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WAI 894 # A6

Ruatoki Block Report

A report for the Waitangi Tribunal by Steven Oliver

July 2002

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Preface

Tena koutou. My name is Steven Oliver and I am a New Zealander descended from people who came to this country from Britain and Norway. I have a BA in history and a MA, with first class honours, in political studies, both from Auckland University. I worked for the Dictionary of New Zealand Biography from 1988 to 1999. I have written a report for Crown Forestry Rental Trust on the land the Gisborne Harbour Board acquired from Maori for the construction of Gisborne harbour. I also co-authored the Tahora block report with Peter Boston.

Introduction

This report has been written for the Waitangi Tribunal. It is a historical report and includes events in areas adjacent to Ruatoki which affected Ruatoki. The report also includes the early history of Ruatoki as background to the Tuhoe possession of Ruatoki.

Ruatoki is a district in the eastern Bay of Plenty. The district includes some flat land on the Whakatane River and is a more fertile area than the Urewera mountains to which it is the northern gateway. Tuhoe farmers developed dairy farming in the district from at least the 1890s. Most of the district was included in the Ruatoki block in 1894, which was divided into three main blocks by the Native Land Court. Ruatoki includes a township which is sometimes known as Ruatoki North. This name may have been used to distinguish the township from the Ruatoki South land block, which is to the south of the district. Ruatoki South is not part of the Ruatoki block and is not included in this report.

Ruatoki is inhabited by hapu of the Tuhoe tribe and their early history forms Chapter One of this report. This chapter is intended to provide background to assist readers in understanding how Ruatoki came to be Tuhoe land. The chapter draws on *Tuhoe, Children of the Mist*, by Elsdon Best¹, the claimant report 'Te Roi o te Whenua', by Te Wharehuia Milroy and Hirini Melbourne,² and the thesis 'Te Manemanerau a te Kawanatanga' by Sydney (Hirini) Melbourne.³ The Tuhoe claimants may wish to provide their own customary history at Waitangi Tribunal hearings; this chapter is intended as an introduction to the traditional history of Ruatoki and to enable the report to stand on its own.

Chapters Two and Three cover the extension of Crown authority to Ruatoki, firstly by military conquest in the New Zealand wars and later by the survey of Ruatoki and the land title ownership determination made by the Native Land Court. These chapters draw on the work of Professor Judith Binney.⁴ The two chapters include resistance to the Ruatoki survey and the military expedition to Ruatoki of

¹ Best, E. *Tuhoe, Children of the Mist*, Wellington, 1972

² Milroy, Te Wharehuia and H. Melbourne, 'Te Roi o te Whenua', 1995, Wai 36, ROD, A4

³ Melbourne, S. 'Te Manemanerau a te Kawanatanga', MA thesis, University of Waikato, 1987

⁴ J Binney, 'Encircled lands. Part I : A history of the Urewera from European contact until 1878. An overview report on the Urewera', April 2002,

1893. There was also a subsequent military expedition to Ruatoki in 1895 which was made in connection with opposition to surveying in the Urewera. The fourth chapter is concerned with government purchasing of shares in the Ruatoki block from Tuhoe individuals. These purchases amounted to very little up to the 1920s. The major impact made on Ruatoki up to this time was the fragmentation of land ownership made by the partitioning carried out by the Native Land Court.

The fifth chapter describes the Ruatoki Consolidation Scheme by which the interests of Tuhoe owners were exchanged so as to consolidate the interests of family groups in economic farm units. The Crown bought out some shareholders, forced the non-sellers to pay the Crown and kept the land to which the Crown's interests were relocated despite the request that the Crown should offer back to Tuhoe land that it had acquired by virtue of the scheme. This resulted in a debt to the Crown and from that the Crown acquisition of land in Ruatoki and also in Waiohau, to which some of the debt, or Crown interest, was transferred. The sixth chapter describes the initial success, and later decline, of the Ruatoki Development Scheme which followed the consolidation of the Ruatoki land titles.

Chapter Seven is concerned with the provision of public works and services to Ruatoki. The government provided schools and some health care. The difficulties which have arisen over the public works provided by local government, and the levying of rates to pay for them, are discussed in this chapter.

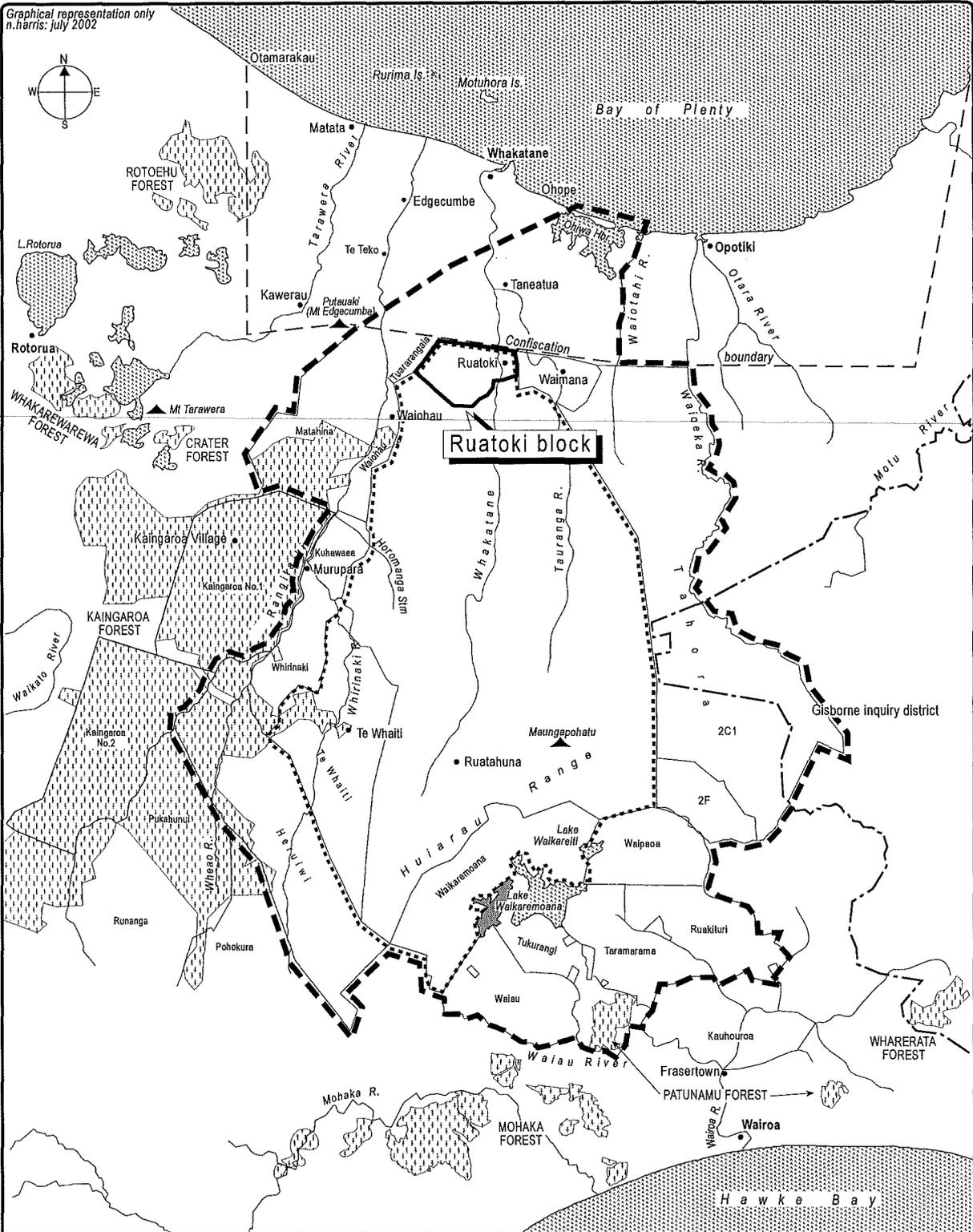
Chapter Eight discusses the history of forestry on the Ruatoki land blocks and other resources the area has or may develop.

The major claim before the Waitangi Tribunal involving Ruatoki in the Tuhoe consolidated claim. The claim made by Tame Iti also involves Ruatoki as it claims, on behalf of Tuhoe, Mount Tararahia, which is part of a range of hills on Ruatoki No.1 block, and the Ohinemataora River, which is also called the Whakatane River. The claim Wai 726 of the Ngati Haka Patuheuheu Trust includes Ruatoki in the traditional rohe of Ngati Haka and Patuheuheu. The Wai 46 claimants also share interests in this area.

This report has sought to detail and examine the events and issues, or at least the main ones, affecting Ruatoki up to the end of the twentieth century.

I would like to thank Mr Tama Nikora, Trust Manager of the Tuhoe-Waikaremoana Maori Trust Board, for his assistance.

Graphical representation only
n.harris: july 2002



Proposed Urewera hearing district
Urewera District Native Reserve 1896
Crown Licensed Forests



Map 1: Location of Ruatoki block and township

Chapter One : The customary and tribal history of Ruatoki

1.1 *The origins of Tuhoe*

Ngai Tuhoe are the people of the Urewera mountains and of the surrounding areas. They are a confederation of tribal groups or hapu and derive from the same ancestral peoples as the other tribes of the Bay of Plenty and its hinterland. These peoples arrived in the area at different times from other parts of Aotearoa or from Polynesia. Some, but not all, arrivals are remembered in tribal tradition by the name of the canoe and the founding ancestor. The major canoe, or waka, on which ancestors of the Tuhoe arrived was Mataatua, whose principal chief was Toroa. He remained in the Bay of Plenty and members of his family married people from tribal groups already living there.⁵

The traditions associated with the early peoples who lived in the Bay of Plenty before the arrival of Mataatua recorded the names of a number of founding ancestors. They are Toi, Hape, Potiki, Turanga-piki-toi and Haeora⁶.

Toi is also known as Toi-kai-rakau or Toi-te-Huatahi. The first of these names indicates that he was given this name by later arrivals as he and his people gathered food from the forest and did not practice agriculture. The name Toi occurs in a number of the traditions of Maori tribes about their early ancestors and the name 'toi' can mean 'earliest inhabitant'. The Toi of the Bay of Plenty tradition, which was recorded by Elsdon Best, was a descendant of Tiwakawaka, who was said to have been the first person to come to New Zealand. Toi lived at Whakatane and his descendants in the Bay of Plenty were known as Te Tini o Toi.

The ancestor Haeora was the grandson of Tamatea, or Tamatea-mai-tawhiti, meaning Tamatea from afar.⁷ Accounts of Tamatea vary. He may have come from Hawaiki on the Nukutere canoe or he may have arrived on the Tuwhenua canoe and

⁵ E. Best, *Tuhoe, children of the mist*, p25

⁶ J. Sissons, *Te Waimana*, p6

⁷ *Ibid*, p61

married Muriwai, the sister of Toroa. The descendants of Haeora are known as Te Whakatane.

Another principal ancestor of Tuhoe and the Bay of Plenty peoples was named Hape-ki-tu-matangi-o-te-rangi and is known as Hape. Although he is believed to have arrived from Polynesia on the Rangimatoru canoe⁸ he is also said to be descended from Te Hapuoneone⁹. The descendants of Te Hapuoneone are known as the earth-born people. This indicates they were also descended from people living in the Bay of Plenty who had no tradition of a canoe origin. They lived at Ohiwa, Te Waimana and Ruatoki at the time of the arrival of Mataatua and were seen by Elsdon Best as forming the primal stock of the population as far south as area now traversed by the Taupo to Napier road.¹⁰ Best did not consider them to be descended from Toi and thought they formed a separate people from Te Tini o Toi.

The inland people of the Urewera, Nga Potiki, also had no canoe tradition.¹¹ Their ancestor, Potiki, has several accounts of his origin. Best was told he was the son of Te Maunga who is said to have come from Hawaiki although another account says he came to earth from heaven. Another tradition says Potiki's father was the sacred mountain Maungapohatu and his mother was the mist personified as the female deity Hine-pukohu-rangi. This makes Potiki and his descendants an autochthonous people or one with no origin other than from the land they inhabit.

Te Tini o Toi, Te Hapuoneone and Nga Potiki are the distant ancestors of the later Bay of Plenty and Urewera peoples. They were the major tribes of the Bay of Plenty and the Urewera when the canoe Mataatua arrived. The descent group known as Te Tini o Toi included the tribes Te Tini o Awa, Te Marangaranga, Te Tini o Tuoi, Te Tini o Taunga and Ngai Turanga. The tribal group Ngai Turanga is named after Turanga-pikitoi, an eighth generation descendant of Toi.¹²

1.2 The canoe Mataatua

The arrival of the canoe Mataatua is an event of central significance in Tuhoe history as it brought people whose intermarriages with already established

⁸ A. Miles, *Te Urewera*, Waitangi Tribunal Rangahaua Whanui Series, 1999, p12

⁹ Best v.2 gen. 5

¹⁰ Ibid p59

¹¹ Sissons, p17

tribal groups united the Urewera mountain people Nga Potiki with Te Hapuoneone and Te Tini o Toi peoples of the Bay of Plenty.¹³ Mataatua probably came to the Bay of Plenty from Polynesia although it is possible it came from another part of Aotearoa. It landed at Whangaparoa and went to Tauranga and then to Whakatane¹⁴.

The Mataatua was one of the canoes which S. Percy Smith saw as belonging to a 'great fleet' which brought most of the ancestors of the Maori to New Zealand. He based this on an interpretation of Maori traditions which overemphasised the few references there are to canoe fleets. Smith arrived at the date of 1350 AD for the arrival of the fleet by averaging the number of generations listed in various Maori traditions from the arrival of a canoe considered by Smith to belong to the fleet and allowing 25 years per generation. There was no basis for an averaging of the number of generations in different Maori canoe traditions and the canoes undoubtedly arrived at different times. Elsdon Best, however, followed Smith and held that the Mataatua canoe arrived in the Bay of Islands around the year 1350.¹⁵ However Best knew of a great number of genealogical lines from Mataatua and that these had an average of 16 ½ generations up to the year 1900. This gives an arrival date in the fifteenth century allowing 25 or 30 years per generation.

There are, however, difficulties in placing much reliance on calculations of this kind as the time between generations may have been considerably more or less than 25 or 30 years. Also tribal traditions are not primarily statements of historical fact but are beliefs 'validating and reflecting social relations, attitudes and values'.¹⁶ Their purpose is to validate the social and economic claims of different and competing groups and accounts of the same tradition can vary. About Mataatua it can be stated that it came from Hawaiki in the time of Toroa and although the date of its arrival can not be ascertained it does provide a chronology to events described in tribal traditions by placing them before or after its arrival. An idea of the chronology of events can be gained from the relationships of people listed in genealogies, and an idea of the membership of contemporary generations, but this can only be approximate as people of very different ages live at the same time.

¹² Best, v.1, p79

¹³ Best, v.2, genealogical table 8

¹⁴ Sissons p41

¹⁵ Best v.1 p62

¹⁶ R. Piddington, 'A note on the validity and significance of Polynesian traditions' in *Journal of the Polynesian Society*, (JPS), 65, 3 (Sept 1956), pp200-203

Toroa was the principal chief and captain of Mataatua. He, and some members of his family, remained in the Bay of Plenty area while his brother, Puhī, took the Mataatua and most of its people to the Bay of Islands and became the ancestor of the Nga Puhī. Toroa's daughter, Wairaka, married Rangi-ki-tua of Ngai Turanga, a hapu descended from Te Hapuoneone people and from Turanga-pikitoi, a descendant of Toi.¹⁷ Wairaka and Rangi-ki-tua had a son named Tamatea-ki-te-huatahi. He married Paewhiti who was of Nga Potiki and was also a descendant of Toi. One of their sons was Tuhoe-Potiki.¹⁸ He married Pare Taranui of Te Tini o Toi and also Tomairangi of Te Hapuoneone and became the ancestor after whom the Tuhoe tribe is named. The pre-eminence of Tuhoe-potiki seems to derive from his descent from most of the ancestors of the Tuhoe tribe and from the subsequent marriages of his descendants. This acted to provide a central point for the unity of the tribal groups which formed the Tuhoe confederation.

Toroa's son Rua-ihonga, and two other people from the Mataatua waka, Taneatua, who may have been Toroa's brother, and Muriwai, his sister, also have descendants among Tuhoe. According to Elsdon Best, the descendants of the people who arrived on the Mataatua form the most prestigious Tuhoe descent line.

1.3 Ruatoki and Te Tokotoro-a-Paewhiti

When Mataatua arrived in the Bay of Plenty, Ruatoki was inhabited by Ngai Turanga of the Tini o Toi people and by Te Hapu-oneone.¹⁹ Toroa and his family established themselves at Whakatane. His daughter, Wairaka, married Te Rangi-ki-tua, who was of Te Tini-o-Toi. At around this time, a descendant of Hape and of Turanga-pikitoi named Te Kapo-o-te-rangi was forced to leave neighbouring Ohiwa and went to Waimana.²⁰ He settled near Taneatua as he was related to the Tini o Toi people, who owned the land there. Te Kapo-o-te-rangi also lived at Whaitiripapa, near Ruatoki. He was settled there by one of the leaders of Ngai Turanga, Tama-korokoro according to one account, Haupuku according to another.

¹⁷ Best, v.2, genealogical table 8

¹⁸ Best v.1, p25 and p210

¹⁹ Ibid p59 and p79

²⁰ Ibid p82

Wairaka's son, Tamatea-ki-te-huatahi, and his wife, Paewhiti, settled at Owihakatoro, near Ruatoki.²¹ They had three sons, Ue-imua, Tane-moe-ahi and Tuhoe-potiki and a daughter, Uenuku-rauiri. They had the right to settle at Owihakatoro as they were descended from Turanga-piki-toi, through the marriage of Wairaka to Rangi-ki-tua. The three sons of Tamatea-ki-te-huatahi and Paewhiti are known as Te Tokotoru-a-Paewhiti (the three warriors of Paewhiti).²² Tamatea divided the Owihakatoro lands between them. The brothers each led a group or clan of people and war occurred between the brothers and their followers. Ngati Awa informants told Best this was because Ue-imua married Tapa of Te Tini-o-Toi which increased his influence. Ue-imua disputed Tuhoe-potiki's right to a cultivation and threatened to eat his heart. Tuhoe-potiki returned the threat and Ue-imua was subsequently killed by Tane-moe-ahi.

The sons and followers of Ue-imua then went to Whakatane and returned with warriors from Te Tini-o-Awa,²³ and also from Ngaiterangi. They were driven off but fighting continued for generations.²⁴ Tuhoe-potiki went away in search of an uncle of his, married a woman in Waikato and is said to have died at Kawhia. Tane-moe-ahi married a woman from the East Coast and went with her to Waiapu, where he died. However, his son, Tama-hauhe I, remained in the Ruatoki area and lived at Poutere pa, which is also called Opoutere. Tuhoe-potiki's elder son, Mura-kareke, lived at Putauaki (Mt Edgecumbe) but Tuhoe-potiki's younger son, Karetehe, remained with his children and followers at Owihakatoro and at Taumata pa at Ruatoki. It is claimed that they, and the other members of the Tuhoe family, were driven out of the Ruatoki area by the descendants of Ue-imua but Tuhoe say the descendants of Tuhoe-potiki and Tane-moe-ahi continued to occupy the area despite the departure of some leaders.²⁵ Following Mura-kareke's death at Putauaki his family and followers and the sons of Karetehe returned to Ruatoki.²⁶ They, and other Tuhoe, were living at Ohae pa in Ruatoki, under the leadership of Te Whana-peke, the grand-son of Mura-kareke, when they were attacked by Ngati Awa, Ngati Pukeko, Ngai Te Rangi and tribesmen from the East Coast. Tuhoe living in Ruatoki, at their pa Puketapu, Opoutere,

²¹ Milroy, Te Wharehuia and H. Melbourne, 'Te Roi o te Whenua', 1995, Wai 36, ROD, A4, p19

²² Ibid, p19

²³ Best v.1, p245

²⁴ Te Roi o te Whenua, p20

²⁵ Best, v.1, p255

²⁶ Ibid, v.1, p254 and p267

Onuitera, Arai-awa, Tukuhauparu, Rimuhongi, Otamahaka and Te Koau came to assist Te Whana-peke and his people and defeated Ngati Awa and its allies at Whaitiripapa.²⁷ As Te Whana-peke was six generations after Toroa, the captain of the Mataatua canoe, he lived in the early seventeenth century.

Tuhoe deny the Ruatoki area was occupied by Ngati Awa in the time of Te Tokotoru-a-Paewhiti. The Tuhoe people remained in the Ruatoki area and are descended from other ancestors who lived there, in addition to Te Tokotoru-a-Paewhiti.

1.4 Ancestors of the Ruatoki hapu

The Ngai Turanga and Te Hapuoneone people were unaffected by the wars of Tuhoe-potiki and continued to live at Ruatoki.²⁸ Among them were the granddaughters of Te Kapo-o-te-rangi.²⁹ They were named Tawhiwhi and Rangimahanga and were the daughters of Tahatu-a-te-ao and of Kura-mihi-rangi, who was of Te Hapuoneone and Ngai Turanga descent. The sisters both married Rongokarae. He was a grandson of Awanuiarangi, who was a great-grandson of Toroa and is an ancestor of Ngati Awa and Ngati Pukeko. Rongokarae settled at Ruatoki and had the right to do so because of his marriage to the two sisters. The principal chief at Ruatoki in his day was Tai-o-rua-mano, who was of Te Hapuoneone and Ngai Turanga and was not of Mataatua descent.³⁰ The Ruatoki hapu Ngati Rongo and Te Mahurehure are descended from Rongo-karae and his two wives. These hapu are closely related to the hapu Ngai Te Kapo, which is descended from Te Kapo-o-te-rangi, and are sometimes said to consist of the same people as Te Kapo-o-te-rangi is an ancestor from whom most Tuhoe are descended.³¹

Tuhoe-potiki's brother, Tane-moe-ahi, had a wife named Ue-tupuke. She had earlier been married to the East Coast chief Rongo-whakaata. They had a son named Rongo-popoia who married a woman named Rangi-paroro and lived at Ohiwa.³² While Rangi-paroro was pregnant, Rongo-popoia was killed by Tua-mutu, a

²⁷ Judge Scannell Minute Book 38, 2 May 1894, fol 155 (document bank no. 1)

²⁸ Best, v.1, p267

²⁹ Best v.2, genealogical table 8

³⁰ Best v.1, p216 and v.2, genealogical table 5 and 8

³¹ Tama Nikora, e-mail, 23 November 2000

³² Sissons, p76

descendant of Muriwai. Rangi-paroro subsequently gave birth to her son, Kahuki, and fled to Wai-iti. There she married her uncle Haeora. As a young man Kahuki set out to avenge the killing of his father. To do this he had to gain the support of his uncle Rua-pururu who lived near Taneatua. As he was travelling there with his two half-sisters the group was attacked by Tamango and the half-sisters were killed. Tamango was of Tini o Toi and Nga Potiki descent and was the leader of Ngai Tamango, one of the tribal groups which inhabited Opouriao, the district north of Ruatoki, at this time, and which also held land at Ruatoki.³³ Kahuki and his uncle Rua-pururu are said to have avenged the half-sisters by inviting Ngai Tamango to a wedding feast and setting fire to the meeting house.³⁴ As this event took place 5 generations after the arrival of Mataatua it can be approximately dated to around the year 1600AD.

After the destruction of Ngai Tamango the Opouriao district was settled by three hapu who derived from Ngai Turanga. They were Ngati Raka, Ngai Takiri and Ngati Kareke, also called Te Kareke. The three hapu held the Opouriao lands for almost 200 years.³⁵ Ngati Raka also held land in Ohiwa, Waimana and northern Ruatoki.³⁶ Most of Ruatoki was the territory of Tuhoe descended from Nga Potiki and from the people of the Mataatua canoe and by Ngati Rongo, Ngati Koura, Te Mahurehure and Ngai Tawhaki who were descended from Turanga-pikitoi and Te Hapuoneone. Ngai Te Kapo were a group of the Ruatoki area but the land they held was south of Ruatoki, at Whaitiripapa, and north of Ruatoki at Taneatua.³⁷

All the tribal groups living at Ruatoki came to be descended from Tuhoe-potiki through intermarriage. The descendants of his brother Tanemoeahi were largely absorbed into Tuhoe.³⁸ As Tuhoe-potiki was the son of Paewhiti, who was of Nga Potiki, the Ruatoki tribal groups were related to the Nga Potiki people of the Urewera mountains. Nga Potiki and the people of Ruatoki, and also people of other areas, came to form the tribe called Tuhoe. This was seen by Elsdon Best as an expansion of the Nga Potiki people from the mountains towards the coast.³⁹ However, as the descendants of Turanga-pikitoi and Te Hapuoneone who became part of Tuhoe, notably Ngati Rongo, retained their land, and as there is no record of warfare between

³³ Best, v.1, p114-5

³⁴ Ibid p109

³⁵ Te Roi o te Whenua, p30

³⁶ Ibid, p29

³⁷ Best v.1, p85

³⁸ Te Roi o te Whenua, 1995, Wai 36, ROD, A4, p20

them and Nga Potiki, it is more likely that the unity of the Tuhoe tribe arose from intermarriage and tribal alliances. The hapu which made up the Tuhoe tribe had their own identities and acted as separate groups until after the mid-nineteenth century.⁴⁰

The confederation of tribal groups that became the Tuhoe tribe was formed in opposition to other groups, who although related, did not become part of Tuhoe. They belonged to two other confederacies. One was the alliance of Ngati Raka, Ngati Takiri and Ngati, or Te, Kareke. These were tribal groups were descended from Turangapikitoi and Te Hapuoneone. Ngati Takiri was also descended from Ue-imua.⁴¹ The other group Tuhoe came into conflict with in the Ruatoki and Opouriao area was Ngati Awa and its hapu Ngati Pukeko. This conflict is some times referred to as a 200 year war.⁴² This may over-emphasise the continuity of warfare which was really episodic and Tuhoe was involved in a long series of conflicts with tribes on all its borders, which included warfare with tribes other than Ngati Awa in the Ruatoki and Opouriao area.

1.5 Early tribal warfare in Ruatoki

Elsdon Best recorded many battles in the Ruatoki area, and to the north of it, between Tuhoe hapu and between Tuhoe and other tribes. The main opponent of Tuhoe in the Ruatoki district and the lands around it was Ngati Awa, particularly its hapu Ngati Pukeko. Best referred to these wars as a 200 year war. The battles he lists in this war, however, have long intervals of peaceful co-existence between them.

The earliest fighting described by Best in this series of wars involved Rongokarae, who had married the sisters Tawhiwhi and Rangi-mahanga and lived at Ruatoki. He killed Te Iri-o-te-ao of Ngati Awa and was attacked by Ngati Awa at Hui-te-rangiora in about the year 1625.⁴³ In the following generation, in approximately 1650, his son or nephew, Te Kaho, killed Motumotu of Ngati Awa.⁴⁴ This incident was the result of antagonism that arose between two people hunting birds in the same area and did not arise from any deliberate tribal policy towards

³⁹ Best, v.1, p7

⁴⁰ A Ballara, *Iwi: The dynamics of Maori tribal organisation c1769-c1945*, p294

⁴¹ Best, v.2, genealogical table 8

⁴² *Ibid* v.1, p355 and *Whenua Tautohetohe* p24

⁴³ *Whenua Tautohetohe* p24

⁴⁴ Best v.1, p357

enemies. However, at around the same time, a woman living at Ruatoki, named Mahuru, was attacked by her husband, Taka-rehe, who was of Ngati Awa, after not preparing fern root for him properly. Pursued by her husband she fled to her relative, Tama-hape, and he killed Taka-rehe. Ngati Awa then went to Ruatoki to avenge the killings of Motumotu and Taka-rehe.

The Ngati Awa attack on Ruatoki was joined by the Opouriao tribes, Ngati Raka and Ngati Takiri, and was aimed at the Ruatoki pa of Ohae.⁴⁵ Having reached Ohae, Ngati Awa and its allies took cover while awaiting a favourable moment to attack. Their presence was revealed to the inhabitants of Ohae by a Ngati Awa man who was related to them. The pa then filled with defenders. Tuhoe from neighbouring pa joined its defence and Ngati Awa and its allies were driven off. This is the first battle listed by Best in the 200 year war. A date for the fighting at Ohae can be approximately dated to the late seventeenth century as it was the home of Te Whana-peke, the great grandson of Tuhoe-potiki, and he is said to have been still living at the time.⁴⁶

Best recorded another tradition of war in the Ruatoki area which can be dated to around the time of the battle of Ohae, but probably after it, as it involved Te Arohana, a great, great grandson of Tuhoe-potiki.⁴⁷ At this time Ngati Kareke held some of the Ruatoki land. They were descended from Ue-imua and Te Arohana attempted to drive them away. He failed in this and requested the aid of his relations in the Urewera mountains. In response the hapu Tamakaimoana came to Ruatoki and stormed a number of the pa of Ngati Kareke.⁴⁸

1.6 Ruatoki and the wars of the early nineteenth century

Around the year 1800⁴⁹ Ngati Awa captured the Ngati Kareke pa of Te Poroa and expelled of Ngati Kareke from Opouriao.⁵⁰ Ngati Kareke went first to the neighbouring pa of Tatahoata and then left the area for Ohiwa and Waimana. This defeat of Ngati Kareke at Te Poroa was when their chief Te Papa was a youth. He

⁴⁵ Ibid p323

⁴⁶ Ibid p323

⁴⁷ Best, v.2, genealogical table 27

⁴⁸ Best, 'Te Rehu-o-Tainui' in *Journal of the Polynesian Society*, (JPS), v.6, p46

⁴⁹ Best, v.1, p316 and 'Te Roi o te Whenua', p32

⁵⁰ Best, v.1, p318-319

later led them at the battle of Te Pou-o-Urutake, near Ruatoki, which Best dated to 1822 or perhaps somewhat earlier.⁵¹

At around the same time as their victory at Te Poroa in approximately 1800, Ngati Awa and Ngati Pukeko conquered territory from Ngati Hamua and the Warahoe people in the Rangitaiki valley. A Tuhoe expedition went to the aid of Ngati Hamua and Warahoe but was defeated by Ngati Awa and Ngati Pukeko at Wai-kohua.⁵² Best dated this to around the time of Trafalgar,⁵³ (1805) although it may have been later. This was the second battle in the list of events that Best called the 200 years war between Tuhoe and Ngati Awa.

Further warfare recorded by Best began when a Ngati Raka man, Rangi-a-whata, killed his Ngati Rongo wife, Te Ono-ki, after an argument, again involving fern root preparation. Ngati Raka is often considered a Tuhoe hapu, which made this conflict a feud within the Tuhoe tribe. The northern part of Ngati Raka had formed an alliance with Ngati Awa from about the year 1800.⁵⁴ Ngati Rongo sought revenge for the killing of Te Ono-ki and went to Arepo-whenua and camped by a fern root bed belonging to Ngati Raka. Ngati Rongo were driven off and defeated again the following day at Te Kotipu.⁵⁵ The Maungapohatu hapu, Tamakaimoana, led by Mokonui, came to the assistance of Ngati Rongo. Ngati Raka was defeated at Whatawhata-tu. Best says that after this fight Tamakaimoana returned home as trouble was expected with Te Arawa. Mokonui was later killed attacking Te Arawa at Te Whatu-o-mawake.

Ngati Rongo continued its feud with Ngati Raka by assembling an army from Te Whakatohea and a tribal group known as Te Aitanga-a-Miramira, as well as from Tuhoe hapu, including Tamakaimoana. In 1819 Ngati Raka were defeated at their stronghold of Otenuku in Ruatoki and Tuhoe also took the pa Otapuwaie and Otutewai.⁵⁶ Some Ngati Raka made peace with Tuhoe but many were expelled from Ruatoki and from Opouriao.⁵⁷

⁵¹ Ibid p318 and p439

⁵² Ibid p357

⁵³ Ibid p175

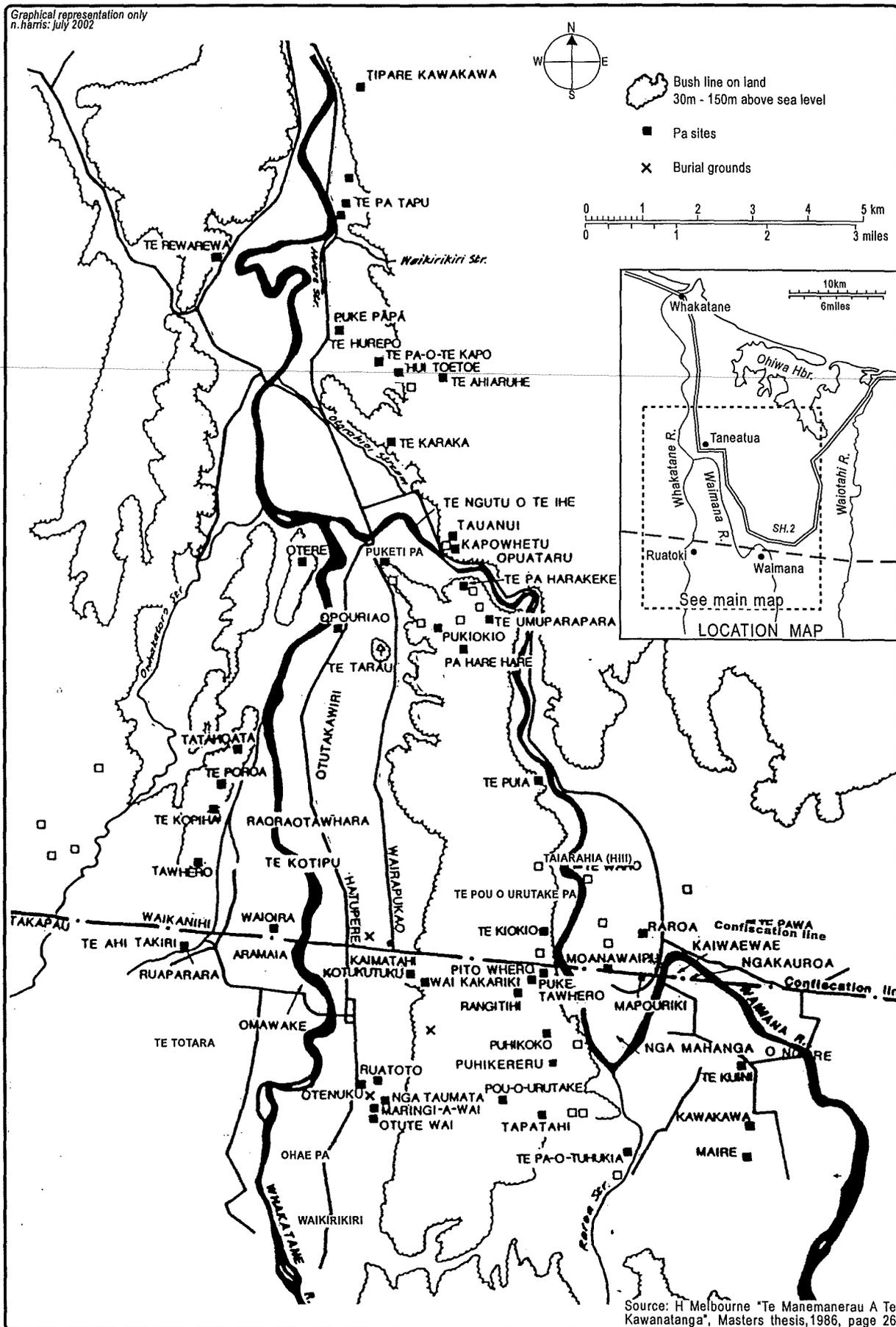
⁵⁴ Te Roi o te Whenua, p32

⁵⁵ Ibid p325

⁵⁶ Te Roi o te Whenua, p33 and p41

⁵⁷ Ibid, p30

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n.harris: July 2002



Source: H Melbourne "Te Manemanerau A Te Kawanatanga", Masters thesis, 1986, page 26

Map 2: Location map of customary sites of significance in Ruatoki district

1.7 Kereru Te Pukenui and Ruatoki in the wars of the 1820s

Kereru Te Pukenui, rangatira of Ruatoki and Ngati Rongo, stated in his evidence to the Native Land Court in 1894 that there were four occasions when Tuhoe left Ruatoki. The first time was when Ruatahuna was threatened by Te Arawa hapu, Ngati Rangitahi and Tuhourangi. The second time was when Ruatahuna was threatened by Ngati Tuwharetoa. The third time was when Tuhoe went on a war expedition to Taupo and the fourth time was when Tuhoe went to fight Ngati Kahungunu.⁵⁸ Kereru was referring to the departure from Ruatoki of the Tuhoe warriors who left Ruatoki to join the main Tuhoe army when they were needed. He did not mean that all Tuhoe people left Ruatoki. Tuhoe continuously occupied the lands of Ruatoki from the time of Tuhoe-potiki, except during the Nga Puhī invasion of 1822 and during the war with the Europeans between 1867 and 1870.⁵⁹ The numbers of Tuhoe women and children who left Ruatoki with the warriors probably varied depending on the military situation. At times of crisis probably only a few people were left at Ruatoki to keep the fires of Tuhoe burning there. In his account Kereru did not mention the departure of Tuhoe from Ruatoki because of invasion by the Nga Puhī in 1822, probably because the entire coastal zone was deserted then.

The events which led to the first departure of Tuhoe from Ruatoki began when Ngati Raka and Ngati Kareke killed many Ngati Rongo in two attacks. The first is known as Kohi-pi, a name which refers to the collecting of young birds as many women and children were captured. The Ngati Rongo men were away eeling and they were attacked and defeated the same day at Maringa-a-wai. This battle was notable for a duel between the Ngati Kareke chief Tapato and the Tuhoe leader Paiterangi, and is dated by Best to the year 1820.⁶⁰

After Maringa-a-wai Tuhoe left Ruatoki and went to Ruatahuna.⁶¹ Ngati Rongo had occupied Ruatoki continuously up to this time.⁶² It seems likely that on this occasion many refugees accompanied the warriors to Ruatoki. Some of the Tuhoe

⁵⁸ Best, v.1, p335 and Judge Scannell Native Land Court minute book 43, 30 August 1894, p18 (document bank no. 2)

⁵⁹ Te Roi o te Whenua, p36

⁶⁰ Ibid, p333

⁶¹ Te Roi o te Whenua, p34

⁶² Best, v.1, p335

hapu Ngai Turanga may have remained in Ruatoki.⁶³ Kereru Te Pukenui said Tuhoe left to defend Ruatahuna from an attack by Te Arawa and this co-incided with the defeat at Maringa-a-wai. The attack on Ruatahuna meant Tuhoe was unable to defend Ruatoki. Te Arawa were subsequently defeated by Tuhoe at Puke-kai-kahu. This battle is dated by Best to 1821 or 1822.⁶⁴ The Tuhoe victory at Puke-kai-kahu put an end to Te Arawa raids on the Tuhoe.⁶⁵

The musket armed Nga Puhi from the Bay of Islands had raided the Bay of Plenty in 1818 but had not attacked Tuhoe. The second Nga Puhi attack came in early 1822. This raid was led by Pomare I and again attacked Ngati Awa at Whakatane. The Tuhoe hapu moved inland, led by their chief Paiterangi.⁶⁶ After they left five pa at Ruatoki were occupied by Ngati Awa, fleeing from the Nga Puhi. The Nga Puhi advanced up the Whakatane River to Ruatoki and captured the pa there from Ngati Awa.⁶⁷ The surviving Ngati Awa fled and took refuge in the Urewera mountains. Nga Puhi advanced into the mountains, at least as far as Tunanui, before returning to Whakatane. Tuhoe were able to avoid conflict with the Nga Puhi at this time.

After the Nga Puhi left Tuhoe re-occupied Ruatoki and some of the area north of it.⁶⁸ Ngati Raka, with warriors from Te Whakatohea, also returned to the area.⁶⁹ In March 1822 Tuhoe defeated Ngati Raka and Te Whakatohea at Uretaia.⁷⁰ Ngati Raka and Te Whakatohea then killed some Tuhoe at Patu-tahuna and severely defeated Tuhoe at Otairoa. These defeats are dated by Best to the year 1822.⁷¹ Kereru Te Pukenui said the second departure of Tuhoe from Ruatoki was after the defeat at Patu-tahuna and at the time of the Ngati Tuwharetoa attack on Ruatahuna. Tuhoe left Ruatoki to defend Ruatahuna. The attack on Ruatahuna was by an alliance of Tainui tribes, including Tuwharetoa. It was led by the Ngati Maniapoto chief, Tu-korehu⁷² and is also dated to 1822.⁷³

⁶³ Ibid, v.1, p336

⁶⁴ Ibid, v.1, p437

⁶⁵ Elsdon Best, 'Te Rehu-o-Tainui' in *Journal of the Polynesian Society*, v.6, p56

⁶⁶ S. Percy Smith, 'Wars of the northern against the southern tribes of New Zealand' in *Journal of the Polynesian Society*, (JPS), v.9, p100

⁶⁷ R.D. Crosby, *The musket wars*, p107

⁶⁸ Best v.1 p337

⁶⁹ Te Roi o te Whenua, p34

⁷⁰ Best, v.1, p348-9

⁷¹ Ibid, p333

⁷² E. Best, 'Te Rehu-o-Tainui' in JPS, v.6, pp59-62

⁷³ G H Scholefield, (ed) *Dictionary of New Zealand Biography*, (1940)

With the departure of the Tuhoe warriors to Ruatahuna other Tuhoe, who remained at Ruatoki, were threatened by Ngati Kareke and Ngati Raka who occupied the hill forts Te Pou-o-Urutake and Rangitihī.⁷⁴ Te Ehu-tu, of Ngati Rongo, went to Maungapohatu to seek aid. Warriors of the hapu Tamakaimoana came to Ruatoki and, with Ngati Rongo and other Tuhoe hapu, captured Te Pou-o-Urutake. Ngati Raka fled first to Te Waimana and, after being attacked again by Tuhoe, to Ohiwa, Waiotaha and Opotiki. Here they took refuge among Te Whakatohea. After Te Pou-o-Urutake Tuhoe took the lands of Ngati Raka as far north as Puketi.⁷⁵ A peace settlement was made between the chief Tapoto and Tuhoe at Whakatane under which Ngati Raka lost their lands at Ruatoki and Opouriao.⁷⁶

The battles described by Best correlate with the departures of Tuhoe warriors from Ruatoki listed by Kereru. Best's informants differed on the order of the battles but Patu-tahuna and Otairoa are dated to 1822.⁷⁷ This places Otairoa at around the time of Tu-korehu's raid on Ruatahuna and before the battle of Orona.

Kereru Te Pukenui said the third departure of the Tuhoe warriors from Ruatoki was at the time of the Tuhoe expedition to Taupo. This departure probably consisted entirely of the warriors from Ruatoki as there was no reason for other Tuhoe to leave Ruatoki then. The Tuhoe expedition against Taupo won a victory at Orona, a battle which Best dated to 1822 or 1823.⁷⁸ Following the Taupo expedition the Tuhoe warriors returned to Ruatoki.

The Nga Puhi returned in 1823, jointly led by Pomare and Te Wera. Pomare again advanced up the Whakatane River, while other Nga Puhi advanced along the Waiotahi, Waioeka, Otara and Rangitaiki rivers.⁷⁹ Ngati Awa, Tuhoe and other tribes again fled before them into the Urewera mountains. Pomare reached Ruatahuna and the Nga Puhi columns converged there. Tuhoe took refuge at Maungapohatu and after some time a chief named Te Maitaranui went to Ruatahuna and made peace with Pomare.⁸⁰ The Nga Puhi then returned to the coast and attacked Te Whakatohea, Ngai Tai and Whanau-a-Apanui. They then sailed down the East Coast.

⁷⁴ Te Roi o te Whenua, p34

⁷⁵ Best, v.1, p335 and Miles p34

⁷⁶ Te Roi o te Whenua, p35

⁷⁷ Best v.1, p337-8

⁷⁸ Ibid, v.1, p183 and p451

⁷⁹ Crosby, p132

⁸⁰ Best, v.1, p533

After the Nga Puhī left in 1823 Tuhoe returned to Ruatoki and Opouriao.⁸¹ The struggle with Ngati Raka for Opouriao resumed. By the end of 1823 Ngati Rongo and Tamakaimoana had defeated Ngati Raka, which allowed Tuhoe hapu to occupy Opouriao.⁸²

The years 1822 to 1823 form a Tuhoe year of battles. Tuhoe fought Te Arawa and Tainui to defend Ruatahuna, were attacked by Nga Puhī, went on a war expedition to Taupo and fought Ngati Raka and Te Whakatohea north of Ruatoki. As the country was then forested it is possible that parties of Tuhoe remained in the Ruatoki district during times when their warriors were absent. Probably the only complete abandonment of Ruatoki by Tuhoe was during the Nga Puhī invasion in 1822.

In 1823 tribal groups from the coast, who had taken refuge in the Urewera from Nga Puhī, were also in the Ruatoki area. One group of Ngati Pukeko and Ngai Tai, who were returning home, killed a Tuhoe man named Toko-pounamu at Pu-kareao. Tuhoe avenged the killing at Wai-kokopu.⁸³ There followed an attack by Ngati Awa on Ngati Rongo at Wai-pokaia. These three events are listed by Best as part of the Tuhoe and Ngati Awa 200 year war. Best dates the fight at Wai-pokaia to 1824 and says that after this defeat the Tuhoe hapu at Ruatoki felt insecure and went back to Ruatahuna.⁸⁴ This coincides with the fourth departure of the Tuhoe warriors from Ruatoki listed by Kereru Te Pukenui. He stated that the fourth departure was when Tuhoe went to fight Ngati Kahungunu.

The Tuhoe attack on Ngati Kahungunu was organised by Te Maitaranui to avenge the killing of Te Rangi-wai-tatao, a Tuhoe descendant of Tane-atua, in 1824, by Ngati Kahungunu.⁸⁵ Te Maitaranui was a chief of both Tuhoe and Ngati Awa.⁸⁶ He organised a coalition of many tribes to invade the East Coast and also gained the support of Pomare.⁸⁷ Tuhoe and its allies then invaded the Wairoa district in two columns and attacked Ngati Kahungunu. Pomare accompanied one of the overland groups while other Nga Puhī attacked by sea. Ngati Kahungunu were overwhelmed

⁸¹ Best, v.1, p350

⁸² Te Roi o te Whenua, pp37-38

⁸³ Best, v.1, p360

⁸⁴ Ibid p361

⁸⁵ Ibid p535

⁸⁶ Ibid p536

⁸⁷ Crosby, p146

and either dispersed and hid, or took refuge with the Nga Puhī chief Te Wera. The war was continued by a Ngati Kahungunu attack on Ruatahuna which is known after its leader as Mohaka's raid.⁸⁸ Tuhoe hapu, including those from Ruatoki, went to defend Ruatahuna. Mohaka's raid disintegrated after two Ngati Kahungunu chiefs were shot with a musket by Waiari, a Tuhoe of Ngati Koura. The raid can only be dated to the second half of the 1820s as it was before the Tuhoe went to Hauraki to trade for muskets in 1830.

Ngati Awa claim that Ruatoki and Opouriao were deserted but under their control for the second half of the 1820s.⁸⁹ Ngati Awa and Ngati Pukeko had muskets before Tuhoe and this gave them a military advantage. The area became an insecure, disputed borderland, although a few Tuhoe remained in Opouriao to maintain their claim.⁹⁰

Tuhoe obtained muskets from Ngati Maru of Hauraki in c1830.⁹¹ Ngati Awa discovered to their great loss at Te Kaunga in c1832 that Tuhoe had guns.⁹² Ngati Awa won at Otukaimarama in c1834 but then realised that a reprisal would be sought by Tuhoe. Because Ngati Awa lived in open country their position was extremely precarious now that Tuhoe had guns. This led Ngati Awa to send a deputation on a dangerous mission involving a long trek from Te Teko to Ruatahuna to see the Tuhoe chiefs. At Ruatahuna the deputation asked for peace and invited Tuhoe to meet Ngati Awa at Te Kupenga near Te Teko. The Tuhoe chiefs discussed the possibility of a tataupounamu, or peace making, and later sent a party under Koura and Te Ikapoto. Koura was chosen because his daughters had been captured by Ngati Awa at Ngahuinga and later killed and Te Ikapoto because he had been at Te Kaunga. At Te Kupenga the Tuhoe delegation eventually agreed to a tataupounamu and a boundary at Ohui.⁹³

In addition to the peace agreement of Te Kupenga the arrival of Christianity from about 1834 had a general effect of peace. The tribes were enabled to come down from the hills and occupy and work the flat lands which had been too dangerous previously.

⁸⁸ Best, v.1, p510

⁸⁹ Te Roopu Whakaemi Korero o Ngati Awa, 'Whenua Tautohetohe' (Wai 46 ROD, doc C7, p29; Te Roopu Whakaemi Korero o Ngati Awa, 'The Tuhoe Tribal Boundary', para 15.

⁹⁰ Best, v.1, p350

⁹¹ Best, v.1, p363

⁹² Ibid p378

⁹³ Ibid, p389

Tuhoe returned to Ruatoki, Opouriao and also to Te Waimana in c1836 and c1837.⁹⁴ The Tuhoe hapu who resettled Ruatoki after peace was made with Ngati Awa and Ngati Pukeko were Ngati Rongo, Mahurehure and Ngati Muriwai. Ngati Awa have claimed they allowed Tuhoe to remain at Ruatoki and Opouriao,⁹⁵ a claim which Tuhoe rebuts, but it is clear from the record of battles in the early 1830s that Tuhoe established their control of Ruatoki, Opouriao and Te Hurepo by military force. The peace between Tuhoe and Ngati Awa was based on a balance of power that left Ruatoki, Opouriao and Te Hurepo to the Tuhoe people.

1.8 Summary of Chapter One

Ruatoki was originally settled by people of Te Tini o Toi and Te Hapuoneone, the ancestral groups of many Bay of Plenty tribes. Wairaka arrived at Whakatane on the canoe Mataatua, with her father Toroa, who was its principal chief. Wairaka married a man of Te Hapuoneone who was also a descendant of Toi. Their son married Paewhiti, a woman of the Nga Potiki people of the Urewera mountains. They had three sons, Ue-imua, Tane-moe-ahi and Tuhoe-potiki. Rivalry between the brothers resulted in the death of Ue-imua and a long series of wars between their descendants. The descendants of Tuhoe-potiki and Tane-ahi-moe became allied to the Nga Potiki people of the Urewera, to whom they were related. By intermarriage and alliance a tribal confederation was formed of the Urewera people and the peoples who lived to the north of the mountains at Ruatoki, Waimana, Opouriao and other districts. This confederation took the name Ngai Tuhoe, as the descendants of Tuhoe-potiki and his brother Tane-moe-ahi married into the hapu of these districts.

The tribe Ngai Tuhoe fought a long series of wars, separated by times of peaceful co-existence, with the coastal peoples Ngati Awa and Ngati Pukeko. The districts north of the Urewera mountains, which included Ruatoki, became a disputed area in these wars. In the fighting Ngati Raka, a hapu of Tuhoe, was the ally of Ngati Awa and Ngati Pukeko. The leading Tuhoe hapu in these wars, Ngati Rongo, received considerable assistance from the Tuhoe hapu of the Urewera mountains, especially

⁹⁴ Miles p38

⁹⁵ Te Roopu Whakaemi Korero o Ngati Awa, 'Whenua Tautohetohe' (Wai 46 ROD, doc C7), p29; Te Roopu Whakaemi Korero o Ngati Awa, 'The Tuhoe Tribal Boundary', para 15.

Tamakaimoana. By 1819 the Tuhoe hapu had defeated Ngati Raka and taken Otenuku and other of their pa at Ruatoki.

An intense period of warfare followed in the early 1820s. The Tuhoe lands were attacked by Te Arawa hapu and by Ngati Tuwharetoa and the Tuhoe went on a war expedition. Their lands were twice invaded by musket armed Nga Puhi raiders from the Bay of Islands and Tuhoe invaded the lands of Ngati Kahungunu. Tuhoe were also attacked in the Ruatoki area by Ngati Raka and Ngati Awa and other tribes. Kereru Te Pukenui, a Tuhoe rangitira, later stated that there were four occasions during this time when Tuhoe left Ruatoki. These occasions were to assist in the defence of Ruatahuna or to take part in Tuhoe attacks on other tribes and probably refer to the departure of war parties from Ruatoki. Tuhoe maintain that during this time of invasion and counter-invasion they never entirely abandoned Ruatoki.

Although Tuhoe remained in Ruatoki, and also in Opouriao, during the 1820s they were insecure there. The area was then forested and small groups could have lived there avoiding contact with Ngati Awa and Ngati Pukeko, who were more powerful as they obtained muskets before Tuhoe. After Tuhoe acquired muskets in 1830 they conclusively defeated Ngati Awa in the following years. After the cessation of hostilities, resulting partly from the influence of Christianity, Tuhoe hapu settled at Ruatoki, Opouriao, Waimana and part of Ohiwa and engaged in arable farming.

Chapter two : Ruatoki and Crown rule

2.1 Early European contact

Captain James Cook arrived at Whakatane on the Endeavour on 2 November 1769, on his first voyage to New Zealand. He was met by a double canoe from which stones were thrown. Contact was established and he was told the nearby island was named Moutohora (Motuhora).⁹⁶ He described the mainland as mostly clear of wood and full of plantations and fortified villages.

Cook was followed by whaling ships which called intermittently and some trade between Maori and Europeans may have been taking place as Ngati Awa had muskets by the early 1820s. In 1828 Henry Williams of the Church Mission Society schooner visited Whakatane and the following year an American ship, the *Haweis*, was pillaged there. By 1829 Peter Tapsell was trading for flax at Maketu. After Maketu was destroyed by tribal warfare in 1836 Tapsell traded at Whakatane until this was halted by a quarrel between Ngati Awa and the upriver Ngati Pukeko.⁹⁷ Other early traders at Whakatane are known by their Maori names, Waeroa, Te Kati and Te Ra. The ship builder, A. J. Nicholas, traded at Ohiwa and was known to Maori as Nikorehe. In the 1830s a trader named Jack Fox lived with Tuhoe at Puketi.⁹⁸

The first European at Ruatoki is said to have been a man named Tommy, who was probably a trader. He had a Ngati Awa wife and was placed there by the Tuhoe leaders Kereru Te Pukenui and Te Ahuru.⁹⁹ Christianity arrived in 1839, according to the Tuhoe leader Te Makarini Tamarau (Tamarau Waiari). The date probably refers to the arrival of John A. Wilson, of the Anglican Church Missionary Society, who was based at Opotiki from 1839 and included Ruatoki in his area.¹⁰⁰ In 1840 the Anglican missionary William Williams found knowledge of Christianity had reached the people of the Urewera mountains. William Colenso reached Waikaremoana the following year, and according to one account, he found a Catholic priest, Father Claude Baty,

⁹⁶ A Schuber (ed), *The story of Whakatane Harbour. From a manuscript by Max Avery*, p1

⁹⁷ Ibid p3

⁹⁸ Te Roi o te Whenua, p38

⁹⁹ Judge Scannell minute book 43, 5 September 1894, fol 87

¹⁰⁰ J Binney, 'Encircled lands. Part I: A history of the Urewera from European contact until 1878. An Overview report on the Urewera', April 2002, p38

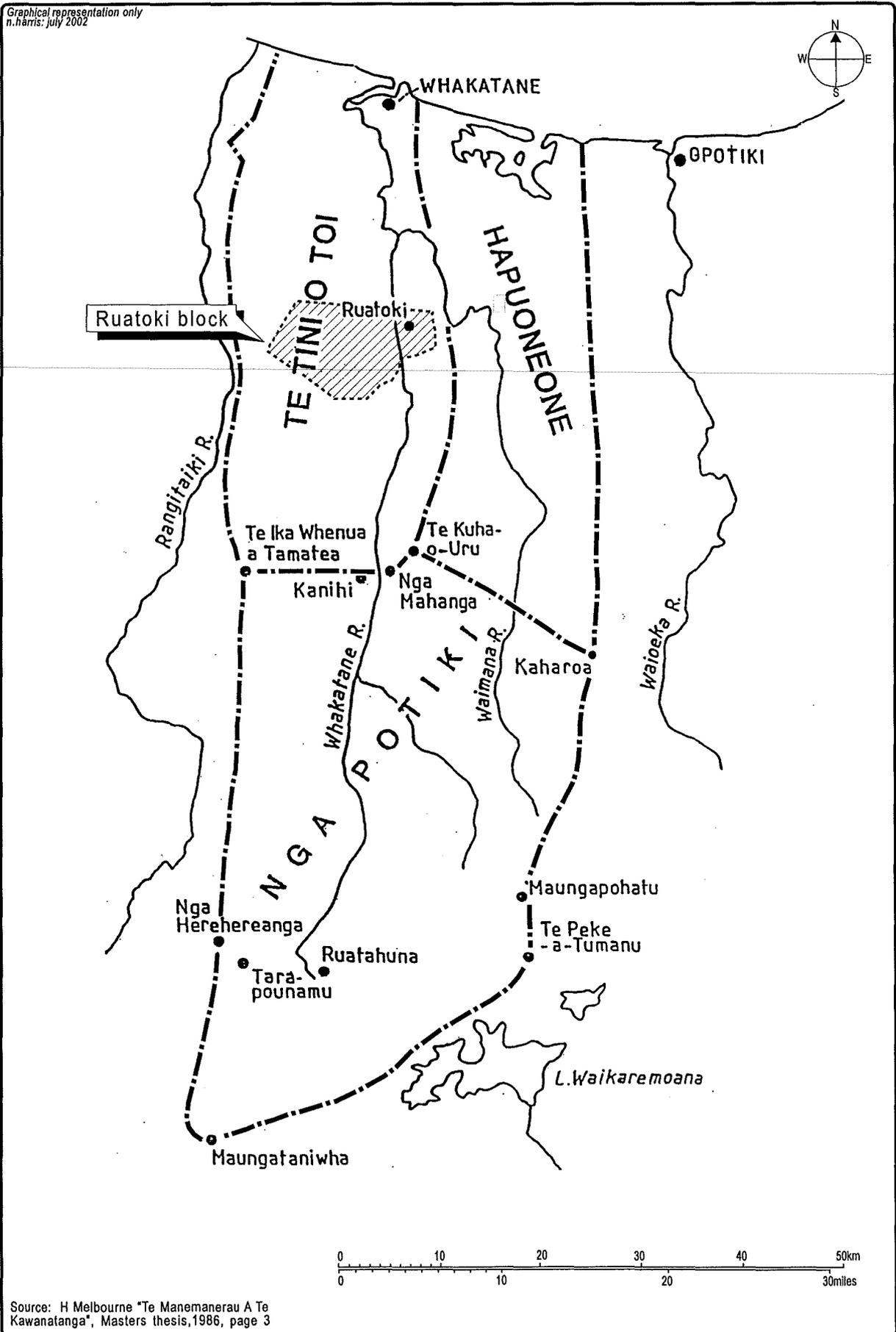
known as Reine by Maori, staying at Te Onepoto pa. He and Colenso engaged in sectarian debate.

Tuhoe began to cease following their traditional religious practices and to adopt Christianity. According to Best the first Tuhoe hapu to become Christian were Ngai Te Riu, Ngati Hoki and part of Ngati Rongo. Tuhoe from Te Waimana and Ruatoki went to Opotiki to help build a church for Wilson and some of them were baptised. Best dates this to 1842.¹⁰¹ Following this a building was constructed at Te Wai-tapu in Ruatoki for use as a church. Ruatoki was visited by a Catholic priest, Father Jean Lampila in 1844-45 and in 1846 an Anglican chapel was built in Ruatoki. Christianity was brought to the Tuhoe in the 1840s and 1850s by visiting European missionaries and by Maori evangelists. An Anglican catechist, James Preece, was stationed permanently at Ahikereru from 1847. The extent to which the new religion was adopted can not be determined. It seems likely that Tuhoe developed their own form of Christianity at this time while retaining their traditional beliefs.¹⁰² The limited influence of Christianity was related to the general lack of European impact on the Urewera country at this time although Christian ideas may have been an influence on the decline of warfare which occurred.

¹⁰¹ Best, p562

¹⁰² Miles, p70

Graphical representation only
n.harris: july 2002



Source: H Melbourne "Te Manemanerau A Te Kawanatanga", Masters thesis, 1986, page 3

Map 3: Original Tangata Whenua boundaries

2.2 Tuhoe and the Treaty of Waitangi

On 16 June 1840 Major Thomas Bunbury brought a copy of the Treaty of Waitangi to Whakatane on the British naval ship, the HMS Herald. His copy of the Treaty was signed at Whakatane by 12 Maori.¹⁰³ The Treaty was not taken inland and it was not signed by any Tuhoe chiefs. Many other Maori leaders also did not sign the Treaty, either because it was not presented to them, or because they refused. Among those who did not sign was Taraia Ngakuti Te Tumuhua, of Ngati Tama-Te-Ra and Ngati Maru. He continued wage war on his enemies and in 1842 told government officials that as he had not signed the Treaty of Waitangi, and as his warfare did not involve Europeans, his attacks on other tribes were not the business of the governor. In response to the question of enforcing government authority against him the British Colonial Office ruled that Maori were to be considered British subjects, and therefore subject to British law, regardless of whether they had signed the Treaty.¹⁰⁴ This decision has provided the basis for the relationship between the Crown and tribes such as Tuhoe which did not sign the Treaty. The Treaty of Waitangi has been made binding upon the non-signatory tribes and on the Crown in its relations with them.

The traditional society of the Tuhoe continued uninterrupted in the years after 1840, when British sovereignty was established in New Zealand. The Crown colony government which had been established made no attempt to exercise authority in the Urewera mountains or the lands around it for the first two decades of its existence. The area continued as a region in which the inhabitants lived under native customary law.¹⁰⁵ Tuhoe awareness of European settlement, the loss of Maori land and the growth of the power of the colonial government is shown by the attendance by Tuhoe leaders at the Maori King movement meeting at Pukawa by Lake Taupo in 1856. The King movement was then in the process of finding a Maori leader who would establish a kingship to protect Maori land and self-rule. The Pukawa meeting was called by Iwikau Te Heuheu of Ngati Tuwharetoa and he suggested Potatau Te

¹⁰³ C Orange, *An illustrated history of the Treaty of Waitangi*, Wellington, Allen and Unwin, 1990, p34

¹⁰⁴ A Ballara, 'Taraia Ngakuti Te Tumuhua' in *The Dictionary of New Zealand Biography*, v.1, 1769-1870, W.H. Oliver (ed), p425

Wherowhero of Waikato be offered the kingship. There is a Tuhoe tradition that the kingship was offered to, and declined by, a Tuhoe named Paora Te Au. He was subsequently known as Paora Kiingi I.¹⁰⁶ Tuhoe did not join the resulting King movement but Tuhoe had an involvement with the King movement and shared its concern for the integrity of Maori ancestral land.

2.3 Maori self-rule in the 1850s : Kingitanga and Kawanatanga

Potatau Te Wherowhero was installed as Maori King at Ngaruawahia in 1858. The Maori King movement sought to provide an autonomous government for Maori under the mana of the Maori King. The response of the government to the movement was to pass two Acts of Parliament designed to introduce a limited form of British law to Maori areas outside government administration.¹⁰⁷ These were the Native Districts Regulation Act 1858 and the Native Circuit Courts Act 1858. Under these laws resident magistrates were to work with Maori councils, or runanga, to maintain order. Grey extended the system in 1861 by the establishment of civil commissioners who were to set up an administration in Maori areas of resident magistrates, chiefs, police, assessors and messengers.¹⁰⁸ This system was to operate instead of the King movement's runanga, which were being established at the same time. The introduction the government system was prevented in areas which supported the Maori King. It also brought about the first visit to the Urewera mountains by a government official, C. Hunter Brown, the resident magistrate at Wairoa.

