

CHAPTER 4

UREWERA

The Rangahaua Whanui district report for Urewera was not completed at the time of the writing of the *National Overview*. This summary has therefore been written with the assistance of Anita Miles, the author of the district report. It should be noted that, when it is released, the district report will include issues that have not been discussed here.

4.1 Principal Data

4.1.1 Estimated total land area for the district

The estimated total land area for district 4 (Urewera) is 1,014,530 acres.

4.1.2 Total percentage of land in Maori ownership

The total percentage of land in Maori ownership in district 4 (as calculated from 1940 *Historical Atlas* maps held in the Alexander Turnbull Library) was 100 percent in 1860, 85 percent in 1890, 72 percent in 1910, and 11 percent in 1939 (or 55.2 acres per head according to the 1936 population figures provided below).

4.1.3 Principal modes of land alienation

The principal modes of land alienation in district 4 were:

- confiscation; and
- Crown purchases after 1910.

4.1.4 Population

The population of district 4 was approximately 1000 to 2000 in 1840 (estimated figure), 1189 in 1891 (estimated from census data), and 2105 in 1936 (also estimated from census data).

4.2 Main Geographic Features

The boundaries of this research district run east along the Rangitaiki River from Matahina toward Murupara, and inland via Minginui, Maungataniwha, and the northern shore of Lake Waikaremoana. The eastern boundary runs north through the Huiarau and Kahikatea Ranges towards Taneatua.¹

This district is largely mountainous in nature and is dissected by the Whirinaki, Whakatane, and Waimana Rivers. The principal areas of Maori settlement were along the Waimana River valley, at Ruatahuna, and at Ruatoki. In the south-eastern corner, Lake Waikaremoana provided food resources. Between the Rangitaiki River and the Ika Whenua Ranges is a relatively flat area of land known as the Galatea Basin. Centres of population in this area were at Murupara, Waiohau, and Ahikereru.

Valuers in the late nineteenth century noted that the western and southern portions of Urewera were largely mountainous, while the southern portions of the Te Whaiti, Ruatahuna, and Muanuoha blocks, all of the Waikaremoana block, and the western boundary of the district running from Whirinaki River to the Tamata-maiere trig station were described as very broken birch country.² Most of the Urewera district was in fact heavily forested.

4.3 Main Tribal Groupings

Prior to the arrival of the Mataatua waka (some 16 generations ago), a number of groups are thought to have lived in and around the Urewera district. The following discussion of these groups, as well as the later arrivals, is drawn from Anita Miles' research for Rangahaua Whanui, which, in turn, relied largely on secondary sources in producing a description of Urewera traditional history described as 'brief and tentative'.

Nga Potiki occupied the valley of the Whakatane River southwards from Karioi to the west of Maungapohatu. According to Best, Nga Potiki, for whom no waka tradition exists, is the ancient name for the Tuhoe, or Te Urewera. A second group, Te Hapu-oneone, originally occupied lands from Ohiwa inland to Te Waimana and across the Tairahia Range to Ruatoki. Finally, Te Whakatane (descendants of Haeora) lived to the west of the Tauranga (lower Waimana) River between Maungapohatu and Matahi. These three groups are believed to have intermarried and forged alliances and groups with new identities.

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1. The 'egg' shape of the Urewera district on the Rangahaua Whanui maps was intended to approximate the Tuhoe rohe. Because issues such as confiscation and land purchase straddle Rangahaua Whanui boundaries, however, discussion of some matters involving land in the Urewera 'egg' will be found in chapters on adjacent districts, such as the volcanic plateau (ch 7) and Wairoa (ch 11).
 2. A Wilson and A B Jordan to chief surveyor Auckland, 1 August 1915, ma-mlp 1, 1910, 10/28/1, pt 1 (cited in Miles, 'Urewera', Wellington, Waitangi Tribunal Rangahaua Whanui Series unpublished draft, ch 8)

Figure 11: District 4 (Urewera)

Ngati Ruapani, with ancestors in Poverty Bay, are also believed to have occupied Waikaremoana prior to the arrival of the Mataatua waka. Ruapani made alliances with Kahungunu and have a history of feuding with Tuhoe from the 1600s until an uneasy peace was established between them in the nineteenth century. In 1823, however, Tuhoe pushed back Kahungunu and began to occupy the shores of Waikaremoana with Ruapani to the east of the lake. Tuhoe were also known to feud with Ngati Awa, among others, which eventually resulted in Tuhoe moving back out of the interior and settling in Ruatoki and Te Waimana.

