

CHAPTER 2

EARLY EUROPEAN SETTLEMENT

2.1 INTRODUCTION

Many of the Europeans introduced in the course of this chapter were to become prominent landowners in Poverty Bay in later decades, and their names will reappear frequently in the course of this report. Similarly, some of the prominent Maori in the district's modern history are also first mentioned within the context of early European settlement. Some of these men and women would later be land sellers. Others would resist land sale and repudiate the transactions that had already taken place. Within the period that this chapter covers, Maori readily responded to the challenges presented by early contact with Europeans with a strength and resilience that was inextricably linked to their mana whenua and their continued control of their own resources. The first of these challenges was presented by the arrival in the district of European traders and whalers, who were soon followed by missionaries. The adoption and adaptation of Christianity by Poverty Bay Maori preceded, by a narrow margin, their entry into the European economy through trading and business activity, in which they immediately excelled. Throughout, there was a continued reliance primarily on their own social and political institutions rather than those introduced along with the entry of Government officials to the district. The final section of this chapter deals with the Maori repudiation of all European old land claims in the late 1850s and early 1860s. Following the East Coast wars of the 1860s and the confiscation of Poverty Bay lands, to be dealt with in chapters 3 and 4, the Maori domain which this district had been was unfortunately to end, despite the efforts Maori had made to maintain it during the early settlement period.

2.2 THE ARRIVAL OF CAPTAIN JAMES COOK

James Cook's ship *Endeavour* anchored off the mouth of the Turanganui River on 8 October 1769. According to J S Polack, the ship had been mistaken for a giant bird by local Maori.¹ This account seems to indicate that the first contact between Poverty Bay Maori and Europeans became something of a mythologised event within local Maori lore. As a party from Orakaiapu pa came to the foreshore with the apparent intention of taking the ship by force of arms, it seems unlikely that

1. J S Polack, *New Zealand: Being a Narrative of Travels and Adventures During a Residence in that Country Between the Years 1831 and 1833*, 1838, vol 1, p 15

they were really quite so gullible as Polack would have us believe. Unfortunately, the first contact of the two peoples on this part of the coast was not to be peaceable, and the events that were to unfold there must certainly have added to the unfavourable impression of the bay area, that led to its unfortunate naming by Cook and his fellow travellers.

When Cook and some of his men first ventured onto land, those Maori who had been gathered on the shore immediately ran off. Later, the sailors were attacked by a party of Maori men when they attempted to make contact by walking up to a group of whare near the beach. During this attack, shots were fired by one of Cook's party, killing one man, identified by Gisborne historian J A Mackay as Te Maro, of Ngati Oneone (hapu of Te Aitanga a Hauiti). This was clearly the first instance of gun-fire ever experienced by Poverty Bay Maori, but they do not appear to have been deterred by it as the following day a well-armed party met three boats of Cook's men on the same shore, forcing Cook to return to his ship. He then landed the marines who, marching with a Union Jack before them, attempted to establish friendly relations with the local inhabitants and get provisions. These efforts were not fruitful though, as the local warriors seemed only to be interested in obtaining firearms either through barter or theft. When one man, Te Rakau, grabbed the firearm of one of the Europeans and waved it triumphantly over his head, he was shot. Still brandishing the stolen weapon, he retreated some way up the beach. At this point he was shot again, and dropped to the ground. The Maori party then began to advance, and further shots were fired at them, wounding two or three. They then withdrew, and Cook's party returned again to the *Endeavour*.² This latter party of warriors was apparently Rongowhakaata from Orakaipu pa, who had come with the idea of taking the ship anchored in the harbour.³

This was not the end of the troubles. Over the next days, Cook's men shot and killed four more men and captured three boys from a fishing boat out on the bay. These three were later returned to shore, where they laid gifts of clothes they had been given on the body of Te Rakau that still lay on the beach. The boys, it would seem, were also of Rongowhakaata, judging by the descriptions of where they wished to be landed when returned to shore, and by their attitude towards Te Rakau's body. Cook gave the name Poverty Bay to this place because he was unable to obtain anything there in the way of provisions.⁴

Cook apparently also remarked on how unfavourable the bay was for sailing vessels, calling it 'wild riding for a ship'⁵. Joseph Banks recorded that the bay was completely without shelter. This was to remain a significant problem for later trading and settlement, and contributed to the slow pace of European settlement of the district in the ensuing years. Banks was apparently struck with guilt over the deaths that had occurred in Poverty Bay, and with good reason perhaps, as historians W H Oliver and J M Thomson have written in *Challenge and Response*,

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2. Mackay (ed), *Joint Golden Jubilees*, Gisborne Times Jubilee Handbook, Gisborne Publishing Co, 1927, pp 3-4
 3. Ibid, p 6; Mackay, *Historic Poverty Bay*, p 28
 4. Mackay(ed), *Joint Golden Jubilees*,p 8; Mackay, *Historic Poverty Bay*, p 40
 5. W H Oliver and J M Thomson, *Challenge and Response*, East Coast Development Research Association, Gisborne, 1971, p 13

a study of the Gisborne and East Coast regions, that these first meetings with Europeans would cause lasting bitterness among local Maori. Regardless of how quickly the bitterness of cross-cultural contact manifested itself, Cook's visit to Turanganui a Kiwa seems an unfortunately appropriate forerunner to later encounters between the two peoples on this part of the East Coast. As Oliver and Thomson write, the 'meeting of cultures is cruel, and the first shots have long echoes'.⁶

2.3 WHALERS AND TRADERS

Although Europeans were probably visitors to the East Coast from the early nineteenth century, documented settlement of the area began with the shore traders who lived along the coast from the early 1830s.⁷ J W Harris was sent to Poverty Bay by the Sydney traders Montefiore & Company in 1831, along with George White (Barnet Burns), and Tom Ralph who were to help establish trading stations along the East Coast. Flax was the main trading commodity, and while Harris was stationed at Poverty Bay, White traded at Mahia, and Ralph at Wherowhero. Other traders soon followed and trade was brisk as the Maori desire for muskets, and later other European commodities, provided an impetus for this developing relationship.⁸ These shore traders were enabled to remain in isolated areas only through the patronage of certain chiefs. They lived according to Maori laws and custom as the East Coast was at this time a completely Maori world. Oliver and Thomson write that the traders did not form communities, and even the three traders sent to Poverty Bay went to live in different parts of the district in order to conduct business with a wider group of Maori. Chiefs often deliberately kept the traders apart in order to prevent rivalry between different hapu. The flax trader's life was a somewhat isolated one in terms of contact with other Europeans, and also insecure considering their fundamental lack of power within the Maori community.⁹ The chief who gave protection to Harris in these early days in Poverty Bay was Paratene Pototi, also known as Paratene Turangi.¹⁰

Some of these traders became the founders of the European community at Turanganui and were those who brought old land claims before the land claims commissioner in 1859 (and later the Poverty Bay Commission of 1869). These old land claims are the subject of discussion later in this chapter (see sec 2.9). Men such as J W Harris, Thomas Halbert, Robert Espie, William Brown, and Peter Simpson all married Maori women, or at least cohabitated with them for a time, producing a number of part-Maori children. It was these alliances that formed the beginnings of the European community in Poverty Bay. In 1832 or 1833, Harris married a woman of rank, Tukura, first cousin of Rawiri Te Eke, and these two had part-Maori children, for whom allowance was made in land gifted to Harris.¹¹ Peter Simpson

6. Ibid, p 14

7. Ibid, p 19

8. Mackay (ed), *Joint Golden Jubilees*, p 49

9. Oliver and Thomson, p 20

10. Mackay, *Historic Poverty Bay*, p 98

who arrived in 1831 and traded at Muriwai also had a part-Maori child, but later married a European woman.¹² In 1834, Thomas Halbert took up residence at Muriwai and married his second wife, Pirihiā Konekone of Te Aitanga a Mahaki, who later left him and went to live with Raharuhi Rukupo, who also adopted Halbert's child from that liaison. The child of another of Halbert's marriages, this time with Riria Mauaranui of Te Aitanga a Mahaki, was Wi Pere, who became a major political figure of the region in the late nineteenth century. Halbert's fifth marriage was to Kaikeri of Rongowhakaata. This alliance produced seven children, among them Keita, who married settler James Wyllie, and was a prominent land-seller in subsequent decades. A sixth marriage was to Maori Pani, another Rongowhakaata woman, whose previous marriage to Tiopira produced a girl who would become the wife of prominent settler James Woodbine Johnson.¹³

When the flax trade dwindled these men turned to whaling, and some small European communities began to develop around the coastal whaling stations. Harris set up the first whaling station at the mouth of the Turanganui River in 1837, later moving it to Papawhariki. Espie set up a station at Mawhai, Tokomaru Bay, and a newcomer George Clayton was whaling at Waikokopu in 1838.¹⁴ The communities that developed around these whaling stations were at best unstable, with people passing through regularly. At worst they were the scene of the type of vice and debauchery that horrified the newly-arrived missionaries, who were concerned at the detrimental effect such settlements would have on local Maori.¹⁵

Whaling and trading continued in the area, but those who had been resident for some time soon began to turn to farming as a secondary occupation. Harris began farming on the block of land called Opou which was one of the parcels of land he later registered as an old land claim. He had a trading station on this land, situated on the banks of the Waipaoa River. He brought three mares to work on the land in 1839, as well as importing some cattle. By 1841, substantial buildings including a two-storey trading store had been constructed on the block.¹⁶

2.4 EFFECTS OF EARLY SETTLEMENT ON POVERTY BAY MAORI

Maori had been trading potatoes and pigs for muskets and ammunition in the 1830s, and they entered into the flax trade with enthusiasm. The presence of the few European traders was therefore welcomed, and was also viewed as a matter of some prestige within the Maori community. This circumstance appears to have allowed these men some flexibility in terms of their behaviour, despite the obvious constraints placed on them through their patronage by the local chiefs, on whose protection they were quite clearly reliant. Harris was almost certainly exaggerating

