

CHAPTER 2

LAND SALES

2.1 OLD LAND CLAIMS

The first purchase of land in the Wairoa district appears to have been by William Barnard Rhodes. His purchase appears to be the only old land claim in this region. Rhodes was born in England on 9 May 1807. In 1839 he entered into partnership with the Sydney firm of Cooper and Holt. He left for New Zealand on the *Eleanor* in October 1839 to acquire land from the Maori and to establish cattle runs and trading stations.¹ By way of memorial, he claimed to have purchased, for himself and his partners, large tracts of land, amongst which were, on 10 December 1839, 345,000 acres at Wairoa for £185 and on 13 December 1839, 71,000 acres at Table Cape (Mahia Peninsula) for £50.²

Rhodes also claimed to have purchased land at Otaki and Waikanae. This claim came before the Spain commission because of its impingement on the New Zealand Company's claims. On 31 March 1845, Commissioner Spain recommended the issue of grants to the extent of 1415 acres for this claim but the grants were never issued. The Cooper, Holt and Rhodes Hawke's Bay claims were not reported upon or investigated, the other commissioners with responsibility for these, apparently never making it to Hawke's Bay. A long correspondence then took place between Rhodes and the Government, from 1845 to 1848, without the matter being settled.

Ultimately, the whole of Cooper, Holt, and Rhodes's claims were referred by Lieutenant Governor Eyre to the consideration of the McCleverty commission, notwithstanding Spain's decision. Colonel McCleverty, however, felt that the case did not fall under his cognisance so Eyre reserved it for the decision of Governor Grey, stating in a minute that it might materially affect the current question of the stay or departure from Waikanae of the 'Ngatiawas under William King'. Nothing was done until the year 1852, when Rhodes made a new application for the settlement of their claims. The matter was then referred by Grey to Francis Dillon

1. Brad Patterson, 'Rhodes, William Barnard', *The Dictionary of New Zealand Biography*, Wellington, Internal Affairs, 1990, vol I, p 361

2. The memorials are found in OLC 1/132–134, National Archives, Wellington. The names Rhodes claims to have purchased from are listed as 'Wanaga Tebatu Eappe Maraicowa Erapa and Poroiwi' for Wairoa and 'Wanga alias Brown Maracowai Tukareao Wariuma Peiro Erito' for Table Cape. I am unable to distinguish the names. Lambert quoted Rawinia Apatu, daughter of Te Apatu, as saying in the land court: 'My father sold all this land (Ohuia no 2) to Captain Rhodes. He took Paratene and others on board the vessel of Captain Rhodes, who put a 'pepeha' on the land. No one objected to the sale', T Lambert, *The Story of Old Wairoa and the East Coast*, 2nd ed, Christchurch, Capper Press, 1977, p 446.

Bell, Commissioner of Crown Lands, to report upon the claims generally, and suggest a course to be adopted.

Bell considered the whole case, and arrived at the conclusion that it would be unwise to issue the grants recommended by Spain either at Kapiti or Waikanae. He felt that the best solution would be to fix some total quantity of acres to settle all their claims and to give them a right of selection to that extent in the Ahuriri District, where the Crown had recently acquired the title to land. Grey concurred with Bell's proposal and proposed that in satisfaction of all the claims of Cooper, Holt and Rhodes:

That the Government would make a grant or grants to the extent of 2560 acres to Cooper, Holt & Rhodes, in full satisfaction of all claims whatsoever to land derived from Natives whether by original or derivative purchase: the selection of such 2560 acres to be made in not exceeding four blocks, and in any locality where the natives admitted that valid purchase had been made, whenever the Govt should acquire the land: All such selections to be subject to the general rules for protecting the public interest and to the approval of the Government.³

In a letter of 13 December 1852, Bell communicated this decision to Rhodes, at the same time requesting him to ascertain the assent of his partners. Rhodes, however, did not appear to either accept, or reject, the decision and made no selection under Bell's award at that time. In the event, the Government required the assent of his partners before they could allow any selections to be take place and they received no response from Rhodes's partners. What they did receive was a proposal from Rhodes that the claimants be allowed to select land at Waipureku (the site of Clive Township) in the Hawke's Bay, without committing themselves to a final acceptance or rejection of Bell's decision.

In May 1855 Bell wrote to Rhodes to inform him that it was necessary that steps be taken immediately respecting his decision. The Government was shortly going to offer for sale the land they had been negotiating for at Hawke's Bay. They needed to know whether the claimants were going to accept Bell's award, in order that if so, the right of selection granted by the Governor to them should be exercised. By now two years had passed without a conclusive decision from Rhodes and the Government was anxious to open the land for sale without Rhodes's claim hanging over their heads. On 7 May 1855 Bell received a letter from Rhodes on behalf of the claimants, in which he made the acceptance of Bell's award conditional on the Government; first, allowing him to select 1500 acres on the flat land around a station he already had at Clive; and second, granting him a pasture licence for a further 30,000 acres adjacent to where he had selected. The residue under the award, (between the 1500 and the 2560 acres) he wanted to be able to select in some other locality. In return, the claimants would surrender all their claims to the Crown.⁴

Bell referred the proposal to the Commissioner of Crown Lands at Ahuriri, Alfred Domett, who on 12 January 1856 informed Rhodes that they could not

3. F D Bell, 20 June 1862, 'Report for the Court of Claims', OLC 1/132-134

4. Ibid

acquiesce in his May proposal. Domett pointed out that the Governor's decision of 1852 did not entitle the claimants to put conditions on their acceptance of it. He also stated that it had always been the intention of the Government to lay out a town, which had the possibility of becoming a principal town in the district, on the very spot the claimants wished to select. The 1500 acres they wanted would be suburban land to such a town, and 'beyond all comparison the most valuable piece of land in the district belonging to the Crown' (which is probably why Rhodes wanted it). With respect to the other conditions about a right of preemption over the residue of the flat land, Domett replied that 'it could not for a moment be entertained'. In short, Rhodes's proposal was declined and the township and suburban land were laid out and duly offered for public sale.⁵

On 19 June 1857, Rhodes addressed a letter to the then Chief Commissioner of Crown Lands in Wellington, William Fox, protesting against any further sales of land being made by the Government 'out of the Block in the Hawkes Bay District' until their claims were satisfied, according to the award approved by Grey. Sales were nevertheless continued.

Nothing further appears to have been done until 1858, when Rhodes had an interview with Colonial Secretary Stafford, who on 1 December recommended him to bring the case before Bell again, under the Land Claims Acts. Accordingly, on 22 June 1859, Rhodes addressed a notification to Bell of his claims, accompanied with a statement of particulars. Rhodes and Bell continued corresponding about the subject throughout 1860 to 1862.

