

CHAPTER 4

THE FAILURE OF THE COMPACT – THE NATIVE LAND COURT AND GOVERNMENT LAND PURCHASING POLICY

4.1 THE INTRODUCTION OF NATIVE LAND COURT OPERATIONS WITHIN THE EXTERNAL BOUNDARY

From 1883, some of the contradictions inherent in the agreements between Ngati Maniapoto leaders and the Government became evident as understandings were put into practice. By December 1883, the Government survey office was involved in a number of different surveys in the larger Rohe Potae district. These included triangulations of the larger Rohe Potae district as described in the 1883 petition, as well as various railway surveys. The surveys of the external boundary of ‘Ngatimaniapoto lands’ also took up the first seven months of 1884. Many Maori of the district found the various surveys extremely confusing and a cause of considerable alarm. The various surveys are described in more detail in the *Pouakani Report*.¹

The agreement on the external boundary survey was confirmed in an exchange of letters between the chiefs and Government surveyors of 19 December 1883. Copies of these are included in full in the *Pouakani Report*.² The translated letter signed by Wahanui and other leaders agreed to an external survey of the boundary of ‘our block’ in order that a Crown grant could be issued, ‘to us, our tribes, and our hapus for the price as arranged by you, namely that the cost to us should not exceed £1,600.’ The letter also insisted that, ‘this agreement must not be altered by any other arrangement or by any future government’. The Chief Surveyor replied that the Government would make an accurate survey of the external boundary of ‘your block, in order that a Crown grant may issue to you and your tribes; it is also agreed that the survey shall not exceed £1600’. The letter agreed that no future government could change the agreement.

The *Pouakani Report* found that the letters were vague enough to allow for quite different interpretations. It seems likely, given the circumstances, that the ‘block’ Wahanui and others were referring to was the larger Rohe Potae district as they had defined it in the 1883 petition. Wilkinson had also reported that they were referring

1. Waitangi Tribunal, *The Pouakani Report 1993*, Wellington, Brookers Ltd, 1993, ch 7

2. *Ibid*, pp 98–99

to the same larger district when they agreed to make the application. The Survey Office may have decided that the fee only covered work for a much smaller area but in fact it seems clear that the survey cost of £1600 was regarded as a special fee, rather than a price based on an actual estimate. Wilkinson's report described how the 'real' cost if done by private survey would be nearer £20,000. This lower charge may well have been an act of goodwill by Government, or at least an inducement to ensure the Government got the work. This would have enormous advantages not least in the opportunity to collect information likely to be useful for settlement as well as keeping that information out of private hands. This appears to be confirmed by a newspaper report that private surveyors claimed the price was far too low.³ The reason given for the low price to the newspaper was that the Government did not intend to make any profit out of the survey, but was only charging at cost.

The *Pouakani Report* found that for whatever reasons, the Survey Office decided that the 19 December exchange of letters referred to payment for an external boundary survey of only the Ngati Maniapoto lands of the Rohe Potae or the 'Aotea block' as it was already being called.⁴ This was of course consistent with Bryce's emphasis on the importance of being able to determine a Ngati Maniapoto boundary. The published report of the Surveyor General, dated 8 August 1884, included an appended survey report from various districts. With regard to the King Country, it was noted that at the native meeting at Kihikihi of last December arrangements were made 'for the survey of the external boundaries of the Aotea block, comprising the greater part of the so-called King Country'. On the completion of this survey, 'a plan can be made to enable the court to deal with this large block, which is roughly estimated to contain 3,200,000 acres'. The report is confusing as the acreage described is almost as large as the whole district of the 1883 petition. However the intention to separate out Ngati Maniapoto lands, or the Aotea block, is clear, as is the intention to have the Native Land Court deal with it. In doing so the court would inevitably be working within the external boundary. It is interesting to note that Ngati Maniapoto lands were already being described as the Aotea block in 1884, even though the block itself was not determined and officially created by the Native Land Court until 1886. The survey report also noted with some satisfaction, that applications received through the Native Land Court already covered several hundred thousand acres in the King Country locality.⁵ The report did not specify, however, where in the King Country those lands were located.

As expected, there was resistance to the survey by various hapu within the Rohe Potae who remained intensely suspicious of Government intentions. Newspapers and official correspondence of the time reported on this resistance in some detail and again it appears that the Government continued to rely on the assistance of the chiefs such as Wahanui before any real progress with surveys could be made.⁶

3. *Waikato Times*, 22 December 1883

4. *Pouakani Report*, p 102

5. AJHR, 1884, C-1, sess 2, app 2, p 27-29

6. See *New Zealand Herald* and *Waikato Times*, January 1884; correspondence regarding removal of trig stations, MA 13/93

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The very prompt start on the surveys and the lack of consultation about the practical implications of survey requirements, such as the need for trig stations, also appears to have caused the chiefs considerable difficulties. In March 1884, Rau Taramoa wrote to the Native Minister on behalf of Wahanui. He explained that Government actions were putting Wahanui in a difficult position. It was apparent that large sums of money were being spent on internal surveys but not on the survey of the external boundary as agreed. Roads within the district were being proceeded with rapidly while the exterior survey was going only slowly. In reply, the Government denied there was any cause for concern and promised the external boundary was nearly complete.⁷ Wahanui also mentioned the difficulties caused at a later meeting in Kihikihi in 1885:

We were not consulted with regard to the erection of trig stations; the consequence of this was that the Maoris got unsettled seeing what was being done, as one brother could not advise the other or tell the other anything about it.⁸

Much of the opposition to the survey came from hapu who remained loyal to Tawhiao and his policies of boycotting the Native Land Court altogether. They were concerned that the survey application might compromise King movement autonomy by inviting an instrument of the Queen's authority, the Native Land Court, into the Rohe Potae. There was also considerable concern about what the application might mean with regard to Native Land Court operations in the district.

Some of these concerns and the discussions were reported in the press, particularly when Bryce attended the meetings. There was apparently a continuing series of meetings between Bryce and various iwi leaders in the district over the following weeks in an attempt to protect the survey agreement. Bryce attended a meeting on 18 December 1883, for example, to hear chiefs opposed to the application for survey as well as those who had signed.⁹ At this meeting, concern was expressed that authority over the land had already been given to Tawhiao by solemn agreement in 1881. The chief Hauauru for example, stated that he wanted to preserve Tawhiao's mana over the land and did not want to have the Queen's authority recognised over native territory. Bryce responded that he could only repeat what he had already told Tawhiao:

New Zealand is too small for two sovereignties, and I will never recognise your authority except over your own tribe . . . the paper on which these lands are handed over to Tawhiao is waste paper.¹⁰

This statement was probably also significant in terms of Bryce's view of the confederation of Rohe Potae iwi. He seems to have been determined to recognise no more than separate iwi authority and to have rejected any type of iwi confederation, although this was apparently not evident to the chiefs at the time. In response to Hauauru, Rewi did not seem to regard the application as an issue of

7. Correspondence, March to April 1884, MA 13/93 84/1254

8. AJHR, 1885, G-1, p 13

9. *New Zealand Herald*, 19 December 1883

10. Ibid

sovereignty but as a means of enabling land to be used for economic advantage. He declared he had been convinced by the example of those he had seen leasing land and he intended to lease land as well.