Hunter Brown visited the Urewera in 1862 and reported to the government on the main settlements. He found only 90 men and women in the Ruatoki district and noted they were growing some wheat and using hand mills to grind it. As he had visited in summer some of the people who lived at Ruatoki were probably working in other districts or at their cultivations or bird snaring sites. Brown described Ruatoki as a large scattered kainga at the head of the Whakatane valley, close to the gorge. He found a resident European trader at Ruatoki but reported that Tuhoe wanted the government to send them a trader who would give them better terms. The people of Ruatoki were prepared to join the government runanga system, with Te Matenga, who

¹⁰⁵ Miles, p73

¹⁰⁶ Binney, 'Encircled lands', Part 1, p64

¹⁰⁷ Miles, p73

Brown said was chief at Ruatoki, decidedly in favour. Brown considered that Ruatoki and Waimana would be a valuable acquisition for English settlement.¹⁰⁹ He found Tuhoe were well informed about the war in Taranaki in 1860-61 and the taking by the government of disputed land at Waitara and cautious in their dealings with him. Brown thought the suspicion of the government came from the influence of Catholic priests, who were French, and from supporters of the King movement.¹¹⁰ There was not, however, united or general Tuhoe support for the King movement and Tuhoe were prepared to take part in the proposed system of local runanga working with government appointed, European, magistrates and civil commissioners. The proposed system was, however, abandoned in late 1862.¹¹¹

2.4 Orakau 1864

In the Waikato disputes over government authority occurred between the Maori King's supporters and the government. War began in July 1863 when General Cameron and British troops crossed the Mangatawhiri River and invaded the Waikato. Tuhoe were among 15 Maori tribal groups which sent warriors to assist the Waikato Maori.¹¹² Tuhoe from Ruatahuna and Te Whaiti, and some from Ruatoki and Waimana, went to the Waikato. This correlates with the greater support for the King movement Brown found in 1862 at Ahikereru, in the mountains near Ruatahuna, compared to Ruatoki and Waimana. The reasons the Tuhoe of Ruatahuna went to the Waikato war may include a belief that doing so would serve to keep war and the government away from the Urewera, a pact of friendship made between Te Purewa of Maungapohatu and the Tainui chief Tukorehu in 1822 and a commitment made to the King movement at the meeting at Pukawa in 1856.¹¹³ A small Tuhoe contingent of about 50 men and women went to Waikato and arrived after the battle of Rangiriri and the fall of the King movement's capital, Ngaruawahia, at the end of 1863. They took part in the defence of the Rangiaohia district in February 1864 and fought in the delaying action at Hairini which covered the King movement's withdrawal towards

¹⁰⁸ Ibid, p73

¹⁰⁹ Further papers relative to Governor Sir George Grey's plan of native government, Reports of Officers, section iv, Bay of Plenty, C. Hunter Brown, AJHR, 1862, E-9, p24

¹¹⁰ Binney, 'Encircled lands', part I, p69-70

¹¹¹ Ibid, p71

¹¹² J Belich, *The New Zealand wars*, p128

¹¹³ Binney, 'Encircled lands, part 1, p80

the King country.¹¹⁴ Under the leadership of their chiefs Piripi Te Heuheu and Te Whenua-nui, and the Ngati Raukawa chief Te Paerata, they then fought at Orakau, against the advice of Rewi Te Maniapoto. Tuhoe and contingents from at least eight other tribes were besieged at Orakau and severely defeated as they were outnumbered and surrounded by the British and lacked a water supply. Of the 50 or 60 Tuhoe at Orakau more than half were killed. The survivors returned to Ruatahuna. Tuhoe came to be considered an anti-government and rebellious tribe because of their involvement at Orakau.¹¹⁵

2.5 Tuhoe and the Hauhau, or Paimarire, movement

Some Tuhoe took part in an attack on pro-government Arawa at Maketu after Orakau and a Tuhoe group went to the East Coast to join Hauhau in the Ngati Porou civil war in Waiapu in mid-1865. The Hauhau movement, also known as Pai Marire, was founded by Te Ua Haumene, a Taranaki Maori, and was a form of Christianity without what its founder thought to be missionary error. Te Ua intended to create a peaceful society but he had had a vision in which the archangel Gabriel announced that the last days were at hand and had commanded him to cast off the yoke of the Pakeha and restore New Zealand to the Maori people.¹¹⁶ Te Ua's followers were involved in military action, beginning with the ambushing of a government patrol in Taranaki in April 1864. In December 1864 Te Ua sent Kereopa Te Rau and Patara Raukatauri to take the new faith to the tribes of the East Coast. He told them leave the Pakeha alone but at Opotiki the Anglican missionary Carl Sylvius Volkner was murdered by Te Whakatohea after the arrival of the Hauhau emissaries. Kereopa and his followers then went to Turanga (Gisborne) in Poverty Bay in March 1865. Hauhau went on to Waiapu and a war was fought there between pro- and anti-Hauhau factions of Ngati Porou. It was this conflict that some Tuhoe went to join. It resulted in the victory of the pro-government forces and was followed by the defeat of Hauhau at Waerenga-a-Hika in Poverty Bay in November 1865.¹¹⁷

¹¹⁴ Best, p565 and Belich, p164

¹¹⁵ Binney, 'Encircled lands', p83

¹¹⁶ L Head, 'Te Ua Haumene' in *The Dictionary of New Zealand Biography, 1769-1870, vol.1*, p512

¹¹⁷ J A MacKay, *Historic Poverty Bay and the East Coast, N.I., N.Z.*, J G MacKay, Gisborne, 1966 p219 and p224

Kereopa Te Rau, and other Hauhau, then went to the Urewera where he was made welcome at Ruatahuna and preached to the Tuhoe people.¹¹⁸ He attempted to go on to Waikato and Tuhoe among his followers when he set out. A force of pro-government Te Arawa stopped Kereopa's party at Te Tapiri. The resulting battle was a Tuhoe victory but the expedition to Waikato was abandoned due to high casualties. Mair met Tuhoe leaders and they agreed to stop supporting Kereopa.¹¹⁹

In July 1865 James Te Mautaranui Falloon, a government supporter, was killed by Hauhau at Whakatane. Falloon was of Tuhoe and Tamakaimoana and was part European. On 2 September 1865 Governor Grey had signed a proclamation of peace which declared an end to the fighting, which had begun in Taranaki in 1863, and which had led to the British invasion of Waikato. The proclamation also stated that an expeditionary force was to be sent to Opotiki to arrest the murderers of Volkner and Falloon and threatened the confiscation of some of the land of tribes who sheltered the murderers.¹²⁰ A second proclamation, signed on 4 September, declared martial law in the districts of Opotiki and Whakatane. The proclamations were published in the New Zealand Gazette on 5 September and on 8 September an expeditionary force of colonial troops and pro-government Wanganui Maori landed at Opotiki. There followed fighting with Te Whakatohea and much pillaging of the land. Te Whakatohea and its allies, who included some Tuhoe, were defeated at Te Tarata in the Waioeka gorge, about 4 miles from Opotiki, on 4 October 1865. Most surrendered afterwards. Later that month Mair and his troops defeated Ngati Awa and Tuhoe at two pa near Te Teko.¹²¹

The expedition to arrest the murderers of Volkner and Falloon became a campaign to subdue tribes seen as being in rebellion against the Crown. Some Maori leaders in the Bay of Plenty co-operated with the expeditionary forces to reduce the punishment their tribes would receive. One of these was the Tuhoe chief, Rakuraku Rehua (Rakuraku). He provided guides which led a government force up the Waimana valley in one of a number of expeditions sent towards the Urewera mountains to search for Kereopa and his followers. The Waimana expedition

¹¹⁸ Miles, p103

¹¹⁹ Binney, 'Encircled lands', part 1, p103

¹²⁰ Ibid, p119

¹²¹ Miles, p107

wounded Kereopa near a village called Koingo, but he escaped.¹²² Colonial forces raided Tuhoe settlements in Opouriao but did not enter the Urewera mountains. In January 1866 the government imposed the confiscation of land on the Maori tribes of the eastern Bay of Plenty, for their alleged rebellion.

2.6 The 1866 eastern Bay of Plenty land confiscation

The order in council declaring the confiscation of land in the eastern Bay of Plenty was published in the New Zealand Gazette on 18 January 1866. The confiscation was made under the New Zealand Settlements Act 1863 which provided for the confiscation of land from tribes, or sections of tribes, deemed to have been in rebellion against the Crown. The area confiscated amounted to 440,000 acres. The description of the land confiscated initially contained an error and the boundaries of the confiscated area were redefined and gazetted on 11 September 1866. The line of the confiscated land began in the west at the mouth of the Waitahanui River and went south to a point roughly in line with Mount Edgecumbe (Putauaki). It then ran east parallel with the Bay of Plenty coast and crossed the Whakatane, Waimana, Waioeka and Otara rivers. It then turned north-east, crossed the Motu River and reached the sea at the mouth of the Haparapara River. The confiscation line ran 11 miles south of the entrance to Ohiwa harbour and included in confiscation area the Tuhoe lands of Taneatua, Opouriao, lower Waimana and Ohiwa but left Ruatoki to the south of the confiscation line and outside the confiscated area. The confiscation of Tuhoe land was unjust as Tuhoe had no involvement in the killing of either Carl Sylvanus Volkner or James Falloon.¹²³ The Crown's grounds for the confiscation, that Tuhoe had been involved in rebellion after the proclamation of peace on 2 September 1865 was also unjust as the Tuhoe tribe was then defending itself against the government expeditionary force.¹²⁴

¹²² Ibid, p109

¹²³ Te Roi o te Whenua, p117

¹²⁴ S Melbourne, 'Te Manemanerau a te Kawanatanga: a history of the confiscation of Tuhoe lands in the Bay of Plenty', MA thesis, University of Waikato, 1987, p57

2.7 The Rauporoa agreement

Tuhoe knew of the land confiscations by November 1866 as Lieutenant Colonel St John asked Rakuraku then if it was safe for the survey of the lower Waimana to proceed. In February 1867 a hui of Tuhoe considered a request from Te Whakatohea for an alliance to resist the confiscations. The meeting also objected to the intention of Ngati Pukeko to give to the government the land in the Whakatane valley included in the confiscation area. This objection refers to a meeting between Ngati Pukeko and Ngati Awa and the government representative J.A. Wilson, at Rauporoa pa, near Whakatane, in December 1866 to settle Crown awards to Maori within the confiscated area. Ngati Pukeko were considered a loyalist tribe and were therefore to have land confiscated from them returned to them. Ngati Pukeko and Ngati Awa agreed to the Crown taking and keeping all the land on the eastern side of the Whakatane River and returning the land on the western side of the Whakatane. The government would retain the right to grant awards on the western side to loyalists from Ngati Pukeko and Ngati Awa.¹²⁵ This arrangement is known as the Rauporoa agreement. Land retained by the Crown under the agreement and land given to Ngati Pukeko and Ngati Awa are claimed by Tuhoe to be Tuhoe land. Wilson met only with Ngati Pukeko and Ngati Awa and excluded Tuhoe and Te Whakatohea from the discussions and thereby denied Tuhoe and Te Whakatohea an opportunity to represent their land claim within the confiscated area.¹²⁶ In effect Ngati Pukeko and Ngati Awa gained the return of some of their land by giving away Tuhoe land. It was intended that this agreement would be implemented by the Compensation Court.

2.8 The Compensation Court hearings of 1866 and 1867

The New Zealand Settlements Act 1863 contained provision for Maori in confiscation areas to regain their land if they could show they had not been involved in rebellion. This was done through a Compensation Court. The first Compensation Court in the eastern Bay of Plenty confiscation area was conducted by Lyons in October 1866. It found that the confiscation district's boundaries had been wrongly proclaimed and the sitting was abandoned.¹²⁷ An attempt was made to survey the confiscated land in

¹²⁵ Miles, p127

¹²⁶ Ibid, p128

¹²⁷ Ibid p134

November but it was disrupted by Erueti Tamaikowha, a leader of Tuhoe and Ngati Tama.¹²⁸ Tuhoe had begun to leave the confiscated land and, to avoid war, Tuhoe decided, in February 1867, to only defend their territory that was south of the confiscation line.¹²⁹

Following the amending of the boundaries the Compensation Court opened at Opotiki on 7 March 1867. It was presided over by Major William Mair and by Judge T.H. Smith, who as civil commissioner had organised arrest warrants at the time of the government's military expedition to Opotiki. Maori claimants had as counsel H.T. Clarke, the civil commissioner at Tauranga. He was also involved in arrangements made out of court, such as the Rauporoa agreement. Wilson, who had negotiated the Rauporoa agreement, was the Crown agent.

Rakuraku Rehua, a Tuhoe leader from Waimana, made a claim for Ohiwa at the Compensation Court, on 7 March 1867, on behalf of the Tuhoe tribe. He claimed from the ancestor Tairongo and said although Tuhoe had lost their land at Ohiwa several times, they had always gained it back. His claim was supported by Te Upokorehe spokesman Hirini but disputed by Te Whakatohea representatives. The Ngati Awa spokesman also denied that Tuhoe had any land at Ohiwa.¹³⁰ The first sitting of the Compensation Court closed without a decision on the case.

The second sitting of the Compensation Court was held in September 1867, again in Opotiki. The Court dismissed Rakuraku's claim to Ohiwa on the grounds that he had been in rebellion. This decision shut Tuhoe out of their lower Waimana lands.¹³¹ The Court also heard two Tuhoe claims to Opouriao. These claims were brought by Akuhata Te Hiko and Te Makarini Waiari (Tamarau Waiari). The land claimed by Te Hiko was largely outside the confiscation block and was dismissed. Te Makarini's claim was heard on 17 September. It was opposed by the Ngati Pukeko chiefs who had made the Rauporoa agreement with Wilson by which Opouriao was ceded by them to the Crown¹³² and who now acted as Crown witnesses. Te Meihana Koata, one of the Ngati Pukeko chiefs, stated that Te Makarini and the Tuhoe hapu he belonged to, Ngati Muriwai and Ngati Hinekure, lived on the Opouriao land by the permission

¹²⁸ Ibid p120 and p142

¹²⁹ Binney, 'Encircled lands', part 1, p140

¹³⁰ Ibid, p146

¹³¹ Ibid, p146

¹³² Ibid, p148

of Ngati Pukeko. Te Meihana Koata's father, Te Koata, had been killed by Tuhoe at Te Kaunga and Te Meihana now used the Court for reprisal. Te Makarini's case was dismissed the following day. Te Meihana stated that Te Makarini had a gun and this resulted in Te Makarini being taken as a prisoner to Whakatane the following day.

2.9 The Tuhoe loss of Opouriao

Military resistance to confiscation was begun in May 1867 by Te Whakatohea. In August the Tuhoe leader Erueti Tamakoha prevented a survey of land confiscated from Tuhoe. It was reported by Major St John on 19 September 1867 that Tuhoe from Otenuku were looting horses and cattle from Ngati Pukeko.¹³³ Their leader was Hemi Kakitu, a Tuhoe who had been forced by confiscation from his land at Ohiwa. Tuhoe from Opouriao, Pa Harehare, Kai Matahi and Hatupere had been forced to move behind the confiscation line and had gathered at Otenuku.¹³⁴ Major St John also reported that a number of Tuhoe left Ruatoki and Otenuku and moved to Puketi pa in Opouriao. They were joined there by Te Makarini after he had appeared at the Compensation Court on 17 September. On the day after Te Makarini's case was dismissed by the Compensation Court and he and the other Tuhoe at Puketi were removed by government forces and taken as prisoners to Whakatane.

Tamaikoha and other Tuhoe carried out raids against the Opotiki district and the military settlements on the confiscated land in late 1867 and in January 1868 raided Ohiwa and Waiotahi.¹³⁵ Fighters from Ruatoki crossed Tairahia to join Tamaikoha in Waimana.¹³⁶ In February Lieutenant Colonel St John led a retaliatory raid to Waimana. Armed Constabulary and Arawa government reinforcements were landed at Opotiki and another advance was made to Waimana. This expedition intended advancing to Maungapohatu but it was stopped at Te Ponga, south of Otara, where Tuhoe were entrenched on the hills around the gorge. Tamaikowha and Tuhoe then raided Ngati Pukeko on the lower Whakatane River and attacked the government stockade at Puketi on 29 April 1868. Rapaera, of the Tuhoe hapu Ngati Kakahu-tapiki was shot by government forces in skirmishing at this time. Armed constabulary then

¹³³ Major St John to J. Holt, 'Papers relative to the defence and occupation of the Opotiki district, AJHR, 1868, A-8a, pp3-4

¹³⁴ S Melbourne, 'Te Manemanerau a te Kawanatanga', p85

¹³⁵ Miles, p166

¹³⁶ S Melbourne, 'Te Manemanerau a te Kawanatanga', p105

pushed the Tuhoe hapu south and over the confiscation line.¹³⁷ A government expedition led by Lieutenant Colonel St John reached Ruatoki in May 1868. He found Ruatoki to be largely deserted and withdrew because of flooding.¹³⁸ The lower Ruatoki district was then abandoned by Tuhoe and the government forces destroyed food supplies there to prevent a return.¹³⁹ Tuhoe had earlier withdrawn from Opouriao although some remained at Ohiwa.

The confiscation of Opouriao took some of the land of the Tuhoe hapu Ngati Rongo, Te Mahurehure, Ngati Koura, Te Urewera, Tamakaimoana, Ngati Tawhaki and Hamua.¹⁴⁰ Other Tuhoe hapu, Ngati Kareke, Ngati Raka, Ngai Te Kapo, Ngati Muriwai and Ngai Takiri, lost all their land by the confiscation.¹⁴¹ Tuhoe from these hapu lived at Ruatoki as a consequence of the confiscation. The confiscation of Opouriao, Ohiwa and lower Waimana took from Tuhoe their best agricultural land and their access to the sea. The confiscations forced Tuhoe living in those districts to move to Ruatoki as it was the last arable land Tuhoe had, apart from narrow mountain valleys. The concentration of Tuhoe on Ruatoki increased the number and complexity of land claims later made on Ruatoki.¹⁴²

Tuhoe resistance was continued in the confiscated lands of the Bay of Plenty by Erueti Tamakoha and his followers. However the Urewera and its borderlands, including Ruatoki, were to become caught up in a greater conflict caused by the arrival of Te Kooti.

2.10 Te Kooti and his alliance with Tuhoe

In July 1868 Te Kooti Arikirangi Te Turuki, of Rongowhakaata, of Poverty Bay, and several hundred prisoners escaped from the Chatham Islands aboard the supply ship, the Rifleman, and landed at Whareongaonga, south of Young Nicks Head. They had been imprisoned there after the suppression of the Hauhau movement on the East Coast at Wacenga-a-Hika in 1865. Te Kooti intended to go to Waikato but Reginald

¹³⁷ Te Roi o te Whenua, p164

¹³⁸ J Cowan, *The New Zealand War. A history of the Maori campaigns and the pioneering period*, Wellington, Government Printer, 1983, volume 2, p178

¹³⁹ Binney, 'Encircled lands', part 1, p168

¹⁴⁰ T Nikora, e-mail of 4 January 2001

¹⁴¹ Te Roi o te Whenua, p47 and S Melbourne, 'Te Manemanerau a te Kawanatanga', p145

¹⁴² Whakatane Native Land Court minute book 5, 13 April 1897, fol 93; Urewera Commission minute book 6, 25 April 1902, fol 381 and Raupata Document bank v.121, p35 (document bank

Biggs, the resident magistrate at Turanga (Gisborne) ordered their recapture. After three victories over colonial forces Te Kooti reached Puketapu, the eastern gateway to the Urewera mountains. He wrote to the Tuhoe chiefs, asking permission to enter their territory and to King Tawhiao asking to join him in his home in exile in the King Country. Tawhiao refused to allow him to enter the King Country and the Tuhoe decided at a hui at Ahikereru that he should stay on the eastern boundary of their territory.¹⁴³

A few Tuhoe joined Te Kooti at Puketapu where government forces were moving to surround him. Te Kooti and his followers then attacked Poverty Bay and on 10 November 1868 carried out the Matawhero massacre. About 60 people, both European and Maori, were killed. Among the dead was Biggs, the resident magistrate, and his family. A week later Te Kooti withdrew from Poverty Bay taking with him many recruits and captives from Rongowhakaata. He went first to Makaretu and then to Ngatapa pa. Te Kooti was joined at Ngatapa by a small number of Tuhoe. Government forces, including Ngati Porou troops, besieged Te Kooti at Ngatapa. The pa was abandoned by Te Kooti in January 1869 after its water supply was captured. Te Kooti and most of his principal followers escaped but 130 of the recruits from Turanga were captured. Most of the captured men were executed in the Ngatapa massacre .

Te Kooti took shelter in Te Wera forest on the head waters of the Waioeka River. He now had fewer than 200 followers but was gradually joined by men from Tuhoe, Te Whakatohea and other tribes. He received ammunition from Ruatahuna and the Opotiki district.¹⁴⁴ In February 1869 a hui at Ruatahuna appears to have invited Te Kooti to come to Maungapohatu.¹⁴⁵ In March Te Kooti went to Tawhana, in the Urewera mountains, and made a pact, or alliance, with Tuhoe. The Tuhoe chiefs Kereru, Paerau, Te Purewa, Te Makarini Tamarau, Te Whenuanui, Te Ahikaiata, Tutakangahau, Te Haunui and Te Puehu gave their mana to be under the guidance of Te Kooti. They also gave to Te Kooti a block of land from Waimana to Maungapohatu which included Ruatoki.¹⁴⁶

nos. 3, 4 and 5)

¹⁴³ Miles, p171

¹⁴⁴ Cowan, v.2, p282

¹⁴⁵ Binney, 'Encircled lands', part 1, p191

¹⁴⁶ Whakatane Native Land Court minute book 5, 6 May 1897, p200, evidence of Te Kaha Ahukata

Some Tuhoe joined Te Kooti in an attack on Ohiwa, although Tamaikoha, the main Tuhoe military leader in the Bay of Plenty, did not join him. Te Kooti was then welcomed at Ruatoki in March 1869 and many of the Tuhoe there joined him for an attack on Ngati Pukeko.¹⁴⁷ There were no government troops at Ruatoki when Te Kooti arrived there. The nearest government troops to Ruatoki were probably a group of Arawa soldiers on the eastern shore of Ohiwa.

Te Kooti led an attack on Opouriao, capturing a small redoubt and flour mill at Te Poronu. Te Kooti and Tuhoe then besieged the Ngati Pukeko stronghold of Rauporoa, where Ngati Pukeko had made its agreement with the government over the confiscated land. Its defenders ran out of ammunition and, on 11 March 1869, were either allowed to leave in return for surrendering the pa or managed to escape. They gained refuge with a government relief force of Arawa troops while Te Kooti and his followers looted and burned Whakatane. Te Kooti released and took away the Tuhoe prisoners held by Ngati Pukeko for the Crown, including Te Wakaunua, Hira Tauaki, Makarini and Hemi Kopu. The following day Te Kooti moved up the Rangitaiki River but was pursued by Major Mair with Arawa troops and went to Te Harema pa in the Urewera mountains.

In April 1869 Te Kooti led his followers across the Urewera mountains to the Wairoa district, near Lake Waikaremoana. He then invaded the Mohaka district and attacked Ngati Pahauwera, a hapu of Ngati Kahungunu, who had opposed him after he landed at Whareongaonga. The pa Hiruharama was successfully defended against him but Te Huki pa was captured with 57 Maori and seven Europeans killed.¹⁴⁸ Te Kooti withdrew to Waikaremoana when government forces arrived from Wairoa and Napier.

2.11 The invasions of Urewera by Government troops

Government troops then invaded the Urewera mountains in a three column offensive. One column left Opouriao on 4 May 1869 and passed through Ruatoki on its first day's march, without opposition. Best says Ruatoki was abandoned during the war with the government except for a few Tuhoe who stayed there to send information to

¹⁴⁷ Cowan, v.2, p314

¹⁴⁸ J. Belich, *The New Zealand Wars*, p277

Ruatahuna. These were members of Ngati Rongo and Te Mahurehure.¹⁴⁹ The column advanced up the Whakatane River valley to Ruatahuna, where it met the second column. The third column failed to cross Lake Waikaremoana. From Ruatahuna Colonel Whitmore, the government commander, attempted to reach Lake Waikaremoana but his Arawa troops refused to continue the advance. Instead government troops destroyed food supplies, to punish Tuhoe and to reduce the provisions available to Te Kooti.¹⁵⁰ The pa and village of Oputao near Ruatahuna was burnt down and destroyed by Colonel Whitmore.

Te Kooti went to Taupo in June 1869, accompanied by a group of Tuhoe chiefs and about 100 Tuhoe warriors. Government troops left the Urewera mountains the following month. Te Kooti was defeated at Ponanga, near Tokaanu, and at Te Porere. He and his followers then went to the King Country and from there to Ohinemutu. Te Kooti, and the Tuhoe leaders with him, were pursued back to the Urewera by Captain Mair and Arawa troops. They reached Ahikereru on 8 February 1870.¹⁵¹ After 1870 peace was made in Ruatoki and Waimana.¹⁵² The two districts became pacified areas under government control where refugees were able to gather.

Urewera was again invaded by government troops. They conducted a scorched earth campaign to end Tuhoe resistance. During this time Tuhoe took refuge in small groups in remote parts of the forest and moved their camps frequently.¹⁵³ Government Ngati Porou troops captured Maungapohatu in March 1870. Around the same time the pro-government Wanganui Maori military leader, Te Keepa Te Rangihwinui (Major Kemp) advanced up the Waimana River and made peace with Tamaikoha.¹⁵⁴ Under this agreement Tuhoe would no longer support Te Kooti. In accordance with the peace agreement the government Ngati Porou troops withdrew from Maungapohatu. Te Kooti was defeated at Maraetahi, where few Tuhoe fought for him, and fled to the remote headwaters of the Waioeka River, outside Tuhoe territory.

¹⁴⁹ Urewera Native Land Court minute book 6, 22 April 1902, fol 358

¹⁵⁰ Binney, 'Encircled lands', part 1, p205

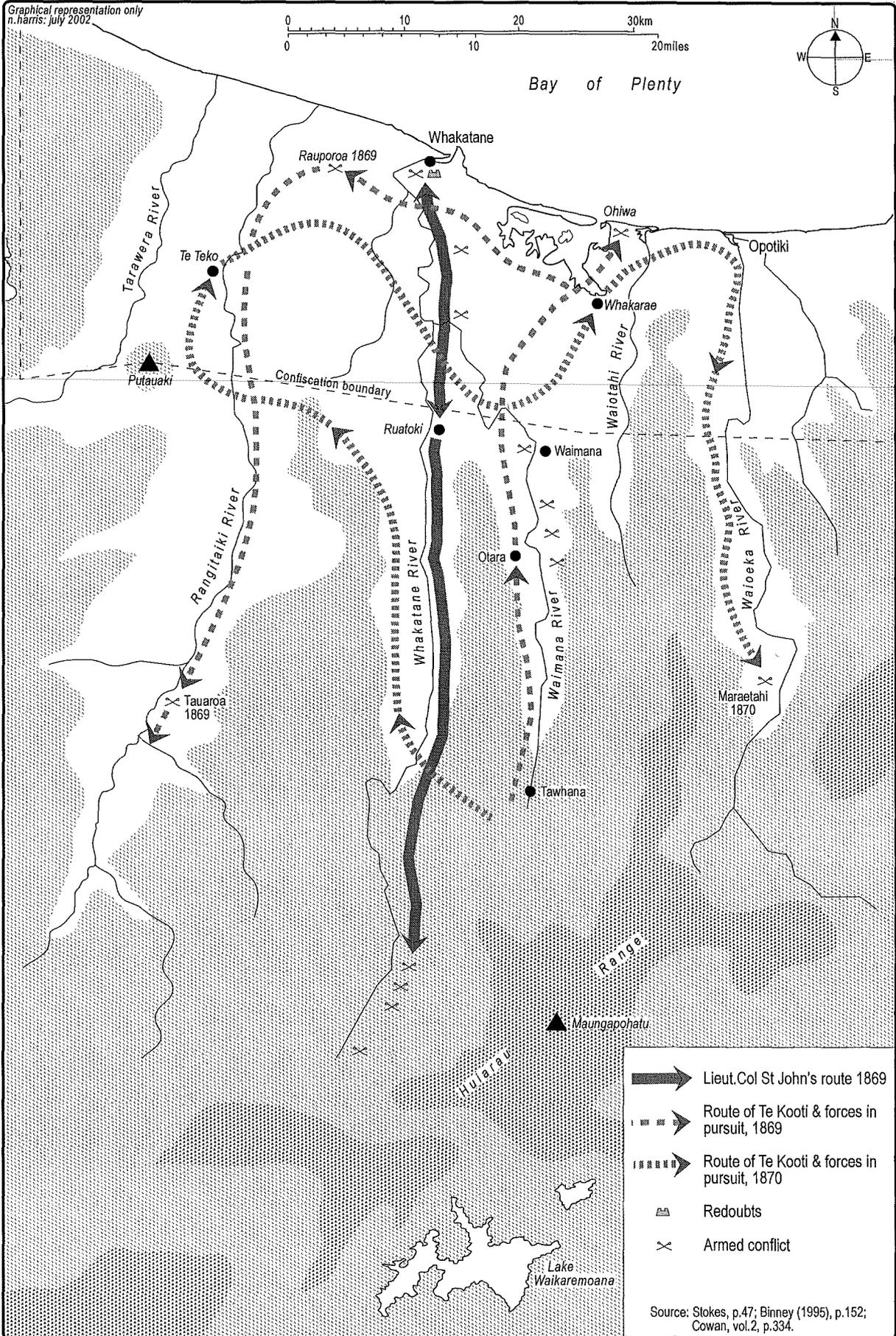
¹⁵¹ Ibid, p208

¹⁵² S Melbourne, 'Te Manamanerau a te Kawanatanga', p105

¹⁵³ Best, p664

¹⁵⁴ Ibid, chapter 5, p29

Graphical representation only
n.harris: july 2002



Map 4: Military encounters in the vicinity of Ruatoki

The government made it difficult for Tuhoe to make peace by its intention to deport Tuhoe from their homes to a coastal reserve at Te Putere.¹⁵⁵ Government Arawa troops, led by Gilbert Mair and George Preece, began a sweep of the western Urewera on 6 April 1870. In May two Tuhoe chiefs of Ruatahuna, Te Whenuanui and Paerau Te Rangi-kaitipuaka began negotiations to surrender. In July 1870 a young Ngati Awa chief visited Ruatahuna as a government agent and as a result a group of young Ngati Mura men accompanied him down to Ruatoki.¹⁵⁶ On 25 September 1870 Te Whenuanui came to Ruatoki and surrendered to Major Mair at Te Umu-o-Kaiawa.¹⁵⁷ Paerau also surrendered which left Kereru Te Pukenui as the only major chief on the Ruatahuna side of the Urewera still supporting Te Kooti.¹⁵⁸ Tuhoe forced out of the mountains were gathered at Ruatoki, Whakatane, Te Putere and Matata.¹⁵⁹ Among those at Ruatoki were the people of Te Whenuanui, although he was sent to Napier.¹⁶⁰ Almost all Tuhoe had surrendered by the end of the year. The surrenders were brought about by a scorched earth policy, which involved the destruction of food supplies, carried out by government troops as they searched the Urewera for Te Kooti. Tuhoe were reduced to starvation and to living in caves and temporary shelters in dread of being captured and killed. They were eventually starved into submission.¹⁶¹

Te Kooti remained militarily active and in July 1870 raided Tolaga Bay (Uawa). In January 1871 Major Ropata set out to clear the Urewera completely of inhabitants.¹⁶² His instructions were to assemble all Tuhoe at Ruatahuna. However almost all the Ruatahuna people were then living at Ruatoki and the government decided to leave them there until Te Kooti was captured.

Te Kooti sheltered in places around Lake Waikaremoana in the winter of 1871. Government troops discovered two of his camps on 7 August. Te Kooti's main camp was found by the Waipaoa stream on 18 August and he only just escaped. Te Kooti

¹⁵⁵ Binney, 'Encircled lands', part 1, p212

¹⁵⁶ 'Papers relative to surrendered natives and expeditions in search of Te Kooti', nd, AJHR, 1871, F-1, p1

¹⁵⁷ Best, v.1, p665

¹⁵⁸ Cowan, v.2 p422

¹⁵⁹ 'Papers relative to surrendered natives and expeditions in search of Te Kooti', nd, AJHR, 1871, F-1 p13 and p20

¹⁶⁰ Ibid, p12

¹⁶¹ Te Roi o te Whenua, p168

¹⁶² Binney, 'Encircled lands', part 1, p233

escaped again on 1 September at Te Hapua when a warning shot was fired, probably by a Tuhoe conscript serving with the government troops. Tuhoe, who had joined the search for him under pressure from the government forces, attacked him at Pukehinau in October 1871.¹⁶³

The Urewera was now under government military occupation. Major Ropata built two redoubts at Maungapohatu and Ruatahuna, which threatened a permanent occupation of the center of the Tuhoe land. To end the occupation Tuhoe handed the Hauhau leader Kereopa Te Rau over to the government in November 1871. Tuhoe joined the hunt for Te Kooti and Tuhoe trackers played an essential part in the pursuit of him. In April 1872 Te Kooti permanently left the Urewera and found refuge in the King Country. With the departure of Te Kooti the war ended for the Tuhoe. It was also the end of the New Zealand wars.

Tuhoe then returned to their homes, either from the centers, such as Ruatoki, that they had been sent to, or from hiding in the mountains. Best says some Tuhoe had returned to Ruatoki in 1871 with Te Urewera hapu being among the first to return. He says Te Mahurehure and some of Ngati Rongo returned around the end of 1873.¹⁶⁴

2.12 Te Whitu Tekau

In June 1872 Tuhoe formed a political union, Te Whitu Tekau or Union of Seventy. Under the union no land was to be sold or leased within the Tuhoe boundaries, there were to be no surveys and no cases were to be taken to the Native Land Court. After some disagreement it was decided to ban the construction of roads. The paths entering the Urewera were to be guarded by the chiefs of each district and carved posts were to be placed on the boundary lines barring entry to all without permission. One post was placed at Ruatoki on the confiscation line. Paora Kiingi was appointed the guardian for the Ruatoki entrance to the Urewera.

Tuhoe continued to claim the land confiscated from them and it was included in the boundaries of the area under its authority established by Te Whitu Tekau.¹⁶⁵ In

¹⁶³ Ibid, p253

¹⁶⁴ Best, p665

¹⁶⁵ Binney, 'Encircled lands', part 1, p274

1872 Tuhoe chiefs, Tutakangahau and Te Makarini, wrote to the government asking for the return of the land confiscated in the eastern Bay of Plenty.¹⁶⁶

Te Whitu Tekau faced pressure from the government over the leasing of land and the construction of roads. Land south of Lake Waikaremoana, to which Tuhoe had a strong claim, was leased to Europeans by Ngati Kahungunu, against Tuhoe wishes. Ngati Manawa also leased land claimed by Tuhoe to Europeans at Te Whaiti.¹⁶⁷ Gilbert Mair had succeeded in leasing land at Galatea which was within Tuhoe territory and by August 1873 Tamaikoha had begun negotiations to lease land at Waimana.¹⁶⁸ Tamaikoha, Rakuraku and Hemi Kakitu and their men all worked on a road from Ohiwa to Waimana, which although it stopped at the confiscation line, made access to the Urewera easier.¹⁶⁹

There was also pressure on Tuhoe to sell parts of the land that remained to them. By December 1873 William Kelly had begun negotiations with Tuhoe the purchase what was then called the Waimana-Ruatoki block.¹⁷⁰ He was informed by Donald MacLean, the Minister of Native Affairs, that there was no objection to his obtaining the part of the land suitable for pastoral purposes provided the government received all the land suitable for agricultural settlement within the block. The government was to obtain the agricultural land at an average rate which Kelly might have to pay Tuhoe himself. Kelly's negotiations for Ruatoki were unsuccessful.

In March 1874 the government representatives attended the Te Whitu Tekau runanga at Ruatahuna. There was discussion of the boundary of the confiscated land and prohibition on roads, leases and the exercise of authority by magistrates within it. The runanga was attended by Captain Frederick Swindley who attempted to lease land at Ruatoki and Waimana. His offer was rejected, although it was supported by Tamaikoha. Swindley was subsequently successful in leasing land from Tamaikoha in the Waimana valley. Tamaikowha wanted to lease land as his hapu had little wealth as it had lost its best agricultural land to confiscation.¹⁷¹ Te Whitu Tekau tried to limit the arrangement by asking for an assurance that the Native Land Court would not be

¹⁶⁶ Ibid, p277

¹⁶⁷ Ibid, p288

¹⁶⁸ Ibid, p289

¹⁶⁹ Miles, p201

¹⁷⁰ MacLean to Wilson, 24 December 1873, MA-MLP 1 1874/230

¹⁷¹ Miles, p228

involved and that no surveys were carried out.¹⁷² This was a compromise of the full control of Tuhoe land which Te Whitu Tekau wanted to maintain. Government agents continued their attempts at Ruatoki and Waimana to gain Tuhoe land through leases.

In 1874-75 J.A. Wilson, now a land purchase officer, entered into negotiations to lease 30,000 acres of land at Ruatoki on a 35 year term. He advanced £50 to Tuhoe but had £30 refunded to him and noted that there was opposition to the lease from certain Urewera chiefs.¹⁷³ He decided it was advisable to leave negotiations for the present. It seems probable from this that the formation of Te Whitu Tekau prevented the loss to Tuhoe of their land at Ruatoki as the leasing of land often led to the sale of the land.

Urewera then had the same status as the King Country, in which the boundary line, or autaki, was accepted by government officials, except in the case of the pursuit of criminals, especially murderers.

2.13 Opouriao and Waimana

On the confiscated land at Opouriao 9000 acres were surveyed and offered to military settlers. Few blocks were taken¹⁷⁴ and in 1873-74 most were purchased as cattle runs. One of the cattle owners was William Kelly who had attempted to lease land at Ruatoki which his herds strayed on to. This was prevented by the ban on leasing maintained by Te Whitu Tekau.

Kelly was one of the founders of the Whakatane Cattle Company, which was formed in 1874. Cattle belonging to the company that grazed south of the confiscation line were sometimes seized by Tuhoe. The cattle were usually returned but one occasion the company sent men to secure the return of cattle and they were turned back at the confiscation line by Te Makarini and men from Ruatoki. Te Ahikaiata and Kereru Te Pukenui were also involved in preventing the unauthorised use of Ruatoki grazing land by the Cattle Company.

Tamaikoha agreed to the leasing of Waimana, the area adjacent to Opouriao, in 1876. He leased 6000 acres of land south of the confiscation line to Swindley in 1877.

¹⁷² Ibid, p230

¹⁷³ J A Wilson, 'Land purchase report to end of May 1875' MA-MLP 1 1875/313, pp28-29

¹⁷⁴ 'Town the troopers rejected', *Bay of Plenty Beacon*, 7 September 1973

Under the agreement the land was to be surveyed and its ownership determined by the Native Land Court. This was contrary to the exclusion of the Native Land Court intended by Te Whitu Tekau. Tamaikoha took his claim to the title to Te Waimana to the Native Land Court in June 1878. Generally Tamaikoha and the other Tuhoe leaders at Waimana, Hemi Kakitu, Te Whiu and Rakuraku, were more amenable to European encroachment than the the Tuhoe leaders at Ruatoki, Te Makarini, Te Ahoaho, Te Ahikaiata and Kereru.¹⁷⁵

In 1878 the first known petition from a person of the Tuhoe tribe about Tuhoe's loss of Opouriao and Waimana was received by the government. It was sent by Te Takiwa Te Wakaunua, who is probably the same person as Hetaraka Te Wakaunu. He asked the Native Minister, John Sheehan, why land had been taken from Tuhoe and given to Ngati Pukeko and Ngati Awa. He requested that Te Puketi, which had been given as a reserve for Ngati Pukeko, and other reserves given to Ngati Awa, and the Ngati Awa hapu Te Patuwai, and to two hapu of Ngati Pukeko, north of the confiscation line and west of the Whakatane River, be restored to Tuhoe. He was seeking in this to undo the Rauporoa agreement between Ngati Pukeko and the government which had preceded the Compensation Court hearing of 1867. Government officials refused to consider the return of the confiscated land and saw the land confiscation as permanent and unalterable.

2.14 The opening of the Urewera

In the 1870s and 1880s Tuhoe, within their tribal boundaries, were governed by their tribal chiefs. The leading chiefs at Ruatoki included Kereru Te Pukenui, Paora Kiingi, Te Makarini, Hemi Kakitu, and Te Ahikaiata. No government officials were present within the Tuhoe rohe potae after the withdrawal of the government troops. The confiscation line became a border which Europeans could not cross without Tuhoe permission. Hetaraka Te Wakaunua informed the Native Minister in 1873 the 'no one here goes by the laws of the Government, not one'.¹⁷⁶

The government left Tuhoe to administer their own affairs for several reasons. The Tuhoe territory was a largely mountainous area and the valleys, which had some

¹⁷⁵ S Melbourne, 'Te Manamanerau a te Kawanatanga', p122

¹⁷⁶ J. Binney, *Redemption Songs ; a life of Te Kooti Arikirangi Te Turuki*, Auckland, Auckland University Press with Bridget Williams Books, 1997, p294

flat land, were of poor quality soil and suited only to pastoral use. The Urewera was not wanted for European settlement, particularly as the land confiscations after the war had made available much fertile land. There was, in the 1870s and 1880s, and even later, little interest in the forestry resources of the Urewera. In addition the government was less concerned with the Urewera than with ending the self-government of the King Country, which was a more central part of the country and through which the main North Island railway line was to run. Isolation and lack of arable land gave the Tuhoe some years of autonomy.

The autonomy of the Tuhoe was, however, of a limited kind. Tuhoe wanted for serious crime were handed over for trial. The autonomy held by Maori under customary law in native districts could not infringe what were in the nineteenth century called 'civilised standards' and which would now be called respect for human rights. While there may have been no Crown government within the Urewera there was Crown government above it and with the power to enforce its authority.

The main European interest in the Urewera came from the belief that the mountains contained gold. Some secret surveying and prospecting for gold took place and in 1885 J.C. Blyth was allowed to explore the Urewera on condition he did no surveying.¹⁷⁷ Other travellers are known to have entered Urewera in the mid-1880s include A. Hamilton, who reached Ruatahuna from Lake Waikaremoana, and a party of foreign tourists who crossed the Huiarau Ranges and went to Ruatahuna and then to Rotorua. In 1886 parts of the Urewera and the surrounding country was covered with ash by the Mount Tarawera eruption

In the same year the Native Minister, John Ballance, visited Whakatane. He went there to discuss the new native committees which were to be established and he told the Tuhoe leaders who met him that a separate district would be made for them.¹⁷⁸ Ballance stated that before such a district could be established it would have to be surveyed and tribal boundaries within the district adjusted.¹⁷⁹ Surveys were usually a prelude to Maori land being taken to the Native Land Court where individual shares in the land were determined. The shares could subsequently be purchased until Maori title was extinguished.

¹⁷⁷ Best, p667

¹⁷⁸ J Binney, 'Encircled lands. Part 2 : A history of the Urewera 1878-1912', p7

¹⁷⁹ Ibid, p11

The Tuhoe leaders Rakuraku Rehua and Tutakangahau informed the government, in 1888, that Tuhoe had formed its own committee to consider proposals for surveys and prospecting. Robert Bush, the resident magistrate at Opotiki, advised the government against recognising the committee, as he believed the majority of committee members would be followers of Te Kooti and seek to obstruct the surveying of the land.¹⁸⁰ Bush was commenting on the return of the influence of Te Kooti to the Urewera in the form of his religious leadership. The prayers, prophecies and religious instructions of Te Kooti came to form the Ringatu faith. This religion had been widely adopted by Tuhoe by the late 1870s, and probably earlier.¹⁸¹ In 1883, or early 1884, Te Kooti called on the Tuhoe to be one people and one land. This was interpreted as a directive to his followers to gather at Ruatoki and live there. Ruatoki chiefs rejected a proposal that Te Kooti should live at Ruatoki but a Tuhoe migration to Ruatoki took place. This had a considerable impact on claims later made to the ownership of Ruatoki as two leading Tuhoe, Te Makarini Tamarau and Te Whenuanui, moved there at this time.¹⁸²

Te Kooti had been pardoned by the government in 1883, as part of the arrangement that opened the King Country to surveying, the Native Land Court and the railway line. In return for opening the borders of their territory the Ngati Maniapoto chiefs had required an amnesty for fugitives sheltering there. Shortly after the pardoning of Te Kooti the followers of a prophet, Te Mahuki Manukura, who opposed the opening of the King Country, took prisoner a surveyor, C. Wilson Hursthouse, and two companions.¹⁸³ They were rescued two days later by Te Kooti and his followers and some Ngati Maniapoto. Te Kooti then asked the government for a grant of land at Orakau. This was never finalised but in 1889 it was proposed to grant him a small block of confiscated land in the Bay of Plenty. Providing land for Te Kooti became part of the negotiations between Tuhoe and the government.

In April 1889 the government sent Samuel Locke, a retired member of Parliament and former resident magistrate at Taupo, to meet a number of Tuhoe leaders at Ruatoki. The purpose of his visit to the Urewera was 'to make such arrangements as would lead to the opening-up that part of this Island for prospecting for gold and other

¹⁸⁰ Ibid, p7

¹⁸¹ Binney, *Redemption Songs*, pp294-296

¹⁸² Urewera Commission minute book 6, 24 April 1902, fols 364 and 376

¹⁸³ J Binney, *Redemption Songs*, p312

minerals and for utilising forests, &c, which are said to contain a large quantity of totara.¹⁸⁴ When Locke was asked the object of his visit by Kereru Te Pukenui he replied that it was to avoid difficulties between Tuhoe and the government by making a proper understanding between them. He mentioned gold prospecting and timber as possible causes of trouble. He wanted a number of chiefs and people Tuhoe could trust to receive letters from the government authorising exploration of the area. He was told in reply that Tuhoe were a secluded people, annoyed at unauthorised surveying going on and concerned that the surveys might lead to an adjudgement of title by the Native Land Court and as a result violent disputes. On the subject of gold Locke was told that Tuhoe did not care about it but would not have people wandering around their country.

Locke's reply, that direct communication with government would clear these problems up, was accepted by Tuhoe. Kereru Te Pukenui and eight others wrote to the government saying they agreed that persons be elected to prevent and to consent to (consider) the desires of Pakeha Maori who had applied to the government to do certain work in the Tuhoe land.¹⁸⁵ This means Tuhoe had agreed to consider applications to explore their land but not necessarily to grant them. The letter also outlined the boundaries of the Tuhoe rohe potae. This agreement does not appear to have led to the granting of permission to any outsider to enter the Urewera and the authority of Tuhoe was maintained the following year when G.F. Richardson, the Minister of Lands and Mines, was turned back at the confiscation line.¹⁸⁶

In 1890 the governor, Lord Onslow, became interested in the Urewera as he had been told government officials were barred from entry and he wanted to visit the area. In February 1891 an invitation was issued by a number of Tuhoe chiefs for the governor to attend a gathering at Ruatoki on 20-21 March. Shortly after the invitation was issued a meeting of Tuhoe confirmed the ban on the entry of Europeans, surveyors and propectors to their land and stated that the invitation extended only to the governor and his party.¹⁸⁷

Lord Onslow met most of the senior chiefs of Tuhoe at Ruatoki. The issue of the confiscated land was presented to him but Tuhoe leaders were particularly concerned

¹⁸⁴ S Locke, 'Report of Mr S. Locke's trip to the Urewera Country', AJHR, 1889, G-6, p1

¹⁸⁵ Ibid, p2

¹⁸⁶ J Binney, *Redemption Songs*, p470

¹⁸⁷ Ibid p445

with regaining some land within the confiscation block. This issue was linked to the granting of land to Te Kooti. The government did eventually grant a small Maori reserve to his followers after his death. Following Lord Onslow's visit to Ruatoki some of the Tuhoe chiefs applied to the Native Land Court for the survey of Ruatoki. This began the direct involvement of the Tuhoe with the institutions of the New Zealand government.

2.15 Summary of Chapter Two

Crown government began in New Zealand with the signing of the Treaty of Waitangi in 1840. Tuhoe did not sign the Treaty of Waitangi but it has been treated as binding on all Maori tribes and on the Crown in its relations with them. Tuhoe became involved in warfare against the Crown in the mid-1860s and were subjected to the confiscation of considerable and valuable territory. The confiscations left Ruatoki immediately south of the Bay of Plenty confiscation line and the refuge of Tuhoe expelled from the confiscated land.

In 1868 Te Kooti came to the Urewera after his defeat on the East Coast and gained the allegiance of most Tuhoe. His subsequent raids on surrounding areas were supported by Tuhoe and provoked government invasions of the Urewera. During the war Ruatoki was under government control from 1869 and was one of the places where Tuhoe were allowed to take refuge or were held to prevent them being recruited by Te Kooti or giving him support. The Tuhoe chiefs had all surrendered by the end of 1871 and with their assistance Te Kooti was driven from the Urewera.

After the war Tuhoe formed Te Whitu Tekau to protect Tuhoe land and maintain Tuhoe self-government. Te Whitu Tekau tried to exclude Europeans from Tuhoe territory by preventing the leasing Tuhoe land and by stopping surveys and prospecting. The belief by Europeans that the Urewera contained gold, and that it should be opened for settlement generally, led to negotiations by government for access to the Urewera for prospectors and surveyors. The negotiations culminated in the visit to Ruatoki in 1891 by the governor, Lord Onslow. After this visit Tuhoe chiefs applied for the survey of Ruatoki. This ended the self-rule of the Tuhoe at Ruatoki and brought to the district the institutions of the New Zealand state.

Chapter three : The survey of Ruatoki and the determination of its ownership

3.1 The 1891 application for the survey of Ruatoki

The survey of Ruatoki took place under the Liberal government which had been in power since 1890 and whose policies included the closer settlement of land. This was to be achieved by breaking up large estates and replacing them with small and medium sized farms. Closer settlement and more intensive agriculture followed the development of refrigeration and innovations in dairying technology, which made possible the export of butter cheese and frozen meat. The Ruatoki blocks included flat land suitable for dairying, by the Whakatane River. The Liberal government brought and sub-divided some large estates but its major land acquisition was the purchase of Maori land. At the start of the Liberal era 40% of the North Island, or nearly 11 million acres, was owned by Maori.¹⁸⁸ The Liberal government resumed Crown pre-emption of Maori land, under which Maori land could only be purchased by the Crown, and introduced legislation to improve the validation of Maori land titles. During the 1890s the Liberal government purchased nearly two million acres of Maori land. This resulted in the loss to Maori of most first class land by 1900.¹⁸⁹

Following Onslow's visit in March 1891 many Tuhoe leaders, including Tamaikoha, Netana Te Rangiihu and Numia Kereru, were reported to have decided to take the Tuhoe tribal lands, which included Ruatoki, to the Native Land Court.¹⁹⁰ This application was made in March 1891 and was the original Tuhoe application.¹⁹¹ It may have been signed by Numia Kereru as he later said that he had the Ruatoki block surveyed. The decision to apply for a survey of the Ruatoki block was followed by a meeting between Te Kooti and the Native Minister, A J Cadman, at Otorohanga in April. Cadman probably saw a need to conciliate Te Kooti before commencing the survey of a Ringatu district. He and Te Kooti agreed that Te Kooti would give up his intention of returning to his home at Turanga (Gisborne) and that the government

¹⁸⁸ J A Williams, *Politics of the New Zealand Maori*, p17

¹⁸⁹ T Brooking, "Busting Up" the greatest estate of all: Liberal Maori land policy, 1891-1911, *New Zealand Journal of History*, v.26, no 1, April 1992, p78

¹⁹⁰ *New Zealand Herald*, 2 April 1891, p4, col 7

¹⁹¹ Binney, *Redemption Songs*, p474

would keep prospectors out of the Urewera.¹⁹² On the subject of the surveys and prospecting in the Urewera Te Kooti asked Cadman to let matters 'remain until it is seen what future action the Tuhoe will take'.¹⁹³ Cadman said he would consult his colleagues in government about a land grant for Te Kooti.

The surveyor A L Foster stated in a letter to Cadman that on 5 November 1891, several chiefs representing the owners of Ruatoki arranged with him for the survey of the Ruatoki block. He said an application for him to survey the block was then sent to the Chief Surveyor in Auckland.¹⁹⁴ On 22 November 1891 Cadman and Te Kooti met at Whakatane and Te Kooti chose a block of land at Te Wainui, near Ohiwa. On the same day, Te Kooti and Cadman met Ngati Rongo leaders at Ruatoki and discussed the survey of the land there, which was to begin on February 1892 and was to be carried out on the application of Netana Te Rangiihu.¹⁹⁵

However after the Tuhoe application was lodged it was found that there were earlier applications for the survey of the Urewera which included Ruatoki. These numbered eight and had been made by Ngati Awa, Ngati Pukeko and Ngai Tai chiefs, except for one by Netana.¹⁹⁶ The old opponents of the Tuhoe people had made applications for the survey of the Urewera, to make a claim to land which included Ruatoki. There were also two applications for the survey of Ruatoki. Both were signed by Netana Te Rangiihu and others, some of whom were Ngati Awa. One application named Henry Mitchell and the surveyor, the other named O.M. Creagh.¹⁹⁷ The existence of non-Tuhoe survey applications put pressure on the Tuhoe leaders to put in their applications and there was a fear that the whole of the Urewera would be taken to the Native Land Court on non-Tuhoe applications. By making their own applications, the Tuhoe chiefs hoped to hire their own surveyors and control events. There was also a struggle for position within the Tuhoe hapu at Ruatoki as Numia Kereru sought to make Ngati Rongo the pre-eminent hapu of the area. This led a majority of Tuhoe to oppose to the decision of some of their leaders to apply for a survey.¹⁹⁸

¹⁹² Ibid, p449

¹⁹³ 'Interview with Te Kooti', *Auckland Star*, 6 April 1891, p6

¹⁹⁴ Foster to Cadman, 3 March 1892, Le 1 1893/165, NA, Wellington

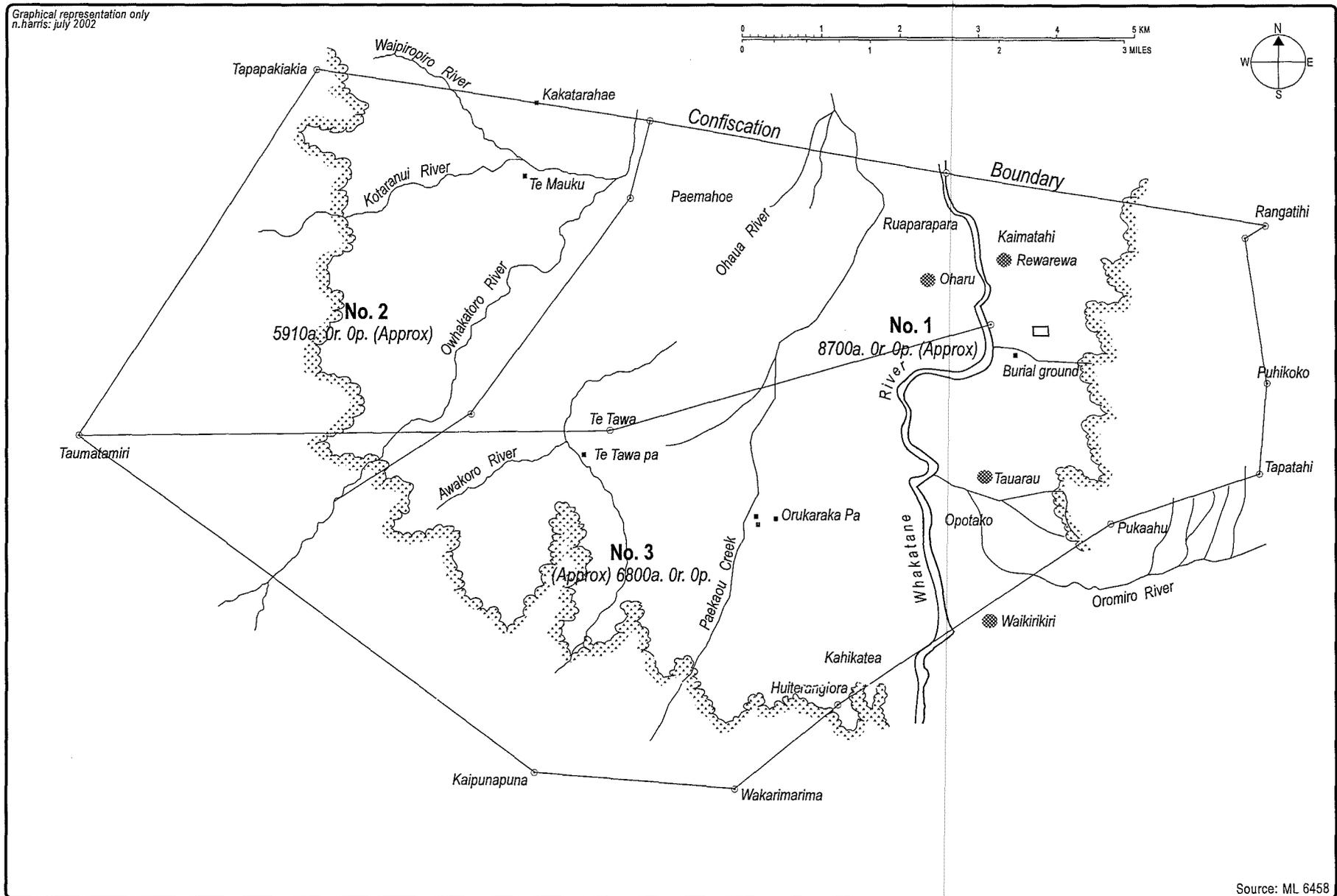
¹⁹⁵ Binney, *Redemption Songs*, p474 and p632

¹⁹⁶ Extract from *The Evening Star*, 11 April 1892, in J 1/1893/515, NA, Wellington

¹⁹⁷ Chief Surveyor to Native Minister, 8 February 1892, J 1/1893/515, NA, Wellington

¹⁹⁸ Binney, 'Encircled lands', part 2, p110

Graphical representation only
n.harris: July 2002



Source: ML 6458

Map 5: Ruatoki survey plan, 1902

3.2 Opposition to the survey of Ruatoki

The chief Te Makarini Tamarau (Tamarau Waiari), who had lived at Maungapohatu and in Opouriao, but was a leader of Ngati Koura, a Ruatoki hapu, opposed the survey of Ruatoki in order to uphold the policy of Te Whitu Tekau. Makarini had come to Ruatoki in accordance with Te Kooti's injunction to Tuhoe to be one people and one land. He now lived at Otenuku in Ruatoki. There was also opposition to Te Kooti and his teachings and his followers at Ruatoki. This was led by Numia Kereru and by Hetaraka Te Wakaunua, who had fought against Te Kooti in the final stages of the war in the Urewera.¹⁹⁹

Makarini and Ngati Koura opposed the survey of Ruatoki at a large meeting there in February 1892. They claimed that the land was theirs and they were opposing the survey which had been requested by Numia Kereru, Kereru Te Pukenui and Hetaraka Te Wakaunua.²⁰⁰ The Ngati Rongo chiefs remained committed to the survey proceeding but opposition to it grew. At a meeting on 17 March 1892 Paora Kiingi and Tamaikoha, two of the original Tuhoe applicants for the Ruatoki survey, joined the opposition, as did Hemi Kakitu, Te Whenuanui, Tutakangahau, Rakuraku and even Kereru Te Pukenui. In changing their position on the survey the chiefs appear to have been acknowledging the opinion of the Tuhoe tribe and seeking to maintain a consensus within the tribe. A letter was signed by 79 Tuhoe saying that the survey was not agreed to and that the chiefs who had applied for the survey were going to abide by the decision of the tribe.²⁰¹ When the surveyor, O M Creagh, and his party set out to begin the survey on 29 March 1892, Tamaikoha and Paora Kiingi cabled Cadman asking that the survey party be recalled. However on 31 March 1892 Numia wrote to Cadman authorising the survey to proceed.²⁰² When Creagh began surveying he had his instruments taken from him and was peacefully sent back over the confiscation line.

¹⁹⁹ Binney, *Redemption Songs*, p476

²⁰⁰ Binney, 'Encircled lands', part 2, p113

²⁰¹ *Ibid*, p114

²⁰² Numia to Cadman, 31 March 1892, Le 1 1893/165, NA, Wellington

The response of the government was to send James Carroll, the member of Parliament for Eastern Maori, to meet Tuhoe. He told them the survey must go ahead as it had been requested but offered to have the survey restricted to the half of the Ruatoki block where it had commenced. He also said that the government could leave it to the Tuhoe leaders to decide how the titles to their lands were to be determined.²⁰³ An *Auckland Star* journalist accompanying Carroll reported that Tuhoe who had applied for the survey of Ruatoki had done so because of disagreements among themselves over the ownership of parts of it.

Te Kooti also sought to mediate with Tuhoe and following his intervention, the survey began again in late May 1892. It was immediately stopped by opponents of the survey, led by Te Makarini. They tore down the trig stations, from which the survey measurements were made, and took away axes from Maori who had been contracted to cut the survey lines through the bush. Cadman wrote to Te Makarini warning him of the risk he and his people were running and saying that although he had no wish to send police to the Urewera, their actions might compel him to.²⁰⁴

Tuhoe delegates took an appeal to the Kotahitanga Parliament then meeting in Waipatu, near Hastings. The Kotahitanga Parliament referred to itself as the Maori Government and its two assemblies of chiefs told Cadman that the survey should not proceed without the agreement of all and asked for the withdrawal of the surveyors.²⁰⁵ Kotahitanga also sent a petition of 400 signatures against the survey to the premier, John Ballance.²⁰⁶ The premier decided to leave the survey of Ruatoki until the end of the parliamentary session.

