

## CHAPTER 9

# IMPACT

### 9.1 THE IMMEDIATE EFFECT: DISUNITY AND THE BUILDING OF MATAATUA

The immediate effect of the confiscation was that many of Ngati Awa were surrounded by their former enemies and were forced to reside on other than their customary lands under military supervision. Te Arawa individuals were given land within the western extremity of the confiscation district, as well as at Matata, Edgecumbe, Whakatane, and other places. In addition, military settlers were introduced, principally at Whakatane. These were placed on lands customarily belonging to those who were clearly innocent of anything for which the land might have been taken.

Most Ngati Awa hapu were forced to relocate on blocks set aside for them on the opposite bank of the river from the military settlement at Whakatane, where they could be kept under supervision. The blocks were laid out in a corridor from the coast to the hill country, with the Whakatane River basically forming the eastern boundary.

Other land had also been returned, but this either was insufficient to sustain hapu or was hill country that was, at that time, unusable. Accordingly, life focused on the blocks laid out by the Crown in the corridor described. These blocks were apportioned to the individuals of the various hapu.

That land, however, was prone to flooding. It was also land that customarily belonged to one or two hapu only, so that all others felt like intruders. Further, the land was removed from the traditional resource sites of most inhabitants – their eel weirs, birding and fishing spots, and cultivations. Once relocated, they risked starvation.

The blocks were further apportioned in individual shareholdings. On a brief analysis, it is obvious that few owners had a sufficient share to provide anything near the amount of land necessary for an economic farm, according to the size of rural allotments then considered necessary for European settlement. As people passed on and their shares devolved to their children, the further fragmentation of shares was inevitable. In addition, shareholders could alienate their interests without reference to the hapu so that, in a short time, as settlers acquired various shares, parts of the Maori land were partitioned for Europeans.

To the struggle to obtain food for survival was added a struggle to maintain social order. Maori law could not work in this uncustomary situation. Maori were living on the traditional lands of others. People needed to access resource sites that had been the customary preserve of particular families. Individuals could thwart tribal cohesion through share alienations. Inevitably, people blamed each other for the

confiscation. There was dissension and a breakdown of the traditional respect for law and order.

It was against this background that Wepiha Apanui, his father (Apanui Te Hamaiwaho), and the Ngati Pukeko chief Hohaia Mata Te Hokia settled upon a plan to pull the people together in the construction of a carved house, utilising that which could not be confiscated – the people’s renowned artistry. The house was named Mataatua. Wepiha also arranged a marriage to a leading rangatira of Hauraki, one of the wealthier of districts for Maori at the time, owing to gold discoveries. A house named Hotunui was carved for the Hauraki people as a marriage gift, and in return, the Hauraki people sent flour and cash for the Ngati Awa workers.

The Mataatua house was symbolic of the need for unity, not only from within Ngati Awa but throughout all who traced descent from the Mataatua waka. The carvers were called in from throughout the Mataatua region, and included persons from Ngai Te Rangi, Tuhoe, Te Whanau-a-Apanui, and Whakatohea. As Dr Hirini Mead and others put it, ‘there was a strong need to bring the groups together again and there was no better way to express this ideal than to build a beautiful carved house and call it Mataatua’.<sup>1</sup>

Once this large and beautifully carved house was completed, its fame spread rapidly – not least to the Government, which at that time was seeking some local work of art to display at an exhibition in Sydney of life throughout the British Empire. The Government sought the house from Ngati Awa. Opinions vary on what happened. Some say the house was gifted, others that the house was lent for the purpose of the exhibition. Either way, Ngati Awa were in no position to refuse whatever the Government wanted. At the time the house was removed, in 1879, the people were pleading for the return of more land. They were also pleading for the release of those still held in custody on sentences of life imprisonment for murder.

In any event, the house was taken and not returned. It was displayed in Australia, then later in England, and eventually came back to New Zealand for a special exhibition in the South Island, whereafter it was transferred to a museum in Dunedin. The equally magnificent Hotunui ended up in the Auckland Museum.

It was part of the claim that the Mataatua house be returned to the Ngati Awa people. We commend the claimants, the Government, and the Otago Museum Trust Board for reaching a settlement in that matter during the course of the hearings. The house is now back in Ngati Awa possession. We therefore mention the house only in the context of the people’s own efforts to overcome the adversity that followed the confiscation, and to show how that one moment of great pride in achievement was short-lived.

## 9.2 LONG-TERM EFFECTS

There is little to rely upon in the way of census data and other statistics to establish a clear picture of the economic and social effect of the raupatu. Censuses provided

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1. Document A21, p 14. For a further account of the erection of the house, see document A15.

demographic material on a tribal, and at times even hapu, basis from 1874 to 1901, but not subsequently until 1991. In any event, even where it is evident that large numbers of tribal members left their home area for opportunities elsewhere, it is not always certain that this was a consequence of raupatu or other losses of resources. Maori and Pakeha alike in the middle part of this century left rural areas of New Zealand for the better employment, education, and entertainment prospects that the towns and cities offered. In addition, especially after 1953, when the Town and Country Planning Act was passed, Maori were disadvantaged by not being allowed to partition house sites on the multiply owned land that remained.

Nevertheless, we can point to some incontrovertible facts surrounding the loss suffered by Ngati Awa. Their land was confiscated, and that left to them offered few prospects for sharing in the growing colonial agricultural expansion. Ngati Awa also lacked the capital to develop the lands that they did retain, and they were forced into the position of needing to sell or lease some lands to develop others. They lost more land when some was taken for swamp drainage under the Public Works Act 1908, and the loss of the swamps themselves as a source of food – particularly eels – should not be underestimated.

By the twentieth century, Ngati Awa were in a parlous condition, with few prospects other than to work as labourers. There were other tribal groups, like those of Te Arawa, with large areas of undeveloped land that received the benefit of Government capital injections for land development on concessionary or favourable terms. In comparison, Government money for the development of Ngati Awa land was negligible because they had very little land to develop.

The Government recognised the inequality for those who had suffered land confiscation, and in the 1940s it was settled that sums would be paid annually to trust boards established for Taranaki, Waikato, and Whakatohea. The Whakatohea Maori Trust Board capitalised the annuities to acquire a tribal land base. Ngati Awa, however, received nothing.

A point that requires particular and further emphasis is the individualisation of title of the lands retained. That the actual loss of some 116,000 acres of land through confiscation greatly impacted on the people is unquestionable. There can be little doubt as to its flow-on effects in terms of limiting the community's economic production (and options) and directly inhibiting its growth, development, and general health.

What are not so obvious or measurable are the consequences of the individualisation of the remaining land. The effects of the individualisation of title and growing fragmentation of interests are fairly well documented, and there can be little doubt that, as elsewhere, it would have destabilised the cohesion upon which Ngati Awa communities depended for their economic productivity, and completely undermined the traditional systems of organisation. Aside from the loss of land, this in itself would only have added to the economic pressures placed on the people.

On a deeper and less transparent level are the consequences in terms of the community as such. The partitioning of interests combined with the inequality in landholdings that resulted from the compensation process clearly engendered a level

of divisiveness and competition between groups and individuals that worked directly against the community (and a community spirit). Undermining the communal base of interests also destroyed that which had previously maintained their community structures and organisation (including the existing systems of authority and control) and their very tribal identity. Indeed, it led to the isolation and increasing individualisation of the community itself. The difficulties inherent in seeking to resume or maintain that community interest and structure today are manifest, and probably constitute one of the greatest challenges facing Ngati Awa. It is perhaps notable in this respect that those moves that the Government has made in recent years to compensate Ngati Awa have involved the return of land for Ngati Awa as a tribal people as opposed to individuals. That in itself constitutes some recognition of where the primary damage inflicted by the Government's policies last century actually lies. Put another way, it is the loss of a tribal culture and identity that went with the loss of tribal land that is perhaps one of the most significant points to emphasise, albeit one of the most intangible to measure.

