ngati Awa: Ethnography of the Ngati Awa Experience of Raupatu', Te Runanga o Ngati Awa Research Report 4, April 1994 (Wai 46 ROD, doc A18), p 20



began developing the lands at Ruatoki and Opouriao: clearing the land, and planting potatoes, corn, and wheat.<sup>5</sup> Te Ahuru is said to have planted the first peach tree at Waikirikiri (Ruatoki), having obtained the stone from the CMS missionary S M Spencer, stationed at Rotorua. Te Ahuru was the son of Te Purewa, who is himself attributed with introducing the potato to Ruatoki.<sup>6</sup> Despite having a limited area suitable for growing crops, by the 1860s the cultivation of wheat and maize had become generally widespread in the Urewera.<sup>7</sup>

Bay of Plenty iwi established barter relationships with the traders, dealing mainly in pigs, potatoes, and scraped flax, motivated by a desire for European goods as well as for muskets, deemed a necessity after the Nga Puhi raids. This relationship often resulted in the (temporary) relocation of whole hapu to areas close to the traders and sources of flax, which the entire community would scrape and dress. In the early years of trade with Europeans, iron spikes, nails, and gridirons were much sought after by Maori, who transformed these articles into chisels, knives, bird spears, and other implements, including weapons. The trade system was one of barter, and tools such as axes, hatchets, spades, and hoes were among the items most sought after.<sup>8</sup> None of the sources consulted for this chapter disclosed when cash began to make inroads into the local economy.

According to Best, because Tuhoe were largely situated inland, they lacked direct access to trading vessels and stations. Instead, Tuhoe traded with Ngati Awa for European goods and also ventured to Poverty Bay for this purpose.<sup>9</sup> This was merely an extension of the trade relationships between iwi that had existed prior to European contact, where Tuhoe traded their prized timber and potted birds for seafood and other resources available to more coastal hapu.

Tuhoe were relatively disadvantaged in trade with coastal tribes and the European traders simply because they initially held few trade goods that were in demand. Throughout most of the Urewera there was little quality flax suitable for trade, and at first, there were few pigs. However, Te Urewera did contain the type of timber suitable for building waka, which were then floated down the Whakatane River to the coast where they could be exchanged. Best records an instance when a waka, one of the first used in barter for European goods and the product of several months' labour, was taken to Te Teko and traded for an iron cooking pot and an axe.<sup>10</sup> On another occasion, a number of waka were sold to Ngati Awa in exchange for European goods: spades, sea-chests, blankets, iron cooking pots and so forth, as well as some maomao, a type of fish.<sup>11</sup> This was a situation that would prevail for some time; Hunter Brown,

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5. P Temara, 'Te Whenuanui', in *1870–1900*, vol 2 of *The Dictionary of New Zealand Biography*, C Orange (ed), Wellington, Bridget Williams Books Ltd and Department of Internal Affairs, 1993, p 529

6. S Melbourne, 'Te Purewa', in *1769–1869*, vol 1 of *The Dictionary of New Zealand Biography*, W H Oliver (ed), Wellington, Allen and Unwin NZ Ltd and Department of Internal Affairs, 1990, p 486

7. Best, pp 556, 561

8. Ibid, pp 556, 559

9. Ibid, p 555

10. Ibid, p 556

11. Ibid, p 393

who journeyed through the Urewera in 1862 on an official visit, commented on Tuhoe endeavours to obtain European goods:

A little pig trading with Whakatane and Opotiki is almost the only way they have found to get European goods . . . But in the month of June the Maoris kill immense numbers of birds . . . pot them down in their own fat, and sometimes sell these huahuas for perfectly astounding quantities of blankets, axes, pots &c, to Natives whose open country debars them from such luxury.<sup>12</sup>

It seems, though, that some Tuhoe did seek to circumvent the middlemen of other iwi. Best notes, for example, that once Tuhoe had established a pig population, they would drive herds of pigs to Auckland on trading missions when Auckland was still a young town.<sup>13</sup> Also, from the early 1840s onwards, after peace was secured with Ngati Awa, certain Tuhoe communities moved into the Waimana valley from Ruatoki to prepare flax for the traders Scott and McLeod on the coast at Ohiwa.<sup>14</sup> On the subject of the flax trade, Best has noted some comments by Tamarau Waiari, also known as Te Makarini, born in 1831, who said:

When I was a child, a European named Nikorehe [Nicholas] came in a vessel to Ohiwa and lived there. His employer was another European named Kaketuku [?]. Hence many of Te Ure-wera went and settled at Te Wai-mana to prepare flax-fibre to sell to that trader.<sup>15</sup>

Instances have also been recorded where Tuhoe were cheated by traders in early days when, for example, dock seed was sold to them in place of tobacco seed (which implies a direct point of contact).<sup>16</sup> Trade grievances would later surface in connection with these practices and because of inflated prices due to high cartage costs.<sup>17</sup> Tuhoe also apparently cooperated in enterprises with other iwi. In late November 1840, for example, the Reverend William Williams visited Ruatahuna and found most of the people were away planting corn in Whakatane, presumably with some Ngati Awa hapu, to sell to Europeans.<sup>18</sup>

Most Tuhoe interaction with Europeans would have taken place outside of their rohe but in later times, a European trader named Jack Fox settled at Puketi and married the daughter of the rangatira Te Ahoaho, eventually leaving when war broke out with the Crown.<sup>19</sup>

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12. 'Report from C Hunter Brown, Esq, of an Official Visit to the Urewera Tribes', June 1862, AJHR, 1862, E-9, p 27

13. Best, p 556

14. Judge Monro, notes 14–16 (cited by J Sissons in *Te Waimana: The Spring of Mana*, Dunedin, University of Otago Press, 1996, p 2)

15. Best, p 560. Best notes that this occurred soon after the introduction of Christianity around 1839.

16. Ibid, p 559

17. 'Report from C Hunter Brown', p 30

18. F Porter (ed), *The Turanga Journals, 1840–1850: Letters and Journals of William and Jane Williams, Missionaries to Poverty Bay*, Wellington, Price Milburn for Victoria University Press, 1974, p 139. During the same visit, Williams noted that the tribe numbered about 600 men.

19. Te Wharehuia Milroy and H Melbourne, 'Te Roi o te Whenua', 1995 (Wai 36 ROD, doc A4), p 38

The introduction of European animals to the Urewera must have been a truly significant event for the whole tribe, so much so that Best's informants could still remember that the first horse obtained in Te Urewera was called Tuhoe. It was bought in Turanga and brought over the Huiarau ranges to Maungapohatu. In early days, 40 pigs were traded for a horse and people used to give a number of pigs each so that they would have a share in the horse and its future offspring.<sup>20</sup> The first cattle were also obtained at Poverty Bay and driven to Ruatoki.<sup>21</sup>

These examples indicate some traffic between the Urewera and the East Coast, Turanga in particular, where traders such as J W Harris had begun to settle from the early 1830s.<sup>22</sup> In 1831, Barnet Burns founded the first trading station at Te Mahia, where he dealt in flax from local Maori, and by 1840, several other traders had established themselves at coastal Wairoa which was also intermittently visited by Harris from Turanga.<sup>23</sup> None of these European traders appear to have travelled inland, however, and O'Malley notes that Ngati Ruapani of Waikaremoana district had little opportunity to barter with Pakeha traders and few items with which to trade.<sup>24</sup>

In 1841, during Colenso's visit to Ruatahuna and Te Whaiti (discussed below), he stopped at Manatepa and observed what he described as:

the most monstrous goat that I ever beheld! in bulk it was more like a young steer with prodigious flat horns, and was very mischievous . . . The Maoris, some years before had obtained it from a ship on the East Coast.<sup>25</sup>

Best has commented that some of his informants said the goat had been brought there by a Catholic priest (possibly a priest named Reine or Rapara) but that others said that three Europeans had visited Manatepa before Colenso but were not thought to have been missionaries.<sup>26</sup> Best also cites Hemi Kopu as saying that in 1839 or 1840 the only foreign animal possessed by Tuhoe was a kid that had been brought to them by a Catholic priest. This was probably the same animal seen by Colenso a few years later.<sup>27</sup>

The first purchase of guns and ammunition was made by Tuhoe in 1829 or 1830 from Ngati Maru in the Thames district. These guns were paid for in slaves, invariably prisoners of war. Slaves were the trade commodity in this instance because they were easy to transport and there was little else in the way of tradable resources with which to purchase guns. The exchange was 10 slaves for the first musket (called Te Riaki) but thereafter five slaves bought a musket and, eventually, Best says, one slave purchased a musket. The Tuhoe party acquired 20 muskets on this initial journey.<sup>28</sup>

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20. Best, p 557

21. Ibid, p 560

22. S Daly, *Poverty Bay*, Waitangi Tribunal Rangahaua Whanui Series (working paper: first release), February 1997, p 21

23. V O'Malley, 'The Crown and Ngati Ruapani: Confiscation and Land Purchase in the Wairoa-Waikaremoana Area, 1865-1875', unpublished research report (Wai 144 ROD, doc A3), p 9

24. Ibid, p 8

25. W Colenso, 'On the Moa', *Transactions and Proceedings of the New Zealand Institute*, Wellington, Lyon and Blair, 1879 (issued May 1880), vol 12, p 92

26. Best, p 396

27. Ibid, p 560

28. Ibid, p 520

The introduction of the pig and the potato to Tuhoe had a large impact, especially the potato which thrived in the cool climate of the Urewera. Colenso even noted that the potato was being cultivated at Waikaremoana in late 1841.<sup>29</sup> In conjunction with the introduction of steel tools, Tuhoe clearings became considerably enlarged to support cultivations. This led Best to comment that: 'It was the potato that opened up Rua-tahuna.'<sup>30</sup> Webster suggests that the success of the potato might have precipitated an increase in the Tuhoe population, although there is no documented evidence to prove this:

What is clear is that the Tuhoe suddenly had a dependable crop which could with some confidence be relied upon to provide an adequate supply of food. This undoubtedly made the Tuhoe feel more independent in their mountain fastness, for a vital section of their economy had been changed for the better. In a sense, the advent of the potato into the Urewera and its significance to the Tuhoe was as important to them as the introduction of the kumara to the warmer parts of the North Island.<sup>31</sup>

Belich has suggested that the widespread cultivation of the potato in the North Island was important because it created a surplus of food in Maori agriculture. It took less labour to cultivate and was hardier than the kumara which meant that less people were tied up with tending cultivations, there was a reliable supply of food to take on long-range expeditions, and excess potatoes could be traded for other goods.<sup>32</sup>

From about 1840, the number of Europeans increased in the eastern Bay of Plenty as sawyers, boatbuilders, shipwrights, millers, and storekeepers began to settle. This resulted in increased economic activity and it was from this time that commercial crops were grown in the district – we have already noted the limited Tuhoe participation in this activity. Tuhoe, however, did not own a flour mill or a ship, which many iwi in the Bay of Plenty had acquired by the 1840s and 1850s.<sup>33</sup> Tuhoe tried to build a flour mill at Oromairoa in 1863 or thereabouts but, because of arguments over the proposed site, the mill was never built.<sup>34</sup>

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29. This is qualified because Colenso also reports that, upon reaching Onepoto on the southern side of the lake in 1841, the people there had barely enough food to feed themselves. Nevertheless, they endeavoured 'to the utmost' to be good hosts to Colenso's party: see 'William Colenso (1811–1899): Excursion in the Northern Island of New Zealand, in the Summer of 1841–2', together with part of 'Early Crossings of Lake Waikaremoana', in *Early Travellers in New Zealand*, N Taylor (ed), Oxford, Oxford University Press, 1959, p 23.

30. Best, p 531

31. P Webster, *Rua and the Maori Millennium*, Wellington, Price Milburn for Victoria University Press, 1979, p 89

32. J Belich, *Making Peoples*, Auckland, Penguin Books, 1996, p 159

33. See A van der Wouden, 'Maori Shipowners and Pakeha Shipbuilders in the Bay of Plenty, 1840–1860', *Historical Review*, vol 33, no 2, November 1985

34. Temara, p 529

### 2.3 EARLY MISSIONARY ACTIVITY IN THE UREWERA

It is unclear exactly when Tuhoe and surrounding iwi first heard of Christianity but in evidence presented to the Native Land Court in 1890, Hapimana Parakiri stated that a Maori called Hakaraia brought the first Christian tidings to the people of the Whirinaki valley at Otukopeka, and that this had occurred just before Hone Heke and Nga Puhi had raided the Bay of Plenty.<sup>35</sup> Another of Best's informants stated that prisoners of war, taken to the Bay of Islands by Nga Puhi, had returned to the Bay of Plenty and introduced the new religion.<sup>36</sup> The Urewera people, then, were acquainted with Christianity by visitors and travellers who had already received missionaries in other parts of the country, but it would be a while before Tuhoe would attract missionary visits within their own rohe.

In the early decades of the nineteenth century, there were no resident missionaries stationed in the Urewera but there were several stationed between Tauranga and Opotiki. It was here, then, that Tuhoe people, who visited the coast in order to participate in barter with coastal hapu, would have regularly come into contact with Christian teachings and influence.<sup>37</sup> Elsdon Best states that Christianity had a timely introduction to the Bay of Plenty district after peace was made between Ngati Awa and Tuhoe in 1834, which would have followed the visit of Henry Williams, head of the CMS in New Zealand, to the Bay of Plenty aboard the *Herald* in 1826 and again in 1828, where he called at Whakatane and Ohiwa amongst other places.<sup>38</sup>

One of the earliest recorded contacts between Urewera Maori and missionaries occurred in 1839, shortly after Williams' visit, when J A Wilson, a CMS missionary, was stationed in Opotiki.<sup>39</sup> Wilson travelled to Te Kaha, Matata, and into the Ruatoki valley, instigating discussion among several Tuhoe hapu as to whether they would accept missionaries in their midst and abandon Maori gods:

A meeting of the tribe was held at Te Wai-mana, where a hakari, or feast, was held. It is known as Taua's Feast, the chief Taua being the principal organiser thereof. Maungaharuru was another important chief thereat. The clans then living at Te Wai-mana were Nga-Maihi, Te Whakatane, Ngai-Tama, Ngati-Kuri and Ngati-Koura; their pa was Puke-atua. Kereru Te Pukenui [later to become an important Tuhoe leader; see pp] was present at that meeting as a boy of about ten years of age. The first clans of Tuhoe to embrace Christianity were Ngai-Te Riu, Ngati Hoko and a part of Ngati-Rongo.

It was arranged that the Tuhoe people should assist in building a church at O-potiki, and most of those living at Te Wai-mana and Rua-toki went there for that purpose. A meeting was held by the Rev Mr Wilson at O-potiki at which Piki, son of Te Ngahuru, and others of Tuhoe, were baptised and took new names.<sup>40</sup>

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35. Whakatane minute book 3, fol 49 (Wai 212 ROD, doc B4(e), p 25)

36. Best, p 563

37. J H Starnes, 'Mr James Preece - CMS Missionary', *Historical Review*, vol 15, no 1, April 1967, p 34

38. Best, p 561

39. Ibid

40. Ibid, p 562

As a result of this meeting, a chapel was built at Ruatoki in about 1842 or 1843, principally by workers from the Urewera and Mahurehure hapu.<sup>41</sup>

While Wilson had visited the relatively accessible Waimana and Ruatoki valleys on his missionary circuit, it was not until Reverend William Williams travelled overland from the CMS mission station in Turanga to Rotorua in 1840 that a European penetrated the interior of the Urewera. He took a route through the Urewera a year before the visits made by the Catholic Father Baty and the CMS missionary, Colenso.<sup>42</sup> On his first trip into the Urewera, Williams observed that Christianity had already made inroads into this very isolated district – even at Waikaremoana some people professed Christianity and had a supply of books from Rotorua.<sup>43</sup> His comments underscored the competition that existed between Anglican and Catholics for the many unconverted in the Urewera:

[Ruatahuna] is the principal district occupied by the Uriwera, who have three pas, but there are many parties scattered through the woods . . . One visit has been paid here by a christian native from Rotorua and there are many who profess to embrace Christianity, but I hear that at one of the pas nearer Whakatane the people profess popery. This only shows the necessity of using increased diligence in carrying to them the truth.<sup>44</sup>

Williams took the opportunity of his short journey to introduce some basic Christian theology and subsequently sent books to the people living at Waikaremoana in March 1841 and July 1843.<sup>45</sup>

The next known visitors to the Urewera were Claude Baty, a Roman Catholic Marist priest, and William Colenso, who both ventured into the Urewera in late 1841. Baty was apparently the first Catholic presence in the Urewera, and a very unwelcome one to Colenso, who partnered Baty in a theological debate at Lake Waikaremoana; undoubtedly both entertaining and bewildering to their audience.<sup>46</sup> According to Brosnahan and Gibbons, Bay of Plenty Maori first had contact with Catholicism through laymen around Tauranga from 1837.<sup>47</sup> In April 1840, Pompallier arrived in Whakatane to celebrate mass, and in June 1842, he gave instructions to Fathers Comte and Reignier to make Whakatane their parish headquarters and service the whole inland area to Taupo and eastward as well. From February 1844, Father Jean Lampila, known as pa Rapira by Maori, was stationed in Whakatane as resident priest. From there he made several journeys through Urewera and eastward to Poverty Bay, baptising and teaching. Some record exists of the number of baptisms he conducted at Ruatahuna and, particularly, Waikaremoana in 1845 to 1848.<sup>48</sup>

Though they were unused to European visitors, Colenso reported that Tuhoe received him hospitably. He recounted that at Ruatoki, for example:

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41. Ibid

42. Porter, pp 137–139. Williams made two further visits to the Urewera in March 1845 and March 1850.

43. O'Malley, p 8

44. Porter, pp 138–139

45. Ibid, pp 160, 256

46. A G Bagnall and G C Peterson, *William Colenso*, Wellington, 1948, p 116

47. W Gibbons, 'Jean Lampila SM at Whakatane', *Historical Review*, vol 38, no 1, May 1990, p 1

In the course of the Evening [at Ruatoki] Tamarehe, Ikapoto, Te Purewa, and Kopu from Ngamahanga, principal chiefs of the Urewera Tribe arrived . . . The Chief Tamarehe was so delighted at my consenting to remain to talk with him and others, that he gave me a fine hog, which was very acceptable.

Colenso was particularly impressed with the intellect and appearance of the chief Tuiringa, who entertained him at Mokau, Waikaremoana, while several other chiefs exclaimed that they would be glad to accept a Christian teacher amongst them.<sup>49</sup>

Upon reaching Te Whaiti in 1841, which had never been visited by a missionary before, Colenso found the inhabitants had several Bibles which he had printed, and gave some indication of having closely studied the scriptures, though it is not clear from where Ngati Whare acquired these Bibles.<sup>50</sup> On his subsequent trip through the Urewera in 1843, Colenso reported that he found several people at Maungapohatu and Ruatahuna who had learned to read since his last visit and that a chapel had been built at Ruatahuna.<sup>51</sup> According to Best, a Catholic priest, called Reine by Maori, visited Ruatahuna soon after Colenso's first visit to that place. This priest is said to have taught the people of one village to read and write which would explain how several Tuhoe had acquired this skill by Colenso's next visit in 1843. Best also reports that, at this time, Mahungawhero of Te Ngaue Pa near Maungapohatu owned a Bible, which he had obtained from Wiremu Tamihana at Waikato.

The observations of these early missionaries seem to indicate that Tuhoe, like other Maori, were quite motivated to become literate. Best made an interesting observation on the power of literacy in persuading Urewera Maori to convert to Christianity, while noting that the Tamakaimoana of Maungapohatu were the last hapu of Tuhoe to accept Christianity.<sup>52</sup> He recorded Tutakangahau as saying that Tuhoe were not much inclined to favour Christianity until the missionaries showed them reading and writing, which had a powerful effect on them because Tuhoe attributed the power of writing to a superior god.<sup>53</sup> Of course, it might be suggested that some Tuhoe recognised the utility and value of reading and favourably regarded missionaries as a means of acquiring this knowledge.

For several years after Colenso's visits to the Urewera, the CMS considered the possibility of opening a mission station in the Urewera. Eventually, James C Preece was appointed to open a station at Te Ahikereru, Te Whaiti district, in 1847. Starnes has noted that Preece, who had a fluent command of the Maori language, spent much of his time teaching both adults and children to read and write and also noted that Preece quickly became a man of influence amongst the people of this area. He cited an occasion when Preece acted as peacemaker between Ngati Manawa and Tuhoe, and

48. See B C Brosnahan, 'The Catholic Parish of Whakatane, 1840-1990: Some Features of its History', *Historical Review*, vol 41, no 1, May 1993, p 2. The CMS missionary Brown would later make numerous references to the Roman Catholic missionaries, bitterly complaining of the liberality with which they dispensed blankets to Tuhoe.

49. Best, p 379

50. W Colenso, 'Excursion', in Taylor, p 29

51. Reine is possibly the Father Reignier mentioned earlier, although Webster states that it was almost certainly Father Baty: Best, pp 562-563; Webster, p 90.

52. Best, p 1030

53. *Ibid*, p 563

Ngati Maru of Thames in an incident when a party of Ngati Manawa visiting Hauraki in 1850 violated a tapu and Ngati Maru retaliated. According to Starnes, as a result of Preece's peace making efforts, the conflict was limited to verbal warfare.<sup>54</sup>

Preece wrote to Bishop Selwyn in 1852 stating that he made six circuits of the Urewera pa each year and once annually went as far as Waikaremoana.<sup>55</sup> Alfred Nesbit Brown, a fellow CMS missionary stationed in Tauranga, who also made annual missionary circuits of the Urewera, commented on the attitude of Maori to the local missions:

Mr Preece is placed in a very interesting field of missionary labour in this isolated station, an interest enhanced by the distance they are removed from any European settlers. The Natives seem very desirous of the instruction, and are very tractable & docile. Their pa was at an inconvenient distance from the Mission Station, but they have lately removed it and are now clustering round their teacher.<sup>56</sup>

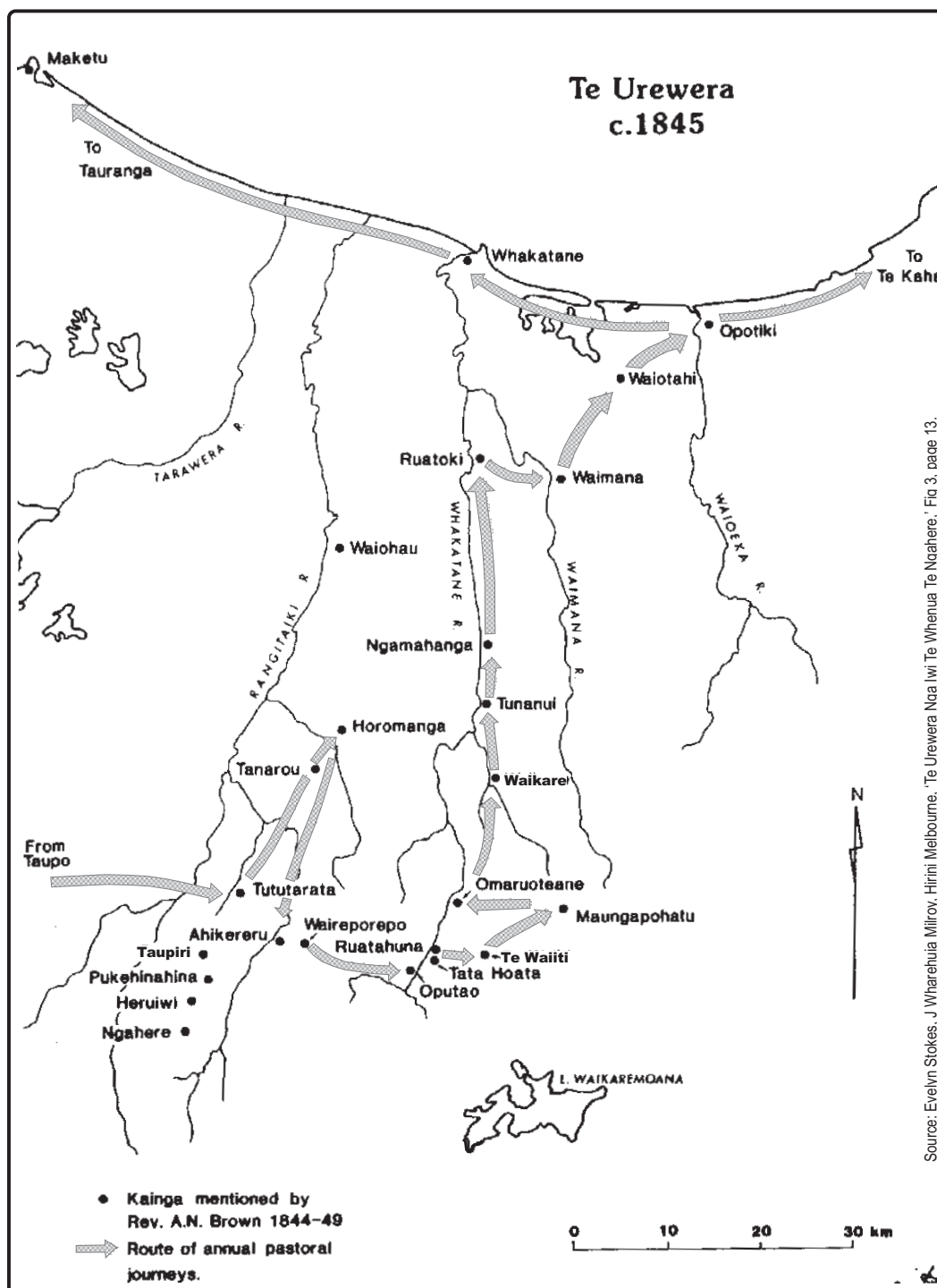
Preece spent seven years in Te Urewera until, because of ill health, he was transferred to Whakatane in 1854.<sup>57</sup>

A N Brown travelled through the Urewera between 1844 and 1849. Unfortunately, Brown's journals contain scanty detail of demographic information or the conditions in which the Tuhoe people were living, but do indicate the main kainga which Tuhoe occupied in these years (see fig 6).<sup>58</sup> However, when Brown arrived at the mission station at Ahikereru in mid-November 1848, he commented that many Maori in the area, having heard of the high rate of wages paid at Auckland for Maori labour, had left to work on the public roads.<sup>59</sup> Brown also mentions that in late 1849, influenza was very prevalent among the Tuhoe at Maungapohatu.<sup>60</sup> Both these instances would have affected population estimates of the time.

While Brown despaired that the Tuhoe were 'ignorant of the simplest truths of religion', his tone brightened considerably when observing the gradual influence of European civilisation in the Urewera. However, upon reaching Tututarata in late 1847 to find the inhabitants in possession of a sheep and a horse, Brown wrote:

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54. Starnes, pp 34–35. Best refers to a Reverend G Preece, and it is assumed that this is the same James Preece referred to by Starnes: see Best, pp 475–478. Best says that Preece left Te Whaiti for Whakatane in 1852, while Starnes asserts that this occurred in 1854.
55. Preece was the only catechist in charge of a station, and he wished to be ordained so that he could carry out the duties that only an ordained priest could perform. His request was denied because he did not have all the qualifications required for ordination in England, and Selwyn seems not to have placed much importance on the fact that Preece was a fluent speaker of Maori and that all his ministrations were conducted in Maori: see Starnes, p 36.
56. The Reverend A N Brown's journal, 1 January 1847–10 April 1850, Tauranga, v.2, transcript, ATL Wellington, 3, 4 December 1847, p 12
57. Preece did not stay in Whakatane, instead establishing a mission station on the left bank of the Waiohau Stream, about three miles inland from Pupuaruhe: see Starnes, p 36.
58. The Reverend A N Brown recorded the kainga he visited and the number of Maori who attended his services but does not account for 'heathen' or Roman Catholic Maori, hence the information he supplies will not be reproduced here.
59. The Reverend A N Brown's journal, 18 November 1848, p 27. Best mentions that in around 1879 a good number of Tuhoe were living at Whitianga and employed as gum diggers: see Best, p 390.
60. The Reverend A N Brown's journal, 29 November 1849, p 44





Source: Evelyn Stokes, J Wharehūia Milroy, Hirini Melbourne, 'Te Urewera Nga Iwi Te Whenua Te Ngahere,' Fig 3, page 13.

Figure 6: Route of the missionary A N Brown's journeys through Te Urewera, 1844-49

Small patches of wheat too, are now to be seen at almost every residence in this wild district. Civilisation is certainly making progress amongst the Natives . . . [but] instead of acting as a handmaid to Christianity, it seems only to remove them farther from that simplicity of the Gospel which they displayed when in a more barbarous state.<sup>61</sup>

61. Ibid, 30 November 1847, p 11

From the records left by Brown it is clear that there were also a large number of Maori converts who worked among the people of the eastern Bay of Plenty, reaching as far inland as Ruatahuna. Some of these 'native catechists' were also Tuhoe; Milroy has noted that the Tuhoe rangatira Te Makarini (also known as Tamarau Waiari), was sent by Te Ahoaho to a mission school at Opotiki and, once literate, was sent back to serve as a preacher at Ruatahuna.<sup>62</sup>

According to Webster, after Preece's mission station at Ahikereru was abandoned, there were no other European missions in Te Urewera for nearly 70 years until Sister Annie Henry established a small branch of the Presbyterian mission at Ruatahuna in 1917.<sup>63</sup>

It would be very difficult to accurately assess the nature of Tuhoe's conversion to Christianity in the 1840s and 1850s, if indeed this can be said to have occurred to a significant degree, on the basis of the very limited research undertaken for this chapter. It does seem, however, that there was initial Tuhoe support for Christianity, fostered by Maori teachers from Rotorua and elsewhere, before the coming of European missionaries. When these missionaries did arrive, Tuhoe appear to have been curious to learn about, if not adopt, the European customs espoused by them. For Tuhoe, isolated from regular contact with Pakeha, the sporadic visits by these missionaries must have been particularly interesting and functioned in some way to mediate initial cultural contact with the broader, largely unfamiliar, European population. For Tuhoe, missionaries were the means to literacy and access to European goods such as books and blankets. Belich, amongst others, has suggested that Christianity and literacy became 'currencies of rivalry' between iwi in much the same way that muskets had been previously.<sup>64</sup> Too much emphasis on the temporal benefits that engagement with Christianity brought Tuhoe does, however, underplay the spiritual aspect of the encounter, yet this is precisely the most difficult question to address. There is very little information on how many Tuhoe were 'converted' as such; the records kept by A N Brown, for example, tell us the number of Tuhoe attending his sermons, or the number of Tuhoe that Brown baptised on any particular day, but do not indicate what proportion of the community these individuals represented, or their relative backgrounds and attitudes, vis-à-vis Tuhoe non-Christians.

There is some evidence, though, that Tuhoe, like other Maori, transformed Christian teachings at the same time as those teachings changed the Tuhoe world view. Best, for example, noted that Jesus Christ was employed as a fighting atua by a Tuhoe hapu in a battle at Toka-a-kuku.<sup>65</sup> Given that Preece was the sole resident missionary in the Urewera, and only for a short time, and that other missionary visits were sporadic, Christian beliefs gained a foothold among Tuhoe rather than becoming deeply entrenched; it seems that Tuhoe evolved a Maori form of Christianity, while not completely abandoning their own beliefs. When the magistrate Hunter Brown visited Tuhoe in 1862, he noted that church services were

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62. J W Milroy, 'Tamarau Waiari', in *1870-1900*, p 500

63. Webster, p 91

64. Belich, p 217

65. Best, p 563

still being held amongst Tuhoe by their 'Native Teachers' but called them a 'mere farce; so at least it appears to an Englishman'.<sup>66</sup>

Hunter Brown also noted that the Catholic missionaries had been particularly successful in the lower Whakatane valley and at Te Waimana and considered them to be a negative political influence, in so far as he received more taunts and criticisms from Catholic converts than other Maori. Belich has noted that Catholicism and Methodism sometimes functioned as 'denominations of dissent' among Maori relative to the prevailing political landscape, in the 1840s especially.<sup>67</sup> Whether these Tuhoe, however, adopted Catholicism in a conscious effort to distinguish themselves from an Anglican political establishment is by no means clear.

#### 2.4 THE TREATY OF WAITANGI AND KAWANATANGA IN THE BAY OF PLENTY AND UREWERA, 1840-66

After the signing of the Treaty at Waitangi on 6 February 1840, copies of it were circulated around the country for signing by Maori chiefs. The task of obtaining signatures of rangatira of outlying districts often fell to missionaries; in the case of the eastern Bay of Plenty, James Fedarb, a former CMS missionary and trader employed by Gilbert Mair, was charged with this responsibility. He left Tauranga in late May, travelling in the *Mercury* to Ohiwa on 25 May, then continued overland to Opotiki. From there, Fedarb travelled on another schooner to Whakatane on 31 May and distributed what he termed 'tracts', notices about (and copies of), the Treaty.<sup>68</sup> Fedarb returned to Ohiwa, stayed at Waiotahi, and then went east to Te Kaha and Torere before returning to Whakatane on 16 June. He departed from Whakatane the following day and gave his copy of the Treaty with the signatures he had obtained to Colenso at Paihia on 30 June 1840.<sup>69</sup>

According to Ngati Awa researchers, Fedarb's movements are important because there were potentially many Ngati Awa, Whakatohea, and Tuhoe hapu that he may have visited in the five weeks that he was in this district.<sup>70</sup> Orange says that Fedarb, however, only managed to get 26 signatures for his efforts.<sup>71</sup> Of the 17 signatures obtained at Whakatane, all but one were from Ngati Pukeko and were taken at Pupuaruhe Pa. Possibly this number of signatories was a reflection of the fact there was less missionary influence in the eastern Bay of Plenty than in other areas of the country at the time; then again, there is a suggestion that the recent visit of Bishop Pompallier to the Bay of Plenty influenced Maori to be badly disposed to the Treaty. Orange notes that the Anglican signatories at Opotiki insisted that Fedarb identify whether signatories were Anglican or Catholic.<sup>72</sup> Ngati Awa researchers have also

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66. 'Report from C Hunter Brown', p 28

67. Belich, p 219

68. 'Te Kaupapa o te Raupatu' (Wai 46 ROD, doc A18), p 29

69. Ibid

70. Ibid

71. C Orange, *The Treaty of Waitangi*, Wellington, Bridget Williams Books Ltd and Department of Internal Affairs, 1995, p 62

suggested that hapu politics and rivalries between Catholic converts at Whakatane and the Anglican converts at Rangitaiki may have prevented Fedarb from gaining more adherents.<sup>73</sup>

Belich has noted that there is a strong correlation between the distribution of European settlement and Treaty signatories, suggesting that the motivation for signing the Treaty, at least in part for some of the chiefs, was to get British help in ‘policing the Pakeha–Maori interface’.<sup>74</sup> If this is the case, it hardly needs to be stated that the small numbers of Europeans on the Bay of Plenty coast, and their total absence from the Urewera, would not have provided much impetus for Bay of Plenty Maori to sign the Treaty.

Tuhoe, then, did not sign the Treaty of Waitangi and it is not at all clear whether they even had the opportunity to do so, though as stated, Fedarb’s movements in the region over a period of some weeks might well have been known to Tuhoe at the time. One of the most frustrating gaps in the research record as far as Tuhoe are concerned is any indication of their attitude towards the Treaty of Waitangi, and the imposition of British law and state machinery in the Bay of Plenty. It is worth noting in this context, however, that the missionary J A Wilson, mentioned above, was not only the first missionary that Tuhoe really had any contact with but also one of the few CMS missionaries to oppose the Treaty. Speaking of the Treaty in a letter to the Reverend A N Brown, Wilson stated that ‘theory and practice (when they do begin to work) are two different things’.<sup>75</sup> We can only speculate if this is in any way connected to Tuhoe not signing the Treaty. They may not have signed the document in 1840, but they would almost certainly have been aware of its existence shortly thereafter. The CMS missionary A N Brown had had the responsibility of gaining signatures from Tauranga chiefs in 1840 and only a few years later, from 1844, he was making annual circuits of Urewera kainga. It seems unlikely that Brown, having played a prominent part in promoting the Treaty in the Bay of Plenty, would not have been engaged in a discussion of the matter and associated issues of sovereignty.

Yet, to all intents and purposes, life in the Urewera must have continued as if the Treaty had never been signed. Hobson and Williams had urged Maori to consider the protections afforded them, their lands and property by signing the Treaty but Tuhoe would not have felt the need for British ‘protection’. They did not immediately face the pressures concomitant with increased settler presence and the view that they retained ultimate authority over the ownership and control of their lands would have been unquestioned.

The expectation that they retained tino rangatiratanga over their lands would also have been reinforced by the fact of very little official contact with Tuhoe prior to the New Zealand Wars and of very little land sold in the district immediately surrounding the Urewera. In the Bay of Plenty, and especially the Urewera, Maori law and custom prevailed, albeit punctuated by infrequent visits by Government officials stationed

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72. Ibid, p 76

73. ‘Te Kaupapa o te Raupatu’, p 31

74. Belich, p 200

75. ‘Te Kaupapa o te Raupatu’, p 31

outside of the eastern Bay of Plenty. Edward Shortland, sub-protector of Aborigines, was stationed at Maketu from 1842 to April 1843, being replaced by T H Smith until the post was abolished in 1846. Subsequently, Governor Grey established resident magistrates under the Resident Magistrates' Courts Ordinance 1846 but this system was not extended to the Bay of Plenty until 1852, when T H Smith was sent to Rotorua as resident magistrate for Rotorua and the Bay of Plenty. He remained in this post until 1856 but was not immediately replaced, although some appointed Maori assessors continued to operate from Maketu at this time. Eventually, H T Clarke was appointed resident magistrate for the Bay of Plenty in 1859. He was stationed at Tauranga and made occasional visits to coastal Ngati Awa territory but the Urewera was apparently not included in his circuit. On the other side of the Urewera, C Hunter Brown was appointed resident magistrate for the Wairoa district in 1862 and was succeeded by Samuel Deighton in 1865.

The resident magistrates were an important component of a general assimilation policy which was promoted by the Native Districts Regulation Act 1858 and Native Circuit Courts Act 1858. The preamble to the former Act states that it was passed 'in order to promote the civilisation of the Native race' and, in providing for the limited introduction of British law into what were termed 'native districts', the Act implicitly acknowledged that these districts operated under their own, customary, laws. The resident magistrates were to operate in conjunction with locally established Maori runanga, on whom they would rely for this system to operate effectively. These Maori runanga, modelled on traditional runanga, were largely involved in dispute resolution and maintenance of civil order. There is some evidence of limited Tuhoe participation in these runanga; Himiona of Waikare, a young chief whom Tuhoe held, according to Hunter Brown, to be 'the cleverest and most influential man of Whakatane', 'spoke with great weariness of his work in the purely Native Runanga'.<sup>76</sup>

In 1861, Grey, acknowledging the fact that these runanga already made and enforced their own laws, tried to bring Maori further within the pale of Government authority by appointing Civil Commissioners in addition to the resident magistrates. The commissioners were instructed to establish a system of local administration based on the runanga, and which would comprise the resident magistrates, chiefs, police, assessors, and messengers (karere), under the direction of the commissioner. T H Smith was appointed Civil Commissioner for the Bay of Plenty in early 1862, and it is clear from comments directed to him from Sewell, the Attorney-General, that the mooted runanga system had a political motive:

The Natives of the district of the Bay of Plenty appear from recent accounts to be in an unsettled temper of mind, hanging between submission to the Queen's authority and adherence to the King movement. It is of importance that no time should be lost in tranquillizing their minds, and securing their allegiance to the Government.<sup>77</sup>

Governor Grey, then, sought to do this by the introduction of the 'new institutions' scheme, which would pay salaries to Maori assessors, wardens, and messengers. Grey

76. 'Report from C Hunter Brown', p 30

77. 'Attorney-General to T H Smith', 14 December 1861, AJHR, 1862, E-9, sec 4, p 3

hoped that these salaries and the provision of schools, hospitals, and other infrastructure would encourage leading tribal men, who might themselves benefit under the system, to persuade their hapu to accept Grey's offer and, implicitly, the rule of British law.<sup>78</sup>

The resident magistrate at Wairoa, C Hunter Brown, was dispatched to persuade the iwi of the eastern Bay of Plenty to accept the Governor's new institutions. He travelled through the Tuhoe rohe in 1862 and his visit was important because it was the first official visit that Tuhoe had received. While remaining the most isolated of Maori tribes from centres of European influence, it is evident from the reproaches levelled at Hunter Brown by Tuhoe that they had keenly observed Maori-Pakeha interaction in neighbouring rohe from the late 1850s with growing disquiet. Physical isolation afforded Tuhoe the privilege of learning from other tribes' experiences and the majority of Tuhoe opinion shifted to oppose the intrusion of Pakeha and their acquisition of Maori land. If Hunter Brown's impressions can be relied upon, Tuhoe resented the inhospitality shown by Pakeha to Maori, and cited Grey's prohibition on gunpowder, the prices paid by Pakeha in the old days for Maori land and the recent war in Taranaki as reasons for their displeasure.<sup>79</sup>

Consideration of Grey's policies seemed to strike deep fears in Tuhoe about losing control of their land; to Tuhoe, recognition of the authority of the Crown was implicit in acceptance of the runanga system and carried with it the dangers that had afflicted other tribes:

You urge these things on us that we may come under the Queen! Then away goes our land, and we become slaves to the Queen! The Queen comes coaxing (whakapatipati) us with money that she may get the 'mana' of the land.<sup>80</sup>

Hunter Brown surmised:

Herein are seen the strength of the [Tuhoe] opposition to us, and of their adherence to the [Maori] King; fear for their land, fear for their nationality, fear 'lest they should be made slaves to the Queen'.<sup>81</sup>

Tuhoe were but one of many major iwi in the North Island to succumb to feelings of a growing nationalism in this period, which cut across the traditional ties of kinship alliances and parochial concerns. In the years 1855-1858, which saw the emergence of the Maori King movement, it appears that a significant number of Tuhoe were early and staunch supporters of Maori autonomy. Tuhoe rangatira attended the hui at Pukawa on the shores of Lake Taupo in 1857 at which they were one of 37 tribes to give their allegiance to the Maori King.<sup>82</sup> The following year,

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78. Alan Ward, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand*, Auckland, Auckland University Press, 1974 (reprinted Auckland, Auckland University Press, 1983), pp 125-146

79. 'Report from C Hunter Brown', p 28

80. *Ibid*, p 30

81. *Ibid*, p 28

82. James Cowan, *The New Zealand Wars: A History of the Maori Campaigns and the Pioneering Period*, 2 vols, Wellington, Government Printer, 1922 (reprinted Wellington, Government Printer, 1983), vol 1, p 151

Maungapohatu was pledged as a symbol of the allegiance of Tuhoe to King Potatau Te Wherowhero.<sup>83</sup>

In 1862, though, Hunter Brown reported Tuhoe 'hesitation and doubt' as to the Maori King, but 'in the minds of some a decided hankering to support him'.<sup>84</sup> There was not, he suggested, unilateral Tuhoe support for the Kingitanga. Brown named Paerau of Oputao, Te Manihera of Tatahoata, Himiona of Waikarewhenua, Mohi of Maungapohatu, and Anania (Rakuraku?) of Waimana as giving a cautious but qualified assent to Grey's runanga proposals (and Brown clearly thought support for the King and support for the new policy to be practically incompatible).<sup>85</sup> Even so, those who agreed to consider the runanga system reserved their right to withdraw support at any point. Himiona of Waikare, one of the most enthusiastic of Hunter Brown's Tuhoe supporters, stated that he would have the seat as well as the legs of the chair upon which it was proposed to place him, lest he be capsized by Pakeha.<sup>86</sup> Hunter Brown, on the other hand, knew that this would not guarantee the control Tuhoe sought:

I have thought since that if the Maoris are to have the seat and its legs, we Pakehas shall have the very floor on which the seat rests – money. Take away that and I fear that he and his chair too would very soon drop out of sight.<sup>87</sup>

Whatever reservations Tuhoe may have had about the Kingitanga, however, appear to have been outweighed by their qualms at having Government law and institutions established within their rohe. Those Tuhoe addressed by Brown appeared to think that they had to choose not only between the Maori King and the 'Queen's law' but also between the Christianity introduced by the missionaries and Government authority. One man expressed his difficulty reconciling the two ritenga when he stated:

Whom do you come from?' said he, 'from the Governor? Ah! that is enough! Had you come from the Bishop, it would have been all right! Why did the missionaries tell us nothing of all this? Why did not they tell us of another law to follow? Why was not Mr Spencer (missionary at Tarawera) sent to preach this law to us? He is not far off!<sup>88</sup>

This comment invites the question as to how Tuhoe viewed the Treaty of Waitangi and whether they felt under any obligation because of it to acknowledge the Queen's sovereignty as vested in her Government.

Hunter Brown considered the Catholic priests, who had been particularly successful in the lower Whakatane Valley and Te Waimana, to be a negative political

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83. S Melbourne, 'Te Manemanerau a te Kawanatanga: A History of Confiscation of Tuhoe Lands in the Bay of Plenty', MA thesis, University of Waikato, 1987, p 44

84. 'Report from C Hunter Brown', p 28

85. They would not commit their hapu to the new policy until it had been discussed at a hui a iwi.

86. 'Report from C Hunter Brown', p 30

87. Ibid

88. Ibid, pp 28–29

influence and reported the following comment as typical of the remonstrations he received from Catholic Tuhoe:

In the beginning you brought me the faith (Whakapono). I received it blindly. I have since seen the wrong (he) of it; now you bring me another law, I am going to be more cautious. Yours is a land-taking man-destroying Church. The French are nice people; they don't take land! You have deserted the faith, and set up the Queen as your God!<sup>89</sup>

When the chief Te Whenuanui expressed regret at his hasty endorsement of the runanga system (having pledged his allegiance to the Vicar-General), James Fulloon, who travelled as Hunter Brown's interpreter on this occasion, went some way to reassure Tuhoe that Protestant and Catholic enjoyed 'thorough equality' before the law and that cooperation with the new system would not compromise Te Whenuanui's Catholicism. This reassured Te Whenuanui for the time being and he gave a somewhat cautious assent, reported a satisfied Brown.<sup>90</sup>

Neither Hunter Brown nor Fulloon, however, was able to assuage Tuhoe feelings over trading issues on the Bay of Plenty coast: 'Let the Governor send us a trader to buy dear and sell cheap; then indeed for the first time will we believe in his love for us!' Trade grievances, according to Hunter Brown, were *the* bone of contention that coastal iwi, including those Tuhoe with close links to the coast, had with the Crown: 'Poor fellows – they can't for the life of them understand how the Governor can stop[gun] powder and grog, and not cheapen trade!'. In spite of the fact that this issue was vigorously debated at Ruatoki and Waimana, it did not stop what was apparently an enthusiastic endorsement of the runanga policy by those communities.<sup>91</sup>

What follows is Hunter Brown's summary of the political temperament of the Tuhoe communities he visited in 1862:

**Taoroa:** Hesitation; avowed neutrality, accompanied by avowed expectation that their neutrality and watching will end in coming over to the Queen.

**Ahikereru:** Same; more professed adhesion to King. Hamiora, chief and teacher, thinks well of the 'tikangas' and evidently expected them to be carried out.

**Oputao:** Consent and co-operation of Pairau [Paerau], the chief. Indifference of rest.

**Tatahoata:** Consent, but with reserve and distrust. Consent and cooperation of Te Manihera, chief and teacher.

**Tahora:** Same; approval of the chief Te Whenuanui, accompanied, I think, by some lingering distrust.

**Tuapuku:** Chief, Kawana. Intention to receive the new things, but with exceeding caution; ready to drop them at the first sign of treachery.

**Waikare-whenua:** Assent; co-operation of Himiona, chief and R Catholic teacher.

**Ruatoki:** Assent; Te Matenga, chief, decidedly.

**Waimana:** Assent; chief Anania cordially so.<sup>92</sup>

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89. Ibid, p 28

90. Ibid, p 30

91. This, at least, was the impression Hunter Brown conveyed to the Native Department, but it has to be questioned if the 30 men addressed at Ruatoki really represented what was supposed to be a large kainga.



In 1862, then, Tuhoe held many concerns about the Maori relationship with the Government and closely followed events in Taranaki and on the Bay of Plenty coast with apprehension. Fears about losing land, or control over it, coupled with more general anxieties about the expansion of Pakeha influence had led a considerable number of Tuhoe to support the King movement. As Hunter Brown noted in 1862, however, some Tuhoe seemed unready to wholly commit to the King movement, possibly as a result of events at Taranaki which showed just how far the Government was prepared to go to enforce its authority.

While Tuhoe condemned Government actions at Taranaki, and some rejected the runanga policy because of it, there were apparently a number of Urewera chiefs who were willing to consider the alleged benefits of representation on Grey's runanga. This tentative support however, was conditional on Maori retaining a real authority in the process, a point Himiona had made quite clear.

## **2.5 DESCRIPTIONS OF TE UREWERA AND TUHOE BY EARLY EUROPEAN VISITORS**

### **2.5.1 Introduction**

This brief section of chapter 2 will broadly canvass European impressions of Tuhoe and the Urewera in the first years of contact between these peoples. As this chapter has noted, there was very little contact between Tuhoe and Europeans prior to the New Zealand wars – it is a contention of this report that this lack of contact and familiarity produced partial and, often, negative European images of Tuhoe which in turn influenced the official treatment of the iwi. There are several repetitious themes in the writings of Pakeha who ventured into the Tuhoe heartland; to these outsiders, Tuhoe were the last vestiges of the stoic and warlike old-time Maori, who were rapidly disappearing at the onslaught of European civilisation and culture. Tuhoe resided in an area of the country which had remained apart – a mysterious and remote landscape which delighted the tourist, but disappointed those expecting or hoping for quality land and mineral wealth. Many descriptive passages linger on the physical impression Tuhoe made on their Pakeha observers; their raw 'savagery' apparently striking, as was their facility for traversing the inhospitable, almost impenetrable Urewera mountains that proved such a barrier for Pakeha. The image of the independent Tuhoe 'bushman', perfectly at home where Europeans would struggle to survive, was commonplace.

While some of these writings betray an admiration for a hardy people, steadfast in observing the traditions of their ancestors, they also did a disservice to the Tuhoe of their day. Tuhoe were, on the one hand, resented for their isolationism, or at least, for their regulation of interaction with Pakeha; on the other hand, they were valued and almost treated as curiosities and museum-pieces for exactly the same reasons. Tuhoe, it was claimed, were seen in their 'virgin' state.

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92. 'Report from C Hunter Brown', p 34

This was patently not the case. It is instructive to remember that most of the observations quoted below date from the wars, by which time Tuhoe were well in the throes of considering just what colonisation meant. To European military commanders in the Urewera, Tuhoe may have *looked* untouched, as it were, but Tuhoe had long had to adjust to the fact of Pakeha presence and some of the opportunities it afforded. The rate of change in the Urewera may not have been as rapid as it had been in other parts of the country but, as we have seen, there *was* change. There was a move to engage with Europeans economically and, to some limited degree, culturally. Tuhoe attitudes in the New Zealand wars also demonstrated an increased awareness of being Maori, of greater concerns than those of the tribe, on the part of some Tuhoe. While Tuhoe pretensions to autonomy, in spite of being forced to ‘come in’ in 1871, were intolerable to Pakeha, the officials of the day grudgingly had to admit that they were not in a position to assert the direct rule of British law in Te Urewera.

The remainder of this section relies heavily on direct quotes from official reports, diaries, letters, and memoranda that record the experiences of early European travellers in Te Urewera in the nineteenth century. These extracts need to be read with a view to their historical context. They are provided for the insight they give us into European attitudes of the day, as much as for the information they provide about Tuhoe at this time.

### 2.5.2 Te Urewera Haere Po and a ‘terra incognita’

During the nineteenth century, the physical isolation of the Urewera from main centres of European occupation did much to foster a European image of Tuhoe as intimidating and fierce warriors. There was some truth in this impression: Best mentions that to other iwi, Tuhoe were known as Te Urewera Haere Po (the night-travelling Urewera) because of their night-time guerilla raids, and as Tuhoe mōumou kai, mōumou taonga, mōumou tangata kite po (Tuhoe wasters of food and property, consigners of men to the spirit world).<sup>93</sup> Belich notes that the Urewera generally had a reputation as a graveyard for invading forces.<sup>94</sup> Edward Shortland, sub-protector of Aborigines who lived at Maketu in the early 1840s, wrote that:

Some tribes are supposed to have more skill than others in the mystery of makutu [witchcraft]. The Uriwera, [sic] . . . have the worst reputation in this respect of any in New Zealand.<sup>95</sup>

It seems likely that Shortland’s impression of Tuhoe was coloured by the coastal tribes amongst whom he lived.<sup>96</sup> For a long time, officials like Shortland were to glean

93. E Best, *The Maori*, 2nd ed, Wellington, Board of Ethnological Research for the Polynesian Society, vol 2, p 35

94. J Belich, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland, Auckland University Press, 1986, p 277

95. E Shortland, *Traditions and Superstitions of the New Zealanders*, London, Longmans, 1856 (reprinted Christchurch, Capper Press, 1980), p 116

96. E Stokes, J Milroy, and H Melbourne, *Te Urewera nga iwi te Whenua te Ngahere: People, Land and Forests of Te Urewera*, Hamilton, University of Waikato, 1986, p 30

a meagre knowledge of the Tuhoe tribe from second-hand reports from other iwi, and from encounters with Tuhoe individuals outside of their rohe.

In 1862, however, Tuhoe hosted their first official visit from C Hunter Brown (discussed above), who also ventured to the upper Rangitaiki valley and to the Kaingaroa plains. His report described the geography of this little known area as he travelled up the Rangitaiki valley, thence via Oputao into the Whakatane valley and, according to Hunter Brown, Tuhoe country proper. Brown explicitly assessed the landscape in terms of possible European settlement, noting gradient, soil types, lumber, and possibilities for transport and communications:

This little valley [the Waimana valley] and the valley of the Whakatane up to Ruatoki, would be valuable acquisitions for English settlers; farther up the valley would be almost useless, except to lumberers.<sup>97</sup>

Hunter Brown noted that the Kaingaroa plains were claimed partly by ‘the Taupo Natives’ and partly by ‘the Urewera’ – in this instance, it is most likely that he was referring to the Ngati Manawa whom Brown considered to be a Tuhoe hapu – but he did not visit Kaingaroa because, he said, it was uninhabited. Noting that the Whirinaki River ran chiefly through forest, Brown spied a large patch of open country above Ahikereru, in Te Whaiti district, where he thought it possible to feed a few thousand sheep. On the whole though, he estimated that, ‘except for the sake of two or three runs of decidedly inferior character, the Upper Rangitaiki is not adapted for the occupation of English settlers’.<sup>98</sup>

Hunter Brown noted that little expense would be required to put a dray track in from Whakatane up to Ruatoki and Tunanui, but:

above that point, the great height, steepness, and jumbled-up character of the hills, and the continuous forest, would make it very difficult to get even a good bridle-track. The Maoris do drag horses along the present track, but it is impossible to ride; indeed, the tract is villanously bad, even for the North Island of New Zealand. . . . The indolent endurance of such atrocious tracks by the Natives of the district is a continual source of astonishment to the traveller.<sup>99</sup>

According to Brown, ‘the Urewera’ claimed possession of the upper Rangitaiki valley, nearly the whole of the Whakatane valley, the Waikaremoana basin and a part of the Kaingaroa plains. He gave their boundaries as follows:

Starting from the confluence of the Waimana and Whakatane, their boundary runs along the wooded range bounding the Waimana valley to its junction with a high range at the back of Poverty Bay over the Tauhou mountain, includes Papune and Waikare lakes, and joins the boundary of the Taupo Natives on the Kaingaroa plain. Starting again from the Whakatane river westerly, it strikes off to Waiohau on the Rangitaiki, up that river to Taoroa and out on to Kaingaroa. Speaking of the boundary on this side, Mokonui-a-rangi of Tapahoro, Tarawera lake, Chief of the Ngatirangitahi, observed that

97. ‘Report from C Hunter Brown’, p 24

98. Ibid

99. Ibid, p 25

there would be some difficulty in fixing the boundary between Ngatirangitihi and the Ngatimanawa hapu of the Urewera, because the two tribes were so closely connected; illustrating his remark by dovetailing together the fingers of his two hands.<sup>100</sup>

In a revealing comment, Brown apologised for the ‘vague’ description of Tuhoe boundaries but explained that because Tuhoe were so suspicious, it was all he thought well to ask for.

Brown noted that absences from Tuhoe kaingas were common, with people away in Hawke’s Bay working for cash, at the coast to trade or to visit friends; in the bush bird snaring, or at distant cultivations.<sup>101</sup> Clearly to Hunter Brown, the wilder (less civilised) the Urewera countryside, the wilder its inhabitants:

In social condition the Urewera are somewhat backward, as might be expected from their local position with no port, no roads, and no resident Pakeha except a respectable trader at Ruatoki. There is a perceptible difference between those who live in the open country of Waimana, Ruatoki and Rangitaiki, and those who live in the wooded mountains of Ruatahuna. The former plough their land, have sledges and drays and grow a little wheat, and have generally a steel mill at the kainga, and are dressed nearly up to the average Maori style. The latter have a few horses and a very few head of cattle, but no ploughs or wheat. At the wildest kainga you see the unfailing iron pot, and almost always an iron kettle; but camp ovens, pails, pannikins, knives, forks, spoons, and plates, of which a few specimens are generally to be found in a coast kainga, are well nigh unknown in Ruatahuna. Soap appears to be quite unknown, judging by their appearance. The children generally run about naked; and blankets and roundabouts, shirts and trowsers are much scarcer than amongst the coast tribes; here you may still see both men and women clad solely in one or two kokas (shaggy flax mats). Saddles are almost unknown, and I have seen a young hero come galloping up to the kainga in a very showy style with a slip of flax knotted round his horse’s lower jaw for sole caparison of his steed, and a dirty sheet knotted on the left shoulder for himself.<sup>102</sup>

In order to make Grey’s runanga system work in the Urewera, Hunter Brown clearly envisaged European magistrates and officials defining the framework in which European and Tuhoe were to interact, though he also appeared to concede that Tuhoe participation would be both necessary and important:

the Maoris will be the principal workers of it; that ‘the Europeans’ share in working it will be to point out the way, and to save the Maoris from making mistakes and from losing time in trying plans which have been tried by us already and found to be bad.<sup>103</sup>

This was an urgent task, according to Brown, who already detected a serious deterioration in Pakeha–Maori relationships inland and along the eastern Bay of Plenty coast. He thought this could, in part, be attributed to the ‘long course of comparative neglect’ that these Maori had experienced. They had, in fact, had more

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100. Ibid, p 26

101. Ibid, p 27

102. Ibid

103. Ibid, p 32

contact with undesirable elements such as traders, whalers, and their associates, leaving an impression that Hunter Brown considered was:

not calculated to give them the best possible data on which to form a fair opinion of that strange people into whose hands they see, with deep misgivings, that the wealth and mana of the land are rapidly passing.<sup>104</sup>

Hunter Brown's misgivings were realised, of course, as Tuhoe decided to support Waikato when it was invaded by Imperial troops and colonial forces in 1863. Later, when Te Kooti found refuge in the Urewera, Tuhoe, and neighbouring iwi attracted colonial and kupapa expeditions into their heartland.

During one of these military sojourns to the Urewera country, Lieutenant-Colonel J H H St John was instructed to provide a description of the land he termed a 'terra incognita' – the Whakatane and Urewera districts. So interesting was his dispatch as, at the time, no one knew anything about the country or its resources, that St John's report was forwarded by Governor Bowen to the Colonial Office. St John's report was possibly the genesis of the persistent myth that the Urewera held gold-bearing country; 'It is, however, my firm opinion that these mountains contain within their bosom, mines which some day will add to the wealth of New Zealand'.<sup>105</sup> He commented that while the Urewera might have contained mineral resources, and although the Tuhoe appeared to cultivate quality potatoes in quantity in fertile river flats in the valleys, the land of the 'rebel' Whakatohea and Urewera was otherwise 'worthless':

I have ascended all these rivers, and can only describe the upper country through which they flow as utterly impracticable. The only possible roads lie up the beds of the streams; often these have to be left to avoid deep pools or rapids, and steep hills ascended merely to go down again. From these summits, far and wide, nothing can be seen but a vast jumble of mountains tossed into all manner of fantastic shapes. There is hardly a mile of these tracks where spots cannot be found in which fifty men could with ease stop one thousand. The sides of the hills are, with few exceptions, clothed with thick bush, but rarely carry timber which would repay the cost of floating it down in freshes . . . the best timber grows generally on the hills away from the river . . . The scenery of the Urewera is grand and wild, and a tourist or a geologist would have been delighted with the excursion I took under circumstances not favourable to a search after the picturesque.<sup>106</sup>

The symbolic victory of penetrating the fastnesses of the Urewera was not lost on the military leadership; aside from showing Tuhoe that they were not beyond the reach of the law, the invasion had in some way perforated Tuhoe's cultural autonomy – it was thenceforth considered a matter of time before Tuhoe succumbed to

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104. Ibid, p 34

105. 'Colonel J H H St John's Description of the Urewera and Taupo Country', 8 October 1869, AJHR, 1870, A-1B, p 51

106. Ibid, pp 50-51

civilisation. In the following extract, Captain Gilbert Mair echoed Hunter Brown in attributing the Tuhoe antipathy toward Pakeha to the fact of their seclusion:

The fact of a small force having passed through the whole of the Urewera country, in so short a time, and during the worst months of the year, ought to teach them that their wild country will not save them from punishment, should they continue in rebellion; while their being brought into contact with Europeans cannot fail to have a beneficial effect, and do away with the dread and mistrust with which long seclusion has taught them to look upon us.

Many of the Urewera have never seen the sea, and hardly ever a white man.

The Maungapowhatu [sic] Natives are a wild, restless set, with large shaggy heads of hair, and clad in mats made from coarse fibres of the *toi* (*cordyline indivisa*) – they bore but small resemblance to civilised beings.<sup>107</sup>

Captain Porter and Major Ropata met Tuhoe at Tawhana in the same year. Porter observed that they were:

one of the fiercest tribes in appearance I have ever met; they are true savages, and decorated with white feathers tied in their hair and forming a sort of scalp lock similar to that of the North American Indians. Most of them were nude with the exception of a fancy worked mat round the waist. When all had met they rose and danced as a token of welcome, the effect of which was very striking, with the brandishing of weapons and the accompaniment of yells and a sort of chant. A notorious character, known as the brave of Tamaikowha [sic], was pointed out to me by the name of Te Patu Toro (scout killer), who is famed among the Urewera tribes for the number of men killed by him; he is also remarkable for the number of weapons carried about his person. . . . At Tamaikowha's request I shook hands with the whole of his people, many of whom had never before seen a European; in reply to my salutations they greeted me as their brave enemy.<sup>108</sup>

The following year, in 1872, Lieutenant-Colonel St John visited the Armed Constabulary redoubt at Onepoto on Lake Waikaremoana. His observations anticipated the ethnological suppositions of Elsdon Best and the Polynesian society, who surmised that the physiological variations of the Tuhoe people reflected their ancient 'tangata whenua' heritage overlaid with that of the Mataatua immigrants:

A few young men of the Uriwera [sic] were at the post on our arrival . . . and once more I remarked the difference of features which exists, not only between them and the coast natives, but even among each other. The majority are much darker than the usual type of Maori, and are distinguished by flat noses and blubber lips, in many cases as marked as those of the negro. Others, on the contrary, have a perfect Jewish type of countenance, so remarkably developed as to attract immediate attention, and are very handsome species of manhood. Mountain and bush bred, they are as active as cats, and it is marvellous to see an Uriwera, [sic] laden with his swag and rifle, literally run up and down hills covered with dense undergrowth through which Europeans have to

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107. 'Captain Mair to the Officer Commanding Tauranga District', 11 July 1871, AJHR, 1871, F-1, p 44

108. 'Captain Porter's Diary', 13 February 1871, AJHR, 1871, F-1, pp 31–32

move at a snail's pace. Their legs would make splendid models, and their feet, as a rule, are very large.<sup>109</sup>

In late 1874, Donald McLean sent Locke to Ruatahuna to settle a boundary dispute between Tuhoe and the Wairoa tribes.<sup>110</sup> According to Locke, no European had visited the Urewera since the war.<sup>111</sup> Upon commencing this journey, Locke made the following comments to Price:

The native customs are fast dying out, and it is only amongst the Uriweras [sic] where they are to be seen in their virgin impurity. No one has been in there since the war; very few of the tribe have been out of their district, and none of the young people have ever seen a white man.<sup>112</sup>

The party first travelled through Waikaremoana on their way to Te Mimi, and then Ruatahuna. Price noticed that there were many Maori settlements on the hills bordering Waikaremoana, 'the bright green cultivations forming striking contrasts to the more sombre tints of the virgin forest'.<sup>113</sup>

Upon reaching Te Mimi Pa, to which Locke had been summoned by letter by Paerau, one of Tuhoe's principal chiefs, Price observed:

There are cultivated clearings of considerable extent in every direction through the bush, and immense quantities of excellent potatoes and maize are grown. This is the first Uriwera [sic] pa on the northern side of the Waikaremoana Lake, and is placed on a commanding site at the head of the Whakatane valley.<sup>114</sup>

The next day Price and his party started for Ruatahuna and when they drew near Price noted that:

the track was lined in many places with wild raspberry plants, sweetbriar, and strawberries; all sorts of English fruit trees were growing luxuriantly, and wherever the ground was unoccupied by grass and biribiri, large patches of wild pansies threw up their prettily painted flowers and attracted notice.<sup>115</sup>

Travelling from Te Mimi to Ruatahuna, a distance estimated by Price to be approximately 12 miles, Price noticed several destroyed pa and settlements, which

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109. 'Lieutenant St John (1836–76)', *Early Travellers in New Zealand*, N Taylor (ed), Oxford, Oxford University Press, 1959, p 575

110. R Price, 'Through the Uriwera Country', Napier, *Daily Telegraph*, 1891 (bound in *New Zealand Pamphlets*, vol 1A), preface, p 15

111. *Ibid*, p 10

112. *Ibid*, preface

113. *Ibid*, p 15

114. *Ibid*, pp 21, 23

115. *Ibid*, pp 24–25. Peter Webster has suggested that the New Zealand wars may have checked the steady and centralised growth of cultivated areas in the highlands because Tuhoe would have been aware that it was strategically better to have food supplies widely scattered. He compares Price's description of Ruatahuna with Whitmore's (Whitmore was in Ruatahuna five years earlier). Whitmore notes that abandoned potato patches were small and overgrown with scrub. Those at Ruatahuna were described as limited and insufficient to support a large number of inhabitants: see Webster, p 89.

had been burned by Colonel Whitmore's forces.<sup>116</sup> Arriving at Ruatahuna, however, he noted that Te Kooti's standard still flew in front of the 'Runanga house'.<sup>117</sup> Describing the Tuhoe he encountered at Ruatahuna, Price recalled:

The men were of large stature and extremely muscular; the tattoo markings on their faces were cut deeper than is noticeable in the Hawke's Bay natives, and the dye used was blue. Some of the faces of the old chiefs looked a short distance off as if they had received a coat of purple colored paint. Very few of them had any European clothing; native manufactured mats being quite as common as the blanket, and they were handsomely designed and beautifully made.<sup>118</sup>

Price recorded that he observed 260 to 300 men perform a haka with many other people at the rear of the haka party.<sup>119</sup> The visiting party were presented with a hakari. Price described the exhibition of potatoes as a wall measuring 63 feet long, four feet high and three kits, placed long ways, deep. In addition, Tuhoe presented a large waka filled with some type of food preserved in its own fat and several scores of calabashes full of preserved pigeon. Price wrote:

It was easy to see that the Uriwera[sic] tribe were wealthy in food, and industrious in obtaining it, but in every other respect they were in poverty. They had no money, nor did they know its value, and one could hardly help contrasting their position, and their grade in the scale of civilisation with that occupied by the Hawke's Bay natives, who could, if they pleased, surround themselves with every luxury, without extravagantly expending the enormous sums they annually receive from their leased lands.<sup>120</sup>

It is interesting to note that Price was warned by Locke and Ferris not to be seen fossicking for gold as it could mean the banning of further European entry to the Urewera except for Government officials. Price found Tuhoe 'to be extremely suspicious' and recorded that he was unable to move beyond the settlement without being closely followed.<sup>121</sup>

After peace had been negotiated with Tuhoe, St John wrote in 1873, that:

The whole of this district, from Whakatane southwards, was for a long time vexed and plagued with uncomfortable neighbours. The mountains of the interior were inhabited by the fierce Uriweras . . . a tribe thoroughly hostile to Europeans, and whose boast it was that its fastnesses were a secure refuge against any foe; it was their common practice to descend to the coast down one of the gorges, shoot or burn, and then disappear as rapidly as they had come.<sup>122</sup>

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116. Price, p 24

117. Ibid, p 29

118. Ibid, p 37

119. Ibid, p 31

120. Ibid, pp 37-38

121. Ibid, p 40

122. JHH St John, *Pakeha Rambles through Maori Lands*, Wellington, Robert Burrett, 1873 (reprinted Christchurch, Capper Press, 1984), p 156



St John implied that Tuhoe had been taught a valuable lesson when colonial and kupapa forces invaded the Urewera mountains in the late 1860s in a hunt for Te Kooti. Although the Urewera's security had been violated, the peace was more in the nature of a truce; Tuhoe remained resistant to European settlement and influence. To the European outsiders, Tuhoe were proud, aloof, and uncooperative and remained so long after McLean's pacification.

## 2.6 ESTIMATES OF THE UREWERA POPULATION

It has been impossible to reliably calculate the population of the Urewera district in the early and mid-nineteenth century. The sources referred to in this section were taken from limited official and military reports, and in an atmosphere of mistrust and hostility. The unfamiliarity of the census enumerators with many of the Tuhoe hapu also meant that these hapu were misidentified and allocated to the wrong iwi groupings.

This chapter has not attempted to guess the size of the Tuhoe pre-contact population but given the constraints provided by the harsh Urewera landscape, we might safely assume that this population would have been relatively small. As Best put it, a 'people who gain a livelihood by means of hunting, with a supplementary supply of berries and roots, are not in a position to densely populate their country'.<sup>123</sup> He also noted that in the 1820s, Tuhoe were at a 'great' numeric disadvantage compared with coastal tribes.<sup>124</sup>

Peter Webster has postulated, though, that the introduction of the potato could quite conceivably have led to an increase in the Tuhoe population from the 1830s.<sup>125</sup> In about the same period, after the intertribal conflict of the 1820s and 1830s, Tuhoe had managed to secure control over fertile and warm areas of the Bay of Plenty where the kumara grew. These supposed boons to the Tuhoe population would presumably have been balanced by the dislocation and deaths, due to warfare, that Tuhoe suffered at the same time.

When JAWilson was stationed at Opotiki, he made various journeys and estimations of the Maori population of the eastern Bay of Plenty. In correspondence to the CMS dating from July 1841, he guessed that 'the Urewera' comprised about 800 fighting men, with a total population of about 2100 people.<sup>126</sup> This is less than Colenso's contemporaneous census of 3000 people but roughly commensurate with C Hunter Brown's estimate of 20 years later, though Wilson does not appear to have broken this estimate down into district or kainga figures where main Tuhoe populations were settled. However, a thorough examination of the missionary AN Brown's journals might yield some indication of the size of Tuhoe kainga that he

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123. Best, *Tuhoe*, p 9

124. *Ibid*, p 519

125. Webster, p 89

126. Cited in the Reverend J Irwin, 'John Alexander Wilson: First Resident Missionary in Opotiki-Whakatane, 1840-1851', *Journal of the Whakatane and District Historical Society*, vol 15, no 3, 1967, p 164

visited on his circuits in 1844–49. On one visit to Ruatoki in 1846, Brown reported finding more than 200 people present, and he subsequently ministered to a congregation of about 600 people assembled there.<sup>127</sup> This assembly, however, appears not to have been solely Tuhoe. Ruatoki was one of Tuhoe's main settlements and its size was not matched by many villages in the Urewera. Best, for example, habitually refers to Tuhoe kainga as 'hamlets', small clusters of whare scattered far and wide from the main flats and valleys.

The impact of introduced diseases on Tuhoe communities remains unclear, most particularly for the nineteenth century. This research has not uncovered any substantial information on the subject, although A N Brown's journals mention that Tuhoe at Maungapohatu had died as a result of an influenza epidemic, and Paerau of Oputao later reported in 1862 that there had been a recent great mortality among Tuhoe children. There are also a number of letters from Tuhoe chiefs dating from the New Zealand wars which indicate that there were ongoing attacks of 'sickness' (probably influenza); in one instance, for example, it was reported in October 1870 that 200 Tuhoe had died 'lately'.<sup>128</sup> Further investigation of the consequences of introduced diseases upon the Tuhoe population would be needed before any reliable analysis could be undertaken to show how severely disease affected population figures.

After Colenso's second visit to Te Urewera, he presented a detailed report of that journey to Henry Williams. In the report, Colenso estimated that the population of the Urewera in 1842 would number around 3000, with 'fighting men' numbering about 1000.<sup>129</sup> Bishop Selwyn apparently compiled a detailed census of the Urewera district in 1851, but the source of this information is obscure.<sup>130</sup> Possibly, A N Brown and Preece supplied the data. Selwyn's census cites 126 as the total population of the Urewera district and 132 people for the Ahikereru district. We do not know how these districts were geographically defined and, in any case, these seem questionably low figures.

Hunter Brown collected some census data on his brief journey through the Urewera, which he said was given by local chiefs. This is reproduced below:

Te Whaiti (head of Rangitaiki)	100 men
Waikaremoana	80 men
Ruatahuna	400 men
Ruatoki (90 men and women)	50 men
Waimana	90 men
Total	720 men. <sup>131</sup>

Note that this total represents fighting men only – not youths or elders. It would have to be multiplied by three to give a very rough estimate for a total population,

127. The Reverend A N Brown's journal, 30 July 1846, p 59; see also Irwin, p 164

128. 'Sub-Inspector Gascoigne to Lieut-Colonel Moule', 17 October 1870, AJHR, 1871, F-1, p 6

129. Starnes, p 34

130. I have only uncovered Hunter Brown's reference to it in the 'Report from C Hunter Brown', p 26.

131. 'Report from C Hunter Brown,' p 26. By 'men', Brown said he meant men who could be mustered to fight.

though Hunter Brown says that he observed a higher proportion of children in the Urewera than he did on the coast.

However, these figures are qualified by Hunter Brown's own impressions that the estimates are too high, and by advice from an (unnamed) missionary who commented that Maori habitually over-estimated their population. In this vein, Brown commented that Tuhoe were 'always jealous of inquiries into their numerical strength'.<sup>132</sup> But then Hunter Brown did comment on the fact that it was very difficult to get an accurate idea of the size of Tuhoe communities when people were often away trading, visiting, birding, and so on. In addition, perhaps the nature of Tuhoe occupation patterns – permanent kainga and temporary residences – helped complicate the picture. Brown noted that counting whare to determine population numbers was an unreliable method of estimation when one person could have more than one kainga, and he also noted that Urewera kainga were very small, often of no more than seven or eight whare.<sup>133</sup>

In mid-1871, Gilbert Mair forwarded an estimate of the Tuhoe population to his commanding officer. He also noted that Tuhoe had many healthy children. He observed the prevalence of 'goitre' – a swelling of the throat and neck – which he said was common to mountain populations.<sup>134</sup> His estimates are reproduced in the table below but need to be treated with caution, because they are partial at best – Ngati Whare, for example, do not appear at all in relation to Ahikereru or Te Whaiti, perhaps because they were then resident, as surrendered 'rebels', at a Government reserve known as Te Putere, near Matata.

Kainga	Hapu	Chief(s)	Men	Women	Children	Total
Ahikereru	Warahoe		10	6	8	24
Ruatahuna	Ngatihoraaruhe Ngatirongo Ngaiteriu	Te Haunui Paerau Te Whenuanui Te Ahikaiata	50	48	34	132
Waikaremoana	Ngatiruapani Ngatimatewai	Te Makarini Te Harau Mokonuiarangi	30	40	26	96
Te Kakari	Ngatihuri	Te Puehu	15	17	11	43
Maungapohatu	Ngatirongo	Te Purewa	20	19	3	42
Tauaki and Opokere	Mahurehure	Kereru	8	8	5	21
Tawhana Tauwharemanuka Te Waimana	Ngaitama Ngatikuri	Tamaikoha	40	35	27	102
			173	173	114	460

132. Ibid, p 27

133. Ibid. Brown also noted the extreme smallness of the Urewera kainga, which seldom exceeded seven or eight whare.

134. 'Gilbert Mair to Officer Commanding Tauranga District', 11 July 1871, AJHR, 1871, F-1, p 44

Robert Price, who journeyed through the Urewera in 1874, estimated that Tuhoe could muster between 300 and 400 fighting men, which is considerably more than Mair's estimates of several years earlier.<sup>135</sup> Price was also surprised at the 'immense number of children' in Ruatahuna.<sup>136</sup> Ian Pool, who has calculated tribal child-woman ratios from 19th century census data, takes up Stokes, Milroy, and Melbourne's suggestion that the high proportion of Tuhoe children reflected the 'scorched earth' military campaign inflicted on the Urewera during the latter stages of the New Zealand wars, presumably suggesting higher adult mortality.<sup>137</sup> The problem with this interpretation is that Hunter Brown commented on the high numbers of Tuhoe children in 1862, before the wars came to the eastern Bay of Plenty and Urewera.

However, in rudimentary census data published in 1874 in the *Appendices to the Journals of the House of Representatives*, 'Te Urewera' tribe were estimated to total 599 persons. That these returns were based on incomplete information is made clear by the fact that the census noted that there were about 20 hapu of Te Urewera, but their names were not known.

In the same year, though, Sub-Inspector Ferris, stationed at Onepoto south of Lake Waikaremoana, was able to give a more detailed breakdown of the Urewera population. The following table incorporates his return with additional information given by officials in other census returns, to give a total for the Urewera district. Note, however, that this table excludes Ngati Manawa of Tauaroa and Galatea.<sup>138</sup>

Tribe	Hapu	Residence	Males	Females	Totals
Uriwera (Rakuraku's hapu)		Ohiwa	18	16	34
Patuheuheu/Ngati Haka		Rangitaiki-Horomanga	58	48	106
Ngati Whare		Rangitaiki-Ahikereru	119	91	210
Urewera (Ruatahuna)	Ngatimanunui	Mimi	14	17	31
	Ngatihoroaruhe	Tatahoata	27	19	46
	Urewera	Ngarewa	81	79	160
	Ngaitawhaki	Tahuaroa	18	20	38
	Ngatirongo	Ohau-a-te-rangi	24	24	48
	Ngatipaenga	Ohora	9	10	19
Urewera	Ngatikaimoana	Maungapohatu	17	16	33

135. Price, p 41

136. Ibid, p 37

137. I Pool, *Te Iwi Maori: A New Zealand Population Past, Present and Projected*, Auckland, Auckland University Press, 1991, p 97; Stokes, Milroy, and Melbourne, p 50

138. Ngati Manawa were said to number 123 people (61 males, 62 females): see AJHR, 1874, G-7, p 8.

Tribe	Hapu	Residence	Males	Females	Totals
	Ngatihuri	Maungapohatu	22	24	46
	Ngatirongo	Maungapohatu	9	12	21
	Ngaitama	Maungapohatu	30	28	58
Urewera	Ngaiterapaaroa	Waikaremoana	15	19	34
	Ngatihinekura	Waikaremoana	15	17	32
	Ngatihika	Waikaremoana	15	7	22
	Urewera	Waikaremoana	19	19	38
Urewera	Ngatiwhare/Arahoi	Ahikereru	31	27	58
			541	493	1034

Resident Magistrate George C Preece noted in the 1878 census returns that some of the Maori communities of the Eastern Bay of Plenty had suffered from typhoid outbreaks which had severely impacted on their numbers, but he does not list the Urewera tribes as among them. While he noted that the Urewera showed an increase of 94 persons from the 1874 census two years earlier, he accounts for this by suggesting that one of the Tuhoe hapu had been left out of the previous accounting, and although 'there have been a number of deaths [in the Urewera] during the last four years, I do not think there is any actual decrease in numbers; the births having outnumbered the deaths'.<sup>139</sup>

The 1878 census data on Urewera hapu is summarised below. This table, however, includes Ngati Manawa under the given category 'Arawa-Urewera':

Tribe	Hapu	Residence	Males > 15	Males < 15	Females > 15	Females < 15	Total
Ngati Awa-Urewera	Warahoe	Te Teko-Ahikereru	19	14	14	11	58
Arawa-Urewera	Ngati Manawa	Galatea	18	19	9	15	61
Urewera	Patuheuheu	Waiohau-Horomanga	32	41	38	21	132
	NgatiWhare	Ahikereru-Galatea	18	22	20	10	70
	Ngaitu-Warahoe	Tahuoroa	12	9	7	6	34
	Ngaiteao	Te Tahora	20	17	10	11	58
	Warahoe	Ruatahuna	20	16	9	8	53
	Ngati-Rongo	Omaruteonga	22	13	10	9	54
	Ngatihuri	Maungapohatu	35	26	14	11	86

139. Captain Preece RM, Opotiki, to under-secretary, Native Department, 10 April 1878, AJHR, 1878, G-2, p 5

Tribe	Hapu	Residence	Males > 15	Males < 15	Females > 15	Females < 15	Total
	Ngai-Turanga- Te Whakatane Tamakaimoana	Waimana	40	36	16	16	108
	Ngaiteao- Ngatimura	Ruatoki- Ngamahanga	35	29	14	11	89
			286	257	176	144	803

That the census enumerators found it difficult to locate and define Urewera hapu was made clear by Resident Magistrate Bush of Opotiki, in the 1881 census. He noted the huge jump in population totals for the Urewera from the 1878 census compared to the 1881 figures, and put this down to the omission of 726 Tuhoe in 1878:

In 1878 their total was put down as 745, but I find upon a careful compilation of their numbers by name that they total up 1,471. This number does not include those members of the tribe living at Waikaremoana, Runanga, and Te Putere.<sup>140</sup>

He went on to note that:

It will be observed, on reference to the return, that the Urewera are the only tribe where the children are as numerous as the adults; in most of the other tribes the adults exceed the children. So far as my experience goes, the same is the lamentable fact amongst tribes in other parts of the island. The Urewera appear to be the exception, and, for the want of a better reason, I can only attribute it to their keeping more aloof from civilization and its temptations than most other tribes. This probably may not be so much from choice as from compulsion, through the difficulties of perambulation in their country, and to and from it. Many of these people are never seen in our settlements, consequently they are not exposed to the same temptations for wasting their substances as those that are more frequent visitors to our townships.<sup>141</sup>

The Waikaremoana and Te Putere people appeared in Captain Preece's Wairoa district return and those Tuhoe at Runanga appeared in Major Scannell's Taupo return. Interestingly, Scannell also counted the Ngati Manawa at Galatea as numbering 22 persons but by Bush's estimate, there were 65 Ngati Manawa there. The facing table excludes Scannell's estimate. Scannell also noted that:

portions of the Urewera and King Country are included in the Taupo Resident Magistrate's District, but in the former it would be impossible to get the numbers of the inhabitants, as they would not allow any person to enter their country for that purpose. Those who are shown were travelling through Taupo, and, although their numbers were ascertained, they would not give their names.<sup>142</sup>

140. Mr R S Bush RM, Opotiki, to under-secretary, Native Department, 23 April 1881, AJHR, 1881, G-3, p 4. Bush's total for the 1878 census, 745 Tuhoe, is smaller than the total given in the above compiled table for the 1878 census because the table includes Tuhoe included in other officers' returns.

141. R S Bush RM, Opotiki, to under-secretary, Native Department, p 4

142. Major Scannell RM, Taupo, to under-secretary, Native Department, 14 April 1881, AJHR, 1881, G-3, p 5

## EARLY CONTACT BETWEEN MAORI AND PAKEHA

2.6

Tribe	Hapu	Usual Residence	Males < 15	Males > 15	Female < 15	Female > 15	Total
Urewera	Tamakaimoana	Maungapohatu	37	34	31	27	129
	Warahoe	Ahikereru	17	21	14	15	67
	Muriwai	Ruatoki	19	44	10	43	116
	Ngatirongokarae	Ruatoki		10		6	16
	Ngati Koro	Ruatoki		8		6	14
	Patuheuheu	Waiohau	12	19	13	15	59
Ngatimanawa	Ngatimanawa	Karatia	11	21	8	25	65
Urewera	Ngamorihi	Waimana	33	40	29	37	139
	Ngatitamariwai	Matatua	44	38	43	38	163
	Ngatikiriwaewae	Oputau	32	33	35	32	132
	Ngatiumuiti	Tatahoata	29	46	31	38	144
	Ahimate	Tahuaroa	32	33	33	30	128
	Ngatikoura	Aotearoa	45	45	44	47	181
	Ngatimuru	Ohaoa-Aropaki	35	40	34	32	141
	Ngaitekahu	Maungapohatu	25	33	22	22	102
Urewera	Ngatihinekara	Waikaremoana	18	26	15	18	77
	Ngatira	Waikaremoana	13	22	11	15	61
	Manunui	Waikaremoana	17	28	23	25	93
	Ngatihika	Waikaremoana	5	11	5	7	28
Urewera	Warahoe	Visiting Waiohiki		25		2	27
	Ngatiwhare	Visiting Waiohiki		1			1
Urewera	Ngatihineuru	Opureke (Taupo district)				1	1
	Ngatihineuru	Tarawera (Taupo district)				1	1
	Ngatihineuru	Kukewahine (Taupo district)		1			1
	Matawai	Dole Crossing (Taupo district)	3		2	2	7
							1893

As late as 1886, it was found to be difficult to extract information from Tuhoe about their numbers, even with the help of chiefs like Hemi Kakitu:

Neither the names nor exact numbers of the Urewera children could be ascertained, therefore they are given approximately, but names are given in all cases where obtainable. The majority of the Urewera Tribe having changed their names since the last census, it was impossible to compare the old lists with those compiled on the present occasion by Captain Rushton, who undertook to collect the census of this tribe with the chief Hemi Kakitu, none but the few well-known chiefs being shown by their former names.<sup>143</sup>

Bush also commented that the Urewera crops were small compared with the numbers of that tribe and said that there were only four bedridden people in the whole of the Urewera.<sup>144</sup>

The published Maori census data of 1886 does not give a breakdown of tribal numbers by hapu, and in the case of Tuhoe, there was insufficient data to give an accurate breakdown of the population statistics in terms of age. The total Urewera population was given as 1901, comprised of 998 males and 903 females. Most Tuhoe, naturally, were to be found in the Whakatane district, but the census also tells us that there were 17 Urewera living at Coromandel and 81 in Thames County (possibly, they were the Tuhoe Best mentions as residing at Whitianga employed as gumdiggers from 1879). There were also 144 Urewera in Wairoa county and seven in Patangata county.<sup>145</sup> In the following census year of 1891, though, Resident Magistrate Bush admitted that there had been an error in the statistics for the Urewera tribe in 1886 of some 250 persons too many.<sup>146</sup>

In 1891, there were held to be 1211 Urewera in total, made up of 622 males and 589 females.

It is interesting to note that Tuhoe, or the 'Urewera tribe' to census enumerators, recorded population increases in the 1870s and 1880s at a time when other iwi numbers were declining. M P K Sorrenson has argued that there was a correlation between the decline of these iwi populations with the increased activity of the Native Land Court and land purchasing agents in these iwi districts after the wars.<sup>147</sup> The fact that Tuhoe had excluded Crown agents and the court from their district, and recorded population increases till the 1890s, is used by Sorrenson to support this general thesis. Moreover, the Tuhoe population began to stabilise and then decline (in the 1901 count) at the same time as Tuhoe began to have increased contact with Pakeha and the

143. R S Bush RM, Opotiki, to under-secretary, Native Department, 4 May 1886, AJHR, 1886, G-12, p 8. Judith Binney cites Bush as 'surmising' that the name changes were prompted by Te Kooti's pardon, and signified the beginning of a new life and era: Binney, *Redemption Songs: A Life of Te Kooti Arikirangi Te Turuki*, Auckland, Auckland University Press and Bridget Williams Books Ltd, 1995, p 357.

144. R S Bush RM, Opotiki, to under-secretary, Native Department, 4 May 1886, p 8

145. It is not clear whether the fact that Tuhoe were reported as being in other counties (besides Whakatane, that is) meant that Tuhoe people had moved out of their traditional rohe or that it was just a result of where county boundaries were drawn.

146. R S Bush RM, Tauranga, to under-secretary, Native Department, 20 May 1891, AJHR, 1891, G-2, p 3

147. M P K Sorrenson, 'Land Purchase Methods and their Effect on Maori Population, 1865-1901', *Journal of the Polynesian Society*, vol 65, no 3, September 1956; see also Pool, p 101



process of determining the Urewera land title began. In the 1901 census, there was decline from 1421 persons recorded in the 1896 census (the very year that the Urewera District Native Reserve Act, which set up the Urewera commissions, was passed) to 1094 persons in 1901. There may, of course, be other explanations for these trends. Caution needs to be taken in drawing too much from a correlation of population decline and the activities of the Urewera commissions, however, and careful research into causes of population decline among Tuhoe would be desirable. Binney, for example, points out that at the following census of 1906, enumerators reported widespread failure of basic food crops such as kumara, potatoes, and maize, while in the same period, Elsdon Best despaired of contaminated water supplies and inadequate latrines in many Tuhoe kainga.<sup>148</sup> These factors seem more likely to have had an immediate impact on mortality and morbidity rates among the Tuhoe populace.

As stated previously, the 19th century population estimates and census returns for the Tuhoe tribe appear to be highly unreliable, taken from a people widely spread over difficult country, who did not welcome scrutiny of their numbers. Population estimates from the early 1840s range from 2000 to 3000 Tuhoe, with Hunter Brown calculating in 1862 that there were about 2160 Tuhoe people (this is derived from his estimate of 720 fighting men, multiplied by three for a total population). From this point, population figures collated about Tuhoe date from the end of the New Zealand wars. They are considerably less than the appraisals made in 1841–42 and in 1862, ranging from about 1200 in 1874 (again, Price's estimate of 300–400 men multiplied by three for a total figure) to about 1400 in 1881. This is about half the numbers estimated for the Tuhoe population in the early 1840s. It seems unlikely that this decrease could be solely attributed to loss of life during the New Zealand wars – Tuhoe told Locke that they had lost 160 men in various engagements, but it would be interesting to know the numbers of women, children, and elderly who died as a result of Whitmore's scorched earth campaign (both those whose deaths were directly attributable to the campaign and those who died from the resulting starvation).<sup>149</sup> Again, the dramatic difference in estimates from the 1840s to the 1870s is likely due to a combination of factors including the wars, disease, and unsatisfactory census technique.

The 'Urewera' tribe's population as recorded in the *Appendices* for the 1880s reached a high of 1650 in the 1886 census returns, dipping to about 1200 again in 1891, rising several hundred to 1400 people in 1896 and then falling again to just under 1100 persons in 1901. Without labouring the point as to the validity of these figures, a possible avenue for a more accurate investigation of Tuhoe numbers of the early twentieth century might be found in the owners' lists for the Urewera blocks as determined by the Urewera commissions between 1899 and 1907.<sup>150</sup> Steven Webster has commented that the Urewera titles suggest that there were 'many more' Tuhoe than the census figures indicated, citing as an instance the fact that in 1901, Best recorded over 900 owners for the Maungapohatu block alone. Other blocks had even

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148. Judith Binney, Gillian Chaplin, and Craig Wallace, *Mihaia: The Prophet Rua Kenana and His Community at Maungapohatu*, Auckland, Auckland University Press and Bridget Williams Books Ltd, 1990, p 21

149. See AJHR, 1874, G-2, p 20

150. These owners' lists are published in AJHR, 1903, G-6.

more owners.<sup>151</sup> Individual Tuhoe owners had shares in more than one block, however, so to determine the total number of individual owners would require the cross-referencing of names on the block lists, which would be a fairly laborious task.

## 2.7 CONCLUSION

The cultural and economic impact of the small Pakeha presence in the Bay of Plenty and Wairoa district was obviously more keenly felt by those Tuhoe hapu in occupation of adjacent areas and in contact with coastal iwi. Most Tuhoe living in the interior would have had no direct contact with the few traders and settlers who had come to what was, very much, a 'native district'; Tuhoe and Pakeha first met each other outside of the Tuhoe rohe. Even in the central Urewera, though, there were faint ripples of European influence, transmitted mainly by Christian missionaries, who brought faith, literacy, and strange new habits to the small, scattered kainga. The introduction of potatoes, maize, wheat, and pigs also made inroads into some of the most remote Tuhoe communities, but they seem to have supplemented rather than replaced traditional resources. Both pigs and traditional potted birds were, however, traded with neighbouring tribes for other European goods, and Tuhoe seemed keen to engage in emerging economic opportunities, notwithstanding that they lacked the accessibility and resources of some coastal iwi.

But trading with Pakeha did not include the selling of land; the Bay of Plenty was remote enough from centres of European settlement, let alone the mountainous Urewera. There were a few old (pre-Treaty) land claims lodged about Whakatane and Ohiwa by early European settlers but no Pakeha wanted to settle in the Urewera, with the possible exception of a single trader stationed about Ruatoki. He, however, married into a local rangatira family and this research has uncovered no information regarding his occupation arrangements with local Maori.

It can be seen, then, that for much of the nineteenth century, Europeans and Tuhoe hardly knew one another. Tuhoe were a small iwi of roughly two to three thousand people, and fewer at the end of the century, who were relatively poor. They were at a remove from Pakeha settlement and its concomitant problems. Tuhoe isolation meant that they did not develop a relationship of direct economic inter-dependence with Europeans to the degree that, perhaps, other iwi attained through trading land, resources, and labour. As a consequence, the cultural exchange between Europeans and Tuhoe also seems to have been limited. Europeans judged Maori on their willingness to adopt western culture and to abandon the 'superstitions' and custom law of their tupuna (at the same time, marvelling at the 'authentic' Tuhoe Maori). To them, Tuhoe appeared conservative, backward, and probably intimidating. For their part, Tuhoe gradually abandoned the cordiality with which they had apparently greeted their first tauwi visitors, the missionaries, and gave way to suspicion, in spite of many Tuhoe never having seen a European.

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151. Steven Webster, 'Urewera Land, 1895–1921', unpublished paper for the Department of Anthropology, University of Auckland, 1985, p 51, fn 13

Although Tuhoe seemed to feel that some aspects of interaction with Pakeha were desirable, this research has uncovered nothing of what Tuhoe thought of the Treaty of Waitangi, which they did not sign. Prior to the 1850s, it is hard to imagine that Tuhoe would have had to think about the Treaty at all, as they remained isolated from official contact, their leaders and hapu largely unknown to Pakeha. In the Urewera, as elsewhere in the eastern Bay of Plenty, custom law prevailed; the Governor's attempts to introduce representatives of European law were reluctantly made with the comprehension that their success depended on Maori patronage and cooperation.

By the late 1850s, however, there is suggestion of serious general Tuhoe concern about the extension of European settlement in Aotearoa, with some of the Tuhoe political leadership supporting the Kingitanga. In 1862, Hunter Brown reflected an official tendency to attribute growing Tuhoe suspicion of Pakeha motives to the fact of their seclusion from the 'civilising' influence of respectable European law and settlement. This deflected attention from any of the substantive reasons Tuhoe may have had to keep their distance from Pakeha. They may have felt relieved or grateful for some aspects of their isolation, as they digested reports of large scale land selling in other parts of the country, and encroachments of Maori rights and custom law with the onset of intense European immigration. Tuhoe complained to the Resident Magistrate of the Taranaki war, prices paid for Maori land in the old days, trade issues and Pakeha inhospitality, said Hunter Brown, but underlying these feelings were deeper concerns. Hunter Brown summarised Tuhoe anxieties as a fear of land loss, fear for their 'nationality' and a fear that they might be made slaves to the Queen.<sup>152</sup>

Having come to bring Grey's new institutions to Tuhoe after events at Taranaki, Hunter Brown could not have hoped for more than a lukewarm reception from the Urewera communities he visited. The tentative official links Hunter Brown hoped to forge with Tuhoe were dashed however, when the Waikato tribes were drawn into the New Zealand wars in 1863. Because of Tuhoe commitments to the Kingitanga and old connections with the Waikato people, Tuhoe also became involved in the wars. The nature of this involvement and its consequences are the subject of the following chapter.

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152. 'Report from C Hunter Brown', p 28



## CHAPTER 3

# THE NEW ZEALAND WARS AND CONFISCATION OF TUHOE LAND IN THE BAY OF PLENTY, 1863–67

### 3.1 INTRODUCTION

The accounts of European missionaries who ventured into the Urewera in search of converts in the 1840s and 1850s seem to indicate that the Tuhoe people received the Pakeha with tolerance, goodwill, and, occasionally, enthusiasm, despite an ambivalent attitude toward the Christian doctrine itself. Yet, by 1862, when the resident magistrate Hunter Brown visited the region to promote Grey's 'runanga' policy, feelings had changed: Hunter Brown described an atmosphere of widespread suspicion of Pakeha motives and a general reluctance to admit the machinery of government to the Urewera.

What had happened in such short a time to change Tuhoe's attitude to Pakeha? The years from the mid-1850s to the Taranaki war in 1860 seem to be the critical turning point in the relationship between Tuhoe and the Crown, as it was for many of the tribes in the North Island at this time. This research has uncovered very little of what might have been Tuhoe's participation in the many hui held throughout the country in the 1850s, where Maori expressed growing alarm at the rate of Pakeha settlement, land sales, and the challenges to Maori autonomy which accompanied these developments. Further research on this, perhaps from claimant sources, would help to build a more detailed picture of Tuhoe's political alignment prior to their involvement in the wars. Certainly, though, there were Tuhoe delegations at Kingitanga hui in 1857–58, and the recriminations about Taranaki expressed by Tuhoe to Hunter Brown, would seem to suggest a growing awareness of the significance of what was happening in other parts of the country.

Belich has observed that many of the North Island tribes who became involved in pan-tribal movements such as the Kingitanga and later, Pai Marire, were the tribes upon whom Pakeha settlement had made the least impact. They sought to preserve their autonomy by the imposition of aukati and by forming land-holding leagues, drawing an equation between the untrammelled alienation of Maori land, which often disregarded existing customary law, and the loss of real authority in the Maori relationship with Pakeha.

In one respect, the emergence of the King Movement did not constitute a radical change in the North Island situation. It was not a declaration of Maori independence – this already existed – and it added no new territory to the Maori sphere. It sought merely to unite pre-existing independent polities. But in other ways the Movement was an important change. Together with the rise in anti-land-selling generally, it raised the profile of Maori independence from a level which the British disliked but tolerated, to a level which many found entirely unacceptable.<sup>1</sup>

Neither Best nor Hunter Brown records that any Tuhoe travelled to Taranaki to assist that iwi in 1860–61. It was suggested by their European contemporaries that the fastnesses of the Urewera fostered in Tuhoe a feeling of security from the European aggression witnessed in Taranaki yet, despite their relative isolation, it became clear to all that Tuhoe could see their interests tied to the fate of other tribes in the North Island, especially when the war moved to the Waikato.

### 3.2 TUHOE INVOLVEMENT IN THE NEW ZEALAND WARS, 1863–64

*I and my people will march to show sympathy for the island in trouble.*

Piripi Te Heuheu of Tuhoe<sup>2</sup>

When Grey decided to crush the Kingitanga by invading the Waikato in July 1863, Tuhoe and the other sympathetic tribes of the Bay of Plenty were faced with the question of whether they would provide military support for the King. Tuhoe appeared to have initially responded cautiously to Kingitanga pleas for assistance, since the issue of involvement in war with Pakeha was as divisive an issue here as elsewhere. By early 1864, though, it seems that some Tuhoe were prepared to go to war, though the inter-hapu dynamics of this decision remain obscure.

At the end of 1863, or possibly early in 1864, Rewi Maniapoto went on a recruiting drive to the Rangitaiki and Urewera districts, where he requested Tuhoe send forces to resist advancing Government troops in Waikato.<sup>3</sup>

According to Cowan, Rewi visited Tauaroa, Ahikereru, and Ruatahuna. Oral tradition recounts Tuhoe retiring to Oputao to consider Rewi's plea for support.<sup>4</sup> While there was a united condemnation of the Government invasion of Waikato, Tuhoe opinion was divided over the issue of travelling outside their rohe to confront Government forces.

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1. J Belich, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland, Auckland University Press, 1986, p 78
  2. Elsdon Best, *Tuhoe: The Children of the Mist*, 2nd ed, 2 vols, Wellington, AH and AW Reed Ltd, 1972, vol 1, p 567
  3. James Cowan says Rewi himself visited the Urewera in late 1863; Pou Temara says Rewi sent emissaries in 1864: see Cowan, *The New Zealand Wars: A History of the Maori Campaigns and the Pioneering Period*, 2 vols, Wellington, Government Printer, 1922 (reprinted Wellington, Government Printer, 1983), vol 1, pp 367–368; and P Temara, 'Te Whenuanui', in *1870–1900*, vol 2 of *The Dictionary of New Zealand Biography*, C Orange (ed), Wellington, Bridget Williams Books Ltd and Department of Internal Affairs, 1993, p 529.
  4. Temara, p 529

Best says that the split was between the Ruatahuna and Te Whaiti hapu and those of Ruatoki and Te Waimana who declined to join an expedition.<sup>5</sup> Cowan also notes that it was Ruatahuna and Ngati Whare of Te Whaiti who urged military support for Rewi, but also suggests differing opinion between the younger and older generations of Tuhoe warriors.<sup>6</sup> Although neither Best nor Cowan explains the basis for the geographical split in Tuhoe, it seems likely that the Ruatoki and Waimana hapu, located in relatively accessible areas of the Urewera, might have considered the possible outcomes of attracting retaliatory actions to the region. Of course, there was also likely to be complicated hapu politics at issue.

A significant factor in the debate at Oputao was the relationship Tuhoe enjoyed with the Waikato people. Apparently, Tuhoe the ancestor married a Waikato woman from Ngati Te Ata and lived at Kawhia. When he died, his bones were said to have been interred in an underwater cavern there.<sup>7</sup> Dr Pei Jones has also recorded how peace was made between Te Purewa of Tuhoe and Tukorehu of Waikato, who had led a force through Te Whaiti. When neither warrior could defeat the other in battle, peace and reconciliation followed. There were other links; Ngati Whare of Te Whaiti district traced their ancestry back to a migration from Waikato, which may have been a telling factor in their support for military action. Leaving aside other political considerations, these genealogical and historical connections were cited as among reasons why Tuhoe should assist the Waikato tribes.<sup>8</sup>

Piripi Te Heuheu of Maungapohatu emphasised Tuhoe's commitment to the Maori King given at Pukawa in 1858. It is not clear what this compact explicitly amounted to, but Milroy and Melbourne describe how Tuhoe's sacred mountain Maungapohatu was pledged as a symbol of 'perpetual covenant of allegiance' to King Potatau.<sup>9</sup> For this reason, Piripi Te Heuheu advocated sending a war party to engage the Europeans before the fighting came close to Tuhoe tribal lands. Te Ahoaho and Te Whenuanui, on the other hand, thought that Tuhoe should remain in their rohe and that armed resistance should be resorted to only when their own tribal borders were threatened.<sup>10</sup> This sentiment was encapsulated in Te Ahoaho's famous exhortation 'Kia Tawharautia a Mataatua', or 'Let Mataatua be sheltered'.

At the conclusion of this hui, Te Ahoaho's oratory swayed the majority of Tuhoe and only a small contingent of 20 Tuhoe from Ruatahuna, led by Te Heuheu, left for Waikato. According to Cowan, these Tuhoe assisted Ngati Maniapoto in the Lower Waikato in the latter part of 1863 and then returned to Ruatahuna.

Tuhoe's next engagement came in February 1864 when, after the Kingitanga called for military support from the Bay of Plenty and Te Tai Rawhiti iwi, a contingent from Te Tai Rawhiti attempted to cross loyalist Te Arawa territory to get to the Waikato. After engaging Te Arawa at Rotoiti, this force then retreated to Otamarakau where

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5. Best, p 566

6. See Cowan, vol 1, p 368

7. Best, p 1224

8. Dr Jones cited in S Melbourne, 'Te Manemanerau a te Kawanatanga: A History of the Confiscation of Tuhoe Lands in the Bay of Plenty', MA thesis, University of Waikato, 1987, p 43

9. Te Wharehūia Milroy and H Melbourne, 'Te Roi o te Whenua', 1995 (Wai 36 ROD, doc A4), p 100

10. Temara, p 529

they were joined by further reinforcements from the coast, including 60 Tuhoe and Ngai Tama (so described by Cowan).<sup>11</sup> Further battles were fought between Te Tai Rawhiti King supporters and Te Arawa at Maketu, Kaokaoroa, and Te Awa o te Atua, but it is not clear whether Tuhoe fought in all or any of these engagements.

It was then, in response to Rewi's appeal for reinforcements, that a larger Tuhoe corps was formed:

[The] Urewera (Tuhoe) war-party, 140 strong, under the chiefs Piripi Te Heuheu, Hapurona Kohi, Te Whenuanui (Ngakorau), the old warrior Paerau Te Rangi-kai-tupua-ake, Te Reweti (of the Patuheuheu), Ngahoro (of Ngati Whare), and Hoani (Tuhoe and Patuheuheu). Tuhoe proper numbered fifty; the Ngati Whare and Patuheuheu party was also fifty strong. The prophet Penewhio sent two tohungas, Hakopa and Tapiki, with the contingent . . . The main body of this force, numbering a hundred, led by Piripi Te Heuheu, had fought in some of the engagements of the war, including Hairini, and had helped to garrison Mangapukatea and Paterangi.<sup>12</sup>

Best also adds that there were several Ngati Manawa present at Orakau, including the chief Harehare.<sup>13</sup>

These Tuhoe played a major part in the defence of Orakau in April 1864. Belich suggests that the Tuhoe and Raukawa contingents, headed by 'a set of fire-brand chiefs', convinced Rewi to fight at Orakau, because they had come a long way to fight the Europeans and wished to engage them immediately.<sup>14</sup> Orakau Pa was besieged by British troops for three days, resulting in an evacuation by the defenders. Tuhoe suffered heavy casualties at Orakau; out of the hundred or so Tuhoe men and women at Orakau, thirty were lost, including Piripi Te Heuheu.<sup>15</sup>

Subsequently, Best has noted that a few Tuhoe joined the party of Whakatohea, Whanau a Apanui and Ngati Porou who attacked loyalist Arawa at Maketu shortly after Orakau.<sup>16</sup> It seems, however, that most Tuhoe fighting men retreated to the Urewera country. Best notes that a small unit, including Mehaka Tokopounamu<sup>17</sup>, went to the East Coast and fought in the Ngati Porou civil war the following year. However, further Tuhoe involvement in the New Zealand wars took the form of smaller scale, but no less costly, guerilla actions against militia sent to quell 'rebellion' in the Bay of Plenty. This will be examined later in this chapter.

### 3.3 PAI MARIRE AND TUHOE

After their bitter experience at Orakau, the Tuhoe contingent returned to the Urewera to face recriminations by some of their iwi. Subsequent developments show, however,

11. Cowan, vol 1, p 417

12. Ibid, p 367. Note that Te Whenuanui changed his mind and participated in the Waikato campaigns.

13. Best, p 578; Belich, p 168

14. Belich, pp 166–167

15. Cowan, vol 1, p 403

16. Best, p 578

17. Mehaka would later become one of the Urewera commissioners appointed under 1896 legislation.



that defeat in the Waikato had not lessened Tuhoe resistance to European encroachment; in fact, it appeared to destroy any possibility that Tuhoe might accommodate Crown authority in its rohe.

In 1865, Patara Raukatauri and Kereopa Te Rau, emissaries of the Pai Marire movement, passed through Urewera territory on their way to visit Hirini Te Kani at Turanga. The Pai Marire movement originated in Taranaki in 1862 with the prophet Te Ua Haumene. It had ‘messianic and millenarian aspects’, combining traditional Maori religion with Christian concepts and ideas of Te Ua’s own design.<sup>18</sup> Belich says the timing and origin of Pai Marire contradict the common hypothesis that the movement arose from despair at defeat in war: Taranaki had not been defeated in the 1860–1 conflict.<sup>19</sup> Pai Marire rapidly spread across iwi boundaries with King Tawhiao becoming a convert in November 1864. Paul Clark has argued that the religion was a peace-oriented adjustment cult opposed to the alienation of Maori land and eager to strengthen Maori identity.<sup>20</sup> Both he and Lyndsay Head note that the concept of aukati, and the spread of the idea of physical demarcation of Maori and Pakeha, was an important theme in Pai Marire ideology: ‘the right to defend territorial boundaries remained the cornerstone of his [Te Ua’s] politics’.<sup>21</sup>

Clark states that Te Ua Haumene had sent the party to the East Coast with explicit instructions to pass through the Urewera and seek converts to the Pai Marire faith.<sup>22</sup> Consequently, a large hui to discuss Pai Marire was held at Tauaroa on the Galatea plain in early 1865, attended by Tuhoe and their closely related kin Ngati Manawa and Ngati Whare.<sup>23</sup> At this meeting, Kereopa and Patara heightened Tuhoe feeling against the Pakeha by invoking the tragedy of Orakau:

At the gathering at Tauaroa, the Urewera tribe, numbering 200, stood in two rows, for the purpose of being confirmed as believers in the God of Taranaki.

The way in which this was done, the Pakeha head [the preserved head of Captain Lloyd] was used to scare each person. Terror, caused by the head, took possession of him, and he became insane, and sprang out of the row. This was repeated with each individual until all had been operated on.

Kereopa then said to the Urewera, ‘You are now possessed of the Deity, and now let the widows of the men who fell at Orakau, approach and vent their (‘pouri’) grief and anger on this head and on these living Pakehas’. The head was then placed in the middle, and the Pakehas, one on each side. Then the maddest of the widows approached close to the head, and to the prisoners, and spears and tomahawks were flourished in the face of the prisoners.<sup>24</sup>

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18. Belich, p 204

19. Ibid

20. P Clark, *Hauhau: The Pai Marire Search for Maori Identity*, Auckland, Auckland University Press and Oxford University Press, 1975, pp 204–205

21. Lyndsay Head, ‘Te Ua Haumene’, in *1769–1869*, vol 1 of *The People of Many Peaks: The Maori Biographies from the Dictionary of New Zealand Biography*, Wellington, Bridget Williams Books Ltd and Department of Internal Affairs, 1991, p 284

22. Clark, p 19

23. Best, p 582

24. Te Kepa Te Uruhi to Civil Commissioner Smith, 20 February 1865, AJHR, 1865, E-5, p 4 (RDB, vol 19, p 7209)

Another Pai Marire meeting was later held at Te Whaiti, causing consternation among some of the people there. In February, a letter from Ngakorowai and Te Wiremu and 'all of the Chiefs of our three tribes' at Te Whaiti, was sent to Civil Commissioner Smith in which they stated they had refused to join the Hauhau.<sup>25</sup> Kereopa and Patara consequently threatened them as well as Te Arawa with destruction but, taking a cue from the Scriptures, these chiefs said they would 'Be patient in tribulation'. Bearing in mind that the Reverend James Preece had been stationed at Te Whaiti, and noting the chiefs' biblical references, the letter suggests that committed Tuhoe or Ngati Whare Christian chiefs were reluctant, whether by conviction or political necessity, to forsake their religion.

Obviously, then, there were pockets of resistance within the Tuhoe rohe potae to Kereopa and the Pai Marire faith he was promoting. Notwithstanding this, many Tuhoe became Pai Marire adherents as a result of the mission, including the rangatira Te Whenuanui and Paerau.<sup>26</sup> Sources which cite this Tuhoe conversion to Pai Marire make the point that the new religion was readily accepted by many Tuhoe but there is little information on the subject of intra-tribal discussion of Pai Marire and its possible political consequences. Certainly in other tribal areas, the arrival of Patara and Kereopa in a politically volatile climate had caused deep cleavages between those who saw the faith as an assertion of Maori autonomy and those who feared a severe Pakeha backlash. Pakeha were extremely threatened by Pai Marire or the 'Hauhau religion', in spite of its pacifist origins, and viewed adherence to the cult as synonymous with rebellion. The terms 'hauhau' and 'rebel' were interchangeable in official language, and often there was little attempt to distinguish Hauhau from the Kingitanga. Civil Commissioner Clarke, for example, offered that Pai Marire was 'a cleverly contrived political institution in support of the King'.<sup>27</sup>

Webster suggests Tuhoe resistance to the Pakeha was 'revitalised' by Pai Marire<sup>28</sup>, while Belich states that Pai Marire was one of the 'general' causes of conflict (the other being 'creeping confiscation') in the Bay of Plenty district between 1865 and 1868.<sup>29</sup> The relationship between Pai Marire and conflict in the Bay of Plenty is not, however, entirely clear (there having been similar cults prior to the outbreak of war), and Belich goes on to suggest that perhaps 'the contribution of Pai Marire to the outbreak of conflict was generally indirect'.<sup>30</sup>

Whatever the relationship, the readiness with which many Tuhoe embraced Pai Marire suggests that it provided some expression of, and focus for, their discontent with Government military advances and confiscations.

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25. Ngakorowai, Te Wiremu, and others to Civil Commissioner Smith, February 1865, AJHR, 1865, E-5, pp 3-4 (RDB, vol 19, pp 7208-7209)

26. Temara, p 529; Cowan, vol 1, p 404

27. Clarke to Richmond, 24 April 1867, AJHR, 1867, A-20, p 57

28. P Webster, *Rua and the Maori Millennium*, Price Milburn for Victoria University Press, 1979, p 92

29. Belich, p 204

30. Ibid, p 205

### 3.4 THE DEATH OF VOLKNER, MARCH 1865

From Te Whaiti, the Pai Marire party moved down the Rangitaiki valley on to Whakatane and Opotiki. There, Patara and Kereopa invoked an aukati on Whakatane harbour forbidding entry to all vessels upon pain of death, and the local missionary, Volkner, widely suspected of spying for the Government, was executed on 2 March 1865. James Fulloon, the Government interpreter and agent who later transgressed a second aukati, was also killed a few months later.<sup>31</sup> Both these killings were attributed to followers of Pai Marire by the Government.<sup>32</sup>

There is little direct evidence of Tuhoe participation in the killings of either Volkner or Fulloon. Indeed, Tuhoe point out that Fulloon was their kinsman.<sup>33</sup> However, Tuhoe's name was appended to a letter sent to the Government in Auckland that outlined the alleged crimes committed by Volkner against Maori for which he was executed. This letter, dated 6 March 1865, was signed by a committee that claimed to represent Whakatohea, Ngati Awa, Taranaki, and Te Urewera (Tuhoe).<sup>34</sup> According to Melbourne, Tuhoe were also present at a meeting held by Ngati Awa on 17 March 1865 at Te Horo, Ohiwa. A letter drafted at this meeting reasserted Ngati Awa claims that they had no involvement in the killing of Volkner and told the Government that it should go straight to Opotiki by sea to apprehend the murderers; that is, they warned the Government not to cross Ngati Awa territory. Tuhoe did not sign the letter. Melbourne claims that there was no subsequent recorded presence of Tuhoe at Opotiki.

### 3.5 THE BATTLE OF TE TAPIRI, JUNE 1865

The Hauhau party, under Kereopa's leadership, later fled to the Urewera where, Best reports, they were well received by the people of Ruatahuna.<sup>35</sup> Cowan notes that, by May, Kereopa was preaching to 'practically the whole of the Urewera and Ngati-Whare' and intended taking his message to the Waikato tribes.<sup>36</sup> As the party made plans to pass via the Kaingaroa plains on their way to Waikato, word reached Te Arawa of their intended route and 60 Ngati Manawa and Ngati Rangitihi auxiliaries were posted on Te Tapiri track in the western Urewera. On 8 June 1865, the Pai Marire contingent, said to comprise Ngai Tuhoe, Whakatohea, Ngati Whare, and

31. Fulloon had visited the Urewera in 1862 accompanying C Hunter Brown: see 'Report from C Hunter Brown, Esq, of an Official Visit to the Urewera Tribes', June 1862, AJHR, 1862, E-9.

32. For the purposes of this chapter, it was considered unnecessary to go into detail of the killings of Volkner and Fulloon. This information can be obtained from research reports by B Gilling, 'Te Raupatu o Te Whakatohea: The Confiscation of Whakatohea Land, 1865–1866', 1994 (Wai 87 ROD, doc A3), and C Marr, 'The Background to the Tuwharetoa ki Kawerau Raupatu Claim', report commissioned by the Waitangi Tribunal, 30 June 1991 (Wai 62 ROD, doc A2).

33. However, one of those hanged for Volkner's murder by the Government was a man named Heremita Kahupaea of Patuheuheu hapu. Sources seem to assume that this person was of Ngati Awa, but Patuheuheu is also the name of a Tuhoe hapu.

34. Melbourne, p 49

35. Best, p 582

36. Cowan, vol 2, p 85

Patuheuheu warriors as well as the visitors from Taranaki, confronted the loyalist troops, who were reinforced by 70 Tuhourangi eight days later. Gilbert Mair was trying to assemble a larger force from Ohinemutu to back up Te Arawa who were outnumbered by the Pai Marire group at Te Tapiri but difficulty with supplies meant that Mair was unable to help the auxiliary force besieged by Kereopa's party. On 10 July the Arawa evacuated Te Tapiri, having suffered five casualties and many wounded.

Mair would later note, as a member of the 1896 commission investigating Urewera land title, that 'a surprising number of Ngati-Whare, Patu-heuheu, and Ngai-Tawhaki men were mentioned in sworn evidence as having been killed in the Tuahu-a-te-Atua fight [at Te Tapiri]. The total enemy loss must have been about 25 killed and the same number wounded. The loss effectually prevented Tuhoe and associated tribes from going to the Waikato'.<sup>37</sup> Agassiz reported Kereopa as saying that two of the men lost at Te Tapiri belonged to 'the Urewera of Waimana'.<sup>38</sup>

According to Cowan, after the fighting at Te Tapiri in June 1865, Major William Mair visited Tuhoe and persuaded the majority of the tribe to refrain from any further role in Kereopa's campaigns.<sup>39</sup> Webster notes that this claim is exaggerated:

Mair may well have arrived in the Urewera at a time when the Tuhoe were reconsidering their actions in the light of the events at Te Tapiri, but I very much doubt whether the gallant Major really persuaded them to stop their support of Kereopa. Certainly the Tuhoe will to resist had not been broken.<sup>40</sup>

While the fighting raged at Te Tapiri, a meeting was held at Tauaroa, ostensibly to discuss joining the fight against Te Arawa, but by the time the hui concluded, Te Arawa had evacuated their position. However, an aukati was laid down at the hui in the presence of Ngati Awa, Ngati Tuwharetoa and Rangihouhiri and the Taranaki Pai Marire prophet, Horomona. This was a far more extensive aukati than the one which had been previously laid at Whakatane harbour. It went from Te Awa o te Atua inland to Ruawahia, to Tongariro and then to Taranaki. On the coast it extended from Te Awa o te Atua to the Rurima rocks and then to Whangaparoa. No Maori or Pakeha could cross the aukati without reaping a serious punishment, notice of which was sent to Te Arawa occupying Maketu.

Crown agent James Fulloon and others, who had arrived in Whakatane in order to check the spread of Pai Marire, were killed on 22 July ostensibly for their transgression of this aukati. At the time of Fulloon's death, Mair had been planning to attack Te Whaiti because Kereopa was rumoured to be sheltered there.<sup>41</sup> Instead, Civil Commissioner Smith directed Mair to lead his forces to Te Awa o te Atua and prepare for an expedition to arrest the men responsible for the recent deaths at Whakatane.<sup>42</sup>

37. Cited in Cowan, vol 2, p 95

38. 'Memorandum of a Statement Made by Mr A Agassiz, of Opotiki, Respecting Kereopa's Proceedings, and the Murder of Mr James Fulloon etc', AJHR, 1865, E-5, no 7, encl 2, p 18 (RDB, vol 19, p 7223)

39. Cowan, vol 2, p 94

40. Webster, p 93

41. J Luiten, 'Historical Research Report for Te Runanga o Tuwharetoa ki Kawerau', 1995 (Wai 46/62 ROD, doc 15), pp 29-30

To this end, Smith had prepared a warrant for the arrest of 34 named individuals who were allegedly implicated in Fulloon's, and the others', deaths.

In the meantime, fleeing 'rebels', said by Cowan to consist of Whakatohea, Ngati Awa, Rangihouhiri, and some 'Urewera' Hauhau, took refuge in the swamps and lagoons of the Rangitaiki district on the east side of Matata, near the mouth of Te Awa o te Atua.<sup>43</sup> Mair and his Te Arawa force proceeded down the Tarawera River, with the occasional encounter, while another Te Arawa contingent from Maketu marched along the coast to Te Awa o te Atua. When Mair arrived in Te Awa o te Atua on 19 August, he found the Ngati Pikiaio and Ngati Whakaue force, which had left Maketu, already there and helping themselves to the local iwi's food and livestock. According to Cowan, there followed nearly two months of fighting on the western side of the Tarawera River and at Rangitaiki, notably at the 'rebel' pa of Oheu and Omarupotiki, culminating in a large assault on Te Teko by the colonial forces.<sup>44</sup>

### 3.6 GOVERNMENT FORCES LAND AT OPOTIKI

#### 3.6.1 The peace proclamation, September 1865

While Te Arawa from Maketu occupied Te Awa o te Atua, Civil Commissioner Smith urged the Government to take further action in the Bay of Plenty in response to the deaths at Whakatane. Outwardly, the so-called 'murders' might have been officially held to be criminal matters, yet it became increasingly clear that the deaths themselves were considered by the Government to be exhibitions of rebellion by eastern Bay of Plenty iwi.

Before the dispatch of a military expedition to Opotiki, Governor Grey issued a peace proclamation on 2 September 1865, ending the war that had begun at Oakura in May 1863.<sup>45</sup> The proclamation pardoned those tribes that had taken up arms against the Government in previous incidents except those that had participated in particular murders, including those of Volkner and Fulloon. Marr says that the proclamation was not conditional in so far as it did not require Maori to 'come in', give up their arms and take an oath of allegiance or other such steps.<sup>46</sup> The proclamation also stated that no further lands were to be taken on account of the present war; this is important because the proclamation meant that subsequent Bay of Plenty confiscations in 1866 could not have been justified on the basis of pre-September 1865 'acts of rebellion'. Notice was, however, given of an expedition to the Bay of Plenty to arrest the 'murderers' of Volkner and Fulloon, who would be tried once captured. The proclamation carried a sober warning that breach of this new peace would earn a

42. Ibid, p 34

43. Cowan, vol 2, p 96

44. Ibid, p 97

45. *New Zealand Government Gazette*, 5 September 1865, pp 267–268. Dr B Gilling notes that the declaration of martial law was an indication that the Government anticipated widespread resistance to the deployment of troops to Opotiki and that the campaign would not be a mere policing action: see Gilling, 'Te Raupatu o te Whakatohea: The Confiscation of Whakatohea Land, 1865–1866', 1994 (Wai 87 ROD, doc A3), p 121.

46. Marr, p 20

severe punishment, and the associates of Volkner and Fulloon's alleged killers were urged to give them up to the expedition. Failing this, the Governor warned that tribes who concealed the killers would have their lands seized for military settlement and as compensation for the widows of the dead men. This was clearly an exception to the Proclamation's assurance that no more lands would be confiscated.

Luiten makes the point that the peace proclamation contained elements of new confiscation policy that had been reflected in the Outlying Districts Police Bill.<sup>47</sup> Land was not to be confiscated for rebellion against the Crown but as payment for criminal acts. Under the Outlying Police Districts Bill, it had been proposed that the whole iwi could bear responsibility for crimes committed within its rohe and Luiten says that this had been designed with the Pai Marire communities of the Bay of Plenty in mind.<sup>48</sup> The general pardon under the proclamation, and the fact that the expedition and the Government would target the concealers of the Pai Marire party, meant that there was to be difficulty in distinguishing between 'rebel' and 'loyal' Maori in the events which followed. The political implications of Tuhoe support for Pai Marire, therefore, were to be dramatic. It is also instructive to note that the peace proclamation was issued a month after the first Arawa raids on Te Awa o te Atua, which had resulted in several deaths. Clearly, the proclamation had arrived in a highly volatile climate. However, the Outlying Police Districts Bill was not enacted, possibly because the new Stafford administration took office in that same month.<sup>49</sup> Instead, the new Government relied upon the provisions of the Settlements Act in confiscation of eastern Bay of Plenty lands.

Two days after the peace proclamation, martial law was declared in the Whakatane and Opotiki districts,<sup>50</sup> and four days later, the Government's expeditionary force landed at Opotiki on 8 September 1865. Melbourne makes the point that the state of communications in the Bay of Plenty was particularly poor and it was most unlikely that word of either the peace proclamation or the notice of martial law had reached Whakatane or Opotiki when the Government forces landed.<sup>51</sup> This would have given Kereopa and Patara's supporters, those aiding others involved in the killings at Opotiki and Whakatane, and indeed the 'civilian' population, little time to consider their response to the Governor's ultimatum.

### 3.6.2 The expeditions at Opotiki and Te Teko, September – October 1865

The Patea Rangers and several companies of military settlers were the first units of the 500-strong expedition to land on sandhills opposite Pakowhai, sited in present-day Opotiki.<sup>52</sup> They established a position on the shore, initially without resistance from

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47. Luiten, p 39

48. Ibid

49. Ibid

50. This said that the killers of Volkner and Fulloon would be tried by courts-martial and also stated that the Arawa forces no longer were bound by civilian law and could act as a military force (which, of course, they had already been doing).

51. Melbourne, p 54

52. Cowan, vol 2, pp 106–107

the Maori in the large settlement at Opotiki, while the remaining force landed in the following days.<sup>53</sup> Several Maori were killed by the militia as it advanced on the nearby settlement, but Cowan characterised the resistance to the landing as no more than ‘a skirmish in the sandhills’.<sup>54</sup> As the Rangers approached Opotiki, another party of about 90 men, mainly the Native Contingent under Major McDonnell, landed on the north-east side of the Opotiki River where they were attacked by about 100 Maori.<sup>55</sup> McDonnell’s forces chased these Maori into the bush before returning to the village of Pakowhai, which, according to Gilling, had been taken in the face of surprisingly little opposition. He makes the point that thirteen Maori were killed over the four-day landing, but only four soldiers were wounded – an interesting outcome given that the defenders were generally perceived to be ‘fanatic’, well-armed Hauhau.<sup>56</sup>

In spite of the fact that they were meant to be on a mission to retrieve named individual ‘criminals’, the Government forces punished the iwi by plundering and wasting great quantities of Whakatohea’s and Ngai Tama’s food and property while indiscriminately skirmishing with various Maori they encountered in the vicinity.<sup>57</sup> These clashes culminated in the major encounter of the expedition on 4 October at Te Tarata, a Ngati Ira pa about four miles up the Waioeka valley from Opotiki.<sup>58</sup> After confrontation with the troops, the occupants of the pa signalled that they would surrender; this was a feint, however, and in the ensuing melee, most of the Maori defenders escaped into the Waioeka Gorge bush. According to Cowan, 35 Maori – identified as ‘Whakatohea, Ngai Tama and other Hauhaus’ – were killed and at least as many wounded at Te Tarata.<sup>59</sup>

At the same time as the Government expedition had landed at Opotiki, the colonial and Te Arawa forces under Mair continued raids in the Matata, Te Awa o te Atua and Parawai areas. Te Hura of Ngati Awa withdrew to Te Kupenga on the Rangitaiki River at Te Teko in October 1865, closely followed by Te Arawa and Mair. They secured a surrender from the occupants of Paharakeke on the opposite side of the Rangitaiki from Te Kupenga and then sought to deal with the ‘rebels’ in that pa. According to Mair’s account of events at Te Kupenga, the Tuhoe leader Paora Kingi asked for a truce in order to bring out his people. Three of the five men he brought out were wounded, so it seems as if there had been a small Tuhoe involvement with Te Hura, who subsequently surrendered en masse with his people and Pai Marire leaders to Mair and Te Arawa. The Government forces pillaged Te Kupenga and then continued looting down the Whakatane valley. Te Arawa then occupied most of the coast to Whakatane, and Opotiki was occupied by colonial forces after the surrender of most of Whakatohea living there.

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53. Gilling, pp 69–70

54. Cowan cited in Gilling, p 71

55. Gilling, p 72

56. *Ibid*, pp 69–73

57. It should be noted that the characterisation of some of these ‘rebels’ as ‘Ngai Tama’ comes from Cowan, and this may not be accurate.

58. Cowan, vol 2, p 110

59. *Ibid*, p 113. He also notes that one of the survivors of this episode was Netana Whakaari of ‘Ngai Tama’ hapu of Tuhoe, brother to the chief Rakuraku.

In the following weeks, people of the eastern Bay of Plenty communities came in to take an oath of allegiance, including some Ngai Tama people who surrendered to Major McDonnell on 21 October at Kohipaua Pa.<sup>60</sup> According to Cowan, intermittent skirmishing continued in the immediate Opotiki district until November 1865.<sup>61</sup> Civil Commissioner Smith was optimistic that the capture of the Pai Marire ‘murderers’, with the exception of Kereopa Te Rau, effectively meant the suppression of Pai Marire, and ‘rebellion’, in the eastern Bay of Plenty. It will be seen that this assessment was somewhat hasty.

Both Melbourne and Luiten agree that the actions of the expeditionary forces at Te Awa o te Atua, Whakatane, and Opotiki belied the stated intention that they were deployed as forces to capture criminals rather than to subdue entire hostile tribes. In effect, the campaigns meant any community associated with Pai Marire might suffer the attention of the expeditionary forces:

It became obvious that the strategy of the expedition was to strike a blow at the ‘rebellious natives’ to crush the opposition to Government which had come to a head in the Opotiki district. It was hoped that the despatch of the expeditionary force would bring the war to a decisive end.<sup>62</sup>

Commenting on the nature of the forces sent to the eastern Bay of Plenty, Gilling has made the pertinent observation that these men were volunteer irregular units composed of military settlers. He suggests that this may have well motivated soldiers who would have been contemplating settlement of part of the lands they were now ‘clearing’ of ‘Hauhau’. They may have had reason to draw little practical distinction between ‘rebel’ warriors and the civilian population.<sup>63</sup> In addition, the Native Contingent was undoubtedly fuelled by their recent defeat at Te Tapiri as well as by traditional grievances.

Belich has commented that the campaigns of 1864–68 were notable for the development of a new system of warfare, which would come to characterise Government operations in the Urewera district:

At its fullest, the ‘bush-scouring’ theory entailed a ‘flying column’ of a few hundred men, untrammelled by a large supply train, hunting down the Maoris in the bush, and forcing them to fight by attacking their villages and cultivations. [T]hey would largely consist of settler–frontiersmen, supposedly natural ‘Indian-fighters’. These ‘irregulars’ were to be supported by native auxiliaries, preferably under European officers, and they were to be led by vigorous and unorthodox commanders, unimpressed by the rules of conventional warfare. They were also to be appropriately armed for bush-fighting.<sup>64</sup>

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60. Gilling, p 86

61. Cowan, vol 2, p 114

62. Melbourne, p 52

63. Gilling, pp 66–67

64. Belich, p 213



### 3.7 INCURSIONS IN TE UREWERA PRIOR TO CONFISCATION, OCTOBER 1865

Having secured a post at Opotiki, and the surrender of many Whakatohea after Te Tarata, Government attention turned to the matter of capturing Kereopa, while the other men arrested for the murders of Volkner and Fulloon were tried in Auckland. A redoubt was established near the entrance of Waioeka Gorge, very near Hira Te Popo's Ngati Ira kainga of Opekerau, and another blockhouse was erected at the entrance to the Otara Gorge. From these bases, expeditions were sent forth to capture Kereopa and unsundered 'Hauhau' who were believed to be sheltering in the rugged country of Waioeka and Te Urewera.<sup>65</sup>

Melbourne claims that the military efforts to recapture Kereopa were in effect punitive expeditions against people deemed Hauhau, and therefore rebellious:

Tuhoe were already seen as a potential threat to the stability of European settlement, well in advance of any direct hostile action that certain Tuhoe hapu might take as a result of the invasion of Matata, Te Teko and Opotiki. Indeed, Tuhoe did not appear to have assisted any of its neighbours in defending their territories. Te Makarini, in his evidence before the Compensation Court in 1867, maintained that he, with other Tuhoe, remained in Opouriao when the Government expeditionary forces landed at Matata and Opotiki in 1865, nor was there any attempt at general mobilisation of Tuhoe forces.<sup>66</sup>

Indeed, Melbourne asserts that it was the raids by colonial forces on Tuhoe communities in the Opouriao and Waimana valleys, and the proclamation of confiscation in January 1866, which 'hardened the attitudes of certain subtribes in their resolution to strengthen resistance against Pakeha encroachments' and provoked Tuhoe to resist the armed forces hunting Kereopa and other Hauhau.

The expeditions into the interior exerted pressure on local Maori to assist the colonial forces lest suspicion fall on their communities of aiding Hauhau. In October 1865, an officer named McDonnell led a force up the Waimana River valley escorted by guides supplied by the Tuhoe chief Rakuraku. McDonnell's superior prematurely believed that Tuhoe and Whakatohea were ready to support the Government party because they were discouraged by the destruction that their support for Kereopa had brought on their communities.<sup>67</sup> Rakuraku had not taken the oath of allegiance but was, at this point, trusted by the military command. Commander Stapp remarked, probably to his great embarrassment later, that the Tuhoe guides were well behaved; 'their conduct is spoken of in the highest terms by everyone in Camp, the conduct of Rakuraku is beyond all praise'.<sup>68</sup>

Cowan, recounting this expedition's punitive raid on a small Tuhoe bush kainga he called Koingo, stated that Kereopa was wounded by an advance guard but managed to

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65. Cowan, vol 2, p 114

66. Melbourne, p 57

67. Gilling, p 82. Gilling notes that, after this expedition, seven men from Waimana took the oath of allegiance to the Queen.

68. Stapp to Colonial Defence Minister, 27 October 1865, CD65/3680 (quoted in Gilling, p 83)

escape into the bush. Eight Maori were killed in the raid and others taken prisoner; the ‘rebels’ captured here were apparently of the Urewera and Ngai Tama hapu of Tuhoe.<sup>69</sup> A further attack was made on the Tuhoe kainga of Te Kuini at Waimana the following month.<sup>70</sup> (It is interesting to note, as Melbourne has done, that the name of this kainga might suggest it was occupied by Queenites anyway.) Sissons, having assessed conflicting accounts of these attacks, concluded that Te Koinga and Te Kuini were in fact one and the same episode.<sup>71</sup> He concludes that Te Koinga was attacked while its inhabitants were sleeping and constituted the first invasion of Te Waimana by Government troops.<sup>72</sup> Rakuraku was commended by the Government for his supply of cattle and guides, and both he and the guides themselves were rewarded with cash.<sup>73</sup>

### 3.8 THE CONFISCATION OF BAY OF PLENTY LAND, JANUARY 1866

We have seen, then, that Tuhoe suffered raids in its territory prior to the confiscation itself. This provocation could only have been heightened by the continuing trials of those accused of the murders of Volkner and Fulloon. During these trials, executions, and imprisonments, the Government sought to punish the communities it believed responsible for the atmosphere of ‘rebellion’ against Crown authority. Grey had declared his intention of destroying Pai Marire, held to be a seditious cult, and his Government struck to an accordingly severe degree. On 17 January 1866, the Bay of Plenty was confiscated under the provisions of the New Zealand Settlements Act 1863.

#### 3.8.1 The New Zealand Settlements Act 1863: confiscation legislation

The confiscation of Maori land was a scheme developed in the 1860s,<sup>74</sup> ostensibly to punish those Maori tribes and individuals deemed to be in rebellion against the Crown, to defray the costs of the war and to establish military settlements to ensure lasting peace in the colony.<sup>75</sup> Confiscation was also supposed to have the effect of opening up previously Maori controlled areas to European settlement.

The Whitaker–Fox ministry passed three interlocking pieces of legislation at the end of the 1863 session designed to give effect to confiscation as originally conceived by Governor Grey.<sup>76</sup> The Suppression of Rebellion Act gave the Governor in Council the considerable powers deemed necessary to put down rebellion; a Loans Act authorised the raising of a £3 million loan to pay for the cost of suppressing the

69. Cowan, vol 2, pp 114–115; the kainga was actually called Te Koinga.

70. Interestingly, a Tuhoe man named Te Whiu was wounded at Te Kuini. Te Whiu was later instrumental in the capture of Kereopa in 1871.

71. J Sissons, *Te Waimana: The Spring of Mana: Tuhoe History and the Colonial Encounter*, Te Whenua Series No 6, Dunedin, University of Otago Press, 1991, p 122

72. *Ibid*, p 125

73. Gilling, p 83

74. The scheme was first published in 1863: see AJHR, 1863, A-8, A-8A.

75. Note that Marr’s report gives a useful outline on the precedents of the confiscation policy and its supporting legislation, as well as a discussion on the implementation of the policy: see Marr, pp 6–42.

rebellion as well as the establishment of military settlements, anticipating that this loan would be repaid through the sale of surplus confiscated lands. Finally, the New Zealand Settlements Act 1863 established the legislative framework for confiscation and was meant to provide for the implementation of the confiscation scheme.

The preamble to the Settlements Act declared that the intention of the Act was to provide for the permanent protection and security of the well-disposed inhabitants of both races. This was to be achieved by the introduction of a sufficient number of settlers able to protect themselves and preserve the peace of the country. What this meant in effect was the establishment of military settlements in rebel districts to enable the Pakeha settlement of frontier territory.

The Act provided for the confiscation of land when the Governor in Council determined that ‘any Native tribe or section of a Tribe or any considerable number thereof’ had been in rebellion since 1 January 1863 (s 2). The Governor could proclaim a district under the provisions of the Act where there was land owned by those deemed to be rebels and he could define and alter the boundaries of that district. Under section 3, the Governor could set apart sites for settlement in any proclaimed district which could then be declared Crown land free of all claims from any person. Section 5 provided for compensation to be granted to those persons with an interest in land taken under the Act, except for those rebels who had taken up arms against the Crown; or anyone who had aided or induced any individual to do so; or anyone who had acted as a principal or accessory in any outrage against person or property; or those who had failed to comply with Government proclamations demanding the surrender of arms. The Act empowered the Governor to call upon any tribe or individual who had engaged in any of the offences outlined in section 5 to come in and submit to trial on or before a named date. Those who refused to come in would not be eligible for compensation under section 5 (but as O’Malley notes, this section did not in any way entitle those who *did* come in to receive compensation).<sup>77</sup> Subsequent sections provided for the establishment of a Compensation Court (which would determine compensation for the non-rebel land owners whose lands had been taken under proclamation (ss 7–14)), and for the laying out of towns and farms for military settlement and for the sale and disposal of both suburban and rural allotments (ss 16–20).

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76. As Marr notes, there is a large amount of legislation associated with confiscation and its administration, including several subsequent Settlements and Confiscation Amendment Acts, which extended the operation of the original Act. While it is not within the scope of this paper to examine this tangle of legislation, Marr makes the interesting point that the Government was passing various Native Land Acts concurrent to confiscation legislation. On pages 14 and 15, she states that:

there appear to be some linkages particularly with policy concerning land tenure and a drive to individualisation and Crown grants. A variety of other acts also appear to have had some impact on the administration and disposal of confiscated land including the Waste Lands Acts, some Public Works Acts, the Native Reserves Acts, the Volunteers and Others Act and various amendments.

77. V O’Malley, ‘The East Coast Confiscation Legislation and its Implementation’, report commissioned by the Crown Forestry Rental Trust, February 1994 (Wai 144 ROD, doc A2), p 38

### 3.8.2 The confiscation district

As we have seen, the eastern Bay of Plenty lands were confiscated by proclamation on 17 January 1866. Because the boundaries of this original proclamation were erroneous, they were amended by a second proclamation on 1 September 1866. The western boundary of the confiscation began at the mouth of the Waitahanui River at Otamarakau, ran south then eastward to the Tarawera River, bisected Putauaki (Mt Edgecumbe), crossed the Whakatane, Waimana, Waioeka, and Otara Rivers to take in the entire Whakatane, Ohiwa, and Opotiki districts, then turned north-east, crossing the Motu River to the Haparapara River, in the Whanau a Apanui rohe (and included lands of Ngai Tai to the east of Opotiki).

It is not known just how the boundaries of the confiscation area were determined, given the lamentable state of official knowledge about tribal tenure and relationships in the region. It does seem however, that the Government was prepared to sacrifice some accuracy in targeting the rebels it sought to punish in order to satisfy the requirements of the Arawa troops whose support they depended upon. Ereatarā Rangihoro, for example, gave evidence before the Native Land Court in 1899–1900 that the western confiscation boundary was shifted at the suggestion of a committee of Arawa to Waitahanui when it had been at Waihi.<sup>78</sup> On the eastern side of the confiscation boundary (roughly, that area east of the Opape block right up to Omaio Bay), the Government would later admit that confiscation was but nominal in this area, and they would abandon claims to the 57,000 acres of Whanau a Apanui and Ngai Tai lands.

It was clear, however, that the confiscated area encompassed some of the most promising land for agricultural settlement, including most of the flat land in the district. Certainly, it was the best agricultural land of the Tuhoe tribal estate, much of which behind the confiscation line was unsuitable for farming, being inland hills, valleys, and gorges. Marr notes, too, that the area was the most promising for eventual communication routes through the district.<sup>79</sup>

In the course of the Waitangi Tribunal's investigations into the eastern Bay of Plenty raupatu, it has been argued by claimants that the Crown acted illegally in the course of the confiscations because the 1866 raupatu proclamations contravened the provisions of the 1863 Settlements Act. That Act anticipated the Governor setting aside portions of land ('eligible sites') *within* a proclaimed district, for the purpose of settlement, and then defining the boundaries of the lands so taken. In the eastern Bay of Plenty, the proclamations of 17 January and 1 September 1866 declared that *all* the land of the district was required for the purposes of the Act, without the setting apart of military settlements within the area. From the very first, then, the misinterpretation and misapplication of the provisions of the confiscatory Act, in combination with officials' lack of knowledge of the land and people of the eastern Bay of Plenty (especially Tuhoe), produced a very confused picture.

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78. Refer Maketu minute book 18, fols 194–195. The author thanks Tom Bennion for providing this information.

79. Marr, p 31

To help administer confiscation in the Bay of Plenty, the Government appointed a select committee on confiscated land, under the chairmanship of Crosbie Ward. The purpose of this committee was to report on the quantity, location, and value of lands to be forfeited by rebel hapu and iwi. Inevitably, given the paucity of reliable information on tribal holdings in the district, in August 1866 the committee reported its difficulties in offering precise and credible advice on a settlement plan for the district:

In the case of the Bay of Plenty, or Opotiki district, the utmost uncertainty prevails. Your committee have been unable to obtain any definite evidence whatever as to areas; and the deductions to be made by way of compensation to friendly Natives, and grants to returning rebels, are as yet wholly undetermined. In their attempt to form an approximate calculation, your Committee have assumed, from such opinions as have been laid before them, that there may be in the district 100,000 acres of useful land; that as about one half the original Native owners have been friendly or neutral, one half of the whole land must be restored to them; that of the other half, or 50,000 acres, 25,000 acres will be required for military settlement; and that the remaining 25,000 acres will be available for any other purpose.<sup>80</sup>

An interesting assumption underlying the select committee's deliberations, as reported above, was that there was a direct correlation between the number of Maori land owners and the area of land they held; that is, if half of the people were in rebellion, then half of the land would be confiscated.

It is also interesting to note that the saleable confiscated land was valued by the Select Committee at £1 per acre, which Gilling notes reflected the relative quality of the confiscated coastal strip compared to other confiscation districts where land was valued at as little as five shillings per acre.<sup>81</sup>

At the time of confiscation, and the subsequent confusion over the proclamation boundaries, Government officials did not know the area taken in the Bay of Plenty. Estimates at the time ranged from 400,000 to 500,000 acres,<sup>82</sup> but later Government documentation seemed to agree on 440,000 acres. Melbourne supplies an estimate of 448,000 acres, which is a figure derived from the 1928 report of the Royal Commission on Confiscated Native Lands (the Sim commission).<sup>83</sup>

Problems also arose with the rough and inaccurate boundaries that had been proclaimed. Gilling states that the confiscation boundary on the ground had been placed a quarter of a mile north of its true map position and notes that, because this inaccuracy was along the southern boundary of the confiscation district centred south of Ohiwa harbour, 'the major beneficiaries of this sloppiness were probably Tuhoe'.<sup>84</sup>

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80. 'Report of the Select Committee on Confiscated Lands', 14 August 1866, AJHR, 1866, F-2, p 1

81. Gilling, p 146

82. 'Report of the Select Committee on Confiscated Lands'

83. 'Confiscated Native Lands and Other Grievances; Royal Commission to Inquire into Confiscations of Native Lands and Other Grievances Alleged by Natives (Report of)', AJHR, 1928, G-7, p 21

84. Gilling, p 124

### 3.8.3 The nature of the confiscation boundary

From evidence presented to the Waitangi Tribunal in the course of its inquiry into the eastern Bay of Plenty claims (Wai 46 and others), it is apparent that tribal boundaries within the confiscation area were overlapping and not easily determined in an area with a rich and complicated customary tenure. Ngati Awa, for example, have promulgated the concept of ‘whenua tautohetohe’ or a contested zone of ownership and occupation stretching from Ohiwa, through Waimana and Ruatoki westwards to Tuararangaia lands.<sup>85</sup> This zone included Te Poroa, Opouriao, Te Hurepo, Puketi Pa and Ohiwa lands which would be fought for in the Compensation Court by a number of hapu and iwi.

According to the report of the Sim commission, the Government accepted estimates of the relative areas of tribal land within the confiscation district made by the Commissioner of Native Reserves, Charles Heaphy, in 1870. Heaphy had previously been the Chief Surveyor. In its deliberations, the Sim commission relied upon a map drawn up by Heaphy that outlined the tribal boundaries as he understood them, and that also estimated the losses due to confiscation that each tribe had suffered. The commission’s report does not detail the process by which Heaphy arrived at his tribal boundaries. Gilling, however, says that Heaphy’s map is reproduced in the *Appendices to the Journals of the House of Representatives*.<sup>86</sup>

There are two maps appended to the *Appendices*. The first is a map of the North Island, showing approximate locations of the ‘rebel’ and ‘loyal’ districts and the proportion of Maori in each who were believed to have joined in rebellion against the Government. The interior Urewera district was coloured pink, denoting that ‘nearly all’ of the Maori here were considered rebellious. The remainder of the Urewera district, around Ruatoki and what would be Te Waimana (though, it was not noted as such) was coloured yellow, signifying that a ‘majority’ of Maori here were rebels.

The second map is perhaps the more interesting one. It shows tribal boundaries, topographical features and the boundaries of the various confiscated blocks in the North Island. It shows the rohe of ‘Te Urewera’ tribe starting from a point on the Whakatane River well past Puketi, then heading in a line south-west to encompass Putauaki, crossing the southern confiscation boundary continuing in a southwestern direction to cut through Lake Tarawera, then turns true south through Kaingaroa to a point near Lake Rotokawa (without encompassing it), then turns sharply east, crossing the upper reaches of the Rangitaiki and Wheao Rivers, continuing all the way to Waikaremoana, where the boundary lines turns in a north-east direction so that the lake itself falls outside of this purported Urewera boundary. It continues to a point on the Hangaroa River, then turns north-west, and roughly follows the Waimana (or Tauranga) River (marked as the Waikare River) to rejoin the starting point on the Whakatane River. This map is reproduced at figure 7. The map is very inaccurate in so far as the Urewera district and parts of the central North Island are concerned; the

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85. See ‘Whenua Tautohetohe’, research report 13 (Wai 46 ROD, doc c7), and Ngati Awa counsel’s ‘Interim Response on Tuhoie Boundary’ (Wai 46 ROD, doc H17)

86. AJHR, 1870, D-23; Gilling, pp 50–51

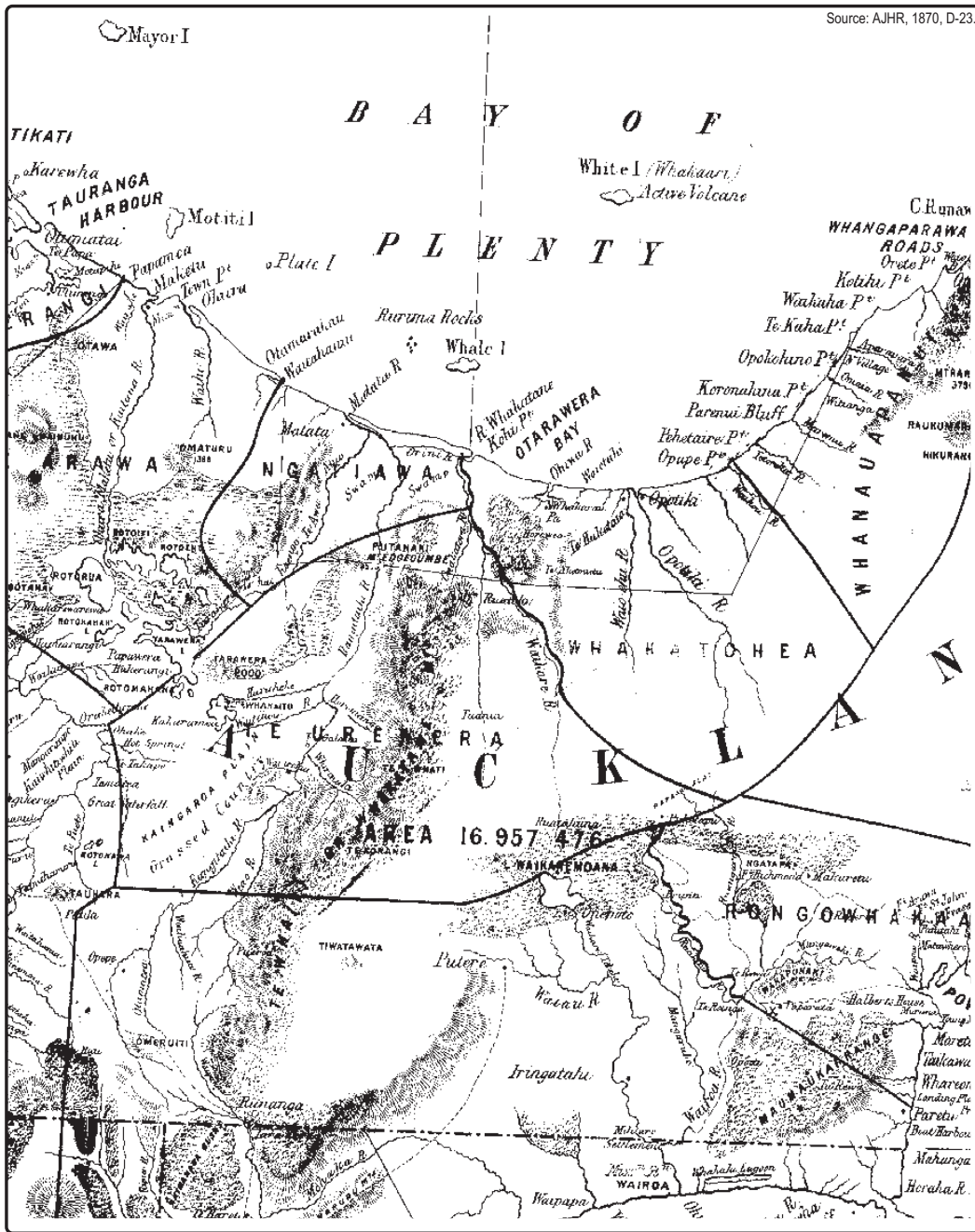


Figure 7: Tribal boundaries, topographical features, and boundaries of confiscated blocks.

interior Urewera is almost a blank, with no settlements or topographical features marked.

The commission reported that Heaphy’s original estimate of Tuhoē’s losses was 57,344 acres, and that this was later considered by Government officials to be a mistake and amended to approximately 14,731 acres.<sup>87</sup> Again, it is not known on what basis this readjustment was made, nor where those 14,000 acres were assumed to lie.

87. ‘Confiscated Native Lands and Other Grievances’, AJHR, 1928, G-7, p 21

It seems likely, however, that this acreage was roughly the area of Opouriao that lay between the Whakatane and Waimana (Tauranga) Rivers, to the point where they converge at Puketi, perhaps taking in land a little further north of this point. According to Melbourne, Heaphy's original estimate is closer to the area claimed by Tuhoe.<sup>88</sup>

Tuhoe claimants have submitted evidence to the Waitangi Tribunal on the matter of the Tuhoe tribal boundary and its relation to the Bay of Plenty confiscation boundary, and this information will be briefly canvassed here. According to Tuhoe, the confiscation line did not follow tribal boundaries and included lands belonging to Tuhoe; in support of this contention, they cite the boundaries of the Tuhoe tribal estate forwarded to the Government in 1872 by a hui of Tuhoe leaders, known as Te Whitu Tekau, which was reiterated in subsequent Tuhoe petitions to the Government concerning confiscation.

The boundaries given by Tuhoe to the Native Minister, McLean, in 1872 were as follows:

The meeting of the Tuhoe (Urewera) has taken place at Ruatahuna on the 9th June. The first thing we decided were the boundaries of the land. My district commences at Pukenui, to Pupirake [Puhirake], to Ahirau, to Huorangi, Tokitoki, Motuotu, Toretore, Haumiara, Taurukotare, Taumatapatiti, Tipare Kawakawa, Te Karaka, Ohine-terakau, Kiwinui, Te Terina [Te Tiringa-o-te-kupu-a-Tamarau], Omata-roa, Te Mapara, thence following the Rangitaiki River to Otipa, Whakangutu-toroa, Tuku-toromiro, Te Hokowhitu, Te Whakamata, Okahu, Oniwarima [Aniwaniwa], Te Houhi, Te Taupaki, Te Rautahuri [Te Rau-tawhiri], Ngahuinga, Te Arawata [Te Arawhata], Pohotea [Pokotea], Makihoi, Te Ahianatane [Te Ahi-a-nga-tane], Ngatapa, Te Haraungamo, Kahotea, Tukurangi, Te Koarere [Te Koareare], Te Ahu-o-te-Atua, Arewa [Anewa?], Ruakituri, Puketoromiro, Mokomirarangi [Mokonui-a-rangi], Maungatapere, Oterangi-pu, and on to Puke-nui-o-raho, where this ends.<sup>89</sup>

This letter was signed by the chiefs Te Whenuanui, Paerau, Haunui, Erueti Tamaikoha Tu, Hetaraka, Te Pukenui, Te Makarini, and Ahikaiata for 'all of the tribe'.

The Tuhoe claimants have had this boundary mapped by the Department of Survey and Land Information, supplemented by the boundaries given by Te Kapo o te Rangi Keehi in a petition to the Government in 1926, as well as the boundaries given by the Tuhoe kaumatua Paki Tamahou McGarvey at a hui in 1971. According to Tuhoe claimants who have mapped Tuhoe boundaries from these sources, these later boundary descriptions were largely consistent with that given by Te Whitu Tekau in 1872. For the purposes of this chapter, the author accepts these boundaries as the area in which Tuhoe claims interests within the Bay of Plenty confiscation boundaries. Tuhoe and DOSLI say that although not all of the given place names in the 1872 boundaries could be traced, there were still sufficient markers to reconstruct the boundary within the confiscation district.<sup>90</sup> This map is reproduced at figure 8.

88. Melbourne, p 69

89. 'Te Whenuanui, Paerau . . . and All the Tribe to the Government', 9 June 1872, AJHR, 1872, F-3A, p 29

90. J W Milroy, S Melbourne, and T R Nikora, 'The Bay of Plenty Confiscation and the Tuhoe Tribal Boundary', 11 August 1995 (Wai 46 ROD, H2), p 6



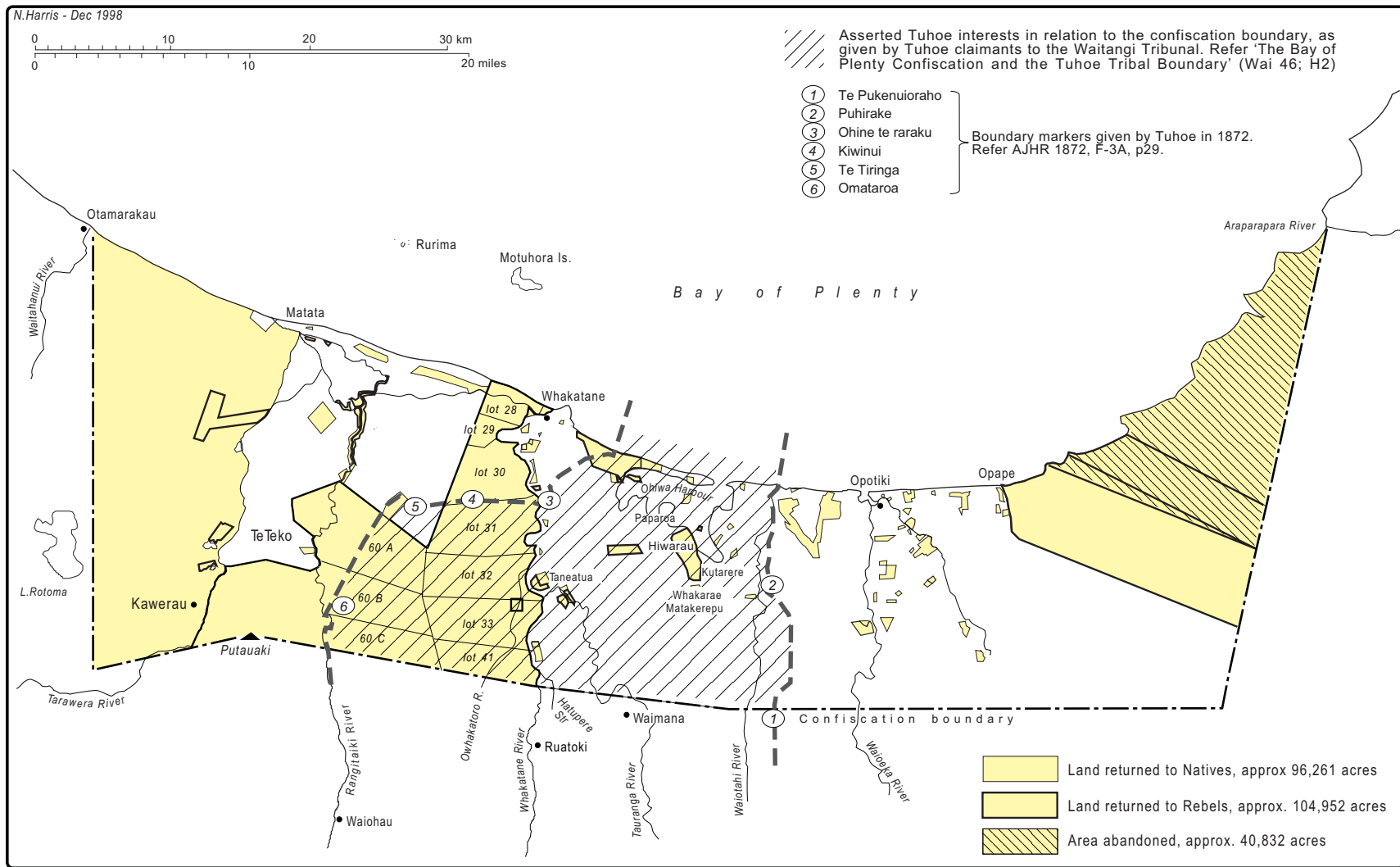


Figure 8: Tuhoë interests within the Bay of Plenty confiscation district, as given by Tuhoë claimants to the Waitangi Tribunal. Source: Wai 46 ROD, doc H2.

