

Ngai Tahu Land Report

18 Te Ao Hou: The New World

18.1 Introduction

Chapter 18

TE AO HOU: THE NEW WORLD

18.1. Introduction

Te Ao Hou was described to us as the new world, the world after the adoption of Christianity and following the Treaty, and after the loss of the tribe's lands. Ngai Tahu's place in this world was outlined to us, as it related to the people of Otakou, in the evidence of Mr Bill Dacker. We have already had some extensive glimpses of Te Ao Hou in our discussion of the evidence so far. In our examination of Ngai Tahu's Kemp purchase claims we have reviewed the tribe's struggle to have their claims acknowledged over many decades following the purchase itself. As part of this, we have looked at how Ngai Tahu appealed to the Crown to have their rights to North Canterbury accepted, and their various appeals for more land to be reserved, including those heard by the Native Land Court in 1868. Other inquiries, such as the Smith-Nairn inquiry in 1879-80, have also been examined. In the Otakou claim we have reviewed Grey's actions in setting aside the Princes Street reserve in 1853 and the various court cases and negotiations which followed this in the 1860s and 1870s. Some of the Crown's attempts to deal with the problems faced by the tribe have also been introduced. These include the provision of "half-caste" grants from the 1860s and land for "landless natives" at the turn of the century. On the West Coast, we have followed the history of the Maori reserves set aside as part of the Arahura purchase, and the process whereby many of these reserves became lost to the tribe through the provision of perpetual leases. In the mahinga kai section of the report, we have shown how settlement brought a halt to many of Ngai Tahu's food gathering practices, through over-exploitation, competing resource use, pollution and by restricted access. In assessing the Crown's failure to ensure that adequate reserves were made available for Ngai Tahu's present and future needs, it has also been necessary to explore the tribe's position in the years after the sales themselves.

There are still major concerns voiced by the claimants which need to be examined in this period, the times referred to by Professor Ward's report as the "aftermath of the purchases" (T1 chapter 11). The claim for "schools and hospitals" is one of these concerns. Ngai Tahu have complained on numerous occasions that their understanding of the terms of a number of the purchases, particularly the Kemp and Murihiku purchases, included the provision of educational and health services. We shall examine that claim in some detail, to determine what was promised by the Crown's agents at the time of the sales and what attempts the Crown may have made to provide such services for the tribe. Schools and hospitals became linked to a series of commissions of inquiry leading to the provision of "lands for landless natives" early this century. This occurred because, as we shall see, in the late nineteenth

century Ngai Tahu's claims for such services became interwoven with their demands for a final settlement of their claims as a whole.

Before moving on to these aspects of the claim, we pause to take a consolidated view of Ngai Tahu's place in Te Ao Hou. We will examine Ngai Tahu's place in the new settler economy, their attempts to gain recognition of their claims and their relationship with the Crown following the purchases.

Waitangi Tribunal, Department of Justice, Wellington.

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18.2 Ngai Tahu and the Crown After the Purchases

18.2. Ngai Tahu and the Crown After the Purchases

18.2.1 Mr Dacker's evidence concentrated on Otakou Ngai Tahu and on the failure of the Crown to provide sufficient reserves as part of the Otakou settlement. Much of this discussion is relevant to the condition of the tribe in other areas as well. Mr Dacker argued that a failure to adequately reserve sufficient lands for Maori made it impossible for Ngai Tahu to realise the promises they saw in the agriculture and commerce that Europeans had brought into their territory. Instead of thriving in Te Ao Hou, Mr Dacker found most Ngai Tahu left on the edges of the new society, often relegated to real poverty:

The loss of land and the loss of traditional resources deprived the people of an economic base for their communities which eventually forced more and more of them to migrate to where there was work. Once the strength of the communities was broken in this way, the people were exposed increasingly to the predominantly negative European attitudes to the Maori and Maori culture. Hence the loss of economic strength flowed through into loss of culture. (F11:4-5)

18.2.2 The Crown responded to Mr Dacker's paper with the evidence of Mr Tony Walzl (Q8). Mr Walzl examined the economic position of the tribe, not just in relation to the situation in the Otakou block, but throughout Otago, Canterbury and Southland. His evidence was detailed and comprehensive. He reviewed the condition of the reserves in the 1840s and 1850s, surveyed the quality of reserves in the various areas, and detailed Ngai Tahu attempts to increase the effectiveness of their reserves through appeals to have their areas increased and through individualised title. His conclusions differ little from those of Mr Dacker. Despite evidence that Ngai Tahu wished to "partake in the 'new order'", Mr Walzl concluded that Ngai Tahu found it impossible to compete because of "the lack of resources which resulted after the purchases" (Q8:64).

Both Mr Dacker and Mr Walzl were agreed that the failure to leave Ngai Tahu with anything like adequate land for their needs in Te Ao Hou was at the heart of their relegation to the margins of that new world. It is a conclusion we have reiterated many times in this report. In the years which followed the purchases, Ngai Tahu made numerous attempts to have their claims recognised, and in turn the Crown responded to these claims in one way or another. To understand why these grievances have not been resolved and are still before this tribunal we have to explore something of this troubled history of protest and response.

The tribe's relationship with the Crown

18.2.3 Ngai Tahu and the Crown had differing views on their relationship with each other after the purchases. The tribe appears to have seen the purchase agreements as recognition of their rangatiratanga. As Mr Dacker's evidence shows, despite the disregard shown them by the Crown, Ngai Tahu remained loyal to their Treaty partner. Time and time again Ngai Tahu declared their loyalty to Queen Victoria, their confidence in the law and their faith in Christianity. Throughout the 1850s and 1860s tribal leaders continued to place their faith in the fairness and justice of the governors and their representatives, and to persist in the hope that their requests to government would be met. Mr Dacker provides many instances of this loyalty.

In 1860, when all but Stewart Island and Ruapuke had passed to the Crown, Matenga Taiaroa attended the Kohimarama conference. This great council of chiefs was called by Governor Thomas Gore Browne to strengthen Maori adherence to the government, at a time when this was threatened by the events in Taranaki and by the formation of the King Movement. There can be little doubt of Taiaroa's views. He told the governor that he had no opinion about Taranaki, but that his island belonged to the Queen (F11:6-7). {FNREF|0-86472-060-2|18.2.3|1} A few months later, with the prospect of further unrest in the north spreading uncertainty even as far south as Dunedin, Ngai Tahu chiefs again spelt out their commitment to the Queen and her laws. Matiaha Tiramorehu explained that:

It is some time since our union to the Queen has been made known to the most distinguished people of England, therefore I repeat God is our dwelling place, the Queen our parent, and the Governor the father of New Zealand. (F11:8) {FNREF|0-86472-060-2|18.2.3|2}

His sentiments were repeated by Natanahira Waruwarutu, Merekihereka Hape and Rawiri Mamaru. Mr Dacker commented of Ngai Tahu that:

They saw themselves as a brother people to the European under the cloak of the Queen. They strove to make their mana strong within her Empire. They aspired to acquire the benefits of the new technology and the material culture that membership of that empire gave them access to. The adoption of Christianity and the signing of the Treaty sealed, with their spiritual and physical loyalty, a future within that empire. (F11:5)

This sense of brotherhood, of kinship, with the European under the Queen permeated the attitudes of Ngai Tahu in the period immediately after the purchases. In dealing with governors for the purchase of their lands, the chiefs appear to have expected that the relationship would continue, in a spirit of friendship and mutual concern.

18.2.4 For Ngai Tahu, active and vital participation in the affairs of the new world meant engaging in a personal relationship with the governor, as the Queen's representative, through ongoing personal contact. The mana of both parties to the deeds demanded no less. This is most clearly illustrated in the letters Ngai Tahu wrote to the governor. Ms Jenny Murray examined many records of Ngai Tahu's correspondence with various governors and Crown agents from the middle decades of the nineteenth century (T13). Her research shows that many Ngai Tahu were engaged in a continuing correspondence with the central and then the provincial governments. Dozens of letters were sent by Ngai Tahu. Unfortunately many have long since been

lost in fires which have ravaged the files of the Native Affairs Department and its successors. However, we still have the departmental registers which show us something of the subject matter and authorship of this correspondence. Many letters were published by various parliamentary inquiries and many of these have already been discussed in the course of this report. A few, such as Tiramorehu's letters to the governor in 1849, were even published in newspapers at the time.

The letters display a wide range of concerns. Some writers complain, others make requests (often of a relatively trivial nature) while a few do little more than pass the time of day. Matiaha Tiramorehu was one of the most vociferous of letter writers and he corresponded with a number of governors over several decades. His protests over the Kaiapoi boundary are well known, but among his other letters are a request for a reserve at Wakatipu, a complaint about European use of poisons (T12:22){FNREF|0-86472-060-2|18.2.4|3}, and concerns over the provision of lands for half-castes (T12:23){FNREF|0-86472-060-2|18.2.4|4}.

There were letters about mining, about reserves, about squatters or encroachments and roading, about stock, and about payments for a wide range of places. Books, schools and flags were all subjects of communications. In some cases copies were requested of Te Karere Maori (The Maori Messenger), or of Ko Nga Ture o Ingarangi, a digest of the laws of England, prepared by Sir William Martin.

Characteristic of the more political Ngai Tahu letters are those of Tikao, written in 1850 to press the claim to the area north of Kaiapoi. The first of these letters asserted Ngai Tahu rights to a list of places up to the Wairau, and explained who should be paid for those rights. {FNREF|0-86472-060-2|18.2.4|5} Later letters discussed a site at Pigeon Bay, promised by the governor as a Maori reserve and complained of problems caused by Europeans in the bay. Tikao asked the governor to come in person to resolve these difficulties. If this was impossible, he was expected to write a reply and to have the offending Pakeha removed (T2:27-29). {FNREF|0-86472-060-2|18.2.4|6}

18.2.5 Vice-regal visits were attended by Maori and time was taken to address the governor in terms that stressed the tribe's loyalty while at the same time raising matters of concern. During a visit to Canterbury in 1852, Grey met with many Ngai Tahu concerned about their boundary with Ngati Toa, and some were entertained on board the government brig (T2: 68). {FNREF|0-86472-060-2|18.2.5|7} In 1856, Ngai Tahu welcomed the new governor, Thomas Gore Browne, at Lyttelton, where Paora Tau again voiced their concerns about the recognition of Ngati Toa's rights north of Kaiapoi (T2:62). {FNREF|0-86472-060-2|18.2.5|8} The laying of the foundation stone for St Stephen's Church at Tuahiwi, in 1867, was done by Grey himself. He attended a meeting of the runanga at Tuahiwi and received several petitions. Grey agreed there and then to some of the runanga's requests and promised to respond to others (T2:124-6). {FNREF|0-86472-060-2|18.2.5|9}

Professor Ward concluded that despite little familiarity with the ways of European government, rangatira showed a determination to participate in the new political order.

