

CHAPTER 5

SALES AND LAND MATTERS, 1865–1900

By 1865, as the previous chapters have demonstrated, about 80 percent of the land in Wairarapa had been sold. The largest area remaining in Maori ownership was the ‘Seventy Mile Bush’ in the north of the district. Some smaller blocks were still scattered around through the remaining area, and there were numerous reserves. The period after 1865 is distinct from what went before it because of the presence from that time of the Native Land Court. As we have seen, problems of determining ownership of and the right to alienate land had haunted some of the earlier purchases. Theoretically, the Native Land Court, with its brief to determine ownership after careful examination, would be a step toward solving that problem. As we will see, theory did not always follow into practice. After 1870, when the Immigration and Public Works Act was passed, land was purchased under its authority. As the title of the Act implies, the 1870s saw a new drive by the Crown to obtain Maori land for the purpose of providing land for immigrants and for public works. The resurgence of land purchasing in the 1870s was reflected in Wairarapa, where most of the land had already been alienated, mainly through renewed negotiations for the Seventy Mile Bush.

5.1 SEVENTY MILE BUSH

Lying to the east of the Manawatu Gorge was a vast forest of matai and totara. Loose titles ‘Seventy Mile Bush’, ‘Forty Mile Bush’ and ‘Tamaki’ all referred to this area (although the Forty Mile Bush was often applied only to the Wairarapa end, and Tamaki usually referred to the Hawke’s Bay end). The bush straddled the provincial boundary between Wellington (Wairarapa) and Hawke’s Bay, extending from north of Masterton through to the Ruataniwha plains in Hawke’s Bay. The area was eventually divided into over 20 blocks. In Wairarapa there were the Manawatu–Wairarapa blocks, the Mangahao blocks, the five Puketoi blocks, the Kaihinu blocks, and the Ngatapu blocks. The Puketoi blocks reached over into Hawke’s Bay. There were numerous other blocks in the Hawke’s Bay province.

Ballara and Scott give some details of the early occupation of the area. By the eighteenth and early nineteenth century, the bush was dominated by the Hamua hapu of the Rangitane iwi. They had never been expelled from the area or dominated by Ngati Kahungunu, although gradually the people of the two iwi lived alongside each

other.¹ Amongst the ‘new comers’ were Ngai Tahu. They also intermarried with the Rangitane inhabitants. However, Ballara has cautioned against simply identifying ‘Rangitane’ as owners of the area, as Rangitane living east of the ranges were often bitterly resentful of Rangitane chiefs like Hoani Meihana Te Rangiotu and Peeti Te Aweawe,² who lived west of the ranges but were only too happy to sell lands to the east. Ballara highlights the Crown’s use of these willing sellers as a dubious tactic, made possible by the Native Land Court’s refusal to accept the arguments of the eastern Rangitane to limit their influence.³

5.1.1 Early negotiations

Prior to the major sales of the area in 1871 the ‘Seventy Mile Bush’ came into consideration in two ways: first, as blocks on the periphery were bought and, secondly, as advances were made within the bush itself.

As we have seen, the first purchase in the Wairarapa district was the Castle Point block. This large block extended from the East Coast inland to the Puketoi mountain range. Its western boundary formed the eastern boundary of the ‘seventy mile bush’ area. The same year, 1853, McLean also purchased the ‘Manawatu’ block. This large block extended in a north-westerly direction from Masterton towards the Tararua Ranges. This block formed the southern boundary of the ‘Seventy Mile Bush’. The purchasers encroached further inward upon the bush in 1859 through the ‘Ihuraua’ block. This lay in the south-east corner of the bush itself, between the Castle Point and ‘Manawatu’ blocks. The same year, McLean purchased the ‘Makuri’ block, which extended the western boundary of the Castle Point block westward into the bush. The land called Makuri was later included in the Puketoi 4 and 5 blocks, part of the ‘Seventy Mile Bush, Wairarapa’ sale.

Meanwhile, advances had been made in the Seventy Mile Bush itself. Money had been paid on the Makuri block in 1855. From the Hawke’s Bay end, Cooper began enquires into purchasing the bush in 1857. In Napier, from Te Hapuku, he got the impression that ‘Tamaki’ would not be sold at present.⁴ Yet, Cooper saw the key to

1. Ballara and Scott, ‘Tamaki’, in Wai 201 claimants’ report, pp 2ff

2. Te Rangiotu was a major leader of the Ngati Rangī-te paia hapu of Rangitane. In the late 1860s, he established a village now known as Te Rangiotu, lying between Palmerston North and Foxton. M Durie, ‘Te Rangiotu, Hoani Meihana’, DNZB, vol 1, p 496. Te Rangiotu’s cousin Te Peeti Te Awe Awe was a leader of the Ngati Hineaute hapu. He lived in the region of Palmerston North and was a noted soldier on the side of the Crown during the wars of the 1860s, M Durie, ‘Te Awe Awe, Te Peeti’, DNZB, vol 1, p 442.

3. Ballara and Scott, p 7

4. Cooper to McLean, 24 February 1857, McLean papers, B&S, p 13

Sales and Land Matters, 1865–1900

opening up the area was Te Hirawanu, the leading chief at Puehutai (a village on the upper Manawatu River east of the ranges). Cooper believed that Rangitane would not be interested in selling the bush until their lands on the west coast had been bought.⁵

5. Cooper to McLean, 29 March 1857, AJHR, 1862, C-1/29

Wairarapa

During 1858, Searancke began negotiating from the Wairarapa end. He walked into the area in April. Having first met resistance from the local people and their leader Te Hirawanu, Searancke then turned to Rangitane from west of the ranges (that is, non residents). As we have seen in the previous chapter, on 22 April 1858, some 13 years before the actual purchases began, he paid an advance of £100 for 'Ngaawapurua'. This block comprised over 100,000 acres of the bush at the Wairarapa end. There were nine recipients of the money: Hoani Meihana Te Rangiotu, Peeti Te Awe Awe, and others from the west. This only hardened the resolve of the local inhabitants not to sell. James Grindell reported that locals said that 'Hoani had unjustifiably acted in direct opposition to people resident'.⁶ This is an early statement of the primary theme of the sale of the Seventy Mile Bush, the tension between Rangitane from east and west of the ranges.

Searancke, nevertheless, held high hopes for making what would be a great purchase for him as a young land commissioner. Despite the fact that Te Hirawanu had wanted 30 pence an acre for the land, Searancke told his superiors that he thought ninepence an acre, and a total of about £5000 would satisfy them.⁷ In November he returned to the area with £1500 for a first instalment of a final sale. He was, however, 'checkmated' by Te Hirawanu, who declined Searancke's offer of £5000 and 'would not budge' from his demand to have the land surveyed first and sold by the acre at a rate that Searancke thought was 'too ridiculous to report'. Te Hirawanu had told Searancke that he would 'not sell the land in the dark'.⁸ Although Searancke held some hopes that Te Hirawanu would reconsider in 1859, these negotiations remained in limbo for over a decade. As will be seen, in financial terms the wait was very rewarding for the sellers.

5.1.2 The August 1871 purchase – the 'Tamaki' block

6. Grindell's journal, 1 June 1858, AJHR, 1861, C-1/46

7. Searancke to McLean, 5 September 1858, McLean papers; Searancke to McLean, 27 September 1858, AJHR, 1861, C-1/48

8. Searancke to McLean, 12 November 1858, AJHR, 1861, C-1/50; Searancke to McLean, 20 November 1858, McLean papers

Ballara and Scott have argued that the real impetus to buy this area came from the Hawke's Bay end. F D Ormond, the superintendent of the provincial government in Hawke's Bay in the early 1870s, was a prime mover, while McLean, who was also living in the area and was superintendent of the province during the 1860s, also took an active role. In July 1868, McLean instructed Samuel Locke to enter into preliminary negotiations. These were suspended for a while in later 1869.⁹ The hold up was related to a lack of funds in the Hawke's Bay Government. Ormond had asked the colonial government for a £10,000 loan in September 1869, and the cool reply he received led to the suspension. Negotiations resumed in April 1870. Ormond noted that Maori from upper Manawatu and elsewhere were then in Napier negotiating for the sale. He found it necessary to make advances of £10–£20 to principal claimants, so that they could maintain themselves in Napier while the dealing went on. Negotiations for three blocks, Maharahara and Te Ahuaturanga (both in Hawke's Bay), and Puketoi (straddling both provinces), had been successfully concluded by May 1870 according to Ormond. An advance of £50 was paid on each block. However, the area still needed to be sent through the Native Land Court to have its ownership decided.¹⁰

There remained opponents to the sale. There were some who wanted the land in the area to become the inalienable possession of particular Maori groups. Ballara and Scott refer to an undated trust deed with this purpose relating to a 12,000-acre block called Orangi Waiaruhe. In August 1870, strong opposition to the sale came from Maori living at Porangahau (to the east of the Hawke's Bay part of the block). Henare Matua emerged as a leader of this group.¹¹ Their position related in part to the confusion and disagreement that existed as to where the western boundaries of the large coastal blocks lay. There was some disquiet about the Porangahau boundary, and to the south, Wairarapa Maori were arguing that more money was due on the Makuri block.

