

# THE AROHA BLOCK FROM 1880 ONWARDS

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## THE AROHA BLOCK FROM 1880 ONWARDS

**Abstract:** *With the discovery of gold in 1880 and the pressure to open the land for mining, there was a need to determine the boundaries of the Ngati Rahiri reserves and to subdivide these amongst the owners. As well, terms for paying goldfields revenue had to be negotiated before the goldfield could be opened, and after its opening the claims of Maori with little or no basis for their claims of ownership had to be investigated. Wairakau reserve, outside the goldfield, was not subdivided until mid-1882, and arguments over the ownership of Tui Pa continued well into the twentieth century.*

*At first, sales of Crown land found few takers, especially because the farm sections required draining before they could be developed. Ngati Rahiri reserves were designated as being inalienable, but they could be leased for 21 years, as some portions were, at low rates. Very quickly, officials, who feared Maori would become landless, had to fend off requests to remove restrictions on sale made by owners who in some instances lived far from Te Aroha and who all wanted to obtain money from selling land of little use to them. The indebtedness of some owners led to continued pressure to sell, though often the money they received was wasted. With the fading of the goldfield, miners sought land for farms, and were frustrated at the Crown not purchasing the Ngati Rahiri reserves.*

*Land was acquired by the Crown to extend the hot springs domain, and after negotiating improved leases in the Te Aroha township the freehold of this settlement was acquired. Some Maori retained their land, which Pakeha accused them of not improving; Maori requests that the government provide training in farming methods were ignored. By the twentieth century most Ngati Rahiri had become landless, but as many examples illustrate, this was commonly because cash-strapped owners insisted on selling their interests for an immediate financial return.*

### CEDING LAND FOR MINING

Noting rumours of good gold being found at Te Aroha, the *Thames Star* in September 1880 commented ‘that a great deal of the land between Paeroa and the mountain’ remained in Maori possession and was unlikely to be leased to the government if it were known that good reefs existed, which probably accounted ‘for the reticence respecting it’.<sup>1</sup> One prominent

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<sup>1</sup> *Thames Star*, 21 September 1880, p. 2.

miner, Adam Porter,<sup>2</sup> on several occasions urged the government to purchase land where it was rumoured gold had been discovered.<sup>3</sup> The *Thames Star* regretted that the entire block had not been purchased two years previously, as had been urged by Porter, because it was much easier to regulate a goldfield if all the auriferous land was in government hands.<sup>4</sup> After the field opened, another prominent miner, John McCombie,<sup>5</sup> repeated this criticism of alleged government inaction, especially in the light of ‘the trouble and soreness’ at Thames about payments to Maori landowners. ‘I have been assured that there was a time when the Government could have secured the freehold of the hills, or I would not write in the above strain’.<sup>6</sup> When Hone Werahiko first found gold,<sup>7</sup> Porter, who had arranged for a government subsidy, informed the Attorney General, Frederick Whitaker, who ‘at once requested that I should take away the men as it would complicate matters with the natives and cause undue excitement’. This was done.<sup>8</sup>

The discovery of gold on Maori land highlighted the need to sort out the ownership of particular portions so that acquiring the title could be negotiated; it was hoped to narrow down the owners from 150 to a few.<sup>9</sup> The *Thames Advertiser* complained about ‘floating reserves’, insisting that ‘undefined blocks’ should not be made into reserves, as at earlier goldfields.<sup>10</sup> The government was ‘using every diligence’ in considering whether to proclaim the district a goldfield before it obtained the freehold or to await the results of negotiations.<sup>11</sup> Whitaker decided that, as it was not possible to purchase the reserves in the time available, a goldfield would be proclaimed once agreement was reached with Ngati Rahiri.<sup>12</sup> On 23

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<sup>2</sup> See paper on his life.

<sup>3</sup> *Thames Star*, 25 September 1880, p. 2.

<sup>4</sup> *Thames Star*, 9 October 1880, p. 3.

<sup>5</sup> See *Cyclopedia of New Zealand*, vol. 2, pp. 471-472; *New Zealand Herald*, 4 September 1926, p. 12.

<sup>6</sup> Te Aroha Correspondent, *New Zealand Herald*, 2 December 1880, p. 5.

<sup>7</sup> See paper on his life.

<sup>8</sup> Gold Fields and Mines Committee, 26 September 1884, Legislative Department, LE 1, 1884/14, ANZ-W.

<sup>9</sup> *Thames Advertiser*, 14 October 1880, p. 2.

<sup>10</sup> *Thames Advertiser*, 22 October 1880, p. 2.

<sup>11</sup> *Thames Star*, 22 October 1880, p. 2.

<sup>12</sup> *Thames Advertiser*, 23 October 1880, p. 3.

October, it was reported that Maori living at Te Aroha were ‘quite willing to accept the terms offered by the Government, and have already signed the agreement’. George Thomas Wilkinson, the native agent,<sup>13</sup> and the warden, Henry Kenrick,<sup>14</sup> left for Te Aroha on that day to obtain the signatures of those ‘interested in the lands’ on which gold was found. ‘It appears there are no less than 150 natives interested in the Crown Grant for the reserves’.<sup>15</sup>

On 30 October, Wilkinson reported to Whitaker that he and Kenrick had been assisted by Wirope Hoterene Taipari,<sup>16</sup> Ranapia Mokena,<sup>17</sup> an interpreter, and his own clerk, Charles John Dearle,<sup>18</sup> in seeking to obtain Ngati Rahiri’s agreement to opening their land for mining. At the korero, held on Mokena Hou’s land, Wilkinson explained that, as gold had been found on land promised as reserves and probably more would be found, it would be impossible to stop Pakeha coming to search for it. ‘As the Maories could not well dig for it themselves to the exclusion of others, it would be advisable to let the Europeans come’, but ‘for the safety and protection of all that they should not be allowed to come’ except ‘under the recognized laws for Gold Mining’. Accordingly, it was ‘advisable’ to include their reserves within the much larger amount of government land to be opened as a goldfield, in return for obtaining goldfields revenue. Ngati Rahiri responded favourably, provided a bonus was paid in addition to the revenue.<sup>19</sup> Mokena ended the long discussion by stating that he would open his land on Wilkinson’s terms without requiring a bonus. Mokena’s block, 750 acres, added to the adjoining 740 acres already ceded by Taipari, meant that there were 1,490 acres extending from the northern boundary of the Thames High School Endowment<sup>20</sup> to the southern boundary of the Ruakaka block available for mining.

As it was getting towards evening I thought it best to let the meeting break up as no good could come from further discussing the matter especially as I saw that the more desirous I appeared to be that the Natives should give their land up the more

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<sup>13</sup> See paper on Merea Wikiriwhi and George Thomas Wilkinson.

<sup>14</sup> See paper on his life.

<sup>15</sup> *Thames Star*, 23 October 1880, p. 2.

<sup>16</sup> See paper on Maori and goldfields revenue.

<sup>17</sup> See paper on his life.

<sup>18</sup> See paper on Alice Grey Dearle.

<sup>19</sup> See papers on the opening of the goldfield.

<sup>20</sup> See paper on this endowment.

persistent they were in requiring to be paid for so doing. After the meeting several of them came to me privately and stated that it would be all right but that I must not expect them to agree to all I wanted without their opposing me and trying to make something out of it.

Wilkinson returned to Thames and reported these developments, but before leaving got Mokena, his wife Rina, and their children Ema, Ranapia, and Rewi<sup>21</sup> to sign the agreement ceding their land. Both Wilkinson and Kenrick advised Mokena to set aside a portion for a township: 'This he agreed to do, and a spot of about twelve acres was marked off to form the nucleus of a future township should the necessities of the Gold Field require one'. George Henry Arthur Purchas,<sup>22</sup> who was surveying the reserves, made a sketch plan of the proposed township which, after roads were laid off, would provide 60 allotments.<sup>23</sup> Nearby reserves were expected to be added to the township.<sup>24</sup>

Under the agreement ceding the right to mine, Ngati Rahiri were promised that their 'cultivations and Tapus together with ground occupied by them for residence' would be surveyed off and not available for mining, and 'any additional land that may be wanted' for cultivations would 'be reserved as required by them'.<sup>25</sup> By late March 1881 all Ngati Rahiri had signed the agreement.<sup>26</sup> As an example of Ngati Rahiri having land removed from the goldfield, in 1889 two women sought permission to remove their section so that it could be used for houses and cultivation. Their land was far from the mining area, on open fern land, and had 'on it our houses, fences, and cultivations'.<sup>27</sup> After the warden reported that there was 'no reason why the request should not be granted, it is open fern and

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<sup>21</sup> See papers on their lives.

<sup>22</sup> See *Cyclopedia of New Zealand*, vol. 7, p. 58; *New Zealand Herald*, 5 July 1933, p. 12.

<sup>23</sup> G.T. Wilkinson to Frederick Whitaker, 30 October 1880, Mines Department, MD 1, 85/1006, ANZ-W.

<sup>24</sup> *Thames Advertiser*, 1 November 1880, p. 3, 27 November 1880, p. 3.

<sup>25</sup> H.W. Northcroft to Under-Secretary, Lands Department, 24 July 1891, Thames Warden's Court, Letterbook 1886-1893, p. 482, BACL 14458/2b, ANZ-A.

<sup>26</sup> 'Minute re Te Aroha Reserves and Land', 22 March 1881, Maori Affairs Department, MA 1, 13/54b; Harry Kenrick to Under-Secretary, Gold Fields, 11 May 1882, Mines Department, MD 1, 6/14, Part 1, ANZ-W.

<sup>27</sup> Merea Tokerau and Makereta Tokerau to G.F. Richardson (Minister of Mines), 27 March 1889, Mines Department, MD 1, 89/381, ANZ-W.

manuka land' and the adjoining sections had been withdrawn two years before, permission was granted.<sup>28</sup>

In assessing the Crown's role in opening the district to mining,<sup>29</sup> the Waitangi Tribunal considered that officials 'were heavy-handed', for although Ngati Rahiri were divided about agreeing to mining without a bonus payment the views of those wanting one were ignored. The tribunal admitted that Ngati Rahiri 'were fundamentally supportive of mining', quickly dropped the request for a bonus, and participated in marking out claims.

But the Crown officials' actions were considerably short of negotiating in utmost good faith and securing full prior consent. The agreement did include clauses allowing Maori owners to opt *out* by having their land declared cultivation or residential reserve, but it would have been more consistent with Treaty principles to have opened the field on the Mokena and Taipari land and allowed others of Ngati Rahiri to opt *in*. However, as always in goldfield situations, there were indeed serious public interest considerations involved, and we accept as genuine the need to bring the whole area affected under regulation to deal with the anticipated rush.<sup>30</sup>

Which was hardly harsh criticism.

### LAND CEDED FOR OTHER PURPOSES

Mokena Hou had given land for churches,<sup>31</sup> but by 1896, as the local Catholic priest explained to his bishop, as 'his confreres or descendents still living' were 'not very anxious to carry out his last wishes' there was no proper title for the land on which St Joseph's Church had been erected:<sup>32</sup>

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<sup>28</sup> Warden to Under-Secretary, Mines Department, 9 May 1889; Under-Secretary, Mines Department, to Warden, 26 June 1889, Mines Department, MD 1, 89/381, ANZ-W; *New Zealand Gazette*, 20 June 1889, p. 677.

<sup>29</sup> For more details, see papers on the opening of the goldfield.

<sup>30</sup> Waitangi Tribunal, *The Hauraki Report* (Wellington, 2006), vol. 2, pp. 482-483.

<sup>31</sup> For example, *Te Aroha News*, 11 December 1886, p. 3.

<sup>32</sup> Fr. J.J. Hackett to Bishop, 29 September 1896, Parish Papers: Paeroa, INT IV 3-6, Catholic Archives, Auckland.

The two sites down in Te Aroha on which the Church now stands were given me in exchange by the Maories for the site we abandoned after a great deal of trouble. The document we held for new site on which church is built had to be carried from Thames to King Country to obtain proper signatures from Maori owners. In due course the property will be made over to you. Now any one of the Maori owners can be brought into Court and he can simply ask us “we gave you sites in the township in exchange for those you left abandoned on hill – are you not satisfied?”<sup>33</sup>

In practice, no such complaint was made in court.

### ARGUMENTS CONTINUE OVER OBTAINING MONEY

In March 1880, Ripeka and Wiremu Te Pea,<sup>34</sup> of Thames, complained about Ngati Rahiri receiving all the land. Despite claiming that their father had been an ‘influential chief’ of Te Aroha and owned 40,000 acres there, their family, the largest claimants, had received very little.<sup>35</sup> This complaint was ignored as being ‘a family quarrel’.<sup>36</sup> And the family was Ngati Haua and lived at Matamata.<sup>37</sup>

In June 1881, ten Maori living at Thames claimed that James Watkin Preece, a land purchase officer,<sup>38</sup> had offered them £600 for their interest, whereas they had wanted £1,000. As Preece had died before a decision was reached, they asked for the £600.<sup>39</sup> Wilkinson informed Richard John Gill,

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<sup>33</sup> Fr. J.J. Hackett to Bishop, 26 September 1896, Parish Papers: Paeroa, INT IV 3-6, Catholic Archives, Auckland.

<sup>34</sup> They did not invest in any Te Aroha claims.

<sup>35</sup> Ripeka and Wiremu Te Pea to John Bryce (Native Minister), 12 March 1880, Maori Affairs Department, MA 1, 13/86; Aroha Block X11 Section 34, Justice Department, J 1, 93/1961, ANZ-W.

<sup>36</sup> Memorandum by R.J. Gill (Under-Secretary, Land Purchase Department), 17 May 1880, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>37</sup> See Maori Land Court, Waikato Minute Books, no. 1, p. 46; no. 2, p. 101; no. 3, p. 167; no. 13, p. 114; Hauraki Minute Book no. 10, pp. 331, 333; Supreme Court, *Auckland Weekly News*, 16 October 1886, p. 15, 30 October 1886, p. 10, 25 December 1886, p. 21, 30 April 1887, pp. 18-19.

<sup>38</sup> See paper on the Aroha Block to 1879.

<sup>39</sup> Rawiri Taiporutu and nine others to William Rolleston, 9 June 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

under-secretary of the Land Purchase Department, that he was 'not able to report favourably'. In 1878, as Ngati Rahiri had accepted that the Ngati Karaua hapu, to which the claimants belonged, had a valid claim, Preece had 'called a meeting of some of their chiefs' so as not 'to have to contest them, as well as the Ngatirahiri in Court'. Preece's offer 'to buy them out' for £600 was not 'openly' accepted, 'but it seems that they did so secretly, as they did not oppose' the government's claim during the last hearing about the block. Not having been included in the Ngati Rahiri reserves 'they now, (Maori like) claim the fulfillment of the promise or offer which they say Mr Preece made to them', but he was 'unable in any way to substantiate their statement'. His 'impression' was 'that they withdrew their opposition in court, on finding that Ngatirahiri admitted them as having a claim, and expected to go in with Ngatirahiri in whatever they might get'. When Ngati Rahiri 'succeeded in getting such a small quantity (only 7500 acres), and in subdividing that amongst themselves, did not in any way remember claimants, they, finding that between two stools, they were likely to fall to the ground, now put in their claim'. Not having been present at any meetings between them and Preece, who had not informed him of having made such an offer, he suggested James Mackay be asked whether he had heard of it.<sup>40</sup> Mackay was 'certain that no such promise was made', for he had done all the talking during the negotiations, 'as from Mr Preece's ill-health he could not undergo the fatigue of a Maori korero'.<sup>41</sup>

In October 1881, Mackay told Wilkinson that he had promised Pepene Te Paopao<sup>42</sup> 100 acres so that his claim to land on the western side of the Waihou River 'could not be ignored'. Te Hotene<sup>43</sup> was to receive the same acreage.<sup>44</sup> As Wilkinson had no record of these agreements, he confirmed with them that these promises had been made.<sup>45</sup> This information prompted Gill to complain to his minister, William Rolleston, that Mackay's 'promises

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<sup>40</sup> G.T. Wilkinson to R.J. Gill, 15 July 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>41</sup> James Mackay, memorandum, 24 August 1881, Maori Affairs Department, MA 1, 13/86. ANZ-W.

<sup>42</sup> He did not invest in any Te Aroha mines.

<sup>43</sup> He did not invest in any Te Aroha mines.

<sup>44</sup> James Mackay to G.T. Wilkinson, 18 October 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>45</sup> G.T. Wilkinson to James Mackay, 18 October 1881; G.T. Wilkinson to R.J. Gill, 22 October 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

of land to Natives in the Thames District appear to have been made recklessly and without any reference to Wellington or a record kept of them', and recommended that 'some duly appointed person' investigate.<sup>46</sup> When questioned about whether a particular Maori had been promised land at Te Aroha, Mackay responded that 'as near as I recollect I think I carelessly omitted' him from the schedule. 'I think they have a memorandum (I am not certain)'.<sup>47</sup> As no memorandum was on file, Rolleston did not 'think this claim is made out'.<sup>48</sup>

In late April 1882, Maori reportedly 'came down in considerable numbers' and ordered men digging drains at Manawaru, upstream from Te Aroha, off the land. 'They stated that there was a disputed ownership of the land, and refused to allow the men, some 18 hands, to remain an hour, taking immediate possession of their whares' without meeting resistance.<sup>49</sup> A Te Aroha correspondent gave further details, along with his comments:

You will, no doubt, have heard that the natives came down yesterday (Tuesday) to the Manawaru Block, where Messrs Cassidy<sup>50</sup> and Coleman<sup>51</sup> are carrying on certain drainage works for the Government, and ordered the men to stop work at once, as they (the natives) laid a claim to the land, which they said was illegally being dealt with by the Government. Strange to say Mr Cassidy, one of the contractors (Mr Coleman was absent), at once stopped work, and accompanied by the Government Inspector, started for Hamilton, for what purpose it is hard to say. The natives numbered seven, including Hoani Tuakaraine, of Tamahere, Tu Whenua, of Paretu, Paraia (Pry),<sup>52</sup> a fighting native, and four others all belonging to the Ngatihaua tribe, and these seven bold and intrepid warriors ordered off and successfully stopped between 30 and 40 men from proceeding with their legitimate work. These Ngatihaua people unsuccessfully fought for the possession of the Manawaru Block

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<sup>46</sup> R.J. Gill to William Rolleston (Native Minister), 7 November 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>47</sup> James Mackay to G.T. Wilkinson, 13 November 1881 (telegram), Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>48</sup> Memorandum by William Rolleston, n.d. [November 1881], Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>49</sup> *Thames Advertiser*, 28 April 1882, p. 3.

<sup>50</sup> Not traced.

<sup>51</sup> Either Bernard or John: see section on publicans in paper on drink.

<sup>52</sup> None of these men were involved with Te Aroha mining.

when it was going through the Native Lands Court, and having failed to establish a title, have been ever since waiting for a chance to try and make a stir in the matter. Their action on Tuesday ought certainly not to be made much of, as it was evidently mere bounce on the part of a few disaffected, lawless natives, who certainly ought to be punished for their action in the matter. Had the contractor or the Government Inspector possessed the smallest iota of determination, nothing more would have been said of the matter, as they could easily have sent the few natives to the right about, quicker than they came on to the ground; but owing to the pusillanimity displayed the whole affair has been allowed to assume a more serious aspect than one could have dreamt of. Hoani Tuakararaina<sup>53</sup> openly stated in the township here that he would drive all the white people off the block and there really was quite a scare on a small scale created in our midst for a few hours. What action the authorities will take in the matter remains to be seen, but it is entirely absurd that any half-a-dozen vagabond Maoris should be allowed to disturb the peace of a district in that way. These natives are the same lot or belong to the same tribe as the party who some months since tried to drive the survey party away from the Pakarau Pa block near here, but were sent home at the double by the surveyors, and the sooner the Government interferes and once for all puts a stop to their lawless proceedings the better it will be for all of us. They might not always find a contractor and a Government Inspector who would tamely submit to be driven away from their lawful occupation at the command of a lot of vagrant Maoris.<sup>54</sup>

In reporting these revised details the *Thames Advertiser* noted that these ‘obstructionists’ had ‘parted with all the land belonging to them’ and were ‘merely trying to bounce the Government into paying baksheesh’. As for their previous interference, the surveyors ‘met bounce with bounce, and fairly drove them off’.<sup>55</sup> When Coleman returned ‘to see how matters stood’, the Ngati Haua ‘vacated the whares without the slightest resistance’.<sup>56</sup> The *Waikato Times*’ correspondent regretted that they had not found ‘themselves at the bottom of the ditch’ when they first challenged the labourers, but, as their claim to the land was ‘simply nonsense’, they were

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<sup>53</sup> Both spellings used in Maori Land Court: see its index.

<sup>54</sup> Te Aroha Correspondent, *Waikato Times*, 29 April 1882, p. 2.

<sup>55</sup> *Thames Advertiser*, 1 May 1882, p. 3.

<sup>56</sup> *Freeman’s Journal*, 5 May 1882, p. 8.

‘not likely to assert their alleged rights again’.<sup>57</sup> They did not, nor was any action taken against them for ‘obstruction’.

That Maori were aware of the increasing value of the land after Pakeha settlement and were competing to obtain money from it was indicated in a letter written in August 1883 supporting Mokena Hou receiving land on the western bank of the river. It was recommended that the grant be made ‘before the land becomes too valuable, so as to prevent discontent amongst the few remaining natives in our district’.<sup>58</sup> Later that month, Wi Te Wheoro<sup>59</sup> claimed that Donald McLean’s promise to make an arrangement over the Aroha block with the rebel Waikato and Ngati Haua had not been fulfilled, but officials explained that this claim had been settled by returning some of the confiscated Waikato land.<sup>60</sup>

Two years later, Hemi Puru<sup>61</sup> complained to the Native Minister, John Ballance, when the latter met Ngati Maru:

He wished to speak about the money that he should get out of Te Aroha Block. Previous to the investigation of this block by the Court it was arranged that he was to have this money, but before he got paid the money the land passed the Court, and he was absent, having received no notice that the land was to be put through the Court. When the land went through the Court, all his claims on it went with the land, extending up to a portion of the block called Manawaru, which was given by the Government to some other Natives than the owner. The way that land was put through the Court had the appearance of robbing the Natives. He would like to know whether his name was to the original deed of cession of the Aroha Block; he is waiting to know if he will get the money; he wishes that the Government should pay him now in satisfaction of his claims that were lost to him by that investigation, of which he did not receive any notice.<sup>62</sup>

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<sup>57</sup> Te Aroha Correspondent, *Waikato Times*, 30 May 1882, p. 2.

<sup>58</sup> H.E. Whitaker to T.W. Lewis (Under-Secretary, Native Office), 7 August 1883, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>59</sup> He did not invest in any Te Aroha claims.

<sup>60</sup> Wi Te Wheoro to John Bryce, 22 August 1883; memorandum by R.J. Gill, 27 August 1883, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>61</sup> He did not invest in any Te Aroha claims.

<sup>62</sup> ‘Notes of a Meeting held at Parawai, Thames, on the 12th February, 1885, between the Hon. Mr Ballance and the Thames Natives’, *AJHR*, 1885, G-1, p. 39.

He later complained to Wilkinson that he had been at the Bay of Islands when two of his relations obtained £15 for their interests in Manawaru; as he should have been made one of the owners, he should receive this amount also.<sup>63</sup> Wilkinson explained that Hemi, a member of Ngati Rahiri, had, with two others, been offered £45 for their shares in 1878, which the other two took but Hemi did not, being in the Bay of Islands. One of the others, his relative, had been on the Ngati Rahiri committee that subdivided the reserves, and Hemi had been allotted 50 acres. Some months later,

Hemi Puru returned from the Bay of Islands, and, although he absolutely refused to sell to the Crown before he left Thames, yet, when he returned and found the whole block had been dealt with by the Court, he then, seeing I suppose that he had missed getting £15, came to me ... and demanded that amount, as what he would have got had he been at Thames, and had he agreed to sell, which it is not at all likely he would have done. I refused to pay him,

as his tribe had allocated him 50 acres. 'He has always however refused to accept my ruling, and is continually pressing his claim for £15'. Wilkinson presumed that Ngati Rahiri had given him the 50 acres because he had not received any money; he had no claim to Manawaru, which had been allotted to 'the principal chiefs', who later sold it to the Crown.<sup>64</sup>

Also in 1885, Hapi Rewi<sup>65</sup> told Ballance that part of the block had been promised, but not given, to some Maori.<sup>66</sup> Wilkinson told his superiors, 'I never heard anything of the promise referred to. Neither have I heard of any one – other than Hapi Rewi himself – who did. There is no record of it that I am aware of'.<sup>67</sup> When Ballance met with Ngati Rahiri at Te Aroha in

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<sup>63</sup> Statement by Hemi Puru to G.T. Wilkinson, 29 May 1885, Maori Affairs Department, MA 1, 13/86, ANZ-W;

<sup>64</sup> G.T. Wilkinson to T.W. Lewis, 21 July 1885, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>65</sup> He did not invest in any Te Aroha mines.

<sup>66</sup> 'Notes of a Meeting held at Parawai, Thames, on the 12th February, 1885, between the Hon. Mr Ballance and the Thames Natives', *AJHR*, 1885, G-1, p. 32.

<sup>67</sup> G.T. Wilkinson to T.W. Lewis, 9 October 1885, Maori Affairs Department, MA 1, 13/86, ANZ-W.

