

# MAORI AND GOLDFIELDS REVENUE

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## MAORI AND GOLDFIELDS REVENUE

**Abstract:** *When gold was first discovered, the Crown accepted that it needed Maori consent to open their land for mining and had to assuage fears of losing their land. Accordingly, officials devised agreements to protect Maori interests and to provide a financial return. Because of what had occurred in other countries after goldfields opened, both Maori and the government agreed that these must be well controlled. Over time, the regulations increasingly favoured the mining industry rather than the original landowners, who were not informed about the true value of their land, auriferous or otherwise. Maori were confused about their financial entitlement because of changes made by the government to the fees payable to them.*

*Some rangatira, most notably Wirope Hoterene Taipari of Ngati Maru, saw a chance to obtain unexpected (and unearned) wealth, as shown by his insistence on opening Thames to miners despite the opposition of most of his hapu. Later, other rangatira wanted to open Ohinemuri and other potential fields because of the money they were promised by impatient miners and by more patient officials. For a brief time, some Maori considered controlling the potential Ohinemuri goldfield themselves. The main incentive to opening land was the wealth received by landowners during the early days of the Thames goldfield, but as mining faded later so did goldfields revenue. Changes to mining regulations diminished the amount distributed to Maori in ways that some Pakeha considered unfair, and these provoked complaints from Maori.*

*A continuing problem for officials was to ensure that revenue was allocated to the right owners. The system was complex, resulting in delays in paying money and in some Maori obtaining too much and others too little (or none at all), an outcome often resulting from rangatira distributing it as they chose rather than caused by government officials, who did their best to ensure fairness. Over time, the government unilaterally made changes to the system. For their part, miners complained about being required to pay for the right to mine, and encouraged the government to acquire the freehold of goldfield land because miners' rights on Crown land were one-quarter the cost of those on Maori land.*

*The revenue received by the landowners soon slipped through their fingers, sometimes in traditionally competitive gatherings such as tangi. It can be argued that Taipari, who very shrewdly adapted to the new economy*

*(and experienced its perils, becoming bankrupt in 1870), used his income not just to give himself a luxurious lifestyle but also to boost the mana of his hapu. The government has been blamed for not insisting that revenue be protected for the use of future generations, a concept that occurred to only a few Pakeha at the time and to no Maori; far from considering the interests of their descendents, cultivating the land decreased while this revenue was received. But due to the nature of mining, by the twentieth century the landowners were lamenting the serious decline in their income from this source; despite having sold so much of their goldfield lands, some complained at not receiving any more revenue.*

*Evaluating the outcome, the Waitangi Tribunal indulged in some counter-factual history by suggesting that the government should have encouraged rangatira to set up trusts to protect the income for future generations, but no rangatira had suggested this idea, nor did they ask that they should manage goldfields jointly with the Crown. After imagining that Maori in partnership with Pakeha capitalists could have developed the goldfields without the involvement of the Crown, the Tribunal had to accept that the outcome would have been the same: loss of money (because apart from anything else mining could not remain payable indefinitely) combined with the loss of much of their land.*

## RELUCTANCE TO OPEN LAND FOR MINING

The Waitangi Tribunal has ruled that ‘gold, apart from land, was not considered a taonga in Maori culture. On the other hand, land and control of access to land were highly valued, and the importance of gold and other minerals in the commercial economy was quickly understood’.<sup>1</sup> Rangatira feared that, if they permitted mining, they would lose their land, as illustrated by the recollections of Charles Ring, the first person to discover gold in New Zealand, at Coromandel in 1852. After his initial discovery, he was required by the government to undertake further explorations to determine the extent of the gold-bearing country. After finding more gold at Tiki, south of the future Coromandel township, he continued down the coast to Manaia.

There he had some trouble with the natives, as reports had gone about among them that he was stealing the gold and sending it to

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<sup>1</sup> Waitangi Tribunal, *The Hauraki Report* (Wellington, 2006), vol. 1, p. xxix.

the Governor. On his arrival at Manaia, about four p.m., he went to the pah and saw the chief, Paraone, parading up and down the pah armed with a double-barrelled gun and two cartouche boxes, one in front and one behind. This man was supposed to be a clergyman, and Mr Ring called out to him, in a laughing fashion, that he did not know there were any soldiers there before. He replied, "It was quite true there were soldiers and policemen too, as the pakehas were going about stealing the natives' gold, and sending it to the Governor." Mr Ring tried to reason with him, and said he wanted a horse and some *kai*. After having got some food he again tried to reason with the chief, and prove to him how foolish he had been. Mr Ring then asked if he could prospect over his land. He replied "No, no; I will allow no one to prospect over my land. My people are out looking for you, and I have built a house down by the river, which I will show you in the morning." Finding he could do nothing with the irate old chief, Mr Ring wrapped his rug round him, and lay down for the night. Shortly after he had retired he heard a great korero [discussion] going on. On inquiry he found that the search party out for him had returned, and that their mission had been to catch him prospecting.

After breakfast next morning, when Mr Ring was ready to start, Paraone said, "I will show you what I would have done with you if my people had caught you digging my gold." They then proceeded together down to Manaia Creek, where the boat was lying to take Mr Ring across. On the bank of the river was the beautiful little raupo whare (whareherehere) [prison]<sup>2</sup> intended for him. In the centre of the whare was a block of wood sunk in the ground. Attached to this block was a boat chain caught in the middle by a large staple, leaving about six feet of chain on the lock side, with a padlock on each end. Paraone said to Mr Ring, "This was intended for you and your man (John Johnson). Now let the Governor come and take you if he can." Mr Ring then wished Paraone and his people good-bye, and crossed the river. When he got half a mile away on the road to the Tiki, it struck Mr Ring that the Maoris would not be on the look out for him that day, so he and his man turned round and made a dash for the bush again. He then proceeded a good distance up the gully, crossed the Manaia Creek, and again commenced prospecting for gold. The first dish he washed gave a good prospect. While thus engaged he kept Johnson on the look-out, fearing the Maoris might follow them. They lay in the bush all night, coming back to Coromandel next day.<sup>3</sup>

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<sup>2</sup> P.M. Ryan, *The New Dictionary of Modern Maori* (Auckland, 1974), p. 55.

<sup>3</sup> *New Zealand Herald*, 19 October 1895, Supplement, p. 1.

Ring intended to go to Thames, 'but hearing the natives were in great strength, he came to the conclusion that it would not be prudent to go there at that juncture'.<sup>4</sup>

### SEEKING TO MAKE MONEY FROM MINING

Under English law, as the historian of New Zealand gold mining has pointed out, the fact of Maori owning the land gave them 'no claim to the gold located there, but the government wisely appreciated that legal subtlety would appear to the chiefs as a breach of the Treaty of Waitangi'.<sup>5</sup> The Crown's prerogative right to the 'royal metals' of gold and silver continued to exist, and continues to exist, but has never been enforced.<sup>6</sup> When the Waitangi Tribunal was asked to rule on whether the Crown was correct to claim ownership of these minerals 'in the national interest' and to control the mining industry, it accepted there were 'good reasons why precious resources should be under public ownership or control, and by and large we are sympathetic to the Crown's position'. As 'gold was manifestly not a traditional taonga, we do not consider that Maori claims to ownership of gold *separately from the land in which gold is found* are so strong as to warrant making an exception for Maori as to the applicability of the royal prerogative'. It was reasonable that gold mining 'should be regulated', and noted that the Crown had 'curtailed its prerogative right of access by accepting that Maori consent was necessary to open new areas of Maori land to mining'.<sup>7</sup>

As in England, 'though the Crown owns the royal metals it cannot enter upon the land of its subjects to win them except by consent'.<sup>8</sup> In 1853, William Swainson, Attorney General from 1841 to 1856,<sup>9</sup> explained to intending colonists that, in New Zealand,

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<sup>4</sup> *New Zealand Herald*, 26 October 1895, Supplement, p. 1.

<sup>5</sup> J.H.M. Salmon, *A History of Goldmining in New Zealand* (Wellington, 1963), p. 28.

<sup>6</sup> See J.C. Parcel, *A Thesis on the Prerogative Right of the Crown to Royal Metals* (Wellington, 1960), in particular pp. 72-73.

<sup>7</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, pp. 549-550.

<sup>8</sup> Chas. E. MacCormick, Chief Judge of Native Land Court, 'Report on Petitions relating to Hauraki Goldfields', 28 June 1940, *AJHR*, 1940, G-6A, p. 4.

<sup>9</sup> See *Cyclopedia of New Zealand*, vol. 2, pp. 93-94.

the gold was discovered, not, as in the Australian colonies, upon the land of the Crown, but upon that of an armed native race, jealous in the extreme of their territorial rights.

By the treaty of Waitangi, the Crown guaranteed to the natives of New Zealand the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties; but by the same treaty, the natives, on the other hand, ceded to the Crown of England all the rights and powers of sovereignty which they had, or which they might be supposed to possess. It would no doubt therefore be held by English lawyers that the Crown, by virtue of her Majesty's sovereignty over the islands of New Zealand, was entitled to all gold in its natural place of deposit, though found on the lands of her Majesty's native subjects. But it was at the same time equally certain that the practical assertion of that right would be viewed by the natives of New Zealand as a violation of the terms of the treaty.<sup>10</sup>

Therefore, particularly in the first goldfields, whenever mining on Maori land was proposed the government had to make an agreement with the owners, although increasingly it used the justification of the Crown prerogative to justify taking away any vestiges of control over mining that Maori had retained.<sup>11</sup>

Whenever hapu agreed, reluctantly or otherwise, to permit mining, they sought to maximize their income from this use of their land. As early as 1845 Ngati Maru had become aware of the opportunity for making money from minerals, for these were explicitly mentioned in a deed conveying land and its resources to a Pakeha.<sup>12</sup> When the *New Zealand Herald* called, in 1865, for a 'geological and mining survey of the Thames Valley, and the mountain ranges from Cape Colville to Matamata', it responded to concerns about 'the unsettled state' of this region. 'Those best acquainted with the district now assert that the natives are not only willing to have their lands "prospected," but are desirous of disposing of the fee simple of any discovered metalliferous ground'.<sup>13</sup> (No evidence was given of this alleged willingness to give up their land.) Two months later, it was

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<sup>10</sup> William Swainson, *Auckland, the Capital of New Zealand, and the Country Adjacent: Including some account of the gold discovery in New Zealand* (London, 1853), p. 93.

<sup>11</sup> *New Zealand Parliamentary Debates*, vol. 373, p. 2497 (18 August 1971); Robyn Anderson, *Goldmining: Policy, Legislation, and Administration: Rangahaua Whanui National Theme N* (Wellington, 1996), pp. 1-3, 64-66, 93-94.

<sup>12</sup> Anderson, p. 8.

<sup>13</sup> *New Zealand Herald*, 11 March 1865, p. 4.

reported that a prospecting party had visited 'the Thames district' and found 'gold in detached portions of quartz in the creek'. The prospectors had obtained the consent of the Maori landowners, 'who are sufficiently alive to their own interests to know that in proportion to the quantity of the precious metal discovered, in the same ration will the value of their land be increased'.<sup>14</sup> Which most certainly did not indicate a desire to give up their land.

As financial considerations were important to the owners of gold-bearing land, the authorities were careful to assure them of the benefits they would receive. For instance, economic incentives were emphasized when a meeting was held at the Maori settlement of Taupo, on the Firth of Thames, in June 1867 to encourage opening Thames to mining. John Williamson, then Superintendent of the Auckland Province, said that all Pakeha

should be indeed sorry if our coming here should make you worse than when Captain Cook found you. Our desire is that you should become a better and greater people than he found you. Believe us, then, that we have come here to do you good. Do not be suspicious of us.... New Zealand is a very rich country, but we must work together to bring the riches forth, that we may enjoy them. The ground is full of riches, but we must cultivate to obtain these; the gold is in the hills and in the valleys; but we must dig for it.

After referring to the 'rich treasures' found at Coromandel, he turned to Thames.

We know - I have been told by Europeans and by Maoris - that a great deal more of that lies hidden in the Thames district. Why should we not unite to dig it up? Why should these treasures lie hidden there while we have strong arms to bring them up, that you may buy clothes, and have comforts for yourselves and your children? If we unite together in this way we shall have treasures and riches, become a great people, and have everything that the heart can desire.

He assured them that Pakeha wanted not their destruction but their prosperity, and urged them to plant crops and to trade with Auckland once more, called for better understanding between the races, and concluded that 'our children will derive the advantages of that state of things which I trust

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<sup>14</sup> *Daily Southern Cross*, 31 May 1865, p. 4.

is now beginning to open to us. Help me and I will help you'.<sup>15</sup> The Waitangi Tribunal commented that this and similar promises, 'to European officials essentially rhetoric rather than solemn undertakings, probably helped to persuade Maori to enter into formal gold-mining cession agreements'.<sup>16</sup>

Some rangatira responded to Williamson with talk of 'peace and union', but rangatira from Thames had been unable to attend because of stormy seas,<sup>17</sup> and they would require guarantees about financial returns in addition to his fine words. Behind all the arguments over rights to mine, regulations controlling mining, and the income to be received by landowners, there was an underlying conflict between the Maori desire to retain their land and the Crown's desire to own the goldfields to facilitate prospecting, reduce administration costs, and end the argument over who owned the gold.<sup>18</sup>

### INITIAL REGULATIONS AND PAYMENTS

When gold was found in Coromandel in 1852, no laws had been formulated to regulate a goldfield. The Waitangi Tribunal, though generally critical of the Crown's treatment of Hauraki Maori, was aware of the historical context and the need for well-administered goldfields:

The first significant discovery of gold at Coromandel occurred only three years after the great California rush of 1849 and a year after the onset of the Australian gold fields. There was much lawlessness, especially in California, where lynch-law and rioting were common and the authorities struggled for control. Ballarat in Victoria is remembered for the fight at Eureka stockade in 1854....

In the light of these events, the authorities in New Zealand were concerned about how to manage a major strike of gold, especially if it took place on Maori land.<sup>19</sup>

The tribunal believed that 'Crown officials and Maori alike were genuinely concerned about the likely influx of a large, itinerant, and

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<sup>15</sup> *Daily Southern Cross*, 5 June 1867, pp. 3-4.

<sup>16</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 551.

<sup>17</sup> *Daily Southern Cross*, 5 June 1867, p. 4.

<sup>18</sup> Paul Monin, *This is My Place: Hauraki contested 1769-1875* (Wellington, 2001), pp. 144-145.

<sup>19</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. 283.

turbulent mining population and how best to manage it'.<sup>20</sup> 'Following the gold rushes in the South Island, there was a real likelihood of a rush on Coromandel. It was reasonable for the Government to seek the right to control prospecting and mining'.<sup>21</sup> Consequently, over several decades legislation established goldfield laws and sought to improve them,<sup>22</sup> but with 'very limited consultation with Maori'.<sup>23</sup> A variety of methods of paying Maori owners were devised between 1852 and 1891;<sup>24</sup> in all of these 'the over-riding economic constraints saw governments under strong pressure to create conditions favourable for attracting miners and investors'.<sup>25</sup>

In 1852, after the discovery of gold at Coromandel it was clear to the authorities that Maori would have to be consulted. In the words of the Lieutenant Governor, 'the greatest prudence and circumspection will be required', for in the Auckland Province there were 60,000 Maori as against 12,000 Pakeha.<sup>26</sup> Faced with this reality, the executive council decided not to assert its prerogative right:

Although the Crown is entitled to all gold wherever found in its natural state the Council is unanimously of the opinion that it would be inexpedient to attempt fully to enforce Her Majesty's Prerogative Rights in the case of gold found on Native land because it would be impossible to satisfy the owners of the particular land in question - or the Natives of New Zealand generally, that such a proceeding on the part of the Government is consistent with the terms of the Treaty of Waitangi which guarantees to them the undisturbed possession of their lands, estates &c.

Whilst not wanting to create the impression of infringing the treaty, the council was not willing to permit the landowners to usurp the powers of the Crown by managing the field themselves. In return for agreeing to government control, they were to receive 'a fair proportion of the proceeds of the license fee to be imposed'; one-third of a monthly fee of 30 shillings was

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<sup>20</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. xxix.

<sup>21</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. xxx.

<sup>22</sup> For a summary, see Waitangi Tribunal, *The Hauraki Report*, vol. 1, pp. 283-286; vol. 2, pp. 561-566.

<sup>23</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 284.

<sup>24</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, pp. 553-554, 556-557.

<sup>25</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 554.

<sup>26</sup> Robert Wynyard to George Grey, 25 October 1852, cited in Anderson, p. 9.

suggested. A list would be made of the ‘owners of the soil’, whose interests would be protected from ‘hostile claimants’ seeking their land and from ‘unauthorized persons’ working on it. All miners, whether Maori or Pakeha, were to hold a license, issued by the government, and the only role proposed for Maori was to be appointed constables with power to maintain order and prevent trespass.<sup>27</sup>

As would happen when future goldfields on Maori land were proposed, a meeting took place between officials and local iwi in late November 1852. Amongst those attending were Taraia of Ngati Maru, Te Moananui of Ngati Tamatera, and Hohepa Paraone of Ngati Whanaunga, all of whom would participate in the 1867 debate about whether to open Thames.<sup>28</sup> Agreement was reached with three tribes, Ngati Whanaunga, Ngati Paoa, and Patukirikiri, to open about 10,000 acres for mining. This land was leased, not sold; the owners were ‘free to dig gold on their own land, without payment to Government’, but all others, Maori or Pakeha, were to pay a license, the owners promising to report anyone working without a license. The annual license fees to be paid by the government were £600 for fewer than 500 miners, £900 for from 500 to 1,000, £1,200 for from 1,000 to 1,500, and £1,400 from 1,500 to 2,000, ‘and so on in the same proportion’.<sup>29</sup> A later historian of mining compared the ‘moderation’ of these fees with the £2 per miner per month then imposed in Victoria.<sup>30</sup> It had earlier been planned to offer higher fees, but the Lieutenant Governor had become convinced by George Grey that, if Maori received too much money, it would lead ‘to idleness tending to vice and disease’. But as the sum was admitted to be ‘insignificant’, there would be an additional two shillings tax on every license.<sup>31</sup> Under pressure from the mining community, the latter was quickly dropped: instead, fees were to be levied only when a prospector registered his claim.<sup>32</sup>

Such pressure was to cause the government to side with miners’ interests against Maori interests on this and all subsequent goldfields. In

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<sup>27</sup> Minutes of Executive Council, 19 October 1852, cited in Anderson, pp. 10-11.

<sup>28</sup> Anderson, pp. 11-12.

<sup>29</sup> ‘Agreement of 1852 between the Government and Native Tribes for the management of Gold Fields on the Thames for the term of three years’, *New Zealand Gazette*, 22 November 1861, p. 303.

<sup>30</sup> R.A. Loughnan, *The First Gold Discoveries in New Zealand* (Wellington, 1906), p. 4.

<sup>31</sup> Anderson, pp. 12-13.

<sup>32</sup> Anderson, p. 14.

Coromandel, that meant ignoring illegal prospecting on Maori land and increasing the pressure on owners to open new areas to mining, usually by offering financial inducements to rangatira showing a willingness to breach the widespread resistance to Pakeha encroachment. For their part, Maori soon found the Coromandel arrangements to be inadequate. In April 1853 Paora Te Putu, the principal owner of Tokatea, on behalf of most of Ngati Tamatera proposed that four shillings per month be paid for each miner at work and that the government should make additional payments proportionate to the quantity of gold extracted. Discussions on these proposals did not reach any conclusion because another rangatira demanded another system of payment.<sup>33</sup> No government accepted the concept of payment by output, which would have greatly increased the return for the owners of the land, whether Maori or Pakeha, as this first goldfield proved. By the time mining ended at Coromandel in mid-1854, possibly £11,000-worth of gold had been extracted; the landowners may have received £50 for opening the field.<sup>34</sup> While this could be seen as very unfair, in that Maori owners received little when considerable quantities of gold was found, Maori also received revenue from miners' rights even when no gold was found. Miners spent much money and labour opening up mines that proved to be worthless; and most initial claims in most mining districts proved to be worthless.

The Crown, in its submission to the Waitangi Tribunal, pointed out that landowners received payment not only for the number of individual miners working but also for syndicates and companies required to take out miners' licenses 'equivalent to the number of claims their lease covered'. When mining declined in the 1880s, the government eased financial pressure on companies by increasing the size of claims.

In the heyday of the system, from 1869 to the mid-1870s, Maori owners were effectively securing lease revenues at the rate of £6 per acre, comprising the £3 rent plus £1 miner's right for each claim. This was a high return for the lease of ground, compared with the few pence (or at most, a few shillings) per acre otherwise paid for the lease of rural land. In addition there were payments for residence and business sites in the townships, and for such items as timber and water races.<sup>35</sup>

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<sup>33</sup> Anderson, pp. 14-15.

<sup>34</sup> Anderson, pp. 15-16.

<sup>35</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 555.

In all the arrangements, government officials attempted to prevent Maori from learning the real value of any of their lands on which minerals had been found in order that it could be bought or leased more cheaply. James Mackay, who arranged many land sales in both islands, was blunt when writing in 1873 about a purchase of a block of auriferous land in the South Island. These lands 'had been completely sealed to the colonists prior to the purchase, as any attempt to ascertain their worth would, in all probability, have induced the natives to attach a value to the lands which would have precluded their sale'.<sup>36</sup> In 1872 and 1873 Mackay asked prospectors to keep their finds at Hikutaia and Whangamata secret because he was negotiating to purchase these areas.<sup>37</sup>

In January 1862, at Ngatuihi in the Taitapu district, there was the only discovery of gold on Maori land in the South Island. The landowners objected to Pakeha working there before an agreement had been reached giving them the same level of revenue as that received by the Crown on the other Nelson fields.<sup>38</sup> James Mackay, then Assistant Native Secretary, intervened:

Seeing the probability of a serious misunderstanding arising if Europeans were permitted to occupy the native lands previous to some definite and binding arrangement being entered into with the owners thereof, I immediately issued notices cautioning Europeans from mining for gold within the district of Taitapu, and informed them that by occupying lands over which the Native title had not been extinguished they would render themselves liable for a penalty of any sum not exceeding £100 or less than £5.<sup>39</sup>

Mackay met with members of Ngati Rarua, whose conditions for opening the field were that all working the land, whether Maori or Pakeha, should pay an annual license fee of £1. Two rangatira were to receive this revenue, to be divided amongst their relatives and other landowners. Ngati Tama and Te Atiawa, who had possible interests in the land, were not

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<sup>36</sup> Cited in Anderson, p. 19.

<sup>37</sup> James Mackay to Superintendent, Auckland Province, 9 January 1873, Auckland Provincial Government Papers, ACFM 8180, 125/1873; James Mackay to Dudley Eyre, 8 January 1873, ACFM 8180, 276/1873, ANZ-A.

<sup>38</sup> Anderson, p. 20.

<sup>39</sup> Cited in Anderson, p. 21.

consulted,<sup>40</sup> a foretaste of the treatment of 'Kingite' Maori in the North Island.

This model of an annual payment for all working on the field was applied to the Hauraki district when mining revived there in late 1861, after Pakeha prospectors found more gold at Coromandel. As the area was still Maori land, until the government could buy it, as demanded by mining interests, terms for permitting mining had to be negotiated. At the beginning of November that year, according to James Mackay, Donald McLean obtained approval to mine from Cape Colville to the source of the Waihou,<sup>41</sup> even though he had not consulted all those living in these districts. The model adopted at Taitapu in the South Island, whereby all who prospected or mined had to pay an annual license fee, was the model for the final Coromandel agreement of 1862. Anderson has pointed out that, while this system 'was acceptable to Maori because it implied that the land would return to them', it was not suited to the longer-term requirements of quartz mining. Under continual pressure to give greater security to miners and investors, the government soon introduced longer-term leases. When licensed holdings and special claims replaced the earlier, and smaller, claims based on holding miners' rights, and new fees were imposed for residence, business, and machine sites and other uses of the land, there was 'considerable confusion about what was due to Maori right-holders'.<sup>42</sup>

Donald McLean, who negotiated on behalf of the government, was instructed to ascertain from the principal rangatira a suitable boundary within which prospecting would be permitted:

The Government will be quite prepared to enter into some fair arrangement, either with associated *hapus* within the boundary, or with separate *hapus* if such association be impracticable, for the permission required. The Natives should be distinctly assured that such an arrangement would be independent of any question as to the sale of the land itself. If you should find that a disposition to sell really exists, you will of course lose no time in entering into the necessary negotiations.

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<sup>40</sup> Anderson, pp. 21-22.

<sup>41</sup> *Thames Advertiser*, 8 May 1896, p. 3.

<sup>42</sup> Anderson, p. 22.