The Native Land Court hearings were crucial to the whole outcome. There, decisions were made about who 'owned' the area that would impact heavily on the negotiations. In September 1870, Locke was in the area 'trying to shepherd all the land that the Government was trying to purchase through the court'. Puketoi 1 was heard on 8 September. Huru Te Hiaro, the principal chief of Te Hawera in the Wairarapa end of the bush, claimed the block was owned solely by Rangitane. He named 41 owners, including all the principal Rangitane chiefs living east and west

9. Locke to McLean, 11 November 1873, MA 13/82B; Ballara and Scott, p 17

10. Ballara and Scott, p 19

Wairarapa

of the mountains. He was successful, although a piece claimed by other hapu was sliced off.¹² The other Puketoi blocks quickly followed through the court. Ballara and Scott reflect general scholastic criticism of the working of the Native Land Court in their observations about the court's investigation into the Puketoi blocks and those in the Hawke's Bay end of the bush:

these brief hearings, held for many square miles of territory over three days were hardly adequate investigations of the Maori ownership and occupation of the Seventy Mile bush. Certificates of Title for all 12 blocks were ordered by Judge John Rogan, at Waipawa under the Native Land Act of 1865, on 10 and 11 September 1870, in each case to ten or less people. The Act which restricted the number of owners in each block to 10 people, despite the huge size of the blocks concerned, and the large numbers of people interested in them, disempowered many Rangitane people. Because of the lack of restrictions on alienation on all of the blocks save Tamaki and Piripiri [in Hawke's Bay], and because grantees including chiefs of Western Rangitane were enabled to treat the blocks as their private property, eastern Rangitane as a people were powerless to retain sufficient lands for themselves.¹³

11. Ballara and Scott, p 2
12. Ballara and Scott, p 24
13. Ballara and Scott, p 30

Sales and Land Matters, 1865–1900

Most of the bush lying on the Wairarapa side, excluding the Puketoi blocks, did not go through the court at the same time, as some of the principal claimants had been absent. This is why the area negotiated for at first did not include most of the Wairarapa blocks. The great majority of the land that initially passed through the court and formed the ‘Tamaki’ purchase was on the Hawke’s Bay side. Only the Puketoi 4 and 5 blocks were wholly in Wairarapa (covering the area of the earlier Makuri block), while the Puketoi 1, 2, and 6 blocks were partly in Wairarapa. In 1874, Locke wrote that Puketoi 4 and 5 were ‘included in Deed of Purchase, for the purpose of confirming prior purchase made in 1859, when the same land was dealt for under the name of the Makuri block’.¹⁴ It was not explained why a confirmation was necessary. The area in Wairarapa included in the ‘Tamaki’ purchase was approximately 85,000–90,000 acres.

By the end of September, Ormond was of the view that the land which had been through the court was going to be sold, the only question remaining was one of price. In April the next year, Locke resumed negotiations, offering £14,000 for the area which had been through the court – 12 blocks totalling about 250,000 acres. It appears Maori wanted £20,000, so that Ormond hoped to settle for something in between the two, but was willing if need be to extend to the asking price.¹⁵ It then transpired that there was a strong feeling among Maori negotiators that they should not drop below £30,000. The breakthrough came on 1 June 1871, when 12 chiefs signed an agreement to sell the 12 blocks desired by the Crown for a total of £16,000. Ormond noted to McLean that when advances and cost were taken into

14. MA 13/82B, Ballara and Scott, p 52

15. Ormond to Fox, 6 April 1871, MA 13/82B; Ballara and Scott, p 33

Wairarapa

account the price would be closer to £18,000, but this was a sum he was willing to pay.¹⁶

The figure of £16,000 and the sale itself was not agreed to by all; there still remained some of the share-holders who were unwilling to sell. To get around dealing with the ‘unco-operative’ immediately, which would have necessitated a rise in the price, the Crown only paid £12,000 to the willing sellers, withholding the other £4000 in the hope of buying off the shares of the Porangahau people and others who retained their share. Presumably, the Crown’s intention was to use this agreement to pressure those remaining to accept the deal that had been made, and thereby purchase the area for substantially less than the £30,000 initially hoped for by some claimants.¹⁷ Through the middle of August, however, Crown negotiators continued to wrestle with Porangahau Maori over the price. Locke suggested to Ormond that threats might be employed to force the issue: he wrote, ‘perhaps if you were to give [Henare Matua] another hint that whatever he might say to the contrary the government were aware of his conduct, it might do good’.¹⁸

16. Ormund to McLean, 17 June 1871, AJHR, 1871, D-7/5

17. Ballara and Scott, p 38

18. Locke to Ormund, 13 August 1871, AGG-HB 3/18, Ballara and Scott, p 39

Sales and Land Matters, 1865–1900

The lack of counter advice available for Maori was a problem in these later purchases, as it had been from the start. McLean and Ormond, who were responsible for the bush purchase, were two of the province's largest land holders. Their interests as such, and as Crown and provincial officials, included the progress of European colony and thus often in conflict with the aspirations of Maori non-sellers. As a result, the strong opposition to sale, which was everywhere noted, was not allowed to stop the purchase. Grindell's report of the signing of the deed for £12,000 revealed the grave doubts held by some sellers. Some were concerned to secure more reserves. Wirihana Kaimokopuna signed 'with great hesitation, resting his head upon one hand and holding the pen in the other for a considerable time before affixing his signature'.¹⁹

On 16 August 1871, the final deed (as opposed to the 'agreement to sell' of 1 June) for the 250,000 acres of the bush called 'Tamaki' was signed. While there were some reserves mentioned on the Hawke's Bay side, there were none in the Wairarapa part. The deed stated that to ensure that there would be no dispute when the reserves were surveyed later, the Crown paid only £12,000 of the £16,000 negotiated for on the day and promised the rest when the reserves had been surveyed and settled (this was received on 23 December 1873). We have already seen the other reason. There were 69 signatories to the deed. The deed itself shows the complicated nature of the sale, with the signing taking place over a number of days from 16 August. Numerous advances had been made on the blocks within the area prior to the official deed, adding to the total price. Also in 1873 another £500 was paid to Te Hapuku and Tareha – Hawke's Bay chiefs, the latter of whom had not

19. Grindell to Ormond, 24 August 1871, AGG-HB 1/3, Ballara and Scott, p 42

Wairarapa

participated in the original sale. There is also some evidence of ‘ad hoc’ payments to chiefs. Hoani Meihana was given a gold watch for ‘the honourable part he took throughout the transaction’.²⁰

20. MA 13/82B, Ballara and Scott, p 44

Payment and negotiations for the land were not finished there and then. The Crown had paid the £16,000 but still did not possess all of the shares. A Government return of 1874 put the total land bought at 183,430 acres (Puketoi 4 and 5 were not included and some of the other blocks' estimates were revised down) for which £17,552 was paid as purchase money and £3301 expended on expenses.²¹ In a return of the following year, the two Puketoi blocks left out were now added in, bring the total acreage to 219,930 acres for a total price of £18,232, with survey and expenses of £5678. Even then, the Government had not yet acquired all the shares for all the blocks.²² It was not until December 1877 that Puketoi 1 to 5 and Ahuatuanga were proclaimed Crown land. Ngamoko and Tuatua followed in February 1878. Te Ohu, Maharahara, Rakaiatai and Umutaoroa remained at least partly in Maori hands. From 1877, Government agents vigorously pursued those shareholders who still had not sold. All the blocks that were not completed, except for Te Ohu, were gazetted by the Government for sale regardless of the fact the purchase was not complete. To use Ballara and Scott's term, bounty hunters were sent out to get the remaining signatures. Grindell was offered £1 a day for a month and £10 a signature. He accepted the contract in April 1880.²³ This apparently was unsuccessful, for in September of that year, Josiah Hamlin was offered £20 per signature and a total of £200 if he obtained all seven outstanding signatures. He also failed.²⁴ The 'bounty hunters' were regarded by Ballara and Scott as exemplifying new levels of improper dealing on the part of the Government, 'while the interests of Maori hapu were

21. AJHR, 1874, C-4

22. Ballara and Scott, p 53. Another figure for 1879 is given by Ballara and Scott: 264,924 acres sold for £18,222 price plus £6,077 expenses. These figures equate to 1s 4.5d per acre for Maori and a cost of 1s 10d for the Government. Curiously, Ballara and Scott calculate the price as 11d per acre.

23. Ballara and Scott, p 58

24. Ballara and Scott, p 60

disregarded as at the least vexatious, if not almost seditious'.²⁵ Ballara and Scott offer great detail on the pursuit of the remaining signatures, but as they related to blocks in Hawke's Bay here is not the place to outline the whole story. Suffice it to say that the attainment of full ownership for the Crown cost considerably more than £16,000. The final figures that Ballara and Scott give for the Tamaki block are 257,071 acres sold, for which £19,033 was paid to Maori and £6191 on expenses. These figures worked out at just less than 1s 6d per acre to Maori and a cost of just under two shillings per acre to the Government. Ballara and Scott could only speculate as to the Government's profiteering from the land, regarding the return as 'magnificent' and probably in the region of £1 or more an acre.²⁶

5.1.3 The Repudiation movement of Hawke's Bay

Henare Matua strongly criticised the Government's tactics in the purchase of the area, particularly the working of the Native Land Court, which, he argued, left out important claimants because they were opposed to the sale. He was a leading protagonist who helped provoke the Hawke's Bay Land Alienation Commission into existence in 1873.²⁷ Ballara and Scott have argued that the several complaints brought to the commission by Maori claiming to have been left out as grantees tend to substantiate Matua's claim.²⁸ Hamana Tiakiwai criticised the grantees who sold the land that they were supposed to be looking after for the hapu. The working of the commission has been outlined in great detail elsewhere,²⁹ suffice it to say here, the extension of purchases into the Wairarapa end of the bush continued even while this commission was taking place.

