

The Alienation of Maori Land in the
Ohura South block

Part One: c.1886-1901

Steven Oliver and Tim Shoebridge

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Preface

Steven Oliver, who wrote Chapters One and Two, graduated from the University of Auckland with a Bachelor of Arts in History, and a Master of Arts in Political Science. He worked for the Dictionary of New Zealand Biography and has written reports on the Gisborne Harbour Board land takings for the Crown Forestry Rental Trust, and on the Ruatoki block, the Tahora block (co-written), the Tararua district, and the Taumatamahoe block for the Waitangi Tribunal.

Tim Shoebridge, who wrote Chapter Three, graduated from Victoria University of Wellington with a Master of Arts in History earlier this year. He has worked as a researcher with the Waitangi Tribunal since April 2004.

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Introduction

This report was commissioned by the Waitangi Tribunal to examine the alienation of Maori land in the Ohura South block between the 1890s and 1930, the most substantial period of alienation. Crown incursion into the area began in the 1880s, culminating in the Native Land Court hearings in 1892, which determined the ownership of twenty subdivisions in the block. Crown purchasing began soon after, and by 1901, 73 percent of the Maori land in the block had been alienated to the Crown.

This is Part One of a two part report, and covers the period from the first Native Land Court hearing into the block in 1886, until the cessation of the first phase of purchasing in 1901. Part Two of this report covers the alienation of Maori land in the twentieth-century, primarily in the period between 1900 and 1930. It also explores issues relating to compulsory public works takings and vestings, and other issues relating to the administration and alienation of Maori lands by Crown agencies. Part Two of this report is scheduled for release in November 2004. The report has been divided owing to the illness of one of the researchers, Lecia Schuster, who has consequently not been able to complete the Chapters on twentieth-century alienations. Tim Shoebridge will conduct additional research and complete these chapters.

The Ohura South block consists of 117,215 acres, north and west of the Whanganui River, which forms much of the block's southern boundary. The town of Taumarunui is located in subdivision G of Ohura South. The western part of the southern boundary goes along the northern boundary of the Koiro block, which is the land between the Ohura and Whanganui rivers. The boundary then crosses the Ohura River to reach State Highway 43. The boundary then goes north, turns east, and re-crosses the highway and returns to the Ohura River. From there, the boundary goes north along the Ohura River as far as the Taraunui Stream, and then south-east to the Ongarue and Taringamotu rivers. The Ngakonui and Mangarautawhiri streams form much of the eastern boundary, which rejoins the Whanganui River (see map 3).

This report was commissioned on 1 March 2004, following the completion of a scoping report on the Ohura South block by Steven Oliver and Lecia Schuster, in February 2004. The scoping report identified a number of issues for further research. A direction commissioning Steven Oliver, Lecia Schuster and Tim Shoebridge to write a history of Ohura South was

drawn up. Steven Oliver wrote Chapters One and Two, and Tim Shoebridge wrote Chapter Three.

Chapter Overview

Chapter One, by Steven Oliver, examines the history of the land that became Ohura South block, leading up to the block's delineation by the Native Land Court in 1886. It begins with a discussion of the Maori groups who held interests in the land that became the Ohura South block, and examines the Rohe Potae in general terms, which included the land that became the Ohura South block.¹ The chapter then discusses the negotiations for the passage of the North Island Main Trunk Railway Line through the Rohe Potae. The Rohe Potae was reduced in size in 1885 by the partitioning out of the Waimarino and Tauponuiatea blocks. The negotiations for the Main Trunk Line brought the Aotea/Rohe Potae block, of which the Ohura South block was part, to the Native Land Court for the determination of its title in 1886. The first chapter also examines the beginnings of Government land purchasing in the Ohura South area.

Chapter Two, by Steven Oliver, discusses the Native Land Court hearings relating to Ohura South, in 1886, 1888, and 1892. In 1886, the Court awarded the Aotea block to five tribal groups, one of which was a hapu of the Whanganui iwi. The subsequent division of the Aotea block between the five tribes in 1888 gave the Whanganui tribe the land that became the Ohura South block. Two applications were made to the Native Land Court concerning Ohura South, and these were heard during 1892. The Court heard the claim of Ngati Urunumia, a hapu of Ngati Maniapoto, to the north eastern part of the Ohura South block. Their claim was opposed, with almost complete success, by the Whanganui tribe, Ngati Haua. The second application before the Court in 1892 was an application from the Crown for the definition of interests in the block. This resulted in the partition of the block into 20 subdivisions and the determination of their ownership by the Court (see map 3).

Chapter Three, by Tim Shoebridge, discusses the alienation of Maori land in Ohura South between 1892 and 1901. The Crown responded to pressure in the settler community to 'open' Rohe Potae land for settlement, by commencing purchase in the Ohura South block shortly after the completion of the Native Land Court hearings in 1892. A central inquiry of this

¹ Otorohanga Native Land Court minute book 2, 15 November 1886, fols 158-161, and see map 2.

chapter is the examination of the methods of the land purchase officers working in Ohura South, and the impact of Native Land Court process in hastening the alienation of Maori land. The impact of survey costs, in particular, are examined in this chapter, to consider their impact on the Maori owners.

The authors recommend that this report be read in conjunction with Cathy Marr's *The Alienation of Maori Land in the Rohe Potae (Aotea) Block*, which provides a more detailed background to the specific issues raised in this report.²

Methodology

The tribal history contained in Chapters One and Two of this report is largely taken from evidence given in the Native Land Court hearings for the Ohura South block in 1892. This is contained in the Otorohanga Native Land Court minute books 14 to 17. Maori claimants and counter-claimants also gave information concerning parts of the block. In general, the evidence given in the Native Land Court is of qualified use for historical research, as the speakers could be motivated by the need to press their groups claim to the land before the Court.³ This could slant or distort their evidence, but for this report, it has been possible to find a consensus between claimants on some parts of the history of the area. In other cases, particularly in regard to the Ngati Urunumia claim, it has been necessary to give both sides of conflicting evidence.

The evidence from the Native Land Court hearings into the Ohura South block in 1892, was in the first instance from the claim by Ngati Urunumia, a hapu of Maniapoto, to part of the block known as Te Horongopai, which was disputed by Whanganui or Ngati Haua. The evidence was, in the second instance, from groups within Ngati Haua over the subdivision of the whole block. A complicating factor is that some people within Ngati Haua also had quite close links to Ngati Rangatahi, which is also a Maniapoto hapu. They were known as Ngati Wera, but sometimes seem to have been seen by Crown and Native Land Court officials as Ngati Rangatahi.

² Cathy Marr, *The Alienation of Maori Land in the Rohe Potae (Aotea Block), 1840-1920*, Waitangi Tribunal Rangahaua Whanui series, 1996; Cathy Marr, *The Alienation of Maori Land in the Rohe Potae (Aotea Block): Part 2: 1900-1960*, Waitangi Tribunal Rangahaua Whanui series, 1999.

³ Ann Parsonson, 'Stories for land: oral narratives in the Maori Land Court', in B Attwood and F Magowan (eds) *Telling Stories. Indigenous history and memory in Australia and New Zealand* (Crows Nest: Allen and Unwin, 2001), pp21-40.

The Native Land Court needed to determine which tribal group should have title to the land being investigated. The Court made such decisions on the basis of ancestry, conquest and occupation. The Court considered that the most important unit of Maori life was the tribe and sub-tribe to which people belonged. The Court identified tribes and sub-tribes as being the descendants of those ancestors from whom the rights to land derived. The terms tribe and sub-tribe, as defined by the Native Land Court, may well have had little meaning to nineteenth century Maori. It is quite probable that their settlements, or kainga, were ‘their most important realities’.⁴ People of many descent groups often lived in the same settlements. The Native Land Court treated different tribes and sub-tribes almost as separate nations, with borders between them and distinct tribal areas. In fact, there was frequently considerable over-lap between the territories of tribes and many areas can be described as borderlands between tribes. Spokesmen and women in the Court had to maintain that their ancestors had mana over land to the exclusion of all others, or that their people occupied land to the exclusion of all others. They then had to include everyone else under their ancestor, or maintain that other people only lived on the land with the permission of the spokesperson’s group. These issues are found in the debates over parts of the Ohura South block.

The calculation of acreages in this report has been sometimes complex and problematic. For the 1890s period, while there were a few minor inconsistencies, the recorded acreages were relatively straightforward to collect and tabulate. The primary source of information were the cover sheets included in the sale deeds, which were created by the Lands and Survey Office in Auckland from the original plans (which have not been able to be located for this report). Acreages have been described as decimals in this report, rather than the acres/roods/perches references used in the source material, to ease calculation.

This report uses the figure of 117,215 acres for the total acreage of the Ohura South block, and percentages of land remaining and alienated are calculated from this figure. When John Rochfort surveyed the external boundaries of the block in 1889-1890, he produced an acreage figure of 116,152 through triangulation.⁵ This figure is occasionally given as the total acreage of the block, for example in the Scoping Report for this Report.⁶ However, when the internal subdivisions of Ohura South were surveyed in 1893-5 and 1898, a new set of figures were

⁴ Angela Ballara, “‘I roiro i te hoko’”. Problems in cross-cultural historical scholarship’, *New Zealand Journal of History*, vol 34 no 1, 2000, p32.

⁵ J Rochfort (surveyor), ‘Plan of Ohura South Block’, ML 2470, Taranaki Land District.

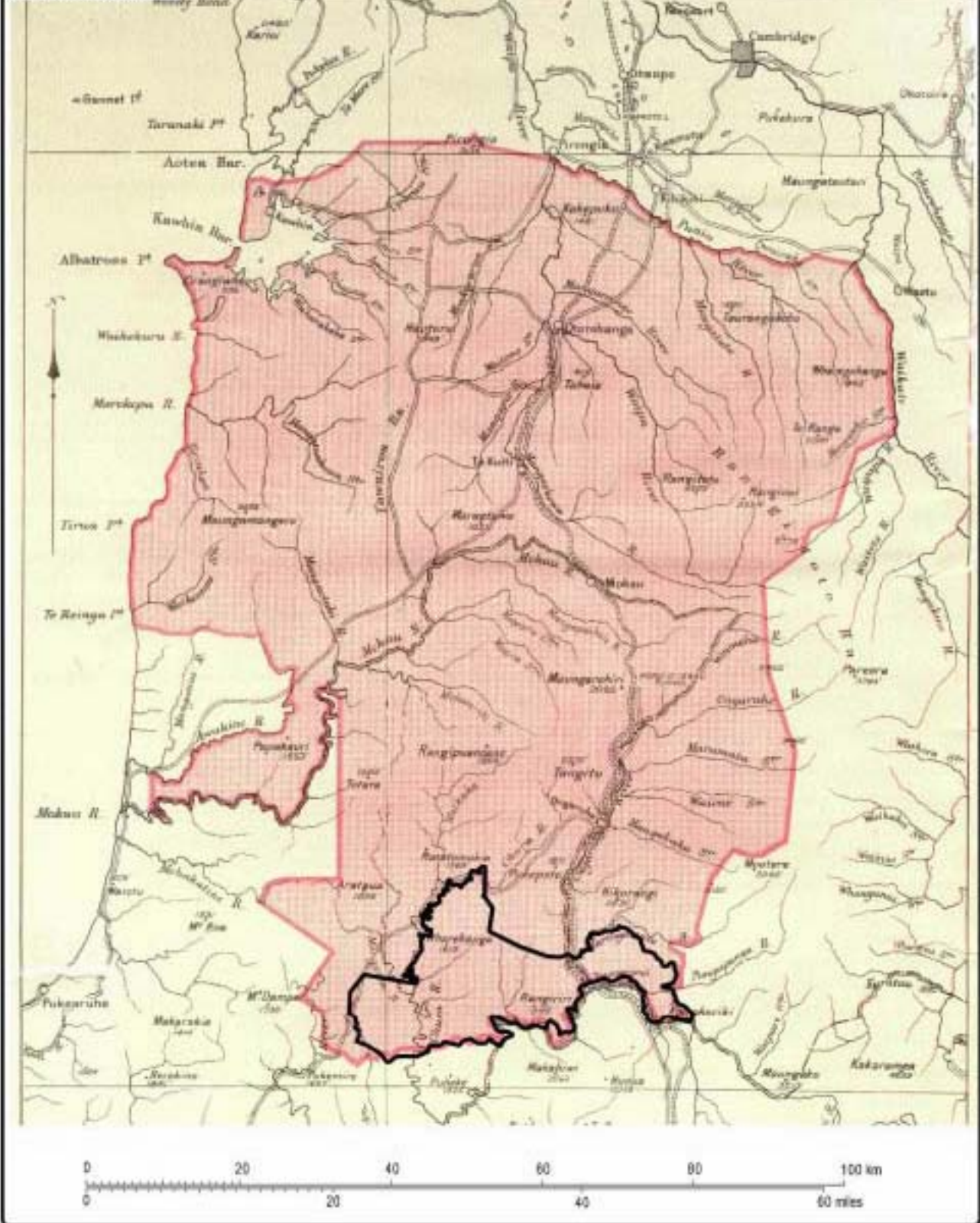
generated, which produce a total acreage of 117,215. In 1907 the Stout-Ngata Commission described the acreage of Ohura South as 115,584 acres, but is unclear how this figure was generated.⁷ In the absence of a definitive acreage, the authors have agreed to use the 1890s internal survey figure for all calculations.

⁶ Steven Oliver and Lecia Schuster, 'Ohura South Block: Scoping Report', Commissioned by the Waitangi Tribunal, February 2004, pp23, 40-41.

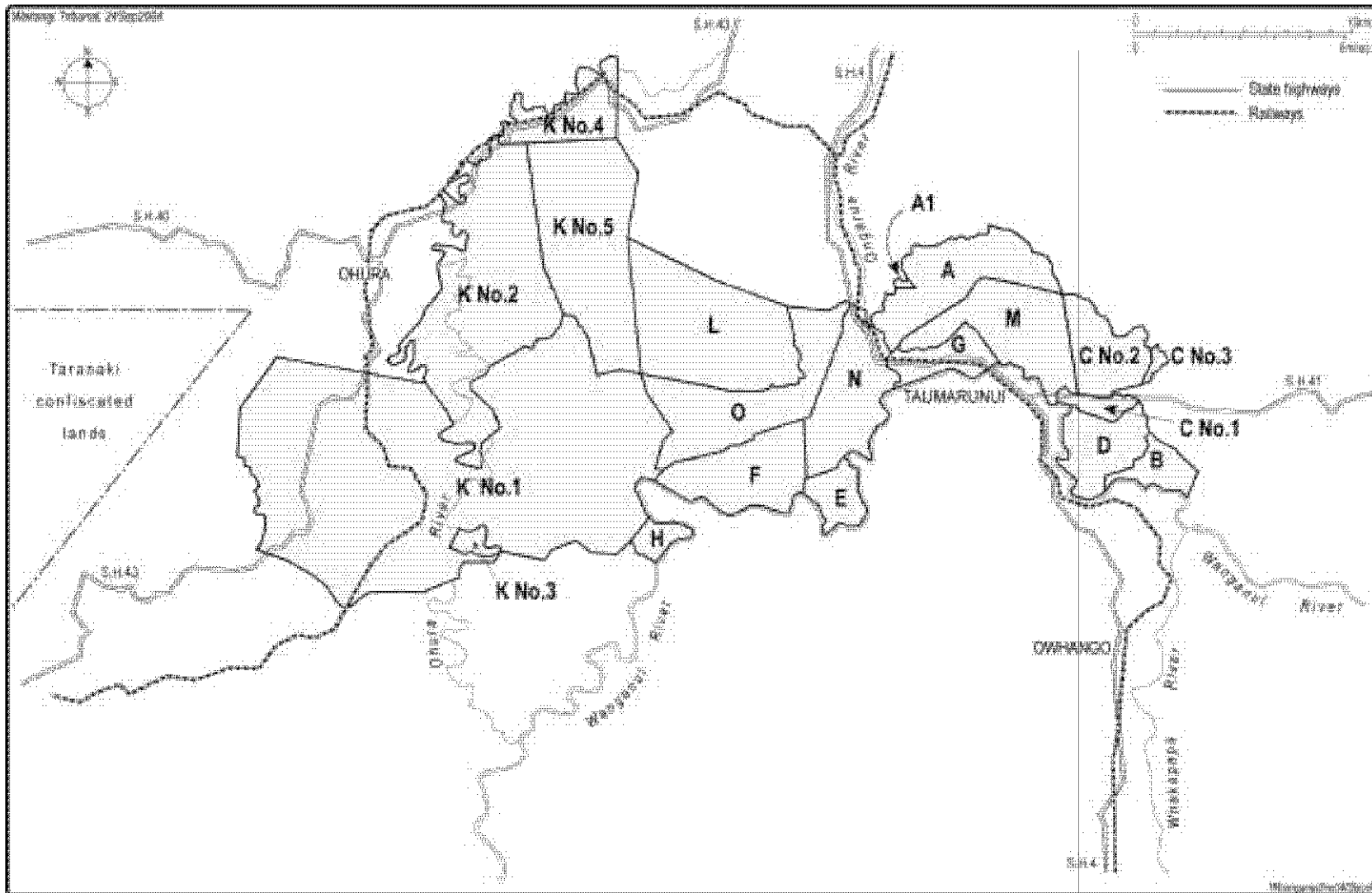
⁷ 'Native Lands in the Rohe-Potae (King-Country) District', AJHR, 1907, G-1B, p3.



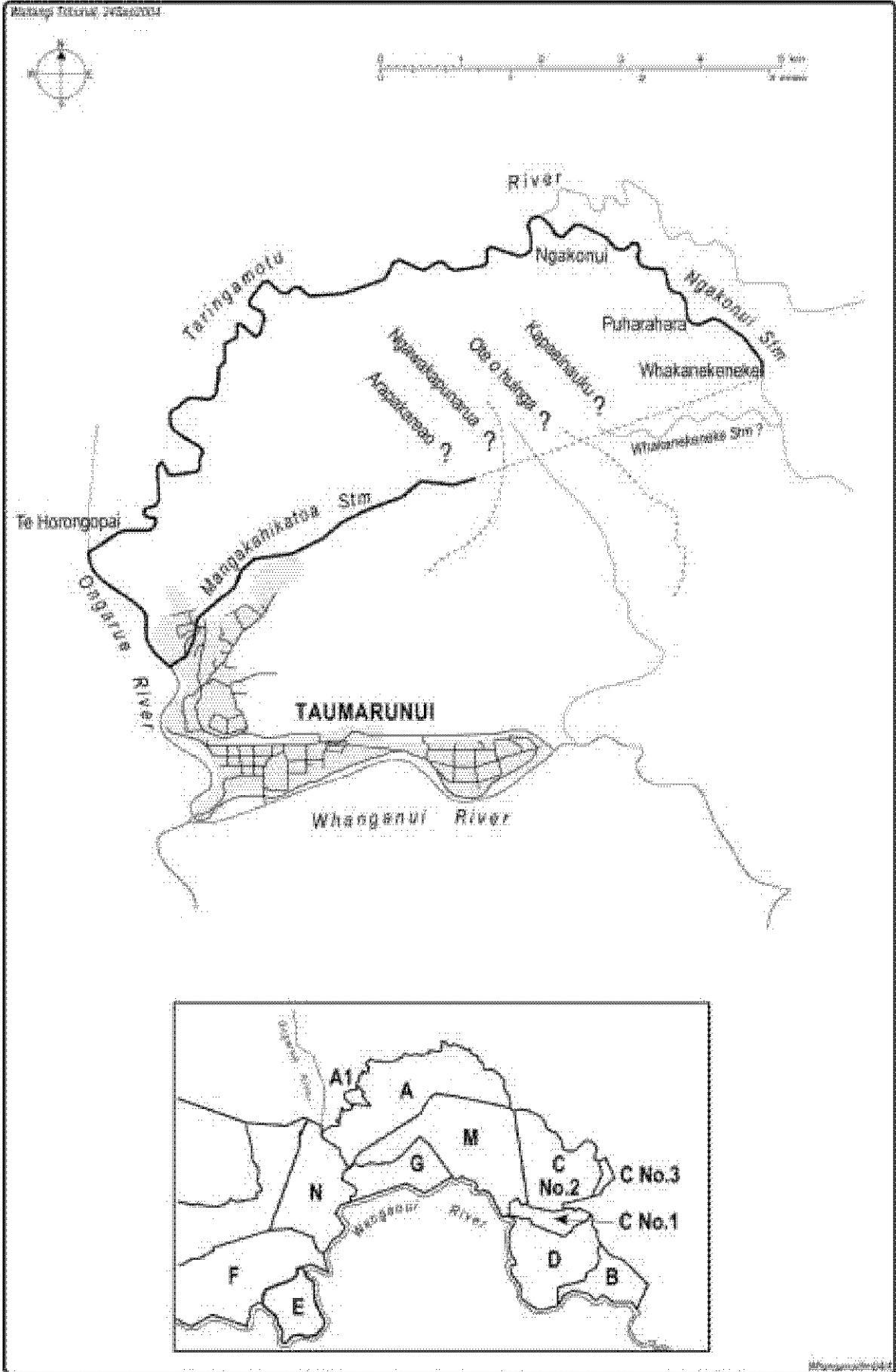
Map 1: Location of Ohura South in the Whanganui Inquiry District

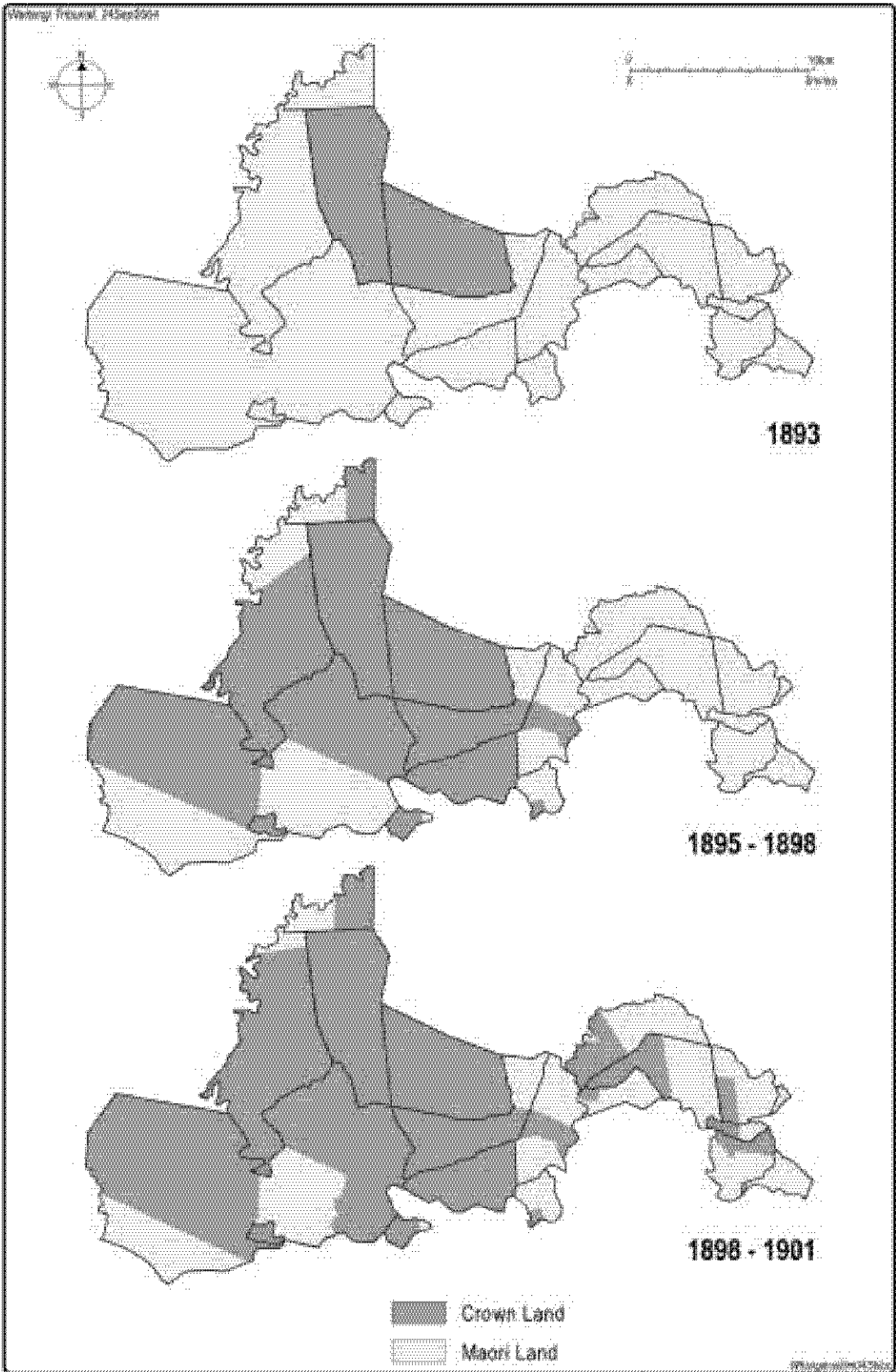


Map 2 : Location of Ohura South in the Rohe Potae (Aotea) Block



Map 3 : Location of Ohura South subdivisions, 1890s





Map 5 : Phases of Alienation, 1893 - 1901

Table 1: List of leading Native Land Court witnesses

Name	Iwi and hapu
Ngatai Te Mamaku	Whanganui; Ngati Haua
Tuao Ihimaera	Whanganui; Ngati Haua
Makere Te Uruweherua	Whanganui; Ngati Haua
Matakitaki Te Ngarupiki	Whanganui, and Ngati Maniapoto; Ngati Haua, Ngati Wera, Ngati Rangatahi
Tuku Te Ihi Te Ngarupiki	Whanganui and Ngati Maniapoto; Ngati Haua, Ngati Wera, Ngati Rangatahi
Hakiaha Tawhiao	Whanganui; Ngati Haua, Ngati Wera, Ngati Ruaroa
Te Whiutahi Warihi	Whanganui; Ngati Haua, Ngati Wera, Ngati Rangi
Wharo Kaitanga	Whanganui; Ngati Haua, Ngati Kahukarewao
Tohengaroa Te Rauroa	Whanganui; Ngati Haua, Ngati Wera
Tawhiri Pikirangi	Whanganui; Ngati Haua, Ngati Keu
Te Manu Te Ha	Whanganui and Ngati Maniapoto; Ngati Haua, Ngati Hira, and also a descendant of Urunumia
Wahanui Huatare	Ngati Maniapoto; Ngati Urunumia
Patupatu Kepa	Ngati Maniapoto; Ngati Urunumia, Ngati Maru
Te Hihiri Rangawhenua	Ngati Maniapoto; Ngati Urunumia
Taonui Hikaka	Ngati Maniapoto; Ngati Rora
Te Heuia Kingi	Ngati Maniapoto; Ngati Urunumia, Ngati Peeti
Tutehaua Te Wano	Ngati Maniapoto; Ngati Raerae

Reference: Otorohanga Native Land Court minute books 14 to 17

This table gives the rangatira involved in the Native Land Court hearings of 1886 and 1888, from which came the Ohura South block, and the leading witnesses in the 1892 hearings of the applications for the subdivision of the Ohura South block and the definition in it. The table also has two witnesses, Te Heuia Kingi and Tutehaua Te Wano, who evidence in neighbouring or nearby blocks has been used for comparative purposes. The tribal affiliations given are not definitive but those derived from the Native Land Court minute books.

Table 2: Ohura South timeline to December 1892

Date	Status of land which became Ohura South, or significant event
pre-1886	Part of the Rohe Potae of the Kingitanga
1886	Part of the Aotea block, a part of what had been the Rohe Potae
20 Oct 1886	Aotea block awarded to five tribes, including Whanganui, by the Native Land Court
15 Nov 1886	Whanganui and other name lists accepted for Aotea block by NLC. (the Aotea block is referred to in the NLC minute books as the Rohe Potae).
1887	Supplementary Whanganui list for Aotea block accepted by NLC
1888	Definition of boundary in Aotea block between Maniapoto and Whanganui. Whanganui part originally called the Whanganui Rohe Potae. The term 'South Ohura' used in April 1888. First use of term Ohura South in October 1888
1890	Survey of Ohura South block by John Rochfort
19 Aug 1892	Two applications made to NLC, one for a subdivision of the block, the other for the definitions of interests in the block.
27 Aug 1892	Decision on application for subdivision gives 100 acres to Ngati Urunumia, and the remainder of the part of the block claimed by Ngati Urunumia to Ngati Haua.
Sept-Nov 1892	Partition of Ohura South into 20 subdivisions and determination of title to the subdivisions
Nov-Dec 1892	First advance payments made by Government on Ohura South subdivisions (K5 and L)

References: Otorohanga Native Land Court minute books 2, 3, 4, 5, and 14 to 17, MA-MLP1 1903/45, Archives New Zealand, Wellington, BAAZ 1108/126b, Archives New Zealand, Auckland, and Whanganui Maori Land Court, Wh. 873

This table gives a timeline showing the emergence of the Ohura South block from land which had been, firstly, part of the Rohe Potae, and secondly, the Whanganui part of the Rohe Potae. The table also shows the 1890 survey of Ohura South and summaries the Native Land Court hearings of 1892 of the block.

1. The history of the Ohura South lands to 1886

Steven Oliver

1.1. Introduction

Chapter One describes the Maori groups who had interests in the Ohura South block prior to the investigation of its title. It is important to note that the investigation of the title of the Ohura South block took place in 1886 and 1888, as part of the determination of the ownership of the Aotea block and its subsequent division, not in 1892 as suggested by the document commissioning research. As noted before, the lands of the Ohura South block extend from land west of the Ohura River to land east of Taumarunui. The Ohura South block is north and west of the Whanganui River, and is traversed by the Ohura and Ongarue rivers, and numerous smaller waterways. It is south of the tribal boundary between the Whanganui and Maniapoto tribes, forming most of the southern part of what was the Aotea/Rohe Potae block. This chapter provides the background to the decisions on the ownership of Ohura South by the Native Land Court in 1892. The Court found the Ngati Haua section of Whanganui to be the main tribal group that owned the blocks. The Court considered Terekau, Tuhaia and Kimihia to be the main ancestors from whom rights to the block were derived.

1.1.1. The Aotea and Ohura South blocks

Ohura South was the part of the Aotea block awarded to the Whanganui tribe by the Native Land Court in 1886. This chapter, therefore, includes a section on the Rohe Potae, which included the lands that became the Ohura South block. The negotiations leading to the agreed passage through the Rohe Potae, or ‘King Country’, of the North Island Main Trunk Line are discussed. The Rohe Potae, or Aotea block, was taken to the Native Land Court in 1886 for the determination of title. This began a process that led to a division of the Aotea block, from which came the Ohura South block.

The ownership of the Aotea block was claimed jointly by five tribes in 1886. These tribes were Maniapoto, Raukawa, Tuwharetoa, Hikairo and Whanganui.⁸ The Native Court awarded the Aotea block to the Maniapoto, Tuwharetoa, and Hikairo tribes, to two hapu of Raukawa,

and to Ngati Rangatahi, which the Court described as a section of Whanganui.⁹ Ngati Rangatahi was a hapu of Maniapoto, but many of them had left Maniapoto territory, as it is described later in this chapter, and lived in the upper-Whanganui district.

The Court approved lists of owners put forward by the tribes to whom the Aotea block had been awarded. The lists of owners were from the Maniapoto, Raukawa, Tuwharetoa, Hikairo and the Whanganui iwi. This suggests that the Court actually awarded the block to five tribes that included Whanganui. It appears that the Court's record incorrectly referred to Ngati Rangatahi when it meant Whanganui.

The Whanganui list for the Aotea block included Ngatai Te Mamaku, Tuao Ihimaera, Matakītaki Ngarupiki, and Makere Te Uruweherua.¹⁰ Ngatai, Tuao and Makere were chiefs of Ngati Haua, Matakītaki was of Ngati Haua but was also of Ngati Rangatahi.¹¹ They were all later spokesmen in the Native Land Court hearings of the Ohura South block in 1892. The Court approved a supplementary Whanganui list in 1887.¹² The list included the major Whanganui spokesman Hakiāha Tawhiao, who was from Ngati Haua, but was also connected to Ngati Rangatahi.

The complexity of the tribal situation of the land that became the Ohura South block reflects the area's tribal history. The following account of the tribes of the land that became the Ohura South block is drawn from the hearings of the Native Land Court of two applications concerning the block in 1892.

1.2. The Maori groups with interests in the land that became the Ohura South block

The information in this section is derived from the Native Land Court hearings of the Ohura South block in 1892. It, therefore, reflects the tribal situation as it existed in the late nineteenth century. Tribal affiliations can change over time. Tribal groups that were considered as part of one tribe in the nineteenth century may now identify more with another tribe. This section may, therefore, be modified by tangata whenua evidence.

⁸ Wahanui Huatare, Otorohanga Native Land Court minute book 1, 2 August 1886, fol 46.

⁹ Otorohanga Native Land Court minute book 2, 20 October 1886, fol 55.

¹⁰ Ibid, 15 November 1886, fols 158-161.

¹¹ Otorohanga Native Land Court minute book 15, 19 August 1892, fol 26.

¹² Otorohanga Native Land Court minute book 3, 29 November 1887, fol 14.

1.2.1. Ngati Haua and Ohura South

Hakiaha Tawhiao was the main spokesman for Whanganui at the Native Land Court hearings in 1892. He was of Ngati Haua and Ngati Wera, and was related to Ngati Rangatahi. Hakiaha said the main ancestor for Ohura South was Te Hoata. He gave a whakapapa showing the descent from Te Hoata of the chiefs of Ngati Haua. These included Te Ruaroa, Toakohura, Tamahina, Tapaka, Terekau and Tuhaia, Whakaneke, Te Oro and Topine Te Mamaku. Kimihia, the daughter of Tapaka's sister Wera, was also significant as she married a man of Ngati Rangatahi, which meant some chiefs of Ngati Haua were also of Ngati Rangatahi. The descendants of Kimihia who are also descendants of Rangatahi are known as Ngati Wera. Ngati Haua was, according to Hakiaha, the main tribal group of the land that became the Ohura South block.¹³

Several speakers at the Native Land Court hearings in 1892 referred to a division of the Ngati Haua lands, including the Ohura lands, which occurred after the time of Tapaka, a descendant of Te Hoata. The whakapapa given by Hakiaha shows Tapaka as the father of Tamakehu and Tuhaia. Wharo Kaitanga, of Ngati Haua, said that Tapaka had a wife named Te Aonaweia, with whom he had other children. These children were called the Kahu-i-Tara. Tapaka also had a niece named Kimihia, who was the daughter of his sister Wera. Kimihia formed a relationship with a man named Mataua. This angered Tarakangiua, one of the Kahu-i-Tara. Kimihia and Mataua left to live in Mokau in order to escape from Tarakangiua. He followed them, killed Mataua and brought Kimihia back to Te Rekerere. Shortly afterward she gave birth to a child, who was killed by Tarakangiua.¹⁴ Hakiaha gave a similar account of these events and said the boy was killed as he would have avenged the killing of his father had he lived to manhood. Tohengaroa Te Rauroa, however, said the boy was killed because of the mana he would have had over the land.¹⁵ Hakiaha said Kimihia then went to Mokau and returned with a war party that killed or drove out the Kahu-i-Tara.¹⁶ Makere Te Uruweherua also referred to the killing of the Kahu-i-Tara and the subsequent division of the land.¹⁷

¹³ Otorohanga Native Land Court minute book 15, 19 August 1892, fol 25.