They were inexperienced too in the new categories of state power, but they showed a considerable determination to engage with these. In that context, meetings between the high ranking people of both cultures were valued. Agreements with the Governor were of special significance-but governors were not always men of honour. (T1:7)

As Professor Ward commented, Ngai Tahu attempts to gain a voice in the political world of the colony were very dependent on this personal relationship with the Crown's representatives. Unlike these representatives, however, tribal leaders placed less credence in this period on the written evidence of an agreement than on oral commitments made person to person, rangatira to rangatira.

The Crown's view of its obligations to Ngai Tahu

18.2.6 Ngai Tahu may have seen the purchases as opening the way for a fraternal association between themselves and the Crown in the new Otago and Canterbury settlements, but the Crown's understanding of the sale agreements was much narrower. The Crown had been concerned to "extinguish native title". The result would leave Maori on fixed reserves, leaving to the settlers the business of developing the country, unhindered by Maori concerns.

Without an effective share in the new economy Ngai Tahu were unable to assert their concerns on government. The government relegated its relationship with the tribe to that of social welfare. This was at a time when the policies of laissez-faire ruled any debate over social economy, and the poor were expected to look after themselves by their own individual effort. Money for Maori purposes was spent grudgingly by the settler politicians, who in the 1850s conveniently forgot that Maori provided the majority of the country's customs revenue (T1:404). Assigning Maori concerns to those of social welfare was in the nineteenth century the very next thing to real neglect.

18.2.7 Letter writing and the occasional vice-regal visit show that Ngai Tahu had some access to government, but this should not be allowed to disguise the tribe's isolation from the every day administrative institutions of government. At a local level, Ngai Tahu had few Europeans they could turn to who had fluency in Maori and who were sympathetic to their interests. While Walter Mantell was commissioner of Crown lands at Dunedin in the early 1850s, there was at least one Crown official who could be approached. The resident magistrate, Chetham Strode, was also sympathetic to Maori interests (M14:28). In Canterbury, there was almost no one to mediate between them and the provincial government. W J W Hamilton, the customs officer at Lyttelton, was often called upon to deal with Maori issues. Although he completed the Banks Peninsula purchase and negotiated a settlement over North Canterbury, he was never confident of his fluency or appreciation of Maori concerns. There was only limited missionary assistance. The Reverend Johann Wohlers on Ruapuke appears to have taken little interest in Ngai Tahu's claims against the Crown. It was not until 1859 that Ngai Tuahuriri had a missionary presence in James Stack. In 1888, Alexander Mackay lamented the lack of a protector to look after the tribe's interests as settlement continued.

Owing to the non-appointment of an official protector for the Natives in the South, as was promised them at the cession of their land, these people have suffered a serious

loss, for, had any person been clothed with the necessary authority to look after their welfare in the early days, a great deal of the irreparable neglect they have suffered from the non-fulfilment of the promises made them at the cession of their lands would probably not have occurred. (A9:9:65) {FNREF|0-86472-060-2|18.2.7|10}

Those measures that were taken, the construction of hostels in Lyttelton and Dunedin, the appointment of medical officers and the limited provision of school books, were isolated and not given continuing support.

The Crown's endowment policy

18.2.8 The Crown did, however, have a policy to use the funds provided from the sale of lands bought from Maori for Maori purposes. We have seen how this was spent in maintaining the office of the protectors. It may well be asked why profits from the sale of lands in Canterbury and Otago were not in some way returned to Ngai Tahu, providing an endowment to ensure their integration with the new economy. Walter Mantell asked the same question in 1854 when he complained that there should have been œ5000 available for this purpose (M15:114). {FNREF|0-86472-060-2|18.2.8|11}

The kinds of benefits which could have been provided to Maori other than the purchase price after they sold their lands could be listed as followed:

- added value to the lands remaining;
- provision in the deed for further payments or reservations once the land had been granted to settlers;
- the later provision of social services as part of the agreement; and
- the use of a proportion from the sale of Crown lands for Maori purposes.

As we have already seen, the belief that Maori would benefit from the added value that settlement would give their remaining lands was an essential part of the way the Crown justified its actions in paying only token amounts in its land purchases from Maori. In every purchase from Ngai Tahu this programme of endowment through reserved lands failed miserably to preserve anything like sufficient land so that the tribe could prosper in the new world.

In other sales in this period, such as some of those already discussed in the Orakei Report (1987), provision was made in the deeds for a proportion of the ongoing proceeds of sale to be used for the sellers' benefit. This too did not apply for Ngai Tahu. The Arahura deed allowed for land to be reserved to be later sold to pay for surveys, and the Rakiura deed allowed for land to be set aside as an education endowment (see appendix 2). The Kemp deed had the potential to allow further land to be set aside as the land was surveyed, until Mantell narrowly defined the terms of the deed when selecting the reserves. However, none of these deeds provided for the proceeds of sale to be used for Maori purposes. To some extent this omission flowed from the Crown's granting of the land to the New Zealand Company. We have seen how the provision for these grants was covered by the 1840 agreement between the New Zealand Company and the Crown (6.4.3). By this agreement the government

determined what was a sufficient endowment to set aside for Maori in granting lands to the New Zealand Company. In the Otago purchase the Crown agents allowed for the possibility of further reserves being set aside, but this was not done by FitzRoy or by Grey when the land was surveyed and allocated to settlers.

The claim that Ngai Tahu were induced to part with their lands through promises made by Mantell, in particular, that the tribe would be provided with schools and hospitals, will be examined in more detail in a subsequent section.

18.2.9 After all this, there still remains Lord John Russell's 1841 instructions to Hobson to ensure that there was a fund for Maori purposes which consisted of not less than 15 per cent and not more than 20 per cent of the revenue from the sale of Crown lands. It was this fund which paid the costs of the protectors until they were abolished by Grey in 1846. With all other avenues for gaining a material advantage from the sale exhausted, there only remains the provision of the 15 to 20 per cent fund.

Professor Ward discussed these provisions in an appendix to his main report. He argued that difficulties in getting the Legislative Councils of New Ulster and New Munster to provide funds for Maori purposes convinced Grey that some provision should be made from the civil list (T1:401). Earl Grey hoped to provide the local government with wide authority over the raising of revenue in the 1846 constitution. But as Professor Ward pointed out, he also recognised that it would be an injustice for Maori not to be specifically provided for, since they would be for some time without a voice in the new legislatures, even though they were major contributors to the colony's revenue. In mid-1851, Governor Grey suggested that the new constitution should allow for a fixed sum of £7000 for Maori purposes, then 10 per cent of the colony's total revenue. One thousand pounds of this was to be destined for the South Island (T2:145-147). {FNREF|0-86472-060-2|18.2.9|12} The Otago Witness complained that the measure was an unwarranted extravagance in the Maori favour:

First, about 100 natives have to be paid for the land, then native reserves are made for them. This would have been very well, had the matter stopped here; but £7000 of the general revenue is to be set aside for native purposes. (T1:238){FNREF|0-86472-060-2|18.2.9|13}

Expenditure of this money was determined not by need, but by the political practicalities of the government of the day. More populous tribes, resisting the sale of their lands and opposing government policy, received more assistance than a loyal tribe whose lands had already passed from them.

18.2.10 The fund was to be used for hospitals and schools (for European use as well as Maori), for resident magistrates, Maori police and magistrates, for presents to chiefs and for other purposes "as may tend to promote the prosperity and happiness of the native race, and their advancement in Christianity and civilisation" (T2:146). {FNREF|0-86472-060-2|18.2.10|14} However, the governor's proposal did not necessarily envisage this measure as a replacement for a percentage of land sale revenue. He informed the colonial secretary that:

In naming the sum that will be required for native purposes, I have supposed that, as under Lord John Russell's original instructions, the Governor-in-Chief would still, if a

necessity for his doing so should arise, be authorised to apply 15 per cent. of the land fund to such purposes; and that the General Government alone would have the power of treating with the natives for the purchase of their lands. (T2:146-147) {FNREF|0-86472-060-2|18.2.10|15}

We note here that although the provision for using money from the land fund was still alive in 1852, Lord Russell's insistence that this be done had been replaced with Grey's understanding that drawing on this revenue would be at the governor's discretion.

Earl Grey's response was to accept the principle of a Maori revenue to be split between the provincial areas, but rather than setting the maximum amount he preferred a fixed proportion of the customs revenue to be set aside. Despite this, clause 78 of the constitution set aside a specific $\text{œ}7000$ for Maori purposes (T2:149). {FNREF|0-86472-060-2|18.2.10|16} The debts of the New Zealand Company had also been taken over by the colony, and these too were a 25 per cent charge against the land fund. Commissioners of Crown lands were informed about both funds in 1854. It was in reply to one of these circulars that Mantell raised the issue of the $\text{œ}5000$ for South Island Maori purposes. However, Professor Ward found that these requests were met in general by "bewildered incomprehension" (T1:403-404). Governor Browne hoped that New Zealand representatives would not begrudge expenditure on Maori, particularly given their contribution to the colony's revenue. He was wrong. As Professor Ward commented, the new legislatures of the 1850s ignored the justice of the situation and attempted to make all expenditure for Maori a charge on the civil list. Only the threat of war prompted the New Zealand Parliament to vote increased funds for Maori use. Although it would appear that the use of money from the sale of Crown lands was not directly done away with, following the adoption of the 1852 constitution, the practice clearly went into disuse.

