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Tuhoe and the Government:
A Question of Autonomy

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Abstract

Tuhoe were the last iwi to experience substantially the institutions of government authority. The negotiations between Tuhoe and the government in the 1890s resulted in the Urewera District Native Reserve Act, 1896 through which, as a matter of expediency the government appeared to grant Tuhoe a measure of autonomy. For Tuhoe the 1896 Act seemed to be a measure which would enable them to retain their autonomy, improve their economy, and adapt to the increasing contact with Pakeha society and institutions on their own terms. Tuhoe agreed to the 1896 Act because they understood it would benefit them. However, their expectations, and the promise of the Act remained unfulfilled. The 1896 Act became the means by which the government was able to extend government authority to the rohe, and eventually to alienate Te Urewera land. This thesis studies the pressures, expectations and actions of both Tuhoe and the government, and is an account of the Tuhoe struggle to remain autonomous, and the way in which the government failed to fulfill Tuhoe aspirations.

‘He kotahi na Tuhoe ka kata te po’

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*Ko Taiarahia Te Maunga, Ko Ohinemataroa Te Awa,
Ko Mataatua Te Waka, Ko Tuhoe Te Iwi*

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Abbreviations

AGGHB	Agent General Government, Hawke's Bay
<i>AJHR</i>	<i>Appendices to the Journals of the House of Representatives</i>
<i>AJLC</i>	<i>Appendices to the Journals of the Legislative Council</i>
DOSLI	Department of Survey and Land Information
doc	document
CL	Crown Law
IA	Internal Affairs
J	Justice Department
LE	Legislative
LS	Lands and Survey
M	Marine
MA	Maori Affairs
<i>NZ Gazette</i>	<i>New Zealand Government Gazette</i>
<i>NZJH</i>	<i>New Zealand Journal of History</i>
NZ Jur (NS) SC	New Zealand Jurist Reports, New Series, Supreme Court
<i>NZPD</i>	<i>New Zealand Parliamentary Debates</i>
T	Tourist Department
Wai	Waitangi Tribunal

Introduction

The right to Maori self-government or *tino rangatiratanga*, has been continually undermined by the government since the signing of the Treaty of Waitangi. As soon as Pakeha were in a position to enforce their laws they did so to the detriment of Maori traditional authorities. The wars of the 1860s and 1870s saw the government attempting to impose their authority over Maori by force in order to control the land. The 1880s and 1890s were decades of rapid change which saw a rethinking of Maori-Pakeha relationships by both peoples. In Te Rohe Potae o Tuhoe, political activity both within and outside of the rohe, the ways other iwi were dealing with colonisation, and the pressing need to secure their land and their future influenced the way Tuhoe reacted to pressure from the government to ‘open’ their lands.¹ A distinctive kind of leadership, one based on a group concept rather than a single leader, made the Tuhoe relationship with the government a unique one.²

Before the 1870s, Pakeha had shown little interest in settling or utilising land in Te Rohe Potae o Tuhoe. Then, when it seemed profitable to have access to Te Urewera to exploit resources and settle the outer lands the government began to pressure Tuhoe to ‘open’ the rohe. However, there was no practical or ‘safe’ way of achieving this until the government passed special legislation in 1896. The Urewera District Native Reserve Act, 1896 provided the basic means of entry for government authorities into Te Urewera. The 1896 Act was portrayed by the government as a concession to Tuhoe and their desire to retain their autonomy, however, it merely put in place the processes that would in the future provide for the alienation of Te Urewera land.

This thesis will explore the factors that prompted the creation of the Urewera District Native Reserve Act, 1896, the purpose and effects of the Act, and its eventual repeal. In doing so the

¹ See W. Milroy and H. Melbourne, ‘Te Roi O Te Whenua’ Tuhoe Claims under the Treaty before the Waitangi Tribunal (Wai 36 record of documents, doc A4), on the evolution of the Tuhoe identity and the formation of Te Rohe Potae o Tuhoe, pp. 82-84.

² In the nineteenth century the iwi was commonly referred to as Tuhoe or Urewera. Te Urewera is also the name of the area known as Te Rohe Potae o Tuhoe.

thesis will show that the 1896 Act guaranteed to Tuhoe merely the illusion of autonomy in exchange for land and acceptance of government authority. The 1896 Act supposedly conferred local autonomy within Te Urewera, but the government only tolerated this limited power for as long as it took to acquire direct control over the land. Even so, the factors that motivated the creation of this Act cannot be identified in a simple ‘cause and effect’ scenario. Tuhoe were not passive observers as the government decided their future for them, and in contrast with treatment given to other iwi, the concessions that Tuhoe gained were groundbreaking for the time. The struggle of Tuhoe with the government to retain the rangatiratanga promised them by the Treaty of Waitangi may be compared to the situation in the King Country. Here the government made concessions to Ngati Maniapoto in order to begin surveys of the rohe, but any benefits the iwi might have expected were temporary and merely a prelude to land loss.³

A combination of primary and secondary sources are used to support this thesis. Archival records including private, unpublished texts have been used in conjunction with official published sources to interpret events. The value of these sources is that despite the fact that the majority are based on the observations of government officials, the very prejudices of these officials and the lines of policy they supported are enlightening, and clarify the often vaguely defined concerns of the average colonial,⁴ and of Tuhoe to a certain degree. One can also tell as much from what the officials do not say, as from what they do, when the documents are read in conjunction with the records of Tuhoe correspondence and meetings with such officials in the form of letters, memos, petitions and telegrams, and when taken in context with the social, economic, and political pressures shaping events. It is the contention of this thesis that a picture of government policy concerning Te Urewera and Tuhoe, with some representation of what Tuhoe themselves aspired to in terms of their autonomy and their land, can be constructed from these sources.⁵ The thesis interprets the actions of Tuhoe as far

³ T. Adams, N. Te Uira, and A. Parsonson, “Behold A Kite Flies Towards You”: The Kingitanga and the “Opening” of the King Country’, *NZJH*, vol. 31, No.1, April 1997, p. 115.

⁴ In this context, ‘colonial’ refers to Pakeha settlers.

⁵ Generally there have always been exceptions where an individual’s views have not matched those of the rest of settler society, or vice versa, of Maori society. This thesis recognises those

as they can be determined without the benefit of oral sources.

Relatively few works have been written that focus solely on the Urewera region. The historiography to date has come from such writers as Elsdon Best, Judith Binney, and Peter Webster. The most recent additions are in the form of reports by Wharehuia Milroy and others, submitted to the Waitangi Tribunal in support of claims. The approach taken to writing in these works has changed over time as perceptions have changed, more information has become available, and certain issues have proved to be worthy of more in depth research. The viewpoints range from Elsdon Best's observations as an early twentieth century Pakeha ethnographer,⁶ to those of Wharehuia Milroy as a Tuhoe researcher and writer of the history of claims of injustice committed by the Crown.⁷ Few Maori, and even fewer Tuhoe historians have published work on the history of Te Urewera. It is essential that Tuhoe participate in the rediscovery of their history so that a more comprehensive and accurate picture can be formed. The approach taken in the writing of this thesis differs from that of previous works because of its focus, and the organisation of the issues. The purpose of the thesis is not to determine the internal workings of Tuhoe authority, but to explore the issue of autonomy in the framework of the Tuhoe relationship with the government. Neither does the thesis attempt an in depth study of religious issues, in relation to the prophets Te Kooti and Rua Kenana. Their stories (as prophets) are better left to Ringatu, although their influence, and sometimes clashes, with Tuhoe leaders and the government are included where relevant. The Urewera District Native Reserve Act, 1896 is examined in context with the social, economic, and political climate of the time, and therefore with the pressures that led to the creation of the Urewera District Native Reserve Act, 1896. This includes recognition of the aspirations of Maori, Tuhoe, and colonialists, as they related to the economy, forms of government, and land.

The latter part of the nineteenth century, was perhaps one of the most interesting and turbulent

exceptions, and notes them where they are relevant to the argument.

⁶ E. Best, *Tuhoe: Children of the Mist*, vol.1 [1925], Wellington, A.H. & A.W. Reed, 1973.

⁷ Milroy and Melbourne, 'Te Roi'.

periods since Europeans arrived in Aotearoa. During this time increasingly fewer aspects of Maori lifestyles remained unaffected by Pakeha influence. The adjustment of different iwi to the influx of new ideas, beliefs, technology, and administrative structures occurred at different times with varied reactions on the part of each iwi. The government, whose actions were largely influenced by pressure from settlers, also had to make adjustments to changing social pressures. In the 1880s and 1890s the two cultures attempted to find a way co-exist peacefully, but conflicted because the government's solution depended on assimilating Maori and their land,⁸ while Maori wished to remain independent so that they could engage with the new order on their own terms. In Te Urewera, Tuhoe and the government negotiated an agreement on these issues which resulted in the creation of the 1896 Act.

Chapter one briefly describes early Tuhoe-government relations and how reports by officials reinforced negative government perceptions of Tuhoe. The new authority that emerged to represent Tuhoe in the 1870s, Te Whitu Tekau, is looked at as an expression of the unity of Tuhoe against the colonial drive for land. The changing social and economic climate within the rohe, previous experiences of government authority by Tuhoe and other iwi, and Maori political activity throughout Aotearoa contributed to change within Te Urewera.

The Urewera District Native Reserve Act, 1896 is examined in chapter two. The ostensible purpose of the 1896 Act as stated in the document itself is assessed in conjunction with the debate and context in which the Act appeared. Tuhoe input in the construction of the 1896 Act and their expectations of it are studied, as are the government's own perceptions and interpretations of the Act's purpose.

Chapter three studies the Liberal government's land policies which were shaped by pressure from Pakeha settlers and miners for land rights, expectations of economic gain, and intolerance of Maori authority. The experiences of other Maori who attempted to obtain government recognition of their autonomy are included here to show how the government had treated Maori aspirations in the past. Seddon's promises to Tuhoe that were included in the

⁸ See p. 10 for an explanation of how the term 'assimilation' is used here.

1896 Act form the major part of this chapter because these issues were directly relevant to why Tuhoe and the government agreed to the creation of the 1896 Act.

Chapter four is arranged in two sections that summarise the events subsequent to the passing of the Urewera District Native Reserve Act, 1896. The first section addresses the events that occurred directly after the establishment of the 1896 Act: the Urewera Commission's investigations, the state of the Urewera economy, and the outcomes of Seddon's promises to Tuhoe. The second section follows the implementation of the major provisions of the 1896 Act, the subsequent amendments, and the repeal of the Act in 1921-22.

Discussion of the events that occurred in Te Urewera allows an in-depth exploration of the relationship between Tuhoe and the government, and the efforts of Tuhoe to protect their autonomy and land against the encroaching wave of colonisation. The conflicting aspirations and ideologies of two such different cultures as Maori and Pakeha, provide a framework from which to examine the issues focused on in this thesis.

In the nineteenth century and earlier, inter-iwi or inter-hapu conflict was common between the peoples of Te Urewera, the Bay of Plenty, and neighbouring districts. There existed a shifting balance of power that saw some groups rise while others declined. Within Te Urewera, Tuhoe held the interior lands exclusively, and on the outer lands Tuhoe co-existed with Ngati Whare, Ngati Manawa, Ngati Ruapani, and other iwi. Inter-marriage, whakapapa, and land linked these iwi with Tuhoe, but as the connections and identities are too complicated to address with any justice in this thesis, suffice to say that they existed and interacted. To a large extent the communities in Te Urewera depended on strong leadership, the capacity to survive and flourish under adverse conditions, and the ability to capitalise on shifting fortunes. Each hapu or even whanau observed its own authorities in times of peace but banded together when necessary against a common enemy.⁹ The loose system of self-government exercised by iwi and hapu came under threat when Pakeha introduced their institutions and laws and set about the destruction of the existing systems.

⁹ Traditionally hapu or whanau were led by rangatira and kaumatua and within these units were rules and prohibitions that dictated appropriate behaviour by the people.

The arrival of Pakeha presented an opportunity to change the status quo among hapu through the introduction and utilisation of new technology. For example, in the early 1820s the power balance between hapu was upset when Pakeha traders and whalers introduced muskets and distributed them unevenly among hapu; Tuhoe acquired muskets around 1829-1830.¹⁰ At first this gave those who had the weapons an advantage over those who did not; but Maori soon adapted to the change, and as Belich observed, once the new weapons were universally distributed, conflict gradually returned to normal levels and the balance between groups was reestablished.¹¹ Such introductions were incorporated into Maori society and caused a relatively brief disruption to the power balance between iwi, and between hapu. But these material introductions were of relatively minor influence on the traditional Maori social structures and authorities. The ideologies, preconceptions, and judicial systems that colonials brought with them had far greater long term effects.

The major aim of early Pakeha colonials (via the government) was to attain control of Maori land for settlement, speculation, and development purposes. That often meant that the rights of Maori were ignored in the pursuit of these goals. Conflict arose because the government tried to replace Maori authority and rights to land through guile and force. In the 1860s, war escalated between Maori and Pakeha around the North Island; alliances formed between different groups that at times pitted iwi against iwi, and even hapu against hapu. The wars were fought over land, and over authority; the increasing numbers of Pakeha settlers and their insatiable hunger for land conflicted with the determination of Maori to retain their own lands and their autonomy. The wars began in Taranaki on 17 March 1860, crossed to Waikato in 1863, Tauranga in 1864, and the Eastern Bay of Plenty in 1865. From there it shifted to Te Urewera and government troops first invaded the Rohe Potae of Te Urewera in October 1865, attacking Te Koingo in the Waimana valley.¹²

¹⁰ Best, *Tuhoe: Children of the Mist*, p. 519.

¹¹ J. Belich, *Making Peoples*, Auckland, Penguin Books, 1996, p. 164.

¹² Milroy and Melbourne, 'Te Roi', pp. 117-118. The attack was made on the pretence of capturing Kereopa, and Tuhoe were taken by surprise. The invasion continued into 1871.

In 1866, the government confiscated land in the Bay of Plenty when it became apparent that the Maori land 'owners' were not willing to sell enough land to satisfy Pakeha settlers' demands. Although the iwi/hapu of Te Urewera had been relatively isolated from contact with Pakeha they too were affected by these confiscations. Tuhoe land between Te Waimana and the coast was confiscated in 1866 by proclamation under the New Zealand Settlements Act, 1863.¹³ Tuhoe lost their harbour access to Ohiwa, the alluvial flats of Te Hurepo, Opouriao, and Waimana including the large kumara and potato gardens of Te Ngutu o Te Ihe, Nga Mahanga o Nore and Te Pawa.¹⁴

War continued after the confiscations, and Tuhoe clashed with the government forces who pursued Te Kooti and his followers through Te Urewera from May 1869 to 1871.¹⁵ The reputation of Tuhoe as dangerous 'guerilla' fighters who used the rugged terrain of Te Urewera to their advantage, was enhanced by the reports of government officials and military personnel who travelled through the area in the late 1860s and early 1870s.¹⁶ This reputation along with the nature of the land, acted as an effective deterrent to Pakeha settlement. Continuous warfare, however, was not an option that either people wished to maintain, and so violent confrontation gave way to negotiation. Later protests by Tuhoe against government actions took more peaceful forms, with the exception of a near confrontation over surveys in

¹³ J. Sissons, *Te Waimana The Spring of Mana: Tuhoe History and the Colonial Encounter*, Dunedin, University of Otago Press, 1991, p. 2. See also Best, *Tuhoe: Children of the Mist*, p. 595. Other lands were confiscated under the East Coast Land Titles Investigation Act; see Milroy and Melbourne, 'Te Roi', pp. 208-209.

The Compensation Court was set up to hear disputes over lands confiscated in the Bay of Plenty District and Tuhoe representatives attended the September 1867 sitting of the Compensation Court at Whakatane. See Milroy and Melbourne, 'Te Roi', p. 351.

¹⁴ Milroy and Melbourne, 'Te Roi', p. 130. The Tuhoe lands contained within the confiscation boundaries based on evidence from Kupai McGarvey: 1970 and the Raupatu Committee Minute Book, are listed in 'Te Roi', pp. 130-135.

¹⁵ The Whitmore expedition destroyed kainga and pa at Ruatahuna and Oputao, while the other branch of the expedition led by St John took Orangikawa, Tatahoata and Tahora by force. They were unsuccessful in their real objective which was to catch Te Kooti. See J Binney, *Redemption Songs: A Life of Te Kooti Arikirangi Te Turuki*, Auckland, Auckland University Press with Bridget Williams Books, 1995, pp. 164-165.
See also, G.A. Preece, 'Notes for Major Gascoyne: Expeditions Against Te Kooti', p. 2, qMS-1661.

¹⁶ For examples see J.H.H. St John, *Pakeha Rambles Through Maori Lands*, [1873], Christchurch, Capper Press, [Reprint], 1984, pp. 156, 158.

1895, and then when the government invaded the settlement at Maungapohatu in 1916.

This early experience of government aggression influenced the stand Tuhoe took in their rejection of government institutions and Pakeha settlement. The confiscation line that runs through Ruatoki is still a bitter reminder of that era and the legacy of injustice remains unresolved for the hapu that were affected by the confiscations. After 1873, with feeling towards Pakeha still understandably bitter, Tuhoe set up a carved post on the roadside at the confiscation boundary at Ruatoki that aptly expressed their feelings: 'hai arai i te Pakeha me ana mahi': 'keep off the white man and his works'.¹⁷

At the end of the nineteenth century the government's assessment of Maori needs in terms of land was slowly beginning to change as the government realised that Maori were not going to die out and leave all their lands free for Pakeha settlement, as had been the preferred belief.¹⁸ As early as 1874 Samuel Locke commented that he thought it a

mistaken idea that the Maoris are dying out rapidly ... that rapid disappearance which seemed probable a short time back, is checked, more especially so in those places where no sudden change in their habits or manner of living has occurred, but where time has been allowed for them to some extent to prepare themselves.¹⁹

In 1882 Bryce, the Native Minister, who introduced a new Natives Reserves Bill, joined other speakers in expressing the view that 'the decline in the Maori population had been halted and that the population might soon increase.'²⁰ Nevertheless, consideration for Maori land owners'

¹⁷ Best, *Tuhoe: Children of the Mist*, p. 665.

¹⁸ In 1881, A.K. Newman listed the factors attributed to the decline of the Maori population and summarised his findings with the following comment: 'Taking all things into consideration, the disappearance of the race is scarcely a subject for much regret. They are dying out in a quick, easy way, and are being supplanted by a superior race'. See A.K. Newman, 'A Study of the Causes Leading to the Extinction of the Maori' (1881), R.P. Hargreaves and T.J. Herne, (eds), *The Maori Population*, Dunedin, Hocken Library University of Otago, 1977, p. 30.

¹⁹ *AJHR*, 1874, G-2, p. 21.

²⁰ Cited in A. Ward, 'National Overview', Volume I, Waitangi Tribunal Rangahaua Whanui Series, Wellington, GP Publications, 1997, p. 78.

needs did not significantly change government agendas to acquire land, and where force had not succeeded in separating Maori from their land, legislation did the job instead. The view that Maori were becoming extinct was still commonly held well into the 20th century and it suited settlers to believe this because it justified their actions in acquiring land.

Judge Sim of the Native Land Court commented that 'I do not think any attempt to dis sever the Maori from his land will result in success. His only chance lies in being encouraged and taught to utilise his land.'²¹ Judge Sim's suggestion advocated turning Maori into settlers much the same as Pakeha but his ideas were not, however, carried over into government policies until the 1920s. Even then, lack of financial aid and training, and survey and other costs taken out in Maori land meant that Maori were unable to establish a successful farming economy and in fact, the government never intended them to. The government was under too much pressure from the Pakeha settlers who feared the scourge of 'black landlordism.'²² One of the main objections to Maori landlordism was that European settlers thought Maori had all the best land and were not developing it, thereby unfairly keeping it from those who were willing to, and could profitably work the land. Also, the eurocentric beliefs of settlers meant that they felt themselves innately superior to Maori, and therefore would not tolerate Maori in a position of power whereby Maori, and not Europeans, had control of the land.

As Alan Ward noted,

British ethnocentrism, at the same time as it denied the Maori people the independent use and development of their own institutions, also denied them the full and prompt

²¹ Quote from Judge Sim of the Native Land Court, in 'Native Lands and Native Land Tenure', *AJHR*, 1907, G-1c, p. 22.

²² See T. Brooking, "'Busting Up" The Greatest Estate of All. Liberal Maori Land Policy, 1891-1911', *NZJH*, vol. 26, No.1, April 1992, pp. 92-93.
During the later nineteenth and early decades of the twentieth centuries, two issues dominated European attitudes to Maori land: a widespread demand for the 'opening-up' of Maori lands, together with Crown lands, for settlement, and the 'problem' of Maori 'landlordism'. See A. Ballara, *Proud to be White?: A Survey of Pakeha Prejudice in New Zealand*, Auckland, Heinemann Publishers, 1986, pp. 76-81. See also Ward, 'National Overview', p. 74.

participation in the new order.²³

From 1891, the Liberal government favoured a policy of assimilation to bring Maori, and their land under the control of Pakeha law. Assimilation has been described as ‘a policy whereby the dominant ethnic group discourages all others from keeping their own traditions, culture, values, language, etc’ and encourages all groups to absorb the dominant group’s culture so that eventually all groups will become the same as the dominant group.²⁴ Indeed there was little tolerance among most colonials for aspects of Maori culture, values, and forms of land tenure,²⁵ so the government attempted to force Maori to live by Pakeha laws and to administer their lands in the same fashion. Although Te Urewera was granted special legislation to confirm Tuhoe autonomy within the rohe, there was strong opposition from some members of parliament to Tuhoe having laws that separated them from everyone else, and this opposition grew after the 1896 Act came into force.²⁶ The paradox is resolved when the long term aims of the 1896 Act on the part of the government are appraised.

The drive of colonisation by Pakeha in the latter half of the nineteenth century brought change to the very nature of Maori society. To ensure their own culture survived, Maori had to learn to move within the complexities of a foreign culture. Pakeha society did not recognise the value of Maori culture in terms of authoritative and social structures, and saw the promulgation of its own values and laws as its God given right. However, it was not purely racism, but also a misguided humanitarianism that drove Pakeha to impose their values on Maori society. The force of colonial authority and government policy proceeded on the basis of an assumed superiority. Colonial authorities shared, with early missionaries, a mission to

²³ A. Ward, *A Show of Justice: Racial ‘amalgamation’ in nineteenth century New Zealand* [1974], Auckland University Press, Auckland, 1995, p. 161.

²⁴ ‘Immigrants and Ethnic Minorities - What Words Should I Use?’, Department of Labour, Resettlement Unit, 1986, pp. 3-4.

²⁵ William Massey referred to the Maori traditional system of land tenure as that ‘wretched communistic system’ under which no ‘Native’ or European could prosper. *NZPD*, 142 (1907), p. 1045.

²⁶ *NZPD*, 96 (1896), pp. 161, 191.

civilise other races, and used this reasoning to justify their often unjust actions.²⁷

The fact that iwi and hapu of Aotearoa did not immediately embrace the values and institutions that Pakeha brought with them at times confounded Pakeha who genuinely thought that Maori needed their guidance. What Maori did accept of Pakeha culture was often adapted and changed to fit their own needs; for example, religious beliefs stemming from the bible were converted to a more acceptable and understandable form for Maori adherents. The traditional social structures of Maori society were still strong, and in some cases Maori sought to find the key to securing and maintaining their own autonomy within these structures or by incorporating elements of the old, within new authorities or administrative structures, as was the case with Tuhoe. J.A. Williams commented that ‘many Maori and a few Europeans believed that certain traditional practices provided cohesion and a basis for Maori progress, and that much of the European influence was threatening and disruptive.’²⁸ This theory was given lip-service by certain politicians, Maori and Pakeha alike, but because the assimilation of Maori into Pakeha society was the ultimate goal of the government, a separate Maori authority would never be given serious or permanent recognition.

The paternalism with which Pakeha MPs and even some Maori MPs tried to act in the ‘best’ interests of Maori ‘coloured’ any legislation that initially seemed beneficial to Maori.²⁹ It resulted in ‘safety’ clauses that always ensured there would be room for the Crown to make changes through regulations or amendments. The Urewera District Native Reserve Act, 1896 was based on such principals. Section 24 gave the Governor in Council the power to make regulations affecting other key provisions of the Act. The dichotomy which existed in the government’s dealings with Maori is a theme reflected in New Zealand legislation. Even the

²⁷ J.A. Williams noted that ‘As a part of a highly ethnocentric society, the Europeans in New Zealand believed that their own way of life was the only progressive way.’ See J.A. Williams, *Politics of the New Zealand Maori: Protest and Cooperation, 1891-1909*, Auckland, University of Auckland, p. 23.

²⁸ Williams, p. 24.

²⁹ In 1894 Seddon described how he saw the relationship of the government to Tuhoe: ‘We prefer to take up the position ... of good parents loving their children, and desirous of doing that which is in their interest’. See ‘Pakeha and Maori: A Narrative of the Premier’s Trip Through the Native Districts of the North Island’, *AJHR*, 1895, G-1, p. 53.

most well intentioned Acts gave the government overall control and therefore denied Maori the right to control their own destiny.

To summarise this introduction then, by engaging with the government to create the Urewera District Native Reserve Act, 1896 Tuhoe hoped to achieve what other iwi around Aotearoa were also struggling for: recognition of autonomy and control over the administration of their own lands. The 1896 Act had the potential to serve as a landmark example of Maori autonomy formally recognised by the Crown. However, as later chapters will show, the 1896 Act did not fulfil Tuhoe aspirations, and the government's show of support for Tuhoe autonomy was what Alan Ward has aptly termed, merely 'a show of justice.'

Chapter One: Adjusting to a Foreign Culture

In the latter half of the 19th century, major events occurred which were closely related to the struggle by Maori for the legal recognition of their autonomy or right to self determination. Tuhoe efforts to retain autonomy resulted in the creation of the Urewera District Native Reserve Act, 1896: the statute that to a certain degree recognised their right to self government. The events and pressures that influenced the actions of Tuhoe and the government, and Tuhoe adjustment to Pakeha culture and aspirations prior to 1896, shed some light on why the 1896 Act came into existence.

The 19th century was a time of great social upheaval in Aotearoa. 'In the lifetime of one generation, the political, social, and economic landscape of Aotearoa was to alter dramatically, and [Maori] communities throughout the islands had to make decisions about how to survive in a country increasingly run by Pakeha.'³⁰ Tuhoe in particular had kept themselves comparatively separate from the new immigrants who at first were more concerned with securing and developing the flat fertile lands of the North Island rather than those of the comparatively inaccessible mountainous Urewera region. However, pressure from settlers to acquire land did not show any signs of decreasing, and land was not being alienated fast enough to satisfy the demand. The government shifted its focus to include Te Urewera, and the presence of Pakeha became difficult to ignore for even the geographically isolated Tuhoe.

The experience of Tuhoe as they adjusted to increasing contact with Pakeha was unique. Notwithstanding the wars and confiscations of the 1860s, Tuhoe were the last iwi and hapu to engage substantially with Pakeha whereas by the 1890s most other iwi whether willingly or otherwise had been forced to acknowledge Pakeha law and institutions. The late exposure of Tuhoe to Pakeha institutions and authority, and the isolated nature of Tuhoe lands could be seen as an advantage. Tuhoe had more time to observe government treatment of other iwi, and at least initially, they were able to remain on their ancestral lands.

³⁰

A. Parsonson, 'The Challenge to Mana Maori', in G.W. Rice, (ed), *The Oxford History of New Zealand, Second Edition*, Auckland, Oxford University Press, 1992, p. 167.

The records left by early Pakeha visitors to Te Urewera, such as Hunter Brown, George Preece, and J.H.H. St John, illustrate the irritation felt towards Tuhoe autonomy and isolation by colonials decades before the 1890s. The accounts were often prejudiced, derogatory, and paternalistic,³¹ and these factors obviously have affected the recollection of events and the received history. However, these types of reports and newspaper articles influenced the general Pakeha public's perception of Tuhoe, and the government's treatment of Tuhoe, and so are worth examining. Hunter Brown's comments illustrated an attitude common to the times when he noted that in 'social condition the Urewera are somewhat backward, as might be expected from their local position with no port, no roads, and no resident Pakeha except a respectable trader at Ruatoki.'³² Pakeha used the term 'uncivilised' to denote difference and inferiority in a culture that most had little understanding of. Without the 'benefits' of civilisation or constant Pakeha presence, Pakeha continued to perceive Tuhoe as underdeveloped and under-privileged, and also used this rhetoric as a justification for 'civilising' Tuhoe.

