TE MANA O Ngāti Rangitihi TRUST

Ngāti Rangitihi Story

Chapter Three
Te Ao Hou: Ngāti Rangitihi Lands After 1840

Preface

The Ngāti Rangitihi Story is comprised of four chapters, namely:

Chapter One: *Te Ao Tawhito*
Chapter Two: *Whenua Hou*
Chapter Three: *Te Ao Hou: Ngāti Rangitihi Lands After 1840*
Chapter Four: *The Last 100 Years, 1915 - 2015 (under development)*

Chapter Three of the Ngāti Rangitihi Story is based on an historical research report and findings of Bruce Stirling, Research Director of HistoryWorks.

Table of Contents

Chapter Three:

Ngāti Rangitihi Inland Rohe Lands after 1840

3.1 The Ngāti Rangitihi Rohe Pōtae

The extent of Ngāti Rangitihi customary lands is rarely fully documented in historical records. This is largely the result of the Iwi in the past only setting out their interests in written responses to Crown dealings with particular lands, rather than in comprehensive written records. As a result, the boundaries referred to in writing, or in the Native Land Court, were those relevant to the particular lands at issue – not their entire rohe. For instance, in 1873 Huta Tangihia of Ngāti Rangitihi wrote to Native Minister McLean to set out Ngāti Rangitihi boundaries in relation to land dealings Ngāti Awa vendors proposed to enter into with the Crown. Huta Tangihia referred only to his Iwi boundaries in and around Haehaenga and across Lake Tarawera, not to the wider rohe.[1] In the same year, several Ngāti Rangitihi rangatira joined their whanaunga Wi Kepa Te Rangipuawhe and a group of Tūhourangi rangatira – writing jointly as Ngāti Hinemihi. They reacted to Crown dealings with other iwi for lands in the Tarawera district by defining their lands around the Lake and to the south (towards the Kaingaroa plains).[2] It should be noted this was only 20 years after Tūhourangi and Ngāti Rangitihi (each with allies from various other iwi) had fought prolonged and lethal battles over some of the very same land for control of the tourism trade at Te Ariki. Having made their peace, they combined in 1873 to face the incursions of the Crown.

The failure to clearly set out Ngāti Rangitihi tribal boundaries in comprehensive written records has meant that the nature and extent of the Iwi interests have been either neglected or misunderstood in the existing research. Further to this, only a small portion of the research presented is specific to Ngāti Rangitihi. A stark and instructive example is Angela Ballara's querying of Ngāti Rangitihi customary interests at Matatā by reference to a boundary description given by Ngāti Rangitihi in the Native Land Court. Ballara pointedly notes that these boundaries do not extend anywhere near Matatā.[3] The boundaries she refers to are not those of the Iwi rohe but merely those of the blocks then at issue in the Native Land Court – being the overlapping Pokohu and Putauaki Blocks (as is apparent from an examination of the survey plans for those blocks).

Another issue for the written descriptions of Ngāti Rangitihi boundaries is that they all post-date the confiscation of the Iwi interests in the Matatā district and up the Tarawera River towards Putauaki. By the 1870s – when Crown land dealings and Native Land Court claims prompted Ngāti Rangitihi to define their interests – the Bay of Plenty confiscation rendered it pointless to refer to the land there. The result is that, in the 1875 description of the Iwi boundaries, Ngāti Rangitihi ignored the confiscation district and focused primarily on the area inland of Putauaki, west to Tarawera, and south across the Kaingaroa plains. In April 1875, Arama Karaka Mokonuiarangi and the 'Committee of Ngāti Rangitihi' informed Native Minister Donald McLean of the "outer boundaries of the land claimed by Ngāti Rangitihi." The tribe had made this description available to Crown land purchase agents Mitchell and Davis in 1874 in an effort to ensure that they recognised Ngāti Rangitihi interests. The boundary laid out by Arama Karaka Mokonuiarangi and the Ngāti Rangitihi Committee commenced:

1 Huta Tangihia to Donald McLean, 2 October 1873. MA-MLP 1 1874/31. Archives New Zealand.
2 MA-MLP 1/1873/131. Archives New Zealand. Among those who put their name to the letter are Arama Karaka Mokonuiarangi, Poia Ririapu, Niheta Kaipara, and Huta Tangihia.
3 Ballara (2004), p.86.

> *At the Kainga Kakahi Te Whakakauri, Te Tamoe Pokangawhea, Ngahewa, Wai o tapu, then to Tore Tore Patutahi, Ngarangi Awatea thence along the stream of Rangitaiki, to Paru Tipapa, Te Kaipohatu [i.e., Raepohatu] Kahati Te Korokoro o Rangiataua, Te Ranga o Maaka Te Iwi Tuaroa o Maruhikuao striking the waters of Tarawera turning thence to Otuhanga o Marama te Tuahu Matuku Motumoki [or Motumako] Kakea wai Pupumahana, Takitaki otu Opari Otangimoana Te Akeake Otumutu then along the waters of Tarawera lake across to the beginning of the line at Kainga Kakahi.*
>
> *There are many names we have left out in describing these boundaries – spots upon which we have received money, are Maungakakaramea – Ngāti Rangitihi have received on this the sum of one hundred pounds.*
>
> *Much trouble has been caused inside of these boundaries by Messrs Mitchell and Davis.*[4]

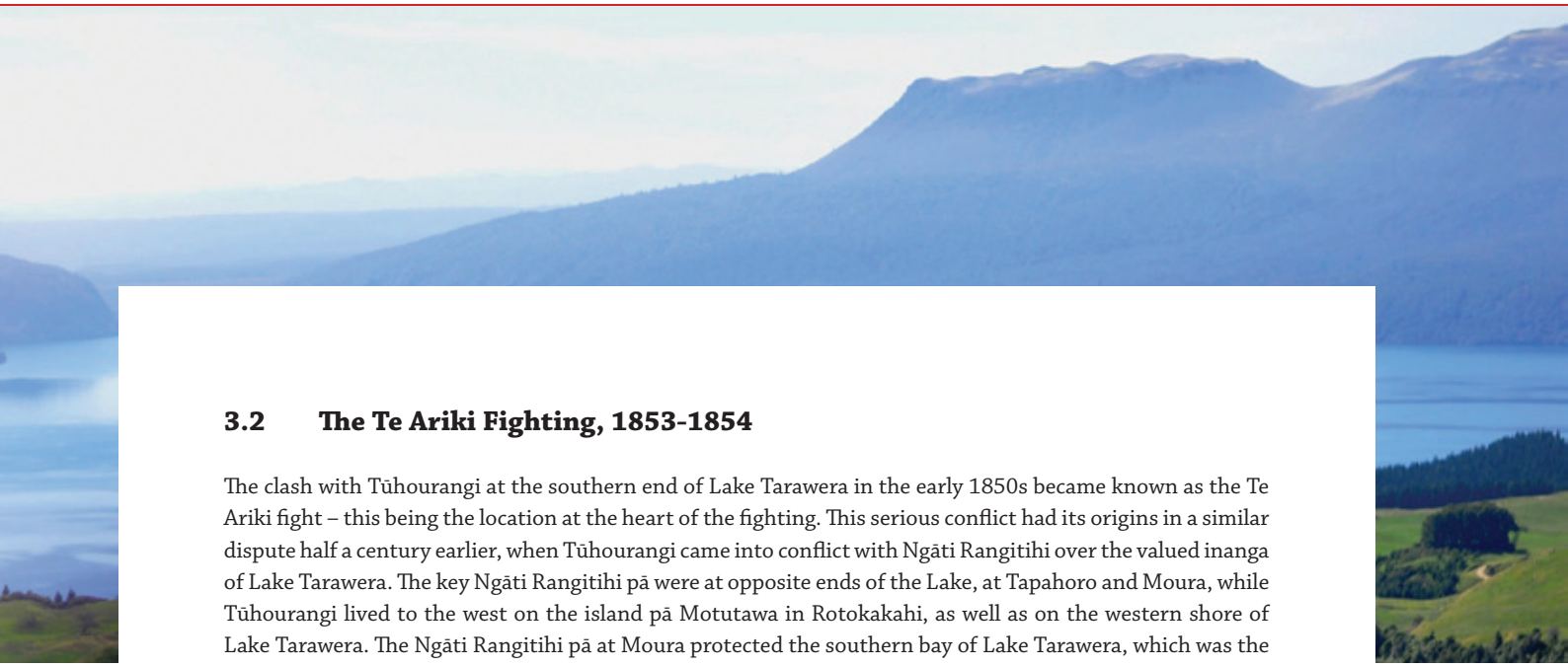
This boundary extends out from the Tarawera heartlands down the Waiotapu River and south to Torepatutahi Stream (the southwest boundary of Kaingaroa 1), and across the Kaingaroa plains to Matahina, then down towards Putauaki. Or, as officials put it, the Ngāti Rangitihi "rohe pōtae" included lands "over the Kaingaroa from Mount Edgecumbe up to Runanga and from Lake Tarawera to the Rangitaiki River."[5] Whatever the case, as the Ngāti Rangitihi Committee indicated, this is not a full description of the Iwi rohe, as it concentrates on those lands threatened by the negotiations (with other iwi) of the infamous Crown land purchase agents, Mitchell and Davis. It does not, for instance, include Haehaenga (which they had already described in their 1873 letter), or the confiscated land that extends from Haehaenga and Putauaki down to their coastal lands at Matatā.

The full Ngāti Rangitihi rohe pōtae includes not only the area described by the Iwi in 1875 and set out above, but also the confiscated district from the inland boundary and down the Tarawera River to Thornton, and then along the coast to Otamarakau, inland to Rotoma and on to Lake Tarawera. As with any iwi, the lands within the outer boundaries claimed include the interests of related tribal groups or those with whom the boundaries had been or continued to be contested. In the case of Ngāti Rangitihi, in 1875 they openly acknowledged that other tribes asserted interests within the boundaries described and asked that these be resolved before further Crown dealings were entered into:

> *This is our prayer to you, that you let a Native Lands Court sit in this district of Ngāti Rangitihi, Ngāti Manawa, Ngāti Awa, and Ngāti Tarawhai.*[6]

Across the Kaingaroa plains, Ngāti Rangitihi interests mingled with those of their whanaunga Ngāti Manawa (especially through the hapū Ngāti Hape and Ngāti Hinewai) and with those of Ngāti Tarawhai in Haehaenga, while at Putauaki they were in conflict with Ngāti Awa on what had for some time been contested land. By the same token, Ngāti Rangitihi shared interests well beyond the core tribal boundaries set out here; interests that – from Maketu in the northwest to Heruiwi and Whirinaki in the southeast – were acknowledged by other iwi. That is not to say that such acknowledgements of shared interests make these 'Ngāti Rangitihi' lands per se, but it indicates that boundaries are not rigid, but flexible; not exclusive, but inclusive – much like the whakapapa relationships that underpin customary interests.

4 Arama Karaka Mokonuiarangi and the Committee of the tribe Rangitihi, 2 April 1875. MA 13, box 78, file 46. Archives New Zealand.
5 Mitchell and Davis, 'Summary of Land Transactions', April 1875. MA-MLP 1 1875/146. Archives New Zealand.
6 Arama Karaka Mokonuiarangi and the Committee of the tribe Rangitihi, 2 April 1875. MA 13, box 78, file 46. Archives New Zealand.



3.2 The Te Ariki Fighting, 1853-1854

The clash with Tūhourangi at the southern end of Lake Tarawera in the early 1850s became known as the Te Ariki fight – this being the location at the heart of the fighting. This serious conflict had its origins in a similar dispute half a century earlier, when Tūhourangi came into conflict with Ngāti Rangitihi over the valued inanga of Lake Tarawera. The key Ngāti Rangitihi pā were at opposite ends of the Lake, at Tapahoro and Moura, while Tūhourangi lived to the west on the island pā Motutawa in Rotokakahi, as well as on the western shore of Lake Tarawera. The Ngāti Rangitihi pā at Moura protected the southern bay of Lake Tarawera, which was the most prized place to catch inanga. In an effort to secure this spot for themselves, Tūhourangi attacked Ngāti Rangitihi fishermen at Te Ariki, killing two of them. The Tūhourangi taua was pursued and three among it killed. Conflict soon escalated as larger forces clashed, resulting in the death of the Ngāti Rangitihi rangatira, Te Rahui, but when Tūhourangi attacked Moura they were defeated and their rangatira Mehameha killed. Ngāti Rangitihi called on allies from Kaingaroa and defeated Tūhourangi again, this time at Te Ariki. After Tūhourangi recruited Ngāti Tama to their cause, they killed another Ngāti Rangitihi fisherman before peace was made. Ngāti Rangitihi retained the pā at Moura and the fishery it protected.[7]

Despite such conflict, after peace was restored the two groups once again combined when necessary against external foes. Around 1821, for instance, Ngāti Rangitihi and Tūhourangi joined together to attack Tūhoe in the Pukekaikahu battle beyond Lake Rerewhakaaitu. Tūhoe inflicted a heavy defeat on the Te Arawa forces, including the death of Tionga and Te Arero of Ngāti Rangitihi and the loss of several Tūhourangi rangatira (including Te Hurinui of Tūhourangi).[8]

At the same time, Lake Tarawera remained something of a turning point, after the area acquired a new value in the early colonial period. This was initially due to the flax resources in the area and later through the growth of tourism based around lucrative guiding operations for the famed Pink and White Terraces. Disputes over control of these operations erupted into prolonged and fatal conflict in 1853 and 1854. Ngāti Rangitihi had well-established interests at Te Ariki and had recently and emphatically re-asserted these during the dispute over the inanga fishery – which has been widely ignored in the research dealing with the Te Ariki fight.

Secondary sources have tended to see Ngāti Rangitihi at Te Ariki as some sort of interlopers. Te Arawa historian Don Stafford, for instance, first asserts that the Ngāti Rangitihi "main pā" was at Tapahoro and it was only after tourism took off that they "began to cast envious eyes towards this new source of revenue," and in doing so provoked the fighting. In his opinion, it was the actions of Paerau Mokonuiarangi and his Pākehā son-in-law, Abraham Warbrick (a flax trader), who sparked the conflict by building a house near Te Tarata (the White Terrace).[9] Even though Warbrick had been trading flax,[10] Tūhourangi assumed he was now after the tourist trade, so they turned him off the land and pulled down his house. In the ensuing fighting, Paerau and others were killed, after which Ngāti Rangitihi sought the assistance of Ngāti Pikiao to avenge this loss. The death of several leading Ngāti Pikiao men in subsequent fighting led to further escalation and the loss of 20 to 30 men in total, with Ngāti Rangitihi and Ngāti Pikiao believed to have suffered a greater loss than Tūhourangi and their allies. Finally, in March or April 1854 a peace was brokered by Mokonuiarangi, assisted by other rangatira, Resident Magistrate T. H. Smith, and missionaries. At least, that is the recorded version of the Te Ariki fight.[11]

7 Rotorua Native Land Court Minute Book No. 3, p.26 and pp.79-80 (this account is drawn from the evidence of Renata Ngahana of Tūhourangi, so does not necessarily reflect the Ngāti Rangitihi view of events). See also Kawharu, et al, pp.404-405; Ballara (2004), p.283; and Stafford, *Te Arawa, pp.164-165.*

8 Stafford, pp.170-174; Elsdon Best, 'Te Rehu o Tainui', *Journal of the Polynesian Society,* vol. 6, 1897, pp.56-59; and Kawharu, et al, pp.360-361.

9 Stafford, pp.336-338.

10 Hakopa Takapou, 1882. Rotorua Minute Book 3, p.34.

11 Stafford, pp.336-338; and Ballara (2004), pp.346-347. See also Ballara, *Iwi,* 1998, p.303.

Stafford's account is the first and has influenced subsequent writing. It is notable that he refers to Ngāti Rangitihi only at Tapahoro (at the opposite end of the Lake) and ignores their pā at Moura – close to Te Ariki and from where they had defended their interests in the area. These interests are also ignored by Stafford and those who rely on him. In turn, Stafford's account is based largely on reports of the conflict provided by Resident Magistrate Smith who operated out of Maketu, some distance away. In September 1853, for instance, Smith described the dispute as "the revival of an old claim on the part of Ngāti Rangitihi, in opposition to the tribe Tūhourangi, the present possessors." He added that he and Reverend Seymour Spencer, together with disinterested rangatira, had tried to broker peace but admitted they had been ineffectual in "restraining the Ngāti Rangitihi from pushing matters to extremities." Based on this view, Smith considered Tūhourangi had acted only "on the defensive."[12] This report ignores the fact that it was Tūhourangi who took the first aggressive action against Warbrick, a Pākehā (albeit one backed by a leading Ngāti Rangitihi figure). They also had a history of aggressive action against Ngāti Rangitihi in the area, as set out above. Smith was not entirely ignorant of Ngāti Rangitihi rights at Te Ariki, even if he sought to diminish them as "an old claim" – that was certainly not how Ngāti Rangitihi saw the ongoing rights they had staunchly defended within living memory. In January 1854, Smith reported a truce had been brokered for the planting season, but Ngāti Pikiao were eager to avenge earlier deaths and attacked Tūhourangi, with two dead on each side. Tūhourangi were then said to have offered peace and Smith was hopeful that Ngāti Rangitihi, with whom in his view "the quarrel originated, will at the same time consent to an arrangement of this difference."[13]

Reverend Spencer, based at Tarawera, also condemned Ngāti Rangitihi over Te Ariki. In 1853 he reported to the Church Missionary Society (CMS) that the conflict arose over the hot springs of Rotomahana, to which he said Ngāti Rangitihi had "only a mutual hereditary right," but "presuming upon the Christian forbearance of the other party again demanded sole undivided possession…". The involvement of Ngāti Pikiao – through their connections to Paerau – had broadened the dispute and once they lost some "important chiefs" they were "unwilling to come to terms" until those losses were avenged.[14] Spencer, like Smith, acknowledged Ngāti Rangitihi rights at Te Ariki – their "mutual hereditary right" – but took issue with what he understood (wrongly) to be their claim to assert an exclusive right to Rotomahana. Spencer reported in 1854 that the fighting had continued into late autumn and referred to Tūhourangi as the "defensive party" who had favoured peace. While blaming the aged Mokonuiarangi for initially supporting the supposed "aggression" of his son Paerau, Spencer also credited Mokonuiarangi for having "exerted himself publicly to persuade the people of his own party (Ngāti Rangitihi) to desist from war."[15]

The ascribing of most, if not all, of the blame to Ngāti Rangitihi is scarcely in accord with the evidence. Paerau and his Pākehā son-in-law Warbrick, simply occupied some of their customary land (land in which Smith and Spencer admitted they had rights) – it was Tūhourangi who reacted with hostility to this manifestation of acknowledged customary interests. Rather than Ngāti Rangitihi actions, it seems to have been the involvement of Ngāti Pikiao that heightened the conflict and made it that much harder to settle. What the missionaries and Smith also ignored was the extent to which Tūhourangi contributed to the escalation of the conflict, by calling on allies from as far afield as Taupō to join them in their fight. These were scarcely actions that fit with the missionary narrative of a peaceful tribe. The two hapū most involved from Taupō were Ngāti Te Rangiita and Ngāti Wairangi (the latter having sheltered with Te Arawa at Rotorua during earlier conflicts). This is something that has only come to light during recent research.[16]

12 T. H. Smith to Colonial Secretary, 28 April 1854, enclosing T. H. Smith to Colonial Secretary. 1 September 1853. IA 1 1854/1969. Archives New Zealand.

13 T. H. Smith to Colonial Secretary, 2 January 1854. IA 1 1854/265. Alexander Turnbull Library.

14 S. Spencer, 'Report on Districts of Rotorua, Tarawera and Taupō for the Year 1853'. Micro-MS-Coll-04-58. See also qMS-1856, pp.11-12. Alexander Turnbull Library.

15 S. Spencer, 'Report on Districts of Rotorua, Tarawera and Taupō for the Year 1854', Micro-MS-Coll-04-58. See also qMS-1856, pp.15-16. Alexander Turnbull Library.

16 In 1887 Horiana Ngamaru of Taupō recalled the "large body of men" that left northern Taupō for the Te Ariki fight (Taupō MB 8, pp.1 and 8) while Ngapera Rangianiwaniwa referred to her father Te Rangianiwaniwa going to the fight with a taua composed of Ngāti Te Rangiita and Ngāti Wairangi men (Taupō MB 8, pp.383-384).

The Rotorua missionary Thomas Chapman noted on 12 April 1854 that news had arrived from Tarawera that the tribes there, "all very nearly related," were again fighting over "who shall possess the celebrated hot springs, Rotomahana." This had caused tensions that rippled throughout the district as other tribes in the region were "related to one side or the other, and many to both equally." In July 1854 he observed that Ngāti Rangitihi and Ngāti Pikiao had suffered several losses, "among them two very considerable chiefs," but that Tūhourangi had suffered much less.[17] It is significant that Chapman acknowledged how closely related Ngāti Rangitihi and Tūhourangi were.

From the beginning of the conflict in the spring of 1853, the three Pākehā informants detailed above seem to have ascribed blame to Ngāti Rangitihi in general, and to Paerau in particular. One reason for this appears to be that it was his placing of Warbrick at Te Tarata that sparked the conflict. This does not make Ngāti Rangitihi wrong in asserting their rights at Te Ariki. Neither Paerau nor Ngāti Rangitihi took the first aggressive action – thereafter tikanga played a major role: the killing of a man as senior as Paerau required a response adequate to his mana, which meant that Ngāti Pikiao could not ignore their losses. Another motive for the missionary criticism of Ngāti Rangitihi may be sectarianism. The missionaries and most Te Arawa were staunchly Anglican and as such were virulently opposed to the Catholic faith, which Ngāti Rangitihi had adopted.

For all that the three Pākehā informants criticised Ngāti Rangitihi over the Te Ariki fight, they also referred to the Iwi connection to and interest in the disputed land – a factor that was far more important than they seem to have realised. When the lands were later fought over in the Native Land Court, strong Ngāti Rangitihi interests at Moura and Te Ariki were clearly acknowledged, as were Tūhourangi interests. By the early 1880s, when title to the disputed land was investigated as part of the massive Rotomahana-Parekarangi Block, Tūhourangi linked the dispute over Te Ariki into a far wider conflict over the lands of both tribes. According to them, Rangiheua of Tūhourangi had said in 1853 that, should they win the fight, they would take Ngāti Rangitihi lands as far east as Putauaki, with Paerau responding that if Ngāti Rangitihi won they would take Tūhourangi lands as far south as Tauhara (which was not even Tūhourangi land).[18] Mita Taupōpoki of Tūhourangi told the Native Land Court the fight was less about sharing in the benefits of tourism and more about "the power to retain our country."[19] That was not how Ngāti Rangitihi had approached Te Ariki. Huta Tangihia told the Native Land Court that none of the fighting with Tūhourangi concerned the wider land rights of either tribe, but was about the more specific resource use rights at Rotomahana and the aggressive refusal of Tūhourangi to share these with others who held customary rights.[20]

For all that, Smith and Spencer – the magistrate and the missionary – credited themselves for helping broker the peace that ended the conflict. However, it was tikanga that brought an end to the conflict in 1854, just as surely as it was tikanga that had led to it escalating so quickly in 1853. After Ngāti Rangitihi and Ngāti Pikiao succeeded in inflicting some severe losses on Tūhourangi at the end of 1853, the Ngāti Pikiao wahine Ngaputi and the Ngāti Rangitihi puhi Pareraututu brokered a peace between the warring tribes. (Pareraututu was a daughter of Mokonuiarangi and brother to Paerau, who was already renowned for her role in bringing about reconciliation with Ngāi Tūhoe in the wake of the Pukekaikahu fight.) The success of these influential mana wahine was grounded in their whakapapa ties to both Iwi. Such peace-making was built on the extensive inter-marriage that had previously occurred between the ancestors of Ngāti Rangitihi and of Tūhourangi.[21]

17 T. Chapman Diary, Vol. 2, 12 and 22 April and 20-21 July 1854. qMS-0431. Alexander Turnbull Library.
18 Rotorua MB 13, p.123.
19 Rotorua MB 13, p.125.
20 Rotoua MB 12, p.280.
21 Ballara (2004), p.116.

For Ngāti Rangitihi, the involvement of a distant Crown official (Smith) and local missionaries proved less than helpful in the resolution of the dispute with Tūhourangi over Te Ariki. The warring parties instead drew on tikanga and their extensive shared history to find a way to resolve their disputes independently of an absent Crown. For a long time, they were not permitted to resort to such methods of dispute resolution, as the influence of the Crown and its institutions, notably the Native Land Court, grew during the 1860s and 1870s. In the wake of Crown victories in the Tauranga and Bay of Plenty campaigns in the New Zealand Wars, the Crown turned its gaze to Rotomahana. It sought to acquire the district and its geothermal attractions during Governor Grey's visit to Moura in April 1866. Those at the meeting recognised that Ngāti Rangitihi and Tūhourangi would have to consent to such an arrangement, but the two rangatira whose consent was required – Arama Karaka Mokonuiarangi and Wi Te Kepa Rangipuawhe – were then both absent at Matatā. They later met with the Governor but declined to part with Rotomahana, over which they had both fought barely a decade earlier.[22]

Tūhourangi later asserted in the Native Land Court that, as part of the 1854 peace-making, a boundary mark between the two tribes was laid down at Te Rahui, near Tapahoro, and that Ngāti Rangitihi gave up their claim to the disputed land at Te Ariki.[23] According to Stafford, they gave up all of Rotomahana.[24] Boundaries certainly were arranged but Ngāti Rangitihi did not give up their rights west of Tapahoro. They continued to cultivate around their old pā at Otumutu (then a peninsula but, since the 1886 eruption, an island in the northwest of Lake Tarawera), part of an area known as Ngapakau (but which Tūhourangi dubbed Maungarawhiri, after a small hill of that name nearby).[25] Otumutu was a key boundary marker in the description of the Ngāti Rangitihi rohe pōtae given in 1875, as noted earlier. Ngāti Rangitihi also continued to occupy land at Te Ariki, Moura, and Rotomahana. The Iwi occupied Te Ariki alongside Tūhourangi, initially under the leadership of Poia Ririapu and, after his death, under Niheta Kaipara.[26] The outcome was that – despite Tūhourangi claims based on exclusivity and raupatu – Ngāti Rangitihi had unextinguished interests at Te Ariki. These were established and acknowledged when title to these lands was investigated by the Native Land Court in 1882, and again when the title was investigated anew in 1887.

A Dispute with Ngāti Awa, 1860

By the 1870s, when Ngāti Rangitihi were challenging Crown land dealings with other iwi within their rohe pōtae, the only avenue to address such conflicts was the Crown institution of the Native Land Court. Before the Court was established in the district in 1865, there were also very limited options provided by the Crown to resolve conflicts. During the fighting over Te Ariki in 1853-1854, the Crown was essentially powerless to interfere in the conflict and lacked the authority to broker peace, much less determine an outcome. By 1860, Ngāti Rangitihi saw the Crown as a more viable option to resolve disputes, and looked to it to help the Iwi against a threatened incursion by Ngāti Awa. It did not hurt that many among Ngāti Awa had allied with the Kingitanga, which the Crown strongly opposed.

In 1860 Ngāti Rangitihi became concerned at claims made by Ngāti Awa along the Tarawera River below Putauaki, well within the area of strong Ngāti Rangitihi interests. Ngāti Awa asserted a boundary at Te Pakepake-o-te-Whenua, whereas their well-established limit of western interests on this part of the Tarawera River was the mouth of the Otamaka Stream. Ngāti Awa announced they were going to build a pā

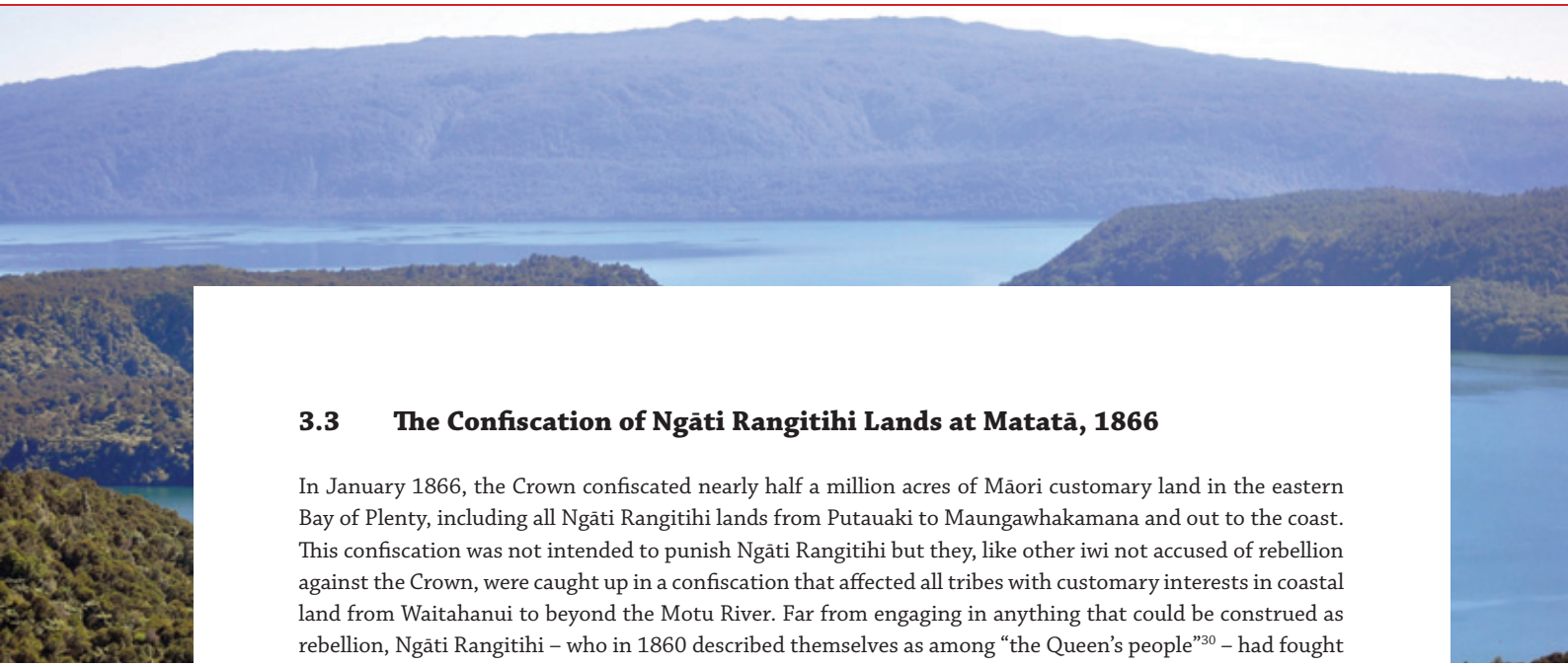
22 *Daily Southern Cross,* 16 April 1866, p.5.
23 Evidence of Rangiheuea and Renata Ngahana. Rotoroa MB 13, pp.81-82 and 125.
24 Stafford, p.338.
25 Rotorua MB 2, p.376 and MB 3, p.2; ML 5342, Land Information New Zealand.
26 Keam, p.85.

to substantiate their claims, prompting the mana wahine Pareraututu to ask Reverend Chapman to approach the government to preserve peace. As Chapman told Resident Magistrate Smith, the "always acknowledged" boundary on this part of the River was Otamaka (or "Atamaka" as he misspelt it), but that Rangitukehu of Ngāti Awa was "threatening to build a pā at Te Pakepake," well upstream of the boundary.[27] A similar limit for Ngāti Awa interests had been noted by an earlier observer, Edward Shortland, who in April 1842 travelled from Tapahoro down the Tarawera River to Te Awa o Te Atua, a route that he noted was used by Ngāti Rangitihi. A dispute with Ngāti Awa was looming at the time, something that Shortland sought to prevent through negotiation. He observed that Putauaki marked the border of Ngāti Awa lands. He also noted that, as a result of the threatened fighting, Tapahoro and another Ngāti Rangitihi pā at Tarawera were deserted as the people had gone to Matatā, with control of the river and of trade at Te Awa o Te Atua very much at stake.[28]

Seeing themselves as "the Queen's people" in 1860, Ngāti Rangitihi sought to avoid a clash with Ngāti Awa and looked to the Crown to "see us righted," or, as Pareraututu put it to Chapman, "we call upon the Governor to interfere... that we wish him to instruct the proper persons to settle this dispute and thereby prevent fighting – [Ngāti] Rangitihi wish to live in peace."[29] The outcome is not recorded. The overlapping interests in the land beside the lower Tarawera River – from Otamaka down to the outlet to the sea at Te Awa o te Atua – were not addressed by the Crown before the New Zealand Wars began in the district in 1864.

Further research and land records remain to be considered. Refer to ***Appendix A*** *for relevant excerpts from 1 Brabant Minute Book, to be read alongside this section.*

27 See ML 4704 for the locations referred to.
28 Edward Shortland diary, 29 March to 3 April 1842. MS-Micro-0356. Alexander Turnbull Library.
29 T. Chapman to T. H. Smith. February 3, 1860. Smith, T. H. Letters to T. H. Smith. 1844-1892. qMS-1839, p.66. Alexander Turnbull Library.



3.3 The Confiscation of Ngāti Rangitihi Lands at Matatā, 1866

In January 1866, the Crown confiscated nearly half a million acres of Māori customary land in the eastern Bay of Plenty, including all Ngāti Rangitihi lands from Putauaki to Maungawhakamana and out to the coast. This confiscation was not intended to punish Ngāti Rangitihi but they, like other iwi not accused of rebellion against the Crown, were caught up in a confiscation that affected all tribes with customary interests in coastal land from Waitahanui to beyond the Motu River. Far from engaging in anything that could be construed as rebellion, Ngāti Rangitihi – who in 1860 described themselves as among "the Queen's people"[30] – had fought the same foe as the Crown at Kaokaoroa in February 1864, although the Iwi's motives for doing so were their own rather than those of the Crown. In any case, the eastern Bay of Plenty confiscation in 1866 related not to the actions of 1864, but instead arose from events in 1865 that followed the arrival of Pai Mārire in the district. In particular, these were events occurring after the 5 September 1865 proclamation of peace, in which Ngāti Rangitihi were once again not among those the Crown sought to punish.

Despite not being the target of confiscation, Ngāti Rangitihi had a large area of their lands confiscated. In the past, secondary sources relying on overview research have assumed that Ngāti Rangitihi interests at Matatā are not customary interests, but instead date from the post-confiscation awards of land made to them – along with other Te Arawa tribes – in the Matatā district.[31] This has also been the position of the Office of Treaty Settlements (OTS) and Crown Law in recent times, based on a hasty review of secondary sources.[32] More specific research confirms that this assumption does not accord with the extensive evidence of Ngāti Rangitihi customary interests in the Matatā district and inland along the Tarawera River. Some of this evidence was set out in earlier chapters, particularly in relation to evidence of traditional occupation, establishment of customary rights, and close relationships with other tribes associated with Te Awa o Te Atua and the adjacent district. In addition, Ngāti Rangitihi established productive relationships with some of the early resident Pākehā traders at Te Awa o Te Atua; something they could scarcely have done in the 1840s and 1850s had they not had recognised customary interests there. As Angela Ballara concedes, if Ngāti Tionga can be shown to have "long-standing associations with Otamarora" then Ngāti Rangitihi can be regarded "as having had some rights on coastal lands between the Rangitaiki River and Otamarakau before the 1860s."[33]

It is clear from the previously unnoticed claims of Arama Karaka Mokonuiarangi to confiscated land in the vicinity of Te Awa o Te Atua, that Ngāti Tionga and Ngāti Rangitihi do indeed have rights there and on the adjoining confiscated lands to the east and west of Matatā. Arama Karaka was the pre-eminent rangatira of Ngāti Tionga and a leading figure in Ngāti Rangitihi in the early colonial period; his whakapapa connected him not only to many hapū within Ngāti Rangitihi, but also to other tribal groups with whom they shared this land. While the existing research has ignored the claims he made to the Compensation Court, his testimony to that Court in other cases has been noted before especially in relation to Otamarakau. The difficulty is that earlier writers – ignorant of the Ngāti Tionga claims in the Compensation Court – have misinterpreted Arama Karaka's evidence and have seen it as unrelated to Ngāti Rangitihi interests.[34]

These misunderstandings have been compounded by taking other evidence out of context and misinterpreting it to imply that Ngāti Rangitihi did not assert customary interests at Te Awa o Te Atua. For instance, Ballara cites Hakopa Takapou observing in the Paeroa East title investigation in 1881, that it was, "through joining the Government against the King that I am living at Matatā, or else I should not have left my ancestral

30 Pareraututu, cited in T. Chapman to T. H. Smith. February 3, 1860. Smith, T. H. *Letters to T. H. Smith*. 1844-1892. qMS-1839, p.66. Alexander Turnbull Library.

31 See, for instance, Ballara (2004), pp.83-89.

32 Waitangi Tribunal, *The Ngāti Tūwharetoa ki Kawerau Settlement Cross-Claim Report, 2003, p.29, citing Crown submissions and memoranda prepared by Maureen Hickey in 2002.*

33 Ballara (2004), p.88.

34 Ballara (2004), pp.87-88.

abodes."[35] The problem with extrapolating from that statement to apply it to all Ngāti Rangitihi, is that Hakopa Takapou was speaking in relation to himself, not on behalf of Ngāti Tionga or all Ngāti Rangitihi. As a rangatira of Ngāti Apumoana and Ngāti Hinewai, he did not see himself as having customary rights at Matatā, but that cannot be construed as evidence that applies to the rest of Ngāti Rangitihi.

A more nuanced approach to customary interests at Te Awa o Te Atua and the surrounding district reveals more about Ngāti Rangitihi interests. Verity Smith cites Reverend Chapman's reference to there being "two distinct tribes" living at Matatā when he visited there in 1846. She concludes one of them was Ngāti Tionga who were able to maintain a presence in this highly-contested border zone between the bigger iwi confederations of Te Arawa to the west and Ngāti Awa to the east. Ngāti Tionga did this through carefully arranged chiefly marriages that strengthened connections between them and other resident 'border' hapū (such as Ngāti Rangihouhiri and Ngāti Hikakino, as well as Ngāti Tūwharetoa) in this highly-prized, and highly-contested, area.[36] This is illustrated in the parentage of Arama Karaka Mokonuiarangi; his father being a rangatira of Ngāti Rangitihi while his mother was a mana wahine of Ngāti Rangihouhiri. Arama Karaka's marriage to a daughter of Te Rangitakina, the pre-eminent Ngāti Rangihouhiri rangatira of the time, further strengthened these connections between the peoples of Te Awa o Te Atua.

Unfortunately for Ngāti Rangitihi (and for other peoples of Te Awa o Te Atua), customary interests played little role in the Crown's allocation of the confiscated land in the Matatā district. The awards of the Compensation Court were largely the result of arrangements made by the Crown's special commissioner, J. A. Wilson. The role of the Court was largely to rubber-stamp what the government had decided in terms of the allocation of the confiscated land. Even so, some claims were made to the Compensation Court that Wilson had not succeeded in arranging out of court, but "the very considerable weight given by the court to the evidence brought by Wilson rendered the claimants' 'chance' of success very slim."[37] The few whose claims were upheld found that the Court's awards were "pitifully inadequate."[38] In addition, as the Waitangi Tribunal has found, the Crown awards reveal "the arbitrary nature of Wilson's determinations and the blatant inequality in treatment that resulted."[39]

What Wilson's activities did result in was the recording of some evidence related to the Matatā area, where Ngāti Rangitihi asserted customary interests above and beyond the modest area awarded to them by the Crown (for military service) on the outskirts of the township (Lot 3 Parish of Matatā, 84 acres on the eastern edge of the 'Richmond' township [i.e., Matatā]). Even so, through Crown administrative incompetence Ngāti Rangitihi were denied a chance to produce evidence of their customary interests in the Matatā area in the Compensation Court. The only Ngāti Rangitihi witness recorded in its minute books is Arama Karaka Mokonuiarangi. In addition to being permitted by the Crown to make one belated claim on behalf of his people, he also testified in other cases involving Matatā land as a witness (rather than as a claimant). The little evidence that was recorded reveals some of the nature and extent of Ngāti Rangitihi interests in the Matatā district, and the mana of their rangatira at Te Awa o Te Atua.

Amongst the Matatā cases in which Arama Karaka gave evidence was one by the Pākehā trader Tapsell, who claimed a prior interest in some confiscated land at Matatā on the basis of informal land dealings before the war. As Arama Karaka told the Court: "I am a chief of the places named," that "I am the claimant to the lands named," but that he was not aware of any land having been sold. Or, rather, no land had been sold

35 Whakatane MB 1, p.319; cited in Ballara (2004), p.88.
36 Kawharu, et al, pp.483-484.
37 Waitangi Tribunal, *The Ngāti Awa Raupatu Report, pp.83-84.*
38 Waitangi Tribunal, *The Ngāti Awa Raupatu Report, p.84.*
39 Waitangi Tribunal, *The Ngāti Awa Raupatu Report, p.87.*

by him or by others who had the right to do so. With regard to Tapsell's supposed vendors, he observed that "Apanui" (presumably Wepiha Apanui of Ngāti Awa, or his father Apanui[40]) had "no right to sell land at Matatā or Rangitaiki." Pointedly, Arama Karaka added, Apanui "could not sell the land of my ancestors."[41] By 'ancestors' he meant both Ngāti Rangitihi and Ngāti Rangihouhiri, for they shared the land in the Matatā district and he embodied the whakapapa connections that underpinned and reinforced that sharing: as he told the Compensation Court, "I am of Ngāi Te Rangihouhiri and [Te] Arawa." Through his father he was a rangatira of Ngāti Tionga and Ngāti Rangitihi, while his mother was of Ngāti Rangihouhiri;[42] the latter shared rights at Matatā. Arama Karaka observed that Te Hura (targeted by the Crown as a leading rebel of Ngāti Rangihouhiri) had cultivated at Matatā for "about twenty years."[43]

Arama Karaka gave evidence to the Compensation Court on another Pākehā claim; that of Charlotte Brown, the daughter of George White and Ringaono I. Brown, living as a Pākehā away from her mother's people, revived the pre-1840 old land claim of her father (presumably dead) to more than 2,000 acres of land in the area south of Matatā. White had been an early trader in the district, but his claim had eventually been disallowed by the government.[44] In the 1840s, he had been awarded 2,000 acres in the area south of Matatā and towards the Rangitaiki River but, as the local official Henry Tacy Clarke later told the Compensation Court, White was prevented from surveying the land in the early 1860s by Te Rangitakina,[45] a leader of Ngāti Rangihouhiri and Arama Karaka's father-in-law. (White later accepted land at Tairua, leaving the government holding his disputed grant.)

In his testimony on the claim, Arama Karaka said that he lived at Te Awa o Te Atua and knew of George White. He did not refer to White's supposed transaction as having established any rights, but he did accept that Charlotte Brown had customary interests in the land through her mother (White's Māori wife), who was another daughter of Te Rangitakina and thus a sister-in-law to Arama Karaka (making Charlotte Brown his niece). He said that he and Charlotte Brown were the sole surviving descendants of Te Rangitakina, who had "possessed great influence" in the area. Arama Karaka acquired some of his rights around Te Awa o Te Atua and south towards Putauaki from Te Rangitakina, and combined those rights with those he inherited from his father, a rangatira of Ngāti Tionga and Ngāti Rangitihi.[46]

The shared and overlapping interests at Te Awa o Te Atua, and the shared whakapapa of the people there, meant that Arama Karaka could present claims for himself and Ngāti Rangitihi as part of a combined Ngāti Rangihouhiri and Ngāti Hikakino claim. Thus, in one breath he could tell the Compensation Court hearing the claims to Waitahanui (36,000 acres west of Te Awa o Te Atua) that, "the land from Te Awa o Te Atua to Otamarakau belongs to Ngāti Hikakino and Ngāi Te Rangihouhiri," while with the next breath he asserted his own interests in that area of shared and overlapping interests. As he testified, "I used to dig fern root up the back of Otamarora, snare rats."[47] In the wake of the wars and confiscation, Ngāti Rangihouhiri and Ngāti Hikakino were condemned by the Crown as rebels and their lands targeted for confiscation, which made it risky to identify with them as Arama Karaka initially did. In any case, Wilson had already allocated Waitahanui to Ngāti Pikiao, and regardless of the evidence it was duly awarded to them alone.[48]

Arama Karaka's status and knowledge were called upon by the people of Te Awa o Te Atua when rebutting Ngāti Pikiao claims to land at Matatā. He testified that Ngāti Pikiao had lived for a time at Te Awa o Te Atua but that they, "have been here as visitors, according to native usage they have no claim." Their ancestral

40 Waitangi Tribunal, *The Ngāti Awa Raupatu Report, p.45.*
41 Raupatu Document Bank, p.46509.
42 Raupatu Document Bank, p.46811.
43 Raupatu Document Bank, p.46509.
44 OLC 709-710. AJHR, 1863, D-14.
45 Raupatu Document Bank, p.46861.
46 Raupatu Document Bank p.46858.
47 Raupatu Document Bank, p.46811.
48 Waitangi Tribunal, *The Ngāti Awa Raupatu Report, pp.86-7.*

ties were also weak, "for they are separated from the people of the land by six generations." He had a clear understanding of who could truly assert rights at Matatā and on what basis, and he claimed there for he and his people only within the same customary terms that he applied to the Ngāti Pikiao claim.[49]

Arama Karaka was just as quick to challenge the Crown's allocation of Ngāti Rangitihi lands to other tribes, including its awarding of a huge area adjacent to Maungawhakamana and Putauaki to Ngāti Tūwharetoa, being Lot 39 Parish of Matatā (13,675 acres). This land was part of the lands around Haehaenga, Pokohu, and below Putauaki in which Ngāti Rangitihi had strong interests, and adjoined the area around Otamaka they had defended against Ngāti Awa incursions as recently as 1860 (see above). Arama Karaka told the Compensation Court that the proposed Ngāti Tūwharetoa grantees were not "permanent residents" in the area and the land had previously been disputed[50] (not least by Ngāti Rangitihi in 1860).

Hohepa Rokoroko was the head of the Ngāti Tūwharetoa group to whom Lot 39 was granted, and he also personally claimed adjacent land around Rotoroa, Te Ahiinanga, and Rotoitipaku, near what is now Kawerau. Hohepa knew that Arama Karaka disputed his claims to these lands (as well as Lot 39), and responded by saying that the two rangatira were "closely related."[51] This is not to say that Arama Karaka (like others of Ngāti Rangitihi) does not share in descent from the tupuna Tūwharetoa; Arama Karaka said not only he, but also leading Ngāti Rangihouhiri rangatira, such as Te Hura, were descendants of Tūwharetoa. This was one of many elements to consider in determining their customary rights in the Kawerau area. [52]

At the same time, Hohepa acknowledged that Arama Karaka had particularly disputed his rights to Rotoitipaku in the past, not least because Arama Karaka lived there and had not let "any intruders" live there in his time. Another witness acknowledged that the land around Rotoitipaku had been occupied by, among others, "Arama Karaka's people." Arama Karaka testified that he had lived at Rotoitipaku for a long time, both before and after the death of his powerful whanaunga Te Rangitakina, recalling: "it was in Te Rangitakina's time that I rahui'd the eels of Te Rotoiti."[53] Hohepa admitted that "Arama Karaka lived there because he is a great chief," whereas Hohepa saw himself as "a person of little importance."[54] Yet, having confiscated the lands of this man of "little importance," the Crown had to find land for him from within the area it had selected for regranting, as a result of which – regardless of the evidence – it awarded Hohepa and his people a large area of Ngāti Rangitihi land without regard for customary interests.

3.3.1 Confiscated Lands Returned to Ngāti Rangitihi, 1866 - 1872

If Ngāti Rangitihi interests in the confiscated land were accepted by other tribal groups who lived on it with them, and if those interests were raised on several occasions in evidence by Arama Karaka Mokonuiarangi and by other resident rangatira, this begs the question: why did the Crown fail to award sufficient land to Ngāti Rangitihi? There are two general factors and one very specific factor in the Crown's failure. First, the awards had little to do with customary interests and everything to do with ensuring the Crown protected its interests in the best parts of the confiscation district. It also needed to ensure that it set aside sufficient reserves for surrendered 'rebels', grants for those Māori (including Ngāti Rangitihi) who had joined it in its fight against Pai Marire, and land for resident Māori having customary interests. Second, Ngāti Rangitihi were awarded some lands within the confiscation district based on their customary interests. Third, and most

49 Raupatu Document Bank, p.46838.
50 Raupatu Document Bank, p.46870.
51 Raupatu Document Bank, p.46868.
52 Raupatu Document Bank, p.46870.
53 Raupatu Document Bank, p.46871.
54 Raupatu Document Bank, p.46868.

significantly, the Crown lost Ngāti Rangitihi claims to the Compensation Court and did not realise its error until there was almost no land available to award to them.

The third factor was the most critical of the Crown's failings in its allocation of the confiscated land. In 1872, Wilson reported that he had awarded 300 acres of "extremely swampy" land at Omeheu to Arama Karaka Mokonuiarangi. This was to satisfy the "extensive claims" he had in "several places" within the confiscation district; claims that he had made not for himself, but on behalf of his people. The reason only a single grant was made, was that his claims on behalf of Ngāti Rangitihi were, "by some mistake... left out of the file of claims sent by the Colonial Secretary to the Judge [of the Compensation Court]." By the time the misplaced claims were located Wilson had allocated the land sought by Ngāti Rangitihi to other tribal groups. By 1872, all that was left was the wetland at Omeheu (Lot 73, Parish of Matatā),[55] which Wilson induced Arama Karaka to accept. This was one of the areas in which Ngāti Rangitihi had interests, but Wilson acknowledged that it was far from the only area in which they had interests.[56]

The only claim lodged by Arama Karaka that was not misplaced was claim 189, which was at least inquired into by the Crown. The claim concerned numerous pieces of land around Te Awa o Te Atua, out towards the Rangitiaki River, and inland towards Te Teko. These were listed as: "Matatā, Okehu, Papahou, Te Awa Pakiaka, Awarua, Otukohukohu, Waiparapara," and others which are not legible on the surviving claim form.[57] When the claim was finally heard, he testified that these lands were "given to my ancestors" before clarifying that, "some [pieces] were given to my ancestors, others taken in battle," but "I have lived and worked on them all." When questioned in court he provided some details about some of the claims, noting that Waiparapara was a large cultivation that needed "20 kete of seed to plant," and that "Papahou is an eel swamp." A place named Waiparapara is shown on a map of the confiscated land as being located just north of Kokohinau on the Rangitaiki River (downstream from Te Teko).[58] Arama Karaka's claim was endorsed by another witness, Kereopa, who agreed that "no one else has a right to these pieces."[59]

The claim was adjourned for a time, and when it resumed at a later sitting of the Compensation Court, another rangatira came forward to endorse Arama Karaka's claim, being 'Te Ti' (Te Metera Te Ti) of Ngāti Rangihouhiri. He agreed that the lands claimed by Arama Karaka belonged to him, including "Okehu" (a swamp). Te Ti added that "we" (meaning Ngāti Rangihouhiri) "gave him Papahou (a pā tuna)" and that Arama Karaka "owns part of Te Awapakiaka" (another of the pā tuna awarded to Arama Karaka), and he "has a claim to Te Tawhao." 'Pene' was the last witness, and he told the Court that – as indicated by Arama Karaka's own evidence – the claims made under claim 189 "are not individual claims, others claim with him."[60] Who those others were, was not stated, and nor did the court enquire as to who they were, but they would have been the kin of Arama Karaka Mokonuiarangi, Ngāti Tionga of Ngāti Rangitihi.

By the time claim 189 – the one Ngāti Rangitihi claim that was not lost by the Crown – was belatedly heard, the huge area of confiscated land sought by Arama Karaka Mokonuiarangi and Ngāti Rangitihi had either been selected by the Crown for settlers or had already been promised to other Māori. Thus, the only result from the Court process was that, at the close of his case, Arama Karaka was immediately awarded a "fair share" of the Ngapotiki award near Matatā (the judgement being given immediately after his case closed).[61] It is not clear what the "Ngapotiki award" was, or if it was ever made, but the only reference to such an award identified to date is a proposed grant of land called "Te Kopua, Urewparawera" to 21 "returned rebels" of

55 See also ML 9815.
56 J. A. Wilson to Native Minister, 29 March 1872. AJHR, 1872, C-4, p.4; and 'Bay of Plenty District, Schedule 32, 1872', AJHR, 1874, C-4, p.9.
57 Raupatu Document Bank, p.46727.
58 Map of eastern Bay of Plenty confiscation district, n.d. [c.1870]. AAFV 997/A24. Archives New Zealand.
59 Raupatu Document Bank, p.46513.
60 Raupatu Document Bank, p.46554.
61 Raupatu Document Bank, pp.46554 and 46994.

Ngāti Rangihouhiri, Ngāti Hikakino, and Ngā Pōtiki (plus 48 women and children from these three hapū).[62] Even if that was the grant in which the Crown proposed to locate Arama Karaka, it is grossly inappropriate to include him among so-called rebels and, as was clear from the evidence, his claim was not an individual one but was made on behalf of his people, who got nothing from this so-called award. In any case, it does not seem that the 'fair share' of the Ngapotiki award was ever made to Arama Karaka. A later ruling on his claim, 189, noted that judgement was 'reserved'; the reserved judgement was that he was granted two pā tuna (see below) and a miserly £5 'scrip' (government credit used to purchase Crown land).[63] That was far from any sort of acknowledgement of his customary interests, much less those of his Ngāti Tionga and Ngāti Rangitihi people.

