

## FOREWORD

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

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

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

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## PREFACE

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

I have completed reports on Oriwa 1b3 (Wai 67); Kopukairoa Maunga (Wai 162); Maraehako c3d (Wai 224); and the Te Horo development scheme (Wai 149). I have also co-authored research for the Eastern Bay of Plenty inquiry (Wai 46). I began research for this report in 1994, and have worked on this report intermittently since that time. In the same period, I have also been responsible for the facilitation of claims in the Urewera and Ika Whenua districts. I am still the facilitator for these regions, and am involved in further research for the Urewera district inquiry.

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



## INTRODUCTION

### **intro.1 The Rangahaua Whanui Project**

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

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

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

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

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

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

### **intro.2 The Boundaries of District 4**

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

This enlargement of scope beyond the strict 1896 reserve boundaries makes the boundaries of district four less easy to determine with precision. Broadly, the district commences in the north at about present-day Taneatua, then continues west and south to meet the Rangitaiki River at about Te Mahoe. The Rangitaiki River, and the Wheao, more or less form the western boundary of the Urewera research district, until the boundary then turns eastward, taking in Heruiwi and Whirinaki lands, until it reaches the Waiau River, then turns gently north and eastward to encompass the Waikaremoana district. From this point, the boundary then follows the western boundary of the old Urewera reserve in a northward direction, then turns northwest, taking in the Waimana lands and meets the starting point at Taneatua. The Rangahaua Whanui Urewera district is represented in figure 1. Roughly, this area would comprise approximately 775,000 acres, though it must be stressed that this is a very approximate estimate. The figure was arrived at by adding various areas of land blocks that went before the Native Land Court, where known, to the area of the old Urewera reserve. The boundaries of this area are flexible, and the report strays beyond them where necessary, to maintain the integrity of the narrative.

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

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

of the old reserve boundary. Time constraints, which limited the amount of primary research undertaken for this study, in conjunction with a lack of secondary source material, meant that an adequate examination of alienation in these areas was not conducted.

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

### **intro.3 The Structure of the Report**

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

Chapter 2 describes the contact, or lack of it, between Urewera Maori and Europeans in the early to mid-nineteenth century. The cultural and economic impact of the small European settler populations of the Bay of Plenty and Wairoa districts on the Urewera communities is examined, mainly in the context of trade and missionary activities. The nature of the political relationship between the Crown and Urewera Maori, prior to confiscation, is discussed, with a focus on an official report submitted by the resident magistrate, C Hunter Brown. It describes his attempts to promote Grey’s ‘runanga’ scheme among Tuhoe. The impressions that Tuhoe made upon those early Europeans who encountered them is also canvassed, and it is suggested that these perceptions coloured the official treatment of that iwi.

Further, the idea that Tuhoe were not as ‘untouched’ by European impact, or as culturally conservative as is sometimes thought, is suggested. Some estimations of the Tuhoe population in the nineteenth century are also discussed, but are qualified by an appreciation of the difficulties involved in giving accurate historical figures in terms of Maori populations. The Urewera district has historically straddled the boundaries of various counties and districts for which official figures have been provided, resulting in confusion as to the hapu groups and areas referred to.

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

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

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

Chapter 5 describes how Tuhoe’s asserted boundaries and prohibitions came under threat from the competing claims of other iwi, and from its own hapu, through actions such as leasing, and taking land to court. This process of encroachment on Tuhoe boundaries is examined by way of case study, as it was impossible to explore all issues associated with every block that went before the Native Land Court, or every hearing in which Tuhoe claimants or witnesses appeared. The case studies chosen for the purposes of this chapter were the Waimana and Kuhawaea blocks, and four blocks to the south of Lake

Waikaremoana known as Taramarama, Waiau, Tukurangi, and Ruakituri. It is hoped that the generalist nature of this chapter will be supported in future by detailed case studies of other blocks that went before the Native Land Court as the Urewera district research casebook is assembled.