18.2.11 Professor Ward's discussion of the topic prompted the Crown to prepare a late report on the whole issue. Mr David Armstrong provided an overview of the Crown's policy with regard to endowments in the period between 1840 and 1860 (X6). This was followed by a commentary by Mr Tony Walzl on how this policy related to the Ngai Tahu purchases. The papers were accompanied by a series of tables which provided considerable detail about the general finances of the colony during this period and the amount of money allocated and spent on specifically Maori purposes.

Mr Armstrong fleshed out many of the events described by Professor Ward, outlining how the protectors used up much of the funds available. He also explained how the policy became refined during the 1840s and how Grey decided to abolish the Protectorate Department, arguing that the salaries of the protectors had devoured all the funds available, and that there was nothing to show for the expenditure in the way of a single school or hospital (X6:37-38). {FNREF|0-86472-060-2|18.2.11|17} Mr Armstrong then demonstrated that the Crown's arrangements with the New Zealand Company had removed the land fund for the company area from the Crown's control. In March 1849 Grey complained that the company was using the land revenue to purchase Maori lands (with the sanction of the colonial secretary) and as a result these funds were not accessible to the government.

Moreover the land fund of the Colony of New Ulster is in point of fact made liable for any engagements which the New Zealand Company may through their agents enter into, and the Secretary of State has recently sanctioned the expenditure of a portion of the land fund of this Province for the purpose of defraying the expenses of the purchase of a certain tract of land which the New Zealand Company are anxious to acquire in New Munster.

It thus appears that the whole of that source of Revenue from which payments on account of the natives are provided from which the expenses of roads and Public improvements should be defrayed, which should be charged with the cost of the Survey Department and with the sums which are expended in the purchase of lands from the natives are removed from the control of the Legislative and Executive Government of New Munster... (X6:54-55){FNREF|0-86472-060-2|18.2.11|18}

Once the New Zealand Company's estates had been transferred to the Crown, following the company's inability to sell sufficient land, then the Crown was again in control of all the revenue from land sales.

Mr Armstrong also confirmed Professor Ward's argument that Grey did not see the statutory allocation of œ7000 in the civil list as replacing, as least in principle, the responsibility to use 15 per cent of the land fund for Maori use (X6:24-25).{FNREF|0-86472-060-2|18.2.11|19} In addition, Mr Armstrong demonstrated that this was the result of some confusion at the time, with the auditor general, Charles Knight, questioning the governor's authority to use the land revenue in this manner. Grey's reply, giving the reasons for the continuation of the policy, is instructive for the light it throws not only on the issue of endowment, but on Grey's negotiations with Maori for the purchase of their land.

...I have to acquaint you that as the natives have been given to understand, on many occasions, on disposing of their land, that the proportion of the land fund above alluded to would if necessary be expended in promoting their welfare, and as it has also been frequently explained to them that such expenditure of part of the land fund, rather forms the real payments for their lands, than the sums in the first instance given to them by the Government ... (X6:26){FNREF|0-86472-060-2|18.2.11|20}

To summarise Grey's position, it was intended that:

- œ7000 would be provided through the civil list for Maori purposes;
- 15 per cent of the revenue from land sales would also be available for such purposes;
- payments from the land fund had been promised Maori at the time of land purchases;
- these payments were to be regarded by Maori as part of the price of the land; and
- the discretion on whether 15 per cent of the land revenue could be spent on Maori purposes rested with the governor.

18.2.12 Whatever Grey's intent, it would appear that the policy went into abeyance after his departure at the end of 1853. While Robert Henry Wynyard was acting governor until September 1855, some confusion over the issue was apparent. But after Governor Browne's arrival the policy appears to have been completely suspended. The new governor saw the civil list as being supplemented by the ordinary revenue of government, not by any particular provision from the land revenue. Only where there were provisions in actual deeds was money provided from this source for Maori needs. In 1859, when the Crown's land purchase policy was blocked by widespread Maori determination not to sell land, Browne did suggest that up to three tenths of the blocks purchased be provided for reserves for Maori use and for future endowments (X6:31). {FNREF|0-86472-060-2|18.2.12|21}

The Crown historians then went on to suggest that for a number of reasons it was unlikely that the Crown agents would have made promises over such issues as schools and hospitals: at the time, land revenue was under the control of the New Zealand Company, the tribe was very small and their domain large, and Grey was engaging in a "personalised" Maori policy (X6:36-37). For reasons which will become apparent in our later discussion of the schools and hospitals claim we find this argument unconvincing (19.3.2).

18.2.13 The financial difficulties which beset government in the 1840s meant that even if 15 to 20 per cent of the land fund had been allocated for Maori purposes there would still not have been a large amount of money available. Only in 1840 and 1841 was a substantial quantity of money available, and this was due to high profits achieved from the sale of lands in Auckland. Between 1844 and 1847 inclusive the total land revenue was little more than $\text{œ}1000$ per annum. This began to rise in the late 1840s, but was still only $\text{œ}13,477$ in 1852 (X6:appendix 2:table 1). When the actual costs of land acquisition are taken into account the fund was in deficit in all years between 1840 and 1850, with the exception of 1841 (X6:appendix 2:table 2).

An additional table shows just how limited the central government's commitment to expenditure on Ngai Tahu was during this period. Although figures are far from complete, they suggest expenditure directly on Ngai Tahu of $\text{œ}4$ in 1850, $\text{œ}10$ in 1851 and $\text{œ}17$ in 1852. Only in the year 1859-60 was a significant sum spent on the tribe, with $\text{œ}1058$ being of direct benefit to Ngai Tahu (X6:appendix 2:table 5). Ngai Tahu could be said to have benefited from other areas of expenditure, such as money spent on medical services and on resident magistrates. However all of this could in many ways be offset by the government's direct encouragement of settlement, from which, as we have seen, Ngai Tahu received little benefit after the first few years.

18.2.14 Grey argued that he could provide "substantial and lasting benefits" (X6:17){FNREF|0-86472-060-2|18.2.14|22}, by using the fund directly. We have seen how as a consequence, the absence of an officer to advise Ngai Tahu on their rights under the Treaty clearly prejudiced the tribe in their dealings with the Crown over land. It would also appear that in the uncertainty over constitutional issues between the late 1840s and the mid-1850s the issue of the use of revenue from Crown land sales was allowed to fade from the Crown's consciousness. We wonder whether this would have been the case if the Protectorate Department had still existed. Given that Ngai Tahu were left with so little land following the purchases, the commitment of a percentage of revenue from the sale of lands from within their takiwa would have

allowed for some amelioration of their condition. It does have to be recognised that the policy of the time was not specifically directed to the actual tribes which had sold their lands, but to all Maori and even to the European poor as well. However had such a policy continued in the 1850s it could have been expected that a larger proportion of the revenue could have provided some assistance in the new economy. This option must be seen as a second choice. Without land, and land in substantial quantities, it was impossible for Ngai Tahu to continue to exercise their rangatiratanga. Nor would revenue from land sales alone have been enough to reinstate Ngai Tahu's rangatiratanga. However, yet another opportunity to ensure that the tribe had some of the resources necessary to participate in the new world was let slip.

We shall examine the Crown's policy towards the tribe in more detail as it develops towards the end of the century in our discussion of the claim for schools and hospitals.

Waitangi Tribunal, Department of Justice, Wellington.

Ngai Tahu Land Report

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18.2 Ngai Tahu and the Crown After the Purchases

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18.2.1 Mr Dacker's evidence concentrated on Otakou Ngai Tahu and on the failure of the Crown to provide sufficient reserves as part of the Otakou settlement. Much of this discussion is relevant to the condition of the tribe in other areas as well. Mr Dacker argued that a failure to adequately reserve sufficient lands for Maori made it impossible for Ngai Tahu to realise the promises they saw in the agriculture and commerce that Europeans had brought into their territory. Instead of thriving in Te Ao Hou, Mr Dacker found most Ngai Tahu left on the edges of the new society, often relegated to real poverty:

The loss of land and the loss of traditional resources deprived the people of an economic base for their communities which eventually forced more and more of them to migrate to where there was work. Once the strength of the communities was broken in this way, the people were exposed increasingly to the predominantly negative European attitudes to the Maori and Maori culture. Hence the loss of economic strength flowed through into loss of culture. (F11:4-5)

18.2.2 The Crown responded to Mr Dacker's paper with the evidence of Mr Tony Walzl (Q8). Mr Walzl examined the economic position of the tribe, not just in relation to the situation in the Otakou block, but throughout Otago, Canterbury and Southland. His evidence was detailed and comprehensive. He reviewed the condition of the reserves in the 1840s and 1850s, surveyed the quality of reserves in the various areas, and detailed Ngai Tahu attempts to increase the effectiveness of their reserves through appeals to have their areas increased and through individualised title. His conclusions differ little from those of Mr Dacker. Despite evidence that Ngai Tahu wished to "partake in the 'new order'", Mr Walzl concluded that Ngai Tahu found it impossible to compete because of "the lack of resources which resulted after the purchases" (Q8:64).

Both Mr Dacker and Mr Walzl were agreed that the failure to leave Ngai Tahu with anything like adequate land for their needs in Te Ao Hou was at the heart of their relegation to the margins of that new world. It is a conclusion we have reiterated many times in this report. In the years which followed the purchases, Ngai Tahu made numerous attempts to have their claims recognised, and in turn the Crown responded to these claims in one way or another. To understand why these grievances have not been resolved and are still before this tribunal we have to explore something of this troubled history of protest and response.

The tribe's relationship with the Crown

18.2.3 Ngai Tahu and the Crown had differing views on their relationship with each other after the purchases. The tribe appears to have seen the purchase agreements as recognition of their rangatiratanga. As Mr Dacker's evidence shows, despite the disregard shown them by the Crown, Ngai Tahu remained loyal to their Treaty partner. Time and time again Ngai Tahu declared their loyalty to Queen Victoria, their confidence in the law and their faith in Christianity. Throughout the 1850s and 1860s tribal leaders continued to place their faith in the fairness and justice of the governors and their representatives, and to persist in the hope that their requests to government would be met. Mr Dacker provides many instances of this loyalty.

