

CHAPTER 3

UPHEAVALS AND CHANGES, 1812–1920

3.1 INTRODUCTION

Evidence from Henry Tahawai Bird's *Kuranui-o Ngati Manawa* and from Native Land Court records (see sec 2.2), together with the personal recollections of the claimants, gave us a comprehensive overview of the upheavals and changes that occurred in the relationship of the people to the rivers following the arrival of the Pakeha. Claimant researchers emphasised two main periods in the process of change: namely, the military period and the Native Land Court period.¹

Crown research supplemented claimant research with detailed evidence from Native Land Court records and Government files on the lease and sale of riparian blocks of land.²

In this chapter, we consider how far upheaval and change from about 1812 to 1920 eroded the customary and Treaty rights of the tangata whenua to use, occupy, and control their rivers.

3.2 THE MILITARY PERIOD

3.2.1 Intensification of tribal warfare and migration

European contact 'began badly for the Ngati Manawa', with the unprecedented intensification of tribal warfare and temporary migrations inland, which disrupted the lives and settlement patterns of the local hapu for over a decade.³ In about 1812, Ngati Pukeko from Whakatane invaded Te Ika Whenua territory, eventually driving Ngati Manawa and their close relatives, Ngati Whare, out of the Rangitaiki Valley. Some refugees sought sanctuary at Te Putere on the Waiiau River under Ngati Kahungunu; others at Tarawera, under Rangitihi. Then in 1818, 1822, and 1823, Nga Puhi expeditions armed with muskets raided the Bay of Plenty (see fig 7). The 1823 expedition proceeded up the Rangitaiki, advancing on Whirinaki above Galatea, then up the Horomanga Stream to Urewera county. People in these parts retired inland and only returned after Nga Puhi left.⁴

1. Document B2

2. Documents C3, C3(a)–(c), C4

3. Document B2, p 19

4. Elsdon Best, *Tuhoe: The Children of the Mist*, 2 vols, Wellington, AH and AW Reed, 1973, vol 1, pp 529–530



Figure 7: River routes of Nga Puhi, 1818–23. Source: material prepared for the *New Zealand Historical Atlas: Ko Papatuanuku e Takoto Nei*, Auckland, David Bateman Ltd, 1997, supplied courtesy of the editor, Malcolm McKinnon.



Figure 8: River routes of military incursions, 1865–72. Source: Evelyn Stokes, J Wharehuia Milroy, and Hirini Melbourne, *Te Urewera: Nga Iwi te Whenua te Ngahere (People, Land and Forests of Te Urewera)*, Hamilton, University of Waikato, 1986, fig 5.

3.2.2 Early European contacts

In about 1829, Ngati Whare and Ngati Manawa began to visit coastal tribes and European trading stations to procure firearms in exchange for pork. By trading outside their rohe, they gradually acquired a widening range of trade goods, including potatoes, which they began to cultivate in sheltered bush areas to supplement their traditional food resources.

According to Captain Gilbert Mair, who visited Ngati Manawa in 1866, they had cultivations at Motumako, Rekereke, Te Wera o Punua, Oruatawehi, and Otahakorae Bushes, and cultivated all along the Rangitaiki from Ngahuinga to Raepohatu.⁵

In the 1860s, those who lived in open country on the Rangitaiki were ploughing their lands and growing their wheat, and generally had sledges and drays at a steel mill at their kainga.⁶ Nevertheless, Captain Whitmore and Captain St John found numerous substantial eel weirs in the Rangitaiki, an indication that the bounty of the rivers remained vitally important in the slowly changing economy.⁷

As early as 1865, Ngati Manawa were urging Mair to lease land from them for running sheep. In 1867, William Hammick leased land from local Maori and put in 2000 sheep, but danger from Te Kooti forced him to evacuate his run.⁸ A little later, Captain St George attempted to run sheep on the plains, but the land was generally too poor for them.⁹

The time and manner in which Christianity was received by the hapu of Te Ika Whenua were recorded in Native Land Court evidence given by Hapimana Parakiri on behalf of Ngati Apa claimants to Whirinaki on 24 October 1890:

N' Manawa, N' Apa & N' Hineuru all lived at Otukopeka & while they were there christianity was introduced. Hakaraia brought the first tidings. Shortly after came Hone Heke & Te Waaka from the north (Ngapuhi) via Ruatahuna. My parents received christianity at Otupeka . . . All the tribes were living there for many years and built houses there.¹⁰