3.3 Resistance to the Ruatoki survey and the military expedition of 1893

In January 1893 Cadman visited Ruatoki, where the Ngati Rongo chiefs remained determined that the survey they had authorised would proceed. After a meeting with both supporters and opponents of the survey Cadman told Tuhoe that if they could not come to an agreement among themselves in a month he would order the survey.²⁰⁷

²⁰³ Binney, 'Encircled lands', part 2, p116

²⁰⁴ Cadman to Makarini, 14 June 1892, J 1 1893/515, NA, Wellington

²⁰⁵ Kepa Te Whatanui and Henare Tomoana to NM, 29 June 1892, J 1 1893/515, NA, Wellington

²⁰⁶ Binney, 'Encircled lands', part 2, p121

²⁰⁷ Ibid, p123

Creagh, the surveyor, received requests from Numia and Hetaraka Te Wakaunua to proceed with the survey at the end of the month and requests from many other Tuhoe leaders to delay until after a meeting with Te Kooti in March. Creagh began the Ruatoki survey on 27 February 1893. A confrontation took place when Te Makarini had a trig station pulled down in front of Numia, who had ordered it be put up. Te Makarini asked Creagh to wait until Te Kooti arrived but he proceeded with the survey and sent a warning to Te Kooti that, if necessary, the survey would be enforced by the police.²⁰⁸

Te Makarini, Paora Kiingi and Te Ahikaiata led another protest against the survey on 6 March 1893. They again asked Creagh to wait for the arrival of Te Kooti, who was then travelling to Ruatoki from his home near Otorohanga. When Creagh refused to stop, women from among the crowd of protesters removed his surveying equipment. This was a non-violent act which stopped the survey. On 8 March 1893 armed police and a contingent of the Auckland Permanent Artillery were ordered to Ruatoki.²⁰⁹ Four Tuhoe chiefs, Te Makarini, Paora Kiingi, Te Ahikaiata and Puketi, and 12 women were arrested. The chiefs were convicted on 18 March under the Justice of the Peace Act 1882, section 49, of which provides for the prosecution of abettors of criminal acts.²¹⁰ They, and the 12 arrested women, were also sentenced to a month in gaol and sent to Mount Eden gaol in Auckland. On the same day Numia assured Cadman of his support for the survey.²¹¹

Tuhoe came to Ruatoki from Waimana, Maungapohatu and other parts of the Urewera to oppose the survey. A huge meeting decided to continue obstructing the survey.²¹² Creagh's next attempt at surveying, on 22 March, was confronted by about a hundred Tuhoe and was stopped when two women took the tripod of the theodolite.²¹³ Two trig stations were destroyed during the night. Despite the size of the protest, Creagh reported on 23 March that two of the leading chiefs opposed to the survey, Tamaikoha and Rakuraku, had withdrawn from the opposition.²¹⁴

²⁰⁸ Ibid, p124

²⁰⁹ Ibid, p125

²¹⁰ A.J. Sisam to Cadman, 20 March 1893, Le 1 1893/165, NA, Wellington

²¹¹ Numia to Cadman, 18 March 1893, Le.1 1893/165, NA, Wellington

²¹² 'The Urewera Natives and the surveys', *New Zealand Herald*, 22 March 1893,

²¹³ 'Survey Party stopped by women', *Auckland Star*, 23 March 1893, p9, col 4

²¹⁴ Creagh to Cadman, 23 March 1893, J 1 1893/515, NA, Wellington

On 24 March 1893 a message was received from Te Kooti asking Tuhoe to end the protest and to allow the survey to proceed.²¹⁵ He had, however, been injured in an accident which delayed his arrival. After receiving Te Kooti's letter two leaders of the Tuhoe protest against the survey, Tamaikoha and Rakuraku, offered a compromise under which a survey would be made of a small block of land on the western side of the Whakatane River. The compromise was refused by the government's representative, the magistrate George Wilkinson, who had been instructed by Cadman to insist on the ending of all Tuhoe obstruction of the survey. Wilkinson was also instructed to threaten that if Tuhoe opposition to the survey continued the confiscation line would be moved further into Tuhoe territory.²¹⁶ Tuhoe chiefs were also threatened with the withdrawal of the pensions they received from government.²¹⁷

Te Kooti arrived at Ruatoki on 29 March 1893. There was no discussion of the survey as he, and Tuhoe, were concerned with activities connected to the funeral rites of two Tuhoe chiefs, Te Whenuanui and Tumeke Paora Kingi. However summonses for Tuhoe who had prevented Creagh's survey on 22 March had been issued and leaders of the opposition to the survey were becoming concerned over the possibility of large-scale repression. A repeat of the events at Parihaka in south Taranaki in 1881 may have seemed imminent. Wilkinson considered that both Te Kooti and Tuhoe 'knew matters had reached an acute stage'²¹⁸ Te Kooti returned to Ohiwa and on 10 April sent a letter of support for the survey to Netana Te Rangiihu,²¹⁹ the Ngati Rongo chief who made the survey application. Following this, surveying began on 13 April 1893 and proceeded without opposition.²²⁰ Shortly after, on 17 April, Te Kooti Arikirangi Te Turuki died at Te Karaka, on the shore of Ohiwa harbour.

Henare Tomoana again organised a petition to the governor which stated the Maori people were aggrieved over the arrests at Whakatane (meaning Ruatoki) and also at East Cape,²²¹ where 17 Maori had been arrested for obstructing a government survey. Mr T M Humphreys, the defence lawyer for the arrested Tuhoe, wrote to the *Herald* on 28 March 1893. In defence of his clients he pointed out that the survey was not a government survey and that Creagh was not a government surveyor. Humphreys

²¹⁵ Te Roi o te Whenua, p214

²¹⁶ Cadman to Wilkinson, nd, J 1 1893/515, NA, Wellington

²¹⁷ Binney, 'Encircled lands', part 2, p125

²¹⁸ Wilkinson to Cadman, 29 March 1893, J 1 1893/515, NA, Wellington

²¹⁹ Binney, 'Encircled lands', part 2, p127

²²⁰ Ibid, p127-8

said Creagh had been suddenly sent to Ruatoki in February the previous year to carry out a survey applied for by some Maori some years earlier. The application had been unnoticed and unattended to for several years. Humphreys said his clients were asking why there was a sudden need to survey their land? He added that Creagh was warned he would be obstructed in February 1892 and that when James Carroll met Tuhoe after the February 1892 survey obstruction, it had been agreed that the survey would take place within a certain boundary. Creagh had broken an agreement some Tuhoe thought they had made when he recommenced surveying in 1893. Humphreys said Cadman had told a recent meeting at Ruatoki that the survey would go through and if 20 policemen were not enough he would send a hundred. The Tuhoe, according to Humphreys, expected the survey to cost £400 or £500, which they did not have. They thought this would mean the loss of some of the Ruatoki land to cover the survey cost and as Ruatoki was the only fertile valley land Tuhoe had 'they feel keenly the prospect of losing any of it'.²²² Other concerns of Tuhoe that Humphreys mentioned were that the application for the survey had been made by a hapu who were considered to have little or no claim to it and that the names of some chiefs had been added to the survey application without authority. The hapu referred to was Ngati Rongo, whose claim to an exclusive right to Ruatoki by descent from Rongokarae was opposed by other Tuhoe hapu as Rongokarae was said to be either of Ngai Te Rangi, or Ngati Awa, and he only had a claim to land at Ruatoki by marriage to two women of the original peoples of the area. Humphrey concluded by saying that the government's support for the private survey of a private surveyor, at the point of the bayonet, was inexplicable.

There were pressures on the Government to insist on the survey. There were other disruptions of surveys in other parts of the country and the Government wanted to maintain control and discourage an escalation in protests. Under the Native Land Court Act 1886, section 17, any Maori claiming to be an owner of native land could apply to the Native Land Court for a survey of the area claimed and an investigation of title. Any claim could be heard on the application of one claimant and the other customary owners, even if opposed to the land's ownership being determined by the Native Land Court, were required to attend the Court's hearings, give evidence and

²²¹ 'Petition to Governor', *New Zealand Herald*, 25 March 1893, p5, col 2

²²² 'The Urewera survey dispute', *New Zealand Herald*, 28 March 1893, p5, col 2

either accept the Court's determination or appeal against it.²²³ This accelerated the Government's acquisition of Maori land. The Government needed Maori land so it could make land available for European settlement and to finance capital works, which were largely financed by the re-sale of cheaply acquired Maori land.²²⁴ In the early 1890s, the Kotahitanga movement was organising Maori opposition to the loss of land and rangitiratanga on a national basis, which gave the Government an even greater motive to maintain its authority by repressing Maori resistance.

The charges against the 13 men and two women who had been issued with summonses for their obstruction of the Ruatoki survey on 22 March were heard in the Whakatane court on 10 April 1893. They were all fined either £10 or £15 under the Land Act 1885,²²⁵ section 11 of which allows for fines up to £50 for obstructing surveys. The 17 Maori arrested at East Cape were given fines of £40 or three months gaol in Auckland, for a similar offence.²²⁶ The lower fines for Tuhoe may reflected the greater support opposition to surveying had among Tuhoe chiefs compared to the East Coast where Major Ropata, now a Member of the Legislative Council, supported the survey. The Whakatane court issued arrest warrants for the eight Tuhoe who had not attended the court. They, and other opponents of the survey, withdrew to Ruatahuna.²²⁷

On 13 June the court at Whakatane heard requests for leniency. It was not attended by any of the Tuhoe who had been charged. Instead they sent a message that they could not pay the fines, which were severe by the monetary value of the time, and that they feared imprisonment as the fines were instead of gaol. Because of the non-attendance at the court the earlier halving of the fines by the Justice Department was rescinded. The case continued for two years with the Tuhoe involved remaining in the mountains as they feared arrest.

The survey of Ruatoki had been opposed by the hapu Ngati Koura, Hamua and Ngai Tawhaki. The survey of Ruatoki appears to have been made on the application of Netana Te Rangiihu but it was made with the support of leaders of Ngati Rongo. Numia Kereru, under the name Renata Numia, stated at the Native Land Court

²²³ D V Williams, *'Te Kooti Tango Whenua': The Native Land Court, 1864-1909*, Wellington, Huia Publishers, 1999, p265

²²⁴ A Ward, *National Overview*, vol 2, Waitangi Tribunal Rangahaua Whanui Series, 1997, p253

²²⁵ S. Percy Smith to Creagh, 21 March 1893, Le 1 1893/165, NA, Wellington

²²⁶ 'East Cape survey trouble', *Auckland Star*, 24 March 1893, p3, col 6

hearing that he had had the block surveyed.²²⁸ Also Numia referred to the survey in a letter to Cadman as 'Ngatirongo's survey'.²²⁹ The survey involved a dispute between Tuhoe hapu over the ownership of Ruatoki. Numia stated that in a letter to Cadman in February 1892 that Kereru Te Pukenui, Hetaraka Te Wakaunua and himself and their hapu, which was Ngati Rongo, were in favour of carrying out the survey. He said their application for the survey was in consequence of a dispute with Te Makarini's hapu, Ngati Koura, who had declared that the land belonged to them. Ngati Rongo, he stated, say the land is theirs and they had decided the matter should be decided by law.²³⁰ Ngati Koura, Hamua and Ngai Tawhaki had opposed the survey,²³¹ as had the hapu Ngai Tama, Ngati Karetehe, Te Whakatane, and Ngai Tamariwai.²³² Opposition to the survey by members of these hapu ended in late March 1893, after the military expedition had made arrests and Tuhoe leaders had become concerned over the extent of the repression the Government was prepared to undertake. The survey was to be followed by the adjudication of the ownership of Ruatoki by the Native Land Court. At the Court Ngati Koura, Hamua and Ngai Tawhaki and the other hapu would dispute the claim to sole ownership made by Ngati Rongo.²³³

The investigation of the title of ownership of Ruatoki began in the Native Land Court began on 9 December 1893.²³⁴ The Court hearing was held at Whakatane under Judge Scannell. Numia asked that Ruatoki be heard after Matahina as there were many disputes and gave notice of a meeting to be held at Ruatahuna on 1 March to discuss the boundaries of all the Tuhoe lands. Kereru also requested an adjournment of the investigation of Ruatoki as only part of it had been surveyed. The Court then adjourned the hearing.

3.4 Premier Seddon's visit to Ruatoki

The premier, Richard Seddon came to Ruatoki on 2 April 1894, after visiting a number of Maori centres in the North Island. He was accompanied by James Carroll

²²⁷ Binney, 'Encircled lands', part 2, p127-8

²²⁸ Otorohanga Native Land Court minute book 22 (Judge Scannell minute book 36), fol 204

²²⁹ Numia to Cadman, 23 May 1893, Le 1 1893/165, NA, Wellington

²³⁰ Numia to Cadman, 24 February 1892, Le 1 1893/165, NA, Wellington

²³¹ Netana Rangiihu and Erueti Tamaikowha to Cadman, 2 June 1893, Le 1 1893/165, NA, Wellington

²³² Paora Kiingi and Tuhoe Katoa to Cadman, 13 February 1893, J 1 1893/515, NA, Wellington

²³³ Binney, 'Encircled lands', part 2, p126

²³⁴ Judge Scannell Native Land Court minute book 36, 9 December 1893, fol 14

and was welcomed by most of the leaders of Tuhoe. Following the welcome Seddon was told by Numia Kereru that Tuhoe had held a meeting from 1 February to 4 March in preparation for his visit. The meeting had been held at Taurarau and it had resolved the Tuhoe position on the issues facing them by making a number of decisions. Kereru informed the Premier of the decisions of the meeting. These were, firstly, that the territorial boundary of the Tuhoe lands had been determined but that internal surveys of the land within the boundary would not be consented to at that time. Secondly prospecting, specifically the searching for gold, was not agreed to. Thirdly there would be no agreement to the sale of land. Fourthly the laying off of roads would not be agreed to and fifthly the leasing of Tuhoe land was prohibited. The making of maps was also not agreed to. Tuhoe also intended to establish committees 'to deal with trouble that may arise in reference to their lands.'²³⁵ Kereru told Seddon that Tuhoe wished to keep the administration of affairs relating to their lands and that they had watched what had happened to other tribes and had seen them reduced to landlessness. He referred to Seddon as an advocate of progress but said Tuhoe did not believe in a temporary prosperity. These resolutions show that by 1894 Tuhoe were already familiar with the effects of Crown policies and of surveys and Native Land Court title investigations and wished to avoid the loss of land and control of affairs by Maori that had resulted from them in other areas.

In reply Seddon said that under the old state of affairs Tuhoe held their land as long as they were powerful enough to do so. He noted how few the Tuhoe were and asked how they could hold their lands against the races of the world and added that the government was the only protection Tuhoe now had. If, he said, the government was to maintain Tuhoe in their lands the government needed to know where the lands were. The government needed to be able to settle disputes and to do this it was necessary to ascertain ownership of land and give it to the rightful owners. This, Seddon said, could only be done by law and the committees Tuhoe were proposing were not supported by the law. He concluded that only the Native Land Court could firmly establish Tuhoe on their land.²³⁶

Numia then said that the first thing the Native Land Court did was to have a survey made of the land before it. Then a portion of the land was taken by the

²³⁵ 'Pakeha and Maori. A narrative of the Premier's trip through the native districts of the North Island', AJHR, 1895, G-1, p52

government to pay for the survey. After the issue by the Court of Crown land grants some of the Maori owners would sell their land and become landless. This was caused partly by taxes placed on the land. For these reasons Tuhoe was against surveys and the Native Land Court. Numia wanted a Tuhoe committee to investigate land ownership. In reply Seddon suggested a further meeting in Wellington and said that he would ensure that the Native Land Court investigation of Ruatoki would be held at Ruatoki. The meeting concluded with the presentation to Seddon of a taiaha named Rongo-karae. The presentation, and Seddon's invitation to Tuhoe leaders to continue discussions in Wellington, represent a recognition by both Crown and Tuhoe of a need for a developing relationship, involving conciliation and compromise.

3.5 The 1894 Native Land Court Ruatoki title determination

Despite the misgivings of Tuhoe, the Native Land Court title investigation of Ruatoki re-commenced at Whakatane on 30 April 1894. Seddon's promise that the investigation would be held in Ruatoki appears to have been interpreted to mean the nearest large town to Ruatoki. The area of the block was 21, 450 acres and the whole area was claimed exclusively by Ngati Rongo. The Ruatoki block had now been fully surveyed and the number of the survey plan, ML 6458, was recorded by the Court.²³⁷

The hearing began with Netana Rangiihu of Ngati Koura,²³⁸ stating that the survey of the block had been made on his application but the survey had not been completed because of interference by the tribe. Netana asked to be made the claimant. Tiaki Rewiri and other unnamed applicants stated they had had the survey made and also appear to have asked to be the claimant. The Court stated that the claimants were to be those who had really the survey carried out. This was considered by the Court to have been the Ngati Rongo chiefs as they were recognised by the Court as the claimants to the Ruatoki block. It appears from the record of the beginning of the hearing that all the applicants for a survey of Ruatoki were considered to have also applied for the investigation of its title and the Court decided which of them should be the claimant. The others became counter-claimants.

²³⁶ Ibid, p53 and p56

²³⁷ Judge Scannell Native Land Court minute book 38, 30 April 1894, fol 142

²³⁸ Opotiki Native Land Court minute book 1, 17 June 1878, fol 57

The Ngati Rongo claim was presented to the Court by Hetaraka Te Wakaunua. He claimed Ruatoki for Ngati Rongo by descent from their ancestor Rongokarae, by conquest by the descendants of Rongokarae and by occupation. He said that before Ngati Rongo conquered all of Ruatoki they held the part of the block west of the Whakatane River, Ngati Raka had owned the land east of the river and descendants of Tuhoe-potiki and Tanemoeahi had owned land on the western side at Owhakatoro. Ngati Rongo had subsequently driven out Ngati Raka and conquered the land east of the river. Ngati Rongo had also conquered Owhakatoro.²³⁹ He admitted Ruatoki was deserted by for a time by Ngati Rongo but was re-occupied by that hapu and he asked the Court to award the block to Ngati Rongo.

The 13 counter-claimants were from other Tuhoe hapu and from Ngati Awa and Ngati Pukeko. The counter-claimants claimed the land by descent from numerous ancestors, including Toi, Te Hapuoneone, Turanga, Ueimua, Tanemoeahi, Tuhoe-potiki, Te Kapo-o-te-rangi and Tawhiwhi and they denied that descent from Rongokarae gave an exclusive right to the ownership of Ruatoki.

Te Korohiti Te Ratahi claimed on behalf of Te Urewera, a hapu of Tuhoe, and said Ngati Rongo also had a right as they belong to Tuhoe, who had a right to the land generally. Tamati Waaka claimed the land west of the Whakatane River for Ngati Pukeko. Te Kaha Akuhata claimed the whole block for the hapu Mahurehure. Tiaki Rewiri claimed the whole block for Ngati Awa. Te Whiu Maraki claimed parts of the block for the hapu Ngati Turanga and Ngati Raka although part of this claim was dropped during the hearing as having been made in error. Tarakawa Paerau claimed parts of the block for Ngati Raka. Mehaka Tokopounamu claimed part of the block west of the Whakatane River for Ngati Tawhaki. Paora Kingi claimed on behalf of Ngati Rongo and Ngati Raka. Te Waaka Te Ranui claimed a small part of the block at the southern end for Ngai Te Kapo. Netana Rangiihu claimed the whole block on behalf of Ngati Koura and Te Whakatane hapu of Tuhoe but he did not claim an exclusive right and said that all Tuhoe had a right in the land. Penetito Hawea claimed part of the west of the block on behalf of Ngati Pukeko and part of the south-east on behalf of Ngai Te Kapo. Raima Hinera made a claim for the hapu Te Kareke which was later specified as being for certain parts of the block. Erueti Tamaikoha entered a

²³⁹ Judge Scannell Native Land Court minute book 38, (also called Opotiki NLC minute book 22), 30 April 1894, fol 143

claim for parts of the block after the case had begun for the hapu Ngati Koura and Ngati Paraheka.

The debate over Ruatoki in the Native Land Court had two parts. Firstly, Ngati Rongo's claim to exclusive ownership of the block was opposed by other Tuhoe hapu and secondly, all Tuhoe opposed the claim to the block by Ngati Awa and Ngati Pukeko.

The first witness to be heard was Utiera Tuau of the Tuhoe hapu Hamua, Te Urewera, Ngati Turanga and other Tuhoe hapu. He described the killing of Ueimua by which Tuhoe conquered Ruatoki and Tuhoe's successful defence of their territory when Te Whana-peke defeated Ngati Pukeko and its allies. In this he opposed Ngati Awa and Ngati Pukeko claims to Ruatoki. Utiera then said the Tuhoe hapu Ngati Koura, Te Mahurehure, Hamua, Ngati Mura, Ngati Korokaipapa and Ngati Tawhaki all had kainga on the block and had rights there on the same grounds. He agreed Ngati Rongo had a claim to the block but their claim was as part of Tuhoe, not as an exclusive right from Rongokarae, whose rights on the blocks derived from his wives.²⁴⁰ He denied Ngai Te Kapo had any right to any part of the block and said they lived on the block under the mana of Tuhoe.²⁴¹

Kereru Te Pukenui said in support of his claim for the exclusive ownership of Ruatoki that his ancestor Rongokarae inherited the Ruatoki land east of the Whakatane River from Toi, and conquered Owihakatoro from the Maruiwi people. This, he maintained, gave Rongokarae ownership of the whole block and Ngati Rongo had continuously occupied since his time apart from four temporary departures.²⁴² In claiming exclusive ownership he said that the other Tuhoe hapu had only lived on the block since the end of the Pakeha war, which was around the year 1870, and were living there without the right to. This was disputed by Netana Rangiihu, of Ngati Koura, who said he was living at Ruatoki in 1845, and by Te Makarini Tamarau, who said Te Urewera hapu lived at Ruatoki until 'the Pakeha war'.²⁴³ There was conflict between Ngati Rongo and Ngati Koura after the war ended and the hapu returned to Ruatoki, with Ngati Koura being driven from Tauarau and an attempt to dislodge Makarini from Otenuku, which he occupied in 1879.

²⁴⁰ Ibid, 4 May 1894, p200

²⁴¹ Ibid, 3 May 1894, fol 184

²⁴² Judge Scannell Native Land Court minute book 43, 30 August 1894, fol 18

²⁴³ Judge Scannell Native Land Court minute book 41, 24 July 1894, fol 271

Numia Kereru tried to co-opt other Tuhoe chiefs into the Ngati Rongo claim. He asked Te Kaha Akuhata why he did not make his claim to Ruatoki as a member of Ngati Rongo, as he was descended from Rongokarae. Te Kaha Akuhata replied that Rongokarae had no claim to the land as his interest was only from his wives. Te Kaha Akuhata claimed the land from Tuhoe and from two ancestors who lived on the land before the Mataatua canoe arrived, Te Urukimai and Te Rangipukakahi. Other Tuhoe chiefs, including Rakuraku Rehua denied that Rongokarae was descended from Toi.

Utiera Taua told the Court that the following hapu lived at these locations on, or near Ruatoki: Ngati Rongo lived at Te Rewarewa and Tauarau; Ngati Koura lived at Otenuku; Te Totara and Te Waitapu; Te Mahurehure lived at Tawhero; Te Whakatane and Hamua lived at Rotokuihi; Ngati Korokaiwhenua lived at Rotokuihi and Te Takapau; Urewera lived at Te Rewarewa; Ngati Muriwai lived at Orangiteipu; Ngai Turanga at Te Waitapu; and Ngati Tawhaki lived at Tuhua. He also said Ngati Mura had a kainga on the Ruatoki block and that a hapu called Te Aitanga-a-Tanemoeahi lived near Tuhua and at Rotokuihi and were contending for the land.²⁴⁴

Other evidence indicates that Ngati Koura lived at Maringi-a-wai, Orangitepu, Otemaire and Tuhua; Ngati Rongo at Ohotu, Orakaiwhaia, Te Takapau, Waikirikiri, Ohaua, and formerly at Te Tawhero; and Te Whakatane at Tuhua. Te Mahurehure were said to live at Opiki and Tuhua; Te Urewera and Ngati Tawhaki at Ngahina; and Ngati Mura and Hamua at Waikirikiri.

The evidence of hapu occupation at Ruatoki is incomplete and debateable and gives little indication of how long hapu had occupied the locality. Otenuku, for example, had in 1894 been quite recently occupied by Ngati Koura. Tuhoe hapu were intermingled in their occupation of Ruatoki and it was stated by Te Kaha Akuhata that there were no boundaries between the Tuhoe hapu, although there had been boundaries in ancestral times.²⁴⁵

The case for Ngati Pukeko for the part of the block west of the Whakatane River was put by Werahiko Tamaiarohi and Tiaki Rewiri. They claimed from descent from Te Irataketake, the son of Ueimua and claimed he had avenged the killing of Ueimua by driving Tuhoe, Tanemoeahi and their people from Ruatoki. Werahiko claimed that

²⁴⁴ Judge Scannell Native Land Court minute book, 38, 2 May 1894, fol 159, 3 May 1894, fol 169 and 4 May 1894, fols 194-5 and 199

²⁴⁵ Judge Scannell Native Land Court minute book 39, 5 June 1894, fol 308

the Tuhoe people were driven away to Ruatahuna and Maungapohatu and that the battles fought between Tuhoe and Ngati Pukeko were fought at Ruatahuna and Maungapohatu and Te Whaiti and not at Ruatoki.²⁴⁶ This was an obviously biased account of the wars between Tuhoe and Ngati Pukeko and Ngati Awa and he made it to imply that Tuhoe had not historically lived at Ruatoki. He and Tiaki Rewiri held that Tuhoe did not return to Ruatoki until they were invited to do so by Ngati Pukeko after peace had been made (which was by the tataupounamu in c1834).²⁴⁷

The concession by the Ngati Awa and Ngati Pukeko claimants that Tuhoe lived at Ruatoki from the 1830s was sufficient for Judge Scannell to dismiss the claims of Ngati Awa and Ngati Pukeko in his decision on the ownership of Ruatoki of 25 September 1894. He stated the Native Land Court had laid down a rule that the persons who were the undoubted owners of land when British law was established in 1840 (by the Treaty of Waitangi) were the rightful owners. The Court, he said, assumes persons in occupation in the present day, or their ancestors, were in occupation in 1840, unless evidence is presented disproving this. The arguments put forward by Ngati Awa and Ngati Pukeko, and by Ngati Raka and Te Kareke, were based on events in the remote past and were irrelevant.²⁴⁸

Te Waaka Ranui claimed a small part of the block, on the eastern side of the river, commencing at Te Rautawhiri, on behalf of Ngai Te Kapo. He admitted his kainga was just outside the boundary of the block but stated his cousin Makarini Te Huru had a house within the block.²⁴⁹ Later in the hearings Kereru Te Pukenui, the Ngati Rongo chief, denied Te Waaka Ranui's claim and said that Ngai Te Kapo living on the Ruatoki block did so as Ngati Rongo and not by right of Te Kapo. He implied that he was himself of Ngai Te Kapo.²⁵⁰

Judge Scannell dismissed the claim from Ngai Te Kapo hapu, and a similar claim from Ngati Turanga, to parts of the block, as he concluded that no part of their lands were within the Ruatoki block.²⁵¹ Ngai Te Kapo originally owned land at Te Hurepo.²⁵² People of Ngai Te Kapo were included in the ownership of Ruatoki as

²⁴⁶ Ibid, 7 May 1894, fols 247 and 253

²⁴⁷ Ibid, 7 May 1894, fol 275

²⁴⁸ Ibid, 25 September 1894, fol 157-158

²⁴⁹ Judge Scannell Native Land Court minute book 41, 6 June 1894, fol 35

²⁵⁰ Judge Scannell Native Land Court minute book 43, 31 August 1894, fol 33

²⁵¹ Ibid, 25 September 1894, fol 165

²⁵² Best, p386

members of Te Mahurehure and Ngati Rongo, to whom they were closely related. The claim for Ngati Paraheka, made by Erueti Tamaikoha, was dismissed as having insufficient evidence, although the part of Tamaikoha's claim made for Ngati Koura was included in the general Tuhoe claim.

In his decision on the claims of the Tuhoe hapu Judge Scannell dismissed the Ngati Rongo claim to have conquered the Owhakatoro part of the block from other descendants of Tuhoe-potiki and awarded Owhakatoro to Tuhoe who could prove occupation.²⁵³ He did not accept, however, the claim of Korohiti Te Ratahi and Netana Rangiihu that Ruatoki belonged to all of the Tuhoe tribe. He decided that Ngati Rongo held separate interests, although it was closely allied to Tuhoe. Ngati Koura, Te Whakatane and some other hapu had shown an entitlement and Judge Scannell asked for a list of these to be drawn up by Netana Rangiihu and Erueti Tamaikoha.

Judge Scannell awarded the western part of the block to Ngati Koura and other descendants of Tuhoe who could prove occupation. The remainder of the block, east of a boundary line given to the Court by Te Kaha Akuhata, was awarded to Ngati Rongo and the hapu Te Mahurehure, which was considered to be part of Ngati Rongo. The hapu Ngati Tawhaki, was included as having joint ownership in the part of the block they had claimed.²⁵⁴ This was an area adjoining the western bank of the Whakatane River. The descendants of Tuhoe who were awarded Owhakatoro are referred to as the Tuhoe or Te Urewera hapu.

The Court's decision on Ruatoki was a victory for Tuhoe and a defeat for Ngati Awa and Ngati Pukeko. Within Tuhoe the decision was a compromise which recognised Ngati Rongo, Te Mahurehure, Ngati Tawhaki, Ngati Koura, and some Te Whakatane and as having ownership rights. The hapu named in evidence to the Court as living on the Ruatoki block but not recognised by the Court as having separate ownership rights were Hamua, Ngati Mura, Ngati Korokaiwhenua, Ngati Muriwai, Ngai Turanga and Te Aitanga-a-Tanemoeahi. It is probable that some claimants to Ruatoki ownership rights from these hapu were included in ownership lists as members of other hapu, as Tuhoe frequently belonged to more than one hapu, and as

²⁵³ Judge Scannell Native Land Court minute book, 25 September 1894, fol 170 (document bank no. 8)

²⁵⁴ *Ibid*, 25 September 1894, fol 171 (document bank no. 8)

there were no subsequent appeals for the inclusion of these hapu in the ownership of Ruatoki.

After the decision, the Court continued to hear evidence for inclusion in the ownership lists and to decide relative interests. This was interrupted on 27 November 1894 by Hemi Kopu, a Ngati Koura leader, who informed the Court of a confrontation at Ruatoki. Ngati Koura had cultivated land at Owhakatoro and Ngati Rongo had gone there to turn them off.²⁵⁵ The decision of the Court had been that Ngati Koura could be included in the ownership list for Owhakatoro if they could prove occupation. Ngati Rongo were attempting to drive them off to prevent them from doing so. The cultivation in question belonged to Te Makarini Tamarau. He and Hemi Kopu were cousins and both had applied to the Court for inclusion in the list of owners. It was suggested by Te Kaha Akuhata that the dispute should be held over until the Court's decision on their inclusion. Judge Scannell stated that persons dissatisfied with his decision could apply for a rehearing of the case. His decision gave shares in the ownership of Ruatoki No.1 block to 322 Tuhoe, Ruatoki No.2 to 380 Tuhoe and Ruatoki No.3 to 408 Tuhoe.²⁵⁶

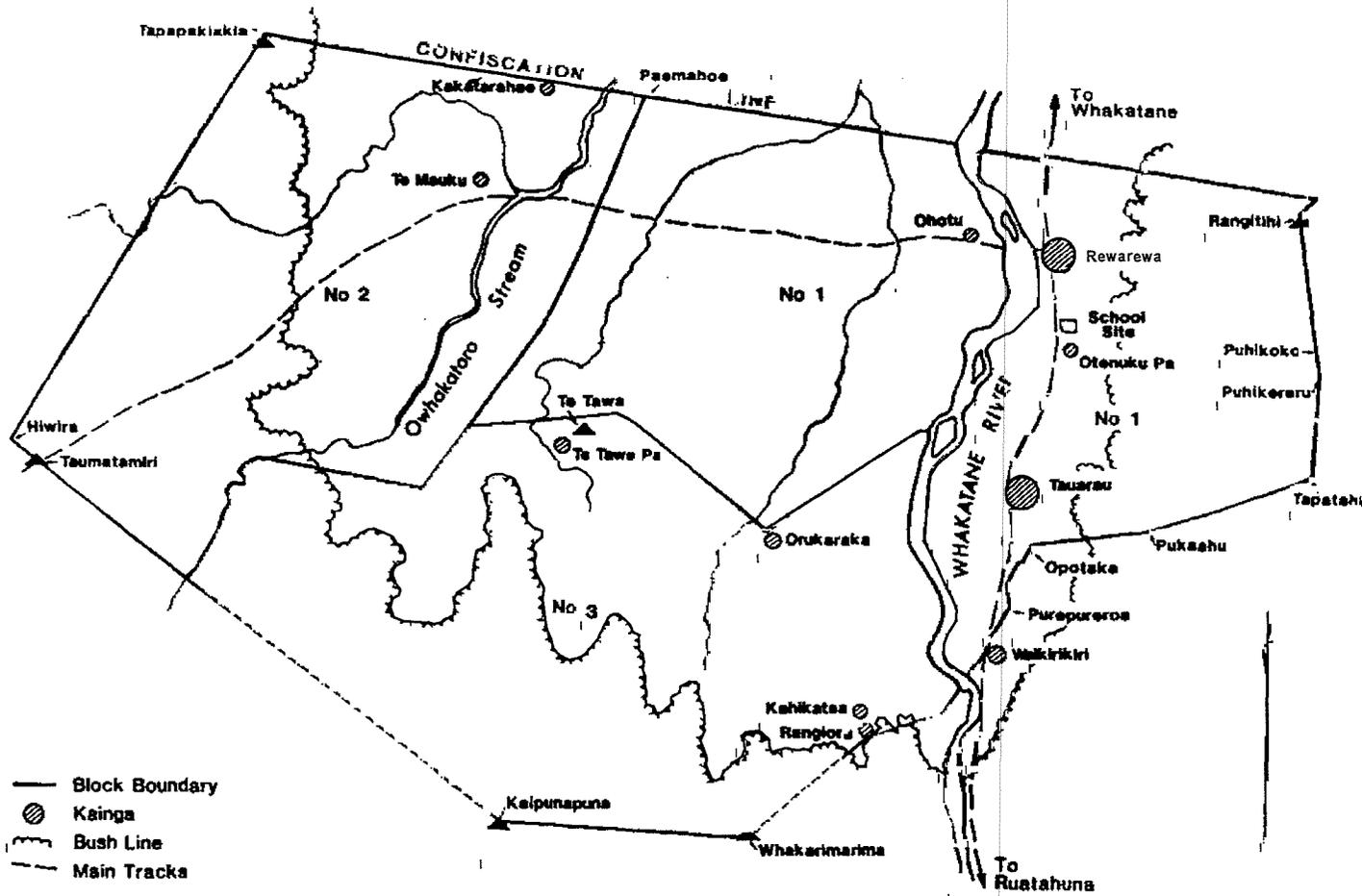
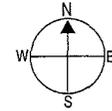
3.6 The first Native Land Court partition of Ruatoki

On 4 December 1894 the Native Land Court partitioned the Ruatoki block into four parts. These became Ruatoki No. 1 block, of 8,735 acres; Ruatoki No. 2 block, of 5,910 acres; Ruatoki No. 3 block, of 6,800 acres; and a school site of five acres. The Ruatoki blocks Nos 1, 2 and 3 were awarded to the persons found to be entitled by the decision of 25 September 1894. Ngati Rongo and Te Mahurehure were awarded the whole of Ruatoki No.1, which comprised the land east of the Whakatane River and the northern part of the central area of the parent Ruatoki block west of the river. This block contained most of the Ruatoki land suitable for farming. Ngati Koura, and other Tuhoe hapu who could prove occupancy, received the land west of the boundary line given to the Court by Te Kaha Akuhata, which began at Paemahoe and ran east of the Owhakatoro Stream and reached the block's southern boundary at the stream's headwater.

²⁵⁵ Ibid, 27 November 1894, fol 48

²⁵⁶ DFG Barclay and P Ngata, 'The Urewera District Native Reserve', 10 June 1907, AJHR, 1907, G-4A, p2

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Source : ML 6458 ML 6576



Source: Stokes, Milroy, Melbourne 1986 p135

Map 6: Partition of Ruatoki block, 4 December 1894

This became Ruatoki No.2 and was the western part of the old block. Ruatoki No.3 block comprised the land in the center of the original block, west of the Whakatane River, where Ngati Tawhaki had established a claim. Ngati Rongo and Te Mahurehure were among the Tuhoe hapu to whom ownership of Ruatoki No.2 and No.3 blocks were awarded, as members of these hapu were among those who could show a right from occupation and ancestry.

The 4 December 1894 partition of the Ruatoki block was made using the survey map ML 6458 which had been presented to the Court when the Ruatoki hearings began in April. The Court ruled that the three Ruatoki blocks were to be inalienable as it had found that none of the owners had other land sufficient for their support.²⁵⁷ At the same hearing the Court added 14 people to the ownership lists for Ruatoki who had no rights of their own but were given a share by certain of the owners. Among those added to the list were Netana Rangiihu and Erueti Tamaikoha.

3.7 Resistance to the Urewera surveys and the military expedition of 1895

In January 1895 Cadman, now minister of Mines, attended at meeting in Ruatoki and was asked by Tutakangahau, the principal chief of Maungapohatu, to take samples of stone from the Urewera for gold analysis.²⁵⁸ Cadman later arranged for two geologists to go to the area but the survey was stopped by Tuhoe several times while meetings to discuss the issue were held. The expedition reached Maungapohatu but returned to Whakatane without any rock samples.

At the January meeting Cadman was also asked to return the Tuhoe application for a survey of the external boundary of the Tuhoe lands. This request was a withdrawal of Tuhoe consent to the external survey of their rohe potae. Cadman replied to this request by saying that the government would go ahead with the survey.²⁵⁹ The government then sent surveyors led by A.L. Foster to carry out the survey.

²⁵⁷ Whakatane Native Land Court minute book 4B, 23 November 1894, fols 126-127 (document bank no. 9)

²⁵⁸ Gordon, H A and A. McKay, 'Report on explorations in the Urewera country', AJHR, 1895, C-3, p157

²⁵⁹ 'Interview with Hone Heke, MHR', *New Zealand Herald*, 20 April 1895, p5, col 5

Foster was met at Whakatane by a Tuhoe delegation which asked him not to proceed. He then attended a meeting at Ruatoki on 13-14 April 1895 but could not gain agreement to a triangulation survey. When he attempted to begin surveying his instruments were taken away from him but then returned. Premier Seddon then sent a contingent of armed police and soldiers from the Permanent Force to the Urewera.²⁶⁰ Before the contingent arrived in Ruatoki the member of Parliament for Northern Maori, Hone Heke, went there and met Tuhoe. His intervention may have assisted in preventing violence. The party of troops and police was accompanied by a resident magistrate and reached Ruatoki on 21 April 1895. The expedition was met by around 200 Tuhoe from through out the Urewera. The author James Cowan was with the expedition and described the Tuhoe as sitting in a semi-circle with no call of welcome being given. After regarding the expedition with silent hostility, speeches were given by the Tuhoe in which they stated they did not want surveyors on their land, saw no necessity to map it and feared land would be taken to pay for the survey.²⁶¹ The Tuhoe understood Seddon to have guaranteed that they would be consulted about the surveying of their land but they had not received notice of it. James Carroll, the member of Parliament for Eastern Maori, arrived from Gisborne to act as a mediator. After several days of discussion Kereru Te Pukenui spoke in favour of the survey, saying that they should have confidence in the law.²⁶² The artillery men were then withdrawn but the police remained in the Ruatoki area while Foster carried out his survey of the external boundary there.

Carroll's intervention is said to have prevented the outbreak of violence at Ruatoki and Te Whaiti.²⁶³ The Tuhoe who met the expedition at Ruatoki were armed and the young men were said by James Cowan to be keen to fight. Had they done so the consequences for Tuhoe would probably have been severe as Seddon showed soon after at Te Whaiti that he was prepared to use what ever force was necessary to end Tuhoe resistance. The situation was not, however, considered serious by the nation generally. The *New Zealand Herald* commented that some interference with a survey was to be expected in any new district being opened up and that the time had long passed when such an incident could mean an outbreak of some seriousness. At most,

²⁶⁰ 'Police expedition to the Urewera country', *New Zealand Herald*, 20 April 1895, p5, col 5

²⁶¹ Cowan, v.2, p497

²⁶² Binney, 'Encircled lands', part 2, p174

²⁶³ 'Te Roi o te Whenua' p218

the *Herald* said, a delay would occur. The newspaper questioned the need to send an expensive expedition to the Urewera, noted Tuhoe had some rights as property owners and hoped the government was acting on sufficient grounds.²⁶⁴

Shortly after the expeditionary force was withdrawn from Ruatoki another survey, led by J. Philips, went at Galatea surveying the external boundaries of the Tuhoe rohe potae. This survey party was also intending to carry out a survey for a road from Te Whaiti to Ruatahuna. Tuhoe stopped Philips' road survey at Nga Putahi, a meeting point of several tracks inside the rohe potae, and also stopped surveying by Foster at Waiohau. An Urewera detachment of 52 men from the Auckland and Wellington militias was established and sent to Te Whaiti, with a contingent of police.²⁶⁵ James Carroll (Timi Kara) also went to Te Whaiti and after Kereru also intervened the obstruction of the surveys stopped.

Carroll proposed to Tuhoe at Te Whaiti that a special Act be passed for the Urewera. He advised Tuhoe to send representatives to Wellington, as had been suggested earlier by Seddon at the 1894 Ruatoki meeting. It had been understood by Tuhoe then that no surveying within their rohe potae would take place until after they had sent a delegation to Wellington for further discussions and the government's proceeding with surveying before this had been organised was seen as a violation of the peace made by them with Seddon the previous year. The sending of military forces was also a violation of the peace between Tuhoe and the government. The motivation for the government's haste in proceeding with surveying may have been part of its response to the attempt at the time by the Kotahitanga, or Maori Parliament, to organise a boycott of surveying and land sales.²⁶⁶ Obstruction of the surveys ceased after the arrival of military forces. The government succeeded in carrying out an external survey of the Tuhoe lands and in beginning the surveying of a road through the Urewera. This was seen as an important step in ending the isolation of the Urewera and the semi-independence of the Tuhoe.

On 7 September 1895 a Tuhoe delegation arrived in Wellington and met Seddon and Carroll. The record of the meeting shows that Seddon assured the Tuhoe that no subdivision surveys would be made without the owners' agreement and that the

²⁶⁴ 'The latest native difficulty', *New Zealand Herald*, 20 April 1895, p4, col 6-7

²⁶⁵ Binney, 'Encircled lands', part 2, p177

²⁶⁶ *Ibid*, p170

Urewera district was to be reserved for them. However Seddon rejected the control of gold concession leasing by a general Tuhoe body, if it was discovered, in favour of leasing by the owners of the land it was discovered on. This represents a 'rejection of the Tuhoe preference for tribal control of resources'.²⁶⁷ Seddon did, however, respond to the Tuhoe opposition to the Native Land Court with a proposal for a special commission to establish land titles in the Urewera in association with local hapu committees. This idea may derive from proposals put to Premier Ballance some years earlier by the Kotahitanga movement. However no agreements were recorded at the conclusion of the meeting so it can not be known what the Tuhoe delegation thought they had secured from the government. The control of land and resources and self-government aspired to by Tuhoe may have been greater than the agreement claimed by Seddon.

Seddon's account of the meeting is contained in a letter he wrote to the Tuhoe representatives on 25 September 1895. The letter was to answer the questions they had put before him and to inform them of the decisions of the government.²⁶⁸ Seddon stated that the representatives had asked that the boundaries of the Tuhoe land should be established by existing trig stations or land marks and that where further surveying was required this would be done only with the agreement of the owners of the land. They also asked for a commissioner to be appointed to inquire into the land titles within the rohe potae and to establish the boundaries and also for local committees to be established. Seddon wrote the representatives asked for a select committee to deal with the tribal land generally and added that he thought such a committee should be appointed and include representatives from the local committees. Other points covered in the meeting were that Tuhoe would receive a share of paid road work in their area and that the possibility of introducing trout to the rivers of the Urewera would be investigated. Tuhoe agreed to allow gold prospecting provided they would receive the standard government reward of £2000 if a gold bearing site was discovered in their territory. An Act of Parliament was to be passed to give effect to the proposals.²⁶⁹

²⁶⁷ Miles, p273-4

²⁶⁸ Seddon to Tuhoe representatives, 25 September 1895, J1 1896/1073, NA, Wellington

²⁶⁹ Binney 'Encircled lands', part 2, p196

3.8 Ruatoki and the Urewera District Native Reserve Act 1896

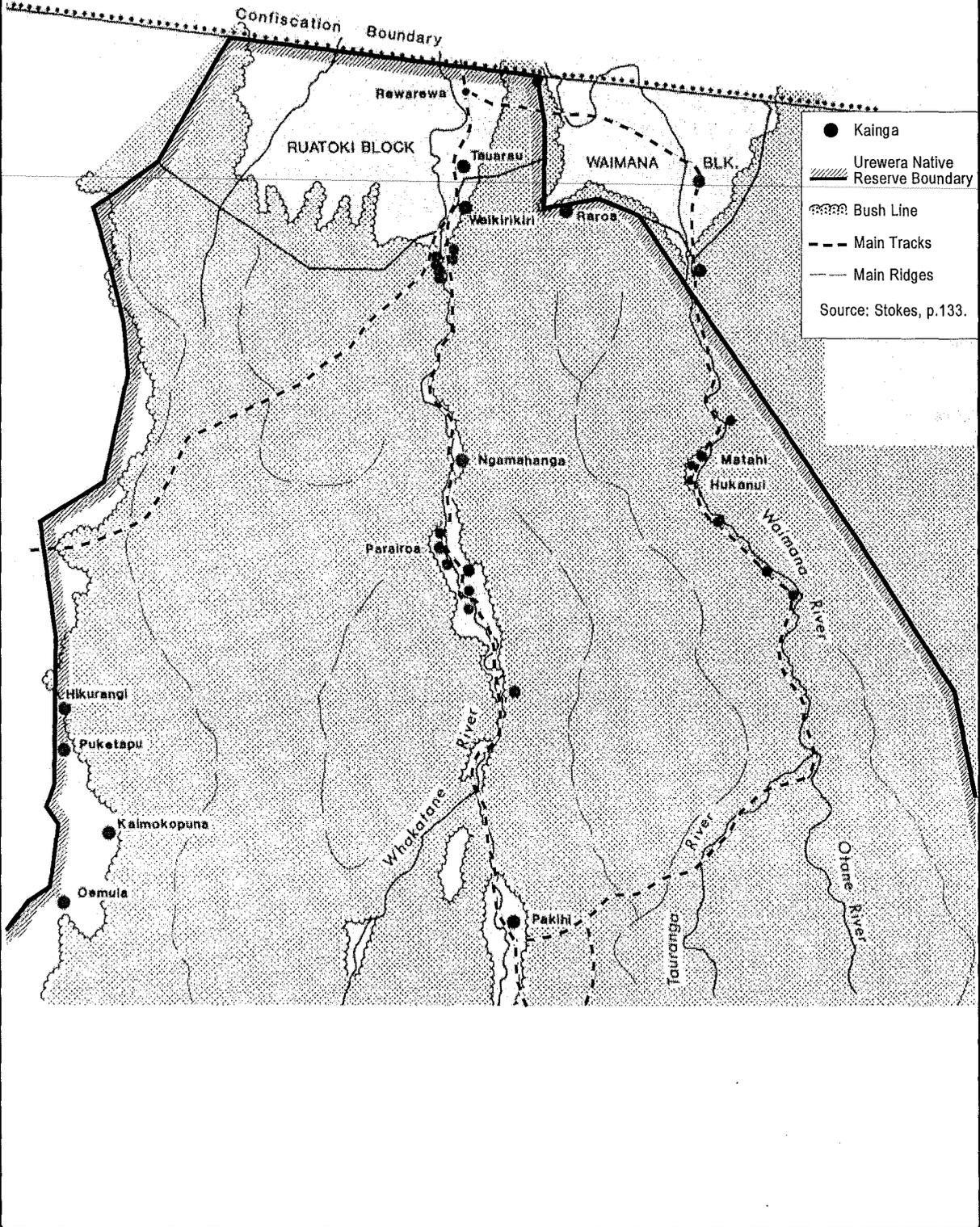
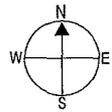
The long title of the Urewera District Native Reserve Act 1896 said the Act was to make provision for the ownership and local government of Maori land in the Urewera. The Act created a native reserve, or district, of approximately 656,000 acres, which extended from the confiscation line to Lake Waikaremoana and from Te Whaiti to east of Maungapohatu. The reserve was to be exempt from other legislation affecting native land and from the scope of the Native Land Court. The Act provided for the establishment of a Urewera Commission, consisting of five Tuhoe and two Europeans, appointed by the governor. The commission was to divide the district into blocks, based as far as possible on hapu boundaries, collect the names of the owners in family groups and assign shares in the blocks to each owner. Block committees were to be elected by the owners of the block. One member from each block committee was to join the General Committee for the reserve. The General Committee was to have control of matters affecting the reserve and it could alienate land, by sale or lease, but only to the Crown. A sketch map of the district was to be made at the expense of the government. Ruatoki was included in the Urewera District Native Reserve, as the confiscation line was the reserve's northern boundary, although the boundaries of the three Ruatoki blocks, and their ownership, had already been determined by the Native Land Court. The Act appeared to grant Tuhoe self-government or *Te Ture motuhake mo Tuhoe*. However the effect of the Act was to create multiple ownership of land with no effective governance entity or management of property.

The Urewera District Native Reserve Act 1896 was passed on 12 October 1896. In November elections were held for the five Tuhoe commissioners. Ruatoki was one of the five electoral districts and it elected Numia Kereru of Ngati Rongo.²⁷⁰ It was however debateable if Ruatoki was part of the reserve. The northern boundary of the Urewera Native Reserve District was the Bay of Plenty confiscation line which meant Ruatoki was clearly within the district. However the ownership of Ruatoki had already been determined by the Native Land Court which was excluded from the district by the Act. Despite the passing of the Urewera Native Reserve District Act

²⁷⁰ Binney, 'Encircled lands', part 2, p222

1896 the Appellate Court proceeded in April 1897 to hear appeals against the 1894 decision of Judge Scannell on the ownership of Ruatoki.

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Map 7: Northern Te Urewera, 1896

3.9 The 1897 Appellate Court Ruatoki decision

Judges Johnson and Edger of the Appellate Court summarised the 1894 Ruatoki decision as the award of the western part of the block, known as Owihakatoro, or Ruatoki No.2, to Tuhoe, including Ngati Rongo and Te Mahurehure, who could prove ownership, the award of the eastern and central part to Ngati Rongo and Te Mahurehure, and the award of the southern part to Ngati Rongo, Te Mahurehure and Ngati Tawhaki. There were two appeals against the decision. The first was an appeal from Ngati Rongo for the ownership of the whole block to the exclusion of all other hapu, except Te Mahurehure, who properly, they claimed, were part of Ngati Rongo. The second appeal was from Mehaka Tokopounamu and Erueti Tamaikoha. They denied the rights of Ngati Rongo (meaning an exclusive right to Ruatoki) and claimed that other sections of Tuhoe were entitled to inclusion in the block's ownership list besides those admitted by the original hearing.²⁷¹

The Appellate Court judges stated in their decision of 6 May 1897 that they would allow claims from the original 1894 hearing that were part of the general Tuhoe claim to be heard with the appeals. They would not, however, allow new claims for the inclusion of individuals in the name lists to be introduced. This principle caused the rejection of four of the lists of names presented for inclusion as owners of Ruatoki by Mehaka Tokopounamu. The judges also rejected a Ngati Raka claim as they considered it was opposed to the Tuhoe claim and not part of it.

The claim by Ngati Rongo to have exclusive right to Owihakatoro by conquest was rejected by the judges as being based on inconclusive evidence and not proving the expulsion of all Tuhoe descendants, not of Ngati Rongo, from Owihakatoro. The judges found that many Tuhoe hapu used Owihakatoro for hunting and fishing and thought that the hapu went there together, as it was a borderland and there was the threat of attack by Ngati Awa and Ngati Pukeko. The Ngati Rongo claim to exclusive ownership of the whole block was also rejected as Ngati Rongo had accepted the

²⁷¹ Whakatane Native Land Court minute book 5, 6 May 1897, fol 184

claim of some Ngati Tawhaki at the 1894 hearing. The Court concluded, however, that Ngati Rongo and Te Mahurehure were the chief owners of Ruatoki.²⁷²

The Appellate Court upheld the 1894 rejection of the claim by Ngati Turanga that part of the Ruatoki block near Puhikoko was properly part of Waimana. It also rejected Erueti Tamaikoha's claim on behalf of Ngati Paraheka for an area west of the Whakatane River adjoining the confiscation line because Ngati Paraheka had at one point asked for permission to cut trees in the area. Tamaikoha's claim that part of Whaitiripapa block had been included in Ruatoki was considered more favourably. The Court decided that as Tamaikoha's right in Whaitiripapa was accepted it would err on the side of caution and give him one share in Ruatoki No. 1 and his five children a half share each.

In Owhakatoro (Ruatoki No.2) the Court noted that Mehaka's claim to the area in 1894, on behalf of Ngati Tawhaki, had been rejected as not strong enough. The Appellate Court agreed with this but thought there was not permanent occupation by any hapu on this part of the block. The judges thought people on Mehaka's 1897 list had much the same rights as people who had been admitted to ownership in 1894 as in both cases the descent lines were from Ruru, Te Kurapa and Tokopounamu. These were pre-Mataatua ancestors of Te Hapuoneone.²⁷³ The Court therefore awarded two shares each in the block to 60 of the names on Mehaka Tokopounamu's list and to 27 of the names on Tamaikoha's list.²⁷⁴

In Ruatoki No.3 the Court added as owners the 46 names presented by Mehaka Tokopounamu. They were descendants of Tokopounamu and were admitted to ownership of Ruatoki No.3 on the grounds that descendants of Ruru and Te Kurapa had been admitted to ownership in this part of the Ruatoki block in 1894 without protest and the descendants of these three ancestors usually resided together.

The most controversial decision of the Appellate Court was its decision on Ruatoki No.1 when it accepted that Ngati Koura had an ownership right to the area. Te Makarini Tamarau gave evidence on behalf of Ngati Koura. He stated that he lived at Tauarau on the Ruatoki block after the wars with the other tribes came to an end in the mid-1830s. He then moved to Opouriao but moved inland when the European war

²⁷² Ibid, fol 189

²⁷³ Best, v.2, genealogical table 5

²⁷⁴ Whakatane Native Land Court minute book 5, 8 May 1897, fol 205

began. He returned to Ruatoki in 1872 with the hapu Ngati Koura and Te Mahurehure and lived either near the block or within it at Otenuku.²⁷⁵ He stated that his cousin, Hemi Kopu, lived within the block at Horokakahu. Te Makarini then named 10 pa at which Ngati Koura had lived in the past. The judges accepted that although the 10 pa were on the hills outside the Ruatoki block, the cultivations associated with them would have been near the river, and therefore on the block. The Court rejected the Ngati Rongo claim that Ngati Koura had only occupied the area recently as it thought that occupation in the Ruatoki area had been intermittent generally due to the wars.

Before continuing with its decision the Court heard evidence from Te Kaha Akuhata, who the Court considered to be impartial. He mentioned that Te Kooti had called on Tuhoe to assemble at Ruatoki as one people in 1884. This had increased the number of hapu living at Ruatoki and the Court thought no ownership rights could derive from it. However Te Kaha Akuhata also stated that when Ruatoki was re-occupied by Tuhoe after the war with the Europeans in the early 1870s there were among the returning Tuhoe members of Ngati Koura, Ngati Muriwai, Ngati Korokaiwhenua, Ngai Tawhaki, Te Urewera, Hamua, Ngati Ha and Ngai Te Kapo, in addition to Ngati Rongo and Te Mahurehure.²⁷⁶ Ngati Rongo had argued that Ngati Koura and other Tuhoe hapu had only lived at Ruatoki after the war with the Government and had not been living there in 1840. The judges thought that because of the isolation of the Urewera more right to ownership should derive from occupation changes after 1840 than was usually the case. Accordingly the Court added 27 names from Hemi Kopu's list and 61 names from Te Makarini's list to the ownership list of Ruatoki No.1. Following the decision the Ngati Rongo leader Numia asked which part of Ruatoki No.1 had been found to belong to Ngati Koura and said there would be further action by a petition. The Court replied that partition of Ruatoki No.1 was not considered desirable, particularly if further action was likely, although the parties could apply for partition if they wished.²⁷⁷

The Appellate Court's order gave a total of 414 owners in Ruatoki No.1, 466 owners in Ruatoki No.2 and 453 owners in Ruatoki No.3.²⁷⁸

²⁷⁵ Ibid, 13 April 1897, fol 93

²⁷⁶ Ibid, 7 May 1897, fols 194-203

²⁷⁷ Ibid, 8 May 1897, fol 206 (document bank no. 10)

²⁷⁸ DFG Barclay and P Ngata, 'The Urewera District Native Reserve', 10 June 1907, AJHR, 1907, G-4A, p2

Subsequently Numia Kereru and 59 others petitioned the government against the Appellate Court's inclusion of Ngati Koura in the ownership of Ruatoki No.1 and to the inclusion of lists from Te Ahikaiata Te Mana and Tamaikoha. Mehaka Tokopounamu also sent a petition to the government. He asked for an inquiry into the ownership of the block as some people had been wrongly left out of the ownership list and asked for the Ruatoki blocks to be divided between the hapu to which they had been awarded.²⁷⁹ Both petitions were read by the Native Affairs Committee in 1898 and referred to the government for consideration. A subsequent petition was received in 1898 from Te Hata Tokotu and others of Te Mahurehure hapu asking that the applications to divide the blocks be rejected. This request appears to have arisen from an apprehension that they might lose the land they were living on. The issues involved in these petitions became matters for the Urewera Commission when, after a lengthy delay, it began its work in 1899.

On 8 December 1898 an application was made in the Native Land Court for the survey lien held for Ruatoki No.1 The Court's minute book does not say who made the application. The original survey of the Ruatoki block was made in 1893 and resulted in the survey map ML 6458. The survey cost £625 12s 6d which was paid on 21 December 1893 to the surveyor, Mr O. M. Creagh.²⁸⁰ The survey cost was a debt owed by the owners of the Ruatoki block and a lien, or debt, was placed on the Ruatoki block. The Native Land Court divided the Ruatoki block into three parts in December 1894. Subsequently the lien was divided between the three blocks on 22 September 1898. Ruatoki No.1 had £275 12s 6d of the lien placed on it and Ruatoki No.2 and No.3 received £175 each.²⁸¹ The Court stated that as the land had not been referred to it under section 14 of the Urewera District Native Reserve Act 1896 it could not act until jurisdiction had been conferred upon it. The following day George Kallendar, the accountant for the Auckland branch of the Lands Department, applied for a charging order for the three Ruatoki blocks on the grounds that the work, meaning the survey, had been done in each case. He probably made the previous application. The Court again stated the matter was beyond its jurisdiction but added that if the proper authority, which was the Governor in Council, referred the matter to

²⁷⁹ Mehaka Tokopounamu and one other to Parliament, 14 December 1897, J1, 1898/1011, NA Wellington

²⁸⁰ Survey ledger, BAAZ 1171/1, Archives NZ, Auckland, p99

²⁸¹ Ibid p99

the Court then orders would be made, after the hearing of any objections.²⁸² The Governor does not appear to have taken any action as the Ruatoki survey lien is noted on the survey ledger as having been cancelled in 1898.²⁸³

3.10 Ruatoki and the Urewera Commission

Following the elections of November 1896, when Tuhoe had elected the five Tuhoe commissioners to be appointed under the Urewera District Native Reserve Act 1896, deep divisions had occurred within Tuhoe over the Act. This was partly caused by pressure from goldmining companies who paid Numia Kereru and Hetaraka Te Wakaunua to allow some prospecting and partly by serious doubts which some Tuhoe leaders had over parts of the Act. After a hui at Ruatahuna in July 1897 the Tuhoe chiefs divided into two factions, with a group led by Mehaka Tokopounamu wanting a Council appointed at the meeting to be a governing body for all Tuhoe and another group, led by Numia, opposed to the Council.²⁸⁴ The dispute was over the leadership of Tuhoe. The alternative to the Council formed at Ruatahuna was leadership by the five Tuhoe elected to the commission. Both groups petitioned the government and sent delegations to Wellington. The government avoided the issue of Tuhoe leadership by nominating the seven Urewera commissioners in December 1897.²⁸⁵

After some changes were made to the membership the commission to be established under the Urewera District Native Reserve Act 1896 were appointed in February 1898. The members were the surveyor general Stephenson Percy Smith, Judge William Butler of the Native Land Court, Numia Kereru, Mehaka Tokopounamu, Tutakangahau, Hurae Puketapu and Te Pou.²⁸⁶

A severe famine occurred in the Urewera in mid-1898 and there were numerous land disputes between hapu in the Ruatoki area. Earlier, in 1896, houses had been burned, fences destroyed and sheep driven off from the settlement of Paraeroa, 12

²⁸² Whakatane Native Land Court minute book 6, 9 December 1898, pp116-117 (document bank no. 6)

²⁸³ Native Land Court survey register, BAAZ 1171/1, Archives NZ, Auckland, p100 (document bank no. 7)

²⁸⁴ Binney, 'Encircled lands', part 2, p223 and p226

²⁸⁵ Ibid, p230

²⁸⁶ Commissioners under 'The Urewera District Native Reserve Act, 1896' appointed, 10 February 1898, *New Zealand Gazette*, 1898, no 9, p241

miles south of Ruatoki.²⁸⁷ The hapu Hamua was involved in that dispute and was also involved in 7 other disputes with other hapu in the Ruatoki area.²⁸⁸ A land dispute, also south of Ruatoki, between Ngati Koura and Hamua, developed into an armed confrontation on 16 August, after Te Pouwhare destroyed a fence built by Tupara.²⁸⁹ The conflict was resolved, without a shot being fired, by the Tuhoe chiefs, at a meeting at Ruatoki where it was agreed neither side would use the disputed land until the Urewera Commission had determined its ownership.²⁹⁰ When police went to Ruatoki in September the district was found to be peaceful. The ongoing land disputes in and near the Ruatoki blocks were among the issues which were discussed with Premier Seddon by a Tuhoe delegation which went to Wellington in September 1898 and were among the issues which delayed the start of the Urewera Commission. Another reason given for the delay was the time taken to prepare the sketch plans of the Urewera required under the Act.