Te Urewera did not exist within a vacuum. What affected Maori outside their rohe in terms of political and economic impacts was bound to have repercussions for Tuhoe. In Te Urewera, as at Parihaka and in the King Country, Maori who wanted to secure their own lands and manage their own affairs without government interference were perceived by the government as 'backwards', and 'savages' who needed the benefits of civilisation to bring them into line with European social ideals. According to J.A. Williams, 'many European observations were coloured by a desire to obtain Maori land and therefore often laid stress on Maori cultural conservatism', arguing that Maori should not be allowed to 'hold up the progress of the colony.'³³ Assimilation of the Maori people would supposedly go hand in hand with the opening up of their lands, hence the tactics used by the government to break down the autonomous systems that held iwi and hapu together and impose a new rule. Colonials did not

³¹ On this topic see H. Bauchop, 'Denigration and Denial: Crown Renaming of the Land, History and Undermining of Iwi in Taranaki', June 1993, (Wai 143 record of documents, doc 119).

³² 'Report From C. Hunter Brown, Esq., of an Official Visit to the Urewera Tribes', June 1862, *AJHR*, 1862, E-9, p. 27.

³³ Williams, p. 24.

see traditional or even contemporary systems of Maori authority as having a place in the 'new' society that they aimed to create.

Later, when military personnel managed to penetrate the mountains of Te Urewera in pursuit of Te Kooti, they revelled in their success and often portrayed their victory in surviving the harsh elements as a victory also against Tuhoe. After the Whitmore expedition of 1869, George Preece commented that the expedition would have proven to 'the Urewera that their county was not impregnable and that European forces could fight them in their fastnesses.'³⁴ What Preece's report does not mention is that as a result of Whitmore's 'scorched earth' policy, many Tuhoe died of starvation and malnutrition.³⁵ Tuhoe also suffered the effects of epidemics and in October 1870, Moule and Mair received reports of a great sickness among Tuhoe estimating that about two hundred had already died from the disease.³⁶ During this period Tuhoe were continually harassed as other government forces went through Te Urewera,³⁷ chasing Te Kooti and wreaking havoc and destruction as they went. In 1870 Tamaikoha and his people moved to Ohiwa under the terms of peace offered by Kemp, which

³⁴ qMS-1661, p. 2.

George Augustus Preece was the son of the C.M.S. Missionary James Preece who opened a mission station at Te Ahi Kereru in 1847. G.A. Preece served under Richardson at the start of the war with Te Kooti. See Rev. J.H. Starnes, 'Mr James Preece, C.M.S. Missionary', *Historical Review: Bay of Plenty Journal of History*, vol. 33, No.2, November 1985, p. 37.

³⁵ Milroy and Melbourne, 'Te Roi', p. 168. In late May 1869 Whitmore commented that 'starvation stares the Uriweras in the face and nothing but the season prevents one destroying them'. See Whitmore Correspondence 1868-1870, p. 11, G.S. Whitmore, MS-2392.

³⁶ *AJHR* 1871, F-1, No.4, p. 6. See also I. Pool, *Te Iwi Maori: A New Zealand Population Past, Present & Projected*, Auckland, Auckland University Press, 1991, pp. 96-97. This was not the first time that Tuhoe had suffered from epidemics. According to Reverend Brown, in late 1849 influenza was rampant among the Tuhoe at Maungapohatu. See Rev. A.N. Brown's *Journal: January 1 1847 to April 10 1850, Tauranga*, v.2, Transcript, entry dated 29 November 1849, p. 44, A.N. Brown, qMS-0278.

³⁷ Other accounts of the campaign by Whitmore, St John and others are contained in *AJHR*, 1869, A-3. Clarke, the Civil Commissioner at Tauranga wrote a letter dated 31 May 1869, to his sister about the Whitmore expedition describing Whitmore as a 'little conceited, egotistical, self-sufficient ass.' See D.M. Stafford, *Te Arawa: A History of the Arawa people*, [1967] Auckland, Reed Books, 1991, p. 428. This depiction of the Colonel might well be accurate considering the viciousness of his campaign throughout Te Urewera.

were later broken by the government,³⁸ and other Tuhoe rangatira were temporarily shifted to the east coast in 1871 to live on reserves under the watch of more 'government friendly' iwi.³⁹

Captain Mair travelled through Te Urewera in 1871 with a small force in another unsuccessful attempt to capture Te Kooti. His report contains comments that show the resentment some Pakeha felt at that time at the refusal of Tuhoe to welcome them and take on their laws.

The fact of a small force having passed through the whole of the Urewera country, in so short a time, and during the worst months of the year, ought to teach them that their wild country will not save them from punishment, should they continue in rebellion; while their being brought into contact with Europeans, cannot fail to have a beneficial effect and do away with the dread and mistrust with which long seclusion has taught them to look upon us.⁴⁰

Perhaps it was not the 'long seclusion' that caused this 'dread and mistrust,' but rather the confiscations, wars, and hardships such as disease and land loss, that Tuhoe had experienced, and which near neighbours of Tuhoe were experiencing to a greater extent as a result of their closer association with Pakeha. The 'rebellion' Mair spoke of was simply an expression of Tuhoe independence; Ngati Awa, among other iwi were also referred to as 'rebels' for resisting government forces. The terminology used to describe autonomous efforts by Maori was yet another way that the government showed its intolerance of separate Maori authorities. Official reports and media enhanced the perception held by most Pakeha that Tuhoe were an unsociable, savage people, and this continued to be the popular image far into the 20th

³⁸ Preece and Moule reported the surrender of the Urewera, Ngati Whare and Patuheuheu in early September 1870. *AJHR*, 1871, F-1, p. 5.
J.A. Wilson reported that the terms of peace were not upheld by the government. See also Memo from J.A. Wilson, 7 May 1870, p. 151-153, MS-2392.

³⁹ See J.H.H. St John, *Pakeha Rambles Through Maori Lands*, p. 158.
Donald McLean had demanded the submission and removal of Tuhoe leaders, hence some Tuhoe shifted to the coast to save their homes, cultivations and people. See Binney, 'Te Mana Tuatoru', p. 117.

⁴⁰ *AJHR*, 1871, F-1, Enclosure in No.49, p. 44.

century.⁴¹

The wars of the 1860s and early 1870s did not destroy the social structures of Tuhoe, and at the end of this violent period Tuhoe leaders mobilised to protect their land and people, in part through these social structures of hapu and iwi. In 1871, Te Purewa of Maungapohatu stressed the intention of Tuhoe to retain their autonomy when he informed Ormond that the management of each hapu belonged to its own chief.⁴² In June 1872 a body representing the Tuhoe collective was established called Te Whitu Tekau (the seventy).⁴³ It was set up primarily to 'establish an administrative structure and laws for the tribal group independent of government control.'⁴⁴ The formation of Te Whitu Tekau occurred at a meeting of rangatira at Ruatahuna and among those present were Te Makarini, Paerau, Haunui, Te Whenuanui, Te Ahikaiata, Te Pukenui, Tamaikoha, Hetaraka, and Hira Tauaki. The mandate of this council, as Temara described it, was to

prevent any application to the Native Land Court for a survey of Tuhoe land or investigation of titles. It forbade the building of roads or leasing of lands. It was also an arbitrator for internal disputes, and aimed at preventing the intrusion of representatives of European law.⁴⁵

The rangatira of the Whitu Tekau controlled entry into the district by tracks that were allotted

⁴¹ See 'Captain Porter's Diary', 13 February 1871, *AJHR*, 1871, F-1, p. 31. See also 'Captain Mair to the Officer Commanding Tauranga District', 11 July 1871, *AJHR*, 1871, F-1, p. 44. See also R. Price, 'Through the Uriwera Country', Printed at the 'Daily Telegraph' Office, Napier, 1891, bound in *New Zealand Pamphlets*, vol 1.A, preface.

⁴² J. Binney, 'Te Mana Tuatoru: The Rohe Potae o Tuhoe', *NZJH*, vol. 31, No.1, April 1997, pp. 117-118. Annotation from Ormond to Porter, 21 November 1871, AGGHB, 1/3.

⁴³ Letters regarding the establishment of the Whitu Tekau dated 9 June 1872 were published in *AJHR* 1872, F-3A, pp. 28-30.

⁴⁴ W. Milroy, 'Tamarau Waiari', in C. Orange, (ed), *The Dictionary of New Zealand Biography, Volume Two, 1870-1900*, Wellington, Bridget Williams Books and the Department of Internal Affairs, 1993, p. 500.

⁴⁵ P. Temara, 'Te Whenuanui', in C. Orange, (ed), *The Dictionary of New Zealand Biography, Volume Two, 1870-1900*, Wellington, Bridget Williams Books and the Department of Internal Affairs, 1993, p. 529.

according to whose area they were situated in to ensure that no unauthorised entry occurred. Te Whitu Tekau also defined the outer boundaries of Te Rohe Potae o Tuhoe. The boundaries published in the *AJHR*, ran from Pukenui to Pupirake/Puhirake, Ahirau, Huorangi, Tokitoki, Motuotu, Toretore, Haumiara, Taurukotare, Taumatapatiti, Tipare, Kawakawa, Te Karaka, Ohine te Rarakau, Kiwinui, Te Tiringa/Te Tirina, Omataroa, Te Mapara, then along the Rangitaiki river, Otipa, Whakangututoroa, Tukutoromiro, Te Hokowhitu, Te Whakamatau, Okahu, Aniwaniwa/ Oniwarima, Te Houhi, Te Taupaki, Te Rautawhiri/Te Rautahuri, Ngahuinga, Te Arawata, Pokotea/Pohotea, Makihoi, Te Ahiangatane, Ngatapa, Te Haraunguroa/Te Haraungamo, Kahotea, Tukurangi, Te Koareare/Te Koarere, Te Ahu o te Atua, Arewa/Orewha, Ruakituri, Puketoromiro, Mekomirirangi/Mokonuiarangi, Maungatapere, O te Rangipu, and then to Pukenui o Raho.⁴⁶

Although Tuhoe remained opposed to roads inside of Te Urewera, they were willing to travel outside of the rohe for employment on road works. In September 1872, Tamarau Waiari, a member of the Whitu Tekau, was the only Tuhoe leader in favour of having a road built from Wairoa to Waikaremoana. According to Milroy, despite strong opposition to the road from other prominent Tuhoe leaders, Waiari swayed them with his eloquence and determination.⁴⁷ Herbert Brabant, the Resident Magistrate at Opotiki, reported in the same year that Tamaikoha was willing that a road be made as far as Waimana but no further,⁴⁸ and in April 1873 Tamaikoha, Hemi Kakitu and Rakuraku worked on the road between Waimana and Ohiwa.⁴⁹

In preparation for another meeting of the Whitu Tekau in 1874, Tamaikoha and others invited Brabant to attend in his official capacity as a government representative. Brabant, Donald McLean, and Captain Porter began their journey through Te Urewera in early March, arriving

⁴⁶ The spelling of some of these place names differs in the two accounts given in 'Te Whenuanui and others to the Government', *AJHR*, 1872, F-3A, No. 33, p. 29, and 'Henare Kepa Te Ahuru and others to the Hon. the Native Minister', *AJHR*, 1872, F-3A, No. 32, p. 29. Two alternative spellings have been offered in some cases where the accounts diverge too greatly.

⁴⁷ See Milroy, 'Tamarau Waiari', p. 500.

⁴⁸ *AJHR*, 1872, F-3A, p. 28.

⁴⁹ *AJHR*, 1873, G-1, pp. 9-10.

at Ruatahuna on 19 March where a huge gathering of Tuhoe awaited them.⁵⁰ Representatives of Ngaitai, Te Arawa, Ngati Awa, Ngati Pukeko and Whakatohea also attended.

One of the major issues discussed at the hui was the unification of Te Waka Mataatua to forbid the sale and leasing of lands, but dissension between the different iwi was too strong to reach an agreement and so a union was not formed.⁵¹ The correctness of the confiscation line was also debated with Tuhoe claiming lands within the confiscation boundary, but the government refused make any alterations. Although disagreements over certain issues such as leasing, and possible allotments for Tuhoe within the confiscation boundary were not fully resolved, Brabant noted that Tuhoe were almost unanimous in their wish to keep roads, magistrates and other government measures out of their rohe.⁵² As this meeting took place just three years after the end of the wars, it is not difficult to see why Tuhoe would be adverse to embracing government authority and institutions.

Another issue addressed was the Tuhoe desire to remain independent from the government in terms of supplies. Hira Tauaki of the Whitu Tekau, said that the Urewera had received food and clothing from the government after their surrender in 1871, received rations at places outside of their rohe, and one person had received money. He offered tahā that contained 1,800 preserved birds to McLean, Porter, and Brabant, on behalf of Tuhoe to clear that debt. Tuhoe wanted to stop this reliance on government handouts because, having witnessed the experiences of other iwi, they feared that ultimately they would be called upon to pay in land.⁵³ Their concern was justified as the government rarely granted Maori assistance without

⁵⁰ *AJHR*, 1874, G-1A, pp. 1-2. Captain Swindley also accompanied Brabant on business of his own regarding leasing. Brabant described the flag of the Whitu Tekau that he saw flying outside the wharenuī at Ruatahuna as, the 'bust of a black man on a red ground'.

⁵¹ Te Waka Mataatua or the 'Union of Mataatua' referred to all the iwi of the Mataatua waka.

⁵² *AJHR*, 1874, G-1A, pp. 2-5.
In 1873 Captain Mair leased about 27,000 acres from Ngati Manawa. The Whitu Tekau disputed the lease and threatened to remove the sheep and cattle from the land. Mair also came under criticism for interfering with government agents' negotiations for those lands and abusing his position as a government official but Mair dismissed the allegations as false. See *AJHR* 1874, G-9, pp. 1- 6.

⁵³ *AJHR*, 1874, G-1A, p. 2.

strings attached. Officials who made such gestures often did so in order to appear magnanimous, but when the pressure to alienate land increased they used their previous assistance as leverage.⁵⁴ Brabant accepted the birds on behalf of the government but called them a 'gift', not payment.

The involvement of the Whitu Tekau with the government has not yet been studied in depth and this thesis gives only a brief description of the relationship between the two authorities. Conflict did exist between and within Tuhoe hapu, although Te Whitu Tekau spoke as the representative of the Tuhoe people. Hapu politics were largely dictated by kinship, warfare and intermarriage relationships, and each hapu acted as an autonomous unit. Alliances made on the basis of these relationships served to strengthen the political unity of Tuhoe, especially with the new threat by Pakeha already strong.⁵⁵ Despite internal conflicts, the unity of Tuhoe was strong and focused enough that the government could not afford to ignore them. The government continued to try and establish a relationship with Tuhoe because of this perceived unity whether or not the unity was total. Te Whitu Tekau advocated self-government in isolation and a peaceful if not close relationship with the government was never formally recognised in legislation.

In 1871 McLean had attempted to establish a relationship between Tuhoe and the government by meeting and discussing matters with Tuhoe leaders,⁵⁶ and in 1889 Locke attempted the same.⁵⁷ However, neither official had the authority to commit the government to any promises they might have made to Tuhoe and so could not negotiate any binding agreements. Richard Seddon again made overtures on the part of the government in order to bring Tuhoe 'into the

⁵⁴ *AJHR*, 1874, G-9, p. 1. Mair had advanced Ngati Manawa, whose lands were situated on the border of Te Urewera, money and goods over a period of eight years. Because he had known them for a number of years and they were 'under some obligations' to him he considered that he had 'greater facilities for dealing with them, than anyone else.'

⁵⁵ Threat is an appropriate term to use here because of the aggressive methods colonials used in their quest for land, and in the assertion of their own authorities.

⁵⁶ Donald McLean had, according to Seddon, promised to reserve Tuhoe lands but that promise was not kept. *NZPD*, 96 (1896), p. 166. See also Binney, 'Te Mana Tuatoru', pp. 117-118.

⁵⁷ *AJHR*, 1889, G-6.

fold' in 1894 when, as Premier, he made a trip through the 'Native Districts' of the North Island. This was a crucial time in the state of Maori/settler relationships, with Kotahitanga, a national Maori political movement, at its peak, and the survey disputes in areas such as Parihaka still a sore point for the government. The purpose of Seddon's trip was to establish better relations with Maori, and Tuhoe in particular.⁵⁸ Many colonials shared the view that the best way to encourage a harmonious relationship between Pakeha and Maori was to 'push civilisation and settlement' into the undeveloped areas where few if any Pakeha resided,⁵⁹ hence the places chosen for Seddon to visit.

Seddon held meetings at many of the settlements he travelled through, including Moawhango, Tieke, Pipiriki, Kihikihi, Hukanui, Te Kuiti, Ngaruawahia, Waimate, Waima, Waimamaku, and Whakatane before arriving at Ruatoki. While at Hukanui Seddon met Tana Taingakawa, the Premier of the Kauhanganui who later became influential in Te Urewera politics.⁶⁰ While travelling through the Rohe Potae o Tuhoe, Seddon stopped at Ruatoki, Galatea, Te Whaiti, Ruatahuna, and Waikaremoana, before proceeding to the East Coast. During the Urewera phase of his journey, Seddon talked to representatives of Tuhoe, Ngati Manawa, Ngati Whare, and Patuheuheu. Many of the issues raised at these meetings were applicable throughout all the districts.

At the Ruatoki hui, Numia Kereru referred to a previous meeting held by Tuhoe in March of that year where he said the external boundary had been determined, and it was decided that Tuhoe would not allow internal surveys, searching for gold, land selling, leasing, or roads. According to Numia, the majority of Tuhoe were against land selling because they were not interested in the temporary prosperity that resulted from land sales but which never seemed

⁵⁸ A historical review of Te Urewera done by Knight, Carr and Balneavis in 1921 said that serious quarrels arising out of land claims and a demand for a tribunal to investigate the claims was the reason for the premier's visit. See 'Urewera Lands Consolidation Scheme', *AJHR*, 1921, G-7, p. 1.

⁵⁹ *AJHR*, 1895, G-1, pp. 1-2.

⁶⁰ *AJHR*, 1895, G-1, p. 11.

to last.⁶¹ They were in favour of setting up Committees to deal with troubles that might arise concerning their lands,⁶² so that they could keep their lands intact.

On the part of the government, Seddon emphasised the pressure he and Carroll were under to reach an agreement with Tuhoe regarding their future involvement with Pakeha. He said that Pakeha settlers were exerting an 'almost overwhelming pressure' on the government, and that some were advocating 'extreme measures being taken towards the Native race'. In Seddon's words, the 'Europeans are very much irritated because there is no land upon which they can go. The Natives, they say, are not cultivating the land, and there it remains in a state of nature.'⁶³ Apparently the settlers thought that Tuhoe were taking up a negative position by 'hogging' the land, and by rejecting government authority. Seddon argued that Tuhoe needed the government to survive, and that cooperating with the government and accepting Pakeha law was the only way they would have any protection against outsiders,⁶⁴ which supposedly could not be achieved through their 'own Maori laws'.⁶⁵ Seddon's argument was, nevertheless, exaggerated. Milroy and Melbourne observed that there was no imminent danger of invasion from overseas, and even the bordering tribes were only 'verbally disputing parts of the Tuhoe boundaries.'⁶⁶

Seddon also asserted that only government intervention could save Tuhoe from what he saw as the 'hopelessness' of their position, stressing that Tuhoe were 'disappearing from the face of the earth' and in 'absolute poverty'. Government officials had consistently noted to the detriment of Tuhoe, the differences between the hapu of Te Urewera and the neighbouring coastal iwi. For example Ngati Awa generally had more contact with Pakeha traders and

⁶¹ *AJHR*, 1895, G-1, p. 52.

⁶² *AJHR*, 1895, G-1, p. 52.

⁶³ *AJHR*, 1895, G-1, p. 45.

⁶⁴ Seddon made the same point at all the meetings he attended around the North Island.

⁶⁵ *AJHR*, 1895, G-1, p. 56.

⁶⁶ Milroy and Melbourne, 'Te Roi', p. 217.

missionaries, and so had readier access to European goods such as clothing and metal tools.⁶⁷ Added to this, the coastal iwi also had the benefit of readier communication with Auckland. In 1862 Hunter Brown observed that within Te Urewera there was a perceptible difference even between those who lived in the ‘open country of Waimana, Ruatoki and Rangitaiki,’ and those who lived in the ‘wooded mountains of Ruatahuna.’⁶⁸ He noted European clothing, sledges, drays and steel mills at the kainga of the former group but said that the latter had in most cases not even the most basic of ‘essentials’, such as iron pots and kettles, knives, forks, spoons.⁶⁹ Of course he judged Tuhoe by his own ethnocentric standards, and as many other Pakeha observers did, he connected this lack of European material goods with a lack of civilisation. Despite the fact that Tuhoe utilised many more Pakeha goods in the following decades, the image of the ‘uncivilised’ Urewera persisted.

The common image held of Maori was they were supposedly lazy and incapable of working their own land,⁷⁰ and that they needed the guiding influence of the government to ‘improve’ both themselves, and their land. In 1891 Tuhoe invited Lord Onslow, the Governor, to visit Ruatoki.⁷¹ Onslow was the first Governor to enter the rohe, and his observations provided a view of Te Urewera and Tuhoe that contrasted with the usual image portrayed at that time.⁷² Onslow noted that

Where there is any flat land the natives have utilised it for cultivation and grow all that they want, tobacco, maize, potatoes, and vegetables, all except clothes They work

⁶⁷ See *AJHR*, 1862, E-9, pp. 30, 37-38.

⁶⁸ *AJHR*, 1862, E-9, pp. 27, 30.

⁶⁹ *AJHR*, 1862, E-9, p. 27.

⁷⁰ A.J. Cadman, (1892), in Brooking, “‘Busting up” The Greatest Estate of All’, p. 92.

⁷¹ See Binney, *Redemption Songs*, p. 451, for a photograph of Onslow’s camp at Opouriao on 22 March 1891. Tamaikoha and A.J. Cadman are also pictured.

⁷² Onslow was one of the few officials to be invited to the area and his visit may have been interpreted by Pakeha as a softening by Tuhoe to outside influence. See reference to Onslow’s visit in *NZPD*, 92 (1896), p. 137.

much harder to cultivate their land far better than their civilised fellow countryman.⁷³

The land Onslow saw was obviously a favoured area because the majority of the land was, as he put it, 'very beautiful but too rugged to be valuable for cultivation.'⁷⁴ Onslow's comments were atypical because generally it was in the Pakeha settlers' interest to belittle Maori efforts to develop land, because it then justified their belief that they, and not Maori should have the land.

The economic climate that had sustained Tuhoe for generations was irrevocably changing in the latter half of the nineteenth century because of the new foods, technology, and monetary system that Pakeha were introducing. These changes extended to the existing trade relationships of Tuhoe with other hapu and iwi.⁷⁵ Tuhoe faced increasingly difficult economic pressures, more so than coastal iwi because the location and the rugged nature of Te Urewera lands meant that very little of the land could be developed agriculturally. The Tuhoe economy was based mainly on bird and rat hunting, cultivation (mostly potatoes) to a limited extent, and trade with other Maori and Pakeha from whom they acquired food and goods not available in Te Urewera. This included Pakeha introductions such as seed potatoes, pigs and iron tools. Although the staple diet was not varied, exotic introductions such as tobacco, fruit trees, and berry fruits had been established in fertile areas.

Tuhoe were portrayed by the government and settlers as isolationists who kept to themselves in their 'mountain fastnesses', but that image can be overstated. Because of the limits of their internal economy, Tuhoe had long moved outside their own rohe to trade with other iwi and hapu and to work.⁷⁶ This type of exchange would undoubtedly have included the exchange of

⁷³ Letter from Onslow to Queen Victoria, 18 June 1891, p. 4, W.H. Onslow, MS-Papers-2346.

⁷⁴ Letter from Onslow to Queen Victoria, p. 4, MS-Papers-2346.

⁷⁵ In terms of changing trade goods and new values.

⁷⁶ Records from the 1840s show that Tuhoe often travelled outside their rohe to work. William Williams visited Ruatahuna in 1840 and found most of the people away planting corn in Whakatane to sell to Europeans. See F. Porter, (ed) *The Turanga Journals 1840-1850: Letters and Journals of William and Jane Williams, Missionaries to Poverty Bay*, Wellington, Price Milburn for Victoria University Press, 1974, p. 139.

information.⁷⁷ Tuhoe were aware of how other iwi on the edges of their rohe were faring with the government through external trade and employment relationships, and also through both information from Maori and Pakeha who travelled into Te Urewera. The often negative experiences of other Maori certainly had a strong influence on how Tuhoe perceived the government. Notwithstanding the physical boundaries, the complicated web of whakapapa connections and the associated familial obligations meant that Tuhoe were never truly isolated from other hapu and iwi; the isolation had been more from Pakeha and their alien values and to a large extent, their institutions.⁷⁸

Tuhoe were aware of the Treaty of Waitangi although they had not signed it. The Treaty was supposed to be symbolic of the partnership between Pakeha and Maori, however, the government constantly broke its obligations as a Treaty partner. The government wanted to acquire land for Pakeha settlement, and in order to pursue this goal it was more convenient to ignore the Treaty than to respect the rights of Maori to retain control of their land and resources. In 1877 Chief Judge Prendergast found the Treaty of Waitangi to be a 'legal nullity',⁷⁹ which serves as an example of how the government could make binding agreements with Maori, and then seemed to experience little difficulty in breaking those agreements to suit its own purposes.⁸⁰ Although Seddon quoted the Treaty of Waitangi to Tuhoe in 1894, it was more to convince Tuhoe to accept the government authority than from any real desire to fulfil the intentions of the Treaty.⁸¹

Some Tuhoe also moved from Ruatoki to Waimana in the early 1840s to prepare flax to trade with the traders Scott and McLeod who were based nearby at Ohiva. See Sissons, p. 2.

⁷⁷ Disease and starvation had also impacted on the population and thus the economy as well, but it is not certain to what extent these factors affected the decision of Tuhoe to negotiate with the government in the 1890s. Chapter four gives an overview of Tuhoe health after 1896.

⁷⁸ The political cohesion between hapu may have contributed to and strengthened the government's perception and treatment of Tuhoe as an iwi rather than as separate hapu. The physical isolation would have added to this impression.

⁷⁹ *Wi Parata v The Bishop of Wellington*, (1877) Vol. 3, NZ Jur (NS) SC, p. 72.

⁸⁰ It was not until 1975 that the Treaty of Waitangi had any real power.

⁸¹ *AJHR* 1895, G-1, pp. 70-74.

From the mid 1860s onwards, the Native Land Court system had become the most effective means of facilitating the alienation of Maori land for Pakeha settlement, and although the Native Land Court had no powers within Te Urewera, Tuhoe did have some experience of its operations.⁸² The Native Land Court had no jurisdiction in Te Urewera because land had to be defined and named as a block before it could go through the Court.⁸³ When land did go through the court system, 'the contest for land between the various competing tribes or individuals was enframed in the context of the surveyed 'blocks'; the Native Land Court constructed the legal territory for land alienation and this territory was central to the power of the Court.'⁸⁴ The lands on the outside edges of the Te Urewera overlapped the territory of other iwi and these lands were subject to the Court's jurisdiction, so Tuhoe representatives attended the Court hearings concerning these lands so that their interests would be registered. As the Court operated under Chief Judge Fenton, only the claims of those present in court were taken into consideration,⁸⁵ thus only those present were given the opportunity to prove their rights.⁸⁶ The first sale of land that Tuhoe were involved with concerned the Waiau, Tukurangi, Taramarama, and Ruakituri blocks in the Waikaremoana area in 1875.⁸⁷ These lands had previously passed through the Wairoa Native Land Court, where Ngati Kahungunu, Tuhoe and Ngati Ruapani, had all made claims. The resulting purchase of the land by the government occurred only after the government agent had recognised all those iwi with interests in the land, including Tuhoe. This early experience of the Native Land Court process

⁸² See introduction.

⁸³ The Native Land Court was established through the 1862 and 1895 Native Lands Acts.

⁸⁴ See R.A. McClean, 'Power/Knowledge and Space: The Creation and Alienation of the 'Reserve' at Porirua', MA thesis, Massey University, 1996, p. 189.

⁸⁵ See H. Riseborough, and J. Hutton, Rangahaua Whanui National Theme C, 'The Crown's Engagement with Customary Tenure in the Nineteenth Century', July 1997 first release, pp. 58.