After some years, he and his parents moved to Tututarata and had large houses there, though Ngati Hape were 'the real owners' of this land:

When my parents and all N' Manawa lived at Tututarata we built a church there and Hapimana (mr Chapman, Missionary) asked my father to go to a meeting at Te Rotokakahu. It was the year I was christened perhaps '48. After the meeting my father brought Mr Chapman to Tututarata & I was born on the day he arrived. After I grew up to be a good sized boy 2 ministers came to that place. Mr Brown was one, a teacher in the English church & Mr Preece was the other. Rawiri my father was appointed to

5. Document B2, p 13

6. 'Report from C Hunter Brown, Esq, of an Official Visit to the Urewera Tribes', June 1862, AJHR, 1862, E-9, p 27 (doc D5(a)(2)); see also MS – papers – 0148 – 081, Alexander Turnbull Library, Wellington

7. Document B2(d), p 93

8. 'The Memoirs of William Maxwell Hammick (1848–1915): Part II – The Kaingaroa–Taupo Period', *Whakatane and District Historical Review*, vol 29, no 2, November 1981, pp 62–70

9. Document B2, pp 23–24

10. Whakatane minute book 3, fol 49 (doc B4(e), p 25)

conduct the Synod. When I was well grown, but had no beard, N' Manawa moved to Kuhawahia [Kuhawaea] but some to Kahaaruhanui. After christianity was well established & war had ceased the descendants of Tangiharuru and others went away and N' Apa came to the places that I have given names of.¹¹

3.2.3 Military campaigns, 1868 and 1871

Te Ika Whenua people were drawn into the New Zealand wars in 1865 when Kereopa Te Rau, an emissary of Pai Marire, a new religion led by the prophet Te Ua, passed through their territory seeking converts and Patuheuheu and Ngati Whare joined his followers. When Patuheuheu asked the Ngati Manawa chief Peraniko Tahawai to join them, he wrapped himself in a Union Jack, indicating his support of the Government.¹² In the battle that followed, closely related people fought each other. The defence of Te Tapiri by approximately 200 Ngati Manawa against an enemy force of at least 600 was described by Mr Bird as 'one of the greatest feats of arms ever undertaken'. Together with a delayed reserve force of Ngati Rangitihi led by Mair, it halted any plans Kereopa had of crossing the Kaingaroa Plains to Waikato.¹³ Nevertheless, Ngati Manawa were forced to flee, and their property and livestock were destroyed by the 'rebels'.

According to Mr Bird, 'the government had issued a warning that any tribe supporting or harbouring Kereopa would have their land confiscated'.¹⁴ Moreover, under the New Zealand Settlements Act 1863, land confiscations from Maori had already occurred in other parts of the country, and 'Ngati Manawa, always aware of their vulnerability, were not prepared to take that risk'.¹⁵ For several years, most of them lived in exile with Te Arawa in Rotorua; others lived first with Ngati Rangitihi in Tapahoro then at Te Awa o Te Atua on the coast at Matata.¹⁶

Between 1868 and 1871, Ngati Manawa fought with Government forces as kupapa in campaigns against Te Kooti, the prophet of another new religion, later called Ringatu. Te Kooti and a band of followers had escaped to Poverty Bay from the Chatham Islands, where he had been held in prison as a suspected Hauhau.¹⁷ Pursued by the Armed Constabulary and kupapa, Te Kooti attacked Pakeha settlers and Maori from his stronghold in Urewera and attempted to cross the Kaingaroa Plains to Taupo and link up with the Kingites in the Rohe Potae. George Whitmore, the commander of the Armed Constabulary, led campaigns against Te Kooti in Urewera from

11. Ibid, fols 49–50 (pp 25–26). The Reverend Alfred Brown, the Reverend Thomas Chapman, and the catechist George Preece were Church Missionary Society missionaries stationed at Tauranga, Rotorua, and Ahikereru respectively: see Helen Hogan (ed), *Renata's Journey*, Christchurch, 1994, pp 76, 146–149, and G H Scholefield (ed), *A Dictionary of New Zealand Biography*, 2 vols, Wellington, Department of Internal Affairs, 1940, vol 2, p 183.

