

SECTION III.

CHAPTER II.

The Whakatohea and Ngatiawa lose their Lands.

The Hauha religion, the real cause of all the troubles in the Bay of Plenty, had collapsed years before the surrender of Te Ua Haumene had been captured by Major-General on February 2, 1866, and had been conveyed with Sir George on H.M.S. "Eclipse" to Auckland. He had abjured the faith he professed to have founded, and on arriving at Auckland he set free. Patara and many other leading Pai Marire also became reconciled with the Pakeha, and their apostasy hastened the final revulsion of their erstwhile followers from a creed which brought them nothing but disappointment, disillusionment and death. Except for those executed for the murders of Volkner, Fulloon and those comparatively few others who were imprisoned for various reasons, nearly all the Pai Marire were allowed to go.

The principal exception was the malignant Kereopa who was relentlessly hunted by European and friendly Maori alike, until in 1865 he was captured by friendly natives under Major Ropata. Despite the eloquent plea made by W. Colenso in his article "Fiat Justitia", which set forth the reasons why Kereopa should not be executed, the arch-murderer was tried for his many crimes and hanged.

On the 17th January, 1866, an Order-in-Council was issued confiscating all the lands in the Bay of Plenty district as described in an attached schedule¹. This schedule was later amended on September 1, 1866, by altering the boundaries and dating the confiscation of the land from the latter date. The move taken was the consequence of the warning contained in the Proclamation of September 2, 1865, when the Governor threatened that he would seize part of the lands of any tribes who might conceal the murderers² of Volkner and Fulloon.

N.Z. Gaz. 1866 p.17.

N.Z. Gaz. 1866 p.347.

The Proclamation of His Excellency Sir George Grey as published January 18, 1866, reads:

"Whereas the Governor in Council is satisfied that certain Native Tribes and sections of Native Tribes, having respectively as their property or in their possession, lands situate within the district described in the schedule hereunder written, have, since the first day of January, 1863, been engaged in rebellion against Her Majesty's authority:-

Now, therefore, his Excellency the Governor, in exercise of the power vested in him by the said recited Act, doth hereby, with the advice and consent of the Executive Council of the Colony of New Zealand, declare that, from the date hereof, the district, the boundaries whereof are defined and described in the schedule to this order, shall be a district within the provisions of 'The New Zealand Settlements Act, 1863', and shall be designated by the name of the Bay of Plenty District, and doth hereby reserve and take the lands within the said district for the purpose of settlements; and doth hereby declare that all such lands are required for the provisions thereof from the day of the date of this Order.

" Schedule: Bay of Plenty District.

" All that land bounded by a line commencing at the mouth of the Waitahunui River, Bay of Plenty, and running due south to the Tarawera River; thence by a straight line to the summit of Putunaki (Mount Edgecombe); thence by a straight line in an easterly direction to the confluence of the Rivers Tawhare and Ohiva; thence by a line running due east for twenty-five miles; thence by a line to the mouth of the Aparapara River, in the Bay of Plenty." 3.

This Order-in-Council was quoted by "The Southern Cross" issued on January 27, 1866. Any defect in its wording or legality was apparently rectified by the Act of 1866 which was passed on October 3, and which expressly validated all Proclamations made previous to that date. 4. Obviously the effect of the Proclamation was going to be widely felt, especially by the Whakatohea and Ngatiawa, whose lands it confiscated, and it is little wonder that, when visiting these tribes on March 23, Grey should report that he found them "entirely subdued and tranquillity fully established". 5. But, as has been shown, the Governor's satisfaction was considerably premature as parts of the Whakatohea at least were only temporarily abashed.

However, the effects of the Order quoted above were so momentous that it is imperative to know and understand fully the circumstances under which it was made.

The Order was based on the New Zealand Settlements Act of 1863.

3. . . . 1866. . . 17.

In 1864 an Act was passed which confined the former one in its operation to two years, but in 1865 an Act was passed which made it perpetual, with the saving clause that no land could be taken after December 3, 1867. Hence the confiscation clauses of the 1863 Act were operative for four years. This provision was made in the latter part of 1865 when there seemed a very strong possibility that, according to Mr. Cardwell's despatch of April 24, the whole Confiscation Scheme would be quashed. The Home Government was considering disallowing the 1863 Act and its Amendments.^{6.}

This likelihood drew from Weld on August 11, 1864, a ministerial memorandum addressed to the Governor which expressed in the strongest terms the manner in which such a disallowance would be fraught with disastrous consequences to the Colony. Weld was justified in adopting this attitude because, as he stated,

"Whatever may have been the objections to that measure, it has been largely brought into practical operation. Great tracts of land are being dealt with in accordance with its provisions. To annul these by disallowing the Colonial Acts would be to paralyse the Government and involve the Colony in inextricable difficulty. The intention of the present Ministers is, and has been throughout, to confine the confiscation of land taken from rebel Natives within such limits as may inflict no undue hardship on the rebels, nor on those who have remained loyal."^{7.}

The memorandum went on to claim Ministerial rights of determining the question of what land should be confiscated, and under what conditions, if the Colony were to be charged with the responsibility of its own internal government and defence. Otherwise Ministers would find it impossible to undertake the responsibility of conducting the Colonial Government. Apparently Cardwell took no further action in the matter as there is no hint of doubt expressed by Grey in the Order-in-Council whereby he confiscated Whakatohea and Ngatiawa lands to the extent of about 440,000 acres.