According to the Department of Survey and Land Information at Rotorua, after mapping the claimed Tuhoe tribal boundary within the confiscation district:

The total area confiscated within the Tuhoe tribal boundary, as shown on the map, is 50,300 ha (124,300 acres). If the Ohiwa Harbour (inclusive of islands) which comprises an area of 2800 ha (6920 acres) is excluded, this leaves an area of land confiscated within the Tuhoe tribal boundary of 47,500 ha (117380 acres).<sup>91</sup>

Ngati Awa, on the other hand, assert that the confiscation boundary follows their tribal boundary very closely, as outlined by Te Hurinui in a petition to the Government in 1922, and consequently they reject Tuhoe claims to extensive interests within the confiscated territory: ‘Ngati Awa considered all of the land within the confiscation line, particularly on the Western boundary, as forming part of the Ngati Awa rohe’.<sup>92</sup> Further, Ngati Awa researchers have rejected the Tuhoe interpretation of the boundaries given by Te Whitu Tekau in 1872. They state that the boundaries given were not Tuhoe’s traditional tribal boundaries but were boundaries of Mataatua lands which Te Whitu Tekau proposed be put under its protection and management – it would therefore include lands of other tribes as well as that of Tuhoe.<sup>93</sup> They argued that Ngati Pukeko boundaries, for example, overlap with much of that land claimed by Tuhoe within the confiscation district. Ngati Pukeko boundaries were given by Pouawha Meihana in a petition to the Government in 1922; broadly, they commence at the mouth of the Whakatane River, running west to meet the Rangitaiki River, south to Omutu and then follow the confiscation line to Tapapa Kie-kie then to Kaimatahi on the east bank of the Whakatane River, then run north roughly along the Whakatane River to its mouth. On the western side of the Whakatane River, this area included Te Hurepo, Puketi at the junction of the Waimana and Whakatane Rivers, Te Poroa, and also took in Owakatoro valley lands. On the east of the Whakatane River, this boundary included Opouriao.

It is true that by 1872, when the hui of Te Whitu Tekau took place, Tuhoe rejected Crown assertions of sovereignty over its land and affairs and had sought to join in a sort of land league with other Mataatua tribes (notably Whakatohea) to administer their lands, while forbidding the operation of the Native Land Court, the building of roads, and ‘other bad things’ which accompanied the intrusion of European government. But it is not clear whether the boundary definition given by the Tuhoe chiefs was a declaration of the boundary of the proposed land league or a Tuhoe tribal boundary as Tuhoe maintain. For one thing, Mataatua lands exceeded the boundary given by Tuhoe in 1872, and the letter delineating these boundaries, signed by Tuhoe as a collectivity, refers to ‘my district’. It does not seem likely that Tuhoe would send

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91. Mike Flaherty, DOSLI, Rotorua, to Tuhoe–Waikaremoana Maori Trust Board chairman, 4 August 1995 (Wai 46 ROD, H2), app B

92. Te Roopu Whakaemi Korero o Ngati Awa, ‘The Tuhoe Tribal Boundary – An Interim Ngati Awa Response’, 20 September 1995 (Wai 46 ROD, doc H17), para 8

93. ‘Ngati Awa Reply to Tuhoe–Waikaremoana Maori Trust Board Report Regarding the Tuhoe Tribal Boundary (doc H2)’ (Wai 46 ROD, doc H16), para 39

in notification of a Mataatua land league boundary without appending the signatures of Whakatohea, at the least.

What is clear is that Tuhoe were under the distinct impression from November 1871, that the Government had promised them ‘the regulation of affairs within your boundaries’ in return for handing in the fugitive Te Kooti who had sought sanctuary in the Urewera.<sup>94</sup> These events will be discussed more fully in a following chapter. All it is necessary to say here is that it is possible that the boundaries given by Tuhoe in June 1872 were notification of the areas over which they expected to have this jurisdiction. The asserted Tuhoe boundaries within the confiscation district are, however, extensive and Tuhoe must have realised that there would be competing claims to a considerable portion of these lands, especially in the light of the pre-confiscation history of the lands in question. In July 1872, Brabant asked Tamaikoha whether he was aware that the boundary as ‘settled’ by Tuhoe partly lay within the confiscation district. Tamaikoha said that he was aware of this and that he had heard that the Government would ‘give them back their lands’, and so he had consented to the boundaries being sent in order to ‘test the question’.<sup>95</sup> Further, at the same meeting, Tiwai Piahana of Whakatohea said that if the Government gave back the confiscated land, then Whakatohea ‘as well as the Urewera’ would have claims upon it.<sup>96</sup> Perhaps, then, we should not view the purported 1872 boundaries as a declaration of exclusive ownership, but as a broad area in which Tuhoe had influence, exploited resources and lived in, to varying degrees. This begs the very important question of the nature of tribal boundaries, particularly Tuhoe’s, in the eastern Bay of Plenty. Some thoughts on this matter and its relationship to purported Tuhoe customary interests are offered in the conclusion to this report.

Having discussed the nature and extent of the confiscation boundary, and the interests claimed by Tuhoe within it, we will now briefly consider the military raids in the Waimana and Waioeka districts, before turning to examine the process for compensation of confiscated lands.

### 3.8.4 Continuing raids in the Urewera, March 1866–March 1867

Neither the declaration of confiscation nor the commencement of Compensation Court hearings in March 1867 curtailed the expeditionary raids in Waimana and Waioeka. Indeed, as Melbourne has suggested, the confrontations between Government troops and Tuhoe and Whakatohea resistance fighters intensified in this period and Cowan refers to ‘numerous’ expeditions up the Waimana and Waioeka valleys.<sup>97</sup>

In February 1866, an expedition of Patea and Wanganui Rangers led by Lieutenant-Colonel Lyons made its way up the Waimana River gorge in search of Hauhau. Upon reaching Rakuraku’s pa, named Horokai or Horoera and a little way downstream

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94. J D Ormond to Erueti Tamaikoha, 20 November 1871, AGG-HB4/8, NA

95. H W Brabant to Native Minister, 4 July 1872, AJHR, 1872, F-3A, p 28

96. *Ibid*

97. Cowan, vol 2, p 116

from Te Koinga,<sup>98</sup> Lyons was informed by the chief that there was no track from there leading to Maungapohatu and so the party returned to Whakatane. This was not true and, aside from demonstrating the abysmal lack of geographic knowledge that the troops laboured under, it also shows that Rakuraku was not prepared to be accountable to other Urewera chiefs for showing the colonial forces the routes into the Tuhoe heartland. Rakuraku and his hapu were disarmed by Lyons at Waimana in April 1866.<sup>99</sup>

Rakuraku's duplicity, however, did not prevent Lyons' imminent return. In March, he led a notable raid on a Tuhoe kainga called Te Kairakau accompanied by 150 men. Te Kairakau was situated in a strong position on a cliff above a swift section of the Waioeka Gorge. In spite of the fact that this kainga was apparently prepared for attack, it was taken by the colonial forces who killed four of its occupants (Best says five). Cowan called Te Kairakau a 'principal success' and it was also alleged by Lyons, and repeated in the Compensation Court, that the troops uncovered a large quantity of stolen European goods in the pa. Melbourne says that the loss of family at Te Kairakau provoked Erueti Tamaikoha, a Tuhoe-Ngai Tama chief, to instigate a guerilla campaign that lasted several years against soldiers and military settlers on Tuhoe confiscated lands (see below).<sup>100</sup> In revenge for the death of kinsmen at Te Kairakau, Tamaikoha killed an Arawa mailman called Wi Popata at Waiotahe:

The heart was cut from the Maori mailman's body and was cooked for a cannibal war-rite. Tamaikowha [sic] ate a portion of it, after offering part in sacrifice of the whangai-hau, or whangai-atua, to his tribal gods Hukita and Te Rehu-o-Tainui; he professed to be the medium and priest of those pagan deities.<sup>101</sup>

Belich says Government forces never suffered more than two casualties from any encounter with Tamaikoha, yet he maintained a reputation for his guerilla skills and his ferocity.<sup>102</sup> The following passage from Cowan typifies the ambiguous regard in which Tamaikoha was held by his European contemporaries; simultaneously a murderous warrior and effective adversary:

Eru Tamaikowha [sic] te Ariari, who now became the chief figure in the principal murderous forays on the settlements, was the most ferocious warrior that the East Coast wars produced, a true type of olden savage. His forte in military tactics lay in the ambushade and the lightning raid on unprotected or unsuspecting settlers. His reversion to the methods of ancient Maoridom was complete, for he delighted not only in slaughter and mutilation, but in cannibalism. Tamaikowha was the chief of the Ngai-Tama, an Urewera clan inhabiting the Waimana Valley; he was connected also with the Ngati-Awa, of Whakatane . . . To the day of his death a few years ago [Cowan was first published in 1922] he was a picturesque old barbarian, clinging to the primitive *rapaki* or waist-shawl long after his people had taken to the garb of the *pakeha*.<sup>103</sup>

98. Sissons, p 127

99. Compensation Court minutes, Opotiki sitting, 7 March–8 April 1867 (RDB, vol 120, pp 46,063–46,064)

100. Melbourne, p 72

101. Cowan, vol 2, pp 175–176

102. Belich, p 211

103. Cowan, vol 2, p 175

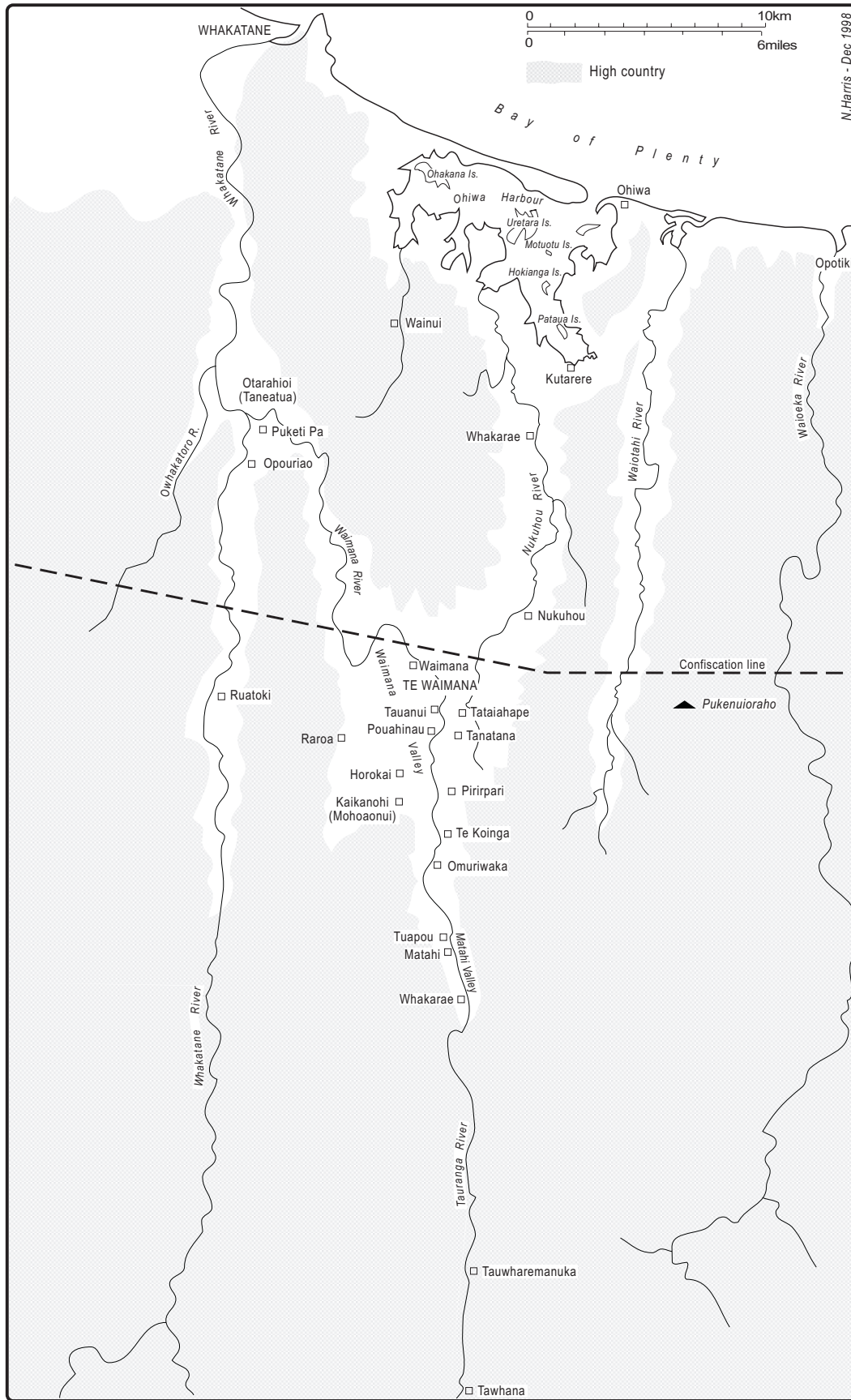


Figure 9: Tauranga (Waimana) River valley in relation to Ohiwa

The rangatira Rakuraku and Tamaikoha, then, represented different Tuhoe strategic responses to the invasions of the Opotiki and Waimana districts: Tamaikoha favoured using terror and a direct military response while Rakuraku played a calculated game with the military officers who employed him and his scouts.<sup>104</sup> He would later assert his rights to confiscated lands by the occupation of his pa Whakarae, at Ohiwa, and he informed the Tuhoe resistance of the movements of the colonial invaders.<sup>105</sup> In November 1866, Rakuraku was approached by St John to discuss the matter of surveying the confiscation boundary across Tuhoe territory. Rakuraku apparently reassured the Major that it was ‘quite safe’ to proceed with the survey, in the full knowledge that Tamaikoha would be likely to ambush the surveyors’ party. The survey did not proceed at this time.<sup>106</sup>

Rakuraku also attended a hui held at Tawhana in February 1867, at which the ‘whole Runanga of Tuhoe’ was assembled. This hui was apparently convened to consider a request from Whakatohea Hauhau that Tuhoe join forces with them in active resistance to the Government. Given that there were already Tuhoe individuals engaged in repelling troops, Whakatohea presumably sought commitment from Tuhoe as an iwi. William Mair, resident magistrate at Opotiki, cited intercepted letters from Whakatohea to the Urewera which, he said, proved that ‘the great Urewera meeting, held in February, was undoubtedly a warlike one, and that the surrendered Whakatohea and the Urewera are only waiting [for] a favourable opportunity to do mischief’.<sup>107</sup> One letter from Tuhoe to Whakatohea at Maraetai, read:

O tribe, salutations to you all! Friends, your proposal has reached us, and we have responded to it. You tell us to take up the weapon, and we, as well as you, have taken it up. This is what we have to say to you: Clasp your hands and look behind you.

Friends, be not troubled at this, and say to this Runanga what a long time it will be before the blow is struck, for we have agreed to strike the blow, and now there are neither prophets, fanatics, or chiefs now; all we have now in the place of the prophets, fanatics and chiefs, is the Runanga and God: it is He who will carry our plans on to maturity. These words have all been discussed by the gathering of Tuhoe. That is all.

The whole Runanga of Tuhoe.<sup>108</sup>

Aspects of this letter are interesting, particularly the possibility that Tuhoe wanted to distance themselves from the leadership of the Pai Marire prophets, and support the Tuhoe Runanga which purportedly spoke for the whole tribe.

When William Mair tried to find out more about this hui from Rakuraku, the chief told him a quite different version of the events and pledges made at Tawhana, presumably neglecting to mention that Tuhoe had committed themselves to taking up arms against the Government. This ignited Mair’s suspicions and he said that he was ‘persuaded that in endeavouring to keep in with both sides he [Rakuraku] is not dealing honestly with us’.<sup>109</sup>

104. Sissons, p 125

105. Ibid

106. Ibid, p 126

107. W Mair to H T Clarke, 8 April 1867, AJHR, 1867, A-20, p 57

108. ‘The Whole Runanga of Tuhoe to Maraetai, to the Whole Runanga’, 17 February 1867, AJHR, 1867, A-20, p 58

When Rakuraku informed him that Whakatohea had approached Tuhoe regarding an attack on Opotiki, an advance Tuhoe rebuffed, Mair was unmoved, believing this intelligence was also intended as a blind.<sup>110</sup> Wilson had, in fact, already been warned by Hohaia Matatahokia, Ihaka Tupau and Wepiha of Ngati Hokopu in early January of an impending attack on Opotiki by Whakatohea and Tuhoe (making it likely that Mair knew anyway).<sup>111</sup> Both Maori and the Government knew at this point that the militia in outlying blockhouses were extremely vulnerable, some having a shortage of actual weapons and ammunition.<sup>112</sup>

### 3.9 THE COMPENSATION PROCESS, MARCH – SEPTEMBER 1867

While this skirmishing continued in the Waimana and Waioeka districts, the Government was attempting to organise sittings of the Compensation Court. The compensation process had, essentially, two elements. Some Maori claimants who felt that the confiscation of their land was unwarranted, either in extent or because they professed loyalty to the Crown, had the option of coming to out-of-court arrangements with a Crown agent, which could then be sanctioned in the court. If Maori were dissatisfied with the terms the agent offered, or simply had not had the opportunity of this negotiation, they could then prosecute their claim directly in court. We now turn to examine this process and its key players.

The Government was severely hampered in its efforts to organise court sittings and, ultimately, settlement of eastern Bay of Plenty lands simply because it had insufficient available information about the Maori population and land tenure. For the time being, the Government had to rely on information supplied by its agent in the Bay of Plenty, J A Wilson.<sup>113</sup>

Wilson was appointed Special Commissioner for the confiscation district with the responsibility of arranging the settlement of the area. In confidential instructions issued by the Native Minister to the general Government agent in Auckland, Daniel Pollen, Wilson's duties were held to include the return of land to rebel and friendly Maori, and the survey of these awards. Wilson was to persuade Maori who had lost lands to the Crown that the remainder of their lands would greatly improve in value with the onset of European settlement. Cooperation with the settlement plan would purportedly ensure an iwi's future prosperity.<sup>114</sup> While commenting that 'it was no kindness' to give Maori more land than they could use, the Native Minister, Fitzgerald, wrote that Maori were to receive the areas they 'consent to occupy' as long as they accepted Crown Grants for their land under British law:<sup>115</sup>

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109. W G Mair to H T Clarke, 17 April 1867, AJHR, 1867, A-20, p 60

110. *Ibid*, pp 60–61; Sissons, p 126

111. Gilling, p 93

112. *Ibid*

113. Wilson was the son of the pioneer missionary and old land claimant, J A Wilson. He may well have had, then, a better idea of Bay of Plenty iwi and hapu relations than many of his colleagues.

114. Marr, p 38

To attain this end, the Government would sanction a far more liberal disposition of land to Maori than would on other conditions be desirable. The one great thing which they desire to see done is to induce the Natives to accept their position as final and irrecoverable, and if by liberal concessions to them of blocks of land under Crown Grant you can bring about this result, the main object of the confiscations will have been achieved.<sup>116</sup>

Governor Grey had made promises to return ‘considerable quantities’ of confiscated land though he had also warned Maori in his peace proclamation that those ‘who do not come in at once to claim the benefit of this arrangement must expect to be excluded’. It will be seen that Tuhoe’s volatile relationship with the Government prejudiced their standing in the Compensation Court; the fact that they had not ‘come in’ to take an oath of allegiance, and ongoing participation by some Tuhoe hapu in guerilla activities, meant that they were to be largely ignored in arrangements concerning confiscated territories.

### 3.10 WILSON’S OUT-OF-COURT ARRANGEMENTS

#### 3.10.1 Introduction

It was left almost solely to the discretion of Special Commissioner Wilson to meet with friendly and rebel Maori to come to ‘agreements’ concerning settlement areas.<sup>117</sup> Out-of-court ‘arrangements’ as to surveys and which areas of land were to be retained by the Crown were undertaken by Wilson well before the first Compensation Court sittings in the Bay of Plenty and continued as the court sat. This enabled Wilson to pre-empt any awards the court might have made, securing those particular areas of land the Government desired to retain (the Te Teko plains, for example).

Legislative authority for these out-of-court arrangements was provided by the Friendly Natives’ Contracts Confirmation Act 1866, which at section 2 stated:

All Crown Grants of land made and issued or to be made and issued to Aboriginal Natives of New Zealand in satisfaction of their claims to compensation in respect to any title interest or claim to land taken under ‘The New Zealand Settlements Act 1863’ and in fulfilment of arrangements made with them for this purpose by any person or persons authorized on the part of the Government of New Zealand to negotiate with them in this behalf shall be deemed and taken to have been and shall be valid and of full force and effect.<sup>118</sup>

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115. It was not at all clear, however, what Fitzgerald meant by ‘consent to occupy’, and from letters of complaint the Government received about returned land being swamp or sand dunes, we can assume that in many cases, this ‘consent’ was not obtained from Maori.

116. Fitzgerald to D Pollen, 3 September 1865, AGG-A 1/1, NA (Wai 46 ROD, doc A2(1)(3))

117. H T Clarke was also involved in a minor role in some of these arrangements. Wilson reported to Daniel Pollen, because responsibility for the administration of confiscated land had passed to Auckland Province.

118. Section 2 of the Friendly Natives’ Contracts Confirmation Act 1866 (cited in Gilling, p 118)



Thus, Wilson could officially negotiate on behalf of the Government and furnish Crown grants of land outside the Compensation Court process. However, it appears that these arrangements still had to be validated in the court, which would receive and confirm Wilson's lists of tribal and subtribal lands and their owners. Importantly, Marr has noted that:

Although the Government was also keen to see individualised tenure this was often not economically feasible at the time and many arrangements were made for hapu rather than individuals. However later the hapu were defined as specified sets of individuals. Sometimes these individuals were listed at the time by Wilson. In other cases the hapu were encouraged to hand in lists to the Maori Land Court for ratification. The Government does not appear to have intended to recognise hapu as entities in themselves.<sup>119</sup>

It is useful to note that, under the terms of section 5 of the Settlements Act 1863, 'rebels' were to be disqualified from compensation for loss of their land. Yet Wilson treated with so-called rebels, on both an individual and a hapu basis, making reserves for them prior to the passing of the Confiscated Lands Act 1867, which, at section 4, validated this practice.

Very little recorded information remains of the details of Wilson's meetings with Maori tribal leaders, yet enough of his reports survive that we can attempt some general characterisation of the process. Wilson submitted a report on his arrival in the eastern Bay of Plenty from Tauranga in October 1866, which made it plain that he preferred to settle claims out of court, where he considered those claims valid. It also shows that Wilson surveyed allotments for military settlers, reserved prior to any arrangements with tribes in the area and before the court had sat, compromising the awards any loyal Maori with valid claims to this land would have had:

It is not possible to compromise [ie, settle out of court] the claims at this place. For there are only 4 claimants present here. They are Tiwai and his wife Te Aira, Mrs Bennett White, and a native from the Bay of Islands. With the three former I can do nothing, as they are determined to go to the Court – and I prefer to allow the claims of the latter to take their chance there also, to giving him the land he asks for . . . Finding myself therefore unable to settle claims privately in consequence of the absence of the bulk of the claimants, and the stubbornness of the few that are here I have set aside reserves in the Military and Commercial townships.<sup>120</sup>

Wilson's memoranda make it obvious that the interests of Maori owners were to take second place to the requirements of the proposed military settlements. This was, in fact, a priority made explicit by Frederick Whitaker, who was the superintendent of Auckland province, commissioner for the disposal of confiscated land, and general Government agent in Auckland. Preference was to be given to the settlement of military settlers, then the settlement of friendly Maori and then surrendered rebels, making it most unlikely that Wilson would be able to assure to all Maori the areas they

119. Marr, p 38

120. J A Wilson to F Whitaker, AGG Auckland, 4 November 1866 (RDB, vol 120, pp 46,353–46,357)

‘consent[ed] to occupy’.<sup>121</sup> Indeed, the court and the Government would later clash over the matter of whether the court had jurisdiction to award land as compensation from within those areas Wilson had set aside for military settlement. When the chief judge of the court advised that successful claimants should be reserved their own land, Wilson replied that ‘such is by no means the Government’s view of the subject’.<sup>122</sup> The court subsequently deferred to the Government view and accepted that it had no jurisdiction to award land as compensation from those areas reserved for military settlement.

It is important to remember that these arrangements were being conducted in an environment of ongoing military activity which would have frustrated Wilson’s efforts to some extent, in spite of garrisons being located at Opotiki and Matata. It is clear from Wilson’s reportage that the Government had not secured control of the interior, including Tuhoe-controlled territory, and he was careful not to alienate some of the still powerful loyalist chiefs (such as Rangitukehu) by demanding too large cessions of land. As to the confiscated lands to the east of the district, Wilson referred to confiscation there as ‘nominal’ with the Government not in a position to pursue any arrangements.

It is interesting, then, to consider the position of Maori vis-à-vis Wilson in the negotiation process, if indeed it can be said that negotiations occurred. Because Wilson’s reports of these meetings do not give a detailed account of the proceedings, it is not clear exactly what pressures Maori brought to bear on the arrangements. Certainly, they did not seem to have access to independent explanation and advice on the compensation process, which must have put Wilson in an advantageous position to say the least. This could only have been doubly true for those rebels who did not have recourse to the Compensation Court and who would have had to have come to terms with Wilson if they wanted to receive anything.<sup>123</sup> Obviously, some arrangements were contingent upon claimants giving assistance as Crown witnesses in subsequent court hearings. Reporting to Pollen in May 1867, for example, Wilson mentioned arrangements he had made with the Patutatahi for a ‘cession’ of land which would not be finalised ‘until the Patutatahi shall have assisted to disprove in court some foreign claims that are made to the land’.<sup>124</sup>

We shall now turn to examine three of the out-of-court arrangements undertaken by Wilson prior to the Compensation Court sittings. These three examples have been chosen because, according to Tuhoe claimants before the Waitangi Tribunal, they disposed of lands in which Tuhoe claimed an interest, without Tuhoe involvement in the arrangements themselves.

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121. Luiten, p 80

122. Wilson to Pollen, 25 July 1867 (RDB, vol 123, p 47,432, and quoted in Luiten, p 80)

123. Luiten, p 80

124. Wilson to Pollen, 15 May 1867, AD1 1867/3881 (RDB, vol 136, p 52,348)

### 3.10.2 The Rauporoa agreement

The fate of much of the land which would later be claimed by Tuhoe in the Compensation Court was determined at a meeting held between Wilson, Ngati Pukeko and Ngati Awa at Whakatane, in December 1866.

Wilson convened the meeting in order to settle the awards and their boundaries between Ngati Awa and Ngati Pukeko. Ngati Pukeko were, at this time, considered ‘friendly’ with the Government and indeed, it was at their pa of Te Rauporoa that Wilson and the Ngati Awa chief Apanui met to decide the terms of respective Ngati Awa and Pukeko tribal reserves. Melbourne notes that Colonel Lyons enlisted men of Ngati Pukeko into the constabulary forces to fight against rebels at Opotiki. After taking the oath of allegiance and swearing to fight for the Queen, Ngati Pukeko were promised the return of a portion of their confiscated land to them.<sup>125</sup> They were, then, deemed loyalists by the Crown and were seemingly able to exert more influence in the Rauporoa arrangements than Ngati Awa, who were treated as guilty by association with Te Hura. Aside from Ngati Pukeko, Apanui was the only other tribal representative at this meeting. His son Wepiha, who apparently had close ties with Tuhoe, was absent, and Tuhoe themselves were not invited to the negotiations, presumably because of the ongoing skirmishing between them and Government forces.

At Rauporoa, Wilson proposed that the Government retain all that land on the eastern side of the Whakatane River and added that Maori would retain those lands to the west of the river. The Government, however, was to reserve the right to grant awards on the western banks in favour of loyalist supporters from Ngati Pukeko and Ngati Awa, and Wilson also reserved a 50 acre section for the Crown at the junction of the Orini and Whakatane Rivers.<sup>126</sup>

Recalling events at Rauporoa from 1874, when he returned to complete awards in the Bay of Plenty, Wilson stated:

Ngatipukeko had at this time the chief voice in these matters in consequence, I believe, of the disgrace into which Wepiha and his tribe had fallen – for the tribe shared the disgrace of the chief – by reason of his complicity or reputed connection with the Volkner and Fulloon tragedies.

Apanui was present at Rauporoa at the meeting and consented to all that was done – Wepiha (his son) was not present. He always kept in the background at this time – on this occasion, however, he was absent, if I remember, at Maketu.

Nor was Hori Kawakura present, he nevertheless gave his consent to the agreement the next day in the manner following:

Kawakura said to me—

‘But where is [hope?] to live? – ie – where are Ngatiawa to have a place inasmuch as there is but little they can claim on the western side of the river—

I replied—‘I will give Ohope to Ngatiawa, and they shall live in Orini also’—

He answered—‘If you give Ohope to them, then I consent’.

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125. Melbourne, p 75

126. Ibid, p 80

From that day to the present the agreement at Rauporoa has never been questioned by anyone.<sup>127</sup>

In fact, the terms of the Rauporoa agreement would be bitterly argued by various Ngati Awa and Ngati Pukeko hapu in the years to come, and if Tuhoe did not question the arrangements at the time, it was probably because they were unaware of them.

According to Tuhoe claimants, the lands both retained by the Crown and returned to Ngati Awa and Ngati Pukeko included Tuhoe confiscated land on the western boundary, between the Whakatane and Rangitaiki Rivers, and on the eastern boundary, between the Whakatane and Waimana (or Tauranga) Rivers, then stretching right over to the Nukuhou and Waiotahe Rivers. The western lands would later be surveyed into blocks for Ngati Awa and Ngati Pukeko divisions; Owhakatoro and Te Poroa, to the west of the Whakatane River, lay within the southernmost block known as Rangitaiki lot 33, which was earmarked for the Patutahora section of Ngati Pukeko. To the north of this block was Rangitaiki lot 32, which included some Opouriao lands (with the remainder on the adjacent, eastern side of the river) and Pekepeketahi, which was later awarded to Te Patuwai, a Ngati Awa hapu. Still further north lay Rangitaiki lot 31, which included the lands about Te Teringa and Kiwinui Pa. Lot 31 was awarded to Ngati Awa.

The lands to the east of the Whakatane River were, as agreed, retained by the Crown subject to various small lots granted to loyal Maori. These lands abutted the Ruatoki and Waimana lands lying across the southern confiscation line. The land included Te Hurepo, Opouriao, and Puketi, in the neighbourhood of present-day Taneatua, and continued northward to take in Te Hurepo. Commenting on the Ngati Pukeko's consent to cede these contested lands to the Crown, Tuhoe claimants state that 'it is understandable that they [Pukeko] would wish to cede land which [was] not theirs'.<sup>128</sup> Melbourne comments:

Mr Wilson confined his meetings with tribal groups in the Bay of Plenty to Ngati Pukeko and Ngati Awa. This excluded Tuhoe and Whakatohea from participating in arrangements which could well have alleviated the growing tension within those tribal groups over the confiscation of their lands . . . For Tuhoe, the Rauporoa agreement denied them an early opportunity to make representation for their land interest within the confiscated area. Had they been included, they would have been able to express a legal, as well as a strong moral claim for justice, after in their view, the wrongful confiscation of their lands.<sup>129</sup>

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127. J A Wilson to Native Minister, 7 September 1874 (Wai 46 ROD, doc H2, app 1, pp 2-3)

128. Wai 46 ROD, doc H2, p 6, para 12

129. Ibid, p 81

### 3.11 OTHER OUT-OF-COURT ARRANGEMENTS AFFECTING TUHOE-CLAIMED LANDS AT RANGITAIKI AND OHIWA

#### 3.11.1 Ohiwa

Upon arrival at Opotiki in November 1866, Wilson reported that ‘it was not possible to compromise [ie, settle out of court] the claims at this place’ because out of the 38 claimants (presumably both individuals and groups) to Opotiki and Ohiwa, there were only four present at the township.<sup>130</sup> Instead, Wilson concentrated his efforts on organising the survey of the commercial and military settlements at Opotiki and Ohiwa, and allocating reserves for Whakatohea. It has to be appreciated that Wilson had arrived in a provocative climate with ongoing skirmishing with unsundered ‘rebels’ in the outer districts, making it likely that some claimants to Ohiwa would have found it impossible to have met and negotiated with Wilson in any case.

Many of the claims to Ohiwa, then, would be processed by the Compensation Court but it is clear that Wilson made at least two arrangements for Ohiwa lands before the court sat. On the western side of the Ohiwa Harbour, he reserved Ohope for Ngati Hokopu and Ngati Wharepaia hapu of Ngati Awa. Of more immediate relevance to Tuhoe interests, however, was his arrangement involving southern Ohiwa lands. Wilson reported that, by 24 December 1866, he had settled the ‘rebellious’ Upokorehe hapu (closely related to both Tuhoe and Whakatohea) on a 1500-acre reserve known as the Hiwarau block, with the approval of the Defence Minister.<sup>131</sup> Additionally, Upokorehe were given Hokianga Island in the harbour by arrangement with the Crown agent.

The boundaries of this Native reserve are on the east by the main road from Tunanui towards Waimana ie the surveyed road to the point where it first strikes the Nukuhou stream, as one goes from Punawai, on the south and west by the Nukuhou, and on the north by Ohiwa harbour from the mouth of the Nukuhou to Punawai. These limits enclose an area of about 1500 acres. Hokianga is a small island of, say, 30 acres near Hiwarau.<sup>132</sup>

Wilson’s memorandum on the matter does not make it clear as to with whom among the Upokorehe he had negotiated. This is an interesting point, given that the relationship between Tuhoe and Upokorehe was to be an important issue in the Compensation Court; specifically, the rights of the chief Rakuraku and the mana he allegedly held over Ohiwa lands and people would come under scrutiny. Rakuraku was already known to the European military command by this time (December 1866) and there already existed questions concerning his professed loyalty to the Government. In this light, it would be interesting to investigate whether Rakuraku’s

130. J A Wilson to F Whitaker, AGG Auckland, 4 November 1866 (RDB, vol 120, p 46,353, and quoted in Tom Bennion and Anita Miles, ‘Ngati Awa and Other Claims’, report commissioned by the Waitangi Tribunal, September 1995 (Wai 46 ROD, doc 11), p 76)

131. Wilson to Pollen, 18 April 1867, IA 1 1867/1321

132. Ibid (quoted in Bennion and Miles, pp 77–78)

intelligence gathering for the European military was premised upon bettering his position with Wilson when it came time to negotiate for returned lands.

However, some interesting evidence concerning Wilson's arrangements for Ohiwa was given to the Native Land Court in 1939, in a case hearing an appeal concerning the relative interests in the Hiwarau block. Much of the debate hinged on the question of who had full rights in the block as members of Upokorehe, and who had nominal interests via their relationship with Upokorehe or their occupation.<sup>133</sup> The appellants pointed to the inclusion of the Urewera chief Hemi Kakitu, amongst others, as evidence that the names accepted by Wilson and by the Compensation Court as the owners' list for Hiwarau and Hokianga, included those who were not exclusively Upokorehe. One of the witnesses, an elderly woman named Mihirangi Houtu, stated that the Upokorehe lived at Ohiwa and Waiotahi, and that Hiwarau was a name of a hill with the kainga called Roimata below it. Upokorehe were at Ohiwa when the news came of Volkner's murder and, following the confiscation of all of their land, they had to move to nearby Waimana and take up residence with their whanaunga there. Mihirangi says that Wilson went to Waimana and asked Rakuraku who the people living there were. Rakuraku told him that they were Upokorehe from Ohiwa and that they had nowhere to live:

Then Wilson told Rakuraku he had better take these people back to Ohiwa where they came from.

Rakuraku replied 'yes' he would but he would ask Wilson to give back a small portion of the Upokorehe land that had been confiscated for them to live on. And Wilson told Rakuraku he would do this but that Rakuraku should meet him at Ohiwa on Christmas Day. On that Christmas Day Rakuraku met Wilson at Ohiwa and then Wilson kept to his promise and gave back Hiwarau. And Wilson also told Rakuraku that he should stay at Hiwarau and be the leader of the Upokorehe. I was at this Christmas day meeting as a small child with my mother. Then Rakuraku informed Wilson that he could not stay as he was not of Upokorehe but he pointed round and said to Wilson – These are the Upokorehe people.<sup>134</sup>

Mihirangi then continued, stating that it was Hemi Kakitu who submitted a list for Hiwarau lands to Wilson in Whakatane, after the Ohiwa conference. Hemi Kakitu was described by this witness as 'of Tuhoē – not even of Whakatohea', and not a rangatira of Upokorehe, although he lived and cultivated the land 'but not permanently'. His hapu was given as Ngati Kareti (which should be Ngati Karetehe, or Kareke?) and Mihirangi said that Upokorehe did not originally object to the inclusion of Hemi on the list because 'there were no men left in the hapu to represent it – only women were left'.<sup>135</sup> It would be difficult to guess whether this was the case or whether Hemi had been included for quite different reasons – Wilson's census of late 1866 says that there were 23 males out of the total of 50 Upokorehe, and the owners' schedule for Hiwarau published in the *Gazette* lists 22 males. As the appellants stated, though,

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133. Opotiki minute book 30, 19 July 1939, fols 11–18 (Wai 46 ROD, doc F3(20))

134. Ibid, fol 13

135. Ibid, fols 14–15

these figures probably included those Tuhoe and other outsiders that Mihirangi objected to. Perhaps further research could shed light on whether Tuhoe were included on the Upokorehe lists in acknowledgement of rights legitimately held at Ohiwa.<sup>136</sup>

### 3.11.2 Rangitaiki

On 14 January 1867, Wilson travelled to the Putauaki and Rangitaiki districts and visited Kokohinau Pa, the residence of the Pahipoto chief, Rangitukehu. Upon ascending the summit of nearby Putauaki, Wilson was struck by the surrounding Te Teko plains and he determined to secure a portion of the land there for the Crown. Rangitukehu agreed to cede land on the eastern bank of the Rangitaiki to pay for ‘the sin of some people’ in that district. Rangitukehu and other hapu of the district were then assured that they held the remaining lands in the Rangitaiki district by arrangement with the Crown agent. These returned lands were known as the Putauaki and Omataroa reserves. Omataroa (lot 60), of approximately 20,400 acres, was eventually returned to Te Pahipoto, Nga Maihi, Ngai Tamaoki, Warahoe, Ngati Ahi, and Ngati Awa hapu after Wilson’s arrangements were ratified in the Compensation Court. Putauaki (lot 59) comprising 12,710 acres, was likewise returned to Te Pahipoto and Nga Maihi hapu.

It is not certain whether Tuhoe claims in the Compensation Court encompassed Omataroa, because the court minutes do not fully record the boundaries of the Tuhoe claims made in its inquiries, but it would appear that no Tuhoe person did claim Rangitaiki lands. However, contemporary Tuhoe claims to the Waitangi Tribunal do include Omataroa lands, which lie to the north of the Matahina and Tuararangaia blocks, across the confiscation line, on either side of the Rangitaiki River.<sup>137</sup> Some Tuhoe hapu were awarded lands in the Native Land Court investigation of the Matahina and Tuararangaia blocks, which is perhaps indicative that some Tuhoe hapu held interests in this general area; none the less, the extent of purported Tuhoe interests about Putauaki and Omataroa remains obscure. This report will not examine these Tuhoe claims to land at Omataroa, because of the lack of specificity concerning the nature of these claims, and the corresponding lack of available research on the topic. It is hoped that Tuhoe claimants to the Waitangi Tribunal will be able to more fully describe their customary interests in this district. It is, perhaps, also worth mentioning in this connection that Best touches upon the whakapapa connections between some Tuhoe hapu and those around Te Teko (principally, Nga Maihi, Warahoe, and Ngati Hamua), which might help shed light on some of the hapu relationships in this area.<sup>138</sup>

136. The court offered in 1898 that the name ‘Upokorehe’, as used for the owners of Hiwarau, was meant to be descriptive, and distinguished a certain set of people living in the Waiotahi–Ohiwa area (who, by descent, might be more accurately described as Tuhoe or, perhaps, of other Whakatohea hapu). In other words, the court acknowledged occupational rights as well as the ancestral rights derived from Upokorehe descent.

137. Refer to the map at ‘The Bay of Plenty Confiscation and the Tuhoe Tribal Boundary’ (Wai 46 ROD, doc H2), app A

138. See Best, pp 40–42, 167–171, 177–186

We have already noted that Wilson treated with Rangitukehu in the Rangitaiki district and that Wilson made no effort to negotiate a return of any confiscated lands with Tuhoe. This gave Tuhoe no opportunity to argue the extent of their interests in the confiscation district. Possibly, then, any interests that Tuhoe hapu may have had in the Rangitaiki and Putauaki areas were unknown to Wilson and, because Wilson was largely dealing with Tuhoe rivals (Ngati Awa) to this territory, it was most unlikely that they would have brought any Tuhoe claims to Wilson's attention. A memorandum on Omataroa, issued almost 20 years after Wilson's 'arrangements' with Rangitukehu, outlined the official understanding of interests in the area:

This confiscated land (Lot 60) belonged originally to the Pahipoto hapu, Ngai Tamaoki and Nga Maihi hapus, the first named it is said having a larger interest than the others and the old loyal chief Rangitukehu (generally called Tukehu) of the Pahipoto having – so it is generally asserted – a sort of mana over the land from his alleged chieftainship.<sup>139</sup>

After completing his investigations and arrangements at Whakatane, Putauaki, Tawera, Rangitaiki, and Matata, Wilson returned to Opotiki in early March 1867 in preparation for the court opening. As we have seen, the only encounter Wilson had with Tuhoe in this process came when he discussed settlement of the Upokorehe hapu at Ohiwa with the Tuhoe chiefs Rakuraku and Hemi Kakitu. This chapter will now turn to investigate the competing claims of Tuhoe, Ngati Awa and Ngati Pukeko to Te Poroa, Opouriao, Te Hurepo, Puketi, and Ohiwa lands, and the fate of these claims in the Compensation Court. First, however, some background to the court's establishment is provided.

### 3.12 THE BAY OF PLENTY COMPENSATION COURT

Under the terms of the New Zealand Settlements Act 1863, a Compensation Court was established to determine compensation for claimants with interests in land who were not disqualified as rebels under section 5 of that Act. This section stated that compensation should be granted in respect of any lands taken under the Act from those who had not engaged in, aided, or abetted rebellion against her Majesty's forces in New Zealand. Those owners who were to be compensated were 'defined negatively, that is to say those with rights were to be compensated, as exceptions from those considered to be in rebellion'.<sup>140</sup> This meant that Maori had to prove that they had *not* engaged in rebellion in order to win their lands back in the Compensation Court.<sup>141</sup>

That the interests of innocent people were likely to be compromised under confiscation, and by the court's activities, was an issue that the Imperial Government

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139. Herbert Brabant to Under-Secretary for Native Affairs, 2 February 1885 (RDB, vol 81, p 31,168, and quoted in 'The Tuhoe Tribal Boundary: An Interim Ngati Awa Response' (Wai 46 ROD, doc H17), para 36)

140. Gilling, p 114

141. V O'Malley, 'Report for the Crown Forestry Rental Trust on the East Coast Confiscation Legislation and its Implementation', February 1994 (Wai 144 ROD, doc A2), p 57



had addressed in correspondence with Grey. It had expressed a concern that land was not to be confiscated from innocent Maori but had qualified this as possibly ‘unavoidable’ in those instances where land was communally owned by rebel and loyal alike. The Imperial Government was, however, prepared to sanction the confiscation of land from non-rebels if that land was considered essential for communications or defence ‘or some similar ground of necessity’. In these instances, they contended that the Compensation Court should endeavour to do ‘complete justice to the claims of every innocent person’.<sup>142</sup>

It is not entirely clear how the Compensation Court went about determining who was eligible for compensation under the terms of the Act, and because claimants had to prove that they had not been rebels, this was to be a critical point for those Tuhoe who appeared before it. Both Marr and Melbourne point to the influence that Wilson brought to bear on the matter, and his selection of counterclaimants as Crown witnesses, often from traditionally hostile hapu, has to be questioned. Furthermore:

under the peace proclamation previous war activity was pardoned and the land in this district was supposed to have only been taken for concealing the murderers. This distinction does not seem to have been considered by the Court and the idea of rebel seems to have been closely linked with the previous wars.<sup>143</sup>

The Settlements Act 1863, at sections 5, 14, and 15, had originally made provision for monetary compensation to be awarded to those found not to have been rebels. However, section 9 of the New Zealand Settlements Amendment and Continuance Act 1865 meant that compensation could be awarded in the form of land anywhere in the same province. Another Act the following year provided for the award of land scrip to successful claimants. In the case of the eastern Bay of Plenty, the Compensation Court awarded land, and on rare occasions, land scrip and property such as eel weirs were returned or offered.

Notification that the court was about to start operations in the Bay of Plenty was gazetted on 3 April 1866. Potential claimants were originally notified in the *Gazette* that they had six months from the date of 17 January 1866 in which to lodge claims to confiscated lands, but the record indicates that some claims were forwarded to the court well after the expiry of this time limit. As Gilling notes, the fact that the Government publicised the deadline three months into the six-month period that Maori had been allowed for lodging claims, would have ‘surely disadvantaged potential claimants in their quest for compensation’.<sup>144</sup> Following notification of the Government readiness to receive claims on 3 April, the Colonial Secretary was forwarding claims to the Compensation Court just a few weeks later in mid-April 1866.<sup>145</sup>

The initial sitting at Opotiki was to have been conducted under Lieutenant-Colonel Lyons, a military officer in the eastern Bay of Plenty hostilities, on 1 October

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142. E Cardwell to George Grey, 26 April 1864, AJHR, 1864, E-2, p 21

143. Marr, p 44

144. Gilling, p 125

145. Fenton to Native Secretary, 19 April 1866 (RDB, vol 122, p 47,069)

1866. However, this sitting was abandoned, however, when it became clear that the district's proclaimed confiscation boundaries were erroneous.<sup>146</sup> These boundaries were amended in the *Gazette* of 11 September 1866, and this mistake necessitated a redefinition of the period for lodging compensation claims. The court decided the period for lodging claims would now be three months from 1 September 1866 (the date of the new Order in Council). A new date for the hearing was set for 7 March 1867 and this was gazetted in early January, a mere two months before the hearings were to commence, as stipulated in the court rules.<sup>147</sup>

The court was operational at a point when there was still general misinformation in official circles about the actual aggregate amount of land that had been confiscated, and when unsurveyed boundaries had not been investigated and corrected. Wilson was still operating under the constraints of intermittent warfare in the district and people were away food gathering or fighting when the court was ready to hear many of the claims. In addition to the confusion caused by the confiscation boundaries, disquiet was expressed over the appointment of Lyons, a judicially inexperienced officer, to sit at the Opotiki court.<sup>148</sup> In the event, Major William Mair ended up presiding at Opotiki with the assistance of Judge T H Smith, who had been appointed a Compensation Court judge in December 1866. Whatever pretence to impartiality may have been assumed by the court, the fact that Mair, too, was a military officer and that Smith had been the Civil Commissioner responsible for organising arresting warrants for the Opotiki invasion, must have rankled deeply with Maori. None of the Compensation Court judges had a legal background but Mair, at least, had been a resident magistrate. H T Clarke, Civil Commissioner at Tauranga, functioned as counsel for Maori claimants in the court and also seems to have occasionally assisted Wilson in out-of-court arrangements for the confiscated lands.

The political circumstances surrounding the establishment of the court have been commented upon by several sources. Gilling, in particular, notes that Whitaker urged the rapid establishment of the court because of Auckland province's perceived need for more settlement land as well as revenue from confiscated land sales.<sup>149</sup> Chief Judge Fenton would later reflect:

I deeply regret having yielded to the pressure put upon me by Mr Whitaker when Agent for the Government, which caused me to fix a Court for the district of the Bay of Plenty before I saw any way to providing for it the attendance of an experienced Judge.

The Proceedings of the Compensation Court for the District of the Bay of Plenty, are the only proceedings that I cannot look back on with some degree of satisfaction.<sup>150</sup>

Wilson was formally appointed Crown agent for the court sittings in April 1867. Representing the Crown in hearing, and in his role as Special Commissioner who had

146. J A Wilson to superintendent, Auckland Province, 11 May 1866 (RDB, vol 123, p 47,462)

147. *New Zealand Government Gazette*, 11 January 1867 (RDB, vol 122, pp 47,099–47,105)

148. See correspondence between Fenton and Native Minister, RDB, vol 122, pp 47,076–47,077, 47,081–47,082

149. See Gilling, pp 62, 139; also H Mead and J Gardiner, 'Te Kaupapa o te Raupatu i te Rohe o Ngati Awa: Ethnography of the Ngati Awa Experience of Raupatu', Te Runanga o Ngati Awa Research Report 4, April 1994 (Wai 46 ROD, doc A18), p 107

150. Fenton to Native Minister, 31 July 1867 (RDB, vol 122, pp 47,155–47,156, and cited in Bennion and Miles, p 87)

organised out-of-court arrangements, Wilson was the key player in court; however, the relationship between Wilson's out-of-court arrangements and the compensation process is not entirely clear. While Wilson was empowered to make these special arrangements with claimants, it seems these agreements still had to be validated by the court. None the less, in court, Wilson's evidence carried a considerable weight and his pre-sitting arrangements were often authorised without any independent inquiry as to whether these agreements were fair or satisfactory. Some Ngati Awa grantees, for example, would later complain that the land returned to them was too swampy or too sandy to be productive. Many individual cases brought before the judges were dismissed where the Crown agent said that they had been settled out of court.<sup>151</sup>

### **3.13 TUHOE CLAIMS TO CONFISCATED LAND IN THE COMPENSATION COURT**

In chapter 1, this report broadly outlined the history of the conflicts between Tuhoe, Ngati Raka, Ngati Kareke, Ngati Awa, and Ngati Pukeko for the control of the fertile Opouriao plains and hinterland. Additionally, some indication was given of the relationship Tuhoe enjoyed with Ohiwa Harbour, and with the Upokorehe people. Both Opouriao and Ohiwa were the subject of Tuhoe claims in the Compensation Court, and rather than repeat that history in this chapter, the reader is directed to consult sections 1.8.2 to 1.8.6 of this report. Tuhoe claimants state that they were denied full opportunity to defend their ownership of these confiscated territories in the 1867 hearings of the Compensation Court, therefore an appreciation of the historical and political antecedents will help to illuminate the somewhat cursory minutes of those court hearings.

#### **3.13.1 Anania Rakuraku claims Ohiwa for Ngai Tuhoe, 7 March 1867, Opotiki**

If accounts of Rakuraku's meeting with Wilson are correct, then by the time the court opened in March 1867, Upokorehe had already been settled on Ohiwa lands. In spite of the role he played in this arrangement, Rakuraku would argue a claim to Ohiwa on the first day of hearings but, as it will be shown, the services this chief had shown the Government did not stand him in good stead before the Judges. Possibly by the time of his appearance, Rakuraku's reputation was sullied enough so that he no longer had leverage with Wilson.

The minutes of this court appearance are not full enough that the exact boundaries of Rakuraku's claim can be determined – it is a claim for 'Ohiwa'. However, a cursory analysis of the minutes of competing claims for Ohiwa suggests that there was a very complicated relationship between the hapu who asserted rights there. Many of the Maori witnesses called by Wilson against claimants, were counterclaimants for land

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151. Bennion and Miles, p 83

in the same general vicinity. In this case, and in a more general sense, the Compensation Court can be seen to have considered Maori customary tenure in a limited fashion only:

It was clearly concerned with trying to establish exclusive ownership rights over particular lands but the evidence of witnesses demonstrated the complex nature of overlapping rights over lands and resources.<sup>152</sup>

The court had to balance claims based on ancestry, ‘toa’ claims or those deriving from conquest, claims by marriage or aroha, and occupational claims, and it clearly had a tendency to favour those claimants who could demonstrate recent occupation, unless of course they were otherwise disqualified as rebels.

Rakuraku stated that he was a ‘chief of the Ngaituhoe’ and that his claim was on behalf of the ‘Ngaituhoe tribe’. The ancestral basis of the claim was descent from the ancestor Tairongo of 12 generations back. He said that they had about 50 fighting men who lived at Te Waimana but he also said that Ngaituhoe and the Upokorehe were the tribes presently living on the claimed land at Ohiwa. Rakuraku tried to explain to the court how these two groups were connected by stating: ‘Neither of them are connected with the Whakatohea, Ngatihokopu and [Ngatihauipara? or Ngatiwharepaia?] and Ngatiawa but [are] connected with the Urewera.’<sup>153</sup>

He then stated that while ‘they’ live within the claim, the ‘whole of it’ belonged to his tribe. Because these minutes do not record the questions Wilson asked of Rakuraku, it is difficult to be certain exactly what the chief meant. Given that his claim was a tribal one for ‘Ngaituhoe’, possibly what he was saying was that he represented those people of Tuhoe and Upokorehe at Ohiwa who were very closely related. ‘They’, the Upokorehe, lived with Rakuraku who represented Tuhoe, the ultimate owners of the land in question. Alternatively, he could have been saying that some Whakatohea and Ngati Awa lived within the area he was claiming but that it really belonged to his tribe, the Ngai Tuhoe.

Hirini supported Rakuraku’s claim, saying that he was the ‘connection between the two tribes’ from Tairona (Tairongo).<sup>154</sup> The land, he asserted, had belonged to them for seven generations. Under questioning from Wilson, Hirini said that the ‘Upokorehe is my tribe’ and that his hapu were so few in numbers they were ‘unable to bring any men into the field’. Wilson prompted him and he then said that were about 50 people who called themselves Upokorehe but Hirini then seemed to say that his people did not belong to that tribe (who might have been Upokorehe more closely related to other Whakatohea hapu).<sup>155</sup> Hirini said that Upokorehe and Ngaituhoe were distinct hapu who had fought each other in the past. He then appeared to explain that not all of the land described in the claim was Rakuraku’s, possibly

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152. Ibid, p 85

153. Compensation Court minutes, Opotiki sitting, 7 March–8 April 1867 (RDB, vol 120, p 46,061)

154. Ibid (RDB, vol 120, p 46,062)

155. This is a guess. For reference, the Compensation Court minutes read (RDB, vol 120, p 46,062): ‘The Upokorehe is my tribe. They are unable to bring any men into the field there are so few of them. (Mentions some 18 or 20 men who call themselves Upokorehe but says they do not belong to that tribe.)’

meaning the land under his personal mana or his hapu's, but that it did belong 'to his tribe'. This was partly why Ngatihokopu and Ngatihauipara lived on part of Ohiwa, through their connections to both Ngati Awa and the 'Urewera'.<sup>156</sup>

Wilson seemed to draw attention to Hirini's admission that the Ngati Awa had rights at Ohiwa too. Hirini confirmed that there had been a lot of fighting at Ohiwa between Ngati Awa and Whakatohea which had stopped when Christianity had been introduced. None the less, Hirini acknowledged that the land 'remained in dispute' but insisted that he and Rakuraku had the 'proper' claim.<sup>157</sup>

Rakuraku had told the court that he did not believe that any Ngaituhoe had fought against either the Government or its Maori allies, but when Wilson cross-examined the chief, Rakuraku admitted being at the battle of Te Tapiri, two years earlier. Cryptically, he said: 'The Urewera lost 8 men. One of them belonged to Ngaituhoe. His name was Meihana. He was killed after I left.'<sup>158</sup>

This admission ought not to have mattered to the court because the battle of Te Tapiri had taken place prior to the Governor's Peace Proclamation of September 1865, which had pardoned this previous war activity. Wilson, however, was undoubtedly trying to illustrate that 'the Urewera' were still a rebellious tribe by focusing on the 'help' Rakuraku had given the Government troops.

Thus, the Crown agent called two witnesses who had accompanied Colonel Lyons' expedition up the Waimana valley in pursuit of Hauhau rebels; one an officer and the other an interpreter for the Government. They were called to refute Rakuraku's protestations that he had not been involved in rebellious activities.

The officer, Jeffs, recounted the story of Rakuraku deliberately misleading Lyons' expedition as to possible routes into the Urewera interior, and told the court that Rakuraku had admitted that several of his young men were with the Urewera Hauhau party. Edwards added that Rakuraku's pa had been disarmed after Rakuraku had denied possessing any firearms.<sup>159</sup>

Wilson also called Maori counterclaimants against Rakuraku and Hirini's claim. Kepa Toihau of Ngati Awa claimed land at Ohiwa through the ancestor Tairona (Tairongo), saying that the boundaries of his land were from Waimana to the sea and to Kaokaoroa. He also claimed by conquests over neighbouring tribes as well as over Ngati Maru from Thames and Ngaitai who, at various times, had invaded the area. He said that he was not aware of the Urewera having fought over Ohiwa but he did know that they had all fought the Pakeha.<sup>160</sup>

Tiwai Piahana and Rewiri Te Rangimatanuku of Whakatohea said that their tribe also had claims within the area claimed by Rakuraku. Whakatohea's boundary ran from 'the sea to Pukenui [Pukinui?] and then inland and along Pukenuioraho'. As far as they were concerned, the Upokorehe 'belong to Whakatohea' and they admitted that all of them had taken up arms against the Government, as had Ngati Karetehe.<sup>161</sup>

156. Compensation Court minutes, Opotiki sitting, 7 March–8 April 1867 (RDB, vol 120, p 46,062)

157. Ibid (RDB, vol 120, pp 46,062–46,063)

158. RDB, vol 120, p 46,061. Perhaps Rakuraku was drawing a distinction between Tuhoe proper and those Ngati Whare killed at Te Tapiri.

159. Ibid, pp 46,063–46,064

160. Ibid, p 46,064

The Compensation Court minutes, which are partial at best, do not record a judgment for Rakuraku's claim but merely note the case closed at the conclusion of Te Rangimatanuku's evidence. However, it appears that Rakuraku tried to make another claim for Ohiwa at the sitting of the court in Whakatane on October 1, and the records in this sitting state that Rakuraku's claim was dismissed because he had been in rebellion.<sup>162</sup>

What follows is a summary of the remaining debate that took place between Tuhoe's counterclaimants to Ohiwa in the court. This research was presented in a Waitangi Tribunal commissioned report for the Ngati Awa and Eastern Bay of Plenty (Wai 46) inquiry.<sup>163</sup>

A subsequent claim for Ohiwa lands, and land extending south to Te Poroa, was made by Henare Whakarongohau and others, apparently on behalf of Ngaitamahaua hapu (it is not clear to the author to which larger iwi affiliation Ngaitamahaua belonged, but possibly Whakatohea). Henare said that Rakuraku and his people, as well as 'the Upokorehe', had a claim to the same lands, apparently discriminating between Upokorehe proper and Rakuraku's group. He also said that Rakuraku was the chief who looked after his and his co-claimants' affairs and lands in the Ohiwa district. Later on in the hearing, a woman called Ritihia claimed the whole of Upokorehe's land, and because the claim register shows about thirty co-claimants, this looks like a claim on behalf of the Upokorehe hapu. She said that it had been agreed between herself and Rakuraku that she pursue this claim. She admitted that the lands claimed by Upokorehe were disputed by Whakatohea and Ngati Awa and also admitted that all of Upokorehe, besides herself, had been in rebellion. Ritihia asked for 300 acres at Ohiwa and said she did not want to be compensated with money, but she was only awarded 50 acres in Worth's survey, on the eastern shore of the harbour.<sup>164</sup> Wilson had already settled Upokorehe at Hiwarau and Hokianga Island at Ohiwa, which possibly explains why Ritihia was awarded this small lot.

Henare Whakarongohau's, Ritihia's and Hirini's evidence seems to uphold the proposition that the chief Rakuraku looked after the land and people of Te Upokorehe. At the same time, an evident distinction was made between Upokorehe 'proper' and those people represented by Rakuraku. This distinction was made by Rakuraku himself, when Wilson was arranging the Hiwarau reserve for Upokorehe with him in December 1866 (see sec 3.11.1) and he claimed Ohiwa in the Compensation Court for 'Ngaituhoe'. Further research on the relationship of Rakuraku with Upokorehe would be desirable, in order to understand the basis of Rakuraku's, and Tuhoe's, mana in the Ohiwa district. Gilling, considering the connection of Whakatohea to Upokorehe, notes that 'whether Upokorehe, especially those led by Rakuraku, could have been claimed as in any way part of Whakatohea was apparently a very moot point. They certainly seemed to have functioned

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161. Ibid, pp 46,065-46,066

162. Ibid, vol 121, p 46,617

163. Bennion and Miles, pp 88-93

164. It is not clear to me whether this would be for herself or whether her 30 co-claimants would also be on the grant.

independently'.<sup>165</sup> Rakuraku's name does not appear on the ownership list for either Hiwarau or Hokianga Island.

Much of the subsequent debate concerning Ohiwa in the Compensation Court was between Ngati Awa and Whakatohea claimants. Kepa Toihau of Ngati Awa claimed on the basis of both conquest and ancestry, and he and his co-claimants cited a division of the Ohiwa harbour that had apparently been previously agreed to by Whakatohea. The boundary which had been established between the two iwi lay at Hokianga, and Ngati Awa seemed determined that the Whakatohea claimants in the court recognise this boundary. Hori Kerei Kawakura, however, challenged the Whakatohea right to Ohiwa on the basis of inadequate occupation, even of the eastern side of the harbour, and his comments suggest that he may have been claiming a large share of Ohiwa in anticipation of losing some to the Crown:

Had the Whakatoheas lived for any considerable length of time on the other side I would not dispute their claim. The river at Hokianga is the boundary. I desire to prove my claim to all beyond the river in order that a portion may be left to me after a portion has been taken for my crimes against the Government.<sup>166</sup>

Whakatohea witnesses, while admitting having been driven from their lands by Ngati Maru (Hauraki) and Ngati Awa, denied having been returned to Opotiki by the agency of Kepa Toihau. Tiopira of Pahipoto had, for example, claimed that Whakatohea were brought back to Opotiki after obtaining firearms from Te Papa (Tauranga), and that Te Kepa had settled Upokorehe at Waiotahi.

The Whakatohea chiefs Rewiri Te Rangimatanuku, Wi Teria and Tiwai Piahana, seemed to argue that any Ngati Awa claim to the whole of the Ohiwa harbour was based on conquest alone, and they attacked the ancestral basis of Kepa's claim:

Those claiming Ohiwa have no right to it or Whakatane. They belong to me. My ancestors owned Whakatane. Ngatiawa ought to return to Rangitaiki where they would have been by this this time but for the Europeans.<sup>167</sup>

They said that they had acquired their own guns after Te Papa which allowed them to return to Opotiki. They said that they landed at Ohope expecting attack from Ngati Awa but this did not occur; they then occupied Uretara Island, in the Ohiwa harbour, without reference to anyone. Tiwai said that Upokorehe were the hapu left at Ohiwa, with the other Whakatohea moving to Opotiki. Tiwai asserted that it was Upokorehe who were living at Ohiwa when the Europeans came, not Kepa nor Hauauru Taipari (of Ngati Maru and Ngati Awa, who had himself lodged a claim for Ohiwa lands). Whatever they thought of the ancestral basis of the Ngati Awa claim to Ohiwa, some Whakatohea witnesses acknowledged the Ngati Awa occupation of the western side of the harbour. Wi Teria and Tiwai Piahana, for example, asserted that the boundary between themselves and Ngati Awa was at Pukenui, presumably further west than the aforementioned agreed boundary at Hokianga. Tiwai did admit, though, that the

165. Gilling, p 110

166. Hori Kerei Kawakura, RDB, vol 120, p 46,113

167. Rewiri Rangimatanuku, RDB, vol 120, p 46,116

Ngati Awa claimants Wepiha, Hori Tunui, and Karanawa (?) had claims beyond Pukenui.

The sales of various parts of the harbour to European settlers were cited by both Ngati Awa and Whakatohea as evidence of the control they felt they rightfully exercised over Ohiwa, and as reasons for escalating conflict over their respective boundaries in the area.

Another interesting point about Kepa's claim is the fact that he admits to being a rebel as do his co-claimants. However, Hetaraka and Wepiha, while admitting they were rebels, made the distinction between themselves, as Kingites, and the Hauhau from whom they were quick to dissociate themselves. Rebels or not, the court decided to award Apanui and Wepiha lands at Ohiwa, while commenting that they had both compromised themselves, and they had to 'trust to the leniency of the Government'. Wilson indicated that he wanted to reserve the right of appeal in Wepiha's case. Presumably, the land awarded to Apanui and Wepiha was in addition to the Ngati Awa tribal reserve provided at Ohope and Orini, which Wilson had negotiated in an out-of-court arrangement with Ngati Awa (see sec 3.10.2). The judgment in favour of these well-known 'tangata hara' caused outrage among Whakatohea, whose own status as notorious 'rebels' in the eyes of the Government, had left them dispossessed of most of their lands, including their tribal interest at Ohiwa.<sup>168</sup>

### 3.13.2 Between hearings, April – September 1867

Almost six months would elapse before Tuhoe presented another claim in the Compensation Court. In the meantime, clashes between Tuhoe and the Government over the surveying and proceeding military settlement of confiscated territories, worsened an already poor relationship. In early April, Wepiha Apanui wrote to William Mair saying that he had been in contact with Hauhau from Tawhana who said that 'peace is in Te Waimana'.<sup>169</sup> It did not appear to be in Opouriao, however, since Mair reported on 17 April that he had ridden up the Whakatane valley to Opouriao and found Tuhoe living there 'in great consternation'. They had received a message from Hohaia and Hori Tunui of Ngati Pukeko saying it was their intention, with Mair and St John's permission, to drive the Tuhoe back 'to the interior'.<sup>170</sup> Some 'of the friendly Urewera' had already left for Ruatoki but Mair reports he was able to prevent 'a general exodus' by the communities there. In an effort to keep the general peace and avert more discontent, perhaps, Mair strongly censured the Ngati Pukeko chiefs.

Mair then visited Rakuraku at Waimana and reported his increasing suspicion of the chief's willingness to reveal his full knowledge of rebel activities. Yet he had also

168. According to Bryan Gilling, after the court's award to Apanui and Wepiha, Wilson was 'beseiged' by Whakatohea and others, who accused Judge Mair of favouring Ngati Awa, because it was understood that rebels were not to be given their land back, and if they had known that notorious rebels could be granted returned land, then they would have claimed Opotiki and Ohiwa. A rehearing of the case was advertised but not held, and Gilling is uncertain as to whether Wepiha ever received his land: Gilling, pp 141–142.

169. Wepiha Apanui to W Mair, 6 April 1867, no 58, encl 4, AJHR, 1867, A-20, p 58

170. Mair to Clarke, 17 April 1867, no 62, encl 1, AJHR, 1867, A-20, p 60



heard, ‘from some of [Rakuraku’s] people’, that Whakatohea planned to murder Wepiha and Te Kepa Hetaraka of Ngati Hokopu (a hapu of Ngati Awa). Possibly, this might have had something to do with the Compensations Court’s judgments concerning Ohiwa.

In May 1867, an attack was made on four military settlers living in a hut near the Waioeka Redoubt, which was not then garrisoned.<sup>171</sup> Two of the men were killed by the twenty-strong force, described as Ngai Tama by Cowan and led by Tamaikoha. At the time, as Mair reported on 27 May, it was not known who was responsible, but Mair thought they were likely to be Whakatohea of the Waioeka gorge, seeking revenge for the death of two of their chiefs at Waiaua in April.<sup>172</sup> A force was sent from Opotiki to scout for the rebels but they were forced to retire because of heavy flooding of the rivers.

Mair also reported that, after Rakuraku’s claim had been dismissed in the Compensation Court, he and his people had left Te Waimana and moved to occupy Hokianga Island in the Ohiwa Harbour.<sup>173</sup> Mair intended to visit him and commented; ‘I am of the opinion that Rakuraku knows far more of the intentions of the Hauhaus than he ever imparts to me’.<sup>174</sup>

Cowan reports that it was at this time that a small volunteer corps of military settlers was established.<sup>175</sup> They were called the Opotiki Volunteer Rangers and they were led by yet another Mair brother, Henry. The disposal of Waimana and Opouriao lands for European settlement was first suggested by Wilson at Rauporoa in 1866 and by the end of April 1867, military settlers had been granted their lots in these areas.<sup>176</sup> The Government encouraged settlement by offering free ammunition, free provisions and free passage in an effort to secure the frontier. The military settlers in the Waimana and Waioeka districts were very vulnerable to guerilla raids from the gorges and ranges of the Urewera hinterland, and they would take part in many forays against ‘rebel’ Tuhoë and Whakatohea hiding in the rugged bush. Cowan records one such Rangers’ expedition led by St John, that concluded with an attack on a kainga Cowan called Pokopoko:

An attack was made on a village about two miles above the present township of Waimana. The Rangers met with a hot reception by Tamaikoha and about a hundred men of the Urewera and Ngai-Tama, but only one of them was wounded; as it happened, he was hit by an old man of the ancient Kareke Tribe . . . Tamaikoha was very strongly posted in the position, and it was decided that further advance would be imprudent. The Urewera were in such a naturally strong position for defence that there would have been heavy loss of life had the attack been carried out. In this affair at Te Pokopoko seven or eight Maoris were killed.<sup>177</sup>

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171. Cowan, vol 2, p 176

172. W G Mair to Clarke, 27 May 1867, AJHR, 1867, A-20, p 67

173. Ibid

174. Ibid

175. Cowan, vol 2, p 176

176. Melbourne, p 103

177. Ibid, p 177

Mair, meanwhile, continued his efforts at gathering intelligence on the political temperament and military intentions of Tuhoe. He said in early June that he had written to St John telling him not to organise any 'great expedition' against rebels until he had received instructions from the Government. Almost as an afterthought, Mair said that he had heard that all of the 'Ureweras' except for Ngati Huri of Maungapohatu, were peaceably disposed; he did 'not put much faith in this though'.<sup>178</sup>

There was, however, some reason to think that not all Tuhoe were mobilised to fight any European intrusion on their land. Melbourne records that:

Although it was not generally appreciated, Tuhoe cooperation up to this time had been quite considerable. During the surveying of the confiscation line from Putauaki to Waimana, under the supervision of Mr Robert H Pitcairn, several Tuhoe people living at Opouriao acted as assistants. Among these were Himiona, Tarakawa and Hikaia. In addition, an armed escort was provided for the survey party by Te Purewa the second and Ahikaiata. These two warriors also extended their services, as escorts into Te Urewera, to soldiers who were in pursuit of Kereopa. This cooperation was extended in the hope of reciprocal consideration from the Government at a later date.<sup>179</sup>

Tamaikoha, however, was determined to continue Tuhoe resistance against the confiscation, which he had begun soon after it had been declared in 1866. He had already disrupted an attempted survey of the confiscation boundary in November 1866 and was successful again in July 1867.<sup>180</sup> Rakuraku had already agreed to accompany the team of surveyors, headed by Robert H Pitcairn, and the party's ammunition was stored at Rakuraku's pa at Te Waimana, named Te Horoera or possibly Horokai. Tamaikoha and his force then apparently occupied the pa, and confiscated the surveyors' weapons and ammunition. Rakuraku would tell St John that his pa had been attacked and he was forced to flee for his life but St John doubted it, suspecting that Rakuraku had colluded with Tamaikoha.<sup>181</sup> St John learned that the party who drove the surveyors away refused to leave Rakuraku a keg of gunpowder, and St John had wanted to disarm Rakuraku but Mair thought otherwise.<sup>182</sup>

There were, as Cowan has recorded, 'numerous raids' by Tuhoe and Whakatohea fighters on the perimeters of the settled districts and on 'friendly' Maori during 1867.<sup>183</sup> While Tamaikoha and his followers directly resisted the implementation of confiscation, it was in this atmosphere that other Tuhoe returned to the Compensation Court to try and regain their lost lands.

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178. Mair to Clarke, 5 June 1867, AJHR, 1867, A-20, p 68

179. Melbourne, p 85

180. Ibid; Sissons, p 127

181. Melbourne, p 127

182. CD 67/3729 (quoted in Melbourne, p 127)

183. Cowan, vol 2, p 177

### 3.13.3 Tuhoe claims to Opouriao and Te Poroa, 12–17 September 1867, at Whakatane

The next Tuhoe claim to be heard in the Compensation Court was that of Akuhata Te Hiko of Ngati Huri or Tamakaimoana hapu of Maungapohatu.<sup>184</sup> His claim to Opouriao was based on the ancestor Ueimua. Akuhata said he claimed ‘through my connection with the Urewera tribe’ and that the greater part of the land he could claim lay outside the confiscated lands.<sup>185</sup> He noted that there were perhaps ten claimants other than himself, including Honi Te Awa and Rakuraku. He denied that he had been in rebellion.

When Wilson cross-examined Akuhata’s witness, Honi Te Awa (who was presumably the person said to be a co-claimant), the court minutes state that Honi acknowledged he was of the Urewera tribe and said he knew Akuhata, but he did not know Akuhata’s land. Presumably he meant that he did not know where Akuhata and his people could claim in the confiscated territories, but he then continued under cross-examination to say that ‘[O]pouriao does not belong to claimant’.<sup>186</sup> Again, we do not know what question Wilson asked that produced this answer. However, it could be that Honi was acknowledging that Akuhata could not solely claim Opouriao, or that Ngati Huri alone would not be able to lay claim to the land. Possibly, Akuhata might have referred to rights of conquest deriving from the assistance Ngati Huri rendered Ngati Rongo in defeating Ngati Raka in 1822. Given that Ngati Rongo and other Tuhoe hapu shared in the lands seized from Ngati Raka, he and Ngati Huri would not then be the only owners.

The Crown then called its witnesses, Hohaia, Hori Tunui and Meihana of Ngati Pukeko. Hohaia said that he knew the lands claimed by Akuhata and some of the boundaries that Akuhata must have given the court. He then said that some of the land was Ngati Rangitihī’s and that the Urewera tribe would have no claim through them. As to the rest of the claim, he said that Opouriao had been in Ngati Pukeko’s hands for the last five generations and no one had wrested it from them. Admitting Tuhoe presence and cultivations at Opouriao, Meihana said that it was tolerated under the mana of Ngati Pukeko who allowed Tuhoe access to European trade on the coast.<sup>187</sup>

When Wilson had asked Meihana about Akuhata’s ancestral claim, his witness had replied that all of the tribes in the area had sprung from Ueimua. When subject to questioning by claimant counsel, H T Clarke, Meihana stated: ‘Ngatihuri have a claim through their ancestor to this land. It belonged to the Kareke tribe, they had no connection to the Urewera tribe.’<sup>188</sup>

Meihana appeared to say that the ancestor upon whom Ngatihuri laid an ancestral claim, was shared by all tribes in the area, but it was Te Kareke who had held and

184. Compensation Court minutes, Whakatane sitting, 9 September–1 October 1867 (RDB, vol 121, pp 46,511–46,513)

185. RDB, vol 121, p 46,511

186. *Ibid*, p 46,512

187. *Ibid*

188. *Ibid*

occupied the land. Meihana and his fellow Ngati Pukeko claimants argued that the lands to the east and west of the Whakatane River were thus acquired by conquest when Ngati Pukeko and Ngati Awa defeated Ngati Kareke at Te Poroa in 1800. They stated that, since this victory, they and Ngati Awa possessed the lands around Te Poroa and Opouriao. Questioned by Clarke, Hori Tunui denied that Ngatihuri had anything to do with this fighting. Akuhata Te Hiko's claim was then dismissed by the judges and no reasons were cited.

It does not appear that Akuhata or his fellow claimants had an adequate opportunity to debate the Ngati Pukeko assertions of ownership, or explore the question of the extent of the Ngati Kareke land holdings within the area claimed. Tuhoe have argued that Ngati Pukeko did not follow up their victory at Te Poroa with continuous occupation of all of the Opouriao lands, whereas the Tuhoe defeat of Ngati Raka had resulted in their hapu occupying much of the land in question. Moreover, Ngatihuri had assisted their Ruatoki kin to inflict defeat on Ngati Raka on several occasions.

By the time Tuhoe's claims had come before the court, it must be recalled, Wilson had already arranged that the lands on the western side of the Whakatane River, and also some grants within the Government-held lands to the river's east, would be returned to Ngati Pukeko. Wilson had also already planned military allotments on the lands the Government retained in the east. As if this did not already disadvantage Tuhoe claims, the court in its first sitting at Opotiki, had already ruled that Ngati Pukeko's conquest of Ngati Kareke had given them priority rights and occupation at Te Poroa, Opouriao. This extract is from a report presented in the Eastern Bay of Plenty inquiry, of the which the present author was a co-author:

Another claim for land at Opotiki was made by Te Whariki and several co claimants who belonged both to [Ngaitama of Whakatohea] and Te Kareke. He claimed land at Opotiki between the Otara river and Waioeka citing descent and said that when he went to live at Rotorua, he left his sister in Opotiki (presumably to keep the land for him). Te Whariki claimed land at Ohiwa, Waimana and Te Poroa by descent from the original owners of the land. Admitting that Kareke had been beaten by the Ngati Awa and dispersed from Te Poroa, Te Whariki maintained that they were in no way vassals of either Ngati Awa or Whakatohea. He said that some Kareke had returned to Te Poroa in the fifth generation of their absence.

The chief Kaperiere of Ngati Pukeko disputed Te Whariki's evidence concerning the conquest of Kareke lands. He said that Ngati Pukeko claimed the land at Te Poroa, Waimana, Onekawa and Wainuitohora and said that Kareke had been absent, as an independent group, for the past five generations. He argued that the Kareke were dispersed among several tribes:

They are half castes and claim though their connection with the tribes into which they have been incorporated.

When asked if the Kareke who resided with Ngati Pukeko cultivated and exercised ownership of the land, Kaperiere said that they did through their incorporation with Ngati Pukeko and not as Kareke.

Wilson addressed the court at the finish of this evidence, pointing out what he considered the slight claim Te Whariki had made to any land at Opotiki ‘being at best but guardians of the tribe there’ and having not shown any proof of claim to lands near Whakatane (Te Poroa). Wilson urged the court to dismiss the claim.

However, the court upheld some of Te Whariki’s claim:

The Court is of the opinion that the claimant has proved his connection with the Ngaitama hapu of the Whakatohea also with Te Kareke. The latter appear originally to have been owners of considerable tracts of country and they have a certain right therefrom; however, their best claim is from having been incorporated with the conquering tribe although it does not follow that when a tribe is conquered it loses all claims to its lands as many instances have occurred in Government land purchases where after the money has been handed to the sellers of the land, the conquerors, a portion has been voluntarily made over to the enslaved tribes, Te Wariki [sic] does not appear to have upheld his claims to Te Poroa nor to have joined himself to the Ngati Pukeko who are in occupation of that land. Still he has made out a good claim to land at Opotiki. The Court therefore awards 35 acres of good land to be selected by the claimant and the Crown Agent in Ohiwa.<sup>189</sup>

On the same day that Akuhata Te Hiko’s claim was heard, Hoani Takurua appeared with a claim to Opouriao.<sup>190</sup> Hoani claimed ‘from the Kareke tribe’ and from the ancestor Ueimua. He claimed to represent 50 others and said that his fire had burnt at Opouriao constantly. He also said that ‘Makarini has been holding the land for me’. Te Makarini was a Tuhoe chief of rank in the Ngati Koura, Ngati Muriwai, Ngai Te Riu and Ngati Hinekura hapu, who would later appear before the court with a separate claim to Opouriao land.<sup>191</sup>

Under cross examination, Hoani Takurua said that he had never cultivated the land and that his parents were of Ngati Awa and Rotorua hapu. Wilson then questioned Te Makarini, acting as a witness for the claimant, who stated that he knew the land and the claimant, and admitted that Hoani had never cultivated the land. He did say that the claimants’ ancestors had lived on the land but was then apparently questioned about his ‘war record’ in an effort, perhaps, to undermine his credibility, as he stated that he had never taken up arms against the Government and had been forced to go to Te Tapiri.<sup>192</sup> Honi Te Awa was then called and the record says simply that he said he belonged to Ngati Rongo and that he did not know the claimant.

The case for the Crown then proceeded with Wilson calling further Ngati Pukeko witnesses. Kaperiere said he was a chief of the Ngati Pukeko but connected with Te Kareke. He said the boundary set down by the ancestor Ueimua, ran from Opouriao to Raungaehe. Five generations ago, he continued, those boundaries were ‘disregarded’ by Ngati Pukeko who took Te Kareke’s land, which he described as extending beyond the Government’s southern confiscation line. In effect, he was saying that Ngati Pukeko thereby had rightful possession of land at what would be Ruatoki district. Kaperiere said that Te Kareke had been scattered amongst different

189. Bennion and Miles, pp 102–103 (citing RDB, vol 120, pp 46,378–46,382, 46,391–46,392)

190. RDB, vol 121, pp 46,514–46,515

191. W Milroy, ‘Tamarau Waiari’, in *1870–1900*, p 499

192. RDB, vol 121, p 46,514

tribes after their defeat and had petitioned Ngati Pukeko to let them return to Opouriao but this had been refused. He went on to state that Ngati Pukeko's neighbouring tribe were the Ngati Rongo of Tuhoe, and that the boundary between them was at Otenuku (Ruatoki, south of the confiscation line). Both Hoani Takurua and Te Makarini were of Ngati Rongo according to the witness, and he had never heard of Hoani's father's hapu – the Ngatienukurariri (?) – living in the Opouriao valley. Questioned by the counsel for the claimants, Kaperiere reaffirmed that Ngati Awa and Ngati Pukeko held the land by a right of conquest.<sup>193</sup>

Another Crown witness, Hohaia, confirmed that the witnesses Te Makarini and Honi Te Awa were of the Ngati Rongo hapu of Tuhoe and stated that he knew personally that all of that hapu were rebels. Further, he said that he did know of the hapu Ngatienukurariri (?), they were descended from a sister of Ueimua's but that many generations had lapsed since then and their people had not cultivated the land.<sup>194</sup> Hoani's claim was then dismissed and no reasons were cited.

### 3.13.4 Te Makarini Te Wharehuia claims Opouriao, 17 September 1867

On 17 September 1867, the Tuhoe chief Te Makarini appeared in court to prosecute a claim for land at Opouriao. He stated that he belonged to the Ngatimuriwai and Ngatitoroa hapu but did not say who, or how many people, he purported to represent. He did, however, give the oral boundary markers of the land he claimed: Whakarewa, Opouriao, Te Mapara, Te Umuhapuku, Kaimatahi; 'and on the other side', Orangitihi, Te Tokatapu, Te Houhi, Te Totara, Te Awahou, Takiritaua, and Paharehare. He then gave his whakapapa from the ancestor Ueimua to his mother, Hinekura. Te Makarini said that he and his people, including Hoani and his mother, had all lived on the land and held it by force.

Wharehuia Milroy has written that Te Makarini and his wife went to Orakau in 1864 and upon their return, resided at Otenuku in Ruatoki, Te Purenga in Ruatoki South, Raroa in Waimana North, Opouriao near Taneatua, and Owhakatoro to the west of Taneatua.<sup>195</sup> After the battle of Te Tapiri, Te Makarini is said to have brought the heads of enemies as trophies back to Puketi Pa in Opouriao where he resided. Cross-examined by the Crown agent, Te Makarini confirmed that he had lived at Opouriao during the hostilities, and stated that he was forced to go to the battle of Te Tapiri, but he does not say by whom. He told the court that he was a chief 'of the Urewera tribe' but then said that he had lost his influence 'in consequence of being a Queenite'.<sup>196</sup> He said that after the fighting at Te Awa o te Atua and Opotiki, 'all Whakatane became Queenite' – did he mean that all the people at Whakatane, himself included, became Government supporters? He said he had been at Whakatane, and had seen Hohaia there (Hohaia, Wilson's Ngati Pukeko witness?),

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193. Ibid, pp 46,514–46,515

194. Ibid, p 46,515

195. Milroy, p 500

196. RDB, vol 121, p 46,563

‘when Apanui’s war party went to Maketu’. Te Makarini stated that he went as far ‘as Te Awa o te Atua. I was going to join the Arawa but was not permitted to go on.’<sup>197</sup>

Hoani Takurua was then sworn in support of Te Makarini. He said that he was descended from Ueimua, through the Ngaitoroa, although his father was an Arawa. Hoani said his mother had cultivated the land right up to when Europeans had arrived in Whakatane. After a battle at Rangitaiki, his family went to Rotorua. While he admitted that Ngati Awa and Ngati Pukeko had cultivated some of the land, he argued that the land had been in ‘undisputed possession’, presumably meaning by Tuhoe-related hapu, ‘down to my time’.<sup>198</sup> He also said that he had fought on the side of the Government. When Wilson questioned him, Hoani said that Ngati Awa and Ngaituhoe (?) drove Te Kareke out of Te Poroa in his father’s time, and the remnants were spread among other tribes. He could not say whether Te Kareke had cultivated at Otenuku.

Hoani Piwekeweke was the second witness who supported Te Makarini. He said that he descended from the Ngatimuriwai (a Tuhoe hapu) of Opouriao. He knew the lands of Ngaitoroa and gave their boundaries as: Te Waro, Tokotapu, Papa-a-Tawa, Te Totara, Pohuenui (?), Te Awahou, Paharehare, Whakarewa, Opouriao, Te Mapara, Te Umuhapuku and Roimata (?).<sup>199</sup> He said that the claims of Hoani and Te Makarini were just because Ngatimuriwai had always held those lands. He admitted that Ngati Awa had occupied Opouriao and that his people had left Te Poroa because of the Nga Puhi raids, but said that they came back ‘of their own accord’ to the land after making peace with Ngati Pukeko. Piwekeweke also said that ‘we received the Kareke after their defeat at Te Poroa’.<sup>200</sup>

Hori Tunui followed this evidence, introducing himself as a chief of the Ngati Awa and Ngati Pukeko. He said that he knew the lands claimed by Te Makarini, asserting that they had once belonged to Ngaitoroa but the land had been wrested from them by Te Kareke. Then, of course, he recounted how Ngati Awa and Ngati Pukeko seized Te Kareke’s land which they had held since then. Hori said that Ngaitoroa were scattered among various people in much the same way as Te Kareke were. Hori admitted that there were Tuhoe living at Opouriao but said it was because he had made peace with the Urewera and then invited ‘the present occupants of the land to live there’ so that they could be closer to trade with the Europeans.<sup>201</sup> While Tuhoe occupied this land, Hori had ‘sole control over it’ as the principal owner. He had not, however, ever cultivated the land but his father had.

Te Meihana of Ngati Pukeko was then called and told the court that he was connected with Te Kareke, Ngaitoroa, and other tribes. After recalling the rights of conquest Ngati Pukeko held over Kareke, he repeated that his people had given Te Makarini permission to live at Opouriao ‘in the last five years’ but they had never granted Hoani rights to return. He also stated that Te Makarini had been a rebel like himself. The counsel for claimants then seemed to refer to fighting between Ngati Awa

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197. Ibid

198. Ibid

199. Ibid, p 46,564

200. Ibid

201. Ibid

and Ngati Pukeko and Tuhoe people. He had also apparently asked this question of Hori who had said that the cause of fighting was not about the land. Te Meihana said the killing of Pakipaki had caused this unspecified trouble and ‘we drove them away but they would have been permitted to return if they had wished to do so in a short time’.<sup>202</sup> Presumably, claimant counsel had been investigating Tuhoe’s contention that the terms of the peace agreement between Tuhoe and Ngati Awa–Ngati Pukeko left Tuhoe with control over much of Opouriao and that they resided there by right after fighting for the land.

Hohaia followed this with testimony that supported the evidence of the two previous witnesses. Referring to the claimants, he said that they were ‘not the proper men to have control of that land’ and added that he had ‘seen’ the rebellion of Te Makarini. Hohaia said that when the people at Whakatane became Kingites, ‘Makarini proposed that he should live constantly with me. I consented’.<sup>203</sup> Giving evidence that he had seen Te Makarini follow a war party north, he said Te Makarini had returned with a gun but he did not know whether he had fought against the Government. Te Makarini’s claim was then dismissed and, as in other cases, no reasons were recorded.

According to Milroy, Tuhoe’s claims in the Compensation Court were dismissed because of their participation in the defence of Orakau in 1864, their alleged participation in the killing of Volkner and the sheltering of Kereopa, and their illegal possession of firearms.<sup>204</sup> It became clear that Tuhoe’s reputation as ‘notorious rebels’ had preceded them if the court minutes are any indication of the issues that preoccupied the hearings, and it would have been very difficult for any Tuhoe claimant to prove that he or she had not been a rebel. Tuhoe involvement at Orakau ought not to have disqualified them from compensation, given that this activity was pardoned by the Governor’s Peace Proclamation of September 1865. But Ngati Pukeko and Ngati Awa Crown witnesses, having agreed to Wilson’s division of the Opouriao–Te Poroa lands amongst themselves, were at pains to highlight Tuhoe’s rebel status. Melbourne has also pointed out that Mair and Clarke were informed by St John on 15 September that he had received word from the ‘Uriweras at Ruatoki’ that they meant to fight for their lands, and that this may have influenced their judgment of Tuhoe claims to Opouriao.<sup>205</sup> Additionally, on 12 September, even before Te Makarini’s claim had been dismissed in court, an attempt was made to burn the Waioeka blockhouse, but the raiders were driven off.<sup>206</sup> This would have undoubtedly been attributed to Tamaikoha.

Melbourne has suggested that the Compensation Court and Wilson were more sympathetic to the evidence on tribal interests given by Tuhoe’s rivals, particularly the surrendered Ngati Pukeko.<sup>207</sup> Marr also suggests that Wilson identified and supported favourable witnesses in return for their support of his arrangements.

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202. Ibid, p 46,565

203. Ibid

204. Milroy, p 500

205. Melbourne, p 84

206. Cowan, vol 2, p 177

207. Melbourne, p 74



Tuhoe claimants had clearly failed to prove to the court’s satisfaction that they had not been rebels, even though any alleged Tuhoe involvement in the killing of Volkner was not even debated, let alone demonstrated. The onus of the settlements legislation, however, left the burden of the proof of innocence squarely on Tuhoe claimants, and this meant that the Crown agent did not have to prove that the Tuhoe claimants themselves were involved in hindering or resisting the expedition sent to arrest Kereopa. Further, the whole iwi was informally judged as responsible for the actions of the resistance, which was fighting Government troops and settlers even as the hearings proceeded. The Compensation Court was meant to discriminate between those claimants who had been in rebellion and those who had not, but in the case of Tuhoe claimants, scrutiny of this issue appears to have been confused (though this may be an impression generated by the inadequate recording of proceedings).

### 3.14 WAS ANY LAND RETURNED TO TUHOE?

In spite of the difficulties facing Wilson at the time, he was able to report on the arrangements he had made after the first Compensation Court hearing in Opotiki, in June 1867.<sup>208</sup>

1. Probable error in not establishing the confiscated boundary by trig observation	5000
2. Given to Arawa tribe	87000
3. Act not enforced in eastern portion of the district, over	57000
4. Given back to rebels	96000
5. Unarranged	38000
6. Given to claimants by award, by arrangement, and abandoned	5442
7. Balance to Government	151558
<b>Total Confiscated</b>	<b>440000 acres</b>

The 87,000 acres given to Te Arawa lay at the western end of the confiscation district, between Te Awa o te Atua and the Tarawera River. At the eastern end of the block, to the east of Opape, lay a segment of 57,000 acres that was technically abandoned by the Crown. This had been Ngai Tai and Whanau a Apanui land. Commenting on the 96,000 acres ‘given back’ to rebels, Wilson said:

the giving back is but nominal, for the Natives would not have given it up. But I was required to make the best arrangement I could effect, and now that the surveys are advanced, I find that about 58,000 acres were thus obtained.<sup>209</sup>

It is quite unclear from whom 58,000 acres were so ‘obtained’, and why there was such a large difference between this figure and the 96,000 originally estimated to have been returned to rebels through Wilson’s arrangements. The 5442 acres, presumably, mostly represent those lands returned through Compensation Court awards, mainly

208. ‘Return of Reserves Made for Friendly Natives and Returned Rebels’, AJHR, 1867, A-18, pp 1–3

209. Ibid, p 1

to relatively small groups or individuals, as opposed to Wilson's arrangements for larger hapu and iwi reserves. There was about 18,000 acres of agricultural land within the 'given back' and 'unarranged' categories, the rest being 54,000 acres of swamp or 62,000 acres of mountainous country, half of it very barren, and Gilling concludes from this that 'the greatest area which could ever be available to Maori for cultivation and self-support was about 4% of their original lands'.<sup>210</sup>

Of the balance of 151,558 acres available to the Crown for settlement, 75,000 acres was noted by Wilson as 'saleable land' which, barring township sites, would yield an estimated revenue of £31,750.

The second part of Wilson's June 1867 report comprises schedules of Maori reserves in the confiscation district. Wilson lists reserves for loyal and rebel Whakatohea, Ngati Pukeko and Ngati Awa, Upokorehe, and Te Pahipoto-Ngaitamaoke hapu but no mention is made of any reserves for Tuhoe hapu. In addition, there were another four reserves totalling 112 acres which had not been finalised.<sup>211</sup> Various others of Wilson's schedules are collated in the *Raupatu Document Bank*, which describe the boundaries of reserves Wilson made in the Matata, Rangitaiki, Waimana, and Waioeka parishes. These reserves are for small, individual lots and at any rate, appear to be incomplete. Other lists of grants made by the Compensation Court are reproduced in the *Raupatu Document Bank* and are, again, incomplete, and it is not possible for the writer to determine whether any of the listed grantees are Tuhoe names or not. Claimants may be able to clarify this point in their submissions to the Tribunal.

In 1873, the Native Minister received a report which detailed how the Bay of Plenty confiscated lands had been disposed; this schedule is shown below (emphasis added):

**Return of Confiscated Lands in the Bay of Plenty**

1. compensation to 1074 loyal natives	96,261
2. lands to 1717 surrendered rebels @ 61 acres each	104,952
3. given back to Arawa	87,000
4. lands surrendered <sup>212</sup>	40,832
5. military settlers	23,461
6. university endowments etc	10,325
7. old land claims	3,832
8. miscellaneous	10,930
9. error in former estimate	5,000
10. land sold	98
11. <i>land given to surrendered Urewera</i>	500
12. balance in hands of Government	56,809
<b>Total</b>	<b>440,000</b>

210. Gilling, p 148

211. Following this report were three schedules outlining awards made to individuals in the Compensation Court, awards made in the court but not finalised, and awards deriving from arrangements made with Wilson; see AJHR, 1867, A-18.

212. This surrendered land refers to the land in the east of the confiscated district, comprising Ngai Tai and Whanau a Apanui land, where confiscation was not implemented and had, in Wilson's words, been 'nominal'.

Unfortunately, the categories of this return differ from those used by Wilson in his initial report in 1867, while still reaching the 440,000-acre total that he had arrived at.<sup>213</sup>

What is of interest from the point of view of this report is the sum of 500 acres cited as ‘given to surrendered Urewera’. The writer has not been able to determine to whom this land was granted, in what portions, or where it is located, because surviving records are incomplete. Compensation Court minutes aside, there is very little information detailing Tuhoe involvement in these land grants and how they were determined. However, there is a suggestion that about 500–600 acres of land was promised to the Ngati Whare and Patuheuheu hapu of Tuhoe, after their surrender to the Government in 1870, and their relocation to the Government reserve of Te Putere, near Matata.<sup>214</sup> McLean apparently promised these hapu land on the coast if they remained peaceful and law-abiding, in the hope that they would assimilate through contact with Europeans and commerce in the Bay of Plenty.<sup>215</sup> Wilson awarded several eel weirs to Ngati Whare and Patuheuheu, as ‘the people appear to think more highly of them [eels] than of other food’, but Armstrong and Parker can find no evidence that Te Putere was in fact legally returned to Maori ownership.<sup>216</sup>

Additionally, several Tuhoe names appear on schedules of returned lands. One schedule of grants for individual lots (which noted that these lots had not been issued Crown grants) lists the name of Rakuraku.<sup>217</sup> A *Gazette* notice dated 14 November 1874 detailing schedules of awards of the Compensation Court and Crown agent Wilson to *loyal* Maori shows a grant of 40 acres at Whakatane made to the Patuheuheu and Ngati Whare hapu – perhaps this 40 acres was included in calculations of the sum returned to Tuhoe. Interestingly, Tamaikoha, previously deemed a notorious rebel by the colonial forces, was later awarded two one-rood sections in Opotiki at the request of the Native Minister.<sup>218</sup> These few parcels of land were a very small award in the light of Tuhoe’s large claims to land within the confiscation district.

### 3.15 POSTSCRIPT: TUHOE ATTEMPTS TO REGAIN CONFISCATED LANDS

#### 3.15.1 Tuhoe petition Brabant at the hui of Te Whitu Tekau, Ruatahuna, 1874

Following the establishment of peace with the Government in 1871, Melbourne describes Tuhoe’s mood as grimly ‘introspective’, with Tuhoe leaders continuing to

213. For example, the figure of 40,832 acres listed as ‘lands surrendered’ is presumably the same land, estimated in 1867 to be 57,000 acres, categorised as ‘abandoned’ by Wilson.

214. David Armstrong and Brent Parker, ‘Te Putere Reserve’ (Wai 46 ROD, doc M13), vol 1, pp 2–3

215. *Ibid*, p 3

216. *Ibid*, pp 2, 5

217. See RDB, vol 120, pp 46,307–46,308. A cross next to Rakuraku’s lot and a remark ‘not granted’ are the only information that this schedule bears.

218. *Ibid*, vol 123, pp 47,278–47,279. This award was possibly in recognition of the ‘kohuru’ suffered by Tamaikoha when his settlement was attacked by St John in 1870, after the chief had made peace with Te Keepa: see sec 4.6.

pursue the matter of the return of their confiscated lands.<sup>219</sup> It became clear from correspondence written by Brabant, the resident magistrate at Opotiki, that Tuhoe chiefs who had visited Napier believed that they had secured some sort of undertaking from Locke that the Bay of Plenty confiscation boundary would be ‘moved’.<sup>220</sup> A later petition to the Government, dating from 1920, also refers to a promise having been made by McLean to return Tuhoe’s confiscated land (discussed below). The evidence for this ‘promise’ is scant, and the nature of any discussions between Locke, McLean, and Tuhoe on the matter remains obscure. Reporting on his meeting with Tuhoe in Ruatahuna in 1874, Brabant stated that he:

ascertained from conversations with various chiefs that they expected Mr Locke would move the confiscated line on the Bay of Plenty side, the several chiefs of the Urewera who had lately visited Napier having promulgated this idea.<sup>221</sup>

Kereru made it clear that he believed he had reached an understanding with Resident Magistrate Locke, and pointed out that the Government had previously changed confiscation boundaries:

The land was taken by the Government. They said it was a permanent boundary; but the line has been moved at Turanga and at Waikare. Mr Locke said the boundary would be moved; then the map was torn in his office, and it was done.<sup>222</sup>

The political will to carry out this ‘promise’, if indeed it was ever made, appears to have dissipated fairly early, however, and Brabant reassured the meeting that he had recently received a telegram from the Government making it clear that the confiscation was a kupu tuturu – the line would not be moved.<sup>223</sup> Tuhoe opinion was divided over what to do about the Government intransigence on the matter. According to Brabant, ‘the Urewera generally’ were in favour of acknowledging the line and petitioning for lots within it.<sup>224</sup> Tamaikoha and Hira Tauaki, the latter said by Brabant to be influential, apparently supported this stance. Tamaikoha stated that he had told Mair and McLean that he would not acknowledge the confiscation boundary: ‘However, I have acknowledged it, as I am living here within it. Also, I made a road for the Government, but I said let it stop at the line. Mr Brabant consented to that. In this way we agreed to that line’.<sup>225</sup> Wiremu Kingi of Ngaitai, who had accompanied Brabant on this occasion, tried to assert that the confiscated lands had not belonged to Tuhoe anyway, but this was refuted by Tamaikoha:

I resign my claim to the confiscated land. I don’t acknowledge what Wi Kingi says to be correct. It did belong to me. The *Whitu Tekau* didn’t give it up. Our chiefs lost it. The

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219. Melbourne, p 132

220. H Brabant, ‘Native Meeting of Urewera Tribes’, 1 April 1874, AJHR, 1874, G -1A, pp 1–5

221. Ibid, p 2

222. Ibid, p 4

223. Ibid

224. Ibid, p 3

225. Ibid, p 4

chiefs now say that Mr Locke [resident magistrate, Napier] and the *ture* will return it to us. If it is returned, it is well, but we shall not insist on it.<sup>226</sup>

From the notes taken by Brabant at this meeting, there remains an impression that some of the Tuhoe prepared to acknowledge the confiscation boundary were doing so because they wished to lease land, something that was banned by Te Whitu Tekau. Possibly, it was seen that to support Te Whitu Tekau in refusing to accept the confiscation endangered or somehow precluded leasing to the Crown. The intersection of the two issues was suggested by Wi Patene of Te Houhi, who had taken lease money from the Government agents Mitchell and Davis.<sup>227</sup> He said:

I am satisfied with the confiscated boundary. I have taken the Government money. It was for land . . . Now the 'Seventy' wish the lease given up to them. It is a question if they are strong enough to undertake it.<sup>228</sup>

Hemi Kakitu, too, disavowed central Tuhoe control over the lands he considered his own. Some of this land, it appears, was confiscated land which had been returned by the Government (possibly this referred to the Hiwarau block and Hokianga Island because Hemi's name is on Wilson's schedule for these lands): 'I have land in the confiscated boundary, some of which the Government gave me and some I bought. I shall take charge of those lands myself.'<sup>229</sup>

There seemed to be an implicit equation drawn between the acceptance of Government money, or *kuira* (lots within the confiscated boundary), and the acceptance of the status quo in respect of the confiscations.

Other Tuhoe were less prepared to accept the loss of the confiscated territories. The 'chiefs' referred to by Tamaikoha appeared to be represented by Te Ahikaiata (the secretary of Te Whitu Tekau), Paerau, Tutakangahau, and led by Kereru Te Pukenui of Ngati Rongo, an emerging post-war leader, who had been influenced by Henare Koura. The latter had encouraged Tuhoe and other tribes to engage a lawyer to pursue a petition to the Court of Chancery in England.<sup>230</sup> Brabant clearly thought this had little chance of success but, correctly, pointed out that this strategy was, at least, a legal means of pursuing redress and obviously significant at the time. Wepiha Apanui was present at this meeting and had compared the confiscated land to cooked fish and 'Native' land to raw fish. Kereru, extending the metaphor, stated:

I can deal with the cooked fish, give me over the raw. Give us over Ohope and the rest of the *papa tipu*, which has been given back to you; that is still raw if it is in your hands.<sup>231</sup>

Hetaraka Te Wakaunua had also asked Ngati Pukeko to hand over their lands within the confiscated boundary, to the control of Te Whitu Tekau, a request which

226. Ibid

227. The lease Wi refers to was possibly that for Kuhawaea or for Waiohau.

228. Brabant, p 4

229. Ibid

230. Ibid, p 3

231. Ibid, p 4

was naturally declined. Kereru's statement seems to imply that he had not digested the fact that the returned *kuira* were not in fact 'raw' – they had been returned under Crown Grant, and were subject to the jurisdiction of the Native Land Court. This was a point made by Brabant in reply, who said the Government would not allow Ngati Pukeko and Ngati Awa to 'give over' their *kuira* to Tuhoe to look after; 'Their land, however, which they hold by Native custom, is different; that lays with them'.<sup>232</sup>

Kereru was also adamant that Tuhoe had had land wrongfully taken, and had not committed any crime:

I adhere to my boundary. I and the *ture* will be strong enough to move the line. I shall carry it to Auckland, to Wellington, and even to the other side of the water. I shall be right because the law is on my side. The Government stole the land. They have made restitution at Turanga. The Government said they took land for our fault; we never committed any fault.<sup>233</sup>

Brabant angrily waived the issue of confiscation by saying that it was something that had been settled long ago and that Tuhoe 'owe[d] it to the clemency of the Government that the spot on which we stand was not confiscated too'.<sup>234</sup> This hui at Ruatahuna adjourned with Tuhoe no more united on the issue than they had been at the start of the meeting, but it had been made clear that the Government would not negotiate on the boundary.

### 3.15.2 Tuhoe petitions to the Government and Sim commission, 1927

In spite of this seeming intransigence on the part of the Government, the question of confiscation was not left in abeyance by Tuhoe. According to Melbourne:

Kereru's ideas had left them [Tuhoe] pondering the possible merits of lobbying Pakeha political and judicial institutions. This eventually opened the way for Tuhoe petitions to Government. While it was Kereru who provided the idea, it was left for others to put it into practice.<sup>235</sup>

Tuhoe chiefs such as Te Makarini, Te Wakaunua and Tutakangahau continued to write to the Government during the 1870s, seeking restoration of the confiscated territories. Melbourne has noted one petition sent to the Government by Takiwa Te Wakaunua of Ruatoki in 1878. He was careful to lay the blame for the neglect of Tuhoe claims at the feet of the previous Ministry, but H T Clarke's reply made it plain that the Government still considered it had rightfully taken Tuhoe lands for the 'sins' of the tribe.<sup>236</sup> Another petition was sent to the Native Minister in 1903 by Wi Te Purewa, for the restitution of Opouriao lands. Under-secretary Waldegrave commented:

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232. Ibid, p 5

233. Ibid, pp 4–5

234. Ibid, p 5

235. Melbourne, p 134

236. Ibid, pp 136–137

I am unable to afford any information on the subject. The petitioners seem to wish to challenge the confiscation after the war, but I submit that it is too late to re-open the question now.<sup>237</sup>

The Native Affairs Committee decided it had no recommendation to make in respect of Wi's petition.<sup>238</sup> Melbourne notes that the 1920s saw Tuhoe make a concerted effort to gain Government attention over their confiscation grievances. A petition which came to be known as Te Kapo's petition, was signed by Te Kapo o Te Rangi Keehi and 237 other Tuhoe at Ruatoki and was dated 4 September 1920. This petition, which purported to be from 'the tribes of Tuhoe', maintained that Tuhoe had had no part in the killing of either Volkner or Fulloon and that Tuhoe had not resisted the troops sent to the Opotiki and Whakatane districts. It pointed out that while Kereopa had sought refuge in the Urewera, Tuhoe were, in the end, largely responsible for his eventual capture. The petition stated that Fulloon had been killed by the Ngati Houhiri hapu of Ngati Awa and because Fulloon was partly Tuhoe, the Tuhoe tribe had suffered doubly with the murder of their kinsman and the confiscation of their land. The petitioners also pointed out that McLean had promised to return their confiscated land and that they were disappointed in the Government's response to Te Purewa's petition.

Waldegrave, however, was again unable to find any information on the allegations contained in Te Kapo's petition and referred the Native Committee to his opinion of 1903.<sup>239</sup> Tuhoe persevered:

Tuhoe's efforts to push their claims for investigation by Government, continued to be characterised by optimism and enthusiasm. . . . To back the points in Te Kapo's petition, Tuhoe established a Komiti Raupatu (committee on confiscation) in 1923. This committee was responsible for the planning and directing of all tribal efforts towards the success of their petition of 1920.

The Komiti Raupatu's first activity was to provide a scheme to raise funds for the preparation and presentation of their case. To this end they proposed that every elder and adult within Tuhoe donate a fixed sum of money set by the Komiti Raupatu. This sum ranged from 2/6d to 3/0d per person. All names and donations were dutifully recorded. In this way, all the families in Ruatoki, Waimana, Waiohau, Te Whaiti, Ruatahuna, Maungapohatu and Waikaremoana, became involved in the Tuhoe case. Tuhoe people in Auckland also contributed. . . .

After 18 years, the Committee held its last meeting in Ruatoki on 13 September 1935.<sup>240</sup>

Another petition concerning confiscated Tuhoe lands was sent to the Government by Te Naera Te Houkotuku of Ngati Kareke of Te Waimana in 1924. The petitioners stated that they were one of the 'Urewera subtribes' and were descendants of the ancestors Ueimua, Tanemoeahi, and Tuhoe-potiki. They also claimed to be the

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237. MA21/12 (quoted in Melbourne, p 138)

238. Refer to AJHR, 1904, 1-3, p 19

239. Melbourne, p 138

240. Ibid, pp 139-140

descendants of those who were loyal to the Queen from 1863 to 1870 to the present day. They said that the Government had mistakenly confiscated their land and asked for legislation to restore land or to enable an equitable arrangement to be arrived at.<sup>241</sup>

### 3.15.3 The Sim commission, 1927

It was not until the Sim commission of 1927 that the Government seriously investigated any of Tuhoe's claims to confiscated territories.

According to the official report of the commission, published in the *Appendices to the Journals of the House of Representatives* in 1928, the commission had to have regard for 'all the circumstances and necessities' of the period in which the confiscations occurred. It had to ascertain whether confiscation had 'exceeded in quantity what was fair and just, whether as penalty for rebellion and other acts of that nature, or as providing for protection by settlement as defined in the said Acts'.<sup>242</sup> The commission also looked at the reserves made subsequent to confiscation and whether these were adequate for the support of the tribes or hapu they were granted for. The commission could not consider the contention that the confiscation legislation was ultra vires and they were instructed that they could not consider those who had rebelled and denied the authority of the Queen, as having a claim to the benefits of the Treaty of Waitangi.

D S Smith, representing many of the Maori petitioners before the commission, argued that a number of the petitions alleged the confiscations were not justified which made the justice of the confiscations central to the inquiry.

The Sim commission investigated Tuhoe's confiscation claims with specific reference to the petitions lodged by Te Kapo and by Te Naera in 1920 and 1924, and held sittings in Whakatane and Opotiki. The records of these hearings consulted in the *Raupatu Document Bank* do not show that Tuhoe gave evidence before the commissioners.

However, the papers of the commission do contain their somewhat brief deliberations on the Tuhoe petitions. With reference to Te Kapo's petition for Tuhoe (it having to be pointed out that Tuhoe and 'the Urewera' were one and the same tribe), the minutes note in reference to the amount of land taken from Tuhoe that:

The area occupied by the tribe was	1,249,280 acres
The area confiscated	57,344
balance left to Natives	1,191,936

These estimates were based upon those made by Charles Heaphy in 1870, when he was Commissioner of Native Reserves, and the commission would note, in reference to areas shown on what was known as 'Heaphy's Plan', that there was 'some dispute' as to the accuracy of the tribal boundaries shown on that plan.<sup>243</sup> It concluded in its

241. Ibid, p 140. The petitioners said that they were unable to define correctly the boundaries of their confiscated lands, but they had attached a plan showing the lands referred to.

242. 'Confiscated Native Lands and Other Grievances; Royal Commission to Inquire into Confiscations of Native Lands and Other Grievances Alleged by Natives (Report of)', AJHR, 1928, G-7, p2

243. Ibid, p 21, para 56



official report that Tuhoe lost 14,731 acres of land in the confiscation, but the basis of the readjustment of its original estimate is unknown.

The commission then reiterated the long-held Government view that the Tuhoe tribe had been rebels 'before the murders of Mr Volkner and Mr Fulloon, for they were one of the first tribes to join the King party in the Waikato and with the Taupo and upper Wanganui, they fought against General Cameron at Orakau and other places'.<sup>244</sup> No distinction appears to have been made between the actions of individuals, hapu or tribe, the commission noting bluntly that:

No tribe in NZ deserved punishment more than these people living in the midst of almost impenetrable forest clad mountains and seldom mixing with Europeans, against whom they could have no grievance.<sup>245</sup>

The commission not only equated Tuhoe with rebellion but also noted the conversion of many Tuhoe to Pai Marire, and the fact that:

A memo was signed by the Committee of the Ngati Awa, Whakatohea, Urewera and Taranaki stating that they would retaliate for certain actions, practically an ultimatum or justification for carrying on war.

While the commissioners were prepared to state that 'It [was] quite clear that the Urewera suffered confiscation of a small area for rebellion, both before and after Volkner's murder', they evidently felt that this had been justified:

The Urewera tribe were active supporters of both Kereopa and Te Kooti . . . Kereopa was allied with Te Kooti and it was during the pursuit of the latter in the Urewera that Kereopa was captured . . .

The threat of the expedition (Ngatiporou) to stay on a strongly built pa at Ruatahuna for the purpose of catching Te Kooti and his followers as well as to police the Urewera was largely responsible for the Urewera turning round and betraying Kereopa. Hetaraka late friend of Te Kooti guided the party to [the] place where Kereopa was living another prominent follower Te Whiu, who upon being discovered went over to the pursuers and himself overtook Kereopa.

It was not until Te Kooti's star was on the wane and the King movement and Hauhauism had been severely dealt with that the Urewera thought of adjusting their attitude to the Queen's authority.<sup>246</sup>

In concluding that Tuhoe had only suffered confiscation of a 'small' quantity of land, the Sim commission evidently did not consider the matter of the quality of land

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244. Sim commission papers, 1927 (RDB, vol 52, p 20,221). From references in the margins of the Sim commission papers reproduced in the *Raupatu Document Bank*, it appears that the commission relied upon information contained in two published sources (presumably amongst other sources) in its deliberations on the Tuhoe petitions. These margin notes refer to W E Gudgeon, 'Reminiscences of the War in New Zealand', 1879, and the statement of A Agassiz reproduced in 'Papers Relative to the Murder of the Rev Carl Sylvius Volkner by the Hau Hau Fanatics', AJHR, 1865, E-5.

245. RDB, vol 52, p 20,221

246. Ibid, pp 20,222–20,223

it had confiscated from Tuhoe, and the economic impact this had had on the tribe. Most disappointing of all for Tuhoe, was the failure of the commission to find any reference, in the course of its investigation, that there had been any promise made by Donald McLean to return Tuhoe's confiscated lands, as alleged in Te Kapo's petition.

If the minutes of the commissioners are faithful to the investigations that took place, the Ngati Kareke petition received even less thorough scrutiny than had Te Kapo's. For a start, the commission had trouble identifying exactly who Ngati Kareke actually were (although they had described themselves as a sub-tribe of the Urewera): 'The Ngati Te Kareke is not mentioned in any of the tribal lists contained in appendix 7A no 11, 1870 or G2 p 22 of 1878 vol 11'.<sup>247</sup> It was even suggested that the Ngati Pukeko claimant Tamanohoaka, who had appeared before the Compensation Court, might be the same person as Tanemoeahi, who was an ancient Ngati Kareke ancestor.

Having located a plan sent in by Te Naera and appended to his petition, it was asserted that 'the area claimed by the Ngati Te Kareke is situated partly within the Ngatiawa and partly within the Urewera tribal boundaries as shown on Heaphy's plan' and that this 17,600 acres had been awarded to Ngati Pukeko and Ngati Awa as lots 21, 31, 32, 33, 38, 39, 40, 41, and 43 parish of Rangitaiki.<sup>248</sup> No further examination of this petition is noted in the record consulted.

The official report of the Sim commission made it clear that it considered that the part Tuhoe had taken in the Waikato war in 1863 and at Orakau in 1864, constituted rebellion. It did, however, note that this had been forgiven by the Peace Proclamation of 2 September 1865, in which the Governor had declared that the war which commenced at Oakura was at an end and that he would not take any more land on account of that war. The commission also stated that the murders of Volkner and Fulloon were not in themselves acts of rebellion, but the resistance offered to the arresting expedition had been 'and if the Natives of Opotiki and Whakatane had not resisted the armed forces sent to capture the murderers there would not have been any excuse for confiscating their lands'.<sup>249</sup> This, and the fact that it had already noted the 'small' amount of land taken from Tuhoe, meant that the commission did not make a recommendation regarding the confiscation of Tuhoe land. This indicated that the commission accepted that the confiscation of Tuhoe's land did not exceed what was fair and just.

### 3.16 CONCLUSION

It would be really instructive to further research the development of Tuhoe's political consciousness in the period from Hunter Brown's visit to the Urewera in 1862, to their stand at Orakau in 1864. That episode, in particular, confirmed Tuhoe as notorious rebels in the eyes of the Crown, but it would be more interesting to know how Tuhoe perceived themselves and their actions. To 'rebel' as such, implies an undertaking of

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247. *Ibid*, p 20,239

248. *Ibid*, p 20,236

249. AJHR, 1928, G-7, p 20

commitment to the Crown's sovereign right in the first instance. Yet, it is quite unclear that this commitment was ever made by Tuhoe. It would not be a convincing argument to suggest, because several Tuhoe chiefs were willing to be involved in Grey's 'runanga' scheme for local administration, that this amounted to an explicit acknowledgement of Crown authority.

Reading official correspondence from the 1860s, however, one might get the impression that Tuhoe had somehow deceived the Crown, and committed an awful act of treachery. But what serious effort did the Government make to reach an understanding with Tuhoe about their political relationship? The fact was that the Government was not willing to co-exist with the autonomous, tribal, political structures that Tuhoe, and others, were prepared to fight to preserve. And Tuhoe knew this was the case by 1863.

When Piripi Te Heuheu left for Waikato, then, he said he was fighting for 'the island in trouble', and we have seen the powerful attraction that Pai Marire exerted on Tuhoe. These examples suggest, as Belich has noted, an awareness of political concerns at a supra-tribal, national level. It has to be questioned, though, whether Tuhoe had any idea of the consequences that their support for Pai Marire would bring upon them.

The killing of Volkner and Fulloon triggered the invasion of the Opotiki district by Government forces. Only days before the arrival of troops at Opotiki, the Governor issued a Peace Proclamation and declared martial law over the district. As Melbourne notes, it was highly unlikely that Tuhoe had heard of either of these declarations before the forces landed. Ostensibly a policing action to arrest named individuals, the troops took the opportunity to punish so-called rebellious tribes, and while doing so, they frequently failed to discriminate between 'Hauhau' and the 'civilian' population.

That these actions elicited a response from the local Maori population, including Tuhoe, is not doubted. But it might be more accurate to describe the subsequent fighting in terms of 'resistance', both to the immediate threat posed by military invasion and to the extension of Pakeha control that this attack represented.

Tuhoe historians have asserted that the extent of land confiscated from their iwi, and their sidelining in the process of compensation, has not generally been appreciated. There is some justification for this view. J A Wilson's out-of-court arrangements excluded provision for the Tuhoe iwi, and the only discussion he held with Tuhoe representatives occurred in a de facto manner while making reserves for the Upokorehe hapu at Ohiwa. The question of the extent of land confiscated from Tuhoe, however, is a far more problematic one.

Part of the problem is that there is little substantial research available on Tuhoe customary interests in the eastern Bay of Plenty prior to confiscation. Further evidence of where Tuhoe interests lay between 1840 and 1866 would be desirable. However, there is enough indication of Tuhoe occupation of areas in Opouriao, Te Hurepo, and Waimana, as well places on the southern shores of Ohiwa, to rebut the Ngati Awa assertion that the confiscation boundary was a tribal boundary that excluded Tuhoe territory. Whether the confiscation boundary was meant to be a tribal boundary is another matter. Quite apart from anything else, it might be difficult

to explain the degree of Tuhoe resistance to the confiscation and military activity, if it was perceived that their territory had *not* been confiscated.

According to investigations undertaken by the Sim commission in 1927, it was originally estimated by Charles Heaphy that Tuhoe had had 57,344 acres confiscated. This area was recalculated to have been 14,731 acres, but the basis of either of these estimates is unknown. Melbourne has claimed that Heaphy's original estimate is closer to the area claimed by Tuhoe, but in recent submissions to the Waitangi Tribunal, Tuhoe claimants have suggested that their interests within the confiscated district amounted to as much as 124,300 acres (inclusive of Ohiwa Harbour and its islands). It would be very difficult to establish that this acreage was exclusively Tuhoe land prior to the confiscation; on the other hand, 14,731 acres seems an excessively conservative estimate of Tuhoe losses. It would perhaps amount only to that area between the Whakatane and Waimana (Tauranga) Rivers to where they converge at Puketū, and a small area to the north of this around the present-day township of Taneatua.

Given the character of much of the Urewera district that remained in Tuhoe hands after confiscation, however, it is not just the quantum of land taken from Tuhoe that is significant, but the nature of that land. According to Tuhoe claimants to the Waitangi Tribunal, their confiscated land represented 'the best of Tuhoe arable lands', and they were left with a 'mainly' mountainous terrain behind the confiscation line.<sup>250</sup> The economic impact of the confiscation, therefore, was not solely reflected in the amount of land taken.

Tuhoe efforts to regain their confiscated lands in the Compensation Court were unsuccessful. The Tuhoe claims were for Opouriao and Ohiwa lands, but the court minutes do not delineate the boundaries of the claims, so the actual extent of the claims cannot be determined. Tuhoe made three main claims under their chiefs Rakuraku, Akuhata Te Hiko, and Te Makarini, but the court also heard evidence from Tuhoe supporting witnesses and co-claimants, such as Hirini, Honi Te Awa, and Hoani Takurua. It is difficult to be certain, but the Tuhoe chiefs prosecuting these claims in the court possibly represented the main ancestral branches that linked Tuhoe to the confiscated territories, as well as their claim under conquest deriving from Tuhoe's expansion in the Opouriao district in the 1820s and 1830s. Rakuraku was the connection between Tuhoe and Upokorehe, and claimed Ohiwa for Tuhoe as a whole. Te Makarini's whakapapa linked him with 'interior' hapu of Ngai Te Riu (of Nga Potiki roots) at Ruatahuna as well as the Ngati Koura and Ngati Muriwai hapu of Ruatoki-Opouriao district. According to Milroy, his claim to Opouriao in the court 'was on behalf of the Tuhoe people'.<sup>251</sup> Akuhata Te Hiko claimed Opouriao as a member of the Ngati Huri (Tamakaimoana) hapu of Tuhoe. This hapu, of old Nga Potiki origin, lived at Maungapohatu but had a significant role in assisting other Tuhoe hapu of the Ruatoki district to expand the Tuhoe sphere of influence and occupation in the Opouriao district, in the early part of the nineteenth century. Ngati Huri established marae in the area in consequence of their assistance in conquering Ruatoki-

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250. J W Milroy, S Melbourne, and T R Nikora, p 7, para 14

251. Milroy, p 500

Opouriao. A claim under Ngati Huri, then, might be seen as an assertion of the right of conquest and political influence that Tuhoe held as a result of their expansion.

Whatever merits the Compensation Court might have found in Tuhoe's claims by ancestry, occupation or conquest vis-à-vis Ngati Pukeko and Ngati Awa counterclaimants, these were nullified by the fact that the Tuhoe tribe was characterised as rebellious. While Wilson was able to call Ngati Pukeko witnesses to undermine Rakuraku's and Te Makarini's protestations that they not been rebels, the court did not receive evidence that proved that Akuhata Te Hiko had been a rebel, or that Tuhoe co-claimants had been rebels, or indeed, that the rest of the tribe were. Yet, all the Tuhoe claims were dismissed without the court making any investigation as to the validity of this assumption because, under the New Zealand Settlements Act 1863, the onus lay with claimants to prove that they had not been rebels. The skirmishing between colonial forces and Tamaikoha's men that continued throughout the Compensation Court sittings would hardly have helped Tuhoe's claim in the court.

The apparent unfairness with which the court dealt with Tuhoe's claims for compensation may be a reflection of the fact not only that it was endorsing Wilson's prior agreements with loyal and surrendered Maori but that it operated without adequately judicially experienced judges. Chief Judge Fenton later described the Bay of Plenty Compensation Court as the only proceedings that he could not look back upon with some degree of satisfaction.

Subsequent Tuhoe efforts to regain their confiscated lands were likewise fruitless. Records indicate that tribal chiefs gained an early impression that the Government could, and might, alter the confiscation boundary, but they were roundly disabused of this notion by Brabant in 1874. Following this, Tuhoe leaders continued to petition the Government on their confiscated territories, and Te Kapo's petition of 1920 alleged that Donald McLean had, in fact, promised to return Tuhoe's confiscated land. The deliberations of the Sim commission, however, illustrate that there was little official sympathy for the losses sustained by Tuhoe, characterised as a rebellious tribe who had, in any event, only lost a 'small' amount of land. The commission concluded that Tuhoe had lost 14,731 acres, but the basis of this estimate is unknown. The commission did admit, however, that there was some dispute as to the accuracy of tribal boundaries on the plan of the district that it relied upon in its deliberations. The Sim commission also focused on the quantity of territory lost by Tuhoe, rather than the quality of that land and it also did not appear to address the issue, put forward in Te Kapo's petition, that McLean had promised to return Tuhoe's confiscated land.



## CHAPTER 4

# THE 'PACIFICATION' OF TUHOE, 1868–72

### 4.1 INTRODUCTION

The narrative of this chapter resumes at the end of 1867, at a point where the Tuhoe tribe were greatly disillusioned owing to their unsuccessful attempts to regain their confiscated territories in the Compensation Court. What follows is a description of the Tuhoe resistance to confiscation and to Government authority, with a focus on the actions of the chief Tamaikoha, and an explanation of how this resistance found expression in Tuhoe's support for the visionary leader Te Kooti. The consequences of this widespread support were to be dramatic, and Tuhoe found themselves at war with a Government that was under great pressure from an outraged settler population to bring Te Kooti to justice and to bring Tuhoe within the pale of the law. The Government invasions of the Urewera district were a harsh, drawn-out, and expensive undertaking. By 1871, both Tuhoe and the Government were exhausted and McLean's efforts were redirected at trying to 'pacify' the Tuhoe tribe. It seems that the means by which this was achieved was a promise to acknowledge the regional autonomy of Urewera and the authority of each chief within his own district. Tuhoe's accord with McLean is examined, then, since this understanding was the touchstone of subsequent Tuhoe claims to hold the mana and authority over their land and people.

The Crown invasions of the Urewera are canvassed in this report because the Waitangi Tribunal is interested not only in the loss of claimants' land and resources, but in the nature and quality of the Crown's relationship with Tuhoe. The fact that the Crown and Tuhoe were at war in 1868–71 is a very serious matter that warrants further investigation.

### 4.2 THE AFTERMATH OF CONFISCATION

The dismissal of Tuhoe's claims in the Compensation Court left the Tuhoe divided over what, if any, course of action they should take to regain their confiscated lands.

Te Makarini and his people returned to Puketi Pa in Opouriao. His intention, according to Milroy, was 'to prevent further incursions into Tuhoe territory by both the military and the settlers'.<sup>1</sup> He was, then, demonstrating his ownership of the land

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1. W Milroy, 'Tamarau Waiari', in *1870–1900*, vol 2 of *The Dictionary of New Zealand Biography*, C Orange (ed), Wellington, Bridget Williams Books Ltd and Department of Internal Affairs, 1993, p 500

by returning. However, Te Makarini and other Tuhoe chiefs were removed from Puketi and forcibly detained for a period in Whakatane. St John reported:

Mr Clarke has removed down to Whakatane itself the so-called friendly Natives (Uriweras) who, under Makarini (McLean), had abandoned Ruatoki and Utenuku and come down to Puketi (junction of the Waimana and Whakatane Rivers).<sup>2</sup>

According to Melbourne, Clarke's actions signalled the end to any Tuhoe cooperation with the authorities.<sup>3</sup> As Ngati Pukeko had warned, the Tuhoe who had been living at Pa Harehare, Kai Matahi, and Hatupere in Opouriao were forced to move behind the confiscation line to their kin at Otenuku, a garrisoned pa at Ruatoki. Otenuku was then used by Tuhoe as a base from which to carry out attacks against surrendered Ngati Pukeko and Ngati Awa, as well as settlers and soldiers. St John reported that he believed that Hemi Kakitu, whom he described as a leader of the Hauhau party, was to be found at Otenuku. This band had engaged in rustling horses and driving off Ngati Pukeko cattle from the confiscated territories.<sup>4</sup>

St John realised the strategic importance of Otenuku, saying that it was presently not safe for Europeans to go south of the mill (presumably at Poronui). Otenuku could be 'advantageously occupied' by the Ngati Pukeko and a few Europeans, who would then be able to guard the entrance from Urewera to Whakatane. Alternatively, he offered the suggestion that it could be destroyed. St John, reflecting on the military build-up in Ruatoki, said that he wanted to attack the pa via Waimana but:

Major Mair is of the opinion that such a proceeding would amount to giving the Natives a *casus belli*, but admits that the fact of the Hauhaus dispossessing the better-disposed of their own tribe of their land, driving away and looting the cattle of the Ngatipukekos, openly declaring that they wish to fight the Pakehas, and actually coming armed with intent into the confiscated land, is tantamount to very much the same thing on their part . . . In the hands of the Hauhaus, [Otenuku's] occupation paralyzes the whole of the Whakatane.<sup>5</sup>

The problem that St John had in making any advance on Ruatoki was that Rakuraku and his hapu informed their relatives of any movement made by the military at Waimana from their vantage point at Ohiwa. Rakuraku's people had moved back to Ohiwa after Tamaikoha had occupied Rakuraku's pa at Te Waimana, and after his claim had been dismissed in the court. Like Te Makarini returning to Opouriao, Rakuraku's occupation of Whakarae and Hokianga Island could be seen as a last-ditch attempt to assert ownership of confiscated lands. St John was moved to comment that 'not the slightest doubt exists as to his [Rakuraku's] doublefacedness . . . They are neither more nor less than a lot of spies', who communicated all troop movements up and down the Waimana and Whakatane valleys.<sup>6</sup> St John noted that,

2. St John to Captain Holt, 19 September 1867, AJHR, 1868, A-8A, p 3

3. S Melbourne, 'Te Manemanerau a te Kawanatanga: A History of the Confiscation of Tuhoe Lands in the Bay of Plenty', MA thesis, University of Waikato, 1987, p 85

4. St John to Captain Holt, 19 September 1867, AJHR, 1868, A-8A, p 3

5. Ibid, p 4



when he had deported Te Makarini to Whakatane, Clarke had suggested that the same treatment be meted out to Rakuraku:

He [Rakuraku] and his mob ought to be got out of that place [Ohiwa]. They correspond directly up the Waimana with the Hauhaus, and any move from here in that direction would be known at once. If I get leave to attempt Ruatoki, I should have to begin by sending a small force to get every man of Raku's hapu on the island [Hokianga], seizing the canoes, and thus prevent all communication.<sup>7</sup>

Apparently, Ngati Awa offered to accommodate Rakuraku's party at Ohope reserve and St John thought that some of the Upokorehe could stay with relatives at Opape reserve, but Rakuraku declined to retire from Ohiwa. Further, Holt (the under-secretary of the Defence Office) informed St John that he was not to make any move against 'the Hauhau' that was not 'necessary for the defence of Opotiki'.<sup>8</sup>

The air was rife with rumours of imminent rebel attack on Opotiki by early 1868, but not all Tuhoe appeared to support Tamaikoha's guerilla tactics. A hui at Ahikereru in late 1867 resolved to make peace with the Pakeha and had banished those men who had participated in murders of the military and settlers.<sup>9</sup> This had probably been a Ngati Whare hui.

Rakuraku then informed Mair that a large hui had taken place in Ruatahuna, and had been attended by the Whakatohea and by messengers from Ngati Kahungunu and from Matutaera (Tawhiao). Letters from the King had been read, and 'their tone was decidedly threatening'.<sup>10</sup> The hui was apparently called to discuss whether Tuhoe should continue resisting the confiscation and incursions in their territory, but as recounted by Rakuraku, the hui was unable to reach agreement on what course of action to take: 'some chiefs were in favour of immediate action, others of waiting for Waikato [the Kingitanga] to begin, while many counselled neutrality'.<sup>11</sup>

Tawhiao sent two messages to the Urewera: one was to encourage Tuhoe mobilisation against the Pakeha, the other was a prophecy that Tuhoe's saviour would come from the sea.<sup>12</sup> Melbourne says that there was no agreement as to the interpretation of the prophecy and immediate reactions to the question of war were divided. Te Whenuanui, supported by the people of Ruatahuna, Maungapohatu, and Waikaremoana, did not wish to invite military forces into the heart of the Urewera and opted to remain neutral, while those hapu most affected by the confiscations at Ruatoki and Waimana were for fighting.<sup>13</sup> Mair noted that the chief Paerau had attempted to negotiate for peace, but this had been contrary to the wishes of his people.<sup>14</sup> By late January 1868, however, St John was unearthing rumours that the

6. Ibid

7. Ibid

8. J Holt to Major St John, 15 October 1867, AJHR, 1868, A-8A, p 4

9. St John to J Holt, 12 December 1867, AJHR, 1868, A-8A, p 4

10. Memorandum from Mair to St John, not dated (early January 1868), AJHR, 1868, A-8A, p 7

11. Ibid

12. This has subsequently been interpreted to refer to Te Kooti.

13. Melbourne, p 86; Pou Temara, 'Te Whenuanui', in *1870-1900*, p 529

14. W Mair to H T Clarke, 9 January 1868, AJHR, 1868, A-8A, p 21

Ruatahuna people were about to join ‘the movement’.<sup>15</sup> Rakuraku reported that he had wanted to go to Maungapohatu from Tawhana but had been stopped from doing so at Te Kumete by Ngati Kahu, and also said that, apart from the Te Whaiti and Ruatahuna people, ‘the Uriwera [were] wretchedly in want of clothing, and that a disease has appeared among them lately of which many of them [had] died’.<sup>16</sup>

Tamaikoha’s raids intensified after the Compensation Court sittings through to late 1868.<sup>17</sup> After driving surveyors away from Waimana in July 1867, Tamaikoha occupied Rakuraku’s pa and established large cultivations in the valley.<sup>18</sup> He was persistent in pursuing the strategy of guerilla raids in the Opotiki district and, particularly, on military settlements from his bases in the Waimana, Waioeka, and Whakatane valleys on the northern Tuhoe borderlands. After a visit to Otara in the Waimana Gorge, Rakuraku reported to Mair on about 21 January 1868 that a force of about 170 men, of eight different Tuhoe hapu, had left the previous day in the direction of Waioeka and Waiotahi. Their intention was to attack Opotiki, Opape, and Ohiwa, Rakuraku believed, in consequence of the words they had received from Tawhiao.<sup>19</sup>

Shortly afterward, a large Tuhoe party raided Ohiwa and Waiotahi, terrorising the loyalist Maori who lived there.<sup>20</sup> However, no concerted large-scale attack on Opotiki materialised. Wepiha Apanui told Mair that the Urewera forces were at Te Waimana, from whence they had been looting horses and cattle at Whakatane and intimidating the inhabitants of Ohope.<sup>21</sup> St John, tired of waiting and resentful of the Government’s reluctance to engage ‘Hauhau rebels’ in action, decided to attack on 10 February. He led a group of 90 Opotiki Volunteer Rangers and militiamen up the Waimana Gorge, where they killed three Tuhoe (one from Maungapohatu and another from Ruatahuna, while the third had unknown hapu affiliations) in an encounter.<sup>22</sup> St John then attacked a small kainga at the head of the Waimana valley, but Tuhoe were entrenched in the hills surrounding this spot and were easily able to track their enemy. St John had to withdraw as Tuhoe reinforcements arrived, but he seemed pleased to report that Tamaikoha had been wounded in the attack. According to Sissons, however, the given reason of withdrawal owing to a fear of being outnumbered was ‘a common rationalisation for defeat used by the colonial forces’, and, further, St John later found out that Tamaikoha had not been present at this fighting.<sup>23</sup> The Maori forces had actually been led by Te Puehu.<sup>24</sup> From letters

15. St John to Captain Holt, 27 January 1868, AJHR, 1868, A-8A, p 9

16. W Mair to H T Clarke, 9 January 1868, AJHR, 1868, A-8A, p 21

17. Melbourne, p 57; J Cowan, *The New Zealand Wars: A History of the Maori Campaigns and the Pioneering Period*, 2 vols, Wellington, Government Printer, 1983, vol 2, pp 174–178; J Belich, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland, Auckland University Press, 1986, pp 210–211

18. J Sissons, *Te Waimana: The Spring of Mana: Tuhoe History and the Colonial Encounter*, Te Whenua Series No 6, Dunedin, University of Otago Press, 1991, p 129

19. Rakuraku to W Mair, 21 January 1868, and memorandum from W Mair to Major St John, 22 January 1868, AJHR, 1868, A-8A, pp 8–9

20. Cowan, p 177

21. St John to Captain Holt, 8 February 1868, AJHR, 1868, A-8A, p 12

22. St John to Captain Holt, 11 February 1868, AJHR, 1868, A-8A, p 13

23. Sissons, p 130

24. St John to Captain Holt, 18 February 1868, AJHR, 1868, A-8A, p 15

recovered in the raid, St John thought he had reason to believe that the 'whole of the Uriwera from Ruatahuna and [Maungapohatu] are in arms' and he also reported that every survey peg of the confiscation line at Waimana had been pulled out of the ground.<sup>25</sup>

The colonial forces at Opotiki were strengthened by a division of Armed Constabulary and 100 Arawa troops, in response to what was seen as a growing Tuhoe threat. The constabulary and an engineer corps were posted at Puketi, where they were given orders to build a redoubt. They were placed under the command of Major Fraser and told that they could traverse any part of the confiscated territory but were not to go beyond it unless attacked or seriously threatened.<sup>26</sup>

Tuhoe, meanwhile, had decamped from Te Waimana further up the valley to Matahi, where they fortified their position. In early March, however, a large force moved down the Waimana to Ohiwa, where Upokorehe and Rakuraku's people were still living. A smaller group of 10 men crossed the harbour to Hokianga Island and killed an Upokorehe elder named Te Korotahi, for reasons which are obscure.<sup>27</sup> They also burned down huts at Rakuraku's settlement.<sup>28</sup> This prompted another expedition by the colonial forces into the Waimana valley, with the intention of going as far as Maungapohatu. The 200-strong force marched past Matahi to a place called Te Ponga, where Tuhoe lay in wait for them. An officer named Rushton described why the forces decided, again, to retreat:

I voted to retire, for I knew that Tamaikowha [sic] was strongly entrenched in a very strong position at Tauwharemanuka . . . It would have been a death trap for us. The officers decided not to continue the advance, and this, I believe, saved the force from destruction. We discovered that the Urewera were entrenched on the spurs all round commanding the gorge, and when we had got into the jaws of the narrows, with rifle-pits on both sides, we would have got it hot.<sup>29</sup>

St John would blame the Arawa forces for refusing to continue the advance, but Mair later reported that the European soldiers had also wanted to retreat.<sup>30</sup> According to Sissons, Government troops never tried to attack Tamaikoha in the Tauranga valley again.

As we have noted, by March 1868, the continuing assaults on loyalist tribes and settlers forced the Government to build a redoubt on the right bank of the junction between the Waimana and Whakatane Rivers at Puketi. In early May, a party of Tuhoe attacked Major Fraser and Ngati Pukeko road gangs at Puketi. The 'Hauhau' were, St John believed, largely from Ruatahuna and were led by Tamaikoha and Hetaraka. St John tracked the party to Ruatoki and then up the Whakatane valley as far as Waikarewhenua. He noted that, on his last visit to these places two years ago, they had been well populated but were now deserted. However, as they had left, Tuhoe had

25. St John to Captain Holt, 11 February 1868, AJHR, 1868, A-8A, p 13

26. T M Haultain, instructions for officer commanding Opotiki district, 6 March 1868, AJHR, 1868, A-8A, p 14

27. St John to Captain Holt, 17 March 1868, AJHR, 1868, A-8A, pp 16-17; Sissons, p 130

28. H T Clarke to under-secretary, Native Department, 14 March 1868, AJHR, 1868, A-8A, p 27

29. Cowan, p 178

30. T M Haultain to St John, 15 April 1868; St John to T M Haultain, 19 May 1868, AJHR, 1868, A-8A, p 18

made provisions in the shape of potato pits for foraging taua, which St John destroyed:

There is no doubt that the Uriwera outposts abutting on the settlements are abandoned, and that a concentration has been effected on the line from [Maungapohatu] to Ruatahuna, whether for attack or defence it is impossible to state. Any parties coming now, however, down either the Waimana or Whakatane, will find themselves pushed for food.<sup>31</sup>

The following month, about 60 Arawa were posted at Ohiwa amid general rumours of an uprising by Tuhoe.<sup>32</sup>

#### 4.3 SETTLEMENT OF CONFISCATED LAND

The military allotments in Opouriao and Waimana were very vulnerable to attacks, being situated at the head of the Waimana and Whakatane valleys and uncomfortably close to the strongholds of Tamaikoha and Ngati Ira resistance fighters.<sup>33</sup> The grantees of these lots were not able to take possession of them immediately in 1867 because some Tuhoe people were still occupying Waimana and Opouriao lands (discussed above). After the removal of Tuhoe settlements behind the confiscation line, military settlement was still obstructed by the continuing threat posed by Tamaikoha. This meant that settlement in the Waimana valley was largely confined to the north-eastern portion of that valley.

Pitcairn and Leonard Simpson were the surveyors of these lots, which were determined by rank from 400 acres for a field officer to a private's 50 acres. None of the stated objectives of the military settlement on this confiscated land was achieved and none of the original military settlers stayed on their lot. An 1867 journal entry of one of the settlers gives his perception of why the scheme was a failure:

People are leaving here very fast and if they continue to leave at the same rate there will be no white men left here in six months. The Government plan of settlement seems to be a failure for several reasons. The first was that the men were not located on their land when their time was expired and another cause was that the officers had nearly all the best land . . . Then again men were murdered by the hauhaus or driven off their land and others were afraid to go out and cultivate theirs and some had no chance to go out on account of delay caused by unrest, while many never intended to settle at all, and these fully two thirds of the regiment composed. As soon as their pay and rations were done they sold up and left the country. We are now reduced in Opotiki to a very small number and two thirds of them want to leave.<sup>34</sup>

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31. Major St John to Captain Holt, 10 May 1868, AJHR, 1868, A-8A, pp 19–20

32. The payment for this Arawa service was the granting of military allotments in 'surplus' land at Ohiwa (of no more than 25 acres for each man): see J C Richmond to H T Clarke, 29 June 1868, AJHR, 1868, A-8A, pp 20–21.

33. Whakatane was situated about 20 kilometres to the north of Opouriao, and Opotiki was roughly 30 kilometres away from Waimana.

After peace had been established in Waimana in 1870, unoccupied lots in this area were disposed of by ballot (this will be more fully discussed in chapter 5). The failure of the military settlement in the Whakatane and Waimana valleys left the way open for land aggregation and the establishment of large private estates in the period following confiscation.

#### 4.4 TUHOE AND TE KOOTI

##### 4.4.1 Introduction

Belich has generalised that the years from November 1866 to July 1868 were relatively peaceful in the North Island, save for 'small scale' fighting at Rotorua, Tauranga, and Opotiki.<sup>35</sup> He attributes this, in part, to the lessening effectiveness of the Maori resistance against colonisation and confiscation in the years 1864–68. Belich, in fact, terms this period the 'nadir' of the resistance, marked by the reduced influence of the King movement after the end of the Waikato war, and a correspondingly local and fractured response to Government, kupapa, and colonists' intrusions in other parts of the North Island.<sup>36</sup>

Certainly, the fighting in the Opotiki and Urewera districts that affected Tuhoe was not characterised by episodes such as Orakau, and there was not the dramatic loss of life that had been sustained at that one battle.<sup>37</sup> However 'small scale' the eastern Bay of Plenty fighting may have been in the larger scheme of things, though, it was a critical time for Tuhoe, who, it appears, had largely gone to the Waikato precisely in order to stop the colonists before they had reached the Tuhoe rohe. Confiscation and Pai Marire had now brought the wars to their doorstep and there was, by no means, a Tuhoe consensus as to the strategy that they should employ to regain their confiscated lands. By 1868, it could be seen that most Tuhoe were still uneasy about a commitment to full-scale war and the active resistance that had rallied was largely undertaken by Ruatoki and Waimana hapu. This had been successful, to some extent, in retarding settlement of land Tuhoe claimed as theirs but notably it had not returned the land to Tuhoe control, nor had it made the Government acknowledge Tuhoe authorities. The other simultaneous tactic employed by Tuhoe had been their participation in the Compensation Court proceedings (the interior, Tamakaimoana, hapu participation in court should be noted). As we have seen, this was a less than fruitful exercise.

Many, but not all, Tuhoe had supported the Kingitanga and many, but not all, Tuhoe had supported Pai Marire. Tuhoe leaders had, at times, sought a broad political consensus, but the complicated nature of the New Zealand wars, the intersection of different interests, and the high stakes involved made this all but impossible to

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34. H D G White (ed), 'The Diary of Alfred Parkinson, Opotiki, 1867', *Historical Review*, vol 20, no 1, May 1972, p 34

35. Belich, p 210

36. Ibid, pp 211–216

37. The battle at Te Tapiri in 1866 was a possible exception to this generalisation.

achieve. It was easy enough to characterise the general Tuhoe stance in 1867–68 as anti-Government but less easy to co-opt what appeared to be some highly independent Tuhoe leaders, such as Tamaikoha, in a united action. There was no easily defined course of action open at mid-1868.

The initiative, however, was temporarily taken out of Tuhoe hands as the focus of Tuhoe resistance against Government actions shifted dramatically from the Bay of Plenty to Poverty Bay. Tamaikoha aside, as late 1868 progressed, the Government became preoccupied with the pursuit of another Maori leader who galvanised resistance against the confiscations, who opened a new chapter in Tuhoe's involvement in the New Zealand wars, and who left Tuhoe a lingering spiritual and political legacy.

#### 4.4.2 Te Kooti flees to Ngatapa

Much has been written about Te Kooti Arikirangi Te Turuki; notably of late Judith Binney's book *Redemption Songs*, published in 1995. The following sections discussing Te Kooti are highly reliant upon this source.<sup>38</sup>

Te Kooti's emergence as a significant player in the narrative of the Tuhoe confiscations and Tuhoe's relationship with the Crown occurs in 1868, within the tangled matrix of the East Coast wars. When Pai Marire emissaries sent by Te Ua arrived on the East Coast in early 1865, they ignited civil wars within Ngati Porou and, later, within Ngati Kahungunu, and generated fighting in the Poverty Bay districts among people divided in their loyalties to the Crown, and divided over land sales to Europeans and the extension of Government authority. These thorny questions were but overlays upon traditional hostilities and rivalries; combined, they served to polarise the Maori population of the East Coast, many of whom had hitherto tried to retain a policy of neutrality. Unlike the Waikato and Taranaki conflicts, the role of kupapa in the East Coast conflicts and in the Urewera was an important military factor in the Government campaigns against 'rebels'.<sup>39</sup> These so-called loyalist 'Queenite' Maori had their own ambitions and collaborated with the Government, as Belich rightly points out, because it served their own interests, of both traditional and contemporary origins.

Te Kooti, born of the Rongowhakaata tribe of Poverty Bay, had actually seen action as a kupapa with the colonial army in the siege of the Hauhau stronghold of Waerenga a Hika in November 1865. He was arrested for firing blanks at the rebels, released for want of evidence, and then rearrested in March 1866, under the accusation of being a Hauhau spy. It seems an accepted likelihood by various commentators, however, that the charges were probably manufactured by the Maori and Pakeha establishment of Poverty Bay, who perceived Te Kooti as an influential rival.<sup>40</sup>

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38. Judith Binney, *Redemption Songs: A Life of Te Kooti Arikirangi Te Turuki*, Auckland, Auckland University Press and Bridget Williams Books Ltd, 1995

39. Belich, p 211

40. Ibid, p 217

Te Kooti was deported to the Chatham Islands, Wharekauri, along with Pai Marire captives of the Government, where he remained until his escape in 1868. It was during this period of exile that Te Kooti developed the basic tenets and services of Ringatu, 'arguably the most comprehensive, sophisticated, and resilient of the new Maori religions'.<sup>41</sup> Ringatu held a millennial, redemptive promise for the prisoners on Wharekauri, drawing a parallel between their experiences and those of the Israelites held in bondage in the Old Testament. Te Kooti assumed the mantle of the mouthpiece of God and convinced his fellow captives of this special relationship, securing their allegiance and becoming their leader. Commandeering a vessel on the Chathams, Te Kooti and the other prisoners escaped to Poverty Bay, arriving in July 1868.

Ignoring Government demands that the escapees surrender unconditionally, Te Kooti communicated that he would not surrender his arms and wished to travel in peace to the Waikato. Webster, however, mentions evidence that Te Kooti was actually heading for Ahikereru kainga in the Urewera.<sup>42</sup> The escapees would only fight if they were intercepted or otherwise attacked.<sup>43</sup> They were, however, attacked as they started for Waikato; Te Kooti triumphed over Government troops in engagements at Paparatu, Te Koneke, and Ruakituri between July and August. These victories raised the esteem in which Te Kooti was held by the people of the upper Wairoa and surrounding districts. Colonel Whitmore, commander of the colonial forces pursuing Te Kooti, would later comment that Paparatu had been very significant: 'Undoubtedly the extraordinary prestige this remarkable man afterwards acquired sprang from this brilliant, and to the Maori mind, inexplicable success.'<sup>44</sup>

Te Kooti proceeded to the ancient pa of Puketapu which overlooked the Ruakituri River on the edges of the Urewera country. From there he wrote letters to both King Tawhiao and Tuhoe, seeking permission to enter their respective territories.<sup>45</sup> Tawhiao, however, had declared 1867–68 as the 'Year of the Lamb' and told Te Kooti that he could expect no assistance from the Kingitanga. Te Kooti was not to fight or renew the wars and would be repelled if he encroached upon the Rohe Potae.<sup>46</sup> Tuhoe held a hui at Ahikereru in October, attended by several of Te Kooti's whakarau, at which it was decided that Te Kooti could stay in the upper Wairoa and hold 'the confiscated or ceded land there'.<sup>47</sup> According to Binney, Tuhoe also made it plain that the Government was not to advance upon Puketapu through its territory.

The confiscated land referred to in this exchange was the upper Wairoa and Waikaremoana lands that had been declared subject to the East Coast Lands Titles Investigation Act 1866. The Government secured a 'cession' of 42,430 acres, with the remainder of the declared land, between the Waiau and Wairoa Rivers, stretching

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41. Ibid, p 218

42. P Webster, *Rua and the Maori Millenium*, Wellington, Price Milburn for Victoria University Press, 1979, p 110

43. Binney, pp 90–93

44. Whitmore (quoted in Cowan, p 236)

45. Binney, p 102

46. Ibid, pp 102–103, 134

47. Ibid, p 103

back to Lake Waikaremoana, earmarked for ‘return’ to ‘loyal’ chiefs. This Act had been in retaliation for the support given to Pai Marire and anti-Government activities by many of the Maori who occupied the upper Wairoa area. It is not clear, yet, what Tuhoe’s understanding of the East Coast Lands Titles Investigation Act was, but they seem to refer to this general district as confiscated. This cession, and the subsequent Crown purchase of the rest of the land, lies outside the boundaries of district 4 of the Rangahaua Whanui project and consequently has been researched and discussed in other Rangahaua Whanui district reports, but a brief summary of these events is provided in chapter 5 of this report.<sup>48</sup> Suffice to say here, the possibility that Te Kooti might have been able to return this land to its rightful owners was a powerful inducement for many Ruapani, and those closely related hapu of Kahungunu, to lend their support to Te Kooti.<sup>49</sup>

In the meantime, only a few Tuhoe from Te Whaiti went to Puketapu to join Te Kooti, and it would be some months before Tuhoe would wholly commit themselves and their land to Te Kooti. He could not, then, advance through their rohe without inviting serious trouble and neither could he flee to the Rohe Potae. This situation, coupled with the colonial forces’ encircling of Puketapu, probably contributed to his decision to return to Poverty Bay.

Poverty Bay was, of course, the scene of Te Kooti’s infamous Matawhero raid, more popularly known to a European audience as the Poverty Bay massacre. Te Kooti and his force killed 60 inhabitants, both Maori and Pakeha, at Matawhero, including the local magistrate, Biggs, who was a notable personal enemy of Te Kooti’s. Binney states that Te Kooti’s objective in attacking the settlement had been the ‘reclaiming’ of the land and its people.<sup>50</sup> However, the raid at Poverty Bay aroused horror among the European population in particular and, coupled with the campaign against Titokowaru on the west coast, threw the settler community into crisis. The gory and unpleasant details of the killings would be exaggerated and widely publicised, while the resistance fighters’ perspective of the issues underlying the episode would be underplayed, if not ignored. The actions of Te Kooti and his followers only reinforced the negative settler view of Tuhoe, when that iwi decided to lend him sanctuary.

Te Kooti journeyed inland from the plains to Ngatapa in the high back country, about 25 kilometres from Gisborne, pursued by Ngati Kahungunu kupapa commanded by Colonel George Whitmore (subsequently they were assisted by Ngati Porou kupapa). The battle that followed resulted in the deaths and executions of many of Te Kooti’s followers, but Te Kooti himself and a few survivors escaped. During the siege of Ngatapa, Te Kooti had managed to send messages to Tuhoe, imploring them to send recruits and give him sanctuary, but Tuhoe were awaiting a hui called for January 1869; in the meantime, however, a small number of Tuhoe from Maungapohatu, perhaps 30, joined Te Kooti’s force.<sup>51</sup>

48. Refer to Joy Hippolite, *Wairoa*, Waitangi Tribunal Rangahaua Whanui Series (working paper: first release), November 1996, and Siân Daly, *Poverty Bay*, Waitangi Tribunal Rangahaua Whanui Series (working paper: first release), February 1997

49. V O’Malley, ‘The Crown and Ngati Ruapani: Confiscation and Land Purchase in the Wairoa-Waikaremoana Area, 1865–1875’, 1994 (Wai 144 ROD, doc A3), ch 14

50. Binney, p 131



From Ngatapa, Te Kooti travelled to Te Wera at the headwaters of the Motu River, where the Ngati Ira chief Hira Te Popo offered refuge.<sup>52</sup> In mid-February, he was joined by a small party from Maungapohatu and, upon invitation, went to that place to meet some of the Tuhoe chiefs. Here, Te Kooti forged an alliance with, amongst others, two of the major Ruatahuna chiefs; Te Whenuanui and Paerau. They accompanied him, Binney says, because he was committed to the restitution of the confiscated land of the upper Wairoa and Waikaremoana.<sup>53</sup> According to Wepiha Apanui, who had been informed by Rakuraku, the guerilla attacks were to be revived and Te Kooti next planned to strike Ohiwa.

#### 4.4.3 Te Kooti's sacred pact with Tuhoe, March 1869

In early March, Te Kooti's force, estimated at 130–140 men, arrived at Otara in the Waimana gorge. This was the territory of Tamaikoha and while Mair and others believed that Te Kooti and Tamaikoha were allied, this was not the case. According to Binney, Tamaikoha was strongly opposed to Te Kooti's religious teachings and refused to fight with him.<sup>54</sup> He did, however, consent to Te Kooti passing through his settlement of Tawhana.

It was at Tawhana in March that Te Kooti made a sacred pact with Tuhoe, which bound them to the fortunes of this charismatic leader. Te Kooti swore an oath to Tuhoe, echoing promises God had made to Moses:

You drew me out of darkness. You have sent the people into the flames of the fire, into the tests, since the landing [this] has gone on. Listen, this is what *I have to say*, 'I take you as my people, and I will be your God; you will know that I am Jehovah'. You are the people of the covenant. [Emphasis in original.]<sup>55</sup>

In return, Tuhoe promised Te Kooti their land and loyalty. The chiefs who committed themselves to this vision included Kereru, Paerau, Te Purewa, Te Makarini, Te Whenuanui, Te Ahikaiata, Tutakangahau, Te Haunui, and Te Puehu. Binney explains the dynamic between Te Kooti and Tuhoe thus:

He had allied with some (but not all) of Tuhoe, whose cause was the rights of Maori in their own tribal lands. They saw themselves as the oppressed because of their recent experiences. They were not simply men living in the past: they had specific and legitimate grievances. Te Kooti offered a new order, and it seemed that he might achieve it. This new order rejected the Maori kingship as a failed experiment, already being eroded by whispering words from the government. This judgement was harsh, but it recognised that the King would no longer fight. Te Kooti instead sought to direct people through his vision, based in the covenant promises given to the Chosen of God. He also

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51. Ibid, p 134

52. Ibid, pp 148–149

53. Ibid, pp 151, 154

54. Ibid, p 154

55. Ibid

warned them of the consequences of faltering in the pursuit of this vision: their own destruction. It was a fearsome vision to which many Tuhoe were drawn.<sup>56</sup>

Te Kooti and Tuhoe then set out for Rakuraku's pa at Whakarae, situated in the confiscated territory near Ohiwa. According to Cowan, Rakuraku and his people became 'willing prisoners or converts'.<sup>57</sup> In fact, the 'taking' of the pa was a manoeuvre designed to disguise the chief's support of Te Kooti, who received all the guns and ammunition Rakuraku held. From Whakarae, a party that included some of Rakuraku's men was sent forth to raid the nearby harbour. On 2 March, Robert Pitcairn, a surveyor, was killed on Uretara Island, where he had camped. At the same time, the Upokorehe people living on Hokianga were brought back to Whakarae as prisoners.