¹⁴ Wharo Kaitanga, Otorohanga Native Land Court minute book 16, 27 October 1892, fols 181-182.

¹⁵ Tohengaroa Te Rauroa, Otorohanga Native Land Court minute book 17, 11 November 1892, fol 53.

¹⁶ Hakiaha Tawhiao, *ibid*, 29 October 1892, fol 16.

¹⁷ Makere Te Uruweherua, Otorohanga Native Land Court minute book 16, 25 October 1892, fol 160.

Following the deaths of the Kahu-i-Tara, there was a battle at Aorangi between Ngati Haua and Ngati Maniapoto. Ngati Haua were led by two of Tapaka's grandsons, Terekau and Puanake. After the fighting ended, the land that had belonged to the Kahu-i-Tara was divided. Puanake received the land that became the Maraekowhai block, while the Ohura and Taumarunui lands were divided between Terekau and Tuhaia.¹⁸ The land that had belonged to the Kahu-i-Tara extended from the Taumarunui area to Te Totara in the Maraekowhai block and was said by Hakiha to have been depopulated by the war.¹⁹

Wharo, Hakiha and Tohengaroa said Kimihia returned to the Ngati Haua lands and met Terekau, who told her to go and cut up the land. Wharo Kaitanga said Terekau then gave Kimihia the land at Whare-o-Kumu, Tangarakau, and Opetea.²⁰ Whare-o-Kumu became the Ohura South C1 block, and Opetea became the Ohura South K1 block (see Map 3). According to Hakiha, Terekau gave Kimihia the land at Opetea and Tangarakau and he also gave Kimihia's sister, Totoro, the land that later became the Koiro block.²¹ This division left most of the land that became the Ohura South block as the territory of the Ngati Haua chiefs Terekau and his brother Tuhaia, although part of the land had been given to Kimihia.

1.2.2. Ngati Rangatahi, Ngati Wera and Ohura South

Ngati Rangatahi is named after Rangatahi, a grandchild of Maniapoto. It was, therefore, a hapu of Ngati Maniapoto. However, as a result of warfare, most of Ngati Rangatahi left Maniapoto territory and moved to lands on the upper-Whanganui River. There they intermarried with Whanganui people and became, to some extent, a hapu of Whanganui.

Kimihia had married Te Puru, a man of Ngati Rangatahi, while she was at Mokau. Their descendants belonged to both Ngati Haua and Ngati Rangatahi. Their descendants included Matakita Te Ngarupiki and Hakiha Tawhiao, who were leading spokesmen in the Native Land Court hearing of 1888 and 1892. Tohengaroa Te Rauroa, who was of Ngati Haua and Ngati Wera, said the descendants of Kimihia were known as Ngati Wera.²² This suggests that Ngati Rangatahi in Ohura South are the same people as Ngati Wera.

¹⁸ Hakiha Tawhiao, Otorohanga Native Land Court minute book 17, 29 October 1892, fol 17.

¹⁹ Hakiha Tawhiao, Otorohanga Native Land Court minute book 16, 25 October 1892, fol 160.

²⁰ Wharo Kaitanga, *ibid*, 27 October 1892, fol 184.

²¹ Hakiha Tawhiao, Otorohanga Native Land Court minute book 17, 10 November 1892, fol 19 and fol 42.

In addition the descendants of Te Puru, other people of Ngati Rangatahi also lived on the lands that became the Ohura South block. Ngati Rangatahi was originally a hapu of Ngati Maniapoto and was from the Orahiru area, near Otorohanga. Most of Ngati Rangatahi were displaced from Orahiru by other hapu of Maniapoto and settled in the lands of the Whanganui iwi.²³ Tuao Ihimaera said they found refuge on the Ohura lands held by Kimihia.²⁴ These lands were around Opetea and were later part of the Ohura South K1 subdivision.

According to Tohengarua, the Ngati Rangatahi left the Ohura lands during the musket wars and went to Kapiti. However, Crown officials recorded that some Ngati Rangatahi were living at Teoteo, which is on the Ohura South block, in the 1870s.²⁵ It is possible, however, that these people could also have been designated Ngati Wera, as descendants of Kimihia.

There was an invasion of the land that became the Ohura South block by Ngati Maniapoto during the musket wars. Tohengarua said Ngati Haua, Ngati Rangatahi and Ngati Wera were warned of the attack and went to Kapiti to escape the invasion. He said that Te Ngarupiki, a descendant of Te Puru and of Maniapoto, met the Ngati Rora and Maniapoto chief, Hikaka Taonui, at Te Kuiti. Te Ngarupiki, who was a chief of Ngati Haua, Ngati Rangatahi and Ngati Wera, asked for the return of the land of these three hapu. Taonui agreed and the three hapu returned to the lands that became the Ohura South block.²⁶

In a similar account, given during the title determination of the Te Rongoroa block, Tutehua Te Wano, of the Ngati Raerae hapu of Ngati Maniapoto, said Topine Te Mamaku and Ngati Haua went to Kapiti at this time. Ngati Rora, a hapu of Ngati Maniapoto then occupied Taumarunui. Te Ngarupiki went to see Hikaka and gave him a cask of gun-powder. Hikaka then agreed to return the land. Te Ngarupiki told Te Pikirangi and others of Ngati Haua that Tuhua had been returned to them. Te Ngarupiki then went to Kapiti and brought his children back to the Ohura lands.

²² Ibid, 16 November 1892, fol 81.

²³ Angela Ballara, *Taua. 'Musket wars', 'land wars', or tikanga. Warfare in Maori society in the early nineteenth century*, (Auckland: Penguin Books, 2003), p 499.

²⁴ Tuao Ihimaera, Otorohanga Native Land Court minute book 17, 28 October 1892, fol 6.

²⁵ 'Approximate census of the Maori people', AJHR, 1874, G-7, p 17, and 'Census of the Maori people', AJHR, 1878, G-2, p 18.

²⁶ Tohengarua Te Rauroa, Otorohanga Native Land Court minute book 17, 11 November 1892, fols 57-60.

Te Wano said Topine Te Mamaku also returned from Kapiti and went to live at Taumarunui and other villages of Ngati Haua.²⁷ The withdrawal of Ngati Rora from Taumarunui also indicates the significance of the relationship of part of Ngati Haua to Maniapoto; from Kimihia's marriage to Te Puru. The relationship may partly explain why the Native Land Court in 1886 awarded the Whanganui part of the Aotea block to Ngati Rangatahi and then admitted the ownership lists of the Whanganui iwi.

1.2.3. Ngati Maru and Ohura South

Hakiaha and Patupatu Kepa stated that Kimihia had a son named Tutemahurangi, who was killed at Otamakahi, a village in Ngati Urunumia territory, north of the Taringamotu River. Patupatu said that Ngati Urunumia killed Tutemahurangi, while Hakiaha said the killing was carried out by Ngati Maru, at the instigation of a Ngati Urunumia chief named Hari-maruru.²⁸ The Ngati Maru referred to here is likely to have been the Maniapoto hapu of that name, rather than Ngati Maru of Waitara in Taranaki.²⁹ Te Hueia Kingi, of Ngati Urunumia and Ngati Peehi, gave evidence at the Native Land Court investigation of the Te Rongoroa block, stating that Ngati Maru was one of the Maniapoto hapu that lived north of the Taringamotu River. Te Hueia said they lived there in order to prevent attacks on Ngati Maniapoto by the Whanganui iwi.³⁰ The Ngati Maru hapu of Maniapoto lived in the area where the killing took place, reinforcing the idea that they were probably the hapu responsible for it.

1.2.4. Ngati Urunumia and Ohura South

Ngati Urunumia are descended from Urunumia, a child of Rangatahi and a descendant of Maniapoto. They are a hapu of Ngati Maniapoto. Some descendants of Urunumia lived on the Ohura South block. They were, however, also descended from Te Hoata and were included in the ownership of the block by the Native Land Court as Ngati Hira, a hapu of Ngati Haua.

The killing of Tutemahurangi led to a war between Ngati Haua and Ngati Urunumia. The war was concluded by the peace of Te Horongopai. Ngati Urunumia claimed that Ngati Haua

²⁷ Tutehaua Te Wano, Otorohanga Native Land Court minute book 45, 20 July 1905, fols 18-19.

²⁸ Hakiaha Tawhiao, Otorohanga Native Land Court minute book 15, 20 August 1892, fol 33.

²⁹ Te Hueia Kingi, Otorohanga Native Land Court minute book 44, 12 July 1905, fol 327; personal communication with Tame Tuwhangai, Hui, 3 July 2004.

ceded land in the Ohura South block to them by this peace agreement. One of their spokesmen, Patupatu Kepa, claimed they had been living on the ceded land since the peace agreement was made.³¹ Ngati Haua denied the Ngati Urunumia claim to land within Ohura South. Te Ha was the main person of Urunumia descent living on the Ohura South land claimed by Ngati Urunumia. Hakiaha, the main Whanganui spokesman, said that Te Ha also belonged to Ngati Haua. Te Ha and his people were called Ngati Hira and were stated by Tuku Te Ihi Te Ngarupiki to be descended from Hira, a descendant of Te Hoata.³² This meant Ngati Hira could be seen as a hapu of Ngati Haua, being seen as such by the Native Land Court in 1892, but the clearly also had Maniapoto connections.

The Ngati Urunumia claim was the subject of a Native Land Court hearing in 1892, which is discussed later in this report. Patupatu Kepa made the Ngati Urunumia claim to the Court, while also claimed the land on behalf of Ngati Maru, the hapu of Ngati Maniapoto.³³

1.2.5. Other hapu and Ohura South

There are a number of other hapu, or sub-tribes, with connections to Ohura South, in addition to Ngati Haua and Ngati Wera or Ngati Rangatahi. Some of these, like Ngati Wera, can be seen as hapu of Ngati Haua. One such hapu was Ngati Keu, the descendants of Toi, a son of Tapaka.³⁴ Tawhiri Pikirangi said that during the musket wars, Ngati Keu scraped flax at Tapiri-kura, on land that was later in the Ohura South K block. (see Map 3). The fibre was taken to Mokau and traded for guns and gun-powder. Wharo Kaitanga said Ngati Haua, Ngati Kahu, Ngati Keu and Ngati Waioira all obtained flax there.³⁵

Two other hapu are believed to have lived on the lands that became the Ohura South block. One of these was Te Paemate, a hapu of Ngati Maniapoto. The other was Ngati Hiaroa, an ancient hapu, claiming descent from peoples who preceded the Ngati Maniapoto and Whanganui iwi.³⁶ Neither hapu was awarded land in the subdivisions of the Ohura South

³⁰ Te Hueia Kingi, Otorohanga Native Land Court minute book 44, 12 July 1905, fol 327.

³¹ Patupatu Kepa, Otorohanga Native Land Court minute book 15, 16 August 1892, fol 180.

³² Tuku Te Ihi Te Ngarupiki, Otorohanga Native Land Court minute book 16, 21 October 1892, fol 124.

³³ Patupatu Kepa, Otorohanga Native Land Court Minute Book 14, 16 August 1892, fol 179; Te Heuia Kingi, Otorohanga Native Land Court Minute Book 44, 12 July 1905, fol 327.

³⁴ Tawhiri Pikirangi, Otorohanga Native Land Court minute book 16, 26 October 1892, fol 166.

³⁵ Wharo Kaitanga, Otorohanga Native Land Court minute book 16, 27 October 1892, fols 167-176.

³⁶ Personal communication with Tame Taiwhangai and John Wi, Hui, 3 July 2004.

block, made by the determination of interests in the block by the Native Land Court in 1892. People from Te Paemate and Ngati Hiaroa may, however, have been included in the ownership lists for some of the subdivisions, as descendants of Ngati Haua ancestors.

The Ngati Ngatu, a hapu of Ngati Maniapoto, lived in the east of the Ohura South block, near the Pokurukuru Stream. Tuku Te Ihu said Ngati Ngatu lived there after Waikura, a daughter of Te Awhitu, gifted them land in the area.³⁷ Te Awhitu was a chief of Ngati Haua and a descendant of Te Hoata. Much of the block east of Taumarunui, according to Tuku, belonged to Ngati Wera and Ngati Te Awhitu. However, the same area was claimed, unsuccessfully in 1892, by Te Manu Te Ha for the Ngati Hira hapu of Ngati Haua.³⁸

1.2.6. Report conclusions on the tribal groups of Ohura South

From the Native Land Court evidence, the major tribal group of Ohura South is Ngati Haua. This group is descended from Te Hoata, and his descendants Tapaka, Terekau, Tuhaia, Te Awhitu and Toi. Kimihia was also a descendant of Te Hoata. She married Te Puru of Ngati Rangatahi. Their descendants therefore count Te Hoata and other Ngati Haua as ancestors, but are also descendants of Rangatahi and Maniapoto through Te Puru. This has complicated the tribal affiliations of Ohura South and may explain why nineteenth century Crown officials used the terms Whanganui and Ngati Rangatahi interchangeably. Within the Ohura South area, the descendants of Kimihia and Te Puru were known as Ngati Wera, They could be seen as a hapu, or sub-tribe of Ngati Haua, as Kimihia was a niece of Tapaka. Other tribal groups, such as Ngati Keu and Ngati Te Awhitu can also be seen as hapu of Ngati Haua, as they are descended from Te Hoata and his Ngati Haua descendants.

There were also descendants of Urunumia living on the block, although as, as descendants of Hira and Te Hoata, they could be seen as a hapu of Ngati Haua. The Native Land Court included them in the ownership of the Ohura South block as Ngati Hira of Ngati Haua.

There were some tribal groups in Ohura South who were of Ngati Maniapoto. These were Ngati Urunumia, who received the A1 block, and Ngati Ngatu, who received the C3 block. These are both small blocks of land (see Map 3).

³⁷ Tuku Te Ihi Te Ngarupiki, Otorohanga Native Land Court minute book 16, 21 October 1892, fol 122.

Two other hapu, Ngati Te Paemate and Ngati Hiaroa, lived on the northern part of the block. It is not known whether the Native Land Court included them in the block's lists of owners. There may almost be other tribal groups with connections to Ohura South.

1.3. The political context of the Rohe Potae compact as it relates to the land that became the Ohura South block.

After the defeat of the King Movement in the Waikato in 1864, the Maori King Tawhiao took refuge in the lands of the Ngati Maniapoto tribe. Ngati Maniapoto, and other tribes, placed their lands under the mana of the King as a means of protecting themselves from alienation. The lands placed under the Maori King were known as the Rohe Potae. Ngati Maniapoto had major interests in the west of the Rohe Potae from Mokau to Kawhia.³⁹ As stated above, the Ohura South block was originally part of the Rohe Potae of the Maori King movement, or Kingitanga. After the New Zealand Wars, much of the central North Island was outside the direct rule of the New Zealand Government. The term Rohe Potae is used for the self-governing Maori districts that existed in the late nineteenth century. The term can also be used for an area of land held in Maori customary title.⁴⁰

There were several areas of Maori self-government. In the Urewera mountains the Tuhoe people administered themselves after the withdrawal of Government troops. In the Rotorua district there was another such area, which was opened up in 1881, following a series of negotiations between tangata whenua and the Crown.⁴¹ In the area south of Te Awamutu, the Kingitanga tribes placed their lands under the authority of Tawhiao and established aukati lines beyond which European entry without permission was banned. This area was known as the Rohe Potae, or the Aotea Rohe Potae. The Kingitanga aukati was based on the Ngati Maniapoto lands of the King Country and the surrounding lands to the south and east. The Rohe Potae included the Ohura South block and originally extended far beyond it, to include areas that became the Waimarino and Taupouiatea blocks. The aukati of the Kingitanga

³⁸ Te Manu Te Ha, *ibid*, 21 October 1892, fol 128.

³⁹ Marr, *Alienation of Maori Land in the Rohe Potae*, p1.

⁴⁰ Cathy Marr, 'The Waimarino Purchase Report: The investigation, purchase and creation of reserves in the Waimarino Block, and associated issues' (draft), commissioned by the Waitangi Tribunal, 2004, chapter 1, p 11.

⁴¹ Alan Ward, 'Whanganui ki Maniapoto, Preliminary historical report, Wai 48 and related claims', 1992, p 33.

generally held during the 1870s, excluding Government authority from a large area of the central North Island. This, however, was not to last.

In the early 1870s, Julius Vogel, colonial treasurer, sought to bring thousands of immigrants to New Zealand, carrying out a national development programme of public works construction and purchase of Maori land for European settlement.⁴² His plan was adopted by Parliament through the Immigration and Public Works Act 1870. Under the Vogel scheme around 100,000 assisted immigrants arrived in New Zealand between 1871 and 1880. This brought the non-Maori population of the country to 470,000 by 1881.⁴³ Government policy for national development, with the extension of Crown authority and increased European settlement, placed growing pressure on the remaining areas of Maori customary land ownership and autonomy, including the Rohe Potae lands.

The land that became the Ohura South block formed part of a region known as Tuhua, which extended north and south of the upper Whanganui River. Tuhua formed the southern approach to the Rohe Potae and was seen by Crown officials in the 1870s as an area that could be used as a means to open the interior to Government influence and European entry.⁴⁴

The upper Whanganui iwi held a series of meetings in 1871 and 1872 which reached agreement on the boundaries between the tribal groups and sought to find an agreed policy on land selling. A meeting was held at Taumarunui, to extend peace to the upper Whanganui tribes who had been engaged in war against the Government. Another meeting, at Putiki in April 1872, established peace between pro-Government and anti-Government Whanganui Maori. At this time, Richard Woon, the resident magistrate, considered that animosity toward Pakeha by Whanganui Maori had died out.⁴⁵

1.3.1. Early Pakeha incursions into the Rohe Potae, 1870s

Although there was unity on the question of peace with the Government, there was disagreement over the question of opening the upper Whanganui to European settlement. The

⁴² Raewyn Dalziel, 'Vogel, Julius, 1835-1899', 1769-1940, vol 1 of *The Dictionary of New Zealand Biography*, (Wellington: Bridget Williams Books, and the Department of Internal Affairs, 1991), p 564.

⁴³ Michael King, *The Penguin History of New Zealand*, (Auckland: Penguin Books, 2003), p 230.

⁴⁴ Robyn Anderson, 'Report of Whanganui Iwi and the Crown, 1865-1880', commissioned by the Waitangi Tribunal, 1999, p 90 and p 99.

main division at this time was over the question of allowing gold prospectors into the Tuhua lands. The entry of European prospectors into the area was supported by Topine Te Mamaku. In November 1871, he accompanied Thomas McDonnell to Taumarunui. McDonnell intended to prospect in the ranges of the district, but was stopped by Pehi Turoa. McDonnell recorded that a Maori party at Taumarunui stopped his expedition. They wanted to communicate with Tawhiao before allowing McDonnell's group to travel any further. The expedition was eventually allowed to continue, although Topine was warned by Tahana Turoa to 'confine his gold prospecting operations to his own land'.⁴⁶ One of the chiefs who opposed McDonnell's 1871 expedition was Te Ngarupiki. He was later involved in the Native Land Court hearings that led to the formation of the Ohura South block.

At the Putiki meeting in April 1872, some speakers had stated their opposition to any entry to the upper Whanganui area by Europeans. In this they were upholding the aukati of the Kingitanga. However, the following month a message was received, apparently from Tawhiao, saying that decisions on the entry of roads, railways, telegraph and gold mining to an area were to be left to each tribe. In Tuhua, this led to a dispute over tribal authority. Topine wanted to establish a boundary for the Tuhua area and hold authority over it. Other chiefs, again including Te Ngarupiki, opposed this idea. Tahana Topia wanted a runanga, or Maori council, to govern the area, under which individuals would control their own land.⁴⁷

Government agents began purchasing interests in Maori land in the Tuhua district, around 1875.⁴⁸ In 1879, the Government made advance payments on a block in the Whanganui district named Ohuru. This does not appear to have included the purchase of interests in land that became the Ohura South block but is considered later in this report (see section 1.5).

1.3.2. The Rohe Potae compact in the 1880s

The opening of the Rohe Potae took place in the 1880s, after negotiations between the Government and Maori leaders. Tawhiao was involved in this process, but most negotiations were conducted between the Government and the Ngati Maniapoto chief, Wahanui Huatare. The Government was motivated in part in the negotiations by the need to construct the final

⁴⁵ Suzanne Cross and Brian Bargh, *The Whanganui District*, Waitangi Tribunal Rangahaua Whanui series, 1996, p 35.

⁴⁶ Anderson, 'Report of Whanganui Iwi and the Crown, 1865-1880', p 92.

⁴⁷ *Ibid*, pp 93-94.

stage of the Main Trunk Railway Line. By 1882, the leaders of the Kingitanga had agreed to 'engage with the Government over a managed opening of the interior' (or the Rohe Potae).⁴⁹ The Kingitanga sought an agreement with the Government that would maintain Maori control of the district while opening it to contact with the European society, and the railway line.

The negotiations between the Government and the Kingitanga led to several agreements between the Government and the Rohe Potae tribes that are together known as the Rohe Potae compact. The first part of the compact followed the failure of Charles Hursthouse to survey a possible route for the railway between Alexandra (Pirongia) and Mokau. He was turned back by Ngati Maniapoto. John Bryce, the Native Minister, then went to Alexandra in March 1883 and met the Ngati Maniapoto chief, Wahanui Huatare. Bryce appears to have agreed that the Government would consider the Kingitanga request for Maori management of their district. Wahanui and other chiefs agreed to allow Hursthouse to explore the country between Alexandra and Mokau. This agreement was later considered the first stage of the Rohe Potae compact with the Government.⁵⁰

In June 1883, Wahanui, on behalf of the Maniapoto, Raukawa, Tuwharetoa and Whanganui tribes, presented the Rohe Potae petition to Parliament. This petition asked that the Rohe Potae tribes remain free from entanglement with the Native Land Court, have their lands secured to them by Parliament and be allowed to fix the boundaries of their land themselves, along with each individual's share in the land.⁵¹ The petition was incorporated, to some extent, into the Native Committees Act 1883, and the Native Land Laws Act 1883.⁵²

In the Tuhua district a meeting in September 1883 decided to leave the opening of the country to Tawhiao and Wahanui.⁵³ However, the Whanganui leader, Te Keepa Te Rangihwinui (Major Kemp) had become a supporter of the construction of the railway. With his support, John Rochfort made several attempts to survey a route for the railway through the upper Whanganui lands. On the third attempt he reached Taumarunui but was unable to cross the aukati line and proceed into the Rohe Potae.

⁴⁸ Marr, 'The Waimarino Purchase Report', chapter 1, p 29

⁴⁹ Ibid, chapter 2, p 6.

⁵⁰ Ibid, chapter 2, p 10.

⁵¹ Ibid, chapter 2, p 14.

⁵² Ibid, chapter 2, p 19.

⁵³ Ibid, chapter 2, p 23.

Rochfort's inability to enter the Rohe Potae led to further negotiations between the Government and the Kingitanga. These were held at Kihikihi in late 1883 and centred on determining the boundaries of the Rohe Potae. In December 1883, the tribes of the Rohe Potae, including the Whanganui iwi, applied for the survey of the lands of the Rohe Potae. Following the agreement the Rohe Potae chiefs held a meeting with S. Percy Smith, the assistant surveyor general. This meeting reached agreement that the cost of the survey would not exceed £1600. An agreement, considered to be the second part of the Rohe Potae compact, was signed at the meeting with Smith.⁵⁴

The survey of the Rohe Potae was nearly complete by March 1884. The surveyed boundary line included the lands that became the Ohura South block. In April 1884, Bryce received a letter from Toakohura Tawhirimatea and 101 others repudiating the boundary line as it ran through Whanganui tribal land. The signatories included Te Pikikotuku, who was later involved with the Ohura South block. Toakohura said a large area of Whanganui land had been included within the boundary and that the Whanganui tribes had not been informed of the survey. He saw the survey as being of 'te rohe potae a Wahanui', or of the lands of the Ngati Maniapoto tribe. He said the Whanganui hapu wanted to withdraw their lands from the survey and keep them under Whanganui authority.⁵⁵

Other tribal groups also objected to being included in the pan-tribal boundaries of the Rohe Potae. In October 1885, Horonuku Te Heuheu applied to the Native Land Court to determine the ownership of the Ngati Tuwharetoa land in the eastern part of the Rohe Potae. The land became the Taupouiatia block. In December 1885, Te Rangihuatau applied for the determination of the ownership of the Whanganui tribal land south and east of the Whanganui River. This land became the Waimarino block. The withdrawal of these blocks was probably motivated by a concern that the Rohe Potae would be treated by the Native Land Court as a block in which the Ngati Maniapoto tribe were the claimants and the other tribes were counter-claimants.⁵⁶

Following the withdrawal of the Taupouiatea and Waimarino blocks from the Rohe Potae, the Whanganui River formed most of the southern boundary of the Rohe Potae (see Map 2). The Whanganui tribal lands north and west of the Whanganui River remained within the Rohe Potae and became the Ohura South block. The Rohe Potae compact established a large block

⁵⁴ Ibid, chapter 2, p 39.

⁵⁵ Cross and Bargh, *The Whanganui District*, p 56.

of Maori land, including the lands that became Ohura South, which was brought to the Native Land Court for title determination in 1886.

1.4. The Main Trunk Railway and land alienation in the district

As discussed above, in 1882, negotiations began for the opening of the Rohe Potae. The main cause of negotiation was the Government's need to complete the North Island Main Trunk Railway Line. There were four projected routes for the Main Trunk Line, three of which went through the part of the interior of the North Island controlled by the Kingitanga tribes. By 1880 the line had reached Te Awamutu from Auckland, and Marton, from Wellington. In return for an allowing the surveying and construction of the Main Trunk Line, the leaders of the Kingitanga wanted a managed opening of the district, which would allow them to maintain traditional authority and control of land.⁵⁷

In September 1882, the North Island Main Trunk Railway Loan Act was passed. This Act authorised the raising of a loan of £1,000,000 for railway construction, including surveying and land acquisition. In preparation for the construction of the railway, the Government also passed the Native Land Alienation Restriction Act 1884. This Act prohibited the private purchasing of land within a boundary similar to that given by the 1883 Rohe Potae petition.⁵⁸ The area covered was over 4 ½ million acres. The land defined in the 1884 Act's schedule extended from Aotea harbour and the Puniu River in the north, to the headwaters of the Turakina and Whangaehu rivers in the south, including the land that became the Ohura South block.⁵⁹

The decision to build the Main Trunk Line along the central route, between Marton and Te Awamutu, was confirmed by the Railways Authorisation Act 1884. The central route went to Taumarunui and through the Ohura South block, to the east of the Ongarue River. The route of the Main Trunk Line was officially proclaimed in April 1885. The Governor signed an Order in Council on 2 April enabling the construction through Maori land of a railway from the Puniu River to link with the existing railway from Foxton to New Plymouth. The railway was to be 210 miles in length and 300 links, or 3 chains, wide. The land was taken under the

⁵⁶ Marr, 'The Waimarino Purchase Report', chapter 3, pp 13-14.

⁵⁷ Ibid, chapter 2, p 1.

⁵⁸ Cross and Bargh, *The Whanganui District*, p56.

⁵⁹ Marr, *Alienation of Maori Land in the Rohe Potae*, Figure 1, piv.

Public Works Act 1882.⁶⁰ On 15 April 1885, the Premier, Sir Robert Stout, assisted by Wahanui and Rewi Maniapoto turned the first sod of the section of railway line that would complete the Main Trunk Line by extending it through the Rohe Potae. In 1890 the Native Land Court assessed compensation payments for land taken for the railway in land blocks north of Ohura South.⁶¹

Two further Acts were passed in 1886 in response to the negotiations for the opening of the Rohe Potae. The Native Lands Administration Act 1886 provided for block committees, elected by the owners, for Maori land blocks. The Act also ended the special status of the land restricted from private alienation in the schedule to the Native Lands Alienation Restriction Act 1884, as it provided that in future all Maori land would be sold through the Crown.⁶² The Native Land Court Act 1886 contained the provision that the Court could grant title to land to a tribe or hapu, with every member becoming an owner. When the Native Land Court determined the ownership of the Rohe Potae block in October 1886, it awarded the block to five tribal groups, in accordance with this Act. The Native Land Court hearing of 1886 is discussed in the following chapter.

The North Island Main Trunk Line Railway Loan Application Act 1886 defined how money raised under the North Island Main Trunk Railway Loan Act 1882 could be used. The 1886 Act went beyond the purposes of the 1882 Act in allowing the cost of the purchase of Maori and other land, within the schedule of the Native Land Alienation Restriction Act 1884, to be included in the cost of construction. The Government purchased Ohura South K5 and L blocks in 1893 using railway loan money.⁶³ These were the first Ohura South blocks to be purchased by the Government, and the only purchases in the block using railway loan money. One effect of the construction of the Main Trunk Line through Ohura South was the subsequent Crown purchase of land in the district. The railway reached Taumarunui, in Ohura South G block, in 1903, after crossing Ohura South from the north.⁶⁴

⁶⁰ *New Zealand Gazette*, 1885, no. 21, 9 April 1885, pp 407-8.

⁶¹ Otorohanga Native Land Court minute book 10, 2-16 December 1890, fols 263, 292-8, and 325.

⁶² Ward, 'Whanganui ki Maniapoto', p 64.

⁶³ Lands acquired subject to the provisions of 'The North Island Main Trunk Railway Loan Application Act 1886', 10 July 1894, *New Zealand Gazette*, 1894, no. 53, p 1079.

⁶⁴ *The North Island Main Trunk Line. Its progress and history*. North Island Main Trunk Railway League, Wellington, 1906.

1.5. The beginnings of Crown purchasing and the response of groups of Maori with interests in the land

As referred to in section 1.3.1, land purchasing by Government agents had commenced in the upper Whanganui region by 1875. Three blocks in the Tuhua area, Retaruke, Kawautahi and Kirikau were then under negotiation. They were intended to be part of a European settlement on the edge of the King Country.⁶⁵ In February and March 1876, a large meeting was held at Waiakatea, near Taumarunui. Rewi Maniapoto attended and stated that it was no longer possible for the authority of the Kingitanga to prevent land sales in the Tuhua lands, but he called on the Whanganui people to do so voluntarily.⁶⁶ In the following month, the Retaruke and Kirikau blocks went to the Native Land Court for title determination. The Crown had acquired substantial interests in these blocks by making advance payments before title determination. When the titles were determined both blocks became almost entirely Crown owned.⁶⁷

In early 1879, Parata Te Kiore, Te Pikikotuku, Paiaka and others, sent an undated letter to the Native Land Purchase Office, giving a 'description of land to be sold'. The boundaries described began at Opourotu and went to Mawhitiwhiti, Tawhiti, Te Hawera, on to the sea coast and from there to the Whakapapaiti rapid. These, and the other place names, can not be identified by this report, but the boundary does include Pukerimu.⁶⁸ There is a Pukerimu north of Taumarunui and near part of the Ohura South block. However, all that can be said is that correspondence for land called Ohuru is held in a land purchase file for the later Ohura South block.

Paiaka, Te Pikikotuku, Parata Te Kiore and others, sent a further letter, dated 30 May 1879. The letter was sent this time to John Sheehan, the Native Minister. It said that Mr Booth, the land purchase officer, had made an advance payment of £100 on the land they had offered the Government. The letter asked for a further £2600 and said that if the money is advanced it would be divided among the people with a claim to 'Ohura'.⁶⁹

⁶⁵ Marr, 'Waimarino Purchase Report', chapter 1, p 29.

⁶⁶ Anderson, 'Report of the Whanganui Iwi and the Crown, 1865-1880', p 94.

⁶⁷ Ward, 'Whanganui ki Maniapoto', p 25.

⁶⁸ Parata Te Kiore to Native Land Purchase Office, undated, file no. 79/99, MA-MLP1 1903/45, ANZ Wellington.

⁶⁹ Paiakia and others to Mr Sheehan, 30 May 1879, MA-MLP1 1903/45, ANZ Wellington.

Richard Gill, the under secretary of the Native Land Purchase Department, advised the Native Minister against a further advance as large advances on unsurveyed blocks led to trouble at the final settlement of the purchase. James Booth said he objected to any further advance being made on the application of Paiaka. Booth said Paiaka was utterly dishonest and unscrupulous and that unless his offers of land for sale were supported by owners of 'known probity and good character' he should be ignored.⁷⁰

A further indication that advances by James Booth, the land purchase officer, may have been made for Ohura lands is provided by the accounts books of the Native Land Purchase Department. On 10 March 1879, the sum of £25 was advanced to Wiremu Parata Te Kiore and others as the first payment on a block in the Whanganui district named Ohuru.⁷¹ This probably refers to the Ohura lands. A second advance payment, of £100, was made on the same block to Parata Te Kiore and others on 30 May 1879. A further five payments, totalling £32, were made later in 1879 to Parata Te Kiore, Hinaki, Topine Te Mamaku and others.⁷² However, it can not be established that these Ohura and Ohuru payments were for land that became the Ohura South block and no evidence had been found of the deduction of advance payments when the Government later purchased the subdivisions of Ohura South.

Of the chiefs who either received advances, or signed the letters offering to sell Ohuru or Ohura land, Topine Te Mamaku, Te Pikikotuku and Paiaka were identified by Hakiha Tawhiao as belonging to Ngati Haua, the tribal group to which the Ohura South block was later awarded.⁷³ There was opposition from Whanganui Maori to surveying and land selling in the upper Whanganui area in 1879 and 1880.⁷⁴ This affected the broader area that included the lands that became the Ohura South block.

John Bryce, the Native Minister, brought a halt to purchases in the upper Whanganui area in 1880, as an economic recession was beginning and there was opposition to land sales by some Whanganui hapu. Bryce also thought that the purchasing of interests in Maori land blocks before the determination of ownership caused difficulties in the Native Land Court. The Government land purchase office in Whanganui was reduced in staff in 1880 and appears to have closed by 1883.⁷⁵

⁷⁰ File note, James Booth to Mr Gill, 12 August 1879, MA-MLP1 1903/45, ANZ Wellington.

⁷¹ Land Purchase Accounts Journal, 1878-1879, MA-MLP 7/8, pp 447-8, ANZ Wellington.