The petition Mehaka Tokopounamu sent to the government, claiming that some persons had been wrongly left out of the ownership of Ruatoki No.1, was referred to G.B. Davy, Chief Judge of the Native Land Court. Davy wrote in 1898 that Ruatoki had been taken out of the operation of the Native Land Court by the Urewera District Native Reserve Act 1896 and placed under the commissioners appointed under that Act.²⁹¹ The lack of authority of the Native Land Court over the Ruatoki blocks was probably the reason for the cancellation of the survey liens on the blocks by the Court, which was done in 1898.²⁹²

The following year Davy wrote that the Appellate Court decision of 1897 could have no effect as the Ruatoki block was out of the jurisdiction of the Native Land Court by section 3 of the Urewera District Native Reserve Act 1896, but he now thought that the Native Land Court decision on Ruatoki of 1894 was unaffected. This was because the Urewera District Native Reserve Act 1896 was not retrospective and the decision of the Judge Scannell could only be annulled by an Act of Parliament.²⁹³

²⁸⁷ Report of Alfred J. Sisam, 15 March 1896, J 1 1896/357, NA, Wellington

²⁸⁸ Utiera Tuau and 64 others to Seddon, 18 July 1898, J 1 1898/1028, NA, Wellington

²⁸⁹ Binney, 'Encircled lands', part 2, p243

²⁹⁰ Te Pouwhare to Seddon, 5 September 1898, J 1 1898/1028, NA, Wellington

²⁹¹ G.B. Davy, Chief Judge, to Chairman, Native Affairs Committee, 9 August 1898, J 1 1898/1011, NA, Wellington

²⁹² Native Land Court survey register, BAAZ 1171/1, Archives NZ, Auckland, p100

²⁹³ G.B. Davy, Chief Judge, to Chairman, Native Affairs Committee, 11 August 1899, J 1 1898/1011, NA, Wellington

When the Urewera Commission held its first meeting on 1 February 1899 the question of the inclusion of Ruatoki in the Urewera District Native Reserve had not been resolved. The commission sat at Ruatoki and six other Urewera centres and it received claims and hapu boundaries from Tuhoe. The owners' lists and boundaries claimed by Ngati Muriwai and Ngai Te Kapo for Ruatoki No.2 block were read out by the Commission chairman on 17 February 1899. The boundaries claimed by both hapu were disputed by other Tuhoe, as were the names on the lists.²⁹⁴ It was claimed that some of the people on the Ngati Muriwai list were not of that hapu and that the people who produced the list were really of Ngati Hamua. A similar claim was made that people on the Ngai Te Kapo list were of a hapu named Tumatawera. The objections were only recorded and were not investigated further but show that members of hapu whose claims to Ruatoki were never recognised by either the Courts or the Commission could gain ownership shares to the land by inclusion in the lists of hapu which were recognised as owners. Ngati Hamua, for example, was never recognised by the Native Land Court as having ownership rights in Ruatoki but is one of the hapu of Ruatoki. Ngati Hamua was one of the ten hapu of Ruatoki named by Numia Kereru. The other nine were Ngati Rongo, Ngati Koura, Ngati Ha, Ngati Muriwai, Ngati Kumara, Ngai Turanga, Mahurehure, Ngai Te Kapo and Ngati Murakareke.²⁹⁵

After adjourning in April, the Commission met again in February 1900 and proceeded with the investigation of title to the blocks for which sketch maps had been prepared.²⁹⁶ Later that month Percy Smith wrote to the Native Minister that although the Ruatoki block had been heard by the Native Land Court and the Appellate Court, the judgement had not been given effect as the Urewera District Native Reserve Act 1896 had intervened. The natives, he wrote, wanted the block reheard, but there were doubts whether the commissioners had the power to touch it. He stated that if the government wanted the Urewera Commission to deal with the Ruatoki case it should be given the power to do so in the next session of Parliament.²⁹⁷

²⁹⁴ Urewera Commission minute book 3, 17 February 1899, fol 31, (in Maori, translated by T R Nikora, 24 May 2001)

²⁹⁵ Urewera Commission minute book 3, 1 February 1899, fols 4-7

²⁹⁶ W J Butler, 'Report of the Chairman of Commissioners under the Urewera District Native Reserve Act, 1896', AJHR, 1902, G-6, p1

²⁹⁷ Stephenson Percy Smith to Native Minister, 19 February 1900, J 1 1898/1011, NA, Wellington

The Urewera Commission does not seem to have made a major inquiry into the ownership of Ruatoki in its early sessions, probably because of doubts over its jurisdiction. Ruatoki was mentioned in evidence taken for neighbouring blocks, particularly Te Purenga and Ruatoki South. Tupara referred to saw pits in the Ruatoki district before the war with the Europeans and said that timber was being forwarded to Ngati Pukeko by Te Urewera, Ngati Tawhaki, Ngati Koura and Te Mahurehure.²⁹⁸ Mika Te Tawhao said Ngati Pukeko had a mill or saw pit at Tuhua (Ruatoki), on land to which they had no title. He said there was another saw pit on Ruatoki No.1 which was worked by tribes which had no title to the land. He said Ngati Koura worked at this saw pit but denied Tamarau's earlier claim that the saw pits were worked by permission of Ngati Koura. Other evidence given by Tamarau indicated the inter-relatedness of the Tuhoe claimants as he said his grandfather, Te Ngahuru, was a descendant of Te Kapo-o-te-rangi and that Te Purewa, who belonged to a number of hapu including Ngati Rongo and Tamakaimoana, was married to Hinekura, a descendant of Tawhiwhi, one of the Tini-o-Toi wives of Rongokarae.²⁹⁹

On 25 April 1900 the Commission settled the dispute which had led to an armed confrontation on 16 April 1898 by dividing the disputed land between the two groups and rebuking Tupara for building a fence without informing Te Pouwhare.³⁰⁰ This dispute appears to have been on Ruatoki block No.1 as the Commission referred to disputed land on this block on the following day. The problem on the block was that the boundaries of the sub-divisions had not been determined and any owner could use any unoccupied part. The Commission also referred to a dispute at Te Rewarewa and said they would go and settle it when they had time.

The main inquiry by the Urewera Commission into the ownership of the Ruatoki blocks took place after October 1900 when Parliament passed the Urewera District Native Reserve Act Amendment Act. Section 2 of the amendment removed any doubt about the inclusion of Ruatoki in the Urewera District Native Reserve by stating that the commissioners were to have the same authority in respect to the Ruatoki block as they had in any other block. The second part of section two of the Amendment Act stated that all orders made by the Native Land Court about the ownership of Ruatoki were void. The question of the status of Ruatoki was thus resolved and the

²⁹⁸ Urewera Commission minute book 4, 15 March 1900, fols 51-52

²⁹⁹ Ibid, 15 March 1900, fol 49

commissioners were empowered to rehear the case subject to section 4 of the 1900 Amendment Act which required native (Tuhoe) commissioners to abstain from sitting or voting in proceedings in which they had an interest. Section 4 allowed the European commissioners to sit alone or to appoint non-Tuhoe Maori to sit with them.

The Urewera Commission's main inquiry into title to the Ruatoki blocks began on 15 April 1902. The Commission consisted of W. J. Butler, G. Mair and Hurae Puketapu as most of the Tuhoe members were excluded by their interests in Ruatoki. Like the Appellate Court the Commission would allow claims only from people admitted to ownership by the Native Land Court or those who had appealed against its decision and been admitted or rejected by the Appellate Court. This left six lists before the Commission for inclusion in the ownership of Ruatoki. They were a Ngati Rongo list from Numia Kereru of 303 names; a Ngati Tawhaki and Tuhoe list from Te Whenuanui of 217 names; a Te Mahurehure list from Te Iwikino of 140 names; a Te Urewera list from Tupara Tamana of 11 names; another list for Te Mahurehure which was from Turoa Pekatu for which the number of names was not recorded; a Ngati Koura list from Puihi Marutawhao of 68 names; a Te Urewera list from Erueti Tamaikoha of 56 names and a Ngati Koura list from Mehaka Tokopounamu of 163 names.³⁰¹

Debate over inclusion in the lists again centred on when claimants had come to the block. Mehaka Tokopounamu, on behalf of Ngati Koura, stated his father, Tokopounamu, and Te Kurapa, lived on what was now Ruatoki No.3 block. Another Ngati Koura spokesman, Te Hira Tangohau, said when he was a boy he and others came from Pukareao to Te Waitapu. They had a cultivation at Paepaemohao shortly before the battle of Orakau in 1864. They then crossed the Whakatane River and cultivated at Tuhua and Ohae, in what was now Ruatoki No.1 block. A spokesman named Wharetuna stated that Ngati Koura and Ngati Rongo were one people and had always lived together. This was supported by Puihi Marutawhao who said a pa named Te Rua Tuna was occupied by the descendants of both Rongokarae and Koura. This pa was also called Otu-te-wai.³⁰²

³⁰⁰ Ibid, 25 April 1900, fol 246

³⁰¹ Urewera Commission minute book 6, 15 April 1902, fol 329

³⁰² Ibid, 23 April 1902, fol 360

Te Kaha Akuhata, the spokesman for Mahurehure, opposed all claims to Ruatoki by right of descent from Tuhoe-potiki and Tanemoeahi as their pa were inland from Ruatoki. Their descendants had only a claim by ancestry to Ruatoki No.2 but they had lost this as they had left the land to Ngati Rongo. The only ancestral claim he allowed was from Rongokarae. Of the descendants of Rongokarae, according to Te Kaha Akuhata, only Te Mahurehure had a claim to Ruatoki as Ngati Rongo and other hapu had abandoned the area. In support of this he said that when Te Kooti came to Ruatoki in 1868 Te Mahurehure was the only hapu there as all the other hapu had gone inland. He said that after Te Kooti had come to the Urewera Ngati Rongo and Te Mahurehure were placed at Tuhua (Ruatoki) to give warning of the approach of Europeans.³⁰³

Te Kaha Akuhata rejected the Ngati Koura claim to Ruatoki by saying their lands were south of the Ruatoki blocks. He said their claim had failed at the first Native Land Court hearing and they had then taken a claim to the Appellate Court based on descent from Takiri. This had given them some small interest. He opposed this as according to him no Ngati Koura lived at Ruatoki until after the peace with the Europeans. Even then Te Makarini Tamarau, a leader of Ngati Koura, only came to Ruatoki in 1883 in response to the call of Te Kooti for all Tuhoe to gather there. When Tamarau settled at Otenuku Te Kaha Akuhata and Te Ahuru had objected. Te Pukenui and other Ngati Rongo had come from inland, from the Urewera mountains, and told Tamarau to leave. Tamarau refused as he was living there by permission of Te Whitu Tekau and Te Kooti. On this basis Tamarau was allowed to live at Otenuku and Te Totara.

Te Kaha Akuhata also opposed other claimants on the grounds of their lack of occupation. He said that Netana Te Rangiihu and Tumeke Paora Kiingi, for example, had only come to Ruatoki after land had been sold at Waimana.³⁰⁴ In support of Te Mahurehure having an exclusive right to Ruatoki, Te Kaha Akuhata opposed the right of the Tamarau family to ownership of Ruatoki (Te Makarini Tamarau was no longer alive), claimed Ngati Rongo had lost its rights by want of occupation, and opposed the claim to inclusion in the ownership of Ruatoki of the Maungapohatu chief Tutakangahau.

³⁰³ Ibid, 22 April 1902, fol 358 and 360

³⁰⁴ Ibid, 23 April 1902, fol 366

Mehaka Tokopounamu also referred to the coming to Ruatoki of Te Pukenui and other Ngati Rongo from inland to dispute the settling of Tamarau at Otenuku in 1883. He said Te Pukenui did not come to Ruatoki until after the quarrels began and that Te Pukenui, Numia Kereru and their sisters originally lived away from the Ruatoki lands at Ohaua. This meant Numia, the principal Ngati Rongo spokesman, was himself an outsider who had settled at Ruatoki and had earlier lived by the Ohaua Stream, north of the confiscation line, near Poroa. Mehaka claimed Numia came to Ruatoki in 1873 and his brother did not live there until 10 years later.³⁰⁵ In support of a long occupation by Ngati Koura at Ruatoki, Mehaka said Ngati Koura built a church at Waipatu around 1839, lived at Te Rua Tuna (Otu-te-wai) and Orangitepu in Te Ngahuru's time and had remained at Ruatoki after the battle of Maringi-a-wai in 1820.

Tupara Te Kaaho spoke for Tupara Tamana's Te Urewera list. He stated that Te Urewera, Te Mahurehure and Ngati Tawhaki permanently occupied Ruatoki and did so until the war with the Europeans. He said many people now claiming ownership rights only came to Ruatoki to plant corn. They would have been allowed to grow crops on arable land by permission of the resident people and this did not give them ownership rights. In this category he included people on the Ngati Rongo list who he said were really of Te Patuheueu, Ngati Whare and Tamakaimoana.³⁰⁶ The inclusion of people from Tuhoe hapu in the Urewera mountains in the Ngati Rongo list probably reflects family connections but may also have been a continuation of the traditional alliance between Ngati Rongo and the Tuhoe hapu of the interior.

Numia Kereru spoke for the Ngati Rongo list and stated that Tamarau had been made to leave Otenuku and had gone back to Tarapounamu. Numia said that Tamarau had only come to Ruatoki after the Waikaremoana lands had been sold and that his first occupation at Ruatoki had been in about 1883.³⁰⁷ He also told the Commission that when Netana had come to live at Ruatoki the sheep he put on the land were driven off. Numia disputed claims made by Mehaka that Orakaiwhaia was an ancestral pa of Mehaka's, and denied Mehaka's claim that his ancestor Tokopounamu had lived at Tawhero. Numia claimed that Tokopounamu lived at Ruatahuna and supported Te Kaha Akuhata's claim that no Ngati Koura lived at Ruatoki until after

³⁰⁵ Ibid, 22 April 1902, fol 350

³⁰⁶ Ibid, 17 April 1902, fol 338

the war with the Europeans. Numia maintained that only Ngati Rongo had lived at Ruatoki before and after the war with the Government. He also claimed that Ngati Tawhaki were actually the Ngati Raka who had remained on the Ruatoki lands after their defeat by Ngati Rongo.³⁰⁸ He probably raised this issue to suggest the claim by Ngati Tawhaki should be rejected as the Native Land Court had in 1894 rejected the Ngati Raka claim. The case was then adjourned.

When the Commission reconvened in October 1902 the list of names for Ruatoki was read out. The Commission does not appear to have given a detailed judgement but only published the names of the people included in the ownership of Ruatoki.³⁰⁹ It struck out 158 names from the ownership of Ruatoki No.1, 244 from the ownership of Ruatoki No.2 and 186 from the ownership of Ruatoki No.3. The Urewera Commission added 241 new names to ownership of Ruatoki No.1, 336 to the ownership of Ruatoki No.2 and 336 to the ownership of Ruatoki No.3. This gave a total of 497 owners in Ruatoki No.1, 558 in Ruatoki No.2 and 603 in Ruatoki No.3.³¹⁰

The Commission included the Tamarau family, which may indicate the Commission accepted the Ngati Koura list, as the Tamarau family were the leading Ngati Koura claimants, although they may have been included by right of their mother, Te Makarini's wife, who was of Te Urewera hapu.³¹¹

The decisions of the Urewera Commission could be appealed against and the Native Minister could appoint an inquiry to decide the appeals. There were 172 appeals against the ownership lists for the Urewera blocks determined by the Urewera Commission in 1902³¹² and a further 49 appeals against its decision on the Ruatoki block.³¹³ The Urewera Commission made no alteration to the boundaries of the three Ruatoki blocks that had been established by the Native Land Court in 1894, it only varied the ownership lists after re-hearing the evidence.

³⁰⁷ Urewera Commission minute book 7, 28 April 1902, fol 2

³⁰⁸ Urewera Commission minute book 6, 24 April 1902, fol 377

³⁰⁹ D Scannell, Chairman, 'Commissioners' orders under 'The Urewera District Native Reserve Act, 1896', AJHR, 1903, G-6, pp 233-260

³¹⁰ DFG Barclay and P Ngata, 'The Urewera District Native Reserve', 10 June 1907, AJHR, 1907, G-4A, p2

³¹¹ D Scannell, Chairman 'Commissioners' orders under 'The Urewera District Native Reserve Act, 1896', AJHR, 1903, G-6, p236

³¹² Commissioners appointed under 'The Urewera District Native Reserve Act, 1896', 15 November 1906, *New Zealand Gazette*, 1906, no 95, p2948

³¹³ Commissioners appointed under 'The Urewera District Native Reserve Act, 1896', 10 January 1907, *New Zealand Gazette*, 1907, no 2, p44

In 1903 the Native Affairs Committee of the House of Representatives received a petition from Wi Te Purewa and another claiming that Opouriao was part of Ruatoki No.1 block, saying it had been wrongfully confiscated and asking for restitution.³¹⁴ The Committee had no recommendation to make on the issue but the Under secretary of the Native Department informed the petitioners that it was too late to re-open the question of the post-war confiscations.³¹⁵ The Committee also received a petition from Te Pakoura and 15 others asking for a refund of money paid in connection with the Ruatoki cases before the Native Land Court on the grounds that the Court acted without jurisdiction and the cases were absolutely fruitless. The Committee recommended that a refund be made of £55.2s.0d.³¹⁶

3.11 The Barclay-Ngata, or second, Urewera Commission

Three commissioners were appointed in 1906 to inquire into appeals against the decisions of the first Urewera Commission. In 1907 two of the commissioners, David Barclay and Paratene Ngata, were appointed to investigate the 49 appeals made about Ruatoki. The inquiry opened on 6 February at Whakatane and is sometimes called the second Urewera Commission. The Barclay Commission wrote in its report that no entry could be found in the minute books of the previous commission to show how that commission's orders for the ownership of the Ruatoki blocks had been arrived at or why it varied the earlier orders.³¹⁷ The Appellate Court had added names to the ownership list determined by the Native Land Court and the Urewera Commission had struck out some names and added new ones without giving reasons for doing so. Barclay and Ngata considered the Appellate Court award to be the correct one and would have recommended reverting to this award except for the appeals against it which had to be considered.

Barclay and Ngata found that Ngati Tawhaki, Ngati Koura, Te Urewera, Te Mahurehure and other hapu were occupying land at Ruatoki at the establishment of peace with the Europeans and that this was not a new occupation but a re-establishment of a former occupation at the time of Whakaponu, or the introduction of

³¹⁴ 'Reports of the Native Affairs Committee', AJHR, 1903, I-3, p19

³¹⁵ S Melbourne, 'Te Manemanerau a te Kanawatanga', p138

³¹⁶ 'Reports of the Native Affairs Committee', AJHR, 1903, I-3, p10

³¹⁷ D F G Barclay and P Ngata, 'Reports of the Commissioners appointed under section 10 of "The Urewera District Native Reserve Act, 1896" and order made thereon', 10 June 1907, AJHR, 1907,

Christianity.³¹⁸ They found that the pa Te Waipatu, Kotehetehe and Waikirikiri were occupied in those times by the above named hapu and that they resided there together. They also occupied numerous residential kainga. The Barclay-Ngata inquiry accepted the claim that numerous Tuhoe hapu had rights to Ruatoki and rejected the claim of Ngati Rongo to an exclusive claim, although Ngati Rongo was accepted as one of the owning groups.

The request from the Ngati Rongo leader, Numia Kereru, and Akuhata Te Kaha of Te Mahurehure, that a number of families, some of Ngati Tawhaki, be included in the ownership list from aroha was granted. Barclay and Ngata rejected the list of owners put forward by Te Anewa Piripi as all the people on his list lived at Ruatahuna and Waikaremoana but accepted the lists put forward by Mehaka Tokopounamu and Netana Whakaari. Other lists were assessed on an individual basis. The Barclay and Ngata Commission increased the number of owners of the Ruatoki blocks by adding 88 names in Ruatoki No.1, 73 names in Ruatoki No.2, and 28 names in Ruatoki No.3 to the lists determined by the first Urewera Commission. The additions included Mehaka Tokopounamu, who had presented one of the Ngati Koura lists to the Barclay-Ngata Commission, and the family of Puihi Marutawhao, who had presented another Ngati Koura list.³¹⁹ The addition of names to the ownership lists for the Ruatoki blocks appears to have been the only difference between the awards of the two Urewera commissions

Barclay and Paratene Ngata rejected claims for an increase in shares from Te Pouwhare Te Roau, Hiki Natanahira and Whetu Paerata, noting that the claimants already had larger shares than other owners. Increases in shareholding were granted only where agreement was given by the other owners. The allocation of shares followed the 1896 Act which had said that owners were to be grouped as families with each member holding shares. This meant that large families received more shares than others and that social standing of chiefly families was not necessarily represented in shareholding.³²⁰ This was recognised by Barclay and Ngata as not being in accordance with native custom.³²¹

G-4a, p2

³¹⁸ Ibid, p3

³¹⁹ Urewera Commission minute book 6, 15 April 1902, fol 329

³²⁰ Miles, p307

³²¹ Barclay and Ngata, 'Reports of the Commissioners', AJHR, 1907, G-4, p29

The list of owners of the three Ruatoki blocks determined by the Barclay-Ngata commission became the final orders for Ruatoki and were signed by the Native Minister on 30 August 1907.³²² There were 585 owners in Ruatoki No.1, with a total of 4,239 shares, 631 owners in Ruatoki No.2 with a total of 4,512 shares and 631 owners in Ruatoki No.3 with a total of 4,517 shares.³²³

The hapu, or block, committees for the Ruatoki Nos. 1, 2 and 3 blocks were given at the end of the Barclay Commission's report. The members were Numia Te Ruakariata, Te Pouwhare Te Roau, Te Whetu Te Paerata, Akuhata Te Kaha, Hohia Te Ahikaiata, Wati Te Wakaunua and Te Paoro Tangohau.

3.12 Summary of Chapter Three

The survey of Ruatoki was applied for by Tuhoe chiefs in 1891, probably to prevent the land being surveyed on the application of their traditional enemies, Ngati Awa and Ngati Pukeko. A division developed within Tuhoe as some Tuhoe hapu opposed the survey, partly from opposition to surveys and involvement with the government generally, and also as the survey came to be associated with the attempt of the Ngati Rongo leadership to gain control of Ruatoki. Resistance was made to the survey of Ruatoki in 1892 and 1893, particularly by the hapu Ngati Koura. This was ended by the arrival of armed police and troops in March 1893 and the arrest of a number of Tuhoe.

After the survey was made these conflicts continued in the Native Land Court during the Court's investigation of the ownership of Ruatoki. Ngati Rongo claimed exclusive ownership of Ruatoki by conquest over the other descendants of Tuhoe-potiki and over Ngati Raka. They maintained that the other Tuhoe hapu had only lived at Ruatoki after the war with the Government ended in about 1870, having been displaced from the confiscated land, or after Te Kooti called on Tuhoe to assemble at Ruatoki in 1884. The other Tuhoe hapu claimed parts of the block, or ownership of all of it, and Ngati Awa and Ngati Pukeko claimed the block for themselves. The 25 September 1894 decision of the Native Land Court dismissed the claims of Ngati Awa and Ngati Pukeko, as they had not been in occupation of Ruatoki in 1840, and

³²² Ibid, p8

³²³ DFG Barclay and P Ngata, 'The Urewera Native District Reserve', 10 June 1907, AJHR, 1907, G-4A, pp3-4

awarded the block to Ngati Rongo and several other Tuhoe hapu. Subsequently, on 4 December 1894, the Native Land Court partitioned the Ruatoki block into three blocks known as Ruatoki Nos 1, 2 and 3.

Tuhoe opposed the surveying of the external boundaries in 1895 as they had not been consulted about it and the lack of consultation threatened their control of their territory. After a Tuhoe delegation visited Wellington and met Seddon and Carroll the government passed the Urewera District Native Reserve Act 1896 which reflected the government's view of the outcome of the meeting. As no joint statement recorded at the end of the meeting it is not clear to what extent Tuhoe had agreed to what became law. Under the Act a Commission of five Tuhoe and two Europeans was to divide the Urewera land into blocks and determine the ownership of the blocks. It would then establish block committees from which a General Committee would be formed. The General Committee alone would have the authority to sell or lease land to the government. Under this Act Tuhoe would retain control of their lands and resources but act in partnership with the Crown.

In 1897 the Appellate Court heard appeals against the Native Land Court's 1894 decision on the ownership of Ruatoki. The appeals were a Ngati Rongo claim for exclusive ownership of the block and an appeal for the inclusion of more Tuhoe of other hapu in the ownership list. The Appellate Court upheld the Native Land Court's 1894 decision, rejecting the Ngati Rongo claim that the other Tuhoe hapu had only resided at Ruatoki since the end of the New Zealand wars in the early 1870s, and added 223 names to the ownership list.

The Urewera Commission, legislated for by the Urewera District Native Reserve Act 1896, was appointed in 1899 and included the Ngati Rongo leader, Numia Kereru, and four other Tuhoe, as well as two Europeans. When it met there were doubts over the inclusion of Ruatoki in the area under its jurisdiction as the Commission was to determine the ownership of the Urewera land blocks and the Ruatoki block's ownership had already been determined by the Native Land Court. The issue was resolved by the Urewera District Native Reserve Amendment Act 1900 which stated that the Commission's authority included Ruatoki and made void the 1894 Native Land Court decision. The debate by the claimants for inclusion in the ownership of Ruatoki centred around which Tuhoe hapu and individuals had lived there in the past. The spokesmen of all the hapu claimed their hapu had resided at

Ruatoki at least since 1840. Ngati Rongo and Te Mahurehure speakers claimed the other hapu had occupied only recently, since the end of the war with the Europeans, and only with Ngati Rongo's and Mahurehure's permission. It is difficult to conclude which was correct due to conflicting evidence, which included the claim that Ngati Rongo itself was a recent arrival at Ruatoki. The Urewera Commission then struck out numerous names from the ownership list for Ruatoki and added new ones. The reasons for its decisions have not been recorded and there were 49 appeals against its decisions in Ruatoki.

The appeals resulted in the appointment of a second Urewera Commission, known as the Barclay-Ngata Commission, after the Commissioners David Barclay and Paratene Ngata. The second Urewera Commission decided the Appellate Court decision was correct and it agreed with the 1894 Native Land Court that a number of Tuhoe hapu in addition to Ngati Rongo had been in occupation of Ruatoki in 1840. The Barclay-Ngata Commission reinstated some of the names struck out by the first Urewera Commission from the Ruatoki ownership list but left in the names it had added. The list of owners determined by the Barclay-Ngata Commission became the final ownership orders for the three Ruatoki blocks and were signed by the Native Minister on 30 August 1907. This concluded the determination of the ownership of Ruatoki.

Chapter four : Crown purchasing and the Ruatoki blocks

4.1 The Liberal Government and Maori land

Between 1891 and 1911 the Liberal government purchased 3.1 million acres of Maori land for European settlement. By 1900 most of the country's first class farm land was in European ownership. The Liberal land purchases was driven by the demand for land by settlers and in the North Island, its effect was to provide enough land for dairying to become a major industry. The Liberals were able to achieve their large scale purchases of Maori land by the use of interlocking legislation. Their legislation established the Urewera reserve and then opened the reserve to land purchase and to the operations of the Native Land Court. Government land purchases of Maori land in the Urewera were suspended by the Reform government in 1912, due to appeals over ownership title, but resumed in 1915.

The Urewera District Native Reserve Amendment Act 1900, section 6, gave the Native Minister the power to take land within the Urewera reserve for leasing. The leases were to be for 21 years with the right of perpetual renewal and with an adjustment of the rent when the lease was renewed. The power was not used as there was no demand from European settlers for land in the Urewera reserve on such terms but it gave the government the power to take land if it decided to.

In 1905 the Legislative Council ordered that an estimate be prepared and presented to it of the amount of Maori land in the North Island which was unoccupied or unproductive. The resulting report included the Urewera District Native Reserve and Ruatoki in its list of unproductive native land. The Urewera reserve was described as partly suitable for settlement. Ruatoki was listed as containing first, second and third class land and as being suitable for settlement.³²⁴ An Act of Parliament of the same year, 1905, gave the Native Minister the power to take land which he considered not required or not suitable for its Maori owners and to vest it in the Maori district land boards, which the Act also established. It was the prevailing attitude of the time that Maori land should be brought into production, and that this would involve the

³²⁴ 'Unproductive native land in North Island', AJLC, 1906, Session II, No.5, p7

alienation of some, or most, Maori land to European settlers. This belief underlay the work of the Stout-Ngata Commission.³²⁵

4.2 The Stout-Ngata Commission

Sir Robert Stout and Apirana Ngata were appointed in January 1907 to form the Royal Commission on Native Land and Native Land Tenure. They were to inquire into areas of Maori land which were either unoccupied or unprofitably occupied, and to report on how such lands could be utilised and settled in the best interests of the Maori owners and the country. The Native Land Settlement Act 1907 stated that the authority of the Commission was not to apply to the South Island, Stewart Island and a number of other areas which included the Urewera reserve. Despite this Stout and Ngata held a meeting with Tuhoe at Ruatoki on 22 January 1908. In their report of the meeting the Commissioners informed the Native Minister that although they could not make recommendations about the Urewera reserve under the 1907 Act, they assumed that as it was native land they could make recommendations that might be acted on by government departments or by Parliament.³²⁶

The Commissioners began the 22 January meeting by informing Tuhoe that they could only deal in a general way with lands within the Urewera reserve and could not make specific recommendations. They then proposed that the provisional committees which had been established in March 1907 should meet at Ruatoki and elect a General Committee. This was agreed to by Numia Kereru as the spokesman for Tuhoe.³²⁷ The Commissioners told the meeting that it was contemplated vesting jurisdiction in the Native Land Court over succession, partition and exchange of land within the Urewera reserve. The Commissioners asked if Tuhoe would agree to the block committees carrying out some partitioning of blocks, subject to the Native Land Court, and this was agreed to.

The Commissioners then suggested that Tuhoe should undertake the cession of some land to the government for a debt that had been charged to Tuhoe for expenses associated with the Urewera Commissions. These included the salaries of the

³²⁵ A Ward, *National Overview, volume 2*, Waitangi Tribunal Rangahaua Whanui Series, 1997, p277

³²⁶ The Commissioners to Native Minister, 8 February 1908, MA 78/11, NA Wellington

³²⁷ Royal Commission on Native Land and Native Land Tenure, minute book of evidence by A T Ngata, p33, MA 78/4, NA Wellington

Commissioners, the clerk's travelling expenses and the cost of the original and partition surveys. Numia said that Tuhoe acknowledged the debt but would prefer to lease land to the government and did not contemplate selling any. The debt was later given as amounting to £7000 and was for the surveying of Urewera land blocks and for the expenses of the two Urewera Commissions.³²⁸ The exact amount owing was £6,945 1s 1d of which £6,138. 19s 8d was for the expenses of the Urewera Commissions and cost of surveys, etc, and £806. 1s. 5d was for the expenses of Urewera Commissioners deputed to hear appeals.³²⁹

The legality of the government charging this debt to Tuhoe is debateable as both Seddon and the Urewera Commissioners had assured Tuhoe that the government would meet these costs. The surveys done were not registrable surveys but were only compass, or magnetic surveys. Ngata was clearly coercing Tuhoe to accept liability for the debt and Numia, for Tuhoe, was endeavouring to find a way to pay the debt but keep the land. Numia had earlier predicted difficulties of this sort to Seddon. The debt was used to pressure Tuhoe to agree to the leasing of land and, in 1910, to the sale of land.³³⁰ Subsequently Tuhoe did not pay for the magnetic surveys or for the costs of the Urewera Commissions but the debt was used in negotiations in 1921, which led to the Urewera consolidation scheme, to pressure Tuhoe into agreeing to donate land for roads.³³¹

The meeting of 22 January 1908 also discussed increasing the length of the proposed leases from the 21 years allowed under the Urewera District Native Reserve Amendment Act 1900 to 50 year leases, which operated in the rest of the country, under the Maori Land Settlement Act 1905. Numia said the people wanted 50 year leases. In the second part of the meeting Mehaka Tokopounamu brought the Commissioners a list of land blocks, with the amounts of land in each block being offered for lease to settle the debt to the government. The total was given by the Commissioners as being 28,000 acres of land near Ruatoki and Te Whaiti.³³² Of the land offered 2000 acres were in each of Ruatoki No.2 and Ruatoki No.3 and

³²⁸ R Stout and A T Ngata, 'Native Lands and Native-Land Tenure. Interim report of Native Land Commission on Native Lands in the Urewera District', 13 March 1908, AJHR, 1908, G-1a, p1

³²⁹ T W Fisher, 'Urewera District Native Reserve (cost of surveys and investigation of title in the)', 2 July 1908, AJHR, 1908, G-10, p1

³³⁰ Binney, 'Encircled lands', part 2, p454

³³¹ Miles, p425

³³² R Stout and A T Ngata, 'Native Lands and Native Land Tenure. Interim report', AJHR, 1908,

Waipotiki, to create a compact block of 6000 acres. The Commissioners thought it was important to take advantage of the readiness of Tuhoe to settle the matter. They noted that the Native Minister could take land for leases under the Urewera District Native Reserve Amendment Act 1900 but thought leases under that Act went against the trend of legislation since 1905, which was towards land purchase. The Commissioners preferred that its proposals in the Urewera be carried out by the General Committee legislated for by the Urewera District Native Reserve Act 1896.

Under the Urewera District Native Reserve Act 1896, a General Committee was to be established for the Urewera. It was to have authority over questions which affected the reserve as a whole and over portions of the reserve when people other than the owners were involved. The General Committee was also to have the power to alienate land, by sale or lease, to the government. Provisional block committees were formed at the time of the Urewera Commission and the lists of members published in 1902 but they were not approved by Parliament until 1907. The provisional committees were to be followed by the election of permanent committees from which the General Committee would be formed. The Stout-Ngata Commission considered the election of permanent committees would take a long time as the regulations for them had not yet been drawn up and meetings would have to be organised. The Commission recommended that the existing provisional committees meet at Ruatoki at the end of March 1908 and elect a provisional General Committee. The provisional General Committee could then offer the lease for the 28,000 acres agreed to for the debt owed to the government.³³³ The Commissioners suggested that the election of a provisional General Committee be validated by Parliament after it had been elected.

The agreement the Commission had reached with Tuhoe leaders to give the government land to lease at, among other places, Ruatoki, was the subject of a letter from Erueti Peene and 37 others, to the Native Minister, James Carroll, in April 1908. The letter asks that the lands in the Ruatoki blocks and at Ruatoki South and Parakohe blocks to be 'given over' to the Native Minister be set aside absolutely and leased to Tuhoe to support their pastoral activities and the cheese factory. It adds that the lands being given to the government to lease are in their immediate vicinity.³³⁴ The General Committee did not officially exist at that time but a defacto General Committee was

G-1a, p1

³³³ The Commissioners to Native Minister, 8 February 1908, MA1 78/11, NA Wellington

operating and it was led by Numia Kereru. Erueti Peene was not opposing the transfer of the land to the government but was asking that it be leased to the Tuhoe who were already using it. The leasing of land to Maori in this way was allowed for under the Maori Land Settlement Act 1905 under which allotments of Maori land taken by the Native Minister to be leased could be set aside for Maori. However the discussions in 1908 about the government being given land to lease at Ruatoki, and in neighbouring areas, had no result.

At the meeting which the Stout-Ngata Commission had held at Ruatoki on 22 January 1908 the Commissioners explained the mining legislation which had been made extended to the Urewera reserve the previous year. This was section 7 of the Maori Land Claims Adjustment and Laws Amendment Act 1907 which had opened the Urewera to prospecting by the holders of prospecting licences granted by the government. The Tuhoe at the meeting, according to the Commissioners, had found the legislation satisfactory, but had told the Commissioners that a member of their tribe, Rua Kenana, had given permission to a European to prospect for gold and he was going through the district. The Tuhoe at the meeting wanted the government to stop the prospector's illegal operations.³³⁵ In this matter the meeting reflected the struggle for power, underway in the Tuhoe tribe, between Numia Kereru and Rua Kenana, a messianic figure who gained a large following among Tuhoe.

4.3 The appointment of the General Committee

On 22 January 1908 Sir Robert Stout and Apirana Ngata met Tuhoe at Ruatoki and one of the issues discussed had been the granting of prospecting licenses. The meeting had supported the right of the government to issue prospecting licenses and complained of Rua's granting of permission to a European to prospect in the Urewera reserve. Rua continued to negotiate with the representatives of a company wanting to mine gold in the Ureweras. In February Te Pouwhare wrote to James Carroll, the Native Minister, again supporting the government's control of the issuing of prospecting licenses and wanting the authority of the General Committee established

³³⁴ Erueti Peene to Native Minister, 12 April 1908, MA 13/90, NA Wellington

³³⁵ Royal Commission on Native Land and Native Land Tenure, minute book of evidence of A T Ngata, p35, MA 78/4, NA Wellington

to control gold prospecting.³³⁶ Numia and Te Pouwhare called a meeting at Ruatoki for March 1908 to elect a General Committee. To avoid a clash between Rua and his supporters and the defacto General Committee the Premier, Sir Joseph Ward, went to meet the rival Tuhoe leaders. He met Rua and Numia and their supporters on the beach at Whakatane on 23 March 1908. He thanked Numia's supporters for their loyalty and replied to Rua's request for a separate Maori government by saying there could not be two suns shining in the same sky. Rua then took the equality of both races beneath the government as his principal political ideal.³³⁷

Rua visited Wellington in June 1908 and told journalists his purpose in going there was to get the government to help Tuhoe develop their land. He wanted money from land sales to develop the 20,000 acre reserve his followers had given him at Maungapohatu. Numia Kereru and his followers also visited Wellington and offered to lease 80,000 acres to the government in 18 land blocks in the Urewera reserve. They asked for the construction of arterial roads, one from Waimana to Maungapohatu and the other from Ruatoki to Ruatahuna. They were prepared to have the cost of constructing the roads recovered from the land blocks the roads went through, probably by letting the government take some of the land as a reimbursement. This was the beginning of the question of arterial roads to be built by the government to bring economic development to the Tuhoe in return for the government receiving land to cover the cost.

Lists of nominees for membership of the General Committee were sent by the Native Minister to Numia Kereru for his approval in October 1908. The names were taken from the block committee memberships by the Native Department.³³⁸ Numia did not reply at once, possibly as he was consulting other Tuhoe leaders. In the mean time, Rua met Carroll in Gisborne in November 1908 and offered to sell the government 100,000 acres of land owned by his followers.³³⁹ Rua's purpose in offering the land for sale was to gain the means to develop land at Maungapohatu and he believed that all land sold by Maori would one day be miraculously returned. The Native Minister was in favour of accepting the offer but land within the Urewera Native District Reserve could only be sold by the General Committee.

³³⁶ Miles, p326

³³⁷ Binney et al, *Mihaia*, p38

³³⁸ Ibid, chapter 4, p15

³³⁹ Webster, p231

The members of the General Committee were appointed in March 1909. Numia Kereru, also called Numia Te Ruakariata, was the chairman and Mehaka Tokopounamu, his opponent from the Native Land Court debates over Ruatoki, was a member. Other members included Te Pouwhare Te Roau, Netana Te Whakaari and Te Akuhata Te Kaha. Ten members the General Committee were from Ruatoki, although many of them would have had connections with other areas as well. Rua was not appointed a member of the General Committee and his followers were not influential on it.³⁴⁰

In June 1909 the General Committee drew up a list of 41,242 acres of land in 18 Urewera land blocks which the block committees and some hapu had agreed to cede to the government land to discharge encumbrances on the blocks. The land was all in blocks which would be traversed by a road which the committee asked to government to construct. The requested construction was to complete the road from Whakatane to Ruatoki and then to continue along the Whakatane River to Ruatahuna to connect with the road from Rotorua to Waikaremoana. The land to be ceded, through which the road would pass, included 2000 acres in the east of Ruatoki No.2 block and 2000 acres in the west of Ruatoki No.3.³⁴¹ It is not clear if the cessation involved sale or lease as both were being considered by the General Committee.

Tension developed between the General Committee and Rua with Te Pouwhare informing the Native Minister that Rua and his adherents were not following Maori custom in burial practises and were eating at grave sites. At feasts, after returning from a burial, a collection would be taken up with the proceeds going to Rua. There had been an attempt by Rua's followers to begin these practices at Ruatoki but they had been sent away.³⁴²

Rua's response to the establishment of the General Committee was to withdraw his offer to sell 100, 000 acres of land to the government.³⁴³ He did not want the sale to be arranged by the General Committee, which was his rival for the leadership of Tuhoe, and he had the power to stop the sale as the land was owned by his followers. Rua did not recognise either the General Committee or the block committees and believed he had been appointed by God to rule the Urewera. In March 1910 he

³⁴⁰ Ibid, p233

³⁴¹ Report of General Committee meeting 3 June 1903, MA 13/91, NA Wellington

³⁴² Pouwhare to Native Minister, 13 September 1909, MA 13/91, NA Wellington

³⁴³ Rua Kenana Hepetipa to Native Minister, 15 February 1910, MA 13/91, NA Wellington

disputed the authority of the village committee at Ruatoki which had been set up under the Maori Councils Act 1900 and was chaired by Akuhata Te Kaha. Rua's followers set up a council in Ruatoki and published a set of regulations banning the sale of alcohol, the straying of domestic animals and the riding of horses in the pa. Their regulations referred Rua as the Lord of this World. On his authority the regulations were going to be enforced and fines collected for breaches of them. Rua was establishing a rival system of local government, although a policeman, who was called to Ruatoki by the Komiti Marae set up under government legislation, did not expect any further trouble after he had explained the legal situation to the people there.³⁴⁴

The General Committee was also opposed at this time by people of Ngati Koura and other hapu who were leasing land to Europeans for grazing. The leases had been arranged before the General Committee was formed and the lessors objected to the committee's imposition of regulations on leasing.³⁴⁵ The leases were illegal as the General Committee had not authorised them but it was being done as a means of sustenance.³⁴⁶ The issue involved a revival of inter-hapu rivalry as a representative of the lessors thought envy by Ngati Rongo was the cause of the General Committee's opposition to the leases. The General Committee confirmed its opposition to illegal leasing at its March 1910 meeting.

In early 1910 Rua joined the movement for a separate Maori government begun the year before by Tana Taingakawa, the former Premier of the King movement. Rua and his people, Ngati Tawhaki, Ngati Koura and some other Tuhoe were described as having adopted the law of Taingakawa.³⁴⁷ Taingakawa is said to have claimed that he could obtain the return of the confiscated land. Taingakawa stated that a section of the Tuhoe people had placed their lands, properties and themselves under his administration, in accordance with clause 2 of the Treaty of Waitangi.³⁴⁸

The government wanted to purchase the land Rua had offered. On 27 May 1910 Apirana Ngata attended a meeting of the General Committee at Ruatoki. He had probably been in contact with Rua before this as Rua attended the meeting with some

³⁴⁴ Webster, p233

³⁴⁵ Hori Aterea to Native Minister, 13 March 1910, MA 13/91, NA Wellington

³⁴⁶ Tupara Tamana to Native Minister, 11 March 1910, MA 13/91, NA Wellington

³⁴⁷ Tupara Tamana to Native Minister, 5 February 1910, MA 13/91, NA Wellington

³⁴⁸ T Taingakawa to Native Minister, 14 April 1910, MA 13/91, NA Wellington

of his followers. Rua proposed that some of them be appointed to the General Committee to replace several member who had died or resigned. Two more members resigned, Taua Rakuraku, an enemy of Rua's, and Te Pairi, a traditionalist carver.³⁴⁹ Ngata proposed five of Rua's followers be appointed to the committee. This was agreed to by the 15 remaining members of the General Committee, including Numia Kereru. Rua and four of his followers then informally joined the General Committee.

Rua then moved that the land he had offered to James Carroll in November 1908 should be sold to the government. The lands which were offered for sale to the government comprised 40,000 acres in the Maungapohatu area and in the basin of the Waimana River, which was then called the Tauranga River. Two other committee members, Te Whiu and Netana Whakaari, offered for sale additional blocks at Otaru and Paraoanui. Numia Kereru offered to lease the government 2000 acres in Ruatoki No.2 block, which, like the other blocks, had already been offered to the government in 1908 to reimburse the cost of the Urewera survey and the Urewera commissions.³⁵⁰

The government district surveyor, Andrew Wilson, was sent to value the four blocks offered. He noted that the government would be under pressure to build roads to areas it had purchased, to assist settlement, and that the government therefore had an interest in purchasing a large amount of land at the same time. This would prevent the value of land remaining to Tuhoe from increasing as a result of government road construction. He reasoned that as the government would have the cost of building the roads it should gain the resulting increase in land values. He said Tuhoe saw the justice of this³⁵¹ and suggested to Tuhoe leaders that the government would be able to offer a better price for their land if all the land along the proposed Waimana to Maungapohatu road if it was sold at the same time.

The appointment of Rua Kenana and four of his supporters to the General Committee was gazetted in June 1910.³⁵² Following this Rua organised a meeting of the General Committee at Ruatahuna on 28 June 1910 to discuss matters concerning Waikaremoana, Te Whaiti, Ruatoki No.2 and No.3 blocks. The General Committee

³⁴⁹ Binney, 'Encircled lands', part 2, p423

³⁵⁰ R Stout and A T Ngata 'Interim report of the Native Land Commission', AJHR, 1908, G-1a p2

³⁵¹ A Wilson to Chief Surveyor, 30 June 1910, MA-MLP 1 1910/28/1, part 1, NA Wellington

³⁵² Urewera District Native Reserve - Removal and Appointment to General Committee, 9 June 1910, *New Zealand Gazette*, 1910, no 57, p1686

advised Rua and his followers to form a runanga of the owners of the land and send a report to the General Committee.

4.4 The extension of the Native Land Court's authority to Ruatoki

Tuhoe had opposed the introduction of the Native Land Court to the Urewera in their negotiations with government³⁵³ and the Court had been excluded from the Urewera reserve by section 3 of the Urewera District Native Reserve Act 1896. The exclusion of the Native Land Court from the Urewera was eroded by legislation beginning with the Maori Land Claims Adjustment and Laws Amendment Act 1907. Section 8 of the Act enabled the Native Minister to empower a Judge of the Native Land Court to investigate title to any land in the Urewera District which had not yet been investigated.

The introduction of the Native Land Court to the Urewera continued with the provision made for appeals against the decisions of the Barclay and Ngata commission by section 20 of the Maori Land Laws Amendment Act 1908.³⁵⁴ This section stated that the provisions of section 39 of the Native Land Court Act 1894 was to apply to decisions made under the Urewera District Native Reserve Act 1896. Section 39 of the Native Land Court Act 1894 said that the Chief Judge of the Native Land Court may, after land titles had been ascertained, on receipt of an application in writing from persons alleging to have been affected by an error or omission of the Court, vary the decision complained of to correct the errors or omissions.

Many applications were made to the Chief Judge against the decisions of the Barclay-Ngata commission but applications under the 1908 Amendment Act had to be made by 30 June 1909 and many arrived too late. In addition to the late applications the government received a petition from Paora Noho and five others asking that the Ruatoki blocks 1,2 and 3 be referred to the Native Land Court for further investigation. The petitioners wanted further admissions to ownership and a re-adjustment of shares.³⁵⁵ The petitioners had missed the appeal deadline of 30 June and now sought legislative relief. There was a similar petition from Haki Te Puehu and

³⁵³ Miles, p283

³⁵⁴ New Zealand Statutes, 1908, p229

³⁵⁵ Petition of Paora Noho and five others, MA1, 1914/3284, NA Wellington

four others. The late applications were the subject of a ministerial promise of amendment to the statute,³⁵⁶ which was also a reply to the petitions. The promised amendment was made by the Urewera District Native Reserve Acts of 1909 and 1910.

Section 5 of the Urewera District Native Reserve Amendment Act 1909 stated that the Native Land Court may exercise all jurisdiction vested in the Court by the Native Land Court Act 1909 in the Urewera, except jurisdiction relating to the partition of land blocks or the exchange of land. Partition and exchange required the permission of the Governor in Council.

Section 3 of the Urewera District Native Reserve Amendment Act of 1909 made the land title orders of the Barclay-Ngata commission to be the same as a freehold order made by the Native Land Court. The Urewera land, including Ruatoki, had become native (or Maori) freehold land.

In the following year the Urewera District Native Reserver Amendment Act 1910 specifically stated that section 50 of the Native Land Act 1909, which allowed appeals against decisions by the Native Land Court to be heard by its Chief Judge, was to apply to the Urewera. The Act added that the Native Appellate Court was to exercise all powers conferred upon it by the Native Land Act 1909 in the case of appeals against final ownership orders.

In September 1910 Hori Aterea Hohua and 19 others petitioned Parliament for a rehearing of the Ruatoki blocks as they thought it was likely the lands would be sold by persons whose inclusion in the ownership lists they objected to.³⁵⁷ The petition was referred by the Native Affairs Committee to the government for immediate consideration.

4.5 The first Crown purchase of land in Ruatoki

Following the decisions of the Barclay-Ngata Commission Rua held 10 shares in each of the three Ruatoki blocks and four members of his family each held 5 shares in each block.³⁵⁸ A number of his followers also held shares in the Ruatoki blocks. Rua and some of his supporters, including three members of his family, visited Wellington in

³⁵⁶ Jackson Palmer to Native Minister, 26 August 1912, MA 13/90, NA Wellington

³⁵⁷ Hori Aterea Hohua petition 512/1910, MA1 1914/3284

³⁵⁸ Barclay and Ngata, 'Reports of the Commissioners', AJHR, 1907, G-4a, pp10, 15 and 20

August 1910. They asked the government to make advances to them of £10 each on their shares in several of the blocks in which land had been offered for sale, or lease, to the government. The blocks were Waipotiki, Karioi, Waitiripapa and the three Ruatoki blocks and they were stated by James Carroll, the Native Minister, to have been placed under offer of sale to the government.³⁵⁹

On 12 September 1910 the Native Land Purchase Board resolved that the Waipotiki, Karioi, Waitiripapa and Ruatoki blocks be purchased, and that the amount to be advanced be decided by a meeting of the owners to be attended by Apirana Ngata. The government had moved from discussing proposals for the sale or lease of land in the Urewera reserve and Ruatoki to the purchase of individual shares in land blocks in the two districts. In November 1910 the Lands Department was completing the purchases of the shares offered by Rua and his followers.³⁶⁰ These purchases had been made without the consent, or even knowledge, of the General Committee. This was a departure from the Urewera District Native Reserve Amendment Act 1909 and removed the main authority which the General Committee had. The under secretary for Lands, Thomas Fisher, had observed in 1909 that there had been a change of policy since 1896 and it was no longer the intention to confer such extensive powers on the General Committee as had been intended.³⁶¹

The first shares sold in the three Ruatoki blocks were sold by Rua Kenana, his son, Toko Rua, and three of his followers. Rua sold the 10 shares he had in each of the three blocks and his son sold the five he had. The other sellers were Te Whareteneti Kepa and Te Iwikino Hairuha, who both sold 20 shares in each block, and Pekahinau Wi Taikite, who sold 10 shares in Ruatoki No.1 and 5 shares in each of Ruatoki No.2 and No.3. The shares were purchased in Wellington on 22 August 1910.³⁶² The total number of shares then purchased in Ruatoki was 65 shares in Ruatoki No.1 and 60 shares in both Ruatoki No.2 and No.3. This was a very small number of the total shares in the blocks as Ruatoki No.1 had 4,239 shares, Ruatoki No.2 had 4,512 shares and Ruatoki No.3 had 4517 shares. The government paid advances totalling £49.11s for shares in Ruatoki No.1, £29.2s.6d for shares in

³⁵⁹ J Carroll to Under secretary, Lands, 17 August 1910, and Ngata to Native Minister, 22 August 1910, MA-MLP 1 1910/28/1, part 1, NA Wellington

³⁶⁰ Additional note on memo 13 August, unsigned, MA-MLP 1 1910/28/1, part 1, NA Wellington

³⁶¹ Thos W Fisher to under secretary, Native Department, 18 May 1909, MA 13/91, NA Wellington

³⁶² Binney, 'Encircled lands', part 2, p433

Ruatoki No.2 and £33.12.6d for shares in Ruatoki No.3.³⁶³ Although there were no further government purchases of shares in the three Ruatoki blocks and no further advances were made, the Crown had acquired a lever for the partition of the Ruatoki lands into government and Tuhoe blocks and further purchases in Ruatoki remained under consideration for some years.

The government purchased interests equal to 40,795 acres of land in the Urewera between 1909 and 1912,³⁶⁴ all from Rua and his followers. The purchases were made from individual shareholders first and the affirmation of the General Committee obtained after a large enough area had been obtained. This was not in accordance with the Urewera District Native Reserve Act 1896 under which the General Committee was to have control of the alienation of land in the reserve. The purchases were retrospectively validated by the Native Land Amendment and Native Land Claims Adjustment Act 1916. The need for retrospective legislation means the land purchases were in fact illegal.³⁶⁵

The purchase of shares in Urewera land blocks was suspended by the newly elected Reform government in 1912 due to appeals against the decisions of the Urewera Commissioners on land title ownership. The appeals resulted from the Urewera District Native Reserve Amendment Act 1910 which made the Urewera orders subject to section 50 of the Native Land Act 1909 and allowed appeals against the Commissioners' orders to be heard. There were 70 appeals, of which Jackson Palmer, the Chief Judge of the Native Land Court, allowed over half to go forward. In February 1912 he advised the government to cease land purchasing in the Urewera because of the number of appeals to be heard.³⁶⁶

4.6 The partition of the Ruatoki blocks

The purchase of individual shares in the Urewera land blocks, and the purchase of a small number of shares in the Ruatoki blocks, was part of the Crown's acquisition of land in the Urewera reserve. Another part of the process was the partition of land blocks so that parts owned by particular owners, including the Crown, could be

³⁶³ Thos W Fisher to Judge Browne, 14 June 1916, MA-MLP 1 1910/28/1, part 2, NA Wellington

³⁶⁴ AJHR, 1921, sess 2, G-7, p3

³⁶⁵ Binney, 'Encircled lands' part 2, p455

³⁶⁶ Ibid, p456

identified and separated. The partition of the Ruatoki blocks began in September 1910 when Apirana Ngata wrote to the Native Minister recommending that an application be made for the partition of the Te Whaiti block in the Urewera and for the partition of the three Ruatoki blocks. Ngata wanted Te Whaiti divided between two hapu and he wanted the Ruatoki blocks partitioned as dairy farming had begun and there were disputes about the ownership of arable land near the dairy factory.³⁶⁷ Ngata's request also followed the sale by Rua and his followers of their shares in the Ruatoki blocks.

The order in council required for the Native Land Court to carry out the partitions in the three Ruatoki blocks and Te Whaiti was signed on 12 September 1910.³⁶⁸ The addition to the Court's power was passed into law by section 12 of the Native Land Claims Adjustment Act 1911. The four blocks were now fully under the authority of the Native Land Court and all titles in the four blocks could be cancelled or re-allocated by the Court.

The partition of Ruatoki No.1 block, under section 12 of the Native Land Claims Adjustment Act 1911, began on the application of Numia Kereru in May 1912.³⁶⁹ The Court stated it would ascertain which tribes or hapu held interests in the block, then determine the boundaries within the block to which they were entitled, and then decide the name lists and define the interests in the block. Numia claimed that Ruatoki No.1 was owned in the time of the ancestors exclusively by Ngati Rongo, Te Mahurehure and Ngati Raka and that Ngati Rongo had driven out Ngati Raka and taken their land by conquest. This was the same claim Numia had made to the Native Land Court at the original Ruatoki hearing in 1894. Ngati Koura also claimed Ruatoki No.1 at the 1912 Native Land Court hearing. After evidence had been heard Numia agreed to a division of the block with Ngati Koura. Judge Browne issued two partition orders which divided the block into Ruatoki 1A, of about 1,126 acres, which was awarded to Ngati Koura, and Ruatoki 1B, of the remaining 7,609 acres of the block, which was awarded to Ngati Rongo and Te Mahurehure.³⁷⁰

In 1913 the Native Affairs Committee of the House of Representatives considered a petition from Te Iwikino Hairuha and another to Parliament asking that

³⁶⁷ A T Ngata to Native Minister, 7 September 1910, MA 13/90, NA Wellington

³⁶⁸ Conferring jurisdiction on Native Land Court, 15 September 1910, *New Zealand Gazette*, 1910, no 84, p3421

³⁶⁹ Whakatane Native Land Court minute book 11, 24 May 1912, fol 175

³⁷⁰ *Ibid*, 22 June 1912, fol 318

further legislation be enacted to enable the Native Land Court to define the interests of various hapu in the three Ruatoki blocks.³⁷¹ The Committee made no recommendation on the petition, probably as the partitioning of the blocks had begun.

Ruatoki No.2 block was claimed by Ngati Rongo and Te Mahurehure and also by Ngati Koura, Ngati Tawhaki and Te Urewera. These hapu had been awarded the block in 1894. Ngati Koura and Ngati Tawhaki were again included in the ownership lists and the block was divided into three parts, Ruatoki No.2 A, B and C.³⁷² The name lists handed in to the Court for this hearing were hapu based which suggests the block was divided between the five hapu.

Ruatoki No.3 block was claimed by Ngati Rongo, Te Mahurehure and Ngati Tawhaki and was also divided into three parts.³⁷³ A further division was made of Ruatoki 2C which became Ruatoki 2C1 and 2C2. The process of partition continued with numerous partitions being made in Ruatoki No.1 block up to 1914. In that year, for example, Ruatoki No.1A was divided into six parts.³⁷⁴ The best farm land was in Ruatoki No.1 near the Whakatane River and this became the most sub-divided part of Ruatoki and the site of the township.

The Ngati Koura leader Hori Aterea Hohua and six others petitioned Parliament in 1914 claiming loss from the 13 June 1914 decision which had sub-divided Ruatoki 1A. The loss had occurred as the Court agreed with Numia Kereru that Ngati Koura had earlier agreed to give up 30 acres of land in return for 10 acres surrounding the kainga of Takarua Tamarau and had consequently reduced their entitlement. Their application for a rehearing of relative interests was not supported by the Under Secretary of the Native Department and the matter lapsed.³⁷⁵

Hori Hohua petitioned Parliament the following year claiming that a large number of people who were not members of Ngati Koura had been put into Ngati Koura's part of Ruatoki No.1A by the Native Land Court. This petition was referred to the Registrar of the Waiariki District Native Land Court who commented that no challenge had been made to the ownership lists when they had been made by the

³⁷¹ Te Iwikino Hairuha petition 216/1913, MA1 1914/3284, NA Wellington

³⁷² Whakatane Native Land Court minute book 11, 20 June 1912, fol 296

³⁷³ Ibid, 7 June 1912, fols 279-280

³⁷⁴ Whakatane Native Land Court minute book 12, 13 June 1914, fols 270-271

³⁷⁵ Under Secretary, Native Department to Chairman, Native Affairs Committee, 19 October 1914, MA 1 1914/3378, NA Wellington

Court. This petition also received no further action.³⁷⁶ A subsequent petition from Hohua for a re-opening of the ownership of the three Ruatoki blocks was declined as granting it could have led to the re-opening of all the Urewera land block cases.³⁷⁷

Teepa Koura and two others petitioned Parliament in 1914 wanting legislation to ascertain the rights of individuals in the Ruatoki blocks. They claimed that in 1894 their claim was from ancestry and conquest whereas the other 12 claims had been from ancestry only. They held that the Native Land Court had ignored their right to the land by conquest and had only recognised rights to the land from occupation. They wanted legislation to correct this as the Court would not listen to their case and had not administered the section of the Native Land Claims Adjustment Act 1911 which allowed for persons admitted by error to native land ownership lists to be struck out. A similar petition was received from Te Pouwhare claiming the partition of the Ruatoki blocks had resulted in some people gaining land they were not entitled to. Both petitions were attempts to reintroduce the Ngati Rongo claim to exclusive ownership of the three Ruatoki blocks and were not acted upon.³⁷⁸

4.7 The resumption of Crown land purchasing in the Urewera

The Native Land Purchase Board decided to resume the purchase of interest in the Urewera blocks in late 1914.³⁷⁹ In 1915 Bowler wrote to the under secretary of the Native Department to say that the Ruatoki blocks had been sub-divided into a great number of divisions. He referred to the advances on their interests that had been made to Rua and his followers in 1910 and asked if he should acquire all the sub-divisions or only those in which advances had been made.³⁸⁰ No decision was made at this time on the resumption of the purchase of interests in the Ruatoki blocks.

In 1915 Bowler acquired the interests of numerous individuals in blocks through out the Urewera.³⁸¹ Extensive Crown purchases were made in the Urewera reserve in

³⁷⁶ Registrar, Waiariki Native Land Court to Under Secretary, Native Department, 7 October 1915, MA 1 1915/3129, NA Wellington

³⁷⁷ Registrar, Waiariki Native Land Court to Under Secretary, Native Department, 26 September 1917, MA 1 1916/458, NA Wellington

³⁷⁸ Teepa Koura and two others, Petition no. 462/1914, MA 1 1914/3284, NA Wellington

³⁷⁹ Under secretary, Lands Department, to W H Bowler, 22 December 1914, MA-MLP 1 1910/28/1, part 1, NA Wellington

³⁸⁰ W H Bowler to Under secretary, Native Department, 13 June 1915, MA-MLP 1 1910/28/1, part 1, NA Wellington

³⁸¹ S K L Campbell, *Urewera overview project. Land alienation, consolidation and development*

1915 and 1916. Bowler advised against the partition of the Urewera blocks as there would have remained a large number of Tuhoe owned areas dotted through the district, which he believed was going to be opened for European settlement, after the Crown interest was identified and cut out.³⁸² Accordingly the government revoked the three orders in council it had issued authorising the Native Land Court to make partition orders for the Urewera blocks in 1912 and 1913 and for Ruatoki and Te Whaiti in September 1910.³⁸³ A new order in council was issued at the same time to allow the Native Land Court to continue to have full jurisdiction in the three Ruatoki blocks, including the power to issue partition orders.³⁸⁴ This was necessary as the Native Land Court had already begun the partitioning of the three Ruatoki blocks.

Two petitions regarding the Ruatoki blocks were made to Parliament in 1915. One was from Te Pouwhare and four others and asked for legislation to cancel the existing land title orders for the three Ruatoki blocks and allow a rehearing of relative interests. The other petition was from Hori Hohua and six others. It asked for a reinvestigation of title to Ruatoki No.1. The Native Affairs Committee of the House of Representatives had no recommendation to make on either petition.³⁸⁵ A petition from Teepa Koura and two others also asking for a rehearing of the ownership of Ruatoki, made in 1914, was considered by the Native Affairs Committee in 1916 and again it made no recommendation. A further petition from Hori Hohua, this time with 11 others and made in 1915, asking for a reinvestigation of the title of the three Ruatoki blocks was again not recommended to government by the Committee in 1917. After over 20 years of Ruatoki title investigation there was no official enthusiasm for starting the process again.

The surveying of the internal sub-divisions of the three Ruatoki blocks began in 1916 and by August the field work and plans had been completed.³⁸⁶ Mr Bowler, the purchase officer, believed he had authority to purchase in the Ruatoki blocks as he had been instructed in May 1915 to purchase in the blocks where Mr Patterson had

in the Urewera 1912-1950, pp13-14

³⁸² W H Bowler to Under secretary, Native Department, 1 June 1916, MA-MLP 1 1910/28/1, part 2, NA Wellington

³⁸³ Revoking Three orders in Council permitting Partition of Various Blocks in the Urewera Reserve, 29 June 1916, *New Zealand Gazette*, 1916, no 72, p2224

³⁸⁴ Conferring jurisdiction on Native Land Court, 29 June 1916, *New Zealand Gazette*, 1916, no 72, p2224-5

³⁸⁵ AJHR, 1915, I-3, p5 and p28

³⁸⁶ W F Massey, Minister of Lands, to Native Minister, 7 August 1916, MA-MLP 1 1910/28/10, NA Wellington

previously purchased.³⁸⁷ Subsequently Bowler was authorised to purchase in a number of named Urewera blocks and the Ruatoki blocks were specifically excluded from these. C.B. Jordan, the under secretary for Native Affairs wrote in December 1916 that purchasing in the Ruatoki blocks was being held over due to partitioning having taken place there, there being appeals pending on ownership title and due to the lack of valuation on the subdivisions. Shortly after Jordan informed the under secretary of Lands that it had been decided to commence purchasing individual shares in Ruatoki No.2 and No.3 blocks and requested information on values and improvement made in each sub-division.

Many Tuhoe wanted to sell their shares in the three Ruatoki blocks. Some had land elsewhere and wanted money to develop their farms there. Others wanted to sell some of their Ruatoki land to pay off the survey charges, resulting from partitioning, on other Ruatoki land.³⁸⁸ There was also some opposition to the sale of any land in Ruatoki and wish to lease the land there instead. In early 1917 Akuhata Te Kaha and nine others wrote to the Native Minister saying that the Mahurehure tribe wanted the lands of Ruatoki No.2 and No.3 to be incorporated and worked by them. Mr Bowler wrote that many owners were anxious to sell their shares in Ruatoki No.2 and No.3 but were offering the back sections.