In 1862, Bell wrote that he could see no grounds for interfering with the terms of his 1852 award, which Grey had concurred in. He thought this one of those cases:

which sometimes happen where a large fortune is within the grasp of some one, who hesitates and hesitates, till the opportunity is lost . . . If he had taken my advice and made his selection at once, he would, have had land which I suppose may be now taken to be worth at least £10,000.

He did not think Rhodes had any grounds for complaint:

I called upon him, more than two years after my award, to give a definite and final answer; if even then he had accepted the award he might perhaps have got the Waipureku land: but instead of doing so he made his acceptance conditional on things being done which he would, if he carefully reflected upon it, have seen it was impossible the Ahuriri Commisisoner should agree to. He in fact lost his own chance: and I have repeatedly told him, that I could not see that the public estate was equitably bound to compensate him for having lost it.⁶

He did have some sympathy for the £7297 the claimants had expended on buying land from Maori (of which £235 had been spent in the Wairoa district) with nothing to show for it. This matter was referred to the Government for consideration.⁷

5. Ibid

6. Ibid

7. Ibid

At this stage I have been unable to determine if or where Rhodes ever took up his grant. Wilson believed that this may have been the origin of Rhodes's Clive Grange estate,⁸ but it appears that Rhodes already had a station at Clive.

2.2 LAND OFFERED TO DONALD McLEAN

In September 1849, Donald McLean, 'the most able and hitherto most successful negotiator', was appointed to purchase land in the Wairarapa on behalf of the New Zealand Company.⁹ McLean had been successfully negotiating purchases for Grey in Taranaki, Wanganui and Rangitikei. Throughout the following year he was detained with the final details of these purchases. In the meantime, the New Zealand Company had been forced to wind up its affairs. On 3 July 1850, McLean was instructed to cease all negotiations on behalf of the New Zealand Company. In October though he was instructed to proceed with the negotiations for the Wairarapa and Manawatu districts for the Government.¹⁰

Before commencing negotiations in the Wairarapa, however, McLean arrived in the Hawke's Bay on 11 December 1850 to begin negotiations for the purchase of that district. He was anxious to acquire land there as an outlet for the squatters illegally leasing land in the Wairarapa. If the settlers could be persuaded to move to Hawke's Bay, it would make his job of acquiring land in the Wairarapa much easier.¹¹ In Hawke's Bay McLean worked under considerable pressure to execute Grey's land purchase policy and to satisfy both settler demand for cheap land and chiefly ambitions to participate in the market economy and acquire European wealth and settlers.¹²

While at Ahuriri, McLean was offered land by three northern Hawke's Bay Maori. They were: Te Aotea, a chief of Te Wairoa who invited McLean to visit his settlement; an unidentified man from Wairoa; and a Mohaka chief, Paora Rerepu.¹³ McLean wrote that he found it very satisfying for the chiefs to be coming in from such distances to offer him land and promised himself 'to watch over their interests as if they were mine' at all times.¹⁴

With a view to extending the coastal frontage of the Ahuriri block further north, McLean travelled to Mohaka. He intended going on from there to Turanga to give the people at Ahuriri time to save their wheat crops before purchasing the land (and by doing so, perhaps avoid reserving a cultivation). He also wanted to acquire information for the Government respecting the Maori people in the Turanganui area, some of whom were interested in the negotiations in which he was engaged.¹⁵

8. J G Wilson, *The History of Hawke's Bay*, Christchurch, Capper Press, 1976, p 144

9. Claim Wai 201 record of documents, doc A22, p 25

10. Ibid, pp 27-31

11. See my report 'Wairoa ki Wairarapa, part one', claim Wai 201 record of documents, doc A22

12. Waitangi Tribunal, *The Mohaka River Report 1992*, Wellington, Brooker and Friend Ltd, 1992, p 24

13. McLean's journal entries, 28 December 1850; 7, 18 January 1851, ATL

14. Ibid, 7 January 1851

15. AJHR, 1862, C-1, no 3

McLean arrived at Wairoa on 29 January 1851. In his journal he described the land on both banks of the river as ‘rich and fertile’ and later, as ‘well suited for pasture and agriculture’. He found the Wairoa Maori in favour of selling but because of ‘the numerous tribes on the river’, he estimated the people at 2000, he wanted to purchase only one side of the river, ‘for some years at least’. His reason for this, however, was not only to leave sufficient land for Maori, but to also minimise potential problems between Maori and the settlers, ‘as our cattle and sheep would destroy their crops, and create a fertile source of trouble’. In order to avoid future difficulties he informed the people there of his intention to purchase only one side of the Wairoa River and ascertained that the southern bank could ‘be easily purchased’. He promised to discuss the subject further on his way back from Turanga, for which he left a couple of days later.

On his return, a month later, McLean travelled via the coast and Te Mahia, where he met Ihaka Whaanga for the first time. At Nuhaka, he was met by Te Matenga, one of the chiefs of that place, who offered to sell a large tract of country, extending from the coast line at Nuhaka to Waikokopu, then inland towards Turanga. McLean informed the people at Wairoa that because of other commitments it would be some time before any purchases could be concluded in the Wairoa district.¹⁶ His first priority was the blocks further south.

2.3 THE CROWN PURCHASES

In the event, it was to be 13 years before McLean returned to purchase land in the Wairoa area. In that time there had been big changes in the whole colony. The continuing practice of selling land was resulting in a shift in power from the chiefs to the colonists. These chiefs were beginning to see the need for a movement to resist further land sales in order to protect their mana and the culture based on the land. For some this meant the King movement, for others the runanga system of self-Government.¹⁷

Whichever movement they supported, both were opposed by the settlers who were determined to enforce substantive sovereignty over the Maori. Maori opposition to further land alienation was seen as a challenge to the extension of the Colonial Government’s authority and sovereignty. This was both unacceptable and intolerable to the British and ultimately led to the Taranaki and Waikato wars.

The end of those wars saw the implementation of confiscation legislation and the rise of Pai Marire.¹⁸ Support for the King movement did not always guarantee support for Pai Marire; in the later wars, Kingites or ex-Kingites fought both for and against Pai Marire. Before the war in the Waikato there had been general sympathy if not outright support for the King movement amongst Ngati Kahungunu. Following the war, G S Whitmore was reporting a shifting of alliances amongst the Wairoa chiefs. Pitiera Kopu, who had previously supported the King

16. McLean’s journal entries, 29, 31 January, 4 March 1851, ATL; AJHR, 1862, C–1, no 4

17. See ‘Hawke’s Bay Report’, claim Wai 201record of documents, doc A33

18. See my report, *Raupatu in Hawke’s Bay*, Waitangi Tribunal Research Series, 1993, for a discussion on both of these

movement, albeit reluctantly, now said he was a 'Queen man'. Even 'big Henare (Te Apatere) had recanted' before he died.¹⁹

Opposite political camps developed along the lines of land-selling and anti-land selling. Generally, the land sellers supported the Queen and those who refused to sell later became Pai Marire disciples. This division further broke down into coastal hapu who benefited, in terms of mana and income, from Pakeha trade and Government support, and those, mostly inland hapu, who resisted Pakeha settlement.

