

Rongowhakaata DRAFT Historical Account

October 2010

1. The iwi of Rongowhakaata describe themselves as the descendants of Rongowhakaata and his wives; the sisters Turahiri, Uetupuke, and Moetai. Their main hapu are Ngai Tawhiri, Ngati Maru, Ngati Aweawe, Ngai Te Kete, and Ngati Kaipoho. Ruapani is another important tipuna for many Rongowhakaata.
2. The traditional lands of Rongowhakaata extend from Te Kowhai at Te Wherowhero lagoon inland to the Te Arai headwaters, continuing to Te Reinga in the south-west, and north through Tuahu, Hangaroa-Matawai, and Tahora. Their lands take in Patutahi and the area around the Tangihanga and Repongaere blocks, through to Matawhero and linking with the Taruheru and Turanganui rivers, onwards to Kaiti and around the coast to Te Toka Ahuru. Around the fringes of these lands, they share interests and whakapapa connections with neighbouring iwi, including especially close ties with Te Whanau a Iwi. Today, the marae of Rongowhakaata stand at Whakato, Manutuke, Pahou, Ohako, and Te Kuri a Tuatai.
3. Rongowhakaata traditionally held their land and resources in customary tenure under collective tribal and hapū custodianship. The kin groups of Tūranganui a Kiwa were linked through whakapapa and shared use of resources, but also had their own independent mana born out of strong leadership, distinct whakapapa lines and resource use.¹

Rongowhakaata to 1865

4. The fertile plains of Tūranga and ample supply of kai moana made it a place of great abundance for Rongowhakaata, far from the 'Poverty Bay' it was dubbed by Captain James Cook in 1769. The first encounter between Rongowhakaata and Pakeha was Cook's 1769 visit to the area in October 1769 on board the *Endeavour*. In all nine local Māori were left dead or wounded after his two and-a-half day stay, including Te Rakau and several other Rongowhakaata.²
5. A later visitor, Native Land Purchase Commissioner Donald McLean, observed in 1851 that 'the fat cattle, the large wheat stalks of last year's growth, fine alluvial soil, and contented appearance of of the natives' showed that Turanga was 'anything but a land of destitution or want'. When he called on Rongowhakaata he found that: 'The land is rich and fertile and in intersected by three rivers which strike their serpentine courses through handsome clumps of kahikatea and puriri forests and beside numerous wheat cultivations and groves of peach and other varieties of English fruit trees. We reached the first settlement on the banks of the Arai River about sunset, when the natives were returning from reaping their fields, some leading horses and

¹ Waitangi Tribunal, *Turanga Tangata, Turanga Whenua: The Report on the Turanganui a Kiwa Claims* (hereafter "Tribunal Report"), Wellington, 2004, p.38.

² Anne Salmond, *Two Worlds: First Meetings Between Maori and Europeans, 1642-1772* (Auckland: Viking), 1993, pp.124-134; and Rongowhakaata Halbert, *Horouta: The History of the Horouta Canoe, Gisborne and East Coast* (Prepared for publication by Te Nonoikura Haronga, Peter Gordon, and the Rongo Halbert Whanau), Reed Books, Auckland, 1999, pp.83-84.

others driving cattle and pet pigs before them. They gave us their usual welcome and presented us with fruit and also with honey just taken from a hive'.³

6. Sustained contact with Pakeha did not begin until the 1830s. From this decade onwards, Rongowhakaata sought out trading relationships with Pakeha and hosted small numbers of shore-based whalers and traders, such as John Harris,⁴ on their lands. However, the number of Pakeha who came to reside at Tūranga prior to the 1860s was tiny by comparison with the Māori population.⁵ By the late 1840s there were approximately 2,400 Māori living in the Tūranga district and about 40 Pakeha traders and their wives, with some 50 children of Pakeha and dual descent.⁶ Most of the early Pakeha residents of Tūranga were reliant upon the patronage and protection of particular chiefs, who provided them with land to live upon, arranged suitable marriages to women within the hapū, and in return expected to reap various advantages from 'their' Pakeha.⁷ Rongowhakaata also took advantage of new economic opportunities, rapidly expanding their agricultural production and exporting wheat, maize, pork, onions and potatoes to Auckland.⁸ They owned and operated several trading ships, including *Te Raaka* ('The Lark'), *Whitipaea*, *Adah*, *Te Kuini*, and *Ruawhetuki*.⁹ By the 1850s the Tūranga tribes had become among the richest in the country, and were also exporting produce to the Australian colonies.¹⁰
7. Missionaries arrived in the Tūranganui a Kiwa area in the wake of the whalers and traders. A mission station was established at Tūranga (the site of modern day Gisborne) in 1838 and chapels and schools were set up by Rongowhakaata in their kāinga, such as Paokahu.¹¹ Early Māori proselytisers, many of whom had spent time in Northland, played an important role in spreading the Christian faith. By the time that William Williams of the Church Missionary Society arrived amongst Rongowhakaata in 1840 interest in the new religion was already high, in part due to temporal advantages such as literacy which the missionaries were also seen to offer. Te Waaka Mangere (leader of Ngati Kaipoho and tuakana of Rukupo) offered Williams land at Orakaiapu in 1840 and invited him to take up residency at the mission station they established for him there (before moving it to nearby Whakato).¹²
8. In May 1840 William Williams discussed and presented a copy of the Treaty of Waitangi to Tūranga Māori. Of the 22 local rangatira who signed the Treaty on this occasion, 15 were Rongowhakaata.¹³ There is no record of the discussion which took place prior to this signing. However, Williams had already expressed concern at the activities of land purchasers elsewhere, and is likely to have emphasised the Crown's intention of protecting Māori in the possession of their lands.¹⁴

³ McLean to Colonial Secretary, 20 February 1851. BPP, Colonies, New Zealand, vol. 9, pp.1-2.

⁴ Oliver, W. H. and J. M. Thomson, *Challenge and Response: A Study of the Development of the Gisborne East Coast Regions*, East Coast Development Research Association, Gisborne, 1971, p.16; and Mackay, J. A., *Historical Poverty Bay and the East Coast, North Island, New Zealand: A Centennial Memorial*. J. G. Mackay, Gisborne, 1966, pp.94-96, and 98.

⁵ O'Malley, "'An Entangled Web'", p.17.

⁶ Tribunal Report, p. 46 citing Cecelia Edwards, "Turanganui a Kiwa, 1840-1865 (Issue 2)", Wai 814 Doc #F10 (March 2002) pp. 25, 31 and Stirling, "Rongowhakaata and the Crown, 1840-1873", p. 36.

⁷ Tribunal Report, p.44; O'Malley "'An Entangled Web'", p.18.

⁸ Tribunal Report, p. 49, citing Wai 814, Doc #A23, p. 48 and Doc #A10, p. 57.

⁹ Halbert, p.87; Stirling, 'Rongowhakaata and the Crown', pp.52-53.

¹⁰ O'Malley, "'An Entangled Web'", p.57; Stirling, p.48.

¹¹ Frances Porter (ed) *The Turanga Journals, 1840-1850, Letters and Journals of William and Jane Williams, Missionaries of Poverty Bay*, Wellington, 1974.

¹² O'Malley, "'Entangled Web'", pp.19-24; Oliver and Thomson, pp.27-37; Mackay, p.162; and, Stirling, p.28.

¹³ Claudia Orange, *The Treaty of Waitangi*, Wellington, 1987, pp.71-2, 152-154; Tribunal Report, p. 44.

¹⁴ Tribunal Report, p.45.

9. Prior to 1865 Rongowhakaata remained largely in control of their own affairs. Early in the 1850s they had formed a runanga to develop policies for administering their affairs and by the late 1850s it was playing an important part in the administration of the district, setting the minimum price at which wheat could be sold and generally presiding over relations with Europeans.¹⁵ The only Crown official stationed in the area before 1865 was a Resident Magistrate who was present between 1855 and 1860. He was withdrawn following an 1860 visit to the district by Governor Thomas Gore Browne. The Governor subsequently informed the Colonial Office that Tūranga Māori ‘objected to the Union Jack hoisted at the Magistrate’s residence during my stay; said they should not recognize the Queen, and that unless I visited them for the purpose of restoring the lands which the Europeans had cheated them...out of, they did not wish to see me; [and] that I might return from whence I came, and take my English Magistrate with me.’¹⁶ As Raharuhi Rukupo of Rongowhakaata informed the government, ‘we do not understand the meaning of your flag... What we do know is that you protect, and you seize, you are kind, and you are ready to fight, you feed with soft food, and you feed with hard.’¹⁷

10. Crown attempts to purchase land from Rongowhakaata were limited and unsuccessful. In 1851, Rongowhakaata rangatira Te Waaka Perohuka and Raharuhi Rukupo rejected Native Land Purchase Commissioner McLean’s offer to purchase land from them.¹⁸ Raharuhi later told the government, ‘w have the land in possession from which flows fatness, and from the fatness of our land we derive what we are now possessed of, namely money.’¹⁹ Other than a small area at Makaraka (less than 58 acres), purchased in 1857 and known as the ‘government paddock’, the Crown acquired no Rongowhakaata or other land at Tūranga before 1865.²⁰ Rongowhakaata saw a strong connection between Crown purchases and substantive Crown sovereignty and control, and consequently regarded the purchase of land with apprehension.²¹ After being withdrawn from the district the former Tūranga Resident Magistrate subsequently recalled that Māori there ‘denied the right of the Government to send a Magistrate amongst them, on the ground that, as they had not sold their land to the Queen, the Government had no authority over them’.²²

11. Following the petitions of some settlers to have their claims to own land in the Tūranga region investigated, the Crown sent a Land Claims Commissioner to the area but he did not make any recommendations.²³ From the early 1850s a movement had emerged among Rongowhakaata and other Tūranga Māori to reclaim or ‘redeem’ lands occupied by settlers. In some cases payments earlier made for land were returned to the Europeans, while one settler was informed that his land would be resumed because he ‘had had it long enough’.²⁴ By the late 1850s this movement, in

¹⁵ Tribunal Report, p.49 citing Harris to McLean, 10 September 1851, McLean papers, MS papers 0032-0327, Wai 814 Doc #A10(a), vol. 2, p. 937; Tribunal Report, p.53, citing Vincent O’Malley, “‘An Entangled Web’; Te Aitanga-a-Mahaki Land and Politics, 1840-1873, and their Aftermath”, Wai 814 Doc #A10 (September 2000), p.84.

¹⁶ Cited in O’Malley, “‘An Entangled Web’”, p.91.

¹⁷ Raharuhi Rukupo and others to Bell, 25 March 1861. OLC 4/21. O’Malley Docs, pp.140-143. Cited in Tribunal Report, p.52 and in Stirling, p.78.

¹⁸ McLean journal, 6, 7, and 11 February 1851. MS 1296. ATL. Cited in Stirling, pp.55-56.

¹⁹ Raharuhi Rukupo and the Runanga of Turanga to Superintendent of Hawke’s Bay, 26 July 1861. HA 4/13/32. O’Malley Docs, pp.155-158. Cited in Tribunal, p.52 and in Stirling, pp.81-82.

²⁰ Tribunal Report, p.49; O’Malley, “‘An Entangled Web’”, p.40; Stirling, p.69.

²¹ Tribunal Report, p.58 (see also Tribunal Report, p.54, citing Stirling, p.6).

²² Cited in O’Malley, “‘An Entangled Web’”, p.74.

²³ Tribunal Report, pp. 50-51 citing Kerryn Pollock, “Private Transactions to 1869 (Issue 10)”, March 2002, Wai 814 Doc #F2, pp. 25-26, 30.