December, he was told that they had been promised a burial ground at Tangitu; again, no trace of this promise could be found in the official files.<sup>68</sup>

In 1889, a Maori asked Wilkinson whether any money was still owing to Ngati Haua Hauhau; Wilkinson told him 'there was nothing in hand', but passed on the letter to Wellington at his request.<sup>69</sup> Patrick Sheridan, an accountant in the Land Purchase Office who became chief land purchase officer in the following year,<sup>70</sup> was 'not aware of any balance being due'.<sup>71</sup> Later that year, Pakara Te Paora,<sup>72</sup> who ten years previously had been accused of shooting Daldy McWilliams,<sup>73</sup> claimed that he had been promised £10 from the sale of the Aroha.<sup>74</sup> Wilkinson denied any such promise had been made, for Pakara was a Ngati Hako rangatira, who 'were Kingites, and anti-landsellers and therefore took little or no interest in the matter when Te Aroha block was before the Court'.<sup>75</sup>

In May 1892, Tutua Ngakau,<sup>76</sup> of Maungakawa, near Cambridge, asked Alfred Jerome Cadman, Minister of Native Affairs, whether he had seen a document he had given to Te Wheoro when he was a Member of Parliament 'and which he gave to Mr Bryce'. (Wiremu Maipapa Te Wheoro had been a parliamentarian until mid-1884, and Bryce the Minister of Native Affairs until August that year.)<sup>77</sup> 'It had reference to the Te Aroha money'. If Cadman had seen it, Tutua asked for it to be sent to him. 'Tawhiao has told me of what he said to you about that money, and that is

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<sup>68</sup> Memorandum on meeting at Te Aroha, 7 December 1885; memorandum of T.W. Lewis, 21 January 1886, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>69</sup> Wharerata to G.T. Wilkinson, 5 March 1889; G.T. Wilkinson to T.W. Lewis, 5 March 1889, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>70</sup> See *Cyclopedia of New Zealand*, vol. 1 (Wellington, 1897), p. 184.

<sup>71</sup> Patrick Sheridan to T.W. Lewis, 16 March 1889, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>72</sup> He did not invest in any Te Aroha claims.

<sup>73</sup> See paper on this incident.

<sup>74</sup> Pakara Te Paora to Native Minister, 19 July 1889, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>75</sup> G.T. Wilkinson to T.W. Lewis, 30 August 1889, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>76</sup> He did not invest in any Te Aroha claims.

<sup>77</sup> *New Zealand Parliamentary Record 1840-1949*, ed. Guy H. Scholefield (Wellington, 1950), pp. 38, 147.

why I write to you'.<sup>78</sup> Cadman replied directly to 'Friend Tawhiao' about an alleged promise by Sir Donald McLean, known as Te Makarini to Maori:

I have carefully looked into the accounts and papers bearing on the purchase of Te Aroha for the words of Te Makarini that £700 shd be paid to the Hauhau section of Waikatos. Friend, I am unable to find such words in any of the documents. It is however made clear that the Hauhaus were given land in Waikato in satisfaction of any promises made to them and that the moneys for the loyal Waikatos have all been paid....

When I next meet you I will show you the whole of the accounts then you will see who got the money for Te Aroha – It is all gone.<sup>79</sup>

Six years later, Henare Kaihou, Member of Parliament for Western Maori, wrote to Richard Seddon, then Minister of Native Affairs:

In the time of Sir D McLean the money for Te Aroha was paid for the tribes of Hauraki and Waikato and the loyal tribes and the rebel tribes. The loyal tribes of Hauraki and Waikato drew their share of the money, the rebels share remained undrawn.

The money for Ngati Haua rebels, Taingakawa's section, as awarded by Mr James Mackay Commissioner under Sir D McLean's Govt was £500, for the Waikato rebels, Tawhiao's section £300. This sum of £800 has remained ever since that time, and now is, in the possession of the Government.

Taingakawa now asks that the question of this money be considered and that it be paid over to the persons for whom it was set apart.<sup>80</sup>

(Taingakawa Te Waharoa, the son of Wiremu Tamehana, discouraged the selling of land and encouraged it's farming, setting an example himself.)<sup>81</sup> Kaihou was told that no money was owing.<sup>82</sup> The following year,

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<sup>78</sup> Tutua Ngakau to A.J. Cadman (Minister of Native Affairs), 26 May 1892, Justice Department, J 1, 98/1271, ANZ-W.

<sup>79</sup> A.J. Cadman to 'Friend Tawhiao', 2 June 1892, Justice Department, J 1, 98/1271, ANZ-W.

<sup>80</sup> Henare Kaihou to R.J. Seddon, 20 October 1898, Justice Department, J 1, 98/1271, ANZ-W.

<sup>81</sup> *Te Aroha News*, 29 August 1908, p. 2.

<sup>82</sup> W.C. Walker to Henare Kaihou, 28 November 1898, Justice Department, J 1, 98/1271, ANZ-W.

a lawyer acting for Tawhiao and the 'leading chiefs of Waikato' asked for the balance of the purchase money, now claimed to be £1,300.<sup>83</sup> No reply is contained in the department's files and no further requests were made by Kingites for money for a block they had not wanted sold.

Also in 1899, when the Governor, Lord Ranfurly, visited Te Aroha, 'large numbers' of Maori attended the official welcome. After the formalities were concluded, 'a number of Maori, both male and female, were introduced to him.

The first speaker welcomed the Governor with the usual "haeremais," and said that they trusted His Excellency would look upon both races alike, as there was one law for one people, in which the Maoris were included. He spoke of handing back to the natives portion of Te Aroha mountain, which he alleged had been taken from them. Another chief also spoke on the land question, and said he hoped the Governor would look to the interests of those natives who had no lands, and arrange to put matters in this connection straight. He gave details of the land referred to, some of which was bounded by the Ohinemuri goldfields district.

In response, Ranfurly reminded them that he 'was not the person who had control of native affairs'. After urging them to discuss their issues with politicians, he stressed that many of these grievances occurred 'many years ago, and there were many reasons which rendered it impossible to go so far back in time as regarded making alterations'. He considered 'it was out of the question bringing before Ministers such matters as had been brought under his notice that day. It was not a question of policy. There were direct questions of particular cases which should certainly come through their representatives in Parliament'.<sup>84</sup>

In 1906, the son of one of those who had sold Ruakaka claimed that the deed of sale required ten per cent 'to be paid to the Maori owners', and asked for his ten per cent.<sup>85</sup> If he meant they were only to receive ten per cent of the purchase price this was nonsense; if he meant that each owner

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<sup>83</sup> John St Clair to R.J. Seddon (Minister of Native Affairs), 5 September 1899, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>84</sup> *New Zealand Herald*, 10 May 1899, p. 6.

<sup>85</sup> Wahamate to Lands and Survey Department, Auckland, 4 September 1906, Lands and Survey Department, 20/589, Land Information New Zealand, Hamilton.

was to receive that amount, that only made sense if there were ten owners, but there had been fewer.<sup>86</sup> His letter was ignored.

### SELLING LAND ACQUIRED BY THE CROWN

January 1880 commenced with the Waste Lands Board announcing the sale of land in the suburbs of the future township, in Block XI, at an upset price of £3 an acre, and other sections in Block XII at the upset price of £2 an acre. Much of this level land had a frontage on the river and was easily drained.<sup>87</sup> A map of the sections was made available in Thames.<sup>88</sup> Local publican George Stewart O'Halloran,<sup>89</sup> 'knowing the clamourousness of the Thames people for land', could not 'help wondering, now that a portion is so soon to be sold, at the apparent apathy of the people, who, if they buy, must buy a pig in a poke, as few, if any, have as yet been to look at it'.<sup>90</sup> On the same day as he wrote this comment, intending purchasers were invited to make a cheap weekend excursion which would give them seven hours to inspect the land, bathe in the hot springs, and collect peaches.<sup>91</sup> 'A great many' participated.<sup>92</sup> The terms of sale were 'equally favourable to any' made 'under the special settlement clause'.<sup>93</sup>

When the first sale of 'the famed Te Aroha block' took place late in January the *Thames Star* commented that, after all the 'pressing demands' on the government 'and the outcry for lands for settlers of small means, it was astonishing to observe that there was not only no competition but very few bidders, and not a single Thames settler appeared as a purchaser'. The small suburban lots 'were specially surveyed so as to enable working men to acquire a small freehold, but they did not seek to avail themselves of the privilege', and only a few were sold. None of the rural ones, of from 130 to 248 acres, bordering the river and 'of good quality', were purchased.<sup>94</sup> The

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<sup>86</sup> See section on Ruakaka in paper on the Aroha Block to 1879.

<sup>87</sup> *Thames Star*, 7 January 1880, p. 3; *New Zealand Gazette*, 8 January 1880, p. 13.

<sup>88</sup> *Thames Star*, 10 January 1880, p. 2; for an overview map of the lots for sale on the western side of the river, see ML plan 3503, LINZ, Hamilton.

<sup>89</sup> See paper on his life.

<sup>90</sup> Te Aroha Correspondent, *Thames Advertiser*, 17 January 1880, p. 2.

<sup>91</sup> *Thames Star*, 14 January 1880, p. 2, including advertisement.

<sup>92</sup> *Thames Star*, 19 January 1880, p. 2.

<sup>93</sup> *Thames Advertiser*, 15 January 1880, p. 3.

<sup>94</sup> *Thames Star*, 28 January 1880, p. 2.

chairman of the board commented on this ‘disappointing’ sale, many lots not selling ‘as they expected, especially the rural lands, for which there was no bid. It was alleged that the lands offered were inferior to those which were to be offered, but he was surprised to find that there was no Thames bidders except one lady’. One member believed ‘the general public had been deterred from competing’ by the expectation that Thames residents would outbid them. The board decided to sell the unsold land, along with another block, on deferred payment, at £2 an acre.<sup>95</sup>

One newspaper believed the land did not sell because it was ‘badly situated’ and ‘not suitable for small holders, one of the objections being that there is no timber’.<sup>96</sup> An Auckland newspaper understood that intending purchasers were waiting for other sections to be opened under the deferred payment system.<sup>97</sup> O’Halloran, writing before the sale took place, referred to ‘great dissatisfaction’ at the ‘smallness of the sections offered’ and the illiberal terms, and predicted that not many lots would be sold, ‘although if cut up differently, say from 100 to 500 acres, every inch would be sold at fair prices. The calling of these lands “suburban” is a farce, as the site of the town is not yet fixed’.<sup>98</sup> ‘Pioneer’ later used this sale to prove the incompetence of the members of the lands board, who were ‘not practical men’. The sale was unsuccessful because the upset price was too high, and

they made a great mistake in attempting to sell the worst land in the whole block first. As for the suburban land, it was on a par with many others of their insane ideas, and was only useful in showing the melancholy incapacity of Waste Lands Boards. The suburbs are simply suburbs of nowhere, and comprised the most inferior land you would care to see in a day’s ride.<sup>99</sup>

In early January, William Rolleston, the Minister of Lands, had announced that an extra 18,000 acres were to be sold and tenders for drainage were being called. ‘These lands will be opened under the deferred and immediate payments clauses, in areas from ten acres up to three hundred and twenty acres on conditions which will enable bona fide settlers

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<sup>95</sup> *Thames Advertiser*, 29 January 1880, p. 3.

<sup>96</sup> *Thames Star*, 28 January 1880, p. 3.

<sup>97</sup> *New Zealand Herald*, 27 January 1880, p. 4.

<sup>98</sup> Te Aroha Correspondent, *Thames Advertiser*, 29 January 1880, p. 3.

<sup>99</sup> Letter from ‘Pioneer’, *Thames Advertiser*, 17 February 1880, p. 3.

and occupiers to take them up'.<sup>100</sup> Drainage works costing £3,125 were authorized.<sup>101</sup> In February, the board recommended that 3,300 acres be set aside for selection on deferred payment at a price not less than £2 an acre; if purchased, probably more would be sold on the same basis.<sup>102</sup> 'Pioneer' commented that the extra area to be sold 'occasioned a large number of men to leave their employment to look at the block, which they naturally concluded would be opened eventually. Poor fools! Little did they know of the red-taperism and culpable delay and endless suspense they would have to endure'.<sup>103</sup>

A letter written by a Te Aroha resident in mid-March commented that, 'judging from the number of persons seeking for land, and having conversation with many of them, every lot' would be applied for, 'and in some cases two or three deep'.<sup>104</sup> The sale of 21 sections on the western riverbank was set down for 13 April. Sections varied in size from 74 acres, with an upset price of £148, to a little over 292 acres, for £586; if more than one applicant, the section would be auctioned. No individual was permitted to select more than 320 acres, and a deposit of one-twentieth of the price was required with the application. Payments in 20 equal instalments were to be paid at six-monthly intervals over ten years; after the first three years, the balance could be paid in one payment, provided improvements had been made. Selectors must bring into cultivation not less than one-twentieth in the first year, one-tenth in the second, and within six years must have cultivated one-fifth and made 'permanent improvements to the value of £1 for every acre'. The selector was required to live on the land for 'six years from the issue of license'. The *Thames Star* explained that in Block XI the land was 'generally swampy, but now under drainage by Government. Vegetation – fern, scrub, titree, flax, &c. All the sections quite level'. Some of the land was within half a mile of the proposed township. In Block XII, some sections abutted the river; the swampy ones were easily drained.<sup>105</sup> When visiting Paeroa, Rolleston was told that, compared with the eastern bank, the land was 'the worst in the block, and not at all

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<sup>100</sup> *Thames Star*, 14 January 1880, p. 2.

<sup>101</sup> *Thames Star*, 21 January 1880, p. 2.

<sup>102</sup> *Thames Star*, 10 February 1880, p. 2.

<sup>103</sup> Letter from 'Pioneer', *Thames Advertiser*, 17 February 1880, p. 3.

<sup>104</sup> Letter from 'a correspondent from Te Aroha', *Thames Advertiser*, 18 March 1880, p. 2.

<sup>105</sup> *Thames Star*, 10 March 1880, p. 3.

suitable for poor men to take up'.<sup>106</sup> This swampy land had no timber for fencing or firewood. Rolleston responded that 'only the inferior lands had been handed to the Government', the best going to the Thames High School Endowment, special settlements, and Maori reserves.<sup>107</sup>

On the day after the sale, O'Halloran reported that 'things have been pretty lively' at Te Aroha, 'partly owing to the influx of people looking at the lands with a view to purchasing'. The result of the competition would 'go far to show what the general opinion' was of the value of the land.<sup>108</sup> Only 1,495 acres (or 1,426 according to another report) of the 3,300 acres were sold, to nine purchasers, two of whom paid above the upset price; only 16 people had bid.<sup>109</sup> At the same time, a petition was received by the board 'from 28 agriculturalists' wanting some of the block 'opened for selection under the Homestead Act'.<sup>110</sup> In May, O'Halloran reported several new settlers were taking up their land:

They all seem satisfied with their selections. Thames people will yet regret not having gone in for some of this land; the men from the South to whom I have spoken are unanimous in proclaiming it the best district they have seen for a long time, and although some of the Canterbury men think the soil too light, still they all agree that position, proximity to markets, and other natural advantages make up for the soil, some of which will no doubt require manure to enable it to produce heavy crops. The sections offered by the Government, especially in blocks 11 and 12, are nearly all taken up, and even now, although the weather is not very propitious and the roads are not the best, the cry is still they come, some on foot and some on horseback, but the errand is always the same, looking for land.<sup>111</sup>

A Thames reporter who visited in June believed that the decision to establish the Grant and Foster special settlement<sup>112</sup> prompted more farmers to acquire land. Since the sale more sections had been bought, bringing the total of settlers to 'something under twenty', all but one of them at work.

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<sup>106</sup> *Thames Star*, 22 March 1880, p. 2.

<sup>107</sup> *Thames Star*, 23 March 1880, p. 2.

<sup>108</sup> Te Aroha Correspondent, *Thames Advertiser*, 16 April 1880, p. 3.

<sup>109</sup> *Thames Star*, 16 April 1880, p. 2; *Thames Advertiser*, 17 April 1880, p. 3.

<sup>110</sup> *Thames Advertiser*, 17 April 1880, p. 3.

<sup>111</sup> Te Aroha Correspondent, *Thames Advertiser*, 26 May 1880, p. 3

<sup>112</sup> See paper on special settlements in the Te Aroha district.

‘The land was offered at £2 an acre and realized on an average £2 2s per acre, which was not up to the expectations of the Board’. By now ‘about 2000 acres’ had been sold. He noted the complaints of some settlers that they were forbidden to acquire adjoining properties even though they would not be exceeding the limit of 320 acres per person. ‘The result of the decision will be that a longer period will be occupied in settling’ the district.<sup>113</sup>

In July, the board considered two applications to purchase but decided not to sell before the land was drained.<sup>114</sup> In November, the prospect of a goldfield greatly increased the value of the land, sections for which not a single bid had been received now being sold for nearly £5 an acre.<sup>115</sup> After some drains were made, more land was offered for sale in December.<sup>116</sup> Subsequent sales are not recorded here.

### RUAKAKA

As this block, on the northwestern edge of the future Te Aroha, was seen as ‘suitable for a township’ the government wished to acquire the owners’ interests.<sup>117</sup> In January 1880, Samuel Stephenson, of Thames, and James Burt, of Auckland,<sup>118</sup> claimed to have purchased it ‘some ten years ago’.<sup>119</sup> Their claim was challenged by ‘Herata’, otherwise Hariata, William Nicholls’ eldest daughter,<sup>120</sup> and the *Thames Advertiser* anticipated that Ngati Rahiri, who had erected their pa on the boundary in 1878, would ‘no doubt have something to say’. Although the land had passed through the court, possession had never been given to the claimants, who applied to the Grey government ‘for possession, or for a money consideration’ should the government prefer to retain it. John Sheehan, Native Minister, had decided to appoint ‘two local gentlemen’ and an Auckland solicitor as commissioners to investigate, but the new government considered just one commissioner,

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<sup>113</sup> Own Reporter, ‘Tour in the Aroha, Waitoa, and Piako Districts’, *Thames Advertiser*. 22 June 1880, p. 3.

<sup>114</sup> *Thames Advertiser*, 12 July 1880, p. 3.

<sup>115</sup> *Thames Star*, 3 November 1880, p. 2.

<sup>116</sup> Te Aroha Correspondent, *New Zealand Herald*, 2 December 1880, p. 5.

<sup>117</sup> *Thames Star*, 17 January 1880, p. 2.

<sup>118</sup> Neither of them invested in any Te Aroha mines.

<sup>119</sup> *Auckland Weekly News*, 24 January 1880, p. 14.

<sup>120</sup> See papers on Joseph Harris Smallman and John William Richard Guilding.

the solicitor, was sufficient.<sup>121</sup> The expense of the investigation was anticipated to ‘amount to nearly as much as the land is worth’.<sup>122</sup>

After taking evidence over several days,<sup>123</sup> Stephenson’s claim was accepted, and by May and June he had surveyors ‘cutting up a township’.<sup>124</sup> Henry Alley,<sup>125</sup> a rival claimant, alleged that Stephenson was a friend of the government, which had granted him £200 to prospect the area, and that the commissioner had been sent to ensure that Stephenson got possession and the Native Department had assisted him to get a Crown Grant;<sup>126</sup> there was no proof of these charges. A map was produced of the proposed Ruakaka township,<sup>127</sup> but by early October, despite some offers being made, no sections had been sold.<sup>128</sup> Presumably to tempt settlers, all the streets were named after the principal British poets.<sup>129</sup> Visitors were encouraged by the *Thames Star* to view ‘the beautiful township’;<sup>130</sup> with the discovery of gold, it considered purchasing sections was a good speculation as the district would advance and the land would increase in value.<sup>131</sup> The advertisement for ‘this Magnificent TOWNSHIP’ stated, correctly, that it was ‘the only FREEHOLD Land in the immediate vicinity of the new Goldfield’ and claimed, falsely, that its boundary adjoined the Prospectors’ Claim.

Irrespective of gold being found, this Township is so situated by Nature as to command the whole of the traffic from Hamilton, Cambridge, Tauranga, Ohinemuri, Thames and Piako Counties and Rivers, and is the pick of the far-famed Aroha block ... commanding, as it does, a Magnificent River Frontage, Splendid Soil, abundantly Watered by mountain streams, crystallized through quartz of gold-bearing stone. The eye could not depict

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<sup>121</sup> *Thames Advertiser*, 21 January 1880, p. 3.

<sup>122</sup> *Thames Star*, 20 January 1880, p. 2.

<sup>123</sup> *Thames Advertiser*, 19 January 1880, p. 3, 28 January 1880, p. 2.

<sup>124</sup> *Thames Star*, 24 May 1880, p. 3; Te Aroha Correspondent, *Thames Advertiser*, 15 June 1880, p. 3.

<sup>125</sup> See paper on the Aroha Block to 1879; he did not invest in any Te Aroha mines.

<sup>126</sup> *Thames Star*, 10 September 1880, p. 2.

<sup>127</sup> ‘Township of Ruakaka, Omahu, Te Aroha’, photograph 7-C689, Auckland Public Library.

<sup>128</sup> *Thames Star*, 5 October 1880, p. 2.

<sup>129</sup> *Thames Star*, 19 October 1880, p. 2.

<sup>130</sup> *Thames Star*, 22 October 1880, p. 2.

<sup>131</sup> *Thames Star*, 15 November 1880, p. 2.

more delightful scenery and charming views than are to be witnessed in this beautiful locality, the bosom and Valley of the Thames, as depicted by the greatest Navigator, COOK, to be extensive and fertile enough to sustain the whole population of England. It is no exaggeration to say that purchasers of Allotments in this Township may some day develop a mine of wealth.<sup>132</sup>

Unfortunately for the promoters, the goldfields township was sited close to the hot springs and the new goldfield. In July 1882, the government announced that it no longer had any interest in this block.<sup>133</sup> In 1895, when a miner asked that it be purchased for the benefit of settlers, a price was not agreed to.<sup>134</sup>

### FINALIZING THE RESERVES

When the reserves were subdivided, there were grumbles that Maori had obtained the best land. Wairakau was extolled as having the best land in the district by a leading miner who was also a newspaper correspondent, John McCombie,<sup>135</sup> who found it 'not difficult to understand' why Ngati Rahiri had 'laid their hands upon' the Omahu reserve because the flat land was 'mostly good'; the smaller reserves were, 'as a rule', on 'the best of the land'.<sup>136</sup> O'Halloran also grumbled that Ngati Rahiri had 'the best portions of the flat land reserved for them'.<sup>137</sup> Later, it was explained that 'at the time payable gold first began to be talked about, the position of the native reserve had not been fixed, indeed ... there was a dispute over it', Ngati Rahiri 'wanting some of the best portions of the flat'. When they discovered that the mountain might contain gold, 'they resolved that it should be their reserve'.<sup>138</sup>

In February 1880, a Thames request for land for Thames residents was fruitless because of 'the uncertainty that existed regarding the native

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<sup>132</sup> Advertisement, *Thames Advertiser*, 15 November 1880, p. 2.

<sup>133</sup> *New Zealand Gazette*, 6 July 1882, p. 928.

<sup>134</sup> *Te Aroha News*, 6 February 1895, p. 2.

<sup>135</sup> See *Thames Advertiser*, 26 May 1881, p. 3.

<sup>136</sup> Te Aroha Correspondent, *New Zealand Herald*, 2 December 1880, p. 5.

<sup>137</sup> Te Aroha Correspondent, *Thames Advertiser*, 30 September 1880, p. 3.

<sup>138</sup> Special Reporter, *Thames Star*, 25 October 1880, p. 2.

reserves'.<sup>139</sup> Two weeks later, the board of governors of the Thames High School noted that the government had 'made it an excuse for not defining land for an endowment for the High School in the Te Aroha Block, that the native reserves had not been marked off'. Edward Walter Puckey, the native agent, told the chairman he saw 'no reason' why it 'should not be surveyed at once' for the survey could not 'in any way interfere with the reserves', as these had 'long since been laid off, and they have no claim on land in the Aroha block other than that selected by themselves and laid off'.<sup>140</sup> In mid-March, the boundaries were reported to have been determined.<sup>141</sup> In late May, O'Halloran noted a report that the Surveyor General had been informed that Ngati Rahiri

objected to the boundary line between the reserve at Wairakau and the school reserve being defined. There may have been such a hitch in the past, but I can vouch for the fact that the natives are only too anxious to have *all* their reserves properly defined so they can amongst themselves allot certain portions to each hapu.... In many cases they would take up their residences and live on the land which at present they own but cannot fix their boundaries.<sup>142</sup>

There was in fact some opposition, Wilkinson informing the governors in the middle of June that, as a result of his meetings over 'the last few days', Ngati Rahiri 'had agreed to withdraw all opposition to the survey of the outside lines of the Omahu and Wairakau reserves'.<sup>143</sup> Also, late the following month, the Thames borough finally received its 2,000-acre endowment, a swamp on the western side of the river opposite Waitoki estimated to be worth 30s an acre.<sup>144</sup>

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<sup>139</sup> *Thames Advertiser*, 7 February 1880, p. 3.

<sup>140</sup> Thames High School, Minutes of Meetings of Board of Governors, Memorandum of 25 February 1880, High School Archives, Thames; reported in *Thames Star*, 25 February 1880, p. 2.

<sup>141</sup> *Thames Star*, 15 March 1880, p. 2.

<sup>142</sup> Te Aroha Correspondent, *Thames Advertiser*, 26 May 1880, p. 3.

<sup>143</sup> Thames High School, Minutes of Meetings of Board of Governors, Meeting of 16 June 1880, High School Archives, Thames.

<sup>144</sup> *Thames Star*, 24 July 1880, p. 2; *Thames Advertiser*, 26 July 1880, p. 2.

Also in July, Purchas was subdividing the reserves with Ngati Rahiri 'giving every facility'.<sup>145</sup> Difficulties remained, for, in September, O'Halloran regretted that the boundaries were 'not defined, as a prospector at present does not know on what ground he may be working. If on native ground, and he makes a find, he is liable to be turned off, as his miner's right would be no license to mine on other than Government land'.<sup>146</sup> The *Thames Advertiser* complained that, until the boundaries were defined, prospectors were 'patiently kicking their heels in Auckland, or at the Thames – anywhere, rather than in the direction of their discovery, with no defined title to the land'.<sup>147</sup>

Wilkinson later explained that, after gold was discovered, the owners, with whom he had negotiated, unsuccessfully, since 1878, realized that their portions had to be clearly defined if goldfield revenue was to be shared out properly; accordingly, he had called a meeting attended by Purchas. As the owners had already been determined, once they agreed amongst themselves the lines for the subdivisions were cut a few days before the goldfield opened. At this meeting, Ngati Rahiri had proposed that every section in the Omahu reserve containing over 100 acres should start from the river and run to the eastern boundary in the hills. Wilkinson accepted this as fair, and Purchas pencilled the lines onto a map, enabling Wilkinson to show the owners their portions before they left the meeting. The owners wanted the lines cut at once, and Wairakau then subdivided, but Purchas had first to survey the township, and no other surveyors were available.<sup>148</sup> On 5 October, the boundary lines between the high school endowment and the Wairakau reserve were cut to enable prospectors to know upon which block they were working.<sup>149</sup> A week later, the government understood that Ngati Rahiri had 'mostly agreed as to division amongst themselves'.<sup>150</sup> On the day the goldfield opened, 25 November, Wilkinson reported that they

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<sup>145</sup> Te Aroha Correspondent, *Thames Advertiser*, 15 July 1880, p. 3.