A few days later, on 9 March, Te Kooti struck again. He attacked the Ngati Pukeko settlement of Te Rauporoa Pa, on the west bank of the Whakatane River. The chiefs Hori Tunui and Heremia Mokai were killed (Cowan alleges that Mehaka Tokopounamu shot Hori Tunui).<sup>58</sup> After a two-day seige, the rest of Ngati Pukeko were forced to come to terms with Te Kooti and evacuate their position.<sup>59</sup> This was consolidated by a further attack on the Ngati Pukeko mill at Poronui and a redoubt built for its protection, on the eastern side of the Whakatane River, during which the mill and wheat fields belonging to Ngati Pukeko were burnt.<sup>60</sup> In the meantime, another party, chiefly composed of Tuhoe, raided Whakatane, burning and looting stores there.<sup>61</sup> These exploits had the effect of giving Te Kooti and Tuhoe the control of the area around the Whakatane River mouth for the time being but had been disappointing in terms of gaining ammunition, arms, and recruits.

About 200 militia and kupapa, under Major William Mair, Captain Henry Mair, and Lieutenant Gilbert Mair, left Opotiki and Matata, while Te Kooti withdrew inland up the Rangitaiki River to Tauaroa, a Patuheuheu pa.<sup>62</sup> Patuheuheu would commit themselves to Te Kooti for the next two years, unlike their Ngati Manawa kin, who fled to Motumako on the Kaingaroa side of the Rangitaiki as Te Kooti approached. W Mair had thought Te Kooti too strong to attack at Rangitaiki, but mounted an ineffectual seige at Tauaroa when Te Arawa reinforcements arrived; however, Te Kooti slipped away into the Urewera under night cover.<sup>63</sup> He headed for Te Harema Pa at Ahikereru, where Ngati Whare sheltered him, and from there he planned his next assault on Mohaka.

This raid, which occurred on 10 April, was in revenge for Ngati Kahungunu's attacks upon Te Kooti in 1868 after the landing from Wharekauri, and because there were Government munitions stored there. Te Whenuanui and Paerau accompanied Te Kooti at Mohaka, where Kawanatanga Maori and settlers were killed in a lightning

56. Ibid, p 155

57. Cowan, p 498 (cited in Sissons, p 133)

58. Cowan, p 321

59. Binney, p 157

60. Ibid

61. Cowan, p 324

62. Tauaroa is near modern Galatea: Binney, p 157; Belich, p 276.

63. Binney, pp 157-158; Belich, p 276

attack. Cowan quotes Peita Kotuku as saying many of the killings were carried out by the Tuhoe fighting men, who were 'ancient enemies' of the Ngati Pahauwera.<sup>64</sup> The party returned to the Urewera via Wairauamoana, after repelling a small Ngati Kahungunu force the next day.<sup>65</sup>

#### 4.5 THE FIRST UREWERA EXPEDITION

The raid at Mohaka was the final straw for Whitmore and for the Government, and it brought the wars to the heartland of the Urewera. For Whitmore understood that, while the Urewera mountains remained unpenetrated by Government forces, there would always be a sanctuary from which Te Kooti could descend and to which he could return to restore his strength. Tuhoe had to be attacked so that they could no longer shelter Te Kooti; and this meant, in effect, adopting a scorched earth policy to cripple the tribe economically. Whitmore reasoned that he had to completely blockade the Urewera to prevent Te Kooti attacking the surrounding districts, and to prevent his escape to Taupo. From Taupo, it would be easy for Te Kooti to access the King Country, Wanganui, and Waikato. This strategic point had been noted; Governor Grey had long advocated a military headquarters at Taupo, precisely as a means of controlling the central North Island.<sup>66</sup> Whitmore, then, set about planning an invasion of the Urewera in mid-April, apparently in spite of reservations expressed by the Minister of Defence.<sup>67</sup>

Whitmore organised a three-armed assault on the fastnesses, 'from which troops had always hitherto recoiled'.<sup>68</sup> It was to be no easy task:

The difficulties of such a campaign are chiefly those due to long land carriage, and to the unknown character of the country. It is known to have stopped the Ngapuhi long ago, and it has hitherto been impossible to bring troops to its outskirts. What fortifications may exist in it are unknown, and a very great part of it can only be supplied by provisions carried on men's backs. There is no sound land for some distance from the coast – and if there was, there are no drays obtainable . . . Nobody better than I can appreciate the difficulty before me, having last year spent eighteen days in hard marching on the mere outskirts of this district. The country is already doubtless under snow. The hills are so steep, that five miles as the bird flies is a long day's march. The enemy is sure to ambuscade and delay our march . . . our force being largely composed of Native allies, to whom cold is hateful, and on whom it exercises an effect which they cannot shake off, may disperse like melting snow at any moment, even on the eve of completing all the objects of the expedition. All that can be done, with a full foreknowledge of these rocks which may shatter our enterprise, the Government may

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64. Cowan, p 328

65. Cowan recorded Tupara Kaaho of Ruatoki as saying that Tuhoe lost two chiefs called Ihaiaa and Kereopa at Mohaka: Cowan, p 335.

66. W Spring-Rice, 'The History and Archaeology of Fort Galatea, Bay of Plenty, New Zealand, 1869–1969', MA thesis, University of Auckland, 1983, pp 21–22

67. Belich, p 277

68. Colonel G S Whitmore to Haultain, 23 April 1869, AJHR, 1869, A-3, p 44

depend upon our doing; but this undertaking is so different from any other as yet attempted, and so much more liable to miscarriage, that I deem it a duty not to be sanguine myself, or to lead the Government to expect too much.<sup>69</sup>

The colonel planned one column, under Lieutenant-Colonel Herrick, to advance from Wairoa and enter the Urewera by crossing Lake Waikaremoana. Another column, headed by Lieutenant-Colonel St John, was to leave Opotiki, and enter the Urewera via the Whakatane River. The third arm of the expedition was to be led by Whitmore himself and Major Roberts, leaving Opotiki, and then building a chain of forts from Matata up to Tauaroa, eventually to penetrate the Urewera from a western entrance.<sup>70</sup> In all, there were about 1300 troops at Whitmore's disposal. These forces were to rendezvous at Ruatahuna, strategically and symbolically very important to Tuhoe; in this connection, Binney has quoted a whakatauki of Tuhoe's:

*If my neck is to be severed, it must be severed in Ruatahuna.*<sup>71</sup>

If Cowan is correct, the only real geographic information available to the forces was based upon information and a map made by the Reverend James Preece (who had been stationed at Ahikereru and whose son was now Whitmore's interpreter) and the notes made by Hunter Brown in 1862.<sup>72</sup>

Whitmore reached Te Harema Pa at Ahikereru on 6 May. It was occupied mainly by women and children, because the men were either away with Te Kooti or in the nearby valley tending crops, thus, 'all [Hauhau] could not be killed'.<sup>73</sup> It was attacked none the less, and the women and children given to the Te Arawa troops, in a calculated attempt to destroy Ngati Whare. Binney characterises this as a 'deliberate and remorseless unleashing of tribal hostilities by the government'.<sup>74</sup> In the meantime, St John had come under heavy attack near Tatahoata but met with Whitmore at Ruatahuna on 8 May. Herrick's expedition from Waikaremoana, however, had been an expensive failure; by the time the boats needed to cross the lake had been built, the expedition was long over.

At all the Ruatahuna settlements, stock and crops were systematically destroyed and fences pulled down so that wild pigs could complete the destruction. To add insult to this severe injury, Ngaitai kupapa desecrated the highly tapu grave of the ancestor Murakareke, sited on the Tahora ridge.<sup>75</sup> According to Whitmore, Tuhoe 'made a very poor fight at Ruatahuna', and mainly scattered into the dense surrounding bush.<sup>76</sup> The next two days saw Whitmore dispatch what he euphemistically termed 'foraging parties' to destroy kainga in the Ruatahuna vale. Some years later, he would recall:

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69. Ibid

70. Ibid; Belich p 277

71. Binney, p 165

72. Cowan, p 337

73. Whitmore to Haultain, 18 May 1869, AJHR, 1869, A-3, p 48

74. Binney, p 165

75. Cowan, p 351

76. Whitmore to Haultain, 18 May 1869, AJHR, 1869, A-3, p 49

So hopelessly had the native inhabitants lost confidence in themselves and their fastness that they did not attempt to molest the foragers or combine to avenge themselves on the invaders, but scattered in to small groups, occupied the hilltops, and made the mountains resound with their sorrowing tangis and lamentations.<sup>77</sup>

While Government forces ravaged Ahikereru and Ruatahuna, Te Kooti remained on the northern shores of Waikaremoana, awaiting an attack that did not come. The Arawa forces refused to move beyond Ruatahuna to Waikaremoana ostensibly, Whitmore suggested, because they feared the 'terrible loss' suffered by Tuhoë's enemies in these mountains. (Binney also suggests that they were tired of working as 'slaves' without the command of their own chiefs.<sup>78</sup>) The colonial forces began their withdrawal from Urewera on 14 May 1869, returning via Oputao, and Ahikereru, and then the Horomanga Gorge, pausing to destroy the kainga there. The withdrawal was complete by 18 May. Whitmore had not captured or killed Te Kooti, but the expedition was, at the least, a psychological success:

[It] did a great deal to dispel the mystery which had enveloped that savage region, and to demolish its reported impregnable character. For the first time its physiography became accurately known, and, despite the formidable natural obstacles, it was proved that the country was not inaccessible to white troops.<sup>79</sup>

Belich says that Tuhoë's resistance had been 'piecemeal', with little or no coordination, and that they suffered casualties of at least 20 people killed and about 50 captured. In Belich's estimation, this loss, combined with the destruction of their property, permanently weakened Tuhoë.<sup>80</sup> Further research would be needed before a confident explanation for Tuhoë's lack of coordination could be offered.

Whitmore had gambled that the invasion would force Te Kooti into open country. Binney says, in fact, that Tuhoë told Te Kooti to leave their land at this time, while Belich points out that Taupo was better able to supply the resistance in winter than Urewera, and that Taupo sympathisers had invited Te Kooti there before Whitmore's invasion had even begun.<sup>81</sup> Whatever the reason, Te Kooti and about 200 followers left Urewera by crossing the Kaingaroa Plains, emerging at Opepe on the Taupo–Napier road. Te Kooti subsequently undertook operations to the north and south of Lake Taupo.

In June, however, a number of the Tuhoë who had accompanied Te Kooti to Taupo turned back to Urewera because they had heard that Herrick's delayed Waikaremoana expedition had occupied Onepoto, sited on confiscated land to the south and south-east of the lake. At the same time, Whitmore's relieving officer, Harrington, decided to abandon the forts (Alfred, Clarke, and Galatea) on the fringes

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77. G S Whitmore, *The Last Maori War in New Zealand under the Self-Reliant Policy*, London, Low Marston, 1902, p 116 (quoted in Webster, p 118)

78. Whitmore to Haultain, 18 May 1869, AJHR, 1869, A-3, p 50; Binney, p 165

79. Cowan, p 358

80. Belich, p 279

81. Binney, p 165; Belich, p 279. Binney says (p 169) that Te Kooti actually went to Taupo because Paora Hapi had defied him, not invited him.

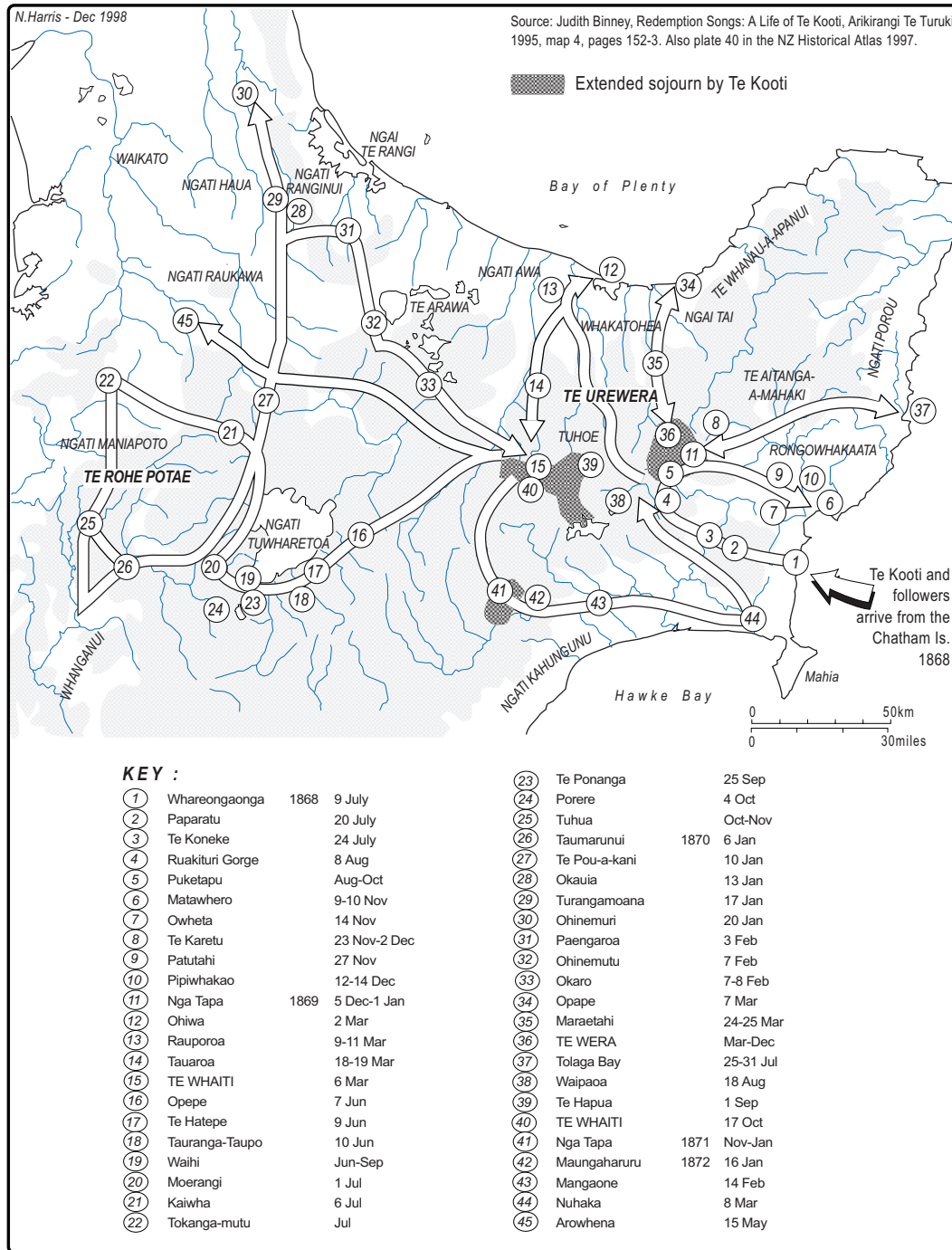


Figure 10: Te Kooti's flight, July 1868 – May 1872

of western Urewera. This, and a change of Ministry in June 1869, gave Te Kooti a three-month respite.<sup>82</sup> After spending the winter months at Tokaanu, Te Kooti's force built a redoubt at Te Porere, where they were defeated in October by a combined Taupo, Arawa, and Ngati Kahungunu force commanded by McDonnell. Binney says

82. Belich, p 280

that a number of Tuhoe chiefs, including Paerau, Hapurona Kohi, Te Makarini, Rakuraku, and Kereru Te Pukenui, had returned to Taupo and were at the Te Porere battle, while other Tuhoe stayed to defend Waikaremoana.<sup>83</sup>

These chiefs remained with him as Te Kooti fled to Taumarunui and the King Country, and as he attempted to return to Urewera in February 1870. Te Kooti's ope decided to return via Rotorua and sent letters to Te Arawa chiefs asking for the right of passage through their lands.<sup>84</sup> Two men were dispatched by the chiefs to talk with Te Kooti (one of them was Kepa Te Ahuru, a Tuhoe trooper with the Armed Constabulary).<sup>85</sup> Though some of Te Arawa were prepared to make a truce with Te Kooti and let him pass, they were ignored by Gilbert Mair, who gave chase with 120 Te Arawa men. Only rearguard action, with the loss of Te Kooti's right-hand man, Te Peka Makarini, ensured that the band made it back to Urewera via the Horomanga Gorge.<sup>86</sup>

#### 4.6 THE SECOND UREWERA EXPEDITION, MARCH 1870

McLean, the new Minister of Defence in the Fox Ministry, instituted a new system of campaign against Te Kooti in February 1870. While Captains Preece and Gilbert Mair would command the 200-strong Te Arawa Flying Column on several expeditions in Urewera, most of the fighting was now to be done by Maori kupapa under their own tribal leadership. These fighters would no longer be paid a daily sum but would compete for a £5000 reward for Te Kooti, and lesser rewards for his followers.<sup>87</sup> While the Kawanatanga Maori were glad of their own military leaders, they disapproved of the new pay scheme and made up for the loss of wages through the subsequent plunder of Whakatohea and Tuhoe property.<sup>88</sup>

Once again, a three-prong invasion was undertaken by the Government forces: Te Keepa (Major Kemp) and a group of Te Whanganui and Ngaitai marched up the Tauranga (Waimana) River; a Ngati Kahungunu column left from Napier; and Major Ropata Wahawaha and the Ngati Porou contingent left from Turanga.

Te Kooti had initially returned to Ahikereru but then travelled to the rugged country of Te Wera, a core centre of his support under Hira Te Popo. From there, Te Kooti renewed strikes on the communities of the eastern Bay of Plenty. He first attacked the loyalist chief Rangitukehu's mill on 28 February, torching it in revenge for support lent to the Government by Te Pahipoto, then he crossed eastward to Opape on 7 March. Te Kooti sought an infusion of men and ammunition to bolster his dwindling party, and if Maori were not willing resistance fighters, Te Kooti would

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83. Binney, p 188

84. Ibid, p 206

85. Ibid. Kepa later joined Te Kooti, at one point acting as his second in command. He then rejoined the forces hunting Te Kooti, claiming he had been kidnapped. Binney says (p 207) that he 'played a double role' in the campaigns.

86. Binney, p 208; Belich, p 285

87. Belich, p 285

88. Ibid

intimidate them into joining him or take them as prisoners. He desperately needed more men as the attack on Tuhoe was revived. After raiding Opape, Te Kooti returned up the Waioeka River to Maraetahi Pa, where he established a village and gardens.<sup>89</sup>

Once again, Tuhoe's homes and crops were laid waste as numerous kupapa columns crossed and swept through the Urewera mountains. On 5 March, Te Keepa Te Rangihwinui's contingent marched into the Waimana valley. Pushing up the river, Te Keepa fired warning shots before Tamaikoha's pa at Tauwharemanuka. He concluded a peace with Tamaikoha, who told Te Keepa that he had never supported Te Kooti, on about 10 March 1870.<sup>90</sup> Tamaikoha agreed to cease fighting and pledged neutrality on the conditions that there would be no survey or settlement of his remaining lands.<sup>91</sup> The peace was sealed with ritual exchange: Te Keepa gave Tamaikoha a revolver and ammunition, while Tamaikoha gave the major information that Te Kooti was going to attack Whakatohea settlements on the coast. Te Keepa's force immediately turned back to the coast instead of continuing to Maungapohatu, but Te Kooti had already attacked Opape by this time. Flooding had meant that the news of it had been delayed.<sup>92</sup>

It became evident that the peace was intended by Te Keepa to extend to the whole of Tuhoe, as he sent a flag of truce through to Tuhoe, who presented it to Major Ropata at Maungapohatu. Ropata's Ngati Porou force had already marched to Maungapohatu and had taken the pa of Toreatai on 13 March, when Tamaikoha also arrived in Maungapohatu with a letter from Te Keepa for the major. Ropata Wahawaha was furious with the terms of the peace, which required him to withdraw from Urewera and release his Tuhoe prisoners. After consulting with Captain Porter, second in command of the column, however, Ropata was reluctantly compelled to acknowledge the arrangement, but not before warning Tuhoe that if he had to return to Urewera, they would regret it. Leaving Maungapohatu, Ropata travelled down the Waimana valley with non-Tuhoe prisoners, who were not included in the peace agreement. He had an angry altercation with Tamaikoha, but the peace was not yet broken.<sup>93</sup>

Arriving in Opotiki, Ropata learnt that the Whanganui contingent had set off up the Waioeka River the previous evening, hunting the resistance fighters led by Hira Te Popo. Ropata followed and soon encountered Te Kooti's guard, and then Te Kooti's settlement, at Maraetahi. Nineteen 'rebels' were killed, but Te Kooti and a close group of about 20, including Hira Te Popo and Rakuraku, narrowly escaped from Ropata's assault on Maraetahi. The previous day, Te Keepa and Topia Turoa's force attacked the nearby pa of Waipuna, where the Pai Marire emissaries Hakopa and Hakaria were killed. Kereopa, however, escaped. Te Kooti by this stage was accompanied by very few men, his followers having been killed, surrendered, or died of starvation. He fled even further inland, for the Waioeka headwaters. There he managed to re-establish a

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89. Binney, pp 210–211

90. Sissons, p 134

91. Binney, p 212

92. Ibid, pp 212–213

93. Ibid



core group of about 50, called Nga Morehu (the survivors and the chosen few), who were probably all Tuhoe.

Both Tuhoe and Whakatohea hapu were subject to intense pressure to surrender, because it was clear that the iwi lent tacit support to the fugitives. In January 1870, the Tuhoe chief Te Whenuanui had sent indication to the Government that he wished to negotiate a peace. What it involved, however, from the Government's point of view, was that Tuhoe hapu would leave their homes and come down to Government reservations at Te Putere, near Matata, and live with Ngati Awa and Te Arawa Kawanatanga chiefs. This would be a sticking point for many Tuhoe.

In April 1870, Tamaikoha moved out to Whakarae and sent a letter to Gilbert Mair, Te Keepa, and other former foes. He said that he had reached an agreement with other Urewera chiefs regarding peace proposals, and was adamant that, because Te Kooti was not sheltering within their territory, the colonial forces could not trespass on Tuhoe land: 'If you intrude my place there will be trouble. If you invade me when Te Kooti is not here, there will be trouble'.<sup>94</sup> Tamaikoha said that all of Tuhoe had returned to their homes and only two (unnamed) hapu still associated with Te Kooti. Binney notes that one of these was undoubtedly Ngati Huri, or Tamakaimoana, of Maungapohatu.<sup>95</sup> Additionally, Tuhoe posted notice of Kemp's and Tuhoe's peace on all the routes into their country. Ngati Whare chiefs wrote to Te Arawa telling them that they were keeping Te Keepa's peace but had no intention of being detained in Government reserves.<sup>96</sup>

While Tuhoe seemed ready to abide by their accord with Te Keepa, which did not require them to vacate Urewera, the Government had never sanctioned Te Keepa's peace. It had not, however, communicated this to Tamaikoha. St John was outraged by Tamaikoha's warning to the Government not to trespass on his territory and told McLean that he planned to kill the chief. St John was told not to attack him. Tamaikoha went to Whakarae to conclude peace negotiations with Ngati Awa, and on 25 April, St John attacked him there, despite knowing that the purpose of Tamaikoha's visit was to make peace. St John gloated that Tamaikoha had never had such a close shave, but the chief's uncle, Tipene, was less fortunate, and was killed.<sup>97</sup>

The Defence Minister was understandably furious that St John had so blatantly violated his instructions with an act he recognised as treachery. St John was actually removed from his command for his attack upon Tamaikoha at Whakarae, and his position was resumed by Major Mair. However, the Government's relationship with Tuhoe chiefs was damaged at a critical time when McLean was doing his utmost to pressure Tuhoe to surrender. Tuhoe chiefs sent a letter to Te Arawa stationed at Fort Galatea, angry at the kohuru or treachery in the peace with Tamaikoha, and bidding Te Arawa return to 'the sea'.<sup>98</sup> They also said that Te Kooti was not in Urewera – this was true. Ruatahuna chiefs had rejected a letter from Te Kooti that they had received

94. Ibid, p 225; Erueti Tamaikoha to Kemp, Topia, Kawana Paipai, and Mete Kingi, 18 April 1870, AJHR, 1870, A-8B, p 38; Tamaikoha to Major Mair, 18 April 1870, AJHR, 1870, A-8B, p 38

95. Binney, p 225

96. Ibid

97. Ibid

98. Ibid, p 226

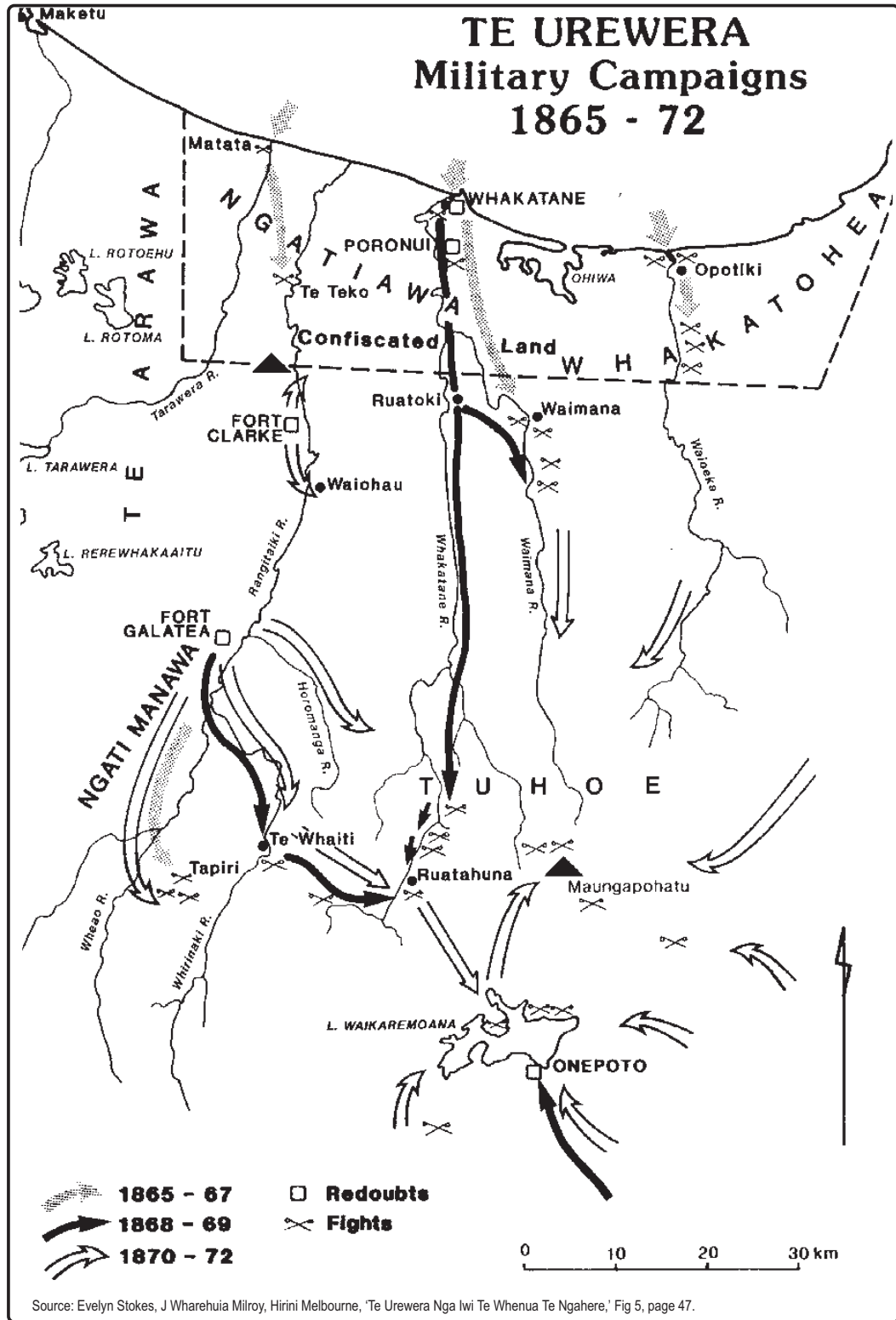


Figure 11: Te Urewera – military campaigns, 1865–72

on 27 April, denying him sanctuary. He was told to keep away, lest he invite further trouble to Tuhoe from the Kawanatanga forces.<sup>99</sup> At the same time, it would become clear to McLean that Tuhoe hapu even considering surrender were too nervous to do so after Whakarae, lest they be killed or have their land taken from them.

#### 4.7 THE THIRD UREWERA EXPEDITION, APRIL 1870

McLean struggled to convince Tuhoe that he had not condoned St John's actions and that he intended to keep the peace with those Tuhoe who came in willingly. These offers of peace were simultaneously given while a third expedition into Urewera was mounted. From 6 April, Captains Preece and Mair and the Arawa Flying Column kept up skirmishes in Urewera from their base at Fort Galatea, to the west of the district. Finally, the Ngati Whare of Te Whaiti district, led by their chief Hapurona Kohi, surrendered at Galatea on 20 May as a result of the negotiating efforts of Corporal Te Meihana of Ngati Manawa. Cowan states that Tutakangahau of Maungapohatu surrendered with Ngati Whare.<sup>100</sup> Shortly afterwards, the Patuheuheu people of the Hormanga Gorge also surrendered. They offered as their reason that they were very badly disposed toward Te Kooti because so many of Tuhoe had died, and they greatly feared further war in their country.

To the south and east of the Tuhoe rohe, two Ngati Kahungunu contingents from Mohaka and Wairoa set out to reoccupy Onepoto at the end of April. Led by Hamlin (the resident magistrate at Wairoa), the Wairoa arm of the expedition occupied a position on the south of the lake, which they used as a base to attack and plunder pa on the northern shores of Waikaremoana. On 15 June, Te Makarini finally met Hamlin under a flag of truce, and a week later he surrendered, while expressing a great fear that his land would be taken away.<sup>101</sup> Later, an Armed Constabulary unit was stationed at Onepoto, remaining there until Te Kooti finally left Urewera in 1872.

Te Makarini and Hapurona Kohi were used by the Government to persuade the Ruatahuna chiefs to 'come in'. On 11 July, Hapurona and other Tuhoe, including Rakuraku, who had also recently surrendered, went to Ruatahuna to convince Te Whenuanui and Paerau to surrender.<sup>102</sup> All the people of Waikaremoana and Ruatahuna gathered at Tatahoata Pa, where they informed the Tuhoe intermediaries that Te Kooti was not with them and that they were willing to surrender, and even go out to the coast, but would not because they did not trust the Government. This was followed by a letter to the Government from the Ruatahuna chiefs, 'Te Whenuanui and all Tuhoe Potiki', on 16 July, in which they reiterated that they accepted the peace but would not 'come in'.

On 17 June, Hira Te Popo and most of his hapu of Ngati Ira that remained, about 34 people, submitted at Opotiki.<sup>103</sup> Binney has noted the small numbers of these

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99. Ibid, p 223

100. Cowan, p 422

101. Binney, p 227

102. Ibid

surrendering groups, underlining the odds that they faced against the colonial forces: ‘At the heart of the “resistance forces” were tiny hapu groups, who were usually no more than a few extended families’.<sup>104</sup>

Rakuraku continued to play both sides of the conflict, on the one hand promising Te Keepa that he would ‘come in’ in March 1870, then fleeing with Te Kooti to Maraetahi, and then offering to shelter him at Tawhana. The Government forces were not above kidnapping Rakuraku’s wife in order to insure the chief made up his mind to surrender, which he did. He was then used, like Te Makarini and Hapurona, to induce the remaining Tuhoe chiefs to surrender.<sup>105</sup> On 27 July, all the inland hapu of Tuhoe met at Ruatahuna, where Hapurona and Rakuraku presented Tuhoe with the Government terms for their surrender. Tuhoe had to leave the land, abandon their arms, and go to the coast. By doing this, they would be spared and the Government would take no more land. The confiscation line, however, would remain where it was.<sup>106</sup> The chiefs were assured that they could surrender safely and that they would not be treated as criminals (as Te Kooti and Kereopa would be). Again, the Tuhoe response to this coercion was divided. Hapurona returned with some of Te Kooti’s followers who had surrendered, while remaining Tuhoe chiefs wrote a collective letter to the Government in August 1870. In it, they warned the Government to pursue Te Kooti outside of their boundaries but said they would notify the Government if Te Kooti showed up within their territory. They also wrote to Ngati Kahungunu saying that they would not permit Te Kooti within their rohe and that they regarded the peace made between Tamaikoha and Te Keepa as standing.<sup>107</sup> Hamlin obviously regarded Tuhoe’s position as relatively weak, and he replied that, if wanted to chase Te Kooti through Tuhoe lands, he would.

In late August, the Government sent Te Makarini back to Waikaremoana bearing the ‘final terms of peace’.<sup>108</sup> He was accompanied by Te Paea Iho, the sister of King Tawhiao. Tuhoe letters subsequent to this delegation made it clear that Te Kooti was not with Tuhoe, and that one of the reasons that many chiefs had not come in was because of a great sickness (probably influenza) that had killed perhaps 200 people and had confined others to their homes.

Tuhoe submissions regarding peace with the Government continued through the last months of 1870. At the end of September, all of Ngati Whare and Patuheuheu were reported to have come in. On 26 September, Te Whenuanui went to Whakatane and was followed by Paerau in October. Te Whenuanui sealed the peace with William Mair by exchanging gifts; he gave Mair two greenstone mere and coloured garments (signifying mana and tapu) while Mair gave the chief a watch, a gold ring and a cloak. Te Whenuanui asked for protection, as he believed he would now be killed by Te Kooti. In December 1870, Te Whenuanui, Paerau, Tutakangahau, and Te Makarini

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103. Ibid, p 223

104. Ibid

105. Ibid, p 237

106. Ibid

107. Ibid, p 238

108. Ibid

and their people went to Napier, where they formally made peace with J D Ormond. They were to remain there and be kept watch over by Te Moananui.<sup>109</sup> Binney states:

It was made clear that their return depended entirely upon Te Kooti's capture and their assistance in this matter. The Urewera was being stripped piecemeal of its people by forced evacuation and by disease. But the land could never be as empty as the Government wished.<sup>110</sup>

In October, Tamaikoha also met formally with Mair at Te Waimana, reaffirming his neutrality but making the terms of this position quite clear: Te Kooti could be pursued through his land, even to Maungapohatu, but Tamaikoha had to be kept informed of the troops' movements and none of his people nor his property were to be harmed. This seemed a more flexible offer than other Tuhoe chiefs were prepared to make – they would not sanction the chase for Te Kooti within their boundaries (for all the difference that this made). They were not sheltering Te Kooti per se, but it was obvious that they communicated with him, enabling him to remain undetected by the colonial forces that criss-crossed their country.<sup>111</sup>

#### 4.8 THE FOURTH UREWERA EXPEDITION, JANUARY 1871

January 1871 saw the commencement of what was known as the fourth Urewera expedition, the object of which was to target the epicentres of Tuhoe resistance at Ruatahuna and Maungapohatu. Gilbert Mair reached Ahikereru the same month, to discover that there were still Ngati Whare living there. They flew a flag of peace which Ngati Kahungunu had given them, and told Mair that Te Kooti was at Te Wera with about 20 men. According to Binney, Te Kooti was actually hiding in the land between Te Papuni and Ngatapa but he came to Maungapohatu in January, and found shelter with Ngati Huri, who had refused to go to the Coast the previous September and had dispersed.<sup>112</sup>

Ropata and Porter had again led the Ngati Porou contingent from Turanga, went up to Te Wera and then journeyed down the Waioeka River to Maraetahi, and continued to the Waimana valley, where they met Tamaikoha. Tamaikoha insisted upon escorting the invaders, lest he was accused of hiding Te Kooti. Tuhoe chiefs, meanwhile, had gathered at Tamaikoha's residence of Tauwharemanuka and communicated that they would not help hunt Te Kooti but would remain neutral. They told Ropata that Tuhoe did not consider Te Kooti a criminal because it was the duty of every Maori to fight the foreigner as the country was slipping from Maori control. Further, they commented that the killing of women and children, which was often held up by the colonists as typical of Te Kooti's murderous nature, was par for the course in wartime.<sup>113</sup>

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109. Ibid, pp 240-241

110. Ibid, p 241

111. Ibid

112. Ibid, pp 241-242

The Maungapohatu people had not come to Tauwharemanuka and remained defiant. Kereru Te Pukenui (of Ngati Rongo with close ties to Maungapohatu) wrote to Tamaikoha and Ropata Wahawaha saying that no booted feet were to pass on Maungapohatu. A second letter arrived on 14 February from Maungapohatu saying that if Ropata and his 200 men approached them, the people would simply run away.<sup>114</sup> This they did when Ropata occupied the old pa of Tauaki at Maungapohatu on 16 February. Ngati Huri retreated to Te Kakari on the track to Ruatahuna but sent word to Ropata that they would talk to him. Ropata and Porter met Ngati Huri whose speaker on this occasion was Te Purewa. The chief told them that Te Kooti was not with him and asked that Te Kooti be spared and peace be made. Te Purewa offered to guide them to Ruatahuna and there he would leave them, seeing as that was not his tribal domain – here, Te Purewa pointedly upheld the mana and authority that every Tuhoe chief expected to hold within his own district. Binney says that Te Purewa was deliberately ambiguous and Ropata later learned that Te Purewa had led them in the wrong direction, and that Ngati Huri were still in direct communication with Te Kooti, who had known the troops' movements as soon as they had entered the Waimana valley.<sup>115</sup>

Ropata and Porter had managed to capture some of Te Kooti's supporters as they combed the Urewera but frustration was running high as they failed, again, to capture their main prey. Te Whenuanui and Paerau were dispatched again to entreat Ngati Huri to either yield Te Kooti or submit immediately.<sup>116</sup> This time, Tuhoe had the threat of the occupation of Ruatahuna and Maungapohatu by Ropata's men, hanging over their heads. It was made explicit that any pa which protected Te Kooti would be destroyed and its people taken away. The Tuhoe who remained in exile as the hunt continued, could only return if the Tuhoe who stayed in the mountains assisted the Government to find Te Kooti. At a hui in early April 1871 at Tatahoata, Tuhoe agreed again not to shelter Te Kooti but this time, they gained the reluctant agreement of Kereru Te Pukenui. He wrote to the Government:

This is my word to you. In the day of Ropata Te Kooti will have no men; they will all come over to the Government, the Ngatihuri and Ngatirongo. Te Kooti is now by himself (or at a distant place). I am now living in quietness . . .

This is another word to you. Some of my people are with Te Kooti. I did not tell them to go but he caught them . . . I will go to fetch them – I shall be strong to send them back.<sup>117</sup>

Hapurona, returning from this hui, was able to tell Preece that Te Kooti was believed to be at Mautaketake on the south eastern shores of Waikaremoana, with about 40 survivors. Preece and Gilbert Mair set out again from Fort Galatea on 25 May with 118 men, proceeding to Tatahoata where they met Te Whenuanui and

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113. Ibid, p 242

114. Ibid, pp 242–243

115. Ibid, p 244

116. Ibid, p 247

117. Kereru Te Pukenui to H T Clarke, 10 April 1871, AJHR, 1871, F-1, p 23 (cited in Binney, p 248)

Paerau. Another runanga was held on 1 and 2 June, where the Tuhoe chiefs again refused to help catch Te Kooti, ostensibly because they had been at war for some years and were tired of fighting. Ngati Huri followed this meeting with a runanga of their own on 20 June at Tauaki Pa. Te Purewa and Te Puehu plainly told Preece and Mair to turn back to Galatea because Te Kooti was not with them. Notable by his absence was Kereru Te Pukenui who withdrew from Maungapohatu upon the approach of Preece and Mair, it being common knowledge now that he and Ngati Huri had assisted Te Kooti and lied about it.<sup>118</sup> This was the situation that would obtain through most of 1871. Binney reports that Tuhoe were exhausted and starving at this time, but still helped Te Kooti with the only means at their disposal:

There was clearly a covert assistance for Te Kooti, even though few now actually wished to fight along with him. The odds for victory through war were impossible. But the sympathy for his autonomous stand was extensive . . . The delivery of muddled information, mingled with deliberately confused reports and slanderous assertions, was turned into an art form by Tuhoe.<sup>119</sup>

Through the harsh winter, Te Kooti sheltered east of Lake Waikaremoana. He captured some of Te Makarini's people, posted by the chief to keep an eye on Te Kooti at the lake. Kereru Te Pukenui requested that they be released, but Te Kooti refused. Preece and Mair picked up Te Kooti's trail and lost it again innumerable times throughout this period, and there were frustratingly close shaves with Te Kooti himself – but still he remained at large.

It was in the latter stages of 1871 that some Tuhoe joined the Government's hunt for Te Kooti. Tamaikoha joined Preece and Mair in an expedition in early October. Another Tuhoe expedition led by Hemi Kakitu, who had formerly joined with Te Kooti at Whakarae, attacked his camp near Ahikereru with a small force of Te Whenuanui's and Tamaikoha's men. These leaders had to assist the colonial forces as the price set for their peace with the Government; moreover, they had been 'brought to their knees' by starvation. Te Whiu Maraki was another of Te Kooti's ex-followers who was forced to help the Government troops. In August 1872, he led a detachment of troops to a small village called Roau, in the upper reaches of the Whakatane River, where Kereopa Te Rau was finally captured.<sup>120</sup>

#### 4.9 TUHOE'S ACCORD WITH MCLEAN, 1871

Because Ngati Huri had refused to actively help the Government, and had instead been tacitly supporting Te Kooti, Ropata's forces attacked Maungapohatu in late October 1871. Tauaki and Te Kakari were both attacked and captured as part of the 'pacification' of Ngati Huri. Maungapohatu and Ruatahuna were then occupied by Ropata's force, and he built a redoubt at Maungapohatu called Kohitau, or 'gather in

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118. Binney, p 248

119. Ibid, pp 248–249

120. Ibid, p 266; Sissons, p 138

the years', a reference to the time taken to conquer Tuhoe.<sup>121</sup> Te Makarini wrote to the Government bitterly complaining of Ropata burning Tuhoe homes, destroying their cultivations, and killing people. Te Purewa protested the same actions, declaring that the authority within Maungapohatu was his:

He would have nothing to do with Ruatahuna: let Te Whenuanui and Paerau manage their people, and Tamaikoha his. Theirs was not the authority in Maungapohatu: the management of each hapu was its own.<sup>122</sup>

Te Purewa's statement underlined the independence of each of the Tuhoe chiefs, and the separate mana they held over land and people. It was this status that the chiefs wished McLean to respect and acknowledge, if he was to receive any assistance from them. It appears that several Tuhoe chiefs including Te Whenuanui and Paerau personally visited Donald McLean in Wellington in 1871, where the capitulation of Tuhoe, and of Ngati Huri in particular, was negotiated.<sup>123</sup> The terms of this agreement, as reported by Binney, were extremely important for Tuhoe because McLean agreed to a regional autonomy for the Urewera, and to recognise each chief as having the authority within his own district.<sup>124</sup> Tuhoe were to cling to this promise in the ensuing years, as the Government strove to forget that it had been made. However, at the time, Ormond reported the deal as such to Porter: 'The Chiefs given direction of affairs in their own districts on condition Te Kooti given up to the Law'.<sup>125</sup> This was expressly communicated to Tuhoe chiefs as well; on 20 November 1871, J D Ormond, agent for the general Government in Hawke's Bay, wrote to Tamaikoha:

Friend I received your letter written from Waimana and hear that Te Kooti's people are in your hands for safe keeping. That is well[,] it is to you that the Govt now look to prevent them from returning again to evil – Also it is to you the regulation of affairs within your boundaries will be entrusted, to Whenuanui and Paerau in their boundaries and to Purewa in his. As for Te Kooti, I have written to Whenuanui and Paerau he must be given up to the law as it is within their boundaries he is now hiding. Friend add your word that the evil caused by this man may be ended.<sup>126</sup>

To Te Purewa, he wrote:

The Govt have considered your proposal to leave the management of your people in your hands[;] that is to look to you to keep evil out of your boundaries and hold your

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121. Binney, pp 264–265

122. Te Purewa to Ormond, not dated (November 1871), AGG-HB2/1, NA (cited in Binney, p 266)

123. Judith Binney notes that Ormond's letter to Te Makarini, dated 20 November 1871 (cited on the following page) suggests that Te Whenuanui and Paerau agreed to the wider terms of their peace with the Government when in Wellington, prior to their return to Urewera in April 1871: Binney to the author, personal communication, 12 February 1999.

124. Binney, p 266; Binney, 'Te Mana Tuatoru: The Rohe Potae of Tuhoe', *New Zealand Journal of History*, vol 31, no 1, April 1997, p 117

125. Ormond to Porter, annotation dated 21 November 1871 on Porter to Ormond, 16 November 1871, AGG-HB13, NA (cited in Binney, 'Te Mana Tuatoru', p 117)

126. Ormond to Tamaikoha, 20 November 1871, AGG-HB4/8, NA. The author thanks Vincent O'Malley for finding and sharing this information.



people together. This word of yours is accepted and it is to you the Government will look in future for the regulation of affairs at Maungapohatu. What is wanted is that goodwill shall exist between your people and the Govt and that Te Kooti and other evil disposed [sic] people shall be given up. Porter will talk with you about the [employment?] of you and your people to carry mail so that communication between us may be complete.<sup>127</sup>

To Te Makarini, he wrote:

Friend I have received your letters through Major Cumming [?] and have been glad to find that your people have been kept together and out of evil. Capt Porter will give you what word there is of here and it will be for you to add your word to Whenuanui and Paerau that Te Kooti who is within their boundaries be given up to the law in accordance with their promise to me at [Wellington?]. Another word of mine is that you talk with your people about a road for Waikaremoana and Wairoa and from Waikaremoana to Ruatahuna so that the mail may go – write to me on this and the roadwork shall be given to your people that they may earn money as is done by the other tribes.<sup>128</sup>

To Whenuanui and Paerau, Ormond wrote:

Friends, when you left here your agreement with me was you were to keep your boundaries clear of trouble and that if Te Kooti came within your boundaries he was to be given up by you. The Govt are well informed of what has happened since. Quite recently an offer was made by Wepiha that Te Kooti would be given up by you and he [cojointly?] to be tried by the law provided the Govt withdraw Ngatiporou from your boundaries. Wepiha is now employed on that business. It rests now with yourselves. Te Kooti *is in* your boundaries[;] it is for you to fulfill your agreement and hand him over to the law – let that be done at once. You choose to whom [you] will give him either to Major Cumming at Waikaremoana or to Mr Clarke at Tauranga or to Major Ropata. Ngatiporou will then withdraw at once and the management of your people will be left to be managed by yourselves. Porter will talk with you and arrange about the mail through which communication will be kept up between us. The Govt relies on your word being kept. [Emphasis in original.]<sup>129</sup>

Ormond sent the letters ahead to Ropata at Maungapohatu, so he could read the agreements reached with the Tuhoe chiefs. Ormond expressed hope that the Urewera chiefs would give Te Kooti up, in spite of hearing rumours that the Waikato offered Te Kooti sanctuary, but he cautioned: 'if not we must determine what course to take towards them [Tuhoe] and I shall be glad of your advice on this point after you have seen what they have to say to my letters'.<sup>130</sup> After hearing of Kereopa's capture, Ormond again wrote to Major Ropata, congratulating him. He added that he thought it likely that Tuhoe might act upon his letters and give up Te Kooti:

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127. Ormond to Te Purewa, Maungapohatu, 20 November 1871, AGG-HB4/8, NA

128. Ormond to Te Makarini, Waikaremoana, 20 November 1871, AGG-HB4/8, NA

129. Ormond to Whenuanui and Paerau, 20 November 1871, AGG-HB4/8, NA

130. Ormond to Ropata Wahawaha, 21 November 1871, AGG-HB4/8, NA

but this will be more likely if you are there to push them. I meant those letters to be more a lever for you to use than anything else. I would like therefore you to return to Ruatahuna at once and push matters. Your having caught Kereopa will assist I think in causing the Urewera to hand over [Te] Kooti – at any rate you will not be very long delayed and the Govt would then like you to visit Wellington and receive their congratulations.<sup>131</sup>

Having secured an agreement that recognised their authority in their own land, the Maungapohatu chiefs joined the search for Te Kooti. Hetaraka Te Wakaunua of Maungapohatu led an expedition as far as Te Papuni and Erepeti in late February 1872 and joined Ferris at Lake Waikaremoana in March. On this last excursion, there were 18 men from Maungapohatu and five from Tikitiki participating in the search.

From October 1871 to March 1872, Te Kooti traversed the country between the Urewera and the upper Wairoa and Mohaka Forests. He then passed back through Heruiwi, crossed the Rangitaiki River and the Kaingaroa Plains, forded the Waikato and entered Arowhenua, and safety, on 15 May 1872.

For Tuhoe, then, the war was over. They had, they believed, McLean's agreement that they were to look after their own affairs within their rohe – the 'peace' that existed between Tuhoe and the Government was more in the nature of an uneasy truce and had been a pragmatic response to the deprivations that the Government had inflicted upon them for their support of Te Kooti.

#### 4.10 CONCLUSION

Melbourne has said that the forced removal of Tuhoe chiefs from Puketi, and their detainment at Whakatane, in September 1867, marked the end of any Tuhoe cooperation with Government authorities. Yet, it seems that neither did this signal complete Tuhoe commitment to war. A hui at Ruatahuna, in early 1868, failed to reach a decision on the course of action that Tuhoe, as a tribe, should adopt. Some Tuhoe leaders wanted to take immediate military action but at the same time, we see a significant number of chiefs who wanted to hold back, to maintain a neutral position and act defensively. Te Whenuanui (of the Te Urewera and Ngati Rongo hapu) counselled this course, and we have seen that this was the position he originally took when Tuhoe discussed going to Orakau in 1864. He, however, had changed his mind on that occasion and fought in the Waikato, and it is known that he also fought at Te Kopane in January 1866 and possibly at Te Tapiri in the same year. Fighting Government forces in the heart of the Tuhoe rohe, however, was probably felt to be a far more damaging undertaking as far as his people were concerned. In early 1868, too, the chief Paerau wanted to try and negotiate a peace with the Government, even though he was not supported by his own people on the matter. These two chiefs, and Hapurona Kohi of Te Whaiti, emerge in the narratives of the wars as perhaps being more 'moderate' than other Tuhoe leaders. None the less, Te Whenuanui and Paerau

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131. Ormond to Ropata Wahawaha, 24 November 1871, AGG-HB4/8, NA

had both been Pai Marire followers and were also among the Tuhoe chiefs who committed themselves and their lands to Te Kooti at Tawhana in March 1869. Te Kooti offered Tuhoe moral support, spiritual leadership, and the hope of restitution of confiscated land, and this was more important still since Tuhoe could not hope for support from Waikato, even though the Kingitanga had encouraged Tuhoe mobilisation against the Government.

The undertaking at Tawhana bound Tuhoe to the fortunes of Te Kooti and they paid dearly for their support of a man seen as the primary enemy of the Pakeha. The Government forces conducted a ruthless scorched earth campaign in their invasions of the Urewera, destroying food stores, crops, livestock, and houses, in an effort to break the network that sustained Te Kooti. Many Tuhoe starved and suffered from lack of shelter; they told Mair that for years, they had 'lived in caves and holes in the ground' and desperately needed to plant food and build houses.<sup>132</sup> Tuhoe would later say that they had lost 160 men in the various engagements of the wars, but even this was not a reflection of the numbers of Tuhoe, including women and children, who would have starved in the winters of 1870–71. Temara says the population 'dwindled' as a result of the invasions.<sup>133</sup>

Te Whenuanui indicated as early as January 1870 that he wanted to negotiate a peace with the Government but the terms of a peace – leaving the Urewera en masse to be held on Government reserves – were unpalatable at the time. Tamaikoha, however, concluded a peace with Te Keepa of Whanganui, in March 1870. Tamaikoha had never supported Te Kooti and seemed to function quite independently of other Tuhoe chiefs, yet he only offered Te Keepa his neutrality and did not, at this point, assist in the search for Te Kooti. Tamaikoha was never attacked again, and while the peace was intended by Te Keepa as extending to all of Tuhoe, the Government forces kept up attacks in the Urewera, as it was clear that the people covertly assisted Nga Morehu (Te Kooti and his few survivors).

Finally, and perhaps inevitably, Tuhoe were forced to surrender. In May 1870, Hapurona led Ngati Whare to surrender at Galatea, and Patuheuheu submitted shortly thereafter. In September, Te Whenuanui met Mair at Ruatoki and pledged peace, which was sealed with an exchange of gifts. In December 1870, he, Paerau, Tutakangahau, Te Makarini and others, formally made peace with the Superintendent of Hawke's Bay, J D Ormond, in Napier. Tuhoe chiefs sent a delegation, which included Paerau, to Wellington in early 1871, where they apparently met with Donald McLean. Binney says that the terms of the capitulation of Tuhoe, including Ngati Huri, were negotiated on this occasion. McLean promised the Tuhoe chiefs the regulation of affairs within their boundaries, but they had to give up Te Kooti to the law.

In spite of increasing pressure on Tuhoe to either surrender Te Kooti or assist in his capture, he remained undetected in the wilderness of Te Urewera. Ngati Huri and Ngati Rongo were epicentres of resistance against the Government, and their chiefs

132. G Mair to officer commanding Tauranga district, 11 July 1871, AJHR, 1871, F-1, p 43; see also Ormond to Colonial Secretary, 23 May 1870, AJHR, 1870, A-8B, p 67

133. Temara, p 529

defiantly refused to submit. Kereru Te Pukenui was described by Preece as ‘the most hostile chief in the Urewera’, and Mair described Te Puehu as having an ingrained hatred of the Pakeha. There was a suggestion, by Capatin Porter, that ‘a feeling of jealousy’ existed between Kereru and remaining unsundered chiefs, and Paerau and Te Whenuanui, over who had the authority to make peace on their behalf. Surrendered or not, many of the Tuhoe chiefs, however, still refused to take part in the hunt for Te Kooti, telling the Government that they were tired of fighting. Those that did escort invading troops were suspected of leading them in the wrong direction.

Ropata’s forces attacked Maungapohatu in late October 1871, in an attempt to ‘pacify’ Ngati Huri and shatter the Tuhoe resistance. Tuhoe chiefs evidently felt that McLean’s acknowledgement of their authority afforded them some protection, and they upheld their side of the bargain by joining in the search for Te Kooti. He was not captured, and eventually escaped to the Rohe Potae in May 1872.

McLean, then, sought to pacify Tuhoe by making the significant concession of recognising their chiefly autonomy and mana over their land. The Government was sick of the confiscations and of the wars, which were demoralising as well as expensive, and probably realised that it did not have the military ability to occupy and hold the district indefinitely anyway. Further, the Urewera district was not immediately required for settlement. What remained to be confirmed with Tuhoe, however, were the boundaries over which Tuhoe authority was to be exercised. Sources consulted do not indicate whether this issue was negotiated or even aired by Paerau and McLean at Napier, but now the war was at an end, the matter of Government and Tuhoe perceptions of where those boundaries lay would become pressing.

## CHAPTER 5

# TUHOE, THE NATIVE LAND COURT, AND POLITICAL DEVELOPMENTS, 1872–85

### 5.1 INTRODUCTION

This chapter examines the operation of the Native Land Court in the eastern Bay of Plenty, in so far as its determinations affected or otherwise involved the Tuhoe tribe. Thematically, the connection between the court and Tuhoe can be explored in several ways. First of all, we can attempt to survey some of those blocks of land that went before the Native Land Court, and in which Tuhoe asserted an interest, describing the nature of the interest and the means by which the land was actually taken to the court – by Tuhoe initiative or not?

There follows the implicit relationship between the court's activities and the matter of land alienation. After confiscation, it can be seen that most of what remained of Tuhoe's land was within the Urewera district proper; within a roughly oval area bounded by the confiscation line, the western Ikawhenua Ranges, Lake Waikaremoana to the south, and the Huiarau Range and Waioeka River to the east. Within the so-called 'ring boundary', Tuhoe were able to resist internal and external pressure to take their lands to court, and to sell them. The problem was, however, that Tuhoe's interests did not exclusively lie within that ring boundary, and they were forced into a reactive mode whenever hapu, with overlapping or competing interests in nearby 'borderlands', decided to seek title determination before the Native Land Court, or decided to alienate land at issue.

This brings us to the third interrelated theme, which is Tuhoe's political organisation and ideology in relation to the court. Tuhoe forbade its hapu from making application to the court, and banned leasing or sales of land within the 'Rohe Potae'. Instead, they formed their own governing runanga to deal with issues of land management but this council struggled to arrive at a consensus that all Tuhoe hapu would endorse. What remains unclear, and worthy of further research, is whether this council – Te Whitu Tekau – was equally opposed to private arrangements with individuals (perhaps for the lease of land or sale of timber) as it was to agreements that involved the State and the court.

## 5.2 AFTER THE SURRENDER: TUHOE ESTABLISH TE WHITU TEKAU

*This is why all the lands of the people are lost; they consent to the laws of the Government.*

Makarini Te Wharehuia of Tuhoe<sup>1</sup>

We have seen that the surrender and peacemaking of many of the senior Tuhoe chiefs was contingent upon an understanding, acknowledged by McLean, that the chiefs would be assured authority in their own districts. In later years, this agreement would be expressed by Tuhoe as their having gained a ‘protectorate’ over themselves and their land.<sup>2</sup> Daly has commented:

As Tuhoe believed that the establishment of their ring boundary had the blessing of the Native Minister, the idea that this inviolate territory was set up in opposition to government rule in a spirit of continued rebellion carries less weight than it might if Tuhoe had made no move to negotiate a surrender with any government agent.<sup>3</sup>

This regional and political autonomy was formally expressed in the establishment of Tuhoe’s political union, Te Whitu Tekau, in June 1872. Following a hui held at Ruatahuna, Tutakangahau wrote to Ormond, informing him that all Tuhoe boundaries had been joined as one on 7 June, and that 70 Tuhoe chiefs had been appointed to ‘conduct affairs which could benefit the tribe so that the law might be clear’ and so that no crime would be charged against them.<sup>4</sup> Tutakangahau said that no land would be leased or sold to Maori or to Europeans within the Tuhoe boundaries and that Tuhoe objected to surveys and to taking claims to the Native Land Court. Finally, the chief told Ormond that he was sending money so that this notice could be ‘gazetted’ in the paper. Daly, noting this last point, suggests it further indicates that Tuhoe believed their ring boundary and self-government to be ‘officially sanctioned’.<sup>5</sup> Paerau, who had visited McLean in Wellington in 1871, wrote to him again on 9 and 10 June, notifying him of the formation of the Union of Mataatua, or Te Whitu Tekau, as the council of 70 Tuhoe chiefs was known.<sup>6</sup> Binney says that Tuhoe saw their 1871 agreement with McLean as ‘underpinning’ their political union, Te Whitu Tekau.<sup>7</sup> In their letters to the Government, Tuhoe explicitly defined their boundary:

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1. ‘Proceedings of Meeting at Ruatahuna . . .’, no 34, encl, Hopkins Clarke to Civil Commissioner Auckland, 25 June 1872, AJHR, 1872, F-3A, p 30
  2. ‘Pakeha and Maori: A Narrative of the Premier’s Trip Through the Native Districts of the North Island’, AJHR, 1895, vol 2, G-1, pp 74, 76
  3. Siân Daly, draft chapter 5 of Urewera Rangahaua Whanui report, ‘The Background to the Urewera District Native Reserve Act 1896’, 1995, p 2. This draft chapter can be viewed at the Waitangi Tribunal office.
  4. Tutekanaahu (Tutakangahau) to Ormond, Kohimarama, Ruatahuna, 8 June 1872, AGG-HB2/1, NA
  5. Daly, p 2
  6. Te Makarini, Paerau, and others to McLean, 9 June 1872; Te Whenuanui, Paerau . . . and all the tribe to the government, 9 June 1872, AJHR, 1872, F-3A, pp 28–30
  7. Judith Binney, ‘Te Mana Tuatoru: the Rohe Potae of Tuhoe’, *New Zealand Journal of History*, vol 31, no 1, April 1997, p 118

The meeting of the Tuhoe (Urewera) has taken place at Ruatahuna on the 9th June. The first thing we decided were the boundaries of the land. My district commences at Pukenui, to Pupirake [Puhirake], to Ahirau, to Huorangi, Tokitoki, Motuotu, Toretore, Haumiaroa, Taurukotare, Taumatapatiti, Tipare Kawakawa, Te Karaka, Ohine-terakau, Kiwinui, Te Terina [Te Tiringa-o-te-kupu-a-Tamarau], Omata-roa, Te Mapara, thence following the Rangitaiki River to Otipa, Whakangutu-toroa, Tuku-toromiro, Te Hokowhitu, Te Whakamatau, Okahu, Oniwarima [Aniwaniwa], Te Houhi, Te Taupaki, Te Rautahuri [Te Rau-tawhiri], Ngahuinga, Te Arawata [Te Arawhata], Pohotea [Pokotea], Makihoi, Te Ahianatane [Te Ahi-a-nga-tane], Ngatapa, Te Haraungamoā, Kahotea, Tukurangi, Te Koarere [Te Koareare], Te Ahu-o-te-Atua, Arewa [Anewa?], Ruakituri, Puketoromiro, Mokomirangi [Mokonui-a-rangi], Maungatāpere, Oterangi-pu, and on to Puke-nui-o-raho, where this ends.<sup>8</sup>

This letter was signed by the chiefs Te Whenuanui, Paerau, Haunui, Erueti Tamaikoha Tu, Hetaraka, Te Pukenui, Te Makarini, and Te Ahikaiata for ‘all of the tribe’.

Tuhoe reasserted a physical control over their district by making it plain in their letter that the chiefs of each Tuhoe district were responsible for the safeguarding of tracks leading into the Urewera. Their boundaries were marked by carved posts placed on the pathways; Best has noted that the pou on the confiscation line at Ruatoki read, ‘hai arai i te pakeha me ana mahi – to keep off the white man and his works’.<sup>9</sup>

Binney has offered, in relation to the emergence of Te Whitu Tekau, that the concept of a ‘shelter’ for Tuhoe predated the New Zealand wars, going back to the intertribal wars of the early nineteenth century and probably earlier.<sup>10</sup> This ‘shelter’, now, was that of the collectivity of the Tuhoe chiefs who, as agreed with McLean, were regulating the affairs within their rohe.

In spite of Brabant noting that Te Kooti’s flag flew and his prayers were used at a Te Whitu Tekau hui in 1874, Binney notes that the connection between Te Kooti and Te Whitu Tekau ‘was not fully grasped’ by the Government.<sup>11</sup> When the resident magistrate at Opotiki, Herbert Brabant, met Te Whitu Tekau in Ruatahuna in 1874, he suggested that:

In regard to this *Whitu Tekau*, it appears to me practically to differ but little from the runanga of any other Native tribe. The distinction that the Whitu Tekau was supposed to exclude the chiefs is really inoperative.<sup>12</sup>

Binney has reflected on words spoken by Te Whenuanui of Te Whitu Tekau; it was ‘the apportionment of chiefs among Tuhoe. There are this day seventy chiefs.’<sup>13</sup> She links this with Te Kooti’s distrust of autocratic chiefly authority and, as we have already noted, some Tuhoe had expressed dissatisfaction that the chiefs had failed to

8. Te Whenuanui, Paerau, and all the tribe to the Government, 9 June 1872, AJHR, 1872, F-3A, p 29

9. Elsdon Best, *Tuhoe: The Children of the Mist*, 2nd ed, 2 vols, Wellington, AH and AW Reed Ltd, 1972, vol 1, p 665

10. Binney, p 118

11. *Ibid*, p 118

12. ‘Native Meeting of the Urewera Tribes, Held at Ruatahuna, 23rd and 24th March, 1874’, AJHR, 1874, G-1A, p 3

13. Te Whenuanui, Paerau, and all the tribe to the Government, 9 June 1872, AJHR, 1872, F-3A, p 29

protect the tribe from confiscation and forced cession of their lands. Debating the confiscation issue in Brabant's presence, Tamaikoha declared:

It [the confiscated Tuhoe land] did belong to me. The *Whitu Tekau* didn't give it up. Our chiefs lost it. The chiefs now say that Mr Locke and the ture will return it to us. If it is returned it is well, but we shall not insist on it.<sup>14</sup>

There was also confusion and anger among Tuhoe regarding the loss of their interests in lands to the south and east of Waikaremoana. Their chief Te Makarini Te Wharehuia was the sole Tuhoe signatory to S Locke's 1872 deed which ratified the transfer of confiscated lands in the upper Wairoa–Waikaremoana area to the mainly Ngati Kahungunu individuals listed in the schedule to the agreement.<sup>15</sup> This matter is more fully canvassed elsewhere in this chapter but the point to note here is that not all Tuhoe with interests at Waikaremoana consented or were even consulted regarding Te Makarini's actions. Kereru Te Pukenui wrote to Ormond asking him whether Waikaremoana land had been sold. On the other hand, Hetaraka Te Wakaunua, of Ngati Huri at Maungapohatu, wrote to Ormond in September 1872, saying that Tuhoe were angry with Te Makarini for having 'parted with Waikaremoana'.<sup>16</sup>

Te *Whitu Tekau* also looked grimly upon the acceptance of gifts from the Government, which was why Tuhoe implored Brabant to accept 'tahas' of preserved birds in payment for the rations given to the tribe after surrender, and for money given to Kereru Te Pukenui.<sup>17</sup> Kereru admitted that the tribe blamed him for taking money and that the tahas were payment for his 'fault'. Tuhoe told Brabant that they:

feared the Government intended at some future time to exact land in payment. That the tahas were a small thing, but the Urewera were not rich; and that although individuals took rations from Government, the tribe wished the system be stopped, as they thought that ultimately they would be called upon to pay for them in land.<sup>18</sup>

These expressions postdated the formal inception of Te *Whitu Tekau* by some months but as Daly notes, it was possible that some Tuhoe already felt concerns that their chiefs might be induced to sell parts of the tribal estate.<sup>19</sup> Certainly, there was precedent for this in other tribal districts. Daly postulates that, as originally conceived, Te *Whitu Tekau* might have functioned as a body of 70 leading men representative of all Tuhoe hapu as distinct from the relatively few paramount chiefs.<sup>20</sup> United in this way, the tribe might have been able to exert a check on unwarranted

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14. AJHR, 1874, G-1A, p 4; the ture was a scheme proposed by Henare Koura of Napier to petition the Court of Chancery in England on the confiscation of Maori land. Brabant mentioned that a Pakeha lawyer was prepared to do this for them.

15. Vincent O'Malley, *The Crown and Ngati Ruapani: Confiscation and Land Purchase in the Wairoa–Waikaremoana Area, 1865–1875*, 1994, ch 15, esp pp 109–110 (cited in Daly, p 4)

16. Hetaraka Te Wakaunua to Ormond, Maungapohatu, 15 September 1872, AGG-HB2/1

17. Judith Binney has suggested that Kereru's 'fault' was to accept money for two Government-paid 'orderlies' or messengers: Binney to the author, personal communication, 12 February 1999.

18. AJHR, 1874, G-1A, p 2

19. Daly, p 5

20. Ibid, pp 4–5



transactions undertaken by individuals or hapu that had political ramifications for the whole group.

Yet, while Hira Te Tauaki was able to draw the distinction between ‘we’ – the Seventy – and the chiefs at the Te Whitu Tekau hui, telling them to hold their tongues, the impression remains, as Brabant remarked, that the chiefs still played a large role in the administration of Tuhoe affairs and in the proceedings of the hui. Paerau and Kereru repeated the injunctions prohibiting resident magistrates, roads, and surveys from their territory and also seemed to represent Te Whitu Tekau in the discussion on the possible political union, a sort of land league, mooted with other Mataatua tribes. On this point, Brabant observed that Tuhoe were not able to agree among themselves to the proposal, let alone get other tribes to consent to it.<sup>21</sup>

It became apparent to Brabant at this hui, that not all of the rules laid down by Te Whitu Tekau to protect Tuhoe land had been unanimously endorsed by all hapu. Hira Tauaki was resigned to say at one point that: ‘It is clear to every one that we are divided. As Tuhoe cannot agree, I cannot ask others to join us’.<sup>22</sup> While the divisions within Tuhoe regarding leasing specifically, and roading to a lesser extent, remain to be discussed later in this chapter, it is pertinent here to note that the Waimana and Te Whaiti hapu in particular, represented a challenge to the prohibition on leasing. Not wishing to overstate the level of dissention within Tuhoe, however, Brabant was compelled to observe that those present were ‘almost unanimous in their wish to keep roads, Magistrates, and other Government measures out of their boundary’.<sup>23</sup>

There was, then, at the core of the tribe, a broad political consensus based upon keeping obvious manifestations of Government authority outside of the Tuhoe rohe. No Tuhoe hapu were, at this stage, advocating the outright sale of land, either. What existed was a tense dynamic between the interests of the tribe, as advocated by Te Whitu Tekau, and the authority that hapu or chiefs had traditionally exercised over their own land and people. For the time being, it can be seen that Tuhoe were largely able to preserve the political cohesion of the tribe but tribal authority and mana was to come under increasing challenge in the 1870s through contact with land-selling tribes on the perimeter of their rohe.

## 5.3 MCLEAN’S PACIFICATION POLICY

### 5.3.1 Introduction

The letters Ormond sent to Tuhoe (via Ropata Wahawaha) in November 1871 promised the chiefs the regulation of their own affairs in return for their assistance in the capture of Te Kooti (see sec 4.9). At the time, Ropata was in occupation of Ruatahuna and Maungapohatu, and pressing Tuhoe to give up Te Kooti. It is a pity that a fuller account of the agreement negotiated between Donald McLean and the Tuhoe chiefs at Napier is not available, for it may have clarified the nature of the

21. AJHR, 1874, G-1A, p 3

22. Ibid, p 5

23. Ibid, p 3

promises made by McLean. The tone of Ormond's comment to Wahawaha – that he intended the letters to the chiefs to be a lever for Wahawaha to use, 'more . . . than anything else', suggests that the promise to these rangatira was an expedient tactic. Perhaps McLean's and Ormond's priorities were that the disruptive and expensive campaign against Te Kooti be brought to a conclusion, gambling that Tuhoe independence was something that could be dealt with later on. This is an interpretation taken up by Daly, who suggests McLean's promises were part of an 'overall strategy' for the pacification of rebel tribes.<sup>24</sup> She quotes Ward as saying: 'the main element of McLean's success was simply that he was able to tell the "rebels" meaningfully that the Government intended to leave them alone and take no more land'.<sup>25</sup>

In addition, this research has uncovered no Government response to, or official recognition of, Tuhoe's establishment of Te Whitu Tekau or of the boundaries that had been 'joined as one' and sent to the Government in June 1872. It became evident by the subsequent actions of the Native Land Court and of Crown purchase agents, however, that there was great divergence between Tuhoe and Government conceptions of where Tuhoe boundaries rightly lay. It may have been, too, that McLean underestimated the ability of Tuhoe to maintain a united stance against the court, against the state's infrastructure and against land sales for very long. He had reason to think, however, that Tuhoe's unity would break down from some of the correspondence he and Ormond received in the early 1870s, and from Brabant's reports on Te Whitu Tekau.

### 5.3.2 McLean offers Tuhoe roading contracts

For the time being, however, it appears that the Government was prepared to dodge the question of formal recognition of Te Whitu Tekau and its boundaries, and concentrate on cementing its relationship with Tuhoe by other means. In the immediate term, it tried to do this by making overtures with roading and telegraph contracts. At the end of the war, Tuhoe were desperately poor and to many, the cash obtained through a contract might have been more welcome than the roads themselves. Within Tuhoe at this time, the question of roading took on an acute political aspect; roads were a demonstrable physical reminder that the eastern Bay of Plenty was not as isolated from Europeans as it had once been, in either the geographic or the political sense. Tuhoe had just suffered several years of devastating invasion by the colonial forces, and undoubtedly to some, the question of easily accessible routes into the Urewera was also a security issue.

Following the June 1872 hui that formally established Te Whitu Tekau, several groups of Tuhoe wrote to McLean and Ormond. From this and subsequent correspondence, it can be seen that these groups roughly represented a political divide in Tuhoe. Those men whom McLean had referred to as the older leading chiefs

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24. Daly, p 3

25. Alan Ward, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand*, Auckland University Press and Oxford University Press, 1973, p 230

signed letters that set out the Tuhoe ban on roads, leasing, selling, magistrates, and the court. The names appended to these letters included Paerau, Te Makarini, Te Haunui, Te Whenuanui, Te Ahikaiata, Kereru Te Pukenui, Hetaraka Te Wakaunua, and Tamaikoha.<sup>26</sup> The other grouping seemed to have a more conciliatory attitude to the offers from the Government. These chiefs objected to the banning of roads within their districts by Te Whitu Tekau. Kepa Te Ahuru said that ‘the roads in these boundaries would be broken up by me’ and that he would send his dispute with Te Whitu Tekau to Ormond.<sup>27</sup> This letter was signed by Kepa Te Ahuru, Paora Kingi, Arama Karaka, Tuaia, Hapurona, Te Meihana, and Mohi. The latter three chiefs appear to be Ngati Whare and Ngati Manawa leaders, and Arama Karaka was possibly of Ngati Rangitihī and Ngati Manawa connections. The differences between Tuhoe and Ngati Whare and Ngati Manawa, in terms of their respective boundaries as well as the authority over the land, became amplified over the issue of leasing and sales, and are discussed in section 5.6. Suffice to say here, Te Kepa’s letter is an indication of the tension that would define these chiefs’ relationship with Tuhoe in the coming years, but the differences between Ngati Whare, Ngati Manawa and Tuhoe were not new. They had been widened by the recent wars, but were well rooted in a more distant past.

In most cases, it should be noted, these groups did not maintain entrenched positions. Tamaikoha and Te Makarini, for example, would vacillate on several key issues, making it rather difficult to define their political stance. Captain Preece’s notes on the June 1872 hui, which he appears to have attended, highlighted some of the cross-currents of the political debate that raged in Tuhoe at the time. Within the tribe, Paora Kingi seemed to be particularly opposed to the orientation of Te Whitu Tekau, which he characterised as having led Tuhoe to disaster:

(Listen to) my words, do not return to the thoughts of the past. Those were the thoughts of the king and of Taranaki, by which we and our land were killed. Look, it was the Governor who made peace to all the Island. He is the life for us these days. Obey the words of life.<sup>28</sup>

Paora Kingi went on to say that he would open the roads in the Tuhoe district, ‘you may stop them, and I will open them’. Paerau, however, seemed to affirm the authority of the tribe and of the senior chiefs when he retorted:

Let us have roads; let us lease; let us sell land; let me have the chiefs, as I am the man to stop all these things. It was spoken to Mr McLean at Napier.<sup>29</sup>

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26. Te Makarini, Paerau, and others to McLean, 9 June 1872; Te Whenuanui, Paerau . . . and All the Tribe to the Government, 9 June 1872, AJHR, 1872, F-3A, pp 28–30

27. Henare Kepa Te Ahuru, Paora Kingi and others to McLean, 9 June 1872, AJHR, 1872, F-3A, p 29

28. ‘Proceedings of Meeting at Ruatahuna . . .’, no 34, encl, Hopkins Clarke to Civil Commissioner, Auckland, 25 June 1872, AJHR, 1872, F-3A, p 30

29. *Ibid*

Hapurona Kohi's reply to Paerau was to the effect that it was a test of the mana yet held by Tuhoe as to whether they could 'take' the roads and the leasing and selling of land.

In spite of having signed the letter from Te Whitu Tekau to McLean, both Hetaraka Te Wakaunua and Te Makarini wrote to Ferris and to Ormond, urging that a road be built to Waikaremoana and into the Urewera, while they each knew that there were hapu that would not consent to it. Kepa Te Ahuru was also particularly eager to see this road constructed but Tamihana Huata of Ngati Kahungunu wrote to Paerau and Te Whenuanui from Wairoa, apparently agreeing that there would be no road to Waikaremoana for the time being.<sup>30</sup>

In December 1872, Kepa Te Ahuru told Preece that Tuhoe had held a meeting to discuss the question of roads which had concluded with the resolution that roads were 'to be stopped'.<sup>31</sup> This must have been a highly contested resolution, aimed at keeping the peace within the tribe, since Te Kepa said that he and Hapurona Kohi had argued for the roads against Te Whenuanui, Kereru Te Pukenui and Te Haunui. Somewhat disingenuously, Kepa said that he did not know 'the cause of their striving so earnestly against the govt' but reassured Preece that he, at least, was trying to carry out the 'good works' of the Government among his own people.<sup>32</sup> He was not the only chief to attempt to foster good relations with officials. Tutakangahau also wrote to Preece at the same time, saying that his hapu agreed to roads and other works. He acknowledged that other Tuhoe chiefs had rejected roads but said that he would endeavour to 'explain to them the good works whereby they will obtain property'.<sup>33</sup>

For the moment, McLean had to acknowledge that the tide of Tuhoe opinion largely lay against roads in their district. He attributed this feeling to the fact that 'the old leading chiefs' were against them and, while this remained so, it was prudent to delay action.<sup>34</sup> These chiefs would have received some moral support from Kingitanga emissaries who visited the eastern Bay of Plenty in December 1872, with the aim of stopping road-making on confiscated land.<sup>35</sup> To the old chief Te Puehu and others, McLean wrote:

Friends – the govt would like to see roads through your district so that you might share the advantages which the people in other places like Napier and Wairoa [?] – that your young men might have employment on the works and so have means to purchase clothing etc but the govt do not wish to urge roads unless they are wished for. We are making the road now to connect Waikaremoana with Wairoa and when all the Urewera wish it to be extended to Ruatahuna the govt will consent to it.<sup>36</sup>

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30. Tamihana Huata to Paerau and Te Whenuanui, Wairoa, 27 September 1872, AGG-HB2/2

31. Kepa to George Preece, Ruatahuna, 1 December 1872, AGG-HB2/1

32. Ibid

33. Tutekanahau (Tutakangahau) to Captain Preece, Maungapohatu, 1 December 1872; Tutekanahau (Tutakangahau) to Ormond and McLean, 1 December 1872, AGG-HB2/1

34. Donald McLean, 26 November 1872, annotation on letter of Te Puehu and seven others to McLean and Ormond, 14 November 1872, AGG-HB2/1

35. 'Reports from Officers in Native Districts', Brabant to under-secretary, Native Department, 23 May 1873, AJHR, 1873, G-1, p 11

36. McLean to Te Puehu and others, not dated, AGG-HB5/2

What McLean was saying was that he would not, could not, force roads into the Urewera but the Government was intent upon taking them right up to the Urewera boundaries. Notwithstanding the claims that Tuhoe would have made to confiscated Waikaremoana lands, McLean ignored the Tuhoe chiefs and a road was built through the upper Wairoa lands, which were gradually being taken up as sheep runs, to the lake.<sup>37</sup>

On the Bay of Plenty side of the Urewera, Clarke reported in 1873 that Tamaikoha, ‘once the scourge of the district’,<sup>38</sup> expressed a willingness to have a road built to Waimana but Brabant had confirmed the previous year that the chief would not let the road go further than this, ‘at present’.<sup>39</sup> In fact, Tamaikoha had been coerced into road-making because the Government insisted upon its right to make roads in the confiscated territory and plainly warned the chief that if he would not do it, they would employ someone else to do so. Tamaikoha and others reluctantly began the work but first exacted a pledge that the road would stop at the confiscation line.<sup>40</sup> The road from Ohiwa to Waimana was about nine miles in length. Both Upokorehe and Tuhoe undertook the work: Brabant allocated 4½ miles to Tamaikoha, two miles to Rakuraku, and 2½ to Hemi Kakitu.<sup>41</sup> This road, while stopping at the confiscation line, made access to the Urewera much easier, as Brabant smugly pointed out. This was hardly lost on the ‘hardline’ Tuhoe chiefs, who greatly resented the pressure exerted by the Government on their iwi. Paerau was angry enough to write a letter to the effect that, if the road passed the confiscation line, he might attack.

By using road contracts in this way, it might be seen that McLean was undertaking a divide and rule strategy with the Urewera hapu, and testing Te Whitu Tekau’s ability to maintain its authority. Roads were not the only pressure Tuhoe faced in this period, however, and this report now turns to examine how Tuhoe became embroiled in the activities of the Native Land Court and in land dealing. This process is illustrated by way of three case studies (at secs 5.5, 5.6, 5.7), which go some way to describing the political divides within the Urewera and how Tuhoe’s asserted boundaries were tested.

#### 5.4 CROWN PURCHASES AND PAKEHA SETTLERS: ENCIRCLING TUHOE

The reports of the native officers for the Bay of Plenty and Opotiki districts for the early 1870s were brimming with optimism about the Maori population’s ‘conversion’ to peaceful pursuits, most particularly agricultural production of kumara, wheat, maize, and potatoes. Brabant was happy to report that eastern Bay of Plenty iwi were

37. ‘Further Reports from Officers in Native Districts’, no 36, S Locke to Native Minister, 4 July 1872, AJHR, 1872, F-3A, p 31

38. ‘Reports from Officers in Native Districts’, H T Clarke, Civil Commissioner, to under-secretary, Native Department, 9 June 1873, AJHR, 1873, G-1, p 8

39. H Brabant, resident magistrate, Opotiki, to Native Minister, 4 July 1872, AJHR, 1872, F-3A, p 28

40. ‘Reports from Officers in Native Districts’, Herbert Brabant to under-secretary, Native Department, 23 May 1873, AJHR, 1873, G-1, p 12

41. Brabant to Native Minister, 21 April 1873, AJHR, 1873, G-1, p 10

anxious to maintain friendly relations with the Government after years of warfare and privation. He was also pleased that former ‘noted rebels’ appeared to accept the confiscations as a *fait accompli*; he noted that Hemi Kakitu had applied to purchase favourite confiscated land from the Government and that Tamaikoha had settled down to cattle rearing at Te Waimana.<sup>42</sup>

It could not be said that Brabant was complacent, however; he realised that the ‘inland’ Tuhoe, especially, were not well disposed to the Government but he rationalised that they had at least ‘ceased to be in active opposition’.<sup>43</sup> He seemed to place some weight upon the service of Maori orderlies, ‘instituted by the Government from Maungapowhatu [sic] and Ruatahuna to Opotiki’, in order to preserve good relations with Tuhoe.<sup>44</sup> Additionally, Paora Kingi and Hapurona Kohi, both politically moderate compared to other Tuhoe leaders, petitioned for, and gained, the positions of Native Land Court assessors. Also, several ‘Urewera’ chiefs were granted town sections in the confiscated land – Tamaikoha, for example, was granted an acre lot in Opotiki township.

A brief survey of the indexes and registers of the Native Department’s inwards correspondence of the early 1870s suggests that Tuhoe kept up a steady stream of correspondence with the Government on the confiscations, roads, land boundaries, and, as the decade progressed, leasing, and the Native Land Court. Some of these were letters of complaints, regarding the non-return of confiscated land, for example, and some appear threatening – such as Paerau’s demanding respect for Tuhoe boundaries (cited above). There was also another letter about removing Europeans from Waikaremoana lands.

Other communication, however, was more reflective of Tuhoe efforts to get the Government to recognise Tuhoe tribal authority structures. We have already noted the letters Tuhoe sent Donald McLean and Ormond concerning the establishment of Te Whitu Tekau and their undertaking to be ‘guardians of the *papatipu*’.<sup>45</sup> They also sent in notice of their boundaries, and reminded the Government of them when neighbouring Ngati Manawa began leasing land.

Brabant visited Tuhoe several times at Ruatahuna during 1873 and reported being hospitably received, with Tuhoe reassuring him that they wanted to get along with the Government. Brabant, however, reported a persistent suspicion among Tuhoe that Europeans wanted their land and noted that they had sent representatives to Native Land Court hearings in Opotiki, in order to point out the boundaries of their lands, ‘though they affect not to acknowledge the jurisdiction of our Courts’.<sup>46</sup> As we shall see, though, whatever Tuhoe thought of the Native Land Court, they were compelled

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42. ‘Reports from Officers in Native Districts’, no 8, Brabant to Native Minister, 24 June 1872, AJHR, 1872, F-3, pp 10–11

43. *Ibid*, p 11

44. I am not entirely sure what the orderly service consisted of, except that it ensured the delivery of mail to and from the Urewera and other districts. Clearly, the Government believed that reliable communications with Tuhoe would go some way to preserving friendly relations with that tribe. The orderly service was discontinued in 1873.

45. ‘Reports from Officers in Native Districts’, no 8, Brabant to Native Minister, AJHR, 1874, G-2, p 8

46. *Ibid*, p 8

to attend its investigations only a few years later. If Tuhoe evinced a desire to coexist peacefully with the Government, they had not yet abandoned efforts for redress for the confiscation of their land in the Bay of Plenty and at Waikaremoana. They also discussed the possibility of a land league with their Whakatohea neighbours (see sec 5.2).<sup>47</sup>

Tuhoe's first real engagements with the Native Land Court and with Crown purchase agents and private lessees came in the intense period of 1867 to 1875. It was during the New Zealand wars that Ngati Manawa approached Captain Gilbert Mair with the offer of a lease on Kuhawaea lands in the western area of what Tuhoe considered their rohe potae. The latter evidently felt that Ngati Manawa should have referred such important matters to them for consideration. More so since Kuhawaea contained vital strategic routes into the Urewera itself. Immediately after the wars, Ngati Manawa sold Fort Galatea to the Crown, and they and some Patuheuheu began leasing Kuhawaea to a European. There was also evidence from Ahikereru in 1867 that some of the people there wished to lease land. Ngati Manawa particularly, but also some Patuheuheu and Ngati Whare, challenged Tuhoe's right to oversee their dealings in the western lands (see sec 5.6). The nature of this particular relationship would be a constant, right up to and during the investigation of Urewera lands from 1899 to 1907.

Tuhoe's new, imposed boundary to the north, the confiscation line, also came under pressure after the wars. Private land speculators were able to amass large estates from the aggregation of deserted military settlers' allotments and the leasing of returned confiscated land from Ngati Awa hapu. In 1874, one of these Europeans, after aborted attempts to lease directly from Waimana hapu, was able to come to an agreement to lease Tuhoe land beyond the confiscation line, apparently with Tamaikoha and with Te Whitu Tekau's supervision (see sec 5.7).

To the south and south-east of Tuhoe's rohe, the ramifications of Tuhoe and Ngati Ruapani's activities in the New Zealand Wars and their support of Te Kooti, were still being felt. A portion of the upper Wairoa and lands backing directly up to Lake Waikaremoana had been confiscated and retained by the Government. The remaining lands, divided into four blocks by Locke in 1872 and returned mainly to Kahungunu chiefs, with nominal Ruapani and Tuhoe recognition, were the subject of ongoing dispute between those iwi. To Tuhoe's alarm, much of the land was leased to Europeans in 1873. Two years later, they were compelled to appear in the Native Land Court to fight for their interests in the Waikaremoana lands. Under apparent duress, Tuhoe had to withdraw their claim to these lands and they were sold to the Crown (see sec 5.5).

It can be seen, then, that Tuhoe's boundary, which they had resolutely defined to the Government in 1872, was being redefined in a de facto manner by the encroachment of the Native Land Court, Maori vendors, and Crown and private purchasing agents. This began a process that would see the Urewera district gradually encircled by the confiscation line to the north; Lake Waikaremoana and confiscated

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47. AJHR, 1874, G-1A, p 3

land to the south; and the land leasing and selling tribes, notably Ngati Manawa, Ngati Whare, Patuheuheu, and Ngati Pukeko, to the west. These three examples form case studies for the following sections, in which it will be seen that Te Whitu Tekau was largely successful in keeping the Native Land Court and leasing out of interior Tuhoe lands (perhaps with the exception of the Waimana block), but met with mixed success regarding the contested lands on its perimeter. These blocks were often a far more attractive proposition to European and Crown parties than the interior Urewera lands, and if Tuhoe had difficulty in keeping some of their hapu from leasing and taking land to the court, it was because these were the hapu with good agricultural lands, or lands with resources, to offer.

### **5.5 TUHOE'S FIRST ENCOUNTER WITH THE NATIVE LAND COURT: THE LOSS OF UPPER WAIROA-WAIKAREMOANA LANDS**

This report has previously noted Tuhoe claims to interests within the upper Wairoa and Waikaremoana districts. In the period 1867 to 1875, much of this land was either confiscated or purchased by the Crown in a climate highly prejudicial to Tuhoe interests. The details of these transactions have been researched elsewhere; the reader is directed to Vincent O'Malley's 1994 report 'The Crown and Ngati Ruapani: Confiscation and Land Purchase in the Wairoa-Waikaremoana Area, 1865-1875' and to Joy Hippolite's Rangahaua Whanui district report on Wairoa.<sup>48</sup> For the purposes of this chapter, however, it is instructive to revisit some of the details of the Waikaremoana confiscation because of the important role undertaken by the Native Land Court in that episode and its subsequent impact upon Tuhoe politics, and upon Tuhoe perceptions of the court. The following section is highly reliant upon the work of both O'Malley and Hippolite.

#### **5.5.1 Background: the East Coast Land Titles Investigation Act 1866**

In chapter 4 (sec 4.4.2), brief mention was made of the East Coast wars, which began, more or less, as a civil war among the Ngati Porou and escalated, through Government and kupapa intervention, to embroil most of the people of the East Coast in what was seen as a Hauhau-inspired 'rebellion' against the Crown. Best has noted that a small Tuhoe contingent travelled to the East Coast in 1865 and became involved in the fighting there, but he does not provide further detail. The Ngati Ruapani-Tuhoe and Ngati Kahungunu people of Waikaremoana and upper Wairoa became involved in these hostilities as they sheltered refugees from the fighting in the Turanga district. Government and kupapa forces then subjected the upper Wairoa to an intense military campaign. Notable battles in this connection included a kupapa

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48. Vincent O'Malley, 'The Crown and Ngati Ruapani: Confiscation and Land Purchase in the Wairoa-Waikaremoana Area, 1865-1875', 1994 (Wai 144 ROD, doc A3); Joy Hippolite, *Wairoa*, Waitangi Tribunal Rangahaua Whanui Series (working paper: first release), November 1996



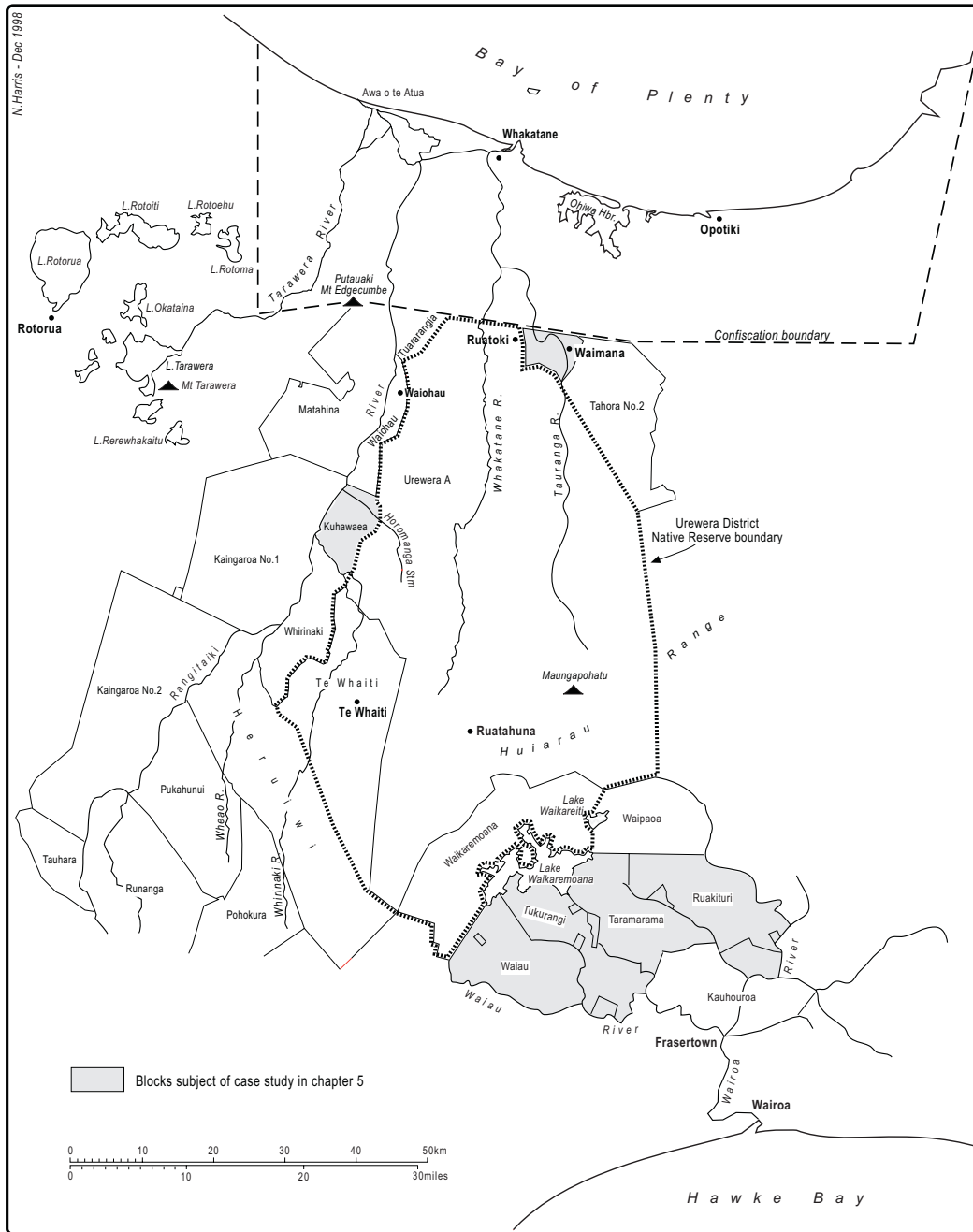


Figure 12: Native land Court blocks adjacent to the Urewera district native reserve. The shaded blocks are the subject of case study in chapter 5.

attack on Omaruhakeke Pa in December 1865 and another engagement at Te Kopane, on the southern side of Lake Waikaremoana, in January 1866. The Government resolved in early 1866 that the Hauhau, and therefore, in the Government’s view, rebellious, sympathies of the upper Wairoa people had to be punished by some form of land confiscation. O’Malley notes that by this stage, however, the Government was reluctant to invoke the New Zealand Settlements Act 1863 since it was widely

perceived as a military and financial liability.<sup>49</sup> Instead, it passed the East Coast Land Titles Investigation Act in October 1866 (hereafter, the ECLTIA 1866), which envisaged that rebel-owned lands would be forfeited to the Crown via the agency of the Native Land Court.

The ECLTIA and its 1867 amending Act enabled the compulsory investigation of title to all the land between Lottin Point and Lake Waikaremoana by the Native Land Court. That land found to be the property of rebels by the court would be forfeited to the Crown, while individual, ‘loyal’ Maori would be issued with Crown grants for their interests. The Act provided for land to be reserved for the use and maintenance of rebels, while other sections enabled the sale or lease of forfeited lands and the appropriation of money derived from such sales or leasing in order to meet the expenses incurred in suppressing the ‘rebellion’.<sup>50</sup> O’Malley notes that an important distinction between this Act and the New Zealand Settlements Act 1863 is that, under the latter legislation, Maori claimants had to prove that they had not engaged in rebellion in order to win their lands back, while the ECLTIA 1866 required the Crown to prove to the Native Land Court that the land’s owners had engaged in rebellion in order to divest them of it. O’Malley says that, ‘this was considerably harder to do, especially when faced with Maori unwilling to provide information as to who the land’s owners might be’.<sup>51</sup>

The ECLTIA assumed that it was possible to, in the first instance, identify who were rebels and who were loyalists and secondly assumed that it was possible to separate the interests of rebel and loyal Maori.<sup>52</sup> The realisation that the implementation of the Act could be very difficult, and costly, with the likelihood of a protracted court hearing, induced the Government to consider other options for pressing its claims to rebel lands. It decided, instead, to pursue cessions of land in lieu of claims under the Act. To this end, Reginald Biggs met with loyalist Ngati Kahungunu at Te Hatepe in April 1867 to arrange a cession from Maori at Wairoa. In spite of the fact that the upper Wairoa and Waikaremoana district was heavily contested territory between Tuhoe and Ngati Kahungunu – Ngati Kahungunu, for example, had tried to wrest Lake Waikaremoana from Tuhoe only a few years before in 1863 – Tuhoe did not participate, and would not have participated, in the arrangements with Biggs.<sup>53</sup>

### 5.5.2 The Wairoa deed of cession, April 1867

In April 1867, by the Wairoa ‘deed of cession’, the Ngati Kahungunu chiefs and owners of the Wairoa district agreed to forego their rights in the Kauhoroa block, which lay between the Wairoa and Waiau Rivers, and between the Mangapoiki and Kauhoroa streams. However, they secured a 500-acre reserve at Pakowhai and 20 50-acre sections between the Kauhoroa and Wairoa Rivers, as well as £800 in extinguishment of

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49. O’Malley, p 43

50. Ibid, p 49–52

51. Ibid, p 50

52. Ibid, pp 49–52

53. Ibid, p 78

their claims in the block. The Crown became the sole owner of the block and native title was completely extinguished, and in return, the Crown withdrew its claim to rebel interests outside of this block. O'Malley notes that by the same agreement, 'according to how one interprets the deed of cession', the remainder of the land of the upper Wairoa–Waikaremoana district was either returned to its customary owners or transferred to the ownership of loyalist Kahungunu chiefs in recognition of the services they had rendered the Crown.<sup>54</sup>

Both Hippolite and O'Malley note that many of the Government's allies initially objected to Biggs' proposals but were subject to intense pressure from the Government who none the less persevered with the fiction that the agreement constituted a voluntary cession.<sup>55</sup> However, if Maori did not agree to the cession, there was also the Crown's fallback option of taking the land under the auspices of the ECLTIA 1866 anyway. For this reason, the 1867 agreement has been called a 'forced cession', and it should be further noted that by the terms of the cession, alleged Tuhoe or Ruapani interests or both in the land were confiscated outright with no effort made to elicit their agreement to any so-called 'voluntary' cession.

In September 1868, the Native Land Court confirmed the Wairoa cession but O'Malley states that this was not done in accordance with the procedure of section 4 of the ECLTIA, as no court certificate was issued confiscating the interests of the 'rebel' owners, and certificates of title were never issued to the friendly Ngati Kahungunu chiefs for the remainder of the land.<sup>56</sup>

### 5.5.3 The East Coast Act 1868

O'Malley has described the growing dissatisfaction of both Maori groups and the General Assembly with the East Coast confiscation legislation and with the Government's policy of coercing cessions of land from Maori.<sup>57</sup> This culminated in a Bill introduced in the House in August 1868 to repeal the ECLTIA 1866. Hugh Carleton, who introduced the repeal Bill, argued that the East Coast confiscations, rather than being a form of punishment, were actually a vehicle for the Crown to acquire some of the best lands in the district.<sup>58</sup> Other criticisms of the ECLTIA focused on the negative light it cast upon the Native Land Court through its association with confiscation, and the Government's interference with the court's proceedings through its own efforts to secure 'voluntary' cessions of land.<sup>59</sup>

Critics of the legislation prevailed, and the ECLTIA 1866 and its 1867 amendment were repealed by the East Coast Act 1868. This Act retained the general principle of punishing so-called 'rebels' and rewarding 'loyalists', and in the words of Daniel Pollen, 'it no longer pretended to be a confiscating measure'.<sup>60</sup> The Act, at section

54. Ibid, pp 1, 82–87

55. Ibid, pp 84, 169–170; Hippolite, p 37

56. O'Malley, pp 101, 170

57. Ibid, pp 91–96

58. Ibid, p 93

59. Ibid, pp 93–4

60. Daniel Pollen, 15 October 1868, NZPD (cited by O'Malley, p 97)

4(1), allowed the Native Land Court to issue a certificate of title in respect of a whole claim to those customary owners who had not been in rebellion. By doing so, it clearly prevented those owners deemed to be ‘rebels’ from obtaining a Crown title to their lands. O’Malley argues, however, that section 4(2) of the East Coast Act gave the court discretion to award the whole of lands, jointly-owned by ‘rebels’ and ‘loyalists’, to the Crown.<sup>61</sup> This was because section 4(2) gave the court discretion to divide the land between the Crown and ‘friendly’ Maori in a manner it specified. A certificate of title could be issued for part of a block to ‘loyal’ Maori and then, under section 4(3), it could issue a certificate stating that the remainder of the claim belonged to rebels as so defined by section 5 of the New Zealand Settlements Act 1863. Under section 5 of the East Coast Act, where such a certificate had been issued, then the land in question was deemed to be Crown land:

In short, the East Coast Act gave the Native Land Court the discretionary power, in cases where lands were jointly owned by ‘rebels’ and ‘loyalists’, to either divide the lands between the Crown and ‘friendly’ Maori (as under the *ECLTIA* 1866), or to award the whole area claimed to the latter (although it was under no obligation to do so).

Thus while those deemed to be ‘rebels’ were definitely to be deprived of their lands, there was still no guarantee that ‘friendly’ Maori would retain all of their estates.<sup>62</sup>

It was at this point in proceedings that Te Kooti and his followers returned to Poverty Bay following their escape from the Chathams, so Government plans for the confiscated Kauhoroa block were delayed. Tuhoe of the Waikaremoana district and some of the Ngati Kahungunu of the upper Wairoa lent shelter and support to Te Kooti and, for their efforts, were subjected to a devastating scorched earth campaign. Ngati Kahungunu kupapa took a prominent role in the hunt for Te Kooti and in the Urewera invasions and were thus able to renew pressure on the Government to transfer land owned by ‘rebels’ to themselves once the wars were over.<sup>63</sup>

#### 5.5.4 Locke’s 1872 agreement

Donald McLean dispatched Samuel Locke to meet with Maori on 3 August 1872 at Wairoa to discuss how to subdivide the remaining inland territory (ie, the land reserved from cession in 1867), and to decide on the persons who would appear on the Crown grants for those lands. Locke had previously traversed the country and visited Lake Waikaremoana to ascertain suitable boundaries for the blocks. After considerable discussion at Wairoa, it was agreed that the land would be divided into four blocks, known as the Ruakituri, Taramarama, Tukurangi, and Waiiau blocks. The boundaries of these blocks showed no consideration of tribal or hapu boundaries or interests because it was decided to use natural features in order to save the expense of surveys. By this agreement, the Government also secured further lands in the vicinity; approximately 250 acres at Onepoto which had already been occupied for

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61. O’Malley, pp 97–98

62. Ibid, p 98

63. Ibid, pp 102–105

some years as a constabulary post, and another 50 acres on the Waikaretaheke Stream, apparently where a proposed road was to cross it. The Crown also reserved felling rights to itself over the four blocks which were subject to the 1872 agreement.<sup>64</sup>

A new agreement was signed by Locke and the chiefs, affirming these arrangements. Only 18 persons signed this agreement, but the interesting point from the perspective of this report was that one of these signatories was a Tuhoe chief, Te Makarini Te Wharehuia.<sup>65</sup> Te Makarini was a chief whose lineage comprised the senior lines of descent in Tuhoe genealogy. This, and the fact of his marriage to a woman of Ngati Hinekura of the Waikaremoana district, meant that Te Makarini acquired great mana at Waikaremoana and it increased his influence in tribal and political matters.<sup>66</sup> O'Malley notes that the other signatories comprised both rebels and loyalists but the 'vast majority' were clearly Ngati Kahungunu.<sup>67</sup> Of further interest are the given names of the Crown grantees for the four blocks. It is difficult to be certain, but the only definite Tuhoe names identified in the lists by this author appear in the Ruakituri and Tukurangi lists. Te Whenuanui's name appears for the Ruakituri block and both his and Te Makarini's are in the Tukurangi list.<sup>68</sup> Two further names on the list, those of Wi Hautaruke and Te Winitana Tepoka, might have been Ngati Ruapani names. A 'Winitana' is recorded a few years later as a spokesman for Ruapani, and Wi Hautaruke writes an acrimonious letter to 'the Wairoa people', implying that he might have been Tuhoe or Ngati Ruapani.<sup>69</sup> Also, the 'Hori Whaurangi' listed might in fact be Hori Wharerangi of Ngati Ruapani. Waitangi Tribunal claimants may be able to shed light as to whether other Tuhoe and Ruapani names appear on these schedules, but it can safely be assumed, as with the agreement itself, that most of the grantees were Ngati Kahungunu.

No investigation of the customary tenure of these blocks was undertaken before the purported owners of these blocks had their names inserted on the grants, a point which would exacerbate the entrenched ownership dispute between Tuhoe, Ngati Ruapani and Ngati Kahungunu. Further, O'Malley says that because parts of these blocks lay outside of the boundaries of the East Coast confiscation district, Locke was exceeding his legal rights in dealing with these lands.<sup>70</sup> He also suggests that because the Government did not have the power to award Crown grants prior to an investigation by the Native Land Court under the East Coast Act 1868, grants were never issued in pursuance of Locke's 1872 agreement.<sup>71</sup>

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64. Ibid, pp 107–108

65. Refer to 'Reports on Settlement of Confiscated Lands', Wairoa, no 23, Locke to J D Ormond, 19 August 1872, AJHR, 1872, c-4, pp 30–32, for copies of the agreement, attached schedules, names of Crown grantees, and signatories to the agreement.

66. Wharehuia Milroy, 'Tamarau Waiari', in *1870–1900*, vol 2 of *The Dictionary of New Zealand Biography*, C Orange (ed), Wellington, Bridget Williams Books Ltd and Department of Internal Affairs, 1993, p 500

67. O'Malley, p 108

68. AJHR, 1872, c-4, p 32

69. C Ferris to Locke, 3 November 1873, McLean papers (private correspondence), ms-copy-micro, 0535-052, folder 271 (cited in O'Malley, p 111)

70. O'Malley, p 109

71. Ibid, pp 109, 170

Between July and November 1873, the owners of the four blocks leased the land, subject to certain reserves, to Pakeha settlers who occupied the country as sheep runs. Locke had anticipated that the leases would settle the dispute surrounding the upper Wairoa and Waikaremoana district, but dissatisfaction prevailed among both Tuhoe and Kahungunu. Ngati Ruapani complained that Kahungunu owners were leasing lands they considered their own while some of the 'loyalist' Ngati Kahungunu complained of 'wasted labour in fighting the Hauhaus', as their 'rebel' kin had been included on the ownership schedules for the blocks.<sup>72</sup> Both iwi evinced a desire to see the boundaries between themselves settled and McLean was persuaded to appoint Tareha Te Moananui, 'related to both parties', to facilitate the issue. Tareha might have had some whakapapa links with Tuhoe but he was in fact, a leading loyalist chief of Ngati Kahungunu and unlikely to have been a popular choice with either Tuhoe or Ruapani (or indeed Kahungunu ex-'rebels?').

The Tuhoe chiefs, meanwhile, met with Brabant at Ruatahuna in March 1874 (the same hui discussed in the context of Te Whitu Tekau, at section 5.2) but notable by their absence were Te Makarini and those residing at Waikaremoana. This may have been because many in the Tuhoe tribe were angry with Te Makarini for having consented to Locke's arrangements and were not prepared to accept the loss of their interests to the south and east of the lake district. Kereru Te Pukenui had also been told by the tribe to return money he had received from the Government, possibly being proceeds or advances from the Waikaremoana leases.<sup>73</sup> In spite of the efforts of Locke and Tareha who visited Ruatahuna after Brabant's visit, Locke was unable to report any success in assuaging the boundary issue between Tuhoe and Kahungunu and had to recommend that the matter be taken to the Native Land Court:

Although these Natives [Tuhoe] have submitted, and, to all appearance, desire to live at peace, yet there is a latent suspicion among them that the desire of the Europeans is to get possession of their lands. A strong desire is also evinced on their part to get back those lands that have been included in the confiscated blocks . . . This question was brought up by them at the last meeting at Ruatahuna, when they were distinctly told that such would not be the case . . . that on the Wairoa and Waikaremoana side, the Government had taken a certain portion; the remainder had been handed back by Major Biggs, acting for the Government, and to settle the disputed title to it, they and the Ngatikahungunu had better take it through the Native Land Court.<sup>74</sup>

If Tuhoe wanted to dispute their interests relative to Kahungunu in the four 'returned' blocks, then, they probably felt they had no choice but to go to the court. They applied for title determination to the Tukurangi, Taramarama, Ruakituri, and Waiiau blocks in May 1874. In July, Ferris visited Ruatahuna and Maungapohatu, where he had to explain 'the difference between the land at Waikaremoana and papatipu' and the clauses of the 1872 agreement.<sup>75</sup> This suggests some confusion on

72. Ibid, pp 111–112

73. 'Native Meeting of the Urewera Tribes, held at Ruatahuna, 23rd and 24th March, 1874', AJHR, 1874, G-1A, p 2

74. S Locke to Native Minister, 30 May 1874, AJHR, 1874, G-2, p 20 (cited in O'Malley, pp 113–114)

75. Ferris to Locke, 21 July 1874, McLean papers, private correspondence, MS-copy-micro, 0535-068, folder 394 (cited in O'Malley, p 115)

Tuhoe's part as to the legal status of the land, now that it had been declared subject to the ECLTIA 1866.

In spite of the fact that the Government had originally intended to vest the returned land in trustees, with the land being inalienable by sale or mortgage, by November 1874, it had decided to purchase the four blocks itself. Josiah Hamlin was commissioned to commence negotiations on behalf of the Government.<sup>76</sup> Locke stated that the purchase would contribute to the 'general safety' of the district because settlement could then proceed along the boundary of the 'Urewera' tribe.<sup>77</sup> It was clear that the Government considered that the Urewera occupied an important strategic location and that the dispute between Tuhoe and Kahungunu was retarding the settlement of this country:

In reference to this tribe [Tuhoe], closed up as they are in their mountain fastnesses, wedged in between the rising settlements of the East Coast and the open plains of Taupo and the Waikato country, too much stress cannot be laid upon the importance of the position they hold, and the necessity of paying an extra amount of attention to whatever will tend to ameliorate their condition or open up their country.<sup>78</sup>

By early 1875, Hamlin had bought out the interests of the various lessees of the four blocks on generous terms, and was negotiating with Ngati Kahungunu for purchase well in advance of the investigation of title to the land. By May, Hamlin had the consent of Ngati Kahungunu for the purchase of the blocks and made advance payments to them.<sup>79</sup> Tuhoe and Ruapani, by contrast, complained that the Government had no right to privately treat with Ngati Kahungunu for purchase of the land without their own presence and consent.<sup>80</sup> This, incredibly, was felt by Locke to be high-handed behaviour by a tribe deemed 'difficult' to deal with, and he told Tuhoe that they owed it to McLean's 'clemency' that they were shown any consideration at all in the matter.<sup>81</sup>

By the end of October 1875, Hamlin had finalised the purchases and their price with Ngati Kahungunu. The same month, a large hui was held at Wairoa, 'prior to taking the question into the Native Land Court for final settlement'. The hui was attended by Locke, Tuhoe, Ngati Ruapani, and Ngati Kahungunu; in all, about 700 Maori were in attendance. Locke's introductory remarks set out his perceptions of the issues involved:

Those Natives acting in concert with the Government – namely, the Ngatikahungunu tribe – assert their claim to the land on ancestral grounds; and also because, during the period of trouble in the island, they adopted the cause of the Government. On the other hand, you, the people of Tuhoe, contend that portions of the

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76. S Locke to Native Minister, 29 May 1875, AJHR, 1875, G-1, p 17; O'Malley, p 117. Hamlin was the land purchase officer for the Hawke's Bay and Wairoa districts.

77. AJHR, 1875, G-1, p 17

78. Ibid, p 18

79. O'Malley, p 119

80. Ormond to McLean, 8 July 1875, McLean papers, folder 486 (cited in O'Malley, pp 119–120)

81. O'Malley, p 119

land so claimed by Ngatikahungunu belong to you, having, as you declare, been either inherited by you from your forefathers, or acquired from enemies through the right of conquest. The boundary which you (Tuhoe) assign to yourselves in the direction of the Wairoa approaches as far as Mangapapa, while that line claimed by Ngatikahungunu extends beyond Mangapapa across Waikare Lake, and thence up to the Huiarau Mountains. This land – that is, up to Waikaremoana Lake – was confiscated during the time of rebellion, the principal owners of the land having allied themselves with the enemy of the Government. On the restoration of peace, some little time elapsed, when the Government relinquished its hold to a large tract of the country so confiscated, in favour of the Natives of the district who had throughout preserved their allegiance to the Crown. Subsequently thereto, action was taken to effect the transfer of this land to the Government; and now the question arises: To whom rests the power of legally conveying this land to the Government? It is to meet these questions that the necessity occurs of having the land dealt with primarily by the Native Land Court . . . It will be a source of gratification to all to have the question now occupying our attention thoroughly sifted by yourselves, before having the matter referred to the jurisdiction of the Native Land Court. If such a plan be adopted it will tend to expedite the business for the transaction of which we are now assembled, and at the same time relieve the Court of any further action, beyond ordering a memorial of ownership in favour of those persons acknowledged to be entitled to the land.<sup>82</sup>

In the course of the five-hour meeting, if official record of the hui is an indication, Makarini Te Wharehuia and Hori Wharerangi largely spoke for the Tuhoe and Ngati Ruapani party. Discussion began with reference to the various boundaries involved: the Government confiscation boundary, the alleged Ngati Kahungunu boundary that stretched past Lake Waikaremoana to the Huiarau Range and Maungapohatu, and the Tuhoe boundary. This last boundary had been defined by Locke in his address as;

Pakaututu, Mohaka, Tuke-o-te-Ngaru, Paewahie, Ngahaha, Rotokakarangu, Tukitukipapa, Putere, Te Arau, Rotonuihaha, Potikihere, Te Toi, Whirinaki, Waiwhakaata, Puharakeke, Te Paepae, Tukutapa, Tukurangi, Mangapapa, Wharepapa, Whataroa, Erepeti, Tauwharetoro, Te Ihu o Maungatapere, Te Mapara, Puhinui, Waioeka, Whakamauki, Pukenui-o-Raho.<sup>83</sup>

Te Makarini refused to discuss the boundaries as read by Locke, saying he would only talk about boundaries in relation to the four blocks being contested in the court. However, he did say that ‘the boundary line of the land belonging to Tuhoe must exist independently of those stated in the [Native Land Court title determination] application’.<sup>84</sup> This was possibly a reference to the asserted Tuhoe tribal boundary, the integrity of which Te Makarini upheld in spite of being pressured to appear in the Native Land Court in relation to the four blocks. He hoped that his own tribal boundaries vis-à-vis Ngati Kahungunu would be confirmed in the Native Land Court, irrespective of ‘Government lines’.

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82. ‘Notes of a Meeting Held at the Wairoa, on Friday, October 29th, 1875 . . .’, AJHR, 1876, G-1A, pp 1–2 (cited in O’Malley, pp 122–123)

83. ‘Notes of a Meeting Held at the Wairoa, on Friday, October 29th, 1875 . . .’, AJHR, 1876, G-1A, pp 1–2

84. Ibid, p 2



Tuhoe and Ngati Kahungunu debated the foundations of each other's claims to the land; Hapimana Tunupaura of Kahungunu stated that his claim was based on ancestry as compared to the claim pursued by Tuhoe, which he characterised as being based on conquest. He said that the ancestral Ngati Kahungunu claim was up to the Huiarau Range and while he appeared to admit that Tuhoe had boundaries at some of the places beyond Huiarau, Hapimana said they were 'of a recent date'; 'To a certain extent I admit that you have some right to advance a claim'.<sup>85</sup> Te Makarini, in reply, argued that his claim was based upon both ancestry and conquest, and we have previously noted how this chief was a link between the Waikaremoana Ngati Ruapani and the Tuhoe tribe proper. In this way, Te Makarini represented both the Tuhoe tribal claim to Waikaremoana and upper Wairoa lands, based on their military assistance given to their Ngati Ruapani kin against Kahungunu and defeat of Ngati Ruapani as well, and those claims of Ngati Ruapani ki Waikaremoana, who had strong ancestral associations with the land. Te Makarini referred to the Tuhoe chief Te Purewa, who he said was the ancestor who established the Tuhoe boundary at Mangapapa.<sup>86</sup> Te Purewa fought against both Kahungunu and Ngati Ruapani at Waikaremoana for about five years, from 1823 to 1827.<sup>87</sup> It has to be recalled that Ngati Ruapani was comprised of a number of hapu, some of whom were intermarried with and conquered by Tuhoe, while other Ruapani were more closely related to and identified as Kahungunu. Te Makarini also proclaimed that his ancestor had owned Huiarau and he appeared as his direct lineal descendant.

Kereru Te Pukenui was also present at these discussions and Tamihana of Ngati Kahungunu referred to him and the 'Urewera' as demanding that the Ngati Kahungunu who lived near the Wairoa coast should be debarred from having anything to do with the land, while the Urewera were prepared to admit the rights of those Kahungunu who were actually living on the land.<sup>88</sup> Kereru said that he would refrain from speaking much on this occasion, as he had really come to return money he had accepted from the Government as advances for the purchase of the four blocks. Te Whitu Tekau demanded the return of this money at their Ruatahuna hui in March 1874. Hori Wharerangi of Ruapani also emphatically stated that he would not part with the land, and that he would return Government money. Kereru claimed Putere, Waiau, and Mohaka, and from Mangapapa to Mangatapere, because it was 'part of his inheritance', and he did not know of another with as good a claim (presumably, he was referring not to a personal claim but the Tuhoe claim).

Tamihana Huata defended the Wairoa people's involvement in the debate, saying that as the inland and coastal people were all one tribe, 'we all have the same right'. He seemed here to stress that Ngati Ruapani were not independent but were part of Ngati Kahungunu. Toha Rahurahu implied something similar when he said that he was willing to admit one or two of the Ruapani–Tuhoe claims in the land but would not

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85. Ibid, p 3

86. In the AJHR report of this meeting, the ancestor's name is recorded as 'Pourewa'.

87. S Melbourne, 'Te Purewa', in 1769–1869, vol 1 of *The Dictionary of New Zealand Biography*, W H Oliver (ed), Wellington, Allen and Unwin NZ Ltd and Department of Internal Affairs, 1990, p 486

88. AJHR, 1876, G-1A, p 3

admit to all Tuhoe as having a claim in the land, adding that ‘Makarini Te Wharehuia has no claim to any of the four blocks’.<sup>89</sup>

Hamana Tiakiwai of Ngati Kahungunu was prepared to argue his tribe’s claim on the basis of the deeds of the ancestor Tapuae but instead emphasised the defeat inflicted upon Tuhoe by Ngati Kahungunu kupapa during the New Zealand wars. He reminded Tuhoe bluntly that:

In the days of our ancestors there might perhaps be some substantiality in your claim, but in the present time your pretensions will not hold good. Both the land and you, Makarini Te Wharehuia, have been my captives. . . . Nor should you omit to recall to your mind that it was solely out of my regard to you that you are at present in existence at Waikare. We rescued you.<sup>90</sup>

Te Makarini dismissed the claim of the ancestor Tapuae, saying that Tapuae lived and defeated his enemies on the coast whereas he (Te Makarini) lived at Waikaremoana, and he did not take cognisance of the wars of the coastal people. ‘I am considerably interested in the four blocks, and in reference to them will confine myself to what bears upon matters affecting the interior of the country.’<sup>91</sup> Pukehore was the ancestor from whom Te Makarini claimed ownership in the land. As to Tuhoe’s defeat in the New Zealand wars, Te Makarini replied that Hamana was correct: ‘The land was confiscated, but the Government returned it to us. The basis of our claim, therefore, depends upon the gift made to us of the land.’<sup>92</sup>

It is hard to be certain what Te Makarini meant, since Locke’s determinations had only acknowledged a nominal Tuhoe–Ruapani interest in the blocks. Te Makarini’s name was on Locke’s 1872 deed and, if he saw himself representing wider Tuhoe interests, then he might have been referring to the land ‘returned’ to Tuhoe in that manner. Another possibility is that he referred to the agreement Tuhoe chiefs secured with Donald McLean at the end of the war, to grant Tuhoe authority within their own districts. McLean had written to Te Makarini at Waikaremoana to this effect in November 1871. While it is difficult to know just what Government perceptions of the Tuhoe boundaries were, Tuhoe had made their own claims clear when they had sent their boundaries to Ormond and McLean in June 1872. Te Makarini might have been resting his case on this perceived undertaking to acknowledge Tuhoe boundaries and the tribal authority over them, which is why he and Tuhoe wished to disavow Locke’s subsequent determinations in respect of the four blocks. Tuhoe presumably felt that they had no option but to pursue definition of their boundary in the Native Land Court.

Tamihana Huata proposed that if Te Makarini confined his claims to Waikaremoana, he would withdraw his opposition to them. Hapimana Tunupaura also seemed to acknowledge Te Makarini’s rights at Waikaremoana but appealed to all of Ngati Ruapani, particularly those associated with Tuhoe, to claim with their

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89. Ibid, p 5

90. Ibid, p 4

91. Ibid

92. Ibid

Kahungunu relatives, from whom they derived their real right in the land and who had leverage with the Government:

I address myself to that portion of you, the Urewera, who are remnants of Kahungunu and Ruapani. You, the descendants of Ruapani, are being effaced by the Urewera. If you will but act sensibly the whole difficulty will be settled. If your claim is the same as that of the Urewera, we should like to hear what they have to say. I welcome you to my arms, the arms of the Government. Do not be led into the paths of error. The Government boundary is at Waikare; mine is at Huiarau. You must not of your own accord become located upon this land. Come to me and I will help you to the utmost of my power for you, those whose right to land entitles them to be so dealt with. I pay no heed to the words that have fallen from Te Makarini Te Wharehuia. His remarks apply to Waikare only.<sup>93</sup>

Toha Rahurahu also told Hori Wharerangi that he did have a claim to the land, but only in connection with Ngati Kahungunu. Winitana of Ruapani denied that Kahungunu had ever placed him on the land but said that ‘Tuhoe can make that assertion with some truth, but not you, for they have defeated us, but you never have’.<sup>94</sup>

Tense argument concerning the respective rights of the parties continued and it became clear that there was a great deal of misunderstanding about the nature of the 1867 Hatepe arrangement. Both Tuhoe–Ruapani and Ngati Kahungunu speakers were under the impression that all of the land within the ‘Government boundaries’ of the East Coast confiscation district, assumed to include all four blocks, had been confiscated. Indeed, Locke himself stated that the land had been confiscated but also explained how the Crown had ‘retained’ the Kauhoroa block and had paid loyal Kahungunu for their interests in that land. They had then ‘returned’ the rest of the land on the proviso that it remain under the protection of the loyal Kahungunu chiefs. Reminding Tuhoe of their disgraced status in the eyes of the Government, Locke told them they should be grateful for any recognition of their interests:

On peace being made with the Urewera Natives they submitted a claim to this land in conjunction with Ngatikahungunu Natives, to whom the land had been returned. Had the Government acquired and retained this land before the restoration of peace with the Urewera, no claim of theirs would ever have been heard of to the land in question. The Government were evincing no small consideration for the Urewera Natives in sanctioning at all the investigation of the claim put forth by them, considering the grounds upon which they assert their right, being as they were at the time in rebellion when the land was confiscated and dealt with.<sup>95</sup>

After listening to Locke’s account of the confiscation and return of the upper Wairoa and Waikaremoana lands, Karaitiana Takamoana of Ngati Kahungunu berated Locke for intimidating Maori in his dealings with the returned lands, and for

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93. *Ibid.*, p 6

94. *Ibid.*

95. *Ibid.*, p 8

urging the lease of the lands, when he had no power to do so. The Government retained confiscated land but the four blocks were not included in the lands ‘thus set apart’. Locke denied intimidation, and tried to put a benevolent face upon the Government’s actions by saying that it was concerned to settle an old dispute between tribes who had been at war for generations. The meeting apparently closed shortly after Locke’s comments, no agreement having been reached, and Tuhoe were left to await the court hearing.

### **5.5.5 The Native Land Court hearings for the Tukurangi, Waiau, Taramarama, and Ruakituri blocks**

The case for the 37,000-acre Tukurangi block opened at Wairoa under Judge Rogan on 4 November 1875. Hori Wharerangi claimed through ancestry and conquest and submitted a list of 228 names on behalf of Tuhoe and Ngati Ruapani. Ihaka Tuatara and Toha Rahurahu objected to the claim and the list, saying that they would admit some of the Ruapani to a portion of the land, but that the boundary with Tuhoe was at Huiarau. Hapimana Tunupaura, also speaking for the Kahungunu claimants, said that Hori Wharerangi had never occupied Tukurangi but had interests at Ruatahuna and at Waikaremoana.<sup>96</sup>

The following day, Hori Wharerangi told the court that ‘the Urewera’ had lived on Tukurangi before being driven off by Government forces during the 1860s. Tukurangi was Ngati Ruapani’s main site of cultivation and Te Makarini added that 200 Tuhoe and Ruapani had lived on Tukurangi until the wars.<sup>97</sup> There were only 50 Ruapani left alive and they lived at Waikaremoana and were all included on the Tuhoe–Ruapani list.

Having heard all the evidence, Rogan said that a decision would be held over until the court had personally viewed the land. On the same day, the case for Ruakituri block, estimated at 52,000 acres, was heard with much of the same evidence being tabled. Rogan closed the case by saying that much of the evidence he had heard from Tuhoe and Kahungunu was totally contradictory. The investigations for the Taramarama and Waiau blocks were brought on, but the claimants said that their respective cases were identical with those for Ruakituri. The court then adjourned, saying that no judgments would be given before proper surveys had been completed and before the court had been on the ground.<sup>98</sup>

Then, in spite of having vociferously argued their case for interests in the four blocks, Wi Hautaruke and Hetaraka Te Wakaunua appeared in court on 12 November and withdrew the claims on behalf of Tuhoe and Ruapani to all four blocks under investigation. They stated that it was not their intention to come into court again as they had ‘arranged’ their claim with Ngati Kahungunu.<sup>99</sup> O’Malley argues that several pressures had been brought to bear on Tuhoe to withdraw their claim. First of all, the

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96. O’Malley, pp 127–128

97. Ibid, p 128

98. Ibid, pp 129–130

99. Ibid, p 135; Hippolite, p 42

Governor had issued a proclamation under section 42 of the Public Works Act 1871, which enabled the Government to negotiate valid purchases of the four blocks prior to any awards of the Native Land Court and which prevented private buyers from dealing with the land for two years. The Government, of course, had already been negotiating for the blocks with Ngati Kahungunu and completed the deal before the court sitting ended. O'Malley says that Judge Rogan worked in league with Crown officials to ensure the speedy completion of the purchase agreement by suspending the court's investigation on the ground of incomplete surveys. This gave Locke time to persuade Tuhoe and Ngati Ruapani to withdraw their claims. Secondly, the Solicitor General confirmed that the Native Land Court investigation was subject not only to the Native Land Act but also to the East Coast Act 1868, under which customary owners could be denied title if they were found to have been in rebellion against the Crown.<sup>100</sup> O'Malley argues that Locke probably made it clear to Tuhoe–Ruapani that if they persisted with their claim, they still risked losing all of their interests if they were found to have been in rebellion. This realisation probably induced Tuhoe to accept Locke's compromise offer of £1250 for their interests in the blocks. About 60 Tuhoe and Ruapani signed a deed for this sum on 12 November 1875 and also received 2500 acres of reserves. O'Malley says that 'this was meagre compensation indeed for a tribe described as 'considerable owners' of the four blocks by the Native Minister'.<sup>101</sup> Judge Rogan subsequently awarded the four blocks to the Ngati Kahungunu chiefs who had previously negotiated with Locke for the lands' purchase, moreover this was done before the surveys had been completed.<sup>102</sup> Ngati Kahungunu promptly transferred their interests to the Crown.<sup>103</sup>

### 5.5.6 Conclusion

The political significance of the transaction with Tuhoe was not lost on Ormond, who commented to McLean that:

The purchase is in many respects an important one. It settled a long-standing feud between the Ngatikahungunu and Urewera tribes, who disputed the ownership of these lands. Both parties have now disposed of their interests to the Crown. That is, I believe, the first instance of any sale of land by the Urewera.<sup>104</sup>

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100. O'Malley, pp 131–132

101. *Ibid*, p 172

102. *Ibid*, pp 135–136. O'Malley notes that the court was acting *ultra vires* in adjudicating upon unsurveyed lands and says it was significant that, although the memorials of ownership were dated 12 November 1875, they were not certified as correct until September 1878, after proper surveys had been completed.

103. According to O'Malley, the Waiau block of 38,000 acres was bought by the Crown for £2350, without reserves; the 37,000 Tukurangi block was bought for £2350 and 3800 acres of reserves were made; the Ruakituri block, of about 52,000 acres, was bought for £2600 and 2900 acres of reserves were made; and the Taramarama block of about 30,000 acres was conveyed for £2400 and 1700 acres in reserves. The total figure of these conveyances was £9700 and the total area of reserves made was 8400 acres. A further £1500 was paid to loyalist Ngati Kahungunu chiefs in extinguishment of their interests in the blocks, and another payment of £300 was made to Te Waru and his hapu in extinguishment of their claims to the land: see O'Malley, pp 136–137.

104. Ormond to McLean, 9 December 1875, AJHR, 1876, G-5, p 11

McLean's reply to Ormond did not broach the nature of the so-called 'sale'. Instead, the Native Minister preferred to equate the sale of land with a desire to maintain friendly relations with the Government and settlers, when the reality was that Tuhoe had no choice but to take the money, or lose their land in the court. McLean stated that:

The fact of their [Tuhoe and Ngati Ruapani] having participated in the purchase money is the best proof they can afford of an intention to live on peaceable terms with the colonists.<sup>105</sup>

Tuhoe–Ruapani's first dealing with the court had been disastrous: they had not had their boundary defined against that of Ngati Kahungunu and had been pressured to withdraw their claims in return for a sum which did not nearly reflect the extent of their purported interests in the land. Far from settling the argument between Tuhoe and Kahungunu regarding their tribal boundaries, Locke's handling of the dispute had seen no real investigation or adjudication of the customary tenure of the land in question, and the matter would be canvassed again under the auspices of the Urewera Commissioners years later. The Ngati Ruapani of Waikaremoana lost most of their land by the purchase deed signed at Wairoa and the episode would leave a lasting bitterness in their relationship with both the Crown and with Tuhoe, under whom they had pressed their claim.

As for the Tuhoe tribe, their chiefs had strenuously refused to sell the land and had returned original Government advances, with the approval of Te Whitu Tekau, for the purchase of the four blocks. Just weeks later, they signed away Tuhoe and Ruapani interests in the land, under the threat of losing everything in the Native Land Court which was compelled to give cognisance to the East Coast confiscation legislation. This capitulation cannot have done much for the political position of Kereru Te Pukenui and the other Tuhoe chiefs, but the role of the Native Land Court in divesting Tuhoe–Ruapani of their interests must have been noted by the rest of the tribe. O'Malley has questioned the role of the court by arguing that it functioned as an agent of the Crown in the Waikaremoana confiscation. It would also be interesting to further investigate the impact of the loss at Waikaremoana upon the ability of Te Whitu Tekau to keep the Tuhoe hapu under its mana, since the events at Waikaremoana occurred at the same time as Tuhoe were coming under increased pressure from the Pakeha settlement of the eastern Bay of Plenty confiscated territories, and from Crown purchase agents' activities in the west. The Tuhoe rohe was now circumscribed by the Crown purchases to the south at Waikaremoana, and by the confiscation line to the north about Opouriao. As the 1870s progressed, it became clear that Crown purchases and Pakeha settlers were gradually encircling the Tuhoe rohe, as more bordering hapu leased and took their land to court. The progress of this encroachment is the subject of the rest of this chapter.

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105. McLean to Ormond, 13 December 1875, AJHR, 1876, G-5, p 11

## 5.6 THE WESTERN BOUNDARY: TUHOE OBJECT TO THE SALE OF KARAMURAMU AND THE LEASE OF KUHAWAEA BY NGATI MANAWA

### 5.6.1 Introduction: the relationship between Tuhoe, Ngati Whare, and Ngati Manawa

The lands at the west of the Tuhoe rohe, abutting the Rangitaiki and Whirinaki Rivers, were largely the preserve of the Ngati Manawa and Ngati Whare people. It was here that Te Whitu Tekau would come across much resistance to their strictures regarding the alienation of lands they considered under their mana. Kuhawaea lands fell within the boundaries of the Tuhoe rohe as given to McLean by Te Whitu Tekau in June 1872, and it would appear that Tuhoe assertions of mana over that district derived from their close relationship and intermarriage with Ngati Whare and Ngati Manawa, and from claims of conquest.

Tuhoe asserted an interest in the lands held by Ngati Manawa and Ngati Whare by right of defeating various invaders in the early and mid nineteenth century, by returning Ngati Whare and Ngati Manawa to these lands, by the ‘planting’ of Tuhoe settlers at certain kainga, and by intermarriage. Te Whaiti is one of the ‘outlying districts’ that Best says Tuhoe ‘over-ran, conquered and occupied’ from the mid-eighteenth to the mid-nineteenth centuries.<sup>106</sup> From Tuhoe’s perspective, it was this relationship that the Crown and the Native Land Court would fail to recognise when Ngati Manawa and some of Ngati Whare took Rangitaiki valley lands to court and began leasing and selling them. A fuller account of the relationship of, and battles between, Ngati Manawa, Ngati Whare, and Tuhoe was outlined at section 1.6.

### 5.6.2 After the New Zealand wars

The 1860s witnessed increasing Government contact with the people who lived in the Rangitaiki valley, and much of it was largely precipitated by Kereopa and Te Kooti’s incursions across the Kaingaroa plains, resulting in Ngati Manawa appealing for aid to Civil Commissioner Smith.<sup>107</sup> Ngati Manawa sided with the Government in the ensuing wars, while a good proportion of Ngati Whare seemed largely sympathetic to Tuhoe’s political aspirations. This was a divide which continued to influence the relationship between Tuhoe and Ngati Manawa as the Crown began purchasing in the west of Tuhoe’s asserted rohe.

After gaining permission from H T Clarke to return to their evacuated lands in April 1866,<sup>108</sup> Ngati Manawa and their relatives began what was to be a long relationship with Gilbert Mair.<sup>109</sup> From Mair’s notes, it can be seen that he was in contact with Ngati Manawa from September 1866 and intensively throughout 1867 to 1869.<sup>110</sup> In May 1869, when the Government assembled a three-pronged invasion of

106. Best, *Tuhoe*, p 19

107. T H Smith was Civil Commissioner for Bay of Plenty and Rotorua districts. Civil commissioners headed district runanga and had the power to enact bylaws.

108. Clarke had replaced Smith as Civil Commissioner.

109. Mair, who spoke Maori fluently, gained a provincial surveyor’s certificate in 1864. He was clerk of the court and interpreter in the Resident Magistrate’s Court in Tauranga.

the Urewera, Mair was placed in charge of Te Arawa attached to Whitmore's column. Mair also trained and commanded an irregular guerilla unit of 200 young Ngati Manawa and Te Arawa men, the Arawa Flying Column, in the final campaigns against Te Kooti from 1870 to 1872. In a series of expeditions, Mair and his men unsuccessfully scoured the Urewera in pursuit of Te Kooti. Mair's influence as military commander of Ngati Manawa translated to an ability to successfully negotiate land purchases from that iwi. Mair would say: 'As I have known the Natives a number of years and they are under some obligations to me, I have greater facilities for dealing with them than any one else'.<sup>111</sup>

Ngati Manawa had urged Mair and his brother to lease lands at Galatea and Ahikereru since 1865, and though the Mair brothers had declined this offer, they had advanced Ngati Manawa money and goods worth £150 since 1865.<sup>112</sup> In 1867, a settler named Hammick leased Kaingaroa land, probably from Ngati Manawa, but the threat posed by Te Kooti's followers forced him to abandon his run.<sup>113</sup> Captain St George attempted to graze sheep on Kaingaroa shortly thereafter, but the land was too poor to sustain the sheep. He reported on communications between Te Whaiti and Taupo Maori, at this time, saying:

They [Ngati Manawa–Ngati Whare] are tired of being shut up in their own district and want to have the same advantages as their Taupo neighbours. That is, to be able to pass their lands through the court and lease them to pakehas.<sup>114</sup>

This inclination to lease was probably stimulated by the relationship Ngati Manawa had fostered with the Government, and gave Ngati Manawa the opportunity to assert their claims to land independently of Tuhoe, who, perhaps in Ngati Manawa's eyes, were somewhat conveniently poorly regarded by the Government at this time. Mair became involved in mediating between the Ngati Manawa and Ngati Whare, and the 'Urewera tribes', who were very wary of encroaching Government influence. In a memorandum to Judge Halse, Mair stated that, in 1867, he and his brother W G Mair accompanied Ngati Manawa to Horomanga and Tauaroa, where they held a large meeting with the 'hostile' Urewera in order to arrive at an understanding of where Ngati Manawa boundaries lay. Mair reported this meeting as a success but failed to describe the boundaries, although subsequent events throw doubt on his claims to have settled a boundary between Tuhoe and Ngati Manawa.<sup>115</sup> Before turning to examine the Crown's attempts to secure land in the Rangitaiki district, where that Ngati Manawa and Tuhoe boundary was at issue, a little background on Crown purchasing in the 1870s will be canvassed.

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110. Memorandum from G Mair to Judge Halse, 7 September 1878, ATL ms papers 92:8 in document bank to Gwenda and Maanu Paul, 'The History of Kaingaroa No 1, the Crown, and the People of Ngati Manawa' (Wai 212 ROD, doc B2(b)), p 71

111. Mair to McLean, 23 December 1873, AJHR, 1874, G-9, p 2

112. Mair to McLean, 1 December 1873, AJHR, 1874, G-9, p 1

113. 'The Memoirs of William Maxwell Hammick (1848–1915): Part II – The Kaingaroa–Taupo Period', *Whakatane and District Historical Review*, vol 29, no 2, November 1981, pp 62–70

114. Lieutenant St George to Ormond, 28 October 1867, AGG-HB1/1, NA

115. Wai 212 ROD, doc B2(b), p71



### 5.6.3 Context: Crown purchasing in the Taupo–Central Bay of Plenty in the 1870s

The Government instituted a programme of large-scale land purchasing in the Taupo–Bay of Plenty region from mid-1873. It commissioned land purchase agents Mitchell and Davis to negotiate for Maori interests on behalf of the Crown, which was funded through loans voted under the Immigration and Public Works Act 1870 and amendments.<sup>116</sup> The demand for land for settlement increased with the burgeoning immigration of this period, and the Government planned extensive public works in the central North Island and Bay of Plenty to meet the needs of this settlement and the growing economy. Additionally, as was noted in the previous chapter (see sec 4.5), the strategic importance of this region had long been noted.<sup>117</sup>

An important advantage employed by the Government in its efforts to lease and purchase Maori land, was the suspension of the Native Land Acts over proclaimed districts. This was enabled by section 4 of the Native Land Act 1867 and the provision was incorporated in the Native Land Act 1873.<sup>118</sup> A proclamation suspending the Native Land Acts over a vast area of the Taupo and Central Bay of Plenty, was gazetted in September 1873. For the purposes of this report, it is pertinent to note that the eastern boundary of the proclaimed district extended as far as Opouriao, then extended south along the Whakatane River, and in a straight line, continued south to take in the west of Lake Waikaremoana, and continued further south, before turning west to the Taupo district. Much of the western lands of what Tuhoe considered their rohe, then, were included in this proclaimed area.

The suspension meant, in effect, that the Native Land Court would not hold sittings in the district. Rose argues that the suspension of the Native Land Acts was ‘a form of Crown pre-emption’ to ensure a monopoly of purchase.<sup>119</sup> Private parties were excluded from entering into legal negotiations with Maori landowners though, as we shall see, they still made agreements for lease with Maori.

Rose makes the interesting point that Davis and Mitchell presented their negotiations with Maori in terms of taking part in the ‘implementation of a government scheme’, in which Maori would benefit from settler presence and development of public works.<sup>120</sup> The Crown, for its part, considered its leasing as a means of securing the freehold of the land, once it had passed the court. Agreements to lease were secured through the payment of advances, but Rose says that the rentals were not paid until the land’s title had been adjudicated upon and, as the court was suspended in the district until 1877, the issue of back rentals became a pressing one for some Maori.

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116. Kathryn Rose, ‘The Bait and the Hook: Crown Purchasing in Taupo and the Central Bay of Plenty in the 1870s’, report commissioned by the Crown Forestry Rental Trust, July 1997, p 5

117. *Ibid*

118. *Ibid*, p 8

119. *Ibid*, pp 11–12

120. *Ibid*, p 2

#### 5.6.4 The Crown purchase of Karamuramu and private purchase of Kuhawaea

Mitchell and Davis began negotiating in the Rangitaiki district in September 1873. They received several offers of land within the general Kaingaroa district on the west of the Rangitaiki, and also discussed the lease of the Heruiwi and Pukahunui blocks with Ngati Manawa. These discussions stalled, however, because Ngati Manawa expected an ‘absurdly high’ rental for the blocks.<sup>121</sup> Mitchell and Davis also met with Wi Patene and Ngati Haka (very closely related to Patuheuheu) in November 1873, which is notable because Rose says that Wi Patene offered the agents interests on the eastern side of the Rangitaiki.<sup>122</sup> This offer was rejected ‘because of the Urewera interests in the land’.<sup>123</sup> Ngati Haka and Patuheuheu were both Tuhoe hapu, and it is very significant that they were offering to deal with Crown purchase agents and that they were offering land on the eastern side of the Rangitaiki. Some Tuhoe would undoubtedly have asserted interests on the west of the river, where Mitchell and Davis were treating with a number of iwi and hapu, but it seems Tuhoe interests on the east were strong enough that the Government agents were instructed to avoid negotiating for this land.

However, Wi Patene and Ngati Haka accompanied Mitchell and Davis to Kokohinau where the lease of Pokohu lands was discussed with Ngati Awa.<sup>124</sup> There, they discovered that a Lieutenant Bluett, ex-Native Contingent, had offered to lease part of the block at a higher rental than that offered by the Crown. Davis and Mitchell made a £50 advance to Wi Patene for the lease of Pokohu, and he accompanied another purchase agent, J C Young, to Te Putere to collect the remainder of signatures for the lease.<sup>125</sup> Rose says that Bluett came to an agreement with Rangitukeu, and so the Crown agents ignored him for the time being and dealt with other hapu who claimed portions of the block. They decided that ‘Wi Patene and party with Ngati Hoko, are acknowledged to be the real owners of the block’.<sup>126</sup> Bluett, when informed his private negotiations with Maori were illegal, surrendered his interests to the Crown, and Maori lessors had to accept the lower prices offered by the Government agents.

While Davis and Mitchell conducted these negotiations, Captains Preece and Gilbert Mair were also involved in private and Government transactions for land in the Rangitaiki. Mair’s negotiations with Ngati Manawa for a lease of Kaingaroa caused Tuhoe to complain, and exacerbated the already tense relationship between the two iwi. This was not helped by Ngati Manawa’s sale of Karamuramu and their involvement in the lease of Kuhawaea lands.

Fort Galatea was established as a military redoubt by Whitmore in May 1869 near the site of a deserted Maori kainga known as Karamuramu, situated on the western

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121. Ibid, p 60

122. Rose refers to negotiations with Wi Patene and ‘Ngati Hoko’ but I believe this should be Ngati Haka.

123. Rose, p 60

124. Ibid

125. Ibid. Recall from chapter 4 that Ngati Whare and Patuheuheu had been relocated at a Government reserve at Te Putere upon their surrender to the colonial forces in 1870. Obviously, even in late 1873, some remained on the coast.

126. Ibid

bank of the Rangitaiki.<sup>127</sup> Captain Preece (who was the son of the missionary the Reverend James Preece of Ahikereru) consulted Commissioner Clarke in Tauranga in late 1871 regarding the purchase of the land around Fort Galatea and entered into negotiations with Ngati Manawa. These negotiations were prompted, it seems, by complaints from Ngati Manawa about the soldiers taking timber and firewood from their land.<sup>128</sup> In letters to Major Roberts, Preece described the Ngati Manawa as ‘anxious to sell’ and desirous of obtaining money in order to buy food.<sup>129</sup> Preece also pointed out that there was no Government land in the vicinity of Fort Galatea.

The Crown paid Ngati Manawa £150 in 1873 for 317 acres known as the Karamuramu block. Subsequently, a further £20 was paid to several persons of the ‘Urewera tribe’ who claimed an interest in the land but who had not shared in the initial purchase money.<sup>130</sup>

Tuhoe may not have been held in the highest esteem by the Government at this time but Donald McLean was, none the less, anxious not to antagonise the tribe. This prompted him to write to Mair in November 1873, when word reached him that Mair was leasing land from the Ngati Manawa on the eastern side of the Rangitaiki, demanding an explanation for actions likely to ‘create serious difficulties’.<sup>131</sup>

Mair replied that he had been visited by a delegation of Ngati Manawa in Tauranga in 1872 who had given him first refusal on land they wished to lease. Mair had accepted the lease of the Kuhawaea lands situated on the east of the Rangitaiki between this river and the foothills of the Urewera Ranges. The terms were £200 per year for four years for approximately 27,000 acres. However, Mair learned that the land had also been leased to Hutton Troutbeck of Napier, who paid £300 for the first year and £400 per annum for the following six years. According to Coates, however, Troutbeck had already been leasing the land from Ngati Manawa since 1869.<sup>132</sup>

Mair obviously believed that he had settled boundary differences between Ngati Manawa and Tuhoe at the abovementioned hui in 1867, at a time when he was negotiating with Ngati Manawa for the Tauaroa and Karamuramu runs.<sup>133</sup> He stated:

Though I do not believe the Urewera have any claim to the said land, I have always been most careful not to create a breach between them and the Ngatimanawa. On the contrary I have done all in my power to promote a good feeling between the tribes, and

127. W Spring-Rice, ‘The History and Archaeology of Fort Galatea, Bay of Plenty, New Zealand, 1869–1969’, MA thesis, University of Auckland, 1983, pp 27–28

128. Preece to Major Roberts, date illegible, supporting documents to David Alexander, ‘Native Land Court Orders and Crown Purchases’ (Wai 212 ROD, doc C4, vol 1), p A31; Spring-Rice, p 36

129. Roberts was commanding officer of the Tauranga district. Also, at the time that Preece was writing, Ngati Manawa would have not been long back from Rotorua, hence their cultivating would have been disrupted. These letters to Roberts are badly deteriorated; I have tried to read them as best I can: refer Wai 212 ROD, doc C4, vol 1, pp A30–A31.

130. See Wai 212 ROD, doc C4, vol 1, p A10, where Gilbert Mair submits a new deed for Karamuramu and voucher for £20 to R Gill, the under-secretary of the Land Purchase Division of the Native Department, on 12 August 1878.

131. McLean to Mair, 29 November 1873, no 1, AJHR, 1874, G-9, p 1

132. A A Coates, *The Galatea Story*, monograph of the Whakatane and District Historical Review, monograph, 1980, p 30

133. G Mair to McLean, 23 December 1873, no 4, AJHR, 1874, G-9, p 2

with this object in view I have incurred considerable expense in arranging for a friendly meeting to take place at Galatea during the ensuing summer.

I have never had any reason to suppose that the Urewera has offered, or intended to offer, any opposition to my stock being put on the land . . . When I saw Kereru at Ruatahuna last year, his people all expressed their satisfaction at hearing that I had rented Galatea.

It was only through my personal influence that the Ngatimanawa consented to sell a piece of land at Galatea to the Crown a short time since [Fort Galatea in Karamuramu] . . . The Natives all look with distrust and suspicion upon the agents now employed in negotiating for lands on behalf of the Government.<sup>134</sup>

In fact, several Urewera hapu claimed interests in the land between the Rangitaiki River and the Urewera Ranges; notably they were Ngati Haka and Patuheuheu, who occupied a number of pa within the Kuhawaea block. Clearly, some Ngati Manawa, and probably some of their Ngati Apa and Ngati Hape relatives, also lived within the block.

The Tuhoe response to Mair's lease varied and illustrated the dissention within the tribe about Te Whitu Tekau's ban on leasing. This is reported in a letter from Te Whareraupo (writing from Maungapohatu) to H Brabant, the resident magistrate at Opotiki. According to Te Whareraupo, Te Whenuanui, with the support of Te Whitu Tekau, wished to drive the sheep and cattle from the Kuhawaea block. Te Whareraupo declined to support Te Whitu Tekau in this action: 'I shall walk in the ways of the Government'.<sup>135</sup>

According to Wilson, the 'Urewera tribe' were concerned with protecting what they termed their *kuaha*, or entrances to their country, at Ahikereru and Horomanga.<sup>136</sup> Wilson, significantly, commented that Kuhawaea and Tauaroa lay within the '*rohe-potae*', which could only refer to Tuhoe's asserted boundary, yet record of negotiations for the lease and purchase of Kuhawaea only refer to undertakings with the Ngati Manawa people.<sup>137</sup> After Mair withdrew from negotiations with Ngati Manawa, J A Wilson, land purchase officer for the East Coast and Bay of Plenty region, attempted to purchase the Tauaroa and Kuhawaea run of about 30,000 acres from Ngati Manawa, making an advance payment of £101. Again, this provoked reaction from Tuhoe:

The Urewera could not for shame say much against my purchases at Kuhawaea and Tauaroa, when they showed themselves unequal to the removal of the cattle from that place, a weakness on their part which I believe to be due to the fact that they know they have no right to the land; but at one time, on the 30th January, Tamaikowha came to Opotiki . . . and requested that my action in the matter of the purchase of Tauaroa might be stayed, or at all events suspended until after their then approaching hui at Ruatahuna.<sup>138</sup>

134. G Mair to McLean, 1 December 1873, no 2, AJHR, 1874, G-9, p 1

135. Te Whareraupo to H Brabant, 22 December 1873, no 3, AJHR, 1874, G-9, p 1

136. J A Wilson, 'Extract from a Report from Mr J A Wilson, on Land Purchase Operations, dated 1st June, 1874', AJHR, 1874, G-9, p 2

137. Ibid, p 34

138. Ibid, p 2

A further hui was held at Galatea but Te Makarini, representing Te Whitu Tekau, apparently said nothing about Tauaroa and Kuhawaea.<sup>139</sup> At Te Whitu Tekau's hui in March 1874, however, Ngawaka of Patuheuheu defended his participation in the lease to Troutbeck, saying that he would not permit Te Whitu Tekau to interfere with it.<sup>140</sup> At the same Te Whitu Tekau hui, Wi Patene Tarahanga, also of Patuheuheu, stated that he had taken Government advances from Davis and Mitchell, Crown land purchase agents: 'Now the "Seventy" wish the lease given up to them. It is a question if they are strong enough to undertake it'.<sup>141</sup> Clearly, then, Ngati Manawa were not the only people involved in leasing Kuhawaea. Wilson said that Troutbeck obtained his lease from 'a portion' of Kuhawaea owners, which appears to have included at least some Patuheuheu, and that he and Mair had been dealing with Ngati Manawa in an effort to secure a lease on the land.<sup>142</sup> Further, Te Whareraupo's letter to Brabant (cited above) says that 'the Urewera' disagreed with 'the land leased by the Ngati Manawa'. Tuhoe would probably not have been happy at anyone leasing Kuhawaea, least of all Ngati Manawa to the Crown, but it would be interesting to know if they would have tolerated Patuheuheu leasing to a private lessee like Troutbeck, if Patuheuheu were prepared to 'give up' the lease to the supervision of Te Whitu Tekau. This is speculation, however, and further investigation of the parties to these respective leases would probably be very enlightening.

Both Ngati Manawa and some Patuheuheu appeared to take advantage of the fact that Tuhoe were relatively weak after the wars, and not looking to seriously upset the peace they had made only a few years earlier. These hapu were also bolstered by their cordial relationship with Mair and the Government, to the extent that they seemed to feel they could now deal with land without any reference to Tuhoe. Some 'Urewera' did in fact receive a nominal payment for Karamuramu, but this might be seen as politically expedient on the Government's part, rather than any recognition of the fact that Tuhoe might have felt Ngati Manawa were disposing of some of their interests too. Tuhoe's chief worry, however, was that the Rangitaiki hapu were undermining the political stance adopted by Te Whitu Tekau.

Patuheuheu's participation in the lease transactions would indicate that they wanted to protect their interests from the rest of the Tuhoe tribe and to deal with them as they wished to. Te Whitu Tekau were apparently at a loss to influence these people, who would persevere in leasing land to European settlers and also take their land to the Native Land Court. However, some interesting questions are raised by an examination of the Waiohau title investigation which occurred in 1878. In this instance, the claimants were Wi Patene Tarahanga and others but they claimed for the Tuhoe tribe, not as Patuheuheu or Ngati Haka.<sup>143</sup> Both Wi Patene and Mehaka Tokopounamu specifically said they were of the Tuhoe tribe, and other Tuhoe such as Te Makarini, Te Whaiti Paora, and Kepa Te Ahuru gave evidence in court. The

139. Ibid, p 3

140. 'Native Meeting of Urewera Tribes, Held at Ruatahuna, 23rd and 24th March, 1874', AJHR, 1874, G-1A, p 4

141. Ibid, p 4. This probably referred to the lease negotiated for the Pokohu block.

142. J A Wilson, 'Extract from a Report from Mr J A Wilson, on Land Purchase Operations, Dated 1st June, 1874', AJHR, 1874, G-9, p 2

143. Opotiki minute book 1, 24 July 1878, fol 96

impetus for applying for title investigation of Waiohau appears to have been Wi Patene's lease to a Pakeha called Chamberlain and subsequent pressing Ngati Pukeko counterclaims to the land.

Troutbeck, in the meantime, continued to lease Kuhawaea, establishing his homestead and station buildings at Tauaroa. Coates says that Tauaroa was never a fortified pa and was probably used during the working and harvesting of the cultivations on Kuhawaea, and that Troutbeck possibly lived with Maori at Tauaroa prior to his permanent occupation of the block.<sup>144</sup>

In January, March, and May 1874, the Government received offers to sell Kuhawaea block, and these seem to have been from Ngati Manawa–Ngati Apa people.<sup>145</sup> Consequently, in November 1874, after Wilson said that he had succeeded in acquiring interests for the Crown in Kuhawaea, the Government issued a notice in the gazette of its intention to purchase the block.<sup>146</sup> After the publication of such a notice, it was not legal for anyone to purchase, or contract for purchase, 'any right, title, or interest' from the Maori owners, though the notice stated that this was to apply for only two years. The boundaries of the notified land were described as:

Bounded on the East by the Rangitaiki River, from Te Raepohatu to the mouth of the Whirinaki; thence on the South by the Whirinaki to Te Hinau; thence on the East by a line running to the upper portion of Mangahouhi; thence on the North by a line to the first point.<sup>147</sup>

It is not clear what further efforts were made by Wilson to acquire the Kuhawaea block and, in the event, Troutbeck succeeded in purchasing the land. The block, also called Mangamutu–Kuhawaea, was not investigated by the Native Land Court until 1882. The block was partitioned shortly after title determination, and Troutbeck acquired the freehold of the Kuhawaea 1 block of 21,694 acres, or Galatea Station as it was known, in 1884. Coates says that Troutbeck's marriage to the daughter of a Ngati Manawa chief facilitated the sale.<sup>148</sup>

Further investigation of Patuheuheu's role in the sale of Kuhawaea to Troutbeck should be undertaken, because the Native Land Court awarded the Kuhawaea block to Ngati Manawa and Ngati Apa; in particular, the descendants of Kauae, Hui, Tokowaru, Pikari, Koro, Te Au, and Wairuhirangi.<sup>149</sup> Patuheuheu or Tuhoe did not appear in court to prosecute a claim for the block, but both Wi Patene and Mehaka Tokopounamu were included on the ownership list for Kuhawaea 1.<sup>150</sup> The details of the arrangement between Ngati Manawa and Patuheuheu concerning the title investigation of Kuhawaea remain unclear, as is the question as to whether

144. Coates, p 29

145. D Alexander, 'Native Land Court Orders and Crown Purchases' (Wai 212 ROD, doc C3), pp 53–54

146. *New Zealand Gazette*, 19 November 1874, p 797

147. *Ibid.* Note that the boundaries state that the Rangitaiki formed the eastern boundary of the block, whereas the river actually formed the western boundary of Kuhawaea.

148. Coates, pp 29–30

149. Whakatane minute book 2, fols 144, 148–150

150. This information was supplied by Nicola Bright, who has been commissioned by the Waitangi Tribunal to complete a block history of Kuhawaea.

Patuheuheu participated in or received proceeds from the sale to Troutbeck. It is not at all obvious why Patuheuheu did not appear in court in the initial hearing, but the extent of Patuheuheu's interests at Kuhawaea remained an outstanding issue because Wi Patene and 45 others petitioned Parliament in 1897 alleging that their application for a rehearing of the Kuhawaea 1 block had been illegally dismissed.<sup>151</sup> The Native Affairs Committee recommended that this petition be referred to the Government for further investigation, and the matter of the block's ownership between Ngati Manawa, Patuheuheu, and Ngati Hape was resurrected before the Urewera commission in 1899, even though Kuhawaea lay outside the boundaries of the Urewera reserve under title investigation.<sup>152</sup> The Urewera commission's minutes have not been translated from the Maori, and hence, have not been available for incorporation in this report.

## 5.7 THE LEASE AND PURCHASE OF WAIMANA LANDS

### 5.7.1 Background

It will be recalled from chapter 3 that Wilson's 1867 out-of-court arrangements for confiscated land abutting the Whakatane River were based on the return of lands on the western banks to Ngati Awa, Ngati Pukeko, and Te Patuwai, while the Crown retained that land to the east of the river, subject to small reserves it saw fit to grant Maori.<sup>153</sup> There followed a process of land aggregation by Pakeha settlers and speculators on both sides of the river. To the west, much of the land between the Rangitaiki and Whakatane Rivers that was returned to Ngati Awa hapu, was leased by them to the Whakatane Cattle Company and other Pakeha. The company was established in 1874 by Captain C R K Fergusson, William Kelly, and P Comiskey. Since 1872, they had been involved in the purchase of deserted military land from Poronui mill, four miles south of Whakatane, to the confiscation line, for what were apparently cheap prices. Many of the ex-military settlers sold for a 'pittance' and the Government made unclaimed land available at reasonable prices.<sup>154</sup> In 1876, the company leased from Ngati Pukeko and Ngati Awa about 12,000 acres abutting the confiscation line to the west of the Whakatane River. This was leased from Maori with half a year's rent paid in advance, in spite of the fact that neither tribe had received

151. 'Petition of Wi Patene Torohanga [Tarahanga] and 45 Others, no 27/1897', AJHR, 1897, 1-3, p 8

152. Urewera minute book 1 (called Urewera minute book 3 on microfilm copy), 7 March 1899, pp 92-101, 125, 128

153. Ngati Awa hapu had been promised the return of the land on the western banks of the Whakatane River by Wilson in 1867, but it was not until 1875 that the block boundaries for the various grantee hapu were determined by Henry Halse, the Assistant Native Secretary, and Brabant. The returned land was divided into six blocks for the three main hapu, and efforts were made to give these hapu areas of good and poorer land. From the sea coast south to the confiscation boundary, these blocks were as follows:

Lot 28	2340 acres	Ngati Awa	Lot 31	6700 acres	Ngati Awa
Lot 29	1250 acres	Patuwai	Lot 32	6700 acres	Patuwai
Lot 30	6400 acres	Ngati Pukeko	Lot 33	13000 acres	Ngati Pukeko

154. Alison Heath, *The Opouriao-Taneatua Settlement of 1896*, monograph of the Whakatane and District Historical Society, Whakatane, 1989, p 1

their Crown grants for the land.<sup>155</sup> The lease of this land, which Tuhoe considered included their confiscated interests, and the fact that Ngati Pukeko moved ‘up the river’ and were prospering, did little to soothe their relationship with Tuhoe.<sup>156</sup>

On the eastern side of the Whakatane River, the Crown granted much of its land to military settlers, but the unsettled state of the district quickly induced the settlers to sell their allotments to speculators. One, Captain Swindley, amassed a large estate at Opouriao and, importantly, also leased land from Tuhoe hapu beyond the confiscation line.