²⁴ Stirling, ‘Rongowhakaata and the Crown’, pp.61-62; O’Malley, “‘An Entangled Web’”, pp.83-87; Tribunal Report, pp.48-49.

which Raharuhi Rukupo of Rongowhakaata was a ‘prime instigator’,²⁵ had attracted significant support from Tūranga rangatira, a number of whom maintained that lands claimed by the settlers as having been ‘sold’ to them had merely been allocated to them on a permissive occupancy basis. Because of this stance, most settlers decided to withdraw their formal claims until a better opportunity for obtaining legal title presented itself in the future.²⁶

12. The tense race relations which prevailed generally in New Zealand by the late 1850s were a matter of concern for Rongowhakaata. Although they rejected the Queen’s authority over them, they also refused to support the King movement which had emerged in other parts of the North Island. They preferred to remain neutral in matters not directly involving them and refused to take sides.²⁷ In March 1860 the first Taranaki War between British troops and Māori broke out when the Governor ordered the survey of Waitara lands purchased against the wishes of Wiremu Kingi and other customary owners. Rongowhakaata rangatira attended the government’s Kohimarama conference in July 1860, and assured him of their neutrality.²⁸ Tūranga Māori, though sympathetic to Kingi’s plight, refused to respond to his appeal for military support, declaring that it was ‘necessary for them to remain at home and take care of their own land’.²⁹ They adopted a similar stance when Imperial troops invaded the Waikato district in 1863.³⁰
13. In 1862 the Taranaki prophet Te Ua Haumene founded the Pai Marire (‘Good and Peaceful’) religion. Based on the Christian bible, Pai Marire promised the achievement of Māori autonomy. Its message of peace and autonomy of religious worship appealed to many Māori at a time of war, and a number of North Island Māori had converted to the new faith by the end of 1864, when Te Ua Haumene sent a group of Pai Marire teachers to Tūranga. They travelled by way of Opotiki where in March 1865 some followers were involved in the ritual killing of the missionary Carl Volkner, who was suspected of spying for the Crown.³¹ One leader of the Pai Marire party repudiated the murder as contrary to the teachings of the new faith, as did Te Ua himself.³² Another missionary who was with Volkner was allowed to escape unharmed.³³ William Williams, upon receiving news of the arrival of the Pai Marire party at Opotiki, also recorded rumours that Te Ua had ordered ‘that all the pakeha shall be killed whether they are clergymen or laymen’.³⁴ Williams received a copy of Te Ua’s instructions a few weeks later, after he had first heard of the killing of Volkner, and noted that these rumours were unfounded. There was, he wrote, ‘no sanction...to murder’ contained within the instructions.³⁵
14. Tūranga Māori, upon receiving news of the events at Opotiki, assured the Reverend William Williams and the other settlers that they would protect them.³⁶ They rejected a proposal to seize the Pai Marire party upon their arrival at Tūranga, telling Williams

²⁵ Bell memorandum, 24 February 1860. AJHR, 1860, E-1, p.5. Cited in Stirling, p.75.

²⁶ Tribunal Report, p.51.

²⁷ Tribunal Report, p.51.

²⁸ Tamati Hapimana, Tamihana Ruatapu, and Te Waaka Perohuka to Governor, 14 July 1860. MA 23/10. RDB, pp.33958-33961. Cited in Stirling, p.81.

²⁹ Cited in O’Malley, ‘“An Entangled Web”’, p.93.

³⁰ Tribunal Report, p.51.

³¹ Lindsay Head, ‘The Gospel of Te Ua Haumene’, *Journal of the Polynesian Society*, vol.101 (1), March 1992, p. 9-10. Tribunal Report, pp. 64-66.

³² Tribunal Report, p.66.

³³ Tribunal Report, p.65; O’Malley, ‘“An Entangled Web”’, p.106.

³⁴ William Williams Journal, 1 March 1865, MS-Copy-Micro-628, ATL, cited in O’Malley, ‘“An Entangled Web”’, p.106.

³⁵ Ibid, 21 March 1865, cited in O’Malley, ‘An Entangled Web’’, p.107.

³⁶ William Williams Journal, 7 March 1865, Williams Family Papers, MS-Papers-0069-049, ATL.

that ‘they had not had any shedding of blood here & they did not wish to have any.’³⁷ The chiefs were initially wary of the new religion. Yet, once the emissaries arrived in mid-March, their teachings won a large number of new converts, including a number of Rongowhakaata.³⁸ Anaru Matete of Rongowhakaata explained to settlers his people’s belief that by joining Pai Marire ‘we shall save Te Ao and the remnant of our people.’³⁹ He and others of Rongowhakaata assured the settlers of their continued desire for peace and their intention to protect Europeans resident in the district.⁴⁰ Some of the Pai Mārire emissaries also announced their peaceful intentions towards the settlers.⁴¹ Despite this, rumours persisted of threats to kill all Europeans, in consequence of which some of the settlers began leaving.⁴²

Waerenga a Hika, 1865

15. The spread of Pai Marire and the killing of Volkner alarmed the government, which responded in an unequivocal fashion. Donald McLean, the Superintendent of the Hawke’s Bay Province, was appointed General Agent for the Government in March 1865 to co-ordinate its response. In April 1865 Governor Grey issued a proclamation condemning the ‘fanatical sect, commonly called Paimarire’ and declaring the Crown’s intention to ‘resist and suppress, by the force of arms if necessary...fanatical doctrines, rites and practices’ committed in the name of this new religion.⁴³ The Crown’s capacity to enforce this proclamation was limited, however, as a consequence of which all ‘well-disposed’ persons were also requested to assist in its enforcement. McLean was instructed to capture the Pai Marire leaders if this was practical.⁴⁴ Tūranga settlers had initially asked the government to send them firearms, but came round to the view that this was not a good idea as it would complicate the situation and they would be powerless to stop Māori from disarming them and using the guns against them in the event of conflict.⁴⁵
16. In April 1865 a group of Rongowhakaata and other Tūranga Māori leaders assured McLean that they would protect the settlers in Tūranga. They said they would not interfere in any war in Opotiki, and urged McLean not to send any soldiers to Tūranga. McLean noted the friendly reception Pai Marire had received from many Tūranga Māori and doubted the sincerity of the promise to protect the settlers, notwithstanding their clear undertakings to both McLean and the settlers directly concerned.⁴⁶ Meanwhile, the chiefs were reportedly ‘apprehensive’ lest the reception given to the Pai Marire emissaries should be used as a basis upon which to take military possession of their lands.⁴⁷
17. In May 1865 Governor Grey’s representative, Captain Luce, transported the Ngati Porou chief Mokena Kohere to Tūranga. Whilst there, he planted a Union Jack on disputed lands at Kaiti, an action which resulted in much tension in the district. However, the local Pai Marire party were reportedly ‘afraid to bring on a disturbance

³⁷ Ibid, 13 March 1865, cited in O’Malley, ‘“An Entangled Web”’, p.109.

³⁸ Tribunal Report, p. 66, citing Wai 814, Doc#A10, pp. 106-113, Doc A23, pp. 85-89.

³⁹ Anaru Matete to Harris, 25 July 1865, cited in Harris to McLean, 7 August 1865. MS-Papers-0032-0327, ATL. Cited in Judith Binney, *Redemption Songs*, p.40, and in Tribunal Report, p.66.

⁴⁰ Tribunal Report, p.67.

⁴¹ William Williams Journal, 21 March 1865, MS-Papers-0069-049, ATL.

⁴² J. Battersby, *Conflict in Poverty Bay*, Wellington, 2002, pp. 24-25.

⁴³ O’Malley, “Te Aitanga-a-Mahaki Land and Politics, 1840-1873”, p. 118, citing *New Zealand Gazette*, 29 April 1865.

⁴⁴ O’Malley, “Te Aitanga-a-Mahaki Land and Politics, 1840-1873”, 118, Weld to McLean, 25 April 1865, 65/56, HB 3/3, ANZ(W).

⁴⁵ J Battersby, *Conflict in Poverty Bay*, Wellington, 2002, p. 26-33.

⁴⁶ O’Malley, “Te Aitanga-a-Mahaki Land and Politics, 1840-1873”, pp.116-7, and Tribunal, p.69.

⁴⁷ O’Malley, ““An Entangled Web””, p.117, and Stirling, p.91.

for fear of embroiling themselves with the Govt', and the flagstaff was left standing.⁴⁸ Rongowhakaata met with Luce at Whakato and assured him of their neutrality.⁴⁹

18. Pai Marire emissaries carried the religion to the East Coast north of Tūranga in June 1865.⁵⁰ Chiefs favourably disposed towards the Crown resolved to make war upon the Pai Marire emissaries, despite the efforts of the leader of the Pai Marire party Patara Rakatauri to leave the district in order to avoid such an outcome. The 'loyalist' party were quickly provided with arms, ammunition and other logistical support from the Crown and were supplemented by colonial troops.⁵¹ Fighting took place between Pai Marire adherents and other East Coast Māori between June and October 1865. The Pai Marire adherents were defeated.
19. In the fighting on the East Coast in October 1865, Pita Tamaturi of Rongowhakaata, a protégée of Raharuhi Rukupo, was captured by the Crown's local Maori forces. Shortly afterwards Lieutenant Reginald Biggs, a Turanga settler then commanding some of the Crown's forces, shot and killed Pita.⁵² This action does not appear to have been reported to the Crown at the time. For other services in the East Coast campaign Biggs was promoted to Captain.⁵³
20. Some East Coast Pai Marire survivors of the fighting fled to Tūranga from where they had received some limited assistance during the fighting. In consequence some East Coast chiefs were willing to travel south to fight against Pai Marire adherents.⁵⁴ Rongowhakaata from both the Kawanatanga ('loyalist') and Pai Marire camps were anxious to avoid such an outcome. They continued to mix freely with one another and remained keen to keep their district out of the conflict.⁵⁵ Anaru Matete, a Rongowhakaata Pai Marire supporter, urged the refugees from the East Coast fighting to leave Tūranga.⁵⁶
21. In September 1865 a small garrison of government soldiers was sent to Tūranga. Their numbers were strengthened the following month.⁵⁷ At the end of October 1865 tensions were greatly exacerbated when a small number of East Coast Māori arrived in pursuit of Pai Marire refugees from the East Coast fighting. Tūranga Māori urged them to return home and 'not to bring fighting & bloodshed into this district'.⁵⁸ However, on 1 November 1865 the government issued orders that the colonial troops who had been engaged in the fighting on the East Coast were to be marched to Tūranga, where peace was to be enforced and all Pai Marire emissaries forcibly expelled or taken prisoner. McLean was also instructed to warn Tūranga leaders that land confiscation and military settlements would be imposed upon them if they did not remain in peace.⁵⁹
22. With the presence of large numbers of Ngati Porou and Crown troops at Tūranga it was widely assumed that war was imminent, and some outlying settlers abandoned their homesteads in favour of the small township on the banks of the Tūranganui

⁴⁸ Tribunal Report, p.71.

⁴⁹ Notes of meeting at Whakato, 4 May 1865. GBPP-CNZ, vol. 14, pp.102-103. Cited in Stirling, p.92.

⁵⁰ Tribunal Report, pp. 69-74.

⁵¹ Tribunal Report, pp.71-72; O'Malley, "'An Entangled Web'", pp.125-126.

⁵² Tribunal Report, p.72.

⁵³ Scholefield, G. H. (ed.), *A Dictionary of New Zealand Biography*, Department of Internal Affairs, Wellington, 1940, p.70.

⁵⁴ Tribunal Report, pp. 69-74.

⁵⁵ O'Malley, "'An Entangled Web'", pp.132-133.

⁵⁶ Tribunal, p.73.

⁵⁷ O'Malley, "'An Entangled Web'", p.135.

⁵⁸ O'Malley, "'An Entangled Web'", p.137.

⁵⁹ Tribunal Report, pp.79-80.

River. In some cases property was plundered from the unoccupied properties, although Raharuhi Rukupo of Rongowhakaata, one of the most senior Pai Marire rangatira, quickly promised to restore this to its owners or to replace any damaged goods, and Pai Marire followers were shortly afterwards seen collecting up the stolen property for these purposes.⁶⁰ He had made several attempts to meet with the senior British officers present at Tūranga, but on each occasion had been informed that this would have to await the arrival of McLean. Meanwhile, dialogue – instigated by Raharuhi Rukupo and Anaru Matete of Rongowhakaata – continued between local Pai Marire and Kawanatanga leaders, and at the end of October a warning was issued to all ‘loyal’ Māori against maintaining such communications.⁶¹

23. Donald McLean arrived in Tūranga on 9 November 1865 to enforce the government’s instructions, and require the submission of Rongowhakaata and other local Pai Marire to the Crown. McLean brought with him a substantial government and allied Māori military force. McLean gave Tūranga Pai Marire an ultimatum, drafted on the evening of 10 November 1865, describing the terms they must comply with to avoid war. They were required to surrender to the government any who had been involved in murder or other serious crime, give up their arms, swear the oath of allegiance, submit to the rule of British law, compensate settlers for their losses and immediately expel from the district those who had come as Pai Marire emissaries. Consistent with the instructions issued to him, McLean further warned that non-compliance with the terms of his ultimatum would result in the confiscation of their lands and the establishment of military settlements.⁶²
24. A day after the ultimatum was issued, the refugees from Tokomaru, whose immediate expulsion had been a key demand, departed the Pai Marire stronghold of Waerenga-a-Hika for home, followed by Henare Potae, the ‘loyalist’ chief from the area.⁶³ On 12 November Raharuhi Rukupo of Rongowhakaata and most other senior Pai Marire chiefs wrote to McLean to again inform him of their desire for peace and their anxiety that he should come and see them so that this could be finalised as a matter of priority.⁶⁴ McLean had considered war at Tūranga ‘more than probable’ prior to arriving there, and he refused to meet the Pai Marire party.⁶⁵ His only concession was to extend the deadline of the ultimatum, upon being told that some Pai Mārire might be willing to comply with his terms.⁶⁶ The ‘loyalist’ Ngati Kahungunu chief Tareha Te Moananui, who was also present at Tūranga, was greatly angered by McLean’s refusal to talk to the Pai Marire party and continued with his own negotiations until just before the Crown assault on the Pai Marire party.⁶⁷
25. When McLean’s ultimatum expired on 16 November 1865 without any Pai Marire having complied with its terms, McLean handed over control of the district to the senior military officer present, Major Fraser. He was instructed that the Te Aitanga a Mahaki pa at Waerenga-a-Hika required special chastisement as it was ‘evident that no peace can exist until those Natives are compelled to submit to British law and authority’.⁶⁸ Colonial forces and their Māori allies, including a small contingent of Tūranga Māori, accordingly marched on the Pai Marire pa at Waerenga-a-Hika on 17 November 1865. The Rongowhakaata pa Pukeamionga (near Patutahi) was not

⁶⁰ O’Malley, “‘An Entangled Web’”, pp.141-142; Stirling, pp.102-103; and Tribunal Report, pp.80-82.