⁷² Land Purchase Accounts Journal, 1878-1884, MA-MLP 7/9, pp 6, 18, ANZ Wellington.

⁷³ Hakiha Tawhiao, Otorohanga Native Land Court minute book 15, 19 August 1892, fols 25 and 27.

⁷⁴ Anderson, 'Report of Whanganui iwi and the Crown, 1865-1880', p 114.

⁷⁵ Marr, 'Waimarino Purchase Report', chapter 1, p 61.

It is not clear that the advances of 1879 were paid on lands that later became part of the Ohura South block. There is no record of the Crown advances of 1879 being recovered from the sale of any part of the Ohura South block. The term Ohura or Ohuru could refer to land in the vicinity of the Ohura River and not necessarily to land that became part of the Ohura South block. The conclusion of the purchases begun by the advances of 1879 on Ohura land is at present unknown.

By 1890, there was considerable interest by Europeans in the Ohura lands as an area for settlement, probably as a result of the decision to construct the Main Trunk Line through the area. On 14 August 1890, Paiaka Te Pamonga Te Pikikotuku wrote to Edwin Mitchelson, the Native Minister, saying that the Ohura block would be offered for sale ‘to Government or the Company’ when it had been through the Native Land Court.⁷⁶ This is probably the same Paiaka who was involved in the 1879 advances. It is not clear what company is being referred to, but it was probably a land purchase company.

Paiaka wrote again to Mitchelson in November 1890, saying that he had partitioned the Ohura South block, and that a survey had been carried out. His letter is an early use of the name Ohura South. Paiaka said that the block had an area of 116,153 acres, of which 100,000 acres would be held by the people and 16,152 acres would be held by him to meet the cost of the survey. He said he was going to make arrangements before all the people, before going to see George Wilkinson, the land purchase officer at Otorohanga.⁷⁷

The preparations to sell the Ohura South block were part of plans by Auckland private interests to settle the Ohura district. Pamonga Te Pikikotuku referred to a land company in 1890. In June 1892 an association was formed for the purpose of taking up 200,000 acres in the Ohura district, under special settlement regulations.⁷⁸ The area intended for settlement, which was along the Ohura River and its tributaries, included the western part of the Ohura South block. This part of the block had better soil than the eastern part, around Taumarunui, which was later referred to as being ‘within the pumice belt’.⁷⁹

⁷⁶ Paiaka Te Pamonga Te Pikikotuku to Mitchelson, 14 August 1890, MA 13/78d, ANZ Wellington.

⁷⁷ Te Pamonga Te Pikikotuku to Lewis, 3 November 1890, MA 13/78d, ANZ Wellington.

⁷⁸ *Auckland Special Settlements* (leaflet), nd, MA-MLP1 1903/45, ANZ Wellington.

⁷⁹ G T Wilkinson to P Sheridan, 14 October 1898, MA-MLP1 1903/45, ANZ Wellington.

It does not appear that any special settlements were made on the Ohura South block. However, the private plans for settlement show that there was a strong desire among some Pakeha for land in the Ohura area. This led to the Crown's application, in August 1892, for the definition of the interests of the owners in the Ohura South block. This was one of two applications concerning Ohura South that were before the Court when the hearings began on 16 August 1892.⁸⁰ The other was from Patupatu Kapa, and was for a subdivision of the block. These applications are discussed in the following chapter. The first Ohura South subdivisions purchased by the Crown were Ohura South L and Ohura South K5, The sale agreements were made between the Crown and the Maori owners on 22 November 1892 and 1 December 1892, respectively.⁸¹

There was opposition to Government land purchasing from some Maori in the area in 1879 to 1880, but also some Maori owners showed a willingness to sell. Advance payments were made on Ohura lands at that time, but it is not clear if these involved the lands that became Ohura South. No Crown interest was held in Ohura South prior to the Native Land Court hearings of 1892.

1.6. Conclusion

The lands that became the Ohura South block were originally the Whanganui part of the Aotea or Rohe Potae block. The evidence presented to the Native land Court in 1892 indicated that the main tribal group of the block consisted of the Ngati Haua descendants of Te Hoata. After inter-tribal warfare a division of the Ohura and Taumarunui lands was agreed, which made Terekau, Tuhiaia and Kimihia the principal owners of these lands.

The Native Land Court evidence showed a complex tribal composition for the Ohura South block. Kimihia married a man of Ngati Rangatahi, a hapu of Ngati Maniapoto. Their descendants were prominent chiefs of Ngati Haua and Whanganui, but were also connected to Ngati Rangatahi and are known as Ngati Wera. In addition, Ngati Rangatahi were largely driven from their lands near Otorohanga, by other Maniapoto hapu, and settled on land held by Kimihia.

⁸⁰ Otorohanga Native Land Court minute book 14, 16 August 1892, fol 178.

Witnesses to the 1892 Native Land Court hearings also said there were other Maniapoto hapu living on the Ohura South lands prior to the investigation of its title. These were Ngati Ngatu, who had been gifted land, and descendants of Urunumia, notably Te Ha. Ngati Urunumia claimed land part of the Ohura South block. This claim was heard by the Native Land Court and is discussed in the following chapter. Claimants have also stated that Ngati Te Paemate, of Maniapoto, and Ngati Hiaroa, an ancient hapu, lived on the block.

The Rohe Potae, of which Ohura South was part, was a large area of land behind the aukati line of the Kingitanga that excluded most Government influence from the area. A series of negotiations in the 1880s between the Government and the Kingitanga led to an agreement known as the Rohe Potae compact. Part of this agreement was that the Rohe Potae would be taken to the Native Land Court for the determination of its title. The lands that became the Ohura South block went to the Native Land Court in 1886 as part of the Aotea or Rohe Potae block. This hearing is also described in chapter two.

The Government was motivated in its negotiations for the opening of the Rohe Potae, or King Country, by the need to complete the North Island Main Trunk Railway Line. Two Acts of Parliament, the Native Land Alienation Restriction Act 1884 and the North Island Main Trunk Line Railway Loan Application Act 1886, included the lands that became the Ohura South block in an area in which railway loan money could be used by the Crown to purchase Maori land. Land in the Ohura South block was purchased with railway loan money. The line was constructed through the Ohura South early in the following century.

Advances on land purchases were then made to leading members of Ngati Haua on lands described as Ohuru or Ohura by Government agents in 1879. However, the lands involved may have been north of the later Ohura South block, or further west along the coast. It is notable that the advance expenditure of 1879 was not deducted from future Crown purchases in the Ohura South block.

The Crown purchasing of interests in the Ohura South block began in November 1892. This followed the Crown application to the Native Land Court for the definition of interests in the block in August 1892. The Native Land Court hearings of 1886, 1888, and 1892 are discussed in Chapter Two.

⁸¹ Sale agreements on file, dated 22 November 1892 and 1 December 1892, MA-MLP1 1903/45, ANZ Wellington.

2. The Native Land Court hearings of 1886, 1888, and 1892

Steven Oliver

2.1. Introduction

This chapter examines the 1886 Native Land Court hearing, which resulted in the award of the Aotea block to several iwi, including Whanganui. The separation of the Whanganui part of the Aotea block, also called the Whanganui Rohe Potae, from the Aotea block in 1888 is then discussed, as this part of the Aotea block became the Ohura South block. The Ohura South block in 1890 and the survey lien are examined, followed by discussion of the 1892 Native Land Court hearings of the Ohura South block. The hearings of 1892 involved two applications. The first application was for the subdivision of the block by Ngati Urunumia for part of the block they claimed had been ceded to them. The second was an application by the Crown for the definition interests in the block. The chapter considers the questions of whether the Ngati Urunumia claim received a fair hearing and if other Native Land Court decisions in other land blocks support Judge Gudgeon's decision on the Ngati Urunumia claim in Ohura South.

The chapter then discusses the Court's definition of interests in the block and the subsequent partitioning of the block. Native Land Court awards of the subdivisions of the block to the descendants of named ancestors or hapu, show the tribal affiliations of the individuals to whom the block was awarded.

2.2. The circumstances leading up to the title investigation of the block by the Native Land Court in 1886

As noted above, the title investigation of the Aotea block, of which Ohura South was part, took place in 1886. The Aotea block was formed after the withdrawal of some Tuwharetoa and Whanganui land from the Rohe Potae in 1885. In October 1885, Horonuku Te Heuheu applied to the Native Land Court for a title determination of the Ngati Tuwharetoa land in the eastern part of the Rohe Potae. This land became the Tauponuiatia block. Similarly, in

December 1885, Te Rangihuatau and two other Whanganui Maori applied for the title determination by the Native Land Court of land that became the Waimarino block.⁸² This application led to the withdrawal from the Rohe Potae of 490,000 acres south and east of the upper Whanganui River. The withdrawal of these blocks was probably motivated by concern that the Rohe Potae would be treated by the Native Land Court as a block for which the Ngati Maniapoto tribe were the main claimants, with the other tribes being treated as counter-claimants.⁸³ The Whanganui lands north and west of the Whanganui River, including Taumarunui, remained within the reduced Rohe Potae.⁸⁴

The reduced Rohe Potae was known as the Aotea block, but was referred to in the minutes of the Native Land Court as the Rohe Potae block.⁸⁵ It extended from Taumarunui and the upper Whanganui River in the south, to Pirongia and the Puniu River in the north.⁸⁶ The Aotea block was a block of 1,636,000 acres. The Whanganui River now formed approximately two thirds of the southern boundary of the Aotea block, whereas in 1884 the southern boundary of the Rohe Potae had extended to Mount Ruapehu (see Map 2).⁸⁷

2.3. The Native Land Court hearing of 1886

In May 1886, the Whanganui, Tuwharetoa and Hikairo tribes and hapu of the Maniapoto and Raukawa tribes, made an application for the determination of the ownership of the Aotea block. The application was signed by 56 Maori, including the Whanganui chiefs Te Pikikotuku, Matakitaki Te Ngarupiki and Topine Te Mamaku.⁸⁸ The Native Land Court investigated the ownership of the block, in October 1886. Wahanui named the five claimant tribes as Ngati Maniapoto, Ngati Raukawa, Ngati Tuwharetoa, Ngati Hikairo, and Whanganui.⁸⁹ The tribal representatives Wahanui Huatere, of Ngati Maniapoto, and Tuao Ihimaera, of Whanganui and Ngati Haua, established a prima facie case for the claim to the Aotea block.⁹⁰

⁸² Marr, chapter 3, pp 13-14.

⁸³ Ibid, chapter 3, p 13.

⁸⁴ Otorohanga Native Land Court minute book 2, 15 November 1886, fol 158.

⁸⁵ Alan Ward, *National Overview*, vol. II, Waitangi Tribunal Rangahaua Whanui Series, 1997, pp 136-137; Otorohanga Native Land Court minute book 2, 20 October 1886, fol 55.

⁸⁶ 'Map of the Aotea Rohepotae Block', AJHR, 1907, G-1B, facing p 36.

⁸⁷ L Cussen, et al, 'Sketch map of the 'King Country'', AJHR, 1884, Sess II, C-1, opp p 29

⁸⁸ *Ko te Kahiti o Niu Tirene*, 27 Mei 1886, p 148.

⁸⁹ Wahanui Huatere, Otorohanga Native Land Court minute book 1, 2 August 1886, fol 46.

There were counter-claimants to the Aotea block, but none involved the southern part of the block.⁹¹ The Native Land Court granted five of the counter-claims. They became the land blocks Karakanui, Te Taharoa, Te Awaroa, Kawhia and Kaipihia.

The balance of the Aotea block was awarded to the claimants of the five tribal groups on 20 October 1886.⁹² The Court's judgement names the tribal groups to whom the block was awarded as Ngati Maniapoto; Ngati Hikairo; Ngati Tuwharetoa; two hapu of Ngati Raukawa, Ngati Whakaterere and Ngati Takihiku; and Ngati Rangatahi, a section of Whanganui.⁹³ It is possible that the Court's record is imprecise in stating that the award included Ngati Rangatahi, rather than Whanganui, as the Court, on 15 November 1886, admitted the Whanganui name list to the ownership of the Aotea block.⁹⁴

The Court recorded the lists of owners of the Aotea block on 15 November 1886. The lists of owners were from Ngati Maniapoto and Whanganui and from the other three tribal claimant groups. The Whanganui list for the Aotea block had 201 names, including Ngatai Te Mamaku, Tuao Ihimaera and Matakitaiki Ngarupiki. There were 28 minors in the list.⁹⁵ A supplementary list of Whanganui names for the Aotea block, which included Hakiha Tawhiao, was handed to the Court a year later.⁹⁶ The list of owners that the Court accepted for the Whanganui Rohe Potae became the ownership list for the Ohura South block.

On 15 June 1887, the Court met for the 'continuation of the Rohe Potae business', but adjourned as Ngati Maniapoto were at a meeting in Te Kuiti. The Court re-convened on 28 June 1887, but was unable to proceed with the Aotea block as Taonui Hikaka and others wanted the awards of the Maraeroa and Hurokia blocks investigated by the Court. The Maraeroa block over-lapped the Rohe Potae block and its award had been made the Native Land Court sitting in Taupo, under different Court officials. Taonui walked out of the 28 June 1887 hearing, which caused an adjournment.⁹⁷

Following the Court's judgement of 20 October 1886, the Aotea block was divided between the five tribes, after the tribal boundaries had been determined. The boundaries were decided

⁹⁰ Otorohanga Native Land Court minute book 2, 20 October 1886, fol 55.

⁹¹ Ibid, 20 October 1886, fol 57.

⁹² Ibid, 20 October 1886, fol 69.

⁹³ Ibid, 20 October 1886, fol 55.

⁹⁴ Otorohanga Native Land Court minute book 2, 15 November 1886, fols 158-161.

⁹⁵ Ibid.

⁹⁶ Otorohanga Native Land Court minute book 3, 29 November 1887, fol 14.

⁹⁷ Otorohanga Native Land Court minute book 2, 28 June 1887, fols 359-361.

by a number of tribal meetings. Only one of these meetings concerned the Ohura South block. This was a meeting at Te Kuiti in early 1888, and determined the boundary between Ngati Maniapoto and Whanganui.

2.4. The Native Land Court identification of the Whanganui Rohe Potae in 1888

On 19 March 1888, Wetere Te Rerenga, of Ngati Maniapoto, said that the proposed tribal divisions of the Aotea block should be proceeded with. Toakohuru handed in a list of owners of the Ngati Haua hapu of Whanganui, headed by Ngatai Te Mamaku. This list was undated, but was for the Whanganui Rohe Potae.⁹⁸ A further list was handed in on 12 April 1888 for the South Ohura block.⁹⁹ This appears to be the first use of a form of the name Ohura South. The Native Land Court approved the lists of owners of the Whanganui part of the Rohe Potae on 22 June 1888.¹⁰⁰ An order for the block with 225 owners was made on 30 August 1888.¹⁰¹

On 30 August 1888, the Native Land Court, at a hearing of the Aotea block, determined the ownership of the ‘parcel of land known as the South Ohura Block’.¹⁰² The list does not give hapu affiliations but the Court later awarded the subdivisions of the block largely to hapu and individuals of Ngati Haua. The Ohura South block is listed in an enclosure ‘of Rohe Potae subdivisions made so far’, sent to the Under Secretary of the Native Department in October 1888. The enclosure states the block was of an estimated 95,000 acres and had 225 owners. These comprised 164 adults and 61 minors. Ohura South is also listed in a schedule of orders made for the Rohe Potae block, for the period ending 31 December 1889.¹⁰³ The enclosure has the date 30 August 1888 for the Ohura South order.

2.4.1. Whanganui Rohe Potae boundary evidence, 1888

The tribal boundary between the Ngati Maniapoto and Whanganui iwi separated Ohura South from the Aotea block. The Ngati Maniapoto chief Taonui Hikaka gave part of the boundary between Maniapoto and Whanganui. His boundary began at a fishing ground 20 miles out at

⁹⁸ Whanganui Maori Land Court file Wh. 873, Ohura South.

⁹⁹ Otorohanga Native Land Court minute book 3, 5 April 1888, fol 38.

¹⁰⁰ Otorohanga Native Land Court minute book 4, 22 June 1888, fol 83.

¹⁰¹ G T Wilkinson to Under Secretary, Native Department, 3 October 1888, MA 13/7a, ANZ Wellington.

¹⁰² Ohura South, Wh. 873, Aotea Maori Land Court.

¹⁰³ G T Wilkinson to Under Secretary, Native Department, 3 October 1888, MA 13/7a, ANZ Wellington.

sea, and then went to the mouth of the Waipingau Stream. This stream was a boundary between Ngati Maniapoto and European land. The boundary then followed the stream to Taumatawhetu, went inland to cross the Waitara River and reach Te Matai (or Matau?), where the European land ended. The boundary then went north to Te Ihu-o-Tawhiriraupeka, descended the other side of this mountain to the Mangakara valley and then went to Tapuokaroro and Waitewhenua. Taonui's district ended at Wai-te-Whenua, which is a tributary of the Ohura River.¹⁰⁴

The boundary between the tribal lands of Ngati Maniapoto and Whanganui was agreed at a meeting at Te Kuiti in early 1888. Matakitaki, a chief of Ngati Haua, Ngati Rangatahi and Ngati Wera presented the boundary, or a version of it, to the Native Land Court on 4 April 1888. The boundary he gave began at Tawhitiraupeka and went to Te Matawai-a-te-Pahu stream and to its junction with the Ohura River. It then went along the Ohura River to Waikaka and the mouth of the Taraunui Stream and then across Ohura to Ngarupiki. It then went eastward to the Otunui Stream and then along the Okaihae Stream to the Ongaruhe River. The boundary then went along the Ongaruhe River to the Taringamotu River, and along that river to the Ngakonui Stream. From the headwaters of Ngakonui Stream, the boundary went south by the western side of Rangiteihi hill to the source of the Pungapunga Stream. It then went to Pungapunga and Maniaiti. Matakitaki said the land south of the boundary was owned by Ngati Rangatahi and also by Ngati Wera and Ngati Whati. He also named Ngati Hinewai and Ngati Reremai as owners of this area. He then asked for a separate order to be issued by the Court for the area south of the boundary line.¹⁰⁵

The boundaries given by Taonui and Matakitaki appear to be two halves of the same boundary. Taonui gave the western side of the boundary, up to the Ohura River, and Matakitaki gave the eastern side. There was no dispute between Maniapoto and Whanganui over the western part of the boundary. There was, however, dispute over the most easterly part of the boundary, which was along the Ngakonui Stream. Tohengaroa and Te Awhitu, two chiefs who belonged to both Whanganui and Ngati Rangatahi, supported Matakitaki's boundary at the Native Land Court in 1888. Te Rerenga, a chief of Mokau, agreed it was the ancestral boundary between the two tribes. Taonui was at the Court and he also supported the eastern boundary at a later hearing of the Native Land Court.¹⁰⁶

¹⁰⁴ Taonui Hikaka, Otorohanga Native Land Court minute book 3, 19 March 1888, fols 29-31.

¹⁰⁵ Matakitaki Te Ngarupiki, *ibid*, 4 April 1888, fol 36.

The boundary between Ngati Maniapoto and Whanganui ran generally west to east. The land south of the boundary belonged to the Whanganui iwi and was the Whanganui part of the Rohe Potae. Toakohuru, who had objected in 1884 to the inclusion of Whanganui land within the Rohe Potae, was a claimant in 1888 to the area called the Whanganui Rohe Potae. He claimed the land for Ngati Haua. Topine Te Mamaku headed the list of names Toakohuru presented to the Native Land Court, for inclusion in the ownership of the Whanganui Rohe Potae.¹⁰⁷

The part of the Aotea block awarded to Whanganui by the Native Land Court, became the Ohura South block (see Map 2). The Court stated on 5 April that, as there was no objection to the boundary between Ngati Maniapoto and Whanganui, the matter was settled.¹⁰⁸ The boundary between Ngati Maniapoto and Whanganui accepted by the Native Land Court in April 1888, defined the Whanganui Rohe Potae, or the Whanganui part of the Aotea block.

A dispute over the boundary between Maniapoto and Whanganui occurred between Taonui and Tuao in the Native Land Court on 15 May 1888. Tuao wanted Taonui to withdraw an application he had made, for inclusion in Te Horongapai of the land south of the boundary line. Taonui said he had already withdrawn it, but Tuao said he was going to get Ngatai Te Mamaku to come to the Court. Taonui said Ngatai had been at the Te Kuiti meeting and had agreed to the boundary. Hauauru Poutama, of Ngati Maniapoto, agreed Ngatai had been at the meeting but then said that if the question of the Whanganui boundary was re-opened all the other tribal boundaries would become unsettled.¹⁰⁹

The Whanganui boundary question was again raised in the Court in June 1888 when Ngatai and Ihimaera Tuao asked that the question be referred to the Whanganui people. Taonui said that Ngatai had been at the meeting at Te Kuiti, which had been called to determine the boundaries, and that Tuao had been in Court when Matakitaki gave the boundary. Ngatai replied that he had agreed with the boundary until it had reached Ngakonui. He had then gone back to Whanganui to consult his people. The details of Ngatai's objection to the boundary between Whanganui and Ngati Maniapoto are not given in the minute book of the Native

¹⁰⁶ Otorohanga Native Land Court minute book 16, 21 October 1892, fol 142.

¹⁰⁷ Ohura South, Wh. 873, Aotea Maori Land Court.

¹⁰⁸ Otorohanga Native Land Court minute book 3, 5 April 1888, fol 38.

¹⁰⁹ Hauauru Poutama, *ibid*, 15 May 1888, fol 270.

Land Court hearing. It is, therefore, not known what Ngatai claimed as the correct boundary. Matakitaki said the boundary was the Ngakonui Stream.¹¹⁰

The following day, the Court stated that there was no reason to alter the boundary line and that an order would be made accordingly. In doing so, Judge Gudgeon was refusing to re-open the boundary question despite the arrival of Ngatai Te Mamaku at the Court. He had been absent when Matakitaki had given the boundary between Whanganui and Maniapoto. The Ohura South block consequently had the Ngakonui Stream as its eastern boundary.

The question of the eastern boundary between the Whanganui and Maniapoto tribes was again an issue at the hearing of ownership of the Pukuweka block in 1897. This block is immediately east of the Ngakonui Stream. Judge Gudgeon, who presided over the 1897 Pukuweka hearing, based his ruling on the 1888 boundary agreement and awarded the block to Maniapoto.¹¹¹ In 1900, Whanganui appealed against this ruling. Judge W G Mair then ruled that the 1888 boundary was not binding and that ownership should be decided upon the grounds of occupation and ancestry. He reversed the earlier decision and awarded the block to the descendants of Te Hoata.¹¹² This included some Whanganui people in the ownership of Pukuweka and thus moved the Whanganui boundary eastward.

2.4.2. Wahanui's claim to land within the Whanganui Rohe Potae (Te Horongopai), 1888

The Ngati Maniapoto chief Wahanui Huatare was at the Native Land Court hearing in April 1888. He did not dispute the boundary line given by Matakitaki, but he claimed land south of the boundary line. In his statement to the Court Wahanui said, 'There is a piece of land outside the boundary which has been laid down, that belongs to me, to the South of the land described. It is called Te Horongopai. I don't wish the line to be altered. I only want the Court to know that I claim outside of it, near Taringamotu'.¹¹³ Matakitaki said Wahanui's statement was correct and that he had forgotten to mention it yesterday. Taonui said that Te Horongopai was a very small piece of land at the confluence of the Ongaruhe and Taringamotu rivers. The question of Te Horongopai is discussed later in this report.

¹¹⁰ Matakitaki Te Ngarupiki, Otorohanga Native Land Court minute book 4, 21 June 1888, fol 82.

¹¹¹ Otorohanga Native Land Court minute book 29, 9 August 1897, fols 157a-157b.

¹¹² Otorohanga Native Land Court minute book 37, 9 May 1900, fols 132-133.

¹¹³ Wahanui Huatare, Otorohanga Native Land Court minute book 3, 5 April 1888, fol 38.

On 12 April 1888, Ngahinoa Anatipa handed a list of owners to the Native Land Court to be included as Whanganui owners of the Rohe Potae. The list was titled 'Rohepotae re Whanganui lists'. The list was for the Rangatahi block, which apparently meant the land of Te Horongopai. This was the land south of the Ngati Maniapoto and Whanganui boundary to which Wahanui had stated his claim, when the Court settled the boundary, on 4 April 1888.¹¹⁴ The list was headed by Wahanui Huatare and contained 79 names. A note on the list says the Whanganui iwi made no objection to the inclusion of this list of owners, provided they were confined to part of the block known as Te Horongopai.

The Whanganui chiefs accepted the list for the Rangatahi block, titled 'Whanganui Rohe Potae' in 1888, provided it was confined to the part of the block known as Te Horongopai. This acceptance led to the Ngati Urunumia claim to part of the Ohura South block in 1892. How a Rangatahi claim became a Ngati Urunumia claim is not entirely clear, but both claims had lists with 79 names on them, both claims involved Wahanui Huatare and both were for hapu of Ngati Maniapoto.

2.5 The 1890 survey of the Ohura South block and the survey lien

The boundaries of the Ohura South block were finalised by the Native Land Court on 24 January 1889.¹¹⁵ The boundaries were the same as those given by Matakitaki for the Whanganui boundary within the Rohe Potae on 4 April 1888.

In April 1890, John Rochfort reached agreement with the Maori owners for the survey of the Ohura South block. The owners he met included Ngatai Te Mamaku, Matakitaki and Te Awhitu. The survey was to cost 5d per acre.¹¹⁶ Matakitaki Te Ngarupiki and Te Awhitu applied for the survey of the block on 3 April 1889. Rochfort reduced his charge for the survey to 2 ½d the following month as part of the boundary had already been surveyed by Mr Spencer. This was done as part of the survey of the southern boundary of the Rohe Potae block. The Government approved Rochfort's survey of the Ohura South block on 7 November 1889, at a cost of 2 ¼d per acre. The survey was to be paid for by the Government in the first instance, with the cost later being recovered from the owners. Rochfort was invited to carry

¹¹⁴ Otorohanga Native Land Court minute book 3, 12 April 1888, fol 60.

¹¹⁵ Otorohanga Native Land Court minute book 5, 24 January 1889, fol 248.

¹¹⁶ J Rochfort to Chief Surveyor, Auckland, 5 April 1889, BAAZ 1108/126b, 2928, ANZ Auckland.

out the survey on 12 November. The survey was authorised by H. G. Seth-Smith, Chief Judge of the Native Land Court, on 20 November 1889.¹¹⁷

Rochfort began the survey of the Ohura South block in late November 1889. By February 1890 he had completed the survey down the Whanganui River to the western part of the southern boundary that had already been surveyed by Spencer. In the same month, Te Awhitu and Matakītiki complained to Thomas Humphries, the Auckland Chief Surveyor, that Rochfort had burnt a large quantity of totara and matai. They wanted him to pay for the destroyed timber. The only consequence of their letter seems to have been that Humphries told Rochfort to avoid giving cause for complaint.

Rochfort spent a total of £544 3s 8d on wages and supplies for Maori men working on the survey.¹¹⁸ On 16 May 1890, a survey lien of £350 12s 6d was placed on the block. This lien was the amount paid by the Government to Rochfort at 16 May 1890. It was cancelled on 16 October 1890.¹¹⁹ The lien was cancelled because further payments to Rochfort had made it redundant.

In September 1890, Rochfort wrote a report on the Ohura South block. His report states that there were no subdivisions in the block. Rochfort said the land on the lower Taringamotu River was fairly good, but up-river the land had a pumice soil and was largely worthless, although there was good timber. He said the best land was along the Ohura River, in the west of the block, and that there was good, open land between Pukehi and Aorangi. Generally, some of the block was suitable for farming but much was rough forest hill country.¹²⁰

On 20 September 1890, the Native Land Court approved Rochfort's map of the Ohura South block. This was recorded in the minutes of a later hearing of the Court, which established a survey lien. These minutes also record that an objection, from an unrecorded person, was made to the map. The objection was that Rochfort had not taken the people, meaning the owners of the land, to show him the boundary line. Judge W. E. Gudgeon had ruled that it was the duty of the owners to accompany the surveyor and point out the boundaries.¹²¹ Gudgeon's response can be seen as disregarding the objection. He appears to have had no wish to re-open

¹¹⁷ Copy of Native Land Court order, 20 November 1889, BAAZ 1108/126b, 2928, ANZ Auckland

¹¹⁸ J W Ellis to T Humphries, 2 October 1890, BAAZ 1108/126b, 2928, ANZ Auckland.

¹¹⁹ Ohura South, Wh. 873, Aotea Maori Land Court.

¹²⁰ J Rochfort, 'Report on Ohura South and Pirongia blocks', 23 September 1890, Ohura South, Wh. 873, Aotea Maori Land Court.

¹²¹ Otorohanga Native Land Court minute book 13, 9 August 1892, fol 26.

the boundary question, only to finalise a stage in the investigation of the ownership of the block. There is a possibility, given the unnamed objector's concerns, that the boundaries of the block were incorrect and in need of further investigation.

The Court also issued an order for £1088 13s 5d, for the cost of the survey.¹²² This was the total of the payments made to Rochfort by the Government for the survey of the Ohura South block.¹²³ On 30 June 1892, the head of the Auckland survey office published a notice in *Kahiti* which said that £1088 13s 5d was owed for the surveying of the Ohura South block. The notice gave the block's area as 116,125 acres. Another notice in the same publication gave the number of the map of the Ohura South block as ML 6114.¹²⁴

In August 1892, the Ohura South block was taken to the Native Land Court for the definition of the interests of its owners, as described below. This resulted in the partition of the block into 20 subdivisions, each with a list of owners approved by the Court. On 28 November 1892, the Court approved an arrangement by which part of the survey lien was paid. Under this arrangement, a block of 10,000 acres was taken from block K2 to pay for the Ngati Haua share of surveying expenses for the Ohura South block. This became the K5 block. It was awarded to Manuauete Piripi Tuhaia and Tuao Ihumaera. The order was 'to have no force unless the Govt offer to obtain the land retains the sum of £713 5s 5d which is the amount settled by the Court as the sum due on all the Ohura land outside Block K1'.¹²⁵ Wilkinson described this as an arrangement whereby the descendants of Terekau and Tuhaia set aside land to pay their share of the survey lien, but the descendants of Kimihia did not take part in the arrangement.¹²⁶

On 28 November 1892, the Native Land Court divided the survey lien of £1088 13s 5d, which had been placed on the Ohura South block for the 1890 survey. The sum of £713 5s 5d was to be paid by the sale of the K5 block, and was to cover the survey fees due for all of the block except the K1 block. The K1 block had been awarded to Ngati Wera and was not included in the arrangement. The remaining £375 8s was to be recovered from the owners of the K1 block, when subdivisions of K1 were purchased by the Crown.¹²⁷

¹²² Ibid, 9 August 1892, fol 26.

¹²³ C Kensington, for Chief Surveyor, to the Registrar, Native Land Court, Auckland, 16 November 1890, BAAZ 1108/126b 2928, ANZ Auckland.

¹²⁴ *Ko te Kahiti o Niu Tireni*, 30 Hune 1892, p 220 and p 222.

¹²⁵ Otorohanga Native Land Court minute book 13, 28 November 1892, fol 156.

¹²⁶ G T Wilkinson, file note, 24 November 1892, MA-MLP1, 1903/45, ANZ Wellington.

The K5 block was sold on 1 December 1892. In July 1893, the survey lien of £1088 13s 5d, which had been placed on the Ohura South block for the external survey, was reduced to £375 8d.¹²⁸ This indicates that £713 5s 5d of the survey lien had been paid from the purchase money paid for the K5 block.

2.6. The Native Land Court hearing of the Ngati Urunumia claim to Te Horongopai in 1892

This section discusses the Native Land Court hearings on the Ohura South block in 1892. Two applications concerning Ohura South were made to the Court on 19 August 1892. The first was an application for the subdivision of the block from Patupatu Kepa, of Ngati Urunumia, and Matetoto, also probably of Ngati Urunumia. The second application was from the Crown and was for the definition of interests in the block.¹²⁹ The Court hearings were held at Otorohanga under Judge W E Gudgeon. The block's size was then given as 116,152 acres.¹³⁰

The Court first heard the application for a subdivision of the block. This application had its origin in the 1888 Native Land Court hearing. In June 1892, George Wilkinson, the land purchase officer, informed Patrick Sheridan, the officer in charge of the Land Purchase Department, that he had seen the list of names for the Ohura South block. Wilkinson advised Sheridan that he knew of a further 79 names that had been left out of the order. The list of names for the Ohura South block to which Wilkinson referred was the name list for the Whanganui Rohe Potae. The Native Land Court had approved this list in an order of 30 August 1888.¹³¹ The list of 79 names was the list headed by Wahanui and was the list for the Rangatahi block. The Whanganui chiefs had accepted the list in 1888 for inclusion in the Whanganui Rohe Potae, provided it was restricted to Te Horongopai. The inclusion of the 79 names in the ownership of Ohura South required a partition, or subdivision, of the block, to identify the land of Te Horongopai.

¹²⁷ Otorohanga Native Land Court minute book 17, 28 November 1892, fols 156-157.

¹²⁸ Kensington, for Chief Surveyor, to Registrar, Native Land Court, Auckland, 1 July 1893, BAAZ 1108/126b 2928, ANZ Auckland.

¹²⁹ Otorohanga Native Land Court minute book 14, 19 August 1892, fol 178.

¹³⁰ See Introduction for note on the total acreage of the block, which the authors suggest should be 117,215 acres.

¹³¹ Ohura South, Wh. 873, Aotea Maori Land Court.

Pepene Eketone opened the case for the claimants. He gave the boundaries of Te Horongopai as the Ongarue River, the Mangakahikatoa Stream, the Ngakonui Stream and the Taringamotu River.¹³² This was south of the Ngati Maniapoto and Whanganui boundary and in the Ohura South block. The land he claimed as Te Horongopai amounted to approximately 5000 acres and was to the north and north-east of Taumarunui. It included all of what later became the A and A1 blocks of Ohura South, parts of the G, and M blocks, and possibly part of the C2 block (see Map 4).