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

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

Chapter 8 examines the establishment of Tuhoe's general committee, which, according to the Urewera District Native Reserve Act 1896, was meant to 'deal with all questions affecting the reserve as a whole' and whose decisions were to be binding on all Urewera owners. The committee was also the sole body that could endorse alienation of land to the Crown, but, because of the focus on determination of title, and a political power play on Carroll's part, the general committee was not formed until 1909. The functions and powers of the general committee were never clearly defined, and it was vulnerable in the face of attack from local, regional block committees, dissatisfied with attempts at centralised control over their lands. Within a year of its formal inception, the Government was acquiring agreements for sale of

Urewera land without reference to the general committee. The cross-currents in the political debates of the time – leasing versus sale of land; private alienation versus a State-controlled distribution of land; and Pakeha settlement versus Maori desires for agricultural development – form the thematic basis of this chapter.

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

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

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

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

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

## intro.4 A Note on Sources

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

A certain amount of detail was, however, necessary in order to provide an adequate historical context for the evaluation and interpretation of Crown actions towards Maori in any particular claim. For this reason, chapters 7 through to 10 required primary research to provide the necessary information for the report. Some key primary sources consulted were two files in Maori Affairs series 13, located at National Archives. This so-called ‘special files’ series contained two files – ma13/90: Urewera–Te Whaiti and ma13/91: Urewera – that are an invaluable collation of official records and correspondence relating to the period under discussion in this report, and have been used extensively. It should be noted that a further file in this series – ma13/92: Urewera (Shepperd–Galvin report) – deals with a report undertaken in the 1930s that canvassed official meetings held with Tuhoe as to the preservation of the Urewera bush and other land utilisation matters. Because this period fell outside the scope of this report, this important file is not referenced in this study but has provided other researchers with valuable information.<sup>2</sup> Other important files accessed at National Archives in the Maori Affairs series were those concerned with the Urewera consolidation scheme (ma1 29/4/7, pts 1–3, Urewera Consolidation; ma1 29/4/7a, Balneavis file). Information on Crown purchasing in the Urewera native reserve was located in the Maori Affairs’ Maori land purchase series (notably, ma-mlp1 1910, 10/28/1, pts 1–3, Urewera purchase; ma-mlp1 1910, 10/28/1, Ruatoki 1, 2, and 3 purchase; ma-mlp1 1910/28/11, Urewera purchase: Ruatahuna). Other material consulted at National Archives included miscellaneous files from the Maori Affairs, Justice, Agent of the General Government, and Lands and Survey series. Manuscript sources were also consulted at the Alexander Turnbull Library, notably Percy Smith’s correspondence in papers of the Polynesian Society (ms1187; folder 297; ms1187; folder 292).

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

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2. See Leah Campbell, ‘Urewera Overview Report: Land Alienation, Consolidation and Development in the Urewera, 1912–1950’, report commissioned by the Crown Forestry Rental Trust, July 1997 (Wai 36 rod, doc a9)
  3. The Urewera minute books provide English translation summaries of evidence, and minute book 4 is a collation in English of some major evidence heard by the Urewera commission. However, it is my understanding that the summaries lack substantive detail and that much of the Maori text is yet untranslated. These minute books can be viewed at the Maori Land Court in Rotorua and are also at National Archives, Wellington, in microfiche form.

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

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

## LIST OF ABBREVIATIONS

AJHR	<i>Appendices to the Journals of the House of Representatives</i>
app	appendix
ATL	Alexander Turnbull Library
ch	chapter
CMS	Church Missionary Society
comp	compiler
doc	document
ecltia	East Coast Land Titles Investigation Act 1866
ed	editor, edition
encl	enclosure
âg	âgure
fn	footnote
fol	folio
j	Department of Justice âle
LINZ	Land Information New Zealand
ls	Department of Lands and Survey âle
ma	Department of Maori Aâairs âle
ma-mlp	Department of Maori Aâairs Maori land purchase âle
ms	manuscript
NA	National Archives (Wellington)
p, pp	page, pages
pt	part
RDB	<i>Raupatu Document Bank</i> (139 vols, Wellington, Waitangi Tribunal, 1990)
rod	record of documents
s	section (of an Act)
sec	section (of a book, report, etc)
sess	session
sm	Society of Mary
udnra	Urewera District Native Reserve Act 1896
vol	volume
Wai	Waitangi Tribunal claim