We expand on some of these issues below.

### 9.3 AGRICULTURE

Ngati Awa's formerly prosperous agricultural trade lay in tatters after the raupatu: the majority of the tribe's best cultivable land had been taken, its trading vessels lost, and its mill destroyed (the latter courtesy of Te Kooti). In 1870, W G Mair referred to 'the destitution of the Whakatane people, in consequence of their late troubles [caused by Te Kooti] and the disastrous floods of January last'. Native Minister Donald McLean visited them and promised them potatoes and flour.<sup>2</sup> Ngati Awa were reduced to subsistence agriculture. We can gain a further picture of their plight from the reports of the resident magistrates at Maketu and Opotiki.<sup>3</sup> By 1876, Ngati Awa were growing significant amounts of maize but had been hampered by severe flooding and the commitment of resources to the building of Mataatua. By 1881, however, the rebuilt mill at Whakatane was producing large amounts of grain. 'Rangitaiki' Maori, it was reported, had bought 400 sheep in 1878, and by 1879 the flock was 1000 strong. In 1885, Resident Magistrate Bush reported that there were several flocks throughout the district. But, as we have noted, Ngati Awa struggled to expand their farming

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2. Mair to under-secretary, Native Department, 27 May 1870, AJHR, 1870, A-16, p 8

3. See, for example, Brabant to under-secretary, Native Department, 25 May 1874, AJHR, 1874, G-2, no 8, p 8; Brabant to Native Minister, 1 June 1875, AJHR, 1875, G-1A, no 3, p 4; Brabant to Native Minister, 20 May 1876, AJHR, 1876, G-1, no 33, p 28; Brabant to under-secretary, Native Department, 31 May 1879, AJHR, 1879, G-1, no 15, p 18 (RDB, vol 27, pp 10,550, 10,608; vol 28, p 10,747; vol 29, p 11,467); Preece to under-secretary, Native Department, 6 June 1878, AJHR, 1878, G-1, no 12, p 11; Preece to under-secretary, Native Department, 9 June 1879, AJHR, 1879, G-1, no 6, p 4 (RDB, vol 29, pp 11,274, 11,453); Bush to under-secretary, Native Department, 30 May 1881, AJHR, 1881, G-8, no 10, pp 12-13 (RDB, vol 31, pp 11,946-11,947); R S Bush to under-secretary, Native Department, 1 May 1885, AJHR, 1885, G-2, p 10 (RDB, vol 32, p 12415)

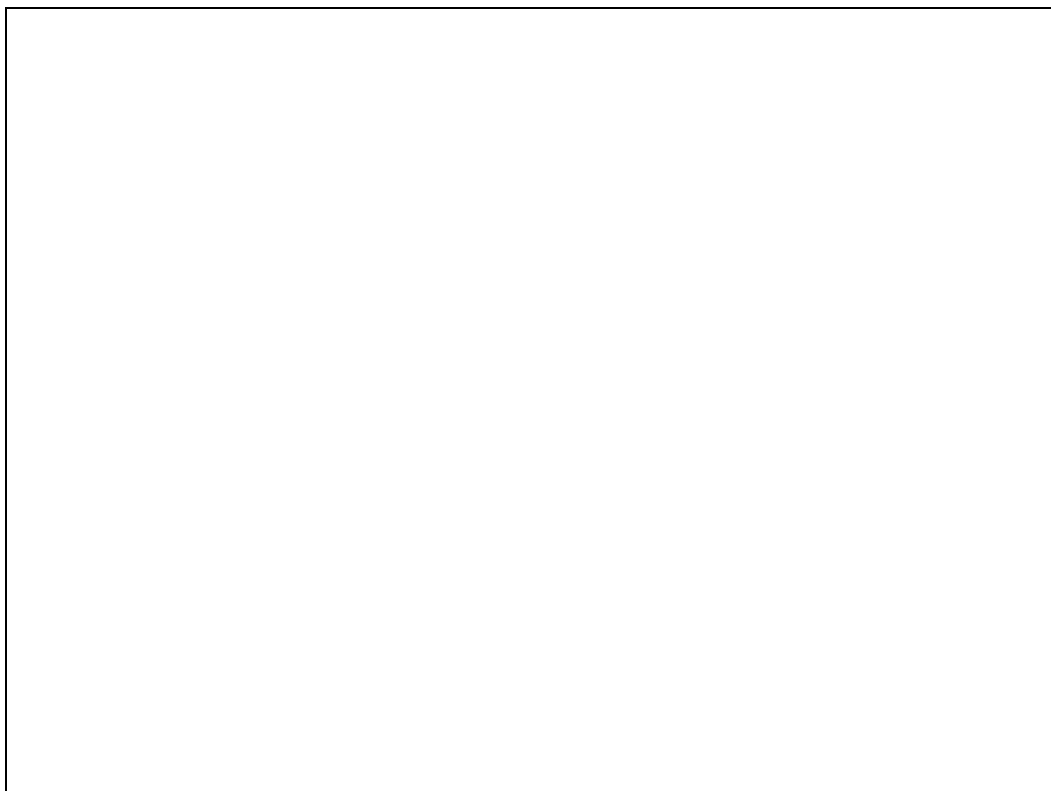


Photo 5: Canoes taking raw flax to the mill.  
Photo courtesy Whakatane District Museum and Gallery (A840-2).

operations owing to their lack of capital. And the only way that they could raise more capital was by selling or leasing land, which then further reduced the area available to them to farm.