⁸⁶ In 1874 Brabant reported that Tuhoe had recently sent representatives to the Native Land Court hearing at Opotiki to watch the proceedings and to point out the boundaries of their claim. 'The Resident Magistrate, Opotiki, to the Hon. the Native Minister, Opotiki, 25 May 1874, *AJHR*, 1874, G-2, p. 8.

⁸⁷ Auckland Deed No. 837- 841, DOSLI.
The government agent called this 'the first instance of any sale of land by the Urewera.' 'The General Government Agent, Napier, to the Hon. the Native Minister', 9 December 1875, *AJHR*, 1876, G-5, No.5, p. 11.

would have demonstrated to Tuhoe the high risk of losing rights to land altogether if the court decided against their claim, which could also mean the loss of 'co-existing' or shared rights.⁸⁸ When Tuhoe discussed the administration of land with Seddon in 1894, Numia Kereru commented that Tuhoe had watched what had taken place in other areas to other iwi. On behalf of Tuhoe Numia said 'we see that others of the Native race are now in a landless condition -- that their lands have all passed away to the Government because they desired the Government should have control of them.'⁸⁹ The ease with which land could be alienated after being processed through the court the Paremata of the trouble arising from the surveys. Henare Tomoana and others of Kotahitanga supported Tuhoe in their opposition to the surveys and wrote to the government recommending that the surveys be stopped.⁹⁰ In 1893 a survey team attempted to survey a road from Fort Galatea to Lake Waikaremoana for the second time. The first survey party had been turned back the year before, so this time they came with the support of government troops. Twenty five Tuhoe men and women were arrested and imprisoned for opposing the surveyors. Kotahitanga intervened and circulated a petition calling for the release of the prisoners and an end to the surveys.⁹¹ Shortly afterwards Seddon arranged for the release of the prisoners and the following year he made his tour of Te Urewera in 'an attempt to soften resistance.'⁹²

Kotahitanga also organised an effective boycott of the Native Land Court in 1893,⁹³ in effect proving to the government that it was a force to be reckoned with. The government, however, did not recognise it as a political body with power equal to its own, and after the movement's

⁸⁸ Co-existing rights could mean that an iwi could use the food resources in a certain area but not have exclusive rights to those resources.

⁸⁹ *AJHR*, 1895, G-1, p. 52.

In 1896 Wi Pere commented that The 'Native Land Court especially has done more harm to the Native people than any other thing in New Zealand.' See *NZPD*, 96 (1896), p. 164.

⁹⁰ Te Whatanui, Henare Tomoana and others to the Native Minister, 29 June 1892, LE 1893/165.

⁹¹ Henare Tomoana to the Premier, 23 March, 1893, LE 1893/165

⁹² *Sissons*, p. 2. See also J 1 1897/1389.

⁹³ Ward, *A Show of Justice*, pp. 306, 351. See also Bush to Native Minister, 3 February 1892, MA 1/3, No. 92/238.

involvement in the Urewera survey disputes, the government sought avenues to diffuse its influence. The timing of Urewera District Native Reserve Act, 1896 was designed to pacify the aspirations of Kotahitanga followers by appearing to give in to some of their demands for the recognition of Maori authority and cessation of land purchase operations. The Act itself brought Te Urewera lands under a specialised control that effectively removed it from the sphere of Kotahitanga.

The Kingitanga or King Movement was the other major Maori political force of the time, and from this movement, a Maori parliament called the Kauhanganui was formed. The Kingitanga had emerged in the 1850s in Waikato, and focused the struggle for Maori autonomy through a single figure, the Maori King. The Kingitanga was ‘established primarily as a result of the unification of the tribes to stem the acquisition of their land by colonial settlers’,⁹⁴ and the movement quickly grew to involve various iwi from around Aotearoa, including Tuhoe.⁹⁵ Kingitanga followers worked to retain their rights and their autonomy within their own rohe, while co-existing peacefully with Pakeha. The government, however saw this separate authority as a threat to its own authority, and as a barrier to the government’s acquisition of Waikato lands. War resulted in 1863, and confiscation in 1865, but the Kingitanga continued to remain independent from the government. In 1881, Tawhiao, the King, made peace with the government although he remained opposed to surveys and land selling. In the early 1880s, pressure from the government on the Kingitanga to allow settlement and trade increased, and in 1883, the ‘opening up’ of the King Country began.⁹⁶

The Kingitanga leadership decided on two different approaches to deal with government pressure to sell land. The approach that Tawhiao took led eventually to the establishment of

⁹⁴ R. Mahuta, ‘Tainui, Kingitanga and Raupatu’ in Margaret Wilson and Anna Yateman (eds), *Justice and Identity: Antipodean Practices*, Wellington, Bridget Williams Books, 1995, p. 22.

⁹⁵ In 1856, a meeting to confirm the Kingship was held by rangatira of the North Island, at Pukawa on the shores of lake Taupo. The meeting was called ‘Hinana ki Uta, Hinana ki Tai’: Search the Land, Search the Sea. It was here that Tuhoe, along with the other iwi present, pledged their maunga to the King. See P. Jones, *King Potatau: An Account of the Life of Potatau Te Wherowhero the First Maori King*, Auckland, The Polynesian Society, 1959, p. 196. See also Milroy and Melbourne, ‘Te Roi’, on the Tuhoe involvement in the Waikato War, pp. 97-103.

⁹⁶ This came about mostly because of Bryce’s actions. See Adams, Te Uira, and Parsonson, p. 101.

the Kauhanganui.⁹⁷ In 1884 Tawhiao and some of his supporters travelled to England to address Queen Victoria about the recognition of their people's rights, but were refused an audience.⁹⁸ This did not dissuade Tawhiao, and after his return he turned to petition and legislation as a means of redress. Tawhiao wrote to Sir John Gorst in England to express his desire for a Maori Council, for the suspension of the courts and surveys, and for the authority to govern Maori under the laws of 1852-71, as was promised by the Treaty of Waitangi.⁹⁹ He also presented a proposal to the Native Minister John Ballance in 1886 suggesting the formation of a Legislative Council of Chiefs, but was refused. This continuous rejection of his efforts prompted Tawhiao to establish his own 'Convention of Chiefs, the Kauhanganui' in 1891-1892. In 1892 the Kauhanganui House of Assembly was erected at Maungakawa, and Tana Taingakawa took up the premiership. The Kauhanganui handled such matters as leasing and land disputes, the appointment of magistrates to adjudicate disputes between the King's subjects, and matters relating to marriage and the settlement of Europeans within the aukati.¹⁰⁰ According to Cox, the Kauhanganui was meant to be as representative as possible but participation remained confined to the inner circle of Kingitanga support.¹⁰¹

Because Tuhoe had a long association with the Waikato peoples, Tuhoe were aware of how the Waikato struggle was progressing, and how the government dealt with Maori who wished to remain autonomous. With the Kauhanganui, Tawhiao had sought to establish a parliament separate from the European parliament in order to preserve the rights of his people over their

⁹⁷ The approach that Wahanui took is addressed in chapter three in conjunction with surveying and the 'opening up' of the country.

⁹⁸ While in London, Sir John Gorst had introduced Tawhiao to Lord Derby, the Colonial Secretary, who had referred their petition back to the New Zealand government. See J.E. Gorst, *The Maori King*, London, Oxford University Press, 1959, p. xxiii.

⁹⁹ Cox, pp. 57-59. Correspondence dated 5 August 1886 from Tawhiao to Sir John Gorst in England, 5 August 1886 in extract from the *Waikato Times*, G. Wilkinson to the Under Secretary, Native Department, 6 June 1887, MA 23/4.

¹⁰⁰ Cox, p. 59. According to Ballara, the constitution was set up in 1894. See A. Ballara, 'Introduction The King Movement's first hundred years', in *Te Kingitanga; The People of the Maori King Movement*, Auckland, Auckland University Press with Bridget Williams Books, and the Dictionary of New Zealand Biography, Department of Internal Affairs, Wellington, 1996, p. 21.

¹⁰¹ Cox, p. 59. The Kauhanganui continued to hold regular annual meetings until the 1920s.

land. Unfortunately he was fighting an uphill battle against an ethnocentric and intolerant institution. When Seddon made his trip to Te Urewera in 1894, he cited the events that had transpired in Waikato as reasons for Tuhoe not to follow the Waikato people's example. Seddon basically said that the Waikato people had not profited from following Tawhiao and were now landless and friendless because they were 'following upon lines of their own.'¹⁰² He saw the Kingites' assertion of their autonomy as their downfall. Seddon told Tuhoe that it was acceptable to have an advisory committee on matters within their rohe, but as to Tuhoe wanting to govern themselves, it was impossible to have their own laws - and that this separatist attitude had been the cause of all their troubles. Seddon's attitude to Tuhoe autonomy was summed up in the following statement when he told Tuhoe that '*You may have people to advise the government, but there can be no power but the government*'.¹⁰³

Political and social dissatisfaction due to the alienation of land and the resulting decline in economic security contributed to the establishment and popularity of another influential force in Maori society: the Maori prophet movements.¹⁰⁴ The movements provided a focus for their followers through religion, and such was their influence that they divided as well as united Maori. They were led by men such as Te Ua Haumene, Te Whiti O Rongomai, Te Kooti and Rua Kenana. The last two prophets in particular had enormous influence on the events that occurred in Te Urewera. Te Kooti was the founder of the Ringatu faith which attracted a strong following in Te Urewera from the 1860s onwards,¹⁰⁵ and he was influential in helping Tuhoe to hold their land.¹⁰⁶ Rua Kenana succeeded Te Kooti, and attracted a large Tuhoe following himself, later establishing a religious community at Maungapohatu. Rua Kenana was at his most influential in the first decades of the twentieth century when Tuhoe were negotiating the disposition of lands with the government under the terms of the 1896 Act.

¹⁰² AJHR, 1895, G-1, pp. 78, 55.

¹⁰³ AJHR, 1895, G-1, p. 78.

¹⁰⁴ B. Elsmore, *Mana from Heaven: A Century of Maori Prophets in New Zealand*, Tauranga, Moana Press, 1989, p. 187.

¹⁰⁵ The Ringatu faith continues to attract a strong following in the 1990s.

¹⁰⁶ See Ward, *A Show of Justice*, p. 307. See also Binney, 'Te Mana Tuatoru', pp. 118-120.

Tuhoe opinion became divided between the leaders who represented them: between the leadership represented by rangatira on the General Committee, and the spiritual leadership of Rua. The position Rua Kenana took in relation to the 1896 Act and the government will be looked at in chapter four.

This chapter has provided a general picture of the relationship of Tuhoe and the government in the early stages. Pakeha perceptions of Tuhoe portrayed the iwi as isolated, uncivilised, and separatist. Tuhoe themselves actually only attempted to isolate themselves from the *negative* influences of government authority and institutions. Tuhoe formed Te Whitu Tekau to provide leadership and authority for those within Te Rohe Potae o Tuhoe, while co-existing peacefully with Pakeha. The government, however did not formally recognise the authority of Te Whitu Tekau and a successful relationship did not transpire. From the 1870s through to the 1890s the Urewera economy in general remained at a subsistence level. Most of the land was not suitable for commercial development, the internal economy was at subsistence level, and there was a reliance on goods and food from outside the rohe. Internal pressures combined with continuous pressure from the government to 'open' Te Urewera caused Tuhoe to negotiate with the government in 1895 and 1896 for the formal recognition of their autonomy. The popularity of Maori political and religious movements among Maori was symptomatic of the general dissatisfaction in Maori society at the way the government was ignoring the rights of Maori. The government could not continue with this blatant disregard of Maori rights if it wished relationships between Maori and Pakeha to continue peacefully. Te Urewera, because of its perceived isolation and supposedly limited importance, provided a place where the government could afford to make some concessions to pacify Maori. At the same time, the government effectively did not have any authority, except through force of arms, within Te Urewera, and the government needed to establish a relationship with Tuhoe before it could successfully acquire land for settlement. This willingness to negotiate on the part of Tuhoe, and on the part of the government, though for different reasons, resulted in the establishment of special legislation to affirm Tuhoe local autonomy, in the form of the Urewera District Native Reserve Act, 1896.

Chapter Two: Legal Recognition of Tuhoe Autonomy

*'They simply ask that their present holdings may be substantiated by law - to have their rights both ancestral and tribal - put in a legalised form.'*¹⁰⁷

James Carroll 1896

Chapter two focuses on the passage of the Urewera District Native Reserve Bill through Parliament. Tuhoe expectation and involvement in the creation of the Bill is studied along with the government's expectations, and perceptions of what the Act would achieve. The different agendas of the members of parliament who either supported or opposed the Bill are studied to show the justification of the government in granting Tuhoe special legislation. The provisions of the Urewera District Native Reserve Act, 1896, as stated in the document itself, clarify the ostensible purpose of the Act.

The Urewera District Native Reserve Bill was brought in by a Liberal government with Richard Seddon at its head. The Liberals were in power from 1891 to 1912, under the Ministries led by Ballance, Seddon, Hall-Jones, and Ward. Seddon was first elected to parliament in 1879, as member for Kumara, a west coast South Island electorate where he had had minimal, if any, contact with Maori. He became Premier and leader of the Liberal party in 1893, at the same time taking over the Native Affairs portfolio from A.J. Cadman,¹⁰⁸ and then relinquishing it in 1899 to James Carroll.¹⁰⁹ Carroll was of Ngati Kahungunu and Irish descent, and had been educated in both Maori and Pakeha cultures. In 1870, Carroll had an early introduction to Tuhoe, when at only 12 or 13 years old, he joined a 300 strong Maori force in pursuit of Te Kooti in Te Urewera. Beginning his parliamentary career in 1887, Carroll was elected to the house of representatives as the member for Eastern Maori, and in

¹⁰⁷ NZPD, 96 (1896), p. 194.

¹⁰⁸ Cadman resigned over questionable personal dealings in Maori land in Thames. See T. Tidswell, 'Liberal native land legislation: a compromise between Maori aspirations and European settler demands', unpublished paper, Massey University, 1993, p. 3.

¹⁰⁹ Seddon remained Premier until his death in 1906.

1893 he became the member for the General (European) seat of Waiapu.¹¹⁰ He worked closely with Seddon to secure the Urewera District Native Reserve Act, 1896, and became the first Maori Minister of Native Affairs in 1899. Carroll remained Native Minister through both the Hall-Jones Ministry and the Ward Ministry holding the post for just over 12 years, longer than any other Liberal Native Minister. Carroll actively supported policies that emphasised the development of Maori land based on an individualistic land ownership system. He believed that Maori could succeed in Pakeha society, and that the way forward for Maori lay alongside Pakeha, and not on a separate path.¹¹¹ His attitude illustrates how certain Maori, as well as Pakeha, believed that the best way for Maori to adjust to the new society forming in New Zealand was to embrace Pakeha laws and institutions and succeed within that context.

Seddon and Carroll were key figures in the design and creation of the Urewera District Native Reserve Act, 1896. Seddon introduced the Urewera District Native Reserve Bill in parliament to be read for the first time *proforma* on 30 October 1895 so that Native Committee could discuss the Bill during the recess.¹¹² The Bill resurfaced in 1896, and after being debated through the month of September, was passed into law on October 12, 1896.¹¹³ Debate over the Bill was intense, with many arguments both for and against the Bill's provisions. James Carroll, one of the chief supporters of the Bill, came out with a number of arguments in favour of its passing. The angle Carroll took in his promotion of the Bill was aimed at convincing the Pakeha members of parliament that not only was the Bill going to be beneficial to Tuhoe but also to Pakeha. By granting Tuhoe this Bill, the government and settlers would not be losing the chance to acquire valuable land. He described the land of Te Urewera as having a very rough, rugged exterior, and the soil as being of very poor quality so that it was not fit for settlement in any shape whatever, thereby emphasising that since it could not be profitably

¹¹⁰ See A. Ward, 'James Carroll', in C. Orange, (ed), *The Dictionary of New Zealand Biography, Volume Two, 1870-1900*, Wellington, Bridget Williams Books and the Department of Internal Affairs, 1993, pp. 78-79.

¹¹¹ See Ward, 'James Carroll', pp. 79.

¹¹² The Committee recommended that the Urewera District Native Reserve Bill be allowed to proceed. See *AJHR*, 1896, I-3, p. 19.

¹¹³ *NZPD*, 91 (1895), p. 954, and *NZPD*, 96 (1896), p. 187.

used by Pakeha settlers, it might as well be left to Tuhoe. But he also pointed out that the land could be used to enhance the New Zealand economy:

it is land full of natural beauties; it is land that will form a strong attraction for tourists; it is also a convenient abiding-place for the Native owners They have lived there for centuries and ages; and it is their earnest desire, seeing of course, that it is fit for no other use than for benefiting themselves--seeing that it is not adapted for being cut up for settlement purposes--it is their ardent wish that this land should be preserved to them.¹¹⁴

According to the wishes of Tuhoe, as Carroll understood them, it would

meet the general wish of the tribe if we conceded to them some form of local government by which they can administer their own affairs within a prescribed circle They have been clamouring for years by way of petition, or through their representatives, for certain concessions to be made for them in the government of their lands.¹¹⁵

The government had never made these concessions before because, as Carroll noted, in most areas 'European interests were so mixed up with Native interests'.¹¹⁶ The government would not endorse Maori authority over Pakeha settlers, so concessions would only be made in areas where Pakeha interests were practically non-existent. There was no conflict of interest in Te Urewera because up to this time very few Pakeha had successfully settled in the area.¹¹⁷ Both Carroll and Pere stressed that the efforts of Maori to work through the Pakeha legal system to ensure the recognition of their rights had been (unfairly) ignored up to this time, and that

¹¹⁴ *NZPD*, 96 (1896), p. 157.

¹¹⁵ *NZPD*, 96 (1896), p. 158.

¹¹⁶ *NZPD*, 96 (1896), p. 158.

¹¹⁷ W.C. Walker, MP for Canterbury, also noted that there were no European interests involved. See *NZPD*, 96 (1896), p. 261.

the passing of the Urewera District Native Reserve Bill would be a long awaited first in this struggle.¹¹⁸ A strong element of hope was evident in the Maori MPs' support of the 1896 Bill, and most preferred to focus on the potential of the Bill rather than the negative. Nevertheless, not all of the Maori MPs were in favour of the Bill.

Hone Heke, the member for northern Maori, was vocal on many of the issues affecting Maori through legislation. A strong supporter and active member of the Kotahitanga movement, Heke had been elected to the House of Representatives in 1893. In the case of the Urewera District Native Reserve Bill, Heke fought to change the Bill's provisions believing that they did not guarantee to Tuhoe the full protection of their lands and resources. He said that Seddon had given Tuhoe the impression that they were not to be molested, that they were to be given full powers to administer their own affairs, and that no rates, no taxes, or any liabilities of that kind would be imposed on them. Seddon had also implied that he would grant Tuhoe the full rights guaranteed them by the Treaty of Waitangi. Heke himself had attempted unsuccessfully to insert a clause into the Bill guaranteeing Tuhoe article two rights of the Treaty, and he considered this rejection to be a contravention of the Treaty itself,¹¹⁹ and proof that Seddon had misled Tuhoe. Heke asserted that the powers of the Bill would be limited by regulations, and would give no power or rights to the Tuhoe people, 'to enable them to utilise their properties if they desire so to do.'¹²⁰

Captain Russell, leader of the opposition, also argued against the Bill but for different reasons. His objections were made not to protect Tuhoe but merely to clarify what he saw as the Bill's true intentions. He asserted that the Maori members of parliament in favour of the Bill had misunderstood its intentions, and that the Bill would not give effect to what they and Tuhoe believed it would. He said:

this Bill is designed not to preserve the land of the Urewera to themselves, but to open

¹¹⁸ *NZPD*, 96 (1896), p. 158.

¹¹⁹ *NZPD*, 96 (1896), pp. 163-178.

¹²⁰ *NZPD*, 96 (1896), p. 189.

it up to the Europeans, and is most deceiving, for this reason: that it is done ostensibly in the interest of the Native people to prevent the alienation of any of their land, but will conduce to the introduction of European civilisation into the Urewera district.¹²¹

Russell made it clear that he saw nothing wrong with ‘opening up’ Te Urewera except for the fact that the ‘Natives’ were being misled into thinking that they were gaining complete self government. He said the Bill pretended to ‘confer upon the Native people the complete isolation and the control of a portion of country about 665,000 acres in extent’, but was ‘happy to say’ that it would do no such thing.¹²² Russell’s observations were incorrect in the first instance because the Bill did not guarantee to Tuhoe the ‘complete isolation and control’ of Te Urewera. On the contrary, the Bill clearly made provision to allow surveys, roads, schools, and even tourists in Te Urewera, and Tuhoe representatives had agreed to these measures. Nevertheless, although the Bill did not specifically guarantee Tuhoe complete autonomy within Te Urewera, Tuhoe were led to believe that they would retain significantly more control than the government actually intended to allow.

Unsurprisingly, there was an element of superiority and racism in most of the Pakeha members’ opposition to the Bill.¹²³ Comments such as that made by Robert Thompson, MP for Marsden, who called Tuhoe the ‘least qualified of any Natives in the country to manage their own affairs,’¹²⁴ were most likely motivated by resentment of the Tuhoe rejection of government authority. Liberal land policy was aimed extending government authority, individualising title to Maori land, and acquiring those lands for Pakeha settlement. Tuhoe land rights were still extant in Te Urewera precisely because government authorities had not

¹²¹ NZPD, 96 (1896), p. 191.
For a more detailed description of Captain Russell see S.W. Grant, ‘Russell Russell William’, in C. Orange, *The Dictionary of New Zealand Biography, Volume Two, 1870-1900*, Wellington, Bridget Williams Books and the Department of Internal Affairs, 1993, pp. 436-437.

¹²² NZPD, 96 (1896), p. 191.

¹²³ NZPD, 96 (1896), p. 195.
J. Stevens, MP for Rangitikei, described the Bill as the right step towards destroying communism. See NZPD, 96 (1896), p. 170.

¹²⁴ NZPD, 96 (1896), p. 161.

had jurisdiction in the area. Two of the major disadvantages of land alienation for Maori was that it created conflict between sellers, and non-sellers, and could effectively remove their economic base. By their earlier rejection of government authority Tuhoe had hoped to avoid such pitfalls. Other MPs' opposition to the Bill was based on Liberal assimilation policy lines in that they believed that allowing Tuhoe to have a separate authoritative system was a divisive and not progressive measure. Therefore they did not think Te Urewera should have a separate law applied to it that would further 'isolate' it from the rest of the country. Nevertheless, the fact that many of the MPs believed that the Bill was only a temporary measure overcame this opposition.

As has been pointed out earlier, Tuhoe were not passive observers waiting while the government decided their future for them. Tuhoe had been making their views on the administration of their lands clear to the government, through officials, and by petition, for decades before the Bill was created. In 1894, various representatives of Tuhoe hapu had discussed with Seddon and Carroll the future of roads, education and other matters in the Rohe Potae o Tuhoe. The following year a Tuhoe delegation travelled to Wellington to discuss the future administration of their land with Seddon and other government officials. The delegation met with Seddon and Carroll on 7 September 1895 and discussed the survey of Te Urewera which was of major concern to Tuhoe. The costs of surveying Maori lands were most often taken out in land because iwi usually had no other means by which to pay, and Tuhoe were wary of this trap.¹²⁵ Both Seddon and Carroll assured them that a triangulation survey would be sufficient to determine the outer boundaries, and that subdivision surveys could be left for some time in the future.¹²⁶ Most importantly they told the delegates that the survey of their rohe would not cost them anything. As Carroll said, 'My wish was that the whole of the Tuhoe boundary should be reserved as a reserve for the Native people. A place

¹²⁵ Tatu of Te Whaiti also told Seddon that he had witnessed 'the evil which has befallen us through the survey'. See *AJHR*, 1895, G-1, p. 67.

¹²⁶ Memorandum from Native Minister, Wellington, 15.11.97 [1897], 'Notes of interview between Hon. Mr. Carroll and the Urewera natives, 'Urewera Deputation, Notes of Evidence', 7 September 1895, J 1 1897/1389 p. 20.

wherein the Native people could develop itself',¹²⁷ supposedly without the burden of survey costs.

Seddon had earlier made clear to Tuhoe his views on Maori authorities who sought powers equal to those of the government. He considered it sufficient that Maori were already represented in parliament and in cabinet by members of their own race, and that more than one government would supposedly result in 'confusion or worse'. Seddon described the existing Maori parliaments as ineffectual, saying that Te Whiti had a parliament, (though in fact he had not), another was on the East Coast and a third in the Waikato but that all were 'merely advisory bodies having neither legislative nor administrative power.'¹²⁸ Although he considered national Maori authority an impossibility, Seddon did promise Tuhoe autonomy within their own boundaries. If Tuhoe mistakenly thought that they would retain full control over their rohe by working with the government, then it was not through misunderstanding that they formed this impression but through government assurance. Seddon and Carroll promised them special legislation that would give 'all power to the Tuhoe',¹²⁹ within their rohe.

Wi Pere, MP for Eastern Maori, who represented Tuhoe whose lands were situated within his district, said Tuhoe had come to him personally for his assistance in passing the Urewera District Native Reserve Bill in the form it was in [on September 25]. Pere asserted that Tuhoe themselves had struck out certain unwanted clauses in the Bill and asked for the power of the leasing to be left open.¹³⁰ He said that the Bill would preserve to Tuhoe their 'ancestral rights to the land'.¹³¹ Ropata Te Ao, MP for Western Maori, noted that the Tuhoe delegation had been in attendance in Wellington for two successive sessions while the Bill was being debated

¹²⁷ J 1 1897/1389, p. 2.

¹²⁸ *AJHR*, 1895, G-1, p. 12.

¹²⁹ J 1 1897/1389, p. 37.

¹³⁰ *NZPD*, 96 (1896), pp. 192-193.

¹³¹ *NZPD*, 96 (1896), p. 193.

and that after having fully enquired into it, they approved of the Bill's provisions.¹³² Carroll also reported that the delegation members had agreed to accept any legislation passed on the lines on which the Bill was drafted.¹³³ These comments certainly give the impression that Tuhoe took an active role in the creation of the Urewera District Native Reserve Bill, and it is especially interesting to note these comments about an iwi considered by most Pakeha to be 'backwards' and 'uneducated'.

The effect the passing of the 1896 Bill might have on Maori outside of Te Urewera was an important issue to both Maori and Pakeha members of parliament. Tuhoe were not the first iwi to try and retain control of their lands by establishing a land administrative system in conjunction with government authority. In 1893, Paratene Ngata, Rapata Wahawaha and James Carroll recommended that block committees of Maori land owners should be formed to manage blocks with multiple owners, under the guidance and restrictions of the law.¹³⁴ Then in August 1896, a delegation headed by two Maori women named Hirani and Taranaki,¹³⁵ presented Seddon with a petition asking that Maori be granted the power of adjudicating or enquiring into disputes as to the ownership of Native lands. The question of final decision they wished retained by the Native Land Court, but they desired to have power to make the preliminary investigations.¹³⁶ Another delegation addressed the Premier in the same month, and among other things requested an amendment to the Native Land Court Act 1894. Namely, for the replacement of the Public Trustee with a block committee so that the block committees might have the power to administer their own land block.¹³⁷ Clearly Maori were attempting

¹³² *NZPD*, 96 (1896), p. 165.

¹³³ *NZPD*, 96 (1896), p. 158. Carroll and Parata both noted that Tuhoe were in favour of the Bill, pp. 195, 170.

¹³⁴ Ward, 'James Carroll', p. 80. The role of the Native Committees was debated in Parliament in the same year as the Urewera District Native Reserve Bill.

¹³⁵ The women were accompanied by Hone Heke, Wi Pere, and eight other Maori.

¹³⁶ 'Native Matters', *New Zealand Times*, 3 August 1896, in R.J. Seddon Scrapbooks 1894-1905, R.J. Seddon, MS-Copy-Micro-0470.