⁶¹ Tribunal Report, p.81.

⁶² Tribunal Report, pp. 84-86, citing ‘Terms of Surrender’, AGG-HB7 2E, Archives New Zealand.

⁶³ O’Malley, “‘An Entangled Web’”, p.146.

⁶⁴ Tribunal Report, pp.87-88; O’Malley, “‘An Entangled Web’”, pp.146-147.

⁶⁵ O’Malley, “‘An Entangled Web’”, p.138; Tribunal Report, p.88.

⁶⁶ Tribunal Report, pp. 87-90.

⁶⁷ Tribunal Report, pp.88-89, 110-112.

⁶⁸ Tribunal Report, p.90.

approached.⁶⁹ By 19 November as many as 200 mainly Rongowhakaata reinforcements had arrived at Waerenga-a-Hika to support the occupants of the pa. They advanced on the British line but lost some 34 killed in close range battle before withdrawing inside the pa.⁷⁰ On the evening of 21 November Fraser reported that the state of affairs remained unchanged, ‘the Hau Haus being too dispirited to attack us, and their pa being too strong to be taken without a little time’.⁷¹

26. On 22 November 1865 Fraser raised a flag of truce and sent a messenger over to the pa to inquire whether its inhabitants wished to surrender. The response came back that they would agree to this if their lives were spared and they were not sent to jail. Following reassurances that only the ‘worst characters’ would be sent out of the district, about 200 men and 200 women and children came out of the pa. Another group led by Anaru Matete of Rongowhakaata, numbering up to several hundred, meanwhile made their escape from the pa and made their way towards Lake Waikaremoana. Seventy-one of the pa’s occupants were killed during the five-day siege.⁷² The colonial forces and their East Coast Maori allies looted the graves within the pa for pounamu and other taonga.⁷³
27. In the immediate aftermath of the conflict some of the government’s East Coast Māori allies proceeded to indiscriminately loot and raid settler and Māori homes and property in the district, resulting in a complaint by a prominent settler that the Pai Marire party had inflicted far less damage on the district compared with those who had come to fight them.⁷⁴ The damage done to food crops and general devastation of the local economy resulted in acute food shortages for Tūranga Māori, some of whom died of starvation as a consequence.⁷⁵

Confiscation and Cession in Tūranganui a Kiwa, 1866-1868

28. After the fighting at Waerenga a Hika in November 1865, the Crown confirmed its earlier intention to confiscate land in the Tūranga area in order to institute ‘a scheme of colonization’ and gain some remuneration from the cost of the war.⁷⁶ This plan was complicated by significant private interest in acquiring lands in the area, and by an apparent Māori strategy of leasing and selling land, such as Rongowhakaata’s Te Arai block, before it could be confiscated.⁷⁷ Public interest in the Tūranga lands was heightened further by the discovery of oil in the Waipaoa Valley early in 1866. The Auckland provincial government quickly determined to purchase the oil springs, but found itself in competition with private interests also seeking to acquire these and was further confronted with an ultimately unsuccessful effort by the Hawke’s Bay province to annex Tūranga within its own boundaries. Plans for their acquisition were further complicated by significant interests in the area belonging to those alleged to have been in rebellion, prompting the Auckland superintendent to propose legislation under which the Native Land Court would be required to certify as confiscated any customary interests found to belong to those who had engaged in acts of rebellion

⁶⁹ Stirling, p.107; and Tribunal Report, p.124.

⁷⁰ Tribunal Report, pp.91-92.

⁷¹ cited in O’Malley, “‘An Entangled Web’”, p.153.

⁷² Vincent O’Malley, “Questions Arising from the Waitangi Tribunal Statement of Issues (Sections 2-5)”, October 2001, Wai 814 Doc #A43, p. 108; Stirling, “Rongowhakaata and the Crown, 1840-1873”, p.37. Tribunal Report, p.93. Although the Tribunal noted that there was some uncertainty as to whether the figure of 71 deaths included the 34 reportedly killed in the advance on the British position, see Binney, *Redemption Songs*, p.574, fn.79 on the total number of casualties.

⁷³ Tribunal Report, p.93.

⁷⁴ O’Malley, “‘An Entangled Web’”, pp.157-158.

⁷⁵ O’Malley, “‘An Entangled Web’”, pp.165-167.

⁷⁶ Stafford to McLean, 7 December 1865, cited in O’Malley, “‘An Entangled Web’”, p.176.

⁷⁷ O’Malley, “‘An Entangled Web’”, p.180

against the Crown. Considering the New Zealand Settlements Act ‘unsatisfactory and expensive’, and facing criticisms from the Imperial government for its harsh confiscations elsewhere, the colonial government adopted this proposal as its own.⁷⁸

29. Accordingly, the East Coast Land Titles Investigation Act (ECLTIA) was passed into law in October 1866. Specific clauses were also included in the Native Lands Act 1866 to enable provincial superintendents to make valid land purchases before certificates of title were issued and enabling the governor-in-council to suspend the operation of the Native Land Acts over specified districts, thus preventing private parties from completing land purchases. In February 1867 a proclamation was issued with respect to a large part of inland Tūranga it was discovered had been inadvertently excluded from the schedule to the ECLTIA. This included the oil springs and much valuable agricultural land.⁷⁹ An amendment Act was passed in October 1867 to include this area in a revised schedule and correct a clerical area in the wording of the original Act which effectively excluded ‘rebel’ interests from those liable for confiscation under the original Act. In 1868 the East Coast Act was passed by Parliament. It contained similar provisions to the earlier East Coast legislation, including a requirement for the Native Land Court to exclude those deemed to have been in rebellion from land titles. However, the Crown had decided at an early stage to seek a cession of land interests in lieu of its claims under the 1866-68 legislation, thus effectively consolidating its interests in fewer land blocks.
30. Biggs, who had fought at Waerenga a Hika, was appointed to represent the Crown in Court hearings under the 1866 Act. Biggs attempted to negotiate the cession of a defined block of land before any application was made to the Native Land Court. The government proposed to pay compensation to any ‘loyal’ Māori whose land was included in the block to be ceded. Negotiations stalled however because Biggs wanted the cession of almost the entire Tūranga district;⁸⁰ far more land than Māori were willing to give up. The government threatened Tūranga Māori that it would revert to using a ‘harder law’, the New Zealand Settlements Act 1863, if they did not agree to cede the amount of land it sought, but ultimately decided against such a move.⁸¹ Tūranga Māori were also warned that the ‘land-taking court’ would be sent if they did not readily comply with the Crown’s demands.⁸²
31. In July 1867 large numbers of Rongowhakaata and other Tūranga Maori assembled for a scheduled Native Land Court sitting at Tūranga. It was ultimately adjourned without adjudicating upon any lands in order to allow the Crown the opportunity to amend the defects in the 1866 Act. Shortly after this 256 Rongowhakaata and other Tūranga Māori signed a petition complaining of the intimidating tactics used by the Crown in its attempt to secure all the flat land in the district.⁸³ In light of the short duration of the fighting in 1865 and the length of time since it ended, they argued they should not have to give up any land. In February 1868 Donald McLean again attempted to secure agreement to a cession of land ahead of a further Land Court hearing the following month. He once more threatened Tūranga Māori with the ‘land-taking court’ if they would not accede to his demands, but was unsuccessful.⁸⁴ McLean did secure the agreement of a few Rongowhakaata and other Maori to the purchase of the 741-acre Turanganui No.2 block, which was awarded to the Crown in

⁷⁸ O’Malley, “‘An Entangled Web’”, pp.174, 195-197.

⁷⁹ O’Malley, “‘An Entangled Web’”, p.229.

⁸⁰ See boundaries in Biggs to Richmond, 20 April 1867. MA 62/8. RDB, pp.50373-75. Cited in Stirling, pp.123-4; and Tribunal Report, pp.145, 147 and map p.146.

⁸¹ Tribunal Report, pp.143-149.

⁸² O’Malley, “‘An Entangled Web’”, pp.240, 250.

⁸³ O’Malley, “‘An Entangled Web’”, pp.255-7.

⁸⁴ O’Malley, “‘An Entangled Web’”, p.277.

1869 and surveyed as the site of the Gisborne township.⁸⁵ When the Land Court opened the Crown unsuccessfully sought to have it investigate title to the whole of the Tūranga district. Local Māori then withdrew most of their claims on the basis that they did not have confidence in the Land Court operating under the ECLTIA.⁸⁶

Imprisonment on the Chatham Islands, 1865-1868

32. In the first six months of 1866 approximately 30 Rongowhakaata men who had been captured in the fighting at Waerenga a Hika were taken to Wharekauri (the Chatham Islands), where they were held and imprisoned without trial with a large number of other Tūranga men while arrangements were made to confiscate their lands. Approximately 9 women and 8 children accompanied the Rongowhakaata men to the Chathams, being among the 49 Tūranga women and 38 children sent to Wharekauri.⁸⁷ A further 6 Rongowhakaata men were among approximately 52 men, predominantly from Hawke's Bay, sent to Wharekauri in October 1866. This group was accompanied by eight women, but it is not known if they included any Rongowhakaata women.⁸⁸ The Tūranga detainees and their families made up over two-thirds of those unlawfully imprisoned at Wharekauri and their removal from Tūranga reduced the resident Māori population of the district by up to 40% in the case of the worst-affected groups.⁸⁹
33. Crown officials advised chiefs in Tūranga in March 1866 that the length of the prisoners' detention would be determined by their behaviour on the Chathams. According to the Defence Minister, however, the object was 'to have them out of the way until the question of the confiscation of land should be settled'.⁹⁰ When the prisoners later asked to be sent home they were told they would be held until arrangements for confiscating their lands had been finalised.⁹¹ In June 1867 McLean advised the government that the prisoners should be held until the government had managed to complete its confiscation arrangements at Tūranga.⁹² He repeated this advice when the Premier suggested in December 1867 that the 'Native Political Offenders' held at the Chathams might be granted an amnesty and allowed to return home.⁹³ The detainees on the Chathams were never tried for any offence.
34. Te Kooti Arikirangi Te Turuki of Rongowhakaata was among those Tūranga Māori taken to the Chatham Islands. Te Kooti was among the government's allies at Waerenga a Hika but he was accused of spying and supplying Pai Marire forces with ammunition.⁹⁴ He was detained, questioned and then released in late 1865 for lack of evidence. In March 1866, Te Kooti was again arrested and detained in Napier prior to being sent to the Chatham Islands along with other Rongowhakaata in June 1866. Influential Tūranga traders had urged the removal of Te Kooti, whose independent trading activities were seen as a threat.⁹⁵ On 4 June 1866, Te Kooti wrote to McLean requesting that he be brought to trial.⁹⁶ One government interpreter later confirmed

⁸⁵ Stirling, pp.136-137.

⁸⁶ O'Malley, "An Entangled Web", pp.278-9.

⁸⁷ Tribunal Report p.174, citing Cecilia Edwards, "Detention to the Chatham Islands 1866-1868 (Issue 4)", Doc #F3 (March 2002), pp.17-8.

⁸⁸ Edwards, pp.17-9.

⁸⁹ Tribunal Report, pp.174, 193; O'Malley, "An Entangled Web", p.164.

⁹⁰ W. L. Williams, *East Coast (N.Z.) Historical Records* (Gisborne: Poverty Bay Herald), 1932, p.50.

⁹¹ Judith Binney, *Redemption Songs*, p.71.

⁹² O'Malley, "An Entangled Web", pp.260-261.

⁹³ O'Malley, "An Entangled Web", pp.261-262.

⁹⁴ Judith Binney, *Redemption Songs: A Life of Te Kooti Arikirangi Te Turuki*, Auckland, 1995, pp. 54-5.

⁹⁵ Binney, *Redemption Songs*, pp.58-9.

⁹⁶ Tribunal Report, p. 185 citing HB4/13, Archives New Zealand.

that Te Kooti had made repeated requests to be tried and remained perplexed at the basis upon which he was being held.⁹⁷ His requests to be tried were ignored. As Te Kooti lamented in a waiata about his exile:

I te toru o Maehe ka whiua atu au ki runga i te kaipuke.
Ka tere moana nui au nga whakaihu ki Waikawa,
Ka huri tenei te riu ki Ahuriri hei a Te Makarini,
I whiua atu au ki runga ki a Te Kira au e noho nei.
Ka tahuri whakamuri he wai kei aku kamo e riringa nei.
Hanganui Hangaroa nga ngaru whakapuke, ki Wharekauri,
E noho. E te iwi tu ake ki runga ra tiro iho ki raro ra
Awangawanga ana te rere mai a te ao ra runga i Hangaroa
I ahu mai Turanga i te wa kainga kua wehea
Na konei te aroha e te iwi kua a haere nei kupapa
E te iwi ki raro ki te maru o te Kuini,
He kawē mo tatau ki runga ki te oranga tonutanga.
Kaati ra nga kupu i maka i te wa i mua ra
Tena ko tenei e te iwi whakarongo ki te ture kawana
Hei whakapai ake mo te mahi a Rura naana nei i raru ai e.