### 5.7.2 The Waimana estate

In the valley adjacent to the Opouriao estate, the same process of land aggregation and speculation was underway in the early 1870s. A Pakeha speculator named Captain Swindley, who had been involved in the Bay of Plenty hostilities, was determined to lease Waimana land beyond the confiscation line from the Ngai Tama, Ngai Tauranga and Ngati Raka hapu who occupied it. Swindley’s ultimately successful attempts to gain a foothold in the Waimana valley are very revealing of Tuhoe inter-hapu relations and the Tuhoe management of the divisive issue of leasing land.

Captain Swindley approached Tuhoe to lease land in Ruatoki and Waimana beyond the confiscation line in March 1874 when he attended a meeting of Te Whitu Tekau runanga held at Ruatahuna.<sup>157</sup> In spite of Tamaikoha’s endorsement, his request was initially refused but subsequent events were to demonstrate that Te Whitu Tekau was not able to enforce its prohibitions on all Tuhoe hapu, especially those with desirable agricultural land in Waimana.

Tamaikoha was a leading figure in the immediate post-confiscation debate over leasing land to the Pakeha. He had led active Tuhoe opposition to Pakeha appropriation of the confiscated lands but after peace was made with Te Keepa and the Government, Tamaikoha’s attitude to Pakeha encroachment is less easy to define. It appears that by the early 1870s, Tamaikoha accepted the confiscation of Tuhoe land, not as just but as a *fait accompli*. Presumably, the injurious economic effects of the confiscation of quality Tuhoe land in Opouriao and Waimana meant that it was very important that remaining Tuhoe agricultural land in this area yield a profitable return. Aside from road-making, there would be few avenues open to Tuhoe at this time to acquire cash which was needed for their own agricultural development. This was possibly why Tamaikoha pressed to lease Waimana lands to Pakeha like Swindley (though Brabant noted weaker motivations openly expressed, such as the desire to buy alcohol).<sup>158</sup>

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155. Ibid. The Whakatane Grants Validation Act 1878 was passed in order to validate leases made before the issue of Crown grants.

156. See Brabant to under-secretary, Native Department, 23 May 1873, no 13, AJHR, 1873, G-1 p 11; Brabant to under-secretary, Native Department, 25 May 1874, no 8, AJHR, 1874, G-2, p 8

157. ‘Native Meeting of Urewera Tribes, Held at Ruatahuna, 23rd and 24th March, 1874’, AJHR, 1874, G-1A, p 2

158. Ibid, p 3



After Te Whitu Tekau declined Swindley the lease, a meeting had been held at Te Waimana, at Tamaikoha's invitation, to discuss leasing land, which most of the Urewera chiefs attended as well as representatives from Ngati Awa and Whakatohea.<sup>159</sup> These other tribal leaders were anxious to lease land as were Rakuraku and Paora Kingi. Wilson was convinced that Tamaikoha would be willing to lease land, 'if only he could trust the Pakeha, if the Urewera chiefs could but trust each other, and if they understood the proper management of leases'.<sup>160</sup> However, the bulk of the Tuhoe chiefs were still against Swindley's lease and nothing was decided upon at this meeting. However, Kereru, Te Ahikaiata and other Tuhoe chiefs visited Brabant at Opotiki after the hui, which left him with the impression that 'this tribe are by degrees throwing off their sulky reserve, and mixing more freely with Europeans and the loyal Natives'.<sup>161</sup>

Swindley was able to manipulate the competing claims to Waimana by Upokorehe and the Tuhoe hapu of Ngai Tama, Ngati Raka and Ngai Turanga. Both groups were in negotiation with Swindley and both claimed the right to effect a lease on the land and distribute revenue from the lease. Swindley's attempts to persuade Maori to lease Waimana included paying advances on account to Wipeka, Rakuraku, and Hira Te Popo of Ngati Ira (a Whakatohea hapu). Brabant advised Upokorehe against accepting this money in an attempt to avoid conflict with Tuhoe hapu. However, when Upokorehe heard that the 'inland natives' would not accept money against the decree of Te Whitu Tekau, the money was returned to Swindley.<sup>162</sup> Tamaikoha claimed that he collected the £70 advance that Swindley had paid Upokorehe, and returned the money to the Captain himself.<sup>163</sup>

The knowledge that Upokorehe and Ngati Awa were conducting negotiations with Swindley, for land on either side of the confiscation line, must have placed Te Whitu Tekau under intense pressure. Swindley, in attempting to acquire land in the confiscated district, would not have dealt with Tuhoe because, obviously, this land had not been returned to them. However, it would have rankled Tuhoe to see land they considered their own being leased to Swindley by other hapu and iwi. Even more alarming than this, however, was the possibility of Tuhoe hapu ignoring Te Whitu Tekau and coming to an arrangement concerning Waimana land, on the Tuhoe side of the confiscation line, by themselves. On the one hand, Te Whitu Tekau could resolutely refuse to sponsor a lease to Swindley and risk being subverted by dissenting hapu or they could stamp their authority on an agreement on behalf of the tribe. Tamaikoha's motivations in returning the monies advanced to Upokorehe were probably twofold; he disputed the right of Upokorehe to deal with the land, considering himself the principal owner, and he probably had to acknowledge the rights of other Tuhoe with interests in the land, and so did not wish to openly defy Te Whitu Tekau.

159. J Sissons, *Te Waimana: The Spring of Mana: Tuhoe History and the Colonial Encounter*, Te Whenua Series No 6, Dunedin, University of Otago Press, 1991, p 88

160. 'Native Meeting of Urewera Tribes, Held at Ruatahuna, 23rd and 24th March, 1874', AJHR, 1874, G-1A, pp 1–2

161. Brabant to under-secretary, Native Department, 25 May 1874, no 8, AJHR, 1874, G-2, p 8

162. Brabant to McLean, 14 August 1874, in Sissons, p 88

163. Sissons, p 105

In September 1874, Tutakangahau wrote to Brabant telling him that all the hapu had agreed to Swindley's lease but that final approval was needed from a second hui to be held at Ruatahuna.<sup>164</sup> Six months later, Te Whitu Tekau agreed to a purely private arrangement between themselves and Swindley on the understanding that the State was not to be involved.<sup>165</sup> Brabant told McLean that Te Whitu Tekau had formally accepted the money and granted the lease provided the land court was not involved and no surveys were carried out.<sup>166</sup> Tamaikoha would later say in court that after he returned Swindley's original advance paid to Upokorehe, he had agreed to lease land to Swindley, who gave him £100 on account.<sup>167</sup> This appears to have been, though, with the sanction of Te Whitu Tekau. This research has not uncovered the terms of Swindley's lease but according to the *Bay of Plenty Times*, Swindley was leasing nearly four-fifths of the valley at the time of its 1877 survey (8000 acres).<sup>168</sup> This land was described as level, ploughable, and having had thousands of peach trees planted on it by Maori in the 'early days'.<sup>169</sup>

This agreement broke down within three years, though it is not at all clear why this happened. Sissons says that, in 1877, both Upokorehe and Tuhoe separately applied for a survey of the Waimana block, which comprised about 10,491 acres. They were also both in treaty with European settlers to lease the land.<sup>170</sup> Seeing as Upokorehe were the claimants for the block the following year, with a separate application from the Tuhoe party, Tuhoe had probably been compelled to take a case to the court to defend their interests against their kin.

In the Native Land Court, Hemi Kakitu and Paraone Te Rupe were claimants. Sissons describes this claim as an Upokorehe one but Hemi Kakitu described himself as 'Ngaitehapu'. Best says that Ngai Te Hapu became the Patuwai hapu, who intermarried with Ngati Awa.<sup>171</sup> Tuhoe, on this occasion, were represented by the Ngai Turanga and Ngati Raka hapu, with one of their main speakers being a woman called Huhana Te Waihapuarangi. Hemi seemed to represent a group of Upokorehe who were claiming from the ancestor Raumoa but Ngai Turanga and Ngati Raka cited Tanemoeahi as their ancestor. In the course of his evidence, however, Hemi emphasised his close relationship with Tuhoe by saying that he claimed from an ancestor named Maharangi who was 'also the ancestor of Tuhoe connected with the Whakatohea tribe'.<sup>172</sup> He said that while he claimed descent from Raumoa, he also claimed descent from Tamaikoha, Netana, 'as well as the whole of Tuhoe'. He named the ancestor Tanemoeahi as being both his and Tuhoe's.

Preece said there were about 400 Maori in Opotiki for the hearing and that they conducted themselves 'in a very orderly manner, both inside and outside the

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164. Ibid, p 88

165. Ibid

166. Ibid

167. Ibid, p 105

168. Ibid, p 89

169. Ibid

170. Opotiki minute book 1, 18 March 1880, fol 402

171. Best, *Tuhoe*, p 82

172. Opotiki minute book 1, 13 June 1878, fol 42

Court'.<sup>173</sup> After a brief hearing in June 1878, and after the court noted that the claimants and counterclaimants were 'very nearly related', the land was awarded to 'the descendants of Tuhoe', Ngati Raka, and Ngai Turanga who were living on the block, and those Upokorehe of mixed descent. It was deemed that Upokorehe's rights were derived from matrimonial and kinship relations with Tuhoe hapu. Tamaikoha headed the Tuhoe list submitted to the court as owners; among the other names were senior inland Tuhoe chiefs such as Tutakangahau, Kereru Te Pukenui, Paerau, and Te Ahikaiata as well as Te Whiu of Ngai Turanga, Hemi Kakitu, and others.

A rehearing of the Waimana block occurred two years later in 1880, upon an appeal by Upokorehe disputing the correctness of Tuhoe's ownership list.<sup>174</sup> This time, the hearing was drawn out. Not all the people who lived at Waimana identified as Ngati Raka or Ngai Turanga, so a separate 'Tuhoe' case was brought on. Tamaikoha was one such person, and Sissons relates that the chief's evidence focused upon his defence of the land during the New Zealand wars and the fact that he had made peace with the Government.<sup>175</sup> Tamaikoha also pointed out that the Upokorehe surrendered their advance from Swindley to him, and he had returned it, and subsequently leased the land. He was thus able to claim, he said, the mana of the whole block. Kereru Te Pukenui also gave evidence for Tuhoe; he said he came from Ruatahuna and claimed as Ngai Turanga. In his judgment on the case, Monro said that it was clear that Ngati Raka and Ngai Turanga had lived on the block for many years as Tuhoe and that the Upokorehe–Ngati Raumoa group had not. Whatever traditional rights Raumoa might once have had, the court decided that they had been extinguished by Tuhoe, who were 'in paramount occupation' and had been for at least the last 50 years. Judgment, then, was in favour of Tuhoe, Ngati Raka and Ngai Turanga as well as those Upokorehe who had a right through intermarriage and residence.<sup>176</sup>

After the hearing, Swindley continued to lease the lower half of the Waimana valley and began development of the 5000 acres as a cattle run. Swindley regarded his lease as an initial step to purchase of this part of Te Waimana, which he realised could be achieved if the block was subdivided into divisions for sellers and non-sellers. Thus, in 1882 Rakuraku, Te Whiu and Huhana Te Waihapuarangi of Ngati Raka applied to have the block subdivided, but this did not come before the court until 1885. Sissons says that by this time Te Whiu and Rakuraku were opposed to the subdivision but Tamaikoha used his influence to ensure that the application made it to court.<sup>177</sup>

He appeared in the subdivision hearing in the Native Land Court in February 1885 before Judge William Mair. Tamaikoha asked that shares be given equally to all owners, an entitlement of about 150 acres each. He wanted to sell the land to the west of the Waimana (or Tauranga) River, while retaining a reserve of 600 acres there, with the non-sellers' portion of the block located to the east. That is, the Waimana River

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173. G Preece, resident magistrate, Opotiki, to under-secretary, Native Department, 9 June 1879, AJHR, 1879, G-1, p 5

174. Sissons, p 89

175. *Ibid*, p 105

176. *Ibid*, p 108

177. *Ibid*, p 90

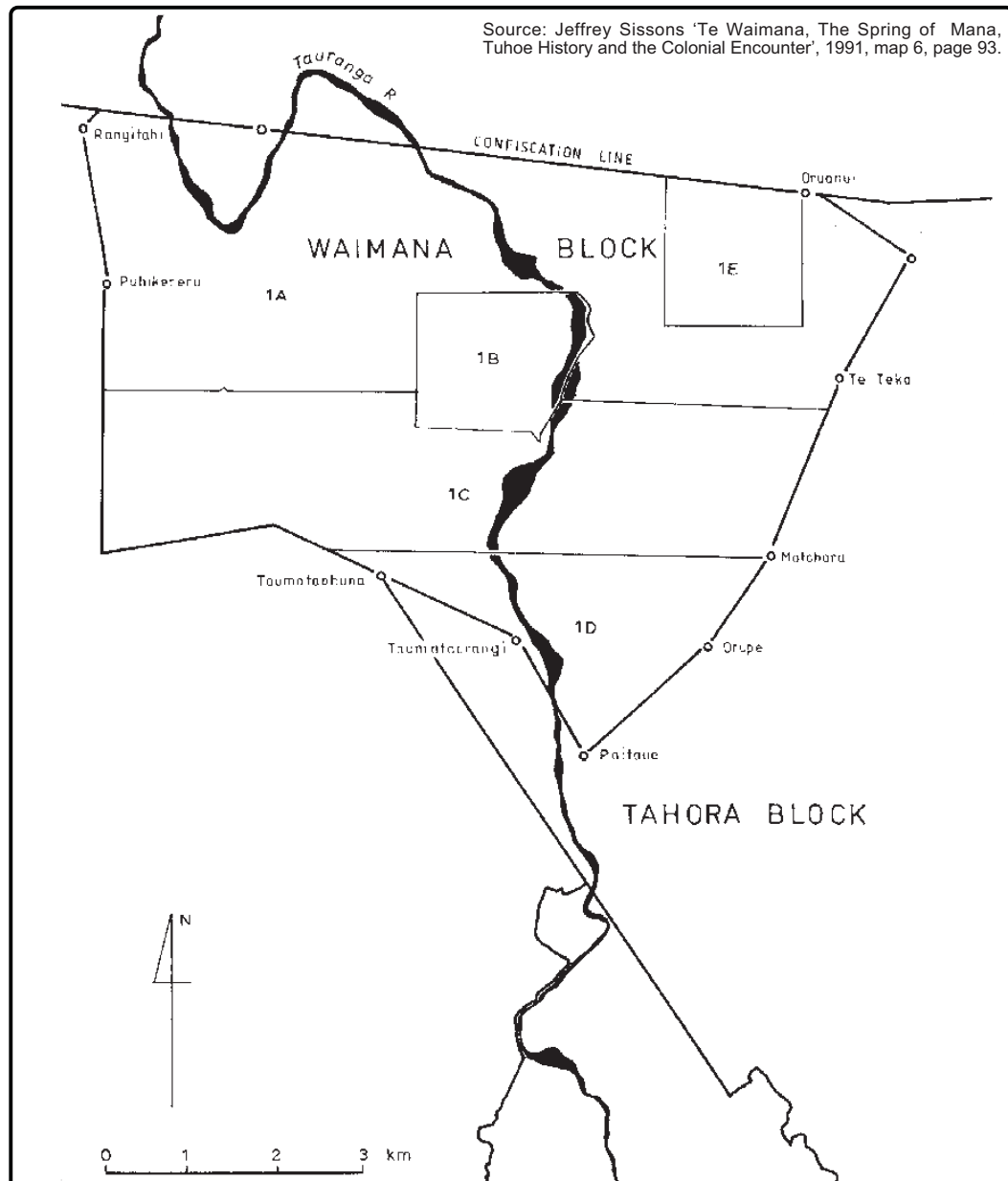


Figure 13: Waimana block subdivisions, 1885

running on a north–south axis was to be the boundary between Maori land and Swindley’s estate.<sup>178</sup>

Swindley opposed this plan, stating that the survey had been conducted with a view to making boundaries run across the valley on an east–west axis.<sup>179</sup> Mair adjudicated in favour of Swindley and his judgment on 16 February 1885 established five sub-blocks of the Waimana block. These were issued as follows:

- (a) Block A: 4850 acres and 34 owners headed by Tamaikoha.

178. Sissons, p 90

179. Ibid

- (b) Block B: 600 acres. This was the papakainga of Tamaikoha and sons that was made inalienable. This block had the same owners as block A, so Tamaikoha could sell block A to Swindley and still have land in the valley.
- (c) Block C: 3179 acres. The list of owners was headed by Te Pou.
- (d) Block D: 1271 acres. Te Whiu and Rakuraku headed a list of eight owners.
- (e) Block E: 636 acres to seven Upokorehe.

Two days later on 18 February 1885, Swindley and his solicitor purchased shares from the owners of block A; they paid £1380 for 4850 acres.<sup>180</sup> In addition to the Waimana block, Swindley also leased another 11,000 acres of land to the north of Waimana. Melbourne states that this location cannot be accurately established except that it was north of the Waimana block toward Ohiwa.<sup>181</sup> In July 1884, Swindley also apparently purchased allotment 307, just north of the confiscation line, containing 5333 acres.<sup>182</sup>

This, in conjunction with his purchases of military allotments, meant that Swindley, between 1882 and 1885, held most of the land from Ohiwa to Te Waimana south of the confiscation line by lease or by purchase.<sup>183</sup>

He did not hold this land for long, however. Swindley lost his land because of the economic depression of the 1880s and the Tarawera eruption of 1886, which covered much of the surrounding district in a thick layer of ash, ruining pastures and forcing the mortgage of the Whakatane Cattle Company's property. Two years after his 1885 purchase, Swindley's land was taken over by the Bank of New Zealand. In 1895, the bank established an assets realisation board to administer properties, and in 1905 the Government made a compulsory purchase of land under the Land for Settlement Act 1905.<sup>184</sup> Ballots were drawn for the land on 10 August 1907, which signalled the beginning of closer Pakeha settlement in the lower part of the Waimana valley.

## 5.8 CONCLUSION

The end of the New Zealand wars saw Tuhoe define their political position in relation to the Native Land Court. This was not unusual; the end of the wars saw most of the North Island tribes turn their attention to issues of survey and investigation, and the matters of leasing and sales that accompanied the court's activities. Te Whitu Tekau was established in order to protect the tribal estate, which was explicitly defined in correspondence to the Government. Tuhoe apparently believed that they had McLean's approval to define these boundaries and to look after their own affairs, following their meeting with him in 1871. It is not at all clear, however, whether

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180. Ibid, p 91

181. S Melbourne, 'Te Manemanerau A Te Kawanatanga: A History of the Confiscation of Tuhoe Lands in the Bay of Plenty', MA thesis, 1987, p 118

182. Ibid, p 118

183. Additionally, between 1880 and 1882, Swindley had also leased Whakatane reserves lots 31 and 32 from Patuwai and Ngati Awa on the western side of the Whakatane River.

184. Sissons, p 91

McLean indicated to Tuhoe that he accepted the defined boundary, either in 1871 or subsequently.

Te Whitu Tekau, then, was charged by the Tuhoe tribe with the responsibility of preventing application for survey and investigation of title, or any other actions that might have led to the alienation of land or resources within the newly defined boundary. However, as we have seen in the case study of the lands to the south and east of Waikaremoana, Tuhoe were compelled to apply to the court for title investigation of their interests in that district in the wake of Locke's 1872 arrangements with Ngati Kahungunu. Moreover, Tuhoe's first experience of the court was disastrous in so far as they were pressured to withdraw their claims under the threat of losing their land as 'rebels' because of the court's jurisdiction under the East Coast Act 1868. Tuhoe and Ngati Ruapani were poorly compensated by the Government for their interests in the lands to the south of the lake, interests acknowledged to be considerable by McLean, and they also failed to get their boundaries defined against those of competing Ngati Kahungunu claimants. O'Malley has characterised the Native Land Court as an agent of the Crown in the events surrounding the cession and investigation of these blocks, and the whole episode, and the court's role in particular, must have made a very poor impression upon the Tuhoe tribe.

It became clear as the 1870s progressed, that the boundaries Tuhoe considered their own, and under their mana, were contested by tribes and hapu on the borders of the Tuhoe rohe, as well as by some of Tuhoe's own hapu, more especially, those who occupied agriculturally useful land. Further, it became clear that the Crown would not accept the asserted Tuhoe rohe either (in spite of anything to the contrary McLean might have told Paerau and Te Whenuanui in 1871). For a start, Tuhoe's defined boundary included confiscated land both in the Bay of Plenty and at Waikaremoana, and Brabant and Locke made it clear that the Government was not going to 'move the line' at either of those two places. Tuhoe were under the impression, for quite some time, that McLean had promised to move the confiscation boundary. Secondly, the Government proceeded to lease and buy from tribes who disputed Tuhoe's right over their land; by doing so, the Government drove a wedge between Tuhoe and these hapu who wanted to extricate themselves from the control that Tuhoe might have once exerted over them. Notably, in this regard, Ngati Manawa leased and sold land to the Crown, and we have seen that the lease of Kuhawaea aroused alarm on Tuhoe's behalf, and indignation at their not having been consulted on the matter.

While Tuhoe might have expected this resistance to their sphere of influence from Ngati Manawa or Ngati Pukeko, the reluctance of Tuhoe's own hapu to abide by Te Whitu Tekau's strictures was more directly threatening to the principle of tribal authority. Wi Patene Tahanga and Mehaka Tokopounamu, of Patuheuheu hapu, leased Waiohau lands to a European from about 1874, and Patuheuheu were also involved, with Ngati Manawa, in the lease of Kuhawaea. When Brabant visited Te Whitu Tekau in Ruatahuna in 1874, Wi challenged Te Whitu Tekau to 'take' control of the lease from his hands, and it appears they could not.

In 1878, Wi Patene took Waiohau to the Native Land Court for investigation of title, but this was probably due to pressure exerted by persistent Ngati Pukeko claims to the land. Tuhoe appear to have been particularly concerned to rebut what they considered unwarranted Ngati Pukeko claims to lands on the western and northern perimeter of their rohe. It is not clear if Te Whitu Tekau sanctioned either the lease or the investigation of Waiohau, but it seems most unlikely.<sup>185</sup>

Certainly, Te Whitu Tekau appeared to have been reluctantly pressured into accepting Swindley's lease of the lower Waimana valley. As Tamaikoha stated in court, most of the owners of Te Waimana wanted to lease the land but Tamaikoha made sure he had the backing of Te Whitu Tekau before proceeding with the lease to Swindley. Tuhoe were in the position of defending their interests against those of Te Upokorehe, which they did successfully, but also of accommodating the wishes of Tuhoe's own hapu at Te Waimana. Tamaikoha's position is difficult to characterise as he appears to have changed his mind on several key issues confronting Tuhoe during the 1870s and 1880s. Preece recorded Tamaikoha as saying, at the 1872 meeting of Te Whitu Tekau, that he did not approve of roads, leasing or the selling of land.<sup>186</sup> Tamaikoha later said in court that he held the mana of the land, but at first, it seems that he did not feel confident enough to totally ignore the political strictures imposed by Te Whitu Tekau. That body agreed to the lease, then, but only if the court and the State were kept out of the matter. This was initially agreed to by all concerned but, within a few short years, Tamaikoha forced the investigation and partition of the block, and sold just under half of it to Swindley. Further inquiry into the reasons why Tamaikoha appeared to change his mind, and defy Te Whitu Tekau and other Waimana owners, needs to be carried out to fully understand the conclusion of this episode. In any case, however, the investigation and sale of Te Waimana showed again, that strong-willed and independent hapu and leaders could defy the tribe, with the undoubted blessing of the Government, and there was little Tuhoe could do about it.

Te Whitu Tekau, then, watched as the Native Land Court and Pakeha settlers gradually encroached upon the very boundaries that it was pledged to defend. It failed to prevent the forced purchase of Tuhoe–Ruapani lands at Waikaremoana, and it failed to bring hapu such as Patuheuheu and leaders like Tamaikoha, under its mantle. Most of the so-called 'interior' hapu, however, appeared to support Te Whitu Tekau but, then, they were not faced with the same degree of pressure from would-be lessees and other iwi, as those people on the edges of the Urewera country.

This situation would gradually change in the 1880s and 1890s, however, as the papatipu land of the Urewera district stood out like a gaping hole on the political map of Aotearoa. Tuhoe and the Government entered into a sort of protracted dialogue over a period of roughly 10 years, about the 'opening' of the Urewera lands. Just what did 'opening' mean? Who would control the 'opening'? This debate, and its penultimate negotiations, form the subject of the following chapter.

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185. It should be noted that the Waitangi Tribunal has received several claims relating to the Waiohau block, and a research report on Waiohau is currently in preparation. Hopefully, this report will be able to draw out some of the issues canvassed here.

186. See enclosure 34 in AJHR, 1872, F-3A, p 30





## CHAPTER 6

# THE UTILISATION OF TE UREWERA: AN ISSUE OF SOVEREIGNTY

### 6.1 INTRODUCTION

There was no urgency involved in Government attempts to open up the Urewera during the 1870s and early 1880s. Land sales continued in surrounding areas thereby isolating the Tuhoe community still further. It is possible that the eventual opening of the area was regarded as an inevitable result of this chipping away at Tuhoe's boundaries and it is highly probable that by the mid-1880s, the opening of the country was seen as something of a *fait accompli*, so that when the time was right, only a small amount of pressure would need to be exerted on Tuhoe in the form of calculated persuasion. Although the Government felt it necessary to keep a close eye on the Urewera, they seemed content to leave Tuhoe to themselves until 1889, when S Locke was sent to make arrangements with them for the utilisation of the area. By then the situation and political climate had altered considerably and there were more specific reasons for entry into the territory based on perceived economic opportunities.<sup>1</sup>

Belich writes that:

Where it is recognised, the survival of these parts of the Maori zone [ie, the King Country, South Taranaki, and the Urewera] is attributed to Pakeha benevolence or disinterest, or to the wise policy of non-intervention instituted by Donald McLean (Native Minister 1869–76). But voluntary restraint of this type was not a marked settler characteristic.<sup>2</sup>

Although Belich's comment may be seen to be correct in general, the situation in the Urewera does seem to have involved a measure of Government and settler disinterest in addition to the policies of Tuhoe themselves. Non-intervention in the Urewera up to the 1890s was not a case of voluntary restraint but rather of there being

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1. This chapter is largely based upon a draft chapter 5 written in 1995 by then Waitangi Tribunal research officer Siân Daly. That chapter was called 'The Background to the Urewera District Native Reserve Act 1896', and it was edited to maintain the chronological coherence of the present report. Much of the integrity of the original chapter has been retained in its present form, though with additional information provided by the current author, notably at sections 6.3.1, 6.3.2, 6.6, 6.8, and 6.10, as well as some linking paragraphs to assist the reader. Daly's original chapter can be viewed at the Waitangi Tribunal's offices.
  2. J Belich, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland University Press, Auckland, 1986, p 306

little pressure on the Government to open up the area. It is significant that such attempts were made in a concerted way only after individuals began prospecting, urged on by false rumours of a wealth of gold and other minerals to be found in the Urewera mountains.

There are several reasons for the apparent lack of Government interest in the region. First, the rugged terrain was regarded as unsuitable for agriculture and settlement and, until the 1880s, there appears to have been no real interest in the acquisition of the forest for milling purposes. Secondly, much good land had become available for settlement through the confiscations and there was no pressing need to settle what was, at best, only pastoral land of poor soil quality, in the valleys and flat lands of the Urewera. Thirdly, the Government was occupied with concerted attempts to undermine the King movement and open up the King country. Significantly, this was achieved in 1885–86, when the Rohe Potae was officially opened.

Government attention then shifted to the Urewera, the last area to be substantially surveyed and to admit the machinery of government. At this stage, it was inevitable that pressure should have been brought to bear on Tuhoe in order to bring them 'within the pale'. It was clearly not acceptable that one tribe should effectively govern themselves and allow no European settlement in their area. There could be only one government, and Tuhoe could not be allowed to stand outside of the writ of British law and flout its institutions.

The Armed Constabulary had been disbanded and removed from Onepoto in the mid-1880s. With the Rohe Potae opened, a permanent military presence was no longer seen as necessary to 'enforce settler dominion over the Maori frontier'.<sup>3</sup> The likelihood of any large-scale armed resistance was now seen as remote. The pursuit of Te Kooti through the Urewera had been a costly operation for Colonial troops and the withdrawal of a military presence indicates that the Government preferred negotiation in this area. It must have been assumed with reasonable confidence (or at least hoped optimistically), that the Urewera would follow the example set by the Ngati Maniapoto.

## 6.2 LOCKE'S VISIT TO THE UREWERA, 1889

Tuhoe, however, persisted in their efforts to get the Government to give formal recognition to their tribal committee (though whether this was still termed Te Whitu Tekau is by no means clear). Binney reports that when the Minister of Native Affairs, John Ballance, visited Whakatane in 1886, he promised that 'a separate district' would be made for Tuhoe under the new Native Committees Act 1883.<sup>4</sup> This promise was not kept because, Binney argues, the Government feared that any Tuhoe committee

3. A Ward, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand*, Auckland University Press/ Oxford University Press, 1973, pp 294–295.

4. J Binney, 'Te Mana Tuatoru: the Rohe Potae of Tuhoe', *New Zealand Journal of History*, vol 31, no 1, April 1997, p 120

would act in concert with Te Kooti's principles, which were antithetical to surveys and the Native Land Court.

In April 1889, however, Samuel Locke visited Tuhoe in order to, as he put it, 'make arrangements' for the opening up of the Urewera.<sup>5</sup> He was accompanied on this occasion by Major Swindley, and they met the leading chiefs, as so described by Locke, at Ruatoki. These chiefs were: Te Whenuanui, Kereru Te Pukenui, Te Ahikaiata, and others of Ruatahuna; Tamaikoha and Rakuraku from Te Waimana; Hetaraka and Te Makarini from Ruatoki; Hemi Kakitu and others from Ohiwa and Tutakangahau and others from Maungapohatu. Locke also invited people from Waikaremoana, but he did not name them individually.<sup>6</sup>

At Ruatoki, the issue of sovereignty was not discussed openly with respect to the Urewera. Other more detailed reasons for the initiation of dialogue between Government representatives and Tuhoe were given; prospecting for gold and minerals, and utilisation of the forests (the milling of totara, said to abound in quantity in Tuhoe's rohe).<sup>7</sup> Tuhoe were angered by the unauthorised entry of Europeans into their rohe and the clandestine survey of blocks within their boundaries.<sup>8</sup> Locke wrote that:

They might be quietly cultivating at their kaingas, and suddenly receive a notice to attend a Native Land Court for the adjudication of lands within their boundaries, the surveys of which they had never heard, and such conduct would probably lead to some one being knocked on the head.<sup>9</sup>

Surveys and prospecting for gold had been secretly carried out for some years. Best recorded an incident that occurred in 1885 when a J C Blythe was told that he might travel through the district but could do no survey work, as Tuhoe did not want any dealings with the Government or Europeans.<sup>10</sup> Tuhoe were suspicious of any European presence in their rohe and anyone prospecting or surveying in the area was aware of the dangers involved in such activities. The mistaken idea that there was gold to be found in the Urewera must certainly have encouraged individuals to prospect secretly, despite the risks.

Locke suggested that it was time Tuhoe and the Government had 'a proper understanding', and he offered that direct communication with the Government would pre-empt any further troubles. He suggested that a group of chiefs be selected to 'receive letters from the Government authorising any person or persons to explore and make arrangements for any required object'.<sup>11</sup> The wording of this statement does not imply that Tuhoe were to be given a choice in whether these persons should

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5. 'Mr S Locke's Trip to the Urewera Country', AJHR, 1889, G-6, p 1

6. Ibid

7. Ibid

8. This section relies upon Locke's report of his discussions with Tuhoe, and his report does not tell us which chiefs spoke on behalf of the tribe. Hence, the use of 'Tuhoe'.

9. AJHR, 1889, G-6, p 1

10. Elsdon Best, *Tuhoe: The Children of the Mist*, 2nd ed, 2 vols, Wellington, AH and AW Reed Ltd, 1972, vol 1, p 667

11. AJHR, 1889, G-6, p 1

explore within their boundaries or not. Tuhoe replied that they would not have people travelling in their country without their knowledge and consent, but they were persuaded to write a letter to the Native Minister setting out the boundaries of their 'rohe potae' and promising to select chiefs to 'prevent and to consent to (consider?)' requests by Pakeha to prospect on Tuhoe land.<sup>12</sup> The report which appeared in the *Appendices to the Journals of the House of Representatives* in 1889 contained a translation of this letter with a query as to whether the word was 'consent' or 'consider?'. It is interesting to note this, as Tuhoe would most likely have intended to convey to the Government that they would consider applications to survey but would not necessarily agree to them. Later events point to the fact that the Government either regarded the entry of Pakeha into the area as already agreed to by Tuhoe or chose to ignore the tribe's wishes altogether.

Tuhoe's letter said that one of the issues discussed with Locke was the 'rohepotae, general boundaries of Tuhoe'.<sup>13</sup> Locke's account does not elaborate as to the discussion on this point, but Tuhoe sent in a boundary, which looks interesting because it seems to take cognisance of the confiscation boundaries in the eastern Bay of Plenty, as well as surveyed block boundaries, such as Kuhawaea, that had been investigated by the Native Land Court on Tuhoe's perimeter. We can see that the boundaries of the rohe potae sent in by them were not traditional boundaries, as it seems they had sent to McLean earlier, but a boundary that defined what remained of Tuhoe lands:

Beginning at Pukenuiaraho, Moutehera, Puhikereru, Rangitiki, along the line to Kaimatahi, Ruaparapara, Paemahoeowhakatoro, Te Tapuae to the Rangitaiki Stream; then following the stream and turns to the south to Tukutoromiro, Okahu, Aniwaniwa, Nutukapi; thence along the line of Kuhawaea to Kopua, Ohotu, Otamapare, Tapuketaru, Tawhinau [Tawhiuau?] Hangarau; thence following the Nohirinaki [Whirinaki] Stream to Te Tuwatawata; thence towards the eastward to Maungataniwha., Waiau, Tauwharetoi; then following the line of Waikare to Te Korokoroowhaitiri, Whanganuioparua, Waikareiti, Waipawa; then following the line of Te Papuni, Tauwharetoroa Te Umuotamanuhiei, Okauia, Kahuinui, Te Kaharora; thence to the starting point to Pukenuiaraho.<sup>14</sup>

In Locke's opinion 'with ordinary care and caution, the whole country [could] be explored for minerals, timber, and other objects'.<sup>15</sup> He also noted that the terrain was 'romantic, but quite unfit for the purpose of agriculture'.<sup>16</sup> At this time, therefore, Tuhoe appeared willing to cooperate on the point of the area's exploration by individuals both known and agreed to by themselves. It is unclear what the Government took from this 1889 agreement but, during the first half of the next decade, attempts to survey Urewera lands were met with protest. Tuhoe were not to be

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12. Ibid, p 2

13. Ibid

14. Kereru Te Pukenui and eight others to the Honourable Native Minister (translation of letter from native chiefs to the Honourable the Native Minister), 17 April 1889, AJHR, 1889, G-6, p 2

15. Ibid

16. Ibid

trifled with and eventually the Liberal Government, led by Seddon, accepted that special attention was required in this area. By 1894, when Seddon visited the Urewera, the issue of sovereignty versus Maori requests for self-government had become a more prominent political issue due to the pressure exerted by the Kotahitanga movement and the Maori Parliament. Seddon's comments to Tuhoe in 1894, with regard to a Tuhoe committee to administer their rohe, indicate that the major issue at stake for the Government in the Urewera during the 1890s was one of sovereignty.

### 6.3 SURVEYS: A FOOT IN THE DOOR

Tuhoe's impression that surveys led to the loss of land was not, as Government representatives attempted to make out, the product of an unwarranted and paranoid suspicion developed through general ignorance and compounded by military defeat. The fears of the tribe were well-founded and had developed through Tuhoe's keen observation of events in surrounding areas. The Government appears to have followed a similar policy for opening up those areas to settlement previously closed through tribal policies of isolation, the most notable similarities to the Urewera occurring in the King Country. Surveys were a foot in the door into such areas and the process seems to have flowed inexorably from survey, with its attendant inter-hapu rivalry, to the process of individualisation through the Native Land Court (and the consequent breakdown in tribal structure and cohesion), to lease and sale of interests by individuals.

There were precedents for protest action over surveys in Taranaki and the King Country, of which Tuhoe leaders would have been aware. Although protest by Te Whiti and his people in the years 1879 to 1881 was significantly different in both action and circumstance to that of Tuhoe, the events leading up to the raid on Parihaka in 1881 were widely communicated amongst North Island Maori and must also have reached the ears of Tuhoe. Alan Ward has written that events in Parihaka increased Maori bitterness towards Pakeha.<sup>17</sup> Resistance in the King Country was, however, much closer to the situation in the Urewera.

By the 1880s, attempts to persuade King Tawhiao and his supporters to allow settlement in the King Country had been abandoned in favour of negotiations with Ngati Maniapoto, whose lands the Waikato people were now living on. The Government wanted to construct the North Island main trunk railway line through their territory and persuaded Ngati Maniapoto leaders that surveys for this purpose would not affect their future ownership or management of tribal lands. Although survey parties which entered the King Country in order to carry out reconnaissance surveys for the proposed line were met with opposition, the survey was allowed by Ngati Maniapoto leaders in December 1883.<sup>18</sup>

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17. A Ward, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand*, Auckland University Press/ Oxford University Press, 1973, p 290

18. Waitangi Tribunal, *The Pouakani Report*, Brooker & Friend Ltd, Wellington, 1993, p 91

There was still a considerable amount of opposition to survey and public works activities in the Rohe Potae but leaders of Ngati Maniapoto appear to have been willing for the area to be opened so long as this occurred in a controlled manner. Their maintenance of the Rohe Potae, a concept developed during 1882–1883 (the boundaries of which they applied to have surveyed in 1883), would, they believed, allow them to control the pace of settlement and use it for their own benefit. The 1883 petition requesting Parliamentary recognition of the Rohe Potae asked that Ngati Maniapoto, Ngati Tuwharetoa, and Whanganui tribes be allowed to fix their own tribal and hapu boundaries, and to determine titles to land themselves in order to avoid the attendant evils of involvement with the Native Land Court.<sup>19</sup>

As well as the triangulation surveys over the Rohe Potae and the boundary survey, the survey and construction of a road from Kawhia to the Waipa valley was undertaken in early 1884. These surveys and public works led to the ascertainment of title to further blocks by the Native Land Court, and eventually to subdivision and land purchase. Prospecting for gold had been allowed in 1885–86 through John Ormsby's Kawhia Native Committee, but such prospecting had already occurred clandestinely prior to this as Government Native Agent Wilkinson described in 1884:

I think it is a pity that Europeans should attempt just yet to prospect for gold in those districts. In the first place they are breaking the law by going there for that purpose, and in the second place the Natives do not want them there, and would rather they would keep away until matters that are of more importance to them are settled. Not only that, but the very fact of their going there in the surreptitious way in which they are doing is really delaying the opening-up of the country, and making the Natives suspicious, as they think we want to take an advantage of them.<sup>20</sup>

Similarly in the Urewera, as we have seen, the secretive manner in which Europeans explored the area for lucrative opportunities met with extreme disapproval on the part of Tuhoe and increased their already deep suspicion of Europeans. A preliminary survey of the Urewera was carried out in 1883 by J Baber and others and the first topographical map of the district was drawn up. Cowan records that the survey was undertaken 'in the face of considerable opposition by the Maoris'.<sup>21</sup> The survey was obviously not sanctioned by Tuhoe and was most likely undertaken in secret. There is no record of the nature of this 'opposition' but it is clear from this that the well-known protest over surveys in the 1890s was far from unprecedented. By then the situation was regarded as sufficiently serious to warrant Government intervention and the initiation of the continuing negotiations that led, a decade later, to the Urewera District Native Reserve Act of 1896.

Williams has noted that the first surveyors of the Urewera were resisted and turned back in 1892.<sup>22</sup> As we have seen, though, earlier survey attempts were also met with opposition. Indeed, as early as 1867, G B Worgan was turned back from an attempted

19. A Ward, 'Whanganui ki Maniapoto', preliminary historical report for Wai 48 and related claims, Wellington, 1982, pp 40–41

20. AJHR, 1884, sess 2, G-1 (cited in Waitangi Tribunal, *Pouakani Report*, p 101)

21. James Cowan, *The New Zealand Wars: A History of the Maori Campaigns and the Pioneering Period*, 2 vols, Wellington, Government Printer, 1922 (reprinted Wellington, Government Printer, 1983), vol 2, p 460

survey inland as far as Maungapohatu, and George Burton proposed a secret survey of the Urewera in a letter to McLean of September 1868.<sup>23</sup> Tuhoe protests over surveys in the 1890s appear to have been more deliberate and organised than previously. These protests appear to be more politically motivated than the earlier actions which tended to involve 'some one being knocked on the head'.<sup>24</sup> Perhaps this impression of the later action is due to Tuhoe's apparent loss of control over survey and Land Court activities within their rohe. Where previously their actions were those of a combination of groups with whom the power in the situation inherently lay, in the 1890s they may well have felt that this power had passed from them to the Government. In short, actions taken to prevent surveys in the 1890s were political protests against a greater power (ie, the Government and its machinery) rather than the simple armed ejection of individuals from the tribal lands of Tuhoe. They would henceforth recognise the need to protect themselves by political means.

Williams notes that in this period every tribe knew its lands were threatened and realised that the process of expropriation would be political and not military. Tuhoe, and other Maori, perceived that the greatest threat to their lands and interests lay with the overwhelming political power wielded by Europeans. Tuhoe had to engage with this reality and to do so meant developing political models which would enable them to exert a power of their own.<sup>25</sup> The actions and words of Tuhoe leaders in the decade before the turn of the century seem to bear out this thesis and show again that Tuhoe understood the implications of the choices that faced them. They were as prepared for the oncoming political pressure as they could make themselves. As Tuhoe braced themselves for this eventuality, their reputation and continued policy of isolation definitely increased their bargaining power.

Following the opening of the King Country, Tuhoe must indeed have felt isolated and would have become quickly aware of the increased amount of Government attention being paid them. Suspicious as they were, it seems likely that they would soon have realised what was coming and prepared themselves in order to try and maintain control in their dealings with the Government. It should not be forgotten, either, that although Tuhoe remained essentially isolated from centres of European influence, they were not so isolated from other Maori communities. The climate of Maori politics had intensified considerably by the 1890s and Tuhoe's efforts to exclude the Native Land Court and other Government institutions from their territory was a cause which gained considerable backing amongst the pan-tribal Kotahitanga movement. Tuhoe were also becoming more politically aware and active intertribally by this time.<sup>26</sup> The changed nature of their action against surveys, and

22. J A Williams, *Politics of The New Zealand Maori: Protest and Cooperation, 1891-1909*, Auckland, University of Washington Press, 1969, p 93

23. George Burton to McLean, 26 July 1867, McLean papers (F192), cited in V O'Malley, 'The Crown and Ngati Ruapani: Confiscation and Land Purchase in the Wairoa-Waikaremoana Area, 1865-1875', 1994 (Wai 144 ROD, doc A3), p 88. O'Malley discusses early attempts to survey the lands of Tuhoe-Ruapani in this report at pp 86-88.

24. AJHR, 1889, G-6, p 1

25. Williams, pp 31-2

26. Williams indicates that Tuhoe leaders had begun to attend inter-tribal meetings outside of the Urewera by 1890: Williams, p 93.

the attention paid to them reflect the heightened political atmosphere among Maori and the greater amount of pressure exerted on the Government of the time.

The surveys of Waiohau and Ruatoki in 1892 and 1893 were forced through by Alfred Cadman, the Native Minister, and there may well have been a corresponding element of desperation in the protest action of Tuhoe hapu over these activities, which were unsanctioned by the majority of Tuhoe leaders. Tuhoe's protests led the Government to realise that some special attention was required to overcome such difficulties in the area, but also must have led Tuhoe leaders to accept that they needed to negotiate a legislated settlement with the Government to legitimise their 'rohe potae'. Certainly by 1894 they had a clear plan before them and were able to press Seddon on what were, for them, non-negotiable requirements. Arguably, the protest action of 1892–1893 should be seen in the light of this developing awareness rather than, as sometimes portrayed, the 'last-ditch' attempts at isolation of a group of backward and anti-European Maori renegades who had not yet come to terms with their defeat in the wars.

This section now turns to examine a case study on the survey of the Ruatoki block, as it is very revealing of Tuhoe hapu relationships, as well as of Government support for the Ngati Rongo leadership, and of the continuing influence wielded by Te Kooti in Tuhoe politics of this period.

### **6.3.1 Background to the Ruatoki survey: Governor Onslow visits the Urewera, 1891**

In 1891, the Governor, Lord Onslow, visited Tuhoe at Ruatoki. He had indicated that he wished to visit the Urewera the year before, and Tuhoe were put under much pressure to host him. Binney says that the Governor had made much of the distinction between himself, as the Queen's representative, and the Government, in seeking a reception from the tribe.<sup>27</sup> After much debate, Tuhoe's major chiefs issued an invitation in February 1891.

In March, Tuhoe held a hui at Ruatahuna where the issues surrounding their lands were fully discussed. Te Kooti was a central figure at the hui, which concluded with a unanimous endorsement of the policy excluding surveyors, prospectors, and other Europeans.<sup>28</sup> The Governor and his party would be the only exception, and even he was only being invited as far inland as Ruatoki.

Binney states that:

Onslow's political purpose [in requesting an invitation to the Urewera] was to test, whether, in fact, an aukati, or line of demarcation against all the Crown's agents, had been established 'under the influence of Te Kooti', as had been represented to him. Tuhoe's welcome for Onslow was thus intended as a manifestation of their loyalty and, equally clearly, of their determination to maintain their authority over their lands.<sup>29</sup>

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27. Judith Binney, *Redemption Songs: A Life of Te Kooti Arikirangi Te Turuki*, Auckland, Auckland University Press and Bridget Williams Books Ltd, 1995, p 445

28. Ibid

29. Ibid, p 447



Te Kooti chose not to take part in the meeting at Ruatoki, but he nonetheless exerted a great deal of influence on the events that followed the Governor's visit. It was he who had facilitated the invitation, and Tuhoe would ask Onslow for a piece of land at Te Wainui, near Ohiwa, so that Te Kooti and his followers could live there.<sup>30</sup> Binney says this was also because Tuhoe felt that the reserve would restore access to Ohiwa's kaimoana, which was lost through confiscation. When Te Kooti visited Tuhoe after his pardon in 1883, they had asked him to take control of their lands, in order that he might hold them intact under his mana.<sup>31</sup> He had reminded them, then, that the land was under their own mana, and he had not visited them to 'acquire' land. He also advised them not to accept the 'laws of the [Maori] Councils', as roads and public works would follow, and these were the means by which the Government intruded upon and pacified Maori communities.<sup>32</sup> One month before Onslow went to Ruatoki, Tuhoe opened a new house for Te Kooti, Te Whai a te Motu, at Ruatahuna. There, Te Kooti had again warned Tuhoe of the consequences of selling their land.

A month after Onslow's visit to Ruatoki, Te Kooti had a personal audience with Cadman, the Native Minister, at Otorohanga. Cadman appreciated the influence that Te Kooti held with Tuhoe, and Binney says the Minister hoped he would use this power to smooth the way for the survey of Urewera lands. Te Kooti apparently agreed that the survey of the Ruatoki block could proceed, if Tuhoe themselves consented, and Binney says this undertaking was made by the Government in exchange for a grant of land to Te Kooti at Te Wainui.<sup>33</sup> Additionally, Te Kooti promised not to return to Turanga, and Cadman promised to keep gold prospectors out of the Urewera.

### 6.3.2 Survey of the Ruatoki block

The original Tuhoe application for survey of the Ruatoki block was lodged by Numia Kereru, younger brother of Te Pukenui, Netana Whakaari and Tamaikoha, following the visit of the Governor to Ruatoki in March 1891. The significance of this action was lost on no one. Bush, resident magistrate at Tauranga, said he had been trying to promote this survey 'for years' and Foster, a surveyor, described the survey as 'really the beginning of the breaking up of the Urewera country'. Given the importance of this work, and the contested nature of the territory, he counselled, it was imperative that the survey proceed peacefully.<sup>34</sup> The episode would develop, however, into an issue of the Government's right to make a survey with only minority support from the Ngati Rongo leadership.

According to an *Evening Star* report, the survey had been agreed to at the special direction of Cadman upon an old application by Ngati Awa hapu.<sup>35</sup> Corresponding with the Minister, Numia said that he would support the survey but only on the understanding that it was made by Tuhoe, anxious as he was to disavow Ngati Awa

30. Ibid

31. Ibid, p 321

32. Ibid, p 324

33. Ibid, pp 445, 449, 473

34. A Foster to Native Office, 3 March 1893, J1 1893/515, box 439, NA

35. *Evening Star*, 11 April 1892, J1 1893/515, NA

and Ngati Pukeko claims to the land.<sup>36</sup> Cadman's response was that there had been eight applications for survey of the block, and he was acting on all of them.

Te Makarini, a senior chief of Ngati Koura of Ruatoki, was one of those who had separately applied for survey and title investigation of Ruatoki, in order, Binney says, 'to contest Numia'.<sup>37</sup> According to Numia, Te Makarini had been charged with the responsibility of carrying out Te Whitu Tekau's general policy, which Numia characterised as resisting 'European customs'.<sup>38</sup> For this reason, he regarded Te Makarini as a leading obstacle to his application. Te Makarini later repudiated his own application and was joined in strenuous opposition to the survey by Tamaikoha, Rakuraku, and Paora Kingi Paora of Ngati Koura, amongst others, who had originally supported the idea of surveying Ruatoki.

Main Tuhoe support for the survey, then, came from Ngati Rongo under the leadership of Numia Kereru and his elder brother Kereru Te Pukenui. Mehaka Tokopounamu, who would later be appointed an Urewera commissioner, also urged the Ruatoki people to allow the survey to proceed. Mehaka told Cadman that he had persuaded the obstructionists to agree to the survey not only of Ruatoki but of the entire tribal boundary, which seems wholly unlikely given later events.<sup>39</sup>

Exactly why Numia and Ngati Rongo were amenable to the survey is not clear but the ongoing competing claims from Ngati Awa and other Tuhoe hapu, and Te Makarini in particular, may have compelled Numia to consider title determination. After 1867, those Tuhoe who had been occupying what was now confiscated territory, were forced to move back behind the confiscation line, and many resettled on parts of the Ruatoki block. Many of Tuhoe's hapu, however, had varying rights at Ruatoki and both those for and those against the survey could claim descent from Te Hapuoneone, the original people of the Ruatoki and Waimana areas.<sup>40</sup> 'The conflict which grew derived from the fact that they each had distinct family and hapu identities, which they did not want overridden by the pre-eminent hapu, Ngati Rongo'.<sup>41</sup>

Another ingredient that heightened the dispute was the fact that, after Te Kooti had told Tuhoe to 'become one people and one land' in 1884, his Tuhoe followers had chosen Ruatoki as the gathering place for the tribe. Numia Kereru and another Ngati Rongo spokesman, Hetaraka Te Wakaunua, however, were opponents of Te Kooti's teachings, and of the idea of Ruatoki being Te Kooti's place of residence.<sup>42</sup>

Tuhoe held another urgent meeting at Ruatoki on 17 March 1892 to discuss the survey, and Te Kooti was in attendance. The meeting apparently reached a consensus to stop the survey going ahead. The chiefs Paora Kingi Paora, Te Whenuanui, Tamaikoha, Te Whiu, Kereru Te Pukenui, Te Makarini and 73 others wrote to Cadman

36. Numia Kereru to Native Office 10 February 1892, J1 1893/515, NA

37. Binney, *Redemption Songs*, p 474

38. Ibid

39. Perhaps Mehaka's optimistic assessment of his meeting at Ruatoki was due to his trying to convince Cadman of his negotiating skills, as he later asks to be appointed an assessor 'so that [he] may in a position to back you up in dealing with the troubles of the district': Mehaka Tokopounamu to Cadman, 30 March 1893, J1 1893/515, box 439.

40. Binney, *Redemption Songs*, p 476

41. Ibid

42. Ibid

and to the Surveyor-General, Percy Smith, to notify them of this decision. The wording of this correspondence underlines the fact that the tribe appears to have demanded that their collective wishes be respected; if all of the tribe could not agree to a contentious survey, then it would not go ahead:

The word that was settled was that the surveys should not be agreed to . . . They left it to the tribe, and to all the chiefs of Tuhoe, and to Te Kooti, these men who had applied for the survey have definitely left it to them and that it is now with the tribe, being kept by them.<sup>43</sup>

Bush, writing to Cadman in June 1892, had referred to Tuhoe's old injunction forbidding surveys, but said that 'Kereru and others' now repudiated this.<sup>44</sup> Whether or not this is an accurate assessment of Numia's attitude, this did not appear to be the majority view of Tuhoe who saw the matter as of concern to the future of the tribe. Another letter from Paora Kingi to Cadman complained that the whole of Tuhoe were opposed to the survey and that the Minister only notified 'his friends', Numia and others, of his visit to Ruatoki and not 'the chiefs'. Paora listed the hapu opposed to the survey as Ngati Koura, Ngati Tawhaki, Ngai Tama, Ngati Hamua, Ngati Karetehe, Te Whakatane, Ngati Kakahu, Tapiki, and Ngaitamariwai, nearly all of whom would later be counterclaimants to Ngati Rongo for Ruatoki in the Native Land Court.<sup>45</sup>

Internal dissention among Tuhoe hapu was an opportunity Cadman wasted no time in exploiting. While the tribe had sent these letters to Cadman and to Percy Smith, Numia Kereru had quietly authorised the survey to proceed, and so a survey party set out on 29 March. The surveyor, however, was escorted back to the confiscation line shortly afterwards.

The obstructionists, apparently as a compromise, requested that Ruatoki be divided, presumably so the surveyors would only survey uncontested land to which Ngati Rongo could lay claim. Numia objected to the survey only taking in the 7000 or so acres on the left bank of the Whakatane River, noting that it did contain disputed areas and that the proposal excluded the right bank which encompassed hotly contested lands, including the Tuhoe settlements of Rewarewa and Tauarau.

Cadman flatly refused the partition suggestion, citing the survey applications from Tuhoe as having set the law in motion. He sent Carroll to Ruatoki in early April 1892 to discuss the matter with Tuhoe where, Carroll argued,

[Tuhoe] could never consider the country their own, that the land could never be properly utilised for their benefit unless the law was called to their assistance, so as to confirm and establish their claims to possession of the territory. After their rights were established by law they would have titles from the Crown that could not be disputed.<sup>46</sup>

43. Paora Kingi and 78 others to Cadman, 29 March 1892, J1 1893/515 (cited in Binney, *Redemption Songs*, p 476)

44. R S Bush, resident magistrate, to Native Minister, 13 June 1892, in J1 1893/515

45. This letter is interesting as it is signed by a number of chiefs including Te Ahikaiata who is noted as 'chairman', though it is not specified as to what this refers. Earlier documents from Tuhoe note Te Ahikaiata as chairman of Te Whitu Tekau. This, and Paora's references to the objectors of the survey as 'the chiefs' suggest that Te Whitu Tekau may still have been operative in the early 1890s. Paora Kingi and Tuhoe Katoa to Cadman, 13 February 1893, in J1 1893/515.

46. *Evening Star*, 11 April 1892, in J1 1893/515

Carroll evidently promised Tuhoe some time to settle the dispute among themselves, and Binney suggests he was prepared to consider the survey of only 11–12,000 acres, but he wired to Cadman that the survey should proceed, recommending that the Government hold the land ‘inviolable’ until the leading chiefs could be persuaded to take the land to Court. This was something, he suggested, that could be brought about soon.<sup>47</sup>

Carroll also wrote to Te Kooti promising that only a limited survey would be undertaken, and if this was done, then he (Carroll), would be able to prevent the survey of the entire Urewera district and the taking of land to the Court, until the whole of the Tuhoe people decided that this should be done.<sup>48</sup> Te Kooti agreed to these terms and the survey commenced on 23 May 1892. Almost immediately, however, the survey was disrupted, and three trig stations were dismantled.

In the meantime, Tuhoe envoys had approached the Kotahitanga assembly who subsequently sent letters to Cadman beseeching him to stop the survey lest blood be shed ‘because those Maoris are not accustomed to European ways’.<sup>49</sup> This was advice the Minister ignored. The importance Cadman placed upon completing the Ruatoki survey was manifest as he personally met Te Kooti, with Wi Pere’s assistance, at Otorohanga to ask him to intervene with the obstructionists. The fact that Te Kooti did so probably reflects the options available to Tuhoe in a coercive climate where Cadman instructed the Government agent at Whakatane to:

remind them [Tuhoe] that the confiscation line so close to Ruatoki is there because of objection to the law and persistent opposition to the law may tend to remove it further into their country.<sup>50</sup>

In February 1893, after having given Tuhoe a month to come to some agreement, Cadman decided the survey had been postponed long enough and issued instructions to Creagh, the surveyor, to proceed with the remainder of the block, provoking renewed opposition which resulted in a number of arrests and convictions. Among those arrested were the Tuhoe rangatira Te Makarini, Paora Kingi, Te Ahikaiata and Puketi as well as several women. Numia, for his part, angrily wrote to the Native Minister to ‘severely punish’ the obstructionists, many of whom had taken to the bush rather than pay their fines.<sup>51</sup> The conflict escalated with further protests, arrests, and armed police being ordered into the area.

In the event, these sentences and fines were remitted in June 1895, the survey completed and the Ruatoki block, as Carroll had foreseen, was taken to the Court by

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47. J Carroll telegram to Cadman, 8 April 1892, in J1 1893/515

48. Binney, *Redemption Songs*, p 482

49. Kapa Te Whatanui and Henare Tomoana to Cadman, Hastings, 29 June 1892, in J1 1893/515

50. He further added that those Tuhoe chiefs receiving Government pensions, who included Numia, Tamaikoha, Mehaka, and others involved in the Ruatoki fracas, might be induced to help mediate with the objectors: Cadman to Wilkinson, not dated, in J1 1893/515.

51. Numia Kereru to Native Minister, 8 March 1893, J1 1893/515. One of those who did not go into hiding was a woman named Ripene. She was the daughter of the chief Tutakangahau who offered to pay a £5 fine rather than the £15 imposed. Creagh commented that Tutakangahau ‘was in favour of opening up the country’ and recommended accepting his offer as he had a great deal of influence: Creagh to Cadman, telegram, 15 June 1893, J1 1893/515.

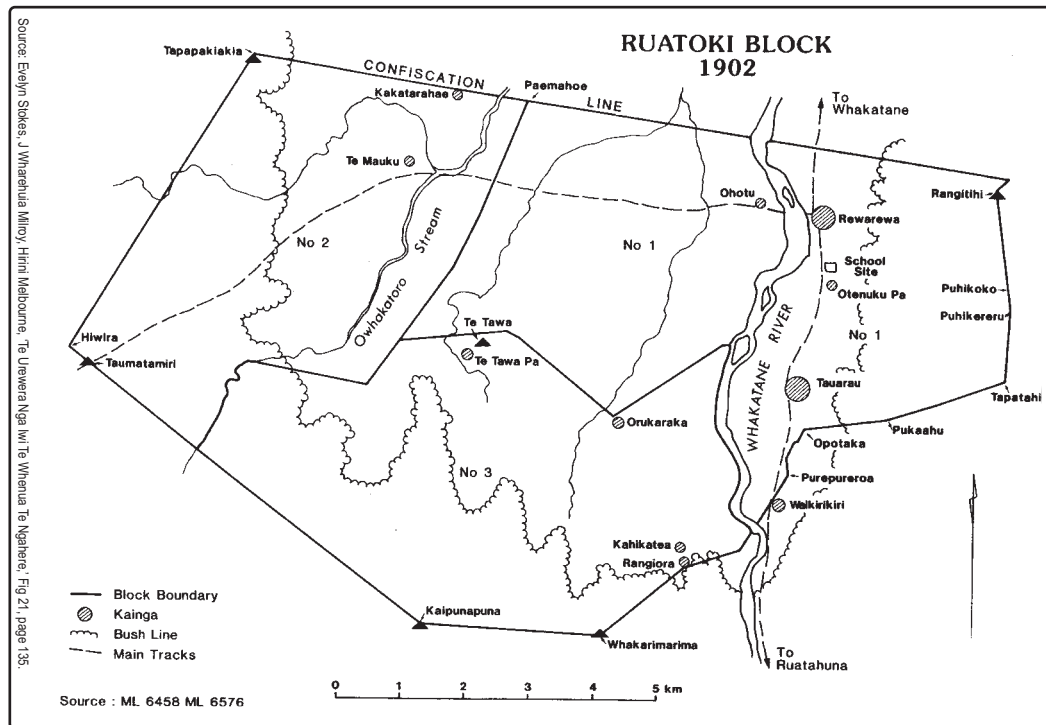


Figure 14: Ruatoki 1, 2, and 3, 1902

Ngati Rongo in 1894. The highly controversial Native Land Court sittings ushered in over a decade of litigation for Ruatoki. Cadman, meanwhile, was lauded by the settler press for upholding the law and having firmly dealt with the Tuhoë 'malcontents'.<sup>52</sup>

These events must have upset the previously fundamental unity of opposition to the work of the Native Land Court in the area. The surveys and proposed entry of the Native Land Court into Ruatoki, according to Steven Webster, committed some hapu to accepting the machinery of government and confirmed others in their opposition to it.<sup>53</sup> As hapu were increasingly set against hapu, the relatively united front hitherto presented to Government institutions and activity in the area was compromised. It is not coincidental that Seddon and Carroll devoted some time to discussions with Tuhoë and other tribes on the fringes of the Urewera in 1894. There is much to suggest that the Government now saw an opportunity to 'press the advantage [provided by internal controversy over Ruatoki] into the far more extensive and vulnerable Urewera lands'.<sup>54</sup>

It is obvious that this was a period of change in terms of the political relationship between Maori and Pakeha and in the political climate generally. More specifically in the Urewera, changes were evident in the decision of some Ruatoki leaders to allow the Native Land Court to adjudicate on the ownership of that block. There were also

52. Binney, *Redemption Songs*, p 489

53. Steven Webster, 'Urewera Land 1895-1926: A Tentative Historical Survey of Government and Tuhoë Relations as Reflected in Official Records', unpublished paper, University of Auckland: Anthropology Department, 1985, p 6

54. *Ibid*, p 6

more subtle socio-economic changes at work in the Urewera which helped to create the atmosphere which provided the Premier with a reasonably receptive audience by 1894 and led to a Tuhoe change of attitude (but not necessarily policy) by the mid-1890s.

#### 6.4 SOCIO-ECONOMIC CHANGES IN THE UREWERA

We have seen that there were various reasons for the weakening of opposition to surveys, among some Tuhoe leaders and hapu. Previous chapters of this report have commented on the pressures brought to bear by land leasing and selling tribes on the perimeter of the Tuhoe rohe, and it was suggested that the problems in Ruatoki could also be traced to the after-effects of the wars and confiscation of land in the area.

These factors are straight forward but there were more subtle pressures operating by the early 1890s, brought about by increased contact with European communities through such land activities and also through the increase in itinerant labour from the Urewera. In the 1890s, young men had begun regularly to travel outside the Urewera boundaries to participate in seasonal labour. Their experience of European communities and commodities and the transport of money and commodities back to the Urewera may well have engendered a corresponding desire to participate more fully in the new order. The poverty of the Urewera in fiscal terms was a factor that would quickly have become apparent to the younger generation of Tuhoe and the former policy of isolation must then have caused some inter-generational friction. Such a line of inquiry would require more detailed research for which the material may not be available. We can say with certainty, however, that Tuhoe men travelled to work on the East Coast and Hawke's Bay and returned to the Urewera in the winter months. Inherently such activities put pressure on the policy of non-contact. Tuhoe leaders were also travelling to inter-tribal meetings and developing a greater awareness of pan-tribal political movements.<sup>55</sup>

Itinerant labour activity was recorded in reports from officers in Native Districts in 1890. Preece, resident magistrate for Napier, stated that:

A great number of Natives have, as usual, been employed in shearing. This work attracts a number of Natives from other tribes during the season, especially the Urewera Tribe, who now visit the district every season for the purpose of getting employment.<sup>56</sup>

Despite the fact that Tuhoe began to experience these things a decade later, Lesley Andrew's comments on the King Country could have been written of Tuhoe. He writes:

The resistance of some of the leaders to the incursions of settler society was broken by European pressures, agricultural production for market and home consumption declined and the Kingites moved freely beyond the aukati. These factors weakened the

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55. Williams, p 93

56. G Preece to under-secretary, Native Department, no 6, 26 June 1890, AJHR, 1890, G-2, p 8

movement's ideological strength, a strength hitherto symbolised in the inviolability of the unity of land and people.<sup>57</sup>

And further:

True kinship and residence were still the bases of recruitment, but where before, sanctions operated impelling involvement in group activities in the common garden, no comparable sanctions operated in joining a public works gang.<sup>58</sup>

Andrews appears to be saying here that some notion of individual action operated when Kingitanga people moved out beyond the aukati to undertake seasonal labour. There the sanctions of tribal leaders were inoperative (or less important) and a breakdown in tribal unity was inherent in such activity. The situation must have been similar in the Urewera. A subtle process of individualisation had begun to affect the tribe prior to the activities of the commissions. It could not be said that this predisposed Tuhoe to the full-scale breakdown of tribal structure which accompanied the individualisation of title at the turn of the century but this process must be seen as contributing to Tuhoe's acceptance of the need for a controlled opening of their lands, as it did in the King Country.

By 1896, then, Tuhoe seem to have adopted a similar attitude to that of Ngati Maniapoto in the mid-1880s, and felt that if they could retain control of their 'rohe potae' by legislated means, their entry into the colonial system could be monitored and the worst excesses of that system be avoided by the tribe. Unfortunately, in both cases, the alienation of land on a large scale was eventually beyond the control of the tribes. The similar course of events, from boundary and triangulation surveys to investigation of individual title are clear enough and, in both cases, Government entry was gained through the promise of public works in the form of railway lines and roading (in addition to the external boundary surveys of the rohe potae or reserve). The benefits in terms of employment and financial opportunity to be gained from such works was a key factor in both groups' the acceptance of their survey and construction. Government assurances that the works would not affect tribal ownership or control of their lands were also key selling points but these promises were not kept in either case.

## 6.5 THE LIBERAL GOVERNMENT

The 1890s brought with them a new government for New Zealand. The Liberals, under Ballance, came into power in 1890, at which time 40% of the North Island was in Maori ownership and half of this was still papatipu land, held under customary title.<sup>59</sup> During the next decade an overwhelming amount of legislation was passed,

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57. C Lesley Andrews, 'Aspects of Development, 1870-1890' in H Kawharu (ed), *Conflict and Compromise*, Reed, Wellington, 1975, p 93

58. Ibid, pp 83-84

59. Williams, p 17

and constantly amended, to facilitate the closer settlement of the North Island. This legislation was mainly drawn up by Seddon, McKenzie, Carroll, and Cadman, although Carroll and later, Ngata, also worked to slow the pace of alienation of Maori land, through the taihoa policy, into the first decade of the twentieth century. As part of this policy, they tried to aid Maori to farm their own land through land development and consolidation schemes. Although a part of the Liberal land policy was intended to break up the 'Great Estates' accumulated by wealthy speculators during the 'free trade' period of individual dealing, the purchase of Maori land was found to be a less expensive means of promoting close settlement. The reinstatement of partial and then full pre-emption enabled the Crown to buy large areas of Maori land at artificially low prices. Thus between 1891 and 1911, the Liberal Government purchased approximately 3.1 million acres of Maori land at 6s 4d an acre and only 1.3 million acres from the great estates at 84 shillings an acre.<sup>60</sup>

In general, as Sorrenson comments, New Zealand policy and legislation in the latter nineteenth century was 'intended to facilitate the settler acquisition of Maori land, and under a system of legal equality'.<sup>61</sup> This was associated with the idea that Maori should be assimilated into European society. Consequently there was no thought given to any long term recognition of tribal authority or Maori self-government. Although the latter half of the nineteenth century had seen attempts to incorporate the Maori propensity for organising committees or local runanga into the system of land administration, these generally did not enjoy much success. Maori were inclined to prefer their own unofficial administrative bodies to those legislated for by the Colonial Government. Official committees had severely limited powers and were not given any real control over lands. In general, Government-organised Maori committees were seen, by both parties, as a means to further land sales to the Crown. For obvious reasons, Maori soon tired of trying to administer their lands and people through committees that had not been granted adequate powers.

In 1883 another attempt was made to institute a committee system to aid the sale or lease of land. John Ballance drew up a Bill proposing a system of committees to assist the processes of the Native Land Court. Again the Crown's idea of committees was not acceptable to Maori who wanted district committees to act as 'courts, local government bodies, and agricultural corporations'.<sup>62</sup> Maori felt they could determine their tribal and hapu titles more effectively than the Native Land Court. Ballance's act allowed Maori committees to 'discuss matters of land and report decisions to the Native Land Court'.<sup>63</sup> But under the Native Committees Act 1883, their legal authority would again be limited and the 'districts they covered were so vast that Maori communities could place no confidence in them'.<sup>64</sup> Moreover the Native Land Court

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60. T Brooking, 'Busting Up The Greatest Estate Of All: Liberal Maori Land Policy, 1891–1911', *New Zealand Journal Of History*, vol 26, no 1, April 1992, p 78

61. M P K Sorrenson, 'Colonial Rule And Local Response: Maori Responses to European Domination in New Zealand since 1860', *Journal of Imperial and Commonwealth History*, vol 4, no 2, 1978, p 130

62. Williams, p 85

63. R J Martin, 'Aspects of Maori Affairs in the Liberal Period', MA thesis, Victoria University, Wellington, 1956, p 82

64. Ward, 'Whanganui ki Maniapoto', p 39



tended to ignore committee decisions and the committees soon ceased to operate in any useful way. Maori continued to agitate for a greater degree of self-government than provided under the 1883 act.<sup>65</sup>

In 1886 Ballance managed to get an act passed 'which he hoped would meet Maori aspirations but still make land available for settlement'.<sup>66</sup> The Native Lands Administration Act 1886 took up ideas formed by W L Rees and Wi Pere who had developed the East Coast Trust. These ideas included the incorporation of owners of blocks, thus maintaining the principle of tribal ownership and tribal dealing in land rather than the multiple individual owners involved in current titles. It was supposed that this would avoid the problem of fragmentation of Maori land through succession. Ballance's Act empowered block committees elected by the incorporated owners to decide on terms of sale or lease. Land was to be placed with a district commissioner for auction and direct purchase by settlers was prohibited.<sup>67</sup> Fearing that control over their land would pass from them into the hands of one (Pakeha) person, Maori did not take up the offer of placing their land under the district commissioner. The motives behind the act were put further into doubt by the involvement of men like Wi Pere (a strong supporter of the Act) who was distrusted because of his accumulation of land rights and political influence on the East Coast.<sup>68</sup> James Carroll vigorously opposed the act, representing these fears on the part of many Maori.<sup>69</sup>

As the vesting of land under the committees and commissioner was optional and Maori chose not to do so, the act was a dead letter and was repealed by the Native Land Act 1888 which restored the system of direct individual dealing with settlers. By 1890, however, the negative effects of years of such purchases were a significant problem and some sort of legislated damage control was required. On forming the Liberal Government in 1890, Ballance referred to the validation of titles as a 'major issue confronting New Zealand'. Over one million acres of Maori land claimed to have been purchased or acquired by settlers, was still disputed in 1891.<sup>70</sup> Instead of reviving his 1886 policies he set up a commission of inquiry into native land laws headed by William Rees who had, along with Wi Pere, so strongly supported the 1886 legislation. Also on the commission were Thomas Mackay and James Carroll, the Member for Eastern Maori. The commission toured the North Island gathering evidence from Maori and Pakeha and presented a report on 23 May 1891.

As it was designed to do, the commission highlighted problems associated with Native Land legislation in place since 1862; in the operation of the Native Land Court and the alienation of Maori land. Following this they made recommendations for future legislation to eliminate these problems.<sup>71</sup> Rees, who wrote the main report, looked at the attempts to individualise Maori land tenure as opposed to earlier tribal

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65. Martin, pp 82, 83

66. Ward, 'Whanganui ki Maniapoto', p 81

67. Ward, *A Show of Justice*, pp 296–297

68. Ibid, p 297

69. Ward, 'Wiremu Pere, 1837–1915', in *1870–1900*, vol 2 of *The Dictionary of New Zealand Biography*, C Orange (ed), Wellington, Bridget Williams Books Ltd and Department of Internal Affairs, 1993, p 381

70. Brooking, p 83

dealing. He praised the concept of tribal dealing contained in the 1886 Native Land Administration Act, which he had strongly supported at the time of its presentation to Parliament. Individualisation, as applied under the Native Land Act 1873, was seen as the prime reason for the confusion and failure of private purchase by 1891.<sup>72</sup> The report referred to the Native Committees Act 1883 as a 'hollow shell' that gave Maori no real authority, and highlighted Maori requests for the resurrection of the Act in a form that would provide them with the real power to govern themselves.<sup>73</sup> Recommendations incorporated ideas of Maori development through the dissemination of industrial knowledge to the younger generation, the establishment of extensive reserves and the safe, speedy, and economic dealing in Maori land for the mutual benefit of all concerned.

The report reflected the views of Rees and, by association, the Government, in its indication that the abandonment of the Crown's pre-emptive right had been a grave error. Carroll dissented on this point, believing that Maori should be able to deal with their land as they chose and get the best available price for land sold directly to settlers at market prices. He gave his views on the issue of pre-emption in a separate section of the report. Mackay disagreed with much of the Rees report and was in the process of drafting his own at the time of his death. The report as written by Rees recommended that the Crown resume the right of pre-emption, that a Native Land Titles Court be set up with full power to validate titles when neither fraud nor illegality was involved, and that the Native Land Court be remodelled to consist of a chief judge, five district judges, and five district commissioners. The existing Land Court involved itinerant judges who were based in Wellington.

It was also proposed that committees of Maori owners should be established for each block of land. These committees would report boundaries and ownership to a district committee under a district commissioner. The district committee would report on tribal and hapu boundaries of any block of land and list the owners. If there was no dispute the district committee would issue titles, otherwise the district judge and two Maori assessors nominated by the parties involved would hear the case. These proposals were in a similar vein to the ideas contained in the failed legislation of 1886. Additionally, a Native Land Board was proposed with three Maori and three Government representatives. The board would be able to act as trustee over Maori land and could sell or lease if requested by the owners. It could also arrange for survey and roading of an area in conjunction with the local block committees.<sup>74</sup>

In his dissenting report, Carroll denounced pre-emption as an invasion of Maori rights. He supported the lease rather than sale of Maori land in an effort to promote Maori farming of their own land. The leasing of land could provide revenue for later land development whilst Maori gained the skills required to be successful farmers. Accordingly, he requested that Maori be supported in such ventures and aided in

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71. M P K Sorrenson, 'The Purchase of Maori Lands, 1865-1892', MA thesis, Auckland University College, 1955, p 183

72. *Ibid*, p 184

73. 'Report of the Commission Appointed to Inquire into the Subject of the Native Land Laws', AJHR, 1891, sess 2, G-1, p xvi

74. Brooking, p 52

developing their farming potential. Finally he argued for a type of Maori local self-government through committees.<sup>75</sup> Carroll was eventually forced to accept the Government's resumption of the pre-emptive right through the Native Land Purchase and Acquisition Act 1893 and the Native Land Court Act 1894. A series of Acts were passed to validate titles, beginning with the establishment of a Validation Court under the provisions of the Native Land (Validation of Titles) Act 1893. These measures resulted in the sale to the Crown of nearly two million acres of Maori land during the 1890s.<sup>76</sup>

Nevertheless, in its recommendations to the Government, the commission foreshadowed some of the measures included in Carroll's 1900 legislation. More importantly with respect to the special legislation passed for the Urewera in 1896, the idea of block committees and the district committee were to be tested in an area that provided excellent controls. The Urewera had not hitherto experienced any widespread activity of the Native Land Court. Furthermore, it was a problem area which had not allowed entry to the machinery of government and had no European settlement. Thus, there could have been no better place to try out the ideas espoused by the commission and contained in Ballance's previous Acts. Carroll, whose political influence was steadily increasing, must have urged Seddon to implement the proposals of the 1891 Native Land Laws Commission with a demonstration of their workability in the Urewera. The timing of the 1896 Act was opportune, as land purchase policies and the Validation Court had succeeded in providing sufficient land to appease settler land hunger.<sup>77</sup> For the next few years the legislature would bring in Acts which reflected this relaxation of the pressure for land.

#### **6.6 THE BACKGROUND TO THE UREWERA DISTRICT NATIVE RESERVE ACT 1896: SEDDON AND CARROLL VISIT THE UREWERA, 1894**

In 1894 Seddon and Carroll set out on a tour of Maori Districts in the North Island in order to explain the Native Land Act 1894 and the resumption of Crown pre-emption. During the course of this tour they had several extended meetings with Tuhoe and other iwi located in and around the Urewera. According to Peter Webster, Seddon and Carroll were concerned that Government legislation did not appear to extend into the Urewera and that Tuhoe clearly considered themselves to be autonomous.<sup>78</sup> This concern reveals the issue of sovereignty which was at stake in Crown dealings with Tuhoe at this time. The nature of the discussions between the Government and Tuhoe, and the ideas entertained by both parties, can clearly be traced as pre-negotiations of a sort, for the opening of the Urewera country. For this reason, the account of Seddon's and Carroll's meetings with Tuhoe, as recounted in the

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75. Ibid

76. G V Butterworth, 'Maori Land Legislation: The Work of Carroll and Ngata', *New Zealand Law Journal*, August 1985, p 243

77. Ibid, p 244

78. P Webster, *Rua and the Maori Millennium*, Price Milburn for Victoria University Press, 1979, p 125

*Appendices to the Journals of the House of Representatives*, is quoted extensively, as it may be seen that these meetings, and a subsequent one held the following year in Wellington, form the background to the passing of the special legislation for the Urewera district in 1896.

### 6.6.1 Ruatoki

*lest you should think I am standing without the pale of the law*

Kereru Te Pukenui

*lay down what should be done with the land, that your feet may still be able to tread upon it*

James Carroll

Seddon, James Carroll, a private secretary and their small party made its way to Ruatoki, after having met with Ngati Awa representatives at Whakatane. They travelled via Poroporo, and spent a night at the Opouriao station, being hosted by its European manager. Early in the morning, they went to Ruatoki, and were greeted by a large assembly of Tuhoe – this was a portentous occasion, as no Premier had ever visited the tribe.

Seddon, naturally, made much of this fact and, in his opening speech, invited Tuhoe to freely speak their mind. The purpose of his visit, he continued, was to find out what Tuhoe grievances were, so he could remove them. It must be remembered that the meeting was conducted in the context of the recent fracas over the survey of Ruatoki, and the first moments of this discussion must have been particularly tense. Noting the ‘enthusiastic’ welcome he had received, the Premier alluded to Tuhoe’s Pakeha ‘enemies’ who tried to besmirch Tuhoe’s character, telling him that he would not be welcome at Ruatoki. He would be able to tell these Pakeha that that was not the case, and flattering his hosts, he said that Tuhoe ‘were a good people, desirous of promoting both the interests of [them]selves and the Europeans’.<sup>79</sup>

The subsequent Tuhoe spokesmen appeared to, indeed, speak their minds, interspersed with generous thanks for the Premier’s attention. Kereru Te Pukenui was the first chief to stand and, as he welcomed Seddon and Carroll, he also wondered if they were there ‘to benefit me or injure’ him or ‘to strike the land or the people’, as Kereru had heard that the Government was ‘evilly disposed’ towards Tuhoe.<sup>80</sup> He seemed to disavow the idea that he, or Tuhoe, were lawless, by saying that he had once been in rebellion, but now he worked to carry out Tuhoe’s affairs ‘in accordance with the law of justice’. He did not explicitly offer, though, that the Government’s laws and the laws of justice were one and the same thing.

Kereru was followed by Tutakangahau and Te Makarini. Tutakangahau appeared to express a different attitude from that shown by Kereru; he called Seddon his ‘parent’,

79. ‘Pakeha and Maori: Narrative of the Premier’s Trip Through the Native Districts of the North Island’, AJHR, 1895, G-1, p 48

80. Ibid, p 49

said he had ‘earnestly desired’ that the Premier visit the Urewera. Tutakangahau also said that it was only by the law that difficulties could be removed, and he identified Seddon as representing the law.<sup>81</sup> Te Makarini referred to Donald McLean and spoke of him with respect, saying that he had done much for the country and that he (Te Makarini) applauded McLean’s vision of Maori and Pakeha living as a united people. He also expressed relief upon hearing Seddon’s comment that the Premier could ‘remove’ trouble, seeing as Te Makarini had much recent trouble due to the survey at Ruatoki. He wanted Seddon to revoke warrants for arrest that still hung over some of his people. This was also the wish of Paora Kingi, who described himself as a loyal subject of the Queen who had kept the peace since the days of McLean. The chiefs Tipihau, Hetaraka Te Wakaunua and Te Purewa also welcomed the Premier, the latter two expressing disagreement over whether a school should be established at Ruatoki. Largely, this had to do with the contested title of the block, and upon whose land the school would be built.

At this hui, it was left to Numia Kereru to present Tuhoe views with respect to urgent land issues. He made a reference to an important previous meeting of Tuhoe held between 1 February and 4 March. He stated that at this meeting, the territorial boundaries of the Urewera were determined and ‘were to be surveyed under the command of the Government’. However, within those boundaries there would be no surveys ‘at the present time’ nor any sale or lease of land, prospecting for gold, or laying off of roads. The meeting had agreed that committees should be set up to deal with problematic land matters. The lands already surveyed were not to be included in this scheme but the people at the meeting ‘wished to retain within their own hands the administration of the affairs relating to their lands’ because, as they had observed with regard to other tribes:

their lands have all passed away to the Government. These lands have passed away, because they desired the Government should have control of them. It is not that the Government obtained these lands unfairly from these people; hence it is that my people wish that the control of their own land should remain with themselves.<sup>82</sup>

Numia directed several comments to Carroll, saying pointedly:

I may explain to the Tuhoe the course suggested whereby prosperity and wealth may come to them. The people of Tuhoe do not agree; they think that there may be a temporary prosperity, a temporary enjoyment thereof by dealing with land. You are an advocate of progress. Very good; but the people do not believe in a temporary prosperity.<sup>83</sup>

Numia insisted that the people gathered at the meeting had been dwelling in peace ‘under the authority of the Government’ and would not ‘take up the course followed in former times; they will pursue the road that leads to prosperity’.<sup>84</sup> In an interesting

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81. Ibid

82. Ibid, p 52

83. Ibid

84. Ibid

comment, Numia said that he and others ‘upheld’ the Government, and tried to get the tribe to agree to the ‘advancement’ that Carroll urged upon them, but the ‘bulk’ of the Tuhoe people looked to the past and what had already happened and they ‘do not agree with us’.<sup>85</sup>

In reply to the speech by Numia, Seddon said that Tuhoe’s opposition to surveys was ‘suicidal’ and in contravention of the Treaty of Waitangi, and repeatedly emphasised that it would be impossible for the Government to maintain Tuhoe in possession of their lands unless the Government was able to ascertain where the lands were situated and to whom they belonged. With regard to the decisions made at Tuhoe’s previous meeting, Seddon, in a slightly threatening tone, commented that, if a committee made a decision without allowing the other, much stronger, party to be represented, that party might ‘take by force what they were not able to carry out by reason’. He pointed out that the party not represented at the previous meeting was the Government, which had a ‘greater’ interest in the proceedings than Tuhoe themselves.<sup>86</sup>

The browbeating tactics of Seddon and Carroll were interspersed with the presentation of the Government as Tuhoe’s protector against ‘the people of the World’ who were supposedly flooding New Zealand and who might soon come there and take Tuhoe land. The ‘protection’ theme was further extended when Seddon asked Tuhoe whether he should stand by and watch the tribe destroy itself through bitter argument over land issues, or whether he should act decisively as a parent would, ascertaining the owners of land and giving each what was rightfully theirs.

Seddon insisted that the survey of Urewera lands must be undertaken by law as set out in the Native Land Purchase and Acquisition Act 1893, and referred to section 13, where ‘with respect to Native land the Government may ask the Native Land Court to ascertain the titles thereto, and the Court may thereupon proceed so to do’.<sup>87</sup> He suggested that Tuhoe were afraid to have their land surveyed and the title ascertained because they might not have a legitimate claim and others would get the advantage. The Ngati Manawa were specifically mentioned in this connection. He also attempted to reassure those present that the costs of survey and Native Land Court activity would be as low as possible and that subsequently Tuhoe would not be compelled to sell their land as the option of leasing would be available to them. Committees of owners could be set up to advise the Government on which lands should be sold or leased according to the wishes of a majority of owners. These remarks cannot have given Tuhoe much in the way of reassurance as there was no mention of the possibility of the land being wholly retained by its owners.

In reference to surveys, Seddon said that these would:

proceed under the Government direction, and by men who will be responsible solely to the Government – by men who will not favour one side or the other, but who will be just to everyone; and the expense shall be as low as it is possible to make it, so that the land shall be left for those to whom it belongs.<sup>88</sup>

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85. Ibid

86. Ibid, p 53

87. Ibid, p 54

Carroll made some remarks in addition to those of Seddon. Threateningly, he said to Tuhoe:

Distinctly understand that the Government has this in its own hands – the power to complete the survey. Under the laws the Government can, in its own way, make a topographical survey. The Government wish the law to be carried out step by step in regard to Tuhoe, and hope that they will follow the right course.<sup>89</sup>

He also said:

What the Government wishes is to see you firmly established on your own property. The means by which this can be done cannot be reached by Maori committees, because the committees are not supported by the law. The only committee that can firmly establish you in possession is the ture – ie, the Native Land Court.<sup>90</sup>

On this theme, Carroll considered Tuhoe's proposition that the lands within their boundary should be controlled by a Tuhoe committee, asking them by what means the boundary would be determined and under what laws it would be controlled;

under the ancient laws of your people, or under control of the laws of the colony? Was that boundary to be preserved in accordance with the Treaty of Waitangi, assented to be the Queen? That treaty laid down the law that the rights of Maoris to their land was to be secured. It is only by the law that the rights of individuals can be secured to them. You are not in a position to say the land is yours simply because you are in possession of it . . . Your mere assertion of ownership does not entitle you to the land.<sup>91</sup>

Carroll was almost saying that the Treaty obliged Maori to submit to lawful investigation of title to their lands; at the same time, his statement implicitly acknowledged that these lands were held by law, but by custom law. He also argued that laws (and therefore their framers) would secure people in their Treaty rights, thereby making it clear what the outcome of the legislative process should have been.

He reiterated points made by Seddon regarding the low survey expenses and added that the construction of roads would be of immense benefit to Tuhoe as well as to Europeans. He stated that:

The Government will be as a parent protecting each and every child. The Government can deal with your lands if you have had them surveyed and the titles determined. If you act in a contrary direction, you will yourselves be responsible for what befalls you.<sup>92</sup>

Carroll suggested that Tuhoe should send representatives to Parliament to discuss their proposed action over the issues of surveys, roading, and a proposed school for

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88. Ibid, p 55

89. Ibid, p 56

90. Ibid, p 55

91. Ibid, pp 55–56

92. Ibid, p 55

Ruatoki. Numia restated Tuhoe's position, which had evolved through observation of the effects of the Native Land Court in other areas:

It is owing to no other reason that Tuhoe have taken up this negative action. It is only through the evils of the Native Land Court and the expense of the surveys. With regard to the outside tribes, they are also contending for these lands; and the contention is also going on with Tuhoe. Let me make clear what I said with regard to the committee [one which they had proposed for the management of their lands], because the Tuhoe want the committee to investigate the difficulties that exist among them.<sup>93</sup>

After some consultation with the other chiefs present, Te Purewa said that the titles to the Ruatoki block should be decided before a school was built. Hetaraka and Numia seemed desirous of having the school immediately as it would probably take some time for titles to be established in the Ruatoki block.<sup>94</sup>

Hetaraka asked that the question of surveys also be held over until Tuhoe had met with the Government in Wellington; 'By that time the thoughts of Tuhoe with regard to the surveys will be known'. This appeared to be the general sentiment, even though Hetaraka and Tutakangahau said that they had already sent in 'the first application' to the Surveyor General, on behalf of five hapu.<sup>95</sup> They were apparently referring to a survey of Tuhoe's external boundaries, and this must have met with much opposition from others within the tribe, which was why they were prepared to leave the question 'in abeyance' for the time being. Tutakangahau said: 'It is not that I am objecting to the surveys. No; it is that the chiefs of Tuhoe may be able to proceed in a definite manner in respect to this business'.<sup>96</sup> Seddon indicated that he could not promise that no surveys would be carried out before Tuhoe visited him, but he said that nothing would be done without the full knowledge of Tuhoe. He stated that:

the Surveyor-General is having maps prepared so as to have the colony mapped throughout. It is for scientific purposes these topographical surveys are necessary, and it may be necessary to make them in your area, so that in mapping off the colony your country may appear on our plans. Now, topographical surveys are surveys for scientific purposes. They do not cost the owners of the land anything. But if a complete survey is subsequently decided upon, then there is so much expense saved, for these topographical surveys can be used ultimately for the purpose of subdividing the land. Whatever may be done with regard to topographical surveys, nothing will be done with respect to surveys in detail until I have consulted all the parties interested.<sup>97</sup>

Kereru presented his taiaha, Rongokaeke, to Seddon as an indication of the peace and agreement that would exist between the Government and Tuhoe in the future. For his part, Seddon believed he had secured the agreement of Tuhoe to 'work in harmony with and obey Her Majesty's laws', as loyal subjects of the Crown, and offered Tuhoe a British flag, as an emblem that the Government and Tuhoe 'were to be

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93. Ibid, p 57

94. Ibid, pp 58-59

95. Ibid, p 59

96. Ibid

97. Ibid, p 60



as one people'.<sup>98</sup> He left Ruatoki, promising that 'the larger questions' that had been mooted in the day's discussion, would be fully aired when Tuhoe visited Wellington.

### 6.6.2 Galatea

*my people had for a long time remained in obscurity in the recesses of their country, not going into the light and that now on their first coming out they are eager to join with the new administration.*

Mehaka Tokopounamu

The Premier's party travelled from Ruatoki to Galatea, on the Rangitaiki River, the following day, marvelling at the poor track that the inhabitants of the district had to endure. Records do not indicate how large a reception the party received, but it would appear to be have been a particularly cordial assembly.

The chief Harehare of Ngati Manawa was the first to greet Seddon, and from his comments it appears that there were Ngati Manawa, Ngati Whare, Patuheuheu, and Tuhoe people present:

Welcome to the territory of Tuhoe, that you may see your people and also see the people of Ngati Whare and Patuheuheu. We are all your tribes and under your mana. Come and give life to the people of this island. Come and attend to the Ngatimanawa and the Urewera. The chiefs here represent them all.<sup>99</sup>

Rewi of Ngati Manawa also greeted the party, as did Pihopa (of Ngati Whare?) and Wi Patene of Patuheuheu.

After Seddon's address, in which he again asked the Maori assembled to present their problems to him, Mehaka Tokopounamu stood to speak for Patuheuheu. His grievance, as he described it, was that he had land under cultivation, but no means of taking his produce to market. He wanted Galatea to be connected by good roads to both Rotorua and Whakatane (there already being a somewhat poor road to Ohinemutu). This road, and how far it extended into territory Tuhoe considered their own, would become an urgent issue the following year. Mehaka said that Patuheuheu wanted a school at Te Houhi, but his major grievance was the matter of the Waiohau block, sold to a Pakeha without the tribe's consent, and about which he had petitioned Parliament. In reference to a dispute over a survey on the Waiohau blocks in 1892, Mehaka said that he did not want this action to be seen as a sign of open hostility to the Government and simply asked that it give the tribes ample notice when it intended to survey. Finally, he commented that Patuheuheu had been loyal during the war and were now destitute, and said the Government should give them consideration for their past service.

Seddon was encouraged by the request for roads in the district but reminded the assembled hapu that he had met Tuhoe the previous day, and they had rejected the idea. Even though they were doing harm to themselves, and harm to other tribes who

98. Ibid, p 57

99. Ibid, p 61

wanted roads, if the Government undertook a survey for a road in spite of their protest, Tuhoe would then have cause for further complaint. Seddon said this was something they would have to discuss among themselves, but he did promise road contracts to the various assembled hapu in the expectation that they would agree to roads. Seddon also promised to give Maori proper warning of any surveys which were to proceed. As to the loyal tribes' destitution, Seddon encouraged them to write to him, in 'one or two extreme cases', as he held discretion over a small fund for these things.

Harehare then spoke to Seddon for a second time. He began by reminding Seddon that Ngati Manawa had always acted under the instructions of the Government, presumably inferring that the Crown now owed him consideration for his tribe's support. None of the Ngati Manawa had been appointed assessors but they had pushed through surveys in this country against all opposition, 'in obedience to the behest of the Government'.<sup>100</sup> Harehare recalled that he had 'carried out roads, surveys, land-courts, leases and sales', and pointed out that all the land surrounding Galatea (Karamuramu, Kaingaroa et cetera) he had 'handed over unconditionally' to the Government. So, he continued, he had never asked for any favours from the Crown, but he was now going to ask one thing, and that was that Te Whaiti be surveyed off, and 'his own position defined', so that their land might be dealt with separately from that of Tuhoe. Harehare said:

The Ngati Manawa is distinct from Tuhoe. I do not want them mixed up with the others. I do not want the Tuhoe ring, or territorial boundary, as it is styled. I want my land dealt with distinctly from the others.<sup>101</sup>

Harehare requested that the road through their area be made wider. Almost as bait, he suggested that by doing this the Government could tap the totara forests, and he also offered the lease on Ngati Manawa reserved lands, as well as the sale of lands 'over these ranges':

The timber trade would be developed, and would go in a great measure to Rotorua. This would tend to benefit, not only ourselves, but everybody. That would be the result, and I strongly urge upon you the necessity of granting my request by widening this road . . . I want the Government to lease all this land which the Court has reserved for Ngati Manawa in different parts, and give me the profit. As it is I can do nothing with it . . . I have land over these ranges. I want to sell it to the Government.<sup>102</sup>

Seddon replied that Tuhoe objected to the survey at Te Whaiti but that he had told them the Government could go ahead with it whether they liked it or not. Playing on the rivalry that existed between the two groups, he commented that Tuhoe were living in poverty and wanted to keep Ngati Manawa in the same position. Seddon said Tuhoe knew very well that 'all the country does not belong to them' yet had the nerve to 'assume a dog-in-the-manger attitude', and told other people what to do with their

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100. Ibid, p 65

101. Ibid

102. Ibid

own land.<sup>103</sup> He promised that the road to Te Whaiti from Galatea would be widened but hoped that the extension of the road would not be opposed by Tuhoe.<sup>104</sup>

Pihopa, however, supported the mana of the tribe and the decisions made by it, when he made the comment that he, personally, had no objection to the road, but, 'still, I must side with the tribal resolutions about the boundary'. He greeted with pleasure the suggestion that Tuhoe chiefs should visit Wellington, and said whatever conclusions were reached there, 'we cannot take exception to'.<sup>105</sup> Maramu (of unknown hapu affiliation) said that he objected to the waste of time and money involved in the rehearing process undertaken by the Native Land and Appellate Courts, and he also said that there should be equal numbers of Maori and Pakeha in Parliament. Seddon sympathised with the law regarding rehearings and said he would change it. He ignored responding to Maramu's last point altogether.

### 6.6.3 Te Whaiti

*You are wealthy and do not know it, and it is this uncertainty that is destroying you.*

Seddon

The spokesmen who greeted Seddon's party at Te Whaiti were Tatu, Te Wharepapa, Kereama, Wharehuia, and Hiwawa Whatanui. The latter commented that the younger generation of Ngati Whare, in particular, were pleased with Seddon's visit to Te Whaiti. This, he explained, was due to them having the greater opportunity of seeing the benefits of the 'advancing works of the Europeans'. There was a 'rising generation' of younger Maori who wanted to 'emulate' this success.<sup>106</sup>

After the general greetings were concluded, Seddon addressed Ngati Whare and repeated the major themes of his previous speeches to Tuhoe, that Ngati Whare needed to have the boundaries of their land defined and their titles investigated if they wished to protect and maintain their lands. The day would come when Ngati Whare would wish the 'uncertainty' over these questions removed and Seddon said that it was the Government's responsibility to do this for Ngati Whare under the Treaty of Waitangi.<sup>107</sup> Seddon also urged a school and roads upon Ngati Whare so that they could prepare for the future, and warned that if they failed to take these progressive steps, then 'disaster will overtake the Ngati Whare'.

The following day, Tuhituhi said that the Ngati Whare were prepared to donate three acres of land for a school at Te Whaiti, 'but this is a matter for the delegates to settle when they get to Wellington'. He also said that his people were willing to discuss the matter of a survey of Te Whaiti and that they would bring this decision to Wellington. He continued however, that if they did decide on a survey, then 5 pence an

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103. Ibid, p 66

104. Ibid

105. Ibid

106. Ibid, p 68

107. Ibid, p 70

acre would be too heavy a charge. Seddon agreed, saying that the Government would see it done at the lowest possible cost.

Rewi then spoke, and seemed less inclined to await the outcome of the chiefs' proposed visit to Wellington, saying that he wanted the road from Galatea to Te Whaiti widened as soon as possible, and was not prepared to wait until next June or July. As to the proposed survey of Te Whaiti, he said:

that is placed in my hands. I hold it; I do not want anyone else, either Maori or European, to interfere with what concerns me only. I do not want to treat with outsiders respecting the question of my land . . . I am going to get the survey carried out.<sup>108</sup>

Rewi clearly resented any suggestion that Tuhoe's politics should interfere with Ngati Whare's decision regarding the survey, and said that he had, in fact, already been to Auckland to arrange for a survey of their land. Nothing had come of this, he said, because of the obstacles the Government put in the way of making survey applications and because of the heavy expenses involved. Statements from Hiwawa Whatanui, Raharuhi, Paraone Meihana and Hamiora Potakurua followed, and they, too, wanted a school, the road made, and the survey to be undertaken. They also insisted that this was something that should be arranged with Ngati Whare, and not Tuhoe.

Seddon replied:

so far as the Government is concerned [we] wish to have that which belongs to you clearly defined and satisfactorily settled. I think your voices have a right to be heard and your wishes complied with, more especially as regards the survey of Te Whaiti. When I see you in Wellington I shall then have seen the people right through the district and can come to a conclusion. You know my views on the matter. I wish to be fair and do what is just to all concerned.<sup>109</sup>

While, then, he said the survey would have to stand over for the time being, Seddon did promise to try and get the road made before next June.

#### **6.6.4 Ruatahuna**

Seddon and Carroll then journeyed to Ruatahuna, via Te Mimi, where many of its chiefs were absent in attendance at a Native Land Court sitting. He was, however, greeted by Teihana, Wi Hautaruke, Te Wharekotua, Mita Haaka and Te Pukeiotu.

At Ruatahuna, Seddon told those Tuhoe present that the hapu of Ruatoki had promised to work with the Government because they saw evil coming if they did not. He suggested that Tuhoe had been misrepresented outside of the Urewera:

You have been represented as a people who did not want to see the Government. It has been stated that you defied them, and would not allow them to come near you. Now

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<sup>108</sup>. Ibid, p 72

<sup>109</sup>. Ibid, p 73

I can say that the Government have been here, and have been welcomed; and that you have told the Government to go over all the land of the Tuhoe and see all the people.<sup>110</sup>

He pressed the point of education, saying that the people of Ruatoki and Te Whaiti wished to have a school. With respect to surveys he reiterated his remarks made to the people of Ruatoki and said further:

The very fact of taking up a negative position is prejudicing the Tuhoe. I speak for the Government when I say we promise you our protection to confirm you in the possession of your lands. We do not want to take your land from you. We want to give you a title in fee-simple which can be defended before the world.<sup>111</sup>

Te Pukeiotu reminded the meeting that Tuhoe's territorial boundary had been set up years before, when Tuhoe had visited McLean following their surrender:

This is Ruatahuna, and the two great chiefs of this country, Paerau and Te Whenuanui, in the days that are past, and in the days of the voice of Sir Donald McLean, arranged that this territory should be kept inviolate, and that they should reign supreme in this part, and that was given effect to by Sir Donald McLean.<sup>112</sup>

It was only in the year 1871 that I made peace with the Government. That was the year that Paerau went *via* Wairoa to Napier to make peace and swear allegiance to the Queen and the Government. That was when Sir Donald McLean was alive. When they came back from there, they called a meeting at Ruatahuna and laid down the ring boundary – the territorial boundary – and decided it should remain intact. Some of the chiefs were those you saw at Ruatoki, and you will understand that whatever Tuhoe settled with you at Ruatoki is binding on us. We will never go back and stir up muddy water again. The law will be our defender and we will look up to it.<sup>113</sup>

These comments are very interesting in that they indicate once again a considerable strength and unity among the hapu of the central Urewera and the operation of tribal constraints, in that the decisions of Tuhoe at Ruatoki were quite clearly binding on the people of Ruatahuna.

Several interesting points are raised by the speech made by Te Wharekotua:

The Government Officers never represent us to the Government in our true light, neither do the Government do rightly to us, otherwise who is responsible for the absence of the law from us? Why have we been kept so long out of advice? Why have we been allowed to remain in our isolated position? . . . You say they asked for a school at Ruatoki: so will we; though we will not stand out against anything they say. I would like to know that through the length and breadth of Tuhoe all these things are agreed upon: and I believe myself, it would be the best thing for both races if they all joined together . . . I would like the surveys held in abeyance in the meantime. We want our territorial boundary defined. We want the Government to let a committee of Tuhoe be established to carry out our affairs. We would not then need the Government to carry out our

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110. Ibid, p 75

111. Ibid, p 76

112. Ibid, p 74

113. Ibid, p 76

affairs within this boundary . . . We do not want other people to prosecute the survey, and cut up our land while we are trying to arrange with the Government. We want a proper understanding to be arrived at. We want our boundary confirmed, and our titles to the land endorsed, without a survey if possible. We want the Government to give legal effect to the establishment of a committee, who will manage our affairs in connection with our land.<sup>114</sup>

His comments appear to disclose that Tuhoe did not wish a deliberate policy of excluding Government representatives from their territory. Indeed, it seems to have been the lack of consultation by the Government that caused them to distrust those officials that occasionally came there, invariably because they wanted something from the tribe. In addition, the expressed wish for a committee is a clear indication that Tuhoe had decided on the establishment of a legalised system of self-government which they clearly did not see as a block to co-existence or cooperation with the Government and its laws.

Seddon was adamant that it was impossible for Tuhoe to have the absolute authority over their land that they desired. He was quick to stress that:

you cannot have protection unless you acknowledge the sovereignty of the Queen, who governs all . . . There must be, and can only be, one Government . . . If you want to have a committee amongst yourselves to meet and discuss matters so as to condense and bring down to a focus what is in your interest, it is wise you should do so. The pakehas adopt the same course, and they select advisors for the benefit of the country. They are what are called advisory committees. There is no objection to that. But if you want a committee that is to pass laws to have effect in the land of Tuhoe and to act antagonistically to the Government, I may tell you at once it is impossible, and the sooner you get that out of your minds the better it will be for all of you.<sup>115</sup>

Seddon felt moved to remind the Ruatahuna meeting that he was the rangatira of both Maori and Pakeha, and had to 'control, guide, protect, and assist both races'. The Government did not govern only Pakeha.

Tuhoe told Seddon that seeing as they had already defined their boundaries, they wished them to be protected at law. They did not need a survey to tell them where their land was when, as they pointed out, all the land surrounding them had already been surveyed. They also told Seddon that those tribes disputing portions of the Tuhoe ring boundary, were those people who had 'exhausted' their own lands.<sup>116</sup> They said that they could provide a 'paper' with all of the signatures of Tuhoe supporting their ideas.

However, when Seddon pressed Tuhoe on the issue of the proposed council, asking whether it was intended that Tuhoe should be able to pass laws for themselves, the meeting retreated from his interpretation and simply answered that all they wanted was a committee to settle matters amongst themselves, to protect and control their own affairs. Seddon questioned the likelihood of getting hapu to agree to committee

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114. Ibid

115. Ibid, p 78

116. Ibid, p 77

decisions in protracted disputes and suggested that Tuhoe might resort to arms in these instances. He concluded that, without the power of the law, any decision of the committee would be valueless.<sup>117</sup> He would only entertain talk of the Tuhoe committee if 'it is to be simply advisory'. One unnamed member of the audience, at this point, declared himself satisfied with the discussion, seeing as Seddon had made clear what the 'possibilities and impossibilities' of their situation were, and said that they would be satisfied to have a committee that would act on behalf of the people, and advise the Government.

Seddon's terse, parting words at Ruatahuna were that this was quite feasible, and that he did not think he would be visiting Ruatahuna again until he could come in a buggy. When that happened, he hoped to find Tuhoe and their land in a better position than how he had found them that day.

P Webster believes that:

At this stage Tuhoe must have realised any more discussion with Seddon on their need to retain political autonomy was fruitless, and it would be best for them to accept some sort of agreement on the formation of a committee which would at least be recognised legally by the Government.<sup>118</sup>

### 6.6.5 Waikaremoana

Seddon's party travelled from Ruatahuna over the Huiarau Range to Lake Waikaremoana, crossing to its southern shores, where a meeting was held with a large group of Ngati Ruapani, Tuhoe, and Ngati Kahungunu of Upper Wairoa.

Ngati Ruapani impressed upon Seddon the poverty of their situation and largely questioned him concerning the reserves made for Ngati Ruapani and Tuhoe when the lands on the south and east of Lake Waikaremoana were sold to the Crown in 1875 (see sec 5.5). Hapi said that 'there is some land belonging to us which is included in that belonging to the Government'.<sup>119</sup>

Hori Wharerangi of Ngati Ruapani welcomed Seddon to Waikaremoana, and said that 'this place' (presumably the southern side of the lake) marked the dividing line between Tuhoe and Kahungunu. He said that he had heard that the object of Seddon and Carroll's visit was to arrange for the sale of all Maori surplus lands, and he hurriedly went on to tell the Premier that Ruapani occupied all their land that would 'admit of occupation'.<sup>120</sup> Te Kohai (of unknown iwi affiliation) also emphasised the impoverished state of the Maori here, telling Seddon that: 'It is only since I came under your wing and became your child that I knew what it was to suffer'.<sup>121</sup>

The Maori speakers at Waikaremoana apologised for their ignorance of European laws, and it seemed clear that the speakers retained a latent suspicion of Pakeha law.

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117. Ibid, p 78

118. P Webster, *Rua and the Maori Millennium*, p 127

119. AJHR, 1895, G-1, p 79

120. Ibid

121. Ibid, p 80

They almost suggested that this had put them at a disadvantage when dealing with the Native Land Court on previous occasions. Mihaere said, for example:

You behold a strange people, who are strangers to European laws and ways. You say that if certain laws are followed out it will lead to the salvation of the people. I have not yet seen that such will be the case. I do not know – I am ignorant. No outside knowledge has been imparted to me. I am living now as I did, according to the customs and usages of my ancestors. I fear that my ignorance will not facilitate me in grasping any counsel that you may give which will lead to our improvement.<sup>122</sup>

Seddon addressed the meeting and tried to ingratiate himself with the assembly by saying that Kereru of Ruatoki, ‘whose name I know is revered and respected by you all’, was now his friend who had given him a taiaha, the ‘sceptre’ of his tribe. He then repeated the themes of his previous speeches to Tuhoe; that their isolation had caused them to be misjudged, that their land was not as entirely valueless as they believed, and that it would be to their great benefit to have their titles determined as speedily as possible, seeing as, ‘[e]very day, every week, every year that this is delayed makes a danger of doing a wrong to the real owners of the land so much greater’.<sup>123</sup> When Maori had a title to their lands, he declared, they would be able to live in ‘comparative affluence and wealth’ because they would be able to use their land effectively. He then urged the people of Waikaremoana to agree to the establishment of a school for their children.

It becomes clear in the narrative of this meeting, reproduced in the Appendices to the Journal of the House of Representatives, that not all facets of the speeches were recorded. Hapi, for example, replied to Seddon’s address saying that he heartily approved of ‘bringing the territorial boundary under the law, as mentioned by Mr. Carroll’.<sup>124</sup> What this means is not clear seeing as Carroll’s remarks to Ngati Ruapani are not noted. Hapi continued, however, to applaud the idea of a school and to reiterate the point made earlier that, ‘so far as Tuhoe are concerned’, all their available land was being occupied and utilised. Hori Wharerangi emphasised even further that the bulk of his land could not be utilised and that Ngati Ruapani would be ‘throwing away labour and money’ in attempting to utilise it. Mihaere (of unknown iwi affiliation) made it clear that he and his people did not necessarily object to the Native Land Court nor to surveys but they did object to the ‘terrible’ expenses that accompanied them; ‘Past experience has been disastrous. The land has been swallowed up in expenses’.<sup>125</sup> The wider political discussions that had accompanied the Premier’s addresses at Ruatoki and Ruatahuna were not canvassed at Waikaremoana, and the party left the Urewera country and continued to Wairoa.

Seddon’s main bargaining chip in the Urewera at these meetings seems to have been the establishment of schools and, to a lesser degree, the construction of roads, neither of which could be attained without the cooperation of the Government. These

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122. Ibid

123. Ibid, p 82

124. Ibid, p 83

125. Ibid, p 84



considerations may have encouraged Tuhoe to consider a compromise on the issue of survey for public works. Events during 1895 were to demonstrate, however, that they merely considered it. The highly contentious Native Land Court investigation of title to the Ruatoki block which had begun in 1894 was clearly a major concern of the chiefs who spoke at meetings with Seddon and Carroll. Steven Webster believes that this investigation may have committed certain hapu to attaining a compromise solution with the Government whilst confirming others in their opposition to its activity in the area.<sup>126</sup> Webster postulates that the delays and complications involved in the settlement of appeals relating to the block may have led the Government to consider more expedient measures such as the reservation of the area and the exclusion of the Land Court through the Urewera District Native Reserve Act 1896.<sup>127</sup>

The outcome of the meetings seems to have been that the situation in the Urewera was left unresolved, although Seddon and the Press obviously thought otherwise. The *New Zealand Herald* recorded that the Premier's meetings with Tuhoe had 'gone a long way towards removing the difficulties which retarded settlement in the District occupied by that people'.<sup>128</sup> In the *Auckland Star*, the comment was made that, following the meetings:

the Urewera seem to have been somewhat reconciled to the ever-advancing pakeha, and they now give evidence of a disposition to abandon the policy of isolation which they have stubbornly maintained for so many years. The rumours of gold in the Urewera Range are not lost sight of, and it is probable that prospecting parties will take the earliest opportunity of spying out the land when the old antipathy of the Natives to gold-prospectors is overcome.<sup>129</sup>

The protest over surveys during 1895 was to demonstrate that Tuhoe were far from 'reconciled to the ever-advancing pakeha' and that Seddon had not attained from Tuhoe an agreement to allow surveys, despite his impressions and those of the public. In consideration of this, Peter Webster makes a very compelling argument that Seddon was somehow misled by Tuhoe in 1894. He writes:

Despite some of the plain speaking . . . it is possible that Seddon may have been misled to some extent by Maori hospitality . . . Apparent agreement at the moment of departure when the korero had finished and the Tuhoe's obvious open appreciation of a visitor with the mana of the Premier, may well have reinforced Seddon's own inflated ego, and led him to think the matters under discussion were really settled.<sup>130</sup>

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126. S Webster, 'Urewera Land 1895-1926', p 6

127. Ibid

128. AJHR, 1895, G-1, p 92

129. Ibid, p 95

130. P Webster, *Rua and the Maori Millennium*, p 127

### 6.7 SURVEY RESISTANCE AND NEGOTIATION IN 1895

Events during 1895 belied the confidence in the Premier's handling of Tuhoe which had been expressed in the newspapers. As far as Tuhoe were concerned, the matters discussed in 1894 were far from settled. Resistance to the survey of the Urewera continued and Seddon's swift and angry reaction to Tuhoe protest might possibly have resulted from the pricking of his 'inflated ego'. The actions of Tuhoe must truly have upset the Premier, whose supposedly deft handling of the 'native problem' had received accolades in both the public and political arenas. It was, however, these actions by Tuhoe that led to the negotiations and drawing up of the 1896 Urewera District Native Reserve Act, a compromise solution to the problem that the Government found there. Tuhoe had gained some type of a victory with the passing of this Act. Unfortunately, it also spelt the end of their effective resistance to the process of land alienation.

In April 1895, Tuhoe and Ngati Whare attempted to stop the triangulation survey of the Urewera by Government survey parties. A detachment of the Permanent Artillery was armed and sent in to Whakatane and Ruatoki to enable the survey to continue.<sup>131</sup> James Cowan, who accompanied this expedition as a correspondent, detailed the events of April 1895. There were two survey parties, one at Te Whaiti and the other at Waiohau. Ngati Whare and Tuhoe seized instruments and turned back survey parties from these two areas. According to Elsdon Best, an armed party from Ruatoki turned back surveyors as they were proceeding from Te Whaiti up the Okahu stream to Tarapounamu. Best wrote that Tuhoe left their guns at Tarapounamu and were unarmed when they met the survey party and turned them back across the Whirinaki River to Waikotikoti. He maintained that there was already a force of the Permanent Artillery camped there.<sup>132</sup> Seddon's reaction to the protests was swift and by 21 April the Permanent Artillery had marched into Ruatoki.<sup>133</sup> There they met the leading men of the Urewera gathered to receive them. Cowan wrote:

We found all the leading men of the Urewera, from Ruatoki to Waikaremoana, assembled there, to the number of about two hundred, seated in half moon formation on the marae. It was an ominous reception. No call of welcome; not a word from the sullen mountain men squatting there glowering at us. When at last they did speak their speeches were decidedly hostile. They wanted no surveyors in their country; they did not see any necessity for mapping it; they feared some of their land might be taken to pay for the survey. We found afterwards, that many of the younger men were ready and eager to fight; and practically every man had a gun although they did not parade their arms before us.<sup>134</sup>

This reaction from Tuhoe implies that despite the formalities of the 1894 meeting with Seddon and Carroll, Tuhoe were by no means reassured on the issue of surveys.

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131. Cowan, *The New Zealand Wars, Volume II*, p 496

132. E Best, *Tuhoe*, p 667; Cowan, in his account seems to believe that the force came from Auckland and numbered between 40–50: See Cowan, *The New Zealand Wars, Volume II*, p 467

133. Cowan, p 496

134. *Ibid*, p 497

The comments of Tuhoe recorded by Cowan bear a striking similarity to points raised in speeches to the Premier a year earlier. Tuhoe remained suspicious and it is evident that, despite the meeting with Seddon, they also remained immovable on these points. The most surprising element in this affair is that, despite earlier assurances, Tuhoe do not seem to have been consulted in any clear manner about the surveys to be undertaken at this time. Considering the delicate nature of the Government's relations with the tribe, this lack of consultation indicates either an extreme naivety on the part of the Premier and other Government agents involved or extreme arrogance. In the light of Webster's comments regarding Seddon's ego, and the normal run of Government dealings on the issue of Maori land, the latter seems likely.

Fighting was avoided due mostly to the good sense and patience of Tuhoe's leading men and also because of the speedy arrival of James Carroll from Gisborne to mediate in the dispute and perform some much needed damage control. Cowan recorded that Carroll spent some days in discussion with Kereru, Numia, Rakuraku, and others, after which agreement was given for the survey to continue.<sup>135</sup> At Te Whaiti, a section of the Permanent Artillery remained to protect surveyors but there was no further trouble. Cowan wrote that the survey and preparation for the road from Te Whaiti to Waikaremoana continued. He believed this to have been 'the first stage in the breaking-down of the long isolation which had kept the Urewera people a tribe apart, conservative in the extreme, clinging to the old Maori ways of life'.<sup>136</sup>

In his biography of Elsdon Best, E W G Craig writes that when Best attempted to persuade Tuhoe to allow the survey because of the material benefits to be gained by the proposed road, Tuhoe insisted that they had not been consulted as the Premier had promised. Carroll was then sent to reassure the tribe that their lands would be unaffected by the survey. Finally, Tuhoe offered their help in clearing bush along the line to be surveyed.<sup>137</sup> What was discussed between Tuhoe and Carroll during the few days he spent in Ruatoki is not documented but the accounts given by Craig, Best, and Cowan are almost certainly a simplified version of events. Exactly why Tuhoe finally agreed to the survey can only be guessed at but it seems likely that Carroll persuaded them to relent on the basis of proposed talks to be held later in the year in Wellington. The 1896 Act was conceived as a direct result of these talks between Carroll and Tuhoe leaders.

R M Burdon sheds a slightly different light on the proceedings by concentrating on the role of Hone Heke in the mediation process rather than that of Carroll. He writes that when Seddon, assuming that the situation was serious, immediately ordered police and the Permanent Artillery to proceed with haste from Auckland, Heke assured the Government that there would be no violence and that the dispatch of a military force was not necessary. Seddon then accused Heke of 'fomenting disorder in a district which had shown no signs of unrest when he had visited it in person twelve months previously'.<sup>138</sup> Heke then apparently travelled to Ruatoki and performed the initial role of mediator before the Permanent Artillery, which Seddon had insisted on

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135. Ibid

136. Ibid, p 498

137. E W G Craig, *Man Of The Mist: A Biography Of Elsdon Best*, Wellington, Reed, 1964, pp 57-58

sending, arrived to find the sullen but peaceful welcome described by Cowan. Burdon states that:

Seddon habitually reacted violently to the faintest threat of violence . . . [In the Urewera] he had prepared to use force with what was perhaps unnecessary haste, though the probability must be taken into account that a display of force had helped Heke to negotiate on favourable terms.<sup>139</sup>

The involvement of yet another Maori politician, Wi Pere, in the mediation process is hinted at by Robert Wiri who also contends that Tuhoe agreed to allow the survey after an assurance, presumably given by Carroll and endorsed by Wi Pere, that Urewera lands would be reserved by statute.<sup>140</sup> According to Williams, Wi Pere was also accused by Seddon of stirring up trouble in the Urewera. Hone Heke apparently informed Tuhoe that the law allowed survey parties to enter any area and Tuhoe, who had not been aware of this (despite having been told several times during the course of the meeting with Carroll and Seddon in 1894), gave up their resistance. They then supplied the Artillery force with potatoes and mutton, doing 'brisk business' and applied for work on road construction.<sup>141</sup>

Clearly the events that unfolded in April of 1895 were pivotal to the drafting of the Bill presented to Parliament in that year. The protests seem to have created something of a stir in Government circles and when seen in conjunction with the pressure then being exerted on the Government owing to the Native Land Court boycott instituted by the Maori Parliament, one can easily see that Seddon and Carroll felt they were facing something of a crisis. Urged by Carroll, a delegation of Tuhoe leaders travelled to Wellington in September 1895 to negotiate a settlement. Tuhoe wanted schools, and agricultural and sanitary improvements. They also requested their own committees to administer the lands and determine titles as they did not wish the Native Land Court to be involved.<sup>142</sup> According to Williams, Seddon promised concessions in return for Tuhoe acceptance of the mana of the Queen.<sup>143</sup> These matters are covered in more detail in the next section.

### 6.8 TUHOE DELEGATION VISITS WELLINGTON, SEPTEMBER 1895

By late 1895, relations between Tuhoe and the Government were still tenuous, aggravated by continued Tuhoe opposition to survey parties in their rohe. Tuhoe themselves were under a great deal of pressure at this point, with the highly

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138. R M Burdon, *King Dick: A Biography Of Richard John Seddon*, Christchurch, Whitcombe and Tombs Ltd, 1955, p 181

139. Ibid, pp 182–183

140. R Wiri, 'Te Wai Kaukau o Nga Matua Tipuna: Myths, Realities and the Determination of Mana Whenua in the Waikaremoana District', MA thesis, Auckland, 1994, pp 242–243

141. J A Williams, *Politics of the New Zealand Maori: Protest and Cooperation, 1891–1909*, Auckland, Oxford University Press, 1969, p 93

142. Ibid, p 94

143. Ibid

contentious Ruatoki investigations drawing to a close. None the less, a delegation of Tuhoe chiefs took up Seddon's invitation to visit Wellington in September. This was an occurrence, as Seddon would remark, that would have been 'almost incredible and impossible' to think of a few years previously.<sup>144</sup>

The minutes of this meeting are very interesting as they reveal a far more conciliatory attitude on Seddon's part after April's events. That the question of surveys still occupied the minds of both parties was evident as this was one of the first issues raised by Carroll and Seddon in their address to the chiefs. Both were anxious to reassure Tuhoe that the surveys were triangulation surveys and not for subdivision of any lands, with Seddon promising that there would be no subdivision surveys 'until it is the wish of the owners of the soil'. While agreeing that there was no immediate need for any subdivision, Seddon urged Tuhoe to allow the triangulation survey to proceed and quickly, arguing that the senior Tuhoe generation and their intimate knowledge of Tuhoe lands was passing away, and that this knowledge was needed to properly establish Tuhoe claims to the territory.<sup>145</sup>

Referring to preconceptions of Tuhoe's 'adverse character', Seddon stated that he had found 'a pure people, a remnant only of a noble race', and, again, suggested that this Pakeha prejudice was encouraged by Tuhoe's isolationist policies. According to Seddon, it had also fostered exaggerated tales of fertile alluvial flats, tantalisingly shut off behind the ring boundary. Both Carroll and Seddon, however, appeared to accept the general proposition that the Urewera country was unsuitable for agricultural pursuits and therefore for settlement purposes. Instead, much emphasis was placed on the area being a sort of natural history museum for tourists of the future. Carroll suggested that the Urewera was:

the last tract of native country in its natural state left in New Zealand and [the proposed reserve] would be a District in which the Natives, the remnants of the name Maori, would gather themselves together. That is why I ask that this District be reserved, made sacred, to preserve this home of the Maori people.<sup>146</sup>

Seddon, too, said he would not approve of telephone and telegraph making inroads to the Urewera, 'I want to keep your country free from such nuisances'. This injunction apparently did not extend to gold prospectors. Obviously attempting to convince Tuhoe of the benefits of opening their boundaries, Seddon argued that gold and tourists would make Tuhoe wealthy.

The tribe had apparently requested that if gold was discovered, a general Tuhoe body should settle the terms upon which mining operations would proceed. It is instructive that Seddon vigorously rejected this approach. He argued that it was 'the owners of the land' who should decide these terms, because they were 'the interested parties'; revenue from mining was not to be shared with people who lived 'miles and miles away'. This conscious rejection of the Tuhoe preference for tribal control of

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144. Seddon, interview with the Tuhoe deputation to Wellington, 7 September 1895, J1 1897/ 1389, box 501, National Archives, Wellington, p 12

145. *Ibid*, pp 2, 20–21

146. *Ibid*, p 5

resources is entirely consistent with an approach which sought to subvert and limit the tribal authority which had thus far kept the Urewera aloof from Crown control.

Seddon and Carroll presented new proposals for title investigation and adjudication of Tuhoe lands which showed that they had obviously been considering the ‘war of words’ they had encountered in the Urewera the previous year, and that they had digested the tribe’s rejection of Native Land Court title investigations. Instead, they broached the idea of a special commission for Tuhoe which, Carroll enthused, would ‘easily’ be able to determine satisfactory titles. The ideas advanced were vague but a definite concession to Tuhoe concerns. Firstly, Carroll said, the commissioners would need to compile a register of all owners of Urewera lands, then the hapu would ‘assemble and arrange the hapu boundaries between themselves’, then committees would be appointed to administer the district. Carroll did not detail exactly how the commission was to be comprised nor what powers the committees would have at their disposal.

Seddon, however, following Carroll’s explanation of the committee system, offered that it was necessary to have a single commissioner who would make the final decisions regarding hapu boundaries. In a reference to inter-hapu jealousies, he commented that it would be difficult to find a commissioner who would do justice to all but he was enthusiastic and in favour of local hapu committees. In a revealing comment he stated:

in another way it is simply establishing chiefs but instead of the chiefs and the chieftainship being established by descent, by blood, these men, these committees, will be the Chiefs by election, by the voice of the people.<sup>147</sup>

Wi Pere followed Seddon’s speech, congratulating him on his assent to Tuhoe’s wishes and urging haste in presenting a bill to Parliament, drawing attention to the fact that Ballance had made similar promises to Kotahitanga which had evaporated upon his death. Wi Pere, undoubtedly commenting on Tuhoe expectations and the significance of the concessions made by Seddon stated: ‘I felt deeply impressed by your reference to the Treaty of Waitangi to show what they are asking for and ask of you come within the powers mentioned in that Treaty.’<sup>148</sup>

He went on to comment that the proposed commission would behave more informally than the Courts which would ‘better suit the Maori character and solve the question of ownership than those which are at present in force’. Given the lack of detail supplied by the account of this meeting, it seems clear from Wi Pere’s comments that the parties were drawing on models which had already been mooted by the Kotahitanga and by commissions such as the 1891 Land Laws Commission. No resolutions or points of agreement appear to have been recorded at the conclusion of this meeting, so it would be difficult to assess whether the special 1896 legislation encapsulated all of the concessions the Tuhoe delegation might have thought they had secured at this September 1895 meeting.

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147. *Ibid*, pp 26–27

148. *Ibid*, p 27. Seddon had, in fact, been referring to the benefits of ‘civilisation’ that Tuhoe were entitled to under the Treaty (ie article 3), not of any political rights afforded by the same under article 2.

A geological survey of the Urewera was carried out by Alexander Mackay at this time and construction of the road from Murupara to Te Whaiti was begun. Elsdon Best was appointed as paymaster and storeman on the roadworks. By 1896, further work had seen a dray road constructed as far as Tarapounamu, which was extended to Ruatahuna only in 1901.<sup>149</sup> Meanwhile, in late 1895, a Bill was introduced into the House of Representatives which was designed to reserve the Urewera for Tuhoe on specially legislated terms. The Urewera District Native Reserve Bill was ‘justified by the Liberals in a curious mix of assimilation, segregation, paternalism, and local autonomy’.<sup>150</sup> It was hotly debated in Parliament in 1896 and passed in that year. Although this was not the first time special legislation had been passed with regard to Maori land that did not fit within the existing Native Land Acts,<sup>151</sup> this special legislation allowed for the ‘ownership and Local Government of the Native Lands in the Urewera District’ by Tuhoe and excluded the Native Land Court. In this respect, it was experimental legislation in an ideal setting to allow greater Maori local self-government and was noted by other Maori groups, who clamoured for the same benefits on a national scale. The repercussions of the passing of this Act would be felt into the twentieth century as it led partly to the passing of Carroll’s 1900 Maori Councils and Maori Land Administration Acts.

### 6.9 THE UREWERA DISTRICT NATIVE RESERVE ACT 1896: A ‘BENEVOLENT DECEPTION’?

In a letter to Tuhoe dated 25 September 1895, Seddon confirmed points raised in discussion with the Tuhoe delegation during the recent Wellington meetings. Substantially, the requests made by that delegation appear as part of the Act itself. Seddon agreed to the permanent determination of Tuhoe’s boundaries by a commissioner who would also ascertain hapu boundaries within the rohe in concurrence with the hapu themselves. Owners would be deemed joint tenants and block committees would be set up to administer the lands. It was agreed that a general committee would deal with the tribal estate generally in accordance with Maori custom. Seddon also promised that schools should be set up and that Tuhoe would be given responsibility for certain sections of the roadworks in the area. Additional mention was made of Tuhoe’s request that their forests and birds be protected and that English birds and fish be introduced to provide additional sources of food. This letter was attached to the Act passed in 1896 as the second schedule to that Act.<sup>152</sup>

The long title of the Act was ‘An Act to make provision as to the Ownership and Local Government of Native Lands in the Urewera District’, and the Act was passed on 12 October 1896. The preamble stated:

149. E Stokes, W Milroy, H Melbourne, *Tē Urewera Nga Iwi Tē Whenua Tē Ngahere: People Land And Forests Of Te Urewera*, University of Waikato, Hamilton, 1986, p 55

150. Williams, pp 94–95

151. Stokes, Milroy, Melbourne, p 55

152. Urewera District Native Reserve Act 1896, *New Zealand Statutes 1896*, no 27, pp 69–71

Whereas it is desirable in the interests of the Native race that the Native ownership of the Native lands constituting the Urewera District should be ascertained in such manner, not inconsistent with Native customs and usages, as will meet the views of the Native owners generally and the equities of each particular case, and also that provision should be made for the local government of the said district.<sup>153</sup>

The Act made the Urewera (approximately 656,000 acres) a native reserve (s 2), excluded from the operation of the Native Reserves Act 1882 and the Native Land Court Act 1894 (by section 3). The boundaries of the reserve were essentially defined, as we have seen, by the surveyed and investigated (and sold) blocks on the perimeter of the rough oval of the Urewera district. The first schedule to the Act defines this boundary as prescribed to the north by the eastern Bay of Plenty confiscation boundary, to the east by the boundaries of the Waimana and Tahora 2 blocks, to the south-east by the boundary of the Waipaoa block and Lake Waikaremoana, to the south-west by the Waiau River to the Maungataniwha trig station, and to the west by the Heruiwi 4 block and the Whirinaki, Kuhawaea, Waioahu, and Tuararangaia blocks, meeting the confiscation line again in the north.

The Act provided for the setting up of a commission of seven people, five of them Tuhoe, empowered to investigate the ownership of blocks, defined in accordance with existing hapu boundaries where possible, but surveyed with the agreement of the owners of the land, if necessary (s 6 and the second schedule). The Governor, by Order in Council, was to appoint these commissioners and their powers and functions would also be prescribed by the Governor, subject to the provisions of the Act (ss 4, 5). The ownership of blocks was to be determined on the basis of a sketch plan prepared by the Surveyor-General and paid for by the Government (s 7). The commissioners were to determine the families who owned these hapu blocks, and were to define the relative share of the block due to each family, and the relative shares due to each member of that family (s 8). Orders listing names and relative shares of block owners were to be published in the *Kahiti*, and if no appeal were lodged within 12 months of the publication date, these would be confirmed by the Governor (s 9).

Aggrieved persons could appeal to the Minister of Native Affairs, whose decision on appeals would be final (s 10). Every order confirmed by the Governor or the Minister of Native Affairs was to be registered and would then operate as a certificate of ownership under the Act (s 11). Instead of confirming orders himself, the Minister could refer orders to the Governor in Council to confer jurisdiction on the Native Land Court for investigation (s 12). Names of those elected to the block and general committees were to be recorded on the certificate of ownership for each block (s 13). Provisional local committees of five to seven members would be appointed by the Urewera commissioners, and would hold office until the owners elected permanent local committees (s 16(1)). These provisional committee members could be removed from office by the Governor (s 16(2)). The elections of the provisional and permanent local committees were to be held at a time and in a manner prescribed by the Governor. Each local committee was to elect a member of the general

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153. Ibid, p 66



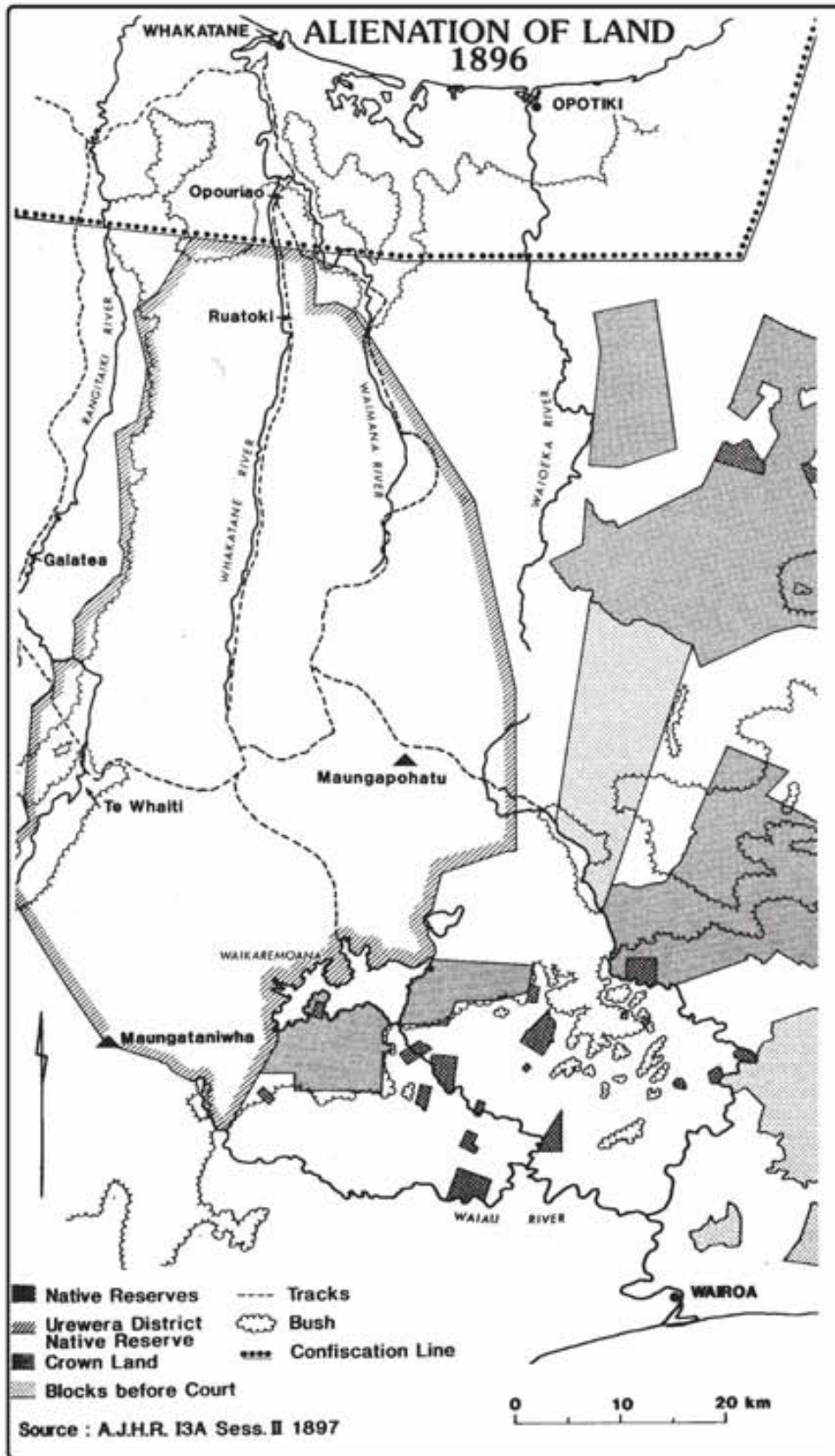


Figure 15: Alienation of land surrounding Te Urewera, 1896

committee to ‘deal with all questions affecting the Reserve as a whole, or affecting any portion thereof in relation to other persons than the owners thereof’ (s 18).<sup>154</sup> Subject to prescribed regulations, the decisions or undertakings of the general committee were to be binding on all Urewera owners (s 19). The Act did not delineate what the role of the block committees was to be in respect of sales and leases but stated that the powers and functions of the local and general committees were to be prescribed by the Governor in Council, and that the powers and functions of the local committees of each block were to be confined to the internal affairs of that block (s 20). The general committee was empowered to alienate any part of the reserve by sale or lease to the Government or provide for the cession of land for mining purposes (s 21). The Government might take land for roads and landing places, for accommodation houses and stock camping grounds under the provisions of the Public Works Act 1894. All such takings would be vested in the Queen. The total of the land taken under these provisions could not exceed 400 acres without the consent of the general committee (ss 22, 23).<sup>155</sup> Section 24 was a general section, which empowered the Governor in Council to make regulations for the mode of election of members for both the local and the general committees, and for any reason deemed necessary to give effect to the Act. Finally, all expenses incurred by the Government under the Act were to be paid from moneys appropriated by Parliament (s 25).

The Bill, amended in the light of criticisms made by the Native Affairs Committee, was read a second time on 24 September 1896. Carroll informed the House that the Urewera lands were not fit for settlement in any form and that, since there were no European interests in the area, it would be ‘gracious and considerate’ of them, and ‘productive of good in the end’, if they agreed to the modified form of local government that the Bill proposed for Tuhoe.<sup>156</sup> After explaining the process by which certificates of ownership would be issued, he commented that:

the result of this procedure will be the advancement of these Natives up to a state of civilisation equal to that of their pakeha brethren, whereby you can impose on them all the responsibilities and liabilities which all other subjects of Her Majesty are subjected to at the present time.<sup>157</sup>

He insisted that, when the commissioners’ task was over and the provisional committees had been set up, the Act would be self-working in the Urewera.

Hone Heke, the member for Northern Maori criticised these points, saying that the Bill was ‘simply a shadow’ and that it did not, as intended, give Tuhoe the right to administer their lands as they saw fit. He believed that the powers of the general committee would be limited by regulations and that the Bill was simply a measure ‘introduced by the Government to entrap the Tuhoe Natives’.<sup>158</sup> As the powers of the general committee given in the Act were indeed vague and, considering that

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154. *Ibid*, p 68

155. *Ibid*, pp 66–69

156. J Carroll, 24 September 1896, NZPD, 1896, vol 96, p 158

157. *Ibid*, p 159

158. Hone Heke, 24 September 1896, NZPD, 1896, vol 96, p 163

provision was made for the Governor in Council to prescribe their powers and make regulations concerning them at a later date, there was much scope for limiting the effectiveness of the proposed general committee. Seddon's letter did not explicitly address what the relative powers of the general committee vis-à-vis the Crown were to be in the government of the Urewera district, and it would be very useful to further research the understanding that Tuhoe had of this very important point, when they left Wellington in September 1895. As the only powers of the committee expressly referred to in the Act were the power to alienate land to the Government, and the fact that the Government had to gain Tuhoe consent to be able to take more than 400 acres of Urewera land for public works, there was ample cause for Heke's concern. Heke made the comment that the Bill had been sold to Tuhoe on the basis that they could administer their own affairs and that no hardship or liability would be imposed upon them such as rates or taxation.<sup>159</sup> Carroll had earlier indicated that, once titles were ascertained, Tuhoe would be required to meet such liabilities.

Heke agreed with the leader of the Opposition that the Act was 'a sham' because of the provision that enabled the Governor in Council to confer all powers on the Native Land Court, thus bringing the administration of the Urewera under the provisions of existing native land laws. He declared his intention to move in committee that the Bill be amended to 'substantiate the statements made by the Ministers before the Urewera people regarding their rights, as conferred on them by the Treaty of Waitangi'.<sup>160</sup> Heke believed the Bill to be 'a dangerous outline' because the operation of it had yet to be determined by regulations made by the Governor in Council and that these regulations would work against Tuhoe interests.<sup>161</sup> Concerns were raised over the failure to grant exclusive rights over fisheries and birds to Tuhoe (as Heke had suggested should be included in the preamble to the Bill). Presumably, this is one of the statements made by the Premier that Heke wanted to see substantiated in the Act. Robert Houston believed such a provision would be a 'dangerous thing'.<sup>162</sup>

Captain Russell, leader of the Opposition, identified the legislation from his very different perspective as a revolutionary change in the Government's native legislation which proposed to create a governing body of Maori with 'a novel and peculiar system of land-regulation over a very large area of country'.<sup>163</sup> He criticised the incomplete survey to be involved in the ascertainment of titles to Urewera lands, saying that these would be unsafe and at variance with the laws of the colony. Russell felt that the Act gave too much power to the Native Minister in the area of appeal and would allow the Minister to retain ultimate control over the 650,000 acres involved.<sup>164</sup> Presumably, he felt that the principle of appeal to a judicial body instead of to a Government Minister was an important one, and it should be recalled in this context that the Appellate Court had only recently been established in 1894. Russell said:

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159. Ibid

160. Ibid, p 164

161. Ibid

162. Robert Houston, 24 September 1896, NZPD, 1896, vol 96, p 165

163. Captain William Russell, 24 September 1896, NZPD, 1896, vol 96, p 159

164. Ibid, p 160

The Tuhoe people have no doubt been very much pleased, but deluded, by the Government; they think they are going to have the control of their lands; they believe they have scored a point. I can assure them they have done no such thing. This is our old friend 'the thin edge of the wedge' once again; when once the Government have got power again under this Bill, and the land is subdivided, the autocratic Native Minister will do what he chooses, and the instant the Tuhoe people have brought their land under the operations of this Act they will find before long that all they have wished to avoid has come upon them, and that settlement will follow on subdivision . . . I admit the only feature to recommend this Bill to my mind is that the Government have been able to effect by a side-wind what they could not do directly.<sup>165</sup>

Russell believed it to be an 'open question' as to whether the land was really unsuitable for colonisation, pointing out the value of the forests and the possibility of gold and mineral mining, the rights to which were promised to Tuhoe in the second schedule.<sup>166</sup> He also expressed concern at the promise of Maori self-government, which had already become widely known amongst Maori. This could lead only to disappointment for other Maori, he felt, because Maori local self-government both could not and would not 'be allowed to prevail'.<sup>167</sup> In addition, Mr R Thompson stated his belief that Tuhoe were the least qualified of all Maori to be self governed. He felt that the Premier had made rash promises in a moment of weakness whilst being entertained by Tuhoe and that the House should not now feel compelled to enact them.<sup>168</sup>

Wi Pere, while strongly supporting the Bill on the whole, was concerned that it provided for the sale of Tuhoe land. He indicated that Tuhoe would like this provision removed and that they would not have been prepared to bring their land under the proposed Act were it not for the reports of gold in the Urewera. He wished that the provision for sale be removed and for the principles involved in the Bill to be extended to other areas so that the five million acres of Maori land still remaining to them might be saved.<sup>169</sup> The clause added by Carroll in the 1896 session of Parliament, expressly mentioned cession for mining purposes. S Webster believes that 'long-term economic motives always moved behind idealistic or political appearances'.<sup>170</sup> Presumably, he suggests that Carroll had moved to incorporate some protection for the long-term interests of the Crown in addition to what he saw as the interests of Tuhoe themselves.

In response to these varied points of view, Seddon spoke of the promise made by Sir Donald McLean to Tuhoe with regard to the establishment of a protectorate over their lands. He believed this promise should be honoured and that the lands of the Urewera, which were of poor quality and not suitable for European settlement, should be reserved under the proposed Act. He also stated that:

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165. Ibid

166. Ibid, pp 160–161

167. Ibid, p 161

168. R Thompson, 24 September 1896, NZPD, 1896, vol 96, p 162

169. Wi Pere, 24 September 1896, NZPD, 1896, vol 96, pp 164–165

170. S Webster, 'Urewera Land, 1895–1926', p 9

there are exceptional circumstances in connection with the Tuhoe, and that those circumstances are favourable to the attempt being made, as provided by this Bill, to give them, in respect to the several matters mentioned in this Bill, self-government.<sup>171</sup>

Seddon, following a reference to the earlier, but unsuccessful Native Committees Act 1883, proposed that if the principles contained in the present Act worked in the Urewera they should indeed be extended to other Maori. These comments indicate that the Urewera was to be used as a type of ‘test-case’ for some of the recommendations made by the 1891 Native Land Laws Commission with respect to Maori land administration. Those recommendations had been made with reference to previous Acts containing the basic measures embodied in this Bill for the Urewera. Seddon stated that:

it would be much better to have a reserve such as this is made now, with the sanction and approval of our Parliament, with the mana of the Queen admitted freely and without the slightest reservation, than to have, as we had only a few years ago, a representative of Her Majesty the Queen going to the borders of the Urewera Country and then turning back, deeming it not to be advisable to proceed further.<sup>172</sup>

Mr T Mackenzie supported the Bill on the basis of its provisions for scenery preservation. He said:

In the South Island our natural scenery is unsurpassed in any other part of the world – our lakes, our waterfalls, our mountain scenery, and our glaciers cannot be excelled; and when you have therefore, in the North Island your thermal springs district, and in the South Island your marvellous alpine scenery, why not add to that what is attractive in its way – the Natives in their original state, and the native flora and fauna, which exist to a very large extent in the Urewera Country?<sup>173</sup>

Other questions were raised regarding the cost of the operation and who would bear it but these were answered to the general satisfaction of the House by Carroll. The Act was passed by a vote of 37 to 11. S Webster offers the theory that the Liberals were successful in passing the Act because they appealed to both sides, rallying the humane sentiments of the new liberal majority and also appealing to the opposition on the basis that free enterprise and settlement would be served in the long run.<sup>174</sup>

Williams writes that Tuhoe, having lived alone in a district where the complex institutions of European settler society did not exist, were ideally qualified to test this legislation. The Bill was a precedent and other tribes were already placing their claims for similar provisions but, says Williams, the powers granted to Maori in other areas were likely to be more limited.<sup>175</sup>

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171. R Seddon, 24 September 1896, NZPD, 1896, pp 166–167

172. *Ibid*, p 167

173. T Mackenzie, 24 September 1896, NZPD, 1896, p 171

174. S Webster, ‘Urewera Land, 1895–1926’, p 7

175. Williams, p 97

**6.10 CONCLUSION**

*The European race is the dominant race in this island at the present time; they are passing some very great laws in the Assembly House of the colony, and whatever the Native race may do, even though they appoint their own Parliament, and go away into corners and endeavour to pass legislation for themselves, they cannot detach themselves from the ruling forces at work in the colony.*

James Carroll<sup>176</sup>

In previous chapters of this report, we have seen that Tuhoe firmly believed that they had secured Donald McLean's blessing for a protectorate over their lands and for Tuhoe self-government, at the close of the New Zealand wars in 1871. It was noted that the terms of this compact were somewhat vague, and while Tuhoe appeared to believe that they were to be left alone within their defined boundaries to govern their own affairs, the Government was subsequently very reluctant to acknowledge McLean's purported promises.

Tuhoe, however, were diligent in reminding the Government that this promise had, in fact, been made. However, the boundaries set out to McLean in 1872 came under consistent attack from the operations of the Native Land Court and by private and Crown purchasing. By the time Locke visited Tuhoe in 1889, to make arrangements to open their country, Tuhoe no longer seemed to push for wholesale recognition of their wider, traditional interests. The 'rohe-potae' they sent to the Government in 1889 seemed to be a pragmatic acknowledgement of the confiscations and the Court's activities, but one which still demanded an acknowledgement of Tuhoe authority within these (somewhat truncated) boundaries. The Government was not yet prepared to yield to recognition of Tuhoe tribal authority, and so the Urewera remained closed, and beyond the pale of the law.

The perennial issue of tribal authority over hapu interest was fully played out in the bitter wrangle over the survey and investigation of the Ruatoki block. Cadman clearly bargained that a 'divide and conquer' policy of supporting the powerful hapu of Ngati Rongo against other Tuhoe hapu, would drive a wedge into Tuhoe tribal solidarity from which it would not recover. Once the title to Ruatoki, a major centre of Tuhoe settlement, had been determined, what was to stop, say, Ruatahuna lands, the symbolic heart of the tribe, from being taken to court? It could be only a matter of time. It can be argued, however, that this policy was a grave miscalculation – if anything, the forced survey, arrests, and drawn-out litigation showed one and all precisely what a toll taking land to the court could exact on a tribe.

Yet, it could not be denied that there were those within Tuhoe who still wanted title to their land investigated, and who wanted to welcome Government infrastructure, such as roads, into the district. This call was particularly loud from those quarters where the interests of Tuhoe and other iwi were commingled (such as at Te Whaiti) but there was also strong support for this stance from some of the Ruatoki leadership.

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176. James Carroll, 'Pakeha and Maori: A Narrative of the Premier's Trip through the Native Districts of the North Island', AJHR, 1895, G-1, p 43

Tuhoe faced this mounting pressure from within its own ranks, and from constant Government exhortations as to the benefits that opening their boundaries could bring. Many Tuhoe, however, probably did not question these advantages. It was a question of what they would have to forego in order to reap the alleged benefits of Government-paid development. The larger issue underpinning the discussion was that of the mana and authority over the land; Tuhoe were acutely aware that they had not attained the official recognition of their own tribal committee structure that they had sought since the early 1870s.

This report has argued that this awareness produced a consequent adjustment of Tuhoe strategy in the 1880s and 1890s, one that recognised the need for the development of a political model that could both protect the Tuhoe tribal estate and co-exist within the broader, national political framework. Tuhoe wanted legal protection, recognised by the Crown. There was still the matter of getting the Government to amass the political will to negotiate with Tuhoe on some form of 'settlement', and it seems that this materialised only after strong Tuhoe protest about surveys brought the tribe and the Government, again, to the brink of armed conflict.

That self-government was uppermost in the minds of many Tuhoe was demonstrated by the discussions held between Tuhoe, Seddon, and Carroll in 1894. These discussions formed the backdrop of negotiations to the passing of the Urewera District Native Reserve Act 1896 (hereafter UDNRA 1896). Tuhoe repeatedly rejected the idea of the Native Land Court investigating the title to their lands, offering that a Tuhoe committee would be best placed to investigate land title and the 'difficulties' that existed amongst them. It would be very interesting to further investigate exactly what Tuhoe meant when they referred to self-government and controlling their own affairs. There is suggestion, especially at the Ruatoki meeting, that there was a divide between more moderate chiefs such as Numia Kereru, who tried to 'uphold' the Government, and the general tribe, ever suspicious of the motivations of the Crown agents. The discussion Seddon and Tuhoe had at Ruatahuna, however, seemed to indicate that Tuhoe believed that their desired self-government was not inconsistent with their co-existence with, and recognition of, the sovereignty represented by the Government. They did, however, want a committee that held more power and initiative than the advisory body mooted by Seddon.

The Government, for its part, desperately wanted to get Tuhoe recognition of the Queen's sovereign right. Seddon wanted to be able to tell the nation that it was he who had brought the 'turbulent' Urewera under the mantle of the law of the dominion. By 1895, however, Seddon realised that securing Tuhoe recognition of the Crown meant making real concessions to Tuhoe desires for local autonomy. The Premier was politically able to bring the UDNRA 1896 to fruition because there was, at the time, a temporary abatement of settler pressure for the purchase of Maori land (which resumed early in the new century). The Act appealed to the 'humanitarian' sentiments of a new Liberal majority and to the motivations of a settler populace that believed that the way was finally paved for the extension of settlement and free enterprise in the Urewera.

It might be argued, then, that Tuhoe agreement to the UDNRA 1896 legislation carried with it the implicit (if reluctant) recognition of the Crown's sovereign right, yet, when Seddon introduced the Bill in the House, he also referred to the UDNRA 1896 as the legal recognition of the agreement made with Donald McLean 25 years earlier. Tuhoe had won important concessions of principle in the legislation. Of particular note was the balance struck between hapu and tribe. Each block, which were to be defined as hapu blocks, could elect its own local committee to promote the wishes of the owners of that block, but it was a general committee, elected from representatives of the local committees, which would hold the power of alienation of Urewera lands. Moreover, the decisions of the general committee were to be binding on all local committees and Urewera owners. The authority of the tribe, and the deference of hapu to the wishes of other owners, was underlined. As we have seen, however, the Governor in Council had the power to prescribe the duties and functions of the Urewera committees and, from Tuhoe's point of view, this must have been viewed as a serious flaw. It would have to be questioned whether this provision was fully debated when the Tuhoe delegation visited Wellington in 1895.

That Carroll intended alienation of Tuhoe lands by lease at some future time was made clear by his addition to the Act of a clause containing this provision. Until Tuhoe were in a position to farm their own land, they could lease the surplus. This was Carroll's taihoa policy at work.

Through their efforts Tuhoe were able to attain what must be seen as the genuine concessions contained in the Urewera District Native Reserve Act 1896. Although Carroll had envisaged the eventual leasing and sale of some of the Urewera Reserve lands he could not have had in mind the outright sale to the Crown of two-thirds of the tribal estate by 1926 (the actual outcome). Although the cynical prophecies made by Russell, Leader of the Opposition, in debate over the Act became, to a considerable extent, a chilling reality, the Act was not designed to deceive Tuhoe. Nevertheless, considering their personal and political philosophies, the roles of Carroll and Ngata after 1910 in the subversion of the Tuhoe general committee (who offered only limited leases), in order to attain freehold interests for the Crown in the Urewera, is something of a puzzle and will be explored in later chapters.



## THE DETERMINATION OF UREWERA TITLE

### 7.1 THE FIRST UREWERA COMMISSION

Following the passing of the special legislation for the Urewera district in 1896, both Tuhoë's and the Government's attention was squarely focused on the determination of title to the vast area of approximately 656,000 acres that comprised the newly created Urewera reserve. This chapter examines the investigation of title to the reserve undertaken by the first Urewera commission between 1899 and 1902, and the consideration of numerous appeals against these titles by the second Urewera commission, also called the Barclay commission, in 1906–07. Final adjudication of Urewera appeals was conducted under section 50 of the Land Act 1909 by Chief Judge Jackson Palmer in 1912. Because the area of the Urewera under title investigation was so vast, it is impossible for this report to canvass the investigations of all the blocks within the reserve, so this chapter, while noting general themes and developments relevant to the investigation into the Urewera titles, proceeds on the basis of case studies, usually of the most important or contentious blocks.

Under the terms of the UDNRA 1896, the Urewera commission comprised seven commissioners, five of whom were to be Tuhoë and the other two Pakeha officials.

The Tuhoë commissioners were Numia Kereru, Tutakangahau, Mehaka Tokopounamu, Te Pou, and Hurae Puketapu, and the Pakeha commissioners were Judge Butler of the Native Land Court and the Surveyor-General, S Percy Smith. Smith was appointed chairman of the commission but, upon his resignation in 1900, was replaced by Judge Scannell of the Native Land Court, who also assumed the chairmanship of the commission. Title orders for the Ruatoki blocks, brought under the commissioners' jurisdiction by later amendment in 1900, shows that Gilbert Mair had replaced Scannell for these hearings, because Scannell had originally sat on the 1894 Native Land Court investigation of Ruatoki.

There is precious little information on just how these individuals came to sit on the commission, but a Department of Lands and Survey report noted that, while the Native Minister administered the Act, the department had had the greater part to play in its implementation to date.<sup>1</sup> When Harry Mitchell, who had previously worked in Maori land purchase, offered his services as a Pakeha commissioner, Cadman replied that the Surveyor-General (who was also Secretary for Crown Lands) – that is, Percy

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1. 'Annual Report on Department of Lands and Survey', AJHR, 1899, c-1, p x. Research for this chapter included a search of Department of Lands and Survey registers, which turned up file references for this early administration of the UDNRA 1896. Unfortunately, I have not been able to locate them at archives.

Smith – was advising the Government on the matter.<sup>2</sup> The extent of Smith's familiarity with Tuhoe remains unclear, but he described himself as 'persona grata' in the eyes of Tuhoe at the time of his appointment.<sup>3</sup> Wiri notes that Smith presented a flag to Tuhoe inscribed with 'Te Ture Motuhake o Tuhoe' at the beginning of the commission's hearings.<sup>4</sup>

Elsdon Best acted as secretary to the commission for most of its term and was a fluent Maori speaker. Best was familiar with Tuhoe, having previously had an influential mediating role between them and the Government in negotiating road construction in the Urewera in 1895, and it would be interesting to research Best's influence with the commissioners as they determined title between disputing hapu. Perhaps Best acted as some sort of mediating influence between the Tuhoe and the Pakeha commissioners, though S Webster suggests that Best's familiarity with Tuhoe may not have always worked to their advantage.<sup>5</sup>

Percy Smith and Elsdon Best had a relationship that preceded the Urewera commission, having served together in the Armed Constabulary in Taranaki. Both were active ethnologists and contributors to Polynesian Society proceedings. Best, too, had worked previously for the Department of Lands and Survey. It may be that Best had also had an established relationship with the Tuhoe commissioner Tutakangahau, who is cited as Best's main informant for his work on Tuhoe, as well as with Paitini Wi Tapeka.<sup>6</sup> Sissons says that Best's close relationships with some Tuhoe meant that he was drawn into local disputes over block boundaries, and he was accused by the Native Department of deliberately fomenting trouble in the district. Best threatened to quit the Department of Lands and Survey, but his friend Percy Smith quickly arranged for Best to become the secretary of the Urewera commission, a post he held until 1903.<sup>7</sup>

It was obviously necessary that the Tuhoe commissioners were representative of major descent groups within the Tuhoe rohe potae, but it also appears that some of these individuals at least were known and approved of by Carroll before their appointments. In a letter to Seddon, Tutakangahau's son called his father 'the Government representative within the Tuhoe Rohe Potae' who did not 'fall away from the law'. Carroll subsequently noted that Tutakangahau was very loyal, and it is clear that the old chief was considered agreeable and relatively 'progressive'.<sup>8</sup> Mehaka Tokopounamu had been appointed an assessor under the Native Land Court Act 1894, apparently at Carroll's request.<sup>9</sup> Numia, of Ngati Rongo, was regarded as a

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2. Native Minister to Harry Mitchell, Rotorua, 4 February 1897, MA 30/5, outwards letter book of Native Minister, NA
  3. This information comes from Brad Patterson of Stout Centre at Victoria University of Wellington, who is editing Percy Smith's memoirs.
  4. Robert Wiri, 'Te Wai-Kaukau o nga Matua Tipuna: Myths, Realities, and the Determination of Mana Whenua in the Waikaremoana District', MA thesis, University of Auckland, 1994, p 248
  5. Steven Webster, 'Urewera Land, 1895–1926: A Tentative Historical Survey of Government and Tuhoe Relations as Reflected in Official Records', unpublished paper, University of Auckland: Department of Anthropology, 1985, p 10
  6. Elsdon Best, *Tuhoe: The Children of the Mist*, 2nd ed, 2 vols, Wellington, AH and AW Reed, 1972, vol 1, p viii
  7. Jeffrey Sissons, *Te Waimana: The Spring of Mana – Tuhoe History and the Colonial Encounter*, Te Whenua Series No 6, Dunedin, University of Otago Press, 1991, p 4

leading Tuhoe rangatira, and politically powerful, and could not have been left off the commission. In the absence of much available information concerning Hurae's or Te Pou's relationship with the Government, it seems that the Tuhoe commissioners were deemed moderates, prepared to negotiate and compromise with the Government, unlike a considerable number of their kin.