The meeting also expressed concern that the application, by including the whole district, had effectively involved them all in the Native Land Court process, regardless of their wishes and to the grave consternation of many. The chief Haimona, stated that the court process meant that those who had signed were the claimants and all others were therefore regarded as counter-claimants:

We do not want to be counter-claimants; because we have seen in the Native Lands Courts people putting in applications for land who have small interests become strong because they are the first claimants.

Others insisted that they wanted to survey their own lands at their own time and pleasure. If surveyors trespassed on their land therefore, they would feel quite justified in stopping them. There were also concerns about the implications of having such a large district surveyed at one time. It had never happened before and there was concern about what might happen as a result. In reply, Bryce stated that the application was to ‘determine tribal boundaries as between tribe and tribe. Afterwards will come applications for subdivisions between hapu and hapu, and possibly after that for settlement of individual claims’. In response to further concerns, Bryce reiterated that as a first step the large tribal boundaries would be settled. The names of tribes and individuals would be admitted but the survey and the final divisions would be made without claims and counter-claims. Bryce denied that those who made the application might gain an advantage. He also reminded them that he had never ‘pestered you to sell your land but I tell you your troubles will never cease till you individualise your titles’.¹¹ Once again Bryce was quite clear that he intended to have internal divisions made within the district. However, again this may have been partially compensated for by his emphasis on the larger iwi divisions, and only ‘possibly’ after that, individual claims. This may have been interpreted by the chiefs to simply mean that overall iwi ownership of the large Rohe Potae district was still to be decided by the court without necessarily making internal divisions on the ground.

Bryce is likely to have received considerable encouragement in late December, when reports arrived of Tawhiao’s meeting with Wahanui and Rewi. The *Waikato Times* reported that Tawhiao was not opposed to the external boundary survey. In fact he was encouraging Ngati Haua, who had threatened resistance to the survey, to be peaceful. He had advised Hauauru not to oppose it either. He insisted that he wanted to abide by the law and settle matters peacefully.¹²

It seems clear that during this time the Government was also actively and successfully encouraging further applications to the Native Land Court for investigations within the Rohe Potae.¹³ Further research is required into the nature and extent of these applications. On the face of it they seemed to support

11. *New Zealand Herald*, 19 December 1883

12. *Waikato Times*, 29 December 1883

13. For example report of ‘so many applications in’, *Waikato Times*, 15 January 1884

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Government policy and undermine the stated aims of the chiefs who did not want any internal investigations and determinations until they had negotiated a more equitable system for determining title. Although the circumstances appear confused, it does seem from even brief research, that many of the applications may not have been a direct rejection of the chiefs' wishes. It seems that some within the district did welcome the court and were prepared to take their chances with it. However as will be seen, it also seems clear from official correspondence and newspaper reports that a large number of applications were really expressions of concern and attempts to 'register' land interests in some official way, in anticipation of the internal determinations everyone had agreed would come. The chiefs themselves had effectively made a court application although they considered it to be a limited one. This may also have encouraged others to follow, even if it was anticipated that determinations would actually take place under an improved system.

The applications may have been fuelled further by the state of confusion and alarm evident in the district while a new system was being negotiated. The newspapers reported rumours of the 'many' applications being made, although details of these were always very vague.¹⁴ These may also have caused further anxiety and further applications. Although it had been assumed that the court would only be concerned with the external boundary, there was uncertainty about how this would be done in practice. As a result there was apparently considerable anxiety to take steps to protect interests against whatever might happen. The idea of any Land Court operations at all evidently worried some hapu. They might support powerful chiefs on some issues, including the general aims of the 1883 petition and the concept of a confederation of iwi for the Rohe Potae. This was not the same as handing over all responsibility and authority for their particular land interests however. Hapu remained concerned to maintain their own authority before the court. There were very real intersections of interests in the Rohe Potae and the court process provided an ideal means of exploiting and encouraging them.

The Land Court process, or at least its reputation, also appears to have generated not only concern, but applications. For example, as explained at the 18 December meeting, it was well known that the first applicants were often viewed with some favour by the court. Every other claimant to the same land was treated by the process as a 'counter-claimant' regardless of their status, and as a result they were widely believed to be disadvantaged.¹⁵ This may also have led to applications as claimants tried to avoid simply becoming counter-claimants.

There is some evidence that applications also continued to be made because of the perceived need to gain some form of legal title in the face of pressures from those who wanted to purchase land. Although formal instructions to begin purchasing had still not been made, it is clear that the Government was actively involved in collecting information necessary for purchasing from at least 1884.¹⁶ This process was intensified when the court began sittings in 1886.¹⁷ Although they

14. For example, *Waikato Times*, 15 January 1884

15. *New Zealand Herald*, 19 December 1883

16. See correspondence, MA 13/43, NO 84/2382

17. For example see correspondence and attachments, December 1886, MA 13/78, NLP 86/494

accepted the need to have title settled in some legally recognised way, it is clear that owners wanted to go no further through the court process than they believed was absolutely necessary. Applications were very commonly for title determinations only. Owners were noticeably reluctant to go any further and hand in lists of owners or to have the court define interests or undertake any process that led to further individualisation of title. For example, even by 1889 Wilkinson noted that very few blocks passing the court had owners' interests defined. As the owners intended, he noted that this would make it:

impossible for a person unacquainted with the Native owners to form any opinion as to their relative ownership, and not by any means an easy matter for one acquainted with them to do so.¹⁸

It is also clear that even while seeking settled title, owners still wanted to protect the land from sale. It is clear that once hearings began, determined efforts were made to have the court impose restrictions on alienations of land in various blocks. This was noted as a source of irritation by officials when Government purchasing did begin.¹⁹ There is some evidence that applications were being made in order to use the court system to confer legally recognised authority on decisions already made by the Kawhia committee. For example, Sorrenson has noted that the early Land Court sittings in the Rohe Potae were relatively orderly and quick. This may support the possibility that the court was being used to ratify some agreements already made.²⁰

The apparent contradictions in making court applications within the Rohe Potae, are evident in the actions of the chief, Hitiri Paerata, for example. He was one of the chiefs who actually signed the application for an external boundary survey of the whole Rohe Potae district. Barely a month later, in January 1884, he and his people wrote to the Native Minister asking if they could put an internal boundary into their application, to show their part of the Rohe Potae block.²¹ On the face of it this seemed to contradict the attempt to have an external survey only, yet Paerata appears to have continued to support Wahanui. More research is required on Maori understandings of what such applications meant.