<sup>146</sup> Te Aroha Correspondent, *Thames Advertiser*, 20 September 1880, p. 3.

<sup>147</sup> *Thames Advertiser*, 30 September 1880, p. 3.

<sup>148</sup> G.T. Wilkinson to R.J. Gill, 19 January 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>149</sup> *Thames Star*, 5 October 1880, p. 2.

<sup>150</sup> Frederick Whitaker to John Hall, 14 October 1880 (telegram), Telegrams to and from F. Whitaker, p. 39, Sir John Hall Papers, MS 1784, folder 296, Alexander Turnbull Library.

were anxious to get their portions within the Omaha reserve properly defined, which he expected would take a few days to do.<sup>151</sup>

Delays continued.<sup>152</sup> By mid-January, Wilkinson could report that the Omaha reserve, of 4,269 acres, had been subdivided into 40 sections for 40 hapu, meaning whanau; the total number of owners was 155. Wairakau, 3,250 acres, divided into 28 sections for the same number of hapu, again meaning whanau, had 103 owners.<sup>153</sup> The government met the cost of the surveys, £200.<sup>154</sup> In February, when Ngati Rahiri were waiting for the first payment of goldfield revenue, Kenrick would not distribute any money 'until all the disputes amongst themselves are settled'.<sup>155</sup> More surveying had to be done; after sending a letter to Ngati Rahiri, presumably concerning this, Wilkinson sent a 'tracing of my rough sketch of subdivisions of Omaha Reserve block' to Purchas along with an explanatory letter.<sup>156</sup>

The owners of the Hori More Block, 740 acres on the south-eastern edge of Te Aroha township and granted to Ngati Kopirimau,<sup>157</sup> asked James Mackay to subdivide it. In mid-March, he presented Wilkinson with his recommendation, which was 'fair to all concerned in the reserve, and in accordance with their ranks and claims'. The families of Hori More<sup>158</sup> and

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<sup>151</sup> G.T. Wilkinson to T.W. Lewis, 25 November 1880, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>152</sup> G.T. Wilkinson to T.W. Lewis, 10 December 1880, Maori Affairs Department, MA 1, 13/86, ANZ-W; G.T. Wilkinson, diary, entry for 17 January 1881, University of Waikato Library.

<sup>153</sup> G.T. Wilkinson to R.J. Gill, 19 January 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>154</sup> Patrick Sheridan (Chief Land Purchase Officer) to R.J. Gill, 10 February 1881; R.J. Gill to Patrick Sheridan, 11 February 1881 (telegram), Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>155</sup> *Te Aroha Miner*, 3 February 1881, reprinted in *Thames Star*, 3 February 1881, p. 2.

<sup>156</sup> G.T. Wilkinson, diary, entries for 7, 18 February 1881, University of Waikato Library.

<sup>157</sup> Rangi Topea to William Rolleston, 2 May 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>158</sup> See Maori Land Court, Hauraki Minute Books, no. 3, pp. 350-352; no. 7, p. 114; no. 8, p. 321; no. 12, pp. 26-30; no. 14, pp. 224-226; no. 17, p. 113; no. 18, pp. 76-77, 80, 84; no. 21, p. 90; no. 36A, pp. 157-164, 202-206, 214; no. 37, p. 96; no. 39, pp. 105-107; no. 45, pp. 51-52, 375-380; no. 46, pp. 7, 18, 80, 267-270; no. 52, pp. 301-302, 305, 308; no. 63, p. 112; no. 64, pp. 108-109.

Taipari received 200 acres each, the other divisions being 43 acres to each of seven individuals or families and 39 acres to one man 'inadvertently omitted from original list'.<sup>159</sup> Afterwards, Taipari informed Wilkinson he was going to Cambridge to see Mackay about defining his interests.<sup>160</sup> Taipari also showed the list to Whitaker, who left the final decision to Wilkinson. The latter, 'thinking that possibly you may not know the whole circumstances connected with the formation and title to the Native Reserves', provided details to enable Whitaker to decide whether to refer the subdivisions to the land court. Because goldfield revenue was payable on this land, Taipari had been prompted to seek the defining of interests. 'Taipari naturally enough wants this done as soon as possible, and some time ago' had asked Wilkinson 'to define the extent of each share, and then divide the Miners Rights fees &c accordingly'. Wilkinson had refused, believing the interests should be defined by the court, as a hearing would enable all owners to contest the allocation.

To define any such share by myself or Mr Mackay according to what we may think fair, without consulting any of the parties in the matter, may be a Maori way of doing it, and might be allowable had not the whole matter been already brought before the Native Land Court, but seeing that the native owners are promised a Crown Grant for their different blocks as soon as the surveys are made, I think it has passed the stage when any subdivision can be made privately of such promised grants, and that the Court only can now deal with the matter.

Should Whitaker consider it right to act without approaching the court, he would carry out his wishes.<sup>161</sup> Whitaker responded that, if the owners agreed unanimously with Mackay's division 'or any modification of it', the grants could be made out accordingly. Alternatively, the government could grant the reserve 'as a whole to the Natives named leaving them to deal with their separate interests'. If neither suggestion was acceptable, the matter should go to the court.<sup>162</sup> Wilkinson told Rolleston, the new Native

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<sup>159</sup> James Mackay, 'Memorandum for Mr Wilkinson the Government Land Purchase Agent at the Thames', 19 March 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>160</sup> G.T. Wilkinson, diary, entry for 22 March 1881, University of Waikato Library.

<sup>161</sup> G.T. Wilkinson to Frederick Whitaker, 8 April 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>162</sup> Frederick Whitaker, draft letter to G.T. Wilkinson, 11 April 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

Minister, that he supported Mackay's subdivision apart from adding the name inadvertently omitted. 'If the door is once opened to rectify mistakes of that sort, it will be found very hard to close it again', and he preferred the court to define the interests.<sup>163</sup> When Taipari and Hori More argued that their party should receive more than half the block 'on account of their rank and the superiority of their claims', they were told to take their case to the court.<sup>164</sup> As it was 'generally admitted by all concerned' that the person whose name was omitted should have been included, it was.<sup>165</sup>

Wilkinson continued assisting with the surveys.<sup>166</sup> By mid-May, four more reserves had been defined: Hori More's 740 acres, Mokena's 334 acres, Ema Lipsey's 400, and Te Reiti Tuma's 40.<sup>167</sup> By this time, two of the original owners had died.<sup>168</sup> At the end of the month, Crown Grants were prepared for the Mokena family reserves.<sup>169</sup> All the owners of these and other reserves were listed.<sup>170</sup>

The receipt of goldfield revenue prompted some owners to argue that others were wrongly included.<sup>171</sup> After an owner of the Hori More block complained that, despite the court ruling that all Ngati Kopirimau were equal, Taipari was giving others only 'a small amount' and keeping the rest for himself, Wilkinson explained that he would not pay any money until the

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<sup>163</sup> G.T. Wilkinson to William Rolleston, 12 April 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>164</sup> G.T. Wilkinson to Patrick Sheridan, 19 May 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>165</sup> G.T. Wilkinson to Patrick Sheridan, 19 May 1881; memorandum by Patrick Sheridan, n.d.; approval recorded by Frederick Whitaker, 30 May 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>166</sup> G.T. Wilkinson, diary, entries for 30 March, 6 May 1881, University of Waikato Library.

<sup>167</sup> She was the wife of Akuhata Mokena: see paper on his life.

<sup>168</sup> G.T. Wilkinson to Patrick Sheridan, 19 May 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>169</sup> Memoranda, 31 May 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>170</sup> For complete list of owners and hapu, see Maori Affairs Department, MA 1, 13/87b, ANZ-W.

<sup>171</sup> G.T. Wilkinson to Patrick Sheridan, 18 May 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

court determined the interests.<sup>172</sup> His superior agreed that she should ask the court to define her interest.<sup>173</sup>

In late September, Wilkinson reported that the surveys of the subdivisions of the Omaha reserve were nearly completed.<sup>174</sup> There had been no opposition, but a couple of owners had asked him to vary their portions to enable them to gift some land to relatives who had received very small allocations. Although it was no longer possible to alter the interests, he told them that once Crown Grants were issued transfers could be arranged amongst the owners.<sup>175</sup>

On 25 October, Wilkinson arranged with Ngati Rahiri to visit Wairakau to subdivide it.<sup>176</sup> After a false start on the previous day, on 27 October Wilkinson, accompanied by Charles John Dearle and William Grey Nicholls,<sup>177</sup> met with Ngati Rahiri and some Ngati Maru at Omaha and rode to Wairakau to 'try and subdivide the Maori Reserve'. A surveyor met them at Waiorongomai Creek, the northern boundary.

I had a stormy time with the Natives at commencement, the Natives (particularly Keepa [Te Wharau] & Reha [Aperahama])<sup>178</sup> wanting to alter the Northern and Southern Boundaries and bring the backline lower down the hills. I was firm and would not agree, after which we settled down to work and laid off the different blocks as we went along, finishing at about 4 o'clock – Rode into Aroha. I shouted 2 gallons beer for Maories.<sup>179</sup>

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<sup>172</sup> Rangi Topea to William Rolleston, 2 May 1881; G.T. Wilkinson to T.W. Lewis, 1 June 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>173</sup> T.W. Lewis to William Rolleston, 9 June 1881; agreement recorded by William Rolleston, n.d. [9 June 1881?], Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>174</sup> See F.H. Edgecumbe, 'Omahu Native Reserve, Rough Field Plan, Incomplete', n.d. [before 6 May 1880], ML plan 14312; James Simms, 'Omahu Native Reserve, Te Aroha Contract No. 9', n.d., ML plan 2796, redone as 'Omahu Native Reserve, situated in Ohinemuri County', 1916, M: plan 1967D, LINZ, Hamilton.

<sup>175</sup> G.T. Wilkinson to R.J. Gill, 23 September 1881; R.J. Gill to G.T. Wilkinson, 1 October 1881, Maori Affairs Department, 1, MA 13/86, ANZ-W.

<sup>176</sup> G.T. Wilkinson, diary, entry for 25 October 1881, University of Waikato Library.

<sup>177</sup> See paper on his life.

<sup>178</sup> See papers on their lives.

<sup>179</sup> G.T. Wilkinson, diary, entries for 26, 27 October 1881, University of Waikato Library.

Not till July 1882 did the surveyors complete the Wairakau subdivisions, enabling Wilkinson to issue grants.<sup>180</sup> The government then announced it had no interests in the following reserves: Omahu, 4,269 acres; Wairakau, 3,259 acres; Ngati Rahiri timber reserve, 490 acres; Te Kawana, 250 acres, and the reserve for Rawinia Johnson and her children, 300 acres.<sup>181</sup> To protect Maori interests, Kenrick instructed his officials not to issue cutting licenses on sections 'set apart as timber reserves for certain Natives who have small holdings at Omahu'.<sup>182</sup> Until sold, these were identified as areas where no timber licenses were to be issued.<sup>183</sup>

Problems remained, as Kenrick explained to chief surveyor Percy Smith in September 1883:

When making the Reserves for Mokena Hou, Taipari, and Ema Lipsey at Omahu Te Aroha, the upper boundary line of Taipari's Block was not cut, neither were the upper subdivision lines between Taipari's and Morgan's Blocks, and Morgan's and Lipsey's Block cut.

As there have been a number of licensed holdings taken up on these Blocks lately, will you please instruct some surveyor to do this work at once, otherwise it will be impossible to allocate the native revenue accruing on these Blocks.

I believe the Government made the surveys and cut all the other lines of the Omahu Reserves but these.<sup>184</sup>

As an example of the owners' interests being protected, in 1896 Hutana Karapuha<sup>185</sup> protested against an application for a machine site at Tui Creek because it was 'on land belonging to me and my relations and

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<sup>180</sup> James Simms, 'Plan of Subdivision of Wairakau Native Reserve', n.d. [1882], ML plan 2940, LINZ, Hamilton; S. Percy Smith to G.T. Wilkinson, 11 July 1882, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>181</sup> *New Zealand Gazette*, 6 July 1882, p. 928.

<sup>182</sup> Harry Kenrick to Receiver of Gold Field Revenue, Te Aroha, 17 May 1883, Te Aroha Warden's Court, BBAV 11581/3a, ANZ-A.

<sup>183</sup> For example, C.J. Dearle to J.M. Hickson, 25 September 1896, Te Aroha Warden's Court, BBAV 11548/5a, ANZ-A.

<sup>184</sup> Harry Kenrick to S. Percy Smith, 28 September 1883, Thames Warden's Court, Native Agent's Letterbook 1883-1893, p. 47, BACL 14458/2a, ANZ-A.

<sup>185</sup> See Maori Land Court, Hauraki Minute Books, no. 4, pp. 65, 67-68, 75, 77-80, 146-149; no. 14, p. 153; no. 19, p. 23; no. 28A, pp. 30, 38; no. 36, p. 128; no. 44, p. 17-18; no. 46, p. 363; no. 49, p. 287; no. 52, p. 371; no. 59, pp. 223-234, 304.

which said land is not subject to the Mining Act', but withdrew the application.<sup>186</sup> When a company applied for a machine site and a special site, both of five acres, its request was 'granted subject to agreement of natives being duly executed usual formalities and lodged in office – no License to issue until this agreement lodged'.<sup>187</sup> A newspaper report that the road to the Tui mines was to be shifted by a few chains 'to avoid all possible land competition' implied conflict with the landowners there.<sup>188</sup> Two years later, approval for an 80-chain tramway to a company's plant from the foot of the Tui aerial tramway was 'subject to an agreement with the native owners of the land'.<sup>189</sup> Because of the awkward shapes of their sections Karapuha and others arranged 'amongst themselves whereby certain of them take one part of their block & the remainder the other portion'.<sup>190</sup>

In 1896, 22 Ngati Rahiri complained to parliament 'that a mistake has been made in allotment of certain reserves'; they wanted Section 31 of Block IX, the pa reserve of 60 acres, to be 'reserved for them, and that their individual names be inserted in the title'. The government implemented the Native Affairs Committee's recommendation that it become a reserve for the sole use of those 'now in permanent occupation'.<sup>191</sup> Ngati Rahiri was pleased when, at their request, a small railway station was constructed near their pa in 1898.<sup>192</sup>

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<sup>186</sup> Te Aroha Warden's Court, Mining Applications 1896, 121/1896, BACL 11582/4a, ANZ-A.

<sup>187</sup> Te Aroha Warden's Court, Register of Applications 1891-1899, Hearing of 11 December 1896, BBAV 11505/4a, ANZ-A.

<sup>188</sup> *Te Aroha Times and Waiorongomai Advocate*, 4 July 1896, p. 4.

<sup>189</sup> Warden's Court, *Thames Advertiser*, 16 July 1898, p. 2.

<sup>190</sup> C.J. Dearle to J.M. Hickson (Registrar of Gold Revenue), n.d. [1890s], Te Aroha Warden's Court, General Correspondence, BBAV 11584/7f, ANZ-A.

<sup>191</sup> 'Native Affairs Committee', *AJHR*, 1896, I-3, p. 10; C.J. Dearle to J.M. Hickson, 25 September 1896, Te Aroha Warden's Court, General Correspondence, BBAV 11584/5a, ANZ-A; *New Zealand Gazette*, 29 April 1897, p. 937; Aroha Survey District, Block IX Section 31, Plan 8175, Lands and Survey Department, 20/589, Land Information New Zealand, Hamilton; Land Transfer Register, vol. 29, folio 150, Land Information New Zealand, Auckland.

<sup>192</sup> Rewi Mokena to A.J. Cadman, 16 June 1898, Maori Affairs Department, MA 1, 1908/164, ANZ-W.

In 1910, one rangatira complained to the land court that although this site, now known as Tui Pa, was set aside for them, no owners' names had been listed, and claimed, incorrectly, that no plan of it existed.<sup>193</sup> As he wanted one acre partitioned for a wahi tapu [sacred place],<sup>194</sup> 'the Court suggested that it should first be decided who should go into the title as owners and then those persons could set aside a "Wahitapu" and if necessary further subdivide the land'.<sup>195</sup> In 1913, three Maori, two of them members of the Nicholls family,<sup>196</sup> wanted an investigation of the title of the pa reserve.<sup>197</sup> As the chief surveyor suspected their motive was to sell it 'and thus defeat the obvious intention of the Crown when gazetting the block as a permanent reserve', he took no action.<sup>198</sup> Two years later, a rangatira asked for the names of those on the title, adding that 'our ancestors and ourselves have probably been in occupation of this land for 100 years'.<sup>199</sup>

Not until nearly a year later, in June 1916, did the Minister of Lands ask the court to ascertain who should be included in the certificate of title.<sup>200</sup> When opening the case in August the court pointed out that the land was set aside for all Ngati Rahiri and that all were 'entitled to share'. This statement prompted controversy about who were members, the first rangatira to speak claiming only nine people were entitled to claim as Ngati Rahiri.<sup>201</sup> Much early history of the hapu was expounded along with rival whakapapa and claims to be included as owners.<sup>202</sup> All agreed that the land should be 'absolutely inalienable', and judge Albert George Holland stated

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<sup>193</sup> See Aroha Survey District, Block IX Section 31, Plan 8175, Lands and Survey Department, 20/589, Land Information New Zealand, Hamilton.

<sup>194</sup> P.M. Ryan, *The New Dictionary of Modern Maori* (Auckland, 1973), pp. 42, 49.

<sup>195</sup> Maori Land Court, Hauraki Minute Book no. 59, pp. 221-222.

<sup>196</sup> See papers on William and William Grey Nicholls.

<sup>197</sup> Aroha Block IX Section 31, Block Files, H1674, Maori Land Court, Hamilton.

<sup>198</sup> Chief Surveyor to Under-Secretary, Lands Department, 9 August 1913, Aroha Block IX Section 31, Lands and Survey Department, 20/589, Land Information New Zealand, Hamilton.

<sup>199</sup> Te Wharepapa Ngakuru to Commissioner of Crown Lands, 29 August 1915, Aroha Block IX Section 31, Lands and Survey Department, 20/589, Land Information New Zealand, Hamilton.

<sup>200</sup> Minister of Lands to Native Land Court, 30 June 1916, Aroha Block IX Section 31, Lands and Survey Department, 20/589, Land Information New Zealand, Hamilton.

<sup>201</sup> Maori Land Court, Hauraki Minute Book no. 65, p. 37.

<sup>202</sup> Maori Land Court, Hauraki Minute Book no. 65, pp. 37-43, 60-66.

that he would visit it and report.<sup>203</sup> In January 1917, Holland recorded that it had been ‘long under occupation’ by some Ngati Rahiri and had ‘come to be recognized as a permanent Maori kainga’. The principal owners contested the claims of Ngati Rahiri who had not lived at Te Aroha for years because ‘they had established claims and erected homes elsewhere’.

A large number of the influential Thames Natives informed the Court that they were members of the N’Rahiri tribe which, in point of numbers, was a very large one, but that they made no claim whatever as it was evident that the land was reserved for those of the tribe who had occupied it and established rights at Te Aroha. These being purely voluntary statements the Court placed considerable weight upon them.

Four lists provided by ‘subsidiary branches of the tribe’ were opposed by all the principal members of Ngati Rahiri, and Holland decided that, with the exception of one person, none of those on the additional lists had any right to share in the reserve. Ngati Rahiri wanted the land to remain ‘absolutely inalienable’, a view Holland shared.<sup>204</sup> A list of 50 owners was produced, all but eight having one share, the others having fractions of a share.<sup>205</sup> In subsequent years, subdivisions were made, with arguments about the equitable nature of some proposals.<sup>206</sup> These subdivisions occurred because, although the land was meant to be ‘absolutely inalienable’, the certificate of title had been issued without any restrictions recorded.<sup>207</sup> When this fact was discovered in 1928 the District Land Registrar stated that there would ‘be no chance – unless directed by authority – of my accepting for registration any dealings unless I am

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<sup>203</sup> Maori Land Court, Hauraki Minute Book no. 65, p. 66.

<sup>204</sup> Memorandum by A.G. Holland, 26 January 1917; A.G. Holland to Governor, 26 January 1917, Aroha Block IX Section 31, Block Files, H984, H792, Maori Land Court, Hamilton; decisions of A.G. Holland, 28 February 1917, 26 March 1917, Aroha Block IX Section 31, Lands and Survey Department, 20/589, Land Information New Zealand, Hamilton.

<sup>205</sup> Te Aroha: No. 1 File, Block Files, H792, Maori Land Court, Hamilton.

<sup>206</sup> For 1918 subdivision, see Maori Land Court, Hauraki Minute Book no. 66, pp. 254-255; for details of subdivisions, including plans, see Aroha SD, Block IX Section 31, Lands and Survey Department, 20/589, Land Information New Zealand, Hamilton.

<sup>207</sup> District Land Registrar to Registrar, Native Land Court, Auckland, 18 June 1928; Judge C.E. McCormick to District Land Registrar, 4 July 1928, Te Aroha: No. 1 File, Block Files, H792, Maori Land Court, Hamilton.

convinced that the inalienable restriction has been removed'.<sup>208</sup> These restrictions had indeed been removed under Section 25 of the Native Land Amendment and Native Land Claims Adjustment Act of that year.<sup>209</sup> By then, the number living there had 'dwindled considerably' to only 'about six', 'two or three', or even none, according to different people; some owners wanted to sell their interests, and part of it was sold to Alice Grey Dearle.<sup>210</sup> Subsequent developments have not been traced, but a reserve containing a marae still exists.

#### THE THAMES HIGH SCHOOL ENDOWMENT<sup>211</sup>

A reporter visiting in June 1880 considered that 'a good portion' of it was 'nearly valueless' because, being part of the mountainside, it was 'so steep as to be unfit for cultivation. The remainder is excellent land' and could 'be made to yield a good revenue without the expenditure of a very large sum of money'.<sup>212</sup> In December, John McCombie considered that 'much' of the 4,000 acres would 'prove good arable land':

Near its northern boundary, although the soil appears to be of good quality, it is so stoney that it will be impossible to cultivate it; but much of this description of land will take grass very quickly, so that as the district becomes more settled it will soon be covered with excellent pasture. Towards the eastern and southern boundaries of this block the land is of very fair quality,

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<sup>208</sup> District Land Registrar to Judge C.E. McCormick, 6 July 1928, Te Aroha: No. 1 File, Block Files, H792, Maori Land Court, Hamilton.

<sup>209</sup> Under-Secretary, Native Affairs Department, to Registrar, Native Land Court, Auckland, 15 October 1928, Block Files, Te Aroha: No. 1 File, H792, Maori Land Court, Hamilton.

<sup>210</sup> Registrar, Native Land Court, Auckland, to Under-Secretary, Native Affairs Department, 28 July 1928, Block Files, Te Aroha: File No. 1, H792, Maori Land Court, Hamilton; Gilchrist and Son to Under-Secretary, Native Affairs Department, 17 July 1928; Petition of Alice Grey Dearle, August 1928; Under-Secretary, Native Affairs Department, to Chairman, Native Affairs Committee, House of Representatives, 23 August 1928, Aroha Block IX Section 31C, Maori Affairs Department, MA 1, 28/456, ANZ-W.

<sup>211</sup> See paper on this block.

<sup>212</sup> Own Reporter, 'Tour in the Aroha, Waitoa, and Piako Districts', *Thames Advertiser*, 22 June 1880, p. 3.

and will not be difficult to cultivate, and the land along the bank of the river is very much similar to that near the river in the Lincolnshire farmers' block.

(The latter was the Grant and Foster settlement at Shaftesbury,<sup>213</sup> which he had praised.)<sup>214</sup>

There was be little doubt that merely from an agricultural point of view this endowment would, ere many years had passed, have become a really valuable one, but when coupled with the fact that most probably the heart of the Te Aroha goldfield will stretch along its north and north-eastern boundary, it promises to be such a one that it will be difficult to surpass it in the colony. The whole of the block is well-watered, and several of the streams which run through it will very likely to be utilized for mining and battery purposes, should the goldfield progress as it is anticipated to do. It is also generally supposed that ultimately the principal goldfields township will be on this reserve, and should this really be the case it will, of course, materially increase the value of the endowment.<sup>215</sup>

#### THOMAS RUSSELL CAUSED MORE DIFFICULTIES

In January 1880, a letter to the editor asked why Thomas Russell's<sup>216</sup> negotiations for Waiharakeke gave him the right to any portion of the Aroha block; as there was no basis for the claim, he urged Russell's solicitor 'to *let it slide*'.<sup>217</sup> At the end of that month, the *Thames Advertiser* argued that the controversy over the Broomhall settlement had been fraudulently got up by Russell's 'political assistant', unnamed, to enable Russell to obtain this land. 'He was formerly to be seen at street corners haranguing the noble digger, and emphatically declaring that Broomhall should never have one inch of the land as long as he lived; now he is silent, having lost interest in the claim of his friend and patron'. Having 'boasted loudly of the large

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<sup>213</sup> See paper on special settlements in the Te Aroha district.

<sup>214</sup> Te Aroha Correspondent, *New Zealand Herald*, 1 December 1880, p. 6.

<sup>215</sup> Te Aroha Correspondent, *New Zealand Herald*, 2 December 1880, p. 6.