In 1860, when all but Stewart Island and Ruapuke had passed to the Crown, Matenga Taiaroa attended the Kohimarama conference. This great council of chiefs was called by Governor Thomas Gore Browne to strengthen Maori adherence to the government, at a time when this was threatened by the events in Taranaki and by the formation of the King Movement. There can be little doubt of Taiaroa's views. He told the governor that he had no opinion about Taranaki, but that his island belonged to the Queen (F11:6-7). {FNREF|0-86472-060-2|18.2.3|1} A few months later, with the prospect of further unrest in the north spreading uncertainty even as far south as Dunedin, Ngai Tahu chiefs again spelt out their commitment to the Queen and her laws. Matiaha Tiramorehu explained that:

It is some time since our union to the Queen has been made known to the most distinguished people of England, therefore I repeat God is our dwelling place, the Queen our parent, and the Governor the father of New Zealand. (F11:8) {FNREF|0-86472-060-2|18.2.3|2}

His sentiments were repeated by Natanahira Waruwarutu, Merekihereka Hape and Rawiri Mamaru. Mr Dacker commented of Ngai Tahu that:

They saw themselves as a brother people to the European under the cloak of the Queen. They strove to make their mana strong within her Empire. They aspired to acquire the benefits of the new technology and the material culture that membership of that empire gave them access to. The adoption of Christianity and the signing of the Treaty sealed, with their spiritual and physical loyalty, a future within that empire. (F11:5)

This sense of brotherhood, of kinship, with the European under the Queen permeated the attitudes of Ngai Tahu in the period immediately after the purchases. In dealing with governors for the purchase of their lands, the chiefs appear to have expected that the relationship would continue, in a spirit of friendship and mutual concern.

18.2.4 For Ngai Tahu, active and vital participation in the affairs of the new world meant engaging in a personal relationship with the governor, as the Queen's representative, through ongoing personal contact. The mana of both parties to the deeds demanded no less. This is most clearly illustrated in the letters Ngai Tahu wrote to the governor. Ms Jenny Murray examined many records of Ngai Tahu's correspondence with various governors and Crown agents from the middle decades of the nineteenth century (T13). Her research shows that many Ngai Tahu were engaged in a continuing correspondence with the central and then the provincial governments. Dozens of letters were sent by Ngai Tahu. Unfortunately many have long since been

lost in fires which have ravaged the files of the Native Affairs Department and its successors. However, we still have the departmental registers which show us something of the subject matter and authorship of this correspondence. Many letters were published by various parliamentary inquiries and many of these have already been discussed in the course of this report. A few, such as Tiramorehu's letters to the governor in 1849, were even published in newspapers at the time.

The letters display a wide range of concerns. Some writers complain, others make requests (often of a relatively trivial nature) while a few do little more than pass the time of day. Matiaha Tiramorehu was one of the most vociferous of letter writers and he corresponded with a number of governors over several decades. His protests over the Kaiapoi boundary are well known, but among his other letters are a request for a reserve at Wakatipu, a complaint about European use of poisons (T12:22){FNREF|0-86472-060-2|18.2.4|3}, and concerns over the provision of lands for half-castes (T12:23){FNREF|0-86472-060-2|18.2.4|4}.

There were letters about mining, about reserves, about squatters or encroachments and roading, about stock, and about payments for a wide range of places. Books, schools and flags were all subjects of communications. In some cases copies were requested of Te Karere Maori (The Maori Messenger), or of Ko Nga Ture o Ingarangi, a digest of the laws of England, prepared by Sir William Martin.

Characteristic of the more political Ngai Tahu letters are those of Tikao, written in 1850 to press the claim to the area north of Kaiapoi. The first of these letters asserted Ngai Tahu rights to a list of places up to the Wairau, and explained who should be paid for those rights. {FNREF|0-86472-060-2|18.2.4|5} Later letters discussed a site at Pigeon Bay, promised by the governor as a Maori reserve and complained of problems caused by Europeans in the bay. Tikao asked the governor to come in person to resolve these difficulties. If this was impossible, he was expected to write a reply and to have the offending Pakeha removed (T2:27-29). {FNREF|0-86472-060-2|18.2.4|6}

18.2.5 Vice-regal visits were attended by Maori and time was taken to address the governor in terms that stressed the tribe's loyalty while at the same time raising matters of concern. During a visit to Canterbury in 1852, Grey met with many Ngai Tahu concerned about their boundary with Ngati Toa, and some were entertained on board the government brig (T2: 68). {FNREF|0-86472-060-2|18.2.5|7} In 1856, Ngai Tahu welcomed the new governor, Thomas Gore Browne, at Lyttelton, where Paora Tau again voiced their concerns about the recognition of Ngati Toa's rights north of Kaiapoi (T2:62). {FNREF|0-86472-060-2|18.2.5|8} The laying of the foundation stone for St Stephen's Church at Tuahiwi, in 1867, was done by Grey himself. He attended a meeting of the runanga at Tuahiwi and received several petitions. Grey agreed there and then to some of the runanga's requests and promised to respond to others (T2:124-6). {FNREF|0-86472-060-2|18.2.5|9}

Professor Ward concluded that despite little familiarity with the ways of European government, rangatira showed a determination to participate in the new political order.

They were inexperienced too in the new categories of state power, but they showed a considerable determination to engage with these. In that context, meetings between the high ranking people of both cultures were valued. Agreements with the Governor were of special significance-but governors were not always men of honour. (T1:7)

As Professor Ward commented, Ngai Tahu attempts to gain a voice in the political world of the colony were very dependent on this personal relationship with the Crown's representatives. Unlike these representatives, however, tribal leaders placed less credence in this period on the written evidence of an agreement than on oral commitments made person to person, rangatira to rangatira.

The Crown's view of its obligations to Ngai Tahu

18.2.6 Ngai Tahu may have seen the purchases as opening the way for a fraternal association between themselves and the Crown in the new Otago and Canterbury settlements, but the Crown's understanding of the sale agreements was much narrower. The Crown had been concerned to "extinguish native title". The result would leave Maori on fixed reserves, leaving to the settlers the business of developing the country, unhindered by Maori concerns.

Without an effective share in the new economy Ngai Tahu were unable to assert their concerns on government. The government relegated its relationship with the tribe to that of social welfare. This was at a time when the policies of laissez-faire ruled any debate over social economy, and the poor were expected to look after themselves by their own individual effort. Money for Maori purposes was spent grudgingly by the settler politicians, who in the 1850s conveniently forgot that Maori provided the majority of the country's customs revenue (T1:404). Assigning Maori concerns to those of social welfare was in the nineteenth century the very next thing to real neglect.

18.2.7 Letter writing and the occasional vice-regal visit show that Ngai Tahu had some access to government, but this should not be allowed to disguise the tribe's isolation from the every day administrative institutions of government. At a local level, Ngai Tahu had few Europeans they could turn to who had fluency in Maori and who were sympathetic to their interests. While Walter Mantell was commissioner of Crown lands at Dunedin in the early 1850s, there was at least one Crown official who could be approached. The resident magistrate, Chetham Strode, was also sympathetic to Maori interests (M14:28). In Canterbury, there was almost no one to mediate between them and the provincial government. W J W Hamilton, the customs officer at Lyttelton, was often called upon to deal with Maori issues. Although he completed the Banks Peninsula purchase and negotiated a settlement over North Canterbury, he was never confident of his fluency or appreciation of Maori concerns. There was only limited missionary assistance. The Reverend Johann Wohlers on Ruapuke appears to have taken little interest in Ngai Tahu's claims against the Crown. It was not until 1859 that Ngai Tuahuriri had a missionary presence in James Stack. In 1888, Alexander Mackay lamented the lack of a protector to look after the tribe's interests as settlement continued.

Owing to the non-appointment of an official protector for the Natives in the South, as was promised them at the cession of their land, these people have suffered a serious

loss, for, had any person been clothed with the necessary authority to look after their welfare in the early days, a great deal of the irreparable neglect they have suffered from the non-fulfilment of the promises made them at the cession of their lands would probably not have occurred. (A9:9:65) {FNREF|0-86472-060-2|18.2.7|10}

Those measures that were taken, the construction of hostels in Lyttelton and Dunedin, the appointment of medical officers and the limited provision of school books, were isolated and not given continuing support.

The Crown's endowment policy

18.2.8 The Crown did, however, have a policy to use the funds provided from the sale of lands bought from Maori for Maori purposes. We have seen how this was spent in maintaining the office of the protectors. It may well be asked why profits from the sale of lands in Canterbury and Otago were not in some way returned to Ngai Tahu, providing an endowment to ensure their integration with the new economy. Walter Mantell asked the same question in 1854 when he complained that there should have been œ5000 available for this purpose (M15:114). {FNREF|0-86472-060-2|18.2.8|11}

The kinds of benefits which could have been provided to Maori other than the purchase price after they sold their lands could be listed as followed:

- added value to the lands remaining;
- provision in the deed for further payments or reservations once the land had been granted to settlers;
- the later provision of social services as part of the agreement; and
- the use of a proportion from the sale of Crown lands for Maori purposes.

As we have already seen, the belief that Maori would benefit from the added value that settlement would give their remaining lands was an essential part of the way the Crown justified its actions in paying only token amounts in its land purchases from Maori. In every purchase from Ngai Tahu this programme of endowment through reserved lands failed miserably to preserve anything like sufficient land so that the tribe could prosper in the new world.

In other sales in this period, such as some of those already discussed in the Orakei Report (1987), provision was made in the deeds for a proportion of the ongoing proceeds of sale to be used for the sellers' benefit. This too did not apply for Ngai Tahu. The Arahura deed allowed for land to be reserved to be later sold to pay for surveys, and the Rakiura deed allowed for land to be set aside as an education endowment (see appendix 2). The Kemp deed had the potential to allow further land to be set aside as the land was surveyed, until Mantell narrowly defined the terms of the deed when selecting the reserves. However, none of these deeds provided for the proceeds of sale to be used for Maori purposes. To some extent this omission flowed from the Crown's granting of the land to the New Zealand Company. We have seen how the provision for these grants was covered by the 1840 agreement between the New Zealand Company and the Crown (6.4.3). By this agreement the government

determined what was a sufficient endowment to set aside for Maori in granting lands to the New Zealand Company. In the Otago purchase the Crown agents allowed for the possibility of further reserves being set aside, but this was not done by FitzRoy or by Grey when the land was surveyed and allocated to settlers.