As this disposition was not anticipated, an arrangement would have to be negotiated. The government had been told that the owners would permit mining,

provided the Government does not issue gold licenses itself. You will carefully explain to them that by the laws regulating the issue of Licenses and Miners' Rights in proclaimed Gold Fields, the Government has no power to issue Licenses under the Gold Fields Acts within Native Land, and that they need therefore be under no apprehension of any infringement of their rights. At the same time it will be your duty earnestly to advise them to consent to placing the district under the supervision of Government.... You should point out, that in the event of prospecting being really successful, and a large number of persons being consequently attracted to the district, it would be indispensable that police and other regulations should be established for the maintenance of order, and for the prevention of any collision between the races.... The Natives are probably aware that a fixed duty of 2s 6d per oz. is levied on the export of gold. The application of that revenue is limited by law, and it is not possible therefore to make any appropriation of it towards such an arrangement as is contemplated with the Natives. But it appears to the Government that, for the present at least, an equitable basis for that arrangement would be, that the Natives should receive out of other funds, for the permission of prospecting, a sum which should bear a proportion to the total amount of gold revenue collected in the district during a given period. You are authorised therefore to treat with them either on that basis, or (if you find that impracticable) then on the basis of a fixed annual payment, or as a last resource, of a sum for the present year so as to allow exploration to proceed without further delay.<sup>43</sup>

McLean held a meeting with 'the most numerous and influential proprietors'<sup>44</sup> on 2 November 1861, at which he was assured that 'every facility would be afforded to parties searching for gold within their territories, if only, in the first instance, they gave notice to the Native proprietors of their intention to do so'. According to McLean, the owners expected a goldfield would mean 'a readier market for their produce, enhancing the value of their property, and yielding them an immediate

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<sup>43</sup> William Fox to Donald McLean, 14 October 1861, *New Zealand Gazette*, 22 November 1861, pp. 300-301.

<sup>44</sup> Donald McLean to Minister for Native Affairs, 14 November 1861, *New Zealand Gazette*, 22 November 1861, p. 305.

revenue, should gold be found in any considerable quantity'. No final agreement on payment for the use of their land had been made because so little gold had been found; the owners were quoted as being content to continue the 1852 agreement or to make a new one 'for an equitable proportion of the yield of gold, or some equivalent in money upon a scale to be fixed hereafter between themselves and the Government'.<sup>45</sup> Had this proportionate deal been struck, Maori owners (and future Pakeha purchasers of Maori land) would have received far more money than that obtained from the annual license system adopted. The owners were to point out their own boundaries, and all their cultivations, graves, and other sacred places were to be respected. McLean then commented on the prospects for future relations:

From the disposition evinced by the Natives, I am satisfied that, as a body, they will not throw any serious obstacle in the way either of prospecting or working the Coromandel gold-fields, if they are treated with a just consideration for their prejudices and customs, and with an equitable recognition of their rights as proprietors of the soil. Care, however, should be taken that the opening of the gold-fields which they have so readily granted may not involve them in difficulties with Europeans, in the event of any large influx of people to the diggings; and their co-operation with the Government should be fully reciprocated, by affording them ample security and protection against violence or ill-usage to which they might be exposed by sudden contact with strangers unacquainted with their language and habits.

To provide such security and protection, it is most essential that a magistrate should be appointed to that district without delay. Such an officer would be readily aided by the Chiefs, and by a Native police, in maintaining order.<sup>46</sup>

This interim arrangement simply stated that 'if gold should really be found in considerable quantities, then we will make terms with the Government for the regular working of such gold'.<sup>47</sup> The agreement explicitly guaranteed the continued ownership of the land by Ngati Paoa, Ngati Whanaunga, and Ngati Patukirikiri; the Koputauaki block, owned by

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<sup>45</sup> Donald McLean to William Fox, 7 November 1861, *New Zealand Gazette*, 22 November 1861, p. 301.

<sup>46</sup> Donald McLean to William Fox, 7 November 1861, *New Zealand Gazette*, 22 November 1861, p. 302.

<sup>47</sup> Agreement of 2 November 1861, *New Zealand Gazette*, 22 November 1861, p. 302.

Paora Te Putu was, in accordance with his deathbed wish, reserved for Maori miners.<sup>48</sup> As Paora's land was believed to contain the most valuable part of the reef, Pakeha were soon trying to force its opening, even surreptitiously mining there at night. In response, Te Hira, a leading Ngati Tamatera rangatira and Paora Te Putu's nephew, a supporter of the Maori king, and for many years the person who would prevent the opening of Ohinemuri to miners,<sup>49</sup> strengthened the resolve of the Te Matewaru hapu not to permit mining on it. The response of the government, led by Governor George Grey in person, was to encourage existing divisions amongst the owners,<sup>50</sup> a tactic used later used when opening the Thames, Ohinemuri, and Te Aroha fields. Te Hira and the King party had decided to 'work the gold for themselves and convert it into sovereigns at Waikato for the benefit of the Maori nation'.<sup>51</sup> Their determination infuriated Grey, who made an agreement with 12 owners on 23 June 1862 whereby mining was permitted in return for an annual rent of £500, £1,000 being paid in advance, with an additional £1 paid for each miner in excess of 500.<sup>52</sup> This would be a modest income for the owners, for they would not obtain any royalty from the gold extracted. The owners remained divided over opening the field for many years, but Te Hira accepted £600 of the government's money from the other owners; his explanation was that taking the money was as a penalty for the government not leaving Coromandel to Maori miners.<sup>53</sup>

There was considerable argument about revenue, Maori claiming that receiving £1 per miner should not prevent them from receiving money from the use of timber, the making of roads, and the rent of residence sites, claims that were rejected.<sup>54</sup> As the administration of the goldfield was badly organized there was no reliable record of how many miners were at work,

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<sup>48</sup> Donald McLean to Minister for Native Affairs, 14 November 1861, *New Zealand Gazette*, 22 November 1861, p. 305; Anderson, pp. 24-25.

<sup>49</sup> See paper on Maori land in Hauraki.

<sup>50</sup> For details, see Anderson, pp. 26-27.

<sup>51</sup> Henry Turton to Secretary, Crown Lands, 21 April 1862, Coromandel Warden's Court, Commissioner of Crown Lands Outwards Letterbook 1862-1868, [no pagination], BACL 14143/7a, ANZ-A.

<sup>52</sup> Anderson, p. 27.

<sup>53</sup> Henry Turton to Secretary of Crown Lands, 1 July 1862; Henry Turton to Daniel Pollen, 13 August 1862, Coromandel Warden's Court, Commissioner of Crown Lands Outward Letterbook 1862-1868, [no pagination], BACL 14143/7a, ANZ-A.

<sup>54</sup> Anderson, pp. 32-33.

and the landowners did not receive the amount they expected. When mining resumed after the Waikato War, Mackay, sent to sort out the confusion, discovered that no method had been devised to divide the money, that different records gave different numbers of miners, and that it was impossible to find out the locality for which each miner's right had been issued. The owners 'could not furnish any correct data either; they stated they did not interfere, as the Government had agreed to keep account of the number of miners'.<sup>55</sup> During long negotiations with the principal owners Mackay managed to reduce their demands for money for past mining by up to a half. He justified making payments on the 'very bad effect which any appearance of breach of faith would have on the Natives, and the probability of its preventing any future arrangement for the working of the other gold fields in the district'.<sup>56</sup> For the felling of kauri during the earlier period of mining, Riria Karepe and Pita Taukaka received £600,<sup>57</sup> a large income that was noted further along the peninsula.

#### MACKAY'S ARRANGEMENTS

Mackay, in the opinion of the Waitangi Tribunal, was 'the most important figure in Hauraki in respect of gold-mining, especially in opening and managing the Thames goldfields. He was an experienced administrator, capable of working with Maori'.<sup>58</sup> In 1864, having sorted out the previously mal-administered system, Mackay made a new arrangement whereby the land, except when required for cultivation or containing sacred sites such as burial grounds, was opened on condition that each miner paid the annual license fee of £1. Each license would bear the date of issue and the name of the block on which the owner was entitled to mine. The income would be 'distributed among the owners in proportion to the number of miners and the time they worked on each piece of land'. Knowing that owners had 'a direct interest in assisting the police to prevent illegal mining', Mackay recommended that four named rangatira should be authorized to inspect miners' rights; 'I found this plan answer very well on the Native gold field

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<sup>55</sup> James Mackay to Native Minister, 19 October 1864, *AJHR*, 1869, A-17, p. 16.

<sup>56</sup> James Mackay to Native Minister, 19 October 1864, *AJHR*, 1869, A-17, p. 17.

<sup>57</sup> 'Report by Mr Commissioner Mackay Relative to the Thames Goldfield', *AJHR*, 1869, A-17, p. 3.

<sup>58</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. 356.

at Taitapu, Nelson'.<sup>59</sup> Mackay later explained that the owners were to receive

£1 for every license issued for gold mining, instead of that sum for each person working on the land, which would have always been a source of difficulty and dissatisfaction at the time of making payments, from the fact of there being no other means of ascertaining the number, and the Natives would invariably have claimed more than their right.

This same system was to be required by Ngati Maru when Thames was opened.<sup>60</sup> The owners were also to receive £2 for each publican's license, rather than the £5 requested, and £1, rather than £2, for each business license for buildings erected on their land.<sup>61</sup>

Also in 1864, when visiting Hauraki Mackay was informed by Maori that gold had been discovered 'in the Kauaeranga and Ohinemuri Streams'.

I had some conversation with the Natives about working the fields in the Thames district. I found them very determinedly opposed to this, principally that they feared the Europeans would kill them, miners being reported as a very riotous people. I took advantage of Nepia Te Ngarara and another Native having been at Collingwood, and requested the former to state in what manner the gold fields at Nelson were managed, and whether Native miners did not receive the same protection as Europeans. The answer being given in the affirmative, I observed a marked difference in the demeanour of the Natives.

I would suggest that if a Magistrate is appointed for that district, it should be one of his duties to endeavour to bring about an arrangement for the working of the Thames Gold Fields.<sup>62</sup>

Although appointed Civil Commissioner for Hauraki in response to this letter, and despite his constant hints of 'the advantages' Maori would obtain 'from the leases of their auriferous lands',<sup>63</sup> because of widespread opposition Mackay was not able to obtain the opening of the district until 1867.

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<sup>59</sup> James Mackay to Native Minister, 19 October 1864, *AJHR*, 1869, A-17, pp. 17-18.

<sup>60</sup> 'Report by Mr Commissioner Mackay', p. 4.

<sup>61</sup> James Mackay to Native Minister, 19 October 1864, *AJHR*, 1869, A-17, p. 18.

<sup>62</sup> James Mackay to Colonial Secretary, 23 April 1864, appended to 'Report by Mr Commissioner Mackay', p. 16.

<sup>63</sup> 'Report by Mr Commissioner Mackay', p. 4.

## OPENING THAMES

In 1870, Wirope Hoterene Taipari,<sup>64</sup> a rangatira of Ngati Maru, told the Goldfields Discovery Reward Investigation Committee that in 1867, with his uncle, Meremana Konui, he had prospected for two days at Hape Creek with Paratene Puhai.<sup>65</sup> Although they found gold, it had so little value that they did no more prospecting and Paratene went gum digging. When the Superintendent, James Williamson, offered a reward of £5,000 for the discovery of a payable goldfield, Taipari arranged for Paratene and Hamiora Kewa to investigate the Karaka Creek, and claimed that he showed them where to search. He also provided them with timber for sluice boxes. 'I told my relations that if gold is found here they must be very strong to open up the land on account of the large Reward. They said the Reward was all humbug. I said if it is humbug we will have a judicial investigation about it'. Some of the younger men of his hapu helped the prospectors, and, when Taipari was at Coromandel in his role as an assessor for the Native Lands Court one of his wives brought him news that gold had been found. He returned with government officials, checked the workings, and took charge of the samples. 'The gold was given to me secretly lest the Ngatimarus should hear of it. We left that night for Auckland' to show the gold to officials. After insisting that gold had only been discovered because he and his father had given permission for prospecting, he described a meeting of Ngati Maru 'at my house at Parawai, on 26th July', after his return from Auckland. 'The Ngatimarus were still obstinate. My father and I persisted in having the place opened, and in consequence of our firmness Rapana [Maunganoa]<sup>66</sup> came over to our side'. According to Taipari, some of his opponents wanted the gold, which they

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<sup>64</sup> Sometimes his first name was recorded as Wiropi and the second one as Hoterene or Hoterini; his descendents consider that Wirope Hoterene is the correct spelling: information provided by David Taipari, May 2009.

<sup>65</sup> The Waitangi Tribunal gave the alternative name of Paratene Whakautu: Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. 359.

<sup>66</sup> A leading Ngati Maru rangatira, then aged about 80: Church of England, Register of Coromandel Burials 1874-1904, no. 28, 1090, Anglican Archives, Auckland: see John Lincoln Hutton, ' "Troublesome Specimens": A study of the relationship between the Crown and the Tangata Whenua of Hauraki, 1863-1869', (MA thesis in Anthropology, University of Auckland, 1995), p. 168.

clearly expected to be alluvial, to be treated like kauri gum: they would dig it up to sell to Pakeha.<sup>67</sup> In another account of this meeting, Taipari admitted that ‘a large majority of the tribe Ngatimaru objected to opening up any of their lands for Gold mining purposes’; only he and his ‘immediate relatives’ had supported Mackay’s arguments.<sup>68</sup> The Waitangi Tribunal described this meeting as ‘a general hui’ which ‘agreed that, while not all were willing to admit miners, those whanau who wished might do so’.<sup>69</sup> ‘It seems that Ngati Maru had agreed to let’ Taipari, his father, and Rapana Maunganoa and his son ‘make an agreement respecting their particular family lands’. Their hapu were Ngati Hape, Ngati Rautao, and Ngati Hauauru of Ngati Maru.<sup>70</sup>

A newspaper account of this meeting did not reveal that the vast majority opposed opening their land. It did note that a ‘great number’ of Ngati Maru were absent digging gum but that ‘about ninety of the principal men were present, including Hoterene, his son Taipari, Riwai, Rapana, and Hohepa Paraone’, and admitted that there was some difficulty about getting the land opened, even suggesting that Taipari himself needed some convincing, possibly over the terms of the agreement:

The first matter of discussion was whether Taipari should allow his land to be worked. This was at last agreed to. A more difficult man to deal with was Rapana, the owner of the land through which the Waiotahi Creek runs, from which Mr [Walter] Williamson was formerly turned off.<sup>71</sup> Rapana, we may say, though always a loyal native, is much frightened about the Europeans taking his land. Several other natives who were present urged him not to give up his land. After a very long discussion, Rapana agreed to give up his land as far as the northern boundary of the proposed field.<sup>72</sup>

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<sup>67</sup> Evidence of Wirope Hoterene Taipari to Goldfield Discovery Reward Investigation, April 1870, pp. 271-276, Auckland Provincial Government Papers, MS 595, Box 21, Session 26, Auckland Public Library.

<sup>68</sup> Wirope Hoterene Taipari to Superintendent, Auckland Province, 4 March 1870, Auckland Provincial Government Papers, MS 595, Box 21, Session 26, Auckland Public Library.

<sup>69</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. xxx.

<sup>70</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. 360.

<sup>71</sup> Williamson had prospected with Joseph Harris Smallman on Taipari’s land, with his permission: see paper on Smallman.

<sup>72</sup> *Daily Southern Cross*, 30 July 1867, p. 4.

The following day, the terms of the agreement were translated and signed by the four men who were stated to be the sole owners of the land being opened: Taipari and his father, and Rapana Maunganoa and his son Raika Whakarongatai. The owners would receive £1 for every miner's right issued, and should a township be laid out reserves would be made for them, which they could lease to Pakeha. It was claimed that the terms of the agreement were designed to give the landowners 'as much advantage as possible' so that landowners in Ohinemuri, who were 'still determined to prevent Europeans coming on to their land, might be induced, on seeing the advantages obtained by the natives further down the river, to come forward, and offer to throw open their lands'. The press emphasized that all hope of getting the boundaries of the field extended depended upon miners working only within these limits, and urged them not to stray across them. At the meeting of 26 July, Ngati Maru 'said that they did not want to keep back the land, but they would only let a portion go in the meantime till they say how we managed'. At the time of this meeting, some miners had gone up-river, but had only just commenced prospecting when 'some fellows came down and told them that Te Hira did not allow Europeans to come pottering about there, and if they did not be off forthwith, they would be chopped up in small bits'. The prospectors chose not to test how real this threat was, and did as demanded.<sup>73</sup>

In August 1872, under his son's questioning, Taipari's father told the land court about how they had given permission for one Pakeha 'to prospect on Te Hape and Te Karaka – No one objected'.<sup>74</sup> Nor did anyone object when Taipari permitted other Pakeha to prospect the same area. But he admitted that, after gold was at last discovered, Ngati Maru 'were angry – they were afraid of the diggers'. He claimed that 'no one objected' when the field was opened: 'Rapana made no objection – neither did Te Raika but each man said he would open his own piece for goldmining.... Had the tribe objected at first the field would not have been opened. The tribe had said "Epai ana nona ano tona whenua" ', meaning: 'It's all right, it's his own land'.<sup>75</sup>

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<sup>73</sup> *Daily Southern Cross*, 30 July 1867, p. 4; editorial, *New Zealand Herald*, 30 July 1867, p. 3.

<sup>74</sup> Maori Land Court, Hauraki Minute Book no. 7, pp. 122-123.

<sup>75</sup> Maori Land Court, Hauraki Minute Book, no. 7, p. 123; Tom Roa to Philip Hart, 13 July 1997, email.

Taipari, who had shown officials and miners the first discovery, at Karaka, was believed to be ‘the sole proprietor’ of this land. A correspondent who accompanied these first visitors was told that Taipari was ‘quite prepared’ to throw open his 3,000 or so acres ‘to Europeans, for prospecting purposes. I am informed, however, that he will meet with some opposition, in taking such a step, but he says, he will not be daunted, whatever the consequence may be’.<sup>76</sup> In 1878, Mackay stated that earlier in the 1860s Taipari had been ‘greatly interested in the Nelson gold fields’ and that the income he received encouraged him to want mining on his own land.<sup>77</sup> No details have survived of how much money Taipari obtained by speculating in South Island mining, but that he had a keen sense of the value of money was noted at the time. Just before the opening of the goldfield, it was noted that there were a lot of pigs belonging to him running over his land, ‘but we daresay that chief, whom we do not think Europeans will find wanting in astuteness, will see the advisability of catching and selling them as soon as possible’.<sup>78</sup> ‘Argus’ wrote, in 1870, that there could be no doubt that Taipari ‘was perfectly aware of the advantages he and his family would derive from the opening of the field, because James Mackay would have told him’.<sup>79</sup>

On 20 July, before the field was proclaimed, Taipari applied for the £5,000 reward, two days before he showed any ore samples to officials in Auckland.<sup>80</sup> Four days after applying, he wrote that this was ‘the second year that I have opened my pieces of land to Europeans for gold prospecting and they have found gold on my land’, and stressed that it was ‘from my persevering work that gold was prospected for here’.<sup>81</sup> His request for a reward was repeated twice in 1868, when he reminded the Superintendent that it was only because of ‘the firmness of myself and my relatives’ that Hauraki had been opened; ‘My tribe was very obstinate in obstructing my

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<sup>76</sup> Own Correspondent, ‘The Thames Gold-Field’, *New Zealand Herald*, 22 July 1867, p. 4.

<sup>77</sup> *Thames Advertiser*, 14 September 1878, p. 3.

<sup>78</sup> *Daily Southern Cross*, 30 July 1867, p. 4.

<sup>79</sup> Letter from ‘Argus’, *Auckland Weekly News*, 14 May 1870, p. 6.

<sup>80</sup> Wirope Hoterene Taipari to Superintendent, Auckland Province, 20 July 1867, Auckland Provincial Government Papers, Box 21, Session 26, MS 595; ‘Report of the Gold Field Reward Enquiry Commission’, 26 April 1870, Auckland Provincial Council, Session 26, 1870, A-No. 1 pp. 1, 4, Auckland Public Library.

<sup>81</sup> Wirope Hoterene Taipari to Superintendent, Auckland Province, 24 July 1867, Applications for Reward for Finding Goldfield, Auckland Provincial Government Papers, Box 19, Session 24, MS 595, Auckland Public Library.

work'.<sup>82</sup> The Provincial Government's Gold Field Reward Enquiry Commission heard rival claimants for the money, and in evidence it was claimed that Taipari had earlier agreed that Joseph Cook had been the first to find gold, a statement he now denied.<sup>83</sup> Paratene Puhai and Hamiora Kewa applied on their own behalf a month after Taipari did.<sup>84</sup> The commission decided that, despite Taipari describing these two men as 'his hired labourers', because they had found the samples that led to the opening of the field they should receive £300. Taipari, because he gave them 'some supplies of food', would receive the same amount.<sup>85</sup> Charles and Fred Ring received £200 for being the first to discover gold at Coromandel; from the £5,000 originally offered only £800 was paid.<sup>86</sup>

In 1876, Taipari petitioned for this £5,000. The Goldfields Committee of parliament responded that, as the commission had already distributed this amount 'to the petitioner and others, no claim now exists against the Government'.<sup>87</sup> The following year, he tried again, asking the two local members of parliament to support his him, and went to parliament to present his case.<sup>88</sup> He told the Native Affairs Committee that he wanted 'the balance' of the £5,000 because, he first claimed, he had found the gold himself, before stating it was 'discovered by Maoris who were under my instruction'. He admitted that gold had been found by Maori prospectors before 1867, 'but there were a great many tribes interested in the land, and they did not wish to lose their land or to dispose of it, or have a goldfield opened there'. After the Superintendent offered the reward, he 'was energetic in endeavouring to have it thrown open, because I saw the discoverer was to have a reward.... It was with the object of being the discoverer of the field that I sent the Maoris to work'. He alone should receive the £5,000, because he had opened the area: 'those who discovered

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<sup>82</sup> W.H. Taipari to Superintendent, Auckland Province, 31 December 1868, printed in *Auckland Weekly News*, 16 January 1869, p. 4.

<sup>83</sup> 'Report of the Gold Field Reward Enquiry Commission', 26 April 1870, Auckland Provincial Council, Session 26, 1870, A-No. 1, p. 5.

<sup>84</sup> 'Report of the Gold Field Reward Enquiry Commission', 26 April 1870, Auckland Provincial Council, Session 26, 1870, A-No. 1, p. 1.

<sup>85</sup> 'Report of the Gold Field Reward Enquiry Commission', 26 April 1870, Auckland Provincial Council, Session 26, 1870, A-No. 1, p. 6.

<sup>86</sup> *New Zealand Herald*, 30 November 1895, Supplement, p. 1.

<sup>87</sup> *Thames Advertiser*, 20 September 1876, p. 2.

<sup>88</sup> *Thames Advertiser*, 10 July 1877, p. 3, 13 August 1877, p. 2.

gold before should not get any portion of it'. The earlier commission 'did not appear to be very painstaking', and he claimed that 'I had not an opportunity of saying all I intended to say, because they appointed a specified time to hear each person coming before them'. It was clear from his evidence that his desire to open the field was inspired by the money to be made. When he had 'invited my father and all the other Chiefs to assent to my proposition that the field should be thrown open', this was his main argument. 'There was a great deal of trouble about throwing it open'.<sup>89</sup> The committee's chairman recommended that he receive some reward for his aid in opening the field,<sup>90</sup> but was ignored. Commenting on Taipari's application, an Auckland newspaper noted that he had already received £300, and had 'about as much claim to reward for discovering a goldfield as the boy who blows the bellows of an organ possesses to participation in the grand symphonies executed by the skilful touch of the organist'.<sup>91</sup>

Mackay's account of the opening of Thames confirmed that Taipari had 'contended for a long time against the whole of the Ngatimaru, of which his father is the principal chief, and it was only because of the constant pressure put on the tribe by him that they at last agreed to allow him to permit Europeans to prospect for gold on his own land'.<sup>92</sup> He noted that, after Taipari arrived in Auckland in July 1867 with his specimens, officials were 'besieged with applicants for permission to go to the Thames'. These were declined, 'but the danger of the district being "rushed," and a quarrel ensuing with the Natives was so imminent' that Mackay had gone, with others, to make the necessary arrangements:

On our arrival there we first inspected the ground whence gold had been procured, and having satisfied ourselves of its presence there we convened a meeting of the Natives. We found a majority of them objected to any lease being executed; but after very lengthened arguments we succeeded, on the 27th July ... in making an agreement with Te Hoterene Taipari, W.H. Taipari, Raika Whakarongotai, and Rapana Maunganoa, to allow mining over their lands.... A large portion of the Moanataiari and the whole of the Waiotahi were excluded from this arrangement by the opposing portion of Ngatimaru. There was considerable

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<sup>89</sup> Evidence of Wirope Hoterene Taipari to Petition 61, 1878, Native Affairs Committee, Legislative Department, LE 1, 1878/5, ANZ-W.

<sup>90</sup> *Thames Advertiser*, 24 August 1877, p. 3.

<sup>91</sup> *Auckland Star*, 30 August 1877, p. 2.

