

## CHAPTER 5

# RAUPATU AND FURTHER CROWN PURCHASING, 1862–75

### 5.1 INTRODUCTION

By 1862, the Hawke's Bay runanga had largely thwarted the attempts of the Crown to continue its land purchasing programme. As chapter 4 has detailed, attention then shifted to the Ahuriri Plains and the direct purchasing of Maori land via the Native Land Court. The Crown continued to purchase land, concentrating in those areas for which negotiations had already begun. The most significant purchase after 1862 occurred in the Tamaki-Nui-a-Rua, or Seventy Mile Bush area. Ballara and Scott's block file, while not exhaustive, does cover the basic issues to a degree sufficient to make further research unnecessary for the purposes of this report. The other area in which Crown purchasing was concentrated in this period was in the Kaweka ranges. For reasons of consistency, this chapter will include short summaries of the alienation history of these two areas.

The reasons for the Crown's purchase of Tamaki are quite clear. As well as containing valuable timber and potential pastoral lands, it provided a gateway to Manawatu, Wairarapa, and Wellington. The Kaweka ranges appeared to be purchased for their strategic importance. Ngati Tuwharetoa interests in the area were strong, and it made sense to purchase land linking Hawke's Bay with the Volcanic Plateau. Up until 1870, the plateau was operating beyond the limits of British sovereignty, and therefore remained a threat to Hawke's Bay.

The period 1862 to 1875 is characterised by the New Zealand Wars. This chapter will discuss the context provided by the wars which led to a supposed rebellion in Hawke's Bay by Pai Marire supporters. This rebellion was then used by the Crown to justify its confiscation of 270,000 acres in the Mohaka–Waikare district. It seems clear that the Crown used the policy of raupatu to gain two things. One was to secure an important strategic route from Napier to Taupo. The other was to obtain land in Mohaka–Waikare, as the Crown's efforts to purchase had become particularly complicated and frustrating for Donald McLean, the omniscient Crown presence in Hawke's Bay during this period. While most of the raupatu land was 'returned', significant portions were not; as well, the owners of the returned blocks did not appear to represent all of the customary owners, and were beset with complications brought about by delays in surveys and the issuing of Crown grants.

A third function of this chapter will be to attempt to summarise aspects of Maori social and economic status up until 1875. This section will comment on changing Maori responses to Crown purchasing activity, and changes in political alliances. Its

purpose is to provide, from mostly official sources, a methodological framework within which further more detailed research could take place. To that end, it will comment on Maori employment, income, education, population, and position within the growing development of Hawke's Bay.

## **5.2 THE CONFISCATION OF MOHAKA–WAIKARE**

### **5.2.1 Introduction**

For the purposes of this report, the history of the confiscation of the Mohaka–Waikare district has been divided into two parts. The first includes an analysis of the Crown's desire to obtain land in the region, the political relations between different Hawke's Bay hapu, the supposed rebellion of at least one of those hapu, and the consequent proclamation by the Crown confiscating 270,000 acres of Mohaka–Waikare land. It will also comment on the Crown's attempts to secure Maori support for the confiscation, by returning some of the area to certain Maori, and paying for the cession of ownership rights to other areas. Part two of the Mohaka–Waikare story, which will be covered in chapter 6, concerns the Crown's purchasing of the blocks returned to Maori following the confiscation. All of these purchases took place in the early decades of the twentieth century.

### **5.2.2 Background**

The Crown were interested in buying the Mohaka–Waikare district in 1851. Portions of the coastal land were offered to Donald McLean in April of that year, but McLean took advice from Te Hapuku, who told him to hold out for all of the land between the Ahuriri and Mohaka blocks. Resistance to a large sale by Maori occupants of the area meant that purchasing plans were put on hold through the 1850s. Two blocks, Arapaoanui and Moeangiangi, were purchased in 1859, yet the Moeangiangi sale, in particular, was contested by the powerful Hawke's Bay runanga. Calls for the repudiation of the Moeangiangi purchase resulted in the Crown's land purchaser, Samuel Locke, refraining from further purchasing activity in the area, and not attempting to survey the two blocks that had been purchased. In 1860, then, the runanga's opposition to further Crown purchasing and their support for the King movement's objectives reached its zenith. Events in Taranaki were viewed by the runanga with some alarm, and rumours abounded among Maori that the Crown was actively considering seizing land by force.

Joy Hippolite indicated that a shift in the runanga's attitude occurred in late 1861. This was noted by Cooper, the Crown's district officer for the Native Department. Possible reasons for what became a softening in attitude towards the Crown, were the return of Governor Grey, the end of fighting in Taranaki, and a change in

government to the Fox ministry. Hippolite has argued that the Fox Government worked hard to force a split in Ngati Kahungunu from the King movement.<sup>1</sup> While some of the coolness between the runanga and the Government had dissipated, as a result of Fox's efforts, Hippolite still believed that significant sympathy for the King movement remained, and that Hawke's Bay Maori were pursuing a separate policy, designed to protect their specific interests.

### **5.2.3 Events leading to the battles of 1866**

When the Waikato was invaded by Governor Grey in 1863, no Hawke's Bay men went to war, but some supplies and money may have been forwarded to those fighting.<sup>2</sup> Rumours continued to circulate among Europeans that Hawke's Bay could suffer an attack from some Hawke's Bay hapu who were actively supporting the Kingites. G S Whitmore, Napier civil commissioner, wrote to the colonial secretary in January 1864, warning that Te Rangihiroa of Ngati Hineuru had been 'making inflammatory speeches'. He did feel confident, however, that it was:

quite possible to keep the whole Ngatikahungunu tribe on the best terms with Europeans, partly through their run leases, partly through their old feuds with the Waikatos, and partly by fear of losing their lands.<sup>3</sup>

It appears that Renata Kawepo and Karaitiana Takamoana, leaders of the runanga, were not pleased at Te Rangihiroa's words either. Whitmore recorded that Renata 'threatened to kill him [Te Rangihiroa]', and that Renata and Karaitiana would 'fight on our side'. Perhaps because of the reasons outlined by Whitmore, Karaitiana and Renata had decided at some point that fighting the Government was not in their best

---

1. Joy Hippolite, 'Raupatu in Hawke's Bay', 1993, of Wai 201 ROD, document I17 pp 9–10

2. Hippolite, I17, pp 11–17. Twenty men from Wairoa fought at Orakau.

3. Civil commissioner, Napier, G S Whitmore, to the Colonial Secretary, AJHR 1864, E–No 3, enclosure 2 in No 17,

## *Hawke's Bay*

interest. Belich has argued that the coastal Ngati Kahungunu chiefs would have fought anyone who threatened their economic interests at Napier.<sup>4</sup> Whitmore's compilation of a list of Europeans who were currently squatting on Maori land revealed that the coastal chiefs had much to lose, as not less than £12,000 a year was being received in rents.<sup>5</sup> McLean repeated Whitmore's fears of impending conflict later in 1864, warning the colonial secretary of Te Rangihiroa's intentions to attack Napier, perhaps aided by 'the Uriweras [sic]' people.<sup>6</sup> Later in 1864 the new Maori religion Pai Marire gained converts from within Ngati Hineuru, and possibly from other hapu. The Hawke's Bay settlers and the Government directed their fears at the 'Hauhaus'.

---

p 15; see also Hippolite, 117, p 17

4. James Belich, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland University Press, 1986, Penguin Books, p 212
5. Whitmore, 'Return of all persons squatting on, or in anyway occupying Maori Lands over which the native title has not been extinguished, with the fullest particulars that can be obtained as to the character of the tenancy, etc', AJHR 1864, E-No 10, p 4
6. Superintendent of Hawke's Bay, D McLean, to the Colonial Secretary, 11 May 1864, AJHR 1864, E-No 2, p 66

In February 1865 Te Hapuku invited a group of Waikato Pai Marire to Te Hauke. The group stayed for two days at Petane, Cooper noting that this was sufficient time to ‘convert the inhabitants of that village’, adding that Petane had always been ‘notorious as the hot-bed of sedition’.<sup>7</sup> Accompanied by the former native teacher of Petane, Paora Toki, the group visited Renata’s village, Omahu. Renata ‘refused to hold any communication with them . . . but did not attempt to hinder their progress’. Te Hapuku, though accused of doing so, denied joining Pai Marire. He said that some people had, but explained that:

Ko nga tangata ano hoki I mohio ki tera karakia ki te Mitingare, no reira ratou ka karakia, ko au hoki kaore I mohio ki te karakia no reira ahau noho tonu atu.

All those who knew that religion preached by the missionaries remained steady and worshipped. I myself know no religion, and therefore remain so.<sup>8</sup>

Hippolite suggested that Te Hapuku’s purpose in having the Pai Marire visit was to off-set his younger counterparts, Renata and Karaitiana, and that the group soon left for the Wairarapa, reluctant to play pawns in Te Hapuku’s political strategising.<sup>9</sup>

Renata wrote in April 1865 that:

Kua mahea tera kohu te Kingi, a kua puta maiano ko tenei kohu, tona ingoa he Hau hau, he kai tangata.

The King movement has vanished away, and this another mist has made its appearance; its name is Hauhau; its consequences are man-eating . . .<sup>10</sup>

This seems to suggest that by 1865, any surviving support for the King movement on the part of coastal Ngati Kahungunu was seriously eroded. Based on information printed in the Government sponsored *Te Waka o Ahuriri* newspaper, at a hui held at Pakowhai in late April 1865, many Maori felt that Pai Marire represented a ‘threat to

---

7. G S Cooper, acting civil commissioner, Napier, to Hon Native Minister, 25 February 1865, AJHR 1865 E–No 4, No 20, p 19

8. Te Hapuku to Cooper, 25 February 1865, AJHR 1865, E–No 4, enclosure 6 of No 20, with translation, p 23

9. Hippolite, I17, p 25

10. Renata to Taare and Teone, 12 April 1865, AJHR 1865, E–No 4, No 24, with translation, pp 25–26

### *Hawke's Bay*

the order and tranquility of the province'.<sup>11</sup> In May 1865, Cooper reported that the threat of having their lands confiscated for military settlement was also helping Ngati Kahungunu decide their position regarding Pai Marire.<sup>12</sup>

McLean was appointed general government agent for the whole East Coast in March 1865. At the time he was also the Napier member for the House of Representatives, and the Superintendent of the Province of Hawke's Bay. His instructions as general government agent included powers 'to make arrangements as you may think most advisable with the friendly Chiefs of the District', and also to 'supply arms and ammunition to loyal Natives'. In what came to be a large factor in the battles between Maori over the names listed in block schedules in the Mohaka–Waikare agreement, McLean was also instructed to 'offer substantial rewards for services rendered'.<sup>13</sup>