The claim that Ngai Tahu were induced to part with their lands through promises made by Mantell, in particular, that the tribe would be provided with schools and hospitals, will be examined in more detail in a subsequent section.

18.2.9 After all this, there still remains Lord John Russell's 1841 instructions to Hobson to ensure that there was a fund for Maori purposes which consisted of not less than 15 per cent and not more than 20 per cent of the revenue from the sale of Crown lands. It was this fund which paid the costs of the protectors until they were abolished by Grey in 1846. With all other avenues for gaining a material advantage from the sale exhausted, there only remains the provision of the 15 to 20 per cent fund.

Professor Ward discussed these provisions in an appendix to his main report. He argued that difficulties in getting the Legislative Councils of New Ulster and New Munster to provide funds for Maori purposes convinced Grey that some provision should be made from the civil list (T1:401). Earl Grey hoped to provide the local government with wide authority over the raising of revenue in the 1846 constitution. But as Professor Ward pointed out, he also recognised that it would be an injustice for Maori not to be specifically provided for, since they would be for some time without a voice in the new legislatures, even though they were major contributors to the colony's revenue. In mid-1851, Governor Grey suggested that the new constitution should allow for a fixed sum of £7000 for Maori purposes, then 10 per cent of the colony's total revenue. One thousand pounds of this was to be destined for the South Island (T2:145-147). {FNREF|0-86472-060-2|18.2.9|12} The Otago Witness complained that the measure was an unwarranted extravagance in the Maori favour:

First, about 100 natives have to be paid for the land, then native reserves are made for them. This would have been very well, had the matter stopped here; but £7000 of the general revenue is to be set aside for native purposes. (T1:238){FNREF|0-86472-060-2|18.2.9|13}

Expenditure of this money was determined not by need, but by the political practicalities of the government of the day. More populous tribes, resisting the sale of their lands and opposing government policy, received more assistance than a loyal tribe whose lands had already passed from them.

18.2.10 The fund was to be used for hospitals and schools (for European use as well as Maori), for resident magistrates, Maori police and magistrates, for presents to chiefs and for other purposes "as may tend to promote the prosperity and happiness of the native race, and their advancement in Christianity and civilisation" (T2:146). {FNREF|0-86472-060-2|18.2.10|14} However, the governor's proposal did not necessarily envisage this measure as a replacement for a percentage of land sale revenue. He informed the colonial secretary that:

In naming the sum that will be required for native purposes, I have supposed that, as under Lord John Russell's original instructions, the Governor-in-Chief would still, if a

necessity for his doing so should arise, be authorised to apply 15 per cent. of the land fund to such purposes; and that the General Government alone would have the power of treating with the natives for the purchase of their lands. (T2:146-147) {FNREF|0-86472-060-2|18.2.10|15}

We note here that although the provision for using money from the land fund was still alive in 1852, Lord Russell's insistence that this be done had been replaced with Grey's understanding that drawing on this revenue would be at the governor's discretion.

Earl Grey's response was to accept the principle of a Maori revenue to be split between the provincial areas, but rather than setting the maximum amount he preferred a fixed proportion of the customs revenue to be set aside. Despite this, clause 78 of the constitution set aside a specific $\text{œ}7000$ for Maori purposes (T2:149). {FNREF|0-86472-060-2|18.2.10|16} The debts of the New Zealand Company had also been taken over by the colony, and these too were a 25 per cent charge against the land fund. Commissioners of Crown lands were informed about both funds in 1854. It was in reply to one of these circulars that Mantell raised the issue of the $\text{œ}5000$ for South Island Maori purposes. However, Professor Ward found that these requests were met in general by "bewildered incomprehension" (T1:403-404). Governor Browne hoped that New Zealand representatives would not begrudge expenditure on Maori, particularly given their contribution to the colony's revenue. He was wrong. As Professor Ward commented, the new legislatures of the 1850s ignored the justice of the situation and attempted to make all expenditure for Maori a charge on the civil list. Only the threat of war prompted the New Zealand Parliament to vote increased funds for Maori use. Although it would appear that the use of money from the sale of Crown lands was not directly done away with, following the adoption of the 1852 constitution, the practice clearly went into disuse.

18.2.11 Professor Ward's discussion of the topic prompted the Crown to prepare a late report on the whole issue. Mr David Armstrong provided an overview of the Crown's policy with regard to endowments in the period between 1840 and 1860 (X6). This was followed by a commentary by Mr Tony Walzl on how this policy related to the Ngai Tahu purchases. The papers were accompanied by a series of tables which provided considerable detail about the general finances of the colony during this period and the amount of money allocated and spent on specifically Maori purposes.

Mr Armstrong fleshed out many of the events described by Professor Ward, outlining how the protectors used up much of the funds available. He also explained how the policy became refined during the 1840s and how Grey decided to abolish the Protectorate Department, arguing that the salaries of the protectors had devoured all the funds available, and that there was nothing to show for the expenditure in the way of a single school or hospital (X6:37-38). {FNREF|0-86472-060-2|18.2.11|17} Mr Armstrong then demonstrated that the Crown's arrangements with the New Zealand Company had removed the land fund for the company area from the Crown's control. In March 1849 Grey complained that the company was using the land revenue to purchase Maori lands (with the sanction of the colonial secretary) and as a result these funds were not accessible to the government.

Moreover the land fund of the Colony of New Ulster is in point of fact made liable for any engagements which the New Zealand Company may through their agents enter into, and the Secretary of State has recently sanctioned the expenditure of a portion of the land fund of this Province for the purpose of defraying the expenses of the purchase of a certain tract of land which the New Zealand Company are anxious to acquire in New Munster.

It thus appears that the whole of that source of Revenue from which payments on account of the natives are provided from which the expenses of roads and Public improvements should be defrayed, which should be charged with the cost of the Survey Department and with the sums which are expended in the purchase of lands from the natives are removed from the control of the Legislative and Executive Government of New Munster... (X6:54-55){FNREF|0-86472-060-2|18.2.11|18}

Once the New Zealand Company's estates had been transferred to the Crown, following the company's inability to sell sufficient land, then the Crown was again in control of all the revenue from land sales.

Mr Armstrong also confirmed Professor Ward's argument that Grey did not see the statutory allocation of œ7000 in the civil list as replacing, as least in principle, the responsibility to use 15 per cent of the land fund for Maori use (X6:24-25).{FNREF|0-86472-060-2|18.2.11|19} In addition, Mr Armstrong demonstrated that this was the result of some confusion at the time, with the auditor general, Charles Knight, questioning the governor's authority to use the land revenue in this manner. Grey's reply, giving the reasons for the continuation of the policy, is instructive for the light it throws not only on the issue of endowment, but on Grey's negotiations with Maori for the purchase of their land.

...I have to acquaint you that as the natives have been given to understand, on many occasions, on disposing of their land, that the proportion of the land fund above alluded to would if necessary be expended in promoting their welfare, and as it has also been frequently explained to them that such expenditure of part of the land fund, rather forms the real payments for their lands, than the sums in the first instance given to them by the Government ... (X6:26){FNREF|0-86472-060-2|18.2.11|20}

To summarise Grey's position, it was intended that:

- œ7000 would be provided through the civil list for Maori purposes;
- 15 per cent of the revenue from land sales would also be available for such purposes;
- payments from the land fund had been promised Maori at the time of land purchases;
- these payments were to be regarded by Maori as part of the price of the land; and
- the discretion on whether 15 per cent of the land revenue could be spent on Maori purposes rested with the governor.

18.2.12 Whatever Grey's intent, it would appear that the policy went into abeyance after his departure at the end of 1853. While Robert Henry Wynyard was acting governor until September 1855, some confusion over the issue was apparent. But after Governor Browne's arrival the policy appears to have been completely suspended. The new governor saw the civil list as being supplemented by the ordinary revenue of government, not by any particular provision from the land revenue. Only where there were provisions in actual deeds was money provided from this source for Maori needs. In 1859, when the Crown's land purchase policy was blocked by widespread Maori determination not to sell land, Browne did suggest that up to three tenths of the blocks purchased be provided for reserves for Maori use and for future endowments (X6:31). {FNREF|0-86472-060-2|18.2.12|21}

The Crown historians then went on to suggest that for a number of reasons it was unlikely that the Crown agents would have made promises over such issues as schools and hospitals: at the time, land revenue was under the control of the New Zealand Company, the tribe was very small and their domain large, and Grey was engaging in a "personalised" Maori policy (X6:36-37). For reasons which will become apparent in our later discussion of the schools and hospitals claim we find this argument unconvincing (19.3.2).

18.2.13 The financial difficulties which beset government in the 1840s meant that even if 15 to 20 per cent of the land fund had been allocated for Maori purposes there would still not have been a large amount of money available. Only in 1840 and 1841 was a substantial quantity of money available, and this was due to high profits achieved from the sale of lands in Auckland. Between 1844 and 1847 inclusive the total land revenue was little more than $\text{œ}1000$ per annum. This began to rise in the late 1840s, but was still only $\text{œ}13,477$ in 1852 (X6:appendix 2:table 1). When the actual costs of land acquisition are taken into account the fund was in deficit in all years between 1840 and 1850, with the exception of 1841 (X6:appendix 2:table 2).

An additional table shows just how limited the central government's commitment to expenditure on Ngai Tahu was during this period. Although figures are far from complete, they suggest expenditure directly on Ngai Tahu of $\text{œ}4$ in 1850, $\text{œ}10$ in 1851 and $\text{œ}17$ in 1852. Only in the year 1859-60 was a significant sum spent on the tribe, with $\text{œ}1058$ being of direct benefit to Ngai Tahu (X6:appendix 2:table 5). Ngai Tahu could be said to have benefited from other areas of expenditure, such as money spent on medical services and on resident magistrates. However all of this could in many ways be offset by the government's direct encouragement of settlement, from which, as we have seen, Ngai Tahu received little benefit after the first few years.