<sup>92</sup> 'Report by Mr Commissioner Mackay', p. 4.

difficulty in arranging the terms of the lease. A large annual rental was first demanded, and two years' notice of intention to terminate the lease, the same as in the Coromandel case; but bearing in mind the complaints which had been made by the Provincial Government against paying £500 per annum rent for that field, for which they received but little in return, we considered it safer for the Government, and greater justice to the Natives, to agree to give the sum of £1 for each miner's right issued for the block. If the number of miners was small, the rent would thus be in the same ratio; and if large and the field valuable, then proportionately greater. We also found the question about kauri timber one which gave some trouble, the sum paid to Pita Taukaka and Riria Karepe being quoted by the opposition party. It was finally arranged that kauri timber was not to be used unless paid for at the rate of £1 5s per tree.

The Natives were also aware of the fact that some town allotments at Kapanga had, on the first opening of the Coromandel Gold Field, been sold for high prices, and they wished to guard against the loss which would arise to them if the Government took possession of the town site, and allowed it to be built on under mining, residence, and business site regulations. A stipulation was therefore made that the Government would be allowed to lay out townships; but these were to be leased to the Europeans, and the Natives were to receive the rent accruing from the same, the Government however having the right to work the minerals beneath the town sites....

We had also to take precautionary measures to prevent any ill feeling arising with the opponents to the opening up of the district; and having the town reserve properly defined, materially assisted in preventing encroachment on the lands of Natives other than the lessors.

The Natives were very particular that lands required for their own use for residence and cultivation should be reserved from gold mining, and the sacred places and burial-grounds were also carefully excluded from the agreements.

As at Coromandel 'complaints had been made about Pakeha cutting timber for other than mining purposes', at Thames timber licenses at £5 per annum were to be paid to the landowners. In addition, 'whenever any of the land was to be relinquished, the lessors were to receive six months' notice of intention, so as to enable them to ascertain that all moneys owing to them were duly paid'. Precise boundaries of areas set aside for mining were recorded.<sup>93</sup> The agreement was read twice to the owners, 'and explained to

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<sup>93</sup> 'Report by Mr Commissioner Mackay', pp. 4-5, 8; Agreement made at Kauaeranga on 27 July 1867 between the Government and 'Te Hoterene Taipari, Wiropo Hoterene Taipari,

them before signing, and they perfectly understood its meaning', Mackay insisted.<sup>94</sup> All miners were to be required to have a miner's right to work their 'one man's ground', 15,000 square feet measuring 300 feet by 50 feet, running lengthways across the supposed direction of the reef.<sup>95</sup> As well, anyone cutting timber had to hold a miner's right.<sup>96</sup>

From the details provided by Mackay it is clear that the principal owners were aware of their rights, aware of the arrangements made at Coromandel and how these had worked, and were determined to receive a good financial return. In 1875, he stated that those members of Ngati Maru who had given their consent had done so because they anticipated a large number of miners settling.<sup>97</sup> Similarly lengthy negotiations were required before opening other fields to the south of Thames, with similar tactics being used to increase divisions amongst the owners. Mackay always had support from 'friendly' rangatira, and, as he wrote in November 1867, worked quietly, 'putting in wedges and letting them draw'.<sup>98</sup>

An example of how other rangatira responded to the new possibilities of wealth was Taraia, one of the leading men of Hauraki. When in Auckland in July 1867 and asked about the new discovery, he commented that he had 'come to the conclusion that concealment will only keep me poor now that gold has been found on my land. Therefore, I now divulge the fact'. At meetings in Ohinemuri, 'I told the people to allow the pakehas to look for gold in Waihou and Piako. They appeared discontented, but made no reply', and later turned prospectors away. 'If Maories choose to let their land lie idle, it is their fault, and not the fault of Europeans. I have lived with Europeans for many years, and have always been kindly treated'.<sup>99</sup>

The Waitangi Tribunal was asked to consider whether Mackay's methods in opening Thames 'were in any way unprincipled and involved

Rapana Maunganoa, and Te Rapiha Whakaungatahi of Hauraki Native Chiefs', Lands and Deeds, BAVX 4817, Box 26, 26c/87, ANZ-A.

<sup>94</sup> 'Report by Mr Commissioner Mackay', p. 8.

<sup>95</sup> 'Report of the Public Petitions Committee on the Petition of Thirteen Natives Owning Land at the Thames Gold Fields', 3 August 1869, Treasury, T 1, 40/71, ANZ-W.

<sup>96</sup> *Te Aroha News*, 13 October 1883, p. 2.

<sup>97</sup> James Mackay, Evidence to Native Affairs Committee re Petition no. 395/1877, Legislative Department, LE 1, 1877/5, ANZ-W.

<sup>98</sup> James Mackay to William Rolleston, 29 November 1867, cited in Hutton, p. 107.

<sup>99</sup> *Auckland Weekly News*, 20 July 1867, p. 3.

undue pressure or manipulation'.<sup>100</sup> It noted that 'some Maori as early as 1857 'were interested in opening their land', that Taipari 'took a leading role in prospecting on his hapu lands and in negotiating with Mackay', and that his 'enthusiasm and influence' resulted in the opening of the first portion of the goldfield. To avoid an 'uncontrolled rush', it was 'entirely constructive' for Mackay, along with Daniel Pollen (both the agent of the central government to the Auckland Province and the deputy superintendent of the latter),<sup>101</sup> 'to go to the district and seek to negotiate an agreement ahead of any rush'. More important was the question of 'whether the agreement should have been made with only a section of Ngati Maru, and afterwards extended hapu by hapu'. It did not see this agreement as an example of 'divide and rule', for it 'emerged from a general hui of Ngati Maru' in which 'others at the meeting were treating the agreement as an experiment, which (if it proved favourable), would lead to more hapu opening their land'. As miners flooded in, 'Maori began to profit from the field', including by providing 'an immediate market for Maori labour and produce'. The controlled opening of the field encouraged more hapu to sign agreements.<sup>102</sup> Even Te Moananui and Te Hira agreed to open their land.

It is difficult to characterize these proceedings as manipulative or involving improper methods. They appear to have been conducted openly with the main leaders of each of the Marutuahu iwi, and the consent of all the principal chiefs seems to have been sought before an area was declared open. The vetoes of hapu leaders such as Aperahama Te Reiroa<sup>103</sup> or Riwai Te Kiore were respected over the opening of their particular lands (Waiotahi and Otunui respectively), even though others of the tribe had agreed. Given that ... a wide variety of views was held amongst Hauraki Maori ... towards mining on their land, given that hapu and iwi rights were interspersed through the area, and given that rangatira's wishes were respected if they wanted to keep their hapu lands closed to mining, it is difficult to see how Crown officials could have proceeded any other way.

Mackay 'obviously' first approached rangatira 'who he thought would be amenable, or they would approach him'. As the field developed and

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<sup>100</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. 398.

<sup>101</sup> *New Zealand Herald*, 15 April 1867, p. 5; *Auckland Weekly News*, 3 August 1867, p. 6.

<sup>102</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. 399.

<sup>103</sup> See paper on Reha Aperahama.

‘seemed to promise prosperity, a general consensus among Maori to open the Thames emerged’ over five months.<sup>104</sup> Advances made to some rangatira ‘against expected annual miner’s rights and rents’ should not be treated as raihana, a method of tricking them into debt, and were not part of a Crown drive to purchase the freehold. Thames Maori could feel that they were making ‘a controlled engagement with gold mining, while still retaining title to the land they valued so highly’.<sup>105</sup>

### MINERS’ ATTITUDES TO MAORI CONCERNS

Mackay was faced both with Maori reluctance to permit mining and with Pakeha impatience. The latter could on occasions be overcome, as illustrated by an example that warmed the heart of R.A. Loughnan, the author of a history of mining published in 1906. Referring to an Auckland meeting of potential miners, he considered it ‘remarkable’ that it accepted ‘by a large majority ... the principle that the Maori ownership must be recognized in every possible way’. He quoted the response of Jerome Cadman, a leading Coromandel settler and politician,<sup>106</sup> to the argument that anyone holding a miner’s right had the right to rush the field: ‘“Supposing I were an owner of property, what right has any man to encroach upon it without my authority?” The Chairman said, “Certainly,” and the meeting, after the speech upon this text, broke into cheers loud and long. It was a good prelude to the opening’.<sup>107</sup> Loughnan, as was his practice,<sup>108</sup> had not quoted Cadman quite exactly, nor did he quote other relevant parts of the speech. For example, Cadman had urged that ‘if they would only wait patiently the whole of the Thames district would be thrown open to the diggers, without any encroachment upon the rights of the natives. (Cheers.)’. Later he made an invidious racial comparison:

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<sup>104</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. 400.

<sup>105</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. 401.

<sup>106</sup> See *Auckland Star*, 14 July 1879, p. 3.

<sup>107</sup> Loughnan, pp. 76-77.

<sup>108</sup> Despite using quotation marks, he varied the wording of the quotations from Vincent Pyke about Maori knowledge of the existence of gold before the arrival of Europeans and of the discovery of gold at Maori Point on the Shotover River: compare Vincent Pyke, *History of the Early Gold Discoveries in Otago* (Dunedin, 1887), pp. 2-3, 87 with Loughnan, pp. 22, 34-35.

They might speak of the treatment which the natives of Australia had received as a precedent for the present case, but he would tell them what they knew already that the Maoris were vastly superior, intellectually, physically, and morally to the natives of Australia. The Maoris were tillers of the soil, not merely for their own maintenance, but for that of the European population of this country. He had been over many parts of the province and had seen the extensive native cultivations, and the immense superiority of their social condition to that of the natives of Australia, who subsisted upon grubs and the roots and berries indigenous to their country.

On this basis, he urged them to leave the authorities to reach an agreement; 'if any person hastily went down and interfered, that would have the effect of locking up the gold-fields for three or four years to come'.<sup>109</sup>

#### USING FINANCIAL INCENTIVES TO OPEN NEW AREAS

Once the Thames field was opened under Mackay's administration, his 'first duty was to impress on the miners the absolute necessity for confining their operations within the limits of the lands leased for gold mining.... The miners, as a rule, behaved well; one or two who trespassed on the forbidden Waiotahi Block were brought back to camp by the Native owners'.<sup>110</sup> In time, and after considerable argument over such issues as boundaries and rents, Mackay succeeded in having more blocks of land at Thames and adjacent districts opened for mining.<sup>111</sup> Financial inducements were used; to get [Meha] Te Moananui<sup>112</sup> to open the Waikawau Block, owned almost exclusively by his family, he gave such a large advance payment of future miners' rights fees that for several years afterwards no more such fees were paid to the owners.<sup>113</sup> In December 1867, some members of Ngati Whanaunga and Ngati Maru received a deposit of £100 for opening land

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<sup>109</sup> *New Zealand Herald*, 29 July 1867, p. 5.

<sup>110</sup> 'Report by Mr Commissioner Mackay', p. 5.

<sup>111</sup> 'Report by Mr Commissioner Mackay', pp. 5-8.

<sup>112</sup> Who was aged about 76 in 1867: Church of England, Register of Coromandel Burials 1874-1904, no. 48, 1090, Anglican Archives, Auckland.

<sup>113</sup> E.W. Puckey to Under-Secretary, Native Department, 31 July 1880, Maori Affairs Department, MA 13/35c, ANZ-W.

from Hikutaia to Whangamata for mining, this £100 to be deducted from future revenue.<sup>114</sup>

The income to be made from this source alone was impressive: between 1 August 1867 and 31 January 1869, £17,761 was paid to the receiver of gold revenue, and £10,075 had been distributed.<sup>115</sup> Rents of land used for mining or for residence and business sites were additional, owners receiving six shillings per foot.<sup>116</sup> After the first three months of mining, £1,708 was paid as a first instalment of the rent.<sup>117</sup>

Members of other hapu quickly saw merit in such arrangements. In December 1868, the ever-hopeful press believed that most Maori in Ohinemuri wanted their land opened for mining. ‘Encouraged by the sudden accession to wealth which the Thames Maoris have obtained, those in Ohinemuri look forward to a species of elysium in which sovereigns will be as plentiful as potatoes’.<sup>118</sup> This change of attitude was precisely the one desired by the government, Pollen having told diggers in September 1867 that when Ohinemuri rangatira ‘saw the Hauraki chiefs deriving a benefit from gold operations, they might be brought to think better of the interests they would derive from a similar opening of their country’.<sup>119</sup> Rapata Te Arakai, otherwise Rapata Te Pokiha, a rangatira of the Te Uriwha hapu of Ngati Tamatera,<sup>120</sup> a consistent advocate for opening Ohinemuri and who would have a minimal investment in Te Aroha mining,<sup>121</sup> told Mackay to tempt the opponents to change their minds by offering them money. Mackay informed his superiors in October 1868 that there were

several Hauhau Natives who are willing to join the friendly party, but who wish to receive a deposit for and on account of

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<sup>114</sup> James Mackay, *Whakaaturanga o nga Tikanga o te Whakapuraretanga o Hauraki mo te Mahinga Koura: Narrative of the Opening of the Hauraki District for Gold Mining* (Auckland, 1896), p. 30.

<sup>115</sup> ‘Return of Revenue Received from Miners’ Rights at the Thames Gold Fields’, *AJHR*, 1869, B-15.

<sup>116</sup> Loughnan, p. 77.

<sup>117</sup> *Auckland Weekly News*, 16 November 1867, p. 19.

<sup>118</sup> *Auckland Weekly News*, 12 December 1868, p. 12.

<sup>119</sup> *Daily Southern Cross*, 28 September 1867, p. 4.

<sup>120</sup> Maori Land Court, Hauraki Minute Book no. 11, p. 296.

<sup>121</sup> Te Aroha Warden’s Court, Register of Te Aroha Claims 1880-1888, folio 203, BBAV 11567/1a, ANZ-A.

Miners' Rights hereafter to be issued for the Gold Field. Rapata Te Arakai, who has always endeavoured to aid in opening his own and the other land there, suggests that at least £2,000 should be paid as a deposit on the land, or rather as an advance in anticipation of Miners' Rights fees. I also believe this would have a very good effect and would materially assist in thinning the ranks of the opposing party.<sup>122</sup>

On 9 December, at a meeting held at Ohinemuri, Donald McLean, Minister of Defence, representing the government, asked: 'What good do you derive from the gold under the ground, which neither you nor your ancestors ever dreamed of? Let your relatives derive benefit from the treasures which lie in their land'.<sup>123</sup> Ten days later, Mackay obtained 63 signatures to an agreement to open Ohinemuri, and gave Rapata Te Pokiha an order for £1,500 on 'the understanding that £1,000 would be by way of advance on account of miners' rights fees receivable, and the remaining £500 by way of bonus'.<sup>124</sup> The following February, McLean wrote to the Superintendent:

In prosecuting the negotiations with the Native owners at Ohinemuri for the opening of the district as a gold field, it has been found that the large number who are disposed to give up their lands desire at once to receive a money payment as an advance on account of the future receipt of fees on miners' rights, and that the sum required will be about £5,000.

It is right that your Honor should be informed, that it is not expected that they payment of this sum will operate at once in overcoming the opposition of the party which has persistently set itself against the opening of the district, but it may have the effect of maintaining in their present disposition, and of stimulating to greater exertion, those who have been friendly, and who are willing to give up their lands, and I am informed

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<sup>122</sup> James Mackay to Native Minister, 9 October 1868, Legislative Department, LE 1, 1869/133, ANZ-W.

<sup>123</sup> 'Notes of a Meeting which took place at Ohinemuri, on Thursday, 9th December, 1869', *AJHR*, 1870, A-19, p. 10.

<sup>124</sup> *Auckland Weekly News*, 27 February 1869, p. 22; confirmed by James Mackay in *Thames Advertiser*, 10 December 1874, p. 3.

that this payment will probably be found necessary to effect those objects.<sup>125</sup>

Although the Superintendent was 'prepared at once to provide the sum of £5,000, or any other sum necessary, to effect the immediate opening', he cautioned against making any advances to 'friendly' Maori until 'tangible' terms for its opening were determined.

Nor do I think it would be wise to arrange with the Natives on the basis of their receiving fees on miners' rights, &c, as at Shortland, which has raised so many questions of difficulty with both Europeans and Natives. I would suggest dealing with them for a lease of their lands (subject to reserves) at a fixed rental, to cover both mining and surface rights, for a period of twenty-one years or upwards. The country could thus be opened up, not only for mining but for settlement, which, from the gold-bearing capabilities of the country being yet untested, would be the only safe way of dealing with the matter.<sup>126</sup>

McLean agreed, but felt that if the owners were 'not willing to entertain the offer you make, it will not be wise to refuse to agree to other terms', and would 'exercise much discretion in accepting such terms as the Natives are willing to agree to'.<sup>127</sup> When an official visited Ohinemuri in October 1869 he heard rangatira expressing opposition to ceding the land to the government. Rapata Te Pokiha's hapu responded 'that the benefits that would result from leasing the land would be substantial, and would be enjoyed by themselves and their children for many years, whilst now they were gaining no advantage whatever'.<sup>128</sup> Nearly two months later, in response to Te Hira, Ropata 'spoke strongly on the wrong and injustice of trying to restrain them from utilizing their own land for present and

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<sup>125</sup> Donald McLean (Defence Minister) to T.B. Gillies (Superintendent, Auckland Province), 8 February 1870, printed in 'Correspondence Relative to Ohinemuri, and Native Matters at the Thames', *AJHR*, 1870, A-19, pp. 15-16.

<sup>126</sup> T.B. Gillies to Donald McLean, 9 February 1870, printed in 'Correspondence Relative to Ohinemuri, and Native Matters at the Thames', *AJHR*, 1870, A-19, p. 16.

<sup>127</sup> Donald McLean to T.B. Gillies, 26 February 1870, printed in 'Correspondence Relative to Ohinemuri, and Native Matters at the Thames', *AJHR*, 1870, A-19, p. 16.

<sup>128</sup> E.W. Puckey to Donald McLean, 19 October 1869, 'Correspondence Relative to Ohinemuri and Native Matters at the Thames', *AJHR*, 1870, A-19, p. 4.

prospecting benefits'.<sup>129</sup> Despite stating his hapu's determination of opening its land, in practice Rapata opposed any rush to the area by miners, preferring to wait until the field was 'properly opened, when we shall be alike benefited'.<sup>130</sup>

Despite promises of riches, the opening of Ohinemuri was delayed until 1875 by Te Hira's continued obstruction, and required the unscrupulous use of raihana to achieve.<sup>131</sup> In 1871, after the land court determined the ownership of the Aroha Block, a large meeting was held in Ohinemuri about extending the boundaries of the existing goldfield. Some rangatira had creative ideas about how to profit from any extension:

Some chiefs propose that the natives should take the management of the new goldfield into their own hands, collectors being appointed to lift the fees, &c. Their proposed programme includes the opening of public-houses and hipi (gambling) houses, under native landlords. Prospectors are to be sent out, and machinery imported to crush for the native miners. Some of the chiefs hint that they will be compelled to fix the mining fee to Europeans at a high figure, in order to repay the heavy lawyers' expenses which have been incurred, and the cost of living while attending the Court in Auckland for two months.<sup>132</sup>

These ideas came to nothing, and Ohinemuri was opened under very different circumstances. But those Maori in receipt of goldfields revenue were interested in the potential returns from new fields; in an 1881 example, after four owners, two of them women, were paid their latest instalment, they remained in the native agent's office 'a long time talking about the new gold field at Waiiau' amongst other matters.<sup>133</sup> Five years later, when Maori were granting permission to prospectors to explore the King Country, they were required to accept the conditions imposed by the landowners;<sup>134</sup> clearly they had learnt to protect their interests from grasping Pakeha.

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<sup>129</sup> *Auckland Weekly News*, 4 December 1869, p. 5.

<sup>130</sup> Statement by Rapata Te Pokiha, recorded in *Auckland Weekly News*, 4 December 1879, p. 5; Rapata Te Pokiha to Donald McLean, 28 October 1869, printed in *Auckland Weekly News*, 6 November 1869, p. 24.

<sup>131</sup> See paper on Maori land in Hauraki.

<sup>132</sup> *Daily Southern Cross*, 4 April 1871, p. 3.

<sup>133</sup> G.T. Wilkinson, diary, entry for 2 February 1881, University of Waikato Library.

<sup>134</sup> *Te Aroha News*, 9 January 1886, p. 2.

## INCOME RECEIVED

There were exaggerated reports of the amounts of goldfields revenue Maori received. For example, in December 1874 one newspaper stated that, since the opening of Thames, £100,000 in miners' rights and rents had been distributed.<sup>135</sup> The true figure was far less, but still considerable. According to a report in the *Thames Star* based on official sources, between August 1867 and August 1880 Maori had received, from Thames alone, £59,561 19s 3d. This sum was made up of payments for miners' rights under the Act of 1866 of £33,107, of £1,803 under the Act of 1871, and of £5,236 under the Act of 1873; leasehold rights of £4,786; and machine sites, water races, and the like totalling £17,620 19s 3d.<sup>136</sup> An analysis of the receiver of gold revenue's cash books from 1 August 1867 to 31 March 1881 revealed somewhat different totals: £42,895 from miners' rights, which when combined with timber licenses and rents produced a total of £62,451 17s 8d.<sup>137</sup> Timber licenses for the Thames and Ohinemuri districts from July 1869 to March 1881 totalled £807 10s.<sup>138</sup> In 1883, parliament was informed that between 1 January 1877 and 31 March 1883 hapu at Coromandel received £1,154 14s 4d from goldfields revenue, those at Ohinemuri £6,348 8s 9d, and Thames hapu received £14,405 16s 7d.<sup>139</sup>

Inevitably, as the boom times faded, Maori had a steadily diminishing return, from 1881 to 1897 receiving only £27,370 1s 4d from all the Hauraki fields.<sup>140</sup> From then on, as the steadily declining income was allotted to 'Natives and Europeans', the precise amount Maori received cannot now be determined. The loss of all vouchers and ledgers either through deliberate

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<sup>135</sup> *Auckland Weekly News*, 26 December 1874, p. 4.

<sup>136</sup> *Thames Star*, 30 August 1880, p. 2.

<sup>137</sup> 'The Native Purposes Act, 1935', *AJHR*, 1940, G-6A, p. 19; for clarification of the relevant legislation, see Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. 404, footnote 149.

<sup>138</sup> 'Tabulation of Hauraki Goldfields Native Revenue: Treasury Statement Relative to Petitions', 1935, Maori Affairs Department, MA 1, 13/35c, ANZ-W.

<sup>139</sup> Accountant to the Treasury, 'Return showing the amount of Gold Fields Revenue which has accrued to the Counties of Coromandel and Thames and Borough of Thames since the Abolition of Provinces ... and the amount paid to Natives out of revenue in each of the above districts', 28 August 1883, Legislative Department, LE 1, 1883/138, ANZ-W.

<sup>140</sup> 'The Native Purposes Act, 1935', *AJHR*, 1940, G-6A, p. 20.

destruction or because of fire means that, although totals are known, what these totals mean cannot be examined. For example, the chief judge of the land court discovered, in 1939, that how much of the money in the Miners' Rights Deposit Account 'was actually paid to the Natives is not ascertainable. Whether any of it was paid to others or charged to expenses of administration is also not ascertainable'. Disbursements totalling £27,586 1s 10d were made to 'Natives and Europeans' between 1882 and 1930, but the amounts given to each category cannot now be determined.<sup>141</sup> In this same period, gold valued at £3,280,957 was exported from Hauraki mines; from 1858 to 31 March 1898, the total was £8,426,890,<sup>142</sup> of which the owners of the land received a very small percentage return. Paul Monin has given as 'a conservative estimate' an income to Thames Maori of around £15,000 for each year of the boom period, 1867 to 1871. He commented that this 'was not a large sum: distributed among tribal members (probably about three hundred in the Thames area at this time), the return would have been about £150 per person. A miner at Thames in 1869 earned about £100 per annum'.<sup>143</sup> This money was not in fact distributed evenly.

The Waitangi Tribunal has noted that unilateral changes to legislation reduced revenue paid, but was unable

to say how serious this reduction was, partly because some of the legislation was intended to uphold the original agreements and partly because the picture is confused by other factors. Clearly, there was a decline in revenue in any case, as the Thames boom passed and mining slowed dramatically from the early 1870s.<sup>144</sup>

#### CHANGING THE RULES AND REDUCING THE INCOME

Income declined not merely because the mining industry declined, but also because of changes in the laws. This became an issue as early as February 1869, when Mackay protested that the granting of mining leases by the Superintendent of the Auckland Province would mean that the interests of the owners were 'most injuriously affected' because those who

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<sup>141</sup> 'The Native Purposes Act, 1935', *AJHR*, 1940, G-6A, pp. 4, 20.

<sup>142</sup> *AJHR*, 1897, Session 2, C-2, p. 17; 1898, C-2, p. 15.

<sup>143</sup> Monin, *This is My Place*, pp. 222-223.

