

Rangahaua Whanui District 5b

POVERTY BAY

SIÂN DALY

February 1997

Working Paper : First Release

WAITANGI TRIBUNAL  
RANGAHAUA WHANUI SERIES

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## FOREWORD

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

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

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

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

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## THE AUTHOR

Tena koutou. My name is Siân Daly. I am a Pakeha of Irish and Norwegian descent. My family live in Christchurch. In 1991, I graduated from the University of Canterbury with a Bachelor of Arts (with honours) in history. Since 1991, I have lived in Wellington, and I began working for the Waitangi Tribunal in mid-1994. In May 1995, I was commissioned to write the Rangahaua Whanui report for the Gisborne (Poverty Bay) district. I commenced the research for this project in July 1995, and have worked on the report intermittently since that time. During this period I have also been responsible for facilitating claims in the Gisborne and East Coast districts. I continue to be involved in these facilitation tasks, and in research for claims in these regions.

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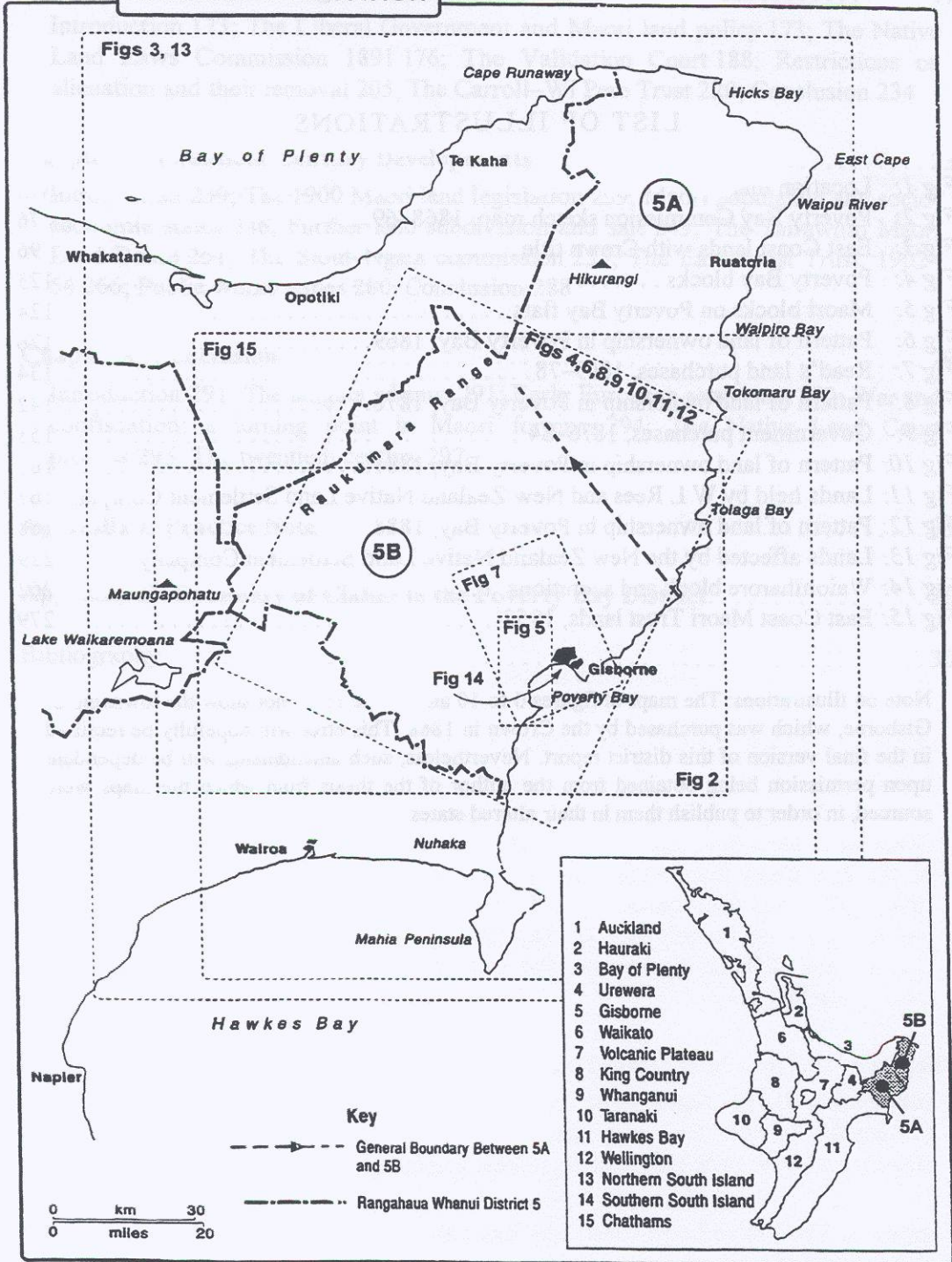
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Note on illustrations: The maps at figures 6 to 10 and figure 11 do not show the township of Gisborne, which was purchased by the Crown in 1868. This error will hopefully be rectified in the final version of this district report. Nevertheless, such amendments will be dependent upon permission being obtained from the author of the thesis from which the maps were sourced, in order to publish them in their altered states.