---

11. Richard Boast, 'Report on the Mohaka–Waikare confiscation', vol I, February 1994, document J1, Wai 201 ROD, p 40

12. Hippolite, I17, p 25

13. Weld to McLean, 15 March 1865, AGG–HB 1/1, NA, Wellington, cited in Boast, vol I, p 41

*Raupatu and Further Crown Purchasing, 1862–75*

Hawke's Bay Maori watched with interest the fighting between a Pai Marire faction and another group of Ngati Porou between June and October 1865. Once supported by colonial troops, arms, and supplies, the latter faction proved victorious. The same occurred when different factions of Wairoa Ngati Kahungunu fought between December 1865 and January 1866, the faction with Government support emerging as dominant.<sup>14</sup> Some Napier Maori fought in the Wairoa civil war, and Napier settler militia were also involved in the fighting amongst Te Waru Tamatea's Ngati Hinemanuhiri (Pai Marire), and Ihaka Whaanga's Rongomaiwahine.<sup>15</sup> The results of these engagements were readily apparent at Napier. In mid-1866 the stony foreshore of Mataruahou provided the last resting place for Maori (including Te Kooti) taken prisoner during the first East Coast fighting, before they were transported to the Chatham Islands.<sup>16</sup>

There was apparently a Pai Marire pa at Titiokura, or Te Pohue, from 1865, to which many refugees from the battle of Waerenga-a-Hika pa fled in 1866. It was from there that a party described as Pai Marire adherents travelled to Petane in early October 1866. Ballara and Scott state that McLean sent a 'special written summons' to ask the group to Petane. McLean wanted to give them a chance to 'disarm and surrender'.<sup>17</sup> It appears that this invitation was sent at the same time as an influential coastal chief, Karauria, made a personal attempt to negotiate the surrender of Ngati Hineuru, while they were camped at Te Pohue. Once at Petane, talks continued with Tareha and Karauria; some of the Ngati Hineuru swearing allegiance to the

---

14. Belich, p 210

15. Hippolite, I17, p 27; see also Binney, map on pp 152–3

16. See photograph 118691 1/2, ATL, in Judith Binney, *Redemption Songs*, Auckland University Press and Bridget Williams Books, Auckland, 1995, p 62

17. Ballara and Scott, Mohaka–Waikare block file, pp 29–30

*Hawke's Bay*

Government, and receiving firearms for taking an oath of loyalty.<sup>18</sup> A group of up to 100 Pai Marire, under the leadership of a principal Pai Marire prophet, Panapa, then travelled to Omarunui. They camped on land where Paora Kaiwhata's section of Ngati Hinepare were residing at the time, though the block appeared to be controlled by Paora Torotoro.<sup>19</sup> Why this site might have been chosen is explained in section 5.2.5 below. Apparently the Ngati Hinepare occupants moved to Waiohiki when the Pai Marire arrived. After complaints that the group were raiding local cattle and potatoes, their presence was perceived as hostile, and a large force of coastal Ngati Kahungunu and colonial militia 'attacked and crushed' them on 12 October 1866.<sup>20</sup>

---

18. Evidence of Te Waha Pango to the Native Land Court, Napier Minutebook no 72, 1924, pp 185–186, cited in Boast, vol I, J1, pp 44–45

19. Claimant research may be able to uncover motives for the Pai Marire group's decision to camp at Omarunui. Paora Kaiwhata had fought against the Pai Marire at Wairoa.

20. Belich, p 210

The same occurred to the smaller group of Pai Marire still at Petane. Te Rangihiroa, among others, was killed when a larger force of militia and Maori engaged the party, chasing them back to Te Pohue, where further prisoners were taken. A small group, estimated at 14 people,<sup>21</sup> escaped to Taupo.<sup>22</sup> Among those to escape were the former Native Teachers Paora Toki, of Petane, and Anaru Matete, from Rongowhakaata, Turanganui. The militia, under Colonel Whitmore, was accompanied by the recently reconciled chiefs Tareha, Te Hapuku, Renata and Karaitiana. They did not proceed beyond the Hawke's Bay provincial boundary, stopping near Tarawera. Whitmore posted a warning notice which accused 'the Hauhaus' of having 'invaded the peaceful territory of the sovereign Queen to create a disturbance therein'. This notice was an important gesture. Operating much like boundary pou, which were placed to show the rohe of a chief's mana, the notice served to define the boundary between that of the Queen and Maori King, and that of Ngati Kahungunu and Ngati Tuwharetoa.

Meanwhile, the coastal Maori exercised the practice of muru, rounding up 200 horses, of which Whitmore claimed one-fifth, as the militia's 'fair share of the booty'.<sup>23</sup> Approximately fifty prisoners, including eight women, were transported to the Chatham Islands on 25 October 1866. Another 20 prisoners, again including some women, and children, were brought in to Napier in December 1866, and were transported as well.<sup>24</sup>

---

21. Cooper to Native Minister, 29 October 1866, enclosure 8 in no 8, AJHR 1867, A-1A, pp 11-12

22. Boast, vol I, J1, pp 46-51; see also Peter Gordon, entry on 'Matete, Anaru', DNZB, vol II, 1993, Bridget Williams Books and Department of Internal Affairs, Wellington, pp 319-320

23. Boast, vol I, J1, p 51

24. Ibid, pp 50-52

#### **5.2.4 Rebellion?**

Land in the Mohaka Waikare district was confiscated by virtue of the Crown arguing that Maori within the district had rebelled against the Government. Most of the rebels were identified as Ngati Hineuru. Before proceeding to summarise argument relating to the supposed rebellion, some background information is required. Chapter 3 has already discussed some aspects of the relations between Ngati Hineuru and the coastal Ngati Kahungunu hapu. In 1851 Ngati Hineuru, or to better define the group, those under the leadership of Te Rangihiroa, had camped at Tangoio in order to express their concern over the sale of the inland Ahuriri block. Some of the coastal Ngati Kahungunu hapu had perceived this visit as an act of aggression, and prepared themselves for war. The similarity between this event and those at Petane and Omarunui in 1866, cannot be ignored. Indeed it helps to keep the events of 1851 in mind when assessing the supposed rebellion and invasion of Ngati Hineuru in 1866. Ballara and Scott believed that Ngati Hineuru were still smarting at their rights being ignored in 1851, and that they essentially had two enemies in 1866: the Crown, and the coastal Ngati Kahungunu chiefs.<sup>25</sup> The explanation has merit, and is discussed in further detail in the next section.

---

25. Ballara and Scott, 'Mohaka-Waikare block file', document I1, claim wai 201 ROD, pp 21-22

Both the Ballara–Scott and Boast reports have argued that the fighting in Hawke’s Bay did not warrant the tag ‘rebellion’, or justify the Crown’s subsequent confiscation. Comparing Hawke’s Bay with other districts where the New Zealand Settlements Act was used to confiscate land, Boast noted that ‘this confiscation occurred in what was basically a kupapa district’, by which he presumably meant that the majority of chiefs and hapu were neutral, or fought with the colonial militia.<sup>26</sup> Boast argues that the battle of Omarunui ‘seems in retrospect to have been a small-scale affair which was easily suppressed with Maori assistance’, ‘hardly comparing’, he writes, ‘with the set-piece battles in Taranaki, in the Waikato, and at Tauranga’. Adding that the attack on the Pai Marire group at Omarunui was possibly ‘an unnecessary over-reaction’, Boast concluded with the statement: ‘It really is difficult to find any justification for the Mohaka–Waikare confiscation’.<sup>27</sup>

Ballara and Scott also argued that the threat of an attack on Napier may have been manufactured. Their report details Rev Samuel Williams’s mission to convince McLean, Karaitiana and Renata of the danger posed by having the Pai Marire group so close to the town. Apparently anxious to vindicate his suspicions after the battles, Williams produced a confession from Te Rangihiroa’s son, who was captured at Omarunui, which told of a plan to attack Napier.<sup>28</sup> Ballara and Scott are dubious about how much information was gleaned from the confession, and how much was interpolated by Williams’s over-active mind. They have also pointed out how much the Government ‘was forced to rest on a story put together and documented *after* the fight rather than on primary evidence from before it’ (emphasis in original).<sup>29</sup>

So, did the predominantly Ngati Hineuru Pai Marire intend to attack Napier? Boast thinks that if they did, they went about it in a ‘quite bizarre’ way.<sup>30</sup> Ballara and Scott, through analysis of the admittedly vague letters sent by the group, believed that ‘far from contemplating rebellion, Ngati Hineuru were hoping for McLean to mediate between themselves and what they saw as the belligerent Ngati Kahungunu chiefs’.<sup>31</sup> These historians contend that the attack on Omarunui was in fact partly motivated by a desire to punish Ngati Hineuru for their supposed sheep-stealing from Major Whitmore’s Rissington pastoral estate. The Rissington run was located in the Ngati Hineuru contested portion of the inland Ahuriri block.<sup>32</sup> ‘The battle of

---

26. Boast, vol I, J1, p 65

27. *Ibid*, p 66

28. Ballara and Scott, Mohaka Waikare block file, vol I, pp 24–29

29. *Ibid*, p 29

30. Boast, vol I, J1, p 45

31. Ballara and Scott, Mohaka Waikare block file, vol I, p 30

32. Ballara and Scott, p 32

*Hawke's Bay*

Omarunui, and the skirmish at Petane, were less a rebellion than a mistake', Ballara and Scott have concluded.<sup>33</sup>

---

33. Ibid, p 33

Joy Hippolite has taken a different approach, arguing that the events of 1866 should be seen within the context of Hawke's Bay Maori politics of the time; that, in effect, the battles of Omarunui and Petane were a civil war between different factions of Hawke's Bay Maori.<sup>34</sup> She has argued that it is pointless differentiating between 'loyal' and 'rebel', and that the Crown exploited Maori factionalism in order to secure land, and control a region. The fact that the 1867 confiscation was indifferent to the boundaries of 'rebel' and others would appear to support Hippolite's emphasis. The next section of this chapter will hopefully demonstrate that the Crown was indeed interested in acquiring all the land between the Ahuriri and Mohaka blocks, and will posit a tentative hypothesis that Ngati Hineuru perceived threats to the continued ownership of their land and that it was this which caused their arrival in Hawke's Bay in October 1866.

### **5.2.5 The Crown's acquisition of the Mohaka–Waikare district**

The Crown resumed purchasing in this district sometime in 1864 or 1865. An official list of lands for which negotiations had commenced named three blocks within the Mohaka–Waikare district. Tangoio was listed as a block of 100,000 acres, for which an undefined amount had been paid, the balance to be settled after survey. Ten thousand acres at Tarawera had a deposit of £50 placed on it, the balance again to be settled after survey. Both of these blocks had European squatters on part of them; indeed, G S Cooper reputedly had a 1200-acre sheep run at Tarawera in 1864.<sup>35</sup> Maungaharuru, described as containing 8000 acres, had a deposit of £100 against its name.<sup>36</sup> Its appearance in this list has seen it defined as a Crown purchase, rather than one of the blocks within the confiscation boundary, which were either retained by the Crown, or returned to certain Maori owners. No deed for Maungaharuru remains, however, to confirm exactly what arrangements were made in 1865. Nor do deeds appear to exist for the Tangoio and Tarawera payments.

Explanation for the Crown's advances may be found in evidence relating to the Native Land Court. Once the court started hearings in Hawke's Bay, the Crown's policy, it appears, was to pay certain Maori an advance, which was conditional on them then using the court to gain legal title. The Crown would then purchase the block. This is what occurred with the Moeangiangi Reserve, detailed in chapter 4.4. Although no documents explicitly detailing this policy appear to exist in official records, no better explanation for the sequence of advances, court hearings, and final deeds, has yet been advanced.