#### **9.4 THE DRAINAGE OF THE RANGITAIKI SWAMP**

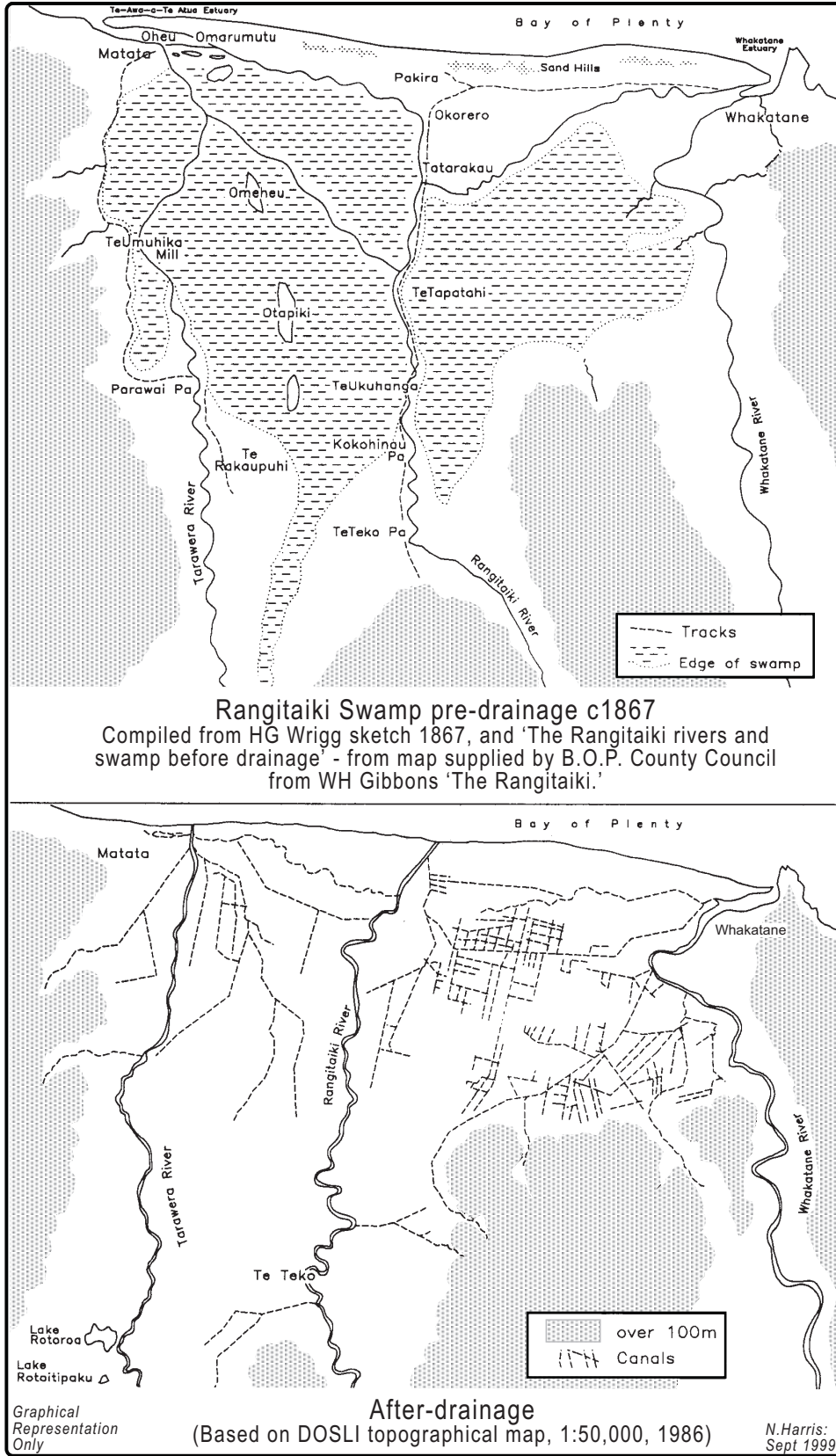
The drainage of the Rangitaiki Swamp resulted in the loss of a valuable food resource. The claimants also argued that the heavy rating required to pay for the drainage accelerated the alienation of the land.<sup>4</sup>

The Rangitaiki Swamp was basically the area bounded by the Tarawera River to the west and the Whakatane River to the east. Running through the middle was the Rangitaiki River, which had a tortuous access to the coast, and so spread across the land as it slowly seeped its way to the ocean. All three rivers, but especially the Rangitaiki, were prone to flooding, and the area had a number of lagoons, some very deep. The swamp was divided amongst the various Ngati Awa hapu.<sup>5</sup>

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4. Claim 1.1(c)

5. Document A63, p9



Map 7: The Rangitaiki Swamp before and after being drained

Although the raupatu of 1866 included all of the Rangitaiki Swamp, about half the land covered by the swamp was returned. Some of these blocks, which ranged between 10 and 50 acres in size, were along the banks of the Rangitaiki River, and there were also some larger blocks along the banks of the Whakatane River. Maori continued to live in the area, including at Umuhika, near the flour mill; at Owhataitai, alongside the Whakatane River; at Matata (with cultivations at Awakaponga); and at Te Teko.<sup>6</sup>

Before the swamp was drained, the vegetation there was mainly raupo, flax, and rushes, with ti-tree and cabbage trees on the higher ridges. The swamp provided Maori with food; in particular, eels, fish, and birds. (The drainage of the swamp uncovered the remains of many eel weirs in the old watercourses.<sup>7</sup>) The swamp also provided Maori with flax and raupo, allowed easy movement within the Ngati Awa territory, and offered a place of refuge.<sup>8</sup> The higher land in the swamp and the land along the river banks also provided places for the cultivation of kumera, potatoes, maize, wheat, and melons, and a flour mill operated at Matata before 1900.<sup>9</sup>

However, the flooding of the swamp caused many problems for the local Maori. In 1870, Donald McLean was told of the problems that recent floods caused the 'Whakatane people'.<sup>10</sup> In 1891, Maori living next to the Rangitaiki and Whakatane Rivers and at Matata lost their potato crops, and the flood rose to two and a half feet in their maize fields.<sup>11</sup>

Undrained, the swamp was completely unsuitable for farmland, because much of it was constantly wet and the rest was often flooded. At the time, there were very few Pakeha living in the area. However, in 1890 a scheme was devised to drain the land and transform it into farmland.<sup>12</sup> The swamp was surveyed and divided into sections, mostly of 500 acres. The blocks still in Maori hands at this point were excluded from the divisions. In 1891, settlers, mainly from Canterbury, came to take up their sections; the land was leased to them by the Crown either on a 999-year perpetual lease or with a tenure of occupation with right to purchase.<sup>13</sup> The Rangitaiki River land drainage district was gazetted in 1894. It comprised roughly the area between the Tarawera and Whakatane Rivers and extended from a mile north of Te Teko to the sea.<sup>14</sup> Of the 87,100 acres in the district, 31,500 acres were Maori land.

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6. In 1886, at the time of the Tarawera eruptions, there were around 500 living at Umuhika, near the flour mill: T Thorne Seccombe, 'Additional Information Concerning Umuhika Mill', *Historical Review*, vol 7, no 2, June 1959, p 46. When Bill Moore came to survey part of the swamp in 1907, he found many Maori living at Owhataitai, where they grew maize and rock and water melons, as noted in Kathleen Law, *Ruled by the Rivers: Tales of the Pioneer Days of Thornton and Rangitaiki District*, Thornton, Thornton School 50th Jubilee Committee, 1962, p 20. See also George J Murray, *The Story of the Rangitaiki*, Christchurch, Presbyterian Bookroom, 1968, p 9, and Judith Binney, *Redemption Songs*, Auckland, Auckland University Press, 1995 (who discusses the Maori living at Matata and Te Teko).

7. Murray, pp 8–9

8. Document A63, pp 8–9

9. Murray, pp 8–9, 11, 16; Law, p 20

10. Mair to under-secretary, Native Department, 27 May 1870, AJHR, 1870, A-16, p 8

11. *Bay of Plenty Times*, 13 March 1891

12. We have seen no evidence of consultation with Maori.

13. Murray, p 13

14. AJHR, 1911, C-11, p 1

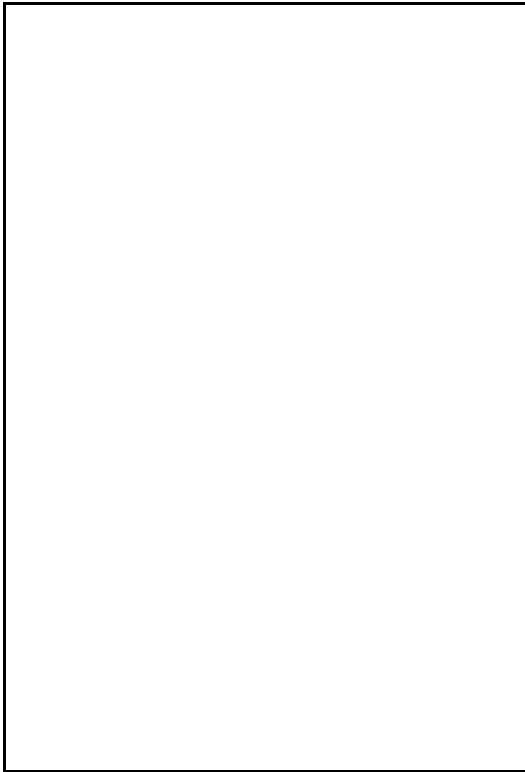


Photo 6 (left): Maori workers on the Rangitaiki Swamp drainage scheme. Photo courtesy Whakatane District Museum and Gallery (968-1).