Regulations governing the procedure of the commission were gazetted on 8 December 1898. They made requirements for the date and place of the commission's sittings to be notified in the *Kahiti* and *Gazette*, and deemed that the chairman may adjourn the sittings 'from time to time or from place to place'. The regulations stipulated that the chairman of the commission had to be one of the two Pakeha commissioners and that he was to be elected by the remaining commissioners. In his absence, the other Pakeha would hold the chair. Four commissioners were held to constitute a quorum, and the commission's proceedings were to be recorded in its own minute book. Of most interest was the regulation that enabled the commissioners to 'make by laws for the conduct of their proceedings, and for the order and good conduct of persons attending the proceedings'. It appears that, beyond the few prescriptions outlined in the *Gazette*, the commissioners' powers were never clearly defined and they were at liberty to make their own rules as to how the inquiry would proceed.

Preparation of the sketch plan surveys required under the Act delayed the actual investigations into the blocks until February 1899, when the commission convened for the first time at Whakatane. The early sittings appear to have had the purpose of deciding how the commissioners could 'best carry out the provisions of the Act'.<sup>10</sup> The commissioners then heard evidence in the main Tuhoe centres of Ruatoki, Waimana, Te Houhi, Te Whaiti, Ruatahuna, Maungapohatu, and Waimako between February 1899 and October 1902. The Urewera minute books record the details of evidence presented to the commission, and also the commission's conclusions concerning valid claimants, block boundaries, and relative shares.<sup>11</sup>

The UDNRA 1896 seems to imply that the title determination was to be carried out under the majority influence of the Tuhoe commissioners. It seems, however, that a number of the Tuhoe commissioners were unable to sit at any one time because of their interests in the blocks being determined. Numia appears to have recognised that this would be a problem early on in the commission because, on the second day that the commission met in Whakatane, he moved that interested commissioners should not take part in decisions affecting block boundaries or relative interests.<sup>12</sup> In 1900, an

8. Tutakangahau to Seddon, 23 July 1896, J1 1896/965, box 483, NA. Tutakangahau had previously requested that a geologist be sent to Maungapohatu, that a policeman be stationed in the Urewera, and that roads be made to Maungapohatu. He also wanted his son appointed an assessor. From his correspondence, it seems that Tutakangahau considered himself, along with Numia, as entitled to act on behalf of Tuhoe in their dealings with the Crown: see Tutakangahau to Seddon, 24 September 1894, J1 1894/1424, box 458, NA.

9. See J1 1895/1019, box 439, NA

10. 'Annual Report on Department of Lands and Survey', AJHR 1899, c-1, p xi

11. Most of the recorded evidence in the Urewera minute books is in Maori, but there are sometimes English summaries of entries on particular blocks. These summaries, however, appear to be quite general. English translations of some major evidence can be found in Urewera minute book 4.

12. 2 February 1899, Urewera minute book 1, p 10

amendment of the 1896 Act disqualified any of the commissioners with personal interests in the blocks from sitting or voting on its ownership. This was in recognition of the fact that ‘wherever the Commissioners sat it was found that two or three, or in some cases the whole, of the [Tuhoe] Commissioners were personally interested’.<sup>13</sup> The amendment also allowed for the Pakeha commissioners to decide ownership by themselves or to co-opt non-Tuhoe Maori to sit with them, but this power does not appear to have been exercised, in spite of difficulties obtaining a quorum of four commissioners on many occasions. Examination of the title orders published in 1903 reveals that many of the blocks are signed by just two or three commissioners; Tutakangahau in particular appears on very few orders. The lack of a Tuhoe majority at most of these sittings must have affected their influence vis-à-vis the Pakeha commissioners, though perhaps a thorough examination of the Urewera minute books would be needed to establish this. It does seem clear, however, that this situation undermined the essential concept of Tuhoe determining their own titles with the aid of Pakeha administrators.

The commission’s task was to divide the Urewera district into hapu blocks and to determine ownership of those blocks. This division was to be based as far as possible on traditional hapu boundaries and their landmarks, but in fact the commission worked diligently to reduce original claims for 58 hapu areas down to only 34 blocks.<sup>14</sup> It was later noted that, if the commission had worked with distinct hapu boundaries, then interests would have been scattered in many blocks and also, presumably, this would have taken much time.<sup>15</sup> Instead, the commissioners adopted a simplification that required that separate hapu were grouped together in single blocks, a problematic situation which resulted later in many hapu appeals for partition.

It became clear, as the commissioners proceeded, that the nature of Tuhoe customary tenure meant that the neat division of the area into hapu blocks was impossible to achieve. Percy Smith, in an annual report as Secretary for Crown Lands and Surveyor-General, wrote that:

It was soon found that practically there are no such things as defined hapu boundaries such as were acknowledged by the people as belonging to any given hapu to the exclusion of others. As a matter of fact, nearly the whole area is subject to overlapping claims, sometimes three or four claims, one on top of the other with discordant boundaries; and the hapus are so mixed by intermarriage that it is difficult to say to what hapu any particular individual of the tribe belongs.<sup>16</sup>

Thus, claims to the 34 blocks reflected the fact that many individuals could rightfully claim under several hapu in more than one area, and that hapu areas were not coterminous with block boundaries as defined by the commission.<sup>17</sup> To take the example of the Ngati Koura claim, heard in conjunction with Te Purenga block,

13. J Carroll, 18 October 1900, NZPD, 1900, vol 142, p 425

14. ‘Report of the Chairman of Commissioners Appointed under the Urewera District Native Reserve Act 1896’, AJHR, 1902, G-6

15. Chief Judge Jackson Palmer, ‘Decisions under Section 50 Affecting the Urewera Native Reserve’, March 1912, in Jackson Palmer to under-secretary, Native Department, 6 May 1912, MA13/90, NA

16. ‘Annual Report on Department of Lands and Survey’, AJHR, 1899, C-1, p xi

Smith's notes make it clear that there were 13 separate claims to this block, or parts thereof, owing to the nature of the boundaries. While the commissioners were considering Te Purenga with the aid of a prepared sketch plan, Ngati Koura interests were noted in the west part of Parekohe block, outside Te Purenga boundaries (as they were then), an area also claimed by Ngai Turanga. Ngati Koura also claimed, in part or in whole, in Whaitiripapa, Poroporo, Te Wairiko, Ruatoki South, Te Tuahu, Te Pohue, and Oturupua. These areas were described by Smith as 'divisions' within the boundaries of the Ngati Koura claims at Te Purenga, so it seems that Te Purenga had originally been a larger block, as the 'divisions' named (except the last two) appear as separate blocks in the boundaries and orders published in 1907. The other two areas were noted as unsurveyed areas lying within other block boundaries.<sup>18</sup>

Given difficulties of this nature, it was decided that the title to the whole area would have to be investigated before the commission could finally determine any block boundaries. After receiving all claims, counterclaims, and lists of names of claimants, and assembling a rough plan of boundaries of hapu blocks, the commissioners adjourned on 6 April.

Official reports record that the commissioners were well received by Tuhoe, who were described as 'most anxious' to see the work done and 'very tractable and amenable to discipline'.<sup>19</sup> Yet, it appears, there was still latent suspicion of the commission's work. At Waimana, the chief Tamaikoha stated that the Waimana people would not hand in owners' lists until they had an understanding of how the commission worked.<sup>20</sup> More seriously, Hori Wharerangi, who represented the Ngati Ruapani and Waikaremoana iwi, said that he wished to withdraw their lands from the jurisdiction of the commission.<sup>21</sup> According to Robert Wiri, Hori Wharerangi complained of the poverty that had resulted from confiscation of Ngati Ruapani's lands and dealings with the Native Land Court, and the fact that Waikaremoana lands had been included in the Tuhoe rohe potae without consultation with Ngati Ruapani. Hori stated, 'after the investigation of title the Government will dig out the land interests. I am defying this [investigation] because of my fear of becoming landless.'<sup>22</sup>

The commissioners pointed out the dangers of not defending tribal interests in the face of competing claims and stated that they could not grant Hori's request. The following day, Ruapani were compelled to hand in their list of owners for Waikaremoana.

In spite of Carroll's prediction that the commission's work would be easily carried out, the hearings took much longer than anticipated. Certainly, the initial sittings seemed to spend much time explaining the UDNRA and the procedure of the commission to the assembled owners, and it seems that many of those appearing before the commission were unclear as to its precise functions. The minute books

17. Presumably, this was also the difficulty in producing sketch plans of hapu blocks, hence the long delay before the commission could begin work.

18. Papers of the Polynesian Society, MS1187, folder 292, ATL

19. 'Annual Report on Department of Lands and Survey', AJHR, 1899, C-1, p xi

20. 23 February 1899, Urewera minute book 1, p 60

21. 4 April 1899, Urewera minute book 1, p 186

22. Wiri, p 250

note that the commissioners retired after the first block hearing (of Waipotiki) to see if the process could be accelerated, the chairman having noted that it took the commission the same time to hear the block as it would have taken the Native Land Court to do the same work. Smith then noted that:

The Commissioners will undertake the best method of proceeding with this land so that the said land will be investigated easily and without adhering to Native Land Court Acts as these acts are executed with a great difficulty. We are not to investigate these lands so that they may be sold or lease [sic] but we are here to ascertain the electorate localities in this land.<sup>23</sup>

Commenting that the commission was not bound to operate under constraints imposed on the Native Land Court, the chairman then suggested that the cases proceed with the case conductors for each claimant group outlining their cases, which would then be followed by a commission judgment. The idea was to eliminate the lengthy cross-examination of witnesses by other claimants, which in Smith's view, took too much time and '[did] not bear much with the judgement of the cases'.<sup>24</sup> He added, more ominously, that, although the Government had decided that the owners were not to be charged for expenses incurred by the commission, if the claimants were to continue with Native Land Court procedure in hearing the cases, the Government could well change its mind and levy the owners with the commission's considerable costs.

Smith's suggestion met with the approval of the other commissioners, Mehaka adding that the smaller cases could be united with related major claims and presented as one claim before the commission. He urged that this could be done by the parties themselves outside the commission's time. Both Hurae Puketapu and Numia commented that the uniting of smaller claims would likely attract objections from claimants, thinking that they were being prevented from making all their claims. With this in mind, Numia suggested to the Pakeha commissioners that they were best placed to consider how to proceed, which indicates that Numia thought that the Pakeha commissioners would attract fewer accusations of partiality. Tutakangahau stated:

It is said in one section of [UDNRA 1896] that this land should be investigated according to Maori customs. But I am afraid that this Commission is rather inclined to adhere to the Native Land Court system of procedure.<sup>25</sup>

Whether Tutakangahau was referring to his fellow Pakeha commissioners is not clear, but the comment brought the response from Judge Butler that the commission's procedure was longer than that of the court. Butler then went on to point out the irony that the Government had created the commission in view of Tuhoe objections to the

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23. 26 February 1900, Urewera minute book 3, p 137. I am not entirely sure why Smith would refer to 'electorate localities'; possibly he refers to the local block committees yet to be elected and confirmed by the commission and, hence, to the block areas under their jurisdiction.

24. Ibid

25. Ibid, p 139

Native Land Court.<sup>26</sup> Judge Butler's progress report on the commission, dated August 1902, cited the following reasons for the difficulties:

Tuhoe were new to the work, and would not make the smallest concession, the result being that the ownership of each block was fought to the bitter end, notwithstanding the efforts made by the European members of the Commission to induce them to settle the ownership of, at any rate, the smaller blocks among themselves.<sup>27</sup>

It seems inevitable, given the purpose of the commission, that it would be extremely difficult to come to agreement on 'ownership' of any of these blocks, given the implications of exclusive rights conferred by the Pakeha concept of ownership as such. As Stokes, Milroy, and Melbourne have noted, the commissioners were in the process of translating occupation and usufruct rights (take) into ownership. Proving this ownership was contingent upon the demonstration of traditional use rights and occupation, which were based on rights of prior discovery, ancestry, or rights by gift:

The first two [prior discovery and ancestry] were often linked and it was take tipuna that was usually most important, particularly if continuous occupation, ahi karoa, by one or several descent lines could be demonstrated. Take raupatu, right by conquest, was also a strong argument and often hotly contested but had to be backed up by demonstration of continuous occupation . . . Take tuku in a few instances was significant, but not usually a major issue though [it] could be used as a way of including individual owners for some reason such as aroha when other grounds might not be strong.<sup>28</sup>

The question arises, then, as to how the commissioners could have taken the varying rights or interests, based on different take, into account when allocating shares in the blocks. The second Urewera commission commented that the original apportionment of shares by the first commission was not in accordance with Maori custom as was required by law (this is discussed in depth at section 7.3.4).

Evidence was presented to the commissioners, usually by case conductors, on various signs of occupation, such as kainga, urupa, fishing spots, and pigeon troughs. The latter, for example, were accepted as signs of occupation by the commission, which had to acknowledge that a large portion of the country was used only seasonally for food gathering or other resource exploitation. The commissioners noted that:

The occupation of the tangata-whenua would, be in its nature more that of a nomad people, than that of fixed permanent homes – for it must be remembered, that this was before the time of the kumara and where the people lived to a large extent on the wild birds, animals (kiore) fruits and roots. Hence they were hunters rather than cultivators and their occupation in a country such as Waipotiki would be confined to the

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26. Ibid

27. 'Report of the Chairman of Commissioners under the Urewera District Native Reserve Act 1896', AJHR, 1902, G-6, p 1

28. E Stokes, J Wharehuia Milroy, and Hirini Melbourne, *Te Urewera Nga Iwi Te Whenua Te Ngahere: People, Land and Forests of Te Urewera*, University of Waikato, 1986, p 15

occasional exercise of their rights, in seeking the wild produce of the forest. That this was the use to which the block was put, down to the present day, is obvious from the evidence whilst, at the same time, permanent occupations (due to possession of kumara) took place in parts.<sup>29</sup>

The commission ruled that:

Those who have remained on the land for three or four generations, although they have merely gone there to collect food and have not lived continually on it, that is regarded as occupation.<sup>30</sup>

On other occasions, the commissioners seemingly resorted to convenient solutions to terminate disputes between the counterclaimants. In the Waipotiki case, for example, all the commissioners agreed that the evidence was very confusing and it was difficult to decide who had been telling the truth. In order to fix boundaries between Waipotiki and Te Purenga, then, it was decided to fix a boundary by drawing a straight line between two trig stations.<sup>31</sup> As to the ownership of the block, there was much dispute as to the relative rights of the ancestor Rongokarae, a descendant of the captain of the Mataatua waka, and his two wives, who were tangata whenua through the ancestor Toi. One group had claimed through Rongokarae, with counterclaimants stating that their rights derived from the ancestor's wives. Hurae Puketapu stated, 'Let us announce that Rongokarae himself had no claim but that his descendants have . . . to prevent quarrelling'.<sup>32</sup>

While there is very little available information on how the commissioners resolved disputes among themselves, it appears that it was not an altogether successful enterprise. Frustrated by the inter-hapu disputes fomented by the commission, Hurae Puketapu wrote to Smith that 'the hapus of Tuhoe object strongly to our decisions in respect of their lands'. This had apparently boiled over into personal recriminations against the Tuhoe commissioners as Hurae referred to plans to remove them:

The commissioners who are to be entirely dispensed with are myself, Tu and Te Pou. Tamaikoha told me this personally. I asked him the reason but he would not divulge it, the only reason is Jealousy.<sup>33</sup>

By August 1900, both Hurae and Mehaka felt that the Tuhoe commissioners should be dispensed with and that Maori commissioners from other localities be appointed. Apparently, Mehaka and Tamana visited Wellington to petition Carroll on the matter. This moved Numia to comment that, if they wished to resign, 'then well and good'.<sup>34</sup> But there was more than personal animosity involved in the dispute, as Numia made clear:

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29. 10 March 1900, Urewera minute book 4, pp 82–83

30. Urewera minute book 2, p 19

31. Urewera minute book 4, p 18

32. Ibid, p19. Ngatirongo, then, though claiming from Rongokarae, were entitled to interests as offspring of Rongokarae's wives.

33. Hurae Puketapu to Percy Smith, 25 June 1900, papers of the Polynesian Society, MS1187, folder 297, ATL

34. Numia to Percy Smith, 9 August 1900, papers of the Polynesian Society, MS1187, folder 297, ATL



Well, in our opinion, if it is so [ie, if the Tuhoe commissioners were to be dismissed] this is a breach of the provisions of 'The Urewera District Native Reserves Act, 1896' . . . therefore we will not break the law, unless there is a general representation from the Tuhoe Tribe and that would be a matter for the Government to consider and further should a Commissioner wish to resign, that would be all right.<sup>35</sup>

According to Numia, much of this argument was the outcome of the commissioners' hearings at Ruatoki, at which he and Mehaka Tokopounamu had both claimed in certain blocks. Numia alleged that an unfavourable ruling by the commissioners had provoked Mehaka's calls for the Tuhoe commissioners' dismissal:

Well, that work [Mehaka's petition] is the action of the hapus who were found to be in the wrong by the Commission that sat at Ruatoki, the European Commissioners know that our investigation was properly conducted and the Commissioners dealt with the matter in such a proper way that a person who made a presumptive claim to the Block of another party, himself suffered.<sup>36</sup>

In addition, Mehaka and Numia were involved as counterclaimants and petitioners in the ongoing litigation in the Native Land Court concerning Ruatoki 1, 2, and 3 blocks. Because this block had gone to court before the passing of the Urewera district native reserve legislation, the Ruatoki block initially lay outside the commissioners' jurisdiction. It seems, then, that the pressures of being both counterclaimants and co-commissioners affected the unity of, and cooperation within, the commission.

There is evidence, too, that not all Tuhoe would accept the commissioners' arbitrations, most especially those of the Tuhoe commissioners, when quarrels broke out. The Pakeha commissioners relied on their colleagues to investigate these problems as they arose in the course of their work. Mika Te Tawhao, for example, wrote to the commissioners requesting that they stop another claimant from felling timber on the Paraeroa block until it had been adjudicated upon, and the chairman dispatched Numia to investigate for the commission, presumably confident that this was something that the commissioners could enforce.<sup>37</sup> However, it is clear that the commissioners encountered disputes that they were unable to resolve. The dispute over Ngaputahi in the Te Whaiti block was one such case. Rival factions had pulled down fences and destroyed houses, prompting the elders of Tuhoe to retire to hui at Ruatahuna to consider the matter. Tutakangahau wrote to Smith asking for instructions and was told to wait until the block had passed the commission. Resigned, Best commented to Smith that, in this instance, 'It is doubtful whether the Native Commissioners would do much good'.<sup>38</sup>

The commission's work dragged on into 1902, hampered by sometimes atrocious conditions. Occasional floods, sickness, and crop failure meant that there were periodic food shortages in the Urewera. These, coupled with the demands of hosting commission sittings, must have placed a great strain on the poor and small Urewera

35. Numia Kereru to James Carroll, 9 August 1900, J1 1898/1011, NA

36. Ibid

37. Mika Te Tawhao to Percy Smith, 4 August 1900, J1 1898/1011, NA

38. Tutakangahau to Percy Smith, 24 July 1900, J1 1898/1011, NA

communities, though Smith noted that Tuhoe treated the commissioners graciously, supplying food, accommodation, horses, and other needs.

Still, the hardships faced by Tuhoe in this period would have slowed the commission's progress. Tuhoe energies must also have been focused in other directions at this time; it seems that Numia and others were quite enthusiastic about the provisions for Maori land councils under the Maori Lands Administration Act 1900, and at one point the commission adjourned so that Tuhoe could vote for council members.<sup>39</sup> Later reports of the general conference held under the Maori Councils Act 1900 show that Urewera chiefs attended the conference and extended an invitation for the next conference to be held at Ruatoki.<sup>40</sup>

## 7.2 THE UREWERA DISTRICT NATIVE RESERVE AMENDMENT ACT 1900

While the Ruatoki block had been included in the schedule of lands subject to the UDNRA 1896, the Native Land Court investigation of this block and subsequent appeals had resulted in confusion as to the commission's powers in respect of the block. Initial investigation by the court commenced in 1894, and judgment was given in favour of the Ngati Koura, Ngati Rongo, and Mahurehure (a section of Ngati Rongo), and the Tuhoe or Urewera hapu. The block was then partitioned into three sections for each of the hapu.<sup>41</sup>

The court's award was largely one that favoured Ngati Rongo, and it prompted appeals, which were heard by the Appellate Court in 1896 under Judges Edger and Johnson. The result of their investigation was to include claimants who had been left out of the original awards for the Ruatoki blocks. Much of the debate, apparently, concerned the rights of those who had been forced to move back beyond the confiscation line to Ruatoki after the wars. The Appellate Court decision angered Numia, who sent a petition denouncing the inclusion of these owners:

What the proper rights of this claim were the Court did not explain. Neither Te Makarini, Te Ahikaiata, Hemi [Kopu] nor Tamaikoha had any pas, kaingas or dead on the land from the time of their ancestors down to their own time.<sup>42</sup>

Another who had been included in the lists for Ruatoki 2 and 3 by the Appellate Court was Mehaka Tokopounamu. Numia, noting that Mehaka's claims were disallowed in 1894, countered that Mehaka and the ancestral line from which he claimed had failed to demonstrate permanent occupation on the blocks.

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39. Urewera minute book 6, 17 May 1901, p 2. This is puzzling because section 3(b) of the Maori Lands Administration Act excluded the Urewera lands from the Act's provisions.

40. See 'Report of the General Conference Held under the Provisions of the Maori Councils Act 1900', AJHR, 1903, G-1, pp 3, 8. Interestingly, the Mataatua council applied for its southern boundary to be extended to the south-east side of Lake Waikaremoana so as to take in Tuhoe pa in that area.

41. Refer to Judge Scannell's minute book 43, 25 September 1894, fols 160-170, and Whakatane minute book 4, 23 November 1894, fols 126-129

42. Petition 348/1897 of Numia Kereru and 59 others, J1 1898/1011, NA

Before the Appellate Court decision could be implemented, the Urewera District Native Reserve Act 1896 was passed, which, under section 3, removed the block from the jurisdiction of the Native Land Court. However, the Act was not retrospective, and so the 1894 decision of the Native Land Court was not affected. While this would have undoubtedly pleased Numia, it upset Mehaka and Te Amo Kokouri, who sent a petition requesting the Government to allow another court sitting to repartition Ruatoki and adjust the ownership lists.<sup>43</sup>

Numia, meanwhile, asked Carroll to pass laws enabling the commissioners to partition the Ruatoki blocks so that some of the land could be leased to discharge the survey liens due on them.<sup>44</sup> The survey charges seem to have been an issue of great concern at the time; the Mahurehure hapu had written several years before that severe flooding at Ruatoki had destroyed crops, which meant that they could not pay the interest due on the survey charges. Repayment had been delayed, the writer said, because 'in years past we were continually disputing about the land'.<sup>45</sup>

The question of the commission's jurisdiction over the Ruatoki block was referred to Chief Judge Davy, who opined that, in order to give full effect to the UDNRA 1896, the proceedings of the 1894 sitting would have to be annulled. Percy Smith agreed that special legislation was necessary and said that Tuhoe were anxious to have the case decided.

These concerns were addressed in the Urewera District Native Reserve Amendment Act 1900, which attempted an appeasement of both Mehaka's and Numia's demands. Under section 2 of the Act, the Ruatoki block was declared 'Native land' as defined by the Native Land Court Act 1894, but was held to be subject to the UDNRA 1896. All Native Land Court orders in respect of the block were deemed void, and the commissioners were empowered to hold a new investigation of Ruatoki. This would have satisfied Mehaka, and also those Tuhoe concerned to remove the block from what was likely perceived as the greater possibility of alienation through the court, but Numia's reaction made it clear that he had not been consulted by Carroll on the matter:

- What will be done with regard to the survey charges?
- What will be done with regard to the costs connected with the cases?
- What will be done with regard to the money spent for the maintenance of the Maoris conducting those cases?
- What will be done with respect to the money paid as deposits in connection with applications for re-hearings?
- What will be done with respect to money paid for services of clerks?
- Will these moneys be refunded to the Maoris?<sup>46</sup>

Numia preferred that the block be kept out of the reserve and had apparently anticipated that a portion would be referred to the Maori land council for leasing in

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43. Mehaka Tokopounamu and Te Amo Kokouri, 14 December 1897, petition 356/1897, J1 1898/1011, NA

44. Numia Kereru to James Carroll, 30 April 1900, J1 1898/1011, NA

45. Te Hata Tokotu and Mahurehure to R Seddon, 20 June 1898, J1 1898/1011, NA

46. Numia Kereru to Carroll, 24 July 1901, J1 1898/1011, NA

order to pay for the survey. It seems that enabling the land to raise money for the surveys as soon as possible was a more pressing issue for Numia than bringing it under the control, ultimately, of the general committee.

The 1900 Act did, however, enable the commissioners to partition blocks, a power that both Numia and Mehaka considered desirable, as well as giving statutory weight to Numia's motion removing interested commissioners from hearings. Perhaps bringing Ruatoki under the commission against Numia's explicit wishes was a means by which Carroll could stall the commission's critics, such as Mehaka, who charged that Numia and Ngati Rongo wielded undue influence in arrangements for the rohe potae. Although the Tuhoe general committee was not officially formed until 1909, Numia and Ngati Rongo of Ruatoki did exert considerable influence within Tuhoe and in relation to the Government in the period before its formal appointment. S Webster suggests that a *de facto* committee operated, and Numia's correspondence with Carroll makes it clear that his concerns regarding Urewera lands administration usually found ready consideration with the Government.<sup>47</sup>

By late 1900, however, it appears that Carroll and the Government had grave anxieties about the commission's progress and about the factions developing, which might have delayed title determination even longer. It was imperative from the Crown's point of view that the titles were settled as quickly as possible because then the question of lease or sale of Tuhoe lands could be addressed. Under the UDNRA 1896, the alienation of land was contingent upon the recommendation of the general committee, which in turn was to be drawn from the membership of the local block committees, which could not be set up while the titles were still in disarray.

Thus, Carroll moved to take the question of leasing in hand. Under sections 5 and 6, the Native Minister 'on the recommendation of the Commissioners, and whenever it appears to the advantage of the Native owners to do so' was empowered to set aside land for village sites, and could set aside any Urewera land for leasing for periods of 21 years. Carroll told the House:

Then, we have considered it advisable that, in the event of the Commissioners dealing with these lands, they shall proceed further and cut up what portions of land by arrangement with the Natives may be necessary for leasing, and to lease the same as if it were Crown lands under the laws which affect the letting of Crown lands at the present time.<sup>48</sup>

Carroll went on to earmark the Ruatoki block as 'the most important block in the district' as it was land suitable for Pakeha settlement, and was adjacent to the recently acquired Opouriao estate, which lay over the confiscation line to the north. It became apparent that both the Government and the Opposition expected that the land would soon be leased to settlers, in spite of the fact that the structures envisaged in the UDNRA 1896 had yet to be set up. To get around this, section 9 of the Act allowed the commissioners to assume the functions and powers of the committees, with their decisions being binding on all owners.

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47. S Webster, p 12

48. J Carroll, 18 October 1900, NZPD, 1900, vol 115, p 424

The Act also stipulated that the proceeds of the proposed leases would be applied to the payment of expenses incurred by the Urewera commission and of any survey made under the 1896 Act or its amendment. This must have been an unpleasant surprise for Tuhoe, having been reassured under sections 7 and 25 of the original Act that the costs of sketch plans and administration of the Act would be borne by the Government.<sup>49</sup>

Carroll stated that the amendment Bill was based on recommendations made in a report of the European commissioners. This, in conjunction with the powers now reserved to the Native Minister and the fact that Numia complained of lack of consultation over the Act, all indicate an attempt to wrest initiative on Urewera lands policy from Tuhoe control. However, the Urewera commissioners, most of whom were Tuhoe, still had to make a recommendation for such a course of action.

The Opposition was quick to sense that the Act was a step away from the original principles of the UDNRA. Herries stated:

Now we have a Native Land Act passed that is practically giving the same powers to a Board that are given to the Commissioners in this Bill. I do not see why special legislation should be continued, and why the benefits of the Native Land Act we have just passed should not be extended to the Urewera district.<sup>50</sup>

He then went on to comment that none of the local block committees had been set up and he thought that section 9 would result in the committee system being abandoned, which he thought would be wise. S Webster has noted that, under the 1896 Act, 'an initial centralisation of authority in the Commission (Tuhoe and Pakeha) had to be democratically decentralised before the powerful authority of the Urewera General Committee could operate officially'.<sup>51</sup> The 1900 Act, then, sidestepped the democratic structure in favour of consolidating power in Carroll and the commissioners, and indicated that the Government was prepared to undercut the principles upon which Tuhoe had agreed to title determination. The Government appears to have taken this step in order to appease settler pressure and in response to problems and delays with the commission. The amendment Act could be seen, then, to represent a fundamental shift in the balance of power between Tuhoe and the Government.

### 7.3 THE SECOND UREWERA COMMISSION

Even before the first commission had finished hearing all the Urewera blocks, appeals were streaming in to the Native Office demanding rehearings and list adjustments.

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49. Perhaps this means that the Government would pay for the initial sketch plans necessary for the commission's work, but that subsequent surveys, necessary if the land were to be subdivided and leased, would have to be paid by Tuhoe. This is unclear.

50. W Herries, 18 October 1900, NZPD, vol 115, p 425

51. S Webster, p 12

Section 10 of the UDNRA 1896 had provided for appeals to be made to the Native Minister, who was authorised to ‘direct such expert enquiry and report as he thinks fit’, and could confirm or alter the original orders after considering the appeal reports in whatever manner he thought fair. There were 172 appeals published in the *Kahiti* and *Gazette* in November 1906, and a further 49 appeals made on the Ruatoki block alone.

In light of the frictions generated by the first commission and subsequent requests from Mehaka and others for the dismissal of the Tuhoe commissioners, it is perhaps not surprising that Carroll decided to forego any Tuhoe representation on the second Urewera commission. Instead, Carroll appointed D F G Barclay, a judge of the Native Land Court, Gilbert Mair, who had already sat on the first commission for some hearings and who had commanded Arawa and Ngati Manawa auxiliaries against Tuhoe in the New Zealand wars, and Paratene Ngata of Ngati Porou, an expert in matters of tikanga and a trusted Native Land Court assessor. Mair pointed out to Carroll that he would be unacceptable to appellants for Ruatoki because he had sat on the block for the first commission, so Carroll appointed Judge Barclay and Paratene Ngata to hear the appeals on that block.<sup>52</sup>

The Native Department advised Carroll that the appeal process would require about three months’ work, and the commissioners were given until 31 March 1907 to issue their report. This time proved inadequate; Mair, who was under no illusions about the task that confronted them, commented, ‘I very much doubt whether in the annals of Native land titles, a more intricate or difficult task could be found’. By the beginning of March, he was asking for an extension, commenting that the work had proved ‘very arduous’. The commissioners issued their report on 28 May 1907.<sup>53</sup>

It had become clear that the Urewera commission faced at least two major disaffected groups, which were unhappy that their land had been included in the Tuhoe rohe potae and which pleaded with Carroll to have their land removed from UDNRA jurisdiction. These groups were the Ngati Manawa and Ngati Whare based in the Te Whaiti blocks, and the Ngati Ruapani of Waikaremoana. Their wishes were not acceded to, but appeals concerning their respective lands occupied much of the second commission’s time.<sup>54</sup>

### 73.1 The Waikaremoana block appeals

According to O’Malley, the first commission’s hearing for the Waikaremoana block had proceeded ‘remarkably smoothly’ in view of the contested nature of land rights at Lake Waikaremoana and in spite of the Ngati Ruapani attempts to withdraw their lands from the commission.<sup>55</sup>

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52. See *New Zealand Gazette*, vol 1, 10 January 1907, p 44; H Edger, under-secretary, to Barclay, 20 December 1906, MA1 1907/152, NA

53. G Mair to J Carroll, 30 September 1906, MA1 1907/152, NA; G Mair to J Carroll, 1 March 1907, MA1 1907/152, NA

54. Sources for information on these appeals largely derive from the published AJHR report of the Urewera commissioners and sundry secondary sources. This writer has not had access to the minute books of this second commission, ‘the Barclay minute books’, thus, some detail is necessarily sketchy.

Tuhoe and Ngati Ruapani had come to an arrangement concerning the block ownership, so that, when they appeared before the commission, they had jointly claimed title on the basis of Tuhoe conquest of Ruapani 'proper', with the aid of those sections of Ruapani allied with them. Apparently, Ngati Kahungunu had sent a representative to 'correct' the iwi boundary between themselves and Tuhoe, but his evidence was dismissed by Tuhoe, and the commissioners struck out the only Kahungunu list submitted.<sup>56</sup> Wiri alleges that James Carroll and Wi Pere then advised Kahungunu to return to Wairoa and await appellate hearings, the implication being that they would receive more favourable consideration in that forum.<sup>57</sup> Certainly, as O'Malley notes, the fact that Tuhoe were not represented on the second commission definitely enhanced Kahungunu's chances of inclusion in the Waikaremoana block.

Interestingly, the second commission began its hearings at Wairoa on 5 December 1906, despite being some distance from the Urewera reserve, and this sitting was largely concerned with evidence relating to Waikaremoana. The crucial issues considered at this sitting concerned the relationship of Ruapani to both Tuhoe and Kahungunu, neither of which denied Ruapani's rights at Waikaremoana based on ancestry, but which debated the independence of Ruapani vis-à-vis the larger iwi. Consequently, the boundary between Tuhoe and Kahungunu was also a critical issue at stake.

Some Kahungunu witnesses presented ownership claims based on descent from the ancestors Pakitua and Ruapani, which were supported by Ngati Ruapani and accepted by the commissioners; other Kahungunu appeals were dismissed on the ground of insufficient occupation.<sup>58</sup> By far the most controversial appeals, however, were lodged by Haenga Paretipua on behalf of Ngati Kahungunu, based on descent from the ancestors Makoro (who laid down the boundaries of the land), Tamaterangi, and Pukehore. Kahungunu cited evidence that descendants of Makoro had been supplied with food from this land by descendants of the ancestor Ruapani, and that this practice had continued down to the time of Karihanga, who died in about 1864.<sup>59</sup> Apparently, Ngati Ruapani, while admitting the truth of this story, argued that it meant that Kahungunu had rights to food from the land, but not rights to the land itself.<sup>60</sup>

Kahungunu cited further evidence of their rights to the land by noting the sales of land on the *southern* shores of Lake Waikaremoana that had occurred in 1875:

These Ngati Kahungunu claimants further contend that when a part of this land was sold to the Crown in days past, such sale was made by themselves alone, but certain

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55. V O'Malley, 'The Crown's Acquisition of the Waikaremoana Block, 1921-25', report commissioned by the Panekiri Tribal Trust Board, May 1996 (Wai 144 ROD, doc A7), p 38

56. *Ibid*, p 39

57. Wiri, p 254 (cited in O' Malley, p 39)

58. See appeal 85A by Kawana Karatau, in 'The Urewera District Native Reserve: Reports of the Commissioners Appointed under Section 10 of "The Urewera District Native Reserve Act, 1896"', and Order Made thereon by the Minister of Native Affairs', AJHR, 1907, G-4, p 12, and appeal 82 by Waaka Paraone Te Ranui, AJHR, 1907, G-4, p14

59. AJHR, 1907, G-4, p 12

60. Barclay minute book 1, p 39 (in O'Malley, p 42)

portions of the land which were then set apart as reserves out of the sold land, and in which members of the Tuhoe tribe were included, were arranged to be so reserved by the purchasing officers; and they further state that the permanent dividing boundary between Tuhoe and themselves was the mountain range of Huiarau, from Parahaki to Maungataniwha.<sup>61</sup>

In fact, Tuhoe and Ngati Ruapani *had* challenged the Kahungunu claims to this land (the Waiau, Taramarama, Tukurangi, and Ruakituri blocks) but were forced to withdraw their claims to the land under threat of confiscation pursuant to the East Coast Land Titles Investigation Act 1866. Hence, their claims were not properly investigated by the Native Land Court (see sec 5.5).<sup>62</sup>

The second prong of the Kahungunu appeal was an allegation that the Ngati Ruapani had never occupied the land:

They [Kahungunu] state that there were many kaingas upon the land, occupied during the period when the food of the land was being worked as described above, and that they only ceased to occupy the land after the introduction of Christianity, and that the persons – descendants of Pakitua – in the list now submitted for inclusion in this land, have never lived on this land, from former times down to themselves at this present day, and that no person whatsoever is living upon the land at the present time, and that Hurae Puketapu and his party are now living upon the reserves at Te Waimako.<sup>63</sup>

Te Waimako had become the main Ruapani settlement by this date, but evidence presented to the commissioners by Ruapani demonstrated small kainga and gardens around the lake that were in use at the time (and up till the time of the Crown acquisition of the Waikaremoana block in the 1920s).<sup>64</sup>

On the issue of the tribal boundary, the commissioners concluded that:

The main dividing tribal boundary between the Tuhoe Tribe to the westward and the Ngati Kahungunu Tribe to the eastward is, in our opinion, clearly established, seeing that it is declared by each of the two opposing sides that the mountain water-shed range of Huiarau is the boundary, and Te Whenuanui, one of the principal chiefs of Tuhoe living at Ruatahuna, stated to this Commission at Te Wairoa on the 19th December, 1906, that the Ruatahuna Block did not cross over the Huiarau range to the south-eastern side; and Te Wao Ihimaera, who is partly of Tuhoe and partly of Ngati Ruapani, stated: 'I admit Wi Pere's boundary which runs along the Huiarau Range, that is the same as my own boundary'. And again he says, 'That part of the land at the source of the Orangitutaetutu Stream which is in the Ruatahuna Block does not belong to Tuhoe, but to me on my Ngati Kahungunu side of the boundary'.<sup>65</sup>

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61. AJHR 1907, G-4, p 12

62. Refer to O'Malley, 'The Crown and Ngati Ruapani: Confiscation and Land Purchase in the Wairoa-Waikaremoana Area, 1865-1875', 1994 (Wai 144 ROD, doc A3)

63. AJHR, 1907, G-4, p 12

64. O'Malley, 1996, p 43

65. AJHR, 1907, G-4, p 13



According to Robert Wiri, the commissioners' conclusions on the Wi Pere boundary resulted from a misunderstanding of Tuhoe's evidence, particularly regarding the relationship between Tuhoe and sections of Ruapani. Wiri says that Te Whenuanui had in fact stated that the Ruapani block did not cross over the Huiarau Range to Waikaremoana because this range was a boundary between Tuhoe and 'the Ngati Ruapani who are also partly Tuhoe' and that the 'pure' Ruapani not of Tuhoe descent had no interests there; that is, the Huiarau Range was not a Tuhoe-Kahungunu boundary.<sup>66</sup> Wiri also says that Te Wao Ihimaera had stated to the commissioners that 'Huiarau is the ancestral boundary between Tuhoe and Ngati Ruapani – that is the name I prefer to call them because that is my own hapu'.<sup>67</sup>

What the Tuhoe and Ruapani witnesses were trying to express was the fact that Ngati Ruapani had intermarried with both Tuhoe and Kahungunu and had interests on both sides of the Huiarau boundary. Thus, the intermarriage of Tuhoe and Ruapani and their subsequent conquest of those Ruapani allied to Kahungunu was the crux of the combined Tuhoe-Ruapani claim to the Waikaremoana block. While the commissioners failed to understand this, and could not decide whether Ruapani's 'true claim' was ancestral or by conquest of Tuhoe-Ruapani over Ruapani Tuturu, they acknowledged that the Ruapani ancestral right was admitted by all and commented that:

A large number of persons, 729 in all, have been included by the previous Commission as owners of the Waikaremoana Block, and whether those persons are all Ngati Ruapani or purely Tuhoe it is, at any rate, plain to us that the persons amongst them who live at Waikare have been given the largest shares in the order.<sup>68</sup>

As to the Kahungunu claim, the commissioners decided that Kahungunu still held rights to the land and admitted 117 Kahungunu names to the ownership list for the block. Their decision cited both the mana of Te Kapuamatotoru over the food obtained on the land and the sale of lands to the Crown that lay outside the actual block in question. Oddly, the commissioners also cited 'the fact that the land is now lying unoccupied by either of the two contesting parties' as a reason for Kahungunu inclusion. This was a decision, then, that ignored Ruapani claims to be in occupation around the northern lake shores within the block boundaries, and asserted a Tuhoe-Ruapani acceptance of the Wi Pere boundary. O'Malley comments:

The 1907 decision with respect to the Waikaremoana block had no more resolved the tangled question of Kahungunu, Tuhoe and Ruapani rights and relationships with one another than had the highly unsatisfactory Native Land Court proceedings of 1875. Ngati Ruapani probably now felt that their initial concerns at the inclusion of their lands within the jurisdiction of the 1896 Act had been justified.<sup>69</sup>

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66. Wiri, p 262 (cited in O'Malley, 1996, p 44)

67. Ibid, p 263 (cited in O'Malley, 1996, p 44)

68. AJHR, 1907, G-4, p 13

69. O'Malley, 1996, p 47

### 73.2 Te Whaiti nui a Toi block appeals

As previously noted, there were many complaints to Percy Smith during the first Urewera commission concerning disputed territory in the Te Whaiti area. Tutakangahau, writing to Smith in July 1900, noted that there were four parties, headed by Pihopa, Te Whatanui, Paitini, and Te Kokau, contending for Ngaputahi, just one part of the block.<sup>70</sup> As a consequence of the first commission's award of the block to Ngati Whare and Tuhoe owners, there were 19 appeals that were arranged to be amalgamated and heard together, in cases where they had been lodged by different people of the same tribe or hapu. The commissioners' description of the Te Whaiti block gives an insight as to why the ownership of the land was a critical issue at stake between Tuhoe proper and the Ngati Whare–Ngati Manawa:

This Te Whaiti block is, in our opinion, one of the most valuable blocks of land contained within the Urewera District Native Reserve, its value being greatly enhanced by the fact that it carries a large area of forest country containing quantities of totara, rimu, kahikatea, matai, maire, and other valuable timbers. The block also contains a very considerable area of good open country, partly level and partly low hills and gently undulating country, and the mountainous south-eastern end of the block, adjoining Maungataniwha, is reported to be gold bearing country.<sup>71</sup>

According to Stokes, Milroy, and Melbourne, Maori had long settled in the Whirinaki valley in the Te Whaiti–Minginui area. Ngati Whare had expelled original tangata whenua inhabitants and had cleared large areas of bush suitable for growing potatoes and other crops.<sup>72</sup> Ngati Manawa had established themselves on the western slopes of the block, overlooking the Wheao and Whirinaki Rivers. Both the Ngati Whare and the Ngati Manawa people claimed descent from a migration from the Waikato by the ancestors Tangiharuru and Wharepakau, a distinct line from the Tini o Toi and Mataatua ancestry claimed by Tuhoe. Much of Tuhoe's claim to this block, then, derived from claims of conquest over Ngati Manawa, Ngati Whare, and Ngati Pukeko occupants of the block.

There was a tradition of conflict with Tuhoe hapu to the east, but Stokes, Milroy, and Melbourne note that Tuhoe had intermarried with these hapu and also settled at Te Whaiti.<sup>73</sup> In the New Zealand wars of the 1860s, however, Ngati Whare were allied with Tuhoe, whereas Ngati Manawa fought on the Government's side. Fighting in this district apparently also resulted in the evacuation of the southern part of the Whirinaki valley and concentrated settlement around Te Whaiti.<sup>74</sup> Undoubtedly, this dislocation was relevant in the competing claims for occupation of the block before the commissioners.

The commissioners decided that the Tuhoe 'conquests' of Ngati Pukeko were in the nature of retaliatory actions for former defeats and did not affect the ownership of the

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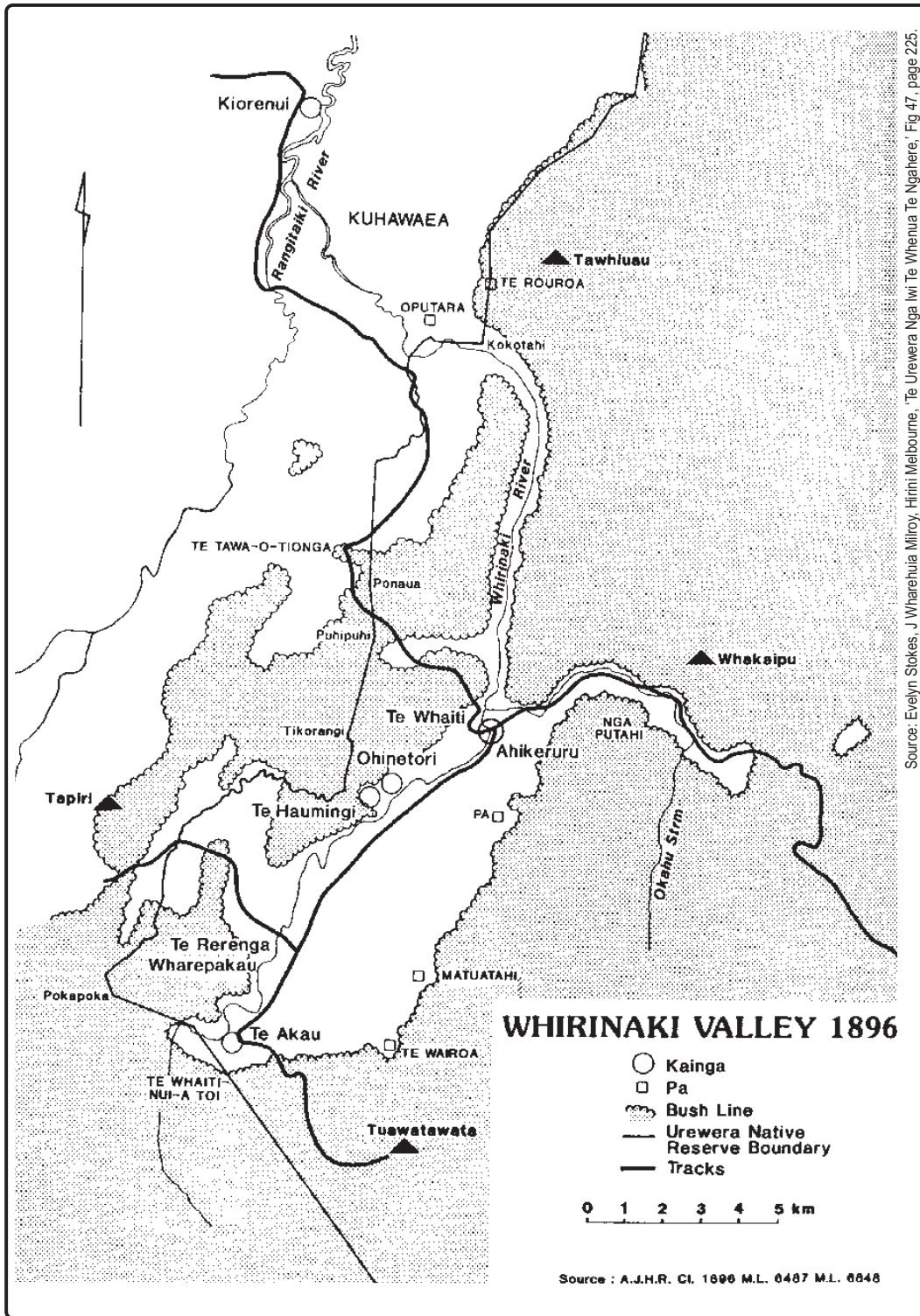
70. Tutakangahau to Smith, 24 July 1900, papers of the Polynesian Society, MS1187, folder 297, ATL

71. AJHR, 1907, G-4, p 24

72. Stokes, Milroy, and Melbourne, p 226

73. Ibid

74. Ibid



Source: Evelyn Stokes, J Wharehula Milroy, Hirini Melbourne, 'Te Urewera Nga Iwi Te Whenua Te Ngahere,' Fig 47, page 225.

Figure 16: Whirinaki valley, 1896

land, because they did not follow up their victory over Ngati Pukeko with subdivision of the land, nor did they occupy pa or kainga on the land. On the other hand, none of the appellant parties denied the occupation of Ngati Manawa and Ngati Whare both prior to and following the Ngati Pukeko defeat at Tuhoe's hands. Consequently, the commissioners revised the original award to Tuhoe claimants, stating:

Tuhoe have no right whatever to any part of the Te Whaiti Block, . . . We have been unable to discover that any persons of pure Tuhoe descent only have ever permanently occupied the land at any time down to the present day, the only persons of that tribe whom it is clear did occupy being persons of Tuhoe who are partly of Ngati Whare descent, and they are therefore Ngati Whare also. In regard to Paitini Tapeka, the principal witness in support of the Tuhoe case, there is no clear evidence that he permanently occupied the land.<sup>75</sup>

The Tuhoe names submitted for inclusion were disallowed, and further, their names already on the ownership list for Te Whaiti were struck off.

Ngati Manawa's claims, led by Te Whaiti Paora and Harehare Aterea, among others, were in the nature of disputing the boundaries of their claim, as well as submitting lists for inclusion on the title orders. At least one of their claims was set up under the ancestor Tangiharuru, but the commissioners remained undecided as to this ancestor's rights on the land, citing evidence given in an earlier Native Land Court case:

For instance, at the hearing of the Whirinaki block before the Native Land Court, Hapimana Parakiri [the current appellant], alias, Parakiri Rawiri, and Ngati Apa claimed under the ancestor Apa by conquest over the Marangaranga [an 'aboriginal' tangata whenua people], but a dispute arose between Ngati Manawa and Ngati Apa regarding these two ancestors, Apa and Tangiharuru, for Whirinaki Block, which adjoins this land; yet now these same two hapus are combined in setting up the right only of Tangiharuru and his descendants to this land, and Parakiri himself gives the main boundary of Tangiharuru's land, and yet it was he who opposed the claim under Tangiharuru at the time of the Whirinaki case. We therefore do not believe the boundary given by him now.

The only thing that is clear to us is that certain of the descendants of Tangiharuru had rights to certain pieces of land within the Te Whaiti block, Hape and Mahanga being those of his descendants whose rights are most apparent.<sup>76</sup>

So, while disputing the extent of the ancestral right under the ancestor Tangiharuru, the commissioners readily accepted that Ngati Manawa held rights at least on the western side of the Whirinaki River, presumably based on their continued occupation. They questioned, however, whether this claim extended as far as Te Haumingi, a main kainga on the block, or Te Motu o Titoko or Okarea: 'Whether this is all one land or separate and distinct pieces of land is not apparent'. It is interesting, though, that the commissioners had anticipated that the various competing parties

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75. AJHR, 1907, G-4, p 22

76. Ibid, p 23

on the block would undoubtedly occasion a partition of interests, and that it would be appropriate at the time of partition to decide whether the Ngati Manawa interest in the land was large or small. On this occasion, however, the commissioners were prepared to accept all the Ngati Manawa lists of names for inclusion in the block, a total of 188 individuals. This decision augmented the favourable rehearing that Ngati Manawa got for the Hikurangi–Horomanga block, where the southern portion of this block below the Horomanga River, containing their sacred maunga Tawhiuau, was awarded to Ngati Manawa, ‘added to the Tawhiuau portion of the Te Whaiti block’.<sup>77</sup>

The commissioners evidently favoured the Ngati Whare appeals, accepting the rights of Ngati Whare under the ancestor Wharepakau and the fact of their permanent occupation of Te Whaiti, this not being contested by other appellants: ‘their ‘mana’ to the land is not denied’.<sup>78</sup> The point of contention as far as the commissioners were concerned was the lists of names that Ngati Whare wanted to add to the title. The commissioners objected to many of these names because of a lack of evidence of occupation, but in deference to Ngati Whare, they agreed to permit a number of names from the lists (for example, they accepted four and crossed out 53 names from Tamati Waaka’s list). Explicit reasons for this selection of names was not given, but we can assume that some of these individuals were able to assert stronger occupation rights than others.

The commissioners’ decision with respect to Te Whaiti, then, was more radical than the list and boundary readjustments of many of the other appeals, because Tuhoe proper had been removed from the title altogether. Tuhoe, naturally, were angered by the decision and would later assert their preference for the first commission as the rightful adjudicators of the Urewera title. Ngati Whare, on the other hand, must have been bolstered by the commissioners’ decision, because the issue of who had the right of disposal with respect to the block’s resources became an issue in the following years. As to Ngati Manawa, the decision was favourable in so far as it admitted further Ngati Manawa owners into the block, but this would not stop Ngati Manawa representatives from trying to remove their interests from Tuhoe influence under the general committee in the years that immediately followed the issue of title.

### 7.3.3 The Ruatoki block appeals

The Ruatoki block was in a unique position in so far as it had had the benefit of an Appellate Court hearing prior to coming under the jurisdiction of the Urewera commission. In the event, the commissioners made extensive use of the evidence of those prior Native Land Court sittings.

The commissioners commented that they had not been able to find in the minute books of the first Urewera commission an actual judgment on the Ruatoki block, nor any reason for varying the original court orders, nor any rationale for the admittance

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77. Ibid, p 2

78. Ibid, p 23

of certain persons to the ownership lists, or reasons for the relative shares awarded. This was in spite of the fact that:

the orders of the previous Commission are widely different from the original orders of the Native Land Court and the Native Appellant Court, even though it is the case that the same individuals and the same hapus who claimed at the original hearings appeared again before the previous Commission and advanced identically the same claims, and did so again before this present Commission.<sup>79</sup>

Apparently, the previous commission had struck out many of the names included in the block as a result of the Appellate Court hearing in 1897, and it inserted others that had not been included in either the Native Land Court or the Appellate Court hearing. The second commission decided that the award of the Appellate Court was correct and that, if the first commission had adopted and upheld that award, then the present raft of appeals would not have been lodged.<sup>80</sup>

The commissioners reported that the appellant groups asked them to withdraw those parts of their appeals asking for names to be struck out and for the reduction of shares, so the commissioners' task was confined solely to including names and increasing shares. No explanation was given for this application.

Again, much emphasis was placed by the commissioners upon evidence concerning the physical occupation of the land by competing groups. In the instance of Ruatoki, this was complicated by a recent past history that had seen the evacuation of the densely populated Ruatoki valley. Stokes, Milroy, and Melbourne note that occupation of this land was constant until the early years of the nineteenth century, when Nga Puhī raiders instigated a migration inland to Ruatahuna.<sup>81</sup> By 1840, most of these inhabitants had returned and reestablished their kainga, which they occupied until the wars of the 1860s. Again, these hostilities caused Ruatoki Maori to retreat inland, though Stokes notes that a few remained in settlements about Te Rewarewa. Other Tuhoe refugees were forced into this area after the confiscation of their lands about Ohiwa and Opouriao. After peace was secured in the early 1870s, the population again moved back to settle at Ruatoki. In spite of this displacement, the Ngati Tawhaki, Ngati Koura, Te Urewera, Te Mahurehure, and other hapu were able to establish a strong case for their occupation of the land.

It is surprising, given the litigation surrounding the Ruatoki block, that lists submitted by Ngati Rongo, headed by Numia Kereru and Akuhata Te Kaha, were not objected to at all by other appellants. These lists included the family of the young chief Te Whaiti Paora, said to be included through 'aroha'. Likewise, the commissioners do not report any strong objections to the names submitted by Mehaka Tokopounamu. Other lists submitted by Hori Aterea were also accepted both through occupation and

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79. Barclay and Ngata, 'Report of the Urewera District Native Reserve Commissioners to the Hon James Carroll, Minister of Native Affairs, upon the Forty-nine Appeals in Regard to the Ruatoki Nos 1, 2, and 3 Blocks, Referred to Them for Inquiry and Report as per Notice in the *New Zealand Gazette* Dated the 10th Day of January, 1907, under the Provisions of Section 10 of "The Urewera District Native Reserve Act, 1896"', 10 June 1907, AJHR, 1907, G-4A, p 2

80. Ibid

81. Stokes, Milroy, and Melbourne, p 134

through ancestry, though others were excluded because the people on them lived at Ruatahuna and Waikaremoana.<sup>82</sup>

#### 7.3.4 Share apportionment

One of the most confusing problems faced by the Urewera commissioners was the relative apportionment of shares within the blocks.

Under section 7 of the UDNRA 1896, the commission had to group the owners into family units and define the family interest, as well as the relative individual interest of each member. They decided to allocate 20 shares to the heads of families (so defined as the senior living generation), with 10 shares going to each of their children, five shares for grandchildren, and three shares for great-grandchildren.<sup>83</sup> In instances where the head of the family died, his or her children would each receive a further 20 shares. According to Chief Judge Jackson Palmer, who was later to hear appeals on some Urewera cases, this rule was not objected to by anyone and had not been advanced to him as a ground for rehearing.<sup>84</sup>

The second commission criticised the original awards as being ‘not in accordance with Native custom’ but it seems the first commission had to adopt this scheme in order to satisfy the requirements of the original Act. This begs the question, then, of whether Tuhoe were consulted on the matter as the Act was drawn up, and while Jackson Palmer notes that Tuhoe may not have *explicitly* objected to the share apportionment rule as fixed by the first commission, the fact of the multitude of appeals concerning share increase and decrease seems to indicate that the matter engendered some debate among Tuhoe appellants.

A result of the original allocation was that, naturally, larger families would receive a greater proportion of the shares, a point made by the commissioners themselves, presumably to illustrate that making the relative rights or interests in land contingent upon family size was not a customary principle. How did Tuhoe feel, for example, that their rangatira received exactly the same number of shares as other individuals of the same generation? Would this have undermined their authority vis-à-vis their hapu in block affairs? How did this allocation affect traditional tribal structures or relationships, especially in light of the fact that the blocks were not hapu blocks in the first place? It is possible, given that most Tuhoe held interests in more than one block, that the rangatira for example had their status recognised by entry on many ownership lists, perhaps at the instigation of other owners in view of their whakapapa or ‘out of aroha’. It certainly appears to be the case that the ‘leading men’ of the hapu filled the positions on the provisional block committee lists issued with the orders; Numia, for example, appears on 11 such committee lists, giving him a degree of influence probably not reflected in his personal share allocation.

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82. AJHR, 1907, G-4A, p 3

83. This is according to the report of the second commission. However, from actually looking at the lists, it seems that great-grandchildren got two shares each, but it would be necessary to check the relevant Urewera minute book to be sure of this.

84. Chief Judge Jackson Palmer, ‘Decisions Under Section 50 Affecting the Urewera Native Reserve’, March 1912, p 7, in Jackson Palmer to under-secretary, Native Department, 6 May 1912, MA13/90, NA

An examination of the ownership lists issued by the first commission, however, indicates that this share allocation was inconsistently applied. Denominations other than those prescribed in the commissioners' allocation rule appear on the ownership lists, but they do not have accompanying explanations for these awards. It seems, however, that the commissioners sometimes gave smaller shares to those whose entitlement lay only in a particular portion of a main block. It has to be borne in mind that, since the block boundaries were not coterminous with hapu boundaries, many claimants would still present cases based on hapu rights to particular portions within the amalgamated blocks. The original order for the Maraetahia block, for example, has a list of 49 names of the Ngati Hape hapu for a 352-acre section of the block with two shares each; these names do not appear to be reproduced in the main list for Maraetahia, so presumably these people had their main interests elsewhere and this smaller allocation indicated that they had only ancestral or occupation rights on a small part of the block.<sup>85</sup> This would have been a commonplace situation, though, and there is no obvious explanation why the other orders do not follow this example. It would be necessary to make a thorough examination of the Urewera minute books to try and determine the rationale for these allocations.

There is evidence, however, in the second commission's report that, instead of issuing the standard allocation, they did adjust the relative shares of particular owners where they thought groups or individuals had a greater interest than others. Some insight into the reasons why shares could be increased or reduced is afforded by the example of Hori Aterea's request for share reduction in the Waikarewhenua appeals. Hori objected that some individuals had a large share allocation, yet could claim from only one line of descent from the ancestor.<sup>86</sup> The commissioners felt his objections were justified, and it seems that it was this kind of problem that had led them to criticise the first commission's rule of share apportionment. They stated that:

If it should be rendered competent at some future period to amend the relative shares as how apportioned amongst all the owners within this Urewera District Native Reserve, it would then be possible to rearrange the said shares so as to be more in accordance with Maori custom.<sup>87</sup>

Apparently, the first commission decided the relative interest of owners before hapu boundaries had been fixed and, as areas within hapu boundaries had not been calculated by survey, it often turned out that the relative interests determined did not coincide with the hapu area within a block. However, in the instances of the Ruatoki, Te Whaiti, Taneatua, and Ruatahuna blocks, the hapu boundaries were deemed to be well defined and the owners not so 'commingled' as in the other blocks. In these cases, the commissioners first fixed hapu boundaries and then proceeded to determine the ownership for each separate hapu area. When the orders were drawn up for these blocks and the relative interests determined, the interests of each owner

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85. 'Commissioners' Orders under "The Urewera District Native Reserve Act, 1896"', AJHR, 1903, G-6, pp 28-29

86. Ibid, p 9

87. AJHR, 1907, G-4, p 29



were fixed in relation to all other owners of the whole block, instead of a relative interest in a hapu area and in relation to other hapu owners. The result of this was that:

the hapu boundary was the foundation upon which the decision was made, and it could not, therefore, be altered if it was subsequently found that the area of the relative interests awarded to the owners of the hapu area exceeded, or was less than, the area within the hapu boundary, in short, the hapu boundary was paramount over the relative interest.<sup>88</sup>

These problems were remedied by section 12 of the Native Land Claims Adjustment Act 1911 in respect of the Ruatoki and Te Whaiti blocks, and in Jackson Palmer's Appellate Court for the other blocks (discussed at section 7.4).

Further, it seems that, if claimants could present a strong case based on occupation alone, this was enough to be admitted to the lists. Consider the following example from the Hikurangi–Horomanga block appeals:

The occupation of Mauri Peene is, however, admitted by all parties, at certain kaingas mentioned upon the land, while she was living with her adopting parent Tiwha, and with Waihua. We therefore recommend that Mauri should be given an interest of ten shares in the main Hikurangi–Horomanga Block, and a further interests of five shares in the Tiritiri portion; and that her children should be given three shares each, and her grandchildren two shares each, respectively, in the Tiritiri portion only, making a total of sixty-two shares for Mauri and her list in the said Tiritiri piece.<sup>89</sup>

Commenting on the Urewera district experiment, Apirana Ngata would later remark that Tuhoe were a litigious people, and it is easy to gain this impression from a reading of the commissioners' reports on the appeal process.<sup>90</sup> Yet, the same reports show that many of the appeals were withdrawn or resolved among Tuhoe themselves, with case conductors then presenting the arrangements to the commissioners for validation. Seven groups requesting share increases in Ruatahuna block, including Hori Wharerangi, presumably representing Ruapani–Tuhoe interests, were able to come to an agreement 'by mutual arrangement', which was then endorsed before the commissioners without objection.<sup>91</sup>

Some of the larger groups on occasion also seem to have shown consideration for those hapu with less extensive land rights. In the Hikurangi–Horomanga appeals, an instance is given where Ngati Rongo hapu offered to take only small shares in the block, since the Patuheuheu hapu owned no other land.<sup>92</sup> The commissioners noted

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88. Chief Judge Jackson Palmer, 'Decisions Under Section 50 Affecting the Urewera Native Reserve', March 1912, pp 5–6, in Jackson Palmer to under-secretary, Native Department, 6 May 1912, MA13/90, NA

89. AJHR, 1907, G-4, p 2

90. See Ngata's comments introducing the Urewera District Reserve Amendment Bill, 21 December 1909, NZPD, 1909, vol 148, p 1386

91. AJHR, 1907, G-4, p 17

92. Though, later in the Appellate Court, it was asserted that Patuheuheu got in the lists for other blocks. Perhaps this is an example of mutually agreeing to limit claims within prescribed blocks.

approvingly that this was ‘a most important statement’ and the arrangement was given effect to.<sup>93</sup>

Other examples of cooperation included individuals or groups ‘donating’ shares to others in order that they could be admitted to the block. This example comes from the Tauranga block appeals:

By arrangement made between the appellant Paora Te Pakihi and two of the owners of the land and submitted by them to this Commission for ratification, it was agreed that the name Paora Te Pakihi, m, be added to the order with an interest of four shares, the said two owners . . . each contributing two shares out of their respective interests of twenty shares each, to make up the said four shares, leaving them with a balance of eighteen shares each in the order.<sup>94</sup>

It is not clear why other owners would have to give shares to another in order to get her or his name on the order, in light of the fact that there was not a defined, finite quantity of shares to be allocated to the owners of a block. That is, the number of shares comprising the block ownership was dependent upon the number of owners in the first place. So, if this individual could prove ownership before the commissioners upon appeal, then why not allocate her or him the usual amount of shares? This example suggests, perhaps, that other owners would bring individuals into the block out of aroha when their case had not been upheld before the commissioners, for want of evidence of occupation perhaps, or if they had allowed their rights to become cold. Perhaps another reason for this donation of shares was to retain the relative balance of shares between hapu in a block.

Though the commissioners had been empowered to partition Urewera blocks under the 1900 amendment Act, they did not accede to requests to subdivide, even when Numia appealed for them. It seems that the commissioners felt that partitioning would take too long and, at this stage, placed a premium on getting the title work finished, anticipating that partition requests would be dealt with in another forum.<sup>95</sup> They did, however, order the partition of the Paraeroa block to create the Paraeroa B block. The block was bisected by the Whakatane River and was awarded to distinct appellant groups anyway, probably making the partition relatively easy to carry out.<sup>96</sup> The commissioners also created a separate block of Tawhiuau, ‘seeing that this land Tawhiuau is a separate piece of land, contained within its own defined boundaries, outside of and not adjoining the Te Whaiti Block’. They awarded the Tawhiuau block solely to the Ngati Manawa people who had appeared on the previous order for the Te Whaiti-nui-a-Toi block.<sup>97</sup>

The commissioners also discovered that the first Urewera commission had not investigated one piece of land of about 7488 acres called Pukepohatu, which the first

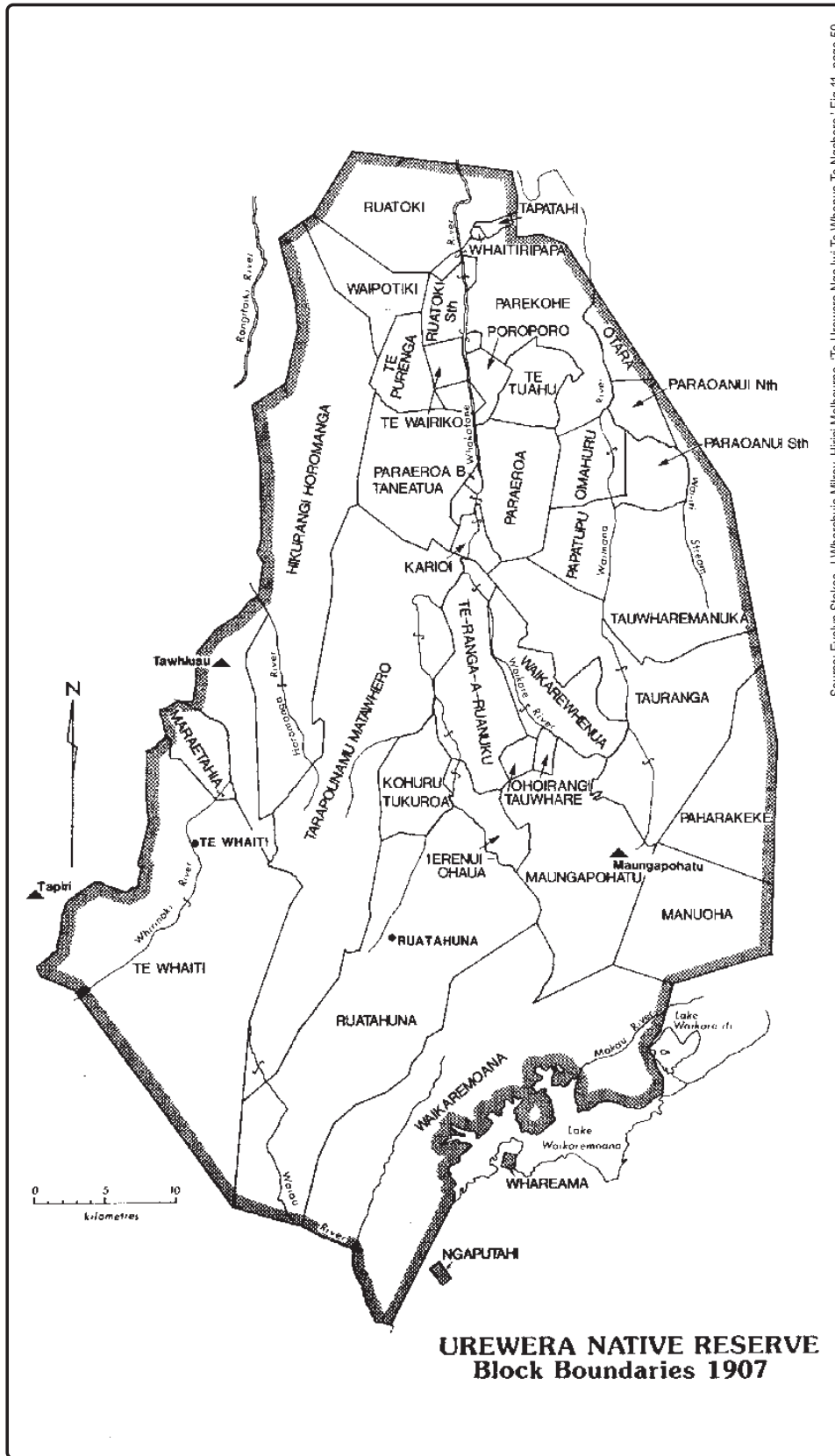
93. This in spite of an attempt by Te Wakaunua of Ngati Rongo to renege on the offer and get his personal shares increased: AJHR, 1907, G-4, p 2.

94. AJHR, 1907, G-4, p 11

95. See, for example, the commissioners’ comments with regard to Numia’s request to partition the Kohuru-Tukuroa block: AJHR, 1907, G-4, p4.

96. Ibid, p 15

97. Ibid, p 24



Source: Evelyn Stokes, J. Wharehau Milroy, Hirini Melbourne, "Te Urewera Nga Iwi Te Whenua Te Ngahere," Fig 11, page 59.

Figure 17: Urewera native reserve block boundaries, 1907

commission had mistakenly thought was included in the Paraeroa investigation.<sup>98</sup> As no one had appealed on this land, the commissioners commented that they could not investigate its ownership, and the land remained native land as defined by the Native Land Court Act 1894. To remedy this, section 8 of the Maori Land Claims Adjustment and Laws Amendment Act 1907 empowered the Native Minister to direct a Native Land Court judge, or ‘any fit person’ and an assessor, to investigate any remaining papatipu land in the Urewera reserve.<sup>99</sup>

#### 7.4 APPELLATE COURT HEARINGS OF UREWERA APPEALS

The commissioners’ orders were published, along with the provisional local committee lists, and affirmed by the Native Minister on 30 August 1907. These orders formed the basis of land titles in the Urewera district but were of a ‘peculiar’ nature, according to the Attorney-General, inasmuch as they were not orders of the Native Land Court and not subject to amendment as such.

This became problematic as the Government continued to receive appeals from Tuhoe concerning the Urewera title orders. They were considered serious enough to warrant including a section in the Maori Land Laws Amendment Act 1908, which applied the provisions of section 39 of the Native Land Court Act 1894 to the Urewera orders. This was a section that gave the chief judge, upon application from an aggrieved party, the power to amend the titles after they had been ascertained. Apparently, Tuhoe were to submit their remaining appeals by 30 June 1909, but only a few met this deadline and many more were received by the Government after this date. It was then decided that the provisions under section 39 of the Native Land Court Act 1894 were inadequate to deal with the appeals anyway, and subsequently the Native Land Act 1909 repealed the 1908 Act and, hence, the application of the appeal provisions of the 1894 Act.

Adding to the confusion, the Government passed the Urewera District Native Reserve Amendment Act 1909, which, among other things, converted the Urewera orders into freehold orders of the Native Land Court and made them registrable as such. It was intended, then, that the appeal provisions of section 50 of the Land Act 1909 would apply to the Urewera lands, but the Solicitor General noted that section 50 did not in fact originally extend to these orders.<sup>100</sup> To rectify this, another Urewera Amendment Act was passed in 1910 that expressly extended the operation of section 50 to the Urewera orders; however, the precedent consent of the Governor in Council was required before leave to appeal could be granted by the chief judge.<sup>101</sup>

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98. This land lies between the Paraeroa and Tauwharemanuka blocks on the 1907 map of the Urewera reserve and is noted as Papatipu land, 7488 acres.

99. According to Jackson Palmer, this block was investigated by the Native Land Court, which held that the land belonged to the adjoining Tauwharemanuka block and that the second commission was wrong to think there was any papatipu land. The land was awarded to the same owners as the Tauwharemanuka block in the same relative shares. See also Tupara Tamana and others regarding Urewera papatipu lands in MA1 1908/106, NA.

100. Solicitor-General John Salmond, to Minister of Native Affairs, 13 September 1912, MA13/90, NA

Having finally the machinery to tackle the remaining Urewera appeals, Chief Judge Jackson Palmer set about considering the Tuhoe applications under section 50. He decided to wait until January 1912 before starting the rehearings but noted that Tuhoe were still lodging fresh applications as the court was sitting.<sup>102</sup> It was noted by him that the previous decisions of the Urewera commissions were made by two judges of the Native Land Court and, secondly, by a panel of experts (neglecting to mention Tuhoe's own role in the process), and therefore it had to be conclusively shown that a rehearing was necessary before he would grant one.

Undoubtedly, the atmosphere of the Appellate Court hearings was as competitive as those held by the earlier commissions, if Jackson Palmer's comments are anything to go by:

In every case before me one side asserted occupation founded on title through ancestry, conquest, or 'tuku', but their statements were flatly contradicted by the other side. As long as either side could deal in generalities it was easy to make general statements or denials, the Court, therefore, had to sift the matter for itself by cross examination and by going into the fullest details, moreover it was necessary to be careful not to allow the drift of the questions to be seen until the crucial point was reached, and this often caused the case of one side or the other to break down. In some cases the side putting forward a bogus claim managed their case so well that they survived the ordeal of cross examination, so that the only test left was as to the credibility of the witnesses.

... The person who had lodged the greatest number of applications under Section 50, in reply to a question of mine about fair play said 'I am not here seeking for fair play for those opposed to me I am out here for all I can get by any means, and what I am not stopped from getting from the other side is mine' ... I may say at once that I do not place the same reliance upon the evidence of one who is out for all he can get, irrespective of fair play, as I do upon the evidence of such a person as Numia Kereru.<sup>103</sup>

The Urewera consolidation scheme commissioners would later comment that the amendments made to the commissioners' orders by the Appellate Court were not of a serious nature.<sup>104</sup> The following brief points drawn from Jackson Palmer's report, then, are intended to shed some light on intra-Tuhoe relations and the appeal process generally.

#### 7.4.1 The Ruatoki South block

The main appellant in the Ruatoki South case was Hori Hohua, who appears to be the individual described in Jackson Palmer's report. Hori claimed that the commission's finding as to the ancestor who owned the block was wrong, but he had not appealed

101. Refer to the Urewera District Native Reserve Amendment Act 1910

102. In fact, he noted one Tuhoe witness as stating that 'Tuhoe are never finished, it is inborn in us to ask for more, and at every section 50 Court we shall be bringing forward new demands': Chief Judge Jackson Palmer, 'Decisions under Section 50 Affecting the Urewera Native Reserve', March 1912, p 4, in Jackson Palmer to under-secretary, Native Department, 6 May 1912, MA13/90, NA.

103. Ibid, p 3

104. 'Urewera Lands Consolidation Scheme (Report on Proposed)', 31 October 1921, AJHR, 1921, sess 2, G-7, p 2

before the second commission. He stated that he should have been allowed to appear before the second commission on the appeal of Mehaka Tokopounamu, since he was one of Mehaka's party, but Mehaka would not agree:

Hori claimed the right to have been heard by virtue of the words 'me etahi atu' subscribed after Mehaka's signature. The former [Hori] and his Conductor apply a magical effect to these words. It would appear that one man could send in an appeal, add 'me etahi atu' thereto, and then go round and collect funds, and all those who paid would be entitled to be admitted as co-appellants irrespective of the relief claimed.<sup>105</sup>

According to Jackson Palmer, Hori actually appealed in cases where he held no interest whatsoever but he appealed for others as 'me etahi atu'. Later, Hori admitted that Tuhoe did not consider him of sufficient standing to entrust him with any lists before the commissions. Aside from debating the correct ancestor of the land, the basis for Hori's claims for inclusion of names was by showing their relationship to persons already on the lists. Many of these individuals appeared to have got on the lists through aroha anyway, leading the judge to comment:

It is a noticeable practice of conductors to find one or two persons with a strong claim for inclusion, and then put their names in a list, filling up the list with 'try-on' names, in the hope that the former will carry the latter through. Very few of the Urewera lists for inclusion are free from this taint.<sup>106</sup>

Having alienated the judge with his opportunistic behaviour, Hori was also unfavourably received by other Ruatoki owners as he had employed a Pakeha conductor, one Mr Sim. Hori's party were the only ones to do so, and Numia and others strongly objected to outsiders being allowed to appear.

Tupara Tamana appealed for inclusion and increase of shares, again by reference to another ancestor who had already been rejected by the first commission and was withdrawn at the second. Tupara and Numia's party had evidently come to an agreement that had precipitated the withdrawal of Tupara's ancestral claim:

Tupara now wishes to break faith over the compromise. He claims in this and other cases to be entitled to break his word whenever it suits him. Numia Kereru complains that, in consequence of this compromise, his party agreed to admit into the title names of persons who were not really entitled, but who were only admitted in order to bring about the compromise, which his side felt they should adhere to.<sup>107</sup>

Tupara tried to prove the right of his list for inclusion by showing their relationship to those already admitted under the compromise. This was rejected and his application dismissed.

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105. Chief Judge Jackson Palmer, 'Decisions under Section 50 Affecting the Urewera Native Reserve', March 1912, no 46, Ruatoki South, in Jackson Palmer to under-secretary, Native Department, 6 May 1912, MA13/90, NA

106. Ibid

107. Ibid, no 46A, Ruatoki South

#### 7.4.2 The Hikurangi–Horomanga block

Hahona Te Okoro asked for an increase of shares for the Ngati Patuheuheu and a corresponding reduction of shares for Ngati Rongo within the Hikurangi–Horomanga block. Previously, a deal had been struck with Ngati Rongo, who had agreed to take small shares in the land because the Patuheuheu had little land aside from this block. Jackson Palmer noted, though, that Patuheuheu got a ‘fair share’ with Ngati Rongo in the Ruatoki and Waipotiki blocks as well, and Patuheuheu were compelled to admit that the allocation of shares was satisfactory. They stated that they would be happy with a hapu partition of interests, but it had to be pointed out that the Appellate Court was not yet empowered to do this in respect of the Urewera lands.

Mika Te Tawhao also wanted a partition of interests in this block for the Ngati Hiki hapu, and his application seems to suggest that not all Tuhoe were aware of the problems concerning hapu boundaries and share allocations:

A straight line was marked on the plan, and some confusion existed in the minds of the Natives. It was pointed out that in this case the relative interests were paramount over any alleged internal boundary, and that the straight line drawn on the plan was not binding on the partition Court. Both parties in this and the previous case lodged applications for partition, and asked that as there was no appeal pending I should ask the Governor-in-Council to consent to the setting up of a partition Court, for the purpose of having this block divided at once.<sup>108</sup>

Jackson Palmer had heard these applications for appeal at Taneatua, but subsequently a ‘half caste’ named Erueti Peene applied for inclusion of 27 names in the Hikurangi–Horomanga block, appearing in support of his application in Auckland. According to Jackson Palmer, it was a calculated move to wait until the court had left Tuhoe country, since Erueti had a ‘very doubtful claim’ and there was no one to oppose him at Auckland.<sup>109</sup>

#### 7.4.3 The Maungapohatu, Waikaremoana, and Ruatahuna blocks

Applications concerning the Maungapohatu, Waikaremoana, and Ruatahuna blocks again largely revolved around the issue of the Tuhoe–Kahungunu boundary, and hence were partially heard at Taneatua and Wairoa. Jackson Palmer noted that the boundary between the two iwi had not been properly investigated in court when the UDNRA 1896 had been hastily drawn up and passed, and he thought that Tuhoe had tried to take full advantage of these circumstances.<sup>110</sup>

Regarding the western portion of the boundary between Ruatahuna and Waikaremoana, he stated that the only Tuhoe allowed in the Waikaremoana block had been those who had been able to claim under Ruapani. Tuhoe appealed for the exclusion of the Ngati Kahungunu names on the list for the block. They also submitted a proposal

108. Ibid, no 2, Hikurangi–Horomanga

109. See ‘Further Decisions under Section 50/09 Affecting the Urewera Native Reserve’, p 2, 28 August 1912, in Chief Judge Jackson Palmer to Native Minister, 26 August 1912, MA13/90, NA

110. Ibid

to increase the shares of Tuhoe generally in relation to Kahungunu. Jackson Palmer thought it plain that Tuhoe had ‘no justification’ in making any of the claims and produced no evidence to warrant reopening the title; unfortunately, his report is too brief to assess whether he had any clearer ideas about the relationship between Tuhoe–Ruapani and Kahungunu than had the previous commissions, and he refused to grant any appeal or rehearing in respect of the Waikaremoana block.

As far as the eastern boundary was concerned, Tukuaterangi Tutakangahau attempted to extend the southern boundary of Maungapohatu to overlap the Waikaremoana block by stating that his father (presumably the ex-commissioner Tutakangahau) had taken him over this ancient boundary, but ‘he was unable to supply the names of the places where the boundary turned, or to give reasons why it turned, in fact, he could not stand cross-examination’.<sup>111</sup> This application also failed and the Tuhoe–Kahungunu boundary set down by the Urewera commission prevailed.

## 7.5 CONCLUSIONS

If Tuhoe had hoped the UDNRA was to guarantee to them the control over their lands that they had demanded since the inception of their rohe potae, they must have been disillusioned by the time the Urewera commissions closed.

The exact expectations Tuhoe had about the UDNRA remain unclear, as do the promises Carroll made to Tuhoe concerning Urewera title investigation, but we must assume that, in order for Carroll and Seddon to sell the UDNRA to Tuhoe, the maintenance of Tuhoe control over the process of title determination and land administration must have been assured to them at the least.

Yet, an analysis of the Urewera experiment, whereby Maori were to assume a majority influence in title determination and then in the local administration of their land, shows that by 1900 the Government had appropriated considerable power to the diminution of important principles embodied in the UDNRA.

Part of the problem lay in the requirements of the 1896 Act and subsequent regulations governing the operation of the Urewera commission. The forced survey of the Ruatoki block had demonstrated, amongst other things, the consequences of ignoring majority hapu opinion in respect of land issues; that is, the lack of Pakeha influence and pressures in the Urewera until the late 1890s meant that the hapu remained the dominant political unit in Tuhoe society. Yet, while the Urewera commission was to investigate land blocks based as far as possible on hapu boundaries, it was also required to issue individualised title. In the event, the Urewera blocks were not uniformly hapu blocks, and the individualised shares awarded to Tuhoe owners were calculated, at least initially, on an apparently alien basis.

These circumstances fostered a certain amount of confusion as well as aggravating hapu rivalries, old and new. Tuhoe, then, became engrossed in continual litigation

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111. *Ibid.*, p 1



over their land, which was not finally terminated until 1912, 16 years after the passing of the UDNRA.

Meanwhile, the Pakeha commissioners seemed to bear a greater role in the investigation than perhaps was anticipated under the principal Act. The Tuhoe commissioners' personal interests in the land precluded their participation on many occasions, and the Urewera Amendment Act 1900 empowered the Pakeha commissioners to determine title by themselves, likely affecting the overall influence that Tuhoe were able to exert on the process. The regulations issued for the commission's management also required the commission to be headed by a Pakeha, though Tuhoe may not necessarily have objected to this in heated situations. Perhaps the lessened influence of Tuhoe in the process also occurred because Tuhoe, including their commissioners, were preoccupied with struggling to deal with issues involving the relative rights and powers of individuals and hapu as well as inter-hapu relationships.

By 1900, Government policy on Urewera lands began to exhibit unmistakable signs of impatience with the time, energy, and money taken up by the Urewera titles. In addition, settler and Opposition agitation for access to Urewera lands could not be ignored. Carroll indicated publicly that he shortly expected Urewera lands to be leased, beginning with the Ruatoki block, which Numia had previously indicated he thought acceptable (leaving aside the question of whether most Ruatoki owners were apprised of this intention). Nevertheless, Numia's assent to leasing would have surely been contingent upon the initiative for such a step remaining in Tuhoe hands. However, the Urewera Amendment Act 1900, as Carroll's response to the situation, both consolidated power in the Native Minister and Urewera commissioners and broke specific promises made to Tuhoe in negotiations for the UDNRA. Now, the Native Minister could lease Urewera lands upon the recommendations of the commissioners, and the commissioners were to function in lieu of local committees in sanctioning these leases. Carroll evidently could not wait for the democratic structures envisaged in the 1896 Act to be set up.

Further, Carroll supplied Tuhoe with an 'incentive' to lease their lands: the 1900 Act stipulated that Tuhoe were to pay for expenses incurred by the Urewera commission as well as for surveys made under the Urewera Acts. We have already seen that the expenses associated with the Native Land Court were a major reason for Tuhoe's rejection of that process; as a poor community with little access to cash they must have been keenly aware of their vulnerability in the face of such charges. Numia was probably willing to lease Ruatoki to pay for a survey that he was instrumental in pushing through, but it seems most unlikely that he was consulted by Carroll on bearing the rest of the Urewera commission expenses and surveys. At one point, he had reassured his fellow commissioners that the expenses would not trouble them.<sup>112</sup>

Why, then, did Tuhoe, and specifically Numia, persevere with the UDNRA process? The nature of the 1900 amendment Act might have been taken as a warning that not too many palatable alternatives were likely to be offered by Carroll. If Tuhoe would

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112. 26 February 1900, Urewera minute book 1, pp 138–139

not lease their lands freely, Carroll had reserved the power to do it for them. Numia, by this stage, had committed himself to working with Carroll and, as the leading Tuhoe rangatira, had legitimised the whole exercise by his participation. Perhaps he felt, at this stage, that Tuhoe preferences regarding leasing were more likely to be assured to them by a certain cooperation with the plans Carroll obviously had for the region, rather than by the tactic of withdrawal. Numia also must have relied on the safeguard that the Tuhoe general committee still held the veto as far as land sales were concerned.

Numia's position was complicated by the existence of dissident groups and owners who had been included in the rohe potae; the Ngati Manawa, Kahungunu, and the rising Rua Kenana, who seemed to have less of an aversion to selling land than Tuhoe had demonstrated to date. Perhaps, then, Numia saw Carroll and the Government as a means of bracing his own position of power in relation to these groups, which might otherwise seize the initiative with their land dealings.

Whatever Numia's plans were, by the time title had finally been determined in the Urewera, he can not have viewed the process as one which boded well for the future 'local government' of the Urewera.

## CHAPTER 8

# TE KOMITI NUI O TUHOE AND THE BEGINNING OF CROWN PURCHASE IN TE UREWERA

### 8.1 INTRODUCTION

The long drawn out process of title determination in the Urewera had demonstrated the willingness of the Government to sacrifice the principles of the UDNRA 1896 in order to expedite satisfactory titles. The Liberal Government, in fact, had shown that its emphasis on tidying up titles, in conjunction with the Crown monopoly on land purchase (such as existed in the Urewera), functioned to facilitate the alienation of a lot of Maori land in this period.<sup>1</sup>

Carroll had tried to forestall mounting political pressures for the wholesale alienation of Maori land by his 'taihoa' policy of leasing, but by the conclusion of the second Urewera commission in 1907, it was obvious that Tuhoe had to defend their legally held right to local government in an atmosphere hostile to 'Native landlordism' or Maori autonomy in any form. It was simply impossible for the Urewera to be insulated from the political debates that raged on Maori land policy, in spite of having special legislation that 'reserved' the Urewera to Tuhoe. The major themes of these debates – leasing versus sale of land; private alienations versus a State-controlled distribution of land; Pakeha settlement versus Maori desires for agricultural development – were all to be played out in the Urewera in a crucial period from 1908 to 1910.

In these years, Tuhoe were forced to confront issues of land utilisation and settlement. The negotiations surrounding the inception of the UDNRA 1896 had conveniently sidestepped the matter of Pakeha settlement of Urewera lands, with Seddon preferring to emphasise the benefits that tourism and gold mining could bring Tuhoe. However, the 1900 amendment to the Urewera legislation, and the debate surrounding it, made it patently clear that the Government anticipated settlement of the area. The question, then, became how extensive this settlement was going to be, and upon whose initiative it would be undertaken. As with the Urewera commissions, the matter devolved into a process whereby the Government gradually

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1. T Brooking, "Busting Up" The Greatest Estate of All: Liberal Maori Land Policy, 1891–1911', *New Zealand Journal of History*, vol 26, no 1, April 1992, p 83

assumed political power at the expense of Tuhoe tino rangatiratanga; sometimes with statutory backing, sometimes not.

The analysis of the nature and proceedings of the Tuhoe general committee (called the Komiti Nui by Tuhoe) demonstrates that some Tuhoe leaders were keenly aware that the political climate had changed so much that some options were simply not viable anymore. Rua Kenana notwithstanding, there were few rangatira prepared to revert to the old isolationist policies Tuhoe had practised when they came under pressure from an unsympathetic Government. Tuhoe must have felt vulnerable in the face of Government policies that, from 1905, incorporated elements of compulsory alienation. Given their experience and observations of the demise of other tribal estates, they could not be reassured that these measures would not be applied to Urewera lands. Indeed, they were occasionally directly reminded of this possibility, such as when the Urewera was included in a 1906 parliamentary return of 'waste' lands partially suited for settlement.<sup>2</sup> In 1907, the Urewera Native Reserve was held to be subject to the Mining Act 1905.<sup>3</sup> This opened the Urewera up to mining and was one of the original concessions that Tuhoe had made to the Government in negotiations for the UDNRA 1896, which had allowed for prospecting to be carried out by those holding Government-issued licences. In passing the 1907 legislation, the Government opened the Tuhoe rohe potae and signalled that the isolation of the area from Pakeha influence and pressures was truly at an end.

### 8.2 THE STOUT NGATA NATIVE LAND COMMISSION AND THE FORMATION OF THE GENERAL COMMITTEE

By the time the title orders for the Urewera blocks were published in 1907, only the provisional block committees had been set up. Carroll, then, was faced with the problem of hastening the formation of the general committee without the delay caused by the election of all the permanent block committees.

In the same year, the Royal Commission on Native Lands and Native Land Tenure (sometimes called the Stout–Ngata native land commission) was established to investigate areas of Maori land that were unoccupied, or not profitably used, and to report on how this land could be best utilised, whether by sale, lease, or Maori occupation. The commissioners met Tuhoe at Ruatoki in January 1908, where Ngata pointed out to Tuhoe that there were large amounts of money outstanding to the Government for expenses and surveys associated with the Urewera commissions. He suggested to Tuhoe that 'the time was ripe owing to the great demand for land to arrange for the cession of some of the Urewera lands to compensate the State'.<sup>4</sup>

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2. P Webster, *Rua and the Maori Millennium*, Price Milburn for Victoria University Press, Wellington, 1979, p 137

3. See s 7 Maori Land Claims Adjustment and Laws Amendment Act 1907

4. Royal Commission on Native Lands and Native Land Tenure, papers relating to the work of the commission in various districts, MA78/11, NA

Numia responded that Tuhoe did not contemplate selling at the present time, but ‘the leading men’ of Te Whaiti and Ruatoki preferred to offer land for lease to reimburse the Government.<sup>5</sup> Numia also requested that the leases be limited to 50 years. The amount of land offered at this meeting was approximately 28,000 acres.<sup>6</sup>

It was hardly likely, given that the Urewera district comprised some 650,000 acres of land, that the Government was to be satisfied with a mere 28,000 acres, and Stout and Ngata made it clear that they hoped this offer was just the beginning of settlement in the district:

We believe that greater areas can be obtained for settlement, and will be offered later on. The Tuhoe Tribe recognises its liability for survey and other charges, amounting to over £7,000, and it was influenced by that consideration when offering the above area for settlement.<sup>7</sup>

Stout and Ngata noted that, under the 1900 amendment to the Urewera legislation, the Native Minister was empowered to set aside lands for leasing, but lest he was tempted to use this power, they warned Carroll that ‘the Natives prefer that their General Committee should carry out the alienation proposed’.<sup>8</sup> Furthermore, they pointed out to Carroll that the leases envisaged under the 1900 amendment Act were for 21 years with perpetual right of renewal, and that these terms were more restrictive than the trend of legislation since the Maori Land Settlement Act 1905.

The native land commissioners suggested that the more politically acceptable alternative to these ministerial powers was to promote the formation of a provisional general committee. In essence, they identified the lack of this structure as an impediment to the settlement of the Urewera lands, assuming, of course, the cooperation of the general committee whose consent was still required for alienation. Stout and Ngata suggested that the committee could be empowered to carry out the proposed leases, by statute if necessary. Noting that Parliament had only recently approved the provisional block committees, they pointed out that the election of permanent block committees, and therefore the permanent general committee, would take a very long time. Instead, they proposed a meeting at Ruatoki of the provisional block committees as well as officers from the Native and Lands Departments to elect the provisional general committee before winter: ‘In our

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5. Royal Commission on Native Land and Native Land Tenure, minute book of evidence by A T Ngata (no 2), MA78/4, NA

6. Ngata’s minute book refers to the following portions offered to the commissioners:

- Te Purenga (5680 acres) – 1000 acres for lease. Ngati Koura land; balance to be farmed;
- Tarapounamu–Matawhero (65,984 acres) – 3000 acres for lease. Ngati Tawhaki land;
- Ruatoki 2 (5910 acres) – 2000 acres was to be cut from each of these blocks to make;
- Ruatoki 3 (6800 acres) – a single 6000 acre block for leasing. Remaining land at Ruatoki;
- Waipotiki (8200 acres) – for Maori occupation and at Waipotiki, for forest reserve and birding;
- Parekohe (20960 acres) – 10,000 acres for lease;
- Otara (2680 acres) – 2000 acres to be leased and 680 acres for Maori occupation; and
- Paraoanui North and South – 1000 acres from each portion for leasing.

7. ‘Native Lands and Native Land Tenure: Interim Report of Native Land Commission, on Native Lands in the Urewera District’, AJHR, 1908, G-1A, p 2

8. *Ibid*

opinion it is most important that the present readiness of the Ureweras should be taken full advantage of’.

The Stout–Ngata recommendations appear to have been readily accepted by the Native Department. Several weeks after receiving the commissioners’ letter, under-secretary Fisher wired Elsdon Best and Numia Kereru to set up the hui at Ruatoki. This meeting apparently took place in March 1908, but there do not appear to be any surviving minutes of the gathering.

Strangely enough, in spite of the haste urged by Stout and Ngata, there was not much progress in setting up the general committee until the following year. Possibly, this was due to disagreements as to who should be on the committee, and perhaps the delay gave Ngata time to attempt to smooth over some of the cracks that threatened the operation of the committee. S Webster suspects the delay gave Ngata time to ensure that, when the committee was finally formed, it would be a cooperative body over which he and Carroll would have a reasonable measure of control.<sup>9</sup>

### 8.3 OPPOSITION TO GENERAL COMMITTEE AUTHORITY

It was apparent to all that the creation of a functional general committee was going to be a difficult task. Even before that body had been set up, Carroll was receiving correspondence from Tuhoe groups that objected either to the principle of Tuhoe tribal management of their lands or to decisions that had already been made in respect of leasing or resources. There, too, was the matter of ongoing appeals against the Urewera titles, which did not provide a conducive atmosphere for collective decision-making.

#### 8.3.1 Ruatoki

Numia Kereru, a leading Tuhoe rangatira and principal force in the founding of the committee, could not be assured of full support for the committee even at Ruatoki. A letter from Erueti Peene and 37 others (apparently including some Ngati Tawhaki) in April 1908 referred to Ruatoki South 2 and 3 blocks and Parekohe block, which the writers said had been given over by the Tuhoe general committee to the Government. Presumably, Erueti was making reference to those lands which had been promised for leasing to Stout and Ngata when they visited Ruatoki. It is interesting that Erueti referred to the general committee prior to the committee actually being formed, confirming that it was common knowledge that a *de facto* committee operated. He implied that the decision to lease the Ruatoki land had been made in the face of some opposition.

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9. Steven Webster, ‘Urewera Land, 1895–1926: A Tentative Historical Survey of Government and Tuhoe Relations as Reflected in Official Records’, unpublished paper, University of Auckland: Department of Anthropology, 1985, p 16

Erueti and his followers objected to the land being leased to non-Tuhoe in the first instance, as these lands were considered ‘instrumental’ in their pastoral pursuits and in servicing the cheese factory at Opouriao:

It is our desire to substantiate our title so that there may be no hesitation on our part in the prosecution of agricultural pursuits, and that there may be no undue interference.<sup>10</sup>

They wanted Carroll to set aside the blocks to be leased to Tuhoe with remaining lands then leased to others. In a later letter, Erueti said that they wanted to farm the land in individualised holdings and said that this letter was from ‘the young men’ of the tribe.<sup>11</sup>

### 8.3.2 Te Whaiti

Further trouble brewed at Te Whaiti, aggravated by continuing Tuhoe attempts to appeal the Urewera commissioners’ decision removing them from the block ownership list. Some Tuhoe had subsequently attempted to support their appeal by trying to cultivate at Te Whaiti. Whatanui of Ngati Whare raised the issue of the relationship of the block committees to the Tuhoe general committee when the question of timber royalties was mooted:

Your direction to let the timber-trees be under the mana for Tuhoe shortly to be gazetted [ie, the general committee], causes us some anxiety. If it is to be under the mana of the block Committees and through them to the General Committee of Tuhoe, it will be well. For instance, we hear that Tuhoe has suggested, and you have agreed to the suggestion, that the timber may go to pay liabilities on the Tuhoe Rohe-potae. Now, as Te Whaiti alone contains quantities of timber trees, that suggestion of Tuhoe must apply to those, [sic] and is unjust. For that reason we say that we will not consent to have the mana whakahaere of Tuhoe proper extending particularly to the timber-trees of Te Whaiti, that mana must be vested in we the owners of Te Whaiti.<sup>12</sup>

Whatanui told Carroll that there were many Pakeha and their agents negotiating to get timber cutting rights at Te Whaiti and sought Carroll’s advice on the matter. Another issue he raised directly with Carroll was the matter of gold prospecting. Ngati Whare apparently had engaged the services of one ‘Tiki’ (or Dick), a prospector, who had identified some quartz reefs on Ngati Whare land. Te Pouwhare, closely associated with the de facto general committee, had told Ngati Whare that they were to eject Tiki, apparently upholding the rights of the Government to approve such activities. Whatanui, then, seemed to be appealing to Carroll to outline what the independent powers of the Te Whaiti block committee were to be; if the local committee made decisions regarding resources like gold or timber which were then merely ratified by the general committee, it would be acceptable to Ngati Whare. But

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10. Erueti Peene and 37 others to James Carroll, 12 April 1908, MA13/90, NA

11. Erueti Peene and others to Carroll, 6 May 1908, MA13/90, NA

12. W Whatanui and all of Ngati Whare to James Carroll, 18 August 1908, MA 13/90 NA

Whatanui appears to have disputed the right of 'Tuhoe' to dispose of the resources and to use proceeds of the disposal to pay for liabilities on the whole reserve.

### 8.3.3 Rua Kenana

A formidable challenge to the authority of Numia and the general committee was presented by the Tuhoe prophet leader Rua Kenana who would subsequently play a crucial role in Tuhoe political life until his arrest in 1916.

Rua called himself Te Mihaia Hou, or the new Messiah, and claimed to be the successor of the visionary Te Kooti. Rua's movement initially seemed to be based on classic millennial promises of 'salvation' for his followers: he prophesied that Maori subjection to Pakeha rule would be ended when New Zealand was given over to Rua's authority by the King of England. There were more utilitarian aspects to Rua's appeal, however, based on Tuhoe economic and political self-determination. Binney comments that:

Rua sought to develop the wealth of the Tuhoe so that the land could be used for their own advantage. If his movement was founded on a very considerable distrust of Europeans and their material pursuits, it also sought to use some of their ideas and skills. Throughout, he hoped to contain those acquisitions within the autonomous communalism of Tuhoe society. In this specific sense, Rua's intentions were separatist. He was to take his people back into physical isolation from Europeans. They were to seek refuge at Maungapohatu, adapting their lives and their land at their own pace and under their own leadership.<sup>13</sup>

Rua began to come to national attention by mid-1906, when the power he was able to wield over his followers became evident. By June of that year, Rua had removed Tuhoe children from the native schools at Te Waimana and Te Kokako at Waikaremoana, forcing their closure. Attendance at other schools at Ruatoki, Te Teko, Te Whaiti, and Waioeka was also dramatically affected by Rua's decree.<sup>14</sup> He encouraged his followers to sell their lands (outside the Tuhoe reserve), stock, and equipment in anticipation of the arrival of the King at Gisborne, which would herald the coming of the millennium.

By 1907, it was reported in the press that 'nearly all' of the Maori of the Bay of Plenty and Urewera districts were followers of Rua. Within Tuhoe itself, Rua gained a majority following and Binney reports that all 82 of the chiefs of Tuhoe accompanied Rua to Gisborne when he went to usher in the new era. There were clearly differences between Tuhoe hapu in their allegiance to Rua; as one correspondent put it to Carroll, 'In the year 1906 the Tuhoe tribe broke up to follow the works of Rua'.<sup>15</sup> While Numia had gone to Gisborne with the Ihairaira (or Israelites as Rua's followers were called), he clearly distrusted Rua, and the Ngati Rongo of Ruatoki and Ruatahuna were the

13. Judith Binney, Gillian Chaplin, and Craig Wallace, *Mihaia: The Prophet Rua Kenana and his Community at Maungapohatu*, Auckland, Oxford University Press, 1979, p 24

14. Elsdon Best to Maui Pomare, 30 March 1907, AJHR, H-31, p 58; 'Education: Native Schools (Particulars Relating to)', AJHR, 1908, E-17, p 1

15. Te Wharekotua and 391 others to Premier and Native Minister, 18 March 1908, MA23/9, NA



focus of opposition to Rua's activities. Rua's most avid support came from his own hapu of Tamakaimoana (Ruatoki and Maungapohatu); even its old chief, and former Urewera commissioner, Tutakangahau, succumbed to Rua's vision. Other hapu strongholds of support were the Ngati Tawhaki of Ruatahuna, the Ngati Koura (of Waimana and Ruatoki) and Te Urewera (this is also a hapu name), whose chief was the influential Te Ahikaiata. A letter from Te Wharekotua to Carroll seems to suggest that the Waikaremoana hapu of Ngati Hinekura and Te Whanaupani were also committed to Rua. Other chiefs who signed this letter, 'upholding the law (Act) [UDNRA 1896] of the Tuhoe district' were Te Whenuanui, Paitini Wi Tapeka, Mehaka Tokopounamu, Hokotahi Te Puehu and Tupara Kaaho amongst others.

Numia was incensed at what he perceived as a challenge to the power structures envisaged by the UDNRA 1896 and his leadership of it, as well as the harmful effects of Rua upon Tuhoe. Numia, for example, was scandalised that 100 Tuhoe had died at Maungapohatu in the first winter that Rua's community was established there. Poor housing, a failed potato crop, and outbreaks of typhoid and measles took a heavy toll. Numia, meanwhile, had been trying to work within the framework set out under the Maori Councils Act 1900 to improve living conditions for Tuhoe.<sup>16</sup> Rua had also tried to undermine the Ruatoki village komiti set up under the Councils Act by issuing his own bylaws, which included refusal to pay dog taxes:

The properties have been sold, and the lands; the dog collars. The schools which have been trampled on are 5. Maungapohatu has been divided up into sections and is being sold by him to his people . . . Collecting money is the ultimate end of all his works.<sup>17</sup>

Te Pouwhare, a close associate of Numia's, would also complain of Rua's lack of respect for tikanga and his refusal to form a komiti marae for Maungapohatu.<sup>18</sup>

Numia found support for his dislike of Rua in Merito Hetaraka, the chairman of the Mataatua Maori Council, as well as in Ngata and Carroll. Clearly to these individuals, Rua's philosophy and attitude represented a challenge to their efforts to cooperate with the Government and to use orthodox legal structures to improve the situation of Maori. Numia also tried to check Rua's power by encouraging Carroll to impose provisions of the Tohunga Suppression Act 1908 upon him.<sup>19</sup>

However, it was when Rua turned his attention to the question of Tuhoe land and mining rights that a major schism appeared between Rua and Numia. The matter became so serious that Binney, Chaplin, and Wallace comment that it 'brought the Tuhoe to the brink of civil war'.<sup>20</sup> Rua asserted that the sale and settlement of land, and the issuing of prospecting licences, were matters that he alone, as the Messiah of Tuhoe, had the right to determine. Te Wharekotua reported that a meeting had been held on 18 February 1908, attended by 'Hiwa' of a gold mining company, a lawyer, and

16. Numia Kereru, Akuhata Te Kaha, and Te Pouwhare Te Roau to James Carroll, 13 December 1907, MA23/9

17. Ibid

18. Te Pouwhare to James Carroll, 13 September 1909, MA13/91

19. This was enacted in a direct response to Rua's activities, prompted especially by claims that Pakeha would be evicted from Aotearoa.

20. Binney, Chaplin, and Wallace, p 35

five other Pakeha, as well as Rua, Te Wakaunua, Paora Kiingi, Te Ranui, and Rawaho of Waikaremoana (who apparently wanted to pass all of his lands under the mana of Rua and the company). At this meeting, Rua authorised prospecting on the eastern side of the Tuhoe reserve.<sup>21</sup> This action was seen by Tuhoe for what it was: a direct challenge to the authority of the de facto general committee. Te Pouwhare wrote to Carroll supporting the Government's right to issue prospecting licences and urged the formal authorisation of the general committee as soon as possible, 'so that there will be the authority to work the gold'.<sup>22</sup> As soon as Carroll's orders came, he and Numia would organise a hui at Ruatoki to elect the committee membership. In the event, Te Pouwhare and Numia, with Government approval, called a meeting of all Tuhoe at Ruatoki in March 1908, in order to discuss these issues and to elect a general committee.

The situation was volatile enough for Carroll and Ngata to be worried about the upcoming election of a general committee, and the Premier, Sir Joseph Ward, was dispatched to meet both Rua and Numia before the hui was held. Newspaper accounts of this meeting, held at Whakatane on 23 March 1908, are interesting for their contrast of Numia and Rua's respective groups. Numia and his supporters were deemed 'loyalists' who enthusiastically greeted Ward with cheers and were otherwise distinguished by their short hair and traditional ceremonial dress. Rua's group, on the other hand, dressed in European clothes and sporting the shoulder length hair of the Iharaira, were silent as Ward approached, with Rua finally acknowledging the Premier with exaggerated condescension.<sup>23</sup>

After a private conference with Rua, Ward addressed each group publicly, thanking Numia for his loyalty and urging him to attempt reconciliation with Rua at the upcoming Ruatoki hui. However, he told Rua that he could not accommodate his wish for himself and his followers to be placed on the European electoral roll, nor could he grant a separate Maori government. According to Binney, this meeting was referred to as the Ceremony of the Union by the Iharaira and subsequently, Rua would claim his primary political principle as one law for both peoples under the Crown.<sup>24</sup>

Rua left the 25 May hui at Ruatoki before Carroll arrived, preferring to be represented by a leading follower, Hurinui Apanui of Ngati Awa. Hurinui would deny Numia's charges of disloyalty and repeated Rua's recognition of the King and Government. What they wanted, Hurinui said, was a separate local government for their own affairs. Binney comments that:

The grievances voiced by Hurinui were part of a discernable pattern of dissent, found amongst the older Maoris in particular. They had learnt to distrust land legislation and suspected that European-established committees and councils were only surrogates for effective power.<sup>25</sup>

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21. Te Wharekotua to Minister of Native Affairs, 28 February 1908, MA23/9

22. Te Pouwhare Te Roau to James Carroll, 24 February 1908, MA23/9

23. Binney, Chaplin, and Wallace, p 36

24. Ibid, p 38

25. Ibid, p 39

Rua's supporters outlined his plans to sell prospecting licences to Pakeha and to fine those who did not purchase this warrant, prompting Numia to reply that Rua wanted to exploit the gold for his own benefit and that it had already been decided that prospectors would require Government-issued licences.

While many questions were unresolved, the efforts of Carroll and the Taupo chief Te Heuheu Tukino brought about a temporary reconciliation. It was agreed that the Ihairaira would send a party to Wellington to discuss the terms for prospecting and opening the reserve to settlement within the parameters of the existing law. This meant, then, a recognition of the general committee, beginning with the election of the block committees.<sup>26</sup>

In April 1908, it was reported in the press that Rua wanted to reserve 20,000 acres around his settlement and that he was prepared to sell other Tuhoe lands to achieve this. In June, Rua visited Wellington, explaining the purpose of his visit thus:

Partly to draw the European and Maori together, and also to answer certain accusations against me. I want the Government to help us to develop the mining prospects of the Urewera country in such a way as shall be fair to the Natives who own the land and to the people who work the mines. I desire that this wealth shall not be idle and unproductive, and I wish to get miner's rights to those who own the land where the minerals are. Then I want Government to help us improve our lands, so that we may work it for ourselves, and advance money for that purpose which will be repaid. I want the Government to make roads for the Maori as they do for the Europeans. The Maoris are willing to bear the burden of such work, just as the Europeans do. I want to get the right to fish in our rivers without the necessity of buying a licence.<sup>27</sup>

Numia must have certainly been anxious about Rua's private discussions with Carroll as he appeared in the capital at the same time. It does not seem that there is any surviving record of this encounter but Carroll would have been unable to grant Rua's requests without giving him a status independent of the general committee.

Rua met Carroll again in November 1908, when the Minister was visiting Poverty Bay. It seems, then, that it was at this meeting that Rua played a trump card by offering to sell land to the Government with the support of a Tuhoe petition of 1400 signatures. According to Binney, Rua regarded this offer as part of the fulfilment of the Ceremony of the Union.<sup>28</sup> Rua offered 100,000 acres at fair valuation because he said he needed the money for liabilities and survey charges as well as to clear acreage at Maungapohatu and to pay for stock:

One of the paradoxes of Rua's movement was his attitude to the land question. He was basically against the Maori losing any more land, and eventually came out unequivocally against selling, and was listed officially as a non-seller when the Urewera Lands Consolidation Scheme was being implemented after World War I. Nevertheless, he always appears to have been in favour of consolidating as much land as possible at Maungapohatu. In order to develop this region, he was prepared to lose land elsewhere.

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26. Ibid

27. *Poverty Bay Herald*, 14 May 1906 (cited in P Webster, p 231)

28. Binney, Chaplin, and Wallace, p 40

Even as early as 1907, there is evidence that he advocated the sale of some blocks at Ruatoki. To Rua, the whole purpose of land sales was to consolidate his position at Maungapohatu. He needed one contiguous block, which would be absolutely secure, and he also needed the capital for the development of this particular area.<sup>29</sup>

Rua also asked Carroll for a special sitting of the Native Land Court at Maungapohatu, to consolidate the various interests of his followers in different blocks which they had placed under his mana (the Maori Land Settlement Act 1907 provided for the consolidation of family interests by way of exchange). Rua also asked for Government assistance for roads between Gisborne, Maungapohatu, Waimana, and the Bay of Plenty, having already discussed the matter of the Maungapohatu–Gisborne stock track with the Cook County Council.<sup>30</sup>

Carroll told the *Poverty Bay Herald* that Rua's requests were 'reasonable', that he would place the matter of the sales before the department and would arrange for a Native Land Court sitting at Maungapohatu as soon as officials were available. This last promise, in particular, anticipated the extension of the court's jurisdiction to the Urewera, which was to be legislated for in the following year.<sup>31</sup>

Rua had clearly seized the initiative from Numia who, thus far, had only offered to lease land and even the extent of this concession had not been made clear. Carroll, for his part, found himself in the strange position of being offered land by someone who had hitherto been seen as detrimental to Pakeha settlement of the Urewera. Carroll could not accept Rua's offer of land and Rua then withdrew his proposal, saying: 'It appears clear to me from this that the General Committee possess the power to sell that 10,000 acres; what I object to is that the mana [of the sale] goes to others'.<sup>32</sup> The problem that Carroll now faced, was how to expedite the sales which could only be legally authorised by the general committee.

#### 8.4 THE MAORI LAND LAWS AMENDMENT ACT 1908

While undertaking negotiations with Rua, Carroll made the legislative provisions that were necessary for the leasing of Urewera lands (which had been recommended by Stout and Ngata earlier in the year). In late 1908, the Maori Land Laws Amendment Act was passed, which, at section 21, validated the appointment of the local block committees as it had been found that the second Urewera commission did not really have the power to appoint them. It also provided for the Governor to appoint 20 of the local block committee members to comprise the general committee. This, presumably, was in lieu of the time consuming process of elections and perhaps also attempted to forestall any further aggravation between Numia and Rua's respective supporters. Carroll noted that under the UDNRA 1896, each block committee was to elect a representative to the general committee but, in light of the fact that there were

29. P Webster, p 229

30. Ibid, p 231

31. Ibid, pp 231–232

32. Rua Hepetipa and all the Israelites, at Waimana, 15 February 1910, MA13/91 (cited in P Webster, p 232)

now 33 blocks in the reserve, he considered this ‘too many for workable purposes’.<sup>33</sup> The less than representative figure of 20 members was chosen instead.

Most importantly, section 23 of this Act provided for section 8 of the Maori Land Settlement Act 1905 to apply to Urewera lands upon recommendation of the general committee. This section provided for the vesting of Maori land, not required by or not suitable for Maori occupation, in Maori land boards. After setting aside any necessary reserves, the balance of land could be classified from first to fourth class land and then surveyed and subdivided. The land was then to be leased for periods of up to 50 years.

### 8.5 THE FORMATION OF THE GENERAL COMMITTEE

Having arranged the means by which Urewera lands could be leased, Carroll then turned to the pressing matter of nominees for the general committee. Via under-secretary Fisher, he sent Numia a list of nominees that may have resulted from the Ruatoki meeting earlier in the year.<sup>34</sup> Numia was asked to mark the candidates he preferred, which he did, returning the list some months later in February 1909. Numia also took this opportunity to request that the general committee be appointed and gazetted as soon as possible in preparation for a meeting to be held at Ruatoki on 17 March to discuss land utilisation.<sup>35</sup> There is no evidence in the available documentation of this period that any other Tuhoe chiefs were directly consulted by Carroll on the matter; on the other hand, perhaps Numia’s delay in returning the schedule was because he took the time to consult with the other hapu as to their preferred candidates. It has been suggested that Ngata and Carroll had to take Numia’s preferences into account if they wanted to have an operative general committee, because Numia was the most influential Tuhoe chief of his day. Analysing hand written lists of nominees in Native Department records, S Webster states:

For instance, the long hand list (source uncertain) of 48 names has sixteen noted from the Ruatoki (or Taneatua) area, 15 noted from the Galatea–Te Whaiti area, nine noted from the Ruatahuna area, 3 from Waikaremoana, and only one from Waimana and none from elsewhere in that basin, probably reflecting a strong bias against the area of Rua’s influence. (The absence of a nominee for Te Whaiti in Carroll’s list to Fisher probably simply reflects this block’s refusal to recognise the General Committee).<sup>36</sup>

It is suggested by Webster, then, that the general committee selection was likely to be biased in favour of Numia’s Ngati Rongo and Mahurehure supporters. This is possibly true, though it has to be borne in mind that the residency of these chiefs did not necessarily reflect their hapu interests. Addresses marked on a *Kahiti* notice of the general committee members, for instance, do show that 10 members were to be

33. J Carroll, 9 October 1909, NZPD, vol 145, p 1116

34. T Fisher to Numia Kereru, 23 October 1908, MA13/91, NA

35. T Fisher to James Carroll, 18 February 1909, MA13/91, NA

36. S Webster, 1985, p 18

notified at Ruatoki.<sup>37</sup> And, it does seem likely that Numia would have resisted the appointment of any of Rua's followers. However, one of those noted as living at Ruatoki was Mehaka Tokopounamu who had clearly represented different hapu interests from those of Numia in the Urewera commissions, and also seemed to have quite distinct political views. Moreover, Rawiri Te Kokau and Wharepapa Whatanui of Te Whaiti were gazetted committee members. Some caution needs to be taken, it seems, in assessing the extent of the Ngati Rongo bias.

S Webster has also suggested that the dissident factions threatening Numia's grip on power may have influenced him to be more receptive to Carroll and Ngata's proposal to cut short the democratic procedure outlined in the UDNRA 1896.<sup>38</sup> Whatever the course, the general committee members were gazetted in March 1909, thirteen years after the passing of the original Urewera legislation. The original membership was: Akuhata Te Kaha, Te Waipatu Te Winitana, Rawiri Te Kokau, Mika Te Tawhao, Te Wharepouri Te Amo, Paiaka Rakuraku, Hori Aterea, Te Pouwhare Te Roau, Rakuraku Rehua, Te Paoro Tangohau, Tupara Kaaho, Taihakoia Poniwahio, Te Whetu Te Paerata, Te Pairi Tuterangi, Netana Te Whakaari, Te Wharepapa Peita, Te Marunui Rawiri, Wharepapa Whatanui, Mehaka Ruka, and Numia Kereru (chairman).<sup>39</sup>

It is clear by this stage that there was a certain mutual reliance of Carroll and Ngata on the one hand, and Numia and Ngati Rongo on the other. Dissident elements within the rohe potae had already made clear their dissatisfaction with having to submit their lands to UDNRA 1896 jurisdiction. Others were more specific that their problem lay with the Ngati Rongo influence on the process. Government policy in the face of such opposition, opposition which was likely to further delay land settlement, was to support the moderate Numia Kereru who was committed to the structures set up in the UDNRA 1896 but who had also indicated a willingness to lease land. Numia, for his part, sought to consolidate his power over the provisional general committee by cooperation with the Government, while coming under attack from sectors who simply refused to contemplate central Tuhoe control over their lands. Carroll and Ngata represented one avenue by which Numia could validate the power he had assumed over the rohe potae: the Government offered legal structures that, if Numia could maintain control over them, meant that his decisions and preferences concerning Tuhoe lands could be legally enforced over supporters and detractors alike.

Several months later, Fisher wrote to the Waiariki District Maori Land Board, which had apparently enquired as to whether regulations for the operation of the local and general committees had been issued (as required by section 20 of the UDNRA 1896). Fisher responded that section 23 of the Maori Land Laws Amendment Act 1908 obviated the necessity for the issue of regulations, because the functions of the general committee were expressly denoted in those sections concerning leasing. As far as the under-secretary was concerned, then, the function of the general committee was

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37. See the *Kahiti* notice, no 88, of 18 May 1909, with hand written addresses in MA13/91.

38. Webster, 1985, p 17

39. See *New Zealand Gazette*, 18 March 1909, p 799

solely to make recommendations and arrangements for leasing Tuhoe land: 'I do not know if it is advisable to widen these [powers] in any way'.<sup>40</sup>

Obviously, this position was a long way from the original concept of providing for Tuhoe local self-government, which Fisher admitted when he took up the subject with Carroll. Reiterating that there was already provision for the general committee to vest land in the Waiariki board for leasing, he stated:

The above amendment [ie, s 23 Maori Land Laws Amendment Act 1908] seems to point to a change of policy since the enactment of the original Act, and it is probably not now the intention to confer such extensive powers on the Committee as was then intended.<sup>41</sup>

Given that there was existing machinery for the settlement of Tuhoe land, he suggested that the president of the Waiariki board and surveyor Tai Mitchell meet the general committee to assist Tuhoe with 'a practical scheme' for settlement.

It rapidly became clear that Fisher and Carroll were already redefining the relationship of the general committee to the Government without consultation with Tuhoe. Numia Kereru wrote to Carroll explaining some of the difficulties encountered in arranging areas for sale, lease, and papakainga, which caused a great deal of contention regarding tribal and family boundaries within the blocks. It was difficult to fix subdivisions 'because each wishes to have these laid down from an ancestral view point'.<sup>42</sup> Numia considered it desirable that the general committee have the power to fix these boundaries but Fisher and Carroll demurred, considering that the question of respective holding of families was something that could be dealt with by the Native Land Court.<sup>43</sup>

On the one hand, Carroll and Fisher did not want the general committee to become preoccupied with these potentially time consuming tasks when they might have been concentrating solely on the leasing question, but on the other, it does not seem that either the Minister or his secretary was prepared to make it explicitly clear to Numia and others what the parameters of their powers were to be. They preferred to encourage and direct the committee to consider questions of land settlement, while at the same time making preparations for the Native Land Court to undertake functions that Tuhoe might have originally thought would be carried out by their local and general committees. This philosophical shift, which was apparent in 1908 even before the general committee was established, was not directly communicated to Tuhoe (which was probably another reason why Fisher did not want to gazette regulations for the general committee).

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40. T Fisher to Waiariki District Maori Land Board, 18 May 1909, MA13/91, NA

41. T Fisher to James Carroll, 18 May 1909, MA13/91, NA

42. Numia Kereru to James Carroll, 2 June 1909, MA13/91, NA

43. T Fisher to James Carroll, 17 June 1909, MA13/91, NA

### 8.6 INITIAL MEETINGS OF THE GENERAL COMMITTEE

In April 1909 the general committee met and decided to request reports from the local block committees concerning their wishes in regard to land settlement; they were to decide and report on areas for sale, lease, and Maori occupation.<sup>44</sup> A circular was distributed among Tuhoe and by May 1909, Numia was writing to Carroll informing him that reports were being received from the local committees concerning land utilisation. He said that hapu of Ruatahuna had sent reports to him and stated that the land from Te Waimana up to Ruatahuna and the east side of the Tauranga River valley generally were being evaluated for sale, lease, and agriculture. Numia said that the Ngati Manawa and Ngati Whare of the Te Whaiti district wanted partition, but it is unclear if this meant an internal partition of the Te Whaiti block to separate and define the interests of those respective hapu or a partition of the block from the jurisdiction of the committee. Either way, it seems that the Te Whaiti people were preoccupied with issues other than land leasing for the time being. In spite of Erueti Peene's and Ngati Tawhaki's earlier objections to leasing at Ruatoki, Numia told Carroll that Ngati Rongo and Mahurehure would sign their consent to 'transfer their interests' [that is, to lease] Ruatoki 2 and 3 blocks: 'Our resolve is that our hapus follow this plan in regard to each and every block. When they have been thus dealt with then [we will] proceed with the settling of persons thereon'.<sup>45</sup> According to Judge Browne of the Waiariki District Maori Land Board, who had visited Ruatoki with Mitchell to check the committee's progress, these local committees were 'unanimous' in their approval of the plans for the Ruatoki and Parekohe blocks, and it was clear that the general committee would adopt their reports without alteration.<sup>46</sup>

These blocks were looked upon with particular importance. Situated at the entrance of the Urewera country and having convenient road access, they had been considered for some years as the blocks which would be settled first in this area. For that reason, Browne urged Numia to call a meeting of the general committee so that its endorsement of the block committee reports could be forwarded to the Minister without delay. Browne thought another reason which would motivate Numia to send in these block reports was the fact that Tuhoe were 'very anxious' to have a road formed along the banks of the Whakatane River from Ruatoki to Ruatahuna. Browne apparently told Numia that it was no use agitating for this road until some recommendation had been made by the committee regarding the settlement of the lands through which the road would pass:

This proposed road will run right through the centre of the Urewera Country and will be an absolute necessity as it is the natural outlet for all the back country and will, when made, go a long way towards opening the whole District, but that we think that the consideration of its construction should be deferred until the reports of the General

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44. J Browne, president, Waiariki District Maori Land Board, to under-secretary, Native Department, 25 May 1909, MA13/91, NA

45. Numia Kereru to James Carroll, 3 May 1909, MA13/91, NA

46. J Browne, president, Waiariki District Maori Land Board, to under-secretary, Native Department, 25 May 1909, MA13/91, NA, p 1



Committee have been received with respect to the contiguous lands and some scheme adopted for their settlement.<sup>47</sup>

Numia was obviously unclear as to the process by which the land was to be transferred by Tuhoe to the Waiariki District Maori Land Board, as he had also asked Carroll what he had to do to transfer it validly. The Native Department under-secretary replied that while they were pleased with the general committee's progress, they would prefer that the general committee send in the approved block committee reports as soon as they received them, presumably agreeing with Judge Browne that it was desirable to speed up the process of vesting the land in the board. There was no need to sign a formal transfer to the board, the under-secretary continued, but action could not be taken until the Government received the results of the general committee's deliberations.<sup>48</sup>

### 8.7 POLITICAL PRESSURES ON THE GENERAL COMMITTEE

Those deliberations were to be frustrated as the general committee tried to deal with different groups' ambitions and intentions concerning the land, and as political developments threatened the committee's mandate.

While the general committee members had been gazetted in March 1909, there is evidence to suggest that this membership was altered by Ngata at following meetings shortly thereafter. Writing to Carroll in late June, Numia complained that Ngata appointed 14 of Rua's followers to the committee.<sup>49</sup> He described them as 'unsteady' and said that they would not sign 'the report'.<sup>50</sup> Numia's correspondence does not explain how it was that Ngata was able to achieve this arrangement; Numia, after all, had been the one consulted on the committee selection. The UDNRA 1896 did not have provisions for the replacement of committee members (and anyway, the election procedures outlined in that Act had already been bypassed) and it was not until the Urewera District Native Reserve Amendment Act 1909 was passed, that steps were formalised for the removal and appointment of members of the general committee. At section 12 of this Act, the Governor was empowered, for any reason he thought fit, to remove or appoint members of the committee and replace them with any other owner.<sup>51</sup>

However, at the date that Numia was writing, this Act had yet to be passed. While the legislative amendment itself seems to underline the trend away from the democratic structures outlined in the UDNRA 1896, Ngata's move must be seen as a

47. Ibid, p2

48. Grace to Numia Kereru, 7 June 1909, MA13/91, NA

49. Numia Kereru to James Carroll, 24 June 1909, MA13/91, NA

50. Presumably this referred to the resolutions of the general committee rather than local block reports. A possibility is that the 14 members Numia refers to comprised new block committees (which had a limited membership of seven), which refused to commit land under Numia's scheme; but it has been interpreted by others that this refers to the general committee itself, and this seems most likely to have caused the protests from Numia.

51. Their appointment was effective from the date of a notice published in the *Kahiti*.

response to Rua's popularity among Tuhoe. This would not, however, necessitate the appointment of Rua's supporters when they could have been elected. Numia's statement is a mystery, as a later report of the general committee suggests that it was at that meeting, that Rua and supporters were appointed (discussed below). Yet, an analysis of the committee members signing the report Numia referred to, show that the signatories do indeed differ from those members gazetted in March 1909, only three months earlier.

There were 12 signatories who were the same as those gazetted; four other signatories appear who were not: Wiremu Te Purewa, Wharepapa Peita, Teepe (or Tupe) Koura and Erueti Peene. Erueti, of course, was the person who wrote objecting to the commitment of Ruatoki 2 and 3 and Parekohe blocks for leasing in April 1908. These lands were now included in the current offer to the Government. Does his inclusion signal some attempt to coopt critics onto the committee, to try and achieve consensus? There were four members cited who would not sign the report: Te Wairau Tapuae, Tioka Hakaipari, Mika Te Wakaunua and Wharetuna Heremia. It is known at least that Te Wakaunua was a supporter of Rua and so it is likely that the other three persons were also Rua's men. Still, Numia said that Ngata had appointed 14 of Rua's supporters who would not sign; but the report itself has only four objectors.

Gazetted general committee members whose names do not appear on the report were: Te Wharepouri Te Amo, Paiaka Rakuraku, Te Waipatu Te Winitana (likely from Waikaremoana) and Rawiri Te Kokau (of Te Whaiti). A possible explanation of this confusing situation may lie in the fact that the general committee comprised only 20 members dealing with 34 blocks. It may be that some local block committees insisted on general committee representation when the matter of their land alienation was being considered; thus Erueti Peene found himself on the committee due to the resolutions regarding the Ruatoki and Parekohe blocks, and Te Winitana and Rawiri Te Kokau were not represented on this particular occasion because Waikaremoana and Te Whaiti lands were not under scrutiny. Another possibility is that the fourteen members appointed by Ngata make the difference between the 20 of the general committee and the 34 blocks which were originally supposed to be represented on that body. Perhaps Rua managed to negotiate a concession from Carroll and Ngata; he demanded effective representation on the committee and Ngata responded by making an ancillary committee from his supporters.

The report that Rua's supporters objected to was the one that Numia sent to Carroll along with his complaints about Ngata.<sup>52</sup> This report outlined the resolutions of the general committee to commit land for leasing and to give land for roading, which both Rua's and Numia's supporters wanted dearly (referred to at sections 8.3.3 and 8.6). Numia and the general committee had obviously taken heed of the Native Department's directive that the road would be contingent upon committing adjacent lands for settlement, because the report directly addresses the matter. It seems likely, then, that Rua's supporters would not, or could not, agree to the leasing proposals of the rest of the committee, possibly because they had their own plans for the disposal

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52. Numia Te Rua Kariata, chairman, General Komiti, Paiaka Rakuraku, and others, Taurarau, Ruatoki, 3 June 1909, MA13/91, NA

of the land, or because they objected to the principle of General committee disposal of their lands.<sup>53</sup> S Webster says the lands committed on this occasion did not comprise those of the Waimana basin where Rua sought to consolidate control but this does not seem clear, especially if they would not sign the report because it affected their lands.<sup>54</sup>

Fisher, reflecting on recent developments, advised Carroll that it would be a good idea to send an official to identify the lands referred to in the general committee reports. He also observed that it seemed that many Tuhoe were 'in the dark' as to the general committee's activities, and needed to be 'enlightened' as to the adopted policy of settlement of their lands.<sup>55</sup> Given that indications of settlement of Tuhoe lands had been given as early as 1900, it seems distressing that many owners of the lands to be settled were not aware of Government intentions nine years later.

Numia continued to send Carroll the results of the general committee's meetings through late 1909. The reports Numia sent in September are interesting because they report on block committee meetings held in April of that year though it seems they were confirmed at a meeting in August at Whirinaki. Why did Numia delay sending in the Waimana land report? Possibly this had something to do with the fact that the Waimana lands were an epicentre of support for Rua, or because other chiefs in this area, such as Tamaikoha, had previously expressed distrust of the UDNRA 1896. Another reason, perhaps, is the fact that this is the first block report which recommended the sale of land. It refers to the settlement of the eastern part of Paraoanui block only, with 2000 acres earmarked for lease. A further 400 acres was to be sold and another 1000 acres was set aside for a papakainga.<sup>56</sup> Rua had, by this time, already made his offer of sale to Carroll; the issue of selling could no longer be ignored. Numia, then, must have hesitated to send the report until Ngata appointed Rua's followers and he could resist no longer.

Other block reports were tabled and approved by the general committee at the Whirinaki meeting: Ngati Manawa set aside an area of 1681 acres in their Tawhiuau block to meet the expenses of 'leasing and Government mortgage'.<sup>57</sup> At a following meeting at Rangitahi, 1000 acres of the Maraetahia block were committed for lease with the local committee noting that they wanted the bulk of the block to remain for development by the owners. The Otairi block was divided into sections, with allotted whanau sections as well as a papakainga. The general committee was given 1910 acres for leasing.

While Numia was duly supplying Carroll and Ngata with reports outlining local preferences concerning land utilisation, he also indicated that Tuhoe were far from reassured with the little they knew of Government plans for settlement. Numia

53. Which would be odd, given that one might expect membership to be an implicit endorsement of this right.

54. S Webster, 1985, p 21. I would have expected Rua and his supporters to have a strong interest in at least parts of the Otara, Parekohe, and Paraoanui North and South blocks. Possibly, checking the ownership lists of the committed blocks would shed some light on this, though it should be remembered that Rua was very influential at this time, and his supporters would have had much land, which they might have entrusted to him.

55. T Fisher to James Carroll, 17 August 1909, MA13/91, NA

56. This block report was signed by Rakuraku, Tamaikoha, Te Whiu, Te Hiko, and others: Numia Kereru and the general committee, 10 September 1909, MA13/91, NA

57. This was signed by Te Marunui Rawiri, Harehare, Harehare Ateara, and others.

referred to the meeting in March 1909 at Ruatoki, attended by Ngata, where Tuhoe ‘with one voice’ agreed that lands should be opened up for settlement. Ngata must have been heavily pressuring Tuhoe to commit to this resolution because Numia said that when Ngata left, the people cried ‘We are done for’.<sup>58</sup> This ambivalence and fear had not receded by the time of the Whirinaki meeting, which was followed by discussions on the pros and cons of settlement. Numia reported these feelings to Carroll and Ngata, presumably to explain delays in the work of the committee, but was at pains to reassure the Government that he had persuaded Tuhoe that settlement was beneficial and that he was urging them to endorse the work of the committees.

Fisher, at least, remained unconvinced of Numia’s reassurances. Passing the latest reports to Carroll, he commented that the general committee still did not seem to know what was required of it and he wanted ‘something tangible’ to be arranged as to what areas were to vest in the board. He suggested that Judge Browne of the Waiariki land board visit Tuhoe to sort this out as, Fisher went on, he feared that if left alone, the committee would not achieve anything.<sup>59</sup>

### 8.8 THE UREWERA DISTRICT NATIVE RESERVE AMENDMENT ACT 1909

The Stout Ngata Native Land Commission had recommended that the Urewera titles, in spite of needing proper survey, were ‘far advanced enough to allow of the Native Land Court exercising jurisdiction in partition, succession and other cases’.<sup>60</sup> This was another of the commissioners’ suggestions taken up by the Native Minister. The Urewera District Native Reserve Amendment Act 1909, then, extended the Native Land Court’s jurisdiction to the Urewera district.

This Act, then, provided for the conversion of the Urewera commissioners’ orders into freehold orders of the Native Land Court which were registrable under the Land Transfer Act 1908. Ngata said that the amending Act was needed because the definition of ‘native land’ in the Native Land Bill (of 1909) meant that all land in the Urewera was technically customary land. The Native Land Court could exercise jurisdiction with respect to all land matters save that the consent of the Governor in Council was required for orders in respect of partition and exchange of interests. This satisfied Carroll and Fisher’s plans of removing general committee control over matters of land title and meant that the Appellate Court could finish work on the Urewera appeals (as discussed at section 7.4). The extension of Native Land Court jurisdiction to the Urewera must have been unpleasantly surprising for many Tuhoe, given their opposition to the court in previous years. Added to the extensive costs of the Urewera commission would be the expenses associated with any applications to the Native Land Court (which presumably would not have been an issue if undertaken by the general committee, with the exception, perhaps, of surveys). Numia’s request that the general committee be enabled to determine internal hapu

58. Numia Kereru to James Carroll and Apirana Ngata, 10 September 1909, MA13/91, NA

59. T Fisher to James Carroll, 1 October 1909, MA13/91, NA

60. AJHR, 1908, G-1A, p 1

and family boundaries seems to suggest that he anticipated that at least some of these functions would be rightfully carried out by Tuhoe themselves.

Further research, however, would be needed to conclusively establish whether Tuhoe were consulted by Carroll on the matter of Native Land Court jurisdiction and what the general Tuhoe consensus on the extension of jurisdiction actually was. At about the same time, for example, Numia and Te Pouwhare also wrote to Ngata and Carroll asking for the Native Land Court to partition the Kohuru–Tukuroa block; perhaps they recognised the utility of some sort of mediatory influence in controversial situations like partitions. Fisher replied to this request by urging Numia and Te Pouwhare to consider what was to be done with the land. If they were to offer the block for settlement then he suggested it might be preferable to vest the land in the board rather than pay the Native Land Court for survey and partition.<sup>61</sup>

Ngata, when introducing the Amendment Bill in the House, stated that settlement in the area was to be promoted and that he expected the Crown would shortly be able to purchase between 80,000 and 100,000 acres of land in the Urewera. He then went on to say that:

Three weeks ago a deputation representing a majority of the owners of the Urewera country waited upon the Native Minister, and asked that the Crown should undertake the purchase of land, and they mentioned that the area they would be prepared to sell would not be less than 80,000 acres, and possibly would be as much as 100,000 acres. The area they proposed to the late Native Land Commission for leasing amounted to 128,000 acres, since increased to 150,000 acres.<sup>62</sup>

Indeed, he announced that the Act made ‘extended provision for alienation’. This is a key statement on Ngata’s behalf, as it expounds the intention to buy rather than just lease land in the Urewera. To facilitate this anticipated purchase, the 1909 amendment Act empowered the Governor to vest lands in the Maori land boards for either sale or lease (noting that the 1908 Act mentioned above provided for the vesting of Tuhoe land for lease only). The Act emphasised, however, that this process was still to be undertaken with the prior consent of the general committee. This Act also provided for the Maori land board to issue timber cutting licences; again the prior consent of the general committee was necessary.

It seems quite unlikely that the delegation Ngata referred to were as representative of Tuhoe opinion as he had implied. Only the year before, Numia had told Stout and Ngata that Tuhoe preferred to lease their land. Further, the Government had received a report from the general committee of a hui held on 26 May, at which the block committees had dedicated just over 43,000 acres for the stated purpose of discharging the encumbrances on those lands.<sup>63</sup> The lands comprised portions of blocks situated along a route where Tuhoe proposed an arterial road be built, connecting Ruatoki

61. Numia Kereru and Te Pouwhare to Apirana Ngata and James Carroll, 20 May 1909, AJHR, 1908, G-1A, p 1; T Fisher to Numia Kereru and Te Pouwhare, 8 June 1909, MA13/91, NA

62. Apirana Ngata, 21 December 1909, NZPD, vol 148, p 1386. The reference to a previous offer of 128,000 acres is probably erroneous, since the Native Land commissioners stated they were offered only 28,000 acres.

63. Numia Te Rua Kariata and the Tuhoe general committee, 3 June 1909, MA13/91, NA

with Ruatahuna and then Waikaremoana. The general committee evidently believed that two lease terms of 21 years would be sufficient to pay for the charges due on the blocks.<sup>64</sup> Webster has suggested that Tuhoe misled Ngata as to the extent of settlement they were prepared to tolerate, whereas in fact their real concern was to secure limited leasing in order to finance roading which was sorely needed for the development of the region.<sup>65</sup>

This could be the reason why Ngata promoted the delegation which visited Wellington as representative of Tuhoe wishes. This group, most likely led by Rua Kenana and his supporters, offered Ngata another choice: the chance to purchase the freehold of Tuhoe land which had never been offered before, and which was unlikely to be sanctioned by Numia. Moreover, this group was offering to alienate far more than 43,000 acres.

It was certainly an offer which was greeted with enthusiasm by settler representatives in Parliament, who made the point that the offer would open the way for larger areas in that block being available for Pakeha settlement. MacDonald, representing the Bay of Plenty, stated:

There cannot be any doubt that this large block of land – some 600,000 acres – has been a great bar to settlement of the sparsely populated Whakatane and other adjacent counties. The settlers there have undergone very great hardships in connection with the blocking of land settlement in that district by the unopened Native areas. . . . All that land will be available for dairying or pastoral purposes, and will soon be brought into profitable occupation. It will be only fair to the settlers who have been there so long, and are now paying the local and general rates and maintaining the roads, that this land should be brought into production, and so be made to bear its fair proportion of the local rates. The work of those settlers has greatly enhanced the value of the whole of the Urewera Block. Some of it is very valuable land, and will well repay the money spent on it; but it should bear its fair share of the local taxation.<sup>66</sup>

Herries in fact noted that much of the Urewera country was ‘very rough’ and he hoped the Government would purchase in an area where settlement could in fact take place, not on the ‘mountain tops’.<sup>67</sup> Again, the Ruatoki valley across the confiscation line was given as an example of a place where a large number of Pakeha could be closely settled. Ngata had also acknowledged that the country had yet to be properly explored and reported on, consequently he was unable to say whether the whole of the area to be purchased would readily be made available for settlement. ‘Probably’, he continued, ‘the bulk of it would be put on the market on the small-grazing-runs system’.<sup>68</sup>

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64. There is some confusion as to what ‘encumbrances’ this report refers to: I have already suggested that the Government was charging Tuhoe with the expenses and surveys associated with the Urewera commissions (vide *The Urewera District Native Reserve Amendment Act 1900*), but S Webster suggests that Tuhoe were offering lands to lease to pay for the road they wanted: see Webster, 1985, p 17.

65. *Ibid*, p 18

66. MacDonald, 21 December 1909, NZPD, vol 148, p 1387

67. Herries, 21 December 1909, NZPD, vol 148, p 1387

68. Ngata, 21 December 1909, NZPD, vol 148, p 1387

In contrast to the enthusiastic acknowledgement of the opportunities for European settlement presented by the Act, the fact that it also provided for the Maori settlement of Maori land was barely noted by the Assembly. Ngata said, in relation to section 8, that it would promote ‘settlement on their lands by the Natives themselves’, but statement did not provoke any debate from either Herries or Macdonald, the only Opposition politicians who addressed the Bill in Parliament.<sup>69</sup> Section 8 of the Urewera District Native Reserve Amendment Act provided for Urewera land to be brought under part XVI of the Native Land Act 1909, with the consent of the general committee. Land subject to this part of the Native Land Act was inalienable, except by lease through the Maori land board, or with the consent of the Native Minister, or by a resolution of assembled owners (s 298). Section 301 provided for leases to beneficial owners, or other Maori but not to Europeans. The leases were not to exceed 50 years, and the terms of the lease were to be determined by the Maori land board. Rents from such leases were to be directed in the first instance to the costs of administration, rates, taxes, and so forth with the residue being given to the owners of the land (s 313).<sup>70</sup>

But Ngata also made it plain that settlement was not the only scheme he envisaged for the Urewera country. Referring to the costs incurred by the Government for the Urewera commission and accompanying surveys (which under the 1900 amendment Act, were to be borne by Tuhoe anyway), he also added that the Government had spent a good deal of money extending the Rotorua–Galatea road to Ruatahuna recently for the purpose of opening the country to tourism. This apparently was to be used as an inducement for Tuhoe to donate land for a National Park:

I have no doubt that if the Ureweras are properly approached they would consent to the reservation of a large tract of country between Lake Waikaremoana and Ruatahuna Valley for a national park similar to the Tongariro Park, and that would reserve for all time that interesting portion of country leading over the Huiarau Range.<sup>71</sup>

It has to be questioned whether Tuhoe were informed of Ngata’s expansive plans for Urewera lands as it subsequently became clear that they had not been consulted by Carroll or Ngata when the 1909 legislation was drawn up. This can be inferred from the fact that the Minister received objections to several aspects of the Act in a report from the general committee in March 1910.

Specifically, the general committee objected to sections 9 and 10 of the Act, which related to the granting of timber licences. The Act stated that the Governor in Council could empower the Maori land board to grant timber cutting licences for Urewera land, subject to the consent of the general committee. The licences could be granted by auction, tender, or under private contract for a maximum of 30 years, and ‘could be granted on such conditions and in consideration of such payments by way of royalty or otherwise as the Board [thought] fit’. The board was able to confer on the

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69. Ibid, p 1386

70. Records consulted by this author do not suggest that any Urewera land was brought under part XVI of the Native Land Act 1909, but I am unsure of this.

71. Ngata, 21 December 1909, NZPD, vol 148, p 1388

licensee such rights over the land deemed necessary or expedient for the purpose of the licence (presumably this meant rights of access, erection of structures, and so forth). The board was to hold all the revenue derived from the licences in trust, taking administration costs incurred before distributing the money among owners in accordance with their interests in the land.

The issue of timber licences had been a live issue in Tuhoe debate for some time, as instanced by correspondence from Te Whaiti to Carroll in preceding years. The timber was one of the few revenue earners at Tuhoe's immediate disposal, so perhaps it is not surprising that the general committee had its own ideas as to how the licences were to be managed. Their preferences were outlined in their report to the Minister and, essentially, they reserved more control to the general committee than had been provided for under the Act. Whereas the 1909 legislation envisaged merely an initial consenting role for the committee, with the process then in the hands of the board, Tuhoe's own proposals anticipated an active management role for the committee with the board functioning as its agent in putting the licences on the market and distribution of the revenue. It is a telling point, perhaps, that Tuhoe explicitly stated how much they were prepared to pay in administration costs; the Government about-face on the Urewera commission and survey costs must have made Tuhoe especially wary of the matter:

Re 'The Urewera District Native Reserve Amendment Act, 1909', that section 9 and section 10 thereof be considered with a view to their being struck out and replaced by the following:—viz

That the Runanga (ie, the meeting of the Maoris) Maori [sic] hand over lands of Maori owners subject to the consent of the General Committee.

The General Committee to panui (ie advertise) the name of the land (block), the area thereof and the price (royalty) of each (different kind of) timber (to be paid for either by the acre or per hundred feet) and then submit same to the Board. The Board to put same on to the market. The General Committee to sit with (not less than) four (4) members (present) together with the lessee to settle the terms and conditions (of the lease).

The Board to pay out the money (ie royalties and rents) to the owners of the land. The Board to take one shilling (1/-) out of each (or every) hundred pounds to defray its expenses.

Twenty one years to be the term of lease. The lease not to apply to the land (ie not to be a lease of the soil but only of timber cutting rights).<sup>72</sup>

It is not at all clear what 'Runanga Maori' the general committee was referring to; perhaps it meant an assembled meeting of owners, or maybe it meant the local block committees. Either way, it was a body independent of both the Government and the general committee that was to make the first decision to commit land for timber cutting. Perhaps this concession was necessary because of pressure applied by groups such as those at Te Whaiti who demanded the local control of their resources.

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72. Numia Kereru and all the committee to Minister for Native Affairs, 16 March 1910, MA13/91, NA



### 8.9 TAINGAKAWA AND THE GENERAL COMMITTEE

Numia also related more alarming news to Carroll in the same report: Waipatu Winitana, Mehaka Tokopounamu, Tupara Tamana, and Hori Aterea had resigned from the general committee. The reason given for their resignation was that they had signed the 'ture' of Taingakawa, together with some of their respective hapu.<sup>73</sup>

Tana Taingakawa was the former premier of the King movement who led a protest movement for a separate Maori government under the Treaty of Waitangi. The ture referred to was Taingakawa's petition to King Edward VII which criticised the undermining of the Treaty of Waitangi by successive parliaments and legislation. The petition was directly critical of Apirana Ngata's policies and current land laws which had been 'expressly enacted for the purpose of plundering and otherwise forcibly taking the small residue of lands remaining to us'. Claudia Orange notes that the Urewera was one of the few centres of support for Taingakawa, which she attributes to the Tuhoe 'isolation [which] had delayed the pattern of government intrusion and Maori adjustment'.<sup>74</sup>

Tupara Tamana wrote to Carroll explaining that the appeal of Taingakawa lay in the fact that he offered the restitution of Tuhoe confiscated lands as well as the control of their remaining lands, promised under the Treaty.<sup>75</sup> Significantly, Rua Kenana also became a supporter of Taingakawa in early 1910, as did many of his own supporters. What did it say about Tuhoe at this time that a probable majority were prepared to commit to leaders such as Rua and Taingakawa? There were similar themes of autonomy and independence in both their ideologies and, in Rua's case, this was supplemented by a familiar recourse to the isolationism which Tuhoe had previously adopted. It seems that appealing to Tuhoe ideals of independence struck a nerve in the popular Tuhoe consciousness at this time, and the question must be asked how this impacted on Tuhoe attitudes to the general committee. Did their positive support for Rua and Taingakawa reflect a generalised dissatisfaction or lack of faith in the committee? It could be that the general committee's policy of cooperation with the Government appeared to be non-productive, even dangerous, to many Tuhoe. Perhaps they did not trust that Numia's tactics would assure to them control over their lands for much longer. Certainly, Numia and the committee were focused on the matter of the utilisation and settlement of Urewera lands and were not making any promises to pursue the issue of Tuhoe's confiscated territories.

It is interesting that Tupara Tamana would later write to Carroll complaining that he had not in fact signed Taingakawa's petition, that he had been 'wrongly blamed' and thrown off the committee.<sup>76</sup> It certainly invites the question as to how voluntary the resignations of Taingakawa's supporters were or whether Numia and others had

73. It was decided by the committee that Te Amo Kokouri would succeed Mehaka Tokopounamu, Paora Rangiaho would replace Tupara Tamana, and Turei Tiakiwai would replace Hori Aterea, but no replacement was offered for Waipatu Winitana. Another committee member who had died, Paora Tangohau, was to be succeeded by Hira Tangohau.

74. Claudia Orange, *The Treaty of Waitangi*, Wellington, Allen and Unwin, 1987, p 228

75. Tupara Tamana to James Carroll, 3 February 1910, MA13/91, NA; Tupara Tamana to James Carroll, 5 February 1910, MA13/91, NA

76. Tupara Tamana to James Carroll, not dated, MA13/91, NA

‘purged’ the committee, as Webster suggests.<sup>77</sup> This does in fact seem a likelihood, because those hapu who supported Rua and Taingakawa began to lease their lands in an unmistakable challenge to the authority of the committee. They stated that they:

had taken hold of the Treaty of Waitangi, which has reached us, – the articles in which have been adopted by us in regard to ourselves, our lands, our cultivations, and all things belonging to us, so that their General Committee laws will in no way apply to us. We wish to retain to ourselves the power to lease our cultivations (clearings) to Europeans . . . The General Committee have announced that the power to lease our cultivations lies with them . . . If you confirm it we will never consent, never, never.<sup>78</sup>

This letter was signed by Hori Ateara, Apihai Hauraki, and Anaru Te Ahikaiata on behalf of the Ngati Koura, Tawhaki, and Te Urewera hapu. The matter of leasing was also picked up by Tupara Tamana, who told Carroll that hapu were leasing to Pakeha for terms of three to eight months.<sup>79</sup> According to Tupara, first Ngata ‘condemned’ the leases and then the general committee forbade them but Tupara argued that the leases were a means of ‘sustenance’ and were needed ‘to maintain us’. Another reason he thought the leases were disallowed was that Ngati Koura did the leasing and Ngati Rongo and the general committee were ‘envious’.<sup>80</sup> Tupara linked the argument with the ongoing appeals of the Urewera commissioners’ orders, saying that the committee had sent a letter of dissent against the appeals because those hapu lodging the appeals had signed Taingakawa’s petition.

Numia, then, was in the position of having to appeal to Ngata and Carroll for support in the face of such open attempts to undermine the committee. He asked them to stop the illegal leasing and to devise some land use policy which would unite Tuhoe and stop the destructive quarrelling. Significantly, he identified the lack of formal regulations for the operation of the committee as a problem and asked that these be gazetted.<sup>81</sup> Presumably, Numia needed these regulations to define the respective powers of the local and general committees and to provide some guide for dispute resolution.<sup>82</sup>

Ngata and Carroll, in fact, had already defended the exclusive right of the general committee to alienate Urewera land the month before, when Rua Kenana had apparently repeated his offer to sell land on the proviso that he controlled the sale process. P Webster suggests that Rua had never properly understood the implication of the 1896 Act which meant that only the general committee could sell land. Whether this is true or not, Rua clearly understood that Carroll and Ngata would not publicly circumvent the committee process, and this caused him to withdraw his offer of sale:

77. S Webster, p 25

78. Hori Ateara, Ngati Koura Katoa, Apihai Hauraki, Ngati Tawhaki katoa, Anaru Te Ahikaiata, Te Urewera katoa to Carroll, 13 March 1910, MA13/91, NA

79. Tupara Tamana and others to James Carroll, 11 March 1910, MA13/91, NA

80. This hapu rivalry was apparently exacerbated, according to Tupara, by the general committee saying Ngati Koura, Tawhaki, and Te Urewera were ‘meat for Waikato’ (a reference, possibly, to the help Tuhoe gave the Kingitanga during the war).

81. Numia Kereru and the general committee to James Carroll, 16 March 1910, MA13/91, NA

82. When these regulations were gazetted, in September 1909, they were merely procedural rules for the committee’s meetings.

Referring to the 100,000 acres of Tuhoe lands which I offered as requested. I, that is to say all of us, have now seen the Interim Report of Sir Rob Stout & A T Ngata, Native Land Commissioners, for the Urewera District, of the 13th March, 1908, G-1A, in which the following paragraph occurs: 'The General Committee has power to sell portions of land to the Crown for such purposes'. Now, that paragraph is not incorporated in the Urewera District Native Reserve Amendment Act, 1900.

O Minister of Native Affairs, I apprehended that the matters or proposals which I discussed and laid before you have been entirely altered. Secondly, in the Auckland Star of the 3rd February, you are reported as having stated that: 'The Urewera people are handing over 100,000 acres of land to Government for sale'. It appears clear to me from this that the General Committee possesses the power to sell that 100,000 acres; what I object to is that the mana goes to others. (That is to the General Committee, and is not retained by Rua – Translator). I therefore ask you to hand back to me all of my former proposals intact.

That is all, Rua Hepetipa, and all the Israelites.<sup>83</sup>

Whatever reservations Carroll and Ngata might have had about the general committee, they were in no position to negotiate land sales without going through this structure; the veto on alienation being the last significant power reserved to it. If the Government was to accept the offer from Rua, and it seems it was eager to do so, it had to find a means to legitimise the process. One solution, then, was to place Rua on the committee itself.

Ngata conceded that Rua had to be brought onto the general committee if it were to function.<sup>84</sup> He attended a crucial meeting of the general committee in May and somehow persuaded Rua to attend under the chairmanship of Numia Kereru. Rua formally moved that some of his people be appointed in place of those members who had died or resigned and this motion was passed. Two other committee members asked to be allowed to resign and their resignations were accepted.<sup>85</sup> Once the extra vacancies had been made, Ngata himself then moved that five members of the general committee be appointed from Rua's followers.<sup>86</sup> They were Rua, Paora Kiingi, Wiremu Te Purewa, Teepa Koura, and Akuhata Te Hiko. This was passed with the assent of the chairman who can only have been infuriated that Rua had managed to penetrate Tuhoe's governing body.

As soon as he had been appointed, Rua moved that the land (which he had already offered to the Government and withdrawn), be offered again and this motion was seconded by Paora Kiingi, who explained that 'the whole' of Rua's people agreed to it.

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83. Rua Kenana and the Iharaira to James Carroll, 15 February 1910, MA13/91, NA

84. Binney, Chaplin, and Wallace, p 40

85. As stated above, the minutes of this meeting are somewhat inconsistent with prior general committee reports sent to Carroll. For example, the members who resigned at this meeting were Mehaka Ruka (Tokopounamu) and Hori Ateara, who were notified as resigned in the March 1910 report. Also, Tupara Kaaho (Tupara Tamana) appears as a committee member but had complained of being removed. In addition, Numia had previously complained of the appointment of 14 of Rua's followers, whereas these minutes indicate this was the crucial meeting at which Rua penetrated the committee.

86. It is interesting that a member of the Government was able to make such an important motion in the forum of what was meant to be a tribal governing body. The fact that regulations for the procedure of the committee had not been issued probably facilitated this.

According to the brief minutes of this meeting, Rua moved to sell the Maungapohatu and Tauranga blocks (at 12 and 15 shillings per acre respectively) with Te Whiu moving to sell the Otara block (at £1 per acre) and Netana Whakaari moving to sell the Paraoanui North block (for 17s 6d per acre). Webster adds that getting Rua to propose these particular motions netted the required impression that the mana of the sale was his.<sup>87</sup>

Paora Kiingi stated that all of Rua's people were for the sale of these Waimana valley lands but the Government would have been aware that not all of the Waimana people were Rua's followers. The chief Tamaikoha exerted a lot of influence in this area, and in May 1907, when the Government had attempted to buy some adjacent Waimana and Tahora block subdivisions held by Tuhoe outside of the Urewera reserve boundaries, the purchasing officer reported that Tamaikoha declined to sell any of his land and forbade any of his people to do so.<sup>88</sup> The reason given for this rebuff was that: 'Too many Europeans have been amongst them trying to get leases of their lands'.<sup>89</sup> In other words, the purchase officer was suggesting that these Tuhoe preferred to lease privately. If this was the case, it may have been that Tamaikoha would not have been pleased with offers of sale of extensive amounts of Waimana land to the Government, especially as the block committee report which Tamaikoha had signed in April 1909 had only committed a small amount of land for actual sale (as opposed to lease) (see sec 8.7).

This was a critical meeting because this was the first time that the general committee had ever assented to a large-scale land sale. It would be interesting to know what pressures Ngata brought to bear on Numia and other committee members in the weeks leading up to this hui. Whatever persuasive tactics Ngata employed, they were underlined by the undoubted fact of Rua's popularity among Tuhoe generally. While the manner of Rua's appointment to the general committee was questionable, if necessary in Ngata's view, the fact that Rua and his supporters managed to pass resolutions for sale must have posed a dilemma for Numia. He had strived to uphold the general committee as the rightful authority to administer and alienate land in the Urewera, and Rua had managed to pass resolutions for sale through the committee in a legitimate manner with Ngata's blessing.