---

34. Joy Hippolite, 'Raupatu in Hawke's Bay', 1993, claim Wai 201 ROD, doc I17, p 50

35. Whitmore, 'Return of all persons squatting on, or in anyway occupying Maori Lands over which the native title has not been extinguished, with the fullest particulars that can be obtained as to the character of the tenancy, etc', AJHR 1864, E–No 10

36. 'Return of Native Lands for which negotiations had been commenced', AJHR 1865, C–No 2, 23 August 1865, p 4

Paora Torotoro applied to have the court determine title for four blocks in 1866, Mohaka, Maungaharuru, and Tarawera 1 and 2. The applications were advertised in June,<sup>37</sup> and came before the court in August 1866.<sup>38</sup> None of the applications were heard in August, as surveys had not been completed. Paora Torotoro denied that he had made the application for the Tarawera blocks, and said that he did not want to pursue investigation into them. He maintained that Te Waka Kawatini had made the application, and that the blocks had not been surveyed due to the land being in 'Hauhau country'.<sup>39</sup> This statement appears crucial to understanding the possible motivations for Ngati Hineuru's actions in October 1866. If they were aware of Te Waka Kawatini and Paora Torotoro's efforts to survey and sell their land from under their feet, might that not have provided enough cause for them to protest this action? Such a display would be consistent with their actions in 1851, when they were threatened by the inland Ahuriri block boundaries. If the grudge was against Paora Torotoro, then choosing to camp at Omarunui made sense, as he was the principal grantee of the two Omarunui blocks. If Ngati Hineuru were fearful that certain coastal Ngati Kahungunu chiefs were intent on alienating their land, then their fears appear to have been well founded.

Further applications were made to the court following the fighting of October 1866. Applications for five blocks in the Mohaka–Waikare district, Purahotangihia, Tangoio, Moeangiangi, Te Kuta and Tutira blocks were made on 8 November 1866.<sup>40</sup> Of these, only the Moeangiangi reserve was awarded title by the court (see ch 4). Land purchase officer Locke had completed, via sub-contractors, the surveying of some of these blocks in the winter and spring of 1866. Yet Boast writes that when the cases were heard in December 1866, these surveys, on the instructions of McLean, were not made available to the court. Writing in the following years, Locke said that the surveys were withheld so as 'to facilitate the confiscation of the . . . blocks by the Colonial Government',<sup>41</sup> and that he had managed to persuade the applicants to withdraw in order 'to avoid any further complication'.<sup>42</sup> It is not hard to imagine that by December 1866, McLean felt that using the Native Land Court as part of the purchasing method in Mohaka–Waikare was becoming complicated. Therefore, to overcome any further impediments, he decided to use the New Zealand Settlements Act 1863.

---

37. Boast, vol I, J1, p 58

38. Native Land Court Napier Minutebook 1, micro copy, reel 1, ATL, pp 96–106

39. *Ibid*, p 106

40. Boast, vol I, J1, p 59

41. Locke to Cooper, 27 June 1868, in McLean Papers, folder 25, ATL, cited in Boast, vol I, J1, p 59

42. Locke to McLean, 6 June 1867, AGG-HB 1/1, NA Wellington, cited in Boast, vol I, J1, p 60; **further research is required to unravel the confusion over the purchases made in the 1860s prior to the confiscation, and the blocks brought before the Native Land Court in 1866.**

Just one month prior to the confiscation proclamation, however, one further purchase in the Mohaka–Waikare district was completed. Seven Maori – Ihaka Te Waro, Korari, Paora Hira, Te Teira Te Paea, Tanihana Te Tirea, Mere Kingi, and Wi Maiiai Tekaanu – signed a first deed for the Otumatai (Otumatahi) block, situated north east of the Moeangiangi block, in January 1866. This purchase also appears to have been conducted under the Crown’s lay-by approach to purchasing. The seven signatories were paid £20, probably in order to secure their agreement to confirm the sale after the block had been passed through the Native Land Court.<sup>43</sup> Another deed was signed on 11 December 1866, paying out £400 for 4470 acres. The signatories were different: this time Tieme Puna, Mohi Tapuhi, Watene Tiwaewae, Paora Rerepu, Toha, Pitiera Kopu, Hohepa, and Whatane Kaharunga Moihi Tarapuhi signed. Ballara and Scott have stated that this second deed concluded the sale ‘after Otumatahi had passed the Land Court’. Yet they do not provide a minute book reference. A hearing concerning this block has not been located in the 1866 Native Land Court minutes. Perhaps it was to be considered as part of one of the other five blocks from the coastal area of Mohaka–Waikare that came before the court in November. Why the Crown decided to pay £400 for this block, just weeks before the confiscation of the Mohaka–Waikare block is puzzling, as is the absence of a Native Land Court hearing. Further explanation of why this block was ‘purchased’ rather than confiscated, is discussed, along with the Maungahaururu block, below.

On 8 January 1867 McLean forwarded his request to the Governor and executive council that the area be confiscated. McLean described the area between the Waikare and Petane (Waiohinganga) Rivers, and inland to the Hawke’s Bay provincial boundary, as half being owned by about sixty occupants, the other half owned by ‘Natives who were taken in arms at Oamaranui’. He cited support from Maori that the land owned by those taken in arms should be confiscated. Although describing the area as ‘of very little value’, McLean still noted that the district was bringing in £1300 per annum in rents.<sup>44</sup> Boast believed that as well as the punitive function confiscation provided, McLean probably had strategic purposes in mind; in particular, the construction of a military road along the track from Napier to Taupo.<sup>45</sup> Not only was the road designed to provide easy access to Taupo, the perceived haven for ‘refugees’, but McLean was also keen to see those loyal Maori ‘in such distressed circumstances’ be afforded the opportunity of earning money from construction employment.

The order in council proclaiming the confiscation of 270,000 acres was dated 12 January 1867. The proclamation specifically noted that ‘loyal’ occupants of the area would not have their land retained by the Government, yet the ‘rebels’ were afforded no such guarantee. Instead, they were to receive a ‘sufficient quantity’ of land for their needs, though this was dependant on them submitting to the authority of the Queen. As Boast has pointed out, the Crown, then, was presumably to retain

---

43. Ballara and Scott, Otumatahi block file, vol II, p 3

44. McLean to colonial secretary, 11 February 1867, IA 1/1867/566, cited in Boast, vol I, J1, p 56

45. McLean, undated memorandum, in McLean papers, folder 129, ATL, cited in Boast, vol I, J1, p 57–58

*Hawke's Bay*

any land in the rohe of the rebels, which the rebels did not require for their maintenance.<sup>46</sup>

---

46. Boast, vol I, J1, p 61

At first McLean and the Government proceeded as if the Mohaka–Waikare district would be investigated by the Compensation Court.<sup>47</sup> Delays in getting a hearing, however, appear to have prompted a different course of action. McLean told the Government he would negotiate the division of rebel and loyalist land himself, admitting that part of his motivation was concern over the lessees and their annual £1300 payment in rents. The result of McLean’s efforts, the Mohaka–Waikare No 1 Deed, became known as the 1868 Agreement. It was signed by Manena Tinikirunga and 49 others. Tareha did not sign, and Karaitiana signed as a witness only. In the Agreement, the Crown relinquished any claims it had to the coastal half of the confiscation district, excluding a 8500-acre area called Tangoio, as well as the blocks it claimed to already own, through previous purchases: Otumatahi, Maungaharuru, Moeangiangi and Arapaoanui.<sup>48</sup> The signatories were paid £150 to relinquish their claims to the inland half of the district, an area which the Crown was to retain. The 1868 Agreement probably reflects McLean’s strategic concerns at the time. In 1868 the Ngati Tuwharetoa-controlled central plateau area was perceived as representing a threat to Napier. By keeping the inland half of Mohaka–Waikare for the Crown, McLean may have been using this land as a buffer between Napier and Taupo.

The 1868 Agreement did not settle matters in Mohaka–Waikare, and further efforts were made to tidy up loose ends. Perhaps nervous about the validity of its title to Maungaharuru, the Crown expended further money. Ballara and Scott have located a deed signed on 1 June 1868 by Locke, Toha, Tareha and Tiemipuna, which recorded payment of a further £85 for the extinguishment of Maungaharuru’s title. This was obviously an exercise in retrospective validation. The 1868 Agreement had stated that Maungaharuru was already ‘the property of the Crown’.<sup>49</sup> The Crown’s supposed purchasing of the Maungaharuru block, and Otumatahi, prior to the confiscation of the district added further peices to the growing puzzle of Mohaka–Waikare lands. In attempting to understand the difference between Maungaharuru and Otumatahi, and the blokes confiscated outright by the Crown, it makes sense to follow the lead of the Waitangi Tribunal in its Taranaki report, which criticised purchases that were ‘acquired in a climate of tension and hostility’.<sup>50</sup> It appears justified to view Maungaharuru and Otamatahi in the same light as the other confiscated blocks retained by the Crown.

Trying to unravel further the motives and reasoning behind clauses of the 1868 Agreement is unnecessary, as two years later a new agreement was signed. Boast contends that the 1868 Agreement lapsed because of the renewal of war on the East Coast.<sup>51</sup> Two months after the 1868 Agreement was signed Te Kooti, accompanied

---

47. Boast, p 71

48. Turton, p 557

49. ‘Mohaka–Waikare Block No. 1’, in *Maori Deeds of Land Purchases in the North Island of New Zealand*, vol II, pp 556–558, copied in Ballara and Scott, document bank, sec 107

50. Waitangi Tribunal, *The Taranaki Report: Kaupapa Tuatahi*, Wellington, GP Publications, 1996, p 15

51. Boast, ‘Report on Crown Purchasing of Mohaka–Waikare blocks’, June 1994, document J3 of claim Wai 201 ROD, p 10

by some of the Ngati Hineuru taken prisoner in 1866, had escaped from the Chathams and landed at Whareongaonga.<sup>52</sup>

A party of Napier Ngati Kahungunu, led by Tareha, were involved in the pursuit of Te Kooti in late 1868.<sup>53</sup> One of Te Kooti's party, Nikora Te Whakaunua, a Ngati Hineuru chief, was executed following the siege of Ngatapa.<sup>54</sup> In April 1869 Te Kooti attacked Mohaka. Sixty-one Mohaka men, women and children were killed in the fighting, as well as seven Europeans.<sup>55</sup> Te Kooti made pilgrimage to Tauranga, Lake Taupo, in August 1869. A party of Ngati Kahungunu from Napier, engaged him in September, and, with other forces, again in November.<sup>56</sup> The decision to fight Te Kooti was an extension of the earlier decision made by the coastal Ngati Kahungunu to protect their interests by remaining close to McLean and the Government. As Henare Tomoana later said, he had been requested, presumably by McLean, to gather together an army. As chapter 4 has described, it was during the late 1869 campaign against Te Kooti and immediately after that the important Heretaunga block was sold.