On 3 March I was flung on board the ship.
I was borne across the great ocean, by the headlands to Waikawa,
Sent on and dropped off at Ahuriri, to McLean
Then thrown aboard the *St Kilda*, there to remain.
I turned back, the tears welling from my eyes.
Hanganui, Hangaroa, the waves rise up, to Wharekauri,
There to remain. O people, arise and look to the north
The clouds flying towards us over Hangaroa bring grief.
They come from Turanga, the distant home from which we are now separated
Causing such yearning, o people. We will continue quietly now,
O people, under the shelter of the Queen,
That we may all be carried to the prosperous life.
Enough of the words recited in days gone by,
This is it, o people, obey the law of the governor,
Which will set to right the troublesome work of Rura.⁹⁸

35. The government's inability to complete confiscation arrangements at Tūranga caused the detention of the prisoners to drag on into 1868. The detainees and their families faced miserable living conditions. They were unused to the cold conditions which prevailed at the Chatham Islands and arrived poorly clothed for the harsh climate. Despite this, they were expected to build their own accommodation and provide at least part of their own food, although they were poorly equipped for the task. At least 22 died while at Wharekauri including some of the women and children.⁹⁹ Some of the guards sent to accompany the prisoners were physically abusive towards them, and the doctor appointed to look after them was 'physically incapable of attending to his duties' as a result of his alcoholism. On one occasion he forced the males and females to parade naked while he supposedly checked them for venereal diseases.¹⁰⁰ Although the behaviour of the detainees while at Wharekauri was considered

⁹⁷ O'Malley, "An Entangled Web", p.301.

⁹⁸ Cited in Binney, *Redemption Songs*, pp.57-8.

⁹⁹ Tribunal Report, pp. 175-178, 364. "Summary of Evidence of Cecelia Edwards on Detention on the Chatham Islands 1866-1868 (Issue 4)", March 2002, Wai 814 Doc #F25, pp. 18-9. O'Malley gives a higher figure, based on Binney's assessment in *Redemption Songs*: Vincent O'Malley, "Questions Arising from the Waitangi Tribunal Statement of Issues (Sections 2-5)", p.63.

¹⁰⁰ Tribunal Report, pp.176-178.

generally good, the government released only a handful of prisoners. The remainder were held indefinitely until such time as their lands could be confiscated by the Crown.

The Pursuit of Te Kooti and the Whakarau, 1868-1869

36. In June 1867 instructions were issued to inform the prisoners that they would not be allowed to leave until all arrangements for the confiscation of their lands had been finalised. This came as a severe blow for many, and the new Ringatu faith founded by Te Kooti gained in strength as the mood began to change.¹⁰¹ Plans were thereafter hatched for their escape. Te Kooti led 298 Māori in a successful escape in July 1868. They seized a ship, and reached the mainland south of Tūranga at Whareongaonga. Te Kooti wished to lead his followers, who became known as the Whakarau, peacefully to Taupo. However government forces, supported by Māori allies, under Biggs' command soon set out to apprehend them. Once the Whakarau's intention to head inland was clear, Biggs sought to block their only route of escape towards Waikaremoana, thus ensuring a confrontation would take place. Faced with a choice between fighting or unconditional surrender, involving likely further imprisonment without trial, Te Kooti and his followers opted for the former. Te Kooti defeated the government forces and their Māori allies at several engagements in July and early August 1868. Following this the Whakarau remained at Puketapu for several months while Te Kooti considered his options. Some people came from Tūranga to join the Whakarau as did parties from several other iwi.¹⁰²
37. Confronted with a major campaign against Titokowaru on the West Coast, the government was willing to offer terms to the Whakarau. In September 1868 a Catholic missionary, Reignier, was authorised to negotiate peace terms on behalf of the government, on the basis that no further action would be taken against them if they agreed to lay down their arms and surrender. The government also promised to find them land to live on. However, Reignier was unable to personally convey these terms to Te Kooti and, while it seems some kind of peace offer reached the Whakarau, whether the full extent of the government's terms were communicated remains uncertain.¹⁰³
38. The Whakarau attacked Matawhero in the early hours of 10 November 1868. On 12 November several Rongowhakaata rangatira visited Te Kooti at Patutahi to urge him to make peace but he took them captive. On 14 November, he went to Oweta to meet with Rongowhakaata, taking several more rangatira captive and executing five of them (Paratene Turangi, Ihimaera Hokopu, Renata Whakaari, Te Hira Kokopu, and Iraia Riki). Those who had not fled were compelled, on pain of death, to join Te Kooti, except Raharuhi Rukupo whose decision not to join Te Kooti was respected.¹⁰⁴ About 300 Tūranga Māori were taken prisoner by Te Kooti and taken inland as he withdrew in November 1868.¹⁰⁵ In December 1868 Te Kooti raided a farm at Pipiwakao, killing four Maori.¹⁰⁶ In these attacks in November and December 1868, Captain Biggs and more than 50 men, women and children, both Māori and Pakeha were killed. All of the Pakeha men killed were members of the militia or military volunteers. Most occupied disputed lands claimed by Te Kooti, while in the case of Biggs, who continued with his confiscation efforts up to the eve of the attack, there was a further motive for the attack (the killing of Pita Tamaturi in October 1865). The

¹⁰¹ Tribunal Report, p.187.

¹⁰² Tribunal Report, pp. 198-9.

¹⁰³ Tribunal Report, pp. 200-201; Belich, *New Zealand Wars*, p.225.

¹⁰⁴ Tribunal Report, p.204, and Binney, pp.126-7.

¹⁰⁵ Binney, *Redemption Songs*, pp. 119-127.

¹⁰⁶ Binney, pp.140-1.

Māori victims also appear to have been carefully selected, being implicated in the arrest and exile of Te Kooti, or involved in dealings for land claimed by him.¹⁰⁷

Deed of Cession, November-December 1868

39. Little progress was made in the Crown negotiations for a cession of land until after the arrival of the Whakarau in July 1868. However, the pursuit of Te Kooti and the Whakarau by the Crown and allied forces raised tensions in the Tūranga district, causing both Māori and settlers to fear for their security. This fear and uncertainty influenced the cession negotiations, pressuring Tūranga Māori to show loyalty to the Crown so that they would continue to have Crown support against possible attack. Captain Biggs had advised his superiors on the eve of the attacks on Tūranga in November 1868 that he expected to be offered 10,000-15,000 acres of flat land by Tūranga Māori and recommended that the Crown accept this offer.¹⁰⁸ After the attacks on Tūranga pressure for a settlement was greatly intensified. Although Donald McLean believed the attempt to seek a cession of land so soon after the attack on Tūranga would convey the wrong impression to local Māori, the government remained determined to press on with its plans.¹⁰⁹ J. C. Richmond, who had reached Tūranga by early December 1868 warned local Māori that the government was prepared to withdraw its troops and leave Tūranga at the mercy of Te Kooti if Māori did not give it all the land it wanted.¹¹⁰ The presence of large numbers of the government's Māori allies in the district from elsewhere, some of whom indicated an intention to claim the land, further added to a general climate of fear and intimidation.¹¹¹
40. From 18 December 1868, 279 Tūranga Māori signed a Deed ceding about 1.195 million acres to the Crown. They represented a minority of Tūranga Māori, as many others were either members of the Whakarau or were at that time being held prisoner by it.¹¹² The deed did not purport to convey the interests of the non-signatories. Such customary rights as they had were instead assumed to have been confiscated. The deed provided for a commission to be set up to investigate the ownership of this land, and return most of it to 'loyal' Māori. It was agreed that the Governor would reserve some land for a military settlement in Tūranga, but the quantity of this was not specified in the Deed.¹¹³ Loyal Maori found to have interests in any area retained by the Crown were to be compensated with rebel interests of equal or greater value. The effect of the deed was therefore to confiscate the interests of 'rebels'. The deed made no provision for reserves for those whose lands were confiscated.
41. In February 1869 the governor's formal acceptance of the deed of cession was gazetted and native title over the entire area extinguished. The Crown's prima facie title was, however, subject to fulfilment of the terms of the deed.
42. There is no record that the area to be retained by the Crown for the purpose of establishing military settlements had been defined at the time of the signing of the deed of cession. When the Poverty Bay Commission, which had been appointed to hear the claims of 'loyal persons' under the deed of cession, opened its hearings in June 1869, the Crown agent present, W. S. Atkinson, announced that an agreement

¹⁰⁷ Binney, *Redemption Songs*, pp.120-122.

¹⁰⁸ Tribunal Report, p. 158, citing Edwards, "Implementing a Policy of Confiscation in Tūranganui a Kiwa", p. 77.

¹⁰⁹ Tribunal Report, pp.258-259.

¹¹⁰ Richmond to Stafford, 12 December 1868, Stafford Papers, MA-Copy-Micro-0173, ATL.

¹¹¹ O'Malley, "An Entangled Web", pp.336-338; Tribunal Report, pp.265-268.

¹¹² Tribunal Report, pp.269-271.

¹¹³ Tribunal Report, p. 260-4, citing H H Turton, 'Deed No 490', *Māori Deeds of Land Purchases in the North Island of New Zealand, 1877*, pp. 694-699.

had been reached whereby three blocks – Te Muhunga, Patutahi and Te Arai – were to be given up absolutely to the Crown. The definition of this land proved extremely contentious. Neither the boundaries of these blocks nor the acreages of them were recorded in the Commission’s minutes at the time of the hearing. Although Crown estimates of the land it had acquired by virtue of this agreement ranged between 20,000 acres and 67,400 acres, Tūranga Māori consistently maintained that they had agreed to give up three equal blocks of 5,000 acres each, with any area in excess of this to be returned to them.¹¹⁴ Upon survey in 1873 the combined Patutahi and Te Arai blocks were found to contain 31,301 acres. Considering this inadequate, Crown officials extended the boundaries to the Hangaroa River, thereby including a further 19,445 acres. There is no record of this extension having been sanctioned or approved by Tūranga Māori, who had only ever agreed to give up 15,000 acres. The block, in which Rongowhakaata held extensive interests, as finally surveyed encompassed 50,746 acres, while Te Muhunga was found to contain 5,415 acres. In all the Crown retained an area in excess of 56,000 acres, much greater than the 15,000 acres Tūranga Māori consistently testified that they had agreed to give up under threat of the withdrawal of military protection.¹¹⁵

43. It was originally intended that the Poverty Bay Commission would include a process to compensate loyal Māori who lost land on the Patutahi, Te Muhunga and Te Arai blocks.¹¹⁶ However this did not occur.¹¹⁷ The Crown established a military settlement at Ormond, on the Te Muhunga block, on approximately 5,000 acres of the retained land and kept the remaining 51,000 acres for other purposes.¹¹⁸ In 1869 the government had agreed that any land retained would be divided into three equal portions, with one-third each being retained by the Crown, Ngati Kahungunu and Ngati Porou respectively. In 1872 the Native Minister told Ngati Porou that the Crown had retained 5,000 acres at Ormond and would now give 10,000 acres to them at Patutahi in order to form a military settlement. Instead, in 1873 Ngati Porou chiefs sold their interests in 10,000 acres ‘confiscated in the district of Turanga’ for the sum of £5,000.¹¹⁹ Ngati Kahungunu leaders were also eventually paid for their claims, though some of their rangatira later stated that they had desired to return the land to its customary owners, but had been discouraged from doing so by the Crown.¹²⁰
44. During the 1873 sitting of the Poverty Bay Commission Tūranga Māori complained that the ‘Patutahi and Muhunga blocks were not in accordance with the agreement in the deed of cession.’¹²¹ Numerous petitions and appeals followed thereafter over many decades, in all of which Tūranga Māori maintained their agreement to the cession under pressure of just 15,000 acres. In 1882 and again in 1920 a number of these petitions and complaints were investigated by commissions of inquiry. In response to these complaints and the findings of the 1920 Native Land Claims Commission that an area of more than 20,000 acres¹²² of Rongowhakaata land in

¹¹⁴ Tribunal Report, pp. 273-327. See also Edwards, “Implementing a Policy of Confiscation in Turanganui a Kiwa”, Bryan Gilling, “Great Sufferers Through the Cessions: Te Whanau a Kai and the Loss of Patutahi”, Doc #C1 (December 2001), O’Malley, ‘East Coast Confiscation Legislation and its Implementation’, Stirling, “Rongowhakaata and the Crown, 1840-1873”.

¹¹⁵ Tribunal Report, pp.277-319.

¹¹⁶ Tribunal Report, pp. 254, 261, 263.