Pepene said that Ngati Urunumia and Ngati Maru, hapu of Ngati Maniapoto, claimed the land.¹³³ Pepene said their claim to this land was a pakanga, or related to a war or battle, and that the land was given to them when peace was made. He said the old name of the land was Ngai Rongohira (or Orongohira), but that after the peace it became Te Horongopai, ‘the good peace’.¹³⁴

Pepene said that the only matter before the Court needing resolution was the size of the land called Te Horongopai. However, Mr Edwards, an interpreter and conductor for the Whanganui owners of the block, asked for the boundaries of Te Horongopai to be pointed out. He then objected to the Ngati Urunumia claim as his clients believed that Te Horongopai was north of the Taringamotu River and outside the Ohura South block. They denied the right of Ngati Maniapoto within the Ohura South block, but, as a Ngati Maniapoto list of owners of the block had been handed in, they would agree to a small amount of land being given to them.¹³⁵

The Ngati Maniapoto list Edwards referred to was the list for the Rangatahi block handed in to the Native Land Court by Ngahinoa on 12 April 1888 and was for the Whanganui part of the Rohe Potae. Having accepted the Ngati Maniapoto list in 1888, Whanganui representatives had to allow it to be included the block’s ownership in 1892, although they sought to limit it to a small amount of land. The questions in dispute at the start of the hearing of the Ngati Urunumia claim to Te Horongopai were the size and location of the land by that name. The major dispute, however, was whether or not land given to Ngati Urunumia by the peace of Te Horongopai.

¹³² Pepene Eketone, Otorohanga Native Land Court minute book 14, 16 August 1892, fol 178.

¹³³ Personal communication with Tame Tuwhangai, Hui, 3 July 2004; Te Heuia Kingi, Otorohanga Native Land Court Minute Book 44, 12 July 1905, fol 327.

¹³⁴ Pepene Eketone, Otorohanga Native Land Court minute book 14, 16 August 1892, fol 178.

Patupatu Kepa, of Ngati Urunumia and Ngati Maru, gave the boundaries he claimed as Te Horongopai, naming the four major waterways that Pepene had also given. Papupatu claimed this land on behalf of the hapu of Urunumia and Maru. He also presented the Court with a list of 79 names whom he wanted Te Horongopai awarded to.¹³⁶ This list is not given in the Court's minutes but it appears to be the Whanganui Rohe Potae list for the Rangatahi block. The Ngati Rangatahi claim to inclusion in the Whanganui Rohe Potae in 1888 had become a Ngati Urunumia claim to part of the Ohura South block in 1892. Both claims are from hapu of Ngati Maniapoto, both had lists of 79 names and both involved Wahanui Huatare.

2.6.1. Patupatu Kepa's evidence

Patupatu Kepa, of Ngati Urunumia and the Ngati Maru hapu of Ngati Maniapoto, claimed that the Ngati Haua chief, Whakaneke, had given the land to them. He said the gift followed the killing of Tutemahurangi at Otamakahi, which is north of the Taringamotu River, by Ngati Urunumia. Te Porou, the son of Tutemahurangi, escaped the attack and fled to his Ngati Haua relatives. Te Porou asked Te Oro, a Ngati Haua chief and son of Whakaneke, for assistance. Te Oro raised a small war party and went to Nga Rongohira, at the confluence of the Ongaruhe and Taringamotu rivers, but did not attack Ngati Urunumia as they were too numerous. He sent word of the confrontation to his father, Whakaneke.

Patupatu said Whakaneke came up the Whanganui River and approached Ngati Urunumia with his warriors holding the tongues or bases of their taiaha upwards. This was a sign of peace. Whakaneke, who was a tohunga, met the Ngati Urunumia tohunga Tawhaki. They made a peace, symbolised by the breaking of a stick. The following morning Ngati Haua crossed the Taringamotu River to the Ngati Urunumia side. Whakaneke then gave the land before the Court to Ngati Urunumia. Patupatu said Whakaneke gave the land to Ngati Urunumia as 'he had heard that Ngati Urunumia had come there and would not go back (and) he feared that Whanganui would be slain'. Patupatu said they had been living on the land ever since the gift was made.¹³⁷

Patupatu then stated that the gift made by Whakaneke was confirmed by Topine Te Mamaku, who was his grandson, at the time of Topine's marriage to Tahanga, a woman of Ngati

¹³⁵ Pepene Eketone, *ibid*, 16 August 1892, fol 179.

¹³⁶ Walker translation of Judge Gudgeon's 27 August 1892 decision in Ohura South, see Appendix 1.

Urunumia. He also claimed that when Topine was near death he again gave the land to Wahanui. Patupatu named the villages on the land of Te Horongopai that he claimed Ngati Urunumia occupied. He also named their burial grounds on the land and denied that Ngati Urunumia had given food from the land to the Whanganui iwi.¹³⁸ He also named canoes constructed on the land, one of which was sold for blankets and tobacco. He said from the time of the peace agreement until recently none of Ngati Rangatahi or Ngati Haua had lived on the land.¹³⁹

Patupatu sought to show that the Te Horongopai agreement was a permanent peace. He said that on one occasion the Ngati Haua chief, Topine Te Mamaku, prevented an attack on Ngati Urunumia living at Te Horongopai. Patupatu said a Ngati Tama war party from Taranaki asked Ngati Haua to join them in an attack on the Tuhua area.¹⁴⁰ Topine joined the war party but when they reached the mouth of the Taringamotu River, he refused to let them proceed up that river. Instead, the war party went further up the Ongaruhe River and attacked a hapu of Ngati Maniapoto, at Mapara. Patupatu admitted there was a battle, called Te Hinau, between Ngati Urunumia and Ngati Haua after the peace of Te Horongopai. However, he said this did not affect the peace, as the Ngati Urunumia who fought in that battle were not the section of Ngati Urunumia that lived on the land of Te Horongopai. He handed in a list of 51 people he believed to the land.¹⁴¹

2.6.2. Te Hihi Rangawhenua's evidence

Te Hihi Rangawhenua, a descendant of Urunumia, then gave evidence for Ngati Urunumia. He claimed Te Horongopai on the same grounds as Patupatu, and confirmed the boundaries. He said that since the peace was made Ngati Urunumia had lived on the land.¹⁴² They had lived there with Ngati Hari, Ngati Tupuriri, Ngati Ruahine and other hapu, all of whom were hapu of Ngati Urunumia. Te Hihi said that the Whanganui iwi had never interfered with Ngati Urunumia hapu since the peace. He said he lived on the land now claimed by Ngati Urunumia.¹⁴³ He named cultivations that Ngati Urunumia had on the land of Te Horongopai and named canoes they made there. The cultivations included Te Ana Punga Punga, Te

¹³⁷ Patupatu Kepa, Otorohanga Native Land Court minute book 14, 16 August 1892, fols 180-182.

¹³⁸ Patupatu Kepa, *ibid*, 16 August 1892, fol 182-183.

¹³⁹ Patupatu Kepa, *ibid*, 16 August 1892, fol 184.

¹⁴⁰ Patupatu Kepa, Otorohanga Native Land Court minute book 15, 17 August 1892, fol 2.

¹⁴¹ Patupatu Kepa, *ibid*, 17 August 1892, fols 6 and 10-11.

¹⁴² Te Hihi Rangawhenua, *ibid*, 17 August 1892, fol 11.

Wharowhara and Te Rotoroa. He denied that food produced from the land had been given to Whanganui.¹⁴⁴

Te Hihi stated that Ngati Urunumia had sheep and cattle on the land. He said they had had stock on the land for many years and had never paid anything to Ngati Haua or Ngati Rangatahi for the use of the land. Ngati Haua also had sheep on the land but only during the last two years. Te Hihi said he now lived outside the block at Te Koura, but had formerly lived at Taringamotu. Te Hihi said that his brother was working at Puwharawhara. Both these are settlements on the land of Te Horongopai. Te Hihi named other members of Ngati Urunumia who also lived on Te Horongopai block. These included Te Ha and Te Manu, who lived at Te Wharowhara and were descended from Urunumia.¹⁴⁵ He also stated that Ngati Urunumia were living at Te Rotoroa, on the Te Horongopai land, before the land was given to them.

Te Hihi said he was not at the Court in 1888 when the list of owners was handed in for Te Horongopai. Te Hihi said he had drawn up a list of people he wanted included in the ownership of Te Horongopai but had been told by the Court that the list for the block was closed. His list included Te Ha and Te Manu, as well as himself and others.¹⁴⁶ Te Hihi was seeking to explain why the list of 79 names from 1888 did not include Te Ha and Te Manu, who were of Ngati Urunumia and lived on the land claimed as Te Horongopai.

2.6.3. Wahanui Huatare's evidence

The next witness was Wahanui Huatare, a leading chief of Ngati Maniapoto. His hapu for Te Horongopai was Ngati Urunumia. He said Whakaneke made the peace called Te Horongopai because Ngati Urunumia had taken possession of the land that became Te Horongopai.¹⁴⁷ He denied that the land given by Whakaneke to Ngati Urunumia could have been on the north bank of the Taringamotu, as that land belonged to Ngati Maniapoto and Whakaneke had no mana over it.¹⁴⁸

¹⁴³ Te Hihi Rangawhenua, *ibid*, 18 August 1892, fol 15.

¹⁴⁴ Te Hihi Rangawhenua, *ibid*, 17 August 1892, fol 12.

¹⁴⁵ Te Hihi Rangawhenua, *ibid*, 17 August 1892, fol 1 and 18 August 1892, fols 15-16.

¹⁴⁶ Wahanui Huatare, *ibid*, 18 August 1892, fol 17.

¹⁴⁷ Wahanui Huatare, *ibid*, 19 August 1892, fol 18.

¹⁴⁸ Wahanui Huatare, *ibid*, 19 August 1892, fol 21.

Wahanui said he had met Topine in 1875 when he was in the Taumarunui area on business for King Tawhiao. Topine had asked him to live there and manage the affairs of Tawhiao in connection with Ngati Rangatahi and Ngati Haua. He had agreed to do so and Topine had told him that Te Horongopai was his land. Topine, according to Wahanui, had then told Te Awhitu and Ngatai Te Mamaku that they would have to leave Te Horongopai, including Taumarunui, if he (Topine) left. However, Wahanui had said that they should be allowed to stay on the neutral ground of Te Horongopai. He claimed that all Ngati Haua knew this, as Matakiki was also present and Tuao was in the area.¹⁴⁹

After a question by the Court, Wahanui said he knew there had been an ope, or war expedition by Whanganui and Taranaki tribes, after the peace of Te Horongopai, but that Topine had directed it away from Ngati Urunumia to Mapara. This was the same incident that Patupatu had recounted. Wahanui and Patupatu both presented this incident as evidence that Te Horongopai had been a permanent peace between Ngati Haua and Ngati Urunumia, or at least between Ngati Haua and the section of Ngati Urunumia living at Te Horongopai.

Wahanui said that the only people of Whanganui who were present when he sent in his list of names for the ownership of Te Horongopai in 1888 were Matakiki Te Ngarupiki and Te Awhitu. He conceded that the majority of people living on the land of Te Horongopai were not on the list of owners he had sent to the Court, but said it had been intended to add them later, and remove those who were not resident.¹⁵⁰

2.6.4. Hakiha Tawhiao's evidence and the Whanganui opposition to the Ngati Urunumia claim

The first Whanganui spokesman to give evidence was Hakiha Tawhiao. He was a descendant of Tuao and Terekau. His hapu for the block was Ngati Ruaroa, which is named after Ruaroa, the son of Te Hoata. Hakiha claimed all the Ohura South block, including the land claimed by Patupatu. His claim was from his ancestor Te Hoata. Other Ngati Haua also claimed the Ohura South block from Te Hoata. Hakiha did not dispute their claims. He disputed the Ngati Maniapoto (or Ngati Urunumia) claim to Te Horongopai, which he said was part of the land owned by Te Hoata, and said there was 'no boundary such as the one described by

¹⁴⁹ Wahanui Huatare, *ibid*, 19 August 1892, fol 19.

¹⁵⁰ Wahanui Huatare, *ibid*, 19 August 1892, fol 24.

Patupatu'. He gave an extensive genealogy showing the descent of Ngati Haua and other hapu from Te Hoata.¹⁵¹

Hakiaha stated that Whitikitoitoi, a village referred to by Patupatu, belonged to his ancestors Te Hoata and Tapaka. He said Ngatai Te Mamaku, a nephew of Topine, lived there. Ngatai had set up a carved post at Te Rahoto, a pa at the confluence the Ongaruhe and Taringamotu rivers, to mark the boundary of the Whanganui and Ngati Maniapoto tribes.¹⁵² The post was Ngatai's denial of Patupatu's claim that the boundary between the tribes was the Mangakahikatoa Stream. Hakiaha then said that Whakaneke had lived at Te Ana Punga Punga, on the Taringamotu River. He said a man named Tukino and his wife were currently living there. They were looking after sheep belonging to Ngati Haua.

Hakiaha named bird catching sites on the land, stating that he and his people still shot birds at Te Ana Punga Punga and Te Rotoroa. He said Te Manu was working at Te Rotoroa. In doing so, he was claiming Te Manu as a Ngati Haua. Te Manu was, however, also a descendant of Urunumia.¹⁵³ Hakiaha claimed that the villages on the land claimed by Patupatu had mostly been continuously by Ngati Haua and that Ngati Maniapoto had never disturbed them.

Hakiaha then said that Te Horongopai was not the land that Patupatu was claiming, but was outside the Ohura South block, on the northern side of the Taringamotu River.¹⁵⁴ He said that was on land owned by Taonui, a Ngati Maniapoto chief. He denied that Whakaneke had made a gift of land through the peace of Te Horongopai. Hakiaha said that none of Ngati Haua had heard of this gift and denied that Te Oro had confirmed the gift. He denied that Topine had made a gift of land as Wahanui had claimed. However, Hakiaha claimed that he had heard that Wahanui had asked Topine for a place for King Tawhiao to live. In reply, Topine had pointed out the pa at Whatawhatarangi and a number of cultivations. He said that Topine had wanted him to build a new village at Omakaha, so that Topine could live near the village selected for Tawhiao. He denied that Topine had said that Ngati Haua would have to leave Taumarunui and Te Horongopai.¹⁵⁵

¹⁵¹ Hakiaha Tawhiao, *ibid*, 19 August 1892, fols25-28.

¹⁵² Hakiaha Tawhiao, *ibid*, 20 August 1892, fol 30.

¹⁵³ Hakiaha Tawhiao, *ibid*, 17 August 1892, fol 1.

¹⁵⁴ Hakiaha Tawhiao, *ibid*, 20 August 1892, fols 32-33.

¹⁵⁵ Hakiaha Tawhiao, *ibid*, 20 August 1892, fol 32.

Hakiaha then gave an account of the killing of Tutemahurangi, the war that followed between Ngati Urunumia and Ngatu Haua and the events leading to the peace of Te Horongopai.¹⁵⁶ He said that the peace of Te Horongopai was broken soon after it was made.¹⁵⁷ Hakiaha said that at this time no one lived on the Horongopai land, ‘as it was the path of the war parties’.¹⁵⁸

Hakiaha then denied that Topine Te Mamaku had confirmed the gift of Te Horongopai at the time of his marriage to Tahanga of Ngati Urunumia. He confirmed Patupatu and Wahanui’s statements that Topine had prevented a Whanganui war party from entering Te Horongopai, and sent it to Mapara instead. However, he said Topine had done this because Tahanga was living there, and not because of the Te Horongopai peace agreement.¹⁵⁹

Hakiaha had earlier said that no one lived on the Te Horongopai land during the war between Ngati Haua and Ngati Urunumia. Hakiaha said Ngati Urunumia moved to Te Horongopai after the marriage of Topine and Tahanga, ‘to be near the River to take pigs and canoes to Whanganui’.¹⁶⁰ Hakiaha said Topine also lived on the Te Horongopai land, and did so permanently from the time of the death of Te Ngohe, his Ngati Tama wife. According to Hakiaha, Topine was sent food from Taringamotu by Ngati Urunumia, when he lived at Whanganui, as he had mana over the land. They also sent him two cows. He claimed Ngati Urunumia left Te Horongopai when Tahanga died. Only Te Ha remained and he was of Ngati Haua as well as being descended from Urunumia. He denied that Te Hihi had lived on the land before the Court.¹⁶¹

Hakiaha claimed that the list of names Wahanui had put in for the block had been wrongly passed, or included, by the Native Land Court in 1888. As the list had been wrongly admitted by the Court, Hakiaha thought Whanganui should decide the what land the people on the list should receive. He thought they should be given 50 acres at Te Ana Punga Punga. This would include a burial ground and the houses of Te Manu and Tukino. He objected to the totara forest at Puwharawhara being given to them, or Waipapa, where Te Oro was buried. He wanted Te Ha, a descendant of both Urunumia and Te Hoata, included in the Whanganui list for the land.¹⁶²

¹⁵⁶ Hakiaha Tawhiao, *ibid*, 20 August 1892, fols 34-36.

¹⁵⁷ Hakiaha Tawhiao, *ibid*, 22 August 1892, fol 39-40.

¹⁵⁸ Hakiaha Tawhiao, *ibid*, 22 August 1892, fol 42.

¹⁵⁹ Hakiaha Tawhiao, *ibid*, 22 August 1892, fol 44-45.

¹⁶⁰ Hakiaha Tawhiao, *ibid*, 22 August 1892, fol 46.

¹⁶¹ Hakiaha Tawhiao, *ibid*, 22 August 1892, fols 48-49.

Hakiaha then replied to questions by Pepene. He said that Ngati Haua had a right to Te Horongopai by descent from Te Hoata. He said they had no hapu for the land and he included Ngati Rangatahi as a hapu of Ngati Haua. This appears to have been for Te Horongopai as he then said Tohengaroa and Matakītiki were not called Ngati Rangatahi on the Whanganui side of the tribal boundary.¹⁶³ He said the reason Whanganui made the peace of Te Horongopai, was that Kahukarewao of Ngati Urunumia had married Te Oro and these two had then had a child together. He repeated the assertion that Te Horongopai is north of the Taringmotu River, and is outside the Ohura South block on land belonging to Taonui, Te Awhitu and others.¹⁶⁴

Hakiaha could not say when Te Ha came to the land but said that everyone left when Te Kooti came. He said they fled from Topia (Topia Turoa, a pro-Government Whanganui chief, in late 1869 or early 1870. He denied that Topine had told him that he was giving away the land before the Court. Pepene's questioning of Hakiaha concludes with the statement that Te Ha was the chief owner of the land claimed by Ngati Urunumia.¹⁶⁵

The other witness in the hearing of the claim to Te Horongopai was a Whanganui spokesman named Rerenaunui (?). He stated that 'there were no real Ngati Haua here when this case was heard'.¹⁶⁶ This was a reference to the 1888 hearing of the Aotea block. He said Whanganui did not know who handed in the lists of owners for the Whanganui Rohe Potae. Rerenaunui denied that Topine had told them he had given away the land before the Court. However, he did say that Topine had said that Tawhiao was to have the land. He denied that Te Hihī had lived on the land claimed by Ngati Urunumia.¹⁶⁷

2.6.5. Judge Gudgeon's decision

Judge Gudgeon stated that Te Ha and his people would be included among the Ngati Haua who had a right to the land, and said no real member of Ngati Haua was present when the ownership lists were handed in. He considered this had been done in an improper manner in the absence of the real chiefs of Ngati Haua. He saw Tohengaroa, Matakītiki Te Ngarupiki and Te Awhitu as belonging to Ngati Maniapoto. The Court record shows that Gudgeon's

¹⁶² Hakiaha Tawhiao, *ibid*, 23 August 1892, fol 51.

¹⁶³ Hakiaha Tawhiao, *ibid*, 23 August 1892, fol 51.

¹⁶⁴ Hakiaha Tawhiao, *ibid*, 23 August 1892, fol 53.

¹⁶⁵ Hakiaha Tawhiao, *ibid*, 23 August 1892, fol 57.

¹⁶⁶ Rerenaunui, *ibid*, 23 August 1892, fol 57.

¹⁶⁷ Rerenaunui, *ibid*, 23 August 1892, fol 58.

statement was not correct, as these chiefs were descendants of both Ngati Haua and Ngati Rangatahi. As such, they were descended from Rangatahi, a grandchild of Maniapoto, but were also descended from Te Hoata and belonged to Ngati Haua. Gudgeon considered them to have been under Wahanui's influence when they accepted the list of 79 names for the Whanganui Rohe Potae in 1888. Gudgeon said he would give his judgement in the case on 27 August.¹⁶⁸

In the evidence given to the Court, Hakiaha and Ngati Maniapoto witnesses agreed that there had been fighting between the two tribes following the killing of Tutemahurangi. The witness all agreed the warfare ended with a peacemaking between the Whanganui or Ngati Haua chief Whakaneke, and the Ngati Urunumia tohunga Tawhaki. There was no agreement between the witnesses from the two tribes over the claim that the land known as Te Horongopai had been ceded by Ngati Haua to Ngati Urunumia by the peace agreement.

Judge Gudgeon's decision on the Ngati Urunumia claim to part of the Ohura South block, described by them as Te Horongopai, was given on 27 August 1892. It was recorded in the Court minute book in te reo Maori.¹⁶⁹ Elsdon Best published an English version of Gudgeon's decision, in 1892, while another translation was made by Piripi Walker in 2004.¹⁷⁰

Gudgeon began his judgement with a summary of the evidence. He began by saying that Ngati Urunumia's claim to the block originated in the fighting between them and Ngati Haua, and which had ended with the peace known as Te Horongopai. Gudgeon concluded that there were two crucial aspects to the Ngati Urunumia evidence. These were that Whanganui gave the land out of fear, and that Ngati Urunumia had occupied the land continuously from the time of the gift. The Court had to decide if the history of the two tribes justified the claim that Ngati Haua had suffered such a serious defeat that they bought peace by giving up 5000 acres of land.

Gudgeon believed there were a number of weaknesses in the Ngati Urunumia evidence. He considered their evidence unsatisfactory as it was never more than a 'meagre sketch of any event'.¹⁷¹ Gudgeon pointed out that, while Ngati Urunumia maintained that Ngati Haua were

¹⁶⁸ Judge Gudgeon, *ibid*, 24 August 1892, fol 58.

¹⁶⁹ Otorohanga Native Land Court minute book 15, 27 August 1892, fols 61-68.

¹⁷⁰ Elsdon Best, *Judgement in the Ohura South, delivered by Judge Gudgeon at the sitting of the Native Land Court at Otorohanga*, Waikato Times Office, Hamilton, 1892; P Walker's transcription and translation is published as Appendix 1 of this report.

¹⁷¹ Best, *Judgement in the Ohura South*, p 2.

in ‘abject fear’ of them at the time of the peace and therefore gave away 5000 acres of land, Ngati Urunumia could not name the battles which had reduced Ngati Haua to this state. He therefore considered that the Ngati Urunumia witnesses, Patupatu, Te Hihi and Wahanui, knew little about the case.

Gudgeon accepted Hakiaha’s evidence of further warfare between Ngati Haua and Ngati Urunumia after Te Horongopai. He found this inconsistent with Patupatu’s claim of a continual peace after Te Horongopai and with the claim that Ngati Urunumia lived peacefully on the land from the time of the peace making. He noted the denial by Hakiaha that the claimed gift of land was confirmed at the marriage of Topine Te Mamaku with Tahanga of Ngati Urunumia.

Gudgeon agreed with Hakiaha that Ngati Urunumia did not live on the Te Horongopai land until after the marriage of Topine and Tahanga. He agreed that Te Ha and other descendants of Urunumia who had lived on Te Horongopai, had done so as Ngati Haua and not as Ngati Urunumia, being related to both tribes. Gudgeon observed that Te Ha, and his son Te Manu, were not in the list of names Patupatu had given to the Court as owners of Te Horongopai.

Gudgeon then referred to the Court hearing in 1888, where Wahanui had claimed land south of the Whanganui boundary and within the Ohura South block. He believed ‘the administration of this case was irregular and underhand.’¹⁷² He said Matakitaiki, who was related to both Ngati Haua and Ngati Maniapoto, had attended the Court on 4 April 1888 with a description of the boundary between the two tribes. He informed the Court that Ngatai, the chief of Ngati Haua, had approved the boundaries, at Te Kuiti. Matakitaiki claimed to represent Ngatai, who had returned to Whanganui. Gudgeon said that the Court then fixed the boundaries of the block and the list of names ‘was fixed by men related to both sides’.¹⁷³ Ngatai had objected to the boundaries in June 1888 but by then the incorrect boundaries given by Matakitaiki had been finalised.

Gudgeon said that when Wahanui made his claim to the land of Te Horongopai in 1888, the real leaders of Ngati Haua were not at the Court. Matakitaiki confirmed Wahanui’s claim, saying he had forgotten to mention it. Gudgeon thought it was very unlikely that Matakitaiki would have forgotten 5000 acres and thought it more likely he had not previously known of

¹⁷² P Walker, ‘Translation of Judge Gudgeon’s decision in Ohura South’, Appendix One.

¹⁷³ Ibid.

Wahanui's claim. He thought Matakītaki was failing to protect Ngati Haua's interests, as he had done in regard to the Whanganui boundary with Ngati Maniapoto.

Gudgeon ordered that as no determination of ownership had been made for the land before the Court, Ngati Haua were to hand in a complete list of owners. The list was to include Te Ha and his people.¹⁷⁴ Gudgeon could see no reason for concluding that a gift had been made of the land to Ngati Urunumia. He awarded 100 acres to Ngati Urunumia, which was to cover all aspects of their claim. He awarded the remainder of the land to Ngati Haua, who were to determine the relative interests in it.¹⁷⁵

2.7. Did the Native Land Court give the Ngati Urunumia case a fair hearing?

The Native Land Court heard evidence over four days in August 1892, from Ngati Urunumia claimants who claimed part of the block was ceded to them by the peace of Te Horongopai. The three Ngati Urunumia spokesmen, Patupatu Kepa, Te Hihi Rangawhenua and Wahanui Huatare, gave 31 pages of evidence, and three pages of whakapapa. The Court heard the evidence they had to give. Judge Gudgeon did not find it convincing as they could not name the battles that had caused Ngati Haua to surrender a large territory to them. Patupatu could only claim that Ngati Urunumia were living there, and that Ngati Haua were in fear of them. Gudgeon could not see any reason to conclude that the land was gifted, or ceded, as Ngati Haua denied it, and there was no other evidence put forward by Ngati Urunumia.

Gudgeon was dismissive of the evidence given by the Ngati Urunumia spokesmen, and compared it unfavourably with the detailed information from Hakiāha, the Ngati Haua spokesman. A more detailed case does not necessarily prove traditional ownership, but the evidence from all witnesses points to an inconclusive war between the two tribes, and a peace making about which there were conflicting accounts. The claims made over the occupation of the land were equally conflicting, which at least some of the people resident there, notably Te Ha, related to both tribal groups.

The Ngati Urunumia claim had its origin in the list of names accepted for the Whanganui Rohe Potae in 1888, provided it was confined to Te Horongopai. This was a list of 79 people,

¹⁷⁴ Best, *Judgement in the Ohura South*, p 5.

¹⁷⁵ Otorohanga Native Land Court minute book 15, 27 August 1892, fol 68.

of whom only four lived on the land claimed by Ngati Urunumia in 1892. Te Ha was not on the 1888 list, and he was the principal descendant of Urunumia living on the land before the Court. Gudgeon could not see any reason to conclude that the land was gifted, given that Ngati Haua denied the gift and Ngati Urunumia's evidence appeared unconvincing. Gudgeon's decision is understandable in its context but does not establish that Ngati Urunumia had no real claim as at least some descendants of Urunumia lived on Ohura South. Their inclusion in the ownership of the block as the Ngati Hira hapu of Ngati Haua may not have been an accurate statement of their tribal affiliation.

2.8. Other Native Land Court hearings relevant to the decision made by the Court on the Ngati Urunumia claim.

The Native Land Court's award in the Ngati Urunumia claim to part of the Ohura South block can be compared with the Courts' decision in the Pukuweka block in 1897. Pukuweka borders the Ohura South block, to the east of the Ngakonui Stream. Consequently it is directly north of the land claimed by Ngati Urunumia in the Ohura South block. In addition, it is east of the only disputed part of the 1888 boundary between Whanganui and Maniapoto. Judge Gudgeon carried out the investigation of the investigation of the block, which was claimed by Ngati Maniapoto and Whanganui. In his judgement, Gudgeon said that although the evidence given in Court was in favour of Whanganui, the proof of occupation was equally in favour of Ngati Maniapoto. Gudgeon applied the 1888 boundary and awarded the land to Ngati Maniapoto.¹⁷⁶

In 1900, Hakiaha Tawhiao and the Whanganui hapu appealed against the award of Pukuweka to Ngati Maniapoto. Hakiaha claimed that Gudgeon had given insufficient weight to the Whanganui evidence of occupation. He also disputed the 1888 boundary between the two tribes. Judge W. G. Mair did not consider the boundary agreement of 1888 should be binding, and thought the title to the block should be decided on the usual grounds of ancestry and occupation. He considered the Maniapoto claim on those grounds to be very weak and awarded the block to the descendants of Te Hoata.¹⁷⁷ There are Ngati Maniapoto descendants of Te Hoata, but Mair's ruling admitted some Whanganui or Ngati Haua to the ownership of Pukuweka.

¹⁷⁶ Otorohanga Native Land Court minute book 29, 9 August 1897, fols 157a-157b.

¹⁷⁷ Otorohanga Native Land Court minute book 37, 9 May 1900, fols 132-133.

This decision is consistent with the rejection of the Ngati Urunumia, or Ngati Maniapoto, claim to part of the Ohura South block. In the only disputed part of the boundary between the two tribes, the decision of the Court moved the Whanganui boundary eastward, away from the land in the Ohura South block claimed by Ngati Urunumia and into land claimed by Ngati Maniapoto.

At the hearing of the Te Rongaroa, or Rangitoto-Tuhua no. 76 block, Hakiha said that Ngati Urunumia lived at Otamakahi, which is north of the Taringamotu River and outside the Ohura South block. They lived there in order to keep Whanganui from raiding Maniapoto territory. He stated that this was before the flight from Matakītaki.¹⁷⁸ This refers to the 1822 defeat of Waikato at Matakītaki pa by Ngapuhi with muskets.

Tutehaua Te Wano also said Ngati Urunumia lived at Otamakahi before the retreat from Matakītaki. He said they did so to stop Whanganui raiding and attacking Ngati Maniapoto. He said Ngati Maniapoto occupied a pa in the area named Te Haupeeti.¹⁷⁹

Te Heuia Kingi, who was of Ngati Urunumia, Ngati Hotu and Ngati Peehi also mentioned the defences maintained by Ngati Maniapoto against Whanganui in the area north of the Taringamotu River. He said Ngati Urunumia, Ngati Te Ihingarangi, Ngati Maru and Ngati Peehi occupied the settlements of Otamakahu and Te Uranga. The named hapu were all affiliated to Ngati Maniapoto, with Ngati Maru being a hapu of Ngati Te Ihingarangi. The hapu lived together in this area in order to prevent attacks on Ngati Maniapoto. Kingi described the area north of the Taringamotu River as a ‘huarahi pakanga’, or pathway of war, used by Whanganui for attacks on Ngati Maniapoto. He named the pa maintained to defend Ngati Maniapoto as Tarapuki, Otuhewehi and Wharehaupapa. He said that while Ngati Urunumia had numerous other pa, the pa he had named were for the purpose of keeping out attackers from the south.¹⁸⁰

Kingi denied, when asked by Pepene, that Ngati Urunumia had fled inland to Tuhua because of the Ngapuhi invasion. He said they were living in Tuhua at the time of Matakītaki and were living at Pukuweka as descendants of Maringarangi. He said that before the peace was made, they lived at Te Horongopai on land belonging to Ngati Haua. This suggests that, rather than

¹⁷⁸ Hakiha Tawhiao, Otorohanga Native Land Court minute book 45, 20 July 1905, fol 22.

¹⁷⁹ Tutehaua Te Wano, *ibid*, 20 July 1905, fol 40.

¹⁸⁰ Te Heuia Kingi, Otorohanga Native Land Court minute book 44, 12 July 1905, fol 327.

land being ceded to Ngati Urunumia by the peace of Te Horongopai, the peace actually led to them leaving the land they later claimed.

The evidence of Hakiaha, Tutehanga and Te Heuia all states that Ngati Urunumia, or Ngati Maniapoto, maintained a defence system of pa and settlements on the land north of the Taringamotu River and facing the land of Te Horongopai, to keep out Whanganui, or Ngati Haua, invaders. This does not support the later claim by Ngati Urunumia at the Native Land Court in 1892, that Ngati Haua ceded Te Horongopai to them out of fear.

Pukuweka adjoining the land claimed by Ngati Urunumia under the peace of Te Horongopai, and Te Rongoroa is to the north of it. Both cases are consistent with the decision by Judge Gudgeon on the Ngati Urunumia claim to land in Ohura South. The final Native Land Court decision on Pukuweka included Whanganui in the ownership of the block, suggesting that the boundary between Whanganui and Maniapoto was further east than the Ngakonui Stream. The evidence from Te Rongoroa suggests that Ngati Urunumia and other Ngati Maniapoto hapu lived in defensive pa north of the Taringamotu River to counter Ngati Haua attacks. This does not support the Ngati Urunumia claim that Ngati Haua were in fear of them and therefore surrendered land to them by the peace of Te Horongopai. However, the problem with Gudgeon's decision on Ohura South remains. This is that descendants of Urunumia did live on the part of the block claimed by Ngati Urunumia and Gudgeon's inclusion of them in Ngati Haua, as the Ngati Hira hapu, may have incorrectly identified their tribal affiliation.

2.9. The historical relationship between Ngati Haua and Ngati Urunumia

Hakiaha described a long series of wars between Ngati Haua and Ngati Urunumia. These followed the killing of Tutemahurangi, by Ngati Maru, at the instigation of the Ngati Urunumia chief Hari-maruru. The village was in the territory of the Ngati Urunumia hapu of Ngati Maniapoto. Hakiaha said Tutemahurangi's son, Te Porou escaped from the village, then went to his Ngati Haua relations and asked for their assistance.¹⁸¹

Hakiaha said that Ngati Haua joined Ngati Rangatahi to avenge the killing of Tutemahurangi. However, instead of attacking Ngati Maru, Ngati Haua and Ngati Rangatahi attacked Mangarapa, in the Otorohanga district.. There, Ngati Haua killed Ngarara-moe-rua, a chief of Ngati

Rora, which is a hapu of Ngati Maniapoto. Ngati Haua were followed on their return journey to Whanganui by Ngati Maniapoto. A battle was fought at Te Horo, where Ngati Maniapoto were defeated. A number of their chiefs were killed but Wahanui escaped.¹⁸²

Hakiaha said that, after Te Horo, Ngati Haua attacked the Ngati Maru who had killed Tutemahurangi. They were now eeling at Ohura, where Ngati Haua killed most of them. Hari-maruru invaded Ngati Haua territory but was defeated and killed by Ngati Haua at Te Karekare. Hakiaha said this battle 'closed the war over Tutemahurangi'.¹⁸³ Hakiaha said that after the war over the killing of Tutemahurangi, Te Oro, the son of Whakaneke, came up the Whanganui River from Makakote Pa. He, and other chiefs including Te Porou, came to see who was living at Tuhua. He sent his wife, Kahukarewao, to visit her Ngati Urunumia relations at Tapanepane. Their friendly reception of her, led Te Oro to invite them to visit him. He also sent for his father Whakaneke. He came up the river and made peace with Ngati Urunumia at Orongohira or Te Horongopai.