12. Document B2(d), p 107; Henry Tahawai Bird, *Kuranui-o Ngati Manawa*, Rotorua, Rotorua Printers, 1980 (doc B4(c)(3)), p 19

13. *Kuranui-o Ngati Manawa*, pp 20–21

14. Ibid, p 19

15. Document B2, p 21

16. Document B2(d), p 107

17. Judith Binney, 'Te Kooti Arikirangi Te Turuki', DNZB, pp 462–466

headquarters he established in the Rangitaiki Valley, first at Fort Alfred, then at Fort Clarke, and finally at Fort Galatea (see fig 8). Whitmore adopted a ‘scorched earth’ policy to cut off supplies to Te Kooti and his supporters. Kainga, cultivations, and property of local iwi were destroyed and their lives seriously dislocated.¹⁸

3.2.4 Pacification and public works

After Donald McLean became the Native Minister in 1869, he endeavoured to secure peace by using the Armed Constabulary, British regiments, surrendered rebels, and kupapa to build roads and telegraph lines, and by scaling down military operations. Ngati Manawa and Rangitihi kupapa were employed in road gangs, and Ngati Whare and Patuheuheu rebels were persuaded to surrender and were relocated in camps at Te Teko and Te Putere, near the mouth of Te Awa o Te Atua.¹⁹

Patuheuheu eventually returned to Te Houhi and Ngati Whare to Te Whaiti. In 1872, the rest of Ngati Manawa, who were still residing in Rotorua and elsewhere, were allowed to return to Kaingaroa (see fig 9):

Some returned to their devastated kainga at Motumako, others settled at Karamuramu next to the fort, especially those people whose men were in the military. . . . Some it seems also returned to the pre-war settlement of Tauaroa, about five miles from Galatea, as in 1874 a census record shows 123 Ngati Manawa at Tauaroa and Galatea.²⁰

The military post of Fort Galatea remained in operation until about 1876.

Returning exiles reasserted their mana and rangatiratanga and customary use rights over the rivers, as evidenced by the placing of a rahui on the Ngatamawahine Stream to stop the Native Contingent eeling.²¹ Government policy, however, was to bring remaining Maori districts of the North Island directly under its control by opening them up for Pakeha settlers, and peacefully amalgamating them into the European social, economic, and political system.²²

3.3 THE NATIVE LAND COURT PERIOD

3.3.1 The Native Land Acts of 1865 and 1873

A main instrument of Government policy was the Native Land Court, constituted under the Native Lands Act 1865.²³ According to the preamble, the purpose of the Act was to provide for the investigation of Maori customary title and for the conversion of such modes of ownership into titles derived from the Crown.

18. Document B2, pp 23–27

19. Ibid, pp 27–32

20. Ibid, pp 33–34

21. Document B4, p 25

22. See DNZB, pp 257, 325, 462–466, 564

23. Document C9(a), pp 10–23



Figure 9: Maori place names

As the historian Judith Binney has written:

The court acquired jurisdiction over the whole country and the Crown's monopoly rights of land purchase were ended. The law gave authority for any Maori to bring tribal land before the court to establish a collective title.

... In the first eight years of its operation, each tribal land block whose title had been determined was vested in ten nominated chiefs from the group establishing the claim. They were called trustees, but in practice they became the owners with the right to sell.²⁴

As the Tribunal has indicated in its *Te Roroa Report 1992*, unfair practices and frauds experienced by those who sold extensive areas of land directly to private purchasers under this 10-owner system led to various amendments to the native land legislation.²⁵ Under section 47 of the Native Land Act 1873, the Native Land Court was required to include on a 'Memorial of Ownership' the names of all persons found to have rights in a block of land.²⁶ Sales of land could then be effected by determining the interests of any one or more owners willing to sell and partitioning them out from the interests of the non-sellers. Although this was intended to be a major step towards individualisation of titles, in practice it resulted in ever-increasing numbers of shareholders or multiple owners in a block. This greatly facilitated Crown purchasing, which was renewed in 1873 in competition with private purchasing.²⁷

3.3.2 Crown land purchases

Evidence presented by the Crown and claimants showed that the ownership of land in the claim area was determined by the Native Land Court between 1878 and 1908.²⁸ Government surveyors and land purchase officers were active in acquiring the interests of individuals named as owners of land titles awarded by the court. In the event, the bulk of Te Ika Whenua's ancestral lands were partitioned and purchased in this period. Some blocks were taken by the Crown in lieu of survey liens and court charges. Others originally reserved from purchases or partitioned out for non-sellers were eventually acquired; for example, Rangipo, which had been excluded from Kaingaroa 1, and Kuhawaea, which Ngati Manawa had not wanted surveyed because they firmly intended to leave it for their children.²⁹

In this report, we are concerned solely with what happened to the rivers that flowed through these lands as a result of Native Land Court orders and Crown land purchases; we are not concerned with the purchases themselves, which are the subject of Te Ika Whenua's land claim.