<sup>216</sup> See R.C.J. Stone, *Makers of Fortune: A colonial business community and its fall* (Auckland, 1973).

<sup>217</sup> Letter from 'Unknown', *Auckland Weekly News*, 10 January 1880, p. 13.

area of land he wanted for his numerous progeny, he was conspicuous by his absence at the first sale of Te Aroha lands the other day'.<sup>218</sup>

In April, Firth wanted Russell's claim settled to enable the Grant and Foster scheme to proceed.<sup>219</sup> A South Island newspaper noted that

Grant and Foster have had a narrow escape of running up against Mr Thomas Russell. It is very funny that wherever one goes in the North Island Mr Thomas Russell seems to be the owner or the prospective owner of everything. It is very natural, for Mr Thomas Russell helps successive Governments to develop the country. Very possibly, if it had not been for the application of the gentlemen from Lincolnshire, he might have helped this Government even more. It is quite a mercy that the delegates were able to find a section of native land that was free from the great absorber.<sup>220</sup>

In August, the government suggested that two independent persons investigate his claim.<sup>221</sup> During October, the chief surveyor Percy Smith began an investigation and consulted with Russell's solicitor.<sup>222</sup> In an exchange of correspondence between 1881 and 1883, Russell was offered, and accepted, 6,000 acres outside the Aroha block, more than he was entitled to.<sup>223</sup>

### MAORI LOSE THEIR LAND

Patrick Sheridan, despite working in the land purchase office to separate Maori from their land in the interest of Pakeha settlement, was concerned about creating landless Maori. In 1900, for example, when the Hori More block was being purchased, he recorded that the 'original intention was that these reserves should be absolutely inalienable – Sir

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<sup>218</sup> Editorial, *Thames Advertiser*, 30 January 1880, p. 2.

<sup>219</sup> *Thames Star*, 2 April 1880, p. 2.

<sup>220</sup> *Lyttleton Times*, n.d., reprinted in *Auckland Weekly News*, 3 April 1880, p. 13.

<sup>221</sup> *Auckland Weekly News*, 21 August 1880, p. 5.

<sup>222</sup> Waste Lands Board, *Auckland Weekly News*, 30 October 1880, p. 9.

<sup>223</sup> 'Waiharakeke and Hungahunga Blocks (Further Papers Relating to the Purchase of)', *AJHR*, 1883, G-8, pp. 14-16.

George Grey was very strong on that point'.<sup>224</sup> Two years later, when there was an attempt to purchase 150 acres at Wairakau, he reiterated this point:

The understanding on which these reserves were made was that they would be absolutely inalienable. This was modified to the extent of lease for 21 years.

The restrictions should not be removed until at all events the Natives have obtained papakaianga<sup>225</sup> certificates.<sup>226</sup>

Another example of government reluctance to permit owners to sell their land was provided by Reha Aperahama's constant requests to sell his inalienable Te Kawana Block.<sup>227</sup> In late 1880, the Native Minister, John Bryce, on the recommendation of his under-secretary informed Reha that the restrictions would not be removed because 'the Government desire that the natives should not denude themselves of their land'.<sup>228</sup> Writing in 1896, James Mackay blamed Maori for the loss of their reserves. In outlining his making the first agreement to purchase the block in 1868, he noted that 'large reserves' were made. 'They probably have put them afloat on the Waihou River ere this, and they are now swallowed up in the sea'.<sup>229</sup>

In May 1880, O'Halloran claimed to speak for the interests of Ngati Rahiri:

Most people who know anything of the natives are aware that a very few acres is sufficient, when cultivated, to supply the whole tribe with kai, or food, and they bitterly complain, and think it an injustice that although the government have made liberal reserves of land for them they might as well not really have any, as the law does not allow them to lease or sell even what they

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<sup>224</sup> Patrick Sheridan to Under-Secretary, Native Affairs Department, 20 April 1900, Justice Department, J 1, 1901/1128, ANZ-W.

<sup>225</sup> A reference to the 'everyday', not ceremonial, area of the marae, where the people live: information provided by Tom Roa, University of Waikato.

<sup>226</sup> Patrick Sheridan to Under-Secretary, Native Affairs Department, 19 February 1902, Justice Department, J 1, 1905/921, ANZ-W.

<sup>227</sup> See paper on his life.

<sup>228</sup> T.W. Lewis to John Bryce, 13 November 1880; Memorandum by John Bryce, 13 November 1880, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>229</sup> James Mackay, *Whakaaturanga o nga Tikanga o te Whakapuraretanga o Hauraki mo to Mahinga Koura: Narrative of the opening of the Hauraki District for gold mining* (Auckland, 1896), p. 30.

cannot in any way utilize themselves. This seems a really hard case, and ought to be taken up by some of our representatives, and brought before parliament.<sup>230</sup>

Two months later, a farmer, Charles Stanislaus Stafford,<sup>231</sup> unsuccessfully offered the lands board £3 per acre on a 300-acre deferred payment block and £2 per acre in cash for another 233 acres.<sup>232</sup> In early September, he informed the Minister of Lands about his lease of Wairakau:

I came to New Zealand from England in May last and have taken for twelve months a native reserve near Te Aroha called Wairakau, containing about 3000 acres. The natives don't live on the land and are anxious to lease it, as they have land elsewhere. I have ordered a mob of 170 beasts for this place, but as the Land is mixed fern land and flax swamp, it requires a good deal of money spent on it, before it can feed much stock.

He asked to be permitted to lease the land for 21 years, a sufficient period to warrant making improvements.<sup>233</sup> Officials saw no reason why it should not be leased for this length of time, but warned him that all the reserves were inalienable.<sup>234</sup> At the beginning of December, McCombie reported that the Wairakau reserve of 'rather over 3000 acres' was probably 'the best block in the district'. Nearly all of it was 'good arable land', and some was 'of magnificent quality, and although nothing in the way of cultivation has been attempted, still much of it is covered with excellent pasture even at the present time'. He understood that it had been leased to Stafford,

but only for a short term. Were it in the hands of some good settler, it would very soon be mostly under cultivation, and capable of carrying a large quantity of stock; but unless the natives are willing to lease it for a long time, it will very probably remain uncultivated ... and remain a sad memorial of the folly of

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<sup>230</sup> Te Aroha Correspondent, *Thames Advertiser*, 26 May 1880, p. 3.

<sup>231</sup> See paper entitled 'Harry and Charles'.

<sup>232</sup> *Thames Advertiser*, 12 July 1880, p. 3.

<sup>233</sup> C.S. Stafford to William Rolleston (Minister of Lands), 6 September 1880, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>234</sup> T.W. Lewis (Under-Secretary, Native Department) to William Rolleston, 15 September 1880; Under-Secretary, Lands Department, to C.S. Stafford, 21 September 1880, Maori Affairs Department, MA 1, 13/86, ANZ-W.

allowing the natives to select the cream of the land, and then permit them to treat it just as they think fit.<sup>235</sup>

Almost a year later, Wilkinson was concerned that ‘a European or Europeans’ were negotiating to lease the entire block for 21 years, and asked Gill: ‘Can I tell Maoris that is unadvisable to lease all reserve without reservations for cultivation – at perhaps a mere nominal rent?’<sup>236</sup> Gill responded that ‘the Thames Natives quite understand the value of a lease. I think they should be left alone. The Frauds Commission will see that the Natives are not landless’.<sup>237</sup> When visiting Thames in December, Gill discussed his views with Wilkinson, who ‘had several arguments with him regarding certain matters and was surprised at some of his ideas and statements that seemed very unfair to Natives’.<sup>238</sup> Gill was unmoved: ‘I have explained this business to Mr Wilkinson, he is not in any way to interfere’.<sup>239</sup> The following July, a newspaper reported that Stafford and his business partner, Henry Ernest Whitaker,<sup>240</sup> had leased the block

at a rental of considerably under one shilling per acre, if we mistake not. No one need be surprised if, through the services of Mr [John William Richard] Guilding,<sup>241</sup> or some equally useful native agent, the block were to fall into the hands of these gentlemen as the outcome of negotiations pending during the time the block was under proclamation.<sup>242</sup>

(‘Under proclamation’ referred to the time when private individuals were not permitted to acquire Maori land because the Crown had asserted its pre-emptive right.) Four years later, the warden was informed that Whitaker and Stafford had ‘secured a valid leasehold Title to something

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<sup>235</sup> Te Aroha Correspondent, *New Zealand Herald*, 2 December 1880, p. 5.

<sup>236</sup> G.T. Wilkinson to R.J. Gill, 4 November 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>237</sup> Memorandum by R.J. Gill, 23 November 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>238</sup> G.T. Wilkinson, diary, entries for 9, 10 December 1881, University of Waikato Library.

<sup>239</sup> Memorandum by R.J. Gill, 21 December 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>240</sup> See paper entitled ‘Harry and Charles’.

<sup>241</sup> See paper on his life.

<sup>242</sup> *Thames Advertiser*, 25 July 1882, p. 2.

over 2,000 acres of the Block, and a good holding title over a large portion of the remainder, by obtaining a number of signatures to deeds and thus placing themselves as Tenants in Common with those who had not leased to them'.<sup>243</sup>

In mid-1880, Ngati Rahiri successfully argued their case in the land court to ownership of part of the Ohinemuri block, at Waitawheta.<sup>244</sup> Two years later, after 25 of them had sold 1,475 acres of it to the Crown, the remaining 147 acres were made a reserve on the suggestion of officials; no Ngati Rahiri attended this hearing.<sup>245</sup>

At the beginning of December 1880, a lawyer acting as the 'Agent for Native Owners' conveyed to Kenrick the request of 21 leading Ngati Rahiri that restrictions on leasing land outside the township for agricultural and garden purposes be removed.<sup>246</sup> Kenrick considered that, as it was 'highly desirable that this land should be occupied in some way' for their benefit, 'the most eligible course would appear to be to lease it in small blocks', which was not possible under goldfield regulations.<sup>247</sup> Whilst agreeing that removing restrictions would be good for Maori because of the revenue received, Wilkinson warned against this. Instead of leasing small blocks, Maori wanted larger ones leased for longer periods. He considered the flat land they owned that was suitable for cultivation was 'not of large extent', and it was not certain where the permanent township would be situated. In 12 months' time the government might be taking the site from one or two Pakeha lessees, who would receive the benefit, not the original owners. Within six to 12 months it would be clear whether the goldfield would last, after which they could let Ngati Rahiri lease in lots no larger than five acres for the prescribed 21 years. Their cultivations, residences, and pa must be kept inalienable. From his experience of Ngati Rahiri, he considered them to be 'a most reckless and improvident people, having no thought at all for

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<sup>243</sup> C.J. Dearle to H.A. Stratford (Warden), 18 October 1886, Thames Warden's Court, Native Agent's Letterbook 1883-1893, p. 236, BACL 14458/2a, ANZ-A.

<sup>244</sup> Maori Land Court, Hauraki Minute Books, no. 12, pp. 348-359; no. 13, pp. 42-46.

<sup>245</sup> Maori Land Court, Hauraki Minute Book no. 14, p. 308; 'Statement of Facts and Circumstances Affecting the Ohinemuri Block', 1935, p. 58, Maori Affairs Department, MA 1, 13/35c, ANZ-W.

<sup>246</sup> Karauna Hou to John Bryce, 30 November 1880; H.E. Campbell to Harry Kenrick, 1 December 1880, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>247</sup> Harry Kenrick to G.T. Wilkinson, 4 December 1880, Maori Affairs Department, MA 1, 13/86, ANZ-W.

the future, and with a few exceptions are much given to drunkenness'. As they would not think about the future for themselves or their children, they should not be allowed to sell land unless this would 'really be for their benefit'. Many owned only from 10 to 30 acres. He wanted them to obtain the highest prices by choosing between rival applications for leases rather than going through the warden's court; they should have the right to decide whether to lease and on what terms.<sup>248</sup> Bryce accepted his under-secretary's advice that it would not benefit Ngati Rahiri to lease their land at this time. 'If the Field proves a success the land would have been let below its value & if it fails the probability is that most of the leases would be abandoned'.<sup>249</sup>

Maori were very aware of how selling some land provided much-needed cash. In mid-1881, a Maori living at Whatawhata sought approval to sell his 100 acres at Wairakau, justifying not wanting to live on the land by the surrounding portion having been leased to Pakeha.

My place at Whatawhata is some distance away, and in my opinion there are too many Europeans there and I would be all alone if I lived on that land.... Being a Maori I do not care to live among Europeans as their laws are many and I would be annoyed by them as there is a road running through my land.

From the proceeds of the sale he would purchase land near Whatawhata.<sup>250</sup> He was informed that the pending Crown Grant would enable him to lease his land for 21 years but it could not be sold without the approval of the Governor.<sup>251</sup> A year later, he again asked to sell his land: 'The Maoris will never occupy this land as it is swamp and they cannot drain it'.<sup>252</sup> After his noting that 'certain Europeans' had picked out 'several

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<sup>248</sup> G.T. Wilkinson to T.W. Lewis, 10 December 1880, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>249</sup> T.W. Lewis to John Bryce, 16 December 1880; Memorandum by John Bryce, 16 December 1880, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>250</sup> Wiremu Taipua Ututangata to John Bryce, 7 July 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>251</sup> G.H. Davies to Wiremu Taipua Ututangata, 16 July 1881, written from draft of R.J. Gill, 15 July 1881, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>252</sup> Wiremu Ututangata Taipua to John Bryce, 1 August 1882, Maori Affairs Department, MA 1, 13/86, ANZ-W.

of the eyes' from the reserves, Sheridan's view that it should not be sold without permission of the Governor was accepted by officials.<sup>253</sup>

In March 1882, the owners of the Hori More block wanted the restrictions removed. Their justification, that they had land at Thames, suggested that it was surplus to their needs, but their request was refused and they were told they could lease it.<sup>254</sup> Late the following year, this block was the cause of Kenrick's concern that parliament had not validated the agreement with Ngati Rahiri whereby land they required for cultivation and was not required for mining could be withdrawn from the goldfield at their request. Owners were 'leasing portions of the flat land not used at present for mining', but he was unable to grant titles because not all the owners had signed the agreement. 'Some have signed as Trustee for minors' without obtaining the consent of the Governor'. He suggested that no more land be alienated until the validity of the agreement granting the right to mine was determined.<sup>255</sup> The under-secretary for mines was alarmed: 'If this is agreed to, a dangerous precedent may be established'.<sup>256</sup> Accordingly, his minister declined to remove the land from the goldfield.<sup>257</sup> In 1897, it was found necessary to produce a map of the subdivisions because the owners had been requesting the rent that had been accruing for some time.<sup>258</sup>

In 1882, when an owner asked that his land be given to a relative, Hera Te Whakaawa,<sup>259</sup> he explained that he had land at Parawai: 'prefer it

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<sup>253</sup> Memorandum of John Bryce, 12 August 1882; Patrick Sheridan to T.W. Lewis, 19 September 1882; T.W. Lewis to John Bryce, 20 September 1882, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>254</sup> W.H. Taipari and 13 others to John Bryce, 27 March 1882; John Bryce to W.H. Taipari, 4 April 1882, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>255</sup> Harry Kenrick to Oliver Wakefield (Under-Secretary, Mines Department), 17 November 1883, Mines Department, MD 1, 83/1411, ANZ-W.

<sup>256</sup> Oliver Wakefield to R.J. Gill, 6 December 1883, Mines Department, MD 1, 83/1411, ANZ-W.

<sup>257</sup> Oliver Wakefield to Harry Kenrick, 17 January 1884, Mines Department, MD 1, 83/1411, ANZ-W.

<sup>258</sup> Receiver of Goldfield Revenue to Chief Surveyor, Auckland, 18 March 1897, Te Aroha Warden's Court, Letterbook 1883-1900, p. 407, BBAV 11534/1a, ANZ-A.

<sup>259</sup> See papers on John William Richard Guilding and Joseph Harris Smallman.

to the other'.<sup>260</sup> Once again the refusal to permit its sale was coupled with the recommendation that he lease it; if a sale was 'ever sanctioned', it should be to the Crown, not to private individuals.<sup>261</sup> Maori preferred immediate financial returns from land sales, as in mid-1882, when the one and only Maori sharebroker at Te Aroha was able to meet £50 of his debt of £60 to a storekeeper by selling some land at Thames.<sup>262</sup>

As an example of occasional hints of fraudulent dealings, in January 1883 a local entrepreneur, Thomas William Carr,<sup>263</sup> complained that a lawyer had obtained a lease for him from Tutuki<sup>264</sup> and others by supplying 'large quantities of beer and spirituous liquors' without his knowledge and at his expense.<sup>265</sup>

A meeting held at Waiorongomai in July 1884 unanimously resolved that, as 'all the surrounding lands are locked up as native reserves, or for the purposes of endowments of secondary education', it should all be resumed by the government and made available for settlement; but land used for personal occupation was not to be resumed.<sup>266</sup> Another meeting held shortly afterwards at Te Aroha resolved 'that the prosperity of the district is very seriously retarded by the land being locked up in native and other reserves'. It was claimed the reserves were 'lying to a large extent wasted and unproductive'. As freehold title was necessary if large sums were to be spent in improvements, 'the Government should be asked to facilitate *bona fide* settlement upon these reserves, after setting apart such portions as absolutely required for the use of the native owners'.<sup>267</sup>

That August, a Te Aroha correspondent reported that a meeting had appointed a committee to petition for several boons, including an end to land being tied up in reserves. It was argued that the form of tenure available to Pakeha leasing Maori land did not encourage investment. He

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<sup>260</sup> Wiremu Te Huia to John Bryce, 3 April 1882, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>261</sup> R.J. Gill to John Bryce, 1 June 1882; no reply to Wiremu Te Huia on file, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>262</sup> Warden's Court, *Te Aroha Mail*, 10 June 1882, p. 2.

<sup>263</sup> See paper on his brief career at Te Aroha.

<sup>264</sup> See paper on Maori Te Aroha; he did not invest in any Te Aroha mines.

<sup>265</sup> T.W. Carr to Harry Kenrick, 31 January 1883, 'Notice of Objection under Native Lands Frauds Prevention Act 1881', Te Aroha Warden's Court, BBAV 11591/1a, ANZ-A.

<sup>266</sup> *Te Aroha News*, 12 July 1884, p. 2.

<sup>267</sup> *Te Aroha News*, 16 July 1884, p. 2.

considered it 'likely' that the petition would be 'supplemented and supported by one from the owners of the native reserves, the Maoris being no less anxious than their European neighbours that all restrictions in the disposal of their lands should be removed'.<sup>268</sup> A solicitor informed another meeting that the freehold should be available to settlers. 'He had personally sounded the Natives on the matter, and he believed they were quite willing that such should be the case, and that they considered if they wished to dispose of their lands they ought to be able to do so'.<sup>269</sup> A petition was sent asking that all reserves, not just Ngati Rahiri's, should be thrown open for purchase.<sup>270</sup> Although Ngati Rahiri did not send a petition, in late 1884 and early 1885 some members with sole ownership of small portions of Wairakau sought permission to sell; they received the 'usual reply' from the new Native Minister, John Ballance.<sup>271</sup> Shortly afterwards, the local Member of Parliament, in presenting Ballance with a petition asking that the reserves be made available to small settlers, argued that these 'were very large, and were the pick of the land. They should be thrown open in order to prevent persons from leaving' the area, as had happened at Thames when mining faded and there was 'no really good land available for settlement'. Ballance 'replied that he had determined to do nothing as regards the removal of restrictions' until parliament considered the issue.<sup>272</sup> In November that year, Ballance responded to a deputation seeking better tenure for their Lipseytown allotments:

Both the Government and the legislature had a strong aversion to the removal of the restrictions upon the sale of native reserves. If owners were empowered to dispose of them, the money would quickly be squandered and the object for which these reserves were set apart, viz, to preserve the natives from sinking into a state of pauperism, would soon be defeated.<sup>273</sup>

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<sup>268</sup> Te Aroha Correspondent, *Waikato Times*, 14 August 1884, p. 3.

<sup>269</sup> *Te Aroha News*, 27 September 1884, p. 2.

<sup>270</sup> *Waikato Times*, 20 September 1884, p. 2.

<sup>271</sup> Karauna Hou to John Ballance, 21 December 1884; Piniha Marutuahu to John Ballance, 2 January 1885; Hemi Te Rua, Tapata Titipa, and Puni Titipa to John Ballance, n.d. [end of January 1885]; T.W. Morpeth to John Ballance, 21 January 1885; agreement of John Ballance recorded, 21 January 1885; no reply to the letter-writers is on file, Maori Affairs Department, MA 1, 13/86, ANZ-W.

<sup>272</sup> *Te Aroha News*, 14 February 1885, p. 2.

<sup>273</sup> *Waikato Times*, 10 November 1885, p. 2.

In 1886, William Archibald Murray, who owned a large estate in Piako,<sup>274</sup> blamed the slow development of Te Aroha on land being tied up in reserves which Ngati Rahiri ‘cannot use’. Being ‘legally prevented from disposing of their lands’, they were ‘unwittingly constrained to be “dogs in the manger”’. He recommended purchasing all this land ‘except that which the Natives personally occupy at its value, and pay for it in government debentures paying four per cent interest’. Interest should be paid to trustees,<sup>275</sup> indicating he believed Ngati Rahiri could not be trusted with money.

Also in that year, with the fading of mining, miners sought land to farm, but Dearle warned that ‘great difficulty would be experienced in obtaining the whole of the signatures’ of the owners of Wairakau ‘within a reasonable time’. It was subdivided into 29 or 30 sections, owned by 104 grantees, some of whom would be ‘very hard to deal with’, and, even if they agreed to sell, they ‘would require double or even treble the real value of their portions’. Although ‘the majority might be willing to sell at a fair price’, he was certain that ‘a number would keep back in hopes of getting a larger price, and this would keep the purchase of the whole open perhaps for three or four years’. Some of the sections closest to Waiorongomai ‘might be acquired from time to time’, but he doubted the lessee would relinquish his lease for a reasonable price, as the land was ‘of great service to him’ as a cattle run.

There can be no doubt, but that the acquisition of this land would be of the greatest benefit to the Mining community and others of the Te Aroha District, most of the land if not the whole is available for cultivation and homestead purposes, and the applicants I know would as they say be glad to make their homes and settle on the land.

Accordingly, he offered to negotiate should the government wish to obtain it.<sup>276</sup> In April the following year, two miners asked William Larnach, the Minister of Mines, to buy Wairakau and open it to small settlers. They ‘urged the great advantage’ for miners ‘to acquire homes of their own within

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<sup>274</sup> See paper on his life.

<sup>275</sup> Letter from W.A. Murray, *Te Aroha News*, 6 February 1886, p. 7.

<sup>276</sup> C.J. Dearle to H.A. Stratford (Warden), 18 October 1886, Thames Warden’s Court, Native Agent’s Letterbook 1883-1893, pp. 236-238, BACL 14458/2a, ANZ-A.

easy reach of their work', and Larnach agreed that it was desirable that miners have 'some land to work on when out of regular employment'.<sup>277</sup> The following month, the warden sent a petition signed by 32 miners asking that Wairakau be acquired and opened for them to settle. Repeating some of Dearle's arguments, the under-secretary of the Lands Department told him that it would be

almost impossible to purchase it at any reasonable price. No doubt a number of shares could be bought at once, but it would then become necessary to move the Native Land Court to make some very complicated subdivisions, which might be unsatisfactory. In addition to which the European Lessees would have to be bought out – so that there is no prospect of the Block being available.<sup>278</sup>

### TRYING TO SELL THE HORI MORE BLOCK

In 1889, Hori More and Mere Hoterene Taipari, Taipari's daughter,<sup>279</sup> offered to sell their interests in the Hori More block, on the south-eastern boundary of the township.<sup>280</sup> The under-secretary of Native Affairs warned his minister, Edwin Mitchelson, that without the consent of a majority of the owners they could not sell before it was partitioned. 'It is doubtful whether it will be advisable to purchase their shares even when partitioned,

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<sup>277</sup> *Te Aroha News*, 16 April 1887, p. 3.

<sup>278</sup> Under-Secretary, Lands Department, to H.A. Stratford, 8 June 1887, Thames Warden's Court, Inward Letters and Memoranda and Telegrams to the Resident Magistrate and Warden 1879-1892, BACL 13388/1a; H.A. Stratford to Hugh McLiver, 14 June 1887, Thames Warden's Court, Letterbook 1886-1893, p. 134, BACL 14458/2b, ANZ-A.

<sup>279</sup> See Maori Land Court, Coromandel Minute Book no. 3, pp. 127-132; Hauraki Minute Books, no. 21, pp. 42, 50, 70, 72, 74; no. 22, pp. 118, 150; no. 24, p. 77; no. 31, pp. 208-211, 213; no. 37, pp. 92-100, 103-106, 108, 111-114; *Thames Advertiser*, 31 May 1873, p. 2, 1 August 1873, p. 3, 3 December 1873, p. 3, 16 December 1873, p. 2, Police Court, 8 January 1878, p. 3, Magistrate's Court, 10 September 1887, p. 2, 12 October 1887, p. 2, 21 March 1888, p. 2; *Auckland Weekly News*, 22 March 1884, p. 17.