Other petitions followed the August 1871 purchase. In 1890, Paraone Ngatata claimed that he had not been paid for Puketoi 4. An official then noted that the block

25. Ballara and Scott, p 87

26. Ballara and Scott, pp 72ff

27. Ballara and Scott, p 45

28. Ballara and Scott, p 51

29. See Ballara and Scott, pp 44ff

had been purchased and gazetted in 1859 but ‘through an oversight’ it passed through the Native Land Court in 1870. The official carried on, ‘to rectify this it was with the consent of the whole of the owners included in the deed of sale, August 16, 1871’.³⁰ Ngatata’s claim was followed by others. The official reply was that the land had been fully paid for as Makuri in 1859 and that the owners had signed their names in explanation of this fact after it passed through the court in 1870.

5.1.4 The October 1871 purchase

30. Ngatata to Government, 19 September 1890, MA 13/82A, Ballara and Scott, pp 70ff

Soon after the ‘Tamaki’ block began its tortuous journey to be sold, negotiations started for the unsold area to the south. Ormond was keenly aware of the necessity to use the opportunities provided by the meetings for the Tamaki block to push ahead with the negotiations for the southern end. During 1871, the blocks went through the court and the ‘owners’ were decided. An ‘Agreement to sell’ the area for £10,000 was signed by 31 of the vendors in Wellington on 5 October.³¹ The deed for the ‘Seventy Mile Bush, Wairarapa district’ was signed over a period of days from 10 October 1871. The area covered by this deed was 125,000 acres, divided into 10 blocks:

- Kaihinu 1 (22,000 acres) and 2 (19,000 acres)
- Mangahao 1 (23,000 acres) and 2 (8000 acres)
- Manawatu–Wairarapa 1 (‘Eketahuna’, 6000 acres), 2 (‘Mongorongong’, 15,000 acres), 2A (‘Pukahu’, 6000 acres), 2B (‘Pahi Atua’, 15,000 acres)
- Ngatapu 1 (4000 acres) and 2 (7000 acres)

These blocks completed the sale of the Seventy Mile Bush in Wairarapa with the exception of three blocks. There remained unsold Wairarapa–Manawatu 3 (Mangatainoka), a large and valuable stretch of land of about 62,000 acres through the centre of the Wairarapa end of the bush, and two smaller blocks, known as Kauhanga (although Mangahao 3 was also used for part of it), at the extreme north-west corner of the Wairarapa district, beside the Manawatu Gorge. For the 10 blocks that were sold, a total of £10,000 was paid. This worked out at just over 1s 7d per acre. These 10 blocks were sold by some 60 ‘vendors’ who had been allotted ownership by the Native Land Court, working out at an average of six ‘vendors’ per block. Notable, Peeti Te AweAwe, from the west, headed the list of signers, thereby indicating that he was a prime mover in the sale.

The boundaries of the blocks were outlined in an accompanying plan. Potential disputes over what were still fairly vague outlines of external boundaries were minimised by the fact that most boundaries were with other blocks of Crown land. If the three remaining blocks in the area were sold, there would remain only a couple of small pockets of land left in Maori hands in the whole area. There were, however, reserves. Eight reserves, with a total area of 4369 acres, were included in the deed. These were scattered throughout six of the 10 blocks. It is a simple calculation then to observe that four of the blocks – the Kaihinu blocks, Mongorongong and Pukahu – had no reserves allocated to them at all.

5.1.5 Extending the purchases at the Wairarapa end of the bush

31. Turton, deed 182 and its enclosure

Just over a year after the ‘Seventy Mile Bush, Wairarapa’ block was sold, extensions to that purchase commenced. One of the eight reserves, the 500 acre reserve from Ngatapu 2 block, was sold by its 10 ‘owners’ for £60 (or 2s 5d an acre – some improvement on the price per acre of the general block).³² The 500 acres reserved at Ngatapu 1 were purchased for £500 on 26 June 1879 – a healthy £1 per acre.³³ The following year, 350 acres reserved at Mangahao 2 block were sold for £175.³⁴ Finally, in 1885 two areas of the reserve in Mangahao 1 were sold – Rarikohua and Tutai tapara (304 acres), for £190 on 12 December 1883, and Tararu (175 acres), for £175 on 6 November 1883.³⁵ By the turn of the century, 1829 of the 4369 acres reserved had been sold to the Government. The quick alienation of reserves again raises questions about the purpose of reserves. Was it the case that some reserves were retained by Maori simply so they could arrange a more advantageous price for the land at a later date, while others were retained with a view to being held indefinitely?

In April 1873, the Government purchaser moved to obtain for the Crown the little area left in Maori hands in the extreme north-west corner of Wairarapa, beside the Manawatu Gorge. Kauhanga blocks 1 and 2 (Kauhanga 2 was also referred to as Mangahao 3), were sold by 21 ‘vendors’. The estimated 7000 acres fetched £550, a little over 1s 6d per acre. Two 20-acre blocks were reserved for some of the vendors.³⁶ In a manner similar to the reserves discussed above, it is unclear why this block was held back until later. The price they obtained was no better than the average price for the rest of the block; however, the land near the Manawatu Gorge was not the finest.

In October 1873, Maori of the area made another major sale, the Tararua Ranges. A block with an estimated area of 103,000 acres extending from the western boundaries of a number of Wairarapa blocks (including the Seventy Mile Bush blocks) was sold for £2792. The rate of 6½d an acre was, not surprisingly, lower than the normal rate in the more useable areas. The boundaries of this large block swallowed an earlier sale, Te Karamu, which had been bought in 1854 for £600. ‘Tararua’ was sold by seven ‘vendors’ but was signed by 76 Maori of the area. The deed contained an interesting addition: it outlined how the money would be divided. Five hapu – Ngai Tahu, Humua, Muaupoko, Rangitane, and Ngati Moe – who were represented by Karaitiana Korou, would receive £1737. Two hapu – Ngati Muratu and Muaupoko (curiously included in both lists) – represented by Matiaha Mokai, would receive £1054. An extra £1 appears to have slipped through a crack in the counting. Two reserves of 1000 acres each were also retained. In 1881, the block appears to have been extended for, as at 7 June 1885, it was recorded as 113,500 acres sold for £3885 18s 6d (a rate of 8.2d an acre).³⁷ The interconnections between

32. Turton, deed 187

33. AJHR, 1880, C-3, p 9

34. AJHR, 1881, C-6

35. AJHR, 1885, C-7

36. Turton, deed 190

37. AJHR, 1881, C-6

the sale of this block and the blocks sold by Maori on the west side of the ranges need to be considered, perhaps when the report for the adjacent district is completed.

5.1.6 The Mangatainoka block

The largest gap in the purchase of the Wairarapa end of the Seventy Mile Bush was the Mangatainoka block, which was estimated to contain 62,000 acres. This proved to be a very astute and lucrative delay on the part of the owners, for ultimately they gained a far higher price. The land went through the Native Land Court in September 1871 and was awarded to 'Rangitane'. At that time the land was withheld from sale. The following year, Grindell illustrated why the land was desired by the Government: 'the soil of this block is most excellent; the land is perfectly level, heavily timbered, and never flooded . . . The line of the proposed railway to Ruataniwha in the Ahuriri district runs through this block, and its acquisition by the Government is of the utmost importance'.³⁸ Again, the Government worked through chiefs from west of the ranges. According to Grindell, by mid-1872, Hoani Meihana was arriving more at the view that the land was better sold: 'that the enhanced value to their reserves by roads and an European population in the vicinity would more than counterbalance the loss of the land sold'. The first steps to plugging this gap came in March 1873. Three western chiefs agreed to convey their shares of the block, for an advance of £100. This action was in the old style of paying advances to whoever was willing to sell in order to get negotiations for a block under way. Since the Native Land Act had been passed, at least, with a certain number of owners, all the parties had the right to hold on to their shares. The next day, a deed entitled 'Mangatainoka No 2 (Claims in)', was signed. The same land was involved. This time another 16 partial 'vendors' 'conveyed and assured and surrendered unto Her Majesty the Queen her successors and assigns All the right title and interest of the partial vendors . . . for the said sum of Three hundred and eighty pounds sterling and all other sums and sum of money or the price or prices of goods on the behalf of Her Majesty the Queen to be hereafter paid'. The two March deeds totalled £480, yet the second referred to another £100 being paid at an earlier date. In June the same year, Huru Te Hiaro and another chief received another £100 cash and £90 worth of flour and sugar on 'the account' for that block.³⁹ It is difficult to disentangle the various interests sold through this 'ad hoc' method. The total of £770 paid on the block thus far would only be a fraction of the eventual price.