Photo 7 (below): The drainage of the Rangitaiki Swamp, circa 1911. Photo courtesy Alexander Turnbull Library (16470¼).



Between 1894 and 1910, the settlers attempted to drain the land.<sup>15</sup> There is also some evidence that Maori attempted to drain their land and create roads during this period, and by the early twentieth century some had extensive cultivations.<sup>16</sup> However, the attempts were not successful, and in 1910 the Government took over the drainage scheme and passed the Rangitaiki Land Drainage Act. The project became a major public work, and many drains were cut through the land to allow the water to flow quickly to the sea, including, in 1914, a channel to provide the Rangitaiki with a direct outlet. In 1915, J B Thompson, the chief drainage engineer, estimated that 75 percent of the area was permanently free from flooding and workable in all seasons, although the drains needed to be made deeper before the land could be considered permanently drained.<sup>17</sup> The work nevertheless continued for many years, and 40 years later the scheme was still struggling with the flooding of the rivers. Although the quality of the land did not live up to initial expectations, the area is now excellent dairy farmland. However, the drainage meant the destruction of the lagoons and the wetlands and, with them, the food that they provided.

The claimants have also argued that the change to the way in which the Rangitaiki River drained caused the silting of the Whakatane Harbour.<sup>18</sup> A settler's suggestion that a channel be cut to allow water to drain into the Onepu hot water springs was abandoned following protests from the Maori landowners and the Government (which thought that they may become a tourist attraction). However, the claimants have provided information that the Tarawera River was later altered to make it flow through the springs.<sup>19</sup>

The claimants have argued that the drainage scheme also caused the acceleration of the alienation of the land, through public works and the heavy rating needed to sustain the scheme.<sup>20</sup> Under the Rangitaiki Land Drainage Act 1910, a rate could be levied on the settlers to defray the Government's expenses. It was based on the unimproved value of the land and came on top of the county rates, with an exception for Maori land under 50 acres that was used for Maori settlements. In 1925, the commission appointed to investigate the drainage scheme commented briefly that it believed that there were certain Maori lands that should be excluded from being levied the rate, although it did not make clear what lands it meant. In 1943, the report of the chief drainage engineer noted that there were 400 Maori properties in the district, but up until 1939 virtually none of the rates had been collected, and the amount owed was over £14,000. He also noted that the rates arrears were often more than the value of the land. The chief engineer believed that forcing the Maori to lease their properties would only worsen the problem. A compromise was reached: for

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15. Murray, p 13. Of the 57 ratepayers listed in 1902, four have identifiably Maori names. The blocks concerned were not ones that had been returned after the confiscations, so this is perhaps an indication that Maori were buying land to work on during this period: see Walter Gibbons, *The Rangitaiki, 1890-1990: Settlement and Drainage on the Rangitaiki*, Whakatane, Whakatane and District Historical Society, 1990, p 24.

16. See, for example, doc M18, pp 89, 100

17. AJHR, 1915, C-11, p 2

18. Document A41, p 4

19. *Ibid*, p 3

20. It is noteworthy that, in the early years, the European settlers could not pay their drainage rates, and this caused land sales: see Gibbons, p 103.



Photo 8: A drainage canal in the Rangitaiki Swamp with Putauaki in the background, circa 1911.  
Photo courtesy Alexander Turnbull Library (16448¼).

every year's worth of rates that were paid, another year's would be written off.<sup>21</sup> From that year onwards, a special section entitled 'Maori rating' appeared in the annual report and outlined the amount that had been collected.

Section 8(1) of the Rangitaiki Land Drainage Act 1910 stated that any land used exclusively for the purposes of native settlement would not be taken under public works legislation, 'unless its acquisition is of paramount importance to the drainage operations'. However, of the 278 acres on the western bank of the Rangitaiki River awarded to Ngai Te Rangihouhiri and Ngati Hikakino in 1867, 187 acres were taken for the drainage scheme under the Public Works Act 1908. Although they petitioned the Government, their claim has never been resolved, despite a finding in 1928 by the royal commission to inquire into confiscations of native lands and other grievances (the 'Sim commission') that they had 'not sufficient reserves for their ordinary maintenance' and a recommendation that they be compensated with land around Matata.<sup>22</sup>

There were, however, some advantages for local Maori in the drainage scheme. First, it was an important form of employment for them: both the settlers' and the Government's schemes employed local Maori. In 1914, a daily average of 110 men

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21. AJHR, 1943, C-11

22. See AJHR, G-7, 1928, p 22

worked on the drainage scheme, almost all of them Maori.<sup>23</sup> Secondly, the land that remained in Maori hands after this process was finished became much more commercially valuable.

### 9.5 EMPLOYMENT

Many Ngati Awa moved away from the tribal territory. For example, half of Patutatahi went to live on Motiti Island. For those staying, there remained scant employment opportunities in the latter part of the nineteenth century, with few Pakeha farmers settling the confiscated lands, although some work was available in road construction and flax and timber milling.

In the twentieth century, more opportunities arose – in swamp drainage, railroad construction, and the planting of the Kaingaroa Forest. From mid-century, new employment avenues opened with the establishment of pulp and paper mills and hydroelectric works. More and more Ngati Awa moved to Whakatane and other towns. In the course of a century or more, Ngati Awa were converted from a rural peasantry, with a relatively comfortable subsistence, to a rural and increasingly urban-based proletariat, largely dependent on wage-earning – or the dole.

### 9.6 EDUCATION AND HEALTH

The first local school opened in Whakatane in 1873 and by 1884 was followed by two others nearby. In that the Ngati Awa people had to contribute a substantial proportion of the costs themselves, it was obvious that they invested a considerable effort in their children's education.<sup>24</sup> The people's health was affected by various epidemics, though resident magistrates such as Herbert Brabant tried to vaccinate them where possible.

In 1881, despite an absence of epidemics at the time, deaths were still occurring, with the resident magistrate reporting the death of Wepiha Apanui and six members of his family in the previous 12 months.<sup>25</sup> By and large, however, the resident magistrates were optimistic about the welfare of the Ngati Awa people: for example, in 1885, R S Bush claimed that their overall health was improving and that drunkenness was on the decline.<sup>26</sup>

In common with other Maori, and despite a lack of statistics on a tribal basis between 1901 and 1991, the Ngati Awa population has increased markedly this century.

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23. Murray, pp 17, 35. For the 1914 figure, see AJHR, 1914, C-11, p 4: 'These Natives make excellent drainers, and are very much at home in the work, but they are very much averse to constant employment . . . it is fortunate indeed for us that this district carries such a large Native population.'