Although Bryce was careful to be circumspect about the implications of the survey in his meetings with Rohe Potae leaders, the press and Government officials appeared far less inhibited. The newspapers seemed well aware of the likely impact of Native Land Court operations on chiefly authority and welcomed this. The *Waikato Times* for example, described Bryce's success in persuading the chiefs to make the application for a boundary survey as bringing the 'native difficulty' to an end and as having dealt kingism a 'death blow'. Both the *Times* and the *Herald* also referred to the agreement to make the application for a survey as being a matter of coming 'to terms' with Bryce as though the iwi leaders were somehow submitting

18. Wilkinson to Native Department Under-Secretary, 24 October 1889, MA 13/78, NLP 89/332

19. Wilkinson to Native Department Under-Secretary, 24 October 1889, MA 13/78, NLP 89/332

20. M P K Sorrenson, 'The Purchase of Maori Lands, 1865–1892', MA thesis, University of Auckland, 1955, p 110

21. Hitiri Paerata and others to Minister of Justice, 4 January 1884, NO 84/338, MA 13/93

or surrendering to his demands.²² They both remarked on the way Tawhiao had not even been mentioned, assuming again that this was more evidence of the demise of the King movement and conversely, the beginning of the full imposition of state authority in the district.²³

Rohe Potae leaders expected the external survey to take place first and then internal divisions to be made only after this was completed. The press, however, assumed that hearings of internal divisions within the district would begin as soon as possible. The *Herald* anticipated that the land of Taonui and Hopa ‘in all probability will first be dealt with’. It also expected an early start to the usual ‘tedious’ internal claims.²⁴ Government officials also appear to have assumed that the survey application meant that internal hearings would proceed as soon as possible. They actively encouraged internal applications to enable the court to begin operating within the Rohe Potae. Officials assumed that Hitiri Paerata’s January letter for example, was intended to be an application for a Native Land Court investigation. The Under-Secretary of the Native Department, Lewis, noted on the letter that he presumed it was an application for a division line between Ngati Maniapoto and Ngati Raukawa portions of the external boundary now being surveyed. He saw no reason why such an application could not be made immediately:

I am aware of no objection to the writers sending an application to the Native Land Court for the hearing of their portion of the block and stating what they consider their boundaries.²⁵

However, in this case, Bryce realised the matter needed to be handled with care. At this time Rewi was having serious second thoughts about whether to rejoin Tawhiao and apparently so was Hitiri Paerata. A substantial withdrawal of support for the survey application was a serious threat to the Government’s ability to make the survey on the ground. Bryce advised Lewis that in the light of recent actions by both chiefs it would be advisable to wait for a while before advising that an application should be made.²⁶

Government actions did cause misgivings among some chiefs who had initially supported the application. Hauauru, for example, initially although reluctantly, supported the application. Hauauru was reluctant to be disloyal to Tawhiao but supported the application because he thought the majority of Maori in the Rohe Potae supported it and the time had come when it had to be done.²⁷ Within a few days however, Hauauru appeared disillusioned with what had been achieved and fearing ‘that the land would be lost’, had returned to Tawhiao.²⁸ Hauauru confronted Bryce at the 18 December meeting with his concerns and also wrote to

22. For example, *New Zealand Herald*, 4 December 1883

23. For example, see *Waikato Times*, 4 December 1883

24. *New Zealand Herald*, 8 December 1883

25. Lewis to Minister, 2 February 1884, MA series 13/93, NO 84/338

26. Memo from Bryce to Lewis on letter from Hitiri Paerata and others to Native Minister, 4 January 1884, MA series 13/93, NO 84/338

27. For example see reports in *New Zealand Herald*, 8 December 1883; *Waikato Times*, 6 December 1883

28. *Waikato Times*, 22 December 1883

Bryce on the same day. In the letter, he told Bryce he objected to the survey and that his people wanted to arrange the survey of their own lands themselves.²⁹ Major Te Wheoro was also reported as having misgivings. He had asked Bryce to leave the Kawhia survey to himself and Tawhiao, but Bryce had insisted it would have to go before the Land Court.³⁰

It seems that the continued court applications and Government encouragement of them, were eventually an important means of undermining the Ngati Maniapoto chiefs' aim to have internal determinations delayed until new procedures and alternatives to the Land Court were in place. The applications appear to have had a snowball effect and eventually they (or rumours of them) were sufficient to attract applications for separate hearings from some of the major iwi of the district. This in turn enabled the Government to allow the court to begin operating even though the chiefs had still not successfully negotiated an alternative to the land court system.

More research is required, but even a brief search of official documents reveals evidence of this. There is considerable correspondence to the Native Minister for example, from various Rohe Potae leaders and their people, expressing concern and asking for advice about what they should do to protect their land. The official reply was to have the matter settled by the Land Court when it inevitably began operations in the district. Government insistence that the Land Court would inevitably begin operations, in turn appears to have further fuelled such fears. The reputation of the Native Land Court preceded it. Correspondence also revealed fears of what various other Government activities in the Rohe Potae might mean for land interests, such as the railway preparations and the various surveys. There were also fears that the Native Land Court might give undue weight to the claims of those who had actually made the application for the external boundary survey, simply as a result of their having signed the application. The boundary for example, was often referred to as 'Wahanui's line' and this was regarded with alarm by some Maori in the district.

In June 1884 Wilkinson reported Maori concerns that since Wahanui had signed the external boundary application, the court might assume he had more rights to the land than he would otherwise be entitled to.³¹ Later, in 1885 Wilkinson reported concerns that working on the railway might mean the court would recognise a claim by the workers to the land they were working on. He had explained that their only claim would be for wages and not for the land itself.³² In April 1884, a group of Whanganui people wrote to the Native Minister concerned to protect their land interests. They wanted their lands withdrawn from the external boundary survey. Government officials assured them that they would be placed on the list of those the Kahiti was sent to, so they would know the time and place 'where the Court will sit to adjudicate on the lands within Wahanui's tribal boundary'.³³ Similar replies were sent to Ngati Tuwharetoa when they expressed concern over their land in September 1884. They were concerned about Wahanui's external boundary going

29. Hauauru to Bryce, 18 December 1883, MA 13/93, NO 84/63

30. *Waikato Times*, 22 December 1883

31. Wilkinson to Under-Secretary, 7 June 1884, MA 13/93

32. Wilkinson to Under-Secretary, 23 March 1885, MA 13/93

33. Reply to Whanganui people, 7 May 1884, MA 13/93

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through their land and what this might mean for their interests. They were assured that the survey of the external boundary would have no affect on land title but were still encouraged to make an application to the Native Land Court: 'It is by the Native Land Court alone that it can be determined who the owners are'.³⁴