38. Grindell to Minister for Public Works, 31 May 1872, AJHR, 1873, G-8/41, p 32

39. Turton, deed 188

After about 1875, Turton's *Maori Deeds* dried up as a source of information about Crown purchases of Maori land. Yearly returns in the *Appendices to the Journals of the House of Representatives* of Crown purchases of Maori land become the most accessible source. Progress reports on the block's gradual sale were made throughout the years. In 1878, the whole block was considered to contain 74,018 acres, and it was reported that a total of £1306 18s 6d had been paid to Maori (with a further £177 18s 6d expenses).⁴⁰ By 1882, a different policy was adopted by the Government. The block was divided into a number of smaller parcels of land, which were to be bought off one by one. Six blocks totalling 66,393 acres were referred to in 1882. The following year it was observed that Richard Booth, a land purchase officer, had spent £10,546 19s 8d (plus £685 14s 3d expenses) bying out shares from owners of those blocks, with an estimated £8000 still to pay to obtain the rest of the shares.⁴¹ By 1885, the sub-blocks had been rearranged so that six new blocks had had their titles fully extinguished. On 1 July 1885, Mangatainoka blocks B (2080 acres), D (710 acres), I (10,500 acres), G (2566 acres), L (25,328 acres), and F (1240 acres) had their purchase completed for a price of £12,052 17s 4d, plus £873 7s 2d expenses. The total acreage of 42,242 acres was then sold at a rate of 5s 8½d per acre.⁴² The reshuffling of blocks reflected Government persistence to get the land in the face of entrenched opposition by some owners.

At the end of 1855, then, blocks A (1956 acres), C (1000 acres), E (875 acres), H (604 acres), J (7015 acres), and K (12,519 acres) still remained in Maori hands. The Government was unable to purchase these blocks in their entirety and so resorted to another round of subdivision in order to complete the purchase of smaller portions. In 1888, five blocks were purchased: C1 (137 acres) for £90; E1 (490 acres) for £440 4s 6d; H1 (151 acres) for £94 7s 6d; J1 (3082 acres) for £4152 4s 2d; and K (9709 acres) for £7683 2s 1d. Thus, a further total 13,569 acres were sold for a total sum of £12,459 18s 2d (18s 4d per acre).⁴³ The price for block J was significantly higher than the rest and thus brought up the average price. That sum of about £12,000 was more than was paid for the whole of 'Seventy Mile Bush, Wairarapa' block of 120,000 some 17 years before, and was the sum that would have bought about half the approximately 1.5 million acres sold in 1853–54. Further smaller divisions were 'picked off' over the succeeding years. Purchase was completed on Mangatainoka J2B and 2C on 18 May 1890, 1250 acres sold for £1290 9s 11d – over £1 an acre.⁴⁴ Through to 1900, no further purchases in the Mangatainoka region were reported to have been made by the Crown. By then a total of 57,061 acres out of the 66,390 acres that went through the Native Land Court had been sold to the Crown. The remaining 9329 acres either stayed in Maori hands or were sold privately. The block was earlier estimated to contain 74,018 acres. This suggests that 7628 acres remained as traditional Maori land and did not pass through the court. That would appear to leave about 17,000 acres from the block in Maori hands in 1900. But, because the purchase was carried out over such a long period, the figure could be substantially less. In 1995, only 459 acres remained in the Mangatainoka

40. AJHR, 1878, G-4

41. AJHR, 1883, C-3

42. AJHR, 1885, C-7, p 13

43. AJHR, 1888, G-2

44. AJHR, 1890, G-3

Wairarapa

block as 'Maori land'. So most of what remained in the block after 1900 was sold. The first alienation files for the blocks, covering the period from about 1905 to 1920, reveal that 1845 acres were sold to Pakeha individuals. Detailed research is needed to extract the details of the alienation of this block.⁴⁵

The AJHRs do not make any mention of reserves. It is possible that there were some, however. Tutaekara was a reserved area within the Mangatainoka block and shown on maps of the area. During December 1890 and January 1891, eight lots of 50 acres each were sold for £76 2s each from this reserve.⁴⁶

45. Mangatainoka alienation file, held at Hastings Maori Land Court

46. AJHR, 1892, G-4

Perhaps not surprisingly, given the large amounts of money involved, the Mangatainoka block was the cause of some dispute among Maori sellers. Nireaha Tamaki, a chief of the Hamua hapu, who was regarded as the heir to Te Hirawanu (Searancke's nemesis) from Puehutai, struggled with the western Rangitane chiefs and the decisions of the Native Land Court as to the distribution of ownership of the Mangatainoka blocks. This reflected dissatisfaction from Rangitane Maori who lived in the area of the Seventy Mile Bush with Rangitane chiefs who lived on the Manawatu side of the Tararua Ranges but who exerted a large influence over the sale of the area through success in the Native Land Court. The appropriateness of the role played by western chiefs, which was greatly enhanced by the Native Land Court's decisions, is a basic issue, which will ultimately require the Tribunal's deliberation. Nireaha's ultimate struggle, however, was with the Crown. In 1890, he successfully got the Crown proclamation removed from the blocks which he owned and did not want to sell. He wanted to lease his interests. The Crown determination to obtain survey costs from him led to a court battle. A Court of Appeal hearing in 1894 went against Nireaha, but a Privy Council decision of 1901 overturned that.⁴⁷

47. For further details, see A Ballara, 'Nereaha Tamaki', DNZB, vol 2, pp 359ff

5.2 OTHER PURCHASES FROM 1865

As far as can be ascertained from Turton's *Maori Deeds* there were no Crown purchases in Wairarapa from 1865 to 1870. Government land buying was rejuvenated by the scaling down of hostilities between British forces and Maori, and by the Immigration and Public Works Act, 1870. We have seen that during 1871 new purchases were made in the Seventy Mile Bush. Through the middle of 1872 four agreements were signed to sell parcels of land in Wairarapa. 'Upper Tauheru' was signed by 20 people representing themselves and 'others' of Wairarapa on 15 March 1872. The sellers agreed 'to convey and assure unto the General government of New Zealand All that piece or parcel of land situate in the district of Wairarapa in Province of Wellington and being called by the name of Upper Taueru, estimated at ten thousand acres being the same more or less Bounded towards the North by Crown lands, towards the East, South and West by other Native land as the same was more particularly described to T H Hill'.⁴⁸ Bagnall described the area as 'land of the richest description', accommodating extensive Maori gardens in the early 1860s.⁴⁹ The signers also promised to put the land through the Native Land Court as quickly as possible to determine the owners. The Crown land to the north of the block that was referred to was the Castle Point block. As the agreement showed, by reference to borders with 'Native land', this area north-east of Masterton was one in which Maori still retained land. This 10,000 acres was ear-marked for sale at a rate of 1s 6d an acre. Upper Tauheru was included in the 1874 AJHR return of land under negotiation. After that reference, the block seems to disappear from the published record.

48. Turton, deed 183

49. Bagnall, p 132

Similar agreements to those for Tauheru had, in 1872, been signed for about 3000 acres at 'Kurumainono' (whose location is only marked by obscure location markers so that the whereabouts of the block is unknown to this researcher), another 3000 acres at 'Arikirau' (the location of which is similarly difficult to pin-point), and an estimated 6900 in the Maungaraki region. The respective anticipated prices were 2s, 2s 6d, and 2s an acre.⁵⁰ It appears that the agreements were not fully carried out. In December 1873, T H Hill returned and completed purchases within the three blocks. Maori had agreed to sell 3000 acres at Arikirau in April the previous year for a fixed price. Now a surveyed block of only 610 acres was sold for £100 – a rate of 3s 3d per acre (an AJHR return put the price at £105, plus £52 6s 8d expenses).⁵¹ There were three vendors on this occasion, all whom had signed the earlier deed. The plan shows 'Native Land' remaining unsold to the Government around the boundaries of the block sold. This is presumably the 2400 acres that were offered the year before but not sold. The Maungaraki was likewise reduced. Four vendors sold a surveyed block of 1666 acres for £300 (instead of the 6900 initially agreed upon). The new price was 3s 6d per acre (the AJHR return put the price at £315, and the expenses as £46 11s 8d). Again, the plan showed the native land unsold, which included at least 5300 acres. Finally, 'Kurumahinono' (surely the same as Kurumainono) was reduced from 3000 acres to a surveyed block of 690 acres. The price was £200, although the AJHR return put it at £205, with £66 17s 8d expenses. The rate per acre had been substantially improved to 5s 9d. Karaitiana Korou was the sole 'vendor' of the block.

In 1874, four other blocks were listed as being under negotiations: Ngawakaakupe and Wainui-o-Ru, of undetermined size and cost, a block of 1000 acres at Ukiwhenua, and a block at Ahitau, for which £20 had been advanced. No further mention is made of Ngawakaakupe and Wainui-o Ru but Ukiwhenua and Ahitau remained on returns at least as long as 1900 with the observation that £20 had been advanced on each and that they were uncompleted sales. Meanwhile in 1882 a 500-acre block called Umukereru was listed as under negotiation, and the purchase was listed as completed the next year.⁵² By 1881, £242 had been paid on the 2077-acre Wangaehu 2 block. This payment appears to have completed the purchase. The price of 2s 4d an acre is feasible.⁵³

Aside from the Seventy Mile Bush area, purchases from 1865 to 1900 by the Crown were minimal. About 3000 acres were definitely sold, while up to 15,000 acres might have been sold if Upper Tauheru and Ngawakaakupe were actually completed.