24. See H W Brabant to under-secretary, Native Department, 23 May 1873, AJHR, 1873, G-1, pp 10–11, 13; doc B16, pp 14, 16; R S Bush to under-secretary, Native Department, 8 May 1884, AJHR, 1884, sess 2, G-1, p 16

25. R S Bush to under-secretary, Native Department, 30 May 1881, AJHR, 1881, G-8, p 12

26. R S Bush to under-secretary, Native Department, 1 May 1885, AJHR, 1885, G-2, p 10

### 9.7 GOVERNMENT-ASSISTED LAND DEVELOPMENT

As noted in our final chapter, some attempts have been made to establish Ngati Awa in farming. In the early 1930s, the Native Minister, Apirana Ngata, helped establish a development scheme by purchasing 4600 acres of private land at Ohiwa Harbour and combining it with the remaining 725 acres in the Ohope reserve allotted to Ngati Hokopu and Ngati Wharepaia. In 1931, he already had over 60 young Ngati Awa (principally of Ngati Hokopu) working on the scheme clearing land, and he envisaged a day when individual farms and homesteads would be placed upon the land supporting ‘fifty young families’.<sup>27</sup> Indeed, by 1956 about half the scheme was sufficiently developed to be available for lease to individual Ngati Hokopu farmers.

However, at this stage a dispute arose about the title to the lands that Ngata had acquired for the scheme. His idea, and that apparently of Ngati Hokopu, had been that the land would pass to the tribe once the purchase and development costs had been repaid. However, in 1955 the Supreme Court held that the title remained with the Crown, and this judgment was upheld by the Court of Appeal. The Crown kept much of the land under development but also created several scenic reserves, while Ngati Hokopu cut out its own reserve area and partitioned it amongst various owners. A 2600-acre block backing on Ohiwa Harbour was eventually passed to Ngati Awa in 1990 as the Ngati Awa station (valued then at \$1.5 million).<sup>28</sup>

### 9.8 ‘TANGATA HARA’

For Ngati Awa, the effects of the raupatu lingered psychologically as well as physically. Not only were they stripped of much of their lands and their leaders imprisoned, but they were forced to live with the stigma of being seen as ‘tangata hara’, or sinners. Both the Crown and other Maori, they felt, referred to them as such. Ngati Awa have been, they said, ‘perceived to be the “baddies” in a Western movie produced by the military settlers of the 19th century’.<sup>29</sup> Ngati Hikakino and Ngai Te Rangihouhiri were viewed as the most ‘obnoxious’ and ‘lost hundreds of their members who for various reasons went to other places to live or who joined other hapu’. In order to survive, the two hapu had more or less had to amalgamate with Ngai Taiwhakaea. We heard that Ngati Hikakino today has a functioning marae at Whakatane but that ‘it has struggled to maintain the viability of the hapu’, while Ngai Te Rangihouhiri has only a ‘forlorn meeting house in a sad state of repair’ in a paddock.<sup>30</sup>

Ngati Awa also lived with the insult of much of their lands being handed by the Crown to their traditional tribal rivals, and with the pain of some hapu leaving the Ngati Awa–Ngati Pukeko confederation and realigning themselves with the Arawa canoe to escape the ignominy attached to being Ngati Awa. Furthermore, when some

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27. Ngata to Buck, 15 May 1931, 27 July 1931, *Na To Hoa Aroha*, vol 2, pp 146, 192

28. Document G7(j)

29. Document A18, p 159

30. *Ibid*, pp 156–157

land was returned to Ngati Awa by the Compensation Court and the beneficiaries to each block had to be listed, there ensued:

a scramble for shares and through the generosity of some tribes people with no right to be listed as an owner became owners overnight. The trouble with all this, however, is that the scrambles led to inter-iwi and inter-hapu friction that affected the unity of the tribe for decades. Even today questions are asked about how certain families became beneficiaries in land blocks.<sup>31</sup>

### 9.9 CULTURAL WEAKNESS AND DESPAIR

Culturally, the tribe has struggled to maintain its identity and strength, particularly amongst its youth. Kairau Ngahau of Taiwhakaea, Ngati Hikakino, Ngai Te Rangihouhiri, and Te Patuwai told us that:

I have seen many of our people today fail to observe even the most simple protocols and customs. I have seen some of our people [trample] over the tikanga that is special to us and has been laid down by our ancestors before us. I have seen our people on some occasions deny that they are Ngati Awa.<sup>32</sup>

The relative 'cultural weakness' of Ngati Awa today was touched on by other witnesses. We heard from Dr Hirini Mead and Jeremy Gardiner that 'Today Ngati Awa is unable to field a haka team whereas before the raupatu it could put up a team of at least 200 men and perform with the best of the Maori world'. Now, they added, 'Ngati Awa does not have a reputation for being strong in kawa'.<sup>33</sup> It was an admission that obviously troubled them.

Rererangi Rangihika of Ngati Pukeko referred to many of his people having 'languished in a sea of hopelessness for the last 125 years'.<sup>34</sup> This condition has led to a concomitant frustration at an inability to rectify the situation. Patrick Hudson told us that he could:

vividly recall how my mother was always telling me how my grandfather, Merito Hetaraka, felt the shame and worthlessness, as he could not fulfil his duties as a Ngati Hokopu leader to ensure the future wellbeing of his Hapu and Iwi, as a result of the loss of the 'control' of our confiscated lands.<sup>35</sup>

However, in important ways, it seems that the Treaty claim process is revitalising the tribe. Referring to census returns, where Maori record their primary tribal affiliations, the claimants asserted that:

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31. Document A21, p 13

32. Document A33, p 2

33. Document A18, pp 158–159

34. Document B19, p 4

35. Document A29, p 3

the choice of a first affiliation is a matter of perceived mana. Once Ngati Awa is able to rebuild its mana through resolution of its raupatu case the number of persons claiming Ngati Awa affiliation could well increase. Furthermore allegiances are likely to change. For example, more persons are now claiming whakapapa connections to Ngai Te Rangihouhiri than say, three years ago.<sup>36</sup>

## 9.10 WAHI TAPU AND RESERVES

To move beyond a sense of grievance, the claimants seek to recover their historical and sacred sites. Not unnaturally for an area that was once densely populated by Maori, the confiscation district is redolent with sites having intense spiritual associations for the members of the local hapu. As a result of the confiscation, most of these sites are now outside Maori ownership and are at risk. Some have been destroyed. There is some hope that those still identifiable but in private ownership may be capable of protection under the historic places legislation. In respect of those in public ownership, the hapu now seek joint management regimes.

### 9.10.1 Tuwharetoa sites

Members of Tuwharetoa took us to a number of sacred sites near to Kawerau, many of which are now at risk (some from waste disposal from the local pulp and paper mill). The sites visited ranged from Waitahanui, where Tuwharetoa grew up and was first buried, to Te Atua Reretahi, where he was subsequently reinterred. We also visited the urupa and the early habitation areas of Otukoiro, Te Kopua, and Puketapu on one side of Kawerau and, on the other, Te Hoehoe and Maruka. The latter, named for the grandson of Tuwharetoa, has been shown by archaeological excavations to have been a major occupation and gardening site. At Matata is Otaramuturangi (now threatened by erosion following a road cutting), and we were referred to a number of other sites from there to Otamarakau, where Tuwharetoa was born. There, the remains can still be found of his birthplace, the pa of his grandmother, Hine te Ariki. In the inland hill country, we were shown Whakahoro, Pukemaire, and the cave at Otari. We passed also Matatu, Huratoki, Whakaparau (on Maungawhakamana), Otuhoepu, Nokonoho, and Te Takangaoapa in the Tarawera valley and surrounding hills.