11. Ibid, p 100

12. Ibid, pp 103–104

13. Ibid, pp 104–105

14. Mackay (ed), *Joint Golden Jubilees*, p 51

15. Oliver and Thomson, p 21

16. Mackay, *Historic Poverty Bay*, p 101; Oliver and Thomson, p 21

when he stated that he was ‘monarch, practically, of all he surveyed’. Nevertheless, notwithstanding the obvious arrogance of such a statement, it is probably true that such an impression was encouraged by the importance his trading role bestowed on him within the Maori community. There were limits to what would be tolerated from the European residents though. When Harris struck the son of Paratene Turangi over the head there was a general clamour for his punishment, but after commenting on the severity of the offence the chief concluded by saying that nothing more could be expected from an ‘ignorant pakeha’. Harris was quite clearly perceived to be of significant value to the chief, who therefore allowed him to be let off by virtue of his ignorance of Maori custom.¹⁷

According to Bishop W L Williams, Maori abandoned their own cultivations at the height of the flax trade, which peaked in 1831.¹⁸ It must be taken into account, however, that these years were also those of constant raids by taua from the north, and cultivations may well have been abandoned to some extent because of this constant military threat. It is known that Maori were cultivating maize and potatoes and breeding pigs for export in the mid-1830s.¹⁹ By the late 1840s, wheat was widely grown in the area, and the first sheep were introduced either by Anaru Matete or William Williams in 1850.²⁰ East Coast Maori were also heavily involved in off-shore whaling, and McLean reported in 1851 that he had found about 150 Europeans and twice that many Maori associated with the whaling station at Mahia.²¹ Maori involvement in trade continued to develop throughout the 1840s and 1850s, and as they began to purchase their own trading schooners to ship produce to Auckland, the relationship between Maori and Pakeha became more difficult. Nevertheless, the trading relationship continued to be of extreme economic importance to both groups. It would seem that Maori of Poverty Bay were not often without produce for consumption or trade, and their quality of life was relatively high, despite the observation made by Mrs Stack during the late 1850s, that on her arrival in Poverty Bay she saw ‘some of the most wretched, poverty-stricken Maoris [she had] yet seen’.²²

Throughout the period of the 1830s to the 1860s, the East Coast was undoubtedly a Maori domain. The development of European settlement in the district was extremely slow and settlers remained quite isolated. Poverty Bay can not be seen to have similarly isolated its Maori inhabitants, however, and Maori awareness of developments in other districts was considerable. They keenly observed, for instance, the pace of European settlement in Hawke’s Bay. With remarkable speed, Maori of the East Coast developed the economic skills and education required in order to participate in what was clearly a new system. The late 1830s also brought Christianity, and a further adaptation by East Coast Maori of European ways and incorporation of these into the Maori world. The missionaries also brought the Treaty in 1840, and although many East Coast chiefs signed the document, it is not

17. W L Williams, ‘East Coast Historical Records’, *Poverty Bay Herald*, Gisborne, 1932, p 5

18. *Ibid*

19. Mackay, *Historic Poverty Bay*, p 124

20. Mackay (ed), *Joint Golden Jubilees*, p 52

21. Mackay, *Historic Poverty Bay*, p 147

22. J W Stack, *Further Maoriland Adventures*, Dunedin, Reed, 1938, p 191

at all evident that they fully understood that the British intended this to pave the way for full-scale settlement of the country. As far as Poverty Bay Maori were concerned, the Queen and her Government had no authority in their rohe, despite the European presence there. Clearly the European traders and settlers were welcome to live in their area, but only as long as some good came of this relationship for Maori. It was equally clear that these Europeans fundamentally had no rights other than those bestowed on them by the Maori community in which they resided.

2.5 MAORI CHRISTIANITY: MISSIONARY ACTIVITY ON THE EAST COAST

The introduction of Christianity had a profound effect on Maori of the East Coast in the late 1830s, an effect which continued into the next decades as Christianity was incorporated into the Maori world. Oliver and Thomson believe that Christianity, changed by Maori even as it brought about change, functioned in Maori society by easing transition while it encouraged further entry into the European world.²³ They write:

Maori acceptance of Christianity has three characteristics: it occurred in a social structure only marginally and indirectly affected by cultural change, with Maori themselves as the most important propagators of the new ideas and practices, and bringing about the alteration of a total society, not of a fragment. The motivation behind the acceptance of the new is to be found within the needs of Maori individuals and Maori society.²⁴

That Maori themselves were the primary motivators in the initial rush of support for Christianity is demonstrated by the scale of early conversion, which occurred so rapidly under the influence of Maori teachers, the visits of missionaries in the 1830s being too intermittent to have had such an overwhelming effect.²⁵ Indeed, the missionaries who came to the East Coast were themselves swept along on the wave of enthusiasm they found there for the new religion. Missionaries first visited the Coast in 1834 in order to investigate sites for possible mission stations in the area, while also returning East Cape Maori formerly captured and sold as slaves to Nga Puhi.²⁶ These were the first native teachers and agents of early conversion, among them Taumata a Kura who, writes F Porter, with:

. . . Bible in one hand, musket in the other . . . prepared the way, giving to Christianity a prestige, an elan, an exciting belief in that talisman of East Coast Christianity, ‘the book’, which by themselves the European missionaries would not have achieved.²⁷

23. Oliver and Thomson, p 27

24. Ibid, p 28

25. Ibid, p 29

26. K M Sanderson, ‘These Neglected Tribes: a Study of the East Coast Maoris and their Missionary, William Williams, 1834–1870’, MA Thesis, University of Auckland, Auckland, 1980, p 2

The Church Missionary Society decided that a mission should be established at Turanga (Poverty Bay) in 1837, and in 1838 three native teachers were left there, and a further three in Waiapu, until such time as a missionary arrived permanently.²⁸ In April 1839, William Williams came to select a site for the new station, which it was decided should be at Kaupapa, south west of Turanganui. Chapels had already been built in Waiapu under the direction of the three native teachers there, and at Poverty Bay, Williams was met by the teachers in a new chapel at Pa-o-Kahu. In early 1840, Williams returned with his wife Jane and some of their children, and settled at the mission station, initially a raupo whare without doors or windows.²⁹ Williams estimated that at this time regular instruction was given to about 1500 Maori, and books were in great demand.³⁰ By 1841, Williams believed some 8600 were attending instruction on the East Coast, out of a total population of approximately 16,000 to 18,000.³¹ Williams's population estimates are probably well below the accurate figure for this entire area, especially as he made an estimate of 12,000 for the Poverty Bay area in 1848. Nevertheless, K M Sanderson also notes that Williams never mentioned total population numbers in his journals, only recording estimates of smaller areas.³² Oliver and Thomson have quoted a figure for the area from Mahia to the East Cape, made up from missionary estimates in 1844, of 20,000. They believe, though, that this is too high, and subject to the errors common in such compilations of estimated population numbers.³³

It is Sanderson's view that the main reason behind Maori conversion on the East Coast was one of prestige. Sanderson believes that the prestige Christianity gave them in the eyes of other Maori, along with the trappings which such a conversion brought with it (such as books, the ability to read and write, the connection to the power of the Christian Atua, and access to European goods through the missionary), were powerful inducements. This prestige must be seen to be part of the reason that the Maori teachers, originally men of little or no mana, held such high standing in the Maori community during these years.³⁴

As part of this conversion process, Maori did give up old traditions in favour of new ones. For example, tattooing was abandoned, as was the usual practice of settling disputes by force of arms, although there were many close incidents over the next two decades in Turanga. Cannibalism was a thing of the past, and there was a decrease in the practice of haka. Burials were carried out in a Christian manner most of the time, although the Christian practices were adapted to fit with Maori custom as far as possible. The firing off of muskets and holding of great feasts at tangi were still common practice, much to the chagrin of the missionaries.³⁵

27. F Porter (ed), *The Turanga Journals 1840–1850: Letters and Journals of William and Jane Williams, Missionaries to Poverty Bay*, Victoria University Press, Wellington, 1974, p 40

28. Sanderson, 'These Neglected Tribes', p 4; Porter (ed), p 63

29. Mackay, *Historic Poverty Bay*, pp 162–163

30. *Ibid*, p 163

31. Sanderson, 'These Neglected Tribes', pp 6, 15

32. *Ibid*

33. Oliver and Thomson, p 51

34. Sanderson, 'These Neglected Tribes', pp 8–10

35. Oliver and Thomson, p p34–35; Sanderson, 'These Neglected Tribes', pp 27–30

Sanderson sees this process less as an abandonment of old beliefs and customs than an incorporation of new ones into the existent Maori belief system.³⁶

Not surprisingly then, when Maori began to react against the Church it was with a return to old customs, but also through an adherence to various cult movements, or sometimes to Catholicism. These reactions were a result of Maori expectations of what Christianity could provide not being adequately fulfilled. By late 1842, according to Sanderson, there was a general falling off in support for Christianity. One of the main expectations which the religion failed to fulfil was that of curing or preventing illness and death. In 1845, Williams was blamed for killing the sick at Tutukorohe with his medicine. When sickness and death began to seem uncontrollable, Maori returned to their own spirituality and rejected Christianity.³⁷

Some Maori chiefs simply saw Christianity as a threat to their power, that was based on traditional Maori values. These chiefs, in rejecting Christianity, were able once again to exert some influence over their own people. Rongowhakaata chiefs Kahutia and Whata reinstated the practice of tattooing in 1847, and carried this on for some months despite the disapproval of Te Aitanga a Mahaki Christians. Following this, the same two chiefs took up Catholicism in direct opposition to Williams, inviting a Catholic priest to debate which was the 'true Church' with the Church Missionary Society missionary at a public meeting.³⁸

Sanderson believes that the profession of Christianity was the norm for Maori on the East Coast by 1850. Despite the reaction against Christianity demonstrated in the 1840s and the existence of some cult movements around the Te Reinga area in the 1850s, which involved kuia acting as mediums to the spirits of the departed and communicating with them by whistling, it would seem that Christianity was relatively entrenched in the Maori world by the late 1850s.³⁹ The missionaries were, however, not the venerated figures they had once been, and the Maori form of Christianity had become an amalgam of old and new customs, with temporal and spiritual considerations.