<sup>280</sup> T.W. Lewis to Patrick Sheridan, 13 February 1889 (telegram); Edwin Mitchelson (Minister of Native Affairs) to T.W. Lewis, 27 February 1889, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

it certainly would not be prudent to do so before'.<sup>281</sup> Receiving no offer, Mere Taipari wrote to Mitchelson explaining that she wanted to sell for £1 an acre. 'Why I want this so badly because I am in trubble if you buy this land it will get me over my trubble'. She asked to discuss the sale of her interest, which she estimated at 50 acres, and told him there was a gold mine on it. 'I wish you sent me five 5 pound before you go away to go on with my other bussiness then you can take it of the miners right money or when you buy the land just what you like'. As justification for being permitted to sell, she said she had land at Puriri.<sup>282</sup> She was told that no advance was possible before the block was partitioned and it was known how much land she owned.<sup>283</sup>

Being an undischarged bankrupt, the following month Mere tried to sell her land at Puriri, being 'now in great need of money'.<sup>284</sup> She offered her Te Aroha land to Wilkinson at 15s per acre, but he considered this amount to be 'fully twice its value unless there is mining upon it which is doubtful. She says that there is some mining on it & also some kauri trees', and he wanted the mining inspector to investigate her statements.<sup>285</sup> Three months later, she sought £2 an acre.<sup>286</sup> In response to this latest offer, Sheridan doubted whether the department should deal with her shares at all:

They are encumbered with debts and it is very doubtful whether Mere Taipari can give us a clean title – Hori More who was an applicant with her in the first instance has sold his shares to an European – If there was not something crooked in Mere Taipari's case her shares would not be offered to Govt.<sup>287</sup>

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<sup>281</sup> T.W. Lewis to Edwin Mitchelson, 28 February 1889, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

<sup>282</sup> Mere Taipari to Edwin Mitchelson, 8 May 1889, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

<sup>283</sup> T.W. Lewis to Edwin Mitchelson, 17 May 1889; approval of Edwin Mitchelson recorded, 22 May 1889, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

<sup>284</sup> Mere Taipari to T.W. Lewis, 8 June 1889 (telegram); John Lawson (Official Assignee) to T.W. Lewis, 10 June 1889, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

<sup>285</sup> G.T. Wilkinson to T.W. Lewis, 11 June 1889, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

<sup>286</sup> Mere Taipari to T.W. Lewis, 21 September 1889, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

<sup>287</sup> Patrick Sheridan to T.W. Lewis, 23 September 1889, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

Mitchelson accepted his recommendation that the offer be declined.<sup>288</sup> Two months later, Sheridan repeated his warning that, as a bankrupt, she was ‘not in a position to deal with her lands in a straightforward manner’.<sup>289</sup> Mere continued to seek £2 an acre after her interest of just over 52 acres was partitioned off.<sup>290</sup> The surveyor reported that her portion was hilly, contained only one mining claim, was not suitable for settlement, was worth only £1 per acre, and was not worth acquiring.<sup>291</sup> Once again Mere spoke to Mitchelson, who referred her to his under-secretary, who informed her that, although the government did not wish to buy her land, it had ‘no objection to her disposing of same to private purchasers should she so think fit’.<sup>292</sup>

Two years later, after Mere spoke with the warden, he recommended a price of 7s 6d an acre.<sup>293</sup> This time the Minister of Native Affairs, Alfred Jerome Cadman, was more interested: should she apply to remove the restrictions the government would advance the fees to prepare the title for sale, this advance to be deducted from the final price.<sup>294</sup> Seven months later, she asked for 15s an acre.<sup>295</sup> Her continued offers received the same response as previously: the government could not act until the restrictions

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<sup>288</sup> Patrick Sheridan to Edwin Mitchelson, 8 October 1889; approved by Edwin Mitchelson, 9 October 1889, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

<sup>289</sup> Memorandum by Patrick Sheridan, 13 December 1889, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

<sup>290</sup> Mere Taipari to T.W. Lewis, 11 October 1889; map of Aroha S.D. Block IX Section 14A, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

<sup>291</sup> Edward Hammond to T.W. Lewis, 15 October 1889; Thomas Humphries to T.W. Lewis, 30 December 1889, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

<sup>292</sup> Edwin Mitchelson to T.W. Lewis, 28 December 1889; memorandum by T.W. Lewis, 31 December 1889, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

<sup>293</sup> H.W. Northcroft to A.J. Cadman (Minister of Native Affairs), 15 October 1891, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

<sup>294</sup> A.J. Cadman to H.W. Northcroft, 19 October 1891, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

<sup>295</sup> Mere Taipari to A.J. Cadman, 12 May 1892, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

had been removed.<sup>296</sup> Her solicitor then requested 10s an acre, to be told that this request might prevent the government proceeding with the purchase; she should seek a private purchaser if not satisfied with the government's offer.<sup>297</sup> When, five months later, Mere offered through another intermediary to sell for £12, she was told to register the partition order first; Sheridan commented that all her money was likely to be used up in costs.<sup>298</sup> In March 1893, when the deed of conveyance was received by the government, Mere received 7s 6d an acre.<sup>299</sup>

In 1890, Hori More asked to be allowed to sell Block IX Section 14D, of just over 38 acres. He was the sole owner, but did not live on it. 'I have many other lands for my maintenance. I have another place of residence at Parawai.... My permanent place of residence is at Turua'.<sup>300</sup> He wanted his request 'considered as soon as possible so that it may be settled while the court is sitting here. I am in much difficulty that is why I request that the matter be considered as soon as possible'.<sup>301</sup> Because he had failed to pay the fees for the partition of his interest, his application was not considered.<sup>302</sup> As there were 19 other original owners, when he again requested permission in 1893 and produced details of the 29 blocks in which he had interests the matter was referred to the court, which granted his request, but not until Cabinet considered the matter in February 1894 were the restrictions removed.<sup>303</sup>

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<sup>296</sup> Patrick Sheridan to Mere Taipari, n.d. [May 1892]; Mere Taipari to A.J. Cadman, 25 May 1892, 2 June 1892 (telegram); A.J. Cadman to Mere Taipari, 2 June 1892, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

<sup>297</sup> Frederick Earle to A.J. Cadman, 20 June 1892 (telegram); A.J. Cadman to Frederick Earle, 21 June 1892, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

<sup>298</sup> C.J. Dearle to Patrick Sheridan, 29 November 1892; Patrick Sheridan to C.J. Dearle, 3 December 1892, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

<sup>299</sup> C.J. Dearle to Patrick Sheridan, 11 March 1893; Patrick Sheridan to A.J. Cadman, 18 July 1894, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

<sup>300</sup> Hori More to Governor, 8 October 1890, Justice Department, J 1, 94/312, ANZ-W.

<sup>301</sup> Hori More to Under-Secretary, Native Affairs Department, 8 October 1890, Justice Department, J 1, 94/312, ANZ-W.

<sup>302</sup> Under-Secretary, Native Affairs Department, 4 February 1892, Justice Department, J 1, 94/312, ANZ-W.

<sup>303</sup> List of land in which Hori More held interests, 9 March 1893; Hori More to Governor, 10 March 1893; memoranda dated 10 March 1893, 2 May 1893, 19 February 1894, Justice Department, J 1, 94/312, ANZ-W.

## MORE ATTEMPTS TO REMOVE RESTRICTIONS ON SALE

Early in 1893, the land court convened at Te Aroha. No Maori attended in the morning of the first day, and although ‘a few’ were present in the afternoon they were ‘not prepared to go on with business’. As none attended on the following two days, the hearing was abandoned.<sup>304</sup> In the following year all the owners of a 250-acre block were ‘anxious to have the restrictions removed’, which the court permitted.<sup>305</sup> During the 1890s, restrictions on the alienation of reserved land were steadily removed, in every case at the request of the owners.<sup>306</sup> In 1891, two owners wanted to sell 50 acres at Wairakau ‘because we two are now old and there is nothing to support us in our old age’. After an assessor checked their application, it was granted.<sup>307</sup> After some owners of part of Wairakau were advanced ‘large sums of money’ by the lessees, Duncan and James McNicol,<sup>308</sup> they asked to be allowed to sell it for £2 an acre, but permission was refused because the McNicol brothers owned more freehold land than the statutory limit.<sup>309</sup>

When only a small minority of the owners sought a removal of the restrictions, officials would not act.<sup>310</sup> When a majority of owners wished restrictions removed but did not provide reasons, their request was

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<sup>304</sup> Maori Land Court, Hauraki Minute Book no. 29, pp. 159-160.

<sup>305</sup> Maori Land Court, Hauraki Minute Book no. 36, pp. 128-129.

<sup>306</sup> For examples, see Block XII Sections 31, 33A, Justice Department, J 1, 93/1599; Block IX Section 23, Justice Department, J 1, 93/1598; Block XII Section 35, Justice Department, J 1, 93/1962, ANZ-W.

<sup>307</sup> Block XII Section 34, Justice Department, J 1, 93/1961, ANZ-W.

<sup>308</sup> See *Waikato Times*, 3 September 1895, p. 4; *Auckland Star*, 3 February 1899, p. 4; *New Zealand Herald*, 8 February 1899, p. 4, 20 August 1932, p. 14; *Observer*, 11 February 1899, p. 6.

<sup>309</sup> Timi Te Rua, Pane Titipa, Taraiti Titipa to Native Minister, 30 May 1898; Under-Secretary, Native Affairs Department, to Native Minister, 4 July 1898, Maori Affairs Department, MA 1, 1906/317, ANZ-W.

<sup>310</sup> For example, Block XII Section 12, Justice Department, J 1, 95/44; Block IX Section 14, Justice Department, J 1, 95/44; Block IX Section 14, Justice Department, J 1, 96/494, ANZ-W.

ignored.<sup>311</sup> And those who failed to appear in court when their applications were considered had them dismissed.<sup>312</sup>

In 1895, the railway line from Te Aroha to Paeroa was opened. It mostly ran through 'low-lying swamp country, in the possession of the Natives', who were paid for land required.<sup>313</sup> A land agent who examined land taken near Mangaiti reported that none of it was cultivated. The owners had done 'a little in the way of drainage before the R'way was started, but very little good was done by it'.<sup>314</sup> In contrast, Reha Aperahama claimed the section on the Omahu reserve was 'the best of the Aroha land which has been taken'. Before the line was made 'we had commenced to drain it, we did not make big drains', and the railway embankment had made some of it more swampy. Whereas Pakeha had valued it at from £5 to £10 an acre, he claimed it was worth £24. 'I have been offered 5/- or 6/- per annum rent and have refused to take it. The Reserve was made inalienable, and the tribe have no other block of land.... We have constantly refused to sell at the price offered'. The court awarded £7 an acre.<sup>315</sup>

When some Te Aroha Maori attended a Paeroa meeting about land grievances in 1897, no local concerns were reported.<sup>316</sup> Two years later, an unnamed rangatira, addressing the Governor when he visited Te Aroha, 'spoke on the land question, and said he hoped the Governor would look to the interests of those natives who had no lands, and arrange to put matters in this connection straight. He gave details of the land referred to, some of which was bounded by the Ohinemuri goldfields district'.<sup>317</sup> Despite such concerns about losing land, others continued to seek permission to sell; later that year a family that owned 100 acres successfully applied to have the restrictions on sale removed. To achieve this end, they stated they held land

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<sup>311</sup> For example, Block IX Sections 30B and 30C, Justice Department, J 1, 1900/951; Memoranda dated 28 January 1896, 28 April 1906, Block XII Section 41, Maori Affairs Department, MA 1, 1906/317, ANZ-W.

<sup>312</sup> Registrar, Native Land Court, Auckland, to Under-Secretary, Native Affairs Department, Justice Department, J 1, 1902/171, ANZ-W.

<sup>313</sup> *Te Aroha News*, 21 December 1895, p. 2; Decision of Native Land Court, 8 April 1897, Aroha Block IX Section 17, Block Files, H1082, Maori Land Court, Hamilton; *Thames Advertiser*, 6 August 1897, p. 2.

<sup>314</sup> Maori Land Court, Hauraki Minute Book no. 44, pp. 228-229.

<sup>315</sup> Maori Land Court, Hauraki Minute Book no. 44, pp. 232, 234-235.

<sup>316</sup> *Thames Advertiser*, 4 November 1897, p. 4.

<sup>317</sup> *Auckland Weekly News*, 12 May 1899, p. 22.

at 'Okauia, Ohinemuri several blocks, Whangamata, Taurarahi, Te Punini and many other blocks'.<sup>318</sup> The following year, an owner of 150 acres appeared in the court 'for all the owners, they all wish the restrictions removed; some of them are too busy to appear and some too lazy'. As they held land elsewhere, the court ruled that the restrictions could be removed, unless any other owners complained.<sup>319</sup> None did.

Owning land elsewhere was a common justification for requesting permission to sell. It made sense for those with large families who were developing farms far from Te Aroha to sell their land there, knowing, in one example, that they would obtain 'a great price' because 'there are many Pakeha who want it'.<sup>320</sup> In 1890 four Maori living at Thames asked, on behalf of all the owners with interests in two Wairakau sections, for restrictions to be removed 'as we have several other lands for the purposes of cultivation'. As their sections were 'at a great distance from our settlements and we cannot use them for food cultivating purposes' they wished to sell them 'to enable us to erect fences on our own lands nearer to our settlements also to improve them so that food may be had for our horses, sheep, and cattle'.<sup>321</sup> They had to wait for over three years before Cabinet agreed.<sup>322</sup>

This slow response sometimes reflected officials' reluctance to acquire land. In 1890, the sole owner of ten acres near Mangaiti, who lived at Thames, wanted to sell these as soon as possible.<sup>323</sup> When Sheridan asked whether there was 'any special reason why it should be acquired?' he was told there was none and that the asking price was double its value; however, restrictions 'might be removed' because the block was 'useless to

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<sup>318</sup> Maori Land Court, Hauraki Minute Book no. 46, p. 13.

<sup>319</sup> Maori Land Court, Hauraki Minute Book no. 46, pp. 344-345.

<sup>320</sup> Te Hira More to James Carroll, 28 June 1910, Maori Affairs Department, MA 1, 10/4544, ANZ-W.

<sup>321</sup> Parata Te Mapu. Tini Te Marau, Mata Parata, and Miria Te Mapu to Native Minister, 28 July 1890, Aroha Block XII Section 45, Block Files, H1092, Maori Land Court, Hamilton.

<sup>322</sup> Decision of Cabinet, 4 December 1893, Aroha Block XII Section 45, Block Files, H1092, Maori Land Court, Hamilton.

<sup>323</sup> Wiremu Te Huia to R.J. Seddon (Premier), 13 January 1890, Aroha Block V Section 10, Block Files, H1099, Maori Land Court, Hamilton.

him and he has plenty of land elsewhere'.<sup>324</sup> A surveyor confirmed that unless the surrounding land was purchased, these ten acres were 'quite useless – of no value whatever to Government'.<sup>325</sup> Accordingly, the owner was told that the government would not acquire it but that he could apply to have 'restrictions removed for purposes of a private sale'.<sup>326</sup> In late 1893 an application to remove the restrictions was dismissed.<sup>327</sup>

#### MANGO WHAIAPU AND RINA BOWRON TRY TO SELL

As another example of official caution about removing restrictions, in February 1893 some owners sought to sell their 150 acres in Wairakau.<sup>328</sup> Not till September was this referred to the court to investigate, and not till early 1898 did it recommend removing the restrictions.<sup>329</sup> In October that year, one owner, Mango Whaiapu,<sup>330</sup> who lived at Thames, told Richard Seddon, Minister for Native Affairs, that 'a considerable time has elapsed' since the court recommended removal, and asked for its decision to be implemented, 'as I am desirous of leasing or selling it'.<sup>331</sup> No doubt on his request, James Mackay wrote in his support:

Mango Whaiapu has not executed any formal agreement, but he has agreed to sell the land to a Mr McNicol for £2 per acre, and has received Sixty three pounds. He was compelled to raise money in consequence of the long illness and funeral expenses, in

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<sup>324</sup> Patrick Sheridan to Warden, 28 January 1890; Warden to Patrick Sheridan, 21 February 1890, Aroha Block V Section 10, Block Files, H1099, Maori Land Court, Hamilton.

<sup>325</sup> Surveyor General to Under-Secretary, Land Purchase Department, 17 March 1890, Aroha Block V Section 10, Block Files, H1099, Maori Land Court, Hamilton.

<sup>326</sup> Patrick Sheridan to G.H. Davies, 19 March 1890, Aroha Block V Section 10, Block Files, H1099, Maori Land Court, Hamilton.

<sup>327</sup> Decision of Native Land Court, 29 November 1893, Aroha Block V Section 10, Block Files, H1099, Maori Land Court, Hamilton.

<sup>328</sup> Application of Ngapari Whaiapu, Te Rina Mango, Ngaroma Whaiapu, Mango Whaiapu, and Rare Pata, 6 February 1893, Justice Department, J 1, 1905/921, ANZ-W.

<sup>329</sup> Memoranda dated 18 September 1893, 29 February 1898, Justice Department, J 1, 1905/921, ANZ-W.

<sup>330</sup> He did not invest in any Te Aroha claims.

<sup>331</sup> Mango Whaiapu to R.J. Seddon (Minister of Native Affairs), 31 October 1898, Justice Department, J 1, 1905/921, ANZ-W.

connection with the recent death of his brother Ngapari Whaiapu.<sup>332</sup> Mango Whaiapu has no children to provide for and has ample land elsewhere for his own use.<sup>333</sup>

Presumably because Mango was ‘an old friend’ and he wished to help him meet his debts, two months later Mackay wrote explaining that Mango was

a large land owner in the Thames District, where he resides; and this property at Te Aroha is of little use to him for occupation or support. He is in debt, and wishes to pay off certain liabilities consequent on the long illness and recent death of his brother Ngapari Whaiapu. None of the three brothers have any children, or near relations living.

The court had recommended removing the restrictions, and, should there be legal prohibitions on selling to McNicol, Mango would refund the money and sell to another person.<sup>334</sup> One month later, Mackay explained that there was no legal bar to the sale.

I saw Mango Whaiapu a few days ago at the Thames, and he is very feeble, and as far as can be judged by his appearance is not likely to live much longer. Under these circumstances I hope that the Government will remove the restriction without unnecessary delay. It is not often that Natives express much desire to repay advances, but the money Mango Whaiapu has received from Mr McNicol seems to cause him trouble and anxiety.<sup>335</sup>

Three months later, Mackay reported that Mango had arranged to sell his land to a Thames solicitor and to repay McNicol’s advances. ‘I must therefore most respectfully and earnestly request that this question be finally disposed of, as these lengthening delays cause great trouble, and anxiety to my client and are injurious to him in his precarious state of

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<sup>332</sup> He did not invest in any Te Aroha claims.

<sup>333</sup> James Mackay to R.J. Seddon, 21 November 1898, Justice Department, J 1, 1905/921, ANZ-W.

<sup>334</sup> James Mackay to R.J. Seddon, 20 January 1899, Justice Department, J 1, 1905/921, ANZ-W.

<sup>335</sup> James Mackay to R.J. Seddon, 23 February 1899, Justice Department, J 1, 1905/921, ANZ-W.

health'.<sup>336</sup> In the following month the intended purchaser informed the under-secretary that he was offering £300 for land which, he claimed, was mostly second-class. 'I bought other land adjacent to this from some of the same Natives only a few months ago at the same price' of £2 per acre.<sup>337</sup> He was told that the government would not agree to remove the restrictions because the land was leased 'and presumably the owner is deriving some benefit from it'; further, the price offered was too low, the government valuation being £525.<sup>338</sup> His response was that the lease had only two or three years remaining and that because the rent was 'very low being only £5 a year for the whole block of 150 acres' they would be 'better off with £300 cash'.

In regard to the price being low I may say that I am aware that several hundred acres have been purchased at the same price in the same locality so that I am really giving the market price for the land.

In regard to the Government Valuation I know from experience that in respect to Native land it is no guide to the true Value seeing that no one is interested in having the Assessment reduced to its fair Value as Natives pay no land tax or County Rates – had the Government Valuation been double what it is there would even then have been no objection.

After asking for reconsideration, he insisted that he was 'not wishing to act in any way unfairly to the Native Owners'.<sup>339</sup>

Also in August, an owner who lived near Turua, Rina Bowron, formerly Rina Mango, otherwise Te Rina Te Tuhi, who had married Moritz Bowron in May 1898,<sup>340</sup> complained that although the court had approved removing the restrictions in March the previous year delays in permitting

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<sup>336</sup> James Mackay to R.J. Seddon, 16 May 1899, Justice Department, J 1, 1905/921, ANZ-W.

<sup>337</sup> J.A. Miller to Under-Secretary, Department of Native Affairs, 12 June 1899, Justice Department, J 1, 1905/921, ANZ-W.

<sup>338</sup> Under-Secretary, Department of Native Affairs, to J.A. Miller, 1 August 1899, Justice Department, J 1, 1905/921, ANZ-W.

<sup>339</sup> J.A. Miller to Under-Secretary, Native Affairs Department, 25 August 1899, Justice Department, J 1, 1905/921, ANZ-W.

<sup>340</sup> Marriage Certificate of Te Rina Te Tuhi, 1898/1232, BDM; Moritz Bowron to R.J. Seddon, 6 November 1899, Justice Department, 6 November 1899, J 1, 1905/921, ANZ-W.

the sale were 'causing us much inconvenience'.<sup>341</sup> She was told that the government would not remove them because it considered the owners were 'not getting full value for the land'.<sup>342</sup> In November, her Pakeha husband complained that, while the government had refused to allow the sale because the price of £2 per acre was deemed too low, the lease offered by Duncan and James McNicol<sup>343</sup> was defective:

1st Rent & Term, one shilling per acre per annum for 21 years, this is only 2 1/2% on the £2 per acre already offered & disallowed by Government. It is palpably not a fair rent especially for so long a term with no covenants for improvement of premises during term. 2. The Lease contains no covenants except the payment of rent & I do not think even provision for re-entry in case of default in payment thereof. No covenants for fencing, laying down to grass, cropping, or keeping & delivering up in good condition at end of term. I believe Mr McNicol has had this land for a similar lease just now expired and except the natural spread of English grasses no improvements have been made. Under Lease now drawn Owners at end of term may find this land, either, unimproved, cropped out, or rendered almost worthless by being overrun with Sweet Briar &c. My Wife is an owner of a share being one eighth of the section. When last at Thames this Lease was submitted to her for Signature, and although objecting to the smallness of rent yet as she was told that if she did not sign she had better cut out her piece & fence, and so she signed Lease.... I believe if this Lease be not sanctioned much fairer terms can be made in the interests of the owners as I am told by persons competent to judge that the land is of exceptionally good quality.

He had drawn 'adverse attention' to the lease because its acceptance by the other owners was 'against her interest as she could hardly deal separately with her share (about 19 acres) in the open market & so would practically be compelled to accept the terms offered'.<sup>344</sup> He was told that

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<sup>341</sup> Rina Bowron to R.J. Seddon, 4 August 1899, Justice Department, J 1, 1905/921, ANZ-W.

<sup>342</sup> Under-Secretary, Native Affairs Department, to Rina Bowron, 10 August 1899, Justice Department, J 1, 1905/921, ANZ-W.

<sup>343</sup> See paper on private lives.

<sup>344</sup> Moritz Bowron to R.J. Seddon, 6 November 1899, Justice Department, J 1, 1905/921, ANZ-W.

although the government could not interfere with the terms any owner could oppose its confirmation when it came before the court.<sup>345</sup>

At the beginning of September, Mango Whaiapu wrote to Seddon:

This is a word of mine to you to benevolently consider this invalid old man. You say you are the saviour and guardian of the Maori people, to ward off the ailments afflicting mankind.

This, Sir, is to accuse you of forgetting this sufferer, myself. My suffering is from you which is this.

In good faith, between us and a certain European, (McNicol) a sale was made by us of our land at Te Aroha, known as Wairakau. We did not know it was restricted, and we were paid half the consideration, and then when the restriction was discovered the balance of the money was withheld until the restriction was removed.

The Court investigated, and the Governor was recommended to remove the restrictions according to the judgment of the Court.

I have waited a long time to hear how the Government settled the case, but you have not done so.

I then applied to Mackay to write about it, but he said he was tired of it and the long delay on the part of the Government without reason.

You have long known I am invalid and my desire to pay off my debts for food and clothes while I am alive, as who is to pay them off after my death. If you, the Government, were asked to pay them, would you do it?

I wish you to know that neither my younger brothers nor myself have any children, and we have plenty of other land to support us.

You may be thinking that when I die my lands will fall to the Government, not having issue; but it will not, I assure you, as I have a number of relations among the Ngatimaru and people of Hauraki.

Do not be grieved at my letter, I feel hurt, and that is why I write as I do. I know the land to be mine, which I wished to sell at my price. If you had bought it you would have paid five or seven shillings per acre, whereas the price fixed by us and that European is far above what you, the Government, pay.

There is no good reason why the Government should not approve of the Court's recommendation and remove the restriction.

If you and the Governor do not agree to my good prayer, then I must petition Parliament as endurance has its limit; weariness, anger and sorrow are behind a stout heart.<sup>346</sup>

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<sup>345</sup> Under-Secretary, Native Affairs Department, to Moritz Bowron, 11 November 1899, Justice Department, J 1, 1905/921, ANZ-W.

No reply is contained in the departmental file. In February 1902, Miller told James Carroll, Minister of Native Affairs, that the owners had informed him ‘that they have interviewed you in regard to the Matter and that you were favourably disposed to removing the Restrictions’; would this be done?<sup>347</sup> As Sheridan advised that the reserves were intended to be ‘absolutely inalienable’ and that Miller ‘must be trafficking in Native lands’, they were not removed.<sup>348</sup> Three years later Miller again explained that he understood the owners had ‘ample other lands for their maintenance and support and I myself am not the Owner of any large area of land probably not more than Fifty Acres’.<sup>349</sup> The undersecretary noted ‘There seems to be no particular reason for granting this application – It has been refused before’, and Miller was told, once more, that the restrictions would not be removed.<sup>350</sup>

#### EXTENDING THE DOMAIN

In 1886, the domain board sought to add just over 42 acres to the reserve, at its rear and southeastern boundaries.<sup>351</sup> In February, Wilkinson asked one of its members, George Lipsey,<sup>352</sup> to ‘to discuss the matter with’ his wife Ema ‘as to price etc, also with any of the other owners over which she or you may have any influence’. As acquiring and protecting this land would mean ‘increased prosperity’ to the township and, therefore, its

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<sup>346</sup> Mango Whaiapu to R.J. Seddon, 2 September 1899, Justice Department, J 1, 1905/921, ANZ-W.

<sup>347</sup> J.A. Miller to James Carroll, 7 February 1902, Justice Department, J 1, 1905/921, ANZ-W.