A valuation of the Ruatoki blocks was made in early 1917 by the surveyor Percy Wilkinson. He wrote that the land offered for sale by Tuhoe at Ruatoki was the most barren and unprofitable land in the three blocks. He stated that the government would be unwise to take over the land offered unless the Crown could purchase Ruatoki No.1 block to go with it. He said that Ruatoki No.2 and No.3 blocks were in their open portions very poor land. The land was terraced near Ngahina Pa with the top terrace waste from the pumice hills, the middle terrace was fairly good land and the bottom terrace was river gravel with a sprinkling of grass. By contrast he described all of Ruatoki No.1 west of the Whakatane River as good root and swamp land. There, he said, the Tuhoe were milking a few cows but most of it was practically idle. Referring to Ruatoki blocks No.2 and No.3 he thought similar land, adjacent to Ruatoki but more conveniently situated, had sold recently for 5 shillings per acre. Generally

³⁸⁷ C B Jordan, Under secretary, Native Affairs to Native Minister, 12 December 1916, MA-MLP 1 1910/28/10, NA Wellington

³⁸⁸ Hiki Natanahira and 99 others to Judge Browne, 27 November 1915, MA-MLP 1 1910/28/10, NA Wellington

Wilkinson considered Ruatoki to be a very unprofitable investment to which it would be difficult to attract settlers.³⁸⁹

Bowler gave a contrasting account of Ruatoki the following month. He said the land west of the Whakatane River was very good land and could be worth as much as £30 per acre. On this land, which was part of Ruatoki No.1 block, Bowler said Tuhoe were milking a large number of cows and some were getting substantial milk cheques. He added that this part of Ruatoki was obviously not intended for sale. He said he had been approached by probably hundreds owners wanting to sell shares in Ruatoki. The problem that made purchasing in Ruatoki difficult was that the blocks were partitioned into numerous sub-divisions and the Crown could only acquire a large number of interests in the sub-divisions which would have to be cut out and this would result in 'grid-ironing' of the block. Also he said that Tuhoe were unlikely to receive much benefit from the sale of the rough part of Ruatoki after the expense of the Court hearings and partition surveys which would have to be made.³⁹⁰

Ruatoki No.2 and No.3 blocks had, by early 1918, been partitioned into about 50 sub-divisions. Most of them had been surveyed and substantial survey charges were owed to the government. Bowler was instructed in February 1918 to commence the purchase of individual shares in the unoccupied sub-divisions of Ruatoki No.2 and No.3 blocks. He was told by C.B. Jordan, under secretary of Native Affairs, that after individual interests had been acquired an application could be made for the cancellation of the partition orders if this would assist the cutting out of the Crown interest.³⁹¹

Bowler replied that before purchasing in the two blocks could begin the question of survey charges needed attention. If the Crown's intention was to purchase individual interests and then consolidate its interest, much of the survey work would be made valueless. The existing partitions would be swept aside by the need to identify and cut out the Crown interest.

Tuhoe owed the government survey charges for the surveys which had been made. Bowler stated that if the Crown were to forego the survey charges it would pay

³⁸⁹ Percy R Wilkinson to Chief Surveyor, 5 April 1917, MA-MLP 1 1910/28/10, NA Wellington

³⁹⁰ W H Bowler to Under secretary, Native Department, 4 May 1917, MA-MLP 1 1910/28/10, NA, Wellington

³⁹¹ C B Jordan, Under secretary, Native Affairs to W H Bowler, 4 May 1917, MA-MLP 1 1910/28/10 NA Wellington

more for the land than it was worth. The alternative was for Tuhoe to be paid the balance of the purchase price after the survey charges had been recovered, which would have meant some Tuhoe receiving virtually nothing for their land.³⁹²

Jordan then informed the Native Minister, W.H. Herries, that the purchase of interests in Ruatoki No.2 and No.3 blocks was complicated by the partitioning that had taken place and he was obtaining a further report. Herries also received a letter from Rawaho Winitana and 99 others asking that the three Ruatoki blocks not be purchased as they were able to farm the land themselves.³⁹³ The letter said they had many cows on the block and were supplying butter and cheese to the Auckland district. However the main pressure on government at this time was the ending of the First World War and with it a demand that land be found for returning soldiers. Herries instructed Jordan to reply to the letter from Rawaho Winitana by saying that no one would be compelled to sell their interests but it would be hard to stop those who wanted to from doing so.³⁹⁴

In late 1919 Bowler was asked to make definite recommendations as to which sub-divisions should be acquired in the Ruatoki blocks. He replied that a small part of Ruatoki was river flat and Tuhoe were utilising that and it should not be purchased. This was the best part of the block, which he had earlier valued at £30 per acre. The remainder of the three Ruatoki blocks was hill country. It had been valued by the government surveyor at around 5 shillings or 7 shillings and six pence per acre. The sub-divisions of the hill country had been surveyed at a cost of about 2 shillings and six pence per acre and the cost had been met by the Crown. He repeated that if the survey costs were recovered from Tuhoe they would receive little for their land and if the costs were foregone by the Crown it would make the land expensive. He added that if purchases were made the separation of the Crown interests from those of the non-sellers would result in a chequer-board of holdings. Alternatively if the partition orders were cancelled it would render useless the internal survey work.³⁹⁵ An impasse had been reached over survey costs.

However partitioning of the Ruatoki blocks, especially Ruatoki No.1 block, by the Native Land Court continued. By 1921 the Crown had purchased interests

³⁹² Bowler to Jordan, 22 February 1918, MA-MLP 1 1910/28/10, NA Wellington

³⁹³ Rawaho Winitana to Native Minister, 23 September 1918, MA-MLP 1 1919/28/10, NA Wellington

³⁹⁴ W H Herries, file note (copy), 12 May 1919, MA-MLP 1 1910/28/10, NA Wellington

³⁹⁵ Bowler to Jordan, 15 March 1920, MA-MLP 1 1910/28/10, NA Wellington

amounting to 330, 523 acres of the 651,366 acres of the Urewera reserve for £189,091.³⁹⁶ Since the resumption of purchasing interests in the Urewera in 1914-15, the Crown had not purchased any further interests in Ruatoki No.1, No.2 or No.3 blocks. The Crown did, however, make some advance payments towards the purchase of further interests in the Ruatoki blocks but these do not appear to have been finalised as they were made before the block's valuations were completed.³⁹⁷ The total Crown interest in the three Ruatoki blocks remained the 65 shares in Ruatoki No.1 and the 60 shares in Ruatoki No.2 and No.3 purchased from Rua and his supporters in 1910. The Crown made no further purchases in the Ruatoki blocks until the Ruatoki consolidation scheme of the late 1920s and early 1930s. As a result of these purchases the Crown acquired the Crown Award blocks of the Ruatoki consolidation scheme which are discussed in chapter five of this report.

4.8 Ruatoki and the Urewera Consolidation Scheme

Consolidation schemes were promoted by Apirana Ngata as a means of turning the scattered interests Maori people held in land blocks into viable farm units by the exchange of interests. The government also considered consolidation for the Urewera in 1918 and 1919 as a way of separating the Crown's purchases of interests in the Urewera from the interests of the Tuhoe non-sellers. The identified Crown-owned land which would result from this was needed by the government to meet public demand for the opening of the Urewera lands for Pakeha settlement. The government could not provide land for sale to Europeans until clear title to it had been established and it had been located and this required consolidation. A list of non-sellers, or Tuhoe who had not sold their land shares to the government, was published in *Kahiti* and support for consolidation was sought among Tuhoe in early 1921.³⁹⁸

In May 1921 Ngata and other government representatives, including Gordon Coates, the Minister of Native Affairs, attended a meeting at Ruatoki at which Tuhoe supported the consolidation of Crown interests in the Urewera and also of their interests. Among other matters a request was made at the meeting by Mr E Biddle (Erueti Peene) that Ruatoki be set aside as a reserve of 21,000 acres and that Tuhoe

³⁹⁶ Jordan to Native Minister, 18 April 1921, MA 1 29/4/7a, NA Wellington

³⁹⁷ Te Whareteneti to Native Minister, 28 December 1916, MA-MLP 1 1910/28/10, NA Wellington

³⁹⁸ 'Report on proposed Urewera Lands Consolidation Scheme', 31 October 1921, AJHR, 1921,

receive government assistance to farm it.³⁹⁹ The meeting decided to proceed with a consolidation scheme for the Urewera lands although Biddles' request was not discussed further.

The meeting was informed by Ngata that the surveys of the Urewera had been undertaken by the government without charge. The cost of the surveys had amounted to £6000 and tribunals had amounted to another £4000. None of this had been levied against the Tuhoe land owners.⁴⁰⁰ However it is doubtful if Tuhoe had any liability for the costs arising from the original surveys of the Urewera or the Urewera Commissions as they had been assured the government would meet these expenses. It could be argued that if the liability did exist it should have been attached to the 44 blocks created by the Urewera District Native Reserve Act 1896 and in buying land, the Crown should have borne the liabilities for the land it purchased, rather than the cost being borne by the non-sellers. Ngata suggested that as Tuhoe had no money they might be willing to part with some land as their contribution towards the cost of roading. He used the claim of a Tuhoe debt to the Crown to persuade Tuhoe to donate land valued to £20,000 to the Crown for roading.

A further meeting was held at Ruatoki on 1 August 1921 at which the Crown proposals were presented to Tuhoe. The consolidation scheme was to be restricted to the 44 Urewera blocks in which the Crown had purchased interests. The Crown was to be awarded all of several blocks and the bulk the land awarded to the Crown was to be south of Ruatoki between the Whakatane River and the Waimana basin. Non-sellers were to contribute £32,000 to the cost of constructing roads between Ruatoki and Ruatahuna and between Waimana and Ruatahuna via Maungapohatu. Finally existing land titles and surveys and tribal boundaries were to be cancelled and new titles issued to the non-sellers to surveyed and roaded sections.⁴⁰¹

The Urewera Consolidation Scheme was established by the Urewera Land Act, 1921. The scheme originally included the three Ruatoki blocks as the northern boundary of the scheme was the confiscation line. The Tuhoe of Ruatoki wanted Ruatoki included in the Urewera Consolidation Scheme but it was excluded 'on

G-7, p3

³⁹⁹ 'Report of meeting held at Ruatoki on 22 May 1921', dated 18 June 1921, MA 1 29/4/7a, p2, NA Wellington

⁴⁰⁰ Ibid, p11

⁴⁰¹ 'Report on proposed Urewera Land Consolidation Scheme', 31 October 1921, AJHR, 1921,

account of the valuations'.⁴⁰² This meant that it was impossible to calculate equivalent values of land or shares to enable exchanges of shares in land blocks between the farm lands of Ruatoki and the forested hill sides and mountain valleys of the Urewera. The three Ruatoki blocks became an area subject to the Urewera Land Act 1921 but not part of the Urewera Consolidation Scheme.⁴⁰³

4.9 Summary of Chapter Four

The Urewera District Native Reserve Amendment Act 1900 gave the government the power to acquire land in the Urewera reserve for 21 year leases. This reflected the demand of land by Europeans in the late nineteenth and early twentieth centuries. In 1905 Ruatoki was included in a list of unproductive native land suitable for European settlement. The Stout-Ngata Commission was appointed in 1907 to report on how Maori land could best be utilised. The Commission's discussions with Tuhoe led to offering to lease land to the Crown in the Urewera reserve in settlement of debts that the government claimed had been incurred by them for the surveying of their land.

Ruatoki was not part of the Urewera reserve but Ruatoki No.2 and No.3 were among the blocks in which land was offered for lease. The Tuhoe General Committee, the only entity which could alienate land in the Urewera reserve, was appointed in 1909 to arrange matters with government. Prior to its appointment Rua Kenana, a prophet and the leader of a religious movement that then included many Tuhoe, offered to sell land to the government. He did this to raise money to develop his settlement at Maungapohatu. The government wanted to acquire the land he had offered to sell. Apirana Ngata arranged a compromise which made Rua and four of his followers members of the General Committee. Rua and his followers then sold shares to the government which included 65 shares in Ruatoki No.1 and 60 shares in both Ruatoki No.2 and No.3.

Amendments to the Urewera District Native Reserve Act 1896 allowed the Native Land Court to operate in the Urewera reserve and from 1911 to partition land in the three Ruatoki blocks. In 1912 the Court partitioned the lands between the Tuhoe hapu Ngati Rongo, Te Mahurehure, Ngati Koura, Ngati Tawhaki and Te

G-7, p4

⁴⁰² Ibid, p5

⁴⁰³ Map of Urewera, AJHR, 1921, G-7

Urewera. Numerous further partitions were made, especially of Ruatoki No.1, the most fertile and valuable block.

The partitions were one of the reasons that further Crown purchases of shares in the Ruatoki block did not occur between 1910 and 1929 as there were appeals pending on the partitions. Crown purchase was also unable to proceed because of a lack of valuation and because of uncertainty over charging for surveying that had been done. If the Crown deducted the cost of surveying from the purchase payment made to Tuhoe, the sellers would have received very little for their land. Conversely if the Crown waived the survey charges the Crown would have paid more for the land than official thought it was worth. For these reasons there were no purchases of ownership interests in Ruatoki land by the Crown after the small sales made by Rua and his followers in 1910, although some advance payments were made.

From around 1920 government interest in the Urewera and Ruatoki lands moved from the purchase of land to consolidation and development schemes. Consolidation allowed the Crown to turn the interests it had purchased into Crown owned blocks of land. It also allowed Maori to exchange interests in different land blocks to make compact farm units. Ruatoki was initially included in the Urewera Consolidation Scheme in 1921 but was shortly after excluded due to the difference in valuation between Ruatoki and the rest of the Urewera.

Chapter five : The Ruatoki Consolidation Scheme

5.1 Maori land consolidation

The Native Land Act 1909 can be seen as the beginning of government involvement in Maori land consolidation as sections 130 and 131 provided for the consolidation of Maori land by purchase or exchange. This was to provide a legal process under which interests held in a number of land blocks by Maori could be exchanged to make viable farming units. The principle of consolidation was to consolidate owners' dispersed interests into compact units. The exchange between owners was of shares of equivalent value in different land blocks, or block subdivisions. The intention of consolidation was to create land units which could be developed as economic farms. The consolidation and development schemes were first used on the East Coast to develop Ngati Porou land. From 1921 Crown land could be exchanged with Maori land, or with interests in Maori land, as part of a consolidation scheme. Apirana Ngata, the member of Parliament for Eastern Maori, was the leading exponent of schemes to consolidate and develop Maori land and was involved in the promotion of the consolidation of the Ruatoki ownership titles. After consolidation Ruatoki became one of the early Maori land development schemes.

In 1923 the earlier legislation under which Maori land was consolidated was replaced by the Native Land Amendment and Native Land Claims Adjustment Act 1923, although the process of consolidation remained similar. Under section 6 of the 1923 Act the Native Minister could apply to the Native Land Court for the preparation of a scheme of consolidation for an area, or areas, of Maori owned land. The Court was to then prepare the scheme and submit it to the Minister. If the scheme was approved the Minister would confirm the scheme by notice in the *Gazette*. Under section 7 of the Act the Court then vested the land in the Crown. In addition the Court could award land in the scheme to the Crown to liquidate survey or other charges on the land. A valuation of the land in the scheme was then made and the exchange of interests of equivalent value took place.

5.2 The Ruatoki Consolidation Scheme

In April 1924 Ngata visited Ruatoki and was asked by Tuhoe people there for a consolidation scheme for the three Ruatoki blocks and several other small blocks, which had been left out of the Urewera Consolidation Scheme.⁴⁰⁴ Ngata recommended the consolidation of the Ruatoki lands to Coates, the Native Minister, who stated his support for the proposal. The under secretary of the Native Department requested a list of the subdivisions of Ruatoki from the registrar of the Waiariki Native Land Court in early November 1924 to enable an application for consolidation to be prepared. The list provided gave the owners and acreage of each subdivision and also stated if the subdivision had been alienated. No Ruatoki subdivisions had been alienated to the Crown but Ruatoki No.1B IC 4A had been sold to Taneatua Wilson, No. 1B IC 5 had been vested in the Waiapu Diocesan Board of Trustees, No. 1B 1C 8M was a Church site and No. 1B 1C 8O was the site of a meeting house. A section known as Rewarewa papakainga No.5 had 223 owners and was the site of a meeting house.⁴⁰⁵

On 29 November 1924 Coates applied to the Waiariki District Native Land Court for the preparation of a consolidation scheme for Ruatoki under section 6 of the Native Land Amendment and Native Land Claims Adjustment Act 1923.⁴⁰⁶ The application was sent to the Court by R.N. Jones, the under secretary of Native Affairs, who also advised the Court that steps were being taken to issue an order in council prohibiting the alienation of land in the Ruatoki blocks' subdivisions, pending the preparation of a scheme of consolidation under section 132 of the Native Land Act 1909. The order in council was signed on 22 December 1924 and published in January 1925. The order prohibited the private alienation of land in the three Ruatoki blocks to enable the consolidation of native land.⁴⁰⁷ The prohibition was renewed in November 1925 and again each year until 1931.

Ngata later said the consolidation and development schemes at Ruatoki were necessary due to scattered and undefined land titles; inadequate finance; poor fencing

⁴⁰⁴ Ngata to Coates, 17 April 1924, MA 1 29/4/7a, Balneavis file, NA Wellington

⁴⁰⁵ Deputy Registrar, Waiariki District Native Land Court to Under secretary, Native Department, 13 November 1924, MA 1 29/4/6, part 1, NA Wellington

⁴⁰⁶ Coates to Registrar, Waiariki District Native Land Court, 29 November 1924, MA 1 29/4/6, part 1, NA Wellington

⁴⁰⁷ Prohibiting all Alienation of certain Native Land, 8 January 1925, *New Zealand Gazette*, 1925, no.1, p7

and farm buildings; and poor pastures with impoverished soil. He could have added to these the overcrowding caused by land confiscation, the partitioning of the land into uneconomic parcels by the Native Land Court and the Crown's emphasis in its relations with Tuhoe on the purchasing of interests in land blocks.

The application for the consolidation of the Ruatoki land titles was on the agenda when the Native Land Court sat at Whakatane in May 1925 under Judge Holland. A delegation of Ruatoki Maori attended the Court and in the discussion on the issue of consolidation, Takarua Tamarau applied to the Court for the adjournment of all Ruatoki cases to Ruatoki. He also suggested that Rangi Royal should be asked to put the proposed consolidation into form and that partition cases stand over until the completion of consolidation.⁴⁰⁸ In reply to an inquiry from the under secretary of Native Affairs after the Court sitting, the registrar informed him that no move had been made to proceed with the application. The reasons for the lack of progress on the consolidation of the Ruatoki titles was given by Judge Holland in a letter to the Chief Judge. He said the delegation of Ruatoki Maori he had met had wanted the application dealt with at Ruatoki and had told him, in reply to his inquiry, that it would take two to three months to prepare a scheme of consolidation. Holland was unable to devote so much time to Ruatoki as it would disrupt his other commitments.⁴⁰⁹

It was decided by the Native Minister in July 1925 that Judge Carr would take charge of the Ruatoki consolidation scheme and was to have the assistance of H. Tai Mitchell. The preliminary work to be done involved the preparation of lists of owners, valuations and searches of leases. It was expected in July 1925 that field consolidation would commence the following summer. Much of the work for the consolidation of the Ruatoki title was done by Te Rangiataahua Kiniwe Royal, known as Rangi Royal, who was an interpreter in the Native Department in Rotorua.

The first proposed Ruatoki consolidation was an agreement made by Te Mahurehure owners. Under this agreement one acre of unimproved flat land was to be equivalent, for purposes of exchange, to two acres of rough or back land and improvements, such as the development of pasture or the construction of fences, were to be taken into account. Bush and fern land was to be treated as of equal value. Owners were to be able to exchange areas regardless of value and it was requested

⁴⁰⁸ Whakatane Native Land Court minute book 22, 26 May 1925, fol 24

⁴⁰⁹ Holland to Chief Judge, 8 July 1925, MA 1 29/4/6, part 1, NA Wellington

that succession orders be brought up to date as soon as possible. The Native Land Court stated in June 1926 that it had no objection to agreements between owners to exchange interests without valuations.⁴¹⁰

In 1928, in preparation for consolidation, Judge H. Carr, of the Native Land Court, recommended that £2237 3s owing for the surveys in the Ruatoki blocks 1, 2 and 3, and divisions made in them, and interest to 31 March 1928, be remitted.⁴¹¹ The outstanding Ruatoki survey liens were held for 95 Ruatoki blocks and were for amounts ranging from 2s 4d to £254 7s 3d. The charging orders for these liens had been made by the Native Land Court between 1918 and 1925. The remission in 1928 was recommended because of the poverty of the Ruatoki Maori and because Ruatoki had originally been included in the lands of the Urewera consolidation scheme, in which survey charges had been remitted. The recommendation for the remitting of the Ruatoki survey charges was subsequently approved by the Minister of Lands.⁴¹² The remission was made in accordance with section 32 of the Native Land Amendment and Native Land Claims Adjustment Act 1927 and the survey costs were charged to the Native Land Settlement Account. The remission of survey liens in 1928 appears to have covered all outstanding survey costs up to that year.

5.3 Crown purchases of interests in the Ruatoki Consolidation Scheme

Tai Mitchell reported to Ngata in July 1929 that the data for the Ruatoki Tuhoe series had been completed but that before further progress could be made it was necessary to purchase the interests of all owners who were prepared to sell or transfer to other blocks. Crown purchasing of some interests may have been thought necessary by Mitchell and other officials to simplify the consolidation process and possibly to create units with fewer owners and therefore easier to manage. The Ruatoki scheme then consisted of 21,182 acres and 1 rood of the three Ruatoki blocks and Waitiripapa and Tapatahi and was divided into 294 divisions with 10,755 names.⁴¹³

⁴¹⁰ Ruatoki Consolidation minute book 1, 10 June 1926, fol 76-78

⁴¹¹ Arawa Consolidation, Ruatoki series, outstanding survey liens, LS1 22/1870, NA Wellington (document bank no. 11)

⁴¹² Under Secretary, Lands and Survey, to Commissioner for Crown Lands, Gisborne, 14 June 1928, LINZ closed file 20/120, Land Information New Zealand (document bank 12)

⁴¹³ Mitchell to Ngata, 20 July 1921, attachment Consolidation Schemes under purchase, MA1 29/4/6, part1, NA Wellington

This total of names probably includes people owning shares in a number of divisions and therefore appearing a number of times in the name lists. This was the Tuhoe series of the Ruatoki scheme.

There was also another part of the Ruatoki scheme which was known as the Manawa and Patuheuheu series, which was concerned with land at Waiohau and Te Teko. The Manawa and Patuheuheu series was included in the Ruatoki scheme as in many cases people held interests at both Ruatoki and Waiohau and for the exchange of interests in was easiest to include them in one scheme.⁴¹⁴ The interests of Manawa and Patuheuheu people were taken out of Ruatoki and consolidated in Waiohau and the interests of Ruatoki people were taken from Waiohau and consolidated at Ruatoki. The Waiohau lands later became the Waiohau consolidation scheme. The same process was repeated in the Ruatoki blocks, with groups of owners vacating some blocks and relocating their interests to blocks in which they were consolidating their interests.

In December 1929 J.H. Flowers, of the Native Land Court, Rotorua, reported to the under secretary of the Native Department that purchases now extended to 60 Ruatoki subdivisions.⁴¹⁵ It was stated at the same time payments made for the Ruatoki purchases then amounted to just under £2500. A large gathering of Tuhoe met the consolidation field officers, Rangi Royal and Retimana Paoramati, at Ruatoki, in February 1930, and expressed to them their requirement that the Crown purchases in the Ruatoki blocks be made available to them for settlement as part of the consolidation scheme. This was stated as a condition for their approval of the scheme and is referred to further in the section on Tuhoe claims against the Crown resulting from the consolidation scheme.

The Native Minister reported in 1932 that numerous owners in Ruatoki had wished to sell their interests to the Crown. He recommended that the Crown buy their interests. The Crown was then in the process of purchasing hundreds of shares in the Ruatoki blocks. The sellers were either absentee owners or owners wanting to sell their interests in one area and move the value to an area where they, or their group, was consolidating their interests. As examples of Crown purchases in the Ruatoki

⁴¹⁴ Ibid, MA1 29/4/6, part 1, NA Wellington

⁴¹⁵ Flowers to Under secretary, Native Department, 5 December 1929, MA 1 29/4/6, part 1, NA Wellington

scheme, the Crown purchased 631 ¼ shares in Ruatoki No.1A1 from 553 owners for £192; 2720 ½ shares in Ruatoki No.1B1A from 756 owners for £641; and 1333 shares in Tapatahi from 298 owners for £360.⁴¹⁶ Crown expenditure on interests in the Ruatoki Consolidation Scheme amounted to £4,353.13.10d.⁴¹⁷ The Crown purchasing of shares in the Ruatoki blocks resulted in it obtaining shares equivalent to over 2,000 acres of Ruatoki land.

5.4 The four instalments of the Ruatoki Consolidation Scheme

The Ruatoki lands were consolidated in four instalments under the control of the consolidation officer, Rangi Royal. Maori at Ruatoki exchanged interests in land blocks to consolidate their interests. The Crown purchases were both located in distinct blocks awarded solely to the Crown or were included in sections which were jointly owned by the Crown and Maori.

On 12 April 1930 the Court overseeing the consolidation work at Ruatoki recorded that the last two weeks had been spent checking and locating the interests of Ngati Rongo groups. The consolidation officers intended to inspect all Ngati Rongo sections and the owners were invited to accompany them. It was thought it might be necessary to vary the boundaries according to the configuration of the land and that the parties affected should be present when the variations were discussed.⁴¹⁸ These discussions were connected to finalising the first proposed instalment for the Ruatoki Consolidation Scheme.

The first instalment of the Ruatoki consolidation scheme was submitted by the Waiariki District Native Land Court to the Native Minister on 2 May 1930. The Judge, A.G. Holland, stated that the Ruatoki consolidation scheme covered 21,182 acres and 1 rood and was being treated in tribal sections. The land dealt with by the first instalment was located in the north of Ruatoki No.1 block and was first class land being farmed by Te Mahurehure hapu and others associated with it. This instalment also involved Tapatahi and Whaitiripapa, two blocks to the south, from which a

⁴¹⁶ Ruatoki No.1A1, Ruatoki 1B1A and Tapatahi files, MA 1 29/4/6/2, part 1, 1929-30, NA Wellington

⁴¹⁷ 'Native-Land Development. Statement by the Hon. Sir Apirana Ngata, Native Minister', nd, AJHR, 1932-33, G-10, p36

⁴¹⁸ Ruatoki Consolidation minute book 1A, 12 April 1930, fols 19-20

number of owners transferred their interests to Ruatoki.⁴¹⁹ The consolidation officers had been assisted in this instalment by Erueti Peene, who acted as tribal representative.

There had been difficulties in arranging the consolidation of titles as some non-resident owners were unwilling to exchange their interests to allow resident owners to consolidate their holdings. The Crown purchased interests in some sections to buy out some owners and to provide the remaining owners with a sufficient area for a farm unit. In all the four instalments of the scheme the Crown purchased the interests of some owners in particular blocks to enable them to relocate in other blocks.⁴²⁰ This enabled the remaining owners in the original block to have a block in which their group was the only owner, apart from the Crown, and in which their interests were consolidated. In these sections the Judge recommended that the Crown share become a charge on the land. This would make the value of the Crown holding in a section a debt owed by the owners of the section. When the debt was paid off, by deductions from the unit's milk cheque, the owners would own the Crown interest in the section, in addition to their original holding. In this way some of the ownership shares in Ruatoki purchased by the Crown were to be sold back to Ruatoki Maori.

Under the first instalment it was proposed that the Crown receive part of section Ruatoki IB 2H and part of Rewarewa Papakainga 11 for its interests in the first instalment. These sections became Ruatoki Sec. 4, of three acres and two roods, which became the Ruatoki Township, and Ruatoki A Sec. 9, of one rood, which was the site of the proposed Post Office. The first Ruatoki consolidation instalment was confirmed by Ngata, the Native Minister, on 16 May 1930 and published in the gazette on 22 May 1930.⁴²¹

The second instalment of the Ruatoki Consolidation Scheme was submitted by the Native Land Court on 2 June 1930 and dealt with the first class land of Ngati Rongo, Ngati Koura and Ngai Tawhaki. This was the balance of the first class land in Ruatoki and in part of the Whaitiripapa and Tapatahi blocks. Tuiringa Tawera, Takurua Tamarau and Wharerekapa Paora assisted the consolidation officers. The

⁴¹⁹ The Native Land Court of New Zealand, Waiariki District, Ruatoki Consolidation Scheme, First installment, MA 1 29/4/6 part 1, box 596, NA Wellington

⁴²⁰ A McIntyre, District Officer, to Secretary, Maori Affairs, 10 June 1955, MA1 29/4/6, part 2, NA Wellington (document bank no. 13)

⁴²¹ Portion of Ruatoki Consolidation Scheme confirmed, 22 May 1930, *New Zealand Gazette*,

Crown award in the proposed second instalment was Ruatoki A Sec. 21, which was the school reserve.⁴²² The second instalment was confirmed by the Native Minister on 21 June 1930 and published in the gazette on 26 June 1930.⁴²³

The third instalment was submitted by the Native Land Court on 12 September 1930 and was for the fern country west of the Whakatane River and owned by Te Mahurehure and Ngati Rongo. It was confirmed by the Native Minister on 17 September 1930 and published in the gazette on 25 September 1930.⁴²⁴

The fourth instalment dealt with the balance of the land in the Ruatoki scheme. It covered an area of 13, 978 acres, or more than half the total land in the scheme, and apart from 4,000 acres situated mostly in the Owhakatoro Valley, consisted of mountainous bush and fern country. This instalment was submitted by the Court on 15 June 1931, confirmed by the Native Minister on 19 June 1931 and published in the gazette on 25 June 1931.⁴²⁵

The four instalments of the Ruatoki Consolidation Scheme included all of the land that had been in the original 21,450 acre Ruatoki block. Under the consolidation scheme the three blocks and the numerous partitions that the original block had been divided into were replaced by new titles. On 30 September 1933 the consolidation officers reported to the Judge H. Carr of the Native Land Court that a scheme covering all Crown and Native interests in Ruatoki had been submitted to the Court in four parts.⁴²⁶ The Court then made the final orders covering all the matters contained in the four instalments.⁴²⁷ The final orders were made on 30 October 1933. The consolidation scheme created 243 land blocks, one of which, A15A or the Papakainga block, had 33 subdivisions.⁴²⁸

From title consolidation Tuhoe received land blocks with fewer owners than previously and therefore easier to farm. The land interests of individuals and families

1930, no 37, p1695

⁴²² Native Land Court of New Zealand, Waiariki District, Ruatoki Consolidation Scheme, Second installment, MA 1 29/4/6 part 1, box 569, NA Wellington

⁴²³ Portion of Ruatoki Consolidation Scheme confirmed, 26 June 1930, *New Zealand Gazette*, 1930, no 48, p2049

⁴²⁴ Portion of Ruatoki Consolidation Scheme confirmed, 25 September 1930, *New Zealand Gazette*, 1930, no 66, p2851

⁴²⁵ Portion of Ruatoki Consolidation Scheme confirmed, 25 June 1931, *New Zealand Gazette*, 1931, no 49, p1845

⁴²⁶ Ruatoki Consolidation minute book 1A, 30 September 1933, fol 51

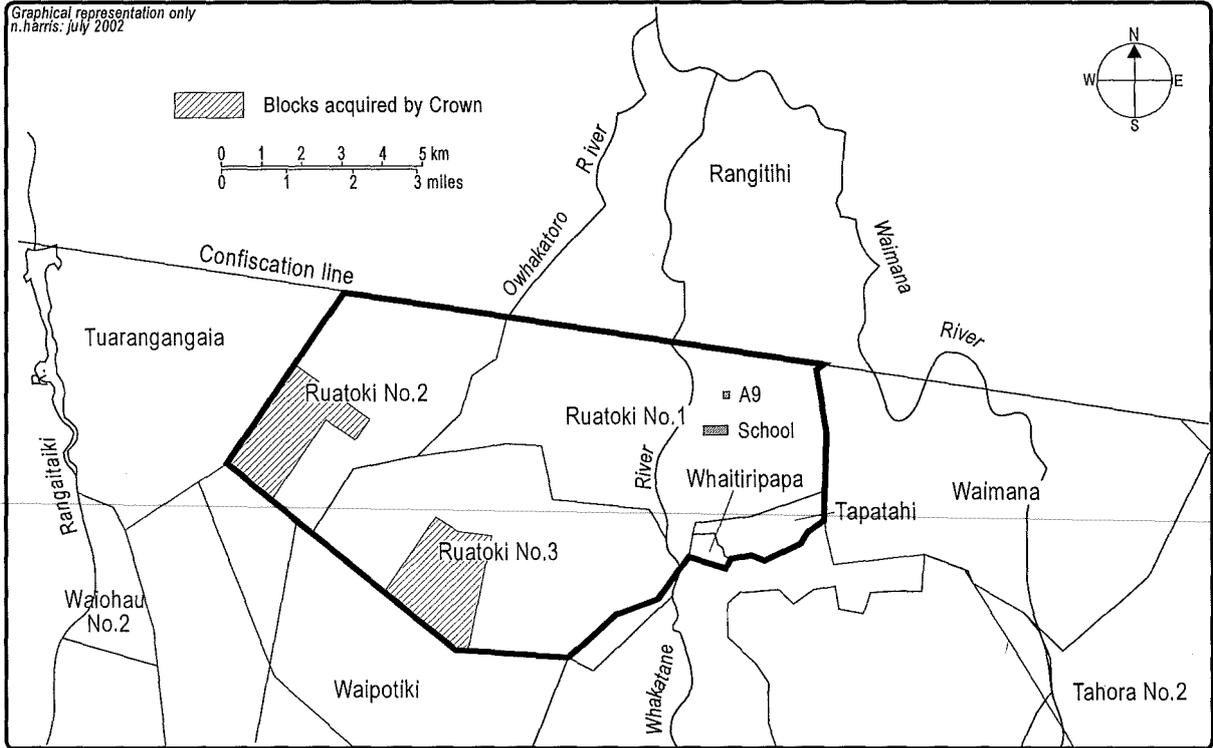
⁴²⁷ D. Leach, consolidation officer, to Mr Smith, 1 May 1951, Ruatoki (roads), box 9, Waiariki District Maori Land Court

were concentrated in the new blocks. The new blocks were larger than the earlier blocks and have titles starting with A, B, C or D. The earlier block titles began with 1, 2 or 3, from the numbers of the three Ruatoki blocks. The conversion of the old Ruatoki titles to the new, consolidated Ruatoki titles was published in the *New Zealand Gazette* in 1940.⁴²⁹ The consolidation was carried out at a cost to Tuhoe of the Crown Award blocks, the buying out of Crown interests in consolidated sections, and, in addition, the contribution by Tuhoe of between £300 and £400 for roading in the Ruatoki consolidation scheme area.⁴³⁰

⁴²⁸ *New Zealand Gazette*, 1940, No. 41, 9 May 1940, pp1036-39

⁴²⁹ NZG, 1940, p1036-39 and 'Ruatoki Consolidation Scheme', Waiariki Maori Land Court, Ruatoki file box 10 (document bank no. 14)

⁴³⁰ Engineer in Chief to District Engineer, Tauranga, 4 September 1928, W1 35/231, NA Wellington



Map 8: Ruatoki consolidation scheme showing Crown awards, 1930

5.5 The Crown Award in the Ruatoki Consolidation Scheme

The total value of Crown purchases in Ruatoki amounted to £4353.13s.10d, to which was added a £5 court fee.⁴³¹ This expenditure was recovered by the award to the Crown of four blocks of land and by the award to the Crown of interests in Tuhoe-owned sections. The land blocks of the Crown Award were:

Ruatoki A Sec.9, of 1 rood (quarter acre), valued at £2.10s.

Ruatoki A Sec. 21, of 5 acres, 2 roods and 7 perches, valued at £85.

Ruatoki C Sec. 48, of 1,118 acres, 1 rood and 16 perches, valued at £465.3s.11d

Ruatoki C Sec.61, of 973 acres, 1 rood, valued at £479.14s

Ruatoki Road Lines (Crown contribution), 3 acres, 2 roods and 12p, valued at £55.10s

The total of these blocks came to £1087.17s.11d and amounted to 2,100 acres, 3 roods and 35 perches. This was the first part of the Crown Award. Ruatoki A Sec 9 was the proposed Post Office site and A Sec 21 was next to Ruatoki school and was to provide additional land for school purposes. The other two blocks were bush land in the hill country of western Ruatoki.

The second part of the Crown Award in the Ruatoki Consolidation Scheme was the inclusion of the Crown in 48 Tuhoe owned sections. The Crown interest in Tuhoe sections amounted to 277 acres, 2 roods and 32 perches and was valued at £2675.4s.4d. The Crown interest in the 48 sections was added to the loan account of each section after the Ruatoki Development Scheme began.⁴³² A surcharge of 10% was added to each charging order to cover purchase expenses. The debt was owed by the Tuhoe owners of the sections to the Crown and the Crown interest became their property when the debt was paid off.

The Crown was awarded interests in the Ruatoki Consolidation Scheme from land blocks and interests in Tuhoe owned sections which amounted to a total of £3763.2s.3d. This recovered most of the £4358.13s.10d which the Crown had spent on the purchase of shares in the Ruatoki scheme. The remainder, which amounted to £595.11.7d, was transferred, or located, in the Waiohau series of the Ruatoki scheme.

⁴³¹ Ruatoki Consolidation Scheme, Reconciliation statement of Crown interests, Schedule 2, MA 1 29/4/6 part 1, box 569, NA Wellington (document bank no. 15)

⁴³² 'Native-Land Development', nd, AJHR, 1932-33, G-10, p36

The Waiohau series had earlier been known as the Ngati Manawa and Patuheuheu series and was effectively a separate consolidation and development scheme.

The Ruatoki blocks A9, A21, C48 and C61 were awarded to the Crown by consolidation orders of the Native Land Court of 30 September 1933. Ruatoki A9 was found unsuitable for a post office and was returned to its Tuhoe owners and A21 became part of the Ruatoki school. The two blocks of bush land in the west of Ruatoki taken as part of the Crown Award, Ruatoki C48 and C61, were proclaimed Crown land in 1943⁴³³ and later provisional State forest land. Ruatoki C48 became permanent State Forest land⁴³⁴ and C61 became part of the Urewera National Park.⁴³⁵

The amount of £595.11s.7d, which remained owing to the Crown after the consolidation of Ruatoki titles and was transferred to the Waiohau series resulted in the award to the Crown of Waiohau block B9, of 2,073 acres, 1 rood and 32 perches, Waiohau C25, of 44 acres 1 rood and 24 perches, and Te Teko A5.⁴³⁶ The Teko A5 block was of 25 acres and 5 perches.

The Crown interest in the Tuhoe owned sections recovered 61% of the total Crown interest in the Ruatoki Consolidation Scheme, the Crown Award blocks recovered 25% and the amount transferred to Waiohau recovered 14%.

5.6 The relocating of Tuhoe interests within the consolidation scheme

Many Tuhoe sold their shares in the Ruatoki blocks to the Crown and had no further interest in the consolidation scheme. Other Tuhoe owners sold their interest in one blocks or subdivision and relocated to another block in such a way as to consolidate their interest, and that of their group, in one block. This meant exchanges of interests in blocks between Tuhoe were arranged by the Consolidation Officer, Mr Rangi Royal. The process could involve considerable debate. One dispute was caused by the refusal of Tuhitaare Hemi, leader of the Ngai Te Kapo group, to accept an arrangement which left his group sharing a section in the Rewarewa papakainga with

⁴³³ Proclaiming Land to have become Crown Land, 21 October 1943, *New Zealand Gazette*, 1943, no 41, p1223

⁴³⁴ Ruatoki area map, 1 February 1976, LINZ file 6900/699-1-DHN, Land Information New Zealand

⁴³⁵ Adding State Forest Land to Urewera National Park, 8 April 1976, *New Zealand Gazette*, 1976, no 36, p750

⁴³⁶ Under Secretary, Native Affairs to Under Secretary, Lands Department, 8 July 1942, LS1 22/1870, NA Wellington (document bank no. 16)

a group led by Nohotima Te Kauru, who were 'Ruaites'.⁴³⁷ A settlement was reached, which would have involved the exchange of other interests and the evacuation of the section by one group.

An example of the discussions involved in consolidation is provided by the case of Te Kohunui Tupaea. In July 1930 Tupaea, the agent for a list of owners, wrote to the Native Minister as Rangi Royal had rejected his claim to his cultivations at Whaitiripapa. A report was requested on the matter which Royal provided in August 1930. Royal wrote that Te Kohunui was of Ngati Rongo and was head of group C69, which comprised himself, his wife and their children, his father, and his uncle and nephews. The group had held interests in 18 separate land blocks in the Ruatoki scheme which were consolidated, with their agreement, into two of the consolidation divisions, or sections. These were Ruatoki A Sec. 42, of 111 acres, 2 roods and 39 perches, and the neighbouring section, Ruatoki A Sec. 43D, which was slightly over an acre. The two sections were of arable, or first class, land and the area was the largest awarded to any group in that class of land.

Between Te Kohunui's group's land and the land of Rotu Numia's group was a block of 22 acres which had belonged to Te Ua Tawera but had been sold to the Crown in February 1930. When the location of the interests of Rotu Numia's group was being considered, in March 1930, Te Kohunui claimed the land which had been Te Ua's. He was probably offering to exchange the Crown's interest there for interests belonging to his group elsewhere. An arrangement was reached by which Te Kohunui would give up his interest in Ruatoki IBIC4B2 and in return would receive 12 acres of the disputed land while Rotu Numia would receive the other 10 acres.

In April 1930 the location of Te Kohunui's group was considered. The group was found to have insufficient value, or ownership shares, to absorb the area he wanted his group to have. At his request the Crown was included, or purchased shares, in Ruatoki A Sec. 42 to make up the deficiency. The ownership of Ruatoki A Sec. 42 was then shared between the Crown and Te Kohunui's group, which kept out any other group. A problem arose in June 1930 when the location of interests to the neighbouring block which was part of the Ruatoki scheme, Whaitiripapa, was considered. Te Kohunui was one of seven claimants for location to Whaitiripapa but his group had no value

⁴³⁷ Royal to Registrar, Waiariki District Native Land Court, 6 November 1930, MA1 29/4/6 part 1, NA Wellington

left to locate there. He then attempted to return the land which had been Te Ua's which had used up the interest of his group. Alternatively he proposed increasing the Crown's interest in his location at Ruatoki A Sec. 42 and Sec. 43, by purchasing some of the shares in these sections held by his group. The shares, or value, returned to his group would then be located in Whaitiripapa. This, in Royal's opinion, was unfair to other claimants who did not receive the same assistance.⁴³⁸ Te Kohunui does not appear to have been successful in gaining further land as the only consolidated land he is listed as having interests in are the sections A42 and A43D.⁴³⁹

In 1932 Ngata reported to Parliament on Ruatoki consolidation scheme and the factors which had led to it. He identified these as small and scattered land holdings, lack of finance, a lack of organisation between the hapu and a need for efficient farming. These factors were present but Ngata did not mention Crown activity which had adversely affected Ruatoki. These included the expulsion of some Tuhoe from the confiscated land at Opouriao and the resulting over-crowding at Ruatoki, the partitioning of land into small areas by the Native Land Court and a lack of assistance to Tuhoe farmers, all of which contributed to the lack of agricultural progress in the district.

5.7 Tuhoe claims against the Crown resulting from the Ruatoki consolidation

Tuhoe claim that they only agreed to the Ruatoki consolidation scheme on the understanding that once Crown interests in the Ruatoki blocks and Waiohau blocks had been identified they would be offered back to Tuhoe.⁴⁴⁰ This claim is supported by several statements made to the Native Land Court in the presence of Government officials. Taari Manihera stated that Crown purchases in the Ruatoki blocks was only to be for the purpose of creating vacancies in the sections so resident owners could transfer their outside interests to the blocks and thereby fill up the number of shares required for ownership.⁴⁴¹ The Crown's role, he thought, would be to buy out the shares of one or more groups in a section so it could be left to the consolidated

⁴³⁸ Royal to Registrar, Waiariki District Native Land Court, 15 August 1930, MA1 29/4/6 part 1, NA Wellington

⁴³⁹ Ruatoki Blocks Alphabetic list of owners on consolidation, Waiariki District Maori Land Court, p9

⁴⁴⁰ Consolidated Statement of Tuhoe Claims, dated the 15th day of February 2000, p20, section 4.4

ownership of one remaining group. It was not anticipated by Manihera that consolidation would result in Crown ownership of several Ruatoki land blocks. Hori Aterea Hohua asked in 1930 that the Crown area when consolidated be made available for settlement by those living at Ruatoki as the Crown had purchased a considerable area and left little for Tuhoe to farm.⁴⁴² Te Hata Waewae supported the settlement of the Crown interest by Tuhoe. Erueti Peene told the Court that a representative meeting of Tuhoe held at Puketotara pa had resolved that lands purchased by the Crown should be made available for settlement by Ruatoki residents and that remaining, or non-selling, owners in land blocks should be permitted to repurchase from the Crown those interests in the blocks purchased by the Crown.⁴⁴³ The second of these resolutions was carried out by the Crown as under the development scheme, the value of the Crown interest in any Tuhoe owned section was added to the occupier's loan account.⁴⁴⁴ Effectively the non-sellers bought out the sellers by repaying the Crown the cost of its share purchase. However, the two large blocks taken as the Crown Award, C48 and C61, were not made available for settlement. Ruatoki C48 became state forest land and C61 became part of the Urewera National Park. Over 2,000 acres were also taken by the Crown in Waiohau as part of the settlement of the Crown interest in the Ruatoki consolidation scheme, making a total of over 4,200 acres taken.

In addition to acquiring the Crown Award blocks, the Crown also charged a remaining £2,675. 4s. 4d to 48 Tuhoe sections. This was to recover the cost of purchasing shares in the Ruatoki land blocks from 109 Tuhoe owners, which amounted to £4,358. 13s. 10d.⁴⁴⁵ Under the consolidation scheme the Crown made Tuhoe non-sellers repay the Crown the money it had paid to the sellers and, in addition, the Crown acquired over 4,200 acres of land. This was necessary for the Crown to recover its expenditure but the purpose of the consolidation scheme was to consolidate the owners interests, and not to take any of their interests away from them. Also if it was possible to recover 61% of the Crown interest from charging orders on Tuhoe sections it might have been possible to recover the total amount in

⁴⁴¹ Ruatoki Consolidation minute book 1A, 4 June 1929, fol 178 (document bank no. 17)

⁴⁴² Ibid, 19 February 1930, fol 261 (document bank no. 18)

⁴⁴³ Ibid, 19 February 1930, fol 263 (document bank no. 19)

⁴⁴⁴ 'Native-Land Development. Statement by the Hon. Sir Apirana Ngata, Native Minister', nd, AJHR, 1932-33, G-10, p36

⁴⁴⁵ Ruatoki Consolidation Scheme Group Book C7, pp1-27, C100 Crown Series

this way, without any of Ruatoki becoming Crown Award blocks. Tuhoe had asked that lands purchased by the Crown lands should be made available for settlement by Ruatoki residents.⁴⁴⁶ Instead there was a loss of Tuhoe land to the Crown.

5.8 Tuhoe claims against the Crown resulting from Ruatoki surveys

It is claimed by Tuhoe that the Ruatoki consolidation scheme made obsolete the existing surveys of Ruatoki, which had been carried out partly at the expense of Tuhoe, and required new surveys, which resulted in further costs to Tuhoe.⁴⁴⁷ There are a number of examples of Tuhoe paying for the original surveys of Ruatoki. One example is the payment in 1918 by Timi Tamahana of £12 18s 3d, and £1 8s 4d, for the survey of the Ruatoki block 1A3B1.⁴⁴⁸ That section was divided by the consolidation scheme and became parts of the new sections Ruatoki A25 and A28.

The consolidation scheme required a topographical survey of Ruatoki to enable it to be carried out. This cost £159 15s 8d. The topographical survey did not confer titles on the owners and further survey charges would have to be made before titles could be issued. It was stated in 1935 that the Tuhoe owners of Ruatoki were unwilling to pay the survey costs and this was delaying the issuing of the final orders for the consolidation scheme.⁴⁴⁹ The Ruatoki development scheme took place without the survey being completed. The survey was resumed in the late 1950s to in preparation for the handing over of the collection of rates in Ruatoki from the Department of Maori Affairs to the Whakatane County Council.

It was intended, at the time when the topographical survey was made, to charge it to the Department of Native Affairs but the Department had no funds available. By 1950 it was considered by the Auckland chief surveyor that the Ruatoki Maori farmers were in a position to pay the charge and it was intended to arrange for payments to be made by them with the better off subsidising those in poorer circumstances.⁴⁵⁰ No charging order had been made although the matter had been

⁴⁴⁶ Ruatoki Consolidation minute book 1, f.263

⁴⁴⁷ Consolidated Statement of Tuhoe Claims, dated the 15th day of February 2000, p20, section 4.5

⁴⁴⁸ Chief Surveyor, Auckland, to Registrar, Native Land Court, Rotorua, 7 May 1940, LINZ closed file 20/120, vol 5, Land Information New Zealand

⁴⁴⁹ Chief Surveyor, Auckland, to Registrar, Maori Land Court, Rotorua, 10 November 1948, LINZ closed file 20/120, vol 5, Land Information New Zealand

⁴⁵⁰ Chief Surveyor, Auckland, to Director-General, Lands and Survey, 9 May 1950, LINZ file

before the Maori Land Court several times. The judge did not consider the Maori owners should be made to pay but would agree to the payment of the principal sum if the interest of £148 was remitted. The Minister of Lands approved the remission of the interest in June 1951 on condition the principal was paid within a year.⁴⁵¹

The topographical survey, for which Tuhoe were charged, was made at the time of the consolidation scheme in the early 1930s. The Native Land Court divided the Ruatoki lands into new, consolidated sections, cancelled the earlier surveys and abolished the old blocks made by earlier partitions. A charging order was made out by the Court for fees which were due from the head of each group of consolidated owners. The Court defined the boundaries of the new sections but they were not surveyed at that time and were not approved by the Chief Surveyor.⁴⁵² Some blocks were surveyed later, usually as a result of further partitioning, but by 1959 most sections in Ruatoki had not been surveyed. The boundaries of the sections was complicated by the failure of the roads built by the Ruatoki development scheme to follow the road lines laid down by the Native Land Court. The roads were built with short cuts through sections and to follow the terrain.

Between 1933 and 1959 surveys were made of 24 Ruatoki blocks, which were paid for by the Tuhoe owners. In July 1959 the Maori Land Court ordered the surveying of all the blocks of the Ruatoki consolidation area, except the bush lands, and authority to do so was issued to the Department of Maori Affairs in October. The owners were not charged for this surveying but it resulted in only eight blocks being surveyed. The main purpose of the surveying carried out at this time by the Department appears to have been to map the position of the roads and the water system in preparation for these systems being handed over to the Whakatane County Council. Between 1967 and 1975 a further 14 blocks were surveyed at the owners expense.⁴⁵³ These surveys were required by the Native (Maori) Land Court, it seems to register partitions and create proper titles. In 1977 the Department of Lands and Survey was described as 'being asked to continue with surveys to complete titles

6900/669-5-DHN, Land Information New Zealand

⁴⁵¹ Chief Surveyor, Auckland, to Registrar, Maori Land Court, Rotorua, LINZ file 6900/669-5-DHN, Land Information New Zealand

⁴⁵² Minutes of General Meeting of Ruatoki development scheme units, 8 April 1959, ABJZ 4942/999c, Archives NZ, Auckland

⁴⁵³ Deputy Chief Surveyor, Hamilton, to Surveyor General, 10 April 1975, LINZ closed file 20/669, vol 3, Land Information New Zealand

designed to fit a past economic position which could well be as outdated as Noah's Ark'.⁴⁵⁴ The partitioning was not, however, entirely caused by the dividing of uneconomic farm units, there was also partitioning requested by the owners to create sections for housing on which mortgages could be raised.

5.9 Closed roads

The Native Land Court laid out a number of new roads in the Ruatoki consolidation scheme area in 1933.⁴⁵⁵ These were the continuation of Ngahina Road to meet Owhakatoro Road; the extension of the road from Taneatua to Ruatoki to reach the Whakatane River; the extension of the Swamp Road to Owhakatoro; an access road for the Ruatoki C sections 36, 37 and 38 from the Owhakatoro-Waiohau Road northwards along the Koterenui Stream; a road to connect Ngahina Road with Kawekawe Road; an access road for Ruatoki A section 32B and New Erueti Road. These roads included the Crown roading contribution to the consolidation scheme which consisted of 3 acres, 2 roods and 12 perches, valued at £55. 10s.

The Native Land Court also closed a number of roads. These were the Old Keera Road in Rewarewa Papakainga; the northern end of Paekoau Road, with an area of four acres; the road traversing Ruatoki block 3A3B2E and 3A3B4, with an area of two acres, two roods and 32 perches; the road along the northern boundary of block 1A4C, with an area of two roods and 2 perches; Netana Road in Rewarewa Papakainga; and roads through blocks 1B2L, 2B1 and 2B8. The closed roads are listed as having been merged in the appropriate adjoining new titles in 1940.⁴⁵⁶ However several roads which had been abandoned were still shown on maps in 1945 as legal roads and there was no record of these having been closed.⁴⁵⁷ The question of the drawing up of the necessary orders to close these roads was still under discussion in 1951 and had not been finalised.⁴⁵⁸

⁴⁵⁴ District Surveyor, Rotorua, to Chief Surveyor, Hamilton, 4 February 1977, LINZ closed file 20/669, vol 3, Land Information New Zealand

⁴⁵⁵ Ruatoki Consolidation minute book 1A, 30 September 1933, fol 82

⁴⁵⁶ Variation of Notice constituting the Ruatoki Development Scheme, 9 May 1940, *New Zealand Gazette*, 1940, no 41, pp1036-1037, (document bank no. 14)

⁴⁵⁷ Chief Surveyor to Registrar, Waiariki Native Land Court, 19 April 1945, ABJZ, 4942/1003c, Archives NZ, Auckland

⁴⁵⁸ Registrar, Waiariki Maori Land Court, to County Clerk, Whakatane County Council, 4 May 1951, ABJZ 4942/1003c, Archives NZ, Auckland

In addition the road over the Taiarahia range, in the west of Ruatoki, is not required as it goes nowhere and should be vested back into the adjoining Te Manawa-o-Tuhoe land block. Some roadlines through the Te Manawa-o-Tuhoe forestry lands are also not needed and should be closed. The Owhakatoro roads are a major problem as the Court closed a public road which was necessary for access to other Maori blocks. In Ruatoki township Ngahina Road, the arterial bridge access and probably other roads, should be legalised.

5.10 Summary of Chapter Five

Both the Maori of Ruatoki and the Government agreed on the need for agricultural development in the Ruatoki district. The preliminary step towards this was the consolidation of land ownership titles. This was applied for by the Native Minister under section 6 of the Native Land Amendment and Native Land Claims Adjustment Act 1923. A scheme of consolidation was then prepared by Judge Carr of the Native Land Court. Under the consolidation scheme groups of owners, who were hapu or family member, exchanged their interests in some blocks, or sections, and concentrated their interests in a few, often neighbouring, blocks. The exchanges would usually have been of equivalent value, although exchanges were made by owners without valuations. In addition to the direct exchange of interests between owners, the Crown purchased the interests of groups leaving a block, enabling them to vacate the block and transfer the value to the block they were consolidating their interest in. It also happened that the Crown was left as part owners of blocks, after most groups or individuals had vacated the block. This left one group, which had consolidated its interests, and the Crown, owning the block. Crown purchases of interests in the Ruatoki blocks amounted to £4353.13s.10d. This included the purchase of a small number of shares in 1910 from Rua and his followers and probably some advances made around 1916. The bulk of the purchases, however, were made during the consolidation scheme between 1929 and 1931.

The Crown's interest, or expenditure, was recovered in three parts. Firstly the Crown was awarded the blocks A9, A21, C48 and C61. Section A9 was intended to be a post office site, A21 became part of the school site and C48 and C61, of 1,118 and 973 acres respectively, were bush sections in the west of Ruatoki. Secondly in 48 sections

which were jointly owned by Tuhoe and the Crown, the Crown interest became a debt owed by the Tuhoe owners and recovered from their farm unit accounts. When the Crown interest was paid the block was fully owned by its Tuhoe owners. Thirdly, part of the Crown interest was transferred to Waiohau, which was initially part of the Ruatoki Consolidation Scheme due to interlocking land ownership. In Waiohau over 2,000 acres became Crown Award land as a result of the Ruatoki consolidation.

Tuhoe believed the Crown interests in the consolidation scheme would be offered back to them when identified and communicated this understanding to Government officials. This was not done and resulted in the loss of several blocks of Tuhoe land, or over 4,200 acres, to the Crown. It is claimed by some Tuhoe that there was no need for Crown purchasing during the consolidation of titles in the Ruatoki blocks. The aim of Crown purchasing seems to have been to simplify the process and create units owned by one group of related owners, from whom a unit occupier would be chosen.

Consolidation of title to produce family owned farm units was in line with the general development of farming. It was not, however, the only possible development strategy and was rationalisation of the partitioning into succession blocks carried out by the Native Land Court. Consolidation continued a pattern of the individualisation of titles and the fragmentation of ownership which was seen as a major cause of economic stagnation and on its own was not going to led to prosperity. An alternative strategy would have been to place the whole Ruatoki area under one governing entity, which would be accountable to the owners, who would also have been share-holders.

In addition to the debts to the Crown, and the loss of land to the Crown, which resulted from consolidation, a further debt to the Crown of £159. 15s. 8d occurred from the topographical survey of c1929. The consolidation survey made redundant earlier surveys of partitions made by the Native Land Court, some of which had been paid for by the Tuhoe awarded the partitioned blocks. They had, therefore, paid for a survey which ceased to exist. The consolidation survey was charged some 20 years later in the early 1950s, and inequitably so, against the remaining Maori farm units. This survey did not give Tuhoe ownership titles to the surveyed land and for this additional surveying was required. This resulted in some Tuhoe paying twice for different surveys before receiving title to their land.

The Ruatoki Consolidation Scheme was agreed to by the Tuhoe owners of Ruatoki but they did not expect the Crown to acquire land from the consolidation. Also the charging of the Crown interest in Tuhoe sections to the Tuhoe owners meant the Tuhoe non-sellers paid the sellers. The Crown recovered its expenditure, which it was entitled to do, but did so at considerable expense to the Tuhoe farmers.

Chapter Six : the Ruatoki Development Scheme

6.1 Maori land development and the 1929 Act

Maori land development was thought to be generally viable in the first half of the twentieth century as the economic environment was conducive to small farming. Refrigerated shipping had increased the volume of the countries' exports, railways had opened the country to commercial development and agricultural science had improved production methods. Intensive agriculture had been developed in New Zealand and this made small-scale farming possible.⁴⁵⁹ A living could be made by a farming family from a few dozen cows or a small flock of sheep. It was intended to introduce the same small-scale, intensive agriculture to Maori land through the development schemes.

The Ruatoki Development Scheme, and other Maori land development schemes like it, were carried out under the provisions of section 23 of the Native Land Amendment and Native Land Claims Adjustment Act 1929. The purpose of the section was to make provision for facilitating the development and settlement of land owned by Maori. The provisions enabled the Native Minister to cause to be undertaken any work he thought necessary to make Native land fit for settlement. This could include surveying, draining, reclamation, roading, bridging, fencing, clearing, grassing, top-dressing, manuring and any other work thought necessary. All money expended was to be paid out of the Native Land Settlement Account and was to be a charge on the land on which it had been spent. Repayment of the money was to be made to the Native Land Settlement Account. Section 3f of the Act stated that after notice had been given in *Kahiti* that the Native Minister intended to apply the provisions of the Act to a section of land, no owner would be entitled to exercise any rights of ownership in connection with the land or interfere with, or obstruct, the carrying out of any works under the subsection. Once land was brought under the Act it came under government control and the administration of the Native Affairs Department.

⁴⁵⁹ T Brooking, 'Economic transformation', in *The Oxford History of New Zealand*, G W Rice (ed),

6.2 The establishment of the Ruatoki Development Scheme

In the late nineteenth century European owned dairy farming developed on the confiscated Opouriao lands. A dairy factory opened near Taneatua in 1900. By 1907 two Maori farmers at Ruatoki were supplying the dairy factory and more wished to do so. The director of the Opouriao Dairy Company met with Maori at Ruatoki and it was agreed that the Maori would provide a site for a factory at Ruatoki. Maori then gifted a site for a factory to the company on the understanding the land would be returned if it was not used for a dairy or cheese factory.⁴⁶⁰ The Ruatoki cheese factory was built on the site and opened on 27 November 1908⁴⁶¹ (see section 7.12).

By 1920 Ruatoki Maori had 2,000 acres in pasture or crops and provided 1/3 of the milk used by the cheese factory.⁴⁶² Ruatoki Maori received some financial assistance from the dairy company in developing their herds, and some assistance from European settlers, who had supplied cattle on credit which were paid for from the resulting milk cheques. The cattle supplied, however, were the culls of the district, and the Ruatoki pastures were poor as cultivation without fertilisers had reduced the soil quality. Fencing on the Ruatoki farmlands was adequate for enclosing pasture but was poorly constructed as good fencing, and development work generally, required defined and consolidated ownership titles.

The Ruatoki development scheme followed the title consolidation carried out in 1929-30. In the land blocks of the development scheme the Tuhoe owners signed over authority over the land to the Department of Native Affairs in return for assistance in realising the farming potential of the land. Hori Atarea stated in February 1930 that the people of Ruatoki supported the development scheme because they believed it would benefit them. He acknowledged there was some opposition to the scheme but thought it could be won over.

In April 1930 the Ruatoki blocks Nos. 1, 2 and 3, and the neighbouring blocks Waitiripapa and Tapatahi, were brought under the provisions of section 23 of the Native Land Amendment and Native Land Claims Adjustment Act 1929 by an order

Oxford, 1992, (2nd edition), p233

⁴⁶⁰ Waiariki Native Land Board minute book, vol 2, fols 176-178, (extract), ABJZ 4942/1000a, Archives NZ, Auckland

⁴⁶¹ A B Heath, *The Opouriao - Taneatua settlement of 1896*, Whakatane, Whakatane and District Historical Society, c1989, p19

⁴⁶² Native-Land Development. Statement by the Hon. Sir Apirana Ngata, Native Minister, nd, AJHR,

signed by the Native Minister.⁴⁶³ This brought slightly over 19,042 acres into the Ruatoki Development Scheme and marks the beginning of the development scheme. The scheme was expanded later that year when 23 small blocks near Ruatoki were added to the south-eastern part of the development scheme. The blocks were Te Pohue No.1, Te Pohue No.2, Ngautoka, Puketapu, Tuturitanga, Poutere, Awamate, Matai, Awamutu, Haruia, Waitapu, Toketehua, Hamoremore, Onuitera, Te Tarata, Otairangi, Urukaraka, Ohinenaena, Te Rautao, Te Tapapatanga, Tapuiwahine, Hoko Whitu-a-Tu and Rautawhiri.⁴⁶⁴ A third addition was made in 1931 when the Kowhai block was added to the scheme.⁴⁶⁵ This brought the total acreage of the scheme to 22,893 acres and 38 perches.⁴⁶⁶ The additional blocks are not recorded in the four instalments of the Ruatoki Consolidation Scheme. The prohibition of the alienation of land in the Ruatoki blocks was renewed in 1931, but varied in 1932, to allow the mortgage of block No.1B2K, which was the site of a shop.

The first scheme supervisor, J Rutledge, was appointed in April 1930 and financial assistance to the farmers of the scheme began in the year 1930-31. This marks the beginning of the Ruatoki Development Scheme, under which government assistance was provided to the newly created, consolidated farm units and was charged to the farm unit accounts.