Earlier in the process of confiscation and re-granting, Wilson had at least partly acknowledged Ngāti Rangitihi interests in the customary tuna fishery in the waterways associated with the lower Tarawera River near Te Awa o Te Atua. In 1867, the Crown promised to set aside the Awa Pakiaka and Papahou pā tuna on the Awaiti stream for Arama Karaka and his people. Arama Karaka had named both pā tuna among the numerous other places included in his claim 189 to the confiscation lands, before the Crown misplaced and neglected that claim.[64] These two pā tuna were among 20 that were included in Wilson's arrangement. They were not formally awarded until November 1874.[65]

The pā tuna were awarded partly because, as Wilson observed of the Matatā district, "it is a country of eels, and the people appear to think more highly of them than of other food." The "eel weirs," as he called them, were "first rate," and earlier he "had to prevent the Arawa from getting [them], when first they went there."[66] Instead, he ensured that the pā tuna were reserved to those who had long made customary use of them, so in granting two of them to Arama Karaka Mokonuiarangi, he was clearly distinguishing Ngāti Rangitihi – who had existing rights at Matatā – from the rest of Te Arawa. Other Te Arawa occupied the area and caught its tuna only as a result of the Crown's victory in the New Zealand Wars, whereas Ngāti Rangitihi had existing customary rights there that Wilson was prepared to recognise, at least in this instance. No Te Arawa iwi other than Ngāti Rangitihi were granted pā tuna in the area, as these were reserved for tangata whenua (the other pā tuna being granted to the likes of Ngāti Rangihouhiri rangatira, such as Te Metera Te Ti).[67]

The allocation of the pā tuna was as much about the government seeking to control and restrict Māori use of the main rivers as it was about preserving a vital food source for its customary users. As Wilson pointedly noted, "No land passes; it is only the right to build the weir and catch eels in that is conceded." That sort of customary right was already held by tangata whenua, which means that the Crown's acknowledgement of them was more about formally recognising the customary rights of resident hapū and iwi (as distinct from recent arrivals such as other Te Arawa iwi, Ngāti Manawa, or Ngāti Tūwharetoa from Taupō). In addition, Wilson sought to restrict the right to the tuna fishery to tributary streams rather than the main rivers, which he asserted were to be kept clear of pā tuna. This was on the basis that, "The eel weirs have always been given on the creeks and smaller rivers – the main Tarawera, Rangitaiki, and Orini Rivers being kept free for navigation."[68]

62 AJHR, 1871, F-4, p.32.
63 Raupatu Document Bank, pp.46876 and 46994.
64 'Bay of Plenty Schedule 16, 1872', AJHR, 1872, C-4, p.16. See also Raupatu Document Bank, p.46876.
65 New Zealand Gazette, 14 November 1874, p.782.
66 J. A. Wilson to Native Minister, 29 March 1872. AJHR, 1872, C-4, p.6.
67 'Bay of Plenty Schedule 16, 1872', AJHR, 1872, C-4, p.16.
68 J. A. Wilson to Native Minister, 29 March 1872. AJHR, 1872, C-4, p.6.

3.3.2 Ngāti Rangitihi Grants for Military Service

The allocation of the confiscated lands that the Crown had elected not to retain for settlement was a process controlled by the Crown, and bore little relation to the customary rights of those to whom the land was allocated. Many of the Crown's Te Arawa and other allies (such as Ngāti Manawa, Ngāti Raukawa, and Ngāti Tūwharetoa of Taupō) were allocated land in the confiscation district west of the Tarawera River. This included one large block granted to Ngāti Rangitihi (Pukeroa or Lot 30 Parish of Matatā, 3,884 acres), and a smaller block (Lot 3 Parish of Matatā, 84 acres) adjacent to the eastern end of Richmond (as Matatā township was then known). In addition, several quarter-acre Richmond town sections were granted to Arama Karaka Mokonuiarangi (Lot 4) and to Niheta Mokonuiarangi (Town Lots 3, 6, 29-31, and 46-48).[69]

Very few other Te Arawa rangatira were granted more than one town section. Town Lots 3, 4, and 6 are located on a triangular area at the eastern end of Richmond, bound by Arawa Street, St John Street, and Pollen Street (adjoining Lot 3 Parish of Matatā). Lots 29-31 and 46-48 are just to the south, forming a block of six sections extending along Pollen Street between Heale Street and Nesbitt Street (also adjoining Lot 3 Parish of Matatā).

These awards were not explicitly intended to recognise the customary rights Ngāti Rangitihi asserted at Matatā, but to reward them for their military service to the Crown during the New Zealand Wars, in the same way that other iwi with no customary interests at Matatā had been rewarded. That the awards were for military service does not mean that Ngāti Rangitihi did not also have customary interests, but their existing ties to the land did mean that they retained some of their 'military' awards longer than other iwi to whom similar awards were made. From the Crown's point of view, the awards were to reward iwi for their military service that it lacked the cash to pay for directly; once the lands were sold, the 'real' payment for their services could be collected in cash. All the other Te Arawa iwi (and most of the others tribes granted confiscated land) other than Ngāti Rangitihi duly sold off their lands during the wave of Crown purchasing that began in the early 1870s. In contrast, Ngāti Rangitihi sought to rely on their Matatā awards to maintain their customary interests at Matatā, being the only iwi among Te Arawa with customary rights there.[70]

Matatā was one of two main traditional areas of Ngāti Rangitihi settlement (the second being around Lake Tarawera, at the other end of the Tarawera River from Matatā). They held on to their inland military award for as long as they could, but succumbed to a combination of Crown purchase pressures and the defective title of the military award (for which it proved difficult to appoint successors to the named 'trustees' of the land, and for trustees to exercise kaitiakitanga over the land in the face of Crown dealings with individual beneficial owners). Even after the larger inland award was alienated, Ngāti Rangitihi held on to their smaller award beside Matatā township (then known as Richmond), where they remain to this day. As a result, they are "the only Arawa group to maintain a substantial presence at Matatā into the twentieth century."[71] Their long-standing ties to Matatā were evident in the 1860s, even before titles to the confiscated land were resolved. This was a period during which Ngāti Rangitihi enhanced their presence at Matatā.[72] By 1867 Arama Karaka had a large whare built at Matatā (named Nuku-te-apiapi), adorned with carvings by the renowned craftsman Wero Taroi of Ngāti Tarawhai.[73] None of the other tribes that were granted confiscated land, exercised customary rights in this way. In 1868 Arama Karaka took steps to establish a school at Matatā, and urged Reverend Thomas Grace to live there and be their teacher.[74]

69 Raupatu Document Bank, p.46041.
70 Ballara (2004), p.478.
71 Ballara (2004), p.478.
72 *Daily Southern Cross,* 23 May 1867, p.5. 'The East Coast Settlements'.
73 Grace, T. S., Journals, Vol. 2, 1866-1879. MS-0866, p.338. Alexander Turnbull Library; and; Neich, R., 'Wero Taroi', *Dictionary of New Zealand Biography,* vol. 1, 1990, p.583.
74 Grace, T. S., Journals, Vol. 2. 1866-1879. MS-0866, pp.388, 395, and 401. Alexander Turnbull Library.

The two main awards for military service (Lots 3 and 30 Parish of Matatā) were awarded to five Ngāti Rangitihi grantees (Tumuakaha Te Whena, Mikaere Te Raiti, Hakaraia Te Rangiharenga, Hakiaha Pohe, and Ngawikau Tangihia), who were to act as trustees on behalf of a further 75 Ngāti Rangitihi beneficiaries, including Arama Karaka Mokonuiarangi, Hakopa, Perenara, Niheta, and Tangihia.[75] This grant was similar to those of adjacent lands made to other iwi for military services. The land was inalienable, except by consent of the Governor.[76]

3.3.3 Crown Purchase of Pukeroa

In October 1878, some of the beneficiaries offered to sell Pukeroa (Lot 30 Parish of Matatā, 3,884 acres) to the Crown for £1,000 (or about five shillings per acre). The Crown was encouraged to acquire the land because adjoining military awards had already been purchased (from other iwi who had no customary ties to the district) and acquisition of Lot 30 would give the Crown a large contiguous area (from Maketu to Matatā and inland beyond Putauaki towards Tapahoro as well as continuous frontage to the Tarawera River).[77] Purchase negotiations commenced almost immediately.

By 1878, three of the original five trustees on the title had died, including Ngawikau Tangihia, so succession orders needed to be obtained. There was doubt amongst officials as to the Native Land Court's authority to appoint new trustees, as the Court could only appoint successors to individual beneficiaries rather than to trustees.[78] In March 1879, the Solicitor-General opined that trusts were not inherited, but were instead appointed by a "competent authority."[79] The Native Land Court Chief Judge left the legal issue to be decided by the Crown's law officers, but noted he would be included to "question the power of successors… to alienate."[80] The government left the legal issue unresolved and continued with its plan to purchase from the surviving trustees; by July 1879 it had paid about £250 to two trustees and expended a further £50 on food supplies and "incidentals." Despite the legal questions around trusteeship, to facilitate its purchase, it intended to apply to the Native Land Court to have three new trustees appointed to replace those who had died.[81]

In 1878 and again in 1879, Ngāti Rangitihi objected to the payments that had been made to a couple of individuals without reference to the wider beneficial ownership. Huta Tangihia said officials were, "advancing money upon that land unfairly, they are making advances to two or three, let no more money be advanced until the tribe agree who is to receive it…"[82] Rather than work with Ngāti Rangitihi to agree as to how any purchase should be conducted, the government decided to change tact. Instead of seeking the consent of only five trustees, it resolved to act as if there was no trust in place and get all of the beneficiaries to sign the purchase deed. The land purchase agent objected to the delay and expense this additional work would entail and preferred to keep the focus on appointing successors for the three trustees.[83]

In September 1879, the Native Land Court declined the Crown's application to appoint new trustees to replace the three who had died, seeing such appointments as a role for the government rather than the Court.[84] Undeterred, the government's purchase agent made a "personal application" to the Court – which apparently considered him as representing the Crown – and induced it to confirm successors for the three dead trustees. The new trustees were Huta Tangihia, Henare Te Rangi, and Otene Mikaere.[85] It is not known

75 Raupatu Document Bank, pp.46035-6.
76 MA-MLP 1 1884/166. Archives New Zealand.
77 J. Young to Gill, 22 October 1878 and 30 April 1879. MA-MLP 1 1884/166. Archives New Zealand.
78 J. Young to Gill, 3 March 1879. MA-MLP 1 1884/166. Archives New Zealand.
79 Solicitor-General note, 19 March 1879. MA-MLP 1 1884/166. Archives New Zealand. Emphasis in original.
80 Chief Judge, Native Land Court, to T. W. Lewis, 6 April 1879. MA-MLP 1 1884/166. Archives New Zealand.
81 J. Young to Native Secretary, 30 April 1879. MA-MLP 1 1879/219. Archives New Zealand.
82 Huta Tangihia to Native Minister, 13 May 1879. MA-MLP 1 1884/166. ANZ, and; Huta Tangihia and two others to Native Minister, 30 October 1878. MA-MLP 1 1884/116. Archives New Zealand.
83 J. Young to R. J. Gill, 12 October 1879 (telegram). MA-MLP 1 1884/166. Archives New Zealand.
84 Judge Halse to R. J. Gill, 23 September 1879. MA-MLP 1 1884/166. Archives New Zealand.
85 J. Young to R. J. Gill, 10 December 1879. MA-MLP 1 1884/166. Archives New Zealand.

what role, if any, the three men played in the appointment process, nor does it seem the legal position had been clarified in any way, since both the government and the Court had raised the need to clarify it before proceeding any further.

In 1880 Gilbert Mair took over as the government purchase agent, and in March 1880 he met a group of Ngāti Rangitihi, who urged completion of the purchase as many of the beneficial owners were about to leave the area to dig gum in the Kaipara district. The Crown was aware that Ngāti Rangitihi were sufficiently in need of money to resort to the dreadful conditions in the gum-fields of the north, and were even more in need of ready cash, so it took the opportunity to unilaterally cut the price of the land in half, from the £1,000 previously agreed to £500. In 1879 they had been promised £1,000 for the land, but Mair would now offer them only £500 (or about two shillings six pence per acre), less the advances of about £250 already paid. He reported that the area contained good land and timber.[86]

The imposition of reduced prices after the transaction was entered into, was a feature of the Crown's purchase of the military awards in the eastern Bay of Plenty confiscation district. For instance, £400 was approved for the purchase of the military awards made to Ngāti Raukawa and Ngāti Tūwharetoa of Taupō (Lots 22 and 23 Parish of Matatā of 2,047 and 2,396 acres respectively) but when the purchase was arranged on the ground in late 1873, the price was cut to £300 for Lot 22 (about three shillings per acre) and £270 for Lot 23 (about two shillings threepence per acre).[87]

Despite Mair's progress, his superiors considered that Lot 30 remained a "difficult case" so it was put on hold.[88] It seems that the legal uncertainties around the status of the trustees had not yet been resolved and this discouraged the Crown from further action. However, because the land was deemed to be 'under negotiation' by the Crown, and down payments had already been made, the Ngāti Rangitihi owners were unable to deal with anyone else for their land.[89] This was particularly frustrating for them, not only as they were in dire need of funds, but also because at least one settler had expressed an interest in buying the land and was prepared to offer more than the Crown.

In May 1880 Tumakoha and others wrote to Native Minister John Bryce. They wanted him to, "give us back our lands, namely Pukeroa near Matatā…", and agree that "…the right of the Government over that land be extinguished…". They had applied for the balance of the purchase money, but the answer was always "taihoa", so they said "…return our land to us and we will refund the money received from Government…".[90] Native Minister Bryce was advised that the land was "tied up" in such a manner as to make the purchase a very difficult one, and it was suggested that if Ngāti Rangitihi repaid the money, the Crown would drop the matter.[91] Bryce was inclined to agree, and Ngāti Rangitihi were asked how they intended to repay the advances.[92] Tumakoha then told Gill:

> *Leave us to make arrangements respecting that money, do not feel anxious about it, do not return that land in an unfavourable manner but let it be returned to us in a peaceful manner (unfettered) that money will not be lost, for there is no place to which the people could run away, does not the whole world belong to the Government?*[93]

86 G. Mair to R. J. Gill, 10 March 1880 (telegram). MA-MLP 1 1884/116. Archives New Zealand.
87 MA-MLP 1/1888/50. Supporting Documents to Kathryn Rose, 'The Bait and the Hook', pp.1719-1731; and Mitchell Cashbook. MA-MLP 7/19, pp.75 and 128. Archives New Zealand.
88 R. J. Gill to H. W. Brabant, n.d. MA-MLP 1 1884/116. Archives New Zealand.
89 *New Zealand Gazette,* 1879, p.933.
90 Tumakoha and others (Ngati Rangitihi) to Native Minister, 13 May 1880. MA-MLP 1 1884/166. Archives New Zealand.
91 R. J. Gill to Native Minister, 7 June 1880. MA-MLP 1 1884/116. Archives New Zealand.
92 Native Minister to R. J. Gill, 10 June 1880. MA-MLP 1 1884/116. Archives New Zealand.
93 Tumakoha Te Whanapipi to R. J. Gill, 21 June 1880. MA-MLP 1 1884/116. Archives New Zealand.

Ngāti Rangitihi were then told that when the money was refunded, the proclamation on their land would be withdrawn. But, the Crown insisted, the money must be repaid by Ngāti Rangitihi, not by its European purchaser. According to the Crown, private interests "should not be mixed up" in this matter.[94] This placed the tribe in a very difficult position: in effect the Crown required an intending purchaser to pay Ngāti Rangitihi, who would then make the refund. Only then, when the proclamation over the land prohibiting private dealings was eventually lifted, could the private purchase proceed. For an intending purchaser, this was a very risky and time-consuming proposition. In April 1881, A. Bromfield, a Tauranga lawyer representing Ngāti Rangitihi, informed the Native Department that the money had been given to him by Tumakoha and could be handed over at any time.[95] Still, progress could not be made and the intending buyer seems to have given up on the deal. Ngāti Rangitihi failed to find another private purchaser who was prepared to take the risk of the process imposed on them by the Crown, and the land remained in legal limbo.

In April 1881 Mair noted that the owners of Lot 30 still needed to sell and would accept £1,000, having received about £300 on account. The land was, in his estimation, well-suited for pastoral purposes. He recommended it be acquired, as this would secure to the Crown a continuous block of land, given the Crown had all the other military awards in the area. The government confirmed that about £280 had been advanced, but recommended that the money be repaid and the purchase abandoned. In its opinion, the land was not worth five shillings per acre. There were also other difficulties: "it is held in trust and disputed as to sale."[96]

At around this time Ngāti Rangitihi, increasingly desperate for cash, offered Lot 30 to Mair for the Crown's preferred price of £500, plus the advances already made (a total of about £780).[97] Even though the trusteeship had yet to be resolved, Mair was instructed to proceed with the purchase, as Ngāti Rangitihi were now deemed to have become "more reasonable."[98] Clearly issues surrounding the trusteeship and possible disputes were of far less consequence to the Crown than the matter of a cheap price. On 30 May 1881, Mair reported that he was:

> *...busy all day with Ngāti Rangitihi arranging for the purchase of Lot 30. They all signed the deed. Many came in the evening so we paid the natives. They being very unanimous and eager to get their money.*[99]

A total of £800 was paid – £500 in 1881 plus £274 already advanced, plus £26 paid in 1881 to round the figure up to £800. The Native Land Court subsequently awarded the whole block to the Crown.[100] There were ongoing issues regarding the payment as some Ngāti Rangitihi still held to the original agreement to sell the land for £1,000. The Government rejected this claim.[101]

The sale of Lot 30 left Ngāti Rangitihi effectively landless at Matatā. In 1883 Tanira Paerau "and the whole of Ngāti Rangitihi" asked for additional land at Matatā. They had only around 80 acres there to live on (being Lot 3 Parish of Matatā), and this was insufficient for more than 200 of their people who resided in the district.[102] They offered to exchange some of their Kaingaroa land for land at Matatā. This request was rejected.[103]

94 H. W. Brabant to R. J. Gill, 1 July 1880. MA-MLP 1 1884/116. Archives New Zealand.
95 A. Bromfield to Native Secretary, 30 April 1881. MA-MLP 1 1884/116. Archives New Zealand.
96 G. Mair report on various blocks, 25 April 1881. MA-MLP 1 1888/50. Archives New Zealand.
97 H. W. Brabant to R. J. Gill, 21 March 1882. (telegram). MA-MLP 1 1884/166; and R. J. Gill to H. W. Brabant, 31 March 1882 (telegram). MA-MLP 1 1884/116. Archives New Zealand.
98 H. W. Brabant to R. J. Gill, 21 March 1882. (telegram). MA-MLP 1 1884/166; and R. J. Gill to H. W. Brabant, 31 March 1882 (telegram). MA-MLP 1 1884/116. Archives New Zealand.
99 G. Mair. Journal. MS-Papers-0092-54. ATL.
100 MA-MLP 1 1884/116. Archives New Zealand; and *New Zealand Gazette,* 14 February 1884, pp.237-238.
101 MA-MLP 1 1884/116. Archives New Zealand.
102 As noted above, the fate of Arama Karaka's award of 300 acres at Omeheu is unknown. This letter, however, suggests that the Omeheu land had gone out of his ownership by this time, and was no longer available to the tribe. It was, in any case, wetlands unsuited to permanent settlement.
103 MA-MLP 1883/127. Archives New Zealand.

This request was renewed in the wake of the devastating Tarawera eruption, which rendered much of what little land remained to Ngāti Rangitihi at Tarawera uninhabitable, making their need for sufficient land at Matatā even more urgent (see Chapter 3.5).

3.3.4 Other Ngāti Rangitihi Titles in the Confiscation District

In addition to the grants noted above, Ngāti Rangitihi interests are also evident in other titles within the confiscation district even though the lands were not originally granted to them. Instead, these other lands came into the possession of Ngāti Rangitihi individuals either through purchase, gift, or Native Land Court processes of succession. The lands noted here are:

Block	Area
Lot 14 Parish of Matatā	1,660 acres
Lot 28 Parish of Matatā	1,160 acres
Lot 63D Parish of Matatā (Hauani)	1,953 acres
Lot 104 Parish of Matatā (Tiepataua)	100 acres

Of these titles, only the final two – Hauani and Tiepataua – were clearly set aside for Ngāti Rangitihi and they were granted only after 1900. Hauani was an area of confiscated land the Crown promised to landless Ngāti Rangitihi in 1887 as a gift after the Tarawera eruption (but which they were later required to purchase by way of exchange for their remaining inland interests – see Chapter 3.6). Tiepataua, on the other hand, was a section of confiscated land earlier awarded to another iwi of Te Arawa, who subsequently sold it. In the early 1900s the Crown awarded it to Ngāti Rangitihi to provide some land for the many Iwi members who had crowded into Matatā in the wake of the Tarawera eruption.[104]

Today, nearly all Hauani remains in the ownership of many Ngāti Rangitihi individuals. Tiepataua is part of an amalgamated title formed from Lots 103 and 104 Parish of Matatā and known as Matatā Parish Allotment 860. This is more commonly referred to as the Kopuatawhiti Māori Lands Trust (187 acres), in which many Ngāti Rangitihi hold shares. (Lot 103 had been awarded by the Crown to Ngāti Umutahi, and a small part of the amalgamated title was cut out at Allotment 860 Matatā Parish (2.5 acres as a marae and urupā for Ngāti Umutahi).)

The other two titles from the confiscated land (located some distance apart on Manawahe Road), were nominally awarded by the Crown to Tūhourangi in the late 1860s, and each vested in the same five trustees said to be Tūhourangi (including Wi Kepa Te Rangipuawhe, who has links to Ngāti Rangitihi). The trustees of the two titles represented a larger group of 111 beneficial owners, amongst whom were several individuals of Ngāti Rangitihi; they were either included in the original list of 111 beneficiaries, or succeeded to one of those who was included. When the Tūhourangi majority sold their interests to the Crown in the 1880s, some of the Ngāti Rangitihi owners were among the small minority who held on to their share. On the Crown's application, the 12 unsold interests were partitioned by the Native Land Court in 1885 as Lot 14A (169 acres) and Lot 28A

104 MA 1/1910/4783. Archives New Zealand.

(125 acres). The Crown continued purchasing individual interests but again some of the Ngāti Rangitihi owners were among those who held on to their interests. In 1890, on the Crown's application, the Native Land Court again partitioned the remaining interests as Lot 14A2 and Lot 28A2. These lands remain in Māori ownership today, although the extent of the interests of Ngāti Rangitihi individuals is not known due to the lack of succession since 1890 (with one exception):[105]

Lot 14A2A Parish of Matatā (vested in Pine and 10 other recent successors)	28 acres
Lot 14A2B Parish of Matatā (vested in Raureti and Watene)	28 acres
Lot 28A2 Parish of Matatā (vested in Watene and Hotereni)	42 acres

These tiny awards, as well as the granting of Tiepataua and the purchase of Hauani by Ngāti Rangitihi did little to ease the plight of the Iwi, left landless at their Matatā home and unable to live on their devastated lands around Lake Tarawera.

105 MA-MLP 1/1897/103. Archives New Zealand.

3.4 Ngāti Rangitihi Inland Blocks

Ngāti Rangitihi lands to the south and southwest of the confiscation district were put through the Native Land Court from 1878 to 1891 and immediately subjected to Crown and private purchasing on a massive scale. Often, the survey of the land and subsequent title investigation was initiated by adjoining tribes whose interests overlapped with those of Ngāti Rangitihi. In several cases, those claiming Ngāti Rangitihi lands had arranged with the Crown to sell the land before the Court determined title. Ngāti Rangitihi core lands are set out in the table below, extending from Matatā inland to Torepatutahi stream on the central Kaingaroa plains, and from the Rangitaiki River in the east to Lake Tarawera and Wai o Tapu in the west. Including the western portion of the confiscation district, these core lands comprise nearly 700,000 acres. They do not comprise all the lands within the Ngāti Rangitihi area of interest as the focus is on those lands where research to date has revealed clear evidence of Ngāti Rangitihi interests. Some areas, such as lands around Maketu in which many Te Arawa tribes – including Ngāti Rangitihi – share interests, have not yet been researched.

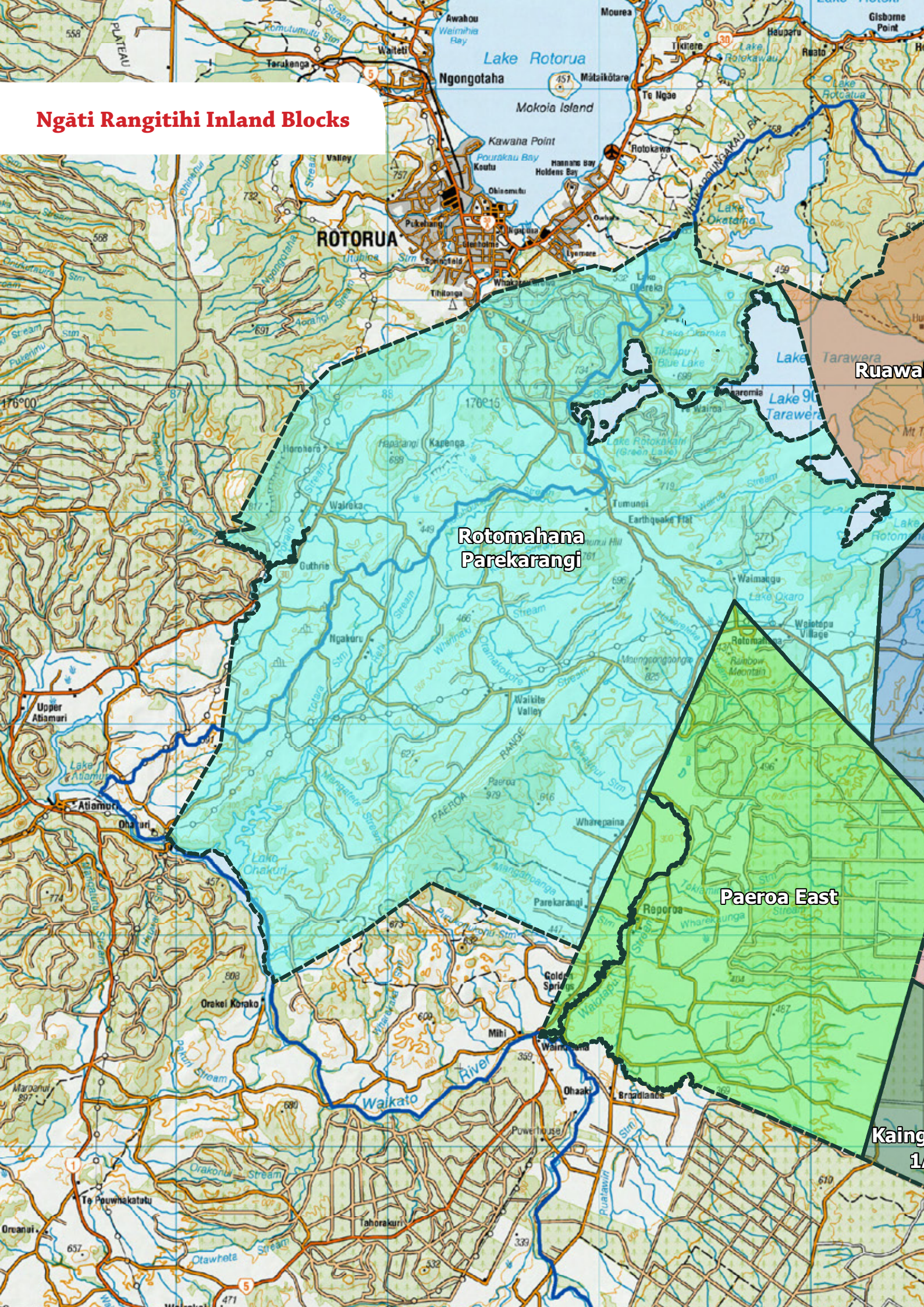
Table 1: Core Ngāti Rangitihi Lands

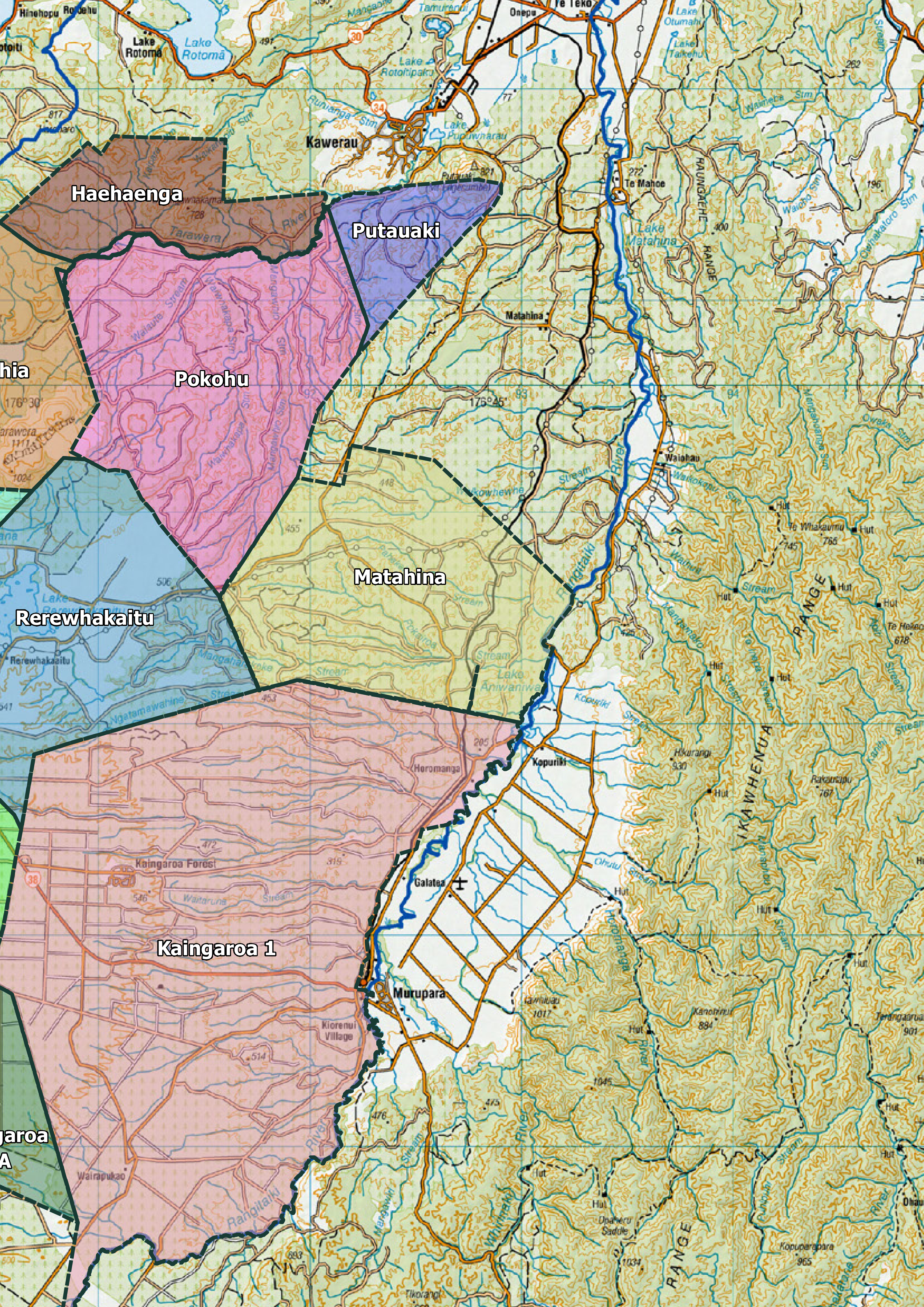
Block	Year Title Investigated	Area (acres)
Confiscation District (west of Rangitaiki River)	–	120,000
Haehaenga	1878	14,461
Kaingaroa 1	1878/1880	104,479
Kaingaroa 1A	1878/1881	9,025
Putauaki	1880	7,659
Pokohu	1881/1884	38,310
Matahina	1881/1884	85,834
Rerewhakaitu	1881	35,200
Paeroa East	1881/1882	69,887
Rotomahana-Parekarangi	1882/1887	170,000
Okataina	1885	20,209
Ruawahia	1891	22,990
Total		**698,054**

Out of these core lands of almost 700,000 acres, Ngāti Rangitihi interests were recognised either by the Crown or by the Native Land Court through the awarding of titles to individual Ngāti Rangitihi owners, amounting to 17 titles comprising 220,591 acres (see Table 2 on page 26.).

In the case of two blocks (Kaingaroa 1 and 1A) comprising more than half this total acreage, Ngāti Rangitihi interests were shared with individual owners from related tribal groups. The price of obtaining recognition of their interests in the shared Kaingaroa titles was the alienation of those lands; something arranged by the Crown long before the title was determined. This quickly reduced the land remaining for Ngāti Rangitihi by more than half by the time titles to Kaingaroa 1 and 1A were awarded and alienated.

Ngāti Rangitihi Inland Blocks





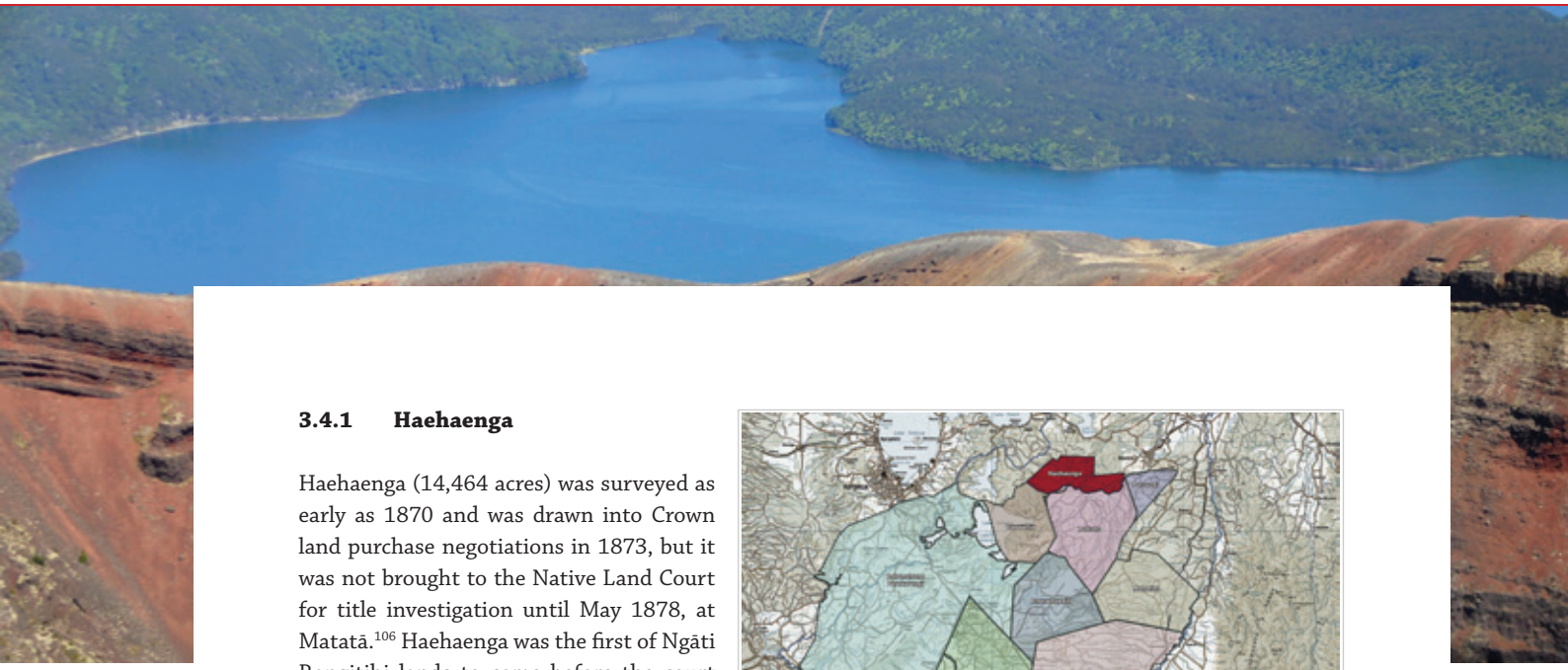
Haehaenga
Putauaki
Pokohu
Matahina
Rerewhakaitu
Kaingaroa 1
Kawerau
Murupara
Galatea
Te Mahoe
Matahina
Waiohau
Kopuriki
Horomanga
Kaingaroa Forest
Kiorenui Village
Wairapukao
Lake Rotoma
Lake Matahina
Lake Aniwaniwa
IKAWHENUA RANGE
RAUNGAEHE RANGE
Rangitaiki River
Te Teko
Onepu

As set out in Table 2 (below), Crown purchasing of the lands awarded to Ngāti Rangitihi – combined with a far smaller area of private purchasing – quickly reduced the tribe's remaining lands to a fragmented remnant by 1900. With further purchasing after 1900, the lands awarded to the tribe were reduced by more than 92 per cent. The area of 17,385 acres remaining from these titles represents about two and a half per cent of the core lands set out in Table 1 (see page 23).

Table 2: Awarding and Alienation of Core Ngāti Rangitihi Lands

Titles Awarded	Area (acres)	Crown Purchase	Year	Private Purchase	Year
Lot 3 Matatā	84	–		–	
Lot 30 Matatā	3,834	3,834	1883		
Lot 73 Matatā (Omeheu)	307	307	?		
Matahina D	1,000	920	1907		
Matahina D		80	1966		
Kaingaroa 1	104,479	103,393	1881	974	1892
Kaingaroa 1				49	1917
Kaingaroa 1		44	1928		
Kaingaroa 1A	9,025	574	1927	8,451	1885
Paeroa East 1A	11,124	7,924	1887		
Paeroa East 1A		2,547	1895		
Paeroa East 1B	312			312	1883
Paeroa East 2A	1,700	1,504	1887		
Paeroa East 2A		106	1895		
Paeroa East 2B	4,292			4,292	1883
Pokohu A	6,870	6,229	1915		
Pokohu A		785	1966		
Pokohu B	11,440	750	1884		
Pokohu B		10,690	1966		
Ruawahia	22,990	18,341	1898		
Ruawahia		99	1966		
Rerewhakaitu 1	26,200	21,275	1895		
Rerewhakaitu 2	9,000	9,000	1881		
Rotomahana Parekarangi 5A	268				
Rotomahana Parekarangi 5B	7,666	398	1956	328	1913
Total	**220,591**	**188,800**		**14,406**	
Total Purchases	**203,206**				

The remaining sections of this chapter set out the fate of Ngāti Rangitihi lands at the hands of the Native Land Court and Crown and private purchasers.



3.4.1 Haehaenga

Haehaenga (14,464 acres) was surveyed as early as 1870 and was drawn into Crown land purchase negotiations in 1873, but it was not brought to the Native Land Court for title investigation until May 1878, at Matatā.[106] Haehaenga was the first of Ngāti Rangitihi lands to come before the court and, like several other of their blocks, it was brought before the court not by them or for their benefit, but by other iwi already committed to alienating the land.

Haehaenga was claimed by several individuals for Ngāti Tarawhai. The (unfulfilled) intention of the claimants was to sell a large part of Haehaenga to the Crown; something that Ngāti Rangitihi were aware of long before the title investigation. Haehaenga is bounded by Ngāti Rangitihi river, Tarawera, and was significant land for them. In 1873, when Ngāti Rangitihi heard of the Crown's intention to transact their land with other iwi without regard for Ngāti Rangitihi interests, they wrote to Native Minister McLean to object. They told him that "most our lands" were already subject to Crown offers or, as Huta Tangihia put it, "have passed into the hands of Messrs Davis and Mitchell," the Crown's leading land purchase agents in the district. Huta emphasised: "The only portion retained by us being the Haehaenga which we reserved for agricultural purposes and for the depasturing of horses, cattle, and pigs." After setting out the boundaries of the Ngāti Rangitihi portion of Haehaenga, he warned: "If we shall discover any person selling that land to the Government we will quarrel with him," referring to Rangitukehu of Ngāti Awa, who was understood to be "endeavouring to sell that land to the Government."[107]

McLean was advised by his officials that the two purchase agents, "are the best judges of what and how much land it is proper and prudent for them to buy, and that the Native owners are sufficiently alive to their own interests not to sell more than they can safely spare."[108] This was even though Mitchell and Davis had been instructed to purchase as much land as possible, as cheaply as possible in the wider district, and were incentivised to do so by being paid on a commission basis.

In November 1873, Mitchell and Davis discussed Haehaenga at a meeting in Matatā with "all of Ngāti Rangitihi," although they reported nothing of what was said.[109] By March 1874 Ngāti Tarawhai and other groups claiming Haehaenga had offered to lease the block as well as Okataina and other lands to the Crown. Mitchell and Davis were aware that Ngāti Rangitihi had customary interests in these lands.[110] In 1874 Porione Tangihia affirmed those interests when he wrote to the Māori newspaper *Te Wananga* to object to the Crown offering – and Ngāti Tarawhai accepting – money for Haehaenga as this was land that belonged to Ngāti Rangitihi. Porione was responding to the Crown having paid pre-title advances – or ground bait – on the land and then proclaiming Haehaenga as being under negotiation.[111] This prevented any Māori owner or claimant from dealing with anyone but the Crown for the land, even if they only wanted to lease the land or sell flax or timber from it. Porione wrote that Te Haehaenga was, "like a cupboard from my ancestors, forefather, father,

106 ML 3091, . Land Information New Zealand.
107 Huta Tangihia to Donald McLean, 2 October 1873. MA-MLP 1/1874/31. Archives New Zealand.
108 G. S. Cooper memorandum, 25 November 1873. MA-MLP 1/1874/31. Archives New Zealand.
109 Mitchell and Davis, 'Diary of Operations; 1873-1874. MA-MLP 1/1874/227. Archives New Zealand.
110 Wai 1200 #A54, p.71.
111 AJHR, 1874, C-4, pp.8-10; and AJHR, 1876, G-10, pp.10-20.

down to me, and my child." The land was, "like the verandah of a house, my ancestors flag shall stand there from then to now."[112] Te Haehaenga was not only an important place to Ngāti Rangitihi for food-gathering, it was also important in defining the northern limit – the "verandah" – of their Rotorua lands below the 1866 confiscation line, which adjoined Haehaenga.

In April 1875 Mitchell and Davis reported on their progress with the Crown's lease of Haehaenga; a lease that was, like other Crown leases, merely the bait – the purchase was the hook. They had ascertained that the tribes interested in the land included Ngāti Rangitihi, some of whom lived on Haehaenga.[113] The rent was to be £100 per year (although no rent was payable until title was determined).[114] In 1877 they reported that one set of claimants (Ngāti Tarawhai) wanted to bring the title to the Native Land Court for investigation, as they were already committed to selling a part of the land to clear the survey debt and the advances the Crown had paid.[115]

Accordingly, the Ngāti Tarawhai claim to Haehaenga came before the Native Land Court in 1878, when it was strongly opposed by Ngāti Rangitihi (claiming as Ngāti Te Apiti). Despite being opposed to Ngāti Tarawhai in this case, in other blocks not far from Haehaenga the connections between the two tribes were evident. For instance, when Matahina Block was heard, Anaha Te Rahui (who claimed as a rangatira of Ngāti Tarawhai in Haehaenga) claimed as Ngāti Rangitihi, and when the nearby Pokohu Block was heard, Ngāti Rangitihi acknowledged their strong links to Ngāti Tarawhai.

Niheta Kaipara led the Ngāti Te Apiti (Ngāti Rangitihi) claim, testifying that they lived on Haehaenga, especially near the Tarawera River, notably at Te Papamaenene, a kāinga in the southwest part of the block near Lake Tarawera and the River.[116] He named three kōkōwai pits on the block that Ngāti Rangitihi controlled and used, one of which was near Te Papamaenene. The importance of the Tarawera River was also noted by Niheta who told the Court that it was an important source of tuna, a resource that was, "made sacred by these people... to prevent any one else from working there without our consent. The same rules have been preserved down to the present time, when our claim is disputed by [the] claimants." The favoured fishing spots of Ngāti Te Apiti and another Ngāti Rangitihi hapū, Ngāti Hinerangi, were named, such as: Mahangamanu; Te Totara; Pakipaki; and Te Upokotarariki.[117]

The tōtara at Ngarararua and the manu of the forest preserved on Haehaenga were valued and protected by Ngāti Te Apiti. As Niheta told the Court, "We have always worked upon this land, catching birds and planting potatoes." He had worked the land when he was a boy, cultivating at: Horopapa, Takapou, Wamatemate, "Tamaaka" (probably Otamaka, on the Tarawera River), Te Waipupumahara, and Tauwharepurakau.[118] He informed the Court that the name Ngarararua came about after Taharangi (who briefly lived on part of the block) killed a ngarara with two tails. The ngarara was a mokai of Murimanu (a Ngāti Rangitihi ancestor).[119] The eponymous ancestor of Ngāti Te Apiti occupied Purehua Pā on Haehaenga until he died at Tarawera and his descendant Te Rangiwhakatara held the mana of Haehaenga, but Niheta noted the boundary "as against Ngāti Tarawhai" had been settled by Te Apiti before his death. Ngāti Tarawhai had not hindered Ngāti Te Apiti in their occupation of Haehaenga since the time of Te Apiti.[120] Although Te Apiti was not buried on Haehaenga but on Ruawahia (where Ngāti Rangitihi placed many of their dead for generations), Arama Karaka Mokonuiarangi noted that the significant ancestor Tangihia was buried on Haehaenga as "his mana is there."[121]

112 Porione Tangihia, Matatā, to the Editor, 7 September 1874, in *Te Wananga,* 24 October 1874, pp.27-28.
113 Mitchell and Davis, 'Summary of Land Transactions', April, 1875. MA-MLP 1/1875/146. Archives New Zealand.
114 AJHR, 1876, G-10, p.17.
115 Mitchell to Native Department, 30 June 1877. AJHR, 1877, G-7, p.12.
116 ML 3091. Land Information New Zealand.
117 Maketu MB 2, p.191 (see also ML 3091, LINZ).
118 Maketu MB 2, p.190.
119 Maketu MB 2, p.194. Anaha Te Rahui of Ngāti Tarawhai told a different, and obviously concocted, version of the origins of the name Ngarararua, stating blandly that it was where two ngarara were caught.
120 Maketu MB 2, pp.195-197.
121 Maketu MB 2, p.207.

One of the ancestors of Haehaenga was Te Ngaro, who was cited in the claims of Ngāti Tarawhai and those of Ngāti Rangitihi. Niheta gave his whakapapa from Te Ngaro, which also included Mokonuiarangi.[122] Niheta explained that his ancestors Matuku and Kopuoika (a great-grandparent of Mokonuiarangi) had lived and died on Maungawhakamana, a hill that marked the boundary between Haehaenga and the confiscation district, "and the mana of all this land descended through Rimupaea to us." The Kaipara stream (a name carried by Niheta Kaipara) ran through the block and marked one of the Ngāti Te Apiti boundaries within the block.[123]

Arama Karaka listed a few of the Ngāti Rangitihi settlements in and adjacent to Haehaenga: "Te Tatau, outside southwest line; Kowhatamahutahuta, outside of line south of [Tarawera] river; Te Mahanga Manu; Kopuaroa; Te Totara; Tumutara, on both sides of river; Pakipaki, on north side of river; Ngahuinga, on both sides of river; Te Ramarama, on north side of river; Otamaka, inside of [survey] line; Tauwharepurakau, inland; Te Mauku, inland; Huratoke, a settlement named for catching birds." Arama Karaka's father had lived at Tauwharepurakau, which was also where the tōtara called Rangiwhakatara (belonging to Mokonuiarangi) was located, as well as another named tree, Wharetaroa. Another inland kāinga was Te Mauku, where Arama caught birds and grew potatoes.[124]

Niheta was certain that Ngāti Tarawhai "have never been on the land at all – they have never caught eels, worked the kōkōwai pits, nor cultivated on the land" within Haehaenga as claimed by Ngāti Te Apiti (although a small part in the north of the block was occupied by those associated with Ngāti Tūwharetoa). No one, he added, could use the land or its resources in the time of Mokonuiarangi, "except with his consent." Mokonuiarangi's mana passed to Kahukore, Moko's youngest child, ensuring that Ngāti Rangitihi retained control of the land (Kahukore was one of those killed in the fighting over Te Ariki in the 1850s). When Anaha Te Rahui referred to his people's cultivations at Kowhetewhete (in the western part of the block), Niheta responded that these had been worked secretly and only very recently. He said that they dated from only a few years before the title investigation, during a time when many local Ngāti Rangitihi had joined their kin at Matatā. Referring to the survey of Haehaenga by the claimants (rather than by Ngāti Rangitihi), Niheta said he would have challenged the survey when it was made but was away at a Native Land Court sitting at Taupō. Porione Tangihia had remained behind and did object to the survey, but the law did not allow him to prevent it.[125]

The reference to the death of Kahukore in the fighting over Te Ariki in 1853-1854 was expanded upon by Niheta. He added that it was only after Ngāti Rangitihi were weakened by the struggle with Tūhourangi over Te Ariki that Ngāti Tarawhai sought to intrude on Haehaenga. In 1856 Wi Matene began to claim Haehaenga, leading to a big hui at Okataina, where it was proposed to Ngāti Rangitihi that Arama Karaka Mokonuiarangi be made "chief over all this land through Te Hou, Tūwharetoa, and Tarawhai, and he was to consider himself a Ngāti Tarawhai." This distortion of Ngāti Rangitihi whakapapa was rejected, as the rights of Arama Karaka were not derived from Ngāti Tarawhai, but the rival claims persisted down to the Native Land Court era.[126]

Henare Te Rangi also gave evidence for Ngāti Te Apiti, testifying that Mokonuiarangi had set up a rāhui over the tuna of the Tarawera River and the kōkōwai on Te Haehaenga for "his tribe, Ngāti Rangitihi." It was, he told the Court, "rich land," and partly covered in bush. He also noted that part of the river valley (from Otamuri to Papamairere [Papamaenene]) was occupied by Ngāti Mahi; "they are of Rangitihi and spring from Rakeiao."[127] Kerei Te Rangihiroa was another witness for the counter-claimants, identifying himself as Ngāti Te Apiti of Te Wairoa; meaning he was associated with the descendants of Te Apiti who had aligned with Tūhourangi. Even so, he agreed that Arama Karaka Mokonuiarangi "is the principal owner, and has been in my day."[128]

122 Maketu MB. 2, p.206. Note that the whakapapa shown on p.206 has been poorly recorded, with siblings shown along a vertical line of descent, instead of along a horizontal line usually used to show siblings. By way of comparison, see Whakapapa 4 in, 'Ngāti Rangitihi Whakapapa Book', 2011.
123 Maketu MB 2, pp.190 and 193.
124 Maketu MB 2, pp.204-206.
125 Maketu MB 2, pp.191 and 197-198.
126 Maketu MB. 2, p.196.
127 Maketu MB 2, p.211.
128 Maketu MB 2, p.212. Note that the witness omitted the generation between Murimanu and Hineteao; see Whakapapa 5, in Keri Tawhio, 'Ngāti Rangitihi Whakapapa Book', 2011.