¹¹⁷ Cecelia Edwards, “Summary of Cecilia Edwards on Implementing a Policy of Confiscation in Turanganui a Kiwa (Issues 5, 7 & 8)”, March 2002, Doc #F19, paras 155 to 158.

¹¹⁸ Wai 814 Closing Submissions of the Crown, Issue 8, p. 6.

¹¹⁹ Turton’s Deed no.493, Province of Auckland, cited in O’Malley, “An Entangled Web”, p.419.

¹²⁰ O’Malley, “An Entangled Web”, p.411.

¹²¹ O’Malley, “An Entangled Web”, p.428.

¹²² AJHR, 1921-2, G-5, pp.19-20; and Stirling, p.333. The Commission’s figure is 26,000 acres, from which it wrongly deducted various Maori land awards to arrive at a final figure of just over 20,000 acres. The correct figure for the excess at Patutahi is, of course, more than 40,000 acres.

excess of that agreed to in 1869 had been retained by the Crown, the Crown entered protracted negotiations to compensate Rongowhakaata for the Patutahi block between the 1920s and 1940s, culminating in the payment of £38,000 in 1950 in varying shares to individuals of Rongowhakaata earlier identified by the Native Land Court.¹²³

War: The Battle of Ngatapa, December 1868-January 1869

45. Following the attack on Tūranga in November 1868 by Te Kooti and his followers, the government quickly assembled a force from Tūranga and neighbouring iwi to apprehend them. They fought several engagements with the Whakarau who had retreated to Ngatapa by early December 1868. This pa was located in a strong defensive position at the top of a steep hill. At least 57 members of the Whakarau were killed during the fighting in November and December 1868.¹²⁴
46. Colonel Whitmore and a force of Armed Constabulary arrived in Tūranga in December 1868. In early January they besieged Ngatapa in conjunction with Māori allies. On 5 January 1869 Te Kooti and some of his followers escaped down an unguarded cliff. They were pursued for several days by the government's East Coast Māori allies.¹²⁵ Minister of the Crown J. C. Richmond announced a bounty on the head of Te Kooti and other leading figures in the Whakarau, whether dead or alive, and this was subsequently endorsed by the government.¹²⁶
47. Colonel Whitmore reported that at least 136 of Ngatapa's defenders were killed during the battle before he returned to Turanga.¹²⁷ There is evidence that the number killed may have been greater. Between 86 and 128 of those taken prisoner were summarily executed without trial by the Crown's East Coast Maori allies, with the acquiescence of the senior Crown military and civilian representatives present.¹²⁸ According to a number of eye witness reports, as prisoners were returned to camp they were stripped naked, lined up against a cliff, and immediately executed, their bodies falling over the side of the cliff. Summary executions of this nature lasted for three days.¹²⁹ At least some of those Rongowhakaata killed in this manner had been taken prisoner by Te Kooti during his raid on Oweta.¹³⁰ Ropata Wahawaha, the leader of the Crown's East Coast Maori allies, had been captured by Rongowhakaata in 1828 and held as a slave of Rapata Whakapuhia for some years. The execution of the Ngatapa prisoners was seen as his revenge on Rongowhakaata.¹³¹ The Crown had previously considered the execution of prisoners "in cold blood" to be an "unlawful act, repugnant to the feelings and customs of civilised people."¹³² Despite having criticised some of those among its Maori allies involved in the executions at Ngatapa for similar actions in an earlier campaign, there was no inquiry into events at Ngatapa. Ropata was subsequently rewarded and honoured by the Crown for his military services.

¹²³ Tribunal Report, 327-355 citing Memorandum for the Minister of Māori Affairs, 10 October 1950, CM (50) 69 (Raupatu Document Bank, vol. 66, p. 25482).

¹²⁴ Wai 814 Closing Submissions of the Crown, Issue 8, p. 32, citing Judith Binney, "Statement of Evidence for Te Whanau a Te Kooti Rikirangi and Rongowhakaata", Wai 814 Doc #A45, p. 13.

¹²⁵ Tribunal Report, pp. 224-6.

¹²⁶ Tribunal Report, p.228.

¹²⁷ Wai 814 Closing Submissions of the Crown, Issue 6, p. 33.

¹²⁸ Tribunal Report, pp.229-246.

¹²⁹ Tribunal Report, pp.238-239.

¹³⁰ Belich, *New Zealand Wars*, p.266.

¹³¹ Steven Oliver, 'Wahawaha, Rapata, ?-1897', *Dictionary of New Zealand Biography*, updated 22 June 2007

URL: <http://www.dnzb.govt.nz/>

¹³² Defence Minister Haultain, 1866; cited in Crown closing submissions, Wai 894 #N20, Topic 4, p.13. This is a reference to Ropata's execution of East Coast or Turanga Pai Marire prisoners at Waikaremoana in January 1866.

48. In September 1869, five Māori men captured at Ngatapa were charged with offences relating to the attacks carried out by Te Kooti and the Whakarau in the Tūranga area in 1868.¹³³ Three of the five, including the Rongowhakaata men Hetariki Te Oikau and Rewi Tamanui Totitoti, were convicted and sentenced to death, but later had their sentences commuted to imprisonment. A fourth committed suicide in custody. Hamiora Pere was convicted of high treason. An additional charge of murder against him was dropped, probably as a result of lack of evidence. Despite this, his sentence was not commuted and he was executed in November 1869.¹³⁴
49. Following the fall of Ngatapa pa, Te Kooti and surviving members of the Whakarau made their way to the Urewera district. Crown forces continued to pursue Te Kooti and his followers over much of the central North Island until 1872. In that year Te Kooti sought shelter in the King Country. Here he advocated peace and adherence to the law. In 1883 Te Kooti (along with other Māori who had fought against the Crown during the New Zealand Wars) received a formal pardon from the government for ‘offences of various kinds, more or less of a political character’ committed during the fighting. That same year the government promised to grant Te Kooti land at Orakau upon which he could live. However, the area in question proved to be largely swamp and the land was never granted him.¹³⁵ In 1891 he was allowed to occupy a block of 600 acres at Ohiwa Harbour in the Bay of Plenty. The land was poor quality and the title was never formally transferred during Te Kooti’s lifetime.¹³⁶ He died in April 1893 as a result of an accident which occurred while travelling to Ohiwa. The Ohiwa land was subsequently granted to the Ringatu church, rather than to Te Kooti’s descendants.
50. After Ngatapa, Te Kooti never again visited Tūranga. He planned to do so for the opening of Rongopai, one of four great meeting houses erected in tribute to him, in 1888, but decided against it as a result of significant settler and some Māori opposition to his return. In 1889 Te Kooti set out for Tūranga. Facing the threat of armed settler mobs at Turanga determined to prevent his return, he turned back before reaching the district, but was arrested at Waiotahi. At a trial before the Resident Magistrate at Opotiki, at which he was refused legal representation and was not provided with a translation of the evidence against him until the end of the case, he was found guilty of unlawful assembly and required to post sureties of £1,500. He was briefly jailed when unable to raise this sum. Upon his release Te Kooti successfully appealed against his conviction in the Supreme Court. This decision was overturned by the Court of Appeal, which described Te Kooti in derogatory terms and upheld the original conviction.¹³⁷ Although Te Kooti committed himself to peace following the wars, he was branded a dangerous and violent fanatic by many Pakeha and continued to be stigmatised as such long after his death.

Confiscation and the Poverty Bay Commission, 1869-1874

51. The Poverty Bay Commission was set up under terms of the 1868 Deed of Cession to investigate the ownership of the portions of the ceded land that would be returned to Māori. The Commission was to exclude those found to have been in rebellion against the Crown from the titles it awarded.¹³⁸ The Commission, made up of two Native

¹³³ Tribunal Report, p. 610, ‘Gaoil Report Relative to the Undernamed Prisoners Confined at Dunedin’, J1, 1873/586, Archives New Zealand (Crown Document Bank, Doc #F33, March 2002, vol. 7, pp. 2308-2311).

¹³⁴ Tribunal Report, pp. 618-20.

¹³⁵ Binney, *Redemption Songs*, pp.330-3.

¹³⁶ Binney, *Redemption Songs*, pp.452-3.

¹³⁷ Tribunal Report, pp.248-9.

¹³⁸ Tribunal Report, pp.340-2.

Land Court judges, was also empowered to investigate settler land transactions entered into with Māori over previous decades.¹³⁹ The wording of the deed of cession suggested that loyal Māori had specifically requested that land deals entered into with Europeans should be investigated, though the extent to which such a request was freely made is doubtful. Rongowhakaata had previously opposed the transactions. However, at Tūranga nearly all of these land deals took place after the proclamation of Crown pre-emption in 1840, and therefore had no legal basis, as officials privately acknowledged.¹⁴⁰

52. The Commission sat at Tūranga in 1869 for 33 days, awarding 101,000 acres in 75 blocks to Māori individuals and 1,230 acres to settlers.¹⁴¹ These lands included more than 20,000 acres in 45 blocks awarded to Rongowhakaata individuals, and about 1,200 acres of Rongowhakaata lands awarded to settlers.¹⁴² In 1870 a new government attempted to transfer the Commission's functions to the Native Land Court, but the Court's jurisdiction was successfully challenged after it had heard a few cases. The few decisions it did make were subsequently validated by an Act of Parliament.¹⁴³
53. The Poverty Bay Commission briefly reconvened in 1873. This hearing was hampered by significant opposition to the Commission, including Rongowhakaata opposition to the investigation of their Okirau block, culminating in a boycott of its proceedings, with support from the Hawke's Bay Repudiation movement leader, Henare Matua. In November 1873 Wi Pere informed the Commissioners of the desire of local iwi for the remaining lands not yet adjudicated upon to be returned to twelve trustees to act on behalf of the tribes. The Commissioners stated that it was beyond their power to recommend such a step. Instead, the unadjudicated lands were returned in four large tribal blocks. However, as the government took no steps to recognise these tribal blocks by legislation, such boundaries as were given to the Commission proved meaningless, especially after the district was returned to the normal jurisdiction of the Native Land Court in 1874.¹⁴⁴
54. Following the first sitting in 1869 a further 37,278 acres were awarded to Māori by either the Commission or the Native Land Court, sitting in its place,¹⁴⁵ including the inland Rongowhakaata block Waihau (13,800 acres). In total, 138,278 acres were awarded by the Commission over a period of four years, including more than 35,000 acres of Rongowhakaata lands.¹⁴⁶ A few customary owners said to have been engaged in acts of rebellion were formally excluded from the titles issued, and had their interests confiscated. There were also many more informal exclusions from title, in which cases the question of participation in rebellion was not investigated. This included hundreds of Rongowhakaata customary owners who had been captured and taken prisoner by the Whakarau, and whose names were included in a detailed list compiled by a government official for the Commission.¹⁴⁷ No statutory law was enacted to enable the confiscation of 'rebel' interests by means of the Poverty Bay Commission. This was contrary to long-established principles of English constitutional law, including the Magna Carta, which had stipulated that 'No man of

¹³⁹ Tribunal Report, p. 339, citing *New Zealand Gazette*, 13 February 1869.

¹⁴⁰ Tribunal Report, pp.368-75.

¹⁴¹ Tribunal Report, p.344-6.

¹⁴² Fiona Small and Philip Cleaver, 'Rongowhakaata and the Native Land Court, 1873–1900', CFRT, 2000, Wai 684 #A24, p.17. Exact figures are difficult to obtain, as Small and Cleaver worked from a list of what they termed 'core' Rongowhakaata blocks that excluded some PBC blocks in which Rongowhakaata have significant interests (see *ibid*, pp.7-8).

¹⁴³ Tribunal Report, p. 347-8

¹⁴⁴ O'Malley, "'An Entangled Web'", pp.454-5; Tribunal Report, pp.391-2.

¹⁴⁵ Tribunal Report, p. 340.

¹⁴⁶ Small and Cleaver, p.21.

¹⁴⁷ Tribunal Report, pp.365-7, 393.

what estate or condition that he shall be, shall be put out of land or tenement, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought to answer by due process of the law.¹⁴⁸ No provision was made for ‘rebels’, who may have been rendered landless as a consequence.¹⁴⁹

55. The titles issued by the Poverty Bay Commission differed from those issued through the normal Native Land Court processes in that they were joint tenancies, rather than tenancies in common. This disadvantaged land owners in that all interests were assumed to be equal. It also meant that owners were unable to leave their interests to their descendants. Instead, upon the death of an owner, their interests reverted to the remaining owners. This encouraged those on the titles to sell their interests. The Native Grantees Act 1873 was introduced to remedy this grievance, but did not apply to land already leased, sold or mortgaged or to the interests of those who had already passed away.¹⁵⁰ The Poverty Bay Lands Act 1874 provided that all future title investigations for land in the block subject to the 1868 Deed of Cession were to be conducted under the Native Land Act 1873.