Ngati Manawa and Ngati Whare share a common ancestry in the migration of Tangiharuru and Wharepakau from Waikato, who conquered and intermarried with the Marangaranga (the original inhabitants of the Ika Whenua Valley descended from Toi Karakau). Ngati Manawa descendents settled in the Rangitaiki Valley, including Kaingaora (see also chapter 7), and Ngati Whare occupied the Whirinaki Valley. Both have an ancestry distinct from that of Tuhoe, although subsequent intermarriage between these iwi made for very close relationships.³

The Mataatua waka arrived some 16 generations ago in the Bay of Plenty. Intermarriage between the original inhabitants and the more recent arrivals gave rise to the ancestors of Tuhoe.

4.4 Principal Modes Of Land Alienation

4.4.1 Pre-1840 purchases (including approved old land claims and surplus lands)

There were no pre-1840 purchases in district 4.

4.4.2 Pre-1865 Crown purchases

There were no pre-1865 purchases in district 4.

4.4.3 Pre-emption waiver purchases

There were no pre-emption waiver purchases in district 4.

4.4.4 Confiscation

By Order in Council in 1865, land was confiscated in the eastern Bay of Plenty (see chapter 3 for boundary descriptions and a further discussion). According to one estimate, approximately 57,344 acres of Tuhoe's most promising agricultural and farming land were taken in the very north of the Urewera district.⁴ Although Government schedules indicate that 500 acres of this land were later returned to

3. H Bird, 'Kuranui o Ngati Manawa' (Wai 212 rod, doc b4(c)(3))

4. Sim commission papers, RDB, vol 52, p 20,221. The Sim commission itself quotes a lesser figure of 14,731 acres confiscated from Tuhoe: AJHR, 1928, g-7, p 21.

‘surrendered’ Tuhoe, it has not been possible to locate this land in the *Raupatu Document Bank* sources. By the end of April 1867, military settlers had been granted lots in Waimana and Opouriao lands. Tuhoe resistance, however, confined settlement to the north-eastern portion of the Waimana Valley. In the event, none of the objectives of the settlements were attained, and none of the settlers stayed on their lots. One reason cited for the failure of the settlement was constant attack by Tuhoe, who had been driven off their land.⁵ Once peace was established in the Waimana Valley in 1870, unoccupied lots were further subdivided and disposed of by ballot.

4.4.5 Purchases under the Native Land Acts (Crown and private as indicated)

(1) 1865–1910

In 1874, the Whakatane Cattle Company bought all the deserted military land from Poronui Mill, four miles south of Whakatane, to the confiscation line. This included 586 acres of reserves and individual grants set aside for loyal Ngati Pukeko from which restrictions on alienation were removed (except for allotment 70 at Puketi, which remained inalienable).

In 1876, the cattle company leased 12,000 acres across the Whakatane River to the west and north of the confiscation line.

From 1882 to 1885, Major Swindley privately purchased or leased most of the land from Ohiwa to Waimana estate south of the confiscation line (which had previously been through the Compensation Court or the Native Land Court in 1878). In 1882, his run in Waimana comprised some 16,000 acres. In addition, he leased 11,000 acres of Maori land to the north of Waimana. In July 1884, he also purchased 5333 acres just north of the confiscation line. All Swindley’s land was later to be taken over by the bank that held Swindley’s mortgages following economic depression in 1887.

Following the eruption of Mount Tarawera in 1886, remaining Ngati Pukeko allotments around Taneatua and Opouriao were sold (except, once again, inalienable lot 70).

In 1896, the Crown bought land at Opouriao for £24,261. The land was subsequently divided into 44 sections of 60 to 300 acres in size, in addition to 15 smaller sections. The town of Taneatua was laid out at the junction of the Whakatane and Waimana Rivers. The first ballots for these sections were held in early 1896.