Kerei referred to fighting with Ngāti Awa that extended to Te Haehaenga, but said no one was killed on the block, which through it all remained in the occupation of Te Apiti.[129]

Abraham Warbrick, related to Ngāti Rangitihi through a chiefly marriage, testified as to what he knew about Ngāti Rangitihi occupation and use of Haehaenga since his arrival among them at Matatā in the 1840s. He knew of their seasonal occupation at Ngarararua while hunting birds, and had seen Arama Karaka Mokonuiarangi on the block. Warbrick recalled the death of Patuwhare, whose body was washed down the river along Haehaenga, at a time (about 1848) when a Ngāti Rangitihi rāhui (marked by a pou) was maintained by Kahukore (Warbrick's father-in-law) at Paringawaka. At the time, a large number of Ngāti Whakaue were permitted to camp near Tumutara to catch tuna for Patuwhare's tangi.[130]

Rota Rangihoro of Ngāti Pikiao/Ngāti Makino was also called as a witness. He told the Court he was also of Ngāti Te Apiti, which explains his connection to Ngāti Rangitihi and why he testified for their claim. He referred to Kahukore demanding, and obtaining, payment from another tribe for a tree on Haehaenga it wrongly felled by them. His evidence was treated as hearsay by the Court, for he made the mistake of saying, "I heard that there was a kōkōwai pit at Kaipara called Tuhiatiariharara[sic], it belonged to Te Ngaro with the land [ad]joining." The underlining of 'heard' by the Court indicates it did not treat this statement as evidence.[131]

Another witness was Merepeka Haerehuka of Ngāti Whakaue at Maketu. She testified about a tōtara felled on Haehaenga for the waka Tipiwhenua, as her father had been involved in getting the timber and building the waka in the 1830s. Merepeka recalled that she had not seen Anaha of Ngāti Tarawhai when she accompanied her father to get the tōtara. It was about this time that Ngāti Mahi and Ngāti Te Apiti built whare on the land. She also referred to "Ngāti Hingarangi" living on the land; meaning Ngāti Hinerangi. Merepeka's father Haerehuka was linked to Ngāti Rangitihi through marriage, and fought alongside them in the battles over Te Ariki in 1853.[132] Merepeka explained the connection: Mokonuiarangi's daughter "Parerautiti [Pareraututu]" was married to "Kanapu," a son of Haerehuka.[133] When his daughter was with child, Mokonuiarangi gifted some land at Ngarararua to Haerehuka (although the gift did not extend to Kaipara stream, and nor did Ngāti Mahi consent to it). Yet the land was retained only briefly; when Haerehuka's mokopuna died shortly after birth, "the land returned to the giver."[134]

In response to the Ngāti Rangitihi claim, Ngāti Tarawhai told the Court that Arama Karaka's claim was a relatively recent one and arose from Ngāti Rangitihi exclusive control of the tuna in the Tarawera River, something that Anaha Te Rahui of Ngāti Tarawhai freely acknowledged, saying of Mokonuiarangi:

> *He first sought the sole right of catching eels in the river... he remained in possession of the river during the time of the disputes until Matene and I gave up... We disputed about the river, [but] at the time of the rahui he had the mana over the river.*

Despite Ngāti Tarawhai objections, Ngāti Rangitihi could not be dislodged and then assumed control over the land and forest north of the River.[135]

129 Maketu MB 2, pp.211-213.
130 Maketu MB 2, p.214.
131 Maketu MB 2, pp.214-215.
132 Ballara, p.347.
133 Reverend Chapman also noted Haerehuka's marriage links to Ngāti Rangitihi (Thomas Chapman journal, 29 April and 3 June 1853. Cited in Ballara, p.347).
134 Maketu MB. 2, pp.215-216. The lack of issue is probably why this marriage does not feature in Ngāti Rangitihi whakapapa. Another reason could be that Haerehuka's son was killed in the fall of Maketu in 1836 (Ballara, p.313). However, another marriage of Pareraututu, to a Tūhoe rangatira, is recorded; it resulted in a child, Akuhata Te Hiko (Whakapapa 3, in Keri Tawhio, 'Ngāti Rangitihi Whakapapa Book', 2011).
135 Maketu MB. 2, pp.216.

Ngāti Rangitihi extensive customary rights were openly acknowledged by the claimants, but Anaha then insisted that their claim was only acceptable to him if it came through the ancestor Te Ngaro: "I object to his claim through Te Apiti." Similarly, Hohepa Rokoroko (a man who had earlier admitted he was very much junior to Arama Karaka) testified that Ngāti Tūwharetoa (ki Kawerau) had earlier told Niheta Kaipara he could take timber from Haehaenga as a descendant of Te Ngaro but not as Ngāti Te Apiti.[136] It was admitted that Ngāti Rangitihi occupied the land, used its resources, and controlled the river running beside it, so it was for them to say on what descent they relied. In any case, they had already given whakapapa and evidence explaining their descent from both Te Ngaro and Te Apiti, and how each ancestor was important for different parts of the land.

In contrast, Wiremu Matene Te Huaki of Ngāti Tūwharetoa testified as to Mokonuiarangi's customary rights over the river, which he said were demonstrated by the rāhui Ngāti Rangitihi placed at Paringawaka. In Wiremu's view, "those rights were exercised through Te Apiti," extending from Papamaenene to Hauturu. Even so, Wiremu did object to rights being asserted through Te Apiti further downstream, where in his view Te Ngaro was more influential.[137]

The evidence revealed the connections between the claimants (Ngāti Tarawhai and Ngāti Tūwharetoa) and the counter-claimants (Ngāti Rangitihi), but the basis of their respective rights was far from agreed. This was confirmed by the appearance of Mikaere Wharerau for the claimants rather than for Ngāti Rangitihi; Mikaere said he was of Ngāti Mahi and lived at Tarawera but he claimed in Haehaenga with Ngāti Tarawhai through the ancestor Hou.[138] Yet when Mikaere testified in the adjoining Pokohu Block (across the Tarawera River from Haehaenga), it was as Ngāti Rangitihi and on the basis of his descent from Te Apiti, while giving his hapū as Ngāti Tarawhai and Ngāti Koira of Ngāti Rangitihi.[139] Rather than undermining Ngāti Rangitihi customary interests, this goes to emphasise how closely connected the people of Haehaenga were.

In response to the evidence, the Court observed that those asserting interests in Haehaenga "are all nearly related," but that the land was not permanently occupied by any of them; instead being used on a seasonal basis for the resources it contained. It noted the "very conflicting" evidence and "very angry feelings aroused" by the case, but concluded "on the whole" that the descendants of Hou, Te Ngaro, and Tūwharetoa were the original owners and as they had (supposedly) not been dispossessed, it awarded title to "all the descendants of Hou, of Te Ngaro, and of Tūwharetoa."[140]

In the Court's view, Te Apiti's victories in battle only gave him rights to the land on the south bank of the Tarawera River (notably the Pokohu Block). However, the Court agreed that Mokonuiarangi was a descendant of Te Apiti and exercised mana over the River , "and most likely over the land on both its banks." It agreed that he was "a very powerful chief" but deemed that, "he not only represented Te Apiti, but united in himself the mana of many great ancestors." Despite agreeing with Ngāti Rangitihi (and other claimants) that Mokonuiarangi had the mana, the Court turned this against his descendants; concluding that "his exercising such powers, therefore, does not at all establish the rights of Te Apiti on the north side of the river."[141] Regardless of which tupuna the Court (not Ngāti Rangitihi, it seems) decided was the source of Mokonuiarangi's mana, it decreed that the mana was his alone and somehow did not pass to his Ngāti Rangitihi descendants, even though they had maintained his mana over Tarawera River and large parts of Haehaenga. The Native Land Court's failure to comprehend the customary rights to Haehaenga resulted in Ngāti Rangitihi being largely stripped of their rights to Te Haehaenga.

136 Maketu MB 2, pp.224-225 and 237.
137 Maketu MB 2, pp.240-242.
138 Maketu MB 2, p.229.
139 Whakatane MB 1, p.213.
140 Maketu MB 2, p.245.
141 Maketu Native Land Court Minute Book No. 2, p.245. Emphasis added.

After 10 days of evidence, the award was reported to be "to the great disgust" of Ngāti Rangitihi, "who talk of applying for leave to appeal."[142] Or, as another report put it: "Much excitement and disappointment was displayed... at the decision of the Court, and application was made for an appeal to the Government, to obtain a rehearing of the whole case. The application was not favourably received by the Court."[143] The press reports were a bit ahead of events; in the first instance, Ngāti Rangitihi applied immediately to the Chief Judge for a rehearing, who simply referred the matter back to Judge Heale, who had presided over the Haehaenga case. Heale insisted that the matter was "gone into so thoroughly that the Court is quite satisfied of the correctness of its judgment according to the evidence adduced." The Chief Judge declined to approve a rehearing based on this statement. [144]

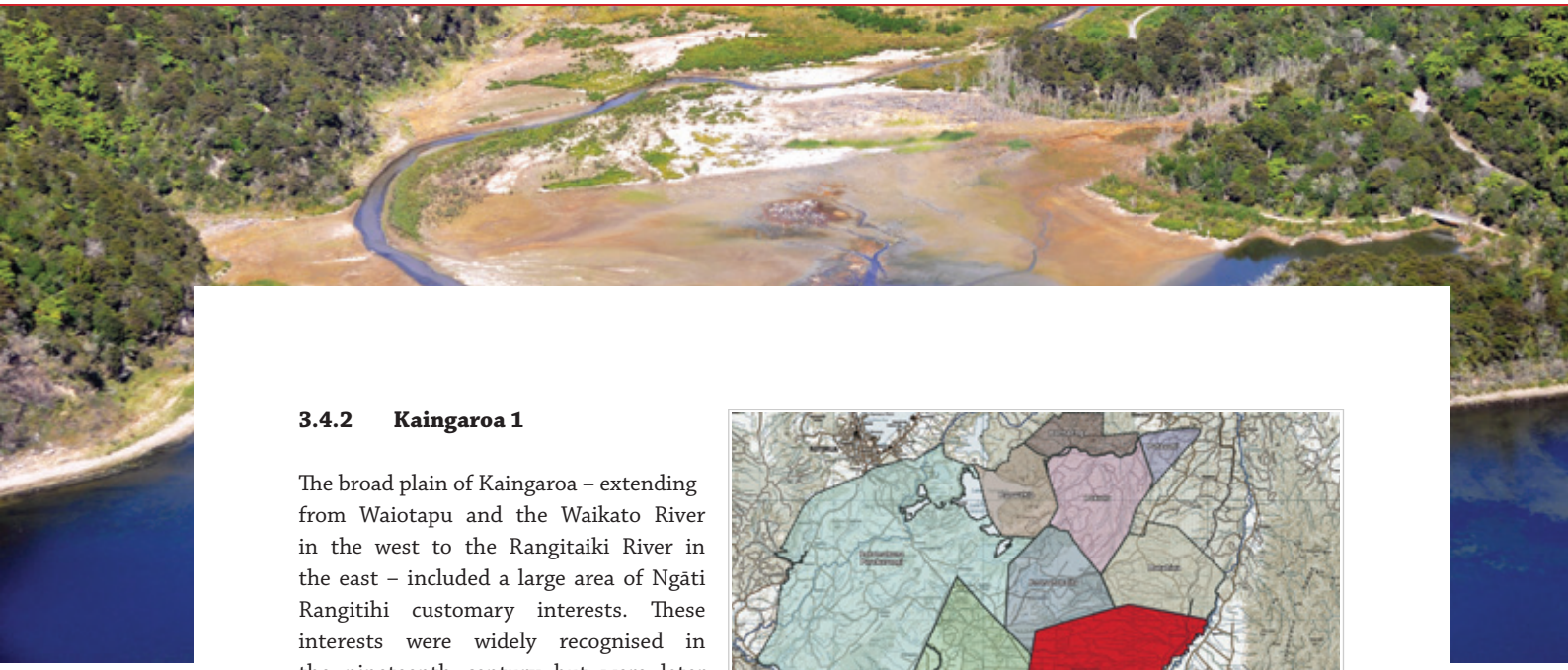
Arama Karaka and others then petitioned Parliament for a rehearing. Their petition was considered by the Native Affairs Committee in October 1878, but it simply noted that their request for a rehearing had already been declined by the Native Land Court on the grounds that the hearing was, according to the judge who heard the case, "full and complete." The Committee therefore declined to recommend a rehearing, or refer the matter to Government for consideration.[145] The closed, circular system simply ignored any complaints made about it and refused to hear the appeal. There was no facility for an independent inquiry or a right of appeal to the decisions of the Native Land Court. There was no inquiry, by the government, the Court, or the select committee, into the merits of the Ngāti Rangitihi case.

The Court's award appeared to be sufficiently broad to include many Ngāti Rangitihi who had rights in Haehaenga, as they descended from some of these ancestors, as did Ngāti Tarawhai. The problem with the award was that it referred only to descent, not to occupation, so it proved difficult to restrict the ownership to those with occupation rights rather than merely an ancestral connection to the tupuna named by the Court. As a result, after three days of "great discussion and confusion," the Court had to refer the ownership list back to the parties to settle amongst themselves. Then it was finally ready to order title in the names of just 33 individuals, comprising 12 of Ngāti Hou, 14 of Ngāti Te Ngaro, and seven Ngāti Tūwharetoa. The Ngāti Hou list included Anaha Te Rahui (who elsewhere referred to himself as Ngāti Rangitihi) and the Ngāti Te Ngaro list included Mikaere Wharerau of Ngāti Mahi (of Ngāti Rangitihi).[146]

The small number of owners on the title was a means to ensure the land could be readily alienated, as intended by Ngāti Tarawhai. Haehaenga was immediately leased to "a gentleman from the south," later named as Henderson.[147] The title was then subdivided in 1885 as the bulk of it had been purchased by Thomas Buddle, who was then awarded Haehaenga 4 (7,860 acres) and Haehaenga 5 (2,000 acres), having paid £1,014 and £230 for each block respectively (an average of just two shillings sixpence per acre for nearly 10,000 acres). The main remaining block, Haehaenga 1 (3,560 acres) was set aside as inalienable, however the Crown still sought to purchase it in 1909 and the land was later privately purchased under Crown auspices in 1918. Only the reserves Haehaenga 2 (400 acres), 2A (200 acres) and 3 (four acres) remain in Māori ownership.[148]

The fate of one other part of Haehaenga affirms Ngāti Rangitihi interests in the land. In 2014, the Māori Land Court set aside an area of 1.7448 hectares of previously alienated Haehaenga land as a Māori reservation, to protect a wāhi tapu. This was for the use and benefit of the descendants of Ngāti Tūwharetoa ki Kawerau, Ngāti Hau (Hou), and Ngāti Te Ngaro "being hapū of Te Arawa (closely affiliated to Tūhourangi and Ngāti Rangitihi)."[149] The Ngāti Rangitihi connections of Ngāti Te Ngaro were not so freely acknowledged in 1878 although they existed just as surely then, even if the Native Land Court was unable to recognise them.

142 *Auckland Star,* 1 June 1878, p.2.
143 *Thames Advertiser,* 3 June 1878, p.3.
144 Native Affairs Committee. Le 1/142/1878/6. Archives New Zealand.
145 AJHR, 1878, I-3, p.15.
146 Maketu MB 2, pp.245-246.
147 *Bay of Plenty Times,* 22 June 1878, p.3, and 26 June 1878, p.3.
148 Haehaenga Block History, Crown Forestry Rental Trust, 2004.
149 The land is a hill beside the Mangakotukutuku stream on what was Haehaenga 1 (possibly the location marked on the title plan and referred to in evidence as Ngarararua (ML 3091/1, LINZ). See Te Haehaenga Reserve, Lot 1 DP 452539.



3.4.2 Kaingaroa 1

The broad plain of Kaingaroa – extending from Waiotapu and the Waikato River in the west to the Rangitaiki River in the east – included a large area of Ngāti Rangitihi customary interests. These interests were widely recognised in the nineteenth century but were later overlooked by most during Treaty claims' research, hearings, and settlements. It is only very recently that historical research, claimant evidence, and the central North Island (CNI) mana whenua process has led to Ngāti Rangitihi interests being belatedly acknowledged. Those interests have always been evident in the traditional and historical record for those who cared to look. Certainly, the Crown has not considered Ngāti Rangitihi interests in Kaingaroa to be significant; its shrunken understanding of the Iwi rohe incorrectly excludes Kaingaroa (just as it incorrectly excludes customary interests at Matatā).

Prior to the colonial era, Kaingaroa was undivided and not permanently occupied by any tribal group. It was instead used for seasonal gathering of food and other resources. It was also an important route for trails running from east to west and north to south, which linked the tribal districts around it. Parts of the land held resources valued by Māori. This included small areas of forest in which birds and kiore were hunted, and from the early nineteenth century stock was run on the rough grass of the plains (firstly pigs, then later cattle and horses). Even so, the settlement in the district was clustered near the rivers and wetlands that fringed (and in some places, traversed) the bleak plains. Tuna, pārera, and harakeke were gathered from these waterways and wetlands on a seasonal basis by those holding the customary rights to the land and its resources.[150]

There were no permanent kāinga on the plains, and the few whare put up were little more than temporary shelter for passing travellers or hunting parties: Referring to the shelters at Wairapukao (a large wetland and a key boundary point between Ngāti Rangitihi and Ngāti Tahu, and between Kaingaroa 1 and 2, just west of the Rangitaiki), Hare Reweti Te Kume of Ngāti Tahu noted that there was no other food on the plains: "There is nothing there to sustain human life, no fern root... nothing... which would induce anyone to live there, nothing but pumice and rushes."[151] Hakopa Takapou of Ngāti Rangitihi also used the land for pig hunting, as much of the open country was only fit for that purpose, saying "I do not know that it ever grew fern root worth digging."[152]

Ngāti Rangitihi interests were initially made evident to the Crown when it first sent an official to the area in 1862, although it did not long remember these interests. When C. Hunter Brown visited the wider district (including northern Te Urewera) his guide was Arama Karaka Mokonuiarangi but he did not take Brown across the "long, dry, gently-sloping upland... called Kaingaroa," as it was uninhabited and "very poor country."[153] Customary rights on the Kaingaroa plain were not sharply delineated but were instead shared by the tribes whose main areas of permanent occupation were in the lands adjoining Kaingaroa. As Arama Karaka explained to Brown, part of the plain was "claimed partly by the Taupō Natives and partly by the

150 Waitangi Tribunal, *He Maunga Rongo,* pp.61-62, and; Ballara, pp.349-50.
151 Taupō MB 1, p.18.
152 Opotiki MB 1, pp.284-7.
153 C. Hunter Brown report, June 1862. AJHR, 1862, E-9, Section 4, pp.23-4.

Urewera." In other parts of Kaingaroa the land was shared by some tribes of the Rotorua district and those of Te Urewera. As Arama advised Brown, "there would be some difficulty in fixing the boundary between Ngāti Rangitihi and the Ngāti Manawa of the Urewera, because the two tribes were so closely connected," illustrating his remark by dovetailing together the fingers of his two hands.[154]

The closeness of the connections between Ngāti Rangitihi and Ngāti Manawa – through the hapū Ngāti Hape and Ngāti Hinewai – continued to be evident during the colonial era, despite that era's focus on defining and fixing boundaries between tribes to facilitate land dealings. Peraniko Te Hura of Ngāti Manawa later recalled that as early as 1864 he had pointed out the boundaries of his tribe's Kaingaroa claim to government officials resident in the Bay of Plenty, T. H. Smith and H. T. Clarke. The government subsequently placed Ngāti Manawa at Motumako on Kaingaroa 1 (to act as a bulwark against any westward incursions by Kingitanga or Pai Marire to the east), supplying them with money for food.[155]

3.4.2.1 Early Private Leasing of Kaingaroa

In the wake of the New Zealand Wars of 1863-1866, it was private purchasers rather than the Crown who briefly sought to gain a foothold on Kaingaroa. There was a short leasing boom during which early runholders sought to identify who held customary rights and to define those rights in surveys, titles, and leases. The boom was brought to a sudden end by the arrival of Te Kooti and the Whakarau in the district in 1869.[156]

Ngāti Rangitihi were drawn into the leasing boom when they were a party to the very first lease over Kaingaroa; a lease almost entirely overlooked in earlier research.[157] The lease took in all of what was later defined as Kaingaroa 1, as well as extending further west to the Waiotapu River (taking in part of Paeroa East) and north to Rotomahana (taking in parts of Rotomahana-Parekarangi, Rerewhakaitu, and Matahina Blocks); an area in excess of 150,000 acres.[158] The lease was arranged with Arthur Seymour, an early Marlborough settler. Seymour was a provincial politician until the mid-1860s, when he was appointed to the Legislative Council, serving there until 1872. It was during his time as a Legislative Councillor that he became involved in central North Island leasing, joining other influential political and military figures (such as William and Gilbert Mair, Josiah Firth, Defence Undersecretary Holt, Legislative Councillor Chaytor, Colonel Whitmore, and Captain St George) in seeking to gain a foothold in the district.

In February 1868. Seymour was a Seymour, together with fellow Legislative Councillor Tetley, visited the Taupō and Kaingaroa area. They were accompanied by the interpreter Warbrick (who was married into Ngāti Rangitihi) and the land agent Young (who later worked for the Crown in the district).[159] Surveyors and agents were in the area in anticipation of the Native Land Court sitting scheduled for April 1868. Warbrick's presence had been noted as early as January 1868, when another early runholder, Captain St George, was under the impression that Warbrick was to assist him in securing more Kaingaroa lands[160] (in addition to Kaingaroa 2, which St George was already leasing from Ngāti Tahu). It was reported that Seymour and Tetley had "succeeded in leasing from the Natives' extensive runs" in the district. They came back to the area with Warbrick in March 1868 for a brief visit before returning to Wellington.[161] At the end of March, Seymour noted in his diary that he was working in the lands office for two days on plans of the Kaingaroa and other leases in which he, Tetley, and Chaytor[162] were involved.[163]

154 C. Hunter Brown report, June 1862. AJHR, 1862, E-9, Section 4, pp.23 and 26.
155 Opotiki MB 1, pp.192-7
156 Waitangi Tribunal, *He Maunga Rongo,* p.555.
157 See, for instance, Waitangi Tribunal, *He Maunga Rongo,* Appendix 1.
158 Sketch map of Bay of Plenty and Taupō, May 1869, Geographical Board Map No. 385. LINZ, reproduced as Map 10.1 in, Waitangi Tribunal, *He Maunga Rongo.*
159 *Wellington Independent,* 17 March 1868, p.5.
160 St George diary, 24 January 1868. MS 1842-1845. Alexander Turnbull Library. Cited in Wai 1200 #A71, p.41.
161 *Wellington Independent,* 17 March 1868, p.5.
162 Chaytor sought to lease land west of the confiscation boundary, extending from Maketu south to the eastern corner of Rotoiti and across to Rotoma (see Sketch map of Bay of Plenty and Taupō, May 1869, Geographical Board Map No. 385. LINZ, reproduced as Map 10.1 in, Waitangi Tribunal, *He Maunga Rongo).*
163 Seymour diary, 30 and 31 March 1868. MS 1873. Alexander Turnbull Library.

In March 1868, St George accused Warbrick of "playing double," by liaising with Seymour for a lease of "lower Kaingaroa" (that is, northern Kaingaroa), when St George believed he and his business partner were to secure that lease through Warbrick.[164] Warbrick was in fact acting on behalf of Arama Karaka Mokonuiarangi and Ngāti Rangitihi – to whom he was related by marriage – rather than St George or Seymour. After the Kaingaroa 2 Block was heard by the Native Land Court in April 1868, St George was again displeased by Ngāti Rangitihi involvement in Kaingaroa leasing, as he believed he had lost the northern part of his lease block (Kaingaroa 2) to Ngāti Rangitihi.[165] This appears to have been the result of Arama Karaka objecting to the survey of Kaingaroa 2, and successfully arguing that the boundary between Ngāti Tahu and Ngāti Rangitihi should run from the mouth of the Torepatutahi stream (near Ohaki) across to Wairapukao (a valued wetland near the Rangitaiki River) and down to Arawhata Tawhito (on the Rangitaiki River).[166] Title to the northern Kaingaora lands being leased by Ngāti Rangitihi to Seymour was not investigated at the April 1868 hearing, but it was reported that the lease had been agreed (although in the absence of a legally - recognised title, it remained informal).[167]

Seymour made a further trip to the district in June and July 1868 to conclude the leasing arrangements (which were evidently not finalised in April). Seymour used his political connections; first meeting with de facto Native Minister J. C. Richmond[168] in Wellington about Native Land Court matters related to his lease, before calling on the influential Donald McLean in Napier. While staying with McLean, he arranged to obtain a flock of 1,000 sheep to begin stocking his Ngāti Rangitihi lease in Kaingaroa. He also liaised with Colonel Whitmore, another public figure involved in central North Island leasing (at Wharetoto, south of Runanga on the Napier-Taupō road), about stock prices and the best route along which to drive stock from Hawke's Bay.[169]

Seymour arrived at Tauranga by ship at the end of June, from where Warbrick escorted him overland to Matatā, stopping at Otamarakau to dine with Chaytor (who was informally leasing land inland of Otamarakau to Rotoma). On 1 July, Seymour met with Niheta Kaipara of Ngāti Rangitihi and the surveyor of the Kaingaroa lease, and Niheta explained the boundaries of the lease. The following day, the terms of the lease were formally agreed, a memorandum of lease signed, and Seymour agreed to pay a deposit. (Until title was issued, the lease itself was informal and could not be enforced by either party.) He returned to Tauranga with Niheta and Warbrick on 3 July and the following day he paid Ngāti Rangitihi a deposit of £100, also paying Warbrick £30 for his services.[170] He later recalled that during this visit Warbrick took him up Tarawera maunga, and he learned that the crater at its peak was highly tapu, "but not for the burial place of all the Natives. It was used only for the bodies of Chiefs and their families, who were placed on a ledge or shelf so cunningly hidden that European visitors could never discover it." Pounamu and other taonga were interred with the tūpāpaku. Warbrick told Seymour that the body of his late wife (a Ngāti Rangitihi woman of mana) had been taken to the top of Tarawera, and among the items interred with her was a watch.[171]

Evidently confident that title would be completed by the Native Land Court, Seymour began planning to occupy and stock his lease. However, following the attack on Matawhero by Te Kooti's forces in November 1868, the central North Island was seen as vulnerable and Seymour abandoned plans to stock his Kaingaroa run with sheep (which he had intended to run up from Marlborough in December 1868).[172] Facing the imminent arrival of Te Kooti in the Kaingaroa and Taupō district, the few sheep stations that had been set up in the area were abandoned in April 1869, and Seymour's lease was not occupied nor the lease itself maintained.

164 St George diary, 16 March 1868. MS 1842-1845. Alexander Turnbull Library; cited in Wai 1200 #A71, p.41.
165 St George diary, 8 April 1868. MS 1842-1845. Alexander Turnbull Library; cited in Wai 1200 #A71, p.47.
166 Taupō MB 1, pp.16-30.
167 *Nelson Evening Mail,* 18 May 1868, p.2.
168 In the wake of the New Zealand Wars, a hard-line Crown had done away with the position of Native Minister. Richmond's position in Cabinet was Commissioner of Customs but he was perceived as the minister responsible for Native matters.
169 Seymour diary, 24 and 27 June 1868. MS 1873. Alexander Turnbull Library.
170 Seymour diary, 30 June and 1–4 July 1868. MS 1873. Alexander Turnbull Library.
171 *Nelson Evening Mail,* 21 June 1886, p.4.
172 *Daily Southern Cross,* 7 December 1868,

Four years later Seymour turned to McLean for help and in October 1873, after discussing the matter with him, he sent McLean information about "my claim on Kaingaroa plains." With Crown purchasing then commencing in the district, Seymour was evidently eager to obtain some payment from the Crown for his interests (as other early lessees in the Taupō district had). He asked McLean to give his claim "favourable consideration, for till now I had never given up the idea of stocking that country as soon as ever it was safe to do so." He also sent McLean his "stamped agreement with the Natives and a tracing of the country leased to me," asking him to take care of the documents.[173] (These records have not been located.) The Crown's purchase agents Mitchell and Davis later asserted that Seymour had, in 1873, "relinquished" his agreements in favour of the Government.[174]

3.4.2.2 Crown Leasing of Kaingaroa

Seymour was right to be concerned about Crown dealings in Kaingaroa lands before title was determined. These were advancing in 1873, and there was also private competition for a lease of Kaingaroa from Gilbert Mair. As a war veteran who had fought alongside Ngāti Rangitihi and Ngāti Manawa, Mair had formed an especially close relationship with Ngāti Manawa while based at Fort Galatea on Kaingaroa 1 during the war.[175] In 1873, the protracted Rotomahana-Parekarangi hearings meant that Ngāti Rangitihi appear to have been excluded from a significant part of their lands in western Rotomahana and south towards Paeroa. Most significantly, part of the land around the much-disputed Te Ariki kāinga had been included in the award of Rotomahana-Parekarangi 6Q to Tūhourangi. Pererika Ngahuruhuru of Ngāti Whaoa received a £100 advance from Gilbert Mair for a lease of some Kaingaroa land, an area that seems to have included the southwest portion of Kaingaroa as well as the Paeroa lands Ngāti Whaoa had earlier sought to lease privately. This was said to be a Crown lease, even though Mair was not then employed by the Crown.[176] At the same time, Mair was still involved in his own private lease of Kaingaroa land from Ngāti Manawa.

Like the private runholders, the Crown used the 'bait the hook' approach; it initially sought to tie land up in a lease, with a view to securing the purchase later. Ngāti Rangitihi and other iwi preferred to lease rather than sell their lands, and the Crown gave the appearance of co-operating with this preference. However, it wanted to purchase land outright rather than lease it, and was only prepared to lease land to prevent private parties establishing interests in or competing for land it sought to purchase. The Crown's leases provided that Ngāti Rangitihi could not alienate any interest in the land to anyone but the Crown.[177]

The status of Mair's private lease from Ngāti Manawa was challenged by McLean in November 1873. In December that year, Mair agreed to hand over his lease to the Crown immediately. At the time, he claimed his lease negotiations had commenced in 1866, but later revealed that he had, in 1865, promised Ngāti Manawa he would lease their land from them, "when the proper time arrived." It was only in 1873 that he followed up on this undertaking by leasing the land, which he stocked with cattle in September 1873. Ngāti Manawa did not want him to leave, although other Kaingaroa right-holders (notably Ngāi Tūhoe) certainly did.[178]

In December 1873, another Crown agent, Henry Mitchell, paid Ngāti Rangitihi a £100 advance at Matatā on a government lease of Kaingaroa land.[179] This followed calls in October 1873 by Poia Te Otata and others of Ngāti Rangitihi for payments for Kaingaroa land near Fort Galatea and Motumako; requests that Mitchell and his associate Davis had deferred.[180] Mitchell and Davis evidently sought to pick up where Seymour had left off. Mair at first preferred to deal with Ngāti Manawa rather than Ngāti Rangitihi, but was eventually forced to acknowledge the interests of the latter.

173 A. P. Seymour to McLean, 15 October 1873. MS-Papers-0032-0569. Alexander Turnbull Library.
174 Mitchell and Davis Memorandum, 22 December 1874. MA-MLP 1 1874/500. Archives New Zealand.
175 Ngāti Manawa Deed of Settlement, 2.27.
176 Waitangi Tribunal, *He Maunga* Rongo, Appendix 1.
177 See Ngāti Manawa Deed of Settlement, 2.30.
178 Mair to McLean, 23 December 1873, 13 February 1874, and 8 June 1874. AJHR, 1874, G-9, pp.2-3.
179 Mitchell Cash Book. MA-MLP 7/19. Archives New Zealand. Cited in Wai 1200 #A37, p.225.
180 Mitchell and Davis, 'Diary of Operations', 1873-1874. MA-MLP 1 1874/227. Archives New Zealand.

Despite Mair having undertaken at the end of 1873 to act for the Crown, and despite being employed as District Officer, Mair continued to act for himself. In May 1874 he met with Ngāti Manawa to arrange a lease from them of about 136,000 acres of Kaingaroa land, with an annual rental of £250, on which the considerable deposit of £400 of his own money was paid. This put him in competition with the Crown's agent, Mitchell, as well as with another Crown agent, J. A. Wilson (whose focus was on adjacent land across the Rangitaiki River). In May 1874, Wilson accused Mair of trying to induce Ngāti Rangitihi to extend the boundary of the Kaingaroa lease up to Ruawahia, and of having offered them £100 to take a lease from him, apparently acting in his private capacity, rather than from the Crown. Ngāti Rangitihi refused the money, as they were already dealing with the Crown (through Mitchell) for the same land.[181]

It was only in June 1874 that Mair commenced negotiating a lease for the Crown of Kaingaroa land from Ngāti Manawa, despite another Crown agent – Mitchell – already being engaged with Ngāti Rangitihi in this task. Mair asserted that he could secure a better deal (from Ngāti Manawa) than Mitchell could (from Ngāti Rangitihi), adding that, "besides, I am pledged to see Ngāti Manawa out of this difficulty."[182] His alliance with them continued to distort the role of the Crown and the Native Land Court in Kaingaroa lands in later years. During 1874, Mair negotiated with Ngāti Manawa and others for a Crown lease of Kaingaroa, and in January 1875 the deed of lease for "Lower Kaingaroa East" (a block of about 136,000 acres) was signed with 89 individuals. Mair, and the Crown today, wrongly describe the lessors only as Ngāti Manawa.[183] The lease was not from Ngāti Manawa only. This is clear simply from the number of signatories (89), which was larger than the adult population of Ngāti Manawa (87).[184] That the 1875 lease was not only with Ngāti Manawa but also with Ngāti Rangitihi is obvious from the list of signatories, which includes Arama Karaka Mokonuiarangi of Ngāti Rangitihi.[185]

The existing research has characterised these pre-title leases (Crown and private) as relating only to Kaingaroa 1. However, it is apparent from the full extent of Seymour's lease, the reference to the Crown's attempt to extend the lease to Ruawahia, and the boundaries of the 1875 "Lower Kaingaroa East" Crown lease that, at various times land from Rotomahana Lake and Matahina in the north to Runanga Block in the south and Paeroa to the west was being treated as a single undefined land interest loosely called 'Kaingaroa'. For instance, the Crown's 1875 Lower Kaingaroa East lease commenced at the Matahina boundary point of Te Raepohatu and extended west across the Kaingaroa plains to Waitehouhi, before bearing south to Te Ahiwhakamura (a low flat ridge or hill), close to the northern and western boundary of Kaingaroa 1 as later surveyed. The 1875 lease also extended far further south than Kaingaroa 1, passing all the way along the plains in a long arc that ended on the Rangitaiki River, opposite the outlet of the Otamatea Stream on Runanga Block.[186] The 1875 lease took in part of Kaingaroa 2, as well as large parts of Paeroa East and part of Ngāti Rangitihi Rerewhakaitu and Matahina lands. These are all Ngāti Rangitihi lands.

The 1875 lease of Lower Kaingaroa East provided for a rental of £250 a year, and when the lease was signed an advance of £250 was paid to the signatories. Of this sum, £100 was shared out among representatives of other tribes attending the meeting at Galatea where the lease was signed.[187] Ngāti Manawa later acknowledged that Ngāti Rangitihi were among the recipients of this money (just as they had been among the signatories to the lease).[188] The advance was also said to have been to meet survey costs.[189]

181 *Daily Southern Cross,* 30 May 1874, and; Wilson to McLean, 1 June 1874. AJHR, 1874, G-9, pp.2-5.
182 Mair to McLean, 23 December 1873. AJHR, 1874, G-9, p.2.
183 Ngāti Manawa Deed of Settlement, 2.28.
184 Mair's 1874 census identified 123 Ngāti Manawa at Tauaroa and Karatia, of whom 87 were aged over 16 years (AJHR, 1874, G-7, p.8).
185 Turton's Deeds, Volume One, pp.673-674. Other tribal groups represented in the lease include Ngāti Hineuru (Peter Te Rangihiroa), Ngāti Whare (Te Hira Potakurua), and Ngāti Haka Patuheuheu (Hamiora Potakurua).
186 Plan of Lower Kaingaroa East lease, 28 January 1875, Turton's Deeds, Plan No. 349a.
187 Waitangi Tribunal, *He Maunga Rongo,* p.1680.
188 Opotiki MB 1, pp.192-197.
189 Waitangi Tribunal, *He Maunga Rongo,* p.1682.

After the £250 advanced in 1875, no further rent was ever paid. The advance was later treated not as an advance of rental but as an advance for the purchase of Kaingaroa 1. The Crown refused to pay rent on its leased lands until the Native Land Court had determined the title, although the 1875 lease did not contain any clause to this effect. The Crown suspended the Court's operation in the wider district in 1873 and did not allow it to resume until 1877, which meant the land's owners could not obtain a title or any of the rent they were owed. The Court's suspension was partly in response to growing Māori dissatisfaction with the Court and, as a Crown purchase agent later testified, in order "to discourage the interference of private individuals with Government negotiations."[190] Later, the Government Native Land Purchases Act 1877 meant the Crown could claim any land it asserted to have entered negotiations to purchase, thereby excluding all other parties from acquiring any interest in the land.[191]

By March 1878 – five months before title was investigated – the Crown had advanced approximately £956 on Kaingaroa 1 and it announced its intention to instead purchase the land.[192] The Crown's payment of advances before title was determined was widely criticised and in 1879 the Native Minister ordered the practice to stop, but it continued in some cases. Commenting on the advances paid on Kaingaroa 1, the Auditor General concluded in 1879, "Such a purchase as this can hardly be legal and certainly could not be enforced," as it contained "elements not only of uncertainty in law but of dispute and discord with the Native owners."[193] Despite such criticism the Crown continued to make payments to Wi Kepa Te Rangipuawhe in 1879 and 1880 for his Crown's in the survey of the various Kaingaroa claims. These payments were charged against Kaingaroa 1, against the wishes of the owners.[194]

During 1875 Morihi Paurini of Ngāti Rangitihi objected to Mitchell and Davis negotiating only with Ngāti Manawa for Kaingaroa 1. In December 1875, the two agents met with Ngāti Rangitihi at Matatā to discuss how to complete the Crown leases over Kaingaroa. They reported that the "unanimous decision" of "this large and influential tribe" was to confirm their previous agreement to lease Kaingaroa, to have the land surveyed and its title determined. It was also reported that they "authorised" the Crown to charge the costs of survey against rental income.[195] The surveys of their lands, authorised by Ngāti Rangitihi, drew anger from others who claimed interests around the fringes of the area. This included Ngāti Warahoe and Ngāti Hamua, who protested at a survey that took in various blocks, including Kaingaroa and north through parts of Matahina to Putauaki.[196] Others threatened violence and wanted some sort of inquiry into boundaries before any surveys were done.[197] Such an inquiry was difficult to arrange when the Native Land Court was the only forum the Crown recognised for determination of title, and it required a survey before it would begin its investigations. In March 1876, at the request of Native Minister McLean, Arama Karaka Mokonuiarangi agreed to halt the surveys until McLean devised a solution to the impasse.[198]

The Ngāti Rangitihi decision to halt the survey of their Kaingaroa interests (extending from Putauaki and part of Haehaenga and Rotomahana in the north, then south to Arawhata Tawhito on the Rangitaiki River to the south of Kaingaroa 1, and west to Torepatutahi Stream) followed their participation in a large hui at Paeroa, attended by about 600 people from 8 to 11 March 1876. Mitchell and Davis had convened the hui in an effort to settle the various and overlapping Crown purchases within the Kaingaroa plain and to remove the opposition to land dealings being mounted by the Putaiki (a tribal grouping dominated by Tūhourangi that sought to put a halt to surveys, land courts, and land selling within its broad boundaries). Unfortunately, the

190 Ngāti Manawa Deed of Settlement, 2.31.
191 Ngāti Manawa Deed of Settlement, 2.34.
192 Ballara (2004), p.725.
193 Cited in Waitangi Tribunal, *He Maunga Rongo*, p.1690.
194 Peraniko Te Hura to Native Minister, 27 April 1880. MA-MLP 1 1892/1219. Archives New Zealand.
195 H. Mitchell and J. Young to Native office, 6 December 1875 (telegram). MA 13 138/99a. Archives New Zealand.
196 Manuera and others on behalf of "the whole of the Warahoe and Hamua hapus," 7 January 1876. MA 13 138/99a. Archives New Zealand.
197 Hawere and Matiu to Native Office, 8 January 1876; Hone Matenga to D. McLean, 10 January 1876; and Penitito Tanoakino to D. McLean, 9 January 1876. MA 13 138/99a. Archives New Zealand; and H. T. Clarke memorandum, 2 February 1876. MA 13 138/99a. Archives New Zealand.
198 Arama Karaka Mokonuiarangi to D. McLean, 19 March 1876. MA 13 138/99a. Archives New Zealand.

available sources shed little light on what was discussed, other than the subjects were boundaries, customary associations, and claims to Kaingaroa, and that matters were "satisfactorily settled." According to the less than impartial report of the Crown agents, most of those present opposed what they saw as the arrogance of the Tūhourangi Putaiki, which sought an end to land sales over an area that included lands claimed by other tribes. The meeting was reported to have agreed that "the boundary of Tūhourangi and its 'Putaiki' shall have no existence within our boundaries," and it was agreed by most of those in attendance that they would uphold their dealings with the Crown. Resolutions to this effect were said to have been signed by many of the tribes present, including one jointly signed by Ngāti Rangitihi and Ngāti Hinewai.[199]

A similar hui was convened at Umuhika (on the Tarawera River south of Matatā) for a related reason in May 1876. The Umuhika hui included the convening of a Māori 'jury' of 10 rangatira – including several Ngāti Rangitihi leaders – to decide if the recipients of Crown advance payments for Pokohu and Matahina (in northern Kaingaroa) had customary interests in those lands. The jury was reported to have concluded (somewhat cautiously) that all of those in receipt of those payments did have some interests in the lands to which the payments related.[200] This indicates that iwi were prepared to acknowledge that interests in these lands were shared and overlapping, rather than exclusive and divided, as was later confirmed in Native Land Court title investigations.

3.4.2.3 Title Investigation, 1878-1879

Kaingaroa 1 (then 114,000 acres) came before the Native Land Court at Matatā for title investigation from July to September 1878. The application for title investigation was drawn up by Ngāti Manawa at Galatea in March 1878, but Arama Karaka Mokonuiarangi, Poia, and others of Ngāti Rangitihi gave their consent to it afterwards.[201] Ngāti Rangitihi hosted the large number of Māori, present for a block in which many tribes had interests. Their food supplies were soon exhausted during the three months of mid-winter hearings, causing hardship, hunger, and debt. The Court had to adjourn several times "to allow the people to obtain food." On 13 August 1878, for instance, it recorded:

> *At the general request of all the Natives the Court adjourned until next day for them to obtain food. They stated that there was hardly any to be obtained and were suffering considerable inconvenience.*[202]

The following day they pleaded with the government for relief, pointing out that as "the food of [Ngāti] Rangitihi was exhausted they should receive some assistance" from the government. The Court "admitted the force of their argument."[203]

The Crown's influence on the title investigation was the subject of pointed comment by Ngāti Rangitihi. They had agreed to lease their lands to the Crown but, as Ngāti Manawa had agreed to sell the land, they were seen as being favoured by the Crown. The sale of the land led Ngāti Manawa to assert exclusive interests when Kaingaroa had always been an area of shared and overlapping interests. Niheta Kaipara was critical of the distorting effects of pre-title purchase dealings by the Crown.[204] Ngāti Manawa ally and former military commander, Gilbert Mair, was at the Court for the Crown, as was its purchase agent Mitchell.[205]

199 Rose, p.158; C. O. Davis to Native Secretary, 15 June 1876. AJHR, 1876, G-5, p.5; and *Bay of Plenty Times*, 25 March 1876.
200 Waitangi Tribunal, *Te Urewera (Pre-Publication Report), 2010, Part Two, p.542; Philip Cleaver, 'Matahina Block'. Wai 894 #A63, pp.19-20; and C. O. Davis to Native Department*, 15 June 1876. AJHR, 1876, G-5, pp.7-8.
201 Opotiki MB 1, p.127.
202 Cited in Waitangi Tribunal, *He Maunga Rongo*, p.1683.
203 Cited in Waitangi Tribunal, *He Maunga Rongo*, p.1683.
204 Opotiki MB 1, pp.121, 124, 130, and 133.
205 Opotiki MB 1.

Niheta Kaipara was the main witness for Ngāti Hape of Ngāti Rangitihi and was on the stand for more than one full week giving evidence of his tribe's ancestral connections to the land, what they knew of it, and how they had utilised its resources.[206] Although the land did not support permanent occupation (other than along the eastern fringes beside the Rangitaiki River), it provided a variety of resources utilised by Ngāti Rangitihi and other tribes (such as forest birds, waterfowl, tuna, gardening areas, aruhe, and harakeke) on a seasonal basis as well as when travelling across the plain. Pigs and horses were more recent resources of the land.[207] Following the marathon session of evidence from Niheta Kaipara, Ngāti Manawa said they would admit Niheta Kaipara, Arama Karaka Mokonuiarangi, and their people to their claim, combining the Ngāti Hape claim of Ngāti Rangitihi with the Ngāti Manawa claim.[208]

Other tribal groups with interests in Kaingaroa did not fare so well as Ngāti Hape, including another group associated with Ngāti Rangitihi, namely Ngāti Hinewai who had interests in western Kaingaroa, adjacent to their lands in Paeroa East. Hakopa Takapou, Henare Ngaketi, and Mikaere Heretaunga of Ngāti Rangitihi testified for Ngāti Hinewai.[209] The Native Land Court's judgment on 17 September 1878 said of their case simply that they "have failed to establish a claim," but provided no further details.[210] This finding is at odds with the recognition of Ngāti Hinewai interests by those who were awarded title (including Ngāti Manawa), who told the Court how they had shared Crown payments for Kaingaroa 1 with Ngāti Hinewai.[211]

Title was awarded to those descendants of Tangiharuru and Apa who were living on the land, adding that this included Arama Karaka Mokonuiarangi, Niheta Kaipara, Huta Tangihia, and Poia Ririapu. No other individuals were named and the Court left it to those awarded the title to draw up a list of owners.[212] These men were Ngāti Hape of Ngāti Rangitihi. Niheta Kaipara later named 103 others for the ownership list, while Ngāti Manawa had a list of 300, which included people from several other tribal groups.[213] Although the judgment only named two ancestors from whom the owners derived their interests, this was understood to refer to Ngāti Hape and Ngāti Manawa.[214] Others with interests in Kaingaroa also claimed descent from Tangiharuru and from Apa. On 20 September 1878, the Court adjourned with the ownership list yet to be finalised.[215]

On 16 September 1879, the Court sat at Matatā to finalise the Kaingaroa 1 ownership list but had to adjourn for those present to attend an important tangihanga. When the Court resumed on 22 September the judge was absent, so it was only on 24 September that a final list of names was handed in and accepted by the Court. The list, which was said to have been written and handed into the Court by Mair, comprised only 31 names, who were included as hapū representatives.[216] The Native Land Act 1873 required all the owners to be listed in the title, but the Crown's District Officer Mair sought to reduce the number of owners to simplify the completion of the planned purchase of Kaingaroa 1.[217] The list of 31 names included Arama Karaka Mokonuiarangi, Niheta Kaipara, Huta Tangihia, and Poia Te Ririapu of Ngāti Hape of Ngāti Rangitihi.[218]

206 *Hawke's Bay Herald, 10 August 1878, p.2.*
207 Opotiki MB 1, pp.118-128, and; Whakatane MB 1, pp.19-22.
208 Opotiki MB 1, pp.128 and 134-135.
209 Opotoki MB 1, pp.135-152.
210 Opotiki MB 1, pp.206-209.
211 Waitangi Tribunal, *He Maunga Rongo, p.1685.*
212 Opotiki MB 1, pp.206-209.
213 Waitangi Tribunal, *He Maunga Rongo, pp.1685-1686.*
214 *Bay of Plenty Times, 19 September 1878, p.3.*
215 Opotoki MB 1, pp.210-211.
216 Opotiki MB 1, pp.248-249, and; Waitangi Tribunal, *He Maunga Rongo, p.1686.*.
217 McBurney (Wai 1200 #A37), pp.203-204.
218 Opotiki MB 1, p.249.

3.4.2.4 Rehearing, 1878-1880

Several of the tribal groups that the Court excluded from the Kaingaroa 1 title promptly appealed against its decision, including Ngāti Hinewai of Ngāti Rangitihi. On 27 September 1878, Henare Te Rangi and 44 others of Ngāti Hinewai of Ngāti Rangitihi petitioned the Governor for a rehearing, complaining that the Court had failed to make clear the basis of its decision nor had it considered "ancient permanent boundaries" on the land or its cultivation and occupation. Ngāti Hinewai also joined a combined application for a rehearing of Kaingaroa 1 submitted by the influential rangatira Wi Kepa Te Rangipuawhe on behalf of Ngāti Hinewai, Ngāti Awa, Ngāti Whaoa, and Ngāti Tahu.[219]

Ngāti Hinewai also objected to the influence of District Officer Mair on proceedings. They said he had "backed up the claim" of Ngāti Manawa in court but that when Māori present had "strongly urged upon the Court to disallow the partiality shown" by Mair, the Court not only did not consent to his removal but retained him to "assist... with respect to some of the evidence adduced in that case." They wrote that, "the hearts of the people who attended the Court were pained" by the judgment.[220]

During the title investigation, it was reported there was "much discontent... at the leaning of certain officials to the claimants, which gives dissatisfaction amongst the tribes." Those at court complained during the hearing to the government in Wellington but received no response.[221]

Those at the hearing were not aware of the full extent of Mair's influence on proceedings in favour of Ngāti Manawa. On 7 September 1878, he prepared a private memorandum for the judge about Ngāti Manawa's claims and his history of dealing with them for Kaingaroa 1.[222] His partisan memorandum did not refer to the opposition expressed by other tribal groups to his earlier dealings on behalf of the Crown with Ngāti Manawa alone, nor did it refer to the customary uses other groups, such as Ngāti Rangitihi, made of Kaingaroa. Mair's memorandum was one-sided and contained factual errors. It was not disclosed to the parties to the case.

The Chief Judge approved the applications for a rehearing of Kaingaroa 1 in December 1878, and the Native Minister recommended that the petitions he had received about the block be acted on.[223] The Crown used the rehearing as an opportunity to carry out a fresh survey of Kaingaroa, extending into lands where surveys had previously been resisted. The rehearing began at Whakatane on 25 October 1880, having been adjourned from Matatā three days earlier after the Court asserted there was a lack of suitable accommodation there for the judge and his staff. No Māori were present when the Court opened nor on the following day, when the Court was informed that leading rangatira were ill at Tarawera and unable to attend. Those stricken included Arama Karaka Mokonuiarangi, Niheta Kaipara, and Wi Kepa Te Rangipuawhe who were key witnesses for Ngāti Hinewai. On 28 October Māori proposed that due to the "utter want of food" for them at Whakatane the case be adjourned until February 1881 and be heard at Matatā where food was "plentiful."[224] The Court declined to adjourn and the brief rehearing extended over four days before a decision was given on 4 November 1880. During the hearing District Officer Mair, who had been recalled from official duties in another district to "guide" the case through the Court, advanced money for food to those Māori at the Court and charged this against Kaingaroa.[225]

219 Waitangi Tribunal, *He Maunga Rongo, p.1687*.
220 Henare to Rangi and 44 others of Ngati Hinewai to the Governor, 27 September 1878. MA-MLP 1/ 1882/342. Archives New Zealand. See also Waitangi Tribunal, *He Maunga Rongo, p.1687*.
221 *Hawke's Bay Herald, 10 August 1878, p.2*.
222 Mair memorandum for Judge Halse, 7 September 1878. MS-Papers-0092-008. Alexander Turnbull Library.
223 Minutes of 15 and 21 December 1878 on Te Rangitukehu and others, Te Teko, to Chief Judge Fenton, 24 September 1878. MA-MLP 1/1882/342. Archives NZ.
224 Opotiki MB 1, pp.410-412, and; Ballara (2004), p.738.
225 McBurney (Wai 1200 #A37), pp.216 and 235.

Ngāti Hinewai wanted to call Wi Kepa Te Rangipuawhe as the key witness for their claim but he was still ill (having suffered a broken leg) and unable to attend. The Court insisted that Hakopa Takapou of Ngāti Hinewai proceed with other witnesses, leading him to instead call Morihi Paurini, Mikaere Heretaunga, and Henare Te Rangimotai.[226] Hakopa Takapou was not as experienced in the ways of the Court nor as knowledgeable about the land and was not able to present the best case for Ngāti Hinewai. After hearing the Ngāti Hinewai, Ngāti Tahu, and Ngāti Manawa cases the Court awarded title to Kaingaroa (104,480 acres) to the Ngāti Manawa claimants, who included Ngāti Hape of Ngāti Rangitihi and other tribes. The Court excluded from its award a triangular area of about 10,000 acres in the southwest of Kaingaroa 1 which had been claimed by Ngāti Tahu and which it determined would be heard together with the adjoining Paeroa East block at a later date. This land became known as Kaingaroa 1A (9,025 acres).[227]

A list of owners for Kaingaroa 1 was then arranged. Ngāti Manawa and the other groups included in the award sought to include 120 owners but instead the 1879 list of just 31 owners was further reduced to 28 to, as Mair wrote, "enable government to obtain a title more easily." The reduced list was in Mair's handwriting and he wrote that he had great difficulty in keeping the list so short.[228] The list of owners included representatives of several tribal groups other than Ngāti Manawa, including Ngāti Hape of Ngāti Rangitihi, who were represented by Arama Karaka Mokonuiarangi, Niheta Kaipara, Huta Tangihia, Poia Ririapu, Rihara Kaimanawa, and Waretini Ngapapa.