In 1863 the Te Reinga hapu fined D Munn of Napier and George Williams for passing through the 'King's land'. They got off lightly, with the threat that the next trespasser would be killed. In response to the perceived danger of Pai Marire, a stockade was erected near the mouth of the Mohaka River, in January 1864. In June 1864, Te Waru Tamatea of Marumaru, who had fought at the battle of Orakau in the Waikato, called a meeting at Mangaaruhe, 'to take action against the Pakehas' but the meeting ended without any decision being made.²⁰

In an effort to ascertain the attitude of these and other northern Hawke's Bay Maori towards Pai Marire, and buy more land for settlement, McLean visited the area in late 1864.²¹ Included in his party was a Mr Fitzgerald, a surveyor and JP from Napier, and James Grindell, a clerk in the Court of the Resident Magistrate. Both were witnesses to the signing of McLean's purchase deeds. Grindell also provided a report of McLean's activities in the *Hawke's Bay Herald*.

2.4 THE MAHIA PURCHASE

Arriving at Mahia on 17 October 1864, McLean visited Ihaka Whaanga. Whaanga was born probably in the late eighteenth century. He was the youngest and only survivor of six sons of Te Ratau of Ngati Rakaipaaka and Kainga.²² McLean had first encountered him in 1851 and seemed to have been favourable impressed. He had described him then as 'the principal Chief' of Te Mahia and 'rather a decent, well dressed man'.²³ In 1864 Whaanga was a native assessor, a position with responsibility for law enforcement and some of the duties of a resident magistrate. Grindell described him as 'a staunch supporter of the Government'.²⁴

McLean's arrival was apparently unexpected because Grindell reported that the approach of their steamer threw the people into a panic. They thought it was soldiers, or worse, the Waikato tribes arriving:

Ihaka alone, amidst the general confusion, was calm and collected – declaring that he did not fear soldiers, as he was conscious he had never given the Government

19. AJHR, 1864, E-3, no 17, encl 1

20. Lambert, pp 484, 486

21. Ibid, p 486

22. *The People of Many Peaks: The Maori Biographies for The Dictionary of New Zealand Biography*, Wellington, Internal Affairs, 1991, vol 1, p 355

23. McLean's journal entries, 28 February and 1 March 1851, ATL

24. Article by James Grindell, *Hawke's Bay Herald*, 12 November 1864, MA 1, 5/13/92, doc bank 2, NA Wellington

cause of offence; and, as for Waikatos, they were too much occupied to trouble themselves about him.²⁵

Two days were spent discussing the purchase of Mahia while McLean waited for the arrival of others with an interest in the land. On 20 October 1864, ‘a large number of natives’ met with McLean and as a result of the meeting the deed for Mahia was signed. Grindell does not provide much more detail on the negotiations. The purchase price was £2000, of which £1500 was paid at the time, the remaining £500 was to be paid on completion of the survey. The block was estimated at 16,000 acres, giving a price of around 2s 6d per acre, with McLean promising that if the block should be found to exceed 16,000 acres, a further payment would be made in proportion to the excess. There was no suggestion that there was to be any deduction in the purchase price if the area turned out to be less than 16,000 acres. In fact, it turned out to be only 14,600 acres.²⁶

The deed was signed by Ihaka Whaanga and 16 others. It was witnessed by M Fitzgerald JP, James Grindell, and three others.

A mahinga ika was reserved at Kinikini, below Taupiri hill.²⁷ This reserve, of 115 acres, was investigated by the Native Land Court on 21 September 1868 and, with no objectors appearing, a certificate of title was ordered to issue to Ihaka Whaanga alone.²⁸ In 1948 the reserve was listed as sold since 1909.²⁹

The benefit as far as the sellers were concerned was the security and opportunity for trade and employment they would acquire by having Europeans residing amongst them. For the buyer, the purchase of Mahia was considered as the ‘keystone of the district’. It was expected to open up the way for much larger purchases, which it did.³⁰

2.5 THE NUHAKA PURCHASE

Leaving Mahia, McLean and his party travelled on to Nuhaka. They were accompanied by Ihaka Whaanga and Tamihana Taruke, his father-in-law, and several others. According to Grindell, ‘Ihaka himself was greatly elated at the idea of escorting officers of the Queen to the Wairoa to purchase land in opposition to the policy of the King party’.³¹

At Nuhaka, they were met by Matenga Tukareaho and his people. Matenga had been instrumental in the death of Ihaka’s father, Te Ratau, several years earlier. He ‘expressed himself strongly in favour of selling land’. He and his young men, he said:

25. Ibid

26. AJHR 1948, G-5, p 8

27. MA-MLP, 6/3, deed no 157, pp 42-43

28. Maori Land Court Wairoa, minute book, no 1, pp 71-72

29. ‘Correspondence and notes’, Royal Commission of Inquiry into the Mahia Block, MA series 94/3

30. Grindell, *Hawke’s Bay Herald*, 12 November 1864

31. Ibid

Wairoa

were desirous of declaring themselves on the side of the Government and were anxious that Europeans should come and settle amongst them, that, therefore, he had decided upon selling some land for that purpose.

The Mahia was gone and the Wairoa was to follow:

there would then be Government land on both sides of them, and whether they turned to [the] right side or the left, they would see the power and the influence of the Queen.

Several others spoke, 'but the tenor of their speeches was in favour of selling land'.³²

Grindell reported that the only opponents of an immediate sale were Ihaka and his party, which seems strange when compared to his statement above. It is possible that Grindell over-estimated Ihaka's willingness to sell, however Ihaka's opposition probably had more to do with his rivalry with Te Matenga than an aversion to selling land:

he was very naturally somewhat jealous of Te Matenga taking the matter entirely into his own hands and anxious to show his acquiescence was necessary before any purchase could be effected. The feeling was, no doubt, strengthened by the ancient feuds existing between the two parties, which originated in the murder of Te Ratau – Ihaka's father. In addressing the people he, Ihaka, said that there was no necessity for precipitating matters, that, in the meantime, Mr McLean's destination was the Wairoa; and that if they were anxious to sell, the land would be sold in due time, but that at present he would withhold his assent.³³

The result of the meeting was that a small block of land was offered for sale. McLean agreed to purchase the block, leaving the price to be decided after a surveyor had gone over the ground, telling them at the same time that if they wanted European settlers amongst them they would have to part with a sufficient quantity of land for that purpose.