2.6 WILLIAMS AND THE LAND QUESTION IN THE 1840s

One of the responsibilities of missionaries in outlying areas was to obtain signatures to the Treaty of Waitangi. During 1840, William Williams persuaded 41 chiefs to sign the document at different places on the East Coast. On 8 May 1840, Williams wrote to Willoughby Shortland stating that he had received a copy of the Treaty from Henry Williams, on which he was to append the signatures of chiefs in the area between East Cape and Ahuriri. He noted that he had also received a bale of blankets for distribution to these chiefs. He wrote:

I am happy to inform you that the leading men in this Bay have signed the Treaty and I have no doubt but that all the rest will follow their example. In about a week I

36. Sanderson, 'These Neglected Tribes', p 18

37. Ibid, pp 55–58

38. Porter (ed), pp 432, 461, 490, 530, 543–545

39. Ibid, p 582

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expect to proceed to the East Cape, but it will be the latter end of July or August before I shall again see the natives of Wairoa . . . The Blankets have been given at the rate of one to each chief and it will require at least sixty more to complete the bounty throughout.⁴⁰

It would seem that Williams gathered only 41 signatures rather than the 70 or 80 he had anticipated. These signatures were obtained in Turanga and the East Cape as plans to get chiefs to sign south of Poverty Bay were apparently abandoned. Many leading chiefs refused to sign the document, but there does not seem to have been any widespread movement against it. Paramount chief Te Kani a Takirau, while refusing to sign the document himself, allowed his Tolaga Bay house to be used for the meeting and signing of the Treaty by other chiefs. Twenty-four signatures were attained by Williams between 5 and 12 May 1840 at Turanga, from representatives of Rongowhakaata hapu Ngati Maru, Ngati Kaipoho, Ngai Tawhiri, and Ngai Te Kete. Te Aitanga a Mahaki chiefs signed from the hapu of Nga Potiki, Ngati Wahia, Ngati Matepu, Te Whanau a Taupara, and Te Whanau a Kai. Visitors to the district also signed, for instance Eruera Wananga of Nga Puhi, and Matenga Tukareaho of Ngati Rakaipaaka (from Nuhaka). One signatory is identified as belonging to Ngai Tahupo.⁴¹

The signing of the Treaty had no immediate repercussions on the East Coast. That the signing of that document meant anything to Poverty Bay Maori in terms of their ownership and control of their lands, or that it had any significance in terms of the authority of the Government over them, did not become an issue for some years. It is difficult to identify exactly what meaning Poverty Bay Maori took from the Treaty, as it must have seemed to them that there was no question of their having complete and undisturbed control of their own land and resources at this time, especially as there was no Government officer on the East Coast and very few Europeans (at 1840 only around 100).⁴² Their willingness to sign must therefore be attributed to the fear of possible future land loss through private purchase for a nominal consideration, of the type that was already occurring in other areas, especially in the Hawke's Bay district. Williams would undoubtedly have warned chiefs about such a possibility, and promoted the Treaty on the basis of a Crown undertaking to protect Maori land against such European speculators. It would not have been seen by these chiefs as an agreement to accept the Government's authority over their lands and people. As will be seen later, they saw such authority as existing only over those areas in which the Crown itself had purchased land, and substantial Crown purchase and European settlement would be required before the Government could extend its authority into this district in any real way.⁴³ In his report on the Ahuriri Purchase, Vincent O'Malley has questioned whether Maori who signed the Treaty understood that Crown pre-emption meant that the Government would have exclusive rights of purchase, and further, whether it was

40. Governor to Secretary of State, cited in Porter (ed), p 113

41. Claudia Orange, *An Illustrated History of The Treaty of Waitangi*, Wellington, Allen & Unwin, 1990, pp 152–153

42. Oliver and Thomson, p 25

43. Vincent O'Malley, 'The Ahuriri Purchase', overview report commissioned by the Crown Forestry Rental Trust, 1995, Wai 201 ROD, document J10, p 33

adequately explained that such a provision was designed to more effectively promote colonisation.⁴⁴ Considering the attitude of Poverty Bay Maori towards the idea of European settlement on a large scale in their rohe, their readiness to sign the document can hardly have been based on such an understanding of it. In the light of Reverend Williams's concerns regarding the sale of Maori land and any increase of European settlement of the East Coast, highlighted in the following pages, his explanation of the sentiments behind the Treaty must have been along lines which reassured them of their ability to protect their lands if they signed the agreement.

Land transactions did take place in the 1830s, and continued to do so into the 1840s despite the operation of the pre-emptive provision in the Treaty. These transactions were not, as W L Williams observed, 'investigated by the constituted authorities' and were therefore, in the eyes of the Government, not valid purchases.⁴⁵ Initially, Europeans who took up residence in Poverty Bay as traders, whalers, and farmers do not appear to have experienced any major difficulties in attaining land, possibly because of their alliances with local Maori women.⁴⁶ Later though, when these transactions were registered with the Old Land Claims Commission as applications for Crown grants, the Maori response was to repudiate the sales, clearly indicating that, by 1859 at least, local Maori did not regard them as permanent alienations through purchase. According to Sanderson, there was considerable opposition to land sale among Maori on the East Coast as early as 1840, and they watched closely the land sale activity in Hawke's Bay.⁴⁷

For William Williams the possibility of large-scale purchase of land from Maori for a nominal payment was a matter for deep concern. He wrote from Tauranga on 8 January 1840 to Edward Marsh, stating:

Europeans are trying to buy the land in every direction, or rather to cheat the natives out of it by procuring their signatures to documents prepared by lawyers in Sydney, which without being duly explained to the natives are to wrest from them their land for a nominal consideration . . . In proceeding to Turanga it is my intention to buy as much land as may suffice for the inhabitants and I also hope to take the same step at Waiapu and Wairoa . . .⁴⁸

Shortly after his arrival in Turanga, Williams was made aware of the large-scale purchases which W B Rhodes claimed to have made of an area between Port Nicholson and Ahuriri, and also between Wairoa and Table Cape, for all of which he had paid £85 in property.⁴⁹ Apparently Rhodes made these 'purchases' from Maori who had no interests in the land, and Williams recorded that there was general opposition to the sales among East Coast Maori, many of whom would have had interests in these lands. In February 1840, Rhodes attempted to purchase

44. Ibid, pp 41, 39–40

45. W L Williams, p 16

46. Oliver and Thomson, p 71. Oliver and Thomson suggest further that it is possible these men took Maori wives in order to facilitate their acquisition of lands.

47. Sanderson, 'These Neglected Tribes', p 93

48. W Williams to E Marsh, 8 January 1840, cited in Porter (ed), *Turanga Journals*, pp 77–78

49. Sanderson, 'These Neglected Tribes', p 93; Williams, 19 February 1840, cited in Porter (ed), pp 83–84. Williams lists the goods given as payment, which included items of clothing, hoes, blankets, and iron pots.

a thirty-mile long and six-mile wide strip of land from Opotiki to Turanga, causing considerable consternation among Maori of Poverty Bay. On 10 February, Williams held a meeting, attended by six Europeans and most of the principal chiefs, in order to prevent the sale. Williams informed those Maori present that Rhodes intended to buy the whole district, and warned them against allowing any such sales. He proposed that they sell the land to him, on behalf of the Church Missionary Society, so that it could then be held in trust for them and succeeding generations. He agreed that the Church Missionary Society would give £200 in goods as payment for the sale, and recorded that:

The chiefs then gave me the boundaries of the land being names of 218 places with the list of principal proprietors. During the time of the meeting, one of the Europeans manifested a good deal of irritated feeling, and intimated that I would draw the anger of all the Europeans upon me. There will be without doubt much disappointment among many who have contemplated purchases in this district, which is the finest I have seen in New Zealand.⁵⁰

Thus Williams supposedly ensured that Maori would retain the thirty-by-six mile strip from Turanganui to Opotiki. A rumour that several ships were about to arrive from Cook Strait containing settlers apparently caused quite a panic in the days following this arrangement, and Williams felt that those who had been inclined to support the sale of land to Europeans would no longer do so.⁵¹

Williams made a similar type of agreement with Maori at Wairoa, but these agreements were not legitimate as Gipp's proclamation on 14 January 1840 had stated that unless accompanied by a Crown Grant, title to land would be rendered invalid.⁵² Williams turned to official channels in an effort to stop claims by Rhodes from being recognised by the appropriate authority. He petitioned the Queen and requesting an inquiry into the legality of the land deals.⁵³ No action seems to have been taken on this, but when Rhodes brought his claims before the Old Land Claims Commission most of them were disallowed (see sec 2.9). Further private land transactions were carried out between Maori and settlers in the area supposedly purchased by Williams, but these were of a type determined by Maori. As Sanderson points out, it was only when Pakeha attempted to legitimise these transactions from a European point of view that Maori felt their control over the land was threatened.⁵⁴

The willingness of Poverty Bay Maori to enter into the agreement proposed by Williams is a demonstration of the influence he already had with Maori of the East Coast. Missionaries did come under suspicion, perhaps not surprisingly, due to their role as de facto Government representatives in such isolated areas as the East Coast, and due also to their own land dealings. James Stack was required to return the deed he had obtained to 10 acres of land for his mission at Rangitukia when a rumour circulated that this was part of a plan for the Government to get hold of the Waiapu

50. Williams, 10 February 1840, Porter(ed), p 82

51. Williams, 12 February 1840, Porter (ed), p 82

52. Sanderson, 'These Neglected Tribes', p 94

53. O'Malley, 'The Ahuriri Purchase', pp 23-24

54. Sanderson, 'These Neglected Tribes', p 95

district.⁵⁵ Williams was himself the subject of some suspicion in the late 1840s as Poverty Bay Maori became increasingly aware of the scale of land loss in other areas of the North Island, especially in southern Hawke's Bay.⁵⁶ He reported to the Church Missionary Society on 15 November 1845 that he had:

met a large body of natives on their way from Taupo in the centre of the island, and they were circulating in every village the report which had just reached them from Taranake, that the whole country was about to be taken from them by the Government. They seemed to eye me in consequence with extreme suspicion though I assured them that the Govt Would not depart from the stipulations of the Treaty of Waitangi.⁵⁷

In an editorial note to the comments by Williams, Francis Porter suggests that Maori were aware of what had been contained in the 1844 Select Committee report, which found that the Treaty of Waitangi was both 'ambiguous' and 'inconvenient' in its assumption that Maori had proprietary rights over lands which were unoccupied by them. The report recommended that all 'waste' land should, by virtue of British sovereignty, be vested in the Crown.⁵⁸ Williams wrote to George Clarke, Protector of Aborigines, to express concern at the trouble such a policy would cause, even in an area as quiet as Turanga.⁵⁹ When George Grey arrived in Auckland in November 1845 to take up the governorship, his instructions were that proprietary title to lands must be registered within a specified time period. Identifiable 'waste land', namely, that land not registered, would become the property of the Crown. A waste land tax would apply to European and Maori alike, and Grey was urged to speed up the process whereby pre-1840 European claims to land were settled (the Land Claims Commission).⁶⁰