Hakiaha said the peace of Te Horongopai was broken soon after it was made. A Whanganui tribal group named Ngati Tu sought revenge on Ngati Haua by killing two men of Ngati Maniapoto. When Te Oro heard of the killings he again sent his wife to her Ngati Urunumia relations. She returned with a message for Te Oro to stay out of the way. Ngati Urunumia then sent for Ngati Maniapoto and attacked Ngati Haua and Ngati Rangatahi. A Ngati Haua then went to Tapanepane and attacked Ngati Urunumia. Hakiaha claimed the war party crossed the land claimed by Ngati Urunumia, and thereby ended the peace agreement.¹⁸⁴ Fighting continued until Ngati Haua defeated Ngati Urunumia at Otamakahi, in a battle in which Topine Te Mamaku fought.

The war between Ngati Haua and Ngati Urunumia and the peace of Te Horongopai occurred before European contact with the upper Whanganui. These events were followed by a Waikato and Maniapoto war expedition, which is known as Te Ruru Mohiki. This expedition was led by Potatau Te Wherowhero and Tukorehu, and travelled down the Whanganui River in flax rafts to Taumata. A peace agreement was made there, after which, Hakiaha said

¹⁸¹ Hakiaha Tawhiao, Otorohanga Native Land Court minute book 15, 20 August 1892, fol 33.

¹⁸² Hakiaha Tawhiao, *ibid*, 20 August 1892, fol 34.

¹⁸³ Hakiaha Tawhiao, *ibid*, 20 August 1892, fol 35.

¹⁸⁴ Hakiaha Tawhiao, Otorohanga Native Land Court minute book 15, 22 August 1892, fol 40.

Tukorehu and Ngati Maniapoto attacked the Taranaki tribes at Pukerangiora.¹⁸⁵ This battle was in 1822.¹⁸⁶

The relationship between Ngati Haua and Ngatu Urunumia was, however, not always one of hostility. As mentioned above, the Ngati Haua chief Te Oro was married to Kahukarewao, a woman of Ngati Urunumia. Their child was Topine Te Mamaku.¹⁸⁷ She acted as a mediator in the negotiations that led to the peace of Te Horongopai.

According to Te Wano, after the peace of Te Horongopai, the Whanganui and Ngati Maniapoto tribes were on visiting terms. This, however, led to the taking away of Wheru by Pongahuru, which led to a war in which the Ngati Rora, a Maniapoto hapu, occupied Taumarunui for a time.¹⁸⁸

Hakiaha said Topine went to Kawhia to see the Ngati Maniapoto chief Tukorehu, as part of a planned expedition to Kapiti. There he met Tahanga, who he later married. Tahanga was of Ngati Urunumia and later lived on the lands claimed by Ngati Urunumia.¹⁸⁹

The hapu living south of the Taringamotu River, on the land claimed by Ngati Urunumia, were also descended from intermarriage between Ngati Haua and Ngati Urunumia. They were called Ngati Hira, as they were descended from Hira. Tuku Te Ihu Te Ngarupiki said Hira was a descendant of Te Hoata.¹⁹⁰ Ngati Hira could, therefore, be seen as a hapu of Ngati Haua. According to Patupatu, Hira married Tukeo, a descendant of Urunumia.¹⁹¹ This meant the people of the land claimed by Ngati Urunumia under the peace of Te Horongopai were related to both Ngati Urunumia and Ngati Haua. This may have made the area a border land between the two tribes. The border area extended north of the Taringamotu River, as was shown by evidence given above for the Te Rongoroa block.

¹⁸⁵ Hakiaha Tawhiao, *ibid*, 22 August 1892, fol 42-43.

¹⁸⁶ Ballara, *Taua*, p 324.

¹⁸⁷ David Young, 'Te Mamaku, Hemi Topine', *The People of Many Peaks. The Maori biographies from the Dictionary of New Zealand Biography, Vol. 1, 1769-1869*, (Wellington: Bridget Williams Books and the Department of Internal Affairs, 1991), p 207.

¹⁸⁸ Tutehaua Te Wano, Otorohanga Native Land Court minute book 45, 11 November 1892, fol 27.

¹⁸⁹ Hakiaha Tawhiao, Otorohanga Native Land Court minute book 15, 22 August 1892, fol 43 and fol 46.

¹⁹⁰ Tuku Te Ihu Te Ngarupiki, Otorohanga Native Land Court minute book 16, 21 October 1892, fol 124.

¹⁹¹ Patupatu Kepa, Otorohanga Native Land Court minute book 15, 17 August 1892, fol 1.

Ngati Haua and Ngati Urunumia were neighbouring, intermarried hapu. Many people had close connections to both tribal groups. There was also warfare between them and between Whanganui and Ngati Maniapoto, the larger tribal groups to which they belonged. Ngati Haua was the major tribal group of the lands that became the Ohura South block. Some descendants of Urunumia were included in the ownership of the Ohura South block. This, however, was from their descent from Te Hoata and their consequent connection to Ngati Haua.

2.10. The 1892 definition of interests in the Ohura South block, and the tribal affiliations involved

Following Judge Gudgeon's ruling on the Ngati Urunumia claim to Te Horongopai on 27 August 1892, the Native Land Court proceeded to the second application that had been before it when Ohura South hearing began on 16 August 1892. This was the application for the definition of interests in the block.¹⁹² The Court awarded subdivisions of the block to identified tribal groups in some cases. Otherwise, the Court awarded subdivisions to name lists. The name lists can be assumed to be persons of Ngati Haua, as this was the major tribal group of Ohura South.

The Court subdivided the Ohura South block into A, A1, B, C1, C2, C3, D, E, F, G, H, and K1, K2, K3, K4, K5, L, M, N and O blocks, between September and November 1892. The minute books of the Native Land Court only provide details of the awards when they were disputed. In undisputed cases, the Court awarded the subdivision to the descendants of named ancestors, or approved the name lists presented to it without naming any ancestors. These lists had been agreed to outside the Court by the Ngati Haua tribe, with the exception of the Ohura South A1 and C3 blocks, which were awarded to hapu of Ngati Maniapoto.

Apart from the A1 and C3 blocks, the Ohura South blocks were awarded to Ngati Haua claimants. These claimants were descended from Te Hoata. The line of descent went from Te Hoata to Te Ruaroa, to Toakohuru, to Tamahina, and to Tapaka. After Tapaka, there are three main ancestors from whom rights to the ownership of Ohura South blocks derive. These were his son Tuhaia, his grandson Terekau, and his niece, Kimihia. Rights in the block also derived

¹⁹² Otorohanga Native Land Court minute book 14, 16 August 1892, fol 178.

from Te Awhitu, who, according to Ngahinui Te Rore of Ngati Hira, was a grandson of Tuhaia.¹⁹³

The award of the Ohura South block was later summarised by Wilkinson as having been made to three sets of owners descended from three ancestors. The ancestors were Terekau, Tuhaia and Kimihia.¹⁹⁴ Claims were made to ownership of the block from the ancestors Te Hoata, Ruatipua, and Korako, but the awards of parts of the block were made to the descendants of Terekau, Tuhaia and Kimihia. In addition, there were awards to the descendants of Te Awhitu, a grandson of Tuhaia, to the descendants of Tuao, a son of Terekau, to the descendants of Toi, a son of Tapaka, and to the descendants of Te Hau, a descendant of Te Hoata. The ancestors from whom rights to parts of the block derived were all descendants of Te Hoata, and were of Ngati Haua.

In addition, people from a number of hapu not named by the Court in its awards are included in the name lists for the block. These include Ngati Hiaroa, a hapu descended from ancient tribes, and Te Paemate hapu, a hapu of Ngati Maniapoto. These are hapu of the upper part of the block, on the Ohura River. Tribal affiliations are difficult to establish as individuals belong to a number of hapu. Also, hapu affiliations change over time. An example of this, in the Ohura South block, is the Ngati Hira hapu. Its ancestor, Hira, was a descendant of Te Hoata and was of Ngati Haua. However, Hira married Tukeo, of Ngati Maniapoto and the hapu now tends to identify as Ngati Maniapoto.¹⁹⁵

2.10.1. The blocks awarded to named hapu or ancestors, without dispute

On 28 September 1892, Mr Edwards, the conductor for Whanganui, informed the Native Land Court that the boundaries of Te Ha's block had been agreed upon. A list of names for the block had been drawn up by Te Ha. There were five requests for additional names to be added to the list. The list was then closed. The Court gave the boundaries of the block, to be known as Ohura South A (Taringamotu) block. The block was awarded in favour of Ngati Hira, a hapu of Ngati Haua, excluding the 100 acres that had been awarded to Ngati Urunumia.¹⁹⁶ The 100 acres awarded to Ngati Urunumia subsequently became the Ohura

¹⁹³ Ngahinui Te Rore, Otorohanga Native Land Court minute book 16, 21 October 1892, fol 137.

¹⁹⁴ G T Wilkinson to P Sheridan, 24 November 1893, MA-MLP1 1903/45, ANZ Wellington.

¹⁹⁵ Personal communication with Tame Tuwhangai, Hui, 3 July 2004.

¹⁹⁶ Otorohanga Native Land Court minute book 15, 28 September 1892, fol 175.

South A1 block.¹⁹⁷ The lists of owners of the Ohura South A block were approved by the Court on 29 September 1892, with an additional list approved on 5 October. The block had 115 owners, of whom 33 were minors. The block was made inalienable.¹⁹⁸ This status could, however, be removed by an order in council signed by the Governor.

The Ohura South H block was awarded to the descendants of Tuao, son of Terekau, on 26 October 1892.¹⁹⁹ The Court approved the list of owners the same day. The block had 17 owners, none of whom were minors.²⁰⁰

On 21 October 1892, the Court approved the boundaries of the Ohura South M block. The block was awarded, without dispute, to the descendants of the ancestors Tuhaia and Terekau.²⁰¹ The Court approved the list of owners of the Ohura South M block on 24 October 1892. The block had 176 owners, 71 of whom were minors.²⁰²

2.10.2. The blocks awarded to name lists without hapu affiliation

The Ohura South subdivisions B, D, E, F, K3, L, N, and O were awarded to lists of owners, without a hapu or ancestor being named. All the lists of owners for these blocks include names that are recognisably of Ngati Haua or Ngati Wera, except the B block.

The Court approved the list of owners of the Ohura South B block on 5 October 1892. The block had 52 owners, 22 of whom were minors.

The Court confirmed the list of owners and the boundaries for the Ohura South D, E and F blocks on 6 October 1892, without further discussion. There were 207 owners of D block, 87 of whom were minors; 22 owners of E block, 2 of whom were minors; and 73 owners of F block, 33 of whom were minors.²⁰³ The D block was made inalienable.

¹⁹⁷ Otorohanga Native Land Court minute book 17, 15 November 1892, fol 81.

¹⁹⁸ Otorohanga Native Land Court minute book 13, 29 September 1892, fols 129-131 and 5 October 1892, fol 157.

¹⁹⁹ Otorohanga Native Land Court minute book 16, 26 October 1892, fol 166.

²⁰⁰ Otorohanga Native Land Court minute book 13, 26 October 1892, fol 182.

²⁰¹ Otorohanga Native Land Court minute book 16, 21 October 1892, fol 130.

²⁰² Otorohanga Native Land Court minute book 13, 24 October 1892, fols 176-8.

²⁰³ Otorohanga Native Land Court minute book 13, 6 October 1892, fols 151-2 and 158-162.

The Court confirmed the boundaries of the Ohura South L block on 11 October 1892. The block was awarded to three owners, one of whom was later deleted as not entitled.²⁰⁴

The Court approved the list of owners of the Ohura South N block on 25 October 1892. The block had 63 owners, 28 of whom were minors.²⁰⁵

The Court approved the list of owners of the Ohura South O on 26 October 1892. The block had 63 owners, 27 of whom were minors.²⁰⁶

2.10.3. The C block award

The C block was one of three blocks whose ownership was disputed between groups of Ngati Haua. The Court confirmed the boundaries of the Ohura South C block on 5 October 1892.²⁰⁷ The ancestors for this block were Kimihia and Te Awhitu. The hapu were Ngati Wera and Ngati Whati. Te Manu asked that his hapu be included in the block's ownership. Tuku Te Ihu Te Ngarupiki refused this request. Te Manu said that he would set up his own case for the block.

The claim of Tuku Te Ihu Te Awhiti (Ngarupiki) to the Ohura South C block began on 21 October 1892. The C block had been divided into two parts, probably by discussion outside of the Court, into the C1 and C2 blocks. Tuku Te Ihu stated that C1 block belonged to Ngati Wera and C2 belonged to Ngati Te Awhitu. Tuao stated that C1, or Whare-o-Kumu, was one of three blocks of land given to Kimihia by Terekau, the other two being Opetea and Tangarakau.²⁰⁸ There was no dispute over the ownership of the C1 block and it was awarded to the Ngati Wera, the descendants of Kimihia, who were living on the land.²⁰⁹ The block was made inalienable.

Te Manu Te Ha claimed the C2 block by descent from Te Hoata and Te Hau. He claimed that Te Hoata gave the land to his grandson Korako, from whom Te Hau was descended. Te Hau was the father of Hira, after whom the Ngati Hira hapu was named. Te Ha claimed to have

²⁰⁴ Ibid, 11 October 1892, fol 166.

²⁰⁵ Ibid, 25 October 1892, fols 179-180.

²⁰⁶ Ibid, 26 October 1892, fols 181-2.

²⁰⁷ Otorohanga Native Land Court minute book 16, 5 October 1892, fol123.

²⁰⁸ Tuao Ihimaera, *ibid*, 27 October 1892, fol 183.

²⁰⁹ Otorohanga Native Land Court minute book 16, 21 October 1892, fol 123.

gathered birds from the land and that his father lived there. He was unable to explain why the A and C2 blocks, to which he made the same claim, were separated.²¹⁰

Tuku Te Ihu claimed the C2 block by descent from Te Awhitu, the son of Te Kura, who was a child of Tuhiaia.²¹¹ His testimony was supported by Te Manu's cousin, Ngahine Te Rore and by the Ngati Maniapoto chief Taonui. The Court noted that only Te Manu denied Te Ihu's right to claim directly from Te Awhitu. It attached no significance to Te Manu's claims to have hunted birds on the block and that a relation of his lived there. These events were accorded no significance as they had occurred recently, when the land was under the mana of the Maori King. The Court awarded the C2 block to the descendants of Te Awhitu.²¹²

Tuku Te Ihu stated that part of the C2 block belonged to Ngati Ngatu. He gave the boundaries of this part of the block. He said that Waikuru, the daughter of Te Awhitu, gave part of the C2 block to Te Porou and Parepatue, because they were related to her.²¹³ Ngati Ngatu is a hapu of Ngati Maniapoto.²¹⁴ The Court accepted that part of the C2 block had been given to Ngati Ngatu and awarded them the land for which the boundaries had earlier been given by Te Ihu.²¹⁵ This part of the C2 block became the C3 block.

The Court passed the lists of owners for the three C blocks on 24 and 25 October 1892. The C1 block had 76 owners, 21 of whom were minors; the C2 block had 64, 33 of whom were minors; and the C3 block had 8 owners, none of whom were minors.²¹⁶

²¹⁰ Te Manu Te Ha, *ibid*, 21 October 1892, fol 128.

²¹¹ Tuku Te Ihi Te Ngarupiki, *ibid*, 21 October 1892, fol 137.

²¹² Otorohanga Native Land Court minute book 16, 25 October 1892, fol 162.

²¹³ Tuki Te Ihi Te Ngarupiki, *ibid*, 21 October 1892, fol 122.

²¹⁴ *Te Tira Ahu Iwi*, Iwi Transition Agency, July 1991, p 13.

²¹⁵ *Ibid*, 21 October 1892, fols 122-3 and fol 146.

²¹⁶ Otorohanga Native Land Court minute book 13, 24-25 October 1892, fols 174-5 and fol 179.

Table 3 : Awards in the Ohura South block by the Native Land Court in 1892

<i>Block</i>	<i>Ancestor or hapu</i>	<i>Number of owners</i>
A block	Ngati Hira of Ngati Haua	115
A1 block	Ngati Urunumia of Ngati Maniapoto	79
B block	Name list only	52
C1 block	Ngati Wera (descendants of Kimihia)	76
C2	Ngati Te Awhitu of Ngati Haua	64
C3 block	Ngati Ngatu of Ngati Maniapoto	8
D block	Name list only	207
E block	Name list only	22
F block	Name list only	73
G block	Terekau (Ngati Haua)	131
H block	Tuao (Ngati Haua)	17
K1 block	Ngati Wera	
K2 block	Ngati Haua	
K3 block	Name list only	9
K4 block	Ngati Keu of Ngati Haua	
K5 block	Ngati Haua	2
L block	Ngati Haua	2
M block	Terekau and Tuhaia (Ngati Haua)	176
N block	Name list only	63
O block	Name list only	63

References : Otorohanga Native Land Court minute book 13, fols. 129-131, 157, 176-184, Otorohanga Native Land Court minute book 15, fol. 175, Otorohanga Native Land Court minute book 16, 122-123, 130, and 166, and Otorohanga Native Land Court minute book 17, 79-81, and 142

2.10.4. The G block award

The Court confirmed the boundaries of the Ohura South G block on 6 October 1892. Mr Edwards stated that the ancestor for this block was Terekau. Te Whiutahi Warahi, also claimed the block, through Puanake, a brother of Terekau.²¹⁷

On 21 October 1892, Mr Edwards brought the claim of Makere Te Uruweherua to the Ohura South G block to the Court. Makere claimed the block for the descendants of Terekau. Te Whiutahi did not dispute their claim to the block, but asked for the inclusion of the descendants of Puanake in the block's ownership. Makere would not admit them so Te Whiu said he would set up his own claim.²¹⁸

On 24 October 1892, Te Whiutahi claimed the Ohura South G block under the ancestors Terekau and Puanaki. He also said he would set up a case from Ngamamako. These ancestors were the three sons of Tamakehu. Te Whiu said the descendants of Terekau and Puanaki lived in this land together and that there was no division of the land between them.²¹⁹

Makere said that the land of Puanaki's descendants was at Maraekowhai. He denied that Puanaki's descendants lived at Taumarunui, and said that Te Whiu and his people only came to the Ohura South G block at the time the Rohe Potae to assist with the survey. They then returned to Maraekowhai, but returned later when a road was being built. Te Whiu, his people and other descendants of Puanaki, only lived in the Taumarunui area with the agreement of the descendants of Terekau, or because they themselves were descended from Terekau. He said that money paid for timber at Taumarunui was paid to Ngatai Te Mamaku, who distributed it only among the descendants of Terekau.²²⁰

The Court found that Puanake's descendants were a distinct group, known as Ngati Rangi. It accepted the evidence of Hakiha Tawhiao, Te Whiu's brother, that when the land was divided after the killing to the Kahu-i-Tara, Puanaki had stopped at Te Totara, on the Maraekowhai block, while Terekau had come and occupied the Ohura lands. The Court accepted that a division of the land had been made, which excluded Puanaki's descendants from the Taumarunui area. The Court believed that any descendants of Puanaki had lived on

²¹⁷ Hakiha Tawhiao, Otorohanga Native Land Court minute book 16, 6 October 1892, fol 28.

²¹⁸ Te Whiutahi Warihi, *ibid*, 21 October 1892, fol 131.

²¹⁹ Te Whiutahi Warihi, *ibid*, 24 October 1892, fols 147-148.

²²⁰ Makere Te Uruweherua, *ibid*, 24 October 1892, fols 155-158.

the Ohura South G block had not done so by ancestral right. The claim of Te Whiu for their inclusion in the ownership of the block was therefore dismissed.²²¹

The Ohura South G block was awarded to the descendants of Terekau on 26 October 1892.²²² The Court approved the list of owners on 28 October 1892. The block had 131 owners, 31 of whom were minors. The block was given a restricted status.²²³

2.10.5. The K block award

The Court confirmed the boundaries of the Ohura South K block on 8 October 1892. This was the largest subdivision of the Ohura South block and comprised nearly half the block. On 26 October, the Court began hearing the claim to the ownership the Ohura South K block of Tohengaroa Te Rauoa. He claimed the K block, which was the 70,000 acre western part of the Ohura South block, from his ancestor Kimihia, to the exclusion of the other Ngati Haua hapu.²²⁴

The award of all the block to the descendants of Kimihia, or Ngati Wera, was objected to by Tawhiri Pikirangi, who claimed part of the block. Mare appeared for the descendants of Tuhiaia and Terekau.

Tawhiri Pikirangi claimed land in the K block for Ngati Keu, a hapu of Ngati Haua. The land she claimed included Nihoniho and Matiere. She named trees on the land where her people had caught birds, and said they had scraped flax at Taupirikura, from where it was taken to Mokau for sale. She said the hapu who scraped flax on the land were Ngati Kahu and Ngati Waiora. The second of these hapu is a hapu of Ngati Maniapoto. Tawhiri said she had never seen Ngati Wera, the descendants of Kimihia, on the land she claimed.²²⁵

Tawhiri said Ngati Wera got birds from Opetea. She said that the ancestors for the K block, were Tuhiaia, Terekau and Toi, the father of Keu and son of Tapaka. There were no boundaries between them. The only boundary was that of the land given to Kimihia.²²⁶ By

²²¹ Otorohanga Native Land Court minute book 17, 28 October 1892, fol 3.

²²² Ibid, 26 October 1892, fol 186.

²²³ Otorohanga Native Land Court minute book 13, 28 October 1892, fols 183-4.

²²⁴ Tohengaroa Te Rauoa, Otorohanga Native Land Court minute book 16, 26 October 1892, fol 164.

²²⁵ Tawhiri Pikirangi, *ibid*, 26 October 1892, fol 168.

²²⁶ Tawhiri Pikirangi, *ibid*, 28 October 1892, fol 189.

this she was saying that Ngati Haua hapu lived through-out the K block, and that the only division was that some of the land belonged exclusively to the descendants of Kimihia.

Tuao said that Terekau laid down the boundary of the land that he gave to Kimihia. It went from Orangihoua to Ohura. The upper part of Ohura belonged to Tuhaia and Terekau, the lower part, around Opetea, was given to Kimihia. He then referred to a boundary between the lands of Tuhaia and Terekau, on one side, and Kimihia on the other.²²⁷

Tohengaroa's hapu for the land was Ngati Wera. He claimed that all of the K block belonged to Wera, the mother of Kimihia, although the Kahu-i-Tara had lived on it. According to him, they killed Kimihia's child because of the mana he would have had over the land. He now claimed the K block for the descendants of Kimihia, exclusively.²²⁸

The Court gave its judgement on 15 November 1892. In summary, the Court stated that Tohengaroa claimed the whole of the K block. There were three counter-claimants. Tawhiri Pikirangi claimed the northern corner of the block, for the descendants of Toi. Tuao Ihimaera claimed the land south of Tawhiri's claim to a line from Orangihaua to Ohura, for the descendants of Terekau. Hakiaha Tawhiao claimed much of the land claimed by Tuao. His claim was for the descendants of Tuhaia. He and Tuao did not dispute each others claims, which were really the same claim.

The Court accepted Tawhiri's claim to the land north of Taumeke and Pukerura, as Tuao, of Ngati Haua, and Hakiaha, of Ngati Wera, supported her claim.

The Court noted that the people named by Tuao and Hakiaha as living on the land, in support of their claims, were the same people named by Tohengaroa as descendants of Kimihia. The Court concluded they were of both Ngati Haua and Ngati Wera. The Court rejected Tohengaroa's claim that Kimihia had an ancestral right to the K block from Wera, as Wera had left the area and lived at Pipiriki. The Court accepted that Kimihia had held land, but that this was by gift from Terekau.

The Court found that there had been a boundary between the land of Tuhaia and Kimihia, and that Ngati Wera did not live north of that line. Hakiaha had described the boundary to the

²²⁷ Tuao Ihimaera, *ibid*, 27 October 1892, fol 187.

²²⁸ Tohengaroa Te Rauroa, Otorohanga Native Land Court minute book 17, 11 November 1892, fol 55.

Court. It awarded south of the line, or K1 block, to Ngati Wera and the land north of the line, or K2, to Ngati Haua.²²⁹ A further subdivision awarded 500 acres to a list of nine names. This became K3 block.²³⁰ The K4 block was awarded to Tawhiri Pikiranga and the descendants of Toi.²³¹

The major tribal affiliation of the owners of the Ohura South block was Ngati Haua. The G, H, K2, K4 and M blocks were awarded to the descendants of the Ngati Haua ancestors, Terekau, Tuhaia and Tuao. The C1 and K1 blocks were awarded to Ngati Wera, descendants of Kimihia, who was of Ngati Haua. The C2 block was awarded to the descendants of Te Awhitu, a grandson of the Ngati Haua chief, Tuhaia. Two small blocks, A1 and C3, were awarded to Ngati Urunumia and Ngati Ngatu, which are hapu of Ngati Maniapoto

The K5 block was partitioned from the K2 block to pay part of the survey lien, as described in an earlier section of this report. Matakītaki Te Ngarupiki objected to the sale of K5 block by its two owners. His application for a rehearing of the ownership of the K block is discussed in the following chapter. This application is the only protest found over the awards in the Ohura South block.

2.11. Conclusion

The Ohura South block had its origin in the Rohe Potae of the Maori King movement. This area was reduced in size by the withdrawal of some tribal land, and became the Aotea block. It then went to the Native Land Court in 1886 for the determination of its ownership, although in the minutes of the Court it is referred to as the Rohe Potae block. The Court awarded the block to the five claimants tribes, one of which was Whanganui. The Court also accepted lists of owners from the five tribes. The list from the Whanganui tribe was the title determination of the land that became the Ohura South block.

The tribes then determined the boundaries within the Aotea block. A meeting was held at Te Kuiti in 1888, which determined the boundary between Ngati Maniapoto and Whanganui. Matakītaki Te Ngarupiki took this boundary to the Native Land Court, in April 1888. The boundary he gave was supported by the Ngati Maniapoto chiefs Taonui Hikaka and Te

²²⁹ Otorohanga Native Land Court minute book 17, 16 November 1892, fols 79-81 and fol 90.

²³⁰ Ibid, 16 November 1892, fol 81.

Rerenga and by chiefs who were of Whanganui. Ngatai Te Mamaku disputed the eastern end of the boundary, in June 1888. Judge Gudgeon saw no reason to alter the boundary and issued an order confirming it. The land south within the Whanganui Rohe Potae became the Ohura South block.

The Maniapoto chief Wahanui Huatare was at the Court in April 1888. He accepted the boundary but said he owned land south of it, in the Whanganui Rohe Potae. A list of names for the Whanganui Rohe Potae and for the Rangatahi block was presented to the Court. The list was headed by Wahanui and contained 79 names. Whanganui chiefs, who were related to Ngati Rangatahi, accepted the list for the Whanganui Rohe Potae, provided the list was confined to Te Horongopai.

In 1890, John Rochfort made a survey of the Ohura South block, formerly the Whanganui Rohe Potae. The Native Land Court approved his map of the block in September that year. An unnamed person made an objection that Rochfort had not taken the people to show him the boundaries. This objection was dismissed by Judge Gudgeon on the grounds that that Maori had a duty to show surveyors the boundaries of land they claimed to own.

In 1892, two applications were made to the Native Land Court concerning the Ohura South block. The first was a Ngati Urunumia claim to land within the Ohura South block. This was land bordered by the Ongarue and Taringamotu rivers, and the Mangakahikatoa and Ngakonui streams. The claim had its origin in Wahanui's claim to own land within the Whanganui Rohe Potae in 1888. He was also a witness for the Ngati Urunumia claim in 1892.

Ngati Urunumia claimed they termed Te Horongopai had been ceded to them by Ngati Haua, in a peace making to end the wars which followed the killing of Tutemahurangi. Their witnesses also claimed Ngati Urunumia had occupied the land before and after the time of peace making. One of their spokesmen, Patupatu Kepa, claimed Ngati Haua ceded the land as they were in fear of Ngati Urunumia. Wahanui claimed that Topine Te Mamaku, the chief of Ngati Haua, had later confirmed the gifting of the land to him.

The main Whanganui, or Ngati Haua spokesman, Hakiha Tawhiao, agreed a peace had been made at Te Horongopai but denied any land had been ceded. He also denied Ngati Urunumia lived on the land, except some descendants of Urunumia who also belonged to Ngati Haua. A

²³¹ Ibid, 25 November 1892, fol 142.

weakness in the Ngati Urunumia claim was that of the list of 79 people that Patupatu put forward for Te Horongopai, only four actually lived on the land claimed for Ngati Urunumia. Also there were descendants of Urunumia, notably Te Ha, who were resident on the land but were not on the list.

Judge Gudgeon found the Ngati Urunumia claim unconvincing, as there was no evidence of Ngati Haua suffering defeats of such severity that they would cede 5000 acres of tribal land. He awarded Ngati Urunumia 100 acres. Descendants of Urunumia were later included in the A subdivision, as descendants of Te Hoata, as the Ngati Hira hapu of Ngati Haua. This may, however, incorrectly represent their tribal affiliation.

The Ngati Urunumia claim received a full hearing at the Native Land Court. Gudgeon dismissed the claim as it lacked evidence of an overwhelming defeat of Ngati Haua. The evidence suggests that the two tribal groups often lived in peace, with intermarriage between them, but also had times of warfare. The wars between them involved other hapu of Maniapoto and Whanganui. On occasion, Whanganui raided into Maniapoto territory. The evidence from the Te Rongoroa block, to the north of the Taringamotu River, indicates that Maniapoto hapu, including Ngati Urunumia, were placed there to counter Whanganui raids. This tends to support Gudgeon's decision on the Ngati Urunumia claim in Ohura South, as Maniapoto were on the defensive, for at least some of the time. In addition, the decision made by Judge Mair in 1900, on an appeal in the Pukuweka block, recognised the descendants of Te Hoata as the owners of the block. This included Hakiaha, and probably other Ngati Haua, in the ownership of Pukuweka, a block to the east of the land claimed by Ngati Urunumia in Ohura South. It also tends to support the claim of Ngatai in 1888 that the Whanganui boundary should have been further east. It does not support the Ngati Urunumia claim of 1892 that the boundary between Whanganui and Maniapoto should have been further west.

After determining the Ngati Urunumia claim, Judge Gudgeon determined the second application before the Court in 1892. This was an application from the Crown for the definition of interests in the block. This resulted in the partition of the block into 20 subdivisions. The ancestors named from whom ownership rights in the block derived were Terekau, Tuhaia, Kimihia, Toi Tuao, Te Hau and Te Awhitu. These are all Ngati Haua ancestors, although the descendants of Kimihia were called Ngati Wera, the descendants of Te Awhitu were called Ngati Te Awhitu, the descendants of Te Hau were called Ngati Hira, and the descendants of Toi were called Ngati Keu. The major tribal affiliation of the individuals to

whom the Ohura South block was awarded was Ngati Haua. Two hapu of Maniapoto received small amounts of land in the block. These were Ngati Urunumia, who were awarded A1 block of 100 acres, and Ngati Ngatu, who received C3 block, as it had been given to their ancestors by a daughter of Te Awhitu.

Following the definition of interests in the Ohura South block, the Crown advanced purchase money on two subdivisions before the end of 1892. Matakitaki Te Ngarupiki objected to the sale of K5 block. He applied for a rehearing of the K block in 1893, but was refused. This is the only protest over the awards in the Ohura South block that was found during the course of this research.

The Native Land Court investigated the ownership title of the Aotea block in 1886 and defined the boundary of the Whanganui Rohe Potae in 1888. The Court determined the Ngati Urunumia claim to part of the Ohura South block and defined the interests in the block in 1892. This brought the Ohura South block to a point where the purchase of interests in the block by the Crown could commence.

Table 4: Crown and non-seller interests in Ohura South block, 1893-1901

		Land acquired by the Crown, 1893-1901				Land remaining, 1893-1901		
Ohura South sub-divisions	Total acreage	Crown interests acquired by purchase 1893 (acres)	Crown interests acquired by partition 1898 (acres)	Crown interests acquired by partition 1901 (acres)	Total Crown interests at 1901 (acres)	Estimated area of non-seller land as at 1893 (acres)	Estimated area of non-seller land as at 1898 (acres)	Estimated area of non-seller land as at 1901 (acres)
A	5066			1692	1692	5066	5066	3374
A1	100					100	100	100
B	1426			30	30	1426	1426	1396
C1	698			349	349	698	698	349
C2	3056			776	776	3056	3056	2280
C3	207				0	207	207	207
D	2960			955	955	2960	2960	2005
E	1502		1304.5		1304.5	1502	197.5	197.5
F	6150		4603		4603	6150	1547	1547
G	1958			219	219	1958	1958	1739
H	747		706		706	747	41	41
K1	40900		25131.5	5894	31025.5	40900	15768.5	9874.5
K2	13647		11424	387	11811	13647	2223	1836
K3	503		459.5		459.5	503	43.5	43.5
K4	2853		1435	385	1820	2853	1418	1033
K5	10000	10000			10000	0	0	0
L	9730	9730			9730	0	0	0
M	5593			2282	2282	5593	5593	3311
N	3556		1309		1309	3556	2247	2247
O	6563		6563		6563	6563	0	0
Total	117215	19730	52935.5	12969	85634.5	97485	44549.5	31580.5

3. Alienations in Ohura South, 1892-1901

Tim Shoebridge

3.1. Overview of land purchasing activities, 1892-1901

Between the Native Land Court hearings in 1892, and the partitioning of the eastern subdivisions of the block in 1901, approximately 73 percent of the Maori land in Ohura South was sold to the Crown. While some of this land was sold by necessity to offset the costs of survey liens imposed by the Court, the majority of this land was sold by individuals to the Native Land Purchase Agent for the district, G T Wilkinson. This chapter examines the contexts of this phase of alienation, exploring the circumstances of purchase; the role of the Native Land Court; the nature of the participation of the Maori owners in the surveying, Land Court and land sale processes; and the creation of reserves and treatment of non-sellers in the block.

The figures in Table Four plot the process of alienation that took place in Ohura South between 1893 and 1901. The figures that constitute this table are based on the acreages noted in Native Land Court Minute Books and land purchase deeds.²³² In the absence of a reliable source describing exact acreages of the non-seller blocks, the area of these blocks has been estimated by subtracting the acreage of the well-recorded Crown blocks from the total acreages of the subdivisions. Often, this is the only way the records define the non-seller blocks – as ‘what is left’ after partition. The non-seller interests, therefore, should be regarded as close estimates rather than literal reflections of the area of those blocks.