5.2.1 Wairarapa Lake

50. Turton, deeds 184–186

51. 'Detail of Expenditure to 30 June, 1874, on Account of Land Purchases and Leases in the North Island', AJHR, 1874, C-4

52. AJHR, 1882, C-4; 1883, C-3

53. AJHR, 1881, C-6

Wairarapa

The lands bordering Lake Wairarapa and Lake Ferry had been sold to the Government in 1853 as the West of the Lake block (Turakirae) and the East of the Lake block (Turanganui).⁵⁴ The deeds themselves were not exact about the boundaries of the lake but the right of eel fishing had been reserved for the Turakirae block. A verbal agreement had been obtained from McLean at the time, to the effect that the lakes themselves and the low-lying swampy areas below the high-water flood line should remain in Maori hands. McLean also agreed that any settler who opened the shingle bar dividing Lake Ferry from the sea should be fined £50. The two lakes provided an invaluable source of food:

in Southerly storms the shingle bar at the seaward end of the lower lake would build up to form a dam; brackish water would spread inland, and the eels in the lake would be brought towards the sea and could be caught in huge numbers against the bar. In good years 20 tons of eels could be taken and dried.⁵⁵

The floods which brought the eels were also a nuisance to Pakeha farmers in the area, and from the 1860s they began agitating to have the bar permanently opened. In 1868, an agreement was struck between Piripi Te Maari, Raniera Te Iho, and others and the Crown to open the bar temporarily for a sum of £40, but permission would be withheld during the eel season, January to March. Yet settlers continued to call for the lakes to be bought to solve the problem once and for all. Despite the fact that a meeting of Maori in 1872 decided not to sell the lakes, in 1876 the lakes were 'purchased' from Piata Te Hiko and 14 others. The deed signed by 15 Maori on 14 February stated that Ngati Kahungunu had retained rights over the water of the lake for eel fishing which had prevented Europeans from draining areas. For £800 and a £50 per annum pension to principal chief Piata Te Hiko, those rights were

54. This section draws heavily from M Carter and A Ballara, 'Te Maari-o-te-rangi, Piripi', in DNZB, vol 1, pp 467ff.

55. M Carter and A Ballara, 'Te Maari-o-te-rangi, Piripi', in DNZB, vol 1, p 467

sold.⁵⁶ Carter and Ballara have argued that Te Hiko, by then a very old man, was placed under extreme pressure by those who wanted to sell – Te Manihera is singled out in this regard. Te Hiko also had other motives. He used the negotiations for the lake to settle an older problem he had with the Government about a block called Pukio. He told Maunsell, the Crown negotiator, that he would not sell the lake until the problems with Pukio were settled. It has also been suggested that Te Hiko was using the opportunity to vent years of frustration against younger chiefs Raniera and Te Maari. Te Hiko had been incensed by Raniera's appropriation of a reserve out of the Turanganui block, and by Te Maari and Raniera dealing with the Crown in 1868 about the lake without reference to him.⁵⁷

Piripi Te Maari, Raniera and many others with an interest in the lake had not been consulted about the 1876 sale, far less had given their permission. Formal complaint was made so that the Government's victory was short-lived. In 1881 Te Maari applied to the Native Land Court to hear the claims of the non-sellers to the lake. The first hearing was in 1882. There Te Maari was successful in getting the Government's case dismissed on the grounds that it was based on the purchase of only 17 person's interests (where the two sellers in addition to the 15 who signed the deed came from is uncertain). In the second hearing Te Maari, Raniera and 137 others were listed as the owners of the two lakes. Here is an example of the Native Land Court performing its function of determining all the owners of a block, if listing individuals, rather than naming hapu, was the right approach.

56. Turton, deed 198

57. Carter and Ballara, 'Te Hiko Piata Tama-i-hikoia', DNZB, vol 1, pp 449ff

Wairarapa

E Maunsell, the Government negotiator returned to meet with the official owners in 1885. There he was confronted with a list of grievances relating to the lake. First, an earthquake in 1855 had raised up land which had been below the high-water mark. This land, it was argued, should have belonged to the Maori owners but some of it had been sold by the Government. Secondly, if the Government decided to open a permanent drain, the fishing in the area would be ruined. Thirdly, commercial hunters were shooting the duck population on lakes which still belonged solely to Maori. In 1888 the Ruamahanga River Board declared Lake Wairarapa to be a 'public drain' and asked for Government support to have it opened (the property of the chairman, Peter Hume, was most affected by the flooding). A tense stand-off occurred that year. Te Maari petitioned the Government to inquire into the problem, and in 1891 a commission of inquiry was set up and chaired by Alexander Mackay. Its report was ambiguous in that it stated that endangering the fishing rights of the owners was contrary to the Treaty of Waitangi, yet lake owners were not justified in allowing land sold by them to be flooded.⁵⁸ In 1892 the Ruamahanga River Board forced the issue and dug a channel and Maori did not obstruct them. In 1895 Te Maari appealed to the Native Affairs Committee of the House of Representatives. The report was favorable to the claimants and compensation was recommended. Te Maari died soon afterwards.

So, despite the fact the owners opposed the sale, they lost control of the lake. Compensation was arranged, but still the eel fisheries, the water and the land were gone. The compensation itself was arranged in 1896. It comprised a payment of £2000 and 'ample reserves'. The money was quickly received but it took nearly 20

58. MacKay, 'Claims of Natives to Wairarapa Lakes and Adjacent Lakes', AJHR, 1891, G-4

years for the reserve to be given. Some 30,486 acres at Pouakani at Mangakino (Waikato) were given as compensation in 1915.⁵⁹

5.3 THE WAIRARAPA 5 PERCENTS

The previous two chapters have outlined the origins of the ‘5 percents’⁶⁰ during 1853–54 and the dissatisfaction that arose around the issue from the later 1850s because of the ‘apparent casualness with which the obligations were met’ by the Government.⁶¹ To recap briefly, the 5 percent of the returns of the land had grown out of Grey and McLean’s strategy to reward Wairarapa Maori for ‘sacrificing’ rents that had previously enjoyed; they were an inducement to make a sale many had been averse to.⁶² The proceeds were to be spent on building schools, hospitals, flour mills and ‘certain annuities’ to chiefs. The Government began receiving money from sales of the land almost immediately; by 18 March 1854, £8,194 had reached the Government.⁶³ However, no time had been set for the payments, and it was not until 1870 that any clear system of payment was instituted.

59. The Wairarapa lakes will be covered in more detail in the Rangahaua Whanui Series national theme Q report.

60. This account of the 5 percents draws heavily from Hippolite’s able survey.

61. Bagnall, p 102

62. Paraphrasing MacKay in ‘Claims of Natives to Wairarapa Lakes and Adjacent Lakes’, AJHR, 1891, G-4, p 2

63. Bagnall, p 125

Wairarapa

Throughout the 1860s agitation by Maori increased. A petition was sent to the Government on 7 August 1867 from 51 Wairarapa Maori which claimed that Maori had often called upon the Government to pay the money due on the 5 percents. On that occasion they did so again.⁶⁴ That petition was addressed by the public petitions committee who reported in 1869. In short, they recommended that payment should be made.⁶⁵ As a result, in October 1870 Kemp was sent to negotiate a solution. He was chosen as the Government hoped his 'intimate knowledge' of the Wairarapa Natives would enable him to bring the 'long pending question to a satisfactory conclusion'.⁶⁶ He faced a difficult task in satisfying the numerous claimants. Hoera Whakataha wondered why McLean had not been sent to resolve the grievances, as he was 'most acquainted with all the transactions connected with the purchase of land in the district and understood so well the origin of the five per cent fund'.⁶⁷ Kemp was confronted by a delegation headed by Nikawera. Their desire was for the five per cents to be paid on all the blocks, regardless of whether the deed mentioned it, because, they argued, they had sold their land too cheaply. They claimed, 'the land was formerly sold foolishly in the days of their ignorance . . . through their ignorance they had received much less than they ought for the land'. They also wanted payment up until the time of the meeting not until June 1869 as was proposed. Further, they insisted on full returns of the revenue made from the land, in order to audit the payments made to them. They also wanted a list of all the advances previously made on the account.