Strict pre-emptive rights of the Crown were reinstated by Governor Grey and private land dealings became a punishable offence (fines were introduced). Maori were now, theoretically, prohibited from leasing their lands to private parties. Vincent O'Malley makes the comment that:

if the prohibition on direct land sales might have been justified with reference to Article Two of the Treaty, the prohibition against Maori leasing their lands, or rights to timber and minerals, was arguably in direct contravention of the very same Article, since it denied Maori their rangatiratanga over their possessions. Moreover, this had clearly been done in order to remove an impediment to the Crown's acquisition of Maori land at rates which would allow it to further the colonization process at the expense of Maori.⁶¹

Maori in Turanga were not immediately affected by such a situation, as there was at this time no obvious Government interest shown in the purchase of lands in the

55. Ibid

56. Ibid, pp 116–117

57. W Williams to CMS, Wellington 15 November 1845, in Porter (ed) *Turanga Journals*, pp364-365

58. Porter (ed), footnote 74, pp 365; pp 366–367

59. W Williams to G Clarke, 10 May 1845, cited in Sanderson, 'These Neglected Tribes', p 82

60. Porter (ed), pp368–369

61. V O'Malley, 'The Ahuriri Purchase', p 55

area, and there were still very few Europeans resident on the East Coast. Nevertheless, a knowledge of the implications of Government activity in other areas and the problems which ensued for those Maori caused much unease among them. This unease continued to build into the next decade, and in combination with their increased temporal knowledge and economic progress, resulted in a clear rejection of the Queen's authority, and conflict between Maori and European in the district.

There was considerable sympathy expressed for Ngapuhi by Turanga Maori during the fighting in the Bay of Islands in the mid 1840s. Sanderson believes that, apart from some kinship links, this sympathy arose out of concerns over land and trade. Europeans on the East Coast were concerned at the idea that the trouble might spread, as race relations were already strained, but the numbers of Pakeha were clearly not regarded as a threat by Maori in Turanga at this time. Threats were made to send the Europeans away, but there seems to have been no real trouble because of the lack of any direct threat to the interests of local Maori.⁶² In this period, missionaries were regularly suspected of being involved with the Government, as is demonstrated by a report from James Stack to the Church Missionary Society on 25 June 1846, in which he stated that Williams, Stack, and Baker were to be ejected from the district because they were believed to be in league with the soldiers. Local Maori would not allow a road between the mission stations of Stack and Kissling to be improved, as it might aid European military movements in the area.⁶³

The missionaries were subject to continued suspicion throughout this period, and Williams expressed deep concern at the way in which the possible seizure of 'waste lands' would affect Maori. In July of 1847, he wrote to the Church Missionary Society stating that if such a policy was adopted, and the Treaty abandoned, there would be considerable opposition from all Maori. He wrote:

The natives will make common cause, and the opposition raised will be fearful! Heke and others who have been in the minority, will now be looked up to as patriotic leaders whose cause has been right from the first. The general feeling among the white people who have been living singly or in small parties among the natives is, that there will be no safety for them . . . The natives I fear will wage deadly warfare with all white people.⁶⁴

Williams also mentioned the suspicion that such a contravention of the Treaty would cause to fall upon the missionaries, saying:

Many of us were actively engaged in procuring signatures to the Treaty of Waitangi. There was even then a strong feeling of suspicion which was encouraged by many evil disposed persons. This we combated with success by a reference to the words of the Treaty, which were too plain and simple to admit of a double meaning . . . But now the natives will be told that the Treaty was a form of words without

62. Sanderson, 'These Neglected Tribes', pp 80–81

63. J Stack to CMS, 5 June 1846, cited in Porter (ed), p 387

64. W Williams to CMS, 12 July 1847, cited in Porter (ed), pp 435–436

meaning, and they will naturally think that the missionaries have deceived them for some sinister purpose.⁶⁵

Instructions to Governor Grey in late 1846 had requested that boundaries be fixed, land registered, and that ‘aboriginal districts’ be set aside where native custom could be maintained. These instructions were in direct contravention of the provisions contained in the Treaty of Waitangi with respect to Maori land. Grey pointed out to the Secretary of State in April 1847 that any attempt to forcibly deprive Maori of their ‘wild lands’ would lead to war. His official response to the instructions of December 1846 was that land purchase by the Crown for a nominal payment would make enough land available, as long as these purchases were carried out well in advance of settlement so that Maori would not ascertain the real value of their land and demand higher prices.⁶⁶ It was this policy that was carried out under Grey – a policy that was to seriously affect the attitude of Poverty Bay Maori as colonization and settlement approached ever nearer in the 1850s. Williams left the Poverty Bay mission for some three years, returning in 1853 only to find that the land problem had grown worse, and that the suspicion which attached to him as an ally of the Government in its schemes to deprive Maori of their lands was stronger than ever before. Indeed, in 1855 there were rumours that Williams was involved with the Crown in a plan to attain Maori land by means of their extinction.⁶⁷

2.7 BREAKDOWN OF RACE RELATIONS DURING THE 1850s

Williams left the East Coast in October of 1850 to spend three years in England. In his absence the Poverty Bay mission was taken over by Thomas Samuel Grace. Williams had discouraged Maori from becoming involved in the European economy, advising for instance against the purchase of a trading schooner by a group of Poverty Bay Maori in 1848.⁶⁸ His reasons for so doing were to stop Maori from becoming too ‘worldly’ and losing a focus on their Christianity, and also to protect them from exploitation and from becoming acquainted with European vices – the negative aspects of ‘civilisation’. Despite his discouragement, however, by the 1850s, Poverty Bay Maori were already heavily involved in trade and agriculture, and their material prosperity was steadily increasing. T S Grace believed it was necessary to encourage this and to help them to gain the knowledge required to survive and actively participate in the European system. As large-scale European immigration to the East Coast was seen as both inevitable and imminent, Grace set about increasing local Maori knowledge of European economic principles.⁶⁹

65. *Ibid.*, p 436

66. Porter (ed), pp 466–467

67. Sanderson, ‘These Neglected Tribes’ pp 139–140

68. Williams, 2 May 1848, cited in Porter (ed), 1974, p 490

69. Sanderson, ‘Maori Christianity on the East Coast 1840–1870’, *NZJH*, vol 17, no 2, 1983, pp 169–170

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By 1846, wheat growing by Maori was widespread in Poverty Bay, and they continued to grow it ever more successfully for export in the 1850s. It was the chief export in this decade as the gold rushes in Australia created a market for food exports through Auckland, for which the East Coast was one of the major suppliers.⁷⁰ Maori began to purchase their own trading schooners, and there was a considerable increase in the cash income of the population, evidenced by expensive and lavish entertainments for visitors, more sophisticated tastes in food and European goods, and further investment in stock and equipment. Horses were more common in this decade, and Oliver and Thomson estimate that in the late 1850s there were about 400 owned by local Maori. The use of the plough spread in this period also, and larger flour mills were built by Maori. Requests by East Coast Maori for loans to buy trading vessels regularly arrived at the offices of the Native Department. Eight such vessels were owned by Waiapu Maori in 1852, and by 1861, five operated from Poverty Bay.

The Maori population of the district had decreased radically during the 1840s and 1850s. H S Wardell estimated the population from Mahia to the East Cape at 6800 in 1848. Donald McLean stated that in Poverty Bay alone there were only 2500 in 1851. The *Maori Messenger* gave a figure of 2000 for Poverty Bay in 1857, and Governor Gore Browne one of 1500 for the same district in 1860. Even when allowances are made for underestimation of population, these figures are well below those given by Williams in 1841 and other missionaries on the East Coast in 1844, and a decline of some proportions is evident.⁷¹ Nevertheless, those remaining responded enthusiastically to what Oliver and Thomson refer to as the challenges of this population's 'transformed situation'.⁷²

There was apparently widespread discontent over the low prices offered by traders during 1850, and relations between Maori and European in the Poverty Bay were seriously strained in 1851⁷³. Although it was inevitable that Maori would have developed a better knowledge of the prices that could be attained for their produce, and were clearly doing so prior to the arrival of Grace, European traders and settlers blamed the new state of things on his influence. Price fixing had begun shortly after Grace's arrival. Although this was probably not due to his influence, as late as 1858 when the runanga fixed the price of wheat at 12 shillings per bushel, a petition to the Governor by traders and settlers complained that this was due to Grace's advice to Maori in 1851 to hold back their produce in order to force a price rise in Auckland.⁷⁴ J W Harris, the principal spokesperson for Poverty Bay's European population was Grace's most vocal detractor, and his letters to McLean during this period are full of complaints about Grace and the trouble he was allegedly causing.

In March of 1851, Grace had advised Maori to demand a payment in money for grazing rights rather than the former payment of one calf in return for the grazing of 40 head of cattle per year. The payment fixed was five shillings per year, per head of stock.⁷⁵ Harris and others settlers were enraged. Harris wrote to McLean in

70. W L Williams, p 18; Oliver and Thomson, p 55

71. Oliver and Thomson, p 51

72. Ibid, pp 55–58

73. Mackay, *Historic Poverty Bay*, pp 208–209

74. Ibid, p 209

June to say that the trouble had not subsided, and that Waaka Perohuka threatened to expel all Europeans from the area. He further complained that if the Government did not buy land in the area they would be forced to leave as no agreements with Maori were binding, except on Europeans.⁷⁶ The opposition to Grace was joined by other missionaries in the area, Charles Baker and Ralph Barker, who complained to the Church Missionary Society Committee about Grace's interference in the temporal affairs of the district. The committee, however, declined to investigate the matter.⁷⁷ Sanderson suggests that the opposition of Grace's fellow missionaries was driven by the fact that they ran cattle on Maori land and sold the same cattle to those whose grass had fed them, in return for provisions. Baker was often involved in disputes over payment, and in 1849 his cattle were taken by a group of Maori, possibly because he failed to pay an adequate price for grazing rights.⁷⁸ Baker's opposition to Grace may therefore have been due to his own exploitation of Maori, which Grace's influence now threatened.