Concern about protecting land did not mean that the Land Court was necessarily welcome however. The Government was well aware that there was still strong support for the idea that within the external boundaries, Maori should retain full control over the management of their land, including the determination of title. In May 1884 for example, Rangituatea and others wrote to Bryce concerning the management of their lands. Translated, their letter referred to the lands within the external boundary now being surveyed:

What we wish is that we ourselves should have the control of our lands so that we can have them reserved, lease them, or do whatever we like with them not leaving it for you or your officers to deal with them.³⁵

The Rohe Potae chiefs did not seem too concerned initially about the various internal applications as long as they appeared to simply be 'registrations' of interest in land in the district. They seem to have assumed that the Government would simply delay these as it was clearly able to do, until suitable processes had been negotiated for making internal determinations. They knew that Bryce had delayed applications previously, because the district had been considered too volatile for the court to operate effectively. He had informed them of this when he wanted them to make their survey application. They assumed then that he could delay the application of Ngati Hikairo.³⁶ There appeared to be no reason why he could not continue to delay applications from being acted upon.

The chiefs do not seem to have been aware initially that the Government was actually encouraging applications to the court at this time. Instead they continued to work at alternatives to the Native Land Court. For example, in June 1884, Wilkinson reported that Ngati Maniapoto leaders still did not want the Native Land Court to operate within the boundaries of the larger Rohe Potae. He reported that they had withdrawn their applications previously sent to the Native Land Court and now intended to use the native committee instead.³⁷

When the chiefs did suspect that applications might be allowed to proceed straight on to actual subdivisional surveys, they expressed strong concern. Rewi Maniapoto wrote at least two angry letters to Bryce in January 1884, concerned about recent newspaper reports and statements made by Bryce. He was angry at the way the application for survey was being portrayed by the Government and by the press. He was also concerned that the Government appeared to be breaking its word about the extent of the surveys. In one letter Rewi objected strongly to news that Bryce had consented to subdivisional surveys. He reminded Bryce that he had agreed to an external survey only. If such applications were accepted he would

34. Government reply to Whanganui people, 22 September 1884, MA 13/93

35. Letter, 20 May 1884, MA 13/43, NO 84/2382

36. *Waikato Times*, 1 December 1883

37. Wilkinson to Under-Secretary, 4 June 1884, MA 13/93, NO 84/3325

regard Bryce as breaking his word.³⁸ Rewi also informed Bryce that in view of the misrepresentations made about Maori in the newspapers and about the application for a survey of the external boundary, he now wished to withdraw his name from the application. He had only meant the application to be for an external boundary when he made it. He also expected that sufficient time would be allowed to bring in new measures more equitable for Maori. He objected 'altogether to railways being made through our lands and townships established on them until we have obtained self-government'.³⁹ For a while Rewi apparently contemplated rejoining Tawhiao. However, he was eventually persuaded to persist with the application and the tactics adopted by Wahanui and Taonui.⁴⁰

As the Government continued to encourage applications to the court, Wahanui also eventually became concerned. In September 1884, Wahanui wrote to Bryce asking for a clear statement of whether the Government supported his aim that the Native Land Court should not deal with any of the lands within the exterior boundary of the territory owned by the five tribes, 'so that we may have time to frame a law satisfactory to both races and to secure the repeal of the bad laws that are now in force'. In contrast to the detailed replies sent encouraging others to apply to the court, in this case the Government avoided any clear statement of intention. The Under-Secretary of the Native Department simply advised the Minister that 'Your general reply is I think sufficient in this case'.⁴¹

In December 1885, Maniapoto leaders again sought Government assistance with what they believed was the agreement to keep the Native Land Court out of internal operations in the district. Taonui asked Ballance for assistance, so that if any person made an application for a survey or adjudication of the external boundary, the Minister would not on any account give effect to it, but instead inform him of any applications for surveys. He asked if the Government would agree to this. The Under-Secretary of the Native Department advised the Minister, 'I think no notice need be taken of Taonui's letter'. However, he advised that if a reply was sent, then it should be that the Government thought it would be wise for native land owners to bring their land into the Land Court for adjudication and any application would be given effect to. There is however, no evidence on file of any official reply having been sent.⁴²

It seems clear that the Government could have eased concerns and therefore internal applications, by explaining more clearly the policy it was supposed to have agreed to. That is, that there would be no danger of investigations of internal boundaries until the external boundary was determined, and that the process for determining internal titles was not yet agreed upon. Instead, by insisting that the Native Land Court would operate and applications should be made, the Government appears to have fuelled more concerns and generated even more court applications. The Government also seems to have been less than honest with Ngati

38. Rewi Maniapoto to Bryce, 14 January 1884, MA 13/93, NO 84/204

39. Rewi Maniapoto to Native Minister, 26 January 1884, MA 13/93, NO 84/361

40. Ward, 'Whanganui ki Maniapoto', report commissioned by the Waitangi Tribunal, 1992 (Wai 48, doc A20), p 44

41. Correspondence, September to October 1884, MA 13/93, NO 84/2927

42. Correspondence, December 1885, MA 13/93

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Maniapoto leaders, in revealing its intention that the court would operate within their district. This was especially true in the early years when the Government still relied on the support of those leaders in making surveys and later in beginning railway construction.

More research is required as to why the chiefs did continue negotiations, given these concerns. To some extent they may have been persuaded that the Government was willing to negotiate on the legislative changes they wanted. They also appear to have had little choice. They would achieve little by returning the Rohe Potae to isolation. Pressure to bring the Native Land Court into the district through applications was also increasing rapidly. Their best hope seemed to lie in negotiating improvements to the system as quickly as possible and relying on Crown good faith in the agreements made.

The chiefs did make every effort to negotiate improvements and alternatives. They also explained their understanding of what they believed the compact meant. In late 1884, Wahanui travelled to Wellington on behalf of the five iwi to discuss legislative improvements with the Government. He was in time to deal with the new Government, headed by Stout and Vogel, and with John Ballance as the new Native Minister. The most significant of the legislative reforms proposed by the new Government was what was to become the Native Land Alienation Restriction Act 1884. This legislation was intended to prevent private dealing in Maori land in an area that took in most of the larger Rohe Potae as well as a large amount of middle and upper Whanganui lands.