McLean also promised to spend £100 on building a road from Nuhaka to the Mahia beach, to be built by the Maori themselves:

They were excessively delighted in the prospect of getting this road made and loudly expressed their satisfaction and appreciation of the advantages likely to result to them from the settlement of Europeans amongst them – declaring that the Kingi would never have done so much for them.³⁴

The party left Nuhaka on 25 October to continue on to Wairoa. On reaching Wairoa they were joined the next day by a messenger from Nuhaka. The messenger had been sent to tell McLean that the Nuhaka people had decided to sell a large portion of their land, extending from Nuhaka River northwards many miles; all that was necessary to remove all difficulties to the sale was the assent of Ihaka and his party. Ihaka and his party, finding that Matenga and the people resident on the land

32. Grindell, *Hawke's Bay Herald*, 19 November 1864

33. Ibid

34. Ibid

were bent on selling, had no option but to give their consent to the sale. ‘They wished Mr McLean to consider that the land was now handed over to the Government’. McLean once again agreed to buy the land and said he would send a surveyor to survey it and that the terms of the sale would be decided on its completion.

The boundaries were then given and written down. Going by the messenger’s account, the block was estimated to contain 256,000 acres (this was later shown to be wildly over-estimated). The country generally consisted of undulating hills covered with a vegetation of grass and fern, well suited for sheep runs. A portion of it was leased to a Mr Riddell.³⁵

The purchase of this block on the north bank of the Nuhaka River was completed by Samuel Locke on 16 March 1865. The meeting to finalise the purchase took place on the second day after his arrival at Nuhaka, in order ‘to give time for the owners to come’. He described the meeting as well attended, and after talking for a day and a half it was finally settled that the Government should buy the block for £3300, of which £2200 was paid on the day.³⁶ The sellers numbered 94, including Paora Apatu, Matenga Tukareaho and Ihaka Whaanga of Rakaipaaka. According to Locke, the Nuhaka people were ‘perfectly satisfied’ with the sale, as he had ‘not heard one complaint’, even though he reported they tried to get £10,000 for the block. The rest of the purchase money, £1100, was paid on 30 March 1866 to Ihaka Whaanga, Paora Apatu and Hamuera Whaanga.³⁷

This deed, as well as the Mahia deed, was clearly modelled on earlier McLean deeds. The section in both deeds bidding farewell to the land and describing in general terms what was being sold is as follows:

Heoi kua oti i a matou te hurihuri te mihi te poroporoaki te tino tuku rawa atu i tenei kainga o o matou tupuna tuku iho kia matou, me ona awa me ona wai, me ona roto, me ona ngaherehere me ona hiwi, me ona parae, me ona wahi atahua, me ona wahi kino, me ona tarutaru, me ona rakau me ona pohatu me ona mea katoa kei runga ranei o te whenua kei raro ranei o te whenua, me ona aha noa iho o taua wheuna, kua oti i a matou te tino tuku rawa atu i tenei re e whiti mei kei whenua pumau tona iho kia Wikitoria Te Kuini o Ingarangi ki nga kingi kuini ranei o muri iho i a ia ake tonu atu.³⁸

A 1903 translation, translated this as:

Now we have fully considered wept over finally bid farewell to and entirely given up this piece of land inherited by us from our ancestors with its rivers waters lakes forests hills plains good places and bad, herbage, trees, stones and everything above or below the soil everything connected with the said land we have entirely given up under the shining sun of this day as a lasting possession to Victoria the Queen of England and to all the Kings and Queens her successors for ever.³⁹

35. An 1864 return noted R and W Riddell leasing 12,000 acres at Waikokopu, near Mahia, as a sheep run. No amount of the rent being paid is recorded but a 15,000 acre sheep run at Wairoa, leased by Hamlin and Stopford, was paying £220 per annum, AJHR, 1864, E-10.

36. Samuel Locke to McLean, 21 March 1865, McLean Papers, MS 32, folder 393; MA-MLP, 6/3, deed 147, p 83

37. Ibid, deed 148, p 86

38. MA-MLP, 6/3, pp 42, 83

The wording of the lament and farewell was similar to that in the 1851 Waipukurau deed and was a standard clause in these Crown purchases.⁴⁰

The map attached to the deed estimated the land to be about 120,000 acres, which would give a price of 6¾ pence per acre. In May 1865 the block was gazetted as 10,000 acres but then the gazette notice only listed the land that lay in the province of Hawke's Bay, south of the 39th parallel.⁴¹ The Hawke's Bay Provincial Council Votes and Proceedings 1865 explained that 110,000 acres of the Nuhaka Block was in the Auckland Province. In the *Hawke's Bay Herald* of 8 July 1865 an editorial comment gave the area of the block as 100,000 acres. A later gazette listed all the land in both the Auckland and Hawke's Bay provinces, without giving the acreage. The boundaries in this notice matched those in the deed, although some of the spelling was wrong.⁴²

Although there were no reserves set out in the deed, on 21 March 1865 Locke wrote to McLean:

In settling for the Nuhaka block it was thoroughly understood between Ihaka Waanga and myself that he should be allowed to purchase about six hundred acres for himself at the upset price at Waikokopu.⁴³

In 1880 a return listed Waikokopu, at Nuhaka, 693 acres and 37 perches for the chief Ihaka Whaanga, even though Ihaka had died in 1875.⁴⁴ According to Ballara and Scott, a dispute over whether this block was intended as a reserve for all the owners of the Nuhaka block, or simply for Ihaka Whaanga, was to occupy the attention of Rakaipaaka and Government officials for many years.⁴⁵

2.6 LAND PURCHASED AT WAIROA

Reaching Wairoa on 25 October 1864, McLean's party found Pitiera Kopu and Ngati Kurupakiaka assembled at Te Uhi, on the north bank of the river. They appeared to be in favour of selling, even though 'until very lately [they had] been professedly adverse to selling'.⁴⁶ Despite this, the negotiations for land at Wairoa turned out to be lengthy and some what tedious and in the end the land had to be purchased in two blocks.