In the areas originally proclaimed in January 1866, about 87,000 acres of land belonging to the Arawa Tribe were included

6. App. H.R. 1865A-6 p.18.

7. App. H.R. 1865A-1 p.16.

by mistake and were subsequently restored to their rightful owners. About 40, 832 acres at the eastern end of the proclaimed district were abandoned. The eastern boundary of the district was rectified so that, instead of continuing from the end of the line due east from Ohiwa and then north-east to the mouth of the "Aparapara" River,^{8.} it went north-east until it reached a bend of the Torere stream. The line then turned in a more northerly direction and went straight to the mouth of the Torere. In any case, the land in that north-eastern corner, cut off by the original confiscation boundary and later abandoned, was part of the territory of the natives of Tunapahore. They had maintained complete neutrality while punitive measures were being carried out against the Opotiki Maoris and had, indeed, strictly adhered to the spirit and letter of the declaration of their chief, Wiremu Kingi, as reported by Dr. Agassiz on August 21, 1865.^{9.}

After the two blocks mentioned above had been deducted from the original confiscated area, about 312,168 acres remained. Of these, 3,832 acres were later absorbed by old land claims, leaving^{10.} 308,366 acres. Of this area, about 173,000 acres belonged to the Whakatohea, or about half of their total possessions, and including all the flat and useful land that they owned. The remaining land was Ngatiawa, and included practically all of their land. Moreover, although much of the land confiscated was, at the time, comparatively valueless, very large areas, for example that of the Rangitaiki Swamp, have since been proved capable of improvement into first-class farming land.

8. "Aparapara": I have not been able to trace such a name on any map of the area; nor does any official of the Lands and Surveys or of the Native Lands Departments whom I have consulted know of any such river. It seems obvious that the name should be "Maparapara" which appears on all maps, and which lies on the coast of the Bay of Plenty at the end of the north-easterly line. I am confirmed in this view by every official whose opinion I have asked.

9. App. H.R. 1865E-5 p.19.

10. App. H.R. 1872C-4 p.5.

This Ngatiawa area comprised some 176,120 acres of which 71,530 acres were returned to the natives. In some cases other tribes were involved in the confiscated area but it is difficult at this distance from the date of the Proclamation to give the exact shares.¹¹ In any case, the boundaries of such huge tracts of land, between isolated settlements sparsely populated by members of various tribes, are very ill-defined and arbitration has often been necessary to determine the boundaries with any degree of exactitude.

It would seem obvious right from the outset that the rebel natives were being oppressively treated, but cognizance must be taken of the tense feeling that pervaded New Zealand at the time. This was expressed in Mr. Stafford's speech in the House of Representatives on August 19, 1868.¹² Although it was nearly three years after the Bay of Plenty District had been proclaimed, disaffection in that area was by no means completely quelled, and the murders at Opotiki and Whakatane had created too vivid an impression on people's minds for them not to remain fresh in their memories.

Replying to a reference to the Bay of Plenty confiscations, Mr. Stafford said,

"The honourable member possibly alluded to the confiscation of from 400,000 to 500,000 acres. He was prepared to say that, if ever there was a confiscation which was deserved, it was that at Opotiki. If ever there were atrocities unprovoked and utterly wanton, and diabolical in their character, they were to be found in connection with the murders of Mr. Volkner and Mr. Fulloon which led to the confiscation. Those atrocities were committed upon unoffending men by a people whose lands had never been invaded, who had been left in peace, and against whom no threat had been held out. They were committed without the slightest provocation by persons amongst whom Mr. Volkner had lived peacefully for a series of years, labouring solely for the benefit of the very people by whom he was barbarously murdered. If those acts did not call for confiscation, how could previous confiscations be justified?"

Mr. Stafford's arguments had a forcefulness which was undeniable, and they followed the lines of the Proclamation of September 1865 which threatened to confiscate the Ngatiawa and Whakatohea lands under certain conditions. But that does not

11. D.N. Pat. 2.

alter the fact that the punishment inflicted on the delinquent tribes was too severe. In the first place, the Governor declared that he would seize "a part of the lands of the Tribes" who concealed the murderers. The Ngatiawa people, under the terms of the Order-in-Council of January, 1866, lost all their land. Mr. Weld had declared that his Government would not sanction any confiscation measures which would inflict undue hardship upon the rebels, or would affect those who remained loyal.^{13.} Further, the Fox-Whitaker Ministry had declared that confiscation so oppressive as to represent severe punishment or retaliation was not the principal object of its policy.^{14.} Yet the Whakatohea people lost approximately half of their land including all that which was flat and useful.

Some of the tribe, the Upokorohe hapu, lived at Ohiva, about nine miles to the west of Opotiki. They were not only innocent of the murder of Volkner but they also were apparently quite ignorant of the trouble at Opotiki immediately prior to and after the arrival of Volkner and Grace in the schooner "Eclipse". Evidence has been submitted to show that the Upokorohe were not in any way implicated in the crime.^{15.} Yet they lost all of their land by confiscation and, as they had no property left from which they might derive a livelihood, they went to Waimana to live with some of their Urewera kinsmen.