**FIGURE 1: LOCATION**



## INTRODUCTION

This report is one of a series of district reports commissioned by the Waitangi Tribunal as part of its Rangahaua Whanui project. The project had its inception in 1993, and was designed to provide basic material on the causes and impact of land and resource loss within an historical context. It was felt that such reports would give an overview of the wide-ranging issues that were often common to claimants in specific geographical areas, or districts. The reports were to provide an historical review of Crown policy and action within these districts as a contextual framework for both single issue and major claims. They were expected to be broad surveys, based to a large degree on secondary sources, and it was envisaged that they would help to highlight issues requiring more detailed claimant research (see app i).

Initially, the districts covered by these reports were defined by means of the local government and catchment area boundaries. Thus, district 5 stretched from Paritu on the coast at the southern point, to Cape Runaway at the north, and inland to the boundaries of the Urewera and Bay of Plenty districts, running along the inland line of the Huiarau and Raukumara mountain ranges. Although these are still the general boundaries of district 5, it became necessary to divide the district into two separate sections: the northern East Coast (district 5a), and the Poverty Bay district (district 5b). Although there are some similarities in the histories of these two districts, in the course of research for the present report the very material differences in the experience of land and resource loss between the two areas have become evident. The division of the Gisborne district into Poverty Bay and the East Coast must be regarded as a matter of some expediency as one report could not have sufficed as an overview for both areas. There will, however, be a degree of overlap in some of the issues raised in both reports, as there is with the report for the Wairoa district (11c) written by Joy Hippolite. The degree of overlap in terms of historical issues, and to some extent interests in land, is reflected in the partial boundary marked on the location map (see fig 1) between the two parts of district 5.<sup>1</sup> This extends roughly from Gable End Foreland inland towards Arowhana. It is not intended that this report draw any conclusions regarding the proper boundaries between hapu and iwi. The boundary thus marked must therefore be regarded as a general one only, and it is expected that the district 5b report will similarly extend a vague boundary south of the one depicted here.

The main iwi dealt with in this report are those of the Poverty Bay district, being Te Aitanga a Mahaki, Rongowhakaata, and Ngai Tamanuhiri, although other groups will be mentioned where pertinent. Thirteen claims have been registered with the Waitangi Tribunal from the Poverty Bay district, three of which have been settled, and two of which relate to contemporary matters. A summary of the claims within this district can be found at appendix ii. It is hoped that the following report

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1. This map also shows the relative areas covered by maps found in the main body of the report.

## Introduction

will highlight issues for further research that will be of relevance to most of the remaining historical claims in the area. Claimants are invited to make submissions, after reviewing the text of this report, that might add to the accuracy and scope of the report in its final form.

Poverty Bay is an area of flat, fertile land on a flood plain crossed by three rivers that enter the sea at two points, on opposite sides of the bay. The remainder of the district consists of rough hill country. At one time the coastal area of the flood plain boasted an elongated lagoon, known as Awapuni, and this was still in existence into the early twentieth century. The bay area traditionally supplied many areas of mahinga kai. Crayfish could be caught off the coast of Titirangi, and the reefs and tidal flats contained large quantities of shellfish. Many species of fish could be caught in the bay and Waiohiharore, later to form part of the Gisborne township site, was a favoured fishing ground, as Kawhai gravitated to the fresh water of the spring that seeped into the sea at that point. Pigeons, kaka, and pukeko, were commonly found on the flats, and many ducks lived by the rivers and on Awapuni lagoon. Creeks that fed into the rivers were crossed by eel weirs, and whitebait could be found in the tidal waterways when in season. Taro, kumara, and other vegetables were grown in small cultivations on the flats.<sup>2</sup> The hill country was once covered in stands of native bush, but clear-felling and burning off during the late nineteenth century denuded the slopes. Consequently, serious land slips are now a common occurrence in the region. The hill country is now used for pastoral farming and forestry, with several Crown forests existing in this area. The most valuable land is that on the Poverty Bay flats. Maori now own only a tiny proportion of this land, which is mainly in private European ownership.