---

52. Binney, p 87

53. Binney, p 136

54. Binney, p 145

55. Binney, pp 160–161

56. Binney, pp 182–183

It was within the context provided by the Native Land Court facilitated alienations in the coastal Ngati Kahungunu hapu's heartland, the Ahuriri Plains, that McLean instructed Locke, by 1869 the resident magistrate for Taupo, Waiapu–Poverty Bay, and Wairoa, to negotiate another settlement of the Mohaka–Waikare district confiscated lands. Although Ormond stated in 1888 that Maori were widely consulted about the second deed, saying that there were 'lots of meetings; lots of travelling', Boast argues that Locke was over-committed, and was probably unable to maintain an adequate level of consultation.<sup>57</sup> It is important to recognise the change in strategic relations brought about by the last 1869 campaign, particularly the surrender of Te Heuheu. McLean chose not to confiscate any Ngati Tuwharetoa lands to ensure their neutrality. Te Kooti, of course, was still a potential, if lessening, threat. It is possible that McLean felt that to continue holding the Ngati Hineuru lands would have breached the good faith of Te Heuheu's surrender. Whether or not that was the case, the threat provided by Te Heuheu, if not Te Kooti, had passed when the second Mohaka–Waikare deed was negotiated.

The Mohaka Waikare No 2 deed was signed on 13 June 1870. As instructed by McLean, Locke had made provision for Tareha due to his recently 'becoming dispossessed of most of his landed property'.<sup>58</sup> The 1870 deed also may have reflected McLean's new attitude towards confiscation, as exemplified by his letter to Ormond, in which he stated:

I believe that the Members of Cabinet are agreed that the confiscation policy as a whole has been an expensive mistake. . .<sup>59</sup>

---

57. Boast, vol I, J1, pp 82–83

58. McLean to Locke, 18 November 1869, MA 1/5/13/132, Tarawera–Tataraakina block, Mohaka and Waikare districts, Part 1, RDB vol 60, p 22949, cited in Boast, vol I, J1, pp 83

59. McLean to Ormond, no date supplied, AGG-HB 1/1, NA Wellington, cited from Boast, vol I, J1, p 85

## *Hawke's Bay*

Boast leans toward the view that McLean lost faith in confiscation generally, rather than just in Hawke's Bay. Either way, McLean was dissatisfied with the original confiscation, and the 1868 Agreement, and wished to make other arrangements. The 1870 deed, therefore, can be seen as an attempt to settle the 'mistake' of 1867. In the deed the Crown retained a coastal Tangoio block (9050 acres), the inland Waitara block (40,000 acres), and the strategic redoubt sites at Te Haroto (1000 acres) and Tarawera (2000 acres). As well as containing prime land, the Crown's acquisition of the Tangoio block probably served as a reminder to the community at Tangoio, not to contemplate joining Te Kooti. The Waitara block, again, was a valuable pastoral run, as well as providing land for the Napier Taupo road, and a corridor of land between the Ahuriri and Mohaka Crown purchases. The redoubt sites also provided protection for the road. The 1870 Agreement allowed the Crown an easy means of acquiring useful public reserves. A further 10 acres was taken for a public landing at Whakaari (site of a former whaling operation), and fifty acres was taken for a ferry landing site on the Mohaka River: a total of just over 50,000 acres in all.<sup>60</sup> The Crown also retained the blocks it considered it had already purchased: Moeangiangi, the Moeangiangi reserve, Arapaoanui, Otumatahi, and Maungaharuru. A payment of £400 was made to Tareha and 28 others in 'full and final settlement' for Mohaka–Waikare. Of the three chiefs who did not sign the deed receipt, but did sign the deed, two were Paora Torotoro and Rewi Haukore, the grantees of the Omarunui block.<sup>61</sup> Ballara and Scott suggest that the £400 payment might have been to pacify Tareha's demands that *all* the loyalist land in Mohaka–Waikare was to be returned following the confiscation. Tareha's understanding had originated from the 1868 Agreement. If

---

60. Boast, vol I, J1, p 93. Actual figures of what the Crown retained remained estimates since surveys were not

this payment represented, in effect, a final instalment for the down-payment made on the Tangoio area in 1865, it was not made to the customary owners and occupiers of the area.<sup>62</sup>

The rest of the confiscation area was divided into twelve blocks (see fig 7). Various names of ‘loyal’ Maori were placed under each block name in the schedule attached to the 1870 deed. The number of names on the blocks’ schedules averaged 30. These ‘owners’ were to receive certificates of title for their respective blocks. This was a better deal than that afforded by the Native Land Court at the time, which was still observing the 10-owner rule. Of added significance was the inclusion in the deed of the clause:

That the whole of the land [to be retained by Maori] shall be made inalienable both as to the sale and mortgage, and held *in trust* in the manner provided, or hereinafter to be provided by the General Assembly for Native Lands held *under trust*.<sup>63</sup> [Emphasis added.]

Having purchased or seized for its own purposes a large proportion of the best land in the confiscation area, the Crown was acknowledging with this deed that Hawke’s Bay Maori wished to secure for themselves their remaining lands in perpetuity. Whether the Crown ensured that it remained committed to honouring this desire will be dealt with in chapter 6, as will the meaning of the words ‘in trust’, and ‘under trust’. As well, queries and protests over the names in the lists, and the delays in surveying and issuing of Crown grants, will also be discussed in chapter 6.

The 1870 deed was validated by legislation the same year. The Mohaka Waikare District Act 1870 stated that Crown grants would be issued to those named in the

---

completed till later in the 1870s.

61. Turton, pp 560–562

62. Ballara and Scott, Mohaka–Waikare block, p 41

63. ‘Mohaka–Waikare Block No 2’ Deed, 13 June 1870, in Turton, p 559, copied in Ballara and Scott, document bank, section 108.

*Hawke's Bay*

1870 deed, and that the returned blocks could not be alienated except by 21-year lease or by the 'compulsory taking of land for roads railways or other public works'. The Native Land Court was to determine succession of those issued with Crown grants. As Boast has pointed out, the returned blocks were in an unusual tenurial position. As a result of the confiscation, all the land had become Crown land. The investigation into and identification of customary owners was carried out in largely unreported hui, and by deed. The succession investigations were to be carried out by the Native Land Court, despite the fact that the court was not involved in the original

awarding of title.<sup>64</sup> The last point in particular was to prove the most enduring complication.

### **5.2.6 The situation of the confiscated lands as at 1875**

The signing of the 1870 deed and passing of its empowering legislation appeared to settle matters concerning the Mohaka–Waikare lands for a short period at least. By 1875 Maori on the block schedules were waiting patiently for their Crown grants to be issued. The hold-up included arguments over the acceptability of surveys completed by Locke in 1866, who would pay for these completed surveys, and who would pay for any further surveying still required. The Crown went ahead and surveyed its blocks in 1873.<sup>65</sup> Construction of the Napier-Taupo road continued, with some Maori gaining employment. Rents were still being paid by Europeans with leases on the blocks returned to Maori, yet Maori naturally lost the rents paid on the Waitara and Tangoio blocks confiscated by the Crown. By 1872, the political attention of Hawke’s Bay Maori had shifted from confiscation to the operations of the Native Land Court and the repudiation movement.

## **5.3 CROWN PURCHASING IN THE KAWEKA AREA**

### **5.3.1 Introduction**

Despite the rugged inclines and high altitude, including some places almost impregnable by foot, the relatively inhospitable Kaweka ranges were a rich food source for Maori. Kiore, eels, root tubers and all manner of avifauna were reason enough for many different hapu to frequent the area at particular times of the year.<sup>66</sup> The lower ranges also afforded some promise as pastoral runs, and it was for that reason that the area first came before the notice of the Crown land purchasers.

---

64. Boast, vol I, J1, p 99

65. Horace Baker, Chief Surveyor, to surveyor general, telegraph, 1872 or 1873 (date unclear), MA 1/5/13/132, NA Wellington, cited in Boast, vol I, J1, p 101

66. Ballara and Scott, Kaweka block file, pp 1–4

The 1851 Ahuriri block deed extended its eastern boundary to 'along the ridge of Te Kaweka (ka waiho tonu te rohe kei runga i te tihi o te Kaweka)'.<sup>67</sup> Ballara and Scott doubt whether this was the boundary agreed to by the customary owners (see ch 3). The Kaweka area did not escape the attention of the group of chiefs who visited Wellington in early 1854, selling land in 'secret deals', without the consent of all the customary owners. The Ngaruroro block of 5000 acres, which covered the later blocks known as Timahanga, Omahaki, Ohauko and Kuripapango, is recorded in the form of a deed receipt.<sup>68</sup> Two hundred pounds was given to the six signatories as a down payment on the land. No further payment was made and it appears that the block was divided up within other, later purchases.

### **5.3.2 Crown purchasing in the late 1850s**

On 4 July 1855, Cooper wrote to McLean stating that he had agreed to pay £1000 for 50,000 acres for 'block no 5', which Ballara and Scott believe referred to what became known as the Kaweka block.<sup>69</sup> No record of further purchasing appears in the official records, however, until 1859. Most probably, attention was focused by Cooper and McLean on the more valuable blocks on the plains, and by the resulting conflict over these sales in 1857. Purchasing in the Kaweka area resumed in 1859. It was characterised by ill-defined block areas, a lack of even rudimentary surveys, and very little investigation into the identity of the customary owners. The Ranga a Tawhao block, situated to the west of the inland Ahuriri block border, was apparently sold by the Ngati Kahungunu chiefs Te Waka Kawatini, Karaitiana, Tareha, Paora Torotoro and two others. No deed appears in Turton's *Deeds*, however, though a deed receipt dated 28 June 1859 exists, whereby the above chiefs were paid £350; the balance was to be paid following survey.<sup>70</sup>

A month later Te Waka Takahari was paid £30 'for his lands' at Ranga a Tawhao. Twenty days later Te Moananui and others were paid £100 for 'the whole of the Kaweka, from the eastern to the western side'. In both cases the exact acreage and 'balance of the price' were to be determined following survey.<sup>71</sup> Locke, however, found that he was prevented by Maori from completing surveys of Ranga a Tawhao and Kaweka in early 1860. Cooper preferred to tell McLean that 'preposterous demands' for 'land of the worst possible description', and the cost of surveying land 'quite useless for sheep-runs', were the reasons for the non-completion of the purchases.<sup>72</sup>