Moreover, apparently no notice was taken of the fact that the Ngatirua hapu of the Whakatohea had taken no part in the murder of Mr. Volkner. Yet this did not absolve them from the punishment visited upon their tribe as a whole. Even if the Ngatirua had not proved themselves actively loyal in that they had made no effort to protect Mr. Volkner, their hands were not stained with his blood. Members of this hapu did, indeed, later join the ranks of the rebels, but here again they did not lay themselves open to the terms of culpability specified in

13. App. H.R. 1865A-1 No. 39, p. 26.

the Proclamation of September 1865, as they did not conceal any of the murders of the missionary. It would seem that their disaffection subsequent to the murder of the missionary had been foreseen by Sir Frederick Rogers who had written

"..... sometimes the most obstinate wars have been with tribes who were supposed to be completely broken but were driven to desperation by harsh treatment after submission." 16.

Such a comment was surely due to long and varied experience of Colonial affairs.

16. Harrop: Op.cit. p.205.

CHAPTER XII.

What Has Happened Since - Reconciliation.

Ever since confiscation of their lands was inflicted upon the Bay of Plenty peoples the difficulties and complications which have cropped up have been enormous. The whole problem has come to exhibit many aspects, and no solution has even yet been found which has proved completely satisfactory to all the parties concerned. Petitions have been presented to Parliament by natives smarting and sullen under a sense of injury and injustice. Royal Commissions have gone to extraordinary lengths in their efforts to overcome the apparently insurmountable difficulties. Masses of legislation have been passed in the course of over seventy years, and yet it is only during the last decade or so that a workable scheme to solve the problem seems to have been initiated.

Even as brief a consideration of the troubles in the Bay of Plenty as this thesis makes may be rounded off with some examination of what has happened to the lands subsequent to their being taken from the natives. Yet here one is met with the fact that the records of the Bay of Plenty area are lamentably incomplete. Many of those dealing with most important topics have been irrevocably lost. Moreover, those which do remain are mainly to be found in the form of a great number of large Minute Books containing evidence laboriously taken down by Judges of the Native Land Court, Magistrates and Civil Commissioners, in the course of years and years of sittings of Courts to determine land disputes throughout the district.

A tedious search through many volumes frequently will result in obtaining absolutely no information relevant to the subject being studied. The Books have been compiled according to no set plan, and indexes or any other means of reference simply do not exist. A senior clerk of the Waiariki Native Land Court, Rotorua, which houses these records, informed the writer that at least two years' work by an expert in such matters would be necessary to evolve any order out of the chaos. A brief glance at the piles of

of volumes stacked roof high in the Court's strongrooms makes the statement easily understandable. Consequently, for the purpose of describing what has happened to the Bay of Plenty lands since they were confiscated, only a relatively brief account is possible.

On January 18, 1866, the very date of the Bay of Plenty Confiscation, Stafford, as Colonial Secretary, wrote to Whitaker, as Superintendent of the Auckland Province, informing him that the Government proposed to transfer the lands confiscated in the Opotiki district to the Auckland provincial administration. The purpose of the transfer was the colonisation of the lands by military settlers, who would be part of the 1st Waikato Regiment, the whole of which would be located either at Tauranga or on the Opotiki block. The surveying and the colonising of the lands were to be carried out under the jurisdiction of the Auckland Provincial Council. About one-half of the area was considered good land.¹

Later in the same year a Select Committee on Confiscated Lands, under the chairmanship of Mr. Crosbie Ward, reported that it had found great difficulty in obtaining evidence of a full and reliable character as to the extent and value of the different districts and blocks of confiscated lands. In some cases even the area was a matter of estimate, and in all cases the numbers of acres available for sale or settlement, and the value per acre, had been arrived at only as an approximation.

In the case of the Bay of Plenty district there was the utmost uncertainty, as the Committee had not been able to obtain any definite evidence regarding areas. Further, the deductions to be made as compensation to friendly natives and grants to returning rebels were wholly undetermined. In their attempts to make an approximate calculation, the Committee had gathered that there were in the district 100,000 acres of useful land. About half of the original owners had remained friendly or neutral. Therefore, half of the land should be restored to them. Of the other 50,000 acres, half would be required for military settlements, and the remaining 25,000 would be available for any other purpose.

Appended to their Report the Committee submitted a tabulated statement showing the gross area of the district, deductions, appropriations and the approximate area of the remaining valuable land. They also attached values which they considered most nearly approached a true estimate. The Committee knew of no arrangement that had been completed for the disposal of the lands. They understood that they were not required to initiate a plan, and they refrained from assuming the responsibility of doing so.

The Schedule attached to the Committee's Report stated:

Total Area Confiscated	480,000 acres
Compensation and Reserves for Friendly Natives	100,000 "
Military Settlements	25,000 "
Saleable Lands	25,000 "
Rate per Acre	£1
Total Value	£25,000 2.

The estimated value of the land at £1 per acre seems very high, especially when one considers that, as late as 1874-5, for the Bay of Plenty district, the Auckland Provincial Council set the price of "general rural land" at ten shillings an acre in parcels of not less than 40 acres, the price to include costs of surveying and roading! Obviously there was something wrong with the Committee's estimate. The prices and discrepancy of 40,000 acres between the above total area and that usually accepted as the area of the district, are quite characteristic of the inconsistencies and contradictions which frequently appear in records of that type.

The original plan whereby the lands were to be disposed of was as follows:

Compensation to Friendly Natives	48,967 acres
Reserves for Returned Rebels	110,000 "
Land Given Back to Owners	40,852 "
Missionary and School Claims	Nil
Immigrants' Allotments	"
Military Settlers, including 40,000 to Arawa contingent	70,485 "
Lands Sold	Nil
Lands Unsold	132,716 "
Lands Unsaleable	37,000 "
	<u>440,000</u> " 3.