On 27 October McLean and his party met with a large number of Wairoa people at Paora te Apatu's residence at Waihirere. Paora te Apatu, mindful of McLean's desire to acquire land on the river, and pointing out to McLean its fertility and the superior character of the country, asked for £10,000. McLean was reluctant to pay

39. Ibid

40. For example, see the Wairoa deeds

41. *New Zealand Gazette*, 1865, p 161

42. *New Zealand Gazette*, 1875, p 369

43. Samuel Locke to McLean, 21 March 1865, McLean Papers, MS 32, folder 393

44. AJHR, 1880, G-3B, p 3

45. See Angela Ballara and Gary Scott, 'Crown Purchases of Maori Land in Early Provincial Hawke's Bay', claimants' report to the Waitangi Tribunal, 1994, pp 19-47, re Nuhaka

46. Grindell, *Hawke's Bay Herald*, 19 November 1864

this much, reminding the people assembled that the value came from the land being ‘properly made use of’. He wanted to wait until the land had been surveyed before agreeing on a price, at the same time telling the people, once again, that if they wanted English settlers, they would have to give sufficient land. Fitzgerald was dispatched to examine the block and in the meantime McLean arranged to meet with the Kahu tribe. The Kahu people had important claims to the lower portion of the river and without their consent the block offered for sale included only a small portion of the river frontage, all the deep water frontage and the choicest part of the land lying along the south bank being excluded.

McLean met with them on the morning of 29 October. For this ‘choice spot’ they demanded the modest sum of £30,000. McLean, baulking at such a sum, pointed out that the block in question, while possessing many advantages, such as river frontage, was only about 800 to 1000 acres and offered them £800. They laughed at this offer, declaring the land was ‘the gem of the Wairoa’, and the negotiations continued.⁴⁷

While McLean negotiated with the Kahu people he purchased the lower Wairoa block on 31 October 1864 from Pitiera Kopu, Tamihana Te Rautahi, Paora te Apatu and Hiporakau. These chiefs had become tired of waiting while the negotiations dragged on and believed that the conclusion of their business would accelerate the purchase of the rest.⁴⁸ The purchase price for 3570 acres on the south bank of the Wairoa River was £1000. This block included the Whakamahi Lagoon, part of an extensive wetland that was an important mahinga kai. In 1851, McLean had described the lagoon as ‘of considerable size and almost the only one where eels are numerous in this neighbourhood’.⁴⁹

No reserves were set out in the deed but the map attached marked out Kopu’s reserve.⁵⁰

Two days after the signing of the lower Wairoa deed, McLean concluded the purchase of the upper Wairoa block. Finding that there was no chance of obtaining the river frontage for the amount offered, McLean agreed to pay £1200.⁵¹ Of that, £700 was paid on the day, the balance of £500 was to be paid in Napier. This purchase, adjoining the northern boundary of the lower Wairoa block completed the sale of all the land on the south bank between the first bend in the Wairoa River and the coast to a point a few miles south-west from the river mouth, on which the township is now based. The signatories were Pitiera Kopu, Hamana Tiakiwai, Tiopira Kaukau, Apirana Te Whenuariri, Maihe Kaimoana, Paora te Apatu, Pakuku, and Paraone.

Once again no reserves were set out in the deed, however two reserves, Orere (28 acres 2 roods) and Te Pouhatu (71 acres 3 roods) were marked on an attached plan, as was a grave site that was included in the area purchased.⁵²

47. Grindell, *Hawke’s Bay Herald*, 26 November 1864; Lambert, pp 401– 402

48. Ibid

49. McLean’s journal entry, 1 March 1851, ATL

50. MA-MLP, 6/3, deed no 140, p 204

51. Grindell, *Hawke’s Bay Herald*, 26 November 1864

52. Ibid, deed no 139, pp 205–206; Ballara, ‘Wairoa’, p 14

According to Ballara and Scott, the obvious value of the land for agriculture, as a site for a township, the value of the river, river mouth and lagoon as food sources, and the value of the river as a navigable supply route, made the land attractive and its resale value high.⁵³ In the light of that, the tribunal may have to decide whether £2200 for 4570 acres, a cost of a little over nine shillings an acre, was a fair price. When compared to the other purchases around it, for example, Mahia, 16,000 acres for £2000 and Nuhaka, 120,000 acres for £3300, it may seem to have been one of the fairer purchases. However on the first sale alone, of the town and suburban sections, the Crown realised £3711. At the second sale quarter acre sections went for £5 to £9 each, while suburban lands ranged from £23 for 7 acres to £60 for 30 acres.⁵⁴

2.7 THE WAIHUA PURCHASE

Moving south from Wairoa on 3 November, McLean and his party met with Paora Rerepu and others at Waihua. The area of land from the Waihua River, south of Wairoa, to Tangoio and inland to the upper Mohaka River, was dominated by the major hapu, Ngati Pahauwera. They were the intermarried descendants of many early pre-Kahungunu ancestors as well as later migrants.⁵⁵ Minor hapu associated with Ngati Pahauwera in the Waihua River area were Ngati Kapukapu, Ngati Te Rangihaerekau and Ngati Hinekete or Hinekino.⁵⁶ Paora Rerepu was recognised as their chief. He offered for sale a block of land on the north bank of the Waihua River.

This offer for sale had ‘the unanimous consent of all Englishmen’.⁵⁷ Thomson questions the use of this term. He suggests this term could have meant that all the Pakeha were happy with the offer but not all the Maori present.⁵⁸ Probably, it just meant the ‘approval’ of all the Englishmen present, McLean included.

The Waihua block was estimated to contain about 12,000 acres for which McLean offered only £800, on the basis that the inland portion of it was ‘somewhat rough’. The sellers, however, were dissatisfied with this sum so McLean, in his usual manner, promised that if after surveying the block, it should be found to exceed 12,000 acres, something more would be paid.⁵⁹ After the survey was carried out by Fitzgerald, the area was found to be 14,000 acres so the initial price was raised to £1000.⁶⁰

53. Ballara and Scott, ‘Crown Purchases’, ‘Wairoa’, p 94

54. J G Wilson, *The History of Hawke’s Bay*, Christchurch, Capper Press, 1976, p 431. A further sale of town lands, with the Turiroa reserves, was advertised on 29 March 1866.