(2) 1910–20

Government purchasing in Urewera began in 1909 and 1910 in the eastern Urewera blocks, which had been approved for sale by the general committee of Urewera hapu, appointed under the Urewera District Native Reserve Act 1896. Those blocks that had formal approval from the committee for sale by the end of 1910 were

5. H G D White (ed), ‘The Diary of Alfred Parkinson’, *Historical Review*, vol 20, no 1 (May 1972), p 34

4.4.5(2)

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Maungapohatu, Tauranga, Otara, Paraoanui North, Paraoanui South, Waikarewhenua, Tauwharemanuka, Omahuru, Karioi, and Pukepohatu. In addition to these blocks, the Government's Native Land Purchase Board approved the purchase of certain other blocks in September 1910 without the formal consent of the Tuhoe general committee. These were Ruatoki 1, 2, and 3, as well as the Waipotiki, Karioi, and Whaitiripapa blocks. The second schedule of Government purchasing in Urewera is reproduced below.

Block	Area	Total shares	Shares acquired	Amount paid	Rate
Waikarewhenua	12,400	5029	2215 ⁵¹ / ₁₄₀	£3181 5s 8d	12s per acre
Tauranga	39,020	4558	2536 ² / ₉	£16,159 4s 9d	15s per acre
Maungapohatu	28,462	6238	823 ¹ / ₁₀	£2258 12s	12s per acre
Paraoanui North	3300	918	474 ⁴ / ₂₁	£1419 8d	17s 6d per acre
Paraoanui South	5410	1733	1014 ⁷ / ₁₂	£2770 9s 7d	17s 6d per acre
Otara	2530	2660	1635 ⁹ / ₂₆	£1597 2s	20s per acre
Omahuru	6450	2377	1369 ³¹ / ₄₂	£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
Total	150,605			£31,353 6s	

Second schedule of Government purchasing in Urewera.

Source: ma-mlp 1, 1910/28/1, pt 1.

Following a break, the Crown's land purchase agent, Bowler, recommenced purchasing in Urewera in 1915. By July 1915, Bowler had acquired over 500 signatures (representing roughly 15,920 acres), which resulted in the Crown owning most of the blocks.

By April 1916, the Native Land Purchase Board sought to complete purchases in the Ruatoki South, Te Purenga, Te Wairiko, Poroporo, Te Tuaha, Taneatua, Pukepohatu, and Paeroa blocks, for which advances had previously been paid.⁶

6. Miles, ch 8

By mid-1916, the Crown had not yet managed to purchase one entire block, but it had acquired substantial interests in many blocks, as Bowler's purchasing returns for 1916 indicate (see the table on the following pages).

By 1917, those blocks in which the Crown had not begun purchasing were located in the south and centre of Urewera. In May 1917, the Minister approved purchasing in Hikurangi–Horomanga, Te Ranga a Ruanuku, and Tarapounamu–Matawhero. In July 1918, the Minister of Native Affairs approved the purchase of the Ohiorangi, Tauwhare, Ierenui–Ohaua, Ruatahuna, and Kohuru–Tukuroa blocks.

(3) *Summary of Crown purchases in the Urewera reserve*

Crown purchases in the Urewera reserve are summarised in the following table.

Year	Acres
June 1910–March 1912	40,795*
June 1915–March 1916	84,770†
April 1916–March 1917	56,741
April 1917–March 1918	64,303
April 1918–March 1919	42,672
April 1919–March 1920	29,996
April 1920–March 1921	9404
April 1921–July 1921	16,394
	345,076‡

* Acquired by the Lands Department.

† Acquired by the Native Land Purchase Department.

‡ For which the Crown paid £193,076: Miles, ch 8.

4.4.6 Urewera lands consolidation scheme

Following purchases in most Urewera blocks, the remaining scattered lands were consolidated by the Crown in order to facilitate settlement, and the economic use of the land. Consolidation, negotiated with Tuhoe, began in 1921, and only alienations to the Crown in Urewera were permitted until the scheme was completed. This process continued well into the 1920s with the regrouping of non-sellers. Following some negotiation, Tuhoe finally agreed to contribute £20,000 (in land) for roading to the interior villages. While Tuhoe support for the scheme was divided, it is thought that they eventually agreed because they thought that they would get defined sections on the road, surveyed and ready for farming. Similarly, it has been suggested that Tuhoe had little option, given that the Crown did not want to partition and Tuhoe interests were geographically undefined and had to be located in order for Tuhoe to use them. Through the process of consolidation, the Crown