18.2.14 Grey argued that he could provide "substantial and lasting benefits" (X6:17){FNREF|0-86472-060-2|18.2.14|22}, by using the fund directly. We have seen how as a consequence, the absence of an officer to advise Ngai Tahu on their rights under the Treaty clearly prejudiced the tribe in their dealings with the Crown over land. It would also appear that in the uncertainty over constitutional issues between the late 1840s and the mid-1850s the issue of the use of revenue from Crown land sales was allowed to fade from the Crown's consciousness. We wonder whether this would have been the case if the Protectorate Department had still existed. Given that Ngai Tahu were left with so little land following the purchases, the commitment of a percentage of revenue from the sale of lands from within their takiwa would have

allowed for some amelioration of their condition. It does have to be recognised that the policy of the time was not specifically directed to the actual tribes which had sold their lands, but to all Maori and even to the European poor as well. However had such a policy continued in the 1850s it could have been expected that a larger proportion of the revenue could have provided some assistance in the new economy. This option must be seen as a second choice. Without land, and land in substantial quantities, it was impossible for Ngai Tahu to continue to exercise their rangatiratanga. Nor would revenue from land sales alone have been enough to reinstate Ngai Tahu's rangatiratanga. However, yet another opportunity to ensure that the tribe had some of the resources necessary to participate in the new world was let slip.

We shall examine the Crown's policy towards the tribe in more detail as it develops towards the end of the century in our discussion of the claim for schools and hospitals.

Waitangi Tribunal, Department of Justice, Wellington.

Ngai Tahu Land Report

18 Te Ao Hou: The New World

18.3 The Displacement of Ngai Tahu Following Settlement

18.3. The Displacement of Ngai Tahu Following Settlement

18.3.1 The arrival of the Otago and Canterbury settlers marked a watershed between the period when Ngai Tahu had largely assimilated those visitors to their territory, and the time when the tribe was displaced by the sheer scale of immigration. There was a period of adjustment when the new Pakeha communities were not self-sufficient in foods and other necessities, when the newly arrived settlers welcomed fresh vegetables, fish, firewood, pigs and other commodities. Ngai Tahu responded to this market by planting their reserves in crops and acquiring livestock. Some built European styled dwellings. Maori labour, too, provided a cash income. In the early days, Maori vessels carried cargo and Maori ferrymen took passengers across the island's rivers.

However, settlements soon developed their own agricultural self-sufficiency and Maori were pushed to the edges of the European society. This happened quite quickly. By the mid 1850s, Ngai Tahu of Tuahiwi were but occasional visitors to Christchurch. Nonetheless they appeared to be holding their own economically, aided by the sale of timber from the Tuahiwi reserve. They were seen by the settlers as keeping to themselves and their affairs were of little interest to the vast majority of Europeans. In 1856 Commissioner Hamilton, while discussing the Akaroa purchase with Ngai Tahu, applauded Ngai Tahu's prosperity:

the 600 or 700 Maories residing in this Province are possessed of considerable property in cultivated land and stock. That they are industrious, and no doubt contribute a very fair share towards the general prosperity and towards the public revenues. I might instance their energy towards the production of a valuable but long neglected article of export, whale-bone and oil, of which they have this year sold œ2,000 worth. Their fishing station at Ikuraki they have fitted out on their own responsibility with the assistance of the late owner. It is confidently stated, that next season this station will produce 100 tons of oil, worth (at œ40,) œ4,000.
(M15:42){FNREF|0-86472-060-2|18.3.1|23}

For the moment, the deficiencies in the amount of land left Maori were disguised by the small number of settlers and by the immigrants' need to acquire Maori produce until they were themselves established.

18.3.2 At Otago, Ngai Tahu continued to trade with the Dunedin settlers through the 1850s, but there is strong evidence that their presence in the town was far from welcomed. In 1850, Grey promised to establish a hospital for them, and Chetham Strode, the resident magistrate, organised the building of the hospital and the appointment of a surgeon (O20:49-50). Both these measures were bitterly opposed by

the Otago settlers when they were required to fund them, following the creation of the Otago province. Ngai Tahu soon felt they were not welcome in the town. Matiaha Tiramorehu complained that the settlers' leaders remained ignorant of Maori and their concerns:

We have not been pleased with Captain Cargill, with McAndrew's set, with all the men of Scotland. Though seven years have passed they do not know anything of us, nothing at all of the Maori from Murihiku to Waitaki. There is but one white man whose house we enter, the Magistrate Chetham (Strode) is the only one, he speaks to us and we speak to him. (M14:28){FNREF|0-86472-060-2|18.3.2|24}

A lack of confidence in the hospital led to a petition that Dr Robert Williams be appointed as a special medical officer for Ngai Tahu and another hospital be built specially for Maori use (T1:239).{FNREF|0-86472-060-2|18.3.2|25} The Princes Street hostelry, so eagerly sought by Ngai Tahu in the early 1850s was little used in the 1860s.

18.3.3 The west coast remained all but unvisited by Europeans until the 1860s, when the gold rushes brought diggers swarming over the whole area, creating new towns almost overnight up and down the coast. Ngai Tahu were quickly overwhelmed numerically, there being no more than about a hundred of the tribe to begin with. However, continued Maori ownership of the valuable Mawhera reserve gave Poutini Ngai Tahu a substantial stake in the new town of Greymouth. Despite this, most of the tribe withdrew from Greymouth to Arahura in 1869 (T1:307). Although mining affected all of the coast, its disruption was short lived, and for Ngai Tahu in South Westland, the old lifestyle was maintained until well into the twentieth century.

18.3.4 Kaikoura and Murihiku were also less disrupted by settlement than the communities of Canterbury and Otago. Natural resources could still be obtained from the sea, although much of the land was allocated as runs. The influx of Europeans occurred more gradually and there was less drainage of swamps and industrial pollution of mahinga kai.

The reserves in the 1850s

18.3.5 Surveys of the reserves in Canterbury, Otago and Southland, discussed by Mr Walzl, show that in many cases the reserves were of good quality. These surveys were taken at different times between the 1850s and the 1890s. In Otago the Otakou Heads reserve was described as "fine agricultural land", while the Taieri and Molyneux reserves were respectively described as "second class" and "suitable only for pasture" (Q8:12).{FNREF|0-86472-060-2|18.3.5|26} The Tuahiwi reserve was depicted as having "rich arable soil" by Stack as late as 1880 (M15:23).{FNREF|0-86472-060-2|18.3.5|27} Initially it also had good timber, one of the few areas on the plains well endowed with bush. In 1861 the reserve was valued by Walter Buller at $\text{œ}45,400$ (M15:19).{FNREF|0-86472-060-2|18.3.5|28} The reserves Mantell made at Moeraki, Waikouaiti, Kaiapoi and Arowhenua were also described as good quality agricultural land. Those on Banks Peninsula were of poorer quality. Less information was provided on the Murihiku reserves but these appear not to have been as valuable as those in Canterbury.

In the early 1840s there had been considerable agricultural activity at Otakou and large cultivations of potatoes were recorded by Dubouzet in 1840 and Shortland in 1844 (H1:21). {FNREF|0-86472-060-2|18.3.5|29} By the early 1850s Mantell recorded that there were no stock or cultivations on the peninsula (O16:28). {FNREF|0-86472-060-2|18.3.5|30} Otakou Maori were still trading with the Otago settlers, but their produce appears to have come more from the sea than from the land (Q8:19-20).

Matiaha Tiramorehu complained of the limited size of the Moeraki reserve in 1849, only a year after the reserve had been marked out. He cited the need for land for potatoes, wheat and pigs. Perhaps more importantly, given the changes that were occurring in the economy of the time, he asked for more land so that cattle and sheep could be run (M15: 26-27). {FNREF|0-86472-060-2|18.3.5|31}

18.3.6 The rapid development of a new pastoral economy was the most dramatic feature of New Zealand's economic growth in the 1850s. The Wakefield scheme had aimed at achieving a high population density by selling land at œ2 per acre and limiting allotments to 100 rural acres. But this proved completely inadequate for farming sheep. During the mid-1840s as sheep farming became profitable, European run holders gained access to very large areas of land, extending from tens to hundreds of thousands of acres. Frederick Weld and Charles Clifford, for example, leased the Flaxbourne run from Ngai Toa in 1847, and later received a depasturage license from the government (T1:268). {FNREF|0-86472-060-2|18.3.6|32} By the middle of the 1850s, very substantial areas of the Kemp block were being occupied by pastoralists, most on very large runs (M5). This development only accentuated the gap between Ngai Tahu's small subsistence holdings and the massive estates of individual Europeans.

18.3.7 Not only did sheep farming require large amounts of land, it also required capital. The purchase of stock was expensive and put investment in pastoralism beyond the ordinary immigrant. For Ngai Tahu, without capital and without sufficient land, pastoralism was an impossibility. Mr Walzl commented that by 1854 even Mantell had to "admit the difficulties inherent in gaining entrance" into the European economy (Q8:29). Mantell described the state of the reserves and the difficulties Ngai Tahu were having in acquiring stock.

Their gardens are generally well kept-the usual crops being potatoes and wheat & to these they have lately added oats for their numerous horses, and tobacco: the latter thriving well even in Ruapuke They have for some time owned a few head of horned cattle, these have now increased to a considerable number, and since the extravagant rise in the price of horses they prefer purchasing the cheaper and more useful Stock. A few of the more civilized have resolved to invest in sheep but the price of that description of stock is now too high for their means. (M15:74-75){FNREF|0-86472-060-2|18.3.7|33}

Mantell went on to note that one family had saved œ200 to invest in sheep and he suggested that individual Ngai Tahu be allowed to purchase smaller sections than those usually laid off, as they were unlikely to be able to individually purchase the standard 80 acre sections. Professor Ward's report suggested that Mantell hoped that in restricting the size of Ngai Tahu's reserves, those Maori with the most individual

initiative, as he saw them, would be able to acquire land on European terms. It is clear that without capital or land, this was impossible, even if Maori were prepared to abandoned their tribal ownership of lands, and this appears doubtful.