<sup>348</sup> Patrick Sheridan to Under-Secretary, Native Affairs Department, 19 February 1902; Under-Secretary, Native Affairs Department, 24 February 1902, Justice Department, J 1, 1905/921, ANZ-W.

<sup>349</sup> J.A. Miller to Minister of Justice, 14 June 1905, Justice Department, J 1, 1905/921, ANZ-W.

<sup>350</sup> Under-Secretary, Native Affairs Department, to Native Minister, 21 June 1905; Under-Secretary, Native Affairs Department, to J.A. Miller, 22 June 1905, Justice Department, J 1, 1905/921, ANZ-W.

<sup>351</sup> See map in Maori Affairs Department, MA-MLP 1, 1893/268, ANZ-W.

<sup>352</sup> See paper on his life.

owners, he argued that ‘a nominal or small price only should be asked’.<sup>353</sup> In April, four owners stated their willingness to sell, for £5 an acre, which both Kenrick and the under-secretary considered a reasonable price, and the former was authorized to offer it.<sup>354</sup> The minister, Ballance, considered it ‘very desirable to obtain the land’, and Kenrick hoped that the area controlled by the domain board would be extended to the recreation reserve at the top of the mountain, ‘thus forming a noble Park unequalled for situation and extent in New Zealand’.<sup>355</sup>

In May, the Tauranga magistrate was asked to discuss with Te Heinga Tawaha,<sup>356</sup> who lived there, whether he was willing to sell his interest. Kenrick explained that the land was ‘very broken and hilly and of no value’ to its owners, who had never received, nor were ‘ever likely to’, any revenue from it. The majority were ‘anxious to sell’, and Te Heinga should be told that the improvements planned by the board would ‘materially enhance the value of Native property in the vicinity’.<sup>357</sup> Some months later, after being told that owners were receiving £5 an acre instead of the usual 5s and that the others were ‘willing and waiting to sell’, Te Heinga agreed to sell.<sup>358</sup>

At first, Akuhata Mokena<sup>359</sup> was willing only to lease the land, but Kenrick believed he would sell it eventually.<sup>360</sup> When he did, in 1889, for £25 11s 1d, he demanded his money immediately because he wanted to

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<sup>353</sup> G.T. Wilkinson to George Lipsey, 24 February 1886, Maori Affairs Department, MA-MLP 1, 1893/268, ANZ-W.

<sup>354</sup> Ranapia Mokena, Raima Te Hemoata, Rewi Mokena, Hare Renata to Harry Kenrick, 21 April 1886; 20 May 1886, Harry Kenrick to T.W. Lewis, 20 May 1886; T.W. Lewis to John Ballance, 5 July 1886; T.W. Lewis to Patrick Sheridan, 6 July 1886; T.W. Lewis to Harry Kenrick, 7 July 1886, Maori Affairs Department, MA-MLP 1, 1893/268, ANZ-W.

<sup>355</sup> Harry Kenrick to T.W. Lewis, 20 May 1886; T.W. Lewis to Patrick Sheridan, 6 July 1886, Maori Affairs Department, MA-MLP 1, 1893/268, ANZ-W.

<sup>356</sup> He had no involvement in Te Aroha mining.

<sup>357</sup> Harry Kenrick to H.M. Brabant (Resident Magistrate, Tauranga), 19 May 1886, Thames Warden’s Court, Native Agent’s Letterbook 1883-1893, p. 204, BACL 14458/2a, ANZ-A.

<sup>358</sup> C.J. Dearle to H.M. Brabant, 7 August 1886; H.A. Stratford (Warden) to Under-Secretary, Native Land Purchase Department, 18 October 1886, Thames Warden’s Court, Native Agent’s Letterbook 1883-1893, pp. 216, 233-234, BACL 14458/2a, ANZ-A.

<sup>359</sup> See paper on his life.

<sup>360</sup> Harry Kenrick to T.W. Lewis, 20 May 1886, Maori Affairs Department, MA-MLP 1, 1893/268, ANZ-W.

return to his home at Puriri.<sup>361</sup> Sheridan noted that he ‘has had many offers made to him which he had declined. There is now no reason why we should make any special arrangements to suit his convenience’, and Wilkinson could pay when next in the district, a view supported by his superior.<sup>362</sup>

When Lipsey negotiated with the other owners, one or two sought land at Puriri in exchange.<sup>363</sup> Lipsey himself, prevented by his mother-in-law’s will from selling the land, at first also sought an exchange.<sup>364</sup> At the beginning of 1889, Sheridan noted that although it had ‘been found impossible’ to purchase two and a half of the shares, ‘equal to about 12 acres, on anything like reasonable terms’, about 34 acres had been bought at £5 an acre, and he intended to apply to the court to define the government’s interest.<sup>365</sup> As this procedure was not followed, Lipsey did his best to complete the title for the whole area by contacting an unnamed Maori, probably Akuhata Mokena, when he was in Thames.<sup>366</sup>

As Lipsey delayed obtaining probate for his mother-in-law’s ‘somewhat complicated will’ because of the cost involved, his wife’s interest remained tied up. In October 1893 Sheridan recommended that ‘to fix it up’ a clause be added to the Maori Real Estate Management Act Amendment Bill. There would be no trouble getting this clause through parliament because the former Native Minister, now in opposition, was ‘aware of the necessities of the case. Another death would cause further complications’.<sup>367</sup> The clause enabling the sale of this interest despite any restrictions in the will was accepted by parliament, meaning that at the beginning of December the

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<sup>361</sup> C.J. Dearle to Under-Secretary, Native Land Purchase Department, 30 July 1889 (two telegrams), Maori Affairs Department, MA-MLP 1, 1893/268, ANZ-W.

<sup>362</sup> Memorandum by Patrick Sheridan, 30 July 1889; T.W. Lewis to C.J. Dearle, 1 August 1889 (telegram), Maori Affairs Department, MA-MLP 1, 1893/268, ANZ-W.

<sup>363</sup> C.J. Dearle to D.A. Tole (Commissioner of Crown Lands, Auckland), 7 August 1886, Thames Warden’s Court, Native Agent’s Letterbook 1883-1893, p. 212, BACL 14458/2a, ANZ-A.

<sup>364</sup> C.J. Dearle to Patrick Sheridan, 1 March 1887, Maori Affairs Department, MA-MLP 1, 1893/268, ANZ-W; *Te Aroha News*, 26 December 1888, p. 2.

<sup>365</sup> Patrick Sheridan to Edwin Mitchelson (Minister of Native Affairs), 23 January 1889, Tourist Department, TO 1, 1891/198; Patrick Sheridan to Under-Secretary, Mines Department, 8 March 1889, Mines Department, MD 1, 89/157, ANZ-W.

<sup>366</sup> *Waikato Times*, 6 August 1889, p. 3.

<sup>367</sup> Patrick Sheridan to James Carroll (Minister of Native Affairs), 2 October 1893, Maori Affairs Department, MA-MLP 1, 1893/268, ANZ-W.

certificate of title could be issued.<sup>368</sup> The total cost of acquiring this land was £230.<sup>369</sup>

In December 1886, members of the Mokena and Lipsey families discussed with the warden, Henry Aldbrough Stratford,<sup>370</sup> their unoccupied three acres behind the Hot Springs Hotel, which included a hospital reserve and one for a Church of England parsonage. When told that, if the acre adjacent to the domain was to be occupied, the domain board should have the first claim, some owners ‘demurred to this. They were willing that the land should be reserved, and at the same time wished to have the right to lease it to whom they pleased’. Stratford explained that, as the land was part of the township, all leases must be arranged through the warden. After ‘prolonged discussion’, all the owners agreed to offer the land to the board; if it was declined, it would be thrown open to the public. They left ‘the matter to the Warden’s judgment and discretion, and what he does we will endorse’. This also applied to the parsonage reserve, but the hospital reserve was to stay reserved, as Mokena had wished.<sup>371</sup> When Stratford ‘expressed his pleasure at meeting the native owners, and his satisfactions with the arrangements’, Rewi Mokena responded that they were ‘glad to have met’ him and ‘were pleased to know that’ he, like Kenrick, ‘took a warm interest in the welfare of the natives’.<sup>372</sup>

In August 1888, an investor complained that the owners would neither sell land adjoining the domain that miners wanted to mine nor let it be added to the domain.<sup>373</sup> The mining inspector, George Wilson,<sup>374</sup> who was a member of the domain board, regretted that they would not sell this land

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<sup>368</sup> *Statutes of New Zealand* (Wellington, 1893), p. 173; T.W. Morpeth to Patrick Sheridan, 1 December 1893, Maori Affairs Department, MA-MLP 1, 1893/268, ANZ-W.

<sup>369</sup> H.A. Stratford to Under-Secretary, Native Land Purchase Department, 18 October 1886, Thames Warden’s Court, Native Agent’s Letterbook 1883-1893, p. 234, BACL 14458/2a, ANZ-A.

<sup>370</sup> See *Thames Advertiser*, 8 September 1886, p. 3; *Auckland Weekly News*, 14 January 1888, p. 19, Thames Correspondent, 28 January 1888, p. 20, 24 March 1888, p. 22, 2 June 1888, p. 36; *Te Aroha News*, 3 March 1888, p. 2.

<sup>371</sup> *Te Aroha News*, 11 December 1886, p. 3; *Waikato Times*, 19 December 1886, p. 3.

<sup>372</sup> *Waikato Times*, 19 December 1886, p. 3.

<sup>373</sup> E.B. Walker to Warden, 8 August 1888, Te Aroha Warden’s Court, Certified Instruments 1888, BBAV 11581/9a, ANZ-A.

<sup>374</sup> See paper on his life.

because it could be withdrawn from the goldfield, added to the domain, and thereby protected from mining.<sup>375</sup>

### LOSING LAND IN THE TWENTIETH CENTURY

In the twentieth century, a justification for purchasing reserved land was that, as Ngati Rahiri were not living on or cultivating these sections, blackberries were spreading, 'a source of great anxiety' to neighbouring farmers; land not 'maintaining' its owners should be sold.<sup>376</sup> Other reasons were that 'very hilly' or swampy sections were unsuitable for occupation.<sup>377</sup>

The shapes of some subdivisions were a handicap and encouraged sales to obtain some financial advantage. For instance, a section close to Tui Pa comprising just over 41 acres was described as 'approximately half level to easy in front', abutting the main road, with 'balance of back rising fairly steep to range'. It was 'a long, narrow strip of land of awkward shape, fortunately with the good land at the front and readily accessible. It is only useful to be worked with adjoining land. The cost of boundary fencing is prohibitive'.<sup>378</sup>

Living elsewhere continued to be a logical justification for sales. One owner declared that he, like the other three sellers, lived 'in districts far removed from Te Aroha'. He lived at Thames, no owner had ever resided on the blocks 'or derived any benefit from them', and they were 'not likely ever to be of any material support'.<sup>379</sup>

It was reported in 1901 that, 'some considerable time ago', the owners of 110 acres had agreed to sell these to Samuel Luther Hirst, a land agent at Te Aroha,<sup>380</sup> but the sale had been prevented by the restrictions. The

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<sup>375</sup> George Wilson to Warden, 10 August 1888, Thames Warden's Court, Inspector of Mines Letterbook 1888-1892, p. 66, YZAB 1240/1, ANZ-A.

<sup>376</sup> Declaration of A.E. Wight, 15 May 1917, Block IX Section 28, 2C, Maori Affairs Department, Hamilton, BACS A192/12461, ANZ-A.

<sup>377</sup> For example, Declaration of Peter Gilchrist, 5 May 1914, Block IX Section 29, Maori Affairs Department, Hamilton, BACS A102/6977; Declaration of T.W. Dunlop, 3 February 1919, Maori Affairs Department, Hamilton, BACS A102/9743, ANZ-A.

<sup>378</sup> Report by Valuation Department, 17 April 1959, Block IX Section 28 Lot 2A2, Maori Affairs Department, BCAC A517, box 38, 17-407, ANZ-A.

<sup>379</sup> Declaration by Watana Tohi, 14 July 1938, Aroha Block V Section 7B, Maori Affairs Department, BCAC A449, box 34, 7/15435, ANZ-A.

<sup>380</sup> See *Cyclopedia of New Zealand*, vol. 2, pp. 828, 829.

lease to Hirst for 21 years, at £11 per annum, included an agreement to sell 'if they are able to get the restrictions removed', as all the owners had 'ample land' elsewhere.<sup>381</sup> A parliamentarian later wrote on behalf of the three owners, who were 'greatly disappointed' at not being permitted to sell.

They wanted to have the money to purchase horses and plough Harrows etc to cultivate their Lands at Paeroa.

It seems very hard upon them that this land which is useless to them cannot be converted into money to enable them to cultivate their Land at Paeroa. Their Paeroa Land is fine land and they could make money if they only had the funds to cultivate it and besides these natives are good hard working men and it seems a pity to prevent their getting on.<sup>382</sup>

Six months later, as the matter had been under consideration for about two years a decision was requested, for the owners were 'anxious' to have the restrictions 'removed as soon as possible, as they can get a good price for the land'.<sup>383</sup> The issue went to Cabinet ten months later, which ordered it to 'stand over'.<sup>384</sup> Shortly afterwards, a rangatira wrote to Carroll: 'This land is of no use to us, we have much other land outside of this'.<sup>385</sup> Hirst was offering £1 an acre, 'a full value' for this swampy land in the opinion of James Mackay.<sup>386</sup> Three months later the owners told Carroll that they were 'in urgent need of money which they would receive from the sale'.<sup>387</sup> However, they did 'not seem inclined' to seek the approval of the land

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<sup>381</sup> Miller and Porritt to Under-Secretary, Justice Department, 9 May 1901, Maori Affairs Department, MA 1, 06/830, ANZ-W.

<sup>382</sup> Jackson Palmer to James Carroll (Native Minister), 22 December 1901, Maori Affairs Department, MA 1, 06/830, ANZ-W.

<sup>383</sup> Miller and Porritt to Under-Secretary, Justice Department, 18 June 1902, Maori Affairs Department, MA 1, 06/830, ANZ-W.

<sup>384</sup> Under-Secretary, Native Affairs Department, to James Carroll, 27 April 1903, Maori Affairs Department, MA 1, 06/830, ANZ-W.

<sup>385</sup> Haora Tareranui to James Carroll, 6 June 1903, Maori Affairs Department, MA 1, 06/830, ANZ-W.

<sup>386</sup> James Mackay to James Carroll, 6 June 1903, Maori Affairs Department, MA 1, 06/830, ANZ-W.

<sup>387</sup> S.L. Hirst to James McGowan (Minister of Mines), 14 September 1903, Maori Affairs Department, MA 1, 06/830, ANZ-W.

council, as Cabinet recommended, and when the file on this block was closed in November 1906 the matter was referred to the court.<sup>388</sup>

Indebtedness was a common cause of losing land. For example, when a judgement summons was taken out against one Maori for £55 3s 5d, the case was adjourned to enable him 'to arrange with his father and creditors as to giving some of the land as payment'.<sup>389</sup> The four owners of one Wairakau section unsuccessfully asked for the removal of restrictions on another one because 'we are in difficulties'.<sup>390</sup> A later appeal to the District Maori Land Council was declined because it was 'leased at present at a fair rental', and any money owed to James McNicol could 'be deducted from the rent from time to time. We think that, if the restrictions were removed, and the land sold', the owners 'would be in an infinitely worse position than they are at the present time'.<sup>391</sup> Other owners of other portions of Wairakau, also indebted to McNicol, were refused permission to sell for the same reasons.<sup>392</sup>

In the early twentieth century, several owners of Wairakau continued to pester officials, the Native Minister, and even the Governor to be permitted to sell their interests, claiming 'great distress' as justification.<sup>393</sup> The solicitor who offered to buy their land claimed that they were 'continually worrying me to know what is being done' about removing the

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<sup>388</sup> Decision of Cabinet, 5 February 1904; Haora Tareranui to James Carroll, 9 April 1904; Under-Secretary, Maori Affairs Department, to James Carroll, 21 June 1904; memoranda of 11 September 1906, 15 November 1906, Maori Affairs Department, MA 1, 06/830, ANZ-W.

<sup>389</sup> Te Aroha Magistrate's Court, Civil Record Book 1896-1907, Judgment Summons heard on 10 January 1898, BCDG 11221/2a, ANZ-A.

<sup>390</sup> Hutana Karapuha, Meke Ngakuru, Ahiwera Te Arero, and Ruta Ngakuru, 26 August 1902, Justice Department, J 1, 1905/921, ANZ-W.

<sup>391</sup> Application by Hutana Karapuha, Ahiwera Te Arero, Ruta Ngakuru, and Meke Ngakuru, 17 February 1905; Decision of District Maori Land Council, December 1906, Block XII Section 30, Maori Affairs Department, Hamilton, BACS A102, 1905/2, ANZ-A.

<sup>392</sup> Block IX Section 46, Maori Affairs Department, Hamilton, BACS A102, 1905/7, ANZ-A.

<sup>393</sup> Timi Te Rua and Pane Titipa to Governor, 25 May 1903; Timi Te Rua to Under-Secretary, Native Affairs Department, 23 December 1903; Timi Te Rua, Tapata Titipa, Pane Titipa, Taraiti Titipa, and Mita Titipa to Native Minister, 2 October 1905; Hutana Karapuha, Maraea Te Wharau, Tutuki Te Wharau, and Te Pititi Te Wharau to Native Minister, 2 October 1905, Maori Affairs Department, MA 1, 1906/317, ANZ-W.

restrictions.<sup>394</sup> When the government declined to do so,<sup>395</sup> Carroll was told that the land council approved the sale. The money would be ‘used to improve our lands at Tauranga, named Matakana No. 1, and also for the purpose of purchasing houses for ourselves – for I am still sleeping in dirt (or mud)’. The letter-writer explained that he was ‘unable to work for money as I am 74 years old’.<sup>396</sup> Fourteen months later, he again appealed for restrictions to be removed; or, if not, for an old age pension.<sup>397</sup> The restrictions were not removed.

Although one rangatira did not wish restrictions to be removed from one section because it was ‘to be permanent land for me’, he did not want restrictions on ‘other of my lands outside of this’ because ‘I or we can get maintenance off the land’ he wished retained as inalienable.<sup>398</sup> When land councils were established in the early twentieth century, they permitted owners living elsewhere and with ‘plenty of other land for their support’ to sell interests in their reserves.<sup>399</sup> But despite the increasing ease of selling land, a minority refused to sell.<sup>400</sup>

Occasionally, owners claimed their land had been sold without their knowledge and against their wishes. After the sale of a block near Mangaiti, one man protested to the land board that it was ‘my Private Property and I have not authorized any Person to deal in my land and I hereby protest against any Transfer as I never have signed any Paper and if any Paper or

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<sup>394</sup> J.A. Miller to Under-Secretary, Native Affairs Department, 4 December 1905, Maori Affairs Department, MA 1, 1906/317, ANZ-W.

<sup>395</sup> Under-Secretary, Native Affairs Department, to J.A. Miller, 15 March 1906, Maori Affairs Department, MA 1, 1906/317, ANZ-W.

<sup>396</sup> Timi Te Rua, Tai Titipa, and Pane Titipa to James Carroll (Minister of Native Affairs), 3 June 1907, Maori Affairs Department, MA 1, 1906/317, ANZ-W.

<sup>397</sup> Timi Te Rua to James Carroll, 7 August 1908, Maori Affairs Department, MA 1, 1906/317, ANZ-W.

<sup>398</sup> Hutana Karapuha to Under-Secretary, Native Affairs Department, 17 May 1902, Block IX Section 30A, Justice Department, J 1, 1902/681, ANZ-W.

<sup>399</sup> For example, Native Land Council, Minute Book, p. 51, with supporting documentation, Block XII Section 41, Justice Department, J 1, 1906/317, ANZ-W.

<sup>400</sup> For table of sales between 1880 and 1907, noting those who refused to sell, see Robyn Anderson, *The Crown, the Treaty, and the Hauraki Tribes, 1880-1980* (Paeroa, 1997), pp. 103-104.

document has been signed it is a forgery'.<sup>401</sup> He was reminded that the transfer of his interest had been confirmed 18 months previously, when, using a variant of his name, he had signed a receipt for the purchase money.<sup>402</sup> In 1921, when Alice Grey Dearle acquired 101 acres in the same district,<sup>403</sup> two owners objected but then withdrew their opposition to the sale.<sup>404</sup> Nine years later, another owner, living at Hikutaia, wrote an impassioned protest:

Our hearts are sad because of the taking of our lands by the Native Land Court.

My reason for saying this is the fact that I did not sell my land. Though I did not sell the money ... was sent to me.

If there is a law whereby my land can be taken without considering my right to it let me know about it. A large number of our lands have been taken this way. We are not without children [which] might be a justification for the taking of our land. These lands are our homes. If our lands are taken what will happen to the Maori race? If we become landless what will become of us? It is best to wipe out that law. Let us have the right to decide whether we should sell or not. Let me know how these interests were taken.<sup>405</sup>

#### FARMING THEIR LAND

In 1908, when the Native Land Commission sat for four days at Te Aroha, Rewi Mokena was one of three spokesmen for Ngati Haua, Ngati Maru, and other iwi. Despite Rewi selling his own land,<sup>406</sup> speakers

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<sup>401</sup> Pareraukawa Rua Whakahoro to Secretary, Waikato-Maniapoto District Maori Land Board, 25 January 1916, Block V Section 5A3A (Part), Maori Affairs Department, BACS A102/9789, ANZ-A.

<sup>402</sup> Registrar, Waikato-Maniapoto District Maori Land Board, to Pareraukawa Rua Whakahoro, 27 January 1916, Block V Section 5A3A (Part), Maori Affairs Department, BACS A102/9789, ANZ-A.

<sup>403</sup> See paper on her life.

<sup>404</sup> Memoranda dated 19 January 1920, 18 March 1921; Buchanan and Purnell to Registrar, Native Land Court, 18 March 1921, Block V Section 18, Maori Affairs Department, BACS A102/10789, ANZ-A.

<sup>405</sup> Henare Marara to Under-Secretary, Native Land Court, 7 May 1930, Block V Section 18, Maori Affairs Department, BACS A102/10789, ANZ-A.

<sup>406</sup> See paper on his life.

declared themselves 'totally against selling their lands', which were protected by the Treaty of Waitangi, and insisted that 'all laws and Acts now in force are not to apply to their lands', which they wanted to farm; Te Aroha farms were cited as examples of successful Maori farming.<sup>407</sup> When their interim report about Maori land in Piako was published in the following year, the commissioners, Sir Robert Stout and Apirana Ngata, noted that more than half the land in the Piako County was 'leased or under negotiation for lease to Europeans. The balance does not appear to us to be too large to be reserved for the use and occupation of the Native owners'. Although 'a considerable area' of Maori land had not been farmed, recently extensive farming had commenced, which they considered should be assisted by the provision of 'agricultural instructors', for it was 'vain to expect that the Maoris can become efficient settlers if they do not receive agricultural instruction and guidance'.<sup>408</sup> They included a schedule of land leased or under negotiations for lease, which included the following sections of Aroha XII:

<i>Section</i>	<i>Owners</i>	<i>Area</i>
Section 29	2	50 acres
Section 31	5	94 acres 2 roods
Section 32	3	50 acres
Section 33C	1	34 acres 2 roods 20 perches
Section 36	1	65 acres
Section 39	2	150 acres
Section 40	2	60 acres
Section 41	3	101 acres
Section 44	8	150 acres
Section 45	7	100 acres
Section 46	1	124 acres
and Wairere Block II Section 69 <sup>409</sup>		

By this time, pressure was building on Maori either to sell or to farm their land. For instance, in May 1910 a Te Aroha correspondent complained about the spread of blackberry. 'One of the most fruitful causes of trouble lies in the fact that large blocks of native land are permitted to lie idle in

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<sup>407</sup> 'Native Land Commission', *Te Aroha News*, 29 August 1908, p. 2.

<sup>408</sup> 'Native Lands and Native-Land Tenure: Interim Report of Native Land Commission, on Native Lands in the County of Piako', *AJHR*, 1909, G-1, p. 2.

<sup>409</sup> 'Native Lands and Native-Land Tenure', p. 3.

this valley, and become the breeding-grounds of all sorts of pests'.<sup>410</sup> Unoccupied and uncultivated land continued to be 'a source of great anxiety' to farmers because of the spread of noxious weeds.<sup>411</sup>

In July 1910, a *Te Aroha News* editorial, in arguing that Maori should pay rates, claimed some Maori landlords of Pakeha farmers were living in affluence whereas others, by locking up their lands, were blocking progress.

Where can one see Natives cultivating their lands and rendering them useful to the community by increasing the output of natural products? Here and there they are found to be tilling the soil for their own maintenance; but many of them are too lazy even for that. It is too late in the day now to put up with nonsense of that sort any more.<sup>412</sup>

In January 1912, the newspaper reported that 'a great deal' of Maori land between Ruakaka and Mangaiti had recently been 'taken up by pakehas and thereby greatly improved in appearance' because dense manuka had been removed ready for ploughing.<sup>413</sup>

#### OBTAINING THE FREEHOLD OF TE AROHA TOWNSHIP

In July 1885, a public meeting discussed removing the township from the goldfield to enable the owners to sell the freehold, and decided to obtain signatures for a petition.<sup>414</sup> It was stated that the owners were sending their own petition asking that restrictions be removed for the same purpose.<sup>415</sup> No such petition was sent by Ngati Rahiri, nor did the residents send one because they did not like the terms George Lipsey, 'as representing the owners', proposed. As the land was held in trust for his children Ani and Akuhata,<sup>416</sup> he wanted the tenure 'to remain as at present', but with the restrictions removed so that tenants could 'acquire the freeholds, reserving to myself and wife the right to dispose of or

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<sup>410</sup> Te Aroha Correspondent, *Auckland Weekly News*, 12 May 1910, p. 49.

<sup>411</sup> For example, declaration of A.E. Wight, 15 May 1917, Aroha Block IX Section 28, 2C, Maori Affairs Department, Hamilton, BACS A192/12461, ANZ-A.

<sup>412</sup> Editorial, *Te Aroha News*, 21 July 1910, p. 2.