The vacillation of the authorities in administering the Bay of Plenty lands becomes increasingly evident with the passage of time.

Obviously no set policy had been formulated and the returns furnished merely serve to indicate how haphazardly the whole problem of administration was handled. It was apparent by 1869, moreover, that either the Government was not quite so bellicose in its attitude towards the Maori on the question of land, or it now had on its hands territories larger than it could cope with. The Government also realised that it could not afford adequate protection to settlers who chose to take up sections of the more remote confiscated areas. On March 11, Sir George Bowen, who had succeeded Grey as Governor during the previous year, forwarded to the Colonial Office a Ministerial minute on the Confiscation Policy which read,

"The present Government is of opinion that it would be impolitic to attempt to extend settlements in distant or isolated parts of the confiscated lands; and, further, that it has had for some time under consideration extending the liberality which has already been shown to the natives who have been dispossessed of portions of their lands as a consequence of previous aggression on their parts." 4.

Sir Frederick Rogers, Permanent Under-Secretary of State for the Colonies, made this comment, "It is a minute issued some two or three years too late". 5.

Later in 1869 a return was made to the House of Representatives showing in detail what had happened regarding confiscated lands, and what the position was on the 31st May. Entries for the Opotiki district were:

Quantity of Land Sold	24 acres	3 roods	5 poles
Purchase Money received in Cash or Scrip	£343.12. 6d		
Land Appropriated to Natives - Loyal	70,230 acres		
	Otherwise	100,751	"
Land for Future Sale	160,122½ "		
Public Reserves	10,000 "		
Military Settlers (total men, women and children)	162		
Area Appropriated for Military	30,485 "		
Other Settlers (total men, women and children)	23		
Area Appropriated for Others	111		
Tribes to Whom Land Originally belonged	Ngatiawa Te Urewera Whakatohea Whanauapanui 6.		

Another type of difficulty which continually cropped up throughout this investigation is forcibly exemplified here. The Urewera and Whanauapanui peoples inhabited districts generally accepted as

outside the Opotiki or Bay of Plenty territory. Yet they are here included. Actually the last tribe mentioned was not penalised under the Confiscation Act as its members generally remained neutral, if not friendly, after some had gone with the expedition to help the Waikato. Further, the Urewera were punished by confiscations entirely different and separate from those of the Bay of Plenty peoples. Nevertheless, misleading statements such as appear in this Return are typical of those in many records, and all go to produce further confusion.

In 1871 another return dealing with confiscated lands was ordered to be placed before the House of Representatives. It supplied the following data for the Opotiki district:

Area	440,000 acres
Quantity Reserved for Natives, Friendly or not	211,813 "
Quantity Allocated to Military Settlers or Immigrants	23,461 "
Quantity sold for Cash or Scrip	98 acres 12 pls.
Amount realised	£523.12. 6d
Quantity now held available for Sale	183,372 acres 7

The following year a further attempt was made to clarify the position in the Bay of Plenty area. The explanation given for the indefiniteness of previous returns was the unsettled state of the district which had prevented the completion of any compensation awards or the return of lands to surrendered rebels. This statement purported to bring the arrangements to a close, and supplied the following information:

1. Compensation to 1,074 loyal Natives	96,261 acres
2. Lands to 1,717 surrendered rebels, being at 61 acres each	104,952 "
3. Land given back to Arawa	67,000 "
4. Lands surrendered	40,832 "
5. Military Settlers	23,461 "
6. University Endowment, etc.	10,325 "
7. Old Land Claims	3,832 "
8. Miscellaneous	10,930 "
9. Error in former estimate	5,000 "
10. Land Sold	98 "
11. Land given to Surrendered Urewera	500 "
12. Balance in Hands of Government	36,809 "
	<hr/>
	440,000 " 8.

Notes to this return added the information that of the 23,461 acres in class 5, fully 15,000 were idle and mostly in the hands of

"non-residents". It is not likely that "non-residents" was a term applied to the original owners who had not moved off their lands. Consequently "non-residents" were probably either military settlers who had not taken up their grants, or else other Europeans to whom certain military grantees had sold their sections.

At no time was there any general exodus or eviction of either Whakatohea or Ngatiawa. They merely moved into closer settlement on the lands returned to them. Even at the time of furnishing the information, the returned rebels, for whom provision had been made, were engaged mainly in the cultivation of the areas reserved for them. And it did not seem likely that there would be much European settlement on any land other than that of class 5, as that remaining at the disposal of the Government was stated to be chiefly "hill, broken or swampy country, unfit for settlement at present."

An effort to reconcile the natives with their lot was made in 1874, when grants were made to various people of the Bay of Plenty district. The data given in the record of this move consisted of the names of the grantees, their sex, rank and address, the amount of each grant and the locality in which it was situated. The grants were made under clauses 4 and 6 of "The Confiscated Lands Act, 1867", and the total area of the land involved was approximately 26,495 acres.⁹

A more satisfactory method of requiring knowledge about the general situation, and more enlightening information regarding the natives within the confiscation boundaries, had been adopted in 1873. On May 23 of that year the Resident Magistrate at Opotiki reported to the Native Minister on the general condition of the people under his jurisdiction. Even making allowance for an unduly optimistic opinion, it would seem that the Bay of Plenty Maoris had, at least not yet, suffered any lasting ill-effects from the punishment inflicted on them for their rebellion.