A letter from Harris to McLean in September of 1851 stated that:

A runanga has determined upon charging vessels a fee for entering the river . . . they would not let the schooner Wellington have water at a lower rate than 2/6 per bucket . . . Kahutia told me that he intended to resume my Turanganui property as, he said, I had had it long enough . . . They have sent a letter to the Governor asking for advice on the following matters: (1) What they are to charge per ton for all vessels entering the rivers; (2) what they are to charge for water; (3) what prices they should obtain for wheat (they want 10/- per bushel) and for pork; and lastly whether they should turn all the Europeans away. Nevertheless, they say (kind creatures that they are!) That they should be sorry to have to drive us away. They also wish the Government to appoint some person to arrange all difficulties which may arise here. This would be an excellent plan if they would abide by that party's decisions.⁷⁹

It is clear from this correspondence that Poverty Bay Maori, concerned with retaining control of all their resources and receiving a fair price for the use of these by Europeans, were prepared to accept advice from the Governor on what would be fair for them to charge. More interesting still, is that they also seem to have been prepared to accept his advice on whether they should eject the settlers from their district. Oliver and Thomson believe that Grace did not create this movement as the same concerns are evident in other districts at this time.⁸⁰ Nevertheless, Grace's temporal advice was well timed to coincide with the Maori state of mind, and his influence on their sharper business dealings, if not their general attitude towards Pakeha in their rohe, must be seen as a contributing factor in the deterioration of race relations leading up to the East Coast wars.

However responsible Grace might have been for the development of the local Maori attitude to Europeans in business terms, he was in no way responsible for the

75. Ibid, pp 209–210; Sanderson, 'These Neglected Tribes', p 99

76. Harris to McLean, 12 June 1851, cited in Mackay, *Historic Poverty Bay*, p 210

77. Sanderson, 'These Neglected Tribes', p 102

78. Ibid, pp 100–101

79. Harris to McLean, 10 September 1851, cited in Mackay, *Historic Poverty Bay*, p 210

80. Oliver and Thomson, p 70

concern over land sale which continued to increase amongst Poverty Bay Maori in the 1850s. As already noted, there was some concern over the sale of land in the 1840s. There were, however, very few land transactions in this period which could be referred to as outright sales. There were so few Europeans in the area and these experienced no difficulty in finding land to rent or squat on. The Government had shown no interest in the area, but this situation altered in the early 1850s. It was, believes Sanderson:

the threat of greater colonization and the intrusion of government officials into their territory [that] forced [Maori] to take a more aggressive stance in asserting their ownership of the land and their autonomy.⁸¹

Although Harris had written to McLean in 1851 stating that Poverty Bay Maori wished to have the Government appoint someone to ‘arrange all difficulties’ that might arise between Maori and European, this does not seem to have been a common attitude, as the reaction to the district’s first resident magistrate was to prove. Grace had encouraged Maori to charge rent for lands on which Europeans had been squatting. Sanderson writes that:

Land which had been given to a European was still believed to belong to the Maoris, and many began to assert this ownership by demanding rent from those occupying such land. No exception was made for mission stations.⁸²

This is made clear by the example given by Harris to McLean of Kahutia deciding Harris had been on the Turanganui land long enough and should now get off it. Also, the trouble that Williams experienced in finding land for a new mission station on his return demonstrates a definite change in local Maori attitudes towards the gifting of land, as we shall see later.

As settlers felt their position in Poverty Bay was ever more unstable they sought to buy land, and also encouraged Government purchase in Turanga and further European settlement in letters and petitions throughout this period. The Government now began to show some interest in the area, and in particular the Poverty Bay flats known as Turanga, which were regarded as fertile land ideal for the settlement of the ever-increasing European immigrant population.⁸³ Consequently, Donald McLean, then land purchase commissioner, paid a visit to the area in 1851 following a land purchase expedition to Hawke’s Bay. Although he had not been given authority to actually negotiate with chiefs for the sale of land in Poverty Bay, McLean carried out initial discussions on the possibility of such sales. Te Waaka Perohuka, a Rongowhakaata chief, told McLean that while some Maori wished to sell land, others were bitterly opposed to the idea, and he also confessed to having sold some land to a European named Hatereti without the knowledge of others who had interests.⁸⁴ At Orakaiapu pa, Rongowhakaata chiefs spoke with McLean on the issue of Crown acquisition of land for a European township.

81. Sanderson, NZJH, 1983, p 172

82. Ibid, p 173

83. Sanderson, ‘These Neglected Tribes’, pp 112–113

84. Mackay, *Historic Poverty Bay*, p 178

Raharuhi Rukupo was opposed to any sale and expressed this in no uncertain terms to McLean. Older chiefs were more reasonable, and McLean suggested a further hui of all chiefs to discuss the township issue.⁸⁵

Te Kani a Takirau, principal chief of Te Aitanga a Hauiti, and a prominent East Coast leader, came to meet with McLean and attend the discussions. Tahae, Rawiri Te Eke, and Raharuhi Rukupo opposed the establishment of a township, but Perohuka and Paratene Turangi were in favour. The meeting closed with an agreement to discuss the matter again in a couple of days as the chiefs were in disagreement with each other. McLean held talks with Te Kani regarding transactions in Hawke's Bay and the Wairarapa, and Te Kani advised McLean that purchases in those areas should precede any in Poverty Bay. He said that there were too many chiefs in Turanga and they were 'inclined to be childish', but that he would be in favour of a township in Poverty Bay if the chiefs so decided.⁸⁶ On a second trip to Poverty Bay later in the decade there was no further success in persuading the chiefs to sell land to the Government in order to facilitate settlement.

McLean's report of February 1851 on the East Coast negotiations related that the Turanga Valley contained about 40,000 acres of fertile land, that the bay gave 'tolerable shelter for shipping', and that 'a moderate outlay in blasting a few rocks' at the entrance of the Turanganui River would allow safe passage for ships of 100 tonnes. He estimated the Maori population at 2500, and the value of exports to be £2890 for the year. Maori reportedly had 100 horses and 150 head of cattle. The European population of 79 (and 25 part-Maori) apparently owned 202 head of cattle and 20 horses. He estimated that there was 150 acres under cultivation by Europeans, but no figures were given for land cultivated by Maori. On the subject of his land negotiations he reported that:

The natives have held several meetings respecting the sale of their land, one of which was attended by Te Kaniotakirau, the great chief of the east coast, who, along with Mr Baker, junior, came from Tologa Bay to meet me; there is a disposition on the part of some of the chiefs to have a township, that they may more readily dispose of some of their produce, but they generally dread the idea of a gaol; as yet, I do not consider that they are sufficiently unanimous to enter into a formal treaty for the cession of their land, which they will probably be better prepared to do in the course of another year . . . I can easily foresee . . . that misunderstandings will continually arise in this Bay, until the native title is fairly extinguished to such land as may be required for grazing or other European purposes.⁸⁷

Grace was absent from the district at the time of McLean's visit and on his return he noted in his journal that the land agent's presence in the area had caused a great deal of excitement amongst local Maori. He wrote that:

85. Ibid, p 178–179; Oliver and Thomson, p 78

86. Mackay, *Historic Poverty Bay*, pp 179–180. Mackay notes that Te Kani probably referred to the saying 'Turanga rite tangata' (in Turanga all men are equal).

87. Donald McLean, 'Further Papers Relative to The Affairs of New Zealand. Despatches from Governor Sir George Grey', 20 February 1851, BPP, vol 9, pp 1–2

Early European Settlement

The contact of Europeans with natives is, at present, the cold touch of death to the native . . . It appears to me iniquitous and illegal for a few natives, in order to satisfy their own selfishness, to sacrifice, (for the most trifling return) the inheritance of their children!⁸⁸

When the chiefs came to ask his opinion on the matter Grace informed them that he was in agreement with Archdeacon Williams that the land was ‘tapu’.⁸⁹

It would appear that the issue of land sale was a matter for much disagreement amongst Maori, and Grace referred to the offers made by Government land agents as the ‘throwing of the apple of discord amongst them’.⁹⁰ Although the pressure to sell continued to increase, Maori of Poverty Bay held out against any large sales. Indeed, the increased pressure seems to have led to greater efforts to assert their ownership of the land. Although Williams was heartily welcomed back by Maori in 1853, it was not long before he was embroiled in land problems himself.

Since 1844, the mission station at Poverty Bay had been situated near Orakaiapu pa at Whakato, and was only eight acres in extent. Following his return in 1853, Williams planned to establish a new and larger station containing a Maori school and training college. There was a large area of land adjacent to the station at Whakato, and initially Rongowhakaata who met to discuss Williams’s proposal for a school on the land seemed willing to gift the additional block. Not all members of the hapu Ngati Kaipoho would agree to giving over the land in which they had interests, and Williams threatened to shift the station altogether if all signatures could not be obtained. Some Rongowhakaata insisted that Williams remain, as it was still a matter of some prestige to have the missionary attached to the pa. In 1855, the matter was still not settled, and Whanau a Taupara hapu of Te Aitanga a Mahaki offered land at Waerenga a Hika if he would come and live there. Williams accepted this offer despite the subsequent agreement of all Rongowhakaata to allow him the block he had asked for. The block at Waerenga a Hika was 800 acres (Mackay gives 593 acres). When Whanau a Taupara discovered that the land would have to be Crown-granted they insisted on making the gift without the involvement of the Crown, and it was at this time that suspicions were again aroused as to Williams’s involvement in Government attempts to wrest control of the land from Maori. In the meantime, Williams experienced further difficulty with Te Aitanga a Mahaki demanding higher prices than he was prepared to pay for the timber needed for construction of the new buildings, and he threatened not to move onto the land if they would not drop them.⁹¹ A deed transferring the land to Williams on behalf of the Church Missionary Society was finally signed in April 1857, and the mission station was moved.