55. Angela Ballara, ‘The Origins of Ngati Kahungunu’, Phd thesis, Victoria University of Wellington, 1991, pp 94, 183

56. Ibid, p 183

57. Grindell, *Hawke’s Bay Herald*, 26 November 1864

58. George Thomson, ‘The Crown and Ngati Pahauwera from 1864’, claim Wai 119/201 record of documents, doc A29:10

59. Grindell, *Hawke’s Bay Herald*, 26 November 1864

60. Thomson, p 11

Samuel Locke completed the purchase of this block on 7 March 1865. By this time, the block was 21,000 acres and the purchase price £1250.⁶¹ Locke wrote to McLean that the extra £250 was for ‘about seven thousand acres not included in Mr Fitzgerald’s survey at the head of the Waihua which includes some good totara’.⁶² There were 72 Maori signatories including Paora Rerepu.⁶³

A reserve of about two acres was made for Toha of Wairoa, at a place called Tarere, an old native cultivation in the valley.⁶⁴

Thomson claims these land sales were a demonstration of ‘loyalty’. The meetings were marked as much by Maori declarations of support for the Government, as by land selling. The land sales not only ‘opened up’ the area for settlement but committed the sellers to the Government. It was this commitment that McLean sought as much as the land.⁶⁵ Ballara too, maintains that the sale of land was mixed up with loyalty or otherwise to the Queen.⁶⁶

Locke himself admitted as much; in his ‘Reminiscences of the Wairoa’ he described the purpose of these purchases:

Those purchases, as will be shown in the sequel, tendered much towards the safety of this Province; through giving the Government a hold on that end of the district, by which means we were enabled to occupy the country for defensive and other purposes, without reference to the native population.⁶⁷

After describing the satisfactory purchase of the land, he went on to say:

Now comes the most difficult part, the *finale* [sic] of what I had been working at, namely, the organisation of all the natives of that end of the Province, into a strong, loyal party, making the Wairoa the centre. By which means the Government trusted to save the settled portions of the district from becoming another Taranaki.⁶⁸

As Ballara says, probably Ihaka Whaanga, Pitiera Kopu and some of the other Wairoa chiefs:

did choose their side at least partly out of loyalty to the Queen, and possibly their Christian belief caused them to reject elements of the Pai Marire faith out of conviction. But it is also likely that they saw early where their interests lay, and chose their side accordingly.⁶⁹

They may have had no choice but to be loyal; as time progressed the actions of the Crown made it increasingly difficult to stay neutral.

These land sales also came after the introduction of the New Zealand Settlements Act 1863, and some Wairoa people at least appear to have been aware of its

61. Locke to McLean, 7 March 1865, McLean Papers, MS 32, folder 393

62. Ibid, 21 March 1865

63. MA-MLP, 6/3, deed no 151, pp 189–191

64. Grindell, *Hawke’s Bay Herald*, 26 November 1864

65. Thomson, pp 8, 14

66. Ballara and Scott, ‘Crown Purchases’, pp 131–133

67. Transcript of McLean papers, copy held by the Hawke’s Bay Museum, p 1

68. Ibid, p 2

69. Ballara and Scott, ‘Crown Purchases’, p 139

provisions. When Major Whitmore, the civil commissioner for the district, visited Wairoa in January 1864, he was asked if he was ‘going to seize land at the Wairoa for my policemen? (Col Defence Force)’.⁷⁰ He reported that he believed the whole Ngati Kahungunu tribe could be kept on the side of the Europeans ‘partly through their run leases, partly through their old feuds with the Waikatos, and partly by fear of losing their land’.⁷¹

After a major confrontation between Kupapa and Pai Marire supporters in April 1865 at Wairoa, in which a lot of shots were fired but no one was injured, and the Pai Marire chose to retreat, more land was purchased.⁷²

2.8 FURTHER CROWN PURCHASES

On 7 March 1865, Locke had written to McLean from Mohaka that he intended returning to Wairoa, after finalising the Nuhaka purchase, ‘to survey a block that Paul Apatu, Kopu and Kohere have offered’. Later in the month he paid an advance of £70 to Paora Apatu on ‘the land about Turiroa’, which Kopu and Paora had offered him. On 25 April, following the confrontation with the Pai Marire supporters, he reported that:

the people are anxious that I should commence surveying the Turiroa block at once. They offered it all including the bush. They are anxious to have an European settlement there.

By 7 June, he was surveying the Turiroa block.⁷³

2.9 WAIROA AND TURIROA

On 15 July 1865, Locke paid Maraki Kohea, Tamati Te Koari, Koteo Nira and Kohere Nira £300 for their interests in Wairoa and Turiroa.⁷⁴ According to Ballara and Scott, this handwritten deed was the preliminary to the purchase of a 20,000-acre block, the final payment for which was on 19 July 1867.⁷⁵ While technically it may have been preliminary to the purchase of the Turiroa block, this payment was for the ‘Claims of certain Natives to the Wairoa and Turiroa Blocks’, rather than for the block itself.⁷⁶ The people in this deed are not the same people as in the other Turiroa deed. Also, this deed does not have the standard clause such as ‘the boundary of the said land now sold’, instead it says the ‘extinguishment of all our claims to the undermentioned lands’. It then lists a group of names following with ‘and other lands adjoining these lands’. If they are meant to be boundaries then it

70. AJHR, 1864, E-3, no 17, encl 1

71. Ibid, no 17, encl 2

72. Locke, ‘Reminiscences of the Wairoa’, McLean Papers, p 12

73. Locke to McLean, McLean Papers, MS 32, folder 393

74. MA-MLP, 6/3, deed no 141, p 207

75. See Ballara, ‘Wairoa’, p 14

76. Deed no 141, DOSLI Wellington

was an unusual way of writing them and they bear little relation to the boundaries in the Turiroa deed. Finally the payment for the Turiroa block proper was on 19 July 1865, not 1867 as claimed by Ballara and Scott. It was not a second or final payment; it was a completely separate one. Possibly, McLean's habit of not ascertaining all the people with rights in a block made this payment necessary.

2.10 TURIROA

The deed dated 19 July 1865 was signed by Locke, Pitiera Kopu, Karaitiana, Kerei, Hare, Hamuera, Raharuhi, Raihanaia, Hapurona and Paora Apatu. The sum of £2600 was paid on the day.⁷⁷ There is no mention in this deed of any other payments made, including the £70 Locke claimed to have paid to Paroa Apatu.⁷⁸ The Hawke's Bay Provincial Council Votes and Proceedings 1865 noted the payments in cash for this block as £2570, but then it noted the price expressed in the deed as £2500. In other words, it recognised the £70 paid by Locke, but got the sum paid on the day wrong.

Native title to this block was extinguished by gazette notice in February 1866, which tends to substantiate the point that a final payment was not made in 1867.⁷⁹ The block was gazetted as 15,000 acres, which makes a purchase price of 3s 5³/₄d per acre.