They were described as being "well-off" and slowly increasing in numbers. There had latterly been no epidemic, largely because

9. App. H.R. 1874C-3.

of their acceptance of vaccination. Their children were receiving European food on which they were thriving. There had been an abundant harvest, for which more wheat as well as other crops had been sown. Nothing had disturbed the peace of the district and all the natives remained well-affected towards the Government and hostile towards the Kingite faction. A released prisoner, Hoani, an emissary of Rewi Maniapoto and the King Party, had tried on behalf of Tawhiao to stop the Maoris from road-making and other public works. However, the Whakatohea had told him that the King had ruined them once and they would ensure that he would not do so again. The King Party had become very unpopular among the Bay of Plenty tribes and there was no probability, other than under extreme temptation, of their rejoining it. The feeling was general that no permanent peace was possible until the Kingite League should be broken up. Finally, it was noteworthy that the arbitration of the Resident Magistrate was accepted even by tribes anciently hostile, as neither party had to yield voluntarily to the other. Their dignity was saved by mutual submission to the law.

Throughout the district many roads and bridges had been, and were being built by the natives. The only interruptions to this work were occasioned by the need for the natives to tend their crops. Attention was drawn to the fact that the bridges built by Tamaikowha and his people were especially noticeable for their substantial construction.

In the Native Schools that had been established, the attendance was increasing. A mixed school had been opened at Opotiki, which was the first of its kind in the country. European settlement was increasing slowly despite the improvements effected by various Public Works. Farms were indeed being extended, but there was great scope and need for the Government to promote further settlements.

On December 5, 1873, the Native Minister, the Hon. D. McLean, attended by Major Ropata and other prominent loyal natives, met the chiefs and members of the Whakatohea and other tribes at Opotiki. The atmosphere of the gathering was very friendly and even cordial.

and several speeches contained songs as well as addresses of welcome. Mr. McLean was invited by Hainona to come and see whether the people's actions were good or evil. Though land had been taken for the evil which they had committed, they were glad to see the Minister and Ropata. Te Awanui declared that all were now clothed with one garment - the law. They should all wear it. Then, towards the close of the meeting, when Ropata was bidding the Whakatohea farewell, he stressed how they had heard that day advice and directions from the Government which were good. That year was the third since there had been trouble amongst the tribe, and since they had first received instructions for their guidance according to the law.

Mr. McLean expressed his pleasure at seeing the tribes living so peaceably. If they wished for more land, their requests would be considered, but twenty thousand acres of land at Opape had already been given to the Whakatohea. The industry of Te Hira¹¹ had been noted, and the Minister would like to see them follow his example. He wished the Māoris and the Pakehas to live together as one people.^{12.}

It would seem that the Whakatohea had become completely reconciled to their lot, and apparently this sentiment was widely shared also by their kin, the Urewera. On April 1, 1874, Mr. Brabant, the Resident Magistrate at Opotiki, submitted a report on a meeting of the Urewera people held at Ruatahura on March 23 and 24. He stated that the speeches were all moderate in tone and that the tribe appeared to be earnest in their desire to maintain friendly relations with the Government. Regarding the confiscation boundary, the Urewera generally favoured acknowledging it, and

11. Te Hira was Hira te Popo, formerly a prominent rebel chief of the Ngatiira hapu of the Whakatohea. He had been appointed grantee and trustee of the Ngatiiras who had benefitted from land grants, and with his people had been responsible for carrying out several road-making contracts since hostilities had ceased.