64. AJHR, 1867, G-10

65. AJHR, 1869, F-3

66. Halse to Kemp, 21 October 1870, MA 13/96A, Hippolite, p 64

67. MA 13/96A, Hippolite, p 66

Sales and Land Matters, 1865–1900

Kemp was unable or unwilling to furnish them with proper accounts. All he could say was that £3170 was 5 percent of the £63,500 that the Government made from selling 200,000 acres (which implied an average Government price of about six shillings an acre). Instead, he feigned that he was hurt that ‘his friends’ had so little faith in the Government, and acted as though they thought the Government had something to hide. Halse had instructed Kemp to make a payment of £2000 from the account. Although, by 30 June 1869 the amount accumulated against the fund had been £3170. From that total, however, £1230 had been advanced throughout the late 1850s and 1860s for mills, presents to chiefs, schools, and expenses. These expenses, naturally, became a topic of hot dispute, particularly the salary of a medical officer. As far back as 1863, McLean had indicated that not all Maori had clearly understood the rationale for deductions. This misunderstanding had perhaps been encouraged by the fact that the Papawai mill, constructed in 1855, had not been paid for from the 5 percents but had been recognised as a separate gift from Grey, ‘as some acknowledgement of the good will evinced by the Wairarapa Natives in ceding such large tracts of country suddenly after so many years refusal’.⁶⁸

68. Minute by Mantell, 23 January 1863, MA 13/96A, Hippolite, p 65

Wairarapa

Some clearly wondered about the benefits derived from some of the expenses: Te Manihera stated that his children had not benefited from the college. Kemp, probably with the Papawai mill in mind, admitted that advances, had proved to be ‘in a great measure . . . a comparative failure’, due to unforeseen circumstances.⁶⁹ The meeting finally agreed to accept the £2,000 on offer on the condition that the Government present them with returns at a later date. Their desire for all blocks to be included for the 5 percents was rejected. Maori also made a strong call for no more advances to be made on the account. Hippolite pointed out, however, that the 1873 report showed that advances were still being made.⁷⁰

The £2000 was divided between the original ‘5 percent’ blocks. The Tauherenikau block attracted a payment of £430, Pahaoa – £250, Turakirae (West Side of the Lake) – £250, Wharekaka and Puhingina – £250, Tuhitarata – £200, Turanganui (East Side of the Lake) – £200, Whareama 1 – £110, Whareama 2, – £110, Makakahi (Manawatu) – £100, Makoura (Masterton) – £100. The total of £2000 was paid and signed for on 9 November 1870 by 51 Maori, with a range of three to 16 signing for each block.⁷¹

Returns to Maori began to taper off as the 1870s proceeded because the amount of land being sold naturally reduced. This led to more Maori frustration as they saw

69. Hippolite, p 66

70. AJHR, 1874, G-4; Hippolite, p 68

71. Turton, deed receipts 72–82

land prices everywhere rising and had hoped such rises would have been reflected in their returns. In fact, most of the high prices were commanded by private land. Nevertheless, Maori had successfully wrested the right, originally promised in the deeds but earlier denied them, to discuss in committee with certain Government officers how the money would be used. Charles Heaphy, as Commissioner for Native Reserves, found this a difficult forum as everything was carefully scrutinised by Maori whom he quickly labelled as ‘members of the old Hau-Hau party’.

As it had throughout, the Government vacillated over what to deduct from the 5 percents as expenses. In 1874 Heaphy had reported that it was decided to place the charges for certain expenses of schools, gratuities for chiefs, and for a surgeon, against funds other than the 5 percents. The reason he cited was that ‘the Natives had freely given up a considerable income in rents, and as it was not desirable that they should have cause to regret their act, as few deductions as possible were consequently made from the account that had accumulated’.⁷² By 1880, however, the Government seemed less worried about Wairarapa Maori having cause to regret their selling the land. Bryce stated that ‘deductions for medical assistance and other kindred charges were clearly contemplated by the deed and should be made from payments now due’.⁷³ Maori passions were further inflamed by the decision of the Government to charge expenses for the ‘intricate calculations’ necessary to work out what money was due on the account. Heaphy showed some tact by reducing the

72. AJHR, 1874, G-4

73. MA 13/96A

deduction of the surgeon's salary by half, and by only charging it against those areas where the doctor actually went, but a legacy of bitterness would remain.

5.4 PETITIONS AND GRIEVANCES

The issue of the 5 percents was symptomatic of general Maori irritation with the inadequacy of the Government's delivery on promises made when the original purchases were negotiated. Government attention to its continuing obligations to the sellers was similarly poor. The provision of health care, schools, and general economic prosperity which were all promised by the Crown as corollaries of sale were absent to a considerable degree (although, of course, the Government did not have full control over the last aspect mentioned).

The Church of England also came under attack for not delivering on its promises to Maori. In 1896 a petition was lodged for the return of land at Masterton which were given to the Church on the strength of promises made by the representatives of that body to establish schools for the benefit of Maori. The claim was that those

promises had not been adequately fulfilled. The Native Affairs committee considered the claimants' case justified and recommended the return of the land.⁷⁴

Wardell regretted in 1868 that 'in the matter of Native education nothing is being done in this district. Owing to the apathy and indifference of parents, very few children attended the school at Papawai when open, and it is now closed.'⁷⁵ The School must have re-opened, for in 1872 it had 63 pupils. This number, however, fell to 17 the following year. Wardell noted that half of the pupils were now being taught at their own Kainga (Omahu) and the rest had moved to Poverty Bay.⁷⁶ Wardell's successor in the area, Maunsell, took a more critical view of the predicament in which Wairarapa Maori found themselves. In 1886, he stated, presumably in response to a question from his superiors, that Wairarapa Maori were not dying out, instead 'they have abundant means for their support in the way of land, but are very lazy, and subsist largely on their wits after their rents have been expended'. Maunsell also observed that some preferred to go to gaol when pressed by creditors over selling their land. He noted that they possessed good dwellings at their principal villages of Papawai and Te Oreore, and had recently built a large meeting house at Papawai (which was carved by Ngati Porou carvers). Maunsell aired his

74. AJHR, 1896, I-3, p 7

75. 'Reports on the State of the Natives, Wairarapa', 6 July 1868, AJHR, 1868, A-4, p 36

76. 'Report on Schools', AJHR, 1873, G-4A

Wairarapa

critical opinions on the latter building, suggesting that ‘much money has been wasted over this house’.⁷⁷

5.4.1 Specific land sale grievances

77. Maunsell, ‘Report on Wairarapa’, 25 April 1886, AJHR, 1886, G-1, pp 17ff

Turton's *Maori Deeds* point to some grievances which were successfully resolved by Maori and Government officials. In March 1874 six Maori signed a document entitled 'Moroa block, Greytown (Confirmation of gift)'. This related to Wi Kingi Tutepakihirangi and Te Manihera's gift of the Moroa block to the Crown through McLean in 1853. In December 1873 the two chiefs mentioned above declared that they had indeed gifted the land in 1853, 'in consequence of the satisfaction we felt at the manner in which Mr. McLean had conducted land purchases in the vicinity and the high relative price he had paid to all of us for the adjacent lands'. Further they stated, 'we formerly made this gift of land in the presence of our tribes and with the knowledge that we were relinquishing the land for ever'.⁷⁸ The actions of those two chiefs were confirmed by another 14 leading chiefs of the area at the time of Te Manihera and Wi Kingi's declaration, and by another six signees in March 1874. The six in March 1874 stated that they 'do admit that such block of land was given to the Crown by our representative Chiefs as aforesaid forever and with the concurrence of our tribe and of those who then owned that block'.

The object of these confirmations of earlier actions was indicated by Te Manihera and Wi Kingi's declaration: 'but when we so gave it we believed that we should be entitled to Five pounds per centum of all net proceeds of land sales within the land so given to be returned as 'koha' to us as such sales might occur as in the case of the Tauherenikau block'. The documents represent the resolution of a dispute over the 5 percents in this block. It also represents a revisitation of the actions of selling chiefs in the early days, this time with assent given to their actions by at least some others of the tribe. These negotiations were not entirely successful, however. In 1877 Major Keepa Rangihwinui and others petitioned the Government over the case, claiming that the money was paid to one or two individuals with only a partial interest in the Moroa block. The Committee who received the petition decided that only a legal tribunal was capable of making a full inquiry.⁷⁹ Further research is needed to discover what happened in that instance.

The resolution of another grievance led to a deed in Turton's compilation. The deed stated that the sellers of a block called Whatakai had applied to the Government to have the land permanently given to them, but the land had been sold to Meredith, a settler from Whareama. The Government paid the claimants £150 with the result, according to the deed, that 'we [the sellers] have ceased to have any thought regarding that land'.⁸⁰

78. Turton, deed 195

79. AJHR, 1877, I-3, p 52

80. Turton, deed 198

Wairarapa

The lists of petitions recorded in the AJHR provide more evidence of Maori discontent about certain land sales. Unfortunately the information given in the AJHRs is minimal so that only the rudiments of each case at most can be gained. Some petitions related to blocks that had been sold in the 1850s. In 1872 Te Manihera petitioned for the restoration of land in the Castle Point area, with no successful result.⁸¹ In 1877 Karaitiana Te Korou, one of the principal chiefs of the northern Wairarapa, petitioned the Government over the sale of the Manaia block (sold in 1858). His claim was that he and his fellow petitioners did not participate in the payments for the land. The committee declined to investigate this claim.⁸² The Ihuraua block, sold by Ngati Kahungunu to the Crown in 1859, was the subject of a petition from Renati Paehora and others in 1886. The claimants stated that the land was theirs but it was sold by Ngati Kahungunu without their knowledge.⁸³ The reasons for the apparent reluctance by the Native Committee to take some of these petitions seriously are not given in the AJHR reports.

Meanwhile, petitions were also sent to the Native Affairs committee over the workings of the Native Land Court. In 1877, Te Manihera, Hiko Piata, Matiaha Mokai and others sent a petition which asked for their names to be inserted into the certificate of title for 'a block of land near Greytown'. The committee recommended a rehearing by the court.⁸⁴ Similarly in 1885 the work of the court in awarding ownership to Maori for the Mangatainoka block was called to question by Wi Waka and others. They called for a rehearing.⁸⁵ Research needs to be done to determine the outcome in this matter. These petitions (and one gets the feeling that those reported in any detail in the AJHRs are only a slice of the whole), reflect the continuing feeling among sections of Wairarapa Maori that the Crown purchases had not always been conducted in a correct or fair way. From the information contained in the AJHRs it is impossible to gauge the validity of the claim of those petitioners, or their success or failure.