After discussions with Ballance, Wahanui addressed the Legislative Council on 6 November 1884, regarding the proposed legislation. He made his understandings of the compact with Government quite clear. He wanted the Native Land Court to be kept out of the Rohe Potae for the present. He wanted time to first consult with the Government about reaching satisfactory arrangements and laws and he wanted the native committees to have full power in all land dealings and transactions in the district.⁴³

At a later meeting in Kihikihi in 1885, Wahanui spoke about his meetings with Ballance at this time. He explained that he had been sent to Wellington by his people. He spoke to Ballance on a number of issues on their behalf. They wanted Ballance to keep to the external boundary, and sanctioning of the making of the railway line left to them. They did not want Europeans working gold without their authority, and they wanted Maori committees to have full authority to conduct matters for Maori people. They did not want liquor licences granted within certain boundaries or the Native Land Court to have the power to make determinations on any of their lands without their first sanctioning it. They also wanted Europeans to not interfere in Maori lands but to leave Maori to manage the land themselves.⁴⁴

In introducing what became the Native Land Alienation Restriction Act 1884, Ballance claimed that he had at first intended to include only land served by the railway. However, after discussing the matter with Wahanui he found that Wahanui wanted all the lands included, 'So that we have made an important advance in

43. NZPD, 1884, vol 50, p 427

44. AJHR, 1885, G-1, p 14

getting his assent to the prohibition of private dealings in land within these boundaries'.⁴⁵ It is difficult to know from this whether it was the Government or Wahanui who was most in favour of prohibiting private dealings in the district in this way. However, the provisions were presented to Wahanui as a protection from the speculators and other private agents that had wreaked so much destruction on Maori interests in other areas.

Ballance also foreshadowed other legislative provisions when he introduced the Bill, although in the end these provisions were deferred and were not included in the 1884 Act. These provisions included enabling the Native Land Court to award title to a tribe, hapu or individual as they wished and giving greater powers to native committees.⁴⁶ When members of the Legislative Council were debating amendments to the Bill, further reference was made to Wahanui's wishes expressed in a letter to Wi Tako Ngatata. Ngatata explained:

he wished the dealing with the land to be left in his own hands; and, when the Government desire to purchase lands from him, it should be made public to all the Natives having an interest in that part of the district, and when the Government desire to make a purchase it should interview the tribes of that district, and also make the matter known to the Committee of the district. It is not that he desires to retain permanent possession of that land, but he wishes to wait until the mode is made clear by which dealings can be undertaken, and then will be the time to open such negotiations. He has no fears about a railway passing through that district. They are quite clear on that point, and willing to allow it so to pass; but what they desire is that Native lands which have not been adjudicated upon, or for which the title has not been issued, should not be dealt with until some public arrangement has been come to. He also wishes that the system of advancing money to individual Natives should be put a stop to, and they wish that, in all purchases in these blocks, there should be only one mode, and that should be publicly made known to all those interested.⁴⁷

It is clear from this that Wahanui wanted to maintain iwi and hapu authority in negotiating land deals, whether by sale or lease. This would be achieved through powerful native committees. He also wanted a public, open system that included all those interested and avoided the previous system of secret individual dealing that had caused so much damage to iwi and hapu authority and ultimately to Maori land ownership in other areas. In the end, however, the Government decided to retain the powers of the Native Land Court and not hand over as much power to the native committees as Wahanui had requested.⁴⁸

Final preparations for the construction of the main trunk railway were also being made by this time. Within a few days of the Native Land Alienation Restriction Act being passed, the Railways Authorisation Act 1884 confirmed a central route for the main trunk railway. Shortly after this, the Government decided that compensation for land taken for the railway would only be paid when title was determined by the Native Land Court.⁴⁹ This anticipated that the Native Land Court

45. NZPD, 1884, vol 50, pp 312–313

46. Ward, p 47

47. NZPD, vol 50, p 489

48. For more detailed discussion of legislation see Ward, pp 45–52,

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would not only operate within the boundary of the larger Rohe Potae, but also within the Ngati Maniapoto lands the railway would run through.

Negotiations over proposed legislative improvements continued over the next few years. Ballance did make some improvements. He agreed to improve native committees and reform some of the rates legislation that affected Maori land. However, he still refused to give Maori the full self management powers they sought, including the transfer of powers of investigation and determination from the Land Court to native committees. As part of the continuing negotiations, in early 1885, representatives of Ngati Maniapoto, Ngati Raukawa, Whanganui, and Ngati Hikairo but not Ngati Tuwharetoa, met at Kihikihi to agree to terms for the construction of the railway.⁵⁰ Legislation was passed enabling land to be taken for railway purposes and in April 1885 the ceremony of turning the first sod was performed on the south bank of the Puniu River by Premier Robert Stout, Wahanui, and Rewi.

While the negotiations continued, concern within the district about protecting land interests gradually seemed to override attempts to keep the iwi confederation ideal alive. More research is required on this, but it seems that some iwi became concerned that the application for survey might itself influence the court process against their interests. This was not the intention of the Ngati Maniapoto leaders and more needs to be known about the impact of officials, the press and other interested parties in fostering these fears, as well as the Government role in failing to reassure iwi other than advising even more applications to the Native Land Court.

These fears were expressed for example, by a hapu of Ngati Raukawa who wrote to the Government in May 1885. They wrote that they now wished to stand aloof from the pan-iwi agreement. They were apparently concerned about the way the court might view Wahanui's line. They wrote that they did not approve 'of any one man administering our land' and reminded the Government that it was not lawful for one man 'to assume control over the district of any other person or hapu'. The official reply, approved by the Native Minister, agreed that they were quite right in assuming no one could control their land without their consent. Once again they were advised to bring their land to the Native Land Court so title could be settled.⁵¹ This fell far short of assuring them of what was really the case; that there was no intention by the chiefs to administer or assume control over the land of individual hapu.

It is not clear from preliminary research how accurate the press reports about applications were, and how many were really made to the Land Court at this time. By the mid 1880s however, the Government clearly had enough applications from significantly powerful iwi groups to enable the court to begin determining iwi boundaries within the district as it had always intended. In October 1885, Ngati Tuwharetoa had made a separate application for a hearing of the Tauponuiatia block and applications were also made to cut out upper Whanganui lands. The details of

49. Ward, p 52

50. Ibid, pp 55-57

51. Letter, 28 May 1885; reply, 8 September 1885, MA 13/93

these applications and subsequent alienations are covered in more detail in the *Pouakani Report* and the Rangahaua Whanui report on the Whanganui district. Finally in June 1886, the Native Land Court began sitting at Kihikihi and afterwards at Otorohanga, to determine the boundaries of the remaining Aotea block. The original area of some 3,500,000 acres envisaged in the 1883 petition was now reduced to some 1,844,780 acres of largely Ngati Maniapoto land.⁵²

By this time, the Government and the Native Land Court had also apparently decided that the smaller Ngati Maniapoto, Aotea block, would be officially recognised as being the actual 'Rohepotae' or King Country. The larger area of the 1883 petition was apparently never officially recognised. The Native Land Court began to impose this definition by, for example, replacing 'Aotea' with 'Rohepotae' on court maps.⁵³

Within two years, by 1888, the Native Land Court had also begun hearings on internal divisions within the Rohe Potae (Aotea) block.⁵⁴ Again the applications for hearings on internal divisions seemed to undermine the aims of chiefs to wait until a more satisfactory system had been negotiated. However, the pressures behind these applications appear to have been very similar to those that had caused the earlier applications. More research is required but again it seems as though the alarm engendered by the court process, and the corresponding need to protect land by whatever means was available, were the most significant pressures.