12. App. H.R. 1874G-1 p.5.

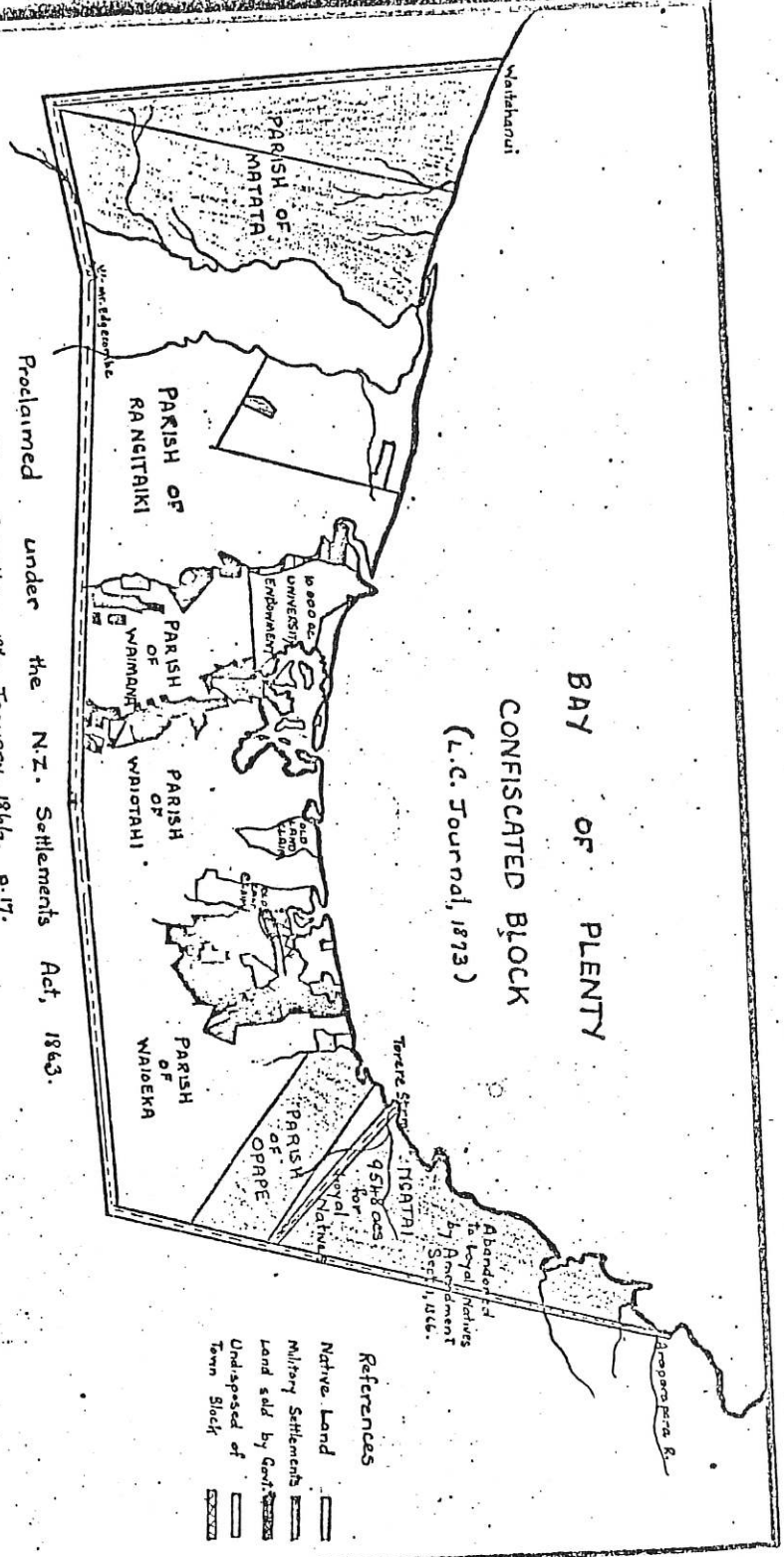
petitioning the Government to grant them small lots of land within it. Tamaikowha was one of those conspicuous in supporting this proposal. A few individuals wished other tribes to join them in engaging a lawyer to take the question of the confiscated lands before the Court of Chancery in England.^{13.}

The information contained in these reports has been drawn on fairly extensively in order to show how amicably the Whakatohea people had submitted to the measures concerning them that the Government had adopted. There seem to be no similar reports concerning the Ngatiawa who apparently caused no trouble after their defeats on the Rangitaiki and the capture of their stronghold at Te Teko. It would be reasonable to assume, therefore, that the passing years would serve to cement and strengthen the friendly relations so rapidly established, and that the two races would settle down in complete reconciliation. Unfortunately this did not happen, and further consideration of the subject is necessary before one can make any claim to have traced the history of native problems in the Bay of Plenty.

13. App. H.R. 1874G-1A

BAY OF PLENTY CONFISCATED BLOCK (L.C. Journal, 1873)

Proclaimed under the N.Z. Settlements Act, 1863.
N.Z. Gazette, 1st January, 1866, p.17.
440,000 acs. Ords. Opl5.



- References**
- Native Land
 - Military Settlements
 - Land sold by Govt.
 - Undisposed of
 - Town Stock

CHAPTER XIII.

What Has Happened Since - Disillusionment.

Despite the promising beginnings of an amicable relationship between Maori and Pakeha, the aftermath of the Wars and of the Confiscations soon made itself felt. For more than two generations the conditions of the natives became increasingly difficult, and this fact goes far to explain the problems faced by successive Governments in adjusting land titles and settling native lands. Nowhere in New Zealand were these problems more acute than in the Bay of Plenty.

During the years following upon the cessation of hostilities Europeans began to settle in the district in slowly increasing numbers. The impact of what was really a foreign civilization and culture upon the Maori frequently proved detrimental to him, especially when it was accompanied by a growth of trading relations along lines which he often did not understand. The most serious aspect of the situation, however, was caused by the ever-recurring changes in native policy, particularly in respect to land.

In the Report of the Stout-Mgata Commission of 1907 appears the following passage:

"The confusion of our Native-land laws is admitted by every one. The history of over forty years' legislation on the subject reveals sharp changes and oscillations of policy, corresponding with changes of Government and political parties." 1.

The mass of legislation, passing new Acts, repealing or contradicting old ones, had the effect of bewildering the native mind, and whatever the legal position, the Maori seemed to be worsted in any dispute. Consequently, he soon came to regard the Pakeha as being crafty and guileful as ever he had been, invoking the law which he framed for his own ends, and clothing rapacity in the garments of legality.

The Maoris lost heart. Their numbers were rapidly decreasing, they lost the virility which had been typical of their race and they became so listless and despondent, that all students of

1. App. H. R. 1907C-10 p.1.

the situation of the native people of New Zealand agreed that its days were numbered. The lands of the tribes, even of those who had lost most of their property by confiscation, were rapidly being alienated because the Government relaxed its pre-emption rights and consequently the native owners were subjected to the temptation of getting ready cash to enjoy the pleasures offered by Pakeha civilization. Once this money was dissipated the landless natives were economically in a parlous condition.