24. Judith Binney et al, *The People of the Land – Te Tangata me te Whenua: An Illustrated History of New Zealand, 1820–1920*, Wellington, 1990, p 143

25. Waitangi Tribunal, *The Te Roroa Report 1992*, Wellington, Brooker and Friend Ltd, 1992, sec 1.2; cf Binney, *The People of the Land*, pp 143–144

26. Document C9(a), p 56

27. *The Te Roroa Report 1992*, secs 1.2, 2.1

28. Document C3, p 122, passim; see also docs B2, C8

29. Document C8, p 1

The fate of Te Ika Whenua rivers was eventually determined by the Crown's application of the English common law presumption of *ad medium filum aquae*; namely, that the owners of land on the banks of a river also own the bed of the river to the middle line (see ch 7). Consequently, for the purposes of the claim, we need to establish what happened to the riparian lands abutting on or including the Rangitaiki, Whirinaki, and Wheao Rivers and their tributaries.

In appendix III, we tabulate the evidence given by Crown researcher David Alexander on the land title history of the riparian blocks. As Mr Alexander explained, he relied exclusively on Government files and Maori Land Court records, and in the time available, he was unable to read and check all the existing records.³⁰ The appendix is subject to this qualification. For maps based on Mr Alexander's evidence, see figures 10 and 28.

Following the assurance that the Tribunal would proceed to hear the present claim on the basis that it might be able to reach a determination without considering whether the alienations were valid (see sec 1.4.2), this evidence was not challenged and no party made further representations on the validity or otherwise of land sales.

3.3.3 The social and economic effects of the Kaingaroa 1 purchase

Claimant evidence on the title investigation and purchase of one of the large riparian blocks, Kaingaroa 1, highlighted some of the social and economic effects on the claimants and counterclaimants who attended the marathon court hearing from 31 July to 20 September 1878 and the rehearing from 27 October to 4 November 1880.³¹ Because this evidence was more directly related to Te Ika Whenua's land claim, it was not challenged by the Crown. Nevertheless, it has some bearing on the rivers claim.

To provide suitable accommodation and telegraphic services for European officials, the court sat at Matata and Whakatane respectively. To attend, Maori participants had to travel some distance and stay with local people, who had to try to feed many of them when their own food supply ran out.

Local storekeepers and grog sellers were 'ready and willing to supply the visitors with drink and food and many were more than happy to run up accounts for those known to be the likely beneficiaries of land titles'.³² A land purchase officer handed out vouchers to Maori, charging them against these blocks of land. Many vouchers were never received by Maori to whom they were made out, and storekeepers charged Maori much more than Europeans.³³

The first hearing was held during the planting season. Food was constantly short and Maori participants suffered great privation. Ngati Manawa's request that the second hearing be held at Karatia in March, when there would be plenty of food and they would not be taken away from planting, fell on deaf ears. 'This kind of privation and stress and the cost it caused both in money and health and the resulting loss of