¹³⁷ 'Native Grievances', *New Zealand Times*, 21 August 1896, in R.J. Seddon Scrapbooks 1894-1905, R.J. Seddon, MS-Copy-Micro-0470.

to work through the Pakeha legal system and institutions to gain more participation in the administrative structures that were shaping their future. Most of these efforts were ignored however, because the government would not tolerate Maori in positions of power in European administrative institutions, and neither would it accept any alternative structures.¹³⁸

Wi Pere was in favour of granting local autonomy to Tuhoe and other iwi,¹³⁹ seeing it as a positive progression in the struggle for the recognition of Maori rights. He commented that it was the first time on record in New Zealand that ‘such a course or policy as laid down in the Bill has been taken in regard to Native lands -- that is to say, that the Maori owners of the soil are allowed to manage their own affairs’.¹⁴⁰ This optimism on the part of Pere was warranted after the dismal treatment with which such issues had been treated by the government in the past, on which almost anything would be an improvement. Russell, however, opposed the recognition of Maori autonomy in the legislature. According to Russell, the promise of self-government made to Tuhoe had become widely known, and that ‘Natives throughout the colony are beginning to agitate to be allowed to deal with their own lands in exactly the same way as the Tuhoe people the end will be that disappointment must ensue, for local self-government by the Maori people cannot and will not be allowed to prevail’.¹⁴¹ This intolerant attitude was one of the reasons that the 1896 Act was limited in its powers; the government was never going to share equal powers with a Maori authority.

It is clear that among the members of parliament, there was more than one agenda being pursued. Carroll was in perhaps the most onerous position of all the Maori members, trying to please both the government and his own people. Most of the Maori MPs supported the Bill because they believed, or at least hoped, that the formal recognition of Tuhoe autonomy would set a precedent which could later be extended to the rest of Maori society. The ethnocentrism of colonials, with assimilation rather than partnership as the guiding objective,

¹³⁸ See Ward, *A Show of Justice*, p. 161.

¹³⁹ *NZPD*, 96 (1896), p. 164.

¹⁴⁰ See *NZPD*, 96 (1896), p. 192.

¹⁴¹ *NZPD*, 96 (1896), p. 161.

suggests that many of the Pakeha MPs only agreed to the Bill because they believed it to be a temporary measure. Certainly some of the Pakeha members believed that it would only be a matter of time before Te Urewera came under the same law as the rest of the country.¹⁴² The Bill was not expected to seriously delay the assimilation process because it was to bring aspects of European 'civilisation' into Te Urewera, and eventually enable European settlement. The paradox of the government recognising Tuhoe autonomy and yet advocating assimilation is resolved when these factors are taken into account. Interestingly, the MPs did not refer to the pressure from Kotahitanga or the Kauhanganui during debate of the 1896 Bill, and were careful not to admit that pressure from Maori political groups influenced their decisions. One could interpret this omission as meaning that the government did not wish to be seen by Pakeha settlers as 'giving in' to Maori demands.

The Urewera District Native Reserve Act 1896 was passed into legislation for a variety of reasons and expectations. This next section will look in detail at the purpose of the 1896 Act according to the document itself. The full title of the Urewera District Native Reserve Act, 1896, is 'An act to make Provision as to the Ownership and Local Government of the Native Lands in the Urewera District.'¹⁴³ The Urewera District Native Reserve as defined in the first schedule of the Urewera District Native Reserve Act 1896 encompassed approximately 656,000 acres in the Auckland and Hawke's Bay Land Districts.¹⁴⁴ The Confiscation line formed the northern boundary. The south-eastern boundary ran along the Waipaoa Block, the Waikaremoana Lake, Forest Reserve, Educational Reserve, Block V, the Waiau Survey District and Section No.1, Block VIII, of the Mangahopai Survey District. The south-west boundary ran from the Waiau River to the northernmost corner of the Maungataniwha Block to the Triangulation Station on Maungataniwha. From there it went on to Heruiwi No.4 Block. To the west the district was bounded generally by Whirinaki, Kuhawaea No.1, Waiohau Nos.

¹⁴² See *NZPD*, 96 (1896), p. 169, (C. Hall, MP for Waipawa).

¹⁴³ For the purposes of this thesis it will be referred to by its short title, the Urewera District Native Reserve Act, 1896 or as the 1896 Act.

¹⁴⁴ The Urewera District Native Reserve did not contain all the lands included in the original description of the Rohe Potae o Tuhoe.

1B, 1A, and 2, and Tuararangaia Blocks to the Confiscation boundary-line at Tapapa-kiekie.¹⁴⁵ The Act declared the land within these boundaries to be a Native Reserve subject to the provisions of the Urewera District Native Reserve Act, 1896, and that neither ‘The Native Reserves Act, 1882’ nor ‘The Native Land Court Act, 1894’ would have any authority within the Reserve except where especially provided for by the Act.

The Urewera District Native Reserve Act, 1896 proposed the formation of a Commission consisting of seven members: two Pakeha and five Tuhoe. The Governor in Council¹⁴⁶ dictated the powers and functions of these Commissioners whose purpose was to divide Te Urewera into blocks and investigate the ownership of each block. In the process of these investigations the Commissioners were instructed to keep as near as possible to existing hapu boundaries and to take into account ‘Native customs and usages’ as they applied to the land. They were instructed to determine the names of the owners of each block and the relative share of each owner so that an ‘order’ could be made for each block. If the order remained uncontested after a period of twelve months it would be registered and would then operate as a certificate of ownership under the 1896 Act. The Commission was to be dissolved immediately after title to Te Urewera lands was finalised.

The Commission with its mixed membership was deemed to be the most appropriate means of ascertaining the ownership of Tuhoe lands. Carroll had stated that it was necessary to determine title through a Commission rather than the Native Land Court because there were no European interests involved, and so investigation of title must ‘proceed according to Maori law, usage, and custom’, especially since Maori were in a better position to understand customs regarding land tenure. The Court was set aside to avoid future complications, and the dissatisfaction which had so often resulted from its judgements in the past.¹⁴⁷ This did not

¹⁴⁵ Urewera District Native Reserve Act, 1896, p. 69.
Carroll estimated that Tuhoe numbered around eight hundred in 1896. See *NZPD*, 96 (1896), p. 194.

¹⁴⁶ The ‘Governor in council’ meant that made governor made decisions based on the advice of his responsible ministers.

¹⁴⁷ *NZPD*, 96 (1896), p. 158. See also p. 26-27 of this thesis for examples of previous Tuhoe experience with the Native Land Court.

mean that the jurisdiction of the Native Land Court was absolutely excluded from Te Urewera. The court was only set aside for the initial title investigations; once the title to a land block had been determined, succession claims and other matters could be handled by the Court. If the Native Minister directed, an order made by the Native Land Court could be registered as a certificate of ownership or recorded on an existing certificate.¹⁴⁸ The process of title determination, however, was not completed to any significant degree until 1907, and so the Native Land Court effectively had no jurisdiction within the Urewera District Native Reserve.

The 1896 Act also proposed the formation of two types of Committees to administer land matters in Te Urewera, Local Committees and a General Committee. All members of these committees were to be Tuhoe. The Urewera Commissioners were to appoint provisional Local Committees consisting of five to seven members chosen from the owners of each respective block. These provisional committees were to hold office until the election of a permanent Local Committee by owners of the block themselves. The jurisdiction of each Local Committee was limited to the internal affairs of their respective blocks.

Each Local Committee was to elect one of its members to the General Committee to deal with all questions affecting the Urewera District as a whole or in part, in relation to all affairs that might arise between Tuhoe and others - Europeans or Maori.¹⁴⁹ The General Committee's decisions were to be binding on all of the owners of land affected by the 1896 Act, and it was to have sole authority to alienate any portion of the district to the Crown, or to lease, or cede land for mining purposes. Most importantly the Act gave the Governor in Council the ruling authority over the establishment and membership of both the Local and General Committees.

Once title was determined for an individual block of land, a certificate of ownership was to

¹⁴⁸ Hall commented that 'There is nothing in the Bill to show that the regulation of their local affairs will be of a permanent nature, because it is provided that, after the areas of land have been allocated to the different tribes, all their successors shall have the right only through the Native Land Court.' *NZPD*, 96 (1896), p. 169.

¹⁴⁹ *NZPD*, 96 (1896), p. 173.

be issued with the names of both the Local Committee members for the block and of the General Committee members recorded on it, along with any subsequent changes in the Committees' membership. The purpose of the certificate was also to record every dealing with any part of the block, every change of ownership of the block, and any other changes prescribed by the Act.

The Governor was given authority to lay out roads and landing-places in Te Urewera for public use. Under the Public Works Act 1894 the Governor could take up to 400 acres for accommodation houses and camping grounds for stock and other public use purposes. There was also provision that if the land taken was not adequate, then with the consent of the General Committee, the amount of land taken for public works purposes could be increased.

The Urewera District Native Reserve Act, 1896 had two attached schedules. The first delineated the boundaries of the Urewera District, and the second was a copy of a memorandum from Seddon to Tuhoe dated 25 September 1895. The memorandum is an acknowledgement by Seddon of the previous applications made by Tuhoe for certain concessions and 'benefits' to be approved by the government and thereafter to be given effect under clause 24, subsection 4 of the 1896 Act. According to Carroll the memorandum was written both to show the desire of the government to give effect to the wishes of Tuhoe as regarded the Bill and to 'conserve such principles ... as would conduce to the better administration of their country, and their future advancement and civilisation so as to conform with that of the pakehas'.¹⁵⁰ The memorandum promised benefits and concessions in the five specific areas that had been discussed during Seddon and Carroll's visit to Te Urewera in 1894. Seddon promised schools in all the main kainga, and work for Tuhoe on road crews in Te Urewera. He emphasised the benefits that tourism would bring for all, which also related to flora and fauna introduction, and protection, and he also explained the benefits that allowing prospecting would bring to Tuhoe. These issues all contributed to the acceptance of the 1896 Act by both Tuhoe and the government, and will be looked at closely in chapter three.

¹⁵⁰ *NZPD*, 96 (1896), p. 158.

Carroll had emphasised the benefits of validating the Bill to Pakeha with the assurance that they would not lose anything by it, while at the same time assuring Tuhoe that the Bill would recognise their right to autonomy. To please both the government and Tuhoe, the 1896 Act had to be presented in such a way that it would be acceptable to both peoples with provisions that would lead each to assume that they would benefit from it. The 1896 Act did indeed do this, but the lack of positive outcomes for Tuhoe from this Act show how insincere, or at the very least, how ineffectual Seddon's promises to Tuhoe were.

Kawharu has observed that in most cases the vital factor in the adjustment of Maori to the influence of the 'commercialist European population', was the ability of the elders to maintain their leadership in the face of their diminished power and authority, especially in matters of land administration.¹⁵¹ Kawharu described the 1896 Act as being the first example where 'investigation of tribal land rights was coupled to the use of them by their owners' and that such a 'radical development was received with a mixture of hope, disbelief, and suspicion' by Tuhoe, and with 'downright cynicism by the Parliamentary Opposition'.¹⁵² The government endorsed the establishment of this new form of administration but not on a permanent basis, rather as a pacification measure until the time was right to bring Te Urewera under the same law as the rest of New Zealand. If one looks at the government's past dealings with Maori, it seems unlikely that such a radical shift of policy in favour of Maori would have occurred in such a short period of time.¹⁵³ Captain Russell's prediction that within two or three years the provisions of the Bill would be overridden and the powers supposed to be conferred upon Tuhoe taken away,¹⁵⁴ was premature, but nevertheless indicative of the fate that would befall the 1896 Act.

¹⁵¹ I.H. Kawharu, *Maori Land Tenure: Studies of a Changing Institution*, Oxford, Oxford University Press, 1977, p. 88.

¹⁵² Kawharu, p. 23.

¹⁵³ Seddon dismissed past wrong doings on the part of the government with empty platitudes like 'from now on things will be different'. Unfortunately 'things' were not different; injustice just took a more subtle approach.

¹⁵⁴ *NZPD*, 96 (1896), pp. 161, 191.

In conclusion then, the Urewera District Native Reserve Bill was seen as providing a new means of Maori land administration, which supposedly conformed with the wishes of the owners, and was supported by nearly all the Maori members of Parliament.¹⁵⁵ Superficially, the 1896 Act seemed to guarantee Tuhoe legal recognition of their right to autonomy. The concessions made to Tuhoe were in part intended to pacify Maori with the promise of local autonomy for Tuhoe, and its possible extension to other iwi. It let the government make the appearance of giving in to demands for the recognition of Maori rights, while also satisfying settlers that the government was at last going to have some authority in Te Urewera.

Tuhoe sought legal recognition of their right to autonomy so that they could retain control over their lands in a country where Maori rights and systems of authority were fast being displaced by those of Pakeha. Tuhoe chose to use legislation to secure their lands and to avoid the Native Land Court in the hope that their autonomy would be protected as it had not been for other hapu and iwi. Tuhoe efforts to assert their right to self determination contributed to the creation of the Urewera District Native Reserve Act, 1896, and ensured their participation in the new structures of authority that were formed through the provisions of the Act.

¹⁵⁵ See H. Bassett, R. Steel and D. Williams, *The Maori Land Legislation Manual: Te Puka ako hangahanga mo nga ture whenua Maori*, Wellington, Crown Forestry Rental Trust, 1994, p. 207.

Chapter Three: Pressures and True Intentions:

The ‘Opening Up’ of Te Urewera

The purpose of this chapter is to examine the political, social, and economic pressures that were most relevant in the passing of the Urewera District Native Reserve Act, 1896. This will include discussion of Liberal land policies, and the pressures the government was under to concede to Maori wishes for legal recognition of their rights. The Pakeha, and therefore government intolerance of Tuhoe autonomy will be illustrated by comparing the government’s treatment of the Parihaka and Waikato peoples in order to ‘open up’ their lands for settlement. It will focus on the issues touched upon in the second schedule of the Urewera District Native Reserve Act, 1896 concerning surveying, roading, goldmining, tourism, and flora and fauna, and debates their potential benefits to Tuhoe, and to the government.

Increasing settler pressure for land and the government’s disregard of the rights guaranteed to Maori by the Treaty of Waitangi dictated the course of government actions towards Maori, and had earlier resulted in the land wars of the 1860s. By the 1890s, little had changed except the methods the government used to attain its objectives. When Seddon and Carroll first proposed the Urewera District Native Reserve Bill, the factors that influenced their actions were in part a continuation of long standing Liberal assimilation and land acquisition policies. Nevertheless, the MPs also took into account the changing society of Aotearoa and pressure from Maori for the government to recognise their rights. Both Maori and Pakeha stressed the importance of settling land ‘use’ and land ‘ownership’ issues.

Liberal policies were strongly focused on the acquisition of Maori land for settlement and development, and the assimilation of the Maori race. The Liberal government passed a range of legislation that specialised in gaining control of land and during their term in power they purchased approximately 3.1 million acres of Maori land which considerably advanced the occupation and colonization by Pakeha of the North Island.¹⁵⁶ The government expected closer settlement by Pakeha to create jobs, enhance profits and bring economic and social gain to

¹⁵⁶ Brooking, “‘Busting Up’ The Greatest Estate of All”, pp. 78, 81.

everyone.¹⁵⁷ It also believed that land still owned by Maori should either be used productively, or given to those who would develop the land, namely Pakeha settlers. Carroll and others supported this 'use it or lose it' ideology, and Binney asserted that it was this ideology that 'drove the government in its desire for access to Tuhoe lands.¹⁵⁸ As Brooking has noted, Liberal land policy was also aimed extending Pakeha power and dominance,¹⁵⁹ and indeed it was a combination of all these factors that dictated the government's actions in their relationship with Tuhoe. The Urewera District Native Reserve Act, 1896 was clearly designed to carry out Liberal objectives to extend Pakeha authority to Te Urewera, to promote the eventual acceptance of Pakeha settlement, and to acquire land for economic profit for the government and the colony. The 'use it or lose it' belief justified the government's efforts to acquire land because the Urewera economy was at a level where plainly Tuhoe were in no position to develop their own lands.

By the mid 1890s, the increasing Maori population, and the growing influence in Maori society of movements such as the Kingitanga and Kotahitanga had become strong enough to force the Liberals to recognise Maori concerns and 'at the very least make a show of addressing them as they continued to purchase Maori land at ever increasing rates.'¹⁶⁰ The leaders of Kotahitanga, and of the Kingitanga, persistently worked to gain government recognition of Maori autonomy, the right to control the administration of their own lands, and the abolition or devolution of the Native Land Court. The efforts of both groups had been consistently ignored by the government until this time because the government had not planned on having to make any special provision for Maori rights, and because the government refused to recognise the right of Maori to share power in the institutions that were fast shaping their future. The stabilising of the Maori population and the unceasing attempts of Maori to assert their autonomy, however, showed the government that its rationalisations

¹⁵⁷ T. Brooking, 'Use it or Lose it'. Unravelling the Land Debate in Late Nineteenth-Century New Zealand', *NZJH*, vol. 30, No.2, October 1996, p. 145.

¹⁵⁸ Binney, 'Te Mana Tuatoru', p. 123.

¹⁵⁹ Brooking, "'Busting Up" The Greatest Estate of All', pp. 90-91.

¹⁶⁰ T. Tidswell, 'Liberal native land legislation: a compromise between Maori aspirations and European settler demands', unpublished paper, Massey University, 1993, p. 2.

were wrong in the first instance, and too exclusive in the second.¹⁶¹

The government had to make some effort to relieve the tension between Maori and Pakeha resulting from their conflicting desires for land and authority, so that Pakeha settlement could proceed peacefully, and so that the country would increase in economic development and productivity. Nonetheless the underlying foundation to any concessions the government might make was that they would not be detrimental to Pakeha interests, and would potentially be beneficial to Pakeha economically. Te Urewera was an irritant to the government in that the government effectively had no authority in Te Urewera, however, by securing an agreement with Tuhoe and making some concessions the government gained the opportunity to extend its authority. The government promised concessions to Tuhoe in the form of the Urewera District Native Reserve Act, 1896 to relieve social and political tensions. However, concessions that the government had made in the past had never gone far enough to truly benefit Maori, or like the Treaty of Waitangi, had not been honoured. It therefore seems unlikely that the government really intended or indeed was capable of making any substantial changes in its policies. The bulk of the Liberal's Maori land purchases occurred in the 1890s despite the determined opposition of Kotahitanga and the Kingitanga, and of all the Maori MPs other than James Carroll.¹⁶² This supports the theory that the concessions the government made to Tuhoe were indeed simply a 'show', and meant only to fit the government's agenda. The government used concessions as pacification measures until Maori were ready to accept Pakeha culture and laws, or until the government was in a position to enforce their acceptance.

Best observed that it was

¹⁶¹ The theory that the Maori race was destined for extinction was slowly losing credence among Pakeha at this stage Sorrenson and Pool connected the land alienation process with the decline of the Maori population in the late 1800s. By the 1890s an increasing number of iwi were starting to gain some degree of equilibrium and the population as a whole was beginning to increase. However, Pool commented that the inroads of land purchasers into the King Country and Te Urewera were 'about to exact the same toll that land alienation had taken earlier and sequentially in other regions when they were being exploited.' See I. Pool, *Te Iwi Maori: A New Zealand Population Past, Present & Projected*, Auckland, Auckland University Press, 1991, p. 101.

¹⁶² Brooking, "'Busting Up" The Greatest Estate of All', p. 78.

somewhat odd that the Tuhoe tribe, who had been in contact with Europeans less than any other tribe, were our most implacable enemies and kept aloof from us longer than any other natives.¹⁶³

This statement may hold some clue as to the reason that the ‘opening up’ of the Urewera was so important to the government in the 1890s. The King Country had been progressively ‘opened up’ from 1883 and Te Urewera was the last remaining bastion of so called ‘Maori separatists.’ The government saw Te Urewera as a symbol representing the last remaining irritating obstacle preventing the total assimilation of Maori under Pakeha law. The challenge of overcoming Tuhoe opposition to Pakeha institutions and the pressure from Pakeha settlers to acquire land led to a superficial change in government policy resulting in the Urewera District Native Reserve Act, 1896.

When discussing the government’s intentions as to granting or recognising Tuhoe autonomy, it is useful to examine how the government treated attempts by other iwi to assert their autonomy. At Parihaka, Maori under the leadership of Te Whiti O Rongomai and Tohu Kakahi, had created a settlement based on the ideals of Maori autonomy and peaceful co-existence with Pakeha. Nevertheless the government attempted to destroy Parihaka because the settlement and its leaders were a threat to Pakeha authority. In the 1870s and 1880s the Parihaka people disrupted the government attempts to survey, fence and settle their lands. They ploughed and planted in the lands which had been set aside for Europeans; erected fences across newly made roads, and occupied areas that the government working parties were trying to develop. Similarly, Tuhoe later resisted unlawful surveying in Te Urewera; in the 1890s Tuhoe asserted their rangatiratanga and turned back government surveyors in protest at the unauthorised entry. The actions of the government in both areas conflicted with the rights of the Parihaka people and of Tuhoe to govern within their boundaries.

Te Whiti’s stand over the broken promises the government made, to leave the land occupied by Taranaki Maori alone, was treated as ‘a part of a nationwide movement, a threat to the

¹⁶³ Best, *Tuhoe: Children of the Mist*, p. 667.

authority of the Queen -- and to the supremacy of the white race',¹⁶⁴ and Lyons also credits the government's actions in part to 'public opinion'.¹⁶⁵ The government's aggressive attempts to destroy the unity of the Parihaka people and take their land were countered by peaceful resistance, yet the government still refused to recognise the Parihaka people's right to control the administration of their lands and their community. Because their peaceful protests had 'disrupted progress and caused embarrassment to government policy', the government retaliated,¹⁶⁶ and on 5 November 1881, 1,500 militia and volunteers invaded the undefended settlement of Parihaka.¹⁶⁷

The Waitangi Tribunal's Taranaki Report states that 'Parihaka is symbolic of autonomy - of the right of indigenous peoples to maintain their society on their own terms and to develop, from mutual respect, a peaceful relationship and partnership with the Government.'¹⁶⁸ These were the terms by which the Parihaka people strove to assert their autonomy, but it was certainly not how the government perceived or reacted to their efforts. The government was intent on settling the land at Parihaka that it had earlier acquired through confiscation, but even more pressing was the need to crush the autonomy that the government saw as a threat to its superiority.

In the King Country the government perceived Maori autonomy as an impediment to the government's goal of acquiring and making a profit from the land. The Kingities, like Tuhoe

¹⁶⁴ H. Riseborough, *Days of Darkness: Taranaki 1878-1884*, Wellington, Allen & Unwin, 1989, pp. 2-3, 220-221.

¹⁶⁵ According to Lyons, 'Public opinion and the demand for land combined with state power' defeated the purpose of Te Whiti. D. Lyons, 'An Analysis of Three Maori Prophet Movements', in I.H. Kawharu, (ed) *Conflict and Compromise: Essays on the Maori Since Colonisation*, Wellington, A.H. & A.W. Reed, 1975, p. 73.

¹⁶⁶ Elsmore, p. 239.
The Taranaki settlement suffered terribly from the confiscations and the dislocation of its people, and in recent years those injustices have been highlighted through the findings of the Waitangi Tribunal.

¹⁶⁷ Riseborough, pp. 1-2.

¹⁶⁸ Waitangi Tribunal, 'The Taranaki Report: Kaupapa Tuatahi', GP Publications, 1996, pp. 199-200.

had also been described as living in 'sullen isolation' but as Sinclair has noted, although a small minority had maintained a 'self imposed, though partial isolation', it was certainly not the case for the majority.¹⁶⁹ The government was under pressure from Pakeha settlers to free up the fertile Waikato plains and so took an aggressive approach to obtaining the land by invading the Rohe Potae and confiscating large tracts of land.¹⁷⁰ After peace was secured the government sought to open the area by railway. Ngati Maniapoto fought against the new intrusion but in 1883, pressure from Bryce, the Native Minister, finally made them decide to allow a government surveyor to determine the route for a railway.¹⁷¹ Later that year when legislation was passed to further open up the King Country, Wahanui, an influential leader of Ngati Maniapoto, stipulated that the surveys and award of titles be restricted to tribal and hapu boundaries, not individual awards which could easily be alienated. Around 1888, despite this provision, disputes among claimants led to individuals being listed on the titles.¹⁷²

In 1890 G. Wilkinson made the first freehold purchase in the King Country and Ward has commented that 'the secretiveness of the deal amply displayed the cynicism and fundamental immorality of the government agents' activities'.¹⁷³ The government was determined to acquire land in the King Country and it was not too fussy about how it was accomplished. The efforts of government agents in obtaining King Country lands undermined the Maniapoto

¹⁶⁹ K. Sinclair, *Kinds of Peace: Maori People After the Wars, 1870-85*, Auckland, Auckland University Press, 1991, 29.

¹⁷⁰ After the wars the New Zealand Settlements Act 1863 was enforced which enabled the confiscation of 1,202,172 acres of Waikato land. Eventually 1,250,000 acres of land were confiscated in the Waikato by proclamation between 1863 and 1865 and the Maori inhabitants were removed from their ancestral lands. See R. Mahuta, 'Tainui, Kingitanga and Raupatu', in M. Wilson and A. Yeatman (eds), *Justice and Identity: Antipodean Practices*, Wellington, Bridget Williams Books, 1995.

¹⁷¹ Wilkinson reported that Ngati Maniapoto had agreed to construction of the railway subject to certain conditions. Telegram from G. Wilkinson to Native Affairs Office, 27/2/1885, MA 13/43. See also Adams, Te Uira, and Parsonson, p. 112. See also Ward, *A Show of Justice*, p. 287.

¹⁷² Ward, *A Show of Justice*, pp. 287-299.

¹⁷³ See Ward, *A Show of Justice*, p. 299.
G. Wilkinson was also sent to Te Urewera in 1893 on behalf of Cadman, the Native Minister, to talk to the Tuhoe who were obstructing the survey at Ruatoki. He attempted to convince Tuhoe to let the survey continue but was unsuccessful. Telegrams from G. Wilkinson to Native Minister, March, April 1893, LE 1 1893/165.

leadership's own efforts at farming development, and the initially successful restrictions on individuals selling their land interests. Similarly, the government's actions in Te Urewera were also calculated to 'free up' the land and serve government interests. In the 1870s Tuhoe had agreed to the determination of external boundaries, and then in the 1890s they agreed to triangulation surveys with the assurance from Seddon that these surveys would be sufficient. The surveys were not precise enough to facilitate land alienation and eventually the government convinced Tuhoe to allow more precise surveys which by 1921 had resulted in the alienation of more than half of the Urewera District Native Reserve.

The government perceived separate Maori authorities in Parihaka and in the King Country as a threat, and the government's violent actions and duplicity illustrate its intolerance of such so called 'separatists'. Tuhoe were certainly aware of the fate that had already befallen these iwi as a result of encounters with government 'authority', and therefore any wariness on the part of Tuhoe to deal with the government had been well justified. The government's misrepresentation of its true motives was common in its dealings with iwi over land, and it acted in a similar fashion in its associations with Tuhoe.

The Urewera District Native Reserve Act, 1896 was often referred to by members of parliament as experimental legislation owing to the fact that the Act promised Tuhoe local autonomy. MPs considered Te Urewera an acceptable place to conduct such an experiment because existing Pakeha land interests in the area were negligible and so would not be prejudicially affected. As Carroll said numerous times in House debates, 'the land in question was not deemed fit for settlement' for Pakeha.¹⁷⁴ The interior lands of Te Urewera were rugged and difficult to access and the Tuhoe inhabitants already worked hard to cultivate what little land was suitable for agriculture, so there was no rich resource for Pakeha to exploit in that respect. The outer lying lands of Te Urewera, were, however, a different matter. These fertile lands were attractive to Pakeha settlers, but in order to effectively use these lands, the overlapping claims of iwi such as Ngati Awa and Whakatohea had to be sorted out, and title

¹⁷⁴ According to Carroll, a topographical survey made prior to 1896 ascertained that the land was not fit for settlement because of the rough, rugged exterior, and poor quality soil. *NZPD*, 96 (1896), p. 157.

to the land determined. It was also imperative that Tuhoe recognise the form of title, so that if the land was sold it would be secure from challenges from former Tuhoe 'owners'. As far as the exploitation of resources such as timber stands was concerned, safe and efficient access to resources was essential. It was necessary therefore for the government to get permission from Tuhoe to construct roads to open up the country to outside markets. By passing the Urewera District Native Reserve Act, 1896, and establishing a secure relationship with Tuhoe, it seemed that the government potentially stood to gain significant benefits from the land and resources.

Te Urewera was not an easy conquest. It would not have been possible for the government to open Te Urewera lands to Pakeha settlement immediately because the majority of Tuhoe were still opposed to land selling, the land was still held under traditional forms of tenure, and also because of the arduous nature of the territory itself. Also, although no records have been located that still identify the leaders of Tuhoe collectively as the Whitu Tekau in the 1890s, members of the Whitu Tekau of the 1870s were still active in Tuhoe politics. Tuhoe also had the support of Kotahitanga and Te Kooti. Both exerted considerable influence among Maori and so the government could not simply dismiss their involvement. The nature of Te Urewera lands precluded simply relocating all the hapu of Tuhoe by force and taking control of the land and resources as the government had done in more accessible areas such as the Bay of Plenty. So without some sort of agreement with Tuhoe, the government stood little chance of gaining control of the land and successfully introducing Pakeha settlement. The focus then was firstly to 'open up' the rohe to European civilisation because the government assumed that as soon as Tuhoe recognised the benefits of having the comforts of European goods, and European laws and education, settlement would automatically follow without the need for force.