1932-33, G-10, p35

⁴⁶³ Native Land to be developed and settled, 17 April 1930, *New Zealand Gazette*, 1930, no 30, p1453

⁴⁶⁴ Native Land to be developed and settled, 4 September 1930, *New Zealand Gazette*, 1930, no 62, p2718 and 'Native Land Development, nd, AJHR, 1931, G-10, p14

⁴⁶⁵ Native Land to be developed and settled, 4 June 1931, *New Zealand Gazette*, 1931, no 45, p1705

⁴⁶⁶ 'Native Land Development', nd, AJHR, 1932-33, G-10, p62

Graphical representation only
n.harris: july 2002



Map 9: Ruatoki development scheme

6.3 The operation of the Ruatoki Development Scheme

Under the development scheme the Ruatoki lands were divided into three sections, which were also known as schemes. Section A consisted of over 4,227 acres of flat land on both sides of the Whakatane River of which 1,194 acres were already in pasture. It was intended that the Native Department would provide fencing-material, seed, manure and good quality cattle to improve the pasture and stock, and the Maori would provide their labour free of cost to carry out ploughing, draining, top dressing and other work.⁴⁶⁷ It was considered there was no need to pay Maori for their work as they were already deriving a living from the land being developed.

Section B consisted of fern covered hill country to the east of Section A. About 1,800 acres of this part of the scheme was considered worth developing and was to be turned into pasture by crushing the fern with cattle followed by sheep. This part of the scheme was not considered urgent but was intended to provide winter grazing when herds built up and land for sheep farming. This section was subsequently known as section D.

The largest part of the scheme was Section C which was west of the Whakatane River and consisted of hill country, bush and swamp. Development in this section was limited to two areas known as Ohaua and Ngahina, comprising 4335 acres of low fern covered hills and small marshes, which bordered Section A. The economic depression of the early 1930s had begun and Section C was intended to provide work for the unemployed and the surplus population of Ruatoki. Work began on clearing, draining and roading Section C in the year 1930-31 and was paid for from unemployment funds. Under the system of payment adopted an allowance to cover pakeha food, or food which had to be purchased, was made to a nominated member of a family or group at work and the payment was recorded as a wage. The same system was used by Te Puea at Waiuku in the Waikato. Government expenditure on the Ruatoki scheme to 31 March 1931, which was the end of the first financial year of the scheme, amounted to £4489, of which £575 were wages.⁴⁶⁸ The other main items of expenditure were to supply the scheme with cattle, grass seed, fertiliser, fencing and

⁴⁶⁷ Ibid, p37

⁴⁶⁸ 'Native Land Development', nd, AJHR, 1931, G-10, p14

to provide accommodation for the scheme supervisor and build a store shed. The expenditure was charged to the scheme and became a debt on the unit accounts.

The remainder of the lands in Section C were bush or rugged hill country and were not considered suitable for development apart from some land in the Owhakatoro Valley to which development might be extended if world prices for primary products returned to a level which would have made this viable. The hills east of Ruatoki township, toward Waimana, were also an area difficult to develop and were later designated as the Section D sections.

The Maori who owned the land on which the development scheme was in operation became settlers on small farms, into which the area was subdivided. The farms were of around 40 acres in size. The settlers were given 10 cows and fencing materials, grass seed and fertiliser.⁴⁶⁹ There was also provision of housing and improvement of existing housing, and improvement of the quality of milking sheds. A cull was carried out of the herds of Ruatoki and 300 cattle were forced out of the scheme and replaced by heifers from good producing herds elsewhere. With re-seeding and top-dressing the pastures of the district rapidly improved. The work on the scheme was carried out under the supervision of the farm supervisor J.D. Rutledge. Erueti Peene (Edward Biddle) was unanimously nominated foreman and assistant to the farm supervisor by Ruatoki community. Takurua Tamarau also provided leadership and is described as paramount chief of Tuhoe at this time. Buggies, separators and other equipment was obtained from Opouriao where mechanisation, such as the introduction of trucks, had made them obsolete.⁴⁷⁰ At the end of March 1932 there were 120 settlers on the Ruatoki scheme. Of these 68 had commenced milking. Prior to culling of 300 cows, the scheme had 1,010 cows and heifers, of which 520 had been provided by the Native Affairs Department.

All assistance given to settlers of the development scheme was charged by the Native Affairs Department to the scheme's farm units. The Department took the entire milk cheque from each settler but retained only one third, and sometimes less. The milk cheque for the total scheme for the financial year 1931-32 amounted to £6,257. The settlers paid £1,071 to the Department that year which was sufficient to pay the

⁴⁶⁹ Senior Forest Ranger to Under secretary, PWD, 11 June 1952, F1 8/2/5, NA Wellington

⁴⁷⁰ CGS Daly, 'Ruatoki - a study of forced migration', *Auckland Student Geographer*, vol 2, no 1, August 1967, p38

interest charges on the settlers' loan accounts and, in the case of settlers with large herds, the cost of the fertiliser issued to them as well. It was expected that the gross return to settlers from milk supplied to the dairy factory would double the following financial year and that re-payments by the settlers would also double. However the following year there was a collapse in the price of dairy products as the world economic depression continued.⁴⁷¹

In the summer of 1934 Ruatoki produced a phenomenal quantity of hay, more than it had ever produced before. A difficulty developed in storing the winter feed as few of the workers knew how to build stacks that would turn water and it was difficult to learn the skill. Ragwort was becoming a problem by the river bed and on the undeveloped country and steps had to be taken to prevent it taking hold on the development land. The number of cows being milked on the scheme had increased to 2,018 and there were 122 dairy farm units supplying the dairy factory. The development scheme provided a livelihood to 310 adults and 402 children.⁴⁷²

Government expenditure on the Ruatoki scheme to 31 March 1934 amounted to £29,220, the main items of which were £8145 for the provision of livestock, £5669 for grass seed, £4901 for fencing and £4074 for fertilisers. Other items were roading (£1597), buildings (£1778), implements, tools, etc, (£1259), cultivation (£868), fodder (£386), sundries (£658) and wages (£507). Receipts for cream had fallen to £3117 for the year to 31 March 1933 and continued to fall to £2638 to 31 March 1934. Some income had been obtained from the sale of livestock, wool, building and fencing material, fodder and fertiliser. Unemployment subsidies had become a major source of income for the scheme. The subsidies were paid for clearing and draining land, roading work, obtaining fencing materials and cultivation and had increased from £795 to 31 March 1933 to £1661 to 31 March 1934. The total excess of payments over receipts to 31 March 1934 was £25,440, to which was added the interest charge of £3,780, which gave the total expenditure of £29,220.⁴⁷³ This amount was a debt owed by the development scheme to the government.

In 1933, the Waiohau blocks 1A1A to 1A13B, a number of Matata parish lots and the Matahina blocks C South and C No.1B were added to the Ruatoki

⁴⁷¹ 'Native Land Development' nd, AJHR, 1932-33, G-10, p38

⁴⁷² 'Native Land Development, nd, AJHR, 1935, G-10, p15

⁴⁷³ 'Native Land Development', nd, AJHR, 1935, G-10, p34

Development Scheme.⁴⁷⁴ The total acreage of the scheme was increased to 31, 308 acres, 3 roods and 36 perches. Of this area it was intended to develop 10,000 acres. Up to 31 March 1935, 5,048 acres had been made into permanent pasture, 1,100 acres were in temporary, or rough feed, pasture and 250 acres had been planted in maize. A need was seen for the scheme to adopt the storage of fodder in silos (ensilage) and to reduce the taking of hay from the same pastures as this was causing the pastures to deteriorate. Ragwort was a serious menace and some sections were overstocked with inferior stock due to a failure to cull the herds. The number of cows being milked had increased to 1,994 by the 1935-36 season, which was nearly twice the number in 1931-32. The amount of butterfat produced had increased to 387,858 lb in 1935-36 from 261,330 lb in 1934-35 and the output per cow was also increasing.

The Native Minister's report for 1936 thought the scheme's farmers were slow to make the best use of their land by adopting better farming methods, and to become self-supporting in the maintenance of their sections. This was attributed to tribal customs and to the newness of the scheme. The report also thought the response of the young people was disappointing and thought one reason for this was that they had to work in the milking shed from too young an age. It was hoped that improved conditions, such as milking sheds sheltered from the weather, would improve the situation. There had been considerable building that year, with 35 cow sheds completed, 6 more commenced and 6 cottages built. It was hoped that there would be higher prices for dairy products which would allow the provision of cottages in the more urgent cases. Ragwort had taken a serious hold on the shingle river land and on the uncultivated land further up the valley. Another problem commented on was the over-running of the scheme by ill-bred dogs kept for pig-hunting. The Minister's report advocated the destruction of all unregistered dogs.⁴⁷⁵

Net government expenditure on the Ruatoki scheme amounted to £41,709 in the year to 31 March 1936. By the end of the following financial year the total government expenditure on the scheme amounted to £87, 230 and to £109, 948 the year after that:

By 1937-38 the total number of cottages built under the scheme had reached 50 and 58 cow sheds had been built. The size of the cottages had increased with a larger

⁴⁷⁴ Including Additional Land in the Ruatoki Development Scheme, 11 May 1933, *New Zealand Gazette*, 1933, no 37, p1373 and no 42, p1539

⁴⁷⁵ 'Native Land Development', nd, AJHR, 1936, G-10, p23

kitchen and an additional room compared to the three roomed cottages with a porch built earlier. Dairy prices were increasing with the dairy return to the Ruatoki settlers for 1937-38 thought to amount to £25,000. Of this the Native Department took £9,504 as deductions. The milk produced by the local dairy factory was 90% of first grade and the factory won the Auckland Provincial and New Zealand Championships at the Auckland Winter Exhibition.⁴⁷⁶

There was some discontent on the development scheme. A delegation met the Prime Minister, and Native Minister, Michael Savage in his office in 1936 to complain of the ineptness of the attempts by the supervisor, Mr Ted Biddle, to prevent erosion by the Whakatane River which had made useless 300 acres of fertile land at Ruatoki and almost completely removed an 80 acre farm. The river was reported to be half way across the road south of Waikirikiri. The delegation also complained about another supervisor, Mr Brown, and requested that electricity be extended to Waikirikiri.⁴⁷⁷ The complaints were investigated by a commission headed by Judge Carr although the Registrar of the Waiariki Native Land Court considered the complaints against the supervisors to be minor. Carr agreed with him and decided there was no substance to the complaints and that they were caused by personality clashes.

In 1937-38 the Ruatoki Development Scheme had 117 settlers. The settlers had 199 adult dependants and 424 children. There were also 52 scheme workers who had 38 adult dependants (there would mostly be wives) and 94 children. In total 959 people lived and worked on the scheme. The health of the population was not good, with high rates of child mortality and a high incidence of tuberculosis. Progress was, however, being made. In 1937, Jack Black, a Ruatoki farmer, became the joint winner of the Ahuwhenua Cup, a competition prize for Maori engaged in development schemes.⁴⁷⁸ The Ruatoki cheese factory won the Harding Shield for export cheese in 1938.

Ragwort had become a major problem in Ruatoki. In 1937-38 £200 was spent on sodium chlorate and lime to control the noxious weed. It took a large group of workmen to control the weed and during the flowering season 60 women collected the seed heads which were then burnt.⁴⁷⁹ A water supply system was under construction, the completion of which was expected to improve milking shed hygiene. Dairy

⁴⁷⁶ 'Native Land Development', nd, AJHR, 1937-38, G-10, p46

⁴⁷⁷ Report of meeting held at the Prime Minister's office, 24 September 1936, ABJZ 4942/998b, Archives NZ, Auckland

⁴⁷⁸ 'Native Land Development', nd, AJHR 1937-38, G-10, p35

⁴⁷⁹ 'Ragwort front', unsourced article dated 1 Jan 1941, H D London Library, Whakatane

farming was still in a developing stage and farm units whose receipts did not average £3 per week were provided with unemployment contracts so they could provide for their families and remain of their holdings.⁴⁸⁰

Flooding in 1938 prevented the settlers on the western side of the Whakatane River from delivering their cream and milk to the factories. River erosion was becoming a problem to several settlers as the river was changing course. The following year steel-railed groins had to be installed as river erosion became serious and willow trees were planted in selected places by the river

By 1939 130 settlers were farming 7,500 acres and, in addition, 166 workers were employed on the scheme. The health of the scheme's people was improving with better housing and improved milking facilities. It was thought the better conditions were causing a more sustained interest in the work and a better response to instruction.⁴⁸¹ The water supply system was nearing completion as was a bridge across the Whakatane River. Two pig clubs had been formed, one of which won first and second prize in the export section at the Whakatane Agricultural and Pastoral Show.

The Native Minister's reports give the schemes' net liability for the years 1939 to 1941. These were £67,618.9s.11d for 1939, £71,475.17s.3d for 1940 and £78,275 for 1941.⁴⁸² Despite the accumulated debt the Ruatoki lands had become much more productive as a result of the development scheme. Butterfat production had increased from 261,330 lb in 1934-35 to 443, 070 lb in 1936-37. Unfavourable climatic conditions caused a decline in milk production in 1938-39 but this was made up for by an increase in quality. By 1940 the scheme supported 767 people, of whom 140 were settlers. A review of the unit loan accounts for Ruatoki in 1942 found a large number of the accounts either in credit or in a very healthy condition.⁴⁸³ An account of Ruatoki written in 1944 in the Armed Forces magazine, *Korero*, described a prosperous and colourful community where the 'milk cart derby', of horse drawn wagons and carts, brought the day's milk production to the cheese factory. The article reported that half a million pounds of butterfat had been produced in 1942, that the bridge across the Whakatane River had been completed and that a water supply with

⁴⁸⁰ Registrar, Waiariki Native Land Court, 15 July 1937, BBFZ 5015/52d, Archives NZ, Auckland

⁴⁸¹ 'Native Land Development', nd, AJHR, 1939, G-10, p34

⁴⁸² 'Native Land Development', AJHRs, 1939, G-10, 43, 1940, G-10, p32, 1941, G-10, p24

two large dams now provided water to every house, marae and cowshed in the scheme.⁴⁸⁴

The Native Minister's report on the Maori land development schemes for 1942 noted an increasing difficulty in carrying on development work due to wartime shortages of manpower and materials. It noted that due to the enlistment of men from the dairy farms for military service women were having to undertake the farm work. The Minister hoped the Department would be able to give them every assistance to prevent the farms deteriorating in the absence of the men. The Minister also noted that the war effort had required the Ruatoki settlers had to change to cheese production and that although this had caused difficulties the change had been completed.⁴⁸⁵ By 1944 production was being retarded by the enlistment but men were beginning to return from military service. Crops of potato, kumara, pumpkin and onions were being grown for the war effort.

Immediately after the war the Ruatoki scheme was reported as having 150 units and a small area of newly developed country which could provide land for about five returned servicemen. The scheme had a centrally located administrative unit with a store shed, an office and houses for the supervisor and the storeman. Herd-testing was being carried out in conjunction with the local school. The main problems were river erosion, uneconomic unit areas, the upkeep of the water supply, the maintenance of the settlement's roads and the ragwort. These had all required labour subsidies.⁴⁸⁶ Large flocks of sheep were built up to control ragwort, and although the flocks generated income, they reduced the size of the dairy herds. In the late 1940s the settlers of the Ruatoki scheme purchased a local store and established the Tuhoe Co-operative Society (Ruatoki) Ltd.

⁴⁸³ 'Native Land Development', nd, AJHR, 1943, G-10, p4

⁴⁸⁴ 'Ruatoki. A Maori settlement', *Historical Review. Bay of Plenty Journal of History*, vol 47, no 2, November 1999, p105, reprint of *Korero AEWS Background Bulletin*, vol 2, no 11, (5 June 1944) pp3-8

⁴⁸⁵ 'Native Land Development', nd, AJHR, 1942, G-10, p4

⁴⁸⁶ 'Native Land Development', nd, AJHR, 1946, G-10, p16

6.4 The later years of the Ruatoki Development Scheme

The Ruatoki production of butterfat reached 387,858 lb in 1935-36 and 480,000 in 1949. The output of butterfat remained near that level and was 350,000 by 1960-61.⁴⁸⁷ The size of the farm units had increased to an average of 55 acres by 1960-61 from 30 acres in 1935-36 and the output per unit had increased. A process of rationalisation towards more economic units had, to a limited extent, taken place. This process mirrored the national trend in which there was a dramatic decline in the number of dairy farms from 40,000 in 1950 to 17,000 in 1976.⁴⁸⁸ Dairy farms generally became larger, and absorbed smaller ones, as farming costs increased and the value of primary products fell. Dairying at Ruatoki was continuing quite successfully in the early 1960. The major decline in the scheme occurred later. This saw the reversion of land to weeds and scrub and the abandonment of farming by the Tuhoe inhabitants of the district. The cheese factory at Ruatoki closed in 1964. The building was then used to store cheese made at the dairy factory at Taneatua, but in 1979 that factory also closed.

The Ruatoki scheme, and other Maori development schemes, contained a structural inadequacy in the size of the units created by consolidation. The units of around 40 acres established in Ruatoki provided a near subsistence standard of living in the 1930s. The cost of running a farm increased after the Second World War as did the expectations that people had for a standard of living. As families increasingly could not survive on the small scheme units, men looked for work elsewhere. Employment was available away from Ruatoki, at the timber board mill at Whakatane, at the paper mill at Kawerau and, later, in the construction of power stations. These factory and construction jobs paid more, and more often, than dairy farming. There was also some demand for labour in Auckland and other cities and the post-war years generally were the time of a Maori urban migration. It is likely that people only accepted the hard work and low returns of work on the development schemes when there was no alternative employment.

Small, uneconomic units, with the occupier working elsewhere and leaving the farmwork to his family was seen as a problem as early as 1950 and was seen as a

⁴⁸⁷ I H Kawharu, *Maori land tenure. Studies in a changing institution*, Clarendon Press, Oxford, 1977, p171

⁴⁸⁸ G Dunstall, 'The Social Pattern', in *The Oxford History of New Zealand*, G W Rice (ed), Oxford,

destabilising factor.⁴⁸⁹ The number of units in the scheme had been reduced to 106, from 126, by 1950 but there was resistance from owners to consolidation that would leave them without a unit to occupy. Ruatoki was visited that year by the E B Corbett, the Minister of Lands, who subsequently expressed disappointment at the deterioration of the development scheme. He had met the Whakatane County Council and been told that Ruatoki was not making progress. The field supervisor replied to this by saying that Ruatoki contained over 100 units and it required a tremendous amount of material to maintain the improvements that had been made. The scheme had been improvising with the use of substitutes, for example in fencing, but the stage was being reached where new materials needed to be supplied. He was advised that the money for this would have to come from the farm units of the scheme.⁴⁹⁰

The move to other forms of employment left farming in Ruatoki, and other areas, to become a part-time activity for men or an activity carried out by wives, children and elderly relatives. With less labour weeds grew, pastures declined, maintenance work was not done and the condition of the herds declined. In the later stages of the scheme, in the 1950s, the Department of Maori Affairs, which administered the scheme, took a higher percentage of the income of the farm units for loan repayment than it had done earlier.⁴⁹¹ Some farms were leased to European farmers from Opouriao to provide enough revenue to pay the mortgage. Others were kept going at a minimum level. It was suggested in 1955 that the time had come for the Department to leave the scheme and for the farmers to control their own affairs. In opposition to this suggestion was the claim by some Department officials that the standard of farming declined on farms released from the strict supervision of the Department. At a meeting in May 1956 the district officer spoke in favour of relaxing departmental control of the farm units but warned against applying the policy too quickly.⁴⁹² He also mentioned that some units were being brought back under control for a two year term.

The farmers of the scheme were reminded in 1958 that they could not make major purchases without consulting the field supervisor, could not dispose of stock

1992, (2nd edition), p461

⁴⁸⁹ Field Supervisor to Registrar, Waiariki Maori Land Court, nd, ABJZ 4942/998c, Archives NZ, Auckland

⁴⁹⁰ Under Secretary, Maori Affairs, to Field Supervisor, 10 July 1950, ABJZ 4942/998c, Archives NZ, Auckland

⁴⁹¹ Kawharu, p172

under bills of sale to the Department without the supervisor's approval, and could not lease their lands without the consent of the Board of Maori Affairs unless they had been released from the provisions of part xxiv of the Maori Affairs Act 1953. The leasing of land to outside farmers had begun and was illegal.⁴⁹³ A attitude that may have been unfairly condescending was sometimes shown by officials associated with the scheme. It was stated in 1953, for example, that 100% of the cream income was taken by the administrators of the scheme as 'few of these people have much idea of husbanding financial resources'.⁴⁹⁴ No education in financial management was provided to the farmers. A wish for independence from Department control may have been a further reason for the decline of the scheme.

By 1960 there were 76 settlers on the Ruatoki development scheme. This had fallen to 50 by 1966, of whom 13 were only grazing their land and 18 were under close supervision by the Department of Maori Affairs.⁴⁹⁵ Part of the reduction in the number of units was caused by the attempts in the early 1960s to amalgamate small blocks into larger holdings. There were in 1961 230 blocks in the 7038 acres of Ruatoki under development, with an average of 22 acres in each partition. A committee of owners had been set up the previous year to consider the better utilisation of farm land. It, and the Department of Maori Affairs, were in favour of amalgamation to set up larger blocks with leasehold tenure. The Board of Maori Affairs asked the Department in 1961 to consider a new master plan for Ruatoki as there was concern over the difficulty in arranging for economic farming areas. There was general agreement to larger units, but strong opposition to any alteration of existing titles to land holding under a new consolidation scheme.⁴⁹⁶ The problems of the scheme were stated by the field supervisor at the time to be insufficient farm income from uneconomic holdings which could not provide for farm maintenance, which resulted in decreasing production and farmers having to obtain outside employment.

In 1963 the Ruatoki development scheme owed £33,015 to the Department. Of this £20,199 was owed by the four settlers in the Owhakatoro area who had been

⁴⁹² Report of meeting held at Ruatoki 9 May 1956, ABJZ 4942/999b, Archives NZ, Auckland

⁴⁹³ Notice to all Ruatoki farmers, 1 July 1958, ABJZ 4942/999b, Archives NZ, Auckland

⁴⁹⁴ District Officer to ANZ Bank Manager, Taneatua, 16 October 1953, ABJZ 4942/999a, Archives NZ, Auckland

⁴⁹⁵ Daly, p38

⁴⁹⁶ S Sorenson, Ruatoki field supervisor 1961 report, ABJZ 4942/999c, Archives NZ, Auckland

established on units there in 1954. The remainder of the debt had accumulated over the period of the development scheme. The owners of Ruatoki had therefore repaid most of the debt to the Crown, which had been incurred during the development scheme. One possible means of disposing of the debt was to load it onto the unit accounts but equity calculations to establish the share of the debt owned by each unit had never been made and some units had by then left the scheme. It was recommended that the Ruatoki debt, apart from the Owhakatoro debt, be written off.

The Board of Maori Affairs wrote off the balance of the Ruatoki debt on 3 November 1965 and converted the advances to the Owhakatoro farmers into personal loans separate from the Ruatoki account. It was decided by the Board that in future, apart from limited assistance, Board funds would only be advanced to sound economic units where the farmer had free hold tenure, or a lease with compensation for improvements.⁴⁹⁷ This meant the Department's involvement in the Ruatoki development scheme was being wound down.

Following the winding down of the Department's involvement in the Ruatoki scheme the number of units farmed by Maori continued to decline. Some units were leased as grazing land to Pakeha farmers from the neighbouring Taneatua district. This provided a means of gaining an income from the unit and providing for the maintenance of its fences and weed control. The underlying cause of the decline in Maori farming at Ruatoki was the lack of amalgamations to form economic farms, the lack of a governance entity made up of competent trustees able to afford competent advice, and a lack of capital.

In 1968 a controversy occurred when the *Whakatane Beacon* claimed the Department of Maori Affairs was forcing Maori off their land at Ruatoki and intended amalgamating all the land there into two or three units, with each unit farmed by one family. In regard to the rest of the people living there the newspaper quoted a department official as saying they should be sent off to Kawerau. The report was probably an exaggeration but the Department was defended by the Minister of Maori Affairs, J R Hanan, who stated that only a certain number of Maori could make a living from Ruatoki. John Rangihau commented on the *Beacon's* report that there was an atmosphere of despondency about Ruatoki due to poor living conditions and a lack of economic stability. He mentioned high crime rates, uncertainty about the future of

the district high school and too many small land holdings as contributing to the area's problems. He also mentioned as positive developments Ngati Rongo's readiness to incorporate all their land holdings and the acceptance by other groups that their holdings were uneconomic for animal farming and their move towards market gardening instead.⁴⁹⁸

The leasing of land to European farmers as grazing land had the beneficial effect of providing enough income to meet all commitments on the land. A traditional connection with the land could then be maintained by owners who worked elsewhere and either commuted to and from Ruatoki or returned on occasion. A cause of the failure of the development scheme was the partition of the Ruatoki lands by the Native Land Court into small blocks with numerous owners. The consolidation scheme of the early 1930s, which preceded the development scheme, had attempted to create economic holdings from the partitions made over the previous 25 years by the Native Land Court, but had not succeeded in doing so, at least not in the long term.

The Ruatoki Development Scheme ended in 1971, five years after the Department had reduced its involvement in the scheme and closed its financial accounting. The Ruatoki blocks were then released from the development scheme provisions of the part xxiv of the Maori Affairs Act 1953.⁴⁹⁹ New notices were also issued placing units which had borrowed money from the Crown back under the provisions.

6.5 Summary of Chapter Six

Both the Maori of Ruatoki and the government agreed on the need for a development scheme at Ruatoki. The development scheme followed the consolidation of land ownership titles and was very successful in the 1930s and into the 1940s. It brought new land into production, improved the quality of existing farmland, greatly increased dairy production and provided employment for numerous Tuhoe. The decline of the development scheme occurred as the size of dairy units increased through-out the country and the small Ruatoki units became uneconomic. Other reasons for the decline of the development scheme was the existence of better paying employment in

⁴⁹⁷ District Officer to Field Supervisor, 10 November 1965, ABJZ 4942/999c, Archives NZ, Auckland

⁴⁹⁸ John Rangihau 1968 report, ABJZ 4942/1000b, Archives NZ, Auckland

⁴⁹⁹ *New Zealand Gazette*, 1972, no.1, 13 January 1972, p22-24

neighbouring areas. Involvement in the development scheme required long hours of hard work and it is probable that people only undertook this work because in the 1930s it was the only available means of earning a living. The scheme came to require a commitment from both owners and occupiers beyond the financial results available.

By the late 1950s, or at least the early 1960s, the Department of Maori Affairs, which was the Crown's agent in the development scheme, wanted to disengage from direct involvement in Ruatoki farming. Some farm units had become self-sufficient and independent of the scheme, others were leased out or reverting to scrub. Most of the debt owing to the Crown from the farm units was repaid by the units, although a remaining amount was written off. The Ruatoki Development Scheme failed to bring lasting prosperity to Tuhoe and the consolidation and development schemes did not succeed in solving the problems caused by the Native Land Court's division of Ruatoki into small units with multiple owners.

Chapter Seven : Public works and local government

7.1 Ruatoki and local government

The three Ruatoki land blocks are owned almost exclusively by Maori. Almost the only other land owner in the district is the Crown. Up to the consolidation scheme of the late 1920s, the Crown held a small number of interests in the land blocks, the school site, the site of the cheese factory and some land taken for roads in 1921. After consolidation, the Crown held the lands of the Crown Award. Both before and after consolidation most of the land in Ruatoki was Maori owned.

The first roads in the Ruatoki district were built by Maori and developed from pre-European tracks. The need for roads increased with the rise of dairy farming and with it the need to transport milk and cream to the dairy and cheese factories. Ruatoki is in Whakatane County, and in the years before the development scheme, the Whakatane County Council had a responsibility for the provision and maintenance of roads in the area. The Council did carry out some work on roads in Ruatoki and it expected to recover its expenditure by the collection of rates in the area.

After the commencement of the Ruatoki Development Scheme, the roads and other public works in Ruatoki became the responsibility of the Department of Native Affairs which administered the scheme. A complicated situation developed in 1950s over responsibility for the roads and bridges of Ruatoki which led to the transfer of these matters to the Whakatane County Council.

7.2 Ruatoki and rates.

The Maori land owners of Ruatoki began paying rates to the Whakatane County Council in 1920.⁵⁰⁰ They were supplying milk to the Opouriao dairy factory near Taneatua and it had been arranged to have the rates collected from their milk payments. The sum of £200 was collected in 1920 and the Council was anxious to

⁵⁰⁰ District Engineer to Under Secretary, PWD, 8 November 1920, W1 35/231 pt.1, NA Wellington (document bank no. 20)

improve the road access to the dairy factory so as to encourage the Maori of Ruatoki to continue paying rates.

In the following year the Urewera Lands Act 1921-22 was passed by Parliament which established the Urewera consolidation scheme. Ruatoki was initially included in the Urewera consolidation scheme as the confiscation line was the scheme's northern boundary and the Ruatoki blocks were included in the schedule to the Act. As part of the Urewera consolidation scheme Ruatoki was exempted from the payment of rates as section 16 of the Urewera Lands Act 1921-22 exempted from rates all lands in the scheme not awarded to the Crown. The exemption was to prevent assessments for rates being made on land until the consolidated titles for it had been finalised. Section 16, however, contained provision for the exemption to be withdrawn by a notice signed by the Native Minister and published in the *New Zealand Gazette*. Notification of the removal of the exemption from rating could only be made a year after the consolidation order, relating to the land from which the exemption was being removed, was counter-signed by the Chief Judge of the Native Land Court. Consolidation orders for the Urewera land blocks were drawn up by the Urewera Commissioners in 1925 and 1927 but no order was made under the Urewera consolidation scheme for the Ruatoki blocks.

In May 1922 the Whakatane County Council objected to the exemption of Ruatoki from rating as it had proclaimed the roads built by the Maori and had spent money on improvements. The Council had expected to be reimbursed for its expenditure from the collection of rates.⁵⁰¹ The Council's objection was referred to Judge Carr, of the Native Land Court, who ruled on 13 June 1922 that although the Urewera Lands Act 1921-22 had exempted all Urewera lands from rates, Parliament had only intended the rating exemption to apply to lands included in the Urewera consolidation scheme. As the Ruatoki blocks, and a number of other blocks, were outside the scheme he held they should be rated. Later that year the requirement of section 16 of the Urewera Land Act that there be a twelve month delay between the counter-signing by the Chief Judge of a consolidation order for a land block and the removing the exemption from rating for it was removed for the Ruatoki blocks Nos. 1, 2 and 3, by section 43 of the Native Land Amendment and Native Land Claims

⁵⁰¹ D Chalmers, solicitor, to Native Minister, 16 May 1922, MA1 29/4/7 (box 571), part 1, NA Wellington

Adjustment Act 1922. Notification that the three Ruatoki blocks had ceased to be exempted from the term rateable property, and therefore liability for rate charges, was given by the Native Minister in the *New Zealand Gazette* of 26 April 1923 and took effect from 1 April 1923.⁵⁰² The exclusion of the Ruatoki blocks from the Urewera consolidation scheme was said by Apirana Ngata to have been due to difficulties in standardising values between the flat farmland of Ruatoki and the 'range country' south of them.

The ending of the exemption from rating for the Ruatoki blocks was objected to by the Maori landowners of Ruatoki who were reported in November 1924 to be intending to write to the Native Minister about it. Ruatoki Maori landowners did not resume the payment of rates after the removal of the exemption as planning for the establishment of a Ruatoki consolidation scheme had begun and no rates could be charged until the new consolidated ownership titles had been finalised.⁵⁰³ When the Whakatane County Council set a rate for Ruatoki in 1926 it received no payments for this reason. There were also doubts about the validity of the gazette notice and a belief that the notice was a nullity as the Ruatoki blocks had not been included in the orders of the Urewera consolidation commissioners and there was therefore no order for the Chief Judge to counter-sign.⁵⁰⁴ The precedent required for the notice by the Act had not been fulfilled which made the notice of doubtful validity. By 1928 the Whakatane County Council had ceased to attempt to collect rates in Ruatoki as the Maori there were thought to be too poor to pay.⁵⁰⁵

In 1930 Erueti Peene and Tuiringa Tawera wrote to the Native Minister asking for £200 for flood protection and saying all the people with interests along the Whakatane River had agreed to be rated for their proportion of the expenditure. The letter added that the Pakeha had conquered the flood waters from the confiscation boundary to Taneatua. The Under Secretary of Native Affairs assumed from this that a special river rates district existed north of the confiscation line and wrote to the Whakatane Country Council asking that the Ruatoki sub-divisions be included in the

⁵⁰² Native Lands to cease to be exempted from the Term "Rateable Property" as defined by the Rating Act, 1908, 26 April 1923, *New Zealand Gazette*, 1923, no 37, p1198

⁵⁰³ F W Furkert to District Engineer, 1 March 1928, W1 35/231, NA Wellington

⁵⁰⁴ Under Secretary, Native Department, to Registrar, Waiariki Native Land Court, 9 November 1939, BBFZ 5015/52d, Archives NZ, Auckland

⁵⁰⁵ Extract, Judge H Carr decision, Gisborne Native Land Court, 31 March 1928, MA1 1928/146, NA Wellington

special rating district. The County clerk's reply indicates that flood control north of the confiscation line was financed from normal rates, not from special rates, and said the Council would not create a special rating district for flood control in the Ruatoki sub-divisions because of the difficulty of collecting rates on Maori land. The Council was, however, prepared to make a free grant for the purpose if the Department on Native Affairs would pay the engineering expenses.⁵⁰⁶ The request of the Ruatoki Maori for flood control probably came to nothing as neither government organisation would take full responsibility for the necessary work and expenditure.

The road lines of the land blocks included in the Ruatoki consolidation scheme were laid off in 1933. Under the Ruatoki development scheme, roads and public works, were the responsibility of the Department of Native Affairs, which administered the scheme. From the depression years of the early 1930s until after the Second World War, roads and other public works were largely financed by free government grants.⁵⁰⁷ The Department also introduced rates for specific purposes. These were roads, the water supply, erosion control and drainage and were paid by the units to reduce the Department's accounts for these.⁵⁰⁸

In 1934 the Chairman of the Whakatane County Council applied to the Native Minister for Ruatoki No.1 block, and the good quality land around it, to be made rateable. He was informed that the necessary gazette notice could not be issued until the completion on the consolidation titles.⁵⁰⁹ By 1938 it was considered by the Department that the development scheme had brought the Ruatoki lands to a position where some rates should be paid and that rating could be introduced without hardship to the Maori owners.⁵¹⁰ By this time the Department was making a debt charge to the unit accounts of the Ruatoki development scheme to meet the interest on its expenditure on roads and drainage and to provide some additional money for expenditure on these.⁵¹¹

⁵⁰⁶ Whakatane County Clerk to Under Secretary, Native Affairs, 20 August 1930, AAMK 869 898c, NA Wellington

⁵⁰⁷ Registrar, Waiariki District Native Land Court, to Secretary, Ruatoki Tribal Committee, 12 June 1947, ABJZ 4942/1003c, Archives NZ, Auckland

⁵⁰⁸ Registrar, Waiariki District Native Land Court, to Head Office, Native Department, 24 December 1941, ABJZ 4942/1003c, Archives NZ, Auckland

⁵⁰⁹ Under Secretary, Native Department, to Registrar, Waiariki Native Land Court, 20 September 1935, BBFZ 5015/52d, Archives NZ, Auckland

⁵¹⁰ Registrar, Waiariki Native Land Court, to Under Secretary, Native Department, 5 June 1940, BBFZ 5015/52d, Archives NZ, Auckland

⁵¹¹ Registrar, Waiariki Native Land Court, to Under Secretary, Native Department, 19 October 1938,

While Ruatoki Maori leaders accepted the need for rating, and that they benefited from the expenditure of rate money, they did not believe that the district was ready for direct rating by the Council. A letter was sent to the Council in mid-1938 from Hori Atarea Hohua, a Tuhoe of Ruatoki, and others, saying that in 1910 they had paid a fee of 2s 6d to be put on a register as Maori in conformity with the Treaty of Waitangi and that the rating of Ruatoki in 1938, (by the Department) was a breach of the Treaty.⁵¹² It is not clear what this letter is referring to but it does indicate a dissatisfaction with being charged rates.

The collection of the Ruatoki rates by the Council was considered by Judge Ayson, of the Native Land Court, in April 1938. He decided that the Council should be asked what the rates would be and that a schedule should be drawn up showing the accounts and receipts for each unit farm. Ruatoki continued to be considered by Department of Native Affairs officials to be exempted from Council rates under the Urewera Lands Act 1921-22.

In 1939 the Crown Solicitor was asked for his opinion on the authority of the Native Minister to end the rating exemption of Ruatoki by a gazette notice. He replied that although no order had been signed by the Chief Judge he thought that as the final award had been made for Ruatoki the Native Minister could publish a notice immediately.⁵¹³ By final award he was probably referring to the signing of the final ownership titles in 1907, although he may have meant the completion of the consolidation titles in 1936. He added that the question was not free from doubt and if the gazette notice appeared to be a nullity the position should be corrected by legislation.

There was also an opinion, stated by the acting Registrar of the Waiariki Native Land Court, that the 1923 gazette notice was valid. This argument was that orders for the Urewera land blocks from the Urewera consolidation commissioners were counter-signed by the Chief Judge on 24 July 1925, 2 October 1925 and 24 January 1927. The Ruatoki Nos. 1, 2 and 3 blocks were not dealt with by the Urewera consolidation commissioners and there were no orders which needed to be signed by

ABJZ 4942/998b, Archives NZ, Auckland

⁵¹² 'Native Rates' *Bay of Plenty Press*, 1 June 1938

⁵¹³ Crown Solicitor to Under Secretary, Native Department, 1 November 1939, BBFZ 5015/52d, Archives NZ, Auckland

the Chief Judge.⁵¹⁴ The contrary view is, to reiterate, that the gazette notice of 1923 was a nullity as there no relevant order for the Chief Judge to sign.

The Native Minister appears to have decided that although there were doubts over the validity of the 1923 gazette notice to end the rating exemption, he could now validly do so in the same way. Accordingly on 22 August 1940, notification was again made by the Native Minister that the land that had comprised the Ruatoki 1, 2 and 3 blocks, and which had been exempted from rates under section 16 of the Urewera Lands Act 1921-22, were to cease to be exempted.⁵¹⁵

Following this, the Department began negotiations for the Whakatane County to take over as the Ruatoki rating authority. The Department proposed the Council pay it £1737, the amount the Department had spent on the Ruatoki roads, after a deduction had been made for Government subsidies.⁵¹⁶ The Crown Solicitor advised that the gazette notice could only apply to the part of the Ruatoki blocks on which development had taken place. Judge Harvey, of the Native Land Court, stated that amending legislation was needed to make the notice valid.⁵¹⁷

Legislation was introduced to Parliament to validate the ending of the rates exemption but it was stopped by Sir Apirana Ngata. He did so because only 8,000 acres of the 31,000 acres of the scheme were under development and, of this, only a third of the settlers could, he believed, afford to pay rates. Ngata thought the rates should be paid by the Department, which could then determine each settler's ability to pay and recover the amount accordingly. The Council claimed that it was capable of carrying out a similar rate collection.

The Council declined a request from the Department in February 1941 to contribute to the expenditure on the Ruatoki roads. The Department then decided to collect a rate itself from the units of the scheme.⁵¹⁸ This was not the first rating of Ruatoki made by the Department and it had been told by Treasury in June 1940 to continue recovering expenditure by rating. Further work was needed on the roads

⁵¹⁴ Acting Registrar, Waiariki Native Land Court, to Under Secretary, Native Affairs, 20 November 1939, BBFZ 5015/52d, Archives NZ, Auckland

⁵¹⁵ Making certain Lands 'Rateable Property', 22 August 1940, *New Zealand Gazette*, 1940, no 88, p1962

⁵¹⁶ Registrar, Waiariki Native Land Court, 16 October 1940, BBFZ 5015/52d, Archives NZ, Auckland

⁵¹⁷ Judge Harvey to Registrar, Waiariki Native Land Court, 29 May 1940, BBFZ 5015/52d, Archives NZ, Auckland

⁵¹⁸ Registrar, Waiariki Native Land Court, to Native Department Head Office, 12 February 1942,

when, as a wartime measure, the dairy industry was called on to increase cheese production. In Ruatoki farmers who had been supplying milk to the Rangitaiki dairy factory changed to supplying the Opouriao cheese factory. This made necessary the metalling of 300 chains of road, at a cost of £250. When the Public Works Department said it could not fund the expenditure, the Under Secretary of the Department of Native Affairs said it would have to be recovered by a rate charged on the properties of the development scheme. Shortly after this the Council informed the Department of Native Affairs that the Public Works Department had asked if the Council would take over the roads of Ruatoki if improvements were made to them. This was the beginning of negotiations on the subject of transferring responsibility for the roads and bridges to the Whakatane County Council.

The Registrar of the Waiariki Native Land Court reported in November 1941 that the Council had struck a rate for Ruatoki for the 1941-42 year. He commented that the Ruatoki scheme units were unlikely to pay both Council and Departmental rates. The Council's rate demand was returned to it by 144 occupiers of Ruatoki sections. The returned demands were sent by the Council to the field supervisor of the development scheme. He replied that the Ruatoki farmers had been advised by other sources that they were not liable for rating.⁵¹⁹ The refusal to pay rates to the Council following the gazette notice of August 1940 was supported by Judge Harvey. He informed the Native Department that the Council itself was not claiming the notice was valid authority to collect rates but had assumed the notice would be validated by Parliamentary legislation.

In May 1942 the Council agreed that the roads and bridges of Ruatoki should remain with the Department and that it would have no financial responsibility for them. It also accepted an offer of £250 for hospital rates. A conference was held in Ruatoki in May 1942 which was attended by Ngata, Department officials, the Whakatane Council and representatives of the Ruatoki Maori. The conference decided that the Ruatoki blocks would stay off the Council rating roll but the units would contribute the already offered £250 for hospital rates, contribute £360 for a patriotic fund, and provide £600 for road maintenance. The first two payments would be

ABJZ 4942/1003c, Archives NZ, Auckland
⁵¹⁹ County Clerk, Whakatane County Council, to Minister of Native Affairs, 5 March 1942, ABJZ 4942/1003c, Archives NZ, Auckland

charged on a basis of ability to pay, the last was a compulsory rate payable to the Department.

The Department was informed by Judge Harvey that as the roads of the Ruatoki development scheme were public roads, it had no authority to spend scheme funds on their construction or maintenance or to set establish itself as a rating authority to recover its expenditure.⁵²⁰ Despite this, the Under Secretary of the Department stated that the Department should collect a rate equal to the rate the Council had struck for 1941-42. The Department charged rates for roads, water supply and other expenses to the inhabitants of the Ruatoki development scheme from at least 1940.⁵²¹

In 1943 the Council accepted responsibility from the Public Works Department for the Whakatane River Bridge at Ruatoki, and its approaches. The bridge had been built by the Public Works Department and would normally become the responsibility of the Council on completion. There had been a delay in the Council's taking over of the bridge as the Council had claimed there were serious structural problems with it.

As the hospital rate of £250 was paid to the Whakatane County Council in 1942-43 the question arose of whether it should be paid again. The scheme's field supervisor assumed it was to be an annual deduction but the Deputy Registrar of the Waiariki Native Land Court held it should not be paid again as the Ruatoki lands were unrateable. The hospital rate does not appear to have been paid again.

In October 1944 the Under Secretary of the Native Department was asked by the Deputy Registrar for direction on a proposal that the people of Ruatoki should make an annual contribution to the Council in return for the Council maintaining the roads of the area. The road rate then collected by the Department of Native Affairs was then £800. The Council was prepared to take over the roads but required that first they be brought up to County standards. In September 1946 the County Engineer estimated that this would cost £40,842. A meeting the following month at Rewarewa Pa opposed the handing over of the roads under the supervision of the Native Department to the Council.

⁵²⁰ Registrar, Waiariki Native Land Court, to Head Office, Native Department, 19 June 1942, ABJZ 4942/1003c, Archives NZ, Auckland

⁵²¹ Registrar, Waiariki Native Land Court, to County Clerk, Whakatane County Council, BBFZ 5015/52d, Archives NZ, Auckland

In 1947 repairs became necessary for the bridges and culverts of the Ruatoki road system. The roads could not be maintained by the £800 raised by the Department's road rate. It was seen as advisable by the Undersecretary of the Department to hand over the maintenance and control of the roads to the Council, which was prepared to accept them provided a grant of £40,800 was made and an assurance given that rates of £1400 per year would be paid.⁵²²

Tuhoe opposition to the handing over of the roads and other public works in Ruatoki to the Whakatane County Council involved several issues. Tuhoe claimed that at the time of the consolidation of their land titles in the early 1930s the Minister of Native Affairs had assured them that the rating of their lands would not be imposed on them, either then or in the future. There was also concern that some sub-divisions were uneconomic and would not be able to pay the rates. Related to this was the fear of loss of land for the non-payment of rates. In addition the scheme's people were satisfied with the present situation and in 1947 met the Prime Minister and requested a government grant to repair the roads.

The government could make grants for roading in Maori development schemes but this was usually done to build new roads, on the condition the local county council would guarantee to maintain them. The Ruatoki roads had already been built and the Whakatane County Council was not prepared to give a guarantee to maintain them until the roads were brought up to County standards. The government was, however, prepared to provide the necessary finance and this made an agreement possible between the Department and the Council. Agreement was reached in 1948 under which the Government was to provide £33,000 to bring the roads and bridges up to County standards on the condition the County then maintain the roads. This amount covered the estimated cost, which was now £32,780. The Department was to give an assurance the people of Ruatoki would pay £1000 in lieu of rates in the first year of the agreement, and an increase of £100 each following year, to reach a maximum of £1,700 in the eighth year.⁵²³ The Department would recover the rates from the farming income of the Ruatoki units.⁵²⁴ After the eighth year the Department

⁵²² Under Secretary, Native Affairs, to Registrar, Waiariki Native Land Court, 26 June 1947, ABJZ 4942/1003c, Archives NZ, Auckland

⁵²³ Registrar, Waiariki Native Land Court, to Field Supervisor, 12 November 1948, ABJZ 4942/1003c, Archives NZ, Auckland

⁵²⁴ Commissioner of Works to District Engineer, 21 February 1949, W1 35/231, part 1, NA

would guarantee the payment of rates until legislative authority was obtained to allow the Council to collect the rates.

Takarua Tamarau told a meeting in 1948 he would rather the roads of Ruatoki remained with the Department as he had seen the Whakatane County Council try to sell the land of Ngati Awa people who had not paid their rates and this had only been stopped by Sir Apirana Ngata. The Tuhoe Tribal Executive Committee thought the terms now offered were too severe as the Council was not contributing to the repair of the roads and bridges and suggested the Council contribute of £1000 per year. However, the Department was then spending £2000 a year to maintain the Ruatoki road system. The agreement made with the Whakatane County Council was approved by the Board of Maori Affairs on 24 February 1949.⁵²⁵

T. T. Ropiha, the Under Secretary of Maori Affairs, decided that as an agreement had been reached with the Council the question of the legal rateability of the Ruatoki lands was not likely to be necessary for the next eight years and could be left until the agreed term had expired. The Council agreed to legislation being left for the term of the agreement provided it was understood that if the agreement expired without the Council receiving legislative authority to collect rates, the Department would pay the rates.⁵²⁶

The Ministry of Works began work on the Ruatoki roads in 1949 and in August 1950 requested that the Whakatane County Council take over the roads. The Council informed the Department of Maori Affairs of the request and said before they would agree slips on the road would have to be removed and that the bridges had not been renewed as expected. The senior engineer of the Ministry of Works informed Maori Affairs that the slips would be investigated and that the bridges had been surveyed and were awaiting the arrival of timber. It was not until March 1952 that the Ministry of Works was able to call tenders to replace the Ruatoki bridges, which had by then become unsafe.

Wellington

⁵²⁵ T T Ropiha, Under Secretary, Maori Affairs, to Registrar, Waiariki Native Land Court, ABJZ 4942/1004b, Archives NZ, Auckland

⁵²⁶ County Clerk, Whakatane County Council, to District Officer, Maori Affairs, Rotorua, 31 May 1949, ABJZ 4942/1004b, Archives NZ, Auckland

In November 1951 the Council stated it would take over the Ruatoki roads from 1 April 1952.⁵²⁷ The Department agreed to the date and repeated its assurance that, in the absence of legislative action giving the Council authority to collect rates on the Ruatoki lands, it would ensure rates were paid after the expiry of the eight year agreement until such legislative authority was given. Accordingly the Council took over responsibility for the Ruatoki roads from 1 April 1952 and the Department made payments to the Council for Ruatoki in lieu of rates. The payments made to the Council were recovered by the Department continued charge its own rates to the farmers of the developments scheme's units.⁵²⁸

Another meeting at Ruatoki in 1952 was informed that the Ruatoki lands would have to be rated. The main question then was whether the rates should be paid by the unit farmers or by all residents. The Department adopted the system of charging a road rate to the farm units and a varying rate per house for water supply.

From 1953 the provisions of part xxiv of the Maori Affairs Act applied to the lands of the Ruatoki Development Scheme. These provisions continued the responsibility of the government for local services in development scheme contained in earlier legislation. With this responsibility went the right to charge a levy for services but not the power to enforce payment of rates.⁵²⁹ In Ruatoki the Department was then in the process of transferring its local government functions to the County. It sought to do this as some units of the Ruatoki development scheme were being released from the provisions of part xxiv, which meant the Department could not take rates from the units accounts, and because development schemes had always been intended as a temporary measure.

The Ministry of Works completed the repair of the bridges of Ruatoki, and their approaches in 1954. The maintenance of the bridges then also became the responsibility of the Council. The payment in lieu made by the Department increased by 15% per year during the eight year term of the agreement. At the start of the term the Department was able to collect almost all the rates it allocated to the farm units. The amount of the Department's levy, or rate, for roading left unpaid for the year

⁵²⁷ County Clerk, Whakatane County Council, to Registrar, Waiariki Native Land Court, 8 November 1951, ABJZ 4942/1004b, Archives NZ, Auckland

⁵²⁸ Resident Officer to Jim Ruawai, 28 June 1955, ABJZ 4942/999a, Archives NZ, Auckland

⁵²⁹ District Officer, Maori Affairs, Rotorua, to County Clerk, Whakatane County Council, 9 August 1967, ABJZ 4942/1004c, Archives NZ, Auckland

1953-54 was £5.3s 4d.⁵³⁰ The Department responded to the shortfall in its rates collection by informing the Western Tuhoe Tribal Committee that bad debts for rating would be added to the assessment for the following year. By 1956 the number of cases of non-payment of the Department's rate had increased and some cases had been outstanding for several years. There had been one case of water disconnection for non-payment of the rate. For the financial year 1961-62 the amount of unpaid rates had risen to £573 1s 4d. The arrears of unpaid rates by this time came to £1487 3s 10d.⁵³¹ Part of the reason for the increase in the amount of unpaid rates was that a number of units were now independent of the scheme and the Department could no longer obtain its rates from assignments on the cream proceeds of those units.

By 1959 the Department was collecting rates from Ruatoki for roading, water supply and river erosion expenses. In that year the district's drainage system became blocked and it was estimated £7000 would be needed to put the system in order. As the development scheme had no money to finance this consideration was given to placing a drainage rate on Ruatoki. This was objected to by the Department's assistant district officer who asked when there would be an end to the rating of Ruatoki and added that if another rate was charged more people would be unable to pay their rate assessment.⁵³² The drains appear to have been repaired subsequently as part of the renovation of the water supply.

The agreement between the Department and the Council under which the Department made a payment in lieu of rates and the Council maintained the roads and bridges of Ruatoki ended in March 1960. The Department's assistant district officer met the Council in August and told the Council the Department wanted Ruatoki to be rated like any other area and to quit the burden of rates collection. The Council was agreeable to beginning conventional rating but a difficulty was the amount to be set. The Department view was that the rate set should not be more than the average percentage of Maori rates generally collected. The need for legislation to authorise the Council to collect rates in Ruatoki was also mentioned and until the legislation was

⁵³⁰ District Officer to Head Office, Maori Affairs, 6 July 1962, ABJZ 4942/1005d, Archives NZ, Auckland

⁵³¹ Assistant District Officer to District Officer, Rotorua, 5 June 1962, ABJZ 4942/1005d, Archives NZ, Auckland

⁵³² Assistant District Officer, file note, 22 June 1959, ABJZ 4942/999c, Archives NZ, Auckland

enacted the Department was to continue as the rating authority and to make payments in lieu of rates to the Council.⁵³³

Initially the Council wanted the amount of the first payment after the expiry of the agreement to be £2725, which was its full rate assessment for the district. The Department offered to pay 80% of this, as this was the percentage of rates normally collected from Maori in Whakatane County. The Council accepted the offer, but only for that year. Payment of £2180 was then made by the Department.⁵³⁴ The rates levied by the Department, by which it sought to recover its expenditure, was a road rate of 5d and a water rate of 13/4d per pound of unimproved value.

The Department's offer to pay 80% of the Council's full rate assessment was repeated for the financial year 1961-62 and came to £2133 6s 8d. The Department could raise only £1950 from its Ruatoki road rates and informed the Council that it acted as an intermediary between the Council and the ratepayers of Ruatoki and could not pay the Council more than it collected. The Council set the amount to be paid in lieu of rates for the 1962-63 year at £2,560 (again 80% of its full calculation) although it had been advised that the most the Department could collect was between £1700 and £1800 and the Department would not pay more to the Council than it could collect from the Ruatoki roading rate. The Department was concerned as the standard of collection was falling off and the Council was pressing for payment and had asked its Member of Parliament to approach the Minister of Maori Affairs about the matter. In August 1963 it was reported that on 7 units had paid the road rate assessment and 64 units were outstanding with an arrears for the year of £1600 17s 7d. After a concerted effort the Department managed to collect £612 9s 2d for 1963.⁵³⁵

Ruatoki was included in the inquiry conducted by the Local Government Commission, which was established under the Local Government Commission Act 1961. Section 12 (2) (d) of the Act stated that the question of rating in the Urewera Country was to be investigated and Ruatoki was included in this as it is listed in the Urewera Lands Act 1921-22 schedule of lands exempted from rating. The

⁵³³ Assistant District Officer, file note, 1 August 1960, ABJZ 4942/1002b, Archives NZ, Auckland

⁵³⁴ District Officer to County Clerk, Whakatane County Council, 20 October 1961, ABJZ 4942/1004b, Archives NZ, Auckland

⁵³⁵ Resident Officer, Whakatane, to Head Office, Maori Affairs, 4 December 1963, ABJZ 4942/1004c, Archives NZ, Auckland

Commission's decision on Ruatoki was that a rating exemption was not justified on land which had been developed and should not apply in areas when development had been completed and the land returned to its Maori owners.⁵³⁶ This decision divided the Ruatoki lands into developed land which should be rated and undeveloped land which should be exempt from rating. The first step to exempting some of the land from rating was to remove the rating exemption from all the lands listed in the schedule of the Urewera Lands Act 1921-22.⁵³⁷ The land to be exempted in the Ruatoki blocks was then published in April 1964, along with the exempted blocks from other areas.⁵³⁸ The exemptions were made under section 104 of the Rating Act 1925, which allowed an exemption from rating for Maori land because of the indigence of the owners or for another special reason or for a special class of land. Ruatoki C sections, in the west of the development scheme area were exempted as they were unproductive and unlikely to be developed, and constituted a special class of land. Other Ruatoki sections were exempted as marae, reserves or burial sites.

After the publication of the 1964 gazette notice removing any exemption from rating the Council regarded the Ruatoki lands as rateable. It was finally agreed that the arrangement between the Council and the Department, by which the Department made a payment in lieu of rates to the Council, would cease on 31 March 1964. The rate charged by the Council for the financial year 1963-64 was £2760. The Department had £133 9s 11d in its roading account and charged £2116 2s 6d to the farm units accounts. This left a debit on £632 7s 7d, even before any of the units had failed to pay. The farmers of the scheme's units were informed that from 1 April 1964 the Council would be issuing rate demands and making the collections by a cyclostyled circular letter. The last payment in lieu was gradually reduced until by early 1966 only £23 6s 9d remained to be paid. Arrears also remained from earlier years to make up for shortfalls in earlier payments in lieu by the Department. The process ended in June 1967 when the Department informed the Council that it had recovered in the last 12 months £94 12s 11d in roads rates and £5 7s 1d in water supply rates and had now exhausted all sources of recovery and was not going to take

⁵³⁶ Chairman, Local Government Commission, to Minister of Internal Affairs, 19 June 1963, MA1 20/1/57, NA Wellington

⁵³⁷ Notice of Removal of Exemption From Rating of Maori Lands in the Urewera Area, 16 April 1964, *New Zealand Gazette*, 1964, no 23, p669

⁵³⁸ Exempting Maori Land From Payment of Rates, 23 April 1964, *New Zealand Gazette*, 1964, no 24, p701

any further action. The Department believed the Council would probably have written the debts off long ago if it had been collecting them.

In 1969 a proposed amalgamation of hill country in the east and west of Ruatoki could not proceed because of unpaid rates. The Council was told the land owners could not pay because the land was rough hill country in fern and bush and produced no revenue. An agreement was made between the Council and representatives of the Ruatoki Maori under which the Council agreed not to collect rates from the land which was intended for afforestation. The Council wrote off the unpaid rates, which amounted to \$17,000, and agreed not to rate them until they were leased for forestry.⁵³⁹ The proposed amalgamation became the Te Manawa Trust which leases its lands for forestry and pays rates to the satisfaction of the Council.

No legislation was enacted to authorise the Whakatane County Council to collect rates in Ruatoki from 1 April 1964. The Council took over rates collection by an agreement with the Department of Maori Affairs. Council responsibility for the provision of local services replaced the government's duty to do so under part xxiv of the 1953 Act. Ruatoki sections were released from part xxiv of the Act but it was re-imposed on farm units which owed money to the Crown and continued to apply to some sections up to the replacement of the Act by the Maori Affairs Restructuring Act 1989. Some Ruatoki sections remained subject to part ii of that Act due to long term leases or charges on the property still to be discharged. In 1988 the rate assessment for Ruatoki was \$82,4000, of which it was expected 65% would be collected.⁵⁴⁰

The Council's right to collect rates in Ruatoki is was the subject of a court case in 2001 in which the Whakatane District Council sought a declaration establishing its right to levy rates on the Ruatoki lands. The representative owner opposing the declaration claimed that lands included in the schedule of the Urewera Lands Act 1921 were exempt from rates until at least 12 months after the order relating to their consolidated title had been counter-signed by the Chief Judge. As no order was made for Ruatoki under this Act the removal of the rating exemption was invalid. The judge decided that the rating exemption applied only to lands within the Urewera consolidated scheme, as a measure applying while consolidated titles were decided

⁵³⁹ Report of meeting 9 October 1969, WBC Box 225, file 17/14, H D London Library, Whakatane

⁵⁴⁰ Report of Ruatoki matters from meeting of 5 September 1988, WBC, Box 89, file 9/0, H D London Library, Whakatane

and before ownership had been finalised. As the Ruatoki lands were not part of the Urewera consolidation scheme the rating exemption did not apply and Ruatoki came under the ordinary jurisdiction of the Native Land Court.⁵⁴¹ A declaration was therefore made that the exemption from rating was removed by the 1964 gazette notice and that the Council was entitled to levy rates in Ruatoki.

7.3 Ruatoki and roading

The early roads of the Ruatoki district were built by Maori to carry milk and firewood to the Ruatoki cheese factory which opened in 1907. The first Government involvement in road development in the district appears to have been in 1908 when £100 was authorised by the Department of Roads for work on the Ruatoki to Opouriao road.⁵⁴² This road connected with roads built north of the confiscation line and to the dairy factory near Taneatua.

Two petitions were made to Parliament in 1909 for the road from Whakatane to Ruatoki to be continued to meet the Te Whaiti to Lake Waikaremoana road at Ruatahuna. One petition was from Te Amo Kokouri and 41 others,⁵⁴³ the second was from Numia Kereru and 32 others.⁵⁴⁴ A report on the requested road estimated the cost as £500 for a survey and between £6000 and £9000 for construction. The report, by the Auckland Road Engineer, considered the Maori of the district should contribute to the cost of the road.

The roads of the three Ruatoki blocks were laid off by the Native Land Court between 1912 and 1916.⁵⁴⁵ The first roads in the Ruatoki blocks were laid out by the Court at Whakatane on 22-23 June 1912. This was followed by the gazetting of the taking of 24 acres 1 rood and 39 perches for the laying out of a road in Ruatoki No.1 block 1913.⁵⁴⁶ Further roads were laid out by the Court at Whakatane in the three blocks on 20-24 June 1914, 28 June 1915, 15 July and 20-21 July 1915 and 1

⁵⁴¹ Reserved Judgement, J Paterson, 'In Whakatane District Council vs Peter Piipii Keepa, High Court of New Zealand, Rotorua Registry, 18 December 2001, p14

⁵⁴² Chief Engineer, Department of Roads, to Chairman, Whakatane County Council, 27 October 1908, W1 35/150, NA Wellington

⁵⁴³ Te Amo Kokouri to Native Minister, 13 April 1909, W1 35/150, NA Wellington

⁵⁴⁴ Numia Kereru to the Speaker of Parliament, 30 April 1909, W1 35/150, NA Wellington

⁵⁴⁵ Judge Ayson, Native Land Court, to Minister of Lands, undated notification of road lines, LS1 16/878, NA Wellington

⁵⁴⁶ Laying out a Road in Blocks II and VI, Waimana Survey District, Whakatane County, 5 June 1913, *New Zealand Gazette*, 1913, no 45, p1851

December 1915. Roads in Ruatoki were also laid off by the Court at Taneatua on 19 October 1916 and 24-25 November 1916. The proclamation of the roads laid off by the Court was registered as proclamation No. 5280.⁵⁴⁷ The roads are shown on the plans ML 9377 and ML 10535,⁵⁴⁸ which list the partitions through which the roads were laid off. The land taken for roading amounted to 154 acres in Ruatoki No.1 block, 90 acres in Ruatoki No.2 block and 50 acres in Ruatoki No.3 block. The roads were laid off by the Court on the application of the Chief Surveyor at the request of the Whakatane County Council and were designated as road lines. The roads of the Ruatoki district were proclaimed public roads by gazette notice in 1921 under sections 47, 48, 49 and 50 of the Native Land Amendment Act 1913.⁵⁴⁹ The proclamation made all roads of one chain width in Ruatoki into public roads.⁵⁵⁰

The Urewera Consolidation Commission of the early 1920s had surveyed a road to connect the roads of the Whakatane valley with the Waimana valley as part of the Urewera roading scheme it embarked on but did not conclude. This road was legalised in 1930 when 1.2 perches of land was taken for roading in Ruatoki 1A6 block, six acres and 30 perches was taken in Tapatahi and 1 acre, 1 rood and 16 perches was taken in Whaitiripapa.⁵⁵¹

The Ruatoki consolidation scheme closed some roads and laid off some new ones in 1933. The road system of Ruatoki was maintained by the Department of Native Affairs under the development scheme. This work was financed partly by government grants and partly by a roading rate on the farm units of the scheme. Roads built under the development scheme often followed the most practical route rather than the correct road line. In 1937 Ruatoki was included in a government five year plan to metal the country's dirt roads. Responsibility for the roads and bridges was transferred to the Whakatane County Council on 1 April 1964.