30. Document c3, pp 2, 30

31. Document B2, pp 36–73; doc c8, pp 1–18

32. Document B2, p 42

33. Ibid, p 57

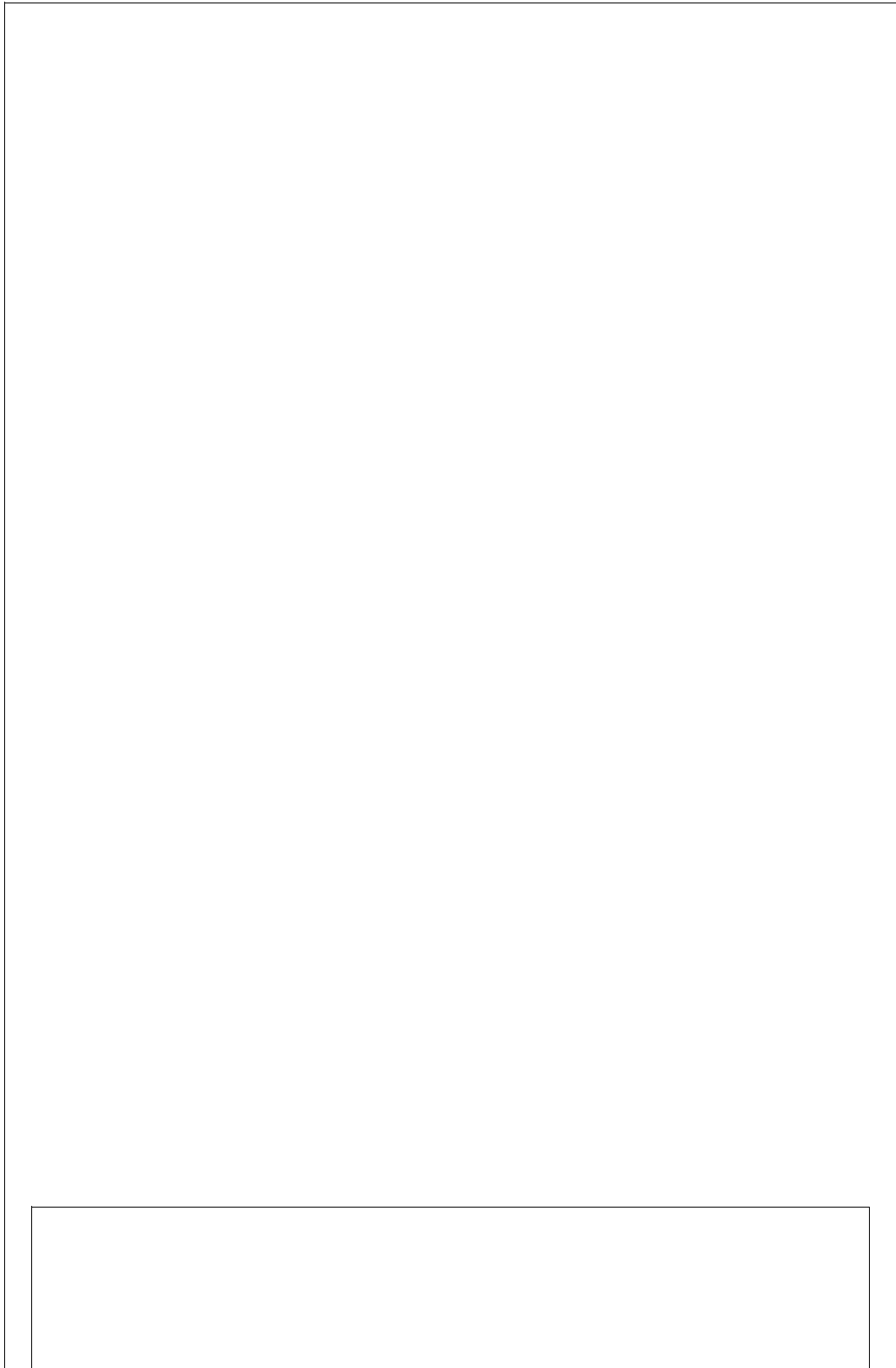


Figure 10: Purchases of riparian blocks. Source: Max Oulton’s map of partitions and sales of riparian lands (fig 28). See that map for further details.

land,' the claimant research team concluded, 'may be seen as coercion by starvation.' Moreover, it was made easier 'by misguided loyalty of ex-military Maori men to their old commanding officer', Captain Gilbert Mair, who was now the land purchase officer. The court, it seemed, was prepared to allow this. The whole court process was for the benefit of the Crown.³⁴

Notwithstanding the economic and social effects of attending Native Land Court hearings, it seemed to the claimant research team that, with so much land being purchased for supposedly large payments, the sellers should have been well-off in the years that followed. However, photographic and other evidence showed 'poverty and destitution rather than any kind of affluence'.³⁵

After the purchase of Kaingaroa 1 and the exclusion therefrom of Oruatawehi Bush (470 acres) and the Rangipo block (670 acres) as native reserves:

The people attempted to live life much as they had before, moving from place to place according to the season and the activities being undertaken. The old kainga at Motumako continued to be the main home for some but there were many more who remained at Karamuramu near the fort. Regular excursions to Heruiwi, Motumako and other places were continued . . . but there was pressure put on them, especially by the schools, to remain living around the fort.