3.1.1. Origins of Crown purchasing in Ohura South

The pressure for the Crown to commence purchasing in the Rohe Potae was part of a wider process of Pakeha development and settlement in the North Island in the late nineteenth-century. From the 1870s and 1880s onwards there was a growing pressure in settler society for the Crown to open up rural areas for small farming, due to the increasing profitability of

²³² Otorohanga Native Land Court Minute Book 30, 3 December 1897, fol 372-374; Minute Book 32, 14 March 1898, p3-4; Minute Book 33, 31 May 1898, fol 39-40, 27 July 1898, fol 330-331; Minute Book 39, 14 November 1900, fol 117, 138, 154-6, 17 December 1900, p204, 4 February 1901, fol 269; Minute Book 40, 3 April 1901, fol 11-27; Deed Tar 257, 258, 259, 261, 268, ABWN 8102 W5279/74 box 74, ANZ Wellington.

exporting primary produce through the introduction of refrigerated shipping, along with a popular fear of land monopoly and ‘landlordism’.²³³ In the 1870s and 1880s, large areas of bush in Hawkes Bay, Taranaki, the Manawatu, Wairarapa, and North Auckland were cleared for farming, a process facilitated by the progress of railway lines through these areas, and the work of sawmillers in clearing the land.²³⁴ Towns were established along the railway routes to act as ‘service-centres’ for the settler industries in these areas.²³⁵ Successive settler governments encouraged this process of rural extraction and development, especially through the steady improvement of the communications and transport systems connecting these rural areas with main centres.²³⁶ The Rohe Potae was one of the last large areas of arable land in the North Island to be made available for such development.

In the Land Purchase Department’s plans to commence purchasing in the Rohe Potae, the more specific political contexts of the district were added to these financial imperatives. As discussed in Chapter One, the planned route of the Main Trunk Line through the district also provided a strong impetus for the commencement of a purchasing programme in the area, both to acquire land for the railway line and to buy neighbouring blocks to help recoup expenses. The North Island Main Trunk Railway Loan Application Act 1886 provided £100,000 to buy lands within the larger Rohe Potae district, and its amendment of 1889 provided a further £122,285 for that purpose.²³⁷ By the late 1880s, the political independence of Rohe Potae Maori was causing some frustration in the settler community with some fear of ‘Maori landlordism’, and indignation at the ‘unproductivity’ of Maori in the use of their land. The ‘opening of the King Country’ became a significant political issue and the subject of popular discussion.²³⁸

²³³ Miles Fairburn, ‘The Rural Myth and the New Urban Frontier: an Approach to New Zealand Social History, 1870-1940’, *New Zealand Journal of History*, vol 9 no 1, 1975, pp3-21; S H Franklin, ‘The Village and the Bush: The Evolution of the Village Community’, in John Forster (ed.), *Social Process in New Zealand*, (Auckland: Longman Paul, 1969), pp102-143; D A Hamer, ‘Towns in Nineteenth-Century New Zealand’, in *New Zealand Social History: Papers from the Turnbull Conference on New Zealand Social History*, Auckland, 1978, pp5-20.

²³⁴ Franklin, ‘The Village and the Bush’; G C Petersen, ‘Pioneering the North Island Bush’ in R F Watters (ed.), *Land and Society in New Zealand: Essays in Historical Geography*, (Wellington, Auckland, and Sydney: A H and AW Reed, 1965), pp66-79.

²³⁵ Hamer, ‘Towns in Nineteenth-Century New Zealand’.

²³⁶ Fairburn, ‘The Rural Myth and the New Urban Frontier’; Petersen, ‘Pioneering the North Island Bush’.

²³⁷ North Island Main Trunk Railway Loan Application Act, *New Zealand Statutes*, 1886, n.42, s.4(5); North Island Main Trunk Railway Loan Application Act Amendment, *New Zealand Statutes*, 1889, n.33, s.3.

²³⁸ Cathy Marr, *Alienation of Maori Land in the Rohe Potae*, Chapter Four; Tom Brooking, ‘‘Busting Up’ the Greatest Estate of All: Liberal Maori Land Policy, 1891-1911’, *New Zealand Journal of History*, vol 26 no 1, April 1992, pp78-98; Tom Brooking, ‘Use it or Lose It: Unravelling the Land Debate in Late Nineteenth Century New Zealand’, *New Zealand Journal of History*, vol 30, no 2, October 1996, pp141-162.

The vast stands of timber in the West Taupo forests of the Rohe Potae also began to draw the attention of sawmillers, as milling in other major areas started to decline. By the mid-1880s, sawmillers had commenced milling the northern and southern ends of the Rohe Potae.²³⁹ J W Ellis, for example, commenced milling operations at Kihikihi in 1886, and by 1890, in partnership with J H D Burnand, had established a mill at Otorohanga.²⁴⁰ The Crown's motivation to purchase land in the Rohe Potae thus involved political, economic, and ideological elements.

As discussed in Chapter One, Government officials were involved in negotiations with the tribal leaders in the Rohe Potae through the mid to late 1880s. In 1889, Otorohanga-based Native Agent George Thomas Wilkinson was appointed Land Purchase Agent for the Rohe Potae blocks.²⁴¹ Wilkinson had a long association with the Rohe Potae, having acted as the Native Agent in Alexandra in the years leading up to the 'opening' of the area in the early 1880s. Wilkinson spoke fluent Maori, had a Ngati Maniapoto wife, and as a licensed interpreter had assisted at most of the important meetings between Rohe Potae iwi and government officials in the 1880s.²⁴² He had been closely involved with the discussions leading up to the commencement of purchasing in the Rohe Potae in 1889 and with a detailed local knowledge he was a natural choice for the position.²⁴³

Crown purchasing in the Rohe Potae was implemented within a strong legislative framework. The Native Land Alienation Restriction Act 1884 had made all land within the Rohe Potae alienable only to the Crown, and this restriction was effectively continued by Acts passed in 1886 and 1889.²⁴⁴ Although Crown purchasing officially began in 1889, the purchasing was initially very slow.²⁴⁵ The Native Minister A J Cadman visited Otorohanga in April and December 1891, and in May 1892, to discuss Crown purchasing with the Maori owners.²⁴⁶ Newspaper reports of these meetings indicate that the Maori speakers were primarily the

²³⁹ Michael Roche, *History of Forestry*, (Wellington: New Zealand Forestry Corporation and GP Books, 1990), p116.

²⁴⁰ *ibid*

²⁴¹ Marr, *Alienation of Maori Land in the Rohe Potae*, p60.

²⁴² 'Death of Mr. G T Wilkinson', *New Zealand Herald*, 6 February 1906, p3; Marr, *Alienation of Maori Land in the Rohe Potae*, Chapter Four.

²⁴³ Marr, *Alienation of Maori Land in the Rohe Potae*, Chapters Four and Five.

²⁴⁴ 'Native Lands in the Rohe-Potae (King Country) District', AJHR, 1907, G-1B, p2.

²⁴⁵ Marr, *Alienation of Maori Land in the Rohe Potae*, Chapter Seven.

²⁴⁶ 'Native Minister at Otorohanga', *New Zealand Herald*, 2 April 1891, p5, 3 April 1891, p6, 4 April 1891, p5; 'Native Affairs. Land in the King Country', *New Zealand Herald*, 4 December 1891, p[5]; 'The Ngatimaniapoto Lands. The Ngatimaniapoto Return to Tawhiao', *New Zealand Herald*, 19 December 1891, p5; editorial, *New Zealand Herald*, 21 December 1891, p4; 'The King Country. Mr Cadman and the Natives. An Important Proposal', *New Zealand Herald*, 21 December 1891, p5, 22 December 1891, p5; 'The Opening of the King

Ngati Maniapoto leaders Wahanui, Taonui, and the ‘half-caste’ Native Agent Henry Edwards. On his first visit in April 1891, Cadman urged the Maori owners to be proactively involved with the land sale process, and stressed the need for them to accept European laws and processes into the district.²⁴⁷ The Ngati Maniapoto speakers urged that the restrictions against dealings be taken off the land, so they could control their own assets.²⁴⁸

Cadman called another meeting in December 1891 in which he took a firmer stance, suggesting that Parliament might compel Rohe Potae Maori to free up land for railway expansion, and urging them to make land available voluntarily.²⁴⁹ The Maori owners proposed that certain blocks should be sold to the Crown at a mutually agreed price, that restrictions against private alienation could be lifted from certain blocks, and that there should be no restrictions against leasing to individuals.²⁵⁰ Ultimately the restrictions on alienation of land remained in place until 1900, but despite this the speed of land sales quickened.²⁵¹ It is unclear whether the owners of Ohura South attended these meetings, or were directly involved in the negotiations, but their later actions (such as attempting to create ‘sale blocks’) suggest a familiarity with the issues and problems discussed at these meetings.

3.1.2. Purchasing in Ohura South commences, 1892-1893

With Ohura South’s boundaries and owners defined by the Native Land Court in August 1888, Wilkinson was legally able to commence purchasing in the block when John Rochfort submitted his plan of the external boundary to the Auckland Survey Office in 1891.²⁵² Wilkinson wrote to Cadman on 28 May 1892, proposing that he commence purchasing at that time.²⁵³ Wilkinson noted that the Ngati Maniapoto leader, Wahanui, had indicated that he would accompany him to the area, and use his influence to encourage members of the Maniapoto-affiliated Ngati Rangatahi and Ngati Urunumia hapu to sell their interests in the

Country’, *New Zealand Herald*, 23 December 1891, p5; ‘Native Meeting at Otorohanga’, *New Zealand Herald*, 4 May 1892, p5, 5 May 1892, p[5].

²⁴⁷ ‘The Native Minister at Otorohanga’, *New Zealand Herald*, 3 April 1891, p6.

²⁴⁸ ‘Native Minister at Otorohanga’, *New Zealand Herald*, 4 April 1891, p5; ‘Reports from Officers in Native Districts’, AJHR, 1892, G-3, p4.

²⁴⁹ Editorial, *New Zealand Herald*, 21 December 1891, p4; ‘The King Country. Mr Cadman and the Natives. An Important Proposal’, *New Zealand Herald*, 21 December 1891, p5.

²⁵⁰ ‘Native Lands. Mr Cadman’s Proposals. Reply of the Natives’, *New Zealand Herald*, 22 December 1891, p5.

²⁵¹ ‘Native Lands in the Rohe-Potae (King Country) District’, AJHR, 1907, G-1B, p2; Marr, *Alienation of Maori Land in the Rohe Potae*, Chapter Seven.

²⁵² See Chapter One; correspondence between John Rochfort and Lands and Survey staff 1889-1891, BAAZ 1108 126b 2928, ANZ Auckland.

²⁵³ G T Wilkinson to A J Cadman, 28 May 1892, MA-MLP1 1903/45, ANZ Wellington.

block.²⁵⁴ On 31 May, the Chief Land Purchase Officer in Wellington, Patrick Sheridan, requested that Wilkinson prepare purchase deeds for Ohura South, so ‘that we may set to work [purchasing] at both ends [of the block] immediately’.²⁵⁵ Because a number of owners lived in the Whanganui and Wellington districts, a second purchase deed was drawn up for signatures outside the Rohe Potae.²⁵⁶ Plans were made for the land purchase officer William Butler to call at Taumarunui to collect signatures for the Rohe Potae deed.²⁵⁷ Sheridan approved a purchase price of 2s 6d per acre.²⁵⁸

By early June 1892, complications were becoming evident. Wilkinson and Sheridan’s hope to commence purchasing with minimum time, fuss, and expense quickly disappeared. Wilkinson advised Sheridan of the discovery that 79 Ngati Maniapoto names had been left off the Ohura South ownership list, and that they could not be simply added to it because their interests were limited to a small area (Te Horongopai), rather than over the whole block (see Map 4). This discovery was possibly connected to Wahanui’s offer of help in securing the interests of the Ngati Maniapoto owners in the block. Wilkinson proposed that he get some of the existing owners to apply to the Native Land Court to make orders for subdivision and definition of interest in the block, which would allow the problem to be solved though separating the interests of the different groups.²⁵⁹ Sheridan instructed him to add the new names to the main list, to ‘buy a share or two if possible’ from the existing owners and to apply for definition of interests rather than subdivision, which would ‘only increase survey charges’.²⁶⁰ He concluded in a telegram the following day, ‘Matter had better stand over until Court fixes up the interests then we will get to work at both ends. Get case before Court as soon as possible.’²⁶¹

Public interest was drawn to the area in June 1892, when plans were made in Auckland for the settlement of the district by a farming association. At a meeting of the Northern Railway League in Auckland on 3 June, it was moved that the League form the Ohura Special Settlement Association to ‘settle the Ohura and Eao valleys and their tributaries’, or ‘the block

²⁵⁴ G T Wilkinson to A J Cadman, 28 May 1892, MA-MLP1 1903/45, ANZ Wellington; Marr, *Alienation of Maori Land in the Rohe Potae*, pp78-84.

²⁵⁵ Telegram from P Sheridan to G T Wilkinson, 31 May 1892, MA-MLP1 1903/45, ANZ Wellington.

²⁵⁶ G T Wilkinson to Chief Surveyor, Auckland, 6 June 1892, BAAZ 1108 126b 2928, ANZ Auckland.

²⁵⁷ Telegram from P Sheridan to G T Wilkinson, 17 June 1892, MA-MLP1 1903/45, ANZ Wellington.

²⁵⁸ Telegram from P Sheridan to G T Wilkinson, 6 June 1892, MA-MLP1 1903/45, ANZ Wellington.

²⁵⁹ Telegrams from G T Wilkinson to P Sheridan, 1 June 1892 and 2 June 1892, MA-MLP1 1903/45, ANZ Wellington.

²⁶⁰ Telegram from P Sheridan to G T Wilkinson, 1 June 1892, MA-MLP1 1903/45, ANZ Wellington.

²⁶¹ Telegram from P Sheridan to G T Wilkinson, 2 June 1892, MA-MLP1 1903/45, ANZ Wellington.

between Ohura and Stratford’, which included the western end of Ohura South.²⁶² The Land Act 1885 established that certain blocks of Crown land could be opened for special settlement, which allowed groups of settlers to get special conditions for lease and purchase.²⁶³ Frank Lawry, the M.H.R. for Parnell, was appointed chairman of the Association, and Peter Oliphant was appointed secretary.²⁶⁴ Lawry advised the meeting that although the land had not yet been purchased by the Crown, and was unlikely to be available for selection until the following summer, Wilkinson had been instructed to purchase in the area ‘with all possible speed’, and that Wahanui had offered to use his influence to encourage sales.²⁶⁵ Within a week of this meeting, the *New Zealand Herald* reported, the Association had ‘enough applications to fill nearly five settlements’.²⁶⁶ Wilkinson felt that the publicity and acclaim the Association was receiving in the Auckland newspapers by mid-June 1892 could have been jeopardising the Land Purchase Department’s activities in the area, and suggested to Sheridan that a letter should be written to the Association’s leaders requesting their discretion.²⁶⁷ The Association published a prospectus, but ultimately the Settlement seems not to have eventuated. The Ohura Settlement Association is not listed in the returns of Special Settlements published in *AJHR* between 1893 and 1897, and it seems clear that the Settlement never took place, at least under the name advertised in the newspapers.²⁶⁸ There is no evidence to suggest that the activities of the Association had any direct impact upon Crown purchasing in Ohura South, but it does indicate the pressure on the Crown to acquire land in the area.

As discussed in Chapter Two, the Native Land Court, sitting in Otorohanga under Judge Gudgeon between August and November 1892, divided Ohura South into 20 subdivisions and made new lists of owners. Judge Gudgeon’s judgment upon Te Horongopai revealed the tensions of ownership in the area, and Wilkinson noted to Sheridan: ‘from these developments it will be seen that it was fortunate we did not commence purchase some time ago and it will not be safe to begin until the subdivision is made and the owners of it known.’²⁶⁹

²⁶² ‘Ohura Special Settlements’, *New Zealand Herald*, 4 June 1892, p5

²⁶³ Land Act, *New Zealand Statutes*, no. 56, 1885, p287.

²⁶⁴ ‘Ohura Special Settlements’, *New Zealand Herald*, 4 June 1892, p5

²⁶⁵ ‘Ohura Special Settlements’, *New Zealand Herald*, 4 June 1892, p5

²⁶⁶ Editorial, *New Zealand Herald*, 15 June 1892, p4.

²⁶⁷ Telegram from G T Wilkinson to P Sheridan, 16 June 1892, MA-MLP1 1903/45, ANZ Wellington.

²⁶⁸ Returns of Special Settlements, *AJHR*, C1, table M 1893, table O 1894; table O 1895; table 19 1896; table 20 1897.

²⁶⁹ Telegram from G T Wilkinson to P Sheridan, 29 August 1892, MA-MLP1 1903/45, ANZ Wellington.

The 1892 hearings recognised three major ownership groups in Ohura South, that were awarded interests in different subdivisions of the block (see Map 3). Ngati Urunumia, a hapu of Ngati Maniapoto, were awarded the 100-acre A1 block, and were ultimately a small presence in the block.²⁷⁰ The major ownership groups were two hapu of Ngati Haua, itself a hapu of the Whanganui iwi. The first of these two hapu identified themselves through descent from the ancestors Terekau and Tuhaia, and were associated with all the subdivisions in Ohura South except A1 and the large K1 block.²⁷¹ The second group, Ngati Wera, identified themselves as a hapu of the first Ngati Haua group through descent from Kimihia, another ancestor in the same whanau. Ngati Wera were awarded the K1 block.²⁷² This context is discussed in more detail in Chapters One and Two of this report. The land selling activities of the descendants of Terekau and Tuhaia were primarily led by Miriama Kahukarewao and Te Manu aute Te Piripi Tuhaia (siblings), Hakiaha Tawhiao, and Tuao Ihimaera, who were the signatories for most of the survey applications, and frequent correspondents with Crown officers about matters concerning Ngati Haua in Ohura South.²⁷³ In September 1899, Miriama Kahukarewao, Te Manu aute Piripi Tuhaia and Hakiaha Tawhiao described themselves as ‘managers’ (‘kai whaka haere’) of Terekau and Tuhaia land, echoing the conducting role of Native Agents in the Native Land Court.²⁷⁴ In May 1895, Hakiaha Tawhiao was acting in a similar role for Ngati Wera, from whom he was also descended.²⁷⁵ The role of most of these individuals in the Native Land Court hearings suggests that they were chiefly figures within their own hapū and iwi, and that their role as ‘managers’ reflects a continuation and extension of their customary roles.²⁷⁶

In October and November 1892, as the Court began finalising decisions on the ownership of the subdivisions, Wilkinson and Sheridan re-commenced plans to begin purchasing in Ohura South. Wilkinson initially focussed his attention upon the controversial A Block, the approximate area that Ngati Urunumia had claimed as Te Horongopai, which had been granted primarily to Ngati Haua. Although this was the first block passed by the Court, Wilkinson may also have seen an opportunity to obtain a quick sale from owners with a

²⁷⁰ Otorohanga Native Land Court Minute Book 15, 27 August 1892, fol61-68; see Appendix 1.

²⁷¹ Otorohanga Native Land Court Minute Book 15, 19 August 1892, fol 25-26.

²⁷² Otorohanga Native Land Court Minute Book 15, 19 August 1892, fol 25-26; G T Wilkinson to P Sheridan, 11 May 1893, MA-MLP1 1903/45, ANZ Wellington.

²⁷³ See MA-MLP 1903/45, ANZ Wellington; BAAZ 1108 126b 2928 and BAAZ 1108 127a 2928, ANZ Auckland.

²⁷⁴ Miriama Kahukarewao, Te Manu aute Piripi Tuhaia, and Hakiaha Tawhiao to P Sheridan, 9 September 1899, MA-MLP 1903/45, ANZ Wellington; AJHR, 1891, G-1, p xviii. These individuals are referred to as ‘managers’ from this point onwards, to distinguish them from the ‘kai whakahaere’ of the Native Land Court.

²⁷⁵ Hakiaha Tawhiao to Richard Seddon, 18 May [1895] (contemporary translation with annotations by G T Wilkinson), MA-MLP1 1903/45, ANZ Wellington.

contested claim, who were concerned about losing possession through protests and rehearings. Wilkinson wrote to Sheridan: ‘After the line is finally fixed by the Court, and if you think we can dispense with waiting for three months for applications of re-hearing, a Deed could be prepared and the purchase of this division commenced. I believe some of the owners will sell, though this particular portion was not cut out for the purpose of sale.’²⁷⁷ Shortly afterwards, Wilkinson found that the block had been declared inalienable.²⁷⁸ In September and October 1892, the Court declared A, C2, D, and G, four of the eastern subdivisions in the block granted to Ngati Haua, to be inalienable from all purchasing.²⁷⁹ The Land Court minute books do not provide the reasons for this, but it was probably intended (as the Native Lands Fraud Prevention Act 1881 put it) to ensure that the owners had ‘sufficient land left for their occupation and support’, once Crown purchasing commenced.²⁸⁰

In late October 1892, several of the Ngati Haua ‘managers’ offered subdivision L to Wilkinson for sale. This block seems to have been intended as a ‘sale block’ from the outset, to offset the survey liens that had been charged on the Ngati Haua subdivisions in Ohura South (all but A1 and K1).²⁸¹ Of the total survey lien of £1088 13s 5d, Ngati Haua were required to pay £713 5s 5d, and the sale of this block was to cover this entire sum.²⁸² The Court had allocated only three owners to the L subdivision, Kahukarewao Miriama, Te Manuauate Piripi Tuhaiia, and Te Awhitu Kaiariki, of the main Ngati Haua hapu, the first two of whom were among the key Ngati Haua ‘managers’.²⁸³ In the Native Land Court in January 1894, Tuao Ihimaera referred to a written arrangement within Ngati Haua to cut off this block to cover survey expenses.²⁸⁴ Cathy Marr notes that cutting off ‘sale blocks’ was a relatively frequent phenomenon in the Rohe Potae district, enabling Maori owners to have some control over the alienation of their lands to cover Crown survey costs.²⁸⁵

The subdivision was large, 9730 acres, and was located conveniently near the proposed central route of the Main Trunk Line through the Ongarue Valley (see Map 3). The subdivisions had been described by the Court but not defined in detail by survey, but

²⁷⁶ See Chapters One and Two.

²⁷⁷ G T Wilkinson to P Sheridan, 5 October 1892, MA-MLP1 1903/45, ANZ Wellington.

²⁷⁸ Telegram from G T Wilkinson to P Sheridan, 10 October 1892, MA-MLP1 1903/45, ANZ Wellington.

²⁷⁹ Wh 874 pt. 1; Wh 875 pt. 1; Wh 687 pt. 1; Wh 878 pt. 1, Aotea District Maori Land Court, Wanganui.

²⁸⁰ Native Lands Fraud Prevention Act, *New Zealand Statutes*, 1881, n.17, s.6; Marr, *Alienation of Maori Land in the Rohe Potae*, pp112-113; Otorohanga Native Land Court Minute Book 16, September-October 1892.

²⁸¹ See G T Wilkinson to P Sheridan, 11 May 1893, and 31 October 1899, MA-MLP1 1903/45, ANZ Wellington.

²⁸² G T Wilkinson to P Sheridan, 11 May 1893, MA-MLP1 1903/45, ANZ Wellington.

²⁸³ Deed Tar 239, ABWN 8102 W5279/73, ANZ Wellington.

²⁸⁴ Tuao Ihimaera, Otorohanga Native Land Court Minute Book 20, 24 January 1894, fol 113.

Wilkinson was enthusiastic to commence the purchase before the subdivisional survey had been made. He suggested to Sheridan that the survey of L be undertaken immediately, to coincide with the end of the three month rehearing period.²⁸⁶ Sheridan authorised Wilkinson to purchase any part of the block at a rate of 2s 6d per acre.²⁸⁷ The Ngati Haua owners felt that this price was too low, but the following month agreed to the Surveyor-General's counter-offer of 3s 6d per acre, and accepted a £400 advance on 22 November 1892.²⁸⁸ Although the Land Court order for the block would not mature until 11 January 1893, when the three month rehearing application period would elapse, Wilkinson was confident that the owners were 'people of importance'. In addition, the deed secured the money against other blocks these individuals owned should rehearings rule against them.²⁸⁹ On 28 November 1892, Miriama Kahukarewao, Te Manuauate Piripi Tuhaia and Te Awhitu Kaiariki agreed to also sell the K5 subdivision, a 10,000 acre block adjoining L, to Wilkinson on the same terms as previously. It was also sold to offset the liens.²⁹⁰ That day the Native Land Court partitioned the K5 block from K2, for the purpose of sale to cover survey liens.²⁹¹ Sheridan hurriedly approved the arrangement and a deed dated 1 December advanced another £400 on the same terms.²⁹² J B Keast was employed to survey the two blocks before the orders matured.²⁹³

The sale of these blocks, however, was not unanimously approved of amongst the Maori owners in the wider Ohura South block. Matakītaki Ngarupiki 'and others' submitted an application for a rehearing to the Native Land Court on 24 January 1893, concerning the Court's judgements upon K1, K2, K3, K4, and K5, the last of which Wilkinson had advanced money upon.²⁹⁴ Matakītaki claimed descent from both Ngati Urunumia and Ngati Wera, and had appeared on behalf of both in the Land Court hearings in April 1888.²⁹⁵ He submitted the original boundaries of the block to the court on that occasion, but in Judge Gudgeon's August

²⁸⁵ Marr, *Alienation of Maori Land in the Rohe Potae*, pp101-102.

²⁸⁶ Telegram from G T Wilkinson to P Sheridan, 12 October 1892, MA-MLP1 1903/45, ANZ Wellington.

²⁸⁷ Telegram from P Sheridan to G T Wilkinson, 13 October 1892, MA-MLP1 1903/45, ANZ Wellington.

²⁸⁸ Telegram from G T Wilkinson to P Sheridan, 22 November 1892; Deed of Sale for Ohura South L, MA-MLP1 1903/45, ANZ Wellington.

²⁸⁹ Telegram from G T Wilkinson to P Sheridan, 19 November 1892; Deed of Sale for Ohura South L, MA-MLP1 1903/45, ANZ Wellington.

²⁹⁰ Telegram from G T Wilkinson to P Sheridan, 28 November 1892; G T Wilkinson to P Sheridan, 11 May 1893, MA-MLP1 1903/45, ANZ Wellington.

²⁹¹ Otorohanga Native Land Court Minute Book 17, 28 November 1892, fol 156-157.

²⁹² Telegram from P Sheridan to G T Wilkinson, 28 November 1892; Deed of Sale for Ohura South K5, MA-MLP1 1903/45, ANZ Wellington.

²⁹³ Telegram from G T Wilkinson to P Sheridan, 20 December 1892; P Sheridan note to A J Cadman, 1 December 1892, MA-MLP1 1903/45, ANZ Wellington.

²⁹⁴ Applications for Rehearing to the Native Land Court, 23 February 1893, *New Zealand Gazette*, no 13, p260.

²⁹⁵ Matakītaki, Otorohanga Native Land Court Minute Book 3, 4 April 1888, fol 37; Minute Book 16, 21 October 1892, fol 122.

1892 judgment, he dismissed Matakītaki's earlier evidence as unreliable.²⁹⁶ Matakītaki may have been the 'native' who disputed the submitted boundaries for the subdivisions on 9 August 1892, but had been over-ruled.²⁹⁷ His protests about the boundaries were noted in correspondence by the Surveyor-General in October 1892.²⁹⁸

On 27 January 1893, Matakītaki wrote to Wilkinson requesting that he not pay any money to Tuao Ihimaera and Te Manuāte for the K5 subdivision.²⁹⁹ Wilkinson advised Sheridan that Matakītaki was not listed as an owner in K5, and thus could only make trouble for the Department by applying for a rehearing, which he was then in the process of doing.³⁰⁰ The Chief Judge of the Native Land Court dismissed Matakītaki's application for a rehearing on 11 May 1893, and Matakītaki informed Wilkinson that he planned to take the matter before Parliament.³⁰¹ The grounds for this dismissal may have been that Matakītaki missed the deadline of 19 December 1892 for lodging objections to the judgment.³⁰² In December 1893, a letter signed by 10 Māori correspondents complained to the Land Purchase Department about the sale of this land. Sheridan instructed his secretary to inform them that 'their names are not in the order of the Court for Ohura South K and that they therefore have no say in the matter.'³⁰³

The final Deed of sale for the L subdivision was signed on 25 April 1893, and the K5 Deed on 11 May 1893.³⁰⁴ As Sheridan noted in December 1892, this gave the Crown nearly 20,000 acres of land in the Ohura South block, or 17 percent of the total acreage of the Ohura South block.³⁰⁵ The subdivisions were purchased under the North Island Main Trunk Railway Loan Application Act 1886, and its amendment of 1889, reflecting the Crown's hopes for establishing a settler presence in the district.³⁰⁶

²⁹⁶ Otorohanga Native Land Court Minute Book 15, 27 August 1892, fol61-68; modern translation – see Appendix 1.

²⁹⁷ Otorohanga Native Land Court Minute Book 13, 9 August 1892, fol 26.

²⁹⁸ Surveyor-General to Chief Surveyor, Auckland, 5 October 1892, BAAZ 1108 126b 2928, ANZ Auckland.

²⁹⁹ Matakītahi Ngarupiki to G T Wilkinson (contemporary translation), 27 January 1893, MA-MLP1 1903/45, ANZ Wellington.

³⁰⁰ Applications for Rehearing to the Native Land Court, *New Zealand Gazette*, 23 February 1893, p260.

³⁰¹ 'The Native Land Court Act, 1886' and its Amendments, 25 May 1893, *New Zealand Gazette*, no 42, p805; G T Wilkinson to P Sheridan, 11 May 1893, MA-MLP1 1903/45, ANZ Wellington.

³⁰² 'Native Land Court, 1886', and its Amendments – Notice of Time and Place for Inspecting Plan after Interlocutory Order – Ohura South K No. 5 Block, 2 November 1893, *New Zealand Gazette*, no 82, p1569.

³⁰³ P Sheridan file note, 20 December 1893, MA-MLP1 1903/45, ANZ Wellington.

³⁰⁴ Deeds Tar 238 and 239, ABWN 8102 W5279/73 box 73, ANZ Wellington.

³⁰⁵ P Sheridan note to A J Cadman, 1 December 1892, MA-MLP1 1903/45, ANZ Wellington; see Table 1.

3.1.3. Subdivisional survey and commencement of individual purchasing, 1893-1898

Following the 1892 hearings, and the Crown purchase of the K5 and L subdivisions to cover lien fees, the Crown undertook a survey of all of the subdivisions in the Ohura South block. On 28 November 1892, Otorohanga storekeeper J W Ellis forwarded an application for survey of all of the subdivisions to the Auckland Survey office on behalf of surveyor J B Keast.³⁰⁷ The application was signed by seven Maori owners, including the Ngati Haua ‘managers’ Hakiha Tawhiao, Te Manuauate Piripi Tuhaia, Miriama Kahukarewao, and Tuao Ihimaera.³⁰⁸ Ellis wrote to the Chief Surveyor in Auckland:

I understand from Mr Wilkinson that the govt are very anxious that this work should be gone on with at once as they have advanced money on part of the block & owing to the strong demand from the public they are anxious to secure portions of this block at as early a date as possible, and it is at his (Mr. W[’s]) request that I take the liberty of forwarding on this application.³⁰⁹

Sheridan asked the Chief Surveyor in Auckland to ‘send along the schedules for Authorisation as quickly as possible’, and the Surveyor-General noted that ‘the matter is urgent’.³¹⁰ Authorisation to survey all the subdivisions was issued on 10 January 1893, and the subdivisions K5 and L were to be surveyed immediately.³¹¹ The authorised surveyor J B Keast was required to complete the survey of these by 31 March 1893.³¹²

The surveying of the Ohura South subdivisions was delayed when Keast died suddenly in Otorohanga on 17 April 1893. Keast had deposited plans of the K5 and L subdivisions, but still held the authority for the remaining subdivisions of the block.³¹³ Within three days of Keast’s death, J W Ellis wrote to the Chief Surveyor in Auckland enquiring about authorising William Cussen, who was offering to waive his fee in favour of Keast’s widow and children, to conduct the survey.³¹⁴ On 16 August Cussen submitted a new application for survey, signed by Hakiha Tawhiao, Te Manuauate Piripi, Tohengaroa, and another individual.³¹⁵ On 5

³⁰⁶ Lands Acquired Subject to the Provisions of ‘The North Island Main Trunk Railway Loan Application Act, 1886’, 12 July 1894, *New Zealand Gazette*, no 53, p1079.

³⁰⁷ J W Ellis to Chief Surveyor, Auckland, 28 November 1892, BAAZ 1108 126b, ANZ Auckland.

³⁰⁸ Application for Survey, 26 November 1892, BAAZ 1108 126b 2928, ANZ Auckland.

³⁰⁹ J W Ellis to Chief Surveyor, Auckland, 28 November 1892, BAAZ 1108 126b 2928, ANZ Auckland

³¹⁰ Telegram from P Sheridan to Chief Surveyor, Auckland, 7 December 1892; Surveyor-General to Chief Surveyor, Auckland, 4 January 1893, BAAZ 1108 126b 2928, ANZ Auckland.

³¹¹ J B Keast to Chief Surveyor, Auckland, 23 January 1893, BAAZ 1108 126b 2928, ANZ Auckland.

³¹² Chief Surveyor, Auckland to J B Keast, nd [c.5 January 1893], BAAZ 1108 126b 2928, ANZ Auckland.

³¹³ J W Ellis to Chief Surveyor, Auckland, 20 April 1893, BAAZ 1108 126b 2928, ANZ Auckland.

³¹⁴ J W Ellis to Chief Surveyor, Auckland, 20 April 1893, BAAZ 1108 126b 2928, ANZ Auckland.

³¹⁵ Application to Survey, 9 August 1893, BAAZ 1108 126b 2928, ANZ Auckland. The fourth name on the application is illegible.

October 1893, Cussen was issued with authority to survey the remaining subdivisions, with a completion date of 1 April 1894.³¹⁶

Cussen's survey proved to be fraught with difficulties. In April 1894, he applied for a six month extension of his authority, 'owing to the trouble with and opposition of the natives. My party has made but little progress during the last two months, and I fear that, in view of the approaching winter, it will be impossible to complete the survey in less time than now applied for.'³¹⁷ The following month, Ellis reported that Cussen had stopped surveying in Ohura South. '[H]e has completed all that the natives wish done at present owing to some dispute re a line. but he proposed to go back soon and complete all that the natives require doing. he tells me he was considerably delayed at first from want of labour & was a month with only one man besides his chain-man.'³¹⁸ The government was informed in July 1894 that Te Kere 'and others' were threatening to 'interfere' with the survey, but it is not clear whether they became involved or not.³¹⁹ Cussen's activities were significantly delayed.