<sup>413</sup> *Te Aroha News*, 25 January 1912, p. 2.

<sup>414</sup> Te Aroha Correspondent, *Waikato Times*, 14 July 1885, p. 3.

<sup>415</sup> *Te Aroha News*, 18 July 1885, p. 2.

<sup>416</sup> See papers on Ani Edwards and Akuhata Koropango Lipsey.

withhold from sale, any allotments as we may think fit, and fix the consideration'. The secretary of the Improvement Association wanted the 'consideration' to be fixed by arbitration rather than by the whim of the owners. It was expected that the government would be asked to arrange for those wanting to purchase the freehold to be free to negotiate a price.<sup>417</sup>

A local correspondent warned that obtaining the freehold posed problems:

If, for instance, the native owners are to fix the amount of consideration, it is feared that in a great many cases difficulties will arise as to the value of the freeholds; also it would be necessary to avoid making present unsatisfactory tenure still more unsatisfactory by native owners allowing speculators preference in acquiring sections already held by license, and thus, as in the case of the Thames, capitalists might become the landlords in lieu of, as at the present, the Government.

It was argued that the freehold would both help residents and enhance the value of Maori land.<sup>418</sup> In November, when a deputation met Ballance to discuss better tenure, Lipsey, on behalf of his family, 'expressed a desire to in any reasonable way give encouragement to lessees to erect good buildings and carry out improvements of a permanent nature'. Ballance was not certain if his solution, to grant perpetual leases, could be done without special legislation.<sup>419</sup>

Another meeting, convened by the chairman of the town board, was held at the beginning of June 1887. Lipsey, 'as representing the Native owners, was invited to speak'. Amongst other points, he stated that, because Te Aroha was owned by his wife and two eldest children, he would not consent to the freehold being given during the latters' minority. Nevertheless, he was 'both willing and anxious to forward the interests of local residents, and would meet them in any reasonable way'. He would consult his solicitor, and wanted the warden consulted also. After discussion, it was resolved that a committee 'draw up a memorial to Government requesting that the existing goldfields title to Te Aroha township lands be altered to a lease in perpetuity'. An amendment that the government purchase the freehold 'and hand over to the present occupants a

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<sup>417</sup> *Te Aroha News*, 18 July 1885, p. 7.

<sup>418</sup> Te Aroha Correspondent, *Thames Advertiser*, 17 July 1885, p. 3.

<sup>419</sup> *Te Aroha News*, 14 November 1885, p. 2.

freehold title to their holdings at the price paid by the Government' was not passed, the initial motion being carried 'by a large majority'.<sup>420</sup>

Another meeting, held in October, established a committee to discuss a better tenure system with the government. The word 'freehold' was dropped from the final resolution, which instead requested 'a more secure or satisfactory tenure'.<sup>421</sup> The following August, a committee of the town board was appointed to negotiate with Lipsey.<sup>422</sup> It told him that improved tenure meant 'a good and substantial class of buildings' would be erected, 'to the great advantage' of the owners. Lipsey 'showed every disposition to try and satisfy the wishes of local residents', but would not agree to granting the freehold while his children were minors; 'after they came of age they could please themselves'. He favoured legislation allowing lessees 'to have their leases endorsed as renewable forever at the present rental, and without re-valuation for improvement being made', which he thought 'should satisfy all requirements'. Once he presented that proposal in writing, the board would 'make representation to Government on the subject'.<sup>423</sup>

In December, when George Frederick Richardson, Minister of both Lands and Mines, discussed tenure with the board, it was stated that most owners were willing to grant leases in perpetuity. Lipsey said he favoured this, as it would encourage the construction of better buildings 'and also perhaps set at rest for ever the desire for a freehold, which the native owners did not feel disposed to agree to'. Richardson considered goldfields title was the best available unless the government could obtain the freehold. Although promising to refer the issue to the Native Department, he commented that it was 'clearly not a matter of great urgency'.<sup>424</sup> This opinion was not shared by residents, as a local correspondent reported in August 1889:

There is a cry of discontent as to the tenure of a large portion of township allotments, and a public meeting is shortly to be called to try and enforce on the Government a fair settlement of European rights against Maori and [their] pakeha relations who at the present time are luxuriating in the receipt of rents collected by the Government, a larger revenue than they ever

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<sup>420</sup> *Te Aroha News*, 4 June 1887, p. 2.

<sup>421</sup> *Te Aroha News*, 29 October 1887, p. 2.

<sup>422</sup> Town Board, *Te Aroha News*, 11 August 1888, p. 2.

<sup>423</sup> *Te Aroha News*, 25 August 1888, p. 2.

<sup>424</sup> *Te Aroha News*, 26 December 1888, p. 2.

had, whilst miners and tradesmen who have made the place and stuck by it are struggling for a crust. It is an accepted fact, were Te Aroha and Waiorongomai townships proclaimed freehold there would be five times the population there is in the district within the next two years.<sup>425</sup>

Three months previously, Lipsey had discussed with a politician his solution of residents obtaining leases in perpetuity at existing rates.<sup>426</sup> Instead, in early September, the warden was asked to help reduce rents of business sites used for residences from £5 to £1. Eight of the nine owners of the Morgantown part of Te Aroha had agreed to do this, but the warden reported that the one who lived at Tauranga, Te Heinga Tawaha, having 'promised some time since to do so', had 'recently declined' because 'a friend of his at Te Aroha had urged him on no account to agree to the present arrangement, so it was evident the difficulty was nearer home than Tauranga'.<sup>427</sup> By the end of September, agreement had been reached to reduce rentals in the main streets as sought, and the local newspaper hoped that rentals in other streets would be reduced also. 'It is to the interests of the Native owners themselves that these back street allotments should be taken up and occupied, but it is ridiculous, and a hindrance to settlement, to demand an annual rental of £5 for them'.<sup>428</sup> This concession included that portion of Morgantown 'known as the cultivation reserve', which would now be surveyed.<sup>429</sup> A note in the warden's office that the changes had been 'agreed by the Native owners' was altered to read agreed 'by the majority' of them.<sup>430</sup> Shortly afterwards, Lipsey promised, on behalf of the owners, to grant leases in perpetuity, which he considered would be beneficial to Maori. 'I have promised so soon as my wife returns home to discuss the matter with her, and advise that reductions be made with respect to a great many allotments'.<sup>431</sup>

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<sup>425</sup> Te Aroha Correspondent, *Waikato Times*, 22 August 1889, p. 2.

<sup>426</sup> *Te Aroha News*, 8 May 1889, p. 2.

<sup>427</sup> *Te Aroha News*, 7 September 1889, p. 2.

<sup>428</sup> Editorial, *Te Aroha News*, 28 September 1889, p. 2.

<sup>429</sup> Te Aroha Warden's Court, undated memorandum [September 1889?], Certified Instruments 1889, BBAV 11581/10a, ANZ-A.

<sup>430</sup> Te Aroha Warden's Court, memorandum of 23 September 1889, Certified Instruments 1889, BBAV 11581/10a, ANZ-A.

<sup>431</sup> *Te Aroha News*, 2 October 1889, p. 2.

In August 1890, the chairman of the town board urged Richardson to acquire the township. 'It would pay the Government to do so, and be the means of greatly advancing this township, being a better title, and more reasonable rents than we are at present paying'.<sup>432</sup> In May 1891 leaseholders feared that Pakeha speculators might obtain the freehold of Morgantown and massively increase the rentals once the existing leases expired. To prevent this happening, Alfred Jerome Cadman, the Minister of Native Affairs, bought an interest to give the government a 'potent voice' and contemplated buying all Morgantown 'in order to save it from the maws of the land sharks'.<sup>433</sup> Shortly afterwards, the owners sought permission to have their cultivation reserve, four acres 'known as Morgan's Paddock', transferred to the town board for use as saleyards and a pound.<sup>434</sup>

In May 1894, by which time the government had bought half the interests in Morgantown, the board asked that the rents be reduced to the level of Lipseytown, having been 'led to believe that no insuperable difficulties will be raised by the Native Owners to this course'.<sup>435</sup> The government required the written consent of all the owners;<sup>436</sup> as none was produced, it must be assumed that some did not agree with this proposal. The following year, local body politicians again asked that Morgantown rents be reduced.<sup>437</sup> In 1896, under a new arrangement all residence site licenses in Lipseytown were held under a 99-year lease.<sup>438</sup>

In early 1898, a board member moved that the government be asked to extinguish the Maori title to Morgantown. Another member, in supporting the idea, reminded his colleagues that the owners 'were not at all disposed to part with their interest, especially if the Government showed any anxiety to buy them out'. By then, the government had acquired six and a half

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<sup>432</sup> Edward Gallagher (Chairman, Te Aroha Town Board) to G.F. Richardson (Minister of Mines), 18 August 1890, Mines Department, MD 1, 1891/773, ANZ-W.

<sup>433</sup> *Thames Advertiser*, 19 May 1891, p. 2; *Wellington Press*, n.d., cited in *Thames Star*, 22 May 1891, p. 2.

<sup>434</sup> Warden to Under-Secretary, Mines Department, 6 July 1891, with undated petition attached, Mines Department, MD 1, 91/550, ANZ-W.

<sup>435</sup> Percy Snewin (Clerk, Te Aroha Town Board) to R.J. Seddon (Minister of Native Affairs), 14 May 1894, Mines Department, MD 1, 94/649, ANZ-W.

<sup>436</sup> Under-Secretary, Mines Department, to Percy Snewin, 11 June 1894, Mines Department, MD 1, 94/649, ANZ-W.

<sup>437</sup> *Te Aroha News*, 23 January 1895, p. 2.

<sup>438</sup> *Thames Advertiser*, 16 October 1896, p. 2.

shares with Maori retaining two and a half. Another member noted that residents paid £5 per annum for a section in Morgantown but only £3 in Lipseytown. 'He did not see why the many should be strangled by the few, and if the natives were not disposed to sell, the Government should compel them, and take over the natives' interest at a valuation'. It was agreed to send a petition to the government.<sup>439</sup>

Early in 1900, a storekeeper asked Seddon why the promise to reduce the rents of Morgantown had not been carried out.<sup>440</sup> The reason was that the interests of the Mokena family remained.<sup>441</sup> Negotiations with the owners continued, for rents could not be reduced until they sold their interests.<sup>442</sup> Impatiently, residents petitioned the government to acquire the land and reduce the rents.<sup>443</sup> An accompanying letter stated that Cadman had promised a better title for years, but his written promise 'they unfortunately lost when they last interviewed Mr Seddon on the matter' because Seddon had taken it when promising 'his immediate attention'. As Te Aroha was no longer a mining town but 'a health and residential resort', visitors needed to have a good impression of it, which required 'good buildings and well kept gardens and a frequent use of the paint pot'. These required a better title, for no resident could 'borrow money on their houses'. As the warden had ruled 'one man one allotment', everybody holding more land than a residence site was 'open to the professional jumper'. The issue was urgent, for forfeiting land on which rent was paid 'would mean absolute ruin' for some.<sup>444</sup> In July, the Native Affairs Committee did not make a recommendation on a petition from 48 residents asking the government to purchase Morgantown so that they could have secure titles.<sup>445</sup> Nor did the government consider it could grant leases in perpetuity because of the wills

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<sup>439</sup> *Waikato Argus*, 19 March 1898, p. 2; Town Board, *Te Aroha News*, 21 April 1898, p. 2.

<sup>440</sup> R.J. Seddon to John McKenzie (Minister of Lands), 5 February 1900, Mines Department, MD 1, 1904/900, ANZ-W.

<sup>441</sup> Commissioner of Crown Lands to Surveyor General, 19 February 1900, Mines Department, MD 1, 1904/900, ANZ-W.

<sup>442</sup> R.S. Bush (Warden) to Under-Secretary, Mines Department, 8 March 1900; Patrick Sheridan to Minister of Mines, 4 April 1900, Mines Department, MD 1, 1904/900, ANZ-W.

<sup>443</sup> Petition, n.d. [March-April 1900], appended to E.K. Cooper to A.J. Cadman (Minister of Mines), 10 April 1900, Mines Department, MD 1, 1904/900, ANZ-W.

<sup>444</sup> E.K. Cooper to A.J. Cadman, 10 April 1900, MD 1, 1904/900, ANZ-W.

<sup>445</sup> 'Native Affairs Committee', *AJHR*, 1900, I-3, p. 3.

of Mokena Hou and his wife.<sup>446</sup> When one owner sold, the rents were reduced, the other owners agreeing to the reduction.<sup>447</sup> Late that year, these remaining owners still refused to sell their interests.<sup>448</sup>

The borough council did not want private purchase of Maori land. In early 1900, when in Te Aroha, Seddon discussed purchasing Lipseytown with the mayor and a councillor. 'It was agreed that this could only be done at such time as the native owners were pressed for money and were desirous of converting their interest into cash', and Seddon asked to be informed when this happened so that the land purchase staff could be alerted. In September, he was informed that as Ani Edwards and Akuhata Lipsey were 'trying to raise money by way of mortgage on their Lipseytown interests' they might 'be tempted with a cash offer'. Seddon was urged to act quickly, for 'it would be nothing short of a calamity if a private speculator was allowed to "get a finger in the fire"'.<sup>449</sup>

Seddon told a land purchase agent, Gilbert Mair,<sup>450</sup> to try to purchase the Hori More block. By April, Mair had contacted many of the owners, who, 'generally speaking', were 'averse to selling'. Hori More himself had been 'repeatedly' offered £5 an acre, but had refused to sell, probably realizing, as the mayor did, that 'the land would be a bargain' at that price. Only two owners were willing to sell; none of the others 'would give a direct reply and stated they would like to hear the Government price'. He thought it possible that some owners had 'already pledged their interests in some way. I know that great efforts have been made by Europeans of late to obtain possession of the land'. If the government fixed a price, he would submit it to the owners and get a 'more definite answer'.<sup>451</sup> He was authorized to offer 5s per acre, but they would not sell for under 7s 6d. The town clerk complained

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<sup>446</sup> G.F. Richardson to A.J. Cadman, 16 July 1900, Mines Department, MD 1, 6/14, No. 1, ANZ-W.

<sup>447</sup> Patrick Sheridan to Under-Secretary, Mines Department, 19 June 1900, 11 July 1900; Town Clerk to A.J. Cadman, 18 July 1900; memorandum of 22 August 1900, Mines Department, MD 1, 1904/900, ANZ-W.

<sup>448</sup> R.S. Bush to Under-Secretary, Mines Department, 17 October 1900, Mines Department, MD 1, 1904/900, ANZ-W.

<sup>449</sup> Thomas McIndoe to R.J. Seddon, 24 September 1901, Maori Affairs Department, MA 1, 13/87, ANZ-W.

<sup>450</sup> See R.D. Crosby, *Gilbert Mair: Te Kooti's nemesis* (Auckland, 2004).

<sup>451</sup> Gilbert Mair to Patrick Sheridan, 14 April 1900, Maori Affairs Department, MA-MLP 1, 1899/234, ANZ-W.

that, due to this ‘paltry difference’, the government had lost ‘a chance of acquiring land well worth £5 an acre’; as it was sub-let for 10s an acre, its refusal to pay the higher price ‘was the very essence of foolishness’. A parliamentarian was requested to ask the government to purchase one of the sections, or at least prevent its alienation, for ‘these sections ought all to be Crown property, with the revenue made over to the Borough as an endowment’; he was told that it was too late to reconsider.<sup>452</sup> In November, Sheridan noted that the government now held all the interests in Morgantown bar one or two and agreed that there must be no private dealings with Lipseytown, the capital value of which was calculated as £33,993.<sup>453</sup>

When the government was urged to acquire Akuhata Lipsey’s interests in Lipseytown in June 1902 so that the freehold could be obtained, it did not consider this to be ‘of any very great importance’.<sup>454</sup> In August, after the last interests in Morgantown had been purchased, some residents asked for the freehold, but a correspondent noted that the council, which received about £200 each year from leasing the land, was ‘not unanimously favourable to this action’.<sup>455</sup> In June 1905, the government decided to acquire the remaining Maori land, which would be removed from the goldfield and a new tenure given to occupiers on the Rotorua model.<sup>456</sup> Nearly three months later, the *Te Aroha News* hoped that the owners of Lipseytown would be bought out.<sup>457</sup> In late 1906, 37 1/2 acres were acquired for £1,200 by the government at the request of several residents, and residence sites were to

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<sup>452</sup> William Hill (Town Clerk, Te Aroha) to Jackson Palmer, 27 June 1900; James Carroll (Minister of Native Affairs) to Jackson Palmer, 25 October 1900, Justice Department, J 1, 1900/1128, ANZ-W.

<sup>453</sup> Patrick Sheridan to F. Waldgrave, 16 November 1901; memorandum concerning capital value of Lipseytown, n.d., Maori Affairs Department, MA 1, 13/87, ANZ-W.

<sup>454</sup> A.K. Lipsey to James McGowan (Minister of Mines), 25 June 1902; R.S. Bush (Warden) to James McGowan, 30 June 1902; Patrick Sheridan to Under-Secretary, Mines Department, 3 July 1902, Maori Affairs Department, MA 1, 13/87, ANZ-W.

<sup>455</sup> Te Aroha Correspondent, *New Zealand Herald*, 5 August 1902, p. 2; *New Zealand Mines Record*, 16 October 1902, p. 122.

<sup>456</sup> Under-Secretary, Mines Department, to Patrick Sheridan, 30 June 1905, Maori Affairs Department, MA 1, 13/87, ANZ-W.

<sup>457</sup> *Te Aroha News*, 16 September 1905, p. 2.

be surveyed.<sup>458</sup> In October 1907, it was reported, incorrectly, that Lipseytown had recently been purchased, and six months later petitioners wanting its purchase were informed that under Ema Lipsey's will it was the property of her two eldest children and could not be sold until her husband's death or remarriage.<sup>459</sup>

In June 1909, Te Meke Ngakuru<sup>460</sup> sued the council for illegal trespass and other offences by erecting water pipes on his land, but lost on a legal technicality.<sup>461</sup> Two months later, Ngakuru and two other Maori landowners sought £25 in damages 'for laying a pipe line for the auxiliary water supply through their land without first obtaining consent to do so'. After the magistrate heard the evidence, 'which, as is usually the case where Maoris appear, took some time', he decided 'there had been no breach of the Mining Act', under which they had sued, and their case was dismissed.<sup>462</sup> Two days later, under the heading 'Native Difficulty', the *Te Aroha News* quoted some councillors along with the Ohinemuri County Council wanting the land taken under the Public Works Act.<sup>463</sup> The landowners' claim for compensation for trespass had been 'amicably settled' by the time it was heard again in January 1910, the owners receiving £60 when the council took the land under the Public Works Act.<sup>464</sup>

In August 1909 the mayor told the government why the borough's boundaries should be extended:

Surrounded as we are with native owned lands the expansion of the Town is blocked. The Natives are not progressive, they will not open up or improve their lands, and are debarred from allowing others to do so.

This Borough is rapidly increasing in size, we need room for extension; our Water Supply and Electric Lighting Plant are

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<sup>458</sup> Under-Secretary, Lands Department, to Under-Secretary, Mines Department, 7 May 1907, Mines Department, MD 1, 07/437, ANZ-W.

<sup>459</sup> *New Zealand Mines Record*, 16 October 1907, p. 129; *Te Aroha News*, 25 April 1908, p. 2.

<sup>460</sup> See Maori Land Court, Hauraki Minute Books, no. 10, p. 357; no. 19, pp. 40, 102, 165-167; no. 28A, pp. 18, 52; no. 59, p. 372; no. 61, pp. 19, 108; Armed Constabulary Force, Description Book, Police Department, P 1/81, p. 232, ANZ-W.

<sup>461</sup> Magistrate's Court, *Te Aroha News*, 24 June 1909, p. 2.

<sup>462</sup> Magistrate's Court, *Te Aroha News*, 26 August 1909, p. 2.

<sup>463</sup> *Te Aroha News*, 28 August 1909, p. 3.

<sup>464</sup> Magistrate's Court, *Te Aroha News*, 27 January 1910, p. 3.

mostly on Native land, and we are continually coming into conflict with the owners.

He asked the government to purchase two sections and add them to the township, thereby permitting expansion and ending 'the constantly recurring friction with the Native owners'.<sup>465</sup> As the Mines Department thought that the council could 'hardly expect the Government to purchase land and then hand it over to them as an endowment', it told the mayor it would not hand over part of the Edwards Block, which was yet to be subdivided into residence sites.<sup>466</sup> Consequently the council 'resolved to join the Native Land League,<sup>467</sup> a manifesto of which was read by the Clerk. Members were of the opinion that it is high time something tangible was done in this matter'.<sup>468</sup> The support of the local Member of Parliament was obtained to urge the government to buy Maori land in the immediate vicinity of the township.<sup>469</sup> When the Prime Minister, Sir Joseph Ward, visited in March 1910, the council requested the purchase of Block IX Section 30, upon which the electricity plant had been erected:

The Mayor: We are hedged in north and south by native land. We recently acquired a cleared block which will be cut up for building purposes, and we require another block of about 30 acres. We cannot extend on account of this native land, and accommodation is badly needed. If the block were acquired and cut up into sections it would be a good investment. It is the largest outside the town proper.

Cr. Hubbard. – It is not occupied or utilized by the natives. Would cut up into building sections.

The Prime Minister: Government proposes to acquire the whole of the native land connected with Te Aroha, and all we want to do is to make sure that we are not being asked excessive prices for it. Our business is not to pay more than its real value. The Native Minister is negotiating for all native lands inside the township,

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<sup>465</sup> R.L. Somers (Mayor) to Acting Prime Minister, 28 August 1909, Mines Department, MD 1, 11/1762, ANZ-W.

<sup>466</sup> Memorandum by Under-Secretary, Mines Department, 3 September 1909; Acting Under-Secretary, Mines Department, to R.L. Somers, 6 September 1909, Mines Department, MD 1, 11/1762, ANZ-W.

<sup>467</sup> See *New Zealand Herald*, 13 May 1909, p. 6, 23 August 1909, p. 6, 5 January 1910, p. 3; County Council, *Ohinemuri Gazette*, 8 October 1909, p. 3.

<sup>468</sup> Borough Council, *Te Aroha News*, 25 September 1909, p. 2.

<sup>469</sup> *Te Aroha News*, 30 October 1909, p. 3.

and we are also prepared to go outside. We want to do what is fair to the natives and fair to the country. A place like Te Aroha ought to have the necessary lungs to enable it to extend. There should be a great future before it, and we are now in a better position to acquire native land than ever before.... The matter is very much alive from the Government point of view. We shall be only too glad to consider it.<sup>470</sup>

The following month, officials warned Ward that, as the land had been ceded for mining, its status could not be changed ‘without establishing a very dangerous precedent. No matter who may hold the land the Crown must be in a position to resume possession in case of any public emergency in connection with mining’.<sup>471</sup>

The Lipsey family’s financial difficulties meant that the Lipsey Block, on the northwestern edge of the township, was sold in the early twentieth century, despite the reluctance of some officials to purchase it.<sup>472</sup> The under-secretary of the Native Department noted the self-interest involved in the demands for the freehold. The land was ‘leased to several persons for a term of 50 years, which would give them an interest in the land equal to half of the freehold value. The lessees are fully aware of this, hence their desire that the land should be sold’. They knew that when land abutting on the eastern side of the township was bought by the government, the Pakeha lessee had ‘received a considerable amount as compensation’.<sup>473</sup> In August 1911, the Chamber of Commerce was told that Lipsey and his co-trustees were anxious to sell their interest in Lipseytown but was warned of legal difficulties. Once again the government was urged to buy the land to avoid business sites on the eastern side of Whitaker Street having to pay a much higher rent.<sup>474</sup> James Carroll, the Native Minister, responded that special legislation was required because of Ema Lipsey’s will; after it was claimed that all the owners were ‘ready and anxious to sell the land to the Crown’, a

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<sup>470</sup> *Te Aroha News*, 10 March 1910, p. 3; Deputation to Prime Minister on 7 March 1910, Maori Affairs Department, MA-MLP 1, 10/46, Part 1, ANZ-W.

<sup>471</sup> Under-Secretary, Native Department, to Prime Minister, 30 April 1910, Maori Affairs Department, MA-MLP 1, 10/46, Part 1, ANZ-W.

<sup>472</sup> See chapters on George Lipsey, Ani Edwards, and Akuhata Lipsey.

<sup>473</sup> Memorandum by Under-Secretary, Native Department, n.d. [1910], Maori Affairs Department, MA-MLP 1, 10/46, No. 1, ANZ-W.

<sup>474</sup> *Te Aroha News*, 24 August 1911, p. 2.

clause permitting purchase was included in legislation before parliament in October.<sup>475</sup> It passed without debate.<sup>476</sup>

### TENURE ISSUES CONTINUE

In 1914, when the Land Tenures Commission sat in Te Aroha, the council's solicitor stated that mining titles for township sections had always been unsatisfactory. Nevertheless, 'while the Native title was in existence it was realized that nothing better could be got for the reason that to get Native leases from the Native Owners would be cumbersome and expensive, and the Mining Act provided a ready means of getting titles'.<sup>477</sup> The commission's report, released later that year, explained the developments since 1880. Originally ceded by its Ngati Rahiri owners for mining purposes, portions had 'from time to time been acquired in fee-simple by the Crown', but some streets had 'not yet been proclaimed, and before freehold titles can be granted it will be necessary that these be legalized'. It agreed that title under the Mining Act discouraged 'the erection of buildings of any very considerable value'. As the commissioners were 'very strongly of opinion' that 'a large majority' of residents would 'acquire the fee-simple at a reasonable price' should it be offered, they recommended that the existing 'extremely unsatisfactory' tenure be replaced by the freehold.<sup>478</sup>

### CONCLUSION: ASSESSING HOW NGATI RAHIRI'S LAND WAS ALIENATED

In her report for the Waitangi Tribunal, Robyn Anderson found fault with the way land was sold:

Requirements of "sufficient lands" were relatively meaningless as these holdings were progressively whittled away, often being purchased by the Government itself. When there was no particular incentive for the Crown's own acquisition, Maori might

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<sup>475</sup> *Te Aroha Mail*, 14 September 1911, p. 2; *Te Aroha News*, 16 September 1911, p. 2, 26 October 1911, p. 2.