The whole process was described in some detail by Wilkinson in an official report published in 1890.⁵⁵ Wilkinson explained how Ngati Maniapoto leaders had originally tried to have only the external boundaries of the Rohe Potae surveyed and then determined by the Native Land Court. They had believed that if they did this then they would be acknowledged as owners by European law and the Government. However, they then found their title would not be recognised in law unless they proved it in the Native Land Court. They were therefore forced, very reluctantly, into the Native Land Court process. This was in spite of their wish to prevent Government tribunals such as the Native Land Court from becoming involved with their land. By this time they had also allowed the railway to go through their land.

Wilkinson described how the court then required lists of owners before it would make an order for title. Ngati Maniapoto objected to this for a long time. They wanted title awarded to iwi and hapu only. They recognised that the creation of individual title threatened traditional hapu and iwi authority over land and made land sales much more likely. Wilkinson claimed that at this point 'commenced the jealousy, ill-feeling, bickerings and quarrelling' that finally resulted in the subdivision of the original large block into numerous small blocks with separate lists of owners for each.⁵⁶

Wilkinson went on to describe how Ngati Maniapoto tried hard to stop proceedings at this point because the next stage involved surveys of the boundaries

52. Stout–Ngata report, AJHR, 1907, G-1B, p 2

53. For example, see *Pouakani Report*, p 409, app 12,

54. See correspondence, MA 13/78, NLP 88/238

55. AJHR, 1890, G-2, p 3; cited in Ward, pp 90–92

56. Ibid

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of the small subdivisions as defined by the court and it was clear that once this was done and the area known there was nothing to prevent individual sales, something ‘that was almost unanimously considered should not be allowed’ if it could possibly be avoided. The owners also made determined efforts to prevent the Government getting a survey lien or other hold on the land. When they saw they could not avoid surveys because without them the court award was not complete, they tried to make private arrangements for surveys and keep the Government out. However, they eventually agreed to allow the Government to make the surveys when they were persuaded it would be more accurate and ‘quite as cheap’ to do so.⁵⁷

By 1890, Wilkinson was looking forward to the final stage – the parting of Ngati Maniapoto from their land by sale. He observed how they had entered upon each stage in the process with reluctance and with as much delay as possible and he had no doubt that they would be likely to be as reluctant with the final stage of selling. However, he confidently noted that numerous elements were at work already, ‘the greatest of which is jealousy’ which he confidently expected to bring about a ‘complete disintegration of their policy of anti-land-selling’ before long.⁵⁸

In his report, Wilkinson trivialised the applications for hearings of internal divisions as being motivated by ‘jealousy, ill-feeling, bickerings and quarrelling’. More research is required on this, but it seems that this description conveniently absolved Government policies and officials from any blame and also devalued the very real concerns of various hapu and iwi in the district to protect their interests and authority. In fact his report precisely reveals the very real pressures, many created by the Government, that forced Ngati Maniapoto, however reluctantly, into the process.

Wilkinson’s report acknowledged that Ngati Maniapoto were reluctant to enter a process they knew threatened their interests and their ability to retain control over their land. The report also acknowledged the way the chiefs attempted to make the best of the process as each step became unavoidable and how these attempts were also undermined by court and Government policies. Once started, the court process rolled on inexorably from determining outer boundaries to determining title within the Aotea block itself, and to individualising title. This process was intended by Government and was essential before land could be freeholded in the interests of European settlement. It seems apparent that issues of the Government’s good faith arise from imposing a system many Ngati Maniapoto chiefs had rejected and tried so hard to avoid.

The evidence from the years 1883 to 1888 appears to support the contentions already made in the *Pouakani Report* that there were fundamental contradictions in Government and Ngati Maniapoto understandings of what had been achieved by the ‘compact’ or ‘Aotea agreement’ of the years 1882 and 1883. That report found that in terms of Native Land Court operations, there was nothing to suggest that the Government saw the ‘Aotea agreement’ as anything other than success in persuading Ngati Maniapoto to allow a boundary survey which would be the first

57. Ibid

58. Ibid

stage in the ‘inexorable process’ of translating native title into one recognised in British law through the due procedures of the Native Land Court.⁵⁹ The report went on:

Wahanui had a vision of maintaining in the Rohe Potae a region where Maori could retain control of their own lands and resources, allowing at the same time the railway construction and controlled European settlement. The government appears to have had a different agenda, which was to throw open the King country for settlement, ‘progress’ development and ‘civilization’ and the break up of tribal organisation.⁶⁰

4.2 THE ADOPTION OF A POLICY OF GOVERNMENT PURCHASING

It seems clear that iwi leaders in the greater Rohe Potae favoured taking advantage of economic opportunities by leasing rather than selling land. There was no split in the King movement on this issue. This policy was quite clearly understood and reported in the press and acknowledged by Government in the important negotiations and meetings held with iwi leaders of 1882 and 1883.

It seems equally clear that successive governments were interested in opening up the Rohe Potae to European settlement. It was widely assumed among settlers that European settlement was required, if full advantage was to be taken of economic opportunities in the district. For Government, widespread European settlement of the district also had the advantage of providing a ‘civilising’ and pacifying influence. More research is required on how genuine Government ministers really were in their often proclaimed support for Maori preferences to lease land. There is plenty of evidence for these assurances. Bryce for example, urged Ngati Maniapoto to lease rather than sell at the Kihikihi meeting of 1 December, as described above.⁶¹ Such assurances were important to Maori. Rohe Potae iwi were also clearly impressed with the Government’s early practical experiments in long-term leasing of Maori land. The 1880 agreement for long-term leasing of Maori land in Rotorua was still favourably regarded at this time. John Bryce had seen the relevant legislation through Parliament for the Rotorua leasing and urged something similar for Ngati Maniapoto. The initial high prices paid for the Rotorua leases also seemed very attractive.⁶²

By the mid 1880s however, electoral pressures and possibly also financial pressures, appear to have increasingly persuaded governments towards a policy of outright purchasing rather than encouraging the leasing of Maori land. Along with this, governments increasingly began to favour more state involvement in purchasing and developing land for European settlement. Bryce, Ballance and the later Liberal Government of the 1890s, all favoured state purchase and development of land for intensive settlement by small European farmers. They had

59. *Pouakani Report*, p 110

60. *Ibid*, p 130

61. *Waikato Times*, 1 December 1883

62. Ward, p 33

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all become convinced that private purchasing had generally favoured wealthy speculators who had bought up large areas of Maori land, leaving the ordinary small settler effectively sidelined. An example of this was Ballance's stated opposition to the previous landed monopoly where only a few wealthy European speculators were able to deal in land. He wanted to replace this with Government intervention in buying up Maori land, putting in roads, and opening the land to as close a settlement as possible by public means.⁶³ As the main trunk railway construction began, it seems that governments were also keen to use land speculation themselves as a means of financing the costs of railway construction and development. The purchasing of cheap Maori land along the railway for later resale at a profit appears to have become an important part of Government policy by the mid 1880s.