<sup>144</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. 405.

obtained leases could mine without being required to hold miners' rights.<sup>145</sup> In July, Mackay protested to the Native Minister that 'a very great injustice has been done to the Native lessors of the gold field' by The Auckland Gold Fields Proclamation Validation Act, for the same reason.<sup>146</sup> Four days later, in his detailed report on the goldfield, he developed this argument:

I would most respectfully urge on the Government, the necessity for carrying out in their integrity all the agreements entered into by the Natives for the leasing of their lands for gold-mining purposes, not only as an act of justice but also in their own interests, as whatever is the course pursued on the present gold field will be looked on as a precedent for the Upper Thames and other auriferous districts. I hope I may be pardoned for stating that in my opinion the leasing regulations issued by His Honor the Superintendent of Auckland are likely to cause considerable injustice to the Native owners of the gold field, as entailing a certain falling off in the miners' rights fees received, and a consequent diminution in the amount of rent payable to them by the Crown; unless a portion of the money paid for mining leases is awarded to them by the Provincial Government.

He had been promised an advance copy of the new regulations for his comments, but 'only received a copy the evening previous to' their publication in the press, which 'effectually precluded me from interfering in the matter'.

It must not be supposed that I have the slightest feeling antagonistic to the granting of leases; on the contrary, I was one of the first who proposed that leases should be issued; but my opinion was and still is –

1. That the agreements with the Natives would require amendment, before it would be quite clear that these conferred on the Governor the power to lease lands for mining purposes.
2. That steps would have to be taken to prevent the Natives becoming losers by the diminution of miners' rights fees caused by the granting of leases, as the holders of such are not by the provisions of "The Gold Fields Act, 1866," necessarily obliged to take out miners' rights. (The Natives at the time of making the agreements asked who were liable to hold miners' rights, and

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<sup>145</sup> James Mackay to Daniel Pollen, 2 February 1869, *Journals and Appendix to the Journals of the Legislative Council of New Zealand*, 1869, Appendix, p. 42.

<sup>146</sup> James Mackay to Native Minister, 23 July 1869, *Journals and Appendix to the Journals of the Legislative Council of New Zealand*, 1869, Appendix, p. 41.

they were informed, all claim holders and their servants. Neither I nor they then contemplated the necessity of having one of these documents for every minute interest held; that was left for others to bring to light in their anxiety to assist some of their friends in finding valid reasons to “jump” claims. By this perhaps the Natives received more than they otherwise would have, still the agreement was – they were to get £1 for every miner’s right issued. Probably this extra amount did not more than cover the deficiencies caused by many persons working without miner’s rights.)

His final argument was that, when claims were held under miners’ rights, claim owners ‘had a direct interest in seeing their servants had miners’ rights, or their claims might be “jumped.” Under the leasing system there is no danger of this, and the only risk is being fined, which, as the police never inspect miners’ rights, there is not the slightest chance of occurring’, meaning the rentals payable were ‘diminished’.<sup>147</sup>

Thirteen landowners petitioned parliament about this injustice, but the Public Petitions Committee did not find ‘any real grounds for the apprehensions expressed’:

Under the leasing system the lessee is compelled, in addition to the fee of £1 per annum on the whole claim, to expend not less than £100 sterling per annum in labour upon every plat [an archaic term for plot] of ground of the dimensions above specified. Now supposing that labourers’ wages on the gold fields are 6s 6d per diem, or £101 8s per annum, the £100 above mentioned represents, in round numbers, one man, who is obliged to pay a fee of £1 per annum to the Government Agent, to secure a miners’ right. If labour on the Thames Gold Fields should become dearer – a very improbable contingency – then the amount of fees which the Native proprietors would receive would be diminished under the leasing system. If, on the other hand, labour should become cheaper – a highly probable contingency – the fees which the Native proprietors would receive would be increased. Moreover, under the leasing system a plat of ground which from its dimensions would be held under eight miners’ rights, and thus produce to the Native proprietors only £8 sterling per annum, might, if leased to a company, afford employment to fifty miners, whose fees would amount to £50, in addition to the £1 paid by the Company on the whole claim, and thus the Native

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<sup>147</sup> ‘Report by Mr Commissioner Mackay’, pp. 11-12.

proprietors would be gainers under the leasing system in the proportion of £51 to £8 per annum.<sup>148</sup>

This reasoning presupposed the development of successful companies, but as mining declined the pressure from the industry was always to reduce such costs. As politicians agreed that revenue was likely to be considerably and unfairly reduced, the provincial government agreed that the revenue derived from leases plus that derived from miners' rights was to be paid to the owners, a decision confirmed by the Goldmining Districts Act of 1873.<sup>149</sup>

That some contemporaries realized that Maori should receive more income was illustrated by a letter from 'A Pakeha', published in November 1867:

The people of Auckland are feeling considerable disappointment at the refusal of Te Hira to open his land to the seekers of gold; but I would ask, is there nothing to be advanced in defence of the Maori for withholding that consent? I say in reply, I believe a good deal, and much which the pakeha would consider to be extremely valid and reasonable were he the owner of the soil. I will only refer to one phase of the question, and that resolves itself into the right of the proprietor of the land to obtain for himself the best terms which the intended transaction is susceptible of. In this instance the Maori is the owner of a district which is considered to be rich in the precious metals, and the white man offers him terms which are refused, and on that refusal the former is looked upon as an untutored savage, and a stumbling-block to the advancement of European civilisation. Now to complete a bargain between a seller and a buyer, both parties must of course agree to the terms of the contract. This is a truism which our commercial transactions daily develop, but the obverse of that fact would not justify anyone in bestowing upon the owner of the goods as unfriendly epithet were he to refuse to sell them below their actual value. The Maori may be of opinion that the terms offered to him are far below the real value of the commodity which he had to dispose of.

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<sup>148</sup> 'Report of the Public Petitions Committee on the Petition of Thirteen Natives Owning Land at the Thames Gold Fields', 3 August 1869, Treasury, T 1, 40/71, ANZ-W.

<sup>149</sup> G.T. Wilkinson, 'Report on the question of Miners' Rights and other revenue payable to the Native owners of the Thames, Coromandel, Ohinemuri and Te Aroha Goldfields', 30 May 1889, Justice Department, J 1, 96/1548, ANZ-W.

Using the analogy of mining in England, 'A Pakeha' pointed out that a miner would have to pay a royalty on all ore extracted in addition to renting the land occupied, which he saw as the major difference between the two systems:

In Great Britain the Crown maintains the right to all the precious metals; but the Duchy of Cornwall readily leases that right to applicants upon payment of the royalty. In New Zealand the metallic deposits of every description are vested in the owner of the fee simple of the land; and consequently he had a right to make the best terms for their working that he is able. I believe I am correct in saying that from three claims, Hunt's, Tookey's, and Barry's, there has been realized already gold to the value of £3,000, which has been obtained by the labour of about 20 men, who each pay a license fee of 20s per annum. At that rate the Maori will receive as his quarterage the sum of £5, and the lucky diggers will have netted £2,995 profit. It seems to me that these results look one-sided, and may have had some weight with Te Hira in arriving at his recent decision. As the question will probably be again revived by the Maori owners and the provincial authorities, it would be as well if the principle of royalty were kept in view.<sup>150</sup>

In fact, payments of royalties were never required in New Zealand, except in the form of the 2s 6d per ounce duty on gold exports. This failure to pay royalties was not especially aimed at Maori, for Pakeha landowners did not receive such payments either. Claimants to the Waitangi Tribunal argued that 'a royalty should have been paid to the Maori owners of gold-bearing land, rather than (or as well as) miner's right fees for the granting of access', arguing that payment should have been received 'in relation to' the gold's value.<sup>151</sup> The Crown responded that it could not be assumed that Maori would have been better off with a royalty, for the claimants 'greatly' exaggerated 'the relative importance of ownership over knowledge, skills and capital'. The value of gold was 'the recovered gold multiplied by the mint price, less all the various costs such as transportation, wages, the cost of crushers and other machinery, the labour costs of exploration etc', and the most that landowners could get was 'the recovered gold multiplied by the mint price, less all these costs'.<sup>152</sup> The tribunal considered that

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<sup>150</sup> Letter from 'A Pakeha', *Daily Southern Cross*, 6 November 1867, p. 3.

<sup>151</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 551.

<sup>152</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 552.

claimants should have ‘noted that miners and mining companies would not have invested money and labour in order to hand over to landowners the greater part of their earnings’. It also considered ‘whether a percentage deduction’ from the 2d 6d per ounce gold duty should have been given to Maori:

It is inconceivable that the Crown would, or should, have returned all of it: governments spent huge sums in development works on the goldfields – on roads, bridges, water races, town subdivisions, drainage, sewerage, and general administration – and would have been unable to do so without some revenue return. (The boom years of mining occurred before income tax was first introduced in 1891; until then customs duty was the main source of Government revenue.)<sup>153</sup>

Being uncertain whether ‘royalties would have yielded significantly better returns to Maori than the miner’s right system’, it considered other possible methods of payment, all with high costs for administration and compliance.<sup>154</sup> It also noted that there was ‘no evidence of Maori protest with the *basis* of payment (as distinct from how *well* their entitlements were collected and paid)’. Nor did Maori request payments ‘related more closely to the value of gold mined’. Miner’s right fees, along with timber rights and other fees, provided an income without requiring any investment ‘other than making their land available, and involved them in no serious economic risks’.<sup>155</sup>

#### END OF CONFLICTS OVER OPENING AREAS FOR MINING

After Ohinemuri and Te Aroha became goldfields, there were no further ‘native difficulties’ of this sort to overcome. Indeed Maori in other districts were soon inviting Pakeha to explore their land in the hope of gold being found, as for example in early 1883 in the Rangitoto Block in the King Country.<sup>156</sup> In 1885, when George Thomas Wilkinson, the ‘native agent’, was meeting with Maori at Manaia, near Coromandel, to arrange for the making of roads so that the area could be opened for mining, the *Thames*

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<sup>153</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, pp. 558-559.

<sup>154</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 559.

<sup>155</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 560.

<sup>156</sup> *Auckland Weekly News*, 10 February 1883, p. 9.

*Advertiser* noted that many of the owners lived at Thames and that ‘their experience of the gold field as a revenue-producer probably made them amenable to reason’.<sup>157</sup>

### ALLOCATING REVENUE

The Waitangi Tribunal noted that, ‘to a large extent, the difficulties in collection and distribution of revenue’ was caused by ‘the ad hoc way the mining agreements came into being’. These agreements ‘were very simple documents’ that ‘said almost nothing about the means of collection and disbursement of revenues, except that they would be paid to the owners quarterly’. In addition, ‘the precise Maori ownership of the goldfield land was not known’. Once land went through the court, it was known ‘which hapu held interests in particular blocks’, but ‘most payments were still directed through named rangatira’. The other ‘inherent difficulty’ was ‘the considerable proportion of casual or short-term miners and company employees’. The requirement until 1886 that every miner must hold a miner’s right was ‘difficult to police, as men moved about and companies employed fluctuating numbers of workers. Officials continually complained about the difficulty of determining their numbers and ensuring that each held a miner’s right’.<sup>158</sup>

The allocation of revenue was made by the native agent, assisted by Hugh McIlhorne,<sup>159</sup> who was appointed in 1870 as inspector of miners’ rights to ensure that both the provincial government and the Maori owners received their due income. According to an 1880 report by the agent for Hauraki during the 1870s, Edward Walter Puckey, written in response to criticisms of these procedures, as the owners ‘preferred some person who should be under their own control’ they had agreed to pay part of McIlhorne’s salary of £150 per year.<sup>160</sup> Although in 1881 the owners would claim that they had not wished McIlhorne to hold this post,<sup>161</sup> in fact when the provinces were abolished in 1877 they had agreed to pay all of his salary:

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<sup>157</sup> *Thames Advertiser*, 13 March 1885, p. 3.

<sup>158</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, pp. 571-572.

<sup>159</sup> See *Observer*, 12 November 1910, p. 4.

<sup>160</sup> E.W. Puckey to Under-Secretary, Native Department, 31 July 1880, Maori Affairs Department, MA 1, 13/35c, ANZ-W.

<sup>161</sup> Under-Secretary, Gold Fields, to Under-Secretary, Mines Department, n.d. [August 1881], Mines Department, MD 1, 84/497, ANZ-W.

After ascertaining the sum fairly payable to the natives, a certain percentage was deducted equal to the salary of the inspector from the aggregate - the remainder, after allowing for the deduction pro rata, was then paid to the natives in accordance with the proportion of the whole accruing from their respective interests in the Goldfield. The voucher for the payment of the Inspector's salary was then signed by the principal man of the tribe as in propria persona representing the whole of the owners. This was done in accordance with an understanding openly come to, and agreed to by the natives themselves. It can readily be understood that a pro rata payment to the Inspector deducted from the amount paid to each native would be attended with great difficulty, but when done in the aggregate, it is less like direct taxation and has never been objected to.<sup>162</sup>

Maori landowners petitioned parliament in 1876 and 1877 claiming that the revenue was not paid regularly and that some moneys were not paid at all. Investigation proved these claims to be unfounded, but the petitioners were told that they should choose a competent person to inspect the books.<sup>163</sup> In July 1876, Daniel Pollen, then the Colonial Secretary,<sup>164</sup> in giving evidence about the petition of Te Moananui and others alleging late payment of fees stated that the time required to do the paperwork did not cause any significant delay. Although he had 'explained everything' satisfactorily at a Thames meeting, some Pakeha 'make it their business to go about amongst the natives for the purposes of creating dissatisfaction and inducing natives to complain when there is no cause for complaint about non-payment'.<sup>165</sup> Fees were collected annually, and distributed quarterly; no money was kept back, and indeed Puckey, through 'kindness to them', paid some money in advance.<sup>166</sup> There was 'a perpetual demand for small sums', and 'a large portion of Mr Puckey's time seems to be taken up in arranging little business transactions for these people & it is a constant trouble for him to keep them out of difficulties by paying creditors the amounts due to them'. He would now stop Puckey making advances on

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<sup>162</sup> E.W. Puckey to Under-Secretary, Native Department, 31 July 1880, Maori Affairs Department, MA 1, 13/35c, ANZ-W.

<sup>163</sup> Reports on petitions, 1 August 1876, 14 August 1877, Treasury, T 1, 40/71, ANZ-W.

<sup>164</sup> See *Cyclopedia of New Zealand*, vol. 1, p. 62.

<sup>165</sup> Evidence of Dr Pollen re petition by Te Moananui and others re late payment of miners' rights' fees, 26 July 1876, p. 3, Legislative Department, LE 1, 1876/7, ANZ-W.

<sup>166</sup> Evidence of Dr Pollen, p. 5.

fees.<sup>167</sup> In response to a letter from Poutotara and others asking to examine the accounts, he instructed Puckey 'to show them the accounts and go over the books with them – in fact to give them every information' and make everything 'clear'. The money was paid 'at a stated time in public meeting of the tribes & then is the time to make their complaints'.<sup>168</sup>

In 1880, in response to Audit Office criticism about inadequate procedures to determine and record how revenue was dispersed, Puckey blamed Maori for any confusion. As to the point that the names of those who received fees should be easy to ascertain, being those who had approved opening the land, he responded that as 'a considerable number of the owners' had not signed the goldfields agreements and had 'for a time ignored the whole matter, they being Hauhaus', they 'did not receive any of the Miners' Rights until years later'. Multiple claims to unequal interests in the various blocks of land made a pro rata division of the revenue impossible. 'It was solely on account of the greed and jealousy of the owners of the land, and their inability to divide their money that Mr Mackay and I did it for them'. Particular problems he had faced in 1870, when he had taken on the task of allocating the revenue, included the fluctuating fortunes of different portions of the goldfield, which meant that it was necessary to modify the amounts payable to the owners. As well, as the land had not been put through the land court, there were rival claimants for each block.<sup>169</sup> For example, not till April 1869 did the court consider Taipari's claims to some of the auriferous land at Thames.<sup>170</sup> Before that time, Mackay had made his own decisions, guided by 'friendly' Maori, about which blocks of land belonged to which hapu, making verbal agreements with those he deemed to be the principal owners and excluding 'Kingite' owners.<sup>171</sup> Puckey had struggled to formalize the arrangements by determining the rightful owners. The allocation of miner's rights fees was his most difficult task, and to solve it he had invented a system which, he argued, was 'the only feasible one':

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<sup>167</sup> Evidence of Dr Pollen, pp. 6-7.

<sup>168</sup> Evidence of Dr Pollen, pp. 7-8.

<sup>169</sup> E.W. Puckey to Under-Secretary, Native Department, 31 July 1880, Maori Affairs Department, MA 1, 13/35c, ANZ-W.

<sup>170</sup> For example, Maori Land Court, Hauraki Minute Book no. 2, p. 134.

<sup>171</sup> Anderson, p. 38.

No proportionate payment of the whole could be determined in concert with the natives. As the holdings varied the payments must be modified - the same holdings not being continued in the same ratio year after year, new ground being often taken up or old workings abandoned - or licensed holdings forfeited; so also with Miners Rights fees it would sometimes happen that in a claim held by a company occupying an area of six men's ground there might one month be a hundred miners working whilst during the following month there might be only ten or a lesser number of men so employed in the same claim. Under these circumstances, therefore, I see no plan other than that which I adopted which was to find out how much land the property of a native or family of natives was held under Gold Mining leases or licenses, what number of residence sites, if any, were on that land, what the fair average of men working in the claims situated on that land, and if there were any other rights in existence on that land, to ascertain what the fair value of the same were, and to pay the owner or owners accordingly. Nor would it follow if there are several owners that they would all receive in equal proportion.

Puckey endeavoured to pay an equal amount each quarter so that the owners 'might know how much they were getting and regulate their living accordingly'.<sup>172</sup> In a schedule attached to this letter, Puckey detailed who were the owners of particular blocks and how payments varied. For example, in the blocks of Opitomoko, Kuranui, and Moanataiari, Rapana Maunganoa and his wife both had a one-third share, Hori More had one-sixth, and two others had a twelfth share each; the interests of the last two had recently been acquired by the successors to Rapana Maunganoa.<sup>173</sup>

In the late 1870s, some Maori accused McIlhone of not deserving his salary because he had deprived them of income by selectively enforcing the rule that every miner must possess a miner's right. Consequently, in April 1880 the owners appointed a controversial local solicitor, Henry Elmes Campbell,<sup>174</sup> to inspect the accounts, which he did with some

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<sup>172</sup> E.W. Puckey to Under-Secretary, Native Department, 31 July 1880, Maori Affairs Department, MA 1, 13/35c, ANZ-W.

<sup>173</sup> Schedule, appended to E.W. Puckey to Under-Secretary, Native Department, 31 July 1880, Maori Affairs Department, MA 1, 13/35c, ANZ-W.

<sup>174</sup> See for example *Thames Advertiser*, Magistrate's Court, 8 December 1877, p. 3, Police Court, 23 January 1878, p. 3, Magistrate's Court, 18 May 1878, p. 3, Magistrate's Court, 11 June 1880, p. 2.

earnestness.<sup>175</sup> Campbell immediately objected to McIlhorne being paid from the 'Native Revenue', and sponsored a petition of Maori owners demanding his replacement by Hamiora Mangakahia, a leading chief of the Ngaitai and other Marutuahu tribes.<sup>176</sup> McIlhorne claimed to have discretionary powers to allow poor miners to work without a right, but the warden, Harry Kenrick, felt that he was guilty of 'the grossest abuse of this discretionary power'.<sup>177</sup> As the Native Minister agreed with Kenrick that such discretion was not permitted, McIlhorne was dismissed and replaced, temporarily, by the mining inspector; the owners would later complain that they were not consulted about this arrangement.<sup>178</sup> When Hamiora Mangakahia was not appointed as inspector, McIlhorne claimed that he was only seeking the post for his own interests rather than to 'ventilate the Maori grievances'. Campbell was removed by the owners within a few months because they, like everyone else who had anything to do with him, soon objected to his behaviour.<sup>179</sup>

From 1 April 1881 onwards, receipts from miners' rights were treated as public monies and subject to more regular audit than previously, with the Treasury in charge of the system.<sup>180</sup> Weekly accounts were to be provided to it.<sup>181</sup> The Auditor-General considered that the original arrangement made by the provincial authorities was 'of very doubtful legality', and that, even with weekly or monthly accounts presented for

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<sup>175</sup> For example, G.T. Wilkinson, diary, entry for 20 May 1881, University of Waikato Library.

<sup>176</sup> *Thames Star*, 21 April 1880, p. 2; *Thames Advertiser*, 22 April 1880, p. 2, 27 April 1880, p. 3, 15 May 1880, p. 3; *Thames Star*, Warden's Court, 10 June 1880, p. 2, 28 June 1880, p. 2, 19 July 1880, p. 2; Evidence of Hamiora Mangakahia, 6 June 1872, Maori Land Court, Coromandel Minute Book no. 2, p. 335.

<sup>177</sup> Harry Kenrick to Under-Secretary, Mines Department, 1 May 1884, Mines Department, MD 1, 84/497, ANZ-W.

<sup>178</sup> Harry Kenrick and G.T. Wilkinson to Under-Secretary, Gold Fields, 21 October 1881, Mines Department, MD 1, 85/497, ANZ-W.

<sup>179</sup> Maori Affairs Department, MA 1, 13/35c, ANZ-W; *Thames Advertiser*, 28 June 1880, p. 2.

<sup>180</sup> G.T. Wilkinson to Receiver General, 23 February 1881; Secretary to the Treasury to Controller and Auditor-General, 7 March 1881; Controller and Auditor-General to Secretary to the Treasury, 9 March 1881, Treasury, T 1, 40/71, ANZ-W; 'The Native Purposes Act, 1935', *AJHR*, 1940, G-6A, pp. 3, 4.

<sup>181</sup> G.T. Wilkinson, Diary, entry for 23 March 1881, University of Waikato Library.

audit, the auditing 'of such accounts, involving small payments to many natives, would constitute no protection whatever against misappropriation of the moneys'.<sup>182</sup>

In May 1881, Charles John Dearle<sup>183</sup> offered to be Inspector of Miners' Rights and to keep the account books at an annual cost to Thames Maori of £100 and to Te Aroha Maori of £25, the amounts they were paying already.<sup>184</sup> Nearly all the owners petitioned that he be appointed as inspector and to keep 'our account books', stating their willingness to pay him £100 a year out of the miners' rights fees.<sup>185</sup> Dearle, who had been appointed as a clerk in the Native Land Purchase Office in Thames in 1877, may have been supported for this post because in 1880 he had married Hera Te Whakaawa, otherwise Alice Grey Nicholls, and so was the brother-in-law of the increasingly influential William Grey Nicholls.<sup>186</sup> The goldfields under-secretary was reluctant to approve such a highly paid appointment to a position 'formerly held to be unnecessary, futile, and surrounded with suspicion', but was informed by his counterpart in the Native Department that the accounts were very intricate and if the owners wished to pay £125 'I do not see that the Government can object'. This view was acceded to.<sup>187</sup> In early 1882, at a public meeting Wilkinson discussed 'the whole question of expenditure' with the owners, 'and all present unanimously agreed that the expenditure necessary for travelling, printing, stationary, duty stamps,

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<sup>182</sup> Controller and Auditor-General to Secretary to the Treasury, 9 March 1881, Treasury, T 1, 40/71, ANZ-W.

<sup>183</sup> See paper on Alice Grey Dearle.

<sup>184</sup> C.J. Dearle to G.T. Wilkinson, 6 May 1881, Mines Department, MD 1, 84/497, ANZ-W.

<sup>185</sup> Petition by Wirope Hoterene Taipari and others, n.d.; Petition by Hori More and others, n.d.; G.T. Wilkinson to Under-Secretary, Native Department, 12 July 1881; Harry Kenrick and G.T. Wilkinson to Under-Secretary, Native Department, 26 July 1881; G.T. Wilkinson to Under-Secretary, Native Department, 3 September 1881; Harry Kenrick to Under-Secretary, Mines Department, 1 May 1884, Mines Department, MD 1, 84/497, ANZ-W.

<sup>186</sup> See paper on William Grey Nicholls.