88. T S Grace, 17 March 1851, S J Brittain and A V Grace (eds), *A Pioneer Missionary Among the Maoris, 1850-1879, (Being the Letters and Journals of Thomas Samuel Grace)*, G H Bennett & Co, Palmerston North, no date, p 11

89. Ibid

90. T S Grace, ‘Report for the year ending December 31 1851’, Brittain and Grace (eds), p 18

91. Mackay, *Historic Poverty Bay*, p 166; Porter (ed), pp 144–145, 582–183; Sanderson, ‘These Neglected Tribes’, pp 141–143; Sanderson, NZJH, 1983, pp 171–172; W L Williams, *East Coast Historical Records*, pp 21–22

2.8 THE QUEEN'S WRIT: GOVERNMENT AUTHORITY IN TURANGA

On his return in 1853, Williams had found that there had been a considerable increase in drunkenness amongst Maori, which he attributed to their increased 'worldliness' and contact with Europeans. The missionaries on the East Coast encouraged the intervention of the Government in order to counter the negative influence of the general lawlessness of Europeans in the area. This further opened them up to suspicion about their motives and involvement with the Government on the issue of land sales. Europeans in the area had been concerned at the absence of any Government agent on the East Coast to protect their interests, and although it had not been a problem until the late 1840s, the difficulties they began to experience in their relations with local Maori by that time had increased the perceived need for Government authority to be extended to the area. In 1847 and 1850, Harris had sent petitions on behalf of the settlers requesting that a Government officer be stationed at Poverty Bay. In 1847 this had followed the 'theft' of some of Harris's property, which was later returned. Williams was put in the position of mediator in many of the disputes between Maori and European, and recorded that the Europeans blamed some of the problems on him although it was their own 'outrageous conduct' that was the cause of their getting into 'hot water' with local Maori.⁹² In letters to McLean and to the *Hawke's Bay Herald*, Harris reiterated the need for a magistrate. As previously noted, he had stated in 1851 that Maori also wanted someone to be appointed to 'take care of all difficulties', although it is likely that they intended such a person to control the Europeans and advise Maori on matters that concerned their dealings with the settlers.⁹³ It is less likely that Maori intended any Government-appointed official in their role to make decisions that would necessarily be binding on them. It is, however, true that some of the chiefs, concerned at the trade in liquor to younger Maori, petitioned for a resident magistrate in order to stop the traffic in alcohol from Auckland.⁹⁴

Although some Poverty Bay Maori may initially have welcomed the idea of a Government officer in their area, they were soon to challenge the right of the Government to send one amongst them. Their first real contact with the Government had been through the visit of McLean in 1851, at which time an impromptu court was held to settle some disputes between Maori and Pakeha.⁹⁵ Under normal circumstances such disputes would have been settled by the missionary or the local runanga, which remained the real power in Poverty Bay despite the arrival in 1855 of Resident Magistrate Herbert Wardell. Oliver and Thomson write of 'the luckless' Wardell, that although he was used by Maori as a judicial backstop he was completely ineffectual as an expression of British authority.⁹⁶ Maori regarded or disregarded his decisions as they saw fit, and did not seem overly concerned by his presence. It would seem that he became simply

92. Williams, 10 May 1847 and 8 November 1847, Porter (ed), pp 431, 455–456

93. Harris to McLean, 10 September 1847, cited in Mackay, p 210

94. Oliver and Thomson, p 53

95. Mackay, *Historic Poverty Bay*, pp 199–200

96. Oliver and Thomson, p 78

another isolated European settler, subject to the whim of the Maori community in which he lived.

Wardell attempted to carry out his duties as best he could, and appointed several native assessors in 1856 to sit on cases affecting Maori. Chiefs Paratene Turangi, Kahutia, Rahunui Rukupo, and Rawiri Te Eke were given these positions. Local Maori began to use the court, although Wardell's role was one of mediator rather than judge, in a mode reminiscent of the missionaries before his arrival. He operated in combination with the system of runanga or komiti, whose decisions would often run counter to that of the British court. The various kinship loyalties of the assessors sometimes affected their objectivity, and further, punishment would not be carried out unless the one to be punished consented to it.⁹⁷ Wardell, although the symbol of Government authority and British law in Poverty Bay, was completely powerless to exert that authority, much to his own, and the settlers' frustration. His report on the East Coast in 1861, made following his withdrawal from the area, stated that Maori in Turanga:

denied the right of the Government to send a Magistrate amongst them, on the ground that, as they had not sold their land to the Queen, the Government had no authority over them.

and also that:

In fact they regarded the Queen as the head of a people occupying isolated portions of territory in the Island; with whom they had occasional intercourse: but as possessing – as of right – no authority over them.⁹⁸

Despite the general attitude towards him, Wardell was able to secure the sale of a block of land for the magistrate's office at Turanganui. This was the first Crown purchase of land in the area for public purposes, and consisted of 57 acres at Makaraka (a block that was afterwards known as the 'government paddock'), for which Wardell paid £85 after long negotiations with Whanau a Iwi hapu. The deed, dated 29 January 1857, was signed by Kahutia and his wife, his brother Manahi, and two daughters Riparata and Kataraina, as well as their husbands and other relatives. On behalf of Donald McLean, Chief Land Purchase Commissioner, Wardell signed for the Crown.⁹⁹ No more land would be sold to the Crown in Poverty Bay until the Gisborne township purchase, some 10 years later.¹⁰⁰

Despite his ability to purchase a small block of land for the Crown, the authority of Wardell and the law he represented were challenged continuously. He commented that Maori, although they used the court, 'yielded obedience [to the authority of the law] or refused it as it suited their purposes', as they clearly regarded all Europeans as resident in the area only on Maori sufferance.¹⁰¹ Remarks

97. Mackay, *Historic Poverty Bay*, p 201; Oliver and Thomson, pp 62–63

98. H Wardell to Native Secretary, 20 September 1861, AJHR, 1862, E-7, pp 30–31

99. H H Turton, 'Deed No 488, Poverty Bay District', *Maori Deeds of Land Purchases in the North Island of New Zealand*, vol i, Auckland, 1877, pp 692-693

100. Mackay, *Historic Poverty Bay*, pp 181–182

101. 'Reports on the State of the Natives in Various Districts', AJHR, 1862, E-7, p 31

made by a correspondent to the *Hawke's Bay Herald* on 20 October 1858 (possibly J W Harris, who regularly supplied such letters), reveal something of the ludicrous and powerless situation in which Wardell found himself. The writer recounted a case in which Wardell fined a settler £10 for the sale of liquor to a Maori defendant. The money was not paid and some of the defendant's cattle were taken. At this point a group of Maori, including the defendant's wife, demanded compensation from the offender. When this was refused they broke down the fences on the Government property and drove off the resident magistrate's cattle instead. Wardell was unable to enforce his decisions, and indeed was unable to save his own cattle from being driven off his property as a result of this inability. This was lamented by the correspondent, who complained that the court only worked to punish minor offences committed by Europeans as Maori openly defied the court, using insulting language to Wardell both in the courtroom and outside it. It is interesting to note, however, that the incident related indicates that Europeans in the district were no more likely to abide by the magistrate's decisions than were Maori. Another situation was related in which Wardell, his clerk, a Maori woman, and her would-be abductor ended up in a tussle together on the courtroom floor – Wardell powerless to prevent the abduction from taking place.¹⁰²

The events related seem to indicate that the situation had become ludicrous in the opinion of many Poverty Bay settlers. The correspondent asked:

Why place a paid magistrate at the expense of the Colony of at least £500 a year in such a district – a district where he and his office are already scorned by the Natives.¹⁰³

He also expressed the opinion that 'we manage the Natives better when left to ourselves. The court has now shared the fate of all scarecrows by being openly laughed at and defied by all parties'.¹⁰⁴ This was no doubt true, as at least prior to the arrival of the Government officer it had been possible to intimidate local Maori by threatening to bring the power of the Government down upon them.¹⁰⁵ No wonder, then, that these settlers should have been so disappointed in the effect that Wardell produced.

As already noted, the real power continued to reside in the runanga of local iwi. Oliver and Thomson state that in Poverty Bay, the smaller local institutions were supplemented by a runanga, representing the iwi of the district, with wider functions. Without impetus from Wardell, a body consisting of all the local chiefs and the assessors came together in the late 1850s. Most of this runanga's activities involved coping with the growing European settlement and the Government. It also dealt with economic business such as price fixing, and social problems such as the consumption of alcohol by Maori, introducing fines for offenders.¹⁰⁶ At a runanga held in May 1858, that Wardell reported as the biggest and most influential of his

102. Mackay (ed), *Joint Golden Jubilees*, p 75

103. *Ibid*

104. *Ibid*

105. Oliver and Thomson, p 79

106. *Ibid*, p 66

time in the area, a discussion was held regarding the third edition of the Maori prayer book. It was complained that this edition contained a prayer for the Queen and her family rather than the older prayer which had been for the Rangatira Maori. Wardell reported on the speeches made at the meeting. Rutene Piwaka said:

Let the Pakeha pray for Queen Victoria if they like; but we will not call her our Queen and Governor: it is by this that the Pakeha is putting the Queen above us as a potae . . .¹⁰⁷

Paratene Pototi said in addition:

We are not the remnant of a people left by the Pakeha; we have not been conquered; the Queen has her island, we have ours; the same language is not spoken in both . . .¹⁰⁸

Kahutia finished by saying:

Let the Magistrate be under the Queen if he likes; we will not consent to Her authority; we will exercise our own authority in our own country . . . I had the mana before the pakeha came and have it still.¹⁰⁹

Wardell reported that not one speaker at the runanga spoke in support of the Queen's authority.¹¹⁰

A runanga met later in the year to discuss economic affairs, and it was decided to fix the price of wheat in accordance with the markets in Auckland and Hawke's Bay. Prices were also fixed for other produce, and for timber. Letters from settlers complained of being under 'tapu', describing the situation as 'stagnant' as trade came to a virtual standstill. These problems were blamed on the earlier influence of Grace, and petitions were sent to the Governor. A letter to the *Hawke's Bay Herald* in December 1858 reported that the idea had been mooted at the runanga that all Europeans be turned off the land they were living on and expelled from the district.¹¹¹ On 19 February 1859, it was reported that the runanga's laws were still in existence. The settlers decided that a charge would have to be brought against the resident magistrate or the situation would never improve. A public meeting of protest against the Magistrate was held, and settlers petitioned that Wardell had threatened some of the Europeans with removal from the land they occupied.¹¹² They requested that he be removed from the district. This would not be done until 1860, following the visit of Governor Gore Browne to the area. In the meantime, the issue of land came to the fore again with the visit of the land claims commissioner, Dillon Bell, in December of 1859, and the repudiation of all land purchases by Poverty Bay Maori under the leadership, it seems likely, of the runanga.