---

67. Turton, 'Ahuriri' deed, 17 November 1851, pp 491, 488, in Ballara and Scott, document bank, section 108

68. Turton, Ngaruroro block deed receipt, 14 February 1855, p 578, in Ballara and Scott, document bank, section 108

69. Ballara and Scott, Kaweka block file, p 7

70. Turton, Ranga-a-Tawhao deed receipt, p 590, in Ballara and Scott, document bank, section 108

71. Turton, Kaweka deed receipts, 7 July and 20 July 1859, pp 591–594 in Ballara and Scott, document bank, section 108

72. Ballara and Scott, Kaweka block file, pp 9–10

### 5.3.3 Completion of the purchase of Kaweka

Ballara and Scott have located what they believe to be the final deed for the Kaweka block proper, signed on 15 June 1864. Handwritten, and not published in Turton's *Deeds*, the described boundaries, and signatories were similar to those detailed in the 1859 deeds. Although paid £300, presumably for the final extinguishment of the signatories' claims to the area, a survey had still not been completed. Instead, a sketch map appeared in the margins of the deed.<sup>73</sup> Research is required to accurately ascertain the amount of land that was finally included in the surveyed block, and whether it fairly equated with the estimations at the time of sale. Without this most basic information, it is difficult to come to any preliminary conclusions about the Crown's purchasing activity in this area. Claimant research should ascertain whether all the customary owners were identified and consulted by the Crown when deeds were negotiated. It appears possible that chiefs such as Tareha, Te Waka Kawatini and Karaitiana, whose claims to land were strongest closer to the coast and in the Heretaunga Plains, were willing to sell lands of marginal use to them. There appears to be no other explanation for someone like Karaitiana's willingness to sell at a time when he was vigorously opposing sales of the Ahuriri–Heretaunga Plains. Another possible reason for the Crown's interest in purchasing the area was the strategic buffer zone it provided between Hawes Bay and the Volcanic Plateau. A further explanation is that Locke was attempting to make significant purchases in the volcanic plateau in the early and mid-1870s, and that the Kaweka region provided a stepping stone to this end.<sup>74</sup>

The Crown's tactic of purchasing various people's rights in a piecemeal fashion over a couple of decades, as it relates to the Kaweka ranges, is also something that requires further research. Given that surveys were not completed until decades later, and that the first pastoralists and their sheep who braved the rugged terrain did not do so in any numbers until the 1870s,<sup>75</sup> it is likely that various Maori users of the resources of Kaweka would have remained oblivious to the acquisition of the land by the Crown in 1864. Indeed, a further deed, for land called Mangatainoko–Mohaka, but which lay 'entirely within the 50,000 acres of the original Kaweka block', was signed on 3 May 1875 by 43 Maori apparently representing Ngati Kurapoto. Among the recipients of the £540 were Tareha, Toha, and Te Heuheu.<sup>76</sup> Overall the Crown spent just under £1000 for approximately 50,000 acres over a period of 20 years. No reserves were made in any of the sale deeds. Having expended that money, however, the Crown proceeded to neglect its acquisition. Wild dogs plagued the area in the later 1860s, and wild pigs roamed in large numbers, uprooting vegetation and causing erosion.<sup>77</sup> It is the Crown's lack of respect for the

---

73. Ballara and Scott, Kaweka block file, pp 10–11

74. B Bargh, *The Volcanic Plateau*, Wellington, Waitangi Tribunal Rangahaua Whanui Series (working paper: first release), November 1995, p 47–48

75. Matthew Wright, 'A History of the Eastern Kaweka Ranges', unpublished, New Zealand Forest Service, Napier, 1984, p 6

76. Ballara and Scott, Kaweka block file, pp 12–13

77. Wright, 'A History of the Eastern Kaweka Ranges', pp 2–14

environs that it had purchased, that may well form a substantial part of the claims over the Kaweka area.

## **5.4 THE PURCHASE OF TAMAKI-NUI-A-RUA**

### **5.4.1 Background**

In 1870, Tamaki-nui-a-Rua (known by Europeans at the time as the Seventy Mile Bush, Forty Mile Bush, Tamaki Bush or The Bush) remained the largest area of land in Hawke's Bay left in Maori ownership. Because of this, and due to its good soil, large stocks of totara and matai, and most importantly its strategic position straddling Manawatu and Wairarapa, it attracted the attention of those in government wishing to promote the Immigration and Public Works Act 1870. J D Ormond, the Superintendent of the Province of Hawke's Bay, and his political ally, the Native Minister Donald McLean, were both keen to open up the bush lands in the interests of the province's progress and growth.

Some customary owners of the 300,000-acre territory had made their intentions to hold onto their land very clear to Cooper in 1857. Writing privately to McLean in February of that year, Cooper explained that 'the Tamaki Bush will not be sold at present. I have always thought so and said so from the first, and all I hear confirms me in the opinion'.<sup>78</sup> Nevertheless, cash advances were made in the late 1850s by McLean and Cooper. This brought some success on 7 October 1859 with the signing of a deed for a block of land called Makuri. Payments made, and dating as far back as 1855, totalled £350. This block, according to Ballara and Scott, was repurchased as part of the Puketoi blocks in 1871.<sup>79</sup> The Omarutaiari or Takapau block was also purchased in 1859, but not without protest from other owners.<sup>80</sup> Small cash advances continued to be paid in the 1860s to chiefs likely to sell land in this area. Private opportunists saw advantage in the area as well; at least two pastoralists were illegally occupying 13,000 acres between them by 1864.<sup>81</sup>

### **5.4.2 Intensive purchasing, 'groundbait', and the Native Land Court 1870–71**

---

78. Cooper to McLean, 24 February 1857, McLean Papers, folder 227, ATL, cited in Ballara and Scott, Tamaki block file, p 13

79. Ballara and Scott, Tamaki block file, p 15

80. Ballara and Scott, Omarutaiari block file, p 6

81. G S Whitmore, civil commissioner, 'Return of all persons squatting on, or in any way occupying Maori lands over which the Native title has not been extinguished . . .' AJHR 1864, E–No 10, p 6

In April 1870 Ormond telegraphed the colonial secretary, W Gisborne, asking for £150 to be forwarded to him to aid purchase proceedings. Ormond wanted the cash in order to pay £10 or £20 advances to certain ‘upper-Manawatu’ chiefs to enable them ‘to live here [in Napier] whilst negotiations go on’.<sup>82</sup> This telegraph indicates that Maori incurred debts while in land purchase negotiations away from their own settlement. It is also worthwhile to note whether such advances were to be deducted from the final purchase figure. As well as making nominal and informal payments, the Crown also gave money with conditions attached. This has been described earlier in this chapter as being part of a lay-by approach to Crown purchasing. On 29 April 1870 preliminary deeds were signed for three blocks: Maharahara, Te Ahuaturanga and Puketoi. A nominal sum of £50 per block was paid, the bulk of the purchase money to be finalised following the passage of the blocks through the Native Land Court. The lay-by approach may not have been explicit policy, but it was certainly evident in practice. By August 1870, however, Locke indicated that Porangahau Ngati Kahungunu,<sup>83</sup> led by Henare Matua, Nopera, Paora Hakara, Aperahama and others, were opposed to the proposed sale. Locke, though, believed that the ‘Rangitane whanui’ were the principal owners and supported sales of the area.<sup>84</sup> Perhaps as a sop to some of the disgruntled owners, the Native Reserves Commissioner, Charles Heaphy, had reserved the 12,000-acre Oringi Waiaruhe block, which was situated in the Tamaki Bush, in May 1870.<sup>85</sup> This was one of Heaphy’s trust deeds. J D Ormond, who was already leasing the block, continued to do so.

Locke worked hard in the period leading up to the first court hearings in September 1870. This was largely due to the growing opposition to the sale of Tamaki, coming in particular from Henare Matua, and H R Russell, Ormond and McLean’s political foe. This anti-selling sentiment evolved into the repudiation movement. One of Locke’s tactics was later described by interpreter James Grindell:

Negotiations have been going on for more than a year with the view to purchasing the 70 mile Bush. In the course thereof, money has occasionally been advanced as ‘groundbait’, for surveys to enable the lands to be passed through the Court.<sup>86</sup>

---

82. Ormond to Gisborne, 4 April 1870, telegraph, MA 13/8/b, NA Wellington, cited in Ballara and Scott, Tamaki block file, p 18

83. Though some of them sometimes claimed Rangitane status as well.

84. Locke to Ormond, telegraph, 3 August 1870, AGG-HB 3/18, NA Wellington, cited in Ballara and Scott, Tamaki block file, p 21

85. ‘Report on the Native Reserves in the Province of Hawke’s Bay’, AJHR 1870, D–No 16, enclosure in No 9 Heaphy to Native Minister, 29 May 1870, p 14

86. James Grindell, note on MA 13/82b, NA Wellington, undated, but Ballara and Scott believe it to be about June 1871,

The first hearing was held on 8 September. The 110,000-acre Puketoi block application was brought by Huru Te Hiaro, who claimed that the land belonged to Rangitane only, and that his intention was to gain unrestricted alienability as he favoured selling the land. He also submitted to the court that other Rangitane were not disposed to sell.<sup>87</sup> The court split the block into five, one of which was identified by Locke as the former Makuri block, and consequently exempted from court proceedings. The other four were granted to ten owners each, despite Huru Te Hiaro producing a list of 47 owners. Section 17 of the Native Lands Amendment Act 1867 provided for a list of owners to be recorded on the certificate of title, yet, for reasons not recorded in minutes, the court did not utilise this option. (see app II).

Other blocks were heard on the same day. In awarding shares for the Te Ahuaturanga block, the court rejected all claims other than those of Rangitane. Again, despite the Rangitane applicant, Hohepa Paewai, submitting a list of 66 people, the block was granted to just seven people.<sup>88</sup> The Maharahara block proceeded through the court in a similar fashion. Hohepa Paewai named 73 individuals, claims other than that of Rangitane were dismissed, and only seven names appeared on the certificate of title. Ballara and Scott criticised this practice of the court, for the reason that it 'disempowered many Rangitane people'.<sup>89</sup>

Two blocks, Tamaki and Piripiri, of 27,000 and 17,000 acres respectively, had their alienability restricted to provide for 21-year leases only. A further nine blocks were also heard (Manawatu 1–4, 4A, 4B, 5–7), and awarded to ten owners or less over a three day period. This haste led Ballara and Scott to conclude that the

---

cited from Ballara and Scott, Tamaki block file, pp 34–35

87. Ballara and Scott, Tamaki block file, p 24

*Raupatu and Further Crown Purchasing, 1862–75*

hearings ‘were hardly adequate investigations of the Maori ownership and occupation of the Seventy Mile Bush’.<sup>90</sup> Locke submitted in 1873 that the hearings were held over ten days, and that 304,000 acres were divided into 17 different blocks, with 60,870 acres either reserved or with restricted alienability.<sup>91</sup>

---

88. Ballara and Scott, Tamaki block file, p 26

89. Ballara and Scott, Tamaki block file, p 30

90. Ibid

91. Locke, memorandum for commissioners re Tamaki, 28 February 1873, appendix no 10, Hawke’s Bay Native Lands Alienation Commission 1873, AJHR 1873, G–7, p 170