The major issues Seddon discussed with Tuhoe that led to the creation of the Urewera District Native Reserve Act, 1896 concerned surveys and roading, goldmining, tourism, flora and fauna introduction and protection, and education. The potential benefits that were anticipated by both Tuhoe and the government are discussed with the intention of showing the process of colonisation that the government took in Te Urewera and the very different expectations

that Tuhoe held. The agreement between Tuhoe and Seddon over these matters were listed in the second schedule of the 1896 Act. C. Hall observed that

when you individualise the title of any Maori land you open the way to the entrance of the European more than by any other process. By opening up these roads, and passing this law for the administration of their affairs, you introduce amongst them a great civilising factor which will bring the Europeans more into their midst than any other means you could adopt.¹⁷⁵

Surveys and roading were early steps in the active process of colonisation, and had in the past effectively opened up Maori lands in other areas to Pakeha settlement. The first surveys of lands on the outer edges of Te Urewera began in January 1867 when Opouriao and Waimana were surveyed by Pitcairn and L. Simpson, for the purpose of allotting land to military settlers within confiscated lands. At Opouriao the surveyors were assisted by Tuhoe people living at Puketi, but at Waimana, the reception was quite different because of dissension among Tuhoe over whether the survey should proceed. After the allotments were completed, grantees were not able to take possession of their allocated lands because Tuhoe were still in residence, so in September 1867 Tuhoe were forcibly removed from Opouriao and Waimana by government troops.¹⁷⁶ The irony of this incident was that none of the original military settlers remained on their allotments.¹⁷⁷ This early experience of government surveys deterred Tuhoe from subjecting the rest of the rohe to this process, and apart from a few exceptions, the Tuhoe policy of opposition to Government surveys on the whole, held firm until the 1890s.

Tuhoe opinion remained divided over the surveys and in the early 1890s the government attempted to complete a comprehensive survey of Te Urewera lands without full permission

¹⁷⁵ *NZPD*, 96 (1896), p. 169.

¹⁷⁶ See Milroy and Melbourne, 'Te Roi', pp. 137-138. According to Stafford, Pitcairn was later killed at Ohiwa by Te Kooti and followers in 1869. See Stafford, p. 425.

¹⁷⁷ In April the next year, a Ngati Pukeko road gang under Major Fraser were attacked by Tuhoe at Puketi. Tuhoe, Ngati Awa and Ngati Pukeko clashed over the Ruatoki surveys because they all claimed interests in the land. See Milroy and Melbourne, 'Te Roi', pp. 213, 213.

from Tuhoe. The Surveyor General, S. Percy Smith initiated a survey for a road from Fort Galatea to Lake Waikaremoana in 1892, but his surveyors were evicted.¹⁷⁸ Cadman, the Native Minister of the time, was 'exceedingly anxious to get the Urewera Country opened'¹⁷⁹ and attempted to force a survey in Te Urewera in 1893 on the consent of only a minority of owners.¹⁸⁰ Tuhoe who resisted the survey removed surveyors' pegs and were arrested, but before the conflict could become violent Te Kooti, who was still strongly influential among Tuhoe, convinced Tuhoe to permit the survey and referred the dispute to Kotahitanga.¹⁸¹ The prisoners were released, but this was not the end of the survey disputes.

Seddon and Carroll went to Te Urewera the following year to encourage a better relationship between Tuhoe and the government, and to reach an agreement with Tuhoe about constructing roads in Te Urewera. However, they made no formal arrangements and disagreement over surveying and roading matters continued. In April 1895 the government sent two survey parties to complete a triangulation survey of the 'so far unmapped Urewera mountain territory', one led by A.L. Foster, and the other by J.I. Phillips.¹⁸² Foster's survey party was stopped by Tuhoe at Waiohau between Ruatoki and Galatea. In retaliation at this rejection of government authority the government despatched an armed military force to Whakatane and Ruatoki with Police-Inspector Hickson and Lieutenant J.E. Hume in charge of the expedition. They marched into Ruatoki on 21 April where they found 'all the leading men of the Urewera

¹⁷⁸ Williams, p. 92. See also Sissons, p. 2.

¹⁷⁹ A.J. Cadman to Surveyor General, 18 January 1892, LE 1893/165.
Paora Kingi asserted that Tuhoe were entirely against survey, roads, lease, sale of land, prospecting for gold and mortgage within the Tuhoe territory. He asked that Smith 'fetch Mr Creagh [the surveyor] back'. See Paora Kingi to S.P. Smith, Surveyor General, 29 March 1892, LE 1893/165.

¹⁸⁰ Percy Smith, Surveyor General authorised O.M. Creagh to survey Ruatoki in January 1892, LE 1893/165.

¹⁸¹ Wilkinson reported that Te Kooti had arrived at Ruatoki on the afternoon of 19 March 1893. See Wilkinson to Native Department, 29 March 1893, LE 1 1893/165.
Cadman thanked Te Kooti for his advice to the 'Uriweras' not to obstruct the survey, but to trust to the law to remedy their grievances. See telegram from Cadman to Te Kooti, 13 April 1893, LE 1 1893/165.

¹⁸² J. Cowan, *The New Zealand Wars: A History of the Maori Campaigns and the Pioneering Period*, [1923], vol. II, Wellington, Government Press, 1983, p. 496.

from Ruatoki to Waikare-moana' numbering about two hundred, waiting for them on the marae. Conflict had occurred as a result of the government proceeding with surveys without first seeking the permission of Tuhoe, who also did not know that Pakeha law allowed the surveys. Carroll acted as mediator discussing matters with Numia Kereru, Te Whakaunua, Rakuraku and other rangatira.¹⁸³ J.A. Williams noted that Hone Heke, a strong supporter of Kotahitanga, worked hard to dispel the misunderstanding, and that Tuhoe stopped resisting when advised by Heke to do so, even though Seddon had earlier publicly accused Heke of turning Tuhoe against the government.¹⁸⁴ As a result of these discussions, peace was restored and Tuhoe allowed the surveys to proceed.¹⁸⁵

The Phillips survey party had been travelling from Te Whaiti up the Okahu stream toward Tarapounamu when an armed party of Tuhoe marched from Ruatahuna to intercept them.¹⁸⁶ The Tuhoe contingent apparently decided not to engage in violent confrontation and left their guns at Tarapounamu, met the survey party near Ngaputahi, and turned it back across the Whirinaki River to Waikotikoti.¹⁸⁷ Though Best attributes this incident to Tuhoe, Cowan asserts that the surveyors were actually stopped at Te Whaiti by Ngati Whare.¹⁸⁸ Nevertheless, the government stationed a covering party of Permanent Artillery at Te Whaiti to protect the surveyors over the following weeks but their presence was unnecessary. The survey for a road through Te Urewera to Waikaremoana continued without further incident.¹⁸⁹ Once agreement over surveying was reached, Tuhoe saw the roads that would follow the surveys as a means

¹⁸³ Cowan, p. 497. See also J1 1897/1389, pp. 16-19.

¹⁸⁴ J. A. Williams, p. 93. See also F.R. Kawharu, 'Hone Heke Ngapua', in C Orange, (ed), *The Dictionary of New Zealand Biography, Volume Two, 1870-1900*, Wellington, Bridget Williams Books and the Department of Internal Affairs, 1993.

¹⁸⁵ See also J1 1897/1389, pp. 1, 18. (Carroll and Seddon's comments on the dispute negotiations).

¹⁸⁶ Best, *Tuhoe: Children of the Mist*, p. 667.

¹⁸⁷ Best, *Tuhoe: Children of the Mist*, p. 667.

¹⁸⁸ Cowan, p. 496.

¹⁸⁹ The line of road had first been explored by J.C. Blythe in June 1885, with the warning from Tuhoe that he must not do any survey work and nor would they allow a road to be built. Best, *Tuhoe: Children of the Mist*, p. 667.

of employment. There was virtually no employment in Te Urewera at that time and therefore no way for Tuhoe to earn money for necessities. Te Whenuanui and other Tuhoe began construction work on a road in May 1895, and others generally took up road work when it was offered. The Murupara - Te Whaiti - Ruatahuna road was described by Best as ‘the wedge that split up the Tuhoean policy of isolation’,¹⁹⁰ however, roading did not provide the benefits that either Tuhoe or the government might have expected as will be shown in chapter four.

Seddon later discussed the survey disputes with the Tuhoe delegation sent to Wellington to determine the future association of Tuhoe with the government. Seddon assured them that there had been a misunderstanding over the method of surveying, and that Tuhoe would not have to pay for further surveys. Seddon and Carroll said that triangulation surveys had been necessary to determine the outer boundaries of the rohe, but also promised that the partition surveys could be left for some future time. This gave the impression that the government did intend to eventually partition Te Urewera but was willing to allow Tuhoe time to adjust. The 1895 survey dispute in Te Urewera has been acknowledged among historians as the event that finally motivated the government to endorse Tuhoe local autonomy through the creation of the Urewera District Native Reserve Act, 1896.¹⁹¹ Indeed, the dispute acted as a catalyst after a number of other events had put increasing pressure on the government.

Because of the location of Te Urewera, it was in a strategic position to provide an important trade route, and as Carroll noted in September 1896, ‘the direct route to the Waikato and Auckland markets for East Coast stock and produce will be through this country.’¹⁹² For Tuhoe, the major benefits of allowing the roads to proceed was use of the roads for access to markets, and also for employment. There was little opportunity for work within the rohe and initially over two hundred applied for work on the roads.¹⁹³ The memorandum from Seddon

¹⁹⁰ Best, *Tuhoe: Children of the Mist*, p. 667. By the following year a dray road was completed as far as Tarapounamu, and extended to Ruatahuna in 1901. See Stokes, Milroy and Melbourne, p. 55.

¹⁹¹ See Williams, p. 91. See also Binney, ‘Te Mana Tuatoru’, p. 121.

¹⁹² *NZPD*, 96 (1896), p. 158.

¹⁹³ Williams, p. 93.

to Tuhoe included in the Urewera District Native Reserve Act, 1896 agreed to the request of Tuhoe for construction and maintenance work on the roads. The 1896 Act also guaranteed 400 acres of land within the reserve to the government for camping grounds (for stock) and for public works purposes (roads), with the option to increase the amount of land taken if approved by the General Committee. The trade off here was that the government obtained land for public works purposes at no cost, and in return Tuhoe were promised roads and employment. Similarly in the King Country, the government had used employment as an incentive for Maori to allow the railway through their land.¹⁹⁴

The potential value of resources in Te Urewera was another reason why the government was intent on 'opening up' the area, especially as concerned gold prospecting. Prior to 1896 the government had sent a number of Pakeha officials on missions to ascertain the geographical and geological nature of Te Urewera and they had brought back promising reports of its goldmining potential, thereby increasing miners' interest in the area. In 1870, Colonel St John reported on the nature and resources of Te Urewera:

If not for its mineral resource, the country of the rebel Whakatoheas and Ureweras is worthless. It is, however, my firm opinion that these mountains contain within their bosom, mines which some day will add to the wealth of New Zealand.¹⁹⁵

St John noted signs that he thought were likely indications of gold deposits but could not himself confirm any definite discoveries. While in Tauranga St John was shown a piece of gold-bearing quartz said to have been picked up in Ruatahuna. He also mentioned a Whakatane chief who believed there to be gold at Puketi at the junction of the Waimana and Whakatane rivers.¹⁹⁶ A year later Captain Mair reported that the only indications of gold he

¹⁹⁴ The King Country Maori were promised work on the railway where it cut through their land. See Ward, 'National Overview', p. 126.

¹⁹⁵ 'Colonel J.H.H. ST John's Description of the Urewera and Taupo Country', *AJHR*, 1870, A-1B, p. 51. On 6 May 1869 while camped at Ahikereru, Whitmore noted that the 'the rivers here look like gold the diggers say' but he as he had no knowledge of gold prospecting himself, he did not have an opinion. See MS-2392.

¹⁹⁶ *AJHR*, 1870, A-1B, p. 51.

had found were the quartz boulders in the Hopuruahine river.¹⁹⁷ Nevertheless, despite these unconfirmed reports, the idea that there was gold to be had was still enough to motivate Pakeha miners to put pressure on the government to open Te Urewera lands.

Samuel Locke was sent into Te Urewera in 1889 to make arrangements that would lead to the ‘opening up’ of Te Urewera ‘for prospecting for gold and other minerals, and for utilising the forests’.¹⁹⁸ According to Locke however, at this time Tuhoe were more concerned about the government surveyors in their rohe, who they considered trespassers, than they were about the existence of gold. He commented that ‘as to the gold, they knew nothing and cared nothing about; but they would not have people, without their consent and knowledge, wandering about their country.’¹⁹⁹ As a result of this meeting Kereru Te Pukenui and others agreed to consider defining the general boundaries of the rohe potae, and to consider the wishes of Pakeha who wanted to prospect there.²⁰⁰ Later that year William Kelly, Member for Tauranga, asked the Native Minister if the government intended to carry out and complete the arrangements made by Locke with the ‘Urewera Tribe’ for opening up the country for prospecting. According to Kelly, the settlers of the district were anxious that they should be allowed to prospect in Te Urewera since gold had been found.²⁰¹ Thomas Fergus replied that the government was ‘in communication with the Urewera chiefs and hoped that a satisfactory arrangement would shortly be reached.’²⁰² Nonetheless, Fergus’s optimism was premature.

A.J. Cadman, Minister of Mines, arranged for the Inspecting Engineer, H.A. Gordon, and

¹⁹⁷ *AJHR*, 1871, F-1, p. 44. The Hopuruahine river empties into the top of the Whanganui arm of Lake Waikaremoana.

¹⁹⁸ *AJHR*, 1889, G-6, p. 1.

¹⁹⁹ *AJHR*, 1889, G-6, p. 1.

²⁰⁰ The general lines that the boundary was to follow were listed in their letter. See *AJHR*, 1889, G-6, Translation of letter attached to Locke’s report, p. 2.

²⁰¹ Locke’s report stated that Kelly was in Te Urewera at the same time as Locke and that he had reached Ruatahuna by the time Locke arrived at the Whakatane Gorge. *AJHR*, 1889, G-6, p. 2. The ‘Annual Report on Department of Lands and Survey’ noted an enormous increase in gold-mining surveys in 1895-96 because of public demand. See *AJHR* 1896, C-1, p. 36.

²⁰² *NZPD*, 64 (1889), pp. 285-286.

mining geologist A. McKay to inspect Te Urewera in January 1895. They travelled as far as Maungapohatu but were prevented from exploring for gold because Tuhoe required consent from the whole iwi first. They did however, say that from observing the country as they passed through, that the gold bearing belt was likely south-west of Maungapohatu.²⁰³ In 1895, after having visited Te Urewera the previous year, Seddon asserted that he now knew the exact location of gold in Te Urewera and that the 'gold bearing country lay between Te Waiti, Pouatahua, Te Mimi, and the north-east bank of Lake Waikaremoana.'²⁰⁴ To questions in Parliament concerning goldmining, Seddon answered that matters in connection with Te Urewera would shortly be settled, and that prospectors who had applied for licences had been refused so as not to endanger future mining deals with Tuhoe.²⁰⁵ Similarly, he told the Tuhoe delegation that when he had travelled over the Te Whaiti ranges and into the gully, he had seen unmistakable signs of gold bearing quartz in a stream, and also signs of gold at Te Mimi.²⁰⁶ He belaboured the point that if prospectors were to go into Te Urewera without the express permission of Tuhoe, the miners would jeopardize future arrangements with Tuhoe to gain access to and mine any gold found in their rohe.²⁰⁷ It was in the government's interest therefore, to protect Tuhoe rights, or at least make the appearance of doing so.

The other assurance Seddon made to Tuhoe was that any gold found would remain under the control of the owners of the land.²⁰⁸ When the Urewera District Native Reserve Act, 1896 went through parliament the next year, Wi Pere asserted that if it had not been for the reports that there was likely to be gold in Te Urewera, the Urewera people would not have accepted the

²⁰³ *AJHR*, 1895, C-3, pp. 157-159.

²⁰⁴ *NZPD*, 87 (1895), p. 503.

²⁰⁵ *NZPD*, 87 (1895), p. 503.

²⁰⁶ J 1 1897/1389, p. 31.

²⁰⁷ Seddon had an added interest in mining issues since he had been the Minister of Mines in 1891. For more information on government goldmining policy in general see R. Anderson, Rangahaua Whanui National Theme N, 'Goldmining: Policy, Legislation and Administration', December 1996 first release, p. 58.

²⁰⁸ J 1 1897/1389, p. 29.

Act.²⁰⁹ According to Pere, Tuhoe wanted the power to lease, and the 1896 Act stated that goldmining was the only purpose for which land could be leased,²¹⁰ which would ensure that Tuhoe would have control over any goldfields that might be discovered. Russell, on the other hand, rejected the section of the 1896 Act that applied to goldmining because the general policy regarding goldmining was that all gold was property of the Crown, but the 1896 Act gave the ‘right of minerals and metals’ to Tuhoe. Russell believed that this was wrong because it went against the policy that he believed in, ‘to make the laws for the Europeans and Natives the same’.²¹¹ In the second schedule of the 1896 Act Seddon stated that any rewards for the discovery of gold would be paid to the hapu on whose land the gold was discovered. Furthermore, if Tuhoe did find gold within their rohe and it was of value, the government would authorise a mining expert to ‘teach them how to look for gold and other minerals’, and also pay part of such a prospector’s expenses.²¹² By emphasising the benefits to Tuhoe, Seddon did not have to add that the government also intended to make a profit.

The government was also motivated to reach an agreement with Tuhoe to allow Pakeha entry to the area to exploit the flora and fauna, and even the people of Te Urewera through tourism. Tourism was seen as a potential economic industry by the government from very early on; tourists provided revenue and skills so it was in the government’s best interests to encourage their patronage.²¹³ The tourism potential of Aotearoa as a whole was often discussed by members of parliament, and Te Urewera, and Waikaremoana especially, were regarded as areas that would draw tourists. The scenery of Te Urewera was spectacular, and the land and people were perceived as relatively untouched by the excesses of ‘civilisation’, all of which made Te Urewera attractive to the overseas visitor. As an added attraction, hot springs had

²⁰⁹ *NZPD*, 96 (1896), p. 164. Jennings noted that in Auckland, Gisborne and Napier, there had been reports of gold in Te Urewera. See *NZPD*, 96 (1896), pp. 262-263.

²¹⁰ *NZPD*, 96 (1896), p. 193.

²¹¹ *NZPD*, 96 (1896), p. 161. The isolation of Tuhoe from Pakeha influence was cited as a reason not to give them any power through the Bill, especially where goldmining was concerned.

²¹² The Urewera District Native Reserve Act 1896, second schedule.

²¹³ Tourists who came to visit the reserve would supposedly bring their ‘intelligence’, and their money which would benefit the entire country. See *NZPD*, 96 (1896), p. 170, (J. Stevens).

also been found in certain parts of Te Urewera. In 1872 while travelling along the Waiau river, G.A. Preece had stumbled across a hot spring which he presumed was the same spring earlier found by the Tourist Department who regarded it as an important discovery. A few tourists even went sightseeing through the rohe. For example, Best remarked on a tourist party consisting of a Mr and Mrs Fowler and a foreign count, who tramped across the Huiaarau ranges to Ruatahuna and then to Rotorua around the mid 1880s.²¹⁴

Carroll described Te Urewera as the last tract of Native Country in its natural state left in New Zealand, and as such it was worth preserving as a sanctuary for native fauna, especially indigenous birds which were being driven out of other areas 'owing to the advance of civilisation'.²¹⁵ Tuhoe themselves were portrayed as an exhibit, and Te Urewera as a place where tourists from around the world could visit and see Maori 'in their natural state.'²¹⁶ This preservation theme was common in the debates concerning Te Urewera, but many of the members who wished to see Te Urewera set aside as a reserve seem to have done so more for Pakeha interest than for the benefit of Tuhoe.

There are some contradictions in the debates over the area's tourism potential because although Pakeha wanted Te Urewera preserved as a 'natural exhibit', they also wanted the area to be more accessible, with some of the comforts of 'home'. When Europeans came to Aotearoa they had a natural feeling of nostalgia for their homelands and so they tried to recreate aspects of these homelands in Aotearoa,²¹⁷ by introducing foreign species of fish to the streams and lakes and animals and plants to the forests. Aotearoa was still in its infancy as far as conservation issues were concerned and so exotic fauna and flora were introduced without fully considering the consequences. As far as Te Urewera was concerned, introductions were

²¹⁴ Best, *Tuhoe: Children of the Mist*, p. 667.

²¹⁵ J 1 1897/1389, pp. 2, 5-6.

²¹⁶ J 1 1897/1389, p. 3, (Carroll).
Hall also commented that he wished to see 'the Native customs of the people preserved' so that future generations might 'go and observe these natives in their natural homes'. *NZPD*, 96 (1896), p. 172.

²¹⁷ R.M. McDowall, *New Zealand Freshwater Fishes: a guide and natural history*, Auckland, Heinemann Educational Books, 1978, p. 179.

limited to specific areas, and in some cases were unintentional. In his memorandum to Tuhoe, Seddon promised that:

As you feel that it would be desirable to provide an additional attraction to European tourists, and at the same time provide you with additional sources of food, you have asked that arrangements may be made for the introduction of English birds, and by stocking the rivers with English fish. By such means you Maoris will be benefited, and the rest of the colony as well.²¹⁸

Few fish inhabited the inland streams of Te Urewera,²¹⁹ and in terms of food supply any additions were probably welcomed by Tuhoe who often suffered from food shortages. However, the government did not consider the negative effects that might result from the introduction of new wildlife species; in other parts of the country, trout and other introduced species of fish had decimated the native species populations.²²⁰ The promise of ‘English birds and fish’ rather than the native species familiar to Maori implies that the introductions were chosen more for the tastes of Pakeha. Chapter four will clearly show that the fish and game introduced were chosen for the entertainment of Pakeha sportsmen and how eventually these ‘sportsmen’ came to resent sharing this food resource with Tuhoe.²²¹

Seddon also promised that native species of fauna and fauna would be protected for the future,

²¹⁸ The Urewera District Native Reserve Act 1896, second schedule.

²¹⁹ Best noted that the ‘In the way of fish the denizens of Tuhoe land are probably worse off than any other tribe kokopu, a small fresh water fish, was, and is still, taken in the streams of the interior, but the inanga is found only in the lower parts of the rivers, never at Ruatahuna.’ See Best, *Tuhoe: Children of the Mist*, p. 11.

²²⁰ The koaro population in Lake Rotorua was heavily decimated following the introduction of rainbow trout in 1899. See McDowall, *New Zealand Freshwater Fishes*, p. 42. See Jones (ed), *Land of the Mist*, p. 74. The booklet notes that the koaro are still found in Lake Waikaremoana, but population sizes have probably been reduced by the introduction of trout.

²²¹ Originally, the forests, lakes, rivers, and swamps of Te Urewera supported at least fifty species of birds. See M. Jones (ed), *Land of the Mist: The Story of the Urewera National Park*, Gisborne, Department of Lands and Survey, 1983, p. 67.

but did not make it clear how this was to be achieved.²²² The protection of fisheries in general was regulated by the Fish Protection Act, 1877, and the Fisheries Conservation Act 1884. The 1884 Act regulations stated that Maori were partially exempted from its restrictions on catching fish.²²³ In other words Maori could still take indigenous fish for their own, or their family's use, but not for sale. Game shooting (including birds) was regulated by the Animals Protection Act, 1880. However, the closed hunting seasons defined in legislation were largely unenforceable in remote areas and would have had little relevance in Te Urewera where fish and game were hunted in seasons dictated by Maori for food, not sport. The 'protection' that Seddon talked about was inadequate and irrelevant.

The forest that covered certain parts of Te Urewera was considered a valuable resource both for its aesthetic qualities and as a supply of timber. In 1889 Locke had attempted to negotiate the use of timber and mineral resources but had been unsuccessful. Pockets of timber suitable for milling had been identified in areas such as Te Whaiti, and as Russell noted, although the country might be unsuitable for particular forms of colonisation, it was a 'wooded country, which may be of extreme value for the colony on account of its forests'.²²⁴ However, milling was impractical without first constructing roads without which there was no efficient way to transport the timber to outside markets.²²⁵ Seddon on the other hand wanted the forests protected as a tourist attraction and noted his disappointment that introduced plant species such as sweet briar were already taking over the soil in some areas.²²⁶ The need to conserve forests, nevertheless, did not become a real concern until the 1920s when the public became aware of the potential dangers of deforestation and erosion.

²²² McDowall identifies the curious paradox in that Pakeha were involved in 'both the protection and hunting of birds' but resolves this by saying that because hunters and anglers appreciated the unspoiled outdoors, it was typical for them to be interested in the conservation of natural resources for their own sakes. R.M. McDowall, *Gamekeepers for the Nation: the story of New Zealand's acclimatisation societies 1861-1990*, Christchurch, University of Canterbury, 1994.

²²³ *NZ Gazette*, 1888, p. 13.

²²⁴ *NZPD*, 96 (1896), p. 160.

²²⁵ Articles from the *Dominion* and *Evening Post* 1921-1924, MA 1 29/4/7a.

²²⁶ J 1 1897/1389, pp. 23-24.

The government intended to create a game (and forest) reserve would attract Pakeha tourists and future settlers. That Tuhoe supposedly gained an additional food supply was a side issue, and not a permanent one at that. By creating a renewable food supply, the government's obligations to provide for the welfare of Tuhoe were reduced, and for Tuhoe a reliable food source meant they did not have to depend on government handouts to survive. It seemed that both groups would benefit in the short term, but the government rarely made promises that benefited Maori in the long term and such was also the case here.²²⁷

Pakeha education was an area that Tuhoe leaders chose to pursue for its usefulness; actively petitioning the government in the early 1890s to establish schools within the rohe.²²⁸ In general, Maori and Pakeha leaders had conflicting aspirations regarding the uses of education. Education was considered by Pakeha to be one of the great civilising influences and an effective method of assimilation, but for Maori it was a tool and a means of enabling their people to 'participate more fully in a European-type economy.'²²⁹ Literacy had been introduced in Te Urewera from the late 1830s by visiting missionaries and the first mission station was established at Te Ahikereru in 1847.²³⁰ Education, which had been the domain of the church, then became the responsibility of the government through the Native Schools Act, 1867 and the Native Schools Amendment Act, 1871.²³¹ The 1871 Act specified that the government would pay for the establishment of Native schools in districts where Maori had no money to do so themselves. In lieu of money, the Governor in Council could also make

²²⁷ Interestingly, there was no mention of the only native mammals of Te Urewera, the kiore and the kuri. It is likely that the protection of these particular food sources was not given any serious thought by the government because in the first case, Europeans did not consider either species edible, and in the second, neither were hunted for sport.

²²⁸ Hetaraka and Numia had been trying for three years before Seddon and Carroll's visit to get a school set up at Ruatoki. *AJHR*, 1895, G-1, p. 58.

²²⁹ Lesley Andrews, p. 88.

²³⁰ See Rev. J.H. Starnes, 'Mr James Preece, C.M.S. Missionary', *Historical Review: Bay of Plenty Journal of History*, Vol 33, No.2, November 1985, pp. 34-35.

²³¹ C. Lesley Andrews, 'Aspects of Development, 1870-1890', in I.H. Kawharu, (ed) *Conflict and Compromise: Essays on the Maori Since Colonisation*, Wellington, A.H.& A.W. Reed, 1975, p. 88.

it a condition that the Maori inhabitants had to first set apart some land for a school site.²³² A system therefore already existed to extend Pakeha education to areas such as Te Urewera where the only asset was land.

Tuhoe knew of and appreciated the uses of literacy and when in 1894 Seddon and Carroll discussed the setting up of Native schools, many rangatira were in favour of the move. Seddon stressed the benefits that education would bring to Tuhoe, who could learn carpentry, farming, and other useful trades.²³³ Another benefit of having schools was that the teachers took medicine chests with them that would be valuable in treating diseases, or as Seddon said, ‘the ailments which the native race labour under for which there is at present no proper remedy.’²³⁴ Tuhoe had suffered from epidemics but this was no guarantee that European medicines would be immediately accepted. Traditional forms of medicine and healing continued to be used, and it was not a simple matter of handing out new ‘cures’.

