

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’.¹ 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.² The original lands of Nga Potiki did not include the Waimana, Ruatoki, Te Whaiti, Whirinaki, Waikaremoana or Te Papuni districts.³

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

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.⁴ 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.⁵ 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.⁶ 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.⁷ 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.⁸

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

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.⁹

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.¹⁰

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.¹¹

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

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.¹²

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.¹³ 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.¹⁴

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.¹⁵

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.¹⁶ 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.¹⁷ 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.¹⁸ 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).¹⁹ 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

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.²⁰ 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.²¹ 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.²² 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 1878.²³ 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,

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.²⁴ 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.²⁵

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 Tauheke. 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.²⁶ 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.²⁷ 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.

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.²⁸ 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.²⁹

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.³⁰ Turi o Kahu is a hill that stands near Te Kuha pa, Waikaremoana, while Kuhatarewa is a hill near Tahekenui, near the Waiiu valley and about halfway between Lake Waikaremoana and Wairoa.³¹ 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 Waiiu, Tukurangi, Taramarama, and Ruakituri blocks) remains unclear. The customary ownership of these blocks was never properly investigated or

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.³²

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'.³³ 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.³⁴ 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,

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’.³⁵ 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.³⁶

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.³⁷

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’.³⁸ 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’.³⁹ 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'.⁴⁰

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,

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.⁴¹

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.⁴² 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.

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’.⁴³ 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

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.⁴⁴

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'.⁴⁵

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.⁴⁶

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’.⁴⁷ 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.⁴⁸ 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.⁴⁹

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

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.⁵⁰

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.⁵¹

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.⁵² 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.⁵³ 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

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.⁵⁴

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.⁵⁵

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'.⁵⁵ 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

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.'⁵⁷ 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.⁵⁸ 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

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.⁵⁹

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’.⁶⁰ 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.⁶¹

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

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?⁶²

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'.⁶³ 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.⁶⁴ 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.⁶⁵

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.]⁶⁶

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'.⁶⁷

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.⁶⁸ 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

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'.⁶⁹ 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'.⁷⁰ 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

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'.⁷¹ 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.

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.⁷² 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.⁷³ 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'.⁷⁴ 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.⁷⁵

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.⁷⁶

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.

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