<sup>187</sup> Under-Secretary, Gold Fields, to Under-Secretary, Native Department, 16 August 1881; Under-Secretary, Native Department, to Under-Secretary, Gold Fields, n.d.; Memorandum by Under-Secretary, Mines Department, n.d., Mines Department, MD 1, 84/497, ANZ-W.

etc, should be deducted from the Revenue coming to them from the different Gold Fields'.<sup>188</sup>

Two years later, 34 owners, including those who had petitioned for Dearle's appointment, asked for his removal. 'He is idle, and is not as energetic as Mr McIlhone was in going about to ascertain if Miners' Rights are held by workmen employed on the leases and licenses to fell timber and remove firewood posts and rails'.<sup>189</sup> As the minister did 'not think that too much importance should be attached to the petition',<sup>190</sup> he sought Kenrick's opinion. He emphasized that without Dearle's help he would be unable to distribute the revenue, proving his point by detailing Dearle's tasks:

His duties being to keep the books and make up returns and accounts of the Trustees (Kenrick & Wilkinson) for the Treasury – visit the various Native blocks of land upon which mining is carried on – during each quarter – so as to arrive at an estimate of the amount of revenue derived therefrom from all sources – then in conjunction with the Mining Inspector and myself – to make a Quarterly allocation of that revenue – first to each block of land – afterwards amongst the owners of such blocks, subsequently to assist at the payment to the Natives – a glance at the returns furnished to the Treasury will give some idea of the nature of extent of this work – the very first qualification for the post held by Mr Dearle – is and must be – strict impartiality – for with every precaution that I can possibly take – much must be left to the discretion of the officers in the field – upon whose report the revenue is allocated – When taking over the allocation of this revenue I found the grossest abuse of this discretionary power had been permitted to grow up – I have no hesitation in now saying that the work is well, fairly and impartially done – the Natives are taken as much as possible into our confidence – and have furnished to them a list of the claims and detailed description of the different heads under which the revenue is divided – in addition to having free access to a large map of the district upon which the various claims & rights are shown – corrected from quarter to quarter –

There can be no comparison between the way the work is now done and the system or want of system that previously prevailed -

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<sup>188</sup> G.T. Wilkinson to Under-Secretary, Native Department, 3 February 1882, Treasury, T 1, 40/71, ANZ-W.

<sup>189</sup> Hori More and 33 others to Native Minister, 3 March 1884, Mines Department, MD 1, 84/497, ANZ-W.

<sup>190</sup> Memorandum by Under-Secretary, Native Department, 24 May 1884, Mines Department, MD 1, 84/497, ANZ-W.

The Natives are in error in supposing that it is any part of Mr Dearle's work to see that Miners Rights are taken out by the miners – this duty is cast upon the Mining Inspector – by the Gold Mining District Act – and that officer has of late shewn considerable energy in enforcing the regulations both in respect of Miners Right and Timber Licenses –

Kenrick noted that the petition had been signed by some 'who were most persistent in endeavouring to get Mr McIlhone removed and Mr Dearle appointed'. Some of the signatures were of children or of people who did not receive any goldfield revenue; two who purported to sign by making a mark were in fact able to write. With the exception of a few rangatira, the interests represented by the signatories were 'but small'.<sup>191</sup> Accordingly, the matter was left to rest,<sup>192</sup> and was never raised by the owners again; the reason why they wanted Dearle dismissed was never explained.

Kenrick wanted fair treatment for Maori, but emphasized that his office experienced great difficulty in dealing with this revenue. Apart from wanting a receiver of gold revenue to be appointed for Te Aroha, he did not want any change to the system. He reminded his department that the government was bound by its agreements 'to collect and pay over all revenue' received from the goldfield.

Any interference by County or Borough with the collection of this revenue – would certainly be misunderstood and probably resented as a breach of faith on the part of the Government – by the natives – who are extremely sensitive and difficult to deal with – in all matters appertaining to the collection and payment of their revenue.<sup>193</sup>

In 1888, Dearle informed the warden, Henry William Northcroft, that there had been complaints about non-payment of miners' rights for the Ohinemuri goldfield. There were a 'large numbers of grantees, I believe holding different interests, requiring considerable amount of clerical work and local knowledge of owners to make allocation, vouchers and returns',

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<sup>191</sup> Harry Kenrick to Under-Secretary, Mines Department, 1 May 1884, Mines Department, MD 1, 84/497, ANZ-W.

<sup>192</sup> Memoranda of Under-Secretaries, Mines Department and Native Department, 7 May 1884, Mines Department, MD 1, 84/497, ANZ-W.

<sup>193</sup> Harry Kenrick to Under-Secretary, Gold Fields, 27 December 1884, Mines Department, MD 1, 85/2, ANZ-W.

and his offer to do the work for the owners if they paid him two and a half percent of the amount had been agreed to.<sup>194</sup> Northcroft reminded the under-secretary that when the native agent was moved from Thames to Waikato ‘the responsibility of the Native work was thrown upon the shoulders of the Warden of the District without any provision being made for remuneration of his service. I fail to see why I should be called upon to act in the position of Clerk to the Natives in making these allocations, the work is no sinecure’. Northcroft had no time to do the work, and Dearle, who had given satisfaction to both Maori and the Treasury, was willing to do the hard work of determining rights for two and a half percent, a ‘very small’ charge in the light of the work required, and all but two complainants were willing to pay this amount. His final statement, that the system worked well,<sup>195</sup> prompted Patrick Sheridan of the Native Office to note that ‘I don’t think there is a single officer in Wellington who understands either the system or the state of the accounts’.<sup>196</sup>

Sheridan commented to Wilkinson that the allocations should be made by the clerk of the magistrate’s court or a similar official, adding: ‘It seems to me to be a great hardship to compel the Natives to pay Mr Dearle 2 1/2% out of the money due to them, if they are unwilling to do so. You made a remark to this effect on a former occasion’.<sup>197</sup> This comment prompted Wilkinson to detail the method by which revenue was dispersed:

The Mining Inspector supplies ... the Warden with a Return showing all claims, Leases, Residence Sites, Batteries, Water Races, etc, that are upon, or partly upon, Native blocks. The Receiver of Gold Revenue supplies the information as to the amount of Revenue accrued from such sources. The Warden, as Trustee, then asks for an imprest for that amount from the Treasury and it is paid to the Natives in his name by Mr Dearle. As all the land within the Coromandel, Thames, Ohinemuri and Te Aroha Goldfields from which revenue accrues is now through the N[ative] L[and] Court (with the exception of one block at Manaia, Coromandel), and the owners thereof known, the division

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<sup>194</sup> C.J. Dearle to Warden, 27 April 1888, Justice Department, J 1, 96/1548, ANZ-W.

<sup>195</sup> H.W. Northcroft (Warden) to Under-Secretary, Mines Department, 24 December 1888, Justice Department, J 1, 96/1548, ANZ-W.

<sup>196</sup> Memorandum by Patrick Sheridan, n.d. [January 1889], Justice Department, J 1, 96/1548, ANZ-W.

<sup>197</sup> Patrick Sheridan to G.T. Wilkinson, 25 January 1889, Justice Department, J 1, 96/1548, ANZ-W.

of revenue, in most cases, is simply a matter of dividing so much money amongst so many people. There are however cases in which adjustments and calculations have to be made because the revenue is paid to the Natives quarterly (or is supposed to be), whereas it is received by the Receiver of G[old] F[ield] Revenue yearly. For instance, a miner pays £1 for his Miners Right for one year, and that £1 is paid to the Natives in four quarterly payments of 5/- each. But as there is no certainty that the Miner exercises his M[iner's] Right over one Native block only for the whole year, a kind of adjustment has to be made of the revenue from Miners Rights Fees over the whole of the blocks which yield the most of that class of revenue. That, with the clerical work of making out receipts in duplicate, paying the Natives, and taking their receipts and preparing weekly statement of Imprest a/c to Treasury is, I think, all that Mr Dearle has, or should have, to do in the matter.

He believed the warden was the appropriate person to decide whether the clerk of the court had the competence and the time to undertake this task. There was 'no doubt that the clerical work is considerable, as some of the blocks, especially those in the Ohinemuri District, have a large number of owners, and the amount payable has to be apportioned amongst each, and each one signs a separate receipt for the amount he receives'. However, should the government buy interests 'whenever obtainable', the amount of work would steadily reduce every year.<sup>198</sup>

After visiting Thames, Wilkinson stated that the owners did not have 'much to complain of' concerning revenue not being distributed, other than the fact that they had to pay five per cent of it for clerical services.<sup>199</sup> In February 1893, when Alfred Jerome Cadman, Native Minister and Minister of Mines, held a meeting with Maori at Thames, Taipari requested that the mining inspector 'be authorized to take proceedings against any person mining without a miner's right'. When Cadman asked why they did not 'employ some one to look after their interests', Taipari 'said that we were prepared to do so if the Government would give such person all such power and authority' required. Cadman said that, as there already was a mining inspector, another would not be appointed. Taipari wrote to the press

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<sup>198</sup> G.T. Wilkinson to Patrick Sheridan, 8 February 1889, Justice Department, J 1, 96/1548, ANZ-W.

<sup>199</sup> G.T. Wilkinson, 'Report on the question of Miners' Rights and other revenue payable to the Native owners of the Thames, Coromandel, Ohinemuri and Te Aroha Goldfields', 30 May 1889, Justice Department, J 1, 96/1548, ANZ-W.

explaining that they had not wanted another mining inspector but instead an inspector of miner's rights 'and that we were prepared to pay his services'.<sup>200</sup> Cadman did not take up this suggestion.

The Waitangi Tribunal, after noting that Dearle had other official responsibilities in addition to allocating revenue to Maori, considered that his

co-ordination of the collection and distribution through no fewer than four Government departments, *and* his close personal knowledge of how Maori interests were held in various portions of mined ground, saved Crown officials much work. The goodwill he won from Maori probably more than made up for the casualness of his bookkeeping.<sup>201</sup>

By late 1894 Dearle, seriously ill with tuberculosis, was unable to carry out his responsibilities, and the warden complained that some Maori were not receiving their revenue and others could not ascertain the state of their accounts:

Taipari particularly, is in a most awkward position. The Bank of New Zealand want him to reduce his overdraft, & I cannot explain the position of his a/c with us to either him or the Bank, but I am quite sure there must be some money due to this Chief which ought to be paid. I have written twice to Dearle about Taipari & spoken to him several times, & yet I cannot get him to give the matter his attention.<sup>202</sup>

He 'was continually being pestered by Natives all over the District on account of the unpunctual payment of their money'.<sup>203</sup> Wilkinson, brought from Otorohanga to sort out the confusion, discovered that, although the revenue being distributed was much reduced compared with previous years, Dearle still received £100 a year for doing this work, which he considered was too high, being nearly one-fifth of the total payment. While accepting that the amount of work required in distributing a small amount was as

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<sup>200</sup> Letter from W.H. Taipari, *Thames Advertiser*, 11 February 1893, p. 3.

<sup>201</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 582.

<sup>202</sup> Warden to Under-Secretary, Mines Department, 17 November 1894, Justice Department, J 1, 96/1548, ANZ-W.

<sup>203</sup> Warden to Under-Secretary, Justice Department, 18 November 1895, Justice Department, J 1, 96/1548, ANZ-W.

great as distributing a large one, he recommended simpler ways of payment and of meeting the clerical cost.<sup>204</sup> The Thames owners also asked that a new arrangement be worked out.<sup>205</sup> Cadman noted that ‘owing to disputes and complications some years ago’, Dearle had been employed by Maori ‘to act as a sort of scrutineer on their behalf, and to see that the monies are rightly allocated’, for which they paid him a commission. Because Dearle was ‘doing Land Purchase and other work he has gradually drifted towards the position of a Government officer – though employed and paid by the Natives’. The issue was ‘becoming more complicated every year owing to deaths, successions etc causing the amounts (which are now comparatively small) to be spread over a large number of persons. In some cases the payments are very trifling and probably in the course of a year do not amount to more than shillings’. He believed the government should meet the cost, and that the best solution was ‘vigorously purchasing the interests of the Natives as fast as they can be acquired’.<sup>206</sup>

After Dearle’s death, ministers and officials discussed the best way to handle payments, for the warden’s office at Thames was overburdened with many other duties.<sup>207</sup> The under-secretary of the Native Department commented that ‘I really cannot see why the Natives should pay for the distribution of this money’,<sup>208</sup> and a series of minor officials handled matters, with varying efficiency.<sup>209</sup> From 1896 onwards the money was

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<sup>204</sup> G.T. Wilkinson to Under-Secretary, Mines Department, 30 March 1895; Warden to Under-Secretary, Mines Department, 6 April 1895, Justice Department, J 1, 96/1548, ANZ-W.

<sup>205</sup> James A. Miller to Native Minister, 4 April 1895, Justice Department, J 1, 96/1548, ANZ-W.

<sup>206</sup> Minister of Mines to Native Minister, 9 May 1895, Justice Department, J 1, 96/1548, ANZ-W.

<sup>207</sup> Under-Secretary, Native Department, to Minister of Justice, 13 June 1895; Memorandum by Minister of Justice, 11 June 1895; 12 September 1895, Warden to Under-Secretary, Justice Department, 12 September 1895; Under-Secretary, Justice Department, to Warden, 5 November 1895; Warden to Under-Secretary, Justice Department, 18 November 1895; Receiver of Gold Revenue to Warden, 6 June 1896, Justice Department, J 1, 96/1548, ANZ-W.

<sup>208</sup> Under-Secretary, Native Department, to Minister of Justice, 13 June 1895, Justice Department, J 1, 96/1548, ANZ-W.

<sup>209</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 579.

distributed by the receiver of gold revenue at Waihi, who received travelling expenses but was not paid for this work.<sup>210</sup>

The Waitangi Tribunal considered that administration of revenues owed to Maori 'was poor in many respects, but not because of a lack of diligence on the part of individual officers', who 'did their best with a very complex task'. The 'fundamental problem' was ad hoc procedures combined with no one department being responsible. 'Consequently, when officers who actually made the distribution to Maori moved on or died, the system (if it can be called that) fell into disarray'. Whilst admitting that 'practicable alternatives were few', the tribunal regretted that 'the Crown did not insist that the land should go through the court speedily, if necessary at the Crown's expense, and hold some of the revenue in trust, invested until ownership had been formally determined'. It admitted that the 'loose arrangements' were 'mutually convenient' to rangatira and officials, for the former 'found themselves in possession of substantial revenue' during boom times. And regular personal contact resolved many problems 'with remarkable co-operation between officials and chiefs'.<sup>211</sup>

The tribunal also noted that when land went through the court, goldfield revenue was dissipated 'into small sums, increasingly fractionated through succession. Essentially this revenue problem was a sub-set of the much wider problem of fractionated land titles generally, and the absence of a legal mechanism by which the owners could act corporately'.<sup>212</sup> It also noted that 'the allocation of revenues could only be approximate. Any degree of precision depended not just on figures of miners and revenues' but also 'upon first hand familiarity with the miners working the ground and the complex and intersecting interests of the Maori owners'.<sup>213</sup> On the 'inefficiency' of administration, it rightly noted the 'many problems for officials to overcome, including constant shifts in the mining population, fluctuating revenues, uncertainty about the relative interests of customary right-holders including the relative rights of rangatira and their kin, intestate succession and a mobile population'.<sup>214</sup>

## COMPLAINTS OVER DECLINING REVENUE

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<sup>210</sup> 'The Native Purposes Act, 1935', *AJHR*, 1940, G-6A, p. 3.

<sup>211</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 580.

<sup>212</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 581.

<sup>213</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 582.

<sup>214</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 601.

As mining declined in profitability, miners and mining companies sought financial relief from governments, which obliged by, in particular, limiting the number of miner's rights required and increasing the size of claims.<sup>215</sup> According to Puckey, the principal cause of the dissatisfaction expressed in 1880 was not how revenue was allocated but 'the fact that owing to the depression existing in the Thames Goldfield and the consequent falling off of the fees', the owners were receiving less income.<sup>216</sup> These complaints were not new; in his 1875 annual report he had noted that the approximately 40 per cent fall in revenue from miners' rights over the past year had 'caused a good deal of discontent amongst the owners of the gold field. I have made it my special care to warn them from time to time of the gradual decline of their income. They do not seem, however, either to realize or are unwilling to believe the actual facts of the case, or the causes which have led thereto'.<sup>217</sup>

In July 1876, in response to the petition of Te Moananui and others concerning late payment of miners' rights fees, Pollen explained the position to parliamentarians:

They were receiving large sums of money at one time; now these have come down in amount and they do not understand it. They need not have the slightest difficulty in understanding the whole matter, if they chose to take a little trouble. One of their own people is in the office at Shortland, & there are the office books and bank books all there open to inspection if they choose to look at them.<sup>218</sup>

Declining revenue continued to be of great concern. In 1889, Wilkinson, in his published report, stated that the 'owners of the Thames, Coromandel, and Te Aroha goldfields have for some time been complaining of the serious falling-off of the revenue' resulting in particular from recent

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<sup>215</sup> See Waitangi Tribunal, *The Hauraki Report*, vol. 2, pp. 562-566.

<sup>216</sup> E.W. Puckey to Under-Secretary, Native Department, 31 July 1880, Maori Affairs Department, MA 1, 13/35c, ANZ-W.

<sup>217</sup> E.W. Puckey to Under-Secretary, Native Department, 28 May 1875, *AJHR*, 1875, G-1B, p. 1.

<sup>218</sup> Evidence of Dr Pollen, p. 6.

changes in the mining laws.<sup>219</sup> In an unpublished report, he detailed the latter. 'By substituting the leasing tenure (with its extended area, and non-necessity for fully manning the ground) in lieu of that of the Miner's Right, which was the only title in force when the Goldfield was ceded by Natives to Crown in 1867', there was an uncertain but 'considerable' reduction in revenue, 'because, by not fully manning the ground less Miners Rights were taken out & ground locked up against others'. Five-sixths of the revenue once received from rents on licensed holdings had been lost by reduction of the rent under the Mining Act of 1886. When this Act increased the area of one man's ground from 15,000 square feet to 60,000 square feet, three quarters of the previous revenue was lost. The same Act allowed those holding licensed holdings under the 1873 Act to exchange them for new titles, resulting in five-sixths of the revenue from these being lost. A similar loss was created by the same Act

making it lawful that one man only need be employed to represent every two acres within a Licensed Holding, and it not [being] imperative that he should be the holder of a Miner's Right. Whereas before the passing of that Act all owners of Licensed Holdings had to employ three men to every acre, all of whom had to have Miner's Rights;

five-sixths was again lost in this way. Lastly, the same Act allowed a miner to obtain licensed holdings covering 30 acres and 'to employ as many wages men, or tributers on it as he chooses, none of whom need have a Miner's Right'. This reduced the amount of rent for this area from £90 to £15, plus a loss from men not requiring miners' rights. In this example, the loss was five-sixths in rent alone. 'The loss in Miners Rights would be according to the difference between the number of men's ground in the lease & the number of men employed thereon without Miners' Rights'.

Wilkinson emphasized 'the very serious diminution of revenue'. Owners 'who gave their land up for gold mining under certain conditions have not been in any way consulted, or even considered except in the case of the one exception, viz, allowing them to draw rents for mining leases'. That the Mining Act of 1886 permitted wages men and tributers to work in a licensed holding without being required to have miners' rights was 'a clear breach of the agreement' that had opened land for mining:

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<sup>219</sup> G.T. Wilkinson to Under-Secretary, Native Department, 20 June 1889, *AJHR*, 1889, G-3, p. 5.

It may be said, and truly, that the revenue that accrues from Mining Leases should never have been paid to the Natives, as it was an additional charge made upon the Miner and never formed any part of the original agreement between the Government and the Natives, and that all the Natives can claim under the Agreement is the Revenue from Miners' Rights, Timber Licenses, etc. That may be so, but, if the introduction of the leasing system (which was not in force when the goldfield was opened in 1867) has had the effect of reducing the revenue payable to Natives to a sum less than it otherwise would have been under the old Miner's Right tenure, then I think it is a question as to whether the Natives have not a claim against Govt. for any loss that they have sustained by a change.

Wilkinson argued that 'it would almost appear' as if the government, having made certain arrangements with the owners that 'tended to show that on their being carried out, as proposed, large sums would accrue to the Native owners', had then gone 'into competition with its Native landlords by offering the gold digger better and cheaper facilities for working the Native lands' than originally agreed to. 'Government, in taking this step, apparently overlooked or ignored the fact that such action, though beneficial enough to the gold digger, was disastrous to the natives' by 'altering and curtailing the sources' from which they obtained revenue, 'and thus, in a measure, broke faith with them'. 'Every facility' had been 'given to the Miner to take up and work land on these goldfields at the least possible cost, and with the greatest benefit to himself, which is no more than should be the case provided that the land thus thrown open to him on such favourable terms is land owned by the Crown'; but this land was owned by Maori, creating 'not only a grievance against Govt. but a genuine claim for any bona fide loss that they may have sustained thereby'.

In the light of this situation, Wilkinson considered that 'some inquiry should be made', but before one was held, he recommended that the Crown should purchase the interests of the owners

whenever opportunities offer of doing so at a reasonable price, as, by so doing will lessen the area of land from which any complications with the Native owners may hereafter arise, and will at the same time enable the Govt. to retain in force the present mining act which is so beneficial to the Mining community, whatever it may be to the Native owners of the soil.

He concluded that it was possible that, so long as the owners received revenue from leases in addition to other sources, they might not have a real source of grievance, compared with the owners at Te Aroha, who did not receive income from leases.<sup>220</sup>

The following month, the under-secretary of the Native Department informed his minister that, when at Thames, he had discovered that Wilkinson had correctly explained that the owners were aggrieved because they did not understand the reason why their income had been 'greatly diminished'.<sup>221</sup> The minister did heed these points, in a minor way, by requiring everyone mining on Maori land to hold miners' rights.<sup>222</sup> Rangatira such as Taipari petitioned parliament for redress when their revenue declined, but, despite receiving a sympathetic hearing, the government took no action.<sup>223</sup>

In 1895, when visiting Thames on business connected with the distribution of goldfield revenue, Wilkinson discovered that 'for several years past mining has decreased considerably'. Coupled with legislative changes, this meant that 'the money now divisible quarterly amongst the natives (and those who have bought land from them)' was 'little more than a skeleton of what it used to be in the early and more prosperous days'.<sup>224</sup> There was now 'a tendency amongst some owners to sell their interests' in mining land 'for a lump sum of cash, rather than bother with the vagaries of collection and distribution of revenue', knowing that they were 'relinquishing what annual revenue there was'.<sup>225</sup>

The amounts available for distribution continued to decline, and by the early twentieth century were often unclaimed. In 1913, the Treasury discovered that fees for some blocks of land dating back for 'many years' were unclaimed. £1,392 8s 9d was unclaimed between 1913 and 1917. In

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<sup>220</sup> G.T. Wilkinson, 'Report on the question of Miners' Rights and other revenue payable to the Native owners of the Thames, Coromandel, Ohinemuri and Te Aroha Goldfields', 30 May 1889, Justice Department, J 1, 96/1548, ANZ-W.

<sup>221</sup> Under-Secretary, Native Department, to Native Minister, 17 June 1889, Justice Department, J 1, 96/1548, ANZ-W.

<sup>222</sup> Under-Secretary, Mines Department, to Warden, Thames, 20 August 1880, Mines Department, MD 1, 89/85, ANZ-W.

<sup>223</sup> Anderson, pp. 58-59.

<sup>224</sup> G.T. Wilkinson to Under-Secretary, Mines Department, 30 March 1895, Justice Department, J 1, 96/1548, ANZ-W.

<sup>225</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 602.

the latter year, a new method of payment through post offices was introduced, which a 1937 Treasury report described as ‘a retrograde step as the majority of the vouchers forwarded to the Postmasters were returned to the paying officer, the Postmasters being unable to trace the Natives entitled to receive payment. Subsequently, only those natives who applied to the paying officer were paid’. From 1928 onwards, the Waikato Maniapoto Maori Land Board assisted to allocate some of this unclaimed money and distributed all the revenue.<sup>226</sup>

Assessing the decline in revenue received by Maori, the Waitangi Tribunal accepted Wilkinson’s evidence and ruled that ‘the changes were made unilaterally, breached the agreements made with Maori in the 1860s, and were disastrous’ for the owners’ income. Whilst agreeing that it was ‘scarcely to be expected that the terms and conditions for mining could be maintained at levels beyond what the market would bear’, when ‘the Crown acted to sustain the industry in difficult times’ it ‘did not negotiate the changes with the Maori owners’, instead acting unilaterally.

On Treaty principles or any other principles of equity, this was an action of bad faith. Had the Government taken Maori into their confidence and sought to negotiate a more flexible payments system, better linked to production and prices, so that Maori could share in the prosperity of the good years as well as the burdens of the poor years, the outcome might have been more equitable.<sup>227</sup>

At the time, no Pakeha or Maori had suggested this ‘more flexible’ system.

#### MINERS COMPLAIN ABOUT PAYING FOR THE RIGHT TO MINE

While Maori complained about their declining revenue, miners complained that miners’ rights were an unfair cost to their industry. In 1884, Alfred Buttle, a Thames correspondent for the *New Zealand Herald* who became a sharebroker,<sup>228</sup> outlined their changing attitudes:

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<sup>226</sup> ‘Hauraki Goldfields Native Revenue: Treasury Statement Relative to Petitions’, n.d. [October 1937], p. 35, Treasury, T 1, 40/71, ANZ-W; ‘The Native Purposes Act, 1935’, *AJHR*, 1940, G-6A, p. 3.

<sup>227</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 570.

<sup>228</sup> See *New Zealand Herald*, 16 June 1925, p. 10.