Seddon promised that school buildings would be erected at all the principal kainga where they had been requested by Tuhoe. However, the main problem in establishing schools in Te Urewera according to the Education Department, seems to have been the disputes over ownership of the land selected for school sites.²³⁵ In 1895, the Inspector of Native schools noted that a school was supposed to be erected in Ruatoki but title to the land had not yet been secured and was holding up further progress. A new school was also to be opened in Te Whaiti as soon as the locals had provided suitable buildings.²³⁶ Native Schools were set up at both locations before the Urewera District Native Reserve Act, 1896 was passed.²³⁷ Schools

²³² Such land would be vested in trustees as an endowment to be used for school purposes. See The Native Schools Amendment Act, 1871.

²³³ *AJHR*, 1895, G-1, p. 59.

²³⁴ *Jl* 1897/1389, p. 37.

²³⁵ See *AJHR*, 1895, E-2, p. 3. See also *AJHR*, 1895, G-1, pp. 50-51.

²³⁶ Schools that had already been established on the outer edges of the Te Urewera were examined in 1894: Te Houhi had 45 pupils by the end of the year, Galatea 33, and Puketi 25. *AJHR*, 1895, E-2, pp. 3, 16.

²³⁷ See *AJHR*, 1896, E-2, p. 3.

were later established in other areas, but acceptance of the schools was varied and conflict among Tuhoe concerning the schools came to a head in 1906 and 1907.

Tuhoe and the government had very different expectations of the Urewera District Native Reserve Act, 1896. Liberal land policies, and the government's intolerance of separate Maori authority meant that the 1896 Act would only be a temporary measure in the government's plan for Te Urewera. Tuhoe intended to use the 1896 Act to protect their autonomy and improve their economy so that they could remain self-sufficient. The government conceded to Tuhoe measures that with the exception of the autonomy clause, were minor allowances that were intended to benefit Pakeha just as much, if not more than Tuhoe. The 1896 Act was a product of the European legislative system and as such could be manipulated by the government, who used the legal process to their advantage. Although there were differences and similarities in the way the government acted in Parihaka, the King Country, and Te Urewera, the outcomes it aimed for in all the areas were still the same. In the end it wanted control of the land and an end to Maori autonomy. The next chapter will illustrate how the government worked towards these objectives, and how Tuhoe worked with, or against, the new administrative structures that were established through the Urewera District Native Reserve Act, 1896.

Chapter Four: Expectations and Consequences: The Urewera District Native Reserve

Chapter four examines events after the implementation of the Urewera District Native Reserve Act, 1896, and how they affected the relationship between Tuhoe and the government.²³⁸ The chapter is organised in two sections. The first describes the investigations of the two Urewera Commissions that were established to determine title to the lands within the Urewera District Native Reserve. It also looks at the state of the local economy, and the outcomes of the promises that Seddon had made to Tuhoe. The second section describes the implementation of the main provisions of the 1896 Act: the establishment of the Local and General Committees, and the various amendments to the original 1896 Act. The government's expectations, and those of Tuhoe are followed throughout this period and highlights their resulting actions. The tensions that arose between the leaders of Tuhoe during this period of change were influenced to some extent by the government's duplicity as it worked to acquire land.

On 4 February 1898, Stephenson Percy Smith (Surveyor-General), Judge William James Butler, and rangatira Numia Kereru, Mehaka Tokopounamu, Tutakangahau, Hurae Puketapu and Te Pou were appointed to the Commission proposed by the Urewera District Native Reserve Act, 1896.²³⁹ The Urewera Commissioners held their first meeting on 1 February 1899 at Whakatane,²⁴⁰ where they debated how best to carry out the provisions of the 1896 Act: to ascertain the ownership of the land within the Urewera District Native Reserve, and to divide the country into areas which were to 'serve as the basis for the local government of the tribes.'²⁴¹ The Commissioners adjourned from Whakatane to Ruatoki, then to Te Houhi, Te Whaiti, Ruatahuna, Maungapohatu, finishing at Waimako near Lake Waikaremoana on 6

²³⁸ The terms Te Urewera and Urewera District Native Reserve are used interchangeably.

²³⁹ *NZ Gazette*, 1898, p. 241.

²⁴⁰ *AJHR*, 1902, G-6, "The Urewera District Native Reserve Act, 1896" (Report of Chairman of Commissioners Under)', 6 August 1902, p. 1.

²⁴¹ *AJHR*, 1899, C-1, p. xi.

April 1899. From their investigations the Commissioners compiled a list of hapu and dwelling places in Te Urewera. According to information from the Tuhoe members of the Commission, there were between forty six and fifty hapu of Tuhoe at that time.²⁴²

The Commissioners faced a difficult task to define block titles in an area where traditional systems of land tenure still operated. Under these structures hapu were not confined to one 'block' of land; they shared overlapping interests with other hapu in a fluid system of land rights. Percy Smith commented that

it was soon found that practically there are no such things as defined hapu boundaries such as were acknowledged by the people as belonging to any given hapu to the exclusion of others. As a matter of fact, nearly the whole area is subject to overlapping claims one on top of the other with discordant boundaries; and the hapus are so mixed by intermarriage that it is difficult to say to what hapu any particular individual of the tribe belongs.²⁴³

The Commissioners therefore had to investigate title to the whole area before they could determine internal boundaries.²⁴⁴ The Tuhoe Commissioners were especially important because they had superior knowledge of the traditional systems of Maori land tenure and Tuhoe land rights. These skills combined with the fact that government authority had only recently been introduced to Te Urewera in the form of the 1896 Act meant that the government saw the participation of Tuhoe in the Commission as the most efficient way to go about the process of determining land titles within the rohe.²⁴⁵ The presence of two Pakeha

²⁴² See the following references for the list of hapu names. The number of hapu differs in most accounts which is why no definite number has been cited. Urewera Minute Book 3, pp. 4-7. Stokes, Milroy & Melbourne, pp. 18-19. Milroy and Melbourne, 'Te Roi', pp. 10-12. R. Wiri, 'Te Waikaukau O Nga Matua Tipuna: Myths, Realities, and the Determination of Mana Whenua in the Waikaremoana District', MA thesis, University of Auckland, 1994, p. 25. Best, *Tuhoe Children of the Mist*, pp. 214-215.

²⁴³ See *AJHR*, 1899, C-1, p. xi.

²⁴⁴ *AJHR*, 1899, C-1, p. xi.

²⁴⁵ *NZPD*, (96), 1896, p. 158, (Carroll), p. 262, (W.C. Walker).

Commissioners also ensured that the government had considerable influence in the decision making process. The Urewera Commission met for the second time on 5 February 1900 and it was only then that the Commission began determining the ownership of land blocks inside the Urewera District Native Reserve for which sketch plans had been made.²⁴⁶ It took two years before the Commission could begin to ascertain land titles, but it was to take far longer to complete the task.

It was also in 1900 that the Maori political force Kotahitanga, that had actively supported Tuhoe aspirations for autonomy, began to decline. Up to this time, both Kotahitanga and the Kauhanganui had continued to meet independently, and as Ranginui Walker observed, both Maori political forces used the word 'kotahitanga, unification of the tribes, as the key to achievement of their aspirations.'²⁴⁷ Likewise, Tuhoe were united in their desire to retain their autonomy, and control over their land and internal divisions did not weaken this position. In the wider society some Maori were choosing to work through Pakeha institutions and legal systems to assert their rights rather than through separate Maori authorities. Men such as Apirana Ngata, Te Rangihiroa, and others worked in concert with James Carroll to secure a cessation of land purchasing, and to secure legislation creating Village Councils and Land Boards. Their efforts resulted in the Maori Councils Act, 1900 and the Maori Lands Administration Act, 1900. According to Ward, these Acts gave Maori some significant control of their land and of local community problems of health and welfare, but had very limited success because of lack of official support, and the continuing drive by settlers to acquire land.²⁴⁸ Nevertheless, the new legislation, and the concessions that the government had made to Tuhoe in the form of the 1896 Act seemed to demonstrate that Maori were gaining more effective representation in government. As Ngata and others rose in their political careers, and

²⁴⁶ From October 1899 through to early 1902, three surveyors: O.M. Creagh, L. Simpson, and R.C.L. Reay, were employed to make sketch surveys of the Urewera District to assist the Urewera Commission in its investigations. See *AJHR*, 1900, C-1, pp. xiii, 200. See also *AJHR*, 1902, C-1, p. xviii.

²⁴⁷ R. Walker, *Ka Whawhai Tonu Matou: Struggle Without End*, Auckland, Penguin Books, 1990, p. 170.

²⁴⁸ Ward, *A Show of Justice*, p. 311.

became the ‘new Kotahitanga’,²⁴⁹ government institutions became more acceptable as a means through which Maori grievances could be addressed. The perceived success in this arena led Kotahitanga to disperse in 1900-1902.²⁵⁰ The Kauhanganui, nonetheless, continued to meet and Tana Taingakawa later became actively involved in Te Urewera politics. The 1900 legislation has been described by Maori writers as measures designed to mollify the concerns of Kotahitanga and the Kauhanganui, and as deliberate attempts to diffuse Maori initiative.²⁵¹ The government had acceded to Tuhoe aspirations via the 1896 Act to pacify both Tuhoe, and these Maori political organisations. Kotahitanga and the Kauhanganui strove for separate representation for Maori, and full equality with the New Zealand parliament which were goals that the government would not support or tolerate. As Ward noted, ‘although Seddon curtailed land-purchase operations in 1900, in deference to pressure exerted through the Kotahitanga movement, Pakeha opinion obliged him to resume it in 1905.’²⁵² The government had attempted to diffuse the influence of these Maori political organisations by making ‘concessions’ that would prove to be as transient as the ones that had been made to Tuhoe.

The Urewera District Native Reserve Act, 1896, was first amended on the 20th of October 1900 and the main feature of the amendment was that it extended the Urewera Commissioners’ jurisdiction to include the Ruatoki Block. In terms of settlement potential, the government considered the Ruatoki Block the most important part of the Urewera District. Ruatoki was, as Herries described it, ‘the only block of the Urewera Country suitable for close settlement for Europeans’,²⁵³ and was near to Whakatane and the coast. The Ruatoki block had

²⁴⁹ This is R. Walker’s description. See Walker, p. 173.

²⁵⁰ See Ward, *A Show of Justice*, p. 311. See also Williams, pp 108-109. See also Cox, pp. 95-98. According to Orange, the last formal gathering of Kotahitanga was held at Waiomatatini in 1902. See C. Orange, *The Treaty of Waitangi*, Wellington, Bridget Williams Books Limited, 1995, p. 227.

²⁵¹ See Walker, p. 171, and Cox, p. 93.

²⁵² See Ward, *A Show of Justice*, p. 304.

²⁵³ *NZPD*, 115 (1900), p. 425.
In 1909 the Ruatoki blocks 1, 2 and 3 had still not been divided up for settlement. The president of the Waiariki District Maori Land Board recommended that these areas should be settled first because they were situated at the entrance to the Urewera Country and were close to main roads. See Memorandum to the Under Secretary, Native Department from the President of the Waiariki

already been through the Native Land Court but as a result of appeals lodged against the decision made by the Court, title to the block had never been settled.²⁵⁴ Therefore it was in the government's interest to settle title to the block in order to make it possible to purchase the land. The Urewera District Native Reserve Act Amendment Act, 1900 brought the Ruatoki block within the boundaries encompassed by the primary 1896 Act, and declared the rulings made by the Native Land Court invalid.²⁵⁵ However, debate over the ownership, and appropriate disposition of this key block continued up to 1907.

The Urewera Commissioners were able to partition any block within the Urewera District Native Reserve, but where any of the Tuhoe members of the Commission had interests in the said blocks, the government set down regulations to prevent them from voting. If all the Tuhoe Commissioners had interests in the land then ownership of the block was decided by the votes of the two Pakeha Commissioners alone.²⁵⁶ The Commission was empowered to act on matters within the Urewera District Native Reserve until the Local Committees and General Committee should be established, but the Commission's orders were subject to revision until the title investigations were complete.²⁵⁷ The Commission could advise the Native Minister to set aside 'village-sites' for the use of the 'Native owners', however, there was no mention of why it was necessary for the Minister to have this function, or whether this meant that traditional kainga sites were no longer used by whanau or hapu. The Native Minister was also able to set aside lands for lease as grazing areas, and to subdivide the lands. Land was to be leased under Part 5 of The Land Act, 1892, however, no land was ever

District Maori Land Board, 25 May 1909, p. 1, MA 13/91.

²⁵⁴ Urewera District Native Reserve Act Amendment, 1900, section 2. See also Petition of Mehaka Tokopounamu and another on the ownership of the Ruatoki block, *AJHR*, 1898, I-3, p. 13.

²⁵⁵ *NZPD*, 115 (1900), pp. 426-427.
Te Pakoura and 15 others petitioned for the return of moneys paid in connection with the Ruatoki cases before the Native Land Court, on the grounds that the Court acted without jurisdiction, and the 'said cases were absolutely fruitless'. See *AJHR*, 1903, I-3, p. 10.

²⁵⁶ If they wished, these two Commissioners could also appoint one or two Maori, with the necessary 'qualifications' to vote as long as they were not Tuhoe. See Urewera District Native Reserve Act Amendment, 1900, Sections 3 and 4, p. 551.

²⁵⁷ The Maori Land Claims Adjustment and Laws Amendment Act, 1907, section 7.

actually leased under this provision.²⁵⁸

D. Scannell replaced Smith as an Urewera Commissioner in 1901, and in 1902 was himself replaced by Gilbert Mair.²⁵⁹ W.J. Butler, Te Pou, Hurae Puketapu, Numia Kereru, Mehaka Tokopounamu, and Tutakangahau remained Commissioners for the duration. One of the interesting policies of the Commission was that although not all of the Commissioners were required to sit at every case, at least one Pakeha Commissioner had to be present. At times this resulted in only two or three Commissioners attending a hearing. The power balance between the members of the Commission in some ways reflected the dynamics of the 1896 Act. Just as regulations gave the government final say in the operations of the 1896 Act, so too did the Pakeha members of the Urewera Commission have the authority to make final decisions concerning land titles. From March 1901 through to October 1902 the Commissioners compiled lists of the names of owners for the 34 land blocks that came under the jurisdiction of the 1896 Act, and determined each owner's relative share.²⁶⁰ The Commission also investigated the Ruatoki Block, although the decision for this block was deferred. The titles to lands within the Urewera District Native Reserve, however, were by no means settled by these investigations, and the Commission's decisions were contested.

There were a number of reasons why the Commission took such a long time to complete its investigations. Besides the problems inherent in imposing a European system of land ownership over an existing network of Tuhoe land rights, the timing of the Urewera Commission's sittings was dependent on the available food supply, and the weather. The sittings put pressure on the hapu hosting the proceedings because the responsibility to provide food fell on the local hapu for the duration of the hui. Sittings had to be deferred occasionally

²⁵⁸ *AJHR*, 1921, G-7, p. 1.

²⁵⁹ Mair already had a history in the district. He had been on one of the expeditions to capture Te Kooti, and later in 1874 he had some questionable land dealings with Ngati Manawa.

²⁶⁰ 'Commissioners' orders under the "Urewera District Native Reserves Act, 1896", *AJHR* 1903, G-6, pp. 1-260.

because frosts had damaged potato crops causing a food shortage.²⁶¹ Nevertheless, there were also instances when despite the food shortages, sittings went ahead because of even more pressing concerns. For example, a hapu based in Te Whaiti stated that although their potato crops had suffered from frost they wanted the Urewera Commission to go ahead with the sitting. A number of their people feared that the kaumatua of the hapu might pass away at any time,²⁶² taking with them their knowledge of the land rights of that hapu. W.J. Butler commented that many interruptions were due to wet weather and strong winds.²⁶³ In 1900, the sittings had run from February through to May, when owing to the weather and the lack of accommodation, the Commission had to adjourn until December.²⁶⁴ Butler also noted that the investigations of ownership were drawn out because Tuhoe were 'new to the work' of the Commission, and they would not make any concessions.²⁶⁵

After the first Urewera Commission had completed its investigations, numerous people appealed the Commission's decisions. This necessitated the appointment of a second Commission to sort out the title disputes. On 13 November 1906 Gilbert Mair, D.F.G. Barclay and Paratene Ngata were appointed to the second Urewera Commission, also known as the Barclay Commission.²⁶⁶ In December 1906, the Commission sat to adjudicate on the appeals

²⁶¹ Because of a potato frost in late 1900, the sitting was fixed at 15 January 1901 as there would not be enough food until then to feed those attending the Commission. See letter from Mehaka Tokopounamu to Mr Smith, Chairman of the Urewera Commission, 17 Oct 1900, (Translation), Urewera Land Commission, MS-Papers-1187-297.

²⁶² Memo from Elsdon Best on behalf of Te Mauparaoa and Wharepapa of Te Whaiti, to the Chairman of the Urewera Commission, 1 February 1901, MS-Papers-1187-297. This consideration hints at the specialised nature of whakapapa retention. Only a few people were ever gifted with the knowledge of the whakapapa and therefore history of their hapu, and that knowledge was lost when a kaumatua passed away without handing on the information to another.

²⁶³ *AJHR*, 1902, G-6, p.1.

²⁶⁴ See *AJHR*, 1900, C-1, p. x.

²⁶⁵ *AJHR*, 1902, G-6, p.1.

²⁶⁶ The 173 appeals made against the decisions of the first Commission are listed in *NZ Gazette*, 1906, p. 2948. On 21 December 1906 Barclay and Paratene Ngata were also instructed to deal with the Ruatoki Blocks 1, 2, 3. See *NZ Gazette*, 1907, p. 44. Barclay and Ngata reported on their investigations and decisions for the Ruatoki Blocks, and Carroll confirmed their recommendations by order under sec 10 of the Urewera District Native Reserve Act, 1896. See *AJHR*, G-4A.

made against the original orders made by the first Commission. The Barclay Commission began hearings at Te Wairoa in the Hawke's Bay, went on to Whakatane, then finally to Te Whaiti where they finished hearing evidence on 28 March 1907. The Commissioners heard 173 appeals, and on 28 May 1907 reported their decisions to James Carroll, the Minister of Native Affairs.²⁶⁷ In the course of their deliberations the Commissioners changed the boundaries of some of the land blocks where they considered the first Commission's decisions had been in error. The Commissioners also made a point of saying that they thought the way owners' shares had been apportioned had not been made 'in accordance with Native custom' as specified by the 1896 Act. They recommended that in the future the apportionment of shares should be amended, to 'rearrange the said shares so as to be more in accordance with Maori custom.'²⁶⁸ The Commissioner listed the blocks of land they had investigated along with the names of the block 'owners' and Carroll approved the appointment of some of these owners as Provisional Local Committee members.²⁶⁹

The title definition process took almost 11 years from the time the Urewera District Native Reserve Act, 1896 was passed. The massive task of hosting all the Commissions' sittings was borne by Tuhoe, and the exhaustive process of title determination taxed Tuhoe in terms of time and resources. Tuhoe had agreed to administrate their lands via the Urewera District Native Reserve Act, 1896, and co-operated with the Urewera Commissions in a large part to avoid the disadvantages of the Native Land Court process. Land that went through the Native Land Court process became relatively easy to alienate, and because the court only sat in European centres, hearings could require Maori with interests in the land to be away from kainga for extended periods.²⁷⁰ Tuhoe had hoped to avoid just these sorts of problems by

²⁶⁷ *AJHR* 1907, G-4, p. 1.

²⁶⁸ *AJHR* 1907, G-4, p. 29.

²⁶⁹ *AJHR* 1907, G-4, p. 60. For list of members for the 31 Provisional Local Committees see *ibid* pp. 189-190.

²⁷⁰ Absences could mean that crops remained unsown, which caused food shortages for the winter. Claimants who had to stay in towns for the hearings often got into debt. Many store owners were notorious for letting Maori buy goods on credit and taking land in payment because in most cases the only way that Maori could obtain enough money to pay off their bills was through selling land. See Walker, pp. 137-138.

having the Urewera Commission hold its sittings within Te Urewera. The process of the Urewera Commissions' investigations, however, was similar to that of the Native Land Court in that they caused serious boundary conflicts between Tuhoe hapu, and so did not adequately facilitate the conversion of tenure systems. The number of years it took to settle titles, and the delay in setting up the Committees meant that there was still a continuous drain on resources within the Te Urewera, with little return.

The Urewera economy had not benefited in any significant way either from the main provisions of the 1896 Act, or from the promises that Seddon had made and which were incorporated into the 1896 Act. Lifestyles and values of iwi outside the district were rapidly changing to compensate for the influence that Pakeha society was having on all areas of life. Because Tuhoe had relied on trade and work relationships outside of their rohe for decades, these outside changes also had some effect on the Urewera economy. As has been discussed in earlier chapters, Tuhoe travelled outside of the district to work and trade because of the lack of opportunity within Te Urewera. Tuhoe men and their families regularly went as far as Hawkes Bay to earn cash from shearing,²⁷¹ and from working on other people's farms. From observing the numerous photographs at the Alexander Turnbull library, and by reading accounts of the late 1800s, it is clear that European goods, clothing, and certain types of food had long been accepted and valued within Te Urewera. As the New Zealand economy developed, the only means of obtaining some of these articles was through cash. Income was becoming increasingly important in New Zealand, and also within Te Urewera as the monetary system introduced by Pakeha gradually supplanted the existing system of barter and trade. This changeover happened at different times in different areas, and economies were often based on a mixture of the two systems. Some local economies relied on trade more than cash exchange well into the 20th century and this was probably the case for Tuhoe because of the limited amount of cash that came into the rohe.

In most areas of Te Urewera the land was not suited for the development of an agricultural industry, and cultivation remained mostly at subsistence level. A few whanau were fortunate

²⁷¹ K. Mansfield, *The Urewera Notebook*, I. Gordon, (ed), Oxford, Oxford University Press, 1978, p. 56.

to have relations working outside of the district who brought back a small income. Generally there was still a big reliance on potatoes as a main food source, and if crops failed the consequences could be devastating. Galatea suffered from famine in 1898, and there was a general failure of crops in 1899, and 1900-1901.²⁷² In 1904, eight years after the passing of the Act supposedly designed to advantage Tuhoe, Dr. Maui Pomare commented on the poverty throughout the district reporting that potatoes and steeped corn were sometimes the only food available.²⁷³ Pomare attributed most cases of sickness that occurred to the poor living conditions and diet.²⁷⁴ Elsdon Best's report the following year also described poor living conditions but noted that the general health of the people had been 'fairly good'.²⁷⁵ Crop failures caused by potato blights or frosts continued to be a regular problem. In 1905, some Tuhoe hapu sought assistance from the government because of food shortages caused by a potato blight, and the government responded by sending seed potatoes to those in need.²⁷⁶ Potato crops again suffered from blight in 1906 and Best commented that each year the people seemed more inclined to apply to the government for food grants. In most areas there was no other industry besides the potato crops, with the exception of Waimana, where people milked cows to supply the local dairy factory.²⁷⁷ Waimana was actually situated outside of the Urewera District Native Reserve boundaries but is included here because of the interests that Tuhoe still shared in the area. According to Stokes, Milroy and Melbourne, the failure of the potato crop in 1907 increased poverty, and the spread of diseases. A typhoid epidemic in the

²⁷² *AJHR*, 1899, E-2, p. 8. *AJHR*, 1900, E-2, p. 8. See also MS-Papers-1187-297.

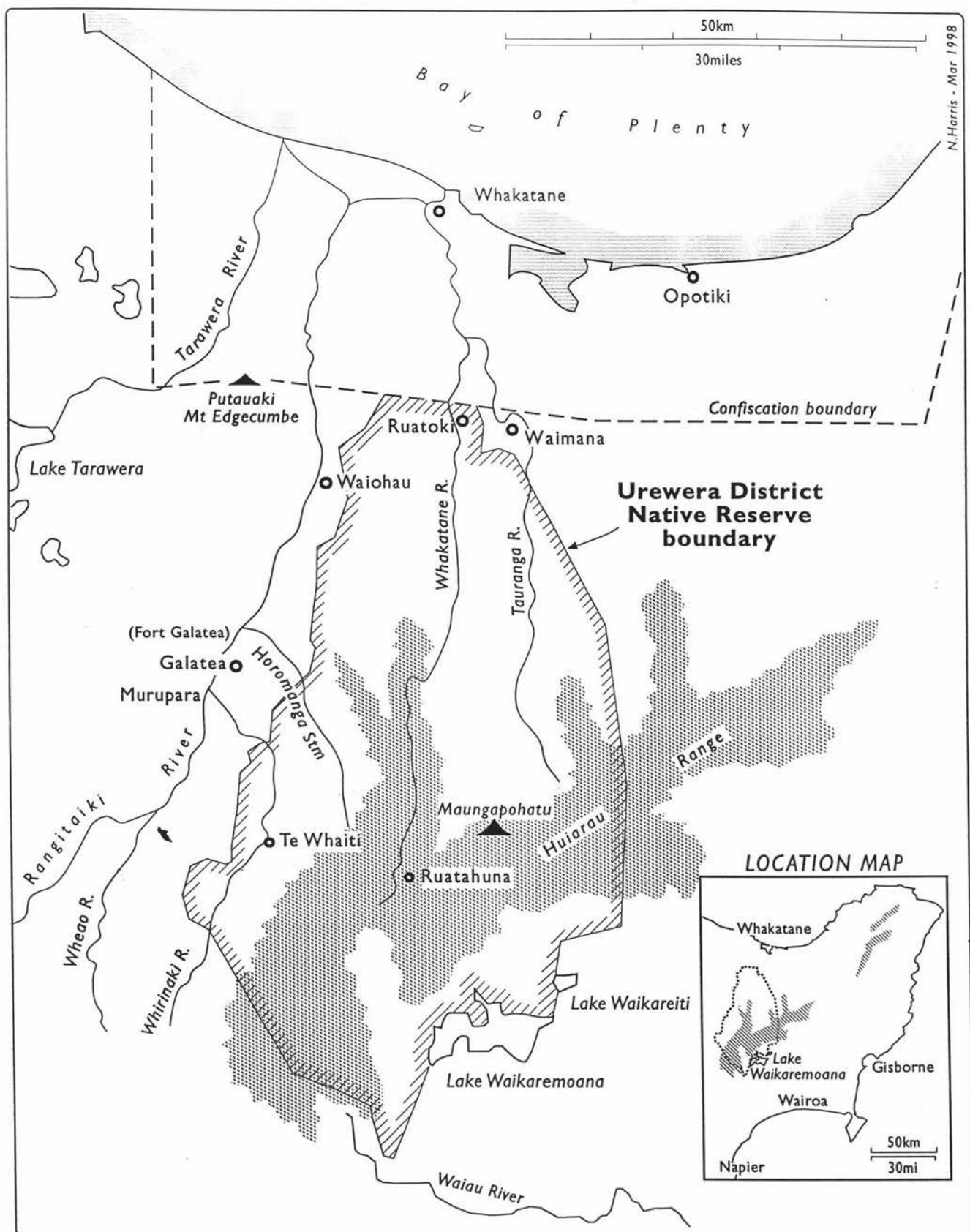
²⁷³ An epidemic had swept through Ruatoki in 1904. See *AJHR*, 1904, E-2, p. 11.

²⁷⁴ *AJHR*, 1904, H-31, pp. 60-61.

²⁷⁵ *AJHR*, 1905, H-31, pp. 61-62.

²⁷⁶ A. Grant reported that seed potatoes had been distributed at Galatea, Te Houhi, Te Whaiti, Ruatahuna, and Maungapohatu. See A. Grant, District Constable to the Secretary, Justice Department, 8 November 1905, MA 21/13. Paora Kingi reported that seed potatoes had arrived in Waimana in November. See Paora Kingi to Carroll, 28 November 1905, MA 21/13. The government also sent seed potatoes to hapu outside of Te Urewera whose potato crops suffered from blight.

²⁷⁷ *AJHR*, 1906, H-31, pp. 75-76.