Despite the rejection of the claims of most of the anti-selling faction, Locke was still displeased at the outcome of the hearings. He wanted the large blocks to remain intact, the inference being that smaller blocks and more owners would lead to more difficult purchases. Nevertheless, Locke's purchasing proceeded on a comprehensive scale. In April 1871 Ormond reported that the Crown offer of £14,000 for about 230,000 acres had been rejected, as the owners were holding out for £20,000.<sup>92</sup> In fact many who were willing to sell were actually asking up to £30,000 for all the blocks, less any reserves they named. Karaitiana Takamoana, who was Rangitane through his father, led a group who were willing to sell for a lower price. In April 1871 it was calculated that Locke had made advances up to of £1300 to Karaitiana and 23 others. The laying of 'groundbait' proved effective. On 1 June 1871, twelve grantees (many of whom featured in a number of the blocks), signed an agreement to sell the twelve blocks the Crown wished to purchase. The total amount agreed to was £16,000, of which £600 was paid immediately.<sup>93</sup> Ormond complained to McLean that the amount was likely to rise to £18,000 once survey costs and bonuses to chiefs had been factored in to the price. He blamed 'interested Europeans' who had 'put an undue value on the land' by telling Maori of the importance of having 'these lands for purposes connected with the colonizing scheme of the government.'<sup>94</sup> Two further months of negotiations with other share-holders ensued. On 16 August £12,000 was paid to the 69 signatories of the Seventy Mile Bush Deed (though 23 appeared not to have signed until up to a month later).<sup>95</sup>

---

92. Ormond to Premier Fox, 6 April 1871, MA 13/82b, NA Wellington, cited in Ballara and Scott, Tamaki block file, p 33

93. Ballara and Scott, Tamaki block file, p 36

94. Ormond to McLean, 17 June 1871, AJHR 1871, D-7, No 5, cited from Ballara and Scott, Tamaki block file, pp 36-37

95. Turton, 'Seventy Mile Bush (Tamaki)' deed, 16 August 1871, pp 562-569, in Ballara and Scott document bank,

Final completion of the purchase, however, rested on gaining the signatures of those grantees not party to the agreement and August deed. Ormond and Locke's tactics to achieve this have been criticised by Ballara and Scott. In their report they point to a letter in which Locke refers to 'the question' of the 'amount of money to be kept back'.<sup>96</sup> Ballara and Scott believe that this money was kept back from the agreed £16,000 price in order to buy out remaining shareholders at a later date:

By this method the Government held onto a share of the agreed price with the intention of later inducing the non-sellers to relinquish their rights. This tactic meant they could force the price down on the basis that the Government was not getting immediate title to the whole of the block . . . the net result was a price far lower than the £30,000 or even £20,000 that was demanded as fair compensation for the Bush.<sup>97</sup>

The Maori who were unwilling to sell employed their own tactics. They threatened to Locke that they would partition their interests and lease them privately (which they were well entitled to do). Locke continued to hold money back. The interpreter James Grindell was dispatched to obtain some of those signatures at Tahoraiti, and although successful in this appointed task, he found dissatisfaction and discontent:

---

section 108

96. Locke to Ormond, 8 August 1871, AGG-HB 3/18, NA Wellington, cited in Ballara and Scott, Tamaki Block file, p 38

97. Ballara and Scott, Tamaki block file, p 38

## *Hawke's Bay*

Wirihana Kaimokopuna was the last man who signed, and he did so with great hesitation, resting his head upon one hand and holding the pen in the other for a considerable time before affixing his signature.<sup>98</sup>

Locke failed outright to obtain Aperahama's wife's share, as her husband, he explained, 'became quite excited and ordered me to go away'. Grindell qualified his failure with the comment that: 'Her share of the money is in Hohepa's keeping and will be ready for her whenever she may feel inclined to sign . . .'.<sup>99</sup> So the situation rested for some months, with the Crown holding the bulk of the shares to the twelve blocks included in the £16,000 purchase. In mid-1872 some Rangitane voiced complaint at the distribution of the purchase money: 'You have given all the money for Tamaki to Karaitiana and have not borne us in mind', Peeti Te Awe Awe told Ormond.<sup>100</sup> McLean became aware of the complaint and paid Manawatu Rangitane £500. Further costs were borne by the Crown in the form of gifts of gold watches and swords to chiefs who were described as having taken an 'honourable part' in the Tamaki purchase. Due to mounting pressure from the repudiation movement, Locke was unable to make any in-roads into the remaining shares; instead, he was forced to admit that the Porangahau Maori were instructed to look on him as 'Satan'.<sup>101</sup> Locke's attempt to survey and partition out the non-sellers's shares was rejected: complete repudiation of the sale was being sought by shareholders influenced by Henare Matua's repudiation committee.

---

98. Grindell to Ormond, 24 August 1871, AGG-HB 1/3, NA Wellington, cited in Ballara and Scott, Tamaki block file, pp 41–42

99. Ibid, p 42

100. Peeti Te Awe Awe to Ormond, 8 June 1872, MA 13/82b, NA Wellington, cited in Ballara and Scott, Tamaki block file, p 43

101. Locke to McLean, 10 July 1872, McLean Papers, folder 394, ATL, cited from Ballara and Scott, Tamaki block file, p 44

### **5.4.3 Complaints regarding the purchase in 1873**

Henare Matua provided the 1873 commission with the most damning attacks on Crown purchasing methods and the role of the Native Land Court. He cited the fact that some owners could start a survey without the consent of all. He accused the Native Land Court of rejecting the legitimate claims of Aperahama's people, because he and his people were opposed to Crown purchasing. Henare Matua also accused the Government of not acting on Chief Judge Fenton's recommendations that new surveys be carried out, or a re-hearing be held; and finally of advancing

*Hawke's Bay*

their purchasing in the face of consistent opposition.<sup>102</sup> Locke was asked by the commissioners to respond to Henare Matua's complaints. His memorandum supported the court, stating that the 'claims of the present petitioners were fully inquired into'. Although at the time unhappy at the number of sub-divisions made by the Court, Locke now heralded this fragmentation as necessary to enable 'all sections of the claimants to be fairly represented in the grants'.<sup>103</sup> Pointing to the three blocks not being purchased by the Crown because of the majority of shareholders in those blocks being opposed to their purchase; noting that of the 86 grantees the Crown hoped to purchase from, 76 had signed the deed of sale; and arguing that the Crown had consulted Maori who were not grantees but were likely to have an interest; Locke put a convincing case to the commission.<sup>104</sup> Henare Matua's response to Locke's memorandum rejected the Crown's tactic of holding back £4000 for those shareholders yet to sell:

Who said the people were waiting for £4000? The only thing for the people of Tamaki is the land, but the money must be given to those who require it for their maintenance.<sup>105</sup>

Henare's further criticism was of a general nature, attacking the Governor for allowing women and children to be tempted into selling by Government officers

---

102. Evidence of Henare Matua, Hawke's Bay Native Lands Alienation Commission 1873, AJHR 1873, G-7, evidence, pp 135-137

103. Locke, memorandum for commissioners re Tamaki, 28 February 1873, appendix no 10, Hawke's Bay Native Lands Alienation Commission 1873, AJHR 1873, G-7, pp 170-171

104. Locke, memorandum for commissioners re Tamaki, 28 February 1873, appendix no 10, Hawke's Bay Native Lands Alienation Commission 1873, AJHR 1873, G-7, pp 170-171

105. Henare Matua to commissioners, 8 April 1873, appendix no 11, Hawke's Bay Native Lands Alienation Commission 1873, AJHR 1873, G-7, pp 171-172

‘showing them money’. He concluded with the argument that if Tamaki had been ‘a real selling’, then ‘no trouble would have arisen on that land’.<sup>106</sup>

The commission chairperson, C W Richmond, dismissed Henare Matua’s complaints, as they were, in Richmond’s opinion, complaints against the Native Land Court for being a ‘mere instrument of the Executive’; an assertion Richmond rejected. Identifying Henare’s object as ‘denying the authority of the Lands Court to determine conclusively upon Native title’; and instead arguing for ‘the whole matter of the division of his [Henare’s] district to what he calls his runanga’, Richmond noted that compliance with such demands was ‘evidently impossible’.<sup>107</sup> Failing to provide necessary specifics, Henare’s complaints regarding Tamaki were rejected. Even the Maori commissioners, Wiremu Hikairo and Wiremu Te Wheoro, dismissed the bulk of his complaint, agreeing with Richmond that the ‘Native Land Court acts on its own responsibility, and not by direction of the Government’.<sup>108</sup> Ballara and Scott point to a further nine complaints about Tamaki made to the commission but not heard in evidence (except that of Hamana Tiakiwai, which was rejected), arguing that these complaints, all relating to non-inclusion in certificates of title, tend to ‘substantiate Henare Matua’s claim that some people with rights in the blocks had not been consulted, that the Crown had dealt only with willing sellers, and that those who complained were left out of titles’.<sup>109</sup>

---

106. *Ibid.*, p 171

107. Report of commissioner Richmond, case no XXV, Tamaki, Hawke’s Bay Native Lands Alienation Commission 1873, AJHR 1873, G–7, reports, p 36

108. Report of commissioners Hikairo and Te Wheoro, case no XXV, Tamaki, Hawke’s Bay Native Lands Alienation Commission 1873, AJHR 1873, G–7, reports, p 78

109. Ballara and Scott, Tamaki block file, p 51

#### **5.4.4 Conclusion**

On 25 December 1873 the final £4000 was paid over to about 65 signatories, most of whom appear to be those who signed the 16 August 1871 deed. Ballara and Scott's argument – that remaining shareholders were disadvantaged because they were unable to secure higher prices, due to the pre-determined amount of money set aside for them – loses strength from this point on. The signatories to the final payment did not represent all of the shareholders in the Crown-purchased blocks, consequently, the first Crown-purchased Tamaki blocks were not gazetted until 1877. The Crown, therefore, continued to pick away at the remaining shareholders throughout the rest of the 1870s. In 1878, five blocks had been gazetted; three blocks required one signature to obtain.<sup>110</sup> Aided by Henare Matua and the repudiation movement's counsel, J Sheehan, those still with shares demanded reserves as part payment for their Crown grants. The pursuit of the remaining shares proved costly for the Crown: interpreter James Grindell, the expert on laying 'groundbait', was employed at the rate of £1 per day, with a £10 bonus payable for each signature secured.<sup>111</sup> In August 1880, interpreter Josiah Hamlin was offered £200, plus expenses, to gain the last seven outstanding signatures. He failed. In 1882 the Government admitted defeat and sought to have the non-sellers' shares identified by the Native Land Court and partitioned out from the general Crown land.

Under constant pressure to alienate, those Maori shareholders unwilling to sell appeared able to force concessions from the Government. By 1882, having obtained rights to various partitions of Tamaki, and still holding shares in the reserved and inalienable blocks, these Maori appeared to have negotiated a better deal than that gained by other Hawke's Bay Maori, most notably in the case of Heretaunga (see ch 4) or by those who sold their Tamaki shares earlier in the 1870s.