These were the circumstances of the whole race in general, but owing to the very severe penalties which confiscation had meant to the Bay of Plenty tribes their position was much more critical. However, while the various Governments cannot be absolved from most of the responsibility for a situation mainly caused by their vacillating native-land policies, some earnest, if spasmodic, efforts were made to treat the natives more leniently and to grant them some land. Unfortunately, the effects of such moves were transient in the extreme because periodically legislation would be passed permitting the natives to sell their land freely, so that in a few years the same situation would arise.

When the Stout-Ngata Commission sat in 1907-9 it mentioned the Bay of Plenty as among the most backward districts from the standpoint of both efficient occupation and settlement, and the determination of titles. In the Opotiki area there were 140,000 acres of "papatupu" land, healthy grazing country of which two-thirds would carry surface-sown English grasses and clovers.² At such a stage in the history of New Zealand the Commission deprecated there being any such thing as "papatupu"³ and declared that,

"If the energies of the Native Land Court and the resources of the Native Department were directed more to these virgin districts and less to the more settled portions of the North Island, settlement would extend more rapidly and with greater benefit to the Dominion."⁴

These facts complicate our problem, because after such a long period as has elapsed since the decades under review, especially

2. App. H.R. 19080-111 p.3.

3. "Papatupu": Lands, the titles to which have not been ascertained by a competent tribunal.

When so many of the records have been lost, all that can be done is to account for those larger transactions about which evidence is still available. One must be content with a discussion of some of these as a basis from which any theories may be deduced or any conclusions drawn.

Possibly because the Ngatiawa tribe had caused the authorities comparatively little trouble, and possibly because practically all of its land had been proclaimed, these people were treated with reasonable consideration. In 1874 Ngamaihi and Pahipoto hapus were granted Lot 59 of Matata Parish, a block of 12,290 acres.⁵ Mr. Darby mentions that this land was partitioned between the two hapus, the Ngamaihi receiving 4,5000 acres. He goes on to quote Crown Grant Index No. 1 page 82 which records the arrangement with the loyal chief Rangitukehu for the reservation of a block of land for the natives of the same two hapus, together with the Ngaitamaeki and the Ngatihi hapus, under the 9th clause of "The New Zealand Settlements Amendments Act, 1865". These four hapus resided near Rangitaiki and Te Teko.

The arrangement was confirmed in the Compensation Court at Opotiki as for loyal and rebel natives. It covered:

Lot 25, Rangitaiki Parish	6,562 acres
Lot 71, Matata Parish	11,353 "
Lot 72, " "	2,217 "

6.

The Pahipoto people were the grantees for the last block.

Under the 3rd clause of "The Confiscated Lands Act, 1867", Lot 23, Matata Parish of 2,396 acres was granted to the Ngatituwharetoa hapu as recompense for the military services which they had rendered. Darby notes that this land was purchased by the Crown on March 8, 1874, presumably from the Auckland Provincial Council for the benefit of the Ngatituwharetoa.⁷

The next people to be mentioned are the Ngatipukoko. They had been particularly prominent in the murder of Fulloon and his companions and in the looting of the "Kate", and their chief, Te Mihinana.

5. N.Z. Gaz. 1874 p.789.

6.

had been imprisoned for his share in the outrage. Yet these people, who are usually regarded as a sub-tribe of the Ngatiawa, but who sometimes claim separate identity from them, were included among the grantees receiving land in the Rangitaiki Parish. The Ngatirangataua hapu were granted lots 38, 40, 41 and 43, while the Patuohora hapu received lot 39. The two hapus shared lot 33.

Of the Ngatiawa tribe proper, the Whakatane members received lots 21 and 31, while the Patuwai were granted lot 32. The whole area involved in the transaction was 17,600 acres.^{8.}

Approximately 301 acres were returned to the hapus of Te Pitoiwi and Te Hura. This seems niggardly, but both of these men were directly implicated in the murder of Fulloon, for which both served terms of imprisonment. It was Te Hura who, as leading chief at the meeting harangued by Horomona prior to the attack on the "Kate", had first consented to the commission of the crime. All of this land, except 114½ acres, was later taken under "The Public Works Act, 1908" and "The Rangitaiki Drainage Act, 1910" for drainage works. Compensation for the land was paid.^{9.}

In 1874-5 the Crown purchased from the Auckland Provincial Council thirteen lots in the Matata Parish totalling approximately 20,268 acres. The total cost was £3,377 and the price per acre ranged from 2/- to 4/2. The Auckland Provincial Council fixed the price of General Rural Land at ten shillings an acre in parcels of not less than forty acres, and ordered that Town, Suburban and Special Rural Land should be sold by auction at an upset price of ten shillings an acre. These prices included the costs of surveying and roading which varied according to the size of the sections purchased. The average for a 40-acre lot was 3/6 per acre, and the average price paid by selectors for rural land within the confiscation area was 10/- per acre.^{10.} These prices should be contrasted with the ridiculously high rate of £1 per acre which was the estimate arrived at by the Crosbie Ward Committee in 1866^{11.} and also the estimate in Domett's Memorandum.^{12.}

8. D.N. Pet. 6.

11. Vide p. 103.

9. N.Z. Gaz. 1912, p. 2547.

12. Vide p. 29.

Another transaction worthy of note was that of 1865, when a block of ten thousand acres lying between the site of the Whakatake township and the Ohiva Harbour was vested in the Council of the Auckland University College under a governmental educational endowment.^{13.} The College derived a small annual income from

leases of this block until 1914, when the tenants bought the freehold for £10,246.^{14.}