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same year decimated the populations in Ruatoki, Waimana and Maungapohatu.²⁷⁸ A year later Best noted a marked improvement in health at Ruatoki where people had been milking to provide for the cheese factory at Te Rewarewa,²⁷⁹ and a small but steady income enabled people to purchase food and survive crop failures. However, the industries at Waimana and Ruatoki were isolated examples of economic development. Dairy farming was an option in these areas situated on the edge of Te Urewera which unlike the interior lands, had the advantage of relatively flat fertile lands and good access.²⁸⁰ The recurring crop failures, lack of cash, poor living conditions, and illness throughout Te Urewera were indicative of the generally poor state of the economy.²⁸¹

In terms of land utilisation, leasing was one of the few potential avenues for economic development and income within the rohe that did not involve permanent loss of land. According to the Urewera District Native Reserve Act, 1896, the Local Committees and General Committee were the only bodies that were to have power over the administration of Te Urewera lands. However, this administrative system had not yet been established and without the consent of the General Committee, there was no way to lease land within Te Urewera. The delay in setting up the Committees worked against Tuhoe in this respect by preventing them from leasing to obtain revenue. The government continued to pressure Tuhoe to either develop or sell their land, but without a regular income there was no capital to develop the land though the government chose to ignore this oversight.

²⁷⁸ Sissions, pp. 195-196. In 1907 the community at Maungapohatu also suffered the effects of a measles epidemic, see Binney, *Mihaia*, p. 45.

Tuhoe continued to suffer from epidemics. In 1918, there was an outbreak of typhoid at Maungapohatu. See A. Henderson, 'Account of trip to Maungapohatu', 1918, A. Henderson, 87-201. In 1924 and 1927 there were reports of whooping cough, typhoid and other sometimes fatal diseases at Maungapohatu and Ruatahuna, see 'Maori Hygiene - Native Health - Bay of Plenty', H 1 accession 13924, 194/1/6.

²⁷⁹ *AJHR*, 1908, H-31, pp. 133-134.

²⁸⁰ See map, p. 79.

²⁸¹ Ward has described similar conditions in the overall Maori economy in the late 1870s. He noted that 'wages and contract pay were soon spent but meanwhile traditional planting or bird-catching seasons could be missed. When potato crops -the staple- were ruined by blight, Maori communities, their traditional ecological relationship with the bush or sea seriously disturbed before they had achieved true integration into the commercial economy, actually faced malnutrition or dependence on government doles. See Ward, *A Show of Justice*, p. 266.

The industries or benefits that Seddon promised Tuhoe in the areas of road construction, tourism, forestry, and introduced fauna, had had negligible impact on the Urewera economy. There had been some employment on road works in the 1890s, and early 1900s, when Tuhoe had been employed on the Gisborne to Ruatahuna stock track and on the roadworks from Murupara to Te Whaiti.²⁸² However, road construction work was temporary and no main arterial roads were constructed during this time so much of the interior lands remained cut off from access to the main markets outside Te Urewera.

Seddon had promised to introduce English birds and fish to the Urewera District in order to attract 'European Tourists' to the area, and also to provide Tuhoe with additional sources of food. Tourist visits were mostly limited to Waikaremoana, although undoubtedly there were adventurous groups who chose to tramp further into the region. For example, Katherine Mansfield and friends travelled through Te Whaiti and Umuroa in 1907 on a camping trip.²⁸³ These types of visits were too few and infrequent to provide a staple edition to the overall Urewera economy, and the government focused its efforts to promote tourism at Lake Waikaremoana. Over the years exotic fauna were released in different parts of Te Urewera and the procedure of the introductions followed on much the same lines as in other areas; species of fauna were chosen to benefit the hunting tastes of Pakeha 'sportsmen'. Brown and Rainbow fry had been introduced into Lake Waikaremoana in 1896-97,²⁸⁴ and from 1907 only Rainbow trout were released.²⁸⁵ The lower reaches of the Whakatane, Waimana, and Rangitaiki rivers were also stocked with Brown and Rainbow fry from 1903-1910, the Waiau river from 1910-

²⁸² Stokes, Milroy and Melbourne, p. 57.

²⁸³ K. Mansfield, pp. 54-56.

²⁸⁴ Rutherford and Ayson released young Brown and Rainbow trout into Lake Waikaremoana and both came back with glowing accounts of 'the rivers and streams in the Urewera District and their suitability for salmonidae.' Extract from the Annual Report of the Wellington Acclimatisation Society, 1897, p. 12, in M 1 25/2808.

²⁸⁵ Information from the Annual Report of the Wellington Acclimatisation Society, 1897 in CL 200/2, p. 19. Dickinson noted that after the initial trout liberations in 1896, the lake had been stocked almost continuously and that the 17 year gap 1897 and 1914 was probably not indicative of a complete cessation of liberations. See 'Report on Lake Waikaremoana' by P. Dickinson, Assistant Fishery Officer, 10 September 1950, M 1 1/71/148.

1915, and Lake Waikareiti in 1918.²⁸⁶ Trout were released in rivers situated on the outer boundaries of Te Urewera in areas that Pakeha sportsmen were likely to visit, not where the food was needed the most. The fish would not have provided a staple addition to the diet of most Tuhoe, especially those living in the interior lands. In 1903 the government opened an accommodation house at the northern end of Lake Waikaremoana for the benefit of tourists, but access problems limited the number of visitors to the area. Consequently the Department of Tourist and Health Resorts recommended the construction of a road from Ruatahuna over the Huiarau ranges down to the lake shore.²⁸⁷ Despite the continuing difficulties with access to the area, from 1905 onwards the Department reported that fishing at Lake Waikaremoana was ‘attracting much attention and becoming a feature of the season’s business’.²⁸⁸ Angling continued to attract visitors in subsequent years, and the rapidly increasing red deer herd was also expected to provide ‘good stalking’.²⁸⁹ Deer were introduced to certain areas of Te Urewera by Pakeha for sport and commercial purposes, and the common pheasant and the California quail, both game birds, also became established.²⁹⁰ The impact of deer on the environment varied, in large numbers the animals’ browsing could severely deplete vegetation, dislodge surface soil, and inhibit the regrowth of forest.²⁹¹ The impact of the introduced species of birds on natives species is not known, but earlier unintentional fauna introductions such as rats had impacted negatively on kiore populations,²⁹² so the presence of introduced species of birds may well have affected native species.

²⁸⁶ Jones (ed), *Land of the Mist*, p. 99.

²⁸⁷ *AJHR*, 1903, H-2, pp. xi-xii. In 1904, 279 people visited the Lake House as it was called, but all within a very short period, and the problem of access remained. See *AJHR*, 1904, p. 12.

²⁸⁸ *AJHR*, 1905, H-2, p. 10.

²⁸⁹ *AJHR*, 1907, H-2, p. 10.

²⁹⁰ Five species of deer were set loose in the Urewera District between 1898 and 1920: red, Javan rusa, sika, sambar, and mule, and all except the mule deer established successfully. Jones (ed), *Land of the Mist*, pp. 80-81. It is not certain how quickly the different species spread throughout the district. At least 20 species of birds have introduced to the Urewera District from the late 1830s-40s onwards. See Jones (ed), *Land of the Mist*, p. 70.

²⁹¹ See Jones (ed), *Land of the Mist*, p. 81.

²⁹² Beginning in 1838, the ship rat, the Norwegian rat, and the mouse, eventually took over from the kiore. See M. Jones (ed), *Land of the Mist*, p. 78. See also Stokes, Milroy, and Melbourne, p. 22.

The question of game protection concerning the right of Maori to take fish, or more specifically trout, from Lake Waikaremoana was brought to the attention of the Tourist Department and the Minister of Native Affairs in 1902. Carroll, who was also the Minister of Tourism, said that he was in favour of protecting both the imported and native game in the Waikaremoana area. However, he asserted that exception must be made for the 'Natives living in that country', because one of the conditions upon which the Urewera District Native Reserve Act, 1896 was proposed was that the government should augment the food supply for local Maori and not exclude it from them.²⁹³ Although the Minister approved a draft of an exemption notice for Maori in respect of Native game, the notice was not issued.²⁹⁴ In 1906, W.A. Neale, a Pakeha resident at the lake complained to the Tourist Department that Maori were fishing all year round and decimating the breeding grounds, and then in 1910 reported that Maori were also shooting ducks and pigeons. Neale suggested that the law should be enforced against the 'Natives',²⁹⁵ and an article in the *Wairoa Guardian* stated that 'it is time that the Maori was made to conform to the law if he will not learn to be a good sportsman.'²⁹⁶ These comments revealed the resentment of some Pakeha that Maori were supposedly allowed to hunt all year round while Pakeha sportsmen were limited to regulated seasons. It also showed that sportsmen and Maori had very different attitudes to hunting. The closed seasons dictated by legislation had limited effect, but since Maori fished and hunted for food, not sport, the law in this respect was of little relevance. Tuhoe throughout Te Urewera continued to rely on native bird species such as the kereru, as an important seasonal food source far into the 20th century, so clearly introduced species of fauna did not completely replace traditional food sources. The continuing food shortages throughout Te Urewera by implication show that Tuhoe did not significantly benefit from fauna introductions.

The only area with the Urewera District Native Reserve that the government considered had

²⁹³ Minute on memorandum to the Minister in charge of the Tourist Department, 15 September 1902, T 1902/71/12, in CL 200/2, p. 22.

²⁹⁴ CL 200/2, p. 22.

²⁹⁵ W.A. Neale to Superintendent of the Tourist Department, 5 March 1906, T 1902/71/29, and W.A. Neale to Robieson, 9 June 1910, T 1902/71/12, in CL 200/2, pp. 20-21, 23.

²⁹⁶ *Wairoa Guardian*, 19 August 1910, M 1 25/2808.

potential in terms of forestry was Te Whaiti. No records have been located that deal with the sale of timber rights in Te Whaiti before 1909 but this does necessarily mean that there were no negotiations between private parties. Nevertheless, any private deals that did take place were on a small scale, and therefore insignificant to the overall economy of Te Urewera. Again it came down to location, those Tuhoe in the interior were basically cut off from economic development because they did not have resources (besides non-existent gold) that interested Pakeha.

The internal economy showed little development in this period, which meant that employment opportunities within the district also remained limited. The lack of change to the subsistence level economy suggests that the majority of Tuhoe hapu did not directly experience any benefits from tourism, or from introduced species of fauna. The government did not encourage or assist Tuhoe to develop their land or to create industries within the district, and many people continued to live in a state of poverty.²⁹⁷ The government did not actively support the development of Maori, or Tuhoe economies. The conflicting mix of humanitarianism and ethnocentrism combined in government policy meant that although the government wanted Maori to sustain themselves and not become a 'burden on the state', it was not prepared to provide the training and financial backing necessary to establish successful industries.

The other promises Seddon made regarding schools and goldmining, can be better studied in conjunction with the developing leadership struggle within Tuhoe. At this time Rua Kenana, prophet of the Ringatu faith, was rising in power as a religious leader and he attracted a large following among Tuhoe with his new ideas and beliefs.²⁹⁸ According to Binney, Rua 'attempted to create new systems of land ownership and land usage' and 'cast aside all traditional tapu practices, but replaced them with new forms specifically associated with the faith in himself as the promised Messiah.'²⁹⁹ The teachings of Rua clashed with more

²⁹⁷ See Stokes, Milroy and Melbourne, p. 57.

²⁹⁸ See J. Binney, G. Chaplin, C. Wallace, *Mihaia The Prophet Rua Kenana and His Community at Maungapohatu*, Auckland, Oxford University Press, 1990, for an account of the life of Rua Kenana.

²⁹⁹ Binney, *Mihaia*, p. 9.

traditional beliefs and this division was reflected within Tuhoe, with some supporting Rua and his authority as the prophet of Tuhoe, and others advocating the continued authority of Tuhoe leaders such as Numia Kereru and others who were attempting to work through legislation to secure Tuhoe rights.³⁰⁰ The division between the factions is also revealed by examining the conflict over Pakeha education, and mining issues within Te Urewera.

Seddon had promised schools at all the major kainga in Te Urewera, and by the turn of the century, Native Schools had been established at Galatea, Te Whaiti, Te Houhi, Ruatoki and Te Waimana. An Education Department Report on Native Schools in 1900 noted that one ‘of the most pleasing features in connection with the work of the year is our continued successful advance into the northern portion of the Tuhoe or Urewera Country.’³⁰¹ This comment suggests that in the northern areas Tuhoe were embracing Pakeha education, however, attendance at the schools varied greatly over the years. Absences were due to a number of factors, for example, crop failures and food shortages, sickness, road work contracts, and the sittings of the Urewera Commissions.³⁰² The initial enthusiasm for the schools waned as the struggle for the leadership of Tuhoe increased in fervour. From about 1906, Rua Kenana was strongly influential in the rejection by some Tuhoe of the Native Schools. Carroll reported that Rua had held a meeting at Waimana and told parents that they must stop sending their children to the schools and that he would build schools for them himself at Maungapohatu and provide teachers.³⁰³ In 1907 the Waimana School closed as a result of poor attendance, and the school authorities blamed the closure on Rua.³⁰⁴ The Native Schools reports for 1907 and 1908 show

³⁰⁰ According to Te Wharekotua, in 1906 the Tuhoe Tribe broke up to follow the works of Rua, and the hapu who were still ‘faithfully upholding the law (act) of the Tuhoe District’ were Ngati Hine Kura, Te Whanaupani, Pakitua, Ngati Manunui, Ngati Tawhaki, Ngati Koura and Te Urewera hapu. See Te Wharekotua and 391 others to the Premier and Minister of Native Affairs, 18 March 1908, (Translation), MA 23/9.

³⁰¹ *AJHR*, 1900, E-2, p. 1.

³⁰² *AJHR*, 1900, E-2, p. 8. *AJHR*, 1899, E-2, p. 8. *AJHR*, 1902, E-2, p. 7.

³⁰³ *NZPD*, 139 (1907), p. 511.

³⁰⁴ Waimana School Site 1908-49, MA 1 21/4/84.

a large drop in attendance which was also attributed to the influence of Rua.³⁰⁵

In 1907 the Urewera District Native Reserve became subject to the Mining Act of 1905,³⁰⁶ and interest in finding gold in the rohe continued with little substantiation that such riches even existed. Control over mining rights equated to control over the land, and dissention over who should control the mining rights exacerbated the tensions between the leaders of Tuhoe. One of the goals that Rua Kenana sought to achieve was to ensure that the control of prospecting remained under Tuhoe authority, through his own authority.³⁰⁷ In 1907-1908 Rua advertised the sale of mining rights within Te Urewera and set large fines for prospecting without his licences,³⁰⁸ despite the 1907 legislation. This position was contested by those supporters of the Committee system. In February 1908 Te Pouwhare wrote to Carroll saying that Rua had asked the companies to search for minerals within the boundaries of Tuhoe,³⁰⁹ but Pouwhare and others wished the General Committee to be authorised by the government so that the Committee would have control over mining.³¹⁰ In the same month Tupara Tamana wrote to Carroll saying that after a meeting with Hiwa Mehepeti, the 'principal man of the Gold Mining company',³¹¹ he had become aware that gold had been found in the Rohe Potae and

³⁰⁵ *AJHR*, 1907, E-2, p. 8. *AJHR*, 1908, E-2, p. 4.

In 1918 schools were established at Waiohau in Galatea, at Huiarau in Ruatahuna, and a mission school at Maungapohatu in 1918.

³⁰⁶ Maori Land Claims Adjustment and Laws Amendment Act 1907, section 7.

³⁰⁷ Binney, 'Te Mana Tuatoru', p. 123.

³⁰⁸ *Poverty Bay Herald*, 30 March 1908, cited in Binney, 'Te Mana Tuatoru', p. 124.

³⁰⁹ Te Pouwhare Te Roau had been appointed as a member of the Provisional Local Committees for the Ierenui-Ohaua, Kohuru-Tukuroa, Whaitiripapa, Waikare-Whenua, Te Ranga-a-Ruanuku, and Parekohe blocks. See *AJHR*, 1907, G-4, pp. 189-190.

³¹⁰ Letter to the Minister of Native Affairs from Te Pouwhare, Ruatoki, 24 February 1908, MA 23/9. Te Wharekotua asked why the government was taking so long to stop the works of Rua and his people and the company. He said that 'Rua handed the land over to Hiwa ... principal man of the Gold Mining Company.' See letter to the Minister of Native Affairs from Te Wharekotua, 28 February 1908, (Translation), MA 23/9.

³¹¹ Tupara Tamana to Carroll, 28 February 1908, MA 13/90. Tamana had been appointed as a member of the Provisional Local Committee for the Tauwhare-Manuka block. See *AJHR*, 1907, G-4, p. 189.

advised Carroll to send ‘some expert European to search for gold’.³¹² Despite this ‘confirmation’, and the struggle to control mining rights, no gold was actually found in Te Urewera.

The titles to blocks of land within the Urewera District Native Reserve were superficially settled by 1907,³¹³ but the Local Block Committees and the General Committee had still not been established. The major provisions of the Urewera District Native Reserve Act, 1896 therefore were not in operation. This was the state of affairs just prior to the arrival of the Royal Commission on Native Lands and Native Land Tenure. Owing to the fact that Sir Robert Stout and Apirana Turupa Ngata were appointed as Commissioners, the Commission itself became commonly known as the Stout-Ngata Commission. The Liberal government had established the Commission in 1907 to investigate and make recommendations to Parliament on the use or disposal of large areas of Maori land considered by the Crown to be unoccupied or unprofitably occupied by Maori.³¹⁴ The Commission’s purpose was to inquire and report as to what particular areas of Maori lands could best be ‘utilised and settled in the interests of the Native owners and the public good.’³¹⁵ The Stout-Ngata Commission was also instructed to report as to how the existing administrative structures in areas under investigation could best be utilised, adapted, or modified to promote land development.

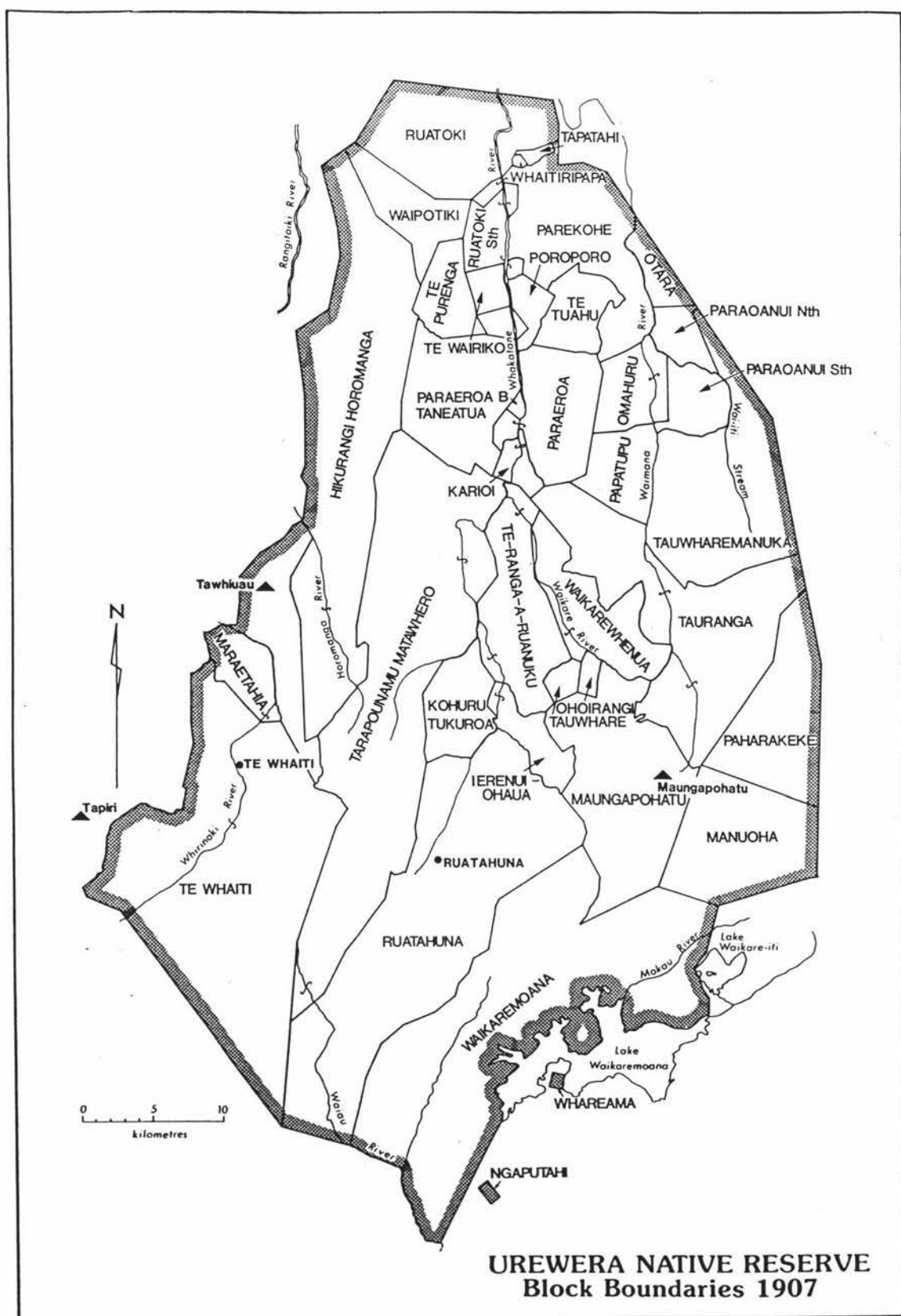
In 1908, the Stout-Ngata Commission began its investigations of the 28,000 acres within the Urewera District Native Reserve subject to special recommendations. Te Urewera was excluded from the operations of the Native Land Settlement Act 1907, so the Stout-Ngata Commission’s recommendations could not be given effect to under the 1907 Act as was possible in other areas. Nevertheless, Te Urewera was classed as Native Land and

³¹² Hiwa had assured Tamana that there was ‘goodstone’ in the area, and had shown him stones that he had supposedly found. See letter from Tupara Tamana to James Carroll, 28 February 1908, (Translation), MA 13/90.

³¹³ See map, p. 88.

³¹⁴ The Commission’s purpose was in line with the government’s ‘lose it or use it’ land policies.

³¹⁵ ‘Native Lands and Native-Land Tenure (Interim Report Of The Commission Appointed To Inquire Into The Question Of)’, *AJHR*, 1907, G-1, p. 1.



Sissons, p. 249.

recommendations could be given effect to by the Departments of State affected, or by Parliament if the recommendations were considered worthy of legislative confirmation.³¹⁶ The five main issues covered in the Stout-Ngata Commission's recommendations for the Urewera District Native reserve were: that the General Committee proposed by the 1896 Act should be established; that a term of lease be limited to fifty years; that provision should be made individuals or families to exchange land in order to consolidate their interests as far as possible; that clear definitions of the respective functions and powers of Local committees and of the General Committee be set out; and finally, that the Native Land Court or the Chief Judge should be given 'powers of amendment' as provided by section 39 of The Native Land Court Act, 1894.³¹⁷

The Stout-Ngata Commission's recommendations endorsed the administration system set up by the Urewera District Native Reserve Act 1896, but also pointed out that the 1896 Act's most important provisions could not be carried out without further government intervention. The Maori Land Laws Amendment Act, 1908 sections 20 to 22 gave effect to some of the Commission's recommendations. Section 20 allowed section 39 of The Native Land Act, 1894 to apply to Te Urewera.³¹⁸ Section 21 validated the appointment of Local Committees under the Urewera District Native Reserve Act, 1896 and recommended that the Governor appoint twenty Local Committee members to the General Committee. Section 22 amended the Urewera District Native Reserve Amendment Act 1900 by substituting the General Committee for Commissioners.

In 1908, twelve years after the 1896 Act came into force, some Tuhoe were intent exercising the powers of the Committees to obtain some revenue and to clear debts to the government for survey costs. Numia Kereru wanted the General Committee established as soon as possible so that the Committee could meet to discuss the manner in which the land could best be

³¹⁶ Memorandum from R. Stout and A.T. Ngata to J. Carroll, 8 February 1908, MA 13/91.

³¹⁷ *AJHR*, 1908, G-1Q, p.4.

³¹⁸ See C.J. Jackson Palmer to the Native Minister re Urewera Native Reserve, 26 August 1912, MA 13/90.

utilised.³¹⁹ After the Stout-Ngata Commission's visit, the 'leading men' of Ruatoki and Te Whaiti offered approximately 30,000 acres for settlement by way of lease, and asked that the revenue from the leasing be given to the State to reimburse the expenses due on the blocks they offered.³²⁰ The Commissioners reported that Tuhoe had recognised their liability for survey and other charges amounting to over £7,000,³²¹ so the promise that Seddon and Carroll had made to Tuhoe that they would not be prejudicially affected by surveying was shown to be untrue. The fact that Tuhoe wanted to lease land was incentive for the Commission to recommend the establishment of the Committees 'to facilitate settlement and dealing with the lands',³²² and the final settlement of title to the lands. However, the problems with block titles were still not completely resolved. The Urewera Commissions' investigations had been based on sketch plans based on magnetic surveys, but proper surveys were required before further subdivision could occur.³²³

Twenty members from the Local Committees were appointed to the General Committee on 13 March 1909. The members' names were Numia te Ruakariata (also known as Numia Kereru), Akuhata te Kaha, Te Waipatu te Winitana, Rawiri te Kokau, Mika te Tawhao, Te Wharepouri te Amo, Paiaka Rakuraku, Hori Aterea, Te Pouwhare te Roau, Rakuraku Rehua, Te Paoro Tangohau, Tupara Kaaho, Taihakoia Poniwahio, Te Whetu te Paerata, Te Pairi Tuterangi, Netana te Whakaari, Te Wharepapa Peita, Te Marunui Rawiri, Wharepapa Whatanui, and Mehaka Ruka.³²⁴ The establishment of the General Committee had in part been delayed because the Committee initially had the potential to consolidate Tuhoe autonomy, and that was not the government's intention. Delays and government manipulation ensured that the Committees were only established when title to the land was settled to the extent that land

³¹⁹ T. Fisher to Native Minister, 17 February 1909, p. 2, MA 13/91.

³²⁰ Memorandum from R. Stout and A.T. Ngata to J. Carroll, Native Minister, 8 February 1908, MA 13/91. The Commission's report states that 28,000 acres were offered for lease. See *AJHR*, 1908, G-1A, p. 2.

³²¹ *AJHR*, 1908, G-1A, p. 2. See also *AJHR*, 1908, G-10.

³²² *AJHR*, 1908, G-1A, p. 1.

³²³ *AJHR*, 1921, G-7, p. 2.

³²⁴ *NZ Gazette*, 1909, p. 799.

could be alienated. Any endorsement of Tuhoe authority before this point would not have advantaged the government.

In 1909, with still no substantiation of gold deposits, Te Urewera was brought under the operations of the Mining Act 1908. Miners had to pay a fee to the government for miner's rights within Te Urewera, and their movements within the rohe were limited by numerous regulations.³²⁵ Any gold discoveries had to be reported to the warden and a royalty of sixpence for every ounce of gold mined in the reserve was to be paid to the owners,³²⁶ which was what Seddon had promised Tuhoe. However, gold was not discovered in Te Urewera and neither Tuhoe nor the government benefited from mining there. Also in 1909, the owners of Te Whaiti No. 1 and No. 2 Blocks agreed to sell timber to private parties Hall, Morrison and Lardelli. However, under the Urewera District Native Reserve Act, 1896, owners could only alienate interests to the Crown, and the Te Whaiti Block owners were prevented from completing the deal. The Crown later bought the freehold title to the land including the timber, for a significantly lower price than private parties had offered.³²⁷ This was one of the many examples of how the Crown used the pre-emption clause in the 1896 Act to benefit itself and to disadvantage Tuhoe.

The Urewera District Native Reserve Act, 1896 was amended for a second time by the Urewera District Native Reserve Amendment Act, 1909. The 1909 Amendment Act extended the Native Land Court's powers in all areas relating to the Urewera District,³²⁸ and provided for the conversion of the Urewera title orders into freehold orders via the Native Land Court, under the Native Land Act 1909.³²⁹ The 1909 Amendment Act emphasised that with consent

³²⁵ See Mining Act, 1891.

³²⁶ See *NZ Gazette*, 1909, p. 1022.

³²⁷ See Stokes, Milroy, and Melbourne, pp. 96-97. Whatanui wanted to sell milling timber to Timber Companies, and he noted that there were several Europeans who were 'desirous of working the timber.' See W. Whatanui to W.H. Herries, 8 August 1912, MA 13/90.

³²⁸ The only limitations were that the Court had to obtain the permission of the Governor in Council before exercising jurisdiction in relation to partitioning and exchange.