#### **5.5 THE SITUATION AS AT 1875**

---

110. AJHR, 1878, G-4

111. Ballara and Scott, Tamaki block file, p 58

As indicated in the introduction to this chapter, this section serves the rather ambitious purpose of providing a summary of Maori social and economic development for the first 25 years of interaction between Maori and the Crown, concentrating on the position as at 1875. It is important to make some attempt at presenting an overview of the social and economic status of Hawke's Bay Maori. This is because the Crown land purchaser in 1850, Donald McLean, when negotiating the prices for the Waipukurau, Ahuriri, and Mohaka blocks, made oral promises of general prosperity to Hawke's Bay Maori. The purchase gold alone would not be the full payment to Maori, he intimated, as other benefits resulting from an influx of European settlers to the area, would follow. The promises of prosperity were one of the factors which made Maori eager to sell land in the 1850s. Whether this prosperity occurred, then, is an important question to ask, though almost impossible to calculate accurately. Impressions only can be obtained. Perhaps even harder is identifying what responsibility the Crown had, if any, in ensuring that the promises were kept. If Hawke's Bay Maori were being shut out of the development of their own tribal rohe, should the Crown have intervened? Should the onus for ensuring prosperity have fallen completely on the shoulders of Maori? What influence did other circumstantial factors have? These are some of the questions that should direct further historical research of the social and economic position and development, of Hawke's Bay Maori.

Ballara has argued that from the 1850s debts of Maori were one determinant in their decisions to sell land.<sup>112</sup> Both chapters 3 and 4 have discussed the issue of Maori debt, and the desire by Maori to take part in the expanding development of Hawke's Bay, by providing goods for market, labour, and leasing their lands for rent. In 1870, a rosy picture of Hawke's Bay Maori was painted by one Government official. Charles Heaphy reported that Hawke's Bay Maori possessed 'the greatest amount of material wealth of any tribe in New Zealand'. They had, Heaphy continued, wisely 'parted with the hilly pasturage country, and much good cultivatable land, but kept large areas of the rich plain [Ahuriri–Heretaunga] where their cultivations lay, and a sufficiency of grass country to afford them a large income from rents'. However, Heaphy noted that Maori had accrued large debts, and as a result had lost a considerable portion of the valuable Ahuriri–Heretaunga Plains land.<sup>113</sup> As chapter 4 and the preceding sections of this chapter have indicated, Heaphy's warning about the levels of debt and land loss suffered by Maori became even more acute in 1875, following renewed Crown purchasing and the policy of confiscation.

By 1875, then, most Maori land in Hawke's Bay had been alienated to Crown or private purchasers. That which remained in their ownership was either leased to Europeans, heavily mortgaged, or suffered from a lack of capital development. The growing town of Napier, the metropolis promised to Hawke's Bay Maori by McLean in 1851, was providing a market for those Maori able to produce a surplus, yet on

---

112. Ballara, 'The Pursuit of Mana? A re-evaluation of the Process of Land Alienation by Maori 1840–1890', pp 520–530

113. Heaphy to McLean, 29 May 1870, AJHR 1870, D–16, pp 11–12

the whole the town was growing without them. Indeed, Maori control of their own resources and destiny was beginning to wane.

Perhaps the most useful initial focus should be on the land itself. Chapter 3 described how the Crown claimed to have purchased 1,500,000 acres in Hawke's Bay by 1862. Chapter 4 explained how 150,000 acres was alienated from the Ahuriri Plains. Previous sections of this chapter have recorded the further alienation of the Kaweka and Tamaki blocks, and the area retained as confiscated by the Crown in Mohaka–Waikare: in all 350,000 acres. The bulk of the 600,000 acres remaining in Maori ownership in 1875 was either mortgaged, or leased to European occupiers. Government surveyor A Koch drew up a map of the Province of Hawke's Bay in April 1874.<sup>114</sup> On the map is a list of blocks that had passed through the Native Land Court, with a corresponding list of who occupied the blocks as at April 1874. While not complete,<sup>115</sup> the list does demonstrate in general terms how little Maori were in direct control or occupation of Hawke's Bay land. Excluding the blocks that were part of the Wairoa court sittings, only 13,500 acres appear to have still been in Maori occupation. Obviously Maori were still receiving rents, estimated in 1868 as £20,000 a year by Cooper,<sup>116</sup> from numerous other blocks leased and occupied by Europeans, but as chapter 4 suggested, most of those lessees later bought out their Maori lessors' Crown grants.

Koch's map serves one other useful purpose. He has identified, (where, presumably, space has allowed), the name of the settler who was occupying pastoral runs on both Maori-owned land and that purchased by the Crown. It is interesting how few settlers were actually occupying the land. For instance, the 87,000 Mohaka block appears to have had only seven European occupiers: F Bee, J Anderson, P Dolbel, E Fannin, A Cox, D P Balfour, and J G Kinross. Some of these men would have owned their runs freehold; others required only the Crown depasturing licence with which to set up their huge estates. Most probably employed managers, rather than lived there themselves. The frequent recurrence of some of the names – Rhodes, McLean, Kinross, Ormond – suggests that but a bare few were profiting from Hawke's Bay farming. These were the so-called 'shepherd kings' of Hawke's Bay.<sup>117</sup>

---

114. 'Map of the Province of Hawke's Bay', compiled and drawn from official sources by A Koch, Wellington, April 1874, AAFV 997/H22, NA Wellington, copied by Ballara and Scott, laminated copy held at Waitangi Tribunal Library, Wellington

115. For instance although the Mohaka, Whareraurakau, and Waihua 1 and 2 blocks appear on the actual map, they do not appear in this list. Also, in the list Pakaututu is listed as being in occupation of Maori, yet on the map an E Carswell is shown as occupying the block.

116. AJHR 1864, A-4

117. Keith Sinclair, *Maori People after the Wars 1870–1885*, Auckland University Press, Auckland, 1991, p 112

Some land on the Ahuriri–Heretaunga Plains had been developed into smaller sections to encourage more agricultural and horticultural use. J D Ormond noted, however, in evidence given to the Hawke’s Bay Native Lands Alienation Commission in the Heretaunga case, that even the smaller blocks of under a hundred acres were being used as grazing lands by their owners or lessees, and that Maori only were ploughing land on a large scale.<sup>118</sup> The full extent to which Maori were producing surplus crops for market is not known. In 1868 Cooper estimated that Maori were making about £5000 from sales of timber, surplus produce and waged labour.<sup>119</sup> Locke believed that one group of Maori at least were taking advantage of European trade opportunities. In May 1874 he said that up to 2000 bushels of wheat, 200 tons of potatoes, plus sizable quantities of maize and other foodstuffs were being harvested yearly by Maori on the ‘Ahuriri plains’.<sup>120</sup> Judging by later reports, it is probable that the bulk of Maori cultivation was being carried out on land that was still in customary ownership, rather than having passed through the court. Maori earned money in a variety of ways. Transporting a Maori operated canoe full of wool from the large Rissington station, for example, could cost pastoralists up to £6 a load.<sup>121</sup> Maori worked as shearers and farm hands, helped construct roads, and, later, railways. They owned flour mills and coastal trading ships.

Sharing the remaining Maori land in Hawke’s Bay (excluding Wairarapa and Wairoa) at 1874 were a total population of just under 3,000 Maori.<sup>122</sup> The 1874 census identified about 800 Ngati Pahauwera living at Mohaka. The Mohaka inhabitants lived on the north side of the Mohaka River, on blocks which had been brought before the Native Land Court in the late 1860s.<sup>123</sup> The census recorded a further 200 people living in the Waikare (Ngati Tauhere) and Arapaoanui (Ngati Moe) districts. Unfortunately, the census figures for Hawke’s Bay land south of the Waiohinganga River do not give specific hapu populations. Instead, 71 hapu are listed, and a total population of 1870 people is given. At this stage Locke, for one, was not concerned at Maori not having sufficient lands for their needs:

---

118. Evidence of J D Ormond, Hawke’s Bay Native Lands Alienation Commission, AJHR 1873, G–7, evidence, p 68  
119. AJHR 1868, A–4

120. S Locke to Native Minister, 30 May 1874, AJHR 1874, G–2, p 18

121. M Wright, ‘A History of the Eastern Kaweka Ranges’, p 27; see also Waitangi Tribunal, *Mohaka River Report 1992*, Brooker and Friend Ltd, Wellington, 1992, pp 52–53

122. Census in AJHR 1874, G–7, pp 11–12. This figure is only an estimate, and although 77 hapu are listed, there are notable omissions. Ngati Hineuru, for example, do not appear in either of the Hawke’s Bay tables, nor in the Taupo.

123. Waitangi Tribunal, *Mohaka River Report 1992*, p 42–47

## *Hawke's Bay*

Although a large extent of the land in the district has passed from their hands, there still remains much more than the Maori population are likely to require, care only being taken that certain reserves actually aquired for Native occupation, be restricted from lease, sale or mortgage.<sup>124</sup>

---

124. Locke to Native Minister, 30 May 1874, AJHR 1874, G-2, p 18

Locke's comment requires further analysis. He appears to believe that Maori should only require and retain ownership of land 'actually aquired for . . . occupation'. Taken at face value, Locke would apparently not have intervened to halt the alienation of any land that Maori were not immediately occupying. Presumably, then, Locke's future for Hawke's Bay Maori did not necessarily include them having sufficient property to maintain a tribal economic base. This attitude contradicts that expressed by other Crown agents in 1870, who were concerned at the state of Tareha's landlessness, and, as a response, had his name inserted on many of the Mohaka–Waikare block schedules, including sole responsibility for the large Kaiwaka block.<sup>125</sup> At the same time Native Reserves Commissioner, Charles Heaphy, saw fit to vest 31,000 acres of Maori land in trust for their future benefit. This was in addition to the 100,000 acres of Maori land at the time deemed inalienable except by leases not longer than 21 years. Heaphy was careful to include portions of the best fertile land (such as Pakowhai village), and land for pastoral sheep runs.<sup>126</sup> Reserved blocks such as Oringi Waiaruhe, in Tamaki-Nui-a-Rua, were not just for occupation purposes, but were expected to provide cash from lease rentals. In 1875 J D Ormond was leasing the reserve.<sup>127</sup> Chapter 6 will show that land Heaphy wished to have reserved in trust was not in fact always reserved, and will further examine how well the Crown responded to the issue of Maori retaining land. The alienation of land facilitated by the operation of the Native Land Court had led to Maori being dispossessed of prime land on the Ahuriri–Heretaunga Plains. It was this land which they had wanted to use as an economic base by which

---

125. Boast, vol I, J1, p 94

126. 'Report on the Native Reserves in the Province of Hawke's Bay', enclosure in No 9, D–No 16, AJHR 1870

127. See Koch's 1874 map

the runanga would be funded. Therefore, with the loss of this revenue, other political strategies were employed.