Cussen's authority to survey was renewed on 13 July 1894, to be completed by 1 January 1895, but the problems continued.³²⁰ Cussen noted a number of discrepancies in the work of the earlier surveyors of the block, and re-checking these consumed considerable time and additional expense.³²¹ In November 1894, he drew the Auckland Chief Surveyor's attention to a number of these discrepancies, particularly noting the problematic boundaries of the subdivisions K4, K5, and K2, which he assumed could not be altered because of the Crown having purchased K5.³²² The boundaries of K5 had been the subject of an objection in the Native Land Court by Whakapaki Hekeawai in January 1894, which, although resolved, indicated that there had been some uncertainty about the locations of key traditional landmarks and boundaries by Keast's Ngati Haua guides at the time of the survey.³²³ Cussen wrote to the Auckland Chief Surveyor in November 1894: 'As there is a strong feeling on the matter [of the boundaries] among the natives and I expect opposition to the survey, I would

³¹⁶ Request to Survey, 5 October 1893, BAAZ 1108 127a 2928, ANZ Auckland.

³¹⁷ William Cussen to Chief Surveyor, Auckland, April 1894, BAAZ 1108 126b 2928, ANZ Auckland.

³¹⁸ J W Ellis to Chief Surveyor, Auckland, 12 June 1894, BAAZ 1108 126b 2928, ANZ Auckland.

³¹⁹ Surveyor-General's Department, Record Book 19[a], folio 323, ABWN 8082 W5272/46, ANZ Wellington, the correspondence file within which this letter was filed (LS1 18299) has probably been destroyed; 'Te Kere Ngatai-e-rua', 1870-1900, vol 2 of *The Dictionary of New Zealand Biography*, (Wellington: Bridget Williams Books and Department of Internal Affairs, 1993), pp517-518.

³²⁰ Request to Survey, 13 July 1894, BAAZ 1108 126b 2928, ANZ Auckland.

³²¹ James Simms to J W Ellis, 28 August 1894; J W Ellis to Chief Surveyor, Auckland, 29 August 1894, BAAZ 1108 126b 2928, ANZ Auckland.

³²² William Cussen to Chief Surveyor, Auckland, 28 November 1894, BAAZ 1108 126b 2928, ANZ Auckland.

³²³ Otorohanga Native Land Court Minute Book 20, 24 January 1894, fol 111-114.

feel greatly obliged if you will give me a written order (in Maori preferably) to cut out these lines as laid down by the Native Land Court.³²⁴

At around this time, Cussen stopped surveying the Ohura South subdivisions, leaving the blocks east of the railway route (A, A1, B, C1, C2, C3, D, G, and M) unsurveyed (see Map 3). When, in late 1897, the state of the unfinished survey was called into question, Cussen explained:

In July 1894 I was authorised to carry out the survey, and, after considerable trouble, succeeded in getting the largest portion of the subdivisions finished; but was unable to complete the work owing to disputes among the natives over the boundaries. I communicated with the Survey Office, and was requested to make a plan showing the amount of work finished. This I did, including in my plan the exterior boundaries of the block, leaving that portion blank where the subdivisional lines have not been run, in order that it might be filled in when those subdivisions were surveyed. Since then I could not get the natives to agree to allow the work to proceed ...³²⁵

It is not clear from the correspondence whether this boundary dispute was an extension of Matakītaki's protests over the boundaries of the K blocks in 1892-1893. It seems likely, however, that this was part of a larger boundary dispute between Ngāti Haua and Ngāti Wera, probably rendered insoluble by the firm boundaries established by Wilkinson's hurried survey and purchase of the K5 block. It is unclear whether Cussen was forced to stop surveying due to problems arising from the K boundaries, or the blocks east of the railway line.

In May 1895, the *New Zealand Gazette* published the list of Cussen's survey liens for the blocks he had surveyed:

³²⁴ William Cussen to Chief Surveyor, Auckland, 28 November 1894, BAAZ 1108 126b 2928, ANZ Auckland.

³²⁵ William Cussen to Surveyor-General, 30 November 1897, BAAZ 1108 126b 2928, ANZ Auckland.

Table 5: Survey lien charged on western subdivisions, 1895

Subdivision	Amount (£ s d)
E	£9 8s 8d
F	£63 11s 9d
H	£8 7s 4d
K1	£139 12s 2d
K2	£84 15s 9d
K3	£20 14s 2d
N	£90 15s 1d
O	£90 2s 11d
TOTAL	£507 7s 10d³²⁶

This gave a total of £367 15s 8d for the Ngati Haua subdivisions, and £139 12s 2d for the Ngati Wera K1 subdivision, in addition to their unpaid £375 7s 12d for the Rochfort survey lien, which was accruing interest, and which brought their base total to £515 0s 2d.³²⁷

Although the wider subdivisional survey remained incomplete, the Land Purchase Department decided to commence purchasing in the subdivisions that had been surveyed, E, F, K1, K2, K3, K4, N, and O, the blocks west of the railway line. In December 1894, Mare Kaponga requested a £250 advance on K2 and Sheridan hurriedly requested a deed form to collect signatures.³²⁸ Sheridan informed the Auckland Chief Surveyor in February 1895 that ‘Ohura South natives are worrying Ministers and members with complaints that the Dept will not purchase their shares[.] the surveyor should be called upon to send in the plans immediately.’³²⁹ Sheridan received the deed forms in April 1895, and the Surveyor-General had approved a price per acre of 4s for K1 and K2 by the beginning of May.³³⁰

The first share of K2 was sold to the Crown on 7 May 1895, and the first share of K1 on 13 May 1895.³³¹ Two deeds were issued for K2, one listing signatures collected in Wanganui and

³²⁶ ‘Applications for Survey Charging Orders’, *New Zealand Gazette*, 16 May 1895, n.35, p814.

³²⁷ The rates of interest are unknown.

³²⁸ Mare Kaponga to P Sheridan, 14 December 1894 (contemporary translation), MA-MLP1 1903/45, ANZ Wellington.

³²⁹ Telegram from P Sheridan to Chief Surveyor, Auckland, 14 February 1895, BAAZ 1108 126b 2928, ANZ Auckland.

³³⁰ P Sheridan note to Native Minister, 17 April 1895; Surveyor-General to P Sheridan, 2 May 1895, MA-MLP1 1903/45, ANZ Wellington.

³³¹ Deed Tar 254 and 255, ABWN 8102 W5279/74 box 74, ANZ Wellington.

Wellington, and the other signatures collected in the Rohe Potae.³³² Hakiaha Tawhiao wrote to Premier Seddon on 18 May 1895, noting that he wished to cut off a 5000- acre 'sale block' in K1, called Rangihoua, to pay the survey liens owed by the descendants of Kimihia, Ngati Wera.³³³ Hakiaha had been trying to get this block (also known as Orangihoua) partitioned off from K1 since December 1893.³³⁴ He also complained that Patrick Sheridan had promised 5s per acre for K1 and K2 on a visit to Taumarunui, and that he would not consent to sale at the lower price of 4s, proffering an alternative price of 10s per acre.³³⁵ Wilkinson informed Sheridan that Hakiaha was 'an important owner in [Ohura South]. He has also a very great idea of his own importance.' Wilkinson continued that Hakiaha was annoyed that some of the owners were selling their interests in K1, which would jeopardise his plan to sell the Rangihoua block for liens.³³⁶ Wilkinson noted later that month that Hakiaha was 'noted as not being a very truthful Native. I may state that since he wrote the attached letter he has sold his share in K No. 2 at 4/- per acre and was most desirous also that his daughter who died last week should sell her shares in both Nos. 1 and No. 2 before her death.'³³⁷ There is no evidence that Hakiaha was successful in this case of getting a sale block partitioned to cover liens.

In July 1895, Wilkinson requested Sheridan to fix prices for the other surveyed subdivisions, E, F, K4, N, and O.

A large number of the owners of these Blocks and also of the Ohura South Blocks at present under purchase live at Taumarunui and I propose to go there with a JP as soon as the worst of the winter is over and the roads and rivers passable. It will be as well when I go there to be in a position to purchase shares in any of the Ohura South subdivisions that are offering.³³⁸

He noted that he had prepared deed forms, but had omitted the H and K3 subdivisions, which he considered too small to bother about.³³⁹ On 6 August Wilkinson had not had prices per acre confirmed, so he purchased shares in O for 3s 6d, and planned to offer 4s for the other four blocks.³⁴⁰ Two days later, the Surveyor-General fixed the prices of E, F, K4, and O at 4s

³³² Deed Tar 255, ABWN 8102 W5279/74 box 74, ANZ Wellington.

³³³ Hakiaha Tawhiao to Richard Seddon, 18 May [1895] (contemporary translation with annotations by G T Wilkinson), MA-MLP1 1903/45, ANZ Wellington; Hakiaha Tawhiao was a descendant of Ngati Wera as well as Ngati Haua, Otorohanga Native Land Court Minute Book 29, 17 August 1897, fol 47.

³³⁴ "'The Native Land Act, 1886" and its Amendments', 14 December 1893, *New Zealand Gazette*, no 97, p1849.

³³⁵ Hakiaha Tawhiao to Richard Seddon, 18 May [1895] (contemporary translation with annotations by G T Wilkinson), MA-MLP1 1903/45, ANZ Wellington.

³³⁶ G T Wilkinson note to P Sheridan, 13 June 1895, MA-MLP1 1903/45, ANZ Wellington.

³³⁷ G T Wilkinson note to P Sheridan, 22 June 1895, MA-MLP1 1903/45, ANZ Wellington.

³³⁸ G T Wilkinson to P Sheridan, 20 July 1895, MA-MLP1 1903/45, ANZ Wellington.

³³⁹ G T Wilkinson to P Sheridan, 20 July 1895, MA-MLP1 1903/45, ANZ Wellington.

³⁴⁰ G T Wilkinson to P Sheridan, 6 August 1895, MA-MLP1 1903/45, ANZ Wellington.

per acre, with 5s per acre for N, which was bounded on its eastern side by the railway route.³⁴¹ Between 6 and 10 August Wilkinson purchased the first shares in E, F, and K4, and the first share in N on 9 September 1895.³⁴²

The Crown's interests in these blocks were defined by partition in the Otorohanga Native Land Court on 3 December 1897, 14 March, 31 May, and 27 July 1898.³⁴³ The Crown's interests proved to be considerable, with Wilkinson having purchased 52935.5 acres, 54 percent of the total acreage remaining after the 1893 purchases (or 45 percent of the total acreage).³⁴⁴ Table 4 provides a summary of the land alienated by the Crown, and the land retained by non-sellers as a result of this phase of partitioning. The liens owed by the Maori owners on the various subdivisions, after the Crown had paid its shares, were paid by allotting additional acres of land to the Crown, which acquired 1725.5 acres of land in this way. This amounted to three percent of the total land alienated in this period.

Table 6: Land alienated to meet lien costs, 1897-1898

Subdivision	Acres alienated to meet lien costs
E	7.5
F	93
H	3
K1	1166
K2	75
K3	12.5
N	368.5
TOTAL	1725.5³⁴⁵

After the 1897-1898 phase of partitioning, the Crown owned 62 percent of the total acreage of Ohura South block.³⁴⁶

³⁴¹ Surveyor-General note to P Sheridan, 8 August 1895, MA-MLP1 1903/45, ANZ Wellington.

³⁴² Deed Tar 257, 258, 259, 261, 268, ABWN 8102 W5279/74 box 74, ANZ Wellington.

³⁴³ Otorohanga Native Land Court Minute Book 30, 16 October 1897, fol 82, 3 December 1897, fol 370-374; Minute Book 32, 14 March 1898, fol 3-5; Minute Book 33, 31 May 1898, fol 39-40, 27 July 1898, fol330-331.

³⁴⁴ See Table 1.

³⁴⁵ Otorohanga Native Land Court Minute Book 30, 16 October 1897, fol 82, 3 December 1897, fol 370-374; Minute Book 32, 14 March 1898, fol 3-5; Minute Book 33, 31 May 1898, fol 39-40, 27 July 1898, fol330-331.

3.1.4. ‘The toenail of our pig’: survey and alienation of the eastern subdivisions, 1898-1901

The final phase of surveying of the Ohura South subdivisions commenced in late 1897, as the Native Land Court was beginning to hear the partition applications for the western portion of the block. William Cussen had abandoned the survey of the blocks east of the railway line (A, A1, C1, C2, C3, D, G, M) in 1895, after opposition from the Maori owners. In November 1897 an Auckland surveyor named John I Philips submitted a signed application to survey the remaining area.³⁴⁷ Cussen submitted a new application at the same time, and protested that he still held the authority to survey the area and it should therefore not be issued to other applicants. Cussen was ultimately awarded the contract over Philips, whom Cussen believed was being supported by a disgruntled former employee of his living in the Maori community in Otorohanga, who was using his personal influence to obtain the contract for Philips.³⁴⁸ In early December, the Auckland Chief Surveyor asked Wilkinson whether these surveys were necessary for the Land Purchase Department’s activities, and Wilkinson replied that the Department would probably commence purchasing in all of the subdivisions once the surveying of them was completed.³⁴⁹

In April 1898, the Surveyor-General urged that Cussen ‘push on with this survey as quickly as possible’, as ‘the Land Purchase Department are anxious to complete their titles and purchases’.³⁵⁰ Cussen commenced work the following month.³⁵¹ Once again, however, boundary disputes arose among the Maori owners, complicating the survey. In July 1898, Ngatai Te Mamaku wrote to the Auckland Chief Surveyor requesting that the survey be stopped, as problems had arisen between the owners.³⁵² The Surveyor-General received a letter from Makere Te Uruweherua to the same effect, but instructed Cussen to continue with

³⁴⁶ See Table 1.

³⁴⁷ John I Philips to Chief Surveyor, Auckland, 22 November 1897, BAAZ 1108 126b 2928, ANZ Auckland.

³⁴⁸ William Cussen to Chief Surveyor, Auckland, 24 November 1897 and 30 November 1897; William Cussen to Surveyor-General, 30 November 1897; Surveyor-General note to Chief Surveyor, Auckland, 8 January 1897 [ie 1898], BAAZ 1108 126b 2928, ANZ Auckland.

³⁴⁹ Chief Surveyor Auckland to G T Wilkinson, 4 December 1897; G T Wilkinson to Chief Surveyor Auckland, 7 December 1897, BAAZ 1108 126b 2928, ANZ Auckland.

³⁵⁰ Surveyor-General to Chief Surveyor Auckland, 1 April 1898; W Cussen to Chief Surveyor Auckland, 29 August 1898, BAAZ 1108 126b 2928, ANZ Auckland.

³⁵¹ Surveyor-General to Chief Surveyor Auckland, 1 April 1898; W Cussen to Chief Surveyor Auckland, 29 August 1898, BAAZ 1108 126b 2928, ANZ Auckland.

³⁵² Ngatai Te Mamaku to Chief Surveyor Auckland, 13 Hurai 1898, BAAZ 1108 126b 2928, ANZ Auckland.

the survey.³⁵³ On 14 August, Kahukarewao, Taituateuki, Hakiaha Tawhiao, and Te Manuaute Piripi Tuhaia advised the Chief-Surveyor by letter that the two groups had come to an agreement about the boundaries between A and M, and requested that the line on the map be moved accordingly. The map that accompanied the letter indicated that the boundary-line had been amended to follow the approximate line of the Mangakahikatoa Stream, replacing the straight line that had previously separated the two subdivisions.³⁵⁴

On 29 August 1898, Cussen wrote to explain the situation to the Auckland Chief Surveyor:

I commenced the work at the beginning of last May, after having a meeting with all the principal owners. The work proceeded satisfactorily for some time until some native women arrived from Otorohanga and got a few more to join them in obstructing the survey. These people had small interests in the Block, all the principal owners, such as Kahu, Hakiaha, Mataua, Taitua, Manawaite, and others giving me every assistance with the survey, and helping me to carry out faithfully the orders of the Court. [...] The trouble would never have arisen but for the women already referred to, relatives of the wife of a Pakeha-Maori in Otorohanga who was pecuniarily interested in obtaining the work for another surveyor, and by whom, I have very little doubt, the obstruction was instigated.³⁵⁵

In a letter of the same date sent to Judge Gudgeon of the Native Land Court, Cussen attributed slightly more substantial causes for the disagreement:

I [...] had to amend the line between section A & M, as the boundaries laid down by the Court were not those agreed to by the natives. I called together the owners of those sections and at their request surveyed the line as shown on the accompanying tracing.

The boundaries laid down originally between those two sections were given by Patupatu, of Otorohanga, but his claim was not sustained, and the natives on the ground informed me that they handed in the boundaries according to their ancestral rights. Had I surveyed the line according to the orders of the Court all the native owners would have objected to it. I cut a portion of the line as shown on tracing; but when I found there was so much opposition, did not cut the balance.³⁵⁶

Cussen's comments here indicate that the dispute probably related to the ongoing disagreement between Ngati Urunumia and Ngati Haua about the dimensions and situation of Te Horongopai, which had been the subject of Judge Gudgeon's ruling in August 1892. The request that the boundary-line between the two subdivisions follow the Mangakahikatoa stream was actually the same boundary as that delineated by Patupatu Kepa of Ngati Urunumia in 1892. The amended boundary gave the A subdivision the exact boundaries that Patupatu had attributed to Te Horongopai at that time.³⁵⁷

³⁵³ Surveyor-General to Chief Surveyor Auckland, 29 July 1898, BAAZ 1108 126b 2928, ANZ Auckland.

³⁵⁴ Kahukarewao, Taituateuki, Hakiaha Tawhiao, and Te Manuaute Piripi Tuhaia, to Chief Surveyor Auckland, 14 August 1898, BAAZ 1108 126b 2928, ANZ Auckland.

³⁵⁵ W Cussen to Chief Surveyor Auckland, 29 August 1898, BAAZ 1108 126b 2928, ANZ Auckland.

³⁵⁶ W Cussen to Judge Gudgeon, 29 August 1898, Application File Ohura South A 1892-1921, WHA 874 vol. 1, MA-Wang W2140, micro T2173, ANZ Wellington.

³⁵⁷ Otorohanga Native Land Court Minute Book 14, 16 August 1892, fol 178.

The following survey lien were charged upon the Ohura South subdivisions for Cussen's 1898 survey:

Table 7: Survey lien charged on eastern subdivisions, 1898

Subdivision	Amount (£ s d)
A	£73 1s 9d
A1	£26 15s 9d
B	£33 16s 0d
C1	£52 17s 10d
C2	£55 4s 8d
C3	£14 2s 10d
D	£50 11s 11d
G	£37 0s 11d
M	£137 13s 2d
TOTAL	£481 4s 10d³⁵⁸

This total of £481 4s 10d was due on Ngati Haua subdivisions, with the exception of the small A1 block owned by Ngati Urunumia.

In the years following the 1897-1898 partitioning, there was a growing concern amongst Ohura South Maori about the quantity of land that had been alienated to the Crown, and a trend towards attempting to curb the area of land that was being lost. The letters from Maori owners in Ohura South in the late 1890s display an awareness that leasing land to sawmillers could be a way of retaining what land was left in the long-term. Marr notes that in the early 1890s it had been the stated preference of Rohe Potae Maori to lease land rather than sell, but ultimately selling had proved to be necessary and leasing difficult or impossible.³⁵⁹ Section 117 of the Native Land Court Act 1894 prohibited anyone other than the Crown from acquiring Maori land. To lease land, Maori owners were required to seek an exemption from section 117 from the district Land Board.³⁶⁰ In April 1898, 81 Maori owners in Ohura South wrote to the Crown regarding an illicit proposal made by a Wellington sawmiller to mill in the

³⁵⁸ W Cussen to Chief Surveyor Auckland, 6 December 1898, BAAZ 1108 127a 2928, ANZ Auckland.

³⁵⁹ Marr, *Alienation of Maori Land in the Rohe Potae*, pp48-53.

eastern subdivisions at 1s per 100 feet of timber. The owners felt that the price was too low, and wanted some guarantee that their kainga and urupa would be protected.³⁶¹ The deal appears to have collapsed. Wilkinson noted that it was illegal under section 117, but the reaction of the owners is indicative of the decisions that they were having to consider regarding their remaining land.³⁶²

Other applications to lease land in this period stress the difficulties the owners were experiencing with substantially diminished areas of land at their disposal. The Justice Department received a letter from five owners in M subdivision in June 1899, requesting an exemption from section 117 so they could lease land to the sawmiller Peter Bartholemew.

We have no desire to sell these lands; we have already sold large areas to the Government and these lands we wish to keep for ourselves and our children.

We are now badly off, and much in want and we wish to make these lands produce something for us.

Then, too, we have heavy survey charges on the lands which we must pay. We therefore ask you to give us the necessary power to lease so that we may derive benefit from our lands instead of them being a burden upon us for the future as has been the case in the past.³⁶³

In September 1899, Miriama Kahukarewao, Te Manuaute Piripi Tuhaia, and Hakiaha Tawhiao wrote to Premier Seddon as ‘managers’ of the Terekau and Tuhaia faction of Ngati Haua, noting that they had sold much land to the Crown, and paid the survey liens owing. They therefore wished that the restrictions on alienation of the remaining land in the eastern blocks be lifted. They described these remaining blocks as ‘the toenail of our pig the body of which was given into your hands that is to the government’.³⁶⁴

We now say to you, that the government must cease making purchases in Taumarunui [subdivision G] and instruct your officers to cease doing so. Be clear with regard to our explanatory words as given above[.] our wish is that the restrictions be taken off these Blocks our wish is that the land be leased above and below, that is the timber.³⁶⁵

Although the restrictions were not removed and purchasing did not cease, a number of exemptions to section 117 were granted, and in 1907 the Stout-Ngata Commission reported

³⁶⁰ Native Land Court Act, *New Zealand Statutes*, n. 43, 1894, pp26, 30.

³⁶¹ Whakapaki Hekeawai and 80 others to P Sheridan, 29 April 1898 (contemporary translation), MA-MLP 1903/45, ANZ Wellington.

³⁶² G T Wilkinson note to P Sheridan, 25 June 1898, MA-MLP 1903/45, ANZ Wellington.

³⁶³ Te Hika Houngarariri and four others to the Justice Department, nd [received 26 June 1899], MA1 1906/205, ANZ Wellington.

³⁶⁴ Miriama Kahukarewao, Te Manuaute Piripi Tuhaia, and Hakiaha Tawhiao to Premier Seddon, 9 September 1899 (contemporary translation), MA-MLP 1903/45, ANZ Wellington.

³⁶⁵ Miriama Kahukarewao, Te Manuaute Piripi Tuhaia, and Hakiaha Tawhiao to Premier Seddon, 9 September 1899 (contemporary translation), MA-MLP 1903/45, ANZ Wellington.

that 7326.25 acres of Maori land in the eastern subdivisions of Ohura South were under timber leases.³⁶⁶ By that year, Ohura South was the centre of a district of substantial milling operations. In 1907 there were two mills each in Taumarunui and Taringamotu, and one each at Matapuna, Manunui, Piriaka, and Kakahi.³⁶⁷ Timber leasing is discussed in more detail in Chapter Four.

In September 1898, Cussen submitted the completed plans of the eastern Ohura South subdivisions, and Wilkinson commenced planning to purchase in these blocks.³⁶⁸ Wilkinson felt that these subdivisions would generally be less valuable than the land purchased previously, a slightly surprising opinion given that the Main Trunk Line was planned to be constructed through the area in the next few years.³⁶⁹ He approached Cussen to obtain an opinion on what prices should be offered for the various subdivisions, and Cussen replied that the most valuable subdivisions, both in terms of land and in proximity to the railway, were A, M, and G.³⁷⁰ On 20 October the Surveyor-General set the following prices for the subdivisions, with the exception of the very small A1 and C3 blocks:

Table 8: Surveyor-General's valuations of eastern subdivisions, 1898

Block	Value per acre
A	4s
A1	N/a
B	3s 6d
C1	4s
C2	4s
C3	N/a
D	4s
G	5s
M	4s 6d ³⁷¹

³⁶⁶ 'Native Lands in the Rohe-Potae (King Country) District', AJHR, 1907, G-1B, p13.

³⁶⁷ 'Department of Lands: The Timber Industry in New Zealand in 1907', AJHR, 1907, C-4, pp13, 15, 22, 23, and map of North Island.

³⁶⁸ W Cussen to Chief Surveyor Auckland, 28 September 1898, BAAZ 1108 126b 2928, ANZ Auckland; G T Wilkinson to P Sheridan, 27 September 1898, MA-MLP 1903/45, ANZ Wellington.

³⁶⁹ G T Wilkinson to P Sheridan, 14 October 1898, MA-MLP 1903/45, ANZ Wellington; R.S. Fletcher, *Single Track: The Construction of the Main Trunk Railway* (Auckland, Sydney, London: Collins), 1978.

³⁷⁰ W Cussen to G T Wilkinson, 16 October 1898, MA-MLP 1903/45, ANZ Wellington.

³⁷¹ Surveyor-General to P Sheridan, 20 October 1898, MA-MLP 1903/45, ANZ Wellington.

Purchasing began in the subdivisions A, D, and M on 1 November 1898, and by June 1899 purchasing had begun in G, C1, and C2, as well as the former non-seller blocks K1 section 2, K2 section 2, and K4 section 2.³⁷² The only share of subdivision B that the Crown were able to purchase was bought on 21 June 1900.³⁷³ As noted above, the subdivisions A, C2, D, and G had been declared inalienable in 1892, and it is not clear when these restrictions were lifted. A search of the applications for and notices of removal of restrictions, published in the *New Zealand Gazette* between 1892 and 1898, has failed to find evidence of this change in status.³⁷⁴ Purchasing was completed in the eastern subdivisions and non-seller blocks between May 1900 and February 1901.³⁷⁵

The Crown's interests in the subdivisions were partitioned by the Court on 14 November and 17 December 1900, and 4 February and 3 April 1901.³⁷⁶ The Crown acquired 12,969 acres of land in this partition, 29 percent of the remaining Maori land in Ohura South. This brought the Crown's interest in the block to a total of 85,634.5 acres, or 73 percent of the total acreage of the block.³⁷⁷ The non-sellers' share of the survey lien was paid, as before, by converting these costs into acreage alienated to the Crown, in all of the subdivisions surveyed except A1 and C3, where no purchasing had taken place. The Crown thus acquired 1627.9 acres through lien fees, amounting to 13 percent of the land alienated to the Crown in this period.³⁷⁸

³⁷² Deeds Tar 268, 308, 310, 311, 312, 313, 314, 315, 316, 317, ABWN 8102 W5279/74, ANZ Wellington.

³⁷³ Deed Tar 309, ABWN 8102 W5279/74, ANZ Wellington.

³⁷⁴ *New Zealand Gazette*, 1892-1898.

³⁷⁵ Deeds Tar 268, 308, 310, 311, 312, 313, 314, 315, 316, 317, ABWN 8102 W5279/74, ANZ Wellington.

³⁷⁶ Otorohanga Native Land Court Minute Book 39, 14 November 1900, fol 117-118, 17 December 1900, fol 204, 4 February 1901, fol 269; Minute Book 40, 3 April 1901, fol 11-28.

³⁷⁷ See Table 1.

³⁷⁸ Otorohanga Native Land Court Minute Book 39, 14 November 1900, fol 117-118, 17 December 1900, fol 204, 4 February 1901, fol 269; Minute Book 40, 3 April 1901, fol 11-28.

Table 9: Land alienated to meet lien costs, 1900-1901

Subdivision	Acres alienated to meet lien costs
A	262.3
B	189.5
C1	212.9
C2	226.4
D	187.3
G	142.6
M	406.7
TOTAL	1627.9³⁷⁹

3.2. Crown purchasing techniques and Native Land Court process

3.2.1. The role of land purchase tactics

Details of the purchasing itself are sketchy, but the evidence suggests that interests in the Ohura South subdivisions were most frequently sold individually in Otorohanga, rather than in a public setting in Ohura South. Marr argues that purchasing individual shares in this fashion constituted ‘secret purchasing’, and was ‘in contravention of the stated wishes of chiefs to have a public, managed process, controlled at a hapu or group level’.³⁸⁰ There was already a demand to sell land while the surveys were taking place, and Wilkinson and Sheridan made arrangements that secured the shares of these willing owners as quickly as possible.³⁸¹ The circumstances of the sales themselves remain little known. In May 1895 Wilkinson remarked to Sheridan that Hakiaha Tawhiao and some other owners had travelled from Taumarunui to Otorohanga with the purpose of selling their shares in K1, and on 2 August he noted that ‘Several natives have arrived here desirous of selling their interests’.³⁸²

³⁷⁹ Otorohanga Native Land Court Minute Book 39, 14 November 1900, fol 117-118, 17 December 1900, fol 204, 4 February 1901, fol 269; Minute Book 40, 3 April 1901, fol 11-28.

³⁸⁰ Marr, *Alienation of Maori Land in the Rohe Potae*, p73.

³⁸¹ See, for example, telegram from P Sheridan to Chief Surveyor, Auckland, 14 February 1895, BAAZ 1108 126b 2928, ANZ Auckland.

³⁸² Telegram from G T Wilkinson to P Sheridan, 1 May 1895; telegram from G T Wilkinson to P Sheridan, 2 August 1895, MA-MLP1 1903/45, ANZ Wellington.

He noted in July that he was planning to visit Taumarunui, where most of the owners lived, to solicit for shares.³⁸³

The deeds for the 1895 to 1898 phase of purchasing suggest, however, that owners more typically sold their interests individually. Although many interests were sold quite quickly, over relatively short periods of time, it was rare for more than one sale to take place on any given day.³⁸⁴ Given that the Rohe Potae deeds were almost all signed and countersigned by Otorohanga-based G T Wilkinson and storekeeper J W Ellis (as a J.P.), and that it was rare for more than one sale to take place in a day, it seems clear that most of the sales took place in Otorohanga rather than in the Maori settlements in Ohura South.³⁸⁵ In the 1898 to 1901 phase of purchasing, the signatures were commonly witnessed by Wilkinson and countersigned by either J W Ellis, Otorohanga storekeeper Chas J Johnson, Otorohanga postmaster E Prentice, Te Kuiti storekeeper Patrick McDonnell, or Te Kuiti postmaster William Melling.³⁸⁶ There were also a number signed and witnessed in Wanganui. Once again it was rare for more than one share to be sold per day.³⁸⁷

It is hard to be certain of the reasons why Maori sold land in Ohura South. While there were a number of cases where deeds were drawn up specifically to purchase the shares of owners living outside Ohura South, the majority of owners sold their interests in Otorohanga, suggesting that they probably lived in the Rohe Potae. There is little direct evidence to indicate why individuals sold their shares. Marr argues that Wilkinson believed the need for cash would force owners to sell interests and attempted to manufacture demands for money in order to achieve this.³⁸⁸ The involvement of J W Ellis and other storekeepers invites speculation as to whether Wilkinson was given information about indebted owners by these men.³⁸⁹

Wilkinson and Sheridan's tactics for purchasing shares indicate much about their hopes and intentions for the block. At times they were able to exploit the vagaries of the Land Court system to the advantage of the Crown purchasing programme. When Wilkinson secured the interests of the Ngati Haua 'managers' in K5 and L in late 1892, before the Land Court orders

³⁸³ G T Wilkinson to P Sheridan, 20 July 1895, MA-MLP1 1903/45, ANZ Wellington.

³⁸⁴ Deed Tar 257, 258, 259, 261, 268, ABWN 8102 W5279/74 box 74, ANZ Wellington.

³⁸⁵ Deed Tar 257, 258, 259, 261, 268, ABWN 8102 W5279/74 box 74, ANZ Wellington.

³⁸⁶ Deeds Tar 268, 308, 310, 311, 312, 313, 314, 315, 316, 317, ABWN 8102 W5279/74, ANZ Wellington; *Wise's New Zealand Post Office Directory*, 1898-9, pp1322, 1396.

³⁸⁷ Deeds Tar 268, 308, 310, 311, 312, 313, 314, 315, 316, 317, ABWN 8102 W5279/74, ANZ Wellington.

³⁸⁸ Marr, *Alienation of Maori land in the Rohe Potae*, pp84-87.

³⁸⁹ See for example Marr, *Alienation of Maori Land in the Rohe Potae*, Chapter Six, especially p76.

had matured, he took advantage of a lack of procedural clarity.³⁹⁰ Sheridan instructed Wilkinson on the issue, ‘Better let three months expire before doing anything but if any of the owners require a small advance you can make one if they agree to terms. Don’t mind restrictions.’³⁹¹ When the advances had been made, Sheridan noted to Wilkinson: ‘We had better keep the matter dark for the present.’³⁹² Sheridan’s instructions indicate a lack of transparency in the Crown purchase process, in his tacit acknowledgement that the Department should not publicly acknowledge the transaction. Matakitaki’s consequent protests, and the lack of responsiveness to them from the Land Purchase Department and the Native Land Court, indicate that to some extent complicity in this procedural vagueness was commonplace and embedded in the system.

Shortly before the Land Court hearings in 1892, Sheridan instructed Wilkinson to ‘purchase a share or two if possible’ in the un-subdivided block, so as to secure a Crown interest.³⁹³ Wilkinson seems to have employed this strategy in later years, throughout the purchasing in the Ohura South subdivisions, attempting to secure a Crown interest in each as early as possible.³⁹⁴ In June 1895, Wilkinson’s early purchasing in the K1 block subverted the plans of Hakiaha Tawhiao to partition off a block to cover survey liens, thus undermining the autonomy of the chiefly ‘management’ of the Ohura South lands.³⁹⁵ In August 1899, an application by five Maori owners to lease land to sawmillers was rejected, because Wilkinson had already acquired interests in the subdivision.³⁹⁶ Having purchased interests in a block allowed the Crown to have a degree of control over the use and disposal of the land. Whether intentional or not, this tactic, as part of the individual land selling system, undermined the ability of the Maori owners to control the alienation of their land at a hapu level. As with the earlier system of advances, this tactic bound all owners, including non-sellers, into the land-selling process.

The prices that were offered per acre in the Ohura South block were fixed by the Surveyor-General in Wellington, and the evidence suggests that Wilkinson and Sheridan were anxious to keep prices low.³⁹⁷ In October 1892, while negotiating the purchase of the L subdivision,

³⁹⁰ See for example Marr, *Alienation of Maori Land in the Rohe Potae*, pp78-84.

³⁹¹ Telegram from P Sheridan to G T Wilkinson, nd [c.12 October 1892], MA-MLP1 1903/45, ANZ Wellington.

³⁹² Telegram from G T Wilkinson to P Sheridan, 20 December 1892; P Sheridan note to A J Cadman, 1 December 1892, MA-MLP1 1903/45, ANZ Wellington.

³⁹³ Telegram from P Sheridan to G T Wilkinson, 1 June 1892, MA-MLP1 1903/45, ANZ Wellington.