Introduction of Native Land Laws, 1860s and 1870s

56. Concern about perceived failures in the existing system of dealing with Maori land prompted the Crown to introduce a new system in the early 1860s. The Crown established the Native Land Court, under the Native Land Acts of 1862 and 1865, to determine the owners of Māori land “according to native custom”, as well as to convert customary title into title derived from the Crown.¹⁵¹ The Crown’s pre-emptive right to purchase land was set aside, giving individual Māori the same rights as Pakeha to lease and sell their lands to private parties and the Crown.¹⁵²
57. The Crown aimed to provide a means by which disputes over the ownership of lands could be settled and to facilitate the opening up of Māori customary lands to colonisation. It was expected that land title reform would eventually lead Māori to abandon the tribal and communal structures of traditional land holdings. Bringing customary lands under the British title system would also give Māori landowners the right to vote.¹⁵³ However, it was the perceived failure of the pre-emption purchase system that provided the immediate impetus for Parliamentary action in 1862.
58. The native land laws introduced a significant change to the Māori land tenure system. Customary tenure among Tūranga Māori was able to accommodate multiple and overlapping interests to the same land.¹⁵⁴ The Native Land Court was not designed to accommodate the complex and fluid customary land usages of Māori within its processes, because it assigned permanent ownership. In addition, land rights under customary tenure were generally communal but the new land laws gave rights to individuals. The Crown did not consult with Rongowhakaata on the native land legislation prior to its enactment. Māori were not represented in Parliament at the time that the 1862 and 1865 Native Land Acts were enacted.
59. Māori had no alternative but to use the Court if they wished to secure legal title to their lands, including securing title against the competing claims of others. A freehold

¹⁴⁸ Tribunal Report, pp.358-9.

¹⁴⁹ Tribunal Report, p.357.

¹⁵⁰ Tribunal Report, p.382.

¹⁵¹ Native Lands Act 1865 s 5.

¹⁵² Keith Pickens, “The Introduction and Operation of the Native Land Court in the Central North Island”, October 2004, Wai 1200 Doc #A78, p. 6, paras 9-10.

¹⁵³ Donald M. Loveridge, “The Origins of the Native Lands Acts and Native Land Court in New Zealand”, November 2000, Wai 686 Doc #P1, p. 234.

¹⁵⁴ Tribunal Report, p. 439.

title from the Court was necessary if they wanted sell or legally lease land, or to use it as security to enable development of the land. However, the nature of the titles issued by the Court meant these were not widely accepted as security. The Court's investigation of title for land could be initiated with an application to the Court in writing from any individual Māori. There was no requirement to obtain wider consent before an application was lodged, but once it had been accepted by the Court all those with customary interests were obliged to participate in the investigation of title, or lose their interests. In some instances surveys or investigations of title proceeded without the support of all of the hapu who claimed interests in the lands.

Rongowhakaata experience of the Native Land Court, 1875-1894

60. The first Native Land Court hearings in Tūranga took place in 1867 and 1868, but no titles were determined. In 1870 the Court, sitting in place of the Poverty Bay Commission, adjudicated upon titles to approximately 758 acres of Rongowhakaata land in 14 blocks in the Manutuke area.¹⁵⁵ The Court sat under the East Coast Act 1868, which required the Court to confiscate the interests of rebels. The interests of those Rongowhakaata customary owners considered to have been in rebellion in the 14 blocks investigated in 1870 were confiscated by the Court.¹⁵⁶ The Court did not return to Tūranga until 1875. The East Coast Act 1868 was not repealed until 1891. However, it is unclear whether its requirement to confiscate the interests of rebels was followed by the Court at Tūranga after 1873.¹⁵⁷
61. The majority of Rongowhakaata land that passed through the Court was investigated under the Native Land Act 1873. This Act required that the names of all owners be listed on a memorial of ownership. Under the 1873 Native Land Act, no owner could independently sell an individual interest unless all the owners consented to this. In practice, however, if the owners were not unanimously in favour of sale, they could subdivide the land between the sellers and non-sellers so long as there was majority support for subdivision. Those in favour of sale could then sell their share of the land.¹⁵⁸ Amending legislation passed in 1878 enabled any owner or other interested person to apply for a partition of interests without obtaining majority support.¹⁵⁹ This led to a rapid rise in the number of purchases made from individual Rongowhakaata owners.¹⁶⁰
62. Some Rongowhakaata made use of the Court after 1875, although in the wake of the loss of the Patutahi block and the hearings of the Poverty Bay Commission there was little of their customary land remaining in the Tūranga area to investigate. Between 1875 and 1883 the Court adjudicated title to 6,472 acres of Rongowhakaata land in 22 blocks in the Tūranga area (as well as the Kaiti block, 4,350 acres, just north of Turanga in which they held shared interests).¹⁶¹ Rongowhakaata individuals also established customary interests, along with claimants from other iwi, in 175,000 acres in six blocks, in the more rugged inland portion of their rohe.¹⁶² Up until 1900 only

¹⁵⁵ Tribunal Report, pp.347-8 (for list of the 14 blocks see Walzl, pp.38-9).

¹⁵⁶ Hall, 12.1; and Stirling, p.252.

¹⁵⁷ Vincent O'Malley, 'Report for the Crown Forestry Rental Trust on the East Coast Confiscation Legislation and its Implementation', 1994, Wai 814, Doc #A1, p.155.

¹⁵⁸ Tribunal Report, p. 440.

¹⁵⁹ David V. Williams, *Te Kooti Tango Whenua: The Native Land Court, 1864-1909* (Wellington: Huia Publishers, 1999), pp.288-289.

¹⁶⁰ Walzl, p.69 notes transactions rose from 31 in the period 1873-1879 to 99 in the period 1880-1885, and a further 16 transactions in 1886.

¹⁶¹ Small, p.79.

¹⁶² Hangaroa-Matawai, Whakaongaonga, Tuahu, Tuwharetoa, Tahora 2C1, and Tahora 2F.

six more Rongowhakaata blocks totalling 93 acres, were investigated by the Court and there was almost no customary land remaining.¹⁶³

63. Rongowhakaata attempted to manage the Court's processes to avoid costly and contested cases. Rongowhakaata leaders generally initiated the survey of land and resolved lists of owners out of court before seeking confirmation of those owners from the Court. This approach was encouraged by the Court and most title investigations in Tūranga were settled quickly by the adoption of out of Court settlements.¹⁶⁴ As a result there were few rehearings sought by Rongowhakaata of title awards.¹⁶⁵ The Court did, however, occasionally have to adjudicate on contested hearings, notably lands in which interests were shared by different Rongowhakaata hapu,¹⁶⁶ or in which Rongowhakaata interests were shared with other iwi.¹⁶⁷
64. Although they used the Court in the absence of any legal alternative, many Rongowhakaata opposed the native land laws. In 1873 Rongowhakaata leaders joined other Tūranga Māori in supporting the pan-iwi Repudiation Movement and its petitions criticising the native land laws and the operation of the Court.¹⁶⁸ A key criticism was that the laws took control away from Māori, who wanted to use their own processes to determine title and administer their lands.¹⁶⁹
65. By the mid-1870s support was growing for the establishment of Māori institutions that would function in parallel with Pakeha institutions. Following the unsuccessful efforts of Rongowhakaata and Tūranga Māori during the final sitting of the Poverty Bay Commission in November 1873 to have their unadjudicated lands returned to twelve trustees to act on behalf of the hapu and iwi, some of the tribes formed their own unofficial komiti and encouraged Crown officials and settlers to participate in their proceedings in some cases.¹⁷⁰ In 1877 Tūranga Māori formed the Turanganui a Kiwa komiti, which was intended to deal with civil and criminal cases as well as carry out land title determinations. Rongowhakaata sought legal empowerment to administer their own local affairs but this was not given. Without legal authority the position of the komiti was tenuous.¹⁷¹
66. Survey charges and other costs involved in securing title through the Court varied but could be a burden on Rongowhakaata. While some blocks were surveyed for as little as one penny per acre the Waiwhakaata block cost one shilling and sixpence an acre to survey.¹⁷² Attending Native Land Court hearings could be expensive for Rongowhakaata with claims to the land if the hearings were contested.¹⁷³ Wi Pere informed the Native Land Laws Commission in 1891 that in some cases rightful

¹⁶³ Small, p.79 and Walzl, pp.71-2.

¹⁶⁴ Tribunal report, p.424. See, for example, Whataupoko block (Poverty Bay Commission Minute Book, pp.300-302; see also Kathryn Rose, 'Te Aitanga a Mahaki Land and Autonomy 1873-1890', A report prepared for Te Aitanga a Mahaki Claims Committee, 1999, pp.15-16).

¹⁶⁵ Small, p.81. To the three rehearings she notes should be added Awapuni, in which Rongowhakaata had significant interests.

¹⁶⁶ Such as Aohuna, in which Ngai Te Kete rejected the NLC's award of interests to Ngati Maru individuals, and refused to allow the latter onto the land (although their award of interests stood) (Small, pp.82-83).

¹⁶⁷ Such as Awapuni, Kaiti, and the inland blocks noted above.

¹⁶⁸ Tribunal Report. pp.420-1.

¹⁶⁹ Small, pp.83-4.

¹⁷⁰ Kathryn Rose, 'Te Aitanga-a-Mahaki Land and Autonomy, 1873-1890', 1999, Wai 814, Doc #A17, pp.193-199.

¹⁷¹ Tribunal Report, p. 422-3.

¹⁷² Paul Goldstone, p. 81; Crown Closing Submissions, Issue 13, p. 5 (Crown Block Database); Tribunal Report, p.

518

¹⁷³ Goldstone, paras 120, 184.

owners were deterred from attending Court hearings by the high costs involved in doing so.¹⁷⁴

Land Alienation – Crown and Private Purchasing to 1909

67. The government sent its first land purchase agent to Tūranga in 1873. The Crown preferred to purchase land but initially some Tūranga Māori would only agree to lease their lands. The Crown therefore leased several blocks of Rongowhakaata land.¹⁷⁵ The lease agreements usually included clauses that prohibited the Māori lessors from selling the land to anyone other than the Crown.¹⁷⁶ By 1881 the Crown had withdrawn from all the leases it had previously agreed to.
68. Crown agents also entered into negotiations to purchase land from 1873. The Crown's instructions to its agents were to negotiate openly and with tribal leaders. The Native Land Act 1873 required the consent of a majority of owners before a sale could proceed, but new legislation enacted in 1877 provided that the Crown could apply to have the Native Land Court award it any interests it purchased. Negotiations with individuals became increasingly common after this point. Crown purchases of Rongowhakaata land began with pre-title advances paid in 1874, but the first purchases were not completed until 1880.¹⁷⁷ The Crown did not acquire any of Rongowhakaata's small Tūranga blocks before 1900, but by 1897 it had purchased nearly 120,000 acres of the rugged inland blocks in which Rongowhakaata shared interests, this being nearly two-thirds of those lands, including areas set aside as reserves from the initial purchases.¹⁷⁸
69. The Crown enacted legislation which it used to prohibit private parties from also negotiating for the same blocks the Crown sought to purchase. It frequently made payments on blocks to individuals before the Native Land Court had determined ownership and before owners had consented to sale, as occurred with Rongowhakaata's inland blocks. The Native Minister ordered this practice to stop in 1879, though it continued in some cases. Sometimes these advances could bind the recipients into the sale of the land before a price had been agreed on.¹⁷⁹
70. Private parties acquired more than 21,000 acres of Rongowhakaata's Tūranga lands by 1900, this being three-quarters of the lands they had retained there in 1873.¹⁸⁰ Many private purchasers leased land before its title was determined by the Native Land Court, as a preliminary step to purchase.¹⁸¹ It was also common for private purchasers to acquire individual interests over time. For example, one private purchaser negotiated 106 separate deeds for one block. Even though such transactions were void, once sufficient shares had been acquired, usually over several years, the

¹⁷⁴ AJHR, 1891, Sess.II, G-1, p.9.

¹⁷⁵ Such as the Hangarua lands (Tauwharetoi, Whakaongaonga, Hangarua Matawai, Tuahu, and Waihau) (Small, pp.110 and 140).

¹⁷⁶ Tribunal Report, pp.475-6.

¹⁷⁷ Tribunal Report, p.473 (in 1880 the Crown was awarded interests Hangarua Matawai, Waihau, and Whakaongaonga).

¹⁷⁸ Tribunal Report, p.473; and Small, pp.155-9, 165 (note that Small has not included Tahora 2C1 and 2F, in which the Crown acquired about 22,000 and 8,000 acres respectively by 1896; see Peter Boston and Steven Oliver, 'Tahora', Waitangi Tribunal, 2002, Wai 894 ROI, p.132).

¹⁷⁹ Tribunal Report, pp.475-6.

¹⁸⁰ Small, p.62 (note that the figures here excludes the inland blocks, in which private purchasing does not seem to have occurred). With regard to the percentage, this is based on a total 'Turanga' figure of 28,000 acres and excludes the inland Rongowhakaata block, Waihau (13,800 acres), which has already been accounted for above in Crown purchasing of inland blocks.