The revenue derivable from this source is not local revenue, but under the agreement made between Mr James Mackay and the natives the money so raised is paid over to the latter and that too without any deductions being made for the cost of collection. In the early days of the fields this was not felt to be a hardship because the miner's right was the title under which the miner held his ground. With the introduction of mining companies and the adoption of the leasing system a new order of things came into operation. The company paid £1 per annum (the amount of the miner's right fee) for every man's ground held under its lease, and at the same time was compelled to employ as many men as it held ground, but before the men could commence work each had to be possessed of a miner's right. Thus every man's ground held under lease paid £2 per annum. So long as the Provincial Government existed no great hardship was felt, because the money paid by the companies was made local revenue, but when the abolition of the provinces took place, by a strange oversight the sums obtained from this source were, and still are, paid along with the miners' right fees to the natives. In the agreement made between Mr Mackay and the native owners it is stipulated that the latter shall receive £1 per annum for every man's ground taken up for mining purposes, but when ground is held under lease, excepting where the native title is extinguished, £2 per annum is being paid. It is not surprising, therefore, that the miner working for a company looks upon the miner's right fee as an exceptional tax upon his labour. Should a miner apply to a company's manager for work the first question asked is, Have you got a miner's right? Without the "right" the miner is unable to handle a pick or shovel in a mine. Again, the length of service to be performed receives no consideration. A miner may be offered work for a short term – say, a month or two – but before he can commence he must take out his right, although the remainder of the twelve months shall be employed at ordinary labour. Should he meet with an accident, or be laid up with sickness, the period covered by his "right" is running on all the same. Supposing a similar law was made applicable to other classes of labour, and that a carpenter, or bricklayer, or ploughman, or baker, was compelled to pay £1 per annum before he could commence work, what an outcry there would be throughout the land. Why should the miner be treated exceptionally?<sup>229</sup>

As early as November 1867, a prominent Thames resident complained that far too much was being paid; having to pay for a license for allotments

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<sup>229</sup> Letter from Alfred Buttle, *New Zealand Herald*, 8 September 1884, p. 3.

plus a miners' right meant miners were paying 'double what it should be'.<sup>230</sup> Complaints continued about companies having to pay an annual rent of £1 for every man's ground held and all the miners required to man the ground had to pay £1 for their right.<sup>231</sup> Not only did all partners in a claim have to pay their rights, but all men working for wages were required to have one as well.<sup>232</sup> Consequently, miners increasingly took up ground under leasing arrangements, which did not require them to hold rights.<sup>233</sup> Meetings were held in Thames in 1880 to encourage the government to obtain the freehold of the field so that miners' rights and residence site licenses (another £1) could be abolished.<sup>234</sup> Not surprisingly, it was reported that Maori at Thames were 'intensely interested in the recent agitation re the Miners' Right question, fearing ... that they will be called on to refund a portion of the money they have so long enjoyed from the Thames miners'.<sup>235</sup> No such refund was demanded, but complaints of double payments continued.<sup>236</sup> Summarizing the discontents, one journalist wrote that miners 'complain very bitterly at being compelled to take out these rights', the cost of which in many cases had to be borrowed. 'When it is remembered that nearly the whole of the revenue derived from companies' licenses and miners' rights is paid to the Natives who escape taxation in every way, it is not to be wondered at that the miners grumble'.<sup>237</sup>

Such grumbles were not restricted to Thames, and were just as common where miners had to pay the government for mining on Crown land, as at Waiorongomai and Karangahake. The miners' union felt it was unfair that miners were the only workers required to pay a license to be allowed to work at their chosen occupation.<sup>238</sup> At Te Aroha, in elections to the Piako County Council in 1884 two candidates seeking the miners' vote both raising the issue: Denis Murphy<sup>239</sup> wanted the fee lowered, while

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<sup>230</sup> *Auckland Weekly News*, 16 November 1867, p. 19.

<sup>231</sup> Editorial, *Thames Star*, 14 August 1880, p. 2.

<sup>232</sup> *New Zealand Mining Standard*, 24 July 1896, p. 7.

<sup>233</sup> Editorial, *Thames Star*, 14 August 1880, p. 2.

<sup>234</sup> *Thames Star*, 30 August 1880, p. 2.

<sup>235</sup> *Thames Star*, 12 October 1880, p. 2.

<sup>236</sup> For example, Thames Correspondent, *New Zealand Industrial and Pastoral and Agricultural News*, 15 March 1884, p. 27.

<sup>237</sup> Thames Correspondent, *Auckland Weekly News*, 19 June 1880, p. 8.

<sup>238</sup> *Thames Advertiser*, 9 May 1892, p. 2.

<sup>239</sup> See paper on his life.

Edward Kersey Cooper<sup>240</sup> wanted it abolished.<sup>241</sup> The following year, a public meeting at Karangahake called for the fee to be ten shillings, for they were only five shillings in Australia.<sup>242</sup> A meeting at Te Aroha in 1886 unanimously requested the government to change the regulations so that a right would cost only five shillings and would entitle the holder to mine in any goldfield on Crown land.<sup>243</sup>

In 1887, the new Mining Act fixed the payment for rights on Crown land at five shillings, but it continued to be £1 on Maori land.<sup>244</sup> Complaints, therefore, continued, as when an investor seeking a miner's right at Maratoto and required to pay £1 protested that he thought this had been reduced to five shillings; he was told, 'So they are on land that has been acquired by the Government. This new goldfield is still in the hands of the Maoris'. He responded: 'Good government! It never thinks of buying a block of land until it has been made valuable by the discovery of a goldfield or the building of a railway'.<sup>245</sup> Two years later, when an Amendment Act abolished the requirement for wages men and tributers to possess miners' rights, all those working on Maori land still had to hold these.<sup>246</sup>

Enforcing this requirement was not the highest priority for officials. In consequence, in 1892 a deputation of Maori complained to the warden that clause 50 of the Mining Act of 1891, requiring all those mining on Maori land to hold rights, was not being enforced at Thames. 'Consequently they were being deprived of a source of revenue to which they were justly entitled'. When the warden promised to bring the clause into effect, which would affect the largest portions of the main mines, the miners' union complained to politicians.<sup>247</sup> At a public meeting it called, attended both by miners and 'others interested in the mining industry', its president claimed that 'he believed the Natives received far more revenue than they were entitled to, and he cited the case of the Queen of Beauty mine', where he worked. Consisting of six men's ground, it employed about 200 men. 'Now from this mine alone the Natives received fully £200 a year, whereas,

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<sup>240</sup> See paper on his life.

<sup>241</sup> *Te Aroha News*, 23 August 1884, p. 2.

<sup>242</sup> *Te Aroha News*, 3 October 1885, p. 2.

<sup>243</sup> *Waikato Times*, 22 May 1886, p. 3.

<sup>244</sup> *Te Aroha News*, 22 January 1887, p. 2.

<sup>245</sup> 'Quaintan Queer', 'Trip to Thames', *New Zealand Herald*, 8 November 1887, p. 6.

<sup>246</sup> *Thames Star*, 3 October 1889, p. 2.

<sup>247</sup> *Auckland Weekly News*, 7 May 1892, p. 29, 14 May 1892, pp. 14-15.

according to the Act, they should have received only £6'. Henry James Greenslade, who would be both mayor of Thames and a Member of Parliament,<sup>248</sup> spoke of the government's 'remarkable generosity' to Maori in treating all rents from licenses as money derived from miners' rights. He argued that these fees were particularly onerous for tributers, who had to purchase a right

even though their earnings for the whole year might not average 10s per week. He also mentioned that it was a grievous hardship upon miners, and ... gave an instance of a man who took up three men's ground under miners' rights. The owner eventually succeeded in unearthing payable quartz and employed 100 men. The natives would then receive £103 as revenue from this 3 men's ground.<sup>249</sup>

Despite regular complaints, payment was enforced. A columnist who covered mining matters in the *Observer* wrote a comment in 1892 that reflected the irritation felt in the industry:

I notice the Mining Inspector is again on the warpath in reference to the miner's right question, and this, like many of the native questions that we hear so much about, is a breach of the Treaty of Waitangi, as we find that the treaty is to give the Maori everything he asks for while he gives nothing in return.

Why, he asked, should Maori receive 20 shillings for a miner's right when the Crown received only five?<sup>250</sup>

There were regular calls for the government to purchase Maori interests in all mining areas so that companies did not have to pay a right for every employee.<sup>251</sup> Maori did gradually sell their interests in gold-bearing land, often to private Pakeha purchasers, but miners sometimes found that they had acquired landlords who were more exacting than their Maori predecessors. As the mayor of Thames reminded a meeting about rights in 1884, miners found to be working without one could be fined £5:

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<sup>248</sup> See *Cyclopedia of New Zealand*, vol. 2, pp. 784, 863, 1021-1022; *Thames Star*, 8 September 1905, p. 4; *Waikato Times*, 18 April 1945, p. 2.

<sup>249</sup> *Thames Advertiser*, 9 May 1892, p. 2.

<sup>250</sup> 'Obadiah', 'Shares and Mining', *Observer*, 7 April 1892, p. 9.

<sup>251</sup> For example, 'Obadiah', 'Shares and Mining', *Observer*, 9 June 1894, p. 16.

This clause was for a long time disregarded, but through the laxity and neglect of the Government, private individuals had become possessed of goldfield land, and were now enforcing the penalties. There was nothing to fear so long as the natives owned the land; indeed, he had always found the Maoris treated the miners much better than white men treated their neighbours.<sup>252</sup>

### DUTY ON GOLD EXPORTS

The duty on gold exports could have been made a form of royalty for Maori landowners, but this revenue was allocated to local councils to meet such goldfield expenses as road making. It was unpopular with some miners, partly because they considered they did not receive their fair share. In his unsuccessful bid to win election to the Ohinemuri Riding of the Thames County Council in 1881, Clement Augustus Cornes<sup>253</sup> called for the spending of gold duty 'in the district that produces the gold from which it is received'.<sup>254</sup> Edward Kersey Cooper, a mine manager at Waiorongomai and elsewhere, wanted it abolished totally, arguing that it favoured the South Island over the North; his petition to parliament was ignored.<sup>255</sup>

### HOW MAORI SPENT THIS REVENUE

What happened to the revenue obtained by Maori was the cause of much comment in both contemporary sources and later recollections, with Pakeha failing to take into account the cultural reasons for displays of mana and instead emphasizing what they saw as reckless profligacy. For instance, at Coromandel, in May 1867, when the half-yearly payment of goldfields revenue, amounting to £250, was about to be made, it was reported that 'not the least anxious to hear of its arrival are the storekeepers, with whom some of the Maoris have long accounts to settle'.<sup>256</sup> An early Thames resident recalled that in the first years of mining there Maori 'were all in clover, receiving large sums of money for miners' right

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<sup>252</sup> *Thames Advertiser*, 10 March 1884, p. 2.

<sup>253</sup> See paper on his life.

<sup>254</sup> Advertisement, *Thames Advertiser*, 7 November 1881, p. 1.

<sup>255</sup> Letters from E.K. Cooper in *Thames Star*, 15 August 1889, p. 4, 18 November 1889, p. 4, 6 December 1889, p. 4; see also *Thames Advertiser*, 14 August 1890, p. 2, *Thames Star*, 14 July 1890, p. 2.

<sup>256</sup> Coromandel Correspondent, *Auckland Weekly News*, 11 May 1867, p. 12.

fees, and spent the money very freely'.<sup>257</sup> In November 1868 a Methodist minister visiting Thames for the first time recorded that Maori had 'some fine houses close by' his temporary accommodation. 'Many of them derive large incomes from the lease of their golden hills, and dress, and smoke, and drink, in the most approved European fashion. Such "civilization" will be their ruin. Ere long they will be "improved" off the face of the earth'.<sup>258</sup>

Reha Aperahama,<sup>259</sup> who obtained money from Thames mines, complained at an 1875 meeting with Sir George Grey that miners' rights were

not paid to us on the first days of the months as agreed upon. If I go to a store and order a pair of trousers the storekeeper asks me when I shall pay for them; and I tell him on the 1st of the month when the Government pays the miners' right. This I am not able to do through the delay on the part of the Government, and the storekeeper curses me in consequence.<sup>260</sup>

Such debts were to be a primary cause of the selling of land in subsequent years. In 1872 the *Thames Advertiser* wrote that, if the Thames tribes continued to hold lavish tangi for their rangatira, 'they will cry their land all away. Taraia's death must have cost a pretty tidy sum, and there is also now a considerable gathering at Warahoe on the Thames, for the purpose of crying over Pahau'.<sup>261</sup> In December 1874, after giving its own estimate that the 40 Maori allotted goldfield revenue had received £100,000, it commented that it was 'melancholy to look around and see how little the natives have to show for all the money they have received. They have lost it by speculation; they have simply wasted it'.<sup>262</sup> There are few surviving records on Maori involvement in mining speculation, if that was what was being referring to, but some certainly did speculate, profitably.

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<sup>257</sup> M. Whitehead, 'Early Days of Thames', *Jubilee of the Thames Goldfield, Souvenir: Historical record* (Thames, 1917), p. 23.

<sup>258</sup> Rev, George Sawden Harper, diary, entry for 6 November 1868, MET048 HARPER, Kinder Library, St John's Theological College, Auckland [notes taken from his diary provided by Rosalind McClean to Philip Hart, 1 September 2006, email].

<sup>259</sup> See paper on his life.

<sup>260</sup> *Thames Advertiser*, 6 December 1875, p. 3.

<sup>261</sup> *Thames Advertiser*, n.d., cited in *Auckland Weekly News*, 6 April 1872, p. 4.

<sup>262</sup> *Thames Advertiser*, 22 December 1874, p. 2.

For example, at the start of the Ohinemuri rush Hoera Te Mimiha<sup>263</sup> sold his five-sixteenths of a share in a claim for £45.<sup>264</sup>

In 1876, Pollen told a parliamentary committee that, at a Thames meeting about paying miners' rights fees,

Te Moananui and others wanted the whole of the miners' rights accrued on Pakirarahi Block to be paid to them. I absolutely refused to pay them these monies because they were not entitled to them. The wastefulness and recklessness with which these people squander their money is deplorable they get their money one day and it is spent the next and for the rest of the time they hang upon the Government.<sup>265</sup>

Conspicuous consumption by Maori was noted, disapprovingly, by Pakeha. For instance, in 1926 the widow of a prominent Thames lawyer recalled a large tangi in 1878, of a chief who had become wealthy through receiving this revenue, which included a 200-yard race to two large shrubs on which were pinned £200 in banknotes; the first to arrive stripped them.<sup>266</sup> According to an unsourced statement recorded by John Lincoln Hutton, one of Taipari's wives reputedly lit cigars in public with £1 notes.<sup>267</sup> Such expensive displays of mana were no longer possible in the 1880s, for the decline in revenue meant that Maori were in straightened circumstances; money had not been saved for the inevitable 'rainy day'. Spending during the late 1860s and the 1870s meant that, for example, in 1889, Taipari (responsible for much of the lavish spending) and 51 other Maori requested a continuation of the government-funded medical officer provided for Hauraki Maori. 'The old people now no longer have medical relief afforded them owing to inability to go to the hospital' because they could not pay for treatment.<sup>268</sup>

Had Maori returned some of the money to the community in more useful ways than competitive feasting there might have been less

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<sup>263</sup> See paper on his life.

<sup>264</sup> *Thames Advertiser*, 25 March 1875, p. 3, William Fraser to Under-Secretary, Public Works Office (Gold Fields Branch), 31 March 1875, *AJHR*, 1875, H-3, p. 7.

<sup>265</sup> Evidence of Dr Pollen, pp. 3-4.

<sup>266</sup> Mrs J.E. Macdonald, *Thames Reminiscences* (Auckland, 1926), p. 20.

<sup>267</sup> Hutton, p. 169.

<sup>268</sup> Wiropo Hoterene Taipari and 51 other Maori to Under-Secretary, Native Office, 6 May 1889, Maori Affairs Department, MA 1, 21/19, ANZ-W.

complaints from Pakeha. That they took money without any return was the complaint, in December 1867, of a miner lamenting the 'state of wretchedness' of the goldfield's roads:

Steps should be taken at once to put them into something like civilized order. We have plenty of material close at hand in the shape of thousands of tons of quartz. This should be purchased off the digger, and would be thus helping him considerably in his time of need; and the cost should be charged to the Maoris, who have not done a single thing for the money they receive, and who never will, I suppose, till they are told plainly they must do it.<sup>269</sup>

They were never so told, nor could they be told, as it was their money to be spent as they chose. And they chose mostly traditional ways. As Ann Parsonson has argued, lavish provision of food and similar displays of wealth advertised the 'competitive capacity' of the hapu and 'defined their political and social relations with their neighbours'.<sup>270</sup> In an essentially competitive society, 'the most lavish feasts were those provided purely for competitive purposes (hakari, or kaihaukai), to enhance the prestige of the hosts by outdoing all previous feasts held in the district'.<sup>271</sup> Paul Monin, in his study of the Maori economy of Hauraki from 1840-1880, has shown how Maori used money obtained from their role in the Pakeha economic order by buying schooners and flour mills for reasons of prestige rather than financial return. Receiving goldfields revenue had meant a 'transition from investment to consumption spending', with all tribes doing less work but drinking more alcohol.<sup>272</sup> The rental income received by Thames Maori during the gold boom of 1867 to 1871 went on investments by rangatira, on supplies for feasts, 'on regular consumption items such as food and clothing; and on drinking and gambling. A productive Maori economy, already much contracted from the high point of the early 1850s, quickly gave way to one substantially dependent upon non-work-related income'.<sup>273</sup> Not until around

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<sup>269</sup> Theophilus Cooper, *A Digger's Diary at the Thames 1867* (Dunedin, 1978), p. 19.

<sup>270</sup> Ann Parsonson, 'The Expansion of a Competitive Society: A Study in Nineteenth-Century Maori Social History', *New Zealand Journal of History*, vol. 14 no. 1 (April 1980), p. 51.

<sup>271</sup> Parsonson, pp. 52, 53.

<sup>272</sup> Paul Monin, 'The Maori Economy of Hauraki 1840-1880', *New Zealand Journal of History*, vol. 29 no. 2 (October 1995), pp. 197-206.

<sup>273</sup> Monin, *This is My Place*, p. 228.

1880 did Maori start to cultivate their land again, but by then economic necessity had forced many to sell much of their land. When money was 'received without work it became socially disruptive'.<sup>274</sup> Historians have outlined the ways in which the Western economy disrupted the traditional way of life in Hauraki, especially through the temptations of consumerism.<sup>275</sup> Perhaps over-sympathizing with Maori, Russell Stone claimed that, 'by increasing dependence on unearned income from rents, miners' rights, etc, the Crown brought about the neglect of cultivations'.<sup>276</sup> William Oliver has blamed the government for ill health, lack of education, and idleness.<sup>277</sup>

### TWENTIETH CENTURY COMPLAINTS

In 1940, the chief judge of the Native Land Court, Charles MacCormick, reported his findings on petitions by some Hauraki rangatira concerning the government's purchase of Ohinemuri land that had been ceded in 1875 for mining. They complained that this purchase had meant they no longer received goldfield revenue, and also claimed there had been defective keeping of accounts, basing their arguments upon Mackay's report on the opening of the Thames goldfield. Treasury, asked to comment, noted that they had 'conveniently taken each extract from its context. If Mr Mackay's report is perused carefully, it will be seen that the irregularities were adjusted'.<sup>278</sup> The Lands and Survey Department noted that, when the court investigated the title to Ohinemuri in 1880,

it was discovered that many of the Natives who had received large sums and had signed the Conveyance were not owners in the land while others who had signed had been either shortpaid or overpaid as the case may be, in many instances heavily so. In

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<sup>274</sup> Monin, 'Maori Economy', pp. 208-210.

<sup>275</sup> R.C.J. Stone, *The Economic Impoverishment of Hauraki Maori Through Colonisation, 1830-1930* (Paeroa, 1997), pp. 1-3, 51, 69-75.

<sup>276</sup> Stone, p. 2.

<sup>277</sup> W.H. Oliver, *The Social and Economic Situation of Hauraki Maori After Colonisation* (Paeroa, 1997), pp. 58-62.

<sup>278</sup> Treasury report on petitions, 1940, Treasury, T 1, 40/71, ANZ-W.

many cases also, Natives who had been paid denied ownership in the land so as to increase the shares of others who had not sold.<sup>279</sup>

In MacCormick's view, the petitioners could not expect to obtain revenue from land that had been sold:

Looking back from the present time it would appear that the Natives made very bad bargains. Had the transactions been subject to judicial review it is unlikely that they would have been approved, at all events without modification. In that respect the transactions are similar to many other early purchases made by the Crown to Natives. If these now under consideration are to be challenged now on the ground of insufficient consideration, the same argument might be applied to practically all the early purchases.... I agree with the contention of counsel for the natives that these transactions, if between subjects, would not stand if brought for review by a Court or tribunal of competent jurisdiction unless it was shown that the Natives were competently advised as to the whole facts. How far that may have been done is not ascertainable.<sup>280</sup>

There was indeed no indication when these transactions took place that any native agent gave 'the whole facts' to Maori who were making such momentous decisions for themselves and their descendents. The main task of government officials was to separate Maori from their land at the lowest price possible. But, judging from the exhortations in their annual reports, they did encourage Maori to save the money obtained to send their children to school and to live an industrious, sober, and healthy life.<sup>281</sup> MacCormick's retrospective view highlighted what could have been done to ensure that Maori made fully informed decisions:

In view of the very large sums of money received by the Crown by reason of its purchase of the freehold of the land previously ceded to it for mining purposes, and the doubt whether the Natives fully appreciated the effect of their sales, and the further doubt as to the proper distribution to the Natives of the moneys they were entitled to, the advisers of the Crown might well consider

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<sup>279</sup> Under-Secretary, Lands and Survey Department, to Solicitor General, 30 August 1937, Lands and Survey Department, LS 1, 22/924, ANZ-W.

<sup>280</sup> 'The Native Purposes Act, 1935', *AJHR*, 1940, G-6A, p. 7.

<sup>281</sup> For example, E.W. Puckey to Under-Secretary, Native Department, 29 May 1874, *AJHR*, 1874, G-3, p. 5.

favourably the making of an *ex gratia* payment for the benefit of the Natives whom the petitioners now represent.... Mr Cooney [the petitioners' solicitor] made a strong appeal for sympathetic consideration, on the ground that much prosperity to New Zealand, and particularly Auckland District, had resulted from the gold won from the Native lands. That may be so; but the winning of the gold resulted from the activities of the miners and also the heavy outlay of capital from abroad which was found necessary, especially in the Ohinemuri district, which produced little until the introduction of the cyanide process with accompanying outlay of capital. When the purchases were made about sixty years ago the future of gold-mining was in doubt. A reference to the Treasury statements ... shows a heavy drop in receipts after 1870 which continued till 1896. Therefore, the purchases, if considered at the time they were entered into, would not appear such bad bargains as they appear in the light of after events.

Nevertheless, he recommended a payment to the petitioners of from £30,000 to £40,000 to recompense them for lost revenue because of 'doubt whether the Natives fully appreciated the effect of their sales, and the further doubt as to the proper distribution to the Natives of the moneys they were entitled to'.<sup>282</sup> To answer fully that issue required the vouchers showing payments to individuals, but these were destroyed long before his investigation.<sup>283</sup>

Those who sold their land had benefited, as MacCormick indicated; their descendents, who inherited neither the land nor the long-since-spent purchase price, did not. And although not intended by the government, some had obtained much more than others from the goldfields revenue, as MacCormick understood when commenting on the deeds ceding land:

They are crude documents in many respects, and are executed by Native chiefs who claimed to be representatives of their respective peoples. The land being customary land only, the method followed the usual procedure in those days. The deeds, other than that of Ohinemuri, provided for the revenue being paid to the signatories and their "heirs" ("uri" in the Maori translation). But it is plain that it was not intended that only the signatories and their issue or successors should participate. In the Ohinemuri deed, clause 9 provided that the revenue should be

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<sup>282</sup> 'The Native Purposes Act, 1935', *AJHR*, 1940, G-6A, p. 8.

<sup>283</sup> Under-Secretary, Lands and Survey Department, to Solicitor General, 30 August 1937, Lands and Survey Department, LS 1, 22/924, ANZ-W.

“deemed to be the property of the Native owners of the lands comprising the Ohinemuri Block.” That, I think, was the idea underlying the payment provisions of the other deeds.<sup>284</sup>

The Waitangi Tribunal expressed its ‘dismay and disapproval’ of ‘the confusion and neglect’ into which the payment system fell after 1906.