Following the cessation of armed warfare in 1870, Hawke's Bay Maori participated in the politics of repudiation. Spurred by the loss of Heretaunga and other blocks on the plains, and funded by McLean and Ormond's political foe, H R Russell, the repudiation movement gained widespread support in the early 1870s.<sup>128</sup> The tactics employed by the repudiationists had changed from the use of traditional control mechanisms such as the Whata of Te Herenga, the policy enforced by the runanga to punish chiefs who sold the land secretly. Now the New Zealand Government was seen as a legitimate body with which to register protest, and to have grievances heard and adjudicated upon. Indeed, the tradition of petitioning had its genesis in the repudiation movement. Two petitions signed by upwards of 500 Maori were forwarded to Parliament in 1872. They led to the appointment of the 1873 commission,<sup>129</sup> the evidence for which forms the bulk of material for discussion in chapter 4. The first response following the report of the 1873 commission was for 300 Maori to petition parliament again, asking for another commission to hear the claims not investigated. It was hoped that this further commission would be vested with greater powers than the first, in order to conclusively resolve the complaints at the time of hearing by immediate judicial action.<sup>130</sup>

At 1875 the leading Hawke's Bay chiefs, Karaitiana, Henare Tomoana, Renata Kawepo, Paora Kaiwhata and Henare Matua, were closely allied, despite

---

128. Keith Sinclair, pp 113–115

129. *Reports of the Select Committee on Native Affairs*, Wellington, 1872, pp 3–4

130. 'Petition of 300 Maoris of Hawke's Bay, Wairoa, Turanga, and Taupo', in *Reports of the Select Committee on Native Affairs*, Wellington, 1872

*Raupatu and Further Crown Purchasing, 1862–75*

Karaitiana's involvement in the Crown's purchase of Tamaki. Henare Matua seconded Karaitiana's nomination for the Eastern Maori seat in 1875. Calls for effective political autonomy and a halt to all land sales continued to occupy the bulk of the komiti/runanga's meeting agenda. The repudiationists' Napier journal, *Te Wananga*, drew on the runanga's earlier responses to land alienation. In 1875, it was still promoting the advice given by 1860: lease lands, do not sell.<sup>131</sup>

---

131. Cited in Sinclair, p 119

## *Hawke's Bay*

The repudiationists turned from parliament to the pursuit of justice in the courts. Notorious merchant, money-lender and Maori land purchaser, Fred Sutton, found himself on the receiving end of a Court of Appeal decision regarding his purchase of part of the Mangateretere block.<sup>132</sup> Sutton fought back by petitioning the Native Affairs Committee, asking that Crown grants issued to Maori be used for the recovery of costs awarded to him in civil action. The committee declined his request, on the grounds that moves in that direction 'would be productive of unfortunate results'.<sup>133</sup> One of the Heretaunga apostles, James Williams, also found himself threatened with legal action by one of the leading repudiationists, Pene Te Ua. Acting as agent for the Nelson brothers, who had leased Mangateretere East in 1867, Williams complained in a petition to the Native Affairs Committee that Pene Te Ua, as successor to a share-holder in the block, was refusing to allow the continuation of the lease on his share.<sup>134</sup>

As well as certain European Hawke's Bay settlers using the Native Affairs committee to air their grievances, Maori also sent a number of petitions in 1876. Nireaha Tamaki complained of land near Woodville being alienated by owners with no just claim to the area. The committee noted that Nireaha's petition was, in effect, an application for a re-hearing of a Native Land Court decision, and asked the house to consider the constitution of a higher court to hear such appeals, since it received so many of them.<sup>135</sup> Henare Tomoana and 33 others complained that the resident magistrate refused to visit Maori at Hastings to witness signatures. For fear of being 'led astray by drink', the petitioners preferred not to visit Napier. Without

---

132. Sinclair, p 119

133. 'Report on the Petition of Frederick Sutton', 15 August 1876, AJHR 1876, I-4, pp 4-5

134. 'Report on the Petition of James Nelson Williams', AJHR 1876, I-4, p 14

135. 'Report on the Petition of Nireaha Tamaki and one other', AJHR 1876, I-4, p 11

admonishing any particular person, the committee, nevertheless, took notice of the complaint.<sup>136</sup>

The expressed fear of visiting Napier confirms that Maori were being excluded from the growth of their town. The Maori clubhouse operated by Henare Tomoana, Karaitiana and others appeared to be the only place Maori could use when visiting Napier for business, and it was too small to cater for large groups. The other reason for visiting Napier, to collect kai moana from Te Whanganui-a-Orotu, went on unhindered. Yet, although not known to Maori at the time, the Napier Harbour Board Act 1875 vested Te Whanganui-a-Orotu in the Napier Harbour Board. This bill was passed despite evidence given to the Native Affairs committee by Henare Tomoana, Karaitiana Takamoana and others which rejected McLean's understanding that he had purchased the lagoon as part of the Ahuriri block purchase in 1851.<sup>137</sup> The realisation that they were not fully in control of their own destiny may have begun to dawn on Maori in 1875. As Locke wrote in May 1874, Maori were finding that 'the balance of power [has] turned in favour of the European'. The Te Whanganui-a-Orotu Tribunal have written that 'Maori were unrepresented in and virtually excluded from the provincial system of government'.<sup>138</sup>

---

136. 'Report on the Petition of Henare Tomoana and 33 others', AJHR 1876, I-4, p 25

137. Tony Walzl, 'The Ahuriri Purchase', Wai 201 ROD, document F9, p 1

138. Waitangi Tribunal, *Te Whanganui-a-Orotu Report 1995*, p 79

### *Hawke's Bay*

If they were not now in control, were they receiving the benefits promised by Crown purchasing officers? Part of McLean's purchasing method had been to convince Maori that the actual sale price was only one benefit they would receive from selling their lands (see sec 3.2). Included in McLean's general promises of prosperity, was the opportunity for Maori children to learn English in European-style schools. In 1873 A H Russell, the Inspector of schools (and former Napier civil commissioner), reported on the progress of Hawke's Bay schools. Pakowhai village school, he believed, suffered from its principal Maori sponsors being involved in the Hawke's Bay Native Lands Alienation Commission.<sup>139</sup> Finance was clearly an issue. As well as having gifted the two and a half acres for the school, Maori had also contributed over £200 for its maintenance. A third of the school master's salary was paid by Maori. The Omahu village school was similarly run and funded, with one notable exception. Ngati Te Upokoiri chief Renata Kawepo had arranged to gift 60,000 acres at Owahaoko. The land was to be administered by a trust who would lease the land, using the rentals for the school's maintenance.<sup>140</sup> As it happened, the trust was besiged with problems, relating to the Native Land Court's initial award, and Renata's right to the title of the land gifted.<sup>141</sup> The Omahu school, as well as catering for 40 Maori students, had six Europeans who boarded with the master, their fees supplementing the master's income. Renata complained that Maori should also be allowed to board but the master refused. Renata's concern centred on the loss of students to Te Aute school, which had boarding facilities. Russell noted that Te Aute school was self-funding, using the large estate of lands acquired from Maori in

---

139. Russell to Native Minister, 4 July 1873, AJHR 1873, G-4A, p 1

140. Note by Locke, enclosure 2 of Russell to Native Minister, 4 July 1873, G-4A, p 3

141. The whole issue of Owahaoko–Oruamatua and Kaimanawa lands received a great deal of attention in the late 1880s, see Premier Stout's blistering attack on the Native Land Court in G-9, AJHR 1886, and minutes of a Native Lands

the 1850s for its maintenance funds. St Joseph's girls' boarding school, according to Russell, provided a much better standard of English language education than that of the village schools, but had suffered three student deaths from consumption. Overall, Russell's assessment of the state of schooling in Hawke's Bay was that the quality of education was poor, particularly at the village schools. Yet Maori raised £572 in one year to help finance the Omahu and Pakowhai schools, as well as providing the school sites, and, in the case of Omahu, a large land endowment. The extent to which Maori chiefs such as Karaitiana were in debt must have been affected by these additional financial responsibilities. Karaitiana himself donated £100 in 1872.<sup>142</sup> Whether Maori should have been paying anything at all is a question the Tribunal may well consider.

## **5.6 CONCLUSION**

---

Committee inquiry regarding the allegations made by him, in I-8  
142. Russell to Native Minister, 4 July 1873, AJHR 1873, G-4A, p 1; Locke to Native Minister, 13 July 1874, AJHR 1874, G-8, No 14, p 22

### *Hawke's Bay*

A wealth of archival and secondary material exists from which comprehensive research on the historical economic and social position of Hawke's Bay Maori could be evaluated. The section above introduces some of the ways in which it could be measured, and asks some of the questions which could direct further research. Perhaps the most useful question to ask is how well Maori participated in and benefited from the development of Hawke's Bay during this period. By looking at the loss of revenue due to land alienation, and the extent of debt suffered by Maori (itself one determinant of land loss), a picture emerges of Maori failing to maintain the economic and social position that they desired. The cause of the failure can be found, to some extent, in the Crown's tactics of acquiring land, in its efforts to limit Maori land holdings, and its failure to provide adequate access for Maori to the skills required to fairly compete in the development of Hawke's Bay. The insufficient provision of education is one example of this. Other examples, such as access to development credit, and the lack of chiefs' preparedness to participate in complex financial processes, are detailed in chapters 3 and 4.

Other possible causes for Maori failing to maintain the position they desired could exist, however, and should be explored further. Crown historian, Fergus Sinclair, for example, has suggested that Ngati Pahauwera 'laboured under the twin handicaps of isolation from markets and other centres of population, and the rugged infertile nature of its hinterland'. These economic and geographical disadvantages provided some reasons, according to Sinclair, as to why Ngati Pahauwera did not see all the

benefits of entering the cash economy materialise to their favour.<sup>143</sup> Regional variations within Hawke's Bay, then, will always strongly influence the outcome of more detailed social and economic research.

This chapter has concentrated on land alienation in three different regions. Although each is unique, similar themes have emerged. At Mohaka–Waikare the Crown attempted to purchase land with a lay-by approach, which involved choosing the owners, paying them an advance which was conditional on the receivers of the cash gaining title in court, and then completing the deal with a final payment. Opposition to this method, and other factors, led to the Crown abandoning this approach in favour of the simpler raupatu option. Exactly how much land was confiscated by the Crown is confused. The proclamation said 270,000 acres, but surveys of the blocks returned to Maori were not completed until the early twentieth century. Part of the Pakaututu and Te Matai lands claim to the Tribunal concerns confusion over the boundaries of the confiscation.<sup>144</sup> The Crown admitted to taking about 50,000 acres as confiscated, but it seems more accurate to add another 12,000, to include lands which were purchased either months before or months after the confiscation.

---

143. F Sinclair, 'Land Transactions on the North Bank of the Mohaka River ca 1860–1903', evidence prepared for the Crown Law Office, undated, Wai 201 ROD, document C5, pp 2–4

144. Claim Wai 216, brought by the Te Matai 1 and 2 Blocks Trust. Reserach for this claim has been commissioned by the Tribunal.

### *Hawke's Bay*

The lay-by method was also used in Tamaki. There the Crown laid 'groundbait', in the form of small cash advances to customary owners, in an attempt to get them to take blocks into the court. It worked, and the Crown then gained the consent of a majority of shareholders to sell 230,000 acres of the 300,000-acre Hawke's Bay part of the Tamaki Bush. The shareholders unwilling to sell suffered relentless attempts by the Crown to obtain their signatures. This situation dragged on into the late 1870s, with a few Maori winning some concession from the Crown by virtue of their ongoing refusal to sell.

The purchase of the Kaweka area also had a long history. The first deed was signed in 1855, the last in 1875. In between the Crown never once surveyed its acquisitions, it simply re-purchased the same area, from different people at different times. In the end, the Crown's neglect of the area must have made the actual occupants and users of the ranges' resources wonder if it had been purchased at all.

Chapter 6 will continue to focus on regional land alienations, and continue the research into the social and economic status of Maori.