The case of the Moroa block gift had shown that the role of chiefs, which had been a cause of dispute ever since the 1850s, remained at issue until at least the turn of the century. We have also seen that the Native Land Court became involved in these issues; as it decided the ownership of the Seventy Mile Bush, its decision to give considerable rights to Rangitane chiefs who lived on the other side of the district was perhaps pivotal to the block being sold to such an extent and sowed many seeds of bitterness. Old principal chiefs did not, however, always receive the sort of recognition from the Native Land Court which they desired. Ngatuere fought tirelessly against a 1869 court decision which gave the land to 'nobodies'.⁸⁶

81. Petition of 24 October 1872, AJHR, 1872, H-11, p 5

82. AJHR, 1877, I-3, p 29

83. AJHR, 1886, I-2, p 39

84. AJHR, 1877, I-3, p 50

85. AJHR, 1885, I-2, p 27

86. Bagnall, p 227

5.4.2 Political activism

Another indication of discontent among Wairarapa Maori can be inferred from their political actions. We have an account from Wardell, the resident magistrate in Wairarapa, of the start of ‘Hauhauism’ in the region. He claimed that the ‘first seeds of Hauhauism’ were scattered in January 1865 when reports of the miracles of Te Ua were circulated, but it was not until March when Ngairo returned from the west coast as a believer that the sect gained a tangible foothold in the area. According to Wardell the visit of Te Rangihiroa in May turned the majority of Wairarapa Maori into believers. Wardell commented:

the avidity with which these people accepted his teaching presented a remarkable view of Native character; it showed clearly that the previous profession of the doctrines of Christianity had been the result of fashion rather than belief, and was a fresh proof of the eagerness with which a half-savage race will embrace any novelty which is presented to it; yet I cannot but feel that the action taken by the government in the issue of the Proclamation of the 22nd day of April, 1865, in consequence of the murders at Opotiki, against all professed Hauhau, confounded the religious and political character in that body in a manner which recommended it to a people in the position in which the King party was then placed; they saw combined in it a religious and political movement under new leaders and entertained fresh hopes of success.⁸⁷

While Wardell’s comments demonstrate his willingness to hastily generalise about Maori motivation, they do reveal his understanding of the political nature of the support for ‘Hauhauism’. The resident magistrate was scornful of the faith and its practices:

the fanatical excitement of the people for the first few months of their acceptance of Hauhauism was accompanied by the most revolting excesses. Happily that stage has passed, and their religious ceremonies are now performed in comparative order. The

Wairarapa

extent of the delusion under which the laboured may be learnt from the fact, that, on the assertion of a so-called prophethess that food would spring spontaneously as manna fell from heaven, they neglected for one season to plant ordinary crops.

Clearly, Wairarapa Maori (particularly Pai Marire) could expect little sympathy from the Crown representative of their area. Wardell's concentration on the excesses of the movement concealed the fact that the support it gained, particularly when outlawed, was symptomatic of deep-seated opposition to the Government and its practices. He did, however, observe that 'none of the events of [the wars] had their locale here, but probably no section of the Native population as been more disturbed and agitated by them than our own'. Ngairo and some Wairarapa men joined in the hostilities on the west coast. Wardell estimated that 10 Wairarapa men were killed in the fighting. He also quoted Ngairo's views on the situation on his return to Wairarapa after fighting in 1866, 'Do not deceive yourself, the war is not over: the land is gone, yet the people live, and while the people live there will be war for ever'. It would be fair to say, nevertheless, that Ngairo and his followers were at the extreme of Wairarapa opinion on political matters.

Perhaps a more pervading feeling among Wairarapa Maori was a fear that their position vis-a-vis European settlers had deteriorated badly, and that this was a cause for concern more than defiance. Wardell was able to say in 1868, 'as the peace of this district is concerned, I feel all cause of anxiety is at an end – the present [economic?] and numerical strength of the European population would render any hostile attempt on the part of the natives futile'. In 1873 he was confident of the European position, and wrote:

87. 'Reports on the State of the Natives, Wairarapa', AJHR, 1868, A-4, p 34

this district is rapidly approaching a state in which the presence of the Maori people will cease to be felt as a source of difficulty and anxiety either to the settlers or the Government. The change which has take place in the position of the two races in this district during the last ten years, is most satisfactory. Then the majority of the Natives were domineering and insolent towards the settlers, and defiant and rebellious towards the government; while the settlers were unorganized, unarmed, and entirely unprepared for the danger which seemed to threaten them. Now, we have a large and efficient body of volunteers, the European population has increased to the proportion of six to one of the Maori, the relations between the two races are most friendly, and the natives yield generally a ready obedience to the law.⁸⁸

What Wardell saw as the successful and satisfactory colonisation and smothering of Maori must have seemed alarming and potentially disheartening from a Maori point of view. An indication of such an feeling is given by a letter from Ngatuere to Cooper in 1870. Ngatuere wrote, ‘I have heard it said among the Maori that the Government of New Zealand are making arrangements with the Government of England which will result in ruin to [the Maori inhabitants of] this island. If that work is correct, tell me; do not hide the calamity which is to befall the people and the land . . . The people and all the runanga of Wairarapa are in great consternation on account of this report of the action to be taken by you, the Government’.⁸⁹ The anxious acceptance of rumours circulating the land reflects the nervousness of some Wairarapa Maori at the time.

The inter-connection between religion and political statement again became apparent in Wairarapa during the early 1880s. Paora Te Potangaroa a leading chief of Ngati Kahungunu and Rangitane descent from Mataikona and later Te Ore Ore emerged as a prophet from the 1860s, preaching Christianity expressed through Maori concepts. In 1881 he declared to his followers that, ‘in future they should never sell nor lease land, should incur no further debts and refuse to honour debts already incurred’. Te Potangaroa pointed to a flag divided into sections, each

88. ‘Report on Wairarapa’, 10 June 1873, AJHR, 1873, G-1, p 14

Wairarapa

bordered in black, and including stars and other symbols. The sections represented the large blocks sold and the stars the scattered and isolated reserves.⁹⁰ This was a potent demonstration of one Wairarapa leader's view of their situation by 1881. The following he attracted is another measure of the ever-present feeling of loss.

89. Ngatuere to Cooper, 25 February 1870, AJHR, 1870, A-21, p 19

90. Ballara and K Cairns, 'Te Potangaroa, Paora', DNZB, vol 1, p 480

The reaction of Maori to land loss was by no means always passive. It has been shown, as far as Crown sales are concerned, from 1865 to 1900 Wairarapa Maori sold little of the land they had left (with the exception of the Seventy Mile Bush area, of which little had been sold prior to 1870). From the late 1850s, as we have seen, rununga met to consider their situation and to oppose further sales. Piripi Te Maari was a prominent leader of these. In 1883 a committee of 12 was appointed at Papawai to investigate all grievances between Maori and Pakeha in Wairarapa. In 1886 this committee decided to fine a European £9. The fine was signed by three chiefs – Wi Mahupuku, Te Maari and Wi Hutana. Bagnall suggested such ‘ambition’ was a carry-over from Tawhiao’s visit in 1882, when he had encouraged Wairarapa Maori to aim for self-determination.⁹¹ In 1897, Papawai provided the setting for two sessions of the Kotahitanga Maori parliament. The leading chief of Papawai at the time, Tamahau Mahupuku, provided a lot of the financial support for such large gatherings. In one sense the Kotahitanga meeting at Papawai was a reflection of the prosperity of Papawai and Mahupuku at that time. Mahupuku himself, though nominally a member of Kotahitanga did not share its aim of self-determination.⁹² At the same time many Wairarapa Maori shared the view of Kotahitanga and by holding the parliament in the area demonstrated their wish to end years of political dissatisfaction. This is a topic, however, that would require further research.

91. Bagnall, p 230

92. Ballara, ‘Mahupuku, Hamuera Tamahau’, DNZB, vol 2, pp 304ff

5.5 WAIRARAPA MAORI LAND HOLDING FROM THE 1870s AND 1880s

Charles Heaphy's 'Report on the Native Reserves in the Province of Wellington', compiled in 1871, listed the land Maori had retained as reserves in Wairarapa.⁹³ The list covered land upon which Crown grants had been issued (prior to 1865) and land that had gone through the Native Land Court. Heaphy divided Wairarapa reserves into three categories:

- (a) Trusts with a specified purpose – religious or charitable. Under this category there were two blocks totalling 590 acres in the Wairarapa valley granted to the Bishop of New Zealand for a school. (We have seen on page 23 that this land was later the subject of a petition.)

- (b) General Native Reserves (ie, those without any restrictions). Heaphy listed 42 different reserves in this category (this total is blurred because he listed 23 of the blocks twice). Within this category a total of 14,864 acres remained in Maori hands. Most of the reserves were under 1000 acres, however there were two reserves from the Pahaua block, Te Unuunu and Waikekeno totalling 1775 and 1660 acres respectively and a 2280-acre block at Oroi.