The accounts of the use of the reserves by Mr Dacker and Mr Walzl also confirmed that the period immediately after the sales was a time of comparative prosperity. East coast Ngai Tahu were able to take advantage of the needs of the new immigrant communities in Canterbury and Otago. However, Ngai Tahu's trade was not just based on agriculture on the reserves. In Otago, agricultural use of the reserve at the heads appears to have declined, compared with the 1830s, but in Canterbury there was a thriving Maori agriculture in the early 1850s (Q8:24-39). This suggests that Ngai Tahu were also relying on their mahinga kai, and in particular their fisheries, to provide them with commodities for trade with the settlers.

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18.4 The Economic Decline of Ngai Tahu

18.4. The Economic Decline of Ngai Tahu

18.4.1 Approving descriptions of Ngai Tahu's social and economic condition in the 1850s gave way to pessimistic and negative accounts in the mid-1860s. A report by H T Clarke from Murihiku set the tone for much of what was to follow:

I much regret that it is not in my power to give any very flattering account of the Kaitahu tribes. I have visited some of their Kaikas, and conversed with some of their principal men, and I can only say, that as a rule, they are in a most unsatisfactory condition. Taking them as a people, they are the most inert and listless I ever met. Whether this arises from the frequent use of ardent spirits, to which the Natives are much addicted..., or to the almost total neglect of their welfare by the Government I am not prepared to say; perhaps to both. (M15:57){FNREF|0-86472-060-2|18.4.1|34}

Two years later, Alexander Mackay also toured the southern reserves. Apart from Waikouaiti, where there was evidence of good cultivations, some sheep, cattle and horses, and a stable community, his general prognosis for the tribe was bleak. He estimated little more than a dozen acres under cultivation in any of the settlements, and saw their "gradual extinction as a people" as only a matter of time (A8:II:152). {FNREF|0-86472-060-2|18.4.1|35} Similar reports continued on to the end of the century.

Demographically overwhelmed

18.4.2 Demographic displacement was also at the core of Ngai Tahu's cultural marginalisation. In 1851 there were 2832 Europeans in Canterbury. By 1856 this had risen to 6160 and by 1861 this figure had more than doubled to 16,048. {FNREF|0-86472-060-2|18.4.2|36} With the gold rushes, the population had risen dramatically and by the time of the Smith-Nairn commission in 1879-80, Stephen Eldred-Grigg commented that something like 77,000 immigrants had entered the province. {FNREF|0-86472-060-2|18.4.2|37} While Ngai Tahu were no longer declining in numbers, they were in no position to maintain their own against such an influx. Mr Walzl and Professor Pool have examined late nineteenth century censuses. They have demonstrated that the Ngai Tahu population (roughly identified as the Maori population of Canterbury, Otago, Westland and Southland) was growing throughout the 1860s and 1870s. Although there may have been a slight decline in the 1880s, the upward movement continued in the 1890s (O15:31). But total numbers of Maori in the four most southern provinces totalled only 1716 in 1874, 1947 in 1881 and 2109 in 1896 (O43). At a time when the European population was increasing by the thousands every year, Ngai Tahu's demographic turn around went unnoticed. The common European view was still that the Maori were dying out. However an

increasing Ngai Tahu population put real pressure on reserves, that were less than sufficient for the smaller communities that existed at the time they were made, let alone for Ngai Tahu's expanding numbers.

Restrictions to mahinga kai

18.4.3 We have seen in the mahinga kai section of this report just how dramatically settlement reduced Ngai Tahu's access to their mahinga kai and other natural resources. While settlement was small scale and the European population limited, the impact of the purchases on the tribe's food gathering enterprises was limited. Ngai Tahu were still able to hunt pigs and birds and take fish across much of their previous domain. However some food gathering activities were curtailed quite soon after European occupancy. It was noted by James Stack that the processing of ti had ceased by the time he arrived in 1859, a consequence of the burning off of runs for pasture (P11:272). {FNREF|0-86472-060-2|18.4.3|38} Edible fern root met the same fate.

Confinement on the reserves completely changed Maori ability to participate in the rearing of stock. Prior to the purchases Maori animals, particularly pigs, had been allowed to run freely at some distance from cultivations (F11:20). {FNREF|0-86472-060-2|18.4.3|39} Once Ngai Tahu were restricted to the reserves, there was no space to run animals, and crops needed fences to keep out both their own animals and those of their Pakeha neighbours. Disputes over damage caused by straying stock were commonplace (A8:II:138). {FNREF|0-86472-060-2|18.4.3|40} Mr Dacker suggested that the cost of fencing led to land being leased (F11:22). Maori agriculture was also land intensive, breaking in each area, planting it for a few seasons, and then when the land was exhausted, shifting to a new location. On the reserves, this was impossible.

Pastoralism, rapid population growth and the carving up of the country into farms increased competition over land use in which Ngai Tahu were inevitably the losers. Swamps were drained, streams polluted by timber milling and bush felled. As early as the mid-1860s Ngai Tahu were beginning to claim that their traditional food gathering places in Canterbury and Banks Peninsula had been badly affected by settlement.

Individualisation of title

18.4.4 As problems with the size of the reserves became exacerbated, new solutions were sought. Although individualisation was the major policy goal of successive governments in their dealings with Maori, there were pressures within Ngai Tahu which suggested that some form of individual title within the reserves may be a solution to some of their problems. Mr Dacker argued that confinement on the reserves had undermined the traditional tribal political structures which had in the past resolved disputes between different sections of the tribe. With competition for land confined to the meagre reserves, Mr Dacker argued that traditional means of allocating land for the use of individuals and whanau broke down. Mr Dacker suggested that:

The subdivision of their land into individual holdings was seen by many as a way to free their lands from the problems of communal ownership when participating in an economy that was structured around private ownership and the payment of wages to individuals. (F11:26)

However, Ngai Tahu did not necessarily see subdivision in completely European terms. Otago Maori sought to divide the land among whanau and hapu, in a manner consistent with the customary allocation of land use (F11:29-32).

18.4.5 The subdivision of the Kaiapoi reserve in 1860 was discussed by Mr Walzl (M14:33-57). Although the task of partitioning the reserve was given to Walter Buller, the allocation of land was done by the Kaiapoi runanga. Buller had been sent down to Canterbury in November 1859 to examine the situation of the Maori reserves, in anticipation of a visit by Governor Browne early the following year. He found the situation at Kaiapoi highly receptive to individualisation and discussed the matter at some length with the runanga. Browne detected real enthusiasm for the proposal when he arrived, and he reported to the colonial secretary that:

At every Maori settlement which I visited the same request was preferred, viz.; that I would make their lands individualised and reconveyed to them under crown grants. (M15:86){FNREF|0-86472-060-2|18.4.5|41}

Included in his report was the translation of an address by Ngai Tahu chiefs at Port Cooper, made to the governor on 6 January 1860.

Here is another subject for us to speak of, O Governor. The voice of all the people is that our Land Reserves in various places be subdivided, so that each may have his own portion. We ask you to give to each man a title in writing to his own allotment; but we leave the matter in your hands O Governor. Our reason for urging the subdivision of our lands is, that our difficulties and quarrels may cease, that we may live peaceably, and that Christianity and good works may thrive amongst us. (M15:87){FNREF|0-86472-060-2|18.4.5|42}

Allocation of the reserve lands took until May 1860, with land being divided into family lots of 14 acres, and the bush separately divided. Buller insisted on land being made available for Ngai Tuahuriri then living at Moeraki, because Mantell had promised as much in 1848. Although land was allocated for individuals this was still done along whanau and hapu lines. Requests for the individualisation of a number of other Ngai Tahu reserves followed.

Maori enthusiasm for the measure did not last, as major difficulties were encountered. The whole process was very slow. It took six years for the titles to be awarded for Tuahiwi, by which time Maori had become frustrated with the delays and unsure of the benefits. By 1866, Ngai Tuahuriri were complaining that their old customary title may have served them better than new titles undelivered (M15:145g-145k). {FNREF|0-86472-060-2|18.4.5|43} Mr Walzl also pointed out that individualisation actually made less land available to each family. The cost of survey had also been borne by the owners themselves.

18.4.6 More seriously perhaps, Mr Walzl considered the implications of the ongoing partition of Ngai Tahu reserves on the overall economic and social condition of the tribe. Once reserves were partitioned among a number of owners and these interests further divided by succession, ownership became highly fragmented. Mr Walzl cited the condition of the Onuku reserve as typical of those discussed by Alexander Mackay in his 1891 report. This showed the reserve to be divided into 42 different

interests ranging from just over an acre up to 26 acres, with more than half of these interests less than 10 acres (Q8:61). In many cases individual Maori were left with several interests in a number of different reserves, none of which was sufficient on its own to support them or their families.

Individualisation of reserves was not imposed on the tribe, and, when implemented, was done with general consent and with the active involvement of the runanga concerned. However, the whole exercise proved far from beneficial to the tribe because of the paucity of land available. What immediate benefits there may have been were dissipated by Crown delay. At the same time that Buller was attempting to place Ngai Tahu families into 14 acre allotments, the blocks thought sufficient for European use were being extended from between 50 to 200 acres per family (O15:11-12). Individual ownership had been advanced as a panacea for Maori development by official after official. With so little land to begin with, the merits and demerits of the policy are largely irrelevant to this central problem of landlessness. Buller divided Ngai Tuahuriri's few "loaves and fishes" amongst them, and afterwards there were even some lands left over. But there had been no miracle, and Mantell's measly 10 acres per head had in effect been reduced to 14 acres per family.