3.4.2.5 Purchase, 1880-1881

Barely a month after the rehearing concluded, Mair travelled to Galatea on 3 December 1880 carrying the £5,650 balance of the purchase money for Kaingaroa 1. The total price was £7,754 (or one shilling sixpence per acre) from which advances totalling £2,104 had been deducted. These advances included food to the value of £100 supplied by the Crown during times of need, such as Native Land Court hearings in venues distant from Kaingaroa. Mair spent a few days at Galatea securing signatures to the Crown purchase deed and making deductions to pay various store debts of the owners before he met with the owners and a large group of Māori from various Kaingaroa tribes, including Ngāti Rangitihi, to distribute the purchase payment.[229]

As with the list of owners, Mair interfered with the distribution of the purchase balance, admitting he was "rather annoying the Natives by my interference."[230] His method of distribution favoured his Ngāti Manawa allies and disadvantaged Ngāti Hape who were offered £400 of the money of which only £215 was for the six Ngāti Hape most closely associated with Ngāti Rangitihi.[231] An equal sharing of the money among the 28 tribal representatives on the title would have resulted in £1,210 being paid to the six Ngāti Rangitihi rangatira. The government said the payment could not be in 28 equal shares because the list of owners was only reduced to that number to expedite the Crown's purchase of it.[232]

Arama Karaka Mokonuiarangi strongly objected to the distribution proposed by Mair and he and Niheta Kaipara gave the £100 offered to him to a relative, saying they would not accept so small a sum. Mair insisted that Arama Karaka "received his full share, and more, of the purchase money," but despite this view he informed the government that if it agreed with Arama Karaka that he was entitled to more, then he could be compensated through being given a larger share of the purchase proceeds from Kaingaroa 1A.[233]

226 Whakatane MB 1, pp.3 and 9-23.
227 Whakatane MB 1, p.26, and; Waitangi Tribunal, *He Maunga Rongo, p.1688.*
228 Mair to Brabant, 8 January 1881. MA 1/1892/1219. Archives New Zealand. See also Mair diary, 4 November 1880. Diary #30. MS-Papers-0092-052. Alexander Turnbull Library.
229 Gilbert Mair Journal. MS-Papers-0092-52. ATL; Mair to H. W. Brabant, 8 January 1881. MA-MLP 1/1892/1219. ANZ , and; Waitangi Tribunal, *He Maunga Rongo, p.1689.*
230 Cited in Waitangi Tribunal, *He Maunga Rongo, pp.1689-1690.*
231 G. Mair to H. W. Brabant, 8 January 1881. MA-MLP 1 1892/1219. ANZ.
232 H. W. Brabant to R. J. Gill, n.d. (January 1881). MA-MLP 1 1892/1219. ANZ.
233 G. Mair to H. H. W. Brabant, 8 January 1881. MA-MLP 1 1892/1219. ANZ.

Arama Karaka wrote to Tauranga Resident Magistrate Brabant in December 1880 to ask that his receipt for the Kaingaroa 1 purchase payment be cancelled as he had not received an equal share as Mair had paid the money "to his own friends," meaning Ngāti Manawa. This was, Arama Karaka wrote, a great hardship for him.[234] Based on Mair's report of the payment of the purchase money, this complaint was rejected.[235]

In April 1881, Huta Tangihia of Ngāti Rangitihi also complained about the division of the purchase payment for Kaingaroa 1. He said the Ngāti Hape grantees disapproved of Ngāti Manawa's distribution and that the money should have been equally divided amongst those on the title.[236] The government responded by insisting that the payment "was fairly made" and there were no grounds for complaint.[237]

Later in 1881 Niheta Kaipara and three other Ngāti Rangitihi grantees in Kaingaroa 1 petitioned Parliament on the matter, protesting that they had received a "mere trifle" for their land. The Native Affairs Committee was advised by the government that if they had any grievance it was against the owners who made the distribution.[238] This ignored the government's role in interfering in that distribution and belittling Ngāti Hape's customary and legal rights in the land.

3.4.2.6 Protest, 1880-1881

Ngāti Hinewai were aggrieved at the Court's largely unchanged decision on rehearing, especially as it had not waited to hear from Wi Kepa Te Rangipuawhe, who was unable to get to Whakatane until 8 November 1880, three days after the brief hearing had ended. On the same day Hakopa Takapou, Henare Te Rangi, and 17 others of Ngāti Hinewai complained to the Native Minister about the decision, which they said had awarded land they considered as part of the Rerewhakaitu Block (which adjoins Kaingaroa 1 to the north) to other iwi, and had not give due consideration to evidence of Ngāti Hinewai interests in the land. They had asked the Court to adjourn until We Kepa was well enough to appear as he was "the principal mover in applying for a rehearing," but the judge did not allow this.[239]

In 1881 Wi Kepa and Ngāti Hinewai again petitioned Parliament over their claims to Kaingaroa. They wrote that the failure of the survey to show their claims had meant the Court "was unable to see and determine our just claims to the land." This is what had led to their participation in the 1879 surveying of the various tribal and ancestral boundaries within Kaingaroa, a survey led by Wi Kepa and encouraged by Crown land purchase agent Mitchell. Despite being completed in 1879, the map was not used at the 1880 rehearing, which instead relied on "the old map made by Ngāti Manawa."[240]

Parliament's Native Affairs Committee inquired into the petition and was informed by the Head of the Land Purchase Department that Ngāti Hinewai had received advances prior to the 1878 title investigation but not subsequently. He did not inform the Committee about the payments made to Wi Kepa Rangipuawhe of Ngāti Hinewai that continued into 1880. The Department told the Committee it knew nothing about the Court's refusal to adjourn until Wi Kepa was available to conduct the Ngāti Hinewai case, nor about the Court's refusal to refer to the "proper survey of the block" made in 1879.[241]

234 Arama Karaka Mokonuiarangi to H. W. Brabant, 3 December 1880. MA-MLP 1/1892/1219. ANZ.
235 H. W. Brabant to R. J. Gill, n.d. (January 1881). MA-MLP 1 1892/1219. ANZ.
236 Huta Tangihia to Native Minister, 4 April 1881. MA-MLP 1 1892/1219. ANZ.
237 Gill to Native Minister, 30 July 1881. MA-MLP 1/1892/1219. ANZ.
238 AJHR, 1881, I-2, p.23, and; Brabant to Gill, 29 August 1881. MA-MLP 1 1892/1219. ANZ.
239 Henare Te Rangi, Hakopa Takapou and 17 others ("Na Ngatihinewai katoa") to Native Minister, 8 November 1880. MA-MLP 1 1882/342. ANZ.
240 Petition of Wi Kepa Te Rangipuawhe and five others, 14 May 1881. MA-MLP 1 1882/342. ANZ.
241 Evidence of R. J. Gill to Native Affairs Committee, 1881. Le 1/182/1881/5. ANZ.

Native Land Court Chief Judge Fenton was questioned by the Parliamentary Committee about the petition, and said he believed the allegations it made were correct:

> *I remember hearing a great deal of talk with the Natives all about the country and the general opinion is the matter has not been heard in a satisfactory manner. My mind was never very comfortable about the case and I always hoped a day would come when a satisfactory hearing could take place.*[242]

He agreed that legislation to provide for a further hearing should be enacted.

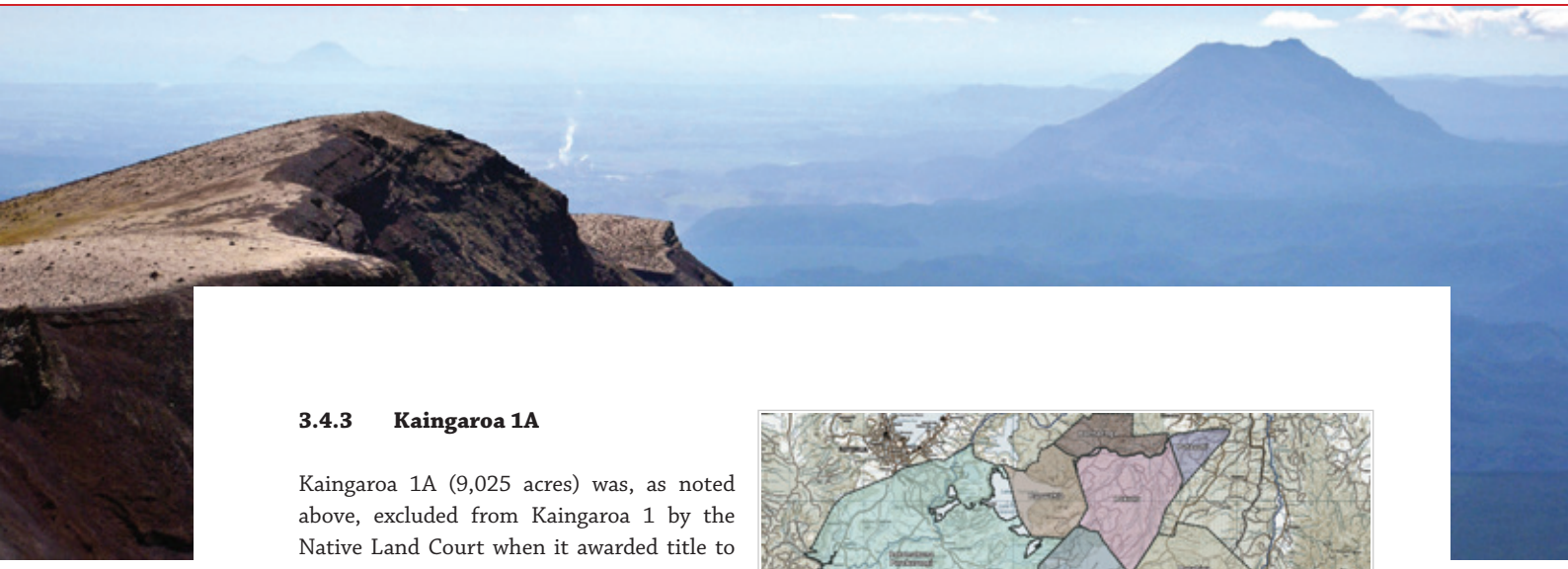
The petitioners were not called by the Committee. After noting there was no legal provision for a further rehearing, it reported that there were grounds for a "careful investigation into all the circumstances" to "ascertain if there be a grievance" and recommended such and investigation take place.[243] The Crown did not act on the Committee's recommendation.

In 1882 Ngāti Hinewai submitted a further petition on the matter, again seeking a hearing of their claims to Kaingaroa 1, using the "large maps of the whole district so that the Court may clearly look into and consider" their rights, and "in order that the troubled minds may be relieved from the pain caused by other tribes possessing the land of our ancestors."[244] The Native Affairs Committee again advised that the government inquire into the petition "and consider what can be done justly."[245] A further rehearing would require special legislation, of the sort later utilised to provide for further hearings of Matahina, Pokohu, and other blocks. An ordinary departmental inquiry would no longer suffice and the Native Department advised a Royal Commission of Inquiry was the only option, if anything was to be done. Native Minister Bryce declined to propose such an inquiry or legislation to enable a rehearing.[246] A final petition from Wi Kepa Te Rangipuawhe in 1882 was also set aside.[247]

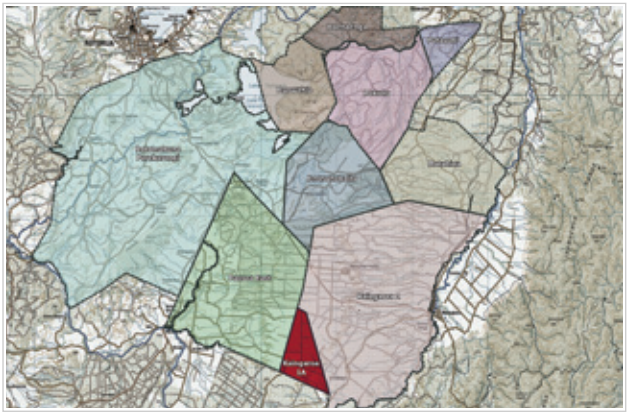
The Waitangi Tribunal has concluded that:

> *Kaingaroa No.1 demonstrates many of the aspects of the Land Court and land purchasing process that mark them as unsatisfactory, improper, even fraudulent processes which damaged the customary interests, the economic base, the livelihood, and the social cohesion of all the hapū involved.*[248]

242 Evidence of F. D. Fenton to Native Affairs Committee, 1881. Le 1/182/1881/5. ANZ.
243 AJHR, 1881, I-2, p.23; MA-MLP 1/1882/342, and; Native Affairs Committee report. Le 1/182/ 1881/5. ANZ.
244 Kepa Te Rangipuawhe and "all the Ngatihinewai tribe." Petition, 13 May 1882. MA-MLP 1 1882/ 342. ANZ.
245 AJHR, 1882, I-2, p.18, and; Native Affairs Committee report. Le 1/194/1882/6. ANZ. See also Native Affairs Committee Report. MA-MLP 1 1882/342. ANZ.
246 J. Bryce memorandum, 19 August 1882. MA-MLP 1/1882/342. ANZ.
247 Waitangi Tribunal, *He Maunga Rongo, p.1690.*
248 Waitangi Tribunal, *He Maunga Rongo, p.1690.*



3.4.3 Kaingaroa 1A



Kaingaroa 1A (9,025 acres) was, as noted above, excluded from Kaingaroa 1 by the Native Land Court when it awarded title to that block in November 1880. It advised that Kaingaroa 1A instead be investigated at the same time as the Paeroa East Block to the west of Kaingaroa 1, as this was where the interests of the counter-claimants to Kaingaroa 1 were located. Despite the 1880 ruling, the Court declined to award title to Kaingaroa 1A during the Paeroa East hearing in November 1881, when it was claimed by Huta Tangihia for Ngāti Hape as well as by Ngāti Manawa, Ngāti Whaoa, and Ngāti Tahu. The Court heard some evidence on Kaingaroa 1A, including reference to an out-of-court arrangement between Ngāti Manawa, Ngāti Hape, and Ngāti Whaoa, under which Ngāti Whaoa withdrew their claim to Kaingaroa 1A and in exchange Ngāti Hape and Ngāti Manawa withdrew their claims to Paeroa East.[249]

When Paeroa East was reheard in September 1882 the Court agreed to award title to Kaingaroa 1A, which was again claimed by Ngāti Hape and Ngāti Manawa. Ngāti Whaoa again endorsed their claim. As a result, the Court awarded title to Ngāti Hape and Ngāti Manawa "in equal interests."[250] The final list of 173 owners was divided into a Ngāti Hape list and a Ngāti Manawa list. The Ngāti Hape list included many of the leading rangatira of Ngāti Rangitihi.[251]

Immediately after the title was awarded, Ngāti Manawa offered to sell their interests to the Crown for two shillings per acre, but the Crown was not then interested in purchasing the block.[252] Ngāti Rangitihi also wished to sell their interests in Kaingaroa 1A. As the government had suggested in response to their protests about the unfair distribution of the Kaingaroa 1 purchase money, they could obtain redress through a larger share of the proceeds of Kaingaroa 1A. This indicates the Crown in 1882 was interested in purchasing the block and in using the purchase proceeds as a form of compensation for the grievances of Ngāti Hape in Kaingaroa 1. Yet it then declined to purchase the block. At the same time, it proclaimed restrictions over the block that prevented Ngāti Rangitihi from selling the land to anyone else.[253]

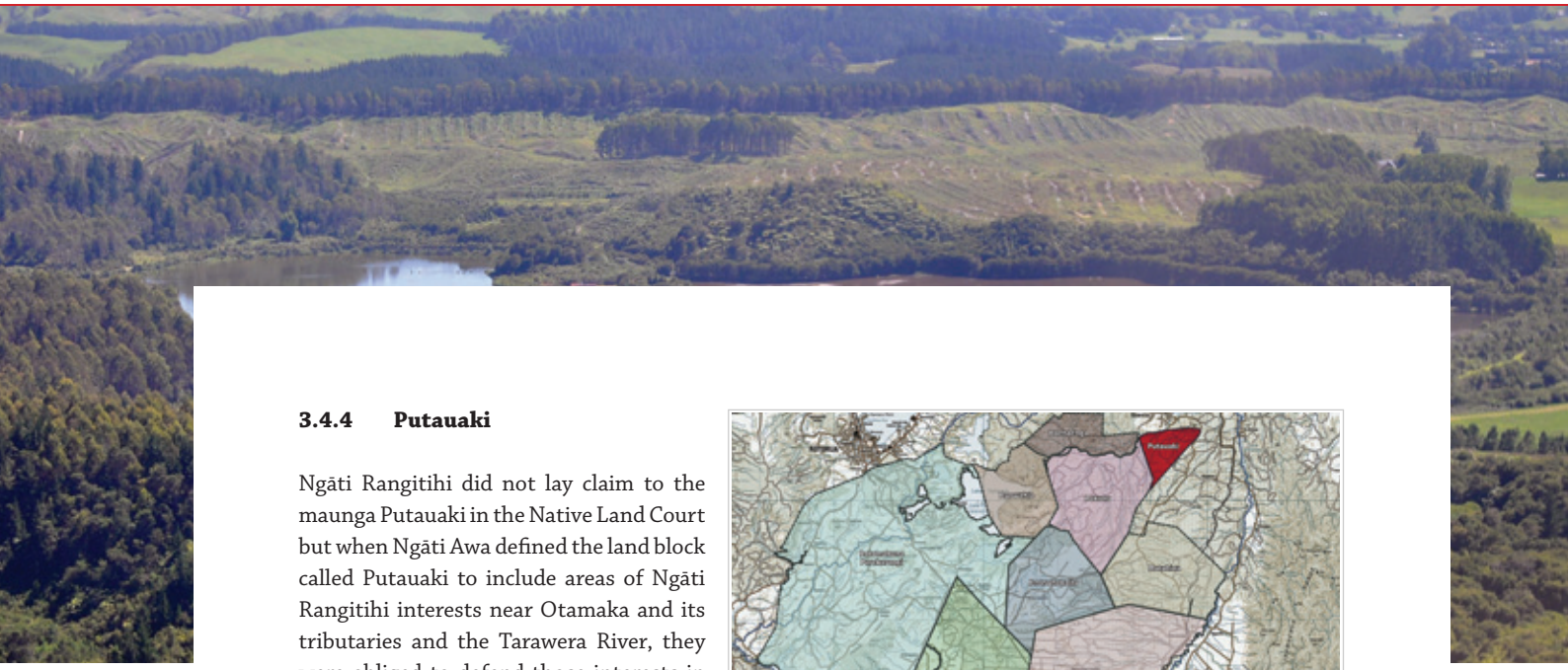
In July 1883, Arama Karaka Mokonuiarangi and others of Ngāti Rangitihi complained to the Native Minister about the restrictions imposed on Kaingaroa 1A, saying that they were in great need of money and had offered to sell it to the Crown but it had refused. One reason they needed money was to pay for the survey of Paeroa East "and other liabilities that are pressing upon us." They had been warned that the "mortgage" or survey lien on their land "will be foreclosed if we do not pay soon." Parts of Paeroa East were also proclaimed under the Thermal Springs Districts Act and unable to be sold to anyone but the Crown. Ngāti Rangitihi suggested that if the Crown did not want to purchase Kaingaroa 1A it should remove its proclamation over the land and let them sell it privately.[254] It declined to do so.

249 Whakatane MB 1, pp.302-303.
250 Whakatane NLC MB 2, p.135.
251 Whakatane NLC MB 2, pp.139-140 and 158-160.
252 Brabant to Gill, 18 October 1882, and; Gill to Brabant, 22 October 1882. MA-MLP 1/1888/50. ANZ.
253 McBurney (Wai 1200 #A37), p.265.
254 Arama Karaka Monuiarangi and others to Native Minister, 6 July 1883. MA-MLP 1 1892/1219. ANZ.

At some point the restrictions on the land were removed and in 1885 the surveyor and former Crown purchase agent Mitchell acquired most of the interests in Kaingaroa 1A for £810 (or about one shilling eleven pence per acre. The land was subdivided and he was awarded Kaingaroa 1A North of 8,451 acres, leaving the remaining 14 owners with Kaingaroa 1A South (574 acres).[255]

In the 1920s the Crown became interested in purchasing the last of Ngāti Rangitihi lands on Kaingaroa and imposed pre-emption over Kaingaroa 1A South. It purchased the land in 1927 for £717 (or £1 5 shillings per acre).[256]

255 Taheke MB 2, pp.92-93, and; SA PR 24/64.
256 AJHR, 1927, G-9, p.10, and; Auckland Deed 4717. ANZ.



3.4.4 Putauaki

Ngāti Rangitihi did not lay claim to the maunga Putauaki in the Native Land Court but when Ngāti Awa defined the land block called Putauaki to include areas of Ngāti Rangitihi interests near Otamaka and its tributaries and the Tarawera River, they were obliged to defend those interests in the Court. In 1879 Ngāti Rangitihi defined their interests in this area by including them in the survey of the Pokohu Block, which extended to the stream Otamaka, the mahinga kai Umukaraka, and the Tarawera River. A well-known Ngāti Rangitihi pou rahui stood near Otamaka, proclaiming their rights to the tuna in this part of the River. As Niheta Kaipara stated: "No other people take the eels from this river."[257] This rahui applied to the portion of the River alongside what Ngāti Awa surveyed as the Putauaki Block.[258]

Penetito Hawea of Ngāti Awa acknowledged that their survey of Putauaki Block was instigated as a result of their claim to Kaingaroa 1 being rejected by the Kaingaroa tribes (including Ngāti Rangitihi) and by the Native Land Court.[259] Their survey included Ngāti Rangitihi lands in the west of Putauaki, to which Ngāti Rangitihi reacted by temporarily halting the Ngāti Awa survey, but the government ensured that the survey proceeded and that the Ngāti Awa claim was investigated in 1880, rather than the Ngāti Rangitihi previously surveyed and partially overlapping claim to Pokohu.[260]

Mikaere Heretaunga led the Ngāti Rangitihi counter-claim to the Pokohu portion of Putauaki, also calling evidence from Niheta Kaipara. The portion claimed took in the western part of the block from Otamaka (on the Tarawera River) down the river to Umukaraka, then south across the block to the distinct ridge, Te Iwituaroa o Maruhikuao, and on to Waihinahina. These were all key boundary markers in the Ngāti Rangitihi prior survey of Pokohu Block, which originally extended eastwards into what Ngāti Awa described as Putauaki Block.[261] Maruhikuao was a descendant of Kahukura (a tipuna for this land who was a child of Aotahi and a mokopuna of Tūwharetoa) who was also a sister of Ahina Ariki (who married Rua o Tawhiti, a descendant of Apumoana and a forebear of Koira). Hakopa Takapou of Ngāti Rangitihi claimed this land as Ngāti Aotahi.[262] Ngāti Awa also traced descent from Aotahi but they denied that his descendants derived any rights at Putauaki through him.[263]

Niheta Kaipara explained to the Court that Te Iwituaroa o Maruhikuao was the name given to a ridgeline used to mark a boundary between Murakareke (of Ngāti Mura) and Apa (son of Maaka), and later part of the well-defined boundary laid down by Kahukura. Niheta said a short part of the ridge resembled a wall, said to have been dug out by the hands of their tupuna.[264] It was also named as one of the boundaries in the Ngāti Rangitihi 1873 description to the Crown of their rohe. Ngāti Awa also claimed the land through descent from Kahukura, who was a mokopuna of Tangihia (an important tupuna for Ngāti Rangitihi) but Ngāti Awa asserted that their mana at Putauaki came from Tūwharetoa rather than Tangihia. Even so, others have observed that Kahukura shares close connections to both Ngāti Awa and Ngāti Rangitihi.[265]

257 Whakatane Native Land Court Minute Book No. 1, p.183.
258 Whakatane Native Land Court Minute Book No. 1, pp.171, 179, and 181.
259 Whakatane Native Land Court Minute Book No. 1, p.204.
260 Whakatane Native Land Court Minute Book No. 1, p.204.
261 ML 4704, LINZ.
262 Whakatane MB 1, pp.195-200.
263 Whakatane MB 1, p.165.
264 Whakatane MB 1, pp.166-167, 176-177, and 180.
265 Kawharu, et al, p.339.

Ngāti Rangitihi referred to an important urupa on the slopes of Putauaki, although the maunga itself was outside the boundary of their claim. Sites within their boundary included Te Kume pa, and Kahukura's old pā Okoretere and Otewehi on the ridge above Mangaiti (Mangate) Stream. Niheta was, until about 1870, brought up at Matahia, a kāinga on a ridge near the source of the Mangate Stream. This was near the area where the Pokohu, Putauaki, and Matahina Blocks met and customary interests overlapped.[266]

Neither Ngāti Rangitihi nor Ngāti Awa then lived permanently on the block but Ngāti Rangitihi had maintained their long-standing resource use rights on the block. Mikaere Heretaunga noted that tuna fishing on the Tarawera River and its tributaries within Putauaki Block was now their main use of the land, but they had also lived and cultivated on the land in the lifetime of those giving evidence. Huta Tangihia had planted a peach grove on the land that still stood.[267] In contrast, for their signs of occupation Ngāti Awa could only point to urupa on Putauaki that lay outside the block, and to pā that were so old they dated back to the time of Te Aotahi. They did not assert any use of the resources of the land or the Tarawera River within the part of the block claimed by Ngāti Rangitihi.[268]

In its judgment on Putauaki, the Native Land Court rejected the Ngāti Rangitihi claim and instead awarded title to Ngāti Aotahi and Ngāti Awa.[269] The importance of Ngāti Aotahi was accepted but the Court ignored the connections between Ngāti Aotahi and Ngāti Rangitihi even though these were patently evident through rangatira such as Hakopa Takapou. The Court's inclusion of Ngāti Aotahi also sits uneasily with the Ngāti Awa claim, which was that they had driven Ngāti Aotahi off the land. If that was not the case, what was the basis of the Ngāti Awa claim to the portion claimed by Ngāti Aotahi (and Ngāti Rangitihi)?

The judgment reflects the inexperience of Judge Brookfield in the Native Land Court, having been appointed only that year. He was monolingual, had no experience with or understanding of tikanga Māori, and admitted he had difficulty resolving the conflicting evidence and overlapping claims in Putauaki and Pokohu (decided at the same hearing). For instance, the Court did not dispute Ngāti Rangitihi take toa of the land but asserted they had not clearly established a prior take raupatu over the land, and take raupatu was the Court's most favoured take.[270] In fact, Ngāti Rangitihi had given extensive evidence on their conquest of the land but that was in the Pokohu Block (which, in their eyes, included the western part of Putauaki); evidence the Court ignored even though it had just heard it during the Pokohu case.

In excluding Ngāti Rangitihi, the Court referred to a report by the Assessor Rakena Wi Kaitaia, who visited some of the sites referred to in evidence before judgment was given. The Assessor's report was baffling, referring to Okataina and Te Rotoiti, when neither place was referred to in the minutes and nor was anywhere near the block. Based on this curious report, the Court dismissed Ngāti Rangitihi evidence about their extensive use of the Tarawera River for eeling, and of adjacent lands for mahinga kai, as "fictitious." The Assessor's report conflated evidence about Pokohu and Putauaki without noting which it was referring to. He did not even visit some of the sites referred to in evidence, because one hapū did not supply him with a horse to inspect the sites.[271]

Another defect in the Assessor's report was that he saw no pā tuna on the Tarawera River, however, Ngāti Rangitihi had not claimed to have any in the vicinity. Niheta Kaipara's evidence on this point seems to have been poorly translated; at one point he is recorded as referring to taking tuna by "hook and weir," when

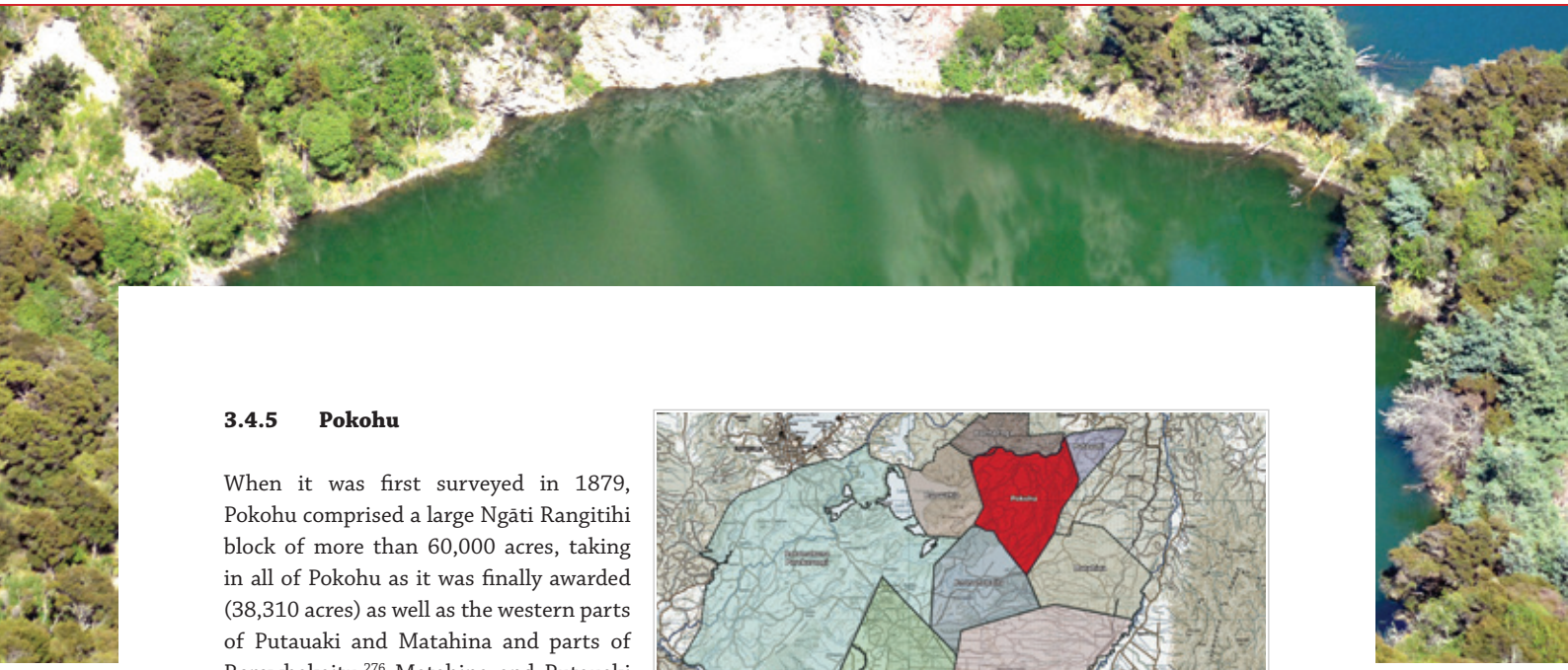
266 Whakatane MB 1, pp.168-169, 173, and 176.
267 Whakatane MB 1, pp.167-169, and 179-180.
268 Whakatane MB 1, pp.204-208.
269 Whakatane MB 1, pp.272-276.
270 Whakatane MB 1, pp.272-276.
271 Whakatane MB 1, pp.277-279.

he clearly meant 'hinaki' as he went on to say that "barricaded" (i.e. pā tuna) were not put up to force tuna into hinaki, as the river flowed too swiftly for that method to be effective. A more critical flaw in the report concerned the ridge Te Iwituaroa Maruhikuao, which the Assessor said did not resemble the distinct wall referred to in Ngāti Rangitihi evidence. The ridge certainly existed, for Ngāti Awa relied on it also but they incorrectly located it to the west (along the boundary of Putauaki) and asserted it was instead called Te Iwituaroa o Maruwahine (for Maruwahine, an ancient tupuna of some significance to Ngāti Tūwharetoa, whose role in the Putauaki area was not explained by Ngāti Awa).[272]

The Crown had in 1879 engaged with Ngāti Awa for the purchase of Putauaki, long before the title was investigated.[273] As soon as title was awarded, most of those on the ownership list signed the Crown purchase deed, receiving £325 for 5,243 acres of the block (later designated Putauaki 1).[274] Those who had not sold their interests cut them out in two portions: Putauaki 2 North (300 acres around Putauaki maunga) and Putauaki 2 South (2,116 acres in the southwest of the block).[275]

The bulk of the unsold interests in Putauaki 2 South were in the portion of the block claimed by Ngāti Rangitihi (near the boundary of Pokohu and Matahina), and appear to have been selected to represent the Ngāti Aotahi interests in the Putauaki title, where Ngāti Aotahi owners, such as Hakopa Takapou, had strong interests. Indeed, he strongly opposed Ngāti Awa claims in this area, such as in the adjacent Pokohu Block.

272 Whakatane MB 1, pp.181 and 277-279.
273 Mitchell, Matatā, to Land Purchase Department, 1 October 1879. MA-MLP 1/1893/46. Archives New Zealand.
274 MA-MLP 1/1893/46. Archives New Zealand, and; AJHR, 1882, C-4, p.8.
275 ML 4794, LINZ.



3.4.5 Pokohu

When it was first surveyed in 1879, Pokohu comprised a large Ngāti Rangitihi block of more than 60,000 acres, taking in all of Pokohu as it was finally awarded (38,310 acres) as well as the western parts of Putauaki and Matahina and parts of Rerewhakaitu.[276] Matahina and Putauaki were instead heard before Pokohu, resulting in it being greatly reduced by the time it was heard in 1881, immediately after the Putauaki title investigation.

3.4.5.1 Pre-Title Crown Dealings, 1881

The Pokohu survey was a response to attempts by other iwi as early as 1873 to transact Ngāti Rangitihi lands with the Crown. By 1874 the Crown had advanced £130 to other tribes claiming rights in Pokohu, and later that year it proclaimed a lease of 80,000 acres of land it called Pokohu (but which included much of Matahina) – a lease arranged in December 1873 and under which it was to pay an annual rental of £300.[277] As with the Kaingaroa lease, it did not pay this rent and was instead focused on using the lease to tie up the land until it could be purchased. The Crown continued to pay advances to other groups claiming interests in Pokohu (which then included much of Matahina) and by 1876 had advanced £180 against a block it now estimated to comprise 100,000 acres.[278] In 1878 the Crown proclaimed Pokohu under the Government Native Land Purchase Act, preventing the owners dealing with private parties for the land.[279] Title had still not been investigated, and was clearly disputed, but this did not hinder the Crown from paying pre-title advances, even though this served only to aggravate tensions on the ground.

It was not until 1875 that Crown agents met with Ngāti Rangitihi about their interests in the area, which they were prepared to lease to the Crown once their interests were better defined by survey and distinguished from those of Ngāti Awa to the east. Ngāti Awa opposed Ngāti Rangitihi participation in these Crown land dealings and in May 1876 disputes over land dealings in the area led the Crown to convene a meeting of more than 300 Māori at Umuhika. At this meeting a jury of rangatira was appointed to consider the customary rights in the overlapping Pokohu and Matahina blocks. The jury, which included Niheta (Kaipara) and (Arama Karaka) Mokonuiarangi, concluded that those the Crown was dealing with did have interests in the land.[280] What was not decided, was the extent of each group's interests.

Before Pokohu was investigated by the Native Land Court in 1881, Niheta Kaipara wrote that he preferred that Māori continue to work to resolve questions around customary interests in Pokohu, rather than have the Court involved:

> *My word to you pertains to one part of Te Pokohu, leave Hakaraia in that (part). That is a crippling thing within Ngāti Rangitihi.*

276 ML 4707, LINZ.
277 AJHR, 1874, C-4, pp.8-10; AJHR, 1876, G-10, pp.17-20, and; *New Zealand Gazette, 1874, pp.633-636.*
278 AJHR, 1876, G-10, pp.10-20.
279 AJHr, 1881, C-6, p.13.
280 Waitangi Tribunal, *Te Urewera (Pre-Publication Report), 2010, Part Two, p.542; Philip Cleaver, pp.19-20, and; C. O. Davis to Native Department, 15 June 1876. AJHR, 1876, G-5, pp.7-8.*

> *Take and leave the divisions of Ngāti Awa and their descendants. Leave the regions between Ngāti Awa and Rangitihi. Let Ngāti Rangitihi deal with their own areas. There is much disputing between Ngāti Awa and Ngāti Rangitihi, leave such disputings as they lengthen the Court hearings.*[281]

Ngāti Rangitihi later called a hui before the Court sat to investigate Pokohu, but were unable to come to an agreement with Ngāti Awa over the land.[282] The Native Land Court was the only forum with statutory authority to investigate and determine customary land interests and Ngāti Rangitihi were powerless to prevent it doing so.

By this stage, the Crown was also interested in Pokohu and the adjoining Matahina Block (the boundaries between which remained unclear for some time) as Ngāti Awa had asserted rights there and were willing to sell those to the Crown. In April 1881, Gilbert Mair affirmed that the land was worth purchasing and asserted that the eastern-most portion of the combined blocks (claimed by Ngāti Awa) was not disputed. Rangitukehu of Ngāti Awa wanted to sell this eastern area of about 20,000 acres in order to clear Crown advances, survey charges, and other debts.[283] By this time, before title had been investigated, the Crown had advanced £442 against Pokohu plus and additional £340 of "incidental" expenses, which likely included survey costs.[284] The Native Land Court was later informed that commitments by some claimants to transact the land influenced the claims made and the evidence given against Ngāti Rangitihi.

3.4.5.2 Title Investigation, 1881

Ngāti Rangitihi claim to the reduced Pokohu Block was heard in October 1881, with Ngāti Hinewai making a separate but related claim. Opposing them were Ngāti Awa and Ngāti Pou (Ngā Maihi having joined the latter).[285] The Ngāti Rangitihi ancestral claim was from Kahukura ("Pokohu was the land of Kahukura") as well as through the more recent ancestor Te Apiti, and they also claimed through occupation of the land.[286] Claims to the northwest of the block were made through Te Apiti alone, while in the rest of Pokohu they claimed through both tupuna. Kahukura's descendants Torehina, Waiata, and Tarawhai were important figures in the whakapapa presented by Ngāti Rangitihi, and they noted the marriage of Koira to Torehina and Waiata. The evidence revealed the connections between Ngāti Rangitihi, Ngāti Tarawhai and Ngāti Pou.[287]

Some of the Ngāti Rangitihi evidence concerned use of the Tarawera River along the northern boundary of the block as well as tuna-fishing spots and other sites along its banks, but cultivations and mahinga kai on the inland and eastern parts of the land were also referred to, including numerous pā, kāinga, and urupa. Niheta Kaipara noted that other groups were allowed to take tuna from the Tarawera River but only under the authority of Ngāti Rangitihi, whose pou rahui stood beside the River in the west of the Pokohu Block.[288] Ngāti Rangitihi continued to live on the land for some time, and maps from the early 1900s showed a Māori settlement on their Pokohu land.[289]

Timber on Pokohu was valued for building waka, and Ngāti Rangitihi related how they had prevented Ngāti Awa and Ngāti Pou trying to unscrupulously use the timber on the block to make waka, and punished them for these offences.[290] Another resource of great customary value on Pokohu was kōkōwai which, as Niheta

281 Niheta Kaipara, Matatā, to Native Land Court Registrar, 4 March 1881. Papers of Pitara Takawheta Mokonuiarangi, MSY-3689. ATL.
282 Waitangi Tribunal. *He Maunga Rongo, p.492.*
283 G. Mair report on various blocks, 25 April 1881. MA-MLP 1/1888/50. ANZ.
284 AJHrR, 1881, C-6, p.13.
285 Waitangi Tribunal, *He Maunga Rongo, Part 3, p.104.*
286 Whakatane MB 1, pp.173 and 213ff.
287 Whakatane MB 1, p.250, and; *Bay of Plenty Times, 14 February 1884, p.2.*
288 Whakatane MB 1, pp.213, 250-253, and 261.
289 Cadastral plan, n.d. [c.1910]. LS 1/ 22/285. Archives New Zealand. Even though it was still shown on maps, the settlement may have been abandoned in the wake of the Tarawera eruption.
290 Whakatane MB 1, pp.254-255.

noted, was "considered a very great property in the days of my ancestors." He named several kōkōwai pits controlled by Ngāti Rangitihi, and another witness, Hakaraia Peraniko, confirmed the kōkōwai source at Otauira belonged to Ngāti Rangitihi (to whom he was related, being of Ngāti Koira and Ngāti Pou). The kōkōwai pit Te Putaahinariki was named for Te Ahinariki, the mother of Waiata and Torehina.[291]
he Ngāti Hinewai claim to Pokohu was distinct from that of Ngāti Rangitihi but did not conflict with it. It was presented by Morihi Paurini who agreed Ngāti Hinewai were a hapū of Ngāti Rangitihi. Their kōkōwai pits and areas of cultivations were in different parts of Pokohu, which they also used extensively as a mahinga kai – hunting birds and kiore and gathering berries and honey.[292]

The Ngāti Pou counter-claim was not entirely rejected by Ngāti Rangitihi, as they admitted their claim through descent from Koira and links with Ngāti Koira (of Ngāti Rangitihi). What Ngāti Rangitihi did dispute was Ngāti Pou claiming rights in Pokohu on the basis of the Ngāti Awa descent from Pou (rather than Kahukura). The Ngāti Awa claim was combined with and relied on that of Ngāti Pou, who asserted they had driven Ngāti Rangitihi and Ngāti Hinewai off Pokohu many years before. The only area in which they admitted Ngāti Rangitihi was the northwest of the block – the area claimed by Ngāti Rangitihi through Te Apiti rather than through Pou. At the same time, the only Ngāti Pou alive who could be identified as having lived on Pokohu was Hakaraia Peraniko. At first he spoke out against the Ngāti Rangitihi claim to most of Pokohu but he later testified that he belonged to the "Ngāti Rangitihi tribe and the Ngāti Pou hapū," which revealed the links that Ngāti Awa sought to deny.[293] Hakaraia subsequently led protests against the Native Land Court's defective award of most of Pokohu to Ngāti Awa, in which he referred to Ngāti Rangitihi as having descended from Pou.[294] It was later revealed that his support for the Ngāti Awa claim was the result of collusion and that his evidence against Ngāti Rangitihi was untruthful, but by then it was too late.

As with Putauaki, the inexperienced Judge Brookfield had difficulty dealing with what he perceived as contradictory evidence and overlapping claims. He relied on the flawed and unclear report by the Assessor Wi Rakena Kaitaia, who inspected part of Pokohu after the case closed. He was taken to the Ngāti Rangitihi kāinga Ohakiri and shown the several whare that Mikaere Heretaunga had referred to in evidence. Yet the Assessor did not accept the whare there as evidence of occupation, dismissing them as "merely shelters put up for travellers." This was consistent with the evidence of Ngāti Rangitihi occupation, which in recent decades had been seasonal rather than permanent, but it did not fit the preconceptions of the Assessor. (Evidence given in 1884 confirmed that Ohakiri had, in recent decades, been used only temporarily when hunting for pigs.) He also visited Oteao, which he agreed was "a great place, and an old one," at which signs of past occupation were seen. Despite Ngāti Rangitihi evidence about Oteao, he referred to it as "Hakaraia's place," and assumed this meant it supported the Ngāti Awa claim.[295] It was instead a place that Ngāti Pou had occupied under Ngāti Rangitihi mana (as Hakaraia only later admitted, having misled the 1881 court).

The result was that the Court awarded nearly all of the block to Ngāti Awa, Ngāti Pou, Ngāti Aotahi, and Ngāti Pukeko (Pokohu 1 of 31,250 acres) and awarded Ngāti Rangitihi and Ngāti Hinewai only the balance of the block in the northwest (Pokohu 2 of 7,000 acres).[296] Pokohu 1 was awarded to 325 owners and Pokohu 2 was awarded to 253 owners. Despite the apparent exclusion of Ngāti Rangitihi from Pokohu 1, several of them were included in the ownership list, but the result of the Court's erroneous decision was that they were included on the basis of their descent from Pou rather than as Ngāti Rangitihi.

291 Whakatane MB 1, pp.241 and 251-253.
292 Whakatane MB 1, pp.243-244 and 247, and; Whakatane MB2 2, pp.190-192.
293 Whakatane MB 1, pp.214-215, 218, 222, 232-233, 238, and 257.
294 Hakaraia Peraniko to Native Minister, 25 May 1883. MA-MLP 1/1888/50. Archives New Zealand. Cited in Kathryn Rose, 'The Fenton Agreement and Land Alienation in the Rotorua District in the Nineteenth Century', CFRT, 2004, p.224.
295 Whakatane MB 1, pp.277-279.
296 Whakatane MB 1, p.276.

As with Putauaki, the Court was unable to comprehend more than one set of connections between tribal groups, so it accepted the links between Ngāti Pou and Ngāti Awa. It did not recognise the more important links to Pokohu between Ngāti Pou and Ngāti Rangitihi, even when the key Ngāti Pou witness (relied on heavily by Ngāti Awa) had openly acknowledged those links. On the other hand, the Court could not entirely ignore Ngāti Rangitihi links to all Pokohu, so it came up with a way to include them in the ownership on the basis that some Ngāti Rangitihi and Ngāti Hinewai had become "incorporated" with Ngāti Pou, through a mix of intermarriage and so-call "permitted occupation."[297] The nature of interests was instead the opposite of that; it was the few Ngāti Pou on Pokohu who had been able to live there through connections with Ngāti Rangitihi.

3.4.5.3 Protest and Rehearing, 1881-1884

Just days after the Native Land Court made its incorrect award of Pokohu, Arama Karaka Mokonuiarangi and 24 other Ngāti Rangitihi leaders protested to the Native Minister about the Court's shortcomings and the need for another forum to resolve questions of customary interests:

> *Leave the problems to us (to solve)... this is a command from us and from some other hapū of Te Arawa. From Ngāti Tarawhai, from Ngāti Hinewai and Tūhourangi, to pursue and divide Pokohu according to our strong desires and to understand our views. Yes, it is a thing of these days for us to know where our ancestors' lands were and for us to know where they are, please look carefully into these matters.*
>
> - *The pā sites of our ancestors.*
> - *The hopes, thoughts and aspirations of our ancestors.*
> - *The food gathering places on the land in which our ancestors lived and down to our present occupation.*
> - *The burial sites of our ancestors down to our times.*
> - *The traditional living places on the land in which our ancestors lived and down to our present occupation.*
> - *Our houses that stand on that land.*
> - *Our horses that have fallen upon that land.*
> - *Our present cultivations on that land.*
> - *Our forests growing upon that land.*
> - *Prohibitions on seasonal food cultivations and other resources of our ancestors.*
>
> *These are our concerns brought before the Court that weigh heavily on our minds.*
>
> *Therefore, o Honourable Minister, be firm in the face of troubles. Troubles that come from outside the Te Arawa district that must be thought upon. It is not good for the land to rest in that Court to transfer or send out. These are the words that have been carefully considered in our case to be right and just. We will never give up our occupation of our lands.*[298]

297 Whakatane MB 1, p.276.

298 Arama Karaka and others, Matatā, to Native Minister, 28 October 1881. Papers of Pitara Takawheta Mokonuiarangi, MSY-3689. ATL. Cited in Waitangi Tribunal, *Te Urewera (Pre-Publication Report), 2010, Part Two, pp.810-811.*

As the Waitangi Tribunal reported:

> *This poignant statement expresses the relationship of Ngāti Rangitihi with their land over generations, their fear that it might be lost to them, and their anxieties about court processes... The court's decisions... remained a serious grievance for them, passed down from generation to generation.*[299]

Despite receipt by the Native Minister of this protest, he failed to treat it as a request for rehearing and the government did not forward it to the Native Land Court, which could have received it as a request for rehearing.[300] No rehearing was ordered within the statutory timeframe for doing so, meaning the Court's wrongful award stood.

Ngāti Rangitihi protests against the 1881 decision continued, including from Hakaraia Peraniko, who in an 1883 letter described himself as Ngāti Rangitihi despite his evidence against them in the Court having proved so critical to the outcome. He now told the government that Ngāti Awa had "no ancestral claims to the land that I am aware of," and he sought a rehearing. Hakaraia revealed what had gone on at the 1881 hearing of Pokohu, writing about how many Ngāti Awa were included in the ownership list without his knowledge, and that when he objected to their inclusion during the hearing, "I was turned out of the Courthouse, and after my expulsion the names of the Hapū who had no right to the land were then submitted." He was "very much afraid" that Ngāti Rangitihi land would be sold by Ngāti Awa before a rehearing was held, as the "Waikato Company" (a large concern comprising some of the leading financial, legal, and political figures of Auckland) were seeking to buy up Pokohu (and Matahina) from those awarded titles by the Court, but that Ngāti Rangitihi "are not willing to sell."[301]

As well as now opposing Ngāti Awa, he endorsed the rights of hapū connected with Ngāti Rangitihi, such as Ngāti Koira. He said that those Ngāti Awa claiming Pokohu did not belong to Ngāti Pou and it was only through Pou that they could have any rights. He said that in 1881 he had been "induced" by Ngāti Awa to "form common cause" with them but they then deceived him, having promised to leave Pokohu for his hapū if he did not challenge them in Putauaki and Matahina.[302] He recalled:

> *I was cajoled by the Ng'Awa to join them, to keep the Ng'Rangitihi out, for I had it in my mind that if the Rangitihi were kept out I should get possession of the whole block.*[303]

When Ngāti Awa went back on the deal, he recanted his dishonest testimony and spoke the truth about Ngāti Rangitihi extensive rights in Pokohu. Arama Karaka Mokonuiarangi added that Hakaraia Peraniko tried to keep Ngāti Rangitihi out of Pokohu, "because he has received money for this land."[304]

The Native Land Court rejected calls for a rehearing but after several written protests from Ngāti Rangitihi to the government, and petitions to Parliament, special legislation was enacted in 1883 to enable the titles to Pokohu and Matahina to be investigated afresh.[305]

The second investigation of title for Pokohu took place at Whakatane in February 1884. This led to the 1881 award being substantially altered, although the full extent of Ngāti Rangitihi interests was still not recognised. The parties to the case were Ngāti Rangitihi, Ngāti Awa (who combined with Ngāti Tūwharetoa),

299 Waitangi Tribunal, *Te Urewera (Pre-Publication Report), 2010, Part Two, p.811.*
300 Waitangi Tribunal, *Te Urewera (Pre-Publication Report), 2010, Part Two, p.599.*
301 Hakaraia Peraniko to Native Minister, 25 May 1883. MA-MLP 1/1888/50. Archives New Zealand. Cited in Kathryn Rose, 'The Fenton Agreement and Land Alienation in the Rotorua District in the Nineteenth Century', CFRT, 2004, pp.224-5.
302 Whakatane MB 2, pp.187-188.
303 Whakatane MB 2, p.190.
304 Whakatane MB 2, p.212.
305 Special Powers and Contracts Act 1883. See also Waitangi Tribunal, *He Maunga Rongo, Part 3, p.114.*

and Ngāti Pou. Ngāti Awa admitted the Ngāti Pou claim but Ngāti Pou refused to combine their claim with that of Ngāti Awa as they had no rights to Pokohu.[306]

As in 1881, Hakaraia Peraniko's evidence was important, but this time he spoke truthfully of the extent of Ngāti Rangitihi interests. In 1881 he had referred to waka that Ngāti Awa had made on Pokohu, but in 1884 he revealed that they were only able to do so after acknowledging Ngāti Rangitihi rights: "I saw the guns and blankets which were given by Ng'Awa to the Ng'Rangitihi as payment for the canoes." Peach groves he had described in 1881 were now admitted to belong to Ngāti Rangitihi, and he confirmed the rahui Ngāti Rangitihi had imposed on the tuna fishery in the Tarawera River and its tributaries on Pokohu. He referred to Oteao as an area where Ngāti Rangitihi would catch and preserve birds.[307]

Arama Karaka Mokonuiarangi led the Ngāti Rangitihi claim in 1884, tracing descent from Kahukura and Maka and claiming the land through take tupuna, take raupatu, take toa, and ahi kā. He presented extensive whakapapa in support of his evidence, which included reference to the connections between Ngāti Tarawhai and Ngāti Rangitihi.[308] He named numerous pā, whare within them, urupa (and those of his whānau buried in them), kāinga, kumera plantations, flax plantations, and mahinga kai areas including numerous named "bird troughs" used to catch kereru. He emphasised the rich resources of Pokohu:

> *The reason the ancestors lived upon this land was owing to its productiveness in birds, such as pigeons, and tui, etc. The forest also produced tawa and hinau berries. The open country also produced fern root. The produce of all the streams was eels. Kumeras were also planted near the pā ...the kumera pits may still be seen near the pā.*[309]

Ngāti Rangitihi protected the resources of the Tarawera River and of Pokohu, and Arama Karaka named several Ngāti Pou men who had taken tuna or birds without permission and been killed for their offence. They were unable to avenge these killings, "owing I have heard to there having been so few in number and not possessing much power."[310] He added that:

> *The Ng'Pou related to the Ng'Awa, in time of need fell back on the Ng'Awa, and the Ngāti Koira on the Arawa in time of need. Hakaraia is wrong in his statement that the Ng'Pou joined themselves with the Arawa.*[311]

That is, Hakaraia was accepted as a Ngāti Koira, but not as a Ngāti Pou, just as Ngāti Koira rights (as Ngāti Rangitihi) to Pokohu were accepted, but not the claim of Ngāti Pou.

The customary value of kōkōwai on Pokohu was recalled by Arama Karaka, including that at Otutauira:

> *Kōkōwai was of great account in the eyes of the Natives, they would get green jade and mats in exchange for it. A post was put up to mark its protection outside the boundary of Pokohu No. 1 at Taumatahakurekuta. There was another kōkōwai pit at Te Retawhineriki, another at Te Pitau, another at Waipohatu, another Kauaurekaroa. The Ng'Rangitihi were the only people who took the kōkōwai from these pits.*[312]

Neither Ngāti Awa nor Ngāti Pou "meddled with the pits." Some among Ngāti Koira were allowed to take kōkōwai, on account of their connections to Ngāti Rangitihi.

306 The Native Land Court observed this point in its judgement (Whakatane MB 2, pp.216-7).
307 Whakatane MB 2, pp.190-192 and 210.
308 Whakatane MB 2, pp.163-164, and 202-203.
309 Whakatane MB 2, p.203.
310 Whakatane MB 2, p.205.
311 Whakatane MB 2, p.212.
312 Whakatane MB 2, p.206.