107. AJHR, 1862, E-7, p 31

108. Ibid

109. AJHR 1862, E-7, p 31; Wardell, diary, 21 May 1858, cited in J Binney, *Redemption Songs: A Life of Te Kooti Arikirangi Te Turuki*, Auckland, Auckland University Press and Bridget Williams Books, 1995, p 37

110. AJHR, 1862, E-7, p 31

111. Mackay (ed), *Joint Golden Jubilees*, p 76

112. Ibid, pp 76-77

2.9 OLD LAND CLAIMS

In 1860, Commissioner Dillon Bell reported that there were three classes of old land claims in Turanga: ‘purchases’ made prior to 1840; land set aside for part-Maori children; and purchases made following Governor Gipp’s proclamation of 14 January 1840. Collectively, all the old land claims in the Poverty Bay area amounted to less than 2200 acres, and only six of those that Bell sought to settle in 1859 were for transactions made prior to 1840. The remainder were for transactions made contrary to law during the period 1840 to 1855.¹¹³ About 30 claims were originally registered with the Land Claims Commission. Of these original claims, about 20 were finally settled by Judges Monro and Rogan at the Poverty Bay Commission sitting in 1869.¹¹⁴ Many claims had earlier been registered as ‘disallowed’ under the Land Claims Settlement Acts of 1856 and 1858 in the Land Claims Commission records, and some had simply been allowed to drop. It would seem, however, that even some of those that had earlier been disallowed were settled in 1869. Crown grants for these lands were issued after cases were heard by the Poverty Bay Commission, actually set up to ascertain the area to be confiscated following the East Coast wars and to return remaining lands in Crown-granted title to loyal Maori. By what authority this commission awarded lands to old land claimants who came before it is a controversial issue, especially considering the altered circumstances under which that commission was established, and this will be discussed further in due course.

2.9.1 Repudiation

A somewhat fragmented movement for the repossession of alienated lands had begun in 1851, and by 1858, Kahutia was leader of a strong redemption movement. The horses and cows given as payments by Uren and Espie for their properties at Makaraka, were quietly deposited in their stockyards, and Resident Magistrate Wardell was informed of the intention to return all such payments before Maori resumed their lands.¹¹⁵ When Francis Dillon Bell, land claims commissioner, visited Poverty Bay in December 1859, the redemption movement had become one of repudiation under the leadership of Rongowhakaata chief Raharuhi Rukupo, of Ngati Kaipoho hapu. Bell reported that Kahutia, the principal land seller in the area, had confessed to wrongfully selling lands, and stated that he now wished to repossess the lands, especially as other interested parties had threatened him with exile from the region as a punishment. Bell was asked to value the improvements that settlers had made to properties in order that they could be compensated adequately and the lands reposessed. He wrote that:

Most of the settlers, seeing the course things were taking, got alarmed and decided not to bring forward their claims at all, lest when the evidence came before me, their own witnesses should, as Kahutia had done, repudiate the sales . . . The settlers then

113. F Dillon Bell, memorandum, 24 February 1860, AJHR, 1860, E-1, p 5

114. Mackay, *Historic Poverty Bay*, p 138

115. Oliver and Thomson, p 72

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expressed a desire to abandon their claims to the Government, in the hope of some day getting a title; and I took the opportunity of pointing out, in claims arising since 1840, the absurdity of their calling upon the Governor to protect them and expecting the aid of the law to maintain their violation of it.¹¹⁶

Bell concluded his report by stating that he felt unable to settle the Poverty Bay claims, and that he had an unfavourable opinion of Maori in the region and had 'never heard anywhere such language used about the Queen's authority, Law, Government, Magistrates and the like.'¹¹⁷ The repudiation movement continued into the 1860s, and Governor Thomas Gore Browne, who made his first visit to the area immediately following that of Bell, was given a somewhat icy reception by those involved in the movement.

The Governor reported that Maori in Turanga reclaimed all land sold subsequent to 1840, and that no argument could sway them from their resolve to repossess it. In addition, he stated:

They objected to the Union Jack hoisted at the Magistrate's residence during my stay; said they should not recognize the Queen, and that unless I visited them for the purpose of restoring the lands which the Europeans had cheated them out of, they did not wish to see me; that I might return from whence I came, and take my English Magistrate with me.¹¹⁸

The journal entries of Mrs Stack at this time shed some added light on the events surrounding the Governor's visit of 11 January 1860. She wrote:

Unfortunately Mr Dillon Bell, who had been down the East Coast settling the Government land claims, left behind him a legacy of ill will, and the Maoris had been told by ill-disposed Europeans that the Governor had come down to enforce Mr Bell's demands. This irritated the Maoris and prevented their reception of the Governor being as cordial as it otherwise would have been. Consequently, while welcoming the Governor, our Maoris told him that they hoped he would do what was right about their lands. The Governor put rather a wrong construction upon these words, owing to a note from Mr Bell, which he received on his arrival, in which the gentleman complained of the behaviour of the East Coast Maoris who, he said, were the most insolent people he had ever met with in New Zealand . . . As it was, [the Governor's] unfriendly bearing and threatening language roused their ill feelings, and will do much to increase the growing suspicion amongst the Maoris that the Government intends to deprive them of their lands by force.¹¹⁹

The resident magistrate was removed by the Governor in 1860, and was not replaced, the only Government official on the East Coast being stationed at Waiapu from 1861 as part of Grey's Runanga scheme, to which Poverty Bay Maori refused to be affiliated.

116. AJHR, 1862, E-1, p 6

117. Ibid, p 6

118. Ibid, p 3

119. J W Stack, *Further Maoriland Adventures*, Dunedin, Reed, 1938, pp 217-218

Raharuhi Rukupo wrote to the Governor following his visit in 1860 reiterating that Kahutia had sold land without his consent, and that this amounted to theft. He asked why the land should not be returned if full payment was made to the Pakeha living on it. He requested that the Governor send Bell back to Turanga to arrange for the return of the land in question.¹²⁰ He wrote again, on behalf of the runanga, to Bell in 1861 saying:

You say that in your opinion our words were harsh in the days of Summer, and that they were bitter words to our Europeans. Yes that word was bitter and this word is bitter. Its bitterness is that we do not wish that the land should be given up to you, but rather do you tell the Europeans to give us our lands back . . . Let the Europeans be merely squatters let the land for them be the buying of wheat, pigs, cattle etc . . . Friend, Mr Bell you say we were saucy to the flag of the Queen. No we were not saucy. We do not understand the meaning of your flag, nor do we know the people who shall take the Island, New Zealand . . . We do not know . . . our evil to the Governor, but we do remember that when the Governor came here all our words were about the land. We believed the Governor to be the head to receive both good words and bad. On that account we spoke to his face, right words and wrong. It was for him to make them clear to us, but before all the words were spoken he ran off.¹²¹

In 1864, Donald McLean wrote to the Native Minister to report that 30 horses had been rounded up as a payment for the improvements made on Espie's land in preparation for the return of Bell, and that requests were being made for the further investigation of the land claims.¹²²

2.9.2 The claims and their settlement

In 1844, George Thomas Clayton registered two claims covering 1201 acres of Poverty Bay, supposedly purchased from Ko Pera Huka (Perohuka) in 1839.¹²³ William Williams noted in his journal on 27 January 1840 that Clayton had made an extensive purchase at the back of the mission station near Wherowhero, but had made a mistake in not buying from the real owners who objected to Clayton's occupation of the land. Williams proposed to buy the land himself from the rightful owners.¹²⁴ Clayton's claim to this land was eventually disallowed under the Land Claims Settlements Acts.¹²⁵ Robert Espie lodged two claims covering 130 acres, both originally disallowed. The Poverty Bay Commission, however, awarded 154 acres to Espie, and a grant was issued for land called Tutae o Rewanga on 9 January 1871.¹²⁶ Thomas Halbert made two claims to 1004 acres of land called Pouparae, which he claimed to have purchased in 1839 for £300 in goods. These claims were partially investigated by Bell in 1859, at which time witnesses gave

120. Raharuhi Rukupo to the Governor, 19 May 1860, OLC 4/21

121. Raharuhi Rukupo to F D Bell, 25 March 1861, OLC 4/21

122. McLean to Native Minister, 10 August 1863, OLC 4/21

123. Claims 65d and 65k, Old Land Claims Register, vol 1; Curnin's Register, OLC 2/7, p 12; AJHR, 1863, D-14, p 8

124. Williams, 27 January 1840, Porter (ed), p 79

125. AJHR, 1863 D-14, p 8

126. Curnin's Register, OLC 2/7, p 20

evidence that the land was meant to be set aside for Halbert's part-Maori son Wi Pere, but Halbert sold the block to William Williams and J W Harris. Wi Pere, who opposed the claim before the Poverty Bay Commission, finally withdrew his opposition, and grants were issued in 1871 for 482 acres to Bishop W L Williams, and 10 acres to W Scott Greene as derivators.¹²⁷

One hundred and fifty acres were claimed by J W Harris who apparently made his first purchase in 1831 of an acre of land by the Turanganui River, for which there was originally no deed. Harris had Paratene Turangi, Kahutia and others sign a written agreement of sale in 1840 when it became necessary for Europeans to legitimise purchases. A further two acres of land were claimed by Harris at Wai-ongaruawai, where the Taruheru and Turanganui rivers meet. A grant for 2 acres 1 rood 14 perches was issued in 1871 to G E Read, into whose hands the land had passed.¹²⁸ The other block of land which Harris occupied was the Opu property, surveyed at 57 acres and Crown granted to him on 8 July 1873.¹²⁹ All these 'sales' were repudiated in 1859 at the time of Bell's visit to Poverty Bay, and there was still considerable opposition before the Poverty Bay Commission over the Turanganui property. Paratene and Kahutia were dead by this time, and Paora, a younger brother of Kahutia, challenged Harris's claim saying that Harris had only been given permission to occupy the land. Some weight is given to this view of the agreement by Harris's own statement in a letter to McLean during 1851 that Kahutia had threatened to take the property back as Harris had 'been on it long enough'.¹³⁰ The claim was upheld by Henare Turangi, however, and the commission awarded title to Harris.¹³¹

Harris also laid claim to 150 acres of land called Papawhariki, on which he had established his whaling station. Harris stated that the land was gifted in trust for his two part-Maori sons, Edward and Henry. A grant of 112 acres of the Papawhariki land was made to G E Read as derivator in 1871.¹³² A further gift in trust for Henry was apparently made of land called 'Te Toma' (150 acres). Before the land claims commissioner, E F Harris stated that the original deed of 1843 was signed by Paratene and Tamati Tokorangi, but when an attempt was made to settle on the land, partially-constructed buildings were burnt down by Renata and Hapapa, who had not received any of the progeny of a horse given by Harris as payment for the land.¹³³ Tamati Tokorangi, of Ngati Kaipoho hapu stated in addition that he had thought he and Paratene were the only owners of the land but had been mistaken, and there were now many opponents to the transaction. The opponents only objected to not having received any of the horses born from the mare given by J W Harris. Bell suggested that the claimants must sort out the problem of payment among themselves before title could be vested in the Harris children.¹³⁴ This block