⁵⁴⁷ Chief Surveyor to Under Secretary, Lands and Survey, 8 December 1921, LS1 22/878, NA Wellington

⁵⁴⁸ 'Department of Lands and Survey ; land required for road', 29 April 1921, LS1 16/878, NA Wellington

⁵⁴⁹ Proclaiming Road-Lines laid out through Ruatoki Nos. 1, 2 and 3 Blocks to be Public Roads, 27 October 1921, *New Zealand Gazette*, 1921, no 92, p2551

⁵⁵⁰ Chief Surveyor, Auckland, to Messrs. Suckling and Chalmers, 3 July 1922, LINZ closed file 20/ 120, Land Information New Zealand

⁵⁵¹ Proclaiming a Road-line laid out through the Whaitiripapa, Tapatahi and Ruatoki 1a No. 6 Blocks, Auckland Land District, to be a Public Road, 9 October 1930, *New Zealand Gazette*, 1930, no 70, p3121

7.4 The Ruatoki to Waikirikiri road

A major roading issue in the Ruatoki district was the difficulty in building and maintaining an all-weather road to connect Waikirikiri to the cheese factory at Ruatoki. This road was the northern part of the road from Ruatoki to Ruatahuna which the Government promised under the Urewera consolidation scheme but never built.

In 1909 Numia Kereru and 19 others, the Whakatane County Clerk and the secretary of the Opouriao Dairy Company all wrote to the Native Minister each requesting a small grant to repair the road from Waikirikiri to the Ruatoki cheese factory which was practically impassable. The resident engineer for the district reported in December 1909 that the principal Maori of Ruatoki and Waikirikiri were prepared to give land for a road from Ruatoki to Ruatahuna and for a new road to Waikirikiri on higher ground to the present one. He recommended that £100 be granted for work on the road from Waikirikiri as the first part of the road to Ruatahuna. This money was granted by the Government but no work was done on the road.

The secretary of the dairy company wrote again the Native Minister, Sir James Carroll, saying some Maori had ceased milking due to the difficulty of delivering milk and asking that the road from Waikirikiri be formed and metalled. The Whakatane County Council was then informed by the Public Works Department that £100 was available for work on the road but the Council replied that work could not commence as the road was not surveyed. It was then found by the Public Works Department that a survey of the area could not be carried out by the Lands Department until the Crown's title to a large block of land in the area had been completed.⁵⁵²

A survey was carried out and a map prepared of a proposed road to Waikirikiri which was on a parallel, but different, route to the existing road as it was on higher ground.⁵⁵³ Land for the new road was taken by the Government in 1913 under section 22 of the Urewera District Native Reserve Act 1896.⁵⁵⁴ The land taken amounted to 24 acres, 1 rood and 39 perches and was all in Ruatoki No.1 block on the eastern side

⁵⁵² Under Secretary, PWD, to Under Secretary, Lands Department, 19 April 1912, W1 35/150, NA Wellington

⁵⁵³ PWD map 31180, W1 35/150, Wellington, NA

⁵⁵⁴ Laying out a Road in Blocks II and VI, Waimana Survey District, Whakatane County, 5 June

of the Whakatane River. The new road was known as the legal road and was to replace the formed road which was being fenced by Maori farmers. In 1916 it was reported that Maori of the district had carried out formation work on the new road but money was needed for culverts. However a change in official and Government attitudes had occurred since 1909, when £100 was authorised for the road. The Engineer-in-chief informed the Minister of Public Works in 1917 that the road was entirely for the benefit of native land and was not considered urgent. He added that no grant was available. The Minister of Public Works then advised the Minister of Native Affairs that the Government assistance should not be given as the road was being formed to enable the natives to sub-divide their lands. The Minister of Public Works was later informed that the £100 had been dropped from the appropriations as the work would be entirely for the benefit of the natives.⁵⁵⁵

The Native Minister wrote to the Minister of Public Works in 1918 saying the £100 had been approved for the Ruatoki to Waikirikiri road but the Department of Public Works had refused to pay it and it had been struck off the estimates. He said Maori had done a much to improve the road but part was very steep and almost impassable in wet weather. This was part of the old, formed road, which was still in use as the surveyed road had not been built, and was where the road crossed the Oruakorau Stream. The Native Minister asked for the re-voting of the £100 to bridge the gully at Oruakorau where local Maori had installed a culvert that was too small for flood conditions. An estimate was made by the resident engineer that a larger culvert could be installed for £280 provided the Maori would carry out the earthworks free of cost. He added that if the Government would reinstate the £100 grant the Whakatane County Council would find the remainder. The Minister of Public Works subsequently advised the Whakatane Council in October 1918 that £100 would be made available for the culvert. When Apirana Ngata, the Member of Parliament of Eastern Maori, asked in the House if it was expenditure was to be authorised on the road from Ruatoki to Tauarau, which is near Waikirikiri, the Minister of Public Works was able to reply that £100 had been authorised. However, although money was authorised, the work was not carried out, as the road to Waikirikiri was still

1913, *New Zealand Gazette*, 1913, no 45, p1851
⁵⁵⁵ R Holmes to Minister, Public Works, 14 October 1918, W1 35/150, NA Wellington

impassable in winter in 1922.⁵⁵⁶ Work was carried out on the road in 1923 as part of the Urewera consolidation agreement between the Government and Tuhoe under which a road was to be built between Ruatoki and Ruatahuna.

The road from Waikirikiri to Ruatoki remained a problem through out the 1920s and the road construction done in 1923 was subject to erosion. When Sir Maui Pomare, Minister for the Cooks and other Islands, and Member representing the Native Race on the Executive Council, visited Ruatoki in 1928, he was asked if the Public Works Department could provide assistance to improve the road. The headmaster of the Ruatoki school told him that in winter children had to wade up to their waists through water blocking the road and that in one month the previous year 10 children had died of bronchial pneumonia.⁵⁵⁷ Money was allocated by the Government for work on the Ruatoki roads in the late 1920s. In 1930 £300 was approved for expenditure on the Waikirikiri road with as much work as possible to be done by the Public Works Department and the Whakatane County Council.⁵⁵⁸

After 1930 the roads became part of the Ruatoki development scheme. In approximately 1939 a section of the Ruatoki Valley Road was washed away by a flood of the Whakatane River. The road was re-routed through Ngautoka block, one of the small blocks in the south of the Ruatoki development scheme, probably with the agreement of the owners. After further flooding in 1953 the reconstructed road crossed four pieces of Maori land.⁵⁵⁹ This meant that Maori owners in the blocks Puketapu, Te Awamutu and Ngautoka were being charged rates on land being used for a public road. In 1991 one of the owners threatened to close the road unless action was taken to return the road to its original alignment. The closure of the road would have affected 23 families with 40 children and prevented the passage of the school bus and a milk tanker. The threatened closure was the result of a feeling of neglect of an issue of concern to local Maori which had been ignored for many years. A compromise was arranged under which the road was temporarily routed around the section that had been threatened with closure and the Whakatane District Council voted \$7000 for river protection work to enable the road to be returned to its legal

⁵⁵⁶ R J Knight to Minister, Public Works, 1 June 1922, W1 35/150, NA Wellington

⁵⁵⁷ F W Furkert to District Engineer, 1 March 1928, W1 35/231, part 1, NA Wellington

⁵⁵⁸ Minister of Public Works to Minister of Native Affairs, 1 December 1930, AAMK 869 898c, NA Wellington

⁵⁵⁹ V I Harvey to General Manager, Whakatane District Council, 4 February 1992, WBC Box 89, file 9/0, H D London Library, Whakatane

alignment.⁵⁶⁰ An agreement was made to compensate the owners for the use of their land as a public road but it was intended to recover unpaid rates from the compensation.

7.5 Ruatoki and the Urewera Consolidation Scheme roading agreement

The work authorised on the Ruatoki to Waikirikiri road in 1918 was not carried out as the project became part of the larger question of roads agreed to between Tuhoe and the Government under the Urewera Consolidation Scheme. Under the agreement the Government was entitled to take £20,000 worth of land towards the construction of arterial roads across the Urewera. One road was to connect Ruatoki with Ruatahuna, the other was to connect Waimana with Maungapohatu and Ruatahuna.⁵⁶¹ The Urewera Commissioners had the road south from Ruatoki surveyed and it was to connect the Whakatane valley with the Waimana settlement.⁵⁶² A connecting road to the Waimana valley was not, however, constructed. There are references in official correspondence to Ruatoki people contributing to the Urewera road construction but it is not clear if they did.

In March 1922 the Native Minister received a petition from Te Pouwhare and other Ruatoki Maori asking that some of the money allocated for roads in the Urewera country be spent on the Ruatoki end of the Ruatoki to Ruatahuna road to provide employment. R. J. Knight, one of the commissioners appointed to carry out the Urewera consolidation scheme, wrote to the Minister of Public Works saying that Maori at Ruatoki had requested that the road to Waikirikiri be constructed as it was impassable in winter and they were in need of employment. He recommended to the Minister that the new surveyed route be constructed and added that the Maori of Ruatoki were contributing to the £20,000 given by Urewera Maori for roading.⁵⁶³ The Minister, J.G. Coates, replied that although from an engineering point of view it would be best to concentrate on the Waimana valley road, as the Maori of the Whakatane

⁵⁶⁰ Design Engineer to General Manager, Whakatane District Council, 7 May 1991, WBC Box 89, file 9/0, H D London Library, Whakatane

⁵⁶¹ 'Report on proposed Urewera Lands Consolidation Scheme', 31 October 1921, AJHR, G-7, p4 and p8

⁵⁶² Chief Surveyor to Under Secretary, Lands and Survey, 26 June 1930, LS1 16/1784, NA Wellington

⁵⁶³ R J Knight to the Minister of Public Works, 1 June 1922, W1 35/150, NA Wellington

valley had contributed to the road construction work he had agreed to £1,000 being issued for construction work in the Whakatane valley.⁵⁶⁴

The Engineer-in-chief, F.W. Furkert, wrote that the Lands Department had given instructions that work was to be done on the Waimana to Maungapohatu road and no mention had been made of the Ruatoki to Ruatahuna road, which would have included Waikirikiri. He then reported to the Minister of Public Works that the £20,000 was being used for the Waimana to Maungapohatu road as it was considered the superior road for opening up the country and advised against working on the road from Ruatoki to Ruatahuna, which was also called the Whakatane Valley road.

The expenditure of £1,000 approved by the Minister was authorised in August 1922. In February the following year the district engineer reported that work on the new road was employing 17 Maori men in bush felling and culvert construction. Furkert reported in April 1923 that the road extended south of Ruatoki for over three miles and was now suitable for vehicles. He also reported that consideration was being given to continuing the road to a point 16 miles south of Ruatoki. In the following year it was reported that part of the new road had been washed away and that slips had occurred. An estimate was given that continuing the road further south would cost nearly £7,000.

Ruatoki Maori continued to want a road to Ruatahuna and in 1925 a petition was sent to the Minister of Public Works asking for a stock track to be built towards Ruatahuna from the end of the present road. This was a step towards developing the arterial road they had contributed to, but neither the stock track nor the road was built.

The issue of the non-construction by the Government of the arterial road agreed to under the Urewera consolidation scheme was raised by Takarua Tamarau in 1936.⁵⁶⁵ He was inquiring about a block of land, which he thought had been given, or sold cheaply, to the Government on the condition a road would be built to Ruatahuna. Following an inquiry the Government was informed that under section 5 (1) of the Urewera Lands Act 1921 Tuhoe were to contribute £20,000 to the cost of roads in the Urewera. The Crown had subsequently acquired 19,620 acres, valued at £1 per acre, in settlement of this contribution by deducting a fixed percentage of the shares of

⁵⁶⁴ J G Coates to R J Knight, 22 July 1922, W1 35/150, NA Wellington

⁵⁶⁵ W E Parry to Prime Minister Savage, 14 December 1936, MA1 29/4/7/1 (box 574), NA Wellington

every owner in the Urewera consolidation area. All shares were valued at 1d and as the valuation of the Urewera land blocks varied the number of shares taken in each block varied. It was consequently impossible to state the amount of land taken or to locate it. All that could be said was that land to the value of £19,620 had been taken.⁵⁶⁶

It is not clear that Ruatoki Maori contributed to the Urewera roading scheme. The statements that they had done so in official correspondence may indicate an expectation that they would, but that this did not happen when Ruatoki was left out of the Urewera consolidation scheme. It may also be that Maori living at Ruatoki contributed to the roading scheme through shares they owned in blocks in the Urewera blocks, which were included in the Urewera consolidation scheme.

On 6 November 1957, at a meeting at Ruatoki, Tuhoe accepted a Government proposal that £100,000 would be paid to them in settlement of the taking of approximately £20,000 worth of land under the Urewera consolidation scheme for road that were not built. Takarua Tamarau had said 'Better perhaps half a loaf of bread than none at all'.⁵⁶⁷ The payment of £100,000 Tuhoe, with 5% interest up to the time of payment, was authorised by section 9 of the Maori Purposes Act 1958.⁵⁶⁸

7.6 Ruatoki roads and bridges maintenance

The transfer of the maintenance of the roads and bridges of the Ruatoki district from the Department of Maori Affairs to the Whakatane County Council took a considerable time. The bridge across the Whakatane River at Ruatoki was the first part of the Ruatoki roading system that the Whakatane County Council took over, after the establishment of the Ruatoki development scheme. The bridge was built by the Public Works Department. In 1941 the district engineer informed the Council that the Whakatane River Bridge and its approaches were the responsibility of the Council and had been since 1 August 1940.⁵⁶⁹ The Council had earlier declined to take

⁵⁶⁶ Chief Draughtsman, Auckland Office to Under Secretary, Lands and Survey, 20 August 1937, MA 1 29/4/7/1 (box 574), NA Wellington

⁵⁶⁷ Renata Numia Rangi, submission on behalf of the Tuhoe Waikaremoana Maori Trust Board to The Royal Commission on the Maori Land Court, 1980, copy in LINZ closed file 20/1510, vol 3, Land Information New Zealand

⁵⁶⁸ The Maori Purposes Act 1958, section 9, *New Zealand Statutes*, 1958, pp422-3

⁵⁶⁹ District Engineer, Public Works Department, to Whakatane County Clerk, 16 July 1941, ABJZ 4942/1003c, Archives NZ, Auckland

responsibility for the bridge, claiming it had serious structural defects. The Council did not accept responsibility for the bridge until 1943. It then provided some money for repairs. As the Whakatane River Bridge had been constructed by the Public Works Department the Council had to take responsibility for the bridge once it was constructed. The Council took longer to accept the roads constructed by the development scheme and the earlier roads the scheme had inherited.

Under the Ruatoki development scheme the construction of roads and culverts was the responsibility of the Department of Native Affairs. By 1949 the Ruatoki development scheme was spending £2,000 a year on the upkeep of roads, with, it was reported, poor results.⁵⁷⁰ An arrangement was made with the Whakatane County Council under which the Council would take over the maintenance of the roads and bridges of Ruatoki, when they had been brought up to the required standard, in return for a payment in lieu of rates from the Department of Maori Affairs.⁵⁷¹ The Government approved the expenditure of £32, 780 on the roads and bridges of Ruatoki, which was to be a charge against Maori Affairs.

In April 1951 the Minister of Maori Affairs, Mr E.B. Corbett, visited Ruatoki. Practically all the road work in the scheme was then complete but that the bridges remained to be done. They had been temporarily strengthened but were a cause of inconvenience. Responsibility for the bridges was then held by the Department of Works which in October 1951 found three of the Ruatoki bridges unsafe and reported that the Ruatoki settlements were suffering financially as a result. An inspection the following year stated one bridge had been closed but said there was no loss of access generally. In March 1952 Tui Tawera of the Ruatoki school committee wrote to the Minister of Labour about unsafe bridges which had to be crossed by the school bus. He said that repeated appeals to Maori Affairs and the Public Works Department had produced no results. The delay in the repairing the bridges was then reported to be due to the intention to use Australian hardwood which took time to import, as it required foreign exchange. In March 1952 Tui Tawera of the Ruatoki school committee protested about the unsafe bridges the school bus had to cross. The Ministry of Works then denied it was neglecting its responsibilities, claimed the school committee was exaggerating and said tenders to replace the bridges were to be called in a few weeks.

⁵⁷⁰ District Engineer to Commissioner of Works, 27 January 1949, W1 35/231, part 1, NA Wellington

⁵⁷¹ Commissioner of Works to District Engineer, Hamilton, 21 February 1949, W1 35/231, part 1,

In August 1970 the bridge over the Whakatane River at Ruatoki was damaged by flooding and had to be closed. Two of the spans of the bridge sagged and were near collapse. The cause of the flood was said to be debris from tree planting by the Bay of Plenty Catchment Board further up the river. It was also the case that the bridge was built for horses and carts and not heavy traffic. A change in the course of the river may also have contributed to the near collapse. The bridge was repaired at a cost of \$22,095 and re-opened for all but heavy traffic in October 1971.⁵⁷²

In 1988 an inquiry was made by the Te Rewarewa marae committee about compensation for land taken for Te Mahurehure Road which approached the Ruatoki bridge. The Whakatane County Council referred the letter to the Department of Maori Affairs as it had constructed the road which the Council had taken over in 1964. The road, when built under the development scheme, had been constructed over an existing Maori roadway and not over the correct road line. The land taken for the road had never been taken for a public road and the marae committee proposed that as compensation for it now becoming a public road, the road outside the marae should be tar-sealed at no cost to the marae. A compromise was agreed to under which the marae and the Council each paid half the cost of tar-sealing the road.⁵⁷³

The Ruatoki Sealing Rating Area had been established in 1968 and a separate rate for sealing of 1.25 cents for each dollar of unimproved property value introduced.⁵⁷⁴ There was considerable demand for the sealing of roads in Ruatoki due to dust and vehicles spraying shingle and in 1993 a road was barricaded by a resident demanding it be sealed.

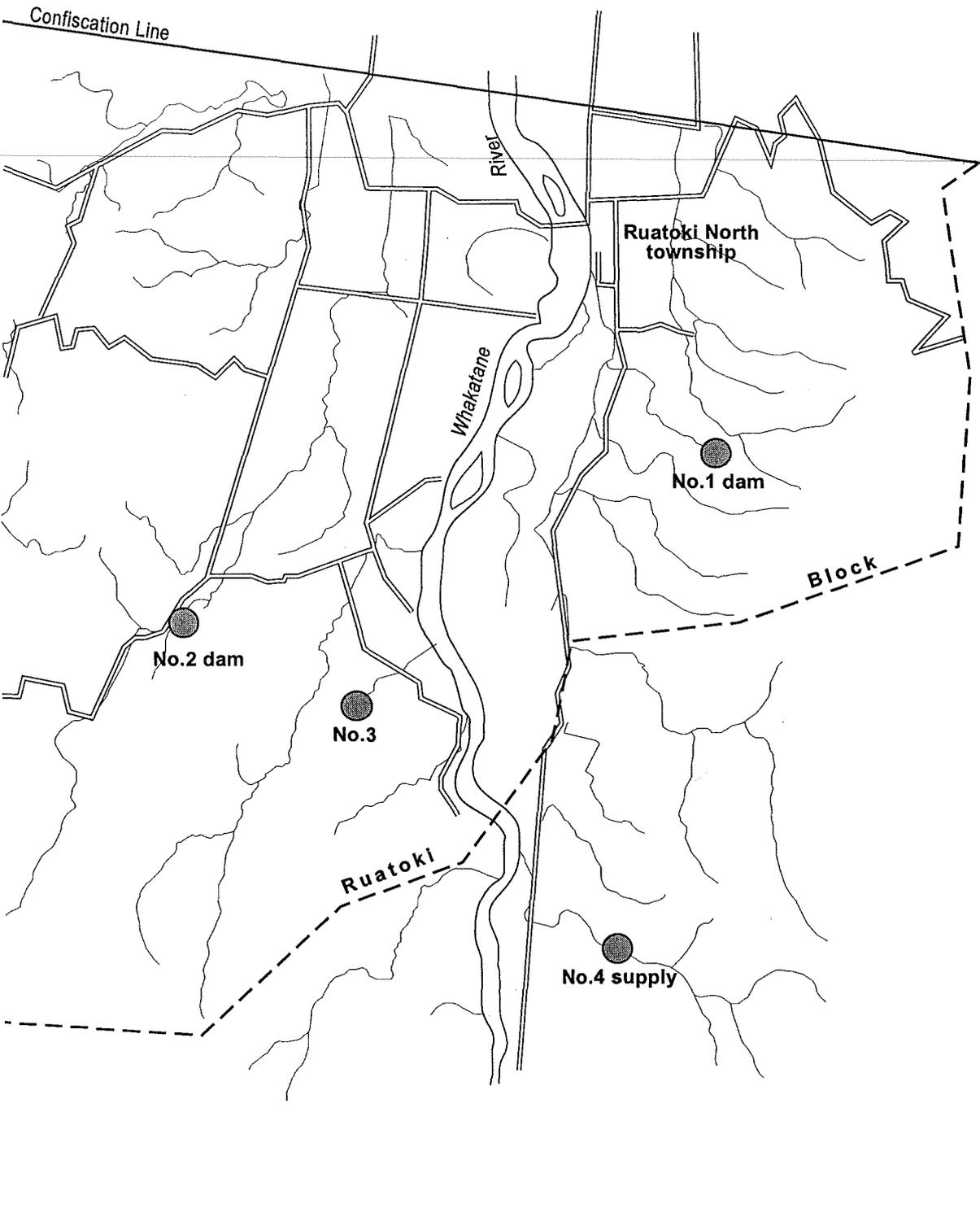
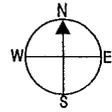
NA Wellington

⁵⁷² 'Ruatoki Bridge open', *Whakatane Beacon*, 20 October 1971

⁵⁷³ Roading Engineer, file note, 21 July 1988, WBC Box 89, file 9/3, H D London Library, Whakatane

⁵⁷⁴ Ruatoki Sealing Rating Area, undated file note, WBC Box 227, file 18/22, H D London Library, Whakatane

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n. harris: july 2002



Map 10: Location of roads and dams

7.7 The Ruatoki water supply

In 1937 the Department of Native Affairs spent £9300 on a water supply for the Ruatoki area. The water system centred on three gravitational dams, which supplied most of the scheme, and additional dams for some individual blocks. The system was built by the Public Works Department and was paid for by the creation of a separate water supply account within the scheme. A levy for the water supply account was charged to the scheme's settlers. The rate charged was 13/4d per £1 on the 1950 unimproved land values. The Department of Maori Affairs' assistant district officer stated that the Department did not wish to continue with the existing arrangement for water, and for rates generally, beyond the present period, which was to end in 1960.⁵⁷⁵ The alternative to the Department administering the water supply was for the Whakatane County Council to take it over.

By 1960 the scheme's water supply account had been reduced by the levy to £2808 19s 4d but the water supply broke down that year.⁵⁷⁶ To meet the emergency the Board of Maori Affairs approved the declaration of the whole of the Ruatoki blocks as a water area under section 371 of the Maori Affairs Act 1953. This section authorised the Board to acquire easements for water rights over land under its authority. The Board also authorised £2000 for the repairs. The amount was added to the scheme's water supply account and the levy to the unit farmers increased.

The Ruatoki water area, containing 305 separate land titles, was gazetted in 1962. This gave the Board of Maori Affairs the legal power to charge the consumers of the water area for water, in accordance with section 371A (6) of the Maori Affairs Act 1953. It also required that the water supply account was kept separate from the Ruatoki scheme general account. In 1963 surveying of the lands served by the Ruatoki water supply was carried out and a plan made of the reticulation system as part of the preparation for handing the water supply over to the Whakatane County Council.

⁵⁷⁵ Minutes of General Meeting held at Ngahina Pa, Ruatoki, 8 April 1959, ABJZ 4942/999c, Archives NZ, Auckland

⁵⁷⁶ File note, undated, ABJZ 4942/999c, Archives NZ, Auckland

On the morning of 5 February 1964 most of the farm units of the Ruatoki scheme east of the Whakatane River had their milk down graded by the dairy factory as there had been no water available for cooling the milk. This was caused by the complete silting up of No.1 dam. The dam was 15 feet high and was supplied by a permanent creek but it was in an inaccessible and steep bush area. Silting of the dam had been a concern for months but clearing had to be done manually and this had not been done. The field supervisor arranged for enough clearing to be done to clear the outflow pipe and authorised the expenditure of £50 to pay for the work. He recommended to the district officer that £200 be authorised to repair the dam properly. The district officer did not authorise the expenditure as negotiations were in progress with the Whakatane County Council to hand the water supply over to them on 1 April 1964.⁵⁷⁷

The Council stated in March 1964 that it was still prepared to take over the water supply provided it was improved to the standard required by the County Engineer. This involved bulldozing a track to No. 1 dam, cleaning it and No. 2 dam and fitting new valve gates and repairing piping where necessary. In February 1965 the Council was informed that the work had been done and inspected and asked for confirmation that the Council would take over the water supply. The Department also sent the Council a topographical map of the Ruatoki water system. The Council signed a formal agreement to take over the water supply on 23 May 1965 and the process was finalised in July. In taking over the water supply the Council incurred a debt to the Crown of £2312, which was to be paid over 10 years with 5% interest. The Council later asked to have this amount written off by the Board of Maori Affairs but this was rejected on the advice of Treasury as the Council's water account was in credit. The Council then made a payment of £1000 to the Department. The final payment which completed payment by the Council for the Ruatoki water supply was made to the Department on 1 April 1975.⁵⁷⁸

The Ruatoki water supply was considered unsatisfactory by the Health Department from 1970. The area now had four dams, known as the eastern main, western, western main and south western dams. The cause of unsatisfactory condition of the water appears to have been silt in the water from the dams not being cleaned

⁵⁷⁷ District Officer, Rotorua, to Resident Officer, Whakatane, 6 February 1964, ABJZ 4942/1002c, Archives NZ, Auckland

⁵⁷⁸ District Officer, Rotorua, to County Clerk, Whakatane County Council, 11 April 1975, WRC box 230, file 19/6

out after flooding. By 1988 it was claimed by Ruatoki residents that the water was highly polluted and not fit for human consumption.⁵⁷⁹ New home owners were no longer being connected to the water supply but were installing water bores. The Whakatane District Council was considering a new water system for Ruatoki but required local commitment to it and a readiness to meet the cost.

7.8 The Ruatoki schools

In 1891 Numia Kereru, Akuhata Te Kaha, and six other leading Tuhoes wrote to the Native Minister to request a school for Ruatoki. There were then 125 children in Ruatoki, nearly all of whom were of school age. In response James Pope, the inspector of native schools intended visiting Ruatoki in May 1892 but was prevented by flooding. Education officials visited the settlement in October and reported that the Maori there had little idea of the conditions under which the Government expected them to grant a site for the school. The opposition to the surveying of Ruatoki in 1893 prevented any progress on the school although it was reported in April 1894 that a site had been selected at Kaimatahi. When Seddon visited Ruatoki that month some Tuhoes expressed their wish for a school to him. In June Numia wrote to Premier Seddon saying the school should wait until the sitting of the Native Land Court, which sat to determine the land titles of Ruatoki, was over.⁵⁸⁰

The original Ruatoki school site was part of the first partition of the Ruatoki block. This was made by the Native Land Court in December 1894 and divided the block into three large divisions, known as Ruatoki Nos 1, 2 and 3 blocks, and a 5 acre school site, known as Ruatoki No.4 block. The school site was surveyed in January 1895 and a certificate of title for Ruatoki No.4 was issued to Kereru Te Pukenui and Turoa Pekatu on 28 October 1895. They transferred the title to the Crown on 30 January 1896.⁵⁸¹ The Crown paid the owners the nominal sum of five shillings for the five acres.⁵⁸² The Ruatoki Native School opened on 4 June 1896, with 22 girls and 25

⁵⁷⁹ Report of Ruatoki matters from meeting of 5 September 1988, WBC, Box 89, file 9/0, H D London Library, Whakatane

⁵⁸⁰ Kereru to Seddon, 19 June 1896, BAAA 1001/540a, Archives NZ, Auckland

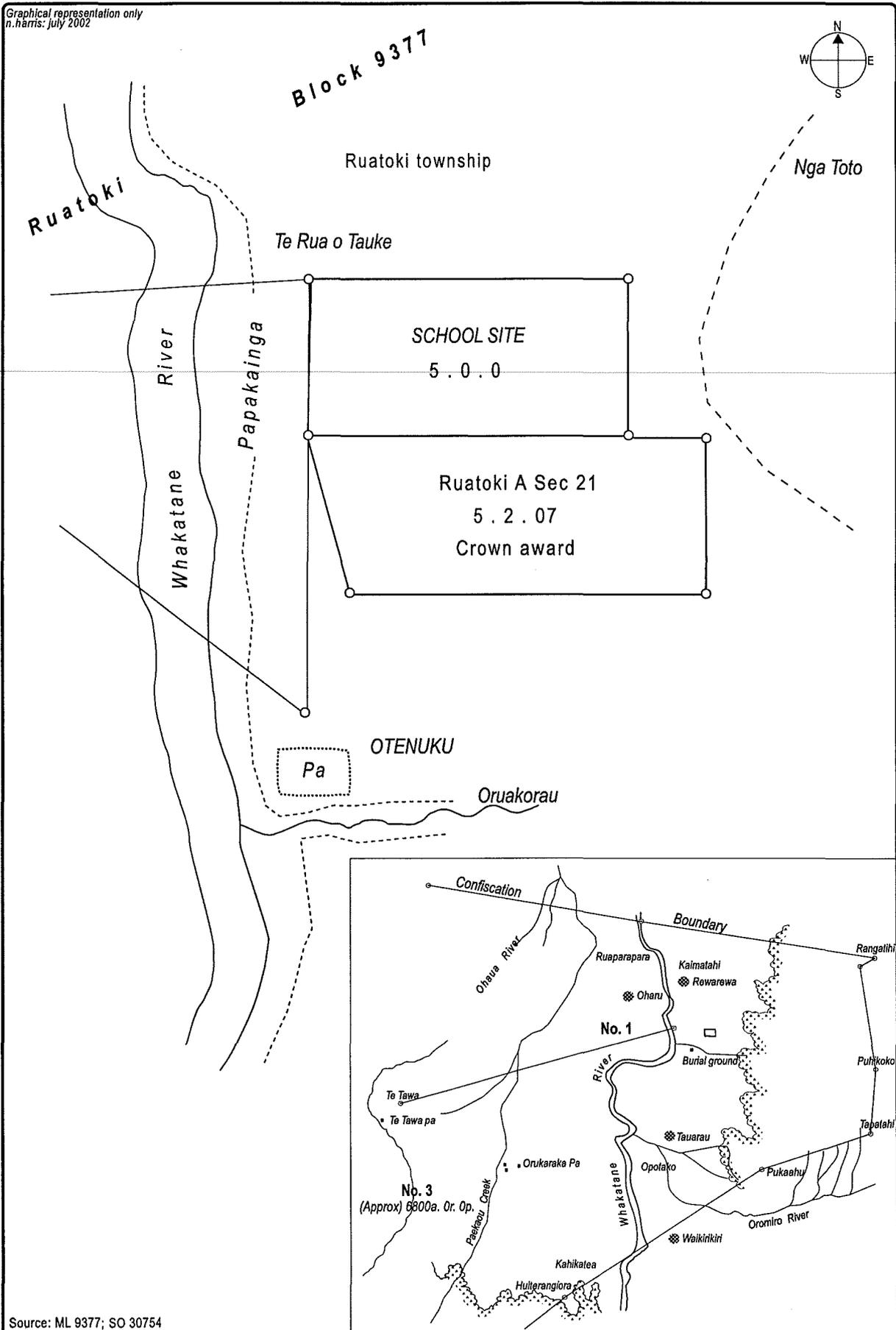
⁵⁸¹ Certificate of Title under Land Transfer Act, 28 October 1895, (copy from LINZ closed file SGR/1309-1-LHN, document bank no. 21)

⁵⁸² D B Prentice for Chief Surveyor, Hamilton, to Registrar, Waiariki District Maori Land Court, 27 February 1985, Linz file 6900/120-1-DHN, Land Information New Zealand (document bank no. 21)

boys. There was great enthusiasm for the school and the school was seen as making good progress by the inspector. The school closed for a week in 1907 due to a typhoid outbreak. In the same year the teacher expected a difficult winter due to the neglect of farming brought about by Rua's apocalyptic prophesies, potato blights and floods.⁵⁸³ The school was also affected by absenteeism by the children of Rua's followers, with 30 children in the school's immediate vicinity not attending.

⁵⁸³ J B Lee to Secretary of Education, 1 May 1907, BAAA 1001/540b, Archives NZ, Auckland

Graphical representation only
n.harris: July 2002



Source: ML 9377; SO 30754

Map 11: Location of Ruatoki school, 1902

In 1907 Rotu Numia, a daughter of Numia Kereru, returned to Ruatoki from the Diocesan Maori girl's school in Napier, which she had attended on a Government scholarship. She, and an Anglican deaconess, began to promote the Anglican form of Christianity in Ruatoki,⁵⁸⁴ which had until then been an entirely Ringatu community. Land near the school was provided by its Tuhoe owners for an Anglican church mission. The mission house became a hostel where children boarded during the week.

Section A21, a section neighbouring the school, was acquired by the Crown as part of the satisfaction of its interest in the Ruatoki Consolidation Scheme. The section comprised 5 acres, 2 roods and 7 perches and was used for some years as a playground and paddock for children's horses. The section had earlier been fenced and grassed by Takarua Tamarau, the chairman of the school committee. It was agreed in March 1939 that he should receive £21 6s 4d for the cost of the fencing he had built but no compensation for grassing the section as he had had six years of free grazing on the section since it was awarded to the Crown. The section became Crown land in 1939⁵⁸⁵ and in 1940 was permanently reserved as a school site.⁵⁸⁶

The Ruatoki school became a district high school in 1946-47 but closed its secondary section in the 1970s.⁵⁸⁷ In 1978 the school became New Zealand's first bilingual primary school. It then became a Maori language immersion school for new entrants to standard two children, and bilingual for standards three and four. On 1 September 1992 Ruatoki school became an area school taking children from new entrants to form seven and became the first official kura kaupapa school. The school is now known as Te Kura Kaupapa Maori a Rohe o Ruatoki.⁵⁸⁸

Ruatoki children living west of the Whakatane River attended the Ruatoki Native School but as there was no bridge they had to wade the river to do so, or miss school if the river was in flood. Land was consequently provided for a school on the western side of the Whakatane River by Tui Tawera Moko-nui Arangi.⁵⁸⁹ He described the provision of the land as 'He tuku rangatira te tuku', which means it was a customary

⁵⁸⁴ 'Anglican Church', *Historical Review. Whakatane and District Historical Society*, vol 6, no 2, June 1958, p52

⁵⁸⁵ Proclaiming Land to have become Crown Land, 20 December 1939, *New Zealand Gazette*, 1939, no 145, p3529

⁵⁸⁶ Lands permanently reserved, 25 July 1940, *New Zealand Gazette*, 1940, no 75, p1749

⁵⁸⁷ W Harawera, 'A 100 year history', *Mana*, no 14, Summer 1996-97, p75

⁵⁸⁸ J Rivers, 'Ruatoki takes on a new status', *Dominion Sunday Times*, 13 September 1992, p7

⁵⁸⁹ *Tawera School Jubilee, 1931-1981*, Maori Publishing Committee, Whakatane, 1981, p2

transaction and that he was providing land for the purpose of a school and not gifting it outright to the government. The land was, however, taken in 1930 under the Public Works Act 1928. It amounted to 3 acres 3 roods and 39.4 perches and was a portion of Ruatoki 1B1C16E,⁵⁹⁰ which was a meeting house reserve. Under the consolidation scheme the new school site became Ruatoki B section 33B No 1. Tawera Native School opened on 29 July 1931. An additional piece of land was donated by Taumoana (Ira) Tawera. The partition order for the additional land was made in June 1960 and a hostel was subsequently built on it.⁵⁹¹

7.9 The Ruatoki Mission house site

The land provided for the Ruatoki Mission house was the section Ruatoki No. 1B No.1C No.5 which like all of Ruatoki is in Block II Waimana S D, South Auckland Land District. The section had an area of 1.9298 hectares or 4 acres 3 roods and 3 perches and is shown on the ML plan 9377 (3). The section has access from legal frontage to Mission Road and the title CT 631/28, South Auckland Registry.

The Tuhoe owners of the site in 1914 were Maitaranui Rangiaho, Ngapaki Pouwhare, Paora Rangiaho, Rotu Numia, Toki Pirini, Takoto Moko, Tata Tihi, Teepa Mohi, Te Whetu Paerata and Wiremu Te Amo, in equal shares. In 1919 application was made by Paora Rangiaho and others to the Native Land Court that the section be vested in the Waiapu Board of Diocesan Trustees for the purpose of a church, or other religious purpose and for a school for Maori. There were no objections and the Court vested the land in the Diocesan Trustees.⁵⁹² The land was transferred to the Tuhoe Waikaremoana Maori Trust Board on 19 November 1987.

7.10 The Ruatoki health services

The Government provision of a health service in Ruatoki began in 1904 with the appointment of Elsdon Best as native sanitary inspector of the Mataatua Maori Council. Best assisted the Maori Council to apply for a subsidy for a water supply at

⁵⁹⁰ Land taken for the Purposes of a Native School, , *New Zealand Gazette*, 1930, no 43, p1882

⁵⁹¹ District Executive Officer to Chief Surveyor, Auckland, 30 January 1962, LINZ closed file 20/120, Land Information New Zealand

⁵⁹² Whakatane Native Land Court minute book 18, 21 August 1919, p251

Ruatoki but found the Council generally ignored his suggestions.⁵⁹³ He also found Tuhoe to be generally apathetic to health reforms. Tuhoe, and many other Maori, were then in an intermediate stage between the decline of their traditional society and the adoption of European social practices. They lived in houses which were either old semi-underground whare or were of weather boarding and palings. Their houses lacked floorboards and chimneys which made them cold and draughty. Best was involved in the destruction of some houses and the construction of new ones. The old Maori system of latrines had gone and Best found only one latrine at Ruatoki. He had to coerce the village committee into constructing two more. Even then they were not used and Best reported water supplies were polluted. In 1906-7 there was an outbreak of enteric fever at Taurarau in which a number of people died. This village was beside a body of stagnant water, in contrast to Waikirikiri where Best was pleased to find a similar lagoon had been drained. Through out the area, tohunga were active in the treatment of illness and while some tohunga probably did useful work with traditional remedies, Best considered others exploited people. On his initiative the Maori Council introduced a £10 fine for the practice of tohungaism although this was difficult to enforce.

Best's appointment as sanitary inspector at Ruatoki coincided with the rise to prominence in Urewera and the Bay of Plenty of Rua Kenana Hepatipa. Best considered Rua to be an impediment to the improvement of Tuhoe health and well-being.⁵⁹⁴ This was because in the early part of Rua's religious leadership, in 1906-7, Rua preached the imminent coming of an apocalypse and led people to abandon their work as the world would soon change and the country would be restored to the Maori. Rua predicted a flood of biblical proportions and encouraged Maori to congregate on hilltops. Ruatoki was then almost abandoned with its people moving to a camp at Kekataone at Te Waimana. At Waikirikiri Best saw a track cut in a straight line through the fern and scrub for people to flee along when the flood was coming. The school teacher at Ruatoki had provided some medical assistance to Maori but he found demand declined after Rua became influential. Rua was not, however, adverse to European medical knowledge or sanitation methods. He assisted the Health Department in carrying out a vaccination programme after a small pox epidemic in

⁵⁹³ R Lange, *May the people live. A history of Maori health development, 1900-1920*, Auckland, Auckland University Press, 1999, p220

⁵⁹⁴ E W G Craig, *Man of the mist*, Wellington, A H and A W Reed, 1964, p121

1913. A visiting doctor explained to him the proper treatment of typhoid and Rua later showed he had understood the treatment and knew not to give solid food to typhoid sufferers. It was reported in 1918 that the world-wide influenza epidemic of that year had reached Rua's community at Maungapohatu and that he had died. In fact the epidemic did not reach the Urewera mountain country as the policeman at Whakatane managed to isolate the region, although the disease did reach Ruatoki.

Public health nurses, based at Taneatua, worked at Ruatoki from the first decade of the twentieth century. From 1943 Dr Golan Maaka, a Maori doctor, provided medical care for Maori in a fifty mile radius from his home in Whakatane. He made numerous expeditions into the Urewera mountains and campaigned to bring venereal diseases under control. The health of the children of the area in the 1950s was clearly not very good with the school teacher reporting that cases of head lice and scabies placed a great burden on the staff and his wife.⁵⁹⁵ A woman former missionary with nursing training was found to assist and parents were to be educated in the follow-up treatment needed for scabies. Dr Maaka also sought to educate parents, in particular in the daily cleansing of children's ears. In the mid-1950s the medical officer from Gisborne visited Ruatoki each three months to carry out diagnosis work and direct parents on treatment. He found a number of cases of children who needed to see a doctor more frequently and wrote to Dr Maaka about them. There was also a case of a child who had fallen from a moving truck and had not received proper treatment. This case was unusual as the Tuhoe tribal executive was trying to get a prohibition order against the sale of alcohol to the child's parents.

Health problems at Ruatoki were compounded by the difficulty in the 1950s of finding a doctor for Taneatua and on at least one occasion there was also difficulty in finding a public nurse. In the 1960s a number of doctors became active in Maori health in the area. Ruatoki remained part of Dr Maaka's area. Patients would wait for him at the township and when, in his later years, he did not arrive they would go to the hospital in Whakatane.

In the mid-1970s support developed for the establishment of a community health centre at Ruatoki. This was prompted partly by concern over glue-ear in children. Discussions for the establishment of a health clinic involved the supervising public health nurse, the Western Tuhoe Tribal Committee, the South Auckland Education

Board, the Whakatane Hospital Board and the Department of Health. The health clinic at Ruatoki opened in 1977 and was named the Maaka Clinic, in honour of Dr Golan Maaka, who died the following year. The clinic was funded by the community health fund and was sited near the school in Ruatoki and facing it, which encourages a community atmosphere. After the clinic opened a survey of 300 Ruatoki children was carried out which found that 81% had ear disorders and 18% had skin problems.⁵⁹⁶ The clinic is visited twice a week by a general practitioner and is also used for specialist clinics.

7.11 The Ruatoki North Post Office

The first post office in Ruatoki was established at the local school in 1896. In 1908 two telegraph offices opened at Ruatoki, one in the township, at the store, which was known as Ruatoki North, and another, known as Ruatoki, at the school.

Under the Ruatoki consolidation scheme part of the Crown Award, Ruatoki section A9, was intended to be the site of the Ruatoki post office. The school telegraph service had ceased by then but a post and telephone office operated from premises adjoining the store, which belonged to Mr Wilson. The post office closed when the store was sold and the postmistress resigned. The development scheme introduced a private bag service for its mail by bus from Taneatua but the residents of Ruatoki were left without a postal service. The residents petitioned Sir Apirana Ngata for a reintroduction of the service. In response to the petition, which was referred to him, the Under Secretary of Native Affairs advised the Director General of the Post and Telegraph Department that although the Native Affairs Department could not allow its office at Ruatoki to be used as a post office the Tuhoe had donated a site for a post office and that it should be possible to build a small post office on it. The Director General decided to defer the question, probably because of wartime shortages of labour and materials.

In 1944 the New Zealand Farmers Union requested the re-opening of the Ruatoki post office. A post office was badly needed so residents could collect their mail and social security benefits. However it was considered by the Post and Telegraph

⁵⁹⁵ O A Holyoake to Medical Officer, Gisborne, 27 June 1952, BBAC, Archives NZ, Auckland

⁵⁹⁶ P O'Brien, 'Community health clinics in Eastern Bay of Plenty. The Ruatoki-Maaka clinic' in *Hui Whakaoranga. Maori Health Planning Workshop*, Department of Health, Wellington, 1984

Department that Ruatoki generated insufficient mail to warrant the construction of a post office. In response to this a meeting at Ruatoki in October voted that a post office should be placed on the Native Department's section adjacent to its office. Following this the Board of Native Affairs authorised expenditure to build a post office at Ruatoki by the office of the development scheme.⁵⁹⁷ Opposition then developed to the proposed site as it was over a mile from the township centre. A petition was drawn up in May 1945 in favour of a Tuhoe owned site opposite the store but the Department of Native Affairs could not provide finance to erect a building on a site which it did not own.

When the Ruatoki Tribal Committee took over the store at Ruatoki and established the Tuhoe Co-operative Society, the Post and Telegraph Department was prepared to rent accommodation at the store for a post office under the control of the storekeeper. This proposal did not receive complete support from the residents and was not proceeded with. The idea that premises could be rented for a post office continued with the Tribal Executive offering to construct a four roomed building for the purpose. A petition was circulated in support of this in late 1945. The Department of Native Affairs was unable to provide finance for a building on these terms but stated it could provide funds if a site was vested for the purpose in the Maori Land Board.

The site near the store which was supported by most residents as the site for the post office had been handed over for the purpose of a post office by Kahu Tihi in 1930 at the time of the consolidation scheme. He stated in 1946 that if a transfer of ownership was required he would place the matter before the next sitting of the Native Land Court. In August 1946 at meeting was held at the Whakatane Court House attended by Judge Harvey, the Whakatane postmaster, Mr Trask, Takarua Tamarau, Tare Whetu, Tamaro Nikora, Rangi Karaitiana, and Mr Merritt, the Ruatoki development scheme field supervisor. The meeting was informed by Mr Trask that the site set aside for a post office site at the time of consolidation, Ruatoki A9, was unsuitable for the purpose because of the possibility of erosion of the section by the Whakatane River. It was agreed to vest one rood of land from Ruatoki section A8B,

⁵⁹⁷ Under Secretary, Native Department, to Director General, Post and Telegraph Department, 4 December 1944, MA1 19/1/515, NA Wellington

owned by Rangi Karaitiana, as a post office site.⁵⁹⁸ This section was partitioned by the Waiariki Maori Land Court on 6 May 1947 and Ruatoki A8B1 was vested in the Waiariki Maori Land Board for the purpose of a post office site.⁵⁹⁹ The section was then gifted to the Crown by a transfer from the Waiariki Maori Land Board. The Ruatoki North Post Office was made from two surplus army huts placed in a 'T' shape and was reported to have opened in the 1948 Post and Telegraph Department annual report.⁶⁰⁰ The post office at Ruatoki appears to have closed in 1979 as in July of that year the post office buildings were being disposed of. In 1981 the section was vested in Kui Karaitiana (Mrs A. Te Whetu), the daughter of Rangi Karaitiana and returned to her.⁶⁰¹

Section A9, the section intended for the post office site at the time of consolidation and part of the Crown award in the consolidation scheme, became Crown land in 1943 but was never gazetted as a post office site.⁶⁰² In 1962 it was made part of a water area, which included numerous Ruatoki sections, and sections from surrounding blocks. This classification was revoked in 1984. Consideration was then being given to the disposal of section A9. The Director of Maori Affairs wrote to the Commissioner of Crown Lands asking for reconsideration of the intention to dispose of the land by public offer.⁶⁰³ In 1988 it was agreed to return the land to Maori ownership under section 267 of the Maori Affairs Act 1953, on the condition the land be made a Maori building site reserve. On 6 December 1988 the Waiariki Maori Land Court vested Ruatoki A9 in the ancestor Te Purewa in trust for Te Mahurehure.⁶⁰⁴

⁵⁹⁸ Chief Surveyor, Auckland, to Government Surveyor, Rotorua, 27 August 1946, LINZ closed file 20/120, vol 5, Land Information New Zealand

⁵⁹⁹ A D McAdam to Registrar, Maori Land Court, Rotorua, 8 September 1981, LINZ file 33/203/0-1-WHN, Land Information New Zealand

⁶⁰⁰ 'Post and Telegraph Department (Report of the), nd, AJHR, 1948, F-1, p21

⁶⁰¹ Whakatane Maori Land Court minute book 78, 16 September 1981, fol 278 (copy in LINZ file 33/203/0-1-WHN, Land Information New Zealand)

⁶⁰² Proclaiming land to have become Crown Land, 21 October 1943, *New Zealand Gazette*, 1943, no 9, p1223

⁶⁰³ Director, Maori Affairs to Commissioner, Crown Lands, 27 July 1983, LINZ file 6900/669-4-DHN, Land Information New Zealand

⁶⁰⁴ Whakatane Maori Land Court minute book 8, 6 December 1988, fol 8 (copy of Court minute in LINZ file 6900/669-5-DHN, Land Information New Zealand)

7.12 The Ruatoki cheese factory

Ruatoki Maori were supplying milk to the Opouriao Dairy Company factory at Taneatua by 1907. Dairy farming was developing in the district and the dairy company decided to build a cheese factory in Ruatoki. The member of Parliament for the area, W.H. Herries, asked the Native Minister, Sir James Carroll, to obtain a 2 acre site there for a factory. He stated that the Maori of Ruatoki were willing to lease land for this purpose but were uncertain how to proceed. The Minister replied that legislation was to be introduced to Parliament that session to overcome difficulties with such matters.

The legislation introduced was the Maori Land Claims Adjustment Act 1907, section 24. Under this section the Governor could vest portions of Maori land, not exceeding five acres, in the Maori Land Board of the relevant district for the purpose of a fruit-preserving factory, dairy factory, cheese factory or creamery or for any religious, charitable, educational or public purpose. The land once vested in the Board could be sold or leased. This section of the Act was repealed in 1909 but a similar section was included in the Native Land Claims Adjustment Act 1910.

The site for the Ruatoki cheese factory was given to the Opouriao Dairy Company by the Ruatoki Maori on the understanding the site would be returned to the owners if it ceased to be used for the purpose it was given for.⁶⁰⁵ It consisted of 1 acre 3 roods and 31 perches in Ruatoki block No.1. The cheese factory opened on 27 November 1908. After a delay caused by difficulty in getting an accurate survey of the site the land was vested in the Waiariki District Land Board by an Order in Council of 27 January 1909 under the Maori Land Claims Adjustment and Laws Amendment Act 1907.⁶⁰⁶ The Opouriao Dairy Company subsequently applied to the Waiariki District Native Land Board for the transfer to it of fee simple title to the site as it wanted title to the site to enable it to raise finance. The Board executed a memo of transfer of title to the site to the dairy company on 12 April 1909. The date of 22 February 1910 is also given for the transfer of the site to the dairy company. This may refer to the date the title deed was registered. A nominal consideration for the land

⁶⁰⁵ Waiariki District Native Land Board minute book 2, 1 July 1908, fols 176-8, evidence of Numia Kereru, (extract), ABJZ 4942/1000a, Archives NZ, Auckland (document bank 22)

⁶⁰⁶ Vesting Land in Maori Land Board under Section 24 of "The Maori Land Claims Adjustment and Laws Amendment Act, 1907", 4 February 1909, *New Zealand Gazette*, 1909, no 9, p345

was paid to the owners. This is given as 10s in one source, and as 10s 6d in another.⁶⁰⁷ Seven of the Maori who had given the land, including Numia Kereru, became shareholders in the company.

The original cheese factory burned down in the late 1920s and was replaced by a concrete structure. In 1933 the company wished to sell 32.6 perches of the cheese factory site which now had a store built on it. The Maori who had given the land offered to exchange the 32.6 perches for a half acre site on the other side of the factory site on which the company had a cottage housing its manager. The company refused as the 32.6 perches had buildings on it worth £800 and the half acre site had only a cottage which the company had built at its own expense. The company suggested to the Department of Native Affairs that the 1909 Order in Council vesting the site for a cheese factory be revoked and paying the Maori £25 for the whole site. This was rejected by a meeting of Ruatoki Maori. The company suggested carrying out its proposal without the concurrence of the Maori involved. The Under Secretary of the Native Department replied that the Department was against arbitrary action and the Native Minister was unable to recommend revoking the existing Order in Council. The company then offered to pay £20 to the Ruatoki Maori for their agreement to the lifting of the 1909 Order in Council's restriction on the sale of the 32.6 perches.⁶⁰⁸ This was a considerable increase on the previous offer of £25 for the whole site but it was again rejected. Takarua Tamarau and 28 other Ruatoki Maori repeated in a letter to the Under Secretary of the Native Department that they would not agree to the sale of the 32.6 perches as it was given for the purpose of a cheese factory but that they would agree to exchange it for the half acre to the east of the factory site.

The company offered in 1937 to pay Maori £150 for the whole dairy site but the offer was rejected by another meeting of Ruatoki Maori. The company was informed by the Department of Native Affairs that the land was vested in the Waiariki Native Land Board for a special purpose, that of being the site of a dairy or cheese factory, and although the land was now vested in the Opouriao Dairy Company the special purpose was still attached to the land. In addition the reference to the Maori Land

⁶⁰⁷ A G Hercus to District Officer, Rotorua, 4 December 1964, ABJZ 4942/1000a, Archives NZ, Auckland, and Registrar, Waiariki Native Land Court, to Under Secretary, Native Department, 9 December 1920, MA1 21/4/4, NA Wellington

⁶⁰⁸ T E Hammerton, solicitor, to Under Secretary, Native Department, 25 February 1935, MA1 21/4/4, NA Wellington

Claims Adjustment Act 1907 in the certificate of sale had the effect of a caveat restraining the proposed sale.⁶⁰⁹ Consequently although the company had good title to the site it could not freely alienate the land and the Native Minister would not recommend the lifting of the restriction on alienation without the consent of the Ruatoki Maori.

In 1964 the Opouriao Dairy Company amalgamated with the Rangitaiki Plains Dairy Company and it was decided to close two factories, one of which was the Ruatoki factory. The Ruatoki cheese factory closed on 8 September 1964 and initially was going to be used for storing cheeses made at the Taneatua factory. The new company then sought the removal of the trust, or restriction on sale, which was considered by the Waiariki District Land Registrar to apply to the site.⁶¹⁰ The Department of Maori Affairs then decided that as the transfer of the site to the Opouriao Dairy Company by the Waiariki District Native Land Board in 1909 and 1910 contained no restrictions the title was unencumbered and was free of any trust.⁶¹¹ It was considered that if there had originally been a trust on the site the company's operation of a cheese factory for 50 years on the site would give the company a good case for ownership under section 127 of the Property Law Act 1952.

The Rangitaiki Plains Dairy Company sold the Ruatoki cheese factory site to a Mr Davies who later sold it to Mr R. Nikora. He later sold it to the local rugby football club.⁶¹² The factory building has been demolished.

7.13 Summary of Chapter Seven

The provision of public works has been divided between the departments of central government and the Whakatane County Council, which is the responsible local authority. The central government's involvement in public works at Ruatoki began with the provision of a school in 1896. Road lines were laid off by the Native Land Court and the first land was taken by the government for roading in 1913. This was to provide for a road from Waikirikiri in the south of the block to take milk to the dairy

⁶⁰⁹ Deputy District Land Registrar to T E Hammerton, solicitor, 1 April 1937, MA1 21/4/4, NA Wellington

⁶¹⁰ Secretary, Rangitaiki Plains Dairy Company, to P B Allen, Member of Parliament, 24 November 1964, MA1 21/4/4, NA Wellington

⁶¹¹ A G Hercus, for Secretary of Maori Affairs, 22 December 1964, file note, ABJZ 4942/1000a, Archives NZ, Auckland

factory at the Ruatoki township. Further land was taken in 1921 on which public roads were proclaimed. This provided the basis of the Ruatoki district road system. The proclamation of the public roads was made at the request of the Whakatane County Council which was responsible for developing the roads, which were then tracks. To finance the roads, the Council had begun collecting rates from the Maori who owned the Ruatoki land in 1920.

The Council might have become actively involved as the local authority for Ruatoki from 1920 but the Urewera Lands Act 1921-22 was passed in February 1922 and it included Ruatoki in the lands it made exempt from rating. The exemption was made as a consolidation of land titles was going to be carried out in the Urewera and until that was finalised, by an order of the Urewera Commission counter-signed by the Chief Judge of the Native Land Court. Ruatoki was subsequently left out of the Urewera Consolidation Scheme, due to the difficulty of calculating equivalent values between the arable land of Ruatoki and the bush and mountain country of the Urewera. No land title consolidation order was made for Ruatoki by the Urewera Commission for the Chief Judge to counter-sign in accordance with the provisions of the Urewera Lands Act 1921 for the removal of the rating exemption. The rating exemption was removed by an order signed by the Native Minister in 1923 but this was of doubtful validity. Ruatoki Maori did not resume paying rates to the Whakatane County Council after the 1923 order removing their rating exemption as discussions had begun for the consolidation of the Ruatoki lands.

Under the Urewera Consolidation Scheme the government took nearly £20,000 worth of Urewera land in return for agreeing to construct arterial roads through the Urewera. One of these roads was to go from Ruatoki township, along the road to Waikirikiri and from there to Ruatahuna. A road to Waikirikiri was built and maintained with considerable difficulty but the road to Ruatahuna was never built.

From 1930 the Ruatoki blocks, and a number of smaller blocks, formed the Ruatoki Development Scheme. Roads, bridges, water supply and river control came under the authority of the scheme which was administered by the Department of Native Affairs. The Department financed public works by a charge on the accounts of the scheme's farm units. These charges took the form of specific rates for roading, the water supply, flood control, and later drainage. In 1947 the road rate was found to be

⁶¹² Tama Nikora, personal communication, 26 May 2001

insufficient for the cost of repairs needed to the district's roads and bridges. An agreement was reached with the Whakatane County Council under which the roads and bridges would be brought up to the standard required by the Council and would then become the responsibility of the Council. Under the agreement the government provided £30,000 to repair the roads and bridges. The Department agreed to make an annual payment to the Council in lieu of rates for eight years from the date the Council took over the roads and to guarantee the collection of rates until the Council received legislative authority to collect the rates itself. The transfer to the Council of the road system was not wanted by Ruatoki Maori who thought the Council might take land for unpaid rates. The Council took over the roads in 1952 and took over the collection of rates from 1 April 1964. The transfer of the collection of rates was done by agreement between the Council and the Department of Maori Affairs and was not done by legislation.

Rate collection in Ruatoki was the subject of a court case in 2001 which claimed that the removal of the exemption from rating, given by the Urewera Lands Act 1921-22, was invalid as it had not been revoked by law, but only by orders signed by the Minister of Native, or later Maori, Affairs. The Court ruled that the exemption only applied to lands in the Urewera while consolidation titles were being determined in the 1920s, and did not apply to Ruatoki.

The Whakatane County Council took over the Ruatoki water supply in May 1965, after repairs had been made to it. The Council incurred a debt to the Department for the water supply which was paid off in 1975. The water supply tends to become polluted by silt and many Ruatoki residents now use bore water. This may mean Ruatoki owners are now being charged rates by the Council for, among other services, an inadequate water supply but there are difficulties in financing improvements.

Under the Ruatoki Consolidation Scheme the Crown was awarded land in Ruatoki as it had purchased shares in numerous blocks. Part of the Crown Award was an additional school site which remains part of the school grounds at Ruatoki. Another block awarded to the Crown was to be a post office site. It was found unsuitable for this purpose due to the possibility of flooding and was returned to Te Mahurehure hapu. A post office operated for a time from the store in the township but it ceased when the store was sold. The government opened the Ruatoki North Post

Office in 1947 on a site donated for the purpose by a Ruatoki man. When the post office closed in 1979 the land was returned to his daughter.

The Ruatoki cheese factory opened in 1908. The site it was on was donated by Tuhoe for the purpose of a cheese or dairy factory and was to be returned if it was not used for that purpose. The government was involved in the cheese factory site as it vested the land in the Waiariki District Maori Land Board which subsequently gave the site to the Opouriao Dairy Company in fee simple. After an amalgamation in 1964 the Ruatoki factory was closed by its new owner, the Rangitaiki Plains Dairy Company. The company sold the site after the Department of Maori Affairs decided the company's title to the site was unencumbered.

Ruatoki is a district with a relatively large population for which the provision of local services is the responsibility of the Whakatane District Council. It is not, however, an easy area to administer. There is political dissatisfaction, which is sometimes expressed in opposition to rates collection and to the presence of council staff. The area has an inadequate economic base with some land reverted to scrub and many miles of roads to maintain across hill country with high rainfall and sometimes flooding. The provision of services, such as roading, water, health, erosion control and sanitation is expensive but remains essential.

Chapter eight : forestry and other resources

8.1 Forestry in the Ruatoki blocks

The western part of the Ruatoki blocks was generally unsuited to agricultural development and had remained bush land through-out the development scheme. Consideration was given in 1946 to building a road from Ruatoki to Waiohau, along the Ruatoki Track to join Luke's private road, which went to the Rangitaiki River valley. The proposed road was to provide work for returned servicemen but was not proceeded with as the land through which it would pass was not suitable for settlement and the road would be of benefit only to the timber millers who were involved in the proposal to build the road. The attempt to have a road built was part of an interest in milling the western Ruatoki lands, as they were partly covered by native trees.

A proposal was made in 1950 by the Tebbutt brothers, farmers of Taneatua, and J H Black to form a company to build a timber mill at Ruatoki, which would employ local people and mill the timber on both sides of the Owhakatoro stream.⁶¹³ This proposal failed, partly because the Tebbutts decided they could not proceed with the project until the Whakatane County Council had legalised the roads involved and the Ministry of Works had repaired or replaced the bridges. The cost, estimated at £20,000, also made the project impracticable. Tunnicliffe Timber Co Ltd was also interested in milling the same area..

The land being considered for milling by several milling companies in 1950 was the blocks C49 to C55, and C58 to C60. These blocks were between the Crown Award blocks C48 and C61, which had become Crown land in 1943.⁶¹⁴ Plans were then made to have the blocks C48 and C61 declared provisional State Forest land, to protect the Crown's interest and to allow the milling and sale of suitable timber on the

⁶¹³ Registrar, Waiariki Maori Land Court, to Under Secretary, Native Department, 23 February 1950, ABJZ 4942/998c, Archives NZ, Auckland

⁶¹⁴ Proclaiming land to have become Crown Land, 21 October 1943, *New Zealand Gazette*, 1943, no 91, p1223

Crown Award blocks.⁶¹⁵ It was recommended that after the removal of useful trees, the blocks be made a permanent reserve as the remaining bush land prevented erosion. The two blocks became provisional State Forest land and later C61 became part of the Urewera National Park and C48 became permanent State Forest land.

The blocks being considered for milling, C49 to C55, and C58 to C60, bordered the southern boundary of the Ruatoki blocks and were on both sides of the upper Owhakatoro Stream. These blocks had a total acreage of 2,760 acres, 3 roods and 14 perches. The blocks were inspected by the Forestry Service in August 1950 and found to contain rimu as the predominant timber species and to have reasonable road access. The Forestry Service considered there to be enough timber in the area to be economic to mill but thought there was less timber in the blocks than the 10,000 feet board, or cubic, measure per acre estimated by the Maori Affairs district officer.⁶¹⁶ In August 1930 the Board of Maori Affairs delegated to the Waiariki District Maori Land Board the power to sign any contract regarding the sale of the timber it approved.⁶¹⁷

Representatives of the Whakatane Sawmillers Ltd and Tunncliffe Timber Company met Judge J Harvey of the Native Land Court in September 1951 to discuss the possibility of the two companies acquiring the timber of the Ruatoki development land. Judge Harvey thought the two milling companies, and several others should bid for the timber. He also thought 25% of the timber should be reserved for the Department of Maori Affairs and the development scheme.

Negotiations to mill the lands known as the Ruatoki Forest Lands, in the west of the Ruatoki blocks, began in 1952. A representative of the Whakatane Sawmillers Ltd met Ruatoki Maori in October. Takarua Tamarau asked where the timber would be processed and was told that would be done in Whakatane. There was therefore no employment available for Ruatoki Maori. At the meeting the wish was expressed for the Maori of Ruatoki to be able to negotiate directly with the timber company and to exclude the Department of Maori Affairs.⁶¹⁸ A question was also asked about surveying but the meeting ended when the representative said he was only seeking to begin negotiations and could not discuss prices.