³⁹⁴ See for example G T Wilkinson to P Sheridan, 20 July 1895, MA-MLP1 1903/45, ANZ Wellington; Surveyor-General to Chief Surveyor Auckland, 1 April 1898, BAAZ 1108 126b 2928, ANZ Auckland.

³⁹⁵ G T Wilkinson note to P Sheridan, 13 June 1895, MA-MLP1 1903/45, ANZ Wellington.

³⁹⁶ R J Seddon to J Stevens, 10 August 1899, MA1 1906/205, ANZ Wellington.

³⁹⁷ See various correspondence, MA-MLP 1903/45, ANZ Wellington.

Wilkinson found that the owners wanted an advance on the land, but that they felt that the offer per acre was too low. The ‘halfe-caste’ Native Land Court agent J H (Henry) Edwards demanded on their behalf that the price be fixed by valuation. Wilkinson was reluctant to agree to this, noting that it would create an unwelcome precedent, and lose the Department’s advantage in setting prices in land transactions. ‘I need hardly point out that if the price is to be fixed by valuation in this case that course will have to be adopted in all govt purchases in this district in the future’.³⁹⁸ In June 1892, Wilkinson had noted to Sheridan that the publicity surrounding the plans of the Ohura Settlement Association could be pushing up the prices of land in the district. His comments are indicative of his underlying hopes for his purchasing project:

I am of [the] opinion that the almost daily publicity in the newspapers that is being given to the actions of the Ohura Land assn in allotting the Ohura South block to intending settlers before the purchase of same by govt has commenced will be prejudicial to the acquirement of the block by govt. The native owners are sure to hear of what is being said & done & the result will be they will think that a block of land which europeans are so eager to acquire & settle upon is valuable & they will ask an increased price accordingly – perhaps a hint to [the Association’s Chairman and Secretary] Messrs Lawry & Oliphant might be advisable[.] remember that our chance of purchasing the Waitomo Caves block was spoiled by hurried advertisement & booming of the caves before the title was in such a state that [we] could commence purchase.³⁹⁹

Suggestions made by Hakiaha Tawhiao in May 1895 that the offering price was too low were dismissed by Wilkinson and Sheridan, and their control over prices remained firm throughout this period.⁴⁰⁰

3.2.2. Native Land Court process

The weaknesses of the consultative process of the Native Land Court, perhaps coupled with entrenched and long-term disagreement between owners, meant the boundaries of the internal subdivisions were disputed each time a surveyor worked in the area. These difficulties appear to have been made more problematic by the hasty delineation, surveying, and purchase of the K5 subdivision. With the early protests over the ownership of and boundaries between K2, K4, and K5 overruled and ignored by the Land Court and the Land Purchase Department, the boundary lines seem to have caused ongoing disagreement between Ngati Haua and Ngati Wera interests. Cussen noted in 1894 that there were serious discrepancies between the plans of this area, and that the Maori owners had strong feelings on the matter, and that he assumed

³⁹⁸ Telegram from G T Wilkinson to P Sheridan, 17 October 1892, MA-MLP1 1903/45, ANZ Wellington.

³⁹⁹ Telegram from G T Wilkinson to P Sheridan, 16 June 1892, MA-MLP1 1903/45, ANZ Wellington.

⁴⁰⁰ G T Wilkinson note to P Sheridan, 13 June 1895, MA-MLP1 1903/45, ANZ Wellington.

no changes could be made because of the Crown having purchased K5.⁴⁰¹ Survey liens also had an impact on the alienation of land in Ohura South. The Crown acquired 3353.4 acres of land in Ohura South through liens, amounting to three percent of the acreage of the subdivisions partitioned by the Native Land Court.⁴⁰²

The creation of reserves, and the treatment of non-sellers by the Court, are only mentioned in passing by the records. While four inalienable blocks were defined by the Native Land Court in 1892, the nature of their original purpose, and the date and reason for the removal of these restrictions, are unknown. The surviving correspondence does not record any specific concern on the part of the authorities to ensure that the owners retained sufficient land for their occupation and support, once individual purchasing commenced in 1895. The attempts on the part of the Ngati Haua ‘managers’ to control the alienation of land, or to make the Land Court process work in their favour, were generally unsuccessful. The *New Zealand Gazette* records 23 applications for partition of interests by Maori owners between 1893 and 1900, predominantly by the Ngati Haua ‘managers’, none of which were successful.⁴⁰³ Only the Crown applications for partition ultimately resulted in hearings.⁴⁰⁴ At the time of partition, the designation of Crown and non-seller shares of subdivisions appears to have been by mutual agreement, with the Land Court minutes in April 1901 noting that the location of the Crown portions had been ‘arranged’.⁴⁰⁵

3.3. Conclusions

The Crown’s motivation to purchase land in Ohura South was part of the wider programme of purchasing in the Rohe Potae, reflecting the pressure in the settler community to ‘open’ the district to transport routes, settler political authority, extractive industry, and farming and settlement. Crown purchasing in Ohura South commenced in 1892, when two large subdivisions were purchased concurrently with the maturing of the Native Land Court orders

⁴⁰¹ William Cussen to Chief Surveyor Auckland, 28 November 1894, BAAZ 1108 126b 2928, ANZ Auckland.

⁴⁰² See Tables 3 and 6.

⁴⁰³ Native Land Court Act 1886 – Schedule: Partitions, *New Zealand Gazette*, 14 December 1893, p1849; Native Land Court Act 1894 – Schedule: Partitions, *New Zealand Gazette*, 28 February 1895, p423-4; 4 November 1897, p2014; 3 February 1898, p205; 8 December 1898, p1956-7; 27 September 1900, p1780-1.

⁴⁰⁴ Otorohanga Native Land Court Minute Book 30, 3 December 1897, fol 372-374; Minute Book 32, 14 March 1898, p3-4; Minute Book 33, 31 May 1898, fol 39-40, 27 July 1898, fol 330-331; Minute Book 39, 14 November 1900, fol 117, 138, 154-6, 17 December 1900, p204, 4 February 1901, fol 269; Minute Book 40, 3 April 1901, fol 11-27; Native Land Court Act 1894 – Schedule: Partitions, *New Zealand Gazette*, 22 November 1900, p2128.

⁴⁰⁵ Otorohanga Native Land Court Minute Book 40, 3 April 1901, fol 14.

on these blocks. After a subdivisional survey, the Crown commenced individual purchasing in the western subdivisions in 1895, culminating in a partitioning of Crown interests in 1897-1898 which gave the Crown 62 percent of the land in Ohura South. After a second subdivisional survey in 1898, the Crown commenced individual purchasing in the eastern subdivisions, and some of the former non-seller blocks. The partitioning of its interests in these subdivisions in 1900-01 brought the total land that the Crown had acquired to 73 percent of Ohura South's total acreage.

The volume of land alienated to some degree reflects the consequences of Crown purchasing techniques and the Native Land Court process on land selling in the area. Purchasing of individual shares took the ability to control alienation away from the hapu as a whole, and gave it to the Crown. Wilkinson's tendency to purchase 'a share or two' enabled the Crown to veto the partition applications and any requests for alternate uses of the land made by the Maori owners, until the Crown interests had been partitioned. Wilkinson's purchase of the K5 and L subdivisions, and Sheridan's advice to keep the transaction 'dark', indicate the 'divide and conquer' tactics they were employing to acquire land.

The survey liens charged by the Native Land Court were also a significant factor in the alienation of land. The Crown acquired 3353.4 acres directly, through the conversion of lien costs into acreage at the Native Land Court, amounting to three percent of the total acreage of the block. The K5 and L subdivisions (19,730 acres) were also stated as being alienated for liens, which brings the total acreage alienated for liens to 23,083.4 acres, or 27 percent of the land alienated in the block.⁴⁰⁶ The potential impact of this process is indicated by the partitioning of Crown interests in subdivision B in April 1901. The Crown purchased one of the 52 shares in the block, amounting to about 27 acres, but when the survey lien for the non-sellers was converted to acreage, the Crown acquired a total of 216.5 acres.⁴⁰⁷

Four subdivisions were declared inalienable in 1892, presumably as seller reserves, but they were opened for sale in 1898, and it is unclear when or why the restrictions were removed. When the subdivisions were partitioned, the delineation of Crown and non-seller interests appear to have been by mutual agreement. By the late 1890s, some of the Maori owners were indicating to Crown officials that they felt a very large proportion of the land in the block had

⁴⁰⁶ It should be strongly emphasised here, however, that it is not clear how much of the purchase money of the K5 and L subdivisions went towards the lien costs. As noted in 3.1.2., the Ngati Haua owners were advanced some money on both blocks. All of both blocks were, however, alienated specifically for the purpose of meeting lien costs.

been sold. The extent to which Crown officials concerned themselves with whether the owners had ‘sufficient land left for their occupation and support’ is unclear.

The response from the Maori owners to land purchasing approaches was varied. A group of high-ranking individuals from Ngati Haua attempted to act as ‘managers’ of the land in the block, trying to designate areas for sale, and control interactions with Crown officials. This group had some limited success in their goals, but ultimately the terms of the Land Court and land purchasing systems allowed the Crown to have the upper hand in all transactions. There was also considerable internal dissent among the owners in the block, with boundary lines and specifics of ownership and authority remaining contested throughout the period. These (probably) pre-existing rivalries were exacerbated by the Land Court’s 1892 judgements, which seem to have been the source of many of the boundary disputes during the decade.

Although the Maori owners submitted a number of applications for partition of the subdivisions, the only applications that were successful were those that the Crown made for delineation of its own interests. There are no patterns evident in the sellers of land in the block, such as indebted individuals or owners living in other districts. The circumstantial evidence indicates that most of the sellers resided in the Rohe Potae. By 1901 the Crown had acquired 73 percent of the block, and Chapter Four now discusses the fate of the 27 percent remaining to the Maori owners.

⁴⁰⁷ Otorohanga Native Land Court Minute Book 40, 3 April 1901, fol 15.

Conclusion

Before 1886, the Ohura South block was inhabited by a mixture of Whanganui and Ngati Maniapoto hapu, with many individuals in these iwi and hapu being connected by intermarriage. These groups were part of the wider Rohe Potae iwi, who resisted the incursion of the settler government in trying to ‘open’ the area for European settlement, transport, communications, and commerce. Some money may have been offered on what became Ohura South lands in 1879, but the long-term significance of these advances appears to have been minimal. The acquisition of land for the North Island Main Trunk Railway took place in the early 1900s, and is discussed in Part Two of this report.

In 1886, the Rohe Potae or ‘Aotea block’ was defined by the Native Land Court. In 1888, Ohura South was cut out from this larger block. It constituted the Whanganui territory in the Rohe Potae, as defined by Ngati Maniapoto representatives. Subsequently, members of the Ngati Maniapoto hapu Ngati Urunumia claimed that a portion of land in the eastern portion of the block, Te Horongopai, belonged to them. In 1892, the Court heard the Ngati Urunumia application regarding this land, but Judge Gudgeon was unconvinced, and ruled in favour of the Whanganui counter-claim. The available documentary evidence suggests that Gudgeon was justified in this decision, and that Ngati Urunumia’s claim to Te Horongopai was not strong. Gudgeon also divided the block into 20 subdivisions, and assigned owners to these subdivisions on the basis of descent from particular ancestors. The great majority of the land was awarded to several Ngati Haua hapu, of the Whanganui iwi, and Ngati Wera, a hapu with Whanganui and Ngati Maniapoto connections. Over the next few years there were a few protests about the Land Court judgment, mostly concerning the placement of boundaries, and the implications for territorial boundaries of Ngati Urunumia, Ngati Haua, and Ngati Wera. These were dismissed by the Court, or agreed to amongst the Maori owners by private agreement.

Following the awarding of these subdivisions, the Crown commenced a purchasing programme in the Ohura South block that continued until 1901. The Crown’s motivation to purchase land in Ohura South was part of the wider Crown programme of acquiring Maori land in the Rohe Potae area. The first purchases were of the K5 and L subdivisions in 1892-1893, on which advances were made before the Land Court order matured. Two further phases of purchasing in this period followed. The western subdivisions of the block were

surveyed, and signatures acquired there between 1895 and 1898. The Crown interests in these blocks were partitioned in 1897-1898, by which time the Crown had acquired 62 percent of the total land in the block. The Crown commenced purchasing in the eastern subdivisions, and former non-seller blocks, from 1898 till 1901, and at the partition of these lands in 1901 the Crown had acquired 73 percent of the total lands. By 1901, all of the subdivisions had been divided into Crown and non-seller interests, and a few had been subdivided into even smaller divisions.

The Crown purchase officer's tactics in purchasing in Ohura South reflected the Crown's policy of purchasing as much land for as little as possible. The purchasing of individual interests meant that the Crown always had the advantage in land transactions. Even if only one or two shares were purchased, the Crown could reject partition applications of Maori owners on the grounds that they would have to wait for the Crown interests to be partitioned. Applications for partition by Maori owners, which could them to have some control over the alienation, were routinely ignored by the Native Land Court, except when they suited the aims of the land purchasing programme.

The motivations for Maori owners to sell land are unclear. There is no direct evidence that interests were predominantly sold by owners living outside the block, or by owners who were targeted because of debt. Several chiefly figures in Ngati Haua styled themselves as 'managers' of Ngati Haua land in Ohura South, and attempted to strategically partition land to cover survey expenses. For example, the sale of the K5 and L subdivisions in 1892-1893 was a direct attempt by the 'managers' to subvert the costs that would result in loss of land. By the end of the 1890s, it was clear that the managers had not been able to control this process, and that Native Land Court and Crown purchasing process gave the Crown the upper hand in all situations. Existing tensions within the Maori community, and the ability to sell interests without consultation with the other owners, no doubt also undermined the positions of these chiefly figures in controlling the outflow of land. The Crown conducted three phases of surveying of the internal subdivisions, and the costs of these were passed on to the Maori owners. Despite efforts to manage the alienations, and pressure from the 'managers' to allow private leasing to take place, a large area of land was alienated, a large proportion to meet survey expenses.

Issues relating to the alienation of Maori land in Ohura South in the twentieth-century will be addressed in Part Two of this report, which will be released in November 2004.

Appendix 1: The 1892 Native Land Court Judgment

1. Transcription of 1892 judgment by Piripi Walker

Source: Otorohanga Native Land Court Minute Book 15, 27 August 1892, fol. 61-68.

‘Saturday 27 August 1892

Court opened at 10am

Judgement Ōhura-ki-te-tonga

Ko Patupatu Keepa mō te taha ki a Ngati Urunumia e kerēme ana te aronga e rima mano eka o tēnei poraka. Tīmata i te pūahatanga o Mangakahikatoa i Ongaruhe i te taha Hauauru, rere ki Ngakonui i te taha rawhiti. Kei te taha hauraro ko Taringamotu awa.

Na, e kī ana ia te ingoa o tēnei whenua e mōhiotia ana ko Te Horangapai, a, i hoatu, ara, i tukua ki a Tawhaki ki a Maniauruahu me ētahi atu rangatira o tōna iwi e Whakaneke o Ngati Haua.

Te aronga o nga kōrero o tēnei kaikōrero e mea ana, ka patua, ka mate a Tutemahurangi i a Ngati Urunumia ki Ōtamakahi. Ka rere tonu mai tōna tamaiti a Te Porou ki a Ngati Haua ki te tiki awahina i a Te Oro, o taua iwi anō. Ka tūtūria e ia te ope. E rua tekau nga tangata o taua ope.

Ka tukua e te tangata e Te Oro ki tana matua, ki Whakaneke. Ka haere mai a Whakaneke. Tōna taenga mai whauwhia e ia te rongō ki a Tawhaki, katahi ka tukua ki a Ngati Maniapoto te whenua e kerēmetia nei.

Na, e kī ana hoki a Patupatu nō te moenga a Tōpine i a Tahanga ka whakapūmautia anō taua tuku.

Tētahi hoki, nō te mea ka tata te mate a Tōpine ka kī atu ki a Wahanui, kia mau tonu ki te whenua.

Kei te tino kōrero a Patupatu me ōna hoa kaikōrero, ko Ngati Urunumia anake i noho ki runga i taua whenua mai i a te maunga-a-rongo, a, tae noa ki tēnei wa, a, ko taua maunga-a-rongo kaore rawa i haukotia i te mea i mutu tonu iho te pakanga i waenga i nga iwi e rua. Heoi te mea e whakaaturia ana i roto i ēnei kōrero a Patupatu, koia ēnei, i tukua tēnei whenua e Whanganui kei whakangaromia ratou, he wehi ki te nui me te maha o nga toa o Ngati Urunumia.

Nō reira e rua nga pūtake hei whiriwhiri ma te Kōti.

Tuatahi: Tēna ranei e whakaatu ana nga kōrero o waenga o aua iwi he tika te take kia wehi a Ngati Haaua ki a Ngati Urunumia.

Tuarua: He tika ranei i mutu te pakanga ki waenga i aua iwi e rua i muri mai o Te Horangapai, a, i noho tahi ranei raua kia ahei ai te kī, i nohoia tonutia te whenua o te tuku.

Na, ko tēnei kēhi kei te pēra me nga kēhi katoa a Ngati Maniapoto. Kaore rawa e taea te kī kei te marara, kei te ū honohono haere te ahua o nga kōrero a nga kaikōrero mō nga whakahaere me nga kōrero o mua atu i te tau 1840 – Na, ko tēnei kei te tino nui te kuaretanga. Kaore nga kaikōrero e mōhio ana ki nga pakanga o mua atu i te maunga-a-rongo me nga whakapapa o nga tangata. Tēna pea e whai take ana ki nga iwi e rua nei. Ehara i te mea ko nga kōrero anake o tōna iwi e rite ana mō taua kēhi, nga kōrero hei mōhio ma te kaikōrero e kore hoki e tatū te mahara o te Kōti i tēra ahua kōrero, ina hoki ana pataia taua kaikōrero ka kitea kaore ia e mōhio ki nga tino kōrero e pa ana ki taua pūtake kōrero.

Pēnei me tēnei kēhi, heoi anō ta Patupatu e mōhio ana ko taua kōrero kua kōrero nei, mutu tonu. – Na, ko te Hihī kei te hoki rawa iho tōna mōhioanga, a, kua kōrero mai a Wahanui ki te Kōti, heoi o ana e mōhio ana ko nga kōrero a Tōpine e whakahēngia nei e nga tangata o tōna iwi.

Ko nga kōrero kua takoto mai i a Hakiha Tawhiao he kōrero tūturu, whakahoki, whakakahore katoa i nga kōrero a Ngati Urunumia. E tino marama tana whakaatu mai. Kahore rawa he take i wehi ai a Ngati Haua ki a Ngati Urunumia.

E whakaatu ana hoki ia i haere tonu te pakanga i muri o te maunga-a-rongo ki Te Horangapai, a, e kore rawa e taea te noho i tēra whenua e te tangata i taua wa, a, heoi anake ko nga tangata e pa ana ki nga iwi e rua pēra me Te Ha nga mea e kaha ki te noho i taua whenua.

E whakaatu ana e ia kaore he tikanga nui o te moenga o Tōpine i a Tahanga, kaore i aronga mō runga i tēnei whenua, a, e whakaaturia ana e ia nga mea katoa anō me kore tana whakamarama e kore e kitea. He takitahi nei ka kitea kei roto i nga kōti whakawa whenua Maori he kōrero i pēra te marama me ana, a, i rite ranei te nui o te mōhiotanga me ana kōrero kua kōrero mai nei.

Ko nga kōrero a Hakiha mō te pakanga i Mapara kei te rerekē i a Patupatu engari kaore koa he tino tikanga tēnei nō te mea kei te whakaae a Ngati Haua na Tōpine i arai te ope i te haerenga mai ki te whakaeke i a Ngati Urunumia engari e whakaatu ana ia ehara i te mea he whakaaro nō Tōpine kia kua e takahia te maunga-a-rongo pēnei me ta patupatu kōrero. Na te mea kua takahia noatia atu taua maunga-a-rongo. Ko ana kupu whakamarama ēnei:

- 1st: Ko tana wahine ko Tahanga i runga i tēnei whenua e noho ana i taua wa – me ōna whanaunga me Te Naku ma.
- 2nd: Na te mea ko taua whaea ko Kahu Karewao nō Ngati Urunumia, nō reira he whanaunga tata ana a Tōpine ki a ratou.

Kei te kī a Hakiha nō muri i te moenga o Tahanga i a Tōpine ka noho a Ngati Urunumia ki runga i tēnei whenua, ara, a Paraone Tongapōrutu anake me tana whanau. E kī ana hoki ia, a, kei te whakatika te Kōti, e kore e taea te kī ko te noho a Te Ha ki runga i tēnei whenua nō Ngati Urunumia. Tētahi, he tangata ia nō Ngati Haua, a, ki ta te Kōti whakaaro he take tupuna tōna take ki tēnei whenua.

He maha atu nga kōrero e taea te kōrero ake engari e rua nei nga mea e kōrerotia ake inaianei.

I kōrero a Patupatu ko nga kau i tukua atu e Ngati Puhiawe ki a ratou mō nga huahua o tēnei whenua kaore rawa tētahi i tukua ki a Whanganui. Ko Te Hihi i kī, ae, i tukua anō tētahi o nga kūao na te mea nō runga i te whenua o Whanganui nga huahua. Kua kōrerotia mai e Patupatu ki te Kōti i te matenga o Te Rua, ka riro herehere a Reupena ki Poutama, a, i taua wa e moe ana te teina o tana whaea a Tahanga i a Tōpine. He whakaatu tēnei kōrero nana he tohu kaore a Ngati Haua i roto i taua patu engari ko tōna tikanga pea tēnei. Kaore a Ngati Tama i te noho ki Poutama i muri mai o te tau 1819. Na, kaore a Patupatu i te 45 tau nō reira kaore e taea te

whakatika taua kōrero engari anō te kōrero a Hakiāha e tika ana pea nō te tau 1834 ka kite tuatahi a Tahanga i a Tōpine.

Kei roto i te rarangi ingoa a Patupatu e 79 nga ingoa, engari, o ēnei e wha tonu nga mea e taea ana e ia te kī, i noho ki runga i te whenua, a, e kī ana ia ko Te Ha me ētahi atu o tōna take kaore i roto i te rarangi ingoa. E kī ana a Wahanui kaore tōna ingoa i tika kia whakaurua ki roto o taua rarangi ingoa. E whakaae ana te Kōti ki tēra kōrero ana. Kei te pēnei te whakamarama a Patupatu. Na Te Ha i whakararuraru te poraka engari i meatia anō me whakauru a Te Ha me ōna hoa a tētahi atu takiwa.

Na, ko aua rarangi ingoa (mō te whenua nei) i te aroaro tonu o te Kōti, tīmata mai i te 12 o Aperira tae noa te 22 o Hune. Katahi ka tino pahitia, a, kīhai rawa a Ngati Maniapoto i whakauru i nga tangata e kerēmetia nei e ratou ta ratou noho hei ahika ma Ngati Urunomia.

Kei te whakaaro te Kōti e tino rerekē, i ahua nanakia te whakahaere o tēnei kēhi, nō te wha o Aperira 1888. Ko Matakītaki he tangata e pa ana ki nga taha e rua ka tū ki te aroaro o te Kōti ka kōrero i nga ingoa rohe (wahanga iwi). Ka kīia e ia kua whakaaetia e Ngatai, e te tino rangatira o Ngati Haua taua rohe, a, i hoki atu a Ngatai i Te Kūiti ki tōna kainga i te mea, kaore he take ōna e tae mai ai ki te Kōti i te mea, kua whakaritea ia hei whakahaere i taua kōrero i runga i tēra i whakatūturutia e te Kōti nga rohe. Katahi ka tukua atu nga rarangi ingoa e nga tangata e pa ana ki tētahi taha, ki tētahi taha o te raina, a, ki te titiro a te Kōti, kaore e hopohopo ta ratou patu i a Ngati Haua. Hei tohu mō tēnei whakahaere .

Nō te 21 o Hune ka tū a Ngatai ki te aroaro o te Kooti ka kī kaore ia e whakaae ki te katoa o te rohe i whakatakotoria e Ngati Maniapoto, a, i hoki ia ki te kōrero ki taua iwi, a, kua hoki mai ia ki te whakahē.

Otira kua oti kē noa ake taua mahi hē, a, kīhai te Kooti i whakaae ki te whakakahore i nga rohe.

Ko tētahi kōrero kei roto i te pukapuka o te Kōti ko te 22 o Hune e whakaatu ana i whakamarama anō a Taonui ki te Kōti he wahi iti nei a Te Horangapai, kei te pūaha o Taringamotu i waenganui o taua awa me Ongarue. He kōrero tēra e kore e taea te ruke e te Kōti na te mea he kōrero tino whakaatu ana, tēra anō ētahi kōrero whai tikanga me i karangatia a Taonui.

Tēnei tētahi kōrero kei te hapainga, kaore tēnei iwi i whakahē ki te kōrero a Wahanui i tōna tūnga ki te Kōti ki te kōrero mō tētahi wahi o tēnei whenua, otira, kaore rawa he whakaaaturanga i konei anō ranei nga tino tangata o Whanganui.

He tika i konei a Matakītaki engari anō me te mea i panga e ia taua iwi ki te mate pēra anō me taua mahi i te whakahaerenga o nga rohe o te wahanga iwi – me titiro koa te aronga o aua kupu kei te ahua rerekē, e kore e taea te whakaponu. I kī hoki ia i wareware ia ki te kōrero o te 5000 eka o te whenua nei nō Ngati Urunumia. Ko tēnei kōrero ana e rite ana ki tēnei kōrero, kaore rawa ia i te mōhio ki taua wahi. Kaore e wareware noa i te tangata ēra mea a, ko te Maori kaore rawa e wareware ana ki nga mea pēra – me Patupatu kaore i tino marama mō taua mea.

E kī ana hoki ia he whenua iti nei a Te Horangapai kia 1000 eka pea te rahi. Na, kei te mōhio te Kōti e 5000 rawa nga eka e kerēmetia nei ia. Na, i te mea kua kitea e te Kōti kaore anō kia whakaputaina te ōta mō tēnei whenua e te Kōti Whakawa Whenua Maori, e tono ana te Kōti kia hōmai e nga tangata ki te taha ki Whanganui e whaipanga ana te rarangi ingoa o nga tangata katoa i mahue hē ki waho o tēnei rarangi, a, me whakauru tahi mai te ingoa o Te Ha me ōna hoa.

Kaore a te Kōti e kite i tētahi take e taea ai te kī i tukua tēnei whenua e Ngati Haua ki a Ngati Urunumia i te mea kua whakahēngia taua tuku e taua iwi.

Ka whakataua e te Kōti kia Ngati Urunumia kia kotahi rau eka, a, ki ta te Kōti whakaaro ka kapi katoa i tēra tō ratou take ahakoa pēwhea.

A, ko te toenga o te poraka ka whakataua ki a Ngati Haua, a, kia tere tonu te whakariterite i nga hea.

Tuesday the 13th for final adjudication.’

2. Translation of judgment by Piripi Walker

‘Saturday 27 August 1892

Court opened at 10am

Judgement Ōhura South

Patupatu Keepa for Ngati Urunumia is claiming around five thousand acres of this block. The boundary begins at Mangakahikatoa at Ongaruhe (Ōngarue) in the west, and travels to Ngakonui in the east. At the northern boundary is the Taringamotu river.

It is stated by the claimant that the name by which this block is known is Te Horangapai, and it was given to Tawhaki, Maniauruahu and some other chiefs of his people by Whakaneke of Ngati Haua.

The principal claim made by this this claimant is that Tutemahurangi was killed by Ngati Urunumia at Ōtamakahi. His son Te Porou fled to Ngati Haua to seek help from Te Oro from that people. He assembled a group. There were twenty people in his war party.

He was sent on by Te Oro to his father Whakaneke. Whakaneke duly came. When he arrived he made peace with Tawhaki, and then gave to Ngati Maniapoto the land claimed here.

Now, Patupatu also says that when Tōpine married Tahanga that gift was made permanent.

Another fact presented in support is Tōpine's statement when he was close to dying, where he said to Wahanui, hold fast to the land.

Patupatu and his fellow witnesses strenuously assert that only Ngati Urunumia lived on that land since the peace-making until the present time, indeed the peace-treaty was never abrogated because all fighting ceased immediately at that point between the two iwi. The principal theme of the evidence of Patupatu is this, that the land in question was given by Whanganui to avoid their destruction; they were fearful of the might and numbers of the warriors of Ngati Urunumia.

Therefore there are two issues to consider for the Court.

First: Firstly, whether the accounts from within these iwi support the case that there was reason for Ngati Haua to be afraid of Ngati Urunumia

Second: Whether it is correct that fighting between those iwi finished after Te Horangapai, or that they lived together, so it can truly be said the land gifted was continuously lived on.

This case is just like all of the cases of Ngati Maniapoto. It is in no way correct to say that they differ one from the other, the details of evidence put forward by witnesses about the way the land was administered, and information relating to the period before 1840, has uniformly shown a high level of ignorance. The speakers did not know about the details of wars before the peace-making, nor were they able to provide the whakapapa of those involved. Perhaps those involved held rights by descent from both iwi. A witness should be able to produce more than information about his own iwi in relation to a case. Any Court will be unable to reach conclusions based on such evidence, because when such witnesses are cross-examined it becomes clear they do not have a deep knowledge of the issue at hand.

Indeed in this case, all that Patupatu has been able to provide is the statement above, and no more. Te Hihī's knowledge is miniscule, and Wahanui has said to the Court, all he knows of the matter are the words of Tōpine, which are contradicted by Tōpine's own people. By contrast the information that has been set forth by Hakiāha Tawhiao is reliable, and answers and refutes all of the evidence of Ngati Urunumia. His reply is extremely clear. There is clearly no reason why Ngati Haua would have feared Ngati Urunumia.

He explains that war did continue after the peace-making of Te Horangapai and that the land simply could not be settled by people at that time, indeed the only people who were able to live on that land were people such as Te Ha with connections to both iwi.

He further says that the marriage of Tōpine was not a major factor relating to this land, and was able to provide explanations of all questions, which without such explanation would remain unanswered. Only rarely is evidence of a similar clarity heard in the Maori Land Court, particularly evidence displaying a breadth of knowledge equal to that in his statements.

Hakiāha's statement about the battle at Mapara is different from that of Patupatu, but that makes no difference, because Ngati Haua agree that Tōpine prevented the party which came to attack Ngati Urunumia. He explains it wasn't because Tōpine was motivated by a desire not

to break the peace agreement, as Patupatu described it. In fact the peace treaty had long since been breached. Here are his explanations:

- 1st: Tōpine's wife Te Tahanga was living on this land at that time, with her relations, Te Naku and others.
- 2nd: Because of the fact his mother Kahu Karewao was of Ngati Urunumia, Tōpine was a close relative to them.

Hakiaha says that after Tahanga married Tōpine, Ngati Urunumia lived on this land, that is, Paraone Tongapōrutu only and his family. He also says and the Court agrees, that it cannot be said that the reason Te Ha lived on this land was by right of descent from Ngati Urunumia. A further reason is that he is of Ngati Haua descent, and it is the Court's view that he has ancestral rights to this land.

There are many other things which cannot be traversed here, but two other matters are raised below.

Patupatu says that of the cattle given by Ngati Puhiawe in payment for the bird harvests of this land, not a single one was given to Whanganui. Te Hihi said, yes, one of the calves was given because the harvests were taken on land belonging to Whanganui. Patupatu tells the Court that when Te Rua died, Reupena was taken as a prisoner to Poutama, and at that time Tahanga, the younger sister of his mother, was Tōpine's wife. His explanation tells us it is a sign that Ngati Haua could not have been involved in that battle, but here perhaps is the real reason. Ngati Tama did not live at Poutama after the year 1819. Patupatu is not yet 45 years old so is not able to confirm that statement with any authority, but Hakiaha's evidence says it was probably around 1834 that Tahanga saw Tōpine for the first time.

Within the list of names of Patupatu are 79 names, but of these, he can say only four have lived on that land, and he says that Te Ha and others in his claim are not on the list of names. Wahanui says that his name should not have been entered on to the list of names. The Court agrees with his statement. Patupatu's explanation is as follows. It was Te Ha who had caused confusion in the block, but it was intended that Te Ha and his friends should be entered at some future time.

That list of names (for this land) was before the Court, commencing on 12 of April until 22 June. It was finally closed, and during that period Ngati Maniapoto never tried to put in the names of people who they now claim have the rights of occupation there for Ngati Urunumia.

The Court believes the administration of this case was irregular and underhand. on the fourth of April 1888. Matakītaki, a person affiliated by descent to both sides was the one who brought this case and gave the boundaries of lands, by iwi groups. He said the boundaries had been agreed by Ngatai, the real chief of all Ngati Haua. Ngatai then returned to his home from Te Kūiti, as there was no reason he should appear in court because he had arranged for Matakītaki to be the spokesperson for Ngati Haua. On that understanding the Court confirmed the boundaries, and the list of names was fixed by men related to both sides, but in the Court's view they had no hesitation in harming the interests of Ngati Haua. The following is evidence of this process.

On the 21st June Ngatai appeared before the Court and said he didn't agree with all of the boundaries laid down in the district by Ngati Maniapoto. He had gone back to consult his iwi, and had now returned to the Court to formally object.

However that wrong decision was already finalised, and the Court would not agree to overturn the boundaries.

Another statement in the Court records from 22 June shows that Taonui explained Te Horangapai was a small area at the confluence of, and between the Taringamotu and Ōngarue rivers. This is a statement that cannot lightly be passed over as it is a statement that indicated the kind of useful evidence Taonui could have given if he had been called.

It is contended that those people did not object to the statement by Wahanui when he stood before the Court to claim a part of that land, but there is no evidence that the real people of Whanganui were present at the hearing.

It is true that Matakītaki was here, but it appears he caused great harm to them, as he did earlier in naming the lands by iwi boundaries, indeed one should look again at his irregular evidence, which cannot be believed. He said he had forgotten the matter of the 5000 acres of land belonging to Ngati Urunumia. This is similar to saying he had never heard of the place

before. People do not forget about such matters over land given away– indeed Maori people would never forget such a thing, in the way Patupatu claims he does not recall much about it.

He says that Te Horangapai was just a little block of maybe 1000 acres. The Court knows however that what is being claimed here by him is 5000 acres. Because the Court notes that an order has not yet been issued for this land by the Maori Land Court, the Court calls upon the people of Whanganui who have interests in this land to submit a list of names of all of those people who were wrongly left out of the list, and they should also enter the names of Te Ha and his people.

The Court does not see any reason to say this land was gifted by Ngati Haua to Ngati Urunumia, because that gift has been denied by those people.

The Court awards to Ngati Urunumia one hundred acres, and in the Court's view this covers all aspects of their claim entirely.

The remainder of the block is awarded to Ngati Haua, who will determine the relative interests with the least possible delay.

Tuesday the 13th for final adjudication.’

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