The timber on Pokohu was used in more recent times. After a saw pit was built at Oteao, the timber sawn there was used for a Ngāti Rangitihi church at Mourea. In earlier times, it was a spot where waka were made, including many day-to-day waka and also several "highly finished" large waka (probably waka taua) named Te Aratitahu, Whatuture, and Umataro. He recalled the time Ngāti Awa came to make a waka but Paerau took the food (including dried shark) they had brought with them while they worked and drove them away. They returned only in the mid-1850s to complete one waka, after Paerau was killed in the fighting with Tūhourangi over Te Ariki. Even so, the waka (named Tepo) could not be worked on until Te Wharekoire of Ngāti Awa "gave a horse, a double-barrelled gun, and some blankets, and Te Rangitukehu gave a cask of powder" as payment for the timber.[313]

After hearing the evidence, the Court came to a quite different conclusion than in 1881. Even so, it awarded Ngāti Rangitihi only the western half of Pokohu while the eastern half was divided equally between Ngāti Pou and Ngāti Awa (in the southeast of the block, near Putauaki). The Ngāti Rangitihi award was smaller because the Court failed to adhere to the legislation under which the title investigation was held. The 1883 Act did not order a rehearing but required the Court to investigate title to Pokohu as if it were customary land. The Court did not do this; it instead referred to the 1881 evidence, especially that of Hakaraia Peraniko, and pointed out inconsistencies with the 1884 testimony. His 1881 evidence had already been revealed as tainted by collusion with Ngāti Awa, yet the Court still presumed to give some weight to it and, more bizarrely, was critical of his 1884 evidence for being at "considerable variance" with that of 1881. He had explained the reasons but the Court seemed to overlook this.[314]

Ngāti Rangitihi were awarded only Pokohu A (11,440 acres) and Pokohu B (6,870 acres); a total of 18,310 acres in the west of the block. The Court gave no reasons for how and where it divided the land. Ngāti Pou were awarded a quarter of the land to the east of the Ngāti Rangitihi portion (Pokohu C of 9,500 acres), and Ngāti Awa the final quarter in the southeast (Pokohu D of 9,500 acres and Pokohu E of 1,000 acres). The stronger presence of Ngāti Rangitihi in the title led to a big increase in the number of owners, with a total of 574 owners in their Pokohu A and B titles.[315]

3.4.5.4 Crown Purchase and Later Protest, 1881-1885

The protests over the 1881 Native Land Court award and the delay until 1884 in completing the title to Pokohu, meant that the purchase pursued by the Crown since 1873 was held up. The advances paid from 1873 to 1881 could not be recouped in land until the title was finally awarded in 1884. The Crown had applied to the Court to define its interests at the 1881 hearing, at which point it was to abandon all further dealings, but had to wait until 1884 to get land for the pre-title advances it had paid.[316] In 1884 the Crown secured 1,250 acres, when the Native Land Court awarded it 750 acres of Pokohu B (the Ngāti Rangitihi award) and 500 acres from Pokohu C (the Ngāti Pou award). Official returns indicated it had paid a total of £790 for this land but that total included Putauaki 1 (5,243 acres) and Matahina A6 (8,500 acres). As noted above, the Crown had paid £325 for the Putauaki land, meaning it paid £465 for a total of 9,750 acres of land, or a fraction over 11 pence per acre; at this price the 750 acres of Pokohu B awarded to the Crown would have cost about £35.[317]

In August 1905, Raureti Mokonuiarangi on behalf of Ngāti Rangitihi petitioned Parliament for a rehearing of Pokohu, but in response the Justice Department (which was then administering Māori affairs after the disestablishment of the Native Department in 1892) observed that the title had been awarded in 1884 as a result of special legislation and the case could not be re-opened.[318]

313 Whakatane MB. 2, pp.207-8.
314 Whakatane MB 2, p.217, and; *Bay of Plenty Times, 14 February 1884, p.2*
315 Whakatane MB 2, pp.269-297, and; Pokohu Block History, LHAD, CFRT.
316 Gill to Native Minister, 1 November 1880, and; Brabant to Gill, 13 July 1881. MA-MLP 1/1888/50. ANZ.
317 Whakatane MB 2, pp.315-316, and; AJHR, 1885, C-7, p.8.
318 Justice Under Secretary to Chairman, Native Affairs Committee, 6 September 1905. J 1/1905/1254. ANZ.

3.4.6 Matahina

The early history of the Matahina Block (85,834 acres) is similar to that of the adjacent Pokohu Block to the west of Matahina. Indeed, the boundary between the two blocks was the subject of some confusion among government officials. Until at least 1881, the two blocks were conflated by officials and referred to simply as 'Pokohu' – a block then thought to comprise about 100,000 acres, but which was instead two blocks (Pokohu and Matahina).[319] This meant that Matahina was subjected to the same pre-title Crown advances as Pokohu, including the 1873 lease intended to tie up the land for purchase. It was later recalled that the advances paid by Crown agents in the mid-1870s, included £50 paid to Arama Karaka but handed back the next day as Ngāti Rangitihi reportedly objected to "the smallness of the sum." Large advances were then made to more pliable claimants, but not to Ngāti Rangitihi.[320]

Matahina was heard by the Native Land Court at the same 1881 hearing as Pokohu and Putauaki. The outcome was similar and Ngāti Rangitihi and others appealed the Court's judgment, resulting in the title being investigated anew in 1884 under the same special legislation that provided for Pokohu. Like Pokohu, Matahina was contested by Ngāti Rangitihi and Ngāti Awa. (A Tūhoe hapū were also involved in the south of the block but their claim did not conflict with that of Ngāti Rangitihi, and nor did the claim of Ngāti Hamua in the northeast.) Ngāti Rangitihi asserted interests only in the south-western quarter of Matahina, which they had earlier surveyed as part of their wider Pokohu Block (before it was curtailed by the surveying of Matahina and Putauaki).

3.4.6.1 Title Investigation, 1881

The surveys of Matahina and Putauaki were instigated by Ngāti Awa after their claim to the Kaingaroa 1 Block to the south was rejected. Ngāti Rangitihi challenged these surveys but Crown officials induced them to leave the matter to the Native Land Court.[321] This advice disadvantaged Ngāti Rangitihi as it put them in the role of counter-claimants to a claim initiated and surveyed by Ngāti Awa. The result was that Ngāti Rangitihi had to become involved in three separate and costly claims rather than just what they claimed as Pokohu. Even the basic court costs were an issue for Ngāti Rangitihi, and at the outset of the Matahina case they sought an adjournment to allow the parties to consider how they would pay the fees demanded by the Court (being £1 per day for each claim plus two shillings per witness called). The adjournment was denied.[322]

As before, Ngāti Hinewai filed a separate but very similar claim to that of Ngāti Rangitihi, and Hakopa Takapou of Ngāti Hinewai referred to them as a hapū of Ngāti Rangitihi, as did other rangatira such as Hakopa Takapou and Mikaere Heretaunga.[323] As with Pokohu and Putauaki, Ngāti Awa asserted exclusive rights over the entire block and, as with both those titles, they had entered pre-title agreements with the Crown for the alienation of the land.

319 Waitangi Tribunal, *Te Urewera (Pre-Publication Report), 2010, Part Two, p.810.*
320 Mair to Native Secretary, 14 June 1884. MA-MLP 1/1888/50, and; Mitchell memorandum, 13 February 1888. MA-MLP 1/1888/89. ANZ.
321 Whakatane MB 1, p.83.
322 Whakatane MB 1, p.63.
323 Whakatane MB 1, pp.85, 90, and 106.

The Ngāti Rangitihi claim was presented by Mikaere Heretaunga with Niheta Kaipara acting as kaiwhakahaere. The claim was based on take raupatu and ahi kā, with Mikaere claiming as Ngāti Koira and Ngāti Tarawhai, which he said were both hapū of Ngāti Rangitihi (as set out on four whakapapa that he presented tracing descent from Tarawhai, Waiata, Torehina, and Te Rangipatahi and Ngahuingatapu).[324] He told the Court of his occupation earlier in his life of the part of Matahina they were claiming, noting that some Ngāti Rangitihi still lived on the block in their kāinga on a seasonal basis, using the resources of the forest that extended over Pokohu and onto the portion of Matahina that Ngāti Rangitihi had claimed as part of Pokohu. He named pā and other sites on the block as well as kumera and potato cultivations "kept up from the time of our ancestors down to the present time," and named Paekitawhiti as a pākoro in which the harvest was stored.[325] The Ngāti Rangitihi claim was endorsed by Mehaka Tokopounamu of Ngāi Tūhoe.[326]

The claim was also supported by Te Wharetini, who initially put in a Ngāti Manawa counter-claim but withdrew it to join the Ngāti Rangitihi claim (probably through him being Ngāti Hape, who linked to both iwi).[327] Te Wharetini referred to a recent dispute in the south of Matahina at Waiotu kainga, when the mother of Penetito Hawea of Ngāti Awa had burned down the house of Te Wharetini for what Penetito asserted in Court was Te Wharetini's offence of hunting pigs on land her iwi claimed. Hakopa Takapou clarified that the burning was an accident caused by a Ngāti Awa pig-hunting party, who were in the wrong as it was not their land. Penetito's mother was fined £3 by a komiti Māori for trespass and damages.[328]

This evidence was endorsed and supplemented by Huta Tangihia, who had planted on Matahina every year since he was a child, as well as taking tuna there, collecting honey, keeping horses, and running pigs on the land. He clarified that the five streams within the Pokohu portion of Matahina all flowed into the Tarawera, making the Ngāti Rangitihi boundary a distinct watershed. Morihi Paurini noted that a Ngāti Hinewai tupuna had placed a stone marker in the shape of a ngārara, to mark the boundary between Ngāti Rangitihi in the west and Ngāti Haka Patuheuheu of Tūhoe in the east.[329]

The Ngāti Hinewai counter-claim followed that of Ngāti Rangitihi, being presented by Henare Te Rangi who called Morihi Paurini as his main witness. The claim differed from that of Ngāti Rangitihi in that it emphasised descent from Hinewai and Paengatu, who derived their mana from Maka, one of the earliest occupants of this part of Kaingaroa. Even so, the tupuna Kahukura was also significant for their claim. Morihi Paurini agreed with Niheta Kaipara that they were closely related and both belonged to Ngāti Rangitihi. He too referred to extensive use of the forest on the land and clearings near its edge, where cultivations were made for kumera and, more recently, potatoes. Hakopa Takapou also testified for Ngāti Hinewai but emphasised that he too, was Ngāti Rangitihi.[330]

Ngāti Awa rejected all the counter-claims and the evidence. Hamiora Tumutara presented the case, but his evidence concentrated on the northern and eastern parts of the block, in the Rangitaiki valley, rather than the part to the southwest claimed by Ngāti Rangitihi. He did name Oteranginui as a site in the southwest where his ancestors had snared birds, but it was not an area his people had used for a long time. One piece of more recent evidence concerned sawpits at Raoraokaretu, but those dated only from the post-1840 period and were, in any case, on the boundary of the Ngāti Rangitihi claim, not within it. Hamiora eventually admitted to the Court he did not know the part claimed by Ngāti Rangitihi very well.[331]

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324 Whakatane MB 1, pp.77-78 and 94. See also p.250.
325 Whakatane MB 1, pp.77-85 and 92.
326 Whakatane MB 1, p.54, 58, 68, and 89-91.
327 Whakatane MB 1, pp.89 and
328 Whakatane MB 1, pp.89-91 and 106.
329 Whakatane MB 1, pp.85-89 and 103.
330 Whakatane MB 1, pp.101-106.
331 Whakatane MB 1, pp.116-129.

The Court deferred its judgment on Matahina until after it had heard the related evidence on the Pokohu and Putauaki cases. Given the dubious findings of the inexperienced Judge Brookfield in those two cases, it is hardly surprising that his findings on Matahina were just as incorrect and were altered by a later court. Unable to deal with evidence he found to be "of the most contradictory nature," he wrongly rejected all the counter-claims and awarded the entire block to Ngāti Awa without explaining his reasoning.[332]

3.4.6.2 Protest and Rehearing, 1881-1884

As with Pokohu, Ngāti Rangitihi immediately protested the Court's Matahina decision in the same impassioned letter cited above in relation to Pokohu. As the Waitangi Tribunal noted, their protest was, "a strong statement of rights passed down from their ancestors and the exercise of their authority there."[333] The Crown failed to treat these protests as applications for rehearing and failed to pass them on to the Native Land Court, so no rehearing was granted. Instead, further protests in relation to Pokohu, Matahina, and other blocks prompted Parliament to enact special legislation to enable Matahina to be heard anew, in February 1884 (Special Powers and Contracts Act 1883, s.4). This decision was made because, according to the Native Secretary, "the Assessor of the Native Lands Court did not do his duty" in 1881. This seems to refer to the defective inspection and report on the land for the Court.[334]

Ngāti Hinewai did not lodge a claim in 1884, indicating they had joined with Ngāti Rangitihi, who made the same claim as before. Arama Karaka Mokonuiarangi was the sole witness called for Ngāti Rangitihi, and he set out detailed evidence about pā, kāinga, and historical and current cultivations of his tribe on the land.[335] When questioned by Timi Waata for Ngāti Awa, Arama Karaka agreed with him that Ngāti Awa did inflict some defeats on Ngāti Rangitihi in recent times but that those fights were outside Matahina, did not concern Matahina, and had not affected Ngāti Rangitihi rights at Matahina. This prompted him to remind Timi Waata: "During the days of the ancestors the people were numerous and the land was held against all comers."[336]

After the case closed, the Court adjourned to allow the Assessor to inspect some of the sites referred to in evidence, including Motukura Pā which was a key pā and boundary marker for Ngāti Rangitihi.[337] It gave judgment four days later, making four awards within Matahina but these went only a little way towards recognising the interests of the several tribes who had challenged the Ngāti Awa claim. The Court accepted that Ngāti Rangitihi had a "ground of claim based on occupation," but it could not determine, through the conflicting evidence given, if their occupation was "based on ancestral title."[338] Thus, they were due only "some slight consideration," and were only given a token acknowledgement. As the Waitangi Tribunal found in relation to Ngāti Rangitihi, this award was so small "as to actually constitute a decision against them, despite the change of the Court's award in principle."[339]

The bulk of Matahina was again awarded to Ngāti Awa, with only small areas awarded to counter-claimants including Ngāti Rangitihi, who were awarded Matahina D (1,000 acres in the southwest corner) while Ngāti Haka Patuheuheu were awarded 2,000 acres beside that, and Ngāti Hamua secured 1,500 acres in the far north of Matahina.[340] The contrast with the Pokohu award is stark; Ngāti Rangitihi were awarded a large area in that block adjacent to the area they claimed (but were not awarded) in Matahina. The Court's decisions in 1881 and 1884 "reflect the inability of the Court to properly reflect the overlapping interests in Matahina."[341]

332 Whakatane MB 1, pp.268-269.
333 Waitangi Tribunal, *Te Urewera (Pre-Publication Report), 2010, Part Two, p.810.*
334 Native Secretary memorandum, n.d. (August 1883). MA-MLP 1 1888/50. ANZ.
335 Whakatane MB 2, pp.241-244.
336 Whakatane MB 2, p.243.
337 Whakatane MB 2, p.264.
338 Whakatane MB 2, p.266-267.
339 Waitangi Tribunal, *Te Urewera (Pre-Publication Report), 2010, Part Two, p.600 and p.811.*
340 Whakatane MB 2, pp.266-267, and; *Bay of Plenty Times, 26 February 1884, p.2.*
341 Waitangi Tribunal, *Te Urewera (Pre-Publication Report), 2010, Part Two, p.600 and p.587.*

The Court's failure to make more than a token acknowledgement of Ngāti Rangitihi rights had serious effects on the Iwi. They lost access to their main source of kereru, as well as to a key source of tanekaha timber, which they had been felling and pit-sawing for the Matatā ship-building industry in which Ngāti Rangitihi were actively involved since the 1840s.[342]

3.4.6.3 Survey Lien

The Ngāti Rangitihi award, Matahina D (1,000 acres), was subject to a survey lien of £76. This was equal to a charge of one shilling sixpence per acre, which was around the purchase price the Crown was prepared to pay for Matahina land. By the 1890s the lien had grown through interest charges to £92 9 dimes, and the Crown sought payment in land for the lien. In 1907 it took 920 acres of the land to discharge the lien at a rate of two shillings per acre. This was 92 percent of the land and left Ngāti Rangitihi with an unviable and isolated parcel of 80 acres, being Matahina D1. In 1966 this residue was included in the Tarawera Forest joint venture.

342 Waitangi Tribunal, *Te Urewera (Pre-Publication Report), 2010, Part Two, pp.826-7.*

3.4.7 Rerewhakaitu

Title to Rerewhakaitu (35,200 acres) was investigated by the Court in October 1881, at the same protracted sitting as Putauaki, Pokohu, Matahina, and Paeroa East. Ngāti Rangitihi had earlier surveyed the customary limits of Rerewhakaitu when defining their Kaingaroa interests, when the block comprised more than 125,000 acres, before being curtailed by the Kaingaroa 1 and Paeroa East surveys instigated by other iwi.

For Ngāti Rangitihi, Rerewhakaitu was the most successful of the 1881 title investigations and it was the only one of the five titles at that hearing that did not have to be reheard as a result of protests. Before the Court sat, they entered into negotiations with other iwi asserting interests in all five titles, but it was only in Rerewhakaitu that other claimants were interested in arranging matters away from the costly and combative forum of the Native Land Court. As a result, Ngāti Hape, Ngāti Hinewai, and Ngāi Tūhoe reached an agreement with Ngāti Rangitihi so that their claims were withdrawn or merged with that of Ngāti Rangitihi before the case was called. The only sticking point was a Tūhourangi claim that was still current when the Court began, but which they later agreed to withdraw.[343] These negotiations with other iwi greatly shortened the hearing time and reduced disputes over evidence.[344]

As Tūhourangi got as far as opening their case, Ngāti Rangitihi had to first present an outline of their claim. This set out in some detail their ancestral connections to the land and their customary uses of its resources.[345] As the Ngāti Rangitihi claim was eventually uncontested this evidence need not be traversed here.

The withdrawal of the Tūhourangi claim was in part due to Ngāti Rangitihi being willing to acknowledge the connections of some Tūhourangi to the land through Ngāti Hinewai. As Henare Te Rangi of Ngāti Rangitihi noted, "Arama Karaka [Mokonuiarangi] has authority over us and the land also, so has Te Kepa [Rangipuawhe]." Te Kepa is often identified only as Tūhourangi but he was also a rangatira of Ngāti Hinewai and his links to Ngāti Rangitihi were often acknowledged (as in Kaingaroa 1).[346] The final list of 200 owners was predominantly Ngāti Rangitihi, but in accord with the pre-court arrangements some of those who had withdrawn their claims were included in the title. Oddly, Te Kepa was not on the list, apparently because he did not attend court.[347]

3.4.7.1 Pre-Title Crown Dealings

As with Pokohu and Matahina, the Crown had entered negotiations to purchase Rerewhakaitu long before the Court investigated ownership. It had tried to arrange a lease in 1873 in an effort to tie the land up for purchase, but the lease was never completed.[348] Despite this, advances of £416 were paid before the case got to court, of this £126 had been paid to Wi Kepa Te Rangipuawhe.[349] In 1878 it proclaimed the land under the Government Native Land Purchases Act 1877, which prevented Ngāti Rangitihi entering into any

343 Whakatane MB 1, p.355.
344 Whakatane MB 1, pp.321-323.
345 Whakatane MB 1, pp.321-323 and 328-329.
346 Whakatane MB 1, p.329.
347 Whakatane MB 1, pp.355-358; Waitangi Tribunal, *He Maunga Rongo, pp.492-493, and; Mair to Native Secretary, 1 March 1884. MA-MLP 1/188/50. ANZ.*
348 AJHR, 1874, C-4, p.8.
349 Mair report, 25 April 1881, and Mair to Native Secretary, 1 March 1884. MA-MLP 1/1888/50. ANZ, and; AJHR, 1881, C-6, p.13.

negotiations with any other party.[350] By 1881, Crown officials were referring to Ngāti Hinewai as the "reputed owners" and "anxious to sell," but they soon set the record straight: in August 1881 Niheta Kaipara, Wirihana Te Ririapu, and all the people ("matou katoa") protested to the Native Minister at the advances taken on their land by Wi Kepa Te Rangipuawhe:

> *We ask you to give us some money on our land which is being disposed of to the Government, that is for Rotokautuku ["Rerewhakaitu" entered in the margin by another hand], do you make us an advance of five hundred pounds, it is not right that Te Kepa alone should receive money on it, the land is not his we also have a claim on it, it will not be well for us to put in an appearance in Court not having received any money but we should all participate. If no money is given to us we will cause that case to be adjourned, for we are all grieved at money being given to one individual.*[351]

Tauranga Resident Magistrate Brabant responded that:

> *While these natives own jointly with Keepa's people Captain Mair has told the natives that no more money will be paid [until] land has passed Court and unless they agree.*[352]

Having already paid large advances to those whose rights to the block were challenged by Ngāti Rangitihi, the Crown now ceased to pay such advances to the land's rightful claimants.

3.4.7.2 Crown Purchases, 1881 to 1895

By the time the title to Rerewhakaitu was investigated, the Crown had no interest in completing the purchase of the block and sought only to recover the advances it had paid before title was determined, dating back to 1873. Accordingly, it applied to the Court to define the interests it had acquired through its advances and after title was investigated it was awarded Rerewhakaitu 2 (9,000 acres). It claimed total purchase payments of only £252, presumably on the basis that the advances paid to Wi Kepa Te Rangipuawhe could not be recovered as he was not included in the title. This is equal to a payment of less then seven pence per acre, which is extraordinarily low.[353]

More than a decade later, Ngāti Rangitihi were in dire straits because of the Tarawera eruption. They were crowded on to small parcels of land at Matatā, some of which did not even belong to them, and were desperate for Crown assistance. They sought to purchase land at Matatā to support themselves. Accordingly in October 1893 Arthur Warbrick, on behalf of Ngāti Rangitihi, offered to sell Rerewhakaitu 1 (26,200 acres) to the Crown to enable the people to purchase Crown land at Matatā. The land purchase department reported that it might be able to acquire remaining Ngāti Rangitihi interests in Pokohu, Matahina Haehaenga, and Rerewhakaitu as well as any other lands between the Rangitaiki and Tarawera rivers at just two shillings per acre. At this price, it was said to be worth buying simply to "extinguish the native title," regardless of the utility or value of the land.[354]

Other officials considered Rerewhakaitu and the other lands of very little value and agreed the only advantage in purchasing them was in extinguishing Māori title, but for that purpose a price of two shillings was too high. (It was certainly far more than had been paid for Rerewhakaitu 2 in 1881.) A price of one shilling an

350 AJHR, 1878, C-5, p.2.
351 Wirihana Te Riripau, Niheta Kaipara, Parepe Taka and all their people ("matou katoa"") to the Native Minister, 3 August 1881. MA-MLP 1/1888/50. ANZ.
352 H. W. Brabant to Native Secretary, 7 August 1881 (with Native Secretary marginalia). MA-MLP 1/ 1888/50. ANZ.
353 Whakatane MB 1, pp.361-362; Mair to Native Secretary, 1 March 1884. MA-MLP 1/1888/50. ANZ, and; AJHR, 1883, C-3, p.8.
354 Gill to Sheridan, 7 October 1893. MA-MLP 1/1893/202. ANZ.

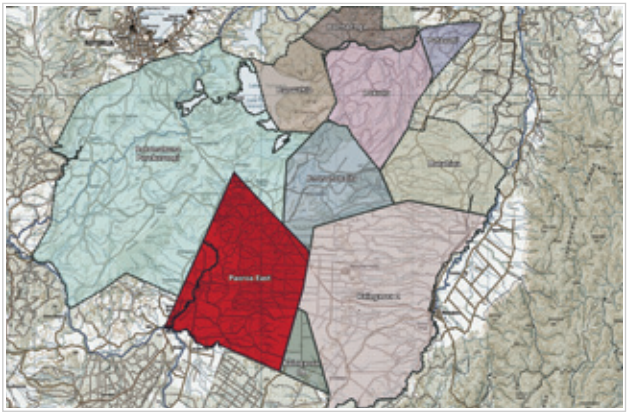
acre was recommended, but no action was immediately taken.[355] The urgent needs of Ngāti Rangitihi were given no heed.

In December 1893, Ngāti Rangitihi again offered Rerewhakaitu to the Crown, suggesting a price of five shillings per acre. The Crown had already decided on a price of one shilling per acre. The iwi countered with one shilling sixpence per acre, but this was rejected and the matter fell into abeyance.[356]

In August 1894, a purchase at this price was, however, approved, and the Crown then proceeded to purchase undivided individual interests in the block until it concluded that it had acquired all the shares that were to be sold. Accordingly, in 1895 it applied to the Native Land Court to partition out the interests it had purchased, when the block was also partitioned into Rerewhakaitu 1A and 1B. The Crown was awarded 1A1 (11,686 acres) which represented the interests of 140 owners who had been paid a total of £885. It was also awarded Rerewhakaitu 1B1 (9,589 acres) which represented the interests of 93 owners who had been paid a total of £714.[357] The total purchase price of £1,599 would not have gone far among the needy Ngāti Rangitihi at Matatā, equating to an average of £6 10 shillings each.

355 S. P. Smith to P. Sheridan, 8 November 1893, and; Sheridan to Gill, 23 November 1893. MA-MLP 1/1893/202. ANZ.
356 Takawheta Kaipara and "all Ngatirangitihi" to Native Minister, 21 December 1893, and; Gill to Sheridan, 1 May 1894. MA-MLP 1/1898/211.
357 AJHR, 1896, G-3, p.3.

3.4.8 Paeroa East



Paeroa East was a large block (initially surveyed at 79,820 but with a final area of 69,887 acres) and it was located beside several other Ngāti Rangitihi land titles, with Rotomahana Parekarangi to the north and Kaingaroa 1 to the east. Like those blocks, it is land that contains significant overlaps in customary interests, with numerous hapū and iwi of Te Arawa asserting rights there.

3.4.8.1 Pre-Title Crown Dealings, 1873-1881

Ngāti Rangitihi had made the Crown aware of their interests in the land as early as 1868, when they filed a claim for land referred to as Kaingaroa 3 (an early name for Paeroa East) but this was adjourned due to lack of a survey when the case was called at Taupō. Arama Karaka Mokonuiarangi attended the Taupō court hearing and asked that when the block was brought back before the Court (after survey) that it be heard at Rotorua rather than Taupō.[358]

From 1873 to 1878 the Crown paid numerous pre-title advances to Māori asserting interests in Paeroa East, but it made no payments to Ngāti Rangitihi. It dealt first with Ngāti Tahu and Ngāti Whaoa individuals at Taupō township in 1873, when a lease of the land was arranged and a £50 advance paid. The purpose of the lease was to tie the land up until it could be purchased, and exclude private parties from competing with the Crown for the land. The lease covered about 100,000 acres of land near Paeroa with an annual rental of £200, rising to £300 during the term.[359] Ngāti Rangitihi immediately voiced their opposition to the survey or leasing of their Paeroa lands without their consent, and in August 1873 Arama Karaka Mokonuiarangi, Poia, Huta Tangihia, Niheta Kaipara, and others joined Ngāti Hinemihi in a protest.[360]

By mid-1876 the lease had yet to be completed, as the land lacked both a survey and a Native Land Court title. In the absence of a complete title, no rental was payable but a total of £180 had been advanced on the land.[361] The Crown's purchase agents admitted dealing only with Ngāti Tahu and Ngāti Whaoa despite being aware the lease encroached on the lands of Ngāti Rangitihi and other tribes. Nonetheless, further advances were paid to Ngāti Tahu and Ngāti Whaoa only.[362] In 1878 Paeroa was proclaimed under the Government Native Land Purchases Act 1877, which barred private parties from dealing for any interests in or resources on the land, at which point the advances totalled £247.[363] By 1879 the advances stood at £344.[364]

In 1879 four individuals lodged a Native Land Court application for title investigation; it was this application that triggered a government survey of Paeroa East. The survey was strongly opposed by Ngāti Whaoa and by Tūhourangi and the opposition led to increased costs for the survey party. This first round of survey costs came to £147 two shillings, which was charged against Paeroa East.[365] A survey lien for the full survey costs of £586 was later lodged against the title.[366]

358 Taupō MB 1, p.15.
359 Mitchell and Davis diary of operations, July 1873. MA-MLP 1/1873/159. ANZ.
360 Ngati Hinemihi, Wairoa, to Native Minister McLean, 26 August 1873. MA-MLP 1/1873/159. ANZ.
361 AJHR, 1876, G-5, pp.5-9.
362 Mitchell and Davis, 'Summary of Land Transactions', April 1875. MA-MLP 1 1875/146. ANZ. See also, AJHR, 1878, C-5, and; Mitchell Cash Book. MA-MLP 7/19, pp.60 and 128-152. ANZ.
363 AJHR, 1878, C-5.
364 Mitchell Cash Book. MA-MLP 7/19, pp.60 and 128-152. ANZ.
365 Campbell to Auckland Chief Surveyor, 6 October 1879, and; Auckland Chief Surveyor to Gill, 3 December 1879. MA-MLP 1/1879/546. ANZ. See also Mitchell to Gill, 13 November 1879. MA-MLP 1/1888/50. ANZ.
366 Brian Bargh, *The Volcanic Plateau, Rangahaua Whanui Series, Waitangi Tribunal, 1995, p.89.*

With the survey complete and a title investigation pending, the claimants sought to release their land from the Crown's 1878 proclamation. In July 1880, Ngāti Whaoa offered to refund the advances the Crown had paid, "money which is restricting the sale of Paeroa." The Crown did not give a definite answer so the request was repeated in September 1880, the Native Minister being asked to "remove this burden from us and return our lands into our own hands speedily."[367] Ngāti Rangitihi interests in Paeroa East were just as restricted as those of other claimants, even though they had received no advances.

In 1881 Ngāti Rangitihi interests were raised by the local Crown official, Gilbert Mair, but only to dismiss them. He advised the Crown that while Ngāti Rangitihi and Ngāti Hinewai claimed the land, he considered Ngāti Tahu and Ngāti Whaoa to be "undoubtedly the owners," and that they were willing to sell part of the block. He described the land as good pastoral country as well as containing some timber and valuable hot springs. Given this, and advances that now totalled £621, he urged that the purchase not be abandoned. The Native Minister agreed.[368] Ngāti Whaoa remained unaware of the Crown's attitude and anticipated being able to refund the Crown's advances and do as they wished with Paeroa East. In anticipation of this, they lodged an application in June 1881 for investigation of title.[369]

Mair was instructed to attend the title investigation with a view to "completing many of the long outstanding transactions." If those awarded title wished to withdraw from further dealings with the Crown, they had to first give up land "equivalent in value for the advances made and cost of survey."[370] The Crown set the value of the land to be taken in such circumstances. During the title investigation, Mair valued the land at between two shillings and two shillings sixpence per acre (depending on where on the block the land being acquired was located).[371] The advances paid were originally for a lease, but they were now being used to purchase land.

3.4.8.2 Title Investigation, 1881

When title was investigated at Whakatane in October 1881 (at the same hearing at which Matahina, Pokohu, Haehaenga, and Putauaki were heard) the applicants were Ngāti Whaoa, who were challenged by counter-claims from Ngāti Rangitihi, Ngāti Hinewai, Ngāti Hape, Ngāti Mahi, Ngāti Tahu, Tūhourangi, Ngāti Tuohonoa, and Ngāti Manawa/Ngāti Apa. The hearing itself ran from 11 to 21 October 1881, with debate over subdivision and ownership lists extending into November.

When the case opened, Niheta Kaipara of Ngāti Rangitihi asked that it be heard at Matatā, rather than Whakatane. As noted elsewhere, there was food and accommodation for all Māori at Matatā, but at Whakatane they all faced the costs of a lengthy stay away from home (bearing in mind that four other blocks were heard at the same hearing, extending over more than two months). The Court declined to adjourn. As noted earlier, it preferred the accommodation to be had at Whakatane than that at Matatā. On 12 October, 1881, the eight counter-claimants organised themselves into five groups, with Wharetini Paurini acting for Ngāti Rangitihi and Ngāti Hinewai, and Huta Tangihia acting for Ngāti Hape. It is assumed that the Ngāti Mahi claim had merged with that of Ngāti Rangitihi.[372] The Ngāti Hape claim related only to Kaingaroa 1A (see above) and did not involve Paeroa East itself.[373]

Henare Te Rangi presented the Ngāti Rangitihi claim, referring to himself as Ngāti Apumoana and Ngāti Hinewai (as did the next witness, Hakopa Takapou). Their claim related to the northern part of Paeroa East near Okaro Lake (just outside the Block) and extending from Maungakakaramea to Whakapapataringa,

367 Pererika Ngahuruhuru and others, Ohinemutu, to Bryce, 8 September 1880. MA-MLP 1/1880/50. ANZ.
368 Mair, Tapuaeharuru, to Gill, 25 April 1881; Gill minute, n.d. [10 June 1881], and; Rolleston minute, 22 June 1881. MA-MLP 1/1888/50. ANZ.
369 Paeroa East block history, LHAD, CFRT, 2004.
370 Mair, Tauranga, to Brabant, 3 August 1881, and; Gill to Brabant, 22 August 1881. MA-MLP 1/ 1888/50. ANZ.
371 Mair to Brabant, 17 September 1881. MA-MLP 1/1888/50. ANZ.
372 Whakatane MB 1, pp.280-281.
373 Whakatane MB 1, pp.302-303.

then on to Mangakokomuka,[374] Hungahungatoroa, and Tokeamanga [Tokiamanga].[375] Hakopa added other boundary points to the south of Tokiamanga, namely Wharekaunga, Upoko-o-Te Tahinga and Otonga, and on to the Kaingaroa 2 boundary in the south.[376] This claim was adjacent to and consistent with the iwi claims in Rotomahana-Parekarangi, Rerewhakaitu, and Kaingaroa 1.

One of the two ancestral claims for Ngāti Rangitihi was from Apumoana and Tutetangata (upon whom Tūhourangi also relied). Henare Te Rangi noted that Ngāti Rangitihi had originally shared the land with Tūhourangi but that it was later divided between Ihu and Rongomai, with the eastern part for Ihu and the western part for Rongomai. (Te Apiti was a descendant of Rongomai.)[377] This claim related to the western part of the Block.

The second ancestral claim was based on descent from Hinewai (through Paengatu, Maka, and Kahukura) and related to land in the northeast of the Block, which Henare referred to as the "Rerewhakaitu portion," as it lay within the wider area Ngāti Rangitihi had earlier surveyed for Rerewhakaitu before their claims were circumscribed by overlapping surveys.[378]

Referring to the lake Ngawe (Ngahewa) and the cave Te Ana o Ngawe, Hakopa Takapou told the Court these were named for Ngawe, a "great Rangitihi chief" and a descendant of Apumoana. Ngawe's father, Te Ika-tionga-rua lent his name to the landmark, Te Tapu-a-te-Ika-tionga-rua. The landmark Te Upoko-o-Te-Tahinga was named for another "great chief," Te Tahinga, also descended from Apumoana (as Hakopa showed in whakapapa given to the Court).[379] Henare Te Rangi referred to the battle of Pukohukohu at Maungakakaramea (when they joined forces with Ngāti Whaoa to defeat Ngāti Rahurahu) as illustrating Ngāti Rangitihi defence of their mana over the land.[380] A landmark in the west of the Ngāti Rangitihi claim was Te Iwituaroa-a-Tamarakau; a tree that had stood on the Rongomai portion of the land and which, when it fell, formed a bridge across the Waiotapu Stream near Koaunui. Hakopa Takapou added that Tamarakau was another descendant of Apumoana.[381]

Both witnesses gave evidence of Ngāti Rangitihi ahi kaa in Paeroa East, including sites for digging aruhe, such as those at Papakaroro, Ngahinatewharewhare, and Otumakarerangi; while working the aruhe at these sites they stayed in the Ngāti Apumoana Pā, Papataringa. There were highly valued kōkōwai pits at Te Uana, Te Patakuramurua, and Te Tuhiomamanga (evidently named for the tipuna Mamanga, a descendant of Apumoana, whose whakapapa was given by Henare Te Rangi[382]). Other areas were used for hunting kiore and manu (including quail after they were introduced), while Henare Te Rangi added that his grandfather had run pigs on the area from Maungakakaramea to Hungahungatoroa. Use of other resources, including aruhe and harakeke (in the Mangakokomuka, Hungahungatoroa, and Te Anamoko wetlands), was regulated through Ngāti Rangitihi rahui. In the early colonial era, harakeke from these lands was traded by Ngāti Rangitihi with resident Pākehā, Warbrick, at Rotomahana.[383]

There were also important Ngāti Rangitihi burial caves on Paeroa East, named by Henare Te Rangi and Hakopa Takapou as Te Puni (possibly Puna) and Hana. These were one landmark but the paired names reflect the duality that marked many of the traditions around the Kaingaroa plains (such as the two sentinel hills, Tori and Ngarangiawatea, at Onuku on Rotomahana Parekarangi, and the repeated references to the ancestral division of Kaingaroa between two tipuna). Hakopa said that each of the two large stones that marked these

374 This would appear to be linked with Waikokomuka Stream, which is in the vicinity, south of Maungakakaraema.
375 Whakatane MB 1, pp.308-309 amd p.317.
376 Whakatane MB 1, p.317.
377 Whakatane MB 1, p.282.
378 Whakatane MB 1, p.312.
379 Whakatane MB 1, pp.317-8.
380 Whakatane MB 1, p.311,
381 Whakatane MB 1, p.318.
382 Whakatane MB 1, p.311.
383 Whakatane MB 1, pp.309-20.

burial caves were named after twins who were descendants of Apumoana. Henare Te Rangi noted the relatively recent burials in the caves, including that of Te Upuku and "many others." In more recent years, children had been buried in the caves, and one of the last had been a child of Arihia. Since then, his people used caves and hollows on the banks of Rerewhakaitu for burials, as their kāinga were now at Rerewhakaitu.[384]

The Ngāti Rangitihi and Ngāti Hinewai claims were accepted by Ngāti Whaoa, who also accepted the claims made to parts of the Block by Tūhourangi and Ngāti Tahu. In effect, the parties sought to resolve the claims themselves rather than leaving it to the Native Land Court, an approach that Ngāti Rangitihi endorsed. The Court awarded title to the various claimants and left them to resolve the ownership lists and any subdivision of the Block. At this point, the Court adjourned and out-of-court discussions began.[385]

On 18 October 1881, a list of owners submitted by Ngāti Whaoa was objected to by all the other claimants. Joseph Warbrick, on behalf of Ngāti Rangitihi and Ngāti Hinewai, proposed allocating different parts of the Block to each of the tribal groups claiming the land, which most of those present agreed to.[386] By 19 October, lists and subdivisions had been agreed, with Ngāti Rangitihi, Ngāti Hinewai, and Tūhourangi interests located in the northern part of the Block, and Ngāti Whaoa and Ngāti Tahu dividing up the southern part. The northern part was further divided into a northeast subdivision for Ngāti Rangitihi and Ngāti Hinewai (Paeroa East 2), and a northwest subdivision to be shared between Ngāti Rangitihi and Tūhourangi (Paeroa East 1).[387]

3.4.8.3 Rehearing, 1882

Some at the title investigation announced their intention to apply for a rehearing before the case was even closed. On 2 November 1881, a few days after the hearing closed, a group of Ngāti Whaoa lodged an appeal as they objected to the speed with which the Court had endorsed the out-of-court arrangements. There was also an objection from one man to some of the names in the ownership lists.[388] A rehearing was granted and took place one year later, from 2 to 20 October 1882. The applicants for rehearing wanted the Block heard at Rotorua, but the Crown preferred it to again be held at the inconvenient, costly, and distant venue of Whakatane, on the basis that this would make it "much easier to deal with these blocks in any manner government deem advisable."[389]

The rehearing proceeded in a broadly similar fashion to the 1881 hearing, but with more detailed evidence, as well as one new claim filed by Takuira Te Marae of Taupō on behalf of Ngāti Te Apiti (apparently the Tūhourangi part of Ngāti Te Apiti).[390] Henare Te Rangi again led the Ngāti Rangitihi and Ngāti Hinewai claim, presenting additional whakapapa from Ihu as well as from Hinewai in support of the dual-ancestral take on which the claim relied.[391]

Henare Te Rangi added some new detail, referring to several important sites and swamps, including a landmark stone at the base of Maungakakaramea, called Iwituaroa o te Rangitautaua, which was named for his tipuna (Rangitautaua being a descendant of Apumoana, through Rangitihikahira and Ihu). Another landmark was Te Waiaruhe-ahitainga, a swamp at the foot of Maungakakaramea near which aruhe was stored.[392] He noted that his people obtained flax at Waitehouhi and sold this to Warbrick when he was at Rotomahana. The kōkōwai obtained from the pits described at the 1881 hearing was, he said, exchanged with other iwi to obtain items sought by Ngāti Rangitihi, such as pounamu from Heretaunga.[393]

384 Whakatane MB 1, pp.312-313 and 318.
385 Whakatane MB 1, pp.320-1.
386 Whakatane MB 1, p.322.
387 Whakatane MB 1, pp.337-51.
388 Bargh, pp.88-89.
389 Mair to Brabant, 26 June 1882. MA-MLP 1/1882/246. ANZ.
390 Whakatane MB 2, p.37.
391 Whakatane MB 2, pp.37 and 88ff (whakapapa at p.89).
392 Whakatane MB 2, pp.90-91.
393 Whakatane MB 2, p.92.

At the closing of the case on 12 October, 1882, the absence of the influential Tūhourangi and Ngāti Hinewai rangatira Wi Kepa Te Rangipuawhe was noted. He had been unable to attend the 1881 Court and could not get to the Whakatane sitting in 1882 until after the case had closed (but before judgment was given) as he had been engaged in another Native Land Court sitting at Ohinemutu. Fortunately for Wi Kepa, Judge Puckey fell ill on 12 October and was unable to deliver the Court's judgment as expected on 13 October. He was still no better on Monday, 16 October 1882, and this delay gave Wi Kepa time to get to Court. Even though all the evidence had been given, he was provided an opportunity to speak, and on 16 October the Court adjourned to the Judge's hotel to hear what Wi Kepa had to say. He had only time to make a brief statement and be asked a few questions by the Court before the case was again closed, with judgment to be given the following day. What was recorded of his evidence was that he asserted that his people's claim was equal to that of Ngāti Rangitihi. Henare Te Rangi (for Ngāti Rangitihi) accepted Wi Kepa's claim and so too did the Tūhourangi claimants.[394] This indicates the claim was made for Ngāti Hinewai.

The Court's judgment was given on 17 October, 1882. It condemned much of the evidence as "untrue and unreliable," but claimed to have divined a few "facts." In its view, the tribes claiming the Block held the lands adjoining it but Paeroa East itself had been "for some time little occupied" by anybody (which is something it had in common with most of the Kaingaroa plain). The Court also viewed the different tribal groups claiming the land as being "more or less united as part of one people" and this – combined with the lack of permanent occupation – meant that the boundaries between the claimant tribes "were not clearly defined, and that acts now claimed as showing rights of ownership were viewed with indifference or acquiesced in."[395] It was absurd to suggest that all of the iwi involved were simply one people; such an observation was often made of Ngāti Whaoa and Ngāti Tahu (however untrue).The long-standing links between Ngāti Rangitihi and Tūhourangi were also acknowledged (as were the sharp differences between them since the early nineteenth century), yet this is what the Court asserted.

Regarding the claims of Tūhourangi, Ngāti Rangitihi, and Ngāti Hinewai to the northern part of Paeroa East, the Court claimed the origin of their title was "not made clear," but it could not deny they had long occupied the land they claimed. At the same time the Court was sceptical about the "ancestral boundaries" that Ngāti Rangitihi and Tūhourangi had referred to in evidence. The Court said it, "cannot believe that ancestral lines were ever laid down in straight lines without natural features except certain points which in one or two instances now singularly identify themselves with trigonometrical stations."[396] Of course, straight lines tended to be the result not of the landmarks named by tūpuna to indicate zones of interests, but of surveyors who linked these marks in straight lines and who used the network of trig stations (generally mounted on prominent land marks) to simplify their survey work. It was the court and its processes that created and favoured these straight lines, not tikanga Māori.

Despite its supposed scepticism, the Court accepted the claims of Ngāti Rangitihi and Tūhourangi to the northern part of the Block, but it deemed the rights of Ngāti Hinewai to be "very small" and confined to an area near the Rerewhakaitu boundary. The Court provisionally awarded one-sixth of the Block to Ngāti Rangitihi and Ngāti Tuohonoa (of Tūhourangi), while Ngāti Rangitihi and Ngāti Hinewai were provisionally awarded another one-twelfth of the Block. The other three-quarters of the Block was awarded to Ngāti Whaoa and Ngāti Tahu. The Court was unable to give the boundaries of the various awards, although the interests of Ngāti Rangitihi and Ngāti Hinewai were said to be in the north of the Block.[397]

394 Whakatane MB 2, pp.124-128 and 130.
395 Whakatane MB 2, pp.131-135.
396 Whakatane MB 2, pp.131-5.
397 Whakatane MB 2, pp.131-5.

The successful claimants then drew up lists for their respective proportion of the Block. In the one-sixth of the Block awarded to them (later dubbed Paeroa East 1), Ngāti Rangitihi and Ngāti Tuohonoa drew up four lists of owners:

Ngāti Hinehua	46 owners
Ngāti Hinerangi	127 owners
Ngāti Rangitihi	49 owners
Ngāti Tuohonoa	79 owners

This indicates a stronger right for Ngāti Rangitihi. In the one-twelfth awarded to Ngāti Rangitihi and Ngāti Hinewai (later dubbed Paeroa East 2), there was a list of three owners:[398]

Ngāti Hinewai	108 owners
Ngāti Hinehua	75 owners
Ngāti Rangitihi	40 owners

Unfortunately, the Court did not finalise these lists as there was disagreement about where the subdivisional lines should go. The Court therefore declined to order any titles, and put all the owners on the various lists into a single title for Paeroa East, leaving them to apply for partition at a later date.[399]

3.4.8.4 Subdivision and Alienation, 1883

The subdivision of Paeroa East in line with the 1882 title award came before the Native Land Court in 1883, but, as the tribes could not agree on the internal boundaries they left it to the Court to define them. The "one point of difference" that could not be solved was where to put the boundary between the award to Ngāti Rangitihi and Ngāti Tuohonoa and the award for Ngāti Rangitihi and Ngāti Hinewai. The Court had earlier claimed to be sceptical about straight lines to show ancestral divisions of land, but it showed no reluctance to resort to them in the subdivision of Paeroa East in 1883. It simply drew a line across the top of Paeroa East parallel to the northern boundary, to take in one-quarter of the Block. It then divided this in two, with the western part awarded to Ngāti Rangitihi and Ngāti Tuohonoa as Paeroa East 1 (11,436 acres) and the eastern part awarded to Ngāti Rangitihi and Ngāti Hinewai as Paeroa East 2 (5,992 acres).[400] Paeroa East 1A included Maungakakaramea, and contained good land and numerous geothermal features – including the geysers Te Wai-o-Pareauru, Haketekete and Te Waiwherowhero – and what were thought to be petroleum springs.[401]

The lands were further subdivided at this hearing, to allow some parts to be sold to pay for survey debts and other expenses incurred during the three separate court hearings. The Court made a huge clerical error when listing the owners for Paeroa East 1 and Paeroa East 2. The ownership lists were to be those given at the 1882 sitting, but the Court instead put many people in the wrong title, leading to this result:[402]

398 Whakatane MB 2, pp.131-140.
399 Whakatane MB 2, p.140.
400 Maketu MB 5, pp.344-5. See also plan of Block at p.361a. The acreages given above are the final title areas, which differ slightly from the acreages given in the minutes.
401 G. Mair to Native Land Purchase Department Secretary, 11 May 1886. MA-MLP 1 1899/7. ANZ.
402 Maketu MB 5, pp.356-364. See also Wai 1200 #A71, pp.734-753

Title	Area (acres)	1882 Owners	1883 Owners	Notes
Paeroa East 1A	11,124	301	128	173 Ngāti Hinehua and Ngāti Rangitihi owners omitted and added to Paeroa East 2A by mistake
Paeroa East 1B	312	–	12	To be sold to pay title costs
Paeroa East 2	1,700	223	397	173 Ngāti Hinehua and Ngāti Rangitihi owners taken from Paeroa East 1A and added here by mistake
Paeroa East 2B	4,292	–	4	To be sold to pay title costs

As set out in the next section, land purchase officer Mair had a different set of lists that showed 262 owners in Paeroa East 2, and it was his belief that 213 Ngāti Rangitihi owners had been omitted from the Paeroa East 1 title and put in Paeroa East 2.

The ramifications of this profound error played out later, in the context of Crown purchasing in the wake of the Tarawera eruption (see below).

Paeroa East 1B (312 acres) was awarded to just 12 individuals (including Arama Karaka Mokonuiarangi, Niheta Kaipara, Hakopa Takapou, and others). The small number on the title indicates that the Block was to be sold to clear the survey debt and other costs associated with the Native Land Court.[403] This was confirmed two days later when the land was sold to the big Auckland speculator Thomas Morrin for £60 (just under four shillings per acre).[404] Recently retired Native Land Court Chief Judge Fenton was acting as agent for Morrin, who was also acquiring large areas in other Paeroa East subdivisions. Fenton advised the Court that Paeroa East 1B and 2B were "being sold for the purpose of defraying the survey charges."[405] The area that could be sold was limited by the Thermal Springs District Act, under which Crown pre-emption was imposed; Paeroa East 1B was the only part of Paeroa East 1 that lay outside the boundaries of the Act and which the owners could sell to any party but the Crown.

The sale of Paeroa East 1B for £60 did not discharge the survey and other title-related costs incurred by Ngāti Rangitihi for the Block. This meant that most of Paeroa East 2 was sacrificed to clear these debts, being Paeroa East 2B (4,292 acres) which was awarded to just four rangatira (Arama Karaka Mokonuiarangi, Hakopa Takapou, Niheta Kaipara, and Henare Te Rangi) to facilitate alienation. The land was sold the day after title was awarded to Morrin, with £300 being paid for it (equal to just one shilling five pence per acre).[406]

Had the Crown paid the rents it owed – which the owners claimed were £2,700 for the nine years of the lease – the costs of obtaining title could have been readily met in cash rather than being paid for with 5,304 acres of hard-won land. Those who leased the land had sought £2,700 back-rent from the Crown in 1882, but were told that not only would they receive no rent but that the advances it had paid of at least £622 would have to be refunded in cash or paid for in land before the Crown would release the land from its proclamation (although much of Paeroa East would then remain under Crown pre-emption as it fell within the boundaries proclaimed under the Thermal Springs Districts Act 1881). The advances owing were later found to be slightly less, at £434 14s. 6d., but then survey costs of £586 1s. 4d. were added to this to make a total of £1,020 15s. 10d.[407]

403 Maketu Native Land Court Minute Book No. 5, pp.356-64, and; Stirling (2004), pp.734-52.
404 Paeroa East Block History Report, CFRT, 2004.
405 Maketu MB 5, p.362.
406 Wai 1200 #A71, p.719.
407 Wai 1200 #A71, pp.710-713.

3.4.8.5 Protest and Inquiry, 1884

The subdivision and alienation of Paeroa East was a controversial issue and although much of that concerns other tribal interests in the Block, some of it concerned Ngāti Rangitihi. The alienation of Paeroa East 1B and 2B proved controversial, as did the error over ownership lists. In June 1883, Heta Tangihia and others of Ngāti Rangitihi complained that their land (Paeroa East 1B and 2B) had been sold without their knowledge.[408] Many Ngāti Rangitihi had been unable to attend the subdivision hearing at Maketu in June 1883, due to tangi and a visit by the Māori King to the district. They applied for an adjournment but this was refused. Being dissatisfied with that refusal and the way the subdivisions had been arranged, they sought a rehearing of the subdivisions.[409] Tamati Tangihia and Ngāti Hinewai made a similar application, believing Paeroa East 2B had been wrongly awarded to a small number of owners for sale, when it belonged to many others. Ngāti Rangitihi lawyer, Moss, advised the Native Land Court that the out-of-court arrangement put to it for the subdivision of the land was not supported by most owners.[410]

A rehearing was not granted but the Native Land Court agreed to hold an inquiry into the applications for rehearing, as a preliminary step to any full rehearing. This "court of investigation," as it was called, was convened by Chief Judge Macdonald in Whakatane in January 1884. The records of this inquiry have not been located but the controversial matter was reported extensively in the press. Porione Tangihia, and many other owners, said that they had never agreed to vest the land in a few for the purposes of sale. They were reported as "repudiating the sale as unauthorised and unjust."[411] Henare Te Rangi recalled how Arama Karaka Mokonuiarangi had returned to Matatā from the hearing to tell them that, "on account of pressure, they had been compelled to sell the Paeroa East block to pay for the survey," and an "immediate settlement" was urged upon them to avoid a penalty charge (presumably meaning interest).[412] Niheta Kaipara testified that the iwi had met at Matatā before the Court sat in June to subdivide the land. They met to arrange the boundaries and the lists of owners. He was one of those who attended the Court sitting and joined in the sale of Paeroa East 1B and 2B. When the vendors returned to Matatā, the iwi "expressed dissatisfaction" at not being consulted about the sale.[413]

Fenton, acting for the purchaser Morrin, offered to abandon the purchase and restore the land to Ngāti Rangitihi if they would refund the £300 purchase price for Paeroa East 2B (and presumably also the £60 for Paeroa East 1B) within one month. The inquiry then adjourned to allow the owners to meet and discuss this proposal, and a few days later they agreed to return the money but sought two months within which to do so. Fenton agreed to restore the lands when the refunds were received.[414] At this point the inquiry ended as the proposal to refund the purchase price and restore the lands meant the issue was resolved.