After the general committee had passed the motions for sale, Ngata then asked what 'the Government members' intended doing about leasing, suggesting that it was only Rua and his supporters who were as yet prepared to sell land. Numia and the committee had already asked Carroll in March what had happened to the leasing proposals they had sent to him in June 1909 so it is not clear why Ngata seemed to assume the onus was still with the committee to make some progress on leasing. Possibly, this question arose in the context of discussing those hapu who refused to let the committee lease their lands, and Ngata was inquiring what could be done about

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87. P Webster, p 234

88. Tamaikoha had already sold some of the Waimana block to Captain Swindley in 1885, so presumably he was refusing to sell any *more* of his land.

89. 'Maori Land Purchase Operations (Report under 'The Maori Land Settlement Act, 1905', for the Year Ended 31st March, 1907)', AJHR, 1907, G-3A, p 7

the situation. Numia responded in very vague terms that ‘something would be done in that matter’ then offered, ‘under the authority of his own party interested’ to lease 2,000 acres of Ruatoki 2 block. Again, this land had already been offered for lease by the committee in June 1909 and it is not clear why this land had not been vested in the board, though the fact that several hapu were located in single blocks and had to come to a common arrangement as to which land was to be leased may have been an issue at Ruatoki and probably elsewhere.

### 8.10 VALUATION OF WAIMANA VALLEY LANDS

Soon after receiving the general committee’s consent to sell the Otara, Paraoanui North, Tauranga, and Maungapohatu lands, Andrew Wilson, the district surveyor, was dispatched to the Urewera to conduct a valuation of the blocks.

It is clear from his report to the chief surveyor that Wilson assumed extensive Pakeha settlement of the Urewera was to occur and his first concern was to assure the Government’s costs would be limited as this settlement took place. Specifically, Wilson addressed the matter of roading and the costs involved in opening these hitherto inaccessible lands, from the point of view of saving the Government money while assuring access to as much land as possible:

I have an idea that if the Government acquire [sic] isolated blocks within the Rohepotae in odd pieces here and there, and *as the Natives will only sell until they acquire sufficient money for their present requirements*, and also for certain, great pressure will be brought to bear on the Government to start constructing roads and organising a settlement scheme. This would be a big mistake, as they would have to construct roads through large areas of Native land enhancing its value, and would later have to pay an increased price for the same land, made more valuable by our own road . . . if the Government act up to what he [Rua] expects [if they only purchase in the four blocks offered] they will have to construct 30 miles of road to give access to 34,000 acres, while if the whole valley was acquired, the same length of road would give access to 90,000 acres. [Emphasis added.]<sup>90</sup>

With this in mind, Wilson attempted to convince Tuhoe of the sense of selling all of the land along the proposed road route from Waimana to Maungapohatu, stating that if this land was offered, the Government would be able to afford a better price as the relative cost of the roading would be reduced. Wilson said that ‘all the Natives’ admitted the justice of the scheme and that Numia Kereru asked Wilson to prepare a scheme and value the adjacent Whakatane valley. These lands, in fact, comprised those offered for lease by the committee exactly a year before. While Tuhoe apparently wanted to reserve their settlements along this route, they were prepared to give the Government ‘full power over the land they reserve with respect to roads’.<sup>91</sup>

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90. Andrew Wilson to Chief Surveyor Auckland, 30 June 1910, MA-MLP1 1910/28/1, pt 1, NA, pp 1–2

91. *Ibid*, p 3

The Waimana valley, being largely rolling hills and slopes, was described as ‘promising grazing and sheep country’ with parts suitable for dairying. Wilson therefore considered that the road would be easily put through the valley, there being a few bluffs but ‘no engineering difficulties’. The land closer to Maungapohatu was covered in mixed bush, with just enough timber ‘to form a valuable convenience to settlers’ but not enough to be described as a timber asset. No mention was made of any specifically Maori values that could have been attributed to the land, in terms of either resources or other qualities.

The individual blocks were valued thus: Parekohe, Otara, and Omahuru blocks at 20 shillings per acre; Paraoanui North and Paraoanui South blocks at 17s 6d per acre; Tauwharemanuka block at 15 shillings per acre; Waikarewhenua and Maungapohatu blocks at 12 shillings per acre. Wilson considered that the land would be ‘rushed’ at 40 shillings per acre and cautioned that the matter should receive urgent attention ‘while the Natives are in the humour to sell’.<sup>92</sup>

### 8.11 FURTHER COMMITMENTS FOR SALE AND LEASE

Following the undertaking to sell lands in the Waimana River valley and Maungapohatu, the general committee was summoned by Rua Kenana to another meeting, where the future of the Waikaremoana, Te Whaiti, Ruatoki 2, and Ruatoki 3 blocks and the Tauranga and Maungapohatu lands was discussed.

As usual, the account Ngata received of this meeting was brief and cryptic but it does seem clear that the proposed sales had provoked another crisis within the committee, as Numia reports that they discussed the removal of the above blocks from the Urewera reserve and the assumption of Native Land Court jurisdiction over them.<sup>93</sup> Noticeably, these were the areas where there had been a history of opposition to Numia Kereru and the general committee, as we have seen.

Rua and his supporters reported the wishes of a ‘runanga of the owners of the land’ who wanted to commit further land from the Maungapohatu block for leasing. Rua ‘with his own hands’ handed over 1000 acres of the block for leasing and another 1000 acres for farming. This was land to be located in the southern portion of the block in addition to that land already sold. Apparently, Rua had already agreed to Wilson’s proposal to sell further lands in the Waimana River valley, and Numia reported that a meeting would be held at Waimana to get the necessary consents for sale from the ‘various sections of those tribes’.

Another important development at this meeting was that Mate Kuare and Wharepapa Whatanui of the Te Whaiti block offered, ‘out of the Ngati Whare portion

92. Presumably, meaning settlers would ‘rush’ to buy the land. Wilson added that he thought that, when grassed, the land would be worth £5 per acre and estimated that the cost of taking the land to that stage would be as follows: grassing, 40 shillings; roading 10 shillings; survey and administration, 5 shillings; building, 10 shillings; fencing, 10 shillings, producing a total of £3 15s, which left a prairie value of 25 shillings per acre.

93. Numia Kereru, chairman, general committee, to Apirana Ngata, 28 June 1910, MA-MLP1 1910/28/1, pt 1, NA. The discussion of this matter was postponed for another meeting to follow.

of the block', 12,000 acres at the north of the block for lease to Maori and 6000 acres at the southern end of the block for sale to the Crown.

Other reports were received from Ruatahuna hapu; Ngati Kuri offered 500 acres for settlement on the eastern side of the block and 500 acres for farming at the northern end; Ngaiteriu committed 600 acres for 'Maori occupation' and 400 acres for a papakainga.

The committee later noted that it had declined to accept the minutes of the Te Waiiti (Ruatahuna) meeting of June 1910, owing to the motions of that meeting not being in order as 'the home people differed from and objected to the proposals of lease to the Maori and as to the Papakainga proposed at the meeting in question'.<sup>94</sup>

What does this mean? Were some block committees considering areas to be worked, or leased, by Tuhoe instead of lands which could be settled by Pakeha? In a later account of the meeting, it was reported that the Ngaiteriu had decided that '600 acres of the Ruatahuna block be leased to that tribe, and that 100 acres of the same block be allowed that tribe as a Papakainga'.<sup>95</sup> Given that Tuhoe were meant to be paying off encumbrances to the Government by leasing land to settlers, this would have indeed frustrated Ngata. These few reports indicate, too, that leasing was being agreed on a hapu, rather than on a block, basis.<sup>96</sup>

Numia called a meeting at Waimana, as he had promised, to discuss Wilson's proposal on 25 August 1910. The local block committees had met and approved the plan and so conveyed their consents to the general committee. Te Whiu asked that Waikarewhenua block be sold to the Government for 12 shillings per acre; Hauwaho asked that Tauwharemanuka block also be sold for 15 shillings; Te Paire asked that Paraoanui South be sold for 17 shillings per acre and Omahuru block for 20 shillings or £1 per acre. The committee endorsed these offers for sale at a following meeting where Mika moved the sales and Rua and Te Whetu seconded them.<sup>97</sup>

On 26 October, another general committee meeting was held at Tauarau, Ruatoki. At this meeting, it was agreed that 5000 acres of the Parekohe block were to be leased to the Government, with two areas at Waimana and Ruatoki, totalling 400 acres, reserved as papakainga. Other areas at Te Pohue and Tarupua, likely to be settlements, were also reserved. It was suggested by Te Pouwhare that the area to be leased be sited on the east side of the block, where the road would pass. However, it was also agreed at this meeting that the balance of the block be sold to the Government, upon the suggestion of Te Hauwaho and the block committee. Again, Te Mika moved the resolution, and it was seconded by Rua. The committee also accepted and passed a resolution from the Karioi block committee that this land be sold, and there was no accompanying directives concerning leasing or papakainga. Perhaps this worried Turei Tiakiwai, as he moved that the committee should reserve 600 acres as a papakainga for those who were not prepared to sell, but the committee decided it

94. Numia Kereru, Wiremu Te Purewa, Akuhata Te Kaha to Native Minister, 4 November 1910, MA13/91, NA

95. Numia Kereru, chairman, general committee, 28 June 1910, MA-MLP1 1910/28/1, pt 1. This differs slightly from the original minutes of the Te Waiiti meeting.

96. Aside, of course, from Rua's commitments which had cross-hapu support.

97. Numia Kereru, chairman, general committee, not dated, MA-MLP1 1910/28/1, pt 1

would wait and see how many non sellers there were before committing an area to be reserved.<sup>98</sup> It was later noted by the committee that there were as yet no Government valuations on these blocks.

These sales were confirmed by the committee, again, at their final meeting of the year, at Waikirikiri on 12 December. Apparently, there were further motions for land sales, but Numia moved that these not be read, as he had received a letter from Ngata telling the committee to ‘defend (“Waiho”)’ the sale of Parekohe to Maungapohatu.<sup>99</sup> Presumably this meant Ngata wished to concentrate on the Waimana valley sales for the time being, as other lands had not yet been valued. Possibly, the other motions for land sales referred to are those made by Rua and his supporters to Ngata in August.

### 8.12 THE BREAKING OF THE GENERAL COMMITTEE

Rua and his supporters apparently visited Wellington that month and offered to sell their shares in the Ruatoki 1, 2, and 3, Waipotiki, Karioi, and Whaitiripapa blocks, asking for £10 advances on their interests. These blocks were situated in the Ruatoki valley, at the northern end of the reserve and contained some of Tuhoē’s best agricultural land, as well as bearing a good proportion of the population.

It was an offer which clearly interested Carroll and he immediately instructed that Mr Wilson should wire him an estimate of the value per acre so he could safely make the required advances, and that Wilson was to properly report upon and value the blocks as soon as possible.<sup>100</sup> He also asked that the meeting of the general committee, which was planned for 25 August to discuss Wilson’s plan for the Waimana valley, be postponed. Carroll does not say why he wanted that particular meeting postponed and it went ahead anyway, but it is possible he wanted to prevent Rua’s offer being made public at the meeting.

He certainly did not need this time to mull over the offer as only five days later, on the eve of Rua’s departure from Wellington, Carroll noted that the Native Land Purchase Board had authorised the advances being made to Rua. It was also noted that ‘a general authority’ to acquire the blocks was necessary in view of Ngata’s impending visit to the Urewera.<sup>101</sup>

Whose general authority? It seems most unlikely that Numia and the general committee had been informed of Rua’s offer of the Ruatoki valley lands, and in view of the fact that this was also Ngati Rongo and Mahurehure turangawaewae, it would surely have been a most contentious offer.<sup>102</sup> Carroll, therefore, cannot have expected that the general committee under Numia would have approved purchasing in these

98. Minutes of general committee meeting, Tauarau, 26 October 1910, LS226, box 2, folder 4, LINZ, Heaphy House, Wellington

99. Numia Kereru, Wiremu Te Paerata, Akuhata Te Kaha, 21 December 1910, MA13/91 (also reproduced in MA-MLP1 1910/28/1 pt 1, NA)

100. James Carroll to Under-Secretary of Lands, 17 August 1910, MA-MLP1 1910/28/1, pt 1, NA

101. Apirana Ngata to James Carroll, 22 August 1910, MA-MLP1 1910/28/1, pt 1, NA

102. Of course, this comment is exclusive of the Karioi block, which was approved for sale by the general committee at its 26 October meeting. Still, this was two months after Rua had made this offer to Carroll.



blocks, not having received recommendations to that effect from the block committees, and especially as Numia was still talking about leasing Ruatoki lands. In addition, these lands did not seem necessary for the road Numia wanted through Ruatoki.<sup>103</sup>

Carroll was in fact referring to the authority of the Native Land Purchase Board, which gave its approval to purchase in Ruatoki 1, 2, and 3, Waipotiki, Karioi, and Whaitiripapa blocks on 12 September.<sup>104</sup> The significance of this cannot be stressed enough; here was the Government clearly circumventing the UDNRA 1896 process in approval of alienation of interests. The general committee's mandate to alienate land had been their real power and negotiating chip in their relationship with the Government, and the general committee structure had been the only way in which some form of collective authority and decision making, to promote the interests of Tuhoe as a whole, could be maintained. By dealing with Rua and other individuals, Carroll signalled that the Government would no longer recognise a collective, tribal authority over Tuhoe lands. This decision on Carroll's part was crucial, because it ushered in an extended period of purchase of individual interests in the Urewera 'reserve' (discussed at length in the following chapter). The issue of leasing was barely mentioned again.<sup>105</sup>

### 8.13 THE FIRST PURCHASES

The final negotiations for the sale of the Waimana basin were completed in September 1910. On 17 September, it was reported that:

The Hon A T Ngata returned last evening from a visit to the Urewera district, where he successfully completed negotiations with the native owners for the purchase of 60,000 acres comprising the basin of the Tauranga River . . . The purchase operations are now in progress, the same being carried out by Mr Paterson, and officers of the Lands Department, located at Taneatua, and who reports that the purchase is proceeding steadily and satisfactorily.<sup>106</sup>

Note that these first purchases of Urewera lands were made by the Lands Department, not the Native Department.<sup>107</sup> Since the Urewera District Native Reserve Act 1909 had come into operation on 1 April 1910, which had enabled the sale of Urewera lands through the Native land board, £30,000 had been advanced from the Native Land Settlement Account for purchase of Urewera lands.

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103. With the possible exception of parts of Ruatoki 1 and 3 blocks, depending on which side of the Whakatane River the road was meant to run on.

104. J Carroll, memorandum of the Native Land Purchase Board, 12 September 1910, MA-MLP1 1910/28/1, pt 1, NA

105. Note that a return of Native land in the North Island as at 30 September 1909 shows that 180,000 acres of land in the Urewera reserve were recommended for leasing by the general committee, and no mention is made of sale of this land: 'Native Lands in the North Island (Return Showing the Approximate Position Of), as at 30th September, 1909', AJHR, 1909, G-3, p 2.

106. *Poverty Bay Herald*, 17 September 1910 (cited in P Webster, p 234)

It seems that most of this money was quickly spent on purchasing in seven of the blocks approved of by the general committee. In a progress report to Ngata in late October 1910, Paterson stated that he had spent nearly £21,000 on acquiring more than 27,000 acres:

The amount was distributed over about 800 people. The largest payment would be about £250 covering seven blocks, but that was exceptional. Of course this still leaves Parekohe and Tauwharemanuka to be dealt with.<sup>108</sup>

During the last 8 days, we have put through no less than 500 people. This meant that the interpretation of nine deeds to each person each time, also the preparing of vouchers and the writing out of cheques which proved to be pretty stiff work . . . We put through as many as 85 people in one day.<sup>109</sup>

Paterson forwarded schedules of his Urewera purchases which also confirm that the Government had indeed bought interests in the supplementary blocks offered by Rua. Paterson's first schedule dates from 25 October 1910 and is solely concerned with the Waimana valley lands, but the second later schedule (undated) is reproduced below:

Block	Area	Total shares	Shares acquired	Amount paid	Rate
Waikarewhenua	12,400	5029	2215 <sup>31/140</sup>	£3181 5s 8d	12s per acre
Tauranga	39,020	4558	2536 <sup>2/9</sup>	£16,159 4s 9d	15s per acre
Maungapohatu	28,462	6238	823 <sup>1/10</sup>	£2258 12s	12s per acre
Paraoanui North	3300	918	474 <sup>4/21</sup>	£1419 8d	17s 6d per acre
Paraoanui South	5410	1733	1014 <sup>7/12</sup>	£2770 9s 7d	17s 6d per acre
Otara	2530	2660	1635 <sup>9/26</sup>	£1597 2s	20s per acre
Omahuru	6450	2377	1369 <sup>31/42</sup>	£3716 6s 4d	20s per acre
Parekohe	20,960	6655	12	£35,000	
Waipotiki	8200	4126	31	£23	14s 6d per share
Karioi	2428	2972	30	£9	6s per share
Ruatoki 1	8735	4239	65	£49 10s	15s per share
Ruatoki 2	5910	4512	60	£29 2s 6d	9s 6d and 9s 9d per share
Ruatoki 3	6800	4517	60	£33 12s 6d	11s per share
TOTALS	150,605			£31,353 6s	

107. Under section 18(6) of the State Guaranteed Advances Act, £500,000 was provided for to buy Maori land and to pay for surveys. The Native Land Act 1909 established the Native Land Settlement Account to which this money was advanced. Prime Minister Ward (also the Minister of Finance and Lands) had directed that all payments for Maori land were to be conducted by the Lands department and accounts kept by R A Paterson, who was chief accountant as well as a purchasing officer: see Under-Secretary of Lands to Minister of Finance and Lands, 3 October 1910, LS 226, box 2, folder 4.

108. RA Paterson to Apirana Ngata, 25 October 1910, MA-MLP1 1910/28/1, pt 1

109. *Poverty Bay Herald*, 30 September 1910, cited in P Webster, p 234. The fact that this last statement was made to the press is indicative of the level of interest the Urewera purchases provoked.

This land in fact was never settled by Pakeha but became part of the Urewera National Park (as discussed in later chapters). Webster notes that the land Rua maintained at Maungapohatu was some of the best farming land in the central Urewera:

The sales it seems were the logical outcome of Rua's reappraisal of the Tuhoe situation. He had probably realised that all resistance to the Government was then more or less a rearguard action, and that unless the Tuhoe somehow developed the best of their land in their possession, in the end it would all be lost. In addition to Maungapohatu, Rua and his followers retained several hundred acres of good land at Matahi near Waimana where they developed an auxiliary settlement. At Matahi, it was warm enough to grow maize, and Rua and his followers farmed this crop extensively, and sold considerable quantities locally. In this way, they made an all out effort to exploit the land they still possessed.<sup>110</sup>

It is not clear why, in the table above, Paterson's valuations were initially on an acreage basis and then valued per share (remembering that the Urewera commissioners' orders listed the relative interests of each block owner). Perhaps there was an optimistic assumption that Paterson would be able to buy the whole of the blocks, reserves aside, and so valuation proceeded by area until it became clear that there were significant numbers of non-sellers (and so it was wise to then proceed by valuation per share). Paterson only managed to pick up a small number of shares in the later blocks compared with the significant proportions he was able to secure in the Waimana valley.

It must be remembered, too, that Paterson was purchasing while there were outstanding appeals on some of these blocks, which were largely in the nature of inclusions or exclusions from ownership lists. The impact of the purchases (if any) on the relative interests of non-sellers is not clear but Judge Jackson Palmer would later comment, for example, on the Tauranga block that:

It is admitted that some names have been left out for small shares, but the land has been sold by most of the owners, and the non sellers object to bearing the loss out of their own shares . . . Those who have not sold, and those who have sold but have not yet received all their money, will probably have their shares reduced only to the amount they would have received in the order of the Commission if it had been correctly made in the first instance. It is too late to touch those who have sold and been paid in full, and the list for inclusion will have to stand this loss.<sup>111</sup>

## 8.14 CONCLUSIONS

One would have to ask, surveying the history of Urewera lands in this period, exactly what the Government intended by the term 'Urewera Native Reserve'. By 1910, it was

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110. P Webster, p 235

111. Jackson Palmer, Further Decisions under Section 50/09 Affecting the Urewera Native Reserve, No 53 Tauranga, 28 August 1912, MA13/90, NA

patently clear that the purchase and settlement of Urewera lands was a priority for the Government, and that Tuhoe could no longer expect the Government to respect the legal structures and power relationships embodied in the UDNRA 1896. If land, resources, and power were being encroached upon, then what exactly was being 'reserved' to Tuhoe?

The Urewera District Native Reserve Act 1896 was enacted, according to its preamble, not only for the purpose of ascertaining Native title but to make provision for the 'Local Government of the Native lands in the Urewera District'. The establishment of the general committee, 'to deal with all questions affecting the reserve as a whole' (s 18) and whose decisions were 'binding on all the owners' (s 19), was therefore fundamental to this arrangement. It can be reasonably inferred from the establishment of the block and General committees, that the Act represented the Crown's recognition of hapu and tribal political structures, and the fact that the general committee solely was endowed with the power of alienation to the Crown underlined the intention of this legislation to validate the principle of tribal control of tribal lands. It seems most likely that this safeguard was necessary to secure Tuhoe consent to title investigation in the first place.

The original Urewera legislation was 'hastily drawn and passed' with the consequence that substantial details were left to be addressed at a later date. One such omission from the Act was a clear description of the powers and functions of the local and General committees; these were to be defined by the Governor in Council through the subsequent issue of regulations (s 24). It may be seen that the powers and functions of the committees were never properly defined, and I have suggested that there was a deliberate avoidance of doing so on Carroll's part as he sought to consolidate Government control over the process of alienation. Obviously, it would be easier for Carroll to steadily assume decision making powers if the demarcation of power in and between Tuhoe and the Government remained unclear. The result of this policy was to foster continuing aggravation and confusion between local block committees and what was meant to be Tuhoe's governing body, the general committee. Carroll and Ngata refused to give the general committee consistent, unqualified support which made it especially vulnerable in the face of such attack.

It seems unfair, then, that the Native Department would criticise the committee for its failure to push the settlement programme envisaged for the Urewera because it never really gave the general committee, and the processes outlined in the UDNRA 1896, a chance to work. Recall that the general committee was not established until late 1909 but only one year later, the Government was buying in the Urewera without reference to that committee.

How did this happen? Numia and the general committee faced the weighty problem of integration of hapu and their interests onto a body which could be representative of Tuhoe as a whole. This was hardly a new issue, and Tuhoe hapu had shown a propensity for independent actions and opinions since the inception of the UDNRA 1896 (and before). In the context of land lease and sale, however, the assertion of independent hapu right over a wider group interest could be very dangerous indeed. The problem, as Numia likely saw it, was that by eschewing the general

committee's authority over one's land, Tuhoe's position as a whole was weakened vis-à-vis the Government. Yet, while a number of hapu and individuals decided that they did not want to be under the control of the general committee, they did not express a preference for an extensive programme of land acquisition controlled by the Government either.

Carroll and Ngata, for their part, were faced with the problem of trying to maintain State control over the alienation of Urewera lands; in fact, the Crown right of pre-emption was one of the few features of the original legislation which remained a constant throughout this period. There were plenty of indications that private initiatives were being undertaken: hapu were asserting their tino rangatiranga by leasing to Pakeha in private arrangements; Rua invited private mining companies into the Urewera; and private milling syndicates were trying to secure Te Whaiti timber. Those elements who asserted their right to deal with their land as they pleased found support in Opposition politicians advocating private purchase:

The great objection to the Urewera country being placed under a separate law to any other Native land in the Dominion is that the original Urewera Act and its amendments entirely preclude any chance of the private alienation of land and prevent any agreement between Maori and pakeha.<sup>112</sup>

Carroll and Ngata's first response to these private undertakings was to hope that Numia could exert enough influence to hold the committee together, while at the same time encouraging hapu participation in the legal process. But another problem surfaced in connection with the land utilisation issues which Ngata wanted Tuhoe to address: on the one hand, there were obviously some hapu (notably some Ruatahuna and Ruatoki hapu) who wished to lease their land to Tuhoe Maori rather than commit much of their land for Pakeha settlement. On the other, it seems that Numia and his supporters refused to contemplate large-scale leasing of land, preferring at this stage to alienate only what was necessary to pay for block encumbrances and roading requirements. This conservative stance could have been adopted to reassure those of the tribe who were still wary of Pakeha intrusion in their rohe potae. Possibly, then, Ngata and Carroll considered that Tuhoe were not offering enough land for lease, making Rua's renewed offer of sale all the more timely and attractive. This would mirror the national situation, where Carroll was under sustained attack from settler and opposition foes for failing to make enough Maori land available through his leasing policies.

The Urewera District Native Reserve Amendment Act 1909 can be seen as Carroll and Ngata's response to this situation and, as such, is a very significant piece of legislation. Neither man was prepared at this stage to ignore the committee process of alienation, and so the Act upheld the right of the general committee to approve all alienations, while at the same time 'making extended provision for alienation' by allowing for sale of Urewera lands through the Maori land board instead of just leases. The boards were retained under this legislation to administer and alienate Maori

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112. W Herries, 21 December 1909, NZPD, vol 148, p 1387

land, and because the Governor in Council controlled appointment to these boards, they were well placed to enforce Government policies. The encouragement of the sale and lease of Urewera land through these agencies, therefore, did not uphold control at the hapu level (which a number of Tuhoe groups seemed to desire), after consent to alienation had been given.

It is very revealing that Herries complained of the 'exceptions' granted to Tuhoe by having their own legislation while noting that the Urewera had originally been included in the draft for the 1909 Native Land Act, 'but subsequent consideration induced them [the Government] to cut out the Urewera country'.<sup>113</sup> The 1909 Urewera amendment, in fact, represented an attempt to reintegrate the Urewera 'experiment' into the current Maori land administration model, in so far as it was possible to do this without seriously compromising relations with Tuhoe. The jurisdiction of the Native Land Court was extended to the Urewera and the court had all powers vested in it by the Native Land Act 1909, except that the Governor's consent was necessary for partition or exchange. It is not clear why orders of this nature would require prior approval though the fact that the Government anticipated buying significant amounts of land in the area, and partitions and exchanges could interfere with this, might have been a consideration. The Urewera commissioners' orders were deemed to have the same operation as an order by the court under the Native Land Act 1909 and were registerable under the Land Transfer Act 1908. Furthermore, with prior consent of the general committee, the Governor could vest Urewera land in the Maori land board for lease or sale (as discussed above) under part XIV of the Native Land Act 1909, whereupon all the provisions of that part of the Act, dealing with Maori land for European settlement, applied to those lands, as if the land had been vested pursuant to a resolution of owners under part XVIII of the Native Land Act 1909. With the consent of the general committee, the Governor in Council was enabled to declare Urewera land subject to part XVI of the Native Land Act 1909 which dealt with reserving Maori land for Maori settlement; given the consent of the general committee, the board was given the power to administer timber licences; when the Crown purchased land from the general committee, it was to be given effect to by proclamation in the same manner as a purchase from assembled owners under part XIX of the Native Land Act 1909 and all the provisions of that part were also to apply to those lands.

Referring to alienations by the general committee, Ngata stated in Parliament that the 'proposals are in the direction of obtaining from the whole of the owners of a block specified portions of the block'.<sup>114</sup> We can see that this was carried out in the resolutions for sale passed by block committees and endorsed at a number of general committee hui through 1909 to 1910. However, as we shall see in the following chapter, purchasing in the Urewera proceeded on the basis of acquisition of individual shares, initially in those blocks approved of by the general committee and then in other Urewera blocks, including Ruatoki (albeit in a limited fashion), upon the sanction of

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113. Ibid. The Urewera was excluded from the operation of the Land Act 1909 by section 2 of the Urewera District Native Reserve Amendment Act 1909.

114. Ngata, 21 December 1909, NZPD, vol 148, p 1387

the Native Land Purchase Board. It is not clear why the Government decided to proceed on this basis, when the local block committees had been making commitments as a group, as requested by Carroll and Ngata. However, as Turei Tiakiwai had noted at a committee hui, while the undertakings for sale were being made by the committees, it was known that there were non-sellers in these blocks. Given that the general committee focused on alienation of land, there is not much information on the non-sellers in the committee's minutes but it is possible that the sellers and non-sellers had problems agreeing exactly which areas of the blocks were to be given to the Government.<sup>115</sup> This might have been exacerbated by the fact that there was more than one hapu in each block.

Whatever the reasons for this decision, the effects of it must have been obvious to everyone: the acquisition of individual shares undercut the authority of the general committee and the group control of the process of alienation was no longer possible. The reasons why Tuhoe were prepared to sell are examined at length in the next chapter, but we have seen that there were unmistakable expressions of desire for development and roading of Urewera lands which, in concert with encumbrances on the blocks, must have weighed on many minds. Government policy, however, was firmly focused on the purchase of Urewera land, not on promotion of Maori development of land and agricultural enterprise (in spite of the successful Tuhoe efforts at Ruatoki). This came in spite of Ngata's reassurances in Parliament that section 8 of the Urewera amendment Act 1909 was 'for the purpose of promoting settlement on their lands by the Natives themselves'.<sup>116</sup> From this point onward, Tuhoe were placed in a position of reacting to and protesting against aggressive Government purchase policy in the Urewera. In the next chapter, we will examine the nature of this purchasing policy.

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115. Seddon had deemed the Urewera owners to be joint tenants, though this is not made explicit in the Urewera legislation: see Seddon's address to Tuhoe, second schedule to the UDNRA 1896. Perhaps the fact that no joint tenant is held to have an exclusive right to possession of any particular part of the land complicated matters: refer to G Hinde, D McMorland, and Sim, *Introduction to Land Law*, Butterworths, Wellington 1986, p 486.

116. Ngata, 21 December 1909, NZPD, vol 148, p 1386





## CHAPTER 9

# THE CROWN PURCHASE OF UREWERA LANDS

### 9.1 INTRODUCTION

In the previous chapter we have seen that the Urewera region fell into the ambit of the large-scale land purchasing programme undertaken by the Government, which resumed in 1909. What separated the Urewera from other regions in the central North Island (and this was where much settler attention was focused), was the fact that the reserve retained its own administrative legislation and the Government retained its sole right of purchase.

This legal right had been established in the original Urewera legislation and preserved in subsequent amendments to this Act. While the Government reserved its power of monopoly purchase, it did not respect other original features of the UDNRA 1896. It had not, for example, protected the legal rights of the block committees to make collective offers of alienation and of the Tuhoe general committee to approve or veto such offers. This aspect of the UDNRA 1896, which had assured a certain balance of power between Tuhoe and central government, was dispensed with and with it, any pretense to tolerate local self determination.

### 9.2 LIBERAL GOVERNMENT PURCHASING UP TO 1912

As we have seen, Government purchasing began in 1909–10 in the eastern Urewera blocks that had been endorsed for sale by the general committee. In September 1910, the Native Land Purchase Board approved purchasing in the Ruatoki 1, 2, and 3 blocks as well as in the Waipotiki, Karioi, and Whaitiripapa blocks.<sup>1</sup> These were blocks for which the Tuhoe general committee had not formally given its consent to alienation, though some indication had been given of the desire to lease portions of these lands. By the end of 1910, the only Urewera blocks with the formal sanction for sale (ie, through the committee) were the Maungapohatu, Tauranga, Otara, Paraoanui North,

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1. The Native Land Purchase Board was constituted under sections 361 and 362 of the Native Land Act 1909. The board consisted of the Native Minister, the under-secretary for Crown lands, the under-secretary for the Native Department, and the Valuer-General. They were empowered to undertake, control, and carry out all negotiations for the purchase of native lands.

Paraoanui South, Waikarewhenua, Tauwharemanuka, Omahuru, Karioi, and Pukepohatu blocks.<sup>2</sup>

The purchasing in these eastern Urewera blocks was, on the whole, extensive compared to the minimal interests acquired by the Crown in the Ruatoki, Waipotiki, and Karioi blocks. The resolutions for sale made by the general committee had clearly anticipated a transfer of defined portions of the blocks to the Crown, but the purchases were conducted by way of advances to individual owners by the Lands department.<sup>3</sup> As outlined in the previous chapter, it is not clear why the areas dedicated for sale by the committee were not vested in the Waiariki Maori Land Board for disposal (given that the Urewera District Native Reserve Amendment Act 1909 had provided for this) but possibly the Government felt that it could access only a limited quantity of land through the general committee process, making purchase of individual interests a more attractive option. As Herries would often reply to non-sellers' protests, no one was being forced to sell their shares.

It is difficult to tell how representative the Tuhoe block committees were of Tuhoe opinion, and therefore it is hard to estimate the support for land sales, but it is clear that the sales provoked complaints as the purchase operations were being conducted. The sale of the Maungapohatu block in particular seemed to generate anxieties on the part of non-sellers. Numia Kereru wrote a letter to Carroll in November 1910, outlining some of his concerns in respect of this sale which are interesting because they foreshadow the problems which would become widespread as the sales progressed.

Numia said that he had asked the land purchase officer which parts of the Maungapohatu block were being sold, which is interesting in itself, given that Numia was chairman of the committee which endorsed the sale. Having been informed that the east side was being sold and the southern portion reserved, Numia stated:

When I heard this I felt very much upset and I said: My interests are absolutely all included for sale and most of my wife's interests too. I must ask you to leave my home, the home of my ancestors and parents, where we still reside and cultivate, out of the sale . . . Mr Carroll, that land is a bird preserve, we probably own some 2,000 acres of it. The boundaries are quite clear. The name of the land is Te Weraiti. Its villages are Kakapo and Te Wairimu, and it has been occupied by our ancestors and parents down to ourselves. That is the part which I want reserved forever. I want you to explain this to the Land purchase officer . . . There is another piece of land of our ancestors, also in the Maungapohatu block East . . . The area is 1010 acres. We owners who will not sell it can ascertain our area by the number of shares, those we shall hold.<sup>4</sup>

After Numia had communicated this to the land purchase officer, it was apparently agreed that these areas were to be cut out of the sale. Numia identified the areas on a

2. Note that the Karioi block was approved for purchase by the general committee in December 1910, several months after the Native Land Purchase Board had decided to buy in it.

3. Fisher, under-secretary, Native Department, to W Bowler, 8 September 1914, MA-MLP1 1910/28/1, 'Urewera Lands: General', pt 1

4. Numia Kereru, Raiha Te Ruakariata, Tepera Te Tamati, Tupaea Rapaera, and Tawera Moko to Honourable Native Minister, 2 November 1910, MA-MLP1 1910/28/1, pt 1, NA

plan and the matter was to be concluded when Paterson, the land purchase officer, returned from Opotiki. However, Paterson evidently left for Wellington without addressing the matter again.<sup>5</sup>

Numia's letter is interesting for its conflation of legal interest ('my interests are absolutely all included for sale') and traditional hapu areas. Clearly in this instance, both the land purchase officer and the sellers understood that particular areas within the Maungapohatu block were being sold and others reserved. Yet, the sale was conducted by purchasing individual undefined interests, not compact acreages. As we have noted, the blocks often contained several hapu areas within their boundaries and sellers would probably have understood that their interests were physically located within those areas which they offered for sale. Numia obviously felt, as did many Tuhoe, that he retained ownership of known traditional sites within the block boundaries, and whatever the legal situation, this was acknowledged by the purchasing officer at the time. The question of where the Crown would physically locate its purchases in these blocks would lead to protracted negotiations in the future.

Carroll received other correspondence from Tuhoe non-sellers concerned to reserve areas within blocks under sale. Turei Tiakiwai, a member of the general committee who had wanted to make a reserve for non-sellers when the Karioi block was approved for sale, wrote to Carroll regarding the Waikarewhenua block:

The present position is that Govt has purchased a large portion of this block from the owners. My object, therefore in writing to you about [sic] was with a view to having our party's interests cut out in a compact block – from the unsold portion – such block to include the homes etc. of our ancestors on the land.<sup>6</sup>

Not all Tuhoe correspondence from this period objected to the sales. Paitini Tapeka wrote to Carroll telling him to pay no heed to a delegation visiting Wellington for the purpose of stopping further sale of shares in the Maungapohatu block. Paitini does not name these objectors nor their hapu affiliation but stated that 'They-two have no original rights in Maungapohatu yet they have drawn (purchase) money from it'.<sup>7</sup> Most Tuhoe were owners in the Maungapohatu block, as it contained their rangatira mountain, so perhaps Paitini's statement has to be taken with caution. Paitini himself wished to draw on purchase money for his shares:

This is to ask of you to have the monies for myself and children remitted to us. Let it be £300. If the land was subdivided and individualised, it would be proper to pay according to the amount of each and every share.<sup>8</sup>

Again, this statement seems to imply that Paitini understood sale to mean a transfer of a defined piece of land, which he offered at his own price.

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5. Ibid

6. Turei Tiakiwai to Thomas W Fisher, under-secretary, 4 January 1911, MA-MLP1 1910/28/1, pt 1

7. Paitini Tapeka to James Carroll, 20 October 1910, MA-MLP1 1910/28/1, pt 1

8. Ibid. Paitini was informed that he had to make a personal application for his share of purchase money to Paterson.

Hori Hohua, writing on behalf of the Ngati Koura who had previously expressed the desire to sell their land independently from the general committee, wrote to Carroll urging that the Government buy the residues of the Waikarewhenua, Omahuru, and Paraoanui blocks which had already been sold:

Friend, we are anxious to sell these and to secure the money for the purchase of milch – cows and sheep. I want to put some sheep on at Turanga. We also want to pay for the subdivision work as authorised by the NL Court.

Mr Carroll, Waikarewhenua block is the subject of unimportant appeal, for inclusion as owners merely. Neither the Omahuru nor Paraoanui blocks are subject of appeal; so that they are free for disposal.

We want to sell these three pieces of land all out. The Ngati Koura would therefore like to have a Land Purchase Commissioner sent along to purchase, or, otherwise some of us are prepared to go to Wellington for the purpose.<sup>9</sup>

Hori was still waiting for a reply to this letter when he next wrote in August 1912. Apparently, Numia Kereru and Te Amo were going to Wellington ‘to submit certain matters’ to Herries, the new Minister of Native Affairs. Hori asked Herries not to agree to their proposals, so presumably Numia and Te Amo went to air further objections to the sales or, at least, how they were being conducted. After extending an invitation for the Minister to visit Ruatoki, Hori asked for a Government response to his March proposals to sell the remainder of the Waikarewhenua, Omahuru, and Paraoanui blocks.<sup>10</sup>

### 9.3 UREWERA PURCHASE SUSPENDED AND RESUMED

Hori’s proposals had probably been deferred for the time being, as the Liberal Government had been ousted and a new Reform administration had taken its place. William Herries, who had been a dogged opponent of Carroll’s in Opposition, was the new Minister of Native Affairs. According to Belgrave:

Herries’s views were formed early and held throughout his career. All Maori land should either be taken into trust and leased to Maori and European alike, or individualised. Herries clearly preferred individualisation, blaming rental income for Maori indebtedness, an unwillingness to work and general moral turpitude. Once titles were individualised, Maori would be free to develop their land; if it was not developed it should pass into Pakeha hands – by compulsion if necessary. . . . Herries derided Maori landlords, denigrated Maori land boards, and vilified restrictions on the sale of Maori land.<sup>11</sup>

9. Hori A Hohua (three others, ‘and all Ngatikoura’) to James Carroll, 1 March 1912, MA-MLP1 1910/28/1, pt 1

10. Hori A Hohua to W H Herries, 26 August 1912, MA-MLP1 1910/28/1, pt 1

11. Michael Belgrave, ‘Herries, William Herbert’, in 1901–1920, vol 3 of *The Dictionary of New Zealand Biography*, C Orange (ed), Wellington, Auckland University Press and Department of Internal Affairs, 1996, p 213

Obviously, then, Herries would have been sympathetic to requests from Tuhoe to sell more land; it was just a question of how to facilitate this. As Herries would later put it: 'The Question of the Urewera Country has had my earnest attention ever since I assumed office'.<sup>12</sup> However, the new administration decided to suspend the purchase of the Urewera from 31 March 1912 upon the advice of the Native Land Purchase Board. The reason for the suspension was the ongoing litigation of the Urewera commissioners' orders in the Appellate Court, which largely involved appeals for inclusion and exclusion of owners in the titles.<sup>13</sup> According to Herries, the Opposition members of the Native Affairs Committee supported the numerous Tuhoe petitions to reopen the titles, perhaps as a stalling tactic to avoid the all out purchasing they knew Herries would favour. Herries, however, 'resisted' this filibuster until, he said, a 'finality' was reached: the Chief Judge initialled the Native Appellate Court orders as correct for title to issue.

These titles were then meant to be forwarded to the Survey Department in Auckland for the endorsement of the accompanying plans. However the Urewera surveys were little more than sketch plans: 'they were useless for title purposes, and in many cases impossible to redefine on the ground, present-day Natives being unacquainted with the location of the named places on the boundary-lines'.<sup>14</sup>

Thus, once the title work was finished, the matter of surveys became the new thorn in Herries's side. Without proper survey, the new titles could not be registered and transfers to the Crown could not be effected. The question of continuing purchase was risky because, if continued by acre when it was not certain of the acreage equivalent of each interest, it could result in the Crown either gaining or losing when that acreage was defined.<sup>15</sup>

Considering the matter, the Chief Surveyor at Auckland recommended that:

if the Crown wish to proceed with the purchasing operations, this should be done upon the present estimated areas . . . A ring survey could then be made of the interests the Crown has acquired, and the total area ascertained, and the transactions completed.<sup>16</sup>

The situation, then, was that the areas of the Urewera blocks were estimates only, as none of the subdivisional lines had been cut and, according to the Chief Surveyor, these would have to wait until a new periphery survey of the reserve was undertaken.

The Native Land Purchase Board had to weigh the enthusiasm with which the Government wanted to resume purchasing with the 'risks' involved in doing so without proper survey. In the end, they decided to resume purchasing at a meeting held on 7 November 1914. These purchases were to be undertaken by the Native Department and the new purchasing officer, Bowler, was instructed to complete the

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12. W H Herries, memo for the Honourable the Attorney-General, 22 March 1915, MA-MLP1 1910/28/1, pt 1, p 1

13. Recall from chapter 7 that the Urewera District Native Reserve Amendment Act 1910 expressly extended the operation of section 50 of the Native Land Act 1909 to the Urewera orders; Judge Jackson Palmer began his review of these applications for appeal in January 1912.

14. 'Urewera Lands Consolidation Scheme (Report on Proposed)', AJHR, 1921, sess 2, G-7, p 2

15. W H Herries, Memo for the Hon the Attorney-General, 22 March 1915, MA-MLP1 1910/28/1, pt 1

16. Memorandum, 'Urewera Reserve' in W H Herries, Memo for the Hon the Attorney-General, 22 March 1915, p 5, MA-MLP1 1910/28/1, pt 1

purchases in those blocks in which the Crown had already bought interests. Herries summarised his general views by saying:

As a matter of general policy, I believe it would be best for the Crown to purchase what it requires before the Act (UDNRA 1896) is repealed. I am not inclined, at present, to open the land to indiscriminate purchasing by speculators. There are some good blocks of timber land, and I believe that, if these are not purchased by the Crown, they should be vested in the Maori land boards to be leased to sawmillers on behalf of the Maoris, but I think the main policy should be purchase by the Crown of those portions of the reserve which the Maoris wish to sell, and individualisation by area of those portions they desire to cultivate, and, in individualisation, I include family as well as personal individualisation, so that blocks where there are many owners can be cut up into family acreages in preference to minute individual acreages.<sup>17</sup>

The decision made by the Native Land Purchase Board was, of course, to resume purchasing of individual interests. Herries' statement after all, clearly anticipated the repeal of the Urewera legislation, and with it, the statutory backing of the general committee. It is interesting, though, that Fisher (the under-secretary of the Native Department) noted that the Crown's Urewera purchases were not in accordance with the provisions of the Native Land Act 1909, since they were conducted as if the Urewera Amendment Act 1909, which still demanded the collective consent of the general committee to alienate land, did not exist.<sup>18</sup> The Native Land Act 1909 required that where a block was owned by more than 10 owners, a runanga system was to apply whereby an assembly of owners was required to decide whether to alienate it and if they decided in favour of alienation, their decision was to be confirmed by the Maori land board. This process of collective consent, of course, had been by-passed in the Urewera and as Fisher pointed out, the 'irregular processes' of the Urewera purchasing would have to be validated by legislation, since the current statutes plainly stated that purchases were to be made from the general committee.<sup>19</sup>

For the time being, the Native Department supported its purchasing in the Urewera by reference to the Native Land Amendment Act 1913, which, at its most controversial clause at section 109, empowered the Crown to purchase individual interests in Maori land, be that freehold land, Native reserve land or land held in trust.<sup>20</sup> Incredibly, this Act plainly stated that section 109 was not to apply to the Urewera lands, amongst others, and that purchasing of this land could only proceed in accordance with the provisions of the special statutes affecting it (s 117 Native Land Amendment Act 1913). It was only with the passing of the Native Land Amendment Act 1916, that the Crown retrospectively validated its purchases of individual interests in the Urewera. Section 4 of this Act stated that:

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17. W H Herries, memo for Attorney-General, 22 March 1915, MA-MLP1 1910/28/1, pt 1, pp 1–2

18. T Fisher, under-secretary, Native Department, to Native Minister, 10 December 1913, MA-MLP1 10/28/1, pt 1

19. Ibid; Under-Secretary Fisher to W H Bowler, Native Department, Auckland, 22 December 1914, MA-MLP1 10/28/1, pt 1

20. Pitt, under-secretary, Lands Department, to Fisher, under-secretary, Native Department, 20 November 1913, MA-MLP1 10/28/1, pt 1

Notwithstanding anything to the contrary in the Urewera District Native Reserve Act, 1896, or in any other Act, the Crown shall be deemed to have and at all times to have had power to purchase the interest of any individual owner in the land comprised in the First Schedule to the aforesaid Act, and every owner shall be deemed to have and to have had power to sell his interest to the Crown, but to no other person.

Herries explained the necessity for this clause in Parliament by saying that there was doubt whether the Crown's purchases had in fact been legal, noting that the law had stated that the Crown was only to purchase from the general committee. Remarkably, Herries told Parliament that the general committee had never been set up and that this was why validation was required.<sup>21</sup> It seems implausible to suggest that Herries was unaware of the fact of the committee's existence given the correspondence in the Native Land Purchase Department files and the representations which Numia Kereru, Te Pouwhare and other leading figures of the committee had made to Herries since his inception as Native Minister.

#### 9.4 BOWLER RESUMES PURCHASING, 1915

With the Urewera titles completed in March 1915, Under-Secretary Fisher instructed Bowler in May that he should 'at once proceed to the Urewera, as it is desirable that an immediate start should be made with the purchasing'.<sup>22</sup> Bowler set about readying himself for purchasing which involved a large amount of clerical work, compilation of ownership lists, successions, and so forth. This ensured, among other things, that no double payments were made to those who had already sold their interests to the Crown and he would come to rely on assistance from Tuhoe individuals to identify payees and for translation services.

Bowler commenced purchasing in June 1915 and, upon the agreement of the Native Land Purchase Board, the prices paid by Bowler were based on the former valuations of the eastern Urewera blocks undertaken by the Lands and Survey Department in 1910. Fisher indicated that the Government intended purchasing in other Urewera blocks, but that these would have to wait until further valuations had been completed.

Bowler's first progress report to Fisher was generally ambivalent about prospects in the reserve. While reckoning that it would be possible to acquire 'considerable' further areas in the district, Bowler offered that his task would be 'greatly facilitated' if either Herries or Dr Pomare could visit the Urewera and induce Tuhoe to sell:

This was done when the prior purchase was commenced, and the result was that considerable interests were acquired. Several of the Natives whom I saw expressed a desire to discuss matters with one of the Ministers before considering the question of any further sales. . . . in the absence of any ministerial assistance I think it will be

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21. W Herries, 3 August 1916, NZPD, 1916, vol 177, p 741

22. Under-secretary to W Bowler, 15 May 1915, MA-MLP1 1910/28/1, pt 1

possible to acquire only the interests of a comparative minority of owners who happen to be in absolute need of money.<sup>23</sup>

According to Bowler, other factors militated against successful purchasing at this time. One was the influence of Rua, who had been recently convicted and imprisoned, and Bowler argued that it would be necessary to convince him, upon his release, to approve of the Crown purchases. Bowler also commented on the speculative pressures being applied in the area, mentioning rumours of syndicates prepared to spend £250,000 on development of the Urewera and up to £10 per acre for the timber areas.

The single biggest problem as far as Bowler was concerned, however, was the fact that the same individual owners and families were represented in many separate blocks:

Obviously some of the Natives will never sell, and the most that can be ultimately hoped for is, after the geographical location of the Crown and Native-owned areas has been determined by the Court, a kind of chequer-board district owned alternately by the Crown and by Natives.<sup>24</sup>

According to Bowler, the Urewera was owned by a little over 1000 Tuhoe who 'practically make no attempt to utilise it profitably, and are never likely to do so'.<sup>25</sup> His answer to this dilemma, in light of the tenurial problem he had been reflecting on, was simply to propose that the Crown compulsorily acquire the whole of the Urewera reserve, with reservations for Tuhoe made in one locality. He went on to suggest that the purchase money could be decided by arbitration or perhaps be paid by interest-bearing debentures. Fortunately for Tuhoe, Herries was opposed to large-scale compulsory acquisition and at any rate, Bowler's suggestion would have been politically inexpedient to say the least.

By July 1915, Bowler's tone had brightened considerably, as he reported that Tuhoe were very anxious to sell although there was a 'tendency' to retain interests in the Maungapohatu block. Bowler took 600 signatures, representing roughly 15,920 acres, with the result that the Crown owned the bulk of these blocks. He then suspended operations while awaiting the valuations for other blocks. Then, he surmised, 'I have every hope of being able to pretty well clean up these blocks'.<sup>26</sup>

### 9.5 VALUATION REPORT ON UREWERA LANDS

In anticipation of extensive purchase in the Urewera, a valuation inspection of the country was carried out in July 1915 by Andrew Wilson, district surveyor, and AB Jordan and R Pollock, Crown rangers.

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23. W Bowler to under-secretary, Native Department, 13 June 1915, p 3, MA-MLP1 1910/28/1, pt 1

24. Ibid

25. Ibid, p 2

26. W Bowler, memorandum for under-secretary, Native Department, 17 July 1915, MA-MLP1 10/28/1 pt 1



The western and southern portions of the Urewera were described as very poor, being largely mountainous country.<sup>27</sup> South of the Rotorua–Waikaremoana road (being the southern portions of the Te Whaiti, Ruatahuna, and Manuoha blocks and all of the Waikaremoana block) was said to be very broken birch country, as was the western boundary of the Urewera running from the Whirinaki River to Tamatamaiere trig station.

In spite of being rugged, poor country, the valuers identified the Waikaremoana block as an area in which the Crown should take a particular interest. In fact, they recommended that the Government buy the entire 73,667 acres in order to preserve the natural beauty of the lake, to capitalise on the increasing tourist trade as well as to provide a forest and climatic reserve.<sup>28</sup> It was also suggested that the timber on the block would be of great value in the future. Wilson and Jordan noted, however, that Tuhoe were ‘wantonly destroying’ the bush around the perimeter of Lake Waikaremoana in order to demonstrate their ownership of this resource.<sup>29</sup> This gesture would foreshadow great opposition to Crown attempts to acquire the lake and surrounding land.

The whole country was said to be volcanic deposits of pumice sand of various depths covered by a layer of soil on top. Deforestation, caused by anticipated settlement, the valuers warned, would result in the reduction of the capacity of the soil to resist drought and would increase the likelihood of slippage on country already inclined to do so. Fear of water run off, and subsequent flooding of adjacent districts, would be one motivation for the Government to try and retain forest cover over a reasonable proportion of the Urewera.

The valuers described those small areas of grassland such that existed as quite good, and noted that grass did well in other districts of similar formation and soil type, making good sheep country. They thought that the Urewera was only fit for subdivision into areas of about 1000 acres for settlement and that there were only a few areas where small sections could be viable. Principally, they identified the Ruatoki river flats for this purpose. They estimated the average carrying capacity of those areas identified as suitable for settlement, as one sheep per acre.

The critical issue identified by the valuers was the relatively small areas of good land in the reserve which, naturally, Tuhoe did not want to sell. This meant that the value placed on the remaining lands was comparatively low. To keep these prices low, and prevent Tuhoe from enjoying an ‘unearned increment’, roading and development would take place only after the Crown had bought all the land it wanted in the Urewera. The trouble from Tuhoe’s point of view was that the purchasing of individual interests was slow: it took the Crown more than 10 years to reach the limits of purchasing in the Urewera, and in the meantime much-needed development was left in abeyance. The fact that it took years for the Crown to consolidate and partition its interests, the extent of which was probably unknown to Tuhoe themselves, must have

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27. A Wilson and A B Jordan to Chief Surveyor, Auckland, 1 August 1915, MA-MLP1 10/28/1, pt 1

28. *Ibid*, p 2

29. *Ibid*

produced a feeling of insecurity in those Tuhoe who wanted to live and work on the land:

There is one very important fact which must be kept in view when placing the value on Urewera lands, that is, the Natives will require certain areas for their own use as cultivation, grazing areas, etc. They are at present occupying the best portions, and [as] it is only natural to suppose that these are the parts they will want to reserve, this reduces the value of the remaining portions. In any case no settlement should be undertaken or road making attempted until the purchasing of the land has been completed, and *an effort should be made to define the area each native should be allowed to retain*. Neither Natives nor Europeans should be allowed to hold the land for speculative purposes and reap the benefit of a settlement and road-making policy undertaken by the Crown. [Emphasis added.]<sup>30</sup>

Plainly, the language of this statement indicates how far policy initiative had been taken out of Tuhoe's hands. Government strategy was to be directed at acquiring as much Urewera land as possible at prices which would not compromise affordable settlement; the interests of the state were to take precedence over Tuhoe ambitions and priorities. Wilson, Jordan, and Pollock recommended that the restrictions on owners dealing in lands and timber with private buyers be kept until the Crown had completed its purchasing and they further recommended that a system of loading lands for a roading contribution be inaugurated.

It is uncertain if the Native Department ever took up Wilson and Pollock's suggestion to define the area that Tuhoe were to be 'allowed' to retain, but if it was considered that the land they would not sell was of a superior quality to the land they would sell, then the Government must have assumed that Tuhoe would individually need far less than the 1000 acres anticipated for each settler. Indeed, the estimates supplied by the valuers bear this out.

The valuation classified the Paharakeke block (18,253 acres), Manuoha (19,672 acres), Waikaremoana (73,667 acres), and Te Whaiti block (71,340 acres) as unfit for settlement at that time, which, deducted from the Urewera reserve of 653,000 acres, left a balance of 470,420 acres.

Areas considered too rough for settlement in the remaining blocks (which were to be reserved for scenic and climatic reasons) as well as areas for Tuhoe habitation were *together* estimated to be 100,000 acres. This left a balance of 370,000 acres. This area, it was argued, would support approximately 350 settlers giving them 1000 acres each. As to costs, Pollock and Wilson estimated that 200 miles of roading, at £800 per mile, was necessary to service the country while surveying and advertising would cost about five shillings per acre. They anticipated that these roads would be made along banks of rivers and streams but owing to major flooding during their inspection, detailed plans for the roading were left for the future. Considering that the average cost of purchase would be about 10 shillings per acre and that the average value of the land would be about 25 shillings per acre, they gave the following breakdown:

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30. Ibid

370,000 acres at 10/- prairie value	£185,000
200 miles of road at £800 per mile	£160,000
Surveys, expenses etc at 5/- per acre	£ 92,500
Balance	£ 25,000
TOTAL	£462,500
370,000 acres at 25/- per acre	£462,500

Wilson and Pollock were moved to comment that their valuation of the Urewera land, averaging 10 shillings per acre, was, 'as a whole, a very fair and equitable one, but we have endeavoured to place it so there can be no loss to the Crown, and no possibility of disaster to any settlement scheme'.<sup>31</sup>

The valuers found no sign of any minerals, and it was accepted by this date that the much speculated gold to be found in the Urewera was a myth. Some coal was reported at Ruatahuna and Parakohe but no quantity estimate was given. Hot springs were reported at Maungataniwha and Waikokopu near Waiohau, and mineral springs were located in the Horomanga Gorge on the western Urewera reserve boundary.

Wilson and Pollock had been instructed to pay particular attention to the milling possibilities of the Urewera, and especially of the Te Whaiti block. Nearly the whole of the country was described as forested, with the exception of about 4000 acres in Te Whaiti block, open scrub land on the western boundary, several thousand acres at Ruatoki, and many small clearings throughout the country made by Tuhoe.

The valuers were disappointed to report that, with the exception of Te Whaiti, the Urewera timbers were too dispersed and isolated to represent any commercial value.<sup>32</sup> Wilson and Pollock merely noted that should the land be subdivided for settlement purposes, then it would be wise to secure the more abundant timber areas for settler requirements.

They decided therefore to place no value on the Urewera timber, as costs involved in milling would outweigh returns; the values given to the following Urewera blocks, therefore, represented only the value of the land:

Block	Acreage	Price per acre
Waikaremoana	73,667	3s
Ruatahuna	57,823	6s
Tarapounamu-Matawhero	65,984	8s
Te Whaiti	71,340	12s 3d
Maraetahia	5512	5s
Otairi	6910	5s
Tawhiuau	5064	3s
Hikurangi-Horomanga	54,319	6s 6d
Tiritiri portion of above	995	10s
Kohuru-Tukuroa	8224	10s
Ierenui-Ohaua	459	8s

31. Ibid, p 3

32. 'Timber Report - Urewera Country', R Pollock to the Commissioner of Crown Lands, Auckland, 3 August 1915, MA-MLP1 10/28/1, pt 1

Block	Acreage	Price per acre
Tauwharemanuka	1300	10s
Ohiorangi	1190	10s
Te Rangi a Ruanuku	16288	10s
Pukepohatu	10,228	10s
Karioi	2420	10s
Taneatua	17,200	10s
Paraeroa	10,266	10s
Paraeroa B	410	10s
Te Purenga	5680	10s
Waipotiki	8200	12s 6d
Te Tuahu	6300	10s
Ruatoki 1	8755	£10 7s 6d
Ruatoki 2	5910	5s
Ruatoki 3	6800	£10 7s 6d
Ruatoki South	6020	12s 6d
Te Wairiki	2240	12s 6d
Poroporo	2470	10s
Parekohe	20,960	20s
Paharakeke	18,253	5s
Manuoha	19,672	3s

Writing to the Under-Secretary for Lands, the Chief Surveyor, Skeet, noted the expenses associated with bringing such rugged and isolated land into profit. He stated that because the Urewera lands would be mostly pastoral and in reasonably large holdings, it would necessitate:

a moderate value on the land, and the price to be paid the Natives such that all contingencies can be loaded on to the land. The Native Land Court have recently made partitions of the Tauwharemanuka Block, allotting the land on the Whakatane River on what will be one of the main roads through the country, and if the Natives retain these areas, the back portions of the block could only be acquired at a very much reduced price to allow of successful settlement.<sup>33</sup>

In September, Fisher forwarded valuations for the remaining Urewera blocks to Bowler, but added that he was only to extend his operations to the Te Whaiti block as no authority had been given by the Native Land Purchase Board to buy shares in the remaining blocks.<sup>34</sup> However, Fisher did note that the Lands Department had been asked to supply valuations of the nine recent Tauwharemanuka subdivisions, and when these were available, Bowler was to proceed with their purchase. To recap, Fisher stated that Bowler was to continue buying in the following Urewera blocks at prices that had already been quoted to him:

33. H M Skeet to Under-Secretary for Lands, 11 August 1915, MA-MLP1 1910/28/1, pt 1

34. T Fisher to W Bowler, 2 September 1915, MA-MLP1 1910/28/10, pt 1

Block	Acreage	Price per acre
Waikarewhenua	12,400	12s
Tauranga	39,020	15s
Maungapohatu	28,462	12s
Paraoanui North	3300	17s 6d
Paraoanui South	5410	17s 6d
Omahuru	6450	20s
Otara	2530	20s

Reflecting on the new valuations as assessed by the Lands Department, Fisher commented to Bowler that they were ‘considerably lower’ than the prices at which Bowler had already been acquiring interests.<sup>35</sup> Whether Fisher meant that this was because the first blocks purchased by Bowler were generally of a higher quality, or whether the new valuations took into account the costs in bringing the land into production, or both, is unclear. The Tribunal will need to consider whether the costs of preparing the land for settlement should have been deducted from the prices paid to Tuhoe.

In late September, Bowler reported to Fisher that he was leaving the Urewera district and proposed to return again in November when the Native Land Court sat at Whakatane. By this stage, Bowler had managed to acquire the majority of shares in the above blocks while working on the periphery of the Urewera. To get the remaining shares, he would have to venture into the heartland.<sup>36</sup>

In January 1916, Te Pouwhare wrote to Herries recounting the outcome of a meeting at Taneatua that month, where Tuhoe apparently assembled to meet the Minister. Te Pouwhare said that the owners wanted to sell in Tauwharemanuka, Karioi, Parekohe, and Waipotiki blocks to raise money to make donations for the war effort.<sup>37</sup> Herries referred the letter to the Native Land Purchase Board, which quickly approved purchase in the blocks at the prices already set by the Lands Department.<sup>38</sup>

What the exact nature of Tuhoe’s war donation was meant to be remains unclear. Under section 5 of the Native Land Amendment and Native Land Claims Adjustment Act 1915, provision was made for Maori to contribute to patriotic funds from proceeds of alienations through the Maori land boards. In November 1915, Te Pouwhare wrote to Herries saying that Tuhoe had subscribed £4000–5000 for the war contribution and as no scheme had been put forward in the past for the use of sale proceeds, he felt it was better to use the money in the way they now proposed.<sup>39</sup> In Parliament,

35. Ibid

36. H Bowler to under-secretary, Native Department, 26 September 1915, MA-MLP1 1910/28/10, pt 1

37. Te Pouwhare and others to Minister of Native Affairs, 15 January 1916, MA-MLP1 1910/28/1, pt 2. Te Pouwhare said that he was so eager to send this letter that the majority of those interested were not able to sign it.

38. Fisher sent Bowler the valuations for the Tauwharemanuka subdivisions; the land near the river being of greater value than the back areas, Bowler was required to make an average valuation in each case. Most of the nine subdivisions seemed to have an average valuation of 15 shillings per acre, except subdivisions 5 and 8 which were valued at 10 shillings per acre and section 9 which ranged from six shillings to 7s 6d per acre: see T Fisher to W Bowler, 16 February 1916, MA-MLP1 1910/28/10, pt 2.

39. Te Pouwhare to W Herries, 20 November 1915, MA-MLP1 1910/28/1, pt 1

however, Ngata would refer to a large acreage of land which Tuhoe had donated for the war effort.<sup>40</sup>

In March 1916, Bowler wrote to the Native Department to recommend that the purchasing be pushed on as far as possible in view of the already considerable investment in Urewera lands over the previous six years. He was confident of being able to purchase most if not all of the early blocks approved for purchasing if only he could get the titles to these blocks updated. Bowler had already remarked on the problems he encountered with the out-of-date titles:

Many of the Natives do not know what blocks they are in. Others having come into the titles by numerous succession orders, are unaware that they still retain unsold interests.<sup>41</sup>

Bowler, then, urged the Native Department to attend to the matter of getting the Urewera titles up to date, particularly some hundreds of trustee orders dating back to 1910 which had not been drawn up.<sup>42</sup> In order to make Tuhoe aware of what interests they still owned, Bowler asked that the Native Department compile lists showing the owners of all outstanding interests, to be printed and circulated in the Urewera.<sup>43</sup>

By April 1916, the board had also decided to buy in the Ruatoki South, Te Purenga, Te Wairiko, Poroporo, Te Tuahu, Taneatua, Pukepohatu, and the Paraeroa blocks. These were blocks in which Paterson had already made advances and Bowler was instructed to buy at the previous Lands' valuation. However, it was noted that in the case of large blocks like Tauwharemanuka, the land values varied depending on distance from the river, and Bowler was instructed to strike an average value in each case.<sup>44</sup> Herries preferred that Bowler concentrate on securing interests in blocks adjoining those already purchased in, presumably with a view to facilitating definition of Crown interests when the time came to partition, but aside from this qualification, Bowler was instructed to buy any interests offered in the approved blocks.<sup>45</sup>

Aside from out of date title information, the lack of accurate block surveys also hindered some purchases by confusing matters of area and boundaries. It was noted above, for example, that Bowler was instructed to buy in both the Pukepohatu and Paraeroa blocks. On hearing of appeals, in fact, the Pukepohatu block had been included in the Paraeroa block, and the area of land marked 'Papatipu' on the 1907

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40. This matter should be followed up with further research – did Tuhoe in fact make a donation of either land or money? The question of returned servicemen would also become an issue of concern to Tuhoe. In March 1920, Te Pouwhare told Guthrie that Tuhoe wanted to set aside a portion of compact land for their returned soldiers to work. Guthrie offered that this was a good idea and said it would probably happen anyway. Further, he added, the Government would help the servicemen under the Discharged Soldiers Settlement Act 1915. Bowler had stated that it was more practical that Tuhoe sold land to the Crown and then the Government set land aside for Maori and Pakeha returned servicemen alike.

41. Bowler to under-secretary, 26 September 1915, MA-MLP1 1910/28/1, pt 1

42. W Bowler to under-secretary, Native Department, 30 March 1916, MA-MLP1 1910/28/1, pt 2

43. Bowler also mentioned that he was handicapped by lack of clerical assistance, and by the fact that the department staff had been depleted by the war.

44. Under-secretary to Bowler, 16 February 1916, MA-MLP1 1910/28/1, pt 2

45. T Fisher to W Bowler, 28 April 1916, MA-MLP1 1910/28/1, pt 2

lithograph of the Urewera blocks, was actually found to be part of the Tauwharemanuka block.<sup>46</sup>

## 9.6 WHY DID TUHOE SELL LAND?

### 9.6.1 Socio-economic observations

Given the widespread alienation of interests in the Urewera reserve, it would be very difficult to provide one definitive answer as to why Tuhoe sold much of their land in the 10 years or so presently under discussion. Indeed, the evidence appears to point to a number of factors involved in the sales, and this report will only attempt to provide an overview of some of the circumstances involved in the alienation of this region.

Undoubtedly, a major factor was the socio-economic status of Tuhoe in the early decades of the century. As has been noted, the relative isolation of Tuhoe from Pakeha centres of economic activity, coupled with the injurious effects of confiscation of land in the 1860s, left Tuhoe in an invidious position. The fact was that Tuhoe had very little opportunity to either secure cash for consumption or to accumulate capital for agricultural investment. The areas of good agricultural land were limited in the Urewera and were made more so by the 1866 confiscation of some of Tuhoe's best agricultural land at Opouriao, Te Poroa, and those areas lying behind Ohiwa Harbour. These were areas which were now being successfully farmed by Pakeha settlers and the loss of this land must have meant that it was critical that a reasonable return be obtained from those areas remaining in Tuhoe ownership. The policy of isolationism which Tuhoe pursued after the New Zealand wars must have also hindered their ability to adapt to, or exploit, a cash economy.

While there is evidence that some Tuhoe travelled from their rohe to the Bay of Plenty and East Coast to trade from the early days of contact with Pakeha, many Tuhoe living in the deep interior had not had this opportunity. Indeed, Binney comments that Rua Kenana was among the first generation of 'upland' Tuhoe who had begun to work as casual labourers for Pakeha, noting the contrast of their exposure to the relative material wealth of the latter with their own impoverished position.<sup>47</sup> Most cash-paying work that Tuhoe engaged in, then, was seasonal and occurred outside of the reserve's boundaries. Tuhoe seasonal workers lived 'from hand to mouth' and could not be described as having a steady income.<sup>48</sup>

It is no wonder, then, that when Seddon visited the Urewera in 1894, he described Tuhoe as 'living in absolute poverty, not having sufficient food, not having the comforts they ought to have'.<sup>49</sup> In fact, Seddon noted that Tuhoe had asked him to introduce European birds and fish to the Urewera as an additional source of food.<sup>50</sup>

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46. Ibid

47. Judith Binney, *Mihaia, The Prophet Rua Kenana and His Community at Maungapohatu*, Oxford University Press, Auckland, 1979, p 21

48. Peter Webster, *Rua and the Maori Millennium*, Price Milburn/Victoria University Press, 1979, p 139

49. AJHR 1895, G -1, p 5

50. See the second schedule to the Urewera District Native Reserve Act 1896

This situation had not been ameliorated by the opening of the reserve to the ‘benefits of European civilisation’ some years later. Promises which Seddon had made to Tuhoe concerning provision of work on road construction had not been followed through.<sup>51</sup> Tuhoe, like other Maori communities, also suffered from a number of epidemics and general poor health which, it is suggested, bore some relation to a willingness to sell land. Webster notes that there was an outbreak of measles in the Urewera in 1897 which killed about 80 people, mainly children, and resulted in the closure of the Te Whaiti and Ruatoki schools. ‘It is clear that nothing like this number of people . . . would have died if they had had the benefit of medical attention or even good medical advice.’<sup>52</sup>

Best recorded the occurrence of outbreaks of influenza in the Urewera and the despair this caused. At a tangi for an influenza victim in 1897, he listened as the chief Tutakangahau reportedly stated:

this rapid dying of our people is a new thing. In former times our people did not die so – they knew no disease; they died on the battlefield or of old age . . . These diseases which slay our people are all from the Pakeha – it was the white men who brought them among us . . . I see before me O friends, the end of the Maori people. They will not survive. We can see plainly that our people are fast going from the earth. We have discarded our laws of *tapu* and trampled upon our *mana* Maori . . . The Maori is passing away and the Pakeha steps into his place.<sup>53</sup>

It is hard to guess how many Tuhoe consciously held sentiments of this kind, and what exactly their relationship with land sales might have been. Webster suggests, however, that widespread mortality had the effect of lessening investment in the future: ‘If one had money, it was a wise thing to spend it, for next year one might well be dead’. This might have equally applied to one’s interests in land. Whether this was the case or not, Tuhoe had to rely largely on themselves for medical assistance and it would be interesting to know if this was a significant factor in sales. Certainly, Numia Kereru himself had written to sell the interests of Tiria Numia because he had bills to pay as a result of her sickness.<sup>54</sup>

Attempts at the improvement of Maori health and sanitation were not always successful, not least because the onus was placed on Maori themselves for ‘self improvement’. Numia Kereru, for example, wrote to Carroll in 1900 complaining of the demands of the Maori Councils who were trying to enforce acceptable living conditions in an attempt to forestall outbreaks of disease (there having been a recent bubonic plague scare):

[Tuhoe] decided that Tuhoe could not carry out the provisions of the law affecting the kaingas, the houses, the people etc the house [sic] of these people are whare punis and raupo houses in which fires are burnt, they live as the ancestors did, that is why I feel

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51. Ibid

52. P Webster, p 146

53. Elsdon W G Craig, *Man of the Mist: A Biography of Elsdon Best*, Reed, Wellington, 1964, p 78 (cited in P Webster, p 146)

54. Numia Kereru, 17 September 1913, MA-MLP1 1910/28/1, pt 1



pouri lest penalties be inflicted by the Council and made to fall on Tuhoe who are dirty. Perhaps the Government can devise some means of affording relief to the Tuhoe Tribe under these circumstances.<sup>55</sup>

Some relief was perhaps provided by the visits of Dr Maui Pomare and Elsdon Best (in his capacity as sanitary inspector) to the Urewera from 1904. Pomare commented in that year on his opportunity to inspect Tuhoe living conditions; 'I certainly did not expect to see many improvements and I was not disappointed'.<sup>56</sup> Suggesting the need for hands-on medical assistance, he stated that if any tribe in New Zealand was in need of this help, it was certainly Tuhoe.<sup>57</sup>

Elsdon Best would comment on the dire conditions at Ruatoki in terms of lack of proper sewage disposal and clean water. He also commented that the Maori Council and local komiti marae were dismissive, if not hostile, to his suggestions at improving the situation (and it appears that suggestions were all that were being offered?). Interestingly, he stated:

At some places, however, but few improvements have been made, as at Te Whaiti. In some cases this is the result of lack of means, money or timber; but in the case of Ngati Whare of Te Whaiti and Ngati Manawa of Whirinaki, there is a distinct tone of hostility toward the Council.<sup>58</sup>

The Ngatiwhare people of Te Whaiti I have been quite unable to move from their state of apathy reported by me the year before last. Ngatimanawa of Whirinaki have been ever inimical to the Matatua Maori Council and to any advice tendered them in respect to their villages, &c.<sup>59</sup>

Other crises hit Tuhoe in this period. Food shortages, for example, were not uncommon. At Ruatoki in 1899, it was reported that severe frosts had destroyed crops, in some cases almost completely, and 'widespread famine' had been responsible for the closing of schools at Galatea, Te Whaiti and Te Houhi.<sup>60</sup> Best reported another severe frost striking at Te Whaiti in 1901 (in spite of which, the Te Whaiti people did not want to delay investigation of title to their land).<sup>61</sup>

Another severe shortage occurred in 1905 with a widespread failure of the potato crop which Best noted affected the inland parts of the region more than the coastal areas.<sup>62</sup> This was most unfortunate for the inland Tuhoe because the potato was their staple, often only supplemented by puha, pikopiko, and aruhe. Given that Best noted the people of Ohiwa being in great need of food, then, the impact on some interior Tuhoe communities must have been acute.<sup>63</sup>

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55. Numia Kereru to James Carroll, 9 August 1900, J1 1898/1011, NA

56. AJHR, 1904, H-31, p 60

57. Ibid, p 61

58. AJHR, 1905, H-31, p 61

59. AJHR, 1906, H-31, p 75. Possibly, the antipathy Ngati Manawa felt towards the Mataatua Maori Council had something to do with Numia Kereru and Ngati Rongo's endorsement of, and involvement with, the council.

60. AJHR, 1899, E-2, p 7

61. Elsdon Best to Percy Smith, 1 February 1901, papers of the Polynesian Society, MS1187, folder 297, ATL

62. AJHR, 1906, H-31, p 76

63. E Best, MA21/13, NA

### 9.6.2 Offers for sale

When word got out in 1910 that the Government was buying land in the Urewera, the Native Land Purchase Department began to receive offers of sale. Indeed, Bowler would subsequently report, particularly in the 1915–18 ‘seasons’, of being approached by Urewera owners who were very keen to sell their shares. A significant proportion of the correspondence which remains in the departmental files appears to be from Tuhoe owners who no longer lived in the Urewera. A considerable number of absentee owners appeared to reside at Gisborne, if the Native Department correspondence is anything to judge by, especially those owners of the southern Urewera blocks. Hineruku Hapimana wrote to Carroll in late 1911:

This is to inform you that I am desirous to sell my interests in those lands to the Government, for the price which is proper to the shares I hold therein. Because I am an old-woman now and I have children whom I am urging to get to work on (? my lands here). The difficulty is that we have no means to do so, as much as we desire it.<sup>64</sup>

Bowler recorded excursions to the East Coast on a number of occasions in order to pick up stray shares in blocks under purchase. He would visit fairs, agricultural shows, markets, and the like offering to buy Urewera interests and obviously hoped to be able to purchase shares from those who needed the cash on the spot.

Aside from suggestions that absentee owners possibly sold more of their interests than resident owners, Hinekura’s letter points to one of the major cited reasons for selling Urewera land: lack of development capital. Most Tuhoe of this period, as we have seen, lived at subsistence level and Webster suggests that they were getting poorer.<sup>65</sup> In order to raise their standard of living, Tuhoe had to pursue agriculture, but the application of modern farming methods required the development of land which in turn required cash. This was something which the Liberal Government had made available to Pakeha settlers under the Land for Settlement Act 1894 but no analogous State support was made available to Maori. Tuhoe were in the position of having to sell land in order to keep land.

Not all absentee owners were sellers, of course. Mohi Te Tawhi wrote to Fisher from Gisborne stating, ‘I want to get money for the working of my lands in the Tuhoe Rohe Potae . . . I want to clear off the bush and work the lands. My elder brothers have all sold but I have not.’<sup>66</sup>

Hori Hohua and others of Ruatoki wanted to sell shares in Waikarewhenua, Paraoanui, and Omahuru so that they could put sheep and cattle on the land (presumably at Ruatoki).<sup>67</sup> W H Bird of Murupara wrote to Herries offering to sell the Ngati Manawa portion of Te Whaiti and also the Whirinaki block (outside of the Tuhoe reserve) in order to get money to work the Hikurangi block.<sup>68</sup>

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64. Hinekuru Hapimana to Honourable James Carroll, 10 August 1911, MA-MLP1 1910/28/1, pt 1

65. P Webster, p 140

66. Mohi Te Tawhi to T Fisher, November 1912, MA-MLP1 1910/28/1, pt 1

67. Hori Hohua and others, 22 December 1913, MA-MLP1 1910/28/10, pt 1

68. W H Bird to W Herries, 11 May 1914, MA-MLP1 1910/28/1, pt 1

Given the uncertainties Tuhoe faced in this period trying to maintain their own upkeep, it would also be useful to reflect on the impact that the UDNRA 1896 title investigations must have had on these communities.<sup>69</sup> Investigations of very large blocks, for example, would have required the attendance of very many claimants and witnesses over quite a period of time. Certainly, subsequent appearances that Tuhoe had to make in the Native Land Court, pursuing partitions for example, seem to have placed extra burdens on them. Mauparaoa wrote on behalf of some Te Whaiti owners, for example, that they wished the partition of that block to be held at Murupara because they were too poor to go to Taneatua.<sup>70</sup> The Upokorehe owners of the Hiwarau block, which lay outside the Urewera reserve, wished to sell their interests in the Urewera in order to pay for the partition of Hiwarau.<sup>71</sup>

Further analysis of Bowler's purchase operations could be pursued through more research of the Urewera Native Land Purchase Department files. In particular, it might be interesting to further investigate Tuhoe understandings of the actual process of individual sale and how their individualised share in a block might translate into units of legal interest (whether of acreage or money). Bowler would later illustrate the poor average payments being made in lowly valued blocks. As many owners held scattered interests, Bowler had also pointed out that many owners did not know that they retained unsold interests. Even the Native Land Purchase Office sometimes had difficulties understanding how two owners in the same block could have differently valued interests. In this climate of confusion, it would have been eminently possible to create misunderstandings. Hohepa Hamiora, for example, wrote to Carroll offering to exchange his interests in Te Purenga and Ruatoki blocks which, he said, equalled 250 acres, for Crown land at Matata.<sup>72</sup> According to the Native Land Court registrar, however, Hohepa's interests amounted to only 78 acres. Even more alarmingly, Hohepa Maurahau who also wished for an exchange of Crown lands, stated:

I know that the Tuhoe lands are open for sale and mine may be sold without my knowing of it, or receiving anything for it. For instance, take the sale of Rua. Rua got the major portion of the proceeds. It is therefore proper now that I deal with my own by my own hand and signature.<sup>73</sup>

Obviously, the opening of the Urewera to Crown purchase had provoked fear in some people that they might not be able to protect their own interests. Hohepa added that his interests totalled 347 acres, which was a lot of land, but that he did not make enough from it to keep him.

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69. It would be necessary to investigate the minute books of the Urewera commissions.

70. Mauparaoa and others, received by Native Department 8 June 1912, MA13/90, NA

71. JR Rushton to A Ngata, 30 May 1911, MA-MLP1 1910/28/1, pt 1

72. Hohepa Hamiora to James Carroll, 29 March 1910, MA13/91

73. Hohepa Maurahau to Native Land Purchase Board, 15 August 1911, MA-MLP1 1910/28/1, pt 1

## 9.7 PURCHASE CASE STUDY: TE WHAITI BLOCK

### 9.7.1 Introduction

The Te Whaiti block was as an area of intense Crown interest which was underlined by the gradual realisation that the Urewera was not auriferous country; the timber at Te Whaiti, then, assumed a greater importance relative to other areas in the reserve. This was a fact not lost on the Ngati Whare and Ngati Manawa, and the matter of the profitable use of this resource would occupy much of the Te Whaiti owners' time from the beginning of Crown purchases in the Urewera.

According to a later petition presented to Parliament, the Te Whaiti owners negotiated an agreement for sale of timber with Messrs Hall, Morrison, and Lardelli in 1909. The prices for the timber were set at the rate of 2s 6d per 100 feet for totara, 1s 6d for rimu and matai, and one shilling for white pine:

The purchasing syndicate was advised by experts after full and complete investigation that at Five Pounds (£) per acre their grant would be a most valuable asset. At the aforesaid prices, the timber would have been worth £20 per acre.<sup>74</sup>

Such attractive undertakings from syndicates like this made the Te Whaiti owners anxious to dispose of their timber but they were prevented from doing so by the Government which was concerned to retain its right of sole purchase.

In a June 1910 account of a general committee hui, Numia Kereru had told Carroll that Te Whatanui had offered to sell, 'out of the Ngati Whare portion of the [Te Whaiti] block', 6000 acres to the Crown. By the end of the year, Ngata told Carroll that he was under pressure from some of the Te Whaiti owners who wanted advances on their shares in the block. The Native Land Purchase Board, reflecting on the desirability of securing this area, decided to approve advances of up to two shillings per acre and it appears that the Lands and Survey Department was active in making these advances.<sup>75</sup> Te Whatanui, Matekuare Te Hira, and Te Tuhi Pihopa were among those to receive payments on this basis in 1910. However, these Te Whaiti payments do not appear on Paterson's schedule of his late 1910 activities (reproduced in chapter 8), and because this land purchase officer only worked from the Ruatoki and Waimana entrance of the Urewera, it seems likely that Paterson made only small advances on Te Whaiti between 1911 and the cessation of purchase in March 1912.

It seems that the small progress made on the Te Whaiti purchase was related to the question of the partition of that block. In September 1910, Ngata had recommended to Carroll that a partition of Te Whaiti be carried out to define the boundaries between two contending parties: 'until this is done there is no prospect of acquiring any part of this large block for settlement'.<sup>76</sup> Accordingly, an Order in Council conferring jurisdiction on the Native Land Court to partition the Te Whaiti block was issued in September 1910 (as required under section 5 of the Urewera District Native Reserve Amendment Act 1909). It was considered inexpedient, however, to carry out

74. Petition 84/1938 of Wiremu Paati and 44 others, MA-MLP1 1910/28/4, Te Whaiti; also LS1 22/697/1

75. A Ngata to J Carroll, 21 November 1910, MA-MLP1 1910/28/4

76. A Ngata to J Carroll, 7 September 1910, MA13/90, NA

this partition immediately as there were complications owing to the disputed title of this and other blocks. Given that the partition was a priority for both the owners and the Government, a clause was included in the Native Land Claims Adjustment Act 1911 to facilitate the partition of, and resolve other disputed matters in, the Te Whaiti (and Ruatoki) blocks. Section 12 of this Act enabled the Native Land Court, upon partition, to firstly define the tribal or hapu boundaries between Ngati Manawa and Ngati Whare and then to allocate relative interests to owners within those portions. During this procedure, the court was also empowered to reconsider the inclusion or exclusion of owners from the ownership lists.

Before this and any other Urewera partition was undertaken, the Native Minister asked the chief judge whether partitioning should proceed, having received requests for the subdivision of approximately 16 of the Urewera blocks. Jackson Palmer stated that he saw no reason why the Government should not proceed with the applications in light of the fact that it would soon be necessary to partition off Crown interests, and that 'certain disputed points' were to be settled on partition (Te Whaiti, for example). The sheer size of the task of partitioning the reserve meant that the work should be commenced as soon as possible.<sup>77</sup> Subsequently, the Te Whaiti block was partitioned into Te Whaiti 1 and 2 blocks.<sup>78</sup>

Following partition, the Te Whaiti owners appeared to involve themselves in a protracted dispute with the Crown over the control of Te Whaiti land and resources till finally, the Crown was able to resume purchasing in mid-1915. It was clear from the outset that the Government purchase of this area would rekindle issues which had arisen under the administration of the UDNRA 1896. Certainly, there were mixed feelings at Te Whaiti concerning the whole question of alienation. For a start, there is some indication of a difference of opinion, or at least, a different degree of enthusiasm for alienation, between the Ngati Whare and Ngati Manawa owners of Te Whaiti. Then again, the owners had to consider whether they should sell only the timber cutting rights or the land as well.

Another problem was the ongoing power struggle between the Te Whaiti owners and other Tuhoe hapu. Whatanui of Ngati Whare told Herries that Tuhoe were coming to Wellington with their solicitor to try and stop the partition of Te Whaiti and to appeal the commissioners' decision in respect of their exclusion from the ownership of the block.<sup>79</sup> Apparently, Tuhoe thought they could set up a case for inclusion at the partition hearing. Whatanui, on the other hand, objected to the inclusion of people who did not live at Te Whaiti because it compromised the interests of the continuous occupiers. He wanted the partition to be executed as soon as possible because, he said, he wanted to sell timber.<sup>80</sup>

The other bone of contention was, of course, the matter of the jurisdiction of the Tuhoe general committee. Harehare Atarea of Ngati Manawa complained bitterly of

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77. Jackson Palmer to under-secretary, Native Department, 6 May 1912, MA13/90, NA

78. I understand that Te Whaiti 1 was largely Ngati Whare and Te Whaiti 2 was largely Ngati Manawa. 'Largely' because as Captain Mair had commented, the Te Whaiti partitioning would be 'very difficult'.

79. Whatanui and all Ngati Whare to Herries, 18 July 1912, MA13/90, NA

80. Whatanui to Herries, 8 August 1912, MA13/90, NA

the treatment meted out to the Ngati Manawa and Ngati Whare who, he said, only had two members on the 20-strong committee. Harehare complained that it was impossible for Ngati Manawa to get their wishes carried out because Tuhoe were their 'hereditary enemies', and it is interesting that he drew a distinction as to the two groups' relationship with the Crown by saying that 'it is not right that we [Ngati Manawa] should be penalised for our loyalty to the Queen'.<sup>81</sup> Harehare wanted the block removed from the Tuhoe rohe potae so that Ngati Manawa could vest the land in the Maori land board or hand it over to the Crown if they wanted to. If this was the wish which Harehare said was being thwarted by the rest of the committee, then we can assume that Tuhoe (proper) did not want to sell the land (though their attitude to leasing or sale of timber is not clear). As we saw in chapter 8, the provisions for the granting of timber cutting licences had been included in the Urewera District Native Reserve Amendment Act 1909, which Tuhoe had complained they had not been consulted about. Perhaps this was yet an unresolved matter.

It became apparent that the proposals of Hall and Company were still a live issue in 1914 as they were reconsidered at a hui held at Te Whaiti in March of that year. Accounts of this meeting characterise the matter as a proposal of Ngati Whare's and Hall's, and the Ngati Manawa leader Harehare stated that concerns regarding the Te Whaiti 2 block and other Ngati Manawa interests would be discussed at another meeting when his people were present.<sup>82</sup> It appears, in fact, that this meeting was a convening of the Tuhoe general committee to focus on the Te Whaiti 1 block and Wharepapa Whatanui's proposal to sell 25,000 acres of timber. Discussion took place concerning the Urewera District Native Reserve Amendment Act 1909 and its provision for the granting of timber licences by the Maori land board, and then a vote was taken on Wharepapa's proposal. Te Pouwhare apparently withdrew objections he had made (unfortunately, not recounted in these minutes) and a vote resulted in 13 of the 20 committee members endorsing Wharepapa's motion.<sup>83</sup>

The understanding Tuhoe, and specifically Ngati Whare, had of this hui's resolution is not entirely clear. Was Wharepapa's proposal to sell timber privately or through the board? Wharepapa had strenuously complained to Carroll previously that he would not tolerate general committee control over disposal of the timber but it seems unlikely that the committee would endorse a private sale to Hall. The petition to Parliament referred to above stated that, in 1914, further requests were made by the Te Whaiti owners to the chairman and general committee members to grant timber cutting rights to Hall, which were again rejected by the Government. Yet upon receipt of the hui's undertakings, the Native Department seemed to consider the request as the general committee's consent for the Maori land board to grant timber cutting licences in terms of section 9 of the Urewera District Native Reserve Amendment Act 1909 (which legally required the committee's consent before licences could be granted: see section 8.8). Possibly, the Te Whaiti owners realised that the Government

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81. Harehare Ateara and 53 others to the Native Minister, 20 May 1912, MA13/90, NA

82. It is not entirely clear where Ngati Manawa were exactly; perhaps they were at Murupara and chose to be represented by kaumatua at Te Whaiti on this occasion.

83. MA1, 14/1504, NA

was likely to remain intransigent over the matter of a private contract with these syndicates, so they decided to agree to the vesting of the land in the board which was empowered to grant licences by way of public auction, public tender or private contract under section 9(3) of the Act. The board, then, could have come to an arrangement with Hall itself.

Whatever the understanding, the minutes were forwarded to the Native Department where Fisher referred the matter to Judge Brown of the Waiariki District Maori Land Board for comment. He stated that there were still appeals concerning relative interests in Te Whaiti which would have to be resolved before the block 'could be dealt with'.<sup>84</sup> Browne noted that the board had not been approached for an issue of a licence but would have no objection to doing so provided that an Order in Council, required by law, was issued.

Browne commented that there was a large quantity of valuable timber on the block which had the potential to open up the country, saw mills being 'invariably the forerunners of settlement'.<sup>85</sup> However, he stated that the board 'would not look favourably on a proposal to purchase timber on a royalty basis', which Te Whaiti owners had indicated as a preference in making their original agreement with Hall and Company on just that basis. Under the Urewera District Native Reserve Amendment Act 1909, the board was empowered to grant licences 'on such conditions and in consideration of such payments by way of royalty or otherwise as the Board thinks fit', and if the board rejected this aspect of the Te Whaiti owners' proposal, then this might have been a reason why the matter was shelved by the Government for the time being (another being the question of contested title in the Appellate Court). Of course, another reason why the Government might decide not to promote Whatanui's proposal to commit timber for licensing through the board (if indeed, that is what his proposal was) was that it could then buy the Te Whaiti land and timber itself.

Given this background, it is interesting that in January 1915, Te Matahaere Whatanui wrote to Herries and told him that both Ngati Manawa and Ngati Whare wanted to sell the totara on the Te Whaiti block but Whatanui asked whether this meant a sale of the land as well.<sup>86</sup> This was followed by another representation the following month from Pera Te Horowai, who stated that Ngati Whare and Ngati Manawa wanted to sell 'a fairly large portion of the Te Whaiti block' to the Government.<sup>87</sup> This suggests a sale of land, not only timber, and perhaps this was considered necessary in light of the reasons for sale, which Pera offered as:

in consequence of a calamity which has befallen those people during these months owing to the destruction of their crops by frost and as the result of the high price of flour and other food.<sup>88</sup>

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84. J Browne to Under-Secretary Fisher, Native Land Department, 4 June 1914, MA1 14/1504, NA

85. Ibid

86. Te Matahaere Whatanui to Herries, 27 January 1915, MA-MLP1 1910/28/4

87. Pera Te Horowai to Herries, 14 February 1915, MA-MLP1 1910/28/4

88. Ibid

Obviously, then, people were desperate for cash and they were prepared to deal with the Government while probably not relinquishing their claims to deal with private investors.

Maurice Bird, of Ngati Manawa, made a direct offer to the Government by commenting that it would not be difficult to acquire his tribe's portion of the Te Whaiti block, possibly indicating that there would be more of a problem persuading the whole of Ngati Whare to part with Te Whaiti. Certainly, when word reached Te Whaiti of the impending Government purchase, letters of protest were sent to Herries to try and stop or defer the sale. A telegram from Te Whaiti Paora and others in June 1915 asked Herries to stop the sale, as did a letter from Tutanekai Haerehuka, while another from Matekuare Te Hira asked that it be postponed until the partition of the block was complete.<sup>89</sup>

It is unfortunate that most of the official documentation from this period does not give much insight into the relationship of Ngati Manawa and Ngati Whare in relation to the proposed sale, but it is possible that differences arose over the question of the Crown's right of monopoly purchase. In March 1915, the Minister of Justice visited Te Whaiti where, again, strenuous representations were made for the removal of restrictions on the Urewera lands. Tuhoe were described as 'keen in their one desire' to have the legislation which inhibited the leasing and working of their lands repealed or modified. What they did not seem united on was the extent to which they welcomed private enterprise in the Urewera: 'Several of the speakers favoured the selling or leasing of their lands to the Crown whilst others wanted power enabling them to deal direct with private persons and companies.'<sup>90</sup>

Wharepapa was recorded as saying:

the great forest of the Urewera should be sold and the balance of the land disposed of. The lands were in the Rohe Potae and because of that they were tied up and the Government said no one must interfere. They wished the Government to know that they wanted to sell their lands to private enterprise. It was their wish that the Minister should convey their representations to Wellington.<sup>91</sup>

Matehaere pointed out that the Te Whaiti owners had already sent letters proposing the leasing of their lands, and had also courted private companies for some years past. It seems that by making a strong petition for removal of alienation restrictions in concert with reminding Herries of the persistence of private entrepreneurs, Matehaere hoped to pressure the Government into acquiescence. Herries would, however, remain firmly wedded to Crown monopoly purchase, and alienation by purchase instead of leasing, for the time being.

Shortly after the Minister's visit, a large hui was held at Te Whaiti, the resolutions of which were relayed to Herries by Te Tuhi Pihopa in April 1915:

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89. Refer Te Whaiti Paora and others to Herries, 8 June 1915; Matekuare Te Hira to Native Minister, 21 June 1915, MA-MLP1 1910/28/4

90. Memorandum for Minister of Native Affairs, 19 March 1915, MA-MLP1 1910/28/2, pt 1

91. Memorandum for Minister of Native Affairs, 19 March 1915, MA-MLP1 1910/28/2, pt 1



The meeting has been held and a decision arrived at in connection with Te Whaiti, ie, the 41,000 acres, that is, the No 1 [block]. Regarding the No 2, after a good deal of stubbornness on the part of Ngati Manawa, and regarding the other one dealt with – Te Onepu block, these blocks were excepted from the Tuhoe Outer Boundary. This is the decision of the said meeting.<sup>92</sup>

Now, while this letter is quite obscure regarding specific undertakings concerning land utilisation, it does point to a resolution that the Te Whaiti 2 block should be taken out of the ‘outer boundary’ of the Urewera reserve (and hence, Government monopoly purchase) at the insistence of Ngati Manawa.<sup>93</sup> Ngati Manawa appeared to be happy to deal with the Crown, however, but they did not want this relationship mediated through the structure of the general committee. There was not much possibility of this happening, in any case, given that the Crown had ignored the committee since its purchase of individual interests in the Urewera (see sec 9.8).

It is interesting, then, that Bowler reported a lukewarm reception at Te Whaiti when he visited Murupara and Te Whaiti at the beginning of his purchasing operations in June 1915.<sup>94</sup> Bowler partly accounts for this by complaining of being disadvantaged by the lack of a proper valuation (and comments that he expected to do better at the Bay of Plenty end of the district) but it is possible too, that the Te Whaiti owners’ reluctance to sell to the Government reflected unresolved issues of public and private purchase that both hapu were trying to negotiate.

Indeed, the two issues seem to be related because in another memorandum to Wellington, Bowler stated that the Murupara owners had, in his opinion, a very inflated view of the value of their Te Whaiti lands (at £5–10 per acre) which he readily attributed to the influence of speculative syndicates.<sup>95</sup> Because of this, Bowler considered that it would be prejudicial to the Crown’s interests to open the Urewera to private alienation. He pointed out that the land lay on what was likely to become the arterial route between Rotorua and Gisborne and that there was some attractive native bush adjacent to the Te Whaiti road, which he suggested should be taken immediately by the Crown for scenic purposes.

As we have seen, Herries concurred with Bowler’s view that he could best serve the Crown’s interests by retaining monopoly purchase, at least until those areas desired by the Government, such as Te Whaiti, had been secured. With this in mind, the Government commissioned a further valuation of Urewera lands with particular attention paid to the timber at Te Whaiti.

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92. Te Tuhi (Pihopa) to Native Minister, 2 April 1915, MA-MLP1 1910/28/4

93. The reference to Onepu is unclear. Onepu is not an actual block name, but is possibly an area within the Te Whaiti block which was hotly contested by Ngati Manawa and Ngati Whare.

94. W Bowler to under-secretary, Native Department, 13 June 1915, MA-MLP1 1910/28/1, pt 1

95. Ibid

### 9.7.2 The Valuation of Te Whaiti land and timber

The Te Whaiti valuation was undertaken by J H Burch, district valuer, who reported to Wellington in early July 1915. At the same time, Messrs Jordan Pollock and Wilson carried out a valuation of the entire Urewera lands (as described above at section 9.4).

Burch described the Te Whaiti land as very mixed in quality, containing poor pumice country, some areas of reasonable alluvial flats, some bush areas as well as very steep areas of birch with an elevation of 3000 to 4500 feet. Generally, Burch commented that ‘The block cannot be classed as one that offers good inducement to purchase as land for settlement lands. The timber is the most attractive feature about it.’<sup>96</sup>

The valuers were disappointed to note that Te Whaiti was not actually a totara forest as was generally believed but comprised mostly rimu, matai, and totara and some kahikatea and white pine. There was about 12,000 acres of milling bush on the block, ranging in density from 6000 feet per acre to 50,000 feet per acre; the total quantity was estimated at 200 million feet of timber:

The timber is of first class quality, the trees are of medium size, very sound and of fair average length, and are remarkably free from corrugations and flanges. The timber is situated along the low foothills that fringe the east and west banks of Whirinaki river, and it stands on very easy country for working purposes.<sup>97</sup>

Pollock emphasised that as he was dealing with the current value of the timber and not its prospective worth, he would give the Te Whaiti timber a ‘very low value’. The primary reason for this was the isolation of the block from a market and the initial heavy expenditure which would be required to construct tram rail to transport the timber to the Bay of Plenty coast. Given its position, he continued, Te Whaiti could not hope to compete with the timber presently available in the King Country.<sup>98</sup> In spite of this, Pollock urged the Crown to proceed with the purchase of Te Whaiti on the basis of consolidating this timber with nearby Crown reserves on adjacent blocks. The timber on the Whirinaki, Heruiwi, and Pohokura blocks would be worked through the Te Whaiti block in any case, thus lessening the cost of development works, and this would give the Crown a large and valuable asset for the future milling requirements of Auckland district.<sup>99</sup>

Pollock, therefore, valued the 12,000 acres of Te Whaiti timber at 50 shillings per acre, including land, giving a total of £30,000: ‘I consider this amount its full value and would not recommend the Crown to pay more’. This roughly compared with the figures supplied by Burch who estimated the value of the timber at £26,560 and the unimproved value of the land at £20,127 equalling a capital value of £46,887 which represented an average of just over 13 shillings per acre. Burch’s figures, of course, are for the whole 71,340 acres of the Te Whaiti block, not just the 12,000 good timber acres which Pollock valued.<sup>100</sup>

96. J H Burch to Valuer-General, Wellington, 5 July 1915, MA-MLP1 1910/28/4

97. R C Pollock to Commissioner of Crown Lands Auckland, 2 August 1915, MA-MLP1 1910/28/4

98. Ibid

99. Ibid

Burch, however, seemed less convinced of the relative worthlessness of the Te Whaiti timber at that time:

I would not like to definitely assert that this timber has no commercial value to-day, at any rate it will require to be very well bought and wrought to compete with the much handier timber areas. There is no doubt it will be valuable in the future, and when viewed from the standpoint that the Crown has a large area of good timber country on the Heruiwi and Whirinaki blocks which adjoin, and would all be worked on the same line, the purchase of the Te Whaiti timber at a fair price would undoubtedly cheapen the cost of working the adjoining country and should prove profitable investment.<sup>101</sup>

The Te Whaiti block then was to be purchased largely as a timber reserve and settlement was to be limited so as not to interfere with the timber extraction.

### 9.73 Purchase of Te Whaiti proceeds

Having received advice from the valuers to buy shares in Te Whaiti, Fisher forwarded instructions to Bowler in early September, noting that Herries was anxious to have the purchase resume as quickly as possible.<sup>102</sup>

Bowler was advised that the Government was prepared to pay £18,687 for the Te Whaiti 1 block of 45,048 acres (or 8s 3d per acre), while the price for Te Whaiti 2 at 26,292 acres was £8000 (or £1 1s 3d per acre). The average for the whole of Te Whaiti was 13 shillings per acre, compared to the 12s 3d per acre that the Lands Department put on the land (when it was making advances earlier, presumably). This translated to a value of £8 4s 1d and £21 1s 4d per share for the 1 and 2 blocks respectively.<sup>103</sup>

Some Ngati Manawa apparently did not accept this Government valuation. In September, Fisher notified Bowler that Harehare, a Ngati Manawa chief, wished to sell his interests in the Te Whaiti 2, Otairi, and Maraetahia blocks. As the Native Department did not have authority to buy shares in the last two blocks, Fisher approached Herries for his consent, noting that it would assist in the purchase of Te Whaiti if the adjoining blocks were approved for sale.<sup>104</sup> The Native Land Purchase Board apparently approved the purchase of Otairi and Maraetahia at a price of five shillings per acre. Later that month, Bowler would tell Fisher that the Te Whaiti owners 'at first' objected to the prices offered by the Government but had 'lately' been selling 'fairly freely'.<sup>105</sup>

The Ngati Manawa chief Harehare, still, did not seem impressed by the prices offered.<sup>106</sup> His solicitor, G Harper of Otaki, indicated that Harehare wanted £6 per acre for his interests, prompting Fisher to note that there was a large difference

100. Valuer-General to under-secretary, Native Department, 16 July 1915, MA-MLP1 1910/28/4

101. J H Burch to Valuer-General, Wellington, 5 July 1915, MA-MLP1 1910/28/4

102. T Fisher to W Bowler, 2 September 1915, MA-MLP1 1910/28/1, pt 1

103. Under-secretary to W H Bowler, 2 September 1915, MA-MLP1 1910/28/1, pt 1

104. T Fisher to Native Minister, 3 September 1915, MA-MLP1 1910/28/1, pt 1

105. H Bowler to T Fisher, 24 September 1915, MA-MLP1 1910/28/1, pt 1

106. I am assuming that the Harehare and Haare Heta referred to in this series of correspondence are the same person.

between his expectations and the Government valuation. Fisher explained to Harper that as the Government was buying the larger part of the block, these valuations were considered their full value.<sup>107</sup>

It is unclear whether Harehare relented and sold his interests but other Te Whaiti owners were clearly doing so. Fisher noted that pressure from owners in Wellington meant that he might make payments from that office and he also commented that he was completing purchases from a number of Te Whaiti owners on the East Coast and Napier districts (there were, for example, about 40 Te Whaiti owners living at Napier apparently).

As the Crown proceeded with its purchase of Te Whaiti, it was able to assert its rights with respect to timber cutting on the block. The Te Whaiti non-sellers had cut posts and sold them to mainly Pakeha farmers of Kopuriki and Murupara, disregarding the fact that they were not to deal with private buyers. This occurred shortly before the Crown began purchasing in the block and might perhaps be seen in the context of continuing protest of the Crown monopoly purchase.<sup>108</sup> The cutting did, however, continue and the Solicitor General was asked to comment on the matter. He suggested that there was nothing illegal in a joint owner making profit from the cutting of timber but that the non-sellers would have to account to the Crown for its share of the profit.<sup>109</sup> Interestingly, he did not make reference to the violation of Crown monopoly. The obvious solution to the problem was a partition of the Crown's interests and it was suggested that the Crown apply for an injunction against the timber cutting under section 24(f) of the Native Land Act 1909, pending the partition.

The Crown decided to pursue this injunction and Judge Wilson visited the Te Whaiti block to inspect the loss of timber. According to Bowler, Wilson thought little damage had been done and that the Te Whaiti non-sellers 'should not be interfered with', because they were not able to alienate privately and could not yet get a partition to cut their shares out.<sup>110</sup>

Bowler suggested that, for these reasons and because he thought it might prejudice future purchasing in the block, the Crown forego pressing for royalties on the posts already cut. Apparently, the injunction was obtained without much trouble and although the owners had not disposed of much timber, the point of continuing with the injunction was:

to prevent the natives making clearings with a view to claiming special treatment at the hands of the Court when the blocks come before it for definition of the Crown's interest.<sup>111</sup>

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107. T Fisher to G H Harper, 18 December 1915, MA-MLP1 1910/28/4

108. Especially since Bowler noted that all the illegal cutting had occurred on the Te Whaiti 1 block, which was largely Ngati Whare land.

109. J Salmond, Solicitor General, to Under-Secretary for Native Affairs, 11 October 1917, MA-MLP1 1910/28/4

110. W Bowler to under-secretary, Native Department, 3 January 1918, MA-MLP1 1910/28/4

111. Ibid, p 2

By January 1918, Bowler was able to report on the position of purchasing at Te Whaiti as follows:

Block	Area	Total shares	Shares outstanding	Area outstanding (acres)
Te Whaiti 1	45,048	2277	794	15,708½
Te Whaiti 2	26,292	1329	281⅓	5565

He supplied this information after being requested to comment on the possibility of partitioning the block, in light of the timber cutting incident mentioned above. Bowler noted that the Crown could seek a partition at any time but, as usual, pointed to the inevitable rise in values and increased reluctance to sell which would result. Bowler said that there were only a ‘handful’ of owners living on the block and he did not think that they would be ‘greatly’ disadvantaged by the delay in partition.<sup>112</sup>

This did not appear to be the perception of the Te Whaiti owners. When the Minister of Lands visited Te Whaiti in February 1920, Whatanui was recorded as having stated:

They [Te Whaiti non-sellers] wanted the Government portion partitioned from the native portion. At one time the natives used to earn money by splitting posts and selling them, but since the sale of the native lands had started, the Government had stopped the selling of the timber. They would like the Minister to have the native portion partitioned as soon as possible so that the natives could carry on with their industry.

They would also like a piece of land set aside as a village or settlement at Te Whaiti so that it would always be a native settlement. He thought about 1,000 acres would be sufficient, and they wanted it made inalienable.<sup>113</sup>

Guthrie brought the matter before the Native Minister and Herries apparently did make an application for partition of interests within the Te Whaiti blocks but was prevented from proceeding when it was realised that an Order in Council of 19 June 1916 had revoked the Native Land Court’s jurisdiction in this matter. It would be necessary to issue a fresh Order in Council if the Native Land Court was to proceed with the partition of Crown and Maori interests in Te Whaiti.<sup>114</sup>

The purchase of Te Whaiti interests, however, continued into 1921, perhaps fuelled by Bowler’s observation in April 1920 that the block was served by a very good arterial road and, significantly, he now described the timber on the block as ‘very valuable’.<sup>115</sup> It is interesting to compare this comment with the 1915 valuation of the Te Whaiti block, upon which purchasing was undertaken, only five years before, which had been notably less appreciative of the value of the timber.

Prior to the implementation of the Urewera consolidation scheme in the 1920s, the Crown managed to secure 29,902 acres of Te Whaiti 1 (leaving an unpurchased

112. W Bowler to under-secretary, Native Department, 18 January 1918, MA-MLP1 1910/28/4

113. Minister of Lands to Native Minister, 23 March 1920, MA-MLP1 1910/28/4

114. C B Jordan, Under-Secretary of Lands to registrar, Waiariki Native Land Court, 3 August 1920, MA-MLP1 1910/28/4

115. W Bowler, memorandum to under-secretary, Native Department, 6 April 1920, MA-MLP1 1910/28/4

balance of 15,146 acres) and bought 23,197 acres of Te Whaiti 2 (leaving 3095 acres unpurchased).<sup>116</sup> The Crown acquired further areas of the Te Whaiti blocks during the consolidation scheme, as they were targeted as a valuable strategic timber asset. These subsequent Crown efforts to secure the Te Whaiti timber are discussed in chapter 10 of this report.

It is perhaps worth noting at the conclusion of this case study, however, that the Crown's purchases at Te Whaiti generated discontent among the Ngati Whare and Ngati Manawa sellers of the blocks, and they subsequently petitioned Parliament to reopen the matters of the valuations and purchases of the Te Whaiti land and timber. Wiremu Paati's petition of 1938 has already been mentioned above. He asserted that Te Whaiti owners were in negotiations with a private syndicate (Hall, Morrison, and Lardelli of Gisborne) for the sale of timber cutting rights in 1909, citing the price of £5 per acre. He complained that the Crown monopoly of purchase meant that this transaction was not permitted by the Government, who subsequently bought the Te Whaiti land and timber for far lower prices than private buyers were willing to pay. The under-secretary of the Native Department commented on Wiremu's petition to his Minister, saying that: 'It would establish a dangerous precedent to re-open the question of the adequacy of the consideration at this date', but he suggested that the matter be referred to the Cabinet Petitions Committee.<sup>117</sup> The following year, the under-secretary noted that the sub-committee directed that 'no action' be taken in respect to Wiremu Paati's petition.<sup>118</sup>

In 1944, Pera Te Horowai and 57 others of Te Whaiti petitioned the House on the Te Whaiti blocks. This petition stated:

We are Maoris of New Zealand, loyal to the Queen and King of England.

We pray you investigate our mistake in connection with the sale of Te Whaiti No 1 and Te Whaiti No 2 in the year. [sic]

We Maori people at that time were ignorant of the value of the land and timber growing thereon.

Under the said sale 8/3 per acre was paid for No 1 (51,000 acres) and for No 2 (20,000 acres) £1.1.0 per acre.

Today the value of the timber alone on these blocks is £25 per acre.

We signed this sale but we signed it at that time in ignorance.

Wherefore we pray to have this matter thoroughly investigated and to have a revaluation of the land and timber made.<sup>119</sup>

Pera's petition seemed to elicit slightly more investigation by officials than did Wiremu Paati's, and the Native Affairs Committee directed that the petition be referred to the Government for inquiry, with a recommendation that, in the event of a finding favourable to the petitioners, any compensation should be made in land.<sup>120</sup> In a reply to correspondence from Mr M Wharehuia of Murupara, who was one of the

116. G M Graham, Commissioner of Crown Lands to Under-Secretary for Lands, 26 January 1939, LS1 22/697/1

117. Campbell, under-secretary, to Acting Native Minister, 3 October 1938, MA-MLP1 1910/28/4

118. Campbell, under-secretary, Native Department, to Under-Secretary for Lands, 14 June 1939, LS1 22/697/1

119. Petition 29/1944 of Pera Te Horowai and 57 others, not dated, MA-MLP1 1910/28/4. Note that a Pera Te Horowai wrote to Herries in 1915 offering to sell a large part of the Te Whaiti block: see sec 9.6.1.

petitioners, on the matter of compensation, the Native Minister's office stated that the Government would not make any further payment nor return any land to the former owners of the Te Whaiti blocks.<sup>121</sup> The reasons for this decision were based upon the fact that the Government had made a special valuation of both the land and the timber at Te Whaiti, and had arrived at a figure of £27,000, which it thought 'a fair and reasonable value for the timber', given that there were other timber areas more conveniently located for working in than the Te Whaiti blocks.<sup>122</sup> The timber had only become valuable, the letter continued, because the Crown had preserved the asset for so long, while running the risk of losing it to fire. Finally, the petitioners were reminded that the sellers had been 'satisfied' with the price when they sold, which was apparently implied just by the fact that some owners had indeed sold. As we have seen in section 9.6.2, however, Bowler reported that 'Murupara owners' had an 'inflated' view of the value of their lands at Te Whaiti, at £5–10. Harehare of Ngati Manawa had wanted to sell his lands at £6 per acre, making it likely he was not among those happy with the sale price of 8s 6d per acre for Te Whaiti 1 and £1 13s for Te Whaiti 2 block. The official reply to the petitioners concluded by saying that the Government would not reopen the matter, 'Otherwise none of its former purchases of lands which have timber on them would be safe'.<sup>123</sup>

Subsequently, Mr Mate Wharehuia and other petitioners met Peter Fraser, the Native Minister, with a small parliamentary group and Native Department officials, in Wellington on 13 June 1947. When Fraser was told that Hall of Gisborne had been prepared to pay the Te Whaiti owners £4 per acre for the timber alone, he asked to see some documentary evidence of the 1909 agreement between Hall and the Te Whaiti owners.<sup>124</sup> In a note to the Native under-secretary, Fraser wrote that if it was true that Hall had been prepared to pay £4 for the timber alone, then 'there would appear to be some merit in the petitioners' case' but an investigation would have to give due weight to the fact of the isolation of the timber at that time and other 'conditions' surrounding the purchase. Maori could not, Fraser said, expect to benefit from the value of accrued improvements, such as roading, that had been carried out since its purchase.

Fraser told his under-secretary to conduct an investigation as to whether the Te Whaiti owners had been 'taken advantage of' by the Crown while it had purchased, and to determine whether the sellers had been properly compensated for their interests. The file on the official Te Whaiti purchase file, MA-MLP1 1910/28/4, from which this information is sourced, notes that the Native under-secretary subsequently made efforts to locate the documents surrounding the Te Whaiti owners' deal with Hall of Gisborne but it is unclear as to whether this evidence was ever produced by the petitioners, or what the conclusion of the Native Department's investigation was.

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120. Report on petition 29/1944 of Pera Te Horowai and 57 others of Te Whaiti, 12 September 1944, MA-MLP1 1910/28/4

121. Under-Secretary G P Shepherd(?) for Native Minister to M Wharehuia, 3(?) June 1947, MA-MLP1 1910/28/4

122. Ibid

123. Ibid

124. Notes of representations made to Native Minister Peter Fraser, Parliament Buildings, Wellington, 13 June 1947, MA-MLP1 1910/28/4

Further archival research would clearly be useful here, but it is unlikely that the Government's final position on the valuation of the Te Whaiti lands and timber, and the underlying issue of its monopoly purchase of Te Whaiti, satisfied the petitioners. These issues are the subject of contemporary claims to the Waitangi Tribunal concerning the Te Whaiti blocks (see Wai 66).

### 9.8 PURCHASE CASE STUDY: RUATOKI

From 1900, it had been a clear desire of the Government to acquire interests in the Ruatoki blocks which lay directly over the confiscation line from adjacent Crown lands. The Ruatoki blocks represented some of the best agricultural land in the Urewera and when Rua and a few others had offered their interests in Ruatoki in 1910, Carroll had hastily made advances on them.

This remained the extent of Crown purchase in Ruatoki for some years until the matter was raised by Bowler in 1915, urging the Native Department to decide what the policy in respect of Ruatoki was to be. As with other desirable Urewera blocks, the matter of partition was something to which the Government would have to give special attention because the Ruatoki blocks had been extensively subdivided. The question Bowler posed was whether he was to buy in all of the partitions or only in those where the Crown had already bought interests (from Rua).

The Native Department was sufficiently informed to realise that the question of purchase in this area, stronghold of Numia Kereru and seat of the general committee, would still be sensitive. Bowler noted that a large number of Tuhoe actually lived on the Ruatoki blocks and a considerable number would most likely be unwilling to sell; if he bought indiscriminately in all the subdivisions the result would be small alternating areas of Maori and Crown land after definition by the court.<sup>125</sup>

As discussed elsewhere, the Government decided to revoke the jurisdiction of the Native Land Court to partition nominated Urewera blocks but were forced to reconsider the matter of Ruatoki under pressure from owners desirous of obtaining their own whanau subdivisions. The Native Land Court was given the power to further subdivide the 1, 2, and 3 blocks on 29 June 1916. Reflecting on the problem, Jordan noted that there had been many applications for partition of Ruatoki, so many in fact, that it was deemed inadvisable to start purchase.<sup>126</sup>

According to Judge Brown of the Waiariki court, partitioning at Ruatoki had been the source of some friction because of the disparate values of land within the main subdivisions. Some choice spots on the Ruatoki flats were worth approximately £10 per acre compared with an average value of five shillings to 7s 6d per acre for remaining areas, which caused problems when owners wanted to partition for cultivations and fencing.<sup>127</sup>

125. Bowler to under-secretary, Native Department, 13 June 1915, MA-MLP1 1910/28/1, pt 1

126. Under-Secretary of Lands to Native Minister, 23 November 1916, MA-MLP1 1910/28/10, Ruatoki 1, 2, 3, and South, NA

127. Under-Secretary of Lands to Native Minister, 23 November 1916, MA-MLP1 1910/28/10



There had also been ongoing dispute as to relative interests in the Ruatoki blocks as well as disagreement over land utilisation issues. In September 1910, Ngata had recommended the partition of the Ruatoki blocks to Carroll because of disagreements as to arable land near the Ruatoki cheese factory.<sup>128</sup> In 1914, no less than three petitions were presented to Parliament concerning Ruatoki. Te Pouwhare and four others wanted the existing orders for Ruatoki 1, 2, and 3 cancelled and a rehearing of relative interests; Hori Hohua wanted a reinvestigation of the Ruatoki South block and also sent another petition with six others requesting a reinvestigation of the Ruatoki 1 block.<sup>129</sup> The Native Affairs Committee had no recommendations to make in respect of any of these petitions; the Government certainly would not welcome further title investigation which would delay any purchasing operations it wanted to pursue.

The dissatisfaction expressed by the Ruatoki owners in respect of their relative interests could only have made the matter of purchase more inflamed. Hori Hohua, writing to Maui Pomare in August 1915, inquired after the fate of his petition regarding Ruatoki South and asked:

Where is the officer to purchase the lands of Tuhoe? We still want to sell so as to get money for the purpose of improving those portions of our land which we desire improved as farms.<sup>130</sup>

Bowler informed Hori that Ruatoki South block was not under purchase. The following year, Hori protested: 'You wired to me that the Petition for Ruatoki South was dealt with last year. Today, it has been purchased by your Government.'<sup>131</sup>

Hori's petition had been rejected and in the meantime, the Government had approved purchase of the Ruatoki South block (but not the other Ruatoki blocks). Hori also asked Pomare what had happened to the petition for Ruatoki 1 block and said that he objected to surveys of the block (presumably surveys which accompanied partition). He might have objected for the reasons already cited, knowing that new partitions required new valuations, or possibly he wished to avoid incurring further survey charges, or he felt that the survey and partition should wait until the rehearing of the Ruatoki titles that he had requested.

Other Ruatoki owners supported the idea of sales to the Government, but not all sellers wanted to sell the same parts of the Ruatoki block (of course, not all owners would have the right to sell in some partitions). Hiki Natanahira and 99 other petitioners wanted to sell Ruatoki 2c and part of Ruatoki 1B on the east of the Whakatane river 'in order to [pay] survey fees in connection with other Ruatoki lands'.<sup>132</sup> Te Tuhi Pihopa, who had been described as a leader of one of the factions contesting prime land at Te Whaiti (and who therefore presumably had other land at his disposal) wanted to sell his interests in Ruatoki 1, 2, and 3 blocks 'as the interests of

128. Ngata to Carroll, 7 September 1910, MA13/90

129. See petition 606/1914 of Te Pouwhare and four others; 624/1914 Hori A Hohua; 584/1914 Hori A Hohua and six others, AHJR, 1915, 1-3, pp 5, 8, 28

130. Hori A Hohua to Maui Pomare, 2 August 1915, MA-MLP1 1910/28/10

131. Hori A Hohua and three hapu of Ruatoki to Maui Pomare, 20 October 1916, MA-MLP1 1910/28/10

132. Hiki Natanahira and 99 others to Judge Brown, 27 November 1915, MA-MLP1 1910/28/10

each family have been partitioned'.<sup>133</sup> Te Amo and Tuku Niwa telegraphed Herries asking him to open Ruatoki 1 and 2 for selling; Turei Hawiki and 10 others wanted Herries to buy in Ruatoki 2 and 3 at a proper Government valuation.<sup>134</sup>

In the meantime, Te Pouwhare and Tupaea wired Herries to ask him not to buy at Ruatoki because 'all' wanted to lease the land.<sup>135</sup> Clearly this was not the case and perhaps this telegram and Te Pouwhare's petition for reinvestigation of the block might be seen in the light of stalling tactics to prevent purchasing in these blocks. It is hard to say how the lines were drawn on the question of selling Ruatoki; Bowler evidently believed that a majority were willing to sell but as he pointed out, they were mainly offering the back sections rather than the more attractive subdivisions.<sup>136</sup>

None the less, the Minister apparently decided to push ahead with a purchase of the Ruatoki 2 and 3 blocks and arranged a valuation of the land. The Native Department was asked to treat the purchase as urgent 'while the Natives are in the mood to sell, and while the weather remains dry'.<sup>137</sup>

The valuation of Ruatoki 2 and 3 blocks was carried out by Percy Wilkinson, who reported to the Surveyor-General in April 1917. He described the open portions of the blocks as very poor with the exception of a portion of tawa bush near the Waipotiki block. The part of the block near Ngahina Pa and adjacent to the Whakatane River was in three parts, with the top layer being poor quality and the second level being 'fairly good' land. The third part, however, was comprised of river deposit and likely to be washed away, so it represented no value at all. In the valuer's opinion:

The Natives have offered the most barren and unprofitable land on the Ruatoki block, and unless the Crown could purchase the No 1 block to go in with this, I think it would be unwise to take it over.

Practically all of that portion of No 1 Block which lies on the west of the Whakatane River is good root and swamp land. The Natives are milking a few cows on some of it, but the bulk is practically lying idle.<sup>138</sup>

Wilkinson said that the valuation prices for the Ruatoki 2 and 3 blocks were too high if the Crown was only going to buy in those two blocks, so attention shifted to the matter of acquiring Ruatoki 1 as well. Herries commented that if there were idle subdivisions in the Ruatoki 1 block, there was no reason why the Crown should not buy in them as it had already started to do so when Paterson bought Rua's interests in it in 1910.<sup>139</sup> The decision to only undertake purchases in unoccupied subdivisions apparently came at the behest of the Minister of Lands, Guthrie (it is not clear whether this influenced subsequent purchasing patterns in other Urewera blocks).

Further, Bowler was informed that, in view of the purchase policy at Ruatoki, any applications for incorporation of owners at Ruatoki were to be 'strongly opposed'.<sup>140</sup>

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133. Te Tuhi Pihopa, to Fisher, Herries, and Pomare, 26 May 1916, MA-MLP1 1910/28/10

134. Turei Hawiki and 10 others to W Herries, 11 November 1916, MA-MLP1 1910/28/10

135. Te Pouwhare and Tupaea to Herries, 28 August 1916, MA-MLP1 1910/28/10

136. H Bowler to Fisher, 7 December 1916, MA-MLP1 1910/28/10

137. Jordan to Fisher, 16 December 1916, MA-MLP1 1910/28/10

138. Percy Wilkinson to Chief Surveyor, 5 April 1917, MA-MLP1 1910/28/10

139. Herries to under-secretary, Native Department, 30 April 1917, MA-MLP1 1910/28/10

This directive had come after the Mahurehure hapu had written to the Minister in March saying that they wanted to incorporate and work the Ruatoki 2 and 3 blocks – presumably this was a protest in reaction to the valuations for purchase being undertaken on those blocks and possibly the system of purchasing individual interests.<sup>141</sup> Incorporation of owners ought not, of course, to have been necessary if the block committee system was working as originally intended under the agreement embodied by the UDNRA 1896.

Bowler responded to Herries' plans to buy at Ruatoki by saying that, while he had been approached by 'hundreds' of owners to sell, there were major problems in proceeding with the acquisition of individual interests in heavily partitioned blocks. He considered it a mistake to have allowed the court to make the partitions (other than in occupied areas) in the first instance, and he suggested that the existing partition orders be cancelled and the Crown proceed to buy a composite block from the owners under assembled owners' provisions.<sup>142</sup> The problem was, he continued, that the assembled owners' provisions for sale as set out in the Native Land Act 1909 did not apply to the Urewera, and nor did the provisions for incorporation of owners, making the Ruatoki owners' proposals untenable. After cancelling the partitions, the Government, then, would have to introduce legislation for the application of assembled owners' resolutions, under part xviii of the Native Land Act 1909, to the Ruatoki block.

It is interesting that Bowler perceived the Ruatoki Tuhoe to be making more use of the Ruatoki 1 block than did Wilkinson. Bowler said that the Whakatane River valley was very good land, perhaps worth up to £30 per acre in some parts, with owners working well and receiving 'substantial' milk cheques.<sup>143</sup> Obviously, this would not be land which they would want to sell. Still, Bowler noted that Wilkinson's valuations were not high compared to prices paid in other Urewera blocks.

This was a very relevant point in view of the issue of survey charges. The survey charges of some 50 Ruatoki subdivisions had cost about 2s 6d per acre and the Crown had borne the cost of these. The problem was, if the Government proceeded to buy scattered interests and then consolidated its purchase, that this internal survey work would be valueless and the question would arise as to who would absorb the cost of these useless surveys. On the one hand, if the surveys were deducted from the purchase price of the land, which by Bowler's admission was reasonably low already, then there would not be much money left for the vendors; on the other hand, the alternative was the Crown paying more for the land than it was estimated to be worth, 'which will perhaps make the bargain a bad one from its point of view'.<sup>144</sup> Bowler gave the following example for the Ruatoki 2A1 block:

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140. Jordan to Bowler, 2 May 1917, MA-MLP1 1910/28/10

141. Akuhata Te Kaha and nine others to Herries, 10 March 1917, MA-MLP1 1910/28/10. Other signatories to this letter were Erueti Peene, Te Purewa, Anania Te Ahikaiata, Tetuhi Pei, Tautau, and Harakeke Peita.

142. Bowler to under-secretary, Native Department, 4 May 1917, MA-MLP1 1910/28/10

143. Ibid

144. Ibid

approximate area:	408:0:23 acres
number of owners:	22
valuation:	5 shillings per acre (say £102)
proportionate liability for survey costs—	say £82
net amount leftover after deduction of	
survey costs, payable to owners:	£20 or about 1 shilling per acre
average amount payable to each owner:	less than £1 <sup>145</sup>

The matter of the Ruatoki purchase was allowed to stand over while the Native Department pondered this problem. In the meantime, the Government received aggrieved correspondence from several groups regarding the purchase, which could have only made the matter more problematic. In September 1918, Herries received a letter from Rawaho Winitana and 99 others of Waikaremoana who requested that the Government not purchase certain specified Urewera lands. The Ruatoki blocks (excepting Ruatoki South) were one of the areas this group wished reserved from sale and the petitioners were at pains to make the point that Tuhoe could contribute to agricultural development of the region: ‘We can assure you that we are able to farm these lands. We have stock on them and are supplying butter and cheese in the Auckland district.’<sup>146</sup>

The same point was made by Te Amo Kokouri and 121 others who wrote to Herries the following year.<sup>147</sup> Herries replied to Te Amo, as he had to Rawaho Winitana, that no one who wanted to farm their land was being compelled to sell it.

Akuhata Te Kaha, who had previously written to Herries requesting incorporation of farming land at Ruatoki, wrote again in September 1919. This time, Akuhata raised the matter of removal of restrictions on alienation: ‘Some of the tribes of Ruatoki have gone over to the lawyer in favour of the removal of the restriction over the “rohe potae” (of Tuhoe). My side will not agree.’<sup>148</sup>

Now, there had been a history of some of the Ruatoki hapu (notably Ngati Tawhaki and Ngati Koura) objecting to anyone but themselves having the power to make decisions over their own lands and this expression of wanting to remove Crown pre-emption in the Urewera is consistent with those previous objections. As at Te Whaiti, however, it may be that the Government’s low valuation of the Ruatoki lands, especially number 2 and 3 blocks, had provoked a renewed call to be able to deal directly with private interests.

Akuhata and his supporters, on the other hand, had made it plain throughout their correspondence with the Minister that they wanted to keep Ruatoki and to revive the functions of the general committee. It was ironic, then, that Herries applauded

145. Bowler noted that applications for survey charging orders were to come before the Whakatane court at the end of February 1918 and he recommended that the Crown request a defined area be awarded to it in satisfaction of the outstanding charges. Further research would be required to determine if this in fact happened: Bowler to under-secretary, Native Department, 22 February 1918, MA-MLP1 1910/28/10.

146. Rawaho Winitana and 99 others to Herries, 23 September 1918, MA-MLP1 1910/28/10

147. Te Amo Kokouri and 121 others to Herries, not dated (received by Native Department circa May 1919), MA-MLP1 1910/28/10

148. Akuhata Te Kaha to Herries, 22 September 1919, MA-MLP1 1910/28/1, pt 3

Akuhata's resolve to keep the restrictions, given that Herries' motivation in keeping them was to assist the Crown to acquire as much Tuhoe land as possible.

In the event, it appears that Bowler's suggestions for the purchase of Ruatoki were never taken up by the department, which possibly decided that the matter was too fraught with complications. Certainly, Bowler's purchasing returns for the period as at 30 September 1919 show no purchases in the three main Ruatoki blocks, but do show that the Crown had managed to acquire 2732 acres in the Ruatoki South block (almost half its 6020 acres).<sup>149</sup>

### 9.9 THE GENERAL COMMITTEE

While the Government pressed on relentlessly with its purchasing of Urewera interests, Tuhoe were engaged in debate as to the limits of this purchasing. Kereru and Te Pouwhare wrote to Herries under the heading of 'Matters which Tuhoe submitted some time ago and have not been given effect to', which addressed some of their concerns.<sup>150</sup> Both of these Tuhoe leaders wanted the partition of Crown and Tuhoe interests which, because these were not geographically defined but scattered in many blocks, required the consolidation of interests.

Kereru and Te Pouwhare also wanted the Government to grant money for the construction of the roads which were crucial for development of the region. In particular, they requested the construction of the road from Te Rewarewa to Waikirikiri as soon as possible: 'Very shortly a calamity will befall the people because the land has been partitioned and the road will be blocked and our Cheese Factory will suffer in consequence.'<sup>151</sup>

Presumably, Kereru and Te Pouwhare felt that consolidation of Tuhoe's remaining land was fundamental to their efforts at economic development, but the Government was simply not prepared to partition at this stage as it knew that it could acquire many more interests yet. Reflecting on Kereru's and Te Pouwhare's letter, Bowler said that he intended visiting the Urewera again in June 1916 to resume purchases. To be sure, there appeared to be many Tuhoe petitioning the Native Office with a view to selling their shares. Perhaps in a response to Kereru's desire for the end of purchasing, Te Waaka Paraone from Ruatoki wrote to Fisher stating:

149. Return showing position of Native Land Purchases in Urewera Native Reserve, as at 30 September 1919, MA-MLP1 1910/28/1, pt 3

150. Numia Kereru and Te Pouwhare to the Native Minister, not dated (received by Native Department 27 April 1916), MA-MLP1 1910/28/1, pt 2

151. Ibid. Kereru and Te Pouwhare also seemed to object to Bowler's hiring of Tu Lawson as interpreter, and although they do not give any explicit reasons for wanting him withdrawn, they asked for a Tuhoe replacement so 'that Tuhoe may be able to prosecute its desires in the matter of assisting the war'. Further research would be required to uncover exactly what the problems were associated with Tuhoe's contribution to the war effort and Tu Lawson's involvement in the debate. Tuhoe wanted a man called Wharetini, a first grade interpreter, to help Bowler. Bowler commented to Fisher that he could see no connection between the matter of his choice of interpreter and Tuhoe's war effort: W Bowler to under-secretary, 1 May 1916, MA-MLP1 1910/28/1, pt 2.

Our desire is this, that the person who wishes to sell his interests in various blocks in which he is an owner, should have the power to do so; and we ask you to ratify this,

Those who are agreeable to do so in regard to the underwritten blocks number over one hundred.

The blocks which we desire to sell are—

Ruatoki South.

Ierenui-a-haua

Te Kohuru-Tukuroa, and

Heruiwi No 4 ? c or G.

These are the lands which I desire to sell at the forthcoming Court; but at the proper valuation, and large price.<sup>152</sup>

Te Waaka Paraone, in asserting his right to sell whatever interests he held, seemed to reject both the idea of group control over the alienation process (as represented by Kereru and Te Pouwhare), but also the idea that the Native Land Purchase Board dictated which blocks were to be purchased. Moreover, he seemed to imply a dissatisfaction with the prices the Government had hitherto paid for Urewera land.

The Government had responded to Kereru's request for a cessation of purchase by ignoring it and sending Bowler to purchase more land, and in the face of Te Waaka's letter, Fisher merely replied that Bowler had already been instructed to purchase in Ruatoki South block. It went without saying, that this purchase would be at Government valuation.

Numia still obviously felt that keeping the restrictions on alienation of Urewera lands afforded Tuhoe some protection and he approached Herries for a commitment to keeping the restrictions in place. Rua Kenana apparently wanted to visit Wellington to present a petition to Herries to remove the restrictions but Herries reassured Numia that 'there [was] not much chance of Rua coming to Wellington except as a prisoner'.<sup>153</sup>

After Numia's death in 1916, the status of the general committee seemed less clear. Certainly he had been a driving force in trying to uphold the structures of the UDNRA 1896 but it is obvious that the committee had not survived in a form which had originally been anticipated. In other words, there were block committees and groups which would not submit to the authority of the general committee, but given that the Government was buying without reference to any of the committees, this was not an issue for sellers, so long as they were not determined to sell to private buyers.

Judging from letters sent to Herries, however, there was still a significant portion of Tuhoe non-sellers who expressed a desire to retain the general committee, or at least their own block committees to administer their affairs, in spite of the Government's best efforts to ignore assertions of group control over alienations. Just how irrelevant the committee seemed to the Government is illustrated in correspondence arising from a letter written by Te Pouwhare and Mika to Herries in July 1917, asking if the general committee was still 'in force'.<sup>154</sup> The under-secretary had to advise Herries

152. Te Waaka Paraone and others to T W Fisher, 21 April 1916, MA-MLP1 1910/28/1, pt 2

153. Numia Kereru to Herries, 9 February 1916; W Herries to Numia Kereru, 6 March 1916, MA23/9, NA

154. Te Pouwhare and Mika to Herries, 24 July 1917, MA13/91

that he believed it was still 'in force' and Te Pouwhare was informed that the committee still existed but that it had not met for some time and that its chairman, Numia Kereru, was dead. Te Pouwhare, of course, would have known this and it seems more likely that his letter queried what the role of the general committee was to be—perhaps he was trying, in fact, to get some commitment or statement from Herries on the matter. In any case, he contacted Herries again the following month, telling him that he had organised a meeting of the general committee to be held at Ruatoki but unfortunately, he did not say what this meeting was for.

Te Pouwhare had clearly taken up responsibility for the general committee in the wake of Numia's death and he continued to pester Herries to reactivate the committee. In 1919, he asked Herries to gazette the names of the committee members and its regulations (as they had been in 1909). He wanted this done because some 'serious trouble has often just been averted' which could not be taken to the court, and Te Pouwhare obviously felt that the forum of the committee was the place for these troubles to be resolved.<sup>155</sup> Exactly what 'troubles' Te Pouwhare referred to is not clear but he may have meant partitioning, given that the Government had previously revoked the power of the court to partition the Urewera blocks yet many groups wanted a subdivision. Apparently, Te Pouwhare wanted an overarching committee to deal with matters which affected 'the welfare of all the hapu', but thought that it should cease to exist in this form when the Rohe Potae was partitioned and Tuhoe and Crown interests were defined (because then there would be no restriction on partitioning?).

Herries had not replied to Te Pouwhare by the following month and Te Pouwhare wrote again, requesting an answer to his letter and insisting that the names be gazetted in order to suppress trouble.<sup>156</sup> The letter was signed by a number of chiefs or leaders and Te Pouwhare was noted as 'chairman'. Others who signed this letter were: Mika Te Tawhao, Tupaea Rapaera, Akuhata Te Kaha, Apihai Hauraki, Takurua Tamarau and Teepa Koura (most of whom were original committee delegates).

The Native Department continued to disregard these entreaties, which appeared to cause no more than confusion in the department. Upon receipt of Te Pouwhare's last letter, Jordan referred the matter to Judge Rawson, asking whether the committee still existed.<sup>157</sup> Rawson replied that his office held no file on the matter but he directed Jordan to the provisions for the committee as set out under the UDNRA 1896. Given the status accorded the general committee in the UDNRA 1896, and its constitution in 1909, it was farcical that the Native Department did not even know of its continued existence only 10 years later.

The Government did not only receive correspondence from the general committee and its supporters but also from groups who wished for their own local committee to run their business. When Guthrie (Minister of Lands) visited Ruatahuna in early 1920, for example, he was informed that the Ruatahuna people:

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155. Te Pouwhare to Herries, 5 July 1919, MA13/91

156. Te Pouwhare to Herries, 1 August 1919, MA13/91

157. Under-secretary Jordan to Rawson, 5 September 1919, MA13/91

considered that it was time that the restrictions were taken off the Urewera blocks, as they would require to be able to deal with individuals and companies interested. Some of the natives interested would like to keep their land instead of selling to the Government.

They would like different committees to deal with the Urewera blocks instead of the one committee which sat at Ruatoki.<sup>158</sup>

Tarai Manihera also wrote to Herries asking him to grant the Ruatahuna village committee power to adjudicate 'small infringements' of the law within the rohe potae.<sup>159</sup>

### 9.10 PURCHASING ACTIVITY FROM MID-1916

By June 1916, the Government's decision to extend purchasing in further Urewera blocks had made the matter of pending partition applications a critical issue. Bowler brought the matter to Fisher's attention by stating:

ultimately all of this country will doubtless be opened up for European settlement and the usual straight line partition will in no way facilitate the acquisition of the land but will (as in the case of Tauwharemanuka) in most cases be responsible for a large number of residue native areas being dotted all over the district.<sup>160</sup>

In a memorandum to Herries, the under-secretary noted that the Native Land Court had been given jurisdiction to partition the following blocks: Karioi, Maraetahia, Maungapohatu, Paraeroa, Ruatahuna, Ruatoki 1, 2, and 3, Taneatua, Tapatahi, Tarapounamu–Matawhero, Tauwharemanuka, Waikaremoana, Te Whaiti, and Oputea (Hikurangi). He also noted that the court was receiving applications for further subdivision of these blocks as well as for blocks in which the court had no jurisdiction to carry out partitions.<sup>161</sup>

In light of the extensive Crown purchasing in many of these blocks, Fisher pressed Herries to consider a revocation of the Orders in Council permitting these partitions. Judge Brown had previously suggested this course of action if it was felt that the reasons for permitting the partitions were no longer current. Fisher obviously felt that the 'serious inconvenience and delay' to the Crown purchasing caused by partitioning was a justification for delays.<sup>162</sup> As a result, the court's jurisdiction to partition the Urewera blocks was subsequently revoked, except its powers in respect of the Ruatoki subdivisions (discussed at section 9.8).<sup>163</sup>

158. Minutes of a Native Deputation at Ruatahuna on 18 February 1920 in D Guthrie to W Herries, MA-MLP1 1910/28/11

159. Tarai Manihera to Herries, 13 July 1920, MA13/91

160. Bowler to Fisher, 1 June 1916, MA-MLP1 1910/28/1, pt 2

161. Fisher to Herries, 2 June 1916, MA-MLP1 1910/28/1, pt 2. The permission to partition was given by Order in Council published on the following dates in the *Gazette*: 15 September 1910, p 3421; 3 October 1912, p 2831, 16 January 1913, p 92. The court also had the power to partition Omahuru block by this last *Gazette* notice.

162. Fisher to Herries, 2 June 1916, MA-MLP1 1910/28/1, pt 2.

163. Refer *New Zealand Gazette*, no 72, 29 June 1916



A request from Turei Hawiki to purchase in the Tarapounamu–Matawhero block in late 1916 caused Bowler to reflect on the desirability of moving into new blocks. While he believed that all of the Urewera blocks should be purchased, it was a matter of strategy to proceed with buying on a geographically restricted basis instead of throwing open the whole reserve for purchase. Bowler pointed out that the Crown had spent a lot of money in the Urewera and it was natural that the Government should want to realise some return in terms of settlement as quickly as possible. The problem with roading and ‘cutting up’ the land for settlement at this point was that it would raise both the value of the blocks yet to be bought and owners’ expectations of purchase price on their outstanding interests in partially alienated blocks.<sup>164</sup>

Bowler thought that ‘most’ of the Urewera owners were willing sellers but noted that the resident owners of the Te Whaiti, Maungapohatu, and Otara blocks were inclined to keep ‘a portion’ of their interests. As these owners were selling ‘from time to time’, and if no new purchases were commenced, then Bowler thought it would not be too long before the Crown had most of these blocks.<sup>165</sup>

Bowler thought that the purchases should eventually be vigorously pursued in all the Urewera blocks except the Ruatoki subdivisions in use or occupation, ‘even if other business has to suffer in consequence’. However, the Government had to face the fact that it had not yet managed to buy any one entire block under purchase. As a matter of general policy, Bowler was quite prepared to entertain compulsory acquisition of interests. He suggested that legislation be introduced providing that, where the Crown had or was likely to acquire a majority interest, the block would then become Crown land. This was to be softened by a clause allowing non-sellers to register their intention to keep their interests and have those interests defined in one location. Bowler noted that although his proposal seemed ‘apparently drastic’, there had been precedent for this action under section 20 of the Maori Land Settlement Act 1905. Further, he offered that ‘bona fide’ non-sellers would not be coerced into selling if they did not want to (apparently in spite of the fact that under Bowler’s scheme, the onus of protecting their interests, interests which Bowler had already admitted many owners were not aware of, fell onto the owners themselves). It would also be a convenience to those sellers with whom Bowler had failed to get in touch as they would be in a position to obtain their purchase money at once. Bowler did not offer his thoughts on the non-sellers whom he would not be able to contact (and who therefore might not know about the compulsory purchase).<sup>166</sup>

Bowler did not recommend that purchasing be undertaken in new blocks at present seeing as this had the effect of causing progress in older blocks to slow as sellers held back their shares in order to profit when the land went on the market. Inevitably, he suggested, these owners had to sell their remaining interests when the opportunity to sell in new blocks was denied.<sup>167</sup>

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164. Bowler to under-secretary, Native Department, 1 December 1916, MA-MLP1 1910/28/1, pt 2

165. Ibid

166. Ibid

167. Ibid

The Native Department was obviously keen to start settlement of the Urewera and did not happily receive Bowler's advice to defer the scheme. Herries forwarded Bowler's latest returns to the Lands Department, requesting estimates on surveys and roading and some guidance as to the advisability of settlement at this stage. From Bowler's returns, it was decided not to commence with a settlement plan as the limits of purchasing had not yet been reached, especially in the northern Urewera blocks which were considered the most important.

Bowler's late 1916 purchasing returns are reproduced below.<sup>168</sup>

Block	Area	Bought by 31 March 1916	Purchased since	Total purchas e	Unpurchased 1 December 1916	Price per acre	Price per block
Tauranga	39,320	33,549	1464	35,013	4307	15s	£29,490
Otara	2680	2096	127	2223	457	£1	£2680
Omahuru	6600	5190	140	5330	1270	£1	£6600
Paraoanui North	3400	2701	126	2827	573	17s 6d	£2975
Paraoanui South	5510	4464	259	4723	87	17s 6d	£5071 5s
Waikarewhenua	12500	8947	501	9448	3052	12s	£7500
Maungapohatu	28,462	10,931	1240	11,174	17,298	12s	£17,077 4s
Te Whaiti 1	45,048	16,646	6952	23,598	21,450	8s 3d	£18,687
Te Whaiti 2	26,292	16,080	4238	20,318	5974	£1 1s 3d	£28,000
Otairi	6910	4304	507	4811	1099	5s	£1727 10s
Maraetahia	5512	2606½	593	3229	2372½	5s	£1378
Parekohe	20,960	5609	4283	9892	11,068	£1	£20,960
Waipotiki	8200	2318	1888	4206	3994	12s 6d	£5125
Karioi	2420	773	328	1101	1319	10s 10d	£1210
Tauwharemanuka 1	1190				1190	11s 11d	£707 14s
Tauwharemanuka 2	1289	1040	2425	465	1289	12s 6d	£807 6s
Tauwharemanuka 3	5852	19	20	39	2387	10s 10d	£3163 18s
Tauwharemanuka 4	476	978	237	1215	437	11½	£263
Tauwharemanuka 5	1448		792	792	233	10s	£724
Tauwharemanuka 6	2003	227	1258	1258	1211	10s 6d	£1052
Tauwharemanuka 7	2380	7017	163	390	1122	10s 5d	£1240 8s
Tauwharemanuka 8	872		3187	10,204	482	10s	£436 9s
Tauwharemanuka 9	20,833		1487	1487	10,629	7s 5d	£7700
Ruatoki South	6020		1377	1377	4533	12s 6d	£3760 10s
Te Purenga	5680		794	794	4303	10s	£2840
Te Wairiko	2240		731	731	1446	12s 6d	£1400
Te Poroporo	2470		3877	3877	1739	10s	£1235
Te Tuahu	6300		4873	4873	2423	10s	£3150
Taneatua	17,200		996	996	12,327	10s	£8600
Paraeroa A	13,006		6	6	12,010	10s-	£6503
Paraeroa B	410				404	10s 8d	£205
TOTAL	300,743	125,495½	44,869	170,394	13,0349½		

These purchase figures included the 40,795 acres purchased by the Lands Department through Paterson in 1910.

168. W Bowler to under-secretary, Native Department, 9 December 1916, MA-MLP1 1910/28/1, pt 2

By April 1917, the purchasing rate seemed to have slowed with Bowler noting that he was showing some disappointing recent returns in spite of thoroughly ‘combing out’ the district.<sup>169</sup> He said it was unlikely that he would be able to secure the last remaining interests in the ‘old’ blocks and suggested opening further blocks for sale. In May, then, the Native Minister approved purchasing in the Hikurangi–Horomanga, Te Ranga-a-Ruanuku and Tarapounamu–Matawhero blocks at prices fixed by the Lands Department in 1915.<sup>170</sup>

Not much information is given on the position of minors’ interests in Native Department purchasing files but the matter did arise in 1917 when Bowler approached the Public Trustee in order to acquire these interests. According to Bowler, the Trustee said that he would sell at a special valuation price but upon being told by Bowler that the purchase prices were based on a special valuation of the Urewera, he still would not sell, presumably out of dissatisfaction with the prices paid. Bowler informed him that it was not worth doing another valuation and the fact that he had been able to buy almost all of some blocks indicated that the owners were satisfied with these valuations! It is unclear whether Bowler’s assertion as such swayed the Trustee but he did apparently agree to sell minors’ interests in May 1917.<sup>171</sup>

In August 1917, Bowler reported slow progress in the blocks that had been under purchase for some time, and he did not think that this would improve because many of the owners were dead and succession orders had yet to be lodged in court. He did, however, report good progress in the three new blocks, saying that he had bought a further area of 32,038 acres for £13,293 19s 6d and most of the interests purchased were in the Hikurangi–Horomanga, Tarapounamu–Matawhero, and Te Ranga-a-Ruanuku blocks.

Some interesting information on how Bowler calculated the worth of each owner’s share was given in correspondence between Bowler and the under-secretary in late 1917. We have seen that the Urewera blocks often comprised several hapu areas within their boundaries, and that some Urewera orders indicated that hapu were apportioned an area within the block, and then individual interests were calculated within that area. Sometimes this was not done, and problems concerning the relative versus the hapu interests arose (see sec 7.3.4). The under-secretary had inquired, for example, why there was variation in the value of owners’ shares within the Maraetahia and Maungapohatu blocks. Bowler’s reply is worth noting in full:

One section of the owners, the Ngati Hape tribe, were awarded 352 acres *geographically undefined*. These persons numbered 70, and hold in equal shares. Consequently each of them is entitled to one-seventieth of 352 times 5/-, or (say) £1.5.2. In the list each owner’s interest is expressed as ‘2 shares’, so that the value of 1 share in the Ngati Hape list is 12/7d.

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169. W Bowler to under-secretary, Native Department, 26 April 1917, MA-MLP1 1910/28/1, pt 2

170. CB Jordan, Under-Secretary for Lands to Bowler, 25 May 1917, MA-MLP1 1910/28/1, pt 2

171. Refer Bowler to under-secretary, Native Department, 19 March 1917; Public Trustee to under-secretary, Native Department, 4 May 1917, MA-MLP1 1910/28/1, pt 2. Obviously, further research is required on the matter of the purchase of these interests.

The remaining owners own the balance of the block, 5160 acres, and the relative interests total 1261, so that each share is in this case worth £1.0.5<sup>1</sup>/<sub>2</sub>.

The position, although not unusual, has arisen several times in connection with blocks in this district. In the Hikurangi–Horomanga block, now under purchase, there are *three* different sections of owners, and in each list the monetary value of a share is different. [Emphasis in original.]<sup>172</sup>

In September 1917, the under-secretary forwarded a list of the blocks which had not then been purchased in. Geographically, they lay in the south and centre of the Urewera reserve:

Block	Area	Valuation per acre
Ierenui Ohaua	4529	8s
Kohuru Tukuroa	8224	10s
Manuoha	19672	3s
Ohiorangi	1190	10s
Paharakeke	18253	5s
Tapatahi	462	(not shown)
Tauwhare	1300	10s
Tawhiuau	5064	3s
Ruatahuna	57823	6s
Waikaremoana	73667	3s
Whaitiripapa	167	(not shown)

The under-secretary recommended that purchasing be authorised for all the blocks in which the Crown thought it might buy shares so that the lists of owners (needed for purchase by Bowler) could be prepared.

By the end of June 1918, Bowler had managed to acquire approximately 251,826 acres of the Urewera reserve, which, out of the blocks being purchased, left a balance of 184,671 acres in Tuhoe's hands.<sup>173</sup> Purchasing continued unabated, however, as in the following month, the Minister approved the purchase of the Ohiorangi, Tauwhare, and Kohuru–Tukuroa blocks at a valuation of 10 shillings per acre and the Ierenui–Ohaua block was approved at eight shillings per acre. The Ruatahuna block was also approved for purchase and was valued at an average of six shillings per acre, but in the event, the Government was forced to undertake a new valuation of the Ruatahuna lands.<sup>174</sup>

172. W Bowler to under-secretary, Native Department, 1 August 1917, MA-MLP1 1910/28/1, pt 2

173. Refer to schedule of Urewera purchases, 16 July 1918, MA-MLP1 1910/28/1, pt 3

174. C B Jordan to W Bowler, 20 July 1918, MA-MLP1 1910/28/1, pt 3

### 9.11 PURCHASE CASE STUDY: RUATAHUNA

Purchasing in the Ruatahuna block was undertaken in late 1918, a good eight years after the Government had started buying in the Urewera country. The block was sited in the southern portion of the reserve and had hitherto not been a priority for purchase as far as the Government was concerned. However, by this date, acquisition of interests in other Urewera blocks had slowed and Bowler was motivated to consider moving into blocks in the more inaccessible areas. This case study of the Ruatahuna purchase is illustrative of problems encountered where purchasing was undertaken in occupied blocks and where Tuhoe and Crown interests clashed. In this instance, the problem revolved around the owners' wish for partition, which had been anticipated at title investigation, and the Government's reluctance to allow partitions which invariably necessitated further expensive surveys and hindered their ability to buy cheaply and quickly.

According to Stokes, Milroy, and Melbourne, Ruatahuna is considered the heartland of the Tuhoe tribal estate.<sup>175</sup> The Ruatahuna valley settlement was comprised of small clearings and kainga on the slopes of surrounding hills, although the kainga of Mataatua and Ohaua were sited on the flats.<sup>176</sup> The Ruatahuna valley supported a sizeable population spread over a number of kainga. The pattern of settlement has been described as:

fairly fluid. Kainga were abandoned and new ones built. A form of shifting cultivation was practised. Ground for a potato garden would be cleared and burned and crops grown for one or two seasons, occasionally longer . . . There were sometimes disputes over occupations of particular sites and occasional evictions. However, these were usually resolved within the general area of a hapu.<sup>177</sup>

One such dispute arose at Ruatahuna in 1916 between two of the hapu in occupation of the large Ruatahuna block. Because the dispute was considered serious, Judge Wilson of the Waiariki court sent the Ngati Rangitihī chief Raureti Mokonuiarangi to conduct an inquiry into the matter and report back to him.<sup>178</sup>

The two principal parties involved in the dispute were Ngati Tawhaki, who on this occasion were represented by Ere Ruru, and Ngaiteriu whose spokesperson was Rehua Te Wao. Ngati Tawhaki had fenced off a portion of land at the junction of the Mangaorongo stream and the Whakatane river for cultivations, and then proceeded to make improvements. Ngaiteriu then apparently pulled down the fences provoking Ngati Tawhaki to lay an injunction against Rehua Te Wao, and to proceed with a case for damages in the Stipendiary Magistrates Court at Rotorua. Ere Ruru succeeded in securing compensation for damages and then re-erected the fences.<sup>179</sup>

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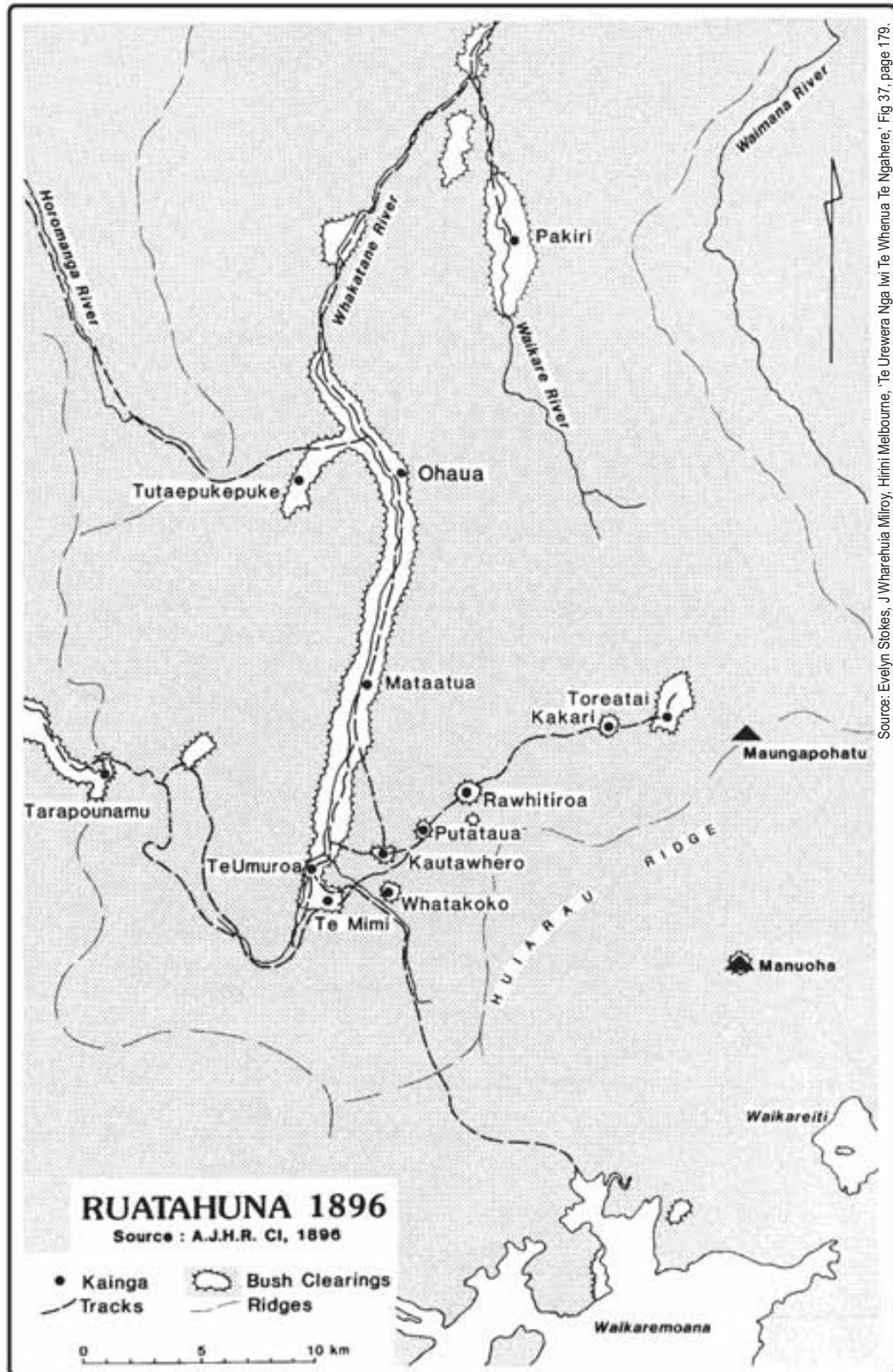
175. Stokes, Milroy, and Melbourne, p 180

176. Ibid, p 80

177. Ibid

178. Wilson appointed Mokonuiarangi a court assessor. He was accompanied on this journey by Wilkinson, a surveyor, and Constable Grant of Te Whaiti.

179. Raureti P Mokonuiarangi to T H Wilson, Native Land Court, Whakatane, 23 July 1917, MA-MLP1 1910/28/11



Source: Evelyn Stokes, J Wharehau Milroy, Hirini Melbourne, 'Te Urewera Nga Iwi Te Whenua Te Ngahere', Fig 37, page 179.

Figure 18: Location map, Ruatahuna, 1896

Ngaiteriu did not accept the court's decision and the issue flared again when they destroyed the fences for a second time. It was at this point that Mokonuiarangi proceeded to Ruatahuna. He discovered, upon talking with both parties, that the real problem was the question as to who had the better claim to land at Ruatahuna.<sup>180</sup> Ere Ruru, for example, admitted the right of Ngaiteriu to an area of cultivated land called Kiritahi, but claimed a right to some himself on the basis that the Ngaiteriu were using more land than they had a right to in proportion to the interests they held in the Ruatahuna block. This point was identified by Mokonuiarangi as at the heart of the matter: 'Ruatahuna is good and productive land. Some of the natives are very industrious but a number of them do not seem to work owing to undivided interests.'<sup>181</sup>

According to Judge Wilson, he was unable to identify the respective interests of Ngati Tawhaki and Ngaiteriu because the owners were tenants in common, holding undivided interests in the block, and this was a matter which would have to be determined in court. Wilson spoke with Wharepouri Te Amo, a member of the general committee, who confirmed Ere Ruru's statement and who urged the partition of the Ruatahuna block in order to avoid inter-hapu disputes. Writing to the Native Department, Wilson recommended that:

In conclusion I am of the opinion that the Government could see its way to partially revoke the Order-in-Council of the 19th June, 1916, in order to permit of an area of say 1000 acres of the Ruatahuna Block being partitioned off by the Native Land Court in favour of those *Natives and their families who are actually living on the Block* it would contribute towards bringing about an amicable settlement of all questions in dispute and would enable occupants to farm their lands without interference from other co-owners. [Emphasis in original.]<sup>182</sup>

Wilson added that this settlement would also assist the Crown to acquire the balance of the block.