Shortly after his birth, Tuwharetoa was left in the care of his grandparents at the kainga besides Rotoiti-paku, a lake near Kawerau. This area is rich in Maori history and has special significance as the ancestral home of the Tuwharetoa people. Rotoiti-paku is fed by a warm spring that was used to calm the infant Tuwharetoa when he was crying for his mother's milk. It thus became known as Te Wai U o Tuwharetoa (the mother's milk of Tuwharetoa).

Rotoiti-paku enjoyed abundant fowl and fish life and provided the main source of food for the local people. Last century, the Tarawera River altered its course to run closer to this area. It too was a major source of food.

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36. Document A17, p 90

Today, Rotoiti-paku sits near to the Tasman Pulp and Paper mill. By the authority of the Tasman Pulp and Paper Enabling Act 1952, the mill discharged waste into the Tarawera River, killing all fish life downstream. In 1966, the Government required the mill to filter and monitor its waste-water. To this end, it built sludge ponds, which affected the lake and adjacent Maori land. The Maori evidence is that the lake and part of the land were reluctantly sold in the belief that this would enable the Tarawera River to recover. In 1971, the company built an embankment to prevent Te Wai U o Tuwharetoa from draining into the lake, which had been converted to sludge ponds. The resulting pool built up, and water leached through the embankment to adjacent Maori land, threatening the urupa.<sup>37</sup>

We were taken to the area. It is no longer habitable and the Maori land there is no longer an asset. We were advised that the Tarawera River remains polluted. It is, however, clear that the company has gone to considerable lengths to contain the problem.

### 9.10.2 Offshore islands

The islands off the coast of the eastern Bay of Plenty are significant for the wide range of hapu that once used them, including hapu outside those considered in this report. Three main groups of offshore islands dominated submissions: Whakaari (White Island), Motuhora (Whale Island), and the adjacent Nga Moutere o Rurima (the Rurima Islands).<sup>38</sup>

Whakaari is an active volcano of 23 hectares some 48 kilometres north of Whakatane, and was traditionally used seasonally for birding and fishing. It was awarded by the Native Land Court to Retireti Tapsell, the son of the early Danish trader Hans Tapsell, to whom it had been gifted in the 1840s by Apanui and Te Kepa Taihau of Ngati Awa. It is doubtful that Apanui and Te Kepa had sole title in view of the number of hapu of different descent groups that used the island, and it is probable that they intended to give no more than that which they had – a right of user – in accordance with Maori custom. The land was subsequently on sold, though Maori continued to use it. Local hapu contend that no gift was intended in European terms. Other tribes beyond the Ngati Awa group have also claimed an interest, including Te Whanau-a-Te-Ehutu, from around Te Kaha, which petitioned Parliament on the matter in 1884.<sup>39</sup> The land remains in private ownership, though it is managed by the Department of Conservation. It was mined for sulphur deposits until 1933.

Motuhora is a volcanic island of 153 hectares rising to 353 metres, five kilometres offshore from Whakatane. It is part of the thermal line of activity that runs from Tongariro through Rotorua and Kawerau, and was used by Maori for the collection of titi (muttonbirds) until as late as 1962. Gilbert Mair senior unsuccessfully attempted to establish a whaling station on the island in 1840. Hans Tapsell apparently

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37. See doc F1

38. The main sources of our information concerning Whakaari and Motuhora are documents A4, B3, M8, and M15. Much of the information contained in document A4 is also contained in document A28.

39. Document F6

‘purchased’ the land from Mair, and on this basis the Native Land Court awarded title to Retireti Tapsell. It has since been sold again. Once more, Maori contest the validity of the original transaction, while Crown researchers contend that there is no evidence that it was less than a sale.<sup>40</sup> It was purchased by the Crown in 1984 and is currently managed by the Department of Conservation.

Nga Moutere o Rurima consist of four rocky outcrops some 19 kilometres north-west of Whakatane Harbour and 6.5 kilometres offshore.<sup>41</sup> They cover over 11 hectares, and while they are unsuitable for human habitation, they are an important home for tuatara and blue penguins and the surrounding waters are rich in fish. The Maori Land Court vested the islands in 488 Maori owners in 1920. Today, the islands are managed by Ngati Awa and the wildlife by the Department of Conservation. Tuwharetoa ki Kawerau also claim customary interests in these islands.<sup>42</sup>

Of special sacred significance are the rocks Te Paepae o Aotea, near Whakaari, from where the Ngati Awa dead make their farewells. The rocks were used as targets for navy and airforce pilots until 1997, when they were declared Maori land by the Maori Land Court.<sup>43</sup>

### 9.10.3 Sacred sites – Whakatane

Kakahoroa (the Whakatane township) is important in Mataatua tradition as the landing place of the Mataatua canoe.<sup>44</sup> In fact, the town is named for Wairaka, the daughter of the captain Toroa, in memory of her famous effort in saving the waka from being washed out in the tide, and derives from her plea ‘Kia whakatane ake au i ahau’ (Let me act the part of a man). She is commemorated in a monument on the rock Turuturu-Roimata, near the landing place, and at Wairaka Marae.

Toroa constructed a whare wananga, apparently on the site of the present Wairaka Marae. A kumera garden was planted, and soil from Hawaiki was scattered over it to give it mana. The cave in the cliff overlooking the town is known as Te Ana-o-Muriwai, after Toroa’s sister. A sacred altar was erected and named Te Manuka-Tutahi. However, several rocks in or on the edge of the Whakatane River, once associated with Mataatua tupuna, have been blasted away for harbour works or left stranded within reclamations.

Following the confiscation of 1866, Whakatane was subdivided into a township, mainly for the military settlers of the First Waikato Militia. In addition, the Ngati Pikiao chiefs Te Pokiha Taranui and Rewiri Parira were awarded several lots as a reward for their military services. James Fulloon’s widow was awarded an allotment, and another was set aside for Fulloon’s grave. The Ngati Awa chief Hurinui Apanui and others received an allotment of 1½ acres, which included the Wairere Falls, but