The Poverty Bay district is difficult to give accurate historical figures for in terms of areas of land or Maori population. The officials who compiled the sources used in the compilation of this overview report have constantly altered the boundaries of the counties and districts they give figures for, and this has resulted in confusion as to the distinct area referred to. Often sources will refer to figures for the East Coast including Wairoa and the entire area up to East Cape. It has been virtually impossible to find figures referring to the Poverty Bay district on its own, and it has therefore been necessary to quote the approximate figures as they appear in the sources. These figures should be used with caution as they do not necessarily provide strictly accurate summaries for the district on its own account. In the later chapters of the report, however, most figures given for this area come from estimations based on the Cook County, which in 1907 covered the area from Paritu inland to Maungapohatu, north to a point in the Raukumara ranges and east to the coast at Marau Point, north of Tolaga Bay. These figures are therefore approximate to those of the Poverty Bay district as defined in the general terms used in this report and can be considered relatively accurate. A more detailed mapping project will be required, based on current cartographic information, in order to provide an accurate cartographic background for the historical claims within this district. It should also be noted that the maps contained in this report are not intended to

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2. Anne Salmond, *Two Worlds: First Meetings Between Maori and Europeans 1642–1772*, Auckland, Viking (Penguin Books Ltd), 1991, p 119

## *Introduction*

provide such detailed and accurate information, but are intended as a visual aid in following the pattern of land alienation, and to illustrate points raised in the text.

The area covered by the Cook County was given in 1908 as 1,319,014 acres (533,804 hectares), and the Poverty Bay district, for the purposes of our inquiry, can be stated to cover an approximate area of 1,100,000 acres.<sup>3</sup> At 1860, the Crown had acquired only 57 acres of this, and European old land claims amounted to only 2200 acres. By 1907, 946,600 acres (383,089 hectares) of Cook County had been acquired by the Crown and private European interests, leaving 372,414 acres (150,715 hectares) of Maori land, most of which was either leased or held as part of the East Coast Trust. Although Maori were to receive some of this land back in incorporated ownership in later years, more land would be alienated through sale and public works takings. In a 50-year period, approximately 75 per cent of the tribal estate had been alienated. The purpose of this report is to examine how this occurred, and to identify some of the issues surrounding that land loss. In broad terms, this report discusses these issues in a chronology stretching from prior to 1840 into the mid-twentieth century.

The first chapter presents a brief description of the early history of the district, outlining in very broad terms the traditional history of the Maori groups that claimed tangata whenua status in Poverty Bay at 1840. This chapter is based on secondary source material, and is intended to provide an introduction to the iwi discussed in later chapters of the report, as well as some general information about their origins. Chapter 2 begins with an account of the first recorded contact between Maori on this part of the coast and Europeans, describing Captain Cook's visit there in 1769. Thereafter it continues with the story of early European settlement in the area from the 1820s to 1860, and examines the effects that this settlement had on Poverty Bay Maori. At the end of this period, only 57 acres had been sold to the Crown at Turanganui, and no other purchases had been acknowledged by local Maori. Instead they repudiated previous land transactions with Europeans in the area, even going so far as to threaten to turn these people out of the district. This was something that they clearly felt at liberty to do if they so chose, and they were, at that time, also entirely capable of enforcing such an ejection of the European squatters on their land.

Chapter 3 deals with the East Coast wars, and the confiscation of lands in Poverty Bay. By 1869, the Crown had purchased another 1000 acres for the site of Gisborne township, under circumstances that indicate Maori agreed to such a sale under some duress. The Government had also retained 56,161 acres of land acquired from Poverty Bay Maori during 1868 in a forced cession that was tantamount to confiscation. This chapter recounts Government attempts to confiscate Poverty Bay lands before 1868, and the events leading up to the eventual cession late in that year.

Chapter 4 continues the discussion of issues surrounding the confiscation of lands and, therefore, only covers a brief period in chronological terms. The return of lands following confiscation is dealt with in this chapter, along with subsequent

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3. Acreage is given as boundaries of the territory ceded to the Crown in 1868, see map information at figure 2.