Block	Area	Bought by 31 March 1916	Purchased since	Total purchase	Unpurc-hased 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	12,500	8947	501	9448	3052	12s	7500
Maungapohatu	28,462	10,931	1240	11,174	17,298	12s	£170774s
Te Whaiti 1	45,048	16,646	6952	23,598	21450	8s 3d	£18,687
Te Whaiti 2	26,292	16,080	4238	20,318	5974	£1 1s 3d	£28000
Otairi	6910	4304	507	4811	1099	5s	£1727 10s
Maraetahia	5512	2606	593	3229	2372	5s	£1378
Parekohe	20,960	5609	4283	9892	11,068	£1	£20960
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	11	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	125,495	44,869	170,394	130,349		

Bowler's purchasing returns for 1916. Source: Bowler to the Under-Secretary of the Native Department, 9 December 1916, ma-mlp 1, 1910/28/1, pt 2 (as reproduced in Miles, ch 8).

acquired 137,224 acres. Of the Waikaremoana block of 73,667 acres, 29,060 acres at Ruatahuna were exchanged at a rate of six shillings per acre, while the remaining 44,000 acres were purchased for an average of 15 shillings per acre, largely paid in debentures. The Crown also paid Tuhoe small amounts for abandoned improvements.

4.5 Outcomes for Main Tribes in the Urewera Reserve

By the end of June 1918, Bowler had managed to acquire approximately 251,826 acres in Urewera, which left a balance of 184,671 acres to Tuhoe.⁷

Returns to the end of July 1921 indicated that the Crown had made purchases 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, the non-sellers retained 173,232 acres (valued at £78,479), as well as two small blocks and six larger blocks intact.⁸

Therefore, from June 1910 to July 1921, the Crown purchased the equivalent of two-thirds of all blocks under purchase.⁹ In addition, the Crown acquired 137,224 acres via consolidation, amounting to 482,300 acres, or nearly 75 percent of the reserve area, acquired by the Crown by 1927.

4.6 Examples of Treaty Issues Arising

4.6.1 Confiscation

Following confiscations in the Bay of Plenty, a Compensation Court was appointed for the eastern Bay of Plenty confiscation block, according to the New Zealand Settlements Act 1863. The evidence suggests, however, that J A Wilson (who acted both as a Crown agent in court and a special commissioner making out-of-court arrangements) seems to have acted administratively rather than through an open court process. He attempted to reduce the area claimed by Maori as much as he could in an effort to better the Crown's holding.¹⁰

According to one source, Tuhoe's claims to return land via the Compensation Court were dismissed because of their participation in the defence of Orakau in 1864 and for their alleged involvement in the killing of Volkner and the sheltering of Kereopa (see ch 3), as well as for their illegal possession of firearms. Miles reasons that Tuhoe involvement at Orakau and in the killing of Volkner ought not to have disqualified Tuhoe from compensation, in view of the pardon given to Bay of Plenty Maori in the peace proclamation of 1865. She notes that favour was shown towards loyal tribes, particularly where territory was disputed.¹¹

7. See schedule of Urewera purchases, 16 July 1918, ma-mlp 1, 1910, 10/28/1, pt 3 (cited in Miles, ch 8)

8. AJHR, 1921, sess 2, g-7, p 3 (cited in Miles, ch 8)

9. Miles, ch 8

10. J A Wilson to F Whitaker, AGG Auckland, 4 November 1866, RBD, vol 120, pp 46,353–46,357

For a further discussion of Treaty issues arising from confiscation policy and law, see volume ii, chapter 6.

4.6.2 Urewera District Native Reserves Act 1896

The purpose of the Urewera District Native Reserves Act 1896 was to ascertain native title and make provision for the 'Local Government of the Native Lands in the Urewera District'. The Act established the general committee to deal with these issues in the district as a whole. Its decisions were to be binding on all owners. In this sense, the Act was a recognition by the Crown of the hapu and tribal structure, via the committee.