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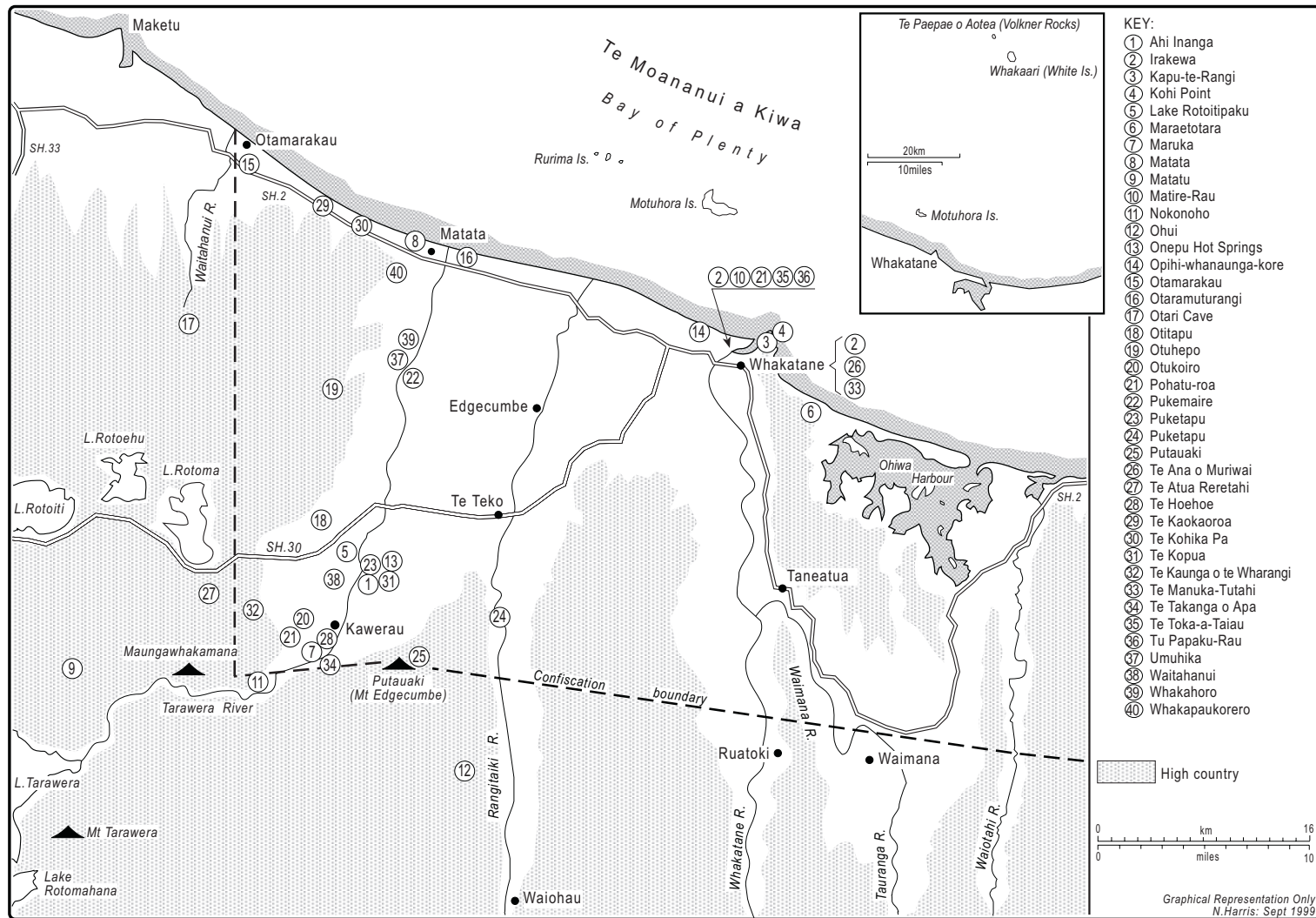
40. Document M8, p 2

41. See docs A3, M12

42. Document I9, p 2

43. See Whakatane Maori Land Court minute book 90, 1 December 1997, fols 211–213

44. Unless otherwise indicated, this section is based on document A20.



Map 8: Ngati Awa and Tuwharetoa ki Kawerau wahi tapu

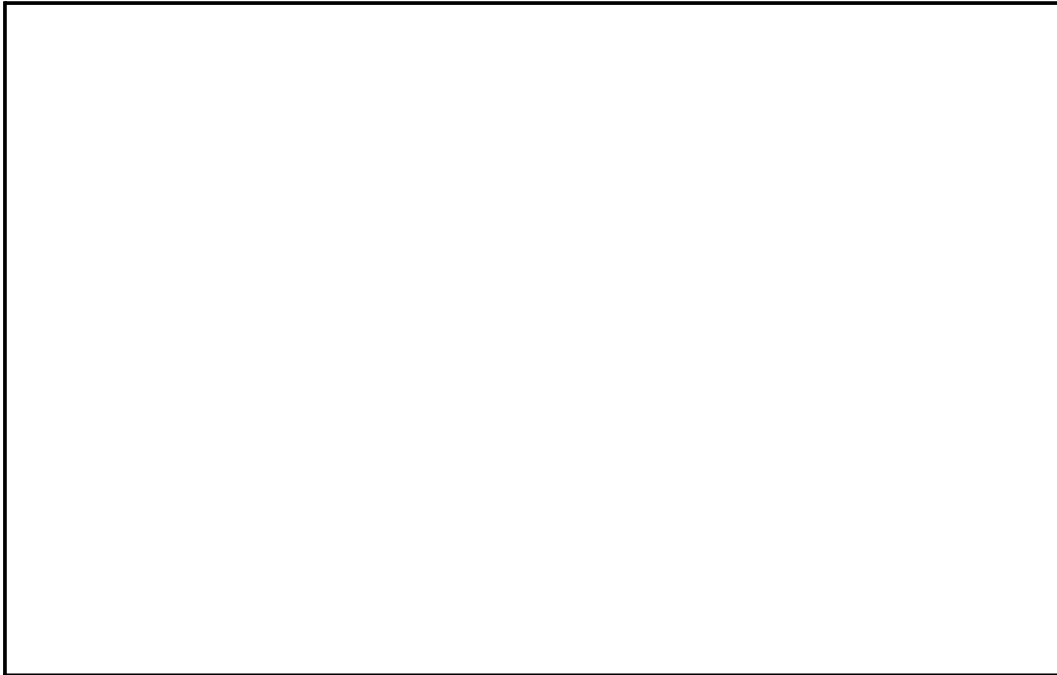


Photo 9: The Irakewa Rock before it was blasted. Little of the rock now remains.  
Photo courtesy Whakatane District Museum and Gallery (A595-2).

this land was sold in 1918. Some was later purchased by the Whakatane District Council for reserve purposes in 1969, while other parts are now in Crown ownership.

In addition, several reserves between the township and the heads were awarded to Maori. A quarter-acre fishing reserve was awarded to the Pahipoto chief Rangitukehu; the Muriwai block of some 15 acres was awarded to Ngati Pukeko; and 17 acres at Te Whare-o-Toroa were awarded to Apanui and others. These areas included the site of the current Wairaka Marae and also gave them riparian rights to the river.

A harbour board was established at Whakatane in 1913. In 1918, the board began a programme of reclamation that infringed on access to Te Whare-o-Toroa. Hurunui Apanui and 56 others petitioned Parliament in 1921 but without success. Thereafter, work continued intermittently. River access was diminished, and sacred spots such as Irakewa Rock were removed by blasting. In 1958, the harbour board, having been granted foreshore rights gradually between 1916 and 1933, began reclaiming land. This denied river access to the people of Wairaka Marae. Some of this reclaimed area is now Mataatua Park, which was given to the Whakatane Borough Council in 1972.

#### **9.10.4 Ohope**

Complaint was made also of an alleged failure to protect the native reserve of Ohope, despite the vulnerability of the people, who were reduced to states of poverty following the confiscation. Over 20 years after the confiscation, Ngati Hokopu and

Ngati Wharepaia were finally awarded 1575 acres along the Ohope beach to the western end of Ohiwa Harbour. The inalienable grant was entrusted to Apanui Hamaiwaho and seven others for 84 beneficial owners. Despite the restriction on alienation and the element of trust, about half the land was sold. Smaller amounts were taken under public works legislation. The remaining 725 acres of mainly hill country were taken into the Ngati Awa land development scheme in the 1930s and finally returned to Ngati Awa administration in 1990. We have been unable to investigate the circumstances in which the alienations were made.<sup>45</sup>

### 9.10.5 Whakatane–Ohope headlands

On the headlands known as Kohi, above Kakahoroa, there are many historical pa sites included in what are now scenic and conservation reserves. The Ka-pu-te-rangi historical reserve and Kohi Point scenic reserve, which adjoin, contain about 154 and five hectares respectively. Artefacts from these sites have been radiocarbon dated from about AD810, well before the arrival of the Mataatua canoe.<sup>46</sup> Ka-pu-te-rangi is associated in oral tradition with Toi-te-Huatahi, who is reputed to have occupied and named it.