³²⁹ The land was then subject to, and registered under the Land Transfer Act 1908.

of the General Committee, land could be alienated, leased, or vested in the Maori Land Board of the District for the same purposes.³³⁰ With the permission of the General Committee, the Maori Land Board could also grant licenses to cut timber in the district. The Under Secretary, T. Fisher commented that the amendment concerning the vesting of lands in the Maori Land Board seemed to 'point to a change of policy since the enactment of the original Act, and it is probably not the intention to confer such extensive powers on the Committee as was then intended.'³³¹ He thought the existing administrative system was probably sufficient to utilise the land available for settlement but the General Committee had too many members to make quick decisions. Fisher recommended that Judge Brown, President of the Waiariki Board should meet with the General Committee to advise the members in regard to the opening up of their lands,³³² in order to speed up the process. Fisher's comments indicated that the government was fast losing patience with the autonomy promised to Tuhoe through the 1896 Act, and with the Committee which did not operate at the pace the government demanded in order to quickly acquire land. Regulations defined and dictated the powers, functions, and membership of the Local Committees and of the General Committee, which further limited scope for the exercise of Tuhoe autonomy, and provided the machinery by which land could be alienated. In September 1910 regulations were gazetted that stated that consent to alienate land was to be given by resolution of the General Committee under its seal.³³³

The Urewera District Native Reserve Act, 1896 was amended again in 1910 by a local Act passed to settle appeals.³³⁴ Some Tuhoe had petitioned to reopen the titles to certain blocks

³³⁰ Section 23 of the Maori Laws Amendment Act, 1908 had provided that upon recommendation of the General Committee, land in the Urewera District could be dealt with under Section 8 of the Maori Land Settlement Act, 1905. This meant that lands could be vested in the Maori Land Board for the purposes of sale or leasing.

³³¹ Memorandum for the Native Minister from the Under Secretary T.W. Fisher, Wellington, 18 May 1909, MA 13/91.

³³² Fisher to Native Minister, 17 August 1909, and 1 October 1909, MA 13/91.

³³³ The consent of the General Committee for the purposes of the Urewera District Native Reserve Amendment Act, 1909, 'shall be by resolution passed at a meeting of the Committee, and shall be given in writing under the seal of the Commission. Order in Council, 7 September 1910, MA 13/91.

³³⁴ The Urewera District Native Reserve Amendment Act 1910.

within the Urewera District in 1908,³³⁵ 1909,³³⁶ and 1910.³³⁷ The 1910 Amendment Act conceded the right of appeal under section 50 of the Native Land Court Act, and some cases were taken to the Native Appellate Court. However, no major changes to the titles occurred as a result of these rehearings.³³⁸

The conflict within Tuhoe had been highlighted by the disputes over mining, and over attendance at the Native Schools. After the establishment of the General Committee, the conflict grew more pronounced, with Rua Kenana and the General Committee members again clashing over whose authority should govern Tuhoe. The stand that Rua took was ‘dictated by his conviction that, as the prophet, he was an independent authority’,³³⁹ and as such, he considered it his right to control the administration of Tuhoe lands. When the General Committee was established Rua objected to its authority and withdrew the offers of sale he had previously made to the government.³⁴⁰ Numia Kereru and Te Pouwhare Te Roau in particular rejected the claim of Rua preferring instead to work through the 1896 Act which to some extent confirmed the authority of the rangatira who were members of the General Committee. However, there was clearly dissatisfaction among certain hapu with the efforts of the Committee thus far. Representatives of Ngati Koura, Ngati Tawhaki, and some Te Urewera hapu challenged the Committee’s authority, choosing instead to recognise the ‘Mana o Te Tiriti o Waitangi.’³⁴¹ Ngati Koura were leasing grass to Pakeha for terms of 3 to 8 months even though Apirana Ngata condemned the leases and the General Committee prohibited

³³⁵ For petitions regarding the Te Whaiti, Waikaremoana, Maungapohatu block, Ruatoki South, Waimana 1D blocks etc, see *AJHR*, 1908, I-3, pp. 6, 9, 12.

³³⁶ For petitions regarding the Whaitiripapa block, Paraoanui South Block, and Te Whaiti blocks see *AJHR*, 1909, I-3, pp. 6, 7, 10.

³³⁷ For petitions regarding the Ruatoki blocks No.s 1, 2, and 3, and Waiohau block No. 1A, see *AJHR*, 1910, I-3, pp. 18, 20.

³³⁸ *AJHR*, 1921, G-7, p. 1.

³³⁹ Binney, *Mihaia*, p. 41.

³⁴⁰ Rua Hepetipa and all the Israelites to Carroll, 15 February 1910, MA 13/90.

³⁴¹ Hori Aterea [Ngati Koura], Apihai Hauraki [Ngati Tawhaki], Anani Te Ahikaiata [Te Urewera] to Carroll, 13 March 1910, (Translation) MA 13/91. Hori Aterea had resigned from the Committee by this time. See also Binney, ‘Te Mana Tuatoru’, p. 126.

them.³⁴² These hapu wished to utilise their lands but under their own terms, not those of the General Committee.

Along with these internal tensions, Tana Taingakawa, the former premier of the Kauhanganui, was also drawing some support from among Tuhoe. In 1909 Taingakawa had begun a petition for a separate Maori government under the Treaty of Waitangi.³⁴³ Taingakawa objected to the policies of Apirana Ngata and the existing land laws, both of which he considered detrimental to Maori interests.³⁴⁴ His views found some support among Tuhoe, and especially amongst those who opposed the General Committee. In April 1910 Taingakawa informed Carroll that some Tuhoe had come to him to (in his own words), 'place their lands, their properties and their physical bodies in my administration and in accordance with the provisions of clause 2 of the Treaty of Waitangi'.³⁴⁵ Taingakawa claimed to be able to restore the confiscated lands of Tuhoe through the law and King Edward,³⁴⁶ and Tupara Tamana confirmed that Ngati Tawhaki, Ngati Koura, the people of Rua, and some of Tuhoe were adopting the law of Taingakawa, though Tamana stressed that he himself had not signed the 'paper'.³⁴⁷

Tuhoe loyalties were divided between the General Committee, Rua Kenana, the authority they associated with the Treaty of Waitangi, and their rights as independent hapu. The government manipulated the tensions between the different leaderships of Tuhoe in order to weaken the

³⁴² A letter from Numia Kereru and others referred to the 'Maori and Pakeha breaking the law [1896 Act] by leasing lands within the Rohe-Potae' and asked the Minister that they be prevented from breaking the law. Numia Kereru and all the General Committee to the Minister of Native affairs, 16 March 1910, MA 13/91.

Tupara Tamana wished the leasing to continue to help maintain his people. Tupara Tamana to Carroll, Native Minister, 11 March 1910, MA 13/91.

³⁴³ In 1909 Te Mete Raukawa was the first to sign the petition of Taingakawa, concerning the violation of the Treaty of Waitangi. See A. Matheson, 'Te Mete Raukawa', in C. Orange, (ed), *The Dictionary of New Zealand Biography, Volume Two, 1870-1900*, Wellington, Bridget Williams Books and the Department of Internal Affairs, 1993. See also Binney, *Mihaia*, p. 40. See also Orange, *The Treaty of Waitangi*, pp. 227-228.

³⁴⁴ Tupara Tamana to Carroll, 3 February 1910, MA 13/91.

³⁴⁵ Taingakawa to Carroll, 14 April 1910, MA 13/91.

³⁴⁶ Tupara Tamana to Carroll, 5 February 1910, MA 13/91.

³⁴⁷ Tupara Tamana to Carroll, 3 and 5 February 1910, MA 13/91.

basis of Tuhoe autonomy along with resistance to selling land. Rua Kenana was willing to sell the outer lying lands of Te Urewera so that he could raise the capital necessary to consolidate and develop land at Maungapohatu. This willingness on the part of Rua to sell,³⁴⁸ ensured his appointment to the General Committee on 2 June 1910 along with four of his followers.³⁴⁹ Apirana Ngata recommended the appointments despite opposition from Numia and other Tuhoe rangatira because it was the only way that the government could begin to exercise its 'rights' to buy land within Te Urewera. Rua then renewed his offer to sell land through the General Committee, and in 1910 the General Committee authorised the sale of lands in the Waimana basin between Waimana and Maungapohatu to the government.³⁵⁰ Here was the prime example of government manipulation. The government changed the membership of the General Committee through regulations. It altered the balance of power between the leaderships of Tuhoe by recognising the authority of those who were willing to sell the most sought after lands.³⁵¹ The government had earlier attempted to manipulate the leaderships in the King Country in order to soften resistance to land selling by acknowledging the authority of the leaders at different times, and to various degrees. In 1881 the government had given Tawhiao and Manuhiri payments for the accumulated back rents for their lands at Mangere, and pardoned those sheltering from the European law in the King Country so that the Kingities would see the government's authority more as a benefit rather than a threat. The measures were not successful however, and the King Country remained independent. Bryce then turned to Ngati Maniapoto. Among other things Bryce offered Wahanui a seat on the Legislative Council, and encouraged leasing rather than selling. The King Country had been excluded from the Crown and Native Lands Rating Act and some iwi had already benefited from leasing so there seemed to be no serious disadvantage in opening the lands. In 1883 Wahanui and Rewi agreed to the survey for a railway through the King Country and despite

³⁴⁸ See *NZPD*, 139 (1907), p. 512. Carroll said that Rua had 'told Tuhoe to sell some blocks of land, including Ruatoki.' See also Binney, *Mihaia*, pp. 40-41.

³⁴⁹ Rua Kenana replaced Rakuraku Rehua, Paora Kingi replaced Te Paora Tangohau, Akuhata Te Hiko replaced Hori Aterea, Teepa Koura replaced Mehaka Ruku, Wiremu Te Purewa replaced Te Pairi Tuterangi. See *Kahiti*, 14 July 1910, and *NZ Gazette*, 9 June 1910.

³⁵⁰ Numia Kereru and others on behalf of the General Committee to the Native Minister, 4 November 1910, MA 13/91.

³⁵¹ For more information on this subject see Binney, 'Te Mana Tuatoru', p. 127.

the fact that they then agreed to only limited surveying of hapu boundaries, the government was able to begin freehold purchase in 1909.³⁵² Ward noted that principles counted for little when the prize of success was the opening of the King Country,³⁵³ and similarly in Te Urewera, government ‘principles’ were soon tossed aside to facilitate the alienation of land.

The sale of land had become the only means of income for most Tuhoe. Firstly because the government preferred to buy rather than lease land, and secondly because the Urewera economy still showed little growth, and food shortages and poverty were prevalent. In March 1910 Allbrant, the District Constable Ranger at Te Whaiti, wrote to Apirana Ngata on behalf of the ‘all the natives of the Urewera’ to request that Ngata use his influence to ‘open the shooting for pigeons in the whole of the Urewera’. The potato crops had again been spoilt by blight so there was no food for winter, and neither were there any government road works or any other ways of making money with which to buy food.³⁵⁴ On 5 April 1910 it was gazetted that the Urewera District Native Reserve be temporarily exempted from the closed season on native game.³⁵⁵ This merely allowed Tuhoe to exercise their traditional right to access this food source, and was in fact the last time that the government made any exemption for them.

From 1910 to March 1912, Paterson, the Purchase Officer of the Lands Department, acquired 40,795 acres on behalf of the government.³⁵⁶ Land purchases in Te Urewera then halted temporarily in 1912 when the Liberal government was replaced by a Reform government with William Massey at its head, and William Herries as Native Minister. Nevertheless, the reprieve from government land purchasing was short lived. At the end of 1914, the Native Land Purchase Board decided to by pass the General Committee, and in June 1915 began the

³⁵² Ward, *A Show of Justice*, pp. 286-287.

³⁵³ Ward, *A Show of Justice*, p. 286.

³⁵⁴ Letter to A. Ngata from Allbrant, District Constable and Ranger, Te Whaiti, 24 March 1910, IA 1 1910/887.

³⁵⁵ *NZ Gazette*, 1910, p. 1222. The only other time that the district had been exempted was in 1901. See *NZ Gazette*, 1901, p. 1068.
The Animals Protection Act, 1908 section 26 gave the Governor power to exclude the Urewera District from the closed season as it affected native game.

³⁵⁶ Memo from the Under Secretary for Lands to the Native Minister, 23 March 1921, MA 21/31

purchase of individual interests. In August of the same year Andrew Wilson (District surveyor), A.B. Jordan and R.C. Pollock reported on the resources of Te Urewera and confirmed that there were no minerals (or gold).³⁵⁷ They recommended that the government should acquire the whole area as a 'forest and climatic reserve' to preserve the beauty of Lake Waikaremoana and to conserve the timber. Wilson identified the Te Whaiti Block as the only area with timber worth milling,³⁵⁸ and he advised the government to continue with its pre-emption policy regarding land and timber rights until the Crown had finished all the purchases it wished to make. He reported that 'consistent endeavours' were being made to secure timber and other rights in many parts of Te Urewera, and that speculation should be prevented.³⁵⁹ As had happened in other areas, pre-emption resulted in government control over land prices and ruled out competitive offers for land. Tuhoe were forced to accept low prices which did not compensate them for the land's value as their economic base. Added to this, the government's settlement and land purchase policies were underpinned with the belief that occupation of land could only be justified by productive land use, and this belief proved disastrous to the Urewera economy. The government had created a paradox for Maori as well as Tuhoe by insisting that Maori make use of their land, yet giving no support in terms of financial aid or training. Even worse, the government frustrated efforts to develop industries that might have been successful.³⁶⁰ When Tuhoe could not develop their land, or the land was considered too valuable to government interests, the government more often than not 'acquired' the land to serve its own ends without consideration for the effects land loss would have on Tuhoe.

The policy of Crown purchase from individual owners of Native Land had been approved by

³⁵⁷ The inspection was undertaken during two of the worst floods on record. Pollock was to do a separate report on all questions concerned with timber with special emphasis on the Te Whaiti Block. Wilson reported coal at Parakoha and Ruatahuna, hot springs at Maungataniwha and Waikokopu near Waiohau, and mineral springs in the Horomonga gorge near the western boundary of the Urewera District. See A. Wilson and A.B. Jordan to the Chief Surveyor, 1 August 1915, MA 31/21.

³⁵⁸ A. Wilson and A.B. Jordan to the Chief Surveyor, 1 August 1915, MA 31/21.

³⁵⁹ Report of Andrew Wilson District Surveyor, A.B. Jordan and R. C. Pollock, p. 6, MA 31/21.

³⁶⁰ For example stopping the sale of timber cutting rights to private parties in Te Whaiti.

Parliament and given effect by the Native Land Amendment Act 1913.³⁶¹ However, there was some doubt about the validity of the purchases in the Urewera District made without the consent of the General Committee, and the 1896 Act had not yet been amended to confirm individual purchases. This uncertainty was resolved by section 4 of the Native Land Amendment and Native Land Claims Adjustment Act, 1916. The clause empowered the Crown to purchase individual interests in the Urewera District Native Reserve,³⁶² confirming all previous purchases from individuals, and effectively eliminating the General Committee's most important administrative power. The government no longer *needed* the General Committee, and it used legislation to remove the Committee's authority. This was exactly the opposite of what had been promised in the Urewera District Native Reserve Act, 1896. Once the government had removed the power of the General Committee, it attempted to do the same to Rua Kenana. In 1916 government forces invaded the settlement that Rua had established at Maungapohatu and arrested Rua and some of his followers. The government's recognition of local autonomy and separate authority within Te Urewera was effectively at an end.

After the commencement of individual purchasing, the General Committee had practically ceased to function but Te Pouwhare attempted to revive it in 1917,³⁶³ and in 1919 sent a list of Committee members' names to the Native Minister for confirmation.³⁶⁴ Herries, however considered the Committee a 'hindrance to purchasing', and the government refused to recognise it.³⁶⁵ The government preferred to purchase from individuals because it was an easier way to acquire land, but government purchasing in Te Urewera resulted in scattered interests. The following table specifies the amount of land alienated in the Urewera District Native Reserve from 1910 to 1921. It includes the purchases made via the General Committee, and

³⁶¹ *AJHR*, 1921, G-7, pp. 2-3.

³⁶² The Native Land Amendment and Native Claims Adjustment Act, 1916.

³⁶³ Pouwhare informed Herries, the Native Minister, that the General Committee still existed although it had not met for a long time and the Chairman Numia Kereru had passed away. See Telegram from Pouwhare to Herries, 30 July 1917, MA 13/91.

³⁶⁴ Te Pouwhare to Herries, Minister of Native Affairs, 1 August 1919, (translation), MA 13/91.

³⁶⁵ Annotation by Herries, 23 September 1919, to letter of enquiry from the judge of the Waiariki Native Land Court, 13 September 1919, MA 13/91.

the later purchases from individuals.

Land Acquired by Lands Department 1910 to 1921

	Acres	Roods	Perches
<u>June 1910 to 31 March 1912</u>	<u>40,795</u>	0	0
5 June 1915 to 31 March 1916	84,770	0	0
1 April 1916 to 31 March 1917	56,741	0	0
1 April 1917 to 31 March 1918	64,303	1	4
1 April 1918 to 31 March 1919	42,672	2	1
1 April 1919 to 31 March 1920	29,996	1	15
1 April 1920 to 31 March 1921	9,404	0	0
1 April 1921 to 31 July 1921	<u>16,394</u>	0	28
	345,076	1	8

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By July 1921 then, the government had purchased over half of the Urewera District Native Reserve, and largely succeeded in its long term goal to acquire land. When compared with the rate of land loss for other areas, it might seem that Te Urewera got off lightly. However, most of the interior lands were mountainous, difficult to access, and unsuitable for most types of land development, so the purchase of the more accessible and economically viable lands removed what should have formed an economic basis for Tuhoe. The Urewera District Native Reserve had been divided into forty four blocks and not one of these blocks had been wholly been acquired by the Crown so in most cases Tuhoe and Pakeha land interests were now mixed, without either group being able to benefit by developing the land. Ngata termed this fragmented ownership of the blocks the 'Urewera problem', and claimed that it was just as much in the interests of the 'Native' owners as it was for the government to consolidate the land interests of each group.

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AJHR, 1921, G-7, p. 3. See also, Memorandum for the Native Minister, 23 March 1921, attached schedule, MA 31/21. The figures in this attachment for land purchases in the Urewera District Native Reserve from 1915 through to 1921 total at 329,115 acres.

In 1921 the Urewera District Native Reserve Act, 1896 was repealed by the Urewera Lands Act 1921-22. The 1921-22 Act brought the Urewera District Native Reserve under the jurisdiction of the 'ordinary' law, removing all previous special administration.³⁶⁷ The main purpose of this Act was the consolidation of land blocks inside and even outside the Urewera District Native Reserve. The 1921-22 Act confirmed all purchases by the government within Te Urewera, and proposed the appointment of yet another Commission to carry into effect the Urewera Lands Consolidation Scheme. This time both Commissioners were Pakeha, and they were to be the sole judges of the locations and boundaries of land awarded to the Crown. They were instructed to consult with the 'Natives' about fixing boundaries and to give some consideration to their wishes,³⁶⁸ but as always, the Commissioners had final say. The 1921-22 Act also stipulated that land be awarded to the Crown for roading purposes and to cover the cost of surveys, and again Tuhoe bore the cost. The amendments to the 1896 Act combined with other Maori land administration Acts had already extended government authority in Te Urewera and undermined Tuhoe autonomy, so this new statute simply 'tidied up loose ends'.

In conclusion, it is clear that Seddon's promises had not been of significant benefit to Tuhoe. The first surveys of Te Urewera were worthless because they were not precise enough to settle land titles, so the surveys had to be repeated, and repeated again in the 1920s. Despite Seddon's promise that Tuhoe would not be prejudicially affected by the surveys, Tuhoe still bore the costs in land. Apart from the construction of a few minor roads, employment on road works had been temporary but there remained a pressing need for roads. In 1922 Tuhoe gave approximately 40,000 acres to the government for the express purpose of funding road construction. Nevertheless, by 1957 the promised arterial roads had not been constructed.³⁶⁹ Tourism remained concentrated at Lake Waikaremoana and did not directly benefit the majority of Tuhoe. Fauna were introduced as promised, but plainly the focus was on providing

³⁶⁷ Urewera Lands Act, 1921-22, p. 448.

³⁶⁸ Referred to in *AJHR*, 1921, G-7.

³⁶⁹ In 1957 Tuhoe agreed to a settlement in money instead of the return of the land. For correspondence regarding the settlement of the roading claim see 'Re compensation for land in the Urewera Country', 1 October 1957, MA 1 29/4/71.

entertainment for Pakeha sportsmen in the Lake Waikaremoana area and not on providing a food source for Tuhoe. Fauna were released on the outer edges of Te Urewera for the convenience of sportsmen, which limited where Tuhoe were able to hunt game and fish. Protection of fauna through closed seasons was meant to regulate hunting for sport, but was not practical or fair to Tuhoe who needed to hunt for food all year round. The timber industry was limited to Te Whaiti, and pre-emption meant that only the government benefited from enterprise in that area. In regard to flora protection, it was only in the 1920s that public awareness of the potential dangers of deforestation in Te Urewera grew. People then wanted the forests kept to prevent erosion and to protect the plains below in the Bay of Plenty, Waimana, and Opouriao. The goldmining provisions that Seddon had focused his efforts on had been fruitless. The fight for control of mining rights increased the tension between Tuhoe leaderships, and no substantial gold deposits were ever found. Education, which Tuhoe had initially embraced, gained various degrees of acceptance in Te Urewera, but provided yet another forum for the leadership struggle among Tuhoe. The government's efforts to acquire land, and the continuing poverty and food shortages throughout Te Urewera tend to have overshadowed any minor benefits that resulted from Seddon's promises. All benefits to Tuhoe as a direct result of the Urewera District Native Reserve Act, 1896 were limited in scope and effect, and did not significantly improve the economy of the district as Tuhoe had hoped.

The lengthy investigations of the Urewera Commissions had placed a strain on the resources of Te Urewera with little return for Tuhoe or the government. Land alienation was not possible until title to the land had been determined, so in this respect Tuhoe were given a brief reprieve. Subsequent amendments to the Urewera District Native Reserve Act, 1896 were made to benefit the government and to facilitate the alienation of land within Te Urewera. The Local Committees and the General Committee that for Tuhoe, were supposed to endorse their authority over Te Urewera lands were not created or validated until 1909. When the Committees were established, they did endorse the authority of Tuhoe leaders but only as far as their decisions worked to the benefit of the government and its land acquisition schemes. The General Committee's authority was removed soon after the government began individual purchasing, and this, combined with the government's manipulation of the tensions between the leaderships of Tuhoe, illustrated the duplicity of the government's actions in regards to

Tuhoe and the 1896 Act. The Urewera District Native Reserve Act, 1896 Act failed to significantly endorse Tuhoe autonomy and support the development of the Urewera economy. The government recognised Tuhoe autonomy via the 1896 Act for only as long as it took to achieve the government's goal of land acquisition.

Conclusion

From the first clashes with the European government, Tuhoe fought for the recognition of their rights and refused to be absorbed into the new homogeneous New Zealand society that Pakeha were attempting to create. For Tuhoe this entailed the government's acknowledgement of the right of Tuhoe to continue to administer their land and to remain autonomous. In the 1870s Tuhoe expressed their desire to retain their autonomy through Te Whitu Tekau. However, government intolerance of separate Maori authorities meant that Te Whitu Tekau was not accepted by the government as the legal representative of Tuhoe. Nevertheless, the government perceived Te Urewera and Tuhoe as symbolic of the 'separatism' it abhorred and so was prepared to offer what appeared to be concessions in order to win Tuhoe compliance and extend government authority to Te Urewera.

In the 1890s, Tuhoe and the government negotiated an agreement as a result of political, social, and economic pressures. Tuhoe were in the unique position of having most of their lands still intact and their traditional systems of land tenure still in operation. Many Tuhoe were living in poverty, suffering from food shortages, and under constant pressure from the government to allow surveyors and miners into their rohe. Nevertheless Tuhoe remained intent on retaining their autonomy and control of their lands. After observing the detrimental way that the government had treated efforts of other iwi to retain their rights, Tuhoe decided to engage with the government to secure formal recognition of their rights, to protect their land, and improve their economy. Tuhoe representatives negotiated with Seddon and Carroll to design an Act to confirm Tuhoe authority within Te Urewera. The Urewera District Native Reserve Act, 1896 guaranteed Tuhoe local autonomy through the establishment of Committees to administer Te Urewera lands. The 1896 Act also promised to augment the food supply and economy of Te Urewera. For Tuhoe the Act was also a means of controlling the admission and influence of Pakeha and their institutions in Te Urewera.

Both Tuhoe and the government had very different expectations of the 1896 Act. The government's desire to 'open up' Te Urewera was in line with Liberal land policies based on ideas of assimilation, extension of government authority, economic gain, and acquisition of

land for settlement. The government was under pressure from Maori political groups to recognise the rights of Maori to administer their own lands, but at the same time it was also under pressure to acquire more land for settlers. The two issues were not compatible and settlers' rights inevitably won out over those of Maori. Settlers and miners pushed the government to resolve matters with Tuhoe because the first group wanted to settle the outer lands of Te Urewera, and the latter wanted access to the interior lands to search for gold. Both demands necessitated the government making an agreement with Tuhoe that would encompass all of Te Urewera.

Seddon and Carroll, on behalf of the government, made an agreement with Tuhoe on survey, roading, goldmining, tourism, flora and fauna introductions and protection, and education issues, and both groups expected to gain benefits in these areas. Regardless, it has been shown that in all cases the benefits to Tuhoe either did not ensue, were temporary, or were limited to specific areas on the outer lands of the rohe. The 1896 Act was also supposed to provide the means to lease land within the rohe so that Tuhoe would have a reliable source of income without having to alienate their land. However, the government wanted to purchase, not lease land and the alienation of nearly half the Urewera District Native Reserve by 1921 shows how successful their activities were. The provisions of the 1896 Act did not significantly improve the overall Urewera economy as Tuhoe had hoped, and this is evident from the continuous food shortages and overall poverty of the area more than twenty years after the 1896 Act was implemented.

The government manipulated the tensions between Tuhoe leaders to divide loyalties, diffuse Tuhoe authority, and overcome resistance to land selling. The disdain the government truly held for Tuhoe autonomy was shown by the delay in establishing the Committees, the government's control over the membership and functions of the Committees, and their eventual abandonment of the Committees when the government was in a position to purchase individual interests. The government used the 1896 Act as a device to pacify Tuhoe and Maori political organisations but not permanently to recognise or strengthen the Tuhoe right to continued autonomy. The recognition of Tuhoe local autonomy in Te Urewera was for the government an experiment, and only intended to be a short term measure. The acquisition of

land and the elimination of Tuhoe autonomy was the government's ultimate goal, and regulations and the successive amendments to the 1896 Act increased the government's powers within Te Urewera, enabling the government to purchase land within the rohe without the consent of Tuhoe as a collective group.

The government had railed against separate Maori authorities and yet in the same breathe promised Tuhoe autonomy within their rohe. The Liberal's assimilationist beliefs and intolerance of Maori autonomy meant that they would never accept Tuhoe autonomy permanently. In Te Urewera the government pursued the goals of its own land acquisition policies while appearing to accede to Tuhoe wishes. Once the government's short term goals to diffuse political tension, establish government authority in Te Urewera, and individualise land title were realised, the 1896 Act had served its purpose and government recognition of separate authority in any form was no longer necessary. The 1896 Act was repealed by the Urewera Lands Act 1921-22 and the government succeeded in its long term goal of bringing Te Urewera under the same law as the rest of the country to facilitate the alienation of land.

Tuhoe unity lay in their desire to retain their autonomy and adjust to the social and economic impact of Pakeha, though the question of who should represent Tuhoe caused internal conflict. Political organisations, and strong religious leadership opened up new avenues through which Tuhoe could assert their authority. Rangatira, prophets, political movements, and committees all claimed some degree of allegiance among Tuhoe. This thesis has focused on the attempt of Tuhoe to obtain the recognition of their rights through legislation, and to adapt to the increasing contact with Pakeha society and institutions on their own terms. The purpose of the thesis is not to determine who had authority over Tuhoe, but rather how Tuhoe rights and aspirations were perceived and dealt with by the government. Because the government controlled the Urewera District Native Reserve Act, 1896, the Act did not fulfil its promise for Tuhoe. As events have shown, the government treated Tuhoe differently from other iwi, but Tuhoe still suffered the same fate: the loss of their land. The recognition of Tuhoe autonomy promised by the 1896 Act was in the end simply a temporary arrangement that the government had no intention of maintaining.

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