The Urewera District Native Reserve Amendment Act 1900 enabled the commissioners to partition blocks and reserved to the Native Minister the power to set aside any Urewera land for leasing periods of 21 years upon the recommendation of the Urewera commissioners. Miles notes that the amendment Act indicates 'an attempt to wrest the initiative on Urewera land policy from Tuhoe control'.¹² She goes on to say that, through the Act's provisions, the democratic committee structure envisaged under the 1896 Act was sidestepped in favour of a concentration of power on Carroll and the commissioners.¹³

Despite this early intention, Miles notes:

Government policy, however, was firmly focussed on the purchase of Urewera land, not on the promotion of Maori development of land and agricultural enterprise (in spite of Tuhoe efforts at Ruatoki). This came in spite of Ngata's assurances in Parliament that section 8 of the Urewera Amendment Act 1909 was 'for the purpose of promoting settlement on their lands by Natives themselves'.¹⁴ From this point onward, Tuhoe non-sellers were placed in a position of reacting to and protesting against aggressive Government purchase policy in the Urewera.¹⁵

In the event, the Government did not protect the rights granted to the block committees to make collective forms of alienation, nor did it protect the right of the Tuhoe general committee to approve or veto those offers. In eventually dispensing with this provision, the Government was also dispensing with Tuhoe's expression of local self-determination.¹⁶

4.6.3 The Tuhoe general committee (Komiti Nui)

(1) *The establishment of the committee*

Under the Urewera District Native Reserves Act, each block committee was to elect a representative to the general committee. Carroll, however, considered that a

11. Miles, ch 6

12. Ibid

13. Ibid

14. Ibid, ch 8

15. Ibid

16. Ibid

committee comprising a member for each of 33 blocks, which had been proposed by hapu, would be ‘unworkable’.¹⁷ Instead, only 20 members were chosen by the minister, in consultation with Numia Kereru (the chairman of the committee). Their selection or appointment proved contentious, and the committee was not finally gazetted until March 1909, some 13 years after the Act was passed. There is also evidence that Carroll amended this membership soon after it was announced, and prior to an amendment being made to the governing Act allowing him to do so.¹⁸

In 1908, Ngata, as a commissioner with the Stout–Ngata commission, met with Tuhoe and raised the matter of the cession of Urewera lands in order to compensate the State for approximately £7000 in debts owed by Tuhoe for survey and other charges, saying that the ‘time was ripe’ for sales.¹⁹ Tuhoe responded by offering to sell the Government 28,000 acres. The Government was presumably less than satisfied with this offer, given the size of the district available. In April 1908, Rua Kenana, the Tuhoe prophet leader, announced that he was prepared to sell other Tuhoe land in order to reserve his own land.²⁰ Again, in November 1908, Rua is said to have met with Carroll and offered to sell land with the support of 1400 signatures on a petition.²¹ Having agreed to consider Rua’s requests, which he considered ‘reasonable’, Carroll was faced with the problem of having the sales legally authorised by the general committee.

(2) *Title determination*

The Urewera District Native Reserves Act 1896 seems to imply that title determination would be carried out according to the wish of a majority influence of Tuhoe commissioners. However, the amendment Act of 1900 disqualified any members with a personal interest in the block from sitting or voting on its ownership, which seriously jeopardised the Tuhoe majority. The objective of the commissioners was, as far as possible, to divide the Urewera district into blocks along traditional hapu boundaries and determine the ownership of those blocks. Since hapu were not discrete entities sitting within tidy boundaries, the whole attempt at defining ‘hapu boundaries’ was setting the Tuhoe commissioners a near-impossible task. In fact, the commission reduced the original 58 hapu areas into just 34 blocks. The commission noted later that, had it worked to distinct hapu boundaries only, interests would have been scattered through many blocks and the process would have been considerably slower.²² This simplification, however, grouped separate hapu together in a single block, which ultimately resulted in many hapu appeals for partition.

17. NZPD, 9 October 1909, vol 145, p 1116 (cited in Miles, ch 7)

18. Miles, ch 7

19. ma 78/11 (cited in Miles, ch 7)

20. P Webster, *Rua and the Maori Millennium*, New Press and Price Milburn, 1917, p 231 (cited in Miles, ch 7)

21. J Binney, G Chaplin, C Wallace, *Mihaia: The Prophet Rua Renana and his Community at Maungapohatu*, Auckland, Oxford University Press, 1979, p 40 (cited in Miles, ch 7)

22. Chief Judge Jackson Palmer to Under-Secretary of the Native Department, 6 May 1912, ma 13/90, NA Wellington

When it became clear that it was not possible to create neat hapu blocks, it was decided that the title to the whole area would have to be investigated before the commission could determine any block boundaries. Before the commission had finished hearing all the Urewera blocks, appeals for readjustments and rehearings were steadily flowing in. A second Urewera commission began hearings at Wairoa in 1906, and was largely concerned with Waikaremoana evidence and, subsequently, other blocks also. While the first commission had encountered difficulties in consistently allocating shares in blocks (and had often done so before the hapu boundaries were determined), the second commission attempted to adjust the shares of owners to accommodate groups with greater interests. Even after the commission had completed and published the land titles for the Urewera district, appeals continued to flow in from Urewera Maori, and they were serious enough to warrant a complicated round of legislative amendments that enabled the chief judge of the Native Land Court to amend titles after they had been ascertained. Furthermore, the Urewera District Native Reserve Amendment Act 1909 converted the Urewera orders into freehold orders of the Native Land Court, and made them registrable as such.