- (c) Grants with limitations. Heaphy listed 23 reserves in this category. The limitations were either that the land was ‘inalienable by sales, lease, etc, without the consent of the Governor’, or inalienable for 21 years, or simply that the land was subject to public right of way. All these blocks appear to have been through the Native Land Court as each had a number of grantees apportioned to the reserve. Within this category a total of just under 53,000 acres remained in Maori hands. Among these were some considerable tracts of land. The three largest blocks, however, 18,131 acres at Mataikona, 17,790 acres at Te Kawakawa, and 4910 acres at Matakitaki were the ones only restricted by being subject to a public right of way. The rest were inalienable to various degrees. Large inalienable blocks included three blocks totalling 2745 acres at Te Whiti, 1970 acres at Ngapukiturua, and 1910 acres at Maramamau.

Heaphy’s return of 1871 shows a total of approximately 68,000 acres remained in Maori hands in 1871 as reserves. That represents about 3.5 percent of the total area, although as they were chosen by the Maori sellers themselves the reserves included some of the choicer pieces of Wairarapa. Importantly Heaphy’s figures were ‘independant of purely Native territory’, the size of which he did not attempt to calculate.

93. C Heaphy, ‘Report on the Native Reserves in the Province of Wellington’, AJHR, 1871, F-4, pp 45ff

Wairarapa

The next list of reserves in Wairarapa was compiled in 1886.⁹⁴ The list of general reserves, those without restrictions, was very similar. Three reserves appear to have gone from the 1871 list, Puketoi (five acres), Porokauau (390 acres) and Ngatahuna (118 acres). This may indicate that they had been sold. So, during the 15 years from 1871, most of the reserves without restrictions remained in Maori hands. Nine further reserves were added to this category, totalling about 1900 acres. The other main category affecting Wairarapa lands in 1886 was entitled simply ‘lands in each county held by the Maoris as Inalienable’. All the blocks that had had restrictions on their sale in 1871 were on the list in 1886. Of the three large blocks in 1871 which were only subject to public right of way, Matakitaki remained, Ngapuketuruua was transferred to the list of general reserves and Te Kawakawa (17,790 acres in 1871) had disappeared.

There were some additions to the list by 1886, but the matter was confused by the curious inclusion of almost all of the Mangatainoka block. Mangatainoka blocks 1A (4036 acres), 1B (1710 acres), 2A (17,515 acres), 2B (3170 acres), 3 (37,847 acres) and 4 (2116 acres), were all included as ‘inalienable’, when, as we have seen, the area was in the process of being sold at that time. Aside from the Mangatainoka blocks, there were 21 new blocks, and the total area of inalienable land in Wairarapa in 1886 (not including the 66,394 acres in the Mangatainoka block, only some of which would be reserved) was 46,904 acres. The largest new blocks were

94. AJHR, 1886, G-15

Sales and Land Matters, 1865–1900

Whangaehu (2077 acres),⁹⁵ Okurupeti (5516 acres), Whakatomotomo (1160 acres), and two Pukengaki blocks (4635 acres). Separate to both previous lists was a 1000-acre reserve at Eketahuna, which was inalienable and made under either the Government Native Land Purchase Act Amendment Act 1878 or the Volunteers and Others Lands Act 1877.

The 1886 survey of Maori lands gave one other crucial statistic, an estimation of the land that had not been passed through the Native Land Court and which remained in Maori hands. The figure for Wairarapa was 95,442 acres. Therefore, the total area of land in Maori hands, given by the Government survey in 1886, was 162,012 acres 3 roods 8 perches (plus whatever reserves came out of the Mangatainoka block). This represented about 8 percent of the total area.

95. This is possibly another name for Upper Tauheru, the 10,000-acre block for which an agreement to sell had been signed in 1873 but for which no actual sale was recorded.

Wairarapa

How many people were there to share this area of land? In 1871, Heaphy estimated Wairarapa's Maori population at the time to be 850.⁹⁶ This proved to be an unusually high figure. In 1878, the population was given as 714. No explanation was given of the apparent drop, and the people of the area were described as healthy.⁹⁷ In 1881, the population was given as 744 and in 1886 it was estimated at about 757 (the estimation derived from 707 Wairarapa Maori being present on the day and about 50 being out of the area). Maunsell, who took the last census, did admit that his figure might under-estimate the population. He observed that children particularly might have been omitted because Maori were reluctant to cooperate, 'treating the census with suspicion and abhorrence'.⁹⁸ Tentatively then, one could estimate the Maori population in Wairarapa in 1886 to be between 800 and 900. This equates to roughly 214 acres for each man, woman, and child if the population was 757 and about 180 acres for each if the population was 900.

Crucially, these figures tell us little about what went on at the hapu level. Logically, some hapu were worse off than the Wairarapa average. If the Tribunal was to decide that the Crown had an obligation to ensure that each hapu was left with enough land (however 'enough' is defined), then matters would be complicated considerably.

96. Heaphy, p 46

97. AJHR, 1878, G-2

98. AJHR, 1886, G-12

5.6 THE FATE OF THE FINAL 8 PERCENT OF WAIRARAPA IN MAORI HANDS

From the 1890s, this last 160,000 acres in Maori hands gradually contracted, the stars on Paora Te Potangaroa's flag grew fainter. The history of Maori land holding in Wairarapa from then becomes increasingly complicated. Some 'Maori land' was retained, a lot was sold, yet also some Maori land became general land still owned by Maori. To furnish accurate details on this history would require considerable research. I have taken a brief look at the block histories of some of the larger areas left; a sample shows the divergent experiences of different areas.

The Mataikona block, on the East Coast, was listed as 18,131 acres in 1886. In 1995, 17,690 acres still remain as 'Maori land'. It appears that most of the area has been leased for part of the time, although an application to lease 17,091 acres was refused on 5 December 1907.⁹⁹ The Pukengaki block, 4635 acres in the heart of the Wairarapa Plains east of Greytown, provides an example of land no longer being 'Native land' but still remaining in Maori hands. The block was divided between 71 Maori owners on 13 November 1883. By 1909, 2568 acres remained as 'Native Land', while 1782 acres were owned by the Jury family, a prominent Maori family of the area. The Jurys had purchased 1543 acres from Maori owners during 1907, the rest of their 1782 acres presumably coming from the original subdivision of the

99. Mataikona alienation file. For further references, see the respective alienation files.

Wairarapa

block. The family bought another 1312 acres from Maori owners between 1911 and 1914, while a further 289 acres were sold to E M Swainson, a local Pakeha. By 1914, over 3000 acres of this prime Wairarapa land remained in the hands of a prominent Maori family. The question remains whether the best interests of the other Maori owners were served by this accumulation of land in the hands of the Jurys. Only 967 acres remained as 'Maori land' in 1914, of which 98 acres remain in 1995.

A large proportion of the Okurupatu block, 5516 acres of valuable grazing land just east of Te Ore Ore, was similarly sold in the 1910s. The block was subdivided in January 1890 having been originally inalienable for 21 years. Between 1910 and 1913, 1884 acres were sold to Pakeha individuals. It is an interesting fact that five of the eight individuals who bought parcels were females: Grace Shaw, Euphemia McKay, Catherine McKenzie, Madeline Cameron, and Elizabeth Brown. The prices paid at the time were usually at or above the Government valuation, which was about £10 per acre at the time.

The large reserve from the Pahaoa block, Te Unuunu (1775 acres), remained entirely in Maori hands until 1918–20, when about 160 of the 380 acres in Te Unuunu 2 were sold. The failure of an earlier attempt to buy the land demonstrated an attempt by the Government, particularly the Native Land Board, to ensure the retention of land by Maori, as well as some of the motivations that accompanied that urge. A majority of the owners of the Te Unuunu 2 block had decided to sell the land

Sales and Land Matters, 1865–1900

to W Cameron. A major motivation for seven of the owners was debts they had run up to Cameron. The minutes of the board noted that the owners had no money to fence, plough or clear the land and had got into the habit of getting advances from Cameron to meet their pressing needs. The board refused to let the sale go ahead as it would render the sellers landless. The observation was made, ‘the way things were going they would soon become a burden on the state’.¹⁰⁰ Te Unuunu 1 (1503 acres) remained in Maori hands for the while, but was leased for 21 years in 1915. In 1995, 954 acres remains as ‘Maori land’. The sale of parts of another large reserve from the Pahaoa block, Waikekeno (1660 acres), was sometimes linked to the payment of debts. In this case sales were allowed through. Lists of the sellers’ other land holdings were furnished before confirmation of the sale was granted, however. About 580 acres were sold by 1915. Similarly, about 230 of a total of 2745 acres in the Te Whiti blocks were sold between 1910 and 1920. Debt was the crucial factor in the decision of Rihara Ihaia to sell his 136 acre interest. A list of accounts from local storekeepers totalling £322 was put before the board. The sale of his land for £2,002 was confirmed in October 1915.

This brief survey indicates that most of the land held at 1886 was held until the turn of the century. From there each area had its own history, just as each individual Maori either prospered, maintained a living or struggled. Some areas like Mataikona remained in Maori hands, whereas others were gradually sold. No firm conclusions can be made about the experiences of Wairarapa Maori from 1880. Certainly not all

100. Minute, 9 November 1914, Te Unuunu alienation file

Wairarapa

sales of 'Maori land' were indications of mounting debt and poverty. They might just as easily have indicated enterprise, as in the case of Pukakau Maika who sold 49 acres at Te Whiti in 1915 for £1047 in order to purchase 100 acres of cropping land on the main road between Masterton and Carterton.¹⁰¹

101. Te Whiti alienation file