As far as the records show, there does not seem to have been any notably large land transaction affecting Whakatane natives from 1865 until 1894 when, by Clause 6 of "The Native Lands Claims and Boundaries Adjustment and Titles Empowering Act, 1894", the Oamarua Block, Lot 60 Rangitaiki Parish, was returned to certain natives. The area was defined by Judge Seamell of the Native Land Court who directed that it should be shared proportionately on population basis by Ngamahi, Ngatamaoaki and Pahipoto people. The total area of the block, including 5,214 acres previously cut off and 15 acres allowed for burial grounds, was 20,039 acres.^{15.}

Such, as far as may be gathered, were the principal changes made in the titles of lands connected with the natives of the Whakatane area of the Bay of Plenty district. The Whakatohea were not so liberally treated.

In 1874 the Upokorehe hapu were granted a return of some of their land about the Ohiva Harbour because they had had absolutely nothing to do with the murder of Volkmer. Hokiangia Island, comprising about 13½ acres in the Harbour itself, and the Hiwarau Block of 1,073 acres were returned to these people.^{16.} The only other lands returned to the Whakatohea were the Opape Block, containing 20,236 acres, and about 2,000 acres of other lands. Apart from these areas, the principal holdings of the tribe were portions of Whakapaupakihi, theirs by ancestral right, residual areas from sales to the Crown near Motu, and a remnant of the Oamaru Block.

13. N.Z. Statutes 1865 p.413.

14. A.U.C. Calendar 1940 p.18.

15. In. Book, Whakatohea, No. 46, p.312.

The result was, that after various areas had been sold to the Crown, by 1907 the Whakatohea owned only 35,499 acres in all. It is not good land, and at best can be described as only second-class.¹⁷ The Government cannot be held responsible for the sales that had been effected, which really did not act very detrimentally to the tribe, as it was inland country and not very useful. It was greatly inferior to the land of the Opotiki Plains, all of which was retained by the Pakcha, and from which the natives were removed to Opape.

But the legislation enacted by the various Governments was responsible for the ever-increasingly landless state of the Whakatohea, as of other tribes.

The Stout-Ngata Commission, 1907-1909, to which reference has already been made, thoroughly sussed up the whole position of native lands. It reviewed the difficulties of carrying on the work of the Land Court, especially as it so often happened that "the only record for months of an important order may be the brief entry in the minute book".¹⁸ (It did not refer to the number of minute books that are lost). The Commission then made very cogent and constructive suggestions for the improvement of the methods of procedure of all litigation concerning Native lands.

Referring to the Bay of Plenty, it was shown in general terms how the grantees of returned confiscated lands had, by "the Native Equitable Owners' Act, 1896", become the certificated owners of the grants. The investigation of titles had almost been completed by 1907, when most of the larger blocks had been cut up into family holdings.

Of the Whakatane area, many portions of the blocks had been leased. The Commission recommended the reservation of all other lands for the owners. This would involve 33,454 acres, about 35 acres per head of the Maori population. Maize had been cultivated for years on the lands round the settlements, and recently some natives had taken up dairying.

17. App. H.R. 19080-31 p.1.

18. A. H.R. 19080-10. p. 7.

-LHC-

A summary of the Whakatohea lands shows:

1. Lands under lease or negotiation for lease	31,282	acres
2. Lands recommended for Maori occupation	53,454	"
3. Lands recommended mainly for general settlement	80,751	"
4. Lands recommended for lease and sale	12,858	"
	<u>158,345</u>	"

In view of the small area of 35,499 acres held by the Whakatohea, that tribe wished to reserve for themselves all but a small portion of their land. Consequently they offered only 6,733 acres for lease to the general public, and stipulated that none of the land be sold. By 1907 two of their hapus had industriously started sheep-farming on a small scale, and when the Opape Block was cut up, some families began farming their sections.

Signs, such as these, of a recrudescence of the wish to till the soil, were heartening, but they were not widespread enough to fill a discriminating observer with much optimism. The native race in general remained in so difficult and critical a position that it needed careful and immediate attention. Many tribes, which had lost the industrious habits of their ancestors, had not acquired those of the Europeans and consequently they could not cope with the circumstances in which they found themselves. Hence they became quite decadent and looked to the future with no hope.

Yet the Commissioners, one of whom was the Chief Justice of New Zealand, and the other one of the most prominent men that the native race has ever produced, were convinced that not only could the Maoris be preserved, but that they could also become "active, energetic, thrifty, industrious citizens". They had seen it happen in some cases on the east coast of the North Island where there were Maori communities just as industrious and well-behaved as European settlements.

The Commission emphasised that the land question could not be dissociated from the welfare of the Maori. As Judge Sim of

the Native Land Court stated,

"I do not think any attempt to dispossess the Maori from his land will result in success. His only chance lies in being encouraged and taught to utilize his land." 20.

The paramount consideration, then, was to encourage and train the Maori to become an industrious settler. He had become full of despair and overborne with a sense of frustration. And even when an exceptional individual attempted to overcome the lassitude and shiftlessness into which his race had fallen, he was handicapped by lack of training and of capital - he was "under the ban as one of a spendthrift, easy-going, improvident people". 21.

No wonder the Maori was disillusioned!

20. App. H.R. 1907G-1C p.22.

21. App. H.R. 1907G-1C p.15.