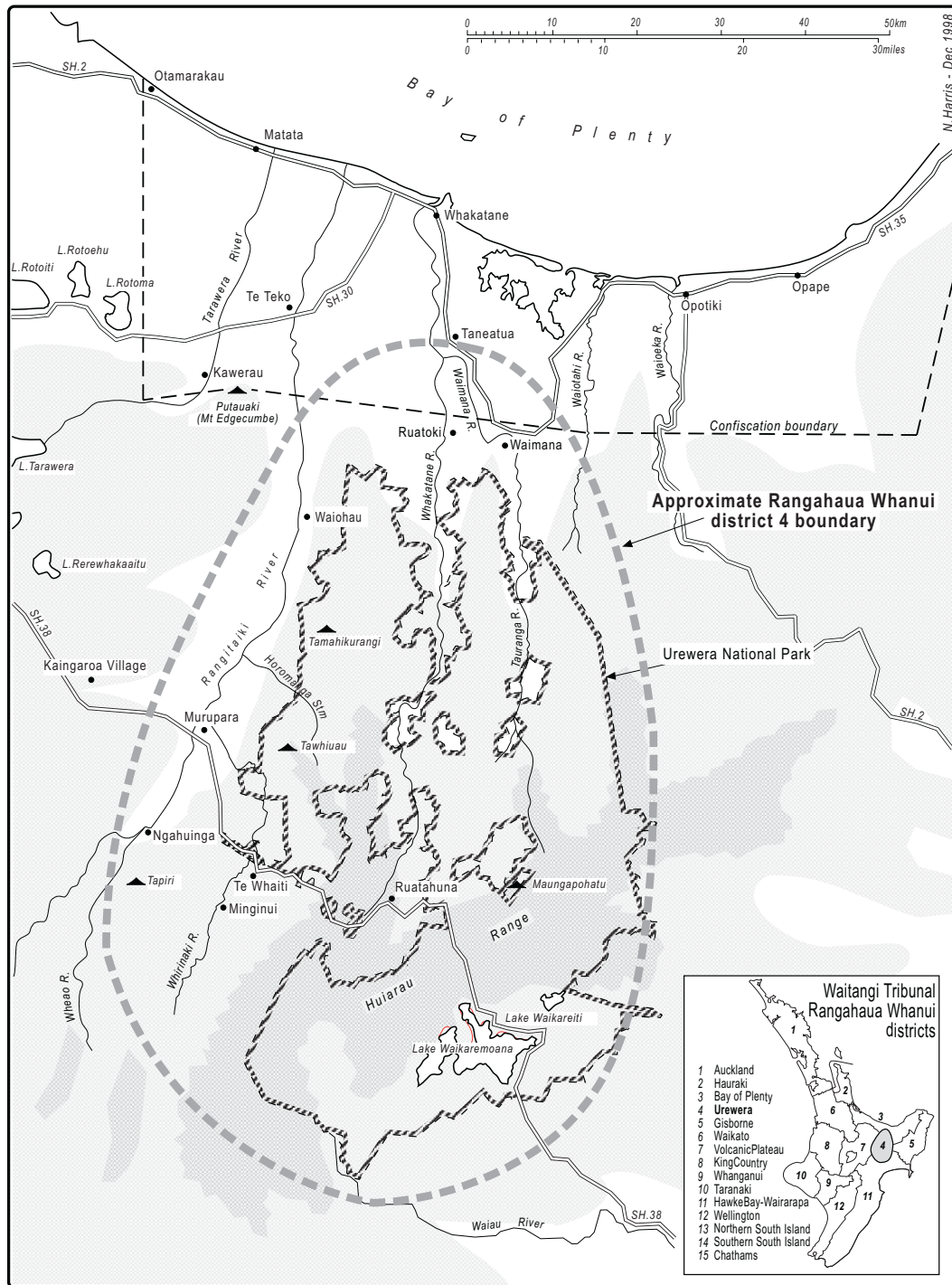


Figure 1: Location map, Te Urewera (Rangahaua Whanui district 4)