More research is required on this transition from Government support for leasing to a determination to purchase. There is evidence of it for example in debates on the Native Land Alienation Restriction Bill 1884. John Bryce, by then in opposition, voiced the widespread settler demand that Maori land had to be 'utilised', even if at this stage he was vague on how this should happen. He warned the Government that it had to be done, not necessarily by sale or even by lease, but such a large area of land needed to be utilised in some way. If this was not done in a fair and reasonable way then 'they will be got at in some unfair and unreasonable way'.⁶⁴ The Bill itself, although it was portrayed to Maori leaders as a protective measure, also proved to be a measure laying the groundwork for Government purchasing of Maori land. As Alan Ward has noted, this sparked debates on whether Crown or private purchasers might be more predatory on Maori land. Walter Mantell prophetically noted that it was the 'very lifeblood of government' to get 'the largest amount of land for the least possible price'. Other members revealed the ruthless paternalism of settlers in rejecting as intolerable any notion of Maori 'landlordism' and insisting that it was not 'good' for Maori to belong to the entrepreneurial classes. For example, James Williamson of Auckland believed that:

the sooner the Natives of New Zealand are relieved of their surplus land fairly, the better for them . . . and the sooner the Natives are brought to such a position that they have to attend to their own affairs, and become workers in the community, the better it will be for the Natives themselves.⁶⁵

As early as 1884, it seems clear the Government was collecting information for possible purchasing through applications already sent to the court.⁶⁶ By the time the Native Land Court began sitting to determine the boundaries of the Aotea block in 1886, it is clear the Government was making intense preparations for land purchasing. This was in spite of the very clear wishes of the Rohe Potae chiefs and the understandings they believed that they had with Government.

63. Ballance in Ministers' outwards letterbook, 1885, series 30/3, pp 174–177

64. NZPD, 1884, vol 50, p 321

65. Ward, p 49; NZPD, 1884, pp 436–438

66. MA series 13/93, NO 84/102

Initially the main pressure to acquire ‘surplus’ land through purchasing seems to have been focused on the land along the railway route. Ward has cited the cynical speech of Ballance in Parliament in 1885 regarding acquiring this land for settlement. Ballance acknowledged that the Native Land Court was an essential mechanism of the process, ‘the merest tyro in the House well knows that the land cannot be acquired for settlement until it has been passed through the Native Land Court’. To get land through the court the first step was ‘to establish a feeling of confidence’ in the natives, and:

unless that confidence is established it may be years before there will be any possibility of acquiring any quantity of land for settlement along the course of that line of railway.

He described how the 1884 Act gave the Government ‘the absolute right’ to deal with the land specified in the schedule to the Act. They had already managed to acquire some land and had surveyed it for small farm settlements. The idea of taking the land along the railway and then paying compensation he described as ‘insane’, but purchasing was another matter – ‘there is only one safe way of getting land from natives along the line, and that is by purchase’.⁶⁷ Ballance went on to advocate purchasing land along the railway in stages, until, he believed, the Government would eventually be able to obtain nearly two million acres for settlement purposes. He criticised proposals to try and obtain 500,000 acres for settlement purposes immediately, as doomed to failure: ‘you will create suspicion in the minds of the natives, and they will refuse to sell any land at all’. As Ward has noted:

the lack of full disclosure of government intentions to the Rohe Potae chiefs generally (in order to ‘establish a feeling of confidence in the minds of the Natives’) amounts to deliberate deception, especially in view of the government’s earlier emphasis on leasing on the Thermal Springs model.⁶⁸

More research is required on this apparent lack of disclosure by Government as negotiations continued with Rohe Potae leaders in the mid 1880s. It seems clear that the decision by this time to purchase ‘surplus’ Maori land along the railway route is likely to have influenced Government policy in negotiations. For example, as the Government became committed to purchasing, it may have seemed preferable to retain the mechanism of the Native Land Court rather than giving more powers to native committees in favour of leasing, as requested by the chiefs. Similarly, the Native Land Alienation Restriction Act 1884 was promised as a protection from private land sharks. However, as will be seen, it was not long before iwi of the district regarded the Act itself as the major threat to their interests. It created a Government monopoly in any kind of dealing in Maori land in the district, which not only undermined leasing opportunities but effectively provided a lever to drive down prices and allow district-wide purchasing tactics by keeping out significant competition.

67. NZPD, vol 53, 1885, pp 354–355

68. Ward, p 63

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Although they may not have been aware of the full extent of Government involvement, it seems clear that Wahanui and other chiefs of the district were already concerned about possible purchasing pressures when the Native Land Court began sitting in 1886. For example, Ward quotes W G Mair as revealing in private correspondence in 1886, that Wahanui was already concerned about the activities of land purchase officers. He knew that Grace and Butler had been making advances, and that Wilkinson was also making inquiries to see if any owners were willing to sell.⁶⁹

It seems clear that the Ngati Maniapoto chiefs were bitterly disappointed that they had not managed to achieve a more equitable system of determining internal divisions. However, once it was clear that the court would begin operating in the district, they then turned to making the best they could of the circumstances. They apparently again tried to take the initiative by attempting to settle internal divisions, for example through the Native Committee, and then have the court effectively ratify these decisions. As before, they wanted title settled, if necessary by the court, and once this was done they then wanted time to decide themselves what would be done with the land, including what land was 'surplus' for leasing.