Unfortunately, Ngāti Rangitihi were unable to raise the £360 needed to redeem Paeroa East 1B and 2B, so Morrin's purchases of the two Blocks stood. In April 1884, the applications for rehearing of Paeroa East titles were formally dismissed.[415]

3.4.8.6 The Tarawera Eruption and Paeroa Purchasing, 1886-1887

There are two issues with the Crown's purchase of Ngāti Rangitihi interests in Paeroa East 1A and 2A after 1886: one is the problem caused by the failure to remedy the defects in the ownership lists drawn up in 1883; the other is the way in which the Crown cynically exploited the distress and hardship of Ngāti Rangitihi to get their land on terms most favourable to the Crown.[416]

408 Heta Tangihiia and others of Ngati Rangitihi to Moss, 29 June 1883. Cited in Bargh, p.89.
409 Bargh, p.90.
410 Bargh, p.90.
411 *Bay of Plenty Times, 17 January 1884.*
412 *New Zealand Herald, 18 and 19 January 1884, p.5, and; Bay of Plenty Times, 19 and 22 January 1884, p.2.*
413 *Bay of Plenty Times, 22 January 1884, p.2.*
414 *New Zealand Herald, 23 January 1884, p.5, and; Bay of Plenty Times, 24 January 1884, p.2.*
415 *Bay of Plenty Times, 15 May 1884, p.2.*
416 Waitangi Tribunal, *He Maunga Rongo, p.615.*

Gilbert Mair had first raised the purchase of undivided individual interests in Paeroa East 1A and 2A in April 1886, well before the Tarawera eruption but in a similar context of urgent need; in this case, it was the Tūhourangi (Ngāti Tuohonoa) owners who were in dire need of money to fund the tangi of their rangatira Renata Ngahana. Mair reported that about 5,000 acres could be acquired, taking in "a number of wonderful springs and lakes," as well as some "very good" land. He urged that it was "a most important block to acquire" and was "well worth five shillings per acre." As the land fell within the restrictive provisions of the Thermal Springs Districts Act, the owners had no other party to whom they could turn to raise funds against their land.[417] It is evident from Mair's subsequent correspondence that he was authorised to proceed with the purchase at five shillings per acre.[418]

The initial purchasing of undivided individual interests seems to be largely confined to those among the 79 Tūhourangi owners. This is indicated by the immediate protest from Aporo Te Wharekaniwha of Tūhourangi in May 1886 about Mair's purchase strategy. This is also confirmed by Mair's diary, which refers to dealing with Ngāti Tuohonoa.[419] Mair continued to emphasise how desperate Tūhourangi were to raise money from the sale of their land to pay for the "many hundred visitors who attended Renata's funeral." This may explain why he managed to lower the price paid by the Crown from the five shillings per acre he had recommended (and been authorised to pay) down to three shillings per acre. He was particularly pleased to have secured the signature of Te Kepa Rangipuawhe, "the acknowledged head of the Tūhourangi" (and an important rangatira for Ngāti Hinewai).[420]

Despite acquiring interests from Tūhourangi only, Mair presumed the Crown could later define the interests it had acquired so as to secure the valuable geothermal resources of Maungakakaramea, "the base and sides of which are covered with numerous springs and steam jets, etc., also the very remarkable geysers named Te Wai-o-Pareauru, [O]haketekete, and Te Waiwerowhero, and some petroleum springs – the only goods ones in the district."[421] The difficulty with the Crown's assumption is that this was land in which the majority Ngāti Rangitihi owners had strong customary interests. There was no attempt to define the hapū interests in Paeroa East 1A before purchasing of Tūhourangi interests began.

In May 1886, the Crown's purchasing extended into Paeroa East 2A, when Te Keepa Rangipuawhe advised it to agree to an offer from "Mehaka" [Mehaka Huriwaka] to sell the Ngāti Hinewai interests in the title. Mair considered this to be less desirable land but recommended its purchase, as it was contiguous to Paeroa East 1A and Crown land in Kaingaroa 1. He suggested a price of two shillings sixpence per acre. He was already aware that "several owners" had been killed in the Tarawera eruption, meaning that successors would need to be appointed before the purchase could proceed. The land purchase department advised Mair to proceed "on the same terms as 1A," meaning three shillings per acre.[422] Before any progress was made, the land purchase budget was exhausted and Mair was instructed to concentrate on completing other purchases.[423] By that stage he had already met with Ngāti Rangitihi at Matatā and was eager to take advantage of their plight, post-eruption as they were:

> *most anxious to sell as they are badly in want of food. I hope you be able to let these purchases go on, the Hot Springs on the land are most valuable and are coming into great repute it will be much more difficult to purchase here after and if the owners do not get some money now they will require to be fed till the new crops come in only a few hundred pounds will be required at present as over 50 of the owners were killed by the eruption … this is really an important purchase.*[424]

417 Mair to Ballance, 18 April 1886. MA-MLP 1/1883/319. ANZ.
418 Mair to Lewis, 11 May 1886. MA-MLP 1/1899/7. ANZ.
419 Wai 1200 #A71, pp.728-729.
420 Mair to Lewis, 11 May 1886. MA-MLP 1/1899/7. ANZ.
421 Mair to Lewis, 11 May 1886. MA-MLP 1/1899/7. ANZ.
422 Mair to Lewis, 26 June 1886. MA-MLP 1/189/7. ANZ.
423 Sheridan to Mair, 3 November 1886. MA-MLP 1/189/7. ANZ.
424 Mair to Lewis, 5 November 1886. MA-MLP 1/189/7. ANZ.

The government agreed with Mair regarding, "the desirability of meeting urgent needs of natives by land purchase where possible," as this meant the Crown would secure land in exchange for the aid it needed to give to Māori in dire need of help anyway. Although there was no money left in the land purchase vote, he was asked to give an estimate of the "lowest possible amount required" to get the purchase started.[425]

Following the Tarawera eruption, many pleaded with Native Minister Ballance to complete purchase payments that were now urgently needed, including Paeroa East payments. Ieni Tapihana wrote on their behalf:

> *We are very much grieved on account of this distress, for be it clearly known to you that this trouble has been the cause of our shortcomings with regard to food, because it was owing to this that the Europeans do not now consent to my getting into debt with any of them and so is also the same to other chiefs, my friends, and thus it has become a source of distress to us – the Europeans are now waiting for payment of debts due to them... Had I known that the government would treat me I this manner I would not have consented to this land becoming government property. ...I have already received several summons and warrants for payment of sums advanced to different natives on this land.*
>
> *Friend, this affair has become very distressing to us and we are perfectly sure that this delay is caused by the government.*[426]

In December 1886 Mair wrote again of the Paeroa East 1A and 2A purchases, noting the owners were still, "short of food and willing to sell their shares... to enable them to tide over the time of severity," adding that "very favourable terms can now be obtained and the Natives will be grateful for the assistance..."[427] The low sum of £300 recommended by Mair to advance the purchase was immediately approved, despite the land purchase vote being exhausted.[428]

From December 1886, undivided individual interests in Paeroa East 1A and 2A were purchased by the Crown at a rate of three shillings per acre. This was considerably less than the five shillings per acre Mair had suggested before the Tarawera eruption, which improved the Crown's negotiating position. In March 1887, Mair raised the difficulties arising from the incorrect ownership lists for Paeroa East 1A and 2A (see above). According to him, the numbers were even worse than set out in the table in the previous section of this report: by his reckoning, 213 Ngāti Rangitihi had been left out of Paeroa East 1A and instead put in Paeroa East 2A. This left Paeroa East 1A with 49 Ngāti Rangitihi owners and 79 Ngāti Tuohonoa owners (a total of 128).[429]

Mair reported in March 1887 that Ngāti Rangitihi were thus excluded from their "ancestral land," but they were "unaware of their exclusion" until early 1887 when Mair had met with them at Matatā to complete land purchases, noting: "There was a great disturbance when I explained how matters really stood." The excluded owners included leading figures such as Mikaere Heretaunga, Hakopa Takapou, Pateriki Te Tai, and Mehaka Huriwaka.[430] When they learned of the disastrous error that had befallen their Paeroa East titles, Ngāti Rangitihi sought to put a halt to the Crown purchase "with a view to petitioning for a rehearing." The difficulty they faced was that they were, as Mair knew, "entirely without funds," and unable to fund the rehearing of their claims to Rotomahana Parekarangi, let alone mount a petition and a campaign for a rehearing of Paeroa East 1A and 2A. In the absence of reasonable aid from the Crown, they were unable to forego the land purchase payments and proposed to Mair that the balance of the purchase payments be

425 Lewis to Mair, n.d. [c.November 1886]. MA-MLP 1/1899/7. ANZ.
426 Ieni Tapihana, Maketu, to Ballance, 30 October 1886. MA-MLP 1/1899/7. ANZ.
427 Mair to Native Land Purchase Department Secretary, 6 December 1886 (telegram). MA-MLP 1 1899/7. ANZ.
428 Sheridan to Brabant, 7 December 1886. MA-MLP 1/1899/7. ANZ.
429 Mair to Lewis, 2 March 1887. MA-MLP 1/1899/7. ANZ.
430 Mair to Lewis, 2 March 1887. MA-MLP 1/1899/7. ANZ.

divided between the 49 Ngāti Rangitihi owners on the Paeroa East 1A title and those wrongly omitted form the title. Mair agreed with this approach and placed the money set aside for those not on the title in a trust account under his authority.[431]

At the same time, "glowing accounts" in the press of the "wonderful terraces and hot springs" on Paeroa East 1A put the Crown's cheap purchase at risk, as the owners became aware of the increased value lent to their remaining lands (especially with the loss of other geothermal attractions in the eruption). Even so, they were in urgent need of money, and the Crown prevented them from alienating their land or its resources to anyone but the Crown – so they had no one else to turn to. Up until March 1887, Mair had obtained the signatures of 75 of the 128 owners on the defective title, leaving 53 to be secured. Of those who had not signed, 20 were deceased (most in the 1886 eruption) so their successors would need to be appointed before their interests could be purchased. In Paeroa East 2A, 152 owners had signed the deed, leaving 110 to be secured, of whom 32 were deceased (again, most in the 1886 eruption).[432]

The government was critical of Mair's conduct, as he had gone behind the title and paid money to those who were not on the title. Three months after opening the trust account in which he was depositing the share of each purchased interest set aside for those not on the title, he was instructed to close the account and explain himself. The government proposed referring the title defects to the Native Land Court.[433] Mair insisted the position was "forced upon me through an error in the Native Land Court," so he had been forced, "to accept the trouble and worry of receiving this money, or be a party to defrauding many of the native owners of their just rights, rights which had been denied them through no fault of their own." He said the money in the account had been set aside by the legal owners for those wrongfully excluded from the title but he would be "glad indeed to get rid of this responsibility," and asked the government how it proposed to resolve the problem.[434]

The Court responded by denying any owners had been excluded from the title but found the matter "very difficult to trace." It concluded the Paeroa East 1A list included 222 Ngāti Rangitihi, not the 262 suggested by Mair (222 plus the 79 Ngāti Tuohonoa gives a total of 301, as noted in the table in the previous section of this report). For some reason, the Court had included only 49 of the 222 Ngāti Rangitihi owners in the title, and the 173 names wrongly omitted from Paeroa East 1A were incorrectly added to Paeroa East 2A. This meant there were 396 (or 397) names on the Paeroa East 2A title. The Court then struck out many that were duplicated and reduced the total to 262 (which is how Mair came up with this number). It was obviously a huge error, but the Court did not concede this and concluded only the Judge could explain it.[435]

No further attempt to resolve the title errors was made before the Crown applied to the Court to define the interests the Crown had purchased in Paeroa East 1A and 2A. Regarding the title to Paeroa East 1A, Mair told the Court "more should have been admitted in the grant but by some mistake they were excluded," and had "been left out of the grant." The Court paid no heed to this evidence. Mair then revealed the extent of purchasing in Paeroa East 1A:[436]

- *60 of the 79 Ngāti Tuohonoa owners had signed the deed, representing 4,262 acres out of 5,562 acres*
- *32 of the 49 Ngāti Rangitihi owners had signed the deed, representing 3,662 acres out of 5,562 acres*

431 Mair to Lewis, 2 March 1887. MA-MLP 1/1899/7. ANZ.
432 Mair to Lewis, 2 March 1887. MA-MLP 1/1899/7. ANZ.
433 Lewis minute, 24 June, and Sheridan minute, 28 June 1887 on NLP 87/82. MA-MLP 1/1899/7. ANZ.
434 Mair to Lewis, 4 July 1887. MA-MLP 1/189/7. ANZ.
435 Registrar Hammond to Lewis, 26 July 1887. MA-MLP 1/1899/7. ANZ.
436 Maketu MB 7, pp.113-114.

The Crown's claim was based on the questionable assumption that the title was divided equally between Ngāti Tuohonoa and the three Ngāti Rangitihi hapū who shared the title. The situation was similar in Paeroa East 2A:[437]

> *232 of the 262 owners had signed the deed, representing 1,504 acres out of 1,700 acres*

The purchase deeds for Paeroa East 1A and 2A had been burned in a fire at the government offices in Rotorua, so Mair instead produced vouchers to show the owners had been paid £1,250 for Paeroa East 1A (about three shillings per acre) and £320 for Paeroa East 2A (about four shillings per acre).[438]

This left the remaining owners in Paeroa East 1A with 3,200 acres (being 1,900 acres for Ngāti Rangitihi and 1,300 acres for Ngāti Tuohonoa) and those in Paeroa East 2A with 196 acres. Accordingly, the Court made the following awards:[439]

Paeroa East 1A West	7,924 acres to the Crown
Paeroa East 1A East	3,184 acres to 39 Ngāti Tuohonoa and Ngāti Rangitihi owners[440]
Paeroa East 2A1	1,504 acres to the Crown
Paeroa East 2A2	196 acres to 30 Ngāti Rangitihi owners

The Crown selected its land in Paeroa East 1A in the more valuable western portion, so to take in the "famous Maungakakaramea mountain and innumerable valuable hot springs, geysers, lakes, mud volcanoes, etc." Mair reported the land had been purchased cheaply and well within the "limit" of five shillings per acre, and that the Crown had secured the best part of the Block at partition. Given this, it had no interest in pursuing the purchase of the rather less desirable land remaining, even though the remaining owners were reportedly "anxious to dispose of their shares," but it was concluded, "there are no special reasons for purchasing their interests."[441]

Ngāti Rangitihi objected to this outcome, telling the government that they were not even present at the Crown's partition hearing, added to which many owners were still excluded from their land by the Native Land Court errors.[442] It was unconscionable of the Crown to continue purchasing interests in a title that it knew to be defective.

The Crown had targeted the best portion of the Block during its purchases and had no intention of taking a fair share of both good and bad land. This was evident from the line of road it had taken and built through the land, to give access to the geothermal features it intended to secure in its partition regardless of the wishes of Ngāti Rangitihi.[443] The land's owners had opposed the road when it was surveyed in 1887 and it was later reported that, "the natives obstructed the grading in the first place, making it necessary to 'take it' by warrant."[444] The taking of the road reduced Paeroa East 1A by 47 acres.[445] A request for compensation for the taking was rejected.[446]

437 Maketu MB 7, pp.113-114.
438 Maketu MB 7, pp.113-114.
439 Maketu MB 7, pp.113-114.
440 The area should be 3,200 acres but the Block had been reduced by 16 acres taken without compensation for a road in Paeroa East 1A in 1886 (New Zealand Gazette, 1888, p.1193).
441 Mair to Gill, 7 October 1887; Mair to Lewis, 20 December 1887, and; Sheridan and Lewis minutes, 29 December 1887. NLP 87/374. MA-MLP 1/1899/7. ANZ.
442 Niheta Kaipara, Takawheta and Te Rangipaua Haweti to Native Minister, 8 June 1888. MA-MLP 1/ 1899/7. ANZ.
443 Mair to Lewis, 10 July 1889. MA-MLP 1/1899/7. ANZ.
444 Blythe to Auckland Chief Surveyor, 7 June 1889. MA-MLP 1/1899/7. ANZ.
445 *New Zealand Gazette, 1888, p.1193.*
446 Mika Aporo, Hemana Aporo, Rikihana, Hori Natana, and Po, Ohinemutu, to Mitchelson, 18 April 1889. MA-MLP 1/1899/7. ANZ.

3.4.8.7 Protests, 1888-1889

It was not long before Ngāti Rangitihi protested at the loss of their most valuable Paeroa East 1A lands due to the Crown's purchasing of predominantly Tūhourangi interests. In June 1888, Niheta Kaipara, Takawheta Kaipara, and Te Rangipaua Haweti informed the Native Minister that part of the Block jointly awarded to Ngāti Rangitihi and Tūhourangi:

> *has been a permanent home of Niheta Kaipara and Apo Te Hoho. Niheta's home is at Kaingakokomuka and Aporo's is at Orotu. These homes were occupied up to their deaths. Aporo belonged to Tūhourangi and his descendants hold that land and also Niheta's descendants.*[447]

Takawheta, Niheta Kaipara, and others informed the Native Minister on 4 October, 1888, that it was highly objectionable to be made to share the land, as they and Tūhourangi were two entirely different hapū. Ngāti Rangitihi occupied Maungakokomuka, where their houses and cultivations were located, but it appeared that the Crown claimed to have purchased this land from Tūhourangi without reference to its Ngāti Rangitihi occupants: "Now which of the laws allows such action as taking away the cultivations and kaingas... and giving it to the Crown..."[448]

They believed that the defects in the titles had, rather than giving the Crown pause for thought, instead "encouraged Captain Mair in his purchase." The exclusion of so many owners from the title and, "the manner in which Captain Mair paid the money for it is very unsatisfactory indeed and very rarureru." There was also still £300 outstanding from the Crown's purchase, even though it had already obtained the land.[449] Mair simply repeated his previous defence of his actions in allocating a share of the purchase to those excluded from the title, and said the outstanding payments were only £202 eight shillings, and he had three times tried to pay this sum to the owners at Matatā but found many people absent. He insisted Ngāti Rangitihi "have not real claim or grievance whatever."[450] The government was still critical of Mair's unauthorised arrangement for paying those wrongfully excluded from the title, but concluded that "nothing further need be said on that part of the question."[451]

Porione Tangihia and others of Ngāti Rangitihi complained in October 1888 that they were still "not clear" about the purchase, adding that "several committee meetings had to be held to carefully deal with the matter of the said sale," and it had taken them some time to respond with a detailed rebuttal of Mair's defence of his actions. As they noted:

> *It was not Ngāti Rangitihi that applied for a sale of this land but Captain Mair who coaxed the people into selling their shares – the persons in the certificate being all absent, Joseph Warbrick being in Napier, Oriwia Rangwhati was gum digging, Ngarori Aterea is at Taranaki on military service, Katu was at Napier, Hare Rewi at Te Whaiti, Raureti Te Okatu in Auckland, Meretaka Ngawai in Taupō, Matutaera at Te Teko, Te Taneti at Te Teko, Ngahau Paora at Te Whaiti, Horiana at Taupō, Roka Pani at Paeroa, while I, Hemana, was at school at St Stephen's in Auckland.*[452]

This shows that those who Mair induced to sign the deed were not iwi representatives but merely those who had been incorrectly included in the Paeroa East 2A title. They added that Mair's dealings were "well known," and had "always been productive of trouble."

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447 Niheta Kaipara, Takawheta and Te Rangipaua Haweti to Native Minister, 8 June 1888. MA-MLP 1/ 1899/7. ANZ.
448 Takawheta Niheta Kaipara and others to Native Minister, 4 October 1888. MA-MLP 1/1899/7. ANZ.
449 Niheta Kaipara, Takawheta and Te Rangipaua Haweti to Native Minister, 8 June 1888. MA-MLP 1/ 1899/7. ANZ.
450 Mair to Lewis, 8 July 1888. MA-MLP 1/1899/7. ANZ.
451 Lewis minute, 20 July 1888, on ibid.
452 Takawheta Niheta Kaipara, Te Ratana Whareauahi, Hiri Rangimotumotu, Teri Urupeni, Roha Monika, and Hemana Arama Karaka Mokonuiarangi, Matatā, to Native Minister, 4 October 1888. MA-MLP 1/1899/7. ANZ.

As for the 1887 subdivision hearing, they recalled that the Court had at first said it would not inquire into the Crown's application as no plan was available. Takawheta Niheta Kaipara then proposed that the Court fix a day when a plan and "all the persons interested" could be present, but the Court left it to Mair to select the day. This did not happen and after waiting several days, Ngāti Rangitihi left Maketu to return to Matatā, "but on the very day we left the matter was dealt with. Now this action of Captain Mair is very wrong." They had gone to court specifically to "oppose the action of the Court and Captain Mair, being a very secret (underhand) dealing."[453]

Ngāti Rangitihi also objected to the remaining owners being lumped into the same subdivision as the remaining Tūhourangi owners, "seeing that they are two entirely distinct hapū." Worse still, the subdivision allocated to the remaining owners was not land they had much interest in as "their claims were at Mangakokomuka where their house and cultivations where," but the Crown had taken that land.[454]

Before the Crown could respond to that protest, another was submitted by Porione Tangihia, Hira Rangipaia, Hemana, Katu, and Wirihana Tiki. They too wished to rebut Mair's defence of his actions, describing his dealings as "fraudulent" and his statements in response to their complaints as "false." They made similar points to those set out by Takawheta Niheta Kaipara and the others (see above). They noted that Wirihana and Tiki were children, so they could not have received purchase payments from Mair, as he had asserted. Porione Tangihia and Hera Rangipaia rejected Mair's claim that they had come to him for a share of the purchase money. They pointed out they had instead written to the Governor seeking to exchange Paeroa East land for Crown land at Matatā, which they were desperately in need of. The petitioners were also critical of the way the Crown had, in their absence from the Court, taken their best land in its award, saying that the Crown portion took:

> *all our kaingas, cultivations, rivers and other means of support [at Maungakokomuka] and then set apart a portion for us on a very bad portion of the land which is altogether unfit for a home... we are now living in distress.*[455]

The people were "continually appealing and praying that a survey be made of our old cultivations and that the same be given to us." Neither Wi Hapi or Mika Aporo of Tūhourangi were entitled to determine which part would be for them as they were not Ngāti Rangitihi, but were "strangers... we will not consent to our portion being amalgamated with that of Tūhourangi because that is entirely a distinct tribe." Their (Ngāti Rangitihi) portion of the land should include their kāinga at Maungakokomuka.[456]

Mair's belated response in March 1889 to these complaints was to claim that none of the Block had been fit for settlement except Maungakokomuka, which he insisted had been destroyed in the eruption. He asserted that none of the writers ever lived on the land, and he maintained (in the face of the Native Land Court's award and the agreement between the tribes) that the land belonged to Tūhourangi, "not to Ngāti Rangitihi at all." He had asked the Court to divide the portions belonging to the two iwi, but as they made no application for subdivision the Court did not do so.[457] Ngāti Rangitihi later refuted these claims, and pointed out that they had been and still were living at Maungakakaramea.[458]

In 1888 Niheta Kaipara petitioned Parliament for a rehearing of the Block. The Native Affairs Committee did not have time to consider their petition carefully, but noted there were several complaints relating to Paeroa

453 Takawheta Niheta Kaipara, Te Ratana Whareauahi, Hiri Rangimotumotu, Teri Urupeni, Roha Monika, and Hemana Arama Karaka Mokonuiarangi, Matatā, to Native Minister, 4 October 1888. MA-MLP 1/1899/7. ANZ.
454 Takawheta Niheta Kaipara, Te Ratana Whareauahi, Hiri Rangimotumotu, Teri Urupeni, Roha Monika, and Hemana Arama Karaka Mokonuiarangi, Matatā, to Native Minister, 4 October 1888. MA-MLP 1/1899/7. ANZ.
455 Porione Tangihia and others to Native Minister, 15 October 1888. MA-MLP 1/1899/7. ANZ.
456 Porione Tangihia and others to Native Minister, 15 October 1888. MA-MLP 1 1899/7. ANZ.
457 G. Mair to Native land Purchase Department Secretary, 20 March 1889. MA-MLP 1 1899/7. ANZ.
458 Niheta Kaipara and others, Maungakakaramea, to Native Minister Mitchelson, 30 August 1889. MA-MLP 1/1899/7. ANZ.

East which should be referred to a Tribunal "appointed to deal with such cases as the Government determines deserve consideration."[459] No such inquiry was undertaken. The Crown instead relied on Mair's untested and self-serving assertions to reject Ngāti Rangitihi grievances.

Niheta Kaipara complained about the actions of Mair and Tūhourangi again in 1889. He stated that Tūhourangi had been making arrangements about the land Ngāti Rangitihi was interested in, but Wi Hapi was a "stranger" and Tūhourangi and Ngāti Rangitihi were different tribes:

> *This action is simply defrauding Ngāti Rangitihi of their portion, especially as we did not see it done... Ngāti Rangitihi have no houses, burial places, or cultivations in the portion now set apart by Captain Mair and the others. Ngāti Rangitihi have their principal claims in Maungakaramea, there being four burial places, three fighting pās, twelve settlements and several cultivations belonging to them there. This has been Ngāti Rangitihi permanent home – there is a house belonging to Niheta Kaipara there and we still belong at that place. Under these circumstances therefore it will be most desirable that the claim of Ngāti Rangitihi be considered...* [460]

Niheta went on to name the urupa: they were Ngapuna, Te Ana-o-Mokonuiarangi, Manuka and Rahui. The three "fighting pā" were Purukohukohu, Kakaramea and Te Manuka. The twelve kāinga were Te Ranga, Hungahunga, Toroa, Hautapu, Mangamanga, Hakerkere, Te Tatau, Harakekeroa, Maraea, Te Rere, Toetoe and Te Tautara:

> *This is the only part occupied by Ngāti Rangitihi and therefore all their pās, burial places, and settlements and cultivations are all here. The land itself has never been sold to Captain Mair – it has always been the intention to reserve it on account of the burial places, settlements and cultivations.*[461]

Mair reiterated his rejection of the complaints, and the government simply deemed the matter closed.[462] In defining the undivided individual interests it had acquired, the Crown did not consider Ngāti Rangitihi rights and interests in the land, nor their present and future needs. In retaining the interests it had acquired, the Crown did not inquire into the defective titles it purchased nor consider the complaints of Ngāti Rangitihi regarding its purchases.

3.4.8.8 Petroleum and Further Crown Purchasing, 1889-1895

After the Crown took the best land in Paeroa East 1A, including the lands occupied by Ngāti Rangitihi and containing their kāinga, wāhi tapu, and urupa, the portion remaining to the iwi (Paeroa East 1A East of 3,184 acres) was, as even Mair admitted, "worthless" land. Its owners did not live on or make use of it and the Crown maintained the monopsony it imposed under the Thermal Springs Districts Act, which prevented Ngāti Rangitihi making any financial arrangements for their land (such as a lease of the land or of its resources, or raising a mortgage) other than sale to the Crown at the price the Crown chose. For a time, the Crown was not interested in the worthless balance of the Block and rejected an offer from Tame Tangihia in June 1890.[463]

459 Native Affairs Committee. Le 1 272 1888/8. ANZ.
460 Niheta Kaipara to Native Minister, 3 August 1889. MA-MLP 1 1899/7. ANZ.
461 Niheta Kaipara to Native Minister, 3 August 1889. MA-MLP 1 1899/7. ANZ.
462 Niheta Kaipara and others, Maungakakaramea, to Mitchelson, 30 August; Lewis minute, 17 September 1889, and; Mitchelson minute, 18 September 1889, on NLP 89/20, and; various minutes and notes, 23 October to 15 November 1889 on NLP 89/206. MA-MLP 1/1899/7. ANZ.
463 Tame Tangihia, Matatā, to Lewis, 9 June, and minutes, 24 and 26 June 1890. MA-MLP 1/1899/7. ANZ.

One benefit of selling to the Crown was that the owners would forego the approximately £50 cost of further survey work related to the Paeroa East 1A East title. The Crown told the owners it would survey the Block at no cost "when it is convenient," but if a survey was wanted before then the owners would have to pay the full cost. This was untrue; the Crown was liable for a share of the survey costs due to the common boundary with the adjoining Paeroa East 1A West Block, which it owned, but it did not tell the owners this.[464]

When Ngāti Rangitihi again offered their remaining land to the Crown in August 1890 the government, observing that the land was under the Thermal Springs Districts Act, decided it "might perhaps be as well for us to give way and purchase the shares leisurely." Ngāti Rangitihi had offered the land for £600 (about three shillings eight pence per acre) but the land purchase department deemed the land, which lacked geothermal attractions, to be worth only one shilling per acre (or £159 in total), and the Native Minister approved this offer.[465]

In October 1890, Hohepa Paerau (Joseph Warbrick) again offered interests in the land to the Crown, as there were 10 owners at Matatā who the Tauranga Resident Magistrate reported as "anxious to sell." The land purchase department advised that it had received no response to its offer of one shilling per acre, but advised the magistrate to buy up any available shares at "say, £5 each," but to emphasise that the Crown was "not at all anxious to acquire the land."[466] Accordingly, a purchase deed for Paeroa East 1A West was drawn up and signatures to it were secured from 19 December, 1890, through to 1895. Payments were made a rate of one shilling five pence per acre. It was reported that the owners were "so scattered that it is hard to get them," and a number had died with successors yet to be appointed.

In July 1891, it was noted that those who had not yet sold considered the price "too little." Native Minister Cadman was urged that the purchase be expedited, because a petroleum prospecting licence had been applied for on adjoining Crown lands and the Crown was concerned this might increase the value of the remaining Māori land. The local magistrate conducting the purchase was authorised to increase the price per share by "a couple of pounds" (an increase of about 50 percent on the initial offer of £5 per share) or to pay "a bonus not exceeding that amount to any chief who will assist him to obtain the outstanding shares."[467] When the use of 'bonuses' to favoured rangatira to promote purchasing was raised in the evidence and report of an 1889 Royal Commission of Inquiry into Taupō land dealings, the Native Minister and his officials had steadfastly insisted that such a practice was unauthorised and was not approved. That was untrue in 1889 and it remained untrue in 1891.

The purchase of the small Paeroa East 2A2 block (196 acres) was instigated at the same time, with the price being three shillings sixpence per acre or about £37 10 shillings in total. As with the expedient device of the bonuses used to advance the purchase of Paeroa East 1A East, the slightly higher price for Paeroa East 2A2 seems to have been offered to circumvent any increase in price Ngāti Rangitihi might seek due to the interest in petroleum on lands in the area. Accordingly, the Paeroa East 2A2 purchase was instigated on 15 July, 1891, but it took the local magistrate three years to purchase only half the interests in the small Block.[468]

Progress continued to be slow, with just £6 expended on Paeroa East 2A2 in 1892.[469] In 1894 the long-serving land purchase official Gill took over the two Paeroa East purchases, and closed off the Paeroa East 2A2 deed in November 1894 and the Paeroa East 1A East deed in March 1895. The Crown then applied to the Native Land Court to partition out the interests it had acquired, which was done in November 1895 and resulted in the following title orders:[470]

464 Pererikia Ngahuruhuru and Aporo Apiata, Ohinemutu, to Native Minister, 26 February, and minutes from March to April 1890. MA-MLP 1/1899/7. ANZ.

465 Easton, Tauranga, to Sheridan, 8 August and minutes of 13 and 14 August 1890. MA-MLP 1/1899/7. ANZ.

466 Bush to Lewis, 22 October and Sheridan minute, 31 October 1890. MA-MLP 1/189/7. ANZ.

467 Bush minute, 19 June; Sheridan minute 30 June, and; Cadman minute, 1 July 1891, on NLP 90/372. MA-MLP 1/1899/7. ANZ.

468 Paeroa East Block history, LHAD, CFRT, 2004.

469 AJHR, 1892, G-4, pp.3-4.

470 AJHR, 1894, G-4, pp.2-4; AJHR, 1895, G-2, pp.2 and 5-6; Rotorua MB 34, pp.151-152, 172, and 176-177 and; Paeroa East Block history, LHAD, CFRT, 2004.

Paeroa East 1A East 1	2,547 acres to Crown for 46 interests purchased
Paeroa East 1A East 2	637 acres to 8 remaining owners
Paeroa East 2A2A	106 acres to Crown for 29 interests purchased
Paeroa East 2A2B	90 acres to remaining 17 owners

The partition process revealed that the Crown had paid one shilling five pence per acre for Paeroa East 1A East 1 and three shillings 10 pence per acre for Paeroa East 2A2. These payments reflect the higher price authorised when the economic potential of the land was briefly boosted by petroleum prospecting in the area. Several years later, the land was independently assessed as being worth seven shillings sixpence per acre.

3.4.8.9 The Taking of the Last of Paeroa East, 1911

The second wave of Crown purchasing in Ngāti Rangitihi Paeroa East titles left them with just 717 acres of poor land in the east of the Block. In 1911 all this land was taken by the Crown under the Public Works Act for a forestry plantation, with compensation later paid, being £238 17s. 6d. for Paeroa East 1A East 2 and £33 15 shillings for Paeroa East 2A2B (being seven shillings sixpence per acre).

3.4.9 Rotomahana-Parekarangi

Rotomahana Parekarangi was the largest block in the rohe of Ngāti Rangitihi, and indeed within the entire rohe of Te Arawa. When initially surveyed, it covered about 230,000 acres but was eventually reduced through overlaps with adjoining titles to about 170,000 acres.[471] It was surveyed by Tūhourangi as the rohe pōtae of the iwi, but being so large (extending from the township in the north all the way to the Waikato River, and from Paeroa maunga to Lake Tarawera) it inevitably included the interest of many other iwi of Te Arawa, including Ngāti Rangitihi.

It was not brought before the Native Land Court for title investigation until 1882, and was then reheard in 1887, in the wake of the Tarawera eruption which had devastated not only much of the land in the Block but also the two iwi who occupied it – Tūhourangi and Ngāti Rangitihi.

3.4.9.1 Pre-Title Crown Dealings, 1873-1881

Crown purchase agents opened negotiations for Rotomahana Parekarangi in 1873, when they described it as the focus for contesting between Ngāti Rangitihi and Tūhourangi, due to the economic benefits of the "constant stream of tourists visiting the marble-like terraces of Rotomahana." Despite what they saw as "a bitter feeling" between the two tribes, the agents began negotiations for a lease of about 80,000 acres of the disputed land with the intention of subsequently purchasing the Block. In 1873 a lease agreement was signed with individuals identified by the agents as Tūhourangi and £125 was paid to various claimants identified by the Crown. However, as early as August 1873 the agents referred to dealings with Himiona of Ngāti Hinewai, and assumed that this hapū was Tūhourangi, but they also had close ties to Ngāti Rangitihi in this area. The advances paid included £25 alleged to have been paid to Arama Karaka Mokonuiarangi, a payment to which Tūhourangi objected. When individuals identifying as Ngāti Puta received an advance from the Crown for the geothermal lands at Rotomahana, Ngāti Rangitihi objected. Despite their evident rights to the land, the Crown agents preferred to deal with Ngāti Puta and began to refer to Ngāti Rangitihi as "counter-claimants."[472] As of 1877, no progress on the purchase had been made.[473]

3.4.9.2 Title Investigation, 1882

The long and costly title investigation was instigated by Tūhourangi and lasted from 8 April to 26 June, 1882. Defining a boundary between Tūhourangi and Ngāti Rangitihi was a significant issue even before the hearing. The changes to the Ngāti Rangitihi 1882 survey of Ruawahia indicate that this boundary was certainly an issue. As noted in the section on Ruawahia, about half the block was removed from the Ruawahia survey and instead heard as part of Rotomahana Parekarangi: the boundary through the original Ruawahia survey was labelled "Tūhourangi boundary."[474] Conversely, a line was added to the Tūhourangi survey of Rotomahana Parekarangi, showing the original surveyed boundary of Ruawahia, which was labelled "Ngāti Rangitihi

471 ML 5342, LINZ.

472 Wai 1200 #A54, pp.36, 66 and 75. See also Matiu Rangihenga and four others to McLean, 10 November 1873. MA-MLP 1/1874/31, and; Mitchell and Davis, 'Summary of Land Transactions', April, 1875. MA-MLP 1 1875/146. ANZ.

473 AJHR, 1877, G-7, p.12.

474 ML 5383 (Ruawahia), LINZ.

rohe."[475] Where the boundaries on each plan passed through Lake Tarawera, they were only a short distance apart but the land at issue was highly significant, including as it did, Ngāti Rangitihi kāinga and cultivations at Moura.

When the hearing began in April 1882 there were 16 counter-claimants to the Tūhourangi claim, including Ngāti Rangitihi as well as two hapū claims from Ngāti Tuwhakaoroahu and Ngāti Huikai. Following meetings, the number of counter-claimants was reduced to 10 groups organised into nine claims. Much of the very lengthy evidence concerned areas to the north of Ngāti Rangitihi interest and the heavily disputed overlaps between Ngāti Whakaue and others. The evidence relating to Ngāti Rangitihi interests around Tarawera, Rotomahana, and Okaro is less extensive. Tūhourangi and Ngāti Rangitihi acknowledged the connections between them through hapū such as Ngāti Te Apiti and Ngāti Hinemihi, but Tūhourangi declined to claim rights in the east of Rotomahana through these connections, preferring to assert a claim of conquest that was exclusive to Tūhourangi. Hakopa Takapou of Ngāti Rangitihi was strongly critical of this approach and condemned the exclusive boundary Tūhourangi tried to assert at Rotomahana and Tarawera as "ruri tahae" (theft by survey).[476]

Mikaere Heretaunga, Henare Te Rangi, and Hakopa Takapou testified for the Ngāti Rangitihi claim, which was based on take tupuna, take toa, and ahi kā. Unlike Tūhourangi and many other claimants, they did not rely on take raupatu (although this was a take favoured by the Native Land Court for its simplicity and supposed exclusivity). Henare Te Rangi set out whakapapa for five main lines of descent and how the claims established by Ngāti Rangitihi ancestors had been maintained down to the present, with a great deal of evidence about customary use of the resources of the land and waters of Rotomahana and Parekarangi. Each the five key ancestors named was the source of rights to a different part of the area claimed by Ngāti Rangitihi, which was set out in their detailed evidence.[477]

After many weeks of hearings, the Court gave its judgment, first complaining at the "large measure of patience and forbearance" required of it. The evidence heard was held to be "very conflicting," but this did not prevent the Court from reaching a conclusion. The issue with which it had greatest difficulty was between Tūhourangi and Ngāti Whakaue, an issue that did not concern the area claimed by Ngāti Rangitihi. Portions of the huge Block were awarded to Tūhourangi and to seven of the counter-claimant groups, although several of these awards included Tūhourangi with the counter-claimants. One of the two areas in which Ngāti Rangitihi were awarded interests was one such combined title, in which Tūhourangi were held to share interests. The Court dealt with these shared interests in the southeast by ruling that the area be divided equally between them. The main difficulty with this was that it did not decide where the interests of the two iwi should be divided; leaving it up to them to "decide upon a line dividing the land into equal portions." Such a line was not in accord with tikanga or how the land had been shared by the iwi, but such lines were the Court's strong preference. The Court awarded a further area in the very east of the Block exclusively to Ngāti Rangitihi.[478]

The Court's awards for Ngāti Rangitihi interests were premised on a view that Tūhourangi had "for many years held possession" of the geothermal features at Rotomahana, "in spite of attempts made to eject them." Other than this brief reference to Tūhourangi supposedly exclusive rights there, the Court gave no reason for its awards.[479]

475 ML 5342 (Rotomahana Parekarangi) LINZ.
476 Rotorua MB 3, pp.36, 38 and 54.
477 Rotorua MB 2, pp.375-376, and; Rotorua MB 3, pp.-4, 33-36, 42-48, 154, 162, and 175.
478 Rotorua MB 3, p.230.
479 Rotorua MB 3, p.231.

Huta Tangihia told the Native Land Court that Ngāti Rangitihi had moved off Rotomahana Parekarangi in the period 1869 to 1873 because their men had been called upon by the Crown to fight against Te Kooti and the Whakarau, so they had sent their women and children away from the land to a more secure location.[480] That could be a factor in Ngāti Rangitihi exclusion from parts of their customary lands at Rotomahana and Lake Tarawera, but a more likely reason seems to be the long-standing prejudice against the iwi in favour of Tūhourangi at Rotomahana.[481]

3.4.9.3 Rehearing, 1887

The 1882 decision was patently unsatisfactory, and resulted in sustained protests from various groups dissatisfied with the failure of the Court to properly address the Rotomahana Parekarangi claims.[482] As Tūhourangi themselves complained: "the troubles of that land are just the same now as they were formerly, and it is like to land that has never been adjudicated upon."[483] Indeed, after Parliament agreed to enact the Special Powers and Contracts Act 1884, the Block was deemed once again to be customary Māori land, the title to which was to be investigated anew by the Native Land Court.[484]

Despite being authorised in 1884, the rehearing did not commence until 1887, when there were 28 counter-claims, which were reduced through mergers and withdrawals to 20 claims at hearing.[485] The evidence produced in relation to the area claimed by Ngāti Rangitihi was similar to that given in 1882, and the case again took five months to complete, with the Court sitting from 21 March to 20 August, 1887. In its 1887 judgment, the Court was more definite about the boundaries of Tūhourangi lands as well as the lands of the counter-claimants. Typically for the Court, it favoured the simplistic and exclusive Tūhourangi claim of raupatu, despite evidence Ngāti Rangitihi and many other counter-claimants had maintained possession of the lands they claimed. At the same time, the Court also hinted at the significance of the connections between Ngāti Rangitihi and Tūhourangi for their claims, observing that Tūhourangi rights were strengthened through marriage ties to Ngāti Rangitihi descendants of Apumoana.[486] It failed to note that such ties also strengthened Ngāti Rangitihi claims.

The Court did circumscribe the Tūhourangi claim, however, rejecting the proposition that Rotomahana Parekarangi was entirely their land, as various other tribal groups had maintained rights on the lands around the fringes of the huge Block. As a result, the Court awarded most, but not all, of the block to Tūhourangi, whose award was defined as Rotomahana Parekarangi 6, which it further divided into hapū claims as Rotomahana Parekarangi 6A to 6S.[487]

In relation to the Ngāti Rangitihi claim, the Court did not award them the Ngapakau section at the northwest corner of Tarawera Lake. This land (320 acres), dubbed Rotomahana Parekarangi 6B (or Maungarawhiri), was instead awarded to Tūhourangi. In contrast, on the southern side of Tarawera, the Ngāti Rangitihi boundary was largely accepted, resulting in part of the Moura peninsula being awarded to them as Rotomahana Parekarangi 5A, or Matarumakina (268 acres, adjacent to the tip of the peninsula awarded to Ngāti Rangitihi as part of the Ruawahia Block). This amounted to a limited westward shift of the Tūhourangi boundary, but only on the Moura peninsula. In this way, the Tūhourangi claim and the following court award, effectively drew an artificial boundary through Tarawera Lake, awarding the eastern two-thirds of the lake bed to Ngāti

480 Ballara, A., *Iwi. The Dynamics of Maori Tribal Organisation From c1769-c1945, Wellington, 1998, p.252, and; Mair report on various blocks, 25 April 1881. MA-MLP 1 1888/50. ANZ.*
481 R.F. Keam, *Tarawera: the Volcanic Eruption of 10 June, 1886, 1988, pp.84-85.*
482 Duncan Moore and Steve Quinn, 'Alienation of Rotomahana Parekarangi Lands within the Whakarewarewa State Forest', Whakarewarewa Forest Trust, 1993. Wai 153 #A80, pp.25-7.
483 Wi Kepa Te Rangipuawhe to Minister of Native Affairs, 17 August 1883. MA 1/1892/2244. Cited in Moore and Quinn, p.26.
484 Moore and Quinn, pp.26-7.
485 Rotorua MB 12, pp.19-22 and Rotorua MB 13, pp.195-196.
486 Rotorua MB 13, pp.197-198.
487 Rotorua MB 13, p.294.

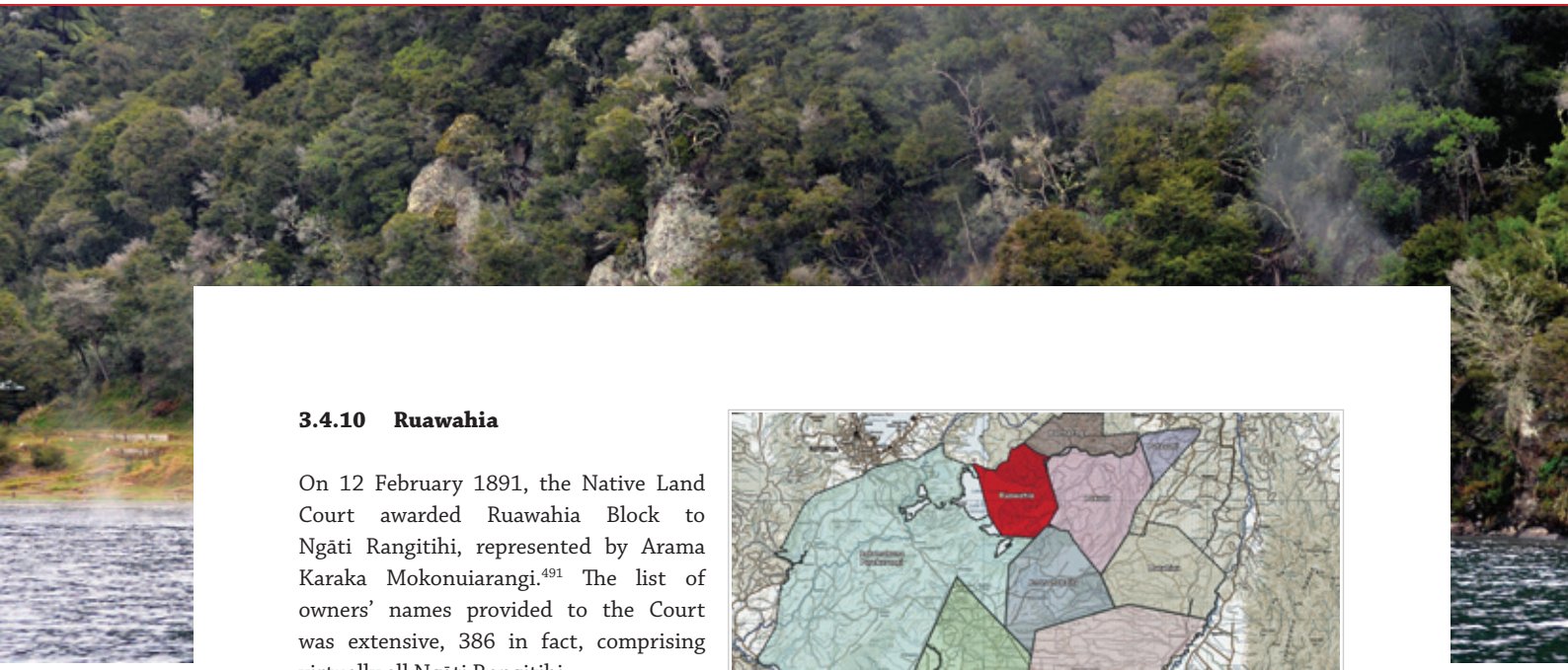
Rangitihi (as part of Ruawahia) and the western third to Tūhourangi. The line cut through Moura peninsula at Kāinga Kakahi, with all the land to the south-west of there, was awarded to Tūhourangi.[488]

As for the Ngāti Rangitihi claim to Rotomahana and the south-eastern part of the Block, the Court accepted only the eastern portion of this, with the rest of the land being awarded to Tūhourangi hapū (although several of those hapū were also closely linked to Ngāti Rangitihi, notably Ngāti Te Apiti, and Ngāti Hinemihi). Ngāti Rangitihi were awarded Rotomahana Parekarangi 5B or Onuku (8,287 acres, taking in half of Rotomahana Lake south of the Ruawahia Block and extending southwards to Paeroa East Block).[489]

The result of the protracted Rotomahana Parekarangi hearings was that Ngāti Rangitihi appear to have been excluded from a significant part of their lands in western Rotomahana and south towards Paeroa. Most significantly, part of the land around the much-disputed Te Ariki kāinga had been included in the award of Rotomahana Parekarangi 6Q to Tūhourangi (Ngāti Te Apiti and Ngāti Hinemihi). Arama Karaka Mokonuiarangi immediately protested at the award of so much of the Ngāti Rangitihi land to Tūhourangi, but no further rehearing was allowed.[490]

Ownership lists for Rotomahana Parekarangi were not resolved until March 1888, when Rotomahana Parekarangi 5A (Maturumakina) (268 acres) was awarded to 356 owners, and Rotomahana Parekarangi 5B (Onuku) (7,966 acres on final survey) was awarded to 470 owners. Both Blocks were retained in Ngāti Rangitihi ownership for some time. Their fate after 1900 will be considered in Chapter 4.

488 Rotorua MB 13, p.200, and; ML 5342, LINZ.
489 Ibid.
490 Kawharu, et al, p.413.



3.4.10 Ruawahia

On 12 February 1891, the Native Land Court awarded Ruawahia Block to Ngāti Rangitihi, represented by Arama Karaka Mokonuiarangi.[491] The list of owners' names provided to the Court was extensive, 386 in fact, comprising virtually all Ngāti Rangitihi.

The Ruawahia Block (22,990 acres) lies at the heart of the Ngāti Rangitihi inland rohe, taking in the iwi maunga, Ruawahia, as well as the bulk of Tarawera Lake and the Ngāti Rangitihi kāinga and sites on its shores. Coming before the Court so late (1891), Ruawahia Block was inevitably defined by the surveys of the land surrounding it, including Haehaenga and Okataina to the north, Pokohu and Rerewhakaitu to the east, and Rotomahana Parekarangi to the south.

The claim was unique among lands in the district, in that there were no counter-claimants from other iwi seeking to challenge Ngāti Rangitihi undisputed rights to Ruawahia. Two groups described as Ngāti Tuwhakaoruahu/Ngāti Tutekawaora and Ngāti Te Apiti asked to be included in the title but neither group disputed the rights of Ngāti Rangitihi to Ruawahia; they simply claimed to be included as hapū in the Ngāti Rangitihi claimant list.[492] Ngāti Te Apiti claimed as a hapū of Ngāti Rangitihi. The Tuwhakaoruahu and Tutekawaora claims were conducted by Mika Aporo on behalf of himself and others of the hapū, and were quite specific in the bit of Ruawahia Block they claimed; that was in the northwest of the Block, on the south-east side of Makatiti Dome. The Ngāti Te Apiti claim was brought by Manahi on behalf of Ahenata. It too was quite specific in its claim – for mara kai on land south east again from the land claimed by Tuwhakaoruahu and Tutekawaora. The way the Court operated meant that these two hapū had to appear as 'counter-claimants' to the claim of Ngāti Rangitihi, even though they did not challenge Ngāti Rangitihi rights.

In its judgment, the Court found in favour of Ngāti Rangitihi and did not endorse the claims of the two hapū to particular parts of Ruawahia:

> *The Court is of the opinion that the (counter) claimants in this case although descended in part from Rangitihi ancestors are Tūhourangi both by birth and adoption, and that they did not at any time within the last 50 years occupy this land by right.*[493]

The Court noted the strong ancestral connections between Tūhourangi and Ngāti Rangitihi but it also observed that they had grown apart and come into conflict at Tarawera:

> *It is clear to the Court that although the Tūhourangi and Rangitihi may at one time have been one people, yet that this state of things did not prevail during the 30 years preceding the Ariki fight, during which these two tribes were constantly at war and during which parts of Ngāti Te Apiti and Tuwhakaoroahu were on one side and part on the other.*[494]

491 4 Whakatane Minute Book Page 308 – 12 February 1891
492 4 Whakatane Minute Book Page 302 – 12 February 1891
493 4 Whakatane Minute Book Page 305 – 12 February 1891
494 4 Whakatane Minute Book Page 307 – 12 February 1891

The Court drew a distinction between the membership(s) of Ngāti Te Apiti:

> *In answer to Ahenata's claim, the Ngāti Rangitihi witnesses admit that Ahenata, Taraniko and their descendants are of the Ngāti Te Apiti tribe, but do not belong to that section known as Ngāti Te Whareiti to whom alone the Makatiti lands belongs.*[495] *They (Ngāti Rangitihi) moreover contend that these people belong to that part of Ngāti Te Apiti who through intermarriage with Tūhourangi became a part of that tribe, and had on several occasions fought against the (Rangitihi) Apiti and Ngāti Rangitihi down to the Ariki fight, when Tūhourangi Ngāti Te Apiti shot the chief Paerau, a brother to Te Kuru o Te Marama, one of the leading chiefs of Ngāti Rangitihi.*[496]

It is clear both in history and in court judgement that the land claimed within the Ruawahia Block was and still is take tupuna (ancestral lands) of Ngāti Rangitihi.