¹⁸¹ See, for instance, Small, p.68.

purchase could be completed.¹⁸² From 1878 private purchasers could apply to partition out any interests they had purchased.¹⁸³ In some cases private purchasers took advantage of Māori debt to acquire land despite some legislative provisions that prohibited the acquisition of Maori land in satisfaction of debt.¹⁸⁴

71. Even before extensive Crown and private land purchasing had commenced, a local Crown official recommended in 1875 that the Arai Matawai block, 4,214 acres of confiscated land beside the Waimata river, be returned to Rongowhakaata as a reserve as they, 'have not any [land] left upon which they can reside'. Arai Matawai was, the official added, 'of little value, being principally hills... It is, however, a piece suitable for a Native reserve'.¹⁸⁵ This land was proclaimed as a reserve in 1877 on the basis that, "it is absolutely necessary to make some such provisions to guard against the natives being left without land to live upon".¹⁸⁶ Although intended as a tribal reserve for Rongowhakaata,¹⁸⁷ title to Arai Matawai was vested in only 23 owners.¹⁸⁸ Following decades of protest by Rongowhakaata, and the enactment of the Maori Land Claims Adjustment and Laws Amendment Act 1904 (s.12) and 1906 (s.13), the Native Land Court was empowered to identify the beneficial owners of Arai Matawai. In December 1908 title was awarded to 642 individuals of Rongowhakaata,¹⁸⁹ equivalent to 6 ½ acres of low-value hilly land per owner.
72. The native land laws mandated compliance with a number of technical requirements before transactions for Māori land could be completed. Some of these were intended to protect Māori interests. For example, a certificate from the Trust Commissioner was required confirming that Māori owners understood the transaction and had received the consideration promised and that liquor did not form part of that consideration. Purchasing of interest in titles on which restrictions on alienation had been placed was prohibited. However, these were widely considered weak and largely ineffectual protective mechanisms. The native land laws were frequently amended and some facets of the laws were complex and contradictory.¹⁹⁰ By the 1890s, a number of land transactions that had been entered into were incomplete due to their failure to comply with all requirements of the native land laws. In 1893, the government established a special court to validate such transactions. The Validation Court perfected title to nearly 50,000 acres in Tūranga. Although proponents of the validation process insisted that it was solely designed to deal with transactions entered into in good faith and dismissed arguments that it would open the way for the validation of fraudulent or inequitable transactions, early decisions indicated a wide interpretation of the Validation Court's role.¹⁹¹ Tūranga Māori objections to the validation of illegal land transactions were usually dismissed by the Validation Court, and along with the heavy expense involved in attendance, this may have contributed to Māori generally not attending.¹⁹²

Attempts for community management of Māori owned land

¹⁸² Tribunal Report, pp.460-1.

¹⁸³ Tribunal Report, pp.482-3.

¹⁸⁴ Tribunal Report, p.483; and Small, pp.66-7.

¹⁸⁵ Porter to McLean, 13 March 1875. AD 103/3, p.574. Archives New Zealand. Cited in Small, p.162.

¹⁸⁶ Porter to Native Secretary, 10 April 1878. AD 103/8, p.537. Archives New Zealand. Cited in Small, p.163.

¹⁸⁷ Locke to Native Department, 23 July 1877. J 1905/838, with MA 1/1908/530. Archives New Zealand. Fiona Small Documents, p.1581. Cited in Stirling, p.288.

¹⁸⁸ *New Zealand Gazette*, 1877, p.941. Raupatu Document Bank, p.4660. Cited in Stirling, p.289.

¹⁸⁹ Stirling, pp.289-93.

¹⁹⁰ As the Court of Appeal noted in 1890 (cited in Tribunal Report, p.462).

¹⁹¹ Kathryn Rose, 'Te Aitanga-a-Mahaki Land: Alienation and Efforts at Development, 1890-1970', 2000, Wai 814 Doc #A18, pp.54-61.

¹⁹² Rose, 'Alienation and Efforts at Development', pp.62-63.

73. The individualised titles issued by the Native Land Court created a number of problems for Māori over time, including the fragmentation of interests as a consequence of succession rules, the difficulty of obtaining development finance on the basis of the Court-awarded titles and the general inability to manage lands communally.¹⁹³ In response, some Tūranga Māori sought a legal mechanism to facilitate tribal control over the administration and alienation of Māori land in Turanga.¹⁹⁴ In 1878 the Tūranga leader Wi Pere and his lawyer, William Rees proposed a scheme to achieve this. They established trusts to manage and develop Māori-owned land. They intended to develop and dispose of some Māori land in order to bring more settlers to Tūranga. They envisaged that Māori would benefit from the profitable disposal of developed land and that tribal control of the alienation process would ensure that Māori derived benefit from economic activity generated by new settlers.
74. The Rees Pere scheme attracted considerable support in Tūranga, including amongst Rongowhakaata. Some 74,000 acres in Tūranga were vested in the trusts by 1881.¹⁹⁵ Given their limited remaining land holdings in Tūranga, Rongowhakaata had less land available for vesting in the trusts. Owners vested the Pakowhai block (4,950 acres) and interest in Kaiparo block (431 acres) in trusts, as well as some interests in the small Ahipipi and Whakawhitira blocks, and Rongowhakaata interests in Whataupoko.¹⁹⁶ However the trusts soon ran into insurmountable financial and legal difficulties. Heavy costs were incurred developing land, and purchasing land Māori had previously sold. The Supreme Court ruled in 1881 that land could not be vested in trust if the title to the land had been determined under the Native Land Act 1873. This had a major impact on public confidence in the scheme, and debts began to steadily accumulate. Despite a number of petitions from Tūranga Māori supporting an 1880 Bill, Rees and Pere were unable to secure political support for legislation that would have given recognition to the trusts and overcome other legal obstacles.¹⁹⁷
75. Pere and Rees reacted to these difficulties by forming a company as the vehicle to administer their scheme. The New Zealand Native Land Settlement Company acquired interests in over 205,000 acres at Tūranga.¹⁹⁸ This included interests in the Rongowhakaata blocks Kaiparo, Pakowhai, and Matawhero.¹⁹⁹ The Company failed financially and despite requests from many for the government to intervene, nothing was done. In 1891 the Bank of New Zealand, which was the principal creditor, proceeded with the mortgagee sale of some 36,300 acres of Company lands. The lands sold included the Kaiparo block, but the otherwise landless Rongowhakaata owners disputed the Company's actions, remained on the land and sought government help, but were later forcibly evicted.²⁰⁰ Other Rongowhakaata land interests earlier vested were sold by the trust in the late 1880s and early 1890s, including parts of Matawhero, Ahipipi, and Whakawhitira.²⁰¹
76. Following the 1891 mortgagee sale, a new trust was established in 1892 to redeem lands encumbered with debt as a consequence of the Company's failure. It sold further interests in Matawhero.²⁰² It also brought more Rongowhakaata lands into the trust in questionable circumstances. In 1896 the trustees successfully applied to the

¹⁹³ Tribunal Report, pp.443-444

¹⁹⁴ Tribunal Report, p. 445

¹⁹⁵ Michael Macky, "Trust Company Management by Wi Pere and William Rees(Issue)", Doc #F11, pp. 41-2 and see Table 1 (after para 134) .

¹⁹⁶ Small, pp.171-2; and Tribunal Report, p.576.

¹⁹⁷ Rose, 'Land and Autonomy', pp..408-412.

¹⁹⁸ Tribunal Report, p.543.

¹⁹⁹ Tribunal Report, p.576.

²⁰⁰ Small, p.179; Macky, pp.174-5; and Tribunal Report, pp.576-7.

²⁰¹ Small, p.172; and Tribunal Report, p.576.

²⁰² Macky, p.222.

Validation Court to vest Tahora 2C1(3) and Tahora 2F2 in the trust even though the land was not part of the new trust established in 1892. The Tahora application was based on a deed alleged to have been signed in 1889 in which all of Tahora 2 was vested in the Company, even though it had gone into liquidation in 1888.²⁰³ The new trust was also overwhelmed by debt, and in 1902 the government established a statutory trust to take over the indebted lands in order to avoid a further planned mortgagee sale of these.

77. What became the East Coast Māori Trust sold some land to pay off the debts it inherited, including the 1905 sale of the remaining portion of Matawhero and 4,638 acres of Pakowhai (leaving a reserve of 374 acres).²⁰⁴ The East Coast Māori Trust developed a number of farms on the remaining lands, including Rongowhakaata's Tahora lands. The Trust was economically successful, but the beneficiaries were only given a meaningful role in the Trust's administration in the late 1940s. Most of the Trust's assets were returned to Māori in 1955. This amounted to only about a quarter of the lands vested in trust in 1892.²⁰⁵ Tahora 2C1(3) and 2F2 were transferred to owner incorporations prior to this, in 1953.²⁰⁶ As part of the process of winding up the trust, beneficial owners agreed to pay compensation of £96,751 to the descendants of owners of the lands that had been sold between 1892 and 1905 in order to reduce debt. This included £16,000 compensation paid for Pakowhai, a considerably lower sum than the £27,000 sale price in 1905.²⁰⁷ However, despite Rongowhakaata protests, no compensation was paid for the blocks sold in 1891,²⁰⁸ including Rongowhakaata's Kaiparo block.²⁰⁹

Twentieth Century Land Administration

78. The Crown became concerned in the late nineteenth century that Māori land was often not being used profitably, due in part to multiple ownership resulting from the titles issued by the Native Land Court and a lack of access to development finance. The Crown accepted that existing procedures for managing Māori land were inadequate. It was also concerned that further alienation of Māori land might leave a reviving Māori population with insufficient land for their needs and requiring state support.
79. In response to these issues and pressure from bodies such as the Kotahitanga movement, which received significant support from Rongowhakaata, from 1900 the Crown introduced Māori Land Councils with a mix of Crown-appointed members and elected Māori representation. The Councils were responsible for supervising all land alienation and could administer lands voluntarily placed under their authority by Māori landowners. The Crown aimed to enable Māori to retain land while ensuring that 'idle' land was leased and the income generated used to develop it. The Councils were also given a role in determining the ownership of Māori land with the assistance of elected Māori committees, but by this time title to almost all Rongowhakaata land had already been determined by the Native Land Court. Only a small quantity of Tūranga land was voluntarily vested in the Tairāwhiti Māori Land Council before 1906. At this time the Councils became government appointed Boards. In 1913 the requirement that there be elected Māori representation on the Board was abolished.

²⁰³ Tribunal Report, pp.578-9; Macky, pp.201-3; and Oliver and Boston, pp.122-4.

²⁰⁴ Tribunal Report, p.573.

²⁰⁵ Tribunal Report, pp.569, 584.

²⁰⁶ Oliver and Boston, p.262.

²⁰⁷ Small, pp.182-7.

²⁰⁸ Tribunal Report, p.549; Brian Murton, 'Te Aitanga-a-Mahaki 1860-1960: The Economic and Social Experience of a People', 2001, Wai 814, Doc #A26, pp.234-242.

²⁰⁹ Tribunal Report, pp.577-8.

80. The Stout Ngata Commission, set up to appraise Māori land in 1907, found that over 70 percent of Cook County, encompassing the Tūranga district and north to Cape Runaway, had been purchased by the Crown and settlers, and most of the land still owned by Tūranga Māori had already been leased. The proportion of land retained by Rongowhakaata was lower than the rate observed by the Stout Ngata Commission across Cook County; by 1907 they retained only about 9,000 acres, or less than 15 percent of their Tūranga lands.²¹⁰ The only significant block remaining was the Arai Matawai Reserve (4,214 acres), an area of hill country set aside as a reserve for Rongowhakaata in 1877 due to their near-landlessness, and granted to 642 owners in 1908.²¹¹
81. The Stout Ngata Commission recommended that no additional Rongowhakaata land be vested in the Tairāwhiti Board for lease. Despite this, Tairāwhiti was one of two land districts selected to test the efficacy of compulsory vesting of Maori land in a Land Board. By 1909, some 51,000 acres of land were vested in the Tairāwhiti Māori Land Board which had jurisdiction over the East Coast including Tūranga.²¹² The Board was initially authorised to lease or mortgage the lands vested with it, and from 1908 it was empowered to supervise land sales. Its role became one largely of ensuring that the legislative steps prescribed for sales were complied with. Under the Native Land Act 1909 all existing restrictions on the alienation of Māori land were removed. The Board could approve land sales that would leave Māori landless, if the land would not in any event provide sufficient income to support them, or where Māori had adequate alternative forms of income. Under this regime more than 100 sales of the remnant of Rongowhakaata's small and fragmented land holdings were approved, resulting in the loss of more than 3,300 acres of land.
82. The Board was able to lease lands for terms of up to 50 years without consultation with the owners. The only remaining substantial Rongowhakaata blocks suitable for leasing were Paokahu and Arai Matawai, and these were leased under Board auspices. Although such leasing helped to ensure that these lands remained in Māori ownership, it also resulted in a substantial loss of control. As many of the leases expired in the 1950s owners wishing to resume control of these found in some cases that tenants had begun to neglect maintenance of such lands once it became clear their leases would not be renewed. The Māori owners of such properties therefore faced substantial and immediate costs before they could return the lands to full production.²¹³
83. From the early twentieth century Tūranga Māori took advantage of legislation enabling the establishment of incorporations to manage their lands. However, some of the incorporations continued to encounter problems accessing finance. In some cases such lands were among those leased by the Tairāwhiti Māori Land Board. Other lands were sold and in some instances the incorporations appear to have remained largely dormant. However, some of the larger incorporations were successful over time.²¹⁴ Almost all Rongowhakaata land holdings were too small and intensively occupied by their owners to be suitable for incorporation; the exception being the Arai Matawai

²¹⁰ The 1873 total of about 75,000 acres for Turanga lands includes Patutahi but excludes low value inland blocks such as Waihau (which was, in any case, all alienated by this time), Tahora (vested in the ECT), and the remnants of other Hangaroa district blocks. The 1873 figure was reduced by 1900 through confiscation (c.45,000 acres) and private purchasing (21,570 acres). It is not clear if Small's purchase figures include Pakowhai (4,638 acres) as it was finally alienated in 1905 but had been 'alienated' through the trust and Company before 1900.