Maori owners also tried to avoid being forced into land sales through debts. There is evidence that they sought to raise money for surveys themselves as soon as subdivisions began going through the Land Court. This was an attempt to keep the Government and purchase agents from gaining any hold on the land. In January 1889 however, at a meeting in Otorohanga, the Government and Ngati Maniapoto reached an agreement that the Government would make accurate, cheap surveys. The Maori owners would then have two years before the survey costs had to be paid. It was also agreed that should the Government make any purchases, the Government and owners would bear the costs of the surveys in proportion to the land each either retained or purchased. The costs of surveying joint boundaries would be shared.⁷⁰

Officials recognised that Maori owners wanted time to make decisions on their land without immediate pressure to sell. However, they were also aware of the electoral pressures on government from settlers. For example, Ward has cited a private letter of Native Land Court Judge W G Mair in 1886:

These people will not be hurried. They wish to get their land question all settled and then they will set apart some for sale, some for lease and make permanent reserves for their own use. [The Native Department] know all this and commended the idea but I suppose Govt want to acquire something on this side of the Country before Parliament meets again.⁷¹

As Mair noted, it seems that government was under considerable electoral pressure and this intensified through the late 1880s. It was widely believed in the Pakeha community that the construction of the railway and the opening up of the

69. Ward, pp 80–81, citing correspondence between W G and Gilbert Mair in 1886

70. See memo Wilkinson to Lewis, 27 March 1890, MA 13/78, NLP 90/60; references to January meeting in memo from Wilkinson to Lewis, 23 June 1891, NLP 91/163

71. Ward, pp 80-81, quoting correspondence of W G and Gilbert Mair, 1886

district to European settlement would help reverse the economic depression of that time. Ward has noted that the opening up of the King Country was a major election issue in 1887.⁷² As a result, the Government appears to have viewed the opening of the district and the necessary purchasing as a matter of urgency. Again this decision was in stark contrast to the clear wishes of the chiefs who wanted time to make reasoned decisions on their land once title was settled.

It seems clear that preparations for purchasing were being pushed ahead. In 1886 when the Native Land Court determined the boundaries of the Aotea block, Judge Mair ordered that the lists of owners be printed and circulated to chiefs for inspection. On instructions, copies of these lists were also provided to the Native Land Purchase Office and to the Native Minister for their information.⁷³ In 1888, as the Native Land Court began hearings on internal divisions within the Aotea (Rohe Potae) block, Wilkinson was instructed to produce schedules of owners and tracings of blocks for the use of the Native Land Purchase Office and the Minister. (For maps based on tracings Wilkinson produced of blocks in the Rohe Potae likely to be suitable for purchase by 1888 and 1889, see figures 4, 5, and 6.) At that time Wilkinson reported on the suitability of various blocks near the railway line for possible purchasing. He also made clear the unwillingness of Ngati Maniapoto to sell. The Native Department Under-Secretary, T W Lewis, was obliged to inform the Native Minister at this time that, Wilkinson ‘does not, at present, seem to offer much prospect of purchase on reasonable terms’.⁷⁴

It seems that the clear policy of chiefs not to sell land may have resulted in the Government deciding to adopt an approach designed to undermine this policy. More research is required on this and to what extent the Government informed the chiefs of its decision to actively purchase land.

In June 1889, the Government informed Ngati Maniapoto chiefs that it intended to begin land purchase operations in the district. The Native Minister sent separate letters to Wahanui, Taonui, and Hauauru, informing them that the Government intended to begin purchasing land in the Rohepotae as soon as title was ascertained ‘in accordance with the Native Land Court Act’. The Minister made several promises and assurances in the letter. He assured the chiefs that the Government did not intend to see the owners denuded of their lands and promised that sufficient reserves would be made for them. He was certain that it was not in their interests to have their surplus land remaining ‘waste and unoccupied’ and by disposing of their surplus they would find that the portion they retained would be ‘greatly increased in value by the progress of settlement upon the area disposed of’. The Minister then asked the chiefs for their ‘valuable assistance’ in helping the Government acquire surplus native lands for settlement purposes in their district.⁷⁵

The letter was similar to other assurances made to the leaders in that it implied the Government was only interested in their surplus lands, it promised them protection for lands they required and assured them they would have ‘sufficient’

72. Ward, p 81

73. Correspondence, 24 December 1886, MA 13/78, NLP 86/494

74. Memo from T W Lewis to Native Minister, 13 October 1888, MA 13/78, NLP 88/238

75. Letter drafted by Native Department Under-Secretary T W Lewis on 24 June 1889 and sent out under signature of Native Minister on 26 June 1889, MA 13/78, NLP 89/184

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reserves. It also implied that Maori would be able to share in the future prosperity from settlement by having their remaining lands greatly increase in value. In asking the chiefs for their valuable assistance the Government also seemed to be recognising chiefly authority and inviting their participation in decision-making regarding lands for settlement.

At the same time however, the Government was also seeking advice from officials and others as to when purchasing could start and what would be the most effective tactics. Wilkinson's advice as Government native agent was typical of what was being considered. Wilkinson explained that he knew from personal knowledge that the native owners would not 'fully reciprocate the Government desire to acquire land by purchase within the Rohepotae block'. He therefore suggested that the Government undertake what was basically secret purchasing of individual interests, in order to get 'European settlers into the district as soon as possible'. He advised the Government to adopt the system that had proved so effective elsewhere. This was individual secret purchasing in several blocks at once, so that when the Government had obtained as many interests in a block as was likely within a reasonable time, it could then apply to have the Crown's interests defined:

In this way considerable areas of several blocks may more or less quickly become Crown property which, collectively may be sufficient to meet the present requirements of settlement. The purchase of the balance, or unsold portions of these blocks could still be gone on with should it be thought advisable to do so⁷⁶

This attitude, that breaking down opposition to land-selling was justified in the interests of settlement, appears to have become widespread within Government by this time. It was well known that the chiefs had always favoured leasing over selling and that they wanted to retain large areas of land for their future prosperity. They had stated this from the beginning of negotiations. This view was now apparently widely regarded as obstructionist to settlement and to the 'good' of the colony. Reports such as this and Wilkinson's 1890 report already referred to, assumed the need to break down this 'anti-land selling' policy of Ngati Maniapoto in the interests of settlement as soon as possible.

In December 1889, Native Department Under-Secretary, T W Lewis, travelled to Te Awamutu and held a long conference with Wilkinson, Hursthouse (surveyor) and Ellis (storekeeper) on possible land purchasing tactics. Lewis noted that he had also seen Wahanui and other leaders on this visit. No official record of these meetings was apparently kept. However, after his long meeting with Wilkinson and company, Lewis sent a telegram to Native Minister Mitchelson with advice on land purchase policy in the Rohe Potae district.⁷⁷ Within two days, Native Minister Mitchelson responded by issuing formal instructions for Government purchasing to begin in the Rohe Potae.⁷⁸

76. Wilkinson to Native Department Under-Secretary, 24 October 1889, MA 13/78, NLP 89/332

77. Lewis to Native Minister, 18 December 1889, MA 13/78, attached to NLP 89/332

78. Native Minister Mitchelson to Lewis, 20 December 1889, MA 13/78, NLP 89/332 and attachments

Rohe Potae

Therefore in late 1889, Government purchasing in the Aotea (Rohe Potae) block had officially begun. It remained to be seen how the Government would balance the electoral pressures it was under, with the known wishes and its own assurances to the Ngati Maniapoto chiefs, as to how settlement might be managed.