2.11 POTUTU BLOCK

The same *Gazette* notice also advertised the extinguishment of native title to the Potutu (or Pututu) block of 4000 acres.⁸⁰ This block was surrounded by the lower Wairoa block on its east side, the Turiroa block on its northern boundary and the Waihua block on its western boundary.⁸¹

This may have been the block Grindell was referring to in 1864 when he mentioned that prior to their departure from Wairoa, another block was offered to McLean by Hipora, a sister of Paora te Apatu. This block was apparently situated between the Wairoa and Waihua blocks, north of the Waihua valley. He described it as a 'larger block than the first block sold (of seven thousand acres) and a sum of a thousand pounds was asked for it'. McLean agreed to accept it, leaving the price to be determined after Fitzgerald had surveyed it.⁸²

Of course it could just as easily have been the Turiroa block he was describing, but Hipora is not listed as having signed that deed and Locke identifies the Turiroa block with Paora, not Hipora. He also appears to be reporting the offer of the Turiroa block for the first time on 7 March 1865.⁸³ I am unable to verify who signed

77. MA-MLP, 6/3, deed no 142, p 180–181; and DOSLI Wellington

78. Locke to McLean, 21 March 1865, McLean Papers

79. *New Zealand Gazette*, 17 February 1866, no 12, p 77

80. *Ibid*

81. See map in MA 1, 5/5/28, NA Wellington

82. Grindell, *Hawke's Bay Herald*, 26 November 1864

the Potutu deed because I am unable to find a copy of the deed. The block is shown on a Maori Affairs map (MA 1, 5/5/28) and besides the gazette notice extinguishing title, it is listed in the Hawke's Bay Provincial Council Votes and Proceedings 1865 as 2800 acres for £1100.

The Department of Land and Survey Information in Wellington does not have a copy of the deed. They have a deed number for Potutu, number 462, but no deed. What they do have is a copy of the Hawke's Bay Provincial Council Votes and Proceedings 1865 list, with a memorandum attached, dated 11 January 1922, saying:

The title to the land referred to as the Pututu Block cannot be traced but this statement taken from the Acts and Proceedings of the Hawke's Bay Prov Council dated 13th June 1865 is sufficient to establish Crown's right to [the] land.⁸⁴

An exhaustive search in 1921 of the Hawke's Bay deeds failed to find the original deed of purchase relating to the Pututu block.⁸⁵ If no deed of the transaction can be found, then the Tribunal may have to decide if a *Gazette* notice advertising the extinguishment of native title is sufficient. This may be a matter for counsel to consider, whether the burden of proof falls on the Crown to establish title.

Seven blocks of approximately 179,370 acres, were purchased by the Crown between October 1864 and the middle of 1865, for a total cost of £15,118 16s 6d, including survey costs and any extras (see table 2.1).⁸⁶ Reflecting on those purchases, Locke wrote:

more land of an excellent quality has been bought, and nearly all the natives of any consequence have come over to the Government. So that all that is now required is judicious management; and no fear need be held for the safety of the Wairoa district; which, to a great measure . . . is due to the foresight of Mr McLean, in purchasing the land.⁸⁷

Although these purchases took place after the passing of the 1862 Native Land Act, none of these blocks had been passed through the Native Land Court before they were purchased. The purpose of this Act was to set up a system which could decide the question of Maori ownership prior to the sale or leasing of their lands. This system was supposed to avoid the Wi Kingi – Te Teira scenario which had culminated in war at Waitara. But the need for such a system had become evident even before the Waitara war, when during the 1850s the Government's unsatisfactory land purchasing methods had given rise to numerous disputes between Maori regarding land claims. The case of Hawke's Bay and Wairarapa, where claims had had to be settled over and over again, demonstrated the need for some form of action on the part of the Government. The passing of this Act,

83. Locke to McLean, McLean Papers, MS 32, folder 393

84. Deed no 462, DOSLI Wellington

85. Heremia Maehē and 109 others re block of land known as Wahanui Rakautihia, LS 22/2852, petition no 215/20, DOSLI Wellington

86. Hawke's Bay Provincial Council Votes and Proceedings 1865, 13 June 1865

87. 'Reminiscences of the Wairoa', p 12

however, did nothing to change that. From the start it was practically a dead-letter. Although some cases were heard in the Kaipara district, the Act had technical defects which needed to be remedied and the war delayed its implementation. It was repealed by the Native Land Act 1865 before it could effectively come into operation in the Wairoa district. Neither was the 1865 Act in effective operation before the Crown pushed ahead with these purchases. In fact, the first Native Land Court sitting at Wairoa was not until 16 February 1867.

Perhaps because it was not in operation, McLean in at least one instance failed to ascertain whether all the right-holders or owners had agreed to the sale of land. This set off a chain reaction resulting in the Government buying more land.

2.12 KOPUAWHARA AND WHANGAWEHI 2

These two Crown purchases were as a result of dissatisfaction over Ihaka Whaanga's sale of the Mahia block to the Crown. While the overall territory was under the mana of Ngati Rakaipaaka, a local hapu sharing rights to Mahia was Ngai (or Ngati) Tu. With the support of Rongowhakaata they offered to sell the Kopuawhara block, on the west end of the Mahia Peninsula, in protest at Ihaka's conduct in ignoring their interest in the Mahia block. But they only wanted to sell that portion on which Ihaka Whaanga had his cultivations, the rest they wanted to reserve 'for themselves and the King or Runanganui'. In other words, they wanted

to sell Ihaaka out. Ihaaka agreed to the sale on the condition that they sell their rights to Whangawehi. This they refused to do at the time. A couple of weeks later though they again offered the land to Locke, which he refused telling them that:

land without an outlet to the sea was useless that they must give Wangawehi then the government would buy theirs if there were no disputes about it, to which proposition they consented and left.

Nine days later Locke wrote:

The Natives look upon Wangawehi as gone to sea but they wish to have the Ngatitu affair settled first. Ihaka and his party are *very* suspicious of the intentions of Turanga. [Emphasis in original.]⁸⁸

In 1865 a Government return listed that £100 had been paid for 12,000 acres at Kopuawhara, pending survey.⁸⁹ No further payments appear to have been made on this block until 1868. By that time the Native Land Acts were in operation and the Kopuawhara block of 6943 acres had passed through the Native Land Court. On 18 February 1867, with no objectors appearing in court, a certificate of title was ordered to issue to Ihaka Whaanga, Te Teira Toheriri and Ihaka Makahue, with no restrictions on alienation.⁹⁰ Kopuawhara 68n of 6312 acres was then purchased from the same three, by the Crown for £500, on 23 April 1868. Opoutama, of 167 acres, was reserved in the deed.⁹¹ Kaiwaitau, 1371 acres, was exempted from the purchase and was later Crown granted to Ihaka Whaanga, Paora Te Apatu, Hamuera Runga, Ihaka Paea, Te Teira Toheriri and Pirnia Pare.⁹²

On the same day, the Crown completed the purchase of Whangawehi no.2, on the Mahia Peninsula. This was the land granted to Te Wera Hauraki and his Nga Puhi warriors by the local people of Rakaipaaka, Rongomaiwahine, Ngati Hikairo and associated hapu out of gratitude, during the musket wars (see ch 1). A first payment of £250 was made on 7 June 1866. In 1867 the Whangawehi block was subdivided by the Native Land Court into two pieces. Both blocks were claimed by Nga Puhi but no 1 was awarded to Rongomaiwahine with Ihaka Whaanga as one of the grantees. Whangawehi 2 became known as the 'Nga Puhi block'. It lay between the Whangawehi and Wainui Rivers, with the coast as its northern boundary and the Tawapata North block to the south.