3.4.10.1 Crown Purchasing, 1890-1907

When the Ruawahia claim was being prepared for the Native Land Court, the surveyor Henry Mitchell advised the Native Department, noting of his survey of Ruawahia that, "like other tribal claims in this district sketch plans only preferred."[497] Being a 'tribal claim', the sketch plan covered a larger area than what is today known as Ruawahia, as it also included about 27,000 acres of land to the southwest that was instead heard as part of Rotomahana Parekarangi Block. Ngāti Rangitihi asked for their ownership of the Block to be confirmed based on this sketch survey, which was approved.

When advised about Ruawahia, the Native Department responded that the mountainous part of the Block was "practically valueless", but the geothermal features were seen by the Crown as valuable and some parts of the Block were noted to be good land.[498] It did not immediately pursue the purchase of Ruawahia but on 6 August, 1897, Native Land Purchase Officer Gill recommended it be acquired as it "covers several miles of frontage to the Tarawera Lake and Tarawera River," adjoined other Crown land, and was worth more than adjoining land at Rotomahana Parekarangi, which the Crown had already purchased. Gill believed that the purchase could be completed "within a reasonable time" at the rate of three shillings per acre; a rate that he stated was "a very low one". Gill sought instructions from Native Land Purchase Department Under-Secretary Sheridan before he visited Matatā, where most of the owners lived.[499]

Sheridan asked Gill why he had not included the 6,000 acres of the Ruawahia title encompassed by Lake Tarawera, as ownership of this part of the lake bed was part of the title.[500] Gill confirmed that title to the Lake was included in the Native Land Court order but he did not believe it was necessary to purchase it: "Believing that all the Lakes in the Colony (at least this one) belong to the Crown)." He added that, "if I am wrong and owing to the Court's Order the water[sic; the lake bed] has to be purchased then I estimate the value of the 20,600 acres [of Ruawahia] to be 1/6 per acre, or at most 2/-."[501] In other words, when asked to include the 6,000 acres of lake bed he discounted the rate of three shillings per acre he had just recommended as a "very low" price for 14,600 acres of land (a total of £2,190), and applied a lower rate of two shillings per acre (or as low as one shilling sixpence per acre) for 20,600 acres (being the area then surveyed), which gave a total of £2,060 (or £1,545 at the lower rate). This meant that he proposed not paying for the lake bed at all, even though it was now supposedly included in the purchase.

495 This is confirmed in the claims brought by Ngati Rangitihi in the Haehaenga case.
496 4 Whakatane Minute Book Page 308 – 12 February 1891
497 H. Mitchell to T. W. Lewis, 3 November 1890 (telegram) . MA-MLP 1/1907/1. ANZ.
498 T. W. Lewis memorandum, 20 November 1890. MA-MLP 1 1907/1. ANZ.
499 Gill to P. Sheridan, 6 August 1897. MA-MLP 1/1907/1. ANZ.
500 P. Sheridan to Gill, 17 August 1897. MA-MLP 1/1907/1. ANZ.
501 Gill to P. Sheridan, 28 August 1897. MA-MLP 1/1907/1. ANZ.

Sheridan referred the question to Judge Alexander Mackay, noting that there was at least one other case in which Māori owned lakes (the Wairarapa Lakes).[502] On 11 October, 1897, Mackay (who had headed the 1891 Royal Commission of Inquiry into the Wairarapa Lakes) confirmed that "the Crown has no inherent right to all the Lakes in the Colony," adding:

> *The Tarawera Lake being included in the Order of the Court places it in precisely the same position as the Wairarapa Lake, or any other body of fresh water situated within the boundaries of any block of Native Land, not yet alienated to the Crown.*[503]

On 14 October, 1897, the Minister of Lands approved of Sheridan's recommendation that Ruawahia be purchased for £2,190.[504] Sheridan forwarded the recommendation to Gill, instructing him that: "There is no occasion to raise the question of the ownership of the Lake. Let the deed include it in the purchase."[505] In other words, the Crown proposed paying three shillings per acre for 14,600 acres (a total of £2,190) and would effectively not be paying for the Lake, presuming to purchase it with the land at no extra cost. It was later confirmed that the Crown was indeed paying three shillings per acre for Ruawahia Block; meaning it was buying the dry land at that rate and paying nothing for the lake bed, even though it sought to acquire the lake bed.

In early 1898, Sheridan forwarded the above papers to Surveyor-General S. P. Smith and advised him that the question of the ownership of Lake Tarawera had "cropped up." Smith responded in February 1898 that:

> *I do not exactly see that the Māoris have any right to lakes if they have sold the land fronting up to that line. My idea is that lakes are highways like the sea, and belong to the public at any rate by its use. … This was tried on in the case of Rotorua, but I objected, and the titles only issued to the margin. It is rather a delicate point.* [506]

In this case, Ngāti Rangitihi had not sold the land beside Lake Tarawera and still owned it and the adjoining lake bed. Smith had no legal training and his advice could scarcely counter that of a judge (Mackay) with acknowledged expertise in the matter of Māori legal and customary rights in lakes.

On 13 December, 1897, Raureti P. Mokonuiarangi wrote to Gilbert Mair objecting to the proposed purchase. Mokonuiarangi stated that the offer to sell did not come from "Ngāti Rangitihi proper but half castes and people living at a distance," and that Ngāti Rangitihi had also written to Gill asking him "not to buy this block," because "this is the only land left us from the time of our forefathers till the present day."[507] Mair informed Gill of Mokonuiarangi's message, stating that he had told Mokonuiarangi that, "he had better see you." There is no response from Gill on the file.

On 4 April, 1898, a further protest against the purchase was submitted by Takawheta Kaipara Mokonuiarangi to the Native Minister:

> *I, that is all my people object to negotiations for purchase made by Mr Gill Government Land Purchase Officer in connection with the Ruawahia Block, for I and my people do not desire to sell it.*[508]

502 P. Sheridan to Judge Mackay, 9 September 1897. MA-MLP 1/1907/1. ANZ.
503 Judge Mackay to P. Sheridan, 11 October 1897. MA-MLP 1/1907/1. ANZ.
504 Minister of Lands to Sheridan, 14 October 1897. MA-MLP 1/1907/1. ANZ.
505 P. Sheridan to Gill, 14 October 1897. MA-MLP 1/1907/1. ANZ.
506 Surveyor-General to P. Sheridan, 11 February 1898. MA-MLP 1/1907/1. ANZ.
507 Raureti Mokonuiarangi to G. Mair, 13 December 1897. MA-MLP 1/1907/1. ANZ.
508 Takawhata Kaipara Mokonuiarangi to Native Minister, 4 April 1898. MA-MLP 1/1907/1. ANZ.

Mokonuiarangi informed the Native Minister that Ngāti Rangitihi wished to retain Ruawahia "for the maintenance of our descendants for all time." He also objected to Gill's method of purchase, stating that the government should have contacted him in the first place before opening negotiations with individual owners. Mokonuiarangi also objected to Gill's pending application to the Native Land Court, "to have individual interests in the Rotomahana Parekarangi Block defined" (that is, to define the relative interests of each owner). He stated that this was, "a matter for me and the people to take action about."[509]

Gill responded: "The only objection I know of raised against the purchase of this land was that Ngāti Rangitihi had several old burial places on the Tarawera and Ruawahia range." He stated that he had discussed the reservation of these wāhi tapu with the owners in January 1898, adding that: "Many of the principal owners are satisfied with this and will assist me in the purchase." Defending the purchase of the Block, Gill stated that the Block had not been cultivated since the eruption of Tarawera and "at the present time there are not five natives residing on the Block." With respect to the application to the Native Land Court for a definition of relative interests in Rotomahana Parekarangi, Gill stated that his application was supported by "many of the owners." The owners had prepared the lists "themselves and they will conduct the case through the enquiry."[510]

Presumably, this response was satisfactory to the Under Secretary of the Native Land Purchase Department. However, it failed to address the fundamental concerns raised by Ngāti Rangitihi, whose continued opposition to Crown negotiations was reiterated in a petition to the Native Minister from Te Hiko Mokonuiarangi and 146 others on 27 July, 1898. The petitioners noted that Gill had succeeded in acquiring individual interests from some 50 to 60 owners (from a total of 386). The Ngāti Rangitihi petitioners described the sellers as either half-castes not living as Māori or as Māori who lived with other hapū. They "are not permanent members of the Ngāti Rangitihi … whereas the majority of the persons owning the land are holding on to it and have no wish whatever to sell that Block," also noting the cultural and spiritual significance of Ruawahia to the iwi:

> *Therefore, we your petitioners earnestly appeal to you to have some regard for us and put a stop to the purchase by the Crown. This is the remaining portion the balance of the land belonging to your petitioners… and has been handed continually down to us from the time of our ancestors – our ancestors, parents of the majority of the members of the hapū of your petitioners, are buried on that block. This is their only remaining ancestral land.*[511]

Ngāti Rangitihi also wrote to Wi Pere and Henare Tomoana, asking them to support their application to the Native Minister. As Ngakuku and others explained to Wi Pere, the Member of the House of Representatives (MHR) for Eastern Māori: "this is a great hardship, this is the balance of our lands, being the mountain that all the Arawa make greetings to (venerate), it is land held from the time of the ancestors, Ngāti Rangitihi are buried there."[512] Wi Pere recommended Ngāti Rangitihi application to the Minister of Lands. Noting that the land was of inferior quality, he advised him to "leave it for their use."

In August 1898, Sheridan asked Surveyor-General Smith if there was "any particular reason" to purchase Ruawahia.[513] Smith replied that there wasn't any reason to purchase, noting the land was "not much use from the settlement point of view, but it has other attractions on it" (referring to the geothermal features). He concluded: "It would not injure the public much however if it remained Native land some years longer."[514]

509 Takawhata Kaipara Mokonuiarangi to Native Minister, 4 April 1898. MA-MLP 1/1907/1. ANZ.
510 R. J. Gill to P. Sheridan 22 April 1898. MA-MLP 1 /1907/1. ANZ.
511 Te Hiko Mokonuiarangi and 146 others to the Native Minister, 27 July 1898. MA-MLP 1/1907/1. ANZ.
512 H. Ngakuku "and all of Ngatirangitihi" to Wi Pere, 27 July 1898. MA-MLP 1/1907/1. ANZ.
513 P. Sheridan to Surveyor General, 17 August 1898. MA-MLP 1/1907/1. ANZ.
514 S. P. Smith to P. Sheridan, 18 August 1898. MA-MLP 1/1907/1. ANZ.

Sheridan wrote to Gill:

> *It is difficult to understand what influences are at work in this matter. You had better note all the signatures to this protest and advise me from time to time as they offer their shares.*[515]

This was not an instruction to cease purchasing, as Ngāti Rangitihi had asked, even though the Crown accepted there was no need to purchase the land.

Gill responded by asking Sheridan to confirm that: "I may go on as usual and purchase from those who come to me and want to sell." He noted that 44 of the signatories to the 1898 petition were not owners in Ruawahia. He also set out the other land interests of the iwi in Rerewhakaitu (4,900 acres), Onuku (Rotomahana Parekarangi No 5B) (8,000 acres), Pakau Te Pukatu [Opakau Te Pukahu, 2,650 acres] (not defined by Gill), and the Pokohu and Matahina Blocks (also not defined by Gill), as well as lands around Matatā where most of Ngāti Rangitihi lived.[516] He failed to note that the ownership of these lands was not identical and they were not lands owned by the entire iwi. If the figures were meant to show Ngāti Rangitihi could well afford to sell Ruawahia, they were entirely unconvincing. At about this time, other officials recognised that Ngāti Rangitihi were "a wandering landless people."[517] The purchase of Ruawahia was only going to worsen their plight.

Despite the predicament of Ngāti Rangitihi, Sheridan instructed Gill in October 1898 to, "purchase any shares offering until Court sits to define interests of the Crown."[518] A month later, Gill reported having purchased the individual interests of three of the signatories to the 1898 protest against the purchase.[519]

In April 1899, Raureti P. Mokonuiarangi and 17 others wrote to the Ministers of Native Affairs and Lands, Seddon and McKenzie, on behalf of those Ngāti Rangitihi "who have not sold" Ruawahia. They repeated their request for the cessation of the Crown's purchase of Ruawahia. Ngāti Rangitihi noted that the Block was "under the provisions of the Thermal Springs Act 1881" (meaning that the owners could not enter into any alienation of their land except with the Crown) and that some owners had sold their interests to the Crown. They asked that the remaining land should:

> *be assured to us, because our thoughts are permanently attached to the places where our ancestors and parents who have passed away from us lie (buried) it is the mountain of parting for all the Hapūs of the Arawa. We cannot stop a person from selling land seeing that the way is open for the Government to acquire land, therefore we ask the Government to have some regard for us and that you two put a stop to this, so that those who desire to sell may not be able to do so.*[520]

In support of their request, Mokonuiarangi and others referred to the recent government decision to stop purchasing in the East Coast district. The Ngāti Rangitihi submission was supported by several "members of the select Committee for the East Coast, appointed to advise you with regard to the government purchases in the East Coast District."

In May 1899, Gill once more defended his purchasing activities and he attributed objections to the purchase to concerns that wāhi tapu would not be protected from the purchase. He stressed that there had been no

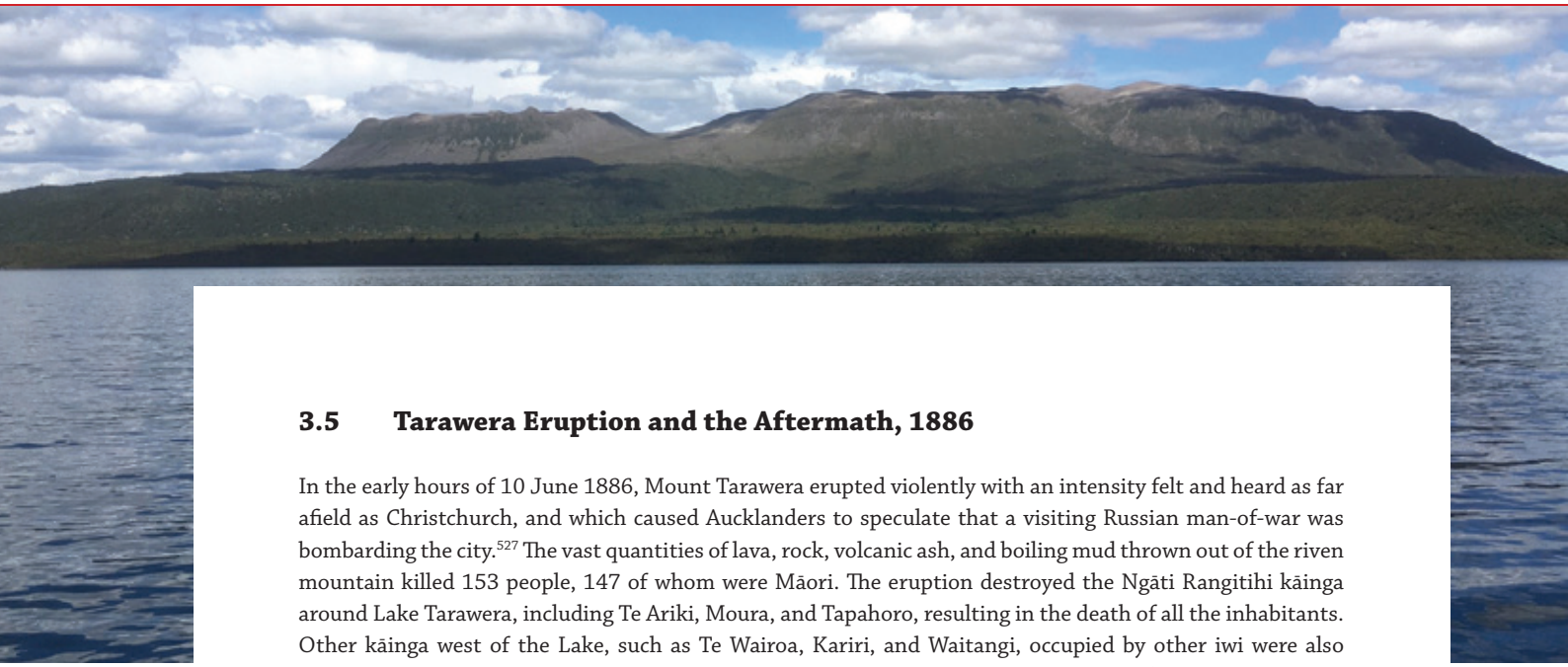
515 P. Sheridan to Gill. 29 August 1898. MA-MLP 1/1907/1. ANZ.
516 Gill to P. Sheridan, 20 September 1898. MA-MLP 1/1907/1. ANZ.
517 Mair letter, 22 July 1902. LS 1/21256-21258. ANZ.
518 P' Sheridan to Gill, 5 October 1898. MA-MLP 1/1907/1. ANZ.
519 Gill to P. Sheridan, 5 November 1898. MA-MLP 1/1907/1. ANZ.
520 Raureti Mokonuiarangi and 17 others of Ngatirangitihi to Premier Seddon, 10 April 1899. MA-MLP 1 1907/1. ANZ.

cultivations or families in residence since the Tarawera eruption. Gill reported that 80 of the 386 owners had sold to the Crown to date, including nine of the signatories to the July 1898 petition. He also stated that, only four days before submitting the petition, Raureti had sold his son's interests in Ruawahia (Raureti was trustee of the interest under the alias Raureti Te Okatu).[521] Sheridan took this latter point as the most pertinent, writing to Raureti on the Native Minister's behalf: "The Minister will be glad to hear how you reconcile this request with your own quite recent action of selling your son's interest in the land in question". Sheridan also informed Mokonuiarangi that: "Ancestral burial grounds in lands purchased from Natives are invariably reserved by the Government."[522]

According to the 1900 Land Purchase return, prior to 31 March, 1899, Gill had acquired interests equating to 2,738 acres for £410 15 shillings (or three shillings per acre). He then had some sort of breakthrough, presumably in about mid-1899, and during the 1899-1900 fiscal year he secured interests equating to a further 10,472 acres in the year to 31 March 1900 for £997 6s. 8d.[523] The report notes the land was being purchased at a rate of three shillings per acre but the expenditure reported is not equal to that rate. This is also apparent in the following return, when it was reported that during the 1900-01 year a further 2,215 acres had been acquired, supposedly at three shillings per acre, but the price paid for these interests was only £228 11s. 4d.[524] From this, it can be deduced that the Crown was still paying three shillings per acre for dry land, but was paying nothing for the lake bed. It included a proportion of the lake bed in the interests it claimed to have acquired, which explains why the area purchased was larger than that paid for by the Crown.[525] After 1902, the Crown ceased to refer to Ruawahia in its published return of land purchases.[526]

In 1907, the Crown decided to cease purchasing interests in Ruawahia and applied to the Native Land Court to define the interests it had acquired. In December 1907, the Court, sitting at Rotorua, awarded the Crown what it applied for, namely Ruawahia 1 (18,341 acres). This left the remaining 92 owners with Ruawahia 2 (4,649 acres). Five wāhi tapu of two acres each (Kanaehapa, Ngahareta, Puha, Ruakopu, and Tapahoro) were excluded from the Crown's award. This shows the total area of Ruawahia was 22,990 acres, significantly more than the 20,600 acres estimated on the sketch plan used for title determination.

521 Gill to P. Sheridan 25 May 1899. MA-MLP 1/1907/1. ANZ.
522 P. Sheridan to Raureti P. Mokonuiarangi, 23 June 1899. MA-MLP 1 1907/1. ANZ.
523 AJHR, 1900, G-3, p.5.
524 AJHR, 1901, G-3, p.7.
525 See also AJHR, 1902, G-3, p.2.
526 See AJHR, 1903-1908, G-3.



3.5 Tarawera Eruption and the Aftermath, 1886

In the early hours of 10 June 1886, Mount Tarawera erupted violently with an intensity felt and heard as far afield as Christchurch, and which caused Aucklanders to speculate that a visiting Russian man-of-war was bombarding the city.[527] The vast quantities of lava, rock, volcanic ash, and boiling mud thrown out of the riven mountain killed 153 people, 147 of whom were Māori. The eruption destroyed the Ngāti Rangitihi kāinga around Lake Tarawera, including Te Ariki, Moura, and Tapahoro, resulting in the death of all the inhabitants. Other kāinga west of the Lake, such as Te Wairoa, Kariri, and Waitangi, occupied by other iwi were also destroyed, with large loss of life. The eruption destroyed Otukapuarangi and Te Tarata (the Pink and White Terraces), which were the focus of the local tourism industry. Large parts of the Rotorua and Bay of Plenty districts were thickly covered by the ash-fall and an extensive area around Lake Tarawera was devastated and buried in mud and ash.[528]

When those at Matatā realised the extent of the destruction there were "great lamentations," and on the evening of 11 June many of them met at the whare of Arama Karaka Mokonuiarangi, where it was agreed that a party of about 15 (led by Pitara Mokonuiarangi) would go to Tarawera the following day to search for survivors. They found Tapahoro destroyed and buried, with only the top of the flagstaff visible. With ash continuing to rain down heavily and landslides threatening, they were unable to reach Te Ariki via the lakeshore, and concluded that all were dead. The Ngāti Rangitihi group encountered their kinsmen Abraham Warbrick and his brother who were taking a group led by Gilbert Mair on a similar mission across the Lake from Te Wairoa. He found that the entire site of Moura had been "shot bodily into Lake Tarawera," and the large grove of karaka that grew there was found floating in the middle of the Lake. He reached Te Ariki but it too was deeply buried in mud. Mair later found the Ngāti Rangitihi search party "much exhausted" on the lake shore. He provided them with food and water and took them by boat back to the lake outlet from where they returned to Matatā.[529]

A Māori visitor who had left Te Ariki shortly before the eruption put the number of occupants at 49, with 23 at Moura; a total of 82 dead. These numbers were later revised. A few days later, it was reported that 95 Māori had died at Te Ariki alone, including four Taupō visitors and a Catholic catechist of Ngāti Rangitihi. Some of those at Moura and Te Ariki were identified as Ngāti Tarawhai kin of Ngāti Rangitihi. A notable loss was Niheta Kaipara, a leading Ngāti Rangitihi rangatira.[530] According to Mair, who later published an appeal to iwi in other districts for aid to those affected by the eruption, the number of Ngāti Hinewai or Ngāti Rangitihi killed at Moura was 40. He did not give numbers for those at Tapahoro or Te Ariki.[531] The Tauranga Resident Magistrate later reported less specifically that between 90 and 100 Ngāti Rangitihi and Tūhourangi had been killed in the eruption.[532] As noted earlier, the final official death toll was more than 150 fatalities, including six Pākehā.[533]

The nature and extent of the devastation and loss meant that the public and the government were immediately aware that significant and ongoing aid would be needed for affected survivors. In the short to medium-term, food, clothing, and shelter were required; longer-term, land fit for cultivation and employment (such as work on roads or the railway then being built) was needed for those who had previously relied on tourism. The

527 *New Zealand Herald*, 10 June 1886; and Keam, R. F., *Tarawera: the Volcanic Eruption of 10 June, 1886*, 1988, p.181.
528 Bay of Plenty Times, 12 June 1886, p.2; New Zealand Herald, 14 June 1886, p.5; Paul Tapsell, 'Te Arawa – The Tarawera eruption', Te Ara – the Encyclopedia of New Zealand. URL: http://www.TeAra.govt.nz/en/te-arawa/page-5; and Te Pūmautanga o Te Arawa DOS, 7.49.
529 *New Zealand Herald*, 16 June 1886, p.5; and *Southland Times*, 8 July 1886, p.2.
530 *New Zealand Herald*, 14 June 1886, p.5; and 16 June 1886, p.5.
531 G. Mair, 'The Relief of Tarawera', MS-Papers-0092-01. ATL. See also, 'A Māori Appeal', *Evening Star*, 2 October 1886, Supplement, p.1.
532 H. W. Brabant to Native Secretary, 5 May 1887. AJHR, 1887, G-1, p.9.
533 David Armstrong and Vincent O'Malley, The Beating Heart. A Political and Socio-economic History of Te Arawa, Wellington, 2008, p.197; Paul Tapsell, 'Te Arawa – The Tarawera eruption', Te Ara – the Encyclopedia of New Zealand. URL: http://www.TeAra.govt.nz/en/te-arawa/page-5; and Te Pūmautanga o Te Arawa DOS, para 7.49.

initial focus of public and official attention was on Tūhourangi survivors from Te Wairoa, Kariri, Waitangi, and other kāinga. Even so, it was noted at the outset that the land in the district around Tarawera, owned by Tūhourangi and Ngāti Rangitihi, was "covered deep with mud, and is unfit for cultivations."[534]

It was some time before the impact on Ngāti Rangitihi living away from Tarawera was considered, as the focus was on Tūhourangi and other survivors at Rotorua.[535] Aid supplies flowed in from Māori and Pākehā communities throughout the country but distribution of aid and government relief took place at Rotorua, so Ngāti Rangitihi continued to be neglected. A Tarawera Relief Committee comprised of local government officials was formed in July 1886 to distribute the goods and funds supplied by the public. The Committee was widely-known as the Rotorua Relief Committee, reflecting the focus of its activities at Rotorua rather than amongst other communities severely affected by the eruption (such as Ngāti Rangitihi at Matatā). Mair brought a large amount of food (mainly potatoes and kumara) to Rotorua in late September 1886, following a fund-raising and aid-gathering drive he initiated in the southern North Island. This food was distributed at Rotorua amongst "the most distressed portion of the native tribes," but was sufficient to meet only "urgent and pressing wants," so that "for the next four or five months hence, until the new crops of potatoes become available, considerable destitution and suffering must prevail." The plight of those like Ngāti Rangitihi who lived away from Rotorua was even worse. At the same time (late September 1886), government aid to Rotorua Māori was terminated.[536]

The Relief Committee was wound up in October 1886. It was reported to have paid out £396, of which: £141 went to Pākehā; £133 paid the freight on donated food; £76 was for grass seed and tools for Māori; £41 was for direct relief for Māori; and £44 was for "sundry expenses."[537] In addition to the funds raised by Māori and Pākehā, the government initially set aside £2,400 to aid those suffering as a result of the eruption. However, only £400 of this was for the large number of Māori sufferers, with most of the fund set aside for the smaller number of Pākehā afflicted. Native Minister Ballance subsequently exceeded the modest sum set aside for Māori sufferers by about £800.[538] By late October 1886 the government fund for Māori aid had enabled Mair to distribute 60 tonnes of flour, sugar, and potatoes valued at £350 and clothing valued at £50. Even so, it was reported that "many deserving cases are still left unprovided for."[539] The aid supplied in the short-term left many Māori unable to support themselves, but when they sought further rations – writing, for instance, in December 1886 that: "For the last two months my only food has been fern-root" – the government merely enquired what land they had to sell.[540]

With the end of the Relief Committee, and government aid finishing only a few months after the disastrous eruption, Ngāti Rangitihi and other afflicted iwi were left in a parlous position. After being given only some rations, Māori had pleaded with the government, "do not be half-hearted toward us in the hour of need."[541] Rather than give any further money in aid, from as early as July 1886 it was government policy that "the only way" it would help Māori was through, "employment on public works and purchasing their surplus land."[542] By August, the government's approach was clear: it was its "desire" to exploit the extreme hardship created by the eruption to acquire land in the district, or, as it put it, to "take advantage" of the "present opportunity to acquire for the Crown large Blocks of Land containing Thermal Springs and that are not immediately suitable

534 *New Zealand Herald*, 14, June 1886, p.5; and 16 June 1886, p.5.
535 Armstrong and O'Malley, p.198.
536 *New Zealand Herald*, 27 September 1886 p.5. Mair also notes in his papers that the aid was all delivered to Rotorua, rather than distributed elsewhere (MS-Papers-0092-01. ATL).
537 *New Zealand Herald*, 20 October 1886, p.5.
538 Alan Ward, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand*, Auckland, 1974, p.294; *Te Aroha News*, 21 August 1886, Supplement, p.1; AJHR, 1887, B-1a, pp.71 and 74; and AJHR, 1887, B-3, pp.42 and 44.
539 *New Zealand Herald*, 20 October 1886, p.5.
540 Te Kepa Ngawhau, cited in Morpeth to Johnson, 2 December 1886; and Morpeth to Johnson, 6 December 1886. MA 5/21. Archives New Zealand. Cited in Armstrong and O'Malley, p.199.
541 Wi Keepa Te Rangipuawhe to Native Minister, 19 June 1886. N.O. 86/1642. MA 21/24. Archives New Zealand.
542 Lewis minutes, 26 July and 25 August. N.O. 86/2196 and 2461. MA 21/24. Archives New Zealand. See also Te Pūmautanga o Te Arawa DOS 7.50.

for Native occupation."[543] Such land was acquired only several years later, as the main geothermal lands in the vicinity – on the Rotomahana-Parekarangi Block – had not been through the Native Land Court. Pākehā sufferers and recipients of aid in the wake of the eruption were not required to labour or sell land to receive Crown assistance.[544]

The focus of government aid on Tūhourangi at Rotorua meant that Ngāti Rangitihi at Matatā were neglected.[545] Like Tūhourangi they suffered from the destruction of their homes, crops, and stock as well as the loss of the tourist income of Tarawera and Te Ariki. In early July 1886 it was reported that "cattle and horses are dying in all directions" in the affected parts of the Bay of Plenty, and that the government had failed to ascertain the needs of those living there so that "they are not allowed to starve during the next three months."[546] The situation for Ngāti Rangitihi had not improved by August, when a report contrasted the aid rightly provided to Tūhourangi – initially by local iwi, local Pākehā, and later by the government – but added:

> *If these Tūhourangi people are to have their bread buttered on both sides like this, why is it that the Ngāti Rangitihi of Matatā and Te Tawera of Te Umuhika, who have lost over 30 [sic] of their people at Te Ariki and Moura, should be left without the slightest notice being taken of them or their wants. Some of them, who were at the Tapahoro, Te Umupokopoka, and the Onepu lost quite as much as any of the Tūhourangi did. One Raimona Petero lost 350 sheep, cattle, horses, and everything he possessed, and many others of the Ngāti Rangitihi and Te Tawera suffered the same fate.*[547]

Ngāti Rangitihi cultivation lands at Matatā were "buried many feet deep with mud." It was noted that "some little attention" had been paid to Māori at Whakatane and Maketu, but that "Matatā and its people, as usual, are left out in the cold again," even though they were, "more deserving, and far more in need" than those the government was assisting.[548]

Those Ngāti Rangitihi who were fortunate enough to survive the eruption (or who were absent from Tarawera at the time) fled to Matatā, where they were given shelter by their whanaunga.[549] At Matatā, the recent loss of Lot 30 was felt keenly, especially given the eruption ruined what little land the Iwi retained at Matatā, which was thickly covered in ash and could not be cultivated. As the government was advised, Ngāti Rangitihi refugees from Tarawera and others of the Iwi already living at Matatā were crowded onto very limited lands, particularly Matatā Lot 18. Most were occupying and cultivating on that small title by permission of the Pākehā leaseholder (the land's owners being Ngāti Manawa, earlier awarded the confiscated land for their services to the Crown). Yet this small block comprised only nine acres of sandy coastal land.[550]

As early as February 1887, Mair had informed the Native Minister that Ngāti Rangitihi needed a more permanent arrangement than their precarious tenure of Lot 18.[551] Such an arrangement took time to finalise (see Chapter 3.6), even though the Iwi were now all but landless due to the devastation of their last remaining lands around Lake Tarawera. Even before the eruption Ngāti Rangitihi were essentially landless, as the bulk of their remaining lands were not suitable for cultivation or farming. In 1883 Tanira Paerau and "the whole of Ngāti Rangitihi" had written to the government to seek additional land at Matatā for cultivation and occupation. They had only 80 acres there to live on, which was utterly insufficient for the more than 200

543 Lewis to Johnson, 21 August 1886, MA 5/20. Archives New Zealand. Cited in Waitangi Tribunal, *He Maunga Rongo*, pp.615-616. See also Te Pūmautanga o Te Arawa DOS 7.51.
544 Armstrong and O'Malley, p.199.
545 Keam, p.298.
546 *Otago Daily Times*, 8 July 1886, p.2. See also *New Zealand Herald*, 26 August 1886, p.5, which refers to aid only in relation to Tūhourangi.
547 *New Zealand Herald*, 4 August 1886, p.3.
548 *New Zealand Herald*, 4 August 1886, p.3.
549 Paul Tapsell, 'Te Arawa – The Tarawera eruption', *Te Ara – the Encyclopedia of New Zealand*. URL: http://www.TeAra.govt.nz/en/te-arawa/page-5
550 Mair to Native Minister, 4 February 1887. MS-0148-081. ATL. Cited in Wai 894 #A46, p.114.
551 Mair to Native Minister, 4 February 1887. MS-0148-081. ATL. Cited in Wai 894 #A46, p.114.

people reliant on this one section of land. They offered to exchange some of their remaining Kaingaroa land for Crown land at Matatā but the government rejected this request and would not agree to allocate them any land near Matatā.[552]

In 1885, the Iwi took another tack – challenging Native Minister Ballance to assist them with economic development at Lake Tarawera. Ngāti Rangitihi had ambitions to enhance transport and tourism infrastructure there, as well as secure a few basic farming necessities. During Ballance's visit to Rotorua in 1885 (to promote his unsuccessful Native Land law reforms) they asked that the government improve the Haehaenga road, which some travellers used to get from Matatā to Tarawera. The Iwi wanted to develop a township at Tapahoro, near the end of the proposed road, presumably with an eye on the tourist market. They also wanted to secure a concession to take tourists (who used Lake Tarawera to get from Te Wairoa to the Pink and White Terraces) on the leg of their lake journey, from their land at Moura to their land at Te Ariki. This would enable Ngāti Rangitihi to secure a fairer share of the tourism income. Finally, they asked "that a plough and cart and horses may be given to us, the Ngāti Rangitihi." Ballance undertook to inquire into some of their requests, but no action was taken before the 1886 eruption entirely changed the landscape.[553]

The severe landlessness of Ngāti Rangitihi and lack of government co-operation with their economic ambitions for Lake Tarawera, forced many of the Iwi to leave Tarawera and Matatā to obtain income. A large number joined other Māori on the gum-fields between Tairua and Whangamata. In April 1886, Native Agent Wilkinson reported that the census enumerator for Hauraki had included a "special return" showing a total of 565 Māori from outside the district, including Ngāti Rangitihi. They were "absent from their usual places of abode, and are mostly engaged in digging kauri gum at the Thames."[554] In the wake of the eruption, more Ngāti Rangitihi fled to the gum-fields to raise the funds needed to rebuild their lives and to survive until crops at Matatā were ready.[555]

As noted earlier, soon after the eruption (as early as July 1886) the government's focus shifted from supporting Ngāti Rangitihi and other sufferers, to obtaining their land in exchange for the funds they urgently needed for food and shelter. In particular, the government promoted the re-hearing of the enormous Rotomahana-Parekarangi Block, with a view to purchasing large parts of the devastated Block from its owners (particularly Tūhourangi but including hundreds of Ngāti Rangitihi).[556] The government raised the rehearing in August 1886, and in December Native Minister Ballance told the Native Land Court Chief Judge that the court should hold the rehearing "with the least possible delay."[557]

Accordingly, the government appointed Tauranga Resident Magistrate Brabant as a Native Land Court Judge for the special purpose of rehearing Rotomahana-Parekarangi. Ballance urged that "no… difficulty stand in [the] way of the case being taken as soon as possible."[558] At the same time, the government was removing other more experienced judges from the bench (such as Judge Brookfield, then during the important Taupō-Nui-a-Tia case) purportedly because of a need to reduce government expenditure; a need that did not appear to apply at Rotorua. The Minister's interference had the desired effect and Brabant began hearing the case in January 1887. The rehearing dragged on for months with "innumerable adjournments" (many of which were linked to Brabant's ongoing work as Resident Magistrate), leading to complaints that these delays "entail upon the owners of the soil much expense."[559]

552 Brabant, Tauranga, to Native Land Purchase Department, 30 March 1883. R23871515. MA-MLP 1/ 14/w/1883/127. Archives New Zealand.
553 AJHR, 1885, G-1, p.57.
554 G. T. Wilkinson, Alexandra, to Native Department, 30 April 1886. AJHR, 1886, G-12, pp.4-5.
555 P. Mokonuiarangi and others, Tairua, to Native Minister, 12 July 1886. N.O. 86/2171. MA 21/24. Archives New Zealand.
556 Lewis to Johnson, 21 August 1886. MA 5/20. Archives New Zealand. Cited in Armstrong and O'Malley, pp.202-203.
557 Lewis to Chief Judge, 17 December 1886. MA 5/21. Archives New Zealand. Cited in Armstrong and O'Malley, p.204.
558 Lewis to Chief Judge, 17 December 1886 (No. 2). MA 5/21. Archives New Zealand. Cited in Armstrong and O'Malley, p.204.
559 *Bay of Plenty Times*, 25 July 1887. See also *New Zealand Herald*, 1 and 3 February, 1 and 25 April, 16 May, and 23 August 1887.

Ngāti Rangitihi and other leading claimants to the huge block were survivors of the eruption (especially Tūhourangi), and were still short of food. They could not fund a protracted Native Land Court hearing, however that was what the government required them to do.[560] Native Minister Ballance heard first-hand of the plight of Te Arawa when he visited Rotorua in January 1887. He met with their "Native Committee" at Tamatekapua, who told him their people urgently needed relief work on the new railway. This was due not only to the eruption six months earlier, but also to the compounding effects of "the prolonged drought following the severe frosts during the spring season," which had destroyed their crops, "and starvation again looked them in the face."[561]

At the end of 1887 the ill-effects of the eruption on Ngāti Rangitihi and other tribes, compounded by the long Rotomahana-Parekarangi rehearing and the termination of government aid, was raised in Parliament. In December 1887, the Member for Eastern Māori, Timi Kara (James Carroll) asked if the government would provide work for unemployed Māori in the Rotorua district to assist them as they "had been reduced almost to destitution." Their parlous state was caused by the cumulative impacts of the eruption, "the forced sitting of the Native Land Court for six months at a stretch, and a general failure of crops." He emphasised that he did not mean only those at Rotorua itself but also Ngāti Rangitihi, who he acknowledged "had also been seriously affected." Native Minister Mitchelson noted that two petitions had been received from Te Arawa seeking relief work and he agreed with Carroll that "they were on the verge of starvation."[562] A few days later Carroll again asked if the government would provide relief for Te Arawa "rendered landless... by the late eruptions." He told Parliament, many of them were "in a poor state... and their case required immediate consideration." He pointed to the "large blocks" of Crown land in the district that were lying idle and could usefully be given to the victims of the eruption. Premier Atkinson undertook to inquire into the matter but no action was taken.[563]

The plight of landless Ngāti Rangitihi at Matatā did not improve for some years. The local Resident Magistrate noted that there was little work for them apart from some employment in flax mills.[564] Given the lack of land to cultivate for food, people relied far too heavily on eels as a primary food source. In 1889 Resident Magistrate Bush observed that most Māori at Matatā grew little more than they needed to satisfy their immediate wants – they were unable to grow more, due to how little land they had at Matatā. Instead they relied heavily on other food sources – as Bush noted, "I do not know what some of these people would do for food if it were not for the immense quantities of eels that are caught in the swamps."[565]

Wāhi Tapu at Tarawera

The loss of so many lives at Tapahoro, Moura, and Te Ariki rendered the land tapu. Accordingly, just a few weeks after the disaster Ngāti Rangitihi proposed that the government "close" the land from Pūtauaki (Mount Edgecumbe) to Lake Tarawera, "having resolved that the land in question should be made tapu in consequence of the death of their friends at Te Ariki and Moura... amongst whom was the chief Niheta Kaipara."[566] The government was not about to do any such thing. The devastated land in this area was left alone for a time but only because it was of no economic utility due to being buried in mud and ash. Closer to Tarawera, the tapu imposed by Ngāti Rangitihi was respected by other tribes. This had some unintended consequences, as the tapu meant no pig hunting took place in the area – resulting in "immense herds of wild pigs" around Tarawera and Rotomahana, which caused problems as they expanded on to adjoining lands.[567]
In later years, the Ngāti Rangitihi focus shifted to their devastated tribal maunga, Ruawahia, which had

560 Armstrong and O'Malley, pp.203-204.
561 *Bay of Plenty Times*, 22 January 1887, p.2.
562 *Bay of Plenty Times*, 16 December 1887, p.2.
563 NZPD, 22 December 1887, Vol. 59, p.1018.
564 R. S. Bush to Native Secretary, 5 June 1890. AJHR, 1890, G-2, p.7.
565 R. S. Bush to Native Secretary, 3 June 1889. AJHR, 1889, G-3.
566 *Poverty Bay Herald*, 3 July 1886, p.2.
567 *Whanganui Herald*, 28 August 1901, p.2.

contained some of their most important urupā and wāhi tapu before it was torn apart by the eruption. After controversial Crown purchasing of undivided individual interests in the Ruawahia Block in the late 1890s (see Chapter 3.4.9), the remaining owners retained the peak of their maunga and so were able to protect it. They also sought to protect the more specific sites of the buried Ngāti Rangitihi kāinga beside Lake Tarawera, which became deeply tapu places, and were in effect urupā. In the wake of the Crown's purchase of all the lakeside land in the Ruawahia Block, Ngāti Rangitihi sought to protect the most important wāhi tapu around the lake shore. In 1901 the Crown agreed to re-vest five small blocks of two acres each in Ngāti Rangitihi, which included at least parts of these five wāhi tapu: Kanaehapa, Ngahareta, Te Puha, Ruakopu, and Tapahoro.

This did not take in all the wāhi tapu around Lake Tarawera. The most notable exception was the site of Moura, kept by the Crown and which was cut off by the boundary of the Ruawahia Block from Ngāti Rangitihi lands on the Moura peninsula (awarded to them as Rotomahana-Parekarangi 5A). In 1919 Alfred Warbrick, whose mother was Ngāti Rangitihi, requested that the site of the Moura kāinga, buried in 1886 and since then a tomb for 39 Ngāti Rangitihi people, be permanently reserved.[568] The Native Minister agreed.[569] The land was reserved in 1920 but remained Crown land; its legal description was Section 5, Block XII, Tarawera Survey District (Moura Burial Ground), comprising 44 acres.[570] Control of the land was vested in a Board of five Ngāti Rangitihi individuals (Raureti P. Mokonuiarangi, Ngatai Te Tuhi, Arawhiti Mehaka, Hohepa Poia, and A. Warbrick – also known as Patiti Paerau). All the trustees except Warbrick lived at Matatā.[571]

In 1927 the General Manager of Tourism and Health Resorts observed that the "buried village ruins" at Moura and elsewhere were, "now partially visible," but they were on Māori land over which his Department had no jurisdiction. He asked the Native Department whether there was any possibility of "making these historical spots visible and more approachable by visitors than at present."[572] There was no regard for the deeply tapu nature of these sites. The Commissioner of Crown Lands carried out an investigation. He subsequently reported that the Wairoa kāinga was located on Māori land – subdivisions of the Rotomahana-Parekarangi 6J 2B Block (6J2B6, being four acres at Te Wairoa set aside as a Māori reserve in 1899 for Ngāti Hinemihi and others). The Commissioner was evidently confused about Moura burial ground, which he thought was one of four two-acre reserves re-vested in Ngāti Rangitihi when the surrounding Ruawahia Block was purchased by the Crown from 1898 to 1901. (As noted above, Moura was a larger area and it was not among the lands re-vested in Ngāti Rangitihi, although they did administer the Crown land at Moura.)

The Commissioner of Crown Lands recommended that the Māori land involved in these supposed tourist attractions should be purchased, and in the meantime a prohibition of alienation should be placed on it, pending a final decision. The Native Department took the view that:

> *Should the Tourist Department desire the land to be acquired on its behalf, the Native Land Purchase Board will be only too pleased to enter into negotiations on its behalf. Probably, however, the desire to obtain the land might be more quickly met by [compulsorily] acquiring it under the Scenery Preservation Act, 1908.*[573]

No further information on this matter has been located. Later files, however, indicate that the Board of Management for Moura was reappointed in succeeding years. The land is today a local purpose reserve (a Māori burial ground) but remains Crown land, vested in the Department of Conservation.

568 A. Warbrick to Native Under Secretary, 19 June 1919. MA 1/1229/1920/45. Archives New Zealand.
569 Native Minister minute. MA 1/1229/1920/45. Archives New Zealand.
570 *New Zealand Gazette*, 5 May 1920, p.1728.
571 MA 1/1229/1920/45. Archives New Zealand.
572 General Manager Tourist and Health Resorts to Native Department Under Secretary, 27 October 1927. MA 1/1229/1920/45. Archives New Zealand.
573 Native Department Under Secretary to General Manager Tourist and Health Resorts, 15 December 1927. MA 1/1229/1920/45. Archives New Zealand.

3.6 Hauani

> *"...so that the Ngāti Rangitihi might no longer be called a wandering landless people."*

Even before the Tarawera eruption, Ngāti Rangitihi had been rendered effectively landless by a combination of Native Land Court title determinations and Crown and private land purchasing. As noted in Chapter 3.5, the large proportion of the Iwi living at Matatā had told the Crown of their plight as early as 1883, when they pleaded for Crown land at Matatā. The Iwi offered to exchange their unproductive Kaingaroa lands for land at Matatā on which they could live and cultivate, but the government rejected this offer. Subsequently, in July 1886 Petera Mokonuiarangi, Mikaere Heretaunga, and "all the remnants" of the tribe wrote to the Native Minister from the Tairua gum-fields to ask for a piece of Crown land in the area.[574] The landlessness of Ngāti Rangitihi was noted in the 1890s by the Parliamentary select committee for the Native Lands Settlement and Administration Bill 1898. While hearing from those opposed to the Bill, Wi Pere (the Member for Eastern Māori) was told of the "little pieces" of land occupied by Ngāti Rangitihi at Matatā, and he observed: "I know these people have no land at Matatā."[575] Given the tiny extent of their military award (Lot 3 of 84 acres) and the land they temporarily occupied after the eruption (Lot 18 of nine acres), they were effectively landless.

Gilbert Mair also brought the plight of Ngāti Rangitihi under official notice. As detailed earlier, in February 1887 he informed the Native Minister that a more permanent arrangement was needed for the Iwi than the precarious occupation (on sufferance) of the nine acres of land they had to cultivate at Matatā.[576] Mair later testified that he was "the agent entrusted by the Native Minister, the late Mr Ballance" to address the plight of Ngāti Rangitihi and that he subsequently identified about 2,000 acres of Crown land west of Matatā to give to the landless Iwi. The land was known to Ngāti Rangitihi as Hauani. Mair emphasised that, "it was the then intention of the Native Minister to grant this reserve absolutely to the Māoris."[577] He had earlier told the government that the gift had been offered by the Crown, "so that the Ngāti Rangitihi might no longer be called a wandering landless people."[578]

The promise to gift land to Ngāti Rangitihi after the eruption was not unique to them. The government was at the same time proposing to give land to Tūhourangi to address the very similar crisis of effective landlessness in which they found themselves due to the Tarawera eruption. Mair testified that in 1886 Native Minister Ballance had agreed to find 2,000 acres of land for the resettlement of Tūhourangi.[579] He also later wrote to similar effect to the Minister of Lands, recalling that after the eruption the government instructed him to "select certain areas of Crown Lands for the Tūhourangi tribe."[580] In 1889, Tūhourangi reminded the government of this promise, and in response Surveyor-General S. P. Smith was asked to report on the issue. He advised the government that there were:

> *Very few lands left in the Bay of Plenty which would be suitable for a Native Settlement but at Matatā I think probably sufficient may be found if the land is taken in two or more blocks.*[581]

574 P. Mokonuiarangi and others, Tairua, to Native Minister, 12 July 1886. N.O. 86/2171. MA 21/24. Archives New Zealand.
575 AJHR, 1898, I-3a, p.23.
576 Mair to Native Minister, 4 February 1887. MS-0148-081. ATL. Cited in Wai 894 #A46, p.114.
577 AJHR, 1908, G-1h, p.2.
578 Mair letter, 22 July 1902. LS 1/21256-21258 (and see copy of letter in LS 1/22/385). Archives New Zealand.
579 Extract from Rotorua MB 67 (1919) with N.D. 1919/531. R19525297. MA 1/147/5/13/237. Archives New Zealand.
580 Mair to Minister for Lands, 18 September 1918. N.D. 1918/288. R19525297. MA 1/147/5/13/237. Archives New Zealand.
581 Judge Rawson's summary of correspondence. R19525297. MA 1/147/5/13/237. Archives New Zealand. Cited in Armstrong and O'Malley, p.207. See also Te Pūmautanga o Te Arawa DOS, 7.52.

He considered that five acres per person could be found for the approximately 200 Tūhourangi affected, giving "1,000 acres sufficient for cultivation and running a few horses and cattle."[582] This was half the area initially proposed. Tūhourangi did not subsequently get any land at Matatā and their focus later shifted to a gift of Crown land at Waihi, where many of them had moved, and where the Crown eventually gave them 800 acres of land.[583]

From the above, it is evident that some land near Matatā was identified as available to provide for landless Māori suffering in the aftermath of the Tarawera eruption. Rather than Tūhourangi (who were provided for elsewhere), about 2,000 acres of unsold and poor quality Crown land on the coast west of Matatā was instead set aside for landless Ngāti Rangitihi. Given the government's miserly provision of just five acres per head for Tūhourangi, the Hauani land was apparently seen as sufficient to support 400 Ngāti Rangitihi, which was almost the entire Iwi.[584] In fact, five acres was well-short of what was needed to support an individual.

However, the Crown disregarded its promise to give landless Ngāti Rangitihi the land at Matatā, and instead sought to obtain other land from them by way of exchange for the Hauani land. In other words, the Iwi were to pay in land for the supposed 'gift', and on terms set by the government. In 1892, Arama Karaka Mokonuiarangi and others of Ngāti Rangitihi wrote to Native Minister Cadman to raise the gifting to them of the 2,000 acres at Hauani "as an act of charity." They emphasised that the land they had at Matatā "is insufficient for our support."[585] The Native Minister was initially in favour of acting on this request, and promptly wrote to the Surveyor-General to ascertain the status of the Hauani land. He was immediately advised that the land was open for selection as a "Small Grazing Run" but had yet to be selected and "could be made available for other occupation." Accordingly, on 1 June 1892 the Native Department instructed the Surveyor-General that the Native Minister wanted 2,000 acres of the available land reserved for "Matatā natives" (meaning Ngāti Rangitihi).[586]

As soon as word of the proposed reservation of land for Ngāti Rangitihi reached the district, settlers began to agitate against it as they wanted the land set aside for Pākehā settlement. In June 1892 a protest was lodged against "giving land" to the Natives, on the basis that they already had enough land.[587] That was certainly not the case with Ngāti Rangitihi, who were landless. Despite the protests, at this stage the intention was still to give the land to Ngāti Rangitihi – the Surveyor General advised the Native Minister that the 2,000 acres "has been excluded from the run and after survey will be duly reserved as already arranged."[588] At this point the Native Minister shifted his position and (following a conversation between the Surveyor-General and Native Department Under-Secretary Morpeth) he instructed the Surveyor-General not to rescind the Land Board resolution to set aside the land – but instead that the land was no longer to be gifted. He added, "I will deal with the Natives and see that they have no more than they can cultivate and pay rent for."[589] His plan was now to merely reserve the land (under section 227 of the Land Act 1885)[590] and make it available to Ngāti Rangitihi to lease by public tender at a rent "considered fair."[591] At the same time, the Native Minister replied

582 Ibid.
583 Te Pūmautanga o Te Arawa DOS, 7.52.
584 In 1908 they gave their population as 400 (misprinted as 4,000). AJHR, 1908, G-1h, p.2; and R12777819. MA 78/11/19. Archives New Zealand.
585 Arama Karaka Mokonuiarangi and others, Matatā, to Native Minister Cadman, 17 May 1892. N.O. 92/832, with LS 1/132/21256-21258. D10571. Archives New Zealand (fire-damaged file, only partly illegible).
586 Native Minister to Surveyor-General, 20 May 1892; and Surveyor-General to Native Minister, 20 May 1892. LS 16780/1 and 2. LS register entries only (file fire-damaged); and Native Department to Surveyor-General, 1 June 1892. LS 1/132/21256-21258. D10571. Archives New Zealand (fire-damaged file, only partly illegible).
587 Commissioner of Crown Lands, Auckland, to Surveyor General, 20 June 1892. LS 1/132/21256-21258. D10571. Archives New Zealand (fire-damaged file, only partly illegible).
588 S. Percy Smith minute, 5 July 1892, on ibid.
589 Cadman to Surveyor-General, 9 July 1892. LS 1/132/21256-21258. D10571. Archives New Zealand.
590 This section of the Land Act 1885 provided for the Governor to temporarily reserve any Crown land from sale for a wide variety of purposes, including the "use, support, or education of aboriginal natives." Such reserves had to be notified in the Gazette but if they were not made permanent reserves within six months, the temporary reservation became void (s.228). The land could then be reserved in trust or granted in fee simple (s.229).
591 Native Department to Surveyor-General, n.d. LS 1/132/21256-21258. D10571. Archives New Zealand (fire-damaged file, only partly illegible).

to Arama Karaka Mokonuiarangi and Ngāti Rangitihi that although land at Hauani was being "set apart" for them, not only was it no longer being given to them – as previously promised – but that it would be "leased by public auction" at a rent to be fixed at a "fair and reasonable rate."[592]

No reason was given in July 1892 for the Crown going back on its repeated promise to give the Hauani land to Ngāti Rangitihi, but it seems very directly linked to opposition from settler interests. This was emphasised by a written protest from Matatā settlers received just as the decision to rescind the promise was made. The protesters objected to the land being given to Ngāti Rangitihi, asserting that such a move would hinder the progress of the district.[593]

The government then did nothing to advance the matter. Undeterred, the landless Ngāti Rangitihi sought to obtain Hauani even if was only on lease. In May 1893, Raureti P. Mokonuiarangi told the Native Minister that Ngāti Rangitihi were waiting to see the results of the Hauani arrangements they had made with him. Cadman passed this on to the Surveyor-General, saying the 'arrangement' referred to was the possibility of taking up the land on a deferred payment basis.[594] Once again, Ngāti Rangitihi had been misinformed, but so too had the Native Minister. The Surveyor-General replied that the deferred payment terms were no longer applicable under the Land Act 1885.[595] Rather, the land would have to be leased.