In 1909, when Fisher (the Under-Secretary of the Native Department) instructed the Waiariki District Maori Land Board (established under the Act of 1900) that the function of the Tuhoe general committee was to make recommendations and arrangements for the leasing of Tuhoe land only, it was clear that the relationship between the general committee and the Government was being redefined without consultation with Tuhoe. While both Fisher and Carroll encouraged and directed the committee to consider issues relating to land settlement, Miles notes that they were 'at the same time making preparations for the Native Land Court to undertake functions which Tuhoe might have originally thought would be carried out by their local and General Committees'. She notes that this shift (evident as early as 1908) was never directly communicated to Tuhoe.²³

Miles notes that:

the extension of the Native Land Court jurisdiction to the Urewera [under the Urewera District Native Reserve Amendment Act 1909] must have been unpleasantly surprising for many Tuhoe, given their opposition to the Court in previous years.

She adds also that the cost of applications to the court could have been avoided if the applications had been undertaken by the general committee. However, she concludes that:

further research 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.²⁴

23. Miles, ch 7

24. Ibid

At the passing of the amendment, Ngata made clear his intention to purchase, rather than lease, land on behalf of the Government from Tuhoe.²⁵ The land was to be vested in the Maori Land Board, but not without the prior consent of the general committee.

Miles states that:

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 1910.²⁶

(3) *Crown purchases*

In approving purchases in the Ruatoki 1, 2, and 3, Waipotiki, Karioi, and Whataitiripapa blocks in September 1910, the Government was clearly circumventing the Urewera District Native Reserves Act process. By dealing with Rua and other individuals, Carroll was signalling that the Government would no longer recognise a collective, tribal authority over Tuhoe lands, such as that represented by the general committee. This decision ushered in a new and extended period in which individual interests were purchased in the Urewera 'reserve' and the notion of leasing was pushed aside. Miles notes that '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'.²⁷

While Miles acknowledges that it is difficult to determine how representative the Tuhoe general committee was of Tuhoe interests, she also notes that early sales provoked complaints from Maori as they were being conducted. For example, in the sale of the Maungapohatu block, certain areas were agreed to be cut off from the sale, following a request by Numia Kereru. However, the Crown purchased individual interests in the block, rather than surveying particular areas. The question of exactly where the Crown was going to locate its purchases within the Maungapohatu block led to protracted negotiations with Maori.²⁸

Problems are also evident in the purchase of other blocks. Miles says that 'Fully cognizant of the problems at Ruatahuna, the Government nonetheless decided to push on with purchasing this block, passing instructions to Bowler in July 1918.'²⁹ Moreover, in the Omahuru block, purchases were undertaken on the original lists in spite of partition orders, which were then cancelled.³⁰

When the Government passed the Native Land Amendment Act 1916, which retrospectively validated its purchases of individual interests in Urewera prior to that date, W Herries (the Native Minister) admitted that there was some doubt

25. 21 December 1909, NZPD, vol 148, p 1386 (cited in Miles, ch 7)

26. Miles, ch 7

27. Ibid

28. Ibid, ch 8

29. Ibid

30. Ibid

concerning the validity of the Crown's purchases because of the requirement that the Crown purchase only from the general committee. Remarkably, Miles notes, Herries told Parliament that the general committee had never been set up and this was why the validation had been required.³¹

4.6.4 Timber licences

One particular objection by the general committee to the 1909 amendment was the issue of the granting of timber licences under the Act. The general committee envisaged a system of timber licences controlled by the committee, this being one of the few revenue earners at Tuhoe's immediate disposal, while the 1909 Act envisaged no more than a consenting role for the committee.³²