In response to Wilson's report and, probably, his advice on how to expedite this sale, an Order in Council was issued in the *Gazette* in October 1918 conferring jurisdiction upon the Native Land Court to partition the Ruatahuna block under part VI of the Native Land Act 1909. Judge Wilson proceeded to Ruatahuna with the district valuer, Mr Burch, and Tai Mitchell, a surveyor, to undertake the partition. Much to his surprise, he discovered that the Ruatahuna block had in fact already been partitioned at a sitting of the Appellate Court at Taneatua in 1913.<sup>183</sup> This partition had created five divisions of the block: Ruatahuna 1 (Arohana); Ruatahuna 2 (Kahui); Ruatahuna 3 (Huiarau); Ruatahuna 4 (Waiiti); and Ruatahuna 5 (Parahaki).

These orders had been misplaced, so Wilson was not able to define the amount of land belonging to each list of owners until the subdivisions had been surveyed, and

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180. T H Wilson to the under-secretary, Native Department, 7 August 1917, MA-MLP1 1910/28/11

181. Raureti P Mokonuiarangi to T H Wilson, Native Land Court Whakatane, 23 July 1917, MA-MLP1 1910/28/11

182. T H Wilson to under-secretary, Native Department, 7 August 1917, MA-MLP1 1910/28/11

183. Under-secretary, Native Department, to Native Minister, 30 August 1917, MA-MLP1 1910/28/11

because the lists themselves were missing, he could not determine which persons were supposed to occupy each subdivision.<sup>184</sup>

Wilson, however, took the opportunity to inspect the Ruatahuna land and provided some very interesting insights in view of the fact of the Crown's subsequent undertaking to buy interests in the block. According to Wilson, Tuhoe had occupied and improved all of the flat land which was under close settlement with 'very large areas' being fenced in and grassed. Wilson obviously felt that Tuhoe had the capacity, and the block had the potential, to support agricultural pursuits:

After seeing the Block I feel impelled to suggest that the Natives should be allowed to cut out their holdings. There is a considerable settlement at Ruatahuna, and the fact that a Presbyterian Mission has opened a school there with an attendance of 77 pupils is strong evidence of the progress made by the Tuhoe people.

I found the Natives a quiet, law abiding and industrious people.<sup>185</sup>

Fully cognisant of the problems at Ruatahuna, the Government none the less decided to push on with purchasing this block, passing instructions to Bowler in July 1918. Bowler proceeded to Rotorua to check the Ruatahuna title and confirmed the old partition, noting that the block had a total of about 2100 owners but that many individuals owned shares in more than one subdivision.<sup>186</sup> According to Bowler, many of these owners were eager to sell their shares but he could do nothing about it until a survey was completed showing the area of each subdivision, and a valuation of the blocks was undertaken. According to the Government valuer Burch, the approximate value of the Ruatahuna lands was about six shillings per acre.<sup>187</sup>

Bowler realised even before he started purchasing in Ruatahuna that the sale would be contentious, and that not all the opposition would be internal. He told Fisher that James Carroll had wanted to let Herries know that he considered the Government should leave the Ruatahuna block for Tuhoe.<sup>188</sup> No reason was given for Carroll's opinion but the fact that a large number of Tuhoe actually lived there and were making efforts at agricultural ventures must have been part of his reasoning.

Bowler, however, rejected Carroll's view, urging the department to continue with the purchase. His reasons were that:

It seems obvious that this block must benefit by the roading and settlement of the adjoining blocks, and as the native owners are scattered throughout the whole district it is safe to assume that the majority of them will never occupy it themselves.

If the Crown does not commence operations now it is not unlikely that values will go up in the near future, and if the purchase is not gone on with at all the probabilities are that ultimately the block will be left to be exploited by the speculator.<sup>189</sup>

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184. Judge Wilson to under-secretary, Native Department, 16 February 1918, MA-MLP1 1910/28/11

185. Ibid

186. W Bowler to under-secretary, Native Department, 9 September 1918, MA-MLP1 1910/28/11

187. Ibid

188. Ibid, p 2

189. Ibid, pp 2-3



Bowler had suggested, in fact, that the purchase go ahead while entirely disregarding the partition – in other words, that he purchase the interests in the original block.<sup>190</sup> Because he anticipated being able to acquire a substantial number of interests in the block, he suggested that ignoring the partition might be to everyone's advantage. There were precedents for this in the course of the Urewera purchases – in the Omahuru block, for example, purchases were undertaken on the original lists in spite of partition orders which were then cancelled.

The Native Department had to consider Bowler's advice while receiving representations such as the one from Matamua Whakamoe, who pleaded that the partition of the Ruatahuna block should proceed in order to avert 'trouble'. Presumably Matamua wanted further subdivision of those areas under occupation.<sup>191</sup> Jordan, the under-secretary of the Lands Department, wrote to Bowler to inform him that his proposals were being considered. He had to weigh the Ruatahuna people's desire for further partitioning with the problem that if the existing divisional partitions were allowed to stand, they would need fresh valuations, which in turn would require accurate survey. In the end, Lands issued instructions for an urgent compass survey and valuations. Below is a summary of those valuations as assessed by Burch in early 1919.<sup>192</sup> It is instructive to note the wide variations in land value within the subdivisions, and the higher overall value, given Burch's previous estimate of a blanket six shillings per acre for Ruatahuna.

**Te Arahana Block (Part 1) 4350 acres**

described as 'good easy country' with 300 acres felled and grassed, 'in good order'

3700 acres at 15/- per acre	
350 acres at £1 per acre	
300 acres at £4/16/8 per acre	
Value of improvements (fencing, clearing, pasture)	£1150
Unimproved value	£3425
<b>Total capital value</b>	<b>£4575</b>

**Kahui Block (Part 2) 1590 acres**

described as 'All good quality easy country, 150 acres in grass'

1290 acres at 15/- per acre	
150 acres at 30/- per acre	
150 acres at £6/16/4 per acre	
Value of improvements	£625
Unimproved value	£1590
<b>Capital value</b>	<b>£2215</b>

190. W Bowler to under-secretary, Native Department, 9 August 1918, MA-MLP1 1910/28/11

191. He also referred to trouble at Maungapohatu, presumably for the same reasons, as an outcome he wanted to avoid: Matamua Whakamoe to Herries, 1 August 1918, MA-MLP1 1910/28/11.

192. Presumably, if the Ruatahuna blocks had not been partitioned and fresh valuations had not been undertaken, then the purchase of this land would have proceeded on the Lands Department estimate of six shillings per acre for this block. If you add up Burch's new valuations for each block (which total £25,130) and divide by the block acreage, the new valuation works out to just over 8½ shillings per acre.

**Wai-iti Block (Part 3) 8860 acres**

8000 acres at 15/- per acre	
50 acres at 15/-	
200 acres at £5/3/0	
610 acres at 2/9 per acre	
Value of improvements	£730
Unimproved value	£2150
<b>Capital value</b>	<b>£2880</b>

**Huiarau Block (Part 4) 13,140 acres**

described as 200 acres felled and in grass

4300 acres at 15/- per acre	
640 acres at 15/- per acre	
200 acres at £5 per acre	
8000 acres at 2/6 per acre	
Value of improvements	£750
Unimproved value	£5000
<b>Capital value</b>	<b>£5750</b>

**Parahaki Block (Part 5) 29,883 acres**

5700 acres at 15/- per acre	
300 acres at 15/- per acre	
450 acres at £5/1/0 per acre	
23,453 acres at 2/6 per acre	
Value of improvements	£1825
Unimproved value	£7885
<b>Capital value</b>	<b>£9710</b>

The surveys were undertaken by a Mr Barlow and the survey costs were apportioned as follows.<sup>193</sup>

Te Arahana	£44 18s 9d
Kahui	£16 8s 6d
Te Wai-iti	£91 10s 6d
Huiarau	£135 14s
TOTAL	£597 6s 7d

As soon as these valuations were at hand, Bowler's activities went ahead despite receiving objections from Tuhoe to the sale of the block. In fact, it seems that the

193. H M Skeet, Chief Surveyor, to under-secretary, Native Department, 26 June 1919, MA-MLP1 1910/28/11. Apparently, these charges accrued 5 percent interest from 24 May 1919. Also, Ere Ruru wrote to protest against Barlow's survey apparently because 20 acres had been taken for a roadman's reserve: see Ere Ruru to Herries, 23 April 1919, MA-MLP1 1910/28/11. The following year, Bowler noted that the Minister for Public Works had made an application in court in respect of compensation for land taken for stock paddocks from Parahaki (Ruatahuna 5) block and other Urewera blocks. Bowler said that, because it would be difficult to assess compensation until a partition of Crown and Tuhoe interests was made, the application should probably be withdrawn. Further research would be necessary to see if Tuhoe were eventually compensated for these takings: refer W Bowler to under-secretary, Native Department, 3 August 1920, MA-MLP1 1910/28/11.

Ruatahuna block, as well as Ruatoki and Waikaremoana lands, had been identified by non-sellers as areas they wished reserved for either occupation or agriculture. Rawaho Winitana and 99 others wrote to Herries from Waikaremoana, outlining those lands he wished reserved from sale:

the Ruatahuna Block should not be purchased. Purchase has been going on in all of the other blocks in the Urewera Country. We agree to these other blocks being purchased, but as to Ruatahuna we implore you not to allow it to be purchased. Portions of this Ruatahuna Block have been improved and sheep and cattle are depasturing on them. We are agreed that this land should be conducted as a farm.<sup>194</sup>

Te Wai Ihimaera and 16 others also wrote to Herries about the Ruatahuna block:

We hereby pray that the Waikaremoana and Ruatahuna blocks be not allowed to be purchased as these lands are being reserved for other purposes . . .

Huiarau [Ruatahuna 3] is the portion we ask that it should not be purchased because this is the portion that we want for our own purposes and hence we ask that the purchase should not be applied to it.<sup>195</sup>

These sentiments were supported by Te Amo Kokouri and 121 others who also wrote to Herries objecting to the sale of the same blocks. The stock answer to these kinds of objections was to point out that owners were not compelled to sell their land, and Herries could have always pointed to telegrams he received from owners urging the sale of the Ruatahuna block.

What is really interesting about Rawaho's letter is his request for the resurrection of the Tuhoe general committee and its power to administer Tuhoe lands. He noted that:

the General Committee, appointed under the Act of 1896, is non-existent, as also is the Provisional Committee. Twenty members were appointed to this Committee. The reason for its non-existence was on account of Kereru's decease. Wherefore, we pray that you re-appoint this committee to administer the Urewera Reserves Act in connection with the blocks hereinbefore referred to [Waikaremoana, Ruatoki 1, 2, and 3, Ruatahuna].<sup>196</sup>

Judge Wilson's report to the Native Department in August 1917 had also mentioned the Tuhoe general committee, which seemed still to be in a de facto existence despite the Government's best efforts to ignore it. Wilson had apparently inquired as to the opinion of Wharepouri Te Amo, whom he described as a member of the committee at that time. It appears that the Ruatahuna block committee, headed by Te Amo Kokouri and Rawiri Kokau, still exercised some of the functions of land administration and dispute resolution judging from correspondence sent to Herries on the matter.<sup>197</sup> Ruatahuna, then, was a centre of Tuhoe efforts to maintain control over their land and its administration but this did not seem a factor in Government considerations as to whether it would buy there or not.

194. Rawaho Winitana and 99 others to Herries, 23 September 1918, MA-MLP1 1910/28/11

195. Te Wai Ihimaera and 16 others, circa August 1918, MA-MLP1 1910/28/4, pt 3

196. Rawaho Winitana and 99 others to Herries, 23 September 1918, MA-MLP1 1910/28/11

Bowler reported his progress in acquiring Ruatahuna interests up to 30 September 1919 as shown below.<sup>198</sup>

Ruatahuna block	Area (acres)	Area acquired (acres)	Area outstanding (acres)
Arohana 1	4350	544	3806
Kahui 2	1590	179	1411
Huiarau 3	13,140	1370	11,770
Wai-iti 4	8860	887	7973
Parahaki 5	29,883	4328	25,555

Purchasing proceeded briskly at Ruatahuna, with Jordan reporting that by April 1920 Bowler had managed to buy 1930 acres of Ruatahuna 1; 697 acres of Ruatahuna 2; 3023 acres of Ruatahuna 3; 609 acres of Ruatahuna 4; and 6273 acres of Ruatahuna 5 block.<sup>199</sup>

### 9.12 PURCHASING FROM MID-1918

Bowler's reports from March 1918 generally attest to the difficulties he had in acquiring further interests in the reserve and this slowing of the rate of purchase generated a desire to expand into the Ruatahuna and Waikaremoana blocks.

The reasons Bowler gave for the slowing of progress, aside from the owners' reluctance to sell, were varied. In March 1918, he commented on the disappointing returns from the Ruatahuna end of the district which he attributed to a recent cyclone (in fact, the often appalling Urewera weather meant that most of Bowler's activities were confined to summer months). He talked of holding over the purchasing until July when the Native Land Court sat at Whakatane or Taneatua when, he said, Tuhoe 'will probably have exhausted their funds and will want to sell further interests'.<sup>200</sup> This sort of comment suggests that the likelihood of being able to fund capital development as a result of the Crown's purchase activities was not great.

Another reason for Bowler's diminishing returns in this period was the 1918 influenza epidemic. He reported that Tuhoe were hit very hard by the epidemic and the deaths meant that he had to lodge a thousand succession applications in the Whakatane court. He would later estimate that the influenza had stalled operations by about a year.<sup>201</sup>

197. A dispute between one Heriata and Paratene was resolved by them agreeing that the committee undertake to solve the problem (which was probably much like the Ngati Tawhaki/Ngaiteriu one described earlier). Both parties were not to erect any fences on the land and the committee was to look after the disputed land. The committee wrote to Herries asking that if the committee was unable to come to an amicable settlement, then the matter ought to be referred to the Native Land Court: see Te Amo Kokouri and Rawiri Kokau to Herries, 18 November 1918, and Te Amo Kokouri and six others to Herries, 21 November 1918, MA-MLP1 1910/28/11.

198. Return Showing Position of Native Land Purchases in Urewera Native Reserve, as at 30th September 1919, in W Bowler to under-secretary, Native Department, 11 October 1919, MA-MLP1 1910/28/1, pt 3

199. C B Jordan to Native Minister, 15 April 1920, MA-MLP1 1910/28/11

200. W Bowler to under-secretary, Native Department, 26 March 1918, MA-MLP1 1910/28/1, pt 3

In July 1918, Bowler recommended the purchase of the small Whaitiripapa and Tapatahi blocks which were situated in the north of the Urewera reserve, and urged the department to consider opening up the remaining blocks for purchase rather than leaving them for the speculator.<sup>202</sup> These remaining blocks, Paharakeke, Manuoha, and Waikaremoana, were of low value and Bowler made the point that the payments to owners of the largest number of shares in these blocks would be small:

in Ohiorangi £2.16/.5, in Ierenui–Ohaua £ 9.5.9, in Tauwhare £4.14., in Kohuru–Tukuroa £19.9.4, in Ruatahuna £30 (about), in Paharakeke £16.10.10, in Manuoha £1.11.11, and in Waikaremoana £8.19.8. It must be remembered, too, that the bulk of the persons interested receive much less than the maximum amount.<sup>203</sup>

Herries decided to get valuations done for the Whaitiripapa and Tapatahi blocks but to refrain from buying in the others.

After the end of the First World War, the Government came under sustained attack for failing to open the Urewera to settlement. A slew of critical media reports pointed to the lack of land available to returned servicemen while condemning ‘the curse of Maori landlordism’.<sup>204</sup> More particularly, these reports often exaggerated the quality of Urewera land, which in turn generated more pressure from local county councils and chambers of commerce for rapid partition of Crown and Maori interests. The *New Zealand Herald*, for example, stated:

The Urewera, it is well to remember, is primarily pastoral country. In parts it will lend itself admirably to closer settlement, but its wealth will be in its flocks and its forests. It must be developed on a bold and comprehensive plan which envisages far more than the native reserve which is the Urewera Country of the politician.<sup>205</sup>

Herries received representations from the Taneatua branch of the Farmers’ Union requesting that a full-time purchase officer be stationed in the Urewera to take advantage of those hard times when Tuhoe wished to sell land, noting that otherwise, they ‘overcame monetary difficulties in other ways’.<sup>206</sup> They also noted that Tuhoe wanted to consolidate their interests and start farming.

Bowler was scornful of the unflattering publicity which the Native Department had attracted for its slow purchase of the Urewera lands, and defended the policy of gradual acquisition as being in the Crown’s interest. Responding to public comments by R C Sim (ex-judge of the Native Land Court) on wasteful methods of land purchase and administration, he made the point that the ‘constant eulogies’ in the media regarding the quality of Urewera land were responsible for Tuhoe demonstrating an increased reluctance to sell.<sup>207</sup> Interestingly, in a memo prepared

201. W Bowler to under-secretary, Native Department, 11 October 1919, MA-MLP1 1910/28/1, pt 3

202. W Bowler to under-secretary, Native Department, 29 July 1918, MA-MLP1 1910/28/1, pt 3

203. W Bowler to under-secretary, Native Department, 7 August 1918, MA-MLP1 1910/28/1, pt 3

204. Editorial, *New Zealand Herald and Daily Southern Cross*, 17 April 1920, MA-MLP1 1910/28/1, pt 3

205. Editorial, *New Zealand Herald and Daily Southern Cross*, 23 February 1920, MA-MLP1 1910/28/1, pt 3

206. Keegan and Garlick of the Taneatua branch of the Farmers’ Union to W Herries, 24 October 1918, MA-MLP1 1910/28/1, pt 3

207. W Bowler to under-secretary, Native Department, 29 March 1920, MA-MLP1 1910/28/1, pt 2

for the Native Minister, it was noted that Sim had chosen a particularly poor example for his purposes:

Of all the Native land purchases, the Urewera purchase was probably the most difficult undertaking. The Natives were keenly averse to selling and it was impossible to purchase by assembled owners meetings, and therefore individual purchase had to be adopted.<sup>208</sup>

The continuing agitation for consolidation of the Crown's interest and settlement of returned servicemen prompted the Native and Lands Departments to consider making application for partition in 1919. The Lands Department went ahead with preparation for a scheme of roading and development but Herries decided to hold out against pressure for partition, which by this stage was coming from both Tuhoe and settler interests, in the hope of acquiring yet more Urewera land. The problem was outlined thus:

It became necessary to concentrate attention on the problem of how best to dis sever the Crown from the Native interests without the intrusion of the latter into the Crown's sphere of settlement prejudicing a comprehensive scheme of roading and cutting up and the reservation of forest and watershed areas. Heroic measures entailing the compulsory acquisition by the Crown of outstanding interests were suggested but could not be entertained. The alternative procedure of a Native Land Court partition defining and locating the proportions in each block bought by the Crown and retained by non-sellers did not appear to be satisfactory either for the Crown or for the non-sellers. In not one of the forty-four blocks under purchase had the Native interests been fully acquired. But the chief stumbling block was the fact that in order to make such partition orders effective and registrable it was necessary to undertake a comprehensive and very expensive survey of the whole territory. There was no guarantee that the areas awarded to the Crown would conform to any comprehensive settlement or roading scheme, or that the Court would be guided by settlement conditions. On the other hand, the Court was more likely to be bound to respect the Native occupations and clearings and to make these the nuclei of Native sections, irrespective of whether their locations fitted in or interfered with the roading and cutting up of the Crown awards. The Crown's experience in the King-country under somewhat similar conditions was not to be lightly repeated.<sup>209</sup>

This was the problem Herries faced, then, in 1918–19 (which is discussed more fully in the following chapter on consolidation of Crown interests). He reasoned that the department could still acquire significant interests before tackling partition, and Bowler was instructed to prepare a list of Urewera non-sellers at this time, which specified the amount of land they still held and the blocks in which these interests were located. This was published in the *Gazette* in November 1919. Herries' opinion held good and it was noted that Bowler was able to secure a further 60,000 acres before the Urewera consolidation scheme was undertaken in 1921. The land purchase officer would comment by the beginning of 1921, though, that it was increasingly

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208. Memorandum for Native Minister, 23 March 1921, MA31/21, NA

209. R J Knight, H Carr, H R H Balneavis, AJHR, 1921, sess 2, G-7, p 3

difficult to persuade Tuhoe to sell because they complained that prices offered were still being based on valuations undertaken in 1915.<sup>210</sup> Bowler told Jordan that he was suspending purchase in September 1921 with the exception of the Te Whaiti block, in which it was decided to expand the Crown holding as much as possible ‘in order to enable the timber area to be more effectively dealt with’.<sup>211</sup> Bowler made a special trip to Te Whaiti to pursue these interests and reported the purchase of about 417 acres in Te Whaiti 1 block and 572 acres in Te Whaiti 2 block.

Bowler’s final returns to the end of July 1921 were as follows: the Crown had bought interests in 44 Urewera blocks, which represented an area of 518,329 acres. Blocks excluded from purchase totalled approximately 130,000 acres. In the blocks under purchase, non-sellers retained 173,232 acres valued at £78,479 15s or about one-third, as well as holding two small and six larger blocks intact:<sup>212</sup>

<b>Acquired by Lands Department</b>	A	R	P
(from June 1910 to 31 March 1912)	40,795	0	0
<b>Acquired by Native Land Purchase Department</b>			
5 June 1915 to 31 March 1916	84,770	0	0
1 April 1916 to 31 March 1917	56,741	0	0
1 April 1917 to 31 March 1918	64,303	1	4
1 April 1918 to 31 March 1919	42,672	2	1
1 April 1919 to 31 March 1920	29,996	1	15
1 April 1920 to 31 March 1921	19,404	0	0
1 April 1921 to 31 July 1921	16,394	0	28
<b>TOTAL</b>	345,076	1	8
<b>Valued at £193,076 4s 11d</b>			

### 9.13 CONCLUSION

From June 1910 to July 1921, the Government succeeded in purchasing the equivalent of just over half of the Urewera native reserve. As we have seen, the Government originally undertook that the Tuhoe general committee would make resolutions to part with defined areas of the Urewera, but actual purchase proceeded on the basis of acquisition of individual shares which were deemed to be in the nature of undivided interests in blocks. Initially, it appears that the purchase of these interests was confined to those blocks which had been nominated for sale by the committee but before very long, it was the Native Land Purchase Board, without reference to the general committee, who decided where and when the Government would buy Tuhoe land. The reasons why the board decided to resume purchasing in this manner are unclear; why had it not pursued commitments from the general committee as had

210. W Bowler to under-secretary, Native Department, 6 January 1921, MA-MLP1 1910/28/1, pt 3

211. W Bowler to under-secretary, Native Department, 12 September 1921, MA-MLP1 1910/28/1, pt 3

212. AJHR, 1921, sess 2, G-7, p 3

been originally planned, and for which legally endorsed alienation procedures had been provided?

Perhaps the answer lies in the fact that the general committee, while it reflected the range of opinions held by Tuhoe in this period, was not likely to sanction the sale of half the reserve. The general committee was fraught with the political problems of balancing hapu and tribal interests, and the wishes of sellers and non-sellers. Some of its representatives would refuse to recognise the authority of a centralised governing council for years and would nurture a close relationship with the Crown in an effort to weaken the power of the committee over its constituent sub-committees. Other hapu rejected both Crown and general committee prerogatives over their land and wished to pursue agreements with private buyers – in a sense, these groups represented those independent impulses which had kept Tuhoe aloof from the writ of British law for decades.

Still others, such as Numia Kereru and his supporters, were prepared to tolerate a limited alienation of land but were adamant that the restrictions on private alienations should not be removed. For once, Herries was more than happy to concur with Numia's views; however, their respective motivations could not have been more different. Numia feared the consequences of unimpeded purchase and appears to have understood that it would mean a final, fatal undermining of Tuhoe tribal authority as encapsulated in the UDNRA 1896. Herries, on the other hand, was motivated by the desire for Government control of the sale process – Government monopoly of land purchase coupled with individualised purchase assured this control, as well as the subversion of the communal principles which the UDNRA 1896 had recognised. It also meant that he was able to buy a lot more land than he might otherwise have been able to do.

What underlay this strategy was an attitude that would not countenance competing authority structures. Herries championed the rights of the Tuhoe individual to sell land to the Crown, perceiving the acquisition of Maori land to be in the best interests of the State, both in respect of the Dominion's settlement policies and in the extension of laws to which the rest of the country was obliged to submit. Why should Tuhoe be any different? Any argument that extensive individual purchase damaged the interests of Tuhoe as a group, in both the material and political sense, was assiduously ignored.

An analysis of how purchase of Urewera land proceeded from 1910 to 1921 shows, in fact, that the Government successfully managed to create a 'controlled environment' which assured the success of its purchasing operations. It had already identified strategic resources which it wanted to secure: gold (though this dissipated as a motivation for purchase when it was realised that the Urewera was not gold bearing country), the timber at Te Whaiti, the northern Urewera lands for settlement, and Lake Waikaremoana and its environs initially for its tourist potential and later for climatic reasons and because of its potential in hydroelectric generation (more of this in the next chapter).

In addition to monopoly purchase of individual interests, there were other facets to Government purchase tactics. Approval of purchase in Urewera blocks proceeded on



a piecemeal basis; the northern Urewera blocks, having been identified as the most desirable to acquire, enjoyed Bowler's undivided attention until he was able to report that he had reached the limits of sale in those blocks. He would then suggest the opening of purchase in adjoining blocks, initially at least keeping in mind the proposed arterial routes through the country. Road construction in the Urewera was deliberately delayed by the Government in order to prevent price rises in land and to prevent development, which would have had the same effect. In this way, the Native Land Purchase Board was able to contain the prices it paid for Tuhoe land by preventing the rapid escalation of values of the unopened Urewera lands. Gradual purchase was also aimed at preventing Tuhoe from only offering their least attractive interests (and speculating on the rest) and this meant that Tuhoe did not necessarily freely decide which lands they would sell. It might have been, for example, that some owners did not want to sell in the northern blocks but sold reluctantly as they awaited the sale of lesser-valued southern blocks. The sale of undefined interests in Urewera land, took place gradually over a period of 11 years.

Herries was prepared to aggressively defend Government interests in the face of stated Tuhoe desires if necessary. The matter of partitions was one of these instances. Partitions hindered Bowler's operations, necessitating fresh valuations and proliferating new sections (Bowler being unable to buy any single whole block). Partitions had been anticipated in a number of Urewera blocks since title investigation, being a natural outcome of the fact that a number of hapu occupied the larger blocks. While Ruatoki was extensively subdivided, Herries either cancelled existing permission to partition, or refused to grant new Orders in Council for other blocks, in an effort to contain this activity. Partitions had largely been condoned where purchasing was threatened by dispute or where serious breaches of the peace were likely to occur.

The extended period of the Urewera purchase, while securing Government objectives, greatly disadvantaged Tuhoe. For a start, there was the question of valuation. Even while valuations were fresh, Bowler reported expressions of dissatisfaction with the special valuation of Urewera lands which had been done in 1910 and 1915. As the purchases wound their way into the 1920s, Bowler was still buying Urewera land based on these valuations and resistance to sales appears to have stiffened in the face of no new revaluations.

The length of purchasing and deferral of partition had other very serious consequences. There is significant evidence that Tuhoe were making concerted efforts at agricultural development and a number of petitioners identified Ruatoki, Ruatahuna, and Waikaremoana lands as locations where these efforts were being made. Continued buying of individual interests undermined these efforts in so far as it was unclear to everybody exactly where Crown and Tuhoe lands would some day be located, and how much land was due to either party. It is suspected, too, that strained relationships and suspicion generated by Bowler's activities would not have created a conducive atmosphere to cooperative enterprise.

In view of this, Numia and Te Pouwhare would repeatedly ask Herries for a partition of Crown and Tuhoe interests, and would also ask for the resurrection of the functions of the general committee. On one occasion they mooted the possibility of

consolidating their interests at Ruatoki but Bowler quickly reassured Herries that the consolidation legislation did not extend to the Urewera anyway (and certainly was not likely to be thus extended while the Crown was buying).

The Government, however, was firmly fixated on the matter of acquiring Tuhoe land, not helping Tuhoe to retain their land through development and farming initiatives, and Tuhoe pleas to withdraw identified lands from purchasing fell on deaf ears. It is unclear whether the Government ever took up their valuers' suggestions of determining how much land Tuhoe should be 'allowed' to retain. A study of Government purchase objectives provokes the question of how exactly the Government anticipated that Tuhoe would support themselves after purchasing had ceased. After all, the Government wanted to buy the best agricultural land in the north for settlement, especially the Tauranga valley, and had even attempted to buy in Ruatoki 1 block and adjacent areas which serviced the Ruatoki cheese factory and provided locals with their main source of cash. It wanted to secure the Te Whaiti timber, and bought from Tuhoe on a valuation that assumed the timber (at mid-1915) had no commercial value. It wanted to buy Waikaremoana, anticipating the rise in tourist numbers to this part of the Urewera as it became more accessible to traffic, and contemplated the future contribution the lake could make to the national grid.

What were Tuhoe to be left with? Brooking has pointed to the disastrous effects that land purchasing had on fledgling Maori farming:

If Maori farming had been given a chance to succeed the results would almost certainly have benefited everyone in that the cycle of dependency, into which Maori were forced slowly but relentlessly, could have been broken . . . the penultimate Liberal land grab and the ultimate land-buying spree of Reform did few people much good in the long term.<sup>213</sup>

Even if Tuhoe still had a relatively small amount of land which could be successfully farmed, the fact was that the Government had in no way helped Tuhoe to retain, let alone exploit, their other resources. The very fact that good land was a limited commodity in the Urewera meant that other means of support assumed a great importance. The matter of the Te Whaiti timber deserves special mention here. Ngati Whare were anxious to sell timber and had apparently negotiated with private investors on a royalty basis for the timber from 1909 (though there were suggestions of speculators making offers to the Te Whaiti owners before this). The Crown excluded private deals by determinedly ignoring Ngati Whare and Ngati Manawa appeals on the matter and placed injunctions on timber felling while it was buying interests in the block. It did not, however, start purchasing in Te Whaiti till late 1915, which must have frustrated owners intensely. Furthermore, it does not appear that the Te Whaiti owners were given the opportunity to sell *only* the timber in their dealings with the Crown, which had been the arrangement with private companies.

It seems as if Tuhoe could easily have become a landless proletariat if purchasing had continued at the 1910–20 rate and if the Government had achieved all its

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213. T Brooking, "'Busting Up" the Greatest Estate of All: Liberal Maori Land Policy, 1891–1911', *New Zealand Journal of History*, vol 26, no 1, April 1992, pp 97–98

objectives. Herries, after all, had once commented that ‘our legislation ought to be in the direction of enabling him (the Maori) to go into a factory’.<sup>214</sup> Tuhoe had avoided this through non-seller opposition and had prevented the Government from buying the whole of the Urewera reserve, but the matter of utilising their many individual interests, scattered over 44 blocks, would now occupy Tuhoe’s attention.

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214. 23 October 1905, NZPD, vol 135, p 963 (cited in Webster, 1979, p 141)



## THE UREWERA CONSOLIDATION SCHEME

### 10.1 INTRODUCTION

The 1920s proved a turning point of sorts for the management and productive utilisation of Maori land. Previous years, indeed the previous century, had seen the Government focus its efforts on the efficient alienation of Maori land with the result that, by 1920, tribal estates constituted a mere 4,787,686 acres, much of which was partitioned into uneconomic units held in multiple ownership.

Apirana Ngata, as a protégé of Carroll's, was convinced that land development and the corporate management of Maori land was a preventative solution to further alienation. The problem was that Ngata was only able to secure endorsement for the principle of development, as opposed to actual financial support, until the 1920s. In the meantime, however, some legislative means were provided for the consolidation of interests in Maori land – consolidation being the necessary precursor to many development proposals. Under section 122 of the Native Land Court Act 1894, and in the Native Land Act 1909, for example, scattered interests could be exchanged and consolidated into a block so that an individual, or a group, could utilise the land more effectively.

The basic idea of consolidation was that an individual would receive an award based upon the total value of their shares within the consolidation scheme area – minus debts such as title fees and survey liens – and these awards were not based upon tenets of customary possession but made with a concern for considerations such as roading, fencing boundaries, and water supply.<sup>1</sup> 'It is vital in a consolidation scheme that, when interests are reallocated for better utilization, it is the owners who are fitted to the new subdivisions, not vice versa.'<sup>2</sup>

Prior to the Crown's efforts in the Urewera, consolidation and exchange of interests had been conducted on a limited basis in the East Coast district – the consolidation of the Waipiro blocks, begun in 1911 under Ngata's supervision, was the first project in the country and this was followed by other schemes in the Waiapu, Waipare, and Akuaku blocks.<sup>3</sup> Ranginui Walker has commented, however, that:

Ngata's consolidation scheme of exchanging small blocks of land among owners to create viable farming units was too slow to counter the speed at which land was being

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1. A T Ngata, *Native Land Development*, AJHR, 1931, G-10, p ii (cited in M Nepia and M Ihaka, 'Ngati Porou Exploratory Report' (Wai 272 ROD, doc A1), p 32)
  2. I H Kawharu, *Maori Land Tenure*, London, Oxford University Press, 1977, p 94
  3. M Nepia and M Ihaka, p 32

acquired by Pakeha under existing laws. The consolidation of 40,000 hectares on the East Coast by Ngata, although better than nothing, was poor consolation for his efforts.<sup>4</sup>

The scope of these projects was enlarged in the 1920s and, in fact, it was the perceived success of the Urewera consolidation scheme which encouraged the Government to back Ngata's more extensive plans.<sup>5</sup> As Kawharu notes, the political climate of the 1920s produced more favourable fiscal and consolidation policies. He attributes this to a growing Pakeha awareness of the problems Maori faced and of their 'moral claim to equality'. This growing awareness was a result of a number of factors: the Maori contribution to the First World War; the publicity generated by unsettled land grievances; the dire economic position of Maori, worsened by the 1918 influenza epidemic (which hit Maori particularly badly); and the pressures brought to bear by Maori parliamentarians of the period.<sup>6</sup> Furthermore, Kawharu notes that Gordon Coates, the Native Minister from 1921 to 1928, was relatively sympathetic to Maori welfare and, by extension, to policies that would promote their economic well-being.

This, then, was the context in which the Urewera consolidation scheme was devised. Kawharu has commented that the schemes of the 1920s contrasted with earlier consolidations which concentrated on liberating Crown shares in Maori blocks so that the land could be put on the market.<sup>7</sup> He asserts that later efforts actually began to address Maori interests:

This was notably the case on the East Coast and in the Bay of Plenty where consolidation schemes proceeded on the assumption that the work would be coupled to some form of supervised credit.<sup>8</sup>

It will be seen, however, that the process of consolidation in the Urewera was still very much directed at achieving the Crown's strategic aims, and where Tuhoë concerns were accommodated, it was often done so grudgingly, or after owners' threats and protest.

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4. Ranginui Walker, *Ka Whawhai Tonu Matou: Struggle without End*, Auckland, Penguin, 1990, p 180
  5. The Native Land Claims Land Amendment and Native Land Claims Adjustment Act 1921 was passed after the special Urewera legislation of the same year, and established consolidation schemes similar to that created under the Urewera Lands Act. This Act provided for Maori land to be exchanged with Crown land in a district and there is a provision for European land to be included. Consolidation was to be carried out by the Native Land Court by 'defining the interests of the Crown and vesting in natives such portions of the land affected by the scheme as the Court shall decide'.
  6. Kawharu, p 27
  7. Ibid, p 28
  8. Ibid

## 10.2 EARLY PROPOSALS FOR UREWERA CONSOLIDATION

### 10.2.1 Introduction

By late 1919, Herries could no longer avoid pressure for definition of the Crown and Tuhoe interests. The 1919 purchase operations had procured less than 10,000 acres, a far cry from the returns Paterson and Bowler had filed in the 1910–12 and the 1915–18 seasons. Tuhoe had signalled that they were not prepared to sell much more land, adding weight to their repeated calls for partition and exchange of land.<sup>9</sup> The Native Department attracted additional pressure to finally open the Urewera lands to settlement from would-be Pakeha settlers and organisations.

Herries, then, put the question of partition to the Native Department. It had to consider the consequences of the Crown's purchasing policy which had been the dispersion of Crown and Tuhoe interests over much of the 650,000 acres of the reserve, with the only 'whole' blocks being in Tuhoe ownership. Given the criticism that the slow purchase of these interests had attracted, and the consequent pressure for settlement and implementation of other Crown policies, Herries wanted both an efficient and an affordable solution to the problem.

The partition of individual blocks between the Crown and Tuhoe was considered an unsatisfactory option for several reasons. First, it was suspected that the Native Land Court procedure might be too partial to Tuhoe interests; if the court reserved Tuhoe settlements, cultivations, wahi tapu, and resource areas, the result would have been scattered areas of Crown land and Maori land, 'not continuous or contiguous'.<sup>10</sup>

Certainly, this had become an issue in previous partitions of Urewera land where the under-secretary of the Native Department and the Waiariki court had exchanged pointed correspondence regarding the representation of Crown interests at partition. In response to criticism of the court's partitioning procedure, Judge Browne had offered that he did not consider it wise for either the Native Department or the Chief Surveyor to 'attempt to interfere with the Court in its judicial functions'.<sup>11</sup> Fisher had responded that, where the Crown was interested in a block, the question of partition was a critical matter on which the Crown was 'quite entitled' to have its views heard.<sup>12</sup> Herries feared that a court partition might not award areas to the Crown that would accommodate its plans for settlement or roading; Skeet noted that it was desirable to properly explore the Urewera country and that the divisions of the reserve should be made on proper settlement lines, 'not with the usual Land Court method of drawing an arbitrary line from point to point to enclose a certain area'.<sup>13</sup> The Crown, therefore, was not prepared to have the important matter of partition 'left entirely to the discretion of the Court'.<sup>14</sup> Apart from these considerations, the Native Department

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9. Campbell details some examples of Maori requesting exchange of interests with the Crown prior to 1920 in Leah Campbell, 'Land Alienation, Consolidation and Development in the Urewera, 1912–1950', report commissioned by the Crown Forestry Rental Trust, July 1997, pp 39–42.

10. 14 December 1921, NZPD, 1921, vol 192, p 1117

11. Judge Browne to under-secretary, Native Department, 14 October 1915, MA-MLP1 1910/28/1, pt 1, NA

12. Fisher to Judge Browne, 29 November 1915, MA-MLP 1 1910/28/1, pt 1, NA

13. H M Skeet, Commissioner of Crown Lands, to under-secretary, Lands Department, 18 November 1919, MA-MLP 1 1910/28/1, pt 3, NA

rejected a partition because it would be necessary to do a thorough and very expensive survey of the entire reserve before partition orders could be registered.<sup>15</sup>

Compulsory acquisition of outstanding Maori shares had already been considered and rejected. The remaining option, then, was somehow to consolidate the respective interests of the Crown and Tuhoe into discrete blocks of land before partitioning it.<sup>16</sup>

### 10.2.2 Jordan's proposal to Bowler, 6 November 1919

Having more or less decided on consolidation, it became a matter of determining how this was to be achieved over the large area of the reserve while accommodating the Crown's strategic aims. In a memorandum to Bowler, the under-secretary of the Native Department confirmed that consolidation was to be pursued, but not by the methods of compulsory acquisition that Bowler had promoted. The essential idea, according to Jordan, was to consolidate before partitioning so that the Crown could exchange its shares in a few big blocks for Tuhoe interests in a large number of other blocks. The Government wanted to avoid partitioning out the Crown's interests within blocks first, because this would mean that the court would be left to consolidate and locate the various non-sellers' interests only. The result, then, would be a consolidation of *interests* within blocks rather than a consolidation of *blocks*.<sup>17</sup>

The department was to compile a list of all Tuhoe non-sellers for each block, who would then have their shares reduced to a monetary value based upon the prices the Crown had paid for its purchases. The department would then consult with the Commissioner of Crown Lands as to in which blocks the non-sellers would be relocated. It was suggested that these three or four blocks would be of differing values or locations in order to satisfy the 'special fancies' of the non-sellers concerned; low-value blocks at a distance from planned roads would mean an owner would get more acreage than he or she held in a better block. Likewise, if a non-seller decided to relocate to a high-value block, they would get less acreage but would be nearer roads and settlements, and it was considered that these owners would have a better chance of settling on the land themselves.<sup>18</sup> Jordan thought that if the Crown tried to meet the 'special wishes' of Tuhoe while presenting them with a 'limited choice', presumably of where they could locate their interests, then the consolidation plan should proceed with very little opposition from the non-sellers.

A trial consolidation scheme was to be prepared in the Native Land Purchase Office in Auckland, where Bowler and his records were stationed, and then submitted to the Native Land Court. Jordan was confident that once the court had satisfied itself that the Tuhoe owners had received equivalent value of land in the relocation, and had called for objections to the scheme, it would readily adopt the consolidation plan. Jordan thought it would be particularly easy to get the court to approve 'non-

14. Ibid

15. R J Knight, H Carr, H R H Balneavis, 'Report on Proposed Urewera Lands Consolidation Scheme', AJHR, 1921, sess 2, G-7, p 3

16. Ibid

17. C B Jordan to W Bowler, 6 November 1919, MA1 29/4/7A, NA

18. Ibid



contentious cases' where owners could not be located or were not in occupation of the land affected. Once these cases had been disposed of, then the matter of coming to a 'friendly arrangement' as to where non-sellers' interests would be located was to be addressed. Efforts would be made to avoid partitioning out residual blocks for these non-sellers and, if they held interests in more than one block, their shares would be consolidated into one interest to facilitate future purchase and partitions.

Given both the history of the purchase of the reserve and the nature of the proposals themselves, it is not surprising that Bowler predicted some stubborn opposition to the consolidation scheme. He would impress upon Herries the obstacle presented by resident non-sellers, notably in the Otara, Parekohe, Ruatoki South, Tauranga, and Tauwharemanuka blocks, who had consistently refused to sell on any consideration and who were unlikely to cooperate with consolidation officers.<sup>19</sup> Jordan, however, thought that the court would be unlikely to refuse to consolidate this balance of interests if the Crown emphasised the great inconvenience that would be caused by these small areas of Maori land interspersed in Crown holdings. Presumably, it was felt that it might hinder or impede some of the Government's strategic goals (of forestry, water conservation, tourism, and settlement) to have Maori sections scattered in too many areas.

While the department and the Minister mulled over these early consolidation plans, and the Lands and Survey Department drew up more detailed proposals for a scheme, land purchase operations continued well into 1921 and the implementation of the consolidation was deferred. From 1 April 1921 to 31 July 1921, the Crown purchased the equivalent of 16,394 acres from Urewera owners. Bowler undertook preparation of the necessary lists of non-sellers through mid to late 1920, while all the time urging the Government to take the interests of absentee owners by legislation.<sup>20</sup> At the same time, the Lands Department had to await completion, or near completion, of the Crown's purchasing before it could begin surveying for roads because it was felt that this would encourage Tuhoe to hold back for better prices for their land.<sup>21</sup> The Lands Department's roading scheme, necessary to ensure future partitions had proper road access, involved preparation of a topographical plan of the Urewera and a survey and fixing of arterial routes throughout the reserve.

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19. W H Bowler to under-secretary, Native Department, 11 November 1919, MA-MLP1 1910/28/1, pt 3, NA

20. See, for example, W H Bowler to under-secretary, Native Department, 23 July 1920, and W H Bowler to under-secretary, Native Department, 11 August 1920, MA-MLP1 1910/28/1, pt 3, NA. This referred to absentee owners who lived outside of the Urewera, presumably.

21. H M Skeet, Commissioner of Crown Lands, to Under-Secretary for Lands, 18 November 1919, MA-MLP1 1910/28/1, pt 3, NA. Bowler in fact suggested a limited consolidation of the northern Urewera blocks leaving the more remote blocks to be dealt with by purchase as the opportunity presented.

### 10.3 CONSOLIDATION HUI

#### 10.3.1 Ruatoki, February 1921

The Crown and Tuhoe discussed land utilisation problems, and specifically the question of consolidation, at a number of hui held in the early part of 1921. In February, Ngata and a small parliamentary party visited Ruatoki where Tuhoe leaders expressed their frustration with the postponement of development caused by the slow and extensive Crown purchase of the Urewera. Rakuraku Rehua and Te Pouwhare stated that they wanted consolidation, with Te Pouwhare explaining that the Government and Tuhoe would then 'know what is theirs'. Mita Te Tawhao pointed out that Tuhoe had given land, money, and men for the war – there seemed a clear expectation on his part that Tuhoe would receive considerate treatment from the Government in return. Ngata introduced Fred Biddle as representative of the younger generation of Tuhoe, and this was probably true in the sense that Biddle was an advocate for the young people who were anxious to farm and who wanted title to a defined piece of land. He also asked for development assistance since banks would not lend money to Maori on the strength of a communal title.<sup>22</sup> But Biddle, too, castigated the Government for the self-interested approach it had taken to Urewera policy: 'It were better if you had visited us ten or fifteen years ago, when our tribe was as yet compact and our lands our own. It would have been of more benefit to the Tuhoe.'<sup>23</sup>

Walter Reid, of the Whakatane County Council, picked up on Biddle's request for individualised title, saying that this would make it easier for local bodies to collect rates.<sup>24</sup> Coates subsequently made it clear that making Maori land revenue producing was to be an important outcome of reorganising title to the reserve:

The object was to clothe all the land held by the natives with titles, so that when the Government had finished the native land would be in family groups subject to taxation and rates just the same as European lands are.<sup>25</sup>

Ngata returned to the theme of consolidation, which the Minister of Lands had previously mooted at a hui in Ruatahuna.<sup>26</sup> Ngata was clearly trying to sell consolidation to Tuhoe, and likely to assembled Pakeha, by saying that consolidation of Crown purchases would result in a fine road to Waikaremoana, which would generate a greater volume of tourism and open the country.

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22. *Whakatane Press*, Saturday 19 February 1921, MA1 29/4/7A, NA

23. *Ibid*

24. *Ibid*

25. *New Zealand Times*, 31 May 1921, MA1 29/4/7A, NA

26. According to a report in the *Evening Post*, 31 May 1921, MA1 29/4/7A. The author has no further information on this hui.

### 10.3.2 Ruatoki consolidation hui, May 1921

By May 1921, several months after Bowler had filed his disappointing 1921 purchase returns, it was deemed timely to formally present a consolidation proposal to Tuhoe themselves. A hui was held at the Ngati Rongo marae of Tauarau on 22 May 1921 and was attended by the new Ministers of Native Affairs and Lands, Gordon Coates and D H Guthrie.<sup>27</sup> Three members of Parliament – Apirana Ngata, K S Williams (Bay of Plenty), and F F Hockly (Rotorua) – also attended as did Skeet, the Commissioner of Crown Lands, and R J Knight from the Lands and Survey Department. Raumoa Balneavis, the Native Minister's private secretary, acted as interpreter on this occasion (but would later assume a more prominent role in the scheme).

After greeting the assembled party, the elders E Biddle and Hori Hohua addressed specific matters Tuhoe wished to bring to the Ministers' attention. According to a press report of the meeting, these requests had been 'reduced to a minimum' but included Tuhoe asking the Crown to stop purchasing Maori land.<sup>28</sup> After pointing out that purchase had started in the Urewera over 11 years ago, Biddle asked that the respective Crown and Tuhoe interests be consolidated, that Tuhoe be enabled to exchange interests with the Crown, and that roads be put through the region to enable Tuhoe to do 'a lot of things we cannot do now'.<sup>29</sup> Biddle also raised the matter of revaluation of interests and it is instructive that he asked that a reserve might be made 'from each of these lands' for landless Tuhoe.<sup>30</sup> Evidently, the Crown had not protected individuals from disinheriting themselves in its haste to acquire shares in the reserve. Tuhoe apparently wanted to protect the Ruatoki lands from Government purchase because they requested that 21,000 acres of the Ruatoki block be set aside as a reserve and assistance be given to Tuhoe to enable them to work the land. Lastly, Biddle asked the Ministers to look into the problems surrounding the administration of the Wainui block (which was land in the confiscated territory, given to Te Kooti by Cadman).<sup>31</sup>

Most of the matters which Biddle had chosen to advance were hardly new of course; aside, perhaps, from the Wainui block, various Tuhoe groups had sought relief on the other issues at one time or another. It was fitting, then, that the following speaker reminded the new Ministers of the broken promises made to Tuhoe, under both the Treaty of Waitangi and the UDNRA 1896, which had generated this dissatisfaction. Hori presented a Tuhoe view of these undertakings, a view which obliged the Ministers to respect Tuhoe preferences:

Our people have been living for the last eighty years under an arrangement made between Queen Victoria and the chiefs of the old days. . . .

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27. Minutes of meeting of representatives of Urewera natives with D H Guthrie, Minister of Lands, and J G Coates, Native Minister, at Ruatoki, 22 May 1921, MA1 29/4/7A, NA

28. *Whakatane Press*, Tuesday 24 May 1921, MA1 29/4/7A

29. Meeting with representatives of Urewera natives with D H Guthrie, Minister of Lands, and J G Coates, Native Minister, at Ruatoki, 22 May 1921, p 1, MA1 29/4/7A

30. Did he mean a contribution from each block or just from both Crown and Tuhoe lands?

31. Meeting with representatives of Urewera natives with D H Guthrie, Minister of Lands, and J G Coates, Native Minister, at Ruatoki, 22 May 1921, pp 1–2, MA1 29/4/7A

In 1895 the Native Reserves Act was passed for the Tuhoe people. That special act was granted to the Tuhoe people by the Right Hon M R Seddon in 1896. It gave the land absolutely to the Tuhoe people to do what they liked with. The matter was left to Sir James Carroll in the Government of Sir Joseph Ward. He adhered to the principle that the Tuhoe people should look after their lands in the Tuhoe territory. . . . He stated then that no other persons would be able to take land except by permission of the committee under that Act [ie, the Tuhoe general committee]. Sir James Carroll, Mr Ngata and the Right Hon Sir Joseph Ward went out of power. Then came the Massey Government, with the Hon Sir William Herries as Native Minister, and now you hold that office. During the term of Sir William Herries that power was taken from us and hence the taking of land at Ruatahuna, where our ancestors are buried.<sup>32</sup>

Hori pursued the matter of revaluation in the context of his personal regrets about having sold his interests in the Taneatua block; his comments are interesting not only because they suggest he did not know how much money he was going to receive for the land, and because they express a clear desire to repudiate a sale, but also because he was curiously unsympathetic toward those who had sold all their land:

I had ten shares in the Taneatua block, and Herries gave me £1 for it. I sent in an objection . . . I asked that the land should be revalued, and they replied that it was too late . . . but supposing I (Hori) killed a person, and it was not found out for two or three years. Would it be considered too late? Sir William Herries has gone away and left me by myself, and therefore I plead with you. Ten shares were taken away from me, and I got £1 for them. It was partly my own fault because I sold my own land. So far as the application by the other speaker for land for landless natives is concerned, don't you give it to them. They themselves sold their land. You give me my ten acres back and I will give you £1 for it.<sup>33</sup>

Coates and Guthrie only offered bland responses to these entreaties, and it was left to Ngata to promote consolidation negotiations. He began by noting that he did not intend to submit detailed proposals at this meeting, and he said that they could be tabled after Tuhoe held meetings with consolidation officers. Interestingly, he commented that he thought Tuhoe were unaware as to the extent of Crown purchasing in the reserve. Just why Ngata would begin with this observation is unclear, but it seems likely that he pointed this out with the underlying intention of justifying the Crown's position at the consolidation negotiations; now the Crown was the major shareholder, he implied, it had a right to act accordingly.

Ngata explained that the intention of the scheme was to concentrate the 'small remnants' left to the non-sellers around their existing occupied kainga in those blocks where the Crown had undertaken purchase, though he suggested that Tuhoe living at Ruatahuna might wish to consolidate their Waikaremoana interests at Ruatahuna even though the Crown had purchased large interests in the Ruatahuna block. Ngata pointed out that the Government did not intend to resurvey every

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32. Ibid, p 3. According to the *Whakatane Press* account of the hui, this speaker was actually Hori Aterea, not Hori Hohua, as recounted in departmental files on the matter.

33. Ibid

individual Urewera block but would rely upon the old magnetic estimates of block areas for the purpose of consolidation: 'I see no difficulty in accepting those areas as sufficient. When one considers the price which the Crown paid for Urewera lands, I think there is plenty of room for give and take.'<sup>34</sup> On the same theme, Ngata would later explicitly acknowledge that Tuhoe had a point in raising the question of revaluation:

That price was decided as far back as 1910. It was a pre-war price, and if I am correct in assuming that the price paid had not advanced to the same extent as the general advance through the Dominion, it would appear the Crown has been making a very good bargain. A slight concession is therefore due to the Natives.<sup>35</sup>

Whatever this 'slight concession' may have been, Ngata none the less fully intended that consolidation be based on the Government valuations upon which it had conducted its purchasing.<sup>36</sup> As if to rationalise this decision, Ngata went on to point out that Tuhoe had profited from Government 'generosity' in the past, while 'other Natives have not been so lucky'.<sup>37</sup> Citing the old magnetic surveys, which were undertaken and paid for by the Crown, as well as the costs incurred by the various Urewera commissions, he noted that Tuhoe had not been levied 'one penny' of that sum. The truth of this situation was that Tuhoe had objected to the costs associated with title investigation and the Crown had been willing to bear them in order to establish title to the land, which of course it had intended to purchase. Subsequently, the Crown had used the threat of these costs to encourage Tuhoe to consider selling their lands to cover them. It was particularly galling, then, that on this occasion Ngata also reminded Tuhoe of this situation in order to get them to donate land for roads. These were roads which had been promised to Tuhoe by Seddon way back in 1895, when he and Carroll had visited Tuhoe in 'pre-negotiations' for the UDNRA 1896:

I put it to the friends here that they would have to face a contribution to the cost of the roading. I don't think it would be fair to put the non-sellers on a proportionate basis with the Crown. It is the duty of the Crown to lay off general main roads through the lands of the Dominion, but it would appear quite fair that the Maoris should contribute something, because I don't think any community will benefit to the same extent as they will.<sup>38</sup>

When Guthrie addressed the hui, he was quick to take up the matter of where Crown and Maori interests would be located and to curb Ngata's previous suggestion of reserving existing Tuhoe kainga:

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34. Ibid, p 4. Ngata, I assume, was making the point that the Crown might have acquired further areas of land if the blocks were accurately surveyed, but given that they had paid a low price for these lands, then they were prepared to forgo this.

35. Ibid, p 11

36. The Te Whaiti interests were mooted as a possible exception to this, however, as a result of the fact that some of the timber block was purchased for a guinea and the rest for seven shillings per acre.

37. Meeting with representatives of Urewera natives with D H Guthrie, Minister of Lands, and J G Coates, Native Minister, at Ruatoki, 22 May 1921, pp 1-2, MA1 29/4/7A

38. Ibid, p 11. At the time of this hui, there were three survey parties in the Tuhoe reserve laying off roads.

Mr Ngata's suggestion is that we should retain some of the kaingas, and that we should build round them; but while we are quite prepared to do what is fair, we see great difficulty in carrying that out. Because if one particular piece is selected, what will the other Natives say? Will they come and take up their residence in another kainga? Some of the Natives have interests in the north, some in the south, some in the east, and some in the west. Therefore it appears to us that the most sensible thing to do would be to give the northern natives a block close to their settlement, and treat the eastern, western and southern natives the same way. If that were done, we could arrange as to the valuation of the different blocks on a fair average quality throughout.<sup>39</sup>

Guthrie urged Tuhoe to consider this option and he went on to caution Tuhoe that, in case they inclined to prefer the Native Land Court option of partitioning, the court would be obliged to be 'fair' to the Crown as well as Tuhoe. (It would be interesting to know how Tuhoe would have assessed the relative benefits of Native Land Court involvement in the 1920s as opposed to a scheme implemented by Government-appointed officials, acting independently of the court.) Above all, Guthrie was anxious to impress on Tuhoe that the Government wanted to develop the entire reserve 'on business lines', which would deliver more in the way of 'progress and development' than other solutions.

The final thrust of Guthrie's speech was to assure Tuhoe that it was in everybody's interests that the bush around Lake Waikaremoana be preserved, lest felling it resulted in a drop in the lake's levels. By this stage, the Waikaremoana hydroelectric scheme had been underway for a number of years and it was imperative from the Crown's point of view to protect this development. Guthrie stated that he wanted the Waikaremoana owners to exchange their lands with the Crown for other land in the reserve and stated that he had heard some Tuhoe agreed that the hydro scheme would benefit Maori as well as Pakeha.<sup>40</sup>

From the discussions recorded in the official notes of this meeting, it is very difficult to be certain as to the exact understanding that Tuhoe had of the consolidation proposals, since, as Ngata said, detailed plans were not presented at this hui. The impression that Tuhoe were as anxious as the Government to proceed with consolidation, therefore, must be qualified by ambiguity surrounding their appreciation of what consolidation would actually mean for them. None the less, it is not hard to imagine that Tuhoe were indeed eager to see their remaining interests defined and grouped somehow so that they were economically useful.

Coates, Guthrie, and Ngata, for their part, believed that they had gained general Tuhoe consent to the 'principle' of consolidation. Coates would later define this 'principle', in correspondence with Guthrie, as the 'extinction' of existing title and the creation of another form of title which ignored 'ancestral rights to particular portions of land'.<sup>41</sup> It seems unlikely that either Coates or Guthrie would have defined consolidation in this manner to Tuhoe, especially in light of subsequent Tuhoe

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39. Ibid, p 13

40. Ibid, p 15

41. J G Coates to Guthrie, 12 July 1921, MA1 29/4/7A

protests about evacuating ancestral lands. There is certainly no evidence to show that consolidation was so baldly defined to Tuhoe owners at the Ruatoki hui.

At the conclusion of the hui, both parties resolved to meet again at Ruatoki to determine the details of the consolidation scheme. Coates and Guthrie, meanwhile, discussed consolidation and the matter of outstanding 'non-seller' interests in the Urewera with Sir Francis Dillon Bell (acting prime Minister) and Dr Maui Pomare upon the Ministers' return to Wellington.<sup>42</sup> Prior to the upcoming Ruatoki hui, however, R J Knight of the Lands and Survey Department offered the Ministers suggestions and strategy in light of Crown interests, which would be tabled at Ruatoki as the basis of Crown proposals. Knight said that 'less than half' of the total area of the Urewera would be suitable for settlement in large holdings. He also noted that the conservation of the western and southern portions of the reserve was a serious climatic consideration; the Waimana, Horomanga, and Whirinaki Rivers and their tributaries had their source in the region and Knight noted that the Rangitaiki flats and Taneatua township relied on the stability of the Whakatane River system. Lake Waikaremoana was also protected on its northern shores by the bush in the Waikaremoana block.

Knight recommended that the Crown endeavour to locate its award in two main areas; firstly, the Te Whaiti timber area minus whatever settlements Tuhoe insisted on retaining; and secondly, a composite block in the northern Waimana–Whakatane valley area. The idea, of course, was to secure the timber and the best land for settlement, although Knight commented that while the Ruatahuna flats also fell into this last category, there was little chance of securing them.<sup>43</sup>

It seemed to be taken for granted even at this stage that some Tuhoe kainga and cultivations were going to be surrendered to the Crown. To make this likelihood more palatable, Knight suggested that the Crown could offer to pay for improvements if Tuhoe abandoned claims to such areas.

Assuming that Tuhoe were to pay the Crown for the cost of subdivisional surveys (presumably, of their newly consolidated interests) as well as their contribution to roading, Knight suggested that this be taken out of the Tuhoe lands which were unsuitable for settlement but necessary to preserve (for abovementioned reasons). He suggested that the cost of arterial roading for the whole reserve would be £150,000. 'Much of this roading will not be required for years, and when done will be of little use, or unnecessary to the Natives therefore I propose now to deal with only the main arterial roads in the Whakatane and Waimana Valleys to their junction with the coach road at Ruatahuna'. This was a distance of about 80 miles and estimated at a cost of £64,000. Tuhoe, he suggested, should be asked to pay for half, as a minimum, out of their 'useless' lands. What this meant was, presumably, that Tuhoe would forfeit an area of less desirable land to the Crown (equivalent to the cost of the roads) from the acreage of their aggregate interests while the relative holdings of the Crown and Tuhoe were being located. Knight also reminded the department of other costs incurred by Tuhoe. There was apparently £3000 owing for the subdivisional surveys of the

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42. J G Coates to AT Ngata, 13 June 1921, MA1 29/4/7A

43. R J Knight to Under-Secretary for Lands, 21 June 1921, MA1 29/4/7A

Ruatoki and Ruatahuna blocks and, incredibly, Knight felt that Tuhoe should pay £6000 incurred by the Crown for the costs of sending troops to Te Whaiti and Galatea in 1893 to defend surveys.

He also suggested that Bowler be instructed to purchase further interests during negotiations. Knight's views and suggestions were largely taken up by the Crown and became the basis of its platform at the hui which followed.<sup>44</sup>

### 10.3.3 Consolidation hui, Ruatoki, August 1921

After some postponement, a large hui was held on 1 to 25 August 1921. A notice in the *Gazette* and *Kahiti* said that the purpose of the hui was, finally, to go into 'details' of the consolidation proposals and to discuss the interests of those remaining Urewera land owners. Both the Native and Lands Departments had nominated a representative officer to prosecute the scheme and carry out negotiations. Judge H Carr, representing the Native Department, was a Native Land Court judge and deputy president of the Waiariki Maori Land Board. R J Knight, representing Lands, was in charge of the Native Lands branch of Lands and Survey, Auckland. The purchasing officer, W H Bowler, also attended, as did H M Awarau and H T Fox, both of whom had considerable experience in the East Coast consolidation schemes and were therefore in a strong position to offer expert advice. This hui was, however, informal in the sense that the negotiations were conducted under the auspices of Ministerial instruction rather than by legislative authority, yet a large part of the consolidation scheme was worked out in this three week period at Ruatoki.

Naturally, Ngata attended the hui and it is intriguing that he acted as representative of the Tuhoe non-sellers throughout these negotiations. The Native and Lands Ministers had previously assumed Ngata would act as a representative of Tuhoe non-sellers when they had discussed the scheme with Pomare and Francis Bell, and minutes of the May hui merely indicate that he had offered himself in this capacity and the official report of the August hui states that he was unanimously asked to act on behalf of the non-sellers.<sup>45</sup> In light of Ngata's previous involvement with Tuhoe, it has to be questioned just how unanimous this endorsement was, though perhaps it is understandable that Tuhoe felt they needed an agent who thoroughly understood consolidation issues. Still, it might be argued that Ngata's role represented something of a conflict of interest.

A large number of Tuhoe attended the Ruatoki hui – every family of non-sellers was allegedly represented and each group elected a member to a committee which received Government proposals. Of course, this 37-strong committee was not to be confused with the Tuhoe general committee, which under existing law retained control of alienation and matters affecting the reserve.<sup>46</sup>

R J Knight opened the meeting by outlining the Crown's consolidation proposals. Steven Webster suggests that these were more in the nature of conditions, but in the

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44. Balneavis to Coates, 27 August 1921, MA1 29/4/7A

45. AJHR, 1921, sess 2, G- 7 p 4



event, several ‘proposals’ were amended following Tuhoe objections.<sup>47</sup> These Crown proposals were that:

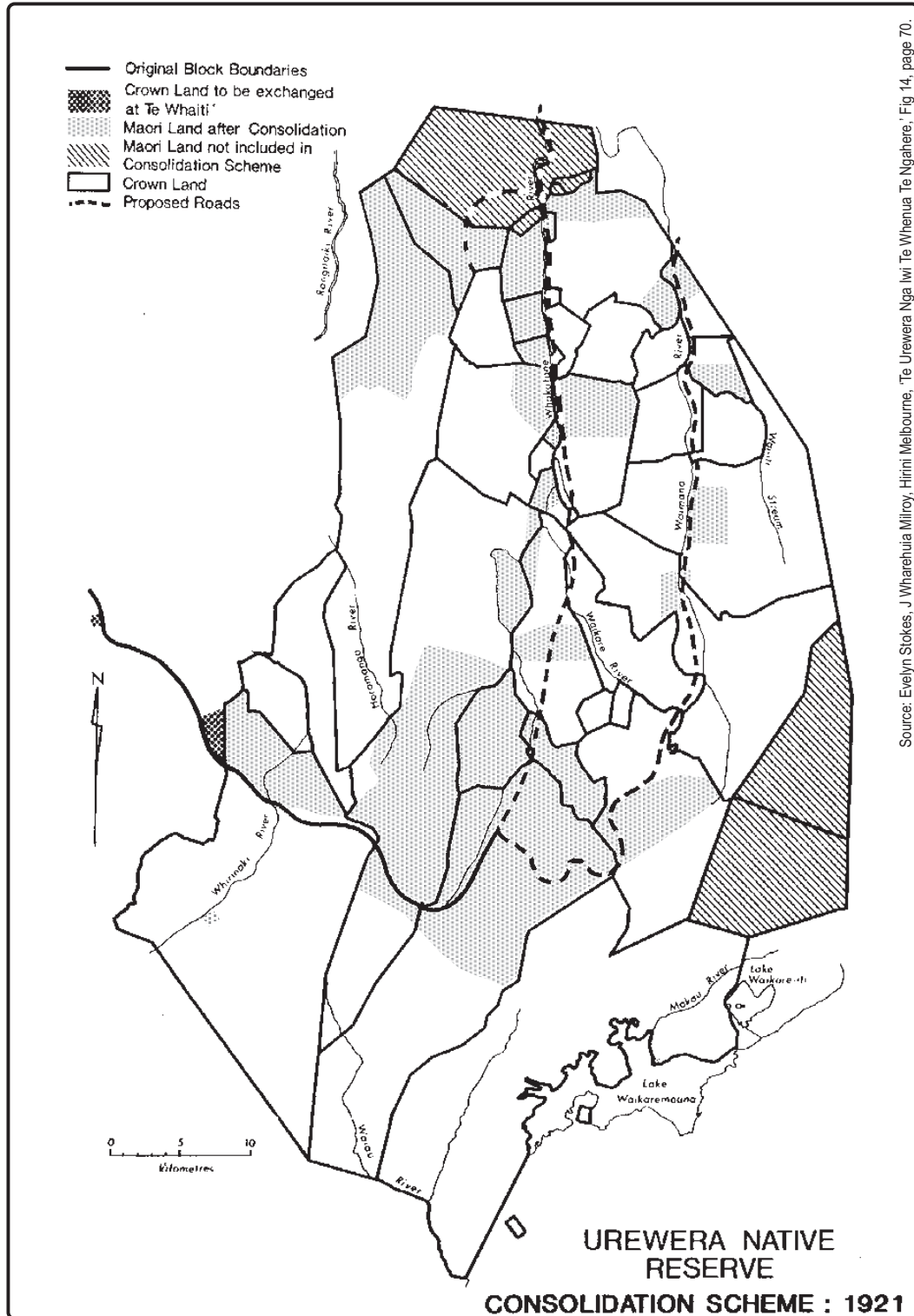
- The consolidation scheme would only cover those blocks in which the Crown had purchased interests; the Crown would not exchange Urewera interests for Crown land outside of the reserve or for Maori land in blocks other than the ones in which purchasing had already taken place. This meant, then, that the Ruatoki 1, 2, and 3 blocks and their subdivisions, the Tapatahi and Whaitiripapa blocks, and also the Manuoha, Paharakeke, and Waikaremoana blocks, were to be excluded from the scheme. Tuhoe apparently requested that the Ruatoki blocks be included, but this desire was not accommodated by the officials. Instead, section 12 of the Native Lands Claims and Adjustment Act 1911 authorised the Native Land Court to subdivide the Ruatoki 1, 2, and 3 blocks. The process of partitioning these blocks continued throughout this period until the Ruatoki blocks were consolidated, starting in about 1926. They were then subject to a development scheme in the 1930s. They had been left out of the Urewera consolidation scheme because of their relatively high valuations and the problems that this would have caused in standardising values between the Ruatoki flats and the country south of them.<sup>48</sup>
- In order to secure valuable timber lands, the Crown wanted complete awards of Te Whaiti 1 and 2 blocks, Maraetahia, Tawhiuau, and Otairi blocks, though it would permit a small settlement at Te Whaiti for non-sellers (who were none the less expected to take most of their interests elsewhere).
- Aside from the abovementioned western blocks, the Crown wanted the balance of its purchases to be largely located in the area between the Whakatane River and the Waimana basin south of Ruatoki. This was land of a relatively high quality which the Crown had earmarked for settlement purposes.
- The Crown asked that the non-sellers contribute £32,000 in land towards the cost of roads, which would connect Ruatoki with Ruatahuna, and Waimana via Maungapohatu with Ruatahuna.
- The Crown proposed the abolition of existing titles and surveys and tribal boundaries. These were to be replaced with new, properly surveyed and roaded titles which could be registered under the Land Transfer Act.
- The Government subsequently decided to include the Waikaremoana Block in the scheme, as well as the four Ngati Ruapani reserves in the southern side of

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46. The names of the ‘non-seller’ or owner representatives, as published in the official report on the proposed consolidation scheme, were: Akuhata Te Hiko, Albert Warbrick, Te Ao Tangohau, Eparaima Te Hapi, Erueti Peene, Hauwai Tiakiwai, Hurae Puketapu, Te Hata Waewae, Kohunui Tupaea, Mika Te Tawhao, Paora Kingi Paora, Paora Takuta, Pikao Kainga, Te Pouwhare Te Roau, Paora Rangiaho, Te Rahui, Rua Kenana, Rehua Te Wao, Rotu Kereru, Takurua Tamarau, Tahuri Te Hira, Takao Tamaikoha, Taipeti Matatua, Tane Hauraki, Tawera Moko, Tahaikoa Poniwahio, Teepa Koura, Tihi Te Peeti, Tikareti Te Iriwhiro, Tu Rakuraku, Tupara Kaaho, Wahia Paraki, Wiremu Wirihana, Wiremu Bird, Wiremu Trainor, Waipatu Winitana, Wharepouru Te Amo and Whetu Paerata. There are actually 38 names listed: refer AJHR, 1921, sess 2, G-7, p 4.

47. S Webster, ‘Urewera Lands, 1895–1926: A Tentative Historical Survey of Government and Tuhoe Relations as Reflected in Official Records’, unpublished paper, University of Auckland: Department of Anthropology, 1985, p 33

48. A Ngata to G Coates, 17 April 1924, MA1 29/4/7A



Source: Evelyn Stokes, J. Wharehuna Milroy, Hirini Melbourne, 'Te Urewera Nga iwi Te Whenua Te Ngahere', Fig 14, page 70.

Figure 19: Urewera consolidation proposal, 1921

Lake Waikaremoana (Whareama, Ngaputahi, Hei-o-tahoka, and Te Kopani). The consolidation officials' 1921 report stated that the Waikaremoana block and the Whareama and Ngaputahi reserves would become Crown land by virtue of the arrangements made at Ruatoki. More details on the Waikaremoana negotiations are discussed below.

- The Crown also decided to permit exchanges with the Whirinaki and Hereheretau B2 blocks, which lay outside of the reserve. Some Tuhoe owners had asked to be able to make these exchanges but there was, however, no mention of the Crown setting aside land for the landless sellers, as had been requested by Tuhoe representatives at the previous Ruatoki consolidation hui.
- The sale of interests to anyone other than the Crown, was forbidden until the scheme had been completed.

The above 'proposals', as the official report on consolidation noted, became, in the main, the basis of the Urewera consolidation scheme.<sup>49</sup>

The necessary paperwork for the scheme had been prepared by the registrar of the Waiariki court and by Bowler, and comprised lists of non-sellers and a valuation of their shares in each block, a list of Crown shares purchased in each block since 1910, and a Lands and Survey plan of the reserve which showed the original block boundaries and subsequent partitions. According to Knight, Carr, and Balneavis, much of the hui was spent using this information in the allocation of the non-sellers into groups – where previously an individual may have had scattered interests in several blocks by virtue of different hapu allegiances, now owners were to belong to only one (preferably, or as few as possible) non-seller group. This was arranged either on the basis of family affinity or proposed location. The block owner lists were read publicly and then the 37 non-seller representatives would indicate where an individual should be located. There were apparently 8,931 names dealt with in this manner (note however, that this would not reflect 8,931 individuals) and they formed 150 non-seller groups. Steven Webster posits that although about 2000 individuals appear as non-sellers in the official AJHR report on consolidation, and though over eight thousand names were read (probably) from the 1907 block title orders, this overlap suggests that even though the Government managed to buy about two-thirds of the Urewera reserve, many Tuhoe still refused to sell all of their shares and that this 'degree of resistance to concerted Government policy could be accurately calculated'.<sup>50</sup> Claimants should pursue this matter in their research.

In their official report, the consolidation officers explained that the groups of owners had an area or a section of land apportioned to them calculated on the value of their collective interests. The 1921 official consolidation report states that:

This may be accepted as the basis of any scheme for the consolidation of interests in Native land – namely, the formation of the group, the determination of the individuals composing the same, the scheduling of interests in all blocks affected by the scheme,

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49. AJHR, 1921, sess 2, G-7, p 4

50. Webster, p 34

and the location of their consolidated interests in one section, or in as few sections as possible.<sup>51</sup>

Webster, who has examined the Urewera Consolidation Group Books containing the detail of this process, notes that in contrast to the undertakings of the Urewera commissions, the Government intention in consolidation was to minimise the size of the groups to be entitled, so that by the end of proceedings, large hapu had been divided into 150 groups which ranged in size from one to 197 persons, with an average of about 20 people of all ages.<sup>52</sup> The 37 non-seller representatives, who were hapu rangatira, headed several of these groups each but Webster says that other, presumably junior leaders also head these lists, which in terms of share valuations, do not necessarily reflect prestige (as some group leaders have few shares).<sup>53</sup>

Obviously, the task of regrouping was very onerous, and Knight and Carr stated that it occupied much of their stay at Ruatoki. There were aliases and duplications to identify, misspelling of names to correct and unappointed successors to deceased owners to classify. There were apparently over four hundred deceased owners which generated 1,081 succession orders; some successors to a single owner might be scattered over a number of blocks which would, of course, mean a recalculation of the area each group was entitled to receive. It was also noted that special legislation was necessary in order to validate the successions as part of the consolidation scheme.

There were also disputes as to groupings, and the group lists were continually being amended, which was not surprising given the overlapping nature of the interests concerned. The official consolidation report confidently stated that these disputes were determined 'there and then' at Ruatoki.<sup>54</sup> What is not clear, and deserving of further consideration, is the extent to which Tuhoe themselves were able to choose which list they would be on, and where their location would be on the ground. It seems likely, from later events, that Tuhoe and Government officials negotiated general locations for each group at this three-week hui, which were modified by subsequent meetings and protests. Balneavis admitted that the process of grouping, while relatively simple in principle, would in practice 'create more difficulties than is contemplated'.<sup>55</sup>

The total relative interests of each group of Urewera owners were tallied, and were translated into an area of acreage based upon the valuations of the lands undertaken by the Government in 1910 and 1915. It is not clear to the writer how this figure translated to an actual acreage on the ground where, presumably, various locations within an old block boundary could vary in fertility or general desirability. This would surely have been the subject of much furious negotiation between the owners and Urewera consolidation officers and an examination of the commissioners' consolidation minute books would probably help to shed light on this process. The

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51. AJHR, 1921, sess 2, G-7, p 5

52. Webster, pp 34-35. As Webster makes clear, this type of information could very usefully be directed at a study of familial organisation in this period.

53. Ibid, pp 35; 53, fn 25

54. AJHR, 1921, sess 2, G-7, p 5

55. Balneavis to Coates, 27 August 1921, MA1 29/4/7A

first schedule to the official 1921 report on consolidation suggested that: 'As between the Crown and the Natives no variation in area is to be made on the ground of unequal values, or for reasons of accessibility, or otherwise.'<sup>56</sup>

Writing to Coates at the conclusion of this hui, Balneavis described the reactions of various groups to the proposals, and from his report it is clear that consolidation, and the upheavals it inevitably entailed, provoked alarm in some quarters. Given previous Government dealing in the Urewera, however, a residue of suspicion was only to be expected:

It was at once apparent that these proposals to the Maori mind were of a most far-reaching and revolutionary character, and the measure of intelligence and reasonableness of the Urewera people may be gauged by the readiness with which on Mr Ngata's advice they decided two days later to accept the Crown's proposals as the basis of a general settlement . . .

During the first week the more conservative elements in the tribe were in the foreground, showing naturally a hesitation to accept consolidation of interests in the fullest sense, and a disposition to magnify sentimental attachment to old time kaingas (now practically abandoned) in preference to laying out new farming areas in accord with modern ideas of land settlement. Later the progressive elements emerged and their acquiescence in the multitudinous details of this vast scheme and the assistance they gladly rendered facilitated our work very considerably.<sup>57</sup>

The official report also proposed that the survey of all of the Tuhoe owners' sections was to be carried out by the Crown but paid for by the owners in land. The costs of the surveys were to be estimated before they took place, so the area of land needed to pay for it could be deducted from the section to be surveyed and awarded to the Crown. That area did not have to abut the section being surveyed, as it could, the report suggests, take the form of scenic, water-conservation, or forest-conservation areas within the reserve.<sup>58</sup> Further research into Tuhoe understanding of this proposed deduction for survey costs would be valuable. Given the history of steadfast Tuhoe objections to surveys, largely because of the resulting land loss caused by having to pay these liens in land, it seems quite unlikely that this issue was fully digested by the Tuhoe present at Ruatoki.

From the first schedule appended to the officials' 1921 consolidation report, where the terms of the proposed scheme are summarised, it can be seen that the Crown ostensibly managed to gain Tuhoe consent to most of the proposals its representatives had taken to the August hui. The Crown had asked for complete awards of the Te Whaiti 1 and 2, Maraetahia, Tawhiuau, and Otairi blocks and the schedule states that, apart from the Te Whaiti blocks, it had secured whole awards of these blocks, as well as the Poroporo, Te Tuahu, Paroanui South, Ohiorangi, Tauwhare, Te Purenga, and Tauwharemanuka blocks (this last block had been subdivided into nine sections). Additionally, the Crown secured the Waikaremoana block (details of this

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56. AJHR, 1921, sess 2, G-7, p 8

57. Balneavis to G Coates, 27 August 1921, MA1 29/4/7A

58. AJHR, 1921, sess 2, G-7, p 8

arrangement are discussed below). These blocks did not comprise the whole of the Crown award, it must be noted. By contrast, Tuhoe owners received whole awards of the Ruatoki South, Wairiko, Waipotiki, and Paraeroa B blocks.

The Crown had initially asked for a contribution of £32,000 for arterial roads but the schedule noted that Tuhoe were to pay £20,000 for the roads. Clearly, there had been objection at Ruatoki to the amount of land to be given in payment for the roads, but Knight, Carr, and Balneavis' official report does not detail the nature of these objections (or, in fact, that there had been any). The location of many owners' sections were defined in relation to where these roads were supposed to be laid off but, in the event, the roads were not built, and the matter became a major grievance for the tribe.

In their suggestions for new proposed legislation to give effect to the arrangements made at Ruatoki, the officials also recommended that the Urewera lands be subject to rating a year after the completion of the new titles, but only after the Native Minister had given explicit notice of the intention to levy rates. Knight, Carr, and Balneavis also commented that it would not be fair to make these lands rateable until the roading scheme was carried out.

Other terms allegedly agreed to at Ruatoki included an agreement by the Crown to cancel the survey charges made in its favour against the Ruatahuna blocks; and the Native Trustee was to be deemed the trustee for all owners under liability. Knight, Carr, and Balneavis also made recommendations for legislation to give effect to the scheme they had outlined in their report, which included a suggestion that the UDNRA 1896 and its amendments be repealed, given that there was now no need for that Act or the general committee.<sup>59</sup> They stated that the 'majority of the Ureweras' were now opposed to the continuance of the committees set up under the UDNRA 1896, which is an interesting observation since the committees appeared, to all intents and purposes, to have ceased functioning some years before.

Commenting on the completion of the three-week hui at Ruatoki, Knight, Carr, and Balneavis made concluding remarks that seem directed at assuring the Government that they had acted in the best interests of the Crown:

We may say that the course decided upon by the Government in the case of the Urewera lands was probably the best that could have been adopted under the circumstances – namely, the carrying out of negotiations in an informal way, unhampered by legislative and other restrictions – for the settlement of every question affecting this huge territory. The ordinary machinery of the Courts would have been at a serious disadvantage. A Court, acting judicially under statute, could not have conducted negotiations such as resulted in the acquisition of the Waikaremoana forest area, or the settlement of the Te Whaiti Blocks, where the Crown's objective was the large area of valuable milling-timber. Its own rules would have caused delays and adjournments at a time when the fullest advantage had to be taken of the complete representation of all non-sellers' interests at one place.

The Urewera consolidation scheme, if approved and completed, will effect a great saving to the country, especially to the Native Department, and will enable the Lands

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59. Ibid, p 5

Department and those Departments associated with it in the settlement of Crown lands to commence operations on a comprehensive scale without further delay.<sup>60</sup>

Knight, Carr, and Balneavis recommended the approval of the scheme, saying that the chief benefits of the proposed consolidation would be a complete 'stock-taking' of ownership of the Urewera lands: 'Instead of being the most backward, they will be as far advanced as the best Native titles in any part of the Dominion'. Additionally, they noted that the work of the Native Land Court would be confined, in the future, to making partitions and successions. Finally, there was no longer any need to re-establish and redefine the old magnetic surveys. The surveys necessary to complete the scheme would be Land Transfer surveys done to enable the issue of certificates of title.<sup>61</sup>

The Crown representatives suggested that the younger Tuhoe evinced a desire to farm some of their lands but in the past, they had been hampered by the 'unsatisfactory' nature of their titles. They believed that Tuhoe had been persuaded to agree to consolidation proposals 'chiefly' by the consideration that they would receive defined, surveyed sections, handy to arterial roads. Further, Knight, Carr, and Balneavis noted that these sections would be free of the 'old-time' restrictions. These sections would be owned not by hapu or the tribe but by 'compact families, with eyes looking forward, and whose only link with the past would be that the sections comprise the homes and cultivations of their ancestors'.<sup>62</sup>

In the event, however, the retention of all ancestral areas was not assured by the consolidation commissioners, and there would be numerous complaints from owners regarding the loss of important sites.

Having surveyed the Ruatoki arrangements as reported by Government officials at a general level, the following sections outline the main areas of Crown interest, and the arrangements secured with Tuhoe regarding them, at the August 1921 hui.

### 10.3.4 Te Whaiti

The western timber blocks, comprising Te Whaiti 1 and 2, Maraetahia, Otairi, and Tawhiuau, were afforded special attention by Knight and Carr, having been previously identified as a desirable asset for the Crown to secure. As Government officials had noted that most of the Ngati Manawa and Ngati Whare owners of these blocks were not interested in other Urewera blocks, and because they recognised that these people were 'tribes apart from the Urewera', it was decided to deal with the Te Whaiti owners in separate negotiations during the three week period.<sup>63</sup>

From the outset of the August hui, the Crown had made it clear that it wanted a full award of the Te Whaiti timber blocks (minus a small papakainga around Te Whaiti itself, for the 'non-sellers'). It had to reach a compromise agreement with the Te Whaiti owners after Knight and Matehe visited the area, when it must have been made

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60. Ibid, p 6

61. Ibid, pp 6-7

62. Ibid, p 7

63. H RH Balneavis to Gordon Coates, 27 August 1921, MA1 29/4/7A

clear to the officials that the owners wanted to retain a larger area than the Crown deemed desirable. The owners of Te Whaiti and adjacent blocks (largely Ngati Whare and Ngati Manawa people, who were now reorganised into several owners' groups) secured one section of about 1500 acres in Te Whaiti 2 block and 10 other sections totalling 1800 acres around the kainga at Te Whaiti, as well as a block in the north-west corner of Te Whaiti 1, adjoining Maraetahia, and two sections of Crown land on Whirinaki block (for groups headed by L Warbrick and William Bird). The Crown acquired the balance of these blocks.

Details about the location and actual area of the 'non-seller' award, and the proportion of roading contribution it would bear, were to be worked out after a topographical survey. Subsequent protests from Te Whaiti owners regarding consolidation arrangements are discussed below.

### 10.3.5 The Whakatane and Waimana basin

The Whakatane and Waimana basin was an important area for both Tuhoe and the Crown – there were more cultivations and clearings in this part of the reserve than in most other places and the Crown had concentrated its purchasing in these blocks on the basis that this area could sustain Pakeha settlement. Consequently, Balneavis would refer to consolidation of this tract of country as 'the most important from the Crown's standpoint'.<sup>64</sup> It would appear that the definition of Tuhoe sections in this area was compromised by the paramount importance placed upon the mooted settlement plans. These plans, of course, did not necessarily cater to Tuhoe's best interests or priorities.

It was agreed to consolidate the non-sellers' interests in the north-west corner on the west of the Whakatane river in the Waipotiki, Ruatoki South, Te Wairiko, Te Purenga and northern Taneatua blocks. The Crown wanted all of the lands between the Whakatane River and the eastern boundary of the reserve but Tuhoe insisted on keeping some kainga at the northern end of the Parekohe block (and on fringe areas in the east and west of the block) and some areas in Paraeroa, Tauwharemanuka, Tauranga, Otara, and Paraoanui North blocks. Thus, 3000 acres in Tauwharemanuka, 6000 acres in Paraeroa, and 600 acres in Tauranga block were cut out for non-sellers. Those remaining portions in other blocks (which Tuhoe wanted to retain) could not be settled until there was further detailed investigation and topographical survey. None the less, Tuhoe did give up many kainga and cultivations and completely withdrew from the left bank of the Tauranga river between Tawhana settlement and Te Waiti stream. By official admission, owners gave up many kainga and cultivations and, 'except as to parts of Parekohe [Tuhoe] met the Crown's representative in a very reasonable way'.<sup>65</sup>

The Crown's award in this area comprised:

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64. Ibid, p 6

65. Ibid, p 7



<b>Block</b>	<b>Area (acres)</b>
Poroporo	2470
Te Tuahu	6300
Part Paraeroa (including piece known as Pukepohatu)	7006
Omahuru	6600
Paraoanui South	5510
Part Tauwharemanuka	25860
Papatupu land	7488
Part Tauranga	38720
<b>Total</b>	<b>99954</b>

### 10.3.6 Waikaremoana and the Ngati Ruapani Reserves

The Crown had originally intended to limit the Urewera consolidation scheme to those blocks within the reserve in which it had actually purchased interests – the six blocks wholly owned by Tuhoe, then, were not to be included. Balneavis commented on the ‘great disappointment’ Tuhoe expressed when Knight announced that Waikaremoana was not to be included in the scheme. Apparently, Balneavis reported, there were owners in the north of the block who were willing to evacuate 26,000 acres.

Knight had previously made suggestions for Government strategy in respect of Waikaremoana in light of the Crown’s appeals against the vesting of the lake bed in Maori owners by the Native Land Court. The Crown had postponed its appeal against the decision, according to Coates, ‘in accordance with the wish of the Natives’.<sup>66</sup>

Knight suggested two courses for the Native Department to consider. Was he to exclude the block from the scheme and leave it to the Crown to either take the land under Scenery Preservation legislation, or to purchase it? Or if part or whole of the block was included in the scheme and acquired by the Crown by means of consolidation, would he admit ‘that such action will not prejudice the Natives’ claim to the bed of the lake’?<sup>67</sup> In regard to this, Knight directed the department’s attention to the comments of Sir Francis Bell, the Attorney-General, in the press:

Recent arrangements relating to the Urewera country might result in the acquisition by the Crown of practically all of the fore-shore of Lake Waikare Moana, and so bring to an end the litigation in respect of the Lake. It is possible for that reason that the proposed argument of the Waikaremoana case will be postponed.<sup>68</sup>

However, when Tuhoe and Ngati Ruapani heard that Coates had considered applying the compulsory acquisition provisions of the Scenery Preservation Act in order to acquire the Waikaremoana lands, they withdrew their representatives from the consolidation negotiations. Coates and Guthrie were then advised by their officials to consent to include the block in the interests of completing the scheme and

66. Coates to Ngata, 13 June 1921, MA1 29/4/7A

67. R J Knight to under-secretary, Native Department, 21 June 1921, MA1 29/4/7A

68. Ibid, p 1

gaining a foothold in the bush to the north of the lake. Additionally, they agreed to include four Ngati Ruapani reserves to the south of the lake, which had been created when the Waikaremoana–Upper Wairoa lands had been sold to the Crown in 1875 (refer chapter 5).

According to the schedule of the official 1921 consolidation report, some of the Waikaremoana owners agreed to exchange their interests northward, into the Ruatahuna blocks, while others wished to sell their interests outright to the Crown.<sup>69</sup> Balneavis said that there were Ngati Kahungunu owners in the block who were prepared to sell 17,000 acres worth of interests.

According to Balneavis, there was some dispute between the consolidation officers and Tuhoe and Ruapani owners over the valuation of the interests which would be relocated; the Crown initially assessed these at three shillings per acre while the owners wanted twice that amount. Balneavis says that Ngata suggested a meeting at Wairoa to complete negotiations over the block, and that Ngata believed that any valuation for exchange of Waikaremoana interests should be made on a present-day value.<sup>70</sup>

Those Tuhoe–Ruapani who were evacuating Waikaremoana for lands to the north then asked for a 7s 6d an acre valuation but on Ngata's advice were persuaded to accept six shillings per acre. The Ruapani who wished to exchange their interests for Crown-owned land south of the lake were a more problematic case. A six-shilling valuation would be inadequate for them because the Crown land to be exchanged was valued on 'a present day basis, that is, it was much more valuable, so presumably Ngati Ruapani would not receive very much land in the proposed exchange.<sup>71</sup> This Crown land was presumably the Hereheretau B2 block in Wairoa county, referred to in the 1921 consolidation report.<sup>72</sup>

That report summarised the agreements over Waikaremoana, arising from the Ruatoki hui, saying that the block would vest in the Crown, with some owners exchanging their interests northward on the basis of six shillings per acre. The Crown would buy the balance of the block for 15 shillings per acre. The Crown agreed to make reserves within the block, with the actual area and location to be defined by survey. Land near Te Kopani reserve was to be bought by the Crown for the people on one of the owner lists, with the cost of the purchase being deducted from the owners' proportionate share of the purchase money. Payment for Waikaremoana interests was to be made by cash and debentures, which would earn 5 percent interest per annum. The debentures would be issued to the Native Trustee, who would distribute the interest on the debentures free of charge to the beneficiaries.<sup>73</sup>

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69. AJHR, 1921 sess 2, G-7, p 9

70. Balneavis to Coates, 20 August 1921, MA1 29/4/7, pt 1

71. Balneavis to Coates, 7 August 1921, MA1, 29/4/7A

72. AJHR, 1921, sess 2, G-7, p 9

73. Ibid

#### 10.4 THE UREWERA LANDS ACT 1921–22

*It was almost impossible to carry out the work by following the legislation that exists, and we had to depart from the law.*<sup>74</sup>

Following the hui, an official report was presented to the Ministers of Lands and Native Affairs (and published in the AJHRs). This report recommended that special legislation be drawn up to validate the consolidation principles established at the August hui – this would be retrospective legislation, which was not an unknown state of affairs as far as the Crown’s Urewera administration was concerned.

Knight, Carr, and Balneavis applauded the Government strategy of conducting informal negotiations with Tuhoe non-sellers, ‘unhampered by legislative and other restrictions’:

A Court, acting judicially under statute, could not have conducted negotiations such as resulted in the acquisition of the Waikaremoana forests area, or the settlement of the Te Whaiti Blocks, where the Crown’s objective was the large area of valuable milling-timber. Its own rules would have caused delays and adjustments at a time when the fullest advantage had to be taken of the complete representation of all non-sellers’ interests at one place.<sup>75</sup>

E Stokes, W Milroy, and H Melbourne have noted that this could be interpreted to mean that the Crown resorted to special legislation because there was doubt that a court would have acquiesced in all the Crown’s demands.<sup>76</sup>

In early November 1921, Coates and Guthrie recommended to Cabinet that special legislation be prepared to give effect to the official Knight, Carr, and Balneavis report, urging that this be done as soon as possible so that the most pressing details of the scheme could be addressed. Cabinet approved the scheme a week later and Chief Judge Browne of the Maori Land Court was directed to prepare legislation to legalise the consolidation arrangements.<sup>77</sup> In the meantime, Carr and Knight were formally appointed consolidation commissioners to carry out the arrangements they had negotiated at Ruatoki.

The Knight, Carr, and Balneavis report was placed before the House early the following month and in February 1922, the Urewera Lands Act (its full title, tellingly, was ‘An Act to facilitate the Settlement of the Lands in the Urewera District’), was passed. It affected 44 blocks and 518,329 acres. The Act legalised all previous Crown purchases in the Urewera, whether or not these had been authorised by the general committee, or had been made with Tuhoe individuals, and removed lingering doubts as to their legal status (s 2).<sup>78</sup> It also provided for the appointment of two Urewera

74. Gordon Coates, 14 December 1921, NZPD, vol 192, p 1111

75. AJHR, 1921, sess 2, G-7, p 6

76. E Stokes, J Wharehuia Milroy, and H Melbourne, *Te Urewera nga Iwi te Whenua te Ngahere: People, Land and Forests of Te Urewera*, Hamilton, University of Waikato, 1986, pp 71–72

77. Gordon Coates to Chief Judge Browne, 11 November 1921, MA1 29/4/7A; Coates to under-secretary, Native Department, 11 November 1921, MA1 29/4/7, pt 1

consolidation commissioners (s 4), who by the terms of the Act were deemed to have quite extraordinary powers (s 5):

**5. Crown awards**—(1) The Commissioners shall with all convenient speed proceed to inquire as to what interests in the said lands are alleged to have been sold to the Crown, and shall for that purpose have power to inquire into any objections to such sales that do not arise from any alleged defect in the title or power to sell. The Commissioners shall allot to the Crown portions of the lands in accordance with the said scheme, including in such allotment land to the value of twenty thousand pounds given by the Natives for roading purposes and a further area of land to represent the probable cost of surveys of Native portions, and shall make one or more orders defining the Crown's interest and allotting to His Majesty the King the area to which it is found the Crown is entitled, whether it represents the block or blocks referred to in the instruments of alienation or not.

(2) Subject to the foregoing provisions of this section, the Commissioners shall be the sole judges of the location and boundaries of the portions so awarded to the Crown, but shall, in fixing any boundary, consult so far as practicable the wishes and convenience of the Natives.

Section 13, again, demonstrated the flexibility of the commissioners' powers:

While observing generally the terms of the said scheme, the Commissioners may make such alterations in the details thereof as may, in their opinion, be necessary for giving effect to the general purpose and intent of the scheme.

The commissioners did not have to hold formal sittings or act judicially in any matter (s 4(5)). They were, in other words, empowered to act alone without reference to either the Native Minister, the Maori Land Court or a representative Tuhoe body. Under section 4(2) the Native Minister could appoint a deputy commissioner if, for some reason, a commissioner was unable to act. At section 4(4), disputes between the commissioners could be taken to the chief judge of the Native Land Court, whose ruling was to be binding. Section 18 provided for the Governor-General to appoint the Native Land Court to exercise the duties and powers of the commissioners, but did not state under what circumstances this provision could be used.

Section 5 of the Act meant that the commissioners were to *first* ascertain the Crown's interest in the Urewera, and to define the location and boundary of that award, and *then* to issue orders for the balance of the land in the reserve (s 7); necessarily this meant that Tuhoe were to be awarded leftovers. It is important to note that the commissioners could make orders to define the Crown interest whether or not these were in the block or blocks referred to in the instruments of alienation (s 5(1)). Furthermore, the commissioners could include any parts of the Waikaremoana block in their orders (s 5(3)), even though the Crown had not purchased any interests in that block.

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78. Which is interesting given that Herries had told Parliament that the general committee had never been set up. Section 4 of the Native Land Amendment and Native Land Claims Adjustment Act 1916 had previously been passed to legalise retrospectively the Crown purchases of individual interests in the Urewera reserve and to enable the Crown to continue doing the same.

While the commissioners were to consult with Tuhoe, then, in the definition of their awards, this was far from an obligation to gain owners' consent to the proceedings and even further from the spirit of the original Urewera district native reserve legislation, which had, in theory if not in practice, tried to promote Tuhoe participation and decision making in Urewera administration.

Indeed, the Act's preamble stated that it was now 'desirable to apply the ordinary law' to the Urewera although, of course, this had long been a desire of the Government. The Urewera Lands Act 1921–22 could be seen as the culmination of past attempts to undermine and ignore the special Urewera arrangements – the demise of the UDNRA 1896 was clearly not going to be mourned. To this end, section 8 of the Act reinstated Native Land Court jurisdiction, upon completion of the consolidation scheme. Furthermore, Tuhoe land comprised in the commissioners' orders was held to be Native freehold land as defined by the Native Land Act 1909, and section 20 repealed the Urewera District Native Reserve Act 1896 and its amendments.

The commissioners' orders formed the basis of the new titles to Urewera land. The orders named the persons entitled to a particular section, and noted each individual's relative interest in the block after deductions had been made for road contributions and survey costs. The commissioners' orders were to have a plan annexed to them in order to satisfy the requirements of the Land Transfer Act 1915, and all lands under these orders were deemed native freehold land within the meaning of the Native Land Act 1909 (s 8(6)) and if held by more than one owner, the owners were deemed tenants in common. The orders were to be treated by the Native Land Court as orders of that court (s 8(7)). Until the orders were complete, being countersigned by the chief judge, the beneficial owners were not allowed to sell their interests except to the Crown (s 8(4)). Presumably, this continuing pre-emption might have been quite an advantage to the Crown, given that it might be a few years before all the consolidation orders were complete; if owners were desperate to sell, they would still have to sell to the Crown at low Crown prices. At section 15, the orders were deemed final and there was no provision for appeal (though there was provision in section 14 for amendment by the chief judge where errors or omissions had been identified).

The commissioners were to award £20,000 worth of land to the Crown as the Tuhoe contribution towards roading expenses, as well as further areas for the likely costs of surveying the Maori consolidated portions (s 5). The Act did not require explicit Tuhoe consent as to the areas so taken for roads or where they would go and, in that sense, could be held to be quite confiscatory. Section 17 empowered the commissioners to authorise surveys required for the completion of orders and then, by amendment the following year, for any purpose under the Act.<sup>79</sup>

The lands awarded to Tuhoe could be any lands within the reserve, and did not have to be the portions which had originally been intended to be awarded to them (s 7(2)). This could only underline the point that Tuhoe were obliged to accept the commissioners' awards, even if they had previously negotiated for something, or

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79. See s 10(3) Urewera Lands Amendment Act 1923

somewhere, else at Ruatoki. The commissioners could then fix the boundaries and name the block, irrespective of the original names of the lands (s 7(3)) and could name successors for deceased persons on the title (s 7(4)).

The Act also had provisions for exchange of both Crown and Native lands lying outside of the reserve's boundaries (ss 6, 9, 11) to complete consolidation. In addition the Minister of Lands was authorised to purchase from Europeans, or others, any land necessary to give effect to the scheme (s 9(2)). There were also provisions for the payment of cash or debentures, with the amounts to be specified by the commissioners, if it was found to be necessary in connection with consolidation or possible exchanges (ie, to cover any differentials in value) (s 10). Debentures were to be paid to the Native Trustee to be held in trust for the beneficiaries (see s 10(2), (3)).

Provision was made for the deferral of rates for those lands within the schedule boundaries for at least 12 months; thereafter, the lands could be deemed 'rateable property' as defined by the Rating Act 1908 upon the Native Minister's publishing of a notice in the *Gazette* (s 16). Significantly, the Ruatoki 1, 2, and 3 blocks were removed from this protection by amendment the following year, and Knight and Carr would later recommend that the exemption be extended to five years.

### 10.5 THE UREWERA LANDS ACT 1921–22: A 'TREATY' ?

The significance of the Urewera Lands Act was acknowledged by the Attorney-General, Francis Bell, who stated that the passing of the Act effected 'what is in the nature of a treaty and a final settlement of a native question'.<sup>80</sup> Finally the Urewera was to be brought 'into line' with the rest of the country, a decisive victory for the elements which had sought to end Tuhoe isolationism and adherence to customary law. This achievement, it seems, was an outcome of judicious, mainly Pakeha, intervention:

It is not many years ago that the Urewera country was regarded as a *terra incognita* – a wild country inhabited by wild people, by people who knew not the law: they were understood to be practically savages. But now all that has been changed; and the change has come about as the result of the wise work of Sir William Herries, Mr Ngata, Mr Williams, the Minister of Public Works, and the Minister of Lands.<sup>81</sup>

In spite of these statements indicating that the 'Urewera experiment' was at an end, there was no discussion in the House which explicitly conceded the loss of Tuhoe tino rangatiratanga inherent in the new legislation; discussion focussed on the particulars of consolidation and the future use of the land, rather than what had been at stake for Tuhoe in terms of control of the process. Coates reminded Parliament that the Urewera commissioners had recommended the repeal of the Urewera district native reserve legislation, saying that there was now 'no need' for it, and that 'the majority of the Ureweras [were] opposed' to its continued operation.<sup>82</sup> However, there does not

80. Francis Bell, 4 February 1922, Legislative Council, NZPD, 1921–22, vol 194, p 158

81. Field (Otaki), 14 December 1921, NZPD, vol 192, p 1114

82. Coates, 2 February 1921–22, vol 194, p 90

appear to be much evidence suggesting that the full ramifications of the Urewera Lands Act was explained to, or debated with, Tuhoe at large.<sup>83</sup>

Though there appears little information on just how Tuhoe were approached about the introduction of the Urewera Lands Act or how the matter was debated internally, Ngata alleged in Parliament that the Urewera commissioners had gained ‘the cooperation’ of the Urewera chiefs prior to the Bill passing and he was ‘sure’ the Bill had the approval of Tuhoe who had ‘confidence in the personnel of the Commission’.<sup>84</sup> Moreover, the Native Affairs committee had passed the Bill without amendment.<sup>85</sup> Gow stated that ‘the treaty’ had been arrived at by mutual consent which was all the more of an achievement if one considered ‘what the attitude of the Natives in regard to European settlement was within very recent times’.<sup>86</sup> Francis Bell defended the notion that Tuhoe interests were protected, stating that the scheme had the support of the Native Land Court.

Tuhoe, of course, had also had the benefit of ‘specially competent’ advisers, including Apirana Ngata, who was widely lauded by Government and Opposition members alike as being instrumental to the success of the negotiations. Ngata, in Opposition, had fought against Herries’ purchase policies and inherited, as he described it, ‘the job of cleaning up these Urewera purchases’. Guthrie, in reference to Ngata’s situation, would say:

The honourable gentleman recognised that the time had come when it was no use locking up those Native lands. They were of no use to the Natives, and although he was an advocate for the Natives keeping their lands he recognised that the time had arrived when that policy would no longer be in the best interests of the Natives, *consequently he did everything he could, in fairness and justice to his own people and the pakehas, to induce the Natives to agree to the terms submitted to them.* [Emphasis added.]<sup>87</sup>

Given that the purchases were a *fait accompli* and the lands ‘locked up’ due to the Crown’s acquisition of individual, undefined shares, Guthrie’s comments seem a little disingenuous; however, they do seem to point to the fact that Ngata had to make vigorous efforts to get Tuhoe, or at least some sections of the tribe, to agree to the consolidation proposals. It would be interesting to know exactly what promises were made by Ngata to Tuhoe in order to secure their agreement and whether the 37 hapu heads, selected at Ruatoki to receive the scheme proposals, took an active part in the events that followed.

There were many enthusiastic tributes and endorsements in the House on the Crown securing title to such a large portion of land and the possibilities this held for settlement; much of the debate, in fact, was set squarely within parameters concerning land utilisation and the purchase of Maori land. In spite of this, there were signs that the House was beginning to accept that the Urewera would never be

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83. It is suggested, however, that this conclusion might be refined with claimant evidence as to the Tuhoe perspective on these negotiations.

84. Ngata, 2 February 1922, NZPD, 1921–22, vol 194, p 92

85. *Ibid*

86. Gow, 4 February 1922, NZPD, 1921–22, vol 194, p 159

87. Guthrie, 14 December 1921, NZPD, 1921, vol 192, p 1112

suitable for large-scale settlement (although some, like Jennings, still clung to old ideas that the Urewera lands would someday equal those of the King Country).<sup>88</sup> Attention had turned instead to the forests of the Urewera and their importance both in the burgeoning forestry industry and for environmental considerations. By securing the Waikaremoana block which was practically all bush and fronted Lake Waikaremoana on its northern and western sides, the Government assured the conservation of the waters which fed the lake. This was of particular importance because of the hydroelectric scheme that had been launched at Waikaremoana several years earlier.

The idea that the Urewera had a future as a national park had been mooted previously by Ngata, who suggested that Tuhoe might be induced to donate land for such a purpose; there had been no indication that the Government had specifically discussed this with Tuhoe, and now the Crown had managed to purchase such a large area of the Urewera blocks, there seemed little to stand in the way of creating a public reserve. There appeared to be a reasonably strong lobby in Parliament for the reservation of native bush areas by this time. Field of Otaki was moved to say that he was:

terrified lest in the desire for settlement we should make the same mistake as has been made in the Wellington district, in destroying the natural forest beauties of the country. I would plead that we shall not do the same in the Urewera country as is at this moment taking place on the slopes of the mountain forming the Tongariro National Park, in allowing the cutting down of the native bush. What is occurring there is an absolute crime. . . . I know from Sir James Carroll and others intersted in the matter that it is their desire and the desire of the Native race, that this magnificent bush should be preserved.<sup>89</sup>

The other reason for maintaining the Urewera bush was to prevent erosion and flooding, particularly of the adjacent Rangitaiki plains:

If the timber is going to be ruthlessly destroyed it is going to affect not only the Urewera country, but the country that the rivers that drain the Urewera run through. I trust every care will be taken to preserve considerable areas of that bush along the edges of the rivers, so that there will be no opportunity for erosion of the rich areas of land in and about Whakatane. We have also to consider the Rangitaiki Swamp. The rivers that run through that land drain the Urewera, and if the hills are denuded of the bush damage will be done not only to the Urewera country, but also to the flats between that and the sea.<sup>90</sup>

Then again, there was the matter of timber on the Urewera blocks. In particular, Herries referred to the Te Whaiti blocks, which the Crown desperately wanted to complement the Crown-owned Heruiwi blocks which adjoined the Te Whaiti blocks outside of the old reserve boundaries. The Heruiwi blocks, too, were timber rich.

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88. Jennings (Waitomo), 2 February 1922, NZPD, 1921–22, vol 194, p 95

89. Field, 2 February 1922, NZPD, 1921–22, vol 194, p 91

90. Williams, Bay of Plenty, 14 December 1921, NZPD, 1921, vol 192, p 1113



Together they made 'the biggest area of natural bush . . . in the whole of the district, and it is of extreme value'.<sup>91</sup>

The issue of the value of Urewera lands resurfaced in connection with Herries' comments on the timber rich areas of the Urewera. Wilford, the Leader of the Opposition, had previously stated that he thought the Government had bought too cheaply, and noted that:

If one acre of pakeha land were taken under any proposal by the Government the members of the House would rise in protest if the valuation of the land on which the price was paid was not satisfactory. Therefore I urge the Government to see that a revaluation is provided, so that in passing legislation of this kind Parliament can at least feel that the Maoris of that district are not being in any way despoiled.<sup>92</sup>

Herries rebutted Wilford's argument on the basis that the lack of roads and access was the critical factor which had been reflected in the prices paid for the land:

when we go on to purchase further interests, then, I think, if the land is roaded and access provided for it, the price would have to be advanced very considerably; but when you take a wild waste without any roads, and no access except by pack-horses through narrow winding tracks, it is difficult to say whether land of that kind is of any value at all, except for the timber. And has the timber any value when you cannot get it out? It is that consideration that leads me to say that we have paid a fair price as far as the interests of the Natives are concerned.<sup>93</sup>

Herries' comments reflect a Pakeha estimation of the worth of the Urewera lands, in so far as many Tuhoe would probably not have characterised the land as a 'waste'. They might have pointed to the value of the land in their harvesting of the forest products, or the use of the swamps and rivers, in justifying a different view of the land. Further, the Government had, in previous years, deliberately decided not to build roads in the Urewera, precisely to keep the price of land down.

The roads, of course, had been promised as far back as Seddon's day and it was perhaps out of desperation that Tuhoe were induced to contribute £20,000 worth of land for the cost of arterial roads (remembering that the Crown had originally asked for a £32,000 contribution). As Ngata pointed out to Parliament, this was a 'magnificent' gift which had not been equalled before. He went on to say that:

That contribution is part of the settlement now, but there was never any obligation upon the Urewera Natives to make a contribution of a single penny towards the cost of roading. It has always been recognised that the opening-up of the country with arterial roads is the job of the State.<sup>94</sup>

Ngata went on to admit that Tuhoe's contribution was made on the assumption that the roads would appear much sooner if they helped the Government and that this

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91. Herries, 14 December 1921, NZPD, 1921, vol 192, p 1117

92. Wilford, 14 December 1921, NZPD, 1921, vol 192, p 1112

93. Herries, 14 December 1921, NZPD, 1921, vol 192, p 1118

94. Ngata, 14 December 1921, NZPD, 1921, vol 192, p 1115

‘threw the onus on the Government of opening up that country much more rapidly than otherwise would have been the case’.<sup>95</sup> Coates underlined the importance of the negotiations in respect of roading, admitting too, that the roading arrangements were ‘accepted as the basis of the consultations which followed’ and that the grouping of Tuhoe’s and the Crown’s interests had proceeded from this arrangement.<sup>96</sup>

Notably, the debates continue at great length on the advantages for the Crown and country of consolidation schemes, and the Urewera one in particular; what is noticeably absent is much discussion on Tuhoe’s future. It was left to Ngata and Williams, the member for the Bay of Plenty, to briefly appeal to the Government to assist Tuhoe to farm their consolidated holdings.

### 10.6 IMPLEMENTATION OF CONSOLIDATION

Shortly after the passing of the Act, Knight, Carr, and the surveyor Tai Mitchell made preparations to visit Urewera communities and begin the process of implementing the scheme on the ground. This necessitated meeting with the non-sellers to cut out and locate the respective Tuhoe and Crown sections. This business took years to complete, roughly from 1921 to about 1926, and in this time the 1921 agreement forged at Ruatoki was quite liberally changed. The commissioners’ powers to make these changes had been requested in the 1921 report on consolidation and assured in the Urewera Lands Act:

For purposes of the scheme the Native ownership is determined by reference to the group lists given in the Second Schedule. The special officers shall have the power to amend these names and the shares set opposite them, or to transfer any name from one group to another, either for the whole or part of the interests shown opposite such name, or to amend the proposals for the location of the area that any group may be found entitled to, or to amend the proportion that may be awarded to the Crown. This precaution is necessary because in handling the huge mass of material of the Urewera titles, errors or miscalculations may have crept in.<sup>97</sup>

According to S Webster, however, the commissioners’ actions constituted much more than mere corrections of ‘errors’. They were, in fact, largely readjustments of shares and owners within groups, and relocations of proposed titles. This resulted, he argues, in the issuing of completed titles which bore little relation to the 1921 scheme, let alone the 1903/1907 titles.<sup>98</sup>

Many of these adjustments would have undoubtedly come at the behest of the owners themselves and were probably accommodated so long as the relative value of the shares for each individual was not increased (which would have increased the composite Tuhoe award vis-à-vis the Crown) and that the changed locations were not

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95. Ibid, p 1116

96. Coates, 14 December 1921, NZPD, 1921, vol 192, p 1110

97. AJHR, 1921, sess 2, G-7, p 5

98. S Webster, p 44

in areas the Crown desired; 'insofar as these objectives were satisfied and the Tuhoe not needlessly antagonised, the Crown would not care much who was entitled and where'.<sup>99</sup>

As with previous Urewera commissions, sittings took place at main kainga throughout the Urewera, at which owners and officials discussed the location of groups and boundaries and roads, as well as the various reserves which Tuhoe pressed for. There was, as mentioned, the ongoing transfer of persons and shares between the various groups and the interminable process of arranging successions. These transactions were recorded by the commissioners in the Urewera minute books (number 1, 7 December 1921 to 7 May 1923 and number 2, April 1923 to December 1926). The commissioners used the summary of blocks and their proposed locations which had been appended to the 1921 report and then grouped these locations in what were termed 'series' (given a block or local name), and then the commissioners would actually investigate the locations and prepare for the survey of the new blocks and sections.<sup>100</sup> Decisions of the commissioners were made on the spot and as noted, the Urewera Lands Act did not allow for Tuhoe appeal of these decisions although the court could alter them. At least one major controversy was referred to the chief judge; Knight and Carr reported to Guthrie that the court had to make a decision on the boundary dispute between Parekohe and Waitiripapa so that they could dispose of conflicting claims to a portion of land known as Te Pohue and then partition it.<sup>101</sup>

### 10.6.1 The Crown continues purchasing

It was also clear that the Urewera commissioners continued to purchase Urewera interests as they were offered; Knight reported that he received offers from many owners who were not even included in the lists of probable sellers appended to the 1922 report.<sup>102</sup> He recommended that the Government keep purchasing these interests, in mountainous forest country that Knight argued Tuhoe would never profitably use, on the basis that new valuations would be made after the titles were completed and the Crown would then have to pay higher prices.<sup>103</sup> The under-secretary of the Native Department was not sure whether the Act contemplated the purchase of further interests, but offered that this would not be too problematic if Knight ceased purchasing once the orders defining the awards were completed.<sup>104</sup> Now that the Urewera district native reserve legislation had been repealed, though, purchase operations were made difficult by the fact that Knight had to comply with the provisions of section 215(2) of the Native Land Act 1909 which required a commissioner or judge of the Native Land Court to attest to the vendor's signature. This was not a problem when Carr accompanied Knight on these purchase duties but

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99. Ibid, pp 44-45

100. Ibid, p 45

101. Knight and Carr to Guthrie and Coates, 5 June 1924, AJHR, 1924, G -7, p 1

102. AJHR, 1922, sess 2, G-7

103. Knight to under-secretary of Lands and Survey, Wellington, 8 May 1922, MA1 29/4/7, pt 1

104. Under-secretary, Native Department, to Carr, March 1922, MA1 29/4/7, pt 1

this was not always the case, and Knight asked to be made a commissioner of the court or a justice of the peace to overcome these problems.<sup>105</sup>

Shortly after Knight notified the Lands and Survey Department that he was purchasing further interests in the Urewera blocks, Ngata received a letter from Whatanui objecting to the reopening of purchasing at Te Whaiti.<sup>106</sup> Whatanui compared the sale of interests to a ‘calamity’ which threatened to ‘break up’ the gains made by consolidation and prolong the instability which had been generated by extended purchase. When he had asked Knight to stop purchasing, the commissioner replied that it was a matter for individual owners to decide.<sup>107</sup> This prompted the Native Department to ask Lands and Survey to account for Knight’s purchasing activities, while Ngata warned that indiscriminate purchasing might endanger consolidation and should be stopped.<sup>108</sup> He told Coates that he had received telegrams expressing strong complaints from Tuhoe about the resumption of purchasing which had said that the Government was breaking the agreement made with Tuhoe at Ruatoki.<sup>109</sup>

Knight argued that it was ‘incorrect’ to say that ‘purchase operations on the usually accepted meaning’ had been undertaken.<sup>110</sup> First of all, the Waikaremoana blocks were a completely different category from purchases ‘for adjustment’ which had been made in other Urewera blocks. It had been decided at Ruatoki that this block would vest in the Crown, and the owners’ interests would either be transferred to other owners’ groups elsewhere in the Urewera at a six shilling per acre valuation or they would be bought at 15 shillings per acre. Knight argued that by transferring the Waikaremoana sellers to the ‘sellers’ group’ (presumably he means the list of probable sellers at no 48, G-7, 1922, p 31) and purchasing their undivided interests now, the Crown would save itself the difference between 15 shillings and six shillings per acre.

The probable sellers’ group had been estimated to carry land to the value of £1189 4s 8d but owners with interests to the value of £766 16s 5d had elected to take their interests in land by transfer to other groups; owners with £42 2s 8d worth of land had sold to the Crown but another £300 14s 6d worth of interests had been added to the sellers’ group by Knight’s purchases in the remaining Urewera blocks.<sup>111</sup> ‘What has been done’, Knight continued, was ‘simply and solely for the purpose of consolidating the titles, these owners having willingly asked to be transferred to the sellers Group’.<sup>112</sup> Knight thought it logical that the Crown purchase these interests now because as soon as the sections were cut out and the restrictions on selling removed, these owners would sell anyway and possibly to Pakeha who would spoil the settlement plan which hinged on putting permanent Urewera residents into compact

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105. I don’t know if this was granted.

106. W Whatanui to AT Ngata, 12 May 1922, MA1 29/4/7, pt 1

107. Ibid

108. A Ngata, 28 June 1922, MA1 29/4/7, pt 1

109. A Ngata to Coates, 29 June 1922, MA1 29/4/7, pt 1

110. R J Knight to Under-Secretary of Lands, 7 July 1922, MA1 29/4/7, pt 1

111. Ibid, p 1

112. Ibid

sections. Knight also feared private sales would lead to the infiltration of speculators who would destroy the bush.

This was the theme taken up by the Commissioner of Crown Lands in a subsequent letter to the Under-Secretary of Lands. Skeet claimed that there was an ‘undercurrent’ afoot working to undermine the State interest, which he attributed to the efforts of speculative timber interests.<sup>113</sup> Skeet recommended shutting out these speculators and ensuring conservation of the hillsides, by extending purchase of Tuhoe interests. In the end, purchasing was stopped for the time being except for ‘adjustment’ purposes and this had to be first submitted to the Ministers for their approval.<sup>114</sup>

### 10.6.2 Knight and Carr’s August 1923 progress report

By August 1923, only ‘satisfactory’ progress was reported by the Urewera commissioners and their report to their Ministers did not mention the subject of purchases:

The work of the Commission has been retarded owing to the Natives postponing meetings from time to time, disputes as to boundaries and rival claims as to various portions of the land necessitating visits to the places and in some cases topographical surveys to guide us in giving decisions, and generally in explaining the object of the consolidation to the Natives. In many cases our work amounted to investigations of title in which we were heavily handicapped for the want of reliable surveys.<sup>115</sup>

It is interesting that the above report presented to Parliament had had a sentence edited out of it which had been in an original report, dated 9 July 1923, that Knight and Carr had sent to the Native Department.<sup>116</sup> In this report, they had lamented the fact that the proceedings of the 1921 Ruatoki consolidation hui, which had been published in the *Appendices to the Journals of the House of Representatives*, as the negotiated agreement for consolidation in the Urewera, had not been published in Maori and this would have ‘greatly facilitated’ the commissioners’ work.<sup>117</sup> Whatanui had made exactly the same point to Ngata the previous year in May 1922.

In spite of this, the commissioners would report that most of their work had been completed to the ‘satisfaction’ of Tuhoe (amplified to the ‘entire satisfaction’ in the official report), and reported the following sections of land laid off for Tuhoe owners and under preparation for survey:

- 31 sections or subdivisions up the Waimana valley (already apparently surveyed);
- 8 sections at Raroa;

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113. H M Skeet, Commissioner of Crown Lands to Under-Secretary for Lands, 10 July 1922, MA1 29/4/7, pt 1

114. I’m not entirely sure as to the outcome of this altercation; there is a telegram from Bowler to the Native Department stating that Tu Rakuraku and Rua wished to visit Wellington to discuss purchasing and other matters. Whether they objected or approved to further purchasing is not clear to me. Also, there are what appear to be memoranda approving the sales at Te Whaiti: MA1, 29/4/7, pt 1.

115. Knight and Carr to Guthrie and Coates, 6 August 1923, MA1 29/4/7A; AJHR, 1923, G-7, p 1

116. Knight and Carr to Coates and Guthrie, 9 July 1923, MA1 29/4/7A, pt 1

117. AJHR, 1921, G-7

- 51 sections at Ruatoki (most of them surveyed);
- 9 sections at Waiohau;
- 22 sections at Te Whaiti (the survey here being well advanced at this stage);
- 6 sections at Maungapohatu;
- 12 sections at Ohauterangi;
- 12 sections at Tarapounamu;
- 16 sections at Ruatahuna; and
- 12 reserves around Lake Waikaremoana.

It was clear, however, from the rest of Knight and Carr's report that some Tuhoe were far from satisfied with how consolidation was proceeding. The commissioners reported that they were unable to settle the Ruatahuna groups because there were petitions by Tikarete Teirawhiro and Pineere Hori and others submitted to the House and awaiting 'disposal'.<sup>118</sup> Pineere Hori and those associated with him apparently refused to submit their claims to the commissioners.

In addition to this, there were other important issues between the Crown and Tuhoe that had yet to be decided and one of those uppermost in the mind of Tuhoe was the question of reserves. Tuhoe wanted the setting aside of three pua manu or bird reserves from the area of the Crown award, where they could trap or shoot native birds under special regulations. They requested 800 acres in the Tukuroa Kohuru block, 400 acres known as Pukeaho in the Tarapounamu block, and another area of unknown size in the Tarapounamu block.<sup>119</sup> In addition, Tuhoe wanted to permanently reserve about 500 acres on Maungapohatu and 200 acres on the peaks of the Huiarau ranges as waahi tapu, 'both localities being regarded by them as sacred places recorded in their legends and associated with their ancestors, many of whom are buried there'.<sup>120</sup> According to Knight and Carr, both of these wahi tapu lay within the Crown award, but in areas that the Crown would probably reserve for climatic reasons anyway, and the question arose whether this was enough to satisfy Tuhoe, otherwise the Crown faced the expense of surveying off the requested reservations.

After noting that Tuhoe were 'fulfilling their obligation without demur' in respect of their roading contributions, the commissioners recommended that the Government consider amending section 16 of the Urewera Lands Act 1921–22 which allowed for rates to be enforced on the Urewera lands a year after the new titles were issued. 'Considering the poorness of the land and the fact that the Natives have but scanty means to improve and work it,' Knight and Carr recommended that up to a five-year suspension from rating was appropriate.<sup>121</sup>

Other alterations to the operation of the Urewera Lands Act were requested by the commissioners. They wanted an amendment to section 9 of the Act so they could make orders for any Crown or National Endowment land which might be awarded to Tuhoe in lieu of Urewera interests, with the consent of the Commissioner of Crown Lands for the district. They also wanted to be able to lay off connecting roads between

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118. Knight and Carr to under-secretary, Native Department, 9 July 1923, MA1 29/4/7A, pt 1, p 2

119. Ibid

120. Ibid, p 3

121. Ibid

Urewera subdivisions and roads running outside the consolidation boundaries; these connecting roads ran through intervening Maori land (at Waiohau among other places).

Although underplayed to some extent in the official reports to Parliament, Knight and Carr's reports show that serious opposition to the consolidation scheme was brewing at Ruatahuna, and that in asking for reservations out of the Crown award, Tuhoe were expecting a liberality that the Government would find hard to live up to. The following section will examine Tuhoe problems with, and opposition to, the Urewera consolidation scheme from about 1922 to 1926.

### **10.7 TUHOE OBJECTIONS TO CONSOLIDATION AT RUATAHUNA, WAIKAREMOANA, AND TE WHAITI**

The official 1921 report on consolidation noted that younger Tuhoe expressed a strong desire to be able to farm some of their lands. The commissioners admitted that this had been thwarted in the past by Government purchasing and the 'confusion' this had caused. According to Knight, Carr, and Balneavis, Tuhoe were persuaded to accept consolidation 'chiefly' because they would gain defined, surveyed, and roaded sections, free of restrictions and 'owned not tribally or by hapus but by compact families, with eyes looking forward, and whose only link with the past would be that the sections comprise the homes and cultivations of their ancestors'.<sup>122</sup> Disregarding the cheerful if naive tone of this last comment for the moment, it must have become apparent to Tuhoe that what was being proposed was in fact a radical reorganisation of title and customary concepts of land tenure. Consolidation meant the abolition of existing land titles and a disregarding of tribal and hapu boundaries (in so far as these had been accommodated by the 1907 block boundaries) replaced with land transfer titles for defined sections of land. Steven Webster has commented that one aspect of the reorganisation of custom tenure and assimilation of European concepts of ownership inherent in the Urewera consolidation was the creation of the basic political difference between sellers and non-sellers that cut across old hapu affiliations and became a basis for new groupings; the difference was no longer 'an internal squabble'.<sup>123</sup> This was complicated by the fact that many Tuhoe would have been both sellers and non-sellers, prepared either to sell or relinquish their interests in some blocks yet retain others, and in consolidation, encouraged to acknowledge only a few major whakapapa claims in order to simplify the new groups.

Writing to Coates at the conclusion of the August hui, Balneavis described the reactions of various groups to the proposals, and from his report it is clear that consolidation provoked alarm in some quarters; given previous Government dealing in the Urewera, however, a residue of suspicion was only to be expected:

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122. AJHR, 1921, sess 2, G -7, p 7

123. Webster, p 39

It was at once apparent that these proposals to the Maori mind were of a most far-reaching and revolutionary character, and the measure of intelligence and reasonableness of the Urewera people may be gauged by the readiness with which on Mr Ngata's advice they decided two days later to accept the Crown's proposals as the basis of a general settlement . . .

During the first week the more conservative elements in the tribe were in the foreground, showing naturally a hesitation to accept consolidation of interests in the fullest sense, and a disposition to magnify sentimental attachment to old time kaingas (now practically abandoned) in preference to laying out new farming areas in accord with modern ideas of land settlement. Later the progressive elements and their acquiescence in the multitudinous details of this vast scheme and the assistance they gladly rendered facilitated our work very much considerably.<sup>124</sup>

Yet, by 1923, and in spite of the commissioners' reassurances to their Ministers that consolidation was proceeding to the great satisfaction of the non-sellers concerned, it became clear very quickly that there were significant groups of Tuhoe owners who had grievances in connection with the scheme. Indeed, 'difficulties' had been anticipated by Native Department officials even before the Ruatoki hui had approved the principle of consolidation, and the fallout of the Urewera scheme would continue to be the subject of complaint for some years to come.

Objections and protests ranged in nature and subject and were affected by the demands of local resources, geography, and politics. There is possibly a connection in the fact that the two hui at which Tuhoe had approved the principles and terms of consolidation were held in Ruatoki and that most of the opposition to consolidation would subsequently arise in the south of the region at Ruatahuna and Waikaremoana. For a start, Ruatoki had been left out of consolidation for the time being, because of the high land valuations there, and one section of its leadership under Te Pouwhare had been associated with calls for consolidating land. Further, the agreement between Tuhoe and officials, forged at Ruatoki, was not translated into Maori and distributed through the Urewera so it is possible that many people living at Waikaremoana and Ruatahuna were not fully acquainted with its terms at the time of its endorsement. In light of subsequent misunderstandings and confusion, much of the working of the scheme had obviously yet to be explained to Tuhoe.

Stokes, Milroy, and Melbourne, who have examined the minute books of the Urewera commissions, made the following generalisation of the workings of the Urewera commission in the 1920s:

there appears little evidence of attention to the spiritual aspects of Tuhoe society and attitudes to ancestral lands. As a social comment, the workings of the Commission were highly disruptive, fomenting endless arguments over boundaries, ownership rights, individual versus communal consideration, factions – the major ones being the split between those cooperating with the Consolidation Scheme and those against. Also there were those who, because of the decisions of the Commission, had to evacuate their lands physically. And then there were all those who had their interests removed from lands to which they had ancestral ties and allocated somewhere else, notably the

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124. H RH Balneavis to Gordon Coates, 27 August 1921, p 3, MA1 29/4/7A



major reallocation from Waikaremoana to Ruatahuna. The strong impression is that the Commissioners proceeded in an arbitrary way, despite opposition and suspicion . . . the local people were left to carry on their disputes between and among whanau and hapu, and inherit a deep seated distrust of the Crown and its dealings in land.<sup>125</sup>

Clearly many of the old difficulties associated with the previous Urewera commissions which had investigated the original titles in the Urewera were played out in this new forum.

In March 1922, Hori Hohua and others claiming to represent 'the majority' of 150 owners wrote from Ruatoki North to the Minister of Native Affairs.<sup>126</sup> Hori and his followers, citing their support of Tana Taingakawa, declined to contribute half of the costs of roading from Ruatoki to Ruatahuna. Carr advised the Native Under-secretary that Tuhoe were being asked to contribute about one-sixth of the roading costs and that 'all other sections' of Tuhoe were contributors.<sup>127</sup> Jones, the under-secretary, reminded Hori of this and encouraged him to place his objections before the Urewera commissioners.<sup>128</sup> Hori's objections are interesting because they show a continued core of support for Taingakawa and continuing influence from the Waikato, which had surfaced in previous years in the Urewera.

### 10.7.1 Protest at Ruatahuna

At one of the first meetings held by the commissioners at Ruatahuna in February 1922, Wharepouri Te Amo stood to voice Tuhoe's objections to the consolidation scheme. He asked that the Waikaremoana interests not be bought northward into Ruatahuna; he objected to the valuations used by the commissioners by asking that the transfer of shares under the scheme be done on an acre for acre basis; he objected to the £32,000 that Tuhoe were being asked to contribute to roads; and he objected to both rating and survey costs, which Wharepouri said had not been discussed at the Ruatoki consolidation hui.<sup>129</sup> Generally, he complained of the poor consideration Tuhoe were given by the Crown.

The commission rebuked Wharepouri, saying that the time had passed for making such objections. They also noted that he was a member of the Ruatoki committee (of 37 leaders) and should have voiced his objections there. They reiterated that the Waikaremoana block had been wholly handed over to the Crown and that the entire scheme had been based on the land valuations, not acreage. They corrected Wharepouri by saying that the road contribution was only £20,000 and that rates were to be levied a year after the scheme was completed and only with the approval of the Minister.<sup>130</sup> It was interesting that the commissioners also said that surveys could

125. Stokes, Milroy, and Melbourne, pp 76–77

126. Hori Hohua, N H Hohua, Mita, Tamehana te Puia, and others to Minister of Native Affairs, 29 March 1922, MA1 29/4/7, pt 1

127. Note from H Carr to under-secretary, Native Affairs, 18 April 1922, MA1 29/4/7, pt 1

128. Memorandum from R N Jones, under-secretary, Native Department, to Tahiwī, not dated, MA1 29/4/7, pt 1

129. Wharepouri Te Amo to Urewera commission, Ruatahuna, 22 February 1922, Urewera minute book 1, pp 31–32 (cited in Stokes, Milroy, and Melbourne, p 81)

130. Stokes, Milroy, and Melbourne, p 82

be paid for in money as well as in land, though they anticipated the latter method of payment. Subsequently, the commissioners would receive complaints that owners could only pay with land, and locations and surveys were in fact prepared on this assumption.

Again, Tuhoe were reminded of the ‘debts’ that the Crown had magnanimously agreed to forego: the £7000 cost of Tuhoe’s periphery survey; the Ruatahuna survey costs of £600 as well as debts incurred for military service.<sup>131</sup> Stokes says that Tuhoe’s response to this pressure was not recorded, but they had not previously acknowledged debts for military service and many had resisted the payment of survey and rating costs. This bald reminder from the commissioners, and their confusing statement on payment for surveys, would hardly have helped the climate of misunderstanding and suspicion that the commission had already generated.

Knight and Carr’s 1923 progress report indicates that Ruatahuna became a continual centre of opposition to consolidation. Pomare, also known as Pineere Hori, was a leader of the Ruatahuna opposition to consolidation. Campbell cites Pomare as saying to the commissioners in April 1923 that:

I am an opponent to Mr Ngata & consequently am opposed to the commission. I lead the opposition[.] I lead Tuhoe who do not desire to consolidate[.] We oppose the road contribution[.] We do not desire to pay rates. My blocks are Ruatahuna 1.2.3.4.5. Tarapounamu Matawhero Kohuru Tukuroa all are in my hands[.] I mean the shares of those who protest [.] We will not evacuate from Waikaremoana. The area we represent is 40000 acres. This we have handed over to Taingakawa & Wilford.<sup>132</sup>

The commissioners replied to Pomare and others that they would proceed with the consolidation of shares and locating those groups who desired to be settled.<sup>133</sup>

According to Stokes, Milroy, and Melbourne, while there was considerable protest, there were none the less other Ruatahuna owners who were keen to proceed with the consolidation scheme. Campbell cites a person called Te Pika who said that there were other owners anxious to proceed with consolidation and relocation, and who did not oppose the contribution for roads and surveys. He apparently stated that Pomare did not represent those who wished to ‘progress’.<sup>134</sup>

A few days later at Oputao, on 30 April, the level of suspicion directed at the commission was again illuminated when Te Amo Kokouri refused to submit a list of names to the commissioners, saying that he was afraid to commit anything to paper.<sup>135</sup> Te Amo confined his participation in the commissioners’ hearing to ‘seeing that there is no encroachment on our lands’ and requested a list of sellers in the Ruatahuna blocks. He said: ‘I want to find out who has sold. I shall then know what to do with the unsold interests on my side’.<sup>136</sup> Te Amo stated, on behalf of Wharepouri Te Amo:

131. Urewera commission, Urewera minute book 1, p 33 (cited in Stokes, Milroy, and Melbourne, p 82)

132. Urewera minute book 1, p 306 (cited in Campbell, p 82). ‘Taingakawa’ refers to Tupu Taingakawa, and illustrates a continuing influence from the King movement: see Campbell, pp 95–96.

133. Campbell, p 82

134. Urewera minute book 1 (cited in Campbell, p 82)

135. Te Amo Kokouri, 30 April 1923, Urewera minute book 2A, p 3 (cited in Stokes, Milroy, and Melbourne, p 73)

136. *Ibid* (cited in Stokes, Milroy, and Melbourne, p 73)

I have watched with great interest the manner in which the Commissioner its business [sic] in connection with the claims of those who are in favour of the Consolidation Scheme and ask the Commissioner to extend the same patience and consideration to those opposed to it – the opposition.

There are seven tribes here in Ruatahuna . . . On Friday I asked for an adjournment [of the commission at Ruatahuna].<sup>137</sup>

The commissioners sidestepped Te Amo's general implication that he did not acknowledge their jurisdiction, and asked him to reconsider his position, saying it was impossible for them to deal with the Ruatahuna claims if they did not know who the claimants were. Te Amo left without reply.

Rawhiri Te Kaokao appeared before the commission to support Te Amo's request for information on sellers, provoking criticism from other owners who supported consolidation. The commissioners attempted to shut down the debate by saying:

that no useful purpose would be served by supplying lists of sellers as the only lists that interested the non-sellers were their own lists set out in the groups in the report and that it was the function of the Commissioner to fix the boundaries between these and the Crown and that all they had to do was to indicate where they wished to be located and supply lists of names to be included in these areas.<sup>138</sup>

Te Amo Kokouri returned to a later hearing of the commission in May 1923, making a long speech at Oputao about broken promises made by Ngata to him at Tauarau Marae, Ruatoki. Te Amo said that if a list of sellers were not supplied, he and his supporters would withdraw from the consolidation scheme. He referred to a consolidation hui held in Ruatahuna (possibly the same one cited in section 10.3.1), where he claimed Ngata agreed to Te Amo and certain chiefs being appointed to deal with the consolidation at that place. Te Amo, then, seemed to critique the fact that it was the Urewera commissioners who decided grouping and location in the scheme. He went on to say that Ngata had reassured him that his wishes concerning the Crown evacuating the Ruatahuna, Maungapohatu, and Waikaremoana blocks would be consented to and 'that night Tuhoe after listening to that statement the whole of Tuhoe agreed to consolidation the Waikaremoana [sic]'.<sup>139</sup> Te Amo went on to claim that Maungapohatu, Ruatahuna, and Waimana were to be 'under my scheme that is if the commissioner would consolidate on the basis of share for share they would agree [to the scheme, presumably]'.<sup>140</sup> Te Amo complained that this understanding was not adhered to in the Ruatoki consolidation scheme of August 1921 when Ngata presented the final report on consolidation for ratification. He had apparently asked Ngata to let Tuhoe have another meeting to discuss the terms of consolidation but Ngata would not grant it and the hui proceeded to endorse the report. While he said that he originally accepted the principle of road contributions, 'when the report was

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137. Ibid, p 2 (cited in Stokes, Milroy, and Melbourne, p 75)

138. Urewera minute book 2A, pp 3–4 (cited in Stokes, Milroy, and Melbourne, 1986, p 74)

139. Te Amo Kokouri to Urewera commission, Oputo, 1 May 1923, Urewera minute book 2A, p 5 (cited in Stokes, Milroy, and Melbourne, p 74)

140. Ibid

published we could see we were in trouble, and then we sought relief by petition to the house'.<sup>141</sup>

Shortly afterwards, Carr forwarded a letter from some Ruatahuna representatives asking that the commission postpone its visit to their area until the following February. Carr supported the request:

We both realise the difficulties under which the Tuhoe people live or exist. Large numbers of them migrate to the Poverty Bay District shearing etc and that is their only present means of livelihood. Although we had made tentative arrangements to visit Ruatahuna we feel that, in view of the absence of many of the leaders, that it is impossible to proceed with the work at present.<sup>142</sup>

Carr also asked to be advised as to the progress of the Ruatahuna 'opposition' leader Pomare's petition to Parliament. In the meantime, however, Carr and Knight informed the Native Department that they had been offered interests to the value of £300 in the Apitihana group at Ruatahuna. The commissioners recommended the purchase of these interests 'as a means of weakening the opposition' at Ruatahuna.<sup>143</sup> This gave a lie to Knight's assurances that purchases had occurred 'simply and solely' for the purposes of consolidating titles. In fact, the purchases seemed so likely to cause trouble that the commissioners had arranged to meet the vendors at Te Teko to get their signatures and pay them.<sup>144</sup>

Coates noted that consideration of Pomare's petition had been postponed till the next session. He encouraged the commissioners to get on with the work as speedily as possible and not to be deterred by the 'unreasonable objections of persons, who acquiesced in the proposals at previous meetings'.<sup>145</sup>

In the meantime, however, amendment was made to the Urewera Lands Act 1921–22 following the recommendations of the commissioners in their August 1923 report. Sections 10 and 11 of the Native Land Amendment and Native Land Claims Act 1923 was for the purpose of expediting the survey and laying off of roads and the issue of title, as well as the setting aside of reserves for Native purposes upon the joint recommendation of the Ministers of Lands and Native Affairs. The Government did not intend to vest the freehold of these reserves in Tuhoe; the reserve would remain Crown land, set aside for Native purposes.<sup>146</sup> Coates encouraged Nosworthy, Acting Minister of Lands, to think favourably of the mooted reserves, reminding him of the huge contribution Tuhoe were making towards roading and the fact that they had evacuated Waikaremoana so that the Crown could achieve its climatic and water conservation aims.<sup>147</sup>

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141. Ibid

142. H Carr to under-secretary, Native Department, 6 October 1923, MA1 29/4/7, pt 1

143. H Carr and R J Knight to under-secretary, Native Department, 2 October 1923, MA1 29/4/7, pt 1

144. Ibid

145. Coates to under-secretary, 5 November 1923, MA1 29/4/7, pt 1

146. G Coates to W Nosworthy, Minister of Lands, 17 August 1923, MA1 29/4/7A

147. Ibid

Pono Tari Te Manihera wrote to Coates in September 1923, requesting that reserves be set aside before Crown and Tuhoe interests were finally consolidated. He stated that this issue:

had been brought up before the commissioners, the Hon. Mr Ngata and yourself when the Tuhoe Chiefs were last in Wellington in August, 1923, when I advocated that our land should not be taken for reserves under the said Act, before the interests were consolidated. No heed has been paid to it. I respectfully request therefore that the said Act which acquires for reserves land which has been the result of the Consolidation of our interests be set aside otherwise there will be serious trouble.<sup>148</sup>

In November 1923, Knight reported that he visited Tari Te Manihera with the surveyor and with respect to reserves had 'arranged matters to their satisfaction'.<sup>149</sup> In March 1924, Tari Te Manihera wrote again, this time as an agent for Ani Hekerangi. Tari said that he had submitted his own plans to the commission for the consolidation of Ruatahuna 1 but the commissioners said that the 'opposition' raised at Ruatahuna meant that they could not execute his plan for partition.<sup>150</sup> Tari claimed that Ani Hekerangi had 46,788 shares, Tuarau Himiona had 21,180 shares and Himiona Himiona had 17,999 shares in the Ruatahuna 1 block and that the commissioners had located some of these shares in the Ruatahuna 5 block and in two hundred acres of the Ruatahuna 1 block. According to Tari, the commissioners refused to deal with, or locate, their balance of shares.<sup>151</sup>

Knight's account of the matter reveals a disturbing distance between the claimants' and the Urewera commissioners' understanding of proceedings at Ruatahuna. Knight said that the shares quoted by Tari represented those owners' shares in the whole of the Urewera blocks and not their Ruatahuna 1 shares as stated. Most of Ani Hekerangi's shares had been located but when she asked to have 50 acres in Ruatahuna 1 cut out for her, when her shares in that block amounted to only 20 acres, 'no separate award was made, her shares being added to the group to whom Ruatahuna No 1 and parts of 2 & 3 was awarded'.<sup>152</sup> This group principally represented those owners who had refused to submit their claims to the commission and was known as Apitihana, a transliteration of 'opposition'. Their grouped interests at Ruatahuna were known as the Apitihana block, and Knight said that the commission decided to leave it to the Native Land Court to make the necessary subdivisions when the title and survey were complete. Tari had it explained to him, according to Knight, that Ani Hekerangi's and the Himiona shares had been left in the blocks from which they originated but could not be located because other owners would not agree, and that the court would make subdivisions later.

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148. Pono Te Tari Manihera, 28 September 1923, MA1 29/4/7, pt 1

149. R J Knight to under-secretary, Native Department, 16 November 1923, MA1 29/4/7, pt 1

150. Tari Manihera to Native Minister, 29 March 1924, MA1 29/4/7, pt 1

151. Ibid

152. R Knight to under-secretary, Native Department, 6 May 1924, MA1 29/4/7, pt 1

Following this, Tari Te Manihera wrote to Coates in June requesting the partition of the Ruatahuna divisions 1, 2, 3, and 5 (the Ruatahuna block had been partitioned by the Native Land Court in 1913: see section 9.11).

The grouping of the Ruatahuna opposition into Apitihana, in spite of their refusal to place their claims before the commissioners, caused other complaints. Rawiri Kokau's appeal to the chief judge in May 1924 indicates that while he was not prepared to acknowledge the Urewera commissioners, he wanted the Native Land Court to enquire into land known as Te Pukiore in the Tarapounamu Matawhero block which adjoined Ruatahuna. Rawiri complained that:

- (1) My cultivations and improvements are included in other divisions.
- (2) My 'urupa' is included in another division.
- (3) My 'kaingas' are included in other divisions.<sup>153</sup>

Carr responded that Rawiri had refused to locate his claims, despite being given 'every inducement' by the commission to do so, and had refused to take any award from the Urewera commissioners because he wanted his lands dealt with by the court.<sup>154</sup> Carr said that Pukiore was then 'divided between the two parties – that for Rawiri was merged in the general award to those who were supporting the opposition groups'.<sup>155</sup>

The Urewera commissioners' report to their Ministers in June 1924 noted that the Ruatahuna meetings had been resumed in March and April and had been much helped by the amendments to the Urewera Lands Act. They were able to locate all groups except the 'irreconcilables' under Pineere Hori (also known as Pomare) and Wharepouri Te Amo, who had refused to submit their claims.<sup>156</sup>

No reasons were given except that they would prefer the Native Land Court to deal with their claims, we therefore amalgamated their groups and located them in two areas to include their Tarapounamu and Ruatahuna interests, and one title for both blocks defining the relative interests has been prepared and called Apitihana, the external boundaries of this block, which will include all their houses and cultivations, will be defined by survey and plans prepared to enable the Native Land Court to subdivide the Blocks at a later date.<sup>157</sup>

To achieve this, the commissioners stated they had to abandon the original group lists set out for Ruatahuna and had a reconsolidation made to reach the above arrangement.

Tari Manihera continued to complain to Coates of the decisions reached by the commissioners in respect of the Ruatahuna divisions. He, Tawera Rawiri and others wanted the commissioners to complete the subdivisional boundaries at Ruatahuna before the surveyors moved in. They claimed to be paying five shillings per acre for

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153. Rawiri Kokau to chief judge, Native Land Court, May 1924, MA1 29/4/7, pt 1

154. H Carr to chief judge, Native Land Court, 20 May 1924, MA1 29/4/7, pt 1

155. Ibid

156. Knight and Carr to Guthrie and Coates, 5 June 1924, MA1 29/4/7, pt 1

157. Knight and Carr, MA1 29/4/7, pt 1, pp 1–2

roading and said that Knight was ‘pushing us to the back of the block’ while placing the Crown in the front. Further, Tari claimed that Knight had reinstated (Crown) reserves which they had agreed would be cancelled.<sup>158</sup>

The following month Tari wrote again to urge the completion of the partition of interests.<sup>159</sup> He also complained that his interests were split by the commissioners: 100 acres was in the Tarapounamu block and 16 acres was at Kiha. He stated: ‘I do not wish that my area be divided like this. I want it to be intact and in one block’.<sup>160</sup> He said that the commissioners had located all of his interests in Ruatahuna 5, which he desired, but then they split them. He gave boundaries where he wanted the award to be located.

Knight refused to acknowledge any of Tari’s complaints as valid. He said that he and Carr had located the awards of groups and sub-groups as far as was possible, presumably due to the dispute and ‘opposition’ at Ruatahuna, and argued that the Native Land Court could subdivide the blocks when the surveys and titles were complete.<sup>161</sup> He also pointed out that the surveyors were only giving effect to the boundaries agreed at a meeting at Ruatahuna in April 1924. Knight said that none of these owners was contributing five shillings per acre for roads, and that the commissioners had not pushed Tuhoe to the back of the blocks. Instead, ‘they are getting what they chose’ with the Crown taking the residue.<sup>162</sup> No cancelled scenic reserves were being reinstated. Knight said:

I do not think Manihera or his group have any interests in the Kiha block, he did not even represent the owners when the location was discussed – apart from this however, the block is not divided but is in one area, being situated partly in Ruatahuna No 5 and partly in Tarapounamu and the location was agreed to by the owners so as to include an ancient burial cave known as Kiha in the Tarapounamu Block, to run the boundaries between the places mentioned in Manihera’s letter would exclude this burial cave and could not possibly give the area required.<sup>163</sup>

Underplaying the extent of dissatisfaction in the Urewera, in May 1925, the Urewera commissioners reported ‘very satisfactory’ progress in the survey work necessary to complete their orders in the Hikurangi series, the Whakatane Valley and the Maungapohatu series.<sup>164</sup> In addition, the Te Whaiti, Tarapounamu, and Ruatahuna surveys were on their way to completion that season.

The commissioners also reported, in respect to Waikaremoana, that they had prepared orders for the issue of debentures to three groups amounting to £29,323 8s 4d, which had been forwarded to the Native Department. Knight and Carr also said that there had been a ‘misunderstanding’ with the owners of small reserves made on the shores of the lake.<sup>165</sup> Apparently these owners thought they were getting larger re-

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158. Tawera Rawiri, Tari Manihera, and 30 others to Native Minister, April 1925, MA1 29/4/7, pt 2

159. Tari Manihera to J G Coates, 28 December 1924, MA1 29/4/7, pt 2

160. *Ibid*, p 1

161. Knight to under-secretary, Native Department, 10 February 1925, MA1 29/4/7, pt 2

162. *Ibid*

163. *Ibid*

164. Knight and Carr to under-secretary, Native Department, 20 May 1925, MA1 29/4/7, pt 2

serves than those set aside by the commissioners. A meeting was held with these owners, the commissioners stated, and the matter ‘was amicably disposed of’ and the surveys completed.<sup>166</sup> These owners also asked for an area of 200 acres to be set aside on the Huiarau range which contained urupa. The commissioners submitted names of owners as trustees for this proposed reserve.

With regard to the Ruatahuna survey, the commissioners stated that they visited Ruatahuna again and dealt with many boundary disputes. They arranged for more surveyors to be employed so that the survey would not be delayed. Other problems would later surface in Ruatahuna concerning the transfer of Waikaremoana non-sellers’ interests northward into the Ruatahuna blocks, but these are discussed in the later case study of the Waikaremoana block below.

### 10.7.2 Te Whaiti blocks

Correspondence continued throughout 1925 between the commissioners and the Native under-secretary on the subject of complaints from Urewera owners: ‘there is no doubt that dissatisfaction exists,’ admitted Carr, ‘but only in certain quarters’.<sup>167</sup>

The admission was necessary in the face of a petition by Whatanui and others which plainly stated that the petitioners were ‘very dissatisfied with the decisions of the commissioners’ because they had not given due regard to the ‘wishes and convenience’ of the owners.<sup>168</sup> Whatanui claimed the owners were deprived of large and valuable areas and that they were not given the opportunity of paying for surveys in cash.

Carr replied in a tone which suggested the commissioners were frustrated with continued misunderstandings when they thought that agreements had been made:

It is difficult to reply to these complaints specifically as they are so general. The Commission travelled the district extensively and sat wherever it was convenient to the Natives. We arrived at our findings only after hearing all parties who desired to be heard and in the majority of cases we visited the land when any dispute arose. We realised that the Tuhoe people were not so enlightened as those of other districts and so required patient attention which we endeavoured to give them.<sup>169</sup>

Whatanui had been referring to the commissioners’ arrangements at Te Whaiti. Carr said that the owners had had the first choice of location while the Crown took the balance areas. After their awards were then surveyed, the owners changed their minds and wished to move their award, but Carr says that this was not done because it would have meant scrapping an expensive survey and because the Crown was getting ready to put its awards on the market.<sup>170</sup>

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165. Ibid, p 1

166. Ibid

167. Carr to under-secretary, Native Department, 30 May 1925, MA1 29/4/7, pt 2

168. W Whatanui and others to Minister of Native Affairs, 1 May 1925, MA1 29/4/7, pt 2

169. Carr to under-secretary, Native Department, 30 May 1925, MA1 29/4/7, pt 2

170. Ibid, p 1



Carr did not defend a charge of excessive survey costs, levelled at the commission by Te Whatanui, saying that he would ask Knight to forward details in connection with the charges and areas taken for surveys. He did say, however, that it was:

one of the planks of the Consolidation that Surveys were to be paid for in land as it was well understood that the Natives of the Urewera district had not the means to pay cash, and that it was desirable that they should get clear and unencumbered titles.<sup>171</sup>

In reply to the petitioners' charges, Carr reminded the under-secretary that the commission's awards were based on the valuations presented to Parliament in the 1921 official consolidation report. He mentioned in this connection that when the Crown had placed its Parekohe sections on the market at cost price, there had been no bidders.<sup>172</sup>

Knight followed up Carr's defence with information on the cost of surveys at Te Whaiti.<sup>173</sup> He said that the estimated costs of the surveys, and the actual costs after they were done, had 'about balanced'. In fact, there had been instances unfavourable to the Government where actual costs had exceeded estimations. Knight recorded that the Te Whaiti surveys had cost £1800 but because of common boundaries with owners, the Crown would have to foot between £200 and £250 of this sum. Knight added that the survey costs had been taken at the valuation given to the whole block (which according to the schedule which accompanied this letter was 8s 4d per acre):

notwithstanding the fact that the natives have had the pick of the land and [have] naturally chosen the most valuable parts so that the real value of the land taken for surveys is less than appears from these figures.<sup>174</sup>

This was more or less the reply forwarded to Whatanui in August, but Whatanui wrote again in October 1925, disputing the point that the valuation of the block, and thereby of their interests, had been adequate. He noted that the 'sale price' to the Crown for Te Whaiti 1 block was eight shillings per acre but said that timber companies had offered £4–5 per acre for the timber alone. He added, 'Alienation of the timber rights to Companies was however prohibited by the Crown, thus inflicting upon us a heavy loss.'<sup>175</sup>

Whatanui said that Ngati Whare had sold most of the Te Whaiti 1 block, leaving them with only 9000 acres. The greater area left to Ngati Whare, according to Whatanui, was not bush but fern: 'The whole of the Totara bush area has been acquired by the Crown. From this transaction the Crown has profited to the extent of millions of pounds.'<sup>176</sup>

Whatanui asked that an area of 2500 acres be set aside for Ngati Whare and failing that, that the Government grant pensions in compensation. Under-Secretary Jones

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171. Ibid, p 2

172. Ibid

173. Knight to under-secretary, Native Department, 11 June 1925, MA1 29/4/7, pt 2

174. Ibid

175. W Whatanui to Prime Minister and Native Minister, 15 October 1925, MA1 9/4/7, pt 2

176. Ibid

ignored the issue and merely replied that it was not possible to grant either the reserve or the pensions which Whatanui had requested.<sup>177</sup>

In spite of the commissioners completing what they considered to be fair arrangements at Te Whaiti, they were still called upon to defend them against protests and petitions from disappointed owners.

Te Huriwaka Wharekotua wrote to Coates in January 1927 taking up matters which Te Manihera had unsuccessfully brought to the commissioners' attention several years earlier. He complained that the location of a Crown reserve of 60 acres interfered with his block. He referred to the agreement reached at Ruatoki whereby the award to Maori was to be at the front of blocks and the Crown award in the hinterland, which he said had been breached at Te Whaiti.<sup>178</sup> Additionally, he referred to the fact that the commissioners had 'cancelled' Crown reserves in a meeting at Ruatahuna in March 1924. Presumably, he was asking why this had not in fact happened.

In spite of Knight's dismissal of Tari's earlier complaints about Crown reserves, Carr admitted that the commissioners had in fact decided that the area should be reserved, 'and it followed that it should become part of the Crown area. It wasn't equitable that the Crown in every case should be located in the hinterland'.<sup>179</sup> Nothing further appears to have been done.

### 10.73 The Waikaremoana block

The Waikaremoana block was a block of 73,667 acres that bounded Lake Waikaremoana on its northern and western shores. It represented, along with a small number of reserves on the southern lake shores, the last remaining lands of the Ngati Ruapani, who with Tuhoe and some Ngati Kahungunu, had been awarded title to the block by the Urewera commission in 1907.<sup>180</sup>

It seems that, as far as the Crown was concerned, the real significance of the block lay in its position abutting Lake Waikaremoana. It was the lake and the possibilities it held for tourism and, later, for electricity generation, which sparked real Government interest. Ever since Colenso had crossed Lake Waikaremoana in 1840, Europeans who ventured to the district were awestruck by the natural beauty of the lake and its environs. S Percy Smith, chairman of the first Urewera commission stated:

[Lake Waikaremoana] is acknowledged by all who have seen it to be by far the most beautiful of all the lakes of the North Island. The grandeur of the Bluffs of the eastern sides, rising . . . to 1100 feet perpendicularly out of the water is unsurpassed by any cliff scenery I am acquainted with.<sup>181</sup>

177. Jones to Whatanui, not dated, MA1 9/4/7, pt 2. Ngati Whare were still petitioning the Government on the matter in 1938 and have made a claim to the Waitangi Tribunal on this point.

178. Te Huriwaka Wharekotua to Coates, 21 February 1927, MA1 9/4/7, pt 2

179. Carr to under-secretary, 11 March 1927, MA1 9/4/7, pt 2

180. That is, the second Urewera commission that determined title to Urewera land. The commission found in favour of the Ngati Kahungunu appellants and included 118 Ngati Kahungunu to the Waikaremoana block title, from which they had been excluded by the decision of the first Urewera commission of 1899–1902: see chapter 7.

The Crown had acquired much of the land to the south and east of the lake under cession from the ‘rebel’ Ngati Ruapani with Ngati Kahungunu agency, and it appears that this foothold gave the Crown and public some rationale to assume certain use-rights in relation to the adjacent lake, while still being locked out of the northern Tuhoe-controlled shores. The lake itself was notably excluded from the Urewera reserve boundaries. From around 1874, accommodation could be found at a lodging house that was part of the Armed Constabulary redoubt built at Onepoto.<sup>182</sup>

In 1895, when Tuhoe chiefs visited Wellington during the negotiations for the UDNRA, Carroll and Seddon had urged the reservation of the mountains and forests of the Urewera, ‘as a resort for tourists in the future’.<sup>183</sup> Undoubtedly, both saw Lake Waikaremoana as a valuable feature of this future nature reserve. Seddon’s letter to Tuhoe written subsequent to these negotiations congratulates Tuhoe on their decision to open the Urewera to tourists and for their commitment to protect their forests and birds. It also claims Tuhoe were willing to consider ways to attract tourists:

As you feel it would be desirable to provide an additional attraction to European tourists, and at the same time provide you with additional sources of food, you have asked that arrangements may be made for the introduction of English birds, and by stocking the rivers with English fish. By such means you Maoris will be benefited, and the rest of the colony as well.<sup>184</sup>

After Tuhoe consented to allow tourists into their region in 1895, the Government wasted no time in making preparations. A memo from Cadman to Seddon in 1897 reveals optimistic plans for opening the East Coast and the Urewera by means of light rail connecting Gisborne with Rotorua through the Urewera and the Kaingaroa plains. The belief that tourism would be an important contributor to the region’s economy was evident and Cadman lamented that the land between Rotorua and Gisborne, some of the ‘wildest and loveliest’, was ‘inaccessible to the ordinary tourist’.<sup>185</sup> This would be solved by rail which would transport tourists and open communication lines:

The Urewera Country will be intersected by the proposed line to Rotorua from which a branch line a few miles in length would conduct travellers into the midst of the beautiful district lying around Lake Waikaremoana. The mountains of the Urewera country are to be stocked with deer and its streams and lakes at the present moment are being filled with mountain trout and other fish.<sup>186</sup>

181. S Percy Smith, ‘Sketch of the Geology of the Northern Portion of the Hawkes’s Bay’, *Transactions of the Proceedings of the New Zealand Institute*, vol 9, 1876, pp 565–573 (cited in Robert Wiri, ‘Te Wai-Kaukau o nga Matua Tipuna: Myths, Realities, and the Determination of Mana Whenua in the Waikaremoana District’, MA thesis, University of Auckland, 1994 (Wai 36 ROD, doc A5), p 17)

182. Department of Lands and Survey, *Land of the Mist: The Story of the Urewera National Park*, Gisborne, Department of Lands and Survey, 1983, p 41 (cited in Ben White, *Inland Waterways: Lakes*, Waitangi Tribunal Rangahaua Whanui Series (first release), March 1998, p 3)

183. Notes of an interview between Carroll and Urewera Natives, J1 1897/1389, box 501, p 2

184. R J Seddon to Tuhoe, 25 September 1895; see the second schedule to the Urewera District Native Reserve Act 1896. Seddon went on to promise that he would try and supply Tuhoe with trout that year.