²¹¹ Tribunal Report, p.836; Stirling, pp.283-9; and Small, pp.162-5.

²¹² Tribunal Report, p.497. Note this draws on pages 44-5 of Don Loveridge's Rangahaua Whānui report on Māori Land Councils and Māori Land Boards. The table on page 45 of Loveridge's report transposes the figures for Tairāwhiti and Tokerau.

²¹³ Tribunal Report, pp.498-9; Murton, pp.378-81.

²¹⁴ Tribunal Report, pp.503-4.

block, which was incorporated in 1953, after it was returned to owner control by the Board.

84. From 1953 onwards the government introduced measures allowing for the compulsory acquisition of 'uneconomic' interests in Māori lands. Although this move was intended to counter the fragmentation of interests, it was greatly resented by some of those impacted by the policy, which was ended in 1974.²¹⁵ The policy had a significant impact on the ownership of the Paokahu and Arai Matawai blocks, as substantial interests were transferred to the Mangatu Incorporation, which did not represent Rongowhakaata owners.

Consolidation Schemes

85. In the twentieth century, as a result of individualisation, succession and partition of interests, many Rongowhakaata owned small and fragmented interests in a number of scattered land blocks. Many sections were too small to be further subdivided, while difficulties in identifying and locating owners made it difficult for the rapidly growing number of owners to utilise their land. From the 1920s, the Crown attempted to address the issue of Māori being left with fragmented and often uneconomic land holdings by introducing consolidation schemes. Under consolidation, existing titles, based on customary connections to the land, were to be extinguished and substituted for new titles that grouped whanau interests across numerous blocks into single or contiguous areas to encourage development of these lands for farming purposes.
86. The consolidation scheme implemented in Tūranga was at Manutuke. It affected 539 land titles made up of 16,838 separate interests owned by Rongowhakaata and another iwi, and was complex, time consuming and resource intensive. Between 1959 and 1969 interests in these small uneconomic land holdings covering 22,345 acres were rearranged and new blocks formed. The scheme could not have proceeded without community co-operation, but there was no other form of Crown assistance available to Rongowhakaata seeking to improve titles affected by Maori Land Court processes. Many Rongowhakaata lost their ownership interests in land with which they had strong whakapapa associations because their interests were regrouped into other areas. The interests of more than 800 owners in Arai Matawai were relocated in other blocks, including so-called 'sinker' blocks, such as Whareongaonga and Pakowhai. Similarly, Paokahu was used as a 'sinker' block for non-Rongowhakaata owners elsewhere in Turanga, resulting in many individuals linked to other iwi, and holding small interests in numerous blocks, being relocated to Paokahu. This reduced Rongowhakaata's interests in this culturally significant land. The process caused great distress for many of those concerned, and the consolidation scheme was unable to address the basic problem of too little land remaining in the ownership of too many people.²¹⁶

Public Works

87. The Crown compulsorily acquired a number of pieces of Māori-owned land from Rongowhakaata whanau and hapū under public works legislation in the nineteenth and twentieth centuries. Land totalling more than 300 acres was acquired for a range of public purposes including roads, railways, an aerodrome, harbour facilities, public sanitation, waterworks, and cemeteries.²¹⁷ Sometimes no compensation was paid for the land where it was considered that the public works on the land taken would

²¹⁵ Murton, pp.381-3.

²¹⁶ Tribunal Report, pp. 501-2.

²¹⁷ Tribunal Report, p. 632-3.

increase the value of the surrounding land.²¹⁸ In addition, between 1862 and 1927 various legislative enactments allowed for up to five percent of any Māori land block to be compulsorily acquired for roading purposes without compensation. Such takings included 46 acres of Te Arai Matawai taken in 1907, 14 acres of Waiohiorore taken in 1884, and 13 acres taken at Awapuni by 1884. Papakainga land was also taken at Manutuke in 1929, 1931, and in 1958–1960.²¹⁹ Prior to the middle of the twentieth century, the Crown generally did not consult with Māori before compulsorily acquiring their land for public works.²²⁰

88. There was insufficient justification for the Crown to acquire lands it took in 1900 at Waiohiorore for public health purposes, and in 1902 at Awapuni where land was taken for a cemetery.²²¹ In some cases compensation was inadequate or not even paid. The Crown did not return land to Māori that it had acquired for public works once it no longer needed those lands for the purpose for which they were taken. Much land taken in the Gisborne area was retained because the government considered it would be needed for other public purposes connected with the city.²²² In other cases where land was considered surplus the Crown was tardy in returning this to its former owners, as in the case of the Paokahu lands now known as Kopututea, 69 acres of which were taken for Centennial Marine Drive 1944, of which 35 acres were not required for the road, being returned to Māori in 1978.²²³ Alternatives to taking land, such as leasing, were not seriously considered until the 1970s, when the owners of Paokahu opposed the taking of all of the block for a rubbish tip and negotiated the lease of a smaller area for that purpose.²²⁴ Changes in ownership of Paokahu wrought by the compulsory acquisition of ‘uneconomic’ Rongowhakaata interests from 1953–1974 mean that it is the Mangatu Incorporation, as the predominant owner, that is consulted about the future of Paokahu, rather than the customary owners, Rongowhakaata.

Environmental Issues

89. The alienation of many of the lands contained within the Waipaoa River and Te Arai River catchment areas in the nineteenth century was followed by a dramatic reduction in indigenous forest cover in the three decades after 1890 as lands were converted to pastoral production. This resulted in an equally dramatic increase in erosion as soil instability increased and contributed to a significant silting and river aggradation problem. Flood risks on the lower reaches of the river, where most Rongowhakaata lived, greatly increased as a consequence, and in the 1930s and 1940s severe flooding resulted in significant damage to the Gisborne flats.²²⁵
90. Increased soil erosion and flooding were among many environmental problems experienced by Rongowhakaata as a consequence of changes to the landscape and waterways of Tūranganui-a-Kiwa after 1840. The development of the Waipaoa River Flood Control Scheme in the 1950s destroyed wahi tapu and important fish habitat (including *tuna*). Wherowhero lagoon was also substantially reduced and negatively affected by the Waipaoa River Flood Control Scheme, as well as by the placing of railway embankments and related culverts, and extensive drainage operations on

²¹⁸ Crown Closing Submissions, Issue 24, para 17.

²¹⁹ Tribunal Report, p.644.

²²⁰ Crown Closing Submissions, Issue 24, para 18.

²²¹ Waitangi Tribunal, p. 647.

²²² Crown Closing Submissions, Issue 24, para 72.

²²³ Tribunal Report, pp.640-641, 646.

²²⁴ Tribunal Report, pp.641-2.

²²⁵ Tribunal Report, p.697.

adjacent land. Prior to these changes, the large lagoon had been an important source for Rongowhakaata of kaimoana, birds, and other resources.²²⁶

91. The use of Te Arai River for the Gisborne town supply and as a source of irrigation has greatly reduced river flows, lowered water quality and destroyed formerly bountiful fisheries of significance to Rongowhakaata. The drainage of important wetlands habitats, such as Awapuni Moana, deprived them of important sources of food. Rongowhakaata's claim to ownership of Awapuni Moana was dismissed in 1928 on the presumption that it was not customary Maori land but, as 'an arm of the sea', was Crown land. Subsequently, Awapuni Moana was affected by substantial accretion, to which adjoining riparian owners, including many Rongowhakaata, had a claim. Under the Reserves and Other Disposals Act 1953 the Crown declared ownership of the 730 acres of Awapuni Moana, including the substantial areas of accretion. It proceeded to drain and develop the land. In the 1970s and 1980s Rongowhakaata and other Tūranga iwi lobbied for the return of the land and, in 1989, the Crown returned the land to them.
92. The development of the port of Gisborne involved dramatic and irreversible changes to the Tūranganui River, including the blasting and destruction of sites of great customary significance, including Te Toka a Taiao, the deepening of the channel, reclamations and excavations, sand extraction, and the diversion of the river in order to widen the harbour. Reclamations at Kaiti beach destroyed rich and culturally significant kina, paua, and koura habitat. Tūranga Māori were rarely consulted about such changes, which significantly impacted on kai moana resources and access to them. Even so, Tūranga Māori had cooperated with the establishment of Waikanae Park in 1939, gifting 40 hectares of land to the people of Gisborne while stipulating that their rights to pipi and other kaimoana (such as the prized tuatua beds along Oneroa) not be disturbed, but those rights were subsequently disturbed. The discharge of human waste into the rivers and sea at Tūranganui-a-Kiwa has caused great distress to local Māori for cultural, environmental and public health reasons, as has the discharge of industrial effluent into the waterways. Today, the shellfish found within proximity to the city of Gisborne are unfit for human consumption.²²⁷

Social and Economic Impacts

93. By the early twentieth century most Rongowhakaata had become dependent on rural, seasonal and casual labouring for their livelihoods, supplemented by what little income was received from their land interests. During the early decades of the century Rongowhakaata's land interests at Tūranga were reduced to less than 6,000 acres, more than two-thirds of which was comprised in a single block of hill country (Arai Matawai). By the 1930s population growth, combined with a stagnant rural economy, forced many to seek alternative employment opportunities. From World War Two onwards many families joined the urban, waged and mostly unskilled or semi-skilled workforce and almost no Rongowhakaata were farmers.²²⁸ For most families these changes initially involved migration from Rongowhakaata's main settlement at Manutuke to Gisborne, though over time there was also increasing outwards relocation to centres outside the traditional rohe of the Rongowhakaata, such as

²²⁶ Brad Coombes, 'Ecological Impacts and Planning History', 2000, Wai 814 Doc #A20, pp.245-50.

²²⁷ Coombes, *passim*.

²²⁸ The 1957 electoral roll shows just three Rongowhakaata whose occupation was farming (Walzl, p.141).

Wellington and Auckland.²²⁹ Today only one-third of Rongowhakaata live in the Gisborne region.²³⁰

94. Although some individuals entered the ranks of the salaried and professional classes, for many others poor educational qualifications limited their opportunities. This often meant wage labouring in types of employment most vulnerable to economic downturns, especially since the early 1970s.²³¹
95. From the early twentieth century many Rongowhakaata lived in impoverished circumstances. Poor housing, inadequate sanitation and poor nutrition often resulted in poor health outcomes, including high levels of mortality, particularly infant mortality. In particular, Rongowhakaata suffered a high incidence of a range of communicable diseases over many decades, including typhoid, tuberculosis, influenza, measles, bronchitis, and other endemic and epidemic diseases.²³²
96. The Rongowhakaata population today is disproportionately young and has shown significant growth in recent census. It was also severely impacted by economic restructuring since the 1980s, but has shown some signs of improvement across a range of economic indicators since that time. Rongowhakaata have also performed relatively well across a range of cultural factors, including knowledge of and use of te reo Māori.²³³ The problem of landlessness that has plagued Rongowhakaata since the 1870s continues to be aggravated by the growing iwi population. In addition to the practical obstacles of this landlessness, such as an ongoing lack of land for housing and a small economic base, it has severe cultural impacts on Rongowhakaata.

²²⁹ Murton, 'Te Aitanga-a-Mahaki'; Brian Murton, 'The Economic and Social Consequences of Land Loss for Ngai Tamanuhiri 1860-1980', 2001, Wai 814, Doc #E1; Tony Walzl, 'Rongowhakaata: Socio-Economic Overview 1850-2000', 2001, Wai 814, Doc #A31.

²³⁰ Walzl, p.183. See also updated figures from 2006 census.

²³¹ Murton, 'Te Aitanga-a-Mahaki'; Murton, 'Ngai Tamanuhiri 1860-1980'; Walzl, 'Rongowhakaata: Socio-Economic Overview'.

²³² Murton, 'Te Aitanga-a-Mahaki'; Murton, 'Ngai Tamanuhiri 1860-1980'; Walzl, 'Rongowhakaata: Socio-Economic Overview'.

²³³ Michael Belgrave, Mervyl McPherson and Peter Mataira, 'Turanganui a Kiwa: A Socio-Demographic Profile of the Gisborne Land Inquiry District', 2002, Wai 814, Doc #E15, pp.19-20.