## *Introduction*

Maori discontent. There was considerable protest over the method by which land was returned, especially when it became clear that 150,000 acres had been returned to owners in joint tenancy. The excess of land taken by the Crown, survey issues, and rewards of land to other tribes out of the confiscated blocks, all became sources of grievance. There was open protest when the Poverty Bay Commission resumed its sittings during 1873. These protests, led by Henare Matua, a repudiationist from Hawke's Bay, are discussed in conjunction with the return of lands by that commission in tribal blocks – a quick clean-up of the lands remaining that was undoubtedly prompted in part by the obvious Maori dissatisfaction and unrest. Later efforts by Maori to seek redress for their grievances concerning the confiscations, and the two commissions of inquiry that looked into the complaints, are also examined.

Chapter 5 describes some of the activities of the Native Land Court after 1873, and traces the rapid alienation of Poverty Bay lands to the Crown and private purchasers in the period 1870 to 1889. This is a chapter containing a considerable amount of confusing detail, and it is hoped that with the help of a series of maps some general patterns of changing ownership can be established to demonstrate how land was rapidly alienated following individualisation of tenure in the Native Land Court. There is a great deal of research required into the specifics of some of the issues discussed in this chapter, especially those connected with the Government's purchase of lands in the area and the fate of reserves set aside for Maori as inalienable.

In chapter 6, issues affecting land in the district under the Liberal Government are explored. A detailed discussion of the Rees commission findings in 1891, and the evidence given to that commission at its sittings in Gisborne, has been undertaken. Other developments that affected the region, such as the Validation Court's activities and the Carroll–Wi Pere Trust, have also been considered at some length. There are some weighty topics raised in relation to the developments mentioned above, the issue of restrictions on alienation of Maori land for example, and although some effort has been made to discuss these and make some sense of them, there are many gaps in these analyses and many questions which arise out of them. Further research into these areas will certainly help to clarify many issues, especially regarding the Validation Court's activities in Gisborne. A report written for the Crown Forestry Rental Trust on the East Coast Trust which has been completed in a draft form, may fill some of these gaps. The report, by Kathy Orr–Nimo, was not available at the time this district report was written, but the additional information it supplies on the Validation Court and the East Coast Trust lands will be incorporated into a final version of the district 5b report.

The final chapter attempts to discuss some of the developments affecting Maori land in Poverty Bay during the twentieth century. It is by no means a comprehensive look at these developments though, and further reports on twentieth-century issues will be needed for the region. The land legislation of the early 1900s is discussed, as are the land councils and boards that were set up under these laws. The further fragmentation of Maori title, and the continued alienation of small blocks through sale, consolidation of Crown interests, and public works takings, are examined. The Stout–Ngata commission's findings on Cook County

## *Introduction*

lands at 1907 are considered in some detail, and the figures supplied by this commission provide an excellent overview of the land situation in the Poverty Bay area at the turn of the century. Finally, in the last of three sections in this report dealing with the lands that became part of the East Coast Trust, the trust administration and the eventual return of lands to Maori in incorporated ownership are also outlined.

The conclusion brings together some of the main points explored in the text of the report, and highlights areas identified in previous chapters as those worthy of further research. Although it has been reiterated throughout the report that certain sections are heavily reliant on particular secondary sources, it is fitting to state in this introduction that a debt of gratitude is owed to those people noted at the beginnings of each chapter, whose work has been of immeasurable importance in the compilation of this overview.

## LIST OF ABBREVIATIONS

AJHR	<i>Appendices to the Journals of the House of Representatives</i>
AJLC	<i>Appendices to the Journals of the Legislative Council</i>
app	appendix
ATL	Alexander Turnbull Library
BPP	<i>British Parliamentary Papers: Colonies New Zealand</i> (17 vols, Shannon, Irish University Press, 1968–69)
ch	chapter
doc	document
fol	folio
JHR	<i>Journal of the House of Representatives</i>
JICH	<i>Journal of Imperial and Commonwealth History</i>
JPS	<i>Journal of the Polynesian Society</i>
JWDHS	<i>Journal of the Whakatane and District Historical Society</i>
MA	Maori Affairs
MA-MLP-W	Maori Affairs – Maori Land Purchase Department – Wellington
NA	National Archives
NZG	<i>New Zealand Geographer</i>
NZJH	<i>New Zealand Journal of History</i>
NZLJ	<i>New Zealand Law Journal</i>
NZPD	<i>New Zealand Parliamentary Debates</i>
p, pp	page, pages
pt	part
RDB	<i>Raupatu Document Bank</i> (139 vols, Wellington, Waitangi Tribunal, 1990)
ROD	record of documents
s	section (of an Act)
sec	section (of this report, or of an article, book, etc)
sess	session
TNZI	<i>Transactions of the New Zealand Institute</i>
VUWLR	<i>Victoria University of Wellington Law Review</i>
vol	volume
Wai	Waitangi Tribunal claim