Still undeterred, Ngāti Rangitihi wrote to the Minister of Lands in June 1893, hoping that he was progressing the matter. The Surveyor-General recorded that this related to the 2,000 acres "for Landless Natives at Matatā."[596] During the same month, the Native Minister asked the Surveyor-General what had been done about the 2,000 acres of land, and this query was passed on to the Auckland Commissioner of Crown Lands. The land had still not even been surveyed, much less allocated to Ngāti Rangitihi. It was also revealed that the course earlier proposed – to reserve the land under section 227 of the Land Act 1885 – was incorrect and the land should instead be leased under section 171 (which governed the leasing of land and the setting of a minimum rent by the district Crown Land Board). However, it was now suggested that Hauani could instead be leased "in perpetuity."[597] That would at least give the Iwi some security of tenure, provided they ever got the land. In July 1893, they wrote again about Hauani, this time to the Māori MHR James Carroll. They asked him to take up the matter with his colleague, the Native Minister, as "some months" – actually, some years – had passed since the matter had been raised with him and they were "anxious" to see some progress.[598] At the same time they wrote again directly to the Native Minister, seeking to find out when he would act on a matter they thought had been "settled at the conference we had with you" some months earlier.[599]

Even then, the land was not secure as local settlers continued to protest at it being made available to Ngāti Rangitihi. A number of Matatā settlers signed an unpleasant letter of protest to Premier Seddon in September 1893, pointing out the land was supposed to be set aside for "bona fide settlers" like them, not for local Māori who they incorrectly insisted were not landless at all but instead suffered from what the prejudiced settlers called "laziness."[600] Numerous other objections of a similar nature were lodged by settlers, some asserting

592 Native Minister to Arama Karaka Mokonuiarangi, n.d. LS 1/132/21256-21258. D10571. Archives New Zealand (fire-damaged file, only partly illegible).

593 Letter to Commissioner of Crown Lands, Auckland, 4 July 1892. LS 1/132/21256-21258. D10571. Archives New Zealand (fire-damaged file, only partly illegible).

594 Raureti P. Mokonuiarangi, Matatā, to Native Minister, 17 May 1893; and Cadman minute to Surveyor-General, 9 June 1893. LS 1/132/21256-21258. D10571. Archives New Zealand (fire-damaged file, only partly illegible).

595 S. Percy Smith minute to Cadman, on ibid.

596 Raureti P. Mokonuiarangi, Matatā, to Minister of Lands McKenzie, 24 June 1893; and S. P. S. [Stephenson Percy Smith] minute on ibid. LS 1/132/21256-21258. D10571. Archives New Zealand (fire-damaged file, only partly illegible).

597 Surveyor-General to Native Minister, 15 June 1893. LS 16780/10 and 11. LS register entries only (file fire-damaged). Archives New Zealand.

598 Raureti P. Mokonuiarangi, Matatā, to Minister of Native Affairs, 20 July 1893. LS 1/132/21256-21258. D10571. Archives New Zealand (fire-damaged file, only partly illegible).

599 Raureti P. Mokonuiarangi, Matatā, to Minister of Native Affairs, 6 July 1893. LS 1/132/21256-21258. D10571. Archives New Zealand (fire-damaged file, only partly illegible).

600 A. F. Thomas and others, Matatā, to Premier Seddon, 11 September 1893. LS 1/132/21256-21258. D10571. Archives New Zealand (fire-damaged file, only partly illegible).

incorrectly that "Maoris" at Matatā (without specifying Ngāti Rangitihi) already had more land than they were working and did not need more. In February 1894 one such ignorant settler was informed by the government that Hauani was not being set aside for just any local Māori and nor was it being given away; rather, it was to be "set aside for Maoris who suffered by Tarawera eruption and Natives are to pay rent for it."[601]

The landless Ngāti Rangitihi continued to wait in vain for the land they required at Hauani. In October 1893 – already seven years since the land was promised to them as a gift – they advised the Justice Department[602] that they were (as requested by the government on 31 July) drawing up a list of those to be included in the lease of Hauani. They also asked what regulations the land was to be leased under (such as what improvements would be required and when, and if the land could be used for cropping not just as a pastoral run). Ngāti Rangitihi subsequently sent two lists of adult lessees; the second list was of those Ngāti Rangitihi who had moved away from Matatā but would return if they had land to live on.[603]

Again, nothing was done. In February 1894, the Surveyor-General admitted that the matter was still, "really waiting until I can find time to draw up some regulations which will meet the law and at [the] same time meet the Natives' wants as far as possible."[604] The regulations later drawn up were heavily weighted towards individual settlement in the Pākehā mode, rather than allocating the land to the landless Iwi for them to use as a people. The regulations referred to Hauani as a "Māori Village Settlement," and provided for rent at four percent of the value of the land, with the land to be cut up into 50 acre lots, plus a "village" comprising half-acre lots. Each rural and village lot was to be allocated to a single family.[605] Years later, with the matter still unresolved, officials asserted that "the difficulty is to get them [Ngāti Rangitihi] to agree to hold it [the land] in reasonable areas,"[606] indicating that they preferred to hold it in larger, communal areas as they had once held their customary lands.

The protests of self-interested settlers, hostile to a Māori settlement in the district, continued even though the matter lay in abeyance. These protests led to a further inquiry by the Tauranga Stipendiary Magistrate, Colonel Roberts. In July 1894, he reported on the estimated 250 Ngāti Rangitihi living on the small section beside Matatā township they had remaining from their military awards. He referred to them as having utterly inadequate land holdings and as "starving" at Matatā; having already been "waiting for many months for an answer" from the government about the Hauani land. He suggested that in the interim they be allocated some of the unsold military awards at Matatā made to other tribes who lived elsewhere, did not occupy their awards, and were willing for Ngāti Rangitihi to have the land. They urged the government to act soon as "each week is now of consequence" in terms of planting crops for the following season.[607] The report was passed to the Surveyor-General with the observation from the Justice Department that it was "a different tale" to that given to them by local settlers when objecting to Ngāti Rangitihi having the land. The Surveyor-General responded that it was "not so different," as most of the blocks (the military awards) referred to by the Magistrate were "unfit for man to live on."[608] In other words, some other iwi might have military awards lying unused, but not only did these not belong to Ngāti Rangitihi, they were unfit for occupation.

In July 1894, Mikaere Heretaunga and others of Ngāti Rangitihi urged the Native Minister to expedite arrangements for the Hauani title. The Surveyor-General responded at the end of August 1894 that he was

601 LS 21258/1 to 14. LS register entries only (file fire-damaged). Archives New Zealand.
602 The Native Department was disestablished from 1892 to 1906 and matters relating to Māori were administered by the Justice Department.
603 Raureti P. Mokonuiarangi and others, Matatā, to Haselden, 2 October 1893; and lists of Ngāti Rangitihi, n.d. LS 1/132/21256-21258. D10571. Archives New Zealand (fire-damaged file, only partly illegible).
604 S. Percy Smith to Cadman, 15 February 1894. LS 1/132/21256-21258. D10571. Archives New Zealand.
605 Regulations for Māori Village Settlement, Matatā, n.d. LS 1/132/21256-21258. D10571. Archives New Zealand.
606 LS 21258/32. LS register entries only (file fire-damaged). Archives New Zealand.
607 Tauranga Stipendiary Justice to Justice Department, n.d. [received 2 July 1894]. LS 1/132/21256-21258. D10571. Archives New Zealand (fire-damaged file, only partly illegible).
608 Justice Department minute, 10 July 1894; and Surveyor-General minute, 16 July 1894. LS 1/132/ 21256-21258. D10571. Archives New Zealand (fire-damaged file, only partly illegible).

unable to act until the matter went back to the Native Minister. Still, nothing was done. In November 1894, Ngāti Rangitihi asked "if there is any hope of them getting the Hauani block," and were told that "until matter is inquired into again, no definite promise can be made." When they asked the government when some inquiry would take place, it was unable to reply. At the end of December 1894, they asked the Surveyor-General (not the Native Minister) when he would be in Matatā to "consider whether [the] 2,000 acres was to be given to Natives or thrown open for selection."[609] Nothing happened.

Nor did anything happen in 1895 nor in 1896, even though in May 1896 Raureti Mokonuiarangi and 17 others of Ngāti Rangitihi once again asked the Native Minister "about a piece of land called Hauani which was set apart by the Government for them." Ten years after the Tarawera eruption and Ballance's promise to give some land to Ngāti Rangitihi, Gilbert Mair took up the case of Ngāti Rangitihi – as he had previously taken up the case of Tūhourangi (see above). In 1896 he wrote to the Native Minister to "point out the necessity for providing the Ngāti Rangitihi Tribe with some land, all their suitable land further in from the coast was destroyed by the Tarawera eruption." It was not as if the government had forgotten about the land. For instance, when a settler enquired in July 1896 as to what was being done with the unoccupied 2,000 acres he was told: "This land was reserved for the use of landless Natives of the Ngāti Rangitihi tribe who suffered in eruption," that difficulties of the title had held matters up, but that "steps will be taken as soon as possible to have the matter arranged."[610]

At the very end of the century, in late December 1899, Premier Seddon asked the Justice Department about the "land for Landless Natives at Matatā," and when the Hauani Block "would be set aside for them." As in the previous 14 years, nothing happened. In March 1900, the increasingly desperate Ngāti Rangitihi wrote (through Takawheta Kaipara Mokonuiarangi) to Seddon about what was now being referred to as an "exchange of land at Matatā." It is not clear who raised the idea of an exchange of land – rather than the gift originally intended or the lease that the government sought to impose in 1892 – but it was evidently not Ngāti Rangitihi. Even in May 1900, they (through Takawheta Mokonuiarangi) were still asking if they could lease the land, but the government replied that the land was not open for selection for lease by Māori or by Pākehā.

The Continued Delay in Granting Hauani

In October 1901, the Iwi met with the Minister of Lands in Wellington on the issue, and relayed the history of the land for his officials. They noted that, after the Tarawera eruption had destroyed their lands, they had been promised some land from the Government. Native Minister Cadman had subsequently agreed to make Hauani a "Native Reserve, and the Natives were then informed that they could take up this land," but nothing had been done since. They remained "anxious to occupy this land but they are unable to do so until they obtain a title to it." Instead, they were still confined to a 100-acre section at Matatā, of which only 48 acres was dry land, the rest being wetland.[611] The matter was passed from official to official; one thought Judge Mackay would deal with it as part of the Landless Māori Commission, but the former Surveyor-General clarified in November that the Commission was not dealing with North Island landless Māori. The matter was again deferred.[612]

609 LS 21258/20-28. LS register entries only (file fire-damaged). Archives New Zealand.
610 LS 21258/30-32. LS register entries only (file fire-damaged). Archives New Zealand.
611 Memo for Mr Barron, 3 October 1901. R21029364. LS 1/1708/22/385. Archives New Zealand.
612 Minutes of 7 October and 2, 5, and 16 November 1901, on ibid.

Finally, in May 1902, Gilbert Mair (then employed by the Native Land Court) was instructed by the Department of Lands and Survey in Auckland to have Section 63 of the Parish of Matatā (the 2,000 acres otherwise known as Hauani) "subdivided for the Ngāti Rangitihi tribe." He was asked to "expedite this matter as much as possible, as the government are very anxious that the Natives may be put on the land without delay, so as to save the coming season." That is, they needed to get on the land promptly to start preparing the land for cropping and farming, otherwise another year would be lost.[613]

In July 1902, Mair advised the Native Minister of the above instructions and recounted how he had tried to engage Raureti Paerau Mokonuiarangi in the task but he was "busily engaged" with a Royal Commission into Ōpōtiki lands (probably as an assessor) and "could not get away" until 21 June. The two men then proceeded to a "general meeting" of the Iwi at Matatā for several days, during which lists comprising 292 people were "carefully selected," and allocated to the five subdivisions into which the Block was to be divided, as he set out:[614]

Hauani No. 1	Ngāti Mahi	77 persons
Hauani No. 2	Ngāti Hinehau	81 persons
Hauani No. 3	Ngāti Ihu	30 persons
Hauani No. 4	Ngāti Hinerangi	44 persons
Hauani No. 5	Ngāti Tionga	60 persons
Total		**292 persons**

Two papakāinga areas of 50 acres each and land for an urupā were to be deducted from the total (along with the area of the Hauani and Pikowai streams). The rest of the title was to be divided into five blocks according to the equal shares of the 292 tribal members named. This was anticipated to mean just under six and-a-half acres per owner. There were more than 292 Ngāti Rangitihi, so not all the Iwi appear to have been included (as noted earlier, six years later they gave their number as 400).

Mair reported that Ngāti Rangitihi, "are supremely delighted with their prospects and most grateful to the Government for this great act of kindness." He told them that the "only thing to make the Government regret setting this land apart for their benefit" would be if they did not "put it to a good use," adding:

> *That the land was not given for a hunting ground, as alleged by some jealous Europeans, but to be cultivated and improved so that the Ngāti Rangitihi might no longer be called a wandering landless people.*[615]

After 17 years of waiting, the landless people of Ngāti Rangitihi were slightly less landless – to the tune of just under six and-a-half acres each. Such an area – especially of lower-class land such as Hauani – was scarcely sufficient to support an individual. Even the Crown's lowest estimates of sufficiency of land in earlier decades started at 10 acres of first-class land per person, while the Native Land Act 1873 set a benchmark of 50 acres per person. Hauani fell far short of this for Ngāti Rangitihi.

613 Assistant Surveyor General, Auckland, to Gilbert Mair, Native Land Court, 24 May 1902. R21029364. LS 1/1708/22/385. Archives New Zealand.
614 Mair, Thames, to Native Minister, 22 July 1902. R21029364. LS 1/1708/22/385. Archives New Zealand.
615 Mair, Thames, to Native Minister, 22 July 1902. R21029364. LS 1/1708/22/385. Archives New Zealand. Emphasis added.

The inadequacy of the Crown's response to Ngāti Rangitihi landlessness is even worse when considering the fate of more than 100 others not included in the Hauani title. As early as July 1902, one of those omitted from the ownership lists, Thomas Savage, wrote to say the list, "cut myself off and others which I protest on reason that my hapu's [sic] are the worst sufferers in the Eruption." He also alleged that "a good many" who were on the list had not actually suffered from the Tarawera eruption and, "owned good land at the Okataina block," whereas Savage's hapū "own nothing besides those [lands] that were destroyed by the Eruption and [which are now] fit for nothing."[616] The matter was referred to the Lands Department, which advised Savage to take the matter up with Mair, who was responsible for the lists. He was also reminded that as Hauani was Crown land, it was dealt with by the Lands Department, not by the Native Land Purchase Department or the Justice Department.[617]

It was only once the surveys and lists of Ngāti Rangitihi were completed that it was revealed they would not in fact own the land; the lists of names were merely to enable "year to year licences" to issue to those named under the Land Act 1892 (s.116).[618] The Commissioner of Crown Lands then advised that "the most suitable way of giving titles to the several Hapus [sic] or persons" for whom the subdivisions were made was a "temporary licence" to occupy under section 219 of the Act. These would give them a three-year term; if they were then found to be "bona fide occupiers" of the land, the licenses could be renewed but only for another three years. This approach was finally adopted by the government in November 1903, although the leases were not arranged until a whole year later, when one Lands Department official suggested that the "question of giving the Maoris a better tenure and title should be considered." He was overruled by the Commissioner of Crown Lands on the basis that Native Minister Carroll had decided on the three-year leases noted above.[619] This form of 'tenure and title' fell far short of the ownership Ngāti Rangitihi had been awaiting since 1886.

When Ngāti Rangitihi realised the 'gift' they had been waiting so long for, was no gift at all, but instead a three-year lease with the possibility of a renewal at the end, they balked. In September 1905, Raureti P. Mokonuiarangi wrote from Wellington to the Lands Department:

> *The Ngāti Rangitihi were very much surprised to receive... a notice for the payment of close on £40, being amount of one year's rent due on Hauani 63D Parish of Matatā.*
>
> *The Government did not inform the Māori that the land was to be treated similar to land leased to Pakeha.*
>
> *We applied for this land in order that we may grow the necessaries of life, that is, potatoes, kumara, etc. Now the Auckland office say it is to be used exclusively for grazing purposes. This is a different tenure to what the Māori applied for.*
>
> *I have interviewed the Native Minister and represented the high annual rental, also that the land be used for plantation purposes. He told me to represent the matter to you, and thought the rent should be reduced as the land was being used by the Māori to grow food in order to maintain life.*[620]

Ngāti Rangitihi asked that the rent be reduced to one pence per acre (about £8 per year) "as the area is not like Crown land leased for pastoral purposes." The land was not being used to generate an income from grazing

616 Thomas Savage, Whakatane, to Gill (Native Land Purchase Department), 9 July 1902. R21029364. LS 1/1708/22/385. Archives New Zealand.
617 Lands Department to Thomas Savage, Whakatane, 30 September 1902. R21029364. LS 1/1708/ 22/385. Archives New Zealand.
618 Lands Department to Justice Department, 20 April 1903. R21029364. LS 1/1708/22/385. Archives New Zealand.
619 Commissioner of Crown Lands, Auckland, to Lands Department, 28 April and 19 November 1903; and minutes of 17 and 18 November 1904 on Lands Minister memo to Mr Barron, 3 October 1901. R21029364. LS 1/1708/22/385. Archives New Zealand.
620 Raureti P. Mokonuiarangi, Wellington, to Lands Department, 25 September 1905. R21029364. LS 1/ 1708/22/385. Archives New Zealand.

stock, but to support a people rendered landless who needed to grow food, not be confined by the terms of an inappropriate lease to the grazing of sheep or cattle.

It was evidently all a mistake. The Lands Department quickly informed the Commissioner of Crown Lands that: "It was never intended that any rent charge should be imposed" on Ngāti Rangitihi at Hauani, "nor was it intended that they should be confined simply to pastoral licenses," as the land was "allocated to them to enable them to cultivate it and raise the produce for their support." The intention had been for the sum of one shilling to be entered in the occupation licenses "merely as an acknowledgement of the Crown's title."[621] That, perhaps, was the root of the problem – the land was no longer the gift it had been intended to be and the Crown insisted on retaining ownership. In addition to that underlying flaw in the Crown's position, the tenure it offered Ngāti Rangitihi was next to useless: they had no security of tenure; could raise no finance for improvements against such a tenure; and there was no provision for compensation for any improvements they did effect. If this was a gift, it was one with far too many strings attached.

From Gift to Purchase, 1907–1914

Two years later, in 1907, the landless and starving Ngāti Rangitihi sought to secure the Hauani Block as freehold, given the uncertain tenure imposed on them. Raureti P. Mokonuiarangi (then working as an assessor in the Native Appellate Court) wrote about the land, "which was given to the Ngāti Rangitihi tribe," but over which "a great number of years have now elapsed and no conditions between the tribes and the Government" had been arranged. Some of the Iwi were living on Hauani and wanted the freehold, "in order that they may not be interfered with" by the Crown. They now applied that "this land be handed over to us," and to secure it they were willing to give up what remained of Onuku (Rotomahana-Parekarangi 5B) in exchange.[622] The government said it would not agree to the exchange, and advised him that Ngāti Rangitihi already held Hauani by lease. They added that if the Iwi wished to remain on the land they should apply to the Commissioner of Crown Lands for a renewal of the five leases into which the land had been divided.[623]

Ngāti Rangitihi were dissatisfied and continued to seek a more secure tenure for Hauani. The government soon changed its tune and was more than willing to take a large area of land from the Iwi in exchange for Hauani, rather than simply honour its original gift. In 1908 Ngāti Rangitihi were again obliged to offer the Crown other land in exchange for Hauani. This was to obtain land that was supposed to have been given to them more than 20 years earlier. In March 1908, they met with the Native Land Tenure Commission – comprising former Chief Justice and Attorney General Stout and Apirana Ngata – when it sat in Rotorua. On 12 March, Mair referred to Hauani when giving evidence to the Commission, noting that it was "set apart by Mr Ballance" for Ngāti Rangitihi in 1886 but remained Crown land. Stout's notes include a query: "Is it a permanent Reserve?" It was not. Mair noted some of the Iwi were living on Hauani but that: "It is not first class land," being largely fern land, although "some parts [are] rich enough for crops."[624]

621 Department of Lands to Commissioner of Crown Lands, 28 September 1905. R21029364. LS 1/ 1708/22/385. Archives New Zealand.
622 Raureti P. Mokonuiarangi, Russell, to Lands Department, 12 October 1907. R21029364. LS 1/ 1708/22/385. Archives New Zealand.
623 Lands Department to Raureti P. Mokonuiarangi, 5 November 1907. R21029364. LS 1/1708/22/385. Archives New Zealand.
624 Stout minute book, 1907-1908, p.249. R12777854. MA 78, box 1, file 1. Archives New Zealand.

As well as regarding the gifting of Hauani, the Commission also heard evidence of the landlessness of Ngāti Rangitihi. Raimona Heretaunga testified 12 March 1908:

> *We live at Matata. We have not sufficient land for our occupation there. The land we live on is just sufficient for residence sites, etc, at Matata. We are anxious to have lands on which to farm. We have a block returned to us by Crown Lot 63D P[arish] of Matatā, 2000 acres.*[625]

He went on to describe their other land (Onuku, Rerewhakaitu, Ruawahia, and Pokohu), with Ngata noting that: "Some of the land is practically useless. Value small... Ruawahia is practically broken. ... Pokohu is suitable for pastoral runs only."[626] They were as landless in 1908 as they had been in the 1880s, telling the Commission that:

> *We are now occupying less than 200 acres of worked-out land at Matata, which is totally inadequate to provide us with food; yet we cling to the place on account of our schools, the large fish supply, and the greater opportunities of obtaining work draining swamps, fencing for Europeans, etc.*[627]

There was, after all, nothing for them at Hauani.

After the Commission rose on 12 March, Ngata met with Ngāti Rangitihi. The following day Mair handed the Commissioners a statement, evidently drawn up at that meeting, and which the Commission later published in full. It revealed a compromise that Ngata and Mair had clearly endorsed. In relation to Hauani, Ngāti Rangitihi recalled:

> *Owing to the untimely destruction of many of our villages through the Tarawera outbreak in 1886, and the deterioration of our lands, the late Mr Ballance, then Native Minister, caused a block of 2,000 acres, known as the Hauani Reserve, to be set apart for our use. ... Several of our hapu proceeded to occupy their respective portions, when our minds were disturbed through the Crown Lands Commissioner at Auckland demanding immediate payment of rent. We were unable to comply with this demand, and have only continued to use the reserve in a half-hearted manner in consequence, as we had been led to clearly understand that the land was to become our absolute property.*[628]

Mair confirmed to the Commission that Hauani was "a free gift." The Commissioners endorsed the Ngāti Rangitihi view and reported that Mair had been appointed by Native Minister Ballance to liaise with Ngāti Rangitihi over the reserve. They found that, "it was then the intention of Native Minister to grant this reserve absolutely to the Maoris" and that Ngāti Rangitihi clearly understood it to be a "free gift" (as Mair had testified to the Commission).[629]

Despite wanting the gifting of Hauani to be upheld, Ngāti Rangitihi had been denied it for more than 20 years. They obviously concluded discretion was the better part of valour; accordingly, and to secure their ownership of Hauani, they offered the Crown about 3,000 acres of Pokohu A (6,870 acres) in exchange for Hauani.[630] The reason Ngāti Rangitihi gave up on pursuing the gift the Crown had promised them – and instead offered to pay for Hauani using other land – was fear that Hauani would be taken from them. As

625 Ngata minute book, 1908, pp.137-138. R12777851. MA 78, box 3, file 4. Archives New Zealand.
626 Stout minute book, 1907-1908, p.249. R12777854. MA 78, box 1, file 1. Archives New Zealand.
627 AJHR, 1908, G-1h, p.2.
628 AJHR, 1908, G-1h, p.2.
629 AJHR, 1908, G-1h, p.2; and Stout minute book, 1907-1908, p.252. R12777854. MA 78, box 1, file 1. Archives New Zealand.
630 AJHR, 1908, G-1h, p.2.

the Iwi later explained to officials, their lease of Hauani had no security of tenure and no compensation for improvements. Added to which, settlement had been "gradually creeping up closer" to it and "interested parties" (meaning the same settlers who had lobbied against any land being set aside for Ngāti Rangitihi) had been seeking Hauani for themselves:

> *As a result the Natives became alarmed lest they should lose altogether any hold they had on the land and therefore when the [Native Land Tenure] Commission was in the district they brought the matter before it and solely for the purpose of getting a freehold title instead of a leasehold they proposed to transfer to the Crown 3,000 acres of Pokohu A Block. There was no question of exchange at all. The land had been promised to them as an absolute gift but the tenure under which it was proposed they should hold it was unsatisfactory and as a consideration for obtaining a tenure that would be satisfactory they agreed to give this 3,000 acres [emphasis in original].*[631]

The Crown's failure to honour its promise had forced the landless Ngāti Rangitihi to abandon the gift and instead find another way to secure the land they so desperately needed. The Commission found that, "under the circumstances," this was a "generous proposal" – something of an understatement – which it recommended the government accept. Under this scheme, the balance of Pokohu A was also to be sold for cash, with the money "to be disbursed for the purpose of fencing and stocking the Hauani reserve."[632] Thanks to Crown inaction for 20 years, the Iwi had few other options to raise the development capital they needed to improve Hauani.

In addition, Ngāti Rangitihi offered a further 200 acres of Pokohu A in exchange for Tiepataua (Lot 104 Parish of Matatā, 100 acres), which was "set apart for our use by the late Sir A. J. Cadman when Native Minister [c.1892] and which we have been occupying ever since." Tiepataua had initially been awarded to Tūhourangi for military service, before the Crown purchased it from them in the 1880s. The Crown then 'gave' it to Ngāti Rangitihi; like the 'gift' of Hauani, this too had to be paid for.[633]

The government was at first happy to take up the offer of payment for Hauani – having long since abandoned its promise to gift the land to Ngāti Rangitihi – but it soon changed its mind. In September 1908, Ngata wrote to Native Minister Carroll on the matter, and the Lands Department responded that it was getting a valuation of Pokohu A in order to advance the proposed exchange.[634] A few weeks later, the Crown Lands Ranger (rather than a qualified valuer) reported that he put a price of £1 5s. per acre on Hauani (or £2,380 in total), while Pokohu A was priced at just five shillings per acre (or £1,717 in total), being "of no value for settlement purposes." In his view, even if Ngāti Rangitihi gave all of Pokohu A (rather than the 3,000 acres they had proposed), "the deal would still be a very bad one for the Government."[635] It was a considerably worse deal for Ngāti Rangitihi, who had been promised Hauani at no cost. They also pointed out that the Crown had paid only one shilling six pence per acre when it purchased Hauani from other Māori (as part of the Otamarakau or Waitahanui Block returned to some Māori from the confiscation district).[636] (The Crown Lands Ranger was of course no valuer. When the Valuer General later valued Hauani it was at only 10 shillings per acre (or £1,050 in total).)[637]

631 Waiariki Māori Land Board President to Native Department, 3 April 1909. R21029364. LS 1/1708 /22/385. Archives New Zealand.
632 AJHR, 1908, G-1h, p.2
633 AJHR, 1908, G-1h, p.2.
634 Lands Department to Carroll, 30 September 1908. R21029364. LS 1/1708/22/385. Archives New Zealand.
635 Crown Lands Ranger, Tauranga, to Commissioner of Crown Lands, Auckland, 10 October 1908. R21029364. LS 1/1708/22/385. Archives New Zealand.
636 Waiariki Māori Land Board President to Native Department, 3 April 1909. R21029364. LS 1/1708 /22/385. Archives New Zealand. The price referred to was probably what the vendors received, after very high survey costs were deducted; the total price including survey costs was two shillings eleven pence per acre.
637 Department of Lands to Minister of Lands, 22 July 1915. R21029364. LS 1/1708/22/385. Archives New Zealand.

Due to the imbalance in valuation between Pokohu and Hauani, the government was advised not to accept the exchange that Ngāti Rangitihi had reluctantly proposed and the Native Land Tenure Commission had endorsed.[638] In response, the Waiariki Māori Land Board met with Ngāti Rangitihi at Matatā and then clarified the situation for the Native Department in March 1909. The Board traversed the history of the Hauani gift:

> *Shortly after the Tarawera eruption representatives of the Ngāti Rangitihi, which hapu had prior to that time resided on the shores of Tarawera Lake, interviewed at Rotorua the Hon. Mr Ballance who was then Native Minister. They pointed out to him that all their lands had become thickly covered with ash from the eruption and were unfit for occupation and asked that the Govt should take compassion on them and grant them a suitable piece of Crown Land to live on. Mr Ballance agreed and after a few inquiries promised that the Hauani Block containing about 2,000 acres should be granted to them as an absolute gift. The representatives departed under the firm impression that they were to have the fee simple of the land and communicated that impression to the people generally.*
>
> *However, when Captain Mari and Raureti came to select the portions for each sub-hapu they were grieved and disappointed to hear that instead of the freehold they were only to have a lease... [emphasis in original].*[639]

In addition to the promise of the gift not being honoured, the leasehold terms belatedly offered were far from satisfactory. They "held good for a period not exceeding three years to be surrendered on demand and without any right to compensation for improvements." This was "altogether contrary to Mr Ballance's promise," and Ngāti Rangitihi were "very much dissatisfied." As a result, only about 200 acres of the land was being used by "very few of them," with most of the Iwi still crowded on to the exhausted land at Matatā, comprising a mere 80 acres (only half of which was cultivatable, the rest being wetland). The Board added that if the Lands Department thought Pokohu A was "of no value for settlement, then the inference to be drawn is that it is also unfit for Māori occupation and therefore these Natives are practically landless and should be provided for."[640] Either way, the government had to do something more than it was then doing.

The Native Department passed the matter back to the Lands Department, which was the cause of the problems outlined above. It noted that: "The [pivotal] point of the whole matter seems to me to be the question as to the alleged gift to the Natives by the Hon. Mr Ballance." If the land was meant to be "an absolute gift," then the Native Land Tenure Commission was right to consider the Ngāti Rangitihi offer to exchange land to secure Hauani as "generous," but if there was no gift proffered, then the Commission had "not been fully advised as to the position." The Lands Department was asked what it knew of what the government was now calling "the alleged gift."[641]

The Lands Department insisted – in the face of all the evidence set out above – that it "cannot find any trace of the alleged gift to the Natives by the late Hon. Mr Ballance of the Hauani Reserve." Because of its inadequate research, it continued to oppose the Pokohu exchange on economic grounds. It did not appear to have looked very hard in its own file on the issue, which is full of evidence of the promise to give the land. It instead selectively cited a 1901 report that made no reference to the gift. The Department even denied ever having purchased the land now known as Hauani (as Ngāti Rangitihi had noted in passing), asserting that it was confiscated land that was never purchased from Māori.[642] In fact, Hauani was in the large part of the

638 Commissioner of Crown Lands, Auckland, to Lands Department, 26 October 1908; and Minister of Lands to Ngata, 14 November 1908. R21029364. LS 1/1708/22/385. Archives New Zealand.
639 Waiariki Māori Land Board President to Native Department, 3 April 1909. R21029364. LS 1/1708 /22/385. Archives New Zealand.
640 Waiariki Māori Land Board President to Native Department, 3 April 1909. R21029364. LS 1/1708 /22/385. Archives New Zealand.
641 Native Department to Lands Department, 8 April 1909. R22409166. MA 1/1370/1925/407. Archives New Zealand.
642 Lands Department to Native Department, 29 April 1909. R21029364. LS 1/1708/22/385. Archives New Zealand.

confiscation district west of Matatā that was awarded to some Māori and later purchased by the Crown. If the Department was this ignorant of the title history of Hauani, then it is hardly surprising it knew nothing of its political history in relation to Ngāti Rangitihi.

In despair, Hakopa Takapou wrote on behalf of Ngāti Rangitihi to the Māori MHR Apirana Ngata in October 1909 about the other piece of land they sought to secure from the Crown, being 100 acres at Matatā (Lot 104):

> *I look to you with some hope for the welfare of the Maori race. ... Friend, a difficulty faces us in the matter of a piece of land ceded to us by Govt. for our use and occupation. It contains 100 acres, you will know of, for it is the piece for which we exchanged 200 acres of Te Pokohu. A Maorified Pakeha is occasioning trouble. He is living with one of our own half-caste women, who, however, is not in the title. Her name is Miss S. Savage, and his name is F. William. We want you to caution both of them in this matter.*[643]

No more progress was being made with the Matatā 'gift' than was made with the 'gift' at Hauani, and even the exchange was not looking very promising. As for the Matatā land, the Lands Department valued Section 104 at £362 with a further £163 for improvements.[644] With Pokohu valued at just five shillings per acre it would take much more than the 200 acres Ngāti Rangitihi had offered to pay for Lot 104 (in fact, it would take nearly 1,500 acres, without factoring in the improvements). The Department's view was confirmed in November 1909, when the Minister of Lands told Ngata that he would not recommend the exchange as Pokohu was "of no value for settlement," adding: "The Maoris [sic] interests will have to offer some really valuable land before the Auckland Land Board will agree to an exchange" for Hauani or for Lot 104 Matatā.[645]

In August 1910, Ngata proposed to Hemana Pokiha and Ngāti Rangitihi that they now offer the entire Pokohu A Block (6,870 acres) in exchange for Hauani and for Matatā Lot 104 (Tiepatua, or Tiepataua), the latter having also been given to the Iwi by Native Minister Cadman in about 1892. Ngāti Rangitihi had little choice but to agree.[646] In September 1910 the Minister of Lands was advised to recommend the exchange, despite it not being for lands of equal value. He was informed that: "No equity of exchange will, however, be demanded in this case, as the 2,000 acres have already been set apart for occupation by Natives, though the fee simple is in the hands of the Crown," and it was "in the interests of the Crown to allow the Natives to obtain a permanent title to the 2,000 acres."[647] In other words, the Crown would not honour the gift but it would let landless Ngāti Rangitihi have Hauani at a discount.

Even then, it took four more years to finalise this exchange. In 1914, the Native Minister was approached by Hakopa Takapou at Matatā, who told him Ngāti Rangitihi wanted titles issued to them for Hauani. This request was passed on the Native Department to action.[648] When the offer was formally put to the owners of Pokohu A, which had been divided into Pokohu A1 (3,256 acres), A2 (3,514 acres), and A3 (100 acres), the owners of the smallest block (Pokohu A3) refused to agree to the exchange (although aloof, the owners of Pokohu A1 and most of those in Pokohu A2 did consent to it). Pokohu A3 is situated in the north-west corner of Pokohu A, beside the Tarawera River. The "dissentients" were told that if they did not join in the exchange, they would be excluded from the Hauani title, but this did not dissuade them. Accordingly, Pokohu A2 was divided into A2A and A2B (2,726 acres); it was the latter block that was included with Pokohu A1 in the exchange of 5,983 acres of Pokohu for 2,000 acres at Hauani and 100 acres at Matatā.[649]

643 Hakopa Takapou, Matatā, to Apirana Ngata, 27 October 1909. R21029364. LS 1/1708/22/385. Archives New Zealand.
644 Crown Lands Ranger to Commissioner of Crown Lands, 5 January 1909. R21029364. LS 1/1708 22/385. Archives New Zealand.
645 Minister of Lands to Ngata, 14 November 1909. R22409166. MA 1/1370/1925/407. Archives New Zealand.
646 Ngata to Lands Department, 15 August 1910; and Raureti Mokonuiarangi to Ngata, 12 August 1910. R21029364. LS 1/1708/22/385. Archives New Zealand.
647 Lands Department to Minister of Lands, 2 September 1910. R22409166. MA 1/1370/1925/407. Archives New Zealand.
648 Native Minister to Native Department, 28 February 1914. R22409166. MA 1/1370/1925/407. Archives New Zealand.
649 Waiariki District Māori Land Board, Rotorua, to Native Department, 23 June 1911. R22409166. MA 1/1370/1925/407. Archives New Zealand; and Native Department to Lands Department, 3 December 1914. R21029364. LS 1/1708/22/385. Archives New Zealand.

Completing the Title to Hauani, 1915–1928

Just as the final hurdle seemed to have been cleared, the Commissioner of Crown Lands advised the government to "reconsider" the exchange. He reported in January 1915 that the East Coast Railway was to pass along the coast in front of Hauani, meaning that part of it would be suitable for subdivision into dairy farms, and at least one settler had applied for land at Hauani.[650] This increased the value of the land, and its desirability for Pākehā settlement. As a result, the Commissioner concluded:

> *I would strongly recommend that if possible the proposed exchange should be reconsidered, as I do not consider that it is to the advantage of the Crown or the interests of settlement that it should be carried into effect.*[651]

Ngāti Rangitihi interests were not the Commissioner's concern. They were, at least to some extent, the concern of the Native Department, which responded that it was too late to re-open the matter and the exchange had been finally approved by the Minister of Lands as long ago as September 1910.[652]

The Lands Department begged to differ, pointing out that the Native Land Act 1909 (section 381) required the Valuer General to certify the respective values of lands involved in such an exchange. His report revealed that the Hauani land was worth £1,050 while the Pokohu land was worth only £571: "In face of this, it seems doubtful if the exchange should be proceeded with especially in view of the report of the Commr. of Crown Lands."[653] Accordingly, in July 1915 the Minister of Lands was advised that Pokohu was poor land, so there was "considerable disparity" in value between it and the Hauani land being acquired in exchange. The Minister was informed of the "alleged" gifting of Hauani in 1886 and it was (wrongly) asserted to him that there "is no documentary evidence" of the gift. He was not advised to reject the exchange, but that was certainly the implication of his Department's advice.[654]

Fortunately, the exchange proceeded and in November 1915, Pokohu A1 and A2B were proclaimed as Crown land.[655] In 1916 the Lands Department began the process of allocating Hauani to the 277 owners of Pokohu A1 and A2B, in the same relative shares they held in the Pokohu titles, which was duly completed by July 1916.[656]

Even then there was a defect in the title, in that only 1,904 acres of Hauani was allocated to the former owners of Pokohu. This was due to two papakāinga sites having been excluded, along with a cemetery and a school site. In December 1923, Ngāti Rangitihi met with the Native Minister while he was passing through Matatā and told him that their Hauani titles were still not complete, as about 80 acres were not included in the 1916 Hauani title (comprising 1,904 acres). This included reserves for a school cemetery, and the two papakāinga. They protested that the government had taken the reserves and one was leased to a Pākehā.[657] The Native Department had suggested amending legislation to provide for the addition of the omitted 80 acres to the title.[658]

650 Lands Department to Native Department, 20 October 1914. R22409166. MA 1/1370/1925/407. Archives New Zealand.
651 Commissioner of Crown Lands to Lands Department, 16 January 1915. R21029364. LS 1/1708 22/385. Archives New Zealand.
652 Native Department to Lands Department, 28 January 1915. R21029364. LS 1/1708/22/385. Archives New Zealand.
653 Jourdain minute, 29 January 1915, on ibid.
654 Lands Department to Minister of Lands, 22 July 1915. R21029364. LS 1/1708/22/385. Archives New Zealand.
655 Native Department to Lands Department, 20 November 1915; and *New Zealand Gazette*, 4 November 1915, p.3687. R21029364. LS 1/1708/22/385. Archives New Zealand.
656 Commissioner of Crown Lands to Lands Department, 13 January 1916; Lands Department to Commissioner of Crown Lands, 18 January 1916; and Minister of Lands to Ngata, 28 July 1916. R21029364. LS 1/1708/22/385. Archives New Zealand.
657 Native Minister, Coromandel, to Native Department, 7 December 1923. R22409166. MA 1/1370/ 1925/407. Archives New Zealand.
658 Native Department to Lands Department, 21 July 1924. R21029364. LS 1/1708/22/385. Archives New Zealand.

The Commissioner of Crown Lands responded that the matter was complex for several reasons. First, the Pikowai Road was laid off through the land in 1910 and this was mistakenly included in the Hauani title (although another road laid off through the middle of the Block in 1903 was excluded). Second, the cemetery, school site, and the two reserves (for papakāinga, although the Lands Department was ignorant of their purpose) had been excluded but part of one of the papakāinga reserves had been vested in the Whakatane County Council for a roadman's cottage. Third, some parts of Hauani had been taken for the East Coast Railway. In his view, if the additional 80 acres (minus the takings already made) was to be awarded to Māori, this could be done by a fresh warrant for a new title that included the additional areas, rather than resorting to special legislation.[659] As it transpired, legislation was needed.

While the matter dragged on, in August 1925 the Pākehā lessee of one of the supposed 'reserves' – an area of about 40 acres intended for a papakāinga – came into conflict with Ngāti Rangitihi. The Iwi began building on 'their' reserve only to find it claimed by a Crown tenant (who had a year-to-year lease that could be readily terminated). It was acknowledged that "this land should have been vested in the Natives" but "technical difficulties" continued to prevent the Crown completing an arrangement that had been in abeyance since 1886.[660] Finally, in September 1925, draft legislation was proposed to enable the Hauani title to be completed (minus some takings for roads and the roadman's cottage), being a clause for inclusion in the Reserves and Other Lands Disposal Bill.[661] The clause was instead inserted in the Native Land Amendment and Native Land Claims Adjustment Act 1925 (section 20). (This was the annual Māori 'washing-up' Act comprising many such special provisions to resolve title difficulties.) Further amending legislation was needed in 1928 to rectify an error in many proclamations of land as Crown land (which was relevant to the Pokohu exchange).[662]

The completion of the title was not quite the end of the matter. The exchange proposal included a government undertaking to supply fencing posts and wire for a fence between the Hauani Block and adjoining Crown land. The government failed to honour this promise and was reminded of it by Raureti Mokonuiarangi in July 1928. He said many whānau were farming the land but the cost of initial fencing was making it difficult for them – so he asked the government to honour its promise about the fencing, and to supply grass seed. He noted that Ngāti Rangitihi had agreed to let the two acres taken from one of the papakāinga reserves for public purposes at Hauani (some of which was being used for metal extraction for road building) to be taken without seeking compensation "as they wished to give these portions as a gift to the Crown." As in 1886, the Iwi sought some reciprocity from the Crown. The following year they asked again for this reciprocity, and were again ignored. As Raureti said, "all the giving had been from their side and it is now for the Government to make them some concession." In 1929, the Native Department said only that it could find no trace of the promise by the land purchase official Gill of fencing assistance many years before.[663] Like Ballance's promise in 1886, this too had been forgotten by the Crown, but not by Ngāti Rangitihi.

659 Commissioner of Crown Lands to Lands Department, 9 August 1924. R21029364. LS 1/1708/22/ 385. Archives New Zealand.

660 Raureti Mokonuiarangi to Chief Judge Native Land Court, 19 August 1925; and Native Department to Native Minister, 21 August 1925. R22409166. MA 1/1370/1925/407. Archives New Zealand.

661 Lands Department to Native Department, 9 September 1925. R22409166. MA 1/1370/1925/407. Archives New Zealand.

662 Native Land Amendment and Native Land Claims Adjustment Act 1929, s.49.

663 Raureti Mokonuiarangi, Matatā, to Native Minister Ngata, 16 July 1928 and 16 February 1929; and Native Land Court to Native Department, 5 June 1929. R22409166. MA 1/1370/ 1925/407. Archives New Zealand.

Appendix A:

Excerpts from 1 Brabant Minute Book

June 10th 1887

Case 4 - Arama Karaka Mokonuiarangi continues his evidence: pages 257-260

Page 257

"Our people lived at Tapahoro for some time without having any trouble with Ngati Awa – then we pulled down our fences and took them over again to Moura. The descendants of Pikiao (o Mahi) never went to Tapahoro they always lived at Matarumakina – some time afterwards the Reverend W. Spencer arrived at Tarawera – he lived at Karire. Then Tūhourangi and Ngati Rangitihi embraced Christianity - then the descendants of Pikiao at Matarumakina determined to build a church at Piripai. They were joined by Ngati Tutangata. Te Wirihana, Hakaraia & Piriki erected the frame of the building. Hoani Matiu, Ruka, Maka & others of the church of Ngati Pikiao assisted. Rangiheuea (pakeke) was then living at Te Kaunga – his own place – he lived through his wife Parerangi (Mokonuiarangi's sister). Tūhourangi had then no settlement at Te Ariki – they then lived at Rotokakahi & some who were connected with Ngati Te Apiti at Tikawe (Pa). Sometime after a church was built at Moura as it was not convenient always to go to Piripai for prayers. The Rangiheuea determined to stop the canoes of Ngati Rangitihi from going to Rotomahana because he wanted to lay claim to the mana of Rotomahana in the block. The Ngati Taoi, i.e. Ngati Taoi of Tūhourangi and Ngati Taoi of Ngati Te Apiti occupied Te Ariki. Then Ngati Rangitihi heard of this and they at once occupied Te Koutu (East of Te Ariki close to A on the Tūhourangi boundary). The chief Paerau of Ngati Rangitihi & Rangiheuea of Ngati Taoi were then at Rotorua on a visit to see Te Rauparaha's grandson. Ngati Rangitihi headed by Pirika & Ngati Tarawhai (chief Tumakoha) occupied Te Koutu. The hostilities commenced and battle was fought at Te Ariki. The Tūhourangi pa was called Kokotaia which was built near Koutu pa. In this fight – Hika whakarau of Ngati Rangitihi was killed. After that fighting resumed and Paerau (the chief of Ngati Rangitihi & son of Mokonuiarangi) was killed. Those who fell with him were Wi & Te Whareraru (father of Mikaere). After they fell Ngati Rangitihi rallied to get the body of Paerau & Tūhourangi fell back & Ngati Rangitihi recovered their dead. There was no utu for their deaths. In a third fight Tūhourangi lost one of their men named Muhua. Then a party of Ngati Pikiao from Rotoiti arrived and challenged Tūhourangi to fight. Tūhourangi went and defeated Ngati Pikiao, then the latter returned to Rotoiti. After that Ngati Pikiao made another attack at Kokotaia, a pa of Tūhourangi. Those who fell of Tūhourangi were Riwai, Waiaua, and Tamatamarangi & Tararipi. These were chiefs of Tūhourangi. The fight was inside the pa. Two of Ngati Pikiao were killed and left in the pa. Their names were Eru and Marino. The reason Ngati Pikiao of Rotoiti took part in the quarrels was that they were related to Ngati Rangitihi and they came to avenge Paerau. Tūhourangi then abandoned the Kokotaia pa and occupied Pukekiore. (point north west of Te Ariki, point around which boats pull just before reaching Te Ariki). Ngati Rangitihi were still occupying Te Koutu pa. Ngati Pikiao returned to Rotoiti. After this they pulled 8 canoes over into Okataina lake and thence across into the Tarawera lake and with these pa's they blockaded Te Ariki bay so as to stop Tūhourangi from getting supplies. The Ngati Pikiao and Ngati Rangitihi were occupying Matarumakina & Omataira, both south of Moura. When they went to occupy these pa's Tūhourangi fired on them. The people (Ngati Rangitihi) who occupied these two pa with Ngati Pikiao came from Moura – the original Ngati Rangitihi were still occupying Koutu – Tūhourangi were then assisted by Ngati Tuwharetoa from Taupo and by Ngati Raukawa. When as I have said Tūhourangi fired on Ngati Rangitihi at Matarumakina – a battle took place. Those of Ngati Pikiao fell viz Waikohe, Kairau & others. Two of Tūhourangi side fell by one of the Ngati Tuwharetoa named Te Wharengaru and one of Ngati Raukawa called Taikapurua – On the same day there was also a fight at Te Ariki. Of Tūhourangi there fell Pereke and Te Ngatete – of Ngati Rangitihi side (Ngati Manawa of Galatea having joined them) there fell Hemi and Koa

of Ngati Manawa. Hakaraia of Tapuika was a lay reader and was at the Matarumakina fight with Ngati Pikiao but took no part in it. He then stood between Ngati Pikiao and Tūhourangi and they ceased firing so the battle ended and Hakaraia went between the two pa. During the time of the blockade Tūhourangi got their supplies from Te Oneroa overland to Maireiki whence they were taken in canoes to Pukekiore. Then Ngati Pikiao returned and took their canoes back to Rotoiti via Okataina. After this Pareraututu & Parehauioa (2 women) of Ngati Rangitihi (1st daughter of Moko) went from Matarumakina to Pukekiore and Tūhourangi called a meeting at Piripai to arrange for peace. Peace was made and Tūhourangi abandoned Pukekiore and went to Te Ohorangi at Rotokakahi and Kariri (p59).

May 27th 1887

Case 6 - Huta Tangihia continues his evidence: pages 215-223

Page 221

"Te Rahui was elder than Tionga his brother. I did not give all of Te Whareiti's children in my genealogy. I never heard that Te Kahuoro killed Te Rahui. He fell over a precipice and was killed – he fell on a weapon belonging to his friend Te Maranui. The Tūhourangi war party were at the top and Rahui and his friends were climbing up as they got to the top Te Rahui suddenly saw the Tūhourangi ambush ... back and fell on his weapon and was killed. I admit that Te Kahuoro and Ririwai were the leaders of the Tūhourangi war party, They were chiefs of Tūhourangi – this occurred at Takahiukiriki – on of witness boundary (see page 211). I admit that Te Kahuoro fought against Ngati Te Apiti of Ngati Rangitihi. Paerau was a younger brother of Te Kuru o Te Marama – same father and mother. Paerau was killed at Te Ariki fight by Tūhourangi. Paerau was the leader of Ngati Rangitihi and Rangiheuea of Tūhourangi.
...
Rangikihia was a Ngati Rangitihi – he was murdered by Tūhourangi. This occurred after the death of Rahui. It occurred at Manuka piko – it was in payment for the death of Te Wata and Hokanui who were killed by Ngati Rangitihi. I allow this was a mistake of mine. I allow Rangikihia was payment for Te Wata and not Te Rata. Te Rangikauru and Rangikoiaauake were killed by Tūhourangi – I allow that, they belonged to Ngati Rangitihi. I allow this was a separation of Ngati Te Apiti as Ngati Te Apiti killed Ngati Te Apiti but they became friendly afterwards. I allow that Te Wharerau father of Mikaere Heretaunga was killed at Te Ariki. Ngati Te Apiti (both factions) did live together at Te Ariki on my block. Arama Karaka lived there. I never heard that it was arranged at Te Ariki fight that the vistors would claim the land. The Native Land Court have awarded land to Ngati Te Apiti of Ngati Rangitihi – viz Te Pokohu (land through Rakeiao on his mother's side). I allow Te Keu did not get in the list, not Aterati, nor Kauarahi, nor Kitua, nor Iwikau – these people belong to Ngati Te Apiti of Tūhourangi.

No nga whakairo o te tangata kauia I iria – no nga whakaaro o Ngati Rangitihi – but they had the same right as we had to this land. I did not hear Niheta Kaipara say in the Native Land Court at Whakatane that these people had no right because they were Tūhourangi. I have said that I wanted to set up this claim before Mair but Ngati Te Apiti would not let me. I heard you set up your claim of conquest, but Rangiheuea said don't set up a case. It was Rangiheuea Te Urukehu and Hori Tawhio Ihururu. I set up the claim now in that ...

I allow that my name was not admitted by Rangiheuea in the court, ... he was a second cousin of mine. His reason was his claim was not based on Te Apiti but on the conquest. Rangiheuea did not ...

I did not set up this claim because Rangiheuea and Te Urukehu are dead – I believe they would have joined me. ... Tūhourangi arrived there before Ngati Whakaue. Ngati Te Apiti went from Tikawe. Tūhourangi had no right to that land but they befriended Ngati Te Apiti. Re Mana of witness is hapu. I never heard that Tionga was speared by Te Ramaapakura at Te Tapahoro. On the contrary Te Ramaapakura was killed by Tionga at Te Umuhika. I don't allow that the hand of Tionga was speared by Te Ramaapakura. I have heard the song but it was Te Arero who was speared but it was Te Arero who was speared and not Tionga. Te Arero was a younger brother of Tionga."

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