It is regrettable that a new method of collection and payment of the revenues had not been negotiated with the beneficiaries, such as the consolidation of the diverse kinds of fees into an overall rent for each block as Wilkinson suggested in 1895, or the consolidation of the fractionated interests through the Public Trustee as suggested by [Richard] Seddon.<sup>285</sup>

### WHO RECEIVED THE REVENUE?

Paul Monin has estimated that, if Thames Maori received an average of £15,000 a year between 1867 and 1871, this would have provided £50 a year to each of the approximately 300 Maori living there, whereas miners were making about £100.<sup>286</sup> This assumed that each Maori received the same amount, but in 1874 only 40 Thames Maori received the revenue.<sup>287</sup> If officials assumed that these recipients would transmit an appropriate proportion to other members of their hapu, the available evidence suggests that most of the money did not leave the hands of the leading landowners, who used it for their own personal benefit and to boost the mana of their hapu by periodic lavish displays. Whether they shared the revenue was up to them to decide. For example, Puckey wrote that Harata Patene and Ema te Aruru were the original owners of the Waiau No. 1 Block and ‘it was merely an act of grace on their part that any others were admitted as owners, they had almost exclusive enjoyment of the proceeds for some years’. Only recently had they agreed to an equal division of the revenue amongst all the owners.<sup>288</sup> Such reluctance to share was not unique to revenue received from mining, nor to this region; a future warden of the

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<sup>284</sup> ‘The Native Purposes Act, 1935’, *AJHR*, 1940, G-6A, p. 5.

<sup>285</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 582.

<sup>286</sup> Monin, *This is My Place*, pp. 222-223.

<sup>287</sup> *Auckland Weekly News*, 26 December 1874, p. 4.

<sup>288</sup> E.W. Puckey to Under-Secretary, Native Department, 31 July 1880, Maori Affairs Department, MA 1, 13/35c, ANZ-W.

Hauraki district wrote in 1882, with regard to payment for land at Patatere, that

I think in future it will be as well in all large negotiations like this for me to see every native who had signed instead of trusting to what the leading men of a Tribe or Hapu will answer for because I hear in some instances the proper people did not get the money, it being swallowed up by the men of rank.<sup>289</sup>

A 1937 investigation of the dispersal of goldfield revenue commented that 'it was a common practice in those days for dealings to be effected with a tribal leader and for payments to be made to him and was not then objectionable though it would be so now'.<sup>290</sup>

An early example of how rangatira were unwilling to permit all their tribe to have an equal share in the land and its income occurred in August 1867, when Mackay was arranging to extend the original boundaries of the Thames goldfields. North of the Tararu Block, there was an area of land

the ownership of which was disputed between Te Waka Tawera of Ngatimaru and the Ngatinaunau. The claims to this were so equally balanced that I made the following proposals:-

1st. To divide the land equally.

2nd. If first not agreed to, then to consider the whole of the claimants as joint owners.

3rd. If the first and second were objected to, then to let the Europeans mine for gold, and I would hold the rents, in the shape of miners' rights fees, until the division of the money was agreed on.

As I expected, the two first were unanimously rejected, and the third immediately accepted.<sup>291</sup>

Mackay's experience of such dealings led him to tell a parliamentary committee in 1877 that it had

been found in practice that where ten men have been put in the grant as quasi trustees they have frequently sold the land and given the claimants outside the grant nothing. One man may be a

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<sup>289</sup> H.W. Northcroft to 'Dear Colonel', 22 February 1882, Letterbook, p. 75, Northcroft Papers, ARC 2159, Te Awamutu Museum.

<sup>290</sup> Under-Secretary, Lands and Survey Department, to Solicitor General, 30 August 1937, Lands and Survey Department, LS 1, 22/924, ANZ-W.

<sup>291</sup> 'Report of Mr Commissioner Mackay', pp. 5-6.

trustee for six others, he may sell the land [and] put the money in his pocket and let the others whistle for their shares.

He suggested the appointment of trustees 'who could not handle the money, they would have to call the whole hapu together and divide the money amongst them'.<sup>292</sup> The same considerations applied to the distribution of goldfield revenue.

As an example of how some owners sought to obtain money at the expense of others, in 1880 Puckey described his difficulties in determining who were the rightful owners. This was 'by no means then an easy task when all the owners were inflamed, the disputes and fights between young and old - and old men who could barely totter were piteous to see - however, I got through it at last and recommended them one and all to get Crown titles for their land which they did years later'.

In apportioning many of the payments I had to fight the battles of the weak against the strong so as to ensure justice being done to all the owners; several natives who had fair claims to participate in the Miners Rights fees but for me would have come very badly off. For some years after I came here the Miners Rights and other fees accruing from Opitomoko, Kuranui and Moanataiari [Blocks] were paid solely to Rapana Maunganoa or his wife Turukira Poha. I was aware there were other persons who ought to receive a portion but their claims were in no way recognised by the principal owners. These persons, acting on my advice at length, had the land, in which they claimed to be interested, surveyed and adjudicated on by the Native Land Court, and the extent of their interests defined. There are other instances of a similar kind.<sup>293</sup>

In 1888, Warden Northcroft blamed a controversy over the payment of revenue on two owners, Haora Tararanui and Keremenata Takaanini, trying to obtain all the money. Even though one was not even an owner in the principal block on which revenue had accrued, they

made application to me several times to have the whole of the revenue (a large sum of money) paid over to them to do as they

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<sup>292</sup> James Mackay, Evidence to Hearing on Petition 26, Native Affairs Committee, Legislative Department, LE 1, 1887/5, ANZ-W.

<sup>293</sup> E.W. Puckey to Under-Secretary, Native Department, 31 July 1880, Maori Affairs Department, MA 1, 13/35c, ANZ-W.

please with and deal out to the other owners as they think fit – this to say the least would be most unjust to the others interested of whom there are sixteen in the principal Block Hikutaia No. 4 and fifty eight owners representing thirty six shares in the Ohinemuri No. 20 Block more especially in the face of the express desire of some of the owners not to pay the money to these persons but to have it paid direct to themselves.... In no instance is a payment made to one native of another's share in any Block unless I am satisfied it is a very near relative such as father son wife or daughter ... and even then only on written authority.<sup>294</sup>

In the early 1890s, Dearle warned the receiver of goldfield revenue at Te Aroha that payments due on land 'should always be made to the owners themselves if possible, but when made under written authority or to Trustees it should be stated in the body & also at the foot of voucher', in Maori. Referring to many of the owners of one block being dead, Dearle understood that the surviving owners 'have an arrangement among themselves whereby certain of them take one part of their block & the remainder the other portion. As they all live near Te Aroha and are pretty reliable, any arrangement they make would be carried out'.<sup>295</sup>

It was of course easier to pay the revenue directly to 'men of rank' than to all members of the hapu, leaving it to the former to transmit some of the money to the latter as they saw fit. The attitude of one principal man, Taipari, was indicated by one small example at Te Aroha, where the Hori More block, on the edge of the township, was allotted by the land court to the Ngati Kopirimau hapu of Ngati Rahiri. One of the latter, Rangi Topea, in May 1881 complained on behalf of some of the owners that Taipari was receiving all the mining revenues, and would give 'only a small amount to us'. Despite the court having ruled that all interests in the land were equal and that 'no one person's shares in our land exceeded another's', Taipari was treating the revenue as his own. The minister was asked to 'prevent the bad intentions of a greedy person'.<sup>296</sup> This was an example of the government being asked to solve a problem that, before the creation of the

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<sup>294</sup> H.W. Northcroft (Warden) to Under-Secretary, Mines Department, 24 December 1888, Justice Department, J 1, 96/1548, ANZ-W.

<sup>295</sup> C.J. Dearle to J.M. Hickson (Receiver of Goldfield Revenue), n.d. [early 1890s], Te Aroha Warden's Court, General Correspondence, undated, BBAV 11584/7f, ANZ-A [punctuation added].

<sup>296</sup> Rangi Topea to Native Minister, 2 May 1881, Te Aroha Block, Maori Affairs Department, MA 1, 13/86, ANZ-W.

court, would have been dealt with by the hapu. It was also an example of the minister declining to become involved in such disputes, for he took no action. Being Maori land, it was left to rangatira to decide such issues in their own way, although they would need to gain the approval of the court. Later that month, Wilkinson told his superiors that Taipari and Hori More were applying to make half the block the property of themselves and seven others, 'on account of their rank and the superiority of their claims'.<sup>297</sup>

This was not the only example of Ngati Rahiri complaining about the way their rangatira distributed money. In 1878, Mackay had intended to pay the government's £3,000 for the Aroha Block on a particular afternoon,

but, as it appeared there would be some grumbling by the natives if it were given to their chiefs to distribute it, it was decided to defer the payment until this morning, when the money will have been divided into smaller lots, and each one entitled to a share will have the exact amount placed in his hands.<sup>298</sup>

With revenue received from mining, many rangatira determined which hapu or individuals should receive a share. In 1872, Taipari's father, under examination by his son, explained how the income was distributed:

The first miners rights money was issued to me - I gave the money to the tribe Ngatimaru - The second money paid for miners rights I disposed of in the same way - The third I gave to the hapus N'Te Aute, N'Kotinga and Te Whakatohea - I gave Rapana, Te Raika - Te Matenga, Mirimana - some of the money. I did so of my own freewill. When Ngatipaoa came I gave them some and I also gave Ngatiwhanaunga some - I gave money to persons who had no claims on the land - You (Wirope) were the person who divided the money - No one objected - I received the miners' rights money as long as Mr Mackay was Civil Commissioner and afterwards I received it from Mr Puckey - I continued to receive and distribute it - You being the person who divided it - I also received the payment for the firewood cut on Te Hape and Te Karaka, also all the money for the Kauri trees cut by the pakehas - no one objected.... When Mr Puckey issued the money I continued to receive the money for Te Hape and Te Karaka. As the amount had grown small at this time I ceased to give it

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<sup>297</sup> G.T. Wilkinson to Patrick Sheridan, 19 May 1881, Te Aroha Block, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>298</sup> *Thames Advertiser*, 26 August 1878, p. 3; see also 27 August 1878, p. 2.

away.... Te Meremana came to ask me for money - I refused to let him have any – I told Mr Puckey he might give him some.<sup>299</sup>

Taipari informed the court that, on behalf of his father, he had divided the income received from miner's rights with other rangatira, but retained income from fees for cutting kauri and firewood. Then, in 1871, his father ceased to divide the money with others, though a few rangatira who asked for money were given some.<sup>300</sup> From the start of mining at Thames, Taipari was determined to receive the maximum financial benefit. For example, it was claimed that when terms for leasing allotments in Shortland were being negotiated by a Pakeha delegation in 1869, the demands of Taipari and Rapana Maunganoa,

were at first most exorbitant, and they were evidently determined on driving the hardest possible bargain. Gradually, however, they were overcome with pakeha persuasion and superior powers of endurance, and worn out with argument and incessant talking they became very sleepy, and at length came to something like reasonable terms,

at two o'clock in the morning.<sup>301</sup> As early as September 1867, when Taipari responded with panic to a rumour of a Hauhau attack, some Maori were quoted as criticizing him for heeding such a 'silly report', claiming he was afraid that the Hauhau would drive the Paheka away and was 'frightened that he should lose his revenues'.<sup>302</sup> He had much to lose; it was estimated in 1868 that he received around £6,000 a year.<sup>303</sup> From the opening of the field until 30 June 1869, he and others of his hapu received £4,459 from miners' rights alone.<sup>304</sup>

The individual accounts ledgers of the Thames branch of the Bank of New Zealand from 1868 to 1870 reveal the amounts paid into the accounts of Taipari, his father, and one of his wives. The first entry was on 9 May

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<sup>299</sup> Evidence of Te Hoterene Taipari: Maori Land Court, Hauraki Minute Book no. 7, pp. 123-125.

<sup>300</sup> Evidence of Wirope Hoterene Taipari: Maori Land Court, Hauraki Minute Book no. 7, p. 158.

<sup>301</sup> *Auckland Weekly News*, 8 May 1869, p. 22.

<sup>302</sup> *Auckland Weekly News*, 28 September 1867, p. 7.

<sup>303</sup> *Auckland Weekly News*, 8 August 1868, p. 20.

<sup>304</sup> *Auckland Weekly News*, 23 October 1869, p. 18.

1868, when Taipari paid his father £100, which was all spent by 4 July.<sup>305</sup> Taipari made 13 payments totalling £185 15s to him by March 1869, making his account £330 at the end of that month.<sup>306</sup> In September his father received £300 from Taipari and by January the following year the account was at its highest, £736 16s. It reduced slowly after then to £180 16s in May, when it was transferred to the Auckland branch, whose records have not survived. In 1871 his revived account was overdrawn by £55 11s for 36 days before being transferred to the Grahamstown branch, whose records have not survived either.<sup>307</sup> His wife and his father opened a joint account in March 1869, when he gave them £1,800, which had declined to £1,282 17s 3d by the time it was transferred to the Auckland branch in May the following year.<sup>308</sup> When Taipari's father died in 1880, his estate, valued at £1,150, consisted of 'money in Insurance Company Shares, National South British and New Zealand. Household furniture, Horses Cows and other things'.<sup>309</sup>

Taipari opened his account with £50 in February 1868; by early May he had £340 and by the end of September £607. By the beginning of March 1869 he had £1,280 15s.<sup>310</sup> This had grown to £1,458 by late August, and steadily rose to £2,388 3s by January 1870. By May, when he closed the account, it held £5.<sup>311</sup> During this time income from rents was paid in regularly: for instance, on 16 October 1869 he received £500, on 6 November

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<sup>305</sup> Bank of New Zealand, Shortland Branch, Individual Accounts Ledger 1868, folio 333, Bank of New Zealand Archives, Wellington.

<sup>306</sup> Bank of New Zealand, Shortland Branch, Individual Accounts Ledger 1868-1869, folios 604, 613, Bank of New Zealand Archives, Wellington.

<sup>307</sup> Bank of New Zealand, Shortland Branch, Individual Accounts Ledger 1869, folios 642-643, 646, 656; Individual Account Ledger 1869-1871, folio 610, Bank of New Zealand Archives, Wellington.

<sup>308</sup> Bank of New Zealand, Shortland Branch, Individual Accounts Ledger 1869-1871, folio 609, Bank of New Zealand Archives, Wellington.

<sup>309</sup> Maori Land Court, Hauraki Minute Book no. 13, p. 61; Testamentary Register 1876-1882, folio 97, BBCB 4208/1, ANZ-A.

<sup>310</sup> Bank of New Zealand, Shortland Branch, Individual Accounts Ledger 1868, folios 334, 336, 788; Individual Accounts Ledger 1868-1869, folio 606, Bank of New Zealand Archives, Wellington.

<sup>311</sup> Bank of New Zealand, Shortland Branch, Individual Accounts Ledger 1869, folios 642-643, 656; Individual Accounts Ledger 1869-1871, folios 602-603, 608, Bank of New Zealand Archives, Wellington.

£60, on 26 November £20, on 6 January 1870 £600, on 19 February £88, on 22 February £58, and on 1 March £71 9s 9d.<sup>312</sup> He also had an account in the Bank of Australasia,<sup>313</sup> for which no records have survived. And in addition he had considerable income from owning land used for houses and businesses.<sup>314</sup> His annual income has been estimated at around £4,000.<sup>315</sup> When he died in 1897, his estate was worth £10,066 15s 11d.<sup>316</sup>

Taipari argued that this money was paid to him as the agent for Ngati Maru, and that not all of it was for his personal use. When declared bankrupt in 1870 because of unwise land speculation with his partner James Mackay, he informed the bankruptcy court that he received from £1,000 to £1,200 quarterly from miners' rights. Abiding by what he described as 'Maori custom', he kept no account books and therefore could not show who had received some of this money. An unspecified amount was divided amongst his tribe, and an equally unspecified amount was kept in the bank for his personal needs. Entertainments, meetings, and tangi were all paid for from this bank account. He was extremely vague about the amounts he had deposited in the bank: perhaps £500 or £1,000, but sometimes only £60 or £70. Of the larger payments, 'my father and I [were] entitled to £100 sometimes to £50'; his father and his wife had, he estimated, spent £1,800 'in their wants'.<sup>317</sup> Bank records clarify these payments. In March 1869, for instance, in addition to the 13 payments to his father he paid £31, £9, £12, £19 13s, and £27 7s to five Maori.<sup>318</sup> Between April and September that year the highest amount, £100, went to his father, and various amounts were paid to 12 other Maori, two of whom

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<sup>312</sup> Bank of New Zealand, Shortland Branch, Individual Accounts Ledger 1869-1871, folios 602-603, Bank of New Zealand Archives, Wellington.

<sup>313</sup> See Henry Driver to T.M. Haultain (Trust Commissioner), 3 April 1873, Maori Affairs Department, Auckland, Thames Deeds, BABG MLC-A, box 9, 73/57, ANZ-A.

<sup>314</sup> For example, *Thames Advertiser*, 19 April 1876, p. 3.

<sup>315</sup> Monin, *This is My Place*, p. 224.

<sup>316</sup> Testamentary Register 1896-1900, folio 68, BBCB 4208/4, ANZ-A.

<sup>317</sup> Evidence of W.H. Taipari, 27 October 1870, Judges' Notebooks, CJ, Bankruptcy, pp. 67, 69, 72, BBAE A304/1047, ANZ-A; see also *Thames Advertiser*, 27 August 1870, p. 2; *New Zealand Gazette*, 21 August 1871, p. 419.

<sup>318</sup> Bank of New Zealand, Shortland Branch, Individual Accounts Ledger 1868-1869, folio 604, Bank of New Zealand Archives, Wellington.

were his wives. A few Pakeha were paid also.<sup>319</sup> Until the account was closed in May 1870, almost all payments were to Maori, but these amounted to £10 or lower whereas larger amounts were paid to Pakeha. So much was paid out that by mid-March he was overdrawn by £97 18s and could only balance the account through a promissory note for £103 to.<sup>320</sup>

Amongst the payments made for tribal responsibilities was the ‘nearly £2,000’ given by his father as a gift to Ngati Awa, some of whose members had erected a carved meeting house at Parawai for him.<sup>321</sup> It was used by ‘all poor Maoris’ as ‘a place to reside when passing through the Thames’ and was also a venue for Maori to settle matters of concern.<sup>322</sup> Another example of money being spent in customary ways was on Christmas Day in 1868, as described by the local Anglican clergyman:

I ... was surprised to see a large gathering of natives, Taipari having invited near 400 to a Christmas dinner. Just behind Mr Mackay’s house Taipari had had a huge marquee put up and long tables erected and there the natives were assembled enjoying a thoroughly *English* Xmas dinner: Turkeys, Roast beef, Puddings, and as far as I could see they all had silver (plated?) forks and glass tumblers - in fact the tables seemed well appointed and the (rich) Chief had engaged a band of musicians (Europeans) who kept playing all dinner time, to the gratification of the feeding Maoris.<sup>323</sup>

On the following Christmas Day, a correspondent reported that he ‘entertained his native friends in a very liberal manner according to his general custom’, and congratulated ‘Mr Taipari on his successful entertainment of his native friends in truly European style’.<sup>324</sup> As another

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<sup>319</sup> Bank of New Zealand, Shortland Branch, Individual Accounts Ledger 1869, folios 642-643, Bank of New Zealand Archives, Wellington.

<sup>320</sup> Bank of New Zealand, Shortland Branch, Individual Accounts Ledger 1869-1871, folios 602-603, 608, Bank of New Zealand Archives, Wellington.

<sup>321</sup> *Thames Advertiser*, 22 March 1880, p. 3; Parsonson, p. 60, cited Mereana Mokokoko’s recollection of 1897 that £1,000 was paid, as did William A. Kelly, *Thames: The first 100 years* (Thames, 1968), p. 168. This meetinghouse is now in the Auckland War Memorial Museum.

<sup>322</sup> *Thames Advertiser*, 22 March 1880, p. 3.

<sup>323</sup> *The Thames Journals of Vicesimus Lush, 1868-82*, ed. Alison Drummond (Christchurch, 1975), pp. 45-46.

<sup>324</sup> Thames Correspondent, *Auckland Weekly News*, 2 January 1869, p. 22.

example of how goldfield revenue was spent in traditional ways, the tangi held in 1880 for Taipari's father was estimated to have cost £1,000: £500 was spent on buying flour and sugar alone.<sup>325</sup> An obituary recalled that 'many a time' Taipari 'entertained visiting Maoris in a right royal style'.<sup>326</sup>

Monin argued that Taipari was 'to all appearances a proprietor of individual wealth, a rangatira who had lost sight of his traditional responsibilities as the custodian of communal wealth and the channel for its expenditure on communal undertakings'.<sup>327</sup> Having 'individualistic use' of this new wealth, he 'did not act as a trustee of tribal property' when receiving rents, for 'rent monies were untagged with the social obligations of wealth produced by communal labour'.<sup>328</sup> A great deal of this money was spent on keeping Taipari in the manner he deemed appropriate to his status; presumably the status of his hapu was believed to be raised also by the superior living conditions of its leaders, as Monin recognized:

Traditionally, the mana of the rangatira was associated with the free use of wealth, the purpose of which was ultimately the promotion of tribal mana. The rangatira needed to display the trappings of high status to uphold the mana of his people – which, arguably, in the gold town became ownership of a carriage, formal dress and a large house. Indeed, how could he claim to be an important leader in the new society unless he could extend appropriate hospitality to another leader, like the governor?<sup>329</sup>

Monin argued that Taipari's gifting of land for public purposes such as hospitals could be interpreted 'as efforts to form relationships with Pakeha society and to promote roles for Maori within it, rather than simply as self-aggrandisement'.<sup>330</sup> 'Although Taipari embraced things European with ostentatious enthusiasm, he was also conforming to some older traditions'.<sup>331</sup>

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<sup>325</sup> *Thames Advertiser*, 18 August 1880, p. 2, 30 August 1880, p. 2.

<sup>326</sup> *Thames Advertiser*, 15 March 1897, p. 2.

<sup>327</sup> Monin, *This is My Place*, p. 224.

<sup>328</sup> Monin, *This is My Place*, p. 226; 'Maori Economy', pp. 205-206.

<sup>329</sup> Monin, *This is My Place*, p. 225.

<sup>330</sup> Monin, *This is My Place*, p. 226.

<sup>331</sup> Monin, *This is My Place*, p. 225.

An Englishman, who first arrived in Thames in 1869,<sup>332</sup> patronizingly described Taipari's rise from poverty to riches, first describing the house constructed for him in that year:

He had a really fine residence, built according to European notions on many points, which looked odd, contrasted with several relics of barbarism, which I suppose the noble savage could not or would not dispense with. This house stood on its own grounds, the gardens being kept in order by Europeans, who were liberally paid by their dusky master.

Taipari was a tall handsome man, with well-shaped limbs, and a graceful carriage. His face was very much tattooed, of which fact he was inordinately proud. When I saw him, he dressed like a European, and it was his delight to fill his palace with any European ladies and gentlemen who would go there. The whole town of Shortland belongs to him, for which the white residents pay him rent. He was named Colonel of the Hauraki Rifles (a company of which I subsequently became a member), and was by no means to be despised as a soldier. He gave balls and fetes, of magnificent if barbaric splendour, to the white colony, and looked imposing in his colonel's uniform.

Before the gold rush broke out, Taipari's usual place of abode was an old cask, nor had he the traditional rag to his back. His followers were few and miserable, and he himself ignorant to the last degree. Now he possesses the whole of Shortland, with an income of over £8,000 a year. English ladies do not shun his society, indeed it is said that more than one would not have refused to become Mrs Taipari, if the noble savage could be made to understand and acquiesce in the law that allows a man only one wife at a time.<sup>333</sup>

The cask that, allegedly, he had once lived in had contained liquor.<sup>334</sup> Taipari erected several houses, his main one in 1869:

Conspicuous amongst the private dwellings in course of erection at Shortland stands the handsome dwelling-house just completed to the order of W.H. Taipari, the lord of the soil at this place. The site is the brow of the hill near the Hape [Creek], and immediately behind the township, adjoining the handsome residence of Mr Commissioner Mackay. The first decent dwelling

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<sup>332</sup> C. Carlyon Jenkyns, *Hard Life in the Colonies, and Other Experiences by Sea and Land* (London, 1892), pp. 151, 187, 195.

<sup>333</sup> Jenkyns, pp. 150-151.

<sup>334</sup> Jenkyns, p. 197.

put up at the Thames was erected on this site for Taipari, but it has recently been removed to make room for the present handsome building.... It occupies an area of 40ft by 42ft,<sup>335</sup> and comprises ten rooms, with a verandah round three sides, and when completed is to cost some £1,200. The grounds are to be laid out in first-class style, and four or five Europeans are at present employed on their improvement and laying out.... The entrance hall at once affords the visitor some idea of the superiority of the dwelling. It is papered a marble pattern, and varnished to the best style with woodwork of ground oak to match. The ceilings throughout are of polished kauri, with elaborately ornamented cornices and marble skirtings to match the ceilings. The rooms are fitted with register grates, which greatly improve their appearance, and bells communicating into the kitchen are supplied to each room and to the entrance hall. The drawing and dining rooms are papered with white and gold paper of a most expensive pattern, selected by Taipari regardless of cost. There are three French casements in each: the ceilings are varnished kauri with ornamental cornices and panels, as we have before stated, with ornamental marble mantelpieces. One of the bedrooms is to be supplied with a mottled kauri boudoir, and the most costly furniture, in anticipation of a visit from H.R.H. the Duke of Edinburgh, whom Taipari purposes entertaining should he remain at the Thames over night. Both are elaborately furnished, with dressing and bathrooms attached. There is likewise a library and office leading from the side verandah, and the kitchen is supplied with one of the largest-sized cooking ranges imported. There are also servants' room, pantry, &c.