There are many associated tapu sites that collectively represent the first phase of Mataatua's colonisation of the area. Puhi also resided there after quarrelling with Toroa before he ultimately left to found Nga Puhi in Northland. Others spread inland from Kohi to beyond Kawerau, thus giving rise to the saying 'Nga mate i Kohi me tangi mai i Kawerau, nga mate o Kawerau me tangi atu i Kohi' (The deaths at Kohi will be wept over at Kawerau and the deaths at Kawerau will be wept over at Kohi).

Despite the enormous significance of this area to Maori, and though the land was not required for military settlement, it was confiscated. As has been seen, the flat land on the east bank of the river was subdivided for the Whakatane township and that further up the river for military settlers. However, 10,000 acres of hill country running eastwards to Ohope, including the Kohi Point ridge, were not used for the purpose for which the land was or could have been confiscated in terms of the confiscation legislation. Instead, in 1886, it was handed over as an endowment to Auckland University College.

The university sold parcels of the land. Part was subsequently acquired from private owners by the Native Minister, Sir Apirana Ngata, in the early 1930s, and was combined with what remained of the Ohope native reserve to establish the Ngati Awa land development scheme. Eventually, in 1990 part of this was returned to the tribe as the Ngati Awa farm. The remainder of Kohi Point had already been gazetted in March 1969 as the Ka-pu-te-rangi historical reserve and the Kohi Point scenic reserve. Both are now administered by the Whakatane District Council.

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45. For the claimants' account, see document G7(f).

46. Document A7, pp 8–9. Document A7 is the main source of our comments on these reserves, but see also document M5.

In addition, the Ohope scenic reserve of some 489 hectares was created in 1975, after originally having been designated a recreation reserve in 1971. It is bounded by the Whakatane to Ohope highway and the Ngati Awa farm block.<sup>47</sup> It derives partly from land taken from the Ngati Awa land development block, and partly from land acquired by the Crown from private owners whose antecedents had purchased from out of the Ngati Hokopu and Ngati Wharepaia reserve.

Further, the Mokorua Bush scenic reserve of some 237 hectares was established adjacent to the eastern aspects of the Whakatane township and is bounded on one side by the Whakatane to Opotiki highway. It was gazetted as a scenic reserve and vested in the Whakatane Borough Council in 1971.<sup>48</sup> Then, in 1979, the Ohineteraraku scenic reserve was established on some 12 hectares five kilometres south of Whakatane. Included in the reserve is a historic pa, Te Pare Kawakawa, which was gifted for the reserve by a local farmer in 1980. This reserve is managed by the Department of Conservation.<sup>49</sup>

Ngati Awa are seeking the return of these reserves as Maori reservations under the Te Ture Whenua Maori Act 1993, with title vested in Te Runanga o Ngati Awa, but they seek a partnership with the Department of Conservation in the control and management of the reserves and the protection of wildlife. They claim rights to mineral resources and a right to give approval for archaeological excavation, provided that any taonga found remain the property of the runanga. All reserves derive from land confiscated for military settlements but not used for that purpose. Under the confiscation legislation, land could be taken only for military settlement purposes.

#### 9.10.6 Te Putere

A failure to protect native reserves was also claimed in respect of the Te Putere reserve, which was located eight kilometres east of Matata near the coast.<sup>50</sup> It had some higher ground adjoining the Rangitaiki River and was a valuable landing area for fishers and traders. Following the confiscation and apparently on Native Minister Donald McLean's instruction, 275 acres were set apart as the reserve for two Tuhoe hapu, Ngati Whare and Patuheuheu, which had surrendered after originally supporting Te Kooti. No title appears to have been issued, and it further appears that the land was occupied not by them but, informally, by the local Pahipoto people.

The Ngati Awa claimants maintain that this land was wrongly taken from Maori ownership. They contend that an Order in Council of 14 December 1909 declared that the land was subject to part II of the Native Land Settlement Act 1907 (which provided for land to be occupied by Maori). They claim that, subsequently, the Departments of Lands and Survey and Native Affairs colluded to make the land available for Europeans as part of the Rangitaiki Swamp drainage scheme. In December 1915, the Valuer-General provided the Native Department with a valuation of several blocks,

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47. Documents A9, M10

48. See doc M7

49. See doc M9

50. This section is based on document A6.

including the Te Putere reserve. The Under-Secretary for Native Affairs then authorised his counterpart in the Department of Lands and Survey to use a native land purchase officer to purchase individual interests in the blocks. The claimants argue that there is no evidence that the reserve was purchased. They claim that it was treated as unencumbered Crown land and was leased to European settlers, who were eventually able to freehold the land, and parts were acquired by the Whakatane District Council. We have been unable to investigate the matter at this stage.

### 9.10.7 The Rotoma and Mangaone scenic reserves

Ngati Awa also claim rights to the joint management of the Rotoma and Mangaone scenic reserves adjacent to Lake Rotoma and near the Rotorua to Whakatane highway. The basis for that claim would appear to be not only that the reserves include historical sites and ancient pa of the Ngati Awa people but that they derive largely from land originally confiscated for military settlement in terms of the confiscation legislation but clearly unsuited for that purpose. The difficulty here is that Te Arawa and Tuwharetoa hapu also have customary interests in this area. The reserves are managed by the Department of Conservation.<sup>51</sup>

### 9.10.8 Putauaki

We have already referred to Putauaki, the sacred mountain of Ngati Awa and Tuwharetoa ki Kawerau.<sup>52</sup> Other descent groups also claim customary associations with this mountain. In 1879, a Ngati Awa committee identified five burial caves there. Te Niho-o-te-kioire (the Rat's Tooth), near the base of the mountain, is the burial place of Rangitukehu's daughter, who died some years before the raupatu.<sup>53</sup> Some of these wahi tapu are now covered in exotic pines. In recent years, Tuwharetoa ki Kawerau have regathered skeletal remains and sealed off some urupa.<sup>54</sup>

Putauaki was bisected by the confiscation line. Under sections 3, 4, and 6 of the Confiscated Lands Act 1867, part of the confiscated northern half was returned under trust for 86 grantees of Te Pahipoto and Nga Maihi. Most of this land was still held by Maori when, in the mid-1960s, it was incorporated into the Tarawera Forest scheme. The same happened to the area that was not confiscated. It was awarded by the Native Land Court in three divisions – one of which was acquired by the Crown – but all the blocks passed into the forest scheme.

The Tarawera Forest scheme was an arrangement whereby the Tasman Pulp and Paper Company Limited, the Crown, and Maori owners joined their lands in a plan to develop a 60,000-acre pine forest. The lands of each passed to Tarawera Forests Limited, and each received shares in proportion to their contributions in land or cash.

51. See docs A10, M6, M11

52. Ngati Awa say that Putauaki is the symbol of their tribe alone: see doc B7, p 3. However, Tuwharetoa ki Kawerau, though not claiming exclusivity, say that it is 'recognised as a symbol of identity for the iwi': see doc 17, p 9.

53. Document B8, pp 27–28

54. Document 17, pp 23–25

In the result, Putauaki passed into the ownership of a private company in which Maori now have shares. The Maori claimants dispute the validity of the original transaction. Ngati Awa claimants also dispute that they agreed to the inclusion of the mountain in the scheme. They seek Government assistance in recovering the mountain as a Maori reserve.<sup>55</sup> This matter will resurface when the Tribunal hears the Tarawera Forest claim.

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55. See doc B25