By 1885 there were three meeting houses at Karamuramu. They were Tangiharuru, Ruatapu and Tuwhare. Mr William Bird, who had married one of the old chief Peraniko Tahawai's grand-daughters, Kiekie, set up shop there in 1884.

In 1878, there had been a school at Fort Galatea for a short time but the teacher didn't last long and the school closed.³⁶

Following a request from Ngati Manawa in 1880 for the Fort Galatea school to be reopened, a new teacher, George Wood, arrived. He took a very active role in the community, attending the sick and acting as a money lender.³⁷

In 1881, the native school inspector, James Pope, reported:

There are many Native Settlements here and there along the banks of the river [Rangitaiki]. They are all very small. The cultivations are all in the mountains at Ahikereru and Waiohau, which are at a considerable distance from the school.³⁸

During the sale of the Kuhawaea block in 1883, Wood reported that there were 11 European stores on the block and between 500 and 600 Maori, most of whom were living in tents.³⁹ Claimant researchers took this to mean that 'the juggernaut of the Native Land Court process and inevitable land sales continued' without any evidence of economic or social improvements, such as substantial housing, mills, or their own school building or church.⁴⁰

34. Document B2, pp 65, 66

35. Ibid, p 77; doc B2(e), pp 1–5

36. Document B2, pp 74–75

37. Ibid, p 75

38. Document B2(d), p 112

39. Ibid; doc B2, p 77

40. Document B2, p 77

Furthermore:

As the land was sold . . . the people became more and more restricted in their food gathering life-style so the rivers became even more vital to their survival and most of the communities that developed were near the river.⁴¹

3.3.4 Natural disasters

Worse still, beginning with the Tarawera eruption in June 1886, a succession of natural disasters struck the local hapu, seriously disrupting their lives. Large quantities of ash were deposited on the Kaingaroa Plains and the Rangitaiki River valley (see fig 11). People living there lost most of their crops and were forced to move because food became scarce. Maori living at Galatea went further up the Rangitaiki to Heruiwi and Whirinaki, while Patuheuheu evacuated to Ruatahuna and other places.⁴²

In 1892 and 1904, serious flooding caused further losses of crops and stock. Unusual frosts in 1897, 1898, and 1900 destroyed crops because local hapu had been encouraged by European example to grow them in the open rather than close to the bush for shelter.

Floods and frosts were followed by famine, much sickness, and deaths. In the absence of local medical services, teachers at Galatea and Te Houhi Schools tried unavailingly to obtain food and medicine for their pupils from the Education Department. Claimant researchers found a letter written by Joseph Wylie, the teacher in Galatea, in September 1887 expressing his disappointment at his request being turned down and reporting that the children come to school 'half starved as well as being half naked'. Finally, they noted, the teacher provided food for them himself because he 'could not bear to see them standing about at play time, so deplorable looking without any spirit for play'.⁴³ There is no record of the Government providing any relief during the famine years.⁴⁴ Rather, it seems, people were forced to buy expensive food they could not afford, and cartage was an additional charge.⁴⁵ Presumably, costs were met from payments for land sales or seasonal labour or people ran themselves into debt. Over this period, some men were able to find work on Hutton Troutbeck's sheep station on the Kuhawaea block.⁴⁶ The situation in the Rangitaiki Valley at this time was similar to that in other remote Maori districts where the population was still declining, primarily because immunity to European diseases had not been acquired.⁴⁷ But undoubtedly it was worse because of the harsh climate and environment, the limited resources, and the succession of natural disasters.

On the other hand, we have no evidence that, after the eruption and floods, traditional food resources of the rivers were any less abundant. Nor have we any evidence

41. Document B4, pp 17-18

42. Document B2(d), pp 114, 116; doc B9, p 3

43. Document B2, p 80; doc B2(c)(4), pp 10-21

44. Document B2, p 79

45. Ibid, p 84

46. Ibid, p 83

47. Compare with *The Te Roroa Report 1992*, sec 5.3.5; see also Keith Sinclair, *Kinds of Peace*, Auckland, Auckland University Press, 1991, pp 30-32



Figure 11: The area affected by the 1886 Tarawera eruption. Source: as noted on map.