In 1915, valuers in Urewera noted how heavily timbered the area was, but they cautioned that the timber was too dispersed and isolated to be of any real commercial value. They therefore decided to place no value on the timber on the land when estimating the value of a block.³³

There appeared to be some confusion over the status of the timber on the Te Whaiti block at the time of its purchase.³⁴ The owners, Ngati Whare and Ngati Manawa, had to consider whether they would sell only the timber or both the land and the timber. In 1915, the timber on the land (covering 12,000 acres and valued at 50 shillings an acre) and the land itself, amounted to £30,000. On the basis of this valuation, it was decided by the Crown that the block would be purchased largely as a timber reserve and that settlement would be limited so as not to interfere with the extraction of timber. As sales of interest in the land began, the non-sellers requested a partitioning of the block to separate out those shares acquired by the Crown. A legal technicality made partitioning the land impractical, and the purchase of Te Whaiti interests continued until 1921. The timber on the land, which in 1915 had been seen to be of only limited value, was now able to be accessed by a road, and was identified as 'very valuable'.³⁵

Miles concludes that the purchase of the Te Whaiti timber reserves was typical of the Government's lack of effort to help Tuhoe retain and use their resources other than land (which resources were vital to them, given the scarcity of good land in the district). Furthermore, she notes that it does not appear that the owners were given the opportunity to sell only the timber to the Crown.³⁶

31. W Herries, 3 August 1916, NZPD, vol 177, p 741 (cited in Miles, ch 8)

32. Miles, ch 7

33. R Pollock to commissioner of Crown lands, 3 August 1915, ma-mlp 1, 1910/28/1, pt 1 (cited in Miles, ch 8)

34. Miles, ch 8

35. W Bowler, memo to Under-Secretary of the Native Department, 6 April 1920, ma-mlp, 1910, 10/28/4 (cited in Miles, ch 8)

36. Miles, ch 8

4.6.5

4.6.5 Public works

Miles notes that, in order to keep prices of land low in the Urewera district and in order to prevent the Crown from enjoying an ‘unearned increment’, roading and development took place only once the Crown had purchased the land it wanted in the district. In 1894, Seddon promised to construct roads and employ Tuhoe,³⁷ but this was not done to the scale that Tuhoe had anticipated. The only public works attempted were the construction of a road at Te Whaiti in the late 1890s and the Gisborne to Ruatahuna stock track. Miles notes that much-needed development did not eventuate.³⁸

4.6.6 The consolidation scheme

While special legislation was recommended in 1921 to give effect to the consolidation scheme, opinion was expressed in the House that the negotiations were best carried out in an informal manner ‘unhampered by legislative or other restrictions’. It was further asserted that the:

ordinary machinery of the Courts would have been at a serious disadvantage . . . [and] 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 adjustments at a time when the fullest advantage had to be taken of the complete representation of all non-sellers’ interests at one place.³⁹

It is evident that the scheme was actually carried out in a manner to which many Maori objected. At a meeting in February 1922, Maori stated that they opposed the relocation of Waikaremoana interests northward; the transfer of interests which took the relative valuations into account, instead of on an acre-for-acre basis; the contributions to roading; the rating of Urewera land; and the payment of surveys, which had apparently not been discussed at the initial meeting to discuss the scheme.

In the event, the consolidation scheme allowed the Crown to secure the title of the Waikaremoana block (for conservation and scenic purposes) and the good timber blocks at Te Whaiti. The interior roads promised to Maori were not made, and Tuhoe were compensated £100,000 in 1958 for this and for the faulty location of their blocks in the Whakatane and Waimana Valleys.

4.7 Additional Reading

The following are recommended for additional reading:

37. AJHR, 1895, g-1 (cited in Miles, ch 5)

38. Miles, ch 8

39. AJHR, 1921, sess 2, g-7, p 6

Anita Miles, 'Urewera', Wellington, Waitangi Tribunal Rangahaua Whanui Series unpublished draft;

Vincent O'Malley, 'The Crown and Ngati Ruapani: Confiscation and Land Purchase in the Wairoa-Waikaremoana Area, 1865-1875', report commissioned by the Waitangi Tribunal, October 1994 (Wai 144 rod, doc a3); and

Vincent O'Malley, 'The Crown's Acquisition of the Waikaremoana Block, 1921-25', report commissioned by the Waitangi Tribunal, May 1996 (Wai 144 rod, doc a7).