185. A Cadman, memorandum to Premier concerning expediency of constructing light rail to open up the East Coast and Urewera, 3 April 1897, MA1 30/5, outwards letterbooks of the Native Minister, NA

Whereas Cadman's promotion of rail was ambitious, the Government pushed on with more achievable means of accessing the interior country. By 1897, a track from Wairoa to Onepoto had been enlarged to allow coaches to travel this route, and the Government established a tourist hostel on the south side of the lake which opened in 1903.<sup>187</sup>

During this time, public support grew for the reservation of areas of native and scenic bush and members of Parliament had cited scenery preservation as a reason to support the UDNRA 1896.<sup>188</sup> This support was acknowledged in 1903 when a Scenery Preservation Act was passed, which established a commission that had powers to recommend the permanent reservation of land of scenic or historical importance. It was amended in 1910 to allow for Maori land to be taken for these purposes.

Improved roading and accommodation at Waikaremoana meant that a rise in tourism could be anticipated and it was imperative from the Government point of view to secure the lake and the northern Waikaremoana lands. Just how this was to be done preoccupied the Crown during the 1910s. Compulsory acquisition was deemed unwise by Ngata, who told Parliament that he thought there was:

no doubt that if the Ureweras are properly approached they would consent to the reservation of a large tract of country between Lake Waikaremoana and Ruatahuna Valley for a national park similar to the Tongariro Park, and that would reserve for all time that interesting portion of country leading over the Huiarau Range.<sup>189</sup>

Ngati Ruapani had an acrimonious relationship with the Government and it was by no means clear whether they would have agreed to this. In the meantime, they asked to withdraw their lands from the jurisdiction of the UDNRA while signalling that they were not prepared to sell the Waikaremoana block. Given the sensitivities with Ruapani and the inclusion of Ngati Kahungunu in the Waikaremoana lists, the Crown did not force purchasing in the Waikaremoana block in spite of increasing pressure to do so.

In 1913, a royal commission on forestry recommended the reservation of Waikaremoana as a scenic reserve because of the area's beauty and its importance in conserving the water supply of the lake.<sup>190</sup> The proposed reserve would include all that land from the edge of the water to the skyline. This was compounded by the recommendation of the scenery preservation boards of the Auckland and Hawke's Bay regions the following year. They wanted the acquisition of an area on the north shore to preserve the bush visible from the lake, 'subject to the Native owners' rights by occupation'.<sup>191</sup> The Inspector of Scenic Reserves added in an annual report that as speculators had not yet penetrated Waikaremoana, 'it is probable that the lands could

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186. Ibid, p 164

187. V O'Malley, 'The Crown's Acquisition of the Waikaremoana Block, 1921-25', report commissioned by the Panekiri Tribal Trust Board, May 1996 (Wai 144 ROD, doc A7), pp 61-62

188. Ibid, p 62

189. Ngata, 21 December 1909, NZPD, 1909, vol 148, p 1388

190. AJHR, 1913, C-12, p xix

191. O'Malley p 65

be acquired for a comparatively small amount of compensation'.<sup>192</sup> Recommendations of this nature would continue to issue from these Crown agencies.

O'Malley notes that the Ruapani reaction to these developments was to reconsider the protections afforded by the Urewera district native reserve legislation.<sup>193</sup> They petitioned the Government to respect the Urewera restrictions and not to open purchasing in any new blocks.<sup>194</sup> It is also clear that the decision of the second Urewera commission to draw the Tuhoe–Kahungunu boundary at the Huiarau Range, meaning that the Waikaremoana district was considered within the realm of Ngati Kahungunu, disturbed Ruapani greatly. Several petitions were forwarded to the Government in the years 1912 to 1915 trying to reopen the boundary issue, but the Native Affairs Committee had no recommendations to make.<sup>195</sup>

The Crown manoeuvrings in respect of the lake and surrounding lands also prompted Ngati Ruapani and Ngati Kahungunu to apply to the Native Land Court to determine title to the lake bed in 1913–14, and during the course of this investigation, Rawaho Winitana asked that the lake be made part of the Urewera reserve. While the Native Land Court investigation was underway, Waikaremoana Maori also asked the Government to stop purchasing land at Waikaremoana until the title to the lake was determined.<sup>196</sup> The Government, in fact, had not begun to purchase at Waikaremoana but had received offers of sale from impoverished owners that would have provoked alarm among the non-seller majority.<sup>197</sup>

Only a few weeks before the May 1921 consolidation hui at Ruatoki, the Scenery Preservation Board had again recommended that the Maori land on the northern side of the lake be acquired and reserved for scenic purposes. However, O'Malley notes that Lake Waikaremoana's potential as a source of hydroelectricity was also coming to be appreciated in official circles, and he argues that this realisation was an equal if not more pressing incentive to acquire the lake's adjacent lands.<sup>198</sup> Certainly, when Guthrie addressed the May 1921 hui at Ruatoki, he stressed that coming to some arrangement regarding Waikaremoana lands was important in view of a proposed hydro scheme. He said:

We want to conserve the rainfall, so that the level of the Lake will not drop. What we want from the Natives is either to exchange land around the Lake for other land, or treat with them in some other ways.<sup>199</sup>

Ngata suggested at the same hui that in any proposed consolidation, the owners of the Waikaremoana block could 'come out further north, and surrender land of equal

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192. AJHR, 1914, c-6, p 7

193. O'Malley, p 68

194. *Ibid*, p 67

195. *Ibid*, p 68, fn 138

196. J G Findlay to Native Minister (forwarding telegram of Rangi Kershaw and others of Waikaremoana), 24 July 1917, MA-MLP1 1920/28/1, pt 2

197. Hinaki Ropiha to Bowler, 9 February 1916, MA-MLP1 1910/28/1, pt 2

198. O'Malley, p 83

199. Minutes of meeting with representatives of Urewera natives with D H Guthrie, Minister of Lands, and J G Coates, Native Minister, at Ruatoki, 22 May 1921, MA1 29/4/7A

value abutting the Lake'.<sup>200</sup> Takurua said that he could see no reason why absentee owners of the block would not agree to do that since there were already reserves at Waikaremoana for those people who lived there. O'Malley identifies this to refer to the Ngati Ruapani kainga that were cut out of the blocks sold to the Crown in 1875.

As noted earlier, in August 1920, R J Knight of Land and Survey in Auckland had been asked by the Government to investigate and report on the Urewera consolidation proposal. With regard to Waikaremoana, Knight suggested two courses for the Native Department to consider:

First, to omit the block from the areas to be consolidated, and leave it to the Crown to take as much as may be necessary for lake protection purposes under the Scenery Preservation Act, or else instruct the Native Land Purchase Officer, either by a meeting of owners or by acquiring individual interests to commence purchasing operations. And, secondly, if the whole or part of the block is acquired by the Crown during the consolidation process to admit that such action will not prejudice the Natives' claim to the bed of the lake.<sup>201</sup>

With reference to this, Knight directed the department's attention to the comments of Sir Francis Bell, the Attorney-General, in the press:

Recent arrangements relating to the Urewera country might result in the acquisition by the Crown of practically all of the fore-shore of Lake Waikare Moana, and so bring to an end the litigation in respect of the Lake. It is possible for that reason that the proposed argument of the Waikaremoana case will be postponed.<sup>202</sup>

By the time of the next meeting with Tuhoe at Ruatoki in August 1921, the Government had decided to take the land it needed under the provisions of the Scenery Preservation Act, which meant that the Waikaremoana block would not be included in the consolidation scheme. However, when Tuhoe heard that Coates had considered applying these compulsory acquisition provisions to acquire the Waikaremoana lands, they withdrew their representatives from the consolidation negotiations. O'Malley suggests that non-resident Tuhoe owners of the Waikaremoana block were anxious it be included in the scheme so that they could exchange these interests for lands 'in their own districts'.<sup>203</sup> The Waikaremoana block was the only large block in which the Crown had not purchased shares, and so for many absentee owners, it was possibly all that they had left.

Coates and Guthrie were then advised by their officials to consent to include the block in the interests of completing the scheme and gaining a foothold in the bush to the north of the lake. As well as consenting to the inclusion of the Waikaremoana block, the Ministers also included the four reserves on the south and east of the lake awarded to Ngati Ruapani by the Native Land Court in 1875. Ruapani were to be awarded small reserves on the perimeter of the lake and provided with other land

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200. Ibid (cited in O'Malley, p 85)

201. R J Knight to Under-Secretary for Lands, 21 June 1921, MA1 29/4/7A (cited in O'Malley, p 86)

202. Ibid, p 1 (cited in O'Malley, p 86)

203. Ibid, p 88

near their Kokako settlement.<sup>204</sup> Coates and Guthrie also agreed to allow exchanges with parts of the Crown-owned Whirinaki blocks which lay outside the reserve boundaries and with the Hereheretau block in Wairoa county.<sup>205</sup>

Balneavis reported from the Urewera that the decision to include the Waikaremoana block in the scheme ‘cleared the air at once, and in one evening proposals affecting 25,030 acres of the block were submitted’.<sup>206</sup> The Tuhoe–Ruapani who were evacuating Waikaremoana for northern lands asked for a 7s 6d an acre valuation but on Ngata’s advice were persuaded to accept six shillings per acre. The Ruapani who wished to exchange their interests for Crown-owned land south of the lake were a more problematic case – a six-shilling valuation would be inadequate because the Crown land to be exchanged was valued on ‘a present day basis’, that is, it was much more valuable.<sup>207</sup> Balneavis also pointed out that there were Ngati Kahungunu owners in the block who were prepared to sell 17,000 acres worth of interests. O’Malley says:

Clearly the only tribe still occupying the block, Ngati Ruapani, were reluctant to part with their interests. Yet in the face of Tuhoe willingness to exchange their interests for lands to the north, and Ngati Kahungunu’s desire to sell their interests in the block, Ngati Ruapani were hardly in a position to hold out, especially since the Crown could always use the Scenery Preservation Act against them. Hence they agreed to part with their interests in exchange for supplementing their reserves to the south of the lake.<sup>208</sup>

Balneavis recorded in September 1921 that the commission had visited Waikaremoana and had confirmed that Ngati Ruapani would exchange their interests for reserves containing kainga and gardens on the lake frontage, and part of the value of their interests would be used for the purchase of private land adjacent to Kokako.<sup>209</sup> The problem was that the lands to the south of the lake for which Ruapani wanted to exchange the balance of their shares, were according to Balneavis, unsuitable. Instead, Ruapani were to take the balance of their consideration in debentures (it was later agreed that these debentures would carry a 5 percent interest and would be administered free of charge by the Native Trustee). The question of the valuation of the block, however, remained a vexed one between the Government and Waikaremoana owners for some time.

The Crown valued the interests to be exchanged northwards at six shillings per acre, representing 29,000 acres of land. Of the remaining 44,667 acres of the block, Ngata accepted the six-shilling valuation for half of this block but £1 per acre for the other half because this area was a crucial part of the Waikaremoana watershed, so important to the Crown’s hydro scheme. The Crown also valued two Ruapani

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204. Kokako (today called Te Kopani) was an 800-acre reserve, which included the kainga of Waimako and Kuha Tarewa in the old Tukurangi block on the south-east side of the lake. The Crown acquired this block in 1875: O’Malley, p 91.

205. AJHR, 1921, sess 2, G- 7, p 5

206. Balneavis to Coates, 27 August 1921, MA1 29/4/7A (cited in O’Malley, p 91)

207. Balneavis to Coates, 7 August 1921, MA1 29/4/7A

208. O’Malley, p 92

209. Balneavis to Coates, 13 September 1921, MA1 9/4/7A

reserves outside of the old Urewera reserve boundaries, (Ngaputahi and Whareama) at £1 per acre and were to acquire them under the agreement with Ngati Ruapani. This gave the average valuation of the Waikaremoana block as 15 shillings per acre.

The six-shilling per acre valuation was twice the three-shilling valuation for the whole block that had been given by Crown valuers in 1915, but less than the 7s 6d per acre that Tuhoe–Ruapani had asked for. The average valuation was one shilling less than Ngata had been authorised to accept as a minimum price.<sup>210</sup>

In a long memorandum to the Native Department, Ngata stressed the fact that Ruapani would have only about £5000 worth of land owed to them after the Government's Waikaremoana acquisition, so it was imperative to find suitable farming land for them somewhere to the south of the lake. Ngata was moved to remind the Government that Ngati Ruapani had reluctantly vacated Waikaremoana, being persuaded that it was in the public interest. Additionally, he argued that European owners would have asked for more than Ruapani and that it was only fair for the Government to give the owners a favourable price for Waikaremoana.

Determined to complete the consolidation negotiations, the Crown accepted Ngata's offer of a 15-shilling valuation for the block and the consolidation scheme proposals were then presented to the Ministers for approval.

After the Urewera Land Act was passed, including special provisions to give effect to the Waikaremoana block agreement (because it had not been purchased prior to the scheme and because of the debenture arrangement), a meeting of the commission was held at Waimako on 17 February 1922 to discuss the Waikaremoana settlement.

Even though Ngata had ostensibly come to an arrangement with the Government on the owners' behalf, the ambivalence of Tuhoe's endorsement of the process was demonstrated when the commissioners were told that:

Ngati Ruapani generally desired to retain their Waikaremoana interests and wished to withdraw from the scheme of consolidation. They had originally agreed to evacuate the Waikaremoana Block at 20/- per acre and their representative (Mr Ngata) was authorised to negotiate on that figure with a minimum of 16/- per acre. They now found that 15/- only was the price allowed.<sup>211</sup>

At this hui, no one supported consolidation and all complained that the consolidation report was printed in English only. O'Malley suggests that the resumption of Crown purchase in the reserve, and particularly Knight's efforts to buy Waikaremoana shares at the old price of six shillings per acre, incensed Tuhoe and provoked withdrawal of cooperation. When Matamua Whakamoe and others stated that they would have nothing further to do with the scheme, the commissioners replied that they would proceed to the lake and fix the reserve boundaries themselves.

The commissioners, of course, who now had the legal power to award whatever portions of the block they decided to the Crown, could ignore the withdrawal of

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210. O'Malley, p 172

211. Matamua Whakamoe, 17 February 1922, Urewera minute book 1 (cited in Stokes, Milroy, and Melbourne, p 80)



support and proceeded to lay off approximate boundaries of the reserves. Stokes et al note that just how this was done without local cooperation was not recorded.<sup>212</sup>

Other developments proceeded without consultation with Tuhoë or Ruapani. The Lands Department acquired an 883-acre block (known as Tapper's land) for Ngati Ruapani at £9 per acre, which represented nearly half the value of their debentures. Ruapani refused to accept the land and the proposal was abandoned; however, it appears that no other suitable land was found for Ruapani. This was:

notwithstanding Ngata's . . . comments that Ruapani's chief need was for cultivable land. Given that they were to be compensated for Waikaremoana by way of debentures, Ngati Ruapani hardly had sufficient capital to purchase suitable land themselves, and the tribe's lack of adequate land on which to grow their own food supplies was to take a heavy toll on the people of Waimako and Kuha when depression struck in the 1930s.<sup>213</sup>

Ngati Ruapani continued objecting to the consolidation scheme, but at a meeting held on 9 March 1923 at Waikaremoana, Ngata and Balneavis advised the commissioners that, after a long debate, they had persuaded Ruapani to cooperate with the commission.<sup>214</sup> The meeting then proceeded to discuss the Waikaremoana reserves. Once again, however, Ngata and Balneavis had failed to secure a lasting agreement because Ngati Ruapani again withdrew their support for the scheme in March 1925. This had followed disagreement over the size of the Waikaremoana reserves. Ngati Ruapani wanted to reserve bush for birding and mahinga kai, and other areas for urupa, wahi tapu, and meeting houses. Altogether, these areas totalled more than the Crown was willing to concede:

The boundaries pointed out to the Surveyors by the N'Ruapani include an area of 320 acres. This the Commissioners consider unreasonable and see no reason why the original agreement to return 600 acres should not be adhered to and therefore fix the areas of the various reserves as under [there followed actual allocations listed in table form].<sup>215</sup>

In reply to one woman's protests that she had no land to live upon because her shares had been sold to the Crown, the commissioners replied that they 'could not provide land for her, she had an old age pension and her people should look after her'.<sup>216</sup>

In spite of these protests, the Crown was able to enforce consolidation at Waikaremoana because it did not need to come to an agreement with Ruapani; the commissioners could make their orders without Ruapani consent. This they did on 16 July 1925, vesting nearly 99 percent of the Waikaremoana block in the Crown. This action was completed by the gazetting of the land as Crown land in June 1927.

212. Stokes, Milroy, and Melbourne, p 81

213. O'Malley, p 176

214. Urewera minute book 1, pp 288–290 (cited in Stokes, Milroy, and Melbourne, p 82)

215. Urewera minute book 2A, p 228 (cited in Stokes, Milroy, and Melbourne, p 85)

216. *Ibid*, pp 229–230 (cited in Stokes, Milroy, and Melbourne, p 85)

O'Malley has outlined the subsequent maladministration of the Waikaremoana debentures, which represented £29,323 backdated to 1 October 1922, issued for a 10-year period at an annual interest rate of 5 percent.<sup>217</sup> Ngati Ruapani would complain that interest payments on the debentures were often missed, that deductions were made for administrative charges without legal authority, and that capital was converted on new terms without their approval (sometimes at reduced rates of interest).<sup>218</sup> In addition, the alienation of the Waikaremoana reserves was prohibited except to the Crown under section 95 of the Native Purposes Act 1931. This meant that Ngati Ruapani were prevented from leasing any of their lands and had to rely on the inadequate income from their debentures.

#### 10.7.4 The end of the commission

In June 1924, Knight and Carr informed Coates and Guthrie that the sittings of the Urewera commission were finished, though they said that they would have to meet again to complete titles when the survey plans were finished and they also anticipated a few problems with the Ruatahuna surveys that would require their attention. None the less, they said that:

The legislation passed last session facilitated operations and we were able to locate all groups except in the case of the irreconcilables under the leadership of Pineere Hori and Wharepouri Te Amo who would not submit their claims for our consideration, some of the people formerly under their influence came into the scheme and had their interests located and others have been determined by the fixing of the boundaries of adjacent[.][?] But despite every inducement and consideration offered and shewn by the commission the balance of the opposition groups refused to join the scheme, no reasons were given except that they would prefer the Native Land Court to deal with their claims, we therefore amalgamated their groups and located them in two areas to include their Tarapounamu and Ruatahuna interests, and one title for both blocks defining the relative interests had been prepared and called Apitihana, the external boundaries of this block, which will include all thei houses and cultivations, will be defined by survey and plans prepared to enable the Native Land Court to subdivide the Blocks at a later date.

The groups in this district generally as originally set up were almost entirely abandoned and a reconsolidation of their interest made to suit their wishes and requirements.<sup>219</sup>

The commissioners also submitted names of trustees for the reserves they had requested on Tuhoe's behalf the year before. In addition, consideration was asked for Tuhoe men who had returned from the war and found themselves landless (having sold their interests upon enlisting). They reported that the Waimana and Raroa titles were completed, the surveys of the Hikurangi, Maungapohatu, Ruatoki, and Te Whaiti series were underway and would be finished this season. The survey of land

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217. O'Malley, pp 128–158

218. Ibid, p 178

219. Knight and Carr to Coates and Guthrie, 5 June 1924, MA1 29/4/7, pt 1

for the Tarapounamu, Ruatahuna, Waikaremoana, and Ohaua groups had just started and was expected to be finished the following year. The commissioners had laid off 221 sections for Tuhoe and were up to date with successions and trustee orders. They reported the purchase of another 99 interests for the Crown.<sup>220</sup>

In spite of Knight and Carr's preparations to wind up the consolidation commission, the Government continued to receive protests and petitions from Tuhoe who objected to the work of the commissioners. One such protest was made by Tikareti Teirawhiro and 175 others in 1924. It requested Parliament to investigate the injustices imposed on Tuhoe through the work of the Urewera commission, and noted that the commissioners had departed from the agreement forged with Tuhoe at the consolidation hui of August 1920. The petitioners stated that:

1. The Crown claims to have its interests allocated in the Whakatane and Waimana rivers; We strongly object to the Crown taking our rivers.
2. The Crown asked that non-sellers should hand over an area of land valued at £32000 to defray cost of roading. We strongly object to this as it clashes with the arrangements entered into at the Ruatoki meeting that the amount in land so handed over was for the value of £22000.
3. The Crown further asked that the old titles and all surveys should be abolished and cancelled. We however on the contrary, desire to retain the titles made in 1907.
4. The Government proposes that the clauses of a new Act should be introduced affecting this land be suspended for some time, before the Maori sections can be clothed with titles and further, the Crown to have the exclusive right of purchasing and leasing such sections and no objection could be lodged until the new titles are made. We strongly object to this clause as precedent consent of the general committee must be obtained for by the Te Urewera Lands Act 1921–22 before the Crown can purchase or have any dealings with our lands.
5. The Crown further proposes to take over areas of land to defray the costs of partitioning the Maori sections, we are averse to such land being taken over for partitioning areas for the different groups and subdividing areas for the different families.
6. We further object to the proposals of the Crown that it should have the Reserves called Whareama, Ngaputahi and Waikaremoana Blocks. It is thus intended to transfer the interests of all persons who comprise the groups interested in those reserves to the Northern portion which is worth only 6/- per acre. We maintain that those reserves should be left to us and also the Waikaremoana Block.<sup>221</sup>

This group also requested that their title to the bed of Lake Waikaremoana be confirmed and they further noted that no further sales of Tuhoe land were meant to be permitted until consolidation was completed.<sup>222</sup> This, at least, had evidently been the Tuhoe understanding of the terms reached at Ruatoki in August 1920. Knight and Carr rebutted the charges of this petition in a report submitted to the Native Department in September 1924. They said, significantly, that the rivers were not

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220. *Ibid*, p 4

221. Petition 341/22 of Tikareti Teirawhiro and 175 others, MA1 1924/370 (cited in Campbell, p 80)

222. Campbell, p 80

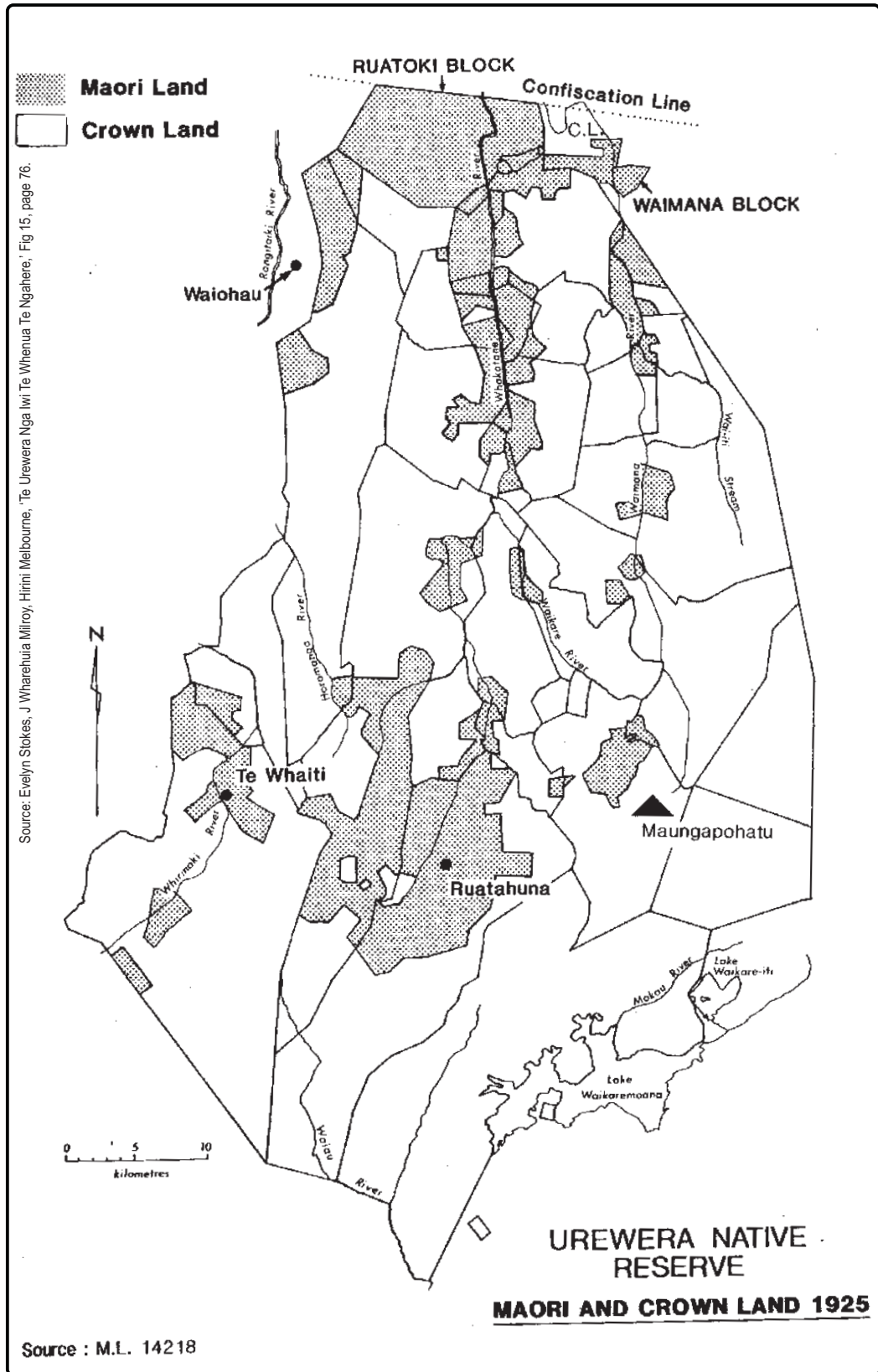


Figure 20: Crown and Tuhoe land, 1925

included in the Crown's award; they pointed out that Tuhoë's roading contribution had been reduced to £20,000; that the 1907 titles had been abolished in order that the consolidation scheme could proceed; that the Crown's monopoly on purchase of Tuhoë interests would end when the new titles were completed; that an opportunity was given to all Maori to pay the survey costs (instead, presumably, of having the charge deducted in land from one's award); that it was to the owners' benefit that they had to evacuate the Ruapani reserves because they would otherwise be completely surrounded by Crown land; and finally, they argued that the purchase of shares had only occurred when the circumstances had warranted it.<sup>223</sup> In October, Coates decided that no action would be taken with regard to the petition.

In the case studies above, we have noted that the Crown continued to receive significant protests about consolidation and the commissioners in this period. Matamua Whakamoe and others told Coates in March 1925 that they had repudiated the agreement to sell the Waikaremoana block, for example, and Te Whaiti and other Te Whaiti owners continued to petition Coates regarding the Crown valuation of the land and timber in their district. In spite of these ongoing complaints from Te Whaiti, Ruatahuna, and Waikaremoana owners, Knight and Carr reported in May 1925 that 'very satisfactory progress' had been made in the past year in carrying out the surveys needed to complete the new Urewera titles. They said that the surveys were completed for the Hikurangi, Whakatane valley, and Maungapohatu series and the Te Whaiti, Tarapounamu, and Ruatahuna surveys were well advanced. The orders for issuing the Waikaremoana debentures had been forwarded to the Native Department, and the commissioners noted that they had visited Ruatahuna to deal with ongoing disputes concerning boundaries and to arrange for further staff to complete the surveys at that place.<sup>224</sup>

Tuhoë continued to protest to the Government about the consolidation scheme, after the Crown award had been declared and gazetted as Crown land in 1927. Leah Campbell documents some of this continuing protest in her consolidation report, and also notes that the injurious consequences of the Urewera consolidation scheme were repeatedly brought to the Crown's attention during the 1930s, when Shepherd and Galvin of the Lands and Survey Department conducted a land utilisation study in the Urewera.<sup>225</sup>

Carr forwarded the Urewera title orders to the chief judge for signing in December 1926, which completed his duties as a commissioner.<sup>226</sup> In June 1927, the Crown proclaimed its acquisitions in the Urewera as Crown land under section 14 of the Native Land Amendment Act 1914.<sup>227</sup> This area of 482,300 acres represented almost 75 percent of the original Urewera reserve and most of it later became the Urewera National Park.

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223. Carr and Knight to under-secretary, Native Department, 10 September 1924, MA1 1924/370 (cited in Campbell, pp 80–81)

224. Carr and Knight to under-secretary, Native Department, 20 May 1925, MA1 29/4/7, pt 2 (cited in Campbell, p 101)

225. See Campbell, pp 101–104

226. Ibid, p 92

227. *New Zealand Gazette*, 23 June 1927, p 211

**10.8 CONCLUSION**

*the final solution of this Urewera question.*<sup>228</sup>

The rhetoric that accompanied the passing of the Urewera Lands Act 1921–22 made it clear that the extension of Crown authority to the Urewera was seen to accompany the definition of the Crown purchases in that area; in effect, the Act augmented and completed policies pursued since the UDNRA 1896. When the Lands Bill was introduced to the House, for example, Sir G Hunter congratulated the Government on the ‘completion of negotiations which commenced in 1896 for the purchase of these lands’. It is also instructive to note the language used by the Government and commissioners, which defined Tuhoe in relation to Crown purchasing. Remaining Tuhoe owners were ‘non-sellers’, and ‘non-sellers’ were not often distinguished from ‘the opposition’ or ‘the dissenters’ against consolidation. This is a gross simplification of a situation in which many non-sellers were also sellers; while some Tuhoe may have refused to sell any interests to the Crown, and some sold all, most likely disposed of interests in some blocks while retaining others (such was the course advocated by Rua). This is a separate matter from whether an owner approved of the principle of consolidation, and separate from whether an owner approved of the implementation of the scheme in the Urewera. It is my impression, however, that this was overlooked by the Government, which seemed to equate refusal to sell interests with opposition.

Clearly to some, the UDNRA had not been about assuring local self-governance to Tuhoe but represented a means to acquire land in the reserve to the exclusion of competing interests. Others, like the Attorney-General, admitted that the new legislation was really ‘a treaty’ between Tuhoe and the Crown, which stood both to redefine their relationship, in terms of legally protected rights and obligations, and to reorganise land tenure in the Urewera reserve. In choosing to laud the Urewera Lands Act as a treaty, instead of the UDNRA (which they had never seriously supported), the Crown favoured a settlement that gave it a privileged position at consolidation but that removed any special legal protection under which Tuhoe might have sheltered. From now on, Tuhoe owners would hold ‘ordinary land’ under the jurisdiction of ‘ordinary law’.

The Urewera commissioners were the sole judges of the location and boundaries of the respective Crown and Tuhoe awards, and while they had to have some regard for Tuhoe preference of location, they none the less made the final orders which, under the Lands Act, Tuhoe could not appeal. The Act enabled the Government to exert more choice and control in the scheme at the expense of Tuhoe priorities, which the Native Land Court might not have necessarily sanctioned. It also meant that the commissioners were able to largely ignore ongoing protests against their decisions and press on with consolidation regardless.

The question has to be asked if the Crown’s consultation with Tuhoe was sufficient to ensure full Tuhoe understanding and endorsement of the radical and wide-ranging proposals with all their implications as presented to them at Ruatoki in 1921. Indeed,

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228. G Coates, 2 February 1922, NZPD, 1921–22, vol 194, p 91

subsequent protests and efforts at renegotiation of some terms would seem to suggest that this was not the case. The scheme was largely pushed through in the three-week hui at Ruatoki. It might be suggested that the choice of meeting at Ruatoki was significant given that the main centres of dissatisfaction would turn out to be at Ruatahuna, Waikaremoana, and Te Whaiti. Had all these owners had their views and terms represented at that hui? The interpretation of Tuhoe's attitude to consolidation needs to be qualified because of a lack of Tuhoe perspective on the matter. As with most of this report, the use of available Crown-generated sources has necessarily imposed limitations on the understandings we could generate from this chapter. What are the perspectives that are missing – especially on reasons for compliance with the commissioners and the repeal of the Urewera district native reserve legislation? Claimant research on just what consolidation meant for Tuhoe families would be invaluable in this respect

With the encouragement of Ngata, Tuhoe were moved to accept the Crown proposals as a general basis of settlement, 'subject to modification and variations in detail'.<sup>229</sup> The Tuhoe understanding of the events at Ruatoki is not easy to determine and the official report on the Ruatoki consolidation hui was not translated into Maori until October 1922. According to Balneavis, the Tuhoe expression for the fact that existing titles would be abolished was that they were to be 'whakamoana-ed' or put out to sea.<sup>230</sup> S Webster has offered that Tuhoe may have interpreted the proposed exchanges as a straightforward swap of less important shares in a block for those considered more important to owners:

It was probably taken for granted that hapuu areas surveyed in 1899 on a traditional basis, and legally confirmed in the 1903/07 title orders, would remain substantially unchanged. Although Mr Knight had announced that all existing titles and boundaries would be abolished, this had only implied their *replacement* by full surveys and titles, 'cutting out' (in the Native Minister's words) the Crown shares. However, it was to be the *Tuhoe* shares that were to be 'cut out', and usually with no vestige left of the traditionally-based 1903/07 hapuu boundaries. [Emphasis in original.]<sup>231</sup>

It is certainly true that Tuhoe, Ruapani, Ngati Manawa, and Ngati Whare had needed the definition of their interests as much as the Crown desired theirs severed from those of non-sellers. Years of instability caused by litigation of the Urewera titles and extended purchase of individual interests had left Tuhoe economically and politically in a very weak position. Consolidation was a chance at stability and preparation for development in the form of economic holdings and roads.

Yet the implementation of the scheme caused much dissention and sometimes became a forum for airing grievances which had not been resolved under previous Urewera commissions. Consolidation became 'highly disruptive, fomenting endless arguments over boundaries, ownership rights, individual versus communal

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229. Balneavis to Coates, 27 August 1921, MA1 29/4/7A

230. Ibid

231. Webster, p 38

consideration, factions – the major ones being the split between those cooperating with the Consolidation Scheme and those against’.<sup>232</sup>

There were arguments about compensation for those people abandoning improvements either in favour of the Crown or for other owners; there were arguments over the individual or communal ownership of resources such as fruit trees and cultivations; there were disputes over block boundaries and membership of various groups of owners. There were complaints about timber cutting on Crown-owned blocks and about surveys running through peoples’ homes and gardens. There was dissatisfaction with the valuations of land used in the scheme, especially at Waikaremoana, and the fact that the value of standing timber on blocks was not assessed. Furthermore, the location of many of Tuhoe’s sections in the Whakatane and Waimana valleys had been made on the basis of where roads, already paid for in Tuhoe land, had been laid off but these roads were never built. At Ruatoki, for example, this limited the extent of agricultural development.<sup>233</sup> Many Tuhoe appeared to object to the contribution of £20,000 (equivalent to 40,000 acres of land) for roads and it appears possible that the payment for surveys in land had not been explicitly agreed to at the August Ruatoki hui either.

From the Crown’s point of view, however, consolidation was a resounding success. It had managed to extract and locate its interests while in the process acquiring those desirable assets it had identified years earlier. Subject to areas reserved for the owners, it had acquired most of the western timber blocks as well as areas targeted for water conservation and scenery preservation purposes. In addition, it had received a generous donation for arterial roads, the construction of which had been recognised as the duty of the State. The Crown, in fact, had used consolidation to acquire land (the Waikaremoana block) which it had not managed to secure through Bowler’s purchasing operations, and had contributed to further Tuhoe land-loss by charging for surveys (and coercing the road contribution from Tuhoe).

In addition, it had finally achieved the aim of introducing the jurisdiction of the Native Land Court to the Urewera, an event many Tuhoe had actively opposed since the court’s inception. There were, however, as we have seen, those among the Tuhoe ‘opposition’ to consolidation who welcomed the idea of Native Land Court jurisdiction, presumably on the grounds that they thought the court would be fairer to them than the Urewera commissioners had been. Webster has noted that the resulting consolidated blocks for non-sellers of properly surveyed freehold titles subject to Native Land Court jurisdiction, would also facilitate future alienation of this land, even though the Crown would lose its right of pre-emption.

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232. Stokes, Milroy, and Melbourne, pp 76–77

233. Ibid, p 149



## CHAPTER 11

# CONCLUSION

The purpose of this report has been to provide, in a broad historical context, an overview history of land alienation in the Urewera district. An assessment of the chapters which comprise this report suggest that it is possible to draw sound conclusions on some matters of Crown–Tuhoe relations, yet others are offered here in an investigative and preliminary spirit. Clearly, this report has identified several substantial issues that require fuller research. The reader should remember that this report has been released as a draft and it should be taken as a tentative starting point for discussion between claimants, the Crown and the Tribunal. It is hoped that this draft will generate submissions and debate that offer alternative interpretations and narratives other than those posited in this research. In this connection, it is acknowledged that the narrative of the loss of Tuhoe’s autonomy and land has been constructed almost solely from Crown-generated official records, supplemented by the research of other historians. This reliance upon Pakeha explanation for the events outlined in this report is a limitation, most especially in providing a convincing, full interpretation of Tuhoe actions although, as stated, this will hopefully be corrected by the claimants themselves, either in response to this research or in submission to the Waitangi Tribunal directly. The weakness of this methodological bias aside, the Crown’s own record of its actions in the Urewera provides plenty of cause for concern in consideration of the quality of the relationship between Tuhoe and the Crown. This conclusion aims to canvass the main themes in this relationship and proceeds in two sections. The first addresses the thorny issues of the definition of the Tuhoe tribe and the nature of a tribal boundary, and summarises various sources to give an indication of where Tuhoe customary interests lay. It also comments on the relationship between these customary interests and the interests asserted in claims made before the Waitangi Tribunal. The second section of this conclusion more directly addresses the Crown–Tuhoe relationship, most particularly as this revolved around the related issues of autonomy and land alienation.

### **11.1 THE TUHOE ROHE**

#### **11.1.1 A short discussion on the nature of the ‘tribe’ and of tribal boundaries**

A discussion of any so-called ‘tribal’ boundary, in relation to the modern Tuhoe iwi, is a problematic exercise which requires clarification of both of the terms ‘Tuhoe iwi’

and ‘boundary’. As has been noted in the first chapter of this report, the hapu has traditionally been the predominant unit of Maori social organisation yet, especially within the context of claims to the Waitangi Tribunal, researchers, claimants, and the Crown are equally prone to discuss ownership of land or resources by the tribe or the iwi. Some conceptual problems arise for the historian, therefore, as the evolution of hapu and tribal groups, from the pre-contact era right up to (and during) the twentieth century, means that those hapu or descent groups that now constitute a modern ‘iwi’ may not necessarily have identified as part of that collective in the past. At some point, whether by inter-marriage, conquest, absorption or some close association of other means, a distinct iwi identity has emerged from what might have formerly been discrete hapu or tribal groupings.

This, of course, has implications when we discuss, in historical terms, tribal boundaries and the ‘ownership’ of land. What does it mean to say, for example, that Tuhoe had ‘interests’ in a particular locale? What was the nature of the collective interest, and are we rendering traditional forms and ideas in conceptually appropriate terms?

This report has relied mainly upon the accounts given by Elsdon Best in its attempt to describe the establishment and evolution of Tuhoe as an iwi. He says that ‘the Tuhoe tribe are Tuhoe solely because they are descendants of Tuhoe-potiki, and every member of the tribe is so descended’.<sup>1</sup> As we have seen, Tuhoe-potiki had a dual heritage from both the ancestral grouping of hapu known as Nga Potiki, and from Mataatua immigrants. The whakatauki, ‘Na Toi raua ko Potiki te whenua, na Tuhoe te mana me te rangatiratanga’, illustrates the importance of the older, original occupiers in conferring a right to the land (mana whenua), while it also suggests that Tuhoe, as descendants of the Mataatua waka, held the mana tangata or authority over the people of the district.

The lands of Nga Potiki were located in the interior Urewera, in the upper reaches of the Whakatane River, about the Ruatahuna and Ohauaterangi areas. Roughly, their lands were from Maungapohatu northward to Kaharoa, then continued westward, crossing the Whakatane River at Ngamahanga, then followed the Ika-Whenua-a-Tamatea Ranges on the west (that is, the peaks lying between the Whakatane and Rangitaiki Rivers), then to about Maungataniwha and the Waiiau River to the southwest, and the Huiarau Range to the south, then to Whakataka, Te Peke-a-Tumariu and then to Maungapohatu.<sup>2</sup> The original lands of Nga Potiki did not include the Waimana, Ruatoki, Te Whaiti, Whirinaki, Waikaremoana or Te Papuni districts.<sup>3</sup>

Surrounding these lands were the ancestral areas of tribes with descent lines distinct from those of Nga Potiki. To the north, there were the groups descended from Te Hapuoneone, Te Whakatane, Toi, and Ngai Turanga. As we have seen, the founding ancestors of some of these older tribes came to Aotearoa on the Nukutere and Rangimatoru waka, and intermarried with Te Tini o Toi peoples. Ngati Raka, Ngati

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1. Elsdon Best, *Tuhoe: The Children of the Mist*, 2 vols, Wellington, AH and AW Reed, 1972, vol 1, p 213  
 2. Ibid p 17; Te Wharehuia Milroy and Hirini Melbourne, ‘Te Rio o te Whenua’, 1995 (Wai 36 ROD, doc A4), p 14  
 3. Best, p 19

Kareke and Ngai Takiri, for example, occupied the Ruatoki, Owhakatoro/Opouriao and Waimana areas, and Ngai Te Kapo and Te Upokorehe lived nearer Ohiwa harbour. On the western edges of the Urewera district, Ngati Manawa and Ngati Whare could claim descent from Tangiharuru and Wharepakau, ancestors who migrated from the Waikato, and from Te Tini o Toi groups. At the south and east of Nga Potiki lands, around Lake Waikaremoana, were the Ngati Ruapani people who could claim descent from the Horouta waka but who also intermarried with Nga Potiki and Ngati Kahungunu tribes. Te Papuni district was peopled by a number of small tribes of an ambiguous, early origin, but some, such as Ngati Hinanga, were clearly related to Ngati Kahungunu and other East Coast people.

Chapter 1 of this report described the expansion of the Nga Potiki rohe or sphere of interest which took place due to a series of wars from the eighteenth and early nineteenth centuries. Best described an almost continual cycle of hostilities which saw the Nga Potiki people, in Best's phrasing, overrun, conquer, and occupy the areas of Ruatoki, Waimana, Papuni, Waikaremoana, and the Te Whaiti-Whirinaki districts.<sup>4</sup> As Ballara notes, this process sometimes resulted in the dispersal of the conquered groups who had occupied these areas, and the abandonment of these lands to Nga Potiki hapu but, more often, war was followed with intense intermarriage and/or the planting of Nga Potiki settlers in these conquered districts.<sup>5</sup> This process continued when Mataatua immigrants married into Nga Potiki, producing Tuhoe's eponymous ancestor, Tuhoe-Potiki. Over a number of generations then, the descendants of Tuhoe-Potiki were so intermingled with the people of the conquered districts, that they were almost held to be one and the same group.<sup>6</sup> These marriages and co-habitation naturally meant that the intensity of the hostilities between the Tuhoe and non-Tuhoe groups was mediated and eventually, apart from relatively small-scale disputes, they largely ceased. Best noted, for example, how Ngati Ruapani of Lake Waikaremoana, in describing some of their final battles with Tuhoe, would say that they conquered themselves.<sup>7</sup> None the less, as has been noted in chapter 1, intermarriage did not necessarily mean absorption, and Ballara comments that even those descent groups most heavily intermarried with Tuhoe usually remained upon the land and retained their separate and earlier iwi names.<sup>8</sup>

However, several commentators, including Best, have made the point that Tuhoe maintained a relationship of a political 'overlord' to some of these conquered groups. Presumably, while Tuhoe per se could not make a strictly ancestral claim to the outlying districts, the fact that they had conquered these groups, were sometimes called upon to protect them when they faced external threats from other hapu or iwi, that they had intermarried with them to a considerable extent over generations, and that they also occupied some of these lands, meant that powerful Tuhoe hapu

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4. Ibid

5. Angela Ballara, *Iwi: The Dynamics of Maori Tribal Organisation from c1769 to c1945*, Wellington, Victoria University Press, 1998, p 294

6. Best, p 195 (cited in Ballara, p 294)

7. See also Ballara, pp 293-294

8. Ibid, p 294

assumed a position where they expected to be consulted when actions or decisions were made that affected the lands or groups over which they asserted dominance. As we have seen, this was particularly the case in the later nineteenth century when Tuhoe hapu began to have contact with Pakeha and became acquainted with the practice of land sales and leases.

In terms of the outcomes of Tuhoe's battles of the early nineteenth century, the Tuhoe iwi historians, Hirini Melbourne and Wharehuia Milroy, have put forward the following view:

The most important consequences of the [eighteenth and nineteenth century] wars were political and economic . . . The following peace brought rewards for Tuhoe. Its political frontiers had been extended to the north and south. The southern border reached beyond the shores of Waikaremoana to Te Papuni and Ruakituri. The northern boundaries extended north of Taneatua to Te Hurepo including the sea borders of Paparoa and Kutarere [at Ohiwa]. These new territories transformed tribal resources. The possession of fertile alluvial flats of Opouriao and Waimana allowed Tuhoe to take advantage of new introduced crops such as potato and maize as well as to acquire new agricultural knowledge to increase kumara production. The desire for closer contact with Pakeha goods and trade brought many of the people from inland into Opouriao and Waimana . . . Tuhoe, after the late 1830's occupied a large territory with sharply defined frontiers. They began to consolidate their tribal identity within a single sovereign territorial state known as Te Rohe Potae o Tuhoe . . . Te Rohe Potae o Tuhoe encompassed over 50 hapu.<sup>9</sup>

Leaving aside the contestable view of 'sharply defined' boundaries for the moment, it should be stressed that care must be taken by the historian not to draw too neat a picture of corporate identity and authority, especially in the years before contact with Pakeha. Best's accounts illustrate how various hapu temporarily allied or aggregated when at war with neighbours or under attack from marauding taua, but it would be a very rare occasion that the majority of Tuhoe hapu would unite in military action. We should not view the expansion of the Tuhoe rohe in the eighteenth and nineteenth centuries, then, as a broad group policy or action but as a result of a series of localised endeavours over a long period of time. Ballara, in considering the pre-contact situation most particularly, places a stronger emphasis on the idea of hapu independence than Milroy and Melbourne have:

Despite . . . the spread by intermarriage of the iwi Tuhoe into neighbouring districts, it is clear that these surrounding peoples and the main hapu directly descended from Tuhoepotiki retained their separate identity and functioned as separate corporate units well after the mid 19th century. Tuhoe proper might be reluctant to attack other groups because of the many descendants of Tuhoe among them, but there was no question of tribal unity; the various groups making up the greater Tuhoe iwi continued to live, fight and make decisions separately.<sup>10</sup>

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9. Milroy and Melbourne, p 80

10. Ballara, p 294

Ballara further cites some interesting evidence given by a Tuhoe rangatira to the Urewera commission, where it is explained that the term ‘Tuhoe’ was not previously perceived as referring to all of the groups of the Urewera country as a whole. Tamarau Waiari (Te Makarini) explained the evolution of the usage of ‘Te Urewera’ to refer to the collectivity of descent groups who inhabited the Urewera district:

N Koura and N Muriwai formed one tribe . . . The N’ Muriwai residing on the coast were not included. This was Muriwai, Toroa’s sister . . . The name became known in Te Pikihiuia’s time. N Koura was previously applied to N Muriwai. Previous to N Koura, Tuhoe was the name of the tribe. But after Tuhoe, Te Urewera was the name of the tribe.<sup>11</sup>

So, while acknowledging the autonomous nature of the major hapu and descent groups in the Urewera district, we can also detect a gradual shift in consciousness to, or a greater emphasis on, corporate tribal identity and group interest among the Urewera peoples, evident especially during the later nineteenth century when Tuhoe had to withstand the pressures exerted by the Pakeha colonisation of Aotearoa. The idea that political responsibilities were to be upheld by the iwi began to take hold. Related to this is one of the major themes of this report, namely the tension between primary hapu rights, and those of the wider group or iwi. As we have seen, this relationship was mainly, but not exclusively, tested within the domain of land transactions, and had a much wider significance. Land interests, of varying degrees and nature, had both proprietorial and political dimensions. The right of the group – the Tuhoe iwi – in relation to land was clearly also more than can be encapsulated within the western notion of land ‘ownership’. Indeed, Tuhoe’s responses vis-à-vis the Crown would indicate that they considered their interest was more analogous to a claim of te tino rangatiratanga, but this is a theme to be expanded upon in later sections of this conclusion.

### 11.1.2 Boundaries

What then of Tuhoe’s boundaries after the expansion of the Nga Potiki rohe, and the coalescence of the Tuhoe tribe as described by Best? Before summarising the main evidence and sources as to where Tuhoe’s interests lay in the mid-nineteenth century, some reflections on the nature of the Tuhoe population and habitation should be noted in order that we might better understand the idea of a ‘tribal boundary’ itself.

While there were major pa and kainga in the Urewera, Tuhoe populations appear to have used the vast expanse of Urewera bush and forest on an intermittent and seasonal basis. The Urewera commission, investigating title to this area, described a foraging, ‘nomadic’ people whose need to exploit resources from a wide area militated against large aggregations in permanent kainga:

The occupation of the tangata-whenua would be in its nature more that of a nomad people, than that of fixed permanent homes – for it must be remembered that this was

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11. Urewera minute book 4, pp 11–12 (cited in Ballara, p 296)

before the time of the kumara and when the people lived to a large extent on the wild birds, animals (kiore) fruits and roots. Hence they were hunters rather than cultivators and their occupation in a country such as Waipotiki [an Urewera block] would be confined to the occasional exercise of their rights, in seeking the wild produce of the forest. That this was the use to which the block was put, down to the present day, is obvious from the evidence whilst, at the same time, permanent occupations (due to the possession of kumara) took place in parts.<sup>12</sup>

As we have noted in chapter 2 of this report, Tuhoe were a fairly small tribe in terms of population, numbering no more than two to three thousand people at 1840. A question might be asked then, how a relatively small number of people with a largely mobile lifestyle were able to hold or control quite a vast area of land.<sup>13</sup> It might be useful to approach this matter by attempting to discriminate between those areas where Tuhoe hapu may have had exclusive rights (through an ancestral claim, demonstrated by occupation, cultivations, waahi tapu and tupapaku on the land and so forth) and where rights may have been of a different nature (use-rights, or interests through intermarriage, and conquest, for example) and where, perhaps, these interests were contingent on the rights of other groups. In other words, when we consider the idea of a Tuhoe tribal boundary, we might also have to consider the different nature of the rights held by Tuhoe over different areas of their asserted rohe.

Further, it may not be useful to import the idea of a boundary per se into this discussion, as the concept implies that it is possible to represent iwi interests by definitive lines drawn on a map. Much of the evidence canvassed for this report suggests an altogether more complicated picture, especially in the lands south and east of Lake Waikaremoana, or the lands abutting the southern shores of Ohiwa, for example. In this vein, it might be instructive to draw the reader's attention to comments made by the Ngati Awa Tribunal in consideration of claimant submissions on the concept of whenua tautohetohe (or contested lands):

The question of where boundaries lie between contending iwi assumed such boundaries existed. The Tribunal is not entirely convinced that iwi were arranged as state-like institutions with borders of approximate definition fuzzed only by contestable zones.

It appears that in several districts, the overlaps were extensive. This district [the eastern Bay of Plenty] may not be an exception. It further appears that there are many instances of discrete tribal enclaves within larger compacts and also, of the maintenance of resource rights in local areas by distant hapu, holding such access of their own authority and not as clients of local regimes.<sup>14</sup>

Taking a cue from this insight, then, it might be more useful not to discuss boundaries per se, but dominant areas of influence. Tuhoe hapu, or those under their

12. Urewera minute book 4, pp 82–83 (cited in Tom Bennion and Anita Miles, 'Ngati Awa and Other Claims', report commissioned by the Waitangi Tribunal, September 1995 (Wai 46 and others ROD, doc 11), p 59

13. Refer, for example, that the area under claim by Tuhoe, vide Wai 36 statement of claim, and Tuhoe submissions before the Ngati Awa Tribunal as to their interests within the confiscation district.

14. (Wai 46 and Others ROD, doc 2.59), para 5.2, cited in Bennion Miles report, 1995, pp 63–4

mana, may have been able to exert varying degrees of influence over land or over people, and this would have naturally waxed and waned over time. New factors associated with contact with Pakeha would also have affected the distribution of the Tuhoe population which, in turn, might have affected their collective influence. The introduction of the kumara, followed by other introduced cultivatable foods (such as potatoes and maize), the attraction of Pakeha traders on the Bay of Plenty coast, and the establishment of a peace with Ngati Awa and other neighbours, all would have had an effect on Tuhoe numbers. It would have further affected the locations where people chose to reside or the importance they might have placed on certain areas. Possibly, the new foods encouraged some larger, more permanent kainga, and Best and others have also suggested that Tuhoe hapu moved out from the interior to occupy Waimana and adjacent areas to scrape flax for traders.

Bearing these qualifications in mind, we will now turn to broadly summarise the few scanty sources canvassed in this report that indicate either where Tuhoe were living in the mid-nineteenth century, or where they alleged their 'boundaries' lay. This report acknowledges that some important sources – namely, extensive Native Land Court minute books, and the Urewera minute books (the latter yet largely untranslated from Maori) – have not been examined by this author, and this is a serious weakness which means that the following can only be a very preliminary indication of where Tuhoe interests lay. It should also be added that the focus here will be on those so-called borderlands, where the respective interests of various hapu and iwi are most at issue, rather than the interior Urewera district, which was undoubtedly the Tuhoe heartland.

An early description of 'Urewera' boundaries consulted for this report was given by Resident Magistrate Hunter Brown in 1862:

The Urewera claim the Upper Rangitaiki, nearly the whole of the Whakatane valley, the Waikaremoana basin, and part of Kaingaroa. Starting from the confluence of the Waimana and Whakatane, their boundary runs along the wooded range bounding the Waimana Valley to its junction with a high range at the back of Poverty Bay over the Tauhou Mountain, includes Papuni and Waikare lakes, and joins the boundary of the Taupo Natives on the Kaingaroa plain. Starting again from the Whakatane river westerly, it strikes off to Waiohau on the Rangitaiki, up that river to Taoroa [Tauarau?] and out on to Kaingaroa.<sup>15</sup>

The junction of the Waimana and Whakatane Rivers, referred to above, is approximately where the coveted Puketi Pa stood, very near present-day Taneatua, and a distance from the coast. The Reverend J A Wilson's crude sketch map of the eastern Bay of Plenty coastline, sent to the CMS in July 1841, indicates that 'the Urewera' occupied inland, mountainous territory.<sup>16</sup> Early sources do not indicate that Tuhoe held interests at Ohiwa, concerned as they are with various demarcations

15. AJHR 1862, E-9, IV, p 26. Hunter Brown acknowledged that his description of Tuhoe boundaries was 'vague'.

16. Refer C J Wilson (ed), *Missionary Life and Work in New Zealand, 1833-1862: Being the Private Journal of the Late John Alexander Wilson*, Auckland, p 60

between Ngati Awa and Whakatohea. Best and others also described Tuhoe as an inland tribe, holding no seaboard.<sup>17</sup> However, this report has canvassed evidence from iwi historians and from Compensation Court minutes (refer to secs 1.8.6, 3.11.1, 3.13.1) which suggest that hapu relationships between Waimana and Ohiwa people were very complex, there being a natural physical corridor between the two areas which encouraged mobility.<sup>18</sup> There were also small communities living near the southern part of the harbour, under the mana of the chiefs Rakuraku and Hemi Kakitu, that might be identified as Tuhoe people (amongst other affiliations). Further, both Ngati Awa and Whakatohea do not contest the fact that Tuhoe had access to the bounty of Ohiwa Harbour (see sec 1.8.6). For these reasons, it might be wise to reassess the idea of Tuhoe being a completely 'inland' tribe. This perception may also have been encouraged by the imposition of the 1866 confiscation line, when those Tuhoe living in the confiscation district had to uproot and live with their relatives at Ruatoki and Waimana, inland behind the boundary. Still, the exact nature of Tuhoe's right in relation to Ohiwa needs further investigation.

Ohiwa aside, I have also noted that there is little substantive research on Tuhoe's customary interests in the eastern Bay of Plenty prior to confiscation (see secs 1.8.2–1.8.6, 3.13). There is, however, enough suggestion of Tuhoe occupation and control of areas of the Owhakatoro, Opouriao, and Te Hurepo, secured so claimants say, in Te Purewa's time, to warrant taking seriously the assertion that Tuhoe's interests in the confiscation district may have been underestimated in the past. We have seen that there is much conflicting evidence as to the relative influence of Ngati Pukeko and Tuhoe in this district, and a further focus on this relationship, in the years prior to 1866, would be useful.

Hunter Brown also refers to the Urewera tribe as claiming part of Kaingaroa, that is, land to the west of the Rangitaiki River, though this statement is possibly complicated by the fact that he refers to the 'Ngatimanawa' as a hapu of the Urewera tribe. That in itself may be an indication of how Tuhoe felt about their relationship with Ngati Manawa, but it is clear that there were also other Tuhoe hapu who, at times, lived and exercised rights on the west of the Rangitaiki, particularly in the Matahina block. From Hunter Brown's description, these hapu also possibly claimed those lands on the western side of the Rangitaiki within Kaingaroa, opposite their settlements on the eastern side (such as Te Houhi).<sup>19</sup> Tuhoe also historically claimed interests in the Putauaki, Pokohu, Matahina, and Tuararangaia blocks (though the latter lies on the eastern side of the river), and have indicated that their contemporary claims before the Waitangi Tribunal would likely encompass some Omataroa (lot 60) lands which

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17. See Best, pp 519, 555, for example. James Cowan describes Taneatua as the boundary between Tuhoe and Ngati Pukeko: Cowan, *The New Zealand Wars: A History of the Maori Campaigns and the Pioneering Period* 2 vols, Wellington, Government Printer, 1922 (reprinted Wellington, Government Printer, 1983), vol 2, p 314.

18. Milroy and Melbourne, p 64

19. Consider, for example, a letter from Te Whaiti Paora dated in 1891 regarding the sale of the Kaingaroa 1 block. He refers to land called Ngatamawahine (there is a stream of that name) within the Kaingaroa block, saying that he did not know of the sale and wants that land back. Under-secretary Lewis comments to the Native Minister that they cannot accede to the wishes of the writer, but he suggests offering Te Whaiti and his people land on conditions that would be to their advantage: Wai 212 ROD, doc C4, vol 1, p D14.



lay within the confiscation district. Ngati Haka/Patuheuheu hapu were awarded some of the Matahina and Tuararangaia lands, and it would be useful to investigate the relationship between Nga Maihi, Warahoe, Ngati Hamua, Ngati Awa, and Tuhoe, since Native Land Court records indicate a whakapapa connection between these people, as does Best (see also sec 3.11.2).

Te Makarini of 'Te Urewera', for example, claimed a portion of Matahina as belonging to the Nga Maihi of Ngati Awa, to which he said he also belonged.<sup>20</sup> He also represented the Urewera tribe in a claim for a small portion of the Putauaki block, and supported his case by noting that he had been paid money by the Crown purchase agents Davis and Mitchell for his interest. However, Te Makarini's claim was dismissed by the court for want of evidence of occupation or the exercise of other rights on the land for the preceding 200 years.<sup>21</sup> Another leader with ties to this area, who was closely connected with Tuhoe hapu, was Paora Te Whaiti, who, for example, would claim Tuararangaia for the Hamua, Warahoe, and Tuhoe groups, although in the same investigation, the court also recognised the close connections between Hamua, Warahoe, and Ngati Awa people.<sup>22</sup> Paora Te Whaiti was also the kaikorero for the Ngati Hamua claimant group in the original Matahina hearing but Mehaka Tokopounamu resumed the leadership of the Hamua, Ngati Haka, and Patuheuheu case in the rehearing of this block.

Wi Patene Tarahanga was another Tuhoe leader, of Ngati Haka–Patuheuheu hapu, who prosecuted claims to lands on the west and east of the Rangitaiki River. He received an advance from land purchase agents for interests in the Pohoku block, was likely involved in the lease and sale of Kuhawaea to a private buyer, and took the Waiohau block to the Native Land Court for title determination in 1878.<sup>23</sup> Ngati Haka and Tuhoe were also highly concerned at the competing claims to Rangitaiki valley lands from Ngati Pukeko, who were awarded sections of the Tuararangaia and Waiohau blocks, much to the chagrin of Tuhoe.

The upper Rangitaiki and Whirinaki River valleys were disputed between Tuhoe, Ngati Manawa and Ngati Whare, and other iwi groups such as Ngati Apa, before the Native Land Court. This report has hardly touched upon the competing customary rights at issue in this area, except to canvass the fraught relationship between these iwi at sections 1.6 and 7.3.2. To recap briefly, Ngati Manawa, and Ngati Whare appeared to be able to assert a strong ancestral claim to the lands in the Heruiwi and Whirinaki blocks' vicinity, but Tuhoe maintained that these groups resided there under Tuhoe mana, having been defeated and returned to the land by Tuhoe. Further, Tuhoe married into Ngati Whare and Ngati Manawa and lived on parts of these lands. Best, for example, relates how Ngati Manawa had been returned to live at Whirinaki under the mana of Tuhoe, who evidently still considered that they held that mana in 1850–02,

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20. Whakatane minute book 1, p 100 (cited in Bennion and Miles, p 225)

21. *Ibid*, p 271 (cited in Bennion and Miles, p 230)

22. Bennion and Miles, p 239

23. Nicola Bright has been commissioned by the Waitangi Tribunal to prepare a block history of Kuhawaea, which will undoubtedly shed further light on Tuhoe interests in this area and their relationship with other Rangitaiki valley iwi. Further, the present author will undertake a commission to produce a block history on the Waiohau block in 1999.

when they defended Ngati Manawa against attack from Ngati Maru on the basis that Ngati Maru, by threatening Ngati Manawa, were interfering with Tuhoe authority.<sup>24</sup> Best, however, criticised Tuhoe assertions that Ngati Whare were their ‘slaves’ as ‘exaggerated’. During the Whirinaki block hearings of 1890, the Native Land Court upheld the idea that Tuhoe had mana over the people but not the land in this district, and their claim was dismissed. This was at variance with the Tuhoe view of the situation, expressed by Te Purewa, after he was called upon to destroy Ngati Manawa and Ngati Whare by another Tuhoe chief. He stated that as Tuhoe had ‘obtained the land’, he would let the people live.<sup>25</sup>

However, Tuhoe were more successful with their claims in the Heruiwi title investigation, where they were awarded a portion of the south-east block 4 as the descendants of the ancestor Taukeke. This land was not, according to Best, strictly ancestral land (that is, from Potiki), but had been acquired after Tauheke (of Nga Potiki and Kahungunu parentage) attacked and dispersed Mahanga, son of Tangiharuru of Ngati Manawa.<sup>26</sup> In the absence of available claimant evidence or submissions on various interests and influence in this area, it is difficult to draw any firm conclusions on the question of Tuhoe’s customary tenure in the upper Rangitaiki and Whirinaki district. Further investigation of where Tuhoe, Ngati Manawa, Ngati Whare, Ngati Apa, and other iwi groups were living within the Te Whaiti, Whirinaki, Heruiwi, and Pukahunui blocks in the mid-nineteenth century would clearly be valuable.

To return to Hunter Brown’s 1862 description of Tuhoe’s rohe, he remarked upon Tuhoe’s claim to ‘the Waikaremoana basin’. Here, the evidence of Tuhoe conquest and occupation is much stronger and more detailed (see sec 1.8.7). The difficulty of assessing the competing claims of Tuhoe, Ngati Ruapani and Ngati Kahungunu, however, is complicated by various commentators’ confusion as to the status and identity of the entity known as Ngati Ruapani. This appellation is sometimes used to refer to those hapu closely related to and intermarried with Ngati Kahungunu groups of the upper Wairoa, and sometimes is used to identify those hapu likewise connected with Tuhoe. However, it appears that the Ngati Ruapani ki Waikaremoana were those people who had become established at the lake with the support of Tuhoe, with whom they had intermarried. Wiri says that this was in the time of the ancestors Tuai and Pukehore, the latter instrumental in establishing tribal boundaries between Ngati Ruapani and Ngati Kahungunu, and between Tuhoe and Ngati Ruapani on the Huiarau range.<sup>27</sup> Tuhoe did not enjoy the unconditional support of Ngati Ruapani ki Waikaremoana in their attempt to expand their sphere of influence in this district; Ngati Ruapani fought with and against both Tuhoe and Kahungunu groups in an attempt to maintain their position at the lake.

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24. Best, p 475

25. Ibid, p 461

26. Ibid, p 17

27. Robert Wiri, ‘Te Wai-Kaukau o nga Matua Tipuna: Myths, Realities, and the Determination of Mana Whenua in the Waikaremoana District’, MA thesis, University of Auckland, 1994 (Wai 36 ROD, doc A5), pp 108–109

It appears that the 1820s was a critical period in the struggle for supremacy at Lake Waikaremoana. Tuhoe and Ruapani ki Waikaremoana were embroiled in serious conflict with Ngati Hinemanuhiri, Ngati Hinanga, and other Kahungunu hapu for the control of Waikaremoana from 1823. Tuhoe and Ngati Ruapani triumphed in this conflict and Tuhoe divided the Waikaremoana and Te Papuni lands between themselves and their Ngati Ruapani relatives. Tuhoe left the chiefs Te Ngahuru, Mohi, Paora, and others at Te Arero to hold the land at Te Papuni, while they settled Ngati Hinekura, Ngai Te Riu, Ngai Tumatawhero, Ngati Rongo, Ngati Tawhaki, Tamakaimoana, and Te Urewera hapu on the western shores of the lake. Tuhoe resettled Ngati Ruapani on the eastern side of the lake, but Best also says that these Ruapani–Tuhoe people also had interests at Ruatahuna, Maungapohatu, and elsewhere.<sup>28</sup> While some of these Tuhoe only stayed at Waikaremoana for as long as it took to secure Tuhoe mana over the district, others appeared to have remained. The chief Tuiringa, for example, involved in Tuhoe's conquest of the lake district, was still living at Mokau in 1841 when Colenso visited the area.

While Best, in considering the above events, asserted that Tuhoe defeated Ngati Ruapani at Lake Waikaremoana, Wiri argues that the conquest was actually by Tuhoe–Ngati Ruapani over the Ngati Hinemanuhiri of upper Wairoa district. Through further intermarriage between Tuhoe proper and Ruapani ki Waikaremoana, Wiri says these groups became one and the same people following the conquest. He also states that while Ngati Ruapani ki Waikaremoana upheld their ancestral rights to the land, they recognised the conquest of Tuhoe as a confirmation of Tuhoe mana over the lake and surrounding land.<sup>29</sup>

Tuhoe and Ngati Ruapani followed this consolidation of their position at Waikaremoana with further raids on Kahungunu communities at Wairoa and Mohaka, and they also built a fully fortified pa at Onepoto, to secure access to the lake from the Wairoa side. After the Kahungunu chief Mohaka's raid on Ruatahuna in about 1826, which was repulsed by Tuhoe, peace was made between the two tribes and intermarriage followed. Wiri recounts how Tutakangahau of Tuhoe stated that a boundary was laid down between Tuhoe–Ruapani and Ngati Hinemanuhiri–Kahungunu at Kuhatarewa and Turi o Kahu.<sup>30</sup> Turi o Kahu is a hill that stands near Te Kuha pa, Waikaremoana, while Kuhatarewa is a hill near Tahekenui, near the Waiiau valley and about halfway between Lake Waikaremoana and Wairoa.<sup>31</sup> In 1875, however, Te Makarini would refer to the chief Te Purewa laying the boundary between Tuhoe and Kahungunu at Mangapapa (see sec 5.5.4).

Still, while it may be seen that Tuhoe and Ruapani occupied and controlled the immediate Waikaremoana district, the relative interests and patterns of occupation of Tuhoe–Ruapani and Kahungunu groups in the upper Wairoa (that is, the area that would become the Waiiau, Tukurangi, Taramarama, and Ruakituri blocks) remains unclear. The customary ownership of these blocks was never properly investigated or

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28. Best, p 510

29. Wiri, p 170

30. Ibid, pp 159–160

31. Ibid, p 160

determined by the Native Land Court, but O'Malley refers to the Native Minister as saying that Tuhoe–Ruapani were 'considerable owners' of the four blocks in question.<sup>32</sup>

Tuhoe and Ruapani did submit evidence to the court that 200 of them had lived and cultivated on the Tukurangi block prior to the New Zealand wars of the 1860s. War was nearly threatened between Tuhoe and Kahungunu when Ngati Kahungunu tried to build a redoubt on Tukurangi in 1863. In a meeting held in 1875 to discuss ownership issues in relation to these blocks, Tuhoe and Ruapani argued that they had an ancestral claim to the land as well as a claim deriving from conquest. Referring to these competing claims of conquest, Winitana of Ruapani retorted that 'Tuhoe can make that assertion [of conquest] with some truth, but not you [Kahungunu], for they have defeated us but you never have'.<sup>33</sup> As to ancestry, Te Makarini, for example, cited Pukehore as the ancestor from whom he claimed ownership in the land. Ngati Kahungunu claimed the land from an ancestral take, though they largely referred to Tapuae, and cited the Huiarau range as the boundary between Tuhoe and Kahungunu, while Tuhoe maintained that Huiarau was the boundary between themselves and Ngati Ruapani who were related to them. Kahungunu also pressed a claim to the land for the help they rendered the Government as kupapa during the New Zealand Wars.<sup>34</sup> This last factor undoubtedly strengthened Kahungunu's hand when dealing with the Crown for the blocks, but did little to support a claim of occupation prior to the wars.

In any case, the cession of this land and purchase of the four blocks by the Crown did little to either assuage boundary issues between Tuhoe, Ruapani, and Kahungunu or to shed light on the customary tenure of the blocks in the years before and immediately after the signing of the Treaty of Waitangi. From the evidence canvassed in this report, though, it might be reasonable to conclude that Tuhoe/Ruapani groups did have a strong claim as interested parties in the four blocks, but it also seems that various Kahungunu hapu occupied parts of these lands. As noted earlier in this report, these lands had long been at issue between Tuhoe, Ruapani, and Kahungunu, and all parties appeared to admit that there were contesting groups actually living on the lands. Moreover, as we have seen (at sec 5.5.4), these block boundaries were initially defined by natural features rather than any reference to tribal or hapu boundaries, as an economy measure to avoid expensive survey, so it was not perhaps surprising to find a mix of groups living on them. An independent mana whenua study of the strength and nature of competing claims to these lands would be helpful.

One of the most glaring gaps in the available record as far as Tuhoe interests are concerned, is the area to the east of what became the Urewera District Native Reserve. This author uncovered very little material on the Tahora and Oamaru blocks, and cannot therefore offer any indication of Tuhoe customary interests in this area. It was,

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32. Vincent O'Malley, 'The Crown and Ngati Ruapani: Confiscation and Land Purchase in the Wairoa–Waikaremoana Area, 1865–1875', 1994 (Wai 144 ROD, doc A3), p172

33. AJHR, 1876, G-1A, p 6 (cited in **sec 5.5.3**)

34. Though, it has to be noted that there were also upper Wairoa Kahungunu who had been involved in what was termed 'rebellion' by the Government.

however, unlikely that large parts of these blocks would have been occupied or used extensively, though it was noted in chapter four that Te Kooti fled to the upper Hangaroa and Motu Rivers, and the Koranga area frequently, while pursued by Government troops. In chapter 1, we saw that Te Whakatane, headed by Tamaikoha, appeared in the Native Land Court in 1888 to prosecute a claim for part of Tahora 2, as did the Tamakaimoana hapu (see sec 1.8.6). Binney states that the title investigation had been initiated by just two men of Whakatohea, and it was a ‘prime case of dragging elders into the Native Land Court because of the actions of a compliant or greedy minority’.<sup>35</sup> The investigation of Tahora 2 block was long and complicated and involved not only Tuhoe groups, but those of Kahungunu of the upper Wairoa (such as Ngati Hinanga), Whakatohea (Ngati Rua and Ngati Patu, for example) and Poverty Bay groups (Te Aitanga a Mahaki, Ngati Maru, Te Whanau a Kai). Te Whakatane were awarded part of Tahora 2 that bounded the Waimana valley, and in 1889, the block was subdivided for various groups of owners.

What has been described above, then, is a very broad indication of Tuhoe interests and overlaps with other iwi groups. The main purpose of such a survey was to remind the reader that, despite the focus of this report being on the investigation and fate of the lands lying within the old Urewera District Native Reserve boundaries, Tuhoe hapu held interests of varying degrees well beyond that reserve boundary.

### 11.1.3 The 1872 Urewera boundary and contemporary claims before the Waitangi Tribunal

Tuhoe claimants to the Waitangi Tribunal have certainly indicated that their rohe extended well beyond the mountainous interior Urewera district, and cite an 1872 boundary forwarded to the Government by Tuhoe chiefs. Hunter Brown’s 1862 description of ‘Urewera’ interests was vague enough that Cowan could say that the district remained a ‘blank on the map’ on the eve of that region’s invasion by colonial forces. The Tuhoe chiefs’ delineation of their ‘district’ was done with more specificity, but as we have seen, there is controversy over the nature of the boundaries forwarded to McLean (see sec 3.8.3). To recap, the boundaries sent to the Government in June 1872 were as follows:

The meeting of the Tuhoe (Urewera) has taken place at Ruatahuna on the 9th June. The first thing we decided were the boundaries of the land. My district commences at Pukenui, to Pupirake [Puhirake], to Ahirau, to Huorangi, Tokitoki, Motuotu, Toretore, Haumiaroa, Taurukotare, Taumatapatiti, Tipare Kawakawa, Te Karaka, Ohine-terakau, Kiwinui, Te Terina [Te Tiringa-o-te-kupu-a-Tamarau], Omata-roa, Te Mapara, thence following the Rangitaiki River to Otipa, Whakangutu-toroa, Tuku-toromiro, Te Hokowhitu, Te Whakamatau, Okahu, Oniwarima [Aniwaniwa], Te Houhi, Te Taupaki, Te Rautahuri [Te Rau-tawhiri], Ngahuinga, Te Arawata [Te Arawhata], Pohotea [Pokotea], Makihoi, Te Ahianatane [Te Ahi-a-nga-tane], Ngatapa, Te Haraungamo, Kahotea, Tukurangi, Te Koarere [Te Koareare], Te Ahu-o-te-Atua, Arewa [Anewa?],

35. Judith Binney, *Redemption Songs: A Life of Te Kooti Arikirangi Te Turuki*, Auckland University Press and Bridget Williams Books, Auckland, 1995, p 395

Ruakituri, Puketoromiro, Mokomirarangi [Mokonui-a-rangi], Maungatapere, Oterangi-pu, and on to Puke-nui-o-raho, where this ends.<sup>36</sup>

Accurately identifying these old boundary markers is clearly a problem for the modern historian, and Tuhoe claimants have mapped only a part of this asserted boundary (where it lies in relation to the confiscation district) (see fig 8). Tuhoe claimants have indicated that they consider this boundary description to be an expression of traditional Tuhoe interests and that they will be relying upon this boundary in relevant submissions before the Waitangi Tribunal. It is understood that the claimants are currently in the process of identifying and mapping the remaining boundary markers, which should be a very useful reference for both the Tribunal and the Crown. However, it can be seen from figure 8 that the area described by Tuhoe encompasses the whole of Ohiwa Harbour as well as a sizeable portion of the coastline on either side of it. Excluding the area of Ohiwa Harbour and its islands, DOSLI estimated the area claimed by Tuhoe within the confiscation district as 117,380 acres. This report has commented that it would be very difficult for Tuhoe to claim this area within the confiscation district as exclusively theirs, and has observed the criticisms of other claimants who assert that the boundary was not an expression of a Tuhoe tribal rohe but represented wider Mataatua interests. This is a possibility, given that Tuhoe were apparently engaged in a campaign to get the Mataatua tribes to unite in what Brabant described as ‘a sort of land league’. But the 1872 letter from the Tuhoe chiefs refers to ‘my district’, and the boundaries of the land being ‘decided upon’. Tuhoe apparently did have some Whakatohea support for ‘joining [their] land’ with Tuhoe’s, but had been rejected by Ngati Awa, Ngati Pukeko, and Rangitihī; further, the letter to the Government, published in the AJHR, is only signed by Tuhoe chiefs. It seems unlikely, then, that they would send in notification of a Mataatua union boundary, when they had failed to get widespread support for the scheme and, as Brabant noted, could not even agree on it themselves.<sup>37</sup>

More evidence for the proposition that Tuhoe had sent the Government the boundaries of what they considered to be their rohe, is found in Brabant’s report on the March 1874 hui of Te Whitu Tekau in Ruatahuna. He referred to ‘the Urewera boundary, made by themselves in 1872’.<sup>38</sup> Tamaikoha addressed the assembled hui and said, defending Tuhoe’s 1872 boundary within the context of tribal disputes about relative interests in the 1866 confiscation district, that ‘It is not all mine; it belongs to several tribes, but it is for me to look after it’.<sup>39</sup> Tamaikoha might have been acknowledging that several Urewera groups, including his own Te Whakatane people, and those closely related to them, some Upokorehe and Whakatohea people for example, would also have had interests within Tuhoe’s asserted territories. He had, however, defended the land during the latter wars, and made peace over it, and evidently felt that he had the mana to deal with the land on behalf of other interested groups. In response to criticisms from other tribal chiefs that ‘the confiscated block’

36. Te Whenuanui and other to the Government, 9 June 1872, AJHR 1872, F8(a), p 29

37. AJHR, 1874, G-1A, p 3

38. Ibid, p 4

39. Ibid

did not belong to 'the Urewera', Tamaikoha said that he did not accept this: 'It did belong to me. The Whitu Tekau didn't give it up. Our chiefs lost it'. Other Tuhoe insisted that they had indeed had land confiscated by the Crown. Te Ahikaiata, secretary of Te Whitu Tekau, told the hui that his boundaries were Pukenuiora, Ohirau Tokitoki, Motuotu, Toretore, and then to Putauaki. Brabant noted that the first and last of these named places were on the confiscation line itself. Te Ahikaiata called this land his papa tipu.

There is also another point to consider in reflection upon the 1872 boundary, and that is its relation to Donald McLean's promise to Tuhoe in 1871 that they should regulate their affairs within their own boundaries (see sec 4.9). Tuhoe may have sent this boundary as a notification to the Government as to that area in which they expected to exercise their authority. This may have been behind Tu Taituha's comment (regarding Tuhoe's 1872 hui that decided the land boundaries), when he reportedly said 'I am clear about the plans arranged by Tuhoe, as I have spoken before Mr McLean's face at Napier about that law setting forth the boundaries of the land'.<sup>40</sup>

So, it seems likely that Tuhoe had sent in notification of the areas they considered their tribal boundaries to the Government in 1872, but the record suggests that they would have been well aware of challenges to these boundaries from Piahana Tiwai of Whakatohea, Arama Karaka of Rangitihi, and also Rangitukehu and others in relation to confiscated territories, for example. The sources consulted for this report are mainly concerned with the Tuhoe defence of this boundary in relation to the eastern Bay of Plenty confiscation district but their asserted 1872 boundary presumably encompassed all those lands in which they claimed an interest. As we have seen, for example, Tuhoe were also, at this time, embroiled in a dispute with Ngati Kahungunu groups as to the ownership of lands south and east of Waikaremoana.

In the light of this conclusion's previous observations on the nature of tribal 'boundaries', and on the particularities of inter-tribal relationships and overlapping interests in the Urewera and surrounding districts, it was perhaps only to be expected that Tuhoe could not claim an exclusive interest in all of the areas within the boundary 'decided upon' in 1872. Other tribal groups would have occupied areas within the given boundaries, and the degree of Tuhoe influence would not have been uniform or constant over the entire territory or over all of the people living on the land. Parts of a so-called boundary between iwi could be well defined while other parts of a boundary were less clear. In 1862, Resident Magistrate H T Clarke commented on land disputes in the Bay of Plenty and how the Government wanted to encourage the determination of 'definite' iwi boundaries:

These land disputes are the most difficult questions to settle; the final adjustment of them would be an incalculable boon to the country. If the Natives could be induced to give up all their lands into the hands of a Runanga composed of English Magistrates and independent chiefs, to be by them enquired into and definite boundaries decided upon,

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40. Henare Kepa Te Ahuru and others to Native Minister, Kohimarama, 9 June 1872, AJHR 1872, F-3A, encl 32, p 29

much would be done towards settling the country. But so wary are the Natives, that the question of inter-tribal boundary is seldom raised unless it is to annoy their neighbours. In fact it is looked upon in this district as almost equivalent to a declaration of war. In nineteen cases out of twenty it will be found that the tribal boundaries are disputed, and in the cases of hapu and individuals it will be found the same.<sup>41</sup>

Tuhoe may have felt that they were in a position where they had to define their territorial limits to the Government following their meeting with McLean. Given the European predilection for defining lines on a map to denote exclusive interests and territorial demarcation, joining Tuhoe's boundary markers by lines on a map might have transmuted these markers into the Tuhoe 'ring boundary', as it became known.<sup>42</sup> As we have seen, however, having induced Tuhoe to submit 'definite boundaries' did not mean the Government would acknowledge or respect them.

In conclusion, it might be said that, in the past, Tuhoe have laboured to correct the oft-held misconception that they were a solely inland iwi, who inhabited a mountainous terrain with no access to the sea. This impression, while perhaps accurate enough for some Tuhoe hapu, did not recognise the rights and interests held by other Tuhoe hapu outside of the mountain enclosure. In this connection, we have described Tuhoe's expansion in the eighteenth and nineteenth centuries and their consequent access to new lands and resources. It is important, in view of Tuhoe claims (of a whanau, hapu, and iwi nature) before the Waitangi Tribunal, to realise that Tuhoe's customary interests were not coterminous with the boundaries of the old Urewera district native reserve boundary, but extended beyond this, possibly in all directions. To focus solely on the alienation of the reserve lands ignores these varying interests, even though they may not have been as strong, exclusive or uncontested as those rights in the interior Urewera.

The misconception of Tuhoe interests referred to has been, at least partly, advanced by the actions of the Crown and the Native Land Court. The imposition of the Bay of Plenty confiscation, for example, forced the relocation of Tuhoe communities back beyond the confiscation line, and the title determinations of the Native Land Court recognised only limited forms of traditional land tenure and relationships. The court's actions helped define the parameters of the Urewera district native reserve in both a literal geographic and an ideological sense; the inexorable chipping away at the perimeter of the Urewera defined that district in a de facto manner, and Tuhoe's lack of success in that forum and the costs associated with taking land to the court meant that they became determined to keep the court, and other manifestations of Crown authority, out of their heartland.

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41. 'Further Papers Relative to Governor George Grey's Plan of Native Government: Reports of Officers, Section IV, Bay of Plenty, Report from H T Clarke, Esq, RM', AJHR, 1862, E-9, sec IV, no 3, p 8 (RDB, vol 15, p 5635)

42. This idea needs to be tested against the completed mapping of the 1872 boundary markers because, as mentioned, this has been only partially completed and submitted to the Tribunal.



## 11.2 TUHOE'S RELATIONSHIP WITH THE CROWN

Discussion of tribal boundaries, interests, and influence focuses attention on inter-tribal relationships, their alliances and disputes, but claimants before the Waitangi Tribunal are compelled to highlight their relationship with the Crown. Whatever the particulars of the various Urewera district claims, a coherent story of how Tuhoe struggled to maintain a real authority over their land and people in the face of Crown challenges to the limits of their collective power, is the thread which underpins the individualities of the claims. The question must be posed: how did Tuhoe conceive of themselves, as a political entity, and how did they view European colonisers who proclaimed the Queen's sovereignty over the whole country? As we noted above, the interface of Tuhoe relations with the Crown and with settlers took place at the level of the hapu as well as the iwi. Identifying main hapu groups and their leaders has been important in trying to define the power axes in the Urewera's political landscape, and it gives depth and, hopefully, continuity in describing how various powerful and independent hapu mediated their relationship with the tribe. This conclusion also has to examine whatever opportunities were taken by the Crown to forge a peaceful co-existence with Tuhoe on mutually acceptable terms.

An exploration of these themes in the Urewera district report has made for a rich story. There are specific elements – including the nature of the Urewera geography, the relatively late encounter with Pakeha settlers, the influence of prophets and movements such as Pai Marire, Te Kooti, and Rua Kenana, special legislation, and so on – that characterise the history of this region as particularly compelling and individual. The aim of the rest of this conclusion is simply, in broad strokes, to survey the main themes outlined above, and to assess the nature and quality of Tuhoe's relationship with the Crown. The Waitangi Tribunal, when it comes to examine this relationship, will of course use the Treaty as its lens for doing so.

### 11.2.1 The Treaty of Waitangi and kawanatanga in Urewera, 1840–66

This relationship is not too easy to determine with respect to the first half of the nineteenth century because there are, as we have previously noted, regrettably few accounts of early Tuhoe–European contact. The limited cultural and economic exchange between Tuhoe and Europeans would have been mediated by the physical distance between them and by other iwi groups in closer contact with Pakeha tauwiwi. The Urewera was very much a 'native district', but Tuhoe appeared keen to engage with the emerging economic opportunities presented by settler demand. Tuhoe did not develop a relationship of direct economic inter-dependence with Pakeha that other tribes achieved through the exchange of land, resources, and labour and, as a result, the degree of cultural exchange between Tuhoe and Europeans also appears to have been limited (see secs 2.2–2.3).

A frustrating gap in the research record is any indication of Tuhoe opinion of the Treaty of Waitangi, which they did not sign. Prior to the 1850s, it is unlikely that Tuhoe would have given anything but very little consideration of the Treaty; their isolation

meant that they were insulated from some of the pressures of Pakeha encroachment and their leaders and hapu were largely unknown to the Government. Belich has noted the correlation between the distribution of European settlers and Treaty signatories, suggesting that the motivation for signing the Treaty, at least on the part of some chiefs, was to get British help in policing the Maori–Pakeha interface. In this regard, it can be seen that Tuhoe would have had very little motivation to sign, but then, we cannot even be certain as to whether Tuhoe had the opportunity to do so. It certainly does not seem as if any of the delegated agents of the Treaty took it to the Urewera heartland. We can speculate, however, that Tuhoe would have been aware of some of the political implications of the Treaty and the imposition of the machinery of government in the Bay of Plenty, as this news would have been transmitted by Maori visitors and by missionaries in the Urewera. On the ground, however, life must have continued as if the Treaty did not exist, and Tuhoe’s assumption that they retained tino rangatiratanga over their lands and people was reinforced by the fact that there was very little land sold in the immediate vicinity of the Urewera in this period, and also because Tuhoe did not host many (or any?) official visitors in their rohe during the 1850s. Custom law prevailed, here as in the remainder of the eastern Bay of Plenty (see secs 2.4–2.5).

It can be seen, though, that Tuhoe observed the encroachment of European settlement in other parts of the country with increasing concern in the late 1850s. This was a time when Tuhoe were but one of many major iwi in the North Island who experienced growing feelings of political interest that cut across traditional ties and purely parochial concerns. Several Tuhoe rangatira pledged their allegiance to the Maori King at Pukawa, Taupo, in 1857. Maungapohatu was committed as a symbol of Tuhoe support for King Potatau in the following year.

The Attorney-General was well aware of the caution and ambivalence with which many Bay of Plenty Maori viewed the Government, when he described them as ‘hanging between submission to the Queen’s authority and adherence to the King movement’.<sup>43</sup> Sewell believed that it was imperative to secure Maori allegiance to the Government. He saw Governor Grey’s ‘new institutions’ as one of the means by which this could be achieved. The provision of State infrastructure to Maori communities, the establishment of official runanga, and the payment of salaries to Maori assessors, wardens, and messengers would, it was hoped, encourage leading tribal men to persuade their hapu to accept Grey’s scheme and, implicitly, Government authority (see sec 2.4).

Resident Magistrate Hunter Brown embarked upon a journey to the Urewera district to meet with tribal leaders and to explain Grey’s policy in 1862. The record of this encounter is important because it is the only one uncovered in the course of this research that sheds any light on Crown attempts to discuss Government law and institutions with Tuhoe, or that surveys Tuhoe political opinion in the period prior to hostilities in the eastern Bay of Plenty. Assessing Hunter Brown’s account of his meetings, it can be seen that consideration of the ‘new institutions’ policy seemed to

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43. Attorney-General to T H Smith, 14 December 1861, AJHR, 1862, E-9, sec IV, p 3

generate deep fears within Tuhoe about losing control of their lands and their authority. Recognition of the authority of the Crown was implicit in the acceptance of the scheme and carried with it exposure to the dangers that Tuhoe observed afflicting other tribes in Aotearoa. They had had ample time to digest reports of large-scale land selling and the encroachment of Maori rights and custom law with the onset of concentrated Pakeha settlement. One Tuhoe was moved to say to Hunter Brown that:

You urge these things on us that we may come under the Queen! Then away goes our land, and we become slaves to the Queen! The Queen comes coaxing (whakapatipati) us with money that she may get the 'mana' of the land.<sup>44</sup>

Tuhoe complained to Hunter Brown of the inhospitality shown by Pakeha to Maori, and cited Grey's prohibition on gunpowder, the prices paid by Pakeha in the old days for Maori land, trade issues and the recent war in Taranaki as reasons for their displeasure with the Government. There was not, however, the Resident Magistrate observed, unilateral support for the Kingitanga among Tuhoe. Various Tuhoe hapu and their leaders evidently came to their own conclusions and decisions on these important issues, which was underlined in Hunter Brown's summary of Tuhoe opinion on Grey's runanga proposal. While some Tuhoe were clearly determined to adopt a 'neutral' stance and wait before they 'came over' to the Queen, others gave Hunter Brown a cautious but qualified assent. It was conditional, they made clear, on Tuhoe maintaining a real authority in the process and they declared that they would 'drop' the scheme at the first sign of treachery. Hunter Brown offered that:

Herein are seen the strength of the [Tuhoe] opposition to us, and of their adherence to the [Maori] King; fear for their land, fear for their nationality, fear Alest they should be made slaves to the Queen'.<sup>45</sup>

While it was not made explicitly clear what Tuhoe 'nationality' consisted of at this point, it was instructive none the less that Hunter Brown should have made mention of it. Any fledgling political links that could have been forged between Tuhoe and the Government at this time were rendered impossible when the war moved to the Waikato in 1863. Ballara says that the resultant great hui held in Ruatahuna to consider Tuhoe military support for the Kingitanga, was a precedent even while it could produce no common policy, because it signified a compromise to the 'pattern of hapu independence' which she argues had hitherto characterised the Urewera communities.<sup>46</sup>

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44. Report from C Hunter Brown', AJHR, 1862, E-9, p 28

45. Ibid, p 28

46. Ballara, p 295

### 11.2.2 The New Zealand Wars and the confiscation of Tuhoe land in the Bay of Plenty

Some Tuhoe leaders could see their interests tied to the fate of other iwi as war spread in the North Island. Piripi Te Heuheu declared that he would go to Waikato ‘to show sympathy for the island in trouble’.<sup>47</sup> His point of view was supported by hapu from Te Whaiti and Ruatahuna, who could also point to commitments made to the Kingitanga, and old Tuhoe links with the Waikato people, as reasons why they would join the campaign. Although there was a united condemnation of the Government invasion of Waikato, other Tuhoe hapu, notably of Ruatoki and Te Waimana, opted to remain at home.

Tuhoe assisted Ngati Maniapoto in the Lower Waikato in the latter part of 1863, and Cowan says that some Tuhoe also supported Te Tai Rawhiti King supporters when they tried to cross loyalist Te Arawa territory in February 1864. A larger Tuhoe corps helped garrison Mangaoukatea and Paterangi, and fought at Hairini and Orakau, in the Waikato in 1864. The involvement of some Tuhoe in this last engagement has become legendary, but at the time it helped confirm the Tuhoe tribe, as a whole, as notorious rebels in the eyes of the Crown. Yet Tuhoe, as non-signatories to the Treaty, had had very little contact with the Government prior to the wars, and it does not appear that they had ever given an explicit acknowledgement or endorsement of the Crown’s sovereign right in the first instance. Can it fairly be said, then, that the Government was justified in seeing Tuhoe as ‘rebels’ when it had made very little effort to negotiate a political understanding with Tuhoe hapu? The reality was that the Government would not sanction the existence of autonomous tribal political structures that Tuhoe, and others, were willing to defend (see secs 3.1–3.2).

This report has canvassed examples of Tuhoe support for the Kingitanga and described the enthusiasm with which many Tuhoe embraced Pai Marire, both suggesting a nascent Tuhoe awareness of political concerns at a supra tribal, national level. A ‘cornerstone’ of Pai Marire politics was the right to defend territorial interests.<sup>48</sup> It has to be questioned, however, whether Tuhoe fully appreciated the consequences that their support of the Pai Marire would bring upon them, given the regard in which Pakeha held the ‘Hauhau religion’. To the Government and the settler populace, to be a ‘Hauhau’ was to be both a ‘rebel’ and a dangerously fanatical one (see sec 3.3).

The killing of Volkner and Fulloon in 1865 triggered the invasion of the Opotiki district by the Crown. While there is little direct evidence of Tuhoe involvement in the killing of either man, the Pai Marire party led by Kereopa, held responsible for the deaths by the Government, fled to the Urewera district where they were apparently well received. A few days before the invasion, the Governor issued a peace proclamation and declared martial law over the Opotiki district. The general pardon for previous war activities, and the fact that Government forces would target the

47. Best, p 567

48. Lyndsay Head, ‘Te Ua Haumene’, *The People of Many Peaks: The Maori Biographies from the Dictionary of New Zealand Biography*, vol 1, 1769–1869, Wellington, Bridget Williams Books and Department of Internal Affairs, 1991, p 284

concealers of the Pai Marire party, meant that there was difficulty in distinguishing between previous and present 'rebel' and 'loyal' Maori in the events which followed. Further, as Melbourne has noted, given the state of communications in the eastern Bay of Plenty, it was most unlikely that Tuhoe would have heard of either of these proclamations before Government forces landed on 8 September 1865. This would have given Pai Marire supporters and the general population very little time in which to consider the Governor's ultimatum. His terms had included a warning that a breach of the new peace would earn a serious punishment and that those tribes who concealed the killers would have their lands seized for military settlement and as compensation for the widows of Volkner and Fulloon.

Section 3.6.2 of this report outlines the Government forces' expeditions at Opotiki and Te Teko in September and October 1865, and a description of the military incursions into Tuhoe territory prior to confiscation is provided at section 3.7. Ostensibly a policing action to arrest named individuals, the troops' invasion was frequently indiscriminate in its punishments, taking the opportunity to penalise so-called 'rebellious' tribes. Neither the declaration of confiscation, in January 1866, nor the commencement of Compensation Court hearings in March 1867 curtailed the expeditionary raids in the Waimana and Waioeka valleys. Cowan refers to numerous such raids in this period. We have also seen that some Tuhoe were undoubtedly involved in military responses to these incursions, but that their resistance was somewhat 'piecemeal' and uncoordinated. The chiefs Rakuraku and Tamaikoha represented different Tuhoe strategies to the invasions of the Opotiki and Waimana districts. Tamaikoha favoured the use of terror and direct military response in defence of the confiscated territories while Rakuraku played an ambiguous, calculated game with the officers who employed him and his scouts. There were attempts by Tuhoe to act collectively to defend themselves and their lands, but it was very difficult to coordinate the actions of some very independent hapu and their leaders. None the less, correspondence from February 1867, refers to a 'Runanga of all Tuhoe' having been established. Ballara comments that:

The setting up of the runanga was not a product of Pai Marire, but like other runanga in other areas was an effort by the chiefs collectively to unify themselves and their people, and to undermine the exercise of autocratic authority by single chiefs against the wishes of the nascent tribe.<sup>49</sup>

The first part of this conclusion has already canvassed the assertion of Tuhoe historians that the extent of land confiscated from Tuhoe was more than has generally been appreciated. The confiscation of Bay of Plenty land in which Tuhoe held interests is discussed in chapter 3. Charles Heaphy originally estimated that Tuhoe lost 57,344 acres but this was later readjusted, on an unknown basis, to just 14,731 acres. Tuhoe claimants to the Waitangi Tribunal have suggested that their interests within the confiscation district amounted to as much as 124,300 acres, but this report has argued that Tuhoe would not have had an exclusive claim to all of that land. Tuhoe

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49. Ballara, p 296

historians have also argued that it was not just the amount of land taken from Tuhoe that was significant but the quality of that land, as the 'best of Tuhoe arable lands'. The economic impact of the confiscation on Tuhoe, then, was not solely reflected in the amount of land taken. The relative value of lands, of interests in those lands, and the relative impact of confiscation, will need to be considered carefully by the Tribunal.

There is also justification for the view that Tuhoe were sidelined in the process of compensation. Grey promised to return 'considerable quantities' of confiscated land but warned Maori in the peace proclamation that those tribes who did not 'come in at once to claim the benefit of this arrangement must expect to be excluded'. The fact that Tuhoe had not 'come in' to take an oath of allegiance, and ongoing participation by some Tuhoe hapu in guerrilla activities, meant that they were largely ignored in arrangements concerning the confiscated lands. J A Wilson's out-of-court arrangements excluded provision for the Tuhoe iwi, and the only discussions with Tuhoe were held in a de-facto manner while making provision for the Upokorehe hapu at Ohiwa. The evidence cited in chapter 3 has also established that Tuhoe's volatile relationship with the Government prejudiced their standing in the Compensation Court. Tuhoe claims for Opouriao and Ohiwa lands were made by the chiefs Rakuraku, Akuhata Te Hiko, and Te Makarini, and all claims were dismissed amid a hostile atmosphere in which some Tuhoe continued their guerrilla raids as the court sat.

### 11.2.3 The 'pacification' of Tuhoe, 1868–72

The dismissal of Tuhoe claims in the Compensation Court left that tribe divided over what action to take to regain their confiscated land. Melbourne has said that the forced removal of Tuhoe chiefs from their homes on the confiscated lands, and their subsequent detainment in Whakatane in September 1867, signalled the end of any Tuhoe cooperation with Government authorities. This did not, mean, however, either a wholesale commitment to war with the Government or that there was an easily defined course of action open to Tuhoe. A hui held in January 1868 in Ruatahuna failed to agree upon a strategy that the whole tribe would adopt. Tamaikoha continued his raids, which were successful in retarding the Pakeha settlement of the confiscated lands for some time, but this action had not notably induced the Government to acknowledge Tuhoe authority over its confiscated territory. Other leaders, such as Te Whenuanui, counselled neutrality and a defensive position (see secs 4.1–4.3).

In late 1868, however, the focus of Tuhoe resistance against the Government changed dramatically, with the escape of Te Kooti from imprisonment and his flight to the sanctuary of the Urewera. In March 1869, at Tawhana, many Tuhoe chiefs, including Te Whenuanui and Paerau, committed themselves and their land to Te Kooti, who urged Tuhoe to be one people. Tamaikoha, none the less, was not a supporter of Te Kooti. Binney says that:

He had allied with some (but not all) of Tuhoe, whose cause was the rights of Maori in their own tribal lands. They saw themselves as the oppressed because of their recent experiences. They were not simply men living in the past: they had specific and legitimate grievances. Te Kooti offered a new order, and it seemed that he might achieve it. This new order rejected the Maori kingship as a failed experiment, already being eroded by whispering words from the government. This judgement was harsh, but it recognised that the King would no longer fight. Te Kooti instead sought to direct people through his vision, based in the covenant promises given to the Chosen of God. He also warned them of the consequences of faltering in the pursuit of this vision: their own destruction. It was a fearsome vision to which many Tuhoe were drawn.<sup>50</sup>

Te Kooti offered Tuhoe moral support and spiritual leadership at a time when they could not rely on assistance from Waikato, and held out the hope of restitution of confiscated lands. Tuhoe, however, would pay dearly for their support of the man seen as the primary enemy of the Government and settler population. In their hunt for the fugitive, the Government conducted a ruthless scorched-earth campaign in the Urewera in an effort to destroy the support network that sustained Te Kooti and his party. This meant that Tuhoe homes, livestock, stores, and crops were destroyed, permanently weakening the tribe. They later described how their numbers had dwindled through attack, deprivation, and starvation (see secs 4.4–4.8).

Inevitably, Tuhoe hapu succumbed to intense pressure to surrender and make peace. We have seen that this, too, was done on a hapu basis, with Tamaikoha concluding peace with Te Kepa in March 1870. This peace was intended by Te Kepa to have extended to the whole Urewera, but the Government kept up its assaults in the Urewera, as it was clear that Te Kooti received covert assistance from what the Government called the civilian population. In May 1870, Hapurona led Ngati Whare to surrender at Galatea, and Te Patuheuheu came in shortly thereafter to be settled under the eyes of loyalist chiefs on the Bay of Plenty coast. In December 1870, Te Whenuanui, Paerau, Tutakangahau, Te Makarini, and others formally made peace with the Superintendent of Hawke's Bay, J D Ormond, in Napier.

There were still, however, those Tuhoe hapu and chiefs who defiantly refused to submit to the Government, and throughout 1871 Government military expeditions had the object of pacifying the Ngati Huri (Tamakaimoana) and Ngati Rongo people who were the epicentre of Tuhoe resistance, under their leaders Kereru Te Pukenui and Te Purewa. Te Makarini wrote to the Government bitterly complaining of Major Ropata burning Tuhoe homes, destroying their cultivations and killing people. Te Purewa protested the same actions, declaring that the authority within Maungapohatu was his:

He would have nothing to do with Ruatahuna: let Te Whenuanui and Paerau manage their people, and Tamaikoha his. Theirs was not the authority in Maungapohatu: the management of each hapu was its own.<sup>51</sup>

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50. Binney, p 155

51. Te Purewa to Ormond, not dated {November 1871}, AGG-HB 2/1, NA (cited in Binney, p 266)

Te Purewa's statement underlined the independence of each of the Tuhoe chiefs, and the separate mana they held over land and people. It was this status that the chiefs wished McLean to respect and acknowledge, if he was to receive any assistance from them. The attack on Ngati Huri culminated in the occupation of Ruatahuna and Maungapohatu in October 1871. Tuhoe sent a delegation to meet personally with McLean in 1871, where the capitulation of Tuhoe, and of Ngati Huri in particular, was negotiated. The terms of this agreement, as reported by Binney, were extremely important for Tuhoe because McLean agreed to a regional autonomy for the Urewera, and to recognise each chief as having the authority within his own district on condition that Te Kooti was given up to the law.<sup>52</sup> Tuhoe chiefs evidently felt that this compact they had made with McLean was a significant concession from the Government, because it recognised their chiefly autonomy and mana over their land. Having this protection, Tuhoe evidently felt that they kept their side of the bargain with McLean, by their participation in an unsuccessful search for Te Kooti before he escaped to the King Country in May 1872 (see sec 4.9).

It is a pity that a fuller account of the meeting between McLean and Tuhoe was not uncovered during the course of this research, for it may have been better able to clarify the nature of the promises made by McLean. He had presumably made an undertaking to Tuhoe because the Government was tired of the confiscations, the expensive military campaign in the Urewera, which could not be indefinitely occupied and held, and because Tuhoe land was not immediately required for settlement purposes. He personally gave assurances that the authority of the Tuhoe chiefs in their own districts would be recognised, bargaining that the implications of encouraging Tuhoe independence could be satisfactorily dealt with later on, after pacification was secured.

#### **11.2.4 The establishment of Te Whitu Tekau, 1872**

Tuhoe, on the other hand, took the 1871 compact with McLean very seriously and Binney says that they saw it as 'underpinning' their political union, Te Whitu Tekau, which was formed the following year.<sup>53</sup> Now that the war was at an end, the matter of where Tuhoe boundaries lay became a pressing matter between Tuhoe and the Government. In June 1872, Tuhoe chiefs wrote to Ormond and McLean telling them that Tuhoe boundaries had been joined as one and that a council of 70 chiefs had been appointed to protect the tribal estate. Te Whitu Tekau would be responsible for keeping out obvious manifestations of Government authority within the Tuhoe rohe; roads, leasing, selling land, and the Native Land Court were rejected, and access to their country was denied without their explicit consent. It is not at all clear, however, whether McLean indicated to Tuhoe that he accepted the defined boundary, either in 1871 or subsequently. Research for this report has uncovered no official Government

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52. Binney, p 266; Binney, 'Te Mana Tuatoru: the Rohe Potae of Tuhoe', *New Zealand Journal of History*, vol 31, no 1, April 1997, p 117

53. Binney, 'Te Mana Tuatoru', p 118



response to, or official recognition of, Tuhoe's establishment of Te Whitu Tekau or the boundaries sent by the tribe to the Government in 1872 (see sec 5.2).

As we have seen, not all Tuhoe hapu were willing to place their land under the mantle of Te Whitu Tekau for protection, and while Brabant reported an almost unanimous wish to keep magistrates, roads, and other Government measures out of their boundaries, the unanimity of Te Whitu Tekau foundered over the issue of the confiscated lands, and land leasing. Te Whitu Tekau's other initiative – to join with Mataatua tribes in a sort of land league – also stalled, as Tuhoe could not agree amongst themselves on the matter (see sec 5.1).

An altogether more pressing matter, however, was the question of land management, and Te Whitu Tekau struggled to arrive at a consensus on the issue that all Tuhoe hapu would agree to endorse. Tuhoe had to define a position in relation to the Native Land Court, and also to the issues of survey, and land sale and leasing which invariably accompanied the court's activities. Te Whitu Tekau was charged by the tribe with the responsibility of preventing individuals from applying for a survey and investigation of title, or any other actions which might lead to the alienation of resources within the newly defined boundary. However, it became clear that the boundaries Tuhoe considered their own, under their own mana, were contested by other hapu and iwi on the borders of the Urewera district, as well as by some of Tuhoe's own hapu. Within Tuhoe there existed a tense dynamic between the interests of the tribe, as advocated by Te Whitu Tekau, and the authority that hapu and their leaders had traditionally exercised over their own land and people. For the time being, Tuhoe were largely able to preserve the political cohesion of the tribe but their tribal authority and mana was to come under increasing challenge in the 1870s and 1880s through contact with land-selling tribes on the perimeter of their rohe.

### **11.2.5 Tuhoe and the Native Land Court**

Tuhoe's first real engagements with the Native Land Court and with Crown purchase agents came in the period 1867 to 1875. We have seen that Tuhoe's boundary, resolutely defined in 1872, came to be redefined in a de facto manner by the encroachment of the Native Land Court, Maori vendors, and Crown and private purchasing agents. This began a process which would see the Urewera district gradually encircled by the confiscation line to the north, Lake Waikaremoana and confiscated and purchased land to the south-east, and the land leasing and selling tribes, notably Ngati Manawa, Ngati Whare, Patuheuheu, and Ngati Pukeko, to the west. While Tuhoe might have expected some resistance to their sphere of influence from Ngati Manawa or Ngati Pukeko, the reluctance of Tuhoe's own hapu to abide by tribal opinion was more directly threatening to the principle of tribal authority, which Te Whitu Tekau was trying to uphold. When Brabant visited Te Whitu Tekau in Ruatahuna in 1874, he witnessed Wi Patene of Patuheuheu challenge Te Whitu Tekau to 'take' control of a lease from his hands, and it appears they could not. Most of the so-called 'interior' hapu appeared to support Te Whitu Tekau but we have seen that these people were not faced with the same degree of pressure from would-be lessees

and competing iwi claims, as those people on the edges of the Urewera district (see sec 5.4).

The Government proceeded to buy and lease from tribes who disputed Tuhoe's right over their land and by doing so, the Government drove a wedge between Tuhoe and these hapu who wanted to extricate themselves from the control that Tuhoe might once have been able to exert over them. In this regard, for example, we have seen how Ngati Manawa were able to lease and sell land to the Crown, and we have noted that the lease and sale of Kuhawaea aroused Tuhoe's alarm and anger at not having been consulted on the matter. The Native Land Court, too, in disregarding aspects of customary tenure and inter-tribal relationships, only recognised a limited form of 'ownership' which Tuhoe evidently felt disregarded their interests in terms of use rights, for example, or the relationship they had come to enjoy with tribes such as Ngati Manawa or Upokorehe. These tribes, bolstered by their cordial relationship with Government officials, now felt that they could deal in land without any reference to Tuhoe, who were conveniently poorly regarded by the Crown. Both the Native Land Court and the Government, in Tuhoe eyes, undermined the influence that that tribe had been able to exert over other hapu and iwi; their power was checked as neatly as their boundaries were redefined (see secs 5.5-5.7).

#### **11.2.6 The background to the passing of the Urewera District Native Reserve Act 1896**

In chapter 6, we noted that there was little urgency involved in Government attempts to open up the Urewera district itself in the 1870s and 1880s, possibly because it was felt that this was inevitable, given the chipping away at Tuhoe's boundaries by land sales on the perimeter of their district. In this period, Tuhoe faced mounting pressure within its own ranks, particularly from those quarters where Tuhoe interests were commingled with those of other iwi, such as at Te Whaiti, or where Tuhoe groups held agriculturally useful land, attractive to would-be Pakeha settlers, such as at Te Waimana.

As a backdrop to the internal debate regarding land utilisation within the Tuhoe iwi, the Government issued constant advice as to the benefits Tuhoe could expect if they would only open their country to the law. For Tuhoe, however, it was a question of what they would have to give in order to receive these alleged benefits. The point at issue between Tuhoe and the Government was still that of mana and authority over the land; Tuhoe were still acutely aware that they had not attained the official recognition of their own tribal committee structure that they had sought since 1871-72.

The political climate had changed by the late 1880s and this refocused Government efforts to bring Tuhoe within the pale of the law. This change was brought about by a number of factors – an interest in acquiring the Urewera forest for timber purposes, and constant circulating rumours of gold to be had in the mountains – but also because the Kingitanga's Rohe Potae had been opened in 1885-86. This left the papatipu of the Urewera district as a gaping hole in the political map of the country,

and it was not acceptable to the settler populace that one tribe should effectively govern themselves and debar European settlement in their area. There could be only one Government, and Tuhoe could not be allowed to stand outside the writ of British law and remain independent of its institutions (see sec 6.1).

This report has argued that this produced a consequent adjustment of Tuhoe strategy in the 1880s and 1890s, one which recognised the need for the development of a political model which could both protect the Tuhoe tribal estate but which could co-exist within the broader, national political framework. Tuhoe wanted legal protection, recognised by the Crown. There was still the matter of getting the Government to amass the political will to negotiate with Tuhoe on some form of 'settlement', and it seems that this only materialised after strong Tuhoe protest about surveys brought the tribe and the Government, again, to the brink of armed conflict (see secs 6.2–6.5).

That self-government was uppermost in the minds of many Tuhoe was demonstrated by their discussions with Seddon and Carroll in 1894. These discussions form the backdrop of negotiations to the passing of the UDNRA 1896. Tuhoe repeatedly rejected the idea of the Native Land Court investigating the title to their lands, offering that a Tuhoe committee would be best placed to investigate land title and arrange the 'difficulties' that existed amongst their various hapu. It would be very interesting to further investigate exactly what Tuhoe meant when they referred to self-government, and controlling their own affairs. There is suggestion, especially at the Ruatoki meeting, that there was a divide between more moderate chiefs such as Numia Kereru, who tried to 'uphold' the Government, and the general tribe, ever suspicious of the motivations of the Crown agents. The discussion between Seddon and Tuhoe at Ruatahuna, however, seemed to indicate that Tuhoe believed that their desired self-government was not inconsistent with their co-existence with, and recognition of, the sovereignty represented by the Government. They did, however, want a committee that held more power and initiative than the advisory body mooted by Seddon (see secs 6.6–6.8).

The Government, for its part, desperately wanted to get Tuhoe recognition of the Queen's sovereignty. Seddon wanted to be able to tell the nation that it was he who had brought the 'turbulent' Urewera under the mantle of the law of the dominion. By 1895, however, Seddon realised that securing Tuhoe recognition of the Crown meant making real concessions to Tuhoe desires for local autonomy. The Premier was politically able to get the UDNRA 1896 through Parliament because there was, at the time, a temporary abatement of settler pressure for the purchase of Maori land (which resumed early in the new century).

### 11.2.7 The UDNRA 1896

It might be argued, then, that Tuhoe agreement to the UDNRA 1896 legislation carried with it the implicit (if reluctant) recognition of the Crown's sovereign right yet, when Seddon introduced the Bill in the House, he also referred to the UDNRA 1896 as the legal recognition of the agreement made with Donald McLean 25 years earlier. Tuhoe

had won important concessions of principle in the legislation. Of particular note was the balance struck between hapu and tribe. Owners of blocks, which were to be defined as hapu blocks, could elect their own local committee to promote their wishes, but it was a general committee, elected from representatives of the local committees, which would hold the power of alienation of Urewera lands. Moreover, the decisions of the general committee were to be binding on all local committees and Urewera owners. The authority of the tribe, and the deference of hapu to the wishes of other owners, was underlined. As we have seen, however, the Governor in Council had the power to prescribe and change the duties and functions of the Urewera committees and, from Tuhoe's point of view, this must have been viewed as a serious flaw. It would have to be questioned whether this provision was fully debated when the Tuhoe delegation visited Wellington in 1895 (see secs 6.8–6.9).

That Carroll intended alienation of Tuhoe lands by lease at some future time was made clear by his addition to the Act of a clause containing this provision. Until Tuhoe were in a position to farm their own land they could lease the surplus. This was Carroll's taihoa policy at work.

#### **11.2.8 The determination of Urewera title**

Through their efforts, Tuhoe were able to attain what must be seen as the genuine concessions contained in the Urewera District Native Reserve Act 1896. The first test of this legislation came in the investigation of title to the Urewera reserve undertaken by the first Urewera commission from 1899 to 1902. The outcomes of this process must have disillusioned those Tuhoe who had hoped that the UDNRA would guarantee them the secure control over their lands that they sought.

The exact expectations Tuhoe had about the UDNRA remain unclear, as do the promises Carroll made to Tuhoe concerning Urewera title investigation, but we must assume that in order for Carroll and Seddon to sell the UDNRA to Tuhoe, the maintenance of Tuhoe control over the process of land administration must have been assured to them at the least. Yet an analysis of the Urewera experiment shows that by 1900, the Government had appropriated considerable power in disregard of important principles embodied in the UDNRA.

Part of the problem lay in the requirements of the 1896 Act and subsequent regulations governing the operation of the Urewera commission. The forced survey of the Ruatoki block had demonstrated amongst other things the consequences of ignoring majority hapu opinion in respect of land issues; that is, the lack of Pakeha influence and pressures in the Urewera until the late 1890s meant that the hapu remained the dominant political unit in Tuhoe society. Yet, while the Urewera commission was to investigate land blocks based as far as possible on hapu boundaries, they were also required to issue individualised title. In the event, the Urewera blocks were not uniformly hapu blocks and the individualised shares awarded to Tuhoe owners were calculated, at least initially, on a basis that was apparently alien to customary law.

These circumstances fostered a certain amount of confusion as well as aggravating hapu rivalries, old and new. Tuhoe, then, became engrossed in continual litigation over their land which was not finally resolved until 1912, 16 years after the passing of the UDNRA.

Meanwhile, the Pakeha commissioners seemed to bear a greater role in the investigation than perhaps was anticipated under the principal Act. The Tuhoe commissioners' personal interests in the land precluded their participation on many occasions, and the Urewera Amendment Act 1900 empowered the Pakeha commissioners to determine title by themselves, likely affecting the overall influence that Tuhoe were able to exert on the process. The regulations issued for the commission's management also required the commission to be headed by a Pakeha, though Tuhoe may not have necessarily objected to this in heated situations. Maybe the lessened influence of Tuhoe in the process also occurred because Tuhoe, including their commissioners, were preoccupied struggling to deal with issues involving the relative rights and powers of individuals and hapu as well as inter-hapu relationships (see secs 7.1–7.4).

By 1900, Government policy on Urewera lands began to exhibit unmistakable signs of impatience with the time, energy, and money taken up by the determination of the Urewera titles. In addition, settler and opposition agitation for access to Urewera lands could not be ignored. Carroll indicated publicly that he shortly expected Urewera lands to be leased, beginning with the Ruatoki block, which Numia had previously indicated he thought acceptable (leaving aside the question of whether most Ruatoki owners were appraised of this intention). Nevertheless, Numia's assent to leasing would have surely been contingent upon the initiative for such a step remaining in Tuhoe hands. However, the Urewera Amendment Act 1900, as Carroll's response to the situation, both consolidated power in the Native Minister and Urewera commissioners, as well as breaking specific promises made to Tuhoe in negotiations for the UDNRA. Now, the Native Minister could lease Urewera lands upon the recommendations of the commissioners and the commissioners were to function in lieu of local committees in sanctioning these leases. Carroll evidently could not wait for the democratic structures envisaged in the 1896 Act to be set up.

Further, Carroll supplied Tuhoe with an 'incentive' to lease their lands: the 1900 Act stipulated that Tuhoe were to pay for expenses incurred by the Urewera commission as well as for surveys made under the Urewera Acts. We have already seen that the expenses associated with the Native Land Court were a major reason for Tuhoe's rejection of that process; as a poor community with little access to cash they must have been keenly aware of their vulnerability in the face of such charges. Numia was probably willing to lease Ruatoki to pay for a survey which he was instrumental in pushing through, but it seems most unlikely that he was consulted by Carroll on bearing the rest of the Urewera commission expenses and surveys. At one point he had reassured his fellow commissioners that the expenses would not trouble them.<sup>54</sup>

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54. Urewera minute book 3, 26 February 1900, pp 138–139

Why, then, did Tuhoe, and specifically Numia, persevere with the UDNRA process? The nature of the 1900 amendment Act might have been taken as a warning that not too many palatable alternatives were likely to be offered by Carroll. If Tuhoe would not lease their lands freely, Carroll had reserved the power to do it for them. Numia, by this stage, had committed himself to working with Carroll and, as a leading Tuhoe rangatira, had legitimised the whole exercise by his participation. Perhaps he felt at this stage, Tuhoe preferences regarding leasing were more likely to be assured to them by a certain cooperation with the plans Carroll obviously had for the region, rather than by the tactic of withdrawal. Numia also must have factored in that the Tuhoe general committee still held the veto as far as land sales were concerned.

Numia's position was complicated by the existence of dissident groups and owners who had been included in the Tuhoe Rohe Potae; the Ngati Manawa, Kahungunu, and the rising Rua Kenana who seemed to have less of an aversion to selling land than Tuhoe had demonstrated to date. Perhaps then, Numia saw Carroll and the Government as a means of bracing his own position of power in relation to these groups, who might otherwise seize the initiative with their land dealings. Whatever Numia's plans were, by the time title had finally been determined in the Urewera, he cannot have viewed the process as one which bode well for the future 'local government' of the Urewera.

### **11.2.9 The Komiti Nui o Tuhoe and the beginning of Crown purchase in Urewera**

One would have to ask, surveying the history of Urewera lands in this period, exactly what the Government intended by the term 'Urewera Native Reserve'. By 1910, it was patently clear that the purchase and settlement of Urewera lands was a priority for the Government, and that Tuhoe could no longer expect the Government to respect the legal structures and power relationships embodied in the UDNRA 1896. If land, resources, and power were all being encroached upon, then, what exactly was being 'reserved' to Tuhoe?

The Urewera District Native Reserve Act 1896 was enacted, according to its preamble, not only for the purpose of ascertaining Native title, but to make provision for the 'Local Government of the Native lands in the Urewera District'. The establishment of the general committee, 'to deal with all questions affecting the reserve as a whole' (s 18) and whose decisions were 'binding on all the owners' (s 19), was therefore fundamental to this arrangement. It can be reasonably inferred from the establishment of the block and general committees, that the Act represented the Crown's recognition of hapu and tribal political structures, and the fact that the general committee only was endowed with the power of alienation to the Crown underlined the intention of this legislation to validate the principle of tribal control of tribal lands. It seems most likely that this safeguard was necessary to secure Tuhoe consent to title investigation in the first place.

The original Urewera legislation was 'hastily drawn and passed' with the consequence that substantial details were left to be addressed at a later date. One such omission from the Act was a clear description of the powers and functions of the local

and general committees; these were to be defined by the Governor in Council through the subsequent issue of regulations (s 24). The powers and functions of the committees were in fact never properly defined, and I have suggested that there was a deliberate avoidance of doing so on Carroll's part as he sought to consolidate Government control over the process of land alienation. Obviously, it would be easier for Carroll to steadily assume decision-making powers if the demarcation of power in and between Tuhoe and the Government remained unclear. The result of this policy was to foster continuing aggravation and confusion between local block committees and what was meant to be Tuhoe's governing body, the general committee. Carroll and Ngata refused to give the general committee consistent, unqualified support which made it especially vulnerable in the face of external pressure and internal dissension.

It seems unfair, then, that the Native Department would criticise the committee for its failure to push the settlement programme envisaged for the Urewera, since it never really gave the general committee, and the processes outlined in the UDNRA 1896, a chance to work. Recall that the general committee was not officially established until late 1909 but only one year later, the Government was buying in the Urewera without reference to that committee.

How did this happen? Numia and the general committee faced the weighty problem of integration of hapu and their interests onto a body which could be representative of Tuhoe as a whole. This was hardly a new issue, and Tuhoe hapu had shown a propensity for independent actions and opinions since the inception of the UDNRA 1896 (and before). In the context of land lease and sale, however, the assertion of independent hapu rights over a wider group interest could be very dangerous indeed. The problem, as Numia likely saw it, was that by eschewing the general committee's authority over one's land, Tuhoe's position as a whole was weakened vis-à-vis the Government. Yet, while a number of hapu and individuals decided that they did not want to be under the control of the general committee, they did not express a preference for an extensive programme of land acquisition controlled by the Government either.

Carroll and Ngata, for their part, were faced with the problem of trying to maintain State control over the alienation of Urewera lands; in fact, the Crown right of pre-emption was one of the few features of the original legislation which remained a constant throughout this period. There were plenty of indications that private initiatives were being undertaken: hapu were asserting their tino rangatiratanga by leasing to Pakeha in private arrangements; Rua invited private mining companies into the Urewera; and private milling syndicates were trying to secure Te Whaiti timber. Those elements who asserted their right to deal with their land as they pleased found support in Opposition politicians advocating private purchase:

The great objection to the Urewera country being placed under a separate law to any other Native land in the Dominion is that the original Urewera Act and its amendments entirely preclude any chance of the private alienation of land and prevent any agreement between Maori and pakeha.<sup>55</sup>

Carroll and Ngata's first response to these private undertakings was to hope that Numia could exert enough influence to hold the committee together, while at the same time encouraging hapu participation in the legal processes outlined in the UDNRA. But another problem surfaced in connection with the land utilisation issues which Ngata wanted Tuhoe to address: on the one hand, there were obviously some hapu (notably some Ruatahuna and Ruatoki hapu) who wished to lease their land to Tuhoe Maori rather than commit much of their land for Pakeha settlement. On the other, it seems that Numia and his supporters refused to contemplate large scale leasing of land, preferring at this stage to alienate only what was necessary to pay for block encumbrances and roading requirements. This conservative stance could have been adopted to reassure those of the tribe who were still wary of Pakeha intrusion in their rohe potae. Possibly, then, Ngata and Carroll considered that Tuhoe were not offering enough land for lease, making Rua's renewed offer of sale all the more timely and attractive. This would mirror the national situation, where Carroll was under sustained attack from settler and opposition foes for failing to make enough Maori land available through his leasing policies.

The Urewera District Native Reserve Amendment Act 1909 can be seen as Carroll and Ngata's response to this situation and, as such, is a very significant piece of legislation. Neither man was prepared at this stage to ignore the committee process of alienation and so the Act upheld the right of the general committee to approve of all alienations, while at the same time, 'making extended provision for alienation' by allowing for sale of Urewera lands through the Maori land board. The boards were retained under this legislation to administer and alienate Maori land and because the Governor in Council controlled appointment to these boards, they were well placed to enforce Government policies. The encouragement of the sale and lease of Urewera land through these agencies, therefore, did not uphold control at the hapu level (which a number of Tuhoe groups seemed to desire), after consent to alienation had been given by the general committee.

It is very revealing that Herries complained of the 'exceptions' granted to Tuhoe by having their own legislation while noting that the Urewera had originally been included in the draft for the 1909 Native Land Act, but subsequent consideration induced them [the Government] to cut out the Urewera country'.<sup>55</sup> The 1909 Urewera amendment, in fact, represented an attempt to reintegrate the Urewera 'experiment' into the current Maori land administration model, in so far as it was possible to do this without seriously compromising relations with Tuhoe. For example, the jurisdiction of the Native Land Court was extended to the Urewera and the court had all powers vested in it by the Native Land Act 1909, except that the Governor's consent was necessary for partition or exchange. It is not clear why orders of this nature would require prior approval, though the fact that the Government anticipated buying significant amounts of land in the area, and partitions and exchanges could interfere with this, might have been a consideration. The Urewera commissioners' orders were

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55. 21 December 1909, *New Zealand Parliamentary Debates*, vol 148, p 1387

56. *Ibid*, p 1387. The Urewera was excluded under section 2 of the Urewera District Native Reserve Amendment Act 1909 from the operation of the Land Act 1909.



deemed to have the same operation as an order by the court under the Native Land Act 1909 and were registerable under the Land Transfer Act 1908. Furthermore, with prior consent of the general committee, the Governor could vest Urewera land in the Maori land board for lease or sale (as discussed above) under part XIV of the Native Land Act 1909. Once this happened, all the provisions of that part of the Act, dealing with Maori land for European settlement, applied to those lands as if they had been vested pursuant to a resolution of owners under part XVIII of the Native Land Act 1909. With the consent of the general committee, the board was also given the power to administer timber licences; when the Crown purchased land from the general committee, it was to be given effect to by proclamation in the same manner as a purchase from assembled owners under part XIX of the Native Land Act 1909 and all the provisions of that Part were also to apply to those lands.

Referring to alienations by the general committee, Ngata stated in Parliament that the 'proposals are in the direction of obtaining from the whole of the owners of a block specified portions of the block.'<sup>57</sup> We can see that this was carried out in the resolutions for sale passed by block committees and endorsed at a number of general committee hui through 1909 to 1910. However, purchasing in the Urewera proceeded on the basis of acquisition of individual shares, initially in those blocks approved of by the general committee and then in other Urewera blocks, including Ruatoki (albeit in a limited fashion), upon the sanction of the Native Land Purchase Board. It is not clear why the Government decided to proceed on this basis, when the local block committees had been making commitments as a group, as requested by Carroll and Ngata. However, as Turei Tiakiwai had noted at a committee hui, while the undertakings for sale were being made by the committees, it was known that there were non-sellers in these blocks. Given that the general committee focused on alienation of land, there is not much information on the non-sellers in the committee's minutes, but it is possible that the sellers and non-sellers had problems agreeing exactly which areas of the blocks were to be given to the Government.<sup>58</sup> This might have been exacerbated by the fact that there was more than one hapu in each block.

Whatever the reasons for this decision, the effects of it must have been obvious to everyone: the acquisition of individual shares undercut the authority of the general committee, and group control of the process of alienation was no longer possible. The reasons why Tuhoe were prepared to sell were examined at length in chapter 9. There were unmistakable expressions of desire for development and roading of Urewera lands which, in concert with encumbrances on the blocks, must have weighed on many minds. Government policy, however, was firmly focused on the purchase of Urewera land, not on promotion of Maori development of land and agricultural enterprise (in disregard of the successful Tuhoe efforts at Ruatoki). This came in spite

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57. Ibid, p 1387

58. Seddon had deemed the Urewera owners to be joint tenants, though this is not made explicit in the Urewera legislation: see Seddon's address to Tuhoe, second schedule to the UDNRA 1896. Perhaps the fact that no joint tenant is held to have an exclusive right to possession of any particular part of the land complicated matters: refer G Hinde, D McMorland, and Sim, *Introduction to Land Law*, Wellington, Butterworths, 1986, p 486.

of Ngata's reassurances in Parliament that section 8 of the Urewera District Native Reserve Amendment Act 1909 was 'for the purpose of promoting settlement on their lands by the Natives themselves'. From this point onward, Tuhoe non-sellers were placed in a position of reacting to and protesting against aggressive Government purchase of individual shares in the Urewera.

### **11.2.10 The Crown purchase of Urewera lands**

From June 1910 to July 1921, the Government succeeded in purchasing the equivalent of just over half of the Urewera native reserve. As we have seen, the Government originally undertook that the Tuhoe general committee would make resolutions to part with defined areas of the Urewera, but actual purchase proceeded on the basis of acquisition of individual shares, which were deemed to be in the nature of undivided interests in blocks. Initially, it appears that the purchase of these interests was confined to those blocks which had been nominated for sale by the committee but before very long, it was the Native Land Purchase Board, without reference to the general committee, who decided where and when the Government would buy Tuhoe land. The reasons why the board decided to begin purchasing in this manner are unclear; why had it not pursued commitments from the general committee as had been originally planned, and for which legally endorsed alienation procedures had been provided?

Perhaps the answer lies in the fact that the general committee, while it reflected the range of opinions held by Tuhoe in this period, was not likely to sanction the sale of half the reserve. The general committee was fraught with the political problems of balancing hapu and tribal interests, and the wishes of sellers and non-sellers. Some of its representatives would refuse to recognise the authority of a centralised governing council for years and would nurture a close relationship with the Crown in an effort to weaken the power of the committee over its constituent sub-committees. Other hapu rejected both Crown and general committee prerogatives over their land and wished to pursue agreements with private buyers – in a sense, these groups represented those independent impulses which had kept Tuhoe aloof from the writ of British law for decades.

Still others, such as Numia Kereru and his supporters, were prepared to tolerate a limited alienation of land but were adamant that the restrictions on private alienations should not be removed. For once, Herries was more than happy to concur with Numia's views; however, their respective motivations could not have been more different. Numia feared the consequences of unimpeded purchase and appears to have understood that it would mean a final, fatal undermining of Tuhoe tribal authority as encapsulated in the UDNRA 1896, leading to extensive loss of land. Herries, on the other hand, was motivated by the desire for Government control of the sale process: Government control was assured by the dual policy of a monopoly over purchase, and by the aggressive buying of individual shares, which subverted the communal principles which the UDNRA 1896 had done something towards

recognising. It also meant that he was able to buy a lot more land than he might otherwise have been able to do.

What underlay this strategy was an attitude that would not countenance competing authority structures. Herries championed the rights of the Tuhoe individual to sell land to the Crown, perceiving the acquisition of Maori land to be in the best interests of the State, both in respect of the Dominion's settlement policies and in the extension of laws to which the rest of the country was obliged to submit. Why should Tuhoe be any different? Any argument that extensive individual purchase damaged the interests of Tuhoe as a group, in both the material and political sense, was assiduously ignored.

An analysis of how purchase of Urewera land proceeded from 1910 to 1921 shows, in fact, that the Government successfully managed to create a 'controlled environment' which assured the success of its purchasing operations. It had already identified strategic resources which it wanted to secure: gold (though this dissipated as a motivation for purchase when it was realised that the Urewera was not gold bearing country); the timber at Te Whaiti; the northern Urewera lands for settlement; and Lake Waikaremoana and its environs, initially for its tourist potential and later for climatic reasons and because of its potential in hydroelectric generation.

In addition to monopoly purchase of individual interests, there were other facets to Government purchase tactics. Approval of purchase in Urewera blocks proceeded on a piecemeal basis; the northern Urewera blocks, having been identified as the most desirable to acquire, enjoyed Bowler's undivided attention until he was able to report that he had reached the limits of sale in those blocks. He would then suggest the opening of purchase in adjoining blocks, initially at least keeping in mind the proposed arterial routes through the country. In this way, the Native Land Purchase Board was able to contain the prices it paid for Tuhoe land by preventing the rapid escalation of values of the unopened Urewera lands. Gradual purchase was also aimed at preventing Tuhoe from only offering their least attractive interests (and speculating on the rest) and this meant that Tuhoe did not necessarily freely decide which lands they would sell. It might have been, for example, that some owners did not want to sell in the northern blocks but sold reluctantly as they awaited the sale of lesser-valued southern blocks. The sale of undefined interests in Urewera land took place gradually over a period of 11 years.

Herries was prepared to aggressively defend Government interests in the face of stated Tuhoe desires if necessary. The matter of partitions was one of these instances. Partitions hindered Bowler's operations, necessitating fresh valuations and proliferating new sections (Bowler being unable to buy any single whole block). Partitions had been anticipated in a number of Urewera blocks since title investigation, being a natural outcome of the fact that a number of hapu occupied the larger blocks. While Ruatoki was extensively subdivided, Herries either cancelled existing permission to partition, or refused to grant new Orders in Council for other blocks, in an effort to contain this activity. Partitions had largely been condoned only where purchasing was threatened by dispute or where serious breaches of the peace were likely to occur.

The extended period of the Urewera purchase, while securing Government objectives, greatly disadvantaged Tuhoe. For a start, there was the question of valuation. Even while valuations were fresh, Bowler reported expressions of dissatisfaction with the special valuation of Urewera lands, which had been done in 1910 and 1915. As the purchases wound their way into the 1920s, Bowler was still buying Urewera land based on these old valuations. Resistance to sales appears to have stiffened in the face of no new revaluations.

The length of purchasing and deferral of partition had other very serious consequences. There is significant evidence that Tuhoe were making concerted efforts at agricultural development and a number of petitioners identified Ruatoki, Ruatahuna, and Waikaremoana lands as locations where these efforts were being made. Continued buying of individual interests undermined these efforts in so far as it was unclear to everybody exactly where Crown and Tuhoe lands would some day be located, and how much land was due to either party. It is suspected, too, that strained relationships and suspicion generated by Bowler's activities would not have created a conducive atmosphere to cooperative enterprise.

In view of this, Numia and Te Pouwhare would repeatedly ask Herries for a partition of Crown and Tuhoe interests, and would also ask for the resurrection of the functions of the general committee. On one occasion they mooted the possibility of consolidating their interests at Ruatoki, but Bowler quickly reassured Herries that the consolidation legislation did not extend to the Urewera anyway (and certainly was not likely to be thus extended while the Crown was buying).

The Government, however, was firmly fixated on the matter of acquiring Tuhoe land, not helping Tuhoe to retain their land through development and farming initiatives, and Tuhoe pleas to withdraw identified lands from purchasing fell on deaf ears. It is unclear whether the Government ever took up its valuers' suggestions of determining how much land Tuhoe should be 'allowed' to retain. A study of Government purchase objectives provokes the question of how exactly the Government anticipated that Tuhoe would support themselves after purchasing had ceased. After all, the Government wanted to buy the best agricultural land in the north for settlement, especially the Tauranga valley, and had even attempted to buy in the Ruatoki 1 block and adjacent areas which serviced the Ruatoki cheese factory and provided locals with their main source of cash. It wanted to secure the Te Whaiti timber, and bought that land from Tuhoe on a valuation that assumed the timber (at mid-1915) had no commercial value. It wanted to buy Waikaremoana, anticipating the rise in tourist numbers to this part of the Urewera as it became more accessible to traffic, and contemplated the future contribution the lake could make to the national grid.

What were Tuhoe to be left with? Brooking has pointed to the disastrous effects that land purchasing had on fledgling Maori farming:

If Maori farming had been given a chance to succeed the results would almost certainly have benefited everyone in that the cycle of dependency, into which Maori were forced slowly but relentlessly, could have been broken . . . the penultimate Liberal

land grab and the ultimate land-buying spree of Reform did few people much good in the long term.<sup>59</sup>

Even if Tuhoe still had a relatively small amount of land, which could be successfully farmed, the fact was that the Government had in no way helped Tuhoe to retain, let alone exploit, their other resources. The very fact that good land was a limited commodity in the Urewera meant that other means of support assumed a great importance. The matter of the Te Whaiti timber deserves special mention here. Ngati Whare were anxious to sell timber and had apparently negotiated with private investors on a royalty basis for the timber from 1909 (though there were suggestions of speculators making offers to the Te Whaiti owners before this). The Crown excluded private deals by determinedly ignoring Ngati Whare and Ngati Manawa appeals on the matter and placed injunctions on timber felling while it was buying interests in the block. It did not, however, start purchasing in Te Whaiti till late 1915, which must have frustrated owners intensely. Furthermore, it does not appear that the Te Whaiti owners were given the opportunity to sell only the timber in their dealings with the Crown, which had been their arrangement with private companies.

It seems as if Tuhoe could easily have become completely landless if purchasing had continued at the 1910–20 rate and if the Government had achieved all of its objectives. Herries, after all, had once commented that ‘our legislation ought to be in the direction of enabling him (the Maori) to go into a factory’.<sup>60</sup> Tuhoe had avoided this through non-seller opposition and had prevented the Government from buying the whole of the Urewera reserve, but the matter of utilising their many individual interests, scattered over 44 blocks, came to occupy Tuhoe’s attention, particularly from the early 1920s.

### 11.2.11 The Urewera consolidation scheme

Following the significant slowing of the rate of Crown purchase of Tuhoe land interests in 1919, the definition of the Crown’s and Tuhoe’s respective interests in the Urewera reserve became a pressing need. The Government decided that partition of its interests on a block by block basis was unsatisfactory because this would have resulted in a patchwork of Crown and Maori land in the reserve. This would not have facilitated the Crown’s strategic aims in securing the best settlement lands, timber resources and areas targeted for scenery preservation and water conservation. Ngata, who was preoccupied with the issues of land development and corporate management of Maori land, determined that consolidation of Tuhoe land interests was necessary for the tribe as well, if it was to retain and utilise its land effectively. Consequently, the Government decided that a radical consolidation scheme would be undertaken in the Urewera, which would group and define the respective Crown and Tuhoe interests on the ground. The basic tenet of consolidation was that an individual

59. T Brooking, “‘Busting Up’ the Greatest Estate of All: Liberal Maori Land Policy, 1891–1911”, *New Zealand Journal of History*, vol 26, no 1, April 1992, pp 97–98

60. 23 October 1905, *New Zealand Parliamentary Debates*, vol 135, p 963 (cited in P Webster, *Rua and the Maori Millennium*, Wellington, Price Milburn for Victoria University Press, 1979, p 141)

or a family group would receive an award of land based upon the total value of their shares within the consolidation scheme area, minus areas taken for debts such as surveys. These awards were not necessarily located where customary interests were held, but were to take matters such as roading, water supply, and fencing boundaries into consideration.

The rhetoric that accompanied the passing of the Urewera Lands Act 1921–22, that legalised the Urewera consolidation scheme, made it clear that the extension of Crown authority to the Urewera was seen to accompany the definition of the Crown purchases in that area. In effect, the Act augmented and completed policies pursued since the UDNRA 1896. When the Lands Bill was introduced to the House, for example, Sir G Hunter congratulated the Government on the ‘completion of negotiations, which commenced in 1896 for the purchase of these lands’. It is also instructive to note the language used by the Government and commissioners, which defined Tuhoe in relation to Crown purchasing. Remaining Tuhoe owners were ‘non-sellers’, and ‘non-sellers’ were not often distinguished from ‘the opposition’ or ‘the dissenters’ against consolidation.<sup>61</sup>

Clearly to some, the UDNRA had not been about assuring local self-governance to Tuhoe but represented a means to acquire land in the reserve to the exclusion of competing interests. Others, like the Attorney-General, admitted that the new legislation was really ‘a treaty’ between Tuhoe and the Crown which stood both to redefine their relationship, in terms of legally protected rights and obligations, and to reorganise land tenure in the Urewera reserve. In choosing to laud the Urewera Lands Act as a treaty, instead of the UDNRA which they had never seriously supported, the Crown favoured a settlement which gave it a privileged position at consolidation but which removed any special legal protection under which Tuhoe might have sheltered. From now on, Tuhoe owners would hold ‘ordinary’ Native land under the jurisdiction of ‘ordinary’ Native Land Acts.

The Act appointed Urewera consolidation commissioners, who were the sole judges of the location and boundaries of the respective Crown and Tuhoe awards. They had to have some regard for Tuhoe preference of location, but they none the less made the final orders which, under the Lands Act, Tuhoe could not appeal. The Act enabled the Government to exert more choice and control in the scheme at the expense of Tuhoe priorities, which the Native Land Court might not necessarily have sanctioned had it carried out the consolidation. It also meant that the commissioners were able to largely ignore ongoing protests against their decisions and press on with consolidation regardless.

Consolidation was discussed with Tuhoe before the Act was passed. The question must be asked, though, as to whether the Crown’s consultation with Tuhoe was

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61. This is a gross simplification of a situation in which many non-sellers were also sellers; while some Tuhoe might have refused to sell any interests to the Crown, and some sold all, most likely disposed of interests in some blocks while retaining others (such was the course advocated by Rua). This is a separate matter from whether an owner approved of the principle of consolidation, and separate from whether an owner approved of the implementation of the scheme in the Urewera. It is my impression, however, that this was overlooked by the Government, which seemed to equate refusal to sell interests with opposition to consolidation.

sufficient to ensure full Tuhoe understanding and endorsement of the radical and wide-ranging consolidation proposals with all their implications. Indeed, subsequent protests and efforts at renegotiation of some terms would seem to suggest that this was not the case. The scheme was largely pushed through in the 3 week hui at Ruatoki. It might be suggested that the choice of meeting at Ruatoki was significant given that the main centres of dissatisfaction would turn out to be at Ruatahuna, Waikaremoana, and Te Whaiti. Had all these owners had their views and terms represented at that hui?<sup>62</sup>

With the encouragement of Ngata, Tuhoe were moved to accept the Crown proposals as a general basis of settlement, 'subject to modification and variations in detail'.<sup>63</sup> The Tuhoe understanding of the events at Ruatoki is not easy to determine and the official report on the Ruatoki consolidation hui was not translated into Maori until October 1922. According to Balneavis, the Tuhoe expression for the fact that existing titles would be abolished was that they were to be 'whakamoana-ed' or put out to sea.<sup>64</sup> S Webster has offered that Tuhoe may have interpreted the proposed exchanges as a straightforward swap of less important shares in a block for those considered more important to owners.<sup>65</sup>

It was probably taken for granted that hapuu areas surveyed in 1899 on a traditional basis, and legally confirmed in the 1903/07 title orders, would remain substantially unchanged. Although Mr Knight had announced that all existing titles and boundaries would be abolished, this had only implied their *replacement* by full surveys and titles, 'cutting out' (in the Native Minister's words) the Crown shares. However, it was to be the *Tuhoe* shares that were to be 'cut out', and usually with no vestige left of the traditionally based 1903/07 hapuu boundaries. [Emphasis in original.]<sup>66</sup>

It is certainly true that Tuhoe, Ruapani, Ngati Manawa and Ngati Whare had needed the definition of their interests as much as the Crown desired theirs severed from those of non-sellers. Years of instability caused by litigation of the Urewera titles and extended purchase of individual interests had left Tuhoe economically and politically in a very weak position. Consolidation was a chance at stability and preparation for development in the form of economic holdings and roads.

Yet the implementation of the scheme caused much dissension and sometimes became a forum for airing grievances, which had not been resolved under previous Urewera commissions. Consolidation became 'highly disruptive, fomenting endless

62. The interpretation of Tuhoe's attitude to consolidation needs to be qualified because of a lack of Tuhoe perspective on the matter. As with most of this report, the use of available Crown-generated sources has necessarily imposed limitations on the understandings that we can reach from this material. What are the perspectives that are missing – especially on reasons for compliance with the commissioners and the repeal of the Urewera district native reserve legislation? Claimant research on just what consolidation meant for Tuhoe families would be invaluable in this respect.

63. Balneavis to Coates, 27 August 1921, MA1 29/4/7A, NA

64. Balneavis to Coates, 27 August 1921, MA1 29/4/7A, NA

65. S Webster, 'Urewera Land, 1895–1926: A Tentative Historical Survey of Government and Tuhoe Relations as Reflected in Official Records', unpublished paper, University of Auckland: Anthropology Department, 1985, p 38

66. Ibid

arguments over boundaries, ownership rights, individual versus communal consideration, factions – the major ones being the split between those co-operating with the Consolidation Scheme and those against'.<sup>67</sup>

There were arguments about compensation for those people abandoning improvements either in favour of the Crown or for other owners; there were arguments over the individual or communal ownership of resources such as fruit trees and cultivations; there were disputes over block boundaries and membership of various groups of owners. There were complaints about timber cutting on Crown-owned blocks and about surveys running through peoples' homes and gardens. There was dissatisfaction with the valuations of land used in the scheme, especially at Waikaremoana, and the fact that the value of standing timber on blocks was not assessed. The location of many of Tuhoe's sections in the Whakatane and Waimana valleys had been made on the basis of where roads, already paid for in Tuhoe land, had been laid off but these roads were never built. At Ruatoki, for example, this limited the extent of agricultural development.<sup>68</sup> Many Tuhoe appeared to object to their contribution of £20,000 (equivalent to 40,000 acres of land) for roads. It appears possible that the payment for surveys in land had not been explicitly agreed to at the August Ruatoki hui either.

From the Crown's point of view, however, consolidation was a resounding success. It had managed to extract and locate its interests while in the process acquiring those desirable assets it had identified years earlier. Subject to areas reserved for the owners, it had acquired most of the western timber blocks as well as areas targeted for water conservation and scenery preservation purposes. In addition, it had received a generous donation for arterial roads, the construction of which had been recognised as the duty of the State. The Crown, in fact, had used consolidation to acquire land (the Waikaremoana block) which it had not managed to secure through Bowler's purchasing operations and had contributed to further Tuhoe land-loss by charging for surveys (and coercing the road contribution from Tuhoe).

In addition, it had finally achieved the aim of introducing the jurisdiction of the Native Land Court to the Urewera, an event many Tuhoe had actively opposed since the court's inception.

Webster has noted that the resulting consolidated blocks for non-sellers of properly surveyed freehold titles subject to Native Land Court jurisdiction, would also facilitate future alienation of this land, even though the Crown now lost its right of pre-emption.

### 11.2.12 Concluding remarks

The narrative of this report ends somewhat abruptly at the conclusion of its discussion of the Urewera consolidation scheme, poised chronologically at the doorstep of the depression of the 1930s. It might be seen that the decision to end this overview report here is arbitrary in some senses but thematically, if we consider

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67. E Stokes, W Milroy, and H Melbourne, *Te Urewera nga Iwi te Whenua te Ngahere: People, Land and Forests of Te Urewera*, Hamilton, University of Waikato, 1986, pp 76–77

68. *Ibid*, p 149



Tuhoe's struggle to maintain their autonomy and possession of their land to be the underlying thread of this research project, it is in some ways appropriate to pause and reflect on the 'Urewera experiment' at this point. The Urewera Lands Act was, after all, held by the Government to be a new 'treaty' between Tuhoe and the Crown, and one that abolished the experimental Urewera district native reserve legislation, which had taken years of Tuhoe protest and isolation to bring to fruition in the first instance. That legislation itself was a tardy legal recognition of a far earlier compact for regional autonomy that Tuhoe had negotiated with Donald McLean in 1871.

The consolidation legislation, then, was the official death knell of the principles of tribal, collective responsibility and autonomy that Tuhoe had struggled for years to maintain. However, it can be demonstrated that efforts to undermine this officially sanctioned autonomy had been characteristic of Crown policy in the Urewera from the very inception of the special legislation. It is a contention of this report that the Government never seriously considered carrying out key aspects of the UDNRA 1896 because it vested too much autonomy and initiative in Tuhoe as an iwi. The subsequent actions of the Crown, both in its amendments of this Act and its illegal purchasing of individual interests in Urewera land, belie any intention to recognise or countenance the local government of Tuhoe land by the Tuhoe iwi.

The UDNRA was 'honoured more in the breach . . . than by efforts to make it work'.<sup>69</sup> The Crown consistently assumed powers at the expense of Tuhoe initiative, while taking advantage of the sometimes serious internal disagreements within the tribe as to the administration and control of Urewera lands. That there was dissension and appeals for independence from central control within the iwi is hardly surprising given the natural tension between the hapu and the collectivity of the iwi (another of the constant themes that surface in this report). It was only to be expected anyway, given the gravity of the choices that faced Tuhoe in this period, and the compromises that had to be made, that there would be heated debate. However, as Binney notes, the failure of Numia Kereru to unite all of the tribe behind his leadership, and present a united front in the face of mounting Government pressures, 'played straight into the government's hands'.<sup>70</sup> This report has argued that Carroll deliberately avoided creating an official general committee with explicitly defined powers for as long as he could because he did not intend granting Numia and the rest of the tribe the powers they might have rightfully expected under the UDNRA.

However, when Rua Kenana presented Carroll with proposals for the sale of a large area of the Urewera, the formation of the general committee, the only body legally authorised to sell land to the Crown, suddenly became a priority. Various commitments for the sale and lease of Urewera lands were made by the local block committees and endorsed by the general committee, but the Government appeared to have been frustrated and dissatisfied with this process, possibly because not enough land was being offered for sale and because some block committees were apparently concerned with leasing land to Tuhoe Maori, not settlers. The Government was urging the vesting of Urewera lands in the Waiariki District Maori Land Board so that

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69. Ibid, p xiv

70. Binney, 'Te Mana Tuatoru', p 123

it could sell or lease Tuhoe lands in order to pay off block encumbrances incurred during the investigation of title to the Urewera reserve. This had been provided for by amendment to the UDNRA in 1909. The expenses were those that Tuhoe had originally been assured they would not have to bear.

Before long, the Government was buying land in the Urewera without reference to the general committee, which it had never seriously supported. After a suspension of the purchase of Urewera lands, a new Government under William Herries decided to resume the large scale purchase of Urewera lands in late 1914 but critically, the decision was to purchase from individual owners, who held geographically undefined shares, often scattered over a number of blocks. Retrospective legislation would become necessary to legalise this decision and the only constant in the new policy was that the Crown retained its right of monopoly purchase of Urewera lands. This seriously prejudiced Tuhoe who were at the mercy of Government-nominated prices for their lands, which were based upon Government valuations of the various blocks conducted in 1915. Several Tuhoe groups wrote to the Government requesting that the restrictions on sale, that is, the Government monopoly, be lifted in the Urewera, but these petitions were assiduously ignored by Herries because a free market in Urewera lands was clearly not in the Crown's interest. Likewise, subsequent Tuhoe appeals for revaluation of their lands fell on deaf ears.

In August 1916, the Government retrospectively ratified all the Crown's purchases in the Urewera and confirmed its sole right to purchase the interests of Urewera shareholders, 'thus formally overriding the principal guarantee made in 1896'.<sup>71</sup> Attempts made by supporters of the general committee to reactivate it in 1917 were ignored by the Crown, whose purchasing agents now upheld the right of every individual owner to sell their shares, but only at the prices it offered, and only on a piecemeal, block by block basis. If it threw all the Urewera blocks open for purchase, then owners would be in the position to sell their poorer lands while retaining interests in better lands for future development or speculation. The Government rejected any suggestion of Maori development of Urewera lands while it was purchasing, in order to keep land prices low.

In addition to the 40,000 acres of land purchased between 1910 and 1912, the Government managed to purchase 304,280 acres between 1915 and 1921. This amounted to approximately half the original Urewera reserve. As we have seen, the Urewera consolidation scheme largely functioned to serve Crown interests in so far as the latter's strategic aims were made priorities to the neglect of Tuhoe interests and desires. The fact that consolidation was undertaken independently from the Native Land Court no doubt enabled the Crown to play a more active role in the reorganisation of Urewera titles than it could have done otherwise. The Crown wanted to sever its interests from those retained by Tuhoe, while securing areas of strategic importance such as timber areas, good settlement lands, lands targeted for conservation purposes, and the acquisition of yet further areas of Urewera land (such as the Waikaremoana block) in which it had not hitherto managed to purchase.

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71. Ibid, p 130

The failure of the Crown to build the promised arterial roads in the Urewera had very severe consequences for the Tuhoe owners of the newly consolidated holdings. Their sections had been located by the commissioners on the basis of where these roads would run, and the denial of this access to their sections would remain a long-standing grievance among Tuhoe. Additionally, the radical reorganisation of Urewera titles undertaken by the consolidation commissioners resulted in the profound disruption of Tuhoe society and in land tenure patterns. The fact that the standing value of timber on the land was not assessed by the commissioners was clearly to the detriment of Tuhoe interests, and the disregard of strong opposition to consolidation among Tuhoe, particularly at Ruatahuna, demonstrates the lack of balance in the power relationship between Tuhoe and the Crown by this time.

In June 1927, the land the Crown acquired through purchase and consolidation was declared Crown land, and most of it subsequently became the Urewera National Park. Campbell states that there are some small areas of Maori land within the National Park boundaries, but the owners are restricted from using it because this is contrary to National Park policy.<sup>72</sup> Many of the current arguments at issue between Tuhoe and the Government are focused on the policies and activities of the Department of Conservation. Tuhoe feel that their values regarding the land and forest are not adequately taken into account by the department.

The Government eventually acceded to Tuhoe requests for development assistance and development schemes were undertaken in the Urewera at Ruatahuna, Waiohau, Murupara, and Ruatoki in order to utilise some of the small and useless consolidated titles.<sup>73</sup> Campbell has outlined that a major issue in the implementation of these schemes was that the legislative framework that underpinned them effectively suspended all the rights of the owners. Once again, Tuhoe were sidelined in the decision-making process. Other issues regarding the very mixed success of the development schemes revolved around 'a lack of flexibility and a somewhat inappropriate model of development'.<sup>74</sup> Subsequently, Tuhoe have attempted to re-amalgamate some of their titles and have created several major trusts to look after their lands, again with varying degrees of success. Campbell notes that some areas are successfully farmed and are making economic progress.

It has not been within the scope of this report to investigate the socio-economic impact of Crown actions with regard to the Urewera district, and this is clearly an area for further investigation that would be of great interest to the Waitangi Tribunal. It is perhaps worth noting a summary of statistical surveys taken from the 1981 census cited by Stokes, Milroy, and Melbourne that characterises Tuhoe as:

a population of predominantly Maori descent, low incomes, high unemployment rates, especially among women and young people, low standards of housing and high dwelling occupancy rates. Prospects for improvement of employment and income levels are bleak.<sup>75</sup>

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72. Leah Campbell, 'Land Alienation, Consolidation and Development in the Urewera, 1912-1950', report commissioned by the Crown Forestry Rental Trust (Wai 36 ROD, doc A9), p 150

73. Ibid, p 109

74. Ibid, p 152

A more recent ranking of iwi by common socio-economic indicators bears out this grim prediction. Gould states that Tuhoe are overall, one of the 'least favoured' iwi in terms of socio-economic status.<sup>76</sup>

The outcomes of the intense period from 1896 to 1928 were clearly greatly prejudicial to Tuhoe, both in terms of land loss, and the failure of the Crown to sincerely accommodate express Tuhoe desires for a meaningful local autonomy. This report has noted that land and land ownership is more than a proprietorial relationship; the ownership and guardianship of land also had, and has, political and cultural dimensions. The Crown's purchasing and consolidation activities, especially, struck at the heart of tribal solidarity which the Crown had implicitly promised to protect with the passing of the UDNRA 1896. Instead, the Crown subverted its promises to Tuhoe, redefining their relationship with the Government in a manner that clearly demonstrated a contempt for the principles and values that Tuhoe held in the highest regard. The ultimate result has been the lodging of Treaty claims with the Waitangi Tribunal from 1986 onwards.

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75. Stokes, Milroy, and Melbourne, p xvi

76. J D Gould, 'Socio-Economic Differences between Maori Iwi', *Journal of the Polynesian Society*, vol 105, no 2, June 1996, p 171

## APPENDIX

# PRACTICE NOTE

### WAITANGI TRIBUNAL

CONCERNING the Treaty of Waitangi Act 1975

AND Rangahaua Whanui and the claims as a whole

### PRACTICE NOTE

This practice note follows extensive Tribunal inquiries into a number of claims in addition to those formally reported on.

It is now clear that the complaints concerning specified lands in many small claims, relate to Crown policy that affected numerous other lands as well, and that the Crown actions complained of in certain tribal claims, likewise affected all or several tribes, (although not necessarily to the same degree).

It further appears the claims as a whole require an historical review of relevant Crown policy and action in which both single issue and major claims can be properly contextualised.

The several, successive and seriatim hearing of claims has not facilitated the efficient dispatch of long outstanding grievances and is duplicating the research of common issues. Findings in one case may also affect others still to be heard who may hold competing views and for that and other reasons, the current process may unfairly advantage those cases first dealt with in the long claimant queue.

To alleviate these problems and to further assist the prioritising, grouping, marshalling and hearing of claims, a national review of claims is now proposed.

Pursuant to second schedule clause 5A of the Treaty of Waitangi Act 1975 therefore, the Tribunal is commissioning research to advance the inquiry into the claims as a whole, and to provide a national overview of the claims grouped by districts within a broad historical context. For convenience, research commissions in this area are grouped under the name of Rangahaua Whanui.

In the interim, claims in hearing, claims ready to proceed, or urgent claims, will continue to be heard as before.

Rangahaua Whanui research commissions will issue in standard form to provide an even methodology and approach. A Tribunal mentor unit will review the comprehensiveness of the commission terms, the design of the overall programme, monitor progress and prioritise additional tasks. It will comprise Tribunal members with historical, Maori cultural and legal

skills. To avoid research duplication, to maintain liaison with interested groups and to ensure open process:

- (a) claimants and Crown will be advised of the research work proposed;
- (b) commissioned researchers will liaise with claimant groups, Crown agencies and others involved in treaty research; and
- (c) Crown Law Office, Treaty of Waitangi Policy Unit, Crown Forestry Rental Trust and a representative of a national Maori body with iwi and hapu affiliations will be invited to join the mentor unit meetings.

It is hoped that claimants and other agencies will be able to undertake a part of the proposed work.

Basic data will be sought on comparative iwi resource losses, the impact of loss and alleged causes within an historical context and to identify in advance where possible, the wide ranging additional issues and further interest groups that invariably emerge at particular claim hearings.

As required by the Act, the resultant reports, which will represent no more than the opinions of its authors, will be accessible to parties; and the authors will be available for cross-examination if required. The reports are expected to be broad surveys however. More in-depth claimant studies will be needed before specific cases can proceed to hearing; but it is expected the reports will isolate issues and enable claimant, Crown and other parties to advise on the areas they seek to oppose, support or augment.

Claimants are requested to inform the Director of work proposed or in progress in their districts.

The Director is to append a copy hereof to the appropriate research commissions and to give such further notice of it as he considers necessary.

Dated at Wellington this 23rd day of September 1993

Chairperson  
WAITANGI TRIBUNAL

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