Title was ordered to Whangawehi 2 by the court on 19 February 1867, 1112 acres to Paora Te Rangituruturu, Arona Ngawiki, Te Peka, Te Reweti Pakiwaha, Nikorima Tohitete, Te Hapa Te Ngaehē, Matana Puhi, Remi Tirui Ngangaira and Reihana Te Tihi, with no restrictions on alienation.⁹³ The final payment of £350, for a total of £600, was paid by the Crown on 23 April 1868 to the nine grantees.⁹⁴

88. Locke to McLean, 5, 19 and 22 December 1864, McLean Papers, MS 32, folder 393

89. AJHR, 1865, C-2, p 4

90. Ballara, 'Kopuawhara', p 4; Maori Land Court Wairoa, minute book, no 1, pp 8–9

91. MA-MLP, 6/3, deed no 155, p 40

92. Maori Land Court Wairoa, minute book, 19 September 1868, no 1, p 63

93. Ballara, 'Whangawehi', p 2; Wairoa minute book, no 1, p 15

94. MA-MLP, 6/3, deed no 89, pp 217–219; Turton's deeds, deed no 44, pp 553–555

Whangawehi 1, of 3071 acres, was Crown granted to Te Otene Tangihaere, Te Teira Toheriri, Ihaka Whaanga and Ihaka Kaiweke and made inalienable except by lease of 21 years. In 1886 it was still in Maori ownership.⁹⁵

Ballara suggests that probably:

the desire of some Nga Puhi to sell had a lot to do with the fact that they were a small group from another region surrounded by a large population of Ngati Kahungunu and others, in whom the imperatives of the new age were overriding the memories of the past. That had nothing to do with the Crown, but a grievance remains if the rights of some non-sellers of Whangawehi no 2 were ignored.⁹⁶

2.13 SOME PRELIMINARY CONCLUSIONS

On the evidence available it is clear that some Wairoa Maori at least, wanted to sell land. They appear to have wanted to attract Europeans to the area, in order to acquire the benefits perceived to go along with them. Long after the southern portion of Hawke's Bay had been settled by Europeans, and even when comparative settlement was established at Mohaka, Wairoa was still fairly isolated. In 1862, the civil commissioner for Hawke's Bay had reported that the Wairoa district was still a little known and neglected area by officials. At that time there was only about 30 squatters renting land on the banks of the Wairoa River.⁹⁷ At one time there had been up to 140 Europeans living at Mahia. As the whaling decreased they moved away.⁹⁸ The desire for Europeans was based on the wish for the skills, trade opportunities, markets and employment that came from having a European population settled amongst them. And possibly with a European population residing amongst them they would have added protection from their traditional enemies, such as the Waikato tribes. These sales came at a time when the Waikato war had just finished and just before the start of the Pai Marire campaigns.

But the sellers would have wanted to control the sale of their land. They may have been compelled, though, into selling more than they wanted to by McLean telling them that if they wanted European settlers, they would have to part with a sufficient quantity of land. In the case of Nuhaka, a 'small block of land', was increased to over 100,000 acres, after McLean had talked to them.

McLean and his officers almost always rejected the Maori vendors' initial asking price and offered very much lower ones, usually on the excuse that unimproved land was of little or no value and that the value came from the land being 'properly made use of'. The initial asking price for Nuhaka had been £10,000, the eventual agreement was £3300. Lower Wairoa had been £10,000, McLean got them down to £1000. For 'the gem of the Wairoa', they had asked £30,000, McLean got it for £1200. He also used the purchase of the lower Wairoa block to push through the purchase of the upper Wairoa.

95. AJHR, 1886, G-15, p 17

96. Ballara, 'Whangawehi', p 5

97. AJHR, 1862, E-9, sec VI, pp 19-20

98. McLean journal entry, 28 February 1851

It could be argued that Maori did not have to agree to McLean's price but if they genuinely wanted European settlement in the district they did not have much choice. With pre-emption still operating in the Wairoa district, at this time, they could not obtain a fair price where there was no 'free market'. Perhaps for this reason, some Wairoa chiefs looked forward to a system of selling direct to private individuals. McLean's deliberate disparagement of the value of the land, which in the case of the Wairoa blocks was superb, also sits uneasily with the Crown's duty of reasonable protection of Maori interests.

Prices paid to Wairoa Maori were anywhere in the order of six pence an acre to nine shillings an acre. The Crown invariably accrued a considerable profit on resale, while spending very little, at first, on roads, bridges or other improvements. Lambert, in particular, was scathing of the amount spent on public works in 1868, and even as late as 1876. The road to Mahia via Nuhaka, which McLean had promised to spend £100 on, Lambert described as only a 'Native track' in 1876.⁹⁹ All this begs the question of whether Wairoa Maori got the benefits they thought would come with selling land.

One final comment must be made on the practice of purchasing without adequate consultation with all the owners. In at least one instance, Mahia, McLean failed to ascertain whether all the owners had agreed to the sale of land. The dissatisfaction over this led to a bitter dispute, with Rongowhakaata at one stage even threatening:

that if the land were not returned to them, and the money to the government, that they would go back to Turanga and bring a party, and drive the pakeha off the land and the loyal natives with them.¹⁰⁰

In the end they offered more land to the Crown, with Locke pressuring them to give even more.

Throughout 1865, Locke's land-purchasing activities were combined with intelligence gathering on the Pai Marire. In March he reported there was a party of Pai Marire in the Urewera country and for the next few months he kept up a running commentary on their movement. Extra muskets were requested for those considered loyal. The arrival of Pai Marire was the catalyst for civil war on the east coast between June 1865 and October 1866. On 25 December 1865, a kupapa force led by Kopu and Ihaka Whaanga, and aided by Ngati Pahauwera, attacked a section of the upper Wairoa, led by Te Waru Tamatea, at Omaruhakeke Pa, about 12 miles up the Wairoa River. The kupapa force won, due to colonial and Ngati Porou help. Another engagement took place at Te Kopane, on the southern side of Lake Waikaremoana, on 13 January 1866 and was once again, for the kupapa side, successful. The consequences of these battles are discussed in the next chapter.

99. Lambert, pp 407, 412

100. Locke to McLean, 19 December 1864, McLean Papers, MS 32 , folder 393