⁶¹⁵ Commissioner of Crown Lands to Chief Surveyor, Auckland, 19 January 1950, LINZ closed file 20/120, Land Information New Zealand

⁶¹⁶ District Officer to Secretary, Board of Maori Affairs, 21 October 1952, ABJZ 4942/1005c, Archives NZ, Auckland

⁶¹⁷ District Officer to Conservator of Forests, nd, BAFK 1466/186g, Archives NZ, Auckland

Surveying was necessary for the milling of timber generally to determine which areas were bush and how much timber was present and to find the boundaries of Crown and Maori lands and the partitions between the Maori blocks. Representative owners wanted the Department to protect the forest lands from illegal timber removal and from fire and wanted the timber milled for sale. In the proposal sent to the Board of Maori Affairs they stated they would reserve 75% of the royalties for development work to provide farms for their growing population. The owners had agreed to cutting rights being given over all the blocks C49 to C55 and C58 to C60. The timber was to be removed under section 11 of the Maori Land Amendment Act 1936.⁶¹⁹ The Board agreed to the milling provided 25%, or if possible 33%, of the felled rimu, totara and matai was reserved for the Department. Whakatane Sawmillers Ltd was then informed that the Board of Maori Affairs had approved the milling proposal but that the owners were to have the right of final acceptance or rejection before the contract was signed. The owners signed their agreement in late 1952.

Several Ruatoki Maori were warned by the Department against taking wood and battens in 1953. One owner was involved in this with the Tebbutt brothers of Taneatua, who had built a track for him along the Ohaua Stream. The Tebbutt brothers were also removing timber without authority from the Maori owned Ruatoki C blocks and were threatened with an injunction. They agreed to pay for the timber when an independent valuation was made. The timber was valued by the forest ranger at £133. 12s. 6d. The Tebbutts had begun in the timber industry by building a mill to process pine trees on their own land and had continued milling timber for Ruatoki Maori for building houses and meeting houses. The Department had sought unsuccessfully to stop their activities in 1950.⁶²⁰ The Tebbutt brothers also engaged in timber milling on Ruatoki block C62 and deposited £126 18s 11d as royalties with the Maori Trustee for the timber taken.⁶²¹ As the payment was a royalty, an appraisal had not been carried out by the Forestry Service. This was not illegal provided the owners

⁶¹⁸ Report of meeting held at Ruatoki on 10 August 1952, ABJZ 4942/1005c, Archives NZ, Auckland

⁶¹⁹ District Officer to Secretary, Board of Maori Affairs, 21 October 1952, ABJZ 4942/1005c, Archives NZ, Auckland

⁶²⁰ A R Entrican, Director of Forestry, to Under Secretary, Maori Affairs, 31 August 1950, ABJZ 4942/1005c, Archives NZ, Auckland

⁶²¹ Assistant District Officer to Registrar, Waiariki District Maori Land Court, 2 August 1954, ABJZ 1005c, Archives NZ, Auckland

had agreed, but the milling required the permission of the Minister of Forestry and this had probably not been applied for.⁶²²

Whakatane Sawmillers Ltd paid £300 for a reconnaissance of 5% of the land to give an indication of the timber it held. The proposed reconnaissance was scrapped due to cost and instead an appraisal was carried out of one block, C58. In April 1954 the district forest ranger went to inspect the area as the saw milling company was concerned about access to the area. He and the appraisal party went to a hill in the centre of C58 and reported that the rimu in the area consisted of small clumps and scattered, individual trees. Rewarewa and other secondary growth trees predominated. He thought the area looked as if it had once been inhabited by a large Maori population but had reverted to forest after they had left. The block he visited, C58, was on the eastern side of the Owhakatoro Stream which had been estimated to have 5-6000 feet board measure of timber per acre and 10,000 in some sheltered parts. The blocks on the western side of the river could be seen from the hill and appeared to have been heavily burnt in the past and not to be an economic proposition for milling. This left only the blocks east of the Owhakatoro, C55 and C58, C59 and C60, as an area which could be profitably milled. The acreage of these blocks was 1535 acres. The forest ranger estimated there to be 2-3 million feet board measure in the block C59, which was mostly bush with no scrub or fern, and 2 million in C58.⁶²³ The block C60, on the southern border of the Ruatoki lands, was later found to so steep and broken that access was economically impossible.

Aerial photography subsequently reduced in the area of bush suitable for milling to 740 acres. The Whakatane Sawmillers Ltd, which had requested the appraisal, were then advised that the State Forest Service had estimated that more than half the Ruatoki blocks were uneconomic for milling and thought there was only 4 million feet board measure in all the blocks. This was a significant reduction from the original estimate of 10,000 feet board measure, which with an acreage in the blocks C49 to C55 and C58, C59 and C60 of 2760 acres would have given over 27 million feet board measure of timber. The appraisal and surveying cost the saw milling company £650.⁶²⁴

⁶²² Whakatane Sawmillers Ltd solicitor to Conservator of Forests, 6 February 1958, BAFK 1466 193a, Archives NZ, Auckland

⁶²³ Forest Ranger to Conservator of Forests, 15 April 1954, BAFK 1466 186g, Archives NZ, Auckland

⁶²⁴ Secretary, Whakatane Sawmillers Ltd, to District Officer, 23 June 1954, ABJZ 4942/1005c,

The Whakatane Sawmilling company commenced timber milling in the area and in 1958 sought to extend its logging operations in Ruatoki. The company wanted to log C38, in the west of the Ruatoki blocks, and D5 and D6, in the hills east of the main settlement. The company's lawyer proposed that instead of valuing the timber in the blocks by appraisal by the Forestry Service, the company should be allowed to come to an agreement with the Maori owners under which a royalty would be paid on the amount of timber actually felled.⁶²⁵ This was proposed as the timber on the blocks was scattered and an appraisal would be too expensive for the amount of timber involved. Payment for the timber by royalty, with the timber measured by Maori representatives, were agreed to by block meetings of the Maori owners. The departure from the usual procedure required the consent of the Minister of Forest, E T Tirikatene. This consent was given in April 1958.

In 1959 the managing director of the Whakatane Sawmilling Company wrote to the Conservator of Forests wanting redress because of the difference between the forestry services appraisal of C58 and the amount of timber found on it. The Forestry Service had estimated that there were over a million feet board measure on C58 block but the timber company had found slightly more than half that amount. The Conservator of Forests found that more than half the block had not been logged, either because it was impossible to put a tractor road into or because the trees were too scattered to be economic to fell and transport. The gullies had swampy ground at their entrances and the creek beds became narrow gorges further up. Roads had been constructed on the block, and costly roads had been built to transport the logs to the road to Whakatane but the effort had been unsuccessful due to the small amount of timber extracted. The company had clearly lost a considerable amount of money on the venture but the Conservator thought the company had not investigated the block sufficiently before beginning logging.⁶²⁶

The company applied to the Maori Land Court for a meeting of the owners to be held to consider returning to the company the final instalment payment which was still held by the Maori Trustee. The basis for the company's claim was that under the appraisal system, under which the amount of timber in a block was estimated, they

Archives NZ, Auckland

⁶²⁵ Whakatane Sawmillers Ltd solicitor to Conservator of Forests, 6 February 1958, BAFK 1466/193a, Archives NZ, Auckland

⁶²⁶ Conservator of Forests to District Officer, 27 January 1960, BAFK 1466/193a, Archives NZ,

had paid £3176 9s 6d for timber. Under the royalty system, under which a milling company paid only for the timber actually felled, they would have paid £2086. The final payment held by the Maori Trustee was £1058, which the company felt should be returned to it.⁶²⁷

The milling of native bush took place through-out the western area of Ruatoki from the 1950s and also took place on the hills in the east of the district. The areas cleared were largely used for sheep runs.

8.2 The Urewera Land Use Survey

After the Urewera consolidation scheme had been carried out in the mid-1920s the Crown held a large area of uncut native forest. It was decided in 1936 to conserve most of it permanently. Some farming and some timber milling was carried out on the Maori owned blocks of the scheme. Maori owners wanted to continue selling timber to milling companies but the Minister of Forests had the power to prevent this under the Maori Affairs Act 1953. This was seen at the time as placing on the Crown a moral obligation to purchase the Maori owned Urewera blocks, as they were being prevented from controlling their asset.⁶²⁸ It could also be seen as creating an obligation to compensate the owners. A possible solution was for the Government to exchange Maori owned blocks, on which it wanted to conserve the native forest, for Crown land Tuhoe wanted.

In 1954 the Government set up a committee of representatives of Lands and Survey, the New Zealand Forest Service, Maori Affairs, and the Tuhoe owners and their counsel to reach agreement over the future of the Tuhoe award lands, which had arisen from the Urewera consolidation scheme. The committee set up a Land Use Committee to advise it. The report of this committee is called the Urewera Land Use Survey. This was a survey of the Maori owned blocks in the Urewera, which were mostly located around Ruatahuna.⁶²⁹ The Land Use Committee classified the Maori

Auckland

⁶²⁷ Whakatane Maori Land Court minute book 33, 15 October 1959, fols 86-87, (extract) BAFK 1466/193a, Archives NZ, Auckland

⁶²⁸ Director General, Lands and Survey, to Secretary, Noxious Animals Advisory Committee, BAHT 1466/498b, Archives NZ, Auckland

⁶²⁹ Director General, Lands and Survey, to Assistant Director of Forestry, 15 July 1954, (attached report of the Principal Committee's consideration of the report and recommendations of the Land Use Committee), BAHT 1466/498b, Archives NZ, Auckland

owned blocks into three categories, which were areas to be logged and then developed, areas to be logged and then left to regenerate and areas to be preserved. It also reported on wild life and other issues. Its recommendations were part of the process by which the Urewera National Park was established. It did not investigate the Ruatoki land blocks and made no recommendations about them as Ruatoki is outside the area of the Urewera consolidation scheme. It is, however, possible that the discussions the Urewera Land Use Survey began in the mid-1950s eventually led to the amalgamation of Tuhoe forests land into four large blocks in 1972. One of these amalgamated blocks was Te Manawa-o-Tuhoe, which included most of the Ruatoki bush blocks. In 1978 a separate land use survey was carried on the resources of the Ruatoki blocks.

8.3 Te Manawa-o-Tuhoe

Te Manawa-o-Tuhoe is an amalgamation of a group of Tuhoe land blocks that arose from discussions between Tuhoe and Tasman Forestry Ltd and the identification of land that could be afforested. The discussions with Tasman Forestry were frustrated by the involvement of the Maori Land Court but led to the formation of Te Manawa-o-Tuhoe.⁶³⁰

In 1972 the Maori Land Court made arrangements for four major amalgamations of unproductive Tuhoe bush and forest land. Te Manawa-o-Tuhoe was the only amalgamation which included Ruatoki land. This was an amalgamation of 58 blocks with around 1,200 owners, all of whom were Tuhoe. Te Manawa-o-Tuhoe amalgamated 21,264 acres 3 roods and 28 perches of Tuhoe land into one block. It includes 22 of the C sections in western Ruatoki and Owhakatoro and 6 of the Ruatoki D blocks in the eastern hills. Te Manawa-o-Tuhoe also includes two Ruatoki B blocks, parts of Te Pohue, Ngautoko and Poutere blocks, which were part of the Ruatoki development scheme, and a number of Waiohau blocks. Six other land blocks, which were outside the area of the Ruatoki development were also included in

⁶³⁰ Tama Nikora, e-mail, 31 December 2001

Te Manawa-o-Tuhoe.⁶³¹ The Tuhoe-Waikaremoana Maori Trust Board was appointed trustee for Te Manawa-a-Tuhoe in December 1973.⁶³²

The Trustee engaged in discussions with a number of groups to try to find opportunities from a base of no income. In 1972 the Land Settlement Board and the Wairiki District Maori Land Board approved a proposal in which land in the Te Manawa-o-Tuhoe block, including Ruatoki land, would be exchange with the Crown for part of Waiohau B9B.⁶³³ The exchange did not proceed because of opposition from some owners, the application by the Bay of Plenty Power Board for use of part of the land for hydro-electric purposes and the transfer of some of the land at Waiohau to the New Zealand Forestry Service. Discussions for an exchange, however, continued until 1988.⁶³⁴

The Trustee also sought to make the lands of Te Manawa-o-Tuhoe productive by leasing them. After Cabinet approval a lease was signed by the Minister of Forestry on 9 February 1979 under which 2117 acres of Te Manawa-o-Tuhoe blocks was to be developed for forestry by the New Zealand Forestry Service. The land to be leased included some sections in the south of the Ruatoki development scheme area and some of the C sections west of Ruatoki and in Owhakatoro. The land was unused and was mostly scrub land or cut over bush. Caxton Paper Mills Ltd was also considering leasing the Te Manawa-o-Tuhoe lands for forestry. The New Zealand Forestry Service instructed its Rotorua Conservancy survey staff to carry a legal survey of the lease area in 1979. That year the Tuhoe Waikaremoana Trust Board leased the Waiohau blocks of Te Manawa-o-Tuhoe to the New Zealand Forestry Service. Clearing and crushing of scrub began on the lease area, and was followed by tree planting by the New Zealand Forestry Service. In April 1981 the Trust Board leased the Ruatoki blocks of Te Manawa-o-Tuhoe to Waikerea Forestry Limited. The area was planted by the company and is now in commercial forestry.⁶³⁵

The construction of a road across the divide from the Ruatoki area to the Rangitaiki Valley to the west was under consideration by Tuhoe in the late 1970s.

⁶³¹ Whakatane Maori Land Court general minute book 52, 14 February 1972, fol 170-173, extract in LINZ closed file 20/1510, vol 3, Land Information New Zealand (document bank no. 23)

⁶³² Whakatane Maori Land Court minute book 58, 4 December 1975, p

⁶³³ Extract, Rotorua minute book, vol. 197, 23 July 1980, fol 249, in LINZ closed file 20/1510, vol 3 (document bank no. 24)

⁶³⁴ Rotorua Maori Land Court minute book 222, 28 July 1988, fol 210, extract in LINZ closed file 6900/1510, vol 3, Land Information New Zealand

This would have connected Ruatoki with the *pinus radiata* plantations of the central North Island. A new road was considered necessary to the development of large scale forestry in the Ruatoki blocks as there was doubt about the capacity of the road through Taneatua, and its bridges, to carry loaded logging trucks.⁶³⁵

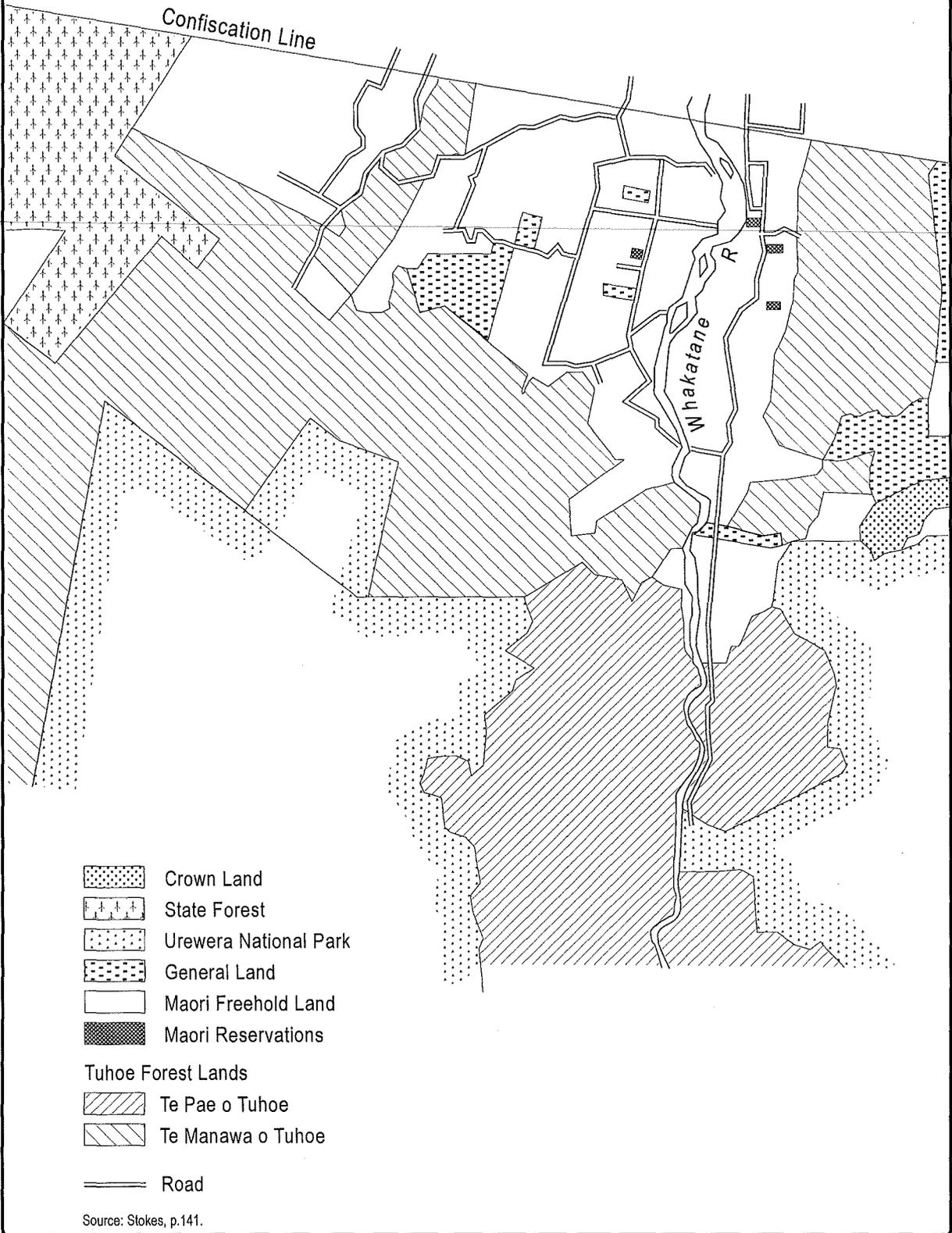
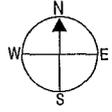
The land to be leased had to be surveyed before the lease could be registered. By 1982 10% of the survey had been completed and by 1988 this had risen to 85%. The name of the block Te Manawa-o-Tuhoe was changed to Te Manawa-o-Tuhoe A block by an order of the Maori Land Court dated 21 June 1985. The survey work for the lease was lodged in May 1991 and approved by the Chief Surveyor in July. There were, however, a number of survey details to be finalised involving the separation of the grassed areas of several blocks from the parts to be included in Te Manawa-o-Tuhoe A. There were also some difficulties over defining a roadway.

In 1998 the survey maps were uplifted by Canmap, a Rotorua surveying and cartography company, which was the agent for the Ministry of Agriculture and Forests, one of the institutions which had succeeded the New Zealand Forestry Service after its disestablishment. The plans were forwarded to the Maori Land Court for its approval. Canmap completed the lease survey and lodged the Maori Land Plans, ML 22439, sheet one to five, for examination and approval by the Chief Surveyor on 20 February 2001. The survey plans will return to the Maori Land Court for its approval when the Chief Surveyor reports on the completion of the orders of the Court. The development of forestry on Te Manawa-o-Tuhoe A, which includes much of the Ruatoki hill country, is proceeding, with the prospect of a lease being finalised.

⁶³⁵ T R Nikora, e-mail to author, 22 July 2001

⁶³⁶ T R Nikora to General Manager, Whakatane District Council, 14 May 1979, LINZ closed file 6900/699 vol 1, Land Information New Zealand

Graphical representation only
n.harris: July 2002



Map 12: Ruatoki land tenure, 1985

8.4 The Ruatoki Land Use Survey

The establishment of the Ruatoki Land Use Survey was announced on 30 January 1978, by Duncan McIntyre, the Minister of Maori Affairs. It was undertaken by the Department of Maori Affairs and the Department of Lands and Survey and was under the guidance of a committee comprising the Rotorua Maori Affairs district officer, the district surveyor, a representative of the local authority and representatives of the Tuhoë owners and the Maori District Council. The survey was to carry out an inventory of land, investigate systems for administration and organisation to improve land use and to find options for land use. It was hoped the study would lead to diversification of agriculture in the Ruatoki blocks and more intensive land use. The study was part of the attempt by the Government to stimulate Maori and Pacific Island industrial and commercial development.⁶³⁷ The study was undertaken jointly by the Department of Maori Affairs and the Department of Lands and Survey. The surveying work was done by two surveyors with the Department of Lands and Survey in Rotorua, one of whom was T.R. Nikora, and by several temporary staff. Maori Land Court staff also worked on the study.

The Ruatoki survey area comprised the same territory as the Ruatoki Development Scheme. The first part of the survey required the production of plans of existing titles in the Ruatoki area. The land schedules produced from the Maori Land Court record revealed that of 300 titles were unsurveyed out of a total of 390. This meant that land descriptions needed to be specified. A comparison of the total title area and a total area within a known periphery based on survey information from the Department of Lands and Survey showed that some land remained unaccounted for. An intensive search of 814 titles was then carried out which began with court orders as early as 1915, continued through the new partitions of the consolidation scheme of the early 1930s and then traced all court orders up to the current date. The purpose of this was to account for all land and to provide a basis for future survey work. The survey found a fragmented title situation with some partitions as small as half an acre, inadequate descriptions of titles, roadways not recorded and land left out of

⁶³⁷ District Surveyor, Rotorua, to Surveyor General, 4 June 1978, LINZ closed file, 6900/699, vol 1, Land Information New Zealand

amalgamations, among other problems.⁶³⁸ After a full description of the land titles had been made, mapping was carried out and discrepancies were referred to the Maori Land Court. The discrepancies usually took the form of a difference between the boundaries of a section in the consolidation location book and the later Court order. There were also corrections to be made to the appellations of some sections which had been given incorrect names. The referring of survey discrepancies to the Maori Land Court resulted in requisitions for further surveying by the Court to correct the boundaries and work on this continued through out the 1980s. The work was carried out by staff employed by the Department of Lands and Survey, and at that department's expense.

Following the completion of title information, apart from the Court requisitions, an agricultural assessment was made of the resources of the Ruatoki survey area. This involved Maori Affairs field officers and community officers. The report of the Ruatoki Land Use Committee divided Ruatoki into 10 areas on a basis of terrain. It recommended the development of horticulture in three, and possibly four, of the areas. These were the flat land areas which were differentiated by the need for drainage or contouring. The committee noted that even the best land was subject to frosts and recommended the growing of blueberries and boysenberries, and asparagus in some parts.⁶³⁹ The committee considered a fourth area to be first class dairy land and suitable for berry fruit if drainage was installed. A fifth area, mostly Owhakatoro, was cold in winter and subject to drought in summer but was suitable for less intensive dairying.

The committee recommended herringbone milking sheds should replace the existing sheds on the dairy units. Some of the hill country was seen as suitable for sheep and cattle farming, and possibly some cropping on flat country within it. The committee thought some of the bush clad hill country could be developed for sheep farming and some for commercial forestry but considered much of it was unsuitable for any development and should be left with its protective cover. The committee was in favour of the amalgamation of land holdings into trusts under which groups of

⁶³⁸ T R Nikora, Submission No.57, Royal Commission into the Maori Land Courts, 1980, Com 48/57, NA, Wellington

⁶³⁹ Ruatoki land use report (extract), District Officer to Head Office, Maori Affairs, 8 June 1982, (attached), p1, ABJZ, 869, 48/2/5/1, part 2

owners would hand over their land to a trust management. The proposed trusts were based on hapu and were to create larger, more economic units.

The survey found that maize growing, largely for the firm Dalgety NZ Ltd, had, by the 1970s, taken over from dairying as the main farming activity in Ruatoki. Maize cropping produced lower returns than dairying but required less labour. The change had been caused by the increasing costs of dairying, especially the escalating fuel costs, which had made larger herds necessary.⁶⁴⁰ Larger herds, in turn, made larger milking sheds necessary and had made farm units which had been economic too small.

In 1982 there were 13 dairy farm units in operation at Ruatoki of which several were expected to close the following year. The committee recommended the amalgamation of land so that farm blocks were a minimum of 60 hectares in size and that finance be made available for herringbone dairy sheds and to upgrade the fences and water supply.

The survey advised against maize cropping as it was depleting the soil and destroying its structure and the returns from it were not as high as could be gained from other uses. The committee recommended the development of horticulture on the flat lands of Ruatoki but saw the its development as limited by a number of factors. The area is relatively isolated and the development of market gardening is prevented by the distance of the area from any potential market. Only export crops are likely to succeed and the climate and soil of Ruatoki make suitable berry fruit, particularly blueberries and boysenberries and, in limited areas, asparagus. The committee warned against beginning large scale development without guaranteed markets and saw a considerable need for education as the local people had no experience of this sort of farming.⁶⁴¹ The committee does not appear to have commented on where development capital would come from but to have assumed loans could be arranged for viable activities.

The Ruatoki Land Use Survey led to the formation of the Ngati Rongo Trust after a meeting in March 1983. Ngati Rongo aggregated their uneconomic units, borrowed money, built a house and modern cowshed and then let the land to a sharemilker as

⁶⁴⁰ Ibid, p2

⁶⁴¹ Ibid, p1

they could not afford the stock. The Trust is currently paying off its mortgage and perhaps provides a model for land development at Ruatoki and elsewhere.

The proposed horticultural development at Ruatoki should be seen in the context of the great success in the 1980s of kiwifruit farming in frost free areas of the Bay of Plenty and a general enthusiasm for horticultural exports. The Ruatoki land use survey succeeded in promoting afforestation and dairying. The Ruatoki land use committee concluded its recommendations by stating that 'the Ruatoki valley is a vast and relatively untapped resource' and that 'potential does exist for horticulture and agricultural development'.⁶⁴²

The resources identified by the Ruatoki Land Use Survey in the Ruatoki area were dairying, forestry and, potentially, export orientated horticulture. Tourism is also a possible industry although it requires considerable investment and is of uncertain return, partly as Ruatoki is not on a connecting road between other centres. One other industrial activity undertaken in the district is the extraction of gravel from the Whakatane River.

8.5 Gravel extraction from the Whakatane (Ohinemataora) River

Gravel is included in the definition of minerals in clause 2 of the Crown Minerals Act 1991.⁶⁴³ Ownership of the gravel in navigatable rivers was vested in the Crown, with the beds of navigatable rivers, by clause 14 of the Coal Mines Amendment Act 1903. The Act of 1903 was replaced by further Coal Mines Acts in 1925 and 1979 and although now repealed, the vesting provisions of these Acts is preserved by section 354 of the Resource Management Act 1991. Crown ownership of the beds of navigatable rivers, and the minerals contained in them, was upheld by the Court of Appeal in 1962 but the issue has become less certain following a Court of Appeal decision in 1994 where doubt was expressed that clause 14 of the 1903 Act was sufficient to extinguish Maori title to rivers.⁶⁴⁴ Uncertainty over the ownership of river beds, and implicitly also gravel is acknowledged by Environment Bay of Plenty

⁶⁴² Ibid, p6

⁶⁴³ Regional River Gravel Management Plan, Environment Bay of Plenty, October 2001, p5

⁶⁴⁴ R P Boast, 'The Foreshore', Waitangi Tribunal Rangahaua Whanui Series, p7

whose 2001 river management plan says the matter is now before the Crown and the courts.⁶⁴⁵

Under the Ruatoki development scheme, the Whakatane River was used to provide gravel for the roads of the scheme. From 1952, the Whakatane County Council took over responsibility for the roads of the Ruatoki scheme area. The Council obtained metal for the roads from the bed of the Whakatane River, near the Ruatoki bridge. In 1959 the owners of the land through which the shingle from the river had to be carted would not allow access. Their reasons for this were not given in the correspondence about this incidence but it shows gravel extraction has been an issue at Ruatoki for many years. The Council asked the Department of Maori Affairs for assistance in getting access to the river as the metal was being taken for the area's roads and was the only source of metal available.⁶⁴⁶ The Council was then informed that no obstruction to the shingle bed formed by the Whakatane River was likely and that the persons involved had agreed to co-operate.

Gravel extraction from the Whakatane River continued and in 1975 the Bay of Plenty Catchment Commission authorised the Whakatane County Council to remove 1000 cubic yards of shingle at Ruatoki. Further authorisations to remove gravel by the Ruatoki bridge were made by the Commission to the Council in 1986, 1989 and 1990. In 1991 the authorisation to the Council to remove shingle from 5 rivers, including the Whakatane River by Ruatoki bridge, and the Owhakatoro Stream, contained the special condition that no extraction was to be made from the Whakatane River without prior consultation with the landowner and the Bay of Plenty Catchment Commission.⁶⁴⁷ The special condition probably reflects controversy over the control of the river between Tuhoë and local and national government authorities. A Ruatoki River Committee was formed the following year whose members were Frank Vercoe, Materoa Nikora, Tuhi Taare, Tame Iti and Joe Te Maipi. River metal was needed that year for the realigning of the Waikirikiri Road and the Ruatoki Maori Executive Committee was asked for its agreement to gravel being taken for it from the Whakatane River at Ruatoki.⁶⁴⁸ The Whakatane District Council was granted a

⁶⁴⁵ Regional River Gravel Management Plan, Environment Bay of Plenty, October 2001, p15

⁶⁴⁶ Whakatane County Engineer to District Officer, Maori Affairs, Rotorua, 19 November 1959, ABJZ 4942/1004b, Archives NZ, Auckland

⁶⁴⁷ Shingle extraction authorisation, 23 July 1991, WRC Box 132, file 13/14/2, H D London Library, Whakatane

⁶⁴⁸ File note of telephone conversation with Joe Te Maipi, 26 November 1992, WBC Box 89, file 9/0,

resource consent to carry out excavations in the beds of the Whakatane and Waimana Rivers under the Resource Management Act 1991 and gravel was being taken from the Whakatane River at Ruatoki in 1995.

Gravel extraction from the Whakatane River is now administered by the Operations and Rural Development Section of Environment Bay of Plenty.⁶⁴⁹ Before consents are granted to the removal of gravel from the river affected parties are consulted and independent commissioners are appointed to hear submissions. Site meetings are held before extraction occurs and issues such as access to the sites are discussed. The discussions involve contact individuals and the Western Tuhoe Executive. Appeals can be made and when a consent is granted, the contractors are monitored to ensure the correct amount of gravel is removed.

Gravel extraction is not simply exploitative but is a necessary part of river management as a build up of shingle on one side of a river diverts the river and causes the erosion on the opposite bank. Decisions on the extraction of gravel are made under the Whakatane River Scheme which is intended to stabilise the river, prevent flooding, provide drainage and water pumping for the arable lands of the district and improve the habitat for wildlife.⁶⁵⁰ The scheme creates planted areas to support other river control works and aims to prevent the river from meandering and depositing shingle on farmland.

Environment Bay of Plenty seeks to encourage community participation in stabilising the river through the planting of flax and native shrubs in addition to the willows which have been planted in the past. The flax can be used for weaving and the local schools are involved in the planting of native shrubs. A continuing problem is the presence of horses and other stock in planted areas which cause destruction to the flood protection works and the trees and flax planted to stabilise the bank.

However a problem over gravel remains. Environment Bay of Plenty has let contracts to private companies to take metal ostensibly as a means for river control at no cost to the ratepayers. The contractors incentive, however, is to take the metal to sell elsewhere and this is objected to by Tuhoe as they regard the metal as theirs. Some limited control over gravel extraction was exercised by land owners requiring

H D London Library, Whakatane

⁶⁴⁹ T Dunlop and B Fraser, *Whakatane/Ohinemataroa River management*, Whakatane, 1999

⁶⁵⁰ Regional River Gravel Management Plan, Environment Bay of Plenty, October 2001, p35

a royalty for access over their properties to reach the river. Opposition to gravel extraction had led to contractor's machinery being vandalised. All land adjoining the river at Ruatoki is Maori owned and although Environment Bay of Plenty has the power of river control, the ownership of the metal, and the right to sell it, remains unresolved.

8.6 Ruatoki accretion land

The Whakatane River has changed its course over the years. This has resulted in land appearing abutting the river that had previously been part of the riverbed. Where land is subject to accretion the additional land belongs to the owner, or owners, of the land to which it is added.⁶⁵¹ The land which has emerged along the Whakatane River at Ruatoki would belong to the owners of the adjacent Ruatoki sections if the land had been formed by accretion from a gradual change in the river's course. It is claimed by Tuhoe that the land is from accretion. Usually the owners of land which has appeared from beneath water, due to a change in the course of a river, or in the sea coast or lake bed, apply for the land to be included in their titles and a decision is made on whether the land appeared suddenly or by accretion.

The land along the river at Ruatoki is shown on the survey map ML 10535 and is separated from the adjacent Maori owned sections. This indicates that the land is Crown owned. It does not appear that any court hearing was held to decide the status of the land and the map was drawn up without the knowledge of the owners of the adjacent sections. They were not, therefore, given an opportunity to apply for the land. The only decision made on the status of the land was made when, on the advice of the Chief Surveyor, the Maori Land Court approved the boundaries shown in map ML 10535. The land is claimed by Tuhoe on the grounds that it is accretion and has wrongly been made Crown land without Tuhoe being given an opportunity to apply for it.⁶⁵²

⁶⁵¹ R P Boast, *The Foreshore*, Waitangi Tribunal Rangahaua Whanui Series (working paper: first release), November 1996, quoting Halsbury, *Laws of England*, 4th ed, vol 49, p161, Water, para 295

⁶⁵² Tama Nikora, e-mail, 31 December 2001

8.7 Summary of Chapter eight

The development of farming in Ruatoki left large areas of the district in native bush as they were too rugged to sustain agriculture. These areas were mostly in the west of the district but also on the eastern hills towards Waimana. Native forest was logged at Ruatoki from early European times. Some logging took place for timber for buildings and fencing under the development scheme and there was illegal logging in the early 1950s. An attempt in 1958 at commercial logging of native forest, with ministerial consent, failed as there were too few large trees to make the venture economic. From 1973 blocks of Tuhoe owned land near the Urewera National Park were amalgamated into four large blocks. One of these was Te Manawa-o-Tuhoe.

The undeveloped Ruatoki blocks were included in Te Manawa-o-Tuhoe. The Tuhoe-Waikaremoana Trustee leased the Waiohau blocks of Te Manawa-o-Tuhoe to the New Zealand Forestry Service and the Ruatoki blocks of Te Manawa-o-Tuhoe to Waikarea Forestry Limited. Commercial forestry has been developed on both parts of Te Manawa-o-Tuhoe.

Ruatoki was then the subject of a land use study which recommended the farm blocks be further amalgamated and that commercial horticulture, of asparagus and berryfruit, particularly blueberries, should be developed. It recommended the provision of herringbone milking sheds for the dairy units and sheep and beef farming on less productive land. It was in favour of some forestry development but thought some of the surrounding hill country was so rugged it should be left in its existing bush cover.

The main river in the Ruatoki district is the Whakatane River which is now under the authority of Environment Bay of Plenty. The extraction of metal from the river for sale authorised by Environment Bay of Plenty is opposed by Tuhoe who believe they own the metal as all land adjoining the river at Ruatoki is Maori owned. The situation along the river is complicated by land which Tuhoe claim is accreted land but is wrongly shown as Crown land on the relevant survey map. This has resulted in the loss of riverside land which ought to have been included in the Tuhoe owned sections adjoining the river.

Generally, aside from forestry, the resources of Ruatoki are underdeveloped. This is due to the relative isolation of the area, a climate that includes frost in winter and

drought in summer, and a lack of capital to develop export industries that might be financially viable.

Chapter nine : Summary and Conclusion

Ruatoki is a district in the Bay of Plenty on the Whakatane River, where the river leaves the Urewera mountains. Most of the district was included in the Ruatoki land block of 21,450 acres. The block was surveyed in 1893 and has since been partitioned. A number of small land blocks to the south of the Ruatoki blocks are also part of the Ruatoki district and were part of the development scheme which operated in the area. The district consists of the flat land around the Whakatane River and the surrounding hill country, most of which is west of the Whakatane River. The northern boundary of the district, and of the original Ruatoki land block, is the eastern Bay of Plenty confiscation line. Ruatoki township, which is also called Ruatoki North, is the center of the district.

The Ruatoki district is inhabited, and mostly owned, by people of the Tuhoe tribe. They belong to a number of Tuhoe hapu, nine of which have marae in the Ruatoki area. Tuhoe, or Ngai Tuhoe, are the indigenous people of a large area which includes all of the Urewera mountains and much of the land bordering the mountains. Before the confiscation of Tuhoe land by the Crown in 1866, Tuhoe also held Opouriao, the land north of the confiscation line, the area which is now the town of Taneatua, and part of Ohiwa, which is on the coast.

The Ruatoki district was central to the evolution of the Tuhoe tribe. The first people to live in Ruatoki were of ancestral tribes Te Tini-o-Toi and Te Hapuoneone. These groups were the ancestors of all Bay of Plenty Maori. Those of them inhabiting Ruatoki became linked to the people of the Urewera mountains by the settling in the Ruatoki district of people from the Mataatua canoe. Toroa, the captain of Mataatua, settled at Whakatane. His daughter, Wairaka, married Rangi-ki-tua of Te Tini-o-Toi. Their son, Tamatea-ki-te-huatahi, married Paewhiti of Nga Potiki, the people of the Urewera mountains and the descendants of Potiki. Tamatea-ki-te-huatahi and Paewhiti lived at Owhakatoro, in the west of the Ruatoki district which was then inhabited by Ngai Turanga, a people of Te Tini-o-Toi origin. The couple had three sons, Ueimua, Tanemoeahi and Tuhoe-potiki, and a daughter, Uenuku Rauiri. Their son, Tuhoe-potiki, married Pare Taranui of Te Tini-o-Toi and Tomairangi of Te Hapuoneone and became the eponymous ancestor of the Tuhoe tribe, a people who

combine descent from the ancient tribes of the Bay of Plenty with descent from Potiki and from Toroa, the captain of the Mataatua canoe.

Tamatea-ki-te-huatahi held land on both sides of the Whakatane River, which is also called the Ohinemataroa River and divided his land between his sons. Each son was the leader of a group of followers. A quarrel between the brothers led to warfare in which Ueimua was killed and his sons and followers were driven from the district. They went to Whakatane and returned with warriors from the tribes there to avenge Ueimua. Accounts differ of the following warfare. Elsdon Best, the author of *Tuhoe, children of the mist*, thought that Tuhoe-potiki and Tanemoeahi and their sons were driven from Ruatoki, and that Tuhoe-potiki's grandson returned to the area. Tuhoe historians maintain that the attacks led by the sons of Ueimua were driven off and Tuhoe-potiki's descendants remained in continuous possession of Ruatoki. If there was an absence from Ruatoki of the descendants of Tuhoe-potiki it can only have been temporary as Te Whanapeke, the great grandson of Tuhoe-potiki lived at Ohae, one of the Ruatoki pa.

The war between Ueimua's people and those of Tuhoe-potiki and Tanemoeahi made a permanent division among the peoples of the eastern Bay of Plenty. Ueimua's descendants became part of Ngati Awa, Ngati Pukeko and other coastal groups. The descendants of Tuhoe-potiki and the people of the Urewera mountains formed the Tuhoe tribe. The descendants of Tanemoeahi mostly became part of Tuhoe.

The coastal tribes and Tuhoe intermarried and coexisted peacefully for long periods but there was also warfare between them. Ngati Awa made a major attack on Ohae during the life of Te Whanapeke. In a later war the Tuhoe of Ruatoki were defeated by Ngati Kareke, descendants of Ueimua. Tamakaimoana, a Tuhoe hapu from Ruatahuna, in the Urewera mountains, came and drove away Ngati Kareke. The arrival of Tuhoe reinforcements from the mountains occurred frequently in the wars the Tuhoe hapu of Ruatoki had with Ngati Awa and its allies. These wars are sometimes referred to as the 200 year war although they are really a series of wars separated by periods of peace.

A major ally of Ngati Awa in these wars was Ngati Raka, a hapu of Tuhoe which now lives at Waimana. Ngati Raka had a long feud with Ngati Rongo, a Tuhoe hapu descended from Rongokarae and his two wives. They were sisters who were the

granddaughters of Te Kapo-o-te-Rangi and also belonged to Ngai Turanga and Te Hapuoneone. With the assistance of warriors from the Urewera mountains Ngati Rongo drove Ngati Raka from Ruatoki in c1819.

In the early 1820s Tuhoe abandoned Ruatoki a number of times. This was due to the threat of attack by Ngati Raka and other Bay of Plenty tribes and to incursions in 1818 and 1822 by the musket-armed Nga Puhi from the Bay of Islands. Tuhoe re-occupied Ruatoki after the Nga Puhi departed and war continued with Ngati Awa and Ngati Pukeko. Ruatoki was largely abandoned by Tuhoe from the mid-1820s as Tuhoe were at war with Ngati Kahungunu in the south and east of their territory and as Ngati Awa and Ngati Pukeko obtained guns from coastal trade. Ngati Awa and Ngati Pukeko claim Ruatoki was under their control from the mid-1820s but Tuhoe maintain some Tuhoe people remained there, and in Opouriao. Ngati Awa and Ngati Pukeko were unable to settle in Ruatoki. As the area was heavily forested groups from either tribe could have come into the area temporarily to harvest food supplies. Tuhoe obtained muskets in 1830 and, after several victories over Ngati Awa and other coastal tribes, returned to Ruatoki in 1836 and 1837.

Tuhoe did not sign the Treaty of Waitangi in 1840 but its provisions were later held by the Crown to apply to Tuhoe and to all Maori. A small force of Tuhoe went to Waikato in 1863 to assist the Maori King movement after British troops invaded the Waikato and were defeated at the battle of Orakau in 1864. Tuhoe became involved in the Pai Marire, or Hauhau, movement after Kereopa Te Rau took refuge in the Urewera mountains after the killing of the missionary Carl Sylvanus Volkner in Opotiki. Maori influenced by Hauhau also killed James Te Mautarini Falloon, a part-Tuhoe government supporter. A proclamation was issued by the governor, Sir George Grey, threatening the confiscation of land of tribes which sheltered the Hauhau responsible for the killings. After some fighting between Maori of the Bay of Plenty, which included some Tuhoe, and a government expeditionary force, the confiscation of 440,000 acres of Maori land in the eastern Bay of Plenty was proclaimed on 18 January 1866. This took from Tuhoe the land of Opouriao, which is arable, flat land, and access to the sea at Ohiwa. The confiscation of Tuhoe land was unjust as Tuhoe were not involved in the killings of Volkner or Falloon and only fought the Crown in response to the expeditionary force.

After the confiscation the Crown came to an agreement with Ngati Awa and Ngati Pukeko at Rauparoa under which those tribes received some of the confiscated land, which they claimed was theirs, and the Crown kept the remainder. Tuhoe were excluded from the negotiations over land which they claimed as theirs. The Compensation Court of 1867 dismissed Tuhoe claims to the confiscated land on the grounds that Tuhoe had been involved in rebellion and the leading Tuhoe spokesman was arrested the day after his case was dismissed. The Court did not fairly consider the Tuhoe claim and Tuhoe were driven from their lands in Opouriao. Many of them went to live on their remaining hapu lands in Ruatoki but one, Ngai Te Kapo, lost all its land.

There was Tuhoe military resistance to the confiscation and in May 1869 a government force reached Ruatoki and found it deserted. In March 1869 the military and religious leader Te Kooti Arikirangi Te Turuki arrived in Ruatoki after his war with the government and pro-government Maori on the East Coast. He was welcomed in Ruatoki and many Tuhoe joined his army. Te Kooti then attacked on Opouriao, and captured Rauparoa, and looted and burnt Whakatane. After returning to the Urewera mountains he attacked Mohaka in April 1869 and then returned to Urewera mountains. Government troops, largely Maori with white officers, then invaded the Urewera with one column advancing through Opouriao and reaching Ruatoki on 4 May 1869. In the following war in the Urewera mountains government troops, largely Ngati Kahungunu, Te Arawa and Ngati Porou, conducted a scorched earth policy destroying food supplies and villages. Some Tuhoe hid in small numbers in remote parts of the mountains and others surrendered. The war was prolonged by the government's insistence that Tuhoe who surrendered leave the mountains and live in camps in government controlled areas. The main designated area was on the coast under the supervision of Ngati Awa. Some Tuhoe were allowed to gather at Ruatoki. The scorched earth policy caused great hardship to Tuhoe and by 1871 some Tuhoe had joined the government forces in pursuing Te Kooti. In November 1871 Tuhoe handed Kereopa over to the government. Te Kooti left the Urewera mountains in April 1872. Tuhoe then returned to their homes. This included the return to Ruatoki of Tuhoe who had taken refuge in the mountains.

Tuhoe formed Te Whiti Tekau in June 1872, a union designed to maintain Tuhoe self-government and control of their lands. The Urewera mountains were closed to

Europeans after the government troops left. Ruatoki was one of the entrances to the mountains at which a carved post was put up forbidding access beyond it. The government left Tuhoe to live by their own customs although Maori in the Urewera mountains wanted for serious crimes were handed over to the government.

Ringatu, the religion founded by Te Kooti, became the main religion of Ruatoki and the Urewera during the 1870s. In 1884, after he had been pardoned by the government, Te Kooti called on Tuhoe to assemble at Ruatoki and live there together. He may have been planning to join them there as he wanted to leave the King Country where he had taken refuge. Many Tuhoe moved to Ruatoki in response to Te Kooti's wish. Others moved to Ruatoki after land was sold at Waimana and Waikaremoana.

The isolation of the Urewera mountains was first eroded by the belief that the mountains contained gold. This led to convert prospecting and surveying. In 1886 the Native Minister suggested to Tuhoe that their tribal boundary be surveyed as a step to establishing a tribal committee. Negotiations followed in which the governments aim was to open the Urewera mountains to prospecting and possibly to eventual European settlement.

In 1891 several Tuhoe chiefs applied to the Native Land Court for a survey of Ruatoki. Surveying and the making of a survey map would begin the process under which the Court would determine the ownership of Ruatoki. The application was probably made to prevent a survey being made on the application of other claimants to Ruatoki, which included Ngati Awa and Ngati Pukeko. Opposition to the survey of Ruatoki developed among Tuhoe as there were fears the subsequent determination of land titles by the Native Land Court would lead to the loss of land for survey charges. Division over the survey occurred within Tuhoe as one of the applicants for the survey was Numia Kereru, a Ngati Rongo chief who claimed the exclusive ownership of Ruatoki for his hapu.

When the surveyor began the Ruatoki survey in March 1892 Tuhoe opponents of the survey removed his survey instruments. After mediation, which involved Te Kooti, another survey attempt was made in May but Tuhoe opposed to the survey tore down the trig stations. A third attempt was stopped on 6 March 1893. The government of Premier Seddon then sent troops and armed police to Ruatoki. A number of Tuhoe were arrested, including the Ngati Koura chief Te Makarini Tamarau. They were

taken to Mt Eden gaol. Another survey was attempted on 22 March and was opposed by 200 Tuhoe from through-out the Urewera. A sense of crisis developed during which Te Kooti wrote to Numia stating his unequivocal support for the survey. Opposition to the survey then ceased. The survey of the Ruatoki block was made in April 1893. The government had enforced the survey of Ruatoki in accordance with the law under which Maori land could be surveyed on the application of one owner. Survey costs for Ruatoki of £625 12s 6d became a lien or charge on the Ruatoki lands but were cancelled in 1898.⁶⁵³

The Native Land Court began hearing claims to the ownership of Ruatoki in April 1894, after a brief hearing in December 1893. The Court acted on the claim of Numia Kereru, who claimed the exclusive ownership of Ruatoki for Ngati Rongo. Counter-claims to Ruatoki were made by other Tuhoe hapu and by Ngati Awa and Ngati Pukeko. The claims made by Ngati Awa and Ngati Pukeko were rejected by the Court as their spokesmen admitted that Tuhoe was in occupation of Ruatoki in 1840. Judge Scannell ruled that debate over earlier occupation was irrelevant. He decided that Tuhoe hapu in addition to Ngati Rongo had proved occupation in Ruatoki and awarded the block to Ngati Rongo, Te Mahurehure, Ngati Koura, Ngati Tawhaki, and to all descendants of Tuhoe-potiki who could prove occupancy.

In December 1894 the Court divided the Ruatoki block into three blocks. Ngati Rongo and Te Mahurehure were awarded Ruatoki No.1 block and interests in the other blocks where people of the two hapu could show occupation. Ngati Koura and other Tuhoe who could show occupation received interests in Ruatoki No.2 block and Ngati Tawhaki were awarded interests in Ruatoki No.3.

In 1895 the government sent surveyors to carry out a survey of the external boundaries of the whole territory of the Tuhoe tribe. Tuhoe, or some Tuhoe, had requested the survey but the tribe withdrew its agreement and stopped the survey. Troops and armed police were again sent to Ruatoki and were met by a large gathering of Tuhoe in a confrontation described by James Cowan in the second volume of *The New Zealand Wars*. Mediation by two members of Parliament, Hone Heke and James Carroll, may have prevented violence. Carroll also mediated in a confrontation over surveying in the Urewera at Te Whaiti. He suggested then that a

⁶⁵³ Native Land Court survey register, BAAZ 1171/1, Archives NZ, Auckland

Tuhoe delegation visit Wellington and that special legislation be made for the Urewera country.

Discussions which included the visit to Wellington of a Tuhoe delegation resulted in the passing by Parliament of the Urewera District Native Reserve Act 1896. The Act provided for the establishment of a Urewera Commission, with a majority of Tuhoe members, to divide the Urewera land into land blocks, which were to reflect hapu areas, and to determine the ownership of the land blocks. The Act excluded the Native Land Court which usually carried out this process from the Urewera lands. Ruatoki was included in the Urewera District Native Reserve although the Native Land Court had already determined its ownership. Despite this anomaly in 1897 the Appellate Court heard appeals against the 1894 decision of the Native Land Court and added names to the Ruatoki ownership lists and ruled that Ngati Koura had rights in Ruatoki No.1 block.

The Urewera Commission, which had two European members and five Tuhoe, first met in February 1899. The Commission inquired into the ownership of the Urewera lands but was uncertain of its authority over Ruatoki. The uncertainty was removed by section two of the Urewera District Native Reserve Amendment Act 1900 which confirmed the Commission's jurisdiction over Ruatoki. The Commission then heard evidence on the ownership of Ruatoki in which Tuhoe hapu spokesmen disputed the length of time each hapu and its individuals had lived in Ruatoki. The Urewera Commission altered the 1894 Native Land Court award by striking out some names from the ownership lists and adding others. The Commission left no record of the reasons for its decisions. There were 49 appeals against the decisions of the first Urewera Commission in the three Ruatoki blocks. These appeals, and 173 other appeals for Urewera land blocks, were heard by the second Urewera Commission, which is also known as the Barclay-Ngata Commission.

The Barclay-Ngata Commission reinstated the names which had been included in the ownership lists for the Ruatoki blocks by the Native Land Court in 1894 and the Appellate Court in 1897. It found that the Tuhoe hapu Ngati Tawhaki, Ngati Koura, Te Urewera, Te Mahurehure and others had occupied pa on hills near the block at Te Waitapu, Kotehetehe and Waikirikiri since the late 1830s.⁶⁵⁴ Although these pa are

⁶⁵⁴ DFG Barclay and P Ngata, 'The Urewera District Native Reserve', 10 June 1907, AJHR, 1907, G-4A, p3

outside the Ruatoki blocks the cultivations and food gathering grounds associated with the pa would have been within the blocks. In addition the Tuhoe hapu shared residential villages on the Ruatoki blocks. The decisions made by the Barclay-Ngata Commission on the ownership of Ruatoki became the final ownership orders for the three blocks and were signed by the Native Minister in 1907. The final ownership lists for Ruatoki included all Tuhoe hapu who claimed land rights in the three blocks. The lists also included Tuhoe of other hapu who lived in Ruatoki as individuals and were included on the name lists of Ruatoki hapu to which they were related. The main dissatisfaction with the final decision was from Ngati Rongo which had claimed an exclusive right to Ruatoki and which resulted in a number of petitions for the exclusion of other hapu. There were also some petitions for the inclusion of people whose claim had been rejected but this involved few individuals. No major Tuhoe group with a claim to Ruatoki was excluded by the final decision. Even Ngati Raka, who had been driven from the area well before 1840, was said by Numia Kereru to have been included in the ownership of Ruatoki under their ancestor Tawhaki.⁶⁵⁵ No Maori tribe other than Tuhoe was admitted to ownership of Ruatoki.

The Native Land Court was given jurisdiction over Ruatoki in 1908 when it received authority to hear appeals resulting from the Barclay-Ngata Commission's decision. The appeals made no major alteration to the final orders made for Ruatoki. The Court's power in the three Ruatoki blocks was limited by the requirement that the consent of the Governor in Council was needed for the making of partition or exchange orders.

The Crown commenced the purchase of undivided shares in Ruatoki in 1910 with the purchase of 65 shares in Ruatoki No.1 and 60 shares in both Ruatoki No.2 and No.3 from the religious leader Rua Kenana Hepetipa and his son and several followers. Rua was selling his interests in land blocks to raise money to develop his community at Maungapohatu. The Crown's purchases were made despite the ruling of the Native Land Court in December 1894 that the Ruatoki blocks were to be inalienable as its owners had no other land for their support. This provision appears to apply to private purchase but not to the Crown purchase of Maori land. The government purchased thousands of shares in Urewera land blocks although

⁶⁵⁵ Urewera Commission minute book 6, 24 April 1902, fol 377

purchasing ceased in 1912 due to appeals against the land ownership titles made by the second Urewera Commission.

In 1911 the Native Land Court received permission from the Governor in Council to make partitions in the Ruatoki blocks. The following year Ruatoki No.1 was divided between Ngati Rongo and Ngati Koura and hapu divisions were made in Ruatoki No.2 and No.3. The divisions did not exclude other hapu who had shown occupation and been included in the ownership lists. Numerous partitions followed, particularly of the arable land in Ruatoki No.1, which became intensively subdivided.

The government resumed the purchase of interests in land blocks in the Urewera country in 1914 and consideration was given to the purchase of further interests in Ruatoki. Many of the Tuhoe owners of Ruatoki wished to sell some or all of their shares there to the Crown, usually so as to develop land holdings elsewhere or in another part of Ruatoki. The government officials involved found that Tuhoe almost invariably only wanted to sell their shares in the hill and swamp country of Ruatoki No.2 and No.3. The European settlement of Ruatoki would only have been viable in the arable land of Ruatoki No.1 was also purchased and Tuhoe did not wish to sell this. Consequently the government made no further purchases of Ruatoki land interests until the late 1920s and early 1930s.

In February 1922 the Urewera Consolidation Scheme was established by the Urewera Lands Act 1921-22 and provision was made to appoint commissioners to implement the scheme. Under the scheme the land blocks of the Urewera were divided between the Crown and Tuhoe to separate the land interests the Crown had purchased from the shares of the Tuhoe non-sellers. It was also intended that after the shares owned by the Tuhoe non-sellers had been identified the land would be developed, where possible, by the Tuhoe owners. The land allocated to the Crown later became the basis of the Urewera National Park. Ruatoki was included in the area subject to the Urewera Consolidation Scheme as the northern boundary of the scheme was the confiscation line. Land consolidation schemes were based on the exchange between owners of interests in land blocks of equivalent value so that the owners could consolidate their land holdings into economic units for development. It was found that the consolidation orders made under the Urewera Consolidation Scheme could not include Ruatoki as the land valuations between the arable land of Ruatoki and the mountains of the Urewera country were too different in value.

Ruatoki was included in the exemption from rating by section 16 of the Urewera Lands Act 1921-22. In 1923 an order signed by the Native Minister removing the rating exemption from Ruatoki was published in the *New Zealand Gazette*. The order was of doubtful validity as the Urewera Lands Act 1921-22 required that a consolidation order had been signed by one Commissioner and countersigned by the Chief Judge of the Native Land Court. Under the Act the rating exemption could only be removed by an order signed by the Native Minister a year after the order relating to the land had been countersigned by the Chief Judge. This provision was made so that land would not be subject to rating while the exchanges of interests between owners necessary for consolidation were being made and so that there would be a year for appeals against the consolidation order. As no consolidation order was made for Ruatoki by the Urewera Consolidation Commissioners the rates exemption could not be removed. An amendment was made to the rating exemption of the Urewera Lands Act 1921-22 by section 43 (3) of the Native Land Amendment and Native Land Claims Adjustment Act 1922 but this removed only the requirement that a year elapse between the countersigning of the order by the Chief Judge and the removal of the rates exemption. A further notice signed by the Native Minister removing the rates exemption from the three Ruatoki blocks was published in the *New Zealand Gazette* in 1940. On this basis rates are collected in Ruatoki by the Whakatane District Council, except on unproductive parts exempted in 1964.

The Whakatane County Council had collected rates in Ruatoki in 1920 and attempted to do so again in 1925, following the publication of the gazette notice removing the Ruatoki rates exemption. Ruatoki was owned by Tuhoē except for the small number of shares the Crown had purchased from Rua Kenana and his followers and for the cheese factory site owned by the Opouriao Dairy Company. Ruatoki Maori did not resume paying rates in 1925 as negotiations had begun the previous year for the consolidation of the Ruatoki land titles.

Under consolidation Maori exchanged interests they held in various land blocks so as to concentrate their interests into one, or several, land blocks. A re-division of the land was usually required as the consolidated land blocks were larger than the earlier blocks as the intention was to create viable farm units with a small number of owners. In preparation for the consolidation of Ruatoki the government remitted

£2237 3s owed by Ruatoki Maori for the surveying of partitions made of the Ruatoki land blocks by the Native Land Court.⁶⁵⁶

The consolidation of the Ruatoki land titles involved the purchase by the Crown of the interests of Tuhoe wishing to sell. The Crown purchase became a Crown interest in the consolidation scheme. The sum of £4,353 13s 10d was paid by the Crown for interests in Ruatoki land blocks during the consolidation scheme.

The Ruatoki consolidation scheme was carried out in four instalments in 1930 and 1931. Each instalment was signed by the Native Minister. This finalised the exchange of land interests. Part of the consolidation scheme was the award to the Crown of land for the interests it had purchased. The Crown Award in the Ruatoki Consolidation Scheme consisted of land taken in Ruatoki, the inclusion of the Crown in 48 Tuhoe owned Ruatoki sections and the transfer of the remaining interest to Waiohau where further land was taken.

The Crown Award blocks in Ruatoki were Ruatoki A9, which was intended to be a post office site, Ruatoki A21, which was added to the Ruatoki school grounds, and two bush blocks in western Ruatoki. These were Ruatoki C48, of 1118 acres, which is now Forestry Corporation land, and C61, of 973 acres, which is now part of the Urewera National Park. The value of these blocks came to £1087 17s 11d. The Crown's inclusion in the Tuhoe sections was valued at £2675 4s 4d. The remaining £595 11s 7d was transferred to Waiohau where the Crown Award blocks were Waiohau B9, Waiohau C25 and Te Teko A5. Waiohau B9 is of 2073 acres and is now Forestry Corporation land. Tuhoe consider the taking of land by the Crown under the consolidation scheme as unjust as their spokesmen stated in the Native Land Court consolidation hearings that they understood that land the Crown obtained in Ruatoki as a result of consolidation would be made available for Tuhoe settlement. They assumed that their opposition to the taking of any of their land as part of the consolidation scheme had been communicated to the government by the government officials involved in the discussions.

The consolidation of the Ruatoki land titles was followed by the Ruatoki Development Scheme. Under the scheme the Maori owners of Ruatoki handed the administration of their lands to the Department of Native Affairs and became settlers

⁶⁵⁶ Arawa consolidation, Ruatoki series, outstanding survey liens, LS1 22/1870, NA Wellington

on the scheme's units or farm sections. The Department advanced money for dairy cows, fencing and grass seed and for development work generally. The advances made to the scheme became charges on the farm unit accounts, as did the part of the Crown award where it had been included in a unit. Re-payments for the charges on the units were taken from the unit's milk cheque.

Dairy production greatly increased in Ruatoki under the scheme. Ruatoki was one of the most successful Maori development schemes. The peak of the scheme was around 1940 when there were 140 farm unit settlers and milk fat production reached 559, 782 lb. Men left the scheme for the Second World War and by 1950 the number of units had reduced to 106. The reduction in the number of units allowed an increase in the size of the remaining units but through the 1950s and 1960s men found work away from the scheme in factories and forestry and construction work. By 1960 there were 76 units. Some of the units had paid off all charges from the development stage and had become independent of the scheme's administration. This successful aspect of the scheme was counteracted by a decline in the quality of the area's farms as neglect by part-time farmers and the increasing costs of farming allowed the growth of weeds and scrub and the deterioration of fences and buildings. It became more profitable to rent the land to European farmers from north of the confiscation line than to continue operating small, marginal dairy farms. The development scheme ceased to operate in the mid-1960s. After this the Department of Maori Affairs maintained a limited involvement with the Maori farmers of the district. Most of the debt owed to the Crown resulting from the development scheme was repaid although a remaining amount of £12,816 was written off in 1965. In 1971 all the Ruatoki sections were discharged from the provisions of section xix of the Maori Affairs Act 1953, although the provisions were reimposed on individual farm units which the Crown was financially involved with.

In the process of winding down its involvement with the Ruatoki Development Scheme the Department of Maori Affairs handed responsibility for the roads and bridges of the Ruatoki development scheme area to the Whakatane County Council from 1 April 1964. This followed a lengthy process which had begun in 1947 when the roads of Ruatoki needed repair work and this could not be financed by the scheme. The Council would only take over the roads and bridges when they had been brought to the Council's required standard and if a guarantee that rates of £1,400 would be

made each year. The government provided money to repair the roads and bridges which was completed in 1952. On the question of rates an agreement was reached under which the Department would make payments to the Council in lieu of rates. The sum of £1,000 was paid in the first year. This rose by £100 each year to reach a maximum of £1,700 in the eighth year. After this the Department was to guarantee to payment of rates until legislation was passed enabling the Council to collect the rates itself. The Council took over the collection of rates in Ruatoki from 1 April 1964 by agreement with the Department and without legislative authority revoking the rating exemption made by section 16 of the Urewera Lands Act 1921-22. In December 2001 the High Court decided that this Act applied only to the Urewera during the consolidation of land titles there and did not apply to Ruatoki. The High Court determined that the Whakatane District Council is entitled to levy rates on the Ruatoki lands.

Unproductive Ruatoki land was exempted from rates in 1964 under section 104 of the Rating Act 1925. The unproductive and was mostly in the west of the district and on the eastern hills towards Waimana. There had been some logging of native trees on these areas in the 1950s but the logging was generally unprofitable. In the 1970s some hill and bush land was amalgamated into the Te Manawa o Tuhoe trust lands and leased for forestry.

The Tuhoe consolidated claim against the Crown in Ruatoki is largely concerned with the taking of the Crown award under the Ruatoki Consolidation Scheme. Tuhoe believe the Crown should not have kept land resulting from the purchases it made in Ruatoki as part of the consolidation scheme. Also part of the Crown award was placed as a debt on 48 of the Tuhoe sections of the development scheme and had to be repaid by the owners. The Crown advanced money for the development of the farm units of the scheme, and for infrastructure including roading, the water supply and river control. The expenditure was recovered by charges and levies made against the farm units accounts. Most of the money owed by the farm units for development and infrastructure was repaid to the Crown. The consolidation scheme also resulted in Tuhoe being charged twice, in some cases, for surveying. In addition the Crown has failed to return land from closed roads to the Tuhoe owners and accretion land along the Whakatane River has wrongly been exclude from adjacent Tuhoe sections.

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Ruatoki consolidation scheme location books
Ruatoki Crown group book
Sell to Crown, Ruatoki series, evacuation book
Ruatoki abstract of titles
Ruatoki file boxes 1-10
Ruatoki consolidation scheme unit files
Ruatoki (roads) file
Ruatoki Blocks. Alphabetic list of owners on consolidation