127. Mackay, *Historic Poverty Bay*, pp 141–142; Curnin's Register, OLC 2/7, p25

128. Mackay, *Historic Poverty Bay*, pp 139–140; Curnin's Register, OLC 2/7, p 26; 'Return of claims settled since 1862', OLC 5/18,

129. OLC 5/18

130. Harris to McLean, 10 September 1851, cited in Mackay, *Historic Poverty Bay*, p 210

131. Mackay, *Historic Poverty Bay*, p 140

132. Curnin's Register, OLC 2/7, p 91; Claims 1355 and 1320, OLC 5/18

133. Statement of E F Harris before F D Bell, 31 December 1859, OLC 4/21

134. Statement of Tamati Tokorangi, and note by F D Bell, OLC 4/21

was also granted to G E Read after being surveyed as part of his claim to Matawhero iv.¹³⁵ Mackay seems to believe that similar problems had earlier arisen over the Papawhariki land when owners complained that not enough had been paid for it. When the matter came before the tribal runanga, Rawiri asked how many horses the mare given in this case had borne, and after being supplied with the information, said that the complaint should be dropped or Harris would give the land back in favour of all the horses.¹³⁶

Strenuously opposed before the Poverty Bay Commission in 1869 were the claims of Captain W B Rhodes to a 300 acre block between the Karaua creek and the edge of Poverty Bay, as well as one and a half acres at Muriwai. The purchases were apparently made in 1840 by Cooper, Holt, and Rhodes, and it was claimed that the boundaries had been walked over by the sellers and European witnesses, afterwards being marked by means of charcoal and holes dug into the ground. The sale was made by Matenga Tamaioreao without the agreement of the chiefs, who were absent along with 200 of the tribe apparently negotiating the sale of some other land. Matenga admitted to having no right to sell the land. In an interesting twist that provides evidence of the complicating factors involved in the settlement of these claims by the Poverty Bay Commission, counter claimant Keita Wyllie stated that the land in question was given to her by Otene Te Whare prior to the East Coast wars. Rhodes submitted that such a transaction was illegal as Te Whare was a Hauhau, killed at the siege of Waerenga a Hika. Keita Wyllie maintained there was no proof of Te Whare having been a 'rebel' at the time the gift was made, but the commission awarded 1 acre 2 roods 23 perches to Rhodes on the basis of Te Whare's rebel status, and because he was named as one of the original sellers. Thirty acres of the area claimed was awarded to Raharuhi Rukupo, who claimed that the original sale was invalid as it was not made with the permission of all those with interests in the land.¹³⁷ The remainder, presumably, remained in the hands of the Government.

Some of the other awards made by the Poverty Bay Commission included those to W H Wyllie, who originally claimed 46 acres and was awarded 64 acres, granted in 1871; 51 acres to R Poulgrain; 25 acres to the trustees of A Dunlop; 17 acres at Huiatoa to the part-Maori children of Goldsmith; and 5 acres awarded to G E Read as derivator to the part-Maori claim of P B Yule.¹³⁸ At least three claimants were given awards far in excess of the acreage originally claimed. P Taprell claimed to have purchased one acre for £54 and was awarded 25 acres, while Thomas Uren's original claim of 170 acres had become 185 acres plus an additional 36 acres 23 perches on the grant of 1871. G E Read, notorious in Poverty Bay for his land dealings, was awarded 319 acres by the Poverty Bay Commission, partly as derivator to other original claims.¹³⁹

135. Claim 1355 (Harris), OLC 5/18

136. Mackay, *Historic Poverty Bay*, p 100

137. *Ibid*, p 141

138. Curmin's Register, OLC 2/7

139. *Ibid*; OLC 4/21

2.9.3 Controversy over the awards

Due to the number of years that had passed before these claims were finally settled, some pieces of land had passed through several hands, and the derivative claims made the original claims seem hopelessly tangled. Alfred Domett, land claims commissioner in 1871, noted that in many cases, proof of derivative title was sketchy, and the dates of deeds given to the Poverty Bay commissioners were often completely different than those in the land claims records. He complained that Judges Monro and Rogan only ‘had informal documents or have attended to “hearsay” as no dates of deeds are given in some of their reports’.¹⁴⁰ In the absence of deeds supplied to the commission, it was often stated that original written agreements had either been destroyed in the burning of settlers’ homes during 1868, or in the sinking of the *White Swan* off Castlepoint in 1862, along with other public papers.¹⁴¹

Domett was deeply concerned at the settlement of these claims by Monro and Rogan when deeds and papers were not forthcoming, and most would have been disallowed under the Land Claims Settlement Acts by virtue of the transactions having been undertaken illegally in the period after 1840.¹⁴² Dillon Bell, in his report of February 1860, had commented that McLean had attempted to settle claims during his visit in 1851, but was prevented from doing so because of their illegality. Bell was forced to investigate these illegal purchases in 1859, as Maori wanted all claims looked into at that time.¹⁴³ In 1871 Domett was concerned to know by what authority and on what principles Monro and Rogan had settled the old land claims in Poverty Bay. A letter from the Secretary for Crown Lands to the Attorney-General asked whether the authority of the commission superseded the Land Claims Settlement Acts of 1856 and 1858.¹⁴⁴ The reply was that:

certain natives ceded land to the Crown subject to certain conditions amongst other things contained in the Deed is a request by the ceding natives that the Gov will complete certain gifts of land made to certain Europeans by these natives. The Gov promised to do so, if the Commissioners found them to be correct. These therefore are promises which the Act of 1869 (PB Grants Act) authorizes the Gov to perform. This seems to settle the action taken by the Commission and will no doubt satisfy the Secretary for Crown Lands.¹⁴⁵

Domett, it would seem, was still troubled by the abandonment of the original Acts for the settlement of such claims, and wrote expressing his concern to Judge W H Monro, Poverty Bay commissioner, who replied that awards were made according to particular cases and not in satisfaction of all claims which might arise:

140. Note by Land Claims Commissioner, 13 April 1871, LC 71/54, OLC 4/21

141. Domett, memo, 1871, LC 71/65, OLC 4/21; Mackay, *Historic Poverty Bay*, p 138

142. Domett, memo, 1871, LC 71/65, OLC 4/21

143. Memo by the Land Claims Commissioner, AJHR, 1862, E-1, p 5

144. Domett to Attorney General, 1 April 1871, LC 71/265, OLC 4/21

145. J W Hulce, minute, 15 April 1871, LC 71/65, OLC 4/21

excepting in so far as the claimants might be considered to have debarred themselves from future consideration by their failure to lodge claims made by them, but not produced in Court.¹⁴⁶

In a note to Bell on 11 July 1871, Domett wrote that:

Smith and Rogan, as Commissioners under an Order in Council 13 Feb 1869 made awards of various lands (subsequently authorized to be granted by Govt. By Poverty Bay Grants Act 1869) These awards give *Old Land Claimants* in many cases all the lands claimed by them *without* reference to conditions as imposed by the Land Claims Settlement Acts 1856–8. Of course this was a special advantage given to such claimants . . . I knew nothing about their proceedings or that they intended to meddle with Old Land Claims – though the works of their commission are general. Perhaps the claims are as well settled. But does it strike you anything should be done? [Emphasis in original.]¹⁴⁷

In a reply which speaks volumes about the attitude of Crown agents to the situation in Poverty Bay, while reflecting Bell's own experiences there in 1859, he advised Domett to let the matter drop, saying 'I would leave these alone. Ficie[?] non debuit factum valet; and we may wink at any little irregularity provided the ghosts of these claims do visit us no more'.¹⁴⁸ Such 'irregularities' abounded where the settlement of these claims was concerned – most of the transactions were illegal; most of them were not supported by written deeds; the acreage finally awarded was in some cases far in excess of that originally claimed; and the particular circumstances which the Poverty Bay Commission was set up to deal with in 1869 involved those Maori who opposed the claims having limited leverage due to their 'rebel' status. The most important 'irregularity' was perhaps the fact that these claims were still unsettled in 1869 because of the total repudiation of all 'sales' by Poverty Bay Maori when Bell attempted to hear the claims in 1859.

2.10 CONCLUSION

This chapter has covered a period in which extraordinary changes occurred for Maori of Poverty Bay. They did not resist these changes, but attempted to adapt them for their own benefit. Local chiefs sought to maintain their control over their own land and resources, and over their people. They managed this despite the various challenges they faced, including what appears to have been a significant depopulation of the district, brought about primarily through contact with imported diseases. Throughout the period, although they had recourse to the mediation of missionaries, and later the resident magistrate, they continued to rely primarily on their own social and political framework and institutions. There was no significant land sale during the first 40 years of European occupation in the area from 1820 to 1860. Only 2200 acres of old land claims would be awarded by the Poverty Bay

146. Monro to Dommett, 9 May 1871, LC 71/65, OLC 4/21

147. Margin note by Domett, 11 July 1871, OLC 4/21

148. Margin note by Bell, July 1871, OLC 4/2

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Commission in 1869, and it is arguable that this amount was far in excess of that which Maori had agreed to part with, especially on a permanent basis. In any case, the legitimacy of these awards is highly debatable. It seems ironic that many of the claims that came before Bell in 1859 might well have been dismissed by him if not for the vehement repudiation of all the transactions by local Maori. This reaction resulted in Bell's subsequent attitude towards the people of Turanga, which prevented any return of the commissioner to continue his inquiries prior to the East Coast wars that were to alter the situation so radically, swinging the balance of power away from Maori and into the hands of the European claimants.

The Government had purchased only 57 acres for public purposes in Turanganui by 1860, and there would be no more sale of land to the Crown there for almost 10 years. Tension over the land issue continued to build, however, especially as events in Taranaki unfolded (as discussed in chapter 4). An 1864 runanga made clear its opposition to land sales, but some Maori expressed a wish to sell to the Government, and on trips to Hawke's Bay, settlers were apparently being encouraged by chiefs from Turanga to buy land from them. The desire to sell, as a way of making money, and the resistance to sale (and to further European settlement) were beginning to cause splits within Maori society in Poverty Bay. For the time being though, the numbers of Europeans in the district remained very small, and informal leases of land were the prevalent form of land alienation.