<sup>476</sup> *New Zealand Parliamentary Debates*, vol. 156, pp. 965, 1180.

<sup>477</sup> Minutes of Land Tenures Commission sitting in Te Aroha on 5 August 1914, Lands and Survey Department, LS 77/2, ANZ-W.

<sup>478</sup> 'Hauraki Mining District and Te Aroha Township: Report of Royal Commission...', 31 August 1914, *AJHR*, 1914, C-3, p. 4.

be encouraged to retain lands. But even when a request to sell was initially refused by the Native Department because of a block's "reserved" status, and the assessment that the owners had little other property left, the area was generally allowed to be sold off within a few years.<sup>479</sup>

She admitted that in the case of the Aroha block there was more stringent refusal to permit alienation, but 'the effectiveness of restrictions depended largely on attitudes of particular administrations rather than the framework of legislative protections'. For instance, Manawaru was acquired within a year of being awarded to its owners 'apparently without discussion or assessment of their other land holdings'.<sup>480</sup> As the Native Land Act of 1888 permitted restrictions to be lifted on the application of a majority of owners rather than them all, more was sold more easily.<sup>481</sup>

So the sale of almost all the Te Aroha Block took longer than elsewhere, but by the early twentieth century most of the land had been lost; but it should be noted that, as illustrated, this was on the express request of many owners, particularly those who lived elsewhere, who realized that their land was a source of much-needed ready cash.

### *Appendix*

*Figure 1:* Plan of 'Aroha Gold Field', received by Auckland Survey Office on 1 November 1880, Mines Department, MD 1, 12/353, ANZ-W [Archives New Zealand The Department of Internal Affairs Te Tari Taiwhenua]; used with permission.

*Figure 2:* James Simms, 'Omahu Native Reserve, Te Aroha, Contract No. 9', n.d. [1882], SO 2796, University of Waikato Map Library.

*Figure 3:* James Simms, 'Plan of Subdivision of Wairakau Native Reserve', 19 April 1882, SO 2940, University of Waikato Map Library.

*Figure 4:* 'Te Aroha Township Lands', 1880-1893, mapped by Max Oulton, University of Waikato, and published in Waitangi Tribunal, *The*

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<sup>479</sup> Anderson, p. 101.

<sup>480</sup> Anderson, pp. 101-102.

<sup>481</sup> Anderson, p. 102.

*Hauraki Report: Wai 686* (Wellington, 2006), vol. 3, p. 917; used with permission.

*Figure 5:* G.H.A. Purchas, 'Plan of Messrs Whitaker and Stafford's Lease from Hore More & Others', November 1883, Mines Department, MD 1, 83/1411, ANZ-W [Archives New Zealand The Department of Internal Affairs Te Tari Taiwhenua]; used with permission.

*Figure 6:* Walter E. Beresford, Plan attached to application for road from foot of Omahu Creek, 8 May 1888, Te Aroha Warden's Court, Mining Applications 1888, 33/1888, BBAV 11289/12a, ANZ-A [Archives New Zealand/Te Rua Mahara o te Kawanatanga, Auckland Regional Office]; used with permission.

*Figure 7:* Map accompanying granting of two-acre machine site to Montezuma Company on land belonging to Karapuha Te Arero, Hutana Karapuha, Ahiwera Te Arero, and Ruta Ngakura, 13 May 1898, Te Aroha Warden's Court, Mining Applications 1898, BBAV 11289/15a, ANZ-A [Archives New Zealand/Te Rua Mahara o te Kawanatanga, Auckland Regional Office]; used with permission.

*Figure 8:* Map of Te Aroha District, 1912, in John Henderson, assisted by John Arthur Bartrum, *The Geology of the Aroha Subdivision, Hauraki, Auckland: Geological Survey Bulletin No. 16* (Wellington, 1913), in portfolio at end; showing subdivisions of Omahu and Wairakau Reserves.





Figure 2: James Simms, 'Omahu Native Reserve, Te Aroha, Contract No. 9', n.d. [1882], SO 2796, University of Waikato Map Library.

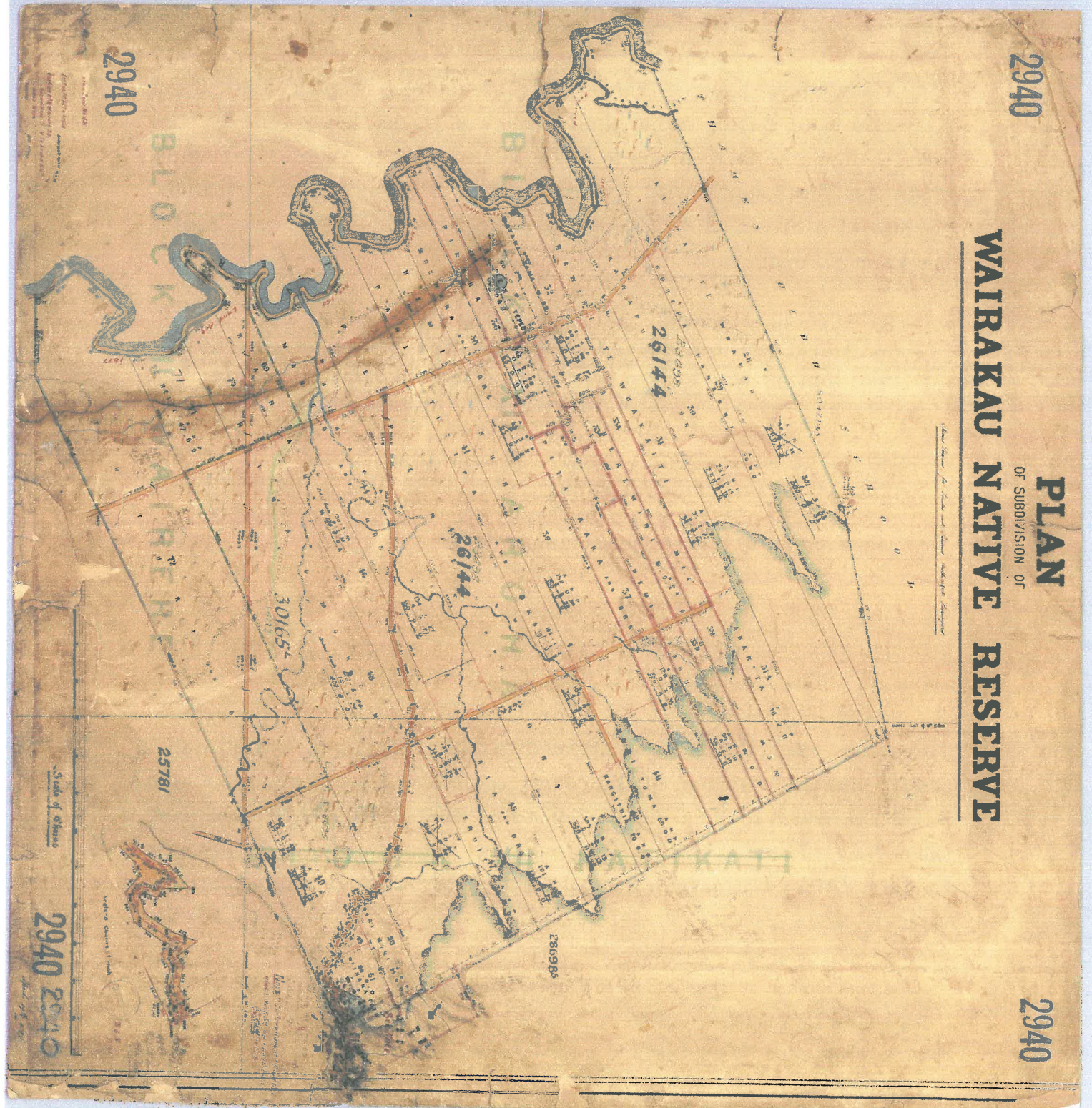
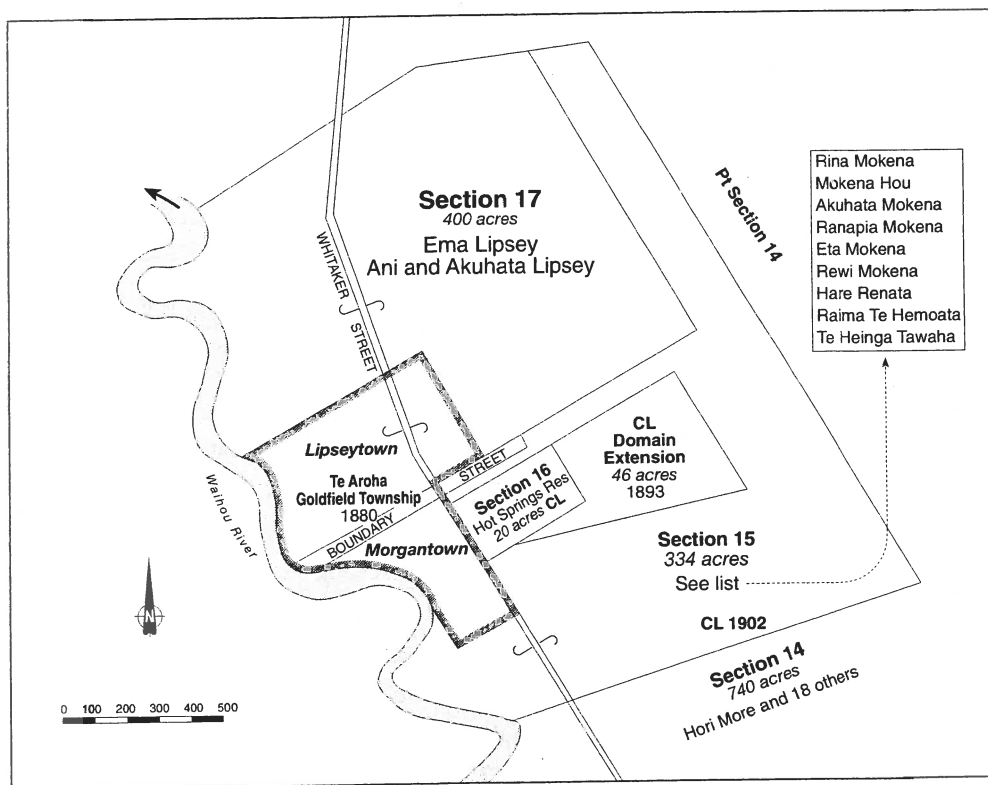
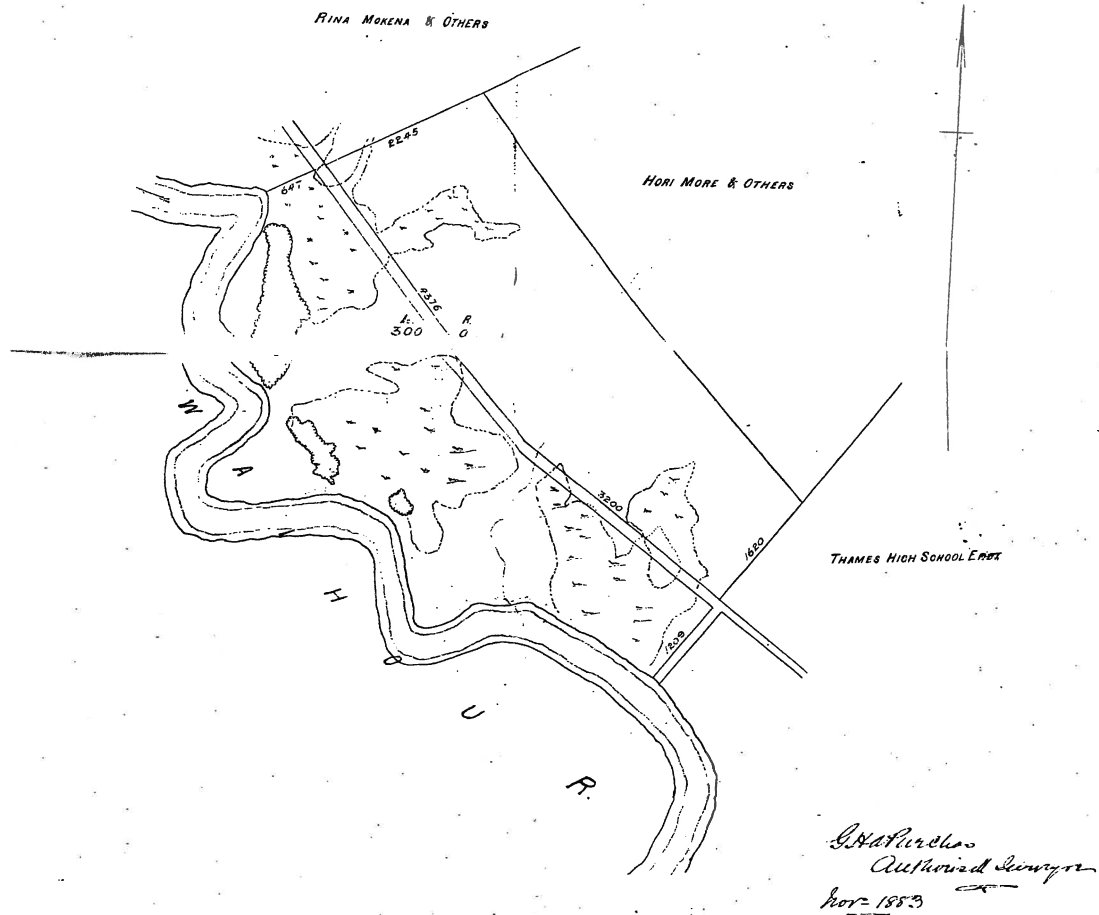


Figure 3: James Simms, 'Plan of Subdivision of Wairakau Native Reserve', 19 April 1882, SO 2940, University of Waikato Map Library.



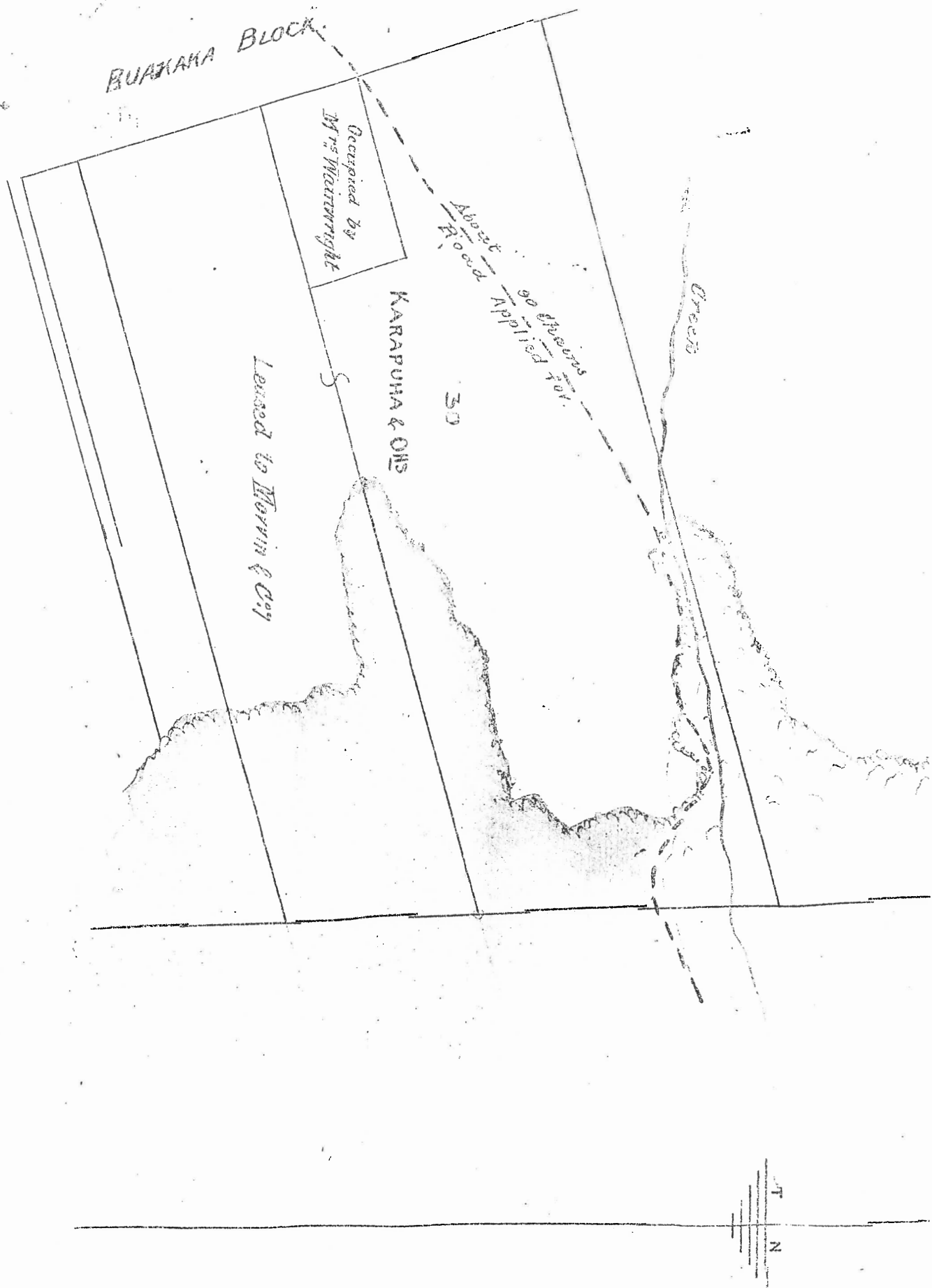
**Figure 4:** 'Te Aroha Township Lands', 1880-1893, mapped by Max Oulton, University of Waikato, and published in Waitangi Tribunal, *The Hauraki Report: Wai 686* (Wellington, 2006), vol. 3, p. 917; used with permission.

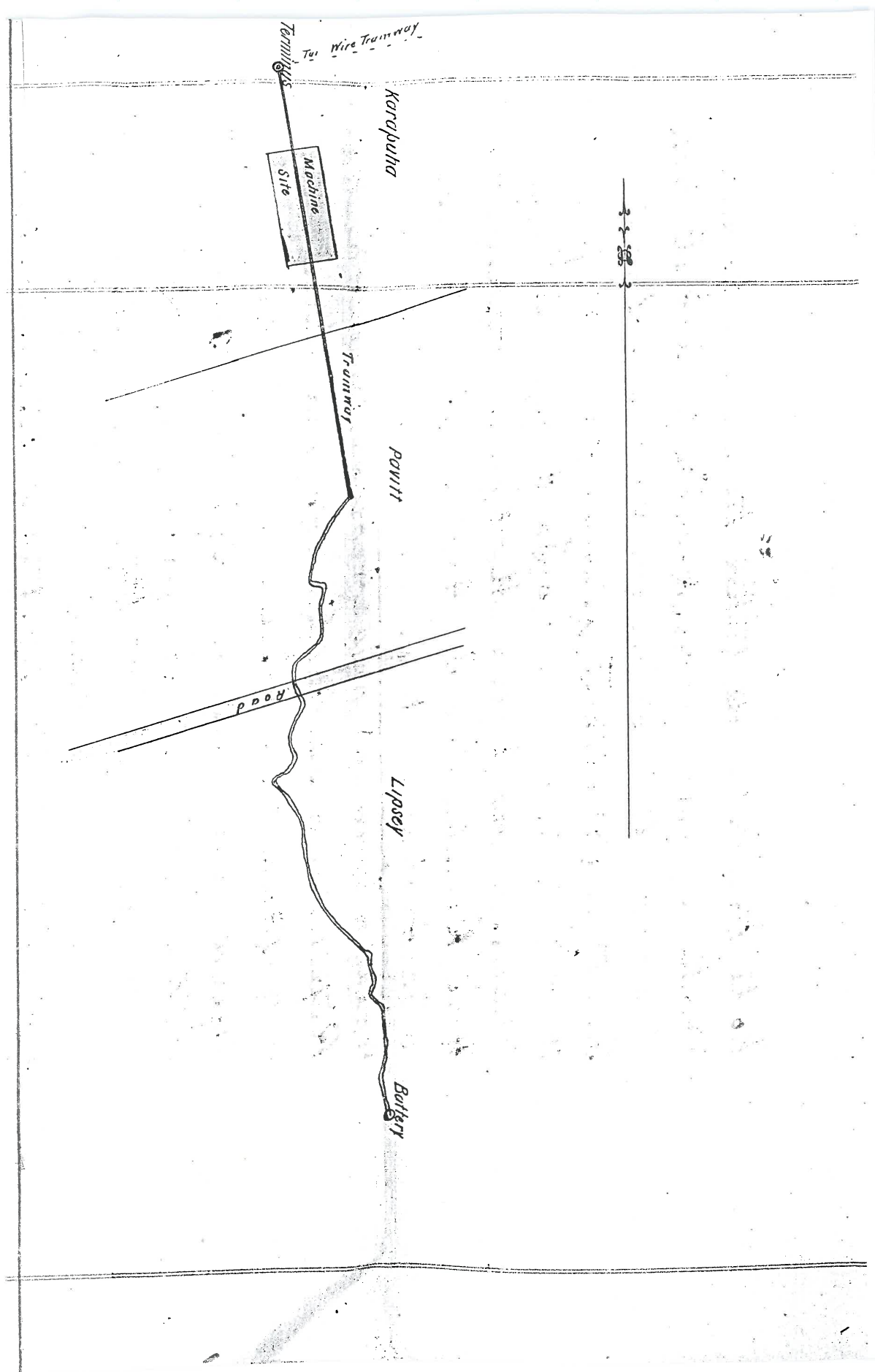
— PLAN OF —  
 — MESSRS WHITAKER & STAFFORD'S LEASE —  
*from*  
 — Hori More & Others —  
 Scale, 10 Chains to an Inch



**Figure 5:** G.H.A. Purchas, 'Plan of Messrs Whitaker and Stafford's Lease from Hore More & Others', November 1883, Mines Department, MD 1, 83/1411, ANZ-W [Archives New Zealand The Department of Internal Affairs Te Tari Taiwhenua]; used with permission.

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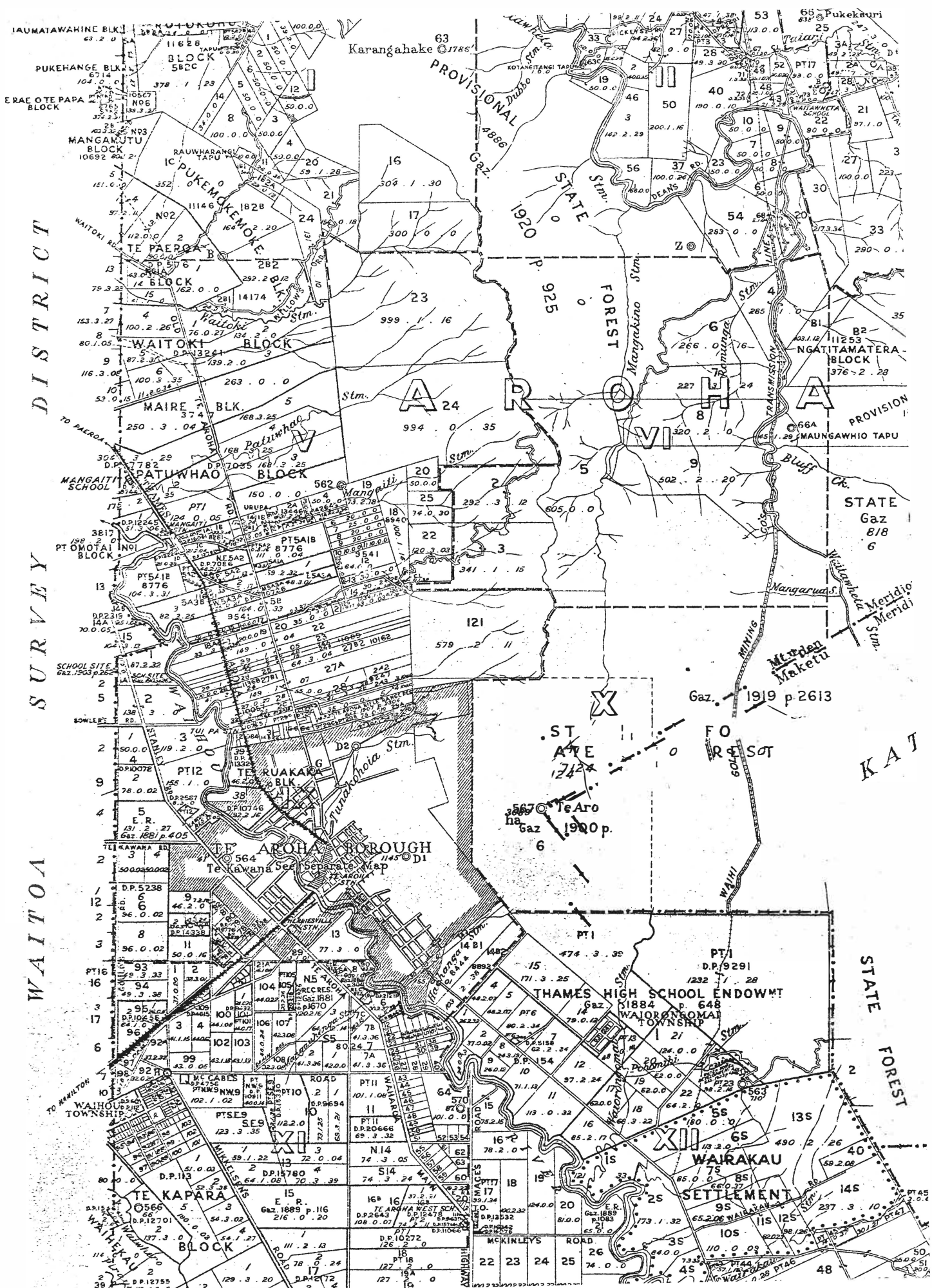


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