The climate changes: the 1860s and 1870s

18.4.7 The late 1860s marked a turning point, and Mr Walzl identified the 1870s as a period of dramatic change in the tribe's position:

Having relied on European advice, and having tried experiments such as individualisation and leasing, Ngai Tahu, found themselves no better off. By the 1870's they were beginning to organise themselves in order to arrest this development. (M14:76-77)

Up until the mid-1860s Ngai Tahu's claims had been very specific. The claim to the lands north of Kaiapoi pa had been the largest and most persistently argued claim. Beneath these were a series of smaller requests of government, particularly as they applied to land. Matiaha Tiramorehu's request for an extension of the Moeraki reserve and the increase made to the Waikouaiti reserve are illustrative of these claims. Despite the tribe's lack of experience in the ways of the European government, these claims met with some success. Additional land was granted at Waikouaiti, despite Mantell's protests (M14:10). {FNREF|0-86472-060-2|18.4.7|44} The North Canterbury and Kaiapoi purchases and the payment of œ200 to Tiramorehu for lands north of Kaiapoi were a recognition of Ngai Tahu's long fought campaign to have the rights recognised to the northern part of their takiwa (A8:II:75-79). {FNREF|0-86472-060-2|18.4.7|45} These rights had been partially recognised by Grey and Kemp and then denied by Mantell. Mantell and Grey provided the reserves at Princes St and Port Chalmers, although imperfectly, and a hostelry was also established in Lyttelton (A8:II:121-122). {FNREF|0-86472-060-2|18.4.7|46} Requests for other reserves were also met positively (A8:II:117-120). {FNREF|0-86472-060-2|18.4.7|47}

18.4.8 By the late 1860s there was some recognition that Ngai Tahu had been short changed by the purchase process. William Gisborne, the colonial secretary, commented, in response to a request for a specific reserve at Taumutu, that the Ngai

Tahu deed had promised the tribe adequate reserves, and that if that was not now the case then further reserves should be made:

At the time of the original purchase the Natives were promised that ample reserves would be made for them, and the Government is anxious that in any case where the reserves may have subsequently proved inadequate or unfit for occupation, the promise should be carried out, as is proposed in this instance by granting an additional piece of land. (A8:II:120){FNREF|0-86472-060-2|18.4.8|48}

Grey, too, in 1867 was met with a series of petitions, to which he responded positively. It was as a result of this realisation that the Native Land Court was given the powers to examine the Kemp deed under an order of reference in 1868. We have already encountered the actions of this court in our discussion of one of the Kemp grievances (8.10.9). The court rejected the claim of Mr Cowlshaw, Ngai Tahu's counsel, that the deed was in fact invalid. Chief Judge Fenton determined that the terms of the deed had not been fulfilled. He ruled that by increasing the amount of land reserved to the tribe to 14 acres per head, the tribe could be seen to have been provided with sufficient land for their present and future needs.

18.4.9 At the same time Ngai Tahu were awarded a number of additional fisheries reserves and easements. This was a consequence of the court's finding on the reservation of "mahinga kai" in the Kemp deed. In defining the reserves due Ngai Tahu under this provision Chief Judge Fenton concluded:

The Court gives its opinion that Mahinga kai does not include Weka preserves, or any hunting rights, but local and fixed works and operations. Under the reservation clause of the contract, we are prepared to make order for the pieces of land and easements which have been agreed to by the Crown. (P11:402){FNREF|0-86472-060-2|18.4.9|49}

The reserves made in 1868 demonstrate the narrowness of this definition of "mahinga kai". Fenton considered including an easement over Kaitorete to allow Ngai Tahu to build eel drains, but this does not appear to have been implemented in any way. Additional reserves were, however, awarded in Canterbury, many with fisheries potential (P10:82). Ngai Tahu also requested more reserves which were not granted, including five on Banks Peninsula (P10:80-83). Most of these were fishing reserves, but a 50 acre block on the Opihi River was for weka. In May 1868 at Dunedin, the court made similar easements and awards. Awards were made for Waikouaiti, Purakaunui and Papakaiaio. A hundred acre block was also set aside at Lake Hawea.

18.4.10 The court decisions of 1868, and the apparent finality of the terms of the Ngaitahu Validation Act 1868 as it applied to the granting of reserves, left Ngai Tahu even more frustrated by the failure of the Crown to recognise their grievances. Professor Ward's report commented on Ngai Tahu reaction to the court's rulings:

The finality of the 1868 allocations was pressed home to the tribe. To share in the new reserves Maori were required to sign a document releasing the Crown from the relevant clauses of Kemp's deed. Where up to 1868 Ngai Tahu had been able to look forward to and make application for further reserves under the terms of the deed, after

1868 the Crown considered that its obligations had been effectively discharged and the tribe was forced to face the reality of survival on the reserves. (T1:357)

The report went on to quote Stack's 1871 warning to the government about the consequences should the Crown continue to ignore the tribe's grievances.

They now find themselves placed in a situation they never contemplated when disposing of their land for the purposes of colonisation and consider themselves the victims of deception and boldly charge the government with having purposely misled them. They are bequeathing to their children a legacy of wrongs for which they charge them to seek redress-this will serve to perpetuate the spirit of discontent which has for some time prevailed. (T1:357){FNREF|0-86472-060-2|18.4.10|50}

Sympathetic reports of Ngai Tahu's declining situation, and Grey's apparent willingness to deal with their grievances may have heightened Ngai Tahu expectations that their tribal mana would be restored to them. The result was worse than discouraging. Awarding additional land, increasing the tribal allocation within the Kemp block to 14 acres per head, did little to arrest the tribe's landlessness at a time of population growth and rapid increase in settlement. The Native Land Court's definition of the terms of the deed were still at enormous variance with the promises of extensive quantities of land which Kemp had made them.

18.4.11 The claim, Te Kerema, became an increasing focus for the political and economic direction of the tribe. Advancing the Princes Street claim taught the tribe's leaders new skills in the promotion of their grievances. New strategies were required for new political circumstances. H K Taiaroa was elected to the House of Representatives in 1871, and began a persistent campaign to bring Ngai Tahu's plight before Parliament. For over 30 years he pushed Ngai Tahu's interests in both the House of Representatives and the Legislative Council.

While Taiaroa pursued a new course in the committee rooms of Parliament, other leaders took more traditional paths in asserting the tribe's claims. Te Maiharoa led a heke to Omarama in the winter of 1877. He and his community were claiming the land they believed should have been reserved to them from the Kemp purchase. The community lived off the land and faced the harsh privations of winter and the hostility of the neighbouring land owners. In his book on Te Maiharoa, Buddy Mikaere shows how the land owners of the district successfully combined to have Te Maiharoa and his community removed from Aomarama in 1879 (J48). {FNREF|0-86472-060-2|18.4.11|51} At the time of this eviction, the Smith-Nairn commission was beginning to examine the tribe's various claims against the Crown. The failure of Te Maiharoa's attempts to assert ownership through traditional means gave more strength to Taiaroa's campaign to have the tribe's rights recognised through the parliamentary process.

18.4.12 Meanwhile the condition of the tribe continued to deteriorate through the hard times of the 1880s. Any benefit from these additional reserves was soon eroded away. The process of settlement and development continued after the 1860s, as did the increase in the tribe's numbers. The limited value of these additional reserves was particularly well illustrated by the later history of the fisheries easements allocated by Chief Judge Fenton in 1868. Through further drainage and competition with European

agricultural activities these had become largely useless for their original purpose by 1881 (M15:152). {FNREF|0-86472-060-2|18.4.12|52} At that time the extent to which settlement was interfering with the Ngai Tahu economy was clear, as was the inability of the tribe to make any economic gain out of the reserves granted to them in 1868 (M15:16). As Ngai Tahu's economic life became more and more restricted to the reserves by settlement, their condition worsened. Economic depression in the 1880s further accentuated their disadvantage, making it even more difficult for Maori to gain employment.

18.4.13 In the 1870s and 1880s government inaction, exacerbated by the continuing displacement of Maori from their mahinga kai, fuelled bitterness and hostility among many of the new generation of tribal leaders. The demands for redress became increasingly more urgent. To Europeans it may have seemed that the requests for compensation and restoration of the tribal estate became less compromising and more extensive. However all of this did not shake the ultimate loyalty of the tribe to the Crown. H K Taiaroa articulated the various claims of the tribe to government, but remained steadfastly loyal to the Queen. His tombstone bears the following inscription:

Ka Nui Te Pai Ana Mo Nga Tangata Maori Me Tona Atawhai Ki Te Rangatira O Te Kuini

Great is the good of his work for the Maori people with his fostering of the authority of the Queen (F11:6)

In 1885, at the opening of a hall at Wairewa, he had offered Ngai Tahu's assistance to Great Britain should war break out with Russia (F11:11). {FNREF|0-86472-060-2|18.4.13|53} The offer was typical of Ngai Tahu commitment to the Crown and to the European world. With other Ngai Tahu parliamentarians, Taiaroa used the law and the representative system to press the tribe's grievances. Despite the increasing sense of loss felt by Ngai Tahu, Parliament and the courts were seen as the only way of achieving a just settlement. The tribe pursued its goals in a spirit of protest and cooperation.

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18.5 Conclusion

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We have outlined something of the tribe's position in the nineteenth century. In this period, Ngai Tahu were forced to respond to the changes brought about by contact with western technological society and by the development of a modern agrarian economy in their midst. Ngai Tahu's ability to cope with this change was severely checked by the Crown's failure to ensure that the tribe had a sizable stake in Te Ao Hou, the new world. Without that stake, Ngai Tahu were forced to deal with an alien culture stripped of the resources to ensure their survival.

The Reverend Stack summed up the dispirited state Ngai Tahu had reached by the end of the 1880s:

Most of the old chiefs are now dead, their last years so many of them having been embittered by the want of the common necessities of life, such as food, clothing, and firing, of which they were deprived by those who took away their native sources of wealth, and failed to supply them with the European equivalent which they had agreed to give in exchange. (M14:95){FNREF|0-86472-060-2|18.5|54}

We have looked at the way Ngai Tahu responded to their predicament, through direct approaches to the governor, through petitions and in the Native Land Court. We now turn to examine some specific elements of the Ngai Tahu claim, as it emerged in the latter decades of the nineteenth century, namely the claim to "schools and hospitals" and the various committees of inquiry which examined Ngai Tahu's claims in the late nineteenth century leading to the provision of "lands for landless natives" and to twentieth century attempts to find a settlement to some of these grievances.

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