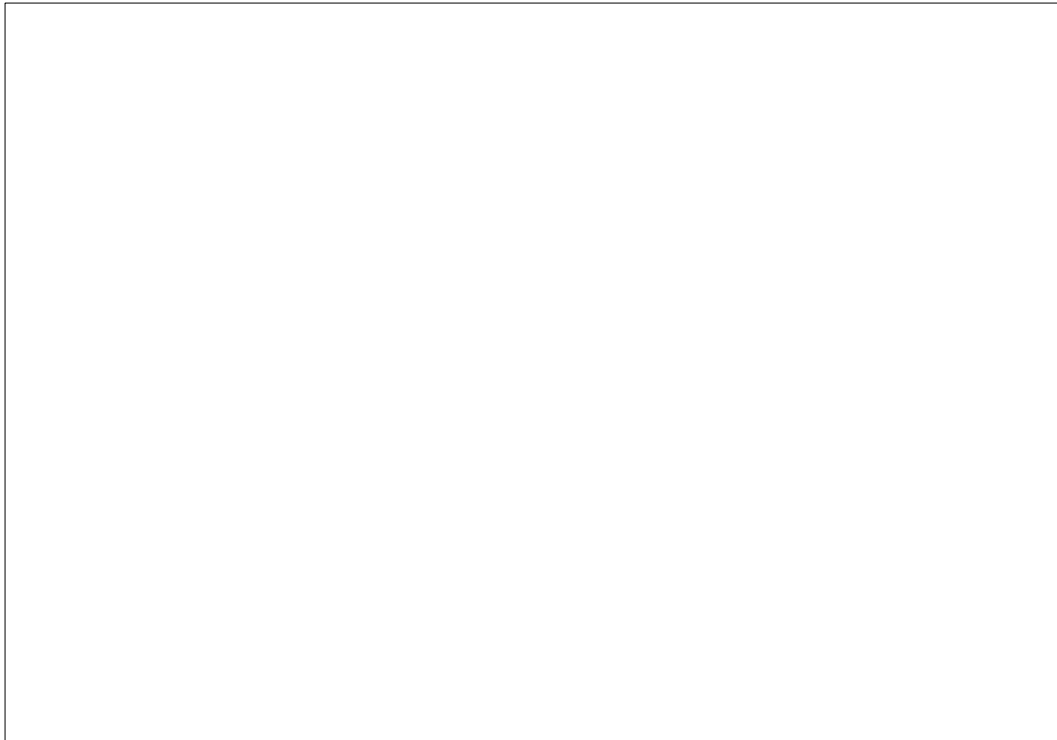


Figure 12: Tangi at Karamuramu on the banks of the Rangitaiki River, near Fort Galatea. The meeting house, Ruatapu, is now at Painoaiho Marae. The photograph was taken by Lundius, an Austrian surveyor, shortly before the Tarawera eruption of 1885. Photograph courtesy of the Auckland Institute and Museum (B4891/C30175).

that, after the sale of large riparian blocks to the Crown, people gave up using the rivers for eeling and food gathering. Rather, it seems, people were becoming less mobile in search of subsistence as they began to subdivide unsold lands in multiple ownership for family farms and to work for cash incomes during the summer months on the roads or in shearing gangs.⁴⁸

From about 1910 on, the health and wellbeing of the people of Te Ika Whenua began to improve slowly, although the absence of many men on active service during the First World War once again interrupted the process of change and development.⁴⁹

3.3.5 Rivers a continuing source of livelihood

Although claimant evidence on social change in the aftermath of the New Zealand wars and land-selling dealt mainly with Ngati Manawa, it served to illustrate that, while people were beginning to rely more on subsistence farming, summer shearing, and casual labour, the rivers and eels continued to be their main source of livelihood. When Pakeha settled in the district, river resources were shared. As long as Pakeha were a small minority who married local Maori, they respected the customary rights of tangata whenua.

48. Document B2, pp 85, 90

49. Ibid, p 90



Figure 13: Eels drying on a line at Rangitahi Pa, circa 1920.
Photograph courtesy of Kuini and Henry Nuku.

None the less, through the sale of riparian lands and the Crown's presumption that they included adjoining portions of riverbeds to the middle line, these rights were largely lost (see ch 7). In our next chapter, we examine the economic and social consequences of this loss for the tangata whenua.



Figure 14: Indigenous and exotic forests. Source: Evelyn Stokes, J Wharehuia Milroy, and Hirini Melbourne, *Te Urewera: Nga Iwi te Whenua te Ngahere (People, Land and Forests of Te Urewera)*, Hamilton, University of Waikato, 1986, fig 1.