Too much credit cannot be given to Taipari for his taste in these matters, and the liberality he displays in circulating [to those building his house] the revenue derived from the pakehas since the opening of the goldfield. Taipari now possesses no less than five good-sized dwellings, all of which he has erected since the field was opened. One of these is occupied by his father, Hoterene, and another by his daughter. His present residence was removed from the old site to admit of the new one just completed, and was at the same time greatly enlarged. On Monday, Taipari proceeds to Auckland, accompanied by the builder of the house, to select carpeting, furniture, &c, suitable for such a stylish dwelling. The grounds, which are studded with trees and plants, are to be greatly ornamented, and are surrounded by patent wire fencing, which extends to the ground surrounding Mr Commissioner Mackay's house.<sup>336</sup>

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<sup>335</sup> This seems too small for the number of rooms; copies of the *Thames Advertiser* for that period no longer exist for checking.

<sup>336</sup> *Thames Advertiser*, n.d., reprinted in *Auckland Weekly News*, 24 April 1869, p. 19.

Such splendour encouraged rival rangatira to boost their mana similarly: the following year ‘a fine mansion’ was ‘being erected for the chief Rapana [Maunganoa] on the Pukerahui hill, Shortland. The house is on a line with that of Taipari, but more elevated in position’.<sup>337</sup> A feast provided by Rapana Maunganoa and Taipari’s father included 50 tons of flour, three tons of sugar, 80 boxes of biscuits, 12 tons of potatoes, several bullocks, pigs, eels, and more, the total cost being estimated at £1,500.<sup>338</sup>

Taipari was appointed a Native Commissioner in 1872, at £300 p.a.<sup>339</sup> In 1873, when he spoke at a meeting of Maori warning against becoming involved in Waikato affairs after the killing of Timothy Sullivan to avoid having their land confiscated, ‘PINEAHA responded, and taunted Taipari upon his dependent position, and that he was influenced by Government pay’.<sup>340</sup>

Another rangatira who was one of the principal owners of Shortland, Rapana Maunganoa, was ‘energetic in looking after his own monetary interests’, and at the time of his death ‘possessed, besides a large amount of landed property, a considerable interest in the money paid for miners’ rights, and a good balance at his bankers’.<sup>341</sup> In contrast, Te Moananui handed all his goldfield revenue, bar about £1, to his tribe to divide amongst themselves.<sup>342</sup>

## THE IMPACT ON MAORI SOCIETY

The use of goldfields revenue by rangatira reflected different cultural imperatives in its use to that familiar to Pakeha, but over time Maori increasingly treated money in the same way. They attempted to gain the best return from their ownership of land and from their mining investments, and in most cases did not retain this income to pass on to future generations but spent it on their own needs or those of their extended families. In doing so, they were behaving exactly in the same manner at many of their Pakeha contemporaries. An English missionary, observing

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<sup>337</sup> *Auckland Weekly News*, 19 March 1870, p. 5.

<sup>338</sup> *Punch, or the Auckland Charivari*, 1869 [date not known], p. 144.

<sup>339</sup> *Auckland Weekly News*, 6 July 1872, p. 23.

<sup>340</sup> *Auckland Weekly News*, 7 June 1873, p. 10.

<sup>341</sup> *Thames Advertiser*, 17 July 1876, p. 2.

<sup>342</sup> *AJHR*, 1891, G-1, p. 40; Monin, *This is My Place*, p. 223.

the impact of two years of mining on the population of the Thames, wrote that

One special difficulty in Hauraki arises from a new excitement produced by sudden wealth being attained by people without effort or labour; and also by the dissolute habits of an excitable and democratic importation of our fellow countrymen. When comparison is made between the two populations thus brought into juxtaposition, the conviction cannot fail to force itself upon a candid mind that the same graces are to be found alike in the hearts of some of both races; while the same vices are alike common to both.<sup>343</sup>

Not all Maori squandered their revenue, but whereas evidence of spendthrift behaviour was common little evidence of financial caution was recorded. Some rangatira did treat their money with caution. When Hori More, a shareholder in one Te Aroha mine,<sup>344</sup> received £400 by selling his sixth-share in the Kuranui and Opetomoke blocks, he placed ‘£100 in Bank as fixed deposit for 12 months at 14 per cent, £250 for current a/c, and took £50 cash’.<sup>345</sup> The estate of a rangatira who died in 1897 included £30 in a Thames bank, ‘payment for his interest in some Gold-Fields land, sold to the Crown’.<sup>346</sup> The records of the Paeroa branch of this bank reveals that William Grey Nicholls, briefly a speculator in Te Aroha mining,<sup>347</sup> and his wife Rihitoto Mataia were regular depositors during the 1890s.<sup>348</sup> Paora

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<sup>343</sup> G. Maunsell to Church Missionary Society, 28 August 1869, ‘Letters to the Church Missionary Society, from the Reverend G. Maunsell and Archdeacon R. Maunsell, 1866-1869’, MS 1355, Alexander Turnbull Library.

<sup>344</sup> Te Aroha Warden’s Court, Register of Te Aroha Claims 1880-1888, folio 180, BBAV 11567/1a, ANZ-A.

<sup>345</sup> G.T. Wilkinson, diary, entry for 15 December 1881, New Zealand Collection, University of Waikato Library.

<sup>346</sup> Maori Lands Court, Hauraki Minute Book No. 28A, p. 171.

<sup>347</sup> Te Aroha Warden’s Court, Register of Te Aroha Claims 1880-1888, folio 177, BBAV 11567/1a; Register of Licensed Holdings 1881-1887, folio 55, BBAV 11500/9a, ANZ-A; *New Zealand Gazette*, 20 January 1881, p. 110, 24 February 1881, p. 250.

<sup>348</sup> For example, Bank of New Zealand, Paeroa Balance Books, Half-Year to 30 September 1895, Balance Book of Ohinemuri Branch for Half-Year to 30 September 1896; Ohinemuri Balance Book to 31 March 1897, Bank of New Zealand Archives, Wellington.

Tiunga, a rangatira who had an interest in one Te Aroha mine,<sup>349</sup> in March 1897 had an overdraft of £120 secured against a fixed deposit of £200.<sup>350</sup> It was noted above that Taipari deposited his revenue in Thames banks, and his father had a large account with the Tauranga branch of the Bank of New Zealand.<sup>351</sup>

## CONCLUSION

As noted by Judith Walsh, on the first Hauraki fields involvement by Maori ‘was primarily of an economic and entrepreneurial nature and it was due to circumstances beyond their control that there were unable to make a financial success of gold mining’.<sup>352</sup> Rangatira had entered agreements expecting to benefit, but increasingly fell into debt and lost control over their land, as they soon lamented.<sup>353</sup> Although the government promised to defend Maori interests when land was opened for mining, increasingly it changed the rules, without consulting Maori. In Anderson’s assessment, failure by politicians to respond to the grievances of Maori landowners who lost revenue because of the changes ‘soured relations between Maori and successive governments in the Hauraki district for over 100 years’.<sup>354</sup> Some officials wanted the landowners treated fairly, but the political imperative was to assist the mining industry, and as mining declined in profitability one obvious way to reduce the costs to the miner was to reduce payments to the owners. From the perspective of its effects on traditional Maori society, Hutton has pointed out the great impact of goldfield revenue:

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<sup>349</sup> Te Aroha Warden’s Court, Register of Te Aroha Claims 1880-1888, folio 219, BBAV 11567/1a, ANZ-A.

<sup>350</sup> Bank of New Zealand, Report on Advances, Ohinemuri Balance Book to 31 March 1897, Bank of New Zealand Archives, Wellington.

<sup>351</sup> *Thames Advertiser*, 22 March 1880, p. 3; 1897 recollection of Mereana Mokomoko in Kelly, p. 168.

<sup>352</sup> Judith Margaret-Mary Walsh, ‘Whakaatuhia te Hitori o te Iwi o Marutuahu me ona Hapu re nga Taonga o te Whenua 1850 ki 1880. Let the Story be Told. The Iwi of Marutuahu and the Discovery of Gold 1850 to 1880’, (M.A. thesis, Massey University, 2006), p. 14.

<sup>353</sup> For example, Walsh, p. 29.

<sup>354</sup> Anderson, p. 96.

The colonial environment had created opportunities for disrupting Maori social organization. Because the Crown collected the monies owed *then* reallocated them to individual Maori, an opportunity was created for individual Maori to evade their obligations to *hapu* or *whanau*. While the allocation of wealth had always been a political affair in Maori society, and while Rapana [Maunganoa, by giving a lavish feast] had certainly redistributed goods and money in what was a traditional manner, the social relationships that had made that wealth possible were not generated by the *hapu* or *whanau*. Rather, they now depended on a connection to the Crown. Maori of a lesser rank (and one assumes women and children) who did not directly receive miner's rights or rents could not, therefore, exert pressure on their leaders by threatening to withdraw their labour or other forms of support.<sup>355</sup>

Crown agents soon preferred to deal with individuals rather than iwi, because this made negotiations easier and quicker.<sup>356</sup> The Waitangi Tribunal, in considering the claims of Hauraki iwi and hapu, noted that 'issues relating to gold' were 'a central feature':

The claimants have submitted that they received inadequate payments for opening their lands to gold-mining and that the Crown used undue pressure and manipulation to secure some of the agreements. Moreover, in the late nineteenth century, the Crown arbitrarily reduced the agreed scale of payments and mismanaged the collection and distribution of revenues due. When the Crown systematically purchased the freehold of land subject to cession agreements, Maori lost the mining revenues they had previously received. The claimants further submit that they would have received much fairer returns had the Crown renounced the royal prerogative over gold and recognised Maori ownership of it. As it was, by the early twentieth century Hauraki Maori had lost most of the mining revenue and the land.<sup>357</sup>

The tribunal believed that, because quartz mining meant a much more settled population than on alluvial fields, Hauraki Maori were 'demographically overwhelmed by the mining population' and 'displaced by it in local industries'. Sympathetic to the difficulties involved in devising the first agreements to permit mining on Maori land, it noted that two of

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<sup>355</sup> Hutton, p. 142.

<sup>356</sup> Walsh, pp. 30-31.

<sup>357</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. xxviii.

the 'fundamental principles' of the 1852 agreement 'were in general maintained', namely that mining 'would occur only with the landowners' consent; and that rent or revenue payable to Maori would be pegged to the number of miners working the field'.<sup>358</sup> It felt that only 'some undue pressure' was exerted by Mackay to force the opening of the Waiotahi block at Thames. 'In several instances' when agreements were reached to open Thames land for mining, 'rangatira asked for advance payments as part of the terms'.

Mackay declined in some instances and agreed in others. We consider it unwise for the rangatira to have asked, and unwise but not improper for Mackay to have acceded. The advances were against an assured stream of mining revenue, not a debt on the land, and were part of a general agreement among the principal owners, not a buying off of one group to get a foothold against known opposition (as was to occur in Ohinemuri).<sup>359</sup>

The tribunal did not agree with the claimants that payments

should have been based upon royalties on the quantity of gold extracted rather than upon the scales of fees (essentially rentals for rights of access) agreed in the cession agreements. It is not conceivable ... that either the Crown or the mining industry would have agreed both to royalties and to lease rentals, and it has not been shown to our satisfaction that the former would have been more advantageous to Maori than the latter, especially if the net rather than the gross value of gold were to be the basis of payment.... No payment system would have been agreed that did not take into account the huge capital costs involved in mining matrix gold: demands for royalties that did not do so would soon have depressed investment. As it was in a situation of high risk, Maori were paid in the order of £6 per acre per year in miner's rights fees, plus other agreed fees, as long as miners were working the field, regardless of whether they were making profits. We have seen no evidence of Maori complaint at the time about the system as such, and various hapu continued to sign cession agreements under it throughout the nineteenth century.<sup>360</sup>

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<sup>358</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. xxix.

<sup>359</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. xxxi.

<sup>360</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. xxxiv.

The tribunal noted that in 1886-1887 the government ‘succumbed to pressure from the flagging mining industry and reduced the fees payable to Maori by as much as 75 per cent’. Instead, the terms should have been renegotiated, for this unilateral action ‘breached the Crown’s Treaty duty to deal in good faith with Maori at all times’. Whilst agreeing that administration of the payments became confused and in arrears, it noted ‘the inherent difficulties of the task’ and was ‘not persuaded that there was serious negligence by the Crown, at least before the 1890s’.<sup>361</sup> When the Crown bought land subject to mining cession agreements, the tribunal accepted MacCormick’s view that ‘Maori were not fully advised of the fact that, when they sold the freehold, they lost their entitlement to continue to receive mining revenue’, and ‘consequently they may have made bad bargains’.<sup>362</sup> In noting that neither Maori nor Pakeha received any ‘ongoing benefits’ from goldmining, it regretted ‘the dissipation of the revenue of the boom years, because no investment trusts were set up for the owners’.<sup>363</sup> It found ‘no evidence of any effort by Crown officials to organize the chiefs in some kind of owners’ council or runanga, or to set up a trust to manage the flush of wealth for the benefit of the rank and file or for future generations’.<sup>364</sup> To prove that such an arrangement was ‘feasible’ it cited trusts formed in the 1840s and 1850s ‘for some of the New Zealand Company reserves, albeit with non-Maori trustees’, Grey’s desire when gold was first found at Coromandel that a fund for education and medical care be established, and agreement when Stewart Island was purchased in 1865 that one-third of the purchase price be used for an education endowment.<sup>365</sup> Such scattered evidence indicates that there was little desire either by the Crown or by rangatira to establish such arrangements. The tribunal criticized both the general and provincial governments for thinking ‘only in the most immediate and expedient terms’,<sup>366</sup> but rangatira could be criticized for the same failing.

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<sup>361</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. xxxiv.

<sup>362</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. xxxv.

<sup>363</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 561.

<sup>364</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, pp. 580-581.

<sup>365</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 581.

<sup>366</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 581.

Of particular concern to the tribunal was that the Crown failed 'to involve formally the Maori leadership in policy planning' for the administration of the goldfields.<sup>367</sup>

We are firmly of the view that it does not sit well with the Crown's Treaty obligations that most Thames Maori, having given their consent to opening their land to mining, were set aside with little role or responsibility other than to receive revenue. This was not true of leading men like W H Taipari, who had many roles, official and unofficial, on the goldfield. But most Maori were left with no administrative options but to complain and petition when revenues declined or were delayed.

Partnership under the Treaty points at the very least to some kind of board or council, comprising representatives of all major hapu as well as miners' representatives and officials, to manage the goldfield jointly. That, at least, would have reduced the possibility of unilateral action by provincial or general government in the regulations governing the field. It would, moreover, have given the landowners valuable experience in business and administration which they could use in their own ventures or in leadership roles generally.<sup>368</sup>

Such an arrangement would indeed have been desirable, both for Maori and for miners, but it should be noted that there is no record of any rangatira (or miner) asking to be so involved. It is likely that, if asked, men like Taipari would have accepted this role, but it seems that he, like other rangatira, were content to leave officials to deal with administration issues. The concept of 'partnership under the Treaty' does not seem to have occurred to either Pakeha or Maori at this time. The tribunal insists that such an arrangement was not 'merely hindsight', as before 1865 there had been limited scope for Maori to be involved in framing and enforcing local by-laws.<sup>369</sup> It then admitted that such ideas were ignored by the settler governments of the 1860s and later,<sup>370</sup> this admission revealing that, however desirable in retrospect, it was not in the minds of politicians or officials. Nor is there any evidence that it was in the minds of any Maori.

The Waitangi Tribunal was also asked to determine whether 'the Crown could and should have done much more to ensure that the gold

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<sup>367</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 572.

<sup>368</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. 405.

<sup>369</sup> Hauraki Tribunal, *The Hauraki Report*, vol. 1, pp. 405-406.

<sup>370</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. 406.

discoveries provided them with more sustained prosperity'. It asked itself 'whether sustained prosperity was within the Crown's control'. It was clear that, 'in the short term, wealth did flow into the goldfield and that Maori shared in it, albeit unevenly', depending on how rangatira distributed it.<sup>371</sup> Maori initiated leasing arrangements of foreshore and township sections, but this land was sold, and the Crown was criticized for not ensuring that Maori 'enjoyed sustained benefits' by failing 'to preserve a significant proportion of urban lands in Maori ownership'. It noted that 'one of the major reasons for Maori selling the freehold, in Thames as elsewhere, was indebtedness, or the need for income to maintain living standards. The volatile economics of a goldfield did not help'. The tribunal admitted that it was 'not easy to define Government responsibility in this situation'.<sup>372</sup> It believed that 'Crown officials should have invested a certain amount of the income for Maori landowners during the boom period'. With its concept of a Treaty partnership in mind, it determined that 'an investment scheme, with trustees chosen from chiefs and local business leaders might well have added a new dimension to partnership'. And it was certain 'that men like Taipari, who invested some of their wealth in mining and other ventures', would have been receptive to this concept. And so they might well have been, although no rangatira suggested it themselves. Again with present-day realities in mind, the tribunal considered that the Crown had a responsibility 'not so much to take control of Maori income in a trustee role but to help Maori to engage carefully but fully with private enterprise', again arguing a 'what if?' case based on present-day arrangements.

Today, in the South Pacific, it is not uncommon – indeed, it is usual – for governments to require overseas investors to take a local partner in their enterprises as a condition of entry. It would be unhistorical to expect that model in Thames in the late 1860s. Nevertheless, at best governments showed a disappointing lack of vision when they merely watched Maori establish a life-style based on conspicuous spending and awaited the inevitable distress when gold revenues diminished.<sup>373</sup>

Again, rangatira shared this 'disappointing lack of vision', with the exception of Taipari, who has been described as the only Maori to

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<sup>371</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. 406.

<sup>372</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. 407.

<sup>373</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. 408.

understand the new economy and who took advantage of every opportunity it offered.<sup>374</sup> In July 1869, Mackay, who had resigned some of his official positions in the previous August, wrote that he had ‘a private office at Shortland which was built at the expense of the chief Taipari, but which is called the Civil Commissioner’s Office for convenience’. He had been encouraged by the Native Minister to ‘enter into partnership with Taipari’ to manage the latter’s ‘estates’. Alexander Hogg<sup>375</sup> ‘manages any private business we may have’.<sup>376</sup> In September 1869, James Mackay, Taipari and Company, land agents, owned allotments and buildings valued at £12,813 15s.<sup>377</sup> The three men ‘received all the rents of all native property in Shortland’, and also jointly invested in mining.<sup>378</sup> Then, early in August 1870, Mackay filed as bankrupt, as did Taipari later that month.<sup>379</sup> A Taranaki newspaper was unsympathetic to Taipari’s plight.

We are rather anxious to see what liabilities he has incurred, and what is the cause of his failure. Perhaps he has over-speculated in mining shares, or been living too freely at other people’s expense. We wonder if he has any opposing creditors, or, if he has any real estate, whether it will go in liquidation of his debts. Taipari had the name once of being the richest “lord” [landlord] at the Thames.<sup>380</sup>

In the bankruptcy court, Taipari explained that his personal liabilities were £868 16s, against personal assets of £1,255; his partnership liabilities were £9,186 19s 11d, against partnership assets of £8,853.<sup>381</sup> After

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<sup>374</sup> Walsh, p. 68.

<sup>375</sup> See paper on Maori in Hauraki in the Nineteenth Century.

<sup>376</sup> ‘Report by Mr Commissioner Mackay’, pp. 13-14.

<sup>377</sup> *Auckland Provincial Government Gazette*, 25 September 1869, p. 1164.

<sup>378</sup> *Auckland Provincial Government Gazette*, 26 October 1869, p. 1404; *Thames Advertiser*, 23 October 1873, p. 2.

<sup>379</sup> *Thames Advertiser*, 4 August 1870, p. 2, 28 August 1870, p. 2; *New Zealand Gazette*, 21 August 1871, pp. 417, 419.

<sup>380</sup> *Taranaki Herald*, n.d., cited in *Thames Advertiser*, 6 September 1870, p. 2.

<sup>381</sup> Supreme Court, Judges’ Notebooks, Chief Judge, Bankruptcy, 1870, p. 60, BBAE A304/1047, ANZ-A.

quarrelling with his partners, their partnership was dissolved.<sup>382</sup> Full financial details were provided:

Assets: Personal book debts, £1120; land interest in various blocks, £130; mining interest, £5; total, £1255. Assets: Partnership book debts, £435 7s 6d; land (freehold), at Korokoro, Hui Karetu, Tawhitirahi, and Shortland, mortgaged to the Bank of Australasia, £1600; land (leasehold) – half lease of Paeroa Block, Ohinemuri, £2500; mining interest, £1822 15s; ten shares in Hauraki Saw Mill Company, £500; office of Mackay, Taipari, and Co., £500; incomplete purchases of land, £1000; Waiwhakauranga Forest, partly purchased, £450; office furniture, £45. The saw mill, shares, office, incomplete purchases, and forest land were held under bill of sale to the Bank of Australasia.

Under examination, Taipari said that although previously he had received the quarterly payments ‘from the miners’ rights of his hapu and of his father’, but had ‘no books to show what became of the various sums’ he had divided amongst the hapu.

Latterly he had not got any money from the miners’ rights because he had come to grief. On one occasion, when there was £1700 paid, he only received £1. That was because he had come to grief. When the Union Bank of Australia pressed him, he borrowed £500 from the Government, which was to be repaid out of the money which his father would have received for miners’ rights.

Because of a quarrel with his ‘father’s wife’, presumably not his mother, Taipari had made over his house and furniture to his father.<sup>383</sup> As their assets exceeded their debts, Mackay and Taipari were quickly discharged. In the final calculation, Mackay had a secured debt of £14,317 4s 3d compared with assets valued at £17,308 1s 4d, and Taipari had a secured debt of £6,550, an unsecured debt of £3,558 2s 6d, and assets of £10,108 2s 6d.<sup>384</sup> Becoming bankrupt forced Taipari to sell his interest in 16

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<sup>382</sup> Supreme Court, Judges’ Notebooks, Chief Judge, Bankruptcy, 1870, p. 72, BBAE A304/1047, ANZ-A.

<sup>383</sup> Supreme Court, *New Zealand Herald*, 28 October 1870, p. 3; for details of this quarrel, see Supreme Court, Judges’ Notebooks, Chief Judge, Bankruptcy, 1870, p. 64, BBAE A304/1047, ANZ-A.

<sup>384</sup> *New Zealand Gazette*, 21 August 1871, pp. 443, 444.

blocks where the interest was known and two where it was unknown because the land had not gone through the court.<sup>385</sup> All the office furniture belonging to the partnership was sold, as were the allotments upon which St George's Church had been erected.<sup>386</sup> After this experience, Taipari may well have decided that simply receiving income from being a landowner rather than attempting to be a businessman was preferable.

The Waitangi Tribunal noted 'the huge capital inputs by the Government and the private sector in the development of the Thames goldfield' and the town.

We have not had in evidence any careful modelling of alternative modes of developing the resource, but we would caution against easy assumptions that other approaches would have led to better results for Maori landowners. Even if they had sought to develop the goldfield themselves, the requirements of quartz mining meant they would have had to seek partners with huge amounts of capital to extract the gold, and that capital would have come at a price: private investors would have insisted that costs were covered and a profit taken before they made commitments. Differences on lease terms were mostly about margins of profit, and the companies kept up their pressure throughout the century. Even if the Government had remained uninvolved and the field developed as private ventures between Maori and Pakeha capitalists, the outcome would have been little different.<sup>387</sup>

The tribunal had Thames in mind here, but the same arguments applied to other areas where Maori owned the land when gold was found. And where they had sold their land, there was little income to be made apart from becoming miners, which very few did in the late nineteenth century.

In the Te Aroha district, the landowners may have been disadvantaged by not receiving income from mining leases and licenses.<sup>388</sup> But as Te Aroha quickly became a failing goldfield, the tribunal accepted that reduced costs were required to attract investors.<sup>389</sup> As everywhere else, their need for cash

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<sup>385</sup> *Thames Advertiser*, 30 January 1874, p. 2.

<sup>386</sup> *Thames Advertiser*, 24 September 1870, p. 2, 15 November 1870, p. 2.

<sup>387</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 1, p. 408.

<sup>388</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, pp. 475-476.

<sup>389</sup> Waitangi Tribunal, *The Hauraki Report*, vol. 2, p. 483.

cost Maori control over their land and a consequent lack of resources that could have enabled them to participate fully in the new colonial economy.<sup>390</sup>

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<